



**MARLBOROUGH
DISTRICT COUNCIL**

RESOURCE CONSENT APPLICATION

U161332

Giesen Wines Limited

19 Lake Timara Road, Waihopai

Submissions Close

5.00 pm Monday

9 October 2017

Bea Gregory-5252

From: MDC
Sent: Thursday, 15 December 2016 2:26 p.m.
To: RCInbox
Subject: Application for Resource Consent: REF160816332
Attachments: REF160816332.pdf

A application for a Resource Consent has been received. Application lodgement number is REF160816332.

Submission details are attached.



**MARLBOROUGH
DISTRICT COUNCIL**

PO Box 443, Blenheim 7240

Tel 03 520 7400 / Fax 03 520 7496

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Website www.marlborough.govt.nz
GST No. 50-430-960



Reference Number:	REF160816332
Submitted On:	15/12/2016 14:25
Submitted By:	Terry McGrail

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

Is the applicant • A company

Company name Giesen Wines Limited

Is the applicant

Main applicant name Giesen Eden

Main applicant mailing address PO Box 11066, Sockburn, Christchurch 8443

Main applicant email address rhyan@giesen.co.nz

Main contact number 035789057

Alternative contact number 021311244

Is there an agent working on behalf of the applicant? Yes

All communication regarding the application will be sent to the agent

Are you a business or an individual? Business

Company name Ayson and Partners Limited

Contact person Terry McGrail

Mailing address PO Box 704, Blenheim 7240

Email address terry@ayson.co.nz

Main contact number 039284058

Alternative contact number 035792906

Agent reference 13970

Application Details

Types of resource consent applied for	• Water Permit
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Property Details

The location to which the application relates is	19 Lake Timara Road, Waihopai
Brief description of the activity	To take underground water for the purpose of drip irrigation of 7.12 ha of vineyard. This is for a renewal of an existing permit.

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	• Water Permit Application Eden.pdf (634958 bytes)
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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	• 13970 1A wells.pdf (374011 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	• MB4D-650_Curr(NoDiag).PDF (170855 bytes)
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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?	U061270
Purpose for which water is required?	Vineyard Irrigation
Source of water	Omaka River FMU
Maximum quantity of take	
Litres per second	1.92
Cubic metres per day	164
Cubic metres per week	1148
Groundwater	
Is the well existing?	Yes
Well Number	p28w/2549
Depth from ground level to bottom of well	6
Diameter of well	900
Has the pump test or well interference test been carried out on the well?	No

Water use purpose

Use Type	Irrigation
Crop type	Grapes
Area	7.12
Application Rate	23
Quantity	164
Irrigation Period	<ul style="list-style-type: none">• Jan• Feb• Mar• Apr• Oct• 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	• Irricalc Results.pdf (2887043 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	No files uploaded
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	Notified Application

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
Please make invoice out to	Applicant
The application lodgement fee	Will be paid by applicant
Notes	Not answered
I confirm that the information provided in this application and the attachments are accurate	Yes
Authorised by (your full name)	Terence Patrick McGrail

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.

Consultants in Surveying
Resource Management
Subdivision and Land Development

Our Ref: 13970

11 December 2016

Marlborough District Council
P O Box 443
BLenheim 7240

re: **RESOURCE CONSENT APPLICATION – WATER PERMIT**
GIESEN WINES LTD -- LAKE TIMARA ROAD WEST

1. Background

Giesen Wines farm a 7-ha vineyard on Lake Timara Road West known as the Eden vineyard.

They hold a water permit U061270 to use 177 cu/m per day from well P28w/2549 to irrigate 8 ha of vineyard.

The permit is expiring on April 1 2017 and this application is to renew the permit.

2. Proposal

The application is to take up to 164 cu/m per day for the irrigation of up to 7.12 ha of vineyard.

In addition, consent is sought to use water for the irrigation of the grapes.

The property being irrigated is 19 Lake Timara Road West and its legal description is Lot 1 DP 8057, CT MB4D/650. The land is flat alluvial terraces of the Omaka River and is at the intersection of Waihopai Valley Road and Lake Timara Road West.

The property has an existing shallow well and draws water to conventionally trickle irrigate the vineyard.

Please see the plans attached.

The nearest existing well and take is well P28w/3939 which 302m away. The take is U120131 which is a large take spread over seven wells and 3939 is one of those wells. It is a shallow well.



3. District Plan

The land being irrigated is inside the Rural 4 Zone of the Wairau Awatere Resource Management Plan.

In this zone, Rule 27.1.2.3.1 provides for the taking of water from sources other than the Wairau Aquifer between 10 and 500 cu/m /day as discretionary activities.

This proposal is therefore a discretionary activity.

Rule 27.1.2.3 sets performance standards

(a) The abstraction does not exceed 5% of the river flow.

This is not applicable

(b) The water is to be used in the same catchment as it is taken from

This is met as the catchment of the vineyard is the same as the well.

(c) The take is not within one of three areas where the preference is for groundwater takes

This is met as the take is not a surface water take

5. Assessment of Effects on the Environment

The proposal is to take the standard volume of water outlined in the Council irrigation guidelines of 164 cu/m per day which is a similar amount of water under the same conditions as the existing water permits in the area. The take has been calculated using IrriCalc and is therefore calculated on an equitable basis.

The applicant is not aware of any adverse effects from the current takes.

The location and method of the take are appropriate given its nature. Alternative locations and methods will achieve the same result without any identifiable environmental benefits. Options for alternative supplies with significant economic benefit are unknown in this location.

The new use is expected to be metered and recorded by Council which ensures the use is efficient and equitable and will not harm the environment should the environment come under stress.

To summarise the take appears to be well within the limits of a reasonable take and will not generate adverse effects that are more than minor.

6. Statutory Framework

Section 14 of the RMA prevents the taking and use of water unless that is allowed by a rule in a Plan or resource consent.

Rules

The Wairau Awatere Resource Management Plan

Rule 27.1.2.3.1 provides for the taking of water from sources other than the Wairau Aquifer between 10 and 500 cu/m /day as discretionary activities. As there are no rules for the use of water the WARMP determines applications for the use of water are a discretionary activity.

The Proposed Marlborough Environment Plan

General Rules 2.5.2 and 2.5.3 of the Proposed Marlborough Environment Plan provides for any take and use of water not listed as either a permitted, controlled or limited as a prohibited activity as discretionary activities.

The proposal is not provided for as a permitted activity or controlled activity, or limited as a prohibited activity and therefore requires discretionary activity consent.

This application is therefore a discretionary activity.

The National Policy Statement on Freshwater Use (NPSFW) has controls and guidelines on the integrated and sustainable use of water as an economic resource.

In particular, and with special relevance to this application the Policy Statement requires councils to ensure there is

- no over allocation,
- protection of outstanding freshwater bodies,
- ensure efficient use of fresh water by end users.

This permit if granted will be a part of the overall management system of Council and the RMA. Normal conditions of approval have provisions which allow a review should problems arise and the take will be limited to a period of 10 years.

Given this it can be argued that the application complies with the NPSFW.

Section 6 of the Act lists a number of matters of national importance.

- (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.

In this case the small take is not considered to have an impact on the natural character of the locality.

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

The vineyard has no outstanding natural features

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

There are no areas affected by this proposal.

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

The proposal does not impact on the ability of the public to access a river.

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

The small take proposed does not appear to impact Maori and their relationship with the river.

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

There are no known historic sites in the vicinity of the well or vineyard.

(g) The protection of recognised customary activities.

There are no known recognised customary activities affected by this proposal.

Section 7 of the Act lists other matters Council must have regard to.

Of relevance is Sec 7(b) the efficient use of natural resources.

We argue that this take is an efficient use of the natural resource, the use of the resource contributes to the health and well-being of the community as it promotes economic activity and well-being and does so without any adverse effects on the environment.

Section 8 The Treaty of Waitangi.

Given the proposal fits within the statutory planning framework, appears to have little or no impact on Maori values and has minor if any effects on the environment it is considered to be consistent with the Treaty matters.

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.

The applicant has an established vineyard with irrigation infrastructure assets and systems plus investment off site to process the crop.

Approximately 7 ha of vineyard has been planted which requires an investment of approximately \$65,000/ha.

Returns based on 15 tonnes per ha and \$1650 per tonne are \$24 750 per ha or \$174 000 per annum for the vineyard before any expenses. This a significant return for a rural enterprise on marginal land. This return is only possible with irrigation.

Statutory Acknowledgments and Iwi Consultation

The site is identified as being of interest to Rangitane, Ngati Toa and Ngati Rarua on the Marlborough District Council Statutory Acknowledgement list. This is due to the importance of the water resources of the locality.

It is our assessment that the proposal and the underlying site have no features particularly important to Iwi and so the application will not be of significant interest to Iwi being a small take of underground water in a water rich locality.

The applicant's land nor the intake site appears to contain any sites of special significance to Iwi.

The waterways of the Lower Wairau Plain are important to Iwi and we expect the relevant Iwi will be consulted as part of the notification process.

The Marlborough Regional Policy Statement has been assessed.

Specifically relevant are

Section 7.1.9 To enable present and future generations to provide for their well-being by allowing use, development and protection of resources provided any adverse effects of activities are avoided, remedied or mitigated.

Section 7.2.2 Enable sustainable management of surface water and groundwater

Section 7.2.3 (b) Include the following principles into water allocation mechanisms

- Sustainable management
- Equitable allocation
- Avoid, remedy or mitigate adverse effects
- Minimise conflicts between users
- Ensure efficient and beneficial use

This proposal meets all of the objectives above. It provides for the well-being of the community through the use of a resource in a manner that is equitable, sustainable and has little or no ongoing impact on the environment. This is done with no impact on other users and is done in an efficient way that is beneficial to the community.

The Objectives and Policies Proposed Marlborough Environment Plan (MEP)

Chapter 4 – Use of Natural and Physical Resources

Objective 4.1 – Marlborough’s primary production sector and tourism sector continue to be successful and thrive whilst ensuring the sustainability of natural resources.

Policy 4.1.2 – Enable sustainable use of natural resources in the Marlborough environment.

Is met by entering into a sustainably managed system of allocation and management with controls on low flow takes.

Chapter 5 – Allocation of Public Resources

Objective 5.1 – Water allocation and water use management regimes reflect hydrological and environmental conditions within each water resource.

Is met by entering into a sustainably managed system of allocation and management with controls on low flow takes.

Policy 5.1.1 – Define and use freshwater management units to apply appropriate management to the taking and use of water within each water resource.

Is met by allocation within the Omaka River FMU controls

Policy 5.2.11 – Set specific minimum levels for Freshwater Management Units dominated by aquifers to:

- a) prevent physical damage to the structure of the aquifer;*
- b) prevent headwater recession of spring flows;*
- c) prevent a landward shift in the seawater / freshwater interface and the potential for saltwater contamination of the aquifer;*
- d) maintain natural and human use values of rivers and wetlands where groundwater is physically connected and contributes significantly to flow in the surface waterbody;*
- e) maintain groundwater quality; and*
- f) prevent long-term decline in aquifer levels that compromise the matters set out in a) – e).*

Policy 5.5.4 – Progressively resolve over-allocation of the Wairau Aquifer Freshwater

Management Unit and Riverlands Management Unit by ensuring water permits granted after 9 June 2016 to continue taking water from the Freshwater Management units reflect the reasonable demand given the intended use.

The Proposed Plan acknowledges that it is essential that the management applied to any water resource reflects the hydrological and environmental conditions of that defined catchment or aquifer (Freshwater Management Unit).

The setting of specific minimum levels for Freshwater Management Units dominated by aquifers address a number of relevant considerations, as set out in Policy 5.2.11 above.

Despite the Omaka River FMU being over allocated, this application will ensure efficient water use by better managing the allocation of the water into the future. The take which has been set by a calculation in Irricalc which derives reasonable rates of water use.

The Objectives and Policies of the WARMP includes a number of relevant matters. The most relevant are in Chapter 6 Fresh Water

6.2 Issue : Use of freshwater resources may compromise the life supporting capacity of the resource.

6.2.1 Objective 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.

This policy will be met by entering into a sustainably managed system of allocation and management with controls on low flow takes.

6.3 Issue : Competing and increasing demands for fresh water resources may lead to inequitable allocation.

6.3.1 Objective 1

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

Policy 1.3 To issue water permits to take and use water for a period of 10 years where water resources are either fully allocated or over allocated relative to the allocation limits set in this Plan or where water is to be taken from a resource for which no SFR has been established in the Plan.

This policy will be met if a water use period of 10 years is set as expected.

6.4 Issue : The inefficient use of fresh water resources can compromise the sustainability of the resource.

6.4.1 Objective 1

To establish an efficient resource use regime and support sustainable management of the freshwater resource

Policy 1.2 To allocate water on the basis of guidelines.

This policy is considered to be met as the allocation is consistent with the Council guidelines.

Positive effects from the proposal

1. The investment in the water system and the vineyard are substantial and the ongoing returns are significant for such a small area of land being hundreds of thousands of dollars invested with healthy rates of return on that investment. This is a high value, intensive good quality use of rural land that allows the land to be used to produce high valued added export products. Viticulture underpins much of the wider Marlborough economy and while this vineyard is a small part of the total vineyard area all vineyards make a real contribution to the health and well-being of the residents of the District.

Summary

We submit that the application is in accordance with the relevant objectives and policies as the consent sought complies with the sustainable flow regime principles and the take is well managed and administered in association with the other takes in the locality. Normal monitoring and management is expected.

7. Consultation

The applicant has not undertaken any consultation with the owners of the land adjoining the intake point.

The applicant is not aware of any problems arising from use of the well.

8. Conclusion

The application is to take 164 cu/m per day from the Omaka River FMU for the irrigation of up to 7.12 ha of vineyard and to use of the water to irrigate the vineyard.

The consent sought is in accordance with the rules and policies of the District Plan and the wider planning framework.

The take is expected to have minor or no impact on the wider environment, the aquifer or other users.

Council's approval is requested accordingly.

AYSON AND PARTNERS LTD



T P McGrail

TM:TM



SCHEME PLAN ONLY

Areas and Dimensions are
subject to final survey

SCALE (A3)

1:3000

DATE
31.05.2016

LB
PW

CHECK
TM

JOB NUMBER

13970

SHEET

1

ISSUE

A


Ayson and Partners Ltd
REGISTERED PROFESSIONAL SURVEYORS
Consultants in Surveying, Resource Management, Subdivision and Land Development

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WATER PERMIT – TAKE UNDERGROUND WATER & USE WATER
LAKE TIMARA ROAD, WAIHOPAI VALLEY
COMPRISED IN : MB4D/650
APPLICANTS : GIESEN WINES LIMITED

0 10 20 30 40 50 60 70 80 90 100mm

J:\13900\13970-Giesen Wines Water Permit Eden\Autocad\13970 1A Wells.dwg



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy


R. W. Muir
Registrar-General
of Land

Identifier **MB4D/650**
Land Registration District **Marlborough**
Date Issued 31 August 1990

Prior References

MB59/49

Estate Fee Simple
Area 8.0000 hectares more or less
Legal Description Lot 1 Deposited Plan 8057

Proprietors

Giesen Wines Limited

Interests

6050712.1 Encumbrance to The Marlborough District Council - 22.6.2004 at 9:00 am
9621426.11 Mortgage to Bank of New Zealand - 22.1.2014 at 3:56 pm

IRRIGATION REASONABLE USE DATABASE

5 STEPS - TO GET THE IRRIGATION REQUIREMENTS INFORMATION YOU NEED FOR IRRIGATION PLANNING, CONSENTING AND DESIGN



Ministry for Primary Industries
Manatū Ahu Matua
Sustainable Farming Fund



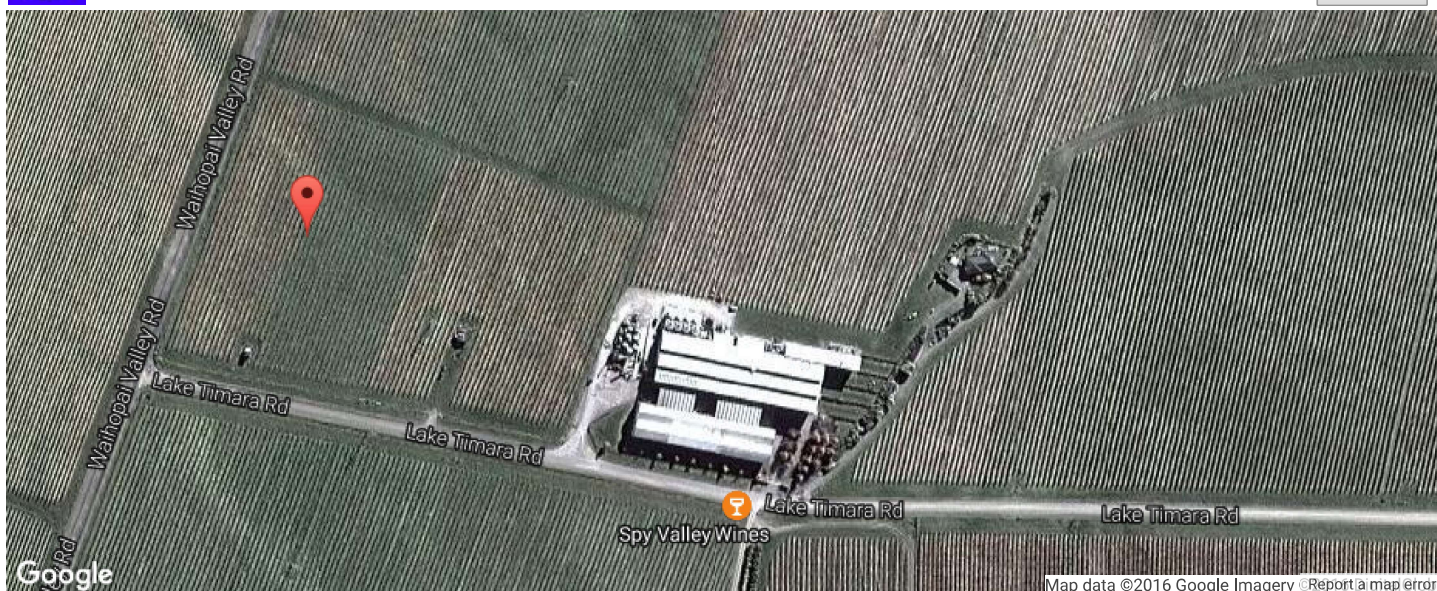
AQUALINC
RESEARCH LIMITED

1

Enter the address or coordinates (latitude, longitude) of your farm and click 'Locate' or click on the map

-41.528 , 173.793

Locate



2

Select Crop

Grapes

3

Select Plant Available Water

(a) Most likely PAW in this area

4

Select Irrigation Method

Micro/Drip

5

Fetch Data

Farm Details

Description

Latitude -41.528

Longitude 173.793

Council Marlborough

Climate Site ID P156122

Distance to Climate Site (km) 1.54

Rainfall (mm) 811

Plant Available Water Details

PAW(mm)

50

Indicative Likelihood

40.9

Area (hectares)

7.12

0

0

0

0

7.12

Irrigation Requirements

	Per Hectare	Total Area
System Capacity	0.27 (l/s/ha)	1.92 (l/s)
System Capacity	2.3 (mm/day)	
Daily Volume	23 (m ³ /ha)	164 (m ³)
7 Day Volume		
28 Day Volume		
90% ile Annual Volume	2,277 (m ³ /ha)	16,212 (m ³)

90 Percentile Monthly Volume

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Per Hectare (m ³ /h)	0	0	0	90	390	600	640	530	300	90	0	0
Total Area (m ³)	0	0	0	641	2,777	4,272	4,557	3,774	2,136	641	0	0

These estimates of irrigation requirements are based on the assumption that the crop you selected can be grown and irrigated at the site you have selected. Constraints such as topography and crop-specific climate requirements are not taken into account.

Irrigation requirements may be less than reported here if your soils are poorly drained or the water table is close to the soil surface.

[Detailed Results](#)

[Save this Page](#)

[Background Information](#)

To: Marlborough District Council
PO Box 443
Blenheim 7240



**MARLBOROUGH
DISTRICT COUNCIL**

ISO 9001:2008
Document Number:
RAF0010-CI1220

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.