



**MARLBOROUGH
DISTRICT COUNCIL**

RESOURCE CONSENT APPLICATION

U190156

Spring Creek School

52 Ferry Street, Spring Creek

Submissions Close

5.00 pm Friday 12 April 2019

HARDY-JONES CLARK

LAWYERS • NOTARY PUBLIC

28 February 2019

Marlborough District Council
15 Seymour Street
BLenheim 7201

Dear Sir/Madam

SPRING CREEK SCHOOL RESOURCE CONSENT APPLICATION FOR A WATER PERMIT

- 1 We act for Spring Creek School.
- 2 We **enclose** a resource consent application on behalf of our client for a water permit to take and use Wairau FMU via well P28w/1908. We consider that this application should be on a non-notified basis.
- 3 A cheque for the sum of \$980.00 is also **enclosed** for the resource consent application fee.

Yours faithfully
Hardy-Jones Clark



Mike Hardy-Jones
Partner

Email: mike@hjc.co.nz
Ref: 40844.001

76 High Street
PO Box 646
Blenheim 7240, New Zealand

Tel: +64 3 578 5339
Fax: +64 3 578 0323

Web: www.hjc.co.nz



Resource Consent Application

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



**MARLBOROUGH
DISTRICT COUNCIL**

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)

Mailing Address:
(including post code)

Email Address:

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:

Mailing Address:
(including post code)

Email Address:

Phone: (Daytime)

Phone: (Mobile)

RECEIVED

- 1 MAR 2019

**MARLBOROUGH
DISTRICT COUNCIL**

3. Type of Resource Consent Applied For

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

4. Brief Description of the Activity

Water Permit - Take Water

To abstract Wairau FMU water via well P28w/1908 up to a maximum rate of 5475 m³/year.

Water Permit - Use Water

To use Wairau Aquifer water for general uses associated with running a school.

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): 52 Ferry Road, Spring Creek 7202

Legal description (i.e. Lot 1 DP 1234): Lots 65-72 DP 485, Lot 2 DP 2051 and Secs 1 & 2

(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) Michael Hardy-Jones

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

Signature of applicant or authorised agent:



Date: 28/02/2019

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



RECEIVED

- 1 MAR 2019

**MARLBOROUGH
DISTRICT COUNCIL**



Schedule Four

Resource Management Act 1991

Information Required in Application for Resource Consent

1 Information must be specified in sufficient detail

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

2 Information required in all applications

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

3 Additional information required in some applications

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

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

4 Additional information required in application for subdivision consent

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

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



5 Additional information required in application for reclamation

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

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

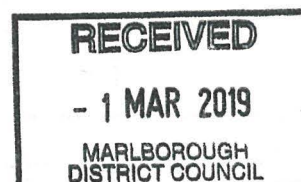
Assessment of environmental effects

6 Information required in assessment of environmental effects

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

7 Matters that must be addressed by assessment of environmental effects

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





Section 88

Resource Management Act 1991

Making an Application

88 Making an application

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

RECEIVED

- 1 MAR 2019

**MARLBOROUGH
DISTRICT COUNCIL**



Spring Creek School

Application for Resource Consent

- Abstract & Use Wairau
Aquifer FMU water
-

Final

2018



Table of Contents

1	Introduction	1
2	The Proposal	2
3	The Existing Environment	2
4	The Resource Management Act 1991	3
4.1	The Wairau Awatere Resource Management Plan	3
4.2	The Proposed Marlborough Environment Plan	3
5	Assessment of Effects	4
5.1	Positive Effects	4
5.2	Potential Effects on the Wairau Aquifer Freshwater Management Unit	4
5.3	Potential Stream Depletion	5
5.4	Potential Effects on Other Users	5
5.5	Any Alternative Locations or Methods	5
5.6	Any Other Potential Effect	6
6	Summary of Mitigation Measures	6
7	Other Matters	7
7.1	Resource Management Act 1991	7
7.1.1	Section 6 Matters of National Importance	7
7.1.2	Section 7 Other Matters	8
7.1.3	Section 8 Treaty of Waitangi	9
7.1.4	Section 104(2A)	9
7.2	The National Policy Statement for Freshwater Management	9
7.3	Proposed Marlborough Environment Plan	10
7.4	Marlborough Regional Policy Statement	12
7.5	The Wairau Awatere Resource Management Plan	13
8	Proposed Monitoring	14
9	Conclusion	14

Appendices



1 Introduction

The applicant is Spring Creek School

The school is located at 52 Ferry Road, Spring Creek and comprises Lots 65-72 DP 485, Lot 2 DP 2051 and Secs 1 & 2

The school is an essential part of the Spring Creek community. The role currently is 39 children across two learning spaces. They cater for children from new entrant to Year 6.

Spring Creek School welcomes all learners in our community.

The school promotes a welcoming environment with the focus on the school's values of responsibility, respect, resilience and relationships.

All students are valued and inclusive education needs are well supported.

The school therefore is an essential community asset. This water right supplying water to the staff, pupils and grounds is essential for the community's wellbeing.

The school has historically relied upon the permitted activity rule 27.1.2.1.1 within the Wairau Awatere Resource Management Plan as the basis for abstracting and using Wairau Aquifer water for general purposes within the school including drinking water, ablutions, grounds maintenance etc.

However, the proposed Marlborough Environment Plan contains no such permitted rule. Consequently, resource consent is now required to be applied for and granted.

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 – Detailed Site Plan; and
- Appendix 3 – Title Documents.

2 The Proposal

The applicant, Spring Creek School, seeks the following resource consents:

- Water Permit – Take Water
 - *To abstract Wairau FMU water via well P28w/1908 up to a maximum rate of 5475 m³/year.*
- Water Permit – Use Water
 - *To use Wairau Aquifer water for general uses associated with running a school.*

The total volume of water sought for reflects the previous permitted allocation as per the Wairau Awatere RM Plan.

All necessary water meters are installed and verified in accordance with the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010.

3 The Existing Environment

The abstraction bore intercepts the Wairau Aquifer as per the Wairau Awatere Resource Management Plan and the Proposed Marlborough Environment Plan.

The nearest adjacent bore (P28w/2871) is some 75m to the east of P28w/1908.

Wallace's Drain is located some 60m to the south of the subject bore while the nearest surface water body of note is the Wairau River at a distance of some 415m to the east.



4 The Resource Management Act 1991

Section 14 of the 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.

4.1 The Wairau Awatere Resource Management Plan

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

General Rule 27.1.2.1.1 of the Plan provides for the abstraction of up to 15 m³/day/site from the Wairau Aquifer as a permitted activity. This permitted activity rule was relied upon for the abstraction & use of water within the professional offices.

General Rule 27.1.3.1 of the Plan provides for the abstraction of less than 500 m³/day/site from the Wairau Aquifer as a discretionary activity.

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

4.2 The Proposed Marlborough Environment Plan

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

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 proposed abstraction and uses are not provided for as a permitted activity or controlled activity or limited as a prohibited activity and therefore requires discretionary activity consent as per Rules 2.5.2 and 2.5.3.



5 Assessment of Effects

5.1 Positive Effects

The abstraction of ground water is the only viable source of water for Spring Creek School. If water is not available, the viability of the school is not assured.

5.2 Potential Effects on the Wairau Aquifer Freshwater Management Unit

The applicant's proposed abstraction falls within the MEP water allocation framework for the Wairau Aquifer Freshwater Management Unit.

That framework provides for the allocation of Wairau Aquifer FMU water and sets environmental limits that:

- a) protect the mauri of the waterbody;
- b) protect instream habitat and ecology;
- c) maintain fish passage and fish spawning grounds;
- d) preserve the natural character of the river;
- e) maintain water quality;
- f) provide for adequate groundwater recharge where the river is physically connected to an aquifer or groundwater; and
- g) maintain amenity values.

These matters that have been considered in the process of setting the environmental flows/levels established in the MEP. The environmental flows/levels provide sufficient water to sustain the matters identified in (a) to (g). 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 the above listed values should not arise.

This application is consistent with the MEP water allocation provisions.



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

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

The abstraction will not lead to discernible effects on the safe yield of the Wairau Aquifer.

5.3 Potential Stream Depletion

The nearest surface water bodies are located sufficiently distant to ensure stream depletion effects do not arise.

There is no history or stream depletion effects occurring in the past.

5.4 Potential Effects on Other Users

One aspect that a water allocation framework cannot necessarily address is the potential for interference effects on existing consented resource users.

There is no history or adverse interference effects occurring with neighbouring bores.

5.5 Any Alternative Locations or Methods

No alternative locations or methods have been considered.



5.6 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.

To the applicant's knowledge there has been no adverse recreational, scientific, historical, spiritual or cultural effects resulting from the exercise of their current resource consent.

As shown in the attached certificate of title there are no constraints that seek to limit the activities proposed.

There are no other potential effects anticipated.

6 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:

- Interference effects on other users will not arise; and
- The abstraction will not lead to discernible effects on the safe yield of the Wairau Aquifer.



7 Other Matters

7.1 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.

7.1.1 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.*

Natural character values associated of the Wairau Aquifer freshwater management unit and the surrounding environment are not impacted upon by this proposal.

- 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 current or proposed take and use of water.

- 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 resource.

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

There are no historic sites relevant to this proposal.

- g) The protection of recognised customary activities.*

There are no recognised customary activities relevant to this proposal.

7.1.2 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.

