



MARLBOROUGH
DISTRICT COUNCIL

RESOURCE CONSENT APPLICATION

U190696

**Timothy James
Winston McFarlane**

192 Dillons Point Road, Dillons Point

Submissions Close

5.00 pm Monday 23 March 2020

Bea Gregory-5252

From: Steve Wilkes <steve@wilkesrm.co.nz>
Sent: Monday, 26 August 2019 11:01 AM
To: RCInbox
Subject: MacFarlane Water Permit Application
Attachments: Appendix 1 - Location Plan.jpg; Appendix 2 - Site Plan.jpg; Appendix 3 - Irrigation Requirements 10.25 ha.pdf; Appendix 4 - Title Documents.pdf; RAF0007-CI2067-Water Permit Supplementary Information Form.pdf; RAF0002ApplicationforResourceConsent.pdf; Application AEE Final.pdf

Greetings

Please find attached application documents on behalf of T MacFarlane

Fee deposit to be paid by the applicant.

regards

Steve Wilkes

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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



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-C11579

Lodgement Fee Paid \$

Receipt No.

Consent No.

Case Officer:

Date Received:

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

Name:

(full legal name)

Timothy James Winston MacFarlane

Mailing Address:

(including post code)

192 Dillons Point Road

Email Address: tmmac@xtra.co.nz

Phone: (Daytime)

Phone: (Mobile)

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

Name:

Steve Wilkes / Catherine Hammond

Mailing Address:

(including post code)

WilkesRM Ltd
Temple Chambers
76 High Street

Email Address: steve@wilkesrm.co.nz / cath@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

Abstract & use Opaoa River water for irrigation & ancillary purposes.

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): 192 Dillons Point Road

Legal description (i.e. Lot 1 DP 1234): Lot 1 DP 9090

(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: 25 August 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



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. Do you currently hold a water permit that is due to expire? *Yes*

If yes, please state the water permit number *U090508*

If yes, is there an existing meter number? *2163*

If yes, when was the meter last verified? *2013 but currently be re-verified*

2. Source of water (name of river, stream aquifer, etc) *Opaoa River*

3. Freshwater Management Unit (FMU) *#4*

4. Which class of water? *A*
(A, B etc for surface water takes)

5. Maximum quantity of take litres per second (for surface water only)
226 Cubic metres per day (for surface water only)
..... cubic metres per year (for groundwater only)

GROUNDWATER:

1. Well number (if existing well)
2. Depth from ground level to bottom of well metres
3. Well Co-ordinates (NZTM) Easting
..... Northing

SURFACE WATER:

1. Abstraction method screened suction
e.g. intake gallery, suction hose, diversion channel, etc.)
2. Intake Co-ordinates (NZTM) *1682037* Easting
5403443 Northing



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

USE WATER

GENERAL:

1. Purpose for which water is required, including area to be irrigated if applicable?
(Industrial, crop irrigation, etc)
10.25ha of vineyard
2. Legal description for the site where water is to be used?
Lot 1 DP 9090

CONSUMPTION SCHEDULE

Note: If the application contains an irrigation component this table should be completed using the figures available for irrigation through Irricalc: <http://mycatchment.info/>, notwithstanding the allocation under any previous consent. Please fill out the table below and attach a copy of the Irricalc figures used.

3. Maximum monthly rate (cubic metres per month) – combination of crop types where applicable:

January	February	March	April	May	June
6150	5228	3382	1128		
July	August	September	October	November	December
			205	3588	5842

4. Maximum cumulative annual usage? 22,335 m³/year



Timothy James Winston

MacFarlane

Application for Resource Consent

- Water Permit – Take and
Use Surface Water
-

Final

2019

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1 Introduction

The applicant is Timothy James Winston MacFarlane. The applicant owns land at 192 Dillons Point Road being Lot 1 DP 9090.

The applicant's property features a 10.25 ha vineyard that has been irrigated in accordance with U090508. That water permit provides for the abstraction of up to 248 m³/day and 500 m³/week of Opaoa River surface water.

Resource consent U090508 is due to expire on 1 November 2019.

The applicant therefore seeks the re-allocation of Opaoa River surface water to provide for the ongoing irrigation of the property. Additional water from the Opaoa River in order to irrigate a total of 10.25 ha of vineyard is sought.

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 Surface Water;
- Water Permit – Use Water

Attached to this application are the following:

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

2 The Proposal

Timothy James Winston MacFarlane seeks resource consent for the following specific activities:

- Water Permit – Take Surface Water
 - *To abstract Opaoa River FMU water up to a maximum rate of 226 m³/day from an intake located adjacent to Lot 1 DP 9090.*
- Water Permit – Use Surface Water
 - *To use Opaoa River FMU water for the irrigation of up to 10.25 ha of vineyard located on Lot 1 DP 9090.*

The water will be used up to the maximum monthly rate (cubic metres per month) set out in the table below:

	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>
<i>m³</i>	205	3,588	5,842	6,150	5,228	3,382	1,128

- *To use Opaoa River FMU water for miscellaneous use up to a maximum rate of 226 m³/day and 1025m³/year.*

The point of abstraction is to be via a screened surface water intake with an associated pump shed located at /about E1682037 N5403443 as per Appendix 2.

An existing water meter was verified in August 2019 to demonstrate compliance with the Resource Management and Reporting of Water Takes Regulations 2010.

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

The total volume of water sought for miscellaneous use throughout the year is based upon experience with vineyards in Marlborough. That experience suggests that miscellaneous use (for example, crop spraying, machinery wash-down, irrigation line flushing) requires in the order of 100 m³/ha.

In order to ensure that adverse effects in terms of the Opaoa River FMU or other authorised users do not arise the applicants seek to cap the daily miscellaneous use as per the maximum daily rate of take for irrigation purposes.

In addition, the applicant seeks a waiver of the s124 (RMA) restrictions on the exercise of a resource consent while applying for a new consent. Specifically, the applicant seeks a waiver to provide for the ongoing use of U090508 post 1 November 2019 if the processing of this application has not been completed.

3 The Existing Environment

The subject land is located on the southern side of Dillons Point Road some 350m south east of the Rowberrys Rd & Dillons Point Rd intersection, as shown on the Site Plan contained in Appendix 2.

The site is on the true left bank of the Opaoa River opposite the Duncannon RSE development.

The subject land was historically developed as a cherry orchard with a conversion to viticulture occurring some 10 + years ago.

The intake site is located adjacent to the Opaoa River as per Appendix 2.

The nearest surface water take from the Opaoa River is located in excess of 800m downstream, according to Council's consent database.

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 or divert water unless expressly allowed by a rule in a regional plan, and in any relevant proposed regional plan or a resource consent.

Section 37 of the RMA provides for a consent authority to extend a time frame or waiver a failure to comply with a requirement under the Act.

4.2 The Wairau Awatere Resource Management Plan

General Rule 27.1.2.3.1 of the Plan states that any abstraction from any water source other than the Wairau Aquifer between 10 and 500 m³/day/site shall be assessed as a **discretionary** activity.

There are no rules for the use of water in the Plan for irrigation or miscellaneous purposes, therefore the activity is considered in-nominate under the Resource Management Act and therefore considered as a **discretionary** activity.

4.3 The Proposed Marlborough Environment Plan

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

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

5 Consultation and Notification

No consultation has been undertaken as it is understood that MDC is likely to publicly notify this application.

6 Assessment of Effects

6.1 Effects on the Opaoa River

The Proposed Marlborough Environment Plan (MEP) details an allocation regime for the Opaoa River. The regime allows for 25,000 m³/day to be allocated. It is understood that the proposed volume sought, as determined by the reasonable use test model *IrriCalc*, does not trigger an exceedance to that specified allocation volume maximum.

This proposal therefore seeks to abstract water that is available to be allocated and in a manner consistent with the MEP water allocation framework. The proposal will therefore ensure that the life supporting capacity of the Opaoa River is safeguarded.

6.2 Potential Effects on Other Users

It is believed that the imposition of low flow triggers will be sufficient to ensure that no adverse effects on other Opaoa River water uses will arise.

In addition, the nearest known downstream intake is located over 800 metres distant. This separation distance is considered adequate to ensure that no significant interference effects will arise.

6.3 The Efficient Use of Water

The quantity applied for is considered to be appropriate and is consistent with the *IrriCalc* model. This is achieved through compliance with the monthly maximum irrigation rates.

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.

Appropriate water metering will provide accurate records from the beginning of a new consent period based on actual operational requirements.

6.4 Any Alternative Locations or Methods

No alternative locations or methods have been considered as the applicant believes the activity proposed would give the best result in terms of efficiency of use while ensuring environmental effects are no more than minor.

6.5 Any Other Potential Effect

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) as the proposal is in accordance with the *IrriCalc* water allocation model and MDC's irrigation application rate guidelines.

The proposal is not anticipated to have any adverse landscape or visual effects as the vineyard and irrigation infrastructure are already in place and that the taking and use of water is a common occurrence in rural Marlborough.

The property has a long history of being developed for agricultural purposes and has therefore been extensively modified. To the applicant's knowledge there has been no adverse cultural effects resulting from the abstraction & use of the water.

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.

In terms of the s37 time waiver. It is considered that allowing the applicant to continue to exercise U090508 until this application has been determined will not lead to effects that are untoward or have not occurred in the past. Should irrigation water not be available a crop with a gross value in excess of \$325,000 would be at risk.

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:

- Compliance with low flow restrictions;
- Compliance with the maximum irrigation usage as per *IrriCalc*;
- Lack of interference effects on neighbouring intakes and wells; and
- An efficient use of the resource.

8 Various Planning Documents

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

Matters of national importance are considered with relevance to this application:

- a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.*

The natural character of Opaoa River will be maintained.

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

There are no outstanding natural features at risk from this proposal.

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

There are no such areas at risk from this proposal.

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

There is no effect on the current nature or location of public access as a result of the proposal.

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

The proposal does not exclude Maori from the use of the Opaoa River.

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

There are no known historic sites relevant to this proposal.

- g) The protection of recognised customary activities.*

There are no recognised customary activities specific to the subject property / site that are relevant to this proposal.

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 Act.

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 \$450,000 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.

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.

The MEP details an allocation regime for the Opaoa River allowing for 25,000 m³/day to be allocated. The applicant understands that the allocation of Opaoa River water they are seeking is within the MEP regime allocation. Consequently, the proposal is considered consistent with the NPSFW.

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:

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

The natural character of the Opaoa River is maintained under the MEP water allocation regime.

The integrity of the freshwater habitat is therefore considered as not being adversely affected by the proposal. The proposal is therefore consistent with this objective.

Section 7 – Community Wellbeing of the Regional Policy Statement 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 a manner consistent with these objectives and policies and the volume sought for abstraction is within the MDC guidelines / mechanisms for water allocation and is unlikely to 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 Plan) contains objectives and policies relating to water resources.

Specifically, 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 1.1 *To maintain surface water flows at levels which safeguard the life supporting capacity of the resource by setting and enforcing Sustainable Flow Regimes (SFRs) in terms of specified river flows.*

Policy 1.5 *To set the SFR for fresh surface waters to:*

- *protect in-stream habitat and ecology.*
- *improve fish passage and spawning grounds.*
- *protect the natural character of freshwater resources.*
- *maintain water quality.*
- *protect cultural values.*
- *provide for aquifer recharge.*

The Opaoa River does not have a SFR in place. However, it is understood there is water available to be allocated and this proposal falls within that allocation maximum. Therefore, the proposal is consistent with the above objective and supporting policies.

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.*

The volume of water applied for equates to application rates consistent with MDC's guidelines as contained in the Plan.

Objective 6.4.1.1 *To establish an efficient resource use regime and support sustainable management of the freshwater resource.*

- Policy 1.1 To enable more efficient use of fresh water resources through implementation of a triple class water permit system.*
- Policy 1.2 To allocate water on the basis of guidelines.*
- Policy 1.3 To encourage water storage in water short areas, for use during low flow and level periods, by exempting water retained in storage from any conditions on use, and when flows are high allowing water to be drawn off for storage purposes.*

This application is entirely consistent with these objectives and policies as it is within the allocation that has been developed in order to provide for in-stream values of the Opaoa River.

The volume of water abstraction applied for is consistent with the Council irrigation guidelines as contained in the Plan. The proposed abstraction can therefore be considered to be an equitable and efficient use of the water resource.

8.5 Proposed Marlborough Environment Plan

The proposed Marlborough Environment Plan includes the following relevant provisions.

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 4.1.1 – Recognise the rights of resource users by only intervening in the use of land to protect the environment and wider public interests in the environment.

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

Policy 4.1.3 – Maintain and enhance the quality of natural resources.

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 5.2.13 - 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 5.7 - 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 viticulture industry relies on access to and the use of freshwater for irrigation. The use of allocation frameworks for freshwater enables the sustainable use of freshwater. This

application is within the Opaoa River allocation and is therefore considered consistent with the objectives and policies of the Proposed Marlborough Environment Plan.

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 is to be carried out by the consent holder by way of compliance with the conditions of consent and the meter of water use by way of telemetry.

10 Conclusion

Timothy James Winston MacFarlane seeks resource consent for the following specific activities:

- Water Permit – Take Surface Water
 - *To abstract Opaoa River FMU water up to a maximum rate of 226 m³/day from an intake located adjacent to Lot 1 DP 9090.*
- Water Permit – Use Surface Water
 - *To use Opaoa River FMU water for the irrigation of up to 10.25 ha of vineyard located on Lot 1 DP 9090.*

The water will be used up to the maximum monthly rate (cubic metres per month) set out in the table below:

	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>
<i>m³</i>	205	3,588	5,842	6,150	5,228	3,382	1,128

- *To use Opaoa River FMU water for miscellaneous use at a maximum rate of 226 m³/day and 1025 m³/non irrigation season.*

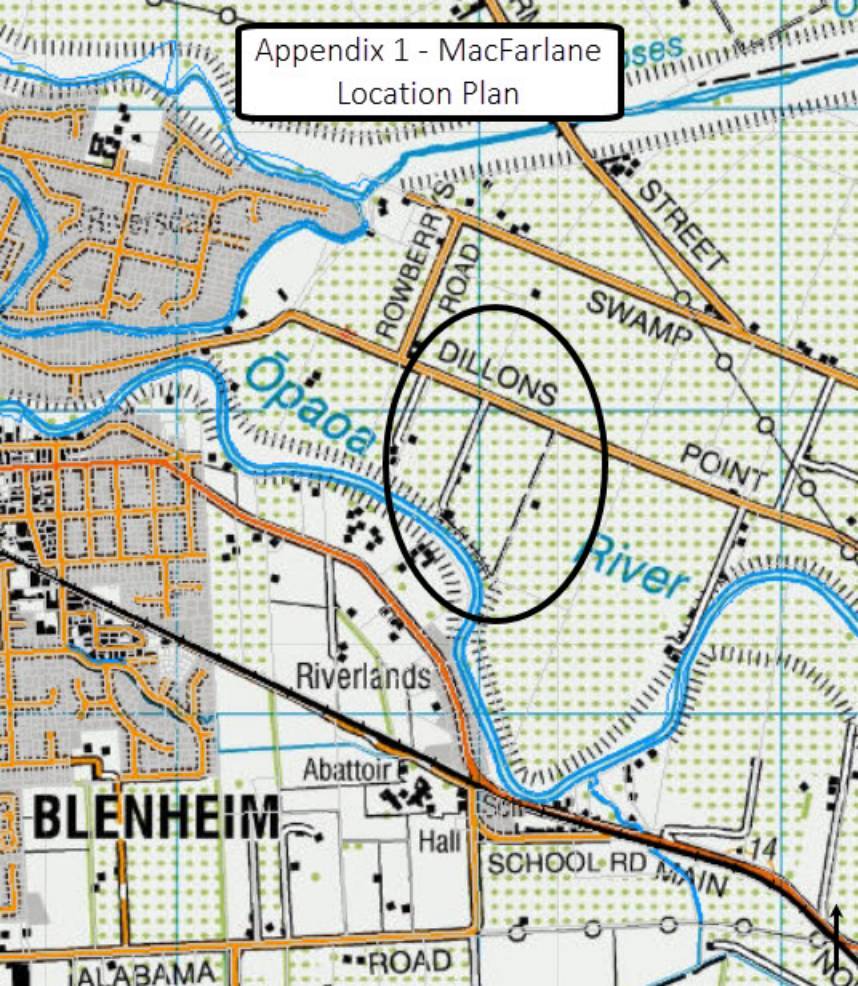
Any associated potential effects on the environment can be appropriately avoided, remedied or mitigated through the imposition of conditions of consent.

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

Appendix 1 - MacFarlane
Location Plan



Appendix 2 – Site Plan

Appendix 2 - MacFarlane Site Plan



Appendix 3 – Irrigation Requirements

IRRIGATION REASONABLE USE D. TABASE

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

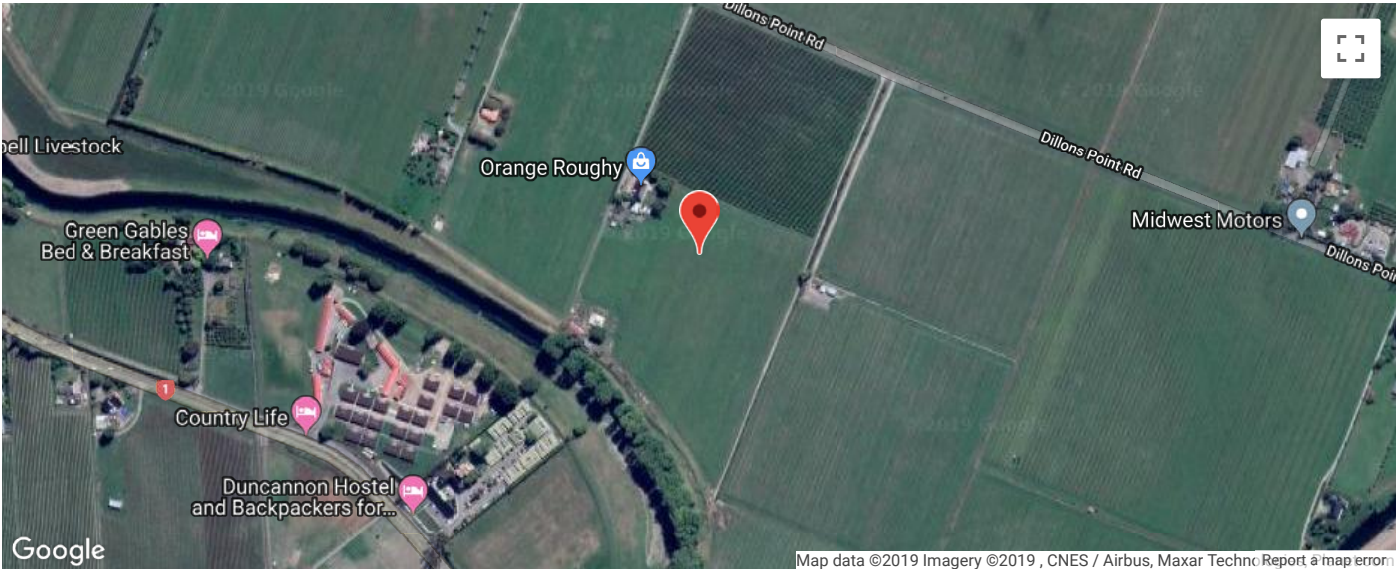


1

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

-41.514 , 173.983

Locate



2

Select Crop

Grapes

3

Select Plant Available Water

(a) Most likely PAW in this area

4

Select Irrigation Method

Micro/Drip

5

Fetch Data

Farm Details				Plant Available Water Details		Irrigation Requirements			
Description				PAW(mm)	Indicative Likelihood	Area (hectares)	Per Hectare		Total Area
Latitude	-41.514	100	56.6	10.25	System Capacity	0.26	(l/s/ha)	2.66	(l/s)
Longitude	173.983			0	System Capacity	2.2	(mm/day)		
Council	Marlborough			0	Daily Volume	22	(m³/ha)	226	(m³)
Climate Site ID	P160122			0	7 Day Volume		(m³/ha)		(m³)
Distance to Climate Site (km)	1.39			0	28 Day Volume		(m³/ha)		(m³)
Rainfall (mm)	614	Total area =		10.25	90% ile Annual Volume	2,079	(m³/ha)	21,310	(m³)

90 Percentile Monthly Volume												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Per Hectare (m³/h)	0	0	0	20	350	570	600	510	330	110	0	0
Total Area (m³)	0	0	0	205	3,588	5,842	6,150	5,228	3,382	1,128	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

Appendix 4 – Title Documents



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R.W. Muir
Registrar-General
of Land

Identifier **MB5B/1141**
Land Registration District **Marlborough**
Date Issued 20 April 1994

Prior References

MB4A/481

Estate Fee Simple
Area 11.9500 hectares more or less
Legal Description Lot 1 Deposited Plan 9090

Registered Owners

Timothy James Winston Macfarlane, Amanda Helen Macfarlane and Peter Joseph Radich

Interests

173608.5 Easement Certificate specifying the following easements - 20.4.1994 at 2.35 pm

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way and rights to convey electricity and telephonic communications	Lot 1 Deposited Plan 9090 - herein	E DP 9090	Lot 2 Deposited Plan 9090 - CT MB5B/1142	

The easements specified in Easement Certificate 173608.5 when created are subject to Section 243(a) Resource Management Act 1991

173998.1 Transfer creating the following easements - 13.5.1994 at 9.16 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Lot 1 Deposited Plan 9090 - herein	E DP 9090	Section 1-2 Survey Office Plan 7139 - CT MB5B/1365	

173998.2 Transfer creating the following easements - 13.5.1994 at 9.16 am

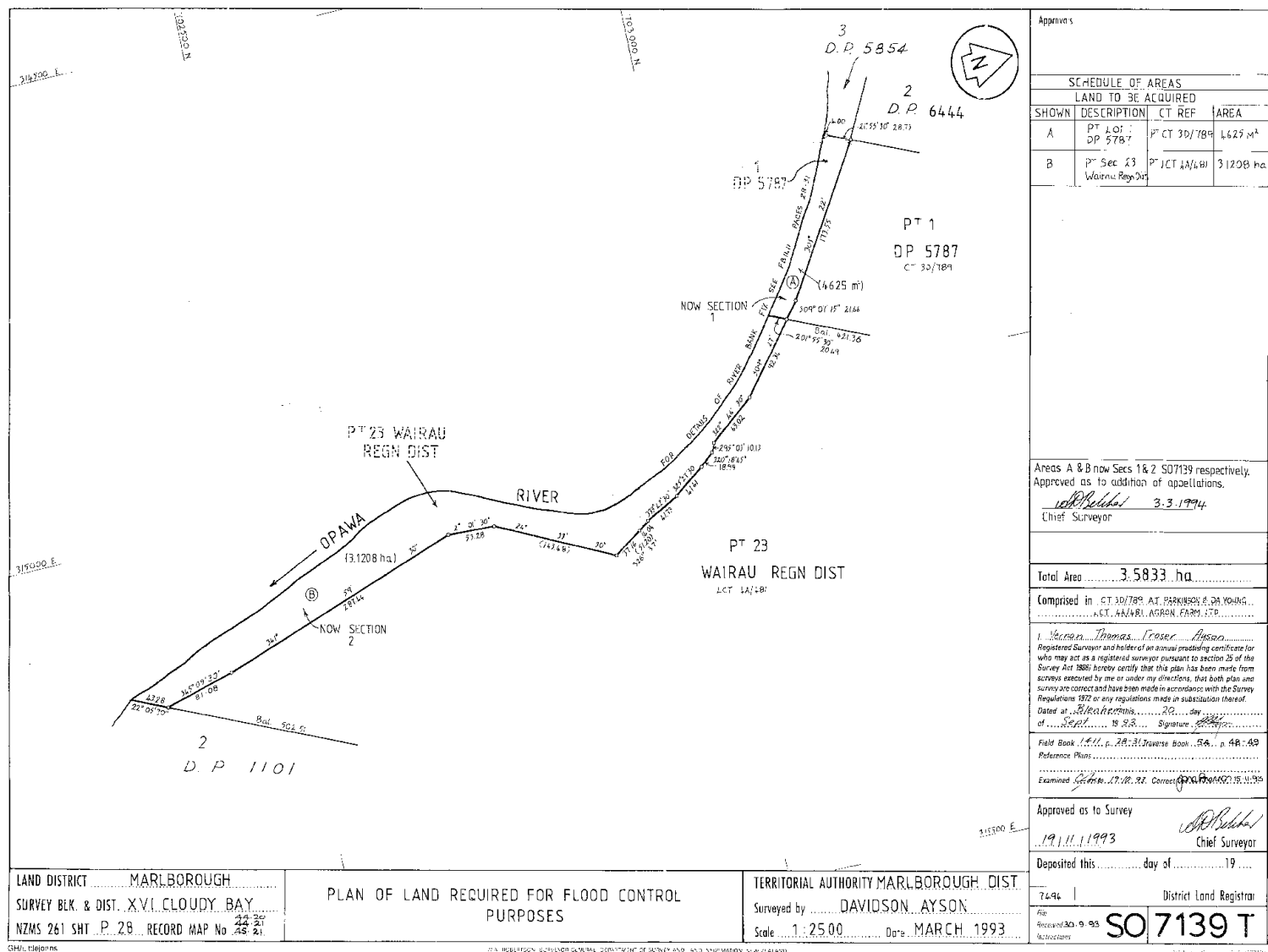
Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Convey water	Section 2 Survey Office Plan 7139 - CT MB5B/1365	D G H DP 9090	Lot 1 Deposited Plan 9090 - herein	

191291 Transfer creating the following easements in gross - 13.6.1997 at 9.44 am

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Convey electricity	Lot 1 Deposited Plan 9090 - herein	A DP 10316	Marlborough Electric Limited	

6543780.3 Mortgage to Rabobank New Zealand Limited - 23.8.2005 at 9:00 am

7069528.1 Variation of Mortgage 6543780.3 - 13.10.2006 at 9:00 am



1. We A J Parkinson & DA Young Registered Proprietors of the Land in Certificate of Title 30/789 Agree to the Definition of the Boundary with Certificate of Title 4A/481 shown Hereon and Consent to the issue of a Certificate of Title in accordance Herewith.

2. BN Highway Registered Propriety of the Land in Certificate of Title 53/206 Agree to the Definition of the Boundary with Certificate of Title 4A/481 shown Hereon and Consent to the issue of a Certificate of Title in accordance Herewith.

3. WALLACE, AS & H J NEYRON & KOCOROVY Registered Proprietors of the Land in Certificate of Title 4A/480 Agree to the Definition of the Boundary with Certificate of Title 4A/481 shown Hereon and Consent to the issue of a Certificate of Title in accordance Herewith.

16.50

11.95 ha

PT 1 DP 5787
CT 30/789
A J PARKINSON & DA YOUNG

11.95 ha

PT 23 WAIRAU REGN DIST
CT 4A/481
AGRON FARM LTD

8.71 ha

PT 1 DP 6464
CT 4A/480
A J & H J NEYRON & KOCOROVY

2 DP 1101
CT 53/206
BN HIGHWAY

LAND DISTRICT MARLBOROUGH
SURVEY BLK. & DIST. XVI CLOUDY BAY
NZMS 261 SHT P28 RECORD MAP No 20, 21, 22, 23

LOTS 1 & 2 BEING A SBDN OF PT SEC 23 WAIRAU REGN DIST & EASEMENT OVER SEC 2 SO 7139

TERRITORIAL AUTHORITY MARLBOROUGH DIST.
Surveyed by DAVIDSON AYSON
Scale 1:2500 Date NOV. 1993

Approvals

Registered Owners

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERV TEN	DOM TEN
RIGHT OF WAY, RIGHT TO CONVEY, ELECTRICITY & TELEPHONIC COMMUNICATIONS	E	LOT 1 HEREON	LOT 2 HEREON

EXISTING EASEMENTS

PURPOSE	SHOWN	SERV TEN	DOM TEN
RIGHT TO CONVEY WATER	D	SEC 2 SO 7139 DOC 124347	LOT 1 DP 6464
	A, C	LOT 2 HEREON DOC 124367	LOT 1 DP 6464

Optional Easements

PURPOSE	SHOWN	SERV TEN	DOM TEN
RIGHT TO CONVEY WATER	D, E, H	SEC 2 SO 7139	LOTS 1 & 2 HEREON
RIGHT OF WAY	B, F	LOT 2 HEREON	SEC 2 SO 7139
	E	LOT 1 HEREON	SEC 2 SO 7139

NEW CTS ALLOCATED

LOT	CT	FOR LOCAL AUTHORITY CONSENT SEE
LOT 1	5B/1141	DOC 173608-1
LOT 2	5B/1142	DOC 173608-1

Total Area 20.66 ha

Comprised in LOT 1 & 2, AGRON FARM LTD

I, Vernon Thomas, Esq., of the City of Wellington, Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and surveys are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at Wellington this 12th day of November 1993.

Field Book No. 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 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2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904,

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)*

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

The decision I/we would like the Council to make is *(give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought. Use additional pages if required)*

4. 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.)*

☐

5. Signature

Signature _____ Date _____

Signature _____ Date _____

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.
- 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.

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.