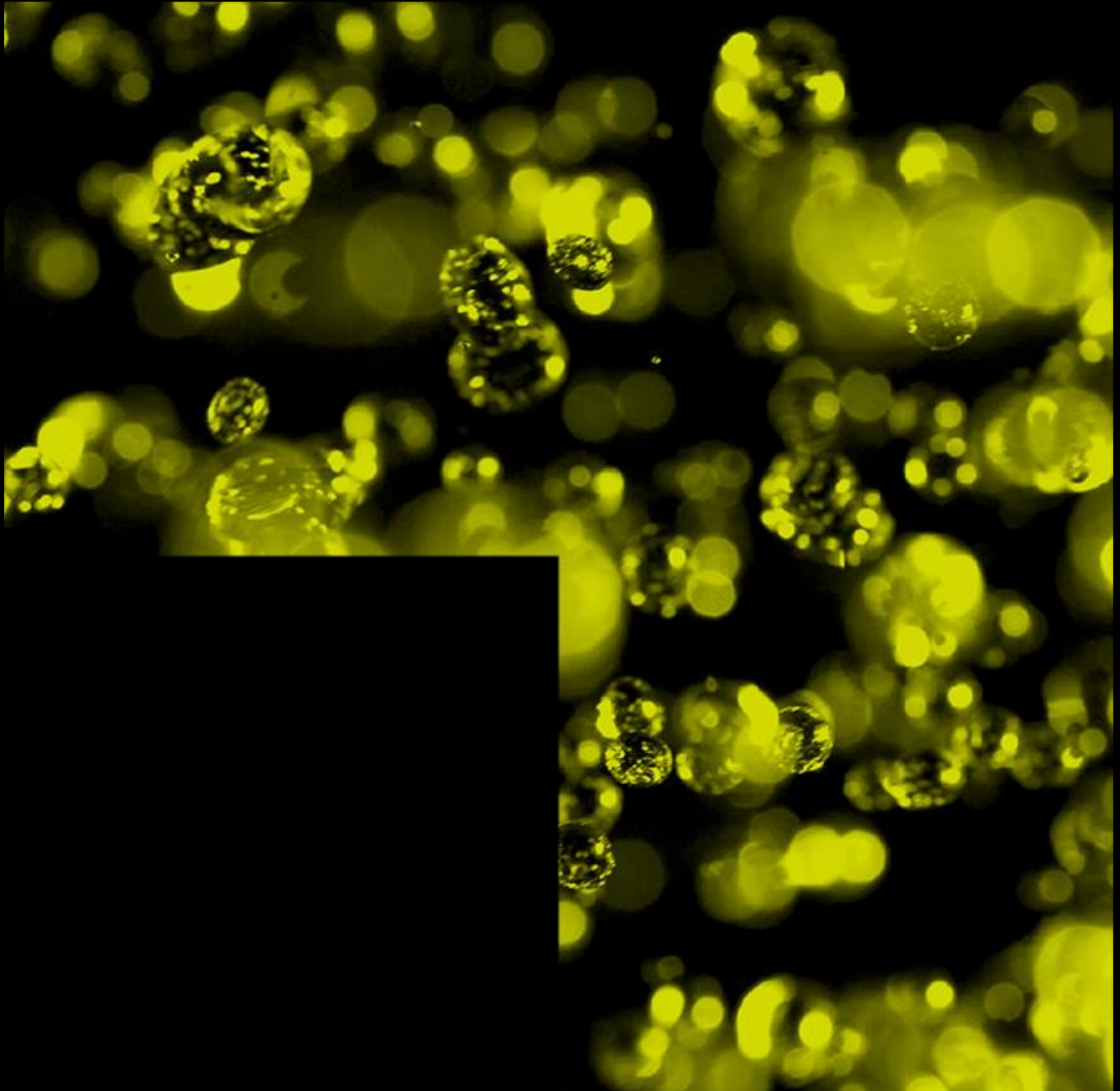


**WAIOEKA AND  
OTARA RIVER  
GRAVEL  
EXTRACTION**

Resource Consent Application and  
Assessment of Environmental  
Effects Report



Bay of Plenty Regional Council






# DOCUMENT CONTROL RECORD


**CLIENT** Bay of Plenty Regional Council  
**PROJECT** Waioeka and Otara River Gravel Extraction  
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Appendix 3	Resource Consent Conditions (existing Conditions with Amendments)
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# 1.0

## THE APPLICANT AND APPLICATION DETAILS

<b>APPLICANT</b>	Rivers and Drainage, Bay of Plenty Regional Council
<b>SITE ADDRESS</b>	Waioeka and Otara Rivers (extent described in Section 4)
<b>ADDRESS FOR SERVICE</b>	C/- Harrison Grierson Consultants Limited, PO Box 336 Whakatane 3158
<b>LEGAL DESCRIPTION</b>	Various
<b>REGIONAL PLAN</b>	Bay of Plenty Regional River Gravel Management Plan
<b>ACTIVITY STATUS</b>	Discretionary
<b>LOCALITY DIAGRAM</b>	



## 2.0 INTRODUCTION

### 2.1 INTRODUCTION

**The Rivers and Drainage section of the Bay of Plenty Regional Council (BOPRC) seeks to renew two existing resource consents. The consents authorise the removal of river gravel from sections of the Waioeka and Otara rivers in the Opotiki District.**

This report has been prepared in support of a resource consent application to the Bay of Plenty Regional Council.

The proposal involves renewing existing Bay of Plenty Regional Council resource consents 61321 and 61322, which were granted in 2009 and expire on 30 April 2019.

Resource consent 61321 allows up to 50,000m<sup>3</sup> of gravel to be taken annually from the bed of the Waioeka River. The gravel is extracted from various gravel beds between approximately 1 km downstream of the SH 2 Waioeka River Bridge (adjacent to Opotiki township) to the most upstream point at the Redpath Bridge. The Redpath Bridge is located approximately 1.5 kilometres down Wairata Road from the intersection with State Highway 2 (Waioeka Road).

Resource consent 61322 allows up to 50,000m<sup>3</sup> of gravel to be taken annually from the Otara River. The consent permits gravel to be removed from various gravel beds between approximately 1 km downstream of the SH 35 Otara River Bridge upstream to the junction of the Otara River and the Te Waiti Stream.

A plan showing the extent of the areas covered by this application is included in **Appendix 2**.

Gravel extraction is predominantly undertaken to remove accumulations from dry gravel beds. In exceptional cases gravel beaches may need to be reduced in height below the adjacent river level. River crossings may also be required on infrequent occasions to access gravel beaches.

The gravel extraction sites will be accessed using the closest feasible existing route to public roads. In some locations access is required over private land, in which case permission will be negotiated with the landowner prior to the works commencing.

Gravel extraction is undertaken for the purposes of river management and to maintain a meander pattern for erosion and flood control. These activities are necessary to fulfil the statutory functions of BOPRC in relation to soil conservation, maintaining and enhancing water quality and avoiding or mitigating natural hazards. The main objectives of river gravel management are to:

- Maintain gravel bed levels within a desirable range (avoiding excessive aggrading or degrading of bed levels);
- Minimise erosion;
- Maintain desirable river alignments to minimise bank erosion; and
- Keep gravel extraction in balance with natural supply rates.

The main tool used in the management of gravel extraction is BOPRC's Natural Environmental Regional Monitoring Network (NERMN) programme. This involves regular river and stream channel cross-section surveys along with data provided from gravel extraction activities. These surveys are used to determine the quantity of gravel

available for extraction within various river systems in order to maintain bed levels within the desired range.

Within the Otara River there are 37 river cross-section points and in the Waioeka River there are 20 cross-sections. The frequency of surveys is generally 2-5 years, with occasional additional surveys. The survey programme varies as there is a need to resurvey cross-sections after significant freshes in the river systems.

Resource consent is required under the Bay of Plenty Regional River Gravel Management Plan (RGMP). The RGMP has been prepared for the specific purpose of managing the effects of river gravel extraction and the associated activities.

To assist in implementing the RGMP, BOPRC has prepared a set of guidelines for contractors undertaking gravel extraction activities. The River Gravel Management Guidelines 2003 (RGMG) set out general principles and operational guidelines to avoid, remedy or mitigate the adverse environmental effects of gravel extraction.

Due to the broad scale of the activities it is requested that the application be processed on a publicly notified basis.

This report provides the information required by Schedule 4 of the Resource Management Act 1991 (the 'Act') in appropriate detail relative to the scale and complexity of the proposal.

## 3.0 BACKGROUND

The Rivers and Drainage section of BOPRC has river management responsibilities under the Soil Conservation and Rivers Control Act 1941 and the Resource Management Act 1991. Under the Soil Conservation and Rivers Control Act 1941, BOPRC is responsible for undertaking river and stream works for the conservation of soil resources, prevention of erosion and provision of flood protection. Planned river gravel removal at specific locations is necessary for the maintenance of channel flood flow capacity and the integrity of major flood control schemes (including the Waioeka-Otara scheme).

Under the Resource Management Act 1991 regional councils are responsible for the sustainable management of natural and physical resources (including existing flood control schemes), promotion of soil conservation, maintenance and enhancement of water quality and avoiding, remedying or mitigating natural hazards (including flooding).

Gravel extraction from rivers within the Bay of Plenty region has been occurring for more than 50 years. BOPRC has held a succession of resource consents over the past 20 years to authorise these works within the Waioeka and Otara rivers. The current consents (61321 and 61322) were granted in 2009 and replaced resource consents 51060 and 51061. The current consents expire on 30 April 2019.

The need to manage the volume of gravel in river systems is complemented by the demand for use as aggregate material in building and roading projects. River gravel management requires a balance to be established between supply and demand.

## 4.0 APPLICATION SITE

### 4.1 SITE DESCRIPTION

As outlined previously, the extent of the Waioeka River included in this application is between a point approximately 1 km downstream of the SH 2 Waioeka River Bridge adjacent to Opotiki township upstream to the Redpath Bridge which is located approximately 1.5 kilometres down Wairata Road off State Highway 2 (Waioeka Road). The total length of river is approximately 47 km. The river flows through the Waioeka Gorge in the upper section then meanders across flood plains in the lower reaches before joining the Otara River 2km upstream of the river mouth.

The extent of the Otara River covered by this application extends from a point approximately 1km downstream of the SH 35 Otara River Bridge (adjacent to the northern end of Opotiki township) upstream to the junction of the Otara River and the Te Waiti Stream. This is a length of around 16km and flows across a rural flood plain.

The proposal involves the removal of gravel from beaches within the defined reaches of both rivers. There are various sites which have been used routinely for gravel extraction to date. These sites typically have good vehicle access over public land or private land where landowner agreement has been provided. The locations of the beds to be extracted are likely to change over the proposed term of the consent as the meanders migrate and gravel is transported naturally through the river system.



Figure 1: Extent of the areas covered by the application

### 4.2 SITE VALUES

#### 4.2.1 WAOEKA RIVER

The Waioeka River is defined by the Bay of Plenty Regional Natural Resources Plan Water Quality Classification Map as having a Contact Recreation Water Quality Classification in the lower reaches (below the Waioeka Gorge) and an Aquatic Ecosystem classification within the gorge. The Otara River has similar water quality classifications with the lower section having a Contact Recreation Water Quality classification and the upper reaches an Aquatic Ecosystem classification.



The recreation water quality classification requires that any discharge of contaminants to a water body with such a classification shall not alter the quality of the water beyond a series of standards. This ensures that those recreation values associated with the water body are maintained. The aquatic ecosystem classification includes standards intended to ensure the aquatic ecological values are protected from the adverse effects of discharges and that food can be safely gathered from the waterway.

Schedule 1 of the Regional Natural Resources Plan identifies the Waioeka River as containing the following significant ecological values:

- Habitat and/or migratory pathway for various indigenous fish species (Bluegilled Bully, Common Smelt, Inanga, Shortfinned Eel, Longfinned Eel, Torrentfish) (Schedule 1A);
- Habitat for the threatened indigenous Blue Duck and Hochstetter's Frog (Schedule 1B);
- Whitebait spawning sites (Schedule 1C); and
- Regionally significant trout habitat and fishery values (Schedule 1D).

The Otara River is identified as containing whitebait spawning sites (Schedule 1C) and a locally significant trout habitat and brown trout fishery values (Schedule 1D).

In addition, gravel beaches within both the Waioeka and Otara rivers provide habitat and nesting areas for bird species including banded dotterel and pied stilt.

The lower reaches of the Waioeka and Otara Rivers are within the Waioeka-Otara Rivers Scheme, which is a flood protection scheme managed by BOPRC and includes an extensive network of stopbanks and bank protection works along the river edge.

The Waioeka River has been classified as being subject to a moderate level of pressure for gravel extraction. Between 2000 and 2010 average extraction rates have been around 22,000m<sup>3</sup> annually. Gravel extraction practices within this river system are focused on managing bed levels within different sections of the river to maintain desired bed levels. The effects of storms and slips in the upper catchment has the potential to increase the gravel supply rate, therefore gravel accumulations and bed level changes need to be carefully monitored and managed.

The Otara River has historically had a small gravel extraction rate due to the quality of the gravel and the remoteness of the area. During the 1990's an average extraction of 2,200m<sup>3</sup> per year was estimated and in the following decade (2000 – 2010) this increased to around 4,500m<sup>3</sup>. The analysis of survey data indicates a gravel supply rate averaging 25,000m<sup>3</sup> per year, therefore gravel extraction may need to be increased to maintain the river at the recommended bed level.

## 5.0 THE PROPOSAL

### 5.1 INTRODUCTION

This application seeks to renew existing resource consents held by Rivers and Drainage (Ref: 61321 and 61322). These resource consents authorise the removal of river gravel from sections of the Waioeka and Otara rivers.

The activities that are the subject of this application are undertaken to manage the accumulation of gravel within the river systems for the purposes of river management and maintaining a meander pattern for erosion and flood control.

This application seeks to retain the conditions of the existing consents with some relatively minor amendments to clarify the requirements. A copy of the existing resource consent conditions with proposed amendments are included in **Appendix 3**.

The current resource consents were issued with a 10 year term. A longer term of 15 years is sought by this application in order to ensure the consent holder is able to effectively fulfil its river management responsibilities with the added certainty provided by a 15 year term. As gravel extraction is a well-established activity with the Waioeka and Otara rivers and managed through an activity-specific regional plan and set of guidelines, the actual and potential adverse effects are well understood and controlled, therefore a 15-year term is considered appropriate.

### 5.2 ACTIVITIES

The extraction of gravel from both rivers requires resource consent under section 13(1)(b) of the Resource Management Act 1991 and 'catch-all' Rule 4 of the RGMP as a discretionary activity. The volume of gravel proposed to be extracted exceeds the permitted activity limits set out in Rules 1 and 2.

The status of Rule 3 of the RGMP is uncertain as it permits gravel extraction in circumstances specified in section of the Regional Land Management Plan which is no longer operative.

#### 5.2.1 LOCATION OF GRAVEL EXTRACTION

There are a number of established gravel extraction sites on both rivers, however the consent allows extraction from anywhere within the specified sections of river, as previously explained. A map identifying these areas is included as **Appendix 2**.

#### 5.2.2 EXTRACTION VOLUMES

This application seeks consent to authorise the removal of up to 50,000m<sup>3</sup> of gravel annually from each river system. This total volume is comprised of extraction activities undertaken at various locations where suitable access is available and gravel beaches have formed which require management.

The Regional Council operates what is referred to as a NERMN (Natural Environmental Regional Monitoring Network). The NERMN includes River and Stream Channel Monitoring to provide data which identifies the quantity of gravel available for extraction on a regular basis. This allows maximum annual extraction rates to be set for rivers in the region based on river control and maintenance criteria. It is this NERMN monitoring that guides gravel allocation decisions.

The NERMN Stream and River and Stream Channel Monitoring programme provides the technical information required to assess the gravel available on the rivers for extraction; both in terms of quantity and location.

The size and duration of flood events determines the volume of gravel transported and deposited by rivers. This sediment transport is continual and changing and is also influenced by river management practices in terms of where gravel will be deposited as a result of the management of channel alignment. As a consequence, the volume of gravel available for extraction and the location of that extraction changes regularly.

The regular NERMN reporting is used to review the channel changes and trends, and to adjust management practices, quantities available for extraction and the locations where extraction can occur throughout the term of the consent. The proposed consent conditions include a requirement for the consent holder to submit extraction information to BOPRC prior to each gravel extraction activity. This information, amongst other things, will outline the locations and proposed volumes of extraction based on the assessment of available gravel as indicated by NERMN and other monitoring.

Flexibility in the volume and location of gravel extractions on an ongoing basis is important for river managers. A requirement to submit this information prior to each extraction is considered to be the best way to provide this flexibility and ensure that effects of the activity in terms of available quantities and locations of gravel are being managed.

Gravel extraction is only viable where there is demand for it. In order to ensure the extraction is economically viable the demand needs to be commercial and in reasonable proximity to the extraction site, given the costs of transport. The current (and proposed) maximum annual extraction volume of 50,000m<sup>3</sup> is well above the actual volumes that have been extracted from these rivers in the past and at this stage is considered sufficient to enable the rivers to be maintained at the desired bed levels.

### **5.2.3 EXTRACTION ACTIVITIES**

River gravel extraction activities are undertaken by contractors working under the supervision of BOPRC staff. Each extraction operation is pre-planned by BOPRC staff taking account of the amount of gravel available, accessibility and environmental values. The relevant iwi representatives for the area are consulted. This information is compiled into an allocation report which sets out the volume, location and site specific conditions that apply to the operation. This report is provided to the contractor undertaking the work and can be used to satisfy the pre-notification requirements set out in the consent conditions.

## **5.3 MITIGATION MEASURES**

Conditions on the existing resource consents require all gravel extraction activities to be carried out in accordance with BOPRC's RGMG. This is entirely appropriate as the guidelines have been specifically developed to assist the implementation of the RGMP. The guidelines set out principles that are to be applied to avoid, remedy or mitigate adverse environmental effects of these works. Conditions on the existing resource consents also reflect specific principles contained in the RGMG. The following sub-sections summarise these principles which are reflected in the consent conditions.

### **5.3.1 GENERAL PRINCIPLES**

The RGMG contains general principles to guide gravel extraction activities. All persons undertaking extraction activities are required to be thoroughly familiar with the principles along with the specific operational guidelines. The principles are contained in **Appendix 4** and are summarised below:

- Maintain appropriate bed levels and bank stability;
- Keep machinery out of water unless necessary for critical works and avoid instream works during fish spawning and migration periods;
- Avoid the discharge of contaminants onto riverbeds and into rivers;
- Avoid the discharge of sediment into water;
- Isolate the works site to avoid off-site effects;
- Avoid or mitigate effects of gravel extraction on fish passage;
- Avoid works in bird nesting habitats during the nesting season;
- Plan and implement works to avoid, remedy or mitigate effects on ecological values;
- Avoid archaeological or historical sites through adequate planning and prior consultation;
- Consider contingencies in case of floods or other emergencies; and
- Critically assess the operational methodology, including type of machinery, timing of works (seasonal and weather conditions), and site management.

### **5.3.2 OPERATIONAL GUIDELINES**

The RGMG contains operational guidelines which set out measures that need to be undertaken prior, during and on completion of gravel extraction activities. These measures apply to permitted and consented activities to manage the effects of gravel extraction. Many of these measures have been included as conditions of the existing resource consents. It is proposed that these conditions be retained in the renewed consents.

The operational guidelines are summarised below:

#### **PRELIMINARY CONSIDERATIONS (BEFORE COMMENCING GRAVEL EXTRACTION)**

- Determine whether the activity is permitted under the RGMP and relevant District Plan and obtain any required consents;
- Obtain approval from gravel owner and landowner for site access;
- Provide 5 working days prior notification before commencement;
- Regional Council staff to inspect site at least 3 working days before gravel extraction begins;
- Erect warning signs if required to protect public health and safety; and
- Construct required access tracks on dry riverbed with appropriate erosion and sediment control and minimise earthworks and vegetation removal (Note – consent conditions require prior approval for new access routes).

#### **DURING GRAVEL EXTRACTION**

- Gravel shall only be extracted from dry parts of the gravel beach at least 0.3m above water level (as a permitted activity);

- Operations undertaken under the authority of a resource consent will need to comply with the specific conditions outlined in the consent. These may differ from those specified for permitted activities. In addition to those conditions, operators are expected to adopt a Best Practical Option ('BPO') approach by using equipment and techniques that minimise the adverse effects of gravel excavation but still comply with the resource consent conditions. For example:
  - (a) When carrying out instream work, appropriate machinery for the job shall be used to carry out work as efficiently as possible, with minimal track movement and/or pushing of material within flowing water; and
  - (b) Where excavation is required below normal water level, the excavation site shall be separated from the flowing water by a bund of at least one metre in height and one metre in width.
- Avoid machinery entering water unless necessary for access;
- Keep temporary stockpiles to a minimum size and orientate parallel to water flows and at least 20m from the waters edge and 0.3m above water level;
- Gravel extraction shall not cause damage to any riverbanks, protection works, access or any other works relating to the control of the river;
- Stream crossings by machinery or trucks shall be avoided.
- Where necessary, prior notification shall be provided to DoC and Fish and Game and seasonal restrictions apply;
- Public access shall not be impeded, other than as necessary for operational health and safety;
- Operations shall avoid bird nesting seasons;
- Gravel extraction activities shall cease immediately if any archaeological or historic site is discovered;
- Excess vegetation, slash or other debris shall be disposed off-site where practicable and clear of the watercourse or floodway;
- Refuelling activities shall not occur on the riverbed or within 20m of the waters edge. The operator is responsible for appropriate security and containment measures;
- All machinery and material shall be removed to a safe site above flood levels at the end of each day or when the site is left unattended;
- At the end of each working day no depressions or holes shall be left on the excavation site; and
- Gravel extraction shall not occur on Saturdays, Sundays or public holidays, unless special circumstances exist.

#### **ONCE WORKS ARE COMPLETED**

- The site shall be rehabilitated so that it complements the existing landscape, aesthetic and amenity values of the surrounding area;
- All plant, machinery, equipment, stockpiles and other material associated with the extraction activity shall be removed from the site;

- No depressions or holes shall be left on the excavation site that may trap fish; and
- Access tracks that existed prior to the works shall be left undisturbed or reinstated.

#### **RECORDS AND REPORTING**

- The consent holder shall keep adequate records of all materials removed from the riverbed, which shall be available on request; and
- A record of the volume of material removed from the riverbed during the operation together with the management fee shall be supplied to the Regional Council in accordance with the requirements of a consent condition or the permitted activity rules in the RGMP.

## **6.0 CONSULTATION**

The applicant has consulted with DoC, Fish and Game and NZTA regarding the proposed consent renewal. To date a response has been received from NZTA confirming that they are satisfied with the proposal and have no specific comments to make.

Consultation has been initiated with tangata whenua. This has involved correspondence with Whakatohea Maori Trust Board staff and two meetings with the nominated hapu representative for gravel extraction activities for Ngati Ira and Ngati Ngahere (Milton Kiri). This consultation process is ongoing with further hui planned. The focus of these discussions has been on ways to provide tangata whenua with greater opportunity to exercise kaitiakitanga through involvement in decision making regarding gravel extraction allocations issued under the resource consent.

## 7.0 REASONS FOR THE APPLICATION

This application seeks resource consent for activities that are subject to the Bay of Plenty Regional River Gravel Management Plan (RGMP). It is noted that the types of activities associated with gravel extraction (e.g. bed disturbance, earthworks) are also controlled by the Bay of Plenty Regional Natural Resources Plan (RNRP), however, to avoid unnecessary duplication, page 61 of the RNRP confirms that “gravel extraction is currently managed by the Operative Regional River Gravel Management Plan”.

### 7.1 BAY OF PLENTY REGIONAL RIVER GRAVEL MANAGEMENT PLAN

The RGMP became operative in 2001 and controls the extraction of gravel from the beds of rivers. The RGMP was reviewed in 2011 but a replacement plan has not been prepared.

The RGMP defines gravel as:

*“A collective term for the material in the bed of a river. It includes sand, silt, shingle, rocks and boulders.”*

Rule 2 of the RGMP is a permitted activity rule that provides for the extraction and removal of river gravel by BOPRC while exercising its river management, flood protection or flood control functions, for the purpose of achieving desired river meander pattern, location, alignment and bed grade. The rule is subject to maximum volume conditions<sup>1</sup> and does not allow works below or within 0.3m of the water level.

In some circumstances it may be necessary to extract a greater volume of gravel than is permitted by Rule 2 and/or to extract gravel within 0.3m of, or below, the water level of the adjacent river. Resource consent is therefore sought under Rule 4.

<b>RULE</b>	<b>ACTIVITY</b>	<b>STATUS</b>
Rule 4	Any river gravel excavation activity or any related disturbance of the bed of a river that is not a permitted activity in accordance with either Rule 1, 2 or 3 above is a discretionary activity. Discretionary activity consent applications will be assessed using the Assessment Criteria in section 16 and any other matter in section 104 of the Resource Management Act 1991.	Discretionary

The proposal requires assessment under the RGMP as a discretionary activity.

### 7.2 STATUS OF THE APPLICATION

Overall, the application is assessed as a discretionary activity.

<sup>1</sup> Condition 1: The quantity of river gravel that may be excavated from or placed on any gravel beach, that has a minimum natural bed width of less than 25 metres in the vicinity of any part of that beach, shall not exceed 1,000m<sup>3</sup> provided that when that quantity is aggregated with the gravel that has been excavated under this Rule from any place in the bed of that river during the previous 12 months shall not exceed 3,000m<sup>3</sup>

## 8.0 SECTION 104 ASSESSMENT

The matters Council must have regard to when considering an application for resource consent are listed in section 104 of the Act.

This section considers the relevant matters within section 104 and, by doing so, also meets the requirements of Clauses 2(1)(g) and 2(2) in Schedule 4.

### 8.1 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Clause 2(3) of Schedule 4 requires an assessment of the activity's effects on the environment. The detail of this should correspond with the scale and significance of the effects that the activity may have on the environment.

The following assessment includes, where relevant, the information required by Clause 6 and the matters outlined in Clause 7. The assessment also takes account of the discretionary activity assessment criteria in the RGMP (see section 8.2.4).

Gravel extraction activities have the potential to affect:

- Indigenous vegetation and habitats
- Aquatic ecology
- Erosion and sedimentation
- Cultural values and historic sites
- Effects on existing lawful activities / structures
- Natural hazards
- Natural character and visual effects
- Social and economic effects

These are assessed in the following sub-sections.

#### 8.1.2 INDIGENOUS VEGETATION AND HABITATS (ON LAND)

The activities covered by this application occur on the bed of rivers and their margins. These riparian areas can contain important indigenous vegetation and habitats for indigenous fauna. In this case, gravel is extracted from open beaches which typically have no vegetative cover or a sparse cover of exotic weed species, therefore the extraction of gravel from these areas will not directly impact indigenous vegetation values.

In most cases the extraction sites will have established access tracks and vehicles and machinery accessing the site and transporting gravel will not disturb any areas of indigenous vegetation or habitats. Where there is no existing practical access and a new access route is required. The current consent conditions state that approval must be obtained from the Regional Council (as consent authority) prior to their use. It is proposed that this condition be retained.

Gravel beaches provide nesting habitat for native bird species, including the Banded Dotterel and Pied Stilt. Where practicable gravel extraction activities will be undertaken outside of the bird breeding and nesting season (August to January) to avoid adverse effects. Where this is not possible, a site survey will be undertaken by a suitably



qualified person prior to gravel extraction commencing to identify the presence of native birds and clearly identify any nesting sites. A 30 metre exclusion area will be delineated around any identified nesting sites. Under the current consent this survey has been undertaken routinely by DoC staff at the request of the consent holder. It is anticipated that this arrangement will continue.

The following additional mitigation measures are also proposed:

- Gravel extraction and associated activities are undertaken as soon as practicable following any flood event;
- Gravel extraction operations and associated activities continue without undue interruption;
- Gravel extraction and associated activities are undertaken at a minimum number of extraction beaches at any one time; and
- Machinery movements are confined to a single set of tracks to and from the gravel extraction site.

Overall, the measures proposed above will ensure that the adverse effects of gravel extraction on indigenous vegetation and terrestrial habitats of indigenous fauna will be avoided and any unavoidable effects will be appropriately mitigated.

### **8.1.3 AQUATIC ECOLOGY**

The potential adverse effects of gravel extraction on aquatic ecology include effects on:

- The diversity of in-stream habitat for fish and other aquatic life;
- Fish spawning habitat through alteration of meander patterns and the run-riffle-pool structure of rivers;
- Suspended sediment load and resulting effects on spawning sites, fish migration and a reduction of aquatic plants.
- Sediment discharges smothering sedentary aquatic fauna including trout redds.

Both the Waioeka and Otara rivers are inhabited by native fish species and are recognised as significant trout fisheries, particularly the Waioeka River.

Wherever possible, works are undertaken in a manner that avoids instream disturbance. In some circumstances this may not be possible, and some bed disturbance may be unavoidable.

The current resource consent conditions require that any extraction of gravel below the water level in the adjoining river shall only occur where directed in writing by the Regional Council or for the purpose of avoiding a short, sharp rise on the river edge. In circumstances where beds are lowered below water levels a bund is required to be constructed between the site and the flowing river channel. Seasonal restrictions also apply to avoid underwater works during fish spawning periods.

The consent also restricts river crossings unless approved by the Regional Council.

The activities have the potential to result in indirect positive effects on aquatic ecology. The purpose of gravel extraction activities is to reduce the risk of flooding and bank erosion, both of which have the potential to cause significant adverse effects through loss of habitat and increased sediment load.

The existing consent conditions contain a package of measures to avoid or mitigate effects on aquatic ecology. The key measures are:

- Avoiding instream works, particularly during spawning / migration periods
- Avoiding the discharge of sediment to water
- Avoiding or mitigating effects on fish passage
- Avoiding the discharge of contaminants to stream banks or water bodies.

The avoidance of instream works wherever possible, the exclusion of works within the fish spawning season together with the other mitigation measures described above will ensure the effects of gravel extraction activities on aquatic ecosystems will be no more than minor and meet the water quality classifications that apply to both rivers.

#### **8.1.4 EROSION AND SEDIMENTATION**

One of the primary purposes of undertaking gravel extraction is to manage the amount of gravel within the rivers to minimise stream bank erosion and flood risk. River bed aggradation caused by excess gravel results in instability and bank erosion which can lead to the loss of high quality versatile soils, which is a finite resource.

The RGMG includes mitigation measures to ensure that the disturbance to the bed and banks of watercourses is kept to a minimum. In addition, BOPRC's Erosion and Sediment Control Guidelines for Land Disturbing Activities (ESCG) set out principles to ensure effects are minimised.

The measures for erosion and sediment control when undertaking gravel extraction activities include:

- Avoiding gravel extraction from wet areas and stream crossings to access gravel extraction sites wherever possible;
- Using existing access tracks
- Ensuring appropriate erosion and sediment controls are installed on access tracks in accordance with BOPRC's ESCG for Land Disturbing Activities to prevent sediment contaminated stormwater from entering the stream/river channel;
- Siting temporary stockpiles as far as practicable from the water's edge;
- Placing any overburden or debris generated by gravel extraction activities so as to avoid or minimise the discharge of material to the river.

The requirement to undertake works in accordance with the RGMG, ESCG and proposed consent conditions will ensure appropriate measures are employed to control the potential erosion and sedimentation effects of the activity.

#### **8.1.5 CULTURAL VALUES AND HISTORIC SITES**

The Waioeka and Otara rivers are of significant cultural value to tangata whenua and provide an important source of sustenance. The protection of these resources and their habitat is an important consideration. In addition, the mauri (or life force) of the rivers can be degraded by the discharge of sediment and other contaminants.

There are a large number of recorded archaeological sites identified on land adjacent to the bed of both rivers. The requirement to use existing access routes wherever possible minimises the potential for these sites to be disturbed. Where a new access route is required, it will be necessary to obtain prior approval from BOPRC.

Although there may be identified archaeological sites on land surrounding the rivers, the bed of the river is a highly dynamic area and the discovery of previously unidentified sites as a result of gravel extraction activities is unlikely. The proposed

consent conditions require the holder to cease works and notify the Regional Council in the event that any previously unidentified sites are discovered. The accidental discovery protocol included as a condition of the existing resource consent will be retained to ensure any artefacts encountered during works are dealt with appropriately.

Local hapu are routinely consulted as part of the planning of each gravel extraction operation under the current consents. This consultation ensures that the role of tangata whenua as kaitiaki is recognised and there is the ability for active participation in the planning of works to ensure matters of cultural significance are appropriately addressed.

It is considered that given the mobile nature of gravel beaches and the mitigation measures contained in the proposed consent conditions, any effects resulting from the proposed activity on cultural or historic values will be no more than minor. Appropriate methods have been proposed to avoid or mitigate any adverse environmental effects on these values.

The activities that are the subject of this application are necessary to help support the restoration of the mauri of waterways and improving riparian management.

Taking into account the measures discussed above, it is considered that the effects on cultural values will be no more than minor, however public notification of the application has been requested to ensure tangata whenua are able to participate in the process.

#### **8.1.6 EFFECTS ON EXISTING ACTIVITIES**

The effective management of river gravel accumulation is necessary to protect surrounding land uses and critical infrastructure. Under-excavation of gravel, results in bed aggradation which reduces channel flood capacity and adversely effects productive farmland, stopbanks, riverbed stability, structures and other instream assets. Conversely, over-excavation of gravel results in bed levels being too low, meaning banks are high and have to take the full force of the flow during a flood. Protection works are also undermined and more gravel is transported downstream to build up elsewhere.

The lower reaches of the Otago and Waioeka rivers are subject to the Waioeka-Otago Rivers Scheme, which is a comprehensive river control scheme. The scheme provides flood protection, channel edge stability and some drainage benefits to Otago Township and productive rural land on the flood plain. The scheme also protects other assets such as energy and transport routes, farms, houses and settlements. The integrity of the scheme assets, particularly stopbanks, depends on the river channel changes being controlled within a confined route. In addition, structures over rivers, such as bridges, may be threatened by both bank erosion (weakening the bridge abutments) and by build-up of the bed (reducing the waterway area beneath bridges). Both effects cause potential threats to these structures during floods.

Gravel extraction is an important component of river management. Determining the desired bed levels within reaches of the rivers takes into account the need to maintain the integrity of existing structures within the river systems.

#### **8.1.7 NATURAL HAZARDS**

Gravel extraction is necessary to avoid the increased flooding risk arising from river bed aggregation. The over-extraction of gravel from one location can also increase flood risk by placing more pressure on river banks during flood events and by resulting in the transport of more gravel downstream potentially causing a build-up elsewhere. These effects are managed through maintaining optimum bed levels based on data gathered through the NERMN monitoring programme.

### **8.1.8 NATURAL CHARACTER AND VISUAL EFFECTS**

River gravel extraction activities undertaken in accordance with the RGMG result in negligible lasting effects on natural character and landscape values of rivers. The beds of rivers are naturally dynamic environments with channel alignments and gravel beaches ever changing with variable river flows, flood events and the transport of gravel downstream through the river system.

There will be temporary visual effects for the duration of each extraction activity with machinery extracting and transporting gravel as well as temporary stockpiles. In most situations existing access tracks will be utilised.

On the completion of each gravel extraction operation, the site will be restored to a natural contour with all machinery and equipment removed from the site.

### **8.1.9 SOCIAL AND ECONOMIC EFFECTS**

Gravel extraction is an important component of effective river management, which provides a variety of significant social and economic benefits including the protection of key infrastructure and the productive use of rural land on the floodplains. The avoidance of flooding and damage to productive land allows for people to provide for their social, economic and cultural wellbeing

In addition to these benefits, river gravel is a valuable resource as aggregate for roading and in the construction industry.

One of the benefits in BOPRC holding a long-term consent for gravel extraction from these rivers is to make access to gravel less restrictive for contractors and therefore provide greater incentive to take gravel from rivers instead of elsewhere. The requirement to obtain resource consent deters contractors who sometimes find it is more convenient to access gravel from quarries, which reduces the demand for river gravel leading to aggradation of river beds.

### **8.1.10 SUMMARY**

In summary, it is considered that the adverse effects of the proposal will be appropriately avoided, remedied or mitigated through the measures described above. The RGMG provides a detailed framework for planning and undertaking gravel extraction activities to ensure the adverse environmental effects are minimised. The management of river gravel is necessary for BOPRC to fulfil its statutory functions in relation to erosion control, maintaining and enhancing water quality and managing natural hazards.

## **8.2 RELEVANT POLICY STATEMENTS AND PLANS**

### **8.2.1 NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT (NPSFM)**

The NPSFM came into effect on 1 July 2011 with the purpose of setting national direction on the management of freshwater resources to provide for all values that are important to New Zealanders.

The NPSFM contains objectives and policies that consider safeguarding the life-supporting capacity, ecosystem processes and indigenous species in sustainably managing water quality and quantity. The NPSFM also provides for improving the integrated management of freshwater and greater provision for tangata whenua involvement in freshwater management.

The key purpose of the NPSFM is to direct Regional Councils to include water quality and quantity limits in regional plans based on national and local values. As directed by

the NPSFM, the RNRP has adopted the wording of specific policies concerning the setting of limits for water quality and quantity. In broad terms, the activities that are the subject of this application support the achievement of the objectives of the NPSFM by reducing the risk of riverbank erosion and the associated effects on water quality. The mitigation measures contained in the RGMG and in the proposed consent conditions are designed to avoid or mitigate the potential effects of gravel extraction activities on water quality.

## 8.2.2 BAY OF PLENTY REGIONAL POLICY STATEMENT

The following provisions of the Bay of Plenty Regional Policy Statement (RPS) are relevant to this application:

### IWI RESOURCE MANAGEMENT

Objective 13	<i>Kaitiakitanga is recognised and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are systematically taken into account in the practice of resource management.</i>
Objective 17	<i>The mauri of water, land, air and geothermal resources safeguarded and where it is degraded, where appropriate, if is enhanced over time.</i>
<b>Policy IW 2B</b>	<p><b>Recognising matters of significance to Maori</b></p> <p>Proposals which may affect the relationship of Māori and their culture and traditions must:</p> <p>(a) Recognise and provide for:</p> <p>(i) Traditional Māori uses and practices relating to natural and physical resources such as mahinga mātaītai, waahi tapu, papakāinga and taonga raranga;</p> <p>(ii) The role of tangata whenua as kaitiaki of the mauri of their resources;</p> <p>(iii) The mana whenua relationship of tangata whenua with, and their role as kaitiaki of, the mauri of natural resources;</p> <p>(iv) Sites of cultural significance identified in iwi and hapū resource management plans; and</p> <p>(b) Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p>
<b>Policy IW 3B</b>	<p><b>Using criteria to assist in assessing inappropriate development</b></p> <p>Exercise the functions and powers of local authorities in a manner that:</p> <p>(a) Takes into account the principles of the Treaty of Waitangi;</p> <p>(b) Recognises that the principles of the Treaty will continue to evolve and be defined;</p> <p>(d) Recognises that tangata whenua, as indigenous peoples, have rights protected by the Treaty and that consequently the Act accords iwi a status distinct from that of interest groups and members of the public; and</p>

	(e) Recognises the right of each iwi to define their own preferences for the sustainable management of natural and physical resources, where this is not inconsistent with the Act.
<b>Policy IW 5B</b>	<p><b>Adverse effects on matters of significance to Maori</b></p> <p>When considering proposals that may adversely affect any matter of significance to Māori recognise and provide for avoiding, remedying or mitigating adverse effects on:</p> <p>(a) The exercise of kaitiakitanga;</p> <p>(b) Mauri, particularly in relation to fresh, geothermal and coastal waters, land and air;</p> <p>(c) Mahinga kai and areas of natural resources used for customary purposes;</p> <p>(d) Places sites and areas with significant spiritual or cultural historic heritage value to tangata whenua; and</p>

**Comment:**

The role of tangata whenua as kaitiaki is recognised through the pre-allocation planning undertaken prior to each gravel extraction operation. This involves engaging with relevant hapu representatives in the design of each operation to ensure that tangata whenua are actively involved in the management of the gravel resource and that matters of cultural value are taken into account.

**MATTERS OF NATIONAL IMPORTANCE**

Objective 18	<i>The protection of historic heritage and outstanding natural features and landscapes from inappropriate subdivision, use and development.</i>
Objective 19	<i>The preservation of the natural character of the region's coastal environment (including coastal marine areas) wetlands, lakes and rivers and their margins.</i>
Objective 20	<i>The protection of significant indigenous habitats and ecosystems having particular regard to maintenance, restoration, rehabilitation and intrinsic values.</i>
Objective 22	<i>The coastal marine area, lakes and rivers are generally accessible to the public.</i>
<b>Policy MN 1B</b>	<p><b>Recognise and provide for matters of national importance</b></p> <p>(a) Identify which natural and physical resources warrant recognition and provision for as matters of national importance under section 6 of the Act using criteria consistent with those contained in Appendix F of this Statement.</p> <p>(b) Recognise and provide for the protection from inappropriate subdivision, use and development of those areas, places, features or values identified in accordance with (a) in terms of natural character, outstanding natural features and landscapes, and historic heritage</p>

	<p>(c) Recognise and provide for the protection of areas of significant indigenous vegetation and habitats of indigenous fauna identified in accordance with (a).</p> <p>(d) Recognise and provide for enhancing and maintaining public access to and along those areas identified in accordance with (a).</p> <p>(e) Recognise and provide for the relationship of Māori and their culture and traditions identified in accordance with (a) and Policy IW 2B.</p> <p>(f) Recognise and provide for protection to recognised customary activities.</p>
<p><b>Policy MN 2B</b></p>	<p><b>Giving particular consideration to protecting significant indigenous habitat and ecosystems</b></p> <p>Based on the identification prioritisation of significant indigenous habitats and ecosystems in accordance with Policy MN 1B:</p> <p>(a) Recognise and promote awareness of the life-supporting capacity and the intrinsic values of ecosystems and the importance of protecting significant indigenous biodiversity;</p> <p>(b) Ensure that intrinsic values of ecosystems are given particular regards to in resource management decisions and operations;</p> <p>(c) Protect the diversity of the region's significant indigenous ecosystems, habitats and species including both representative and unique elements;</p> <p>(d) Manage resources in a manner that will ensure recognition of, and provision for, significant indigenous habitats and ecosystems.</p> <p>(e) Recognise indigenous marine, lowland forest, freshwater, wetland and geothermal habitats and ecosystems, in particular, as being underrepresented in the reserves network of the Bay of Plenty</p>
<p><b>Policy MN 3B</b></p>	<p><b>Using criteria to assess values and relationships in regard to section 6 of the Act</b></p> <p>When giving effect to Policy MN 1B, base the assessment of:</p> <p>(a) Natural character, in relation to section 6(a) of the Act, on the extent to which criteria consistent with those in Appendix F set 1: Natural character are met;</p> <p>(b) Whether natural features and landscapes are outstanding, in relation to section 6(b) of the Act, on the extent to which criteria consistent with those in Appendix F set 2: Natural features and landscapes are met;</p> <p>(c) Whether areas of indigenous vegetation and habitats of indigenous fauna are significant, in relation to section 6(c) of the Act, on the extent to which criteria consistent with those in Appendix F set 3: Indigenous vegetation and habitats of indigenous fauna are met;</p>

	<p>(d) Public access to and along the coastal marine area, lakes and rivers in relation to section 6(d) of the Act, on the extent to which the criteria consistent with those in Appendix F set 6: Public access are met;</p> <p>(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, in relation to section 6(e) of the Act, on the extent to which criteria consistent with those in Appendix F set 4: Maori culture and traditions are met; and</p> <p>(f) Historic heritage, in relation to section 6(f) of the Act, on the extent to which criteria consistent with those in Appendix F set 5: Historic heritage are met.</p>
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**Comment:**

Appendix F of the RPS contains criteria that should be used when assessing proposals against relevant matters in Section 6 of the Act. The criteria relevant to this application include:

- Set 1 – Natural Character
- Set 2 – Natural Features and Landscapes
- Set 3 – Indigenous Vegetation and Habitats of Indigenous Fauna
- Set 4 – Maori Culture and Traditions
- Set 5 – Historic Heritage

The assessment of the effects of the proposal in section 8.1 of this report has considered matters consistent with the criteria in Appendix F. The RPS and regional plans have identified the Section 6 matters relevant to gravel extraction activities.

<b>Policy MN 5B</b>	<p><b>Encouraging public access to and along the coast, lakes and rivers</b></p> <p>Retain or establish public access to and along the coast, lakes and rivers, giving priority to public access rights where:</p> <p>(a) Connections between existing public areas can be provided;</p> <p>(b) Improving access would promote outdoor recreation;</p> <p>(c) Physical access for people with disabilities is desirable;</p> <p>(d) The long-term availability of public access is threatened by erosion or sea level rise;</p> <p>(e) Walking access to the coastal marine area, lakes and rivers can be provided;</p> <p>(f) Access to areas or sites of cultural significance is important to tangata whenua; and</p> <p>(g) Subdivision, use, or development of land adjacent to the coastal marine area, lakes and rivers has reduced public access, or has the potential to do so</p>
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<b>Policy MN 7B</b>	<p><b>Using criteria to assist in assessing inappropriate development</b></p> <p>Assess, whether subdivision, use and development may be inappropriate having regard to its effects and using criteria consistent with those in Appendix G, for areas considered to warrant recognition and provision for under section 6 of the Act due to:</p> <p>(a) Natural character;</p> <p>(b) Outstanding natural features and landscapes;</p> <p>(c) Significant indigenous vegetation and habitats of indigenous fauna;</p> <p>(d) Public access;</p> <p>(e) Māori culture and traditions; and</p> <p>(f) Historic heritage.</p>
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**Comment:**

Public access will not be affected other than during works where necessary for public safety. The RGMG requires that existing access tracks be retained.

Appendix G sets out criteria for assessing whether a proposal is consistent with Policy MN 7B. The assessment of effects in section 8.1 of this report considers the appropriateness of the proposal and the effects in a manner that is consistent with the relevant criteria in Appendix G.

**WATER QUALITY AND LAND USE**

Objective 29	<p><i>Land use activities are:</i></p> <p>1 <i>within the capability of the land to support the activity;</i></p> <p>2 <i>integrated with the wider environmental values of their surroundings; and</i></p> <p>3 <i>within the capacity of receiving waters to assimilate any discharge</i></p>
<b>Policy WL 7B: Minimising the effects of land and soil disturbance</b>	<p>Achieve regional consistency by controlling land and soil disturbance activities to:</p> <p>(a) Avoid accelerated erosion and soil loss; and</p> <p>(b) Minimise silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.</p>

**Comment:**

The purpose of gravel extraction is to protect stream/river banks from erosion in order to minimise sediment entering water. Mitigation measures contained with the RGMG and in the proposed consent conditions ensure extraction activities, including access tracks are managed to avoid or minimise silt and sediment runoff.

**NATURAL HAZARDS**

Objective 31	<p><i>Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities:</i></p>
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**Comment:**

The proposed works are necessary to ensure land, buildings and infrastructure are able to be protected from the effects of flooding. Channel aggrading and stream bank erosion can contribute to increased flood risk. The proposed works are necessary to reduce this risk.

**SUMMARY**

Overall, it is considered that the proposal is consistent with the objectives and policies of the RPS. It is acknowledged that there may be circumstances where works are required in areas of high natural character, however, as discussed previously, the works will have no lasting visible effects. The role of tangata whenua as kaitiaki is recognised through the consultation proposed prior to each extraction operation. The works are necessary to achieve important objectives and policies relating to sustainable land use and management of natural hazards and to fulfil Regional Council responsibilities relating to soil conservation and the control of rivers to minimise flood risk.

**8.2.3 BAY OF PLENTY REGIONAL RIVER GRAVEL MANAGEMENT PLAN**

Relevant objectives and policies in the RGMP are assessed below.

Objective 1	<i>Reduction of the risks of flooding and riverbank erosion through control and management of gravel excavation activities.</i>
Objective 2	<i>Avoid, remedy or mitigate the adverse effects of gravel excavation on water quality</i>
Objective 3	<i>The safeguarding of community assets through gravel and river management.</i>
Objective 4	<i>Maintenance of existing aquatic habitats.</i>
Objective 5	<i>Restoration of aquatic habitats degraded by gravel excavation.</i>
Objective 6	<i>Maintenance of riparian habitats that are not aggrading or causing erosion.</i>
Objective 7	<i>Protection of aquatic ecosystems that may be affected by river gravel excavation activities.</i>
Objective 8	<i>Recognition and protection of cultural and heritage sites and of the characteristics of the riverine environment of special spiritual, cultural and historical significance to tangata whenua that may be affected by river gravel excavation activities.</i>
Objective 9	<i>Avoid, remedy or mitigate conflicts between gravel excavation activities and amenity values, recreational use and public access.</i>
Objective 10	<i>Control adverse effects of gravel excavation activities.</i>
Objective 11	<i>Monitoring of the physical and environmental effects of gravel excavation activities.</i>
Objective 12	<i>Improved consultation on gravel excavation and river management activities between stakeholders and affected parties.</i>
Objective 13	<i>The involvement of tangata whenua in river management.</i>

**Comment:**

The proposal has been developed to reduce flood risk and bank erosion, safeguard community assets and maintain aquatic habitats. Works are only undertaken where problems of aggrading beds or eroding banks, or a flood risk exists and the effects are

avoided, remedied or mitigated to acceptable levels. Overall, the proposal supports the achievement of these objectives.

<b>Policy 2</b>	To sustainably manage and safeguard community assets (including flood control and drainage systems) from flooding and bank erosion.
<b>Policy 3</b>	To require gravel excavation activities to use best practicable options to minimise the discharge of sediment and its impact on water quality.
<b>Policy 4</b>	To minimise bank erosion, bed instability and risks from flooding.
<b>Policy 5</b>	To protect sites with ecological, habitat, natural character, amenity or heritage value from the adverse effects of river gravel excavation.
<b>Policy 6</b>	To ensure that any adverse effects on aquatic ecosystems are avoided where practicable or otherwise mitigated and remedied.
<b>Policy 7</b>	To ensure that any adverse effects on riparian values on areas that are not aggrading or causing erosion are avoided or otherwise remedied or mitigated.
<b>Policy 8</b>	To recognise the cultural sensitivity that may be associated with heritage sites.
<b>Policy 10</b>	To ensure that the relationships between tangata whenua and the region's rivers are recognised and provided for when dealing with gravel excavation.
<b>Policy 12</b>	Where possible gravel should be excavated from dry riverbeds.
<b>Policy 13</b>	To minimise the effect of gravel excavation activities on amenity values, recreational use and public access.
<b>Policy 15</b>	To maintain river flood flow capacity and design river alignment and bed grade levels through the management of gravel excavation activities.

**Comment:**

The matters raised in the policies above have largely been addressed in earlier sections of this report. This has included discussion on the measures proposed to manage the environmental effects of works carried out under the consent. The works are necessary in order to minimise erosion, bed instability and flood risk. Sites of significance will be avoided wherever possible. Unavoidable effects will be remedied or mitigated by measures set out in the consent conditions and through adherence to the RGMG. Wherever possible gravel extraction will only occur on dry riverbeds.

#### **8.2.4 ASSESSMENT CRITERIA**

The RGMP contains specific criteria for assessing river gravel consent applications. These matters have been addressed in the assessment of environmental effects in earlier sections of this report and are summarised as follows.

<b>Criteria</b>	<b>Comment</b>
<p><b>Erosion/Sedimentation</b></p> <p><i>The proposed activity will be located, maintained and operated so as to avoid where practicable, or otherwise minimise any adverse effects on the background levels of erosion or sedimentation both in the immediate area of the proposed activity and the wider area.</i></p>	<p>Except for exceptional circumstances, gravel extraction will be undertaken from dry gravel beaches to avoid sediment discharges. Erosion and sediment controls will be installed in accordance with the ESCG.</p>

<p><b>Water Quality</b></p> <p><i>The proposed activity (including its location, maintenance and operation) will avoid where practicable, or otherwise minimise any adverse effects on water quality – including factors of; suspended solid levels, colour and clarity.</i></p> <p><i>Unless exceptional<sup>2</sup> conditions prevail consents will not be granted for excavations within the flowing part of the river.</i></p>	<p>The proposed mitigation measures ensure that appropriate erosion and sediment controls are in place in accordance with BOPRC guidelines.</p>
<p><b>Ecological</b></p> <p><i>The proposed activity will avoid where practicable, or otherwise minimise any adverse effects upon the ecology of the area including effects on:</i></p> <ul style="list-style-type: none"> <li>- <i>aquatic ecosystems and wildlife; fish (including trout);</i></li> <li>- <i>benthic communities; aquatic and riparian habitats; and</i></li> <li>- <i>upon the interrelationships of the ecology of the site with its surrounding area.</i></li> </ul> <p><i>Where practicable the proposal will also show how the continued or enhanced protection of identified areas of significant conservation value within the affected area will be achieved.</i></p> <p><i>Unless exceptional conditions prevail consents will not be granted for excavations within the flowing part of the river.</i></p>	<p>The proposed consent conditions ensure adverse ecological effects are avoided where practicable or otherwise mitigated. These measures have been discussed in detail in section 8.1 of this report.</p> <p>In all but exceptional circumstances, gravel extraction will be undertaken from dry gravel beaches. Where works are necessary within the flowing part of the river, seasonal restrictions apply to ensure that fish spawning is not affected.</p>
<p><b>Maori Values</b></p> <p><i>The proposed activity will avoid where practicable or otherwise mitigate any significant adverse effects on relevant tangata whenua spiritual or cultural values including; waahi tapu, urupa and traditional access. It is to be demonstrated that the applicant has consulted with the appropriate iwi authority including the responses of the applicant to the issues raised by the tangata whenua.</i></p>	<p>The proposed consent conditions require prior consultation with tangata whenua to ensure the proposed extraction activities will not affect sites of cultural significance.</p> <p>Rivers and Drainage staff are in regular communication with relevant hapu and iwi representatives regarding gravel extraction activities carried out under the current resource consent.</p> <p>Consultation has been initiated with relevant tangata whenua regarding this application and is ongoing. The request for this application to be publicly notified will ensure tangata whenua have a further opportunity to be formally involved in the consent process.</p>

<sup>2</sup>Exceptional conditions include for example the need for any of the following activities:

- the restoration or enhancement of aquatic or riparian habitat;
- the maintenance of river flood flow capacity, meander patterns and design bed grade;
- the remediation of bank erosion, bed scour and flood damage;
- the construction and maintenance of bank and flood protection structures; or
- the removal of structures that constitute a flood hazard or the mitigation of the adverse effects of them.

<p><b>Adjoining / Off-site Activities and Structures</b></p> <p>The proposed activity is to be located, maintained and operated so as to have no significant adverse effects on existing lawful activities or structures (of either an active or passive nature) in the immediate area and in the wider area except by written agreement of the person responsible for the structure or undertaking the activity (if such a person can be identified).</p>	<p>BOPRC undertakes a NERMN River and Stream Monitoring Programme to assess the quantity of gravel within the river systems and the locations and amount of gravel available for extraction to maintain bed levels within a desirable range. This range takes account of the need to protect the integrity of flood control assets and other infrastructure (e.g. bridges, roads).</p>
<p><b>Natural Hazards</b></p> <p>The proposed activity (including its location, maintenance and operation) will not compound the effects/risk of a known or potential natural hazard e.g. flooding.</p>	<p>The proposed consent conditions and guidance contained in the RGMG ensures gravel extraction activities will not increase flood risk. The measures set out in the RGMG and conditions include controls on stockpiles and a requirement to avoid damage to river banks or flood protection assets.</p>
<p><b>Sites of Historic, Archaeological or Scientific Value</b></p> <p>The proposed activity (including its location, maintenance and operations) will have no adverse effects on any areas or historic, cultural, archaeological or scientific importance except with prior written permission from the New Zealand Historic Places Trust or relevant authority.</p>	<p>There are a number of established gravel extraction sites within the Waioeka and Otara rivers which are clear of sites of significance. Prior to extracting gravel from new locations an assessment will be undertaken to determine whether any sites of historic, cultural, archaeological or scientific importance exist. This is a requirement of the RGMG.</p>
<p><b>Natural Character/Visual/Aesthetic</b></p> <p>The proposed activity will avoid where practicable or otherwise mitigate any significant adverse effects on the river environment including landscape values and outstanding natural features, and on any area subject to high levels of public use or viewed by many people.</p>	<p>At the completion of each gravel extraction activity, the site will be restored to a natural beach profile. Aside from temporary visual effects during the extraction operation, there will be no lasting effects on natural character, landscape or visual amenity values.</p>
<p><b>Timing or Scheduling</b></p> <p>The proposed activity will be carried out/operated either for parts of a day or only at certain times of the year so as to avoid significant adverse effects on the environment, including fish spawning or passage.</p>	<p>The current resource consents includes restrictions on the days of work as well as seasonal restrictions to avoid affecting fish spawning and bird nesting. It is proposed that these conditions are retained.</p>
<p><b>Cumulative Effects</b></p> <p>The proposed activity will not result in significant cumulative effects (including effects on the coastal environment) either from the effect of this activity in addition/combination with other activities in the area, or from the accumulation of factors associated with this particular activity.</p>	<p>The proposed gravel extraction activities are not anticipated to result in significant cumulative adverse effects. Gravel extraction from these rivers is a well-established activity and no cumulative adverse effects have been identified during the exercise of the current consent.</p>

	BOPRC's NERMN monitoring programme provides the technical information necessary to ensure that the overall quantity of gravel extracted from rivers maintains the desired bed level and takes account of all gravel extraction activities.
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### 8.3 OTHER MATTERS

Section 104(1)(c) allows Council to consider any other matters that are relevant and reasonably necessary to determine the application.

#### 8.3.1 SECTION 104 ASSESSMENT CONCLUSION

The potential adverse effects of this proposal are considered to be minor, and acceptable.

This assessment has also demonstrated that this proposal is not contrary to the objectives, policies and assessment criteria of the RGMP.

Overall, the relevant matters of section 104 of the Act have been comprehensively covered within this section and provides Council with sufficient information to make a determination under section 104B of the Act.

## 9.0 NOTIFICATION ASSESSMENT

### 9.1 PUBLIC NOTIFICATION UNDER SECTION 95A OF THE ACT

Section 95A(1) of the Act provides Council with the discretion to publicly notify an application for resource consent.

#### 9.1.1 SITUATIONS WHEN AN APPLICATION MUST BE PUBLICLY NOTIFIED

The three instances when an application for resource consent must be notified by Council are contained in section 95A(2) of the Act. These are:

- a) it decides (under section 95D) that the activity will have or is likely to have adverse effects on the environment that are more than minor; or
- b) the applicant requests public notification of the application; or
- c) a rule or national environmental standard requires public notification of the application.

Under section 95A(2)(b) of the Act the applicant is requesting public notification. On this basis, the application must be notified and accordingly no further assessment is required.

## 10.0 PART 2 OF THE ACT

Sections 5 to 8 of the Act contain its purpose and principles. The proposal will be an appropriate and sustainable use of the site (and consistent with these sections) for the reasons set out below.

### 10.1.1 SECTION 5 - PURPOSE

Section 5 in Part 2 of the Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Gravel extraction is one of a number of operational measures that BOPRC needs to carry out in order to achieve the sustainable management of natural and physical resources. River gravel management is important to achieve soil conservation and minimise flood risk to protect the productive potential of versatile soils and enable the associated social and economic wellbeing of communities.

### 10.1.2 SECTION 6 - MATTERS OF NATIONAL IMPORTANCE

Section 6 of the Act sets out matters of national importance that need to be recognised and provided for. The following are relevant to the proposal:

- a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*

The extraction of gravel from beaches within river beds is considered to be an appropriate activity and will have negligible lasting effects on natural character or landscape values. Effects on significant indigenous vegetation and habitats will be avoided by utilising existing access routes wherever practicable.

- d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*

Public access will be maintained other than necessary temporary restrictions on public access to areas where machinery is operating to protect public safety.

- e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- g) *The protection of recognised customary activities.*

As has been discussed in previous sections of this report, the effects of the proposal on tangata whenua values will be managed through consultation for each works activity.

- h) *The management of significant risks from natural hazards.*

One of the purposes of undertaking the works is to reduce the risk of natural hazards (flooding).



Overall, the proposed changes are considered to be broadly consistent with the matters of national importance set out in Section 6 of the Act.

### 10.1.3 SECTION 7 - OTHER MATTERS

Section 7 identifies a number of "other matters" to be given particular regard to in the consideration of any assessment for resource consent, and includes:

- a) *Kaitiakitanga;*
- aa) *The ethic of stewardship;*

The consultation requirements give particular regard to the role of tangata whenua as kaitiaki and the opportunity to identify sites or areas of cultural significance and ensure they are avoided.

- bb) *The efficient use and development of natural and physical resources;*

River gravel management contributes to the efficient use and development of versatile soils by protecting the land from erosion and reducing flood risk.

- c) *The maintenance and enhancement of amenity values;*

The mitigation measures detailed in the RGMG and the proposed consent conditions take account of the need to maintain amenity values through the use of existing access routes and site rehabilitation at the completion of extraction operations.

- d) *Intrinsic values of ecosystems;*
- f) *Maintenance and enhancement of the quality of the environment;*

Works are designed to have regard to ecosystem values by minimising instream disturbance and avoiding riparian vegetation and habitats.

- g) *Any finite characteristics of natural and physical resources;*

One of the key purposes of undertaking the works is to protect the finite characteristics of the soil resource and to protect it from loss through erosion.

- h) *The protection of the habitat of trout and salmon*

Avoiding works within wet areas of the river bed wherever possible and imposing seasonal restrictions on essential works within the flowing river will ensure the habitat of trout is protected.

- i) *The effects of climate change*

The overall impacts of climate change, specifically increased frequency and magnitude of flooding heightens the importance of effective river gravel management.

### 10.1.4 SECTION 8 - TREATY OF WAITANGI

Section 8 requires that the principles of the Treaty of Waitangi be taken account of.

The existing consultation process has been established in recognition of the role of tangata whenua as kaitiaki and the need to protect sites and resources of value.

The management of river gravel is necessary to help achieve sustainable land management and the proposed mitigation measures will ensure the mauri of the rivers are maintained. These outcomes are consistent with the principles of active protection and mutual benefit

## 11.0 CONCLUSION

The applicant seeks resource consent to allow gravel extraction from specified sections of the Waioeka and Otara rivers.

An assessment of this proposal has been prepared using Schedule 4 of the Act, and covers the matters that Council must consider when making a decision on an application under section 104 of the Act. The assessment has:

- Demonstrated that the proposal is consistent with the purpose and principles of the Act;
- Found that the potential adverse effects on the environment of the proposal will be no more than minor;
- Identified the positive effects that approval of this application will generate; and
- Concluded that the proposal is not contrary to the relevant objectives, policies and assessment criteria of the applicable statutory documents.

Due to the wide area covered by the application and the high level of public use within these areas, the applicant has requested public notification of the application to provide an open opportunity for any interested parties to be involved in the process.

Subject to any matters that may be raised through submissions on the application, it is considered that the consent authority has sufficient information to make a decision on the application and that it has been demonstrated that it is appropriate for consent to be granted, subject to conditions.

## 12.0 LIMITATIONS

### 12.1 GENERAL

This report is for the use by Bay of Plenty Regional Council only, and should not be used or relied upon by any other person or entity or for any other project.

This report has been prepared for the particular project described to us and its extent is limited to the scope of work agreed between the client and Harrison Grierson Consultants Limited. No responsibility is accepted by Harrison Grierson Consultants Limited or its directors, servants, agents, staff or employees for the accuracy of information provided by third parties and/or the use of any part of this report in any other context or for any other purposes.



# APPENDICES



**APPENDIX 1**  
**RESOURCE CONSENT APPLICATION**  
**FORMS**



**A** PO Box 364, Whakatāne 3158  
**P** 0800 884 880  
**F** 0800 884 882  
**E** info@boprc.govt.nz  
**W** www.boprc.govt.nz

File ref:			
	SEEN		SEEN
Office use only			

**Application for a Resource Consent – Resource Management Act 1991 (s.88)**

**1B Disturbance In or Around a Water Body (e.g. diversion, dredging, wetland disturbance, gravel extraction)**

Before you make an application it is recommended that you talk or meet with a Consents Officer to discuss it. A Consents Officer may also be able to undertake a site visit to provide further advice. Noting that a pre-application service charge may apply.

If you would like to arrange this, please phone 0800 884 880.

If you are applying for more than one activity and you have already completed the basic details in Part 1 on another form, go straight to Part 2 of this form.

**See notes to Applicant (last pages of form) before proceeding with application form.**

Land and/or bed disturbing activities within and near water bodies may be subject to rules in the Regional Water and Land Plan and the Regional Coastal Environment Plan. In addition, gravel extraction activities are subject to the Regional Gravel Management Plan, and activities within the Tarawera River Catchment are subject to the Tarawera River Catchment Plan.

These plans can be found on our website <http://www.boprc.govt.nz/knowledge-centre/plans/>.

Reviewing and understanding the rules and assessment criteria applicable to your activity will assist you with preparation of your assessment of environmental effects.

Which rules of the above plan(s) are applicable for your activity?

Rule 4 (Bay of Plenty Regional River Gravel Management Plan)

What is the activity status of your consent application?

- Controlled
- Restricted Discretionary
- Discretionary

If you need assistance determining which rules and activity status are applicable for your activity please call 0800 884 880 and ask to speak to the duty Consents Officer for guidance.

---

Under Section 88 of the Resource Management Act 1991, the undersigned makes this application for resource consent(s).

## PART 1

1 **Full name of applicant(s)** *(the name that will be on the consent)*

Surname:

First names:

**OR**

If the application is being made on behalf of a trust, the Trustees must be named.

Trust name:

Trustees' name:

**OR**

Company name: Rivers and Drainage, Bay of Plenty Regional Council

Contact person: Peter Blackwood, Principal Technical Engineer

Postal address: PO Box 364, Whakatane 3158

Telephone *(please tick preferred contact number)*

Residential ( )  Business (0800) 884 880

Cell ( )

Facsimile

Email Peter.Blackwood@boprc.govt.nz

---

2 **Details of consultant** *(or other person authorised to make application on behalf of applicant)*

Company name: Harrison Grierson Consultants Limited

Contact person: Tim Fergusson

Postal address: PO Box 336, Whakatane 3158

Telephone *(please tick preferred contact number)*

Residential ( )  Business (07) 219 3017

Cell (021) 748 525

Facsimile

Email t.fergusson@harrisingrierson.com

All correspondence, including invoices for charges, relating to this application(s) should be sent to:

Applicant  Consultant

---

**3 Name and address of owner/occupier (of the site relating to application)**

**Owner:** Various

Postal address:

Residential ( )  Business ( )

**Occupier:**

Postal address:

Residential ( )  Business ( )

**Please note:** If the applicant is not the owner of the land to which the activity relates, then it is good practice to submit the application with written approval from the landowner.

---

**4 Consent(s) being applied for from Bay of Plenty Regional Council**

(a) You will need to fill in a separate form for each of the activities you propose to undertake. You may also need consent for one or more of the following.

**Land Use**

- Form 1A Culverts, Bridges, Fords, Erosion Protection, Pipes and Associated Works
- Form 1B Disturbance In or Around a Water Body (e.g. diversion, dredging, wetland disturbance, gravel extraction)
- Form 1C Lake Structures (*new and existing*)
- Form 2A Land Disturbing Activities (*e.g. earthworks and quarrying*)
- Form 2B Land Disturbing Activities (*forest harvesting/vegetation clearance*)

**Discharge (including coastal)**

- Form 3A Onsite Effluent Discharge
- Form 3B Discharge Farm Dairy Effluent
- Form 3C Land Use Activities in the Catchments of Lake Ōkāreka, Rotoehu, Ōkaro, Rotorua and Rotoiti
- Form 4A Discharge Stormwater to Water and/or Land from Urban Residential, Rural
- Form 4B Industrial Discharges to Water or Land (*including stormwater*)
- Form 4C Discharge Contaminants to Air



**Water** (including coastal)

- Form 5A Water Permit Application (s.14) – Take Surface Water (includes intake structure (s.13))
- Form 5B Water Permit Application (s.14) – Take Groundwater
- Form 5C Dam Water
- Form 5D Divert Water
- Form 6A Geothermal Take and Discharge – Domestic and Light Commercial/Industrial

**Coastal** (see point 4 of **Notes to Applicant** for explanation of the Coastal Marine Area)

- Form 7A Application for Consent for Coastal Structures (including associated occupation and disturbance)
- Form 7B Application to Disturb Coastal Marine Area (no structure)

(b) In which district is the activity located?

- |   |  |
|---|--|
| <input type="checkbox"/> Whakatāne District             | <input checked="" type="checkbox"/> Ōpōtiki District |
| <input type="checkbox"/> Rotorua District               | <input type="checkbox"/> Kawerau District            |
| <input type="checkbox"/> Western Bay of Plenty District | <input type="checkbox"/> Tauranga District           |
| <input type="checkbox"/> Taupō District                 |  |

(c) Is this application to replace an existing or expired consent(s)?  Yes  No

If Yes, please state the consent number(s)

61321

(d) What rule under which plan is the activity applied for? **Rule 4**

Refer to <http://www.boprc.govt.nz/knowledge-centre/plans/> for the regional plans.

(e) Please specify the duration sought for your consent(s).

10 years              months

Start date    1 May 2019

Completion date *(if applicable)*

(f) Do you also require resource consent(s) from a district council?  Yes  No

Type of consent required

Has it been applied for?  Yes  No

Has it been granted? *(If Yes, please attach)*  Yes  No

---

## 5 Location description of activity

Site address

Various gravel beaches along a reach of the Waioeka River from a point approximately 1,000 metres downstream of State Highway 2, Waioeka River Bridge upstream to the Redpath Bridge (approximately 1.5 kilometres down Wairata Road off State Highway 2). This reach of river is approximately as shown on the attached plan.

Legal description (*legal description can be obtained from your Certificate of Title, valuation notice, or rate demand*)

Crown Land - River Bed (Opotiki District).

Map reference NZTM, (*if known*)

Most northern point (downstream) at or about NZMS 260 W15: 8531 4594.

Most southern point (upstream) at or about NZMS 260 X16: 9002 1595.

Name of water body: Waioeka River

---

## PART 2

### 1 Description of activity (*tick all that apply*)

- Excavate, drill, tunnel, or otherwise disturb the bed.
- Deposit any substance in, on, or under the bed.
- Reclaim or drain the bed.
- Wetland disturbance.
- Other (*please specify*)

*Please note: If the activity includes damming or diversion of the water body also complete form 5C and/or 5D.*

1.1 What is the name, if any, of the watercourse or wetland? (*If the stream is unnamed, give the name of the watercourse to which it is a tributary.*) Waioeka River

1.2 Please describe the proposed activity.

To remove gravel from the bed of the Waioeka River for river management purposes.

Duration of works: Various

Volume of extraction: Up to a maximum of 50,000m<sup>3</sup> per annum

Machinery to be used: Typical earthworks machinery and vehicles

Access to site Utilising existing access routes wherever practicable.

1.3 For all activities, please provide:

(a) A site plan showing location of works in relation to property boundaries.

*If you do not have access to mapping software, we recommend you use the regional mapping system available on our website ([www.boprc.govt.nz](http://www.boprc.govt.nz) keywords 'regional*

**mapping**). The mapping system includes property boundary and contour layers, and allows you to carry out a property search, and view and/or print topographic maps or aerial photography.

- (b) Concept plans, to scale, on good-quality paper of minimum A4 size.
- (c) A cross section of the proposed site.
- (d) Cross sections 50 m upstream and downstream of the site.

*Note: A cross section involves the following measurements:*

- *the width between the top of each bank,*
- *the width across the bed of the waterway, and*
- *the height of each bank above the bed of the waterway.*

---

## 2 Site description

- (a) Describe the physical attributes of the site(s) (e.g. topography, ecology, bed materials, wildlife habitats, recorded archaeological sites, cultural and scientific features). It would be useful to include photographs.

See attached report for details of the proposed activity

*[Continue on a separate sheet if necessary]*

- (b) Please provide any hydrological data if available. These *include: stream flow and gradient, catchment characteristics (e.g. steep, forested catchment, or easy pastoral catchment).*

See attached report for details of the proposed activity

*[Continue on a separate sheet if necessary]*

---

## 3 Assessment of Environmental Effects (AEE)

Describe the actual and potential effects that the proposed activity/operation could have on the environment.

- (a) Effects of immediate activity/construction (*e.g. disturbance of stream bed, sediment*) on the immediate vicinity.

See AEE report

- (b) Effects of the completed works or structure on the bed, both upstream and downstream, in both typical and extreme conditions (*e.g. flooding upstream and/or downstream*). Please provide an assessment and any supporting calculations.

See AEE report

- (c) Effects on water quality.

See AEE report

- (d) Effects on ecological values including fish passage and proposed measures to mitigate these (*e.g. perched culverts, burying culvert invert below stream bed*).

See AEE report

(e) Any other effects.

See AEE report

The effects assessed above shall include mitigations measures proposed, alternative options assessed and any monitoring proposed.

---

#### 4 Cultural effects

Please provide an assessment of the cultural effects associated with the activities you propose.

See AEE report

The Regional Council's Regional Policy Statement is clear that only tangata whenua can identify their relationship with an area. It is good practice to consult with tangata whenua in relation to your application so that you can provide the correct information to answer this question.

The Regional Council can provide a list of tangata whenua who have registered an interest in the site of your activity so that you can undertake the assessment. We can also provide other information e.g. access to iwi and hapū management plans, details about identified archaeological sites and details of any Statutory Acknowledgements relevant to the site. Please contact the Consents Team on 0800 884 880 to get more information.

---

#### 5 Persons likely to be affected

*Affected persons may include neighbouring land owners and occupiers, and/or organisations such as the Department of Conservation, Land Information New Zealand (LINZ), Eastern Region Fish and Game Council, relevant iwi and hapū and community groups.*

*If you do not think there will be affected persons, you do not need to fill out this section; however, the Bay of Plenty Regional Council will make the final assessment of whether a person is affected by your proposal, and it is recommended as best practice to consult with those persons.*

*In order for your application to be considered for **non-notification** you **must** gain written approval from all persons who may be affected by the proposal. The Bay of Plenty Regional Council can help you identify people/organisations that are likely to be affected, and the form 'Affected Person's Written Approval', which can be filled out by the affected party and attached to this application, can be found at [www.boprc.govt.nz](http://www.boprc.govt.nz) keywords 'resource consent forms'.*

Please provide details below of those you have identified as persons who may be affected. If you have discussed your proposal with any of these persons, please record any comments made by them and your response to them, and submit this with your application.

Name

Address

Written approval supplied (*attached*).

Name

Address

Written approval supplied (*attached*).

Name

Address

Written approval supplied (*attached*).

Name

Address

Written approval supplied (*attached*).

[Continue on a separate sheet if necessary]

---

## 6 Extending timeframes

*The Resource Management Act 1991 (RMA) specifies timeframes for processing resource consent applications (e.g. 20 working days for a non-notified application); however these timeframes can be extended, if necessary, with the Applicant's agreement.*

Do you agree to the Bay of Plenty Regional Council extending RMA consent processing timeframes?

- Yes, provided that I can continue to exercise my existing consent until processing of this application is completed (*renewal application only*).
- Yes, provided that the extension is for the specific purpose of discussing and trying to agree on consent conditions.
- Yes, provided that the application process is completed before
- No.
- 

## 7 Deposit fee

A deposit fee of \$2700.00, inclusive of GST, is payable with this application. This may be paid online, by cheque, or by eftpos at one the Regional Council's reception desks.

- Bay of Plenty Regional Council's bank account number is **06 0489 0094734 00**. Please use the Applicant's name as the reference. A GST invoice marked "PAID" will be issued on receipt of payment.
- An application will not be accepted as a complete application until the deposit fee has been paid. **Please note:** while we are happy to hold the forms in the meantime, the processing time will not start until payment is received.
- Additional charges are usually incurred, and will vary depending on the resource we use in the course of processing your application (*e.g. staff time*). Staff can give an estimate of expected costs. Please see the schedule of fees attached.

---

## Checklist

The following information must be included in your application to ensure it is accepted.

If you have dealt with a staff member regarding your consent application, please provide their name here:

- Complete all details in this application form.
- Include an Assessment of Environmental Effects (AEE) of the activity, as set out in Schedule 4, summarised at the back of this form. *(For minor activities, complete the relevant section in the activity application form. For major activities, a more detailed AEE must be attached to the application.)*
- Supply written approval from all affected parties, if any, and/or summary of consultation carried out.
- Include a site plan.
- Sign and date the application form.
- Pay the required deposit.
- Include any other information you think relevant *(e.g. Certificate of Title, details from the Companies Register, etc.)*
- If your application is a large application, please submit an electric version on CD, and one hard copy.
- Assessment of Cultural Effects.

Please be aware any unchecked boxes may result in your application being returned under s.88.

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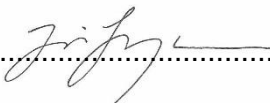
## Information privacy issues

The information you provide in this application is regarded as official information. It is required under the provisions of the Resource Management Act 1991 to process this application, and to assist in the management of the region's natural and physical resources.

The information will be held by Bay of Plenty Regional Council, Quay Street, Whakatāne. This information is subject to the provisions of the Local Government Official Information and Meetings Act 1987, and the Privacy Act 1993. The information you provide in this application will generally be available to the public. If there is any information that you would like to remain confidential please contact a consents officer to discuss.

Failure to provide this information will mean that Bay of Plenty Regional Council will be unable to process your application.

- 
- 1 I confirm that I have authority to sign on behalf of the party/ies named as the applicants for this consent.
  - 2 I have read, and understand, all of the information contained on this application form, including the requirement to pay additional costs that will be itemised.
  - 3 I confirm that all the information provided is true and correct and understand that any inaccurate information provided could result in my resource consent later being cancelled.

Signature .....  .....

Date 29/01/2019





**A** PO Box 364, Whakatāne 3158  
**P** 0800 884 880  
**F** 0800 884 882  
**E** info@boprc.govt.nz  
**W** www.boprc.govt.nz

File ref:			
	SEEN		SEEN
Office use only			

**Application for a Resource Consent – Resource Management Act 1991 (s.88)**

**1B Disturbance In or Around a Water Body (e.g. diversion, dredging, wetland disturbance, gravel extraction)**

Before you make an application it is recommended that you talk or meet with a Consents Officer to discuss it. A Consents Officer may also be able to undertake a site visit to provide further advice. Noting that a pre-application service charge may apply.

If you would like to arrange this, please phone 0800 884 880.

If you are applying for more than one activity and you have already completed the basic details in Part 1 on another form, go straight to Part 2 of this form.

**See notes to Applicant (last pages of form) before proceeding with application form.**

Land and/or bed disturbing activities within and near water bodies may be subject to rules in the Regional Water and Land Plan and the Regional Coastal Environment Plan. In addition, gravel extraction activities are subject to the Regional Gravel Management Plan, and activities within the Tarawera River Catchment are subject to the Tarawera River Catchment Plan.

These plans can be found on our website <http://www.boprc.govt.nz/knowledge-centre/plans/>.

Reviewing and understanding the rules and assessment criteria applicable to your activity will assist you with preparation of your assessment of environmental effects.

Which rules of the above plan(s) are applicable for your activity?

Rule 4 (Bay of Plenty Regional River Gravel Management Plan)

What is the activity status of your consent application?

- Controlled
- Restricted Discretionary
- Discretionary

If you need assistance determining which rules and activity status are applicable for your activity please call 0800 884 880 and ask to speak to the duty Consents Officer for guidance.

---

Under Section 88 of the Resource Management Act 1991, the undersigned makes this application for resource consent(s).

## **PART 1**

**1 Full name of applicant(s) (the name that will be on the consent)**

Surname:

First names:

**OR**

If the application is being made on behalf of a trust, the Trustees must be named.

Trust name:

Trustees' name:

**OR**

Company name: Rivers and Drainage, Bay of Plenty Regional Council

Contact person: Peter Blackwood, Principal Technical Engineer

Postal address: PO Box 364, Whakatane 3158

Telephone *(please tick preferred contact number)*

Residential ( )  Business (0800) 884 880

Cell ( )

Facsimile

Email Peter.Blackwood@boprc.govt.nz

---

**2 Details of consultant (or other person authorised to make application on behalf of applicant)**

Company name: Harrison Grierson Consultants Limited

Contact person: Tim Fergusson

Postal address: PO Box 336, Whakatane 3158

Telephone *(please tick preferred contact number)*

Residential ( )  Business (07) 219 3017

Cell (021) 748 525

Facsimile

Email t.fergusson@harrisingrierson.com

All correspondence, including invoices for charges, relating to this application(s) should be sent to:

Applicant  Consultant

---

**3 Name and address of owner/occupier (of the site relating to application)**

**Owner:** Various

Postal address:

Residential ( )  Business ( )

**Occupier:**

Postal address:

Residential ( )  Business ( )

**Please note:** If the applicant is not the owner of the land to which the activity relates, then it is good practice to submit the application with written approval from the landowner.

---

**4 Consent(s) being applied for from Bay of Plenty Regional Council**

(a) You will need to fill in a separate form for each of the activities you propose to undertake. You may also need consent for one or more of the following.

**Land Use**

- Form 1A Culverts, Bridges, Fords, Erosion Protection, Pipes and Associated Works
- Form 1B Disturbance In or Around a Water Body (e.g. diversion, dredging, wetland disturbance, gravel extraction)
- Form 1C Lake Structures (*new and existing*)
- Form 2A Land Disturbing Activities (*e.g. earthworks and quarrying*)
- Form 2B Land Disturbing Activities (*forest harvesting/vegetation clearance*)

**Discharge (including coastal)**

- Form 3A Onsite Effluent Discharge
- Form 3B Discharge Farm Dairy Effluent
- Form 3C Land Use Activities in the Catchments of Lake Ōkāreka, Rotoehu, Ōkaro, Rotorua and Rotoiti
- Form 4A Discharge Stormwater to Water and/or Land from Urban Residential, Rural
- Form 4B Industrial Discharges to Water or Land (*including stormwater*)
- Form 4C Discharge Contaminants to Air

**Water** (including coastal)

- Form 5A Water Permit Application (s.14) – Take Surface Water (includes intake structure (s.13))
- Form 5B Water Permit Application (s.14) – Take Groundwater
- Form 5C Dam Water
- Form 5D Divert Water
- Form 6A Geothermal Take and Discharge – Domestic and Light Commercial/Industrial

**Coastal** (see point 4 of **Notes to Applicant** for explanation of the Coastal Marine Area)

- Form 7A Application for Consent for Coastal Structures (including associated occupation and disturbance)
- Form 7B Application to Disturb Coastal Marine Area (no structure)

(b) In which district is the activity located?

- |   |  |
|---|--|
| <input type="checkbox"/> Whakatāne District             | <input checked="" type="checkbox"/> Ōpōtiki District |
| <input type="checkbox"/> Rotorua District               | <input type="checkbox"/> Kawerau District            |
| <input type="checkbox"/> Western Bay of Plenty District | <input type="checkbox"/> Tauranga District           |
| <input type="checkbox"/> Taupō District                 |  |

(c) Is this application to replace an existing or expired consent(s)?  Yes  No

If Yes, please state the consent number(s)

61322

(d) What rule under which plan is the activity applied for? **Rule 4**

Refer to <http://www.boprc.govt.nz/knowledge-centre/plans/> for the regional plans.

(e) Please specify the duration sought for your consent(s).

10 years                  months

Start date                                  1 May 2019

Completion date (if applicable)

(f) Do you also require resource consent(s) from a district council?  Yes  No

Type of consent required

Has it been applied for?  Yes  No

Has it been granted? (If Yes, please attach)  Yes  No

---

5 **Location description of activity**

Site address

Various gravel beaches along a reach of the Otara River from a point approximately 1000 metres downstream of the State Highway 35, Otara River Bridge upstream to the junction of the Otara River and the Te Waiti Stream. This reach of river is approximately as shown on the attached plan.

Legal description (*legal description can be obtained from your Certificate of Title, valuation notice, or rate demand*)

Crown Land - River Bed (Opotiki District)

Map reference NZTM, (*if known*)

Most northern point (downstream) at or about NZMS 260 W15: 8706 4723.

Most southern point (upstream) at or about NZMS 260 X16: 9306 3742.

Name of water body: Otara River

---

## PART 2

1 **Description of activity** (*tick all that apply*)

- Excavate, drill, tunnel, or otherwise disturb the bed.
- Deposit any substance in, on, or under the bed.
- Reclaim or drain the bed.
- Wetland disturbance.
- Other (*please specify*)

*Please note: If the activity includes damming or diversion of the water body also complete form 5C and/or 5D.*

1.1 What is the name, if any, of the watercourse or wetland? (*If the stream is unnamed, give the name of the watercourse to which it is a tributary.*) Otara River

1.2 Please describe the proposed activity.

To remove gravel from the bed of the Otara River for river management purposes.

Duration of works: Various

Volume of extraction: Up to a maximum of 50,000m<sup>3</sup> per annum

Machinery to be used: Typical earthworks machinery and vehicles

Access to site Utilising existing access routes wherever practicable.

1.3 For all activities, please provide:

- (a) A site plan showing location of works in relation to property boundaries.

If you do not have access to mapping software, we recommend you use the regional mapping system available on our website ([www.boprc.govt.nz](http://www.boprc.govt.nz) keywords '**regional mapping**'). The mapping system includes property boundary and contour layers, and allows you to carry out a property search, and view and/or print topographic maps or aerial photography.

- (b) Concept plans, to scale, on good-quality paper of minimum A4 size.
- (c) A cross section of the proposed site.
- (d) Cross sections 50 m upstream and downstream of the site.

*Note: A cross section involves the following measurements:*

- *the width between the top of each bank,*
- *the width across the bed of the waterway, and*
- *the height of each bank above the bed of the waterway.*

---

## 2 Site description

- (a) Describe the physical attributes of the site(s) (e.g. topography, ecology, bed materials, wildlife habitats, recorded archaeological sites, cultural and scientific features). It would be useful to include photographs.

See attached report for details of the proposed activity

*[Continue on a separate sheet if necessary]*

- (b) Please provide any hydrological data if available. These *include: stream flow and gradient, catchment characteristics (e.g. steep, forested catchment, or easy pastoral catchment).*

See attached report for details of the proposed activity

*[Continue on a separate sheet if necessary]*

---

## 3 Assessment of Environmental Effects (AEE)

Describe the actual and potential effects that the proposed activity/operation could have on the environment.

- (a) Effects of immediate activity/construction (*e.g. disturbance of stream bed, sediment*) on the immediate vicinity.

See AEE report

- (b) Effects of the completed works or structure on the bed, both upstream and downstream, in both typical and extreme conditions (*e.g. flooding upstream and/or downstream*). Please provide an assessment and any supporting calculations.

See AEE report

- (c) Effects on water quality.

See AEE report

- (d) Effects on ecological values including fish passage and proposed measures to mitigate these (e.g. *perched culverts, burying culvert invert below stream bed*).

See AEE report

- (e) Any other effects.

See AEE report

The effects assessed above shall include mitigations measures proposed, alternative options assessed and any monitoring proposed.

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#### 4 Cultural effects

Please provide an assessment of the cultural effects associated with the activities you propose.

See AEE report

The Regional Council's Regional Policy Statement is clear that only tangata whenua can identify their relationship with an area. It is good practice to consult with tangata whenua in relation to your application so that you can provide the correct information to answer this question.

The Regional Council can provide a list of tangata whenua who have registered an interest in the site of your activity so that you can undertake the assessment. We can also provide other information e.g. access to iwi and hapū management plans, details about identified archaeological sites and details of any Statutory Acknowledgements relevant to the site. Please contact the Consents Team on 0800 884 880 to get more information.

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#### 5 Persons likely to be affected

*Affected persons may include neighbouring land owners and occupiers, and/or organisations such as the Department of Conservation, Land Information New Zealand (LINZ), Eastern Region Fish and Game Council, relevant iwi and hapū and community groups.*

*If you do not think there will be affected persons, you do not need to fill out this section; however, the Bay of Plenty Regional Council will make the final assessment of whether a person is affected by your proposal, and it is recommended as best practice to consult with those persons.*

*In order for your application to be considered for **non-notification** you **must** gain written approval from all persons who may be affected by the proposal. The Bay of Plenty Regional Council can help you identify people/organisations that are likely to be affected, and the form 'Affected Person's Written Approval', which can be filled out by the affected party and attached to this application, can be found at [www.boprc.govt.nz](http://www.boprc.govt.nz) keywords 'resource consent forms'.*

Please provide details below of those you have identified as persons who may be affected. If you have discussed your proposal with any of these persons, please record any comments made by them and your response to them, and submit this with your application.

Name

Address

Name

Address

Written approval supplied (*attached*).

Written approval supplied (*attached*).



Name

Address

Written approval supplied (*attached*).

Name

Address

Written approval supplied (*attached*).

[Continue on a separate sheet if necessary]

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## 6 Extending timeframes

*The Resource Management Act 1991 (RMA) specifies timeframes for processing resource consent applications (e.g. 20 working days for a non-notified application); however these timeframes can be extended, if necessary, with the Applicant's agreement.*

Do you agree to the Bay of Plenty Regional Council extending RMA consent processing timeframes?

- Yes, provided that I can continue to exercise my existing consent until processing of this application is completed (*renewal application only*).
  - Yes, provided that the extension is for the specific purpose of discussing and trying to agree on consent conditions.
  - Yes, provided that the application process is completed before
  - No.
- 

## 7 Deposit fee

A deposit fee of \$2700.00, inclusive of GST, is payable with this application. This may be paid online, by cheque, or by eftpos at one the Regional Council's reception desks.

- Bay of Plenty Regional Council's bank account number is **06 0489 0094734 00**. Please use the Applicant's name as the reference. A GST invoice marked "PAID" will be issued on receipt of payment.
- An application will not be accepted as a complete application until the deposit fee has been paid. **Please note:** while we are happy to hold the forms in the meantime, the processing time will not start until payment is received.
- Additional charges are usually incurred, and will vary depending on the resource we use in the course of processing your application (*e.g. staff time*). Staff can give an estimate of expected costs. Please see the schedule of fees attached.

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## Checklist

The following information must be included in your application to ensure it is accepted.

If you have dealt with a staff member regarding your consent application, please provide their name here:

- Complete all details in this application form.
- Include an Assessment of Environmental Effects (AEE) of the activity, as set out in Schedule 4, summarised at the back of this form. *(For minor activities, complete the relevant section in the activity application form. For major activities, a more detailed AEE must be attached to the application.)*
- Supply written approval from all affected parties, if any, and/or summary of consultation carried out.
- Include a site plan.
- Sign and date the application form.
- Pay the required deposit.
- Include any other information you think relevant *(e.g. Certificate of Title, details from the Companies Register, etc.)*
- If your application is a large application, please submit an electric version on CD, and one hard copy.
- Assessment of Cultural Effects.

Please be aware any unchecked boxes may result in your application being returned under s.88.

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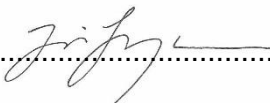
## Information privacy issues

The information you provide in this application is regarded as official information. It is required under the provisions of the Resource Management Act 1991 to process this application, and to assist in the management of the region's natural and physical resources.

The information will be held by Bay of Plenty Regional Council, Quay Street, Whakatāne. This information is subject to the provisions of the Local Government Official Information and Meetings Act 1987, and the Privacy Act 1993. The information you provide in this application will generally be available to the public. If there is any information that you would like to remain confidential please contact a consents officer to discuss.

Failure to provide this information will mean that Bay of Plenty Regional Council will be unable to process your application.

- 
- 1 I confirm that I have authority to sign on behalf of the party/ies named as the applicants for this consent.
  - 2 I have read, and understand, all of the information contained on this application form, including the requirement to pay additional costs that will be itemised.
  - 3 I confirm that all the information provided is true and correct and understand that any inaccurate information provided could result in my resource consent later being cancelled.

Signature .....  .....

Date 29/01/2019

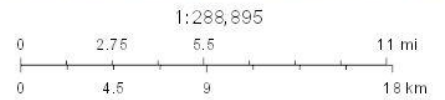
# APPENDIX 2 APPLICATION MAPS

# Gravel Extraction Extent - Waioeka River



29/01/2019 10:53:45 a.m.

- Local Council Boundary
- Bay of Plenty Regional Council Boundary



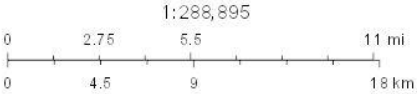
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Bay of Plenty Regional Council

# Gravel Extraction Extent - Otara River



29/01/2019 10:54:27 a.m.

- Local Council Boundary
- Bay of Plenty Regional Council Boundary



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Bay of Plenty Regional Council

**APPENDIX 3**  
**RESOURCE CONSENT CONDITIONS**  
**(EXISTING CONDITIONS WITH**  
**AMENDMENTS)**

## Bay of Plenty Regional Council

### Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 24 June 2009, Hereby Grants to:

#### BAY OF PLENTY REGIONAL COUNCIL (OPERATIONAL SERVICES)

A resource consent under section 13(1)(b) of the Resource Management Act 1991 and Rule 4 of the Regional River Gravel Management Plan to carry out a discretionary activity being to **Undertake Gravel Extraction from the Bed of the Waioeka River** subject to the following conditions:

1 **Purpose**

To remove gravel from the bed of the Waioeka River for river management purposes.

2 **Location**

From various gravel beaches along a reach of the Waioeka River from a point approximately 1000 metres downstream of the State Highway 2, Waioeka River Bridge upstream to the Redpath Bridge (approximately 1.5 kilometres down Wairata Road off State Highway 2). This reach of river is approximately as shown on BOPRC Plan Number RC 61321/1.

3 **Map Reference**

Most northern point (downstream) at or about NZMS 260 W15: 8531 4594.

Most southern point (upstream) at or about NZMS 260 X16: 9002 1595.

4 **Legal Description**

Crown Land - River Bed (Opotiki District).

5 **Notifying the Regional Council of Works**

5.1 The consent holder shall notify the Chief Executive of the Regional Council or delegate by e-mail, no less than two working days prior to commencing any gravel extraction activity under this consent (see Advice Note 2).

5.2 Notification as required by condition 5.1 shall, as a minimum, include the following:

- The name and contact details of the person responsible for site management and compliance with consent conditions; and
- The proposed location and approximate quantities of extraction including any supporting technical information e.g. NERM reports; and
- [Evidence of consultation with tangata whenua](#)



- The approximate duration of extractions; and
- The proposed access route to the gravel bed; and
- The location of any proposed river crossings; and
- Any information required to demonstrate compliance with condition 9 of this consent.

5.3 The consent holder shall notify (in writing) the Chief Executive of the Regional Council or delegate within ten working days of the completion of each gravel extraction activity under this consent, this notification shall include the volume of gravel extracted (see Advice Note 2).

## 6 Works

6.1 The total volume of gravel extraction authorised under this consent shall not exceed 50,000 cubic metres per annum (see Advice Note 12).

6.2 The consent holder shall ensure that all extractions of gravel or machinery operation occurs above the water level in the adjoining river at the time of extraction unless directed in writing to do otherwise, by the Chief Executive of the Regional Council or delegate or for the purpose of ensuring compliance with condition 6.3 below.

6.3 The consent holder shall ensure that a short sharp rise beside the water is avoided.

6.4 The consent holder shall ensure that ~~there is no underwater extraction~~ no works occur within the flowing river channel during the period 1 March until 31 May and 1 August until 30 November, unless there is an emergency situation.

6.5 The consent holder shall ensure that no river crossing sites are used unless approved by the Chief Executive of the Regional Council or delegate, in writing, prior to their use and that vehicles and machinery only cross the stream at those approved sites.

6.6 Where authorised in accordance with condition 6.5 above, the consent holder shall ensure that river crossings are ~~kept limited to an absolute minimum~~ a maximum of two crossings for each extraction site.

6.7 Unless otherwise specified in this consent, the consent holder shall ensure that all gravel extraction activities authorised under this consent are carried out in general accordance with Environment Bay of Plenty Guideline Number 2003/02 "River Gravel Management Guidelines" or its successor.

6.8 No refuelling activities or fuel storage shall occur on the bed of the river or within 20 metres of its banks. The consent holder shall employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures.

6.9 The consent holder shall ensure that no machinery, plant or other equipment associated with this operation is stationed on the riverbed or flood plain during a flood.

6.10 The consent holder shall install appropriate sediment/stormwater controls on any access tracks, to avoid sediment and/or concentrated stormwater from entering the river channel. These controls shall be designed, installed and maintained ~~to the satisfaction of the Chief Executive of the Regional Council or delegate in accordance with Bay of Plenty Regional Council's Erosion and Sediment Control Guidelines for Land Disturbing Activities 2010/01.~~

- 6.11 The consent holder shall remove all plant, machinery, equipment, stockpiles and other material associated with this operation from the stream/riverbed/floodplain at the completion of each extraction operation.
- 6.12 The consent holder shall ensure that at the completion of works the extraction site is ~~left in a condition that complements the existing landscape, aesthetic and amenity values of the surrounding area~~ restored to a natural gravel beach contour, which includes a free draining gradient down to the flowing river and is not likely to result in ponding. Such rehabilitation shall be to the satisfaction of the Chief Executive of the Regional Council or delegate.
- 6.13 The consent holder shall only use existing access points to the river bed. Other access routes shall only be used where there is no existing practical access and shall be approved by the Chief Executive of the Regional Council or delegate, in writing, prior to their use.

## 7 Stockpiling

- 7.1 The consent holder shall ensure no permanent stockpiles ~~(removed following each discrete gravel extraction operation)~~ are formed on the bed of the Waioeka River (see Advice Note 7).
- 7.2 Temporary stockpiles associated with gravel extraction operations shall be:
- kept to a practicable minimum size and located to avoid or minimise any obstruction or diversion of flood flows; and
  - orientated parallel to water flows; ~~and~~
  - located as far as practicable from the water's edge; ~~and~~
  - removed following each discrete gravel extraction operation.
- 7.3 Any overburden or debris produced or generated by the exercise of this consent shall be placed or buried to avoid or minimise the discharge of such material to the river and to avoid the re-direction of flood overflows.

## 8 Protected Native Birds

- 8.1 Where gravel extraction activities are proposed during August to January of any year within the duration of this consent, not more than 10 working days prior to the commencement of any gravel extraction or related activities, the consent holder shall provide for an appropriately suitably qualified person (see Advice Note 8) to conduct an onsite survey for the presence of protected native birds including Banded Dotterels (*Charadrius bicinctus*) or Pied Stilts (*Himantopus himantopus*) and clearly delineate any nesting sites that are identified.
- 8.2 If Banded Dotterels or other protected native bird species are identified in the survey conducted under condition 8.1 above (or otherwise) at gravel extraction sites, the consent holder shall not undertake gravel extraction and associated activities within a 30 metre exclusion radius of any identified and delineated nesting sites.
- 8.3 To mitigate effects on native birds the consent holder shall also implement the following measures:

- Undertake gravel extraction and associated activities from the extraction reach as soon as practicable following any flood event; and
- Ensure that gravel extraction and associated activities from any extraction reach continue without undue interruption; and
- Undertake gravel extraction and associated activities at a minimum number of extraction beaches at any one time; and
- Ensuring that machinery movements are confined to a single set of tracks to and from the active gravel extraction reach.

8.4 As soon as practicable following the completion of the bird survey and demarcation required by conditions 8.1 to 8.2 of this consent, the consent holder shall ensure that the person who undertook the monitoring and demarcation submits a signed statement to the Regional Council (see Advice Note 2) which includes their details (including qualifications and/or experience) and sufficient information to demonstrate that conditions 8.1 & 8.2 have been complied with.

## 9 **Hours of Operation**

Gravel extraction activities authorised under this consent shall be restricted to the following times:

- 7am until 6pm Monday to Friday (Excluding Public Holidays'); and
- 8am until 2pm on Saturdays'.

## 10 **Sites of Archaeological, Historic or Cultural Significance**

In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities ~~in the vicinity within 20 metres~~ of the discovery shall cease. The consent holder shall contact the Regional Council (see Advice Note 2) to obtain details of the relevant iwi authority/ies. The consent holder shall then consult with the relevant iwi authority/ies and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant ~~Historic Places trust~~ Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

## 11 **Management Fee/Records**

11.1 The consent holder shall keep adequate records of all material removed from the riverbed. The Chief Executive of the Regional Council or delegate shall have the right, during business hours, of access to all books and documents kept by the consent holder in order to check the accuracy of returns submitted to the Council (see Advice Note 2).

11.2 The consent holder shall submit to the Regional Council (see Advice Note 2) quarterly returns of all material removed from the riverbed during this operation, together with the appropriate management fee. The quarterly return deadlines for each year within the duration of this consent shall be as follows:

- 31 January for the October to December quarter;
- 30 April for the January to March quarter;

- 31 July for the April to June quarter;
- 31 October for the July to September quarter.

12 **Review**

The Regional Council may within 6 months of the release of a NERMN River and Stream Channel Monitoring Programme report, or as a result of compliance action or impact monitoring which shows adverse effects on the environment as a result of the exercise of this consent, serve notice on the consent holder, under section 128(1)(a)(i) or (iii) of the Resource Management Act 1991, of its intention to review the conditions of this consent. The purpose of such a review is to ensure that management practices are appropriate to avoid any adverse effects on the environment and the reviewed conditions may include an increase or decrease in the gravel extraction volume limit. The consent holder shall be liable for actual and reasonable costs associated with the review.

13 **Term of Consent**

This consent shall expire on ~~30 April 2019~~ (15 year term).

14 **Resource Management Charges**

The consent holder shall pay to the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

15 **The Consent** hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

**Advice Notes:**

1. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites within the area affected by this consent. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.*
2. *The notification and reporting requirements of condition 5.1, 5.2, 5.3, 8.4, 10 & 11.1 of this consent shall be directed (in writing) to the Team Leader Pollution Prevention. This notification can be e-mailed to [notify@envbop.govt.nz](mailto:notify@envbop.govt.nz) and should refer to the consent number 61321.*
3. *The consent holder should note that conditions 11.1 and 11.2 refer to “all material removed” and not to quantities of gravel or gravel products sold at the gate. The appropriate management fee is therefore payable on all material removed.*
4. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*

5. *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents. This should include awareness of any areas delineating nesting sites (dotterel or other protected native bird species) and appropriate controls to minimise disturbance of these sites such as not being involved with bringing dogs to the site.*
6. *This consent does not authorise any damming or diversion of water at the activity site. Any such action may require further approval unless a rule in a regional plan expressly allows the dam or diversion.*
7. *The bed of the river is defined as, the space of land which the waters of the river cover at its fullest flow without overtopping its banks.*
8. *An appropriately qualified person to undertake the bird identification is considered to be anyone with evidence of recognised qualifications and/or relevant work experience (paid or voluntary) in the identification of the specified bird species.*
9. *The applicant is advised that processing works on the bed of the river (see Advice Note 7) which require the use and/or discharge of water may require further consents from the Regional Council. In this instance the consent holder is therefore advised to contact the Regional Council prior to undertaking processing activities to check consent requirements.*
10. *Quarterly returns as required by condition 11.2 of this consent shall be directed in writing to the Engineering Administration Officer at the Bay of Plenty Regional Council, PO Box 364, Whakatane.*
11. *The Chief Executive of the Regional Council or delegate as referred to in this consent is the Chief Executive of the Regional Council or a staff member with the delegated authority to enforce compliance with the conditions of this consent. The Regional Council as referred to in this consent is the Pollution Prevention Section or its successor.*
12. *The consent holder is advised that should they wish to increase the annual extraction volume authorised under condition 6.1 of this consent they need to apply to change the conditions of the consent under s127 of the Resource Management Act, 1991. Any application to increase this volume will need to be accompanied by supporting technical information.*
13. *The consent holder is advised that this consent does not authorise access onto private land and the consent holder will need negotiate this with landowners as and when required to carry out activities authorised by this consent.*

DATED at Whakatane this 24<sup>th</sup> day of June 2009

For and on behalf of  
The Bay of Plenty Regional Council



**W E Bayfield**  
**Chief Executive**

## **Bay of Plenty Regional Council**

### **Resource Consent**

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 24 June 2009, **Hereby Grants** to:

#### **BAY OF PLENTY REGIONAL COUNCIL (OPERATIONAL SERVICES)**

A resource consent under section 13(1)(b) of the Resource Management Act 1991 and Rule 4 of the Regional River Gravel Management Plan to carry out a discretionary activity being to **Undertake Gravel Extraction from the Bed of the Otara River** subject to the following conditions:

**1 Purpose**

To remove gravel from the bed of the Otara River for river management purposes.

**2 Location**

From various gravel beaches along a reach of the Otara River from a point approximately 1000 metres downstream of the State Highway 35, Otara River Bridge upstream to the junction of the Otara River and the Te Waiti Stream. This reach of river is approximately as shown on BOPRC Plan Number RC 61322/1.

**3 Map Reference**

Most northern point (downstream) at or about NZMS 260 W15: 8706 4723.

Most southern point (upstream) at or about NZMS 260 X16: 9306 3742.

**4 Legal Description**

Crown Land - River Bed (Opotiki District).

**5 Notifying the Regional Council of Works**

5.1 The consent holder shall notify the Chief Executive of the Regional Council or delegate by e-mail, no less than two working days prior to commencing any gravel extraction activity under this consent (see Advice Note 2).

5.2 Notification as required by condition 5.1 shall, as a minimum, include the following:

- The name and contact details of the person responsible for site management and compliance with consent conditions; and
- The proposed location and approximate quantities of extraction including any supporting technical information e.g. NERM reports; and
- [Evidence of consultation with tangata whenua](#)
- The approximate duration of extractions; and
- The proposed access route to the gravel bed; and

- The location of any proposed river crossings; and
- Any information required to demonstrate compliance with condition 9 of this consent.

5.3 The consent holder shall notify (in writing) the Chief Executive of the Regional Council or delegate within ten working days of the completion of each gravel extraction activity under this consent, this notification shall include the volume of gravel extracted (see Advice Note 2).

## 6 Works

6.1 The total volume of gravel extraction authorised under this consent shall not exceed 50,000 cubic metres per annum (see Advice Note 13).

6.2 The consent holder shall ensure that all extractions of gravel or machinery operation occurs above the water level in the adjoining river at the time of extraction unless directed in writing to do otherwise, by the Chief Executive of the Regional Council or delegate or for the purpose of ensuring compliance with condition 6.3 below.

6.3 The consent holder shall ensure that a short sharp rise beside the water is avoided.

6.4 The consent holder shall ensure that ~~there is no underwater extraction~~ no works occur within the flowing river channel during the period 1 March until 31 May and 1 August until 30 November, unless there is an emergency situation.

6.5 The consent holder shall ensure that no river crossing sites are used unless approved by the Chief Executive of the Regional Council or delegate, in writing, prior to their use and that vehicles and machinery only cross the stream at those approved sites.

6.6 Where authorised in accordance with condition 6.5 above, the consent holder shall ensure that river crossings are ~~kept limited to an absolute minimum~~ a maximum of two crossings for each extraction site.

6.7 Unless otherwise specified in this consent, the consent holder shall ensure that all gravel extraction activities authorised under this consent are carried out in general accordance with Environment Bay of Plenty Guideline Number 2003/02 "River Gravel Management Guidelines" or its successor.

6.8 No refuelling activities or fuel storage shall occur on the bed of the river or within 20 metres of its banks. The consent holder shall employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures.

6.9 The consent holder shall ensure that no machinery, plant or other equipment associated with this operation is stationed on the riverbed or flood plain during a flood.

6.10 The consent holder shall install appropriate sediment/stormwater controls on any access tracks, to avoid sediment and/or concentrated stormwater from entering the river channel. These controls shall be designed, installed and maintained ~~to the satisfaction of the Chief Executive of the Regional Council or delegate in accordance with Bay of Plenty Regional Council's Erosion and Sediment Control Guidelines for Land Disturbing Activities 2010/01.~~

6.11 The consent holder shall remove all plant, machinery, equipment, stockpiles and other material associated with this operation from the stream/riverbed/floodplain at the completion of each extraction operation.



6.12 The consent holder shall ensure that at the completion of works the extraction site is ~~left in a condition that complements the existing landscape, aesthetic and amenity values of the surrounding area~~ restored to a natural gravel beach contour, which includes a free draining gradient down to the flowing river and is not likely to result in ponding. Such rehabilitation shall be to the satisfaction of the Chief Executive of the Regional Council or delegate.

6.13 The consent holder shall only use existing access points to the river bed. Other access routes shall only be used where there is no existing practical access and shall be approved by the Chief Executive of the Regional Council or delegate, in writing, prior to their use.

## 7 Stockpiling

7.1 The consent holder shall ensure no permanent stockpiles ~~(removed following each discrete gravel extraction operation)~~ are formed on the bed of the Waioeka River (see Advice Note 9).

7.2 Temporary stockpiles associated with gravel extraction operations shall be:

- kept to a practicable minimum size and located to avoid or minimise any obstruction or diversion of flood flows; and
- orientated parallel to water flows; ~~and~~
- located as far as practicable from the water's edge; and
- removed following each discrete gravel extraction operation.

7.3 Any overburden or debris produced or generated by the exercise of this consent shall be placed or buried to avoid or minimise the discharge of such material to the river and to avoid the re-direction of flood overflows.

## 8 Protected Native Birds

8.1 Where gravel extraction activities are proposed during August to January of any year within the duration of this consent, not more than 10 working days prior to the commencement of any gravel extraction or related activities, the consent holder shall provide for appropriately suitably qualified person (see Advice Note 9) to conduct an onsite survey for the presence of protected native birds including Banded Dotterels (*Charadrius bicinctus*) or Pied Stilts (*Himantopus himantopus*) and clearly delineate any nesting sites that are identified.

8.2 If Banded Dotterels or other protected native bird species are identified in the survey conducted under condition 8.1 above (or otherwise) at gravel extraction sites, the consent holder shall not undertake gravel extraction and associated activities within a 30 metre exclusion radius of any identified and delineated nesting sites.

8.3 To mitigate effects on native birds the consent holder shall also implement the following measures:

- Undertake gravel extraction and associated activities from the extraction reach as soon as practicable following any flood event; and
- Ensure that gravel extraction and associated activities from any extraction reach continue without undue interruption; and

- Undertake gravel extraction and associated activities at a minimum number of extraction beaches at any one time; and
- Ensuring that machinery movements are confined to a single set of tracks to and from the active gravel extraction reach.

- 8.4 As soon as practicable following the completion of the bird survey and demarcation required by conditions 8.1 to 8.2 of this consent the consent holder shall ensure that the person who undertook the monitoring and demarcation submits a signed statement to the Regional Council (see Advice Note 2) which includes their details (including qualifications and/or experience) and sufficient information to demonstrate that conditions 8.1 & 8.2 have been complied with.

## 9 **Hours of Operation**

Gravel extraction activities authorised under this consent shall be restricted to the following times:

- 7am until 6pm Monday to Friday (Excluding Public Holidays’); and
- 8am until 2pm on Saturdays’.

## 10 **Sites of Archaeological, Historic or Cultural Significance**

In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities ~~in the vicinity~~ within 20 metres of the discovery shall cease. The consent holder shall contact the Regional Council (see Advice Note 2) to obtain details of the relevant iwi authority/ies. The consent holder shall then consult with the relevant iwi authority/ies and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant ~~Historic Places trust~~ Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

## 11 **Management Fee/Records**

- 11.1 The consent holder shall keep adequate records of all materials removed from the riverbed. The Chief Executive of the Regional Council or delegate shall have the right, during business hours, of access to all books and documents kept by the consent holder in order to check the accuracy of returns submitted to the Council (see Advice Note 2).

- 11.2 The consent holder shall submit to the Regional Council (see Advice Note 2) quarterly returns of all material removed from the riverbed during this operation, together with the appropriate management fee. The quarterly return deadlines for each year within the duration of this consent shall be as follows:

- 31 January for the October to December quarter;
- 30 April for the January to March quarter;
- 31 July for the April to June quarter;
- 31 October for the July to September quarter.

## 12 **Review**

The Regional Council may within 6 months of the release of a NERMN River and Stream Channel Monitoring Programme report, or as a result of compliance action or impact monitoring which shows adverse effects on the environment as a result of the exercise of this consent, serve notice on the consent holder, under section 128(1)(a)(i) or (iii) of the Resource Management Act 1991, of its intention to review the conditions of this consent. The purpose of such a review is to ensure that management practices are

appropriate to avoid any adverse effects on the environment and the reviewed conditions may include an increase or decrease in the gravel extraction volume limit. The consent holder shall be liable for actual and reasonable costs associated with the review.

### 13 **Term of Consent**

This consent shall expire on ~~30 April 2019~~ (15 year term).

### 14 **Resource Management Charges**

The consent holder shall pay to the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

15 **The Consent** hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

## **Advice Notes**

1. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites within the area affected by this consent. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.*
2. *The notification and reporting requirements of condition 5.1, 5.2, 5.3, 8.4, 10 & 11.1 of this consent shall be directed (in writing) to the Team Leader Pollution Prevention. This notification can be e-mailed to [notify@envbop.govt.nz](mailto:notify@envbop.govt.nz) and should refer to the consent number 61321.*
3. *The consent holder should note that conditions 11.1 and 11.2 refer to “all material removed” and not to quantities of gravel or gravel products sold at the gate. The appropriate management fee is therefore payable on all material removed.*
4. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
5. *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents. This should include awareness of any areas delineating nesting sites (dotterel or other protected native bird species) and appropriate controls to minimise disturbance of these sites such as not being involved with bringing dogs to the site.*
6. *This consent does not authorise any damming or diversion of water at the activity site. Any such action may require further approval unless a rule in a regional plan expressly allows the dam or diversion.*
7. *The bed of the river is defined as, the space of land which the waters of the river cover at its fullest flow without overtopping its banks.*
8. *An appropriately qualified person to undertake the bird identification is considered to be anyone with evidence of recognised qualifications, relevant work experience (paid or voluntary) in the identification of the specified bird species.*

9. *The applicant is advised that processing works on the bed of the river (see Advice Note 7) which require the use and/or discharge of water may require further consents from the Regional Council. In this instance the consent holder is therefore advised to contact the Regional Council prior to undertaking processing activities to check consent requirements.*
10. *Quarterly returns as required by condition 11.2 of this consent shall be directed in writing to the Engineering Administration Officer at the Bay of Plenty Regional Council, PO Box 364, Whakatane.*
11. *The Chief Executive of the Regional Council or delegate as referred to in this consent is the Chief Executive of the Regional Council or a staff member with the delegated authority to enforce compliance with the conditions of this consent. The Regional Council as referred to in this consent is the Pollution Prevention Section or its successor.*
12. *The consent holder is advised that should they wish to increase the annual extraction volume authorised under condition 6.1 of this consent they need to apply to change the conditions of the consent under s127 of the Resource Management Act, 1991. Any application to increase this volume will need to be accompanied by supporting technical information.*
13. *The consent holder is advised that this consent does not authorise access onto private land and the consent holder will need negotiate this with landowners as and when required to carry out activities authorised by this consent.*

DATED at Whakatane this 24th day of June 2009

For and on behalf of  
The Bay of Plenty Regional Council



W E Bayfield  
**Chief Executive**

**APPENDIX 4**  
**GUIDELINES FOR UNDERTAKING**  
**WORKS (EXTRACT FROM RGMG)**

## **Chapter 4: Principles to Avoid, Remedy or Mitigate Adverse Environmental Effects of Gravel Excavation on Riverbeds and Water**

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### **4.1 General**

The principles set out below provide general guidance on matters that should be considered when carrying out gravel excavation in order to avoid, remedy, or mitigate any adverse environmental effects.

All persons carrying out gravel excavation activities need to be thoroughly familiar with the following principles, as well as the more specific operational guidelines identified in Chapter 5 and any resource consent conditions. Their knowledge and understanding of the principles will be a major factor influencing the environmental effects of any work carried out.

### **4.2 Principles**

#### **4.2.1 Maintain Appropriate Bed Levels and Bank Stability**

All gravel excavation activities need to be planned and undertaken with the primary objective of improving river flood flow capacity while maintaining appropriate bed grades and bank stability (and not causing erosion or instability). To achieve this it is strongly recommended that approval and advice is obtained from the works engineer at Environment Bay of Plenty.

#### **4.2.2 Minimise Instream Works**

In order to limit degradation to water quality it is important to keep machinery out of water unless necessary for critical works or access to the work site. Avoid instream works during fish spawning and migration periods.

#### **4.2.3 Avoid the Discharge of Contaminants onto Riverbeds or into the River**

Avoid oil and fuel discharges, spillage, and spray drift onto riverbeds or into the river. Refuelling activities and fuel storage should not occur on the riverbed or within 20 metres of the flowing water's edge or anywhere else where spillage of these contaminants may enter into water. Machinery should be regularly maintained so that leakage from hoses and pipes are unlikely and spray and fuel containers should be disposed of safely off-site.

#### 4.2.4 **Avoid the Discharge of Sediment into Water**

When carrying out gravel excavation on river banks or dry riverbeds, plan and implement the works so that the discharge of sediment into the river channel is avoided as far as practicable. Maintain a set distance (depending on the site limitations) between the works site and stream flow, so that the likelihood of accidental discharges is minimised. Placement of rock or structures on river banks or beds should be undertaken in a manner that minimises the discharge of sediment into water.

#### 4.2.5 **Isolate the Works Site to Avoid Adverse Off-Site Effects**

Use diversion bunds to direct clean stormwater runoff safely away from the works site if possible. Manage the site so that stormwater runoff from the disturbed area is handled separately from runoff above the site. Use natural vegetation or sediment control devices to filter or treat any stormwater runoff if possible, prior to discharging it off-site (Refer to 'Erosion and Sediment Control Guidelines', Environment Bay of Plenty).

#### 4.2.6 **Avoid or Mitigate Effects of Gravel Excavation on Fish Passage**

Gravel excavation should not impede fish passage following completion of the works. If the activity is likely to result in a barrier to fish passage, then some form of mitigation should be provided.

#### 4.2.7 **Avoid or Mitigate Effects of Gravel Excavation on Bird Nesting**

Gravel excavation activities should not occur during bird nesting seasons where habitats have been identified. Works should not commence in these areas until nesting and/or rearing is complete.

#### 4.2.8 **Maintain Ecological Values**

Plan and implement works so that ecological values are avoided, remedied or mitigated. Consider the protection of wetlands, riparian margins, aquatic and terrestrial habitats as part of the works programme.

#### 4.2.9 **Avoid Archaeological or Historic Sites**

Adequate planning and consultation should be undertaken to ensure that archaeological and/or waahi tapu sites are avoided. If an unknown archaeological or historic feature is disturbed, work should cease immediately until authorisation from the Historic Places Trust has been granted.

#### 4.2.10 **Consider Emergency Contingencies**

In case of flood or other emergencies while works are still underway, consider matters such as access to and from the site, notification of appropriate personnel, security of vehicles, gear and equipment, etc.

#### 4.2.11 **Critically Assess your Operational Methodology**

Always use the correct type of machinery to carry out the operation effectively, efficiently, and with minimal environmental impact. Timing of operations should take into account such matters as the nesting season for native birds, and spawning and migration seasons of fish. Also consider the most appropriate time of the year to carry out work (winter earthworks may be unsuitable). Check the weather forecast



daily, and alter your work programme accordingly if necessary. At the end of each day's work, leave the site with any necessary runoff controls in place, and machinery/equipment well clear of waterways.



## Chapter 5: Operational Guidelines for Gravel Excavation

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The following guidelines set out the requirements for undertaking gravel excavation. However, meeting these requirements does not absolve persons undertaking gravel excavation from any common law liabilities.

### 5.1 Before Commencing Gravel Excavation

#### 5.1.1 Preliminary Considerations:

Before commencing any gravel excavation activities, any person wishing to undertake gravel excavation will need to have the appropriate authorisation and consider the following aspects:

- (a) Whether the gravel excavation is a permitted activity under Rule 1 of the Regional River Gravel Management Plan (i.e. involves the removal of less than 100 cubic metres, See Appendix 4). If so, the operator must make themselves familiar with, and comply with the permitted activity conditions.
- (b) Whether the gravel excavation activity is a permitted activity under Rule 2 of the Regional River Gravel Management Plan (i.e. involves the removal of between 100 and either 1,000 or 2,500 cubic metres depending on river width, See Appendix 4). If so, the activity must be authorised by Environment Bay of Plenty and the works engineer must be contacted for details. The operator must make themselves familiar with, and comply with the permitted activity conditions of Rule 2.
- (c) If the gravel excavation activity is not permitted under Rule 1 or 2 of the River Gravel Management Plan (See Appendix 4), they will need to obtain a land use consent from Environment Bay of Plenty. Operators must be familiar with the conditions that have to be met in order to comply with the consent requirements.
 

**Note:** Failure to comply with the conditions specified in either the permitted activity rules or the resource consent can render the excavator liable for prosecution.
- (d) Whether a land use consent will be required from the relevant territorial authority pursuant to Section 9 of the Resource Management Act 1991 (see the relevant district plan).
- (e) Whether approval has been obtained from the owner of the gravel.

- (f) Whether permission has been given by relevant landowners for both access to the site and gravel transportation.
- 5.1.2 Notification in writing is required to be made to the Group Manager, Regulation & Resource Management (Environment Bay of Plenty) at least five working days prior to the commencement of each period of works. This notification should include a statement containing the location of the site from where the gravel is to be excavated, the quantity of gravel to be excavated and the dates when the excavation activity is to be undertaken.
- 5.1.3 Regional Council staff will need to inspect the prospective area of work at least three working days before gravel excavation begins. This is to ensure that the excavation activities will not cause adverse effects on the banks or bed of the river, or unduly disturb any areas of significant flora, fauna or habitat.
- 5.1.4 Where the activity poses, or is likely to pose a risk to the public, the contractor shall erect warning signs adjacent to the site where excavation will take place. These signs shall be removed on completion of the operation or when the activities on the site are no longer a danger to the public.
- 5.1.5 Where suitable vehicle and/or equipment access is not available, access tracks shall be located on the dry parts of the riverbed and should be sited so as to avoid earthworks or vegetation removal. If major earthworks or vegetation disturbance is unavoidable, a land use consent may be required.
- 5.1.6 Appropriate erosion and sediment controls shall be installed on access tracks to prevent sediment contaminated stormwater from entering the stream/river channel (Refer to '*Erosion and Sediment Control Guidelines*', Environment Bay of Plenty).

## 5.2 During Gravel Excavation

### 5.2.1 Permitted Activities

- (a) Gravel shall only be excavated from the dry parts of the gravel beach that are more than 0.3 metres above the level of the adjacent river at the time of gravel excavation.

**Note:** Any excavation of gravel from the flowing channel or from areas which are less than 0.3 metres above the adjacent river level will require resource consent.

- (b) The operator shall avoid machinery entering water unless it is necessary for access to the work site.
- (c) Temporary stockpiles shall be kept to a practicable minimum size to avoid or minimise any obstruction or diversion of flood flows. In particular, stockpiles shall be orientated parallel to water flows.
- (d) Stockpiles shall be at least 20 metres from the flowing water's edge and located on sites at least 0.3 metres above the level of the adjacent river.
- (e) Gravel excavation shall not cause damage to any riverbanks, protection works, access or any other works relating to the control of the river.
- (f) Stream crossing by machinery or trucks shall be avoided. When alternative access is not available, operators are required to notify the Department of

Conservation and Fish and Game New Zealand before any vehicles or equipment cross the stream. Stream crossings or travel along the wet parts of the bed can then occur provided that these do not take place during the trout spawning and hatching season of **1 May to 31 October** or during low flow conditions. Stream crossings should also be limited to a maximum of five consecutive days during the whitebait migration season from **15 August to 30 November** in any year.

- (g) Gravel excavation activities shall not impede public access to and along the river except for temporary restrictions necessitated by operational health and safety requirements.
- (h) The operator shall avoid operations during bird nesting seasons where habitats have been identified. Works shall not commence in these areas until nesting and/or rearing is complete.
- (i) Gravel excavation activities shall cease immediately, should any archaeological or historic site be discovered as a result of the activity. Excavation activities can only resume once appropriate authorisation is received. The operator shall advise both the local office of the Historic Places Trust and the Group Manager Regulation & Resource Management (Bay of Plenty Regional Council) or their delegate when any archaeological or historic site is discovered. This is to ensure the protection of archaeological, historic, or waahi tapu sites.

Operators should be aware that Section 10 of the Historic Places Act 1993 (HPA) makes it unlawful for any person to destroy, damage, or modify, or cause to be destroyed, damaged, or modified, the whole or any part of the archaeological site (known or unknown) except with an authority granted under Section 14 of the HPA. Offence provisions under Sections 98 and 99 of the HPA apply whether or not a site is a recorded archaeological site.

Further advice on the requirements of the Historic Places Act 1993 can be sought from the local office of the Historic Places Trust in Tauranga, phone (07) 578 1281 or the national office of the New Zealand Historic Places Trust in Wellington, phone (04) 472 4341.

- (j) Excess vegetation, soil, slash or other debris shall be disposed off-site where practicable, and not placed where it could readily enter the watercourse or floodway.
- (k) The operator shall ensure that refuelling activities or fuel storage does not occur on the riverbed or within 20 metres of the flowing water's edge or where spillage of these contaminants can enter into water. It is the responsibility of the operator (and consent holder) to employ methods that avoid or minimise the spillage of fuel or other contaminants. This may require the provision of appropriate security and containment measures.
- (l) The operator shall ensure that all machinery and material is removed to a safe site above flood level at the end of each working day, or when the site is left unattended.
- (m) At the end of each working day there shall be no depressions or holes left on the excavation site.
- (a) Gravel excavation should not occur on Saturdays, Sundays or public holidays unless under special circumstances (i.e. emergency works).

### 5.2.2 Additional Requirements for Consented Activities

If the Permitted Rules in the Operative Regional River Gravel Plan cannot be complied with (See Appendix 4), a resource consent will need to be obtained from Environment Bay of Plenty.

Operations undertaken under the authority of a resource consent will need to comply with the specific conditions outlined in the consent. Note that these may differ from those specified above for permitted activities. In addition to those conditions, operators are expected to adopt a Best Practical Option ('BPO') approach by using equipment and techniques that minimise the adverse effects of gravel excavation but still comply with the resource consent conditions. For example:

- (a) When carrying out instream work, appropriate machinery for the job shall be used to carry out work as efficiently as possible, with minimal track movement and/or pushing of material within flowing water.
- (b) Where excavation is required below normal water level, the excavation site shall be separated from the flowing water by a bund of at least one metre in height and one metre in width.

### 5.2.3 Once Works have been Completed

- (a) The excavation site shall be rehabilitated so that it complements the existing landscape, aesthetic and amenity values of the surrounding area. This rehabilitation shall be to the satisfaction of the Group Manager Regulation and Resource Management (Bay of Plenty Regional Council) or their delegate.
- (b) All plant, machinery, equipment, stockpiles and other material associated with gravel excavation activities is to be removed from the stream/riverbed/floodplain at the completion of the operation.
- (c) At the completion of works there shall be no depressions or holes left on the excavation site that may trap fish during higher flow conditions.
- (d) Access tracks to the river that existed prior to gravel excavation commencing shall be left undisturbed or where that is not possible, be reinstated once gravel excavation activities have been completed.

## 5.3 Monitoring, Recording and Reporting

- (a) The consent holder shall keep adequate records of all materials removed from the riverbed, which shall be available on request.
- (b) The contractor/consent holder shall submit to the Group Manager Regulation & Resource Management (Environment Bay of Plenty), a record of the volume of material removed from the riverbed during the period of operation, together with the appropriate management fee. The record shall be supplied in accordance with:
  - (i) the requirements of a consent condition, or
  - (ii) the requirements of the Permitted Rules of the Regional River Gravel Management Plan which specifies that records shall be supplied within 10 working days after the end of each month.

# **APPENDIX 5**

## **PHOTOS OF GRAVEL EXTRACTION**

Photos of Waioeka River Gravel Extraction Activities

