

Notifications



# Resource Consent

**RESOURCE MANAGEMENT ACT 1991**

**Consent No. WGN170076 [34330]**

**Category: Land Use Consent**

**- River bed disturbance from gravel extraction**

Pursuant to sections 104B and 108, and subject to all the relevant provisions of the Resource Management Act 1991 and any regulations made thereunder, a consent in respect of a natural resource is hereby granted to:

<b>Name</b>	Benge Est Limited (C/- Shayne Edwards)	
<b>Address</b>	Totara Downs, 1044 Coast Road, RD 1, Wainuiomata	
<b>Duration of consent</b>	Granted: 31 October 2016	Expires: 31 October 2026
<b>Purpose for which right is granted</b>	To disturb the river bed of the Wainuiomata River for the purposes of extracting gravel to be used on farm tracks	
<b>Location</b>	1044 Coast Road, Wainuiomata at or about map reference NZTM 1759536.5420745	
<b>Legal description of land</b>	Lot 2 DP 380969	
<b>Conditions</b>	1-29 as attached	

For and on behalf of  
WELLINGTON REGIONAL COUNCIL

  
.....  
Team Leader, Environmental Regulation

Date: 28 October 2016

# Summary of your rights and responsibilities

(Not part of the resource consent)

This resource consent gives you the right to use a public resource (e.g. water, air, the coastal marine area) in the manner specified in the consent.

You may exercise the resource consent as you see fit provided that you comply with all the conditions of your resource consent and all other laws of the land.

If you wish to change the way you operate under this resource consent or if you wish to change or cancel any consent conditions, please contact the Greater Wellington Regional Council (GWRC) prior to making the changes. You may need a formal change to your resource consent conditions.

You may transfer your coastal, discharge, or water permit to any other person. If you sell your operation please contact GWRC and we will arrange the transfer for you (at no cost) once you've completed a 'Transfer of Permit' form including the signatures of the old and new owners.

If your resource consent application contained inaccurate or misleading information, GWRC may cancel or alter the resource consent.

Your resource consent does not:

- provide any warranty of any structure or process;
- provide any guarantee that the resource will be available at all times;
- provide any right of access through or over public or private land;
- negate the need for any approvals necessary under other legislation.

You as the holder(s) of this resource consent and your agents (including contractors and employees), are jointly and severally liable for compliance with the conditions of this consent. It is important that anyone operating on your behalf fully understands and complies with the conditions of the resource consent.

You are required to pay any relevant charges that are associated with the processing and monitoring of your consent under section 36 of the Resource Management Act 1991. Charges may be reviewed every year. If you would like a copy of our current Resource Management Charging Policy please ask us.

You have the right to object to the decision on your consent and/or any additional charges (over and above fixed charges) under section 357A and 357B of the Resource Management Act 1991. Such an objection should be made in writing, setting out the reasons, and be received by us within 15 working days of any decision on your consent and/or additional charges being notified to you.

You are required to allow GWRC Enforcement Officers access to your site and operation at any reasonable time so that we can inspect your operation and confirm that it is complying with your resource consent.

Your resource consent will lapse if you do not give effect to it within five years of the date it was granted (unless otherwise specified in the resource consent conditions). If you wish to apply for an extension of this lapse date please contact GWRC before the lapse date.

If you stop using your resource consent for a continuous five-year period, GWRC may cancel your resource consent. We will advise you in advance if we propose to cancel your consent. You have the right to object to your consent being cancelled.

This consent is issued without prejudice to any claim that is lodged with the Waitangi Tribunal in relation to the customary ownership of natural resources, whether it be a claim that is awaiting hearing or awaiting settlement by the Crown.

# Conditions to Resource Consent WGN170076 [34330]

## 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](mailto: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 150m<sup>3</sup>/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 1,500m<sup>3</sup>.

### 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

# Continued Conditions to Resource Consent

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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](mailto: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:
- 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**);
  - The site **during the extraction**: incorporating the works area and stretches of the stream identified in (a); and
  - 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**

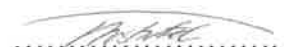
27. The works shall remain the responsibility of the consent holder and shall be maintained to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council so that any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part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



# Continued Conditions to Resource Consent WGN170076 [34330]

## 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.

