

Non-notified resource consent application report and decision

Summary of decision

File Reference:	WGN170076
Date Granted:	31 October 2017
Applicant:	Benge Est Limited (C/- Shayne Edwards)
Decision made under:	Section 104B and 108 of the Resource Management Act 1991 (the Act)
Consents Granted:	<p>Operative Regional Plans</p> <p>[34330]: Discretionary activity Land use consent - river bed disturbance in the Wainuiomata River associated with gravel extraction.</p> <p>[34331]: Discretionary activity Water permit – surface water take from the Wainuiomata River for irrigation purposes.</p> <p>Proposed Natural Resources Plan</p> <p>[34330]: Discretionary activity Land use consent - river bed disturbance in the Wainuiomata River associated with gravel extraction.</p> <p>[34331]: Restricted discretionary activity Water permit – surface water take from the Wainuiomata River for irrigation purposes.</p>
Activity:	To disturb the river bed of the Wainuiomata River for the purposes of extracting gravel to be used on farm tracks, and to take and use water from the Wainuiomata River for the irrigation of crops and pasture.
Location:	Wainuiomata River, 1044 Coast Road, Wainuiomata

Map Reference: At or about map reference NZTM 1759536.5420745

Legal Description: Lot 2 DP 380969

Duration of Consents: Water permit [34331]: 10 years to expire on 31 October 2026
Land use consent [34330]: 10 years to expire on 31 October 2026

Consent conditions: Attachment 1


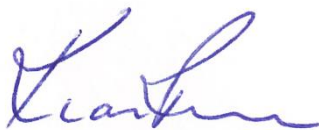

Processing timeframes:

Application lodged: 29/09/16 **Application officially received:** 30/09/16

Applicant to be notified of decision by: 31/10/16 **Applicant notified of decision on:** 31/10/16

Time taken to process application: 20 working days

Decision:

Decision recommended by:	Heidi Andrewartha	Resource Management Consultant	
Decision peer reviewed by:	Kirsty van Reenen	Resource Advisor, Environmental Regulation	
Decision approved by:	Jeremy Rusbatch	Team Leader, Environmental Regulation	

Reasons for decision report

1. Background and proposal

1.1 Background

The applicant has applied for a land use consent to extract gravel from the bed of the Wainuiomata River, and also a water permit to extract water from the Wainuiomata River to irrigate crops and pasture. The gravel will be used in the maintenance of farm tracks.

The application is a renewal of two previous consents for similar activities (WGN060129 – [24903] water permit and [24936] gravel extraction). Both of these consents expired on 2 October 2016.

Consent WGN060129 [24936] gave approval to extract gravel at the rates of up to 500m³ per year for the first two years and 100m³ per year thereafter, from dry beaches in the Wainuiomata River and the associated disturbance of the bed of the river.

Consent WGN060129 [24903] gave approval to take up to 33 litres/second (l/s), 20 hours per day, 7 days per week, 2,376m³/day, 30 weeks per year from the Wainuiomata River for farm irrigation purposes. This equated to 498,960m³/year.

1.2 Gravel extraction methodology

The applicant proposes to continue extracting gravel from several dry beaches along the Wainuiomata River during low flow periods (summer months). This will occur on beaches within the applicant's property (Lot 2 DP 380969) – see Figure 1 below. They propose to extract 150m³ per year for the next 10 years.

The works will be undertaken by an excavator, tractor and trailer (owned by the applicant). It is proposed that the material will be taken and used when and where required for maintaining existing farm tracks. As such, stockpiling of the gravel is not proposed.

On completion of gravel extraction, the applicant proposes to contour the area back to a natural state. No proposed gravel extraction will occur in the wetted channel, nor is it proposed that any machinery will enter the wetted channel (except for machinery to cross the river to get to the gravel extraction bed on the other side).

1.3 Surface water take details

The proposal is to continue taking surface water from the Wainuiomata River at the following rates:

- Take water at maximum rates of 33 l/s, up to 20 hours per day (2,376m³/day) and 132 days per year (315,000m³/year).

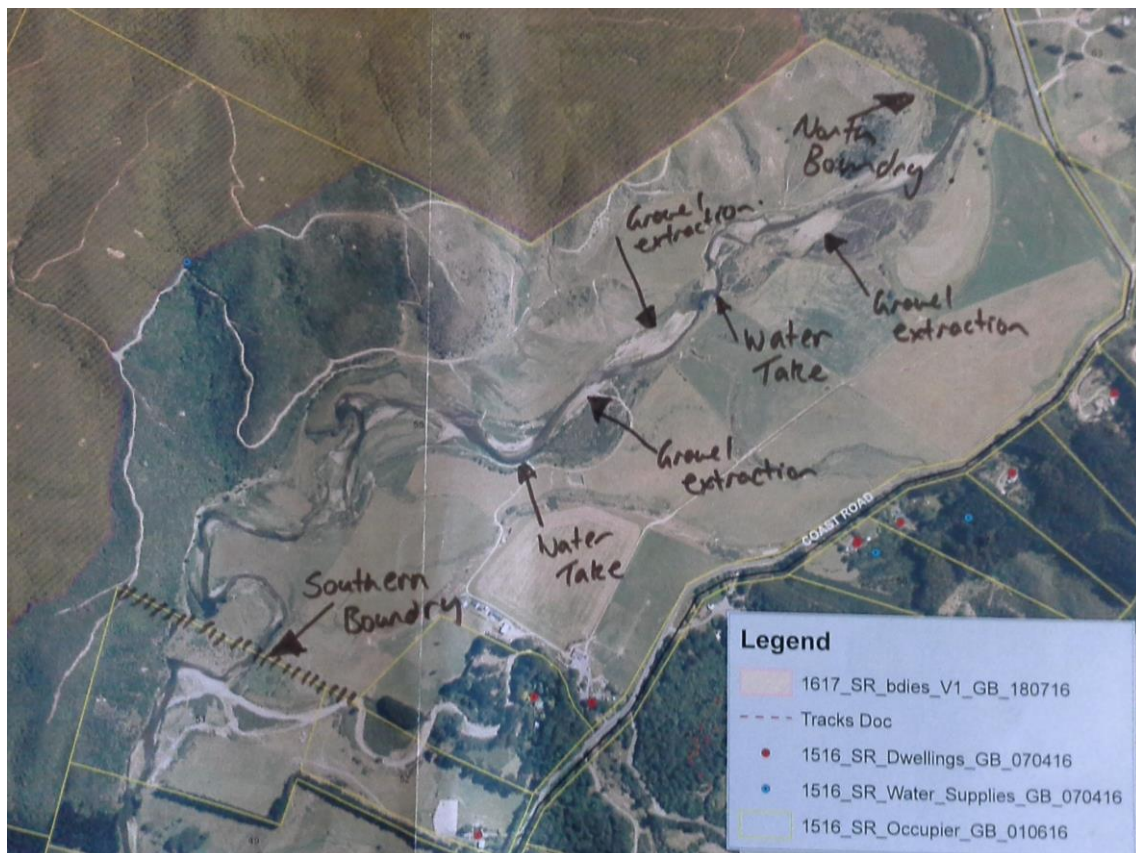
It is noted the applicant has agreed to revise the annual volume to be taken to ensure efficient use of water (refer section 5.3). As such, they have reduced the previously consented annual volume of 498,960m³/year to 315,000m³/year.

It is also noted that the applicant states that the existing irrigation equipment is only capable of taking 24 l/s. However they seek to maintain the previously consented maximum rate of 33 l/s as they intend to upgrade the existing equipment, or install a second pump.

The applicant proposes to irrigate 4-10ha of crops and 50ha of pasture. Irrigation takes place by way of spray irrigation (travelling irrigator).

The applicant uses a portable, screened intake structure which allows the river bank to remain clear of the structure when irrigation is not in use. There is a permanent delivery headworks containing valving and metering at points adjacent to these intake areas.

Figure 1: Location of proposed works



2. Reasons for resource consent

2.1 Operative Regional Plans

RMA section	Plan	Rule	Status	Comments
13	Regional Freshwater Plan	38	Permitted	Rule 38 allows for minor extraction of gravel from a river bed as a permitted activity as long as it is less than 15m ³ /year for an individual's reasonable domestic needs or 50m ³ /year for the reasonable on property needs of a land owner on whose property the river bed lies. In this case the applicant intends to extract 150m ³ /year until the end of 2017. As such, the activity falls as a discretionary activity under rule 49.
		49	Discretionary	
14	Regional Freshwater Plan	7	Permitted	The application involves the taking and use of more than 20,000 litres per day and the abstraction of water at a rate of more than 2.5 litres/second and therefore requires consent
		16	Discretionary	

The Wainuiomata River is listed in Appendix 4 of the RFP as having important trout habitat including spawning areas. It is also listed in Appendix 5 as having regionally important amenity and recreational values – specifically for angling, and Appendix 7 as having water quality needing enhancement for aquatic ecosystem purposes, contact recreation purposes and fishery purposes.

2.2 Proposed Natural Resources Plan

The Proposed Natural Resources Plan (PNRP) was publicly notified by the Council on 31 July 2015. All rules in the PNRP have immediate legal effect under section 86B(3) of the Act. As the application was lodged after 31 July 2015, the PNRP is relevant to determining the resource consents required, activity status, the notification decisions and the substantive assessment of the proposal under section 104 of the Act.

RMA section	Rule	Status	Comments
13	R120	Permitted	Minor gravel extraction is permitted under Rule R120 as long as it accords with a number of conditions including that it is less than 15m ³ /year for an individual's reasonable needs or 50m ³ /year for use on the property on which the river bed occurs or is adjacent to. In this case the applicant intends to extract 150m ³ /year for the next 10 years. As such, the activity falls as a discretionary activity under rule R129.
	129	Discretionary	

RMA section	Rule	Status	Comments
14	136	Permitted	<p>The application involves the taking and use of more than 2.5 litres/second and therefore does not meet the permitted activity standards in Rule R136.</p> <p>The taking of water is a restricted discretionary activity under Rule WH.R1. The matters of discretion under Rule WH.R1 that are relevant to this application are:</p> <ul style="list-style-type: none"> • The reasonable and efficient use of water • The timing, amount, and rate of taking water including instantaneous (L/s), daily (m³/day) and seasonal requirements and duration and timing of peak daily take rate • Interference effects on existing lawful water takes • Effects due to local flow or water level depletion on wetlands, springs or the downstream river reach in the same catchment management unit • Reduction in the rate of take from surface water at times of low flow and restrictions when rivers approach or fall below the minimum flows • Measuring and reporting, including the guideline in Schedule S (measuring takes) • Preventing fish from entering water intakes
	WH.R1	Restricted discretionary	

The proposal activity is located in the Wainuiomata River. This is listed in the following Schedules of the PNRP:

- Schedule I – Important trout fishery river and spawning area
- Schedule C4 – the river mouth and foreshore are listed as a site of significance to Taranaki Whanui kit e Upoko o te Ika a Maui. This is at least 4-5 km away from the application site.
- Schedule F1 – Significant indigenous ecosystems
- Schedule H1 – Regionally significant primary contact recreation water body
- Schedule H2 – Priority for improvement of water quality for contact recreation and Maori customary use (primary contact)

2.3 Overall activity status

Overall, the activity must be assessed as a discretionary activity under the operative Regional Freshwater Plan and a discretionary activity under the Proposed Natural Resources Plan.

The most stringent activity class applies for the activities proposed – which in this case is a discretionary activity class.

3. Consultation

Iwi authority	Comments
Port Nicholson Block Settlement Trust	No opposition to proposal as it is renewing an existing take.
Ngati Toa Rangatira	No comment provided, therefore it is assumed they have no concerns.
Other parties or persons	Comments
James Flanagan (GW Flood Engineer, Flood Protection)	No issues with the application and the area is not within a Flood Scheme administered by GWRC.

4. Notification decision

A decision was made to process the application on a non-notified basis on 27 October 2016. Further information on the notification decision is provided in document # 170076-788878747-33.

5. Environmental effects

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application.

5.1 Effects on surface water allocation

5.1.1 Under the operative RFP

The operative RFP (Policy 6.2.1 (2)) specifies a core allocation limit of 65 l/s for the lower Wainuiomata River. There is only one take from the lower Wainuiomata River – that being the applicant's previous consent. As such, the continuation of the proposed take at 33 l/s would be within the core allocation limit of 65 l/s identified in the RFP.

5.1.2 Under the PNRP

Under the PNRP the Wainuiomata River and its tributaries have a core allocation amount specified of 180 l/s. It is noted that this core allocation amount includes both the upper and lower Wainuiomata River. In the upper catchment, GWRC hold several large water take consents for public water supply. As a result of this, currently the Wainuiomata River is 630.9% allocated (the core allocation limit has been exceeded).

Despite this, policy WH.P2 states that the take and use of water within any specific catchment management unit, should not exceed whichever is the greater of:

- The total amount allocated by resource consents (at the date the consent application is lodged), or
- The allocation amounts specified in Tables 8.2 and 8.3.

In this case, the applicant is not proposing to increase the rate of take – in fact they are reducing the total annual volume previously consented. The amount requested is therefore within existing consented limits and the total amount allocated by resource consents. As such, it will accord with Policy WH.P2 of the PNRP and is considered acceptable.

I am satisfied that the environmental effects from surface water allocation can be appropriately managed through the recommended consent conditions in Attachment 1.

5.2 Effects on surface water and minimum flows

The previous water permit had the following restriction regime in place (by way of conditions of consent):

Flow in Wainuiomata River at Leonard Wood Park recorder	Allowed rate of take
More than 360 litres/second	33 litres/second
360-345 litres/second	30 litres/second
345 – 300 litres/second	25 litres/second
Less than 300 litres/second	Take shall cease

I consider that the applicant must cease taking water from the river when river levels fall below 300 l/s. This is in line with policy 6.2.1(1) of the RFP and policy WH.P1 of the PNRP. This, if adhered to, will ensure water quality is maintained and ecological habitat in the river is adequately protected.

The RFP requires that the first stepdown allocation for the lower Wainuiomata River should be 60 l/s (when the river is below 360 l/s), and the second stepdown allocation should be 50 l/s (when the river is below 345 l/s). There is only one direct surface water take from the Wainuiomata River (the applicants). As such, their proposed take of 33 l/s is below both stepdown allocations (of 60 l/s and 50 l/s). It could therefore be argued that these are not relevant at the current time.

Furthermore, the PNRP has no step down allocations in place for the Wainuiomata River. I therefore consider that stepdown allocations are not required for this water take, however a cease take should remain in place.

I am satisfied that the environmental effects on surface water can be appropriately managed through the recommended consent conditions in Attachment 1.

5.3 Reasonable and efficient use of water

Policy 6.2.6 of the Operative Freshwater Plan states that water is to be allocated for irrigation purposes to a maximum rate of 350m³/ha/week. The applicant proposes to take up to 16,632m³/week to irrigate 50ha of pasture and 4-10ha of crops (green feed). This equates to an irrigation rate of approximately 277m³/ha/week (including the crop irrigation)¹. This is less than the maximum application rate of 350m³/ha/week specified in the RFP.

The Irrigation Reasonable Use Database (Irricalc) is an online tool used to calculate irrigation requirements. The crop, plant available water, irrigation method and climate information for the particular site are put into the tool and a daily and annual volume is calculated for the site. I have used irrivalc to calculate the irrigation requirements under the proposed regime.

The daily volume estimated by Irricalc is 3,180m³/day and the annual volume is 315,000m³/yr. As such, the daily volume of water to be taken by the applicant is less than what Irricalc states to be a reasonable use.

With regard to the annual volume of water to be taken, the previous consent gave approval for 498,960m³/year. This is a lot higher than what Irricalc recommends as the annual volume (315,000m³/year). The applicant has agreed to reduce their annual volume from what was previously consented, to what has been predicted by irrivalc.

Should more water be needed at some future date the applicant will be able to apply for a change of consent conditions. A reasonable and efficient use assessment would need to accompany the change of conditions application.

I am satisfied that the applicant's proposed daily and annual is an efficient use of water.

5.4 Alternative options for water take

Policy 6.2.7 of the RFP encourages users to take water from groundwater as an alternative to surface water. Under the PNRP the take is not located in a specified groundwater management unit. However due to the proximity to the Wainuiomata River, any groundwater take is likely to have a direct connection with the river itself. Furthermore, the applicant already has a high level of investment in the existing irrigation systems and the costs of installing a new bore are considered impractical. As such, it is considered the surface water take is acceptable.

¹ The irrigation rate based solely on irrigation of 50ha of pasture is 333m³/ha/week.

5.5 Gravel extraction

The extraction of gravel is used both to improve the flood-carrying capacity of rivers by reducing the build-up of gravel within the flood channel, and to source aggregate. However, over-extraction can destabilise channels and banks, and/or affect the ecologic functioning of rivers, particularly if undertaken at the wrong time, the wrong place, or in a way that damages the river bed or margins.²

The potential impacts of over extracting gravel are well known (e.g. Kelly et al. 2005; Rinaldi et al. 2005) and include (but not limited to): bed degradation and consequent effects on channel and bank stability, increased sediment loads, decreased water clarity and sedimentation, changes in channel morphology and disturbance of ecologically important roughness elements in the river bed, ecological effects on bird nesting, fish migration, and other instream aquatic species.³

To mitigate the effects of gravel extraction, regard must be given to the sustainable rate of extraction, the manner in which gravel is extracted and the specific sites from whence it will be extracted.

The application site has a 1.8km stretch of the Wainuiomata River running through it. It is proposed to extract gravel from three existing unconnected beaches within this stretch (shown on the photographs submitted with the application and on Figure 1 above).

The applicant has stated that no machinery will enter the wetted channel and no gravel will be taken from the wetted channel. As such, there will be less than minor adverse effects pertaining to sedimentation in the river. Although some loose sediment may be left on the beaches following extraction, this is considered to be minimal and will wash downstream during flood flows when the water already contains high levels of sediment.

It is noted that the Wainuiomata River is not listed in Schedule F2a as having habitat for indigenous bird species. Furthermore, as the gravel extraction will occur on the dry river beaches only, there will be less than minor effects on instream aquatic species (including trout) and fish migration. Despite this, a condition of consent will ensure works take place outside of the peak spawning and migration periods for native fish species (in line with Department of Conservation Requirements)⁴.

I therefore consider that with the conditions of consent mentioned above, there will be less than minor adverse effects pertaining to sedimentation of the Wainuiomata River, and on trout and other aquatic species.

² Management of gravel extraction by Nelson City Council. Report produced for Nelson City Council by L. R. Basher of Landcare Research. June 2006

³ Management of gravel extraction by Nelson City Council. Report produced for Nelson City Council by L. R. Basher of Landcare Research. June 2006

⁴ This is a requirement from DOC listed in the Memorandum of Understanding between GWRC and DOC for gravel extraction on rivers listed in Schedule F1 of the PNRP.

5.6 Potential flooding effects

Gravel extraction has potential to cause further problems downstream of the works, and if done without expertise, could cause river bends to ‘blow-out’ during flood events, causing significant sedimentation of the river and bank erosion. It also has the potential to affect existing Flood Protection Schemes that are administered by GWRC.

I have consulted James Flanagan (GWRC Flood Protection) with regards to the proposed gravel extraction. He has stated that the proposed area for gravel extraction is outside of the area that they manage for flood protection purposes and that there is no scheme in place at that location. He also states that the areas identified for ongoing gravel extraction are well established gravel/sand beaches and the extraction volumes are reasonable (as such there is a sufficient volume of alluvial material available). As the extraction will occur in the dry on well-established beaches, he does not believe there will be any downstream effects such as erosion or scour.

Gravel should be extracted in such a way to keep the beach at an even grade and to ensure a new channel is not created from the extraction. I have recommended conditions of consent to ensure appropriate extraction and rehabilitation methods are implemented. I note that the applicant has stated that there will be no stockpiling of gravel on the beaches as material will only be taken when it is required. Following extraction of gravel the beaches will be contoured back to their natural state.

I therefore consider there will be less than minor effects pertaining to flooding, erosion and scour resulting from the proposed gravel extraction. Standard conditions of consent pertaining to extraction from the beaches only and not leaving stockpiles on the beaches will apply.

5.7 Summary of effects

Given the assessment above, it is considered that the proposed activity will not result in any more than minor effects when undertaken in accordance with the recommended consent conditions.

6. Statutory assessment

6.1 Part 2

Part 2 of the Act outlines the purposes and principles of the Act. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the Act.

6.2 Matters to be considered – Section 104-108

Section 104-108 of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(b)(ii)	Other Regulations – Measurement & Reporting of Water Takes 2010	Standard conditions for water take consents meet the minimum requirements of these Regulations. I note that that GWRC's Compliance Monitoring Strategy requires real time telemetry and data loggers for water takes within the Wainuiomata surface water management zone. However in this case, the meter is moved round and as such it is not considered appropriate for the applicant to upgrade their meter, invest and install data loggers and telemetry at this stage. This may however be required if water meter readings show non-compliance.
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2014	The NPSFM is given effect to through transitional policy 6.2.4A in the RFP (see below).
104(1)(b)(v)	Regional Policy Statement	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS.
	<i>Objective/Policy</i>	<i>Comment</i>
	40, 43	The water take is limited to a specific amount of water which will allow sufficient water to maintain aquatic ecosystem health and functioning. Gravel extraction will occur on dry beaches only, ensuring aquatic ecosystem health and functioning is maintained.
	41	One of the primary effects of gravel extraction is sedimentation of waterways. However as extraction will not take place in the wetted channel, I consider there will be less than minor effects pertaining to sedimentation.
	44	These policies aim to manage water takes to ensure efficient use. The applicant has agreed to reduce the annual amount of water to be taken to meet with volumes calculated by the irrircalc model. I consider the volume of water applied for to be efficient given its end use.
	45	
	48	Neither Te Runanga o Toa Rangatira or Port Nicholson Block Settlement have raised concerns regarding the water take and the gravel extraction.
49		

RMA section	Matter to consider	Comment
104(1)(b)(vi)	Operative Regional Freshwater Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Regional Freshwater Plan.
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective 4.1.1 and policy 4.2.1, policy 6.14, 7.2.2	These provisions aim to maintain tangata whenua's relationship with freshwater. The consent application has been sent to relevant iwi authorities for consideration. Neither parties raised any objections to the application.
	Objective 6.1.1 and policy 6.2.1	This policy and objective aim to allow people to take and use surface water whilst maintaining water levels in the river. The proposed application will enable the applicant to take and use water for the irrigation of horticulture and pasture. Conditions of consent will ensure the applicant ceases the water take in time of low flows. This will ensure flows maintain the natural and amenity values on the river.
	Objective 6.1.3 and policies 6.2.18 and 6.2.19	These provisions aim to ensure water takes are reasonable given their intended use and to promote water conservation. I have assessed the application against policy 6.2.6 of the RFP and consider the applicant's proposed water take to be reasonable given its use and proposed area of land to be irrigated. It is also noted that the applicant has agreed to reduce the annual volume of water to be taken in accordance with irrircalc models.
	Policies 6.2.6 and 6.2.18	This policy aims to manage water takes to ensure efficient use. The applicant has agreed to reduce the annual amount of water to be taken to meet with the irrircalc model. I consider the volume of water applied for to be efficient given its end use.
	Policy 6.2.4A	The application is to continue an established activity, albeit at a reduced annual rate of take. As discussed in Section 5 of this report, the adverse effects are no more than minor. Therefore, policy 6.2.4A does not relate to this proposal. I consider the application to be consistent with the objectives and policies of the NPSFM.

RMA section	Matter to consider	Comment
	Policy 6.2.7	The surface water take is likely to be similar in nature to a groundwater take in this area as groundwater is likely to have a direct hydraulic connection with surface water.
	Policies 4.2.9, 4.2.11, 7.2.2	As the gravel extraction will take place on the dry beaches only, there will be less than minor effects on aquatic habitats and freshwater ecosystems, water quality and natural flow characteristics.
	Policy 7.2.1	The extraction of gravel is permitted under this policy providing adverse effects are avoided, mitigated or remedied. As stated above, there are considered to be less than minor adverse effects.
	Policy 7.2.11	The Wainuiomata River is not identified as an area with indigenous bird species. However a condition of consent will require beaches to be checked prior to gravel extraction.
	Policy 7.2.13	GWRC Flood Protection does not consider the amount of gravel to be extracted from the well-established river beaches, will result in any increase to flood/erosion hazards.
	Proposed Natural Resources Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Proposed Natural Resources Plan.
	<i>Objective/Policy</i>	<i>Comment</i>
	Objectives O4, O5, O23, O24, O25, O30, O35, Policies P10, P31, P33, P40, P122, WH.P1	A minimum river level will be maintained by way of a cease take condition. This will safeguard aquatic ecosystem health, safeguard trout habitat, provide for contact recreation and ensure the intrinsic values of the river are protected. It will also ensure the water quality in the river is maintained.
	Objective O52, Policy P118,	The water take is efficient and reasonable.
	Objective O8 and Policy P7	The benefits of using the water will be the growing of pasture/crops to feed stock in a farming operation.
	P107, P111, WH.P1, WH.P2	The take and use of water from the Wainuiomata River will ensure minimum flows are maintained. Although the Wainuiomata River is currently over allocated, the proposed water take is within the requirements of policy WH.P2 as it does not exceed the total amount allocated by existing resource consents.

RMA section	Matter to consider	Comment
	P110	The proposal is in line with the NPS for freshwater management.
	Objective O2	The extraction of gravel will be used for farm tracks, thereby aiding in the economic development of the farm.
	Objectives O4, O5, O17, O23, O25, O30, Policies P4, P25, P31, P40, P105	Gravel extraction will not impact upon the intrinsic values of the Wainuiomata River, water quality, trout habitat or aquatic ecosystem health as the works will take place outside of the wetted channel. Furthermore, the beaches are well established and there is sufficient gravel available for extraction without having more than minor effects on natural character.
	Objective O9, O24, Policy P10,	Although gravel extraction may impede recreational users of the river (anglers), it will only occur on a temporary basis and there will be other parts of the river available for fishing. Furthermore, as the extraction will take place in the dry, water quality will be maintained.
	Objective O14, Policy P17, P19	Maori relationships are recognized and relevant iwi authorities have raised no objections to the applications.
	Policies P97, P103	As the gravel extraction will occur on the dry beaches, there will be less than minor effects pertaining to sedimentation of the Wainuiomata River. The extraction will occur from well-established beaches and will not result in an increase in flooding or erosion.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
104(2A)	Value of investment for existing consents	I have considered the value of existing investment associated with this application.
108	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. Any additional conditions are outlined in Section 5 of this report. All conditions are documented in Attachment 1 to this report.

6.3 Weighting of the Proposed Natural Resources Plan

As the conclusion reached under the operative Regional Freshwater plan assessment is consistent with that reached under the Proposed Natural Resources Plan there is no need to undertake a weighting exercise between the two Plans.

7. Main findings

In conclusion:

1. The proposed activities are consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activities are consistent with the relevant objectives and policies of the Regional Policy Statement and the Operative Regional Freshwater Plan and the Proposed Natural Resources Plan, NPS for Freshwater Management and the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.
3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.
4. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.
5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be no more than minor.

8. Duration of consent

I propose to grant the water permit for approximately 10 years to expire on 31 October 2026. This is consistent with other water takes in the Wellington Region.

I propose to grant the land use consent for gravel extraction for ten years. As such, the expiry date will be 31 October 2026.

9. Monitoring

The following compliance monitoring programme will be undertaken during the consent term:

- Annual assessment of water use records (it is noted that there is a mechanical meter set up on the mobile unit which was verified on 17 February 2015)
- A recommended condition of consent will require the consent holder to take a series of photographs of the site (pre-extraction), during the extraction activity and photographs of the site following completion of the extraction for each extraction site. A condition will require the consent holder to forward a copy of the photographs as well as the record of the volume extracted to GWRC within one week of the photographs being taken. This will enable compliance with the consent conditions to be assessed for the term of this consent.

Charges relating to this monitoring programme are outlined in the cover letter enclosed with this report.

Attachment 1: Consent conditions

Consent 34331: Water permit to extract surface water from the Wainuiomata River for irrigation purposes.

General condition

1. The location, design, implementation and operation of the take shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 29 September 2016 and further information received on 26 October 2016.

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. This consent will lapse in three years from commencement unless given effect to prior to that date.

Rate and point of take

3. The rate at which water is taken from the Wainuiomata River at or about approximate map reference NZTM: 1759536.5420745, shall not exceed 315,000m³/year, at 2376m³/day at a maximum pumping rate of 33 litres/second.

Note: This equates to 20 hours/day and 132 days/year based on the maximum pumping rate.

Water measuring device/system

4. The consent holder shall maintain a water meter (water measuring device) that measures all water authorised under this consent and meets the following requirements:
 - Sealed and tamper proof
 - Installed within 20 metres of the point of take unless an exception is granted by the Manager, Environmental Regulation, Wellington Regional Council, under section 10 of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010
 - Measures cumulative water abstraction in m³
 - Measures instantaneous water abstraction in litres/second
 - Can measure the volume of water taken to within +/- 5% of the actual volume taken.

- Resistant to corrosion and fogging
- Capable of being fitted with an electronic datalogger, has a suitable output signal and has suitable data transfer ports
- Be installed in accordance with industry best practice based on the Water Measurement Accreditation Programme. Be installed and maintained by a suitably qualified person

The above requirements shall all be to the satisfaction of the Manager, Environmental Regulation.

The water meter shall be installed **prior to the commencement of the take**.

5. If so requested in writing by the Manager, Environmental Regulation, Wellington Regional Council, the consent holder shall install a datalogger and telemetry unit on the water measuring device that is compatible with Wellington Regional Council's Water Use Data Management System. The data logger and telemetry unit shall as a minimum record date and time stamped cumulative meter readings at a minimum of 15 minute intervals.

Accuracy and verification of the water measuring device/system

6. The consent holder shall verify the accuracy of the water measuring device/system required under conditions 4 and 5 **by 17 February 2020** and then at least **every five years** and as directed by the Manager, Environmental Regulation, Wellington Regional Council for the duration of this consent to determine if the actual volume of water taken is within +/- 5%.

Any verification of the water measuring device/system under this condition must be performed by a suitably qualified person, and to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Within **one month** of any verification being undertaken on the water measuring device/system, the consent holder shall submit to the Manager, Environmental Regulation, Wellington Regional Council, a copy of the verification certificate/and or evidence documenting the calibration as completed by the person who undertook the verification.

Note: Direction from the Manager, Environmental Regulation, Wellington Regional Council to undertake additional verification may be given in the event reasonable grounds are established which highlight that the water measuring device/system may be inaccurate. Reasonable grounds includes (but is not limited to) the water measuring device/system not been installed to Irrigation New Zealand's best practice standards.

Keeping and supplying records

7. The consent holder shall record daily readings (in m³) of the water meter. These records shall be entered directly into the Wellington Regional Council's WaterUse Data Management System or shall be submitted in a suitable electronic format to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. Complete records shall be submitted by the end of the irrigation season but no later than 31 July each year for the duration of this consent.

If the Manager, Environmental Regulation, Wellington Regional Council directs the consent holder to install a telemetry system pursuant to condition 5, then records shall be submitted automatically to Wellington Regional Council's Water Use Data Management System.

In the event of non-compliance with the rate of take and/or monitoring/reporting requirements of this consent, the consent holder shall submit records at a greater frequency as directed by the Manager, Environmental Regulation, Wellington Regional Council.

Note: If you are not using your water permit, you must still keep and send Wellington Regional Council daily records specifying 'zero' when no water is taken.

Low flow conditions

8. When the flow in the Wainuiomata River at Leonard Wood Park Recorder falls below 300 litres/second the water take shall cease.

Note: The stream flow data for the Wainuiomata River can be accessed at Wellington Regional Council's website (www.gw.govt.nz). It is the consent holder's responsibility to regularly check the website to ensure compliance with this condition.

Irrigation system

9. The irrigation system shall be designed and maintained so that water is not run to waste.

Intake structure

10. The intake structure must be screened with a maximum mesh diameter of 3mm to prevent small fish, eggs and larvae from entering the intake.
11. The intake structure is the responsibility of the consent holder and shall be maintained to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

12. The pump and associated equipment shall be well maintained at all times to prevent leakage or spill of oil or other chemicals into Wainuiomata River.

Review conditions

13. The Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within three months of 30 June each year for the duration of this consent, for the purpose of:
 - Reviewing surface water allocation requirements; and/or
 - Dealing with any adverse effects on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later stage; and/or
 - Enabling consistency with the relevant Regional Plan(s); and/or
 - To incorporate a minimum flow for the Wainuiomata River and any low flow restrictions; and/or
 - Dealing with any adverse effects on the Wainuiomata River which may arise from the exercise of this consent which are greater than those anticipated at the time it was granted.

Important notes relating to measuring and reporting of your water take:

1. A suitably qualified person is an individual/company that is registered with the Water Measurement Accreditation Programme or can demonstrate an appropriate standard of installation or verification to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.
2. For water meter installation, where industry best practice guidelines differ from manufacturer's specifications, the more stringent standard applies, unless special circumstances apply to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. Therefore verification of the water measuring device/system can only be achieved when the most stringent standard (either industry best practice or manufacturer's specifications) for installation has been achieved.
3. The annual take volume shall be assessed for the period 1 July to 30 June the following year.

General notes:

- a) This resource consent does not guarantee that quantity or quality of water will be maintained or available.
- b) Please contact the Wellington Regional Council, Environmental Regulation, if you plan to make any modifications to the intake, pump, or irrigation system. Any significant modifications may require you to apply for a change of consent conditions.
- c) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- d) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.

Attachment 1: Consent conditions

34330: Land use consent for gravel extraction from the bed of the Wainuiomata River

General condition

1. The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated location plans and documents lodged with the Wellington Regional Council on 29 September 2016 and further information submitted on 26 October 2016.

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The Manager, Environmental Regulation, Wellington Regional Council shall be given a minimum of two working days (48 hours) notice prior to any extraction activity commencing.

Note: Notifications can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN170076 and the name and phone number of a contact person responsible for the proposed works.

3. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent, prior to the works commencing.

Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.

4. All works authorised by this consent including tidy up on completion of the works are the responsibility of the consent holder and shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Quantity of gravel extracted

5. The annual volume of gravel extracted under this consent shall not exceed 150m³/year at the site(s) specified in the application as lodged with the Wellington Regional Council on 29 September 2016. The total volume of gravel extracted under this consent shall not exceed 1,500m³.

Method of extraction

6. There shall be no excavation of gravel, sand, or other material from the active river channel containing flowing water, and there shall be no diversion of any flowing water as a result of the extraction works.
7. Gravel extraction shall be taken from dry beaches only and all extraction shall be limited to a level no less than 100mm above the prevailing water level, as measured at the time of extraction.
8. No machinery shall operate in flowing water in the active river channel, except for crossings to access gravel deposits and to haul gravel.
9. River crossings shall be generally limited to one crossing point at each gravel extraction location, and otherwise shall be kept to a practicable minimum where one single crossing point may not be achieved.
10. Gravel extraction shall be undertaken in strips parallel with the flow of the river, commencing from the riverward edge of the gravel beach and moving landward where possible.
11. There shall be stockpiling of excavated material in the river-bed and any small stockpiles formed in the river-bed on a daily basis shall be positioned in alignment parallel with the flow of the river.

Timing of extraction

12. The extraction of gravel shall be limited to the following times between Monday and Friday of any week (unless otherwise agreed upon in writing to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council):
 - Within daylight saving between 7.00am and 8.00pm.
 - For times outside daylight saving, normal working hours of 7.30am to 5.00pm.
 - Extraction is to cease immediately outside of normal working hours (7.30am to 5.00pm) if there are any recreational users in the riverbed within 300 metres of the extraction site.
13. No gravel extraction and associated river crossings will be carried out between the periods 24 December to 3 January inclusive to ensure there is no disturbance during the public holiday period.

Effects on birds and native fish

14. The consent holder shall take all reasonable steps to identify the location of nests and avoid disturbance to nesting native birds, in particular banded dotterels, black-fronted dotterels, black-billed gulls, pied stilts and variable oyster-catchers during the months of September to December, inclusive.

15. No in stream works shall be carried out in the active channel (ie, flowing water in the river bed) during the key recruitment migration period for native fish species between 1 August to 31 December inclusive.

Public Access and Safety

16. Public access to the river-bed shall not be restricted by gravel extraction operations, other than in situations where there is a demonstrable risk to public safety.
17. The consent holder shall erect warning signs in the vicinity of the works where the extraction operation is likely to be potentially hazardous to any person using the associated stretch of the river.

Handling of fuel, machinery and other hazardous substances

18. The consent holder shall ensure that:
 - a) All machinery is thoroughly cleaned of vegetation (e.g. weeds), seeds or contaminants at least 10 metres away from any watercourse, water flow channel or stormwater system, prior to entering the site
 - b) All machinery shall be regularly maintained in such a manner to ensure no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water, or to land where it may enter water, from equipment being used for the works
 - c) All contaminant storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants to water or to land where it may enter water.
 - d) No machinery is cleaned, stored or refuelled within 10 metres of any waterbody, water flow channel or stormwater system
19. In the event of a spill of fuel, hydraulic fluid, or other potential liquid contaminants, immediate steps shall be taken to contain the spilt contaminant. The spilt contaminants and any material used to contain it shall be removed from the site and disposed of at authorised landfill. The consent holder shall also immediately notify the Manager, Environmental Regulation, Wellington Regional Council of the spill and actions to be taken.
20. The consent holder shall ensure that prior to entering the riverbed that all vehicles, mobile plant, or machinery is inspected for the presence of invasive or pest aquatic plants including 'didymo'. In the event that an invasive or pest aquatic plant or 'didymo' is discovered upon the vehicle, mobile plant, or machinery it shall be cleaned, to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Note: The machinery shall be cleaned in accordance with the Ministry for Primary Industries cleaning methods which can be found at <http://www.biosecurity.govt.nz/pests>.

Cultural sites, artefacts and human remains

21. If koiwi, taonga or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall contact Te Runanga o Toa Rangatira, Port Nicholson Block Settlement Trust, Heritage New Zealand and Wellington Regional Council within twenty-four hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

Records

22. The consent holder record the quantity of gravel, sand or other material excavated (in cubic metres), measured with an accuracy of + 10% or better, for the sites authorised under this consent and supply these to the Manager, Environmental Regulation, Wellington Regional Council on an annual basis (by 30 June each year).

Note: Records can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN170076 and a contact name and phone number of the person responsible for the gravel extraction.

Photographic record

23. The consent holder shall compile photographic records of each area of gravel extraction, every time gravel is extracted under this consent. As far as practicable, the consent holder shall select one location where photographs will be taken from for each site. These photographic records shall include, but not be limited to, photographs of the following items:

- a) The location of the proposed works: incorporating the works area and the stretches of the stream that may be affected by the extraction (i.e. **prior to each extraction commencing**);
- b) The site **during the extraction**: incorporating the works area and stretches of the stream identified in (a); and
- c) The site immediately **upon the completion** of the extraction (within one week): incorporating the works area and stretches of the stream identified in (a).

The photographic record of items identified in (a), (b) and (c) shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council, as soon as possible but within one week of the photographs identified in (c) being taken.

All submitted photographs shall include:

- The date the photographs were taken
- The time the photographs were taken
- A description of the site location (e.g. map reference, address) of where the photograph was taken, and
- A description of what aspect of the works the photograph relates to

The photographs and details shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Note 1: The photographic record should demonstrate compliance with the conditions of this consent.

Note 2: Photographic records i.e. electronic picture files from digital cameras can be emailed to notifications@gw.govt.nz. Please include the consent number WGN170076 date and time photographs were taken and a description of the site location (e.g. map reference, address).

Gravel extraction – Site rehabilitation

24. Oversize boulders or other sediment initially removed from the river beach, but later considered unsuitable for use, shall be spread in holes or hollows on the gravel beaches from which the original extraction was undertaken. This unsuitable material shall not be left in piles in the riverbed or beach.
25. The area from which the material is extracted, or unsuitable material is replaced, shall be smoothed over after use so that there are no depressions, mounds, steep cut banks or edges left on the riverbed/beach.
26. Any damage or erosion to river banks, access tracks (including the public road) that is attributable to the gravel extraction operation shall be remedied by the consent holder as soon as practicable.

Note: Additional resource consent may be required to undertake any remedial works.

Maintenance of works

27. The works shall remain the responsibility of the consent holder and shall be maintained to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council so that any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder.

Note: Maintenance does not include any works outside of the scope of the application. Any additional works (including structures, reshaping or disturbance to the bed of the watercourse) following completion of the construction works as proposed in the application, may require further resource consents.

Complaints

28. The consent holder shall maintain a permanent record of any complaints received alleging adverse effects from or related to the works. This record shall include:

- The name and address of the complainant (if provided)
- The date and time that the complaint was received
- Details of the alleged event
- Weather conditions at the time of the complaint, and
- Any measures taken to mitigate/remedy the cause of the complaint

This record shall be made available to the Manager, Environmental Regulation, Wellington Regional Council, on request.

Review of conditions

29. The Wellington Regional Council may review any or all conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within three months of the date of commencement of this consent for the following purposes:

- Dealing with any adverse effects on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later stage; and/or
- To review the adequacy of any plans and/or alter any monitoring requirements prepared for this consent so as to incorporate into the consent any modification which may become necessary to clarify or deal with any adverse effect on the environment of arising from this activity; and/or
- To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations.

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

Notes:

- a) A resource management charge, set in accordance with Section 36(2) of the Resource Management Act 1991 (the Act) shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

- b) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charge in force and applicable at that time pursuant to Section 36 of the Resource Management Act 1991.