



File Ref: 1/2/HCL  
JDH:KJH

# Land Use Consent – Gravel – 106724

## CONSENT GRANTED

To

**Higgins Contractors Limited**

To

**take gravel from the Ohau River for the purpose of gravel extraction**

**SUBJECT TO THE ATTACHED CONSENT CONDITIONS**

### Location

|                              |  |
|------------------------------|--|
| <b>Address for activity:</b> | Hoggs Road and Gladstone Road, Levin   |
| <b>Legal description:</b>    | Ohau River Bed   |
| <b>Valuation number:</b>     | N/A  |
| <b>Map reference:</b>        | <b>Hoggs Road:</b> NZTopo50 BN33:887-957 to BN:875-967<br><b>Gladstone Road:</b> NZTopo50 BN33:998-966 to BN:977-963 |

### Details of Resource Consent

|                                  |   |
|----------------------------------|---|
| <b>Granted:</b>                  | 15 August 2013  |
| <b>Expiry:</b>                   | 1 July 2018   |
| <b>Review:</b>                   | Annually in July  |
| <b>Replacing consent number:</b> | 104009  |
| <b>Maximum volume:</b>           | <b>Hoggs Road:</b> 6,000 cubic metres per year (6,000 m <sup>3</sup> /year)<br><b>Gladstone Road:</b> 10,000 cubic metres per year (10,000 m <sup>3</sup> /year)<br>80,000 cubic metres in total over both sites for the duration of this consent |

## DECISION

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For the reasons reported below, the Regulatory Manager of the Manawatu-Wanganui Regional Council (pursuant to delegated authority), grants resource consent 106724 to Higgins Contractors Limited under sections 104, 104C and 108 of the Resource Management Act 1991 to take gravel from the Ohau River for the purpose of gravel extraction at Hoggs Road and Gladstone Road, Levin for a term of 5 years expiring on 1 July 2018.



Richard Munneke  
**REGULATORY MANAGER**

15 August 2013

## REASON FOR THE DECISION

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1. The proposed extraction activity is consistent with the relevant provisions of the Resource Management Act 1991.
2. This application has been assessed by Jon Bell, Manawatu-Wanganui Regional Council's Design Engineer. Mr Bell has considered that the extraction rate is sustainable. Conditions have been imposed requiring the applicant to undertake grave extraction as directed by the Manawatu-Wanganui Regional Council's Area Engineer – Southern and remedy any erosion should it occur. Overall the effects are considered to be less than minor.
3. This application has been assessed by Manas Chakraborty, Manawatu-Wanganui Regional Council's Research Associate. Mr Chakraborty has considered the effects of the extraction on schedule AB values associated with the site. The site has values for SOSA – Riparian (Dotterel), SOS-A Aquatic for Banded Kokupu, Trout Fishery, Trout Spawning, Flood Control and Drainage, and Water Supply. Conditions have been imposed to protect these values and ensure that any adverse environmental effects arising from the activity are less than minor.
4. Conditions have been imposed which restrict the hours in which extraction can take place and to ensure that this gravel extraction has a minor effect on water quality.
5. Annual reviews have been placed on the consent to ensure that in the case of a major flood or other event, this gravel extraction will not result in an on-going adverse effect on the environment.
6. The 5 year term is consistent with the term requested by the applicant.

Recommended by:



Dan Higgs  
**CONSENTS PLANNER**

## CONDITIONS

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1. The consent holder shall undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with Manawatu-Wanganui Regional Council on 24 May 2013. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the resource consent, the conditions of the resource consent apply.

**Advice 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 gravel extraction activity authorised by this Land Use Consent shall be restricted to the Ohau River Bed, at two sites between approximate map references, Hoggs Road - NZTopo50 BN33:887-957 to BN33:875-967, and Gladstone Road - NZTopo50 BN33:998-966 to BN33:977-963
3. The total annual volume of material that may be extracted and removed from the Hoggs Road reach of the Ohau River under this Land Use Consent shall not exceed 6,000 cubic metres per year.
4. The total annual volume of material that may be extracted and removed from the Gladstone Road reach of the Ohau River under this Land Use Consent shall not exceed 10,000 cubic metres per year.
5. The combined total volume of material that may be extracted and removed from both reaches the Ohau River for the duration of this Land Use Consent shall not exceed 80,000 cubic metres.
6. The consent holder shall supply to Manawatu-Wanganui Regional Council's Regulatory Manager, within **10 working days** after the end of each month commencing **August 2013**, a record of all material excavated from the bed of the Ohau River during that month, stating the volumes removed from the beaches prior to any stockpiling. If no material has been excavated, a "nil" return shall be provided.

**Advice note:** For the purposes of this consent, the volume may be stated as the number of truck loads and the capacity of the truck.

7. The consent holder shall contact the Manawatu-Wanganui Regional Council's Area Engineer – Southern, **two (2) working days** prior to the commencement of extraction activities at the site, to be advised of what sites are to be worked, the volumes to be removed, and the beach shape required.

**Advice note:** The Area Engineer – Southern, can be contacted at the following number 0508 800 800.

8. The consent holder shall ensure that no vegetative materials, debris, overburden, holes, mounds, or stockpiles are left on any work site within the excavation area at the completion of any excavation sequence, and that none of the above materials are stored or stockpiled in a position where the flow of water may be impeded. Where the vegetation includes exotic plants such as willow, pampas and bamboo, it is not to be disposed of in locations where such vegetation is not present to avoid the spread of these species.
9. The works shall remain the responsibility of the consent holder and shall be maintained so that any erosion, scour or instability of the river bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder within **10 working days**.
10. The consent holder shall undertake all excavation in narrow strips aligned parallel to the main flow of the River, commencing from the downstream end of the work area and moving upstream. No excavation or removal of material shall take place in the active flowing channel or below a height 300 millimetres above the water level existing in the Ohau River channel at the time of excavation.
11. The consent holder shall ensure that any discharge of sediment into water must not, after reasonable mixing, cause any conspicuous change in the colour of water in the receiving water or any change in horizontal visibility by greater than 20% change in visual clarity in the upper reaches (Gladstone Road site – Ohau\_1a) and 30% change in visual clarity in the lower reaches (Hoggs Road Site - Ohau\_1b) of the Ohau River, at all times.

**Advice note:** Reasonable mixing is defined as seven times the bed width.

12. Activities authorised by this consent shall not result in the discharge of contaminants that are toxic to aquatic ecosystems

**Advice note:** This includes leakage of fuel, lubricants, hydraulic fluid, solvent, and other contaminants from machinery used for activities under this consent.

13. During the period **1 December to 28 February** the activity must not result in suspended sediment being conspicuous during weekends and public holidays.
14. During the period **1 December to 28 February** excavation, disturbance and removal works and authorised by this Land Use Consent shall be restricted to the hours of 7:00 am to 5:00 pm weekdays, with no excavation authorised on any weekend or public holiday during this period.
15. During the rest of the year (excluding the period mentioned in Conditions 13 and 14) excavation, disturbance and removal works authorised by this Land Use Consent shall be restricted to the hours of 7:00 am to 6:00 pm weekdays and 7:00 am to 12:00 pm on Saturdays. No excavation is authorised on any Saturday after 12:00 pm, Sunday or public holiday.
16. The consent holder shall ensure the activities authorised by this consent do not significantly adversely affect public access to and along the Ohau River.

17. Existing public access to or along the river channel associated with the proposed activity must not be rendered unsafe by the activity.
18. On completion of any excavation sequence, the beach shall be left well shaped, tapering uniformly from the water's edge to the river bank.
19. The consent holder shall ensure that no river crossings that lead to disturbance of riparian and in-stream habitat in the upper reaches of the Ohau River (Gladstone Road site), shall occur during spawning season (**1 April – 1 July**) of the native freshwater fish species known as banded kokopu (*Galaxias fasciatus*).
20. The consent holder shall ensure that no river crossings occur during the trout spawning season (**1 May – 30 September** inclusive).
21. The consent holder shall minimise the disturbance of nesting banded dotterels (*Charadrius bicinctus*) and/or black fronted dotterels (*Charadrius melanops*) at the Hoggs Road site during the period **1 August to 31 December** inclusive (breeding season) by:
  - a. starting extraction within seven days following a flood of the extraction reach of the Ohau River; or
  - b. continuing extraction started prior to 1 August provided the extraction is at the same location and is not interrupted for more than seven days
  - c. contacting the Department of Conservation two days prior to commencing work in an area to ensure the works will not disturb known nesting sites.

**Advice note:** The Department of Conservation can be contacted on 06 350 9700 for advice on dotterel nesting sites.

22. The consent holder shall ensure that there is be no removal of in-stream woody debris which is less than 2 m<sup>3</sup> in size unless this is required to reduce the risk of flooding or erosion.
23. No machinery or vehicle used for the exercise of this consent, shall enter, operate or excavate within water in the Ohau River during the exercise of this consent, except when river crossing. River crossings at any one site shall be restricted to one crossing point as far as practicable, and preferably the crossing point shall be at the upstream limit of the riffle.

**Advice note:** A riffle is defined as a shallow part of a stream / river where the water flows brokenly.

24. The consent holder shall ensure that:
  - a. machinery or vehicles used at the proposed site should be stood down for 48 hours prior to use in any catchment other than the Ohau River upstream of the site;
  - b. no gravel should be placed within an area such that the runoff will enter a waterbody other than the Ohau River; and
  - c. standard check, clean or dry procedures shall be adopted for any vehicles, equipment, clothing or footwear that has been in contact with a waterbody other than the upstream of the Ohau River within the past 48 hours.

25. The consent holder shall comply with all notices and guidelines issued by Biosecurity New Zealand in relation to avoiding spreading the Pest Organism *Didymosphenia geminata*, known as “Didymo” (refer to [www.biosecurity.govt.nz/didymo](http://www.biosecurity.govt.nz/didymo)).
26. In the event of an archaeological site, waahi tapu or koiwi being discovered or disturbed during the activities authorised by these consents, the consent holder shall immediately cease further work and inform the Muaūpoko Tribal Authority Inc., Tanenuiarangi Manawatū Incorporated and the Manawatu-Wanganui Regional Council’s Regulatory Manager. Further work at the site shall be suspended while Iwi carry out their procedures for removal of taonga. The Manawatu-Wanganui Regional Council’s Regulatory Manager will advise the consent holder when work at the site may recommence.

**Advice note:** In the event that human remains are found the police should be contacted immediately and all works shall cease until advice is given that works can recommence.

**Advice note:** A Muaūpoko Tribal Authority Inc. representative can be contacted (at time of granting of this consent), on the following number: 06 367 3311.

A Tanenuiarangi Manawatū Incorporated. representative can be contacted (at time of granting of this consent), on the following number: 06 353 1881.

**Advice note:** At the time of granting this consent the Manawatu-Wanganui Regional Council’s Regulatory Manager can be contacted on 0508 800 800.

### Review Condition

27. The Manawatu-Wanganui Regional Council may, under section 128 of the Act, initiate a review of all conditions of this resource consent **annually in July** for the duration of this consent, for the purpose of reviewing the effectiveness of these conditions in avoiding or mitigating any adverse effects on the environment. The review of conditions shall allow for:
- a. deletion or amendments to any conditions of this resource consent to ensure adverse effects are appropriately mitigated; or
  - b. addition of new conditions as necessary, to avoid, remedy or mitigate any unforeseen adverse effects on the environment; or
  - c. if necessary and appropriate, the adoption of the best practicable options to avoid, remedy or mitigate any adverse effects on the environment.