



RESOURCE CONSENT APPLICATION

U190226

**Andrew Foord Henare
Petherbridge, Andrea
Jayne Petherbridge and
Desmond Foord
Petherbridge as trustees of
the Savi Family Trust**

671 New Renwick Road, Fairhall

Submissions Close

5.00 pm Thursday 13 June 2019

Yvonne Lamb-5381

From: Steve Wilkes <steve@wilkesrm.co.nz>
Sent: Friday, 22 March 2019 10:17 AM
To: RCInbox
Cc: Andrea Petherbridge
Attachments: Appendix 1 - Location Plan.JPG; Appendix 2 - Site Plan.jpg; Appendix 3 - Irrigation Requirements.pdf; Appendix 4 - Title.pdf; Application AEE - final.pdf; RAF0002ApplicationforResourceConsent.pdf; RAF0007-Water_Permit_Supplementary-Information_Form.ashx.pdf

Greetings

Please find attached an RC on behalf of Petherbridge.

The applicant will pay the fee deposit.

regards

Steve Wilkes

t +64 3 578 5339 m +64 21 668 477

Temple Chambers, 76 High Street, Blenheim 7201, New Zealand

steve@wilkesrm.co.nz

www.wilkesrm.co.nz



Please note our new landline is (03) 578 5339 x 710.

This e-mail message has been scanned by **SEG Cloud**

Resource Consent Application

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



**MARLBOROUGH
DISTRICT COUNCIL**

For Office Use

ISO 9001:2008
Document Number:
RAF0002-C11579

Lodgement Fee Paid \$

Receipt No.

Consent No.

Case Officer:

Date Received:

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.

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

Name:
(full legal name) Andrew Foord Henare Petherbridge, Andrea Jayne Petherbridge and Desmond Foord Petherbridge
(as Trustees of the Savi Family Trust)

Mailing Address:
(including post code) 671 New Renwick Road, RD 2, Blenheim

Email Address: andyp@xtra.co.nz

Phone: (Daytime) Phone: (Mobile) 027 2286729

2. Agent Details (If your agent is dealing with the application, all communication regarding the application will be sent to the agent.)

Name: WilkesRM Ltd

Mailing Address:
(including post code) Temple Chambers
76 High Street

Email Address: steve@wilkesrm.co.nz

Phone: (Daytime) 03 5785339 Phone: (Mobile) 021 68477

3. Type of Resource Consent Applied For

☐ Coastal Permit ☐ Discharge Permit ☐ Land Use ☐ Subdivision ☒ Water Permit

4. Brief Description of the Activity

To abstract and use Brancott FMU water as per the attached documents.

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): 671 New Renwick Rd

Legal description (i.e. Lot 1 DP 1234): Lot 3 DP 6606

(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.

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.

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

1. 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.
3. Please make invoice out to: ☒ Applicant ☐ Agent
(if neither is ticked the invoice will be made out to Applicant)

10. Declaration

I (please print name) S M Wilkes

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

Signature of applicant or authorised agent:



Date: 22 March 2019

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.

Reset Form





Schedule Four

Resource Management Act 1991

Information Required in Application for Resource Consent

1 Information must be specified in sufficient detail

Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

2 Information required in all applications

- (1) An application for a resource consent for an activity (the **activity**) must include the following:
 - (a) a description of the activity;
 - (b) a description of the site at which the activity is to occur;
 - (c) the full name and address of each owner or occupier of the site;
 - (d) a description of any other activities that are part of the proposal to which the application relates;
 - (e) a description of any other resource consents required for the proposal to which the application relates;
 - (f) an assessment of the activity against the matters set out in Part 2;
 - (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).
- (2) The assessment under subclause (1)(g) must include an assessment of the activity against—
 - (a) any relevant objectives, policies, or rules in a document; and
 - (b) any relevant requirements, conditions, or permissions in any rules in a document; and
 - (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).
- (3) An application must also include an assessment of the activity's effects on the environment that—
 - (a) includes the information required by clause 6; and
 - (b) addresses the matters specified in clause 7; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

3 Additional information required in some applications

An application must also include any of the following that apply:

- (a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));
- (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));
- (c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).

4 Additional information required in application for subdivision consent

An application for a subdivision consent must also include information that adequately defines the following:

- (a) the position of all new boundaries;
- (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan;
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips;
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips;
- (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A;
- (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A);
- (g) the locations and areas of land to be set aside as new roads.

5 Additional information required in application for reclamation

An application for a resource consent for reclamation must also include information to show the area to be reclaimed, including the following:

- (a) the location of the area;
- (b) if practicable, the position of all new boundaries;
- (c) any part of the area to be set aside as an esplanade reserve or esplanade strip.

Assessment of environmental effects

6 Information required in assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must include the following information:
 - (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
 - (b) an assessment of the actual or potential effect on the environment of the activity;
 - (c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use;
 - (d) if the activity includes the discharge of any contaminant, a description of—
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
 - (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
 - (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
 - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved;
 - (h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).
- (2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
- (3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—
 - (a) oblige the applicant to consult any person; or
 - (b) create any ground for expecting that the applicant will consult any person.

7 Matters that must be addressed by assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must address the following matters:
 - (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects;
 - (b) any physical effect on the locality, including any landscape and visual effects;
 - (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
 - (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations;
 - (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants;
 - (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.
- (2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.



Section 88

Resource Management Act 1991

Making an Application

88 Making an application

- (1) A person may apply to the relevant consent authority for a resource consent.
- (2) An application must—
 - (a) be made in the prescribed form and manner; and
 - (b) include the information relating to the activity, including an assessment of the activity's effects on the environment, as required by Schedule 4.
- (2A) An application for a coastal permit to undertake an aquaculture activity must include a copy for the Ministry of Fisheries.
- (3) A consent authority may, within 10 working days after an application was first lodged, determine that the application is incomplete if the application does not—
 - (a) include the information prescribed by regulations; or
 - (b) include the information required by Schedule 4.
- (3A) The consent authority must immediately return an incomplete application to the applicant, with written reasons for the determination.
- (4) If, after an application has been returned as incomplete, that application is lodged again with the consent authority, that application is to be treated as a new application.
- (5) Sections 357 to 358 apply to a determination that an application is incomplete.

Applicant's Name AFH, AJ, & DF Petherbridge
(as Trustees of the Savi Family Trust)



**MARLBOROUGH
DISTRICT COUNCIL**

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:

1. Type of permit required:

Take surface water

☐

Dam water

☐

Take underground water

☒

Divert water

☐

2. Do you currently hold a water permit that is due to expire? Yes / No

If yes, please state the water permit number U090383

3. Purpose for which water is required? Vineyard irrigation & ancillary uses
(Industrial, crop irrigation, etc)

4. Source of water Brancott FMU
(name of river, stream, aquifer, etc)

5. Maximum quantity of take litres per second
..... cubic metres per day
..... cubic metres per week
12,759 m3/year

GROUNDWATER:

1. Well number (if existing well) P28w/1994

2. Depth from ground level to bottom of well 63 metres

3. Diameter of well 125 millimetres

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
(e.g. intake gallery, suction hose, diversion channel, etc.)
2. Number of pumps to be used?
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

	CROP A				CROP B				CROP C				TOTALS			
CROP TYPE <i>e.g. corn, olives, etc</i>	Vineyard															
AREA <i>Number of hectares</i>	6.09															
APPLICATION RATE (m ³ / ha / day)																
QUANTITY <i>Cubic metres per day</i>																
IRRIGATION PERIOD <i>Circle months which apply</i>	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr
	May	Jun	Jul	Aug	May	Jun	Jul	Aug	May	Jun	Jul	Aug	May	Jun	Jul	Aug
	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec
METHOD <i>Trickle, spray, etc</i>	Trickle															

Conversion formulae – 1,000 litres = 1 cubic metre (m³) = 220 gallons 1 acre = 0.4047 hectare



AFH, AJ, & DF Petherbridge
(as Trustees of the Savi Family
Trust)

Application for Resource Consent

- Abstract & Use Brancott FMU
Water

March 2019

Table of Contents

1	Introduction	1
2	The Proposal	2
3	The Existing Environment	3
4	Statutory Framework.....	4
4.1	The Resource Management Act 1991.....	4
4.2	The Wairau Awatere Resource Management Plan	4
4.3	The Proposed Marlborough Environment Plan.....	4
5	Consultation and Notification	5
6	Assessment of Environmental Effects.....	5
6.1	Potential Abstraction Effects	5
6.2	Potential Effects on Other Users.....	6
6.3	The Efficient Use of Water	6
6.4	Any Alternative Locations or Methods.....	6
6.5	Any Other Potential Effect	7
7	Summary of Mitigation Measures.....	7
8	Other Matters.....	8
8.1	Resource Management Act 1991.....	8
8.1.1	Section 6 Matters of National Importance.....	8
8.1.2	Section 7 Other Matters.....	8
8.1.3	Section 8 Treaty of Waitangi.....	8
8.1.4	Section 104(2A).....	9
8.2	The National Policy Statement for Freshwater Management.....	9
8.3	Marlborough Regional Policy Statement	10
8.4	The Wairau Awatere Resource Management Plan	11
8.5	Proposed Marlborough Environment Plan	13
9	Proposed Monitoring.....	15
10	Conclusion	15
	Appendices	

1 Introduction

The applicant is Andrew Foord Henare Petherbridge, Andrea Jayne Petherbridge and Desmond Foord Petherbridge (as Trustees of The Savi Family Trust).

The applicant owns property at 671 New Renwick Road, Blenheim.

The property is legally described as Lot 3 DP 6606.

The applicant holds resource consent U090383. That resource consent provides for:

- The abstraction and use of underground water from well P28w/1994 up to 80m³/day.
The water is used for the irrigation of 3.65 ha of vineyard located on Lot 3 DP 6606.

In terms of a seasonal allocation, U090383 equates to 19,360m³/year.

Water permit U070689 is due to expire on 1 November 2019.

The applicant seeks the re-issue of their water permit with a new water permit that provides for the irrigation of up to 3.65 hectares of vineyard and ancillary uses.

The abstraction volume sought is consistent with the irrigation demand for the property as determined by the *IrriCalc* model as per Appendix 3.

This report provides an assessment of effects on the environment in accordance with the Fourth Schedule of the Resource Management Act 1991 (RMA) for the following activities:

- Water Permit – Take Water; and
- Water Permit – Use Water.

Attached to this application are the following:

- Appendix 1 – Location Plan;
- Appendix 2 – Site Plan;
- Appendix 3 – Irrigation Requirements; and
- Appendix 4 – Title Document.

2 The Proposal

The applicant, Andrew Foord Henare Petherbridge, Andrea Jayne Petherbridge and Desmond Foord Petherbridge (as Trustees of The Savi Family Trust), seek resource consent for the following activities:

- Water Permit – Take Underground Water
 - *To abstract Brancott FMU water up to a maximum rate of 7,647 m³/year from well P28w/1994 located on Lot 3 DP 6606.*
- Water Permit – Use Water
 - *To use water for the irrigation of up to 3.65 hectares of vineyard located on Lot 3 DP 6606.*
 - *To use water for ancillary uses on Lot 3 DP 6606 up to a maximum rate of 80m³/day and 365m³/year on Lot 3 DP 6606.*

Water will be abstracted via existing well P28w/1994. The intake site is shown in the attached Site Plan contained in Appendix 2.

The existing water meter is being verified for accuracy. A copy of the verification certificate will be provided to Council upon receipt.

The site is within the Southern Valleys Irrigation Scheme (SVIS) area. The applicant uses the SVIS to irrigate the remaining 2.44 ha of vineyard as well a back-up to the existing groundwater consent.

The volume of water sought for ancillary purposes is consistent with standard industry practice whereby 100 m³/year/ha is considered appropriate for crop spraying, line flushing and the like.

The proposal results in an effective surrender of some 11,713m³ per annum of Brancott FMU water.

3 The Existing Environment

The site is located at 671 New Renwick Road, immediately west of the Fairhall River.

The site comprises a total area of 8 hectares, of which 6.09 hectares is planted in vineyard.

The site also comprises a residential dwelling, associated buildings and landscaped grounds.

The location of the supply well P28w/1994 is shown on the Site Plan contained in Appendix 2.

The well is 63m deep with a 125mm diameter well casing. This well penetrates the relatively low yielding Brancott Aquifer FMU.

The nearest neighbouring wells from P28w/1994 according to Council's database are greater than 250 metres distant.

The dominant surrounding land use is now vineyards.

4 Statutory Framework

4.1 The Resource Management Act 1991

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

4.2 The Wairau Awatere Resource Management Plan

The site is zoned Rural 3 under the Wairau Awatere Resource Management Plan (the WARMP).

General Rule 27.1.2.3 of the WARMP provides that any abstraction between 10 and 500 m³/day/site from a water resource, other than the Wairau Aquifer, shall be assessed as a **discretionary** activity.

There are no rules for the use of water in the WARMP, therefore the activity is considered in-nominate under the RMA and is considered a **discretionary** activity.

4.3 The Proposed Marlborough Environment Plan

The site is zoned Rural Environment under the Proposed Marlborough Environment Plan (MEP).

General Rules 2.5.2 and 2.5.3 of the MEP provide for any take and use of water not listed as either a permitted, controlled or limited as a prohibited activity as discretionary activities. The proposal is not provided for as a permitted activity or controlled activity or limited as a prohibited activity and therefore requires **discretionary** activity consent as per Rules 2.5.2 and 2.5.3.

5 Consultation and Notification

No consultation has been undertaken as it is considered there are no potentially affected parties or effects such that consultation or notification is warranted.

Additionally, the proposal results in a surrender of some 11,713m³ per annum of Brancott FMU water.

6 Assessment of Environmental Effects

6.1 Potential Abstraction Effects

The applicant's proposed abstraction falls within the MEP water allocation framework for the Brancott Freshwater Management Unit. The proposal results in a surrender of some 11,713m³ per annum of Brancott FMU water.

If an application for an allocation of water is within the MEP water allocation framework and appropriate conditions of consent are imposed and complied with then the abstraction of that water can occur and adverse effects on the environment should not arise.

This proposal reflects the *IrriCalc* model and the reasonable use assessment. Water meter readings will provide an accurate record from the beginning of a new consent period based on actual operational requirements.

The proposal is entirely consistent with the MEP water allocation provisions and is within the MEP water allocation framework.

Likewise, for the WARMP the water allocation regime contained within that Plan has been established to *"provide for the taking, use, damming and diversion of fresh water in a manner which safeguards the life supporting capacity of the resource and avoids remedies or mitigates any adverse effects on the environment"*.

Therefore, if any resource consent application to abstract water is consistent with this regime then the abstraction will not lead to the occurrence of adverse effects on the environment and will ensure that the life supporting capacity of the Brancott Aquifer is safeguarded. The proposed abstraction is within the WARMP water allocation framework.

Furthermore, it is noted that the proposed abstraction has been occurring throughout the duration of the pre-existing water permits without the occurrence of any known adverse effects.

6.2 Potential Effects on Other Users

The proposed abstraction site is at least 250m from the nearest neighbouring wells. This separation distance should be sufficient to ensure there are no significant adverse effects.

There is no known history of interference effects resulting from the applicant's current authorised abstraction.

6.3 The Efficient Use of Water

The quantity applied for is considered to be appropriate and is consistent with the *IrriCalc* model to ensure sufficient irrigation water for the applicant's property. Irrigation is only undertaken when required.

Any irrigation undertaken is done so due to a need and to maximise the efficiency of the irrigation and the financial cost of doing so.

6.4 Any Alternative Locations or Methods

No alternative locations or methods have been considered.

6.5 Any Other Potential Effect

The abstraction is unlikely to affect the flows in the nearby Fairhall River given the setback and the depth of the well at 63 metres.

The proposal is not anticipated to have any adverse effects on those in the neighbourhood or wider community (including any socio-economic or cultural effects).

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

There are no other potential effects anticipated.

7 Summary of Mitigation Measures

The mitigation measures in relation to this application to ensure the environmental effects are not more than minor, as discussed above, are summarised as follows:

- The proposal results in a surrender of some 11,713m³ per annum of Brancott FMU water;
- Efficient irrigation will be achieved by means of compliance with the *IrriCalc* irrigation demand model;
- The abstraction will be subject to Brancott FMU low flow restrictions;
- Water metering will provide accurate records of actual operational requirements;
- Irrigation is only undertaken when required; and
- Interference effects on other users are not anticipated to arise.

8 Other Matters

8.1 Resource Management Act 1991

Part 2 of the RMA sets out its purpose and principles on which the RMA is founded and from which all other associated statutory framework is derived. The purpose of the RMA is to promote the sustainable management of natural and physical resources. The RPS and the Plan have been developed under the RMA and are generally considered to be the local implementation of the purpose and principles.

8.1.1 Section 6 Matters of National Importance

There are no matters of national importance that are identified in Section 6 of the RMA that are of relevance to this application.

8.1.2 Section 7 Other Matters

Section 7 of the Act sets out other matters that Council is to have particular regard to in achieving the purpose of the Act. The matters of relevance to this application are outlined below:

Section 7(b) the efficient use and development of natural and physical resources

Section 7(c) the maintenance and enhancement of amenity values

This application is an efficient use of natural and physical resources. No adverse effects on amenity values are anticipated.

8.1.3 Section 8 Treaty of Waitangi

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

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

8.1.4 Section 104(2A)

Section 104(2A) of the RMA requires that a Consent Authority, when considering an application affected by Section 124¹, must have regard to the value of investment of the existing Consent Holder.

The applicants have invested in excess of \$300,000 dollars for the development of irrigation infrastructure, assets and systems, and establishing vineyards.

In addition to these costs are the ongoing costs associated with pumping of the water which are in excess of \$0.25/m³.

8.2 The National Policy Statement for Freshwater Management

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

Amongst other matters the NPSFW requires that all Regional Councils ensure that the allocation of water resources above a pre-determined sustainable maximum volume does not occur and if any such 'over-allocation' exists then the Regional Council must undertake steps to reduce the over-allocation.

The MEP details an allocation regime for the Brancott FMU. The applicant understands that the allocation of water they are seeking is within the MEP allocation regime. Consequently, the proposal is considered consistent with the NPSFW.

¹ Section 124 of the RMA relates to applications for resource consent that seek the 're-issue' or 're-newel' of an existing resource consent that is due to expire.

8.3 Marlborough Regional Policy Statement

The RPS and the Plan have been developed under the RMA and are generally considered to be the local implementation of the purpose and principles.

Those provisions of the Regional Policy Statement (RPS) that are the most applicable to this proposal include:

Section 5 – Protection of Water Ecosystems includes the following objective and policies.

Objective 5.1.10 – Freshwater Habitat – The integrity of freshwater habitats and natural species diversity be maintained or enhanced.

The natural character of the Brancott FMU is maintained under the water allocation regime which this application falls under.

The proposal is therefore consistent with this objective.

Section 7 – Community Wellbeing includes the following objective and policies.

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

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

Policy 7.2.3 – Allocation of Water

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

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

- sustainable management;*
- equitable allocation;*
- avoid, remedy or mitigate adverse effects;*

- *minimise conflicts between users; and*
- *ensure efficient and beneficial use.*

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

This proposal is therefore consistent with these objectives and policies.

8.4 The Wairau Awatere Resource Management Plan

The Wairau Awatere Resource Management Plan (the WARMP) contains objectives and policies relating to water resources.

Chapter 6 – Fresh Water, Volume 1 of the Plan, contains the following objectives and policies:

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

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

Policy 1.3 To establish groundwater SFRs to:

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

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

An SFR has been established for the Brancott Aquifer. This application seeks to replace an existing consent that is already within the Brancott Aquifer SFR allocation. In addition, the proposal results in an effective surrender of some 11,713m³ per annum of Brancott FMU water.

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

Policy 1.3 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 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 volume of water proposed to be abstracted allows for irrigation application rates consistent with MDC's guidelines as contained in the WARMF.

The applicant is in the process of upgrading their water meter on the abstraction well to enable data to be sent direct to the Council.

8.5 Proposed Marlborough Environment Plan

The MEP contains a range of relevant objectives and policies as follows:

Chapter 5 – Allocation of Public Resources

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

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

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.

Objective 5.3 Enable access to reliable supplies of freshwater.

Policy 5.3.6 Allocate water within any class on a first-in, first-served basis through the resource consent process until the allocation limit is reached for the first time.

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 5.3.11 Have regard to the potential for any take of water to adversely affect the ability of an existing water user to continue taking water and mitigate any adverse effects by limiting, where necessary, the instantaneous rate of take.*
- Objective 5.5 Phase out any over-allocation of water resources.*
- Policy 5.5.1 Recognise that the following Freshwater Management Units are over-allocated with respect to limits established in the Marlborough Environment Plan:*
- (a) Wairau Aquifer;*
- (b) Benmorven, Brancott and Omaka Aquifer; and*
- (c) Riverlands.*
- Policy 5.5.5 Resolve over-allocation of the Benmorven, Brancott and Omaka Aquifer Freshwater Management Units by reducing individual resource consent allocations on a proportional basis, based on the total allocation available relative to each individual's irrigated land area, or equivalent for non-irrigation water uses (excluding domestic and stock water). The reductions will be achieved by reviewing the conditions of the relevant water permits to reallocate the available allocation fairly across all relevant users.*
- Objective 5.7 The allocation and use of water do not exceed the rate or volume required for any given water use.*
- Policy 5.7.2 To allocate water on the basis of reasonable demand given the intended use.*

The MEP states the maximum annual allocation for the Brancott FMU is 282,000 cubic metres. This application is proposed to replace an existing consent resulting in a significant surrender of the Brancott FMU water such that the proposal is considered entirely consistent with the above policy provisions.

9 Proposed Monitoring

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

Monitoring of the abstraction and use of water will primarily be achieved by way of telemetered water metering together with compliance with all applicable resource consent conditions.

10 Conclusion

The applicant, Andrew Foord Henare Petherbridge, Andrea Jayne Petherbridge and Desmond Foord Petherbridge (as Trustees of The Savi Family Trust), seek resource consent for the following activities:

- Water Permit – Take Underground Water
 - *To abstract Brancott FMU water up to a maximum rate of 7,647 m³/year from well P28w/1994 located on Lot 3 DP 6606.*
- Water Permit – Use Water
 - *To use water for the irrigation of up to 3.65 hectares of vineyard located on Lot 3 DP 6606.*
 - *To use water for ancillary uses on Lot 3 DP 6606 up to a maximum rate of 80m³/day and 365m³/year on Lot 3 DP 6606.*

Any associated potential effects on the environment can be appropriately avoided, remedied or mitigated through the imposition of conditions of consent.

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

Accordingly, resource consent should be granted to this proposal.

Appendix 1 – Location Plan