

Decision on an application for resource consent under the Resource Management Act 1991



Discretionary activity

Application number: WAT60315288
Applicant: Byerley Park Limited
Site address: McKenzie Road, Waiiau Pa
Legal description: Lot 11 Deposited Plan 485009
NZTM map reference: 1759040mE 5888090mN

Proposal:

To take and use up to 500m³/day, at a rate of up to 50m³/hour, and 50,000m³/year from the Franklin Glenbrook Kaawa aquifer from existing bore 22697 for use in a horse-training facility including horse-stables, track-irrigation (for dust suppression), washing horses, equestrian water treadmill, irrigation of orchard and olive trees, and a restaurant at McKenzie Road.

The resource consent required is:

Water take consent (s14) – WAT60315288

Auckland Unitary Plan (Operative in Part)

Regional

Groundwater-take

- To take and use up to 500m³/day and 50,000m³/year of groundwater. As the take and use of groundwater of this volume is not otherwise listed in activity table E7.4.1, the proposal is a discretionary activity under rule E7.4.1(A26).

Decision

I have read the application, supporting documents, and the report and recommendations on the application for the resource consents. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B and Part 2 of the RMA, the resource consents are **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be less than minor as:
 - The proposed water take volume is consistent with the proposed use, being a horse-training facility including horse-stables, track-irrigation (for dust suppression), washing horses, equestrian water treadmill, irrigation of orchard and olive trees, and a restaurant at McKenzie Road in the Franklin area. The take will therefore not result in premature full allocation of the aquifer and adverse economic effects on future potential users.
 - The proposed water take will be from the Glenbrook Kaawa aquifer and the proposed groundwater take will be within the water availability of this aquifer.
 - The bore is capable of extracting the quantities applied for.
 - The Kaawa aquifer receives recharge via volcanic vents and possibly also from overlying Puketoka Formation aquitard, but not the other way around. Further, while there is likely a limited amount of leakage from the Kaawa aquifer to the underlying Waitemata rock aquifer this recharge was taken into consideration when determining the availability of water in the Kaawa aquifer. The water take will therefore not affect recharge to other aquifers.
 - The groundwater drawdown will be limited to the Kaawa aquifer and no ground settlement effects within the Kaawa are expected due to the low compressibility of Kaawa aquifer materials.
 - The aquifer affected by the proposed consent is confined and has no direct connection to surface water streams in the Waiiau Pā area. The proposed water take is therefore not anticipated to adversely affect surface water flows and their associated terrestrial and freshwater habitats.
 - The risk of saline intrusion effects are considered to be negligible both from a local effects perspective and from an aquifer wide perspective.
 - The calculated water level drawdown effect on the closest Kaawa bores on neighbouring sites was only 1.5m and so left plenty of submergence. Therefore, the applicant's water take will not cause adverse interference effects on neighbouring bores to the extent that persons will be prevented from exercising their lawfully established water takes as there is sufficient submergence above the closest bore and the bore most likely to be adversely affected by the take.
 - While in the future there may be less groundwater available in the aquifers because of climate change, the condition setting the duration of consent will ensure that the consent will expire before climate change might affect the proposed groundwater take.
 - With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.

2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular:
 - The proposal is consistent with the relevant policy statements and plans, National Policy Statement: Freshwater Management 2014 (NPSFM). In particular, the application meets the objectives and policies regarding water quantity of Part B of the NPSFM. The water take will not result in water over-allocation and will not adversely affect other water bodies, streams or coastal waters. Efficient monitoring of overall use will ensure that water within the aquifer remains sustainable. The proposal is consistent with the Auckland Council Regional Policy Statement. The New Zealand Coastal Policy Statement is not deemed relevant as the water take will not be located within and will avoid adverse effects on the Coastal Marine Area.
 - The proposal is consistent with the relevant objectives and policies of the Auckland Unitary Plan (Operative in part) which are contained in chapter B7. In particular Chapter B of the Auckland Unitary Plan (Operative in Part) sets out the strategic RMA framework for the identified issues of significance, and resultant priorities and outcomes sought. These align with the direction contained in the Auckland Plan.
 - The proposal is considered consistent with the objectives and policies pertaining to the take and use of groundwater of the AUP(Op), which are contained in E2.2 and E2.3. In particular, the application will promote the efficient allocation of freshwater given the intended use (policy E2.3(4)) while avoiding adverse effects (policy E2.3(7)). This is because the water take is considered to have less than minor effects on the aquifer and its associated coastal, ground and surface water systems, and the proposed volume of water is considered reasonable given its intended use for use in a horse-training facility including horse-stables, track-irrigation (for dust suppression), washing horses, equestrian water treadmill, irrigation of orchard and olive trees, and a restaurant. Further, a review date has been set for the application to allow for the concurrent processing of consents from the same aquifer system (policy E2.3(17)). The allocation of water in relation to the proposal is also deemed consistent with AUP(Op) policy E2.3(7)(a) as the take will not result in the aquifer being over-allocated as per the water availability set in the AUP(Op).
3. In accordance with an assessment under s104(a)(c) a condition for an expiry date of a term of 23 years, to expire on 31 May 2042, will be imposed. This is in accordance with policy E2.3.17 of the AUP(Op) which provides for the setting of concurrent duration and review dates of consents within a catchment or aquifer. The reason for the condition is because most other groundwater take consents in the Glenbrook Kaawa aquifer expire in 2027 and it is anticipated that consent-holders will obtain another term of 15 years to expire 31 May 2042 (see also policy E2.3(17) of the AUP(Op)). No other matters under s104(a)(c) were considered relevant.
4. Overall, the application is considered to meet the provisions of Part 2 of the RMA. In particular, the integrated management of the region's natural resources remain sustainable given that the proposed allocation of water will be consistent with the water availability within the aquifer. The proposal provides for the sustainable use of the water resource whilst ensuring that any adverse effects on the environment are appropriately managed by way of monitoring and review. In particular, it is concluded that the amount of water the applicant has sought to be allocated will not affect the

sustainable management of the aquifer. However, in recognition of the dynamic nature of the resource, its current level of use and its importance to the environment, a 23-year expiry date period and a review condition have been imposed so that the asset can be managed in an integrated way over the long term to ensure sustainability of the aquifer.

Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

Activity in accordance with plans

1. The take and use of groundwater from the AUP(Op) Glenbrook Kaawa aquifer from bore ID 22697 at map reference 1759040mE 5888090mN on land legally described as Lot 11 DP 485009 (CT 688353) for use in a horse-training facility including horse-stables, track-irrigation (for dust suppression), washing horses, equestrian water treadmill, irrigation of orchard and olive trees, and a restaurant on land legally described as Lot 11 DP 485009 (CT 688353) at McKenzie Road, Pukekohe shall be carried out in accordance with the plans and all information submitted with the application detailed below and all referenced by council as consent number WAT60315288.

Application form	Author	Rev	Date
Application form referenced by council as WAT60315288 and received by council on 15 February 2018	n/a		n/a
Assessment of Environmental Effects (AEE) title	Author	Rev	Date
Assessment of Environmental Effects (AEE) titled ' <i>Byerley Park – Equestrian Centre: 3 McKenzie Road and 605 Kingseat Road</i> ' (12 pages)	No author named		Not dated
Responses to requests for information	Author	Rev	Dated
A document described as " <i>an assessment of the Byerley Park water take application with reference to the relevant sections of the Waikato-Tainui Environmental Plan, namely; Section D, Chapter 19 Wai Maaori, Fresh Water</i> ", received by council on 2 March 2018.	Not named		Not dated
Register summarising council's ten requests and the applicant's responses to these along with 4 attachments, received by council 13 April 2018	Not named		Not dated
Attachment 1 of response received 13 April 2018: Plan showing existing buildings and stables	Not named		Not dated

Responses to requests for information	Author	Rev	Dated
Attachment 2 of response received 13 April 2018: Plan titled 'Stage 2 Irrigation Byerley Park'	Parkland Products Limited		7 October 2009
Attachment 3 of response received 13 April 2018: Water readings from 22 March to 09 April	Not named		Not dated
Attachment 4 of response received 13 April 2018: Details titled 'Irrigation Reasonable Use Database'	Aqualinc Research Limited		13 April 2018
Email with 7 bulleted responses to s92 received by council 23 May 2018	Jarrold Colbert (Byerley Park Limited contact)		23 May 2018
Attachment received in email dated 23 May 2018: Amended version of plan titled ' <i>Proposed subdivision of Part Lot 2 DP 391487</i> ', (number 1909-01-100, project 'Byerley Park Limited Kingseat Road Kingseat) with amendment shown in the legend	Amended version of plan prepared by Civil Plan Consultants	Amended version of rev C1	Amended version of plan dated 20-11-2015
Email with 4 bulleted responses (identified as 'query points') in response to letter dated 26 June 2018	Jarrold Colbert (Byerley Park Limited contact)		10 August 2018
Attachment received in email dated 10 August 2018 titled 'Toro T5 Rapidset Series Rotors'	The Toro Company		10 August 2018
Email response to queries from specialist around water usage	Jarrold Colbert (Byerley Park Limited contact)		28 August 2018

Term of consent / duration

2. The taking of water permit WAT60315288 shall expire on 31 May 2042 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Authorised Quantities

3. The abstraction shall comply with the following:
 - a. The total daily abstraction shall not exceed 500 cubic metres.
 - b. The rate of abstraction shall not exceed 50 cubic metres per hour.
 - c. The total volume of water abstracted in each 12-month period, commencing 1 June of any year and ending 31 May of the following year, shall not exceed 50,000 cubic metres.

Installation of water meter:

4. A water meter with an electronic pulse output shall be installed and maintained at the outlet of the pump to the satisfaction of the Team Leader Compliance Monitoring South. The water meter shall:
 - be fit for the purpose and water it is measuring;
 - measure the volume of water taken, with an accuracy of +/- 5% of the actual volume taken;
 - be tamper-proof and sealed; and
 - be installed and maintained in accordance to the manufacturer's specifications.

Verification of Water Meter/device accuracy

5. The water meter shall be verified as accurate by a suitably qualified professional at the following times:
 - Prior to the exercise of this consent;
 - Within 5 working days of the water meter being serviced or replaced; and
 - By 30 June of the fifth year from the commencement of consent, and thereafter at five yearly intervals.

The water meter, its verification and evidence of its accuracy shall be in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (or any equivalent regulations that may replace them) and a copy of the verification shall be provided to the Team Leader Compliance Monitoring South within 10 working days of the meter/devices being verified as accurate.

Bore construction for water level measurements

6. If required in writing by the Team Leader Compliance Monitoring South, within 20 working days of the requirement, provision at the top of the bore for water level measurements shall be made and maintained so that a probe can be lowered vertically into the bore between the riser tube and casing to measure the static water level in the bore.

Advice Note

Access to the wellhead for water level measurement can be achieved by having an access tube of at least 2 centimetres in internal diameter extending from the top of the bore to the submersible pump. In order to keep out foreign matter, the tube should be fitted with an easily removed plug.

Bore construction for sampling

7. If required in writing by the Team Leader Compliance Monitoring South, within 20 working days of the requirement, provision at the top of the bore for water quality sampling shall be made and maintained so that a sample of water can be taken from the bore for water quality analysis. A tap or hand valve shall be fitted as close to the production bore pump outlets as possible and before the water enters any storage tank or filter. The tap or valve should have at least 0.3 metre clearance above ground level or any other obstruction to allow a sample bottle to be filled.

Water meter readings

8. A water meter reading shall be taken at weekly intervals consistently at one of these times:
 - (a) before pumping starts for a day; and
 - (b) at the end of pumping for a day.

The date and the water meter reading shall be recorded and supplied to the council in accordance with the reporting condition below.

Advice Note:

If no water is taken during any period, the current meter reading must still be recorded.

Water Reporting

9. The following information shall be entered, at the frequency and date specified, to the council's Water Use Data Management System or to any replacement database identified in writing by the Team Leader Compliance Monitoring South.

Information	Due Dates for reporting
Water use water meter reading and date	Every 15th day of March, June, September and December

Advice Note:

The web address for council's on-line Water Use Data Management System is:

<http://aklc.hydrotel.co.nz/hydrotel/cgi-bin/WudmsWebServer.cgi>

Please contact the Team Leader Compliance Monitoring South to obtain your customer number and password. An on-line manual explaining how to enter and submit your water readings is available at the web address specified above.

Water audit of horse training facility

10. A Water Audit of the horse training facility shall be completed and submitted to the Team Leader Compliance Monitoring South by no later than 10 working days after 30 June 2019 for written approval. The one-off cost of the Team Leader's approval process shall be met by the Consent Holder. The water audit shall be in accordance with equine industry water audit best practice and shall include: identification of water use in each process or activity, where most water is used, aspects of each process or activity in which water consumption may be reduced (e.g. installation of water saving devices), a cost-benefit analysis of these aspects, and recommendations to be implemented. Water conservation measures shall be fully implemented in accordance with the approved Water Audit by 30 June 2021.

Water Use Efficiency Report

11. A water use efficiency report shall be provided to the Team Leader Compliance Monitoring South by 15 June 2021 and subsequently at intervals of not more than five years thereafter. The report shall assess the water use over the reporting period against best practice in respect of the efficient use of water for the purpose consented. This report shall include, but not be limited to:
 - (a) Present site development and operation requiring water for that year;
 - (b) Annual summary of water usage (month by month and related to horse training facility development and operation);
 - (c) Reasons why annual water use may have varied from previous years aside from climatic variability;
 - (d) Information demonstrating irrigation equipment and decision making (e.g. soil moisture data, irrigation scheduling, meter accuracy checks, computer control of irrigation) and any changes planned for the coming five years;
 - (e) Water conservation steps taken (e.g. leak detection).

Review Condition

12. Pursuant to Section 128 of the RMA, the conditions of this consent may be reviewed by the Manager Resource Consents South at the Consent Holder's cost:

In June 2022 and subsequently at intervals of not less than five years thereafter in order:

- (a) To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage or
- (b) To vary the quantities, monitoring, operating and reporting requirements and performance standards in order to take account of information, including the results of previous monitoring and changed environmental knowledge, on: water availability, including alternative water sources; actual and potential water use; groundwater levels; efficiency of water use; groundwater quality; and the relationship of Māori with water.

Advice Note:

Under section 128 of the RMA the conditions of this consent may be reviewed by the Manager Resource Consents South at the consent holder's cost in the following circumstances:

- *To provide compliance with rules in any regional plan relating to use of water, water or air quality etc. (refer section 128(1) (b) of the RMA) that have been made operative since the commencement of consent.*
- *To provide compliance with any relevant national environmental standard that has been made since the commencement of consent.*
- *At any time, if it is found that the information made available to the council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.*

Lapse date

13. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapses.

Compliance monitoring charge

14. The consent holder shall pay the council an initial consent compliance monitoring charge of \$640 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent/s.

Advice note:

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact monitoring@aucklandcouncil.govt.nz to identify your allocated officer.
3. The approval of Consent WAT60315288 requires the surrender of the consent holder's previous Resource Consent WAT60274175 to take 120 cubic metres per day and 18,000 cubic metres per year from bore ID 22697. This surrender should be completed within one month of commencement of new consent WAT60315288.
4. For more information on the resource consent process with Auckland Council see the council's website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.
5. If you as the applicant disagree with any of the above conditions or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).
6. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

Delegated decision maker:

Name: Jane Neary
Title: Principal Specialist Planning
Signed:



Date: 25 January 2019