

SEPTEMBER 2021

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### 2021 Annual Fee Review

The fees associated with resource consents have been reviewed and the new fee schedule can be found on Council's website. You can access the fee schedule using this link: <https://www.marlborough.govt.nz/services/resource-consents/fees-resource-consents>.

Take a moment to read through the schedule to inform yourself of any changes to fees relating to processes you are generally involved in.

### New Practice - Charging Policy for Engineering Fees

When the Resource Consent application base fees increased on 1 July 2021; the engineering fees also increased. The Marlborough District Council Charging Policy requires the engineering fee to be paid at the time of the base fee, however commonly the engineering fee has not been paid up front and Council has been invoicing for them at the end of the process.

Unfortunately that practice has resulted in some surprises for applicants. To avoid this problem occurring, and to ensure Council is correctly following the fee policy, from the 1 July 2021 Council has required the relevant engineering fee to be paid at the time of the base fee. If applications are lodged without the base fee and the engineering fee Council will hold the application and not process it until the base fee and relevant engineering fee has been paid.

## Processing applications when Waka Kotahi (NZTA) interests are affected by a proposal

Waka Kotahi/The New Zealand Transport Agency is the New Zealand Crown entity tasked with promoting safe and functional transport by land. This agency is responsible, amongst other things, for administering New Zealand's state highway network.

Waka Kotahi (NZTA) has advised Council that they would like to be considered an affected party in the following situations:

- When access for the proposed activity is directly to the state highway, in all speed environments;
- When the proposed activity has indirect access to the state highway via local road intersection(s), in all speed environments where the state highway will be used for the majority or all of the proposed vehicle movements;
- For proposed signs that are visible from the state highway; and
- For reverse sensitivity effects caused by proposed activities, in particular where dwellings or other sensitive receivers are proposed within the reverse sensitivity buffer and effects areas identified on the public reverse sensitivity maps on the Waka Kotahi (NZTA) website (regardless of where the proposed activities gain road access).

Waka Kotahi (NZTA) would also like to be considered an affected party for any development that fronts the state highway whether the road is a Limited Access Road (LAR) or not.

Despite the request from Waka Kotahi (NZTA), it is still up to the Planning Officer processing the application to determine who is an affected party. The criteria provided above are helpful however if you are an applicant and if one of these circumstances exists you may choose to seek Waka Kotahi (NZTA) approval in advance of lodging your application, just in case.

Once a proposed activity has been assessed by Waka Kotahi (NZTA), Waka Kotahi (NZTA) will make a decision on whether it will provide its written approval on the proposal under section 95E of the

Resource Management Act (RMA). If Waka Kotahi (NZTA) agrees to provide its written approval a formal letter will be sent to the applicant. The letter will contain:

- A brief summary of the proposal,
- The decision of Waka Kotahi and reasoning, and
- Any conditions that the applicant has volunteered to mitigate effects.

Typically Waka Kotahi (NZTA) will seek applicants to volunteer conditions including the location and/or timing of construction and design standards for the formation of a vehicle crossing. Waka Kotahi (NZTA) may also seek other more detailed conditions depending on the site-specific details of the proposal.

With respect to Limited Access Roads (LARs) which are sections of the state highway subject to controls under the Government Rounding Powers Act 1989 (GRPA). No person can lawfully drive or move a vehicle onto or from a LAR except at a road intersection that exists prior to the state highway being declared a LAR, or a road intersection or crossing place (CP) along a LAR that has been authorised by Waka Kotahi (NZTA). The purpose of LARs is to manage the safety risks associated with vehicle access from properties to roads identified as LARs, particularly when those roads have high traffic volumes or other features that make such access potentially dangerous to road users.

Under section 93 of the GRPA, Waka Kotahi (NZTA) is required to give approval for all subdivisions (and some land uses) that require direct access to a LAR. It is noted that this is a separate approval to the resource consent and other approvals granted under the RMA.

If a proposed subdivision fronts a LAR, at the time of providing written approval under the RMA, Waka Kotahi (NZTA) will also provide approval under section 93 of the GRPA. This will confirm Waka Kotahi (NZTA) agreement that a vehicle crossing can be established in the proposed location. However, as per section 91 of the GRPA, to lawfully access the site the applicant will still separately

require a CP notice authorised by Waka Kotahi (NZTA).

Waka Kotahi (NZTA) has recommended that Council include a condition in the resource consent to ensure that the section 91 CP notice is issued by Waka Kotahi. The condition should state that prior to the issuing of a certificate pursuant to section 224(c) of the RMA, the consent holder shall provide to Council correspondence from Waka Kotahi (NZTA) confirming that Waka Kotahi (NZTA) has received the new Records of Title and an approved survey plan. The provision of this information will enable Waka Kotahi (NZTA) to register any new CP notices under section 91 of the GRPA.



## Efficient Use of Water in Marlborough

Inefficient allocation and use of water is potentially a significant issue in Marlborough, given that many water resources are at or are approaching full allocation. Once allocation limits have been reached, the Council is unable to continue allocating water to other users. To give effect to the National Policy Statement for Freshwater Management (NPSFM), there are a number of Objectives and associated Policies in the Proposed Marlborough Environment Plan (PMEP) aimed to achieve efficient water use for any given activity. Every Water Permit applied for, whether it is a replacement of an expiring consent or a permit for a new take and use, must take into consideration the NPSFM, and the Objectives Policies and Rules set out under the PMEP.

### Irricalc

Irrigation is used to replace any deficit in soil moisture in order to maintain crop health and growth. Climate and the properties of the soil in which the crop is growing are the main determinants of soil water availability and therefore irrigation demand. One of the ways in which efficient use of water can be achieved is by ensuring that the allocation to the user does not exceed that which is reasonably required for the use. For irrigation a reasonable use model can be used to estimate water demand for the crop, based on the soil type(s) and climate that exist at the property. The main model used by applicants in Marlborough is IrriCalc which uses existing soils information and modelled climate data to provide estimates of water use for a list of different crop types and provides a reasonable use volume at daily, monthly and yearly rates. Since June 2016 all water permit applications that seek to irrigate crops, must provide an IrriCalc assessment with their application.

To ensure efficient use of water for irrigation, the Council will generally not grant water permits to use water for irrigation purposes at a rate that exceeds the reasonable use calculation provided by IrriCalc. However, the PMEP does have an explicit policy that enables water users to provide site specific information to demonstrate a reasonable use requirement that differs from IrriCalc. For non-irrigation uses, such as industrial or commercial water uses, the allocation will be assessed on a case-by-case basis.

### Change of crop type

When Council is notified of a land use change involving a conversion in crop type it is Councils protocol to provide notification to the consent holder via letter or email. These notifications detail that a replacement permit is required to reflect the change in water allocation due to the change in crop type. The amount of water allocated in the new permit is based off IrriCalc and water availability for that FMU.

### Verification of water meters

Verification of a water meters is the process of proving the accuracy of the installed meter. Marlborough District Council requires all meter verifications to be undertaken by an approved Blue Tick provider. Water takes that are greater

than 5 litres per second are required to be verified every five years as per the “Resource Management (measurement and Report of Water Takes) Regulations 2010”. Water takes not triggered by the regulations may require to be verified as part of their consent.

#### Water take shut offs

The Wairau Awatere Resource Management Plan and the Proposed Marlborough Environment Plan include minimum flow requirements for many Marlborough Rivers, with restriction and rationing provisions included in consents to protect these minimum flows. In some cases a river may also have a multi class allocation, usually A, B, and C classes, with class C being the least reliable and therefore first to be rationed or restricted, and class A the most reliable. Rationing and shut off levels are based on a flow monitoring site at a fixed location in the catchment; flow data is displayed on Council’s Environmental graphs page, and summarised on the Irrigation status page. Under the Proposed Marlborough Environment Plan the aquifer FMU’s also have minimum levels at which water permit holders can be restricted, and along the coast there are also conductivity limits to protect the aquifers from salt water intrusion.

Consent holders have the option to sign up to receive irrigation status notifications via Antenna alerts or group e-mails. An alert or email is sent when a river reaches a shut-off level for the first time each season. It is then the responsibility of the consent holder to check the Irrigation Status page to determine their water availability.

## **Which applications can be lodged as fast-track applications under Section 87AAC?**

Council has recently received a number of applications where the applicant has incorrectly opted for the fast-track process under section 87AAC. Unfortunately if the applications do not fit the meaning of a fast track application processing

of the application is delayed while the team go back to the applicant and request the relevant form be completed and appropriate fee paid.

An application is a fast-track application only if the application is for a resource consent for a controlled activity (but no other activity) that requires consent under the Plan with the exception of subdivisions. Controlled activity subdivision applications cannot be lodged as a fast-track application. A fast-track application must also include an address for service that is an electronic address.

If you remain unsure please contact Council’s Duty Planner to discuss the application you wish to lodge and whether the fast-track process is an option available to you. Use this link to access Duty Service information page on Council’s website: <https://www.marlborough.govt.nz/services/resource-consents/duty-planner-service-information>.



**Next Issue out  
1 November 2021**

