



**MARLBOROUGH  
DISTRICT COUNCIL**

## **RESOURCE CONSENT APPLICATION**

**U210252**

# **Giesen Group Limited**

3189 State Highway 1, Riverlands, Blenheim

**Submissions Close**

**5.00 pm Monday 28 June 2021**

## Bea Gregory-5252

---

**From:** Catherine Hammond <catherine@wilkesrm.co.nz>  
**Sent:** Wednesday, 17 March 2021 12:04 PM  
**To:** RCInbox  
**Subject:** Resource consent application - Giesen Group Ltd  
**Attachments:** Appendix 1 - Location Plan.pdf; Appendix 2 - Site Plan.pdf; Appendix 3 - Irrigation Requirements 2.2ha pasture.pdf; Appendix 3 - Irrigation Requirements 17.5ha grapes.pdf; Appendix 4 - Title Document.pdf; Application AEE.pdf; RAF0002-CI1913-Application\_for\_Resource\_Consent (1).pdf; RAF0007-CI2067-Water Permit Supplementary Information Form.doc.pdf

Hello

I would like to lodge the attached resource consent application please.

Can a receipt for the lodgement fee deposit payment please be sent to Antony Bell at the following email [antony.bell@giesengroup.co.nz](mailto:antony.bell@giesengroup.co.nz)

Kind regards

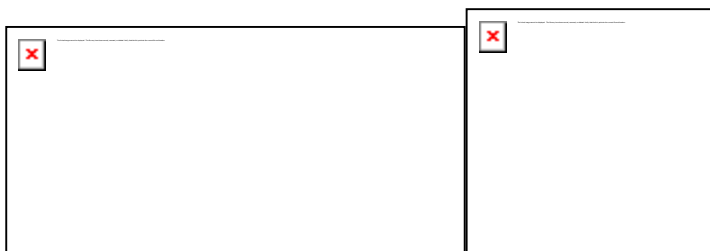
*Catherine Hammond*

t +64 3 578 5339 | m +64 274 281 847

Temple Chambers, 76 High Street, Blenheim 7240, New Zealand

[catherine@wilkesrm.co.nz](mailto:catherine@wilkesrm.co.nz)

[www.wilkesrm.co.nz](http://www.wilkesrm.co.nz)



**NOTE:** We do not accept responsibility for any changes to this e-mail, or its attachments, made after we have transmitted it. We do not accept responsibility for attachments made by others to this e-mail.

**CONFIDENTIALITY:** The contents of this email (including any attachments) may be subject to legal privilege, be confidential and obtain proprietary information. Any unauthorised use of the contents is expressly prohibited. If you are not the intended recipient, please advise us immediately and then delete this email together with all attachments.

Please consider the environment before printing this email.

---

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

---

# Application for Resource Consent or Fast Track Resource Consent

This application is made under Section 88 or 87AAC 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.



**MARLBOROUGH  
DISTRICT COUNCIL**

## For Office Use

ISO 9001  
Document Number:  
RAF0002-C11913

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)*

Giesen Group Limited

Company/Trust Number:  
*(if applicable)*

Electronic Address for Service: antony.bell@giesengroup.co.nz

Mailing Address:  
*(including post code)*  
26 Bristol Street  
RD 4  
Blenheim 7274

Phone: (Daytime) 03 578 9057

Phone: (Mobile) 021 805 369

## 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

Electronic Address for Service: catherine@wilkesrm.co.nz

Mailing Address:  
*(including post code)*  
Temple Chambers  
76 High Street  
Blenheim 7201

Phone: (Daytime) \_\_\_\_\_

Phone: (Mobile) 0274281847

### 3. Type of Resource Consent Applied For

- ☐ Coastal Permit      ☐ Discharge Permit      ☐ Land Use      ☐ Subdivision      ☒ Water Permit
- ☐ Fast Track Application
- ☐ I opt out of the fast track consent process
- ☐ I do not opt out of the fast track consent process

### 4. Description of the Activity

The activity to which the application relates is as follows:

To abstract and use Riverlands FMU water for irrigation and 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. Site Details

The site to which the proposed activity is to occur is as follows:

Location (address): 3189 State Highway 1, Riverlands

Legal description (i.e. Lot 1 DP 1234): Part Lot 28 DEEDS 16

(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).**

#### Owners/Occupiers of the Site

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

#### Affected Persons

**Please attach the written approval of affected persons/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. Part 2 of the Resource Management Act 1991**

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

**9. Section 104 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.

**10. Other Information**

Are there other activities which are part of the proposal to which the activity relates, for example permitted activities, or building consents, etc?

Permitted activities:

Non Resource Management Act 1991 activities relating to this application:

Additional consents that need to be applied for, or have been applied for:

**Section 124 or 165ZH(1)(c)**

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.)*

## 11. 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)

## 12. Declaration

I (please print name) Catherine Hammond

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

Signature of applicant or authorised agent: C. Hammond

Date: 12.3.2021

### Notes to Applicant

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).

### 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.

### Environmental Protection Authority

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).

### Fast Track Applications (relates to a land use consent for a controlled activity)

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, unless the applicant 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.

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 / No  
 If yes, please state the water permit number U110290.....  
 If yes, is there an existing meter number? 2413 .....  
 If yes, when was the meter last verified? July 2019.....
2. Source of water (name of river, stream aquifer, etc) Riverlands Aquifer .....
3. Freshwater Management Unit (FMU) Riverlands Aquifer FMU .....
4. Which class of water? .....  
 (A, B etc for surface water takes)
5. Maximum quantity of take ..... litres per second (for surface water only)  
 ..... Cubic metres per day (for surface water only)  
 45,580 ..... cubic metres per year (for groundwater only)

### GROUNDWATER:

1. Well number (if existing well) P28w/4462 .....
2. Depth from ground level to bottom of well 29..... metres
3. Well Co-ordinates (NZTM) 1682919..... Easting  
 5402826..... Northing

### SURFACE WATER:

1. Abstraction method .....  
 e.g. intake gallery, suction hose, diversion channel, etc.)
2. Intake Co-ordinates (NZTM) ..... Easting  
 ..... 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)  
Irrigation of up to 17.5 hectares of vineyard, 2.2 hectares of pasture, and ancillary uses  
.....
2. Legal description for the site where water is to be used?.....  
Part Lot 28 DEEDS 16.....

---

## 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

July	August	September	October	November	December

4. Maximum cumulative annual usage? .....





---

Giesen Group Limited

**Application for Resource Consent**

- Water Permit - Abstract  
Riverlands FMU Water
- Water Permit – Use Water

---

9 February 2021

## QUALITY ASSURANCE

**Applicant:** Giesen Group Limited

**Reference:** 153

**Proposal:** Application for Resource Consent to abstract and use Riverlands FMU water for irrigation and ancillary purposes.

**Location:** 3189 State Highway 1, Riverlands

Document Name	Date	No. of Pages	Version
WilkesRM AEE	9 February 2021	22	1
Location Plan	9 February 2021	1	1
Site Plan	9 February 2021	1	1
IrriCalc Irrigation Model	9 February 2021	4	1
Title Documents	Search date 10 February 2021	2	

**Prepared:** Catherine Hammond

**Signature:**

*C. Hammond*

**Reviewed:** Steve Wilkes

**Signature:**

*Steve Wilkes*

## Table of Contents

1	Introduction .....	1
2	The Proposal .....	3
3	The Existing Environment .....	5
4	Statutory Framework .....	5
4.1	The Resource Management Act 1991 .....	5
4.2	The Wairau Awatere Resource Management Plan .....	5
4.3	The Proposed Marlborough Environment Plan .....	6
5	Consultation and Notification .....	6
6	Assessment of Effects .....	7
6.1	Potential Effects on the Riverlands Freshwater Management Unit .....	7
6.2	Potential Effects on Other Users .....	8
6.3	The Efficient Use of Water .....	8
6.4	Any Alternative Locations or Methods .....	9
6.5	Effects on Nearby Waterbodies .....	9
6.6	Any Other Potential Effect .....	9
7	Summary of Mitigation Measures .....	10
8	Other Matters .....	10
8.1	Resource Management Act 1991 .....	10
8.1.1	Section 6 Matters of National Importance .....	10
8.1.2	Section 7 Other Matters .....	11
8.1.3	Section 8 Treaty of Waitangi .....	11
8.2	The National Policy Statement for Freshwater Management .....	12
8.3	Marlborough Regional Policy Statement .....	12
8.4	The Wairau Awatere Resource Management Plan .....	13
8.5	Proposed Marlborough Environment Plan .....	14
9	Proposed Monitoring .....	17
10	Conclusion .....	18
	Appendices	

# 1 Introduction

The applicant is Giesen Group Limited.

The applicant owns land at 3189 State Highway 1, Riverlands being Part Lot 28 DEEDS 16.

The applicant holds water permit U110290. That water permit provides for:

- the direct abstraction of up to 215 m<sup>3</sup>/day of underground water via well P28w/4462;
- the irrigation of up to 21 hectares of vineyard.

The total seasonal allocation of water as per U110290 equates to 45,580 m<sup>3</sup> based on the 215 m<sup>3</sup>/day allocation for the 1 October to 30 April inclusive season totaling 212 days.

This application is seeking to replace water permit U110290 which is due to expire on 1 September 2021.

The applicant seeks the re-issue of that water permit with a new water permit that provides for the irrigation of up to 17.5 ha of vineyard, up to 2.2 ha of pasture, and ancillary uses.

The applicant has reviewed the Irricalc model for grape irrigation and reviewed their water usage data.

Actual water use on the subject vineyard demonstrates that a higher rate of water use during the month of March than determined by Irricalc.

It is therefore proposed that the monthly maximum allocations are in line with the Proposed Grape Irrigation Monthly Maximums, as detailed in Table 1. The proposed variation to the Irricalc monthly outputs for grape irrigation will allow for 1000m<sup>3</sup> less during the months of January and February, and 2000m<sup>3</sup> more later in the season during March which is in-line with the applicant's actual vineyard water demand.

**Table 1 – Actual Water Use Vs Irricalc Modelled Use**

	Actual Maximum Water Use Averages	Irricalc	Proposed Grape Irrigation Monthly Maximum
October	457.9	350	350
November	2696.7	6125	6125
December	4379.5	9975	9975
January	5940.7	10,500	9500
February	4666	8925	7925
March	5373.6	5775	7775
April	3997.1	1925	1925
<b>Totals</b>	<b>27,511.5</b>	<b>43,575</b>	<b>43,575</b>

The consented seasonal maximum allocation of 45,580m<sup>3</sup> is not proposed to be changed. This will ensure no extra water is taken from the Riverlands FMU.

Policy 5.7.3 of the MEP recognises that a reasonable use model, such as Irricalc, is a modelled calculation and may not accurately estimate reasonable use in all circumstances. The policy provides resource consent applicants the opportunity to provide property specific information on the factors that influence crop demand that may demonstrate a rate of water use that exceeds the calculation provided by the model of water use than a reasonable use model would otherwise indicate.

The applicant has reviewed actual water use on their Sand Dunes vineyard which demonstrates that lower rates of water use are required during the months of January and February, and a higher rate of water use is required during the month of March than determined by Irricalc. This application is therefore considered consistent with Policy 5.7.3 of the MEP.

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;
- Appendix 4 – Title Documents.

## 2 The Proposal

The applicant, Giesen Group Limited, seeks resource consent for the following specific activities:

- Water Permit – Take Water
  - *To abstract Riverlands FMU water up to a maximum rate of 45,580 cubic metres per year from well P28w/4462 located on Part Lot 28 DEEDS 16.*
- Water Permit – Use Water
  - *To use water for the irrigation of up to 17.5 ha of viticulture and 2.2 ha of broad acre pasture on Part Lot 28 DEEDS 16.*

*The irrigation will not exceed the following monthly maximum volumes (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>m<sup>3</sup></i>	3122	8897	14133	13658	10829	10547	3311

*The total annual irrigation usage shall not exceed 54,539 cubic metres.*

- *To use water for ancillary uses on Part Lot 28 DEEDS 16 up to a maximum rate of 1,970 cubic metres per year.*

Water will be abstracted via an existing well P28w/4462. The intake well is shown on the attached Site Plan contained in Appendix 2.

The applicant has water meter #2413 installed at the intake site. The meter was last verified in July 2019 to demonstrate compliance with the Resource Management and Reporting of Water Takes Regulations 2010.

The well is approximately 29 metres deep and sources water from the Riverlands Aquifer.

The volume of water sought for ancillary purposes is consistent with standard industry practice whereby 100 m<sup>3</sup>/year/ha is considered appropriate for crop spraying, line flushing and the like.

The applicant acknowledges that the total abstraction sought is less than the total proposed combined uses, however until such time as either additional water is available for allocation or a transfer of water can be achieved, the applicant has limited options other than utilising the 43,580 m<sup>3</sup>/year as strategically as possible.

### 3 The Existing Environment

The supply is well P28w/4462, located on Part Lot 28 DEEDS 16, which intercepts the Riverlands Aquifer. The depth of the well is approximately 29 metres with a diameter of 100mm and was drilled in 2005.

The applicant's well is located approximately 330 m north of State Highway 1.

According to Council's database the closest neighbouring wells are located approximately 390 distant.

The nearest waterway from the subject well is the Opaoa River, some 300 m distant.

### 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 subject 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 from the Wairau Aquifer between 15 – 3000 cubic metres per day as a **discretionary** activity.



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

### 4.3 The Proposed Marlborough Environment Plan

The majority of the site is zoned Rural Environment with the northern portion zoned Floodway under the 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 of the MEP.

## 5 Consultation and Notification

No consultation has been undertaken.

It is considered there are no adverse effects on any other parties that would warrant any consultation or obtaining of any written approvals.

When the pre-existing resource consent U110290 was processed and publicly notified by MDC there were no submissions lodged.

Notification of this application is therefore considered unnecessary.

## 6 Assessment of Effects

As detailed below it is considered that the proposal will not lead to the occurrence of effects on the Riverlands FMU or lead to interference effects. It is considered that the proposal is consistent with the Wairau Awatere Resource Management Plan and the Proposed Marlborough Environment Plan and represents the efficient use of resources.

### 6.1 Potential Effects on the Riverlands Freshwater Management Unit

The MEP details an allocation regime for Riverlands FMU water. The regime allows for 2,154,100 m<sup>3</sup>/year to be allocated.

The proposed abstraction is within the existing allocation for the Riverlands FMU given the existing consent and is therefore consistent with the water allocation provisions within the MEP.

The proposal represents the ability to abstract water at up to monthly maximums derived from actual water use requirements combined with Irricalc.

The consented seasonal maximum allocation is not proposed to be changed. This will ensure no extra water is taken from the Riverlands FMU.

Consequently, 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 environment should not arise.

The quantity applied for is considered to be appropriate to ensure sufficient irrigation water for the applicant's vineyard, pasture area, and ancillary uses. This is achieved through compliance with the proposed monthly maximum irrigation rates.

The abstraction has been occurring without any known adverse environmental effects.

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.

In addition, the MEP requires that abstractions from the Riverlands FMU shall cease when the water level in well 10346 is at 1.25mamsl. The applicant acknowledges and agrees to this trigger level.

## 6.2 Potential Effects on Other Users

The closest neighbouring well is located approximately 390m from the subject well.

There is no history of interference effects or complaints resulting from the abstraction of water from well P28w/4462.

## 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.

Water meter readings will provide an accurate record from the beginning of a new consent period based on actual operational requirements.

The allocation of water for ancillary use is based on local experience whereby an allocation of 100 m<sup>3</sup>/ha/year for uses such as crop spraying, irrigation line flushing etc is considered appropriate.

## 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 Effects on Nearby Waterbodies

The Opaoa River is located approximately 300 metres to the north-west of well P28w/4462.

There are unlikely to be any stream depletion effects given the separation distance between the applicant's well and the Opaoa River, the depth of the well, and there is no known history of any such effects occurring.

## 6.6 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.

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 abstraction of water will cease when the water level in well 10346 is at 1.25mamsl.
- Efficient irrigation will be achieved by means of compliance with monthly maximums and the seasonal maximum allocation; and
- Water metering will provide accurate records of actual operational requirements.
- Irrigation is only undertaken when required; and
- Interference effects on other users should not 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.

### 8.1.1 Section 104(2A)

Section 104(2A) of the RMA requires that a Consent Authority, when considering an application affected by Section 124<sup>1</sup>, must have regard to the value of investment of the existing Consent Holder.

The value of the investment the applicant put into improving the productivity of their rural land includes establishing a vineyard and installing irrigation infrastructure assets which are well in excess of \$1 million dollars.

---

<sup>1</sup> 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.

In addition to these costs are the ongoing costs associated with pumping of the water which are in the order of \$1 - \$2 /m<sup>3</sup>.

## 8.2 The National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 (NPSFWM) establishes a range of new requirements to provide local authorities with direction on how freshwater resources are to be managed.

The relevant requirements with respect to this proposal include:

- Managing freshwater in a way that 'gives effect' to Te Mana o te Wai;
- Allocating and using freshwater efficiently;
- Enabling communities to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

Of particular relevance to this proposal includes the following section:

Section 3.17 of the NPSFWM which states that *regional councils must identify take limits for each FMU*. The MEP water allocation provisions are drafted in accordance with the NPSFWM. As the allocation of Riverlands FMU water this application is seeking is within the MEP water allocation regime, the proposal is considered consistent with the NPSFWM in this regard.

## 8.3 Marlborough Regional Policy Statement

The provisions of the WARMP and the MEP have been developed in conjunction with the Marlborough Regional Policy Statement and, as such, seek similar environmental outcomes.

For that reason, an assessment of the proposal against the WARMP and the MEP should determine whether the application is consistent with the Regional Policy Statement.

## 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

*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 m<sup>3</sup>/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.*

A sustainable flow regime (SFR) has been established for the Wairau Aquifer. The abstraction has been occurring from the aquifer for many years under the WARMP. Any associated effects have been occurring for decades and there is no discernible or measurable effect that can be attributed to this abstraction.



This application simply seeks to relocate an existing consented allocation.

It is considered that the effects of the abstraction are no more than minor, and the life supporting capacity of the aquifer will be maintained.

*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 proposed to be abstracted allows for irrigation application rates consistent with MDC's guidelines as contained in the WARMF.

## 8.5 Proposed Marlborough Environment Plan

The proposed Marlborough Environment Plan (MEP) 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 4.1.2 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 Freshwater Resources

*Objective 5.1 Water allocation and water use management regimes reflect hydrological and environmental conditions within each water resource.*

*Policy 5.1.1 Define and use freshwater management units to apply appropriate management to the taking and use of water within each water resource.*

This application is within the Riverlands FMU allocation. Appendix 6 of the MEP states the maximum annual allocation for the Riverlands FMU is 2,154,100 cubic metres (outside of the municipal supply allocation). As this application is replacing an existing consent that is already within the allocation it is considered this proposal will be within the allocation for the Riverlands FMU.

*Objective 5.2 Recognise Te Mana or te Wai and safeguard the life-supporting capacity of freshwater resources by recognising the connection between water and the broader environment and retaining flows and/or levels required for the natural and human use values supported by waterbodies.*

*Policy 5.2.1 Maintain or enhance the natural and human use values supported by freshwater bodies.*

*Policy 5.2.10 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 5.2.14 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.*

The proposed abstraction has been occurring for many years. The nearest water body is some 300 m distant. It is considered that any effects on surface water bodies will not be more than minor.

*Objective 5.3 Enable access to reliable supplies of freshwater.*

*Policy 5.3.5 Enable the take and use of water where it will have little or no adverse effect on water resources.*

*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.*

*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 5.5.1 of the MEP establishes that the Riverlands Aquifer is, amongst other aquifers, considered to be over-allocated. This proposal simply seeks the re-allocation of the same volume of water as per the previous water permit and will not worsen the over-allocation of the Riverlands Aquifer. The proposal is considered consistent with this policy direction.

*Policy 5.7.3 Water permit applications to use water for irrigation will not be approved when the rate of use exceeds the reasonable use calculation, except where the applicant can demonstrate that they require more water based on property specific information.*

Policy 5.7.3 of the MEP recognises that a reasonable use model, such as Irricalc, is a modelled calculation and may not accurately estimate reasonable use in all circumstances. The policy provides resource consent applicants the opportunity to provide property specific information on the factors that influence crop demand that may demonstrate a rate of water use that exceeds the calculation provided by the model of water use than a reasonable use model would otherwise indicate.

The applicant has reviewed actual water use on their Sand Dunes vineyard which demonstrates that lower rates of water use are required during the months of January and February, and a higher rate of water use is required during the month of March than determined by Irricalc. This application is therefore considered consistent with Policy 5.7.3 of the MEP.

*Policy 5.7.4      Require water permit holders to measure their water take with a pulse emitting meter, to record water take and use with a data logger, and to transfer the recorded water take and use information by the use of telemetry. Alternative methods of measurement, recording or transfer that provide the Marlborough District Council with accurate water take and use data may be considered.*

The on-going abstraction will be recorded with a verified water meter with that data sent to MDC via telemetry.

Overall, the proposal is considered to be consistent with these policies.

## 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 all applicable conditions of consent.

## 10 Conclusion

The applicant, Giesen Group Limited, seeks resource consent for the following specific activities:

- Water Permit – Take Water
  - *To abstract Riverlands FMU water up to a maximum rate of 45,580 cubic metres per year from well P28w/4462 located on Part Lot 28 DEEDS 16.*
- Water Permit – Use Water
  - *To use water for the irrigation of up to 17.5 ha of viticulture and 2.2 ha of broad acre pasture on Part Lot 28 DEEDS 16.*

*The irrigation will not exceed the following monthly maximum volumes (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>m<sup>3</sup></i>	3122	8897	14133	13658	10829	10547	3311

*The total annual irrigation usage shall not exceed 54,539 cubic metres.*

- *To use water for ancillary uses on Part Lot 28 DEEDS 16 up to a maximum rate of 1,970 cubic metres per year.*

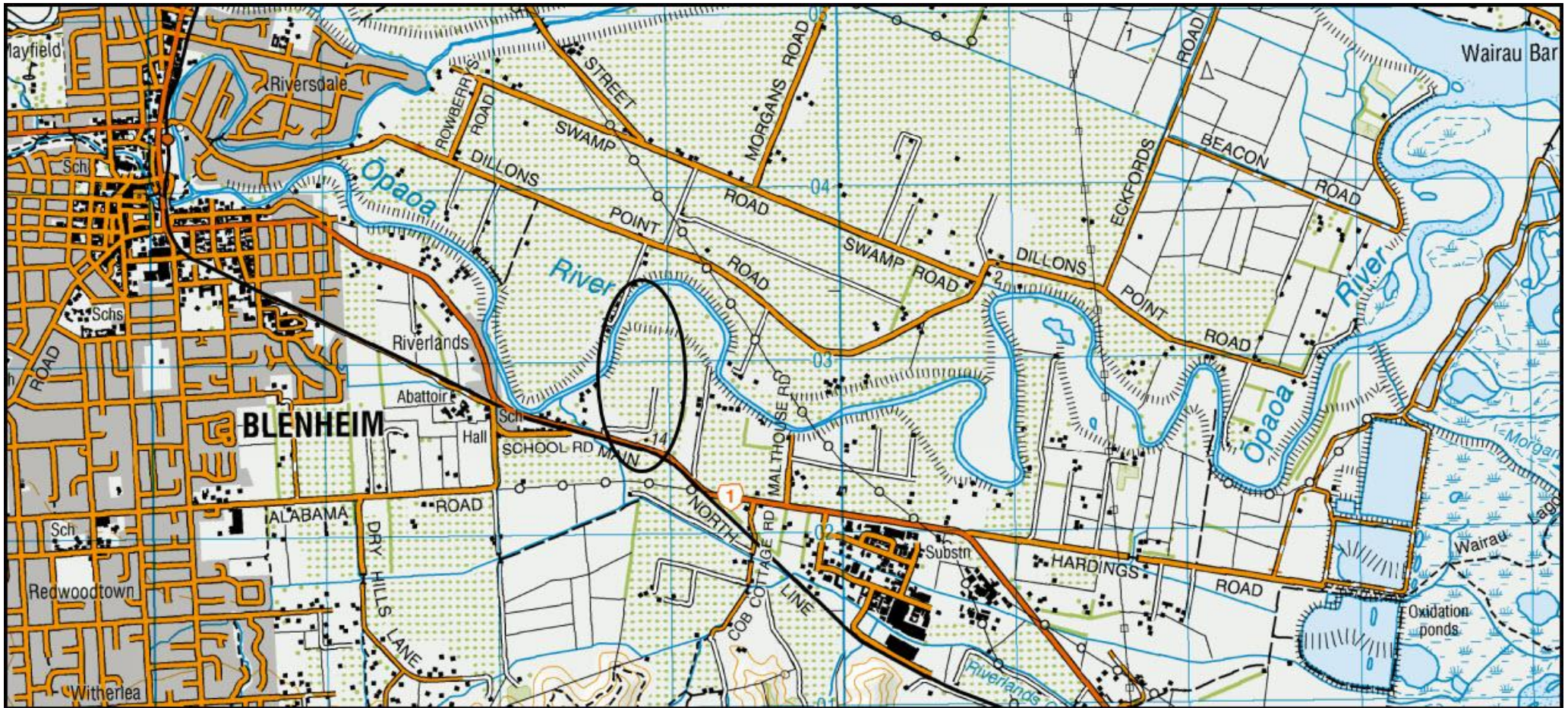
Any associated potential effects on the environment can be appropriately avoided, remedied or mitigated through the imposition of conditions of consent.

The proposal is consistent with the relevant provisions of Part 2 of the Act, the National Policy Statement for Freshwater Management 2020, the proposed Marlborough Environment Plan, the Marlborough Regional Policy Statement and the Wairau Awatere Resource Management Plan.

Accordingly, resource consent should be granted to this proposal.

## Appendix 1 – Location Plan





#### APPENDIX 1: LOCATION PLAN

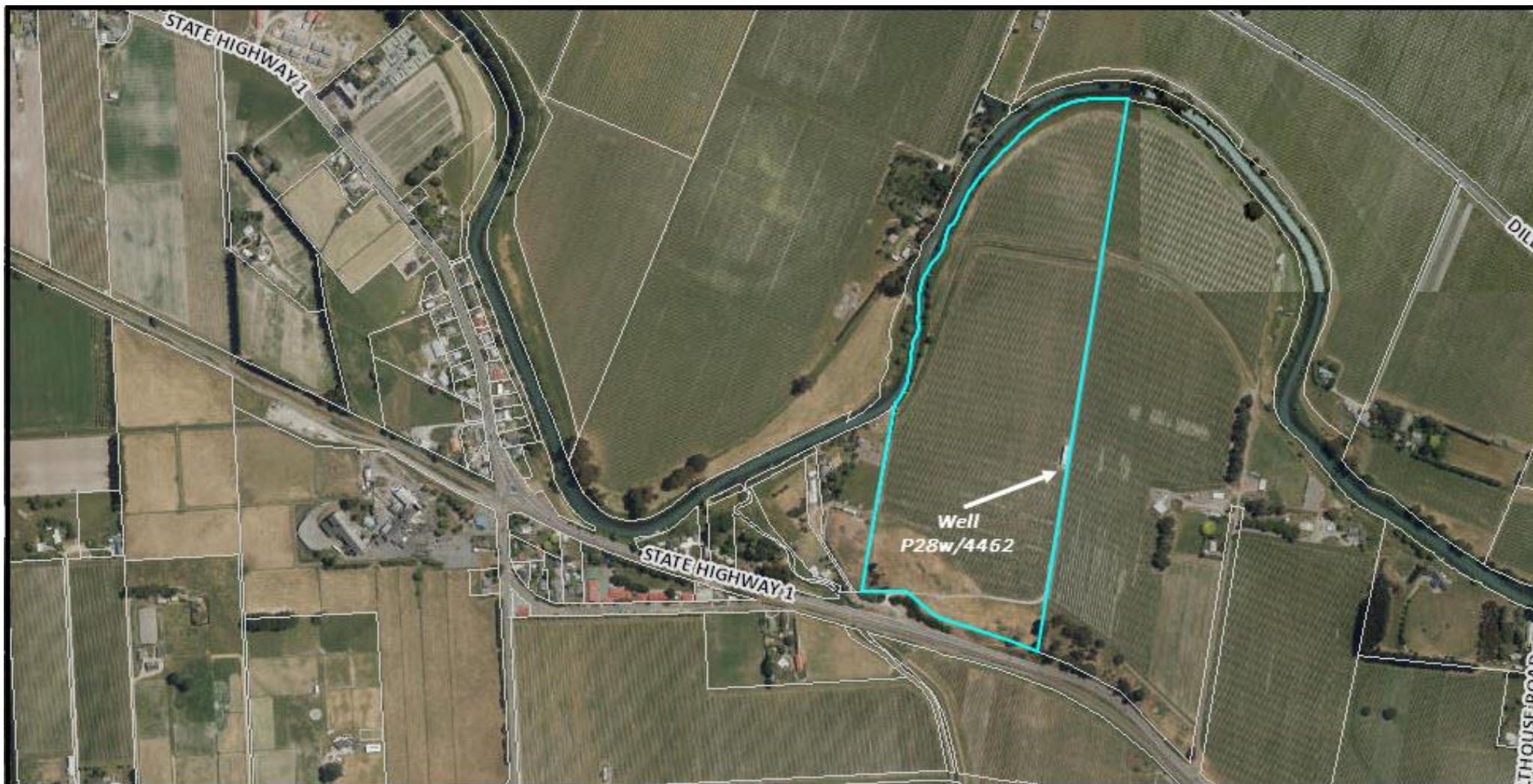
Giesen Group Ltd  
3189 State Highway 1, Riverlands  
153, v1  
9 February 2021

Temple Chambers  
76 High Street  
Blenheim  
03 578 5339  
[www.wilkesrm.co.nz](http://www.wilkesrm.co.nz)



## Appendix 2 – Site Plan





APPENDIX 2: SITE PLAN  
Giesen Group Ltd  
3189 State Highway 1, Riverlands  
153, v1  
9 February 2021

Temple Chambers  
76 High Street  
Blenheim  
03 578 5339  
[www.wilkesrm.co.nz](http://www.wilkesrm.co.nz)



## Appendix 3 – Irrigation Requirements

# 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

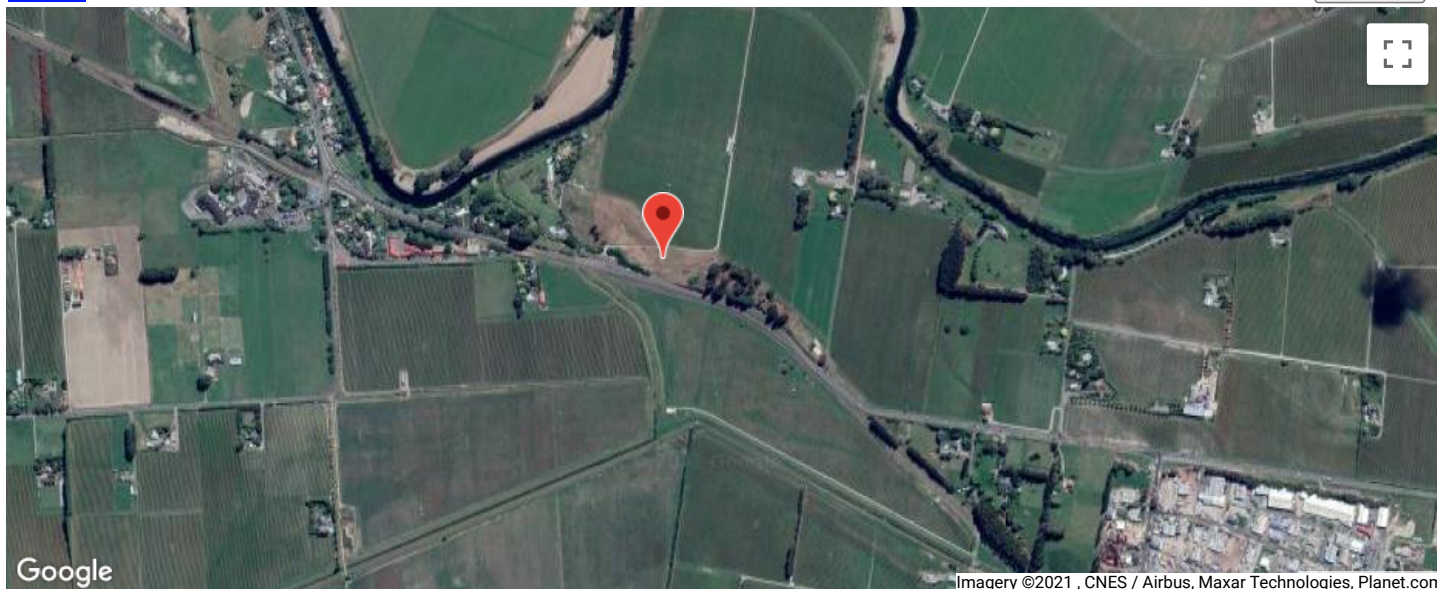


1

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

-41.524 , 173.992

Locate



2

Select Crop

Pasture

3

Select Plant Available Water

(a) Most likely PAW in this area

4

Select Irrigation Method

80% Efficient Irrigator

5

Fetch Data

## Farm Details

Description

Latitude -41.524

Longitude 173.992

Council Marlborough

Climate Site ID P160122

Distance to Climate Site (km) 1.42

Rainfall (mm) 614

## Plant Available Water Details

PAW(mm)

100

Indicative Likelihood

56.6

Area (hectares)

2.2

0

0

0

0

Total area =

2.2

## Irrigation Requirements

	Per Hectare	Total Area
System Capacity	0.61 (l/s/ha)	1.34 (l/s)
System Capacity	5.3 (mm/day)	
Daily Volume	53 (m <sup>3</sup> /ha)	117 (m <sup>3</sup> )
7 Day Volume		
28 Day Volume		
90% ile Annual Volume	8,253 (m <sup>3</sup> /ha)	18,157 (m <sup>3</sup> )

## 90 Percentile Monthly Volume

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Per Hectare (m <sup>3</sup> /h)	0	0	0	1,260	1,260	1,890	1,890	1,320	1,260	630	0	0
Total Area (m <sup>3</sup> )	0	0	0	2,772	2,772	4,158	4,158	2,904	2,772	1,386	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

User Guide

## Appendix 4 – Title Document



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Limited as to Parcels  
Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** MB32/8  
**Land Registration District** Marlborough  
**Date Issued** 15 August 1927

**Prior References**

DI 5/702

---

<b>Estate</b>	Fee Simple
<b>Area</b>	22.8015 hectares more or less
<b>Legal Description</b>	Part Lot 28 Deeds Plan 16

**Registered Owners**

Giesen Group Limited

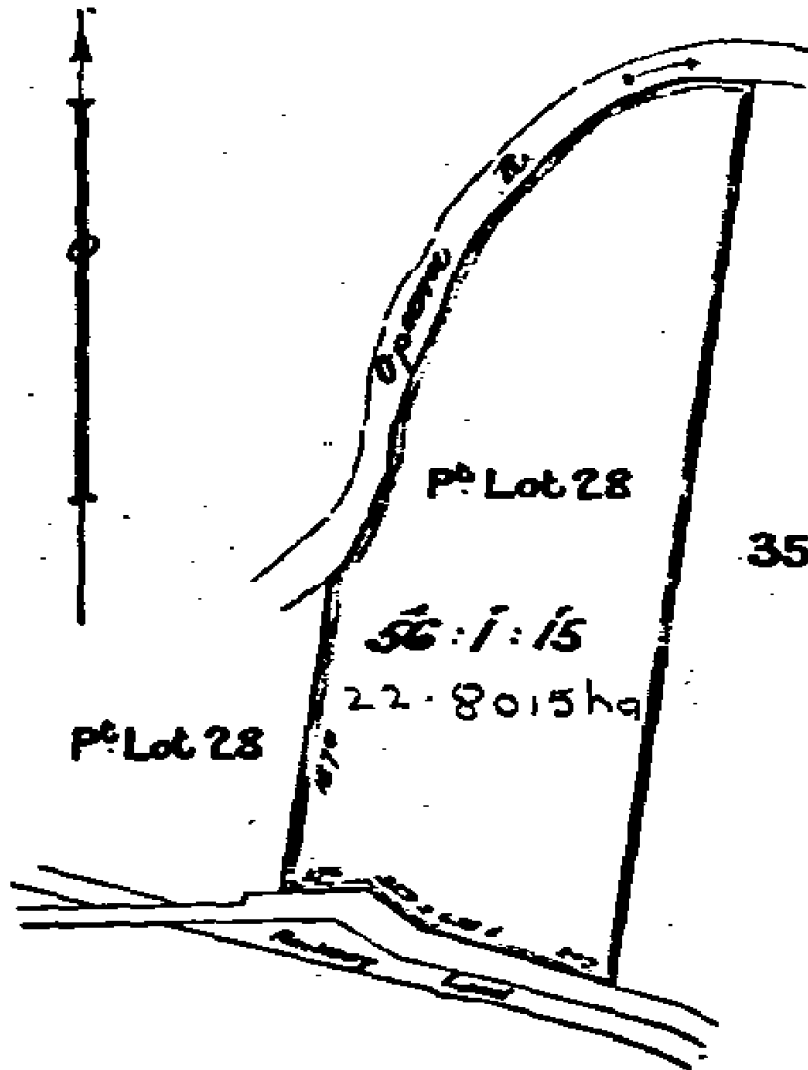
---

**Interests**

85841 Certificate declaring that State Highway No.1 adjoining the within land to be a Limited Access Road -  
11.1.1977 at 1.34 pm

10815764.3 Mortgage to Bank of New Zealand - 3.7.2017 at 4:56 pm

Image Quality due  
to Condition  
of Original



Pc Sec. 37, Opawa.  
Blk. XVII, Cloudy Bay S. D.  
Scale, 10 chains to an inch.  
B. 11. 11.

METRIC AREA IS 22.8015 ha

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](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.

---

## 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.