



## Resource consents

RM150369, RM150371 and RM150372

Pursuant to sections 104B and 104D of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consents to:

### ***Tasman District Council***

(hereinafter referred to as “the Consent Holder”)

### Activities authorised by these consents

RM150369	Land use consent (s13)	To extract sand, gravel and other material from the beds of rivers on land zoned Rural 1, 2 and 3, Open Space, Recreation, Conservation, Rural Industrial and Papakainga (as defined in the Tasman Resource Management Plan), and to disturb the beds of rivers for the extraction of natural material within the active channel.
RM150371	Discharge permit (s15)	To discharge contaminants into water from the extraction of natural material from in the beds of rivers.
RM150372	Coastal permit (s12) (s15)	To disturb the foreshore and seabed, and to discharge contaminants into coastal waters from the extraction of natural material from the coastal marine area.

### Definitions

For the purposes of this consent, the following definitions apply:

<b>Active channel</b>	That part of the bed over which the flowing channel(s) of a river naturally moves over time between its banks. This includes islands and beaches adjacent to the flowing channel
<b>Bank</b>	The topographical feature(s) on either side of a river which contains its fullest flow and which, when overtopped, can result in flooding of adjacent land. Banks can be natural or man-made (stopbanks)
<b>Bed</b>	The space of land which waters of the river cover at its fullest flow without overtopping its banks.
<b>Coastal marine area (CMA)</b>	The foreshore, seabed, and coastal water of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, in which case the landward boundary is that point defined in Schedule 25C of

the Tasman Resource Management Plan for specified rivers or, where the river is not listed, the landward boundary is the lesser of either:

- one kilometre upstream from the mouth of the river; or
- the point upstream that is calculated by multiplying the width of the river mouth by five.

**Flowing channel**

The wetted part of a river in which water is moving or is contiguous with the readily observable flowing water, but does not include any water found when holes or channels are constructed on river beaches.

**Flowing water**

same as 'flowing channel'

**Gravel bed river**

A river, or length/stretch of river, with a bed dominated by gravel, cobbles, and/or boulders. Such beds may occur within the coastal marine area. Sand, silt, and clay may be present either in interstitial spaces or lenses, but volumetrically represent a minor fraction of the bed material.

**Iwi**

Iwi group recognised as holding tangata whenua status over an area/rohe where gravel extraction will occur. A map showing the location of the relevant iwi can be found on Tasman District Council's website (search on Te Tau Ihu Statutory Acknowledgements). The southern section of the district outside of the Te Tau Ihu maps are Ngāi Tahu. Rohe boundaries shown are indicative, and do overlap

**River**

Means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

**River management structure**

Means any 'hard' measure required for river training purposes such as a groyne and any rock facing (riprap) or concrete walls placed to arrest bank erosion and does not include the use of willows or poplars either as poles or logs.

**Tasman District Council**

In relation to the provision of information, consultation or certification, means the relevant council officer acting under delegated authority.

**Water**

Means water in all its physical forms whether flowing or not and whether over or under the ground, including fresh and coastal water. It does not include water in any form while in any pipe, tank, or cistern.

**EMP**

Environmental Management Plan

**SSEMP**

Site Specific Environmental Management Plan

Pursuant to section 108 of the Act, this resource consent is issued subject to the following conditions:

## Conditions

General – RM150369, RM15071 and RM15072

### Rivers covered by these resource consents

1. These resource consents apply to all rivers, and their margins and the CMA associated with the Takaka and Motueka River mouths, within the jurisdictional boundary of Tasman District **excluding** the following:
  - (a) All 24 Significant Natural Areas listed in Schedule 18.1A of the Tasman Resource Management Plan;
  - (b) Te Waikoropupū Springs; and
  - (c) All streams within Abel Tasman National Park.
  - (d) All waters listed in Schedule 1 (Waters to be retained in Natural State) of the Buller River Water Conservation Order 2001, being:
    - (i) Travers River;
    - (ii) Lake Rotoiti;
    - (iii) Sabine River;
    - (iv) Lake Constance;
    - (v) D'Urville River;
    - (vi) Lake Rotoroa;
    - (vii) Owen River and all tributaries upstream of, and including, Halfway Creek;
    - (viii) Fyfe River upstream of the boundary of the public conservation estate and private land (map reference M28 698 550);
    - (ix) Matiri River upstream of map reference M28 550 517;
    - (x) Matakītaki River upstream of boundary between conservation estate and private land (map reference M30 700 070);
    - (xi) Nardoo Creek;
    - (xii) Glenroy River upstream of Granity Creek (map reference M30 546 004);
    - (xiii) Deepdale River; and
    - (xiv) Blackwater River.
  - (e) All waters listed in Schedule 1 (Waters to be retained in Natural State) of the Motueka River Water Conservation Order 2004, being:
    - (i) North and South branches of the Wangapeka River above their confluence (M28 665 708);
    - (ii) Rolling River upstream of its confluence with the Wangapeka River (M28 749 736);

- (iii) Skeet River upstream of M27 822 873;
- (iv) Upper Motueka River above upper Gorge (N28 052 517);
- (v) Rainy River upstream of the Conservation Land boundary (N29 946 440);
- (vi) Upper Dart River upstream of M28 807 686;
- (vii) Baton River upstream of M27 839 889;
- (viii) Pearse River upstream of M27 898 985;
- (ix) Graham River upstream of N27 903 017;
- (x) Pokororo River upstream of N27 968 058;
- (xi) Rocky River upstream of N27 004 079 within Kahurangi National Park; and
- (xii) Streams emerging from Mt Arthur marble and northern Arthur Range being the Pearse (from M27 882 995), Ellis (from M27 833 951), North Branch of Graham (from N27 921 034), and streams draining northern part of the Mt Owen being Granity, Blue, and Nuggety Creeks upstream of M28 737 709.

**Advice Note:**

*This condition has been included as there is potential for the status of some of the waterways covered by the Tasman Resource Management Plan or Water Conservation orders to change over the term of the consents.*

**General conditions that apply to all activities**

2. All works authorised by these consents shall be exercised in conjunction with the Global Rivers resource consents RM100851 to RM100857, and shall be undertaken in general accordance with the application document entitled '*Extraction of River Bed Material (Gravel) for River Management Purposes – Resource Consent Application and Assessment of Environmental Effects*' prepared by MWH New Zealand Limited dated 9 April 2015 and further information supplied as part of the consent process. If there are any inconsistencies with the application and any conditions of these resource consents, the conditions of consent shall prevail.
3. These consents only authorise works being carried out by the Consent Holder carrying out its functions under the Soil Conservation and Rivers Control Act 1941, for the express purpose of:
  - (a) Protecting the bed and banks of rivers from erosion or instability;
  - (b) Maintaining efficient movement of water and sediment down the river; or
  - (c) Preventing or mitigating the adverse effects of flooding.
4. Pursuant to section 128 of the Resource Management Act 1991, the Consent Authority may serve notice on the Consent Holder of its intention to review the conditions of these consents six monthly during either the month of October or May for any of the following purposes:
  - (a) to deal with any adverse effect on the environment that may arise from the exercise of these consents, and which is appropriate to deal with at a later stage -

for example, if in the future the flood mitigation works are found under normal rainfall and run-off events to exacerbate flooding and ponding on the upstream property; and/or

- (b) to require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment; and/or
  - (c) to re-assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; and/or
  - (d) to change the compliance standards imposed by conditions of these consents to standards that are consistent with any relevant Regional Plan, District Plan, or Act of Parliament.
5. These consents shall expire on the 6 August 2041.
6. For the avoidance of doubt these consents do not apply to works undertaken by the Consent Holder under section 330 of the Resource Management Act 1991 (Emergency Works). However, these consents may apply to any remedial works that are required to be undertaken once the emergency has passed or where there is an enduring effect from the works.

**Advice Notes:**

- (a) *Under section 330A(1) of the Resource Management Act 1991, the Consent Holder must advise the Consent Authority of any works undertaken within seven days of the activity having been undertaken.*
  - (b) *Under section 330A(2) of the Resource Management act 1991, the Consent Holder shall apply in writing to the appropriate consent authority for any necessary resource consents required in respect of the activity within 20 working days of the notification where the effects are enduring.*
7. All works shall be planned and scheduled to take into account the following:
- (a) Suitable weather and river flow conditions;
  - (b) Spawning and fish migration seasons and locations of indigenous fish, trout and salmon;
  - (c) Nesting season and location of indigenous birds;
  - (d) The need to minimise the duration and frequency of the works;
  - (e) The need to minimise the discharge of sediment into water;
  - (f) Access requirements to the site;
  - (g) Safety; and
  - (h) Impacts of traffic, dust, and noise.
8. All works shall, where practicable, be designed to take into account the following:
- (a) The need to maintain flood carrying capacity of the river;

- (b) The durability and robustness of works to minimise the need for further river management;
  - (c) The balance between effectiveness and affordability;
  - (d) Opportunities to enhance the stability of the bed and banks;
  - (e) The avoidance of navigational hazards;
  - (f) The maintenance and enhancement of amenity values;
  - (g) Minimising river shortening where river realignment is needed;
  - (h) The need to maintain critical low flows;
  - (i) Cultural heritage values;
  - (j) Habitats of threatened or endangered bird species, in particular the banded dotterel, the black-billed gull and the black-fronted tern;
  - (k) Ecosystems and habitat for fauna and flora;
  - (l) The river's natural physical features and form;
  - (m) Natural character and landscape values;
  - (n) Recreational use and public access;
  - (o) Maintaining bed river bed levels to safeguard the structural integrity and continued functioning of existing structures; and
  - (p) Maintaining groundwater levels to prevent those levels from being affected by gravel extraction.
9. All works shall be supervised by a suitably qualified and experienced river/drainage engineer.
10. The chosen methodology, including machinery to be used, shall, where practicable, be designed and undertaken in order to minimise any potential adverse effects on the environment.
11. Water carts and/or other dust control methods shall be used to minimise the spread of dust off-site (site includes the work site and any access tracks), at least for the duration of the works.

**Advice Notes:**

- (a) *The use of oil for dust control is not authorised by these consents.*
  - (b) *Other dust control products, i.e., polymers etc are available and consents exist outside of these consents.*
12. Work shall be planned and undertaken in a manner that minimises works in flowing or coastal water, whenever and wherever practicable. Where this is not practicable, work shall be undertaken within the minimum time required in the flowing channel of the watercourse or coastal water and with the minimum necessary disturbance.
13. If vehicles and machinery need to enter and pass across a river or the coastal marine area they shall do so by the shortest practicable route.

14. Any existing available access tracks to the river or coastal marine area should be used where practicable.
15. To prevent the spread of Didymo or any other aquatic pest, the Consent Holder shall ensure that activities authorised by these consents are undertaken in accordance with the Biosecurity New Zealand's hygiene procedures.

**Advice Note:**

*The most current version of these procedures is available from the Biosecurity New Zealand website <http://www.biosecurity.govt.nz>.*

16. Refuelling and fuel storage shall take place outside the bed of the river or coastal marine area. Where this is not practicable, this activity shall occur where no fuel can enter into water in the event of an accidental spill occurring.
17. All fuel spills shall immediately be contained and controlled by an approved product, and any contaminated material shall be removed from the site and disposed of at a site authorised to accept such waste material.
18. The Consent Holder shall advise the Council's Team Leader, Monitoring and Enforcement and the Duty Health Protection Officer, Nelson/Marlborough Area Health Board immediately of any spill of hazardous substances which may affect water. The Consent Holder shall report to the Council's Team Leader, Monitoring and Enforcement in writing and within 20 working days describing the manner and cause of the spill and the steps taken to control it and prevent any recurrence.
19. The Consent Holder shall ensure that they have a current map of all registered drinking water supplies.
20. The Consent Holder shall consult with and notify any registered drinking-water supply operators or bore owners potentially affected by any gravel extraction activities, at least 10 working days before commencing the works. In the event of any spillage of chemicals that may have a significant adverse effect on the quality of the water at any abstraction point, the Consent Holder shall notify any potentially affected drinking water supply operator or bore owner as soon as practicable.

**Advice Note:**

*This condition is required by the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.*

21. The Consent Holder shall take all practicable steps to avoid the transportation and potential introduction of any pest species.
22. All machinery shall be cleaned of weed and silts before leaving the works site to minimise the risk of spreading any pest plant species.

23. Where practicable, the dragging of excavated material from the opposite bank through the river or coastal marine area shall be avoided or minimised.
24. The Consent Holder shall ensure that material that is excavated or disturbed in the exercising of this consent does not slump into the bed of any river or the coastal marine area.
25. The Consent Holder shall ensure that works in rivers and the coastal marine area that authorised by these consents are timed to avoid the main spawning and migration periods of indigenous fish and trout, unless the works are the subject of a Site Specific Management Plan prepared and certified by the Council's Team Leader, Monitoring and Enforcement in accordance with Condition (54).

**Advice Note:**

*Specifying spawning times has been avoided in this condition, as it may be possible to undertake work in a river while avoiding fish spawning sites. For example, works in the lower section of a river are unlikely to be affected by trout spawning in the upper reaches.*

26. Fish passage shall be at least maintained in rivers at all flows during works within the flowing channel. Works and structures authorised by these consents shall not cause the stranding of fish.
27. The Consent Holder shall ensure that once works are completed:
  - (a) the area of beach disturbed shall be contoured to a natural bed form, consistent with the adjacent beach areas;
  - (b) all plant, equipment, chemicals, fencing, signage, debris, rubbish and any other material brought on site is removed from the site. The site shall be tidied to a degree at least equivalent to that prior to the works commencing; and
  - (c) the works do not cause any additional flooding, erosion, scouring, land instability or property damage. If any of these do occur, the Consent Holder shall take all actions that are reasonably necessary to remedy any damage.
28. Where the activities pose a risk to the public, signs shall be erected in prominent public location(s) near the works warning the public of the risk(s). The signs shall be removed following completion of the works. The sign shall include the contact details of the person supervising the works.
29. The Consent Holder shall consult with the relevant roading authority or individual landowner before undertaking any gravel extraction within 100 metres of a road accessing a river or within 200 metres of any bridge, culvert, or weir or any affected asset(s).
30. No works shall be undertaken within 500 metres of a hydrological monitoring site without consulting in writing the owner of the monitoring site prior to any activity

occurring. The Consent Holder shall then inform the owner of the monitoring site five days prior to works commencing.

31. The Consent Holder shall ensure that, as a result of carrying out any river works authorised by these consents, public access to rivers and the coastal marine area is not restricted, except where there is a risk to public safety.
32. The Consent Holder shall ensure that any contractors undertaking works authorised by these consents are provided with a copy of the resource consents and conditions, shall ensure compliance with all conditions, and shall require land access agreements to be in place prior to the commencement of works.
33. In the event of accidental discovery of archaeological items, all work within 20 metres shall immediately cease, and the relevant iwi and the Heritage New Zealand shall be contacted. Work shall not begin again until Heritage New Zealand has confirmed that the Heritage New Zealand Pouhere Taonga Act 2014 does not apply, or an archaeological authority has been granted.

### **Discharge of sediment - Receiving water standards**

34. The discharge of sediment directly into flowing water associated with any river bed disturbance activities in gravel bed rivers shall not cause the visual clarity of the receiving water to change by:
  - (a) more than 40% for more than 30 minutes;
  - (b) up to 40% for any eight hour period; and
  - (c) 20% after 30 minutes of cessation of the works for the day;as measured by a black disc at any point more than:
  - (i) 50 metres downstream where the width of the flowing channel of the river is less than five metres; or
  - (ii) 100 metres downstream where the width of the flowing channel of the river is between five and 20 metres; or
  - (iii) 200 metres downstream where the width of the flowing channel of the river is greater than 20 metres; or
  - (iv) 100 metres from the point of discharge within the coastal marine area.

Measured from the furthest downstream point of the works.

#### **Advice Note:**

*Clause (a) allows the works to result in up to a 40% change in visual clarity over an extended period provided this does not exceed eight hours. For the purposes of the black disc compliance requirements, the width of the flowing channel may, in some cases, include or be static water, provided it is contiguous with the flowing channel.*

35. Works in the flowing channel of gravel bed rivers shall be undertaken for no more than six consecutive days in any five-kilometre stretch.

## Visual impacts

36. When undertaking any river management works, straight, uniform edges and gradients shall be avoided to prevent the river from appearing channelised or modified to a significant degree. The design shall provide for future movement (meandering) of the flowing channel within a permitted corridor, rather than constraining the flowing channel to a single fixed alignment.

### **Advice Note:**

*A natural pattern should be achieved for the relevant river or stream type either by reference to Channel Restoration Design for Meandering Rivers ERDC/CHL CR-01-1 published by US Army Corps of Engineers or similar document, or by reference to the natural pattern up and downstream of the works site.*

37. Minor modifications to drainage channels (with a low level of existing naturalness in terms of topography) shall be undertaken in a manner that does not make the river channel or banks unsafe and where possible exit/entry points are provided should people/objects fall into the channel. Exit/entry points can be combined with maintenance access requirements.
38. The Consent Holder shall ensure that any reduction in the river cross section is minimised during and after any work in order to minimise the risk of the river no longer being contained within its bed.

## River morphology

39. The Consent Holder shall, within nine months of the date of commencement of these consents, assess the number of pools and riffles, average active channel widths, and average channel sinuosities (together hereafter referred to as the 'morphological characteristics') of the X and Y Classified sections of the following rivers:
- (a) Waimea River;
  - (b) Motueka River;
  - (c) Tadmor River;
  - (d) Motupiko River;
  - (e) Wai-iti River;
  - (f) Aorere River; and
  - (g) Takaka River

The assessments shall only be undertaken on gravel bed reaches of the above.

For the purposes of this condition, the average active channel width is defined as the distance, perpendicular to the flow, between lines of permanent vegetation on either side of the river. The average shall be based on a minimum of 30 randomly selected measurements over the river sections defined above.

Average channel sinuosity is defined as the ratio of the linear length of the thalweg line divided by the straight line distance over a given reach within the river sections defined above. The number and length of reaches to be measured to determine average channel sinuosities will vary and shall be identified in consultation with Fish and Game New Zealand.

40. The morphological characteristics required to be assessed in accordance with Condition (39) shall be carried out using aerial photography and/or LiDAR of a suitable scale and quality. The Consent Holder shall invite a representative from Fish and Game New Zealand and the Department of Conservation to assist with this assessment.
41. The morphological characteristics required to be assessed in accordance with Condition (39) shall be re-assessed at least every five years. The Consent Holder shall invite a representative from Fish and Game New Zealand and the Department of Conservation to assist with each re-assessment.
42. As part of each re-assessment required by Condition (41), the Consent Holder shall compare the results obtained with previous assessment(s) to determine whether any river management activities have resulted in a decrease in the number of pools and riffles, average active channel widths, and/or average channel sinuosities. In making this determination, the Consent Holder shall take into account non-river management activities and natural events that may have caused or contributed to any decrease in any of the morphological characteristics.
43. In the event that Condition (42) shows that the river management activities have caused a 'significant' decrease in the morphological characteristics, the Consent Holder shall undertake a review of the Environmental Management Plan to ensure that future river management activities in the affected rivers do not cause a further reduction in the morphological characteristic(s) in question. For the purposes of this condition, a 'significant' decrease is one where all three morphological characteristics show a decreasing trend.
44. The works shall, wherever practicable, retain a natural diversity of substrate (boulders, cobbles, woody debris and gravels), a natural channel cross section, fish cover, a natural meander pattern and bed level variation.
45. The meander pattern shall have a variety of river bend radii, in keeping with stream styles of natural rivers in the area.
46. Installing long lengths (more than 100 metres) of rock rip-rap on small rivers (less than five metres average width as measured between the top of banks) shall be avoided.
47. The natural thalweg profile (longitudinal transect showing depth diversity) and width character shall be recreated as close as practicable to the original condition in order to retain diversity of bed levels (deeper pools as well as riffles).

48. Disturbance of residual pools (pools that permanently contain water once river flows have ceased) should be avoided. There shall be no removal of water from residual pools in the river by infilling, draining or other means.

**Advice Note:**

*Residual pools are an important refuge for fish and invertebrates when other parts of the river dry up. Such pools contain high abundance of many species during dry spells and are mainly found in Moutere Hill Country.*

49. In large mobile braided rivers that may be habitat for river-nesting birds, the finished channel shall provide for islands that are suitable nesting habitat for these birds.

**Management plans**

50. The Consent Holder shall, within six months of the date of commencement of these consents, submit to the Council's Team Leader, Monitoring and Enforcement for certification, an Environmental Management Plan (**EMP**) for all the activities authorised by these consents. The Consent Holder shall consult with the Federated Farmers of New Zealand, Department of Conservation, Fish and Game New Zealand, iwi, any operator of a community water supply which could potentially be affected and both Tasman District Council's Resource Scientists Rivers and Freshwater Ecologist when preparing the EMP. The EMP shall include, but not necessarily be limited to, the following:
- (a) How undertaking the work will meet the purpose of the consent set out in Condition (3);
  - (b) A description of the various river management activities that the Consent Holder may use;
  - (c) The best practice that will be employed;
  - (d) A description of how hazardous substances will be stored and managed;
  - (e) Pre-works, during works, and post-works monitoring that will be undertaken to confirm consent compliance;
  - (f) Notification and consultation procedures that will be followed, including where the works are likely to generate sediment that may affect downstream water users, including community water supplies;
  - (g) How the instream uses and values, including, but not limited to, those specified in Schedule 30A of the Tasman Resource Management Plan, are to be taken into account in the design, planning, and implementation of the works, including the maintenance and enhancement of these uses and values;
  - (h) How relevant environmental information will be collected, stored, and used in deciding the appropriate river management solution and monitoring;

- (i) Details of the suspendable benthic sediment monitoring and aquatic monitoring (benthic and fish) that is to occur within at least two rivers, one being gravel bedded and the other being soft bottomed (beds dominated by sand, silt, and/or clay), in which river works will occur; and
  - (j) A description of how relevant conditions of these consents will be complied with, in particular Conditions (7) and (8).
- 51. The Consent Holder shall not commence gravel extraction activities until certification of the EMP has been received from the Council's Team Leader, Monitoring and Enforcement.
  - (a) The Consent Holder may commence gravel extraction activities in accordance with the EMP no less than 20 working days after providing it, unless the Council's Team Leader, Monitoring and Enforcement advises the Consent Holder in writing that it refuses to certify the EMP on the grounds that it fails to meet the purpose of the consent set out in Condition (3), and gives reasons for its decision;
  - (b) In the event that the Council's Team Leader, Monitoring and Enforcement refuses to certify the EMP, the Consent Holder shall not commence gravel extraction or cease gravel extraction (if commenced under Condition (51)(a)) and revise the EMP as necessary to adequately address any deficiencies and re-submit it for certification in accordance with Condition (50). Condition (51) shall apply to any resubmitted EMP.
- 52. The EMP may be reviewed and updated by the Consent Holder on an "as need be" basis, but not less than once every two years. In particular, the results of monitoring undertaken shall be used to inform whether any changes to the EMP are required in order to minimise adverse effects. The Consent Holder shall consult with the Tasman District Council and all relevant stakeholders when reviewing and updating the EMP. The outcome of the review, including any updates, shall be provided to the Council's Team Leader, Monitoring and Enforcement for certification. In addition, the Consent Holder shall provide a copy of the updated EMP to each of the stakeholders listed in Condition (50).
- 53. All works shall be undertaken in accordance with the most recent certified version of the EMP.
- 54. Notwithstanding Condition (53), prior to any works being undertaken that fall into any of the criteria set out in clauses (a) to (i) below, the Consent Holder shall prepare and submit to the Council's Team Leader, Monitoring and Enforcement for certification a Site Specific Environmental Management Plan (**SSEMP**). The Consent Holder shall consult with the parties identified for each criterion below when preparing a SSEMP:
  - (a) Any activities involving removal or disturbance of whitebait spawning habitat within one kilometre (river length) upstream of the coastal marine area between 15

February and 31 May. Parties to be consulted shall include iwi and the Department of Conservation.

- (b) Any activities involving disturbance of any part of the bed covered by water from 1 May to 30 September in any year in those rivers listed in Schedule 30A of the Tasman Resource Management Plan as having trout spawning values. Parties to be consulted shall include the Fish and Game New Zealand. No SSEMP is required under this condition if the works are minor and Fish and Game New Zealand has confirmed, in writing, that a SSEMP is not required for the works.
- (c) Any activities involving the use of motorised machinery from 1 October to 29 February (inclusive) in any river bed location listed in Schedule 30A of the Tasman Resource Management Plan as having a black-fronted tern nesting site, or in any river bed location where these birds are found to be nesting. Parties to be consulted shall include iwi and the Department of Conservation.
- (d) Any activities involving the use of motorised machinery from 1 October to 31 December (inclusive) in any river bed location listed in Schedule 30A of the Tasman Resource Management Plan as having a black-billed gull nesting site, or in any river bed location where these birds are found to be nesting. Parties to be consulted shall include iwi and the Department of Conservation.
- (e) Any activities involving the use of motorised machinery from 1 August to 31 December (inclusive) in any river bed location where banded dotterel are found to be nesting. Parties to be consulted shall include iwi and the Department of Conservation.
- (f) Any activities in the coastal marine area (CMA). Parties to be consulted shall include iwi and the Department of Conservation.
- (g) Any activities in coastal rivers that meet the all of the following criteria:
  - (i) Are permanently flowing or ephemeral rivers that contain residual pools;
  - (ii) Discharge directly into the CMA;
  - (iii) Are located within 10 kilometres of the CMA boundary; and
  - (iv) Have widths of less than seven metres, measured between top of banks.Parties to be consulted shall include iwi and the Department of Conservation
- (h) Any activities that are proposed in the vicinity of any Outstanding Natural Feature (ONF) or Outstanding Natural Landscape (ONL) that is shown on any planning map in the Tasman Resource Management Plan (TRMP).

**Advice Note:**

*The TRMP currently includes two Landscape Priority Areas (around St Arnaud/Upper Buller and Takaka Hill), but does not currently include any ONFs.*

*However, changes are likely to the TRMP in the future which may result in ONFs and/or ONLs being identified on planning maps. The Consent Holder has volunteered that SSEMPs be prepared for works within or near these areas.*

- (i) Any gravel extraction outside of the Mean Bed Level envelope river reaches exceeding the annual rates given below:

	<b>Maximum annual gravel extraction without SSEMP (m<sup>3</sup>)</b>
<b>Golden Bay Rivers</b>	
Anatori River	1000
Aorere River	1000
Parapara River	500
Pariwhakaoho River	400
Anatoki River	1000
Takaka River	1000
<b>Motueka Rivers</b>	
Motueka River (middle, between the upper and lower MBL envelope reaches)	1000
Riuwaka River	100
Wangapeka River	100
Tadmor River	80
<b>Buller Rivers</b>	
Buller River	2000
Matakitaki River	1000
Howard River	1000
Mole Stream	1000
All other rivers	500
River reaches upstream of MBL envelope reaches	500

55. Each SSEMP shall include the following:
- (a) the works proposed, including methodology and timing
  - (b) why the gravel extraction and the particular volume to be extracted are necessary;

- (c) details and outcomes of the consultation undertaken;
- (d) an assessment of the relevant ecological values present at the site and how these will be maintained, and where practicable, enhanced;
- (e) reasons why the works need to be undertaken during the specified timeframe;
- (f) how potential adverse effects (if any) are proposed to be avoided or mitigated;
- (g) the monitoring that will be undertaken; and
- (h) information that demonstrates how the extraction of gravel will be limited to the extent necessary and in a manner that avoids or mitigates adverse effects on water quality, existing infrastructure, bank stability and ecological habitat.

**Advice Note:**

*The Consent Holder will try to schedule works to avoid work during the specified periods of time stated in Condition (54), however some river works may need to occur during the stated period. This condition recognises that there are ecological values that may be at risk when works occur during these periods of time and requires a site-specific works plan to be developed. Schedule 30A of the Tasman Resource Management Plan has been attached to these consents for ease of reference.*

- 56. The SSEMP may be amended at any time by the Consent Holder provided that any amendments made maintain or enhance the degree and / or extent to which adverse environmental effects attributable to the construction, maintenance are avoided or mitigated; and those amendments do not result in non-compliance with any resource consent condition.
- 57. The Consent Holder shall comply with any relevant Site Specific Environmental Management Plan (SSEMP) at all times. In the event of any conflict between resource consent conditions and certified EMP or SSEMP, the resource consent conditions shall prevail.
- 58. The following shall apply in respect of Conditions (50), (52), and (54) which require the Consent Holder to provide the Council's Team Leader, Monitoring and Enforcement with an EMP (including updates) and/or SSEMP 'for certification':
  - (a) the plan shall outline the extent of the consultation with the specified stakeholder(s) that has been undertaken and demonstrate how the views of the stakeholder(s) have been incorporated, and where they have not, the reasons why;
  - (b) the Consent Holder may commence the activities covered by the SSEMP, in accordance with the submitted plan, within 20 working days of its submission, unless the Council advises the Consent Holder in writing that it refuses to certify it on the grounds that it fails to meet the purpose of the consent set out in Condition (3) and gives reasons for their decision; and

- (c) should the Council refuse to certify the plan, the Consent Holder shall not commence gravel extraction or cease gravel extraction (if commenced under Condition 58(b)), and submit a revised plan to the Council's Team Leader Monitoring and Enforcement for certification. Clause (b) shall apply for any resubmitted plan.

### **Forward works programme**

59. The Consent Holder shall prepare a programme of works for consultation with stakeholders. The programme shall outline gravel extraction works, and their respective priorities, that are proposed to be undertaken within a specified future period of time.

#### **Advice Note:**

*The programme of works provides a guide as to the likely works that may be undertaken each year under these resource consents. However, the activities authorised by these consents are not restricted to those specified in the programme of works. Works that are not listed in the current programme of works may be undertaken under these consents provided that the works are for the purposes listed in Condition (3) above.*

60. In preparing a programme of works the Consent Holder shall consult with the Department of Conservation, Fish and Game New Zealand, iwi and the Council's relevant Resources Scientists. Those parties shall be advised of the draft programme of works as it affects their interests.
61. Once finalised, copies of the programme of works shall be forwarded to the Department of Conservation, Fish and Game New Zealand, Friends of Nelson Haven Inc., iwi and the Council's Team Leader, Monitoring and Enforcement.
62. Two monthly works programmes, including variations or amendments to the programme of works shall be provided in written form to the Council's Team Leader, Monitoring and Enforcement at least three days prior to the first day of the month to which the works apply.
63. A summary of the Consent Holder's forthcoming programme of works shall be made available to the general public through listings in the Tasman District Council's Newline (or as printed in the Nelson daily newspaper or in relevant community newspapers).
64. The Consent Holder shall provide details of all completed works to the Council's Team Leader Monitoring and Enforcement upon written request.

### **Consultation**

65. Stakeholders shall be given not less than 20 working days to review and comment on the draft EMP and any updates or amendments to it, and 20 working days to review

and comment on draft SSEMPs. A 20 working day period shall apply to the Forward Work Programme. If no feedback is received from any stakeholder(s) within these periods, the Consent Holder may assume that the stakeholder has no concerns or issues with the document(s) sent.

## Noise

66. Noise generated by the activities, measured at or within the notional boundary of a dwelling, shall not exceed:

	Day	Night
Leq (15 minute)	55 dBA	40 dBA
Lmax		70 dBA

For the purposes of this condition “Day” shall be between 0700 and 2100 hours Monday to Friday (inclusive) and between 0700 and 1800 hours on Saturdays, but excluding public holidays. “Night” shall mean all other times as well as public holidays.

67. All noise from activities authorised by these consents shall meet the requirements of the long duration noise limits in Table 2 of New Zealand Standard NZS6803:1999 (Acoustics-Construction Noise). The Consent Holder shall adopt the best practicable option to ensure the emission of noise does not exceed a reasonable level.

## Hours of operation

68. Works shall not occur outside the hours of 0600 to 1900 Monday to Friday, and 0700 to 1800 on Saturdays. Works shall not occur on Sundays or Public Holidays or between 24 December and the 4 January (inclusive) each year.

### **Advice Note:**

*Emergency works are exempt from this condition.*

## Restricted activities

69. The rules and standards set out in the New Zealand Code of Practice for Electrical Safety Distances, NZECP34: 1993 shall be complied with at all times.
70. No lawful take of water shall be unreasonably affected as a result of any work authorised by these consents.

### **Advice Note:**

*Note Condition (20) regarding registered drinking water supplies and bore owners.*

## Complaints register

71. The Consent Holder shall maintain a complaints register detailing the content of all complaints received and of actions taken where necessary to remedy any issue. Copies or details of the complaint register shall be made available to the Council's Team Leader Monitoring and Enforcement on request. All complaints shall be forwarded to the Council within one working day and details of the remedial action undertaken within 20 working days.

## Gravel extraction within mean bed level envelope rivers

72. The Consent Holder may extract gravel from the following rivers to ensure they are maintained within the top 50 percent of the specified mean bed level envelopes:

Reach	Downstream	Upstream
Lower Motueka River	500 metres downstream of State Highway 60 Bridge	upstream of Alexander Bluff Bridge
NZMS	1601192, 5451534	1593425, 5443433
Upper Motueka River:	1.5 kilometres downstream of the Wangapeka River	to just upstream of North's Bridge
NZMS	1581848, 5426254	1586620, 5408572
Lower Motupiko River	Motueka River at Kohatu Bridge	approximately 6 kilometres upstream
NZMS	1586086, 5411387	1583032, 5405944
Wairoa/Waimea River:	500 metres downstream of State Highway 60 Bridge (Appleby Bridge)	approximately 200 metres downstream of the Waimea East Irrigation Company water intake/weir
NZMS	1611089.42, 5427250	1610893, 5417631

Mean bed levels envelopes (upper and lower limits) for the above rivers are set out in the reports and information provided as part of the consent application.

73. The Consent Holder may add new rivers (or parts of rivers) to the rivers listed in Condition (72) provided sufficient data is collected to establish a mean bed level envelope. This must include:
- (a) at least three complete surveys undertaken over at least a 15 year period;

- (b) evidence to demonstrate the proposed upper limit shall is not so high that it allows an excessive risk of flooding or river avulsion;
- (c) evidence to demonstrate that the proposed lower limit is not so low that there would be a risk of undermining river banks or stopbank protection works (including calculations to ensure that pier scour at bridge piers and abutments would not threaten any existing structures);
- (d) evidence to demonstrate that the upper limit for any reach which is degraded (such as in the Wai-iti River) is high enough to allow aggradation to restore bed levels; and
- (e) an assessment of potential adverse environmental effects at the lower limit, including habitat values and groundwater levels.

The Consent Holder shall submit a report to the Council's Team Leader Monitoring and Enforcement which includes details of the mean bed level envelope of any new river and the supporting data, evidence addressing clauses (a) to (e), and peer reviews from appropriately qualified independent experts in river engineering, hydrogeology and ecology. Any river shall only be added to the above list of mean bed level envelope rivers when the Council's Team Leader Monitoring and Enforcement provided written certification that the mean bed level envelope proposed is appropriate for the river.

**Advice Note:**

*These rivers shall be listed in the EMP.*

- 74. The Consent Holder shall undertake repeat river cross-section surveys at least once every five years for each of the rivers specified in Condition (72) and any new rivers added as provided for by Condition (73), except that the frequency shall be at least once every three years for river reaches with cross-sections on average in the bottom 50 percent of the mean bed level envelope. The resulting cross-section surveys shall be analysed and used to support decisions on gravel extraction locations and volumes to be included in the high-level forward works programme referred to in Condition (59).
- 75. If the surveys and analyses required by Condition (74) are not completed within 12 months of the five-year period provided for, the river shall be removed from the list of rivers managed using the mean bed level envelope method until the additional surveys and analyses required are completed.
- 76. A mean bed level envelope river shall be resurveyed within six months of any of the following:
  - (a) a flood event in that river with an Average Recurrence Interval equal to or exceeding 20 years;
  - (b) any event that causes significant sediment inputs or transportation within that river;or

- (c) gravel extraction that exceeds 10,000 cubic metres since the previous survey.

### **Gravel extraction from all other rivers**

77. The Consent Holder may only extract gravel from rivers not listed in Condition (72) provided it is demonstrated to be the Best Practicable Option (BPO) for achieving one or more of the three purposes of the consent set out in Condition 3. The decision-making process that must be followed to determine the BPO for achieving the purpose of this consent shall include:
- (a) Provision of information to show that there is a valid river management purpose for implementing river works in a certain location (i.e. at least one clause of Condition (3) must apply);
  - (b) Provision of information on the sensitivity of the receiving environment to any change in bed levels;
  - (c) Provision of information to demonstrate that there would be no significant risk of undermining river banks, stopbank protection works or bridge piers and abutments;
  - (d) Consideration of the financial implications and environmental effects of gravel extraction compared to other river management works options, including the option of doing nothing; and
  - (e) The current state of technical knowledge and the likelihood the option will successfully be applied to meet the purpose of the consent.
78. The Consent Holder shall provide the Council's Team Leader Monitoring and Enforcement with documentation of the decision-making process undertaken to determine the BPO in accordance with Condition (77) for certification that the proposed gravel extraction meets the purpose of the consent.

### **Other**

79. Gravel beaches shall be left well shaped and shall, where practicable, taper uniformly to the water's edge and/or river bank. Any gravel moved shall be placed in a manner that minimises siltation of the river (e.g. lenses of silt shall be removed from the waterway).
80. The Consent Holder shall ensure that any works authorised by these consents do not significantly reduce river bed levels in other rivers.

#### **Advice Note:**

*The purpose of this condition is to protect groundwater, to ensure that existing bores are not adversely affected and to control secondary flows to other watercourses. These other systems rely on periodic flushing of water to ensure aquatic habitat is maintained and water quality does not reduce over time.*

## Reporting

81. The Consent Holder shall supply the Council's Team Leader Monitoring and Enforcement an annual report that documents compliance with the conditions of this consent.