



**MARLBOROUGH
DISTRICT COUNCIL**

RESOURCE CONSENT APPLICATION

U161214

Stephen John Pilcher

791 Avondale Road, Waihopai Valley

Submissions Close

5.00 pm Friday 19 May 2017

Bea Gregory-5252

From: MDC
Sent: Monday, 7 November 2016 10:52 a.m.
To: RCInbox
Subject: Application for Resource Consent: REF161103547
Attachments: REF161103547.pdf

A application for a Resource Consent has been received. Application lodgement number is REF161103547.

Submission details are attached.



PO Box 443, Blenheim 7240

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GST No. 50-430-960



Reference Number:	REF161103547
Submitted On:	07/11/2016 10:52
Submitted By:	Remac Consulting Ltd

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	• An individual
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First name	Stephen John
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Last name	Pilcher
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Is the applicant

Is the applicant

Main applicant name	Pilcher
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Main applicant mailing address	791 Avondale Road, Waihopai Valley 7276
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Main applicant email address	spraypoint@farmside.co.nz
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Main contact number	03 5724807
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Alternative contact number	Not answered
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Is there an agent working on behalf of the applicant?	Yes
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All communication regarding the application will be sent to the agent

Are you a business or an individual?	Business
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Company name	Remac Consulting Ltd
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Contact person	Ed Chapman-Cohen
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Mailing address	PO Box 169, Blenheim 7240
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Email address	ed@remacconsulting.co.nz
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Main contact number	03 577 1925
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Alternative contact number	0274440551
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Agent reference	R8199
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Application Details

Types of resource consent applied for	• Water Permit
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Property Details

The location to which the application relates is	791 Avondale Road, Waihopai Valley, being; Lots 3 and 5 DP 333412, and Lot 1 DP 444289.
Brief description of the activity	Applicant seeks a new water permit to replace existing permit U060975 as follows: •Water Permit – Take Surface Water To take Waihopai FMU water from an existing surface intake at 1654849 5384068 (NZTM) up to a maximum rate of 167,832 m3 per year. •Water Permit – Use Surface Water To use Waihopai FMU water for the irrigation of up to 40 ha (24 ha at any one time) of pasture on Lots 3 and 5 DP 333412, and Lot 1 DP 444289.

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	• R8199 Pilcher - RCA for Water Permit to Replace U060975-7.11.16.pdf (331571 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	• Appendix 1 - Site Plan R8199 sheet R1 issue A.pdf (503627 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	No files uploaded
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Supplementary Forms

Please indicate which supplementary forms you are adding

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	• Appendix 2 - Irricalc - Irrigation Requirements 791 Avondale Road..pdf(225081 bytes)

Written Approvals

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

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 Existing activity, no issues or complaints during current consent period.

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 Has been paid

Please give details of payment reference Payment made via direct credit 7.11.16 Ref; S Pilcher, RCA fee/depo

If you have a payment reference to upload, please upload it here **No files uploaded**

Notes Not answered

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

Authorised by (your full name) Ed Chapman-Cohen

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.

Our Ref: R8199

7 November 2016

**APPLICATION FOR WATER PERMIT (TAKE AND USE OF SURFACE WATER -
REPLACE U060975)**

S.J. PILCHER

**LOT 3 & 5 DP 333412, LOT 1 DP 444289
791 AVONDALE ROAD, WAIHOPAI VALLEY**

1. SITE DESCRIPTION

The Applicant; Stephen John Pilcher, owns approximately 725 ha of land at 791 Avondale Road, Waihopai Valley, being; Lots 3 and 5 DP 333412, and Lot 1 DP 444289.

Refer Appendix 1: Remac Consulting Ltd - *Site Plan* - R8199 Sheet R1 issue 'A'.

The subject property is located at the southern end of Avondale Road, to the south of the Avon River. Tummil River forms the eastern boundary of Lots 3 and 5 DP 333412, and separates them from Lot 1 DP 444289 to the east. Tummil River is a tributary of the Waihopai River.

Current water permit U060975 permits the Applicant to take Waihopai River B Class surface water from a pool in the Tummil River. Originally the Applicant was approved to take from McNaughts Stream, a tributary to the Tummil, but the extraction point was transferred under section 136 of the Resource Management Act in 2008.

U060975 allows a maximum take and use of up to 1200 m³/day of the Waihopai River Class B surface water for irrigation of 24 ha of pasture on Lots 1, 3 and 5 DP 333412. (Lot 1 DP 444289 was created under subdivision U110244 when Lot 1 DP 333412 was subdivided into two allotments in 2011).

U060975 expires on 1 February 2017.

The area is zoned Rural 4 in the Wairau Awatere Resource Management Plan and Rural Environment in the Proposed Marlborough Environment Plan. The area is not subject to any relevant overlays in either plan.

The Proposed Plan identifies subject property as being within the Waihopai Freshwater Management Unit, and the Upper Waihopai River Water Resource Unit, which has the following water quality classifications: AE (aquatic ecosystem), FS (fish spawning), F (fisheries), and CR (contact recreation).

2. DESCRIPTION OF PROPOSED ACTIVITY

This application seeks to replace water permit U060975 which is due to expire 1 February, 2017.

As required under the Proposed Marlborough Environment Plan, an updated water requirement has been determined using Irricalc. The new calculated demand for the irrigation of 24 ha of pasture on the subject land increases the amount required to 55 m³ per ha per day, being 1320 m³ per day, or 167,832 m³ per year.

U060975 currently permits an application rate of 50 m³ per ha per day, or 1200 m³ per day. However, due to that being over 365 days per year, the total take permitted would be 438,000 m³ per year.

Under the renewed permit the amount of water sought will increase slightly for the daily take, but reduce substantially for the yearly take due to a closed irrigation off season.

Refer to Appendix 2; Irricalc - Irrigation Requirements: 791 Avondale Road.

It is noted that the total area the Applicant intends to irrigate is 40 ha, although only 24 ha will be irrigated at any one time, therefore there is no increase in volume of water sought.

Accordingly the Applicants seek a new water permit to replace U060975 as follows:

- **Water Permit – Take Surface Water**

To take Waihopai FMU water from an existing surface intake at 1654849 5384068 (NZTM) up to a maximum rate of 167,832 m³ per year.

- **Water Permit – Use Surface Water**

To use Waihopai FMU water for the irrigation of up to 40 ha (24 ha at any one time) of pasture on Lots 3 and 5 DP 333412, and Lot 1 DP 444289.

The Applicant volunteers the following conditions of consent:

Water Take

- i. This consent shall expire on (10 years from date of approval)*
- ii. This consent shall lapse on (2 years from date of approval)*
- iii. The Consent Holder shall maintain a meter to measure water abstraction that is able to provide data in a form suitable for electronic storage. The meter is to exclusively record all water taken pursuant to this consent with an accuracy of plus or minus five percent.*
- iv. The meter shall at all times be maintained in a fully workable condition.*
- v. The Consent Holder shall maintain a data logger on to record and store water abstraction data at daily intervals. This is to be provided to the Marlborough District Council in electronic form, within five days of the end of each month.*
- vi. The abstraction may be rationed if the flow in the Waihopai River, at the Council's Craiglochart recorder, is between 3.6 cubic metres per second and 1.9 cubic metres per second.*
- vii. The abstraction must cease if the flow in the Waihopai River, at the Council's Craiglochart recorder, is at or below 1.9 cubic metres per second.*
- viii. Council staff will perform an audit role in respect of water abstraction records and may call to take readings from time to time.*

Water Use

- i. This consent shall expire on (10 years from date of approval)*
- ii. This consent shall lapse on (10 years from date of approval)*

iii. Water can be used up to the maximum monthly rate (cubic meters per month) as set out in the Appendix 2 Irricalc table.

iv. The maximum cumulative annual usage shall not exceed 167,832 cubic meters per year. A year is defined as from 1 July – to the following 30 June.

3. REQUIREMENT FOR RESOURCE CONSENT

Section 14 of the Resource Management Act 1991 specifies that no person may take or use water in a manner that contravenes a rule in a regional plan unless allowed by a water permit.

The water allocation rules in the Proposed Marlborough Environment Plan have immediate effect legal effect under Section 86B(3)(a) of the Act.

The General Rules of the Proposed Marlborough Environment Plan (the Proposed Plan) provide for the proposed take of water as a **discretionary** activity under Rules 2.5.2 and 2.5.3.

4. ASSESSMENT OF ENVIRONMENTAL EFFECTS

This application seeks to renew an existing water take and use consent (U060975).

There is no proposed change to the extent of land to be irrigated (24 ha), crop type (pasture) or the extraction point from the Tummil River.

However, the Council recommended irrigation reasonable use database (Irricalc) has calculated that the daily take should increase slightly. When this is considered taking into account the closed irrigation period over the off season, the annual take as currently consented under U060975 (438,000 m³) will reduce substantially to 167,832 m³.

The continued abstraction from the existing point in the Tummil River is considered to be the most efficient method of maintaining the subject water supply. No alternative locations or methods have been considered.

Overall, the proposal will not generate any adverse environmental effects that can be considered more than minor.

4.1 Potentially Affected Parties

The Applicant acknowledges the cultural, historical and spiritual significance of the waters and adjoining land of the Waihopai River and its tributaries to Ngati Rarua, Rangitane o Wairau and Ngati Toa Rangatira as described in the Te Tau Ihu Statutory Acknowledgements Document.

The proposed water take will not result in any land disturbance, drainage or watercourse diversion works within or near the Waihopai River or its tributaries. The proposed water take will not result in any change of land use adjacent Waihopai River or its tributaries that could potentially affect water quality. The proposal does not seek any additional take over what Irricalc has calculated as necessary. This application will not alter, change or affect the sustainable life force of the Waihopai River or its tributaries.

The Applicant is aware that the Council will forward notice of this application to Ngati Rarua, Rangitane o Wairau and Ngati Toa Rangatira for their consideration. The Applicant is willing to discuss with iwi any matters raised through that process.

On the basis that less water is sought, no other potentially affected parties have been identified.

5. ASSESSMENT OF STATUTORY FRAMEWORK

5.1 Wairau Awatere Resource Management Plan (the Plan) - Relevant Objectives and Policies

Whilst the Act specifies that certain rules have immediate legal effect under section 86B, it does not mention objectives and policies. Accordingly the relevant provisions of the operative Wairau Awatere Resource Management Plan have been assessed as follows:

Objective 6.2.1 seeks to provide for the take and use 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 objective is supported by Policy 6.2.1.1.1 which addresses the maintenance of surface water flows by setting and enforcing Sustainable Flow Regimes.

The Plan recognises as an issue that competing and increasing demand for fresh water resources may lead to inequitable allocation. This has led to the development of water allocation guidelines based on the type of crop to be irrigated as set out in Volume 1, Chapter 6 of the Plan.

The guidelines specify 50 m³ per ha per day for pasture. This application seeks 55 m³ per day (which is in accordance with Irricalc guidelines) to supply water for irrigation of pasture on Lots 3 and 5 DP 333412 and Lot 1 DP 444289.

Objective 6.3.1 reinforces the Plan requirement to achieve equitable allocation and use of surface water resources and is supported by the following relevant policies:

Policy 6.3.1.1.3 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.

Policy 6.3.1.1.4: To set water permit volumes, initially and at either review or renewal, on the basis of water allocation guidelines or actual use as indicated by water meter readings.

Policy 6.3.1.1.8: To require water metering by an accepted method as a condition of all water permits involving the taking and use of water.

The Applicant is aware of the 10 year restriction on the duration of water permits. This application seeks to renew an existing consent that will expire in February 2017.

The Applicant will install a verified water meter and electronic data logger to measure and record the volume of water used under U060975. This will assist sustainable and efficient use of the water resource.

Objective 6.5.1 seeks to achieve sustainable, equitable and efficient allocation of water during periods of low surface water flows, and is supported by Policy 6.5.1.1.1 which seeks to set flows specifically for the Waihopai River freshwater resource, which will indicate when imminent rationing of water taking is necessary. In addition, Policy 6.5.1.1.2 which aims to include conditions on new water permits requiring users to reduce and suspend takes when specified flows or levels are reached.

The Applicant understands that water take restrictions may be imposed during extreme conditions.

5.2 Proposed Marlborough Environment Plan (the Proposed Plan) – Relevant Objectives and Policies

The relevant chapters include Chapter 4: the Use of Natural and Physical Resources; and Chapter 5: Allocation of Public Resources.

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.

The Proposed Plan discusses the use of allocation frameworks for freshwater which will assist to enable the sustainable use and development of this resource. These are developed more fully in Chapter 5.

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.

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.

Objective 5.2 – Safeguard the life-supporting capacity of freshwater resources by retaining sufficient flows and / or levels for the natural and human use values supported by waterbodies.

Policy 5.2.4 – Set specific minimum flows and or levels for Freshwater Management Units dominated by rivers, lakes and wetlands to:

- a) Protect the mauri of the waterbody;*
- b) Protect the instream habitat and ecology;*
- c) Maintain fish passage and fish spawning grounds;*
- d) Preserve the natural character of the river;*
- e) Maintain water quality;*
- f) Provide for adequate groundwater recharge where the river is physically connected to an aquifer or groundwater; and*
- g) Maintain amenity values.*

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).

Policy 5.4.1 requires a lapse period on water permits to take water to be no more than two years, which is less than provided for under the Act. Policy 5.4.3 sets out that the lapse period for the use of water shall be at least 10 years, for the purpose of ensuring a system of enhanced transfer can function effectively.

Policy 5.7.2 – To allocate water on the basis of reasonable demand given the intended use.

The proposed amendments to the amount of water taken and used has been based on the calculations provided by Irricalc, as specifically directed by this policy. This ensures that the allocation does not exceed what is reasonably required.

Given the above, the proposal is clearly consistent with the relevant objectives and policies.

5.3 Marlborough Regional Policy Statement (RPS)

This document has been incorporated into the provisions of the Proposed Plan.

5.4 National Policy Statement for Freshwater Management (NPSFW)

The NPSFW supports improved freshwater management through directing regional councils to establish objectives and set limits for fresh water in their plans. Councils are required to account for all water taken out of rivers, lakes and groundwater and take steps to prevent or reduce over allocation of these water resources.

The Applicant accepts that clear limits will be imposed on this consent should it be granted, including restrictions, and monitoring requirements. This will also enable the Council to gather valuable information that will assist with providing long term certainty for all parties.

Therefore the proposal is considered to be consistent with the NPSFW.

5.5 Section 104(2A) - Resource Management Act 1991 (the Act)

Section 104(2A) of the Act requires consent authorities to have regard to the value of investment of the existing consent holder when considering an application affected by section 124 (Exercise of resource consent while applying for new consent).

The Applicant has invested in the region of \$55,000 for the development of irrigation infrastructure on the subject land.

5.6 Part II - Resource Management Act 1991 (the Act)

Part 2 of the Act contains Sections 5 - 8 which set out the purpose and principles on which the Act is founded and from which all other associated statutory framework is derived.

Section 5 states the purpose of the Act is to promote the sustainable management of natural and physical resources. For this application, sustainable management means reassessing the consented take, and re-issuing a new water permit with another 10 year term.

The proposal will not generate any adverse effects on the environment that can be considered more than minor and therefore does not conflict with any of the matters of national importance or other matters set out under Sections 6 and 7 of the Act.

Section 8 requires the principles of the Treaty of Waitangi to be taken into account by all persons exercising functions and powers under the Resource Management Act, in relation to managing the use, development, and protection of natural and physical resources. It is not considered that the proposal will compromise any of the principles of the Treaty.

REMAC CONSULTING LTD



EC Chapman-Cohen

APPENDICES

1. Remac Consulting Ltd - *Site Plan* - R8199 Sheet R1 issue 'A'.
2. Irricalc - Irrigation Requirements: 791 Avondale Rd

Our Ref: R8199

27 March 2017

By e-mail: Glen Parker: Glen.Parker@marlborough.govt.nz

Dear Glen,

U161214 S.J. PILCHER – 791 AVONDALE ROAD – FURTHER INFORMATION & ADDITIONAL RESOURCE CONSENT APPLICATION

1. We respond to your letter dated 25 November 2016, requesting further information regarding the exercise of existing water permit U060975, and the proposed area to be irrigated in association with the current application.
2. Please find attached three Remac Consulting plans which give greater clarity to the locations sought to be irrigated under this application.
 - Site Plan - R8199 sheet R1 issue C.
 - Site Plan Area A – sheet R2 issue A.
 - Site Plan Areas B & C – sheet R3 issue B.

Area A (in red) is approximately 24 hectares in area and is already being irrigated under U060975.

Areas B and C (in green) are new irrigable areas that have a combined area of approximately 12 ha.

3. With the greater detail provided by the Applicant and the Applicants water engineers, we confirm that the total irrigable area is approximately 36 hectares. However, the intention is only to irrigate 24 hectares at any one time. This will ensure that the proposed water take is the same as allocated under the Applicants current water permit U060975.
4. As shown on attached R1 and R2 plans, the Applicant will decommission the existing intake (refer to Figure 4.1), and establish a new intake at a downstream location being; proposed intake point #1 (refer to Figure 4.2). The purpose of the new intake site is to provide more efficient distribution.

FIGURE 4.1: Existing Intake to be decommissioned.



FIGURE 5.1:
Proposed intake site
#1



5. An additional intake point will be required to service Areas B and C as shown on the R3 plan. Again, there is no request for additional take or use of water. The same method as intake site #1 would be utilised, being a portable pump placed on the river bank, and a pipe in the stream with a suction screen in place to prevent any fish / eels entering the system. The screen will have a minimum mesh size 3 mm for a woven mesh screen, or 2 mm for a profile bar screen.
6. The new intake points will not involve any disruption to or works within the river bed, although some minimal works may be required near the river bank at each intake site to order to construct a small flat pump platform above the river. Therefore, as a precaution the, Applicant also seeks land use consent to undertake land disturbance within 8 m of the river. The relevant statutory requirements for land use consent application are addressed at following sections 11 – 16 of this letter to be read in conjunction with the original application.
7. Accordingly the required consents have been amended as follows:
 - **Water Permit – Take Surface Water**

To take Waihopai FMU water up to a maximum rate of 1320 m³ per 24 hours from two new surface intakes in the Tummil River adjoining Lot 3 DP 333412 and Lot 1 DP 444289 at grid references:
 - Intake point # 1 - 1654336 5386159 (NZTM)
 - Intake point # 2 - 1654680 5384698 (NZTM)
 - **Water Permit – Use Surface Water**

To use Waihopai FMU water for the irrigation of up to 36 ha (24 ha at any one time) of pasture on Lots 3 and 5 DP 333412.
 - **Land Use – Land Disturbance**

To undertake minor land disturbance within 8 m of the Tummil River within Lot 3 DP 333412 and Lot 1 DP 444289, near the following grid references for the intake points:
 - Intake point # 1 - 1654336 5386159 (NZTM)
 - Intake point # 2 - 1654680 5384698 (NZTM)
8. Possibly 1 portable pump may be transported between the intake sites. Either way the portable pump or pumps utilised at intake points 1 and 2 will be fitted with a verified water meter / s and data logger /s. The Applicants water engineer advises that there is no mobile phone or radio

coverage at the intake sites, negating the use of a telemetry system. However, the Applicant volunteers inclusion of the following condition of consent:

The consent holder shall maintain a data logger / s on the abstraction pump / s to record and store water abstraction data at daily intervals. This data is to be provided to the Marlborough District Council, in electronic form within five days of the end of each month if the consent holder has been exercising the consent.

9. With regard to evidence that existing water permit U060975 has been exercised; the Applicant has gone to some expense purchasing portable pumps, installing pipe lines k-line pods to take and use water allocated under U060975. Refer to Figure 9.1.

FIGURE 9.1: Existing k-line pods



The direct benefit of irrigation use from that system can also be seen when looking at Council's Smart Maps where the greener irrigated land shows clearly within Area A as identified on the attached R1 and R2 plans. Refer Figure 9.2:

FIGURE 9.2: MDC Smart Maps – existing irrigated area.



10. Following sections 11-16 provide resource consent information to address possible land disturbance requirements, to be read in conjunction with the application originally submitted, and allocated the MDC reference U161214:

11. **APPLICATION FOR RESOURCE CONSENT - LAND USE – LAND DISTURBANCE**

To undertake minor land disturbance within 8 m of the Tummil River within Lot 3 DP 333412 and Lot 1 DP 444289, near the following grid references for the intake points:

- Intake point # 1 - 1654336 5386159 (NZTM)
- Intake point # 2 - 1654680 5384698 (NZTM)

12. **DESCRIPTION OF ACTIVITY AND ASSESSMENT OF EFFECTS:**

The Applicant is seeking resource consent to construct two new intake points from the Tummil River to utilise an existing water permit (U060975). The method by which water will be abstracted is a pump sited adjoining the river, with a suction hose placed in the stream. It may be necessary to excavate small pump platforms 8 m of the Tummil River to ensure the pumps are able to be operated safely and securely above the river.

The amount of land disturbance at each location would be less than 1 m³.

Any spoil would be placed well back from river and stabilised, not side cast. Both the platforms and any fill will be re-sown with grass.

All intended machinery work required to construct the small platforms will take place during dry weather to minimise runoff. No machinery will work in flowing water. Additionally, standard precautions will be taken to avoid waterway contamination from machinery oil leaks and fuel spills.

The proposed works will take place entirely on private property with no adverse effect on any public recreational values, and minimal risk of cross boundary effects.

The area is zoned Rural 4 in the Wairau Awatere Resource Management Plan and Rural Environment in the Proposed Marlborough Environment Plan. The area is not subject to any relevant overlays in the Wairau Awatere Plan, but is partially subject to both the Threatened Environments Overlay, and Soil Sensitive Areas Overlay (although not in the vicinity of the proposal).

The Proposed Plan identifies subject property as being within the Waihopai Freshwater Management Unit, and the Upper Waihopai River Water Resource Unit, which has the following water quality classifications: AE (aquatic ecosystem), FS (fish spawning), F (fisheries), and CR (contact recreation).

The sites are not identified in either the Wairau Awatere Resource Management Plan or the Proposed Marlborough Environment Plan as having any specific historical or cultural significance. Nor are there any recorded archeological sites in the vicinity. However, with any excavation there is potential to accidentally uncover material with cultural, historical or archaeological value. The Applicants expect the standard accidental discovery protocol will be included as a condition of consent.

13. **REQUIREMENT FOR RESOURCE CONSENT**

Section 9 of the Resource Management Act 1991 (the Act) specifies that no person may use land in a manner that contravenes a district rule unless the use is expressly allowed by a resource consent.

Section 86B of the Act sets out when rules in proposed plans and changes have immediate legal effect. The relevant provisions of the Proposed Plan have immediate legal effect, although they are not operative until any submissions, and possible appeals are resolved.

Excavation within the Rural Environment Zone is permitted under Rule 3.1.14, subject to standards set out under Rule 3.3.14 of the Proposed Plan. These standards include that the excavation does not exceed 1000 m³ on any land with a slope greater than 20° within any 24-month period; and that excavation must not be within 8 m of a river. Therefore excavation of the pump platform is a **discretionary** activity under Rule 3.6.1 of the Proposed Plan.

Under the provisions of the operative Wairau Awatere Resource Management Plan, Rule 30.1.7.33.1 requires an 8m setback from any permanently flowing river; and on any land greater than 20° slope no more than 1000 m³ may be excavated in any two-year period (Rule 30.1.7.3.3).

Rule 30.3.1 provides for land disturbance activities that do not meet either permitted or controlled activity standards as **limited discretionary** activities.

14. **ASSESSMENT OF STATUTORY FRAMEWORK**

14.1 **Proposed Marlborough Environment Plan – Objectives and Policies**

The following relevant objectives and policies of the Proposed Plan have been assessed.

Policy 14.1.1 seeks to:

Enable the efficient use and development of rural environment for primary production.

This supports Objective 14.1 which acknowledges that a productive rural environment is important to the economic health of the District, while ensuring adverse effects of activities are appropriately managed.

Policy 15.1.29 seeks to control land disturbance activities in order to mitigate the effects of increased sediment runoff to fresh waterbodies. This application for resource consent acknowledges that.

14.2 **Marlborough Regional Policy Statement (RPS)**

By design, the purpose, intent and provisions set out in the RPS are implemented through the Proposed Plan. The RPS does not contain any relevant objectives and policies that have not been assessed.

14.3 **The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS)**

The Marlborough District Councils *Sites at Risk Register* does not record any potentially contaminated sites in the vicinity of the proposed excavations. Additionally, a review of Council property files did not reveal any potential sources of ground contamination.

It is unlikely that excavation associated with the proposal will disturb ground that is, or has been associated with any hazardous activity or industry.

15. Please do not hesitate to contact us if you require additional information.

Yours faithfully

REMAC CONSULTING LTD



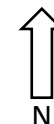
AC Straker

E-mail: anna@remacconsulting.co.nz

T: 03 577 1925

M: 027 444 0551

Copies to: SJ Pilcher; spraypoint@farmside.co.nz
Ben Lissaman; ben@liquidaction.co.nz



20.10.16

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



LGA

AQUALINC
RESEARCH LIMITED

1

Enter the address or coordinates (latitude, longitude) of your farm and click 'Locate' or click on the map
-41.675, 173.641

Locate



2

Select Crop
Pasture

3

Select Plant Available Water
(a) Most likely PAW in this area

4

Select Irrigation Method
80% Efficient Irrigator

5

Fetch Data

Farm Details

Description

Latitude: -41.675
Longitude: 173.641
Council: Marlborough
Climate Site ID: P153119
Distance to Climate Site (km): 1.33
Rainfall (mm): 805

Plant Available Water Details

PAW(mm): 60
Indicative Likelihood: 49.3
Area (hectares): 24
Total area = 24

Irrigation Requirements

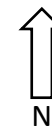
System Capacity: 0.64 (l/s/ha) 15.36 (l/s)
System Capacity: 5.5 (mm/day)
Daily Volume: 55 (m³/ha) 1,320 (m³)
7 Day Volume: (m³/ha) (m³)
28 Day Volume: (m³/ha) (m³)
90% ile Annual Volume: 6,993 (m³/ha) 167,832 (m³)

90 Percentile Monthly Volume

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Per Hectare (m³/h)	0	0	390	780	1,170	1,550	1,550	1,550	820	390	40	0
Total Area (m³)	0	0	9,360	18,720	28,080	37,200	37,200	37,200	19,680	9,360	960	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.

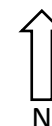
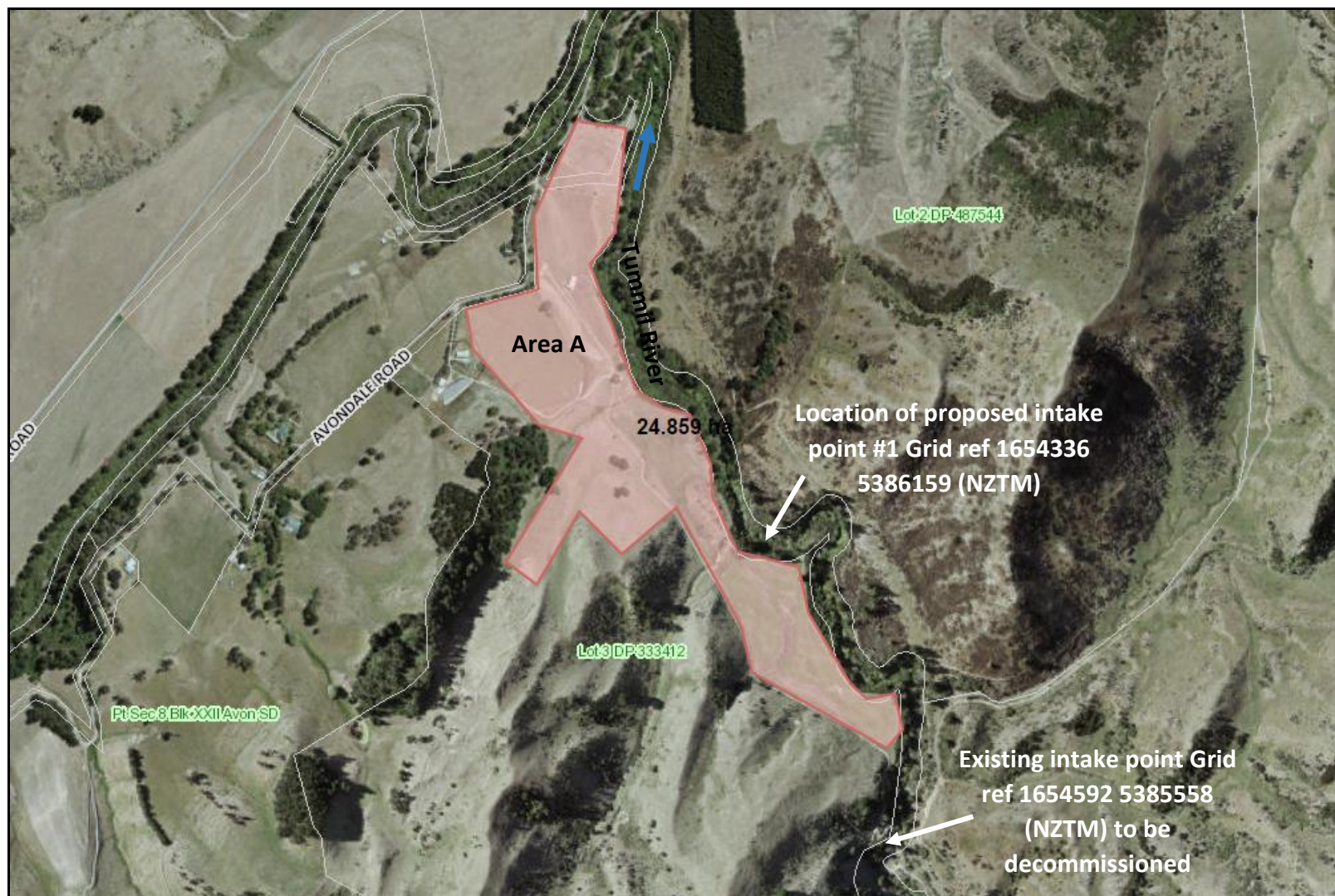


NOTE: Position of features and boundaries are indicative only.



PO Box 169
Blenheim 7240
New Zealand
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e: ed@remacconsulting.co.nz
www.remacconsulting.co.nz

SJ PILCHER
APPLICATION FOR WATER PERMIT TO REPLACE U060975
791 AVONDALE RD, WAIHOPAI VALLEY
SITE PLAN – Areas B & C Lot 3 DP 333412
Original size A4 Drawing No R8199 Sheet R3 Issue B
16.03.17

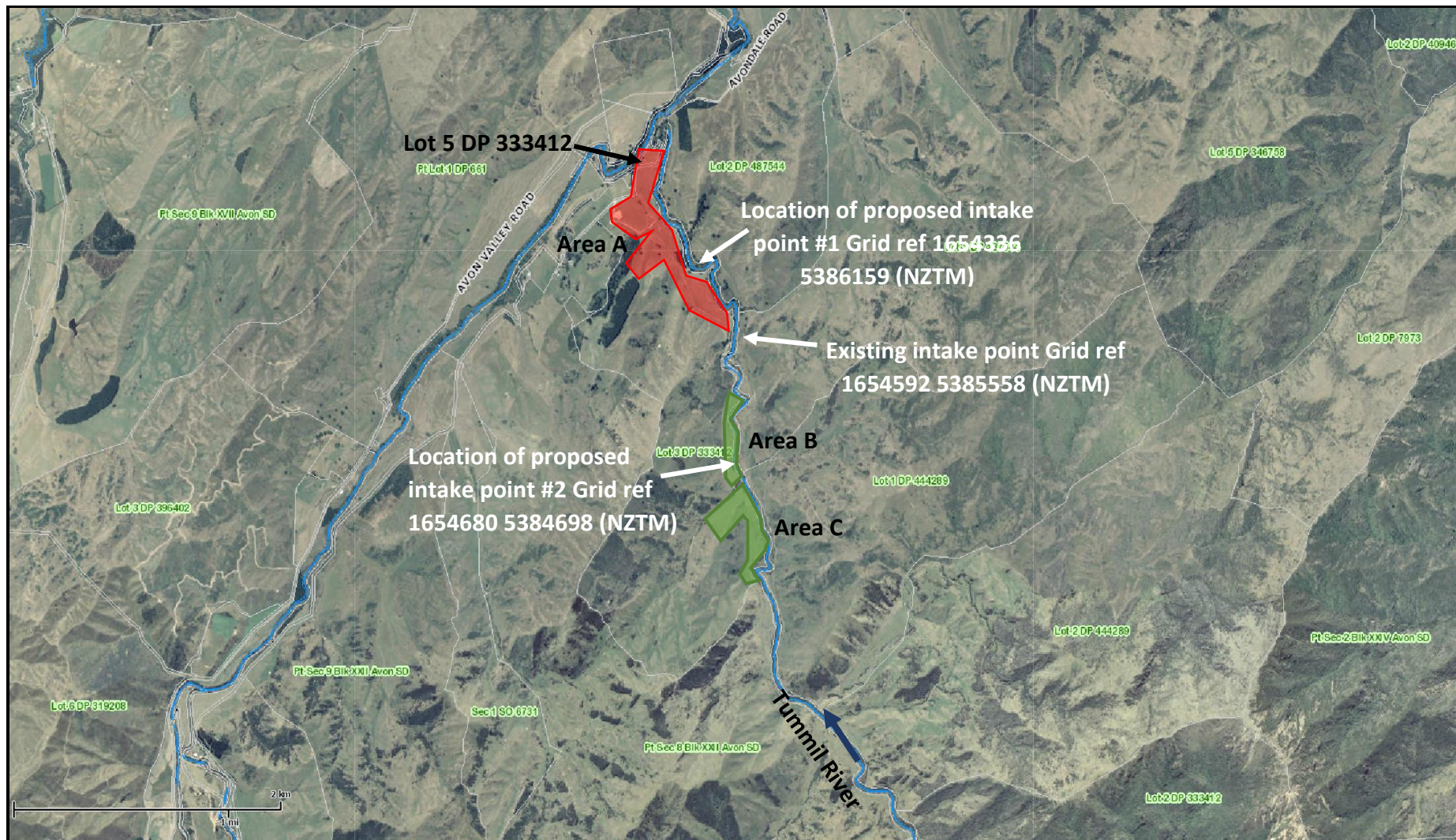


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APPLICATION FOR WATER PERMIT TO REPLACE U060975
791 AVONDALE RD, WAIHOPAI VALLEY
SITE PLAN – Area A Lots 3 & 5 DP 333412
Original size A4 Drawing No R8199 Sheet R2 Issue A
23.02.17



NOTE: Position of features and boundaries are indicative only.



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SJ PILCHER
APPLICATION FOR WATER PERMIT TO REPLACE U060975
791 AVONDALE RD, WAIHOPAI VALLEY
SITE PLAN
Original size A4 Drawing No R8199 Sheet R1 Issue C 16.03.17

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.