

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



Discretionary activity

Application numbers: BUN60370958 (Council Reference)
WAT60370959 (s14 Water permit)

Applicant: Three Blokes Limited

Site address: 362 Matakana Valley Road, Matakana

Legal description: Sec 1 SO 400726, Pt Allot 51 Psh Of Matakana SO 1044

NZTM map reference: 1737691 mE 5977438 mN

Proposal:

To take up to 115m³/day and 25,000m³/year of groundwater from the Matakana Waitematā aquifer for water supply to a water carrying business located on the subject site.

Resource consent is required for the following reasons:

Water take permit (s14) – WAT60370959

Auckland Unitary Plan (Operative in part)

Taking, using, damming and diversion of water and drilling

- Pursuant to Rule E7.4.1 (A26), water take and use of groundwater not otherwise listed or not meeting the permitted activity or restricted discretionary controls is a **discretionary activity**.
 - The proposed water take exceeds the permitted activity threshold of E7.4.1(A15) of 20m³/day and 5,000m³/year from the Matakana Waitematā aquifer. The applicant proposes a water take of 115m³/day and 25,000m³/year.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. 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 consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
 - a. The application acknowledged that this is a finite and highly used resource. The application has been assessed by Council's Water Allocation Specialist, Stephen Crane, who considers the proposal acceptable in terms on water availability and use, neighbouring bores, surface water and saline intrusion subject to the consent conditions.
 - b. Based on specialist assessment, the granting of this consent will not adversely affect the ability of the Matakana Waitematā aquifer or neighbouring aquifers to recharge or adversely affect surface water.
 - c. Mr Crane has reviewed the application and has confirmed the proposal will not result in bore interference with neighbouring bores.
 - d. The subject site is adjacent to Ngāti Manuhiri statutory acknowledgement area. The applicant has engaged with Ngāti Manuhiri who have undertaken a site visit and Kaitiaki assessment in regard to the potential impact of wāhi tapu, spiritual values and wellbeing. Ngāti Manuhiri have confirmed in their Kaitiaki assessment dated 16 February 2021 that they do not oppose the proposal. It is therefore considered the proposal is acceptable in terms of Mana Whenua values.
 - e. In terms of positive effects, the proposal will provide for the applicants economic and social wellbeing as well as providing an increased volume of water to be delivered to the surrounding area.
 - f. 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. Such as the following:
 - a. The AUP(OP) contains objectives and policies relating to the taking, use, damming and diversion of water. The relevant objectives and policies of the AUP(OP) are contained in chapter B7 - Toitū te whenua, toitū te taiao – Natural resources, Policies B7.4.2 Coastal water, freshwater and geothermal water; Chapter E2 - Water quantity, allocation and use, Policies E2.3 1 to 17 (taking water); Chapter D1 - High Use Aquifer Management Areas Overlay, and Chapter M - Appendix 3 Table 1 Aquifer water availabilities. The relevant regional rules are contained in Chapter E7: Taking, using, damming and diversion of water and drilling.
 - b. The National Policy Statement for Freshwater Management 2020 sets out the objectives and policies for freshwater management under the Resource Management Act 1991. It came into effect on 3 September 2020 and replaces the National Policy Statement for Freshwater Management 2014 (amended 2017). The new Freshwater NPS includes a requirement to manage freshwater in a way that 'gives effect' to Te Mana o te Wai:

- i. through involving tangata whenua.
 - ii. working with tangata whenua and communities to set out long-term visions in the regional policy statement.
 - iii. prioritising the health and wellbeing of water bodies, then the essential needs of people, followed by other uses.
 - iv. Otherwise it continues to seek improvements to degraded water bodies, and to maintain or improve all others using bottom lines defined in the NPS. It also expands the national objectives framework. It is seeking to safeguard the life-supporting capacity of water, avoid further over-allocation, improve water use efficiency, protect significant freshwater bodies, and enable communities to provide for their economic well-being.
- c. Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Freshwater NES). The Freshwater NES will regulate activities that pose risks to the health of freshwater and freshwater ecosystems and also came into force on 3 September 2020. This has a focus on surface water quality and is not considered directly relevant to this application. This application is considered to comply with these objectives and the subsequent policies seeking to achieve them; crucially maintaining the values of the aquifer, while avoiding over-allocation of the resource. These matters are also addressed in the objectives and policies of the Auckland Unitary Plan as outlined in 4.3.
- d. The Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020. These regulations have limited applicability, since the abstraction rate outlined in section 2.4 does not exceed 5 L/s.
3. In accordance with an assessment under s104(1)(c) of the RMA, no other matters are considered relevant.
4. In the context of this discretionary activity application for water permit, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
5. Overall, the proposal is considered to have actual and potential effects on the environment that will be acceptable. The proposal is consistent with the objectives and policies of the AUP(OP) and the purpose of the RMA.

Conditions

Under sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

1. The take and use of groundwater from the AUP(OP) Matakana Waitemata Aquifer from a 100mm diameter, 146m deep bore ID 29798 at map reference 1737691 mE 5977438 mN on land legally described as Part Allotment 51 Parish of Matakana and

Section 1 Survey Office Plan 400726 (CT 433045), at 362 Matakana Valley Rd, Matakana, for both on-site use and commercial supply to one or more water delivery companies 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 WAT60370959.

Commencement and duration of consent

2. The taking of water permit WAT60370959 shall expire on 31 May 2054 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 115 cubic metres.
 - b. 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 25,000 cubic metres.

Installation of water meter:

4. Prior to exercise of this consent, a water meter with an electronic pulse output shall be installed and maintained at the outlet of the pump to the satisfaction of Council. 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;
 - be installed and maintained in accordance to the manufacturer's specifications.

Verification of Water Meter/device accuracy

5. The water meter shall be verified insitu 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;
 - 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) Amendment Regulations 2020 (or any equivalent regulations that may replace them) and a copy of the verification shall be provided to Council within 10 working days of the meter/devices being verified as accurate.

Bore construction for water level measurements

6. 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 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. 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 pump outlet as possible and before the water ends 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:
- before pumping starts for a day;
 - 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.

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 Council.

Information	Frequency	Due Dates for reporting
Water take meter reading and date	Daily Quarterly	If provided electronically, e.g. telemetered. If submitted online, by the: 7th October, for records between 1 July – 30 September; 7th January, for records between 1 October – 31 December; 7th April, for records between 1 January – 31 March; 7th July, for records between 1 April – 30

		June.
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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>

Your WUDMS customer number is P 2650015040 for consent WAT60370959, and the password is 1234. For the link to work properly you need to ensure that Council has your up-to-date email address for contact purposes. An on-line manual explaining how to enter and submit your water readings is available at the web address specified above.

Water Use Efficiency Report

10. A Water Use Efficiency Report shall be provided to Council by 15 June 2023 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. annual summary of water usage (month by month and related to delivery records),
 - b. reasons why annual water use may have varied from previous years aside from climatic variability (e.g. new additional customers),
 - c. water conservation steps taken (e.g. leak detection).

Review Condition

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

In June 2024 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 Maori with water.

Advice Note:

Under section 128 of the RMA the conditions of this consent may be reviewed by the Manager Resource Consents 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.

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 officer unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.
3. 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.
4. If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/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).
5. 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: Chelsea Gosden

Title: Team Leader, Resource Consents

Signed:



Date: 14 May 2021

Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least 5 days prior to work starting on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	Auckland CBD ☐	Auckland Isthmus ☐	Hauraki Gulf Islands ☐	Waitakere ☐
Manukau ☐	Rodney ☐	North Shore ☐	Papakura ☐	Franklin ☐
Resource consent number:			Associated building consent:	
Expected start date of work:			Expected duration of work:	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	Date:
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Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.