

RESOURCE CONSENT APPLICATION

U170265

John Conrad and Denise Joyce Pickering as trustees of the JPS Trust

48 Parsons Road, Wairau Valley

Submissions Close 5.00 pm Monday 12 June 2017



Paid 21/4/17	
online	

John Conrad Pickering and Denise Joyce Pickering (as Trustees of JPS Trust)

Resource Consent Application for a Water Permit

April 2017

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Resource Consent Application

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

Please read and complete this form thoroughly and provide all details relevant to your proposal. Feel free to discuss any aspect of your proposal, the words used in this form or the application process with Council staff, who are here to help.

This application will be checked before formal acceptance. If further information is required, you will be notified accordingly. When this information is supplied, the application will be formally received and processed further.

You may apply for more than one consent that is needed to cover several aspects of the activity on this form.



For Office Use	ISO 9001:2008 Document Number RAF0002-CI1579
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Consent No.	กลางหนึ่งและสาวมาระบบระบบระบบระบบระบบระบบระบบระบบระบบระบ
Case Officer:	
Date Received:	

1. Applicant Details (If a trust, list full names of all trustees.)

2.

Name: (full legal name)	John Conrad Pickering and Denise Joyce Pickering (as Trustees of JPS Trust)
Mailing Address: (including post code)	
Email Address:	thepix@xtra.co.nz
Phone: (Daytime)	Phone: (Mobile) 0274 459 481
	(If your agent is dealing with the application, all communication regarding the application will be sent to the agent.)
Agent Details Name: Mailing Address: (including post code)	Paul Williams RMco Ltd
Name: Mailing Address:	Paul Williams RMco Ltd PO Box 820

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3. Type of Resource Consent Applied For

Coastal Permit Discharge Permit	Land Use	Subdivision	Water Permit
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4. Brief Description of the Activity

To take up to 360 cubic metres of Class B water from the Wairau River for the purposes of irrigating 16.3ha of grapes. This water permit will replace existing water permit U071161 which is due to expire.

5. Supplementary Information Provided?

🛛 Yes 🗌 No

Council has supplementary forms for some activities, such as moorings, water permits, domestic wastewater, discharge permits, to assist applicants with providing the required information.

6. Property Details

The location to which the application relates is (address): 48 Parsons Rd Wairau Valley & Wairua River bed

Legal description (i.e. Lot 1 DP 1234): Irrigation: Lot 1 DP8408; intake: Wairau River bed adjacent to Pt Sec 3 Hillersden Sett

(Attach a sketch of the locality and activity points. Describe the location in a manner which 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 application may relate, proximity to any well known landmark, DP number, Valuation Number, Property Number.)

Please attach a copy of the Certificate of Title that is less than 3 months old (except for coastal or water permits).

The names and addresses of the owner and occupier of the land (other than the applicant):

Please attach the written approval of affected parties/adjoining property owners and occupiers.

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 on a separate sheet why you have not.

7. Assessment of Effects on the Environment (AEE) (Attach separate sheet detailing 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 also have to include consideration of the provisions of the Resource Management Act 1991 and other relevant planning documents.

Note: Failure to submit an AEE will result in return of this application.



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8. Other Information

Are additional resource consents required in relation to this proposal? If so, please list and indicate if they have been obtained or applied for.

No.		

I attach any other information required to be included in the application by the relevant Resource Management Plan, Act or regulations. Yes No

9. Fees

- 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 put Applicant Name and either U-number, property number or consent type as a reference. If you require a GST receipt for a bank payment, please tick
- 2. 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). Invoices are due for payment on the 20th of the month following invoice date. 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.

10. Declaration

I (please print name) Paul Williams

confirm that the information provided in this application and the attachments to it are accurate.

Signature of applicant or authorised agent:	1.2.	jilden.	
Date: 20, April 2017			

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 make corrections to your details, please contact Council.





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1 Executive Summary

The applicants, John Conrad Pickering and Denise Joyce Pickering (as Trustees of JPS Trust), own a vineyard located on Parsons Road to the west of Wairau Valley Township.

The applicants hold water permit U071161 which provides for the take of up to 360 cubic metres of B Class Wairau River surface water per day for the irrigation of 16.3ha of established vineyard. This water permit is due to expire on 1 March 2018.

Water is drawn by means of a suction hose from an intake pond that is fed by a braid of the Wairau River.

It is proposed to replace the existing water permit with a new water permit.

The abstraction is within the current allocation of water from that River and no additional water is being sought.

As the Wairau Valley Water Enhancement Irrigation Scheme (WVWE) water permits have now lapsed and that water is up for reallocation, it is not expected that there will be any restrictive conditions imposed on any consent issued in relation to the implementation of the Trustpower or WVWE schemes.

There are no known effects on the ability of others in the vicinity to draw water from their intakes.

The proposal is in accord with the objectives and policies of the Wairau/ Awatere Resource Management Plan (WARMP) and the Marlborough Environment Plan (MEP).

The adverse effects of this proposal will be minor and the proposal is consistent with the promotion of the sustainable management of natural and physical resources as set out in Section 5 of the Resource Management Act 1991.

2 Location

The land to be irrigated is located at 48 Parson's Rd, to the west of Wairau Valley township. The legal description of the land is Lot 1 DP8408.

Water is drawn from an intake pond that is fed by a braid of the Wairau River at a location adjacent to Pt Sec 3 Hillersden Settlement.

The general location of the proposed vineyard and intake are shown on the map in Appendix 1. An aerial photograph in Appendix 2 shows the location of land being irrigated and the intake point in more detail.





3 The Environment

3.1 The Site

The land to be irrigated is flat and in established vineyard. There is a house and implement sheds on the Parson's Road frontage. Walker's Stream runs across the south-east corner of the property.

3.2 Water Resource

Water is to be taken via an existing intake. This intake comprises of a suction hose which draws water from an intake pond which is fed by a braid of the Wairau River. A portable diesel-powered pump is used to abstract the water. Resource consent U140810 provided for the construction of the pond and diversion channel and diversion of water from a braid of the Wairau River into it.

The intake and also a pipeline along Mill Road are shared with the holder of water permit U150636.

The Wairau River at the intake site is typical of most of the upper-middle reaches with a braided gravel bed width of approximately 700m and flow concentrated in a dominant braid but with smaller braids also flowing.

Council records indicate that the average annual minimum flow of the Wairau River measured at their Tuamarina recorder is 12.04m³/s and the mean flow is 103m³/s.

3.3 Value of Investment

For the purposes of s104(2A) of the Resource Management Act, the value of the investment the vineyard which relies on the water is estimated to be in the order of \$2.7 million.

3.4 Consent History

Water permit U071161 was granted on 25 February 2008 for the take of up to 360m³/day for the irrigation of 16.3ha of grapes. The permit is due to expire 1 March 2018 or alternatively when the Wairau Valley Water Enhancement Company Limited water permits (U040224) are exercised or the Trustpower water permits (U050729) are exercised.

The WVWE water permits have subsequently lapsed and that water is now up for re-allocation. Neither the WVWE-linked nor the Trustpower-linked lapse conditions are now relevant.

When the applicants took over the property, the existing water meter was not working. There appears to be no water meter readings taken. The applicant has since installed a new water meter which is capable of



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downloading to a data logger and telemetry equipment. The meter is installed at the headworks on the vineyard. Since installation in late December, the meter has recorded that 9,743m³ of water have been used.

3.5 Statutory Acknowledgements

Statutory acknowledgements are set out in the document Te Tau Ihu - Statutory Acknowledgements 2014.

Rangitane o Wairau, Ngati Rarua and Ngati Toa have noted cultural, spiritual, historical and traditional associations with the land that is proposed to be irrigated and where the well is situated.

While the above three iwi authorities have noted their general associations with the land in the statutory acknowledgement document, no specific sites of cultural, spiritual, historical or traditional significance are identified at or near the specific site of this proposal.

4 Proposal Detail

This application is for a water permit that is proposed to replace existing water permit U071161 due to its pending expiry.

4.1 Take of Water

It is proposed to take up to 360m³/day from the existing intake pond adjacent to Pt Sec 3 Hillersden Settlement.

4.2 Use of Water

It is proposed to use the abstracted water for the irrigation of 16.3ha of vineyard on Lot 1 DP8408 by means of dripper irrigation.

5 Activity Status

5.1 Resource Management Act

Section 14 of the Resource Management Act 1991 (the Act) requires that (paraphrased), no person may take or use any water unless it is allowed by a regional rule or resource consent.

5.2 Wairau/ Awatere Resource Management Plan

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



Water Take

General Rule 27.1.2.3.1 provides for abstractions between 10 and 500m³/day/site from a water resource other than the Wairau Aquifer as a discretionary activity.

Water Use

The Act requires that no person may use water unless expressly allowed in a rule in a regional plan. The only uses specifically provided for in the Plan are for domestic, stock, bore testing, firefighting and use from storage dams.

Section 87B of the Act determines that where Part 3 of the Act requires a resource consent, but where there is no relevant rule in a plan, the activity is to be dealt with as discretionary. The proposed use of water for irrigation is therefore a Discretionary Activity.

5.3 Marlborough Environment Plan

The land is in the Rural Environment zone in the Marlborough Environment Plan (MEP).

Land adjacent to Walkers Stream is mapped as a Level 1 Flood Hazard and as having drainage impeded soils...

The land is part of the broad-scale overlay mapping of a Threatened Environment.

The water is taken from the Wairau River Fresh Water Management Unit (FMU).

Water Take

Rule 2.5.2 provides that any take of water that is not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity, is a Discretionary Activity.

The allocation limit for Class B water from the Wairau River FMU is specified in Appendix 6, Schedule 1 as 650,000m3/day.

Water Use

Rule 2.5.3 provides that any use of water that is not provided for as a Permitted Activity or limited as a Prohibited Activity, is a Discretionary Activity.





6 Assessment

An overview analysis of the requirements of Schedule 4 of the Act is found in Appendix 5.

6.1 Actual & Potential Effects

Effects on Neighbourhood, Community

The nearest existing surface water intake is located some 840m downstream (Andebrook Farming Ltd – U120025). The proposed abstraction location is too far away from this intake to have any effect on it.

The location of this adjacent intake is shown on the aerial photograph in Appendix 2.

Effects on the Locality, Landscape, Visual

The site is not noted as an outstanding natural feature or landscape in the Plan.

There will be no adverse effects of this ongoing water take and use on the locality, landscape or visual qualities of the area.

Effects on Ecosystems

The proposed abstraction is within the application rates and allocation volumes set out in the guidelines in the WARMP and the MEP.

The water classification limits for abstraction of water from the Wairau River have been set in the WARMP on the basis of Council's and the community's determination of the sustainable flow regime for the River. These sustainable flow regimes are set out in the table in General Rule 27 1.1.2.10 of that Plan.

This proposed abstraction is within the Class B limit for consumptive uses allocated by the WARMP and the MEP. Allocations for consumptive uses exceed the sustainable flow requirements in terms of life supporting capacity, integrity of habitat and recreation and amenity values of the River.

In essence, in setting water allocation limits, the Plan processes have determined that the adverse effects of abstraction within those limits will have acceptable effects on the water resource.

To the writers knowledge there have been no detrimental effects on the Wairau River water resource, over and above those anticipated by the Plans in allocating the water within the class limits.

Effects on Aesthetic, Recreational, Scientific, Historical, Spinitual, or Cultural Values



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There are no particular aesthetic issues with this proposal. The site is not noted in the Plans as having any significant scientific or European historical significance. It is not noted in the document *Te Tau Ihu – Statutory Acknowledgements 2014* as having specific sites of cultural, spiritual, historical or traditional significance to Maori.

Effects of Discharge of Contaminants

No discharge of contaminants is proposed or will result from this proposal.

Risk Through Natural Hazards, Hazardous Substances, Hazardous Installations No hazardous substances are proposed.

6.2 Objectives & Policies – Wairau/ Awatere Resource Management Plan

While acknowledging the need to safeguard the life-supporting capacity of water resources, the Wairau/ Awatere Resource Management Plan is essentially permissive in its approach to water use. This is borne out in Clause 6.2.1, Objective 1 of the Plan: *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*" (my emphasis in bold).

Clause 6.4.1, Policy 1.2 - To allocate water on the basis of guidelines.

<u>Comment</u>: The maximum guidelines set by the Plan for the irrigation of grapes is 22m³/ha/day. The water sought in this application equates to this.

6.3 Objectives & Policies – Marlborough Environment Plan

Use of Natural Resources

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

The commentary to this policy states that: As a principle, the Council will continue to enable access to natural resources where the subsequent use of those resources has no more than minor adverse effect on the immediate or surrounding environment.

<u>Comment</u>: This application is within current allocations from this water resource and no more than previously granted under the existing water permit.

Allocation of Public Resources

Policy 5.2.13: *Limit the total amount of water available to be taken from any freshwater management unit and avoid allocating water (through the resource consent process) beyond the limit set.* Comment: The Wairau River water is not over-allocated.

Page **O**





Policy 5.3.7 – Allocate water to irrigation users on the basis of a nine in ten year water demand for the crop/pasture.

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

<u>Comment</u>: The application is for less water than for the maximum reasonable use requirements of 23m³/ha/day as evaluated using the modelling programme *Irricalc*. The results of the *Irricalc* modelling are found in Appendix 3, including maximum monthly allocations for use.

6.4 National Environmental Standards

There are no National Environmental Standards that are relevant to this proposal.

6.5 National Policy Statement

The National Policy Statement for Freshwater Management 2014 (NPSFM) seeks to stop Councils from overallocating water resources and institute methods to phase out over-allocation.

The Wairau River water is not over-allocated

6.6 Regulations

The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 require water meter data to be provided in a form that is suitable for electronic storage.

The applicants have installed a suitable water meter since taking over the property as the previous meter was not working. The portable pump was removed from the River due to recent flood events. A concurrent application for a bore permit to sink a permanent well has also been lodged with Council. When the new well is installed and operative, the meter will be certified.

6.7 Regional Policy Statement

I have reviewed the application against the provisions of the Marlborough Regional Policy Statement (RPS). There are no matters in that document that have not already been covered by analysis of the objectives and policies of the WARMP.

7 Potentially Adversely Affected Persons & Consultation

This is an application to continue to take water for irrigation of an existing 16.3ha vineyard. Given the separation to the nearest intake, that this application is for the continuation of an existing abstraction and that





the Wairau River is not over-allocated, it is not considered this continued abstraction will affect other water users.

No consultation has therefore been undertaken.

8 Conclusions

This application is for a water permit to replace an existing water permit. No new water is proposed to be taken or used. The proposed rate of take provides for the same maximum water as indicated by the reasonable use test under the *Irricalc* model.

The existing intake is 840m away from the nearest intake and will therefore not affect the ability of that neighbour to take water from their intake.

The proposal is in accord with the relevant objectives and policies of the Plans.

Given the above, the applicant respectfully requests that consent be granted.

Paul Williams Resource Management Consultant

April 2017

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Appendix 1 – General Location







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Appendix 3 – Water Requirements

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Appendix 4 – Water Permit Application Form

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MARL SOROUGH DISTRICT COUNCIL Applicant's Name ...John Conrad Pickering and Denise Joyce Pickering (as Trustees of JPS Trust)



ISO 9001 Document Number: RAF0007-CI1666

INFORMATION TO SUPPORT AN APPLICATION for Water Permits (mandatory information)

This additional application form is required to be provided to supplement the Application for a Resource Consent. It is recommended you read the *Guidelines for Submitting a Water Permit Application*. This form does not include any information necessary to support a Land Use Consent application that may also be required in association with your water permit – e.g. construction of a bore, intake structure, dam etc.

Please complete all sections that apply.

GENERAL:

Type of permit required:							
Take surface water	\checkmark	Dam water					
Take underground water		Divert water					
Do you currently hold a water permit that is due to expire? Yes No							
If yes, please state the wa	er permit number	U071161.					
Purpose for which water is	rogunou:						
Source of water							
Maximum quantity of take	360	.cubic metres per day					
	Take surface water Take underground water Do you currently hold a wa If yes, please state the wat Purpose for which water is Source of water <u>Wairau</u> (name of river,	Take surface water Image: Comparison of the state	Take surface water Image: Dam water Take underground water Divert water Do you currently hold a water permit that is due to expire? Image: Permit here: Permit h				

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GRC	OUNDWATER:	2 6 APR 2017
1.	Well number (if existing well)	MARLBOROUGH
2.	Depth from ground level to bottom of wellmetres	DISTRICT COUNCIL
3.	Diameter of wellmillimetres	

4. Has a pump test or well interference test been carried out on the well? Yes / No

If yes, please attach results.

SURFACE WATER:

1.	Abstraction method	Suction hose from intake pond
		(e.g. intake gallery, suction hose, diversion channel, etc.)

- 2. Number of pumps to be used?1
- 3. Rate of flow for pumplitres per second.
- 4. Delivery pipe diametermillimetres

DAMMING OR DIVERTING WATER:

- 1. Please advise reason and purpose
 -
- 2. Is the dam or diversion permanent / temporary? (circle one)
- 3. If temporary, give duration details
 - CONSUMPTION SCHEDULE

		CRC	PA			CRC	PB			CRC	PC			тот	ALS	
CROP TYPE e.g. com, olives, etc	grapes															
AREA Number of hectares		16.3	3													
APPLICATION 22 RATE (m ³ / ha / day)																
QUANTITY Cubic metres per day		360	D													
IRRIGATION	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr
PERIOD Circle months	May	Jun	Jul	Aug	May	Jun	Jul	Aug	May	Jun	Jul	Aug	May	Jun	Jul	Aug
which apply	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec
METHOD Trickle, spray, etc																

-	Conversion formulae - 1,000 litres = 1 cubic metre (m ³) = 220 gallons	1 acre = 0.4042 hectare
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Appendix 5 - Analysis of Requirements of Schedule 4 of the Act

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Clause	Matter	Not	Addressed						
		relevant	in						
		or	application						
2(1)(a)	description of activity	applicable							
(b)	site description		1						
(C)	Name, address of owner or occupiers		1						
(d)	any other activities that are part of the proposal	1							
(e) (f)									
(1)	an assessment of the activity against the matters set out in Part 2 Section 5 – purpose of the Act		1						
	Section 6 – matters of national importance								
	(a) natural character of the coastal environment, wetlands, lakes, rivers	1							
	(b) outstanding natural features and landscapes								
	(c) significant indigenous vegetation and habitats								
	(d) public access to and along the coastal marine area, lakes, and rivers		1						
	(e) relationship of Maori with ancestral lands, water, waahi tapu, and other taonga								
	(f) historic heritage								
	(g) customary rights								
	Section 7 – Other Matters								
	(a)kaitiakitanga								
	(aa) ethic of stewardship								
	(b) efficient use of resources								
	(ba) efficiency of energy use	1							
	(c) amenity values								
	(d) intrinsic values of ecosystems	1							
	(f) quality of the environment								
	(g) any finite characteristics of natural and physical resources								
	(h) protection of the habitat of trout and salmon	1							
	(i) effects of climate change	1							
	(j) benefits from the use and development of renewable energy	1							
	Section 8								
	principles of Treaty of Waitangi	1							
(g)	assessment of the activity against any relevant provisions of documents in s104(1)(b):								
	(i) national environmental standard	1							
	(ii) other regulations:		1						
	(iii) national policy statement		1						
	(iv) New Zealand coastal policy statement	1							
	(v) regional policy statement or proposed regional policy statement		1						

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	(vi) plan or proposed plan		1						
(3)	Additional information required in some applications								
	(a) demonstration of compliance of permitted activity parts of proposal	1							
	(b) assessment of the value of the investment of the existing consent holder		1						
	(b) assessment against Marine and Coastal Area (Takutai Moana) Act 2011	1							
(6)	Information required in assessment of environmental effects								
	(a) possible alternative locations or methods if effects significant	1							
	(b) actual or potential effects		1						
	(c) if hazardous substances and installations, an assessment of risks	1							
	(d) discharge of any contaminants, a description of—								
	(i) nature of the discharge and the sensitivity of the receiving environment	1							
	(ii) possible alternative methods of discharge	1							
	(e) mitigation measures	1							
	persons affected, consultation undertaken		1						
	(g) monitoring required if scale and significance of effects warrants, how & by whom		1						
	(h) alternatives if more than minor effects on customary right	1							
(7)(1)	Matters that must be addressed by assessment of environmental effects								
* * *****	(a) effects on neighbourhood, community		1						
	(b) effects on the locality, landscape, visual		1						
	(c) effects on ecosystems	ï	1						
	(d) effects on aesthetic, recreational, scientific, historical, spiritual, or cultural values		1						
	(e) discharge of contaminants		1						
	(f) risk through natural hazards, hazardous substances, hazardous installations		1						

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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 s pages if required)	submission relates to are (give details, using additional



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) Submission at the Hearing 4. 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.

O: Templates forms \Rappa Quality Systems \ IResource MgmtControl Chapter (R) \ AF Application Forms \ RAF0010-C11220-Submission on Application for Resource Consent-1.doc