

### 7.1.3 Section 8 Treaty of Waitangi

The application is consistent with the RMA planning framework and is therefore considered consistent with Section 8 in terms of Treaty of Waitangi considerations.

Based on the above assessment, it is considered that the proposal will meet the purpose and principles of the Act.

### 7.1.4 Section 104(2A)

The value of the investment of the property which relies on this water cannot be quantified. If the water is not available and the school is forced to close the cost to the Spring Creek community would be immeasurable.

## 7.2 The National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management (NPSFW) sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits.

Amongst other matters the NPSFW requires that all Regional Councils ensure that the allocation of water resources above a pre-determined sustainable maximum volume does not occur and if any such 'over-allocation' exists then the Regional Council must undertake steps to reduce the over-allocation.

The Wairau Aquifer FMU has a formal allocation regime as detailed above. This proposal seeks the re-allocation of water consistent with the MEP requirements. Consequently, the proposal is considered consistent with the NPSFW.



## 7.3 Proposed Marlborough Environment Plan

The MEP contains a range of relevant objectives and policies as follows:

### *Chapter 4 – Use of Natural and Physical Resources*

*Objective 4.1      Marlborough's primary production sector and tourism sector continue to be successful and thrive whilst ensuring the sustainability of natural resources.*

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

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

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

### *Chapter 5 – Allocation of Public Resources*

*Objective 5.2      Safeguard the life-supporting capacity of freshwater resources by retaining sufficient flows and/or levels for the natural and human use values supported by waterbodies.*

*Policy 5.2.11      Set specific environmental flows and/or 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 5.2.13 Limit the total amount of water available to be taken from any freshwater management unit and avoid allocating water (through the resource consent process) beyond the limit set.*

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

*Policy 5.3.11 Have regard to the potential for any take of water to adversely affect the ability of an existing water user to continue taking water and mitigate any adverse effects by limiting, where necessary, the instantaneous rate of take.*

*Objective 5.7 The allocation and use of water do not exceed the rate or volume required for any given water use.*

The MEP gives effect to the objectives and policies through the various regional rules and establishes an allocation framework for freshwater that enables sustainable resource use.

This application is within the Wairau Aquifer freshwater management unit allocation and is considered consistent with the objectives and policies of the Proposed Marlborough Environment Plan.



## 7.4 Marlborough Regional Policy Statement

The RPS and the Plan have been developed under the RMA and are generally considered to be the local implementation of the purpose and principles.

Those provisions of the Regional Policy Statement (RPS) that are the most applicable to this proposal include:

Section 5 – Protection of Water Ecosystems includes the following objective and policies.

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

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

Section 7 – Community Wellbeing includes the following objective and policies.

*Objective 7.1.9 – Provision for Activities - To enable present and future generations to provide for their wellbeing by allowing use, development and protection of resources provided any adverse effects of activities are avoided, remedied or mitigated.*

*Objective 7.2.2 – Sustainable Management of Water - Enable the sustainable management of surface water and groundwater.*

*Policy 7.2.3 – Allocation of Water*

(a) *Establish mechanisms for the allocation of surface water and groundwater from the Wairau, Awatere, Clarence and Pelorus/Kaituna catchments.*

(b) *Include the following principles into water allocation mechanisms:*

- *sustainable management;*
- *equitable allocation;*





- *avoid, remedy or mitigate adverse effects;*
- *minimise conflicts between users; and*
- *ensure efficient and beneficial use.*

This application seeks to abstract and use water in manner consistent with these objectives and policies. The volumes sought for abstraction are in within the MDC guidelines / mechanisms for water allocation and will not result in the occurrence of adverse effects on the environment.

This proposal is therefore consistent with these objectives and policies.

## 7.5 The Wairau Awatere Resource Management Plan

The Wairau Awatere Resource Management Plan (the WAMP) contains objectives and policies relating to water resources.

Specifically, Chapter 4 – Flora and Fauna and their Habitats contains the following objectives and policies:

*Objective 4.3.2.1      The protection and enhancement of freshwater and riparian ecosystems.*

*Policy 1.1              To provide for the protection and natural functioning of aquatic ecosystems by avoiding, remedying and mitigating the adverse effects of water abstraction from all rivers, including the setting of sustainable flow regimes for specified important rivers.*

*Policy 1.12            To avoid, remedy or mitigate the adverse effects of activities within river and lake beds to protect instream values, including fish passage and recreational values.*



As detailed the proposal is entirely consistent with the Plans water allocation regime. That water allocation regime was developed to ensure 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"*.

Chapter 6 – Fresh Water, Volume 1 of the Plan, contains the following objectives and policies:

*Objective 6.2.1.1      To provide for the taking, use, damming and diversion of fresh water in a manner which safeguards the life supporting capacity of the resource and avoids, remedies or mitigates any adverse effects on the environment.*

The water allocation framework itself will ensure the life supporting capacity of the Wairau Aquifer is maintained. The proposal is consistent with the above objective and supporting policies.

## 8 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.

## 9 Conclusion

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 m<sup>3</sup>/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.

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

The proposal is consistent with the relevant provisions of Part 2 of the Act, the National Policy Statement for Freshwater Management 2014, the 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







0 25 50 100 Metres



The accompanying material has been released by Council from its information repositories. Council does not accept any responsibility for the initial and ongoing accuracy to the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy. Services layers are schematic only and actual positions and level should be confirmed from Council's hard copy records.

Location Plan - Spring Creek School

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MARLBOROUGH DISTRICT COUNCIL

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2/27/2019

MARLBOROUGH DISTRICT COUNCIL SMART MAPS



Appendix 2 – Detailed Site Plan





The accompanying material has been released by Council for informational purposes. Council does not accept any responsibility for the initial and ongoing accuracy of the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy. Services layers are schematic only and actual positions and level should be confirmed from Council's hard copy records.

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**Site Plan - Well Location**

1:1,000

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**MARLBOROUGH  
DISTRICT COUNCIL  
SMART MAPS**



Appendix 3 – Title Documents





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



R. W. Muir  
Registrar-General  
of Land

**Identifier** 745404  
**Land Registration District** Marlborough  
**Date Registered** 03 June 2016 01:08 pm

**Prior References**

738631 738632

<b>Estate</b>	Leasehold	<b>Instrument</b>	L 10422995.16
<b>Area</b>	2.2836 hectares more or less	<b>Term</b>	21 years commencing 3 June 2016 (Right of Renewal)

**Legal Description** Section 2 Survey Office Plan 5287 and Lot 2 Deposited Plan 2051 and Lot 65-72 Deposited Plan 485 and Section 1 Survey Office Plan 5287

**Purpose** Education Purposes

**Registered Owners**  
Her Majesty the Queen

**Interests**





Identifier

745404

<p>Land Transfer Office</p> <p>Received: <u>5/12/52</u> <u>Mr. J. O. G.</u></p> <p>Title Ref: <u>15/13</u></p> <p>Referred to Draughtsman</p>	<p>Deposited this <u>15</u> day</p> <p>of <u>December</u> 19<u>52</u></p> <p>District Land Registrar.</p>	
<p>Plan of Lots 73-76 D.P. 485 being Pt Sec. 50 Wairau West</p>		
<p>Exemption Sec 3(1) Land Subdivision in Counties Act 1946 Approved 5/12/52 (Plan 76)</p> <p>Approved as to Survey</p> <p><u>James</u> Chief Surveyor</p> <p>L.T. Draughtsman Received: <u>5/12/52</u> Reference plan <u>D.P. 961</u> <u>485</u> <u>485</u> <u>518</u> <u>71</u> Traverse book <u>518</u> <u>71</u> Examined by: <u>5/12/52</u> Recorded: <u>5/12/52</u> Correct: <u>5/12/52</u></p>	<p>Comprised in <u>CT. 15/193</u></p> <p>SURVEY DIST &amp; BLK. <u>Cloudy Bay XI</u></p> <p>LAND DIST. <u>Marlborough</u> LOCAL BODY. <u>Marlborough County Council</u></p> <p>Scale <u>80 links to an inch</u> Surveyed by <u>Gilbert A. Lewis</u> Date <u>Nov. 1952</u></p> <p>I, <u>Gilbert A. Lewis</u> Registered Surveyor and a holder of an annual practicing certificate, do solemnly and sincerely declare that this plan has been made from surveys executed by me, that both plan and survey are correct, and have been made in accordance with the regulations under the Surveyors Act 1922.</p> <p>And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Justice of the Peace Act 1927.</p> <p>Declared at <u>Marlborough</u> this <u>15</u> day of <u>November</u> 19<u>52</u></p> <p>before me: <u>James</u> Justice of the Peace (acting as Magistrate)</p> <p><u>Gilbert A. Lewis</u> Registered Surveyor</p>	
	<p>Total Area 1.0.00.</p> <p>Approved, <u>R. Minin</u></p> <p>Applicant (or Registered Owner)</p> <p style="font-size: 2em; font-weight: bold;">2051</p>	

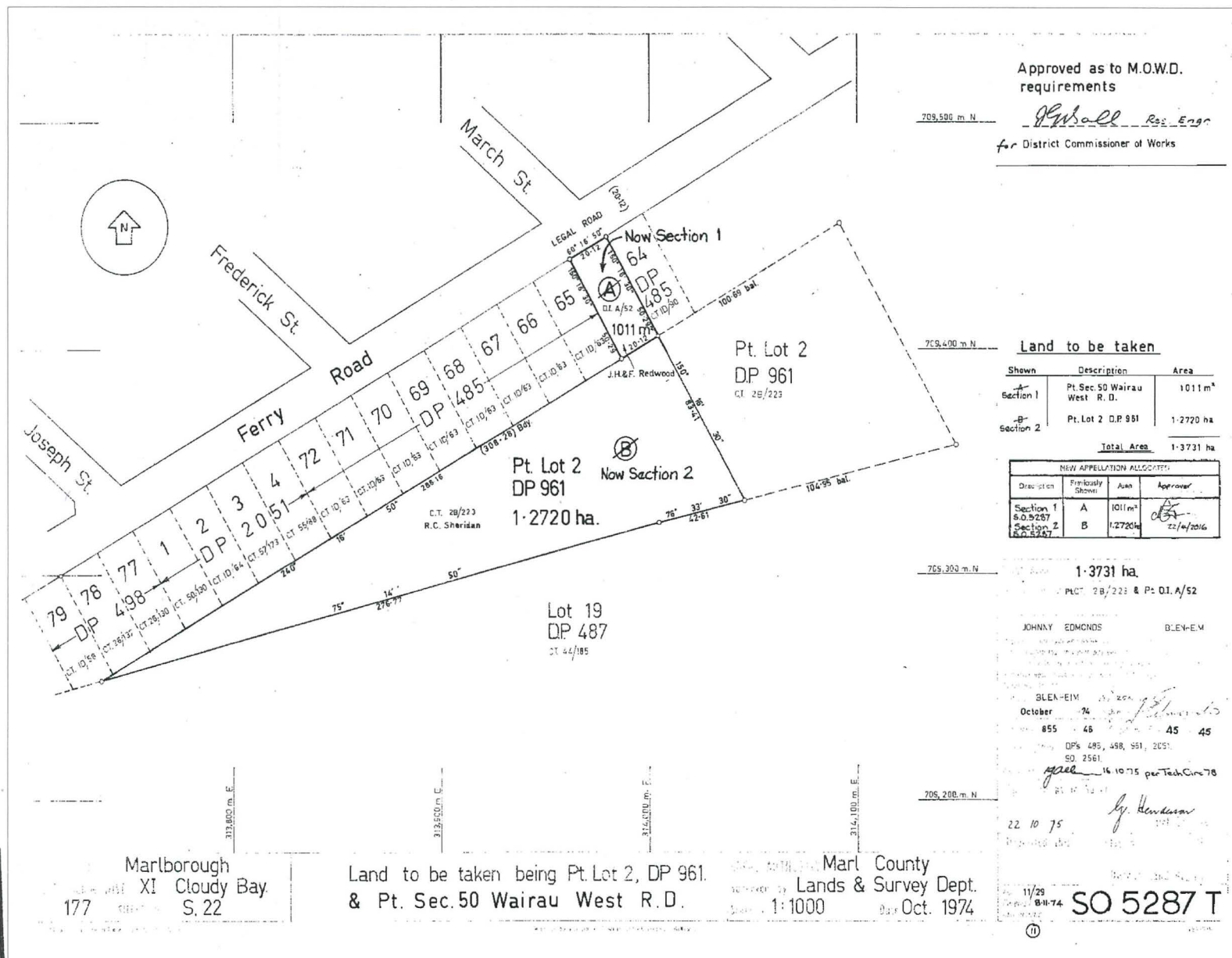




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**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 738631  
**Land Registration District** Marlborough  
**Date Issued** 03 June 2016

**Prior References**  
GN 84558.2

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<b>Estate</b>	Fee Simple
<b>Area</b>	2.1825 hectares more or less
<b>Legal Description</b>	Section 2 Survey Office Plan 5287 and Lot 2 Deposited Plan 2051 and Lot 65-72 Deposited Plan 485

**Registered Owners**  
Koata Limited

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**Interests**

Subject to Part IVA Conservation Act 1987 (but Sections 24(2A), 24A and 24AA of that Act do not apply)  
Subject to Section 11 Crown Minerals Act 1991  
Subject to Section 170(6) and (7) of the Ngati Koata, Ngati Rarua, Ngati Tami ki Te Tau Ihu, and Te Atiawa o Te Waka-a-Maui Claims Settlement Act 2014  
10422995.16 Lease Term 21 years commencing 3 June 2016 (Right of Renewal) CIR 745404 issued - 3.6.2016 at 1:08 pm

