

# Non-notified resource consent application report and decision

## Summary of decision

<b>Activity:</b>	To undertake works in the bed of a river, to take surface water and to clear vegetation on erosion prone land for farming purposes.
<b>File Reference:</b>	<b>WGN060129</b>
<b>Date Granted:</b>	2 October 2006
<b>Commencement date:</b>	2 October 2006
<b>Applicant:</b>	Shayne Edwards
<b>Decision made under:</b>	Section 104B, 104C and 108 of the Resource Management Act 1991
<b>Consents Granted:</b>	<p><b>[24901]: Controlled activity</b> Land use consent to use and maintain a culvert and wing wall structure in an unnamed tributary of the Wainuiomata River, and the associated disturbance of the bed of that stream.</p> <p><b>[24903]: Discretionary activity</b> Water permit to take up to 33L/sec, 20 hours per day, 7 days per week, up to a maximum of 2376m<sup>3</sup> of water per day, 30 weeks per year, from the Wainuiomata River for farm irrigation purposes.</p> <p><b>[24936] Discretionary activity</b> Land use consent to extract up to 500m<sup>3</sup> per annum for the first two years and 100m<sup>3</sup> thereafter, of gravel from dry beaches in the Wainuiomata River and the associated disturbance of the bed of the river, and to disturb the river bank to construct a stock/vehicle access.</p> <p><b>[24937] Restricted discretionary activity</b> Land use consent to clear up to 11 hectares of vegetation on erosion prone land for farming purposes.</p>

**Location:** 1044 Coast Road, Wainuiomata.

**Map Reference:** Between approximate map references NZMS 260:703.831 and NZMS 260:R27;691.821

**Legal Description:** Lot 1 DP 323093

**Duration of Consents:** WGN060129 [24901]: 35 years  
WGN060129 [24903]: 10 years  
WGN060129 [24936]: 10 years  
WGN060129 [24937]: 10 years

**Subject to conditions:** Attachments 1- 4

Decision recommended by:	Fiona Betteridge	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Natasha Tod	Senior Resource Advisor, Environmental Regulation	
Decision approved by:	Al Cross	Manager, Environmental Regulation	

# Reasons for decision: resource consent WGN060129 [24901] [24903] [24936] [24937]

## 1. Background and proposal

The applicant, Shayne Edwards in consultation with business partner John Curtis, has applied for resource consents to undertake several activities associated with farming operations at Totora Downs farm, 1044 Coast Road, Wainuiomata. The works are considered necessary to retain the farm as a viable business operation. The farm faces a number of pressures and constraints due to its close proximity to the Wainuiomata Township and the fact that the fertile land lies within the Wainuiomata River flood plain.

A consent is being sought to maintain an unauthorised culvert and a wing wall structure in an unnamed tributary of the Wainuiomata River. The 1.3m diameter, 5.2m long culvert was installed to provide an escape route to muster stock out of the low lying areas during rising flood events. A secondary flow path is not necessary as the whole flood plain area goes under water during flood events.

Another land use consent is being sought for the clearing of approximately 8.3 hectares of vegetation on erosion prone land for farming purposes. 4.8 hectares of clearance has been completed as it was considered necessary to provide emergency feed for stock on the hills during a flood event. The only alternative to this was that the sheep could be trapped against the foot of the hill without feed for an uncertain amount of time while the floodwaters drained away.

In consultation with Greater Wellington Flood Protection engineers, the applicant also proposes to extract up to 500m<sup>3</sup> of gravel during the first two years of exercising the consent and 100m<sup>3</sup> each year thereafter, during the summer periods from dry beaches in the Wainuiomata River to maintain farm tracks and for flood protection purposes. The gravel would be extracted above the water level using a front end loader tractor or digger and the work would be undertaken by the applicant, along with the occasional help of a contractor. The hours of work would be not more than six hours per day and the beach would be re-contoured to a natural shape following works. River bank disturbance will also be undertaken in order to construct a stock and vehicle access point at approximate map reference R27:703.828.

The applicant's fourth proposal is to take up to 2376m<sup>3</sup>/day of water from the Wainuiomata River to spray irrigate up to 57 hectares of crops and pasture. A portable, screened intake structure would be used to allow the river bank to remain clear of the structure when irrigation is not in use, with a permanent delivery headworks containing appropriate valving and metering at points adjacent to these intake areas.

## 1.1 Resource consents required

A land use consent is required under rule 49 of the Regional Freshwater Plan for the Wellington Region (RFP) as permitted activity rule 38 restricts the removal of gravel from a stream bed at a rate greater than 50m<sup>3</sup>/year.

A land use consent is required under rule 49 of the RFP as rule 25 only permits the placement of culvert and wing wall structures in intermittently flowing stream beds.

A land use consent is required under rule 4 of the Regional Soil Plan for the Wellington Region (RSP) which restricts the removal of vegetation from areas greater than 1 hectare on erosion prone land.

A water permit is required under rule 16 of the RFP as rule 7 only permits the extraction of freshwater of up to 20,000 L/day.

## 2. Consultation

In accordance with Greater Wellington Regional Council's (GW) agreement with tangata whenua regarding consultation on non-notified consents, Te Runanganui O Taranaki Whanui Ki Te Upoko O Te Ika a Maui, Wellington and the Wellington Tenths Trust were provided with a copy of the application. Neither authority had any concerns with the proposal.

Land Management Officer, Dave Cameron of GW has been consulted regarding the sustainability of the existing and proposed land clearance. Dave has provided an assessment of the environment impacts on the land which has been referred to in the decision making process.

Flood protection engineer, Steve Murphy of GW has been involved in the consultation process with the applicant. Steve has no concerns with the proposal provided the GW Flood Protection Department is consulted with prior to river works being undertaken.

Blake Abernethy of Fish and Game New Zealand was also consulted. His principal issue of concern was the cumulative effects of abstractions from the river, and the application of the core allocation and minimum flows. It was agreed that this would only become an issue if the core allocation and/or minimum flows were changed as a result of a plan change or review. I suggested including a review condition which would specify that GW shall review the conditions of the water permit should there be any changes to the core allocation or minimum flows in the RFP. This is also specifically provided by section 128(2) of the Resource Management Act 1991. Both the applicant and Blake were happy with this and Blake, on behalf of Fish and Game, provided his written approval on 16 August 2006.

### **3. Statutory framework**

#### **3.1 Resource Management Act 1991**

Part II (Section 5) of the Resource Management Act 1991 (the Act) defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part II define the matters a consent authority shall consider when achieving this purpose.

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

The proposed works are not expressly allowed by any rule in the RFP or the RSP; therefore resource consent is required. This is consistent with section 9, 13 and 14 of the Act.

The proposed works and water abstraction are consistent with the intention of the Act, as the works are essential to ensure people and communities can provide for their social and economic wellbeing and their health and safety. Accordingly, the proposed works are consistent with the definition of 'sustainable management' in the Resource Management Act 1991, and are consistent with the overall purpose of the Act, provided consent conditions are adhered to.

#### **3.2 Regional Policy Statement**

The Regional Policy Statement for the Wellington Region (RPS) contains several objectives and policies aimed at maintaining the quality of the freshwater environment and maintaining the quality of the soil resource. These objectives and policies are intended to provide for the current and reasonably foreseeable needs of current and future generations. The relevant chapters of the RPS are Chapter 5 (Freshwater), Chapter 6 (Soils and minerals) and Chapter 9 (Ecosystems). I consider that the proposed activity outlined in the application is consistent with the objectives and policies of these chapters.

#### **3.3 Regional plans**

##### **3.3.1 RFP Policies and objectives**

The Regional Freshwater Plan has a number of objectives and policies that relate to the proposed activities. The relevant objectives and policies to consider in assessing this application are listed below:

Objective 4.1.9 of the RFP seeks to ensure the risk of flooding to human life, health and safety is at an acceptable level; and objective 4.1.10 seeks to ensure impact of flooding on natural values and physical resources including people's property to an acceptable level.

Objective 4.1.11 of the RFP seeks to allow people and communities to use and develop freshwater resources to provide for their social, economic and cultural well being and for health and safety.

The proposed river works and water take will provide for the economic viability of Totora Downs farm, while the vegetation disturbance for establishing pasture, and the existing culvert and wing wall structure will provide a safe escape route, an emergency stock feed paddock and high ground during flood events.

Policy 4.2.18 of the RFP promotes the avoidance or mitigation of the potential adverse effects associated with flooding.

Policy 4.2.23 of the RFP seeks to have regard to the benefits arising from any proposal for the use and development of a water body when assessing the proposal.

The proposed gravel extraction works and maintenance of the existing culvert structure will reduce the flooding damage and hazard to livestock, people and property on Totora Downs farm, provided the gravel is extracted under the advice of an experienced Flood Protection Engineer and the culvert is kept substantially clear of debris.

Policy 7.2.1 of the RFP relates to appropriate uses within river and lake beds; provided that adverse effects are avoided, remedied or mitigated and that significant adverse effects identified within Policy 7.2.2 are avoided. I consider that the existing culvert and proposed wing walls will not have significant adverse effects listed under Policy 7.2.2 of the RFP.

The purpose of the culvert structure is to provide an emergency escape route for stock and people during flood events, and does not cause any significant adverse effects on the values listed in Policy 7.2.2, which are:

- *The values held by tangata whenua; and /or*
- *Natural or amenity values; and /or*
- *The flood hazard; and /or*
- *River or lake bed or bank stability; and /or*
- *Water quality; and /or*
- *Water quantity and hydraulic processes (such as river flows and sediment transport).*

In relation to the proposed water abstraction, Policy 6.2.1 seeks to manage the allocation of water and flows in the parts of the rivers and streams shown in column 1 of Table 6.1 in the RFP. The minimum flow at Leonard Wood Park is 300L/sec. The core allocation is 65L/sec. At flows below 360L/sec, the first 'stepdown' allocation of 60L/sec applies, and at flows below 345L/sec, the second 'stepdown' allocation of 50L/sec applies.

Policy 6.2.6 specifies that, in relation to water permit applications, water should be allocated up to a maximum rate of 350m<sup>3</sup>/hectare/week, which is equivalent to 35 mm of rainfall per week. The applicant has identified that 57

hectares of pasture will be irrigated. The volume applied for is equivalent to 291m<sup>3</sup>/hectare/week, which is 83% of the maximum allowable allocation under this policy.

I have reviewed the objectives and policies of the RFP, and I consider that the application is consistent with the relevant policies contained in Sections 4-7 of the RFP.

### 3.3.2 RSP Policy and Objectives

Objective 4.1.9 of the Regional Soil Plan for the Wellington Region (RSP) seeks to maintain, enhance or establish vegetation cover on erosion prone areas, and that where retention of vegetation is not practical, that other methods are used so that the adverse effects of erosion are avoided, remedied or mitigated.

I consider that the activities applied for are consistent with relevant policies and objectives of the RFP.

Policy 4.2.1 serves to promote land management practices that recognise the inherent susceptibility of some landforms to erosion.

Policy 4.2.5 serves to promote and facilitate the adoption of sustainable land management practices.

Policy 4.2.14 serves to remedy or mitigate the adverse effects of vegetation disturbance by promoting:

- the maintenance and enhancement of vegetation in erosion prone areas;
- the conversion of erosion prone areas to forestry or soil conservation woodlots, or regeneration or active restoration to native bush;
- riparian management, including where this will help safeguard the life supporting capacity of aquatic ecosystems;
- compliance with industry recognised standards and procedures such as the Logging Industry Research Organisation's (LIRO) "Forestry Code of Practice" (Second Edition, 1993); and/or
- the maintenance and retention of erosion control plantings.

The proposed vegetation clearance is not entirely consistent with the direction and intent of the above policies and objectives of the RSP. However, policy 4.2.9 recognises that land managers and owners have prime responsibility for achieving sustainable land management in the Wellington Region.

The purpose for clearing the erosion prone land is to ensure safe areas and emergency grazing for livestock during flood event; therefore I consider the land clearance is in line with the part of the Act which serves to protect the applicant's social and economic wellbeing.

### 3.3.3 Rules

Due to the extent and the steepness of the site subject to land clearance on Totora Downs farm and that fact that it will not be re-established in woody vegetation, the land clearing is a **restricted discretionary activity**, requiring consent under rule 4 of the Regional Soil Plan for the Wellington Region (RSP).

Rule 7 of the RFP permits the taking and use of up to 20,000 litres of fresh water per day at a rate of no more than 2.5 L/second. The applicant proposes to abstract up to 2376L/day of freshwater at a rate of 33 L/second, which exceeds the permitted volume. A resource consent is therefore required under Rule 16 of the RFP, which classifies the take as a **discretionary activity**.

Rule 47 of the RFP, allows the placement and use of any river crossing, which is not a permitted activity as a **controlled activity**, except for specified watercourses. The culvert is located in an unnamed tributary of the Wainuiomata River, which is not listed as an exception to the provisions of Rule 47.

Rule 38 of the RFP allows for the extraction of gravel from a river bed on the landowners property in quantities less than 50 cubic metres as a permitted activity. However, the volume of gravel extraction proposed in this application is greater than this quantity; therefore the application cannot be considered under this rule. The applicable rule is rule 49, which encompasses all remaining activities as **discretionary activity**.

## 4. Environmental effects

### 4.1 Existing environment

Two unnamed tributaries to Wainuiomata River have had culverts installed in the stream bed. Culvert one is in ephemeral stream bed and culvert two is in a wetland area, therefore neither require resource consents. Culvert three does require consent to authorise the structure and enable ongoing maintenance as it is in a permanently flowing tributary. The existing structure does not have a secondary flow path. The tributary is a small, low flow, low velocity stream with a silty substrate.

A 1.5km stretch of the Wainuiomata River runs through Totora Downs farm. The river has a gravel substrate and is prone to blow-outs during high flow events. The river under normal conditions has a mean flow of 2.37m<sup>3</sup> per second and most fertile and flat areas of the farm lie within the flood plains of the river. The proposed 57 hectare irrigation area would significantly benefit from an irrigation rate of 300m<sup>3</sup>/ha/week.

The vegetation to be cleared consists of native scrub, ferns and gorse. There is an existing slip in the scrub-clad 'Knob' area, close to the area that the applicant proposes to clear. This recent evidence suggests that clearing the land and sowing it in pasture may not be sustainable. Once cleared, slips would be more likely to occur in high rainfall events at the times when the soils



are saturated and stock are sheltering in these proposed and existing cleared areas. The land in question is classified as steep to very steep greywacke, generally with a slope range of 21 to 35 degrees. The land is categorised as 'slightly' erosion prone.

Wainuiomata River is the down-stream receiving environment. According to the GW freshwater fish database, there is a high probability of long finned eel and brown trout being present immediately downstream of the works. Where the culvert is located in the unnamed tributary, there a high probability of finding long-finned eel, inanga, brown trout and the common bully.

Wainuiomata River is noted in the RFP as being a waterbody with important trout habitat. Trout spawning occurs between 31 May and 31 August; therefore any works within the stream during these times are likely to have an impact on this.

## **4.2 Actual and potential effects**

### **4.2.1 Effects on water quantity**

Water extraction poses risks to the flow levels of the Wainuiomata River. To mitigate the potential adverse effects of a low residual flow, I have recommended a condition that requires the applicant to reduce their rate of abstraction when the water levels reach the first and second 'Stepdown' allocation levels, and cease water abstraction when flow in the Wainuiomata River falls below the minimum flow level of 300L/sec as measured at the Leonard Wood Park recording station. This would ensure that the life supporting capacity of the Wainuiomata River is not adversely affected by the abstraction.

### **4.2.2 Effects on water quality**

The river works may cause some disturbance to the stream bed resulting in sedimentation of the water.

There is also potential for contamination of groundwater as a result of increased stocking intensity made possible by the proposed irrigation on the river flats. Intensive farming is known to increase groundwater contamination over the long term through concentrated urine patches. The applicant has stated in their application that the rate of pasture irrigation will be limited to less than 300m<sup>3</sup> per ha per week. This rate is equivalent to the estimated evapotranspiration rate per ha as calculated by the Ministry of Agriculture, and is within the maximum 350m<sup>3</sup> per hectare limit set out in the RFP. Therefore the effect of irrigation to these pastures would only be to maintain the soil moisture content during dry periods and the positive impact would of this activity is healthy soil organic matter year round which would maximise the additional nutrient uptake through increased pasture growth rates.

The combined adverse effects should be no more than minor.

#### 4.2.3 Effects on in-stream habitat / fish

Gravel extraction has potential to cause further problems down stream of the works and if done without expertise, could cause river bends to blow-out during flood events, causing significant sedimentation of the stream and bank erosion.

There is potential for scour resulting from the placement of the culvert, along with a disruption to fish passage. These issues have been already been mitigated by the wing walls that were subsequently installed and the invert of the culvert was installed below the stream bed to allow fish passage.

Bank protection measures can also cause erosion down stream of the works. The potential for bank erosion will be mitigated by the applicant's proposed mass planting of willow poles for river protection purposes, which is a permitted activity. River debris fences and other bank protection measures may also be employed depending on the erosion protection requirements at the time. These may be subject to additional consents depending on the scope, scale and location.

I have also recommended conditions that require that applicant maintain any erosion that occurs as a result of the works down stream, that the applicant undertakes gravel extraction works outside of the trout spawning season, and that that all river works must be approved by GW's Flood Protection department.

#### 4.2.4 Effect of vegetation clearance

The erosion potential with the existing scrub cover is negligible, although there is photographic evidence of this already occurring. When covered in pasture, further small, isolated slips can be expected as a result of heavy rainfall. To mitigate the above adverse effects from the 4.8 ha of land clearance already undertaken, I have recommended conditions that require that applicant maintain any erosion that occurs as a result of the land clearance.

I have recommended consent be granted for an additional 11ha of land clearance on erosion prone land, provided the applicant prepares a planting plan that meets the approval of GW's Land Management Officer prior to the land clearance being undertaken, that the area be re-vegetated with pasture as soon as practicable following the land clearance and that the activity is conducted in accordance with consent conditions.

#### 4.2.5 Summary

I consider that the proposed activities overall have effects which are no more than minor, and align with the principles of the RMA. The proposed works and activities are considered necessary to protect the Totoro Downs farm from loss of land, the effects of flooding and ensure their economic wellbeing. The works are therefore essential "to ensure people and communities can provide for their social and economic wellbeing and their health and safety". Accordingly, the proposed works are consistent with the definition of

‘sustainable management’ in the Resource Management Act 1991, and are consistent with the overall purpose of the Act.

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

I consider that notification under Section 93(1)(b) of the Act is not required, as the effects of the proposed river bank protection works, maintenance and installation of wing walls on the existing culvert, water extraction and land clearance on the environment will be minor, as outlined in section 4 of this report.

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

Blake Abernethy has given written on behalf of Fish and Game for the applicant’s proposal. His approval was received on 16 August 2006.

There are no other parties considered to be affected by the proposed works.

## **6. Main findings**

I recommend that the land use consent for land clearance be limited to a 10 year duration as it is on steep to very steep erosion prone land, and adverse effects on hill stability are uncertain, just as the future of the farming operation has been discussed as uncertain. For all other proposed activities, I consider that:

1. The proposed activities are consistent with the Purpose and Principles of the Resource Management Act 1991.
2. The proposed gravel extraction, water take and culvert maintenance are consistent with the relevant objectives and policies of the Regional Fresh Water Plan.
3. The proposed land clearance is not entirely consistent with the RSP; however, the RSP acknowledges that landowner has the primary responsibility for achieving sustainable land management.
4. The actual or potential adverse effects of the proposed activities on the environment will be no more than minor.
5. Conditions of the consents will ensure that the adverse effects of the activities on the environment will be appropriately avoided, remedied or mitigated.
6. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are no more than minor.

## 6.1 Duration of consent

As the culvert is a permanent structure, I have recommended a duration of 35 years as provided by section 123(c) of the Act.

I recommend a duration of 10 years for the water permit as provided for by section 123(c) of the Act. This time frame should balance the farm operation's need for economic certainty with the unknown future of water allocation in this catchment. This timeframe is consistent with the duration of other consents granted for activities of this nature.

I recommend a 10 year duration for the land use consent for extraction of gravel from dry beaches in the Wainuiomata River, as provided by section 123(c) of the Act.

I recommend a 10 year land use consent to maintain the proposed vegetation clearance on erosion prone land as provided for in section 123(b) of the Act.

## 7. Monitoring

- The gravel extraction is considered to be an ongoing activity; therefore the consent will be subject to annual compliance inspections.
- The land clearance is considered to be a non-standard activity, and inspections for this activity will be undertaken in the first year after the consent has been exercised and every 3 years thereafter.
- The water take is considered to be an ongoing activity subject to annual compliance inspections.
- The culvert is considered to be a one-off activity and an inspection for this activity will be undertaken during the first year the consent is exercised.

All monitoring will be charged in accordance with GW's current charging policy

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<b>Application lodged:</b>	21/11/05	<b>Application officially received:</b>	16/08/06
<b>Section 92 sent:</b>	07/09/06	<b>Section 92 received:</b>	29/09/06
<b>Applicant to be notified of decision by:</b>	05/10/06	<b>Applicant notified of decision on:</b>	05/10/06
<b>Time taken to process application:</b>	20 working days		

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## 8. Attachment 1 WGN060129 [24901]

That under Sections 104A and 108 of the Resource Management Act 1991, Shayne Edwards be granted the following non-notified consents:

**Land use consent** WGN060129 [24901] *To use and maintain a culvert in an unnamed tributary of the Wainuiomata River, and the associated disturbance of the bed of that stream at or about map reference NZMS 260:R27;699.826, for a duration of 35 years, subject to the following conditions:*

### **General standards and terms:**

#### **Standards**

- (1) *No contaminants (including but not limited to oil, petrol, diesel, paint or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of stream bed.*
- (2) *Any excess material from the construction operation shall be removed from the stream bed and disposed of in an appropriate manner.*
- (3) *No works shall be carried out in the wetted channel during 31 May and 31 August inclusive due to trout spawning season.*
- (4) *Fish passage shall not be impeded once the culvert is operational.*

#### **Terms**

- (1) *The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council, at least two working days before any work commences.*
- (2) *A charge, set in accordance with section 36(2) of the Act, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring, and supervision of the activity, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.*

### **General conditions related to the matters over which the Wellington Regional Council has exercised its control over:**

- (1) *The operation, maintenance and use of the culvert shall be in accordance with the application received by the Wellington Regional Council on 21 November 2006 and further information received on 19 January, 10 March and 26 April 2006.*
- (2) *The works shall remain the responsibility of the consent holder and shall be maintained so that:*

- (a) *Any erosion of the stream banks that is attributable to the culvert structure is repaired by the consent holder;*
- (b) *The structural integrity of the culvert and bank remains sound; and*
- (c) *The waterway of the culvert remains substantively clear of debris.*

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

- (3) *The consent holder shall pass a copy of this consent, including any relevant site plans and attachments, to the contractor undertaking the works authorised by this consent, prior to the works commencing.*
- (4) *A copy of this consent must be held on site while maintenance works are occurring, for the duration of the works, and presented to any Wellington Regional Council officer on request.*
- (5) *No works shall be carried out in the wetted channel during 31 October to 31 January inclusive, which is the main juvenile native fish (whitebait) migration season.*

#### **Sedimentation and turbidity**

- (6) *The consent holder shall take all practicable steps to minimise sedimentation and increased turbidity of the stream during the maintenance of the works, including:*
  - a) *completing all works in the minimum time practicable;*
  - b) *minimising the area of disturbance at all times;*
  - c) *avoiding placement of excavated material in the wetted channel;*
  - d) *minimising time spent by machinery in the wetted channel, and the number and frequency of machine crossings of the wetted channel of the stream, to a practicable minimum at all times.*
- (7) *All maintenance works shall be carried out during periods of low stream flow.*

- (8) *All works affecting the watercourse, including tidy up on completion of the works, shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.*

**Machinery in/near water bodies**

- (9) *The consent holder shall ensure that:*
- a) *all machinery is thoroughly cleaned of unwanted vegetation (e.g. weeds), seeds or contaminants prior to entering the site;*
  - b) *all contaminant storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants;*
  - c) *all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; and*
  - d) *no machinery is cleaned, stored or refuelled within 10 metres of any ephemeral or permanent watercourse.*

## 9. Attachment 2 WGN060129 [24903]

**Water permit** WGN060129 [24903] to take up to 33L/sec, 20 hours per day, 7 days per week, up to a maximum of 2376m<sup>3</sup> of water per day, 30 weeks per year from the Wainuiomata River for pastoral irrigation purposes between map references NZMS 260:R27:703.831 and NZMS 260:R27;691.821, subject to the following conditions:

- (1) *The implementation and operation of the take shall be in accordance with the application received by the Wellington Regional Council on 21 November 2006 and further information received on 19 January, 10 March and 26 April 2006.*

*Note: where there is a difference in information supplied to the Wellington Regional Council, the most recent information applies. Where there is a difference in information in the application and conditions, the conditions prevail.*

- (2) *When the flow in the Wainuiomata River falls below 360 litres per second at the Leonard Wood Park gauging site, the permit holder shall adhere to the following restrictions on the rate of take from the Wainuiomata River:*

<b>River flow (measured at Leonard Wood Park) (L/s)</b>	<b>Allowed rate of take (L/s) under WGN 060129 [24903]</b>
>360	33
360 – 345	30
345 – 300	25
<300	0

- (3) *The permit holder shall install a water meter at the point of take that measures both cumulative water abstraction and the instantaneous rate of take, and is capable of providing a pulse counter output. The meter shall be calibrated to ensure that the standard error is within +/- 5%. The meter shall be installed prior to the exercise of this permit and in accordance with manufacturer's specifications.*
- (4) *The permit holder shall record the volume of water taken in each week that abstraction occurs and record the instantaneous rate of take once each week. A copy of these records shall be forwarded to the Manager, Environmental Regulation, Wellington Regional Council by 31 May each year for the duration of this consent.*
- (5) *All recording methods and procedures shall be to the specific approval of the Manager, Environmental Regulation, Wellington Regional Council.*
- (6) *The irrigation system shall be designed and maintained so that excess water is not run to waste.*



- (7) *The permit holder shall obtain approval from the Manager, Environmental Regulation, Wellington Regional Council prior to any modifications to the pump or irrigation system being made. Any significant modifications may require you to apply for a variation of consent conditions.*
- (8) *The permit holder shall ensure that the intake is screened with a maximum mesh diameter of 3mm so that small fish, eggs and larvae do not enter the intake.*
- (9) *Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within three months of 30 June each year for the duration of this consent, for the purpose of:*
- a) *To ensure that the allocation and specified minimum flows are consistent with the policies and rules of the RFP.*
  - b) *To deal with any adverse effects on the environment which may arise from the exercise of this consent, which is appropriate to deal with at a later stage.*
  - c) *To require the best practical option to remove or reduce an adverse effect on the environment.*
  - d) *To modify the monitoring programme or to require additional monitoring if there is evidence that the current monitoring requirements are inappropriate or inadequate.*
- (10) *Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to Wellington Regional Council's Charging Policy applicable at that time pursuant to Section 36 of the Resource Management Act 1991.*

*Note: This resource consent does not guarantee that quantity or quality of water will be maintained or available.*

## 10. Attachment 3 WGN060129 [24936]

**Land use consent WGN060129 [24936]** *To extract gravel from dry river beaches in the Wainuiomata River and the associated disturbance of the bed of the river, and to disturb the river bank to construct a stock and vehicle access between map references NZMS 260: 703.831 and NZMS 260:R27;691.821 for a 10 year duration, subject to the following conditions:*

- (1) *The location, design, implementation and operation of the works shall be in accordance with the consent application and its associated plans and documents, lodged with the Wellington Regional Council on 21 November 2006 and further information received on 19 January, 10 March, 26 April 2006 and 29 September 2006.*
- (2) *The consent holder shall limit the gravel extraction from this stretch of river to 500m<sup>3</sup> per annum for the first two years of this permit and up to 100m<sup>3</sup> per annum for the remaining duration of this consent.*
- (3) *The consent holder shall provide an annual report detailing the date and amounts of gravel extracted on each occasion throughout the current financial year by 30 June to the Manager, Environmental Regulations, Wellington Regional Council.*
- (4) *The Manager, Environmental Regulations, Wellington Regional Council, shall be given a minimum of two working days notice prior to each occasion of the gravel extraction works commencing.*

*Note: for the purposes of this consent, 'occasion' is defined as each single event of gravel extraction at each site.*

- (5) *The consent holder shall pass a copy of this consent, including any relevant site plans and attachments, to the contractor undertaking the works authorised by this consent, prior to the works commencing. The consent holder shall verbally brief the contractors regarding the conditions of consent, prior to works commencing.*
- (6) *A copy of this consent shall be held on-site for the duration of the works, and be made available to any Wellington Regional Council officer on request.*
- (7) *Works undertaken by the consent holder shall not result in the diversion of the main flow of the Wainuiomata River.*
- (8) *The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council in writing of any complaints relating to the exercise of this consent, within 24 hours, or the next working day of being received by the consent holder. The consent holder must include the following details:*

a) *name and address of the complainant;*

- b) *identification of the nature of the complaint;*
  - c) *date and time of the complaint and of the alleged event;*
  - d) *weather conditions at the time of the complaint; and*
  - e) *any mitigation measures adopted.*
- (9) *The gravel extraction shall be from dry beaches only and all extraction shall be taken from at least 0.1m (10 cm) above the water level, as measured at the time of extraction.*
- (10) *The consent holder shall take all practicable steps to minimise sedimentation and increased turbidity of the river when the extraction is occurring, including:*
- a) *completing all works in the minimum time practicable;*
  - b) *avoiding placement of excavated material in the flowing channel;*
  - c) *keeping machinery out of the actively flowing channel, as far as practicable;*
  - d) *undertaking works during times of low flow;*
  - e) *minimising the number of vehicle crossings.*
- (11) *All excavated material shall be removed from the stream bed and floodway at the end of each working day and stored away from water bodies.*
- (12) *The consent holder shall ensure that:*
- a) *all machinery is thoroughly cleaned of unwanted vegetation (e.g. weeds), seeds and contaminants away from water bodies prior to starting works at a new site;*
  - b) *no contaminants (including but not limited to oil, petrol, diesel and hydraulic fluid) shall be released into water from equipment being used for the works;*
  - c) *no machinery is cleaned, stored or refuelled within 10 metres of any water body; and*
  - d) *all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants.*

- (13) *In the event of a spill of fuel, hydraulic fluid, or other potential liquid contaminants, immediate steps shall be taken to remove or contain the spilled material. The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council immediately following the initial mitigation measures.*
- (14) *The consent holder shall ensure that the works do not impede fish passage. Any fish trapped or stranded by the works shall be immediately relocated upstream into clear water.*
- (15) *The Wellington Regional Council may review any or all of the conditions of this consent by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991, at any time within six months of the 1st, 2nd, 4th, 6th, and 8th anniversary of the date of commencement of this consent for any of the following purposes:*
- a) *To deal with any adverse effects on the environment which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage; and*
  - b) *To require the best practical option to remove or reduce an adverse effect on the environment.*
  - c) *To modify the monitoring programme or to require additional monitoring if there is evidence that the current monitoring requirements are inappropriate or inadequate.*
- (16) *Wellington Regional Council's Flood Protection Department shall be entitled to recover from the consent holder the costs associated with the river works consultation process, calculated in accordance with and limited the Wellington Regional Council's Charging Policy applicable at that time pursuant to Section 36 of the Resource Management Act 1991.*

## 11. Attachment 4 WGN060129 [24937]

**Land use consent** WGN060129 [24937] *To clear up to 11 hectares of vegetation on erosion prone land for farming purposes between map references NZMS 260: 703.831 and NZMS 260:R27;691.821 for a 10 year duration, subject to the following conditions:*

- (1) *The location, design, implementation and operation of the works shall be in accordance with the consent application and its associated plans and documents, lodged with the Wellington Regional Council on 21 November 2006 and further information received on 19 January, 10 March and 26 April 2006, specifically including the map lodged on 29 September 2006 specifying the areas of vegetation that will be cleared.*

*Note: where there is a difference in information supplied to the Wellington Regional Council, the most recent information applies. Where there is a difference in information in the application and conditions, the conditions prevail.*

- (2) *The consent holder shall pass a copy of this consent, including any relevant site plans and attachments, to the contractor undertaking the works authorised by this consent, prior to the works commencing.*
- (3) *At least 4 weeks prior to exercising this consent, the consent holder shall develop a tree planting proposal in consultation with Wellington Regional Council's Land Management Officer, focussing on maintaining slope stability on the cleared land. The proposal shall meet the approval of the Manager, Environmental Regulation, prior to any clearance occurring.*
- (4) *The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of 48 hours notice prior to the works commencing.*
- (5) *The Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within three months of the 30 June each year for the term of this consent, for the purpose of:*
  - (a) *Dealing with any adverse effects on the environment which may arise from the exercise of this consent, which is appropriate to deal with at a later stage.*
  - (b) *To require the best practical option to remove or reduce an adverse effect on the environment.*

- (c) *To modify the monitoring programme or to require additional monitoring if there is evidence that the current monitoring requirements are inappropriate or inadequate.*
- (6) *Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charges in force and applicable at that time pursuant to Section 36 of the Resource Management Act 1991.*
- (7) *On all areas of vegetation clearance where sediment laden water may enter a watercourse, appropriate erosion and sediment controls are to be in place before earthworks commence, and only be removed after the site has been fully stabilised to protect it from accelerated erosion.*
- For the purposes of this condition "stabilised" means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method to the reasonable satisfaction of the Manager, Environmental Regulation, Wellington Regional Council and as specified in the Erosion and Sediment Control Guidelines for the Wellington Region, September 2002. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual inspection by the Manager, Environmental Regulation, Wellington Regional Council, 80% vegetative ground cover has been established.*
- (8) *The consent holder shall maintain a 10m riparian margin of existing native scrub on each side of all gullies which lie within the proposed clearance areas. These riparian margins shall be maintained for the duration of the consent.*
- (9) *No contaminants (including, but not limited to, oil, petrol, diesel, hydraulic fluid) shall be released to water land from equipment being used for the activity and no refuelling of equipment shall take place on any area of stream bed.*
- (10) *The consent holder shall ensure that no slash, vegetation, soil or other debris enters any watercourse. Cleared areas should be re-vegetated / regrassed / replanted within six months of land clearance.*

## **12. Reason for conditions**

Adherence to the above conditions for resource consent WGN060129 [24901] [24903] [24936] and [24937], should ensure that the proposed works and existing structures on Totoro Downs will have no more than a minor effect on the stream environment and hillside stability.