

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 022

IN THE MATTER OF

a directly referred application for
resource consent for an equestrian
centre at 4 James Mackie Road,
Wharepapa

BETWEEN

WST COMPANY (2016) LIMITED

(ENV-2020-AKL-000181)

Applicant

AND

AUCKLAND COUNCIL

Regulatory Authority

Court: Environment Judge D A Kirkpatrick
Environment Commissioner D Kernohan
Environment Commissioner A C E Leijnen

Hearing: 16-19 May 2022

Last Case Event: Revised conditions received 25 May 2022

Appearances: K Littlejohn and S Hiew for the applicant
M Allan and M Jones for Auckland Council
Mr S Bignell assisting s 274 parties

Date of Decision: 28 February 2024

Date of Issue: 28 February 2024

INTERIM DECISION OF THE ENVIRONMENT COURT



WST COMPANY (2016) LIMITED v AUCKLAND COUNCIL Decision [2024] NZEnvC 022
[28 February 2024]

- A: Consent is granted but at a restricted scale.
- B: Consequential amendments will be required to the conditions of consent.
- C: The applicant is directed to prepare revised draft conditions of resource consent consistent with this decision in consultation with Auckland Council and, if possible, with the s 274 parties.
- D: Revised draft conditions of resource consent shall be filed and served by 26 March 2024.
- E: Costs are reserved.

REASONS

Introduction

[1] There is an existing equestrian centre known as the Woodhill Sands Equestrian Centre (**the Centre**) at 4 James Mackie Road, on a site at the corner of that road and State Highway 16 at Wharepapa between Waimauku and Helensville. The site is an irregularly shaped piece of land containing an area of 10.5973 ha. The Centre also uses an adjoining site with an area of 138.2935 ha to the north at 125 Hutchinson Road, known as the Middle Hills Estate land, for cross-country eventing and as an overflow parking area during large events.

[2] The Centre is operated by a charitable trust called The Woodhill Sands Trust (**the Trust**). The Trust occupies the site under a lease from the applicant for resource consent, WST Company (2016) Ltd (**WST**). WST is controlled by the Trust and purchased the site in October 2017.

[3] The site and the surrounding area is in the Rural Production Zone under the Auckland Unitary Plan (**AUP**). An equestrian centre was established and has

been operated on the site since 2005 subject to various resource consents granted to a former owner. Some issues have arisen over time in relation to the scope, effect and validity of those consents. The application by WST now before the Court, which has been directly referred to it under s 87G of the Resource Management Act 1991 (**RMA**), has as one of its objectives the replacement of the existing consents with a comprehensive suite of related consents to enable equestrian activities at the Centre for the future.

[4] The application was lodged on 23 August 2019. After satisfaction of various requests for further information, the application was notified on a limited basis on 23 July 2020 to the owners and occupiers of two of the neighbouring rural residential properties immediately adjacent to the site. Submissions in opposition were made by both of these neighbours. Five other neighbours on James Mackie Road and on State Highway 16 joined the directly referred proceeding as s 274 parties.

[5] There is one written approval from Middle Hills Estate Ltd being the neighbour to the northwest at 125 Hutchinson Road, otherwise identified as Lot 10 DP 495390 (aerial photo ID no 8). Part of this property is proposed to be used for parking overflow for large events.



Aerial photo with party ID nos from Mr Keyte's evidence - Annexure B Locality Plan

The proposal

[6] The documents setting out the proposal include specific descriptions of equestrian activities together with plans of works to provide the wastewater, stormwater, washdown facilities and new buildings. They also include a detailed parking and access design as well as plans for how overflow parking will be provided.

[7] These plans were modified as the hearing progressed. A bundle of materials was provided with the applicant's submissions in reply setting out the applicant's position on the detail of the proposal, being:

- (a) Proposed Site Plan A101, Fat Parrot Architecture, dated 26/05/2020
Revision M dated 20/05/2022
- (b) Permanent Parking Layout Plan, R20 Consultants Ltd File Ref: 10308, Dwg RC-PCP Issue H dated 05/2022
- (c) Temporary Parking Layout – South Grass Area, R20 Consultants Ltd File Ref: 10308, Issue H dated 05/2022

- (d) Temporary Parking Layout Plan – West Sand Arena 500 Horses & 1,000 People, R2O Consultants Ltd File Ref: 10308, Issue H dated 05/2022
- (e) Temporary Parking Layout Plan– West Sand Arena 400 Horses & 2,000 People, R2O Consultants Ltd File Ref: 10308, Issue H dated 05/2022
- (f) Temporary Parking Layout Plan West Grass Area & East Area Lot 10 File Ref: 10308, Issue H dated 05/2022
- (g) Temporary Parking Layout Plan - West Area Lot 10 Only Required For Day Of 400 horses And 2,000 People File Ref: 10308, Issue H dated 05/2022
- (h) Woodhill Sands Equestrian Centre – Applicant’s Revised Consent Conditions at Close of Hearing 25 May 2022

[8] The general operation of the facility was described to us in the evidence of Ms Roberts, who is the chairperson of WST and a director of the applicant, as follows:

6.1 Woodhill Sands operates as both a competition and a training venue. Competition events are hosted by WST trading as Woodhill Sands and by other groups. Some of these groups are linked to ESNZ, such as Waitemata Show Jumping and Waitemata Dressage. Other groups sit outside ESNZ, such as Pony Clubs, and adult riding groups such as Waitemata Riding Club and the Western Riding Club.

6.2 Equestrian sports competition under the direction of ESNZ is organised on a national as opposed to regional basis. To date the ESNZ competitions in Auckland region are confined to Spring, Summer and early Autumn, although this may change in the future. The method of organisation adopted by ESNZ involves an annual process of allocation to groups of dates that are then recorded in an events calendar for the upcoming season. Consequently, the calendar of events at Woodhill Sands for some 8 months of the year is determined in large part by the ESNZ events that are allocated to Woodhill Sands and the groups using it as a venue.

6.3 Once these dates have been allocated, Woodhill Sands looks to add into its calendar grassroots events and events for groups which fall outside the ESNZ framework. For the remainder of the year, which is outside the ESNZ

competition season, Woodhill Sands has greater flexibility in scheduling events which meet the needs of a wider group of riders within the riding community. The demand for access to Woodhill Sands is such that there is very limited capacity to increase the current level of weekend competition activity. The venue opens on Wednesday each week for schooling horses.

[9] The description of the various equestrian activities for which consent is sought has been set out in five categories, from the least to the most intensive. We reproduce those as set out in the draft conditions submitted in reply:

(a) **General Equestrian Activities** (not competition/event-based, e.g. casual riding, riding lessons, coaching clinics, rallies, horse riding holiday programmes, horse training and associated support facilities, farrier services, equine supplies, and the like) subject to the following limitations:

- On weekdays only during daylight hours.
- A total frequency limitation based on the amount of competition/event activity occurring on the site within the defined 365-day period as follows:
 - Where equestrian competition/eventing activities occur at the maximum level permitted (as detailed below), General Equestrian Activities can occur on up to 34 weekdays within the defined 365 day period.
 - Where equestrian competition/eventing activities occur at a level below the maximum level permitted (as detailed below), General Equestrian Activities can occur on additional weekdays up to a maximum allowed operational limits (i.e. 5 days in any 7 day period up to 260 days in the defined 365 day period).
- Up to 50 horses on site per day.
- Up to 100 people on site per day (including organisers/staff, the public, riders, and other people associated with the activity).

- Overnight stays involving up to 20 vehicles for a maximum of one night.
- No use of the public address system.

(b) **General Equestrian Competitions/Events**, subject to the following limitations:

- To be held on up to 132 days within the defined 365 day period, during the competition hours specified in condition 21(d) below.
- Up to 50 horses on site per day and 100 people on site per day (including organisers/staff, riders, the public and other people associated with the competition/event) on up to 52 weekdays.
- Up to 100 horses on site per day and 150 people on site per day (including the public, riders and other people associated with the competition/event) on up to 52 weekdays and 28 weekend days.
- Overnight stays involving up to 20 vehicles for a maximum of one night stay.
- Use of public address system only in accordance with conditions 25(c) and 26(c).

(c) **Regular Equestrian Competitions/Events**, subject to the following limitations:

- To be held on up to 52 days a year (i.e. 10 weekdays, 42 weekend days) within the defined 365 day period, during the competition hours specified in condition 21(d) below.
- Limited to 2 consecutive days, except for on 4 occasions within the defined 365-day period when 3 consecutive days are permitted.
- Up to 200 horses on site per day.
- Up to 300 people on site per day (including organisers/staff, riders, the public, and other people associated with the

competition/event).

- Overnight stays involving up to 50 vehicles for up to 2 consecutive nights.
- Use of public address system only in accordance with conditions 25(c) and 26(c).

(d) **Large Equestrian Competitions/Events**, subject to the following limitations:

- To be held up to 26 days a year on a maximum of 13 weekends within the defined 365-day period, during the competition hours specified in condition 21(d) below.
- Up to 450 horses on site per day.
- Up to 600 people on site per day (including organisers/staff, riders, the public, and other people associated with the competition/event).
- Overnight stays involving up to 100 vehicles for up to 2 consecutive nights.
- Use of public address system only in accordance with conditions 25(c) and 26(c).

And:

- 3 large events per year on up to 4 consecutive days which must include 2 weekend days within the defined 365 day period, during the competition hours specified in condition 21(d) below.
- Up to 400 horses on site per day.
- Up to 600 people on site at any one time per day (including organisers/staff, riders, the public, and other people associated with the competition/event).
- Overnight stays involving up to 100 vehicles for up to 4 consecutive nights.
- Use of public address system only in accordance with conditions 25(c) and 26(c).

(e) **Showcase Equestrian Event**, subject to the following limitations (provided always that these limitations are subject to the further limitations specified in conditions 46-51 below):

- To be held once over 4 consecutive days including 2 weekend days within the defined 365-day period (being Thursday to Sunday), during the competition hours specified in condition 21e below.
- Up to 400 horses on site per day on Day 1 and Day 4 of the event, and up to 500 horses on site per day on Day 2 and Day 3 of the event.
- Up to 600 people on site per weekday, up to 1,000 people on site per day on one weekend day, and up to 2,000 people per day on the other weekend day.
- Overnight stays involving up to 100 vehicles for up to 4 consecutive nights.
- Use of public address system only in accordance with conditions 25(c) and 26(c).

Reasons why resource consent is required

[10] The equestrian centre activity requires several resource consents under the AUP. As described in the report provided by the Council under s 87F of the RMA, they are as follows:

- (a) An application to consolidate, with several modifications, the existing land use consents for the Centre's activities (Council reference LUC60344216) including:
 - (i) equestrian activities ranging in scale from general casual riding, training, rallies and horse riding holiday programmes and the like, to competition and eventing held regularly, and a single large showcase event held once a year;
 - (ii) the removal of some buildings and the construction of other

- new buildings;
 - (iii) vegetation removal and planting new vegetation;
 - (iv) the establishment of permanent parking areas and provision for off-site temporary parking; and
 - (v) the installation of an on-site wastewater treatment plant and a horse washdown facility.
- (b) An application for the discharge of domestic wastewater to land from a new on-site wastewater treatment system (DIS60344266).
 - (c) An application for the discharge of washwater from a horse washdown facility to land (DIS60357530).
 - (d) An application for the diversion and discharge of stormwater runoff associated with impervious areas (DIS60357534).

[11] These matters, being related and having overlapping effects, have been bundled into the single application before the Court with the Council reference BUN60344267.

[12] The reasons why resource consent is required under the relevant provisions of the AUP were set out for us in the Council's report under s 87F at paragraph [53], confirmed by the expert planning witnesses and not disputed by any party. Overall, the parties agreed that the proposal is to be considered as a discretionary activity. Within that bundled activity class it was noted that the primary land use of the equestrian centre is a restricted discretionary activity in the Rural – Rural Production Zone.¹ The activities that lead to the proposal's fully discretionary activity status concern the discharges of domestic wastewater and of stormwater runoff from impervious areas exceeding 5,000 m².

[13] While there are already some existing resource consents in place for the

¹ Equestrian centres are defined in the AUP as: "Facility used for paid lessons in horse riding; and training, racing, or showing horses competitively". The activity is provided for as a restricted discretionary activity in Table H19.8.1(A23). The relevant matters of discretion and assessment criteria for equestrian centres are at H19.12.1(1) and H19.12.2(1) respectively.

Centre, disputes about the validity of some of those² have led WST to undertake this application on a green-fields premise. This approach, referred to as the “agreed approach”, is described in a Joint Memorandum of the Parties dated 1 October 2021. As recorded in the Court’s procedural minute dated 5 October 2021, this approach is as follows:

- (a) WST’s Application will proceed on the basis that WST will (by way of a condition offered on an *Augier* basis³) surrender the existing consents on the commencement of any new consent granted, and will, if considered necessary by the Court, file a Notice of Surrender of the existing consents under s 138 of the RMA to lie in Court (conditional on the commencement of any new consent);
- (b) The evidence of all parties to be filed that is relevant to the assessment of the effects of the application will be prepared to reflect the agreed approach;
- (c) In addition, the evidence of the applicant and the Council will identify any consequential changes required to the application and s 87F reporting to reflect the agreed approach; and
- (d) Witnesses would still be able to give evidence on the adverse and positive effects which have occurred from the operation of the facility to date (including in reliance on the existing consents), and the Court would be able to take these matters into account in its overall assessment and determination of the application under the RMA.

[14] The agreed approach essentially means that any ‘effects advantage’ that might have been gained by WST in this application by relying on the existing

² *Colley v Auckland Council* [2021] NZHC 2365.

³ The *Augier* principle is that a party to environmental proceedings may be held to their undertaking given in the course of those proceedings: *Augier v Secretary of State for the Environment* (1978) 38 P & CR 219 (QBD), as explained in *Frasers Papamoa Ltd v Tauranga City Council* [2010] 2 NZLR 202, [2010] NZRMA 29, (2009) 15 ELRNZ 279 at [22] – [34].

consents for the Centre has been foregone. On that basis we have heard the application in accordance with the agreed approach, so that all of the effects of the proposal have been assessed afresh.

[15] However, we note that Mr Keyte, the Council's expert planning witness who prepared the s 87F report, indicated that there are several paragraphs in his report which refer to the consented environment, and to his assessment being carried out on the basis that an existing land use consent remains valid and in force. He noted that the effects of the consented activities form part of the existing environment. Thus in order to give effect to the parties' Agreed Approach, some consequential changes were required to certain parts of his report which he set out in his evidence. These changes did not change his overall assessment because the full effects of the application on the environment were considered in his assessment and those of the expert technical specialists for the Council.

[16] We note further from the s 87F report that the site has been subdivided since the earlier consents were granted and is now smaller. It seems that the Agreed Approach represents a pragmatic way forward for the assessment of the proposal under the circumstances.

[17] Mr Keyte's report includes a recommendation that the consent could be granted subject to conditions. We note that those draft conditions were further worked on in some detail both by the applicant and Council as the hearing progressed. We will address those in due course but suffice it to say that the applicant's set of draft conditions frame the application that was heard.

[18] The hearing was held remotely via Microsoft TEAMS with Mr Bignell coordinating the submitters and s 274 participants. At the outset the Court notes the excellent job Mr Bignell made of this task and the patience of all participants as we occasionally grappled with some brief connection issues for rural connections.

[19] The Court visited the site following the hearing and was able to view the facilities and development as well as the site and neighbourhood characteristics.

The site and neighbourhood

[20] The site is set in the valley of one of the tributaries of the Kaipara River and much of it consists of floodplain. The grades over the site are near level to gently sloping, with the landform rising around 5 metres from east to west over a 600 metre distance. Overland flow paths, watercourses, ponds and wetlands are present. The Auckland Council's GeoMaps identify overland flow paths and associated 1% annual exceedance probability flood plains and flood prone areas within the site.

[21] More particularly, a watercourse traverses the southern area of the adjoining property at 125 Hutchinson Road owned by Middle Hills Estate Ltd which is also part of the proposal. This watercourse flows eastward through neighbouring land to enter the north-eastern part of the Centre's site where it feeds into a wetland area which is subject to a protective covenant.

[22] A drainage channel bisects the site, extending from its south-western corner along the southern boundary with two neighbouring properties and then through the centre of the site to the table drain on the western side of State Highway 16. This drainage channel has a varying cross-section and is piped in sections. Greater detail of the hydrology of the site can be found in the assessment of environmental effects (**AEE**) in Appendix 4, Civil Infrastructure Report (part 2.3 Site details).

[23] As currently established, the Centre contains five equestrian arenas as well as horse yards (including covered yards), two buildings (a clubhouse/café and an office), toilets, a horse wash area, and other related areas and facilities. There is access through the Centre on unsealed metal or sand drives.

[24] In addition, around 7.5 ha of land on the neighbouring Middle Hills

property to the northwest of the Centre is used from time to time for equestrian cross-country events. It is this area which the applicant plans to use for temporary overflow parking for events with up to 400 horses and 2,000 people in attendance.

[25] As a whole, the surrounding landscape as described to us and observed during our site visit is typical of productive agricultural land close to Auckland, dominated by grazing with occasional cropping and fruit growing. Large glass houses are a particular feature of this area. These land uses are interspersed with belts and groves of trees which have been planted for shelter and amenity along with some areas for forestry production. There is a large commercial glasshouse operation located at 29 James Mackie Road immediately opposite the entrance to the Centre.

[26] James Mackie Road itself was described to us as a quiet country lane comprising a sealed two-way carriageway. As well as the Centre and the glasshouse, there are currently 12 rural residential properties which gain vehicular access from James Mackie Road.

[27] There is an existing line of closely spaced poplars and other mature trees on the site which is approximately 650 metres long. A landscape assessment by Mr Robinson provided as part of the applicant's AEE suggested that these were probably originally planted to form a farm hedge/shelterbelt, stretching from the western end of the site to its site entrance gate. Approximately 100 metres of this shelterbelt is proposed to be removed to allow the building of the proposed office and cafe and associated courtyards in the central area of the site.

[28] The land immediately surrounding the subject site has generally been developed for countryside living/lifestyle type purposes, particularly the land which gains access from James Mackie Road. In particular, the adjoining sites on James Mackie Rd range from 1.2 to 4.8 ha and, as described in the evidence of Mr Campbell, the expert planner called by the residents, and confirmed from our site

visit, appear to be used principally for residential purposes. There is also an adjoining property with access from State Highway 16 which is 17.7 ha, but also appears to be a lifestyle block.

Potential environmental effects

[29] The report prepared under s 87F of the RMA by Mr Keyte, a senior planner for the Auckland Council, was very thorough and was relied upon by the other expert planning witnesses in the preparation of their evidence to reduce repetition. We are grateful for that and find that a helpful approach to the presentation of evidence especially where matters are agreed.

[30] The report addressed a broad range of potential environmental effects. We have not addressed all of them in detail in this decision. We have focussed more closely on the issues that were presented as the issues at the forefront of the hearing and where we understand the “big ticket” questions lie.

Water borne and related pollution effects

The wastewater facility

[31] The site is not connected to reticulated services for wastewater. An on-site wastewater facility of a domestic nature is proposed which will have limited capacity. A maximum discharge to land of 6.9 m³ per day of treated domestic wastewater is proposed. The land disposal system is to be located in the southwestern corner of the site adjoining the grass arena. Part C of Section 2.0 of the AEE Wastewater Report provides a description of the site, including geotechnical and site constraints. Part D outlines the features of the new wastewater system which includes an Innoflow Technologies AdvanTex AX100 wastewater treatment system. Together with UV disinfection, wastewater will be treated to a tertiary quality standard before discharge to land.

[32] The wastewater system has been designed for a maximum of 300 persons

on site per day (that is, in terms of the types of events described above at para [9], regular equestrian competition/events). The peak daily design flow is 14,160 L/day as shown in Table 1 of the Wastewater Report, buffered to discharge no more than 6,900 L of wastewater to land per day. The primary wastewater application area is 1,725 m². A reserve wastewater disposal area of 870 m² is proposed on an adjacent area. To manage peak periods of people on site, portable ablution facilities (e.g. Portaloos) will be provided for events greater than 300 persons on the site per day.

[33] Technical analysis was provided in the AEE and reviewed by Dr Bibby, a senior wastewater and environmental specialist employed by the Council. In her opinion, the key environmental effects that should be considered are the impacts on surface water, groundwater, soils and amenity values. Given the method of treatment, separation distances between the discharge point and environmental features such as surface water and seasonal groundwater, she considered that the discharge of the treated wastewater will be adequately mitigated through adequate maintenance, monitoring and compliance with the proposed conditions. Her advice was that the wastewater system will meet recommended standards for public health.

[34] Overall, both the Council's and the applicant's expert witnesses concluded that the potential effects from interference with groundwater would be appropriately managed and would be monitored as set out in conditions proposed for consent. There was no other evidence before us to suggest otherwise.

Horse washdown facility

[35] Horses are washed to cool them down after events. The horse washdown facility currently comprises three 4 x 4 metre concrete lined fenced enclosures that each have a garden hose for washing horses. Water is supplied from three freshwater tanks that store water from a bore located 35 metres north of the

wash bays at the northwest corner of the covenanted wetland area. No detergents, shampoos or other cleaning agents or insecticides will be permitted under the proposed conditions of consent. The wash bay discharges comprise water and sweat, along with urine and excrement. Horsehair is minimal as we were told no clipping is allowed to be undertaken in the washbays. Discharged water flows to ground soakage and in high flow times can overflow to the existing stormwater drain.

[36] To understand the water usage per horse, WST installed flow meters on the inlet pipe at the existing horse wash bay and read the meter over two shows. Water quality samples were also collected from the clean water hose and the wash bay runoff for analysis. Groundwater was studied at the site by installation of nine groundwater monitoring bores with piezometers installed to approximately 1.7 metres below the groundwater level in West Coast dune sand. These were monitored on 20 February 2020 and again on 6 March 2020 during the peak to later part of the equestrian season. Through interpolation of the measured static groundwater level it was ascertained that groundwater flows from northwest to southeast.⁴

[37] Mr Williamson, the applicant's expert witness on groundwater, explained in his evidence that groundwater recharges in the high permeability dunes to the west of the site, then percolates downwards before it upwells in the valley floor where the Centre is located along with the Kaipara River further to the east. As a result, at the Centre there is likely an upward groundwater pressure gradient, with deeper old groundwater flowing towards the surface. This means groundwater at the site is likely to be reflective of reducing or low oxygen conditions, including high potential for low dissolved oxygen and nitrate nitrogen with the majority of the nitrogen speciation in the form of ammoniacal nitrogen.

⁴ Williamson EIC at [3.5] – [3.7].

[38] The water was analysed for faecal coliforms and while this was elevated in the horse wash discharge samples, in ground water directly downgradient of the horse wash bay its presence was reduced by two to three orders of magnitude to between 40 and 120 CFU/100 ml. Groundwater wells closest to the receiving environment showed either no faecal coliforms, or very low levels of faecal coliforms. In all cases, levels in receiving environment wells were significantly lower than the wells immediately downgradient of the horse wash bay, and lower than P1, the upgradient piezometer. This, in Mr Williamson's opinion, demonstrates that the sand lithology at the site is acting as an effective filter for faecal coliforms.

[39] Levels of biochemical oxygen demand, total suspended solids, ammoniacal nitrogen, nitrates and nitrites were also tested.⁵ Overall from the results of the field testing, it was concluded that the current wash bay design is not having an adverse effect on the receiving environment given the historical loading rates.

[40] However, WST proposes to undertake some minor physical works to further improve the quality of wastewater discharges from the horse wash bay area. This includes the installation of bunds to separate stormwater from the horse wash bay disposal area.

[41] The current horse wash bay design also allows water to discharge in an uncontrolled manner and infiltrate the sandy soils within 5-7 metres of the wash bays. It is proposed that this water will be captured to pass through a sediment trap, then a 0.5 mm filter-sock screen, and then through a perforated pipe on a raised sand bed, where infiltration will occur in a similar manner to the current setup but in a raised and controlled area. The sand bed will be contained by a timber retaining wall.

⁵ Williamson EIC at [3.10] – [3.21].

[42] Periodic replacement of the filter-sock will be required, as well as the sand in the raised sand bed. This will be determined by visual assessment and performance. In the sand bed, ponding will be evident when excessive clogging occurs, at which time the sand will be replaced by fresh sand. This methodology is considered acceptable by the expert witnesses and conditions of consent have been proposed to confirm the design and maintenance of the facility.

Stormwater runoff and the wetland

[43] Issues concerning stormwater runoff to the wetland were explored by Ms McKee in her questions to Mr Williamson. His evidence was generally focused on the horse washdown facility, but he advised that a number of piezometers were installed upstream of the wetland and from a groundwater perspective contamination was not apparent. He noted that in the early 2000s, when the site first was set up as an equestrian centre, the Raupo wetland in the north-eastern corner of the property wasn't as flourishing as it is now. He opined that is because the land was previously grazed and that is no longer the case.

[44] Further in reply to questions from the Court, Mr Williamson advised that the conceptual modelling that the experts have undertaken indicates that the site is low, in essentially a flood-plain setting, and would receive ground water running from underneath. The model indicates this provides "hydro-geological security", so it is impossible to contaminate downwards because groundwater is naturally flowing upwards.

[45] In the case of contaminated surface water, Mr Williamson noted that currently the site does flood. Water goes from west to east and nothing discharges off the site because it gets to a point where it is sucked back into the top layer of sand in the arenas. Any run-off goes into sumps and he anticipates that debris from the arenas themselves is collected in those sumps. Mr Williamson also had some first-hand knowledge as he participates in equestrian activities with his own horse and noted two occasions when he has been at the

Centre where an event was stopped because it was too wet and unsuitable for the wellbeing of the horses to operate on those surfaces in that state.⁶

[46] Mr Osborne, a chartered professional civil engineer called by the applicant, described the site as draining via open waterways, overland flow paths, drainage channels and culverts to the Kaipara River. A discharge consent for the diversion and discharge of stormwater from 10,672 m² of impervious area (Permit No. 30499) was granted by the Auckland Regional Council on 8 April 2005 for the formation of the existing compacted sandstone, metal and pumice access and parking areas within the central and north-eastern areas of the site. This consent has been given effect to and expires on 31 December 2039.

[47] Some neighbours raised concerns about management of surface water on the site especially after heavy rain events. The court was supplied with photographs of flooding on the site. There was concern as to the inclusion of appropriate buffering and management of surface water in the sensitive receiving environment which ultimately leads to the Kaipara River and then to the Kaipara Harbour.

[48] Mr Osborne advised that:

[3.8] It is not intended to alter the existing stormwater management regime established ... relating to the equestrian centre activity to any significant extent, other than to include further water quantity and quality mitigation measures for the existing and proposed new impervious surface areas within the site. It is noted that stormwater management and mitigation measures previously consented under Permit No. 30499 have not been strictly implemented in terms of the approved engineering design plans. Accordingly, additional stormwater quality devices are proposed to be constructed as part of this application to address stormwater runoff from the existing eastern sand arena and impervious vehicle accessways within the site.

[3.9] The existing impervious areas on the site equate to 7,051m² (702m² of buildings/structures and 6,349m² of compacted metal/hoggin driveways and concrete areas). The redevelopment proposal involves the removal of the

⁶ Transcript at 63 – 64.

majority of the existing buildings on the site and replacement of these structures with new buildings, in addition to the metalling of the grassed car park area located in the south-eastern corner of the site. Following the redevelopment, the total impervious area on the site would equate to 9,674m², with the total additional impervious area resulting from the redevelopment proposal equating to 2,623m². I note that the proposed impervious area (i.e. 9,674m²) is around 1,000m² less than the impervious area (i.e. 10,672m²) consented under the previously issued discharge consent (Permit No. 30499).

[49] Mr Osborne advised that the intended stormwater treatment approach for the development site has been designed in accordance with the Council's Guidance Document 2017/001 - Stormwater Management Devices in the Auckland Region (GD01). This design guideline promotes the utilisation of a 'treatment train' approach, where practicable, and combined use of low impact design (LID) measures and various proprietary stormwater treatment devices to provide water quality treatment. He outlined a number of applicable stormwater measures and methodologies in his evidence.

[50] Mr Turner, a chartered professional engineer, was retained by the Council to review the stormwater aspects of the proposal. It was his understanding that the parties' 'Agreed Approach' relates specifically to two land use consents referenced as L53108 (granted in 2008) and L68434 (granted in 2016). There are several other resource consents for the site which are not subject to the agreed approach, including the discharge permit no. 30499 granted by the Auckland Regional Council on 8 April 2005 for the diversion and discharge of stormwater from 10,672 m² of impervious area.

[51] We note that Mr Keyte advised in updating his s 87F report⁷ that the existing stormwater discharge permit no. 30499 will be superseded upon commencement of the proposed consents, if granted. The proposal includes a consent for discharges from a high contaminant-generating car park.

[52] Mr Turner confirmed in his evidence that he had assessed the full

⁷ Keyte EIC at [7.5] and [7.13(q)].

stormwater effects of the proposal and had not disregarded any effects in reliance on existing resource consents.⁸ Mr Turner confirmed his support for the management and mitigation regime proposed to be adopted and the conditions proposed to address this aspect of the proposal. He also confirmed that “the earthworks, stormwater, water supply, natural hazards, and demolition material aspects of the Application to be acceptable from an engineering perspective, subject to the Council’s proposed consent conditions”. He also noted, for completeness, that no impervious area or stormwater management area is proposed for the neighbouring landholding to the north west of the site at 125 Hutchinson Road which is proposed to be used for cross-country events or temporary overflow car parking.

[53] There was some questioning around these matters but there was no evidence to contradict the applicant’s expert witnesses and agreement has generally been reached between the Council and the applicant on conditions to manage these stormwater effects.

[54] While we accept this evidence, we note that the proposal has not been assessed against the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 which were not in force in 2005 when the existing discharge permit no. 30499 was granted. In particular, reg 54(d) provides that the discharge of water within a 100-metre setback from a natural wetland is a non-complying activity if it does not have another status under subpart 1 of Part 3 of those regulations.

[55] This issue is not addressed in the application before us and we do not have sufficient information on which to ascertain whether a decision is required or, if one is, what decision to make. We have pondered whether this issue presents a barrier to deciding on the application and have determined that it does not, as it is capable of being considered as a separate planning unit in the context of the

⁸ Turner EIC at [5.4]-[5.5].

existing permit. We would, however, expect the Council to consider this as part of its monitoring and enforcement responsibilities.

[56] An additional observation we make, following our site visit, is about the design of the existing horse manure station. We note that currently this is proposed to be uncovered and that leakage from its base does not appear to be controlled or treated. If that is so, then contaminated water is likely to soak into the neighbouring ground or flow overland beyond the facility. It is our understanding that a proposed condition (no. 34) is designed to deal with these effects. This condition would require that these facilities are located clear of overland flow paths or water ponding areas and are contained within non-permeable vaults which are to be covered with tarpaulins or similar protection to prevent the mobilisation of any discharge from the facility. Manure collection points are also required to be emptied regularly to prevent any overflow.

Equestrian activities

[57] The primary concerns of the neighbours are with the operation of the equestrian facility itself, particularly the intensity of its use and associated effects on the enjoyment of their properties. The principal generated effects of the facility can be summarised as:

- (a) Noise, especially from:
 - (i) Public address system announcements for event management.
 - (ii) Bells and buzzers associated with eventing.
 - (iii) Amplified music.
 - (iv) Overnight stays including the use of generators.
 - (v) Tractors and other maintenance machinery, pack in and pack out for events.
- (b) Dust
- (c) Traffic and parking
- (d) Loss of rural amenity/frequency of events and lack of respite

[58] We address each of these effects in turn.

Noise

Event noise

[59] We address together the various noise sources associated particularly with large events, including the use of a public address system, bells and buzzers associated with eventing and amplified music. While separately identified, these noise sources tend to be experienced together. By way of example, Mr Dyer who has lived at 41a James Mackie Road since 1996 and has thirteen members of his extended family living in the neighbourhood, described his concerns with noise from events in the following way in his evidence:

2.11. In Mr Paul Gordon's Noise Effects report undertaken for council (para 7.16B) he is totally wrong in his claims that the PA would be dominant and most noticeable noise source during competition and daytime activity. He is discounting the multitude of bells rings over the day during a large event. We can hear these bells from our property depending on the wind direction and it is often much clearer at my parent-in-laws home at 41 James Mackie Rd. For our neighbours closer to the arenas on WSEC, the nuisance from these of bell, must be awful.

2.12. Our home is approximately 400 metres from the site and at times we can hear bells and PA coming from the site. During WST ownership we have made noise complaints to council over extremely loud and offensive style of commentary with amplified music. Council has never come to our property to investigate the complaints and measure sound levels. This is why we strongly reject the notion that a PA is compatible with rural living - it is not! We would not expect any of our other neighbours to apply, nor be granted a RC allowing the use of a PA. It is totally out of character with rural living. It might be acceptable in an city or industrial zone, but it is not acceptable in the country where a relatively small block land is surrounded by so many other properties.

2.13. If we can hear the bells, PA, commentary, crowd noise and amplified music coming from WSEC, we can only imagine it would be much louder and more unpleasant for our neighbours who live a lot closer to the site.

[60] This complaint was not unique in the evidence before us. The noise of bells

and sometimes car horns used by judges, and the noise from the PA was a common issue for nearby residents. This adverse effect was described to us in terms of both the volume and the character of the sound which interfered with neighbours' enjoyment of the amenity values of their properties.

[61] Several ideas were put forward during the hearing for methods of managing these noises which, it was generally agreed, should be able to be managed especially in terms of volume and in order to protect the amenity of the neighbourhood, particularly for residents who live close to the site. Issues of the duration, volume, and character of these noises were discussed at some length by various witnesses and during cross examination of the expert witnesses on noise.

[62] Control of the effects of public address systems and amplified music is a relatively common matter for management by appropriate conditions of consent. Conditions have been proposed to restrict amplified music such that it is not permitted over the PA except during dressage competitions when it is played while the horse and rider are competing. We note that there remains a desire to allow background music during the eight Large Equestrian Competitions/Events and the Showcase Equestrian Event.

[63] Proposed conditions 52A and 52B provide:

52A. Except as provided by condition 52B, the noise level from the temporary or permanent public address system shall not exceed 35dBL_{Aeq(5min)} when measured at any notional boundary (and there shall be no adjustment for duration or special audible character).

52B. For:

(a) Up to eight Large Competitions/Events in each 365 day period;
and

(b) Showcase Equestrian Events;

the noise level from the public address system may be up to (but

not exceed) 40dBL_{Aeq(5min)} when measured at any notional boundary (without adjustment for special audible characteristics).

[64] The issue with bells and buzzers is more complex. These are used to enable event judges to signal to competing riders. The adverse effects relate to where and how the bells or buzzers are used by judges and the pitch or character of the sound which is designed to be noticed by riders. In the opinion of Mr Styles,⁹ an expert witness on noise called by the Council, a control method most likely to succeed is a purpose-built electronic system where the parameters of location, volume and pitch could be managed in a way that would protect adjoining residents. We understood this to mean placing buzzer units in locations close to the arena which could then be controlled as to volume and character. Such a system would be able to be tested and adjusted to suit prior to use.

[65] The condition proffered by the applicant in reply retains the option for bells to be used and is drafted as follows:

Audible hand-held devices such as small bells or electronic buzzers may be used by equestrian competition judging staff on site during competitions provided that prior to their use a suitably qualified and experienced acoustician has completed an assessment of the noise effects of their use at the closest notional boundaries which demonstrates that their use will comply with the noise limits in condition 52. The acoustic assessment required of this condition shall be provided to the Council for certification prior to the use of such devices on the site.

Overnight stays and the use of generators

[66] Competitors and other participants may come from a distance. Some come in recreation or camping vehicles or in motor homes. Some large horse transports can include human accommodation to varying levels of comfort. There is presently limited electricity supply available in the parking areas and

⁹ NOE at 239, JWS Noise/Acoustic 28 March and 1 April 2022, section 7.

some people bring and use generators to power their vehicles while staying at the site.

[67] The evidence indicates that the installation of a permanent public address system will necessarily involve extending the electricity supply around the property and providing connections in a number of locations. This would also enable an automatic gate installed at the entrance to operate. This may mean that additional electricity outlets may be provided in the parking area, but this was unclear from the evidence.

[68] The evidence also suggested that past and current use of generators at the Centre may not accurately reflect the future use. The advice from Ms Roberts, the chairperson of WST and a director of the applicant to the expert witnesses on noise included the following:

The current position regarding generator use on the property is that, other than portable generators used in the parking area in the manner described above, generators have been used only at the WC Qualifier show held in January each year (but not 2022) and hosted by the user group, Waitemata Show Jumping. At this show, generator use has been as follows:

- Broadcasters (JX Live) – Waitemata SJ Group has contracted JX Live to livestream the WC Qualifier class and film other activity at that show. JX Live have used a portable petrol inverter generator situated on the Judges' truck which is located on the driveway alongside the grass arena and adjoining the boundary with 36 James Mackie Rd. I have been advised this is a Honda Silent Generator model. This generator also powers the PA used by the announcer in the judges truck at the grass arena.
- PA and Sound system for grass arena – Sound engineers have been engaged to manage sound (including compliance with noise limits). The approach adopted to managing the spread of amplified sound has been to use a number of smaller speakers around the arena edge, which requires power in areas of the venue where there is not a plug-in power source. A Portable generators has been used.
- Catering – the truck and any refrigeration used by the caterers for the high tea on the Sunday of the show has historically used a generator, again a portable generator provided by Waitemata SJ. On occasion this has been a diesel generator provided by a member

of the organising committee.

Aside from usage at this show, there has not been any use of generators at WS that I can recall.

As explained, we ordinarily do not have food trucks or caravans at WS. If this situation was to change, locating these in areas of the property where there is access to power would enable the use of generators to be limited to providing a back up in the event of power cuts.

Going forward, limited generator use will continue at WS until a permanent sound system is installed and there is a power connection in all areas of the property where power is required.

[69] Our understanding of the neighbours' concerns with generator noise related primarily to overnight stays where generators are used. They were also concerned with noise of people and loud music possibly occurring late into the night when there are overnight stays. Proposed condition 22 provides for the siting, number of nights and number of vehicles for overnight stay parking to be managed. The overnight stay areas are identified on the Proposed Site Plan A101 dated 26/05/2020 as follows:

- (a) in the parking area west of the entry drive from James Mackie Road and behind a new 20 stable block and 11 covered yards
- (b) In the main carpark adjacent the Wetland and edge of the Eastern Sand arena
- (c) Behind the new shower block and Portacom area to the east of the Grass Arena

[70] It is unclear to us in which order of preference the use of these areas will be sequenced. This may make an impact on cross-boundary noise effects and so is a matter that should be clearly articulated in the conditions to provide certainty. For the annual Showcase event, all of these areas are likely to be occupied with the potential for up to 100 vehicles on up to 4 consecutive nights which are limited to Wednesday through to Saturday nights.

[71] Conditions 22 – 24 are proposed to address the effects of overnight stays

by limiting the number and location of vehicles that may stay for a certain number of nights. Condition 25(c) is proposed to address noise management and mitigation as part of the required Site Management Plan, including 'lights out' and generators off (unless for emergency purposes) after 10 pm and a prohibition on "loud music/parties". A manager is to be on site to supervise oversight stays.

[72] Overall we note that the expert witnesses on noise were in agreement¹⁰ that the effects of the overnight stays could be managed to avoid a nuisance to neighbours and that includes the use of generators.

Tractors, maintenance machinery, and pack in and pack out for events

[73] Tractors are used for a number of activities on the site with the major concern of neighbours concentrated on two specific uses:

- (a) Pack in before and pack out after events
- (b) "Grooming" arenas before, during and after events

[74] As we understand it, in summary, the pack in and pack out occurs early in the morning prior to an event and at the end of the day after an event. The grooming occurs before and after events and during events between sessions.

[75] Pack in involves bringing in and setting up equipment required for a particular type of event. This was described by Ms Roberts in her evidence as:

6.8 The amount of work involved in the setting up and packing down not unexpectedly depends on the type and size of event. For a Dressage event, pipes defining the ring edges are placed in a rectangular shape on sand arenas, generally a two-person job. For a jumping show, jumps stands and poles will need to be shifted on to the arenas and positioned according to the course design for the first class in each arena. For some shows there will also be ring decoration (flora) to be placed. The WC Qualifier Show

¹⁰ JWS Noise/Acoustic 28 March and 1 April 2022.

which is hosted by a volunteer group may take several days to set up because of the showcase character of the event and the aspirations of the group to set a very high standard of ring presentation. All the work takes place during daylight hours and involves a mix of manpower and vehicles moving around the site. At the end of an event all the equipment is removed from the arenas and packed away. A lot of the ring equipment is transported and/or stored on trailers which are towed by vehicles.

[76] She also set out the general maintenance and upkeep type of activities undertaken on the site, likening these to those which might be expected of a large equestrian rural lifestyle block. These activities include mowing grass areas, maintaining arena surfaces by harrowing and watering, weed control by spraying and grubbing, fencing and yard and machinery repairs, tree and hedge trimming and pruning and gardening. There are yards which require bedding to be refreshed from time to time, horse manure and used bedding to be removed and parking areas maintained.

[77] She also cited additional activities not common to such rural areas, like posting event schedules, overseeing the online entry process, arranging event officials for each event, setting up for each event, cleaning and maintaining the ablutions blocks for venue users, stocking and staffing the kiosk, liaising with sponsors, social media and so on.

[78] The grooming of arenas, which we understand to be maintaining arena surfaces by harrowing and watering, is one of the common themes of submitters' concern with noise. As Ms Macauley Seo indicated:

2.13 One of the worst things for us up on the hill is the sound of the tractor. All farms have tractors but don't use them much. The Woodhill Sands tractor runs for hours, often early in the morning waking me up, and then again late at night. So after all day of bells and noise, the tractor spends hours driving around the property. I think this is very inconsiderate.

[79] Interestingly, the noise experts did not initially concentrate on these noise effects of the activity having concentrated their assessment around the public

address system, traffic noise, overnight stays and event features such as bells and horns. Their joint witness statement noted that on-site equipment includes a tractor (with various attachments including a flail mower and equipment for levelling and rolling sand arenas), a utility all-terrain vehicle and a commercial ride on mower. A forklift is brought in from a nearby nursery to move jumps for the Showcase event only; this has a tonal beeper when reversing for health and safety purposes. We understood from Ms Colley and Mr Bendall that there is in fact more than one type of tractor used on the site.

[80] The noise experts agreed that there was uncertainty around the effects of the mobile equipment as they had not been modelled. They agreed that the noise from this kind of machinery could be expected in the Rural Production Zone. However, it may be that due to its potential frequency of use in one localised area it is likely that these activities will require control in terms of timing and duration. We understood from answers to questions that there is potential to modify at least the tractor(s) to reduce their noise effects, but there was no firm evidence on how this might be achieved and what degree of mitigation of noise effects could be achieved. This is an issue that WST should investigate further.

Reverse sensitivity

[81] The parties observed that this is a working rural environment where there is an expectation of noise associated with farming machinery and activity which would have effects on those residing in it. However, adjacent landowners expressed concerns about reverse sensitivity whereby their rural activities are curtailed by the fact that they need to manage activities so as not to scare horses using the equestrian centre. When a neighbour wishes to undertake maintenance of their property on a weekend, their activities may be impeded as they, being responsible horse owners themselves, are unwilling to pose a health and safety risk to the competitors and horses at events at the Centre. For example, as Ms Colley and Mr Bendall explained, if they wanted to undertake tree trimming on the boundary during a competition they would almost certainly face a barrage of

complaints from the competitors and WST operators alike.

Dust, parking and traffic management

Dust

[82] Dust was described as a product of traffic and other movement on the site particularly on the access lanes and the parking area. As the current situation goes, we understand there to be limited control to mitigate this issue. The proposal will create more areas devoted to formed parking and access. We note that vehicle speeds are to be regulated to 10 km/h and the formation of driveways and parking areas are being offered to be undertaken to the satisfaction of the Council. What that means exactly is unclear.

[83] Further, the applicant proposes the following conditions for dust management:

72. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks, construction activity or operation of the consented activity, that in the opinion of Council, is noxious, offensive or objectionable.

73. A permanent sprinkler system shall be installed within 4 months of the commencement of this consent (or 1 December whichever occurs later) to suppress dust at the site. The system shall cover the sand arenas and vehicle accessways associated with permanent parking spaces. Water used shall be from on-site storage or from the on-site bore.

Parking

[84] Parking demand relates to the nature of the event or activity being undertaken on the site. A full site parking layout plus additional parking for the Show Event has been prepared by traffic engineers for the applicant and closely scrutinised by the expert traffic engineers for the Council and the submitters. Issues remain regarding:

- (a) the practicality and safety of the parking where horses are tied to trucks and trailers/floats
- (b) the practicality of overflow parking on the Middle Hill site
- (c) parking surfaces
- (d) parking management on roads

[85] Mr Sergejew, an expert traffic engineer called to give evidence for the submitters, raised issues with the size of the parking spaces and manoeuvring available for horse trucks and floats at the facility. The safe tethering of horses to vehicles and their safety in moving about the site was also raised in evidence of a number of submitters including Ms McKee and Ms Sullivan. We note that the proposed plans will provide horse yard capacity of 245 horses so beyond that figure horses will have to be catered for in the truck/float parking areas.

[86] Revised plans were provided to the Court which included updated details for the parking layout and manoeuvring and access around the site. The plans specify permanent and temporary parking arrangements. The permanent arrangement caters for all events/activities for up to 200 horses and 300 people. This seems to equate with the rough capacity for use of the horse yards.

[87] There are then 5 parking plans describing various temporary parking scenarios for larger events described as follows:

- (a) TCP1 shows additional 29 horse truck/float parking in the South Grass Area.
- (b) TCP2, 2A, and 3 all depict variations of parking for large and showcase events based on the number of horses vs number of people.
- (c) TCP4 shows vehicle parking only required on the last day of the Showcase (i.e., once a year).

[88] The revised arrangements were described in the rebuttal evidence of Mr

Brown, the expert traffic engineer called to give evidence for WST. We are satisfied that the revision of parking spaces allocated to horse floats and trucks now better address the issues raised in evidence by Mr Sergejew regarding width for manoeuvring large and combination vehicles in the permanent parking arrangement plan. These include a total of 99 horse truck/float parks in addition to the 245 permanent Horse Yards. The Horse truck and float parks are of varying dimensions with the smallest at 5 metres x 11 metres and the largest 5 metres x 20 metres. We anticipate that given the complexity of the arrangements, some arrangement will need to be made for signage and traffic management personnel to be on site. We accept that this revised plan represents an acceptable arrangement for the 200 horse/300 people maximum sized event. We assume that most horses are held within the horse yard and that tethering of horses at the trucks and floats is less common.

[89] There will also be 185 permanent carparks in this arrangement (2.8 metres x 5 metres each) and manoeuvring aisles range in width from 8 metres to 8.5 metres for the horse truck and floats carparks and 6 metres for the carparking with pedestrian linkages from parking to the main facilities and arenas.

[90] Plan TCP1 utilises the southern grass area (adjacent the reserve wastewater field) for a further 29 horse truck/float parks. We understand this is an overflow arrangement for horse vehicle parking depending on the nature of the event, up to 200 horses and 300 people.

[91] Plans TCP2 and 2A offer different arrangements utilising the Western Sand Arena. The two arrangements add further parking for both cars and for horse trucks and floats depending on the split between competitors and expected spectators. This area of the site would provide for scenarios of:

- (a) 450 to 500 horses /1,000 people (with an additional 163 carparks and 65 horse truck and float parks).

- (b) 400 horses / 2,000 people (with an additional 312 carparks and 19 horse truck/float parks).

[92] Plan TCP3 makes use of the western grass area of the site and part of the neighbouring property to the northwest¹¹ which was usually referred to as Lot 10. This adds a further 28 carparks and 45 horse truck/float parks.

[93] Plan TCP4 demonstrates the potential for a further 257 car parking spaces on the western area of the neighbouring Lot 10. These are set out around and crossing various watercourses or streams (permanent and ephemeral) and a drainage channel that traverse this land and are laid out parallel to the common boundary with the WST land. The purpose of this arrangement (as noted on this plan) is only to cater for an event where 400 horses and 2,000 people would be attending, in other words, for the single showcase event held once a year.

[94] We heard the evidence of submitters in respect of the practical use of Lot 10 including that of Ms Colley and Mr Bendall who own and occupy the property next door. The land in Lot 10 is a sloping paddock with waterways across it. From our site inspection, we conclude the proposal potentially involves environmental risks which have not been fully assessed. The arrangement relies on works including the filling of shallow depressions and the design has been undertaken using the Council's GIS data rather than a survey. It appears that this area drains into the permanent watercourse or stream which eventually makes its way to the nearby wetland. These uncertainties coupled with the physical character of Lot 10 leads us to conclude that the use of this area for parking would be neither practical nor environmentally appropriate.

[95] Assessing the suitability of the site for parking, we are more comfortable with the various scenarios set out for this including the potential occasional use of the already modified Western Sand Arena. Although presented as a tightly

¹¹ This property has its own access at 125 Hutchinson Road.

designed and complex arrangement for parking purposes, it is likely that, with appropriate traffic management personnel in place and given its infrequent use, it could be a practical overflow arrangement for temporary parking.

Traffic management

[96] The key traffic issue related to access from and egress to the site, including the intersection of State Highway 16 with James Mackie Road. Particular concerns include the size of vehicles and trailers or floats and the number of vehicle movements related to different event sizes. There were concerns with the safety of manoeuvres into and out of the gateway to the site given the overall length of manoeuvring vehicles, the width of James Mackie Road and the short distance between the intersection of that road with the state highway and the site entrance.

[97] The applicant presented an amended design of the entrance to the site to address these site access issues, as provided for in proposed condition 36. We understand that from a technical point of view the traffic engineers who gave evidence were generally happy with this arrangement.

[98] Advice had been obtained by the applicant from NZTA regarding the safety of the intersection of James Mackie Road with State Highway 16. A letter dated 29 June 2020 was tabled setting out NZTA's advice. No witness from NZTA was called and so the evidence was not tested. The brief summary as set out in the report was:

The Proposal

By way of summary, the applicant seeks to:

- Consolidate and modify the existing lawfully established Equestrian Centre activities at the site;
- Remove and add new buildings at 4 James Mackie Road;
- Undertaking vegetation removal and add new vegetation;

- Establish permanent parking areas and make allowance for temporary parking;
- Install a new on-site wastewater treatment system;
- Obtain resource consent for an annual event, known as the Showcase Equestrian Event, and;
- Formally include the relevant parts of the adjoining 125 Hutchinson Road.

This consent will replace the previous land use consents which authorised activities and uses on the site.

Transit NZ approval was provided for the original application in 2008. In 2018, a consent to allow an annual showcase event with associated camping to occur on the subject site was approved by the NZ Transport Agency. However, the application was publicly notified, and subsequently withdrawn.

[99] The applicant provided a traffic impact assessment it had submitted to the NZTA as part of their application. We have not seen what information that contained. Historically, in 2018, the Showcase Equestrian Event was approved subject to the inclusion of conditions relating to a temporary event licence being submitted to the NZ Transport Agency, including a temporary traffic management plan.

[100] The NZTA advice on the present proposal noted:

The applicant has confirmed that they would prefer to implement traffic management for the events rather than the widening of the highway. They have also stated that is expected there will be two types of traffic management plans - one that manages events where all the participants are familiar with the site and how to access parking etc and another that manages the show case event, where there are a lot of spectators who are unfamiliar with the site and will need guidance to find parking etc.

The requirements of the traffic management plan have been discussed with the applicant's traffic consultant. Mr Mark Newsome has also agreed that it is acceptable for the traffic management plan to be in place up until the event starts (i.e. when all horses have already arrived at the site). As after this time there will be none or very minimal right turns occurring

with a TMP not being necessary.

As such, it is requested by the NZ Transport Agency and accepted by the applicant's traffic consultant that traffic management measures are implemented for all regular equestrian competition activities (medium events), large events and the showcase event. This is requested to be included as a condition of consent, as per the 2018 approval letter for the Showcase event.

[101] The applicant presented proposed conditions which would require the approval of a temporary traffic management plan (**TTMP**) to manage the operation of the James Mackie Road/ State Highway 16 intersection for all events attended by more than 100 horses (on at least one day of the event in the case of a multi-day event). The purpose of the TTMP is described as “to ensure traffic attending these events does not affect the safe operation of the intersection and the state highway”. The TTMP is to be prepared in accordance with the NZ Transport Agency’s Code of Practice for Temporary Traffic Management and must be submitted to NZ Transport Agency for approval at least 15 working days before the relevant event. The event must not take place until the TTMP has been approved.

[102] This approach was endorsed by Mr Smith, the expert traffic engineering witness called by the Council, and by Mr Bell, the expert traffic engineering witness called by the applicant.

[103] Evidence was given by Mr Sergejew, whose experience includes designing rural priority-controlled intersections and undertaking design and post-construction road safety audits of roading projects for local authority and private developer clients in the Auckland and Waikato regions. He had visited the site when there was no event, during a medium show and during a major event (the Giltrap Audi World Cup Festival held on Wednesday 16 February 2022). His advice based on his assessment of the intersection under several scenarios, including potential growth in traffic volumes, was that a right turn bay and short left turn auxiliary lane be installed at the intersection. He did not consider that temporary traffic management at the intersection would be acceptable.

Rural amenity frequency and respite

[104] The proposed frequency of events created the most acute concern for submitters. The neighbours noted that Large and Showcase Events occupy essentially all the land owned and leased by the applicant, and thus these events interface along multiple neighbouring boundaries. Ms Colley and Mr Bendall noted that larger events have tended to commence earlier in the working week, run for longer periods each day and into the evening and post completion, continues into the subsequent working week, providing “no reasonable and good neighbourly level of respite”.

[105] The history of use of the site for equestrian activities encompasses a period when the site was larger by some 2 ha. After subdivision and sales, the site now comprises about 10.5 ha. This has led to some site constraints including no secondary driveway and lag times for responses to complaints as the Centre is now operated by off-site personnel whereas previously the Centre was managed by people who lived on the larger site.¹²

[106] Most neighbours appear to have been initially supportive of the Centre but the scale and frequency of activities and the way they are managed now causes them concern, particularly in terms of their level of amenity and enjoyment of their properties and potential lack of respite from the Centre’s operations based on the application before the Court. They say that there are other equestrian venues with significantly more land and facilities which do and can accommodate these types of activities and so are more suitable, especially for the Large and Showcase Events.

[107] The Court’s jurisdiction and role are to consider the application before us in terms of the RMA and the AUP. The existence of other facilities and the possibility that events could be held elsewhere does not assist us in that

¹² Colley and Bendall EIC, section 4 Background.

consideration. We note that a number of the neighbours are themselves involved in equestrian activities and some do participate in some way in events on this site. They appeared to have some general sympathy for the sport accommodated on this site and no one suggested to us that the equestrian activity should be discontinued on the site. The evidence centred on the intensity and scale of activity and the consequential loss of amenity enjoyed by the neighbours on their properties as a result.

[108] Ms McKee, a neighbour and experienced eventer, set out her concerns for the lack of space on the site, including for trailer and truck parking dimensions with horse manoeuvring accounted for, and her general concern for safety. She indicated how with large events neighbours have provided additional capacity for some people to store their horses and equipment due to, in her view, overcrowding. In a detailed statement of evidence she made the following observations:

4.4 The reduction of useable land area by almost one fifth has greatly reduced the area available for vehicular parking, horse yards and warm up arenas. The existing land area is quite simply insufficient to sustain the proposed level of activity. There are sufficient yards to hold 200 horses, and this would enable WSEC to provide a safe and secure environment for the horses, competitors and spectators. It is a requirement at both the National Equestrian Centre (Taupo) and Takapoto Estate (Waikato) that all horses are kept stabled in yards. It is not permitted to tie horses to the sides of trucks, floats or fences (refer **Annexure 5** National Equestrian Centre's General Terms and Conditions, see Rule #5). In my opinion Woodhill Sands must adopt this same policy.

...

5.1 My family has lived at 60 James Mackie Rd since 1997. I have been closely involved with WSEC since its inception. I gave the original owners access through my property to the area that they had obtained from DOC. The area was essentially a swamp. For the first 2 years of operation I helped with the setting up of dressage arenas and jump courses for nearly every event held. I fully supported the establishment of WSEC as a venue for training and low level competition.

5.2 I was also heavily involved with Pony Club, and helped to organise

events. I attended competitions at various equestrian grounds in the North Island for over 15 years. I feel that I have a good understanding of the health and safety aspects of competitive horse riding. There is no doubt that equestrian sport is dangerous and competitive riding even more so.

5.3. Very little in this proposal addresses this risk. Simply put, the more overcrowded an equestrian venue, the less safe it is. Horses kick other horses and people. Horses are flight animals and easily frightened or spooked.

[109] Ms McKee's opinion was similar to that of another witness, Ms Sullivan, who with her daughter has attended events held at the current venue. She described occurrences of panicked or spooked ponies on the site and the lack of space to safely accommodate participants' vehicles as well as their horses. We note that these particular comments are based on the current situation, not as proposed in the application before us. They do, however, indicate how the intensity of activity on the site can adversely affect the safety of people and horses.

[110] We were told of concerns that, due to the small land area, limited vegetation, and recent works to reduce the former shelter belts, the boundaries between the Centre and its immediate neighbours are bare and without any natural framing which might alleviate visual effects and possibly assist in reducing the perception of noise effects. We note that the applicant has provided landscape planting along the boundaries of the site with the properties at 36 and 60 James Mackie Road and that Mr Campbell was satisfied that this landscaping can be accommodated along that boundary and will provide appropriate screening of the proposed activities over time. He also considered that the applicant should provide screening rather than rely on that located on neighbouring properties.

[111] The neighbours also raised the adverse visual effects of rows of cars and horse trucks parked on the site on the amenity values of the rural residential area in which they reside.

[112] The neighbours and Mr Campbell noted the regular occurrence of noisy activities at the equestrian site which differed from the nature and pace of activities typical of a rural area.¹³ We were told that equestrian activity extending from dawn to dusk was frequent and beyond what a 'rural lifestyle block' neighbour would generally experience. Multi-day and large events could extend well beyond daylight hours, for example when officials and competitors arrive early with headlights on to prepare for the day, horses on the ground overnight are tended to during the evening, competitors who are camping do not retire to bed at dusk, but often routinely socialise late into the night. As Ms Colley and Mr Bendall said in evidence:

The relentless push for every weekend, most public holidays and large events on long-weekends means that as adjacent landowners we are not afforded the common decency of a weekend of quiet enjoyment or our rural lifestyle property, and if the Proposal was given full effect to, we almost certainly would enjoy no respite whatsoever.¹⁴

[113] These sentiments were a common theme from submitters. Given that the equestrian season spans the summer months when residential activities generally occur in outdoor locations, this is understandable. The issue hinges on what the appropriate balance may be, given the nature and character of this rural area and the applicant's desire to operate the Centre, including some measure of future-proofing of its consents which in turn appears to mean a degree of further intensification up to the limits set out in its application.

[114] Consistent with Mr Campbell's observations, we also note that the site is part of a rural subdivision which essentially has created a small countryside living/lifestyle enclave in the larger rural area. The character of the area in the immediate vicinity of the Centre is somewhat different to that of the surrounding area because of the smaller lot sizes and the presence of rural residential

¹³ Campbell EIC at [53]-[54].

¹⁴ Colley and Bendall EIC at [13.3(c)].

development.

[115] Use of the grass arena was also raised as it extends along the eastern boundary of the Colley and Bendall property. As well, the rear boundary of that property adjoins the western sand arena, which, while an event space, has also been identified as a temporary parking area for cars depending on the nature of the event. Thus the Colley and Bendall property is surrounded on two sides by the WST site and activities, and possibly is the most affected by what takes place on the subject site on week days and weekends.

[116] Among many examples of adverse noise from activities across their common boundary, and in additions to statements we have quoted above, these submitters noted:¹⁵

...

Due to the extensive use of the Site, the 'ongoing maintenance' activities most rural property owners would undertake on a weekend are condensed around the weekend competitions, providing a level of noise and disruption beyond what is reasonably experienced in a rural setting.

... As adjacent landowners when we wish to undertake 'ongoing maintenance' of our property on a weekend, our activities are unreasonably impeded upon for as responsible horse owners we have been unwilling to pose a health and safety risk to the competitions run at Woodhill Sands. For example, if we were to engage a tree trimming machine on our direct fence boundary whilst horses and riders were competing, we would almost certainly face a barrage of complaints from the competitors and WST operators alike, ...

... Conversely, the operators of WST have consistently undertaken a wide range of disruptive activities during weekdays, such as large tree trimming with heavy machinery, other property maintenance adjacent to our boundary and that of our neighbours, run mid-week events such as a major film studio event on our boundary; all of which have extreme noise effects and have caused distress to:

- our horses (owned and in livery)
- restricted schooling and exercising of horses in our arena
- disrupted coaching and third-party training sessions
- caused distress to the livestock of our neighbours,
- interfered with the quiet enjoyment by ourselves and visitors to our

¹⁵ Colley and Bendall EIC at [13.2].

property...

... The Appellant has failed to show us (and any of our adjacent neighbours) the same level of mutual respect for the quiet enjoyment of our rural living environment. In summary, there has been and continues to be no reasonable consideration for our peaceful enjoyment of our property. Essentially, it is evident that the operators constantly assume that their operations take precedence over others....

[117] We will come back to this issue when we review the proposed Activity Matrix WST (Attachment 1 to this decision) which sets out the nature of the events and non-competition activity sought, reminding ourselves that each of these events will also include set up, pack down, and general maintenance activities associated with them and the maintenance of the site generally.

Economic and wider community impact

[118] Much of the evidence for the applicant from its representatives was centred on the usefulness of this venue as a contribution to the available equestrian venues in the region. There was a common theme in this evidence of the need for the Centre to be financially viable. This seemed to rest on the nature and size of events held at the venue, although the exact relationship between the types of activity or event and the potential income or extent of cost recovery was not clear.

[119] We heard evidence from Julian Bowden, the CEO and Secretary-General of Equestrian Sports NZ (**ESNZ**). As he explained in his evidence, consistent with the evidence of Ms Roberts, the membership of ESNZ is primarily female with two main cohorts: school age girls and adult female riders returning to or taking up the sport. Mr Bowden opined that:

4.3 The success of WST as a community led owner and operator of the venue is crucial to the sport in maintaining its presence in Auckland. This success is dependent on an operating model which has financial sustainability at its core. WST's resource consent application seeks a level of equestrian activity that will enable the venue to be financially sustainable.

[120] Mr Bowden also indicated that:

2.2 Since WST completed the purchase of WS, there have been no new equestrian facilities established in Auckland which are open for public use and provide for the needs of all levels of rider, from grassroots to elite.

2.3 During this time, WS has become established as a regional facility that can host most single discipline events. It meets Auckland Council criteria for classification as a regional facility and is the only equestrian competition facility in Auckland that does so. It hosts competition and training events most weekends of the year. In recent competition seasons, up to 70 percent of ESNZ competition starts in Auckland across all disciplines have been held at WS. The loss of WS would be a major setback to the sport and recreational riders in the Auckland region and more widely.

[121] He advised that the Auckland Equestrian Facility Plan 2014¹⁶ identified that there was no single facility in the Auckland region that served the competition needs of all disciplines within the sport (show jumping and show hunter, dressage, eventing, endurance). The sport is now in the process of undertaking a national facilities plan review commissioned by ESNZ and the New Zealand Pony Club Association. There is a particular focus on facilities in Auckland through this process.

[122] Mr Bowden advised in relation to this site:

- The Centre hosts close to 100 events on the equestrian calendar with close to 10,000 horse starts in classes per season
- Slightly over 40 percent of ESNZ membership live within a 2.5 to 3 hour drive of the Centre making it accessible to a significant proportion of ESNZ members.
- The \$3 million investment made by WST in the Centre was supported by the wider equestrian community and there has been

¹⁶ The Auckland Equestrian Facility Plan is a non-statutory document prepared in October 2014 for ESNZ, the NZ Pony Club Association, Auckland Polo and Counties Manukau Polo Crosse.

further investment since the venue's acquisition by WST.

- ESNZ acknowledges the support to date of Auckland Council in funding the development of the Centre, notably the awarding of a grant in 2020 of \$372,000 by the Parks Arts Community and Events Committee from the Sport and Recreation Facility Investment Fund preliminary allocation for 2020-2023, as well as a multi-year operating grant by the same Committee of \$200,000 over 3 years in October 2021.

[123] Ms Roberts also set out the debt funding and fixed costs of running the facility.¹⁷ The principal sources of income at the Centre are from riders and groups using the venue, commercial sponsors, and donations and grants. She stated that:

5.9 Venue users pay a number of charges to use Woodhill Sands. If they are taking part in a competition event, they will pay entry fees and a ground fee and administration charge. They may also pay for a yard for their horse(s) so they are not left tied to a truck or float for the day. Woodhill Sands operates a Kiosk (akin to a school tuck shop) when there are activities at the venue to provide another (modest) revenue source. The revenue varies per rider and per event, but what drives revenue from riders is horse starts. What this means is that restrictions on equestrian activity which could reduce the number of annual horse starts would have detrimental effects on the financial viability of Woodhill Sands.

[124] Ms Roberts set out the various other forms of income and financial constraints in her evidence, noting that financial modelling undertaken in order to secure Council support for the facility was reworked on a lower number of horse starts which demonstrated that the venue continued to be financially viable, however the modelled operating surplus did reduce.

[125] It is not the Court's role to ensure that a proposal before it is a financially viable proposition, whether as a business or on a not-for-profit basis. We are

¹⁷ Roberts EIC at [5.4]- [5.7].

however interested to understand whether the environmental outcomes promised by the applicant can realistically be delivered given its resources and constraints. If the mitigation of adverse effects on the environment requires less intensity of activity, then we must consider that as an option. We also must be certain that any conditions of consent are practical, reasonable and enforceable, and that they do not effectively negate the consent.

[126] Further, it is clear from Mr Bowden's evidence that there continues to be work underway more broadly to establish what equestrian facilities are required and where to support the sport, with a focus on Auckland. Given the overall constraints of this site it seems to us unlikely that the Centre, on its own, can be seen as the answer to the issues in that bigger picture.

Regulatory framework

National environmental standards and policy statements

[127] Under s 104(1)(b) of the RMA we must have regard to any relevant provisions of the statutory planning documents listed there.

[128] First, we must consider any relevant national environmental standard under s 104(1)(b)(i). The standards identified as being relevant in this case are:

- (a) The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NESFW**); and
- (b) The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (**NESAQ**).

[129] In the NESFW, as amended on 5 January 2023, reg 54 relevantly provides:

54 Non-complying activities

The following activities are non-complying activities if they do not have another status under this subpart:

...

- (c) the taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural inland wetland if-
 - (i) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and
 - (ii) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland:

...

[130] The term “natural inland wetland” is defined in reg 3 of the NESFW as having the meaning given by the National Policy Statement for Freshwater Management 2020 (**NPSFM**), which, as amended on 8 December 2022, defines “natural inland wetland” in cl 3.21 as follows:

natural inland wetland means a wetland (as defined in the Act) that is not:

- (a) in the coastal marine area; or
- (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
- (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
- (d) a geothermal wetland; or
- (e) a wetland that:
 - (i) is within an area of pasture used for grazing; and
 - (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless
 - (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply

[131] “Wetland” is defined in s 2 of the Act as follows:

wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that

are adapted to wet conditions

[132] The wetland adjacent to the north-eastern corner of the site would come within the scope of these provisions and not be within any of the exclusions in the definition of “natural inland wetland”. However, Mr Keyte in his s 87F report notes:

In relation to these NESs I note the following:

- a) I understand that the NESFW does not apply to the application as a consequence of section 43B of the RMA. In any event, the proposal does not involve the intensification of farming or horticultural activity on the site, and no works that would affect the bed of a river or a natural wetland are proposed. Therefore no issue would arise in relation to the NESFW even if it applied.

[133] The other expert planning witnesses appeared to agree with Mr Keyte’s assessment.

[134] Section 43B of the RMA relevantly provides as follows:

43B Relationship between national environmental standards and rules or consents

...

- (6) The following permits and consents prevail over a national environmental standard:

- (a) a coastal, water, or discharge permit:
- (b) a land use consent granted in relation to a regional rule.

- (6A) Subsection (6) applies—

- (a) if those permits or consents are granted before the date on which a relevant national environmental standard is published under the Legislation Act 2019:
- (b) until a review of the conditions of the permit or consent under section 128(1)(ba) results in some or all of the standard prevailing over the permit or consent.

- (7) This subsection applies to a resource consent not covered by subsection (5) or (6). The consent prevails over a national

environmental standard if the application giving rise to the consent was the subject of a decision on whether to notify it before the date on which the standard is published under the Legislation Act 2019. However, the consent does not prevail if the standard expressly provides otherwise.

[135] As we have previously noted, the issue of effects on the wetland was not fully addressed before us. If a further consent for this activity is required we expect that the Council will address that with the applicant.

[136] In relation to the NESAQ, the assessment undertaken by Mr Crimmins, a Senior Specialist employed by the Council, relating to dust concludes that discharges can be managed so that offensive or objectionable elements are highly unlikely to arise.

[137] Next we must consider any relevant other regulations under s 104(1)(b)(ii). None were identified by the parties or by us.

[138] In relation to national policy statements under s 104(1)(b)(iii), other provisions of the NPSFM are relevant. Its objective at cl 2.1 states:

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

[139] The proposed discharges of stormwater and wastewater have been assessed by Dr Bibby and Mr Turner respectively, whose conclusions were that the effects of the proposed discharges can be managed to suitably mitigate adverse effects on the receiving environment. In particular, Dr Bibby identified Policy 13 at cl 2.2 of the NPSFM:

The condition of water bodies and freshwater ecosystems is systematically

monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.

[140] She considered that the application will be in accordance with this policy through the proposed conditions for wastewater management including the comprehensive monitoring programme and actions required to prevent deteriorating water quality.

[141] Ngāti Whātua o Kaipara who are tangata whenua prepared a kaitiaki report which provides support for the proposal subject to certain conditions. Of particular relevance to the NPSFM is a requirement for water testing to be undertaken twice a year to ensure that the discharge of contaminants such as urine from horses is avoided, or minimised. A water monitoring regime has been proposed by the applicant and expanded by Dr Bibby and Mr Turner in the proposed water sampling and monitoring programme.

[142] No works that would affect the bed of a river or a natural wetland are proposed.

[143] We have also considered the National Policy Statement for Highly Productive Land (**NPSHPL**) which was approved on 12 September 2022. The site appears to be mapped as highly productive land in land use category (**LUC**) Class 2 which is described as *very good multiple-use land, slight limitations, suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry*. The objective at cl 2.1 of the NPSHPL is that highly productive land is protected for use in land-based primary production, both now and for future generations. Relevant policies in cl 2.2 in this case are:

- (a) Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.
- (b) Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

- (c) Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.
- (d) Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.
- (e) Policy 8: Highly productive land is protected from inappropriate use and development.

[144] As this case does not involve rezoning, subdivision or development for any urban purpose, or would otherwise compromise the long-term values of the land, we do not find the proposal to be contrary to the NPSHPL.

[145] In relation to the New Zealand Coastal Policy Statement 2010 under s 104(1)(b)(iv) of the RMA, Mr Keyte opined that the New Zealand Coastal Policy Statement and the provisions of ss 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (which are deemed to constitute a national policy statement under s 10 of that Act) are not relevant to this application given the location of the site. We heard no dispute about that, nor any evidence to suggest that was not correct.

Auckland Unitary Plan

[146] We turn now to consider relevant provisions of the regional policy statement, regional plan and district plan for Auckland under s 104(1)(b)(v) and (vi).

[147] We have set out a summary of the reasons for the application in para [10] of this decision. The Equestrian Centre itself requires resource consent as a restricted discretionary activity (**RDA**). Particular elements of the proposal which also require consent as RDAs are:

- (a) The projected non-compliance with the noise standard (being an exceedance by 1dB before 9.00am on a Sunday);
- (b) The number of vehicles generated by the large events following

consideration of traffic effects; and

- (c) The associated provision for stormwater, flood hazard and earthworks relating to the physical nature of the site.

[148] The use of the off-site parking area requires consent as a fully discretionary activity as does the wastewater plant and the horse washdown facility.

[149] Treated as a bundled proposal, the issues to be considered extend more broadly than each individual rule may indicate and the cumulative effects of the bundled proposal require broader consideration against the relevant plan provisions.

[150] The expert planning witnesses agreed with the references to relevant provisions of the AUP as set out in paragraphs [217] to [276] of the Council's s 87F report. In particular, as they relate to the principal matters in contention, the planners agreed that the following sections of the AUP are especially relevant:

- B9 Rural Environment, B9.2 Rural activities, B9.3 Land with high productive potential.
- H19 Rural zones and in particular the provisions relating to the Rural Production Zone (**RPZ**) which applies to this land and the surrounding neighbourhood.
- Equestrian centres are listed within the Rural nesting table in the Definitions Section J1.3.6. and are identified as a restricted discretionary activity in the RPZ in the Activity Table H19.8.1(A23).
- E1 Water quality and integrated management, E5 On-site and small scale wastewater treatment and disposal, E8 Stormwater - Discharge and diversion, E11 Land disturbance – Regional, and E12 Land disturbance -District.

- E25 Noise and vibration.
- E27 Transport.
- E 36 Natural hazards and flooding.

[151] The activity of an equestrian centre is defined in the AUP as follows:

Equestrian centre

Facility used for:

- paid lessons in horse riding; and
- training, racing or showing horses competitively.

Includes:

- accessory retail;
- accessory restaurants and cafes; and
- animal feedlots.

Excludes:

- pony clubs.

[152] This definition encapsulates the proposed equestrian activity in this case except for the overnight stays by people attending events. We note that no form of accommodation is provided for in the definition of *equestrian centre*. As camping is not the primary use of the site, we were advised that this component should be considered as an activity not otherwise provided for in the AUP and therefore be assessed as a discretionary activity under general rule C1.7.¹⁸

[153] Rule H19.12 Assessment – restricted discretionary activities is relevant to the assessment of the equestrian centre while acknowledging that, as bundled, the complete range of activities must be considered as a discretionary activity. Relevant matters of discretion for all RDAs in Rule H19.12.1(1) are:

- (a) effects on rural character and amenity values of the neighbourhood;
- (b) effects of noise on the amenity values of the neighbourhood;
- (c) effects of traffic volume on the safety of and convenience of other road users;
- (d) effects of stormwater management;

¹⁸ Section 87F Report at [53].

- (e) effects on land containing elite soil or prime soil for rural production activities;

[154] At H19.12.2 the AUP sets out the assessment criteria for RDAs in the Rural zones as, relevantly:

- (1) all restricted discretionary activity and their accessory buildings:
 - (a) whether the design and location of the buildings, and site landscaping, avoid, remedy, or mitigate the adverse visual effects of the buildings and related site works on rural ... character and amenity values The following are relevant:
 - (i) building bulk;
 - (ii) glare or reflections off the exterior cladding;
 - (iii) landform modification needed for building platforms;
 - (iv) screening from neighbouring sites;
 - (v) views of the buildings from any public road or open space used for recreation, including any beach, coastal marine area, coastline, or regional park; and
 - (vi) related signage.
 - (b) whether noise ... from on-site activities can be adequately mitigated;
 - (c) whether the design and location of the buildings, and the associated traffic avoid, remedy or mitigate adverse effects on the road network or traffic safety;
 - (d) whether the control, treatment, storage, or disposal of stormwater can be adequately managed;
 - ...
 - (f) if the site contains prime soils, whether the proposed buildings, structures, or site development can be relocated so as not prevent or compromise its availability or use for activities that directly rely on it; ...

Rural objectives and policies

[155] The Rural environment provisions in section B9 of the Auckland regional policy statement provide high level guidance in respect of activities such as an equestrian centre and its effects on that environment, including general objectives and policies. At that level, rural areas are described as making a significant contribution to the wider economic productivity and food supply for

Auckland and New Zealand.¹⁹ There is direction to protect elite soils for this purpose and a desire to protect rural areas outside the rural boundary and coastal towns and villages from inappropriate use.²⁰ Importantly, relevant to this proposal Objective 3 provides:

Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained.

[156] The policies supporting these objectives contain a mix of approaches.²¹ Policy (1) enables activities, stating:

Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values.

[157] Policy (2) is focussed on minimising the potential for reverse sensitivity effects, while Policy (3) is to:

Encourage improved land management practices in rural production areas to progressively reduce and contain adverse environmental effects.

[158] At the district plan level the higher order objectives and policies include the following objective which is more closely related to this proposal:

H19.2.3 Objectives – rural character, amenity and biodiversity values

(1) The character, amenity values and biodiversity values of rural areas are maintained or enhanced while accommodating the localised character of different parts of these areas and the dynamic nature of rural production activities.

...

[159] The policy which addresses this objective is:

H19.2.4 Policies – rural character, amenity and biodiversity values

(1) Manage the effects of rural activities to achieve a character, scale, intensity and location that is in keeping with rural character,

¹⁹ AUP B9.2.1(1) and B9.3.1.

²⁰ AUP B9.2.1(2) and (4) and B9.3.2.

²¹ AUP B9.2.2.

amenity and biodiversity values, including recognising the following characteristics:

- a) a predominantly working rural environment;
- b) fewer buildings of an urban scale, nature and design, other than [residential buildings] and buildings accessory to farming; and
- c) a general absence of infrastructure which is of an urban type and scale.

[160] Policy H19.2.4(2) goes on to recognise certain typical features of the Rural zones which are stated as generally not giving rise to issues of reverse sensitivity in these zones. These are essentially aspects of rural production and not directly applicable to an activity such as an equestrian centre.

[161] Objective H19.2.5(3) relates to the rural economy and the well-being of people and local communities, which are to be maintained or enhanced by social, cultural and economic non-residential activities, while the area's rural character and amenity is maintained or enhanced.

Conclusion on statutory planning direction

[162] The high-level statutory planning matters to which regard must be had, as provided for in the relevant national policy statements and environmental standards, do not present any considerations which stand in the way of the proposal. Rather, the particular provisions in them reinforce the site- and activity-specific considerations which are also addressed in the relevant plan provisions.

[163] The objectives and policies for the RPZ do not contain any specific reference to other activities that support rural communities but, considered overall, the proposal is generally supported by the relevant plan provisions. The central question is whether the effects of this particular proposal can be managed appropriately so that the character, intensity, scale and location of their adverse effects is in keeping with the local rural character.

[164] The focus of our decision therefore turns to considering whether the

proposed conditions of consent adequately address the adverse effects of the activities in the context of the objectives and policies of the plan and having regard to relevant standards in the rules.

Conclusions on the control of effects

[165] There is a level of acceptance by the neighbours of the Centre continuing to operate on this site. It is the proposed increase in scale and intensity of activities based on their experience of the current activities that would be unacceptable to them. The scale proposed by WST in this application is set at the top end of what is likely to be undertaken on the site. This approach is, essentially, one taken for the sake of future-proofing the proposal and, we infer, protecting the financial investment to be made.

[166] We accept the traffic evidence which was largely in agreement concerning the management of traffic on site subject to the amended plans provided by the applicant. We note that Mr Sergejew would prefer that the applicant find a permanent solution to the arrangement of the entry close to the State Highway but this is not considered necessary by the NZTA as the controlling road authority or the other traffic experts. We accept that a traffic management regime can be designed to work in this location and that the conditions suggested will address this issue.

[167] We are troubled by the proposed maximum intensity of the use on the site and the mix of parking, horse tethering and general movement of vehicular traffic, horses and spectators. We are not satisfied that the intensity of this on-site activity at its highest level is safe or desirable. Even if safety could be assured, we accept that it would create adverse effects on neighbouring properties which cannot be managed appropriately if the maximum number and scale of events proposed were to take place.

[168] We do, however, accept that the site is a useful resource for equestrian

sport and that it can be used in a manner which would provide a reasonable balance between the level of expected rural amenity values (as indicated in the AUP), and its value to the equestrian community in Auckland and beyond. It is a matter of finding where that balance lies.

[169] We note that the proposed Activity Matrix is aspirational and presents the highest anticipated level of use of the site which would have the greatest intensity of effects. We were also provided with a hypothetical calendar for equestrian events (See Attachment 2 to this decision). The table is complex. It appears to allow for a total of 148 days of events, with most (101 days) occurring at weekends.

[170] The venue would be closed from 21 to 29 December. Otherwise, events would occur nearly every weekend. We find that this level of activity on this site would not be consistent with the character of the local area which is not a general rural area but more akin to a rural residential area where the amenity values are more sensitive to disruption by large events. We accept the submitters' concerns that the scale and frequency of use of the facility for events exceeds the capacity of the neighbourhood to absorb their adverse effects. The generated levels of noise and the complexity and intensity of activity, including traffic movements, which could be expected in this neighbourhood by reference to the relevant provisions of the AUP would be significantly exceeded. The frequency of events would provide little respite for neighbours to enjoy their own properties.

[171] We consider that the proposed General Equestrian Activities (that is, those activities which are not competition- or event-based), such as casual riding, riding lessons, coaching clinics, rallies, holiday programmes, horse training and associated support facilities, farrier services, equine supplies, and the like, as set out in the application description and which we were told takes place predominantly on weekdays, represents a relatively low intensity use and appears from the evidence to be accepted as part of the character of the area. There were no complaints about this use. While not directly probative of

acceptability, the lack of complaints is indicative of a level of activity which is in keeping with general expectations of appropriate rural amenity values.

[172] Evaluating the competing activities as best we can, we consider that the use of the site for major events which require overflow parking on the adjacent property pushes the scale of the proposal beyond the capacity of this site and beyond a reasonable level of adverse effects on the amenity values of the neighbourhood. This evaluation combines our assessment of the visual effects, likely noise and site safety, in the context of the mix of competitors, support personnel, horses, spectators, and motor vehicles. In that evaluation we have found that the use of Lot 10 for overflow parking would be undesirable given its likely adverse effects.

[173] The proposed management of events will be extremely complex and likely to entail considerable uncertainty, especially for the neighbours. We accept that some accommodation of equestrian events is reasonable especially given the investment and the general acceptance of this activity on the site. There needs to be some rationalisation and simplification of the scope of these events so that both the event organisers and the neighbours can have confidence in ensuring that the scale of each event keeps within the limits imposed by any resource consent.

[174] We conclude that a limit should be imposed which will enable the activity to a degree which is in keeping with the character of the neighbourhood. We do not determine that the application should be declined and we are conscious that terms and conditions which impose limits on the proposal should not be so great as to effectively negate the grant of consent. As best we can assess an appropriate balance at this stage, we determine that all Events, other than General Equestrian Activities, should be limited to no more than 245 horses per day (based on the number of horse yards available as noted at paragraph [88]) and occupying no more than 20 weekends (or part weekend if only one day is used) per year. The maximum number of persons on the site at any one time should be limited to 300

with a maximum number of 50 vehicles present overnight. These events can be based on the proposed permanent carparking arrangement for the site and will be able to be accommodated by the wastewater treatment plant on site. We also consider that the use of the horse yards be prioritised over horses tethered to vehicles and consider this might be achieved through some mechanism employed in the event booking system.

[175] In addition, based on the existing amenity values in this area and the extent to which effects of events are likely to be experienced beyond the boundaries of the site, we conclude that no more than two larger events may be permitted which rely on the parking arrangements set out in TCP2 and/or 2A for a maximum of 100 vehicles overnight. This will limit the maximum horse numbers variously from 400 to 500 and the maximum number of people on site to 1,000. This will require appropriate arrangements to be made for wastewater and traffic management at that scale.

[176] These activities require conditions of consent to be observed to make the operation both safe for participants and generally acceptable to neighbours, including for the implementation of the various facilities to appropriately address environmental effects such as wastewater and stormwater management and traffic and parking management. This will require the draft consent conditions presented to the Court to be amended.

[177] Conditions of resource consent need to be clear, certain, and enforceable. The regime proposed by the applicant for managing events and general use at this facility is extremely complex, reflecting the complex management issues. We consider that these should be reviewed in light of this decision. To focus that review, and hopefully to assist, we set out in the schedule annexed to this decision a number of matters that need to be addressed. This is principally a task for the applicant but as these will have to come back to the Court, it would be sensible for there to be at least consultation and, perhaps, collaboration with the neighbours.

[178] To the matters listed in the schedule, we add some further requirements:

- (a) There should be a person in charge of traffic management at all times within the site when it is in use for Events. This is in addition to arrangements that need to be made to manage traffic on the roads. This on-site person needs to ensure traffic management signs and equipment and personnel are appropriately located to ensure safe manoeuvring of horse trucks and floats and horses on the site. As well, they should ensure the safety of cars and their passengers visiting the site. The arrangement and resourcing of this management requirement we leave for the Council and WST to discuss and recommend to us.
- (b) The horse yards should be required to be used for events to minimise or avoid having horses tethered in the traffic circulation and parking areas. It will be necessary to keep the yards appropriately maintained. The conditions will need to include some method for ensuring this is the case.
- (c) Incidental noise is also an issue. The use of bells should be replaced by an electronic system that can be tested and controlled for each event.
- (d) There will also need to be provision for monitoring of events and a review condition so that the number and nature of events might be reduced if the management of them cannot achieve appropriate limits, in the context of these conditions, on noise and traffic, as well as stormwater and wastewater management.

Decision

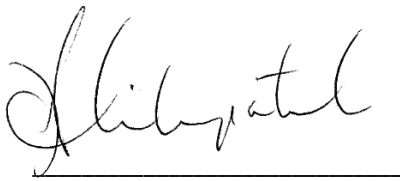
[179] We are issuing this as an interim decision to grant consent for the proposal but at a restricted scale. Consequential amendments will be required to the conditions of consent. We do not propose to draft the amended conditions

ourselves but direct WST to do so. We expect that this should be done in consultation with the Council and, if possible, with the neighbours to ensure that the amended conditions are clear, practicable and enforceable.

[180] The applicant is therefore directed to prepare revised draft conditions of resource consent consistent with this decision in consultation with Auckland Council and, if possible, with the s 274 parties. Revised draft conditions of resource consent shall be filed and served by 26 March 2024.

[181] Costs are reserved.

For the Court:



D A Kirkpatrick
Chief Environment Court Judge



Attachment 1

WOODHILL SANDS TRUST PROPOSED EQUESTRIAN ACTIVITY MATRIX, MAY 2022

Checked to AEE Report lodged 20 December 2019, pages 9 & 10, & proposed Council Consent Condition, nos. 12 to 24 .
Updated to Changes proposed and described in KR Rebuttal Evidence, 3 May 2022

AS PER APPLICATION MODIFIED MAY 2022:						
	TOTAL DAYS PER YEAR:		HORSES PER DAY		PEOPLE MAXIMUM	VEHICLES OVERNIGHT
	WEEKEND	WEEKDAY				
COMPETITION EVENTS						
SHOWCASE, LIMITED TO 1 PER YEAR	4	2	2	400 (Thursday), 500 (Friday and Saturday), 400 (Sunday)	600 (Thursday and Friday), 1000 (Saturday), 2000 (Sunday)	100
	4					
	12	6	6	400	600	100
	26	26		450	600	100
	38					
LARGE EVENTS, EXTENDED UP TO 4 CONSECUTIVE DAYS, LIMITED TO 3 EVENTS PER YEAR	12	8	4	200	300	50
	40	34	6	200	300	50
	52					
	80	28	52	100	150	20
	52		52	50	100	20
TOTAL GENERAL	132					
	226	104	122			
NON-COMPETITION ACTIVITY						
ANY DAY OF WEEK, ANNUAL MINIMUM DEPENDANT ON COMPETITION EVENT DAYS. (Will be predominantly week days as competition activity can take place most weekends)						
			34	50	100	20
			34			
TOTAL DAYS EQUESTRIAN ACTIVITY PER APPLICATION	260	104	150			

Attachment 2

WOODHILL SANDS HYPOTHETICAL CALENDAR, prepared by WST

EQUESTRIAN EVENTS																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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Total Days up to 260*

- The Showcase event (6 days) - Up to 500 horses, 750 people per day but up to 1,000 people on one weekend day and 2,000 people on the other weekend day. Up to 151 vehicles camping over 4 nights.
- Large events (up to 30 days in total - including 26 days on a maximum of 13 weekend days - plus 3 events for 4 days) - 150 horses & 600 people plus for 3 events up to 4 consecutive days 400 horses and 800 people. Up to 100 vehicles camping over 4 nights.
- Regular Equestrian Competitions (up to 48 days a year). Up to 200 horses and 300 people two consecutive days except 4 events can be three consecutive days. Up to 50 vehicles camping over 2 nights.
- General Equestrian Events (up to 32 weekdays) 50 horses and 100 people. Up to 20 vehicles camping over 2 nights.
- General Competition Events (up to 40 days, including 28 weekend days). 100 horses and 150 people. Up to 20 vehicles camping over 2 nights.
- Remaining Non Events (32 Days). 50 horses and 100 people. Up to 20 vehicles camping over 2 nights.
- Public Holidays
- Venue closed

*With this scenario, by adding the regular respite days, this enables up to 254 events, noting that the comment actually allows up to 260 days.

Schedule – Suggested amendments to proposed conditions

The conditions proposed by the applicant generally need tightening to clarify activities, days and hours of operation and noise limits. For example:

- Sometimes a condition will refer to “equestrian activities” and it is not clear what is meant. For example, does that refer to an activity described in condition 12, or something else? The activities to which each condition applies are not always clear due to inconsistency of language.
- It is unclear how many days “set up” and “pack down” activities can occupy and what the operational hours and noise limits are for “set up” and “pack down” (despite provision for “respite” days).
- What constitutes activities such as “maintenance” and “development” of the site could be clearer.
- It is not always clear in certification conditions what the Team Leader is certifying, for example, whether the Team Leader is certifying that the relevant management plan contains the matters listed or assuring certain outcomes have occurred. The goals of particular management plans are not always clear.

Specific issues are listed by condition below:

<i>Condition</i>	<i>Issue</i>
<i>Description of, and limits on, activities</i>	
4(a)	“Within 20 working days after each competition/ event”. Given the number of events/ competition days that may occur, what does this mean?
12	What is a “day”? When does the “day” end and “overnight” begin? Operating hours need to be up front (condition 21). “Daylight hours” in condition 12(a) is unnecessary if the operating hours are well defined.
12	It is difficult to understand the events and day/ hours limits.
12 advice	The number of people provision is unclear. Could the site have, say, 1,000 people at any time (e.g. more than 1,000 individuals

note	attend during the day, but some come and some go, so that overall level is held to 1,000 individuals at any one time)? This is relevant to traffic movements and management.
15	Ambiguity – “in relation to events <u>such as</u> the Regular Equestrian Competitions/ Events”.
18	Can set up and pack down days occur on respite days (see conditions 15 and 19 also)? It appears that is allowed. Also, what is “equestrian activity”? Could be better defined (does it include overnight stays, is it all activities listed in condition 12)? See also condition 76A “site maintenance, preparation or clean up” can occur on respite days.
19	On condition 18 “no activity” days, maintenance and development of the venue may occur. Also event preparation and “pack down” may occur on those days. How does “event preparation” relate to “set up” in other conditions? What does “maintenance and development of the venue” mean?
20B	Should “horse start” be defined? Are horse starts recorded?
21	If excluding overnight stays, does that mean that all other horses and people and vehicles have to be off the site before (e.g.) 8pm for condition 12(a) activities? Condition 21(c) says “approximately” 6am to 8pm. Is this sufficiently certain? Condition 21(f) is this related to “maintenance and development” in condition 19? See also condition 25(c)(vi) – should condition 21 also refer to the operating hours for set up/ pack down activities?
26(f)	Should this also refer to large equestrian events (or other condition 12 activities)? Portaloos will be required for events smaller than showcase (see condition 80 – events greater than 300 people).
29	Is closing/ set up of café included in “operation”? (Same issue as set up/ pack down in other conditions.)
42	The TTMP is to “manage” event traffic across the duration of the event. What is meant by “full duration of each day of events”? Does it include set up/ pack down? Does it include overnight stays? Does the NZTA/Waka Kotahi Code of Practice cover what is needed or should consent specify outcomes?

46(a)	Refers to Horse trucks/ floats. Do car numbers need specifying also?
50 and 51	What are “minor set-up operations”? Does condition 51 allow “pack down” type activities to occur up to 3 days after the event?
52	Do the activities subject to this consent include set up and pack down?
55	Does this refer to “large equestrian events” as in condition 12? “General” and “regular” competitions/ events (smaller scale) also involve use of the PA system. Does this mean that PA system can be operated prior to compliance report under condition 55 being provided?
80	Wording “events greater than 300 persons per day”. Perhaps instead refer to events as described in condition 12?
134(b)	Wording “when for any day < 100 horse onsite”. Define by referring to condition 12 activities?
<i>Certification/ management plans</i>	
25	What is the Team Leader certifying?
35	What is the Team Leader certifying? The CTMP is to “mitigate” any potential adverse effects of construction traffic. Is this sufficiently certain?
41	The TTMP is to “manage” operation of the intersection. What does this mean? Does the NZTA/Waka Kotahi Code of Practice cover what is needed or should consent specify outcomes – e.g. queuing times etc.
48	What is Team Leader certifying?
83	What is being certified?
<i>Other issues</i>	
1A	What are the limits on redesign? Is the goal/ outcome of the redesign sufficiently clear?
4(a)	“To ensure the noise emissions ...”. Requires “ <u>and/or</u> ” for noise emissions: either as predicted; or complying with permitted activity standards. Should the condition refer to the noise levels allowed by consent?
22	Each paragraph says “within” number of vehicles. Should this be “with” number of vehicles?

24	What does “minimised” mean with respect to noise level conditions? Does the person have to attempt to reduce noise to levels below the allowed limits (see conditions 52, 52A and 52B)?
25	Wording “or if sooner” is unclear. Does it mean if the first event is sooner than 20 working days after commencement of consent?
31	Is “consistent with” sufficiently certain?
34	“Future dumping” - What is meant by the phrase?
53	What are the circumstances under which measurement methodology could be amended?
58	Wording “at the earliest opportunity otherwise” open to interpretation.
63	Requires that discharges must be minimised. Is this sufficiently certain?
64	ESCP “satisfactorily meets” GD05. Is this sufficiently certain?
67	Refers to “specifically required” by conditions 64 to 66. Should this be “specifically required” by ESCP, rather than the listed conditions?
69	Permanently stabilised “to the satisfaction of Council”. Should this be covered in the ESCP?
73	Sprinkler system installed. Is it up to the consent holder when that system is used? Is that covered in a management plan?
83 advice note	What kind of change would “change the intent” of the consent?
88	What is a “suitable fence and signage”? The goal is to prevent stock access and “discourage” human access. Is that sufficient guidance on what “suitable” means?
91	Wording “shall be considered first”. What criteria? Who decides?
101 advice note	Should “non-event/ competition” be “non-event/ non-competition”?
104	See condition 78. NH4-N is not specified in condition 78. Should it be?
123	Wording “as much as practical”. Is this sufficiently certain?

126	Wording “minimum, or additional”. Is wording “or additional” necessary where you use “minimum”?
128	Wording – add “within” before “5 working days”?
133(c)	Items i, ii and vi seem to have overlap.
139	See condition 108 – audit report due by 31 December. Change for consistency?
161	Does not match the parameters in condition 158(f)
166	Should this have a date for results?
<i>Cross references</i>	
25(c)(iii)	Should this also refer to condition 55G?
56(d)	Should these refer to condition 52B also?
103	Refers to condition 111 – should be 110?
121	Refers to condition 165 – should be 163?
144(b)	Refers to condition 144 – should this be 142?

WOODHILL SANDS EQUESTRIAN CENTRE – APPLICANT’S REVISED CONSENT CONDITIONS AT CLOSE OF HEARING – 25 MAY 2022

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GENERAL CONDITIONS RELATING TO ALL CONSENTS

These conditions apply to all resource consents.

1. The Equestrian centre activity shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the applications, detailed below, and all referenced by the Council as resource consent numbers BUN60344267, DIS60344266, DIS60357530, DIS60357534 and LUC60344216. In the event of inconsistency between the plans and documents referred to below and the conditions of these consents, the conditions shall prevail.
 - Application Form and Assessment of Environmental Effects prepared by Magee Planning dated 20 December 2019 including all supporting annexures.
 - Section 91 and draft section 92 response letter prepared by Magee Planning dated 20 December 2019.
 - Section 92 response email prepared by Magee Planning dated 30 April 2020.
 - Section 92 response letter prepared by Magee Planning dated 13 October 2020.

Report title and reference	Author	Rev	Dated
Report titled: ' <i>Civil Infrastructure Report</i> '	R2O Consultants Ltd	B	April 2020
Report titled: ' <i>Geotechnical Investigation Report – Woodhill Sands Equestrian Centre</i> '	Soil & Rock Consultants Ltd	C	26/07/2019
Report titled: ' <i>Woodhill Sands Equestrian Centre Advantex WWTP Specification Report</i> '	Innoflow Wastewater Specialists	-	18/05/2020
Report titled: ' <i>Woodhill Sands Equestrian Centre, 4 James Mackie Road, Wharepapa, Traffic Impact Assessment</i> '	Traffic Engineering & Management Ltd	-	21/06/2019
Report titled: " <i>Woodhill Sands Equestrian Centre Acoustic Assessment Report</i> " Ref: 710.10345-R02v1.0	SLR Consulting NZ Ltd	v0.1	05/08/2019
Report titled: " <i>Woodhill Sands Equestrian Centre, 24 James Mackie Rd, Woodhill, Landscape and visual assessment</i> "	Nick Robinson	-	31 July 2019
Report titled: " <i>Horse Wash Bay Discharge, Shallow Groundwater Quality Effects Assessment</i> " Ref: WWLA0210	Williamson Water & Land Advisory	3	30/04/2020
Report titled: " <i>Woodhall Sands Equestrian Centre - Site Management Plan</i> "	Woodhill Sands Trust	1	August 2019

Plan	Author	Rev	Dated
Plan titled: "Earthworks Extents Plan 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 100)	R2O Consultants Ltd	E	04/22
Plan titled: "Earthworks Contours Plan, Part 1 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 101)	R2O Consultants Ltd	D	04/22
Plan titled: "Earthworks Contours Plan, Part 2 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 102)	R2O Consultants Ltd	C	04/22
Plan titled: "Earthworks Contours Plan, Part 3 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 103)	R2O Consultants Ltd	D	4/22
Plan titled: "Earthworks Cut to Fill Extents Plan, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 110)	R2O Consultants Ltd	E	04/22
Plan titled: "Earthworks Cut to Fill Plan, Part 1 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 111)	R2O Consultants Ltd	D	04/22
Plan titled: "Earthworks Cut to Fill Plan, Part 2 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 112)	R2O Consultants Ltd	C	04/22
Plan titled: "Earthworks Cut to Fill Plan, Part 3 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 113)	R2O Consultants Ltd	D	04/22
Plan titled: "Erosion and Sediment Control Extents Plan, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 200)	R2O Consultants Ltd	E	04/22
Plan titled: "Erosion and Sediment Control Plan, Part 1 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 201)	R2O Consultants Ltd	D	04/22
Plan titled: "Erosion and Sediment Control Plan, Part 2 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 202)	R2O Consultants Ltd	C	04/22
Plan titled: "Erosion and Sediment	R2O Consultants Ltd	D	04/22

Control Plan, Part 3 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 203)

Plan titled: "Erosion and Sediment Control Standard Drawings 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 210)	R2O Consultants Ltd	B	03/20
Plan titled: "Permanent Parking Layout Plan, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG RC-PCP)	R2O Consultants Ltd	H	05/22
Plan titled: "Temporary Parking Layout – South Grass Area, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG RC-TCP1)	R2O Consultants Ltd	H	05/22
Plan titled: "Temporary Parking Layout Plan – West Sand Arena 500 Horses & 1000 People, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG RC-TCP2)	R2O Consultants Ltd	H	05/22
Plan titled: "Temporary Parking Layout Plan – West Sand Arena 400 Horses & 2000 People, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG RC-TCP2A)	R2O Consultants Ltd	H	05/22
Plan Titled: "Temporary Parking Layout Plan – West Grass Area & East Lot 10, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG RC-TCP3)	R2O Consultants Ltd	H	05/22
Plan Titled: "Temporary Parking Layout Plan – West Area Lot 10 Only Required For Day Of 400 Horses And 2000 People, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG RC-TCP4)	R2O Consultants Ltd	H	05/22
Plan titled: "Stormwater Extents Plan, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 400)	R2O Consultants Ltd	D	09/20
Plan titled: "Stormwater Layout Plan, South Eastern Access and Parking Area, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 401)	R2O Consultants Ltd	C	03/20
Plan titled: "Stormwater Layout Plan, Drainage Channel Diversion, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 402)	R2O Consultants Ltd	C	03/20
Plan titled: "Stormwater Layout Plan,	R2O Consultants Ltd	C	03/20

New Ablutions Block Area, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 403)

Plan titled: "Stormwater Layout Plan, New Stables Area, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 404)	R2O Consultants Ltd	D	09/20
Plan titled: "Stormwater Layout Plan, New Shed Area, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 405)	R2O Consultants Ltd	C	03/20
Plan titled: "Stormwater Layout Plan, North Eastern Parking Area, Part 1 of 2, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 406)	R2O Consultants Ltd	C	03/20
Plan titled: "Stormwater Layout Plan, North Eastern Parking Area, Part 2 of 2, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 407)	R2O Consultants Ltd	C	03/20
Plan titled: "Stormwater Layout Plan, Extg Covered Yard Area, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 408)	R2O Consultants Ltd	B	03/20
Plan titled: "Stormwater Detention & Re-use Tank Details, 1 of 2, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 410)	R2O Consultants Ltd	C	03/20
Plan titled: "Stormwater Detention & Re-use Tank Details, 2 of 2, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 411)	R2O Consultants Ltd	C	03/20
Plan titled: "Stormwater Level Spreader Details, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 412)	R2O Consultants Ltd	C	03/20
Plan titled: "Stormwater Treatment Overall Plan, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 420)	R2O Consultants Ltd	C	09/20
Plan titled: "Stormwater Treatment Part Plan, 1 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 421)	R2O Consultants Ltd	C	03/20
Plan titled: "Stormwater Treatment Part Plan, 2 of 3, 4 James Mackie Road, Woodhill For Woodhill Sands Trust" (DWG No. 422)	R2O Consultants Ltd	C	03/20
Plan titled: "Stormwater Treatment Part	R2O Consultants Ltd	C	03/20

Plan, 3 of 3, 4 James Mackie Road,
Woodhill For Woodhill Sands Trust”
(DWG No. 423)

Plan titled: “Swale Longsections, Part 1 of 2, 4 James Mackie Road, Woodhill For Woodhill Sands Trust” (DWG No. 430)	R2O Consultants Ltd	B		03/20
Plan titled: “Swale Longsections, Part 2 of 2, 4 James Mackie Road, Woodhill For Woodhill Sands Trust” (DWG No. 431)	R2O Consultants Ltd	B		03/20
Plan titled: “Typical Swale Cross Sections, 4 James Mackie Road, Woodhill For Woodhill Sands Trust” (DWG No. 440)	R2O Consultants Ltd	B		03/20
Plan titled: “Eastern Gross Sediment Trap Cross Sections, 4 James Mackie Road, Woodhill For Woodhill Sands Trust” (DWG No. 450)	R2O Consultants Ltd	A		03/20
Plan titled: “Proposed Impervious Areas Plan, 4 James Mackie Road, Woodhill For Woodhill Sands Trust” (DWG No. 460)	R2O Consultants Ltd	B		09/20
Plan titled: “Wastewater Treatment Plant Layout Plan, 4 James Mackie Road, Woodhill For Woodhill Sands Trust” (DWG No. 500)	R2O Consultants Ltd	D		09/20
Plan titled: “Wastewater Disposal Fields Layout Plan, 4 James Mackie Road, Woodhill For Woodhill Sands Trust” (DWG No. 501)	R2O Consultants Ltd	D		09/20
Plan titled: “Manure Bin Layout Plan, 4 James Mackie Road, Woodhill For Woodhill Sands Trust” (DWG No. 502)	R2O Consultants Ltd	B		09/20
Plan titled: “A101, Proposed Site Plan, Woodhill Sands Equestrian Centre”	Fat Architecture	Parrot	M	20/05/2022
Plan titled: “B001, Café – Office Site Plan, Office and Cafe Buildings, Woodhill Sands Equestrian Centre”	Fat Architecture	Parrot	C	30/07/2019
Plan titled: “C101, Café Building. Plan, Woodhill Sands Equestrian Centre”	Fat Architecture	Parrot	C	30/07/2019
Plan titled: “C201, Café Building. Elevations, Woodhill Sands Equestrian Centre”	Fat Architecture	Parrot	B	30/07/2020
Plan titled: “D101, Office Building. Plan, Woodhill Sands Equestrian Centre”	Fat Architecture	Parrot	A	19/06/2019
Plan titled: “D201, Office Building.	Fat	Parrot	A	19/06/2019

Elevations, Woodhill Sands Equestrian Centre”	Architecture			
Plan titled: “E101, Toilets and Showers. Proposed, Woodhill Sands Equestrian Centre”	Fat Parrot Architecture	D		30/07/2019
Plan titled: “E301, 3D Views, Toilets and Showers, Woodhill Sands Equestrian Centre”	Fat Parrot Architecture	C		25/07/2019
Plan titled: “F102, Proposed Stables, Woodhill Sands Equestrian Centre”	Fat Parrot Architecture	C		30/07/2019
Plan titled: “G101, Proposed Storage Shed, Woodhill Sands Equestrian Centre”	Fat Parrot Architecture	C		30/07/2019
Plan titled: “PP.01, Woodhill Sands Equestrian Park, Planting Plan”	Nick Robinson	E		2 May 2022
Plan titled: “PP.03, Woodhill Sands Equestrian Park, Planting – Illustrative cross sections”	Nick Robinson	B		2 May 2022
Correspondence	Author	Rev	Dated	
Spreadsheet titled: “WESC Buffer Calcs R20 27.5.20”	Innoflow Technologies	-		27/05/2020
Email titled: ‘Re: BUN60344267 - 4 James Mackie Road, s92’	Jon Williamson, Williamson Water & Land Advisory	-		26/05/2020
Email titled: ‘Re: BUN60344267 - 4 James Mackie Road, s92’	Richard Osborne, R2O Consultants Ltd	-		14/05/2020
Letter titled: ‘RE: BUN60344267 – Section 92 Response Woodhill Sands Equestrian Centre 4 James Mackie Road, Wharepapa, Auckland’	Richard Osborne, R2O Consultants Ltd	-		29/04/2020
Email titled: “RE: Woodhill Sands”	Magee Planning			29/10/2020

- 1A. The office/café building shall be redesigned to relocate the tractor enclosure and storage shed to provide for the vehicle access widths between the building and the site boundary as shown on R2O Consultants Ltd plan RC-TCP2 Rev H. Revised versions of Fat Parrot Architecture Drawings B001 and D101 shall be submitted to Council prior to the office/café building being constructed for certification that this redesign has been undertaken. In undertaking this redesign the overall impervious area of the site shall not be increased.
2. Under section 125 of the RMA, these consents lapse five years after the date they are commenced unless:
 - a. The consents are given effect to; or

- b. The Council extends the period after which the consents lapse.
- 3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$1,020.00 (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 these consents.

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 consents. 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 consents have been met, will the council issue a letter confirming compliance on request of the consent holder.

Review Condition

- 4. The conditions of these consents may be reviewed by Auckland Council pursuant to section 128 of the Resource Management Act 1991 (**RMA**), with the costs of the review process being borne by the consent holder, by giving notice pursuant to section 129 of the RMA at one or more of the following times:
 - a. Within 20 working days after each competition / event for the first two years; and/or
 - b. In March each year on an ongoing basis.

The purpose of the review may be for any of the following purposes, namely:

- a. To ensure the noise emissions are as predicted and/or complying with the permitted activity standards; or
- b. To ensure the operation of the event(s) and the overnight stays are operating as consented; or
- c. To ensure traffic and parking associated with the event is occurring as consented and the effects are as predicted; or
- d. To vary the size or design of the wastewater treatment system and/or size or design of the land disposal area as a result of increased understanding of the system or further information, changes in circumstances, or the results of monitoring; or
- e. To alter monitoring requirements in light of previous monitoring results and/or changed environmental conditions or circumstances; or
- f. To deal with any significant adverse effect on the environment which may arise from the exercise of the consent and which was not apparent at the time of the granting of the consent; or

- g. To require the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment resulting from discharge(s), including measures to decrease water usage and/or discharge flow volumes; or
- h. To deal with any adverse effect on the environment arising or potentially arising from the exercise of this consent, through altering or providing specific performance standards.

Consents surrendered

- 5. Upon the commencement of these consents, existing consents L53108 and L68434 shall be formally surrendered under section 138 of the Act, while existing stormwater discharge consent Permit No. 30499 shall be superseded.

Advice Note:

For the avoidance of doubt, upon the commencement of these consents, the existing consents referenced above shall be replaced in their entirety and shall no longer apply to the site.

Management plan certification process

- 6. Conditions 7 to 11 shall apply to all Management Plans required by these conditions.

Advice Note:

The process outlined in conditions 7 to 11 applies to the Site Management Plan, Event Management Plan(s), Construction Traffic Management Plan, Temporary Traffic Management Plan(s), the Erosion and Sediment Control Plan, and the Operation and Maintenance Plans required for: (a) the horse wash facility and discharge management system and (b) the stormwater management system.

- 7. Management Plans shall be submitted to the Team Leader Compliance Monitoring – North West 2 for certification in writing. Management Plans shall be submitted at least 20 working days prior to commencement of any relevant works or activities (or within any other timeframe specified in these conditions).
- 8. Should the Team Leader Compliance Monitoring – North West 2 refuse to certify a Management Plan in accordance with condition 7 above, the consent holder shall submit a revised Management Plan for certification as soon as practicable. The certification process shall follow the same procedures as outlined in condition 6 above.
- 9. Any certified Management Plan may be amended if necessary to reflect any minor changes in design, construction methods or management of effects, unless the Team Leader Compliance Monitoring – North West 2 determines in his or her discretion that those amendments once implemented would result in a materially different outcome to that described in the original plan. Any amendments within

the scope of this condition are to be discussed with and submitted to the Team Leader Compliance Monitoring – North West 2 for certification prior to implementation of the change.

10. Any changes to a certified Management Plan involving a materially different outcome under condition 9 shall be submitted to the Team Leader Compliance Monitoring - North West 2 to certify that they comply with the applicable requirements of these conditions. Any material change must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of these consents.
11. All works and activities shall be carried out in accordance with the certified Management Plans. No works or activities shall commence until written certification of a Management Plan has been received, unless otherwise approved in writing by the Team Leader Compliance Monitoring - North West 2. For the avoidance of doubt, where the consent holder seeks to amend an existing certified Site Management Plan in accordance with condition 9 or 10, equestrian activities and competitions / events may not be conducted under the amended SMP prior to certification.

Activities authorised

12. The activities authorised by these consents are set out below. References to the “defined 365 day period” are references to the period defined in condition 16:
 - a. **General Equestrian Activities** (not competition / event-based, e.g. casual riding, riding lessons, coaching clinics, rallies, horse riding holiday programmes, horse training and associated support facilities, farrier services, equine supplies, and the like) subject to the following limitations:
 - On weekdays only during daylight hours.
 - A total frequency limitation based on the amount of competition/event activity occurring on the site within the defined 365 day period as follows:
 - Where equestrian competition/eventing activities occur at the maximum level permitted (as detailed below), General Equestrian Activities can occur on up to 34 weekdays within the defined 365 day period.
 - Where equestrian competition/eventing activities occur at a level below the maximum level permitted (as detailed below), General Equestrian Activities can occur on additional weekdays up to a maximum allowed operational limits (i.e. 5 days in any 7 day period up to 260 days in the defined 365 day period).
 - Up to 50 horses on site per day.
 - Up to 100 people on site per day (including organisers/staff, the public, riders and other people associated with the activity).
 - Overnight stays involving up to 20 vehicles for a maximum of one night.
 - No use of the public address system.

- b. **General Equestrian Competitions/Events**, subject to the following limitations:
- To be held on up to 132 days within the defined 365 day period, during the competition hours specified in condition 21(d) below.
 - Up to 50 horses on site per day and 100 people on site per day (including organisers/staff, riders, the public and other people associated with the competition/event) on up to 52 weekdays.
 - Up to 100 horses on site per day and 150 people on site per day (including the public, riders and other people associated with the competition/event) on up to 52 weekdays and 28 weekend days.
 - Overnight stays involving up to 20 vehicles for a maximum of one night stay.
 - Use of public address system only in accordance with conditions 25(c) and 26(c).
- c. **Regular Equestrian Competitions/Events**, subject to the following limitations:
- To be held on up to 52 days a year (i.e. 10 weekdays, 42 weekend days) within the defined 365 day period, during the competition hours specified in condition 21(d) below.
 - Limited to 2 consecutive days, except for on 4 occasions within the defined 365 day period when 3 consecutive days are permitted.
 - Up to 200 horses on site per day.
 - Up to 300 people on site per day (including organisers/staff, riders, the public, and other people associated with the competition/event).
 - Overnight stays involving up to 50 vehicles for up to 2 consecutive nights.
 - Use of public address system only in accordance with conditions 25(c) and 26(c).
- d. **Large Equestrian Competitions/Events**, subject to the following limitations:
- To be held up to 26 days a year on a maximum of 13 weekends within the defined 365 day period, during the competition hours specified in condition 21(d) below.
 - Up to 450 horses on site per day.
 - Up to 600 people on site per day (including organisers/staff, riders, the public, and other people associated with the competition/event).
 - Overnight stays involving up to 100 vehicles for up to 2 consecutive nights.
 - Use of public address system only in accordance with conditions 25(c) and 26(c).

And:

- 3 large events per year on up to 4 consecutive days which must include 2 weekend days within the defined 365 day period, during the competition hours specified in condition 21(d) below.
 - Up to 400 horses on site per day.
 - Up to 600 people on site at any one time per day (including organisers/staff, riders, the public, and other people associated with the competition/event).
 - Overnight stays involving up to 100 vehicles for up to 4 consecutive nights.
 - Use of public address system only in accordance with conditions 25(c) and 26(c).
- e. **Showcase Equestrian Event**, subject to the following limitations (provided always that these limitations are subject to the further limitations specified in conditions 46-51 below):
- To be held once over 4 consecutive days including 2 weekend days within the defined 365 day period (being Thursday to Sunday), during the competition hours specified in condition 21e below.
 - Up to 400 horses on site per day on Day 1 and Day 4 of the event, and up to 500 horses on site per day on Day 2 and Day 3 of the event.
 - Up to 600 people on site per weekday, up to 1000 people on site per day on one weekend day, and up to 2000 people per day on the other weekend day.
 - Overnight stays involving up to 100 vehicles for up to 4 consecutive nights.
 - Use of public address system only in accordance with conditions 25(c) and 26(c).

Advice Note:

For clarity, the numerical limits / maxima stated in condition 12 are intended to operate as maxima per day. For instance, for a Regular Equestrian Competition/Event, no more than 300 individual people may be on site for the duration of each day of the competition/event and which could result in all 300 people being on Site at the same time. Any person who leaves the site and returns on the same day will not be counted twice.

13. Only one of the above five activity/event categories shall occur on the site at any one time.
14. Events that span weekends and weekdays are not limited to long weekends (i.e., those where a public holiday falls on a Monday or Friday, or Easter Weekend).
15. In relation to events such as the Regular Equestrian Competitions/Events, the 'days' counted shall be those the event is scheduled to be held on and does not include set up or pack down days. That is, if an event is scheduled to occur on a Saturday, set up that may occur on the Friday shall not be counted as a 'weekday'.

The exception to this shall be the overnight stays that are associated with the event, which will count towards the total number of overnight stays that will occur.

Defined 365 day period and record keeping

16. The defined 365 period within which the number of activities and competitions/events specified in conditions 12 to 15 can occur shall be between 1 April and 31 March of the following year.
17. The consent holder shall keep accurate records of activities/events at the site in accordance with the SMP and report them to the Team Leader Compliance Monitoring – North West 2. The reporting periods shall be to the months ended 31 March, 30 June, 30 September, and 31 December and shall be submitted by the 15th of the following month. The records shall otherwise be provided to the Team Leader Compliance Monitoring – North West 2 on request.

Maximum days and ‘horse starts’ per year and ‘no activity’ / respite periods

18. All equestrian activity undertaken on the site shall be restricted to 5 days in any 7 day period, requiring a ‘no activity’ period of 2 days in any 7 day period (i.e., up to a maximum of 260 days when equestrian activity may be undertaken on the site in any 365 day period).

Advice Note:

Also note the respite requirement in condition 76A associated with the ongoing operation and management of the on-site wastewater treatment system.

19. During the ‘no-activity’ period on site required by conditions 18 and 76A, activity shall be restricted to maintenance and development of the venue, including event preparation and pack down, and horse grazing. Signage at the entrance and main access gate shall indicate that the equestrian facilities are ‘closed’ during any such period.
20. In addition to the ‘no activity’ periods required by conditions 18 and 76A, the consent holder shall not schedule any competitions/events larger than a Regular Equestrian Competition/Event on consecutive weekends.
- 20A. The Grass Arena shall not be used for equestrian competitions during the period 1 May to 31 October in any calendar year.
- 20B. During the defined 365 day period in condition 16, the maximum number of horse starts permitted at the venue for the equestrian activities described in condition 12 shall be 12,500.

General hours of operation

21. General hours of operation (excluding overnight stays) shall be:
 - a. Equestrian Centre show office / administrative activities: 6.00am to 10.00pm;
 - b. Café: see condition 29 below;

- c. General Equestrian Activities (condition 12(a)): daylight hours (i.e. between sunrise and sunset, being approximately 6am to 8pm in summer months);
- d. Competition hours for any competitions/events specified in condition 12(b) to 12(d) above:
 - 8:00am – 6:00pm weekdays and Saturdays
 - 9:00am – 5:00pm Sundays and Public holidays
- e. Showcase Equestrian Events (condition 12(e)): with the exception of those staying overnight on the site and staff for the event, the hours of operation for the event shall be 7:30am - 8:00pm each day; and
- f. Site maintenance activities involving heavy machinery and equipment (eg., tractors): 7:00am to 6:00pm each day.

Overnight stays

- 22. These consents provide for overnight stays related to equestrian activities and competitions/events as follows:
 - a. Stays within up to 20 vehicles for General Equestrian Activities and General Equestrian Competitions/Events (for a single night);
 - b. Stays within up to 50 vehicles for Regular Equestrian Competitions/Events (for up to 2 consecutive nights);
 - c. Stays within up to 100 vehicles for Large Equestrian Competitions/Events (for up to 2 consecutive nights or up to 4 consecutive nights for the 3 potential Large Equestrian Events per year);
 - d. For the Showcase Equestrian Event, stays within up to 100 vehicles (for up to 4 consecutive nights). Overnight stays of persons associated with Showcase Equestrian Events shall only occur from Wednesday – Saturday night of the event, with the limited exception of overnight stays on Sunday night when vehicles are unavoidably unable to leave the site (e.g., mechanical malfunctions).
- 23. All overnight stays shall be:
 - a. restricted in numbers as specified in condition 22; and
 - b. restricted in location:
 - i. to the three areas for overnight stays shown on the Proposed Site Plan (Drawing A101) bounded by purple dotted line (i.e., the areas containing truck parking); or
 - ii. in the case of Large Equestrian Competitions/Events and Showcase Equestrian Events, to the area bounded by a thick green dotted line on the Proposed Site Plan (Drawing A101).

Overnight stays shall also be subject to any locational or other restrictions imposed in the certified Site Management Plan required by condition 25.

24. A competition / event representative shall be present on-site each night for all competitions and events where overnight stay vehicles exceed 50, including for Showcase Equestrian Events, to ensure noise levels associated with overnight-stays are minimised (particularly after 10pm each night).

Site Management Plan

25. Activities at the site shall be undertaken in accordance with the Site Management Plan (**SMP**), which provides day-to-day management guidance for the use of the site and to achieve compliance with the conditions of these consents. Within 20 working days of commencement of consent (or if sooner prior to any competition / event occurring larger than a Regular Equestrian Competition / Event), the consent holder shall submit a SMP to the Team Leader Compliance Monitoring – North West 2 for certification. The SMP must be consistent with the SMP dated August 2019, however the SMP must include and be updated as necessary to include, as a minimum, details of:
 - a. A site overview and description of equestrian activities;
 - b. The methods to be used to determine and record the number of horses, people and vehicles on site each day, including the number of vehicles staying overnight (where authorised), in order to enable compliance with the limits on horse numbers, people and vehicles staying overnight in condition 12 to be verified and the manner of reporting for the purposes of condition 17;
 - c. Noise management and mitigation measures, including as a minimum:
 - i. Permanent PA system design, positioning of speakers (both location and orientation), sound checks and use (unless a permanent PA system has yet to be acquired by the consent-holder, in which case the SMP shall be updated and submitted to the Team Leader Compliance Monitoring – North West 2 for certification again within 20 working days of such a system being installed).
 - ii. Temporary PA system design (where used either pending installation of a permanent PA system as required by (i) above, or during a Showcase or Large event), including positioning of speakers (both location and orientation), sound checks and use, and specific details demonstrating how compliance with the noise limits specified in conditions 52A and 52B will be achieved.
 - iii. Methods to ensure that the specific noise management measures set out in conditions 55A to 55F will be achieved.
 - iv. Details relating to generator use, siting and time restriction (e.g., no use after 10pm unless for emergency purposes).

- v. Management measures for overnight stays (including a 'lights out' after 10pm policy, prohibition on loud music/parties, supervision/onsite manager).
- vi. How pack in and pack out activities involving the use of heavy machinery will be confined to between 7am and 6pm.
- d. Details of the methods to be used to ensure that event registrants' horse trucks or floats are allocated or reserved appropriately sized parking bays (e.g., as part of an on-line event booking system), and directed to appropriately sized parking bays so that vehicles are not delayed when entering the site;
- e. Management of overnight stays, including the noise management and mitigation measures referred to in item c(v) above;
- f. Management of cross-country events;
- g. Toilet facilities;
- h. Measures to avoid dust nuisance arising from activities on the site;
- i. Refuse collection;
- j. Separate Event Management Plans;
- k. Notification and complaints procedures, including procedures and timeframes for notifying adjacent property owners/occupiers of events (as well as any changes to the dates / scale of proposed events);
- l. Venue contact details, including contact details for key managers / personnel.

The SMP shall also include appendices addressing the following:

- m. Site Health & Safety Plan;
- n. Site Emergency Services and Crisis Management Plan;
- o. Alcohol Management Plan;
- p. Details of the specific management of Showcase Equestrian Event (e.g., by Event Management Plan); and
- q. The details of any feedback on the SMP sought and obtained from residents of James Mackie Road and how any aspects of it may have been incorporated into the final SMP.

Event Management Plan

- 26. An Event Management Plan (**EMP**) shall be produced for all Large Equestrian Competitions/Events and for the annual Showcase Equestrian Event. Each EMP shall incorporate the SMP and shall, as a minimum, include the following information:

- a. Detailed event overview;
 - b. Horse, rider, people and vehicle count procedures, where necessary (see condition 25(b)), and where different from procedures outlined in the SMP;
 - c. Noise control procedures where proposed to be different from procedures outlined in the SMP;
 - d. Traffic management (incorporating the Temporary Traffic Management Plans required, as necessary, by conditions 41 to 44;
 - e. Additional toilet facilities to be provided by event organisers to ensure that the capacity of the domestic wastewater system is not exceeded;
 - f. Details of any additional facilities proposed to be provided on site by Showcase Equestrian Event organisers (including, without limitation, additional waste management facilities and measures);
 - g. Details of the methods to be used to ensure that event registrants' horse trucks or floats are allocated or reserved appropriately sized parking bays (e.g., as part of an on-line event booking system), and directed to appropriately sized parking bays so that vehicles are not delayed when entering the site; and
 - h. Contact details (24 hours) for key individuals in the Showcase Equestrian Event organising team for notification and complaint purposes.
27. The EMP for each Large Equestrian Competition/Event and Showcase Equestrian Event shall be submitted to Team Leader Compliance Monitoring – North West 2 for certification in accordance with condition 6. Large Equestrian Competitions/Events and Showcase Equestrian Events shall occur in accordance with the relevant certified EMP.

Building within flood plain

28. As the storage shed is located within a 1 in 100-year (i.e. 1% AEP) flood plain, the lower extent of the building cladding shall be finished 200mm from the concrete floor to allow for the passage of overland flow during large storm events.

Kiosk/Café

29. The café/kiosk shown on plan A101 Proposed Site Plan, Rev M, dated 20 May 2022 is ancillary to the equestrian facility (i.e., it is not open to the general public) and therefore shall operate only when there is an equestrian competition / event or general equestrian activities taking place.

Finalised landscape design drawings and implementation

30. Prior to the commencement of consent, the consent holder shall provide to the Team Leader Compliance Monitoring – North West 2 for certification, a finalised set of detailed landscape design drawings and supporting written documentation which have been prepared by a landscape architect or suitably qualified

professional. The submitted information shall be consistent with the consented landscape concept plan listed in condition 1 (Drawing PP.01 Rev E, dated 2 May 2022, prepared by Nick Robinson) and, at a minimum, shall include landscape design drawings, specifications and maintenance requirements including:

- a. An annotated planting plan(s) which communicate the proposed location and extent of all areas of planting, including any revegetation, reinstatement planting, mitigation planting and natural revegetation (if relevant);
 - b. A plant schedule based on the submitted planting plan(s) which details specific plant species, plant sourcing, the number of plants, height and/or grade (litre) / Pb size at time of planting, and estimated height / canopy spread at maturity;
 - c. Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements;
 - d. A landscape maintenance plan (report) and related drawings and specifications for all aspects of the finalised landscape design, including in relation to the following requirements:
 - Irrigation
 - Weed and pest control
 - Plant replacement
 - Inspection timeframes
 - Contractor responsibilities.
31. The finalised landscape design shall be consistent with the landscape design intent / objectives identified in the conceptual plans and information referenced at condition 1 and confirm responsibilities for ongoing maintenance requirements.

Advice Note:

It is recommended that the consent holder consider a minimum three-year management / maintenance programme for plant establishment and provide, in particular, details of maintenance methodology and frequency, allowance for fertilising, weed removal / spraying, replacement of plants, including specimen trees in case plants are severely damaged / die over the first five years of the planting being established and watering to maintain soil moisture. As part of the certification process, the Council's monitoring team will liaise with landscape architects from the Council's Auckland Design Office to ensure that the submitted drawings and related information are consistent with the originally consented landscape concept plan(s).

32. After completion of construction and within the next planting season, the consent holder shall implement the certified landscape design and thereafter retain and maintain this landscaping (planting and pavement etc) in accordance with the certified management and maintenance plan to the satisfaction of the Council.

Notice to neighbours

33. In addition to any notification requirements specified in the certified SMP, written or electronic notice shall be provided to the owners of 24 and 36 James Mackie Road at least 5 working days prior to any competition or event occurring on the “grass arena” shown on plan A101 Proposed Site Plan, Rev M, dated 20 May 2022.

Manure collection and storage

34. Designated manure collection points shall be provided as shown on plan A101 Proposed Site Plan, Rev M, dated 20 May 2022. A sign-post shall be placed next to the horse wash bay to deter any future dumping. The identified points are clear of overland flow paths or water ponding areas and shall be contained within non-permeable vaults which shall be covered with tarpaulin or similar to prevent the mobilisation of discharge. Manure collection points shall be emptied regularly to prevent any overflow.

Transport Conditions

Construction Traffic Management Plan

35. At least 20 working days prior to commencement of any construction activities, the consent holder shall submit to the Team Leader Compliance Monitoring – North West 2 for certification a Construction Traffic Management Plan (**CTMP**) to mitigate any potential adverse effects of construction traffic, including deliveries and earthworks, and the displacement of any vehicles due to loss of parking spaces during construction. Construction work and activities shall not commence before the CTMP is certified.

Upgraded entranceway

36. No later than 6 months from the commencement of consent or (if sooner) prior to the next Showcase Equestrian Event occurring following the commencement of consent:
 - a. the James Mackie Road pavement and the access to 4 James Mackie Road will be widened as necessary so that a 12.6 metre long design rigid truck can complete a left turn out from the driveway of 4 James Mackie Road without the need to cross the centre line on James Mackie Road or drive off the pavement, and so that a 12.6 metre long design rigid truck can complete a right turn into 4 James Mackie Road while another vehicle is waiting on the driveway to leave the site, without the need to drive off the pavement;
 - b. the existing vehicle crossing onto James Mackie Road shall be sealed in general accordance with Auckland Transport’s standard rural vehicle crossing design GD020B. The accessway shall be sealed for a distance of at least 20 metres from the property boundary with the legal road. A copy of Auckland Transport’s approval of the works shall be provided to the Team Leader Compliance Monitoring – North West 2; and

- c. Subject to the approval of the road controlling authority, no stopping parking restrictions (broken yellow lines) on each side of James Mackie Road from the State Highway intersection to the access to the equestrian centre shall be installed.

Advice note:

Works within the road reserve require prior approval from Auckland Transport. This includes vehicle crossings, and temporary occupation of the footpath/verge/berm during construction. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.

Vehicle speed

- 37. Vehicle speed within the site shall be limited to 10km/hr, and a sign shall be erected inside the access entrance to alert drivers of this.

Formation of parking areas and entranceway

- 38. The permanent entranceway, accessways, vehicle parking and manoeuvring areas shown on R2O Consultants Ltd drawing RC-PCP Rev H shall be laid out and formed to the satisfaction of Council in accordance with the engineering drawings prior to any competition / event occurring pursuant to these consents.
- 39. Prior to any Showcase Equestrian Event where the West Area Lot 10 parking area is proposed to be used, the accessway to the West Area Lot 10 (as shown on RC0 Consultants Ltd DWG TCP4, Rev H) and the parking area itself shall be formed to the satisfaction of Council so as to be traversable for cars and in compliance with the following rules in the Auckland Unitary Plan:
 - a. Rule E27.6.3.3 (ensures designed to accommodate design vehicle manoeuvring); and
 - b. Rules E27.6.3.6(3) and (4) (which stipulate maximum gradients of parks and manoeuvring area).

Use of western sand arena

- 39A. The western sand arena shall only be used for parking during Large Equestrian Competitions/Events and Showcase Equestrian Events.

Use of temporary parking areas

- 40. The temporary parking areas shown on R2O Consultants Ltd Temporary Parking Layout Plans, Rev H, RC-TCP1, RC-TCP2, RC-TCP2A, RC-TCP3 and RC-TCP4 shall only be used during Large Equestrian Competitions/Events and Showcase Equestrian Events.

Temporary Traffic management for events with more than 100 horses

- 41. An approved Temporary Traffic Management Plan (TTMP) shall be used to manage the operation of the James Mackie / SH16 intersection for all events

attended by more than 100 horses (on at least one day of the event in the case of a multi-day event). The purpose of the TTMP is to ensure traffic attending these events does not affect the safe operation of the intersection and the state highway. The TTMP shall be prepared in accordance with the Waka Kotahi NZ Transport Agency's Code of Practice for Temporary Traffic Management and shall be submitted to Waka Kotahi NZ Transport Agency for approval at least 15 working days before the relevant event. The event shall not take place until the TTMP has been approved. A copy of the approved TTMP shall also be provided to the Team Leader Compliance Monitoring – North West 2 prior to the event occurring.

Advice Note:

TTMPs should be submitted to Waka Kotahi NZ Transport Agency for approval via www.submitica.com or any future equivalent submission and approval system set up for this purpose.

42. For any event classified as a Showcase Equestrian Event, the TTMP shall outline interventions to manage event traffic across the duration of the event. This shall include the proactive management of parking throughout the event, and what actions will be taken in the circumstance that parking is fully occupied, such that drivers of trucks, horse floats or cars will not attempt to park on-street in the vicinity of the site. The TTMP for any Showcase Equestrian Event shall also include:
 - a. Marshalling to ensure parking is undertaken in accordance with the certified EMP, and number of parks is not exceeded;
 - b. Managing the speed limit to be no more than 50km/h on SH16 and James Mackie Road to improve the safety and operation of the SH16 / James Mackie intersection for the full duration of each day of events; and
 - c. The installation of wayfinding signage or use of marshalling to direct traffic from James Mackie Road into the 4 James Mackie Road property.
43. For any non-Showcase Equestrian Event that will have more than 100 horses on site (on at least one day of the event in the case of a multi-day event), the TTMP shall outline interventions across the two hour peak period of expected vehicle arrivals to the event on each day of the event, including measures to stop vehicles parking on-street in the vicinity of the site, to guide motorists to where they will be expected to park, and to provide assistance so that parking areas are used efficiently. The TTMP for any non-Showcase Equestrian Event with more than 100 horses on site shall also include:
 - a. Marshalling for the two hour peak period of expected vehicle arrivals each day to ensure parking is undertaken in accordance with the certified EMP, and number of parks is not exceeded; and
 - b. Managing speed limit to be no more than 50 km/h on SH16 and James Mackie Road to improve the safety and operation of the SH16 / James Mackie Road intersection for the two hour peak period of expected vehicle arrivals on each day of events.

44. For events that will have more than 200 horses on site (on at least one day of the event in the case of a multi-day event), parking spaces for cars and for horse trucks/floats shall be physically marked such that drivers are able to park their vehicles at appropriate locations and at correct spacing, such that inadvertent overflow is not caused by inefficient use of space or confusion among users. This marking may be surface spray paint where practical, or otherwise through use of other physical markers such as signs or posts.

No direct access to / from SH16

45. There is to be no direct access to or from State Highway 16 from Lot 2 DP 447023 (4 James Mackie Road).

Additional specific conditions for 'Showcase Equestrian Events' only

46. The numbers of persons (staff, spectators, and competitors) and horses on the site for each day of the Showcase Equestrian Event shall be limited to the following, assuming off-site parking is provided at 125 Hutchinson Road see condition 48 if that is not the case):
- a. The number of overnight stayers on any one night for Wednesday – Saturday of the event will be limited to 100 horse trucks/floats.
 - b. Thursday - 600 people and 400 horses.
 - c. Friday - 600 people and 500 horses
 - d. Saturday –1000 people and 500 horses.
 - e. Sunday – 2000 people and 400 horses.
47. To avoid off-site parking of vehicles on James Mackie Road and/or SH 16, vehicle parking for each Showcase Equestrian Event shall be provided in accordance with the certified EMP and shall provide horse truck/float and car parking in accordance with the R2O Consultants Ltd Temporary Parking Layout Plans, Rev H, RC-TCP1, RC-TCP2, RC-TCP2A, RC-TCP3 and RC-TCP4 as follows:
- a. Thursday to Saturday - horse truck/float and car parking at a ratio of 2.1 horses per truck/float, and parking for people at a ratio of 2 people per horse truck/float or car; and
 - b. Sunday - horse truck/float and car parking at a ratio of 2.1 horses per truck/float and parking for people at a ratio of 2 people per horse truck/float and 2.4 people per car.

Advice Note:

The ratios acknowledge that people on-site arrive either via horse truck/float or by car, and that on the Sunday (Day 4) more spectators are on-site and cars are expected to contain more people

48. The consent holder must provide written notice to the Team Leader Compliance Monitoring – North West 2 within 3 working days, should Lot 10 DP 495390 (125 Hutchinson Road) become unavailable for temporary parking for any reason. In

providing the notice, the consent holder must identify any changes to the parking layout within 4 James Mackie Road and how this alters total number of available spaces and horse and people capacities on any of the four days of the event using the ratios in condition 47. Any alternative parking layout and reduced capacities must be submitted to the Team Leader Compliance Monitoring – North West 2 for certification at least 20 working days prior to the event.

49. In addition to any notification requirements specified in the certified SMP, written or electronic notice shall be provided to the owners of all directly adjoining properties at least 40 working days prior to the Showcase Equestrian Event occurring. This notice shall provide the days and times of the event. Additionally a copy of the event programme and EMP shall also be provided to the same people at least 20 working days in advance of the Showcase Equestrian Event occurring.
50. Showcase Equestrian Events shall only be held over four consecutive days, being Thursday to Sunday, once per defined 365 day period.

Advice Note:

This does not include the minor set-up operations associated with the event, and overnight stays as prescribed in these conditions.

51. All rented or borrowed equipment and structures (such as portaloos, marquees, etc) associated with the Showcase Equestrian Event shall be removed from the site no later than the Wednesday directly following the conclusion of the event, unless such equipment is intended for use at other events.

Acoustic Conditions

Noise limits

52. The noise (rating) level arising from activities subject to these consents assessed cumulatively shall not exceed the following limits measured within the notional boundary on any site except a noise level of 46 dB L_{Aeq} shall apply to 1777 SH 16 between 7am and 9am on Sunday mornings only: -

Time	Noise Level
Monday to Saturday 7am – 10pm Sunday 9am – 6pm	55 dB L_{Aeq}
All other times	45 dB L_{Aeq} 75 dB L_{AFmax}

- 52A. Except as provided by condition 52B, the noise level from the temporary or permanent public address system shall not exceed 35dB $L_{Aeq(5min)}$ when measured at any notional boundary (and there shall be no adjustment for duration or special audible character).

- 52B. For:

- (a) Up to eight Large Competitions/Events in each 365 day period; and
- (b) Showcase Equestrian Events,

the noise level from the public address system may be up to (but not exceed) 40dB_{L_{Aeq}(5min)} when measured at any notional boundary (without adjustment for special audible characteristics).

Noise standards

53. Unless otherwise specified in the certified Site Management Plan required by condition 25 or in the certified Event Management Plan required by condition 26, noise levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of environmental sound and shall be assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise.

Advice Notes:

- i. *The notional boundary is defined in Chapter J of the Auckland Unitary Plan.*
- ii. *The consent holder is reminded of their general obligation under section 16 of the Resource Management Act 1991 to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.*

Public announcement system and other noise conditions

54. A permanent public announcement system will be established at the site within 8 months of the commencement of this consent. The public announcement system shall be designed, installed, operated and sound checked and the electronic process limiter set correctly, to ensure that the noise limits in condition 52A are met. All calibration, sound check and process limiter details shall be recorded in the SMP required under condition 25.
55. A suitably qualified and experienced acoustic specialist engaged by the consent holder shall provide to the Team Leader Compliance Monitoring – North West 2 a report prior to the first large equestrian event to demonstrate that the public announcement system is compliant with consented noise limits. The report shall detail the measures that have been put in place to ensure the following matters are achieved:
 - a. The noise limits in condition 52A will be consistently met for all events where the PA system is used.
 - b. The system is 'locked' in a way that prevents the users of the system from increasing the volume
 - c. The gain or amplification settings of the individual loudspeakers cannot be adjusted upwards by any user of the system once the system has been calibrated.

- d. There are procedures and clear practical requirements to follow for the set up of the sound system including a plan showing every speaker location and orientation.

Specific noise management measures

- 55A. All permanent mobile equipment and any forklift used for Large Equestrian Competitions/Events and/or Showcase Equestrian Events shall be fitted with broadband reverse alarms where reverse audible alarms are required.
- 55B. Live music and the use of DJs are prohibited on site at all times.
- 55C. Amplified music shall not be played over the public announcement system except during dressage competitions (where it is played while the horse and rider are competing) or as background music at the eight Large Equestrian Competitions/Events and Showcase Equestrian Events to which condition 52B applies. In all cases, the noise limits in conditions 52A and 52B apply to the use of the public announcement system.
- 55D. Car or air horns shall not be used as part of any equestrian activity or event (except in an emergency for health and safety purposes, for example where a rider has fallen on the cross-country course and other horses on the course need to be stopped).
- 55E. The consent holder shall use the best practicable option to ensure that noise from mobile site maintenance equipment is minimised, for example by ensuring it is well maintained and that it is used for the minimum duration possible each day.
- 55F. Generators shall not be used on site after 10pm except in an emergency.
- 55G. Audible hand-held devices such as small bells or electronic buzzers may be used by equestrian competition judging staff on site during competitions provided that prior to their use a suitably qualified and experienced acoustician has completed an assessment of the noise effects of their use at the closest notional boundaries which demonstrates that their use will comply with the noise limits in condition 52. The acoustic assessment required of this condition shall be provided to the Council for certification prior to the use of such devices on the site.

Compliance noise monitoring

- 56. A suitably qualified and experienced acoustic specialist engaged by the consent holder shall provide to the Team Leader Compliance Monitoring – North West 2 a report that, for the first large event exceeding 300 persons and the first Showcase Equestrian Event:
 - a. Measures and assesses noise emitted from all activities occurring on the site during overnight stays for the duration of the overnight stays;
 - b. Undertakes measurements at the nearest notional boundaries and/or at suitable proxy locations when activities occur which are expected to create the highest noise levels;

- c. Measures and assesses noise emitted from all activities occurring on the site on Sunday morning of the first Showcase Equestrian Event;
 - d. Determines the extent of any compliance or infringement of the noise limits specified in condition 52 and 52A; and
 - e. Recommends specific remedial actions, in the event of an infringement, that will ensure compliance with the noise limits specified in condition 52 and 52A.
57. The monitoring report shall be submitted to the Team Leader Compliance Monitoring – North West 2 within 10 working days from completion of the monitoring.
58. In the event of an infringement all specific remedial actions outlined in the monitoring report shall be implemented, to the satisfaction of the Team Leader Compliance Monitoring – North West 2 prior to the next scheduled competition / event subject to these consents where it is practicable to do so, or at the earliest opportunity otherwise. The SMP must be updated to incorporate any required remedial actions.
59. If a noise complaint is received in relation to any noise arising from a Large or Showcase Equestrian Event, the Team Leader Compliance Monitoring – North West 2 may in his or her discretion require the consent holder to undertake further noise monitoring in accordance with the process specified in conditions 56 to 58 above.

Development Engineering Conditions

Advanced notification that earthworks will be beginning on site

60. The Council must be notified at least five working days prior to earthworks activities commencing on the subject site.

Ensure supervision and certification of geotechnical works

61. The placement and compaction of fill material must be constructed and otherwise completed in accordance with the Geotechnical Investigation Report by Soil & Rock Consultants, reference 19184, dated 26 July 2019 (Rev C), and supervised by a suitably qualified engineering professional. In supervising the works, the suitably qualified engineering professional must ensure that they are constructed and otherwise completed in accordance with the Geotechnical Investigation Report.
62. Certification from the suitably qualified engineering professional responsible for supervising the works must be provided to the Team Leader Compliance Monitoring – North West 2, confirming that the works have been completed in accordance with condition 61, within 10 working days following completion. Written certification must be in the form of a geotechnical completion report, or

any other form acceptable to the Team Leader Compliance Monitoring – North West 2.

Erosion and sediment control conditions

63. All earthworks must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works must cease immediately and the discharge must be mitigated and/or rectified to the satisfaction of Council.
64. Prior to the commencement of any earthworks activity on the subject site, a finalised Erosion and Sediment Control Plan (**ESCP**) must be prepared in accordance with GD05 (Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region) and submitted to the Team Leader Compliance Monitoring – North West 2 for certification. No earthworks activity on the subject site may commence until the Team Leader Compliance Monitoring – North West 2 has certified that the ESCP satisfactorily meets the requirements of GD05 and addresses the matters specified in condition 65 below.
65. The ESCP required by condition 64 above must contain sufficient detail to address the following matters:
 - a. specific erosion and sediment control works (location, dimensions, capacity);
 - b. supporting calculations and design drawings;
 - c. catchment boundaries and contour information;
 - d. details of construction methods;
 - e. timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks);
 - f. details relating to the management of exposed areas (e.g. grassing, mulching); and
 - g. monitoring and maintenance requirements.
66. Specific erosion and sediment control works shall be implemented and completed in accordance with the certified ESCP prior to the commencement of any earthworks activity on the subject site. Within 10 working days following implementation and completion of the specific erosion and sediment control works, and prior to the commencement of earthworks activity on the subject site, a suitably qualified and experienced person must provide written certification to the Team Leader Compliance Monitoring – North West 2 that the erosion and sediment control measures have been constructed and completed in accordance with GD05 and the certified ESCP. Written certification must be in the form of a report or any other form acceptable to the Council.

67. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by conditions 64 to 66 must be maintained throughout the duration / each stage of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to the Team Leader Compliance Monitoring – North West 2 on request.
68. Notice must be provided to the Team Leader Compliance Monitoring – North West 2 at least two working days prior to the removal of any erosion and sediment control works specifically required by conditions 65 to 67.
69. Immediately upon completion or abandonment of earthworks on the subject site all areas of bare earth must be permanently stabilised against erosion to the satisfaction of Council.
70. Earthworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. In no instance must roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

Demolition disposal

71. All waste including vegetation and demolition materials is to be disposed of at an approved landfill.

Ensure dust does not cause adverse effects

72. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks, construction activity or operation of the consented activity, that in the opinion of Council, is noxious, offensive or objectionable.
73. A permanent sprinkler system shall be installed within 4 months of the commencement of this consent (or 1 December whichever occurs later) to suppress dust at the site. The system shall cover the sand arenas and vehicle accessways associated with permanent parking spaces. Water used shall be from on-site storage or from the on-site bore.

SPECIFIC CONDITIONS FOR DISCHARGE CONSENT (DOMESTIC WASTEWATER)

- DIS60344266

74. This consent shall expire on *[date to be inserted – 15 years from date of consents]* unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Wastewater Volume and Respite Period

75. The wastewater discharge volume to land shall not exceed 6.9 m³ per day.
76. The pumps within the buffer tanks shall be set to pass no more than 6.9 m³ of wastewater to the treatment system per day.
- 76A. As part of the ongoing management and operation of the on-site wastewater treatment system a mandatory 2-day respite period shall be required following a Regular or larger competition/event, with no overnight stays permitted with any activity undertaken on the day following the 2-day respite period. For clarification, site maintenance, preparation or clean up after an event during the 2-day respite period is permitted during this respite period.
77. The café shall be limited to the sale of pre-packaged food items (or those assembled from pre-purchased ingredients) as described in the application documents.

Discharge quality standards

78. The quality of treated wastewater immediately before it is discharged to the land disposal system shall not exceed the standards specified below:

Parameter	Units	Discharge standard
5-day Biochemical Oxygen Demand (BOD ₅)	mg/L	20
Total suspended solids (TSS)	mg/L	30
Faecal coliforms (FC)	CPU(MPN)/100mL	200
Total Nitrogen (TN)	mg/L	40

Wastewater system design

79. The key components of the wastewater treatment and land disposal system shall be consistent with those described in the application and shall comprise at least the following minimum, or additional, components, dimensions and standards:
 - a. Innoflow AdvanTex AX100 Treatment System comprising:
 - i. (2x) 25,000 L buffer tanks comprising: with buffer pumps set on duty/stand by and timer settings to pass no more than 6,900 L/day
 - ii. (1x) 25,000 L septic tank with outlet bio tube effluent filter
 - iii. (1x) 13,500 L pre-anoxic tank with filtrate return line
 - iv. (1x) 13,500 L recirculation tank with dosing pumps
 - v. (1x) AdvanTex AX100 packed bed reactor pod and activated fan vent
 - vi. (1x) 13,500 L treated effluent tank with irrigation pump

- vii. (1x) pulse water meter (with an accuracy of $\pm 5\%$) with telemetric system for automated recording of the daily treated wastewater discharge flow volume
 - viii. automatic telemetry wastewater flow meter (with an accuracy of +/- or better)
 - ix. (1x) UV disinfection unit
 - x. (1x) Orenco TCOM control panel
 - xi. 80% and 100% high level alarms in the buffer tanks
 - xii. Emergency storage volume equivalent to 24 hours peak flow volume above the high water alarm levels within the wastewater treatment system
 - xiii. An audio or visual alarm system located in a prominent location on the site that detects pump failure or high wastewater levels.
- b. Wastewater land disposal system:
- i. At least 1,725 m² primary land disposal area comprising a pressure compensated drip irrigation (PCDI) system and consisting of 1,725 m of line, line spacing of 1.0 m, emitter spacing of 0.5 m and with clearly marked flush valves at the end of each line. The PCDI lines shall be installed subsurface within the topsoil at a depth of approximately 100 mm.
 - ii. At least 50% reserve land disposal area.
 - iii. A minimum 0.3m x 0.3m topsoil bund shall be maintained between the reserve wastewater disposal area and the neighbouring property in accordance with the approved plan to the satisfaction of the Council. The bund shall not be used for the application of wastewater.
 - iv. The primary and reserve wastewater land disposal areas shall be located in accordance with the approved plans and shall comply with the following minimum separation distances:
 - 10.0 m from surface water
 - 10.0 m from subsurface drains
 - 1.5 m from property boundaries
 - 20 m from water supply wells/bores

Contingency Measures

80. For events greater than 300 persons per day, the consent holder shall pre-service the site with portable ablution facilities to comply with the New Zealand Building Code Clause G1 Personal Hygiene (2011).

81. Emergency storage in the treatment plant shall only be used in the event of mechanical or power failure and shall not be used as a contingency measure for the storage of excess flows.
82. The buffer and reticulation tanks shall be monitored for high volume levels. At the triggering of the 80% capacity or daily flow level, the consent holder shall immediately implement contingency measures. Contingency measures include:
 - a. Closure of the ablution facilities;
 - b. Provision of portable ablutions facilities; and/or
 - c. Pump out of the buffer tanks by an approved waste contractor.

Minor modifications certification

83. In the event that any modifications to the wastewater treatment and land disposal system are required, that will not result in an application under section 127 of the RMA or a new application, then the following information shall be provided:
 - a. Plans and drawings outlining the details of the modifications; and
 - b. Supporting information that details how the proposal does not affect the capacity or performance of the wastewater treatment and land disposal system.

All information shall be submitted to and certified by the Team Leader – Compliance Monitoring North West 2 prior to implementation.

Advice Note:

All proposed changes must be discussed with the Team Leader Compliance Monitoring – North West 2 and certified in accordance with this condition, prior to implementation. The modification may only be undertaken if it does not alter the capacity or performance of the wastewater system negatively, change the intent of the consent or result in a change to the conditions of the consent. Any changes to the proposal which will affect the capacity or performance of the wastewater treatment and land disposal system will require an application to Council pursuant to section 127 of the RMA. An example of a minor modification may be a change to the location of a pipe.

Certification of wastewater treatment and land disposal system (as-built plans)

84. As-built certification and plans of the wastewater treatment and land disposal system, which are certified (signed) by a suitably qualified and experienced wastewater professional as a true record of the wastewater system, shall be provided to the Team Leader – Compliance Monitoring North West 2. As-built plans shall be provided at the earlier of:
 - a. no less than 5 days prior to the post-construction inspection meeting required by condition 86 below; or
 - b. within 5 days of the discharge commencing;

85. The as-built plans shall display the entirety of the wastewater system, and shall include:
- a. location, dimensions and levels of any drainage field and reserve drainage field;
 - b. location, dimension and levels of any stormwater management device;
 - c. plans, descriptions and dimension of all wastewater devices, including confirmation of the storage volumes and levels of any outflow;
 - d. minimum separation distances in accordance with condition 79(b)(iv); and
 - e. details of any other structures or works required by this consent (e.g. fencing, earthworks).

Post Construction Inspection

86. The consent holder shall contact the Team Leader – Compliance Monitoring North West 2 within 20 working days of the completion of works relating to the wastewater treatment and land disposal system so that a post-construction inspection can be undertaken. The post construction meeting shall:
- a. be located on the subject area;
 - b. include representation from the Team Leader – Compliance Monitoring North West 2; and
 - c. include representation from the applicant's wastewater specialist and maintenance operator who have undertaken the works and any other relevant parties.

Advice Note:

To arrange the post-construction meeting required by this consent, please contact the Team Leader – Compliance Monitoring North West 2 via monitoring@aucklandcouncil.govt.nz.

Land Disposal Area Vegetation Coverage

87. The land disposal area shall be planted as soon as reasonably practicable and no later than six months from the completion of pressure compensating drip irrigation (PCDI) line installation. A dense vegetative cover of suitable plant species (as recommended by TP58 Appendix G, or by a suitably qualified professional, with expertise in botany) shall be established and maintained that achieves at least 75% ground coverage within one year of completion of PCDI line installation to the satisfaction of the Team Leader – Compliance Monitoring North West 2.

Fencing

88. A suitable fence and signage shall be installed and maintained that prevents stock access and discourages unauthorised human access to the land disposal area.

Management of stormwater

89. No stormwater shall be allowed to flow onto, or have potential access to, the wastewater treatment plant, pump sump or wastewater disposal area.

Land disposal area performance

90. The discharge of wastewater to land shall not result in:
- a. ponding of wastewater within or adjacent to the land disposal area;
 - b. channelling of wastewater that results in overland runoff of wastewater beyond the land disposal area;
 - c. surface seepage (breakout) of wastewater beyond the land disposal area.

Use of reserve wastewater disposal areas

91. Written approval from the Team Leader – Compliance Monitoring North West 2 shall be obtained prior to the use of all or any part of the reserve land disposal area. In order to assist the Team Leader – Compliance Monitoring North West 2 to determine whether or not to approve use of all or part of the reserve wastewater disposal area the following information shall be provided:
- a. The reason why the reserve land disposal area is needed;
 - b. An assessment of the condition of the primary land disposal area and any maintenance or other mitigation measures required to allow its continued use;
 - c. An assessment of discharge flow volumes on the site and an assessment of options to manage or reduce flows;
 - d. An assessment of the soils and the position of the groundwater table under winter conditions within the reserve area for wastewater application purposes; and
 - e. An updated site plan showing the proposed layout of the irrigation lines within the reserve land disposal area.

Should any part of the reserve wastewater disposal area ever be required for use, the land furthest from the site boundary shall be considered first.

Protection of the reserve wastewater disposal area

92. The reserve wastewater land disposal area shall be protected and maintained so that it remains available for future wastewater disposal should it be required. Retaining walls, buildings, or other permanent structures (including but not limited to vehicular access ways) that may compromise the future use of the reserve land disposal area for wastewater disposal shall not be established in the reserve land disposal area and any earthworks carried out within the reserve land disposal area shall be limited to minor disturbances of the top soil and gardening.

Maintenance standard

93. The wastewater treatment and land disposal system shall be maintained in good working order at all times.

Operation and Maintenance Plan

94. Within 60 working days of the commencement of this consent, an Operation and Maintenance Plan for the on-going operation and maintenance of the wastewater treatment and land disposal system shall be submitted to the Team Leader – Compliance Monitoring North West 2 for certification. The Operation and Maintenance Plan shall include:
- a. Details of a three (3) monthly inspection programme (or more frequent if required by the system's manufacturer) to be undertaken by a suitably qualified wastewater professional to inspect and maintain the key components of the wastewater treatment and land disposal systems.
 - b. Details of the site management plan procedures and contingency measures that ensure compliance with the consented discharge limit.
 - c. A schedule, instructions, checklist and forms for all operation and maintenance tasks required for the satisfactory operation of the wastewater treatment and land disposal systems, including:
 - i. solids removal;
 - ii. filter cleaning;
 - iii. pump maintenance;
 - iv. replacement of UV lamps;
 - v. flushing of PCDI lines (without discharging flushings into surface water);
 - vi. inspection of the land disposal area and vegetation management within it;
 - vii. recording of site occupancy numbers;
 - viii. instructions on use of the remote monitoring unit and who is notified of alarm activations and required response actions;
 - ix. taking, handling and transportation of samples;
 - x. calibration of the wastewater meter;
 - xi. details of the contingency measures
 - xii. how and when the contingency measures should be implemented
 - xiii. the checklist shall clearly specify who is responsible for completing the required maintenance (for example the consent holder may be responsible for monthly cleaning of the outlet filter monthly and the

maintenance contractor for the inspection and maintenance of other treatment system components); and

- xiv. names of appropriate people to contact in the event system malfunctions occur including contact telephone numbers.
95. The wastewater treatment and disposal system shall be managed in accordance with the certified Operation and Maintenance Plan.

Maintenance Contract

96. A written maintenance contract for the on-going maintenance of the key components of the system(s) shall be entered into with an appropriate wastewater treatment system operator, prior to the operation of the system(s). A written maintenance contract shall be in place and maintained for the duration of the consent.
97. A copy of the current maintenance contract and any replacement contract(s) shall be provided to Team Leader – Compliance Monitoring North West 2 within 20 working days of a contract being entered into, or upon request.
98. If a wastewater professional that the consent holder has entered into a maintenance contract with (original provider) becomes unable to fulfil the obligations of the contract, for any reason, then the consent holder will need to enter into a maintenance contract with another suitably qualified wastewater professional as soon as possible after becoming aware that the original provider will no longer be able to fulfil their contractual obligations.

Flow meter readings

99. A wastewater flow meter shall be installed and maintained that continuously measures to an accuracy of plus or minus 5 percent, treated wastewater flows discharged to the land disposal system. The meter shall be maintained in accordance with the manufacturer's specifications and to the satisfaction of the Team Leader Compliance Monitoring – North West 2.
100. The meter readings shall be registered on an automatic data logger which shall be set up to send meter readings and immediate advice of exceedances of the daily flow volume limit or alarm activations to the consent holder and/or the system maintenance contractor by remote monitoring unit.
101. The consent holder shall maintain a log of daily site occupancy numbers and records of overnight stayers.

Advice note:

For non-event/competition days only, occupancy numbers and overnight stayer numbers may be recorded as less than a nominated upper limit (e.g. < 20 persons).

102. Records of the flow meter readings should be recorded on a form that includes, but is not limited to, the following information:
- Consent number
 - Site address
 - Consent holder's name
 - Site occupancy numbers as required under condition 101
 - Date the flow reading was recorded
 - Meter reading
 - Calculated discharge flow volume
103. Copies of the discharge flow monitoring records shall be retained by the consent holder. These records shall be submitted to the Team Leader Compliance Monitoring – North West 2 in accordance with the reporting requirements of condition 111, and shall otherwise be provided to the Team Leader Compliance Monitoring – North West 2 on request.

Discharge quality monitoring

104. Samples of the treated wastewater prior to discharge to land shall be collected and analysed twice annually between 1 September and 30 April each year. The samples shall be collected within one week of three consecutive days where the site occupancy is greater than 300 persons per day. The treated wastewater samples shall be analysed for the following parameters:

Parameter	Units
5-day Biochemical Oxygen Demand (BOD ₅)	mg/L
Total suspended solids (TSS)	mg/L
Total ammoniacal nitrogen (NH ₄ -N)	mg/L
Faecal coliforms	CFU/100mL
Total nitrogen	mg/L

105. All samples shall be analysed at an IANZ (International Accreditation New Zealand) accredited laboratory. The samples shall be collected and analysed in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", a joint publication of the American Public Health Association, Water Environment Federation and the American Water Works Association; or an alternative method that has been approved in writing by the Team Leader Compliance Monitoring – North West 2. The analytical results of the wastewater quality testing shall be provided to the Team Leader Compliance Monitoring – North West 2 in accordance with condition 110, or on request.

Actions if Discharge Quality Standards are Exceeded

106. In the event of any exceedance of the consented discharge quality standards the Consent Holder shall:
- a. Advise the Team Leader – Compliance Monitoring North West 2 of the exceedance within two working days of the exceedance being detected;
 - b. Advise the Team Leader – Compliance Monitoring North West 2 of the actions taken/being taken to address and remedy the cause of the exceedance within five working days of the exceedance being detected; and
 - c. Undertake additional sampling and analysis at the request of the Team Leader – Compliance Monitoring North West 2 to verify the wastewater treatment and land disposal system is being operated in accordance with the consent discharge standards.

Audit

107. An audit of the condition, operation, and performance of the wastewater treatment and land disposal system shall be undertaken by a suitably qualified wastewater professional in 2025 and 2030. The audit shall include:
- a. An assessment of the condition of the wastewater treatment and land disposal system.
 - b. An assessment of the adequacy of the system to treat and dispose the consented wastewater volume.
 - c. An up-to-date list of the components of the wastewater treatment and land disposal system.
 - d. Recommendations including timeframes for any changes, upgrades or remedial works to the treatment and land disposal system or process.
 - e. A review of the land use activities on the site.
108. A copy of the assessment report shall be provided to the Team Leader Compliance Monitoring – North West 2 by no later than 31 December of the year in which the assessment is undertaken.

Compliance with Audit

109. All recommendations specified in the audit report shall be implemented to the satisfaction of the Team Leader Compliance Monitoring – North West 2.

Reporting

110. The following information shall be submitted to the Team Leader Compliance Monitoring – North West 2 by 28 February, 31 May, 31 August and 31 November each year:
- a. Maintenance service records for the preceding three month period;
 - b. Flow monitoring records for the preceding three month period;

- c. Daily site occupancy numbers (including the number of overnight stayers) for the preceding three month period; and
- d. Results of the Discharge Quality Monitoring for the preceding three month period.

Actions if Discharge Volume Limit is Exceeded

- 111. In the event of any exceedance of the maximum consented discharge limit as authorised by condition 75 of this consent, the consent holder shall notify Team Leader – Compliance Monitoring North West 2 within two working days of the exceedance.
- 112. For any exceedance of the maximum consented discharge limit as authorised by condition 75 of this consent, the consent holder shall prepare a Discharge Exceedance Investigation Report. This report shall include, but is not limited to, the following:
 - a. Details of any previous discharge volume exceedances;
 - b. The reason for the exceedance including a description of the actions undertaken to investigate the reason(s) for the exceedance;
 - c. The reasons why the site management practices, and contingency measures, failed to prevent the exceedance;
 - d. Daily flow monitoring and site occupancy records for the preceding three (3) month period;
 - e. A description of the actions taken to remedy the cause of the flow exceedance.
- 113. A copy of the Discharge Exceedance Investigation Report shall be provided to the Team Leader – Compliance Monitoring North West 2 by no later than 10 working days from the date of the exceedance.

Earthworks

- 114. The fill importation and placement works shall be completed under supervision of, and certified, by a geotechnical specialist or suitably qualified person (independent of the works Contractor) who is experienced in the preparation of soil for wastewater application purposes.
- 115. Earthworks in the reserve wastewater disposal area shall be undertaken in accordance with the application documents to the satisfaction of the Team Leader Compliance Monitoring – North West 2 and shall be limited to:
 - a. Removal of the existing topsoil.
 - b. Importation and placement of fill to a maximum depth of 400mm comprising Awhiti Group deposits of very loose to medium dense sand or hard silts. The

placed fill shall have soil characteristics equal to, or better, than the existing *in situ* subsoils for wastewater application purposes.

- c. Respreading of existing stripped topsoil over the filled area.
 - d. The soils within reserve disposal area shall not be subject to compaction at any time and the cut material shall not be placed as engineered fill.
116. All earthwork machinery accessing the primary (or reserve) wastewater disposal area for excavation purposes, for remedial works, topsoil placement or for the laying of irrigation lines, shall be wide track (large footprint) low pressure machinery with minimum potential to cause compaction of the underlying soils and/or the final overlying topsoil layers.
117. The consent holder shall ensure that no construction material including fill or topsoil is stockpiled on the wastewater disposal areas at any time during the site works.

Water Use Fixtures

118. The consent holder is to install full wastewater reducing fixtures in the facilities served by the wastewater system. Full water reduction fixtures include, but are not limited to, the following:
- a. Dual flush (6/3 litre) toilet cisterns
 - b. Water flow restrictors to provide maximum flows of 9L/min for kitchen and shower fixtures, 6L/min for bathroom faucets, and 10 L/min for laundry faucets.
 - c. In addition, no extra wastewater producing fixtures including garbage grinders, laundry, baths and multi-head showers should be installed.
119. The consent holder is to provide to the Team Leader Compliance Monitoring – North West 2, written certification by a registered plumber of the installed full water reduction fixtures within 5 working days of the discharge commencing.

SPECIFIC CONDITIONS FOR DISCHARGE CONSENT (NON-DOMESTIC WASTEWATER/HORSE WASH FACILITY) - DIS60357530

Duration of consent

120. This consent shall expire on *[insert date – 15 years from date of consent]* unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Wash water volume and quality

121. If the treated horse wash wastewater is tested and it does not meet the water quality standards specified in the certified Environmental Monitoring Report required by condition 165 (which are to be included subsequently in the Water

Sampling and Monitoring Programme), or for any reason fails, the horse wash bays shall be closed off and not used until such time as the problem is rectified to the satisfaction of Auckland Council.

122. The discharge of wash water from the horse wash facility to ground soakage shall not exceed 9,000 L/day.
123. Horse manure shall be promptly removed from the horse wash facility and will not be flushed to the horse wash management and ground soakage system, as much as practical.
124. Other than bore water, no liquids, materials, or chemical additives shall be used in any part of the horse wash facility including detergents, shampoos, cleaning agents and insecticides.

Pre-Construction Meeting

125. A pre-construction meeting shall be held by the consent holder, prior to construction of any part of the horse discharge management system onsite, that:
 - a) is arranged five working days prior to initiation of the construction of any part of the management system on the site;
 - b) is located on the subject area;
 - c) includes representation from the Team Leader Compliance Monitoring – North West 2; and
 - d) includes representation from the wastewater specialist engineer, geotechnical engineer or contractors who will undertake the work and any other relevant parties.

The following matters, including but not limited to, shall be discussed at the meeting:

- a) Timeframes for key stages of the works authorised under this consent;
- b) Conditions of this resource consent;
- c) Site Plan showing discharge management and ground soakage system.

Advice Note:

To arrange the pre-start meeting required by this consent, please contact the Team Leader Compliance Monitoring – North West 2 via email monitoring@aucklandcouncil.govt.nz. The conditions of consent should be discussed at this meeting. All information required by the Council and listed in that condition should be provided 2 working days prior to the meeting.

Discharge Management System

126. The key components of wash water management system shall be consistent with those described in the application and shall comprise at least the following minimum, or additional, components, dimensions and standards:

- (1x) Sediment trap
- (1x) Raised Sand Bed with a minimum surface area of 10.5m² contained by ground treated timber retaining rails to form an impermeable barrier and with sand filled to no more than 50mm below the rim of the side rails.
- (1x) 0.5mm Filter Sock on the outlet of the sediment trap
- (1x) 1m wide x 0.3m high earth bund that achieves the following:
 - prevents wash water from entering the stormwater management system
 - prevents stormwater runoff from entering the horse wash facility and wash water management system.
- Water usage meter(s) (with an accuracy of +/- 5% or better) installed on the inlet pipe to the horse wash facility.

Minor modifications certification

127. In the event of any required modifications to the wash water management system, that will not result in an application pursuant to section 127 of the RMA, the following information shall be provided:

- a) Plans and drawings outlining the details of the modifications; and
- b) Supporting information that details how the proposal does not affect the capacity or performance of the discharge management system.

All information shall be submitted to and certified by the Team Leader Compliance Monitoring – North West 2, prior to implementation.

Advice Note:

All proposed changes must be discussed with the Team Leader Compliance Monitoring – North West 2 and certified in accordance with this condition, prior to implementation. Any changes to the proposal which will affect the capacity or performance of the wastewater treatment and land disposal system will require an application to Council pursuant to section 127 of the RMA. An example of a minor modification may be a change to the location of a pipe. If there is a change of device type (even proprietary), the consent will have to be varied (s127 under the RMA).

Certification of the Horse Discharge Management Works (As-Built Plans)

128. As-built certification and plans of the wash water management system, which are certified (signed) by a suitably qualified registered surveyor or Chartered Professional Engineer as a true record of the wash water management system, shall be provided to the Team Leader Compliance Monitoring – North West 2 for approval. As-built plans shall be provided to the Team Leader Compliance Monitoring – North West 2 5 working days prior to the post-construction meeting required by this consent.
129. The as-built plans shall display the entirety of the wash water management system, and shall include:
- a) The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the stormwater management devices with co-ordinates expressed in terms of NZTM and LINZ datum;
 - b) Location, dimensions and levels of any overland flowpaths including cross sections and long sections;
 - c) Plans and cross sections of the wash water management device; and
 - d) Documentation of any discrepancies between the design plans and the As-Built plans certified under the minor modification certification condition.

Post-Construction Meeting

130. The consent holder shall contact the Team Leader Compliance Monitoring – North West 2 within 20 working days of completion of the discharge management works so that a post-construction meeting can be held. The post-construction meeting shall:
- a) be located on the subject area;
 - b) include representation from the Team Leader Compliance Monitoring – North West 2; and
 - c) include representation from the wastewater specialist engineer, geotechnical engineer or contractors who will undertake the work and any other relevant parties.

Advice Note:

To arrange the post-construction meeting required by this consent, please contact the Team Leader Compliance Monitoring – North West 2 via monitoring@aucklandcouncil.govt.nz.

Stormwater Management System

131. No stormwater runoff shall be allowed to flow into, or have potential access to, the horse wash facility or discharge management system.

Maintenance standard

132. The horse wash facility and discharge management system shall always be maintained in good working order.

Operation and Maintenance Plan

133. Within 60 working days of the commencement of this consent, an Operation and Maintenance Plan for the on-going operation and management of the horse wash facility and discharge management system, shall be submitted to the Team Leader Compliance Monitoring – North West 2 for certification. The Operation and Management Plan shall include:

- a) Details of a visual inspection programme to be undertaken at least once daily during peak usage periods to inspect and maintain the key components of the facility and discharge management system.
- b) Details of the site management plan procedures and contingency measures that ensure compliance with the consented discharge limit.
- c) A schedule, instructions, checklist and forms for all operation and maintenance tasks required for the satisfactory operation of the horse wash discharge management system including:
 - i. Management of manure
 - ii. Solids removal;
 - iii. Filter cleaning and replacement;
 - iv. A programme for inspection and maintenance of the raised sand bed;
 - v. Water meter readings and required response actions;
 - vi. Management of solid and liquid waste within the horse wash facility;
 - vii. A programme for post storm inspection and maintenance; and
 - viii. The checklist shall clearly specify who is responsible for completing the required inspection and maintenance procedures.
- d) Actions/procedures in the event of non-compliance with the conditions of consent.
- e) Names of appropriate people to contact in the event of system malfunctions including contact telephone numbers.

The horse wash facility and discharge management system shall be managed in accordance with the certified Operation and Management Plan.

Flow Meter Readings

134. The water flow meter shall be read, and the meter readings recorded as follows:

- a) Before the start and at the end of the day for any event or show with > 100 horses onsite per day.
 - b) Once weekly on the same day of each week when for any day < 100 horse onsite per day.
135. The consent holder shall maintain a daily log of the number of horses onsite on event/competition days.
136. Records of the water meter readings should be recorded on a form that includes, but is no limited to, the following information:
- a) Consent number and site address
 - b) Consent holder's name
 - c) Daily horse numbers
 - d) Date the meter reading was recorded
 - e) Meter reading(s)
 - f) Calculated discharge volume (L).

Copies of the meter readings shall be retained by the consent holder for the duration of consent. These records shall be submitted to the Team Leader Compliance Monitoring – North West 2 in accordance with the reporting requirements of condition 138, and shall otherwise be provided to the Team Leader Compliance Monitoring – North West 2 on request.

Reporting

137. The consent holder shall record complaints and system malfunctions of the discharge management system and shall report these to the Team Leader Compliance Monitoring – North West 2 within 7 days of the event occurring or of complaint receipt. The consent holder shall outline a schedule of actions to be undertaken to remedy the complaint or malfunction with a timeframe for completion of actions.
138. The following information shall be submitted to the Team Leader Compliance Monitoring – North West 2 by 28 February, 31 May, 31 August and 31 November of each year. The report shall be prepared by a suitably qualified water quality scientist or suitably qualified professional and shall include the following:
- a) Maintenance service records for the preceding three month period;
 - b) Flow monitoring records for the preceding three month period;
 - c) Results of the audit as required by condition 139 (in the year undertaken).

Audit

139. An audit of the condition, operation, and performance of the discharge management and ground soakage system shall be undertaken by a suitably qualified wastewater professional in 2025 and 2030. The audit shall include:

- a) An assessment of the condition of the discharge management and ground soakage system;
- b) An assessment of the adequacy of the system to treat and dispose the consented wash water volume;
- c) An up-to-date list of the components of the discharge management and ground soakage system; and
- d) Recommendations including timeframes for any changes, upgrades or remedial works to the discharge management system or process.

A copy of the assessment report shall be provided to the Team Leader Compliance Monitoring – North West 2 by no later than 30 June of the year in which the assessment is undertaken.

Compliance with Audit

140. All recommendations specified in the audit report shall be implemented to the satisfaction of the Team Leader Compliance Monitoring – North West 2.

SPECIFIC CONDITIONS RELATING TO DISCHARGE CONSENT (STORMWATER) - DIS60357534

141. This consent shall expire on *[date to be inserted – 35 years from date of consent]* unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Stormwater management works

142. The following stormwater management works shall be constructed for the following catchment areas and design requirements, and shall be completed prior to discharges commencing from the site:

Works to be undertaken	Catchment area: impervious	Design requirement(s)
(x3) Grassed Swales	<ul style="list-style-type: none"> New and existing parking area driveway (4,287m²) 	<ul style="list-style-type: none"> In accordance with GD01 Swale 1 – pre-treatment via sediment trap
(x2) Grassed Swales	<ul style="list-style-type: none"> New and existing car park and accessway (2,784m²) 	<ul style="list-style-type: none"> In accordance with GD01

(x9) 30,000 L Rainwater Tanks	<ul style="list-style-type: none"> • Building roofs (1,303m²) • To include runoff equivalent to 1,600m² of the new parking area 	<ul style="list-style-type: none"> • Attenuation of the 2 and 10-year ARI storm event post development runoff flow rates to pre-development levels • Overflows discharged by level spreaders to the open drainage channel
(x2) new outfalls	<ul style="list-style-type: none"> • 1,600m² of the new parking area (Runoff from swale 4 and swale 5) 	<ul style="list-style-type: none"> • In accordance with TR2013/018
Roofing Material	<ul style="list-style-type: none"> • All roof areas 	No exposed unpainted metal surfaces

143. At least 20 working days prior to construction of the proposed stormwater works, the consent holder shall submit finalised design information to the Team Leader Compliance Monitoring – North West 2 for certification, including detailed engineering drawings, specifications, and calculations for the stormwater treatment devices. The details shall include:

- a) Confirmation that the design achieves the requirements of condition 142;
- b) Contributing catchment size and boundaries and impervious percentage;
- c) Specific design and location of stormwater treatment devices; and
- d) Supporting calculations for stormwater treatment devices, including capacity and suspended solid removal efficiency.

The stormwater works shall be constructed in accordance with the design information (including drawings, specifications and calculations) certified in accordance with this condition.

Minor modifications certification

144. In the event that any modifications to the stormwater management system are required, that will not result in an application pursuant to section 127 of the RMA, the following information shall be provided:

- a) Plans and drawings outlining the details of the modifications; and
- b) Supporting information that details how the proposal does not affect the capacity or performance of the stormwater management system and that design requirements of condition 144 will be met.

All information shall be submitted to and certified by the Team Leader Compliance

Monitoring – North West 2, prior to implementation.

Advice Note:

All proposed changes must be discussed with the Team Leader Compliance Monitoring – North West 2 and certified in accordance with this condition, prior to implementation. Any changes to the proposal which will affect the capacity or performance of the stormwater management system will require an application to Council pursuant to section 127 of the RMA. An example of a minor modification may be a change to the location of a pipe or slight changes to the site layout. If there is a change of device type (even proprietary), the consent will have to be varied (s127 under the RMA).

Construction meetings for stormwater management

145. A pre-construction meeting shall be held by the consent holder, prior to commencement of the construction of any stormwater devices onsite, that:
 - a) is arranged 5 working days prior to initiation of the construction of any stormwater devices on the site;
 - b) is located on the subject area;
 - c) includes representation from the Team Leader Compliance Monitoring – North West 2;
 - d) includes representation from the site stormwater engineer or contractors who will undertake the works and any other relevant parties.
146. The following information shall be made available prior to, or at the pre-construction meeting:
 - a) timeframes for key stages of the works authorised under this consent;
 - b) contact details of the site contractor and site stormwater engineer; and
 - c) construction plans approved (signed/stamped) by an Auckland Council Development Engineer.
147. A post-construction meeting shall be held by the consent holder, within 20 working days of completion of the stormwater management works, that:
 - a) is located on the subject area;
 - b) includes representation from the Team Leader Compliance Monitoring – North West 2; and
 - c) includes representation from the site stormwater engineer or contractors who have undertaken the works and any other relevant parties.

Advice Note:

To arrange the construction meetings required by this consent, please contact the

Team Leader Compliance Monitoring – North West 2 via monitoring@aucklandcouncil.govt.nz.

Certification of stormwater management works (As-Built Plans)

148. As-Built certification and plans of the stormwater management works, which are certified (signed) by a suitably qualified registered surveyor as a true record of the stormwater management system, shall be provided to the Team Leader Compliance Monitoring – North West 2 for approval. As-Built Plans shall be provided to the Team Leader Compliance Monitoring – North West 2 5 working days prior to the post-construction meeting required by this consent.
149. The As-Built plans shall display the entirety of the stormwater management system, and shall include:
 - a) the surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of NZTM and LINZ datum;
 - b) location, dimensions and levels of any overland flowpaths including cross sections and long sections;
 - c) plans and cross sections of all stormwater management devices;
 - d) documentation of any discrepancies between the design plans and the As-Built plans certified under the minor modifications certification condition.

Operation and maintenance

150. An Operation and Maintenance Plan shall be provided to the Team Leader Compliance Monitoring – North West 2 for certification 5 working days prior to the post-construction meeting required by this consent.
151. The Operation and Maintenance Plan shall set out how the stormwater management system is to be operated and maintained to ensure that adverse environmental effects are minimised. The plan shall include:
 - a) details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process;
 - b) a programme for regular maintenance and inspection of the stormwater management system;
 - c) a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
 - d) a programme for post storm inspection and maintenance;
 - e) a programme for inspection and maintenance of the outfall; and

- f) general inspection checklists for all aspects of the stormwater management system, including visual checks.
- 152. The stormwater management system shall be managed in accordance with the certified Operation and Maintenance Plan.
- 153. The Operation and Maintenance Plan shall be updated and submitted to the Team Leader Compliance Monitoring – North West 2 for certification, upon request.
- 154. Details of all inspections and maintenance for the stormwater management system, for the preceding three years, shall be retained.
- 155. A maintenance report shall be provided to the Team Leader Compliance Monitoring – North West 2 on request.
- 156. The maintenance report shall include the following information:
 - a) details of who is responsible for maintenance of the stormwater management system and the organisational structure supporting this process;
 - b) details of any maintenance undertaken; and
 - c) details of any inspections completed.

SPECIFIC CONDITIONS RELATING TO DISCHARGE CONSENT (HORSE WASH FACILITY) DIS60357530 AND DISCHARGE CONSENT (STORMWATER) DIS60357534

Water Sampling and Monitoring Programme

- 157. Within 60 working days of commencement of these consents, a Water Sampling and Monitoring Programme (**WSMP**) to assess the ongoing adequacy and efficiency of all groundwater and surface water quality management practices shall be developed and submitted to the Team Leader Compliance Monitoring – North West 2 for certification.
- 158. The WSMP shall include, but not limited to:
 - a) Surface water sampling locations at the up and downstream extents of the site;
 - b) Groundwater sampling locations;
 - c) Frequency of sampling, sample collection and analytical test procedures;
 - d) Baseline sampling methods, procedures and reporting for the baseline sampling required by conditions 160 and 161 below;
 - e) Surface water monitoring parameters

- Total Suspended Solids mg/L
- pH
- Copper (total) mg/L
- Zinc (total) mg/L
- Lead (total) mg/L
- Total Petroleum Hydrocarbons mg/L
- Oil and Grease
- PAHs
- Conductivity
- BoD₅
- Nitrate mg/L
- Dissolved reactive phosphorous (DRP) mg/L

Identified trigger levels for each of the above listed parameters. These levels shall be developed with reference to the ANZECC Guidelines for freshwater quality, NPS:FM 2020 national bottom line attributes, and baseline sampling data.

f) Groundwater monitoring parameters

- 5-day Biochemical Oxygen Demand (BOD₅) g O₂/m³
- Ammoniacal nitrogen (NH₄-N) g/m³
- Nitrate (NO₄) g/m³
- Dissolved reactive phosphorus (DRP) g/m³
- Faecal coliforms (FC) MPN or CPU/100mL

Advice note:

The Consent Holder is advised to give consideration to quarterly sampling each year with sampling undertaken within three days following the largest event of each season.

- g) The methods and procedures for investigating and reporting (at least annually) monitoring results to the Team Leader Compliance Monitoring – North West 2.
- h) Response procedures should trigger levels for surface water and performance standards for groundwater be breached / exceeded, including (as a minimum) the requirements of conditions 164 and 165 below.
- i) Appropriate provisions for review of the WSMP, including (without limitation) provisions to ensure that the groundwater performance standards and

recommendations of the Environmental Monitoring Report certified in accordance with condition 163 are incorporated into the WSMP.

- j) Details of the annual monitoring programme for both surface water and groundwater.

159. The WSMP shall be implemented once certified and prior to construction works subject to these consents commencing on site.

Surface Water Baseline Sampling

160. Prior to the commencement of any works pursuant to these consents, baseline surface water quality sampling shall be implemented to further ascertain the nature of discharges currently leaving the site during rainfall events. A minimum of two sampling periods shall be obtained, with samples taken at the up and downstream extents of the site boundaries. The parameters for this baseline sampling are specified in condition 158(e) above.

Advice note:

Baseline sampling will aid in providing a data set to measure the proposed site management and discharges against. Samples shall be taken from both upstream and downstream of the discharge points of the site, to ensure a comparative analysis can be undertaken which represents effects of discharges from the site.

Groundwater Baseline Sampling

161. Within the first year the consent holder shall collect groundwater samples from the piezometers (P1, P4, P5, P6, P7, P8 and P9) within three days following the six (6) largest events in summer and the two (2) largest events in winter (1 June to 31 August) (a total of eight (8) monitoring events). The samples shall be analysed for the following parameters:

Parameter	Units
5-day Biochemical Oxygen Demand (BOD ₅)	g O ₂ /m ³
Total nitrogen (TN)	g/m ³
Ammoniacal nitrogen (NH ₄ -N)	g/m ³
Nitrite (NO ₂)	g/m ³
Nitrate (NO ₄)	g/m ³
Dissolved Reactive Phosphorus (DRP)	g/m ³
Total phosphorus (TP)	g/m ³
Faecal coliforms (FC)	MPN or CFU/100mL

Sampling Procedures and Methodologies

162. All water samples shall be collected and analysed in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, a joint publication of the American Public Health Association, Water Environment Federation and the American Water Works Association; or an alternative method that has been approved in writing by the Team Leader Compliance Monitoring – North West 2. The samples shall be analysed at an IANZ (International Accreditation New Zealand) accredited laboratory.

Environmental Monitoring Report

163. Within 20 working days of completion of the Baseline Sampling as required by conditions 160 and 161, an Environmental Monitoring Report (**EMR**) prepared by a suitably qualified water quality scientist or professional shall be forwarded to the Team Leader Compliance Monitoring – North West 2, for certification. The EMR shall include:
- a) A site plan showing the groundwater and surface water sampling locations.
 - b) Sampling test results including all previous field sampling data.
 - c) Daily water usage and horse number records.
 - d) An analysis and interpretation of the data and information.
 - e) An assessment of effects on the receiving environment from the discharge of horse wash water to ground soakage. The consent holder is advised that the receiving environment is considered the groundwater at the point of discharge.
 - f) Groundwater quality performance standards. The performance standards shall be developed with reference to the corresponding groundwater sampling results and the objectives and policies of the Auckland Unitary Plan.
 - g) Results and interpretation of the surface water baseline sampling in accordance with condition 160.
 - h) Recommendations for ongoing groundwater and surface water monitoring.

Actions if Water Quality Standards are Exceeded

164. Within 5 working days of receipt of sample results showing contaminants exceeding the trigger levels prescribed in the certified WSMP:
- a) An investigation shall be undertaken to determine why exceedances were detected and to identify any additional source controls or treatment required; and

- b) The results of the investigation shall be reported to the Team Leader Compliance Monitoring – North West 2 for review and confirmation of any additional source controls or treatment required to be undertaken.
165. In the event of any exceedance of the groundwater quality performance standards as approved by condition 163 at the groundwater sampling piezometers, P5, P7, P8 and P9 the consent holder shall:
- Implement immediate closure of the horse wash facility.
 - Within two working days of the exceedance being detected, the consent holder shall notify Team Leader Compliance Monitoring – North West 2 of the exceedance and provide photographs to show how the horse wash facility was closed such that it can no longer be used.
 - Undertake additional sampling and analysis at the request of the Team Leader Compliance Monitoring – North West 2 to verify the discharge management and ground soakage system is being operated in accordance with the performance standards.
 - Advise the Team Leader Compliance Monitoring – North West 2 of the actions taken/being taken to address and remedy the cause of the exceedance within five working days of the exceedance being detected.

The horse wash shall not be used until such time as the problem is rectified to the satisfaction of the Team Leader Compliance Monitoring – North West 2.

Reporting

166. The analytical results of the water quality sampling for the preceding 12-month period including the corresponding daily horse numbers shall be submitted to the Team Leader Compliance Monitoring – North West 2 annually.