



**MARLBOROUGH
DISTRICT COUNCIL**

RESOURCE CONSENT APPLICATION

U170415

**Josephine Mary
Elizabeth Janssen
and Adrian Michael
Landon-Lane**

294 Tyntesfield Road, Waihopai Valley

Submissions Close

5.00 pm Friday 28 July 2017

294 Tyntesfield Rd
RD 6
Blenheim 7276
11 June 2017

Anna Eatherley

Manager of Resource Consent
Marlborough District Council
15 Seymour St
P O Box 443
Blenheim 7240

Dear Anna,

Please find enclosed the incomplete resource consent application you returned to us on 25 May 2017.

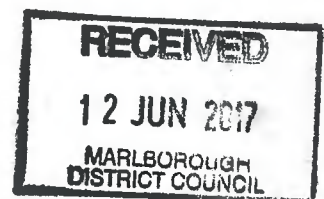
Also enclosed are:

- The recently completed verification report from Liquid Action dated 2 June 2017.
- Updated assessment of the proposal against the relevant objectives and policies of the Wairau/Awatere Resource Management Plan and the Proposed Marlborough Environment Plan.

Hopefully the application can now be accepted and processed successfully.

Yours faithfully,

Jo Janssen





**MARLBOROUGH
DISTRICT COUNCIL**

Flow Verification Report
Consent Number: U061198
Meter Number: 1590
Verified by: Liquid Action

Date: 2/06/2017 11:32:40 a.m.

Verification Report

Verification	Pass
Recommendations	

Test Results

Test	Duration	Target Vol [L]	Ref Vol [L]	Flow rate [L/s]	Error [%]
1	00:05:14	1000.0	970.0	3.1	3.09%
2	00:15:28	2100.0	2167.6	2.3	-3.12%
3	00:05:43	600.0	574.9	1.7	4.37%
				Average Error	1.45%

Target Meter Configuration

Type	Mechanical
Make	Dorot
Model	DN-65
Size	65
Last Verified	2/06/2017
Litres per pulse	100
Current Meter Reading	1952 x 10

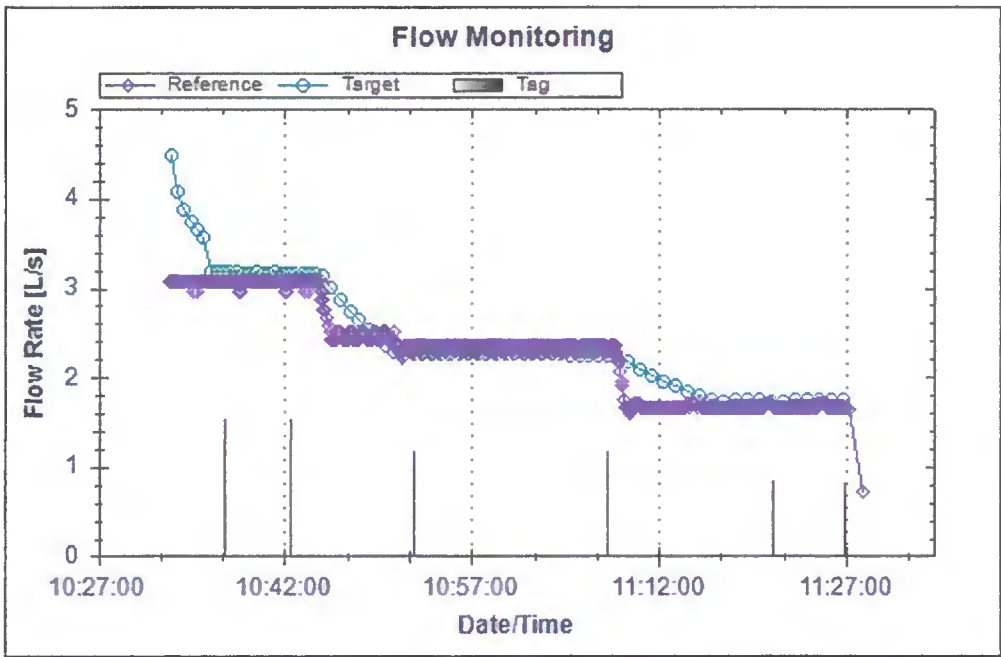
Reference Meter Configuration

Type	Electromag
Make	Khrone
Model	Optiflux 2000
Size	100
Last Verified	2/09/2016
Litres per pulse	10

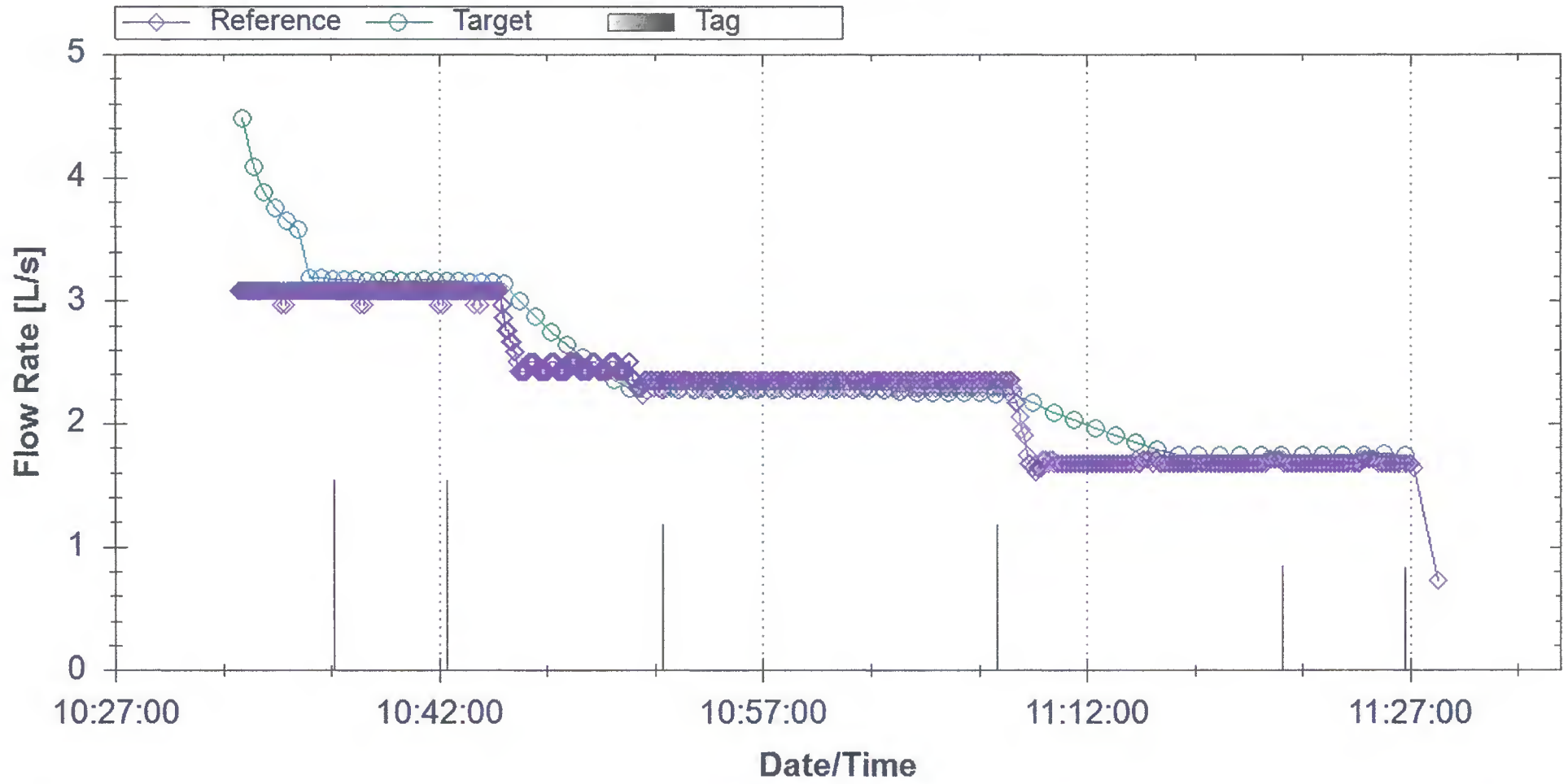
Consent Information

Consent Holder	Adrian Laddon-Lane
Consent Number	U061198
Address	294 Tyntesfeild Road, Waihopai Valley
Northing	
Easting	
Meter Number	1590
Well Number(s)	P28w/4698
Location (lat,lon,hdop)	-41.58311,173.7595,1

Result Graph



Flow Monitoring



Adrian Michael Landon-Lane & Josephine Mary Elizabeth Janssen

- **Application to take and use underground water**
- **9 June 2017**

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1 Introduction

The applicants are Adrian Landon-Lane and Josephine Mary Elizabeth Janssen (L-L/J). In 1993, they bought the property located at 294 Tyntesfield Road, Waihopai Valley. They have been operating a vineyard at this location, which includes Lot 1 DP8975 for the last 23 years. Their water right was renewed in 2007 and is now due for renewal again.

A full description of the proposal:

To take underground water from well P28w/4698 up to a maximum rate of 126 cubic metres per day on Lot 1 DP 8975.

The legal description of the land parcel this application relates to is:

Lot 1 DP 8975 DP, 8.796 ha

Grid reference: E 2573328 N 5957913

294 Tyntesfield Rd

Valuation reference: 20311 22714 (includes Lot 1 DP 12202)

Property Number: 210681 (includes Lot 1 DP 12202)

NB: They also own Lot 1 DP 12202, but this has a different water right and does not use water from well P28w/4698. They recently received approval to create a Subdivision to separate this block (Lot 1 DP 12202) from their home block (Lot 1 DP8975).

L-L/J currently hold water permit U061198 which provides for the taking of underground water from well P28w/4698 up to a maximum rate of 126 m³/day for the irrigation of up to 7 ha of grapevines on Lot 1 DP 8975. In the last 23 years they have developed 5.62 hectares of grapes on this 8.796 hectare holding. They still have 1.38 hectares available for development, hence they once again apply to irrigate up to 7 hectares. Well P28w/4698 also supplies domestic water in addition to irrigation water to Lot 1 DP8975.

2 The Proposal

The application will be assessed regarding actual or potential effects on the environment in accordance with the:

Fourth Schedule of the Resource Management Act 1991 (RMA) for the following activities:

- Water Permit – Take Underground Water

To abstract underground water up to a maximum rate of 126 m³/day from well P28w/4698 located on Lot 1 DP 8975.

- Water Permit – Use Underground Water

To use underground water for the irrigation of a vineyard located on Lot 1 DP 8975. Water meter 1590 is installed at the applicant's well P28w/4698.

Verification of the water meter to demonstrate compliance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 is attached and has been independently submitted to Council by LiquidAction.
A 10 year consent duration is sought.

3 The Existing Environment

The applicants have currently developed 5.62 hectares of Sauvignon Blanc, Pinot Gris and Pinot Noir vines on this 8.796 hectare holding. They still have 1.38 hectares available for development, hence they once again apply to irrigate up to 7 hectares.

Well P28w/4698 is located some 675m west of Tynesfield Road and approximately 50m from the Omaka River. Well P28w/4698 is 3.4 metres deep and draws water from the Omaka River Valley Aquifer.

The topography of the subject area is generally flat river terraces gently sloping towards the Omaka River.

4 Statutory Framework

4.1 The Resource Management Act 1991

Section 14 of the Resource Management Act 1991 (RMA) requires that no person may take, use or divert water unless expressly allowed by a rule in a regional plan, and in any relevant proposed regional plan or a resource consent.

4.2 The Wairau Awatere Resource Management Plan

The subject site is zoned Rural 4 under the Wairau / Awatere Resource Management Plan (the Plan).

General Rule 27.1.2.3.1 of the Plan provides that any abstraction between 10 and 500 m³/day/site from a water resource other than the Wairau Aquifer shall be assessed as a discretionary activity.

There are no rules for the use of water in the Plan for irrigation purposes, therefore the activity is considered in-nominate under the Resource Management Act, and is considered a discretionary activity.

5 Consultation and Notification

Immediate neighbours have been consulted and shown the water application. They have signed Affected Party Forms.

6 Assessment of Effects

6.1 Potential Effects on the Omaka Aquifer

Continuing to abstract underground water as authorised by U061198 is not anticipated to result in adverse effects on the environment, particularly since no additional quantity of water is being applied for from that currently authorised and the current abstraction of water has been undertaken in a manner consistent with the Plan's water allocation framework.

The water allocation regime contained within the Plan has been established to "provide for the taking, use, damming and diversion of fresh water in a manner which safeguards the life supporting capacity of the resource and avoids remedies or mitigates any adverse effects on the environment". Therefore, if any resource consent application to abstract water is consistent with this regime then the abstraction will not lead to the occurrence of adverse

effects on the environment and will ensure that the life supporting capacity of the Omaka Aquifer is safeguarded.

This application is entirely consistent with the water allocation regime as contained in the Plan and has been assessed as having no more than minor environmental effects on the Omaka Aquifer or its environs by virtue of resource consent U061198 being granted. In the assessment of the previous water application, it was concluded that the effects on the 'Omaka River Valley Aquifer are expected to be no more than minor' (uploaded into consultation documents). This assessment also concluded that L-L&J were unlikely to use the full water applied for every day of the year, as their irrigation is only running from October to March usually, another reason their effect on the aquifer will be much less than it might at first appear.

6.2 Water Use

The amount of water sought is within with Council's irrigation application rate guidelines. These application rates represent an efficient use of the water resource. Irrigation is only undertaken when required. Any irrigation undertaken is due to a need and to maximise the efficiency of the irrigation and the financial cost of doing so. There is no change to the amount of water sought from the previous resource consent, which has been in effect for over 20 years. Measures to reduce irrigation use are described in Section 7.3 below.

6.3 Potential Effects on Other Users

As previously stated, this application is consistent with the water allocation regime as prescribed within the Plan. In the development of this water allocation regime the effects of water abstractions on existing water users was considered. As this proposal is consistent with this water allocation regime and the irrigation guidelines, it is not considered to adversely affect other Omaka Aquifer users.

In addition, the nearest known authorised wells are 260m and 500m away. A separation distance over 100m is considered adequate to ensure there are no significant interference effects. In the time this water right has been active L-L/J have not received any complaints from neighbours about the abstraction, and they are not aware of any adverse effects on neighbouring wells. L-L/J's immediate neighbours are all new, having moved into the valley in the past 3-5 years. These neighbours have found that there is no seasonal variation in the water supply from their respective wells, one of which is located in the same river gravels as that of L-L/J (P28w/4698). In the time the neighbours have lived in the Tyntesfield Rd, there has been some increase in L-L/J's water usage as they have planted more of their land. This extra usage has also not affected the neighbours' wells. In the last few years the previous downstream neighbour (Beardsworth) has transferred 80 m³ of their unused allocation to the applicants' upstream neighbour (JKH Contracting), with no noticeable effect to water availability in L-L/J's well. JKH Contracting has planted approx 16ha of vineyard in the last 3 years, with no appreciable effect on their neighbours' water supply.

L-L/J have discussed their existing water use and proposed renewal with their immediate neighbours as potential affected parties. The neighbours have not discerned any effect from L-L/J's water use on their water supply and have signed Written Approval of Persons Likely to be Adversely Affected Forms, which have been uploaded with this application.

In conclusion the Council assessment at the time of the previous renewal concluded that 'Interference effects are expected to be minor' (see attached report under consultation documents).

The reason for this conclusion was that the neighbouring wells were over 260m away, this conclusion appears to be supported by feedback from the immediate neighbours.

6.4 Any Alternative Locations or Methods

No alternative locations or methods have been considered as L-L/J have made a large investment in their vineyard development and this is considered to be the most cost effective land use in Marlborough. They have done their best to minimise their environmental effects and ensure they are no more than minor, as set out in Section 7.3 below.

6.5 Any Other Potential Effect

The proposal for continued water use at the current allocation is not anticipated to have any adverse effects on those in the neighbourhood or wider community (including any socio-economic or cultural effects) as the proposal is in accordance with the Plan's water allocation guidelines and MDC's irrigation application rate guidelines.

The proposal is not anticipated to have any adverse landscape or visual effects as the well and most of the plants, trellis and irrigation infrastructure are already in place. Also the taking and use of water is a common occurrence in rural Marlborough, including the Tyntesfield Rd area. The proposal seeks the re-consenting of existing authorised vineyard activities. Parts of the property have been planted into vineyard for 23 years. To the best of L-L/J's knowledge there have been no adverse cultural effects resulting from the exercise of developing the subject land into a vineyard or taking underground water for irrigation.

There are no known / recorded archaeological or recognised customary activities associated with the subject site. Consequently it is considered that the proposed activities will not lead to the occurrence of adverse effects on cultural or historic values.

To L-L/J's knowledge there have been no adverse recreational, scientific, historical, spiritual or cultural effects resulting from their exercise of their current resource consent.

As shown in the attached certificate of title there are no constraints that seek to limit the activities proposed.

There are no other potential effects anticipated.

7 Other Matters

7.1 The National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management (NPSFW) sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits.

Amongst other matters the NPSFW requires that all Regional Councils ensure that the allocation of water resources above a pre-determined sustainable maximum volume does not occur and if any such 'over-allocation' exists then the Regional Council must undertake steps to reduce the over-allocation. The Omaka Aquifer has a formal allocation regime. This proposal seeks to renew a water permit involving underground water already consented, which has been in effect for over 20 years and which is consistent with the requirements of the Wairau Awarere Resource Management Plan. Consequently the proposal is considered consistent with the NPSFW.

The natural character of the Omaka River will be maintained, as it has been for the 23 years that this water right has been in effect. There are no outstanding natural features at risk from this proposal.

There are no areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the habitats that are in existence have not changed through the existing water abstraction rate. There is no effect on the current nature or location of public access as a result of the current or proposed take and use of water. The proposal does not exclude Maori from the use of the Omaka Aquifer resource. There are no historic sites relevant to this proposal and no recognised customary activities relevant to this proposal.

7.2 Resource Management Act 1991

Part 2 of the RMA sets out its purpose and principles on which the RMA is founded and from which all other associated statutory frameworks are derived. The purpose of the RMA is to promote the sustainable management of natural and physical resources.

This application is consistent with the purpose of the Act. There is a clear balance between the take and use of water for irrigation to improve productivity of rural land and hence the social wellbeing of the applicants and the whole Marlborough community, with the protection of ecosystem functions and values, and the avoidance of effects on other users. This application is consistent with the purpose of the RMA.

7.2.1 Section 6 Matters of National Importance

Matters of national importance are considered with relevance to this application:

a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

The natural character of the Omaka Aquifer is and will continue to be maintained under this water allocation regime.

b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.

There are no outstanding natural features at risk from this proposal. There is no plan to subdivide this Lot 1 DP 8975 and future vineyard development will not affect any natural features (the land is flat and bare of vegetation).

c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

There are no such areas at risk from this proposal. The site consists of irregularly shaped blocks, with areas of naturally occurring flora and fauna along banks, within the vineyard and gardens to encourage biodiversity. These would not be affected by renewing this water allocation or any further vineyard development. L-L/J have to demonstrate sustainable practices and attitude to their environment to maintain their Sustainable Winegrowing Certification (see 7.3 below).

d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.

There is no effect on the current nature or location of public access as a result this application.

e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

The proposal does not exclude Maori from the use of the water resources in the area.

f) The protection of historic heritage from inappropriate subdivision, use, and development.

There are no known historic sites relevant to this proposal.

g) The protection of recognised customary activities.

There are no known recognised customary activities relevant to this proposal.

7.2.2 Section 7 Other Matters

The application is not inconsistent with Section 7, primarily due to the scale of the take and use and the effects on the environment being less than minor. In particular there are no adverse effects on amenity and the allocation of water, consistent with the Plans framework, which allows for the efficient use of water.

7.2.3 Section 8 Treaty of Waitangi

The application is consistent with the RMA planning framework and is therefore considered consistent with Section 8 in terms of Treaty of Waitangi considerations.

Based on the above assessment, it is considered that the proposal will meet the purpose and principles of the Act.

Ngati Rarua supported the applicants' 2007 application and no other iwi made a submission. The applicants have not heard anything that would indicate a change in this position.

7.2.4 Section 104(2A)

Section 104(2A) of the RMA requires that a Consent Authority, when considering an application affected by Section 124, must have regard to the value of investment of the existing Consent Holder.

Value invested in the property in relation to the existing water permit:

Trellis, plants and irrigation infrastructure added as a result of this vineyard development:

$$5.62\text{ha} \times \$176,000/\text{ha} = \$989,120$$

7.3 Marlborough Regional Policy Statement

The RPS and the Plan have been developed under the RMA and are generally considered to be the local implementation of the purpose and principles. Those provisions of the Regional Policy Statement (RPS) that are the most applicable to this proposal include:

Section 7 – Community Wellbeing of the Regional Policy Statement includes the following objectives and policies.

Objective 7.1.9 – Provision for Activities - To enable present and future generations to provide for their wellbeing by allowing use, development and protection of resources provided any adverse effects of activities are avoided, remedied or mitigated.

Objective 7.2.2 – Sustainable Management of Water - Enable the sustainable management of surface water and groundwater.

Policy 7.2.3 – Allocation of Water

(a) Establish mechanisms for the allocation of surface water and groundwater from the Wairau, Awatere, Clarence and Pelorus/Kaituna catchments.

(b) Include the following principles into water allocation mechanisms:

- sustainable management;
- equitable allocation;
- avoid, remedy or mitigate adverse effects;
- minimise conflicts between users; and
- ensure efficient and beneficial use.
-

This application seeks to abstract and use water in a manner consistent with these objectives and policies and the volumes sought for abstraction are in within the MDC guidelines / mechanisms for water allocation and will not result in the occurrence of adverse effects on the environment. It seeks to renew a water allocation that has been in effect since 1993.

The applicants have consistently maintained Sustainable Winegrowing New Zealand (SWNZ) certification and had positive feedback from SWNZ regarding their ethos of minimising spray, irrigation and herbicide use. Benchmarking with other grapegrowers in Marlborough has demonstrated that they have some of the lowest spray, irrigation and herbicide use figures in the district. Some of the reasons for these favourable figures are husbandry practices such as: two-cane pruning, open canopy, only 2 - 3 applications of herbicide per year, no residual herbicide use, herbicide strip is only 0.8m, permanent vegetation with 100% ground cover maintained in the mid-row, prunings are mulched. The soil under the wheel-tracks is left in pasture to maintain structure and avoid compaction. Also they use a small tractor with narrow wheels and low pressure tyres to minimise compaction. Most areas of the vineyard have light, stony soils so rain and irrigation drains away readily. They have endeavoured to compensate for this by mulching, which has enabled them to reduce the irrigation usage.

In order to maintain their SWNZ certification they have onsite auditing every three years and annual submission of spraydiary and scorecard. In order to meet these requirements they have to demonstrate sustainable irrigation practices and safe standards of chemical storage, use and disposal, including being away from access to groundwater.

These examples demonstrate that their viticultural practices and water use are consistent with these objectives and policies of the RPS.

7.4 The Wairau Awatere Resource Management Plan

The relevant sections of the Wairau Awatere Resource Management Plan (the Plan) include: Specifically, Chapter 6 – Fresh Water, Volume 1 of the Plan, contains the following objectives and policies:

Objective 6.2.1.1 To provide for the taking, use, damming and diversion of fresh water in a manner which safeguards the life supporting capacity of the resource and avoids, remedies or mitigates any adverse effects on the environment.

Policy 1.2 To maintain groundwater levels and flows at levels which safeguard the life supporting capacity of the resource by setting and enforcing Sustainable Flow Regimes (SFRs) in m³/year.

Policy 1.3 To establish groundwater SFR's to:

- Prevent damage to the physical structure of the aquifer such as compaction in the Southern Valleys Water Management Zone.
- Prevent reductions in the quality of spring flows eg: Spring Creek from the Wairau Aquifer.

- Prevent a landward shift of the seawater/freshwater interface, eg: Rarangi Shallow Aquifer.
- Protect the instream habitat and ecology.
- Provide for the maintenance or enhancement of water quality.

This application is within the SFR as set for the aquifer. The SFR has been set to prevent adverse effects on the environment. Therefore the proposal is consistent with the above objectives and supporting policies of the Wairau Awatere Resource Management Plan.

Objective 6.3.1.1 To achieve equitable allocation and use of surface water and groundwater resources.

Policy 1.3 To increase certainty for water users by issuing water permits for 30 year terms, subject to reviews of the resource every 5 or 10 years to ensure ongoing sustainable management of the water resource.

Objective 6.5.1.1 To achieve sustainable, equitable and efficient allocation of water during periods of low surface flows or low groundwater levels.

Policy 1.2 To include conditions on new water permits requiring users to reduce and suspend takes when specified flows or levels are reached.

L-L/J have been using their current well for approximately 20 years. There have been no indications of the well running low, not even in the very dry years. The nearest wells, as shown on the attached map are over 260m away. They have established mitigation measures to ensure the effects of the abstraction will be no more than minor. The Omaka River is observed during the season, if the river dries up at Tyntesfield Rd bridge (as happened once in 1999), they would cut the irrigation back to only every second day.

Their historical water use data demonstrates that they have not tended to use the full allocation to which they are entitled; they have requested to renew their water allocation at the existing level as they still have land to develop in future and may require the full allocation in a particularly dry year. The Council's assessment of their previous application (attached as a consultation document) concludes the effects on the environment of their abstraction are likely to be minimal.

This application is consistent with the cited objectives and policies in the Wairau Awatere Resource Management Plan.

8 Resource Consent Duration

A 10 year consent duration is sought.

9 Proposed Monitoring

The Fourth Schedule of the Act, requires that 'where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom'.

Monitoring of the abstraction is to be carried out by the consent holder by way of a telemetry water meter with data being gathered and reported by LiquidAction. A verification report from Liquid Action has been submitted to the Council and they are in the process of setting up telemetry.

All meter readings for the last five years have been entered online at the Council. Explanations for variations in usage are given at the time of data entry on the website. The variations in usage have been due to changes in weather conditions and other seasonal factors, whether some blocks of mature vines are or are not receiving irrigation and due to new areas being planted in grapes.

10 Comment on compliance with all the consent conditions of the existing consent.

- 01 The activity has been in general accordance with the application U061198 received by Council on 2 November 2006
- 02 A water meter was already installed at the time of the water right being renewed, so they continued to use it as it was a pre-existing condition.
- 03 Monthly records for the last five years have been kept and have been entered manually onto the Council website. These readings are taken from the meter on well number P28w/4698, on the consent holder's property. The readings are recorded monthly during the growing season. They used to receive forms from the council on which to record water usage, which they completed and submitted. When the forms ceased arriving (about 8 yrs ago) they called to discuss this with the council staff and were told that they were to be submitted online, but that the Council did not have the capacity to process the data and were more concerned with the large operations in the district and would get to smaller users eventually. The Council staff requested that L-L/J keep their own records as they have done and that they make them available for any audit and at the time of renewal of the water right, as they are doing now.
- 05 The consent holders are not aware of any reviews undertaken by the Council regarding the level of abstraction during the period of this water right. The neighbours have not noted any effects of this water right on the availability of water to their wells as outlined above.

11 Conclusion

Adrian Landon-Lane and Josephine Janssen are seeking resource consent for the following specific activities:

- Water Permit – Take Underground Water
- To abstract underground water up to a maximum rate of 126 m³/day from well P28w/4698 located on Lot 1 DP 8975.
- Water Permit – Use Underground Water
- To use underground water for the irrigation of 7 ha of vineyard located at Lot1 DP8975.

The applicant's water meter at well P28w/4698 has been verified to enable abstracted water to be accurately recorded. A telemetry data logger is currently being fitted by Liquid Action. Any associated potential effects on the environment can be appropriately avoided, remedied or mitigated through the imposition of conditions of consent.

The proposal is consistent with the relevant provisions of Part 2 of the Act, the National Policy Statement for Freshwater Management 2014, the Marlborough Regional Policy Statement and the Wairau Awatere Resource Management Plan.

Accordingly resource consent should be granted to this proposal.

25 May 2017

Adrian Landon-Lane
294 Tyntesfield Road
Waihopai Valley
RD 6
Blenheim 7276

Record No: 1793656
File Ref: U170357
R450-004-13-17
Ask For: Glen Parker

Dear Sir/Madam

Return of Incomplete Resource Consent Application

Applicant: A M Landon-Lane and J M E Janssen
Site Address: 294 Tyntesfield Road, Waihopai Valley
Consent Applied For: Water Permit

Council received the above application on 23 May 2017.

Council has undertaken an initial check of your application to ensure that you have supplied all of the information required to accept the application for processing under the new section 88(3) of the Resource Management Act 1991 (as reformed by the Resource Management Amendment Act 2013).

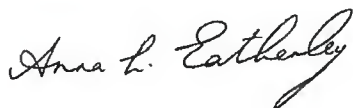
Unfortunately Council is unable to accept your application in its current form. The application needs the following information:

- An assessment of the proposal against the relevant objectives and policies of the Wairau/Awatore Resource Management Plan and the Proposed Marlborough Environment Plan.
- Verification on the accuracy of the water meter that it complies with Council's $\pm 5\%$ requirement.

Your application is therefore unable to be accepted and is returned. Enclosed are instructions to access Council's Resource Management Plans on line and two excerpts from the Resource Management Act 1991 (Section 88 and Schedule 4). Further information is available on the Ministry for the Environment website.

You may formally object to the return of this application - please refer to section 357 of the Resource Management Act 1991. The objection **must** be made in writing and received by Council within 15 working days of receipt of this letter and must state your reasons for objecting.

Yours faithfully



ANNA EATHERLEY
MANAGER RESOURCE CONSENTS

Encl

Bea Gregory-5252

From: MDC
Sent: Tuesday, 23 May 2017 11:44 a.m.
To: RCInbox
Subject: Application for Resource Consent: REF170515143
Attachments: REF170515143.pdf

A application for a Resource Consent has been received. Application lodgement number is REF170515143.

Submission details are attached.



PO Box 443, Blenheim 7240
Tel 03 520 7400 / Fax 03 520 7496
Email mdc@marlborough.govt.nz / www.marlborough.govt.nz

Marlborough District Council
15 Seymour Street
Blenheim 7201
PO Box 443
New Zealand

Telephone 00 64 3 520 7400
Facsimile 00 64 3 520 7496
Email mdc@marlborough.govt.nz
Website www.marlborough.govt.nz
GST No. 50-430-960



Reference Number:	REF170515143
Submitted On:	23/05/2017 11:44
Submitted By:	Josephine Janssen

Important Information

This application is made under Section 88 of the Resource Management Act 1991.

Please provide all details relevant to your proposal. Feel free to discuss any aspect of your proposal or the application process with Council's duty planner, who is here to help. Duty planner hours are 9.00 am to 3.00 pm Monday to Friday.

This application will be checked before formal acceptance. If the application is incomplete, we are unable to accept it for processing and it will be returned to you.

If this activity requires more than one consent type, (eg both land use and discharge) you may apply for all within this application.

Applicant Details

Select as many as are applicable

Is the applicant	<input type="checkbox"/>	• An individual
First name		Josephine Mary Elizabeth
Last name		Janssen
First name	<input type="checkbox"/>	Adrian Michael
Last name	<input type="checkbox"/>	Landon-Lane
Is the applicant	<input type="checkbox"/>	
Is the applicant	<input type="checkbox"/>	
Main applicant name		Adrian Landon-Lane & Josephine Janssen
Main applicant mailing address		294 Tyntesfield Road, Waihopai Valley 7276
Main applicant email address		landonlanes2@gmail.com
Main contact number		+64210414368
Alternative contact number		035724023
Is there an agent working on behalf of the applicant?	<input type="checkbox"/>	No

take 166 3316
5396215

Application Details

Types of resource consent applied for	<input type="checkbox"/>	• Water Permit
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Property Details

The location to which the application relates is	294 Tyntesfield Rd Waihopai Valley
--	------------------------------------

PN 210681 Lot 1 DP 8975

Use 166 3453
5396123

Brief description of the activity

To take underground water from well P28w/4698 up to a maximum rate of 126 cubic metres per day on Lot 1 DP 8975.

Assessment of Effects on the Environment (AEE)

I attach, in accordance with Schedule Four of the Resource Management Act 1991, an assessment of environmental effects in a level of detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment. (Applications now also have to include consideration of the provisions of the Resource Management Act 1991 and other relevant planning documents)

Please upload Assessment of Effects on the Environment

• **ASSESSMENT OF ENVIRONMENTAL EFFECTS.docx(39760 bytes)**

Plans

Please upload plans (e.g. site plan, elevation plans, scheme plan etc) of the locality and activity points. Describe the location in a manner that will allow it to be readily identified, e.g. house number and street address, grid reference, the name of any relevant stream, river, or other water body to which the application may relate, proximity to any well known landmark, DP number, valuation number, property number

Site/location plan

• **Detailed map neighbouring wells.pdf(21020887 bytes)**

• **Notes to support site maps.docx(20968 bytes)**

• **Situating map Waihopai Valley.pdf(8408280 bytes)**

Scheme plan

No files uploaded

Forest harvest plan

No files uploaded

Building plans

No files uploaded

Dam design drawings

No files uploaded

Certificate of Title

Certificate(s) of Title and legal documents

• **Cert of Title p1.pdf(3297935 bytes)**

• **Cert of Title p2.pdf(2896804 bytes)**

• **Water Permit 2007 U061198.pdf(202265 bytes)**

Supplementary Forms

Please indicate which supplementary forms you are adding

• Water permits

Type of permit required

• Take underground water

Do you currently hold a water permit that is due to expire?

Yes

What is the water permit number?

U061198

Purpose for which water is required?

Crop irrigation - grapes

Source of water

Omaka River Aquifer

Maximum quantity of take

Litres per second

5

Cubic metres per day

126

Cubic metres per week

882

Groundwater

Is the well existing?

Yes

Well Number

P28w/4698

Depth from ground level to bottom of well

3.4

Diameter of well

200

Has the pump test or well interference test been carried out on the well?

No

Water use purpose

Use Type

Irrigation

Crop type

Vineyard

Area

7

Application Rate	18
Quantity	126
Irrigation Period	<ul style="list-style-type: none"> • Jan • Feb • Mar • Nov • Dec
Method	Trickle

Technical Reports

Do you wish to upload any technical reports to be included in the application by the relevant Resource Management Plan, Act or regulations?

Yes

Benthic report	No files uploaded
Cultural effects assessment	No files uploaded
Dam construction report	No files uploaded
DSI	No files uploaded
Ecology report	No files uploaded
Economic report(s)	No files uploaded
Engineering report	No files uploaded
Erosion and sediment management plan	No files uploaded
Geotechnical report	No files uploaded
Landscape report	No files uploaded
PSI	No files uploaded
RAP	No files uploaded
Wastewater report	No files uploaded
Any other report not covered in the list above	<ul style="list-style-type: none"> • Council Assmt of 2006 Application p1.pdf(2549171 bytes) • Council Assmt of 2006 Application p2.pdf(2990730 bytes) • Council Assmt of 2006 Application p3.pdf(3269769 bytes) • Council Assmt of 2006 Application p4.pdf(2807074 bytes)

Written Approvals

Please provide the names and addresses of the owner and occupier of the land (other than the applicant)

Not answered

Please attach any written approval(s) that may have been obtained from affected parties/adjoining property owners and occupiers

- Danfield affected party p1.pdf(3227572 bytes)
- Danfield affected party p2.pdf(2650805 bytes)
- Full application signed by affected parties p1.pdf(3421382 bytes)
- Full application signed by affected parties p2.pdf(3646717 bytes)
- Full application signed by affected parties p3.pdf(3460500 bytes)
- Full application signed by affected parties p4.pdf(3588637 bytes)
- Full application signed by affected parties p5.pdf(3221083 bytes)
- JKH affected party p1.pdf(3037081 bytes)
- JKH affected party p2.pdf(2936161 bytes)
- Notes to support affected party forms.docx(20343 bytes)

Note: As a matter of good practice and courtesy you should consult your neighbours about your proposal. If you have not consulted your neighbours, please give brief reasons why you have not below

Brief reason for not consulting with neighbours

Not answered

Other Details

Are additional resource consents required in relation to this proposal? No

The applicable lodgement (base) fee is to be paid at the time of lodging this application. If payment is made into Council's bank account 02-0600-0202861-02, please record applicant name and either property number or consent type as a reference.

The final cost of processing the application will be based on actual time and costs in accordance with Council's charging policy. If actual costs exceed the lodgement fee, an invoice will be issued (if actual costs are less, a refund will be made). Council may stop processing an application until an overdue invoice is paid in full. Council charges interest on overdue invoices at 15% per annum from the date of issue to the date of payment. In the event of non-payment, legal and other costs of recovery will also be charged.

Do you require a GST receipt for a bank payment? Yes

The application lodgement fee Has been paid

Please give details of payment reference Not answered

If you have a payment reference to upload, please upload it here **•Payment for U061198 MDC_2017-05-22.pdf(40655 bytes)**

This water right applies to: Lot I DP 8975 DP, 8.796 ha 294 Tynesfield Rd Grid reference: E 2573328 N 5957913 Valuation reference: 20311 22714 (includes Lot 1 DP 12202) Property Number: 210681 (includes Lot 1 DP 12202) NB: We also own Lot I DP 12202, but this has a different water right and does not use water from well P28w/4698. We are currently seeking a Subdivision to separate this block from our home block (Lot 1 DP8975).

Notes

I confirm that the information provided in this application and the attachments are accurate Yes

Authorised by (your full name) Josephine Mary Elizabeth Janssen

Privacy Information

The information you have provided on this form is required so that your application can be processed and so that statistics can be collected by Council. The information will be stored on a public register and held by Council. Details may be made available to the public about consents that have been applied for and issued by Council. If you would like access to or made corrections to your details, please contact Council.

Site map attached. The maps show our property situated in the wider Waihopai Valley. The more detailed map shows our property and well and those of our neighbours. Please note that we have two lots on the same title (as below) and this application only applies to one of the two Lots. The map also shows the Omaka River which bounds our property.

This water right applies to:

Lot 1 DP 8975 DP, 8.796 ha

294 Tyntesfield Rd

Grid reference: E 2573328 N 5957913

Valuation reference: 20311 22714 (includes Lot 1 DP 12202)

Property Number: 210681 (includes Lot 1 DP 12202)

NB: We also own Lot 1 DP 12202, but this has a different water right and does not use water from well P28w/4698. We are currently seeking a Subdivision to separate this block from our home block (Lot 1 DP8975).



Handwritten scribbles and initials in the top left corner of the map area.



The accompanying material has been released by Council from its information repositories. Council does not accept any responsibility for the initial and ongoing accuracy to the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy. Services layers are schematic only and actual positions and level should be confirmed from Council's hard copy records.

Smart Map Print

1:25,000 5/22/2017





OMAKA RIVER

500M → Well P28W/4384

Lot 2 DP 7362

← 260m Well P28W/4698

675m

Well P28W/3204
Lot 2 DP 8975

Lot 1 DP 7775
SITE

Lot 1 DP 12202

Lot 1 DP 34491

TIMESFIELD ROAD

0 50 100 200
Metres

Smart Map Print

1:5,000 5/22/2017



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier **MB6C/516**
Land Registration District **Marlborough**
Date Issued 11 October 2001

Prior References

MB5B/600 MB6C/129

Estate Fee Simple
Area 13.8280 hectares more or less
Legal Description Lot 1 Deposited Plan 8975 and Lot 1
Deposited Plan 12202

Proprietors

Adrian Michael Landon-Lane and Josephine Mary Elizabeth Janssen

Interests

Subject to Section 241(2) and Sections 242(1) Resource Management Act 1991(affects DP 12202)

Appurtenant hereto is a right of way (affects the part Lot 1 DP 12202 formerly Part Section 7 SO 2798) and a right to convey water as specified in Easement Certificate 146670.2 (affects Lot 1 DP 8975 and the part Lot 1 DP 12202 formerly Part Section 7 SO 2798) - 2.6.1989 at 2:15 pm

The easements specified in Easement Certificate 146670.2 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant to Lot 1 DP 12202 is a right to convey water and electricity created by Transfer 189330 - 10.2.1997 at 11.50 am

213976.2 Mortgage of Lot 1 DP 8975 to The National Bank of New Zealand Limited - 11.9.2000 at 2.35 pm

Appurtenant to Lot 1 DP 12202 is a right of way and rights to convey water, electricity & telephonic communications specified in Easement Certificate 215712.2 - 20.12.2000 at 9.34 am

The easements specified in Easement Certificate 215712.2 are subject to Section 243 (a) Resource Management Act 1991

215939.1 Variation of the conditions of the easement specified in Easement Certificate 146670.2 - 17.1.2001 at 9.45 am

Appurtenant to Lot 1 DP 12202 is a Telecommunications easement created by Transfer 215939.2 - 17.1.2001 at 9.45 am

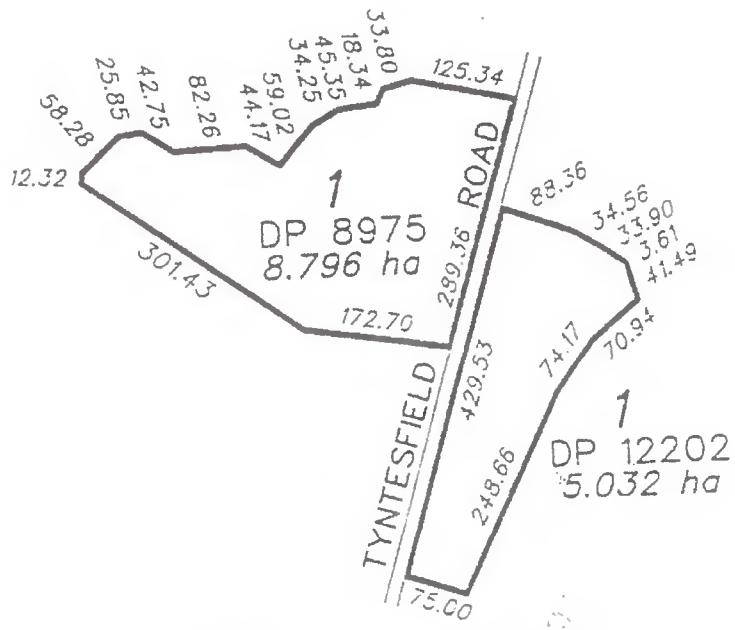
Appurtenant to Lot 1 DP 12202 is a Right to convey water created by Transfer 5059439.2 - 11.10.2001 at 9:01 am

7960445.1 Variation of Mortgage 213976.2 - 30.10.2008 at 10:32 am

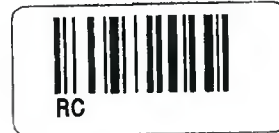
STATE OF SOUTH AFRICA
OFFICE OF THE SURVEYOR GENERAL



DocID: 210403328



Total Area: 13.828 ha



**RESOURCE MANAGEMENT
ACT 1991**

**Decision on Application for
Resource Consent**

RESOURCE CONSENT No: U061198

**APPLICANT: Landon-Lane, Adrian
Michael & Janssen,
Josephine Mary Elizabeth**

**This document contains a record of
decision(s) on the following application
for resource consent(s):**

WATER PERMIT (TAKE UNDERGROUND WATER)

WATER PERMIT (USE WATER)

DECISION DATE:

15 May 2007



Important Information

A resource consent is comprised of:

- A decision document (subject to the outcome of any appeals/objections), and;
- The application for resource consent, except where modified by conditions.

An information sheet is attached which sets out the provisions of the Resource Management Act 1991.

It is important that you keep this document in a safe place; together with any future amendments that may be made to conditions of the resource consent.

RESOURCE CONSENT DECISION

Decision No: U061198
Applicant: Landon-Lane, Adrian Michael & Janssen, Josephine Mary Elizabeth
Location of Activity: 294 Tyntesfield Road, Waihopai Valley
Legal Description: Lot 1 DP 8975
Grid Reference:
Easting 2573328
Northing 5957913

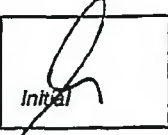
Water Permit (Take Underground Water)

Pursuant to the Resource Management Act 1991 a resource consent has been **GRANTED:**

- To take underground water from well P28w/4698 up to a maximum rate of 126 cubic metres per day on Lot 1 DP 8975.

This resource consent is subject to compliance with the following conditions:

- The activity shall be in general accordance with application U061198 dated as received by Council on 2 November 2006.
- That the consent holder shall install a water meter. The meter to record all water taken pursuant to this consent with an accuracy of $\pm 5\%$. Prior to exercising of this consent, the permit holder is to contact the Marlborough District Council to arrange an inspection of the water meter installation. No water may be abstracted under this consent (except for testing or calibration of the water meter) until such time as the inspection has been carried out.
- That the consent holder shall keep monthly records of water use, as measured by the water meter and shall send them in to the Council annually in May, or when otherwise requested. Council staff will perform an audit role in respect of water use records and may call to take its own readings from time to time.
- That the consent shall expire on 1 June 2017.
- That in accordance with section 128 of the Resource Management Act 1991, from the date of consent until expiration the Marlborough District Council may at any time commencing with the 1 June to 31 July in each year, review the conditions of consent for the following purposes:
 - For the purpose of reviewing the abstraction rate.
 - For the purposes of dealing with any adverse effects on any neighbouring wells or abstraction points existing at the time this consent was granted and on the Omaka River Valley Aquifer that may arise from the exercise of this consent or which may become apparent from monitoring undertaken pursuant to this consent or by the Marlborough District Council's Officers.


Initial

To bring the consent conditions in line with any Regional Plan which sets rules relating to a maximum or minimum level of flows or rates of use of water or minimum standards of water quality if in the Marlborough District Council's opinion it is appropriate to review the conditions in order to enable the levels, flows, rates or standards set by such rules to be met.

06 This consent shall lapse on 1 June 2009.

REASONS FOR DECISION

- 01 The proposed activity is unlikely to have any significant effect on the environment in terms of the Fourth Schedule or Part II of the Resource Management Act 1991, and the application is in accordance with the policies and rules of the Transitional Regional Plan and the Proposed Wairau/Awatere Resource Management Plan.
- 02 A consent term of 10 years will give the consent holder a degree of certainty, while allowing the Council to keep a close watch on this resource. This term is consistent with other water permits recently granted in this area

OTHER MATTERS

1. Unless otherwise specified, this is the full text of the decision.

Lapse Date

2. If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to).

The lapse date is subject to the provisions of section 125 of the Resource Management Act 1991.

Appeal Information

3. If intending to appeal this decision, the appeal must be lodged with the Environment Court within 15 working days of the receipt of this decision.

Authorised under the Marlborough District Council's Instrument of Delegation by:

.....
Marlborough District Council Commissioner/Delegated Officer

Dated this 15th day of MAY 2007

RESOURCE CONSENT DECISION

Decision No: U061198
Applicant: Landon-Lane, Adrian Michael & Janssen, Josephine Mary Elizabeth
Location of Activity: 294 Tyntesfield Road, Waihopai Valley
Legal Description: Lot 1 DP 12202 and Lot 1 DP 8975
Grid Reference:
Easting 2573555
Northing 5957816

Water Permit (Use Water)

Pursuant to the Resource Management Act 1991 a resource consent has been **GRANTED:**

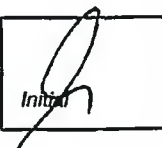
- To use underground water from well P28w/4698 up to a maximum rate of 126 cubic metres per day for the irrigation of 7 hectares of vineyard on Lot 1 DP 12202 and Lot 1 DP 8975.

This resource consent is subject to compliance with the following conditions:

- 01 The activity shall be in general accordance with application U061198 dated as received by Council on 2 November 2006.
- 02 That the consent shall expire on 1 June 2017
- 03 That in accordance with section 128 of the Resource Management Act 1991, from the date of consent until expiration, the Marlborough District Council may at any time from the 1 June to the 31 July in each year, review the conditions of consent to bring the consent conditions in line with any Regional Plan which sets rules or guidelines relating to rates of usage.
- 04 This consent shall lapse on 1 June 2009.

REASONS FOR DECISION

- 01 The proposed activity is unlikely to have any significant effect on the environment in terms of the Fourth Schedule or Part II of the Resource Management Act 1991, and the application is in accordance with the policies and rules of the Transitional Regional Plan and the Proposed Wairau/Awatere Resource Management Plan.


Initial

OTHER MATTERS

1. Unless otherwise specified, this is the full text of the decision.

Lapse Date

2. If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to).

The lapse date is subject to the provisions of section 125 of the Resource Management Act 1991.

Appeal Information

3. If intending to appeal this decision, the appeal must be lodged with the Environment Court within 15 working days of the receipt of this decision.

Authorised under the Marlborough District Council's Instrument of Delegation by:



.....
Marlborough District Council Commissioner/Delegated Officer

Dated this 15th day of MAY 2007

IMPORTANT NOTES

- 01 In accordance with section 36 of the Resource Management Act 1991, the consent holder shall be responsible for all actual and reasonable costs associated with the monitoring of this resource consent. The costs will be charged in accordance with the Marlborough District Council's Schedule of Fees and any updates to this schedule.
- 02 Transfer of Ownership A reminder to the applicant, that in the event of relinquishing the water permit to a new owner, notification of the transfer must be lodged with the Council on the appropriate forms, containing signatures of both parties and with payment of the appropriate fee. Further, all conditions of consent must have been complied with, in particular any requirement for water flow meter installation.

ANNOTATION HISTORY

Date	Reason for Amendment/Alteration

\\dkl...O:\Resourceconsent\2006\061001-061500\U061198-Landon-Lane-Decision Document.doc Saved 11/05/2007 14:38:00

Application for Resource Consent Not Requiring a Hearing



FILE NO: U061198

APPLICANT: AM and JME Landon -Lane

SITE OF APPLICATION: Tyntesfield Rd, Waihopai Valley. Lot 1 DP 12202 and Lot 1 DP 8975.

PROPERTY NUMBER: 210681

PROPOSAL: To take and use underground water from well P28w/4698 up to a maximum rate of 126 cubic metres per day for the irrigation of 7 hectares of vineyard.

CONSENTS APPLIED FOR: Water Permit – Take Underground Water
Water Permit – Use Water

GRID REFERENCE: E 2573328 N 5957913 (Take site)

Application

1. The applicant is proposing to take and use underground water from well P28w/4698 up to a maximum rate of 126 cubic metres per day for the irrigation of 7 hectares of vineyard on Lot 1 DP 12202 and Lot 1 DP 8975.
2. The extracting well is shallow, at approximately 3.4 metres deep.
3. Resource Consent U941447 expired in December 2006, and permitted the taking of 126 cubic metres per day.

Statutory Framework

Resource Management Act 1991

1. Section 14 of the Resource Management Act 1991 states that:

No person may take, use, dam, or divert any waterunless the taking, use, damming, or diversion..... is allowed by subsection (3)

(3) A person is not prohibited by subsection (1) from taking, using, damming, or diverting any waterif-

- (a) the taking, using, damming, or diversion is expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent....

Proposed Wairau/Awatere Resource Management Plan

2. Rule 1.2.3.1 of the General Rules chapter, Volume 2, Proposed Wairau/Awatere Resource Management Plan, states that any abstraction from a water resource other than the Wairau Aquifer between 10 and 500m³/day is a **discretionary activity**.
3. This application is for 126m³/day, and the water will be sourced from the Omaka River Valley Aquifer, and therefore will be addressed as a **discretionary activity** under Section 104 and 108, and giving consideration to Part II and the Fourth Schedule of the Act.

Submissions

1. In accordance with Section 93 of the Resource Management Act 1991, the application was publicly notified. Submissions closed on 16 April 2007.
2. No submissions in opposition were received at Council prior to the closing date.
3. Given the above, in accordance with Section 100, a hearing is not required.

Part II Issues

1. Section 5 sets out the overarching purpose and principles of the Act that give guidance to Council when assessing individual applications. The purpose of the Act is to promote the sustainable management of natural and physical resources in a way that enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. In doing so, the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, and the avoidance, remedying or mitigation of any adverse effects of activities on the environment must be addressed.
2. Section 6 of the Act refers to matters of national importance. Those listed that are of relevance to this application include:
 - (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;
 - (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
3. Parts (a) and (e) of Section 6 are relevant to this application as the application involves the taking of water. Part (e) is of importance as Maori have a significant relationship with issues relating to water, this application proposes to use water.
4. Section 7 raises other matters that Council shall have particular regard to. Included in this is Kaitiakitanga (Section 7(a)). Further to this, Section 8 requires the Principles of the Treaty of Waitangi to be taken into account. Under notification this application was sent to all relevant iwi as required by Section 93 of the RMA. No submissions to the application have been made by any of these iwi.
5. I believe that the proposal with recommended conditions, will be consistent with the purpose and principles under Part II of the Resource Management Act 1991

Evaluation

Background

1. The water is sourced from the Omaka River Valley Aquifer.

2. Council groundwater scientist Pete Davidson has reviewed the application, and as the 1994 permit consented the taking of 126 cubic metres per day, with no known adverse effects, this level of take is considered sustainable. He has noted that the Omaka River Valley Aquifer forms part of the Southern Valleys catchments which are heavily committed.
3. As described above, this land was previously irrigated by Resource Consent U941447, which expired in December 2006, and permitted the taking of 126 cubic metres per day. This application is to replace U941447.

Effects on the Environment

4. The possible adverse effects of this abstraction are interference with neighbouring wells, and contribution to the cumulative effect on the Omaka River Valley Aquifer.
5. Interference effects occur when the drawdown cone created by the applicant's abstraction intercepts a neighbouring well or the drawdown cone created by that neighbouring well. If interference effects do occur, the water level in the neighbouring well will drop below its current level. Whether an abstraction will cause interference effects depends on a number of factors, such as distance between the wells, aquifer properties and size of the abstraction. Generally, the greater the distance between wells the less likelihood of interference effects. In this situation the applicant has indicated on the map provided that the closest neighbouring well is 260 metres away from the extracting well. Interference effects are expected to be minor.
6. As this is not a new abstraction, but is intended to replace U941447, at the same rate of take, adverse effects on the Omaka River Valley Aquifer are expected to be no more than minor.
7. It is unlikely that the applicant will use the maximum amount of water applied for every day of the year, as irrigation requirements will vary throughout a season depending on soil moisture levels. In seasons where there is a lot of rain, little irrigation would be required, conversely during dry seasons the applicant's actual water use is likely to more closely reflect the allocated amount. It is likely that there will always be a discrepancy between the amount of water allocated to the applicant and actual usage. It is most practical to express the amount of water allocated as the maximum amount sought as it is impossible to guess how many days in a season will require that amount of water versus days that might require less, or no water for irrigation. Another option would be to allocate water to consent holders on a seasonal basis (i.e. a set figure of water to be used over the course of an irrigation season), however there is insufficient information available to the Council at this point in time to allocate water in that manner.

Proposed Wairau/Awatere Resource Management Plan

8. This proposal is not contrary to the relevant objectives and policies contained within Part 4: Indigenous Flora and Fauna and Their Habitats and Part 6: Freshwater, of the Proposed Wairau/Awatere Resource Management Plan. The policies and objectives considered with this application are the following:
 - a) Objective 6.2.1 and Policy 1.1 (Freshwater) provide for the taking... of freshwater in a manner which safeguards the life supporting capacity of the resource and avoids, remedies or mitigates any adverse effect on the environment.
 - b) Objective 6.3.1 and Policies 1.1, 1.3 and 1.7 (Freshwater) provide for the equitable allocation and use of surface water and ground water resources. Policy 1.7 states "*To require water metering by an accepted method as a condition of all water permits involving the taking or use of water*".

Duration

9. I recommend this consent (if granted) have a term of 10 years. This will give the consent holder a degree of certainty, while allowing the Council to keep a close watch on this resource. This would also be consistent with other water permits recently granted in this area.

Sustainability

10. In summary, after consideration of the source of the water, the volume of water requested, and the possible effects on the environment of the extraction, I consider the proposed take will be sustainable with recommended conditions.
11. I recommend that this consent (if granted) will lapse after a period of 2 years from the date of issue unless the permit holder has made substantial progress towards exercising this permit. This is to ensure the equitable and effective utilization of the resource.

Conclusion

1. The applicant is proposing to take and use underground water from well P28w/4698 up to a maximum rate of 126 cubic metres per day for the irrigation of 7 hectares of vineyard on Lot 1 DP 12202 and Lot 1 DP 8975.
2. The application has been considered in accordance with the provisions of the Proposed Wairau/Awatere Resource Management Plan, the Marlborough Regional Policy Statement and the Transitional Regional Plan. I consider that the proposal will have no adverse effects (provided the recommended conditions are imposed) that can be considered more than minor, and is not contrary to the objectives and policies of either of those plans. I consider that the proposed activity is sustainable in terms of Part 2 of the Resource Management Act 1991.
3. I consider that the application complies with the purpose of the Act (Section 5) and as such a resource consent can be granted to the application in accordance with Sections 104, and 108 of the Resource Management Act 1991.

.....
Jenny Keene
RESOURCE MANAGEMENT OFFICER

9 May 2007

Written Approval of Person(s) Likely to be Adversely Affected

Resource Management Act 1991



ISO 9001
Document Number:
RAF0001-C11589

Resource Consent Application Number

w/4698 up to a maximum rate of 126 cubic metres per day for the
202 and Lot 1 DP 8975.

U 0 6 1 1 9 8

Resource Consent Application Details [To be completed by the applicant(s)]

Applicant's Name: <small>[Full Legal Name]</small>	A M Landon-Lane & J M E Janssen
Description of activity(s) applied for:	To take underground water from well P28w/4698 up to a maximum of 126 cubic meters per day for the irrigation of up to 7.5 hectares of vineyard on Lot 1 DP 8975
Site location details: <small>[Street Address]</small>	294 Tyntesfield Rd, RD6, Blenheim 7276
<small>[Legal Description]</small>	Lot 1 DP 8975

Affected Party Details [To be completed by person(s) or organisation giving approval]

Full Name(s): Danfield Trust
Deer holding / Jacinta Danicill

Owner(s) Occupier(s) [tick which applies]

[Both the owner and occupier must provide written approval. A separate form may be used.]

Postal address: 280 Tyntesfield Rd Rd6, Blenheim

Contact details:
Email address: dandjfielding@gmail.com
Phone: [Daytime] 03 5724139 Phone: [Mobile] 027 2183045

Property details of affected party/
parties:
[Street Address and Legal Description, e.g. Lot and DP number, Certificate of Title number, etc]
280 Tyntesfield Rd
Lot 2 DP 7562

I confirm:

1. I have been shown a copy of the above application, which includes an assessment of effects on the environment, and;
2. I have been shown, and have **signed and dated** (each page of the application) a copy of the application, including drawings, **which is attached**, and;
3. I do not oppose the proposed application (as detailed) and give written approval in terms of the provisions of the Resource Management Act 1991, and;
4. I authorise the applicant to give this written approval to the Marlborough District Council, and;
5. **I have read and understand the information contained in section 104(3)(a)(ii) and 104(4) of the Resource Management Act 1991 which is detailed below.**

It is not appropriate to impose conditions on this form.

Signed: [Owner(s)]  [Occupier(s)] 22.5.17

On behalf of: [Owner(s)] Danfield Trust [Occupier(s)] _____
Date: 22-5-17

[All parties with an interest in the affected property must sign or be signed for "on behalf of"]

If you have any queries please contact Council's Duty Planner on Phone 520 7400

Section 104(3)(a)(ii) and 104(4) of the Resource Management Act 1991

- (3) A consent authority must not,—
 - (a) when considering an application, have regard to—
 - (ii) any effect on a person who has given written approval to the application:
- (4) A consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.



Written Approval of Person(s) Likely to be Adversely Affected

Resource Management Act 1991



ISO 9001
Document Number:
RAF0001-CI1589

Resource Consent Application Number

w/4698 up to a maximum rate of 126 cubic metres per day for the
202 and Lot 1 DP 8975.

U 0 6 1 1 9 8

Resource Consent Application Details [To be completed by the applicant(s)]

Applicant's Name: <small>[Full Legal Name]</small>	A M Landon-Lane & J M E Janssen
Description of activity(s) applied for:	To take underground water from well P28w/4698 up to a maximum of 126 cubic meters per day for the irrigation of up to 7.5 hectares of vineyard on Lot 1 DP 8975
Site location details: <small>[Street Address]</small>	294 Tyntesfield Rd, RD6, Blenheim 7276
<small>[Legal Description]</small>	Lot 1 DP 8975

Affected Party Details [To be completed by person(s) or organisation giving approval]

Full Name(s): Kristy Jane Hagen. James Norman Hagen.

Owner(s) Occupier(s) [tick which applies]

[Both the owner and occupier must provide written approval. A separate form may be used.]

Postal address: 310 Tyntesfield Road RD6, Blenheim 7276

Contact details:

Email address: kristymac98@gmail.com

Phone: [Daytime] 035724255 Phone: [Mobile] 021472544

Property details of affected party/ parties:
[Street Address and Legal Description, e.g. Lot and DP number, Certificate of Title number, etc]

310 Tyntesfield Rd.
Lot 2 DP 8975
Lot 1 DP 364491

I confirm:

1. I have been shown a copy of the above application, which includes an assessment of effects on the environment, and;
2. I have been shown, and have **signed and dated** (each page of the application) a copy of the application, including drawings, **which is attached**, and;
3. I do not oppose the proposed application (as detailed) and give written approval in terms of the provisions of the Resource Management Act 1991, and;
4. I authorise the applicant to give this written approval to the Marlborough District Council, and;
5. **I have read and understand the information contained in section 104(3)(a)(ii) and 104(4) of the Resource Management Act 1991 which is detailed below.**

It is not appropriate to impose conditions on this form.

Signed: [Owner(s)]  [Occupier(s)] _____

On behalf of: [Owner(s)]  [Occupier(s)] _____

Date: 22/5/2017

[All parties with an interest in the affected property must sign or be signed for "on behalf of"]

If you have any queries please contact Council's Duty Planner on Phone 520 7400

Section 104(3)(a)(ii) and 104(4) of the Resource Management Act 1991

- (3) A consent authority must not,—
 - (a) when considering an application, have regard to—
 - (ii) any effect on a person who has given written approval to the application:
- (4) A consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.



NOTICE OF APPLICATION FOR RENEWAL OF RESOURCE CONSENT No U061198

1. A full description of the proposal:

To take underground water from well P28w/4698 up to a maximum rate of 126 cubic metres per day on Lot 1 DP 8975.

We have been operating a vineyard at this location, which includes Lot 1 DP8975 for the last 23 years. Our water right was renewed in 2007 and is now due for renewal again. In the last 23 years we have developed 5.62 hectares of grapes on this 8.796 hectare holding. We still have 1.38 hectares available for development, hence we once again apply to irrigate up to 7 hectares.

2. Site map attached. The maps show our property situated in the wider Waihopai Valley. The more detailed map shows our property and well and those of our neighbours. Please note that we have two lots on the same title and this application only applies to one of the two Lots. The map also shows the Omaka River which bounds our property.

This water right applies to:

Lot 1 DP 8975 DP, 8.796 ha

294 Tyntesfield Rd

Valuation reference: 20311 22714 (includes Lot 1 DP 12202)

Property Number: 210681 (includes Lot 1 DP 12202)

NB: We also own Lot 1 DP 12202, but this has a different water right and does not use water from well P28w/4698. We are currently seeking a Subdivision to separate this block from our home block

3. Other consents required with this application?

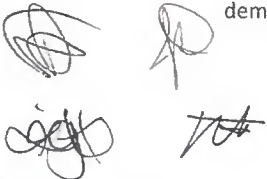
No

ASSESSMENT OF ENVIRONMENTAL EFFECTS

4. An assessment of the proposal against Part 2 of the Resource Management Act 1991. Sustainable use air, water, soil and ecosystems.

Part 2 of the RMA sets out its purpose and principles on which the RMA is founded and from which all other statutory framework is derived. The purpose of the RMA is to promote the sustainable management of natural and physical resources. Our application is consistent with the purpose of the Act. There is a clear balance between the take and use of water for irrigation to improve productivity of rural land and hence the social wellbeing of ourselves and the whole Marlborough community, with the protection of ecosystem functions and values, and the avoidance of effects on other users.

We have consistently maintained Sustainable Winegrowing New Zealand (SWNZ) certification and had positive feedback from them regarding our ethos of minimising spray, irrigation and herbicide use. Benchmarking with other grapegrowers in Marlborough has demonstrated that we have some of the lowest spray, irrigation and herbicide use figures in



the district. Some of the reasons for these favourable figures are husbandry practices such as: two-cane pruning, open canopy, only 2 - 3 applications of herbicide per year, no residual herbicide use, herbicide strip is only 0.8m, permanent vegetation with 100% ground cover maintained in the mid-row, prunings are mulched. The soil under the wheel-tracks is left in pasture to maintain structure and avoid compaction. Also we use a small tractor with narrow wheels and low pressure tyres to minimise compaction. Most areas of the vineyard have light, stony soils so rain and irrigation drains away readily. We have endeavoured to compensate for this by mulching, which has enabled us to reduce the irrigation usage. We have irregularly shaped blocks, with 'natural' areas along banks and gardens to encourage biodiversity.

In order to maintain our SWNZ certification we have onsite auditing every three years and annual submission of spraydiary and scorecard. In order to meet these requirements we have to demonstrate sustainable irrigation practices and safe standards of chemical storage, use and disposal, including being away from access to groundwater.

5. An assessment of the proposal against the relevant objectives and policies of either the Wairau/Awatere Resource Management Plan.

The site is zoned Rural 4 under the Wairau Awatere Resource Management Plan. General rule 27.1.2.1.1 provides for the abstraction of between 10 and 500 m³ of water per day from a water source other than the Wairau Aquifer shall be assessed as a **discretionary** activity. There are no rules for the use of water in the Plan for irrigation purposes, therefore the activity of taking water from the Omaka Aquifer is considered in-nominate under the Resource Management Act, and is considered a **discretionary** activity.

The application is within the Sustainable Flow Regimes (SFR) set for the Omaka Aquifer. The SFR has been set to prevent adverse effects on the environment, therefore the proposal is consistent with the objectives and supporting policies of the Wairau Awatere Resource Management Plan.

We have been using our current well for approximately 20 years. There have been no indications of the well running low, not even in the very dry years. The nearest wells, as shown on the attached map are over 300m away. Our historical water use data demonstrates that we have not tended to use the full allocation to which we are entitled; we have requested to renew our water right at the existing level as we still have land to develop in future and we may require the full allocation in a particularly dry year. The Council's assessment of our previous application (attached as a consultation document) concludes the the effects on the environment of our abstraction are likely to be minimal.

6. An assessment of the proposal against the National Policy Statement for Freshwater Management 2014.

Matters of national importance are considered with relevance to this application:

The natural character of the Omaka River will be maintained. There are no outstanding natural features at risk from this proposal. There are no areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the habitats that are in existence have not changed through the existing water abstraction rate. There is no effect on the current nature or location of public access as a result of the current or proposed take



and use of water. The proposal does not exclude Maori from the use of the Omaka Aquifer resource. There are no historic sites relevant to this proposal and no recognised customary activities relevant to this proposal.

The National Policy Statement for Freshwater Management sets out the objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. This proposal sits entirely within those limits and as it merely seeks to continue a water right that has been in effect for over 20 years.

7. A full and complete assessment of the environmental effects

Potential Effects on the Omaka Aquifer (Possible effects on the aquifer if the abstraction is from a well.

Continuing to abstract underground water is not anticipated to result in adverse effects on the environment, particularly since no additional quantity of water is being applied for from that currently authorised.

The water allocation regime contained within the Wairau Awatere Resource Management Plan has been established to 'provide for the taking, use, damming and diversion of fresh water in a manner which safeguards the life supporting capacity of the resource and avoids remedies or mitigates any adverse effects on the environment'. Therefore, if any resource consent application to abstract water is consistent with this regime then the abstraction will not lead to the occurrence of adverse effects on the environment and will ensure that the life supporting capacity of the Omaka Aquifer is safeguarded.


This application is entirely consistent with the water allocation regime as contained in the Plan. In the assessment of the previous water application, it was concluded that the effects on the 'Omaka River Valley Aquifer are expected to be no more than minor' (uploaded into consultation documents). This assessment also concluded that we are unlikely to use the full water applied for every day of the year, as our irrigation is only running from October to March usually, another reason our effect on the aquifer will be much less than it might at first appear.

- **Water Use**

There is no change to the amount of water sought from the previous water right, which has been in effect for over 20 years. Irrigation is only undertaken when required. Any irrigation is undertaken due to need, with consideration given to balancing the efficiency of the irrigation system with the financial cost of doing so. Measures to reduce irrigation use are described in section 1 above.

- **Potential effect on other wells**

In the time this water right has been active we have not received any complaints from neighbours about the abstraction, and are not aware of any effects on neighbouring wells. Our immediate neighbours are all new, having moved into the valley in the past 3-5 years. They have found that there is no seasonal variation in the water supply from their respective wells, one of which is located in the same river gravels as ours. In the time they have lived



here there has been some increase in our water usage as we have planted more of our land. This extra usage has also not affected their wells.

In the last few years our downstream neighbour has transferred 80 m³ of their unused allocation to our upstream neighbour (JKH Contracting), with no noticeable effect to water availability in our well. This upstream neighbour has planted approx 16ha of vineyard in the last 3 years, with no appreciable effect on our water supply. 11.5 *AT*

The Council assessment at the time of our previous renewal concluded that 'Interference effects are expected to be minor' (see attached report under consultation documents). The reason for this conclusion was that the neighbouring wells were over 260m away. In the interim our immediate neighbours have drilled new wells; these are now over 300m away.

8. FACTORS RELEVANT TO THIS BEING A RENEWAL

This is a renewal so all meter readings for the last five years have been entered online at the council.

The meter has not been professionally verified for accuracy in the last 5 years, but we have engaged Liquidaction to verify our meter and set up telemetry. Their report should be added to this application when it is available and should be with you in a week or two. We had not attended to this earlier on as we are not fully developed yet and are using well below our water allocation, so we considered it was not a priority for us financially. Our focus has been trying to get our entire block into production. We have checked the flow ourselves using a timer and a 200L drum – our findings were 7,600L/hour at the pump.

Explanations for variations in usage are given at the time of data entry on the website. The variations in usage have been due to changes in weather conditions and other seasonal factors, whether some blocks of mature vines are or are not receiving irrigation and due to new areas being planted in grapes.

- All meters require a telemetered datalogger:
We have not had telemetry on our datalogger before because we have had equipment damaged by frost and had trouble with reception down at the well. Liquidaction assure us that this should not be a problem now, so we will have this available in the next week or two. The data for the last five years has been entered manually
- If the application is for a re-issue of a water permit, you must confirm on compliance with all the consent conditions of the existing consent.

Regarding the compliance conditions of the existing water right:

- 01 The activity has been in general accordance with the application U061198 received by Council on 2 November 2006
- 02 A water meter was already installed at the time of the water right being renewed, so we continued to use it as was a pre-existing condition.
- 03 Monthly records for the last five years have been kept and have been entered manually onto the council website. These readings are taken from the meter on well number P28w/4698, on our property. The readings are recorded monthly during the growing season. We used to receive forms from the council on which to record water usage, which we completed and submitted. When the forms ceased arriving (about 8 yrs ago) we called to discuss this with

AT
AT

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They requested that we keep our own records as we have done and that we make them available for any audit and at the time of renewal of the water right, as we are doing now.

05 We are not aware of any reviews undertaken by the council regarding the level of abstraction during the period of this water right. The neighbours have not noted any effects of this water right on the availability of water to their wells as outlined above.

- If the abstraction is from a well, is stock and/or domestic water also taken from the well?

Yes, the water is taken from a well P28w/4698, which also supplies domestic water.

- State what mitigation measures will be taken to ensure the effects of the abstraction will be no more than minor

Mitigation measures: The Omaka River is observed during the season, if the river dries up at Tyntesfield Rd bridge (happened once in 1999). We cut the irrigation back to only every second day.

Ngati Rarua supported our 2007 application and no other iwi made a submission. We haven't heard anything that would indicate a change in this position.

9. If the application is for a re-issue of a water permit, you must provide an assessment of the value you have invested in the property in relation to the existing water permit.

Value invested in the property in relation to the existing water permit:

Trellis, Plants and irrigation infrastructure added as a result of this vineyard development:

5.62ha x \$176,000 ha = \$989,120

10. Potential Effects on Other Users

Potential affected parties discussed above – signed Written Approval of Persons Likely to be Adversely Affected forms completed and uploaded.



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To: Marlborough District Council
PO Box 443
Blenheim 7240

SUBMISSION ON APPLICATION FOR A RESOURCE CONSENT

1. Submitter Details

Name of Submitter(s) in full _____

Address for Service *(include post code)* _____

Email _____

Telephone *(day)* _____ Mobile _____ Facsimile _____

Contact Person *(name and designation, if applicable)* _____

2. Application Details

Application Number _____ U _____

Name of Applicant *(state full name)* _____

Application Site Address _____

Description of Proposal _____

3. Submission Details *(please tick one)*

I/we support all or part of the application

I/we oppose all or part of the application

I/we are neutral to all or part of the application

The specific parts of the application that my/our submission relates to are *(give details, using additional pages if required)*



The reasons for my/our submission are *(use additional pages if required)*

The decision I/we would like the Council to make is *(give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought. Use additional pages if required)*

4. Submission at the Hearing

I/we wish to speak in support of my/our submission

I/we do not wish to speak in support of my/our submission

OPTIONAL: Pursuant to section 100A of the Resource Management Act 1991 I/we request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)*

5. Signature

Signature _____ Date _____

Signature _____ Date _____

6. Important Information

- Council must receive this completed submission before the closing date and time for submission for this application. The completed submission may be emailed to mdc@marlborough.govt.nz
- You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
- Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the hearing report.

7. Privacy Information

The information you have provided on this form is required so that your submission can be processed under the Resource Management Act 1991. The information will be stored on a public file held by Council. The details may also be available to the public on Council's website. If you wish to request access to, or correction of, your details, please contact Council.