

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 14 July 2008
TIME: 10.00 am
VENUE: Council Chamber, 78 Commercial Street, Takaka

PRESENT: Cr Riley (Chair), Crs Ensor and Bryant

IN ATTENDANCE: Resource Scientist, Rivers & Coast (E Verstappen),
Roading/Rivers Asset Engineer (P Drummond), Consent
Planner (LPiggot), Principal Resource Consents Advisor
(J Butler), Minute Secretary (N Heyes)

1. LAMB CONTRACTING LIMITED, KOWHAI POINT, PARAPARA - APPLICATION NO. RM070685

The hearing of an objection pursuant to Section 357 of the Resource Management Act to Council's decision on the application.

The applicant, Lamb Contracting Limited, lodged an objection pursuant to Section 357 of the Resource Management Act to Council's decision on the application in relation to Condition No. 2.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Bryant / Ensor
EP08/07/04**

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

Lamb Contracting Limited

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Lamb Contracting Limited	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs Riley / Ensor
EP08/07/05

THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.

CARRIED

2. LAMB CONTRACTING LIMITED, KOWHAI POINT, PARAPARA - APPLICATION NO. RM070685

Moved Crs Riley / Bryant
EP08/07/06

THAT pursuant to Section 357D(1) of the Resource Management Act, the Committee DISMISSES the objection of Lamb Contracting but with amendments to conditions as shown in Section 9 and as detailed in the following report and decision.

CARRIED

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held at the Golden Bay Service Centre, Takaka

on 14 July 2008, commencing at 10.00 am

A Hearings Committee ("the Committee") of the Tasman District Council ("the Council") was convened to hear the objection lodged by **Lamb Contracting Limited** ("the Applicant"). The Applicant objected to Condition 2 of resource consent RM070685 and seeks amendment of the condition. The objection, made in accordance with Section 357A of the Resource Management Act 1991 ("the Act"), was lodged with the Council on 1 May 2008.

PRESENT:

Hearings Committee

Cr N Riley, Chairperson
Cr S Bryant
Cr B Ensor

APPLICANT:

Mr R Lamb, Managing Director for Applicant
Mr I Kerr, Witness

CONSENT AUTHORITY:

Tasman District Council

Mr L Piggot, Consent Planner Natural Resources
Mr E Verstappen, Resource Scientist Rivers and Coast
Mr P Drummond, Rivers Engineer

IN ATTENDANCE:

Mr J Butler, Principal Resource Consents Adviser – Assisting the Committee
Mrs N Heyes – Minutes Secretary

1. BACKGROUND AND DESCRIPTION OF THE OBJECTION

In 2007 the Applicant applied for resource consent RM070685 (“the consent”) to extract 5,000 cubic metres (m³) of gravel from a beach in the lower Aorere River, Golden Bay. The consent was granted under delegated authority for a duration of seven years.

However, the consent only allowed the extraction of up to 2,000 m³ of gravel for the first year, followed by up to 2,000 m³ per year thereafter. The further extractions in subsequent years were authorised only if monitoring and assessment confirmed that suitable gravel replenishment in the extraction area had occurred sufficiently to maintain a minimum mean bed level necessary to maintain river stability.

The consent conditions therefore require the Applicant to undertake monitoring and subsequent assessment to support any further take of gravel from the area. Monitoring of the gravel resource and confirmation of the sustainability of the resource was required annually if gravel extraction is to continue on an annual basis.

The decision as granted made it clear that if after monitoring and assessment it is found that gravel deposition has occurred above minimum required levels for bed stability purposes and also above the maximum allowable take of 2,000 m³, the Applicant would be entitled to apply to change the conditions of the consent pursuant to Section 127 of the Act.

The activity authorised by RM070685 is a “stand alone” gravel extraction which is not for river management purposes (as authorised by a resource consent held by the Council and referenced as NN010109).

Conditions 1 to 4 of resource consent decision RM070685 are as follows:

Maximum Volume of Gravel Extraction

1. *No more than 2,000 cubic metres (solid measure) of gravel shall be removed during the first year of the exercising of this consent.*
2. *During the second year and subsequent years following the exercising of this consent, up to 2,000 cubic metres of gravel may be taken per year if this volume has accumulated above the base level of the beach, as defined by Condition 3.*

Monitoring of Gravel Accumulation

3. *The Consent Holder shall set up a monitoring programme designed to determine the volume of gravel that may sustainably be extracted annually from above the base level of the beach, and the contours of the area where the extraction is to take place. An annual monitoring report shall be supplied to the Council and no gravel extraction shall occur until this report is reviewed by the Council and accepted. Current and past data and reports shall be made available to the Council at other times if requested.*

4. *The maximum volume of gravel to be extracted annually (with the exception of the first year, as per Condition 1) shall not exceed the volume determined by the Council's Co-ordinator Compliance Monitoring following the submission of the annual report referred to in Condition 3, and in no years shall exceed 2,000 cubic metres.*

The Applicant objected to the decision and this objection was received by the Council on 1 May 2008. The objection satisfied the requirements of Section 357C of the Act and was therefore accepted by the Council.

The objection sought that the wording of Condition 2 be amended as follows:

“During the second and subsequent years, the total take of gravel will not be in excess of that accreted from the base level as established from the in 2008 contour model. Provision is expressly included that should the integrity of the flood protection rock armouring, the limitation flood levels over river banks or other deleterious matters be determined by Council's River Management Resource Scientist and or River Engineer, that additional extraction may be authorised above the annual take as determined by calculation from above the 2008 base level. A new base level will then be established on this lowered surface for subsequent years total annual extraction calculation.”

Council staff did not support the objection and, therefore, that a Committee should be convened to hear the objection and make a final decision.

2. PROCEDURAL MATTERS

The Chair considered it appropriate that the format of the hearing be the same as that currently used by the Council for hearing resource consent applications.

The Chair informed the hearing that he had undertaken a site visit the day before the hearing. It was decided after the close of the public part of the hearing that a further site visit for the other members of the Committee was not required.

3. EVIDENCE HEARD

The Committee heard evidence from the Applicant, an expert witness, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

3.1 Applicant's Evidence

Mr Lamb presented a number of aerial photographs and showed the pattern of buildup of gravel with reference to a recent aerial photograph which set out reference locations. He showed that the bulk of gravel at “Point B” is in approximately the same location in each photograph.

Mr Lamb stated that his position has never been that a annual take of 5,000 m³ is a sustainable take from this river. He considered that a one-off take would be advantageous to the management of the river's flood path.

Mr Lamb did not favour the option of applying for a variation in the event that sustainable gravel yields are found to be higher than the maximum 2,000 m³ take currently authorised as he believed it would be subject to more “protracted decision making by consents officials”. He considered that the method of assessment of any maximum limit should be built into the consent condition.

With regard to the sustainability of the take, Mr Lamb stated that it should be concerned with balancing an appropriate quantity of abstraction of gravel as a proportion of that passing a particular point in the river against the requirement for continuing the supply of material downstream to maintain the level of the riverbed and supply material to the river delta.

He stated that observations of bed levels immediately upstream from the Aorere Road Bridge confirms that the average bed level exposed above normal river flows is rising and has been doing so for two decades. Mr Lamb stated that material is rapidly redeposited at Point B after extraction of material occurs. He also pointed out that redeposition at Point D is slow and that this section of beach is not included in any plans for extraction.

Mr Lamb stated that within the last 10 years the Council has granted a consent for the removal of around 5,000 m³ of gravel for the construction of the Collingwood sewer and water schemes. He believed this gravel has been replaced but that the Council has not considered this to be proof of accretion.

By calculating the size of the river delta and averaging this volume over the 10,000 years since the last glaciation, Mr Lamb considers that a conservative average of 11,310 m³ of gravel is transported down the Aorere River annually. Mr Lamb continued by saying that no evidence is presented by the Council’s officers to show that an annual maximum take of 2,000 m³ is “optimistic”. He considers the officer’s report to have no more basis in fact than his, and other locals’, observations of the river.

Mr Lamb considered that the sustainable take may be well in excess of 2,000 m³ per year.

With regard to flooding, Mr Lamb stated that observations by farmers and landowners living nearby to the river confirm that flooding patterns have changed recently. He considered this to be the result of gravel accumulation at Point B. Mr Lamb referred to the various aerial photographs to illustrate the changes over time.

Mr Kerr, a witness who lives nearby the subject site, then spoke in this regard. He stated that he considers the build-up of gravel at Point B to be diverting flood water so that it spills over the bank further upstream on the true left hand side; Point H rather than Point L as was the historic norm. Mr Kerr also suggested that when rock protection was placed at Point A sometime after 1984, a 20 tonne digger with a reach of six metres was only just able to place rock from the top of the bank. He suggested that the drop is now no more than 2.5 metres. Mr Kerr also stated that in other locations, particularly downstream of the proposed take site, river gravels have built up over time.

Mr Lamb considered that constriction of the flow channel by flood protection and gravel accumulation is compromising the stability of rock work.

With regard to current gravel volumes at the beach at Point B, Mr Lamb calculated that 300 millimetres above the river level on 12 May 2008 there was (conservatively) 3,110 m³ of gravel. He considered that removing 5,000 m³ of gravel from that beach would assist in alleviating flooding. He also calculated that at the beach at Point G there is 23,000 m³ of gravel available. Mr Lamb presented as evidence a contour model of the current above-water gravel between the beaches at Point A and Point G. The model was drawn by Golden Bay Surveyors Limited.

Finally, Mr Lamb presented bed load calculations to show that the proposed gravel take will not affect sand deposition on the Collingwood beachfront.

Mr Lamb summarised by saying that no evidence was presented by the Council's officers to suggest that bed levels are being degraded in this section of the river. He considered that his evidence, both photographic and visual, suggested that river beach levels are currently aggrading. He considered that the material is available and that extraction will also help alleviate flooding problems.

Finally, he recommended that his objection to Condition 2 of the consent be upheld, that a one off take of 5,000 m³ of gravel be granted with the majority to come from the beach at Point B, and with subsequent annual takes to be calculated on the basis of accretion above this reduced level, and a proportion from the beach and Point G.

Cr Ensor asked Mr Lamb whether, over the last 20 to 30 years, flooding has increased. Mr Lamb deferred to Mr Kerr, who stated that it has been fairly consistent.

Mr Lamb was also asked why he did not extract his full allocation under previous consents that he held. He stated that he didn't have the processing capacity. He explained that suitable volume must be available to develop markets and allow efficient processing.

3.2 Council's Reporting Officer's Report and Evidence

Mr E Verstappen stated that this case highlights a common misconception with gravel extraction activities that bars where gravel accumulates often present an appearance of having excess gravel when, in fact, that gravel is necessary to maintain the bed level.

He said that the major difference that makes this application unprecedented is the shift to ongoing extraction rather than just a one-off take. As a result he stated he has no idea what the effect might be. Mr Verstappen said that the key aspect is the mean bed level rather than just the bed level or gravel buildup in a given location. He said that generally, and particularly in rivers in the Tasman District, continuously taking gravel off the top of a beach reduces the overall mean bed level.

There is no tracking system or systematic record of observations or measurements for this river as there has been little interest in regular gravel take operations. Unless flows and, in this case, tides are identical then photos such as the ones presented by Mr Lamb will vary markedly and may give the impression of an accumulation of gravel.

Mr Verstappen made the point that there is seldom any reason to rock-protect rivers that are aggrading. He said that there are two scenarios rock protection is used. Firstly, when the bed level is dropping and secondly where the location of the river is being held. He stated that the beach may well have recovered and that the gravel may be available but that it also may not have recovered. No-one has the information.

Therefore his suggestion was to start small, monitor the effects of the take and then allow the take to continue and possibly increase. He suggested that visual clues may be misleading.

He said that the repercussions of a lowering bed were very expensive to the Council and that rock protection work is very easily destabilised.

Mr Verstappen pointed to the locations where the beach has not recovered well and for those reasons suggested a precautionary approach. If he is wrong the Applicant will be able to come back with recent data and it is not a big deal to change the consent. But he restated that a fundamental principle of river management is that one cannot rely on the eye as it is often misleading and doesn't measure other factors such as deepening under the water.

Mr Verstappen concluded by stating that the shift from one-off takes to a routine take is significant and that the Council holds a consent to allow extraction of gravel when rivers aggrade but that he hasn't used it at this location. He agreed with Mr Lamb that he has no evidence to suggest the bed may be dropping but that the absence of any scientific data is reason alone to take a very cautious approach.

Cr Riley asked whether there is any plan to monitor the river in the absence of this application. Mr Verstappen said that there are no plans as such monitoring is very expensive.

When asked about other takes in Golden Bay, Mr Verstappen said there is a longstanding take in the lower Takaka River, some in the upper Takaka River, but very little in the Aorere River. When questioned about the 10,000 m³ taken for the sewer works from this beach Mr Verstappen said that it is unlikely that such a consent would be grated again based on the same lack of information.

Cr Ensor asked if the cost of monitoring may exceed the royalties taken. Mr Verstappen said that this was very likely but that it can be tailored to the area of concern and that other cheaper monitoring options such as LIDAR (Light Detection and Ranging) may become available.

3.3 Applicant's Right of Reply

Mr Lamb stated that he supports a precautionary approach but that there is no evidence of degradation here. He referred to the exposed bedrock at Point B and stated that increasing exposure of the bedrock, which would indicate degradation of the river bed, was not observed on the aerial photographs.

Mr Lamb stated that entire beaches have been removed by past contractors as part of developments and that they have been replaced during the next fresh or flood. He considered it unhelpful to describe the takes as sporadic.

4. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Is there any evidence that the bed of the Aorere River in this reach is degrading or aggrading? Both parties contended that there was very little evidence but, Mr Lamb contended that there was more evidence to suggest that the river is aggrading.
- b) Is an initial take of 5,000 m³ more appropriate than the 2,000 m³ limit?
- c) Is the approach taken by Council staff in setting the conditions (ongoing annual takes of up to 2,000 m³ based on monitoring results) overly cautious? In the event that a greater take is found to be sustainable, will the requirement to vary the consent be overly bureaucratic and will the approach proposed by Mr Lamb (allowing the taking of all gravel above a measured level) be more appropriate?

5. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

- a) There is very little evidence to indicate how the river is behaving or how it will behave in the future under a regime of yearly gravel extractions. The Committee accepts and agrees with Mr Verstappen's comment that the eye is a poor guide to assessing a rivers behaviour.

With regard to the contour model drawn by Golden Bay Surveyors, the Committee notes that while it may be suitable for showing the gravel contours on the beach, it does not provide any useful information about what is happening below water level. Therefore, such a model will not be sufficient, nor even very useful, for determining the ongoing effects of the gravel take as required by Condition 3 of the consent.

- b) Based on observations of the size of the beach by the Chair and on the measurements provided by Mr Lamb in his evidence, the Committee considers that the 2,000 m³ allowed take for the first year is somewhat conservative. However, the Committee also considers that 5,000 m³ of gravel is a very large amount and that a cautious approach must be taken.
- c) The Committee is mindful of the very expensive and wide ranging effects that generally result from a falling mean bed level. The Committee is also clear that case law surrounding Section 88 and Schedule 4 of the Act clearly puts the onus on applicants to supply sufficient data. Given the lack of information available the Committee considers that the cautious approach taken by the Council's staff is appropriate.

The Committee is comfortable that the processing of applications to change consent conditions is a relatively simple matter and that it is unlikely to result in "protracted decision making" as alleged by Mr Lamb. The original application was a new application and for a large and regular take from a river where no such precedent existed and little or no information was available. The Committee is satisfied that an application to change conditions will be a simpler affair as it will be accompanied by some robust scientific data.

The Committee does not believe that the approach proposed by Mr Lamb is conservative enough given the uncertainties involved. Essentially, Mr Lamb is proposing that he has full and exclusive rights to all gravel above a minimum level (which may be lowered). The Committee considers that this puts no upper limit on the volume that may be extracted, may result in a large proportion of the bed load of the river being removed from the river system, and provides little or no uncertainty or contingency buffer.

6. RELEVANT STATUTORY PROVISIONS

6.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Proposed Tasman Resource Management Plan (PTRMP).

6.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

7. DECISION

Pursuant to Section 357D(1) of the Act, the Committee generally **dismisses** the objection but with amendments to conditions as shown in Section 9 below.

8. REASONS FOR THE DECISION

With the dearth of reliable and objective information available, the Committee does not consider that amending the conditions to allow all available gravel above a measured surface on a large beach to be an appropriate and sustainable use of natural and physical resources.

While there may be cause to allow such an activity in the future, it will need to be properly assessed to ensure it is sustainable and will not cause significant adverse effects on the environment. The Committee considers that the resource consent process (specifically the change of conditions process set out under Section 127 of the Act) is the appropriate forum for that change. Any such application will need to be accompanied by robust information.

Based on the evidence presented, particularly with regard to the accumulation of gravel at Point B, the Committee does feel comfortable allowing an initial gravel take that is greater than that approved by Council staff.

9. AMENDED CONDITIONS OF CONSENT

Only those consent conditions which are changed are presented below and the changes are shown either as underlined for additions or ~~strikethrough~~ for deletions. For the purposes of clarity, a complete amended set of conditions for the consent is attached at the end of this decision.

It should be noted that some changes have been made which are somewhat beyond the scope of the objection. However, the Committee considers them necessary to provide adequate certainty for both the Applicant and the Council.

1. No more than ~~2,000~~ 3,500 cubic metres (solid measure) of gravel shall be removed during the first year of the exercising of this consent. This gravel shall principally be taken from the beach identified as Point B on Plan A (attached).
2. During the second year and subsequent years following the exercising of this consent, up to 2,000 cubic metres (solid measure) of gravel may be taken per calendar year if this volume has accumulated above the base level of the beach, as defined by Condition 3.
3. The Consent Holder shall set up a monitoring programme designed to determine the volume of gravel that may sustainably be extracted annually from above the base level of the beach, and the contours of the area where the extraction is to take place. An annual monitoring report shall be supplied to the Council's Co-ordinator Compliance Monitoring during the month of November each year and, once submitted, no further gravel extraction shall occur until this report is reviewed by the ~~Council~~ Council Co-ordinator Compliance Monitoring and accepted. Current and past data and reports shall be made available to the Council at other times if requested.

Advice Note:

The Consent Holder is strongly advised to design the monitoring programme in close consultation with the Council's Resource Scientist Rivers and Coast and, if necessary, an appropriately qualified or experienced river monitoring professional. This is to ensure that the information provided is suitable and sufficient to allow the Council's staff to have confidence in the results and to accept the report.

4. The maximum volume of gravel to be extracted ~~annually~~ in each calendar year (with the exception of the first year, as per Condition 1) shall not exceed the volume determined by the Council's Co-ordinator Compliance Monitoring following the submission of the annual report referred to in Condition 3, and in no calendar years shall exceed 2,000 cubic metres (solid measure).

Issued this 31st day of July 2008



Cr N Riley
Chair of Hearings Committee

RESOURCE CONSENT NUMBER: RM070685

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

Lamb Contracting Limited
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT: Gravel Extraction

LOCATION DETAILS:

Address of property: Aorere River Access from Swamp Road, Collingwood

Location co-ordinates: 2479851E 6059617N (New Zealand Map Grid)
See Plan A attached to this consent

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

CONDITIONS

Maximum Volume of Gravel Extraction

1. No more than 3,500 cubic metres (solid measure) of gravel shall be removed during the first year of the exercising of this consent. This gravel shall principally be taken from the beach identified as Point B on Plan A (attached).
2. During the second year and subsequent years following the exercising of this consent, up to 2,000 cubic metres (solid measure) of gravel may be taken per calendar year if this volume has accumulated above the base level of the beach, as defined by Condition 3.

Monitoring of Gravel Accumulation

3. The Consent Holder shall set up a monitoring programme designed to determine the volume of gravel that may sustainably be extracted annually from above the base level of the beach, and the contours of the area where the extraction is to take place. An annual monitoring report shall be supplied to the Council’s Co-ordinator Compliance Monitoring during the month of November each year and, once submitted, no further gravel extraction shall occur until this report is reviewed by the Co-ordinator Compliance Monitoring and accepted. Current and past data and reports shall be made available to the Council at other times if requested.

Advice Note:

The Consent Holder is strongly advised to design the monitoring programme in close consultation with the Council’s Resource Scientist Rivers and Coast and, if necessary, an appropriately qualified or experienced river monitoring professional. This is to ensure that the information provided is suitable and sufficient to allow the Council’s staff to have confidence in the results and to accept the report.

4. The maximum volume of gravel to be extracted in each calendar year (with the exception of the first year, as per Condition 1) shall not exceed the volume determined by the Council's Co-ordinator Compliance Monitoring following the submission of the annual report referred to in Condition 3, and in no calendar year shall exceed 2,000 cubic metres (solid measure).

Location of Gravel Extraction

5. Notwithstanding Condition 3, the gravel shall be extracted only from the areas centred on locations marked on Plan A attached to this consent. The exact areas shall be clearly marked out by Council's Co-ordinator Compliance Monitoring or his delegated officer prior to the gravel extraction. Any contractors working on this site shall be made aware of this area, and that no extraction is to occur outside of this defined area.

Keeping of Records

6. The Consent Holder shall record the volumes of material extracted and submit these records to the Council's Co-ordinator Compliance Monitoring annually with the monitoring report referred to in Condition 3. This report shall include a daily record of the gravel extracted.

Gravel Royalties

7. Returns shall be submitted in "solid measure" and a multiplier of 0.80 shall be used to convert "truck measure" to "solid measure".

Advice Note:

The royalty for gravel extracted from this site is \$3.50 per cubic metre as stated in the Schedule of Charges in the Tasman District Council Annual Plan 2007/2008. This fee is likely to change over the life of the consent, in future please contact the Council to determine the current fee.

General Conditions

8. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
9. The Consent Holder shall only skim off the top of the beaches in the marked areas. Material shall only be removed from beach sections that are more than 300 millimetres above normal water level, and vehicles and machinery shall not be operated within 3.0 metres of natural water.
10. The hours of operation shall be between 7.30 am and 6.00 pm.
11. The Consent Holder shall ensure that no machinery is left in the riverbed overnight and all fuel oils are removed from the site at the end of each day's work.
12. All the extracted gravel shall be moved off-site and there shall be no storage of extracted gravel on the riverbed or on stopbanks.

13. The Consent Holder shall take all practicable measures to limit the discharge of sediment where it may enter water. In particular, the extraction shall be carried out during fine weather periods when the risk sedimentation is least.
14. No contaminants, including but not limited to hydrocarbon fuels, lubricants, or hydraulic fluids shall be stored on-site unless provided with secondary containment. The refuelling or minor maintenance of machinery shall be undertaken in such a manner that should contaminant spillage occur, it is able to be contained and prevented from entering surface water or groundwater.
15. No refuelling or machinery maintenance shall take place in locations where hydrocarbon spills may enter water, either directly or indirectly. All spills shall be immediately contained and controlled by an approved product and shall be removed from the site for appropriate disposal. Any spills shall be immediately reported to the Council's Co-ordinator Compliance Monitoring.
16. The Consent Holder shall provide a copy of this resource consent and associated plans to all persons involved in the activities authorised by this consent.
17. There shall be no objectionable dust arising from this operation. If required, the spraying of water may be undertaken to control any dust.
18. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of each phase of the works.

Review of Consent Conditions

19. Council may, for the duration of this consent, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:
 - a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to require compliance with operative rules in the Proposed Tasman Resource Management Plan or its successor; or
 - c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.
20. The Council reserves the right stop any gravel extraction if there is found to be adverse effect on river maintenance activities.

Expiry

- 21 This consent will expire on 7 April 2015.

ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.

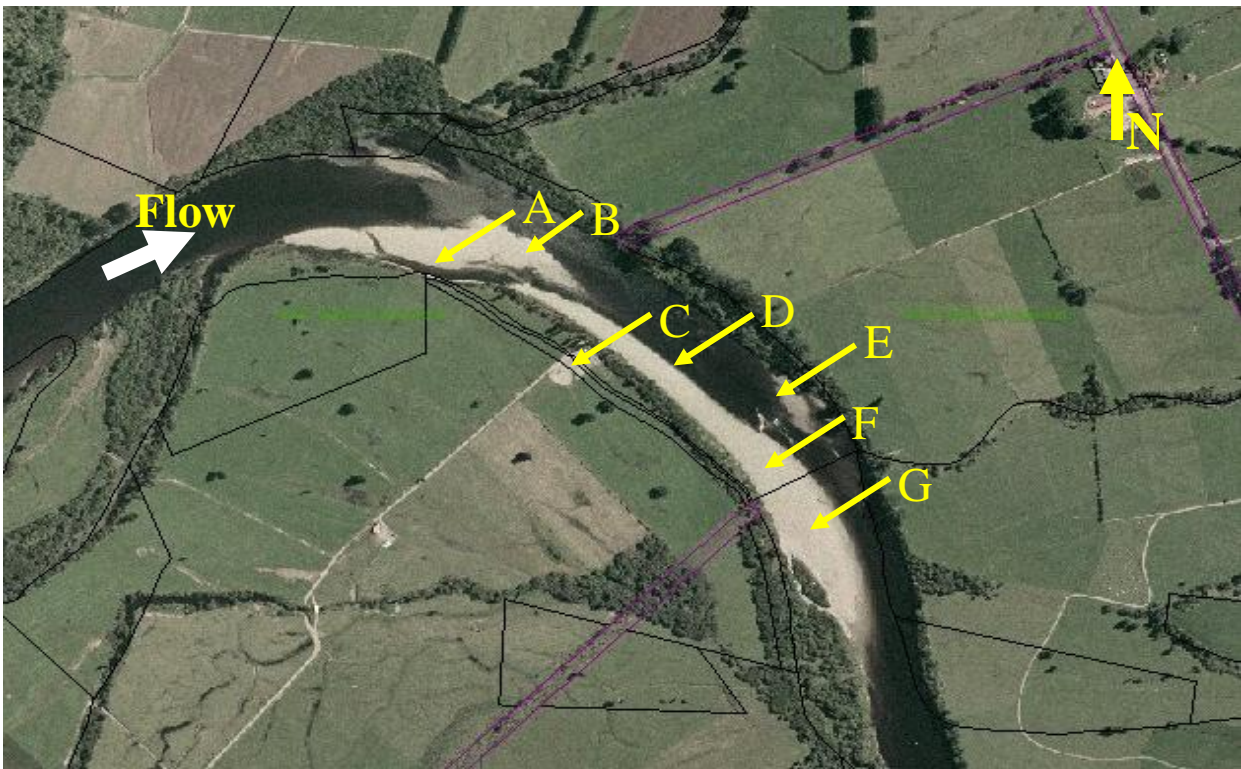
2. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.
6. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.
7. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 31st day of July 2008



Cr N Riley
Chair of Hearings Committee

Plan A: Showing the Beach that the gravel will be extracted
RM070685, Lamb Contracting Ltd



Date Confirmed:

Chair: