
MINUTES
of the
CONSENT COMMISSION – COMMISSIONER MEETING
held
Monday, 30 June 2014
at
**Yacht Club, Tarakohe Harbour, 995 Abel Tasman Drive,
Golden Bay**

1 OPENING, WELCOME

2 REPORTS

2.1 Tasman District Council

Hearing Panel	Jeff Jones	Independent Commissioner
Council Officers	Pete Keyanonda	Consents Planner, Natural Resources
	Eric Verstappen	Resource Scientist - Coast & Rivers
	Michael Croxford	Principal Resource Consents Advisor

APPEARANCES

For the applicant	Gary Clark	Transportation Manager
	Richard Lowe	Rivers & Coastal Engineer
	Giles Griffith	Rivers & Coastal Engineer

Submitter	Richard Lamb	Lamb Contracting Limited
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Application number RM130737

Applicant Tasman District Council

To remove 14,000 cubic metres of gravel from the true right hand bank of the Aorere River

Legal description Crown River Bed - Aorere River

Site address A large gravel beach located on the true right hand bank of the Aorere River approximately 2.5 km upstream from the Collingwood - Puponga Main Road Bridge. The beach is approximately 950 m in length and is accessed via a farm track over private property at 149 Swamp Road.

Zoning Rural 2

Lodgement date 15 October 2013

Limited notification date	10 December 2013
Submissions closed	29 January 2014
Hearing Panel's site visit	30 June 2014
Hearing commencement	9.35am 30 June 2014
Hearing closed	4.15pm 30 June 2014

1. INTRODUCTION

- 1.1 Tasman District Council lodged its application for the removal of 14,000 cubic metres of flood deposited gravels from the true right bank of the Aorere River on 15 October 2014, which was then limited notified¹ on 10 December 2013 with submissions closing on 29 January 2014. One submission was received². Seven written approvals were supplied. No late submissions were received.
- 1.2 Tasman District Council (the Council) appointed independent hearings commissioner Dr Jeff Jones to hear and determine this application pursuant to Section 34A of the Resource Management Act 1991 (the RMA).
- 1.3 A Section 42A RMA report (the s42A report) was prepared for the hearing by Mr Pete Keyanonda, the Council's reporting officer, which included a memorandum by Mr Eric Verstappen, Council's Resource Scientist Rivers and Coast. Mr Keyanonda initially strongly recommended granting consent to take 9000 cubic metres of gravel from the "top two beaches" subject to a suite of conditions based on the information provided in the further information response. However he had a neutral position on the original proposal to take the full 14,000 cubic metres given the information available to him when preparing his written report as he considered that there might be some adverse effect on Lamb Contracting Limited, the holder of Consent RM070685.
- 1.4 The hearing was held at the Takaka Fire Station at Takaka on 30 June 2014. One submitter, Mr Richard Lamb on behalf of Lamb Contracting Limited, attended the hearing.
- 1.5 I conducted a site visit on the afternoon of 30 June 2014, after the hearing of the parties, and adjourning the hearing. At the approximate time of the visit, the 2.00pm flow reading at the Tasman District Council flow gauge for the Aorere River at the Devils Boots was 285.35m³/s³ and falling. Unfortunately, the gravel island was submerged by the flood waters. However, although I did not view the island I was able to view the access road, the area previously used for storing extracted gravel and the new rock protection works along this stretch of the Aorere. I was also able to assess the flow characteristics of the river over the stretch subject to the application during a minor fresh.
- 1.6 The hearing was closed at 4.15pm on 30 June 2014 after the site visit.

2. PROCEDURAL MATTERS

- 2.1 There were no procedural matters that required consideration or a ruling prior to or during the hearing. However, the submitter, Mr Lamb, brought to my attention, once the hearing was adjourned, that the agenda while listing only one Commissioner stated that a quorum for the hearing was two members. I advised him that I considered this to have been a clerical error which would have no bearing on the proceedings.

1 The relevant limited notified persons are identified in the s95 RMA notification decision

2 A summary table of the submission is provided in Section 4.3 of the s42A report.

3 Information sourced from <http://www.tasman.govt.nz/environment/water/rivers/river-flow/riverflow-2/>

3. PROPOSAL AND SITE

- 3.1 As summarised in section 1 of the s42A report prepared by Mr Keyanonda, the lodged proposal involves:
- (a) the removal of 14,000 cubic metres of flood deposited gravels from the true right bank of the Aorere River. This volume is in addition to 4,000 cubic metres of gravel able to be removed over a rolling five year period from that site under resource consent NN010109 (provided it is accommodated within the overall 40,000 cubic metre limit to be extracted annually for river management purposes, from all rivers within the Tasman District;
 - (b) The partial removal of a gravel beach to discharge their obligations under the Soil Conservation and Rivers Control Act 1941, noting that the beach had been built up in the bed of the river adjacent to the right bank in the extreme flooding events of December 2010, April 2011 and November 2011;
 - (c) the restoration of the flood carrying capacity of the river.
- 3.2 A further information request dated 30 January 2014 resulted in the applicant supplying maps showing the gravel deposition thickness from before and after the flood events to calculate the increase in volume of the beach as a result of the above flood events.
- 3.3 The gravel beach is located on the true right hand bank of the Aorere River approximately 2.5 km upstream from the Collingwood-Puoponga Main Road Bridge. The beach is approximately 950 m in length and is accessed via a farm track over private property at 149 Swamp Road. An aerial photograph showing the site can be found as Attachment 1 of the s42A report by Mr Keyanonda.
- 3.4 As outlined in section 1.6 of the s42A report by Mr Keyanonda, the applicant currently holds a global consent NN010109 for maintenance works including gravel extraction within rivers throughout Tasman District. The extraction is limited to 40,000 cubic metres annually and 4000 cubic metres from a single site over a rolling five year period. NN010109 expired on 30 June 2011. The applicant applied for a new consent (RM100851) for the same activity under NN010109 on 30 November 2010. RM100851 has not yet been granted and the applicant is operating under the original consent in accordance with the provisions of Section 124 of the Resource Management Act 1991. The applicant propose to exercise their functions under the NN010109 consent and extract 4000 cubic metres of gravel from the beach on top of the proposed 14,000 cubic metres applied for in this consent.
- 3.5 Lamb Contracting Limited (the submitter) currently holds resource consent RM070685 to take up to 3,500 cubic metres (solid measure) during the first year of exercising the consent and 2,000 cubic metres (solid measure) of gravel from the beach in subsequent years until 7 April 2015. These yields were subject to volumes of gravel accumulating above the base level of the beach.
- 3.6 I accept that both NN010109 and RM070685 form part of the existing environment.

4. CONSENT REQUIRED AND ACTIVITY STATUS

4.1 Land Use Consent (Application RM130737)

To disturb the bed of the Aorere River for the removal of up to 14,000 cubic metres of gravel for river management purposes under the Soil Conservation and Rivers Control Act 1941 to prevent or mitigate the adverse effects of flooding.

4.2 According to the TRMP the following apply to the subject property:

Zoning: Rural 2
Area(s): Land Disturbance Area 1

Activity	Relevant permitted rule	Applicable rule	Status
Land Use Consent	28.5.2.1	25.5.2.5	Discretionary

5. RELEVANT STATUTORY PROVISIONS

5.1 Section 13 of the RMA provides that:

'No person may, in relation to the bed of any lake or river,—

(b) excavate, drill, tunnel, or otherwise disturb the bed;

unless expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.'

5.2 Section 104(B) states that:

'After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.'

5.3 Section 104(1) sets out the matter I must have regard to in considering the application and the submission received including:

'(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.'

5.4 I note that Section 104(1) is subject to Part 2 of the RMA. The following matters are particularly relevant to this proposal:

- The sustainable management purpose defined in Section 5.
- The maintenance and enhancement of the quality of the environment (Section 7(f));
- Any finite characteristics of natural and physical resources (Section 7(g));
- The protection of the habitat of trout and salmon (Section(h)).

- 5.5 I am not persuaded that any Section 6 matters of national importance are engaged for my consideration. In particular, Mr Lamb raised Section 6(d) of the RMA - The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers. I will discuss this matter further in section 8 of this decision.
- 5.6 I was not advised of any Section 8 Treaty of Waitangi principles that should be taken into account. However, I note the matters listed in section 6.3 of the s42A report by Mr Keyanonda regarding Statutory Acknowledgements under the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014.
- 5.7 No provision of any national policy statement, national environmental standard or other regulation was identified for my consideration. The National Policy Statement for Freshwater Management 2011 (the NPS) has effect until the 1 August 2014 when it will be replaced by the 2014 version. I am of the opinion that none of the matters in the NPS are relevant to this consent.
- 5.8 After the hearing, during my consideration of the issues, I noted that the s42A report by Mr Keyanonda had incorrectly referenced the relevant objectives and policies within the TRMP. For completeness, I have provided a table below cross-referencing those referred to in Mr Keyanonda's report with the operative version of the TRMP. I have chosen not to reproduce the full text. The only objective and policy referred to by Mr Keyanonda that I do not consider relevant relates to water quality in that it refers to water where the quality is already degraded. I do not consider that this applies to the Aorere River.

S42A report	S42A Policies and Objectives	Relevant to this decision
p.8 pp.7.14	Objective 27.1.2.2	Objective 27.1.2.2
p.8 pp.7.15	Policy 27.1.3.1(d)(f)&(i)	Policy 27.1.3.1(d)(f)&(i)
p.7 pp.7.4	Objective 27.2.2 1	Objective 27.3.2.1
p.7 pp.7.5	Objective 27.2.2 2	Objective 27.3.2.2
p.7 pp.7.6	Policy 27.2.3.2	Policy 27.3.3.2
p.12 pp.7.44	Policy 27.3.3.6	Policy 27.3.3.6
p.12 pp.7.45	Policy 27.3.3.10	Policy 27.3.3.10
p.12 pp.7.46	Policy 27.3.3.11	Policy 27.3.3.11
p.9 pp.7.23	Objective 27.5.2	Objective 27.6.2
p.9 pp.7.24	Policy 27.5.3.1	Policy 27.6.3.1
p.10 pp.7.34	Objective 27.3.2	Not relevant
p.10 pp.7.35	Policy 27.3.3.1	Not relevant

- 5.9 Section 104(1)(c) allows me to consider any other matter that I consider relevant and reasonably necessary to determine the application. The applicant will undertake the proposed work in accordance with their functions under the Soil Conservation and Rivers Control Act 1941. Therefore, I have also considered the objectives of that Act as detailed in section 1.2 of the s42A report in making my decision.

6. WRITTEN APPROVALS AND SUBMISSIONS

- 6.1 Details of the written approvals from all the farming properties adjacent to the river in the vicinity of the proposed extraction are given in section 4.1 of the s42A report and are not repeated here.
- 6.2 Section 4.2 of the s42A lists the matters raised in Lamb Contracting Limited's submission which I repeat verbatim here:
- No cost benefit analysis is provided for the work.
 - The LIDAR information provided in the application is indecipherable.
 - The proposed stock pile positions are within a flood plain and will impede flood flows.

- The continued exercise of RM070685 is compromised by the activity.
- The guarantee of public access should be secured by the use of the excavated material to form the Wigzell Road extension towards the Northeast.
- There is no information in the application that suggests that people have continued access to the stock pile positions.

7. SUMMARY OF EVIDENCE HEARD

- 7.1 Mr Gary Clark, Transportation Manager for Tasman District Council, acting as the applicant, introduced the proposal, presented a poster of an aerial photograph⁴ of the application site for reference during the hearing and tabled a legal opinion⁵ from Antoinette Besier, Associate at Fletcher Vautier Moore, legal counsel for the Council.
- 7.2 Mr Richard Lowe, Rivers & Coastal Engineer for Tasman District Council, gave expert evidence on behalf and in support of the application. Mr Lowe tabled a statement of evidence⁶ which he read.
- 7.3 Mr Lowe considered that the removal of gravel will have a positive effect on river dynamics, increasing flood capacity, assisting in the realignment of the main flow channel to a more central position, in turn reducing the present erosion forces on the true left bank and a reduction in flood waters overtopping both the true left and right banks. He noted that the true left bank has come under increasing pressure from erosion as well as overtopping exacerbated by the December 2010 flood which had deposited significant volumes of gravel on the beach. He expressed a preference to extract the gravel from the upstream end of the beach to encourage development of the channel to the south as far upstream as possible.
- 7.4 Mr Lowe outlined the applicant's consultation with the submitter and discussed matters raised in the written submission. This includes the applicant's acceptance that:
- Stockpiled gravel would be setback from the channel;
 - The removal of gravel is for the purpose of flood management and does not require to meet any cost benefit analysis;
 - The focus of extraction under the application will be at the upstream end of the beach whereas the sand that the applicant believes Lamb Contracting Limited wants is located most abundantly at the downstream end of the beach;
 - The applicant has no budget or need to construct Wigzell Road as requested by the submitter;
 - The applicant has offered to extract material on behalf of Lamb Contracting Limited and place it at a location accessible to them; and,
 - LIDAR derived surveys demonstrates that there is in excess of 50,000 cubic metres of gravel within the application site.
- 7.5 Mr Dick Lamb, representing Lamb Contracting Limited, tabled further written submissions⁷ at the hearing which he read.
- 7.6 Mr Lamb outlined Lamb Contracting Limited's concerns regarding the application including:

⁴ Document 1: "Aorere River - Ferntown" aerial photo of application site flown 17 March 2009 at 11.10am.

⁵ Document 2: Letter dated 4 June 2014 titled "Gravel Extraction in the Lower Aorere River: Competing Extraction Consents" from Antoinette Besier, Associate at Fletcher Vautier Moore, to Gary Clark and Giles Griffith.

⁶ Document 3: Statement of Evidence by Richard John Lowe dated 30 June 2014.

⁷ Document 4: "Submission of Lamb Contracting Limited" dated 30 June 2014

- Insufficient information to assess the need for consent under the Soil Conservation and Rivers Control Act 1941;
- Removal of gravel from the downstream end of the beach being preferable as the reduction in the channel width at this point contributes to the elevated flood levels upstream;
- His preference for the relocation of the gravel within the bed of the river to protect the true left bank;
- His concern that the formation of stockpiles within the active flood plain will impede flood flows on the true right bank;
- His opinion that the formation of Wigzell Road as part of the application will enhance public access in accordance with Section 6(d) of the RMA to the gravel beach for Lamb Contracting Limited, whitebaiters, swimming, trout fishing and the general public; and
- His frustration at being denied practical access to the beach or to the most likely location of the stockpile by the adjoining landowner.

7.7 The Council reporting officer's section 42A report by Mr Pete Keyanonda and attached supporting expert evidence from Mr Eric Verstappen was circulated prior to the hearing, and were taken as read.

7.8 Mr Keyanonda was given the opportunity to comment on any matters raised during the hearing by the applicant or the submitter. He advised that he had now changed his recommendation from neutral with respect to the full amount applied for (14,000 cubic metres) based on the written evidence from Mr Verstappen and the evidence presented at the hearing. Mr Keyanonda answered questions I had regarding the proposed consent conditions and the status of the Rivers Activity Management Plan referred to in Paragraph 1.3 on page 5 of his report.

8. PRINCIPAL ISSUES IN CONTENTION

8.1 I now identify the principal issues that were in contention and my findings in relation to those issues. Based on the application documents, the submissions (written and verbal), the evidence presented at the hearing, and the contents of the officer's report, I consider the principal issues of contention to be:

- a) River bed stability and channel efficiency;
- b) Gravel management and effects on existing consent holders; and,
- c) Access.

River bed stability and channel efficiency

8.2 Mr Lowe, an experienced river engineer, provided expert opinion that the build-up of gravel on the beaches subject to the application since the December 2010 and subsequent floods has resulted in the river forming a deep channel on the true left of the river bed resulting in undercutting of the true left bank. Both Mr Lowe, in his evidence at the hearing, and Mr Griffith, in the application, state that by extracting the gravel from the right bank, in particular from the upstream end of the beaches, the flood carrying capacity of the river channel will be increased, the flow will be reduced along the true left bank and the need for hard rock protection reduced. These assertions were supported by the expert evidence given by Mr Verstappen in his written report. I heard no other expert evidence contradicting this opinion.

- 8.3 Mr Lamb was of the opinion that preference should be given to relocating the material within the bed by smoothing the curvature of the true left bank and to remove material from the downstream end of the beaches at a restriction in the width of the bed. Mr Lamb provided an opinion that the smoothing of the true left bank would relieve erosive forces from a pressure wave currently forming at the top end of the beaches due to the straight length of river upstream from the top beach. The removal of the gravel at the downstream end would remove material choking the flow at this point. While Mr Lamb has a BSc in geology and has been engaged in construction of civil engineering works as a contractor for over 40 years, he cannot claim to be an expert witness in river engineering.
- 8.4 Mr Keyanonda concluded that the proposal as presented is consistent with the relevant objectives and policies pertaining to river bed stability and channel efficiency in the Tasman Resource Management Plan in that the works will enhance the flood carrying capacity of the channel resulting in a positive effect for the environment and surrounding land owners.

Finding

- 8.5 I am satisfied, based on the evidence presented and my observations during my site visit, that the removal of gravel from the beach in accordance with the application and with the imposition of appropriate consent conditions will have a positive effect on the river bed stability and channel efficiency.

Gravel management and effects on existing consent holders

- 8.6 The applicant presented at the hearing a legal opinion prepared by Antoinette Besier, an Associate at Fletcher Vautier Moore, as legal counsel for the applicant regarding the application and how the application is affected by other gravel take consents for the same site.
- 8.7 The submitter, Lamb Contracting Limited, has consent RM070685 that enables it to abstract 2,000 cubic metres of gravel per year until the expiry on 7 April 2015.
- 8.8 The applicant holds global consent NN010109 for all rivers in the district which allows the extraction for river management purposes, of up to 4,000 cubic metres from a single site over a rolling 5 year period provided the extraction does not exceed its overall limit of 40,000 cubic metres extraction from all rivers in the Tasman district, for such purposes. As outlined in the legal opinion, the global consent held by the applicant is for beach clearance and fairway maintenance or improvement for river control purposes only. The consent prioritises separate gravel extraction consents and on this basis concludes that extraction under RM070685 has priority over the global consent and this application.
- 8.9 The question of relevance to this decision is whether there is sufficient volume of material available for the exercise of the existing consent RM070685, for the volume applied for under this consent RM130737 and the 4,000 cubic metres that the applicant intends to extract under consent NN010109.
- 8.10 Mr Griffith, in the response to the further information request dated 26 March 2014 provided a table showing the latest gravel yield calculations pre and post the December 2010 flood based on the LIDAR derived data. The net flood deposition volume is calculated as 14,639 cubic metres.
- 8.11 Mr Lowe, in his written evidence, stated that the beaches within the application area have more than an estimated 50,000 cubic metres of material.
- 8.12 Mr Verstappen, in his written evidence attached to the s42A report, provided a table estimating the volume of material above the 300 millimetre level above the normal water level. He estimates that 6,750 cubic metres is available on the upper beach, 7,050 cubic metres on the middle beach and 31,950 on the lower beach.

- 8.13 Mr Lamb provided a plan dated 12 September 2011 showing deposition and degradation as determined by the difference between surveys conducted by M.Potter in May 2008 and by Davis Ogilvie in August 2011. The plan shows deposition in roughly a similar pattern to that provided by Mr Griffith except for the downstream end of the beaches.

Finding

- 8.14 I am satisfied, based on the evidence presented, that there is sufficient gravel to allow the extraction of material from the beach in accordance with the two existing consents and this application.

Access

- 8.15 Mr Lamb outlines his frustrations that he and his company Lamb Contracting Limited have had over access to the gravel and the ability to give effect to the resource consent to abstract material from the beaches.
- 8.16 Practical but not legal access to the beaches is provided through land owned by Nalders Rockville (2001) Limited who revoked access to the submitter on 15 December 2012. The applicant proposes to use this existing access to the beaches. The submitter has requested that the applicant as part of this consent forms a new access over legal road reserve which runs as an extension of Wigzell Road in order to provide practical and legal access for both the submitter and the public.
- 8.18 Mr Lamb contended that the applicant is required to enhance public access under Section 6(d) of the RMA and provisions to enhance amenity.
- 8.17 Mr Clark, for the applicant, stated that the Council, as roading authority, had no interest or need in forming the road but did not object if the submitter wished to complete the works themselves.

Finding

- 8.18 I am satisfied, based on the evidence presented and observations made during my site visit, that there is practical access for the applicant to the site. I am not convinced that the provision of an alternative access for the benefit of both the submitter and the public is within the scope of the application and is not necessary as an offset mitigation as the adverse effects of the application can be adequately avoided, remedied or mitigated through the imposition of appropriate resource consent conditions.

9. DECISION

- 9.1 Pursuant to Section 104B of the Act, I **GRANT** the consent applied for, subject to conditions.

10. REASONS FOR THE DECISION

- 10.1 Having regard the key issues that have been raised through the evidence and submission, and taking account of the conditions of consent I have imposed, I conclude that any adverse effects on the environment, including effects on existing consent holders and access will be minor, and I consider that such adverse effect will be well off set by the positive effects resulting from increased river bed stability, and better channel efficiency, resulting from effective gravel management in this reach of the Aorere River.
- 10.2 I consider that the proposal is generally consistent with the relevant provisions within Chapter 27.1 (Adverse Effects on Ecosystems), Chapter 27.3 (River Bed Stability and Channel Efficiency) and 27.6 (Natural Character, Landscape, Cultural, Recreational and Amenity Values) of the TRMP, as itemised in the table below paragraph 5.8 of this decision.

10.3 Adopting a broad overall judgement approach to the purpose of the Act, I am satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

11.1 The reporting officers put forward a draft set of conditions for the consent applied for in his report. I have generally adopted those proposed conditions, except for the following matters:

- Amendment to condition 1.5 regarding the matters to be determined by the supervising engineer to include the positioning, alignment and shape of the gravel stockpiles;
- Proposed condition 2.2 has been changed to an advice note;
- Inclusion of a new condition 2.3 explicitly excluding the processing of material onsite from this consent;
- Proposed condition 5.1 has been changed to an advice note;
- Amendment to proposed condition 5.2 to include the word unavoidable when determining restrictions on public access;
- Amendment to condition 8.3 to include situations where spills are likely to affect water;
- Amendment to conditions 9.4.1 and 9.4.3 to ensure consistency of wording;
- Amendment to condition 11.1 to require the provision of a detailed monitoring plan commensurate with the scale of the activity prior to the consent being given effect to;
- Proposed condition 11.2 has been changed to an advice note at the end of the decision;

Issued this 18th day of July 2014

Dr Jeff Jones
Independent Commissioner



RESOURCE CONSENT

RESOURCE CONSENT NUMBER: RM130737

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consents to:

Tasman District Council
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THESE CONSENTS:

To disturb the bed of the Aorere River for the removal of up to 14,000 cubic metres of gravel for river management purposes under the Soil Conservation and Rivers Control Act 1941 to prevent or mitigate the adverse effects of flooding.

LOCATION DETAILS:

Address of property: The beach is accessed via a private access at 149 Swamp Road.
Legal descriptions: Crown River Bed - Aorere River
Easting and Northing: 1569874E 5497874N (at access point to beach)

CONDITIONS

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. Best Management Practices

- 1.1 All work authorised under this consent shall conform with contemporary Best Management Practices and shall be undertaken under the supervision of an appropriately qualified engineer with relevant river control experience.
- 1.2 All works shall be inspected by the Engineering Manager of the Council (or his delegate), as soon as practicable upon completion. The Engineering Manager shall ensure that any defective work is remedied within four weeks of the inspection. The Engineering Manager shall ensure that a log of such inspections, including any remedial requirements and the remedy thereof.
- 1.3 All works carried out under this consent shall be substantially in accordance with the RM130737 application, unless otherwise limited by other conditions of this consent.
- 1.4 One week before work commences the applicant shall inform the Council’s Co-ordinator Compliance and Monitoring.
- 1.5 The stock pile positions shall be determined by an appropriately qualified engineer with river control experience. The positioning, alignment and shape of the gravel stockpiles shall not cause the deflection or diversion of flood waters that will cause adverse effects on any buildings, structures or property.

2. Restricted Activities

- 2.1 No gravel extraction or fairway clearance shall be permitted within 50 metres of colonies of birds that are nesting or rearing their young on gravel beds in this consent.

Advice Note:

For the purpose of this consent, a colony of birds is defined as more than three nest sites within a 10 metre radius.

- 2.2 No works shall occur during the main period of inanga (the principal whitebait species) spawning, 15 February to 31 May.
- 2.3 For the avoidance of doubt, this consent does not authorise any processing of material on site.

3. Construction Noise

- 3.1 Construction noise emanating from the river protection works shall meet the limits recommended, and be measured and assessed, in accordance with NZS6803:1999 the Measurement and Assessment of Noise from Construction, Maintenance, and Demolition Work. Construction noise includes the noise generated from the extraction and stockpiling of gravel and any associated works.

4. Hours of Operation

- 4.1 Works shall only occur between the hours of 0700 and 1800 from Monday to Friday, and from 0800 to 1230 on Saturdays. Works shall not occur on Sundays or Public Holidays.

5. Access and Safety

- 5.1 The consent holder shall ensure that, as a result of carrying out any river works authorised by this consent, public access to riverbeds shall not be restricted, other than in situations where there is an unavoidable, demonstrable and unavoidable risk to public safety.

Advice Note:

This consent does not convey any right of access to any land. Any arrangements necessary for access are the responsibility of the Consent Holder.

- 5.2 The consent holder shall erect warning notices where their activities are potentially hazardous to any person using the associated reach of river.

6. Discolouration of Water

- 6.1 The consent holder shall ensure that, as a result of carrying out any river works authorised by this consent the clarity of the receiving water shall not be decreased after reasonable mixing, by more than 50%, determined by the average of three water clarity measurements over an eight hour working day and by more than 20% 12 hours after cessation of activity.
- 6.2 The point of measurement for water clarity shall be approximately 200 metres downstream of the work site, but not less than seven wetted channel widths downstream. Clarity shall be compared with the stream clarity immediately upstream of the work site.

7. Deposition of Fine Sediment

- 7.1 The consent holder shall ensure that, as a result of carrying out any river works authorised by this consent, which discolour the river flow at times of spawning or egg development, that deposition of fine sediment (i.e. less than < 2mm diameter) on the river bed shall not be

increased by more than 10% at any time. This shall be measured using the Bain and Stevenson method.

8. Contaminants

8.1 The consent holder shall ensure that, as a result of carrying out any river works authorised by this consent, the risk of contaminants entering water is minimised by ensuring that:

8.1.1 No contaminants (including, but not limited to oil, hydraulic fluids, petrol, diesel, other fuels, lubricants, paint, or solvent, but excluding sediment) are stored on the riverbed.

8.1.2 The refuelling or cleaning of equipment shall not take place in a position where spills may enter the river directly or indirectly (e.g. subsurface flow).

8.2 All spills shall immediately be contained, controlled by an approved product, and shall be removed from the site and disposed of as directed by Council's Co-ordinator Compliance and Monitoring.

8.3 Council's Co-ordinator Compliance and Monitoring shall be immediately informed of any spill affecting or likely to affect water.

9. Extraction of Gravel

9.1 The extraction of gravel and removal of overburden (clay, silt and vegetation) shall be limited to beach clearance and fairway maintenance or improvement for river control purposes, in accordance with best management practices.

9.2 The extraction sites and intended volumes for extraction shall be described in the annual works programme and variations forwarded to the Council's Co-ordinator Compliance and Monitoring.

9.3 The consent holder shall keep a daily record of the gravel removed and shall forward to the Council's Co-ordinator Compliance and Monitoring at the end of every week.

9.3.1 A copy of each annual river work programme and a record of the quarterly gravel returns and completed work reports (on a site by site basis) shall be supplied by the Engineering Manager to the Council's Co-ordinator Compliance and Monitoring.

9.3.2 Returns are to be submitted in "m³ solid measure". A multiplier of 0.80 shall be used to convert "truck measure" to "solid measure".

9.4 No gravel shall be extracted from flowing water channels.

9.5 Material shall only be removed from those beaches that are more than 300 mm above normal water level.

9.6 Vehicles and machinery shall not be operated within 3 metres of flowing water channels.

9.7 Shingle supervision and management fees have been set by Council resolution and will be payable on any gravel and sand extracted.

10. Complaint Register

10.1 The consent holder shall maintain a complaint register, which details the content of all complaints received and of actions taken where necessary to remedy any issue. Copies or details of the Complaint Register shall be made available to Council's Co-ordinator Compliance and Monitoring on request.

11. Monitoring

- 11.1 The consent holder shall, one month prior to this consent being given effect to, provide the Council's Co-ordinator Compliance and Monitoring with a detailed monitoring plan indicating the means by which adverse effects will be identified and where necessary, incorporated as changes to any subsequent river works plan.
- 11.2 The consent holder shall meet all annual fees and charges as may be set by Council resolution.

12. Review

- 12.1 Pursuant to Section 128 of the Resource Management Act 1991, Council reserves the right at any time during the term of this consent to review the conditions in order to deal with any adverse effect which may arise from the exercising of the consent. This shall include but not be restricted to:
- (a) The actual or projected effects of the extraction of river materials on river stability as determined by analysis of cross section survey data; and/or
 - (b) Discolouration of Water Condition 9.1.

13. Expiry

- 13.1 This consent shall expire in two years from the date this consent first becomes effective.

GENERAL ADVICE NOTES

1. Officers of the Council may carry out site visits to monitor compliance with resource consent conditions.
2. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. Attention is drawn to the provisions of the Historic Places Act 1993 that requires that in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) all work must cease immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.
5. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - (b) be allowed by the Resource Management Act; or
 - (c) be authorised by a separate resource consent.

Issued this 18th day of July 2014

Dr Jeff Jones
Independent Commissioner

The meeting concluded at 4.15 pm

Date Confirmed:

Chair:

Unconfirmed