

## Non-notified resource consent application report and decision

### Summary of decision

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

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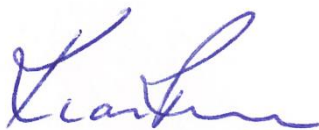
**Application lodged:** 29/09/16    **Application officially received:** 30/09/16

**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

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**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 500m<sup>3</sup> per year for the first two years and 100m<sup>3</sup> 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, 2,376m<sup>3</sup>/day, 30 weeks per year from the Wainuiomata River for farm irrigation purposes. This equated to 498,960m<sup>3</sup>/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 150m<sup>3</sup> 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 (2,376m<sup>3</sup>/day) and 132 days per year (315,000m<sup>3</sup>/year).

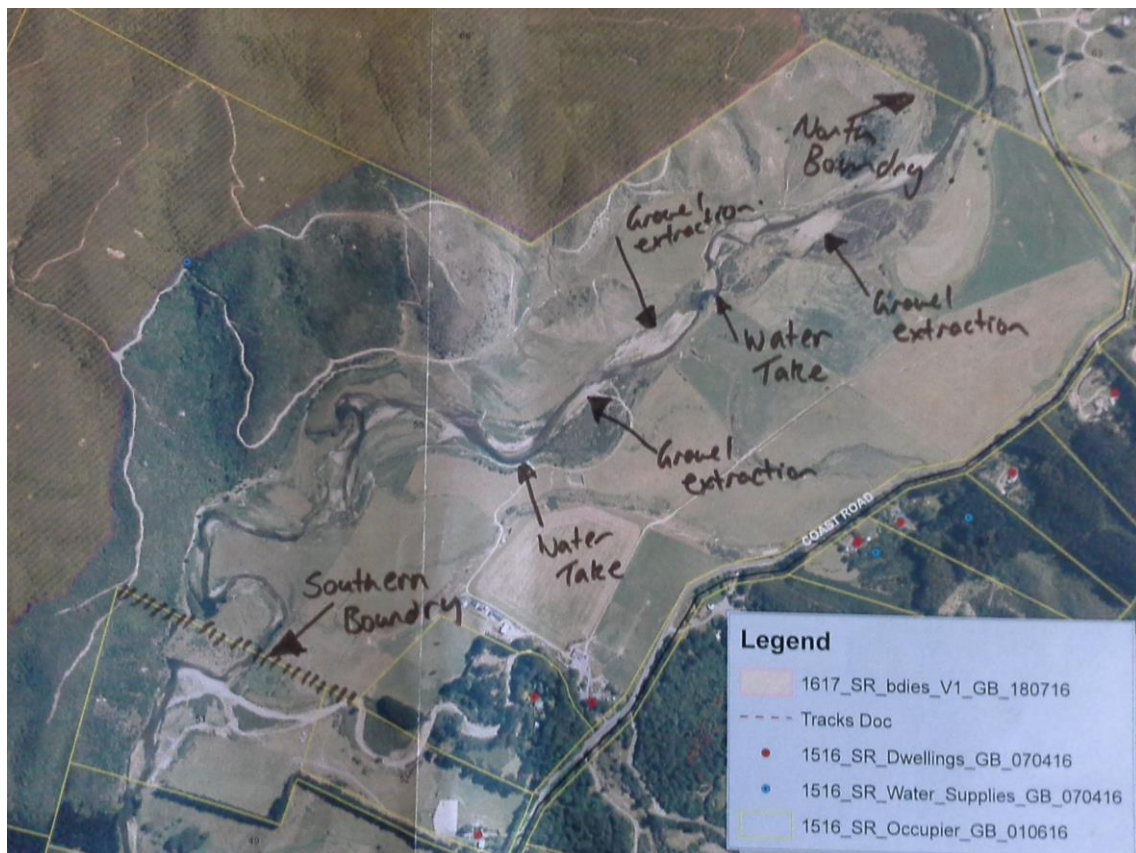
It is noted the applicant has agreed to revise the annual volume to be taken to ensure efficient use of water (refer section 5.3). As such, they have reduced the previously consented annual volume of 498,960m<sup>3</sup>/year to 315,000m<sup>3</sup>/year.

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 <sup>3</sup> /year for an individual's reasonable domestic needs or 50m <sup>3</sup> /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 <sup>3</sup> /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 <sup>3</sup> /year for an individual's reasonable needs or 50m <sup>3</sup> /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 <sup>3</sup> /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"> <li>• The reasonable and efficient use of water</li> <li>• The timing, amount, and rate of taking water including instantaneous (L/s), daily (m<sup>3</sup>/day) and seasonal requirements and duration and timing of peak daily take rate</li> <li>• Interference effects on existing lawful water takes</li> <li>• Effects due to local flow or water level depletion on wetlands, springs or the downstream river reach in the same catchment management unit</li> <li>• 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</li> <li>• Measuring and reporting, including the guideline in Schedule S (measuring takes)</li> <li>• Preventing fish from entering water intakes</li> </ul>
	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 350m<sup>3</sup>/ha/week. The applicant proposes to take up to 16,632m<sup>3</sup>/week to irrigate 50ha of pasture and 4-10ha of crops (green feed). This equates to an irrigation rate of approximately 277m<sup>3</sup>/ha/week (including the crop irrigation)<sup>1</sup>. This is less than the maximum application rate of 350m<sup>3</sup>/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 3,180m<sup>3</sup>/day and the annual volume is 315,000m<sup>3</sup>/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 498,960m<sup>3</sup>/year. This is a lot higher than what Irricalc recommends as the annual volume (315,000m<sup>3</sup>/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.

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<sup>1</sup> The irrigation rate based solely on irrigation of 50ha of pasture is 333m<sup>3</sup>/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.<sup>2</sup>

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.<sup>3</sup>

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)<sup>4</sup>.

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.

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

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

<sup>4</sup> 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:

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
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		

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
104(1)(b)(vi)	<b>Operative Regional Freshwater Plan</b>	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.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
	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.
	<b>Proposed Natural Resources Plan</b>	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.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
	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 315,000m<sup>3</sup>/year, at 2376m<sup>3</sup>/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 m<sup>3</sup>
  - 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 m<sup>3</sup>) 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](http://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](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
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:

- 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.

**From:** [Mike Friday](#)  
**To:** [Paul Duffin](#)  
**Subject:** Re: [EXTERNAL] Re: Hi. Can I call you regarding 1044 Coast Road. Thanks  
**Date:** Friday, 2 February 2024 8:51:19 am  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[ATT00001.png](#)  
[ATT00002.png](#)  
[ATT00001.png](#)

---

Hi Paul,

Yes all good for 12

No I don't have any consents with the Hutt city council it is all of the regional council to do with the earthworks and farm tracks.

We are in the process of applying for consent with HCC that the consultants are working on which we will submit next month.

The work on the farm is all farm based with cleaning up our farm laneways for the stock, fencing, installing water, water trough construction, farmland cultivation all within our GWRC.

Ngā mihi nui / Thank you



**Mike Friday**

**DIRECTOR**

P 021965699 E @..

[fhgroup.co.nz](http://fhgroup.co.nz)

---

**From:** Paul Duffin <xxxx.xxxxxx@xxxxxxxxx.xxx.xx>  
**Sent:** Friday, February 2, 2024 8:26:50 AM  
**To:** Mike Friday <xxxx@xxxxxxxx.xx.xx>  
**Subject:** RE: [EXTERNAL] Re: Hi. Can I call you regarding 1044 Coast Road. Thanks

Morning Mike.

Checking in to see if we are still on to meet at noon today. Also- all the information that you sent through to me is Wellington Regional Council based. Do you have any resource consents for earthworks issued by HCC?

**Paul Duffin**  
Senior Monitoring & Enforcement Officer

Hutt City Council, 30 Laings Road, Hutt Central, Lower Hutt 5010  
**P:** **M:** 027 285 7154 **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



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**From:** Mike Friday <mike@fhgroup.co.nz>  
**Sent:** Wednesday, January 24, 2024 7:15 PM  
**To:** Paul Duffin <Paul.Duffin@huttcity.govt.nz>  
**Subject:** RE: [EXTERNAL] Re: Hi. Can I call you regarding 1044 Coast Road. Thanks

Hi Paul,

Please see consents attached

Can we do Friday 12pm next week?

Ngā mihi nui / Thank you



**Mike Friday**

**DIRECTOR**

P 021965699 E [mike@fhgroup.co.nz](mailto:mike@fhgroup.co.nz)

[fhgroup.co.nz](http://fhgroup.co.nz)

---

**From:** Paul Duffin <Paul.Duffin@huttcity.govt.nz>  
**Sent:** Wednesday, January 24, 2024 2:01 PM  
**To:** Mike Friday <mike@fhgroup.co.nz>  
**Subject:** RE: [EXTERNAL] Re: Hi. Can I call you regarding 1044 Coast Road. Thanks

Hi Mike.

Thanks for the chat before. Can we meet at 1044 next week?

Paul

**Paul Duffin**

Senior Monitoring & Enforcement Officer

Hutt City Council, 30 Laings Road, Hutt Central, Lower Hutt 5010

**P:** **M:** 027 285 7154 **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)





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**From:** Mike Friday <[xxxx@xxxxxxxx.xx.xx](mailto:xxxx@xxxxxxxx.xx.xx)>  
**Sent:** Wednesday, January 24, 2024 11:18 AM  
**To:** Paul Duffin <[xxxx.xxxxxx@xxxxxxxx.xxxx.xx](mailto:xxxx.xxxxxx@xxxxxxxx.xxxx.xx)>  
**Subject:** [EXTERNAL] Re: Hi. Can I call you regarding 1044 Coast Road. Thanks

Yeah mate all good

Ngā mihi nui / Thank you



**Mike Friday**  
**DIRECTOR**

P 021965699 E [@..](mailto:..)  
 [fhgroup.co.nz](http://fhgroup.co.nz)

---

**From:** Paul Duffin <[xxxx.xxxxxx@xxxxxxxx.xxxx.xx](mailto:xxxx.xxxxxx@xxxxxxxx.xxxx.xx)>  
**Sent:** Wednesday, January 24, 2024 11:11:58 AM  
**To:** Mike Friday <[xxxx@xxxxxxxx.xx.xx](mailto:xxxx@xxxxxxxx.xx.xx)>  
**Subject:** Hi. Can I call you regarding 1044 Coast Road. Thanks

**Paul Duffin**  
Senior Monitoring & Enforcement Officer

Hutt City Council, 30 Laings Road, Hutt Central, Lower Hutt 5010  
**P:** **M:** 027 285 7154 **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)





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27/05/2024

### Enquiry Trace Form

Enquiry: 592610	Logged by: Paul Duffin (8966)	on 12/12/2022 15:59
Service: Planning & Resource Management	Classification: Request For Service	
Subject: Non-compliance - Dist. Plan		
Desc.: Fill is being dumped on site by Wellington Earthworks. Does the site have a resource consent?		

Site: Coast Road (R00836), Homedale, Wainuiomata, Lower Hutt	
Site Address: Coast Road	Area: Homedale
Location: 1044 Coast Road Homedale, Wainuiomata Lower Hutt	Ward: Wainuiomata

Customer: 579258	Time: 12/12/2022 15:59	Method: phone call
Name: [REDACTED]	Mobile: [REDACTED]	
Address: Coast Road Homedale, Wainuiomata Lower Hutt		

**Current Status:**

No. Effective	Status	Officer	Follow up Date
3 12/12/2022 04:09:04	Investigation Underway	Paul Duffin	28/12/2022 16:09:04
<b>Notes:</b> Met Mike Friday on site. Some earthworks have bene undertaken. Advised him no more. He has a GW Rc for working in the river which will require some fill to be imported. Will check if we require a RC as well.			

**Status history:**

No. Effective	Status	Officer	Notes
2 12/12/2022 16:09	Investigation Underway	Paul Duffin	
1 12/12/2022 15:57	Call Logged	Environment Consents	

Revised Status:

Name : ..... Signed : ..... Date : ..... Time : .....

27/05/2024

### Enquiry Trace Form

Enquiry: 1011343	Logged by: Paul Duffin (8966)	on 30/05/2023 08:53
Service: Planning & Resource Management	Classification: Request For Service	
Subject: Non-comp - Resource Consent		
Desc.: Trucks leaving the site are tracking on the road making it dangerous for other road users		

Site: Coast Road (R00836), Homedale, Wainuiomata, Lower Hutt		Area: Homedale
Site Address: Coast Road		Ward: Wainuiomata
Location: Coast Road Homedale, Wainuiomata Lower Hutt		
Contact: [REDACTED]		

Customer: 597573	Time: 30/05/2023 08:53	Method: phone call
Name: [REDACTED]	Address: Coast Road Homedale, Wainuiomata Lower Hutt	

Current Status:			
No. Effective	Status	Officer	Follow up Date
3 30/05/2023 02:13:17	Investigation Underway	Paul Duffin	14/06/2023 14:13:17
Notes: Visited 30/5- no tracking evident from site. Possibly coming from logging trucks/equipment leaving Rimutuka Forest Park. To be followed up.			

Status history:			
No. Effective	Status	Officer	Notes
2 30/05/2023 14:13	Investigation Underway	Paul Duffin	Visited 30/5- no tracking evident from site. Possibly coming from logging trucks/equipment leaving Rimutuka Forest Park. To be followed up.
1 30/05/2023 08:51	Call Logged	Environment Consents	

Revised Status:

Name : ..... Signed : ..... Date : ..... Time : .....

27/05/2024

### Enquiry Trace Form

Enquiry: 1032857	Logged by: Paul Duffin (8966)	on 23/01/2024 15:40
Service: Planning & Resource Management	Classification: Request For Service	
Subject: Non-compliance - Dist. Plan		
Desc.: Dumping of fill on to property- no Rc		

Site: Coast Road (R00836), Homedale, Wainuiomata, Lower Hutt	
Site Address: Coast Road	Area: Homedale
Location: 1044 Coast Road Homedale, Wainuiomata Lower Hutt	Ward: Wainuiomata
Contact: [REDACTED]	
Telephone: [REDACTED]	

Customer: 619069	Time: 23/01/2024 15:40	Method: phone call
Name: [REDACTED]	Telephone: [REDACTED]	
Address: Coast Road Homedale, Wainuiomata Lower Hutt		

Current Status:			
No. Effective	Status	Officer	Follow up Date
3 23/01/2024 03:44:41	Investigation Underway	Paul Duffin	7/02/2024 15:44:41
<b>Notes:</b> Visited 24/1- some material has been deposited on site. A double truck and trailer plus one truck observed on Coast Road- possibly having been to the property. Spoke with contractor working on site who referred me to Mike Friday. E-mail sent to MF asking him to contact me			

Status history:			
No. Effective	Status	Officer	Notes
2 23/01/2024 15:44	Investigation Underway	Paul Duffin	
1 23/01/2024 15:39	Call Logged	Environment Consents	Site to be visited

Revised Status:

Name : ..... Signed : ..... Date : ..... Time : .....

# Resource Consent

RESOURCE MANAGEMENT ACT 1991


**Consent No. WGN080503 [26982]**

**Category: Water permit**

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>	Kakariki Estate Limited (transferred from Shayne Edwards)	
<b>Address</b>	C/- Mike Friday, PO Box 30389, Lower Hutt 5040	
<b>Duration of consent</b>	Effective: 21 November 2008	Expires: 21 November 2028
<b>Purpose for which right is granted</b>	To permanently divert the flow of secondary channels within the bed of the Wainuiomata River.	
<b>Location</b>	Approximately a 2 kilometre (km) stretch of the Wainuiomata River located within the boundary of Totara Downs, 1044 Coast Road, Wainuiomata at or about map reference NZMS 260: Upstream boundary: At or about map reference NZMS 260: R27:2670268, 5983090 Downstream boundary: At or about map reference NZMS 260: R27:2669103, 5982135	
<b>Legal description of land</b>	Lot 1 DP 323093	
<b>Conditions</b>	1 - 8 as attached	

For and on behalf of  
WELLINGTON REGIONAL COUNCIL

  
.....  
Team Leader, Environmental Regulation

Date: 29 May 2023  
.....

# 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.

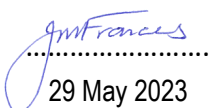
# Conditions to Resource Consent WGN080503 [26982]

1. The location, design, construction, implementation and operation of all works shall be carried out in accordance with the application and associated documents and plans, lodged with the Wellington Regional Council on 6 June 2008 and further information received on 16 September 2008.

Note: Any change from the location, design concepts and parameters, and implementation may require a change in consent conditions under section 127 of the Resource Management Act 1991.

2. The Manager, Environmental Regulation, Wellington Regional Council, shall be given least 48 hours notice prior to works commencing, and thereafter shall be notified at least 48 hours prior to further works.
3. The permit holder shall provide a copy of this permit and any documents referred to in this permit to each operator or contractor undertaking works authorised by this permit, before that operator or contractor starts any works.
4. The permit holder shall ensure that a copy of this permit is kept on site at all times and presented to any Wellington Regional Council officer on request.
5. All reasonable steps shall be taken to minimise sediment loading and increased turbidity during implementation of all diversion works. The permit holder shall divert water only for the period necessary to carry out the works.
6. All works shall be undertaken in a manner that provides for fish passage wherever possible. Any fish entrapped by works shall be relocated upstream into clear water as soon as possible.
7. The works shall remain the responsibility of the permit holder and shall be maintained to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. This shall include the repair of any erosion of the bed and/or banks of the river that is attributable to the works and completing any reshaping of the river bed channel should it be deemed necessary by the Manager, Environmental Regulation, Wellington Regional Council.
8. All works affecting the river, including tidy up on completion of the works, shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Note: Additional resource consents from your local council may be required to undertake this proposal. We advise you to contact Hutt City Council prior to commencing works.

  
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29 May 2023

# Resource Consent

## RESOURCE MANAGEMENT ACT 1991

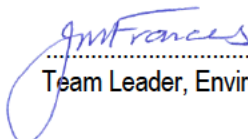
**Consent No. WGN080503 [27332]**

**Category: Land use consent**

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>	Kakariki Estate Limited (transferred from Shayne Edwards)	
<b>Address</b>	C/- Mike Friday, PO Box 30389, Lower Hutt 5040	
<b>Duration of consent</b>	Effective: 21 November 2008	Expires: 21 November 2028
<b>Purpose for which right is granted</b>	To construct rock rip rap bank protection structures, to temporarily place bunds in, and to drain and reclaim secondary channels within the bed of the Wainuiomata River, including the associated disturbance of the river.	
<b>Location</b>	Approximately a 2 kilometre (km) stretch of the Wainuiomata River located within the boundary of Totara Downs, 1044 Coast Road, Wainuiomata at or about map reference NZMS 260: Upstream boundary: At or about map reference NZMS 260: R27:2670268, 5983090 Downstream boundary: At or about map reference NZMS 260: R27:2669103, 5982135	
<b>Legal description of land</b>	Lot 1 DP 323093	
<b>Conditions</b>	1-18 as attached	

For and on behalf of  
WELLINGTON REGIONAL COUNCIL

  
.....  
Team Leader, Environmental Regulation

Date: 29 May 2023  
.....

# 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.

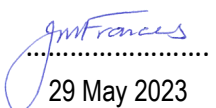
This consent is issued without prejudice to any claim that is lodged with the Waitangi Tribunal in relation to the customary ownership of natural resources, whether it be a claim that is awaiting hearing or awaiting settlement by the Crown.



# Conditions to Resource Consent

## WGN080503 [27332]

1. The location, design, implementation and operation of the works shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 6 June 2008 and further information received on 16 September 2008.
2. A copy of this consent shall be held on-site for the duration of the activity/works and be made available to any Wellington Regional Council officer on request.
3. The consent holder shall ensure that, as far as practicable, all works carried out in the dry bed of the stream, including shaping and construction of the banks.
4. The Manager, Environmental Regulation, Wellington Regional Council shall be given least 48 hours notice prior to any works commencing. This notice must include but not be limited to the following:
  - a) description of the works to be undertaken; and
  - b) methodology of the works to be undertaken.
5. The Manager, Flood Protection, Wellington Regional Council shall be given least 48 hours notice prior to any works commencing. This notice must include but not be limited to the following:
  - a) description of the works to be undertaken; and
  - b) methodology of the works to be undertaken.
6. The consent holder shall take all practicable steps to minimise sedimentation and increased turbidity of the stream during the construction, implementation and maintenance of the works, including:
  - a) completing all works in the minimum time practicable;
  - b) minimising the area of disturbance at all times;
  - c) avoiding placement of construction or excavated material in the wetted channel;
  - d) separating construction activities from the wetted channel, where practicable; and
  - e) minimising time spent by machinery in the wetted channel, and the number and frequency of machine crossings of the wetted channel of the stream, to a practicable minimum at all times.
7. Any excess material from the construction and implementation of the works shall be immediately removed from the bed and banks of the stream on completion of the works, and disposed of in an appropriate manner.
8. The consent holder shall ensure that:
  - a) all machinery is thoroughly cleaned of unwanted vegetation (e.g. weeds), seeds or contaminants prior to entering the site;
  - b) no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the works;

  
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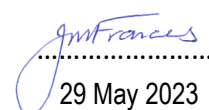
- c) all contaminant storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants;
  - d) all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; and
  - e) no machinery is cleaned, stored or refuelled within 10 metres of any ephemeral or permanent watercourse.
9. The consent holder shall ensure that the works are undertaken in a manner that does not impede fish passage and that fish passage is maintained at all times during and on completion of the construction works along the stretches of river affected by the exercise of this consent.
10. Any fish stranded or trapped by the construction works as authorised by this consent shall be immediately relocated by the consent holder to clear, flowing water.
11. No works shall be carried out between 1 May to 31 August inclusive (trout spawning season), unless authorised by the written approval of the Manager Environmental Regulation, Wellington Regional Council.

Note: Manager Environmental Regulation, Wellington Regional Council will consult with Fish and Game New Zealand with regard to any works within trout spawning season.

12. The consent holder shall take all practicable steps to ensure that the works are carried out such that:
- a) a meander pattern is maintained in the wetted channel of the river;
  - b) the width of the wetted channel of the stream is not reduced by the planting of willows or native plants (i.e. all planting shall be outside the active bed of the river);
  - c) disturbance to the bed of the stream is minimised; and
  - d) areas of complex river habitat (i.e. pool-riffle-run sequences) are maintained.
13. The consent holder shall ensure that any area of native vegetation on the banks of the stream that is damaged or destroyed due to the works is replanted with appropriate native species within one month of works being completed.
14. The consent holder shall ensure that all exposed areas of stream banks are stabilised against erosion by re-vegetating the area, as soon as practicable, upon completion of the works.

Note: For the purposes of this condition “stabilised” means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method to the reasonable satisfaction of the Manager, Environmental Regulation, Wellington Regional Council and as specified in the Erosion and Sediment Control Guidelines for the Wellington Region, September 2002. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual inspection by the Manager, Environmental Regulation, Wellington Regional Council, 80% vegetative ground cover has been established.

15. If koiwi, taonga or other artefact material is discovered in any area during the extraction works, the consent holder shall contact the Manager, Environmental Regulation, Wellington Regional Council, Wellington Tenth Trust and Ngati Toa immediately, and works in that area shall cease to allow a site inspection by the Manager and these groups and their advisors. The consent holder shall then consult with Wellington Tenth Trust and Ngati Toa on appropriate steps to recover the artefacts in order that works can resume. If skeletal remains are discovered, works shall also cease and the consent holder shall contact the New Zealand Police.
16. To minimise the potential for erosion, scour and/or instability, the consent holder shall:
- a) only use natural rock and soil material to reclaim the bed of the stream; and
  - b) carefully place and sufficiently compact all fill material.

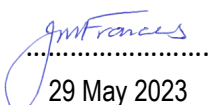
  
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17. The works shall remain the responsibility of the consent holder and shall be regularly inspected and maintained by the consent holder so that any erosion of the stream banks or bed due to the works is remedied by the consent holder

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

18. All works affecting the stream, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Note: Additional resource consents from your local council may be required to undertake this proposal. We advise you to contact Hutt City Council prior to commencing works.

  
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29 May 2023

# Non-notified resource consent application report and decision

## Summary of decision

<b>Activity:</b>	To undertake works in the bed of the Wainuiomata River to remedy and avoid future erosion and scouring caused by flood flows.
<b>File Reference:</b>	WGN080503
<b>Date Granted:</b>	21 November 2008
<b>Commencement date:</b>	21 November 2008
<b>Applicant:</b>	Shayne Edwards Totara Downs 1044 Coast Road RD 1 Wainuiomata 5373
<b>Decision made under:</b>	Section 104B & 108 of the Resource Management Act (the Act)
<b>Consent Granted:</b>	<b>[26982] : Discretionary Activity</b> Water permit – to permanently divert the flow of secondary channels within the bed of the Wainuiomata River.  <b>[27332] : Discretionary Activity</b> Land use consent - to construct rock rip-rap bank protection structures, to temporarily place bunds in, and to drain and reclaim secondary channels within the bed of the Wainuiomata River, including the associated disturbance of the river.
<b>Location:</b>	Approximately a 2 kilometre (km) stretch of the Wainuiomata River located within the boundary of Totara Downs, 1044 Coast Road, Wainuiomata
<b>Map Reference:</b>	Upstream boundary: At or about map reference NZMS 260: R27:2670268, 5983090

Downstream boundary: At or about map reference NZMS  
260: R27:2669103, 5982135

**Legal Description:** Lot 1 DP 323093

**Duration of Consent:** [26982]: 20 years

**Subject to conditions:** Attachment 1

Decision recommended by:	Luke Faithfull	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Sean Lisle	Resource Advisor, Environmental Regulation	
Decision approved by:	Alistair Cross	Manager, Environmental Regulation	

# Reasons for decision: resource consent WGN080503 [26982] & [27332]

## 1. Background

Shayne Edwards (the applicant) has applied to Greater Wellington Regional Council (GW) for resource consents to undertake various works in a section of the Wainuiomata River that passes through his property. The section of the river is approximately 2 km in length and the consent will allow the applicant to implement different measures to assist in avoiding, remedying and mitigating flood and erosion damage to his land adjacent to the river. While the specific methodology can only be determined at the time of the works, the applicant has stated in the application that the river works will potentially involve the creation of bunds in the wetbed of the river, the reclamation of side channels, the permanent diversion of those side channels back into the main flow of the river and the movement of river gravels to create bank protection in erosion prone areas.

In the past, the applicant has had a long history of flooding and erosion issues on the property. In 2004, the applicant purchased the property and it was soon evident that the lack of river maintenance in the past had resulted in substantial erosion of the banks. Flooding that occurred in the subsequent years caused further damage to the applicant's property resulting in the loss of large amounts of land and stock.

This year the Wellington region experienced a number of significantly large rainfall events which resulted in increased high flow events in the Wainuiomata River. During these events, the river has eroded a considerable amount of the applicant's land. The applicant feels that if it is not remedied the river will continue to erode his land and eventually, this would cause similar issues further downstream, both on the applicant's property and neighbouring properties. While this has been an on-going issue, the applicant is aware that erosion protection must be addressed.

As illustrated in the following photos, substantial erosion can occur in a relatively short time frame.



**Figure 1: The Wainuiomata River as it flows through the applicant's property. This photo was taken on 8 July 2008.**



**Figure 2: The same section of river as figure 1 but after a high flow event caused bank erosion and undermined a stock fence. This photo was taken on 28 July 2008.**

## **2. Proposal**

Given the variation of flooding and erosion along the stretch of the river, the location of the works will be determined by the applicant and be identified

through visual inspections of the river. As the location of works cannot be specified at the time of considering this resource consent application, I am recommending the granting of a global resource consent for the works.

As with the location, the duration of the works cannot be determined at the time of considering the resource consent application. However, the applicant has indicated that each set of works should take approximately half a day to a day to complete.

The applicant intends to undertake numerous methods to avoid, remedy and mitigate the effects of erosion on his property. These are discussed in section 2.1.1 of this report.

### 2.1.1 Stream works

The applicant proposed a suite of works that may be undertaken and these will vary depending on what is required for each location within the river. However, the works may involve the following:

- Minor river realignment of side channels (being meanders and secondary flow channels) formed during high flows;
- Diversion of the flow of side channels back into the main flow of the river and reclamation of the channels. Any diversion works will be undertaken by bunding the channels to create dry working areas to minimise the potential for sediment discharge;
- Removal of vegetation on the gravel beaches within the river;
- Excavation and cross blading of the river gravels to recontour beaches and islands within the river channel;
- Moving gravel sourced from within the river to provide additional bank protection for erosion prone areas; and
- Tethering of willows and additional planting along the banks of the river

The applicant would consult GW to determine the methodology of each set of the works to be undertaken prior to works commencing.

The following methodology is an example of how the formation of a side channel causing bank erosion would be addressed. The methodology that would be used is as follows:

- Machinery will ford the newly formed channel to access the gravel beach;
- A bulldozer will create bunds by passing beach gravel material across the side channel, at the upstream and downstream end to create a dry working area;
- The side channel will be reclaimed by pushing beach gravel into the dry channel;



- The area will be recontoured to form, as much as possible, a level area to allow flows to spread over the areas evenly; and
- Grade the bunds to the same height as the recontoured beach.

While the applicant's start date and duration of the works can not be defined it is the applicant's intention to undertake the works on an as required basis. The majority of the works are to be done in the drier months when the river is in low flow. Undertaking the works during this period will minimise the potential for sedimentation and disturbance of the river. The majority of works to be undertaken will be outside the actively flowing channel of the river.

## 2.2 Resource consents required

- Under section 13(1) of the Resource Management Act 1991 (the Act) no person may, in relation to the bed of any river-, use, erect...place...any structure or any part of any structure in...the bed; excavate...or otherwise disturb the bed; deposit any substance in, on...the bed; or reclaim or drain the bed unless expressly allowed by a rule in a regional plan or a resource consent.

As outlined in Section 2.2.1 of this report, the proposed vegetation removal, beach recontouring and the tethering of willows and associated activities within the river are expressly allowed by rules in a regional plan, and as such no resource consent is required for these activities. However, the reclamation, cross blading and construction of rock rip-rap bank protection structures is not expressly allowed by a rule in the Regional Freshwater Plan for the Wellington Region (RFP) or covered by existing resource consent; therefore, resource consent is required for this activity.

- Under section 14(1)(a) of the Act no person may divert any water unless the diversion is allowed by subsection (3) or is expressly allowed by a rule in a regional plan or a resource consent.

As discussed in Section 2.2.1 of this report, the proposed permanent diversions are not allowed by subsection (3) of the Act, and are not expressly allowed by a rule in the RFP or covered by existing resource consent; therefore, resource consent is required for these diversions.

### 2.2.1 Rules

Diversions - Rule 9 of the RFP provides for the minor diversion of intermittently flowing streams. The rule states that the diversion of less than 1.5 m<sup>3</sup>/sec of fresh water from any intermittently flowing river or stream is a permitted activity.

The proposed diversions of the Wainuiomata River do not meet the requirements of rule 9 of the RFP, primarily because the river is not intermittent; therefore, the works default to rule 16 of the RFP.

Rule 16 provides for the taking, use, damming, or diversion of any fresh water, is a **Discretionary Activity**.

Planting - Rule 24 of the RFP allows for the placement of any cabled willow or willow clump for river bank erosion protection that is fixed in, on, or under the bed of any river including any associated disturbance, deposition and temporary diversion is a permitted activity subject to certain conditions, is a **Permitted Activity**.

As the works will be undertaken, as far as practicable, in the dry bed of the river and the works are proposed to mitigate erosion which is the direct result of flooding, the works meet the provisions of rule 24 of the RFP, as a permitted activity.

Disturbance - Rule 36 allows for the disturbance of any river or lake bed associated with clearing flood debris that poses a flood or erosion hazard or for the purposes of protecting structures, is a **Permitted Activity**, provided it complies with certain conditions.

As the works will be undertaken within the stretch of river on the applicant's property and the works are proposed to mitigate erosion which is the direct result of flooding, the works meet the provisions of rule 36 of the RFP, as a permitted activity.

Recontouring - Rule 37 of the RFP provides for the disturbance and recontouring of any part of the bed of any river that is not covered by water (i.e., beach recontouring) to remedy or mitigate the adverse effects of flooding or erosion is a **Permitted Activity**, subject to certain conditions.

As the works will be undertaken to mitigate erosion and the effects of flooding, the works meet the provisions of rule 37 of the RFP, as a permitted activity.

Removal of Vegetation - Rule 40 of the RFP allows for the trimming and removal of vegetation including any associated disturbance, deposition and temporary diversion subject to certain conditions.

As the works will be undertaken to mitigate erosion and the effects of flooding, the works meet the provisions of rule 40 of the RFP, as a permitted activity.

Planting - Rule 41 of the RFP allows for the deliberate introduction or planting of any plant in the bed of any river or lake to remedy or mitigate the adverse effects of flooding, erosion, or non-point source discharges of contaminants, or to restore habitat, is a **Permitted Activity**, subject to certain conditions.

As the works will be undertaken to mitigate erosion and the effects of flooding, the works meet the provisions of rule 41 of the RFP, as a permitted activity.

The remaining works to be undertaken to avoid, remedy and mitigate the effects of flooding and erosion to the applicant's property will be carried out under the provisions of rule 49 of the RFP, as a **Discretionary Activity**.

While the majority of the remedial and mitigation measures are within the permitted activity provisions of the RFP, the responsibility lies with the applicant to ensure that the conditions for each of the permitted activities are complied with. If the conditions of the permitted activity rules cannot be met then resource consent may be required.

### **3. Consultation**

In accordance with Greater Wellington Regional Council's (GW) agreement with tangata whenua regarding consultation on non-notified consents Wellington Tenth's Trust and Ngati Toa were provided with a copy of the application. Neither of these parties chose to comment on the application.

As part of the pre-application process, the applicant consulted with the Department of Conservation (DOC) and the Fish and Game New Zealand (F&G).

Officers of DOC inspected the applicant's site and supported the proposed remediation and mitigation works. Rob Stone, Ponoke Area Manager, provided the written approval on behalf of DOC on 18 September 2008.

F&G officer Corina Jordan, reviewed the application. Ms Jordan raised some minor concerns regarding the permitted and consented activities of the RFP. I advised Ms Jordan that these would be clearly defined within the report. Ms Jordan was happy with this and provided F&G's written approval on 30 October 2008.

Sharyn Westlake of GW's Flood Protection Department was consulted as part of the application process and stated that they were happy with the proposed activities although it is hard to make a full assessment when the extent of the works are unknown; however, she supported the proposed works. Sharyn stated that GW's Flood Protection is happy to provide the applicant advice on river management for the duration of the consent.

Summer Warr of the Environmental Monitoring and Investigations Department of GW was consulted as part of the application process. Miss Warr was happy with the proposal and raised no concerns regarding the proposed works.

No other parties are considered affected by the proposed works.

### **4. Reasons for waiver of notification**

I consider that notification under Section 93(1)(b) of the Act is not required, as the effects of the proposed river works on the environment will be no more than minor, as outlined in section 5.2 of this report.

Section 94(2) of the Act provides that a consent authority is not required to serve notice of an application under subsection (1) if all persons who, in the opinion of the consent authority, may be adversely affected by the activity have given their written approval to the activity. I consider that all the potentially affected parties to this application have provided their approval; therefore, the

provisions of Section 94(2) of the act have been met and the application will be processed non- notified.

The processing time for the application has been extended under Section 37A(2)(b) of the Act. The reason for the extension was to allow the applicant further time to for consultation and negotiation to achieve an environmentally acceptable outcome.

## **5. Environmental effects**

### **5.1 Existing environment**

The Wainuiomata River flows through the applicant's property on its way to the where it discharges into the coast between Baring Head and Turakirae Head. The section of river where the works are to take place is approximately 2km in length. The characteristics of the river through the applicant's property is a typical meander pattern commonly found low lying rural flood plains. There a number of gravel islands and beaches, both vegetated and un-vegetated, located through this section of the river. The surrounding land is dominated by intensive pastoral farming.



**Figure 3: The Wainuiomata River as it flows through the applicant's property. Note the large gravel beaches and islands and the eroded banks, both very typical of the river in this section.**

### **5.2 Effects on water quality**

Works in the beds of stream can cause a local and temporary increase in turbidity and suspended solids concentration as well as reducing the water

clarity. High suspended solids concentrations can have adverse effects on the in-stream ecology, especially if these conditions are maintained over time.

As the works will generally be of a short duration (approximately half a day to day at a time), it is considered that the effects on the water quality of the stream will be no more than minor. However, to ensure this, it is a recommended consent condition that the applicant implements measures to ensure that sedimentation is to be minimised.

Where possible, the applicant intends undertake the works during periods of low flow and, where possible, will bund off the work areas to create a dry working environment. As outlined in the application, machinery entry into the watercourse will be minimal; however, some channels will need to be crossed to access the gravel beach/island areas. Any refuelling or maintenance of machinery will be conducted at a safe distance from the watercourse. However, to ensure this, it is a recommended consent condition that no contaminants (including but not limited to oil, petrol, diesel, paint, solvent) shall be released to water from equipment being used for operation, and no refuelling of equipment shall take place on any area river or lake bed.

### **5.3 Effects on fish**

The principal adverse effect on fish will be from the discharge of sediment to water during the proposed works in the active flowing water. However, this will be from natural bed material being disturbed and fish are generally able to avoid zones of highly turbid water while suffering little or no adverse effect.

The proposed works will not have an impact on fish passage in the Wainuiomata River, as the works will generally be taking place outside the main channel of the river; therefore, fish passage will be maintained at all times as the main channel of the river will not be blocked. However, to ensure this, it is a recommended consent condition that fish passage must be provided for at all times. I have also recommended a consent condition to ensure that fish passage is provided and that should fish become stranded by the works that they are placed back into clear water upstream of the working area.

### **5.4 Flooding**

The applicant does not anticipate that the proposed works will inhibit the flood carrying capacity of the river. The proposed works involve the removal of vegetation and the recontouring of the gravel beaches and islands. It is anticipated that when high flow flood events occur, the flows should disperse evenly over the beach area; therefore, the flood capacity of the river should not be inhibited in any way.

As mentioned in section 2 of this report, the GW Flood Protection Department was consulted and no concerns were raised in regard to the impact of the works on the flood carrying capacity of the Wainuiomata River. In addition, I have recommended a consent condition requiring consultation with GW Flood Protection prior to works being undertaken.

## **5.5 Erosion and scour**

The bed recontouring and placement of rock rip-rap in the bed of a stream has the potential to cause erosion and/or scour of the stream bed and banks. The applicant does not anticipate that erosion and scour will occur as a result of the proposed works as the purpose of the works is to mitigate the effects of erosion and scour. However, to ensure that any such issues are addressed, it is a recommend consent condition that the consent holder repairs any erosion or scour that is attributable to the works.

## **5.6 Summary**

Provided the applicant undertakes the works as outlined in the application and complies with the recommended consent conditions, the proposed works in the Wainuiomata River should have a no more than minor effect on the local environment.

## **6. Statutory assessment**

### **6.1 Resource Management Act 1991**

Part II (Section 5) of the Act defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part II define the matters a consent authority shall consider when achieving this purpose. I consider this proposal is consistent with Part II.

Section 104 of the Act outlines the matters a consent authority must have regard to. These matters include any actual and potential effects on the environment of allowing the activity, relevant objectives, policies and rules of a Regional Plan, the Regional Policy Statement, and any other matter considered relevant and reasonably necessary to determine the application. These matters have been considered in section 4 and 5 of this report.

### **6.2 Regional Policy Statement**

The Regional Policy Statement for the Wellington Region (RPS) contains several objectives and policies aimed at maintaining the quality of the freshwater environment. These objectives and policies are intended to provide for the current and reasonably foreseeable needs of current and future generations. The relevant chapters of the RPS are Chapter 5 (Freshwater), 9 (Ecosystems) and 11 (Natural hazards). I consider that the proposed activities outlined in the application are consistent with the objectives and policies of these chapters.

### **6.3 Regional plans**

The RFP has a number of objectives and policies that relate to the proposed activity. The most relevant objectives and policies to consider is assessing this application are listed below:

Policy 6.2.14 states that it is appropriate to allow minor or temporary diversions where they are associated with authorised works and/or the exercise of resource consent.

Objective 7.1.2 seeks to ensure that the risk of flooding and erosion is not increased by carrying out activities in the beds of rivers. These effects are addressed in section 5 of this report.

Policy 7.2.1 indicates that it is appropriate to allow activities for flood mitigation and erosion protection purposes of any waterbody and its margins.

Policy 7.2.8 allows the re-contouring of the beds of rivers provided the activities are necessary to avoid or mitigate the effects of flood hazard.

It is considered that the proposed works are consistent with the relevant policies and objectives of the RFP.

## **7. Main findings**

1. The proposed activities are consistent with the Purposes and Principles of the Act.
2. The proposed activities are consistent with the relevant objectives and policies of the RPS and the RFP.
3. The actual or potential adverse effects of the proposed activities on the environment will be no more than minor.
4. Conditions of the consent will ensure that the potential adverse effects of the activities on the environment will be appropriately avoided, remedied or mitigated.
5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are no more than minor.

### **7.1 Duration of consent**

For water permit WGN080503 [26863] and land use consent WGN080503 [27332], it is considered that a duration of 20 years is appropriate, which is the maximum allowable under section 123(c) of the Act, as the mitigation works are of an on-going nature.

## **8. Monitoring**

Annual inspections of the works will be undertaken, as required, in accordance with the *Resource Management Charging Policy (2008)*. Charges relating to this inspection are outlined in the cover letter enclosed with this report.

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<b>Application lodged:</b>	06/06/08	<b>Application officially received:</b>	27/06/08
<b>Application stopped:</b>	01/08/08	<b>Application started:</b>	04/11/08
<b>Applicant to be notified of decision by:</b>	21/11/08	<b>Applicant notified of decision on:</b>	21/11/08
<b>Time taken to process application:</b>	40 working days		

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## **9. Attachment 1 WGN080503 [26863]**

Water permit – to permanently divert the flow of secondary channels within the bed of the Wainuiomata River.

1. The location, design, construction, implementation and operation of all works shall be carried out in accordance with the application and associated documents and plans, lodged with the Wellington Regional Council on 6 June 2008 and further information received on 16 September 2008.

Note: Any change from the location, design concepts and parameters, and implementation may require a change in consent conditions under section 127 of the Resource Management Act 1991.

2. The Manager, Environmental Regulation, Wellington Regional Council, shall be given least 48 hours notice prior to works commencing, and thereafter shall be notified at least 48 hours prior to further works.
3. The permit holder shall provide a copy of this permit and any documents referred to in this permit to each operator or contractor undertaking works authorised by this permit, before that operator or contractor starts any works.
4. The permit holder shall ensure that a copy of this permit is kept on site at all times and presented to any Wellington Regional Council officer on request.
5. All reasonable steps shall be taken to minimise sediment loading and increased turbidity during implementation of all diversion works. The permit holder shall divert water only for the period necessary to carry out the works.
6. All works shall be undertaken in a manner that provides for fish passage wherever possible. Any fish entrapped by works shall be relocated upstream into clear water as soon as possible.
7. The works shall remain the responsibility of the permit holder and shall be maintained to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. This shall include the repair of any erosion of the bed and/or banks of the river that is attributable to the works and completing any reshaping of the river bed channel should it be deemed necessary by the Manager, Environmental Regulation, Wellington Regional Council.
8. All works affecting the river, including tidy up on completion of the works, shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

## 10. Attachment 2 WGN080503 [27332]

Land use consent to construct rock rip-rap bank protection structures, to temporarily place bunds in, and to drain and reclaim secondary channels within the bed of the Wainuiomata River, including the associated disturbance of the river.

1. The location, design, implementation and operation of the works shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 6 June 2008 and further information received on 16 September 2008.
2. A copy of this consent shall be held on-site for the duration of the activity/works and be made available to any Wellington Regional Council officer on request.
3. The consent holder shall ensure that, as far as practicable, all works carried out in the dry bed of the stream, including shaping and construction of the banks.
4. The Manager, Environmental Regulation, Wellington Regional Council shall be given least 48 hours notice prior to any works commencing. This notice must include but not be limited to the following:
  - a) description of the works to be undertaken; and
  - b) methodology of the works to be undertaken.
5. The Manager, Flood Protection, Wellington Regional Council shall be given least 48 hours notice prior to any works commencing. This notice must include but not be limited to the following:
  - a) description of the works to be undertaken; and
  - b) methodology of the works to be undertaken.
6. The consent holder shall take all practicable steps to minimise sedimentation and increased turbidity of the stream during the construction, implementation and maintenance of the works, including:
  - a) completing all works in the minimum time practicable;
  - b) minimising the area of disturbance at all times;
  - c) avoiding placement of construction or excavated material in the wetted channel;

- d) separating construction activities from the wetted channel, where practicable; and
  - e) minimising time spent by machinery in the wetted channel, and the number and frequency of machine crossings of the wetted channel of the stream, to a practicable minimum at all times.
7. Any excess material from the construction and implementation of the works shall be immediately removed from the bed and banks of the stream on completion of the works, and disposed of in an appropriate manner.
8. The consent holder shall ensure that:
- a) all machinery is thoroughly cleaned of unwanted vegetation (e.g. weeds), seeds or contaminants prior to entering the site;
  - b) no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into 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;
  - d) all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; and
  - e) no machinery is cleaned, stored or refuelled within 10 metres of any ephemeral or permanent watercourse.
9. The consent holder shall ensure that the works are undertaken in a manner that does not impede fish passage and that fish passage is maintained at all times during and on completion of the construction works along the stretches of river affected by the exercise of this consent.
10. Any fish stranded or trapped by the construction works as authorised by this consent shall be immediately relocated by the consent holder to clear, flowing water.
11. No works shall be carried out between 1 May to 31 August inclusive (trout spawning season), unless authorised by the written approval of the Manager Environmental Regulation, Wellington Regional Council.

Note: Manager Environmental Regulation, Wellington Regional Council will consult with Fish and Game New Zealand with regard to any works within trout spawning season.

12. The consent holder shall take all practicable steps to ensure that the works are carried out such that:
  - a) a meander pattern is maintained in the wetted channel of the river;
  - b) the width of the wetted channel of the stream is not reduced by the planting of willows or native plants (i.e. all planting shall be outside the active bed of the river);
  - c) disturbance to the bed of the stream is minimised; and
  - d) areas of complex river habitat (i.e. pool-riffle-run sequences) are maintained.

13. The consent holder shall ensure that any area of native vegetation on the banks of the stream that is damaged or destroyed due to the works is replanted with appropriate native species within one month of works being completed.

14. The consent holder shall ensure that all exposed areas of stream banks are stabilised against erosion by re-vegetating the area, as soon as practicable, upon completion of the works.

Note: For the purposes of this condition “stabilised” means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method to the reasonable satisfaction of the Manager, Environmental Regulation, Wellington Regional Council and as specified in the Erosion and Sediment Control Guidelines for the Wellington Region, September 2002. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual inspection by the Manager, Environmental Regulation, Wellington Regional Council, 80% vegetative ground cover has been established.

15. If koiwi, taonga or other artefact material is discovered in any area during the extraction works, the consent holder shall contact the Manager, Environmental Regulation, Wellington Regional Council, Wellington Tenth Trust and Ngati Toa immediately, and works in that area shall cease to allow a site inspection by the Manager and these groups and their advisors. The consent holder shall then consult with Wellington Tenth Trust and Ngati Toa on appropriate steps to recover the artefacts in order that works can resume. If skeletal remains are discovered, works shall also cease and the consent holder shall contact the New Zealand Police.

16. To minimise the potential for erosion, scour and/or instability, the consent holder shall:

- a) only use natural rock and soil material to reclaim the bed of the stream; and
- b) carefully place and sufficiently compact all fill material.

17. The works shall remain the responsibility of the consent holder and shall be regularly inspected and maintained by the consent holder so that any erosion of the stream banks or bed due to the works is remedied by the consent holder

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

18. All works affecting the stream, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.



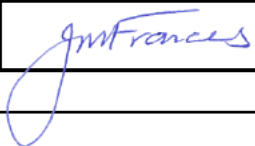
# Resource Consent RESOURCE MANAGEMENT ACT 1991

**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>	Kakariki Estate Limited (transferred from Benge Est Limited, C/- Shayne Edwards)	
<b>Address</b>	C/- Mike Friday, PO Box 30389, Lower Hutt 5040	
<b>Duration of consent</b>	Granted: 31 October 2016	Expires: 31 October 2026
<b>Purpose for which right is granted</b>	To disturb the riverbed 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	

## Transfer approval:

Transfer approved by:	Jo Frances	Team Leader, Environmental Regulation	
Date:	29 May 2023		

## Decision approval:

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.



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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



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# Continued Conditions to Resource Consent WGN170076 [34330]

19. In the event of a spill of fuel, hydraulic fluid, or other potential liquid contaminants, immediate steps shall be taken to contain the spilled contaminant. The spilled 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](mailto: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.



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# Resource Consent RESOURCE MANAGEMENT ACT 1991

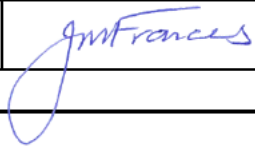
**Consent No. WGN170076 [34331]**

**Category: Water permit**  
**- Surface water take**

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>	Kakariki Estate Limited (transferred from Bengo Est Limited, C/- Shayne Edwards)	
<b>Address</b>	C/- Mike Friday, PO Box 30389, Lower Hutt 5040	
<b>Duration of consent</b>	Granted: 31 October 2016	Expires: 31 October 2026
<b>Purpose for which right is granted</b>	To take and use surface water from the Wainuiomata River for irrigation purposes	
<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>Water meter ID number</b>	296000/1	
<b>Volume/Quantity/Rate</b>	To take up to 315,000m <sup>3</sup> /year, at 2,376m <sup>3</sup> /day, at a maximum pumping rate of 33 litres/second	

**Transfer approval:**

Transfer approved by:	Jo Frances	Team Leader, Environmental Regulation	
Date:	29 May 2023		

**Decision approval:**

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 [34331]

**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 315,000m<sup>3</sup>/year, at 2376m<sup>3</sup>/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 m<sup>3</sup>
  - 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.

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*Note: This condition will be given effect to in the event of non-compliance of the rate of take, monitoring/reporting requirements of this consent, and/or any requirements of Greater Wellington Regional Council's Water Take Compliance Strategy.*

### **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 m<sup>3</sup>) 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](http://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.

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# Continued Conditions to Resource Consent

## WGN170076 [34331]

### 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.

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- 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.