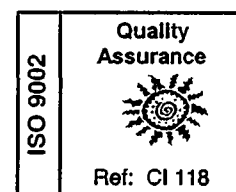


# Application for Resource Consent - Non-Notified : Delegated Council Commissioner



**FILE NO:** U000322

**APPLICANT:** E G Johnson

**SITE OF APPLICATION:** Guernsey Road, SH 63, Renwick

**PROPERTY NUMBER:** 158131

**PROPOSAL:** To take underground water for irrigation supply purposes at a rate not exceeding 6.8 cubic metres per day.

**CONSENTS APPLIED FOR:** Water Permit-Take Underground Water

**GRID REFERENCE:** E 2571599 N 5964253

**SITE VISIT:** No.

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## Description of Application

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1. This is an application to take underground water at a rate of 6.8 cubic metres per day for trickle and dripper irrigation of 5 ha of proposed olive, nut and lavender plantings.
2. The source of supply is well P28w/3646, which is 5 metres deep, and penetrates the relatively low yielding Lower Waihopai Valley aquifer.
3. The quantity applied for is equivalent to 1.6 litres per tree per day.

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## Statutory Framework

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1. Section 14 of the Resource Management Act 1991 states that:

*No person may take, use, dam, or divert any water ....unless the taking, use, damming, or diversion..... is allowed by subsection (3)*

*(3)A person is not prohibited by subsection (1) from taking, using, damming, or diverting any water....if-*

*(a) the taking, using, damming, or diversion is expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent....*

### Transitional Regional Plan

2. The Transitional Regional Plan makes no provision for the taking of this quantity of water.
3. Section 2 of the Resource Management Act 1991 (Interpretation) states;

“Discretionary activity” means an activity-

*(a) Which is provided for, as a discretionary activity, by a rule in a plan or proposed plan;*

*and...*

“Non-complying activity” means an activity which -

- (a) *Is provided for, as a non-complying activity, by a rule in a plan or proposed plan; or*
  - (b) *Contravenes a rule in a plan or proposed plan - and is allowed only if a resource consent is obtained in respect of the activity.*
4. This activity cannot be categorised as either a discretionary activity or a non-complying activity based on the criteria above, and therefore falls into what can be called a class of “innominate activities”. For this reason, Section 105(2A) does not need to be satisfied as would be the case for a non-complying activity. Section 105(4) states that:

*After considering an application for a resource consent, a consent authority may grant the consent on the basis that the activity is a controlled or discretionary or non-complying activity, whether or not -*

- (a) *The application was expressed to be for an activity of that kind;...*
5. Section 104 applies to the consideration of a resource consent irrespective of class type. The application can, for all practical purposes, be approached as if it were a discretionary activity under Sections 104 and 108, and giving consideration to Part II and the Fourth Schedule of the Act.
- Proposed Wairau/Awatere Resource Management Plan**
6. Rule 1.2.3.1 of the General Rules chapter of the Proposed Plan provides for the taking of up to 500 cubic metres per day from outside the Wairau aquifer as a **discretionary activity**.
7. This application will be addressed as a **discretionary activity** under Sections 104 and 108, and giving consideration to Part II and the Fourth Schedule of the Act.

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## **Section 93/94 - Resource Management Act 1991**

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1. Pursuant to Section 94 of the Act, is considered unreasonable to obtain written approval from potentially affected parties given the considerable distance to neighbours and neighbouring wells, and the very small quantity of water required.
2. Under the provisions of Section 94(2)(a) of the Resource Management Act 1991, it is recommended that this application not be notified due to envisaged minor effects on the groundwater resource, given the very small proposed abstraction.

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## **Part II Issues**

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1. Part II of the Resource Management Act, sets out the Principles and Purposes of the Act including “*Matters of National Importance*” (Sec 6), “*Other matters*” (Sec 7) and “*Treaty of Waitangi Issues*” (Sec 8). Further to this, Section 104 is subject to Part II of the Act and it is therefore necessary to consider the provisions of Part II in determining an application for consent.
2. Among other matters, Section 6, 7 and 8 all require consideration of Maori issues. While it is not considered necessary to consult with iwi in relation to this application, such consultation was undertaken during the development of the water management provisions contained within the Proposed Marlborough Sounds Resource Management Plan. Notwithstanding this, the proposal will not adversely effect any watercourse.
3. This proposal does not compromise any other matters raised under Part II of the Resource Management Act 1991.

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## Evaluation

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1. Section 105(1)(b) provides that a consent authority may grant consent for a discretionary activity and may impose conditions under Section 108.

### Section 104

#### Effects on the Environment

2. The applicant states that the nearest neighbouring bore is 150 metres upstream, and any potential adverse effect is mitigated by the fact that it is upstream.
3. Council staff agree that the effects on the environment is likely to be minor given that the daily requirement is of a domestic scale, only.

#### Marlborough Regional Policy Statement

4. This proposal is not contrary to the objectives of the Marlborough Regional Policy Statement and should not jeopardise sustainability of surface or groundwater systems.
5. The water take is not of a scale which would jeopardise the sustainability of the groundwater system, being of a very small scale in relation to aquifer yield.

#### Proposed Wairau/Awatere Resource Management Plan

##### Objectives and Policies

6. Objective 6.3.1 (Fresh Water) states *"To achieve equitable allocation and use of surface water and groundwater resources"*.
7. The subsequent Policy 1.3 states *"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"*.
8. The quantity of water applied for is well within Council irrigation guidelines. Given that this is application is within the low high yielding Southern Valles area a water meter is required to monitor use.

##### Rules

9. Sub-Section 1.2.3 (Fresh Water Abstractions) in the General Rules Section, lists the standards for discretionary activities.
10. Sub-section 1.2.3.3 on resource consent conditions lists factors on which conditions may relate to in addition to those matters contained in Section 108 of the Act. These factors include class of permit, volumes and maximum rate of take, permit terms and review periods, monitoring requirements, rationing requirements, and circumstances where permits may be revoked.
11. A 35 year consent term is considered appropriate given that this application is of a very small scale.

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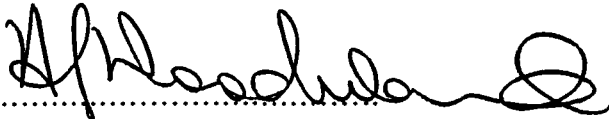
## Conclusion

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1. This is an application to take underground water at a rate of 6.8 cubic metres per day for trickle and dripper irrigation of 5 ha of proposed olive, nut and lavender plantings.
2. The application has been considered in accordance with the provisions of the Proposed Wairau/Awatere Resource Management Plan, the Marlborough Regional Policy Statement and the Transitional Regional Plan. It is considered that the proposal will have no adverse effects that can be considered to be more than minor, and is consistent with the relevant objectives and policies of

both of those documents. It is therefore considered that the proposed activity is sustainable in terms of Part 2 of the Resource Management Act 1991,

3. It is considered that a resource consent can be granted to the application pursuant to Section 105 of the Resource Management Act 1991, and in accordance with Sections 104, and 108 of that statute, for a consent term of 35 years.



.....  
**HELEN WOODWARD**  
**RESOURCE MANAGEMENT OFFICER**

27 April 2000

\\S....O:\Reg\ResCon\RM\Officers\Freshwater\Rpts\HWO-Johnson-nn-U000322.doc 27/04/00 11:00

File No: 4000322....

Prop No: .....



**Resource Consents: Decision Not to Notify**  
(Pursuant to Section 94(2) Resource Management Act 1991)

APPLICANT: Sompo

SITE OF APPLICATION: Guernsey Rd - 5 Hbs

APPLICATION: Take underground water

**Status of Application** ie; discretionary/non-complying (Give reason)

Dis.

Effects are minor because v. small abstraction

Affected party consents obtained ☐

Affected parties consents unnecessary because: v. small abstraction

separation distance

**Delegated Officers Signatures:**

Notification not required

Delegation (12)

Affected parties consents not required

Delegation (12)

**NB:** For decisions involving applications made by the Marlborough District Council, refer to the delegations under Item 4.1 within the Code of Practice.

# MARLBOROUGH DISTRICT COUNCIL

## Advice of Receipt of Resource Consent Application

28-Mar-00

**Application No:**

**U 000322**

**Case Officer**

Helen Woodward

Johnson, Edwin Gilmour

440A Broadway

Strathmore

Wellington

Dear Sir / Madam

**APPLICATION:** To take underground water

Your application has been received by the Council and is currently being assessed. If any additional information is required your case officer will contact you or your nominated agent.

You will receive an invoice for the cost of your Resource Consent when the consent is finalised. However, you should note that fees may be invoiced on an interim basis in certain circumstances:-

- If the application is complex and requires greater than average time and resources, or
- If the application requires public notification.

Please note that irrespective of whether a Consent is granted or refused, the actual cost of processing the application remains payable.

If you require any assistance during the processing of your Resource Consent application, your case officer above will be pleased to assist you.

Yours faithfully



Consents Officer

# MARLBOROUGH DISTRICT COUNCIL

28-Mar-00

Application for a Resource Consent

Reference to Quote

000322

Application details circulated to the following Organisations and Office

- |   |  |
|---|--|
| <input type="checkbox"/> Land Transport Manager         | <input type="checkbox"/> Department of Conservation Pic/Ren/St A |
| <input type="checkbox"/> Community Services Dept (MD)   | <input type="checkbox"/> Opus Consultancy Group (Blenheim)       |
| <input type="checkbox"/> Building Control Officer (MDC) | <input type="checkbox"/> Maritime Safety Authority               |
| <input type="checkbox"/> Senior Rivers Engineer         | <input type="checkbox"/> Marlborough Lines Limited               |
| <input type="checkbox"/> Harbour Master                 | <input type="checkbox"/> Nelson Marlborough CHE                  |
| <input checked="" type="checkbox"/> Peter Davidson      | <input type="checkbox"/> Mark Power                              |
| <input type="checkbox"/> Val Wadsworth                  | <input type="checkbox"/> Lynda Neame                             |
| <input type="checkbox"/> Environmental Health Officer   |  |

Applicant :

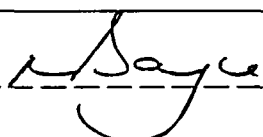
Johnson, Edwin Gilmour

## Description of Consents Applied For

Water Permit - Take Underground Water

AT: SH63/Guernsey Road Renwick

Actioned by



Date 28 / 3 / 00





# Marlborough District Council

Resource Consent mailing coversheet

fold line

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Resource Consent Application Reference      000322

Applicant:

Johnson, Edwin Gilmour

c/o      440A Broadway

Wellington

*Friday, 28 April 2000*

# MARLBOROUGH DISTRICT COUNCIL

## Resource Consent Advice - Important information for Applicants and Submitters

**Application Number:** 000322

Friday, 28 April 2000

**Property No**

158131

**Applicant:** Johnson, Edwin Gilmour

**Description of Applications:** Water Permit - Take Underground Water

**AT:** SH63/Guernsey Road Renwick

**Location:** SH63/Guernsey Road Renwick

### Lapse of Consent

You should note that a resource consent lapses on the expiry of two years after the date of commencement of that consent, unless the consent is given effect to, or after the expiry of such shorter or longer period as is expressly provided for in the consent. Section 125 of the Resource Management Act 1991 details matters of consent time extension.

### Appeals and Objections

If you are intending to exercise your legal rights regarding the Council's decision and you are in any doubt how to proceed, it is strongly recommended that you consult with your Agent/Lawyer.

Your status as an applicant/person making a submission provides you with certain legal rights with regard to the Council's decision.

For your general guidance, Sections 120, 127 and 357 of the Resource Management Act 1991 provides rights with respect to:

#### 1. Appeals (S.120)

Section 120: Concerning appeal, requires that a "Notice of Appeal" be lodged with the Registrar of the Environment Court and with the Council within 15 working days of your receipt (or receipt by the person who filed the application on your behalf) of the Council's formal decision.

#### 2. Application for change or cancellation of consent conditions. (S.127)[applicant(s) only]

Section 127: Involves making an application direct to the Council.

#### 3. Objection to certain decisions and requirements of consent authorities. (S.357) [applicant(s) only]

Section 357: Requires that an objection be lodged with the Council within 15 working days of your receipt of the Council's formal decision.

**The address of the Environment Court is**

**Post Office Box 5027  
Lambton Quay  
WELLINGTON 6040**

**An appeal must be lodged on Form 7 prescribed by the Resource Management (Forms) Regulations 1991 and must be accompanied by a filing fee of \$55 (GST inclusive) as specified in those Regulations under Part VI, Section 28, Sub-section (3). A copy of the Regulations may be purchased from the Government**

### Consents for Subdivisions

Section 406(b) of the Resource Management Act 1991 requires that Council must be satisfied in the case of residential, commercial and industrial subdivisions that there is adequate provision for electricity supply and reticulation to all allotments on the subdivision. Before release of any survey plan involving such subdivisions, there will need to be a clearance from an approved supplier that such obligation has been met.

All conditions must be met before Consent Plans will be released.

### Important Note

**This Information Sheet accompanies the formal Advice of Consent. The Consent may set out a number of conditions and cover more than one page. It is advisable to study the consent as soon as it is received and if there are any queries contact the following Officer to discuss any concerns.**

**Officer to contact:** Helen Woodward

Report name "Advice of Decision Attachment"

# MARLBOROUGH DISTRICT COUNCIL

## Resource Consent Advice - for information

000322

28/04/00

Quotable Value New Zealand  
Post Office Box 89  
NELSON 7015

fold

Rates Clerk

Property No  
158131

fold

# Water Take Verification Project

## Check List

### Front Screen

Application Number: U000322

Ver\_date ☒

Verification by: ☒

Decision Date ☒

\* Monitoring Officer ☐

\* Bring Up Date ☐

Consent Type: Water Permit

Take Underground ☒ Take Surface ☐

Expiry Date: ☒

Status: A A = Active #T = Transferred  
E = Expired #S = Surrendered  
L = Lapsed

\*Monitoring Finished ☐

# If the permit has been transferred or surrendered then the related field is the only other field that needs to be checked.

\* If monitoring finished then the monitoring officer and bring up date fields do not need to be filled in.

### Consent Details Screen

Consent Number: 25467

Consent Use: ☒

Purpose: ☒

Type of Application: ☒

Expiry Date ☒

Officer ☒

Site Location ☒

Easting & Northing ☒

### Property Screen

Property Number : ☒

### Conditions Screen

Expiry condition ☒

Abstraction rate condition ☒

Water meter ☒

Standard meter condition ☒

Non standard meter condition ☐

Section 128 Condition ☒

Supply Water Usage Info ☒

### Water Screen

Water Type: Ground Water ☒  
Surface Water ☐

Source ID: ☒

Litre/Second: .....

M<sup>3</sup> / day: 6.8

M<sup>3</sup> / week: .....

Yearly Quota: .....

Restriction Level Yes / No

Class: ..... A, B or C

Irrigated Area: ..... Ha

Well#: P28W/3646

Abstraction ☒

### Water Meter

Application number ☒

Consent number ☒

Meter # ☒

Meter Name ☒

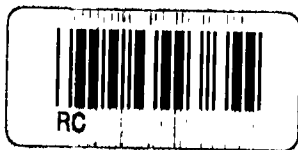
Units (m<sup>3</sup>) ☐

Reading order ☒

Access ☐

Reading Entered ☐

Self Monitoring to indicate consents that have a condition to supply water usage information.



# PROCON CHECK LIST

- Details in Proposal & Purpose ✓ (are the same in single or simple consent applications)  
(where multi faceted consents are processed Purpose should be specific to consent not the whole application).
- Decision Status/Date ✓ complete
- List of Consents required ✓ complete
- Status ✓ complete
- Expiry date completed where applicable ✓
- Detail
  - Activity ✓
  - Expiry Date NO
  - Easting & Northing ✓
- Property No 158131 complete (In each consent where required)
- Tracking ✓ complete
- Site Visit details NO complete
- Delegation ✓ completed
- Related Consent
  - x refer in Procon (on each consent)
  - x refer files NO
- Hazard NO
- Fee (Refund/Invoice) 500.37
- Resource Analysis ✓

\\NC224....Document1 Saved 00/00/00 00:00

832202

Coastal  
Permit 2  
Foreshore File

Subdivision  
Plan (Copy of Conditions if ap)

11152000  
CL

~~Kivora~~  
~~exploratory strip~~

-----  
Property ID: 158131 SH63 RENWICK ., BLENHEIM, MARLBOROUGH DISTRICT  
Name: Ended:  
Other Addresses: Reason:  
Floor Tower: N/A Number: 0 Type: Shop/Suite: :1 Started: 19/11/99  
Property Notes: N/A

Rate Account / Type	VNZ Number	Ended	Years Rates	Due Now	Clear Year	Land Value	Improvement Value	Capital Value
158131	20311/21200.		\$932.86	\$0.00	\$233.26	\$115,000	\$0	\$0
Primary	Balance Bfwd	\$0.00		Instalment 1: \$	0.00	Due:28/07/99	Last Day for Payment:13/09/99	
	INST LEV YTD	\$699.60		Instalment 2: \$	0.00	Due:28/10/99	Last Day for Payment:13/12/99	
	ARREARS PEN	\$0.00		Instalment 3: \$	0.00	Due:28/01/00	Last Day for Payment:13/03/00	
	INSTAL PEN	\$0.00		Instalment 4: \$	0.00	Due:28/04/00	Last Day for Payment:13/06/00	
	ADJUSTMENTS	\$0.00						
	REBATE	\$0.00						
	Cash Received	-\$699.60						
	Totals	\$0.00						

People Associated with Property	Entity	Role	Entity Key	Priority
534385 **MCMURTRY, ELIZABETH PHYLLIS	ACCOUNTS RECEI		RTZ0158131	1
501965 **MCMURTRY, EDWARD RANDAL	ACCOUNTS RECEI		RTZ0158131	2
540791 JOHNSON, EDWIN GILMOUR	ACCOUNTS RECEI		RTZ0158131	1
540792 JOHNSON, DIANNE MARGARET	ACCOUNTS RECEI		RTZ0158131	2
540793 WALLS, MICHAEL KEITH	ACCOUNTS RECEI		RTZ0158131	3
501804 **MARLBOROUGH DISTRICT COUNCIL GL 653353192	RATE ACCOUNT	occupier	158131	1
501775 **MARLBOROUGH DISTRICT COUNCIL	RATE ACCOUNT	occupier	158131	1
534385 **MCMURTRY, ELIZABETH PHYLLIS	RATE ACCOUNT	occupier	158131	1
501965 **MCMURTRY, EDWARD RANDAL	RATE ACCOUNT	occupier	158131	2
540791 JOHNSON, EDWIN GILMOUR	RATE ACCOUNT	occupier	158131	1
540792 JOHNSON, DIANNE MARGARET	RATE ACCOUNT	occupier	158131	2
540793 WALLS, MICHAEL KEITH	RATE ACCOUNT	occupier	158131	3

Land Parcel/s	Area (Hectares)	Started	Ended	Reason
822172 SEC 1 SO 6970	0.0000	15/ 5/1996		
Certificate of Title/s: 5A/643 Estate: Type: Analysis Types: related issues / other consents that relate to this property Ref: u970129 Started: 14/10/97				
832202 LOT 1 DP 10802	8.0030	14/10/1997		

-----  
Certificate of Title/s: \*\*5A/643 Estate: Type:  
6A/855 Estate: Type:  
Size History: 14/10/97 Area Change (Ha): 8.0000 Source/Dest: 0 Reason: u970129  
04/09/98 Area Change (Ha): 0.0030 Source/Dest: 0 Reason:  
Analysis Types: artificial hazard / building matters apply  
Ref: u970129 Started: 15/12/97  
related issues / other consents that relate to this property  
Ref: u970129 Started: 14/10/97

Analysis	Type / Sub Type	Reference	Started
V1 LV	VNZ Category	.	24/ 4/1996
	VNZ Category : LV	.	
V2 1A	VNZ Zone	.	24/ 4/1996
	VNZ Zone : 1A	.	
V3 17	VNZ Actual Use	.	24/ 4/1996
	VNZ Actual Use:17	.	
V4	VNZ No of units	001	24/ 4/1996
V5 0	VNZ Property Subdivisible	.	24/ 4/1996
	VNZ Subdivide : 0	.	
V6	VNZ Off Street Parking	000	24/ 4/1996
V7	VNZ Principle Building Age	.	24/ 4/1996
V8	VNZ Principle Build Condition	.	24/ 4/1996
V9	VNZ Principle Build Construct	.	24/ 4/1996
VA	VNZ Princ.Bld Site Coverage	00000	24/ 4/1996
VB	VNZ Princ.Bld Floor Area	00000	24/ 4/1996
X3 CONS	related issues other consents relating to the property	u970129	14/10/1997

----- End of Report -----

.....E N D O F R E P O R T.....

CHECKED BY: \_\_\_\_\_ DATE: \_\_\_\_\_ AUTHORISED BY: \_\_\_\_\_ DATE: \_\_\_\_\_ FILE LOCATION: \_\_\_\_\_