



**MARLBOROUGH  
DISTRICT COUNCIL**

## **RESOURCE CONSENT APPLICATION**

**U180768**

**Alistair William McFarlane  
and Jane Miranda and  
Russell Norman Lindsay  
as trustees of the  
Overton Family Trust**

2486 State Highway 63, Wairau Valley

**Submissions Close**

**5.00 pm Thursday**

**1 November 2018**

## Bea Gregory-5252

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**From:** MDC  
**Sent:** Friday, 14 September 2018 11:34 a.m.  
**To:** RCInbox  
**Subject:** Application for Resource Consent: REF180916092  
**Attachments:** REF180916092.pdf

A application for a Resource Consent has been received. Application lodgement number is REF180916092.

Submission details are attached.



PO Box 443, Blenheim 7240

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GST No. 50-430-960



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Reference Number:	REF180916092
Submitted On:	14/09/2018 11:34
Submitted By:	Remac Consulting Ltd

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## 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

Is the applicant

• A trust

Trust name

OVERTON FAMILY TRUST

List full names of all trustees

First names

Alistair William

Last name

McFarlane

List full names of all trustees

First names

Jane Miranda

Last name

Lindsay

List full names of all trustees

First names

Russell Norman

Last name

Lindsay

Main applicant name

Overton Family Trust

Main applicant electronic (email) address for service

[linford.vineyard@gmail.com](mailto:linford.vineyard@gmail.com)

Main applicant mailing address

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Main contact number

021 457 493

Alternative contact number

Not answered

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	Remac Consulting
Contact person	Ed Chapman-Cohen
Electronic (email) address for service	ed@remacconsulting.co.nz
Mailing address	PO Box 169, Blenheim 7240
Main contact number	03 577 1925
Alternative contact number	027 444 0551
Agent reference	R8321

## Application Details

Types of resource consent applied for	• Water Permit
The location to which the application relates is	2486 State Highway 63, Wairau Valley Lot 3 DP 9113.

### Brief description of the activity

Applicant seeks new water permits to replace U070938 as follows: •To take B Class Wairau River FMU water from existing well on Lot 1 DP 418287 (grid ref: 1645976E 5400172N) up to a maximum rate of 330 m3 per day. •To use water for storage and irrigation of up to 15 ha of vineyard, pasture and crops on Lot 3 DP 9113.

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)

I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

I attach an assessment of the proposed activity against any relevant provisions of a document referred to in Section 104(1)(b) of the Resource Management Act 1991, including the information required by Clause 2(2) of Schedule 4 of the Resource Management Act 1991.

Please upload assessment	<ul style="list-style-type: none"> <li>• <a href="#">Appendix 2 - Irricalc Irrigation Requirements R8321.pdf</a>(186710 bytes)</li> <li>• <a href="#">R8321 Overton Family Trust - Water Permit Application to Replace U070938 - B Class - 2486 SH63 Wairau Valley - 14.9.18.pdf</a>(512597 bytes)</li> </ul>
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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	• <a href="#">Appendix 1 - Locality Plan R8321 sheet R1 issue A.pdf</a> (421274 bytes)
Scheme plan	No files uploaded
Forest harvest plan	No files uploaded
Building plans	No files uploaded
Dam design drawings	No files uploaded
Certificate(s) of Title and legal documents	No files uploaded

## Other Details

Are additional resource consents required in relation to this proposal?	No
Are there other activities which are part of the proposal to which the activity relates, for example permitted activities, or building consents etc?	No

If the application is affected by Section 124 or 165ZH(1)(c) of the Resource Management Act 1991 (which relate to existing resource consents), the value of the investment of the existing consent to the consent holder. *(This assessment should include more than stating a monetary value.)*

Refer to Sec 5.5 of the application.

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 from the Applicant on 7.9.18 referenced: 'RCA fee/deposit – Overton – 2486 SH63'
If you have a payment reference to upload, please upload it here	<b>No files uploaded</b>
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

You may apply for two or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any).

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.

If you lodge the application with the Environmental Protection Authority, you must also lodge a notice in form 16A at the same time. If your application is to the Environmental Protection Authority, you may be required to pay actual and reasonable costs incurred in dealing with this matter (see section 149ZD of the Resource Management Act 1991).

An electronic address for service must be provided if you are applying for a Fast Track consent. Under the Fast Track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the council opts out of that process at the time of lodgement.

A Fast Track application may cease to be a Fast Track application under Section 87AAC(2) of the Resource Management Act 1991.





NOTE: Position of features and boundaries are indicative only.



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Blenheim 7240  
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**OVERTON FAMILY TRUST**  
WATER PERMIT APPLICATION REPLACING U070938  
2486 SH 63, WAIRAU VALLEY  
**LOCALITY PLAN**

Original size **A4**

Drawing No **R8321**

Sheet **R1**

Issue **A**

Date **14.08.2018**

**Our Ref: R8321**

14 September 2018

**APPLICATION FOR WATER PERMIT – TAKE & USE OF WATER  
REPLACEMENT OF U070938 – OVERTON FAMILY TRUST  
LOT 3 DP 9113  
2486 SH 63, WAIRAU VALLEY**

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1.	Remac Consulting Ltd – <i>Locality Plan</i> – R8321 Sheet R1 issue ‘A’.	
2.	Irricalc - <i>Irrigation Requirements: Overton Family Trust</i> .	



## 1. SITE DESCRIPTION

The 16.19 ha subject property is located on the northern side of State Highway 63, at 2486 State Highway 63, Wairau Valley, being; Lot 3 DP 9113.

Refer Appendix 1: Remac Consulting Ltd – *Locality Plan* - R8321 sheet R1 issue 'A'.

The property is rectangular in shape, with a water storage dam located in the north west corner, and a dwelling situated in the south west corner. The remainder of the property contains approximately 15 ha of established vineyard.

Irrigation water for the property is taken from an existing well located approximately 660 m to the north, on Lot 1 DP 481287.

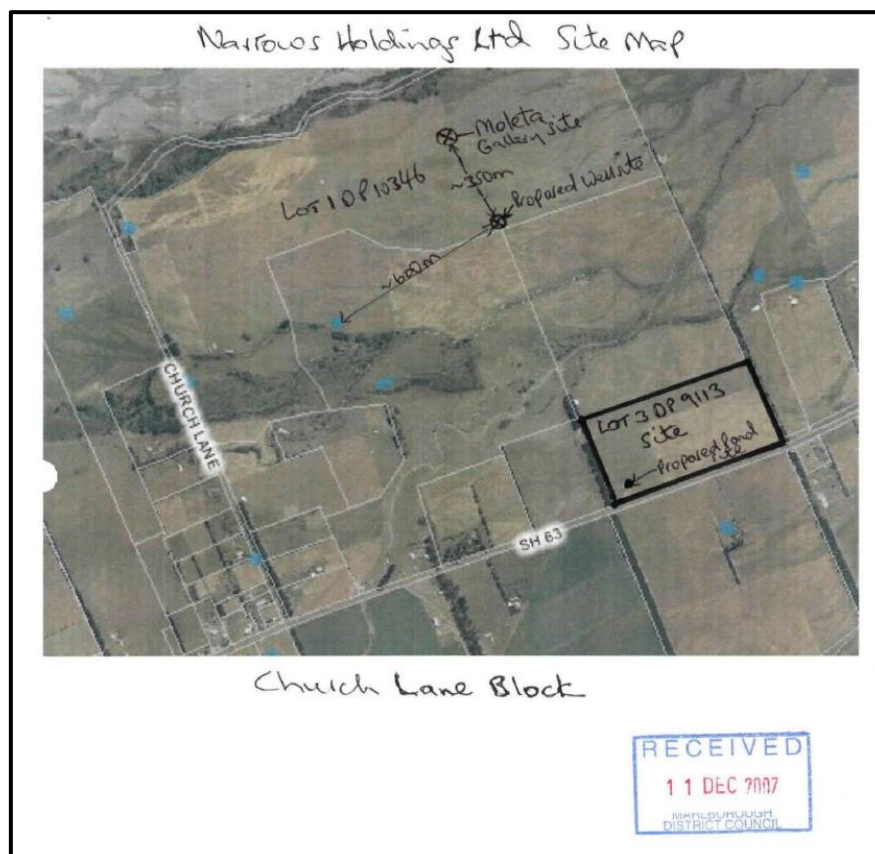
The Wairau River is located approximately 1.2 km to the north, and the Wairau Valley township 1 km to the south west.

### 1.1 Expired Water Permit

There was a water permit associated with the subject property (U070938) which expired on 1 March 2018. This water permit had been partially transferred in 2016 to Red Roof Holdings Ltd, with the transfer document stating that 330 m<sup>3</sup> per day would be taken from a well on Lot 1 DP 10346 (since subdivided under U060810, creating Lot 1 DP 481287), and placed in storage for subsequent use for irrigation of 15 ha of vineyard on Lot 3 DP 9113.

The application for U070938 identifies the location of a then proposed well, which was to be less than 5 m deep, and so would not require resource consent. Refer to Figure 1.

**FIGURE 1: Site map under approved U070938**





Under U070938, 330 m<sup>3</sup> of water / day was transferred to a new proposed shallow well site on Lot 1 DP 10346 (now Lot 1 DP 481287), to fill a proposed 10,000 m<sup>3</sup> inground storage pond for irrigation of 15 ha grapevines on Lot 3 DP 9113. All water was to be pumped to the storage pond and reticulated from there.

The Council database does not identify the above well, however irrigation consultants Liquid Action have recently undertaken water meter verification and installation of telemetry on the well and associated water meters; being number 1852 (filling the dam) and 1853 (irrigating from the dam).

The annual water allocation associated with U070938 was not restricted to a seasonal take, only to 330 m<sup>3</sup> per day, which would have been a maximum annual allowance of up to 120,450 m<sup>3</sup> (330 m<sup>3</sup> per day for 365 days).

U071054 was granted in 2007 to drill a well in the north west corner of the subject property, Lot 3 DP 9113. The decision for U071054 allocated the reference O28w/0245. This reference is not identified on Council's database. It does not appear that this consent has been exercised, and so should have lapsed in 2012.

It is apparent that there were some administrative anomalies with the transfer of U070938 in 2016, and subsequent take and use of the water. This proposal will clarify that existing, albeit expired situation.

## **1.2 Resource Management Plans - Zoning**

The area is zoned Rural 4 in the Wairau Awatere Resource Management Plan (the Plan) and Rural Environment in the Proposed Marlborough Environment Plan (the Proposed Plan). The Proposed Plan specifies the area as being within the Wairau River Freshwater Management Unit (FMU).

The location of the existing well on Lot 1 DP 481287 is also subject to a Flood Hazard Area (Level 2) overlay.

There are no known / recorded archaeological sites or recognised customary activities associated with the subject property.

## **2. DESCRIPTION OF PROPOSED ACTIVITY**

The Applicant seeks to replace U070938 with a new water permit to take and use Wairau River FMU water, no change is proposed from the current volume of water or method of abstraction from a well.

The proposed irrigation would be at vineyard rates as determined by the Irricalc software, being; 330 m<sup>3</sup> per day or 28,245 m<sup>3</sup> per year from October – April (inclusive). This is substantially less than that previously allowed under U070938, which had no seasonal restriction.

Refer to Appendix 2; Irricalc - *Irrigation Requirements: Overton Family Trust*.

The proposal is to continue abstraction via existing well located on Lot 1 DP 418287. Water use data will be monitored by existing verified water meters 1852 and 1853 and an existing electronic datalogger and telemetry system.

Accordingly, the Applicant seeks a new water permit as follows:

- **Water Permit – Take Water**

***To take B Class Wairau River FMU water from existing well on Lot 1 DP 418287 (grid ref: 1645976E 5400172N) up to a maximum rate of 330 m<sup>3</sup> per day.***

- **Water Permit – Use water**  
**To use water for storage and irrigation of up to 15 ha of vineyard, pasture and crops on Lot 3 DP 9113.**

## **2.1 Volunteered Conditions of Consent**

The Applicant volunteers the following conditions of consent:

### **2.1.1 Take B Class Wairau River FMU Water**

- i. *The maximum abstraction rate authorised by this consent is 330 cubic meters per day.*
- ii. *The abstraction may be rationed if the flow in the Wairau River (measured at Council's Barnett's Bank recorder) is between 25,400 m<sup>3</sup> per second and 40,000 m<sup>3</sup> per second.*
- iii. *The abstraction must cease if the flow in the Wairau River (measured at Council's Barnett's Bank recorder) is below 25,400 m<sup>3</sup> per second.*
- iv. *The Consent Holder shall maintain a water meter to measure water abstracted from well 1852 and provide abstraction 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.*
- v. *The meter will at all times be maintained in a fully workable condition.*
- vi. *The Consent Holder shall maintain a data logger to record and store water abstraction data at daily intervals. Data recorded is to be provided to the Marlborough District Council by a telemetry system at daily intervals.*
- vii. *In accordance with section 128 of the Resource Management Act 1991, from the date of consent until expiration, the Marlborough District Council may review the conditions of the consent at any time from 1 June to 31 August in each year for the following purposes:*
  - a. *For the purpose of dealing with any adverse effects on the Wairau River FMU or on any neighbouring wells or intake structures existing at the time this consent was granted, that may arise as the result of the exercising of this consent or as the result of the cumulative effect of this consent combined with the exercise of other resource consents, which may become apparent from monitoring undertaken pursuant to this consent or by the Marlborough District Council Officers.*
  - b. *To bring the consent conditions in line with any regional plan which sets rules relating to a maximum or minimum level of flows or rates of abstraction or minimum standards of water quality if in the Marlborough District Council's opinion it is appropriate to review the conditions in order to enable the levels, flows rates or standards set by such rules to be met.*

### **2.1.2 Use Water**

- i. *Water can be used up to the maximum monthly rate (cubic meters per month) as set out in the table below:*

January	February	March	April	May	June
8,550	6,900	3,300	1,050	0	0

July	August	September	October	November	December
0	0	0	1,050	4,950	7,650

- ii. *The maximum cumulative annual usage shall not exceed 28,245 cubic meters per year. A year is defined as from 1 July to the following 30 June.*
- iii. *In accordance with section 128 of the Resource Management Act 1991, from the date of consent until expiration, the Marlborough District Council may at any time from 1 June to 31 August in each year, review the conditions of the consent to bring the consent conditions in line with any regional plan which is made operative which sets rules or guidelines relating to rates of usage.*

### 3. **REQUIREMENT FOR RESOURCE CONSENT**

Section 14 of the Resource Management Act 1991 (the Act) 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.

Section 86B(3)(a) of the Act specifies that if a rule in a proposed plan protects or relates to water, it has immediate legal effect.

Therefore, the relevant provisions of both the Wairau Awatere Resource Management Plan and the Proposed Marlborough Environment Plan must be taken into account.

#### 3.1 **Wairau Awatere Resource Management Plan (the Plan)**

Rule 27.1.2.3.1 provides for any abstraction between 15 and 3000 m<sup>3</sup> / day / site from the Wairau Aquifer as a **discretionary** activity.

The use of water is not provided for in the Plan, therefore in accordance with Section 87B of the Act, use of water is a **discretionary** activity.

#### 3.2 **Proposed Marlborough Environment Plan (the Proposed Plan)**

Under Proposed Plan Rules 2.5.2 and 2.5.3 the proposed take and use of water is a **discretionary** activity. These rules have immediate legal effect.

### 4. **ASSESSMENT OF ENVIRONMENTAL EFFECTS**

The proposed water take will be less than the volume of water that was allocated under recently expired U070938 and will be in accordance with viticulture irrigation rates as determined by Irricalc.

The proposal will administratively clarify an existing situation and enable accurate consent positioning and data to be collected.

The Applicant is not aware of any complaints or issues relating to the abstraction of water under the recently expired permit.

The nearest surface water to the subject well is the Wairau River, which is approximately 580 m to the north at the closest point. This is considered to be a sufficient separation to avoid river depletion effects.

The proposed continued abstraction via the existing well is considered 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 is aware that the Council will forward notice of this application to relevant local iwi for their consideration. The Applicant is willing to discuss with iwi any matters raised through that process.

On the basis that the total water allocation will be less than recently provided for under U070938, and there is no change in water use, 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**

The relevant provisions of the operative Wairau Awatere Resource Management Plan have been assessed as follows:

Objective 6.2.1.1 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 Policies 6.2.1.1.2 and 6.2.1.1.3 which address the maintenance of groundwater levels and flows by setting and enforcing Sustainable Flow Regimes (SFR).

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.

This application is to replace a recently expired consent that allocated water from within the Wairau Aquifer. The proposed abstraction rate is within Councils allocation guidelines for vineyard irrigation.

Objective 6.3.1.1 reinforces the Plan requirement to achieve equitable allocation and use of surface water and groundwater resources, and is supported by Policy 6.3.1.1.8 which requires water metering by an accepted method as a condition of all water permits involving the taking and use of water.

Any water taken under a permit granted through this application will be monitored by a verified water meter, data logger and telemetry system.

Objective 6.5.1.1 seeks to achieve sustainable, equitable and efficient allocation of water during periods of low surface water flows or low groundwater levels, and is supported by 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.

## **Chapter 5 – Allocation of Public Resources**

Objectives 5.1 and 5.2 and supporting Policies 5.1.1, 5.2.11 and 5.2.2.4 acknowledge that it is essential that the management applied to any water resource reflects the hydrological and environmental conditions of that defined catchment / aquifer / Freshwater Management Unit.

This application seeks a volume of water that is within the recently expired annual allocation for water permit U070938.

The Applicant understands that water take restrictions may be imposed during extreme conditions. In accordance with Appendix 6 of the Proposed Plan, the Applicant has volunteered conditions of consent requiring the abstraction to cease if the flow in the Wairau River drops below a particular level. This is similar to what was required under U070938.

Policy 5.3.14 addresses the duration of water permits. Although there is an allocation limit specified for the Wairau River FMU in Schedule 1 of Appendix 6, and there is a minimum flow or level specified in Schedule 3 of Appendix 6, Policy 5.5.1 states that the Wairau Aquifer is over allocated. Therefore a 10 year term is accepted.

Objective 5.7 and supporting Policies 5.7.2 - 5.7.4 require that the allocation and use of water is in accordance with the reasonable rate or volume required for the intended use and that water takes are measured and recorded accurately.

The proposed water take has been calculated and sought in accordance with Irricalc, the Council approved reasonable use tool, refer to Appendix 2.

### **5.3 Marlborough Regional Policy Statement (RPS)**

By design, the purpose, intent and provisions set out in the RPS are implemented through the 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 acknowledges 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 value of investment reliant on this consent is in the region of \$1,500,000.



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

Part II 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, including enabling people and communities to provide for the social, economic, and cultural well-being. For this application, sustainable management means allowing the Applicant to continue to take and use water for the irrigation of 15 ha of vineyard without compromising the life-supporting capacity of the Wairau River FMU or creating adverse effects on the wider environment.

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.

The Applicant is aware that Council will forward notice of this application to the relevant iwi for their consideration. The Applicant is willing to discuss with iwi any matters which arise from that process.

Overall the proposal will be in accordance with the purpose and principles of the Act.

**REMAC CONSULTING LTD**



**E.C Chapman-Cohen**

# 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

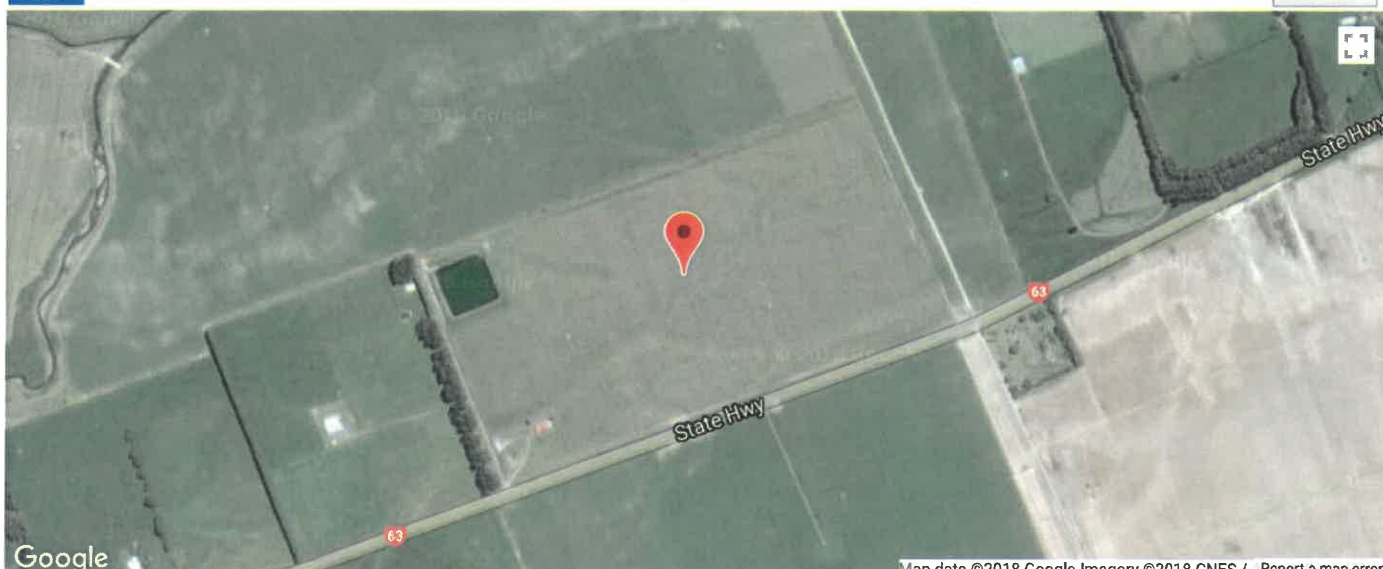
AQUALINC  
RESEARCH LIMITED

1

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

-41.555, 173.558

Locate



Map data ©2018 Google Imagery ©2018 CNES / Report a map error

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 -41.555

Longitude 173.558

Council Marlborough

Climate Site ID P152121

Distance to Climate Site 2.64 (km)

Rainfall (mm) 855

## Plant Available Water Details

PAW(mm)

60

Indicative Likelihood

48.6

Area (hectares)

15

0

0

0

0

0

15

## Irrigation Requirements

System Capacity

0.26 (l/s/ha)

System Capacity

2.2 (mm/day)

Daily Volume

22 (m³/ha)

7 Day Volume

28 Day Volume

90% ile Annual Volume

Per Hectare

3.9 (l/s)

1,883 (m³/ha)

Total Area

330 (m³)

28,245 (m³)

## 90 Percentile Monthly Volume

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Per Hectare (m³/h)	0	0	0	70	330	510	570	460	220	70	0	0
Total Area (m³)	0	0	0	1,050	4,950	7,650	8,550	6,900	3,300	1,050	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

## Natalie Kirk-8735

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**From:** Ed Chapman-Cohen <ed@remacconsulting.co.nz>  
**Sent:** Wednesday, 19 September 2018 9:02 p.m.  
**To:** Victoria Bell-5174  
**Cc:** linford.vineyard@gmail.com  
**Subject:** RE: S88 acceptance and s92 letter - U180768 - 2486 State Highway 63  
**Attachments:** R8321 Overton Family Trust - U180768 Additional Information Lett to MDC - 19.9.18.pdf; R8321 Overton Family Trust - S88 acceptance and s92 Lett from MDC - recieved 19.9.18.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good Evening Victoria,

Please find attached our letter responding to your request for additional information for the Overton Family Trust water permit application.

Regards,

Ed Chapman-Cohen  
**REMAC** - T: 03 577 1925 M: 027 444 0551 [www.remacconsulting.co.nz](http://www.remacconsulting.co.nz)

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**From:** Victoria Bell-5174 [<mailto:Victoria.Bell@marlborough.govt.nz>]  
**Sent:** Wednesday, 19 September 2018 12:30 p.m.  
**To:** Ed Chapman-Cohen <[ed@remacconsulting.co.nz](mailto:ed@remacconsulting.co.nz)>  
**Subject:** S88 acceptance and s92 letter - U180768 - 2486 State Highway 63

Good afternoon Ed,

Thank you for the above resource consent application. Please find attached a letter outlining this application has been accepted for processing.

Please also find attached a92 request.

Any questions please do not hesitate to contact me.

Regards  
Victoria

**Victoria Bell** BPlan (Hons) Int.NZPI  
Resource Management Officer



Phone: 03 520 7400  
DDI: 03 520 7497

15 Seymour Street, PO Box 443  
Blenheim 7240, New Zealand  
[victoria.bell@marlborough.govt.nz](mailto:victoria.bell@marlborough.govt.nz)  
[www.marlborough.govt.nz](http://www.marlborough.govt.nz)



19 September 2018

Remac Consulting Limited  
PO Box 169  
Blenheim 7240

Record No:  
File Ref: U180768  
Case Officer: Victoria Bell

Dear Ed

**Receipt of application for resource consent - U180768 -  
McFarlane, Alistair William and Lindsay, Jane Miranda and  
Russell Norman as trustees of the Overton Family Trust -  
2486 State Highway 63 Wairau Valley**

The Council acknowledges receipt on 14 September 2018 of the following application(s) for resource consent:

To take B Class Wairua River FMU water up to a maximum rate of 330 cubic metres per day from existing well (grid reference 1645976E 5400172N) on Lot 1 DP 418287.

To use water for irrigation of 15 hectares of vineyard, pastures and crops on Lot 3 DP 9113.

Please check that the summary of your application as detailed above is correct. Please notify me without delay if any details are incorrect.

We have also received the lodgement fee for processing the application, thank you. A partial refund or an invoice of the outstanding costs will be sent following completion of our processing in accordance with Council's fees and charging policy.

Your application has been checked and has been accepted as a complete application under section 88 of the Resource Management Act 1991.

Prior to notification of your application, pursuant to section 92(1) of the Resource Management Act 1991 (the 'Act'), the following information is requested so that I can better understand the nature of the activity proposed, the effects of the activity on the environment and the way in which any adverse effects of the activity may be mitigated:

**Requested Information**

The further information required is detailed below.

1. Please provide the meter readings that were required to be recorded under the previous consent.
2. The storage pond onsite, is it fully in ground? Looking at the aerial photos, is there a terrace running along the northern side acting as a wall? Please provide a horizontal profile of the pond. This is to aid in determining if the pond would be considered a dam, or if it is in ground pond only.
3. Is it proposed to take or use any water outside irrigation season? If so, water may need to be allocated under the C class regime. Please address.
4. Is it proposed to direct irrigate at all from the well itself, or is all water going to the pond first?
5. What consent term are you seeking?

6. The description of the site outlines there is 15ha of vineyard on site; however the application is to irrigate vineyard, pasture and crops. Please clarify.

### **Responding to this Request**

Within 15 working days (*10 October 2018*) you must either:

- Provide the requested information; or
- Provide written confirmation that you intend to provide the requested information, but can not provide the requested information within the timeframe (Council will provide a revised timeframe for the information to be provided); or
- Provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold pending the information being provided and assessed by the processing officer.

If you have not provided the requested information within the agreed timeframes, or if you do not provide all the requested information, the Council will publicly notify your application pursuant to section 95C of the Resource Management Act 1991.

Please do not hesitate to contact me if you have any questions or concerns regarding the above matters.

Yours faithfully



VICTORIA BELL  
**RESOURCE MANAGEMENT OFFICER**



**Our Ref: R8321**

19 September 2018

**To:** Marlborough District Council  
BLENHEM

**ATTN:** Victoria Bell

**By e-mail:** [Victoria.Bell@marlborough.govt.nz](mailto:Victoria.Bell@marlborough.govt.nz)

**From:** Ed Chapman-Cohen

Dear Victoria,

**RE: WATER PERMIT APPLICATION U180768 – OVERTON FAMILY TRUST  
ADDITIONAL INFORMATION**

We respond to your letter dated 19 September 2018 requesting additional information for the above application. The following numbering corresponds to your letter:

1. There are no meter readings available for the previous consent period. It is noted that a new verified and telemetry connected meter has been installed to record all future use.
2. With regard to the storage pond, the site is flat, there is no terrace, and the pond has four sides.
3. As per the application, no 'C' Class water is sought for the proposed water permit.
4. It is not proposed to direct irrigate from the well. All water abstracted from the subject well is pumped to the storage pond.
5. To avoid a submission from Fish & Game Nelson-Marlborough, the Applicant is seeking a 10 year consent term.

6. As per the Application, the proposal is to irrigate 15 ha of vineyard, pasture and crops. Regardless of crop type or crop area, the maximum daily abstraction rate authorised by the proposed permit is 330 m<sup>3</sup> per day.

Yours faithfully

**REMAC CONSULTING LTD**



**Ed Chapman-Cohen**

E-mail: [ed@remacconsulting.co.nz](mailto:ed@remacconsulting.co.nz)

T: 03 577 1925

M: 027 444 0551

COPY TO: Russell Lindsay; [linford.vineyard@gmail.com](mailto:linford.vineyard@gmail.com)

To: Marlborough District Council  
PO Box 443  
Blenheim 7240



**MARLBOROUGH  
DISTRICT COUNCIL**

ISO 9001:2008  
Document Number:  
RAF0010-CI1921

## SUBMISSION ON APPLICATION FOR A RESOURCE CONSENT

### 1. Submitter Details

Name of Submitter(s) in full \_\_\_\_\_

Electronic Address for Service (*email address*) \_\_\_\_\_

Postal Address for Service (*or alternative  
method of service under section 352 of the Act*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Primary Address for Service (*must tick one*)

Electronic Address (*email, as above*) ☐

or, Postal Address (*as above*) ☐

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 ☐

- ☐ I am a trade competitor for the purposes of section 308B of the Resource Management Act 1991
- ☐ I am directly affected by an effect of the subject matter of the submission that:
- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition
- ☐ I am NOT directly affected by an effect of the subject matter of the submission that:
- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition
- ☐ I am NOT a trade competitor for the purposes of section 308B of the Resource Management Act 1991

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

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

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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)*

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#### 4. Heard in Support of 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.)*

☐

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## 5. Signature

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

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## 6. Important Information

- Council must receive this completed submission before the closing date and time for receiving submissions for this application. The completed submission may be emailed to [mdc@marlborough.govt.nz](mailto:mdc@marlborough.govt.nz).
- The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.
- You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
- Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the section 42A hearing report.
- If you are making a submission to the Environmental Protection Authority, you should use form 16B.
- If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
- If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.
- Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
  - it is frivolous or vexatious;
  - it discloses no reasonable or relevant case;
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
  - it contains offensive language;
  - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

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## 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.