S42A OFFICER'S REPORT

Applicant:	Regional Assets Section of Hawke's Bay Regional Council
Consent Number:	APP-123534, APP-123548, APP-123526, APP-123550, APP-123535 and APP-123536
Consent Type:	Extraction of gravel within river channels and berms and coastal margin
Activity Type:	Restricted Discretionary
Property Address:	Various locations along the Ngaruroro River, Tukituki Catchment Rivers and Tūtaekurī River to the coast.
Notification:	Public
Relevant Act:	Resource Management Act (RMA)

Contents

1. INTRODUCTION

1.1 Summary of Applications and Relevant Rules

The Regional Assets Section of Hawke's Bay Regional Council ("the applicant") has applied (lodged 18 October 2017) for resource consents to extract gravel (defined as gravel and associated sand, silt and other riverbed sediments) from the beds of the Ngaruroro River, Tukituki Catchment Rivers (Tukituki River, Waipawa River, Makaretu River, Mangaonuku Stream, Tukipo River) and Tūtaekurī River, including both the active river channel and berms. The gravel extraction activities are required to maintain the channel capacity and reduce flood and erosion risk. The consent applications were accompanied by an assessment of environmental effects (AEE).

Overall, the proposed activities are **Restricted Discretionary** activities in the two relevant operative regional plans:

- Hawke's Bay Regional Resource Management Plan (RRMP; operative 28 August 2006)
- Hawke's Bay Regional Coastal Environment Plan (RCEP; operative 8 November 2014)

A summary of the proposed activities, relevant rules and reasons for consent are provided in Table 1-1.

Table 1-1: **Summary of Proposed Activities and Reasons for Consent**

Application Number	Activity Description	Activity Location	Relevant Regional Plan and Rule
APP-123526	to remove gravel and undertake other earthworks within the Tukituki River	Tukituki River, Hawke's Bay	RRMP Rule 74 - Large scale river bed gravel extraction - Restricted Discretionary Does not comply with Rule 73 Permitted Activity as more than 0.25m^3 at any one time and 1 m^3/year thresholds exceeded.
APP-123535	to remove gravel and undertake other earthworks within the Tukituki River (coastal area outside of coastal marine area)	Tukituki River coastal area	RCEP Rule 61 - Large scale river bed gravel extraction - Restricted Discretionary Does not comply with Rule 55 Permitted Activity as more than 0.25m^3 at any one time and 1 m^3/year thresholds exceeded.
APP-123534	to remove gravel and undertake other earthworks within the Tūtaekurī River	Tūtaekurī River, Hawke's Bay	RRMP Rule 74 - Large scale river bed gravel extraction - Restricted Discretionary Does not comply with Rule 73 Permitted Activity as more than 0.25m^3 at any one time and 1 m^3/year thresholds exceeded.
APP-123536	to remove gravel and undertake other earthworks within the Tūtaekurī River (coastal area outside of coastal marine area)	Tūtaekurī River coastal area	RCEP Rule 61 - Large scale river bed gravel extraction - Restricted Discretionary Does not comply with Rule 55 Permitted Activity as more than 0.25m^3 at any one time and 1 m^3/year thresholds exceeded.
APP-123548	to remove gravel and undertake other earthworks within the Ngaruroro River	Ngaruroro River, Hawkes Bay	RRMP Rule 74 - Large scale river bed gravel extraction - Restricted Discretionary Does not comply with Rule 73 Permitted Activity as more than 0.25m^3 at any one time and 1 m^3/year thresholds exceeded.
APP-123550	to remove gravel and undertake other earthworks within the Ngaruroro River (coastal area outside of coastal marine area)	Ngaruroro River coastal area	RCEP Rule 61 - Large scale river bed gravel extraction - Restricted Discretionary Does not comply with Rule 55 Permitted Activity as more than 0.25m^3 at any one time and 1 m^3/year thresholds exceeded.

1.2 Summary of Proposal

The consent application and AEE[1] was prepared by Mitchell Daysh Limited and contained a large volume of technical reports with various authors (see Appendix 1 for summary table). The consent application and AEE suite also cover flood management and gravel extraction ancillary activities that are permitted under Rule 70 (RRMP) and Rule 133 (RCEP) such as river "beach" raking and tree removal. These activities do not form part of the proposed consents and are covered under the Hawke's Bay Regional Council document entitled *'Environmental Code of Practice for River Control and Waterway Works'*. The consent application and AEE suite was reviewed by Hawke's Bay Regional Council[2] and Auckland University technical experts (refer to Appendix 2).

Given the breadth of the consent application and AEE document suite, a summary of the proposal is outlined below (refer pages 1-2 and 15-23 of the AEE):

- Under the Soil Conservation and Rivers Control Act 1941, regional councils have a statutory responsibility for flood control. To achieve this in the context of sediment build-up, HBRC encourages aggregate suppliers to excavate gravel from the dry parts of the river beds (sometimes referred to as 'beaches'), with the objective of maintaining the bed at a 'design grade'. The design grade is the calculated grade of the river bed (i.e. the bed level at any particular location) required to maintain the required floodway height and area. The gravel extraction has until now been authorised by very short-term consents, typically one year, using a Council-managed consent application template system. This system is however not delivering the desired results for extractors who seek longer term certainty, or for HBRC in terms of achieving its flood management objectives. To address these issues, HBRC has developed a Gravel Management Plan (GMP) with the objective of improving

[1] Note: AEE's were prepared for all three river catchments and are referred to collectively as the AEE unless specifically mentioned.
[2] Reviewers are separate from the applicant's consent application team.

the management of gravel for flood control purposes. This GMP was adopted by Council in September 2017 following a special consultative procedure.

- The applicant is seeking to improve administrative processes to enable excess gravel to be extracted more efficiently, to help maintain the design grade and flood capacity throughout the braided river system. Currently the authorisation and consenting occurs on an annual basis.

- The concept is that the applicant seeks global consents for gravel extraction activity over the key rivers being managed for flood control purposes. While HBRC (Assets Section) will be the consent holder, and responsible for meeting all consent conditions, it will issue authorisations to gravel extractors to operate under the consents it holds. This will enable:

    a) A more comprehensive management regime with a single, accountable consent holder;

    b) Better management of any actual and potential adverse effects of gravel extraction;

    c) A more streamlined process for extractors, reducing costs and delays;

    d) Greater ability for gravel extractors to hold multi-year authorisations to extract gravel (operating under HBRC consents) improving certainty for the extractors and ultimately improving gravel extraction outcomes for flood control purposes; and

    e) The ability for Iwi and other stakeholders to engage with one consent holder, rather than multiple parties.

- Gravel extraction has historically occurred at locations that are easily accessible (e.g. close to highways) and close to the end use of the gravel, because haulage costs significantly affect the viability of commercial operations.

- Gravel will be extracted using an excavator ('digger') or loader, which generally will load the gravel directly into a large dump truck, to avoid double-handling.

- Where extraction occurs close to an actively flowing channel, extraction will begin a minimum of one metre from the edge of the actively flowing channel.

- The excavated area usually forms a pond, and the digger will be excavating through the water surface into the gravel beneath, typically to a depth of about 1 m below the water surface. The pond is therefore highly turbid while the excavation is underway, but the majority of the suspended sediment settles out of the water within a few hours and is contained within the bunded area.

- The design grade is achieved through survey of the area to be extracted and subtracting the design grade at the reach concerned.

- The dump trucks will remove the gravel to a site off the 'active' riverbed, where it will be further processed or stockpiled. Trucks will follow the minimum number of tracks (routes) as possible, to minimise effects on riverbed birds. A single haulage route will be signposted for drivers to follow. Road trucks will be loaded from the stockpile, from where the gravel will usually be delivered directly to its final point of use.

- Gravel extraction usually only occurs during low river flows, to avoid or minimise crossing of actively flowing channel, and to maximise the area and height of gravel beaches. Where

favourable meanders of the river occur, it will be sometimes possible to avoid crossing the actively flowing channel altogether, but crossing(s) are normally required.

A Section 92 (RMA) request for information was issued and an adequate response was provided by the applicant. The S92 (RMA) response was included in the notification consent application package. In summary the Section 92 (RMA) request sought clarification on the timing of the activity and technical aspects of the activities with regard to fluvial and coastal processes, effects on ecology questions as well as more details on the cultural effects assessment and consultation undertaken.

As per the S92 (RMA) response, the general timing is standard construction work hours 7am to 7pm Monday to Friday, 8am to 4pm Saturday and no work Sunday and public holidays. The proposed activities will occur during school holidays. Work during nesting seasons is restricted in the Ecological Management Plans for the rivers where extraction is carried out.

1.3 Commentary on process to date and timeline

Three pre-hearing meetings have been held with constructive conversations focussing on the key matters, outstanding issues and amendments to draft consent conditions. The Tukituki River catchment draft consent was used as the reference consent for the three river catchments. The three draft consent documents are essentially the same with the key differences being generally related to location specific conditions:

- Kaitiaki groups have different members depending on rohe and river catchments
- Each river catchment has its own ecological management plan
- NZTA bridges differ in location between catchments
- First Gas pipeline is only relevant to the Tukituki River consent application

A summary of the key resource consent processing milestones and events is as follows:

Timeline

- Consent application lodged - 18 October 2017
- S92 RMA letter request for further information - January 2018
- S92 RMA further information received - September 2018
- Public notification - 2 February 2019
- Submissions period closed - 4 March 2019
- Pre-hearing #1 meeting agenda, summary s42A officer's report and draft Tukituki River consent sent to applicant and submitters
    - The draft summary officer's report recommended a 25-year consent duration
- Pre-hearing meeting #1 - 7 September 2020
    - The key outcome from this pre-hearing was for a memorandum of understanding (MOU) to be developed between the applicant and Ngati Kahungunu Iwi Incorporated and Te Taiwhenua O Heretaunga.
- Updated draft Tukituki River consent sent to applicant and submitter – 11 September 2020
- Pre-hearing meeting #2 – 20 October 2020
- Updated draft Tukituki River consent sent to applicant and submitters – 3 November 2020
- Hui between Ngati Kahungunu Iwi Incorporated and Te Taiwhenua O Heretaunga - 25 November 2020. V1.0 draft MOU provided to all parties. The purpose of the MOU was to contain the details of the agreed steps the applicant, Ngati Kahungunu Iwi Incorporated and

Te Taiwhenua O Heretaunga will take to avoid, remedy or mitigate effects of concerns to Ngati Kahungunu Iwi Incorporated and Te Taiwhenua O Heretaunga. The draft MOU set out a partnership approach that *"recognises the kaitiaki role of TTOH and NKII to honour, invoke and uphold the kawa and tikanga imbued in te reo, atua and whakapapa across the natural environment, in particular waimāori, and the intrinsic link between the wellbeing of the environment and tangata whenua."*

- Updated draft Tukituki River consent sent to applicant and submitters – 1 December 2020
- Pre-hearing meeting #3 – 17 December 2020
- Pre-hearing #3 Draft minutes sent to applicant and submitters – 16 February 2021

At the conclusion of pre-hearing meeting #3, it was understood that the only outstanding matter related to the following:

  - Consent duration – Marei from TToH was to provide a stance on this matter from 18 December 2020.
  - The pre-hearing meetings minutes and S99 pre-hearing report is provided in Appendix 3.

- Email from Marei Apatu with final amendment to condition 34 and accepting the consent condition on the basis of a 20-year consent duration – 2 March 2021
- Updated draft Tukituki River consent sent to applicant and Ngati Kahungunu Iwi Incorporated – 8 March 2021

  - The draft tracked changed consents are as at 8 March 2021 and are provided in Appendix 4, with the only differences being changing the consent duration from 25 years to 20 years as agreed by all parties, updating the spill management plan to the current template and renaming the header date to 7 October 2021.

- Letter from Te Taiwhenua o Heretaunga requesting hearing and site visit – 24 March 2021

  - This letter is attached in Appendix 5.
  - The letter states:

  "We see the actual and potential effects being:-

  • Sediment release from the gravels and effects downstream, particularly following rainfall events/freshes
  • Effects on natural groundwater recharge zones
  • Loss of in-stream habitat through decrease in braided areas
  • Smothering of macro-invertebrate habitat and inanga spawning habitat
  • Disruption to the seasonal migration and spawning of indigenous fish and trout
  • Interference with the natural character and hydrology of the rivers
  • Disruption to and adverse effects on tikanga Māori values and cultural practices, and
  • Downstream effects on the rivers and estuaries including Waitangi Estuary which is a kohanga ika."

Processing time

It is acknowledged that the processing of these resource consent applications has been protracted due to a number of reasons:

- No opposing submissions were received and this indicated that the consent could possibly be processed without the need for a hearing. Instead pre-hearing meetings and meetings between the applicant and submitters were held in the spirit of the ongoing consultation approach and with the intent of avoiding a hearing. Instead of setting pre-hearing meetings

dates and times and expecting submitters to attend, the reporting officer provided options to submitters and agreed time slots were found.

- COVID-19 lockdowns, key personnel availability and calendar conflicts has caused numerous delays in trying to meet for the site visit to discuss Te Taiwhenua o Heretaunga concerns.

1.3.1 So where are we at now?

It is understood that the development of the MOU has stalled. The MOU was considered an important part of providing detail on how the applicant and Ngati Kahungunu Iwi Incorporated and Te Taiwhenua O Heretaunga would work together to implement the kaitiaki approach. Further discussions and collaboration on the kaitiaki conditions is likely to be needed.

All consent conditions are considered by the reporting officer and pre-hearing meeting chairperson to be resolved with submitters, with the exception of:

1.3.1.1 Groundwater

- At the pre-hearing meetings, Ngati Kahungunu Iwi Incorporated stated gravel extraction activities are potentially impacting groundwater and aquifers. I could not quite understand causal link between gravel extraction and the effects on groundwater. Understanding this matter would require further dialogue between the applicant and Ngati Kahungunu Iwi Incorporated hence it was considered that the wording of condition 14e accommodated this process.
- Furthermore, it is likely that ascertaining the effects of the gravel extraction effects on groundwater and aquifers and a long-term study with monitoring and hence condition 34e was drafted.
- Note that the matter of potential groundwater effects was not in the Ngati Kahungunu Iwi Incorporated's submission and therefore could be considered as out of scope, however as the applicant has accepted the recommended resource consent conditions 14e and 34e, this submission scope issue is considered resolved. Ngati Kahungunu Iwi Incorporated may wish to address this matter in evidence, again noting that this could be considered out of scope of the original submission.

1.3.1.2 Te Taiwhenua o Heretaunga letter

The reporting officer notes above that the draft consent conditions were mostly agreed between the applicant and Te Taiwhenua o Heretaunga and Ngati Kahungunu Iwi Incorporated, however given the new information in the letter (24 March 2021) from Te Taiwhenua o Heretaunga and Ngati Kahungunu Iwi Incorporated, the consent condition would appear to be in contention.

Since the letter from Te Taiwhenua o Heretaunga was received (24 March 2021) requesting the hearing and site visit, numerous site visits have been postponed. The purpose of the site visit was to discuss Te Taiwhenua o Heretaunga and Ngati Kahungunu Iwi Incorporated outstanding issues with the hope of finding resolution and avoid the need for a hearing.

(a) Site visit

The reporting officer has not undertaken a recent site visit however is familiar with the consent application area having visited the areas numerous times as being previously part of the HBRC science and consents teams. As noted above, a site visit with the regulatory team, applicant team

and submitters has been postponed numerous times. A site visit is planned for 9 November 2021 and updates from the site visit will be provided prior to the hearing.

(b) Investigation into issues highlighted in the Te Taiwhenua o Heretaunga letter

The letter from Te Taiwhenua o Heretaunga (24 March 2021) pointed to gravel extraction issues at two sites:

- Ngaruroro River at Roy's Hill
- Waipawa River at State Highway 50 near Onga Onga

The Ngaruroro River at Roy's Hill site is being investigated by HBRC compliance team to determine if there have been breaches of resource consent conditions. The resource consent (0802001) for gravel extraction related to this investigation is provided in Appendix 6. Consent 0802001 shows a range of conditions including gravel extraction volume limits, access, environmental and ecological management, pest plant control and a gravel extraction area.

It is understood that that the HBRC Asset Management Team was investigating the Waipawa River at State Highway 50 near Onga Onga issues raised by Te Taiwhenua o Heretaunga.

The reporting officer considers that HBRC should provide outcomes of the investigations as a formal response to the Te Taiwhenua o Heretaunga and Ngāti Kahungunu Iwi Incorporated letter as soon as possible.

(c) Reporting officer response to Marei Apatu and Te Taiwhenua o Heretaunga letter

In terms of my response to the letter, I acknowledge the time and effort from Marei put into this consents process to date, and also to all submitters. I agree with Te Taiwhenua o Heretaunga that all of the listed potential and actual effects require mitigation and careful management because he mea nui te wairua o ngā awa. I consider that the recommended consent conditions are sufficient but acknowledge that further refinement may be necessary after the site visit. Any further changes to consent conditions can be discussed at the hearing.

1.4 Summary of submissions

The applications received eight[3] submissions from the submitters listed in Table 1-2:

Table 1-2: Submissions Summary List

Submitter	Position	Wish to be heard at pre-hearing and/or hearing?	Submission relates to consent application:
First Gas Limited	Neutral	Submission stated yes, however this submitter no longer wishes to be heard – agreed to revised conditions provided to all submitters 6 Sept 2019	APP-123526
Hawkes Bay Fishing and Game Council	Support	Submission stated yes, however this submitter no longer wishes to be heard – agreed to revised conditions provided to all submitters 6 Sept 2019	APP-123526, APP-123534, APP-123548, APP-123550, APP-123535, APP-123536
Michael Barker	Support (unconditional)	No	APP-123526

[3] Note: Brief email received (22 February 2019).from Waipatu Marae stating, *"we have no objection to this as it is in the interest of public safety i.e. alleviation of flood and erosion risk"*.

New Zealand Transport Agency	Neutral	Yes	APP-123526, APP-123534, APP-123548, APP-123550, APP-123535, APP-123536
Ngati Kahungunu iwi Inc (NKII)	Support with conditions	Yes	APP-123526, APP-123534, APP-123548, APP-123550, APP-123535, APP-123536
Te Taiwhenua O Heretaunga (TToH)	Support with conditions	Yes	APP-123526, APP-123534, APP-123548, APP-123550, APP-123535, APP-123536
Winstone Aggregates	Support with conditions	Yes	APP-123548, APP-123526
Waipatu Marae	Support (unconditional)	No	APP-123526, APP-123534, APP-123548, APP-123550, APP-123535, APP-123536

2. ASSESSMENT OF ENVIRONMENTAL EFFECTS

The applicant provided a comprehensive AEE. Overall, I agree with the conclusions of the AEE although there are some matters that require commentary where there are some slight differences in opinion. However, these differences do not change my overall conclusions. I consider that overall there are significant positive effects on flood risk mitigation from the proposed activity and the actual and potential adverse effects on the environment are likely to be no more than minor. Rather than repeating the AEE, I provide a summary of the key effects that require mitigation and analysis.

2.1 Aquatic Ecology

The potential effects of the proposed activities on water quality and in-stream aquatic ecology such as fish and macroinvertebrates are temporary increases in suspended solids concentrations, and the risk of hydrocarbon spills entering the actively flowing channel. The applicant's proposed conditions requiring "spill management plans" and reducing turbidity in surface water is considered adequate. The actual and potential adverse water quality effects on aquatic ecology is considered no more than minor.

There is also the potential for direct physical effects on aquatic ecology of vehicles crossing actively flowing channels. The AEE (section 4.4.2) concluded, noting the season restrictions that apply through the Code of Practice, the vehicles crossing the actively flowing channels are "unlikely to impact on fish at the population level", however it is recommended that this activity, where it occurs, is documented. The applicant's proposed conditions related to aquatic ecology are considered adequate and the actual and potential adverse direct physical effects on aquatic ecology is considered no more than minor.

2.2 Avian Ecology

The presence of birds within the consent application areas is summarised in Forbes (2017, "Table 3"):

Table 2-1 Summary Table – Presence of Birds

River	Key Riverbed Bird Species	Comments
Tutaekuri	Banded dotterel, black-fronted dotterel, pied stilt.	Smaller and more confined than Ngaruroro or Tukituki rivers but with comparable numbers of dotterels
Ngaruroro	Paradise shelduck, banded dotterel, black-fronted dotterel, pied stilt, southern black-backed gull, black-billed gull, South Island pied oystercatcher.	Widest Hawke's Bay river. High numbers of breeding banded and black-fronted dotterels, black-billed gulls.
Tukituki	Paradise shelduck, duck spp., banded dotterel, black-fronted dotterel, pied stilt, black billed gull.	Highest recorded numbers of banded and black-fronted dotterels, black-billed gull and pied stilt. Largest abundance and diversity of waterfowl.

The adverse effects of gravel extraction on birds within the consent application areas is summarised Forbes (2017, "Table 8"):

Table 2-2 Summary of Ecological Effects

River and reach	Magnitude of effect	Ecological value	Level of effect
Tutaekuri – flood control reach	Moderate/medium	High	High
Ngaruroro – flood control reach	Moderate/medium	High	High
Lower Tukituki – flood control reach	Moderate/medium	Very High	Very High
Upper Tukituki, Tamumu Bridge to SH2 – flood control reach	Moderate/medium	Very High	Very High
Upper Tukituki, SH2 to SH50 – flood control reach	Moderate/medium	Moderate	Low
Upper Tukituki, Tukipo – flood control reach	Moderate/medium	Moderate	Low
Upper Tukituki, Mangaonuku – flood control reach	Moderate/medium	Moderate	Low
Waipawa, Tukituki confl. to Holden Rd –flood control reach	Moderate/medium	Moderate	Low

As per Forbes (2017, pages 25-26), "*the most serious adverse ecological effect would be the direct disturbance of riverbed birds, causing their mortality or disturbing their breeding. The threat status of the riverbed bird species affected provides a means of measuring the seriousness of such an effect, and the effect can be largely avoided through the existing seasonal restrictions placed on the timing of beach raking…Regarding the magnitude of the adverse effect of gravel extraction on river birds (before mitigation), the following descriptor is most appropriate to describe the magnitude of effect:*

Moderate/medium magnitude of effect – Loss or alteration to one or more key elements/features of the existing baseline conditions, such that the post-development character, composition and/or attributes will be partially changed;

AND/OR

Loss of a moderate proportion of the known population or range of the element/feature…

This effect would be reversible. Given enough time following closure of the gravel extraction, we expect that riverbed birds would again utilise available habitats in the area. The time for this recovery might be seasonally dependent. Nevertheless, provided that direct effects on riverbed birds and their breeding activities are avoided, the effect of gravel extraction activities on the riverbed bird community is of a moderate magnitude and is both short term (i.e., <12 months) and reversible.

Without mitigation, the effect of gravel extraction on the riverbed bird communities and their habitats on the main braided rivers would be either High or Very High (Table 8). The effect of gravel extraction on the Moderate value rivers equates to low levels of adverse effect.

As such, mitigation measures are required to address the high levels of effect on the main rivers, and operational care is required at all braided river extraction sites, to ensure direct effects on High/Very High value riverbed bird species are avoided."

The proposed avoidance and mitigation measures to manage the gravel extraction activities on the birds is covered in the Ecological Management and Enhancement Plans (EMEP) for the rivers and the applicant suggested consent condition (18) that requires the activities to be undertaken in accordance with these EMEPs. These EMEPs are 47 - 83 pages in length and they deal with other activities and not just gravel extraction. Within these plans are consent conditions for each of the rivers relevant to the extraction activity and sites along the river that require a process to be followed and restrictions e.g. ecologist site visits prior to extraction and setbacks from bird nesting areas.

The HBRC Compliance Team are comfortable with the management plan approach for managing the effects on birds (pers. Comm Keith Peacock, 22 May 2019). I note that the applicant has the ability to specify on the gravel authorisations for extractors specific site management plans that incorporate the avoidance measures for birds. Should there be any consent non-compliances in not meeting the EMEPs then the consent can be reviewed (S128 RMA) i.e. in the future these conditions contained within the plans could be explicitly included in the consent. This would reflect the importance of the consent conditions in protecting the birds and would assist the consent compliance process by providing clarity.

Given the proposed avoidance and mitigation measures the actual and potential adverse effects on birds are considered no more than minor.

2.3 Mana Whenua and Cultural Values

A cultural impact assessment was not undertaken by mana whenua on behalf of the applicant, but a high-level assessment of the effects on cultural and spiritual values was undertaken in the AEE and draft supplementary assessment was also provided by the applicant. Consultation has been undertaken with mana whenua and submissions have been received from two mana whenua groups (NKII and TToH). Mana whenua are generally in support of the consent applications pending their requested consent conditions which I discuss in Section 11.

NKII have requested through consent conditions that *"the adverse impact on tangata whenua access and use of the rivers and associated resources, particularly cultural practices such as but*

not limited to mahinga kai, kaitiakitanga, nohoanga (see Regional Policy Statement), wananga and manaakitanga should be avoided."

TToH have requested consent conditions that protect mahinga kai customary practices and areas.

Overall, I consider that with the recommended consent conditions, the actual and potential effects on mana whenua values are likely to be no more than minor. This conclusion was based on the Ngati Kahungunu Iwi Incorporated submission, consent application and AEE. Given the absence of a CIA and the letter received from Ngati Kahungunu Iwi Incorporated, the scale of adverse cultural effects is now in question.

2.4 Coastal Erosion and Natural Hazards

As per the Gravel Resource Report (page 25, 2018):

"The Lower Tukituki River is recognised as one of the main supplies of gravel to the coast at least since the 1931 earthquake. Presently, the Ngaruroro and the Tūtaekurī Rivers contribute sands and silts to the coast but no gravel. The amount of gravel on the barrier beach is affected by the wave climate, river and coastal cliffs supply, and beach extraction (ceased in 2017). Measurement of sediment volumes in the Tukituki River is crucial in order to manage extraction and not unduly affect coastal delivery while maintaining the flood capacity of the channel within the flood control scheme".

The above statement is considered reasonable and it is agreed by the reviewers (Auckland University technical experts Dr Tunnicliffe and Dr Kench) that the focus of the gravel extraction activities on coastal gravel supply should be on the Tukituki River and not the Ngaruroro River and Tūtaekurī River. S92 (RMA) questions on the effects of the gravel extraction activities in the Tukituki River catchment were posed and I consider that the response is considered adequate. I agree with both the applicant's and Auckland University technical experts that a precautionary approach is sensible to managing the effects on coastal gravel supply. Historically, the applicant has taken an adaptive management and precautionary approach to managing the river gravel supply and gravel extraction (S92 response, 2018, pages 11 & 12):

"HBRC is taking a precautionary approach through continual monitoring and adjustment of allocation requirements. Gravel extraction in the period 2000 to 2012 has averaged 49,000 m^3/year. In the period 2013 to 2015 it has averaged 21,000 m^3/year and for 2016 to 2017 it has averaged 10,500 m^3/year and currently commercial extraction has ceased. This reducing and eventual ceasing of extraction is an example of how the minimum mean bed level approach to calculating available volumes is applied to prevent over extraction. Extraction will only recommence in the Lower Tukituki if or when natural aggregation raises mean bed levels."

The applicant's s92 (RMA) response states:

"The gravel supply (yield) depends on the time period considered and reach considered. The relationship between gravel supply volume in the Lower Tukituki and the volume that ends up on the beach is not known. From the sediment balance equations the average supply volume from 1978 to 2015 is 41,400 m^3/year with large variations between survey periods."

The s92 (RMA) request asked *what is the effect on beach protection from coastal swells and tsunami arising from the reduction of gravel supplies to the coast from the Tukituki River? Given that a reduction in gravel supply from the Tukituki River will render the coast more susceptible to erosion, what mitigation measures should be considered to protect the coast from storm swells, tsunami and rising sea levels?*

The applicant in the s92 (RMA) response states: "*This is outside the scope of this application. Mitigation strategies are part of a much larger body of work being carried out by the 3 local councils and it is not appropriate to introduce this here".*

I disagree that this is outside the scope of the application however I consider that the management approach towards mitigating the effect on coastal supply is reasonable.

In order to manage the effects of the gravel extraction on coastal supply I recommend consent condition 32d under the Tukituki River consent as recommended by Dr Tunnicliffe as a "*precautionary approach"* that requires an investigation report that seeks to quantity the supply of gravel to the coast from the Tukituki River, and a high-level assessment of the coastal erosion effects of the extraction is to be undertaken. And then, if any management or mitigation is required then this can be implemented through an adaptive management approach.

To provide context, if the report finds that the gravel supply to the coast from the Tukituki River on average (I note the supply would change year on year) is a certain volume, then this could be rationalised against what the gravel supply is along the Tukituki River, what is being extracted and to what extent the coast is eroding. I understand that HBRC undertake coastal transect monitoring as part of another body of work, so this information would be used to help manage the gravel extraction operation.

Provided that appropriate continued monitoring of gravel extraction, sustainable allocation of gravel extraction and recommend conditions is adhered to, the actual and potential adverse effects of the proposed activities on coastal gravel supply and erosion is likely to be no more minor.

3. REGIONAL POLICY STATEMENT AND REGIONAL PLANS

3.1 Regional Policy Statement (RPS)

Chapter 3 of the RRMP contains the RPS. The applicant has undertaken a comprehensive assessment of the relevant objectives and policies of the RPS.

3.2 Regional Resource Management Plan (RRMP)

The applicant has undertaken a comprehensive assessment of the relevant objectives, policies and rules of the RRMP.

Of particular note, Policy 53 (RRMP) states:

"In considering consent applications for the extraction of river bed gravel, to have regard to the following criteria … (c) The avoidance of any increases in sediment discharge or water turbidity, particularly during the fish spawning period of May to October."

The applicant has suggested condition 19:

"Should the gravel extraction operation result in increased turbidity of active flowing channel, the consent holder shall take all practicable steps, including any actions directed by an officer of the Council, to remedy the turbidity. The consent holder shall give particular attention to avoiding turbidity within waterways during the fish-spawning period of May-October."

Policy 79 states:

"To manage the effects of activities affecting river beds and lake beds in accordance with the environmental guidelines...In areas of fish spawning the activity should be undertaken in a manner that minimises adverse effects on overall fish spawning patterns."

I note that the Environmental Code of Practice ("COP"; page 29) states: *"Whitebait spawning occurs in rank grass and rushes at the saltwater interface on the banks of estuaries and rivers. These spawning areas are susceptible to damage from grazing stock, weed spraying and general public access. However, merely fencing these areas off can easily protect them from such damage. Whitebait spawning in the Heretaunga Plains and Napier Hastings areas that have been identified and fenced off…the Department of Conservation estimates that up to 90% of known whitebait spawning areas have already been fenced off."*

There are other native fish species that require consideration. The Cawthron (2017, page 7) report states:

"Some differences in substrate preferences exist between the species, with bluegill bullies and torrentfish preferring finer gravels and juvenile longfin eels, redfin bullies and koaro preferring coarse gravels and cobbles. The spawning requirements of these fish are varied. Torrentfish are thought to spawn in gravel substrates. Bluegill bullies spawn amongst large boulders or instream vegetative debris. Koaro spawn in areas alongside adult habitat during high flows in damp areas of stream bed margins (koaro spawning is likely to be limited to smaller tributaries outside the GMA). Redfin bullies spawn in unconsolidated gravels in slower flowing areas of riffle crests (McDowall 2000; DOC in prep.)."

The COP (2017, page 23) has a range of measures to assist with mitigating effects on fish spawning such as *"Crossing of the active river channel by machinery shall be avoided where practicable during the fish spawning months of May to September."*

Objective OBJ 37A and Policies POL 66A (Natural Inland wetlands) and POL 66B (Loss of river extent values) have been inserted into the RRMP as required by the NPS-FM 2020.

Objective OBJ 37A requires fish passage to be maintained or improved, by instream structures. It is understood that the applicant will maintain fish passage as extraction does not occur in the wet body of the rivers and no damming and diversion is proposed.

POL 66A states *the loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted*. The applicant is providing further assessment on this matter in evidence. Based on the consent application and AEE, it is considered that the proposal is not contrary to Policy 66A as any physical effects on wetlands will be avoided due to the proposed setback from wetlands.

POL 66B states *the loss of river extent and values is avoided, unless the council is satisfied:*
(a) that there is a functional need for the activity in that location; and
(b) the effects of the activity are managed by applying the effects management hierarchy[4].

All rivers in question have a range of values including Māori spirtual values. The gravel extraction areas are within outstanding water bodies (OWB 14 and OWB 15), and cultural and spiritual values will be impacted. It is considered that there is a functional need for gravel extraction from these rivers for flood control purposes. The applicant has followed the effects management hierarchy. "*Avian ecological no-go areas"* get established prior to works and no extraction occurs in the wet of the water body to avoid effects aquatic ecology. Currently, under the current framework, HBRC Asset Management have the ability to target and move gravel extraction from areas where it is

[4] Under the effects management hierarchy, adverse effects on the river extent or values caused by the activity are avoided, minimised, remedied in that order when practicable; then offset, or compensated in that order where possible. If these cannot be achieved, the activity must be avoided and consent declined.

most needed reduce flood risk and when values require protection. The proposed consent framework requires the applicant to consult with kaitiaki to manage effects on Māori values. It is considered that with these controls and conditions, the proposal is not contrary to Policy 66B.

Overall, I consider the proposed activities are not contrary to any objectives and policies of this plan.

3.2.1 Tūtaekurī, Ahuriri, Ngaruroro and Karamū Plan Change 9

HBRC is proposing plan change[5] 9 (PC9) to the RRMP to manage water quality in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments. The proposed TANK plan change was publicly notified on 2 May 2020 (i.e. after the consent applications were lodged), hearings were held in May to July 2021 and in September 2021 and decisions are pending. Pursuant to Section 86B(1) and (3) (RMA), the proposed TANK plan change has legal effect. There are no changes proposed to the existing RRMP and RCEP rules to which these applications apply and there are no new rules that are relevant to the proposed activities. Nevertheless, relevant proposed TANK objectives ("OBJ) and policies is considered below:

- OBJ TANK 1 states: *"The Council, tangata whenua and the urban and rural community work together in a way that recognises the kaitiaki and guardianship roles they each play in freshwater management and;*
  a) recognise the importance of monitoring, resource investigations and the use of mātauranga Māori to inform decision making and limit setting for sustainable management;
  b) ensure good land and water management practices are followed and where necessary, mitigation or restoration measures adopted;
  c) support good decision making by resource users including rural and urban communities through marae and hapū initiatives, community or other catchment management programmes and monitoring initiatives, urban stormwater programmes, landowner collectives, farm management plans and industry good practice programmes."

  - Tangata whenua and kaitiaki have been considered and are an important part of the consent conditions framework.

- OBJ TANK 2 states: *"When setting objectives, limits and targets;*

  a) Te Mana o te Wai and integrated mountains to the sea, ki uta ki tai principles are upheld;
  b) A continuous improvement approach to the use and development of natural resources and the protection of indigenous biodiversity is adopted and the collective management of freshwater is enabled;
  c) The kaitiakitanga role of tangata whenua and their whakapapa and cultural connection with water are recognised and provided for;
  d) The responsibilities of people and communities for sustainable resource use and development is recognised and supported; and
  e) The significant values of the outstanding water bodies in Schedule 25 and the values in the plan objectives are appropriately protected and provided for."

- OBJ TANK 3 covers the effects of climate change and lists what should be taken into account in making decisions about land and water management within the TANK catchments such as increases in intensity and frequency of rainfall;

[5] Baker and Edmonds, *Proposed Plan Change 9 Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments,* 49.

- OBJ TANK 4-9 relate to water quality, and TANK OBJ 5 seeks *"Te Mana o te Wai, kaitiakitanga and the needs for the values set out in Schedule 26, particularly mauri and ecosystem health are achieved through collectively managing all of the specified attributes*.

- OBJ TANK 11 and 12 seek to improve the so that the mauri, water quality of the Ngaruroro and Tūtaekurī River catchments.

Policy 1 seeks to regulate or manage land use activities and surface and groundwater bodies so that water quality attributes are maintained at their current state or where required show an improving trend towards the water quality targets shown in Schedule 26 by focussing on a range of matters such as sediment management and riparian margins.

Policy 4 relates to the lower Ngaruroro and Tūtaekurī Rivers and their tributaries, and states: "*in addition to Policy 1 the Council will work with landowners to:*

a) improve water clarity and reduce deposited sediment by reducing the amount of sediment being lost from land; …
c) improve ecosystem health and water quality by excluding stock from surface water bodies and improving riparian management."

Policy 6, 7, 8 and 9 requires the protection of the quality of groundwater of the Heretaunga Plains and surface waters used as source water for Registered Drinking Water Supplies through considering activities that may impact the water supplies.

Policies 11 to 13 promote and support the establishment of riparian vegetation.

Policies 14 and 15 requires the Council to regulate activities in and adjacent to wetlands and lakes and will support and encourage the maintenance and improvement of wetland values.

It is considered that the proposed activities are not contrary to PC9.

3.2.2 Proposed Plan Change 7 – Outstanding Water Bodies

Proposed Plan Change 7 (PC 7) proposes to incorporate outstanding water bodies in the region into the RRMP. It was publicly notified in August 2019 and in June 2021 decisions were released. The outstanding water bodies are included in objectives, policies and Schedule 25 in the RRMP. No rules are proposed to be amended by PC7.

As per the decision of the independent hearing panel[6] parts of all three rivers the Ngāruroro, Tūtaekurī and Tukituki are considered outstanding water bodies under PC7:

- OWB 9 Ngaruroro River upstream of the Whanawhana cableway

  Outstanding Characteristics or Values:
  - Natural Character
  - Landscape (wild and scenic) values
  - Rainbow Trout Habitat
  - Recreation (trout fishery, whitewater rafting, kayaking)

- OWB 14 Tukituki River downstream of SH50 bridge to the sea, including the estuary

  Outstanding Characteristics or Values:

[6] https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/Decision-of-the-Independent-Hearing-Panel-PC7.pdf

- Cultural and Spiritual Values Ecology (habitat for native aquatic birds, particularly in the lower river)

- OWB 15 Mainstem of the Tūtaekurī River upstream of the SH50 Bridge

  Outstanding Characteristics or Values:

  - Cultural and Spiritual Values

OWB 9 is not within the consent application areas but OWB 14 and OWB 15 are and therefore warrant consideration.

OBJ LW1 seeks to protect the outstanding and significant values of outstanding water bodies.

POL LW1 requires the adoption of integrated management approach to fresh water and the effects of land use and development within each catchment area including providing for mātauranga a hapū and local tikanga values and uses of the catchment. The policy also recognises and provides for the need to protect the integrity of aquifer recharge systems. POL LW1 (dA) goes on to adopt a maintenance approach and where necessary enhances, the water quality of those outstanding freshwater bodies. It is considered that the proposed consent condition framework is consistent with POL LW1 and PC7. I acknowledge that under POL LW1(2), the decision points to further regional plan work to be undertaken in this space to protect outstanding water bodies.

At the time of writing this officer's report, it is recognised that PC7 is under appeal by three groups of appellants including Te Taiwhenua o Heretaunga and Ngati Kahungunu Iwi Incorporated. The expectation is that Te Taiwhenua o Heretaunga and Ngati Kahungunu Iwi Incorporated will be involved in the consent management through the consent conditions as kaitiaiki and that PC7 matters can be addressed through this consent framework.

3.3 Regional Coastal Environment Plan (RCEP)

The applicant has undertaken a comprehensive assessment of the relevant objectives, policies and rules of the RCEP.

Since the consent application was received, Objective 7A.1, Policy 7A.1 and Policy 7A.2 were inserted into the RCEP. These new requirements emulate OBJ37A, POL66A and POL66B of the RRMP which has been considered above.

Overall, I consider proposed activities are not contrary to any objectives and policies of this plan.

4. IWI MANAGEMENT PLANS

Relevant iwi management plans (see Figure 1) must be considered by HBRC, which include:

- *Kahungunu ki Uta, Kahungunu ki Tai: Marine & Freshwater Fisheries Strategic Plan*
- *Mana Ake - An Expression of Kaitiakitanga, Te Taiwhenua o Heretaunga*
- *Tūtaekurī Awa Management and Enhancement Plan*

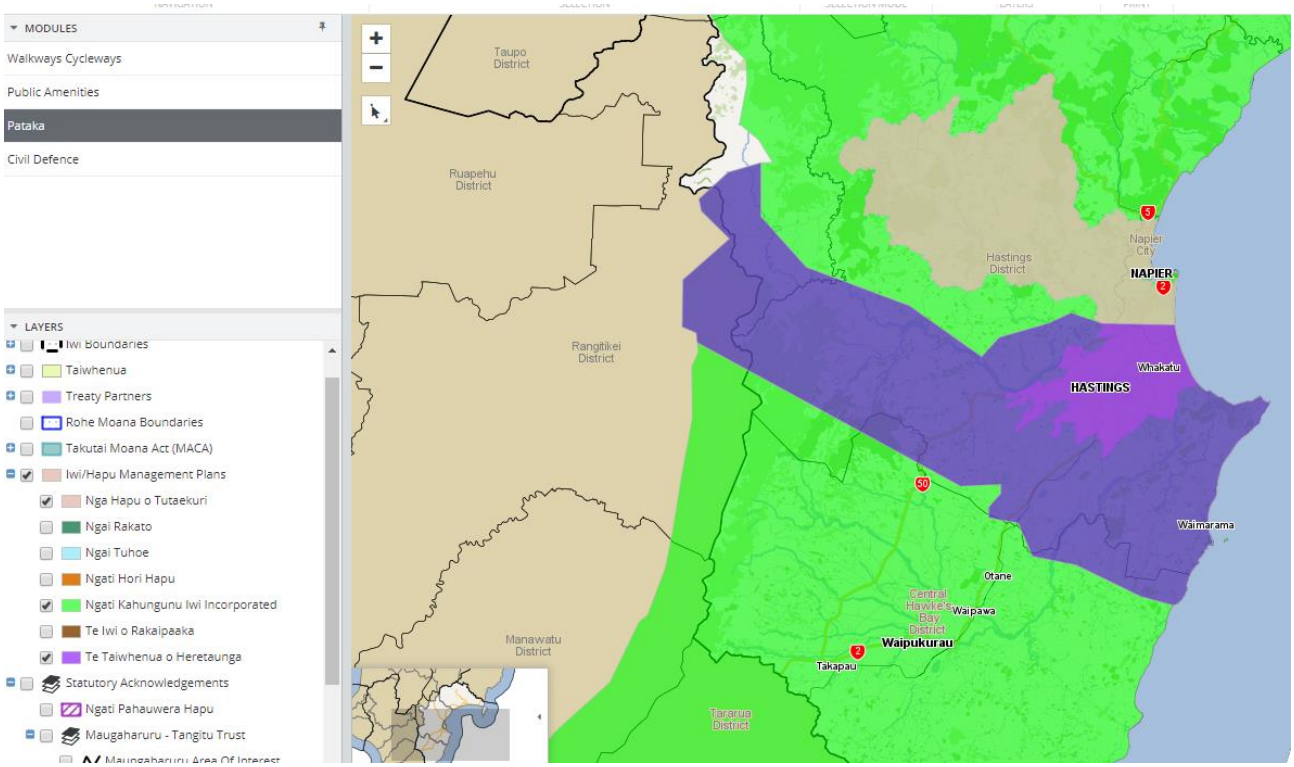

Figure 1: Iwi/Hapu Management Plans Map

Key and relevant matters from each of the iwi management plans are provided below.

4.1 Kahungunu ki Uta, Kahungunu ki Tai: Marine & Freshwater Fisheries Strategic Plan

The *Kahungunu ki Uta, Kahungunu ki Tai: Marine & Freshwater Fisheries Strategic Plan* is a Strategy that sets out the aspirations of Kahungunu for the use and management of marine and freshwater fisheries within their rohe. The strategy seeks to describe the Vision:

Kaitiakitanga o ngā rawa a Tangaroa mo ngā uri whakatupu

Guardianship of Tangaroa's multitudes on behalf of all the generations yet to come

That vision, for which this strategy sets the foundation, has three elements:

- *Tangaroa*
- *Kaitiakitanga*
- *He Tāngata*

The strategy sets goals in twelve key areas:

1. Fisheries management
2. Spatial management
3. Environmental issues
4. Customary fishing
5. Commercial fishing
6. Recreational fishing
7. Fisheries compliance
8. Capacity building
9. Information issues

10. Communications
11. Relationships
12. Training and development

Under the *Environmental issues* section of the Strategy, habitat destruction and sedimentation of the Ngaruroro River system has been noted a key environmental issue that needs to be addressed.

In formulating and implementing this strategy, Kahungunu has, and will, abide by the following principles:

- Wairuatanga – Spiritual values and ethics permeate everything
- Rangatiratanga – The traditional authority of Kahungunu iwi, hapū and whānau must be upheld Ngā tikanga ki mua – Tikanga underpins everything
- Whanaungatanga – Articulating, appreciating and working through points of difference
- Kaitiakitanga – If the fishery is healthy, the people will be too
- Te kotahitanga – Unity, consensus and inclusiveness
- Manaakitanga – The whole community will be considered and will benefit

The strategy contains a series of activities, priority tasks and Kahungungu responsibilities under each of the 12 areas mentioned above.

4.1.1 Officer's comments

The reporting officer has considered the *Kahungunu ki Uta, Kahungunu ki Tai: Marine & Freshwater Fisheries Strategic Plan*. Recommended consent conditions including the establishment of the Kaitiaki Liaison Group and management plans that seek to mitigate the effects of sedimentation and enhance ecology are considered consistent with the intent of the *Kahungunu ki Uta, Kahungunu ki Tai: Marine & Freshwater Fisheries Strategic Plan*.

4.2 Mana Ake - An Expression of Kaitiakitanga, Te Taiwhenua o Heretaunga

Mana Ake - An Expression of Kaitiakitanga, Te Taiwhenua o Heretaunga is a plan that strives to enhance Te Ao Maori, protect and sustainably utilise natural taonga, uphold the mana of whanau, marae and hapu, and to have tikanga and kawa inform decisions on issues affecting their people. Mana Ake also seeks to link to Ngati Kahungunu strategy where possible, to provide consistency and continuity between hapu and iwi. It is a living document; an expression of kaitiakitanga and hapu best practice, designed to assist marae and hapu to manage their natural resources, and to assist others in understanding tangata whenua values and policies in this regard.

A key rationale of the plan relevant to the consent application is:

Healthy whenua and wai is of great importance to hapu because they are irrevocably linked to healthy life ultimately for whanau, hapu and marae.

The *Mana Ake* plan has overarching goals, objectives and desired outcomes. Of particular note:

a) Hapu will prosper and hold Mana Motuhake (authority and influence) over their resource.
b) Taonga will be protected for future generations.
c) Mauri ora where all things are bound by the essence of life.
d) Set clear expectations and guidelines towards effective processes of engagement and consultation which are sustainable.
e) The role of kaitiaki is understood properly to be trustee, minder, guard, custodian, guardian, and keeper of all taonga, not only the environment.

f) The level of trust and collaboration that is identified between Hawke's Bay councils and Ngati Kahungunu ki Heretaunga continues as part of normal daily business.
g) Stakeholders understand the principles of the Treaty of Waitangi, and that the interests and values of nga hapu o Heretaunga are protected and enhanced. This includes the safe guarding of all cultural heritage and significant sites and places.
h) Environmental outcomes accommodate for cultural and traditional spiritual values held by nga hapu o Heretaunga.
i) Integrated management of natural and physical resources is encouraged and that existing relationships with and between local agencies are maintained and enhanced to ensure collaborative goals are set and worked toward.
j) Protection, restoration and enhancement of the productivity and life supporting capacity of mahinga kai, indigenous biodiversity, air, water, land, natural habitats and ecosystems, and all other natural resources valued by nga hapu o Heretaunga.
k) Ngati Kahungunu ki Heretaunga are actively involved in the delivery and awareness of the kaupapa of Mana Ake with respect to protection and enhancement of the natural environment. This includes the delivery of programmes that promote awareness and provide education regarding the environment to achieve environmental outcomes.
l) Ngati hapu o Heretaunga capacity is enhanced to become more involved in "on the ground" monitoring of environmental ecosystems.
m) Encourage the use of Matauranga Maori in governance, management, scientific research, monitoring and frameworks for species recovery, habitat restoration, ecosystem management and resourcing of natural taonga.
n) Promote the management of whole ecosystems and landscapes, in addition to single species.
o) The cultural, spiritual, historic and traditional association of Heretaunga marae hapu with taonga species must be recognised and provided for within all management and/or recovery plans associated with those species.
p) Avoid compromising the habitat, diversity and abundance of native bird species at risk as a result of inappropriate land use, development or subdivision and consider the potential effects (positive and adverse) on native birds when assessing any resource consent or concession application.
q) Nga hapu o Heretaunga are the kaitiaki of Rangi and Papa in our region of influence, and all their whakapapa, which in today's terms means the air, the lands, the waters and the wellbeing of the people
r) The role of Kaitiaki of Heretaunga for Heretaunga hapu will be respected and incorporated into regional policies and no environmental policies or decisions will be made or implemented without the appropriate consultation and effective collaboration of hapu.
s) Of absolute importance to Heretaunga marae hapu, is the preservation and protection of mauri. To see to this preservation and protection is to provide for conservation of bio-diversity, the outcomes of which are the restoration and regeneration of ecosystems.
t) All policies and actions by nga hapu will reflect mauri-enhancing principles and as much as possible incorporate a holistic approach that benefits the wellbeing of whanau. This is the least of our collective community duties to future generations.
u) Any significant change to the environment; modification, development, construction, extraction, or other, that is mooted, or occurs, requires the express permission of the affected marae hapu to meaningfully contribute to marae hapu development and aspirations.
v) There are over 50 waahi tapu registered with Hastings District Council on the District Plan and hundreds more registered by the NZ Archaeological association. There will be no modification or alteration to those known waahi tapu and cultural protocols will be adhered to upon accidental discovery of an unknown waahi tapu.
w) There will be no further loss or degradation of Heretaunga wetlands; and restoration of existing wetlands of high importance will be a priority. This includes restoration of native vegetation and species.
x) There will be no further loss of Heretaunga mahinga kai and protection for existing ones will be identified as a priority.

y) All Ngati Kahungunu whanau, current and future generations, must have the ability to access, use, monitor and protect mahinga kai resources as well as the history and traditions that are part of customary use of such resources, as guaranteed by the Treaty of Waitangi.
z) Work towards the restoration of key mahinga kai areas and species, and the tikanga associated managing those places and species, including marine mammals.
aa) Examples of types of activities where nga marae hapu o Heretaunga is likely to be an "affected party" for 'gravel extraction from rivers…when Hawke's Bay Fish and Game requirements are not met'.

4.2.1 Officer's comments

The reporting officer has considered *Mana Ake - An Expression of Kaitiakitanga, Te Taiwhenua o Heretaunga*. Recommended consent conditions including the establishment of the Kaitiaki Liaison Group and management plans that seek to enhance ecology and mitigate the effects on the environment are considered consistent with the intent of the *Mana Ake - An Expression of Kaitiakitanga, Te Taiwhenua o Heretaunga*.

4.3 Tūtaekurī Awa Management and Enhancement Plan

The *Tūtaekurī Awa Management and Enhancement Plan* identifies and describes the views and intentions of the Tūtaekurī awa Hapū and our aspirations for the Tūtaekurī awa in the future. Parts of this plan will be included in the Hawke's Bay Regional Council's Tūtaekurī Ecological Management and Enhancement Plan. The plan seeks:

- Enhancement of the mauri of the Tūtaekurī awa
- Enhancement of rongoā and native species proliferation
- Enhancement of mahinga kai species proliferation
- Realisation of kaitiakitanga for Ngā Hapū o Tūtaekurī

In particular, the spiritual guardians Tangaroa and Papatuanuku (including sediment and gravel) needs support and enhancement in the realms of Tūtaekurī awa in which they protect. Ngā Hapū o Tūtaekurī is concerned of the adverse effects that gravel extraction has on Papatūānuku. Ngā Hapū o Tūtaekurī acknowledges that gravel extraction is necessary for flood control management, which requires that a balance be found between the supply of gravel from the Kaweka Ranges and its extraction. The plan (page 17) states:

"We believe an approach of environmental off-setting against the adverse effects that gravel extraction has on Papatūānuku, and consequently mauri, needs to be addressed through native planting initiatives that will enhance the mauri of the awa. This can occur through the financial levying of gravel extraction that can be put towards native riparian planting along the riparian margins of the awa. We therefore believe that the Hawkes Bay Regional Council's Ecological Management plan for the Tūtaekurī awa include provisions for "financial contributions" to be made towards riparian planting to offset the adverse effects on Papatūānuku posed by gravel extraction in accordance with Sections 108 (9) (a) & 108 (10) (a) & (b) of the Resource Management Act 1991."

4.3.1 Officer's comments

The reporting officer has considered *Tūtaekurī Awa Management and Enhancement Plan*. Recommended consent conditions including the establishment of the Kaitiaki Liaison Group and

management plans that seek to enhance ecology and mitigate the effects on the environment are considered consistent with the intent of the *Tūtaekurī Awa Management and Enhancement Plan*.

5. NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

The National Policy Statement for Freshwater Management 2020 sets out the objectives and policies for freshwater management and comes into effect on 3 September 2020 and replaces the National Policy Statement for Freshwater Management 2014 (amended 2017). Objectives and Policies have been incorporated into the RRMP and RCEP as required by the Freshwater NPS 2020. The applicant has undertaken a comprehensive assessment of the Freshwater NPS based on the NPS at the time.

It is important to note that since lodging the consent application the Freshwater NPS 2020 put a greater emphasis on the mauri of the wai through the concept of Te Mana o Te Wai:

Framework:

(3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.
(4) The 6 principles are:
(a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
(b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
(c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others
(d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future
(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations
(f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Key policies include:

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.
Policy 2: Tangata whenua are actively involved in freshwater management (including decisionmaking processes), and Māori freshwater values are identified and provided for.
Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Part 3 goes on to state:

(1) Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.
(2) Every regional council must give effect to Te Mana o te Wai, and in doing so must:
(a) actively involve tangata whenua in freshwater management (including decision making processes)…

(1) Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management (including decision-making processes), including in all the following:

(a) identifying the local approach to giving effect to Te Mana o te Wai

It is considered that the recommended consent conditions 14 and 15 regarding the Kaitiaki Liaison Group are generally consistent with the intent of Te Mana O Te Wai.

Overall, I consider proposed activities are not contrary to the Freshwater NPS.

6. NEW ZEALAND COASTAL POLICY STATEMENT (NZCPS)

The purpose of the New Zealand Coastal Policy Statement (NZCPS) 2010 is to achieve the sustainable management purpose of the RMA in relation to the coastal environment of New Zealand. As the application includes extraction of gravel at the river mouths within the coastal margin, the NZCPS is considered relevant. The NZCPS is currently under review[7] but there have yet to be any amendments. The application[8] contains a high-level assessment of the applications against the NZCPS. Below are the objectives and policies that the reporting officer considers to be particularly relevant to the consideration of this application:

Objective 1
To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature…*

Objective 3
To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating mātauranga Māori into sustainable management practices; and*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

Objective 5
To ensure that coastal hazard risks taking account of climate change, are managed by: …

- *protecting or restoring natural defences to coastal hazards…*

Objective 6
To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development,
recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land.*

[7] See https://www.coastalrestorationtrust.org.nz/site/assets/files/1189/review-of-effect-of-nzcps-2010-on-rma-part-one.pdf.
[8] See *Hawkes Bay Gravel Management Study RMA Issues and Gravel Demand Drivers,* June 2016, page 10.

Policy 1
Extent and characteristics of the coastal environment
(1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.
(2) Recognise that the coastal environment includes: …
(d) areas at risk from coastal hazards;
(e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;
(g) items of cultural and historic heritage in the coastal marine area or on the coast…

Policy 3 Precautionary approach
(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.
(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:
(a) avoidable social and economic loss and harm to communities does not occur;
(b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur…

Policy 6 of the NZCPS requires recognition of the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities.

Policy 19 relates to walking access in the coastal environment and states that restrictions should only be placed on public access to, along or adjacent to the coastal marine area where they are necessary to protect public health and safety (amongst other things).

Policy 25 relates to subdivision, use and development in areas at risk of coastal hazards. Subsection (c) encourages redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards.

It is considered that the proposal, with the recommended consent conditions, is not contrary to the NZCPS.

7. NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Freshwater NES) regulate activities that pose risks to the health of freshwater, wetlands and freshwater ecosystems. The regulations came into force on 3 September 2020 (i.e. after these consent applications were lodged) and were revised in April 2021. On 1 September 2021 proposed amendments to the Freshwater NES were notified with the submissions period closing on 27 October 2021. Given the timing of the proposed amendments, for now I have only considered the Freshwater NES in its current form (April 2021).

As discussed with the applicant it was agreed that this officer's report would highlight key matters that need to be considered by the applicant and that the applicant will provide assessment and commentary on the applicability of Freshwater NES as soon as possible for consideration or in evidence. And should MFE provide updates on the amendments to the Freshwater NES prior to the hearing, this could be addressed at the hearing.

The gravel extraction activities are relevant in the context that they may impact wetlands, as noted in the Cawthron 2968 report (January 2017, pp. 3-4), *"...dry riverbed gravel mining can potentially…cause bed degradation that lowers the water table causing desiccation of off-channel habitat (e.g. floodplain wetlands)".*

Key definitions referred to in the Freshwater NES are:

- ***drainage works*** means drainage works of any sort, including the making of drains for receiving water in its natural flow on or from any hills or other sloping lands, and diverting the same to prevent its overflow on to any other lands on a lower level, as well as drains for carrying off water from any lands (from Land Drainage Act 1908)

- ***specified infrastructure*** has the meaning given by the National Policy Statement for Freshwater Management which means any of the following:

(a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002) "CDEMA";

(b) regionally significant infrastructure identified as such in a regional policy statement or regional plan;

(c) any public flood control, flood protection, or drainage works carried out:

(i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941;
(ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908

It is considered that the proposed gravel extraction activities could be broadly included within the meaning of 'specified infrastructure' as 'drainage works' for 'flood control'. A high-level commentary of the proposed activities against the Freshwater NES is provided in Table 3.

Table 3: Freshwater NES Assessment

Regulation	Status	Activity	Comments
Restoration of natural wetlands			
38	Permitted	(1) Vegetation clearance within, or within a 10 m setback from, a natural wetland is a permitted activity if it - (a) is for the purpose of natural wetland restoration; and (b) complies with the conditions. (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural wetland is a permitted activity if it - (a) is for the purpose of natural wetland restoration; and (b) complies with the conditions. (3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it - (a) is for the purpose of natural wetland restoration; and (b) complies with the conditions. (4) The conditions are that – (a) the activity must comply with the general conditions on natural wetland activities in regulation 55; and (b) if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500 m^2 or 10% of the area of the natural wetland, whichever is smaller. (5) However, the condition in subclause (4)(b) does not apply if the earthworks or land disturbance is for planting.	Any wetland restoration activities undertaken by the applicant would need to meet this regulation otherwise consent would be required under regulation 41.
Maintenance and operation of specified infrastructure and other infrastructure			
46	Permitted	(1) Vegetation clearance within, or within a 10 m setback from, a natural wetland is a permitted activity if it - (a)is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and (b)complies with the conditions. (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural wetland is a permitted activity if it - (a)is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and (b)complies with the conditions. (3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it— (a)is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and (b) complies with the conditions. Conditions	The applicant will need to confirm the setbacks to assess this rule.

		(4) The conditions are that - (a) the activity must comply with the general conditions on natural wetland activities in regulation 55 (but regulation 55(2), (3)(b) to (d), and (5) do not apply if the activity is for the purpose of maintaining or operating hydro-electricity infrastructure); and (b) the activity must not be for the purpose of increasing the size of the specified infrastructure or other infrastructure; and (c) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and (d) if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500 m^2 or 10% of the area of the natural wetland, whichever is smaller; and (e) if the activity is earthworks or land disturbance, - (i) trenches dug (for example, to maintain pipes) must be backfilled and compacted no later than 48 hours after being dug; and (ii) the activity must not result in drains being deeper, relative to the natural wetland's water level, than they were before the activity. (5) However, the condition in subclause (4)(d) does not apply if the earthworks or land disturbance is for planting.	
Drainage of natural wetlands			
52	NC	Earthworks outside, but within a 100 m setback from, a natural wetland is a non-complying activity if it – (a) results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and (b) does not have another status under any of regulations 38 to 51. (2) The taking, use, damming, diversion, or discharge of water outside, but within a 100 m setback from, a natural wetland is a non-complying activity if it - (a) results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and (b) does not have another status under any of regulations 38 to 51.	The applicant will need to assess the potential for indirect drainage of wetlands impacts due to gravel extraction and management activities.
53	Prohibited	(1) Earthworks within a natural wetland is a prohibited activity if it - (a) results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and (b) does not have another status under any of regulations 38 to 51. (2) The taking, use, damming, diversion, or discharge of water within a natural wetland is a prohibited activity if it - (a) results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and (b) does not have another status under any of regulations 38 to 51.	

Until the assessment is received from the applicant, no conclusions can made about whether or not the proposed activities are consistent with the Freshwater NES.

8. NATIONAL ENVIRONMENTAL STANDARDS FOR SOURCES OF HUMAN DRINKING WATER

Regulations 7 and 8 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES) apply to water and discharge permits issued by regional councils.

Regulations 7 and 8 only apply to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 501 people with drinking water for not less than 60 days each calendar year.

Regulation 12 only applies to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 25 people with drinking water for not less than 60 days each calendar year.

The proposed activity is not expected to lead to an event occurring (for example, the spillage of chemicals) that may have a significant adverse effect on the quality of the water at the registered supply abstraction point, and, is not expected to have a significant adverse effect on the quality of the water at any abstraction point as a consequence of an event (for example, an unusually heavy rainfall).

The proposal is also consistent with Proposed Plan Change 9 TANK's Policy 6 and Schedule 35 relating to *Source Protection for Drinking Water Supplies*.

The applicant proffered a consent condition and is committed to taking all reasonable efforts to avoid any impacts on registered water takes. This approach is considered adequate.

9. STATUTORY ACKNOWLEDGEMENTS

Based on Schedule IA of the RRMP (sets out the statutory acknowledgements Hawke's Bay) and the HBRC online Pataka GIS portal[9] (see Figure 2) there is one relevant statutory acknowledgement, namely Heretaunga Tamatea Settlement Trust, with the consent application areas.

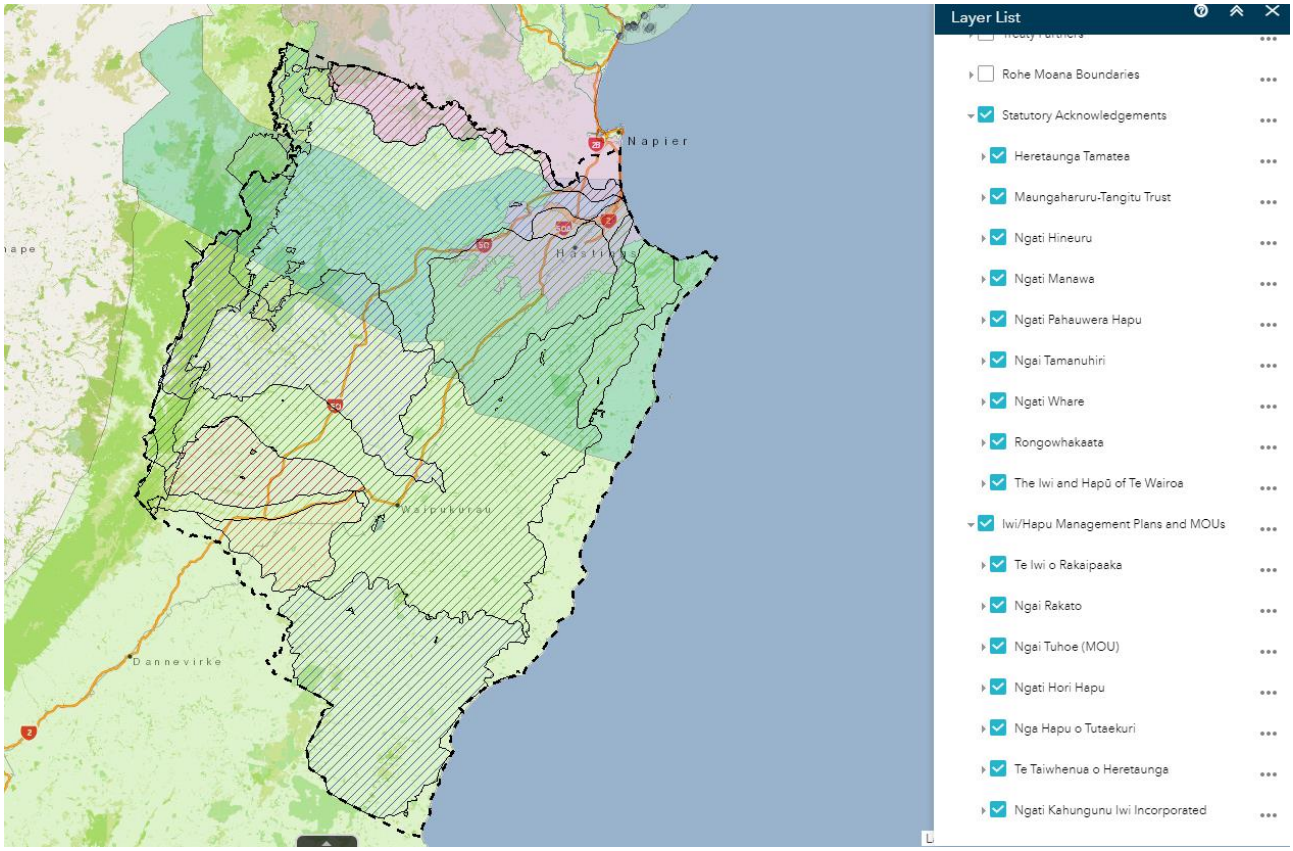

Figure 2: Statutory Acknowledgements

The Tukituki River, Ngaruroro River and Tūtaekurī River and their tributaries are identified as a Statutory Area under Schedule 3 of the Heretaunga Tamatea Claims Settlement Act (2018). The Statement of Association for the Tukituki River, Ngaruroro River and Tūtaekurī River states:

Tukituki River

- *A narrative exists on the way in which the Tukituki River came into existence. A large lake was located in what is now the Ruataniwha Plains. Two taniwha lived in this lake. On one occasion a boy fell into the lake and the two taniwha fought over their prey. The resulting destruction on the landscape created breaks in the hills through which the lake drained away. One of the channels was the Tukituki River.*

[9] Webpage https://hbmaps.hbrc.govt.nz/mapviewer/?map=245cbcf88b9149e79b0e561ecfe0a4a3 accessed 3:57 PM 11 August 2019.

- *After the arrival of the Ngāti Kahungunu tīpuna to Heretaunga, the Tukituki River was established as the first boundary between Taraia, who took the land to the west of this river, and Te Aomatarahi who took the land to east and south of the river. The Tukituki is a significant waterway for the hapū of Heretaunga Tamatea. It was used extensively for mahinga kai, and for transporting people and goods.*
- *All along the Tukituki River are signs of occupation and sites that record key events in tribal history. On the lower section of river, there are a number of sites that relate to the actions of the ancient tipuna, Māhu. On the north bank is a white rock, Papaotihi. It is said the rock was once a man who was fishing in the river, but he was turned to stone by Māhu. A little further on is another rock, Tauhou, where Māhu turned another man to stone. Down river near Te Kauhanga pā is another spot touched by Māhu. Here he put a curse on the paepae and people died.*
- *The river mouth was renowned for the abundance of fish species that were taken there. These included; kahawai, pātiki, kanae, kātaha, kōkopu, inanga and tuna. Near the river mouth is Whakamarino where a battle took place at which another iwi was defeated by Tamaiawhitia. The kāinga of Haumoana is also located here. Another pā is Te Kauhanga which was occupied first by Taraia I and then Te Whatuiapiti. Further up the river there is a large cliff, Pariwaiehu. Here Te Waka's pā was located, later taken by Hawea.*
- *In the lower reaches of the Tukituki, to the east of Havelock North, the pā Te Korokoro sits on a western bank. From here the river runs below Parikārangaranga, Te Mata-o-Rongokako, and the smaller peak of Te Hau. Below both these peaks there are pits, terraces and other indications that people once lived here. From the river a track led to the summit of the range.*
- *Further upstream above Kaiwaka on the river's eastern bank looms Kahurānaki maunga, a site of special significance to all hapū of Heretaunga Tamatea. It is said that as he lay dying Te Hāpuku asked to be placed at Kaiwaka so that Kahurānaki would be the last thing he saw. This is also the place at which Rongokako, the father of Tamatea-pokai-whenua, is said to have lived.*
- *Some distance upstream an old pā called Ngawhakatātara was located on an island while opposite was a kāinga and pā named Kurīwaharoa. Other more recently built pā on the Tukituki include Pātangata and Tāmumu.*

Tūtaekurī River

- *Tūtaekurī River and its tributaries within Heretaunga Tamatea area of interest Prior to the 1931 Napier earthquake, the Tūtaekurī River flowed into the southern end of Te Whanganui a Orotu (Napier inner harbour). The river mouth area provided a rich source of shellfish varieties including tuangi, pipi, pupu and kuku. In times of flooding the river formed another course which ran down the Korokipo lowlands and along the southern side of the Rahuiroa hills. The Tūtaekurī river takes its name from an incident that occurred when Hikawera, a son of Te Whatuiapiti, came to the aid of a starving party of travellers. He ordered 70 dogs be prepared to feed the hungry wanderers. The place where this occurred became known as Te Umukurī. The offal was thrown into the river hence the name Tūtaekurī. Hikawera had a pā at Waiohiki on the Tūtaekurī.*
- *The Tūtaekurī River provided a major access-way into the interior toward the Ruahine Range. Over the years, a string of pā were built alongside the banks of the Tūtaekurī River, including:*
- *Tahunamoa – located on the south side of the Tūtaekurī River around Waiohiki. This pā was built by Taraia and the famous whare, Te*
- *Raroakiaki, was found here;*
- *Takutaioterangi - where Te Whatuiapiti won an important victory; and*
- *Ōueroa – a pā established by Te Rangitaumaha, son of Taraia, which was located on directly above Te Umukurī. Te Huhuti was raised here*
- *and this was where she left on her famous journey to Te Roto-a-Tara on her quest to gain Te Whatuiapiti as her husband.*

- *The inhabitants of the river side pā drew resources from the river and the associated wetland areas. These resources included inanga, ngaore, and kākahi and food such as kōareare and pungapunga from raupō plants.*

Ngaruroro River

- *The full name of this river is Ngaruroromokotuararokirangatira. In one account, the river takes its name from an incident in which a dog belonging to*
- *the ancient deity Māhu startled some small fish known as upokororo. As the shoal of fish dashed away they caused ngaru or ripples in the water.*
- *The Ngaruroro River has always been a significant waterway for the people of Heretaunga Tamatea. It was utilised extensively by river side, and surrounding, pā for the many different food sources that it provided and sustained. These included fish types such as: kahawai, kanae (at the river mouth) inanga, ngāore, pātiki, and tuna. It also included other mahinga kai, such as karinga aruhe, wai tahere, rākau tutu, hīnaki and rauwiri. The river also helped sustain adjacent lands, through its tributaries and connection to wetland areas and lakes, particularly in the area around Omahu and Rūnanga that provided rich sources of tuna and kākahi.*
- *The Ngaruroro has been utilised as a natural highway from the coast to the mountains. From the time of the tipuna Tamatea-pōkai-whenua, who travelled up the Ngaruroro River when he journeyed from Te Whanganui a Orotu to Mōkai Pātea, right down to the present day. Many of the placenames that exist along the river and adjacent lands were named during Tamatea's journey. At Ōhiti, Tamatea's dog rushed across the river ahead of him. It is said that Tamatea kept a pet koura in the spring nearby while staying at Ōhiti.*
- *Centuries later, it is recorded that when Taraia and his people came into Heretaunga, he landed at the mouth of the River which was joined with the mouth of the Tukituki River. He named that area Te Ipu o Taraia.*
- *Two kainga named Te Awapuni and Pokonao were located at the river mouth. Te Moananui and Karaitiana Takamoana lived at these pā. Karauria married Haromi at Te Awapuni. Ngāi Te Upokoiri settled for a time at these kāinga after returning to the region. Pukerau, the kāinga of Noa Huke, was situated along the nothern bank. Travelling from the coast, the first bend in the Ngaruroro is known as Tukia. Here Whangatōroa is located on the north bank. Two well-known places along the banks of the Ngaruroro are Kohupātiki and Tanenuiarangi. Tanenuiarangi was the central gathering place of chiefs around the time of Pākeha contact. Further upriver were Hautapu and Hautu and a river crossing known as Te Arawhata-a-Tikumu.*
- *Upriver on the north bank of the Ngaruroro the ancient pā of Pākowhai was settled by Karaitiana Takamoana. The Repudiation Movement housed its printing press there for their newspaper, Te Wananga which was published from 1874 to 1878.*
- *Riverside sites of occupation were also clustered around the Waitio district. At Matatanumia fern root was collected from the hills while ūpokororo were caught in the Waitio stream which falls into the Ngaruroro. A kūmara plantation was located on the river flats at Ngapukeahineiringa. It was here that Taraia II defeated another iwi. Eels were caught at a weir called Harurunui where the Waitio Stream runs into the Ngaruroro River. Upstream is found Himoko. Further still is the Ngāi Te Upokoiri pā Ōhiti. Nearby, at the original site of Omahu, was a kainga called Taunoko. Another kainga, Torohanga, was found between the river and the southern end of Lake Rūnanga. On the south bank of the Ngaruroro downstream from Omahu was Opunua, a Ngāti Hinemanu stronghold.*
- *Upriver, sited in the triangular spit between the Ngaruroro and the Maraekākaho rivers, was an ancient pā named Te Taumata-o-he which subsequently became a stronghold of Ngāi Te Upokoiri. Renata Kawepo was born at this pā.*
- *A pou once stood at Whanawhana where the Ngaruroro River runs through the Otamauri block. Erected by Renata Kawepo, the pou represented an important political demarcation between hapū which remains significant.*
- *The Ngaruroro extends westwards to its headwaters in the Kāweka and Kaimanawa Ranges. Travellers since the time of Tamatea-pōkai-whenua have utilised the river as a*

major highway using the crossing at Kuripapango to make their way into Mōkai Pātea and beyond.

The statutory acknowledgement was finalised and adopted in the RRMP after the submissions period closed. To address this matter, I recommend:

- Following any agreed HBRC and Heretaunga Tamatea Settlement Trust process for dealing with retrospective consent matters
- Sending the consent applications to the trustees of the Heretaunga Tamatea Settlement Trust for comment
- Including Heretaunga Tamatea Settlement Trust into the Maori / kaitiaki liaison Group consent conditions as shown in the submissions response table in Section 112 below

10. MARINE AND COASTAL AREA ACT / TAKUTAI MOANA ACT 2012

Under the Marine & Coastal Area Act – Takutai Moana[10] (MACAA) applicants must consult with customary marine title groups. The government is currently engaging with mana whenua on this process and customary marine titles and protected customary rights have yet to be confirmed under the MACAA. The consent applications lie outside of the coastal marine area and coastal hazard zones but do lie within the coastal margin noting that river mouth opening in the CMA is permitted under the RCEP (Rule 54) and RRMP (Rule 70). Given that the only proposed works within the CMA are relating to existing activities already carried out under permitted rules, it is considered that the MACAA is not applicable.

11. CLIMATE CHANGE EMERGENCY, NATURAL & BUILT ENVIRONMENT ACT & ZERO CARBON ACT

In June 2019 HBRC declared a climate change emergency and established a climate action hub to implement climate change mitigation and resilience initiatives including investment into flood protection which is a part of what the proposed activities contribute to.

The proposed Natural and Built Environments Act (NBEA) will be the main replacement for the RMA once enacted. In accordance with the Climate Change Response (Zero Carbon) Amendment Act 2019 (“Zero Carbon Act”), the NBA will require greenhouse gas (GHG) reductions from asset owners and applicants. In line with these Acts, the applicant and contractors working under a global consent will need to have GHG reduction plans and implement actions to work towards net zero emissions by 2050 or sooner. It is understood that Zero Carbon Act emissions reduction plan (ERP) has been delayed to May 2022. It is recommended that an annual review in May 2022 is undertaken to bring the consent in line with the new Zero Carbon Act requirements.

In the interim the consent holder should develop a GHG footprint for the gravel extraction activities and start developing a GHG reductions plan in collaboration with the extractors and kaitiaki. For gravel extractors this would mean having an organisational-wide climate change and net zero strategy and action plan which may include decarbonising the gravel extractor vehicle fleet such as switching from fossil fuel combustion engines to hybrids and electric vehicles over time if feasible.

12. CONSIDERATION OF SUBMISSIONS

A response from the applicant to all submitters was provided on 10 April 2019 (see Appendix 7). Since this response was sent to submitter’s the recommended consent conditions have been updated.

[10] https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/applications/hawkes-bay-region/

Barker Contractors and Waipatu Marae are in support of the application and do not wish to be heard at a hearing and therefore do not warrant further consideration.

The applicant has agreed to accommodate the consent condition amendment requests from submitters First Gas Limited, Hawke's Bay Fish and Game Council and New Zealand Transport Agency and the suggested changes to conditions have been incorporated into the recommended draft consent. I am comfortable with the response from the applicant to Winstone Aggregates.

The response from the applicant to the two iwi groups Ngati Kahungunu Iwi Incorporated (NKII) and Te Taiwhenua O Heretaunga (TToH) however warrant further consideration and commentary as provided in Table 12-1.

Table 12-1: Consideration of submissions

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
First Gas Limited (Neutral Submission)	That HBRC includes a condition requiring the consent holder to notify First Gas Limited of any gravel extraction or river bank works within 6 metres either side of the pipeline, and any non-road legal vehicle movements over the pipeline, prior to those works being undertaken.	**Applicant Response**: Agree	Add new Condition 5 and advice note: The consent holder shall notify First Gas Limited ~~five~~ ten working days prior to any new extraction operation commencing within the area specified by the resource consent where the activity: a. Is within 6 metres either side of the Hawke's Bay natural gas transmission pipeline; or b. Will result in any non-road legal vehicle movements over the natural gas transmission pipeline. ***Advice Note:*** The Hawke's Bay natural gas transmission pipeline crosses underneath the Tukituki River, Waipawa River, Makaretu River, Tukipo River and Mangaounuku Stream within the area specified by the resource consent.	I agree that the applicant's proposed consent condition is appropriate and updated to ten days as per pre-hearing meeting.
Hawke's Bay Fish and Game Council	Fish and Game requests the following conditions on the consents: 1. Once works at an individual site	**Applicant Response**: **Proposed new condition:** Agree to notification condition, with modification	Add new Condition 6: The consent holder shall notify the Hawkes Bay Fish	I agree that the applicant's proposed consent condition is appropriate and updated to ten days as per pre-hearing meeting.

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
(Supporting Submission)	are complete, the consent holder and/or contractor shall ensure that recreational access to the river at the public site is maintained or enhanced. 2. The Hawkes Bay Fish and Game Council shall be notified up to 15 working days before works begin at a particular site.	to 5 working days notice to align with notification requirements for other parties and for administrative practicality. This approach also consistent with Rule 70 of Regional Resource Management Plan which also requires 5 working days' notice to Fish & Game for channel diversions. **Proposed new condition:** Agree to intent of proposed condition. Proposed amended condition for clarity.	and Game Council ~~five~~ ten working days prior to any new extraction operation commencing within the area specified by the resource consent. Add new Condition 11: The consent holder shall immediately repair any damage to existing recreational access to the river through public land caused as a result of extraction activity authorised by this consent.	
Barker Contractors (Supporting Submission)		**Applicant Response:** We thank Barker Contractors for their support.	No conditions changes proposed.	N/A

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
New Zealand Transport Agency (Neutral Submission)	NZTA seeks the following amendments ***Condition 1*** *The consent holder is authorised to extract gravel (defined as gravel and associated sand, silt and other riverbed sediments) from the active river channel and berm areas of the Tūtaekurī River as identified within the Plan attached in Appendix A and* ***no closer than 15 metres to a Transport Agency Structure****.* ***Condition 4*** *The consent holder shall notify the Council* ***and the Transport Agency, when works are proposed within 15metres of a roading structure,*** *five working days prior to any new extraction operation commencing within the area specified by the resource consent.* ***Condition 7*** *The consent holder shall immediately* ***notify the asset owner and*** *repair any damage caused by the operation of machinery in the course of exercising this consent to any banks, access roads,* ***bridges, roading structures,*** *fences, gates, protection or other works relating to the control of the river. The cost of such repair shall be met by the consent holder*.	**Applicant Response:** **Proposed Amendments to Condition 1**: Changes would prevent any works from occurring within 15m of NZTA assets - contradictory to proposed changes to Condition 4 – propose that these works can occur when NZTA appropriately notified. **Proposed Amendments to Condition 4**: Agree **Proposed Amendments to Condition 7**: Agree, but suggest advice note for additional clarity that this condition requires the consent holder to repair any damage caused as a result of activities authorised by this consent, not other damage that may be caused by physical river processes that continually change the geomorphology	Add new Condition 7: The consent holder shall notify the New Zealand Transport Agency ~~five~~ ten working days prior to any new extraction operation commencing within the area specified by the resource consent where works are proposed within 15 metres of a New Zealand Transport Agency roading structure Amend Condition ~~10~~ 12 and add new advice note: The consent holder shall immediately notify the asset owner and repair any damage caused by the exercise of this consent to any banks, access roads, bridges, roading structures, fences, gates, protection or other works relating to the control of the river. The cost of such repair shall be met by the consent holder. **Advice Note**: For the avoidance of doubt this condition relates to damage caused to physical roading assets, caused by the gravel extraction process and not	I agree that the applicant's proposed consent condition is appropriate and updated to ten days as per pre-hearing meeting.

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
			damage caused by the physical river processes that continually change the geomorphology and river alignment.	
Ngati Kahungunu Iwi Inc. (Neutral Submission)	**Point 3** The primary point of Ngati Kahungunu Iwi Incorporated is that natural resources including gravel are the property of relevant tangata whenua and that rangatiratanga has not been relinquished voluntarily in this respect to these natural resources., Accordingly, acknowledgement of property interests and royalties and are appropriate particularly where land and resources have been confiscated by various enactments.	**Applicant Response:** Riverbeds under any sort of private ownership (including mana whenua) are subject to landowner rights and consultation and the necessary permissions are required as a matter of course.	No conditions changes proposed.	I agree with the applicant's response. However, I make the following points. a) The applicant produced maps at the pre-hearing meeting and closed out the Māori blocks matter. I understand that the Te Ture Whenua Maori Act 1993 is being reviewed and may require addressing in the future. This could be dealt with via the proposed Kaitiaki Liaison Group consent conditions or consent

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
	a. A number of riverbeds are still within blocks retained by Maori Trusts, that is rights to the riverbed are administered by Maori Trusts under Te Ture Whenua Maori Act 1993. Any gravel extraction that may affect these rights require the consultation with the appropriate proprietors.			reviews. I note that the RRMP states: "8.3.6 CIRCUMSTANCES The HBRC will only use financial contributions as a resource management tool in relation to resource consents granted for river bed gravel extraction. *8.3.7 PURPOSES* *8.3.7.1 The purposes for which financial contributions will be sought from river bed gravel extractors are as follows:* *(a) Construction of, or maintenance of, roads, fences and gates that are used or will be used to access the gravel extraction site.* *(b) Stop bank restoration or enhancement to offset the effects of gravel extraction on flooding.* *(c) Strengthening or restoration of affected flood control or river stabilisation works.* *(d) Replanting of vegetation removed, destroyed or damaged by gravel extractors accessing gravel extraction sites, or by the gravel extraction process.* *8.3.8 LEVEL OF CONTRIBUTION* *8.3.8.1 The level of contribution will be determined in the* following

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
				manner: *(a) The total annual cost of the works and services to be funded by the contributions (as determined in each year's annual plan prepared pursuant to the Local Government Act 1974) divided by the total annual estimated volume of river bed gravel extraction, thereby giving rise to a uniform financial contribution per cubic metre of gravel extracted.* *(b) The final actual financial contributions sought will fairly and reasonably reflect the degree of adverse effects arising as a result of river bed gravel extraction."* Based on the above, the request of royalties or a financial contribution from NKII do not appear to be required per se unless perhaps if the land / river bed is owned by NKII, or there is a relevant treaty settlement or act overlying the area of interest. However, as a minimum, access would need to be negotiated as per standard landowner access processes. .
	Point 5	**Applicant Response:**	Add new Condition 14:	I agree that the applicant's

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
	That the adverse impact on tangata whenua access and use of the rivers and associated resources, particularly cultural practices such as but not limited to mahinga kai, kaitaikitanga, nohoanga (see Regional Policy Statement), wananga and manaakitanga should be avoided. This can be achieved in part by the avoidance of gravel stock piling and transport within 200 meters of cultural practices including those noted above. We understand access and use will be part of upcoming consultation by HBRC with tangata whenua, there is space to continue that conversation as part of that engagement. a. Mahinga kai practise i.e. fishing, whitebait, kokopu, tuna etc. will not be disrupted, interfered or affected during the seasonal customary and traditional mahinga kai periods. b. Designated mahinga kai customary areas be identified, i.e. On the Tukituki, Ngaruroro and Tūtaekurī awa with a 'No go zone' designation throughout that season. c. Waahi tapu areas i.e. Ohiti on the Ngaruroro and Nga Whakatatara on the Tukituki located either in the Awa or close to or adjacent requires consultation with the appropriate	These items are in line with HBRC's management approach as described in our HB Riverbed Gravel Management Plan (GMP), which includes the Environmental Code of Practice, which in turn includes the Ecological Management and Enhancement Plans for the rivers. In the GMP, Section 13: Iwi Involvement in Gravel Management, HBRC commits to: • Seeking ongoing iwi input and consultation on the Gravel Management Plan and its future versions; • Ensuring that the ongoing work of the Joint Planning Committee will consider the suggested future plan changes outlined in this report; • Working collaboratively with Iwi to identify Waahi Tapu and Mahinga Kai sites in and around rivers and resultant scheduling in	All extraction activity authorised by this consent shall be carried out in accordance with the current version of the Hawkes Bay Riverbed Gravel Management Plan	proposed consent condition 14 is appropriate. I agree with NKII that the effects on matters important to them need to be sufficiently managed. A consent condition that requires consultation with NKII is considered appropriate as proffered by the applicant (refer below). I am unsure what the 200m set back is based on so would like to understand from NKII how this has been derived. This matter was discussed at the pre-hearing meetings and was closed out via the Kaitiaki Liaison Group condition. 5a. I need to understand what disrupted, interfered or affected means – e.g. is some minor sediment effects allowed? This is what the RRMP policy 53 allows for. This matter was discussed at the pre-hearing meetings and was closed out via the Kaitiaki Liaison Group condition. 5b/c. I need to see where these areas are on a map in relation to the proposed gravel extraction areas before I can make a recommendation on how to

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
	mana whenua marae hapu d. HBRC will ensure no gravel extraction occurs during the annual seasonal fish spawning migratory period(s).	future regional plan changes; • Organising a gravel management 'Hikoi' to key gravel extraction sites for all key stakeholders, commercial gravel extractors and iwi, where current gravel management operations are explained, and feedback given from a cultural perspective; • Seeking Iwi involvement on the HBRC resource consent processes for long term gravel consents. The GMP has been adopted by Council and will be complied with. Propose to include specific condition that explicitly links the consent to the GMP to provide comfort and transparency on these issues		manage the effects of the activity. This matter was discussed at the pre-hearing meetings and was closed out via the Kaitiaki Liaison Group condition. 5d. The applicant proposes to extract gravel during the fish spawning period, however proposed condition 19: *"Should the gravel extraction operation result in increased turbidity of active flowing channel, the consent holder shall take all practicable steps, including any actions directed by an officer of the Council, to remedy the turbidity. The consent holder shall ~~give~~ in particular attention to avoid~~ing~~ causing turbidity within waterways during the fish-spawning period of May-October."* I do not consider that a "no extraction" condition is appropriate because the actual and potential adverse effects are manageable and no more than minor. I agree with intent of proposed condition 28 however it may need some refinement in order to ascertain what is considered "increased turbidity". I also note in the Cawthron (2017, page 21) report that *"the draft*

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				COP already expresses that machinery access across the wetted channel is restricted during May through September to protect salmonid spawning values...some information about of the extent, duration and severity of fine sediment resuspension events, that are related to gravel management activities, would be required before any recommendation to further restrict access across wetted channels could be made."
	Point 6 Active involvement reduce sedimentation - through 20 -30% reduction target. Tangata whenua and other stakeholders have been proactively discussing ways and target to reduce sedimentation of our waterways. For example, TANK stakeholder group discussed and unanimously agreed to a 30% reduction in sedimentation as a target, as measured at the estuary / river mouth. a. The issue of sedimentation and a particular practice or incident was the catalyst for why Ngati Kahungunu Iwi Inc. specifically	**Applicant Response:** It is agreed that sedimentation control during riverbed activities needs to be properly controlled and our Environmental Code of Practice, and Ecological Management and Enhancement Plans cover this adequately we believe. The issue of bund width and effectiveness was raised during the review process by HBRC's Science team and our response is included in	No conditions changes are proposed. However, new Condition 14 is proposed to explicitly refer to the Gravel Management Plan which includes the Environmental Code of Practice, and Ecological Management and Enhancement Plans.	I have read the TANK stakeholder group meeting record[11] and understand that the 30% reduction in sedimentation is related more so to farming. The scale and magnitude of the effects on sedimentation compared to farming or 'natural' flood events is likely to be significantly less. I am comfortable with the applicant's approach to limiting sedimentation through the COP and management plans. I consider that the adverse effects of gravel extraction on sedimentation is likely to be no more than minor and only occurs when the extraction activities are taking place.

[11] https://www.hbrc.govt.nz/assets/Document-Library/TANK/Meeting-Notes/TANK-Meeting-39-Meeting-Record-19-April-2018-Website-copy.pdf

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	requested a meeting with HBRC staff including Gary Clode (Engineering and Regional Assets) —This was omitted from the notes of that meeting (Consultation with iwi / Hapu & Cultural Values, Appendix 2 of the application) that occurred on 25 September 2018 despite a request to specifically note these concerns. As a consequence, HBRC in turn discussed this global consent proposal with ourselves and Te Taiwhenua o Heretaunga. During that hui is was agreed that practices and awareness could improve to avoid further sedimentation within Councils operations (photos of examples where avoidable sedimentation risks could be avoided can be provided again on request or in future engagement). b. The guidelines to reduce sedimentation include the creation of an at least one metre wide bund between extraction earth works and a flowing river. This should be increased to "at least 2 meters", at least.	our consent application and accepted by the scientists. A 1 metre top width is effectively 2 metres at water level and for any leakage of sediment there needs to be a head difference for flow to occur. The water level in the excavated area is either lower than or the same as the water level in the river and no flow of sediment can occur. This is readily seen in operation (there is a photo showing this in the application). We believe that the 1 metre is working OK. We will however ensure that extractors are vigilant in constructing the bunds so that sediment is contained.		Reducing sedimentation by 30% at the river mouth requires a catchment wide approach through the TANK process. Without having quantitative baseline data on the impacts of the proposed activities on sedimentation, it is very difficult to set a 30% reduction target at this stage. Cawthron (2017, page 16) and Dr Andy Hicks (HBRC Ecologist) also question if the 1 m buffer is adequate and suggest that data (turbidity monitoring upstream and downstream) and photographic evidence is provided. Photographic evidence was provided by the applicant on 25 August 2020 which appears to show that the 1m top bund is working adequately. This matter was discussed at the pre-hearing meetings and was closed out via the Kaitiaki Liaison Group condition.
	Point 7 NKII support the establishment of a Maori Liaison Group — with the terms described by Te Taiwhenua o Heretaunga. Because HBRC are new at monitoring itself as a consent holder for gravel extraction this	**Applicant Response:** Agree. Propose to include condition that requires the establishment of the Maori Liaison Committee	Add new Condition ~~12~~ 14 and advice note: No later than 6 months following the commencement of this consent, the consent holder shall make an	I agree that the applicant's proposed consent conditions are appropriate but suggest the additions (underline) to proposed conditions 14 and 15: 14.No later than 6 months following

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	approach would assist in providing confidence to tangata whenua.		invitation in writing to the Chief Executive of Te Taiwhenua o Heretaunga and to the Chief Executive of Ngati Kahungunu Iwi Incorporated to establish the Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group. **Advice Note:** The Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group are to be established for the purposes of: a) Providing cultural oversight of the gravel extraction activities authorised by this consent; b) Ensuring that areas of cultural significance are appropriately identified to the consent holder for the purposes of managing extraction activity to avoid effects on those areas; and c) Enabling effective dialogue and resolution should extraction activities authorised by this consent risk or cause effects to areas of cultural significance. Add new Condition 13:	the commencement of this consent, the consent holder shall make an invitation in writing to the Chief Executive of Te Taiwhenua o Heretaunga, Chief Executive of the Heretaunga Tamatea Settlement Trust and to the Chief Executive of Ngati Kahungunu Iwi Incorporated to establish the Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group. 15.The consent holder shall invite and facilitate an annual meeting with the Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group and shall provide reasonable administrative support to facilitate these meetings. These conditions were updated during the pre-hearing meetings with Maori Liaison Group being changed to Kaitiaki Liaison Group.

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			The consent holder shall invite an annual meeting with the Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group, and shall provide reasonable administrative support to facilitate these meetings.	
Te Taiwhenua o Heretaunga (TToH) (Supporting Submission)	**A. Request application heard by commissioners**	**Applicant Response: Point A:** Agree – if hearing is required, we will request that it is heard by independent commissioners.	No conditions changes proposed. Commissioners to be requested if hearing required.	I agree with TToH that if the consent application requires a hearing that independent commissioners preside over the process as this is considered good practice and is set in the HBRC consent delegations manual.
	B. Consent conditions around timing and site-specific areas targeted for gravel extraction: 1. HBRC will ensure no gravel extraction occurs during the annual seasonal fish spawning and fish migratory period(s) 2. Mahinga kai practise i.e. fishing, whitebait, kokopu, tuna etc will not be disrupted, interfered or affected during the seasonal customary and traditional mahinga kai periods.	**Applicant Response: Point B:** These items are in line with HBRC's management approach as described in our Riverbed Gravel Management Plan (GMP), which includes the Environmental Code of Practice, which in turn includes the Ecological Management and Enhancement Plans	Add new Condition ~~14~~ 16: All extraction activity authorised by this consent shall be carried out in accordance with the current version of the Hawkes Bay Riverbed Gravel Management Plan …	I agree that the applicant's proposed consent condition 14 is appropriate. I agree with TToH that the effects on matters important to them need to be sufficiently managed. A consent condition that requires consultation with TToH is considered appropriate as proffered by the applicant.

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
	3. Designated mahinga kai customary areas be identified; i.e. On the Tukituki, Ngaruroro and Tūtaekurī awa with a 'No go zone' designation throughout that season 4. Waahi tapu areas i.e. Ohiti on the Ngaruroro and Nga Whakatatara on the Tukituki located either in the Awa or close to or adjacent requires careful consideration. management and consultation with the appropriate mana whenua marae hapū	for the rivers. In the GMP, Section 13: Iwi Involvement in Gravel Management, HBRC commits to: • Seeking ongoing iwi input and consultation on the Gravel Management Plan and its future versions; • Ensuring that the ongoing work of the Joint Planning Committee will consider the suggested future plan changes outlined in this report; • Working collaboratively with Iwi to identify Waahi Tapu and Mahinga Kai sites in and around rivers and resultant scheduling in future regional plan changes; • Organising a gravel management 'Hikoi' to key gravel extraction sites for all key stakeholders, commercial gravel extractors and iwi, where current gravel management operations are		

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
		explained, and feedback given from a cultural perspective; • Seeking Iwi involvement on the HBRC resource consent processes for long term gravel consents. The GMP has been adopted by Council and will be complied with. Propose to include specific condition that explicitly links the consent to the GMP to provide comfort and transparency on these issues		
	C. Riverbeds still owned by the mana whenua i.e. Taruarau 1. The rights to mine riverbeds include proper consultation with the mana whenua land trusts and respective hapu. 2. A levy could be applied to provide for a cultural engagement process.	**Applicant Response - Point C**: Riverbeds under any sort of private ownership (including mana whenua) are subject to landowner rights and consultation and the necessary permissions are required as a matter of course. Appropriate recompense can be agreed at the time of any such riverbed mining on private land.	No conditions changes proposed.	My understanding is that the Ngaruroro River consent application areas are outside of the Taruarau catchment but the applicant needs to confirm this. I have checked Schedule IA of the RRMP and Pataka GIS portal the Taruarau catchment is part of the Heretaunga Tamatea Settlement statutory acknowledgement. I agree that any ownership of river beds requires attention and this can be dealt with via the Kaitiaki

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
				Liaison Group consultation consent conditions. Any levy/recompensate for gravel extraction on land owned by the mana whenua can be dealt with outside of the consents process.
	D. Maori Liaison Group (MLG) be established 1. To provide cultural oversight to issues outlined above 2. To provide appropriate resourcing for an Ml-G specific to extraction areas, and activities to consider and alleviate areas of cultural concern 3. These locations and areas and respective marae hapu are identified in work and reports commissioned by the HBRC i.e. Mauri monitoring framework 'Nga Pou Mataara' for the Tukituki Awa 4. 2 Maori Liaison Groups established for the Heretaunga (Ngaruroro (and Tūtaekurī) awa) and Tamatea — Heretaunga (for Tukituki awa)	**Applicant Response - Point D**: Agree. Propose to include condition that requires the establishment of the Maori Liaison Committee	Add new Condition ~~12~~ 14 and advice note: No later than 6 months following the commencement of this consent, the consent holder shall make an invitation in writing to the Chief Executive of Te Taiwhenua o Heretaunga and to the Chief Executive of Ngati Kahungunu Iwi Incorporated to establish the Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group. **Advice Note:** The Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group are to be established for the purposes of: a. Providing cultural oversight of the	I agree that the applicant's proposed consent conditions are appropriate but suggest the additions (underline) to proposed conditions 14 and 15: *14.No later than 6 months following the commencement of this consent, the consent holder shall make an invitation in writing to the Chief Executive of Te Taiwhenua o Heretaunga, Chief Executive of the Heretaunga Tamatea Settlement Trust and to the Chief Executive of Ngati Kahungunu Iwi Incorporated to establish the Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group.* *15.The consent holder shall invite and facilitate an annual meeting with the Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group and shall provide reasonable administrative support to facilitate these meetings.*

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	5. HBRC to provide Admin Support.		gravel extraction activities authorised by this consent; b. Ensuring that areas of cultural significance are appropriately identified to the consent holder for the purposes of managing extraction activity to avoid effects on those areas; and c. Enabling effective dialogue and resolution should extraction activities authorised by this consent risk or cause effects to areas of cultural significance. Add new Condition 13: The consent holder shall invite an annual meeting with the Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group, and shall provide reasonable	These conditions were subsequently updated via the pre-hearing meetings to: *14.* No later than 6 months following the commencement of this consent, the consent holder shall make an invitation in writing to the Chief Executive of Te Taiwhenua o Heretaunga, Chief Executive of the Heretaunga Tamatea Settlement Trust and to the Chief Executive of Ngati Kahungunu Iwi Incorporated to establish the Heretaunga Gravels Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels Kaitiaki Liaison Group. *The Heretaunga Gravels Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels Kaitiaki Liaison Group are to be established for the purposes of:* a) Providing cultural oversight of the gravel extraction activities authorised by this consent. b) Ensuring that areas of cultural significance are appropriately identified to the consent holder for the

Submitter	Submitter Conditions Changes Sought	Applicant Comment	Applicant's Proposed Conditions Changes	Reporting Officer Comment
			administrative support to facilitate these meetings.	purposes of managing extraction activity to avoid effects on those areas. c) Enabling effective dialogue and resolution should extraction activities authorised by this consent risk or cause effects to areas of cultural significance. d) Reviewing any proposed changes to Council policy relevant to riverbed gravel management, including any consideration of proposed changes to the Regional Resource Management Plan or Regional Coastal Environment Plan. e) Jointly investigate alternative gravel management approaches to minimise adverse effects on the environment and enhance the environment (including any effects on groundwater) and cultural values (including mauri and mahinga kai). ***Advice note:*** *A memorandum of understanding (MOU) is being developed between Te Taiwhenua o Heretaunga, Ngati Kahungunu Iwi Incorporated and the Consent Holder that sets out the terms of*

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				reference for the Kaitiaki Liaison Group(s). 15. *The consent holder shall invite and facilitate an annual meeting (or another interval agreed with the group and advised to Council) with the Heretaunga Gravels Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels Kaitiaki Liaison Group and shall provide reasonable administrative support to facilitate these meetings. The results of the meetings shall be reported to Council Manager Compliance within a month of the meeting*.
	E. Duration of Consent 1. Given the consent holder is the HBRC the consent be no longer than 10 years 2. A 5-year review would a. Evaluate tangata whenua rights and interests have been adequately provided for. b. Amend or change conditions of consent where required. c. Monitor HBRC progress to evaluate	**Applicant Response - Point E** Long term consent is fundamental to proposed approach for the improved management of gravel in the region. Conditions proposed to establish two Maori Liaison Group's – this provides an annual opportunity to consider consent holder operations/ compliance / effects.	No conditions changes proposed.	I disagree with the 10-year consent duration sought by TToH as it does not provide enough certainty for the applicant and the extractors. Subsequently a 20-year consent duration was agreed between parties before the request for the hearing was made. Annual reviews will be undertaken which include consideration of tangata whenua rights and interests. The adaptive management consent framework is considered

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	whether best practice is ensured.			the best practical approach for managing gravel extraction and effects. In my opinion good to best practice is being proposed by the applicant and as new information comes to light, new technologies and methods emerge then the applicant could adjust their practices to enable best practice.
Winstone Aggregates (Supporting Submission)	Authorisations: There is not much detail on what the requirements of an authorisation might be – request review of draft authorisation document and is it legally possible to enforce?	**Applicant Response:** The authorisation will be similar to the current consent forms issued to extractors. However, in addition they will include all the relevant consent conditions that will be attached to these consents. Effectively as HBRC is the consent holder we will be required to ensure that any river works, and extraction comply with the conditions of our consent. Authorisations will be given to extractors on the basis that they are fully conversant with the conditions and to that end the Authorisation will have enough information attached to ensure that the conditions are known and will be met. Failure to do so will result in loss of Authorisation, and no legal	No conditions changes proposed.	I agree with the applicant's response and consider the proposed consent conditions are appropriate. This matter was closed out at the pre-hearing meeting.

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		access to the resource. We understand that this process is legally enforceable.		
	Winstone Aggregates supports the Council's proposal regarding longer term authorisations for 10 years or more. Gravel from southern rivers: The consent AEE's frames the southern river aggradation problem as being caused by extractors, who are unwilling to take gravels from these areas as it is expensive. This has led towards the proposed adaptive management point 5, which directs all extractors to take all of the southern volume before we are able to take from the northern rivers. Winstone Aggregates strongly opposes being held to this and it would cause significant disruption to our operation. We operate all year round and we are happy to take the required percentage from the southern rivers but wish to manage the timing of that internally. Notwithstanding this, requiring all extractors to take at the same time will place pressure on access to the rivers, river margins and the transport network. We are also aware that the preferable transport route from the Tukituki River to Roys Hill has some bridges that are not certified to carry HPV's, limiting	**Applicant Response:** The discussion around extracting a percentage from the southern rivers before using the local allocation is a valid point and one that we can work around. The key point is that it must be taken at some stage during the allocation year. For larger extractors such as Winstone's we can accept you managing that internally to suit. One of the aspects of the Authorisations is that location, timing etc. can be tailored to suit a particular extractor. The point about the weight limit on bridges is out of our hands, but it applies to everyone.	No conditions changes proposed.	I agree with the applicant's response and consider the proposed consent conditions are appropriate. This matter was closed out at the pre-hearing meeting.

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	trucks to 27 tonnes maximum.			
	Bird Nesting: Roys Hill quarry has been extracting from the same stretch of the Ngaruroro for a number of years. We extract all year round and the business could not shut down from 1 Aug-28 Feb. It is not clear from the application where longer term authorisations are sought, whether we need an ecological survey carried out initially, or is this recurring every year?	**Applicant Response:** The bird survey is carried out annually and as required by HBRC. The current Roy's Hill extraction area is not an area critical for endangered bird breeding and habitat. Any nesting birds that may be discovered can be worked around. This is outlined in our Riverbed Management and Enhancement Plans. We will work with you on this and it would be worthwhile having a meeting at some stage with the local team and local iwi to go over our management plans as we are changing the way we have managed rivers in the past. We don't see this as being too onerous for extractors, more a matter of awareness.	No conditions changes proposed.	I agree with the applicant's response and consider the proposed consent conditions are appropriate. This matter was closed out at the pre-hearing meeting.
	The southern rivers are choked with gravels due to natural processes and their current management, not due to extractors being unwilling. The application should reflect this, which then frames the situation as a problem that HBRC requires the assistance of extractors to solve.	**Applicant Response:** See previous comment relating to this. The issue of transport costs to obtain gravel from the southern rivers and transport it to the market is always raised when we look at extractors	No conditions changes proposed.	I agree with the applicant's response and consider the proposed consent conditions are appropriate. This matter was closed out at the pre-hearing meeting.

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	Due to the high costs of transporting the aggregate back from these rivers, extractors need to be incentivised to do so and this can be done in a number of ways - lower royalties per m3 etc. However, by forcing extractors to take all the volume from the south prior to extracting from the north is not the solution. We support the concept and the percentage that is to be taken but extractors must be able to manage the timing of this, particularly where larger extractors are concerned.	helping us to reduce the problem of excess gravel. We have looked at various options in the past and consider that what we are proposing provides the best management option for all parties. It may also be a temporary solution if the excess gravel is reduced and there is local demand as in previous years. Lower extraction fees are already applied at the Southern rivers in some cases and is still an option to look at. The subject of fees is something that we will be looking at in the future for all rivers. Fees have remained steady for a decade or more.		
	AMEND OR REMOVE: Any requirement for extractors to take the entire southern allocation before extracting from the northern rivers. We are happy to have an ecological assessment done, but the application is unclear on how this works for extractors who work all year round and what our ongoing requirements will be. AMEND/CLARIFY/INSERT: The ecological survey might better sit as	**Applicant Response:** We note and agree with the point regarding the requirement to take the southern allocation first and for larger extractors their Authorisation can reflect that this can occur at any time during the year. Ecological assessment is a requirement of our plans and do not need specific consent conditions as they are embedded in the	No conditions changes proposed.	I agree with the applicant's response and consider the proposed consent conditions are appropriate. This matter was closed out at the pre-hearing meeting.

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	a consent condition by itself, rather than be part of condition 18. However, it might be approached, we seek to have it clearly set out what is required by us since we work all year round. The current authorisation document comes with a list of conditions attached - most of which have been put forward in this application as suggested consent conditions. It is unclear from the application what the wording of the authorisation will be and whether there will be any further (and potentially onerous) conditions that also require full disclosure. SUGGESTION: That HBRC release a draft authorisation document for public assessment, unless the authorisation has no additional conditions that must be complied with.	Riverbed Gravel Management Plan. Ecological assessments will be carried out by HBRC or external experts and will mainly affect extraction in areas where there are nesting birds. Work can still continue in areas outside nest areas and planning work around nesting areas will be necessary. In terms of the Authorisation, there will be no additional conditions that would otherwise require resource consent. So whatever consent conditions we end up with, the holder of Authorisations will be expected to comply with them on behalf of us, the Consent Holder. There may well be additional requirements such as speed restrictions and dust control for example. There will also need to be some discussion around what actions will be taken for persistent non-compliance of the Authorisation. As the Authorisations are new to HBRC and the extractors, there will most likely be		

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		different authorisations depending on the location and size of the operation, we would prefer to obtain consents and then look at the Authorisations once we get the gravel requirements (time, location, volume) from extractors. We will be open to discussion around the Authorisations as it is in everyone's interest that these are fair and workable.		

16. RMA STATUTORY CONSIDERATIONS

16.1 S104 and Part II

Section 104 of the Act sets out the matters to be considered when assessing a consent application. There are no particular statutory matters raised which have not already been addressed in the assessment above or in the AEE's. Exercising the consent will be consistent with Part II of the Act and the relevant plans and policies.

16.2 S95 RMA Notification Assessment Summary

It is considered that a robust S95 (RMA) process was followed. The applications were publicly notified on 2 February 2019 and submissions closed 4 March 2019. A summary of the reasons for public notification (see consent hard copy file for full assessment) is as follows:

A. *The application area spans a very wide area consisting of publicly "owned" land (HBRC), coastal margin and surface water bodies. The scale of the area would be as large as many of the other current "global" consents in Hawke's Bay. The adverse effects, albeit likely to be no more than minor, may occur over a wide area within the riverine and coastal environment, noting that the proposal will have positive effects.*
B. *Coastal erosion is a key concern in Hawke's Bay and the application may slightly affect the supply of gravel to the coast. Raking and extraction, may also at times facilitate the supply of gravel to the coast.*
C. *The applicant is essentially being allocated the total allocable volume for gravel resource.*
D. *The applicant is essentially the regulator, albeit there are department's delineating the applicant "HBRC Assets Management Group - Engineering Section" from the regulator "HBRC Regulation Group". Public notification provides transparency.*
E. *Although there have been numerous hui with mana whenua, and the effects on cultural values appears to be no more than minor, this has yet to be confirmed by mana whenua. Hui minutes appear to suggest that there are not any issues from tangata whenua but it is inconclusive based on the information provided as the effects assessment was not undertaken by mana whenua per se. Public notification would give mana whenua an opportunity to provide formal comment on the consent applications.*

All relevant iwi, hapu and marae (~39 parties) were directly notified, as well as a range of stakeholders, affected persons and interested persons including all private property owners affected, Forest and Bird, Department of Conservation, Fish and Game New Zealand, all relevant local councils, and all existing gravel extractor contractors (see consent hard copy file for the full list of notified persons).

17. CONSENT DURATION

The applicant has requested a 25-year consent duration and has stated:

- The proposed activity is consistent with Policy 54, and the requested consent duration will allow a greater integration of the Assets Sections overall river management mandate with gravel extraction activities.

- Feedback from several gravel extractors has suggested the current annual resource consent process does not give sufficient commercial security to undertake site establishment and locate expensive infrastructure (e.g. crushing plants), particularly in Central Hawkes Bay. Hence, resource consents with longer consent durations commensurate with the commercial investment required should be facilitated.

The RRMP and RCEP provided guidance and generally allow for consent durations of 20 to 35 years unless:

(a) The activity has a duration of less than 20 years, in which case a consent will be granted for the duration of the activity.

(b) There is a need to align the consent expiry date with others, in order that the cumulative effects of activities can be considered through a common consent renewal process.

(c) The consent is for the allocation of gravel or another resource whose availability changes over time in an unpredictable manner.

(d) The type of activity has effects that are unknown or potentially significant for the locality in which it is undertaken

Clauses a and b are not relevant.

In regard to guidance c, it is acknowledged that the proposed consent is related to the allocation of gravel however an allocation limit has not been set. Annual reviews are considered sufficient to address any issues with allocation and an authorisation process is proposed to deal with "allocation" which is based on a monitoring programme and adaptive management approach.

In regard to guidance d, it is considered that the proposed activities effects are known and are likely to be no more than minor.

I have considered TToH's original submission request for a 10 year consent duration and 5 year reviews and the subsequent agreement for a 20 year consent duration.

On balance, given the expected effects of the activity, ability to review the consent annually, management framework and certainty required for extractors, I agree that a 20-year consent duration is reasonable and justified.

18. MONITORING AND MANAGEMENT PLANS

18.1 Monitoring by Consent Holder

The draft consents contain a range of key monitoring, reporting and management plan requirements including and not limited to:

1. Environmental Code of Practice
2. Ecological Management and Enhancement Plan
3. Spill Management Plan
4. Bed level cross section surveys, riverbed gravel particle size monitoring surveys and Annual Gravel Status Report
5. Maintain an accurate and accessible monthly record of the locations and volumes of gravel taken.

18.2 Monitoring by Council

Routine monitoring inspections will be undertaken by Council officers on at least one occasion each year during gravel extraction works. The costs of **any** routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

19. CONCLUSION & RECOMMENDATION

As discussed above, the draft MOU was considered an important part of providing detail on how the applicant and Ngati Kahungunu Iwi Incorporated and Te Taiwhenua O Heretaunga would work together to implement the kaitiaki approach. This conclusion was based on the Ngati Kahungunu Iwi Incorporated submission, consent application and AEE. Given the absence of a CIA and the letter received from Ngati Kahungunu Iwi Incorporated, the scale of adverse cultural effects is now in question. The draft MOU set out a partnership approach that *"recognises the kaitiaki role of TTOH and NKII to honour, invoke and uphold the kawa and tikanga imbued in te reo, atua and whakapapa across the natural environment, in particular waimāori, and the intrinsic link between the wellbeing of the environment and tangata whenua."* This approach could be developed as consent conditions if required.

It is concluded that:

a) It is expected that the proposed activities will have adverse effects on the environment that will be no more than minor, and can be adequately addressed through the recommended consent conditions, noting that refinement of the conditions relating to cultural effects and kaitiaki is likely to be required given that the drafting of MOU has stalled; and

b) The proposed activity is consistent with the requirements of the RMA and relevant Regional Council plans and policy, NPS, NES and Regulations.

It is recommended that consents be granted as attached for a 20-year duration.

Recommending Officer	Recommendation Confirmed
	
Sven Exeter **Consultant Planner** FOR THE RESOURCE MANAGEMENT GROUP 7 October 2021	**Malcolm Miller** **Manager Consents** RESOURCE MANAGEMENT GROUP 7 October 2021

APPENDIX 1: List Of Consent Application & AEE Documents & Supporting Documents

File name or description	Subject/Report Title	Author/Date
Applications and AEE	*Hawke's Bay Regional Council – Regional Assets Section Application To Extract Gravel From The Tūtaekurī River* *Hawke's Bay Regional Council – Regional Assets Section Application To Extract Gravel From The Tukituki Catchment Rivers* *Hawke's Bay Regional Council – Regional Assets Section Application To Extract Gravel From The Ngaruroro River* Includes *Forbes April 2017 Gravel Review: Terrestrial Ecology Impact Assessment* and a number of technical reports and assessment documents.	Mitchell Daysh Limited – October 2017
Consultation and cultural effects memo	*Hawkes Bay Gravel Management Plan & Resource Consents Consultation with Iwi / Hapu & Cultural Values*	Undated and no author but emailed to Sven Exeter 16 October 2018 from Gary Clode (HBRC Regional Assets Section)
Gravel Demand Forecast Plan	*Gravel Management Plan Gravel Demand Forecast (Issue 5) for Hawke's Bay Regional Council*	Barry Larsen & Murray Stevens 1 March 2015
Gravel Resource Inventory Management Plan	Gravel Management Plan Gravel Resource Inventory (Issue 3) For Hawke's Bay Regional Council	Barry Larsen & Murray Stevens 11 August 2015
Ngaruroro River Morphological Model Report	Modelling gravel transport, extraction and bed level change in the Ngaruroro River Prepared for Hawkes Bay Regional Council	Richard Measures (NIWA) October 2012
Ngaruroro Ecological Management Plan (Chapters 1-4)	Ngaruroro River Flood Protection and Drainage Scheme Ecological Management and Enhancement Plan	MWH, March 2011
Gravel Resource Management Report	*Gravel Resource Management Report* This includes the applicant's S92 (RMA) Response as shown in Appendix 15	Gary Clode – Regional Assets Manager HBRC Jose Beya -Senior Design Engineer HBRC September 2018
Gravel Allocation Process	*Gravel Allocation Process*	Gary Clode – Regional Assets Manager

		HBRC September 2018
Tukituki Catchment Rivers Ecological Management and Enhancement Plan	*Tukituki Catchment Rivers Ecological Management and Enhancement Plan (HBRC Plan 4925)*	Forbes, May 2017b
Tūtaekurī River Ecological Management and Enhancement Plan	*Tūtaekurī River Ecological Management and Enhancement Plan (HBRC Plan 4748)*	Forbes, June 2015

APPENDIX 2: Regulatory Technical Reviews

MEMO

To:	Malcolm Miller
From:	Andy Hicks
Date:	4 December 2017
Subject:	**GRAVEL EXTRACTION CONSENT**
File Ref:	LU170123E etc
Cc:	

Hi Malcolm,

Thank you for providing the consent application and supporting information or the Council's proposed gravel extraction strategy.

I am supportive of the intent of the application, and note that the supporting information appears very thorough and provides enough material to enable meaningful discussions during the notification process.

I do not have any major concerns for this application, but I think there may be opportunity to improve on some things which I detail in notes below.

But to summarise, my main comments would be:

1. Provide some evidence (anecdotal and photos would be fine for me) that a buffer of 1m is enough to prevent an increase in suspended sediment downstream of the gravel activity
2. Explore how subcontractors will be held accountable for any deviation they make away from approved practice
3. Consider expanding the consented activity to include some flexibly around habitat enhancements (as approved on a case by case basis by by F+G, Science Manager etc.)

It is worth noting that overall I consider Council's river management activities to be beneficial to river ecology (albeit more with regards to gravel raking rather than this gravel extraction). My main concern relates to their being some distance between council and subcontractors, whereby policy does not always appear to be adhered to. I am also sure there will be some opportunities we could make better use of with some flexibility in the consent, so that the overall river management continues to become better at maximising ecological values.

Cheers,
Andy

Minor points below:
Page 21 3.4d: reference to 100m, 200m and 50m (with advice from expert) as minimum distances seems a bit inconsistent and could create uncertainty for what the minimum distance should be.

Page 22. 3.5: Not sure it is appropriate for a consent, but there will be a very large number of contractors operating under HBRC's consent and the chance of operators acting inappropriately may be high. I have seen dubious activities whilst at council without having to look too hard. And I think it is these inappropriate activities, which are not in compliance with the rules, that has given 'river management' a bad name amongst anglers, forest and bird etc. It is one thing to have excellent conditions, but if these are not adhered to it undermines the legitimacy of the management. One suggestion to help with this is that I think a log of complaints received, against which contractors, should be kept and the approach taken to solve any issues outlined, such that the management of subcontractor behaviour is very transparent and discoverable should council wish to review how well the process is being handled. This can also be made available to public enquiries.

P22 3.6.2: How has the value of '1m' buffer distance between gravel extraction area and active channel been determined? It seems quite close for a highly porous river bed material. Do we have observations that this has prevented muddy water in the extraction pits from seeping through and into the flowing river?

Proposed Conditions: Point 4: "The consent holder shall notify council five working days prior to any new extraction": suggest adding more stakeholders to this notification, or perhaps maintain a website with activities underway and those proposed. E.g. fish and game, forest and bird, science manager.

P32: Comment that Cawthron supports the 1m buffer: I note that Cawthron stated "in practice a one-metre buffer may not allow much tolerance between gravel works and the wetted channel". I would not extend this to say Cawthron supports the 1m buffer, but rather reinforces my question above of whether 1m is enough (and it may be – it would just be good to provide evidence to show 1m is enough – e.g. present photos of operations showing no sediment plume emerging despite only having a 1m buffer – Figure 14 looks like more than 1m to me).

Proposed discussion point: allow for there to be some "ecological enhancement" gravel extraction, which may include extraction from the wetted channel, as part of this consent. The purpose would be for deeper pools to be dug out of the rivers to provide better habitat for salmonids if the river systems appear to be losing their deeper pools. Or, for gravel pits to be dug deeper than they would normally be such that when they are reconnected they form a deeper pool. I think it could be incorporated into this consent, with a proviso that any activity is approved by Fish and Game, the Science Manager and perhaps the Department of Conservation. This would allow us to experiment with habitat enhancements while machinery is in the area where gravel extraction is occurring, as well as undergo experiments looking at rate of pool infilling. This addition could be considered part of an offset mitigation for the river management activity overall (although it is not clear whether river management is responsible for pools being filled in – hence the need for some experimentation – but there is certainly blame being aimed at Council so it would be good to be proactive in this area – and habitat enhancement would be useful regardless of what is causing the issue).

Review: Application for resource consent, Tukituki River, Hawke's Bay

Dr. Jon Tunnicliffe (Lecturer in River Science)
Prof. Paul Kench (Head of School, Professor of Coastal Geomorphology)
School of Environment
The University of Auckland

Scope:

Hawke's Bay Regional Council (Regional Assets section) is applying for a new resource consent to extract gravel (defined as gravel and associated sand, silt, and other riverbed sediments) from the Tukituki, Waipawa, Ngaruroro, Tutaekuri and Esk river beds, comprising the active river channel and berms, for the purposes of maintaining the design channel capacity and the alleviation of flood and erosion risk in the region. The consent process is in accordance with RMA procedures and timelines, as well as additional consultation with stakeholders. This review considers the terms for 25-year consents for the Tukituki, Ngaruroro and Tutaekuri rivers, including mitigation measures for potential impacts to riverine ecology (flora and fauna), and regional sediment budget.

Executive Summary:

The reviewers have found the overall concept of shifting the gravel extraction consent process over to HBRC to be a reasonable initiative. This will reduce the administrative burden, allow for a centralised and pro-active management of the resource, and will facilitate a more collaborative and consultative process among iwi and stakeholders. The applicant has provided a good and reasonably comprehensive assessment of local site impacts (particularly ecological elements) and strategies for impact minimisation and mitigation. The aims of this gravel extraction initiative are shown to be consistent across multiple Regional and National mandates for resource management, and are shown to be compatible with the approach taken in other regional councils.

The reviewers have concluded, however, that the rationale for setting the rate of extraction is not sufficiently explained or quantified in order to show how the multiple competing interests (e.g. gravel extractors, "one-off construction projects", or unspecified "environmental benefits") will be weighed against system erosion, degradation and maintenance of floodplain stores, in this 25-year management regime. This sets up some obvious difficulties in maintaining transparency and accountability for river management. There is no clear elaboration of a sediment budget, no expression of uncertainty in current or future trajectory of the river system, and little demonstration of an overarching precautionary approach to long-term asset management. Furthermore, there is no consideration of alternative management strategies that might achieve similar ends for flood control and erosion management.

The reviewers suggest that a compact summary of the current state of knowledge of mean bed level and reach volumes relative to extraction and natural variations in sediment supply would help to demonstrate how effectively the resource could be managed, and sensible thresholds that could be set, given the constraints of a 3-year monitoring window. Detailed forecasts of gravel demand are presented, but no scenarios are considered for shifts in hydroclimatic regime, with consequent shifts in sediment supply. Numerous sediment studies are cited in the assessment, but results do not seem to be effectively employed in informing the decision-making rationale. Some further information on flood risks specifically related to channel conveyance would strengthen the application as well.

Contents

1. General Comments:

The three applications under consideration (Tukituki, Ngaruroro and Tuaekuri rivers) each provide an overview of measures for environmental protection and mitigation from various effects arising from gravel extraction. This includes carefully managing the manner of extraction, the location along the river, seasonal timing, broad consultation with stakeholders, and mindfulness of cultural impacts (tangata whenua). Impacts on water quality (notably turbidity), habitat (nesting birds, fish passage), public amenities (swimming, angling) and infrastructure (bridges, water takes) are also discussed. The applicant has taken efforts to consult broadly with other river managers who are dealing with similar pressures to manage gravel resources effectively and sustainably. This compilation of best practices is used to underpin the proposed strategy for the gravel management scheme.

The applicant points out that the flood management and extraction regime has been managed in much the same way since the 1960s. The 1991 RMA introduced some environmental considerations into gravel extraction works, giving rise to the process of resource consenting for excavating or disturbing a river bed. Historic information on rates of extraction show some variation in volumetric rates of removal over time, with a spike in 1990 and 1991, related to construction of the Napier Expressway. Peak extraction from the three rivers reached almost 1.4M m^3 of gravel in 1991. Post mid-90s, totals from the three rivers under consideration are in the order of 400,000 $m^3 \cdot yr^{-1}$, with roughly 70% of the that volume coming from the Ngaruroro, 24% from the Tukituki and 6% from the Tutaekuri rivers.

1.1 Tukituki River

It is repeatedly emphasised that the Lower Tukituki is sensitive to degradation, and should have "minimal extraction for some time" (2.3.1 and 3.3). It is pointed out that the river is undergoing net aggradation (4.2; p.34) in the middle and upper catchment, though this tends to be localised. Target extraction areas for the lower river are included in Figure 11 (p.23). The amount of gravel removed from the river has tapered off since 2004, evidently in response the coastal erosion issue (3.3). However, no clear thresholds for protection are set, nor is any systematic course of action proposed for managing this problem.

There are difficulties in incentivising extractors to work in the upper and middle aggrading reaches, because of the lengthy trucking distances. Despite this, HBRC would like to provide "longer term certainty" to contractors working here (p.2) and intends to provide "multi-year authorisations" to extract gravel (3.1) with suggestions of programs running up to 10 years (Secs. 3.9; App G: 5.4). Given that the upper and middle Tukituki are the only sources to re-stock the lower Tukituki, how is this balance to be struck? What to do about years with few or no floods? How to handle the cumulative impacts of multiple operators at various locations along the river?

From a coastal perspective, extraction from the river (particularly the lower reaches) must imply there has been reduced sediment delivery to the coast, which presents difficulties in the context of ongoing coastal hazard mitigation work taking place in the region. In particular, the Tukituki River meets the coast at one of the erosion hotspots in the region. Previous studies have concluded that there is a prevailing northerly littoral drift, and hence river supplies should not be a major input at Haumoana. However, depletion of alongshore sources are likely to place further demand on southern gravel volumes and exacerbate erosion. The proposal is rather vague on these potential coastal consequences (3.3), and whether the new operating regime proposed will impact the coastal system.

The applicant has not provided any rationale for setting the river extraction rates other than local mean river bed level should be maintained, in relation to some local design datum. This does not take any direct account of the actual gravel fluxes reaching the coast, time lag effects, and cumulative impacts from multiple operations. Also, the criteria for siting extraction locations presented in 3.2 could use some further contextualisation. It is not clear how gravel extraction "aids transport of sediment through the river system" – presumably this refers to artificial manipulation of channel depths or river course alignment? A few important knowledge gaps seem to emerge in this list of criteria. There is also the problem of lack of access to some of the aggrading sections, which could result in discontinuities in the downstream balance of aggradation and degradation.

1.2 Ngaruroro River

The Ngaruroro River provides most of the gravel volumes for construction and infrastructure works in the region. The river is steeper than the Tukituki, and the substrate is relatively coarse in the middle to upper reaches of the system. Tectonic uplift in the 1931 Hawke's Bay earthquake abruptly lifted the river base-level, resulting in trapping of gravels before the river reaches the coast. Much like the Tukituki, there is a natural tendency for the river to aggrade in the middle reaches, owing to the confinement of the river course. Through processes of selective transport and gravel attrition, the river has a marked fining gradient and it is mainly sand and silts that reach the coast (Cowie and Brierley, 2009; Appendix H).

A scoping report by Tonkin and Taylor in 2010 (and subsequent work to 2016), modelling by NIWA (Measures, 2012), and a gravel resource inventory by Stevens and Larsen (2015) are cited as the basis for information requirements in this document, but there are few specific findings incorporated into the design of a threshold for sustainable extraction (2.3.2; p.11, 4.2; p.32). Section 4.2 of the Tukituki and Tutaekuri reports are exceptionally vague in this regard, and Appendix H provides only a cursory overview of some favourable model results.

Section 4.2 of the Ngaruroro provides much better detail, although the applicant should lay out the fundamental assumptions (n.b. rates of gravel supply and transfer from lateral sources) that support the model formulation. While model results indicate that the extraction from the Ngaruroro has little impact on bedload transport *rates*, a key question is: what are the impacts on reach sediment *storage and active alluvial width*, and thus habitat and the longer-term trajectory of the river? Reach storage provides a buffer against change, and thus dictates response and recovery times for any surplus or deficit of bedload material at a given reach.

The 'extraction' reaches (sections 36-51) for 2015 in Figure 15 (p.28) show a gravel volume deficit at 13 of 16 sections, raising the question: why do extraction works continue here? This seems to violate conditions for sustainability set out in point 2 of the application (Part A), and in paragraph 3 above the figure. Forecast demand continues at 250-300,000 $m^3 \cdot yr^{-1}$ (Section 3.3, Figure 11), so where is the 'red line' for ceasing operations? Evidently there is a substantial supply in the upstream sections, but how long will a deficit be permitted?

The proposal would be greatly strengthened with a presentation of the modelled results for all rivers under consideration, and therefore some objective and transparent criteria for managing consent conditions. Results should be presented as a suite of outcomes, reflecting uncertainty in the input parameters and governing conditions. Despite the many uncertainties and approximations involved, a mass balance model should emerge that can be used to generate more robust determination of extraction thresholds.

1.3 Tutaekuri River

The Tutaekuri River setting is largely similar to that of the Ngaruroro; gravel transport ceases some 3-4 km from the coast, and thus it supplies mainly sand and silt to the Huamoana littoral cell. The catchment area is less than half that of the Ngaruroro, and thus flows and bedload yield are proportionately less. The river was subjected to over-extraction in 1991, leading to rapid entrenchment around bridges and destabilisation of stop banks between Taradale and Puketapu Bridge. This has resulted in a substantial reduction in gravel removal since then, with an average rate of about 15,000 $m^3 \cdot yr^{-1}$ since the mid-1990s. Evidently modelling is still underway for the Tutaekuri; this should provide an instructive case study for understanding the limits of gravel extraction for these systems, as well as the anticipated recovery times following over-extraction in the larger river systems.

2. Part A: Application for Resource Consent

The key component of the 'proposed activity' is the extraction of gravel material. The rationale (Part A; Form 9) for the volume to be extracted is dependent upon (a) calculation and comparison of mean bed levels and reach volumes with bed level design grade lines; (b) comparison of the mean bed levels and reach volumes with bed level design grade lines; and (c) based on (a) and (b), an assessment of the sustainable extraction for the current year.

Mean bed level has a 'design grade line' for comparison, but it is not clear how volumes are used in the decision-making process. Mean bed level changes may not reflect lateral adjustments and changes to reach sediment stores. Cross-sections must be considered and analysed as a longitudinal pattern to determine any trends of system accumulation or deficit. Haschenburger and Cowie (2009), for instance, show the swings from positive to negative volumetric balance within different survey epochs in the Ngaruroro (their Figure 7), emphasising the variation in capacities for storage and transfer within these reaches and possible bedrock controls. This may also reflect the role of tributaries and major sediment source areas.

Upstream of a given reach, any developing aggradation or degradation trend might be expected to impact downstream reaches within the 3-year monitoring horizon. A deficit trend down-river or at the coast can propagate upstream, e.g. via knickpoint migration. Alternatively, an anomalous change at one cross-section with no concomitant changes upstream or downstream could indicate a transitory divergence that is not part of the larger system trajectory. Ideally, this evaluation of longitudinal trends should be one component of a broader effort to estimate the river sediment budget on a regular basis. There is little other recourse for understanding the system trajectory.

With a cross-section database that dates to the 1940s, it should be feasible for the applicant to demonstrate the typical range of reach storage volume variability and, crucially, the *rates* of change in both natural or managed regimes. Reaches that could be susceptible to rapid change can then be identified – some reaches are bound to be more resilient to disturbance than others, based on storage characteristics (e.g., Lisle and Church, 2002). By presenting this information, it can be made clear what sensible thresholds could be proposed as an acceptable quantum of change before extraction operations cease. These data would also provide some idea of recourse for ceasing extraction operations *before* bed degradation sets in (recalling the precautionary motive). In the current application, the reader is provided no insights into the potential magnitude or characteristic timescales of storage changes.

3. Part B: Assessment of Effects on the Environment

3.1 Management Plan

The overall concept of shifting the gravel extraction consent process over to HBRC would seem to be a reasonable initiative. This will reduce the administrative burden, allow for a centralised and pro-active management of the resource, and will facilitate a more collaborative and consultative process among iwi and stakeholders. The applicants have provided a good and reasonably comprehensive assessment of local site impacts (particularly ecological elements) and strategies for impact minimisation and mitigation. The economics of the scheme would appear to offer the best value for managing flood risk

via gravel extraction. The aims of this gravel extraction initiative are shown to be consistent across multiple Regional and National mandates for resource management.

The suggestion of multi-year authorisations could use some further explanation, such as the potential time horizon and the conditions for granting these. It should be made clearer how this is consistent with broader management vision over the course of the 25-year plan.

3.2 Flood Protection

While HBRC's statutory flood hazard management responsibilities provide an important mandate for gravel extraction, the reviewers felt that the sections on flood protection (2.2) lacked much detail on particular areas that were subject to aggradation-induced exacerbation of flood risk, relative to gravel surplus or deficit. There is mention of hydrodynamic models (2.2; p. 8, 2.3.1; p.9), but the results from these studies do not appear to be brought to bear in this application. Some figures showing longitudinal trends in river bed build-up relative to infrastructure at residences at risk, with accompanying annotations of the maps in Appendix A, would help in this respect.

3.2 Monitoring

The gravel surveys are slated to occur every 3 years (Form 9, Pt 2; every 6 years for berm surveys and grain-size sampling), however the Gravel Advice Committee reassess annually (Form 9, Sec A, Point 2c). Presumably between survey years the committee will consider contractor's Annual Gravel Status Reports, as per Condition 23 of the Consent Conditions (Appendix B). It would be sensible to have annual surveys carried out some distance upstream and downstream of impacted reaches, to assess the achieved removal volumes, as well as any local impacts. There is passing mention of LiDAR or photogrammetry to improve monitoring, but no commitments to move in this direction (Section 4.2) – cross-sections are thought to be the most pragmatic tool for the job. A 3-year review is mentioned in Section 4.2 – it is not clear how this relates to the annual review (Who are the participants? What is the scope [ecology, substrate quality, water quality, coastal impacts]? What criteria, beyond bed levels and reach volumes, will be tested?).

While cross-sections have been effective as a monitoring tool for many decades, it should be emphasised that these give only a partial picture of sediment flux over time. Compensating erosion and deposition between cross section surveys (even surveyed within a few days), quickly leads to negative bias in the estimates of net volume change between surveys (Lane et al., 1994; Ashmore and Church, 1998; Lindsay and Ashmore, 2002; Brasington et al., 2003). Bedload transport estimates derived from such cross sections are therefore necessarily a minimum – material may transfer through without effecting any net change on morphology. This is particularly true for surveys taken every three years.

It could also be noted that changes in reach morphology (e.g. meandering, braided) are likely to be indicative of changes in sediment supply, and should constitute part of the monitoring feedback. The lower Waitaki River, for example, has been starved of sediment owing to hydropower infrastructure upstream, but bed levels have remained more or less constant. Signs of gravel deficit in this case manifest through narrowing of the braidplain, accompanied by a reduction in braiding activity and a tendency for flows to congregate in one or two principal braids (Hicks et al., 2009).

3.3 Effects on Coastal Sediment Supply

Section 4.7 of the applications does not provide a strong treatment of the question of coastal sediment budget; however, Appendix H at least provides some further context. Numbers are offered in 4.7, showing a deficit of material transferred across the coastal tract at the mouth of the Tukituki, with little commentary. It is difficult to resolve the different numbers in Section 4.7 and Appendix H, as only a few of the quantities would seem to agree. The earliest reference we could find for numbers in Appendix H is Tonkin and Taylor (2005). The Komar (2015) text is cited extensively, but it does not appear in any references, nor does it not appear to be accessible from the HBRC website.

The numbers, with a few exceptions, are provided as a simple balance sheet, with little indication of the pathways and routing, and more importantly, uncertainty or model output range. This is not acceptable for a 25-year management plan that is dealing with climate variation and changes in sediment supply arising from numerous factors. Yield rates from gravel abrasion, for instance, are notoriously difficult to characterize, even in studies from broader international literature, and could be expected to vary widely depending on the supplied sediment mixture, storm climate, beach configuration. Yet, this is somehow quantified to a precision of 100 m^3 in Appendix H. Yield from the lower Tukituki is assessed at 28,000 $m^3 \cdot yr^{-1}$, though extractions from this lower part of the river have averaged roughly 50,000 $m^3 \cdot yr^{-1}$ since 2000. There would appear to be a strong imperative for more detailed study in order to justify continued removals from this portion of the river, given the timescales for recovery of gravel stores.

These issues may be considered a minor in the broader framing of flood and erosion control for the catchment, but coastal hazard issues are a major concern in Hawke's Bay. The Clifton to Tangoio Coastal Hazards Strategy 2120 (2016) maps out the critical importance of managing the regional coastal sediment supply. The Coastal Hazards and Climate Change (2017) further emphasizes regional exposure to coastal risks. While the New Zealand Coastal Policy Statement (2010) is deemed irrelevant in Section 5.2.2, we feel that it would be well to invoke Policy 3 from this document:

*Adopt a **precautionary approach** towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.*

3.4 Substrate Size Fractions

The report does not explicitly consider the relative proportion of grain size fractions, which may be extracted for various purposes. The dynamics of bed structure, entrainment and suspension of materials depend critically upon the fractions present on the bed and in the subsurface distribution. In our experience, extractors tend to preferentially target coarse grain size fractions (e.g. >45mm), resulting in significantly more sidecast materials, and more gross removal in order to obtain the consented volumes of quality aggregate. The Ngaruroro application (3.3) states clearly that demand for silt and sand is low.

It should be made clear which volumes of which fractions typically apply to contractor consents, and whether consented volumes pertain to *gross* or *net* extraction. For instance, if 75% of material is finer than the desired fractions, four times the volume of raw material must be excavated, and considerably more fine-grained, mobile material is left behind. The description of proposed activity states that they would like to extract the gravel *more efficiently* (3.1; p.21), although there is no qualification of this. The point should be clarified further.

3.5 Gravel Raking

Section 4.1.3 discusses the management of exotic vegetation on the channel, which is managed by gravel raking. This has no bearing on gravel extraction, and could be removed.

It is pointed out in Section 7 that gravel raking tends to enhance the mobility of material, for which there is growing evidence (cf. Warmen, 2014; Reeve, 2016), but there is no mention of the fact that the mobilised fractions would tend to be finer, overall, and the process is preferentially winnowing fine bed material and leaving coarser fractions behind. A lowering of the effective bank strength could result in wider, shallower flows that may not be as effective in transporting the imposed sediment load.

4. Consideration of alternative measures

The application provides little consideration of alternative mitigation measures for dealing with the principal problems: flood risk and land protection. We suggest there is scope for broadly considering other alternatives to solving the aggradation problem, including the creation of 'room to move' for the river (e.g. Biron et al., 2014; Buffin-Bélanger et al., 2015). By widening the river corridor at sites of notable aggradation, there is increased conveyance for flood flows, and the river has room to erode and modify the accumulated deposits. This point in the river's long profile is, after all, the former site of unconfined fans and braid plains, which dealt with aggradation by frequent switching and reworking of the deposit. This also creates more braided riverbed habitat, which is mentioned as being uncommon and important (Sec 2.6). Some further investigation into the feasibility of this would seem warranted.

This is one example – and there are likely good reasons for not accepting this model - but a considered review of alternative river management strategies would strengthen the justification for the proposed gravel extraction regime.

5. Conclusions

The three applications provide a reasonably comprehensive picture of key considerations for managing gravel extraction within their respective catchments, or more specifically the channelised river bed, ensuring that any potential effects are adequately avoided, remedied, or mitigated. The documentation provided as appendices provides some background on river ecology, potential impacts, economic drivers, and summary of current best practices within the New Zealand context.

A few important issues stand out:

(1) Climate and river hydrology, including the potential effects of climate change, are notably absent. Hydrologic and in-channel hydraulic drivers are principal concerns for forecasting sediment supply, and thus some assessment of variation and changing trends is warranted for any long-term endeavour, e.g. 10-year extraction consent or 25-year management horizon.

(2) Longitudinal bed level (ideally storage volume) trends should be considered in more detail. Longitudinal trends may signal a translating wave of surplus or deficit, and may show a cumulative response developing from multiple extraction sites. By the time mean bed level drops below design levels in the 3-yearly surveys, it may be too late to intervene and prevent

erosional response. A historic summary would be helpful, to show the range of natural, as well as extraction-induced variability, and to demonstrate how realistic decision-making thresholds could be developed.

(3) Changes in channel storage are not fully reflected in mean bed level measurements. This '1-dimensional' view of channel behaviour does not account for important changes in active lateral width, channel/floodplain configuration, and planform morphology, which could be signalling local sediment surplus or deficits without accompanying vertical changes. Some further criteria for evaluating reach condition should be included in the Annual Gravel Status Assessments

(4) Finally, we believe the proposal could be significantly strengthened with a more quantitative framework, and a completion of the analyses that are said to be in progress (Part B, 4.2). While the historic and forecast extraction volumes are quite precise, the reviewers could find *no estimates for rates of natural gravel supply and transfer*. In order to declare the management scheme to be a sustainable venture, it must be made clear what proportion of this resource is being captured, what margin of safety is required in order to maintain equilibrium, and in the case of over-extraction, what the pathway and timeline to recovery will be. The Ngaruroro modelling looks like a promising step towards this.

At present, the proposal is lacking rigour in important decision-making criteria, takes little consideration of long-term (25-year) management goals, and it leaves open many questions of accountability and transparency on the part of the consent granter (HBRC). A sustainable gravel management plan must be suitably evidence-based, in order to manage river and coastal systems with potentially complex modes of adjustment and long timescales of recovery. With the systematic presentation of the sediment budget for the river (including variability and uncertainty), and for coastal transfers, a much stronger case for sustainable extraction rates could be made. Without understanding the system and its linkages it is very difficult to explore and understand what impacts there may or may not be.

6. References

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Gravel Extraction Consent Application: Section 92 Request

Reply to comments from Gary Clode, HBRC Regional Asset Manager, September 2018 and a Review of Gravel Resource Management document

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Mark Dickson
School of Environment
The University of Auckland
November 1, 2018

Document Structure:

Part 1 of this document provides some further discussion/closure on questions addressed in "Gravel Extraction Consent Application: Section 92 Request", dated September 2018, from Gary Clode.

Part 2 of the document provides more general feedback on the Technical Report "*Gravel Resource Management*" (ISSN 1174 3085). Topic headings highlight essential points.

Part 3 provides a summary of outstanding points we feel should be addressed in the next iteration of the S92 documentation. A list of conditions is provided that, in our view, should be added to the consent.

Part 1: Reply to comments

The following section is meant to close discussion on points related to three applications to extract gravel from the Ngaruroro, Tukituki and Tutaekuri rivers (13 to 16-Oct-2017 versions). We are responding to points 1-7 addressed in Gravel Extraction Consent Application: Section 92 Request. **Items for further consideration/action are highlighted.**

1. Timing and Amenity

This question (placed by Dr. Andy Hicks) has been answered to our satisfaction.

2. Tukituki River

a) The answer to the question has been largely addressed in the new Gravel Resource Management document.

"There is supply available to re-stock the lower reaches, it is just not being transported."

We do not currently understand rates of sediment supply to the coast, nor the way in which sediment delivery contributes to coastal barrier development. HBRC have begun to address this gap through on-going morphological modelling of the Tukituki River which is to be included as an addition to the report. Prior to validating the results of that work, the consent application should arrive at the conclusion **that any proposed extraction activities should make the situation no worse than present**, in terms of sediment delivery to the coast, and potentially improve the situation if the current 'no extraction' situation persists in the Lower Tukituki, and if the beach raking programme continues.

The **'design grade' concept represents a useful pragmatic approach, but the report should be clearer in highlighting its limitations** (see Part 2 below that discusses theoretical constraints on the approach). In particular, there is something of an asymmetry in this concept: the river can aggrade freely with sediment surplus, but in the case of under-supply, degradation is hindered in some locations by bedrock and the effects of sediment deficit will cascade further downstream. In bedrock-constrained locations, a stable mean bed elevation is not diagnostic of equilibrium conditions. Hence, the bed grade level concept could be problematic in these reaches. The occurrence of lateral erosion of the vegetated boundary is a more likely outcome, as has been noted elsewhere in the report (Q2, pg 3 and Q5, pg 7, bottom of page). **This should be addressed more directly, and grade line profile charts should clearly demarcate bedrock controls.**

b) "*Allocations are prepared annually*", but surveys happen every three years. How will the committee incorporate appropriate feedback into the annual allocation process in Years 2 and 3? Analysis of storm activity, coastal dynamics, ecological impacts, unexpected gravel demand and other contingencies should form part of the decision tree for annual decisions of allocation. A list of possible conditions that trigger cessation and/or more detailed study should be provided. **A table or diagram would help the reader understand the process better.** This is addressed further in Part 2.

c) OK – this point of clarification should be added to the document. Some further insights are provided in the new Gravel Resource Management document.

d) Grade line manages to a minimum standard, rather than a pro-active gravel volume budget. See grade line discussion in Part 2, below. We again emphasise the importance of the longitudinal volumetric charts as a supplement to grade line profiles, and the interpretation of related time-series information.

e) OK – this point of clarification should be added to the document.

f) There is no commitment offered here, but some promising steps. What capacity will be allocated by HBRC for pursuing adaptive management of the gravel resource as new insights are provided through this research and monitoring?

3. Ngaruroro River

a) OK - The modelling report (Measures, 2012) covers these assumptions and technical points well. **This document, or a layperson summary of essential results, should be included in the submission**.

b) **The in-channel habitat question should be addressed more directly** in the application: within the managed extraction corridors, vegetation, functional woody debris and other in-channel habitat complexity is deliberately removed. Riparian zone planting is encouraged at sites susceptible to erosion but does not target particular species' habitat. Pool and riffle morphology is maintained - to some extent - in the course of extraction, for the purposes of flood control but not explicitly for habitat. Open nesting grounds are identified and will be specifically avoided. Other considerations are well documented in the Ecological Management and Enhancement Plans. **Further study on the maintenance of Fishing hole (scour pool) morphology will be investigated.**

c) OK – this point of clarification should be added to the document. The effectiveness of the management strategy becomes clearer with the dataset provided in the Gravel Resource Management technical report.

d) OK – this point of clarification should be added to the document. **Show how supply might be met by shifting extraction to other reaches, within the overall sustainable limits of the systems involved**.

e) OK – this point of clarification should be added to the document; **a more comprehensive supply/demand figure should be elaborated** to show how this works.

4. Tutaekuri River

a) OK – this commitment to advance the state of modelling will help the application.

5. General River / Fluvial Matters

a) OK – this commitment to advance the state of modelling will help the application. **The Measures (2012) report (or summary thereof) will include calibration data**.

b) OK – this point of clarification should be added to the document. Some further insights are provided in the new Gravel Resource Management document. Further discussion on the link between volume and grade-line is provided in Part 2, below.

c) OK - Some further insights are provided in the new Gravel Resource Management document; however, much of the information is provided without any explanation. **Some additional text should be inserted for each river,** to explain more fully the historic patterns of profile change, reach channel geometry (width, depth of active channel) and the fluctuations in gravel supply versus ongoing gravel demand. This interpretation is important from the perspective of providing guidance on system trends and changes during the inter-survey allocation management process.

d) OK

e) OK– this point of clarification should be added to the document.

f) OK– this point of clarification should be added to the document.

g) OK – we would note that some consideration of alternative management approaches, and rationale for the chosen course, will strengthen the proposal.

h) The answer to the question has been largely addressed in the new Gravel Resource Management document. We offer some additional points in Part 2, below.

6. General Coastal Matters

a) Table 2-3 provided in the Gravel Resource Management document is a helpful summary; we suggest **a map diagram could make this even more explicit**, for the uninitiated reader. The provenance of the numbers from past studies and reports is now much clearer.

b) This point has been clarified in the reply to this query (pg. 12):

"Extraction will only recommence in the Lower Tukituki if or when natural aggregation [sic.] raises mean bed levels."

c) The response suggests that the issue is beyond the scope of the report and that coastal mitigation options are addressed elsewhere (The Coastal Hazards Strategy). The salient question seems to be

whether or not a reduction in gravel supply to the coast is anticipated as a result of the gravel allocation consent application. The report implies that a reduction in sediment supply to the coast is not anticipated because rates of extraction in the lower Tukituki have been declining since 2000 and are now zero. As described in Section 11 there is uncertainty concerning the conditions under which sediments from the lower river are transmitted to the coast, so there is therefore uncertainty regarding the bed-level threshold that should allow resumption of commercial extraction in the lower river. **The report should identify that research is required to understand the conditions under which sediments transmit to the coast**, meanwhile, **a precautionary approach is required that balances the competing requirements of reducing flood risk in the lower river and maximising the throughput of river material to the coast**. This approach is implicit in the methodology (i.e. a river bed design level is identified, extraction occurs when the bed level > design level and ceases when the river bed < design levels), but the issue remains of how to work out what the design level in the lower Tukituki should be. (This difficulty is not explicitly stated in the report, we believe).

Part 2: Gravel Resource Management Technical Report

From the perspective of understanding the methodology of cross-section surveys, data interpretation and exposition of the historic trends of the rivers the Gravel Resource Management Technical Report is a significant improvement on the initial documentation. It provides helpful transparency in the decision-making process and will be an invaluable resource to accompany the application. The database of information presented here provides a good foundation for demonstrating the sustainability of the resource and the bounds for adaptation of the proposed management programme.

Note the Reeves (2016) report did not address groundwater. Note “mayor” floods typo (both pg. 7).

Eqn 2.2 has $G_{ext,i}$ listed twice, in the first line. Possible typo?

In eqn 2.3, Q_{gi} should be $Q_{g,i}$? Maintain text formatting.

We would suggest that the 20+ graphs that accompany the summary for each river require some further guidance for the reader. Some text should be crafted to explain the trends chart by chart, and much of this may be repeated for each river. Also, some annotation of longitudinal charts with info such as key extraction access points, bridges and infrastructure, bedrock exposure, etc. would be helpful. Again, this helps to provide guidance on assessing system change during the inter-survey allocation management process

Furthermore, the information could be better organised for the reader to more quickly assess (1) the management framework, including criteria for annual allocation assessment, survey timelines, reporting requirements, (2) the global supply vs demand picture for each of the rivers, (3) some geomorphic interpretation of factors such as slope, width and rate of width change, relative maximum depth, and the boundary conditions that lead to these trends.

In 2.3.2, the GRATE model is used to support the contention that transport rates can be increased by up to 100%. There are a number of assumptions and caveats to be inserted here, including the fact that perfect mixing of the substrate and subsurface is hard-wired in the code (raking may come close, in practice, but further study is needed). Perhaps this could be re-stated that “in an idealised case, perfect mixing of the bed and substrate can increase model transport rates by up to 100%”

The points below are provided as points of discussion that might be added to the text.

Error Assessment

Given the ultimate conclusion that the assessment of sediment movement involves numerous "difficulties and uncertainties" (Sec 12, p.99), it would be prudent to add a short discussion and table reviewing the relative magnitude of the various error terms. This helps to emphasise the relative certainty brought to environmental decision making, and assertion of what constitutes 'real change' rather than survey noise. The authors have made some progress in this, indicating uncertainty within the mean bed level calculations (e.g. error bars in figs 8,9,11,13,14,16,17 etc of each river section). This is indicated as the 'standard error of the average' in the captions, which should be explained further for the reader.

This additional information also reflects the provenance of data from less reliable sources and extrapolation from sparse datasets. These terms may be combined in quadrature to provide final bounds on the historic trajectory of the system, and thus manage future allocations in a suitably conservative manner.

A tentative example list is included here; the gravel team could take this exercise further, in order to generate consistent and robust error terms for the presentation of mean bed level statistics in the Gravel Resource Management Document. The Hall and Clode (2018) study offers some insights on survey instrumentation, which could be added here.

Table 1 - Table of uncertainties incorporated in analyses, surveying, assessment of historic volumes, and modelling.

	Source of Uncertainty	***Magnitude***	***Bias***
Analysis	Spatial interpolation within and between cross-sections [m^3]; (distances between sections, reach complexity)	+/- 15%	Neutral
	Temporal interpolation [m^3] (Interval between surveys)	+/- 10 - 50%	Conservative (low)
Instruments	Error in theodolite surveys [m^3]	+/- 6%	Neutral
	Error in LiDAR/SfM surveys [m^3]; *n.b.* river bathmetry	+/- 3%	Neutral
	Survey ground control, datums, etc.	+/- 3%	Neutral
Archives	Reporting from gravel extractors [m^3]	+/-25%	Conservative (low)
	Flux rates determined from cross-section change [$m^3 \cdot yr^{-1}$]	+/- 15%	Conservative
	Boundary conditions: coastal longshore supply rates, landslide supply, bank erosion estimates, etc. [$m^3 \cdot yr^{-1}$]	+/-25 - 100%	Neutral
Modelling	Parameter values (roughness, transport coefficients, etc)	+/- 20%	High?
	Topographic database	Varies, +/- 10%	Neutral
	Boundary conditions: flood record, sediment availability, abrasion effects, etc.	+/- 20%	Neutral
	…		
	…		
	…		

Grade Line

The concept of 'grade line' is potentially problematic, and considering the importance of this balance line in effectively managing the resource, there are a few issues that should be brought to the reader's attention.

Alluvial rivers with an abundant sediment supply from tributaries and lateral sources tend to have a concave river profile (see Sinha and Parker, 1996; Rice and Church, 2001), since the rates of bedload flux relative to water discharge change systematically downstream. In such cases one can reasonably relate positive and negative fluctuations in bed levels to surplus and deficit of sediment supply (respectively).

Section 2.3.3.1 states that "*Grade lines are design mean bed levels for which the mean annual flood … fits within the active channel*". This seems misleading; the valley gradient can change and the river will adjust its channel width, sinuosity and/or roughness accordingly to accommodate the changed energy gradient. An alluvial river's cross-section will always adjust to the imposed formative flows (i.e. mean annual flood), and so those lower magnitude floods always "fit" within the channel.

While a long straight profile may seem appealing for a managed regime (Figure 4.2.2), this configuration has more to do with long-term geologic processes (millennial scale) than with transient sediment supply (decadal scale). A long uniform long profile is generally indicative of a river system that is "supply-limited". This is further signalled by the presence of bedrock within the river channel (cf Sklar and Dietrich, 1998) . The river will indeed aggrade in times of surplus, but because of the **fixed bedrock-controlled points** along the river (e.g. Figure 1), deficits in sediment supply will not be signalled by degradation. This is pointed out as an issue in modelling the Middle Tukituki (Sec 11); but the Papa parent rock crops out at a few points in the lower river as well. These sections are effectively transfer zones that exhibit little vertical change in times of sediment shortage. The S92 reply document rightly points to lateral erosion (Q2, pg 3 and Q5, pg 7, bottom of page) as a sign of sediment deficit and change within these fixed reaches should be carefully monitored both for signs of accumulation (sign of improved supply from upstream), or exacerbation of sediment shortage, going forward. Figure 1 shows an example of bedrock exposure across most of the channel; alluvial storage is at a minimum here, and the channel cannot steepen in order to move more material. Thus, while it remains at grade line, this is not a river whose entire transport capacity is satisfied.

It is thus important to identify these bedrock reaches where the sedimentary stores have 'bottomed out' and **the grade line is in fact a lower limit**. This is a natural state for a supply-limited system, but the river must be managed accordingly. This is less of a problem for the other rivers, but some ground-truthing would be appropriate to determine this. We suggest that a regression line through the profile may not be adequate for a reference line – this approach emphasises the uniform energy gradient, but of more concern is the reservoir of gravel within each reach. Figures 4-18 and 4-19 provide a good indication of gravel stores along the system; the reach shown in Figure 1 (XS 28, 13.73 km) is the only point in the upper 10 km that is above the zero mark – presumably because it is largely fixed in place.

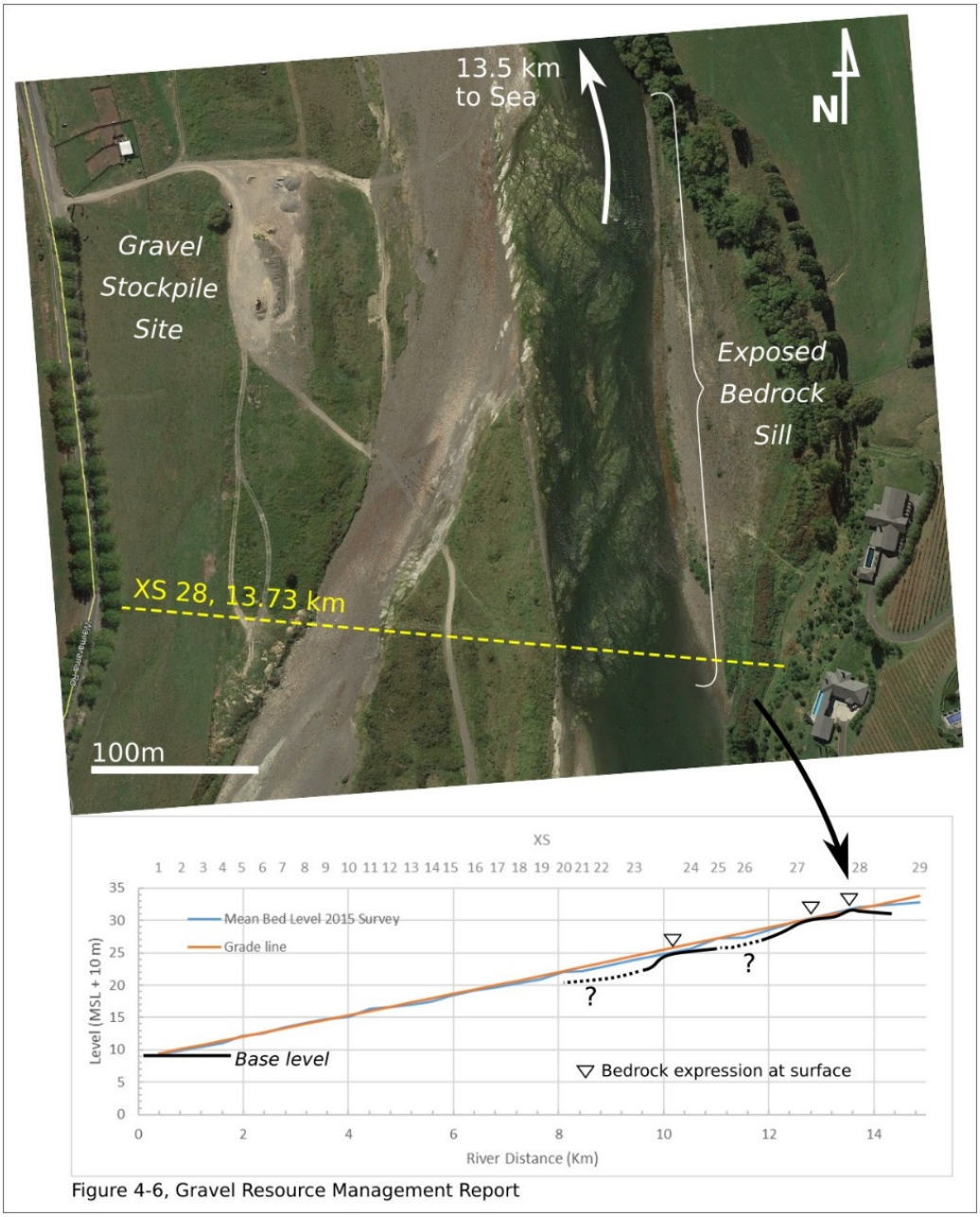

Figure 1 - Exposure of bedrock along the Tukituki River channel bed reveals important structural constraints on the river's ability to adjust to sediment deficits. Exposure of bedrock along the river gradient should be highlighted to emphasise these controls on bed evolution. Signs of bedrock observed (casually) from Google Earth imagery are highlighted on the profile plot. Satellite imagery ©Google Earth, 2018.

Gravel Balance Calculation: The Exner Equation

The gravel balance calculations as presented in 2.3.2.2 and 3 are quite useful for understanding how the essential gains and losses within the reaches are linked to the longitudinal profile of the river system. Given the issues outlined in the previous section, it might be useful to present the full sediment continuity equations, in order to highlight the links between bed elevation, reach storage volume, and the flux of material through the reach. Some of the concepts brought out in the Methods section (3) should go to Section 2.3.2.2.

While the equations are well-reasoned and correct, some of the notation is a bit hard to follow. Various bed elevation quantities are MBL, $minBL$, GL, z^a, etc. These might be better represented as z_{MBL}, z_{minBL}, z_a, etc. Both gravel transport volumes (G_{in}, G_{out}, G_{ext}, G_{transp}) and reach storage volumes (G_{acc}) use the same 'G' notation. In the published gravel bed river literature (see esp. Church and McLean, 1999; Cui and Parker 1996; Brasington et al, 2002; see also ECan Report R06/1, 2006) the most common notation is as follows:

'Q' or 'Q_b' is commonly used to denote a mass transfer, e.g. bedload [kg·yr^{-1}] (Could be employed as a volume flux, as well)

'A' is used for cross-section area [m^2]

'V' is for reach storage volume [m^3]

'z' or 'η' is used for bed elevation [m]

'w' is used for bed width [m]

'x' is the downstream coordinate of the upstream and downstream boundaries of the reach [m]

't' is the time interval between surveys

Definition diagram

Figure 2 provides a definition diagram, where all the interrelated components are shown, with respect to flow direction, cross-sections, and extraction site.

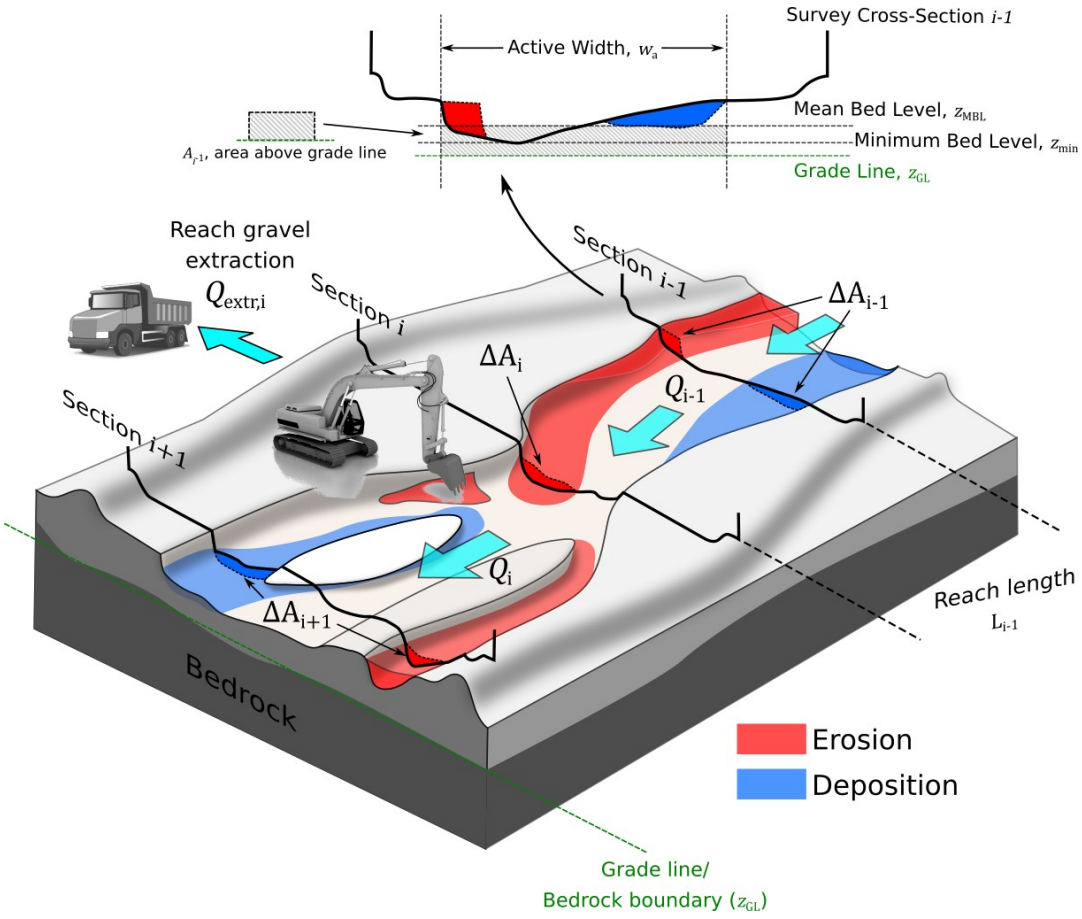

Figure 2 – An example of a gravel balance diagram; adapted from Martin and Church (1995), updated with current notation and extraction framework.

The concepts can be broken down into components, as follows:

Sediment continuity

The transfer of material in (Q_{IN}) and out (Q_{OUT}) of the reach is related to changing reach storage (ΔV) as:

$$Q_{IN} = Q_{OUT} - \frac{\Delta V}{t}(1-\lambda) \quad (1)$$

For the case of gravel extraction we include an additional transport term, Q_{ext} [kg·yr^{-1}], representing removal of material from the reach. Looking at a length of river divided into reaches by the cross-sections, the 'IN' term is denoted *i*-1 (arriving from the upstream node) and the outgoing material is represented as '*i*' (transferred downstream to node *i*+1).

$$Q_{i-1} = Q_i - Q_{EXT,i} - \frac{\Delta V_i}{t}(1-\lambda) \quad (2)$$

Mass transport (Q, kg) and changes in storage volumes (ΔV, m^3) are related via deposit porosity (λ, kg·m^3). Porosity is typically 0.25 – 0.35 for fluvial gravels. Eroded volumes (red) are subtracted; deposited volumes (blue) are added to the reach sediment balance.

Reach Storage Change (Volume)

To compute the volume of sediment above the grade line (z_{GL}) at the cross section we first multiply the active width of the channel (w_a, m) by the mean bed level elevation above the grade line (z_{MBL}-z_{GL}, m).

$$A_i = (z_{MBL} - z_{GL}) \cdot w_a \quad (3)$$

Computing the total reach storage (Vi) above grade line involves using the average end-area technique: the area of the upstream (A_{i-1}) and downstream (A_i) cross-section surveys (A, m^2), are averaged, and multiplied by the intervening reach length (L_i, m):

$$V_i = \frac{A_{i-1}+A_i}{2} \cdot L_i \quad (4)$$

Next, to compute the change in storage at reach i (ΔV_i, m^3) between time t_1 and t_2, we assess the change in volume over that interval.

$$\Delta V_i = V_i^{t2} - V_i^{t1} \quad (5)$$

This change in volume term can then be used in Equation 1, which can be re-arranged to solve for the various terms. This equation governs the relationship between bed level and sediment transport, and is commonly referred to as the Exner Equation (Parker, 2006). This is the fundamental relationship used in the GRATE model (Measures, 2012), and all morphodynamic models, to represent change within the river system. It provides a convenient organising framework for explaining the gravel balance calculations. These terms can be used in the optimisation scheme presented in Eqn. 2.2, as well.

Allocation process

The criteria for gravel allocation is outlined in Section 2.3.3.2. The implementation of the gravel allocation process is outlined the 'Gravel Allocation Process' (Clode, Sept 2018). There is an annual process of reviewing surveys, allocating consents, and providing a final report on extraction activity. This section is informative from the perspective of allocation rationale, but it would help to provide a more structured presentation of how the committee would operate, including timelines, and criteria for triggering more surveys or moving, adjusting or ceasing extraction activities. Assuming that a global survey (LiDAR or cross-section surveys) is completed once every 3 years, there should be a set of criteria for initiating new surveys in the event of unexpected erosion, or other changes in boundary conditions. This will provide some confidence in the review process, such that pathways for adaptive management are clear, and the mechanisms for adjusting the location and intensity of gravel removal is clear.

Figure 3 provides an example of how allocation, surveys and extraction schedule can be charted together to make the decision-making process more explicit. We are not prescribing this particular format, but something like this would bring clarity to the process.

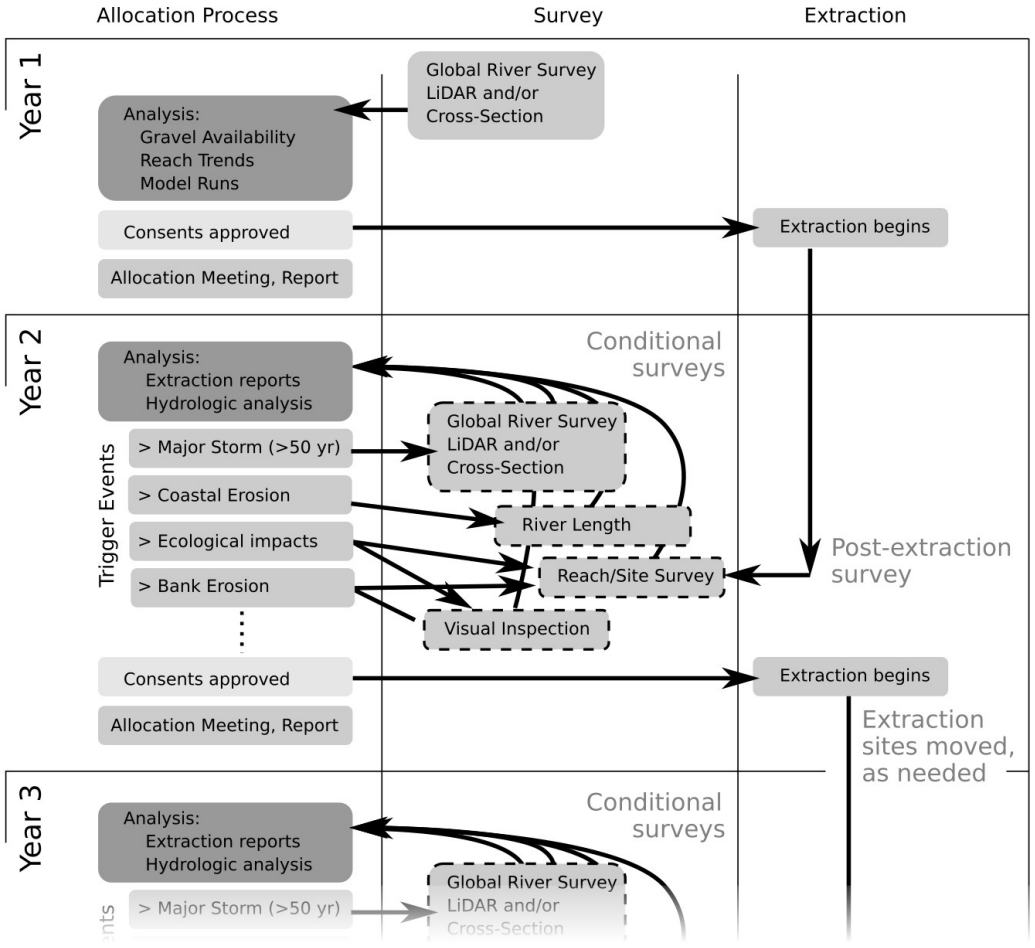

Figure 3- An example of how the structure of the Allocation Process might be charted. The pattern repeats on a 3- or 5-yearly basis.

Coastal Issues

The report has been expanded usefully to clarify the provenance of numbers in coastal sediment budget.

Our initial review of the original submission stated that 'Coastal hazard issues are a major concern in Hawke's Bay' and that 'While the New Zealand Coastal Policy Statement (2010) is deemed irrelevant in Section 5.2.2, we feel that it would be well to invoke Policy 3 from this document: Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.' The point was raised particularly in the context of the lower Tukituki River. The response states that HBRC is indeed taking a precautionary approach and that this is evidenced by reducing extraction (eventually to zero) from the lower Tukituki. The response states that 'Extraction will only recommence in the Lower Tukituki if or when natural aggregation raises mean bed levels.' The response also states that currently we do not understand processes of sediment delivery to the coast, and when sediment does reach the coast, the volume that ends up on the beach is not known. These uncertainties are problematic in terms of deciding when to begin extracting again. The morphological modelling in progress should help (see also Suggested Implementation for further suggestions regarding monitoring), but as it stands, it is not clear how mean bed levels in the lower Tukituki and coastal sediment delivery are related, so a precautionary approach should be continued.

Modelling and Surveying Prospects

Section 2.6 provides a promising picture of techniques and technologies that will be brought to bear on the gravel extraction problem. This section could be streamlined a bit further, with an emphasis on how the new techniques will link to the decision-making and management approach being developed here.

Part 3: Summary, and a prospective list of conditions

The response to reviewers' comments highlights knowledge gaps in understanding fluvial sediment delivery to the coast (particularly from the Tukituki) and the extent to which this sediment then contributes to coastal barrier development. Given the significant concern regarding coastal barrier erosion and overtopping there is a need for research to address this uncertainty.

We suggest that the planned LIDAR surveys cover the lower Tukituki all the way to the coast (regardless of whether extraction is active there), and be extended along the coast several km (as far a funding permits) either side of the Tukituki mouth to build up a picture through time of whether barrier volumes are changing. In addition, a programme of regular surveys (UAV/SfM) of the lower river and coastal barrier should be conducted before and after storms to try to understand conditions under which transmission to the coast occurs. Sediment tracer work might also help to understand processes of transmission to the coast.

The following outstanding points remain to be addressed in the application documents.

- A clear set of criteria for the gravel allocation process should be provided. A flowchart for the decision-making process and timeline for analyses, surveys and extraction is needed.

- Elaboration of a grade-line approach that employs both elevation and reach volume downstream gradients, with consideration of bedrock and other boundary controls would

help to convey the state of gravel supply and demonstrate the capacity of the system to meet demand.

- Surveying techniques and technologies will continue to be actively trialed; techniques for assessing the gravel budget for allocation decision-making will be enhanced.

- Good progress has been made in developing a modelling and monitoring framework for gravel extraction. This work should continue over the next five years, and should include:
  a) an assessment of river response times to over-extraction
  b) climate change scenarios showing potential impacts on gravel supply
  c) sustainable supply of sediment required to reach the coast from the Tukituki River, to nourish the barrier and mitigate erosional trends
  d) further study on the maintenance and persistence of scour pools (fishing holes) and morphologic patterns (i.e. pool-riffle) under a regime of raking and extraction.

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APPENDIX 3: S99 Pre-hearing Meeting Report and Minutes

IN THE MATTER OF **The Resource Management Act 1991**

and

Applications for resource consent to extract sand, gravel or other material from the bed of the Tutaekuri River, the Tukituki Catchment Rivers and the Ngaruroro River, and to undertake other activities directly associated with the activity that may be restricted by Section 13 of the RMA (Consent Nos. APP-23526, APP-123534, APP-123536, APP-123548 & APP-123550)

REPORT TO THE HEARING PANEL ON OUTCOME OF PRE-HEARING MEETINGS

1. Report Purpose

The Regional Assets Section of Hawke's Bay Regional Council (the Applicant) lodged an application with the Hawke's Bay Regional Council (the Council) on 18 October 2017 for resource consents to extract gravel (defined as gravel and associated sand, silt and other riverbed sediments) from the beds of the Ngaruroro Rover, Tukituki Catchment Rivers (Tukituki River, Waipawa River, Makaretu River, Mangaonuku Stream and Tukipo River) and Tutaekuri River, including both the active river channel and berms. The proposed gravel extraction activities are required to maintain the channel capacity and reduce flood and erosion risk. The consent applications were accompanied by an assessment of environmental effects.

The applications were publicly notified on 2 February 2019 and submissions closed on 4 March 2019. Eight submissions were received. The Council arranged for a pre-hearing meeting to be held on Monday, 7 September 2020 and invited the Applicant and submitters to attend[1]. A second pre-hearing meeting was held on Tuesday, 20 October 2020 and a third pre-hearing meeting held on Thursday, 17 December 2020. I was engaged to chair all the pre-hearing meetings, but due to a bereavement, I was unable the chair the second meeting. The second meeting was held via Zoom and was run by the Council officers (identified in Section 2 below) in my absence.

2. Attendance

The Applicant was represented at each of the pre-hearing meetings by:

- Martina Groves (Asset Manager, Hawke's Bay Regional Council)
- Simon Bendall (Consultant Planner)

The following submitters were represented at the pre-hearing meetings:

- Te Taiwhenua o Heretaunga (TTOH) (represented by Marei Apatu, CEO)
- Ngati Kahungunu Iwi Incorporated (NKII) (represented by Ngaio Tiuka, Director Environment & Natural Resources)
- New Zealand Transport Agency (represented by Letticia Jarrett)

[1] In accordance with section 99 of the Resource Management Act 1991.

- Winstone Aggregates (represented by Tyler Sharratt).

The following people attended the pre-hearing meetings on behalf of the Council:

- Malcolm Miller (Consents Manager)
- Sven Exeter (Consultant Planner)

An apology was received from Letticia Jarrett who was unable to attend the third pre-hearing meeting on 17 December 2020.

3. Without Prejudice Discussion

Section 99(5) of the RMA requires that this report 'not include anything communicated or made available at the meeting on a without prejudice basis'. At the outset of the pre-hearing meeting, it was agreed by all persons present that the meeting(s) would proceed on a without prejudice basis and that the matters discussed at the meetings would not be disclosed to parties other than those represented at the meeting. For that reason, I am not at liberty to report the substance of the discussions or to attach the records of the meetings to this report.

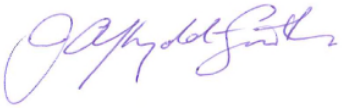
4. Outcomes

I can report that the discussion at each of the meetings focussed on a set of draft consent conditions that were prepared by Mr Exeter (section 42A Reporting Officer) and were circulated to all of the parties prior to the first pre-hearing meeting being held.

Following the first pre-hearing meeting, an amended (tracked) version of the Tukituki draft consent conditions was circulated to all of the parties by Mr Exeter. Following the second pre-hearing meeting, updated tracked versions of the draft conditions for the Ngaruroro, Tukituki and Tutaekuri gravel consent applications were circulated to all parties by Mr Exeter, along with an email setting out the outcomes, outstanding actions and matters, and the agreed way forward. After the third pre-hearing meeting, I prepared a record of the matters discussed at that meeting, and the outcomes and agreed actions, and this was circulated to all of the parties.

Over the course of the pre-hearing meetings, significant progress was made on the wording of the draft consent conditions, and good progress was made (outside of the pre-hearing meetings) on the development of a Memorandum of Understanding between the Applicant, TTOH and NKII. At the conclusion of the third pre-hearing meeting, all parties agreed that the only outstanding matter related to the consent duration.

At the conclusion of the third pre-hearing meeting, there was no discussion about a hearing or the nature of evidence or the order in which evidence would be called at a hearing.



Janeen Kydd-Smith
Pre-Hearing Meeting Chairperson

2 June 2021

From:	Sven Exeter
Sent:	Friday, 11 September 2020 5:12 pm
To:	Malcolm Miller; Michaela Tinker; Simon Bendall; Martina Groves (MEng Civil, CPEng NZ); Janeen Kydd-Smith; Andy Hicks; Marei Apatu; Ngaio@kahungunu.iwi.nz; letitcia.jarrett@nzta.govt.nz; Tyler Sharratt
Subject:	HBRC gravel extraction - Pre-hearing meeting #1 - outcomes and way forward
Attachments:	Tukituki Gravel Consent APP-123526 & APP-123534 -11 Sep 2020 - DRAFT Tracked.docx; Tukituki Gravel Consent APP-123526 & APP-123534 -11 Sep 2020 - DRAFT - Clean.docx

Kia ora everyone

As agreed at the pre-hearing meeting on Monday, a second pre-hearing meeting is planned for Tuesday 20 October at 10am-12pm to discuss any outstanding matters.

In this email I provide a summary of pre-hearing #1 outcomes, actions, updated draft consent, outstanding matters and the way forward.

Outcome and Actions

- Marei and Ngaio have provisionally agreed for a memorandum of understanding (MOU) to be developed to manage the Maori Liaison Group process. The MOU is to be drafted by Simon and Martina (on behalf of "the applicant") for Marei and Ngaio to review. Simon and Martina are to provide the draft MOU to Marei and Ngaio by ~22 September 2020. I expect the applicant to provide the draft MOU to Marei and Ngaio in good faith and with enough time for them to consider before pre-hearing meeting #2
- NZTA are generally ok with draft consent and emailed Simon and Sven new and amended conditions for adoption
- Winstones are generally ok with draft consent

Updated Draft Consent

Tracked and clean draft version consents are attached. Changes to draft consent are as follows:

- Added NZTA requested changes (condition 7-9) as agreed with Simon & Letiticia
- Removed "Advice Note" from condition 14 regarding the establishment of the Maori Liaison Group as this is mandatory
- Added last part of sentence to condition 14e as per Ngaio's request
- Added a new Advice Note to Condition 14 regarding the MOU. This can be reworded / amended (tense and intent etc) to reflect where the MOU and korero is at between Marei, Ngaio and the applicant next month
- Deleted the certification process for the Gravel Management Plan in condition 16 noting that this approach and the provision of financial contributions is to be discussed by the HBRC consents staff and applicant
- Amended condition 33 / s128-132 RMA review clauses – included more explicit cultural matters / values

Outstanding matters

- **MOU** to manage Maori Liaison Group conditions
- **Consent duration** – Marei is considering the recommended consent duration of 25 years with annual reviews versus a 10 year consent with 5 year review as per the Ngati Kahungunu submission
- Ngaio raised during the pre-hearing meeting the prospect for a new condition that requires "all reasonable efforts" to seek to minimise or avoid (where practicable) **adverse effects on mahinga kai**. This matter can be revisited after the MOU is drafted as Ngaio might be satisfied with condition 14b / Maori Liaison Group condition

Way forward

Should any submitter be satisfied with the draft consent and no longer wish to be heard at pre-hearing #2 or a hearing / wish to provide their written approval please let me know.

If any of the above is incorrect or you wish to discuss the above, feel free to contact me.

Have a good weekend everyone.

Ngā mihi / Kind regards

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From:	Sven Exeter
Sent:	Tuesday, 3 November 2020 8:58 am
To:	Malcolm Miller; Michaela Tinker; Simon Bendall; Martina Groves (MEng Civil, CPEng NZ); Janeen Kydd-Smith; Andy Hicks; Marei Apatu; Ngaio@kahungunu.iwi.nz; letitcia.jarrett@nzta.govt.nz; Tyler Sharratt
Subject:	HBRC gravel extraction - Pre-hearing meeting #2 - outcomes and way forward
Attachments:	Ngaio - Ngati Kahungunu proposed changes to conditions 20 Oct 2020.pdf; Tukituki Gravel Consent APP-123526 & APP-123534 - 20 Oct 2020 - DRAFT Tracked.docx

Kia ora everyone

In this email I provide a summary of pre-hearing #2 (20 October 2020) outcomes, actions, updated draft consent, outstanding matters and the way forward.

Updated Draft Consent

Tracked version Tukituki draft consent is attached. Key changes to the draft consent are as follows:

- Numerous amendments as requested by Ngaio / Ngati Kahungunu (attached).
- Removed financial contribution review condition 33e.

Outcomes

- Ngaio's proposed amendments to the consent (tabled at pre-hearing #2) require further discussion with the applicant.
- Applicant to discuss draft consent and draft MOU with Marei and Ngaio – meeting arranged between these three parties for 25 November 2020 .
- Winstones and NZTA are generally ok with draft consent but at this stage still wish to be heard and be involved in the process until the consents are finalised / decision on hearing is made.

Outstanding actions and matters

- MOU to manage Maori Liaison Group conditions and requested amendments from Ngaio.
- Condition 18 – safety around stockpiling gravel. Ngaio suggested that the stockpile height should be restricted. This condition is reviewed by Winstones, the applicant and the reporting officer. The applicant is to discuss this condition with Ngaio at the 25 November 2020 meeting. Ngaio – feel free to call me on this matter as I have some initial thoughts.
- Consent duration – Marei is considering the recommended consent duration of 25 years with annual reviews versus a 10 year consent with 5 year review as per the Ngati Kahungunu submission.
- Sven to circulate Ngaruroro River and Tutaekuri River draft consents to all on this email list by 13 November 2020.

Way forward

- Applicant, Ngaio and Marei to report back after the 25 November 2020 meeting on the draft consent and MOU.

- Updates and further instructions from Sven to be circulated late November.
- If any of the above is incorrect or you wish to discuss the above, feel free to contact me.

Ngā mihi / Kind regards

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HBRC Gravel Extraction Applications

Chairperson's Notes of Pre-Hearing Meeting #3

Date: **Thursday, 17 December 2020**

Time: **8.30am – 10:15am**

Venue: **Waikaremoana Room at Hawke's Bay Regional Council (HBRC), 159 Dalton St, Napier, & via Zoom**

Present: Martina Groves, Asset Manager, HBRC (as the Applicant)

Simon Bendall, Consultant Planner for the Applicant

Malcolm Miller, Consents Manager, HBRC

Sven Exeter, Consultant Reporting Officer for HBRC (Mott MacDonald)

Dr Andy Hicks, Freshwater Ecologist, HBRC

Marei Apatu, CEO, Te Taiwhenua o Heretaunga (TTOH)

Ngaio Tiuka, Director Environment & Natural Resources, Ngati Kahungunu Iwi Incorporated (NKII)

Tyler Sharratt, Planner, Winstone Aggregates

Janeen Kydd-Smith, Independent Commissioner.

Apologies: Letitcia Jarrett (New Zealand Transport Agency)

1. The purpose of the meeting was to discuss the draft consent conditions still in contention, any progress that had been made since the second pre-hearing meeting that was held on 20 October 2020, the current position and any outstanding issues.

2. Sven advised that a hui was held on 25 November 2020 (hosted by NKII) which was attended by Ngaio, Morry Black, Shade Smith, Martina, Chris Dolley (HBRC), Malcolm and Sven. That resulted in the preparation of an updated set of draft conditions and updated draft Memorandum of Understanding (MOU). These were, however, subject to TTOH confirming their acceptance of them, and resulted in the call to hold the subject, third pre-hearing meeting. The suite of updated draft consent conditions was sent to all parties (by Sven) on 10 December 2020, which included:

    - Adding 'Cawthron Water Quality Effects Investigation Programme of Work' monitoring to the Tukituki consent and to Ngaruroro and Tutaekuri consents.
    - Aligned NZTA bridge references across all consents.
    - Added Mana Ahuriri Trust and Te Taiwhenua O Te Whanganui-a-Orotū to the Ngaruroro consent.
    - Added Mana Ahuriri Trust, Te Taiwhenua O Te Whanganui-a- Orotū and Nga Hapu of Tutaekuri to the Tutaekuri consent.
    - Added a new clause requiring an independent suitably qualified person to do the 5 year review.

3. It was agreed by all partiers present that the focus of the pre-hearing meeting's discussion should be on recommendations set out under paragraph 20 (page 5) of Morry Black's 'Mauri Protection Agency Notes for Heretaunga' (circulated to the parties on 16 December 2020).

4. Simon advised that a consent condition (i.e., Condition 33 of the Tukituki consent) for the 'Cawthron Water Quality Effects Investigation Programme of Work' had been added to the Tukituki consent and to the Ngaruroro and Tutaekuri consents. This condition was originally in the draft conditions provided with the application but had been dropped for some unknown reason. The intent of the condition was to ensure that the recommendations in the Cawthron report were included in the Water Quality Effects Investigation Programme of Work as a condition of consent.

5. Ngaio asked what level of input iwi would have in ensuring compliance with the Water Quality Effects Investigation Programme of Work, noting that iwi's input was not limited to cultural matters, but could include science. Sven referred to Condition 14 of the Tukituki consent and the role of the Heretaunga Gravels Maori Liaison Group and MOU, which would ensure iwi's input and involvement. Simon referred to clause 9 of the MOU, where the Parties "record their agreement to jointly investigate opportunities to integrate Mātauranga Māori into monitoring activities associated with gravel extraction activities". Ngaio agreed that this addressed this matter.

6. Simon asked if it was appropriate to include the other entities in the notification requirement for any new extraction operation commencing within the area under Condition 5 of the Tutaekuri and Ngaruroro consents, without consulting them first. Sven advised that he considered it was appropriate, as it was only intended to notify those parties, and did not require any action or response from them.

7. Condition 34 of the Tukituki consent specifies that five years following commencement of the Permit, the consent holder shall engage an independent suitably qualified person approved by the Management Compliance to review the matters set out under the condition (including discussions with the Kaitiaki Liaison Groups). Martina advised that the intention of the condition was for internal reporting to the Council's compliance team and she considered that it was not necessary for this to be done by an independent person. Ngaio questioned whether the Council had the in-house expertise to review the cultural aspects. Ngaio requested that the words "and their recommendations" be added to the end of Condition 34 d), which would strengthen the condition and address their concerns. It was agreed that, with this amendment, NKII and TTOH were comfortable leaving HBRC to carry out the five yearly review and reporting.

8. Andy advised that inanga spawning grounds were excluded from work areas, and no work was permitted within the active channels of the rivers.

9. With respect to concerns about the management of noxious weeds, Andy suggested that the focus should be on the noxious plant species identified in the Regional Pest Management Strategy, which included Chilean Needle Grass. It was agreed that this was an appropriate and acceptable approach and a new consent condition would be developed by the applicant and the reporting officer for review by submitters in the next draft of the consent.

10. Marei advised that he wished to confer with tangata whenua about the proposed 25 year consent duration. He considered that, if tangata whenua were comfortable that there was a clear alignment between the MOU and consent conditions, that would

ensure their continued involvement in decisions for the duration of the consents, then a duration of 25 years may be acceptable to them.

11. Simon agreed to amend clause 8.1 of the MOU to include Marei and Ngaio's correct titles, and to amend the MOU to refer to the Kaitiaki Liaison Groups. Simon advised that he would send an updated version of the MOU to the to Marei and Ngaio.

12. Marei advised that he would discuss the 25 year consent duration at the TTOH Runanga Nui meeting to be held on 17 December 2020, and would report back to Sven on the outcome of that discussion.

13. Tyler advised that Winstone Aggregates (Winstone) still had questions about how the HBRC Assets Management Team would manage allocation of gravel and how flooding could change the whole scenario. He questioned the accuracy of the survey data being used, noting that there had always been gravel available despite Council always thinking that it was going to run out. Tyler advised that Winstone had supported the applications on the understanding that they could have 5-10 year allocations. He noted that Winstone had invested significant CAPEX in setting up their operation at Roys Hill so was seeking security of supply in that area. Tyler noted that Higgins had been taking gravel at the Roys Hill site, so it was difficult for Winstone to accept that they might have to take gravel from another location because there was insufficient volume available there.

14. Martina advised that she considered the survey data was accurate. She advised that HBRC could not guarantee volumes and referred to the difficulty in accurately making any long-term prediction of what gravel may be available within the Ngaruroro River, as it was impossible to know when floods may occur, and their frequency. She advised that HBRC had engaged NIWA to help with this. Her key concern was to ensure that gravel users were not surprised if gravel was not available in their current location. Martina advised that Council could allocate what was needed, but this could require gravel to be taken more upstream or downstream from the current locations. HBRC would try to keep the areas of takes as close as possible to the current take locations.

15. It was agreed that Martina, Simon and Tyler would meet separately (outside this pre-hearing meeting process) in the New Year to discuss the gravel allocation issues.

16. Tyler referred to some requested amendments to Ngaruroro consent Conditions 16, 28 and 33. He suggested that these matters could be addressed by way of email between parties.

OUTSTANDING MATTER & ACTION POINT

17. At the conclusion of the pre-hearing meeting, it was agreed that the only outstanding matter related to the following:

    - Consent duration – Marei to provide a stance on this matter from 18 December 2020.

OTHER AGREED ACTION POINTS:

a. All agreed that the LTP reference within the GMP condition (16 on the Tukituki consent) can be removed upon confirmation from Martina and Malcolm (discussing internally with HBRC LTP staff).

b. Each Maori Liaison Group is to be called a ‘Kaitiaki Liaison Group’.

c. Agreed that the re-instatement of the conditions for the ‘Cawthron Water Quality Effects Investigation Programme of Work’ (e.g., Condition 33 of the Tukituki consent) was appropriate and acceptable.

d. Agreed that reference to engaging an ‘independent suitably qualified person’ be deleted from Condition 34 (Tukituki consent) but that clause d) of that condition be amended by adding the words “and their recommendations”.

e. Simon to send an updated version of the MOU to Marei and Ngaio.

f. Martina, Simon and Tyler to meet in the New Year to discuss issues raised by Winstone about gravel allocation.

g. Tyler to email the other parties in relation to requested amendments to Conditions 16, 28 and 33 of the Ngaruroro consent.

APPENDIX 4: Track Changed Draft Consents

HAWKE'S BAY REGIONAL COUNCIL

RESOURCE CONSENT

Land Use Consent

In accordance with the provisions of the Resource Management Act 1991 (RMA), and subject to the attached conditions, the Hawke's Bay Regional Council (the Council) grants a resource consent for a restricted discretionary activity to:

Regional Assets Section of Hawke's Bay Regional Council
Private Bag 6006
Napier 4142

To extract sand, gravel or other material from the bed of the Tukituki Catchment Rivers and to undertake other activities directly associated with the activity that may be restricted by Section 13 of the RMA.

LOCATION

Address of site:	Various – refer to Appendix A
Legal description (site of extraction):	Various – refer to Appendix A
Map reference:	Various – refer to Appendix A

CONSENT DURATION

This consent is granted for a period expiring on <to be added – ~~25~~ 20 years after date of commencement>.

LAPSING OF CONSENT

This consent shall lapse in accordance with section 125 of the RMA on the XX XXXX 2025, if it is not exercised before that date.

XXXX
RESOURCE MANAGEMENT GROUP
Under authority delegated by Hawke's Bay Regional Council
Enter Date

CONDITIONS

Definitions:

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

Term	Definition
Active river channel	The entire width of the river channel including gravel beaches, actively flowing channels, and river banks, but excluding berms, as shown in Figure 1.
Actively Flowing Channel	Comprises the wetted river area of the active river channel being that part of the channel that is in contact with water. See Figure 1
Council	Hawke's Bay Regional Council
Manager Compliance	The Manager Compliance of the Hawke's Bay Regional Council
Berm	Land between the active river channel and the stopbank or naturally elevated land that forms part of the floodplain.
Gravel	Refer to 'sediment' definition below.
Sediment	Includes all alluvial material found in the active river channel and berms. Sediment consists of the broad categories of gravels, sands and silts. For convenience, the term 'gravel' is often used as it is the bulk of the extraction in most cases.

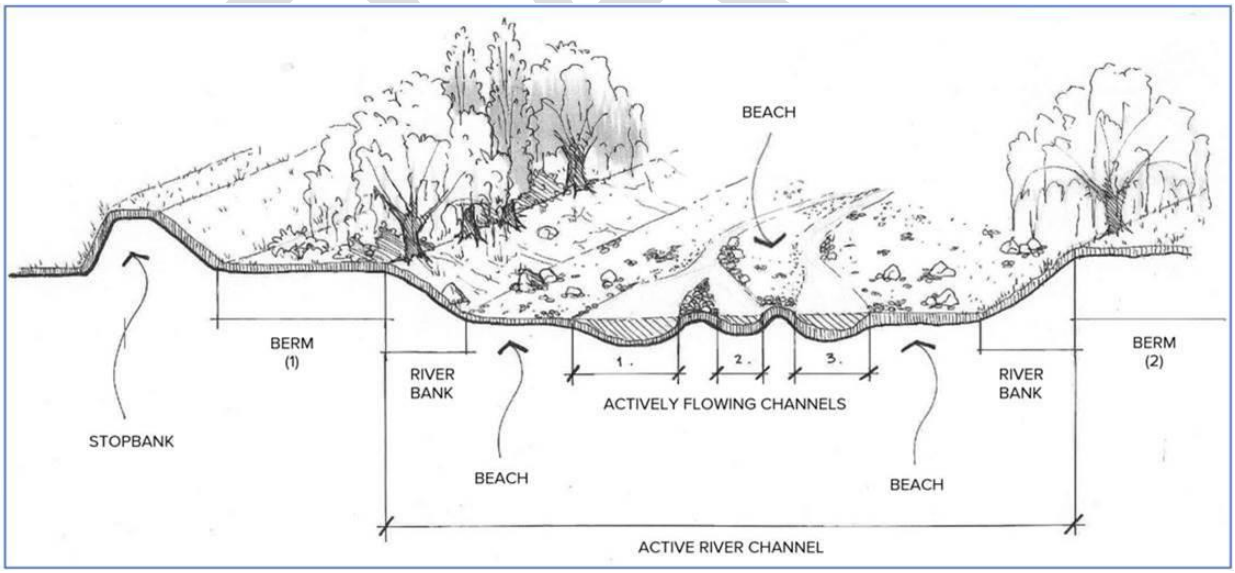


Figure 1: Definitions of terms used in these consent conditions

1. The consent holder is authorised to extract gravel (defined as gravel and associated sand, silt and other riverbed sediments) from the active river channel and berm areas of the Tukituki Catchment Rivers as identified within the Plan attached in Appendix A.

2. Except as specifically provided for by other conditions of this consent, all activities to which this consent relates shall be undertaken generally in accordance with the information

contained in the application for this consent including: *"Hawke's Bay Regional Council – Regional Assets Section: Application to Extract Gravel from the Tukituki Catchment Rivers"* prepared by Mitchell Daysh Ltd, dated October 2017; and further documentation and correspondence submitted in support of the application, as follows:

a. *Gravel Resource Management Report* (including Section 92 (RMA) Response) (Clode G and Beya, J. Regional Assets Section of Hawke's Bay Regional Council, September 2018)
b. *Gravel Allocation Process* (Clode, G. Regional Assets Section of Hawke's Bay Regional Council. September 2018)
c. *Hawkes Bay Gravel Management Plan & Resource Consents Consultation with Iwi / Hapu & Cultural Values* (Clode, G. 16 October 2018).

Where there is any disagreement between the application documentation and resource consent conditions the resource consent conditions below shall prevail.

3. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. The person responsible for the work on site shall be made familiar with the consent conditions and a copy of the consent conditions shall be included with any authorisation issued to contractors by the consent holder.

4. The consent holder shall notify the Council ~~five~~ ten working days prior to any new extraction operation commencing within the area specified by the resource consent.

5. The consent holder shall notify First Gas Limited ~~five~~ ten working days prior to any new extraction operation commencing within the area specified by the resource consent where the activity:

   a. Is within 6 metres either side of the Hawke's Bay natural gas transmission pipeline; or
   b. Will result in any non-road legal vehicle movements over the natural gas transmission pipeline.

   Advice Note: The Hawke's Bay natural gas transmission pipeline crosses underneath the Tukituki River, Waipawa River, Makaretu River, Tukipo River and Mangaonuku Stream within the area specified by the resource consent.

6. The consent holder shall notify the Hawkes Bay Fish and Game Council, Te Taiwhenua o Heretaunga and Ngati Kahungunu Iwi Inc. ~~five~~ ten working days prior to any new extraction operation commencing within the area specified by the resource consent.

7. The consent holder shall notify the New Zealand Transport Agency ten~~five~~ working days prior to any new extraction operation commencing within the area specified by the resource consent where works are proposed within 15 metres of a New Zealand Transport Agency roading structure.

8. No extraction activity under this consent shall take place within 15m of the following bridge structures (including piers, abutments, retaining and all built structures that form part of the bridge) when gravel levels are below the stated levels:

Bridge / Structure	*Location Easting*	*Northing*	*Design Bed Level of piers in water*
~~*Ngaruroro River Bridge, State Highway 50*~~	~~1922994~~	~~5611507~~	~~*90.16' lowest BL around pier*~~

~~Ngaruroro River Bridge, State Highway 51~~	~~1936930~~	~~5613065~~	~~100' lowest BL around pier~~
~~Clive River Bridge, State Highway 51~~	~~1936305~~	~~5611429~~	~~14.66' av of lowest BL around piers~~
Tukituki River Bridge, State Highway 50	1886539	5574029	239.22m lowest BL @ central pier
Tukituki Bridge, State Highway 2, Waipukurau	1903689	5567622	RL of approx. 92' based on the original datum (refer to drawing PWN 247(F1)-2 Bed levels for gravel extraction)
~~Tutaekuri River Bridge, State Highway 2~~	~~1931523~~	~~5615166~~	~~38' av of lowest BL around piers (PWN 5458)~~
~~Tutaekuri River Bridge (Waitangi), State Highway 51~~	~~1937061~~	~~5613727~~	~~22.2' lowest BL around piers (PWN 361)~~
~~Ngaruroro River Bridge, State Highway 2~~	~~1930495~~	~~5610312~~	~~Varies, see dwg 3/110/7/7304~~

9. The Annual Gravel Status Report required by Condition 32, once approved by the Manager Compliance, shall be provided to the Manager – System Management at the New Zealand Transport Agency, Te Taiwhenua o Heretaunga and Ngati Kahungunu Iwi Inc.

10. The consent holder shall maintain an accurate and accessible monthly record of the locations and volumes of gravel taken under this consent. All quantities are to be based on loose measure and rounded to the nearest cubic metre.

11. The consent holder shall immediately repair any damage caused to river banks or river protection works, other than damage associated with authorised access paths.

12. The consent holder shall immediately notify the asset owner and repair any damage caused by the exercise of this consent to any banks, access roads, bridges, culverts, roading structures, fences, gates, protection or other works relating to the control of the river. The cost of such repair shall be met by the consent holder.

    Advice Note: *For the avoidance of doubt this condition relates to damage caused to physical roading assets, caused by the gravel extraction process and not damage caused by the physical river processes that continually change the geomorphology and river alignment.*

13. The consent holder shall immediately repair any damage to existing recreational access to the river through public land caused as a result of extraction activity authorised by this consent.

14. No later than 6 months following the commencement of this consent, the consent holder shall make an invitation in writing to the Chief Executive of Te Taiwhenua o Heretaunga, Chief Executive of the Heretaunga Tamatea Settlement Trust and to the Chief Executive of Ngati Kahungunu Iwi Incorporated to establish the Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group. ***~~Advice Note:~~*** *The Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group are to be established for the purposes of:*
    a. *Providing cultural oversight of the gravel extraction activities authorised by this consent.*
    b. *Ensuring that areas of cultural significance are appropriately identified to the consent holder for the purposes of managing extraction activity to avoid effects on those areas.* ~~*and*~~

c. *Enabling effective dialogue and resolution should extraction activities authorised by this consent risk or cause effects to areas of cultural significance.*

d. *Reviewing any proposed changes to Council policy relevant to riverbed gravel management, including any consideration of proposed changes to the Regional Resource Management Plan or Regional Coastal Environment Plan.*

e. *Jointly investigate alternative gravel management approaches to minimise adverse effects on the environment and enhance the environment (including any effects on groundwater ~~aquifer recharge~~) and cultural values (including mauri and mahinga kai).*

Advice note: *A memorandum of understanding (MOU) is being developed between Te Taiwhenua o Heretaunga, Ngati Kahungunu Iwi Incorporated and the Consent Holder that sets out the terms of reference for the Kaitiaki Liaison Group(s).*

15. The consent holder shall invite and facilitate an annual meeting (or another interval agreed with the group and advised to Council) with the Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and shall provide reasonable administrative support to facilitate these meetings. The results of the meetings shall be reported to Council Manager Compliance within a month of the meeting.

16. All extraction activity authorised by this consent shall be carried out in accordance with the current version of the Hawkes Bay Riverbed Gravel Management Plan (GMP). ~~Within 6 months of the consent commencing the consent holder shall update the Gravel Management Plan (GMP) and shall submit the GMP to the Council (Manager Compliance) for certification. The Council (Manager Compliance) shall use best endeavours to provide its decision on certification within 20 working days of having been supplied with the GMP and shall provide written reasons if certification is withheld. If the certification is withheld the consent holder shall re-submit the GMP for certification within one month and follow the process set out above.~~ The GMP shall include the following: The process for receiving authorisations, how they will be issued and managed, the responsibilities of those operating under this consent, and reporting requirements and charging/payment for gravel taken and how this is to be spent. ~~The GMP shall be kept up to date with any changes to the Long Term Plan (LTP).~~

17. All machinery, equipment and material shall be stored above the maximum anticipated flood level at the end of each working day, or whenever the site is to be left unattended.

18. Gravel stockpiling within the active river channel shall only occur temporarily, while extraction is occurring.

19. The consent holder shall ensure that contractors engaged to undertake work authorised by this consent:

a) Take part in an ~~cultural~~ induction process~~.~~; and

~~a)~~b) take all reasonable efforts to avoid causing adverse effects on registered water takes and waahi tapu and waahi taonga within the active river channel.

Advice Note: *A registered water take is one which has a current resource consent from the Hawkes Bay Regional Council.*

Advice Note*: The induction process, and methods to avoid effects on waahi tapu and waahi taonga shall be developed in a Memorandum of Understanding between Te Taiwhenua o Heretaunga, Ngati Kahungunu Iwi Incorporated and the Consent Holder.*

~~19.~~20. The consent holder shall ensure that the site is restored on completion of the gravel extraction operation as follows:

a) Gravel heaped up during the process of removal shall be spread out by the consent holder on completion of the gravel extraction operation.
b) Consent holder shall remove all plant, machinery, equipment, signs and other structures associated with the operation from the riverbed immediately on completion of operations.
c) No reject, surplus or unused gravel from a gravel processing plant is to be deposited into or onto the active river channel.
d) All disturbed areas shall be reinstated as far as is practical to minimise the release of sediment to flowing waters.

~~20.~~21. The consent holder shall erect a warning sign (generally in the form shown in Appendix B) adjacent to the site of extraction where, as a result of the extraction, the stretch of river has or is likely to become dangerous to the public. These signs will be required wherever holes are made in the riverbed, which could become a danger to fishers and others who may use the riverbed. The signs shall be removed on completion of the operation or when the area is no longer a potential danger to the public.

~~21.~~22. No refuelling shall occur within 20 m of the active river channel. No fuel shall be stored within 30 m of the active river channel.

~~22.~~23. To ensure worksite spills are avoided and otherwise managed appropriately, the consent holder shall produce a Spill Management Plan (SMP) appropriate for the activities being undertaken on site (see Advice Note (V)). The SMP must:

a) Include procedures for preventing contaminants such as hydrocarbons or chemicals entering any waterbody in the event of a spill;
b) Be prepared by a suitably qualified person;
c) Be provided to the Council prior to commencement of the works.

~~23.~~24. The consent holder and any contractors shall abide by the SMP and a copy of this SMP must be present on site at all times while the work is being undertaken.

~~24.~~25. Where, for any cause (accidental or otherwise), contaminants associated with the consent holder's operations escape to water other than in conformity with the consent, the consent holder shall:

a) Immediately take all practicable steps to contain and then remove the contamination from the environment, and;
b) Immediately notify the Council of the escape, and;
c) Report to the Council, in writing and within 7 days, describing the manner and cause of the escape and steps taken to control it and prevent its reoccurrence.

~~25.~~26. In the event of any archaeological site or waahi tapu being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Council (Manager Resource Use) to obtain contact details of the relevant tangata whenua. The consent holder shall then consult with the relevant local hapu or marae and the Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and tangata whenua approvals to damage, destroy or modify such sites have been obtained.

~~26.~~27. The exercise of this consent, including machinery working in the active river channel and in the vicinity of riverbed bird nesting sites, shall be managed in accordance with the Tukituki Catchment Rivers Ecological Management and Enhancement Plan May 2017 (HBRC Plan 4925), and any subsequent revisions of that Plan that are approved by the Council Manager Compliance (in a technical authorisation capacity).

Advice Note: Reference should be made in particular to Section 3.3, ''Ecological Management Objectives, Methods, and Monitoring', of the Ecological Management and Enhancement Plan.

~~27.~~28. Should the gravel extraction operation result in increased turbidity of active flowing channel, the consent holder shall take all practicable steps, including any actions directed by an officer of the Council, to remedy the turbidity. The consent holder shall ~~give~~ in particular ~~attention to~~ avoid~~ing~~ causing turbidity within waterways during the fish-spawning period of May-October.

~~28.~~29. Dust control methods shall be used to mitigate potential dust effects where dust from works may otherwise reach residential dwellings.

~~29.~~30. Bed level cross section surveys shall be undertaken every three years, at the established benchmarks illustrated in the plan attached as Appendix D.

~~30.~~31. Riverbed gravel particle size monitoring surveys shall be undertaken on a six yearly basis at the established benchmarks that represent the extraction reach illustrated in the plan attached as Appendix D.

~~31.~~32. Based on the survey results of Conditions 28 and 29, an Annual Gravel Status Report shall be submitted to the Manager Compliance by the end of June each year for approval by the Manager Compliance in a technical authorisation capacity. The report shall address but not be limited to:

a) Calculation and comparison of mean bed levels and reach volumes between cross sections and between annual surveys.
b) Comparison of mean bed levels and reach volumes with bed level design grade lines.
c) Based on (a) and (b), an assessment of the Sustainable Gravel Allocation (cubic metres per year [loose measure]) for the upcoming year of 1 January to 31 December.
d) Coastal gravel supply volume estimates (m^3/year), coastal gravel erosion effects assessment and recommended coastal erosion mitigation measures (if required).

Gravel extraction in any one year shall not exceed the authorised Sustainable Gravel Allocation for that year without the written approval of the Manager Compliance.

33. The Consent Holder shall submit to the Manager Compliance a 'Water Quality Effects Investigation Programme of Work' four weeks before the first exercise of this consent. The Programme shall take into account the recommendations of Cawthron Report No. 2968 dated January 2017, submitted with the application for this resource consent. The Programme shall be implemented in full within 5 years of the commencement of this consent. Interim progress reports on relevant stages of the Programme shall be submitted to the Manager Compliance annually, by 1 July each year.

34. ~~5~~Five years following commencement of this Permit and every five years thereafter, the consent holder ~~Council~~ shall ~~engage an independent~~ submit a report (to Council) undertaken by a suitably qualified person(s) approved by the Manager Compliance. The report shall ~~to~~ review and include:

a. Any new relevant regulations, research, investigations or other material;
b. The results of monitoring undertaking under this permit;

c. Whether any effects have been identified as a result of activities authorised by this permit that are more significant than expected; ~~and~~
d. Discussions and agreed minutes with the Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group; ~~,~~
e. Recommendations including any practices or activities that should be avoided or modified to reduce any adverse effects on the environment (in particular groundwater) and cultural values.

~~and to report their findings including any practices or activities that should be avoided or modified to the Manager Compliance within 6 months of their engagement. consider whether to implement a formal review of conditions under Condition 35.~~

35. The consent holder shall ensure that gravel extraction activities do not spread any plant pests (such as Chilean needle grass, privet and yellow bristle grass) listed under sustained control programmes in the Regional Pest Management Plan 2018-2038 (2019, HBRC Publication No. 5030) to other properties and undertake all gravel extraction activities in general accordance with Section 5.3 of the Regional Pest Management Plan.

~~32.~~36. The Council may review conditions of this consent pursuant to sections 128, 129, 130, 131 and 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA. Times of service of notice of any review: During the month of May, of any year. Purposes of review include:

a) To deal with any adverse effect on the environment and cultural values (including mauri and mahinga kai) which may arise from the exercise of this consent, which it is appropriate to deal with at that time, or which became evident after the date of issue.
b) To require the adoption of the best practicable option to remove or reduce any adverse effects on the environment and cultural values (including mauri and mahinga kai).
c) To take into account the results from monitoring (including cultural monitoring) modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate or inadequate to address adverse effects of the consented activities.
d) To deal with findings of the Water Quality Effects Investigation Programme of Work and the Ecological monitoring programme.
~~d)~~e) To address any matters raised in the report prepared under condition 34.
~~e) To introduce a financial contribution to enable the offsetting of adverse effects of gravel extraction.~~

ADVICE NOTES

i. An officer of the Council shall have the right, during business hours, of access to the site of extraction and to the books and documents relating to the extraction of gravel authorised by this consent and kept by the holder in order to check the accuracy of the returns made to the Council.

ii. The consent does not of itself confer any right of access over private and/or public property. Arrangements for access must be made between the consent holder and the property owner (including land under the control of the HBRC).

iii. Where the consent holder requires access across river berm areas held by Council under the Reserves Act (or any other relevant Act) and leased to a third party, the consent holder must negotiate access across that land with the lessee.

iv. The consent does not confer any exclusive right of occupation over the area allotted to the holder.

v. A generic Council prepared Spill Management Plan template is attached in~~as~~ Appendix C as a guide for . ~~If this generic SMP covers all of the activities, and risks for the site, then it may be adopted in full with notification given to Council (Manager Resource Use) of its adoption prior to work commencing. If the attached SMP does not meet the site specific requirements, the consent holder must submit another suitable alternative plan to the Council prior to commencement of the works~~the plan required under ~~in accordance with~~ Condition 2~~1~~3.

vi. All information required by all conditions can be provided to the Council by email to ComplianceReturns@hbrc.govt.nz

MONITORING NOTE

Routine monitoring

Routine monitoring inspections will be undertaken by Council officers on at least one occasion each year during and/or after gravel extraction works. The costs of **any** routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-Routine monitoring

"Non routine" monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA shown below.

Section 17(1) of the RMA states:

> *Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with*
>
> *a) any of sections 10, 10A, 10B, and 20A; or*
>
> *b) a national environmental standard, a rule, a resource consent, or a designation.*

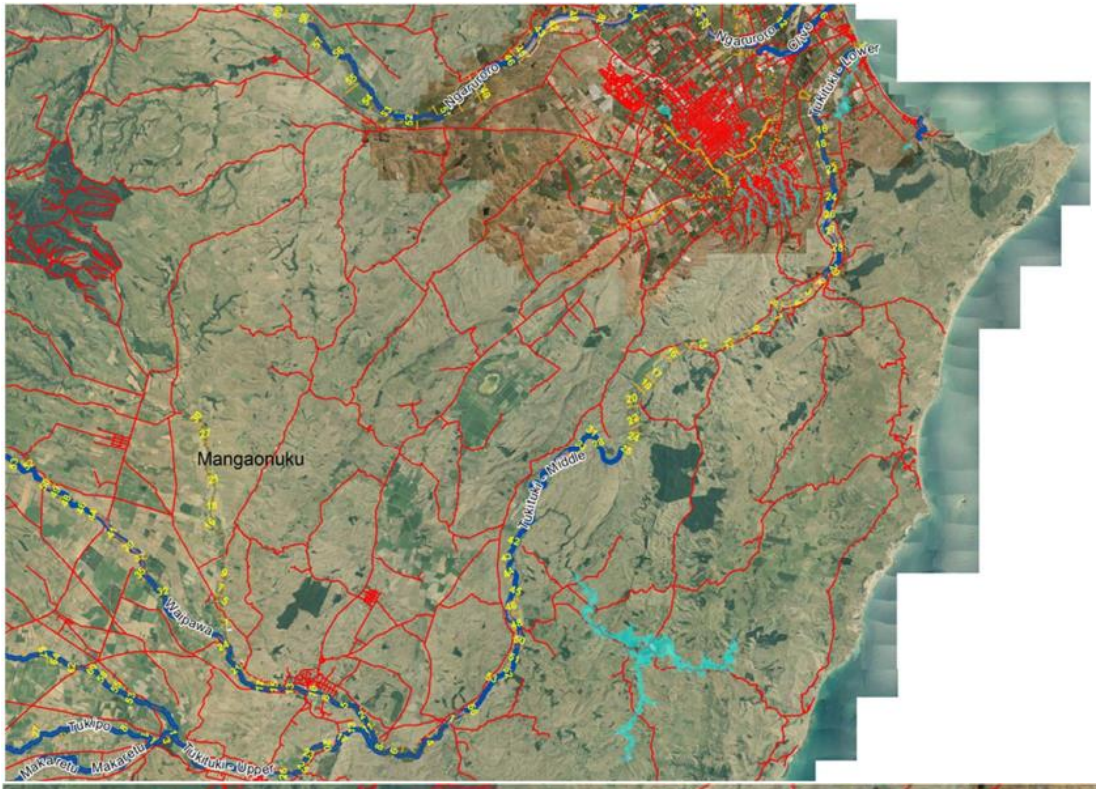
DEBT RECOVERY

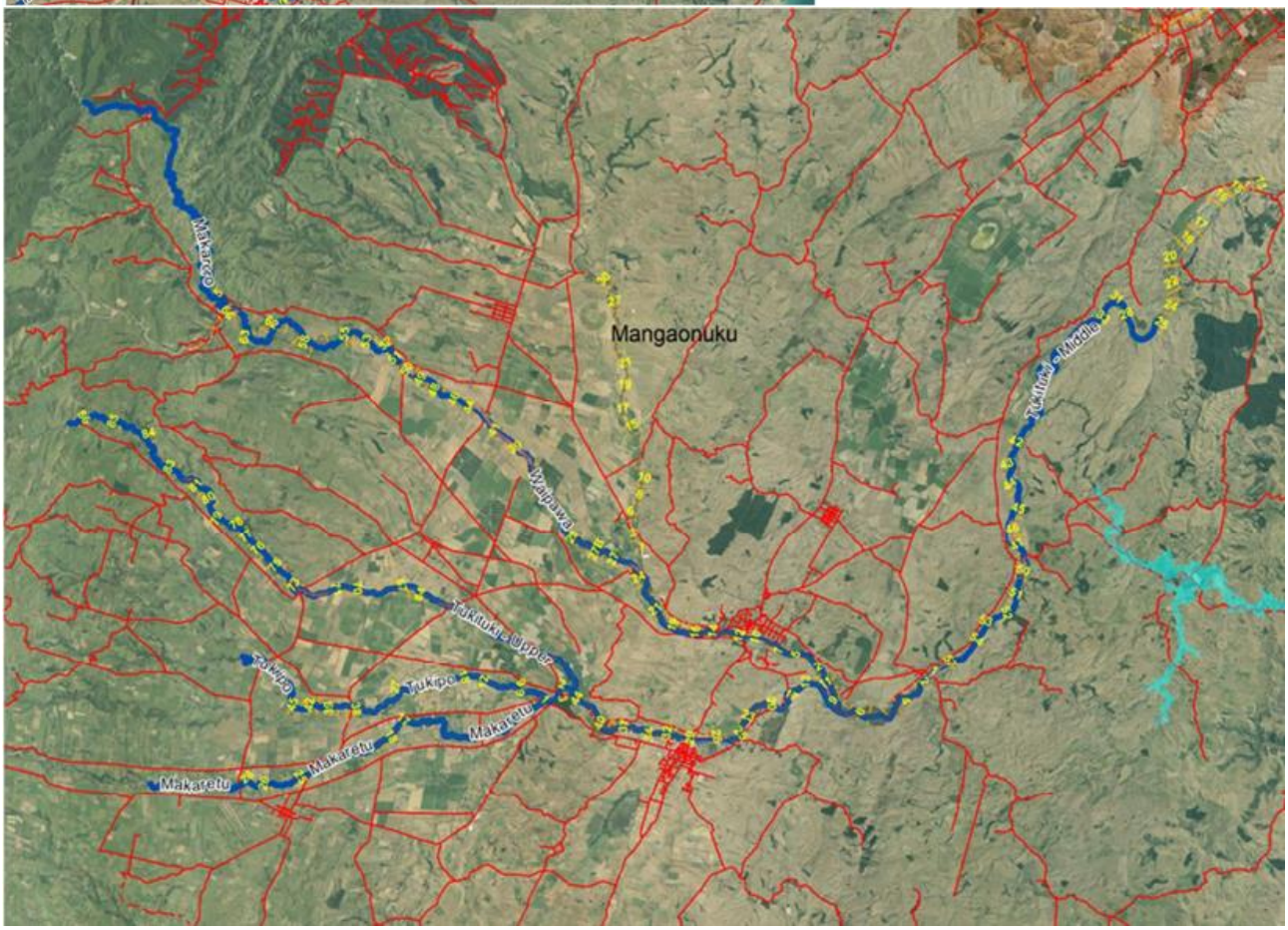
It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

CONSENT HISTORY

Consent No. (Version)	Date	Event	Relevant Rule Number	Plan
APP-123526 & APP-123535	Xx/xx/xxxx	Consent initially granted	74	Regional Resource Management Plan (28 August 2006)
			61	Hawke's Bay Regional Coastal Environmental Plan (8 November 2014)

Appendix A
Plan of Gravel Extraction Areas





Appendix B
Warning Sign

Appendix C
Spill Management Plan

SPILL MANAGEMENT PLAN

<<PROJECT/SITE NAME>>

<<ADDRESS FOR SITE>>

<<COMPANY RESPONSIBLE>>

<<DATE OF ISSUE/REVIEW>>

Document control

Version No.	Created by	Reviewed by	Date Issued
1.0	*John Smith*	*Jane Doe*	*01/01/2020*

Purpose of the spill management plan

The Resource Management Act (RMA) 1991 sets out how we should manage our environment. It is based on the idea of sustainable management of our resources – or in other words, protecting the quality of our soil, air and water from being damaged beyond repair. The RMA isn't about stopping any activity that effects the environment. It is about undertaking activities in a manner that will have minimal impact to the environment. *'Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment…'* Section 17 of the RMA.

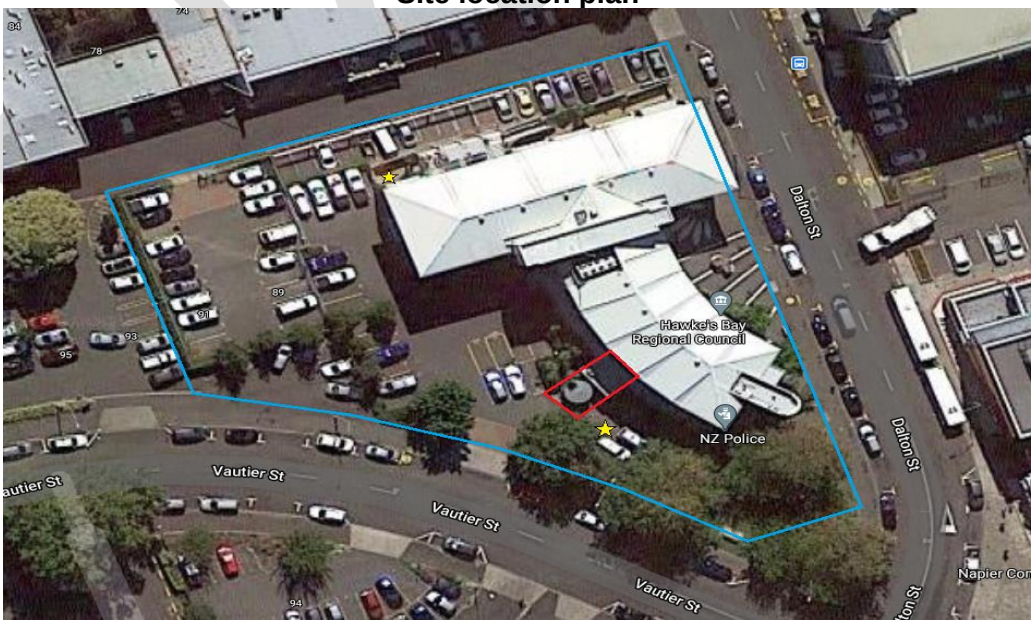
List the resource consent number and relevant conditions such as refuelling areas, notification to Hawke's Bay Regional Council (HBRC) and where to find a copy of the resource consent.

Identify the organisational role that has primary responsibility for spill management at the site and any other positions with responsibilities for spill management and response and list these in an easily accessible table for staff.

Roles, responsibilities, contact details

Name	Organisational Role	Contact Type	Responsibilities	Contact Number
John Smith	*Site Manager (primary contact)*	*After Hours, 17:00-08:00*	*Reporting of spills onsite, maintenance of spill kits*	*027*******
Jane Doe	*Regional Manager*	*Working hours, 08:00-17:00*	*Training and toolbox talks*	*06 845 ****
Hawkes Bay Regional Council	*Pollution Response*	*24/7*	*Regulator agency*	*0800 108 838 (pollution hotline)*

Site location plan



Site boundary
High risk areas, hazardous substances
Spill kit locations

The site location plan should provide a visual aid to the user of the plan that identifies high risk areas, boundary of the site, locations of any hazardous substances onsite and the location of spill kits or spill response equipment.

Spill response procedure

Be safe

- identify the spilt material. You should hold material safety data sheets (MSDS) for all hazardous materials you use on site.
- wear PPE if you need to, or if you don't know what the material is.

Stop the source

- for example, turn off the tap or valve, plug the leak, or roll the drum so the hole is on top.

Protect stormwater

- block access to stormwater grates or unpaved ground using drain covers, sandbags, booms or materials appropriate for the spill.
- contain liquid spills with suitable material so they can't spread.
- cover powder spills to stop them blowing around or dampen them where it is safe to do so.

Notify

- contact your supervisor and inform other agencies such as the Fire Service or your regional council's Pollution Hotline if the spill escapes your control.
- **Notify HBRC of incident 0800 108 838 (Pollution Hotline)** if the spill is significant or escapes to water.

Clean up

- pump liquid spills into a safe container, absorb them with appropriate materials or mix with a compatible solid so you can sweep them up for disposal4.
- if the spill needs to be neutralised get a properly qualified staff member, or phone the Fire Service, a reputable waste contractor, or your regional council's Pollution Hotline and tell them what the material is.
- sweep or vacuum up powder spills and put them in a safe container.
- don't walk through the spill if you can avoid it and keep the contaminated area as small as possible.
- clean up the area and any contaminated equipment or clothing. Remember to prevent wash water or sweepings from reaching stormwater grates or uncovered ground.

Dispose responsibly

- reuse uncontaminated material.
- dispose of contaminated materials, clean-up equipment or clothing as a waste or ask your waste disposal contractor to dispose of it for you.

Restock and review

- replace any containment equipment or PPE immediately and complete a spill report to find out how and why the spill occurred.
- see what lessons can be learnt to prevent similar incidents in the future.
- check your spill procedure – can you improve or update it following the incident.
- Your consent may also require you to provide an incident report to HBRC.

Spill kits and spill response equipment

This site has XXX spill kits on site, located at the site office and next to the plant refuelling area. Each spill kit contains:

- XX bag of zeolite material
- XX absorbent booms
- XX absorbent pads
- XX Disposable gloves, overalls and masks
- XX rubbish bags for disposal of waste

List any other spill equipment that may be kept on site.

Disposal and replacement of used spill response equipment

The site manager (or identified person) shall be responsible for disposing of any used spill response material to a location licensed to accept it. All spill response equipment will be checked and maintained to the level specified in the above section

Training and inductions

All staff and contractors working onsite with or around hazardous substances should be trained in spill response procedures and aware of the roles and responsibilities of this spill management plan.

Regular toolbox talks are held to ensure that staff are appropriately trained to respond to spills and are aware of the procedures. Repeat training regularly and practise your procedures – get everyone to have a go at getting the spill materials out of the kit and using them.

Site specific hazards and controls:

ACTIVITY	RISK	ENVIRONMENTAL EFFECT	CONTROLS
REFUELLING	• Spillage • Wash-off • Fire	• Pollution of waterways, streams, and storm-water systems • Soil Contamination • Ecological Damage (plant life, wildlife)	Prevent spills: • Inspect machines for any leaking fluids prior to starting job. • Use established refuelling points • Locate fuel tanks away from waterways. • Bunding of fuel tanks. • Not hot refuelling. • Fire Prevention Plan. Contaminant: • Dig hole, create a bund, or use container to contain spill. • Stop the spill or leak, if safe to do so • Create a barrier to keep out of waterway and contain. Immediate Clean Up: • Sawdust or suitable absorbent to soak up excess • Scrape off affected topsoil and dump spoil in approved dumping site only. • Contact HBRC pollution hotline 0800 108 838.

ACTIVITY	RISK	ENVIRONMENTAL EFFECT	CONTROLS
WORKING NEAR/IN RIVERS, STREAMS, and COASTAL AREAS	• Machinery failure • Leakage / Spillage • Bank and or bed damage • Wash-off	• Pollution of waterways, streams and storm-water systems • Soil contamination • Ecological Contamination • Ecological Damage (plant life, wildlife)	• Work to resource consent conditions (copy to be kept on site) • Work to contact specifications • Store plant, stores and equipment in approved storage areas only and away from watercourses • Contact HBRC pollution hotline 0800 108 838 in the event of a spill that may or will escape to water • Have a spill kit on hand • Be familiar with what to do in the event of a spill or leak
CHEMICAL USE	• Leakage – Spillage • Wash-off • Poisonous fumes • Explosion / Fire	• Short or long term contamination of waterways, land and air • Ecological poisoning • Population poisoning through ingestion / inhalation	• Abide by Material Safety Data Sheets (MSDS) for handling, storage and containment / clean-up information • Emergency Plans • Use effective and appropriate personal protective equipment (PPE) • Contain and clean up, IF SAFE TO DO SO • Contact HBRC pollution hotline 0800 108 838
DUMPING AND STORAGE OF MATERIAL, RUBBISH AND SPOIL	• Spillage • Wash-off • Fire • Rodent / Insect infestations • Blocked waterways	• Pollution of waterways, streams, and storm-water systems • -Soil Contamination • Ecological Damage (plant life, wildlife) • Smell	• Work to resource consent conditions (copy to be kept on site) • Containment to prevent spread / wash-off • Restricted access • Waste material sites planned and managed • Planned cartage and dumping for specific waste / spoil (including soil or waste contamination from fuel, oils, human & animal waste, excess concrete HSNO) • Proper rubbish disposal (skip bin, 200L drum etc.)

Environmental Sheet on Environmental Matters

ACTIVITY	RISK	ENVIRONMENTAL EFFECT	CONTROLS
DUST	• Reduced visibility • Air irritation • Company Image	• Personal – irritation, stress • Amenity / aesthetics • Crop damage	• Dampen down tracks and areas of loose spoil • Management arrange for mailbox drop if necessary • Restrict hours of work • Restricted vehicle movement and speed • Designated park-up areas • Use effective and appropriate PPE
NOISE	• Excessive noise • Noise vibration • Company Image	• Personal irritation and stress • Disruption to wildlife	• Restrict vehicle, plant and equipment revs • Baffles and muffling • Restrict hours of work • Management arrange for mailbox drop if necessary • Use effective and appropriate PPE
EARTH WORKS	• Undermining • Destabilisation • Flooding • Silt runoff	• Pollution of waterways, streams and storm-water systems • Soil Contamination • Ecological damage (plant life, wildlife) • Erosion • Silt build-up / flooding	• Work to resource consent conditions • Use erosion and sediment controls as per HBRC guidelines, and as per plans and project methodology • Work to boundaries in contact specifications • Water pumps – water diversion • Control stormwater and surface water run-off • Daily site checks • Restricted access / barriers • Stabilise surfaces as soon as practical
SITES OF NATURAL, HISTORICAL, AND CULTURAL SIGNIFICANCE (e.g. birds, wetlands, old pa sites, tapu sites, bodily remains etc.)	• Desecration of burial sites • Destruction of artefacts • Disruption of wildlife breeding sites • Destruction of are breeds of fauna and flora • Company Image	• Ecological Impact (plant life, wildlife) • Cultural offence • Loss of historical items	• Pre-work inspection – Site research • Clearly identify and cordon off areas of significant interest • If in doubt – cease work in immediate area and cordon the site off • Don't move anything • Restrict access – no visitors etc. • Wait for site to be cleared by relevant authorities before work starts • Contact Manger to okay recommencement of work • Contact HBRC pollution hotline 0800 108 838

Appendix D
Riverbed Cross Section Survey Locations

TBC

RESOURCE CONSENT

Land Use Consent

In accordance with the provisions of the Resource Management Act 1991 (RMA), and subject to the attached conditions, the Hawke's Bay Regional Council (the Council) grants a resource consent for a restricted discretionary activity to:

Regional Assets Section of Hawke's Bay Regional Council
Private Bag 6006
Napier 4142

To extract sand, gravel or other material from the bed of the Ngaruroro River and to undertake other activities directly associated with the activity that may be restricted by Section 13 of the RMA.

LOCATION

Address of site:	Various – refer to Appendix A
Legal description (site of extraction):	Various – refer to Appendix A
Map reference:	Various – refer to Appendix A

CONSENT DURATION

This consent is granted for a period expiring on <to be added – 20~~25~~ years after date of commencement>.

LAPSING OF CONSENT

This consent shall lapse in accordance with section 125 of the RMA on the XX XXXX 2025, if it is not exercised before that date.

XXXX
RESOURCE MANAGEMENT GROUP
Under authority delegated by Hawke's Bay Regional Council
Enter Date

CONDITIONS

Definitions:

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

Term	Definition
Active river channel	The entire width of the river channel including gravel beaches, actively flowing channels, and river banks, but excluding berms, as shown in Figure 1.
Actively Flowing Channel	Comprises the wetted river area of the active river channel being that part of the channel that is in contact with water. See Figure 1
Council	Hawke's Bay Regional Council
Manager Compliance	The Manager Compliance of the Hawke's Bay Regional Council
Berm	Land between the active river channel and the stopbank or naturally elevated land that forms part of the floodplain.
Gravel	Refer to 'sediment' definition below.
Sediment	Includes all alluvial material found in the active river channel and berms. Sediment consists of the broad categories of gravels, sands and silts. For convenience, the term 'gravel' is often used as it is the bulk of the extraction in most cases.

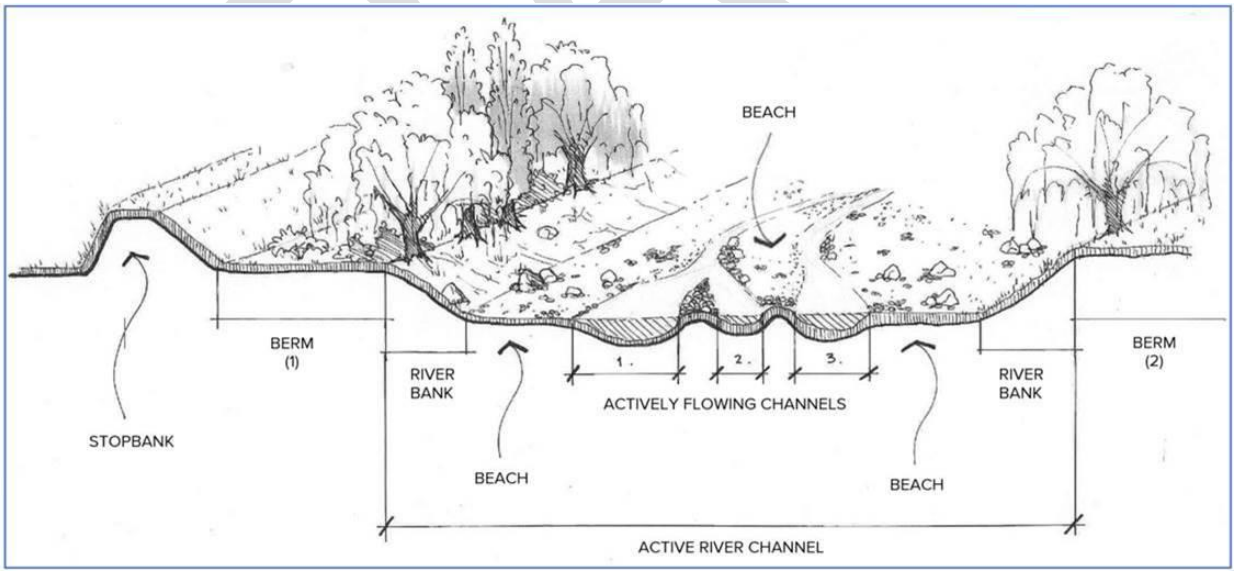


Figure 1: Definitions of terms used in these consent conditions

1. The consent holder is authorised to extract gravel (defined as gravel and associated sand, silt and other riverbed sediments) from the active river channel and berm areas of the Ngaruroro Catchment Rivers as identified within the Plan attached in Appendix A.

2. Except as specifically provided for by other conditions of this consent, all activities to which this consent relates shall be undertaken generally in accordance with the information

contained in the application for this consent including: *"Hawke's Bay Regional Council – Regional Assets Section: Application to Extract Gravel from the Ngaruroro Catchment Rivers"* prepared by Mitchell Daysh Ltd, dated October 2017; and further documentation and correspondence submitted in support of the application, as follows:

a. *Gravel Resource Management Report* (including Section 92 (RMA) Response) (Clode G and Beya, J. Regional Assets Section of Hawke's Bay Regional Council, September 2018)
b. *Gravel Allocation Process* (Clode, G. Regional Assets Section of Hawke's Bay Regional Council. September 2018)
c. *Hawkes Bay Gravel Management Plan & Resource Consents Consultation with Iwi / Hapu & Cultural Values* (Clode, G. 16 October 2018).

Where there is any disagreement between the application documentation and resource consent conditions the resource consent conditions below shall prevail.

3. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. The person responsible for the work on site shall be made familiar with the consent conditions and a copy of the consent conditions shall be included with any authorisation issued to contractors by the consent holder.

4. The consent holder shall notify the Council ten~~five~~ working days prior to any new extraction operation commencing within the area specified by the resource consent.

5. The consent holder shall notify the Hawkes Bay Fish and Game Council, Te Taiwhenua o Heretaunga, Chief Executive of the Mana Ahuriri Trust, Chief Executive of the Te Taiwhenua O Te Whanganui-a-Orotū and Ngati Kahungunu Iwi Inc. ten working days prior to any new extraction operation commencing within the area specified by the resource consent.

6. The consent holder shall notify the New Zealand Transport Agency ten working days prior to any new extraction operation commencing within the area specified by the resource consent where works are proposed within 15 metres of a New Zealand Transport Agency roading structure.

7. No extraction activity under this consent shall take place within 15m of the following bridge structures (including piers, abutments, retaining and all built structures that form part of the bridge) when gravel levels are below the stated levels:

Bridge / Structure	*Location Easting*	*Northing*	*Design Bed Level of piers in water*
Ngaruroro River Bridge, State Highway 50	1922994	5611507	*90.16' lowest BL around pier*
Ngaruroro River Bridge, State Highway 51	1936930	5613065	*100' lowest BL around pier*
Ngaruroro River Bridge, State Highway 2	1930495	5610312	*Varies, see dwg 3/110/7/7304*
Clive River Bridge, State Highway 51	1936305	5611429	*14.66' av of lowest BL around piers*

8. The Annual Gravel Status Report required by Condition 3~~2~~1, once approved by the Manager Compliance, shall be provided to the Manager – System Management at the New Zealand Transport Agency, Te Taiwhenua o Heretaunga, Chief Executive of the Mana Ahuriri Trust,

Chief Executive of the Te Taiwhenua O Te Whanganui-a-Orotū and Ngati Kahungunu Iwi Inc.

9. The consent holder shall maintain an accurate and accessible monthly record of the locations and volumes of gravel taken under this consent. All quantities are to be based on loose measure and rounded to the nearest cubic metre.

10. The consent holder shall immediately repair any damage caused to river banks or river protection works, other than damage associated with authorised access paths.

11. The consent holder shall immediately notify the asset owner and repair any damage caused by the exercise of this consent to any banks, access roads, bridges, culverts, roading structures, fences, gates, protection or other works relating to the control of the river. The cost of such repair shall be met by the consent holder.

    Advice Note: *For the avoidance of doubt this condition relates to damage caused to physical roading assets, caused by the gravel extraction process and not damage caused by the physical river processes that continually change the geomorphology and river alignment.*

12. The consent holder shall immediately repair any damage to existing recreational access to the river through public land caused as a result of extraction activity authorised by this consent.

13. No later than 6 months following the commencement of this consent, the consent holder shall make an invitation in writing to the Chief Executive of Te Taiwhenua o Heretaunga, Chief Executive of the Heretaunga Tamatea Settlement Trust Chief Executive of the Mana Ahuriri Trust, Chief Executive of the Te Taiwhenua O Te Whanganui-a-Orotū and to the Chief Executive of Ngati Kahungunu Iwi Incorporated to establish the Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group. *The Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group are to be established for the purposes of:*
    a. *Providing cultural oversight of the gravel extraction activities authorised by this consent~~;~~.*
    b. *Ensuring that areas of cultural significance are appropriately identified to the consent holder for the purposes of managing extraction activity to avoid effects on those areas.~~;~~*
    c. *Enabling effective dialogue and resolution should extraction activities authorised by this consent risk or cause effects to areas of cultural significance.*
    d. *Reviewing any proposed changes to Council policy relevant to riverbed gravel management, including any consideration of proposed changes to the Regional Resource Management Plan or Regional Coastal Environment Plan.*
    e. *Jointly investigate alternative gravel management approaches to minimise adverse effects on the environment and enhance the environment (including any effects on groundwater) and cultural values (including mauri and mahinga kai).*

    Advice note: *A memorandum of understanding (MOU) is being developed between Te Taiwhenua o Heretaunga, Ngati Kahungunu Iwi Incorporated and the Consent Holder that sets out the terms of reference for the ~~Maori~~Kaitiaki Liaison Group(s).*

14. The consent holder shall invite and facilitate an annual meeting (or another interval agreed with the group and advised to Council) with the Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and shall provide reasonable administrative support to facilitate these meetings. The results of the meetings shall be reported to Council Manager Compliance within a month of the meeting.

15. All extraction activity authorised by this consent shall be carried out in accordance with the current version of the Hawkes Bay Riverbed Gravel Management Plan (GMP). The GMP shall include the following: The process for receiving authorisations, how they will issued and managed, the responsibilities of those operating under this consent, and reporting requirements and charging/payment for gravel taken and how this is to be spent. The GMP shall be kept up to date with any changes to the Long Term Plan (LTP).

16. All machinery, equipment and material shall be stored above the maximum anticipated flood level at the end of each working day, or whenever the site is to be left unattended.

17. Gravel stockpiling within the active river channel shall only occur temporarily, while extraction is occurring.

18. The consent holder shall ensure that contractors engaged to undertake work authorised by this consent:

    a) Take part in an induction process; and
    b) take all reasonable efforts to avoid causing adverse effects on registered water takes and waahi tapu and waahi taonga within the active river channel.

    Advice Note: A registered water take is one which has a current resource consent from the Hawkes Bay Regional Council.

    Advice Note*: The induction process, and methods to avoid effects on waahi tapu and waahi taonga shall be developed in a Memorandum of Understanding between Te Taiwhenua o Heretaunga, Ngati Kahungunu Iwi Incorporated and the Consent Holder.*

19. The consent holder shall ensure that the site is restored on completion of the gravel extraction operation as follows:

    a) Gravel heaped up during the process of removal shall be spread out by the consent holder on completion of the gravel extraction operation.
    b) Consent holder shall remove all plant, machinery, equipment, signs and other structures associated with the operation from the riverbed immediately on completion of operations.
    c) No reject, surplus or unused gravel from a gravel processing plant is to be deposited into or onto the active river channel.
    d) All disturbed areas shall be reinstated as far as is practical to minimise the release of sediment to flowing waters.

20. The consent holder shall erect a warning sign (generally in the form shown in Appendix B) adjacent to the site of extraction where, as a result of the extraction, the stretch of river has or is likely to become dangerous to the public. These signs will be required wherever holes are made in the riverbed, which could become a danger to fishers and others who may use the riverbed. The signs shall be removed on completion of the operation or when the area is no longer a potential danger to the public.

21. No refuelling shall occur within 20 m of the active river channel. No fuel shall be stored within 30 m of the active river channel.

22. To ensure worksite spills are avoided and otherwise managed appropriately, the consent holder shall produce a Spill Management Plan (SMP) appropriate for the activities being undertaken on site (see Advice Note (V)). The SMP must:

    a) Include procedures for preventing contaminants such as hydrocarbons or chemicals entering any waterbody in the event of a spill;

b) Be prepared by a suitably qualified person;
c) Be provided to the Council prior to commencement of the works.

23. The consent holder and any contractors shall abide by the SMP and a copy of this SMP must be present on site at all times while the work is being undertaken.

24. Where, for any cause (accidental or otherwise), contaminants associated with the consent holder's operations escape to water other than in conformity with the consent, the consent holder shall:

    a) Immediately take all practicable steps to contain and then remove the contamination from the environment, and;
    b) Immediately notify the Council of the escape, and;
    c) Report to the Council, in writing and within 7 days, describing the manner and cause of the escape and steps taken to control it and prevent its reoccurrence.

25. In the event of any archaeological site or waahi tapu being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Council (Manager Resource Use) to obtain contact details of the relevant tangata whenua. The consent holder shall then consult with the relevant local hapu or marae and the Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and tangata whenua approvals to damage, destroy or modify such sites have been obtained.

26. The exercise of this consent, including machinery working in the active river channel and in the vicinity of riverbed bird nesting sites, shall be managed in accordance with the 'Ngaruroro River Flood Protection and Drainage Scheme Ecological Management and Enhancement Plan' March 2011 (HBRC Plan 4276), and any subsequent revisions of that Plan that are approved by the Council Manager Compliance (in a technical authorisation capacity).

    Advice Note: Reference should be made in particular to Chapter 3, Section 5.1, ''Management of the active river channel", of the Ecological Management and Enhancement Plan.

27. Should the gravel extraction operation result in increased turbidity of active flowing channel, the consent holder shall take all practicable steps, including any actions directed by an officer of the Council, to remedy the turbidity. The consent holder shall in particular avoid causing turbidity within waterways during the fish-spawning period of May-October.

28. Dust control methods shall be used to mitigate potential dust effects where dust from works may otherwise reach residential dwellings.

29. Bed level cross section surveys shall be undertaken every three years, at the established benchmarks illustrated in the plan attached as Appendix D.

30. Riverbed gravel particle size monitoring surveys shall be undertaken on a six yearly basis at the established benchmarks that represent the extraction reach illustrated in the plan attached as Appendix D.

31. Based on the survey results of Conditions 29 and 30, an Annual Gravel Status Report shall be submitted to the Manager Compliance by the end of June each year for approval by the Manager Compliance in a technical authorisation capacity. The report shall address but not be limited to:

    a) Calculation and comparison of mean bed levels and reach volumes between cross sections and between annual surveys.

b) Comparison of mean bed levels and reach volumes with bed level design grade lines.

c) Based on (a) and (b), an assessment of the Sustainable Gravel Allocation (cubic metres per year [loose measure]) for the upcoming year of 1 January to 31 December.

d) Coastal gravel supply volume estimates (m^3/year), coastal gravel erosion effects assessment and recommended coastal erosion mitigation measures (if required).

Gravel extraction in any one year shall not exceed the authorised Sustainable Gravel Allocation for that year without the written approval of the Manager Compliance.

32. The Consent Holder shall submit to the Manager Compliance a 'Water Quality Effects Investigation Programme of Work' four weeks before the first exercise of this consent. The Programme shall take into account the recommendations of Cawthron Report No. 2968 dated January 2017, submitted with the application for this resource consent. The Programme shall be implemented in full within 5 years of the commencement of this consent. Interim progress reports on relevant stages of the Programme shall be submitted to the Manager Compliance annually, by 1 July each year.

33. Five years following commencement of this Permit and every five years thereafter, the consent holder shall submit a report (to Council) undertaken by a suitably qualified person(s) approved by the Manager Compliance. The report shall review and include:

a. Any new relevant regulations, research, investigations or other material;
b. The results of monitoring undertaking under this permit;
c. Whether any effects have been identified as a result of activities authorised by this permit that are more significant than expected;
d. Discussions and agreed minutes with the Heretaunga Gravels Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels Kaitiaki Liaison Group;
. Recommendations including any practices or activities that should be avoided or modified to reduce any adverse effects on the environment and cultural values. ~~Five years following commencement of this Permit, the consent holder shall engage an independent suitably qualified person approved by the Manager Compliance to review:~~

~~a.~~
~~b. Any new relevant regulations, research, investigations or other material;~~
~~c. The results of monitoring undertaking under this permit;~~
~~d. Whether any effects have been identified as a result of activities authorised by this permit that are more significant than expected; and~~
~~e. Discussions with the Heretaunga Gravels Maori Liaison Group and the Tamatea — Heretaunga Gravels Maori Liaison Group,~~
~~f.~~
~~g.~~e. ~~and to report their findings including any practices or activities that should be avoided or modified to the Manager Compliance within 6 months of their engagement.~~

34. The consent holder shall ensure that gravel extraction activities do not spread any plant pests (such as Chilean needle grass, privet and yellow bristle grass) listed under sustained control programmes in the Regional Pest Management Plan 2018-2038 (2019, HBRC Publication No. 5030) to other properties and undertake all gravel extraction activities in general accordance with Section 5.3 of the Regional Pest Management Plan.

~~34.~~35. The Council may review conditions of this consent pursuant to sections 128, 129, 130, 131 and 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA. Times of service of notice of any review: During the month of May, of any year. Purposes of review include:

a) To deal with any adverse effect on the environment and cultural values (including mauri and mahinga kai) which may arise from the exercise of this consent, which it is appropriate to deal with at that time, or which became evident after the date of issue.
b) To require the adoption of the best practicable option to remove or reduce any adverse effects on the environment and cultural values (including mauri and mahinga kai).
c) To take into account the results from monitoring (including cultural monitoring) modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate or inadequate to address adverse effects of the consented activities.
d) To deal with findings of the Water Quality Effects Investigation Programme of Work and the Ecological monitoring programme.
e) To address any matters raised in the report prepared under condition 33.

ADVICE NOTES

i. An officer of the Council shall have the right, during business hours, of access to the site of extraction and to the books and documents relating to the extraction of gravel authorised by this consent and kept by the holder in order to check the accuracy of the returns made to the Council.

ii. The consent does not of itself confer any right of access over private and/or public property. Arrangements for access must be made between the consent holder and the property owner (including land under the control of the HBRC).

iii. Where the consent holder requires access across river berm areas held by Council under the Reserves Act (or any other relevant Act) and leased to a third party, the consent holder must negotiate access across that land with the lessee.

iv. The consent does not confer any exclusive right of occupation over the area allotted to the holder.

v. A generic Council prepared Spill Management Plan template is attached as Appendix C. If this generic SMP covers all of the activities, and risks for the site, then it may be adopted in full with notification given to Council (Manager Resource Use) of its adoption prior to work commencing. If the attached SMP does not meet the site specific requirements, the consent holder must submit another suitable alternative plan to the Council prior to commencement of the works in accordance with Condition 21.

vi. All information required by all conditions can be provided to the Council by email to ComplianceReturns@hbrc.govt.nz

MONITORING NOTE

Routine monitoring

Routine monitoring inspections will be undertaken by Council officers on at least one occasion each year during and/or after gravel extraction works. The costs of **any** routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-Routine monitoring

"Non routine" monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that

non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA shown below.

Section 17(1) of the RMA states:

> *Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with*
>
> *a) any of sections 10, 10A, 10B, and 20A; or*
>
> *b) a national environmental standard, a rule, a resource consent, or a designation.*

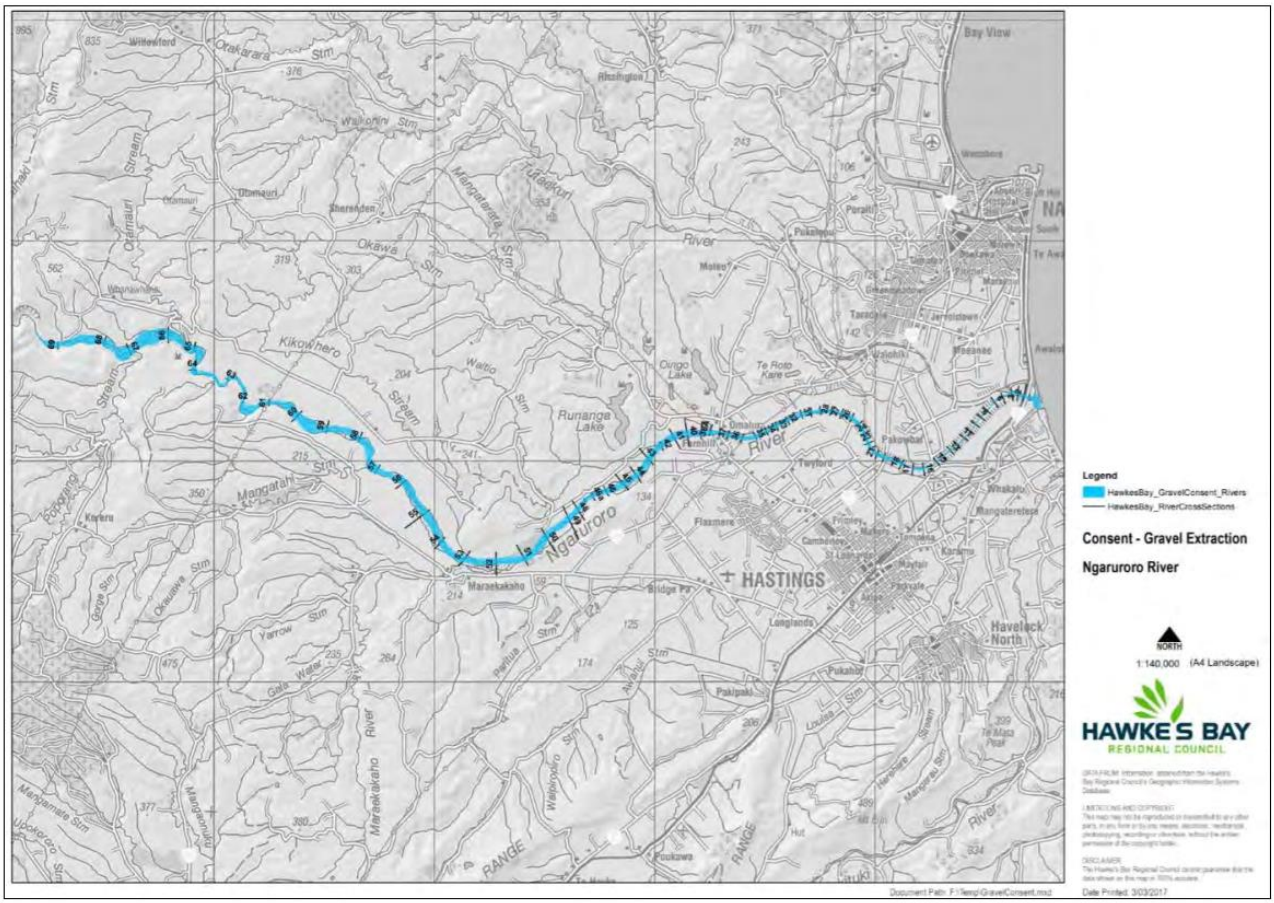
DEBT RECOVERY

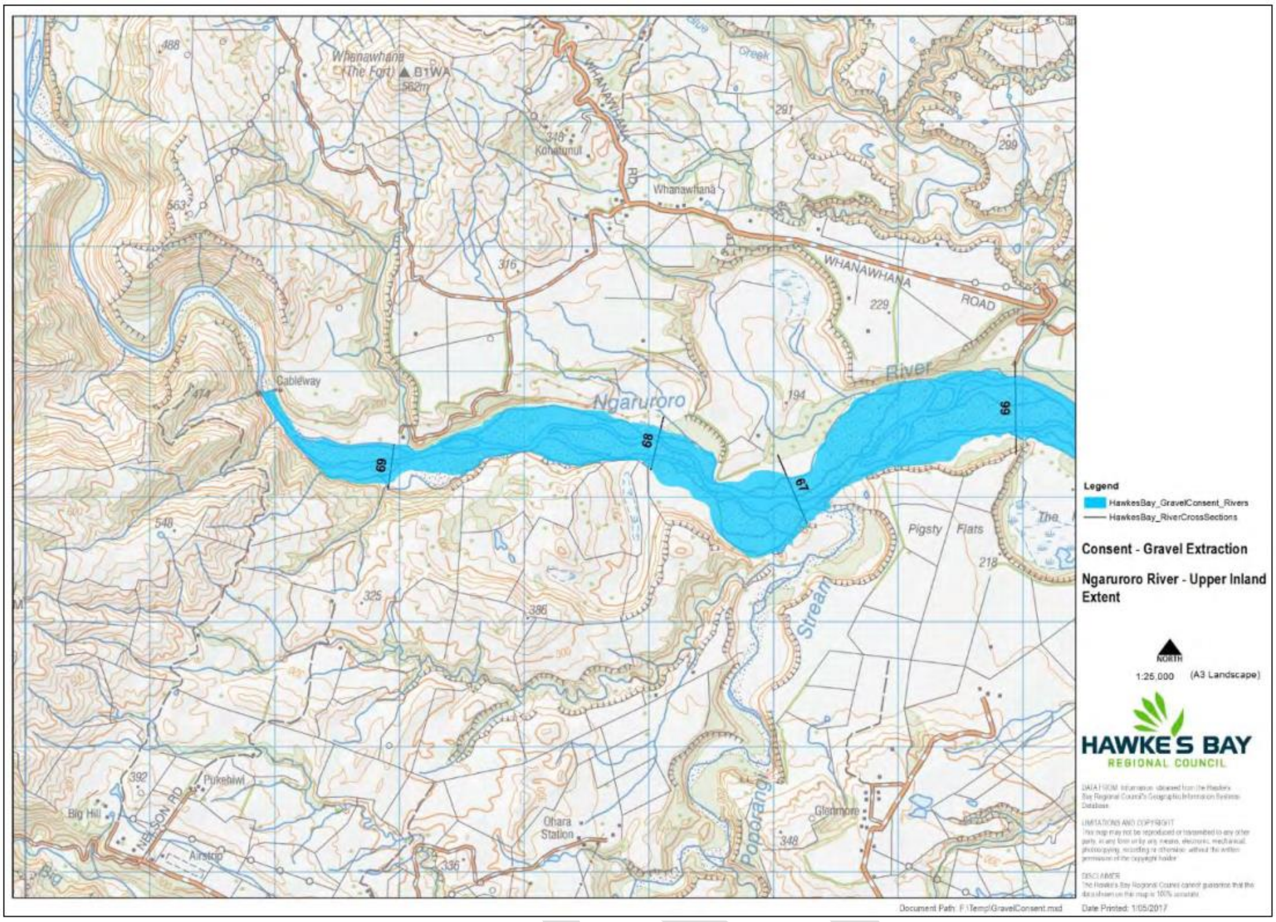
It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

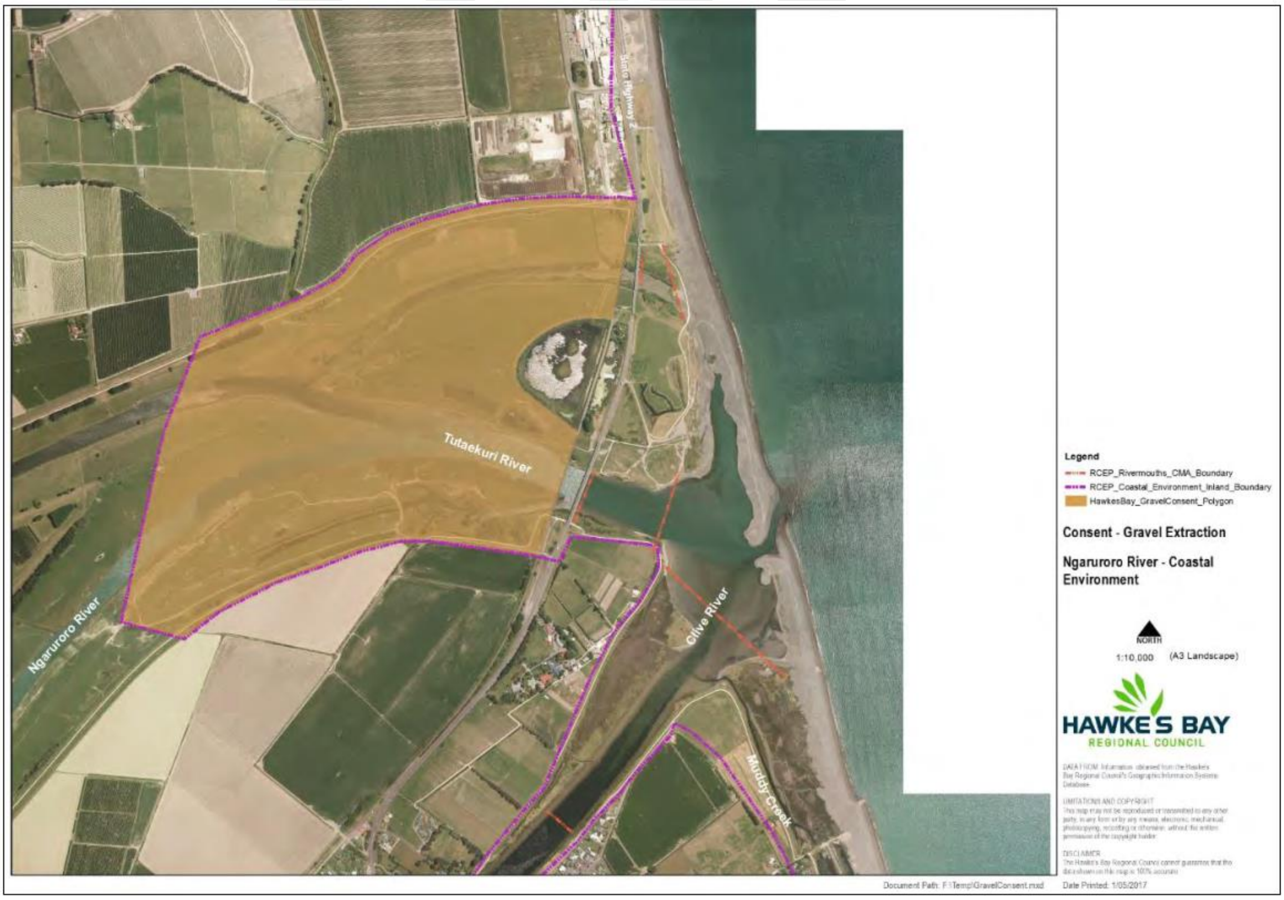
CONSENT HISTORY

Consent No. (Version)	Date	Event	Relevant Rule Number	Plan
APP-123548 & APP-123550	Xx/xx/xxxx	Consent initially granted	74	Regional Resource Management Plan (28 August 2006)
			61	Hawke's Bay Regional Coastal Environmental Plan (8 November 2014)

Appendix A
Plan of Gravel Extraction Areas




Ngaruroro
River
69
68
67
66
WHANAWHANA ROAD
Whanawhana
Cableway
Pigsty Flats
Stream
Poporangi
Ohara Station
Glenmore
Big Hill
NELSON RD
Airstrip
Pukehiwi
Legend
HawkesBay_GravelConsent_Rivers
HawkesBay_RiverCrossSections
Consent - Gravel Extraction
Ngaruroro River - Upper Inland Extent
NORTH
1:25,000 (A3 Landscape)
HAWKE'S BAY
REGIONAL COUNCIL
Date Printed: 1/05/2017


Tutaekuri River
Ngaruroro River
Clive River
Muddy Creek
Legend
RCEP_Rivermouths_CMA_Boundary
RCEP_Coastal_Environment_Inland_Boundary
HawkesBay_GravelConsent_Polygon
Consent - Gravel Extraction
Ngaruroro River - Coastal Environment
NORTH
1:10,000 (A3 Landscape)
HAWKE'S BAY
REGIONAL COUNCIL
Date Printed: 1/05/2017

Appendix B
Warning Sign

Appendix C
Spill Management Plan

SPILL MANAGEMENT PLAN

<<PROJECT/SITE NAME>>

<<ADDRESS FOR SITE>>

<<COMPANY RESPONSIBLE>>

<<DATE OF ISSUE/REVIEW>>

Document control

Version No.	Created by	Reviewed by	Date Issued
1.0	*John Smith*	*Jane Doe*	*01/01/2020*

Purpose of the spill management plan

The Resource Management Act (RMA) 1991 sets out how we should manage our environment. It is based on the idea of sustainable management of our resources – or in other words, protecting the quality of our soil, air and water from being damaged beyond repair. The RMA isn't about stopping any activity that effects the environment. It is about undertaking activities in a manner that will have minimal impact to the environment. *'Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment…'* Section 17 of the RMA.

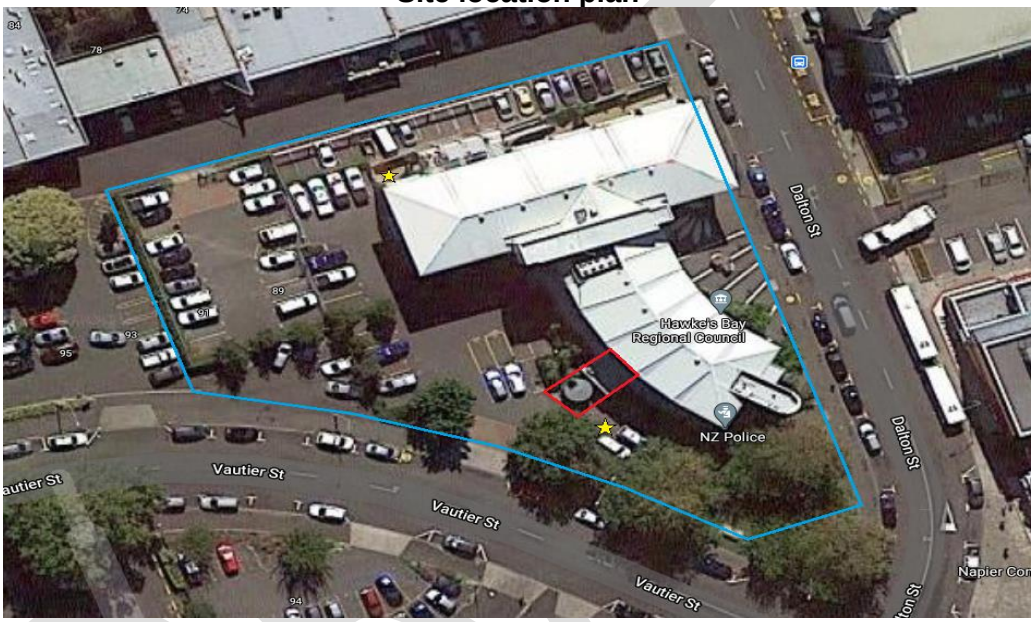
List the resource consent number and relevant conditions such as refuelling areas, notification to Hawke's Bay Regional Council (HBRC) and where to find a copy of the resource consent.

Identify the organisational role that has primary responsibility for spill management at the site and any other positions with responsibilities for spill management and response and list these in an easily accessible table for staff.

Roles, responsibilities, contact details

Name	Organisational Role	Contact Type	Responsibilities	Contact Number
John Smith	*Site Manager (primary contact)*	*After Hours, 17:00-08:00*	*Reporting of spills onsite, maintenance of spill kits*	*027********
Jane Doe	*Regional Manager*	*Working hours, 08:00-17:00*	*Training and toolbox talks*	*06 845 ******
Hawkes Bay Regional Council	*Pollution Response*	*24/7*	*Regulator agency*	*0800 108 838 (pollution hotline)*

Site location plan



Site boundary
High risk areas, hazardous substances
Spill kit locations

The site location plan should provide a visual aid to the user of the plan that identifies high risk areas, boundary of the site, locations of any hazardous substances onsite and the location of spill kits or spill response equipment.

Spill response procedure

Be safe

- identify the spilt material. You should hold material safety data sheets (MSDS) for all hazardous materials you use on site.
- wear PPE if you need to, or if you don't know what the material is.

Stop the source

- for example, turn off the tap or valve, plug the leak, or roll the drum so the hole is on top.

Protect stormwater

- block access to stormwater grates or unpaved ground using drain covers, sandbags, booms or materials appropriate for the spill.
- contain liquid spills with suitable material so they can't spread.

- cover powder spills to stop them blowing around or dampen them where it is safe to do so.

Notify

- contact your supervisor and inform other agencies such as the Fire Service or your regional council's Pollution Hotline if the spill escapes your control.
- **Notify HBRC of incident 0800 108 838 (Pollution Hotline)** if the spill is significant or escapes to water.

Clean up

- pump liquid spills into a safe container, absorb them with appropriate materials or mix with a compatible solid so you can sweep them up for disposal
- if the spill needs to be neutralised get a properly qualified staff member, or phone the Fire Service, a reputable waste contractor, or your regional council's Pollution Hotline and tell them what the material is.
- sweep or vacuum up powder spills and put them in a safe container.
- don't walk through the spill if you can avoid it and keep the contaminated area as small as possible.
- clean up the area and any contaminated equipment or clothing. Remember to prevent wash water or sweepings from reaching stormwater grates or uncovered ground.

Dispose responsibly

- reuse uncontaminated material.
- dispose of contaminated materials, clean-up equipment or clothing as a waste or ask your waste disposal contractor to dispose of it for you.

Restock and review

- replace any containment equipment or PPE immediately and complete a spill report to find out how and why the spill occurred.
- see what lessons can be learnt to prevent similar incidents in the future.
- check your spill procedure – can you improve or update it following the incident.
- Your consent may also require you to provide an incident report to HBRC.

Spill kits and spill response equipment

This site has XXX spill kits on site, located at the site office and next to the plant refuelling area. Each spill kit contains:

- XX bag of zeolite material
- XX absorbent booms
- XX absorbent pads
- XX Disposable gloves, overalls and masks
- XX rubbish bags for disposal of waste

List any other spill equipment that may be kept on site.

Disposal and replacement of used spill response equipment

The site manager (or identified person) shall be responsible for disposing of any used spill response material to a location licensed to accept it. All spill response equipment will be checked and maintained to the level specified in the above section

Training and inductions

All staff and contractors working onsite with or around hazardous substances should be trained in spill response procedures and aware of the roles and responsibilities of this spill management plan.

Regular toolbox talks are held to ensure that staff are appropriately trained to respond to spills and are aware of the procedures. Repeat training regularly and practise your procedures – get everyone to have a go at getting the spill materials out of the kit and using them.

Site specific hazards and controls:

ACTIVITY	RISK	ENVIRONMENTAL EFFECT	CONTROLS
REFUELLING	• Spillage • Wash-off • Fire	• Pollution of waterways, streams, and storm-water systems • Soil Contamination • Ecological Damage (plant life, wildlife)	Prevent spills: • Inspect machines for any leaking fluids prior to starting job. • Use established refuelling points • Locate fuel tanks away from waterways. • Bunding of fuel tanks. • Not hot refuelling. • Fire Prevention Plan. Contaminant: • Dig hole, create a bund, or use container to contain spill. • Stop the spill or leak, if safe to do so • Create a barrier to keep out of waterway and contain. Immediate Clean Up: • Sawdust or suitable absorbent to soak up excess • Scrape off affected topsoil and dump spoil in approved dumping site only. • Contact HBRC pollution hotline 0800 108 838.
WORKING NEAR/IN RIVERS, STREAMS, and COASTAL AREAS	• Machinery failure • Leakage / Spillage • Bank and or bed damage • Wash-off	• Pollution of waterways, streams and storm-water systems • Soil contamination • Ecological Contamination • Ecological Damage (plant life, wildlife)	• Work to resource consent conditions (copy to be kept on site) • Work to contact specifications • Store plant, stores and equipment in approved storage areas only and away from watercourses • Contact HBRC pollution hotline 0800 108 838 in the event of a spill that may or will escape to water • Have a spill kit on hand • Be familiar with what to do in the event of a spill or leak
CHEMICAL USE	• Leakage – Spillage • Wash-off • Poisonous fumes • Explosion / Fire	• Short or long term contamination of waterways, land and air	• Abide by Material Safety Data Sheets (MSDS) for handling, storage and containment / clean-up information • Emergency Plans

ACTIVITY	RISK	ENVIRONMENTAL EFFECT	CONTROLS
		• Ecological poisoning • Population poisoning through ingestion / inhalation	• Use effective and appropriate personal protective equipment (PPE) • Contain and clean up, IF SAFE TO DO SO • Contact HBRC pollution hotline 0800 108 838
DUMPING AND STORAGE OF MATERIAL, RUBBISH AND SPOIL	• Spillage • Wash-off • Fire • Rodent / Insect infestations • Blocked waterways	• Pollution of waterways, streams, and storm-water systems • -Soil Contamination • Ecological Damage (plant life, wildlife) • Smell	• Work to resource consent conditions (copy to be kept on site) • Containment to prevent spread / wash-off • Restricted access • Waste material sites planned and managed • Planned cartage and dumping for specific waste / spoil (including soil or waste contamination from fuel, oils, human & animal waste, excess concrete HSNO) • Proper rubbish disposal (skip bin, 200L drum etc.)

Environmental Sheet on Environmental Matters

ACTIVITY	RISK	ENVIRONMENTAL EFFECT	CONTROLS
DUST	• Reduced visibility • Air irritation • Company Image	• Personal – irritation, stress • Amenity / aesthetics • Crop damage	• Dampen down tracks and areas of loose spoil • Management arrange for mailbox drop if necessary • Restrict hours of work • Restricted vehicle movement and speed • Designated park-up areas • Use effective and appropriate PPE
NOISE	• Excessive noise • Noise vibration • Company Image	• Personal irritation and stress • Disruption to wildlife	• Restrict vehicle, plant and equipment revs • Baffles and muffling • Restrict hours of work • Management arrange for mailbox drop if necessary • Use effective and appropriate PPE
EARTH WORKS	• Undermining • Destabilisation • Flooding • Silt runoff	• Pollution of waterways, streams and storm-water systems • Soil Contamination • Ecological damage (plant life, wildlife) • Erosion • Silt build-up / flooding	• Work to resource consent conditions • Use erosion and sediment controls as per HBRC guidelines, and as per plans and project methodology • Work to boundaries in contact specifications • Water pumps – water diversion • Control stormwater and surface water run-off • Daily site checks • Restricted access / barriers • Stabilise surfaces as soon as practical
SITES OF NATURAL, HISTORICAL, AND CULTURAL SIGNIFICANCE (e.g. birds, wetlands, old pa sites, tapu sites, bodily remains etc.)	• Desecration of burial sites • Destruction of artefacts • Disruption of wildlife breeding sites • Destruction of are breeds of fauna and flora • Company Image	• Ecological Impact (plant life, wildlife) • Cultural offence • Loss of historical items	• Pre-work inspection – Site research • Clearly identify and cordon off areas of significant interest • If in doubt – cease work in immediate area and cordon the site off • Don't move anything • Restrict access – no visitors etc. • Wait for site to be cleared by relevant authorities before work starts • Contact Manger to okay recommencement of work • Contact HBRC pollution hotline 0800 108 838

Appendix D
Riverbed Cross Section Survey Locations

TBC

Consent No. APP-123534 & APP-123536
DRAFT as at 7 October 2021

RESOURCE CONSENT

Land Use Consent

In accordance with the provisions of the Resource Management Act 1991 (RMA), and subject to the attached conditions, the Hawke's Bay Regional Council (the Council) grants a resource consent for a restricted discretionary activity to:

Regional Assets Section of Hawke's Bay Regional Council
Private Bag 6006
Napier 4142

To extract sand, gravel or other material from the bed of the Tūtaekurī River and to undertake other activities directly associated with the activity that may be restricted by Section 13 of the RMA.

LOCATION

Address of site: Various – refer to Appendix A

Legal description (site of extraction): Various – refer to Appendix A

Map reference: Various – refer to Appendix A

CONSENT DURATION

This consent is granted for a period expiring on <to be added – ~~25~~ 20 years after date of commencement>.

LAPSING OF CONSENT

This consent shall lapse in accordance with section 125 of the RMA on the XX XXXX 2025, if it is not exercised before that date.

XXXX
RESOURCE MANAGEMENT GROUP
Under authority delegated by Hawke's Bay Regional Council
Enter Date

CONDITIONS

Definitions:

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

Term	Definition
Active river channel	The entire width of the river channel including gravel beaches, actively flowing channels, and river banks, but excluding berms, as shown in Figure 1.
Actively Flowing Channel	Comprises the wetted river area of the active river channel being that part of the channel that is in contact with water. See Figure 1
Council	Hawke's Bay Regional Council
Manager Compliance	The Manager Compliance of the Hawke's Bay Regional Council
Berm	Land between the active river channel and the stopbank or naturally elevated land that forms part of the floodplain.
Gravel	Refer to 'sediment' definition below.
Sediment	Includes all alluvial material found in the active river channel and berms. Sediment consists of the broad categories of gravels, sands and silts. For convenience, the term 'gravel' is often used as it is the bulk of the extraction in most cases.

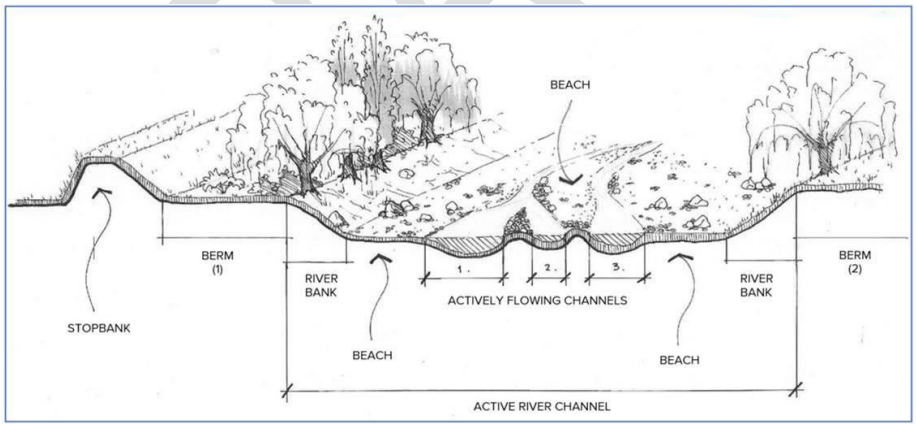


Figure 1: Definitions of terms used in these consent conditions

1. The consent holder is authorised to extract gravel (defined as gravel and associated sand, silt and other riverbed sediments) from the active river channel and berm areas of the Tutaekuri Catchment Rivers as identified within the Plan attached in Appendix A.

2. Except as specifically provided for by other conditions of this consent, all activities to which this consent relates shall be undertaken generally in accordance with the information

contained in the application for this consent including: *"Hawke's Bay Regional Council – Regional Assets Section: Application to Extract Gravel from the Tutaekuri Catchment Rivers"* prepared by Mitchell Daysh Ltd, dated October 2017; and further documentation and correspondence submitted in support of the application, as follows:

a. *Gravel Resource Management Report* (including Section 92 (RMA) Response) (Clode G and Beya, J. Regional Assets Section of Hawke's Bay Regional Council, September 2018)
b. *Gravel Allocation Process* (Clode, G. Regional Assets Section of Hawke's Bay Regional Council. September 2018)
c. *Hawkes Bay Gravel Management Plan & Resource Consents Consultation with Iwi / Hapu & Cultural Values* (Clode, G. 16 October 2018).

Where there is any disagreement between the application documentation and resource consent conditions the resource consent conditions below shall prevail.

3. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. The person responsible for the work on site shall be made familiar with the consent conditions and a copy of the consent conditions shall be included with any authorisation issued to contractors by the consent holder.

4. The consent holder shall notify the Council ~~five~~ ten working days prior to any new extraction operation commencing within the area specified by the resource consent.

5. The consent holder shall notify the Hawkes Bay Fish and Game Council, Te Taiwhenua o Heretaunga, Chief Executive of the Mana Ahuriri Trust, Chief Executive of the Te Taiwhenua O Te Whanganui-a-Orotū, Chief Executive of the Nga Hapu of Tutaekuri and Ngati Kahungunu Iwi Inc. ten working days prior to any new extraction operation commencing within the area specified by the resource consent.

6. The consent holder shall notify the New Zealand Transport Agency ten working days prior to any new extraction operation commencing within the area specified by the resource consent where works are proposed within 15 metres of a New Zealand Transport Agency roading structure.

7. No extraction activity under this consent shall take place within 15m of the following bridge structures (including piers, abutments, retaining and all built structures that form part of the bridge) when gravel levels are below the stated levels:

Bridge / Structure	*Location Easting*	*Northing*	*Design Bed Level of piers in water*
Tutaekuri River Bridge, State Highway 2	1931523	5615166	*38' av of lowest BL around piers (PWN 5458)*
Tutaekuri River Bridge (Waitangi), State Highway 51	1937061	5613727	*22.2' lowest BL around piers (PWN 361)*

8. The Annual Gravel Status Report required by Condition 3~~1~~2, once approved by the Manager Compliance, shall be provided to the Manager – System Management at the New Zealand Transport Agency, Te Taiwhenua o Heretaunga, Chief Executive of the Mana Ahuriri Trust, Chief Executive of the Te Taiwhenua O Te Whanganui-a-Orotū, Chief Executive of the Nga Hapu of Tutaekuri and Ngati Kahungunu Iwi Inc.

9. The consent holder shall maintain an accurate and accessible monthly record of the locations and volumes of gravel taken under this consent. All quantities are to be based on loose measure and rounded to the nearest cubic metre.

10. The consent holder shall immediately repair any damage caused to river banks or river protection works, other than damage associated with authorised access paths.

11. The consent holder shall immediately notify the asset owner and repair any damage caused by the exercise of this consent to any banks, access roads, bridges, culverts, roading structures, fences, gates, protection or other works relating to the control of the river. The cost of such repair shall be met by the consent holder.

    Advice Note: *For the avoidance of doubt this condition relates to damage caused to physical roading assets, caused by the gravel extraction process and not damage caused by the physical river processes that continually change the geomorphology and river alignment.*

12. The consent holder shall immediately repair any damage to existing recreational access to the river through public land caused as a result of extraction activity authorised by this consent.

13. No later than 6 months following the commencement of this consent, the consent holder shall make an invitation in writing to the Chief Executive of Te Taiwhenua o Heretaunga, Chief Executive of the Heretaunga Tamatea Settlement Trust, Chief Executive of the Mana Ahuriri Trust, Chief Executive of the Te Taiwhenua O Te Whanganui-a-Orotū, Chief Executive of the Nga Hapu of Tutaekuri and to the Chief Executive of Ngati Kahungunu Iwi Incorporated to establish the Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group. *The Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group are to be established for the purposes of:*
    a. *Providing cultural oversight of the gravel extraction activities authorised by this consent;*
    b. *Ensuring that areas of cultural significance are appropriately identified to the consent holder for the purposes of managing extraction activity to avoid effects on those areas; and*
    c. *Enabling effective dialogue and resolution should extraction activities authorised by this consent risk or cause effects to areas of cultural significance.*
    d. *Reviewing any proposed changes to Council policy relevant to riverbed gravel management, including any consideration of proposed changes to the Regional Resource Management Plan or Regional Coastal Environment Plan.*
    e. *Jointly investigate alternative gravel management approaches to minimise adverse effects on the environment and enhance the environment (including any effects on groundwater) and cultural values (including mauri and mahinga kai).*

    Advice note: *A memorandum of understanding (MOU) is being developed between Te Taiwhenua o Heretaunga, Ngati Kahungunu Iwi Incorporated and the Consent Holder that sets out the terms of reference for the ~~Maori~~Kaitiaki Liaison Group(s).*

14. The consent holder shall invite and facilitate an annual meeting (or another interval agreed with the group and advised to Council) with the Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels ~~Maori~~Kaitiaki Liaison Group and shall provide reasonable administrative support to facilitate these meetings. The results of the meetings shall be reported to Council Manager Compliance within a month of the meeting.

15. All extraction activity authorised by this consent shall be carried out in accordance with the current version of the Hawkes Bay Riverbed Gravel Management Plan. The GMP shall include the following: The process for receiving authorisations, how they will issued and

managed, the responsibilities of those operating under this consent, and reporting requirements and charging/payment for gravel taken and how this is to be spent. The GMP shall be kept up to date with any changes to the Long Term Plan (LTP).

16. All machinery, equipment and material shall be stored above the maximum anticipated flood level at the end of each working day, or whenever the site is to be left unattended.

17. Gravel stockpiling within the active river channel shall only occur temporarily, while extraction is occurring.

18. The consent holder shall ensure that contractors engaged to undertake work authorised by this consent:

    a) Take part in an induction process.
    b) take all reasonable efforts to avoid causing adverse effects on registered water takes and waahi tapu and waahi taonga within the active river channel.

    Advice Note: A registered water take is one which has a current resource consent from the Hawkes Bay Regional Council.

    Advice Note*: The induction process, and methods to avoid effects on waahi tapu and waahi taonga shall be developed in a Memorandum of Understanding between Te Taiwhenua o Heretaunga, Ngati Kahungunu Iwi Incorporated and the Consent Holder.*

19. The consent holder shall ensure that the site is restored on completion of the gravel extraction operation as follows:

    a) Gravel heaped up during the process of removal shall be spread out by the consent holder on completion of the gravel extraction operation.
    b) Consent holder shall remove all plant, machinery, equipment, signs and other structures associated with the operation from the riverbed immediately on completion of operations.
    c) No reject, surplus or unused gravel from a gravel processing plant is to be deposited into or onto the active river channel.
    d) All disturbed areas shall be reinstated as far as is practical to minimise the release of sediment to flowing waters.

20. The consent holder shall erect a warning sign (generally in the form shown in Appendix B) adjacent to the site of extraction where, as a result of the extraction, the stretch of river has or is likely to become dangerous to the public. These signs will be required wherever holes are made in the riverbed, which could become a danger to fishers and others who may use the riverbed. The signs shall be removed on completion of the operation or when the area is no longer a potential danger to the public.

21. No refuelling shall occur within 20 m of the active river channel. No fuel shall be stored within 30 m of the active river channel.

22. To ensure worksite spills are avoided and otherwise managed appropriately, the consent holder shall produce a Spill Management Plan (SMP) appropriate for the activities being undertaken on site (see Advice Note (V)). The SMP must:

    a) Include procedures for preventing contaminants such as hydrocarbons or chemicals entering any waterbody in the event of a spill;
    b) Be prepared by a suitably qualified person;
    c) Be provided to the Council prior to commencement of the works.

23. The consent holder and any contractors shall abide by the SMP and a copy of this SMP must be present on site at all times while the work is being undertaken.

24. Where, for any cause (accidental or otherwise), contaminants associated with the consent holder's operations escape to water other than in conformity with the consent, the consent holder shall:

    a) Immediately take all practicable steps to contain and then remove the contamination from the environment, and;
    b) Immediately notify the Council of the escape, and;
    c) Report to the Council, in writing and within 7 days, describing the manner and cause of the escape and steps taken to control it and prevent its reoccurrence.

25. In the event of any archaeological site or waahi tapu being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Council (Manager Resource Use) to obtain contact details of the relevant tangata whenua. The consent holder shall then consult with the relevant local hapu or marae and the Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and tangata whenua approvals to damage, destroy or modify such sites have been obtained.

26. The exercise of this consent, including machinery working in the active river channel and in the vicinity of riverbed bird nesting sites, shall be managed in accordance with the Tutaekuri Catchment Rivers Ecological Management and Enhancement Plan June 2015 (HBRC Plan 4748), and any subsequent revisions of that Plan that are approved by the Council Manager Compliance in a (technical authorisation capacity).

    Advice Note: Reference should be made in particular to Section 3.3, ''Ecological Management Objectives, Methods, and Monitoring', of the Ecological Management and Enhancement Plan.

27. Should the gravel extraction operation result in increased turbidity of active flowing channel, the consent holder shall take all practicable steps, including any actions directed by an officer of the Council, to remedy the turbidity. The consent holder shall ~~give~~ in particular ~~attention to~~ avoid~~ing~~ causing turbidity within waterways during the fish-spawning period of May-October.

28. Dust control methods shall be used to mitigate potential dust effects where dust from works may otherwise reach residential dwellings.

29. Bed level cross section surveys shall be undertaken every three years, at the established benchmarks illustrated in the plan attached as Appendix D.

30. Riverbed gravel particle size monitoring surveys shall be undertaken on a six yearly basis at the established benchmarks that represent the extraction reach illustrated in the plan attached as Appendix D.

31. Based on the survey results of Conditions 28 and 29, an Annual Gravel Status Report shall be submitted to the Manager Compliance by the end of June each year for approval by the Manager Compliance in a technical authorisation capacity. The report shall address but not be limited to:

    a) Calculation and comparison of mean bed levels and reach volumes between cross sections and between annual surveys.
    b) Comparison of mean bed levels and reach volumes with bed level design grade lines.

c) Based on (a) and (b), an assessment of the Sustainable Gravel Allocation (cubic metres per year [loose measure]) for the upcoming year of 1 January to 31 December.

d) Coastal gravel supply volume estimates (m^3/year), coastal gravel erosion effects assessment and recommended coastal erosion mitigation measures (if required).

Gravel extraction in any one year shall not exceed the authorised Sustainable Gravel Allocation for that year without the written approval of the Manager Compliance.

32. The Consent Holder shall submit to the Manager Compliance a 'Water Quality Effects Investigation Programme of Work' four weeks before the first exercise of this consent. The Programme shall take into account the recommendations of Cawthron Report No. 2968 dated January 2017, submitted with the application for this resource consent. The Programme shall be implemented in full within 5 years of the commencement of this consent. Interim progress reports on relevant stages of the Programme shall be submitted to the Manager Compliance annually, by 1 July each year.

33. Five years following commencement of this Permit and every five years thereafter, the consent holder shall submit a report (to Council) undertaken by a suitably qualified person(s) approved by the Manager Compliance. The report shall review and include:

a. Any new relevant regulations, research, investigations or other material;
b. The results of monitoring undertaking under this permit;
c. Whether any effects have been identified as a result of activities authorised by this permit that are more significant than expected;
d. Discussions and agreed minutes with the Heretaunga Gravels Kaitiaki Liaison Group and the Tamatea — Heretaunga Gravels Kaitiaki Liaison Group;
e. Recommendations including any practices or activities that should be avoided or modified to reduce any adverse effects on the environment and cultural values.

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34. The consent holder shall ensure that gravel extraction activities do not spread any plant pests (such as Chilean needle grass, privet and yellow bristle grass) listed under sustained control programmes in the Regional Pest Management Plan 2018-2038 (2019, HBRC Publication No. 5030) to other properties and undertake all gravel extraction activities in general accordance with Section 5.3 of the Regional Pest Management Plan.

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~~33.~~35. The Council may review conditions of this consent pursuant to sections 128, 129, 130, 131 and 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA. Times of service of notice of any review: During the month of May, of any year. Purposes of review include:

a) To deal with any adverse effect on the environment and cultural values (including mauri and mahinga kai) which may arise from the exercise of this consent, which it is appropriate to deal with at that time, or which became evident after the date of issue.

b) To require the adoption of the best practicable option to remove or reduce any adverse effects on the environment and cultural values (including mauri and mahinga kai).

c) To take into account the results from monitoring (including cultural monitoring) modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate or inadequate to address adverse effects of the consented activities.

d) To deal with findings of the Water Quality Effects Investigation Programme of Work and the Ecological monitoring programme.

~~d)~~e) To address any matters raised in the report prepared under condition 33.

ADVICE NOTES

i. An officer of the Council shall have the right, during business hours, of access to the site of extraction and to the books and documents relating to the extraction of gravel authorised by this consent and kept by the holder in order to check the accuracy of the returns made to the Council.

ii. The consent does not of itself confer any right of access over private and/or public property. Arrangements for access must be made between the consent holder and the property owner (including land under the control of the HBRC).

iii. Where the consent holder requires access across river berm areas held by Council under the Reserves Act (or any other relevant Act) and leased to a third party, the consent holder must negotiate access across that land with the lessee.

iv. The consent does not confer any exclusive right of occupation over the area allotted to the holder.

v. A generic Council prepared Spill Management Plan template is attached as Appendix C. If this generic SMP covers all of the activities, and risks for the site, then it may be adopted in full with notification given to Council (Manager Resource Use) of its adoption prior to work commencing. If the attached SMP does not meet the site specific requirements, the consent holder must submit another suitable alternative plan to the Council prior to commencement of the works in accordance with Condition 21.

vi. All information required by all conditions can be provided to the Council by email to ComplianceReturns@hbrc.govt.nz

MONITORING NOTE

Routine monitoring

Routine monitoring inspections will be undertaken by Council officers on at least one occasion each year during and/or after gravel extraction works. The costs of **any** routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-Routine monitoring

"Non routine" monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA shown below.

Section 17(1) of the RMA states:

> *Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with*
>
> *a) any of sections 10, 10A, 10B, and 20A; or*
>
> *b) a national environmental standard, a rule, a resource consent, or a designation.*

DEBT RECOVERY

It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

CONSENT HISTORY

Consent No. (Version)	Date	Event	Relevant Rule Number	Plan
APP-XXXXX & APP-XXXXX	Xx/xx/xxxx	Consent initially granted	74	Regional Resource Management Plan (28 August 2006)
			61	Hawke's Bay Regional Coastal Environmental Plan (8 November 2014)

Appendix A
Plan of Gravel Extraction Areas

Appendix B
Warning Sign

Appendix C
Spill Management Plan

SPILL MANAGEMENT PLAN

<<PROJECT/SITE NAME>>

<<ADDRESS FOR SITE>>

<<COMPANY RESPONSIBLE>>

<<DATE OF ISSUE/REVIEW>>

Document control

Version No.	Created by	Reviewed by	Date Issued
1.0	*John Smith*	*Jane Doe*	*01/01/2020*

Purpose of the spill management plan

The Resource Management Act (RMA) 1991 sets out how we should manage our environment. It is based on the idea of sustainable management of our resources – or in other words, protecting the quality of our soil, air and water from being damaged beyond repair. The RMA isn't about stopping any activity that effects the environment. It is about undertaking activities in a manner that will have minimal impact to the environment. *'Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment…'* Section 17 of the RMA.

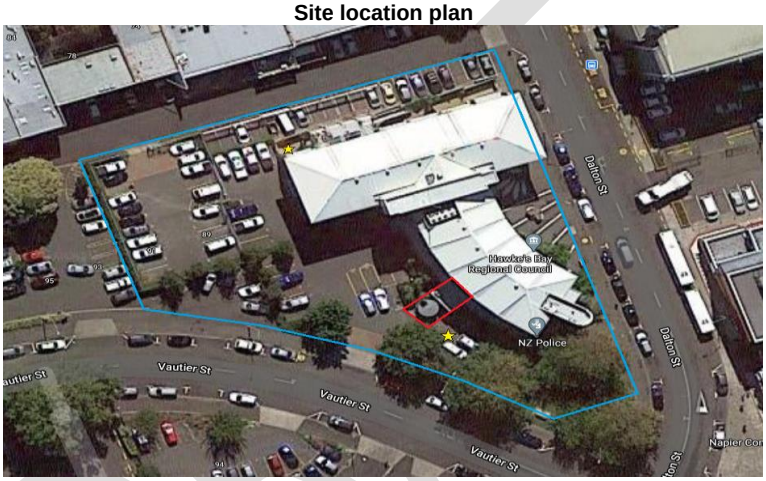
List the resource consent number and relevant conditions such as refuelling areas, notification to Hawke's Bay Regional Council (HBRC) and where to find a copy of the resource consent.

Identify the organisational role that has primary responsibility for spill management at the site and any other positions with responsibilities for spill management and response and list these in an easily accessible table for staff.

Roles, responsibilities, contact details

Name	Organisational Role	Contact Type	Responsibilities	Contact Number
John Smith	*Site Manager (primary contact)*	*After Hours, 17:00-08:00*	*Reporting of spills onsite, maintenance of spill kits*	*027********
Jane Doe	*Regional Manager*	*Working hours, 08:00-17:00*	*Training and toolbox talks*	*06 845 ******
Hawkes Bay Regional Council	*Pollution Response*	*24/7*	*Regulator agency*	*0800 108 838 (pollution hotline)*

Site location plan



Site boundary
High risk areas, hazardous substances
Spill kit locations

The site location plan should provide a visual aid to the user of the plan that identifies high risk areas, boundary of the site, locations of any hazardous substances onsite and the location of spill kits or spill response equipment.

Spill response procedure

Be safe

- identify the spilt material. You should hold material safety data sheets (MSDS) for all hazardous materials you use on site.
- wear PPE if you need to, or if you don't know what the material is.

Stop the source

- for example, turn off the tap or valve, plug the leak, or roll the drum so the hole is on top.

Protect stormwater

- block access to stormwater grates or unpaved ground using drain covers, sandbags, booms or materials appropriate for the spill.
- contain liquid spills with suitable material so they can't spread.

- cover powder spills to stop them blowing around or dampen them where it is safe to do so.

Notify

- contact your supervisor and inform other agencies such as the Fire Service or your regional council's Pollution Hotline if the spill escapes your control.
- **Notify HBRC of incident 0800 108 838 (Pollution Hotline)** if the spill is significant or escapes to water.

Clean up

- pump liquid spills into a safe container, absorb them with appropriate materials or mix with a compatible solid so you can sweep them up for disposal
- if the spill needs to be neutralised get a properly qualified staff member, or phone the Fire Service, a reputable waste contractor, or your regional council's Pollution Hotline and tell them what the material is.
- sweep or vacuum up powder spills and put them in a safe container.
- don't walk through the spill if you can avoid it and keep the contaminated area as small as possible.
- clean up the area and any contaminated equipment or clothing. Remember to prevent wash water or sweepings from reaching stormwater grates or uncovered ground.

Dispose responsibly

- reuse uncontaminated material.
- dispose of contaminated materials, clean-up equipment or clothing as a waste or ask your waste disposal contractor to dispose of it for you.

Restock and review

- replace any containment equipment or PPE immediately and complete a spill report to find out how and why the spill occurred.
- see what lessons can be learnt to prevent similar incidents in the future.
- check your spill procedure – can you improve or update it following the incident.
- Your consent may also require you to provide an incident report to HBRC.

Spill kits and spill response equipment

This site has XXX spill kits on site, located at the site office and next to the plant refuelling area. Each spill kit contains:

- XX bag of zeolite material
- XX absorbent booms
- XX absorbent pads
- XX Disposable gloves, overalls and masks
- XX rubbish bags for disposal of waste

List any other spill equipment that may be kept on site.

Disposal and replacement of used spill response equipment

The site manager (or identified person) shall be responsible for disposing of any used spill response material to a location licensed to accept it. All spill response equipment will be checked and maintained to the level specified in the above section

Training and inductions

All staff and contractors working onsite with or around hazardous substances should be trained in spill response procedures and aware of the roles and responsibilities of this spill management plan.

Regular toolbox talks are held to ensure that staff are appropriately trained to respond to spills and are aware of the procedures. Repeat training regularly and practise your procedures – get everyone to have a go at getting the spill materials out of the kit and using them.

Site specific hazards and controls:

ACTIVITY	RISK	ENVIRONMENTAL EFFECT	CONTROLS
REFUELLING	• Spillage • Wash-off • Fire	• Pollution of waterways, streams, and storm-water systems • Soil Contamination • Ecological Damage (plant life, wildlife)	Prevent spills: • Inspect machines for any leaking fluids prior to starting job. • Use established refuelling points • Locate fuel tanks away from waterways. • Bunding of fuel tanks. • Not hot refuelling. • Fire Prevention Plan. Contaminant: • Dig hole, create a bund, or use container to contain spill. • Stop the spill or leak, if safe to do so • Create a barrier to keep out of waterway and contain. Immediate Clean Up: • Sawdust or suitable absorbent to soak up excess • Scrape off affected topsoil and dump spoil in approved dumping site only. • Contact HBRC pollution hotline 0800 108 838.
WORKING NEAR/IN RIVERS, STREAMS, and COASTAL AREAS	• Machinery failure • Leakage / Spillage • Bank and or bed damage • Wash-off	• Pollution of waterways, streams and storm-water systems • Soil contamination • Ecological Contamination • Ecological Damage (plant life, wildlife)	• Work to resource consent conditions (copy to be kept on site) • Work to contact specifications • Store plant, stores and equipment in approved storage areas only and away from watercourses • Contact HBRC pollution hotline 0800 108 838 in the event of a spill that may or will escape to water • Have a spill kit on hand • Be familiar with what to do in the event of a spill or leak
CHEMICAL USE	• Leakage – Spillage • Wash-off • Poisonous fumes • Explosion / Fire	• Short or long term contamination of waterways, land and air	• Abide by Material Safety Data Sheets (MSDS) for handling, storage and containment / clean-up information • Emergency Plans

ACTIVITY	RISK	ENVIRONMENTAL EFFECT	CONTROLS
		• Ecological poisoning • Population poisoning through ingestion / inhalation	• Use effective and appropriate personal protective equipment (PPE) • Contain and clean up, IF SAFE TO DO SO • Contact HBRC pollution hotline 0800 108 838
DUMPING AND STORAGE OF MATERIAL, RUBBISH AND SPOIL	• Spillage • Wash-off • Fire • Rodent / Insect infestations • Blocked waterways	• Pollution of waterways, streams, and storm-water systems • -Soil Contamination • Ecological Damage (plant life, wildlife) • Smell	• Work to resource consent conditions (copy to be kept on site) • Containment to prevent spread / wash-off • Restricted access • Waste material sites planned and managed • Planned cartage and dumping for specific waste / spoil (including soil or waste contamination from fuel, oils, human & animal waste, excess concrete HSNO) • Proper rubbish disposal (skip bin, 200L drum etc.)

Environmental Sheet on Environmental Matters

ACTIVITY	RISK	ENVIRONMENTAL EFFECT	CONTROLS
DUST	• Reduced visibility • Air irritation • Company Image	• Personal – irritation, stress • Amenity / aesthetics • Crop damage	• Dampen down tracks and areas of loose spoil • Management arrange for mailbox drop if necessary • Restrict hours of work • Restricted vehicle movement and speed • Designated park-up areas • Use effective and appropriate PPE
NOISE	• Excessive noise • Noise vibration • Company Image	• Personal irritation and stress • Disruption to wildlife	• Restrict vehicle, plant and equipment revs • Baffles and muffling • Restrict hours of work • Management arrange for mailbox drop if necessary • Use effective and appropriate PPE
EARTH WORKS	• Undermining • Destabilisation • Flooding • Silt runoff	• Pollution of waterways, streams and storm-water systems • Soil Contamination • Ecological damage (plant life, wildlife) • Erosion • Silt build-up / flooding	• Work to resource consent conditions • Use erosion and sediment controls as per HBRC guidelines, and as per plans and project methodology • Work to boundaries in contact specifications • Water pumps – water diversion • Control stormwater and surface water run-off • Daily site checks • Restricted access / barriers • Stabilise surfaces as soon as practical
SITES OF NATURAL, HISTORICAL, AND CULTURAL SIGNIFICANCE (e.g. birds, wetlands, old pa sites, tapu sites, bodily remains etc.)	• Desecration of burial sites • Destruction of artefacts • Disruption of wildlife breeding sites • Destruction of are breeds of fauna and flora • Company Image	• Ecological Impact (plant life, wildlife) • Cultural offence • Loss of historical items	• Pre-work inspection – Site research • Clearly identify and cordon off areas of significant interest • If in doubt – cease work in immediate area and cordon the site off • Don't move anything • Restrict access – no visitors etc. • Wait for site to be cleared by relevant authorities before work starts • Contact Manger to okay recommencement of work • Contact HBRC pollution hotline 0800 108 838

Appendix D
Riverbed Cross Section Survey Locations

TBC

APPENDIX 5: Letter From Te Taiwhenua O Heretaunga

Te Taiwhenua o
HERETAUNGA

24 March 2021 Ref: COR240421CDHBRC

Chris Dolley
Asset Management Group
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142
Email: chris.dolley@hbrc.govt.nz

Tēnā koe Chris,

Re: Hawke's Bay Regional Council Global Consent for Gravel Extraction

Te Taiwhenua o Heretaunga (TToH) and Ngāti Kahungunu Iwi Inc. (NKII) entered the statutory process with the affected party notification to respond with respective submissions. The pre-hearing meetings that have taken place provided additional information supplied by Sven Exeter, Simon Bendall and others I wish to acknowledge.

Despite agreeing on some of the matters under discussion, we have been alerted by hapū members to the consequences of current gravel extraction activities at two sites in particular, being the Ngaruroro River at Roy's Hill and the Waipawa River at State Highway 50 near Onga Onga.

Upon visiting these two sites and viewing the nature and extent of the gravel extraction activities, we have concluded that the adverse effects of the extraction and associated activities upon the rivers and the river margins, and on their associated ecosystems, are far greater than we previously envisaged.

Due to the scale of the gravel extraction and associated activities and their impacts upon the environment, including effects upon the cultural values and practices of our whānau and hapū, TToH wish to proceed to a hearing.

We see the actual and potential effects being:-

- Sediment release from the gravels and effects downstream, particularly following rainfall events/freshes
- Effects on natural groundwater recharge zones
- Loss of in-stream habitat through decrease in braided areas
- Smothering of macro-invertebrate habitat and inanga spawning habitat
- Disruption to the seasonal migration and spawning of indigenous fish and trout
- Interference with the natural character and hydrology of the rivers
- Disruption to and adverse effects on tikanga Māori values and cultural practices, and
- Downstream effects on the rivers and estuaries including Waitangi Estuary which is a kohanga ika.

On pages three and four are recent photographs taken from the two sites visited.

I highly recommend we go for a site visit, so all parties can better understand the concerns both culturally, environmentally and hydrologically.

It would be prudent to include Andy Hicks and members of the Hydrology team.

Nāhaku noa iti,
Nā

Marei Apatu
Te Kaihautū

Copy to: Sven Exeter, C/- Mott MacDonald
Simon Bendall, C/- Traverse Environment
Ngaio Tiuka, NKII
Liz Munro, Heretaunga Tamatea Settlement Trust

Ngaruroro River at Roy's Hill Gravel Extraction Site

Waipawa River at State Highway 50 Gravel Extraction Site

APPENDIX 6: Resource Consent ‘0802001’

HAWKE'S BAY
REGIONAL COUNCIL

When forwarding declarations please quote
Land Use Consent number : **0802001**

RESOURCE CONSENT TO EXTRACT GRAVEL

In accordance with the provisions of the Resource Management Act 1991 and subject to the attached conditions, the Hawkes's Bay Regional Council (the Council) for the reasons attached grants to :

Name : Russell Roads
Address : P.O.BOX 2191
STORTFORD LODGE
HASTINGS 4153
Attention : Robbie Gale

a Resource Consent for the purpose of extracting gravel.

DETAILS OF RESOURCE CONSENT

River : Ngaruroro River

Site of Extraction	**Proposed Volume of extraction** Shingle (cubic metres)	Silt (cubic metres)
NG53R - Upstream Maraekakaho	50000	
NG54R - Upstream Maraekakaho	100000	

Consent commences on **17 July 2020** and expires on **30 June 2021.**

Location of stockpile area(s): Maraekakaho leased land area
(where applicable)

Rate of removal of gravel : 12500 cubic metres per day/week/month
(where applicable)

NB: this consent supersedes the previous consent for 150,000m³ at NG54R.

Fees : **$0.80 per cubic metre plus GST**

Note : All quantities to be based on loose measure and rounded to the nearest cubic metre. Declarations are requested by the 20th of the month following extraction. If no gravel is removed, a nil return must be forwarded for the period commenced.

Signature :

Manager - ASSET MANAGEMENT

Date : 10 Aug 2020

REASONS FOR DECISION

1. The consent conditions promote the sustainable management of the extraction operation by avoiding, remedying or mitigating any adverse effects of the activity on the environment.

2. The activity is not contrary to the objectives, policies of the Regional River Bed Gravel Extraction Plan (Rule 7.1) or the Hawke's Bay Regional Resource Management Plan (RRMP, specifically Rule 74).

CONSENT CONDITIONS

General

3. Extraction shall only occur in areas specified by this consent and attached map.

4. Unless otherwise indicated by this consent, the period to which the consent relates is from 1 July to 30 June the following year.

5. The consent holder shall notify the Council at least **forty-eight (48)** hours prior to any new, or recently inactive, extraction operation commencing within the area specified by the consent.

6. The consent holder shall ensure that any person exercising the consent shall produce the consent to the Council when requested to do so by an Officer of the Council.

7. The consent holder shall maintain an accurate and accessible daily record of the volume of material taken, the site of extraction and the date it was taken. All quantities are to be based on loose measure and rounded to the nearest cubic metre. Such records are to be provided **monthly** to the HB Regional Council on the Statutory Declaration forms provided.

8. An Officer of the Council has the right of access to the site of extraction and to the books and documents relating to the extraction of material authorised by this consent and kept by the holder in order to check the accuracy of returns made to the Council.

9. The consent holder shall immediately repair any damage that they have caused to any banks, access roads, fences, gates, protection or other works relating to the control of the river. The cost of such repair shall be met by the consent holder.

10. Extracting:
    a) When extracting from outside the active channel and **above the water level**, extraction shall commence from the water's edge on an even face or otherwise as directed by an Officer of the Council.
    b) When extracting from outside the active channel and **below standing water level**, the consent holder shall maintain a **one** metre wide barrier between the active channel and excavation site to avoid any increase turbidity in the river. The barrier is to be removed upon completion of work.

11. Upon completion of the extraction operation the consent holder shall ensure that the site is restored or remediated as follows:
    a) Any material heaped or disturbed during the process shall be spread evenly.
    b) All plant, machinery, equipment, signs and other structures associated with the operation shall be removed.
    c) Any stockpiles shall be removed from the site prior to the expiry date of the consent.

12. A consent **does not** confer any exclusive right of occupation over the area allotted to the holder.

13. Any authorisation to extract material conferred by a consent does not guarantee that the quantity or quality required will be available.

Access

14. The consent does not confer any right of access over private and/or public property. Arrangements for access must be made between the consent holder and the property owner (including any land managed by the Council).

15. Where the consent holder requires access across river berm areas held by Council under the Reserves Act (or any other relevant Act) and leased to a third party, the consent holder shall negotiate access across that land with the lessee.

16. Where, as a result of extraction, the river has or is likely to become a hazard to the public (including where holes are made in the riverbed which could become a hazard to fishers and others), the consent holder shall erect a **warning sign**. The signs shall be removed on completion of the operation or when the area is no longer a hazard to the public.

17. At any one time, a single haulage route shall be selected and clearly marked, and all haulage and other vehicle access to and from the extraction area shall be via that single route.

18. Access tracks shall be watered regularly to keep dust down (as required).

19. No machinery shall be driven across the active river channel without prior written authorisation from the Council in consultation with the Department of Conservation and the Fish and Game Council. When driving a vehicle across the active channel, the consent holder shall take all practicable steps to avoid an increase in the level of turbidity of the river. The consent holder shall give particular attention to avoiding turbidity during the fish-spawning period of May-October.

Environment

20. There shall be no storage of fuel or refuelling of vehicles and machinery within **20m** of the active river channel.

21. At no time shall machinery be washed within the active river channel.

22. All practical measures shall be undertaken to prevent oil and fuel leaks from vehicles and machinery.

23. In the event of any contamination of the watercourse by fuel or oil, the extraction operator shall remove the contaminants immediately from the site and, without undue delay, notify the Council on **0800 108 838**.

24. Should any archaeological site be discovered within the area affected by the operation the consent holder shall, without undue delay, notify the Historic Places Trust and the Council.

25. The extraction operator shall clear vegetation from the extraction site before material is extracted (as required).

ADDITIONAL SPECIFIC CONSENT CONDITIONS

Tūtaekurī River – Bird Disturbance

26. Extraction shall be carried out in accordance with the **Tūtaekurī Ecological Management and Enhancement Plan**[1]. Specific rules apply to commercial extraction activities at new or recently inactive extraction sites, to protect breeding riverbed birds, including the following:

a) Before any mechanical extraction works being carried out, an inspection of the proposed area of works by a suitably qualified ecologist is required within ten working days prior to any works being carried out, in the following areas:
   i. Between **Napier–Hastings Expressway** (TK17) and the **Mangaone–Tūtaekurī confluence** (TK55, Dartmoor) during the period 1st August – 28th February**.**
b) A suitably qualified ecologist shall prepare a written report that identifies all the located bird breeding or nesting sites and provide copies of that report to the HBRC and the extraction operator.
c) Any person carrying out physical works in the area should be informed of any bird breeding or nesting site locations.
d) No physical works or machinery movements should be undertaken within **50m** for banded dotterel and **75m** for all other shorebirds which are nesting or rearing their young in the bed of the river.
e) Where gravel work ceases for more than 10 days, the site will be re-inspected for bird breeding or nesting sites in accordance with 'a' to 'd' above.

Ngaruroro River

27. Extraction shall be carried out in accordance with the **Ngaruroro River Ecological Management and Enhancement Plan**[2]. Specific rules apply to commercial extraction activities at new or recently inactive extraction sites, to protect breeding riverbed birds, including the following:

f) Before any mechanical extraction works being carried out in the river reaches, an inspection of the proposed area of works by a suitably qualified ecologist is required within ten working days prior to any works being carried out, in the following areas;
   i. Between **Chesterhope Road Bridge** (NG15) and **Fernhill Road Bridge** (NG38) during the period 1st September to 27th February, or;
   ii. between **Fernhill Road Bridge** (NG38) and the downstream boundary of the Black-Billed Gull/South Island Oystercatcher management zone (NG57) during the period 1st August and the 27th February.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
a) I.												
a) II.												

g) During the period 1st August to 27th February inclusive, no extraction or associated activities shall be carried out within the "*Black-Billed Gull/South Island Oystercatcher management zone*".
h) A suitably qualified ecologist will prepare a written report that identifies all the located bird breeding or nesting sites and provide copies of that report to the HBRC and the extraction operator.
i) Any person carrying out physical works in the area should be informed of any bird breeding or nesting site locations.
j) No physical works or machinery movements should be undertaken within **50m** for banded dotterel and **75m** for all other shorebirds which are nesting or rearing their young in the bed of the river.
k) Where gravel work ceases for more than 10 days, the site will be re-inspected for bird breeding or nesting sites in accordance with 'a' to 'f' above.

[1] Tutaekuri EMEP, Chapter 3-3, Page 69 https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/4748-AM15-13-Tutaekuri-River-Ecological-Management-and-Enhancement-Plan.pdf
[2] Ngaruroro EMEP, Chapter 3-12, Part 5.1.2. https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/4276-AM11-04-Ngaruroro-Ecological-Management-Plan.pdf

28. No heavy vehicle access to Māori Point at the Omāhu public access (NG38) before 7.00am or after 6.00pm, Monday to Friday. No work permitted on the weekends or public holiday.

29. No heavy vehicle access to Maraekakaho at the Monument (NG53) before 7.00am or after 6.00pm, Monday to Friday. Access at weekends or public holidays from 7.30am to 3.00pm only.

Tukituki Catchment – Bird Disturbance

30. Extraction shall be carried out in accordance with the **Tukituki River Ecological Management and Enhancement Plan**[3]. Shading signifies that specific rules apply to commercial extraction activities at new, or recently inactive, extraction sites, to protect breeding riverbed birds, including an inspection of the proposed area of works by a suitably qualified ecologist, within ten working days prior to any works being carried out.

Scheme Extent	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Lwr Tukituki Scheme (coast–Red Bridge)												
Tukituki River (Tamumu Bridge–Eastwood Rd)												
Waipawa River (Tukituki conflu.–Holden Rd)												
Tukipo River												
Mangaonuku Stream												
Makaretu River												

Tukituki and Waipawa River – Pest Plant Control

31. The extraction operator shall take all reasonable steps to ensure all machinery is free of plants and plant seeds prior to use in any river, and again prior to relocation between extraction sites.

32. The consent holder shall **notify recipients of material** from the Tukituki River (below Waipawa River confluence) and from the Waipawa River (below Stockade Road) of the presence of **Chilean needle grass** prior to delivery.

33. A record shall be kept by the consent holder of the parties supplied, and the proposed location and use of any material. This shall be made available to the Council upon request by an Officer of the Council.

Note: Chilean needle grass is a pest plant in the Hawke's Bay Regional Pest Management Plan. Sections 52 and 53 of the Biosecurity Act 1993, which prevent the communication, release, spread, sale and propagation of pests, must be complied with. These sections should be referred to in full in the Biosecurity Act 1993. In order to abide by these sections of the Biosecurity Act the conditions of the consent must be strictly adhered to ensure that Chilean needle grass is not spread in potentially contaminated gravel.

Material taken from anywhere within the Tukituki River margins below the Waipawa River confluence or from the Waipawa River (below Stockade Road) could be contaminated with Chilean needle grass therefore if it is to be moved off site its' use needs to be limited to activities that minimize the risk of spread e.g. concrete or foundation material. Gravel from this area should not be used for activites that have a high risk of spreading the Chilean needle grass seed (such as farm tracks or vineyards).

Waipawa River

34. No heavy vehicle access at Waipawa on the south side, downstream from Waipawa River Bridge before 6.00am or after 10.00pm, Monday to Friday. Access at weekends or public holidays is from 7.30am to 5.00pm only.

[3] Tukituki EMEP, Part 3.3, page 11.
https://herbi.hbrc.govt.nz/site/LandDraina/BusinessManagement/Tukituki%20Catchment%20Rivers%20EMEP_Final_Full.pdf#search=Tukituki%20River%20Ecological%20Management%20and%20Enhancement%20Plan

ADVICE NOTES

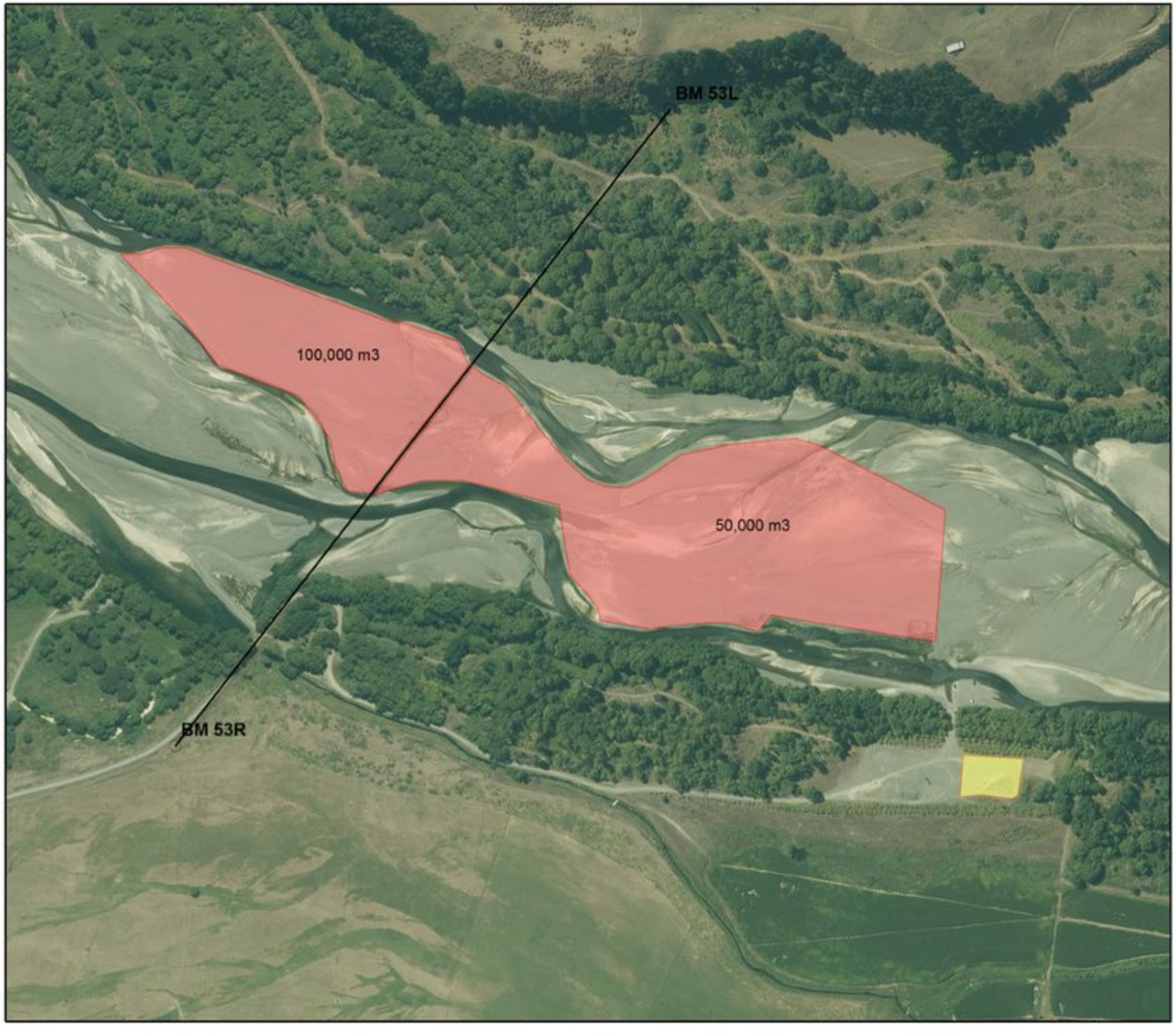
35. That pursuant to Section 36 of the Resource Management Act 1991, the applicant is responsible for paying costs relating to receiving and processing of this resource consent. This amount is shown on the application form.

36. Notwithstanding any conditions outlined above, additional specific conditions may be imposed on extraction activities in the region on any occasion, to take account of the site conditions at the time, to protect property, to protect human health, to ensure river or flood control is not prejudiced, or to avoid, remedy or mitigate any adverse effects on the environment.

37. This consent does not constitute authority to erect, reconstruct, place, alter, extend, remove or demolish any structure or to divert water or construct a causeway or discharge wash into a river. These activities are controlled and you must seek a resource consent to carry them out.

38. The consent holder may apply to change the terms and conditions of the consent (except for the duration) if circumstances change (Section 127 of the Resource Management Act 1991).

39. The consent is transferable to any other person unless the consent states otherwise. The transfer has no effect until written notice of the transfer is given to the Council. The same conditions will apply to the new consent holder.



Legend

- Extraction Area
- Location of Stockpile Area(s)

Gravel Extraction Site Plan

River Name: Ngaruroro

Section: NG53R - Maraekakaho

0 62.5 125 250 Meters

NORTH

HAWKE'S BAY REGIONAL COUNCIL

DATA FROM: Information obtained from the Hawke's Bay Regional Council's Geographic Information Systems Database.

Date Printed: 10/08/2020

APPENDIX 7: Draft Response To Submitters From Applicant

Application Number	Activity Description	Activity Location
APP-123526	to remove gravel and undertake other earthworks within the Tukituki river	Tukituki River, Hawke's Bay
APP-123534	to remove gravel and undertake other earthworks within the Tutaekuri river	Tutaekuri River, Hawke's Bay
APP-123535	to remove gravel and undertake other earthworks within the Tukituki river (coastal area)	Tukituki River coastal area
APP-123536	to remove gravel and undertake other earthworks within the Tutaekuri river (coastal area)	Tutaekuri River coastal area
APP-123548	to remove gravel and undertake other earthworks within the Ngaruroro river	Ngaruroro River, Hawkes Bay
APP-123550	to remove gravel and undertake other earthworks within the Ngaruroro river (coastal area)	Ngaruroro River coastal area

1. First Gas Limited

The natural gas pipeline crosses underneath the Tukituki River, Waipawa River, Makaretu River, Tukipo River and Mangaonuku Stream. Submission is neutral.

First Gas Limited requests *"That the HBRC includes a condition requiring the consent holder to notify First Gas Limited of any gravel extraction or river bank works within 6 metres either side of the pipeline, and any non-road legal vehicle movements over the pipeline, prior to those works being undertaken."*

HBRC Response: HBRC has no issue with this request and for it being a consent condition. This condition will be included with any authorisation for gravel extraction and other earthworks.

2. Hawke's Bay Fish and Game Council

HBFGC submission supports the consent applications. There were two requests relating to consent conditions.

i. *Once works at an individual site are complete, the consent holder and/or contractor shall ensure that recreational access to the river at the public site is maintained or enhanced.*
ii. *The Hawkes Bay Fish and Game Council shall be notified up to 15 working days before works begin at a particular site.*

HBRC Response: HBRC has no issue with this request and for these to be included as consent conditions. These conditions will be included with any authorisation for gravel extraction and other earthworks.

3. Barker Contractors

Michael Barker supports the consent application APP 123526 for the Tukituki River.

HBRC Response: We thank Barker Contractors for their support.

4. New Zealand Transport Agency

NZTA's submission in neutral (does not support or oppose). NZTA wishes to protect the structural integrity of the bridges, culverts, stormwater outlets and weirs located within the rivers of these consent applications. The Agency seeks amendments to the conditions of the consents to ensure the early consideration of the implications of extraction on these structures. They have requested the following amendments:

Condition 1**. The consent holder is authorised to extract gravel (defined as gravel and associated sand, silt and other riverbed sediments) from the active river channel and berm areas of the Tutaekuri River as identified within the Plan attached in Appendix A and **no closer than 15metres to a Transport Agency structure.

***Condition 4.** The consent holder shall notify the Council **and the Transport Agency, when works are proposed within 15metres of a roading structure,** five working days prior to any new extraction operation commencing with the area specified by the resource consent.*

***Condition 7.** The consent holder shall immediately **notify the asset owner and** repair any damage caused by the exercise of this consent to any banks, access roads, **bridges, roading structures,** fences, gates, protection or other works relating to the control of the river. The cost of such repair shall be met by the consent holder*.

HBRC Response: Condition 4, HBRC has no issue with this request and for the above amendment to the consent conditions. These conditions will be included with any authorisation for gravel extraction and other earthworks.
Condition 7, to be clear, this relates to the damaged to physical roading assets managed by the Transport Agency, caused by the gravel extraction process and not the physical river processes that continually change the geomorphology. On this understanding, HBRC has no issue with this request and for the above amendment to the consent conditions.

5. Ngati Kahungunu Iwi Inc. (NKII)

NKII submission is neutral and it supports the submission made by Ngati Kahungunu Taiwhenua and hapu in particular the submission made by Te Taiwhenua o Heretaunga. In particular they support the consent with the conditions set out by Te Taiwhenua o Heretaunga as follows: (numbering as per NKII submission).

5. *That the adverse impact on tangata whenua access and use of the rivers and associated resources, particularly cultural practices such as but not limited to mahinga kai, kaitaikitanga, nohoanga (see Regional Policy Statement), wananga and manaakitanga should be avoided. This can be achieved in part by the avoidance of gravel stock piling and transport within 200 meters of cultural practices including those noted above. We understand access and use will be part of upcoming consultation by HBRC with tangata whenua, there is space to continue that conversation as part of that engagement.*

a. *Mahinga kai practise i.e. fishing, whitebait, kokopu, tuna etc. will not be disrupted, interfered or affected during the seasonal customary and traditional mahinga kai periods.*

b. *Designated mahinga kai customary areas be identified, i.e. On the Tukituki, Ngaruroro and Tutaekuri awa with a 'No go zone' designation throughout that season.*

c. *Waahi tapu areas i.e. Ohiti on the Ngaruroro and Nga Whakatatara on the Tukituki located either in the Awa or close to or adjacent requires consultation with the appropriate mana whenua marae hapu*

d. *HBRC will ensure no gravel extraction occurs during the annual seasonal fish spawning migratory period(s).*

HBRC Response: These items are in line with HBRC's management approach as described in our HB Riverbed Gravel Management Plan (GMP), which includes the Environmental Code of Practice, which in turn includes the Ecological Management and Enhancement Plans for the rivers. In the GMP, Section 13: Iwi Involvement in Gravel Management, HBRC commits to:

- Seeking ongoing iwi input and consultation on the Gravel Management Plan and its future versions;
- Ensuring that the ongoing work of the Joint Planning Committee will consider the suggested future plan changes outlined in this report;
- Working collaboratively with Iwi to identify Wahi Tapu and Mahinga Kai sites in and around rivers and resultant scheduling in future regional plan changes;
- Organising a gravel management 'Hikoi' to key gravel extraction sites for all key stakeholders, commercial gravel extractors and iwi, where current gravel management operations are explained and feedback given from a cultural perspective;
- Seeking Iwi involvement on the HBRC resource consent processes for long term gravel consents.

HBRC considers therefore that these concerns by NKII are well covered by the GMP adopted by Council and that an additional consent condition is superfluous as we are obliged to work to our Plan.

6. *Active involvement reduce sedimentation —through 20 -30% reduction target. Tangata whenua and other stakeholders have been proactively discussing ways and target to reduce sedimentation of our waterways. For example, TANK stakeholder group discussed and unanimously agreed to a 30% reduction in sedimentation as a target, as measured at the estuary / river mouth.*

a. *The issue of sedimentation and a particular practice or incident was the catalyst for why Ngati Kahungunu Iwi Inc. specifically requested a meeting with HBRC staff including Gary Clode (Engineering and Regional Assets) —This was omitted from the notes of that meeting (Consultation with iwi / Hapu & Cultural Values, appendix 2 of the application) that occurred on 25 September 2018 despite a request to specifically note these concerns. As a consequence, HBRC in turn discussed this global consent proposal with ourselves and Te Taiwhenua o Heretaunga. During*

that hui is was agreed that practices and awareness could improve to avoid further sedimentation within Councils operations (photos of examples where avoidable sedimentation risks could be avoided can be provided again on request or in future engagement).

b. The guidelines to reduce sedimentation include the creation of an at least one metre wide bund between extraction earth works and a flowing river. This should be increased to "at least 2 meters", at least.

HBRC Response: It is agreed that sedimentation control during riverbed activities needs to be properly controlled and our Environmental Code of Practice, and Ecological Management and Enhancement Plans cover this adequately we believe. This does need to be kept in perspective as sediment resulting from 'natural' causes such as floods is significantly more (in just one second!) than that during riverbed activities carried out over the entire year. The issue of bund width and effectiveness was raised during the review process by HBRC's Science team and our response is included in our consent application and accepted by the scientists. A 1 metre top width is effectively 2 metres at water level and for any leakage of sediment there needs to be a head difference for flow to occur. The water level in the excavated area is either lower than or the same as the water level in the river and no flow of sediment can occur. This is readily seen in operation (there is a photo showing this in the application). We believe that the 1 metre is working OK. We will however ensure that extractors are vigilant in constructing the bunds so that sediment is contained.

7. *NKII support the establishment of a Maori Liaison Group — with the terms described by Te Taiwhenua o Heretaunga. Because HBRC are new at monitoring itself as a consent holder for gravel extraction this approach would assist in providing confidence to tangata whenua.*

a. *To provide cultural oversight to issues outlined above.*

b. To provide appropriate resourcing whenever or wherever the extraction activity will affect areas of cultural concern.

c. *These locations and areas and respective marae hapu are identified in work and reports commissioned by the HBRC i.e. Mauri monitoring framework 'Nga Pou Mataara' for the Tukituki Awa.*

d. *Two Māori Liaison Groups established for the Heretaunga (Ngaruroro awa) and Tamatea — Heretaunga (for Tukituki awa).*

e. *HBRC to provide Admin Support.*

HBRC Response: HBRC is not new at monitoring and although we will become a consent holder, essentially there is no change to the expertise and understanding necessary to carry out the monitoring and interpret the results. As noted above, HBRC through its Riverbed Gravel Management Plan is committed to working collaboratively with Iwi. We feel that this matter as outlined by NKII above, is not really a consent condition matter. This is not to reduce its importance, rather, what is required is for the collaborative approach to more formally begin and this is something both Iwi and HBRC should be working on. One of the first things to do once these consents are issued will be to form the Maori Liaison Group and

work collaboratively to ensure the best environmental outcomes are achieved within the constraints of sound river management.

6. Te Taiwhenua o Heretaunga (TToH)

The TToH submission is in support, with conditions. These conditions are:

Qualified support based on suitable conditions that will ensure that tangata whenua rights and interests in the awa and the riverbed have been provided for

Our reasons are

A. *In terms of the HBRC making application to itself*
   1. *We suggest it would be more appropriate for the Hearing to heard by Independent Commissioners to preside over this process.*

HBRC Response: The regulatory section of Council is at arm's length from the Asset Management Section (the Applicant). The process and information supplied was subjected to a detailed and extensive review by the University of Auckland and Councils science team. The precursor to the application was the Riverbed Gravel Management Plan and the Environmental Code of Practice (both adopted by Council) which were subject to a special consultative process, including consultation with Iwi. In total seven submissions to the gravel consents were received with four in support and three were neutral. Given this, and the generally positive nature of the submissions, we think that there would be nothing gained in having a hearing. As noted in our responses above we are open to considering any changes that will improve the process and outcomes.

B. *Consent conditions around timing and site specific areas targeted for gravel extraction*
   1. *HBRC will ensure no gravel extraction occurs during the annual seasonal fish spawning and fish migratory period(s)*
   2. *Mahinga kai practise i.e. fishing, whitebait, kokopu, tuna etc will not be disrupted, interfered or affected during the seasonal customary and traditional mahinga kai periods.*
   3. *Designated mahinga kai customary areas be identified; i.e. On the Tukituki, Ngaruroro and Tutaekuri awa with a 'No go zone' designation throughout that season*
   4. *Waahi tapu areas i.e. Ohiti on the Ngaruroro and Nga Whakatatara on the Tukituki located either in the Awa or close to or adjacent requires careful consideration. management and consultation with the appropriate mana whenua marae hapū*

HBRC Response: (This is the same response given to NKII above). These items are in line with HBRC's management approach as described in our HB Riverbed Gravel Management Plan (GMP), which includes the Environmental Code of Practice, which in turn includes the Ecological Management and Enhancement Plans for the rivers. In the GMP, Section 13: Iwi Involvement in Gravel Management, HBRC commits to:

- Seeking ongoing iwi input and consultation on the Gravel Management Plan and its future versions;
- Ensuring that the ongoing work of the Joint Planning Committee will consider the suggested future plan changes outlined in this report;
- Working collaboratively with Iwi to identify Wahi Tapu and Mahinga Kai sites in and around rivers and resultant scheduling in future regional plan changes;
- Organising a gravel management 'Hikoi' to key gravel extraction sites for all key stakeholders, commercial gravel extractors and iwi, where current gravel management operations are explained and feedback given from a cultural perspective;
- Seeking Iwi involvement on the HBRC resource consent processes for long term gravel consents.

HBRC considers therefore that these concerns by NKII are well covered by the GMP adopted by Council and that an additional consent condition is superfluous as we are obliged to work to our Plan.

C. *Riverbeds still owned by the mana whenua i.e. Taruarau*
    1. *The rights to mine riverbeds include proper consultation with the mana whenua land trusts and respective hapu.*
    2. *A levy could be applied to provide for a cultural engagement process.*

HBRC Response: Riverbeds under any sort of private ownership (including mana whenua) are subject to landowner rights and consultation and the necessary permissions are required as a matter of course. Appropriate recompense can be agreed at the time of any such riverbed mining on private land.

D. *Maori Liaison Group (MLG) be established*
    1. *To provide cultural oversight to issues outlined above*
    2. *To provide appropriate resourcing for an Ml-G specific to extraction areas, and activities to consider and alleviate areas of cultural concern*
    3. *These locations and areas and respective marae hapu are identified in work and reports commissioned by the HBRC i.e. Mauri monitoring framework 'Nga Pou Mataara' for the Tukituki Awa*
    4. *2 Maori Liaison Groups established for the Heretaunga (Ngaruroro (and Tutaekuri) awa) and Tamatea — Heretaunga (for Tukituki awa)*
    5. *HBRC to provide Admin Support.*

HBRC Response:
As noted above, HBRC through its Riverbed Gravel Management Plan is committed to working collaboratively with Iwi. We do not consider this matter as outlined by TToH above to be a consent condition matter. This is not to reduce its importance, rather, what is required is for the collaborative approach to more formally begin and this is something both Iwi and HBRC should be working on.

E. *Duration of Consent*
   1. *Given the consent holder is the HBRC the consent be no longer than 10 years*
   2. *A 5 year review would*
      a. *Evaluate tangata whenua rights and interests have been adequately provided for.*
      b. *Amend or change conditions of consent where required.*
      c. *Monitor HBRC progress to evaluate whether best practice is ensured.*

HBRC Response: We do not agree that a shorter consent period is necessary. The consents are subject to a review at any stage that the consenting authority deems necessary. A key part of the global consents and the longer term is to give more certainty to gravel extractors (who provide an important part of river management) and enable them to do their long term planning. In terms of tangata whenua rights and interests these are subject to the RMA. However, these can best be managed through the Maori Liaison Group (or similar) as outlined above. This is something that can be progressed outside these consents as it is an undertaking outlined in the GMP. HBRC is keen that this group be formed as soon as practicable.

7. Winstone Aggregates

The Winstone Aggregates submission is in support of the application. There are a number of matters where further clarification is sought. These are:

Authorisations: There is not much detail on what the requirements of an authorisation might be, i.e. will it simply relate to the duration and the annual volume and then it is up to the extractor to comply with the suggested conditions of consent, or will there be a subset of conditions attached to an authorisation? If it is proposed to have a second layer of conditions on an authorisation, is it possible to see a draft authorisation document and is it legally possible to enforce?

HBRC Response: The authorisation will be similar to the current consent forms issued to extractors. However in addition they will include all the relevant consent conditions that will be attached to these consents. Effectively as HBRC is the consent holder we will be required to ensure that any river works and extraction comply with the conditions of our consent. Authorisations will be given to extractors on the basis that they are fully conversant with the conditions and to that end the Authorisation will have enough information attached to ensure that the conditions are known and will be met. Failure to do so will result in loss of Authorisation, and no legal access to the resource. We understand that this process is legally enforceable.

Winstone Aggregates supports the Council's proposal regarding longer term authorisations for 10 years or more.

Gravel from southern rivers: The consent AEE's frames the southern river aggradation problem as being caused by extractors, who are unwilling to take gravels from these areas as it is expensive. This has led towards the proposed adaptive management point 5, which directs all extractors to take all of the southern volume before we are able to take from the northern rivers. Winstone Aggregates strongly opposes being held to this and it would cause significant disruption to our

operation. We operate all year round and we are happy to take the required percentage from the southern rivers, but wish to manage the timing of that internally. Notwithstanding this, requiring all extractors to take at the same time will place pressure on access to the rivers, river margins and the transport network. We are also aware that the preferable transport route from the Tukituki River to Roys Hill has some bridges that are not certified to carry HPV's, limiting trucks to 27 tonnes maximum.

HBRC Response: The discussion around extracting a percentage from the southern rivers before using the local allocation is a valid point and one that we can work around. The key point is that it must be taken at some stage during the allocation year. For larger extractors such as Winstone's we can accept you managing that internally to suit. One of the aspects of the Authorisations is that location, timing etc. can be tailored to suit a particular extractor. No problem there. The point about the weight limit on bridges is out of our hands, but it applies to everyone.

Bird Nesting: Roys Hill quarry has been extracting from the same stretch of the Ngaruroro for a number of years. We extract all year round and the business could not shut down from 1 Aug-28 Feb. It is not clear from the application where longer term authorisations are sought, whether we need an ecological survey carried out initially, or is this recurring every year?

HBRC Response: The bird survey is carried out annually and as required by HBRC. The current Roy's Hill extraction area is not an area critical for endangered bird breeding and habitat. Any nesting birds that may be discovered can be worked around. This is outlined in our Riverbed Management and Enhancement Plans. We will work with you on this and it would be worthwhile having a meeting at some stage with the local team and local iwi to go over our management plans as we are changing the way we have managed rivers in the past. We don't see this as being too onerous for extractors, more a matter of awareness.

The southern rivers are choked with gravels due to natural processes and their current management, not due to extractors being unwilling. The application should reflect this, which then frames the situation as a problem that HBRC requires the assistance of extractors to solve. Due to the high costs of transporting the aggregate back from these rivers, extractors need to be incentivised to do so and this can be done in a number of ways – lower royalties per m3 etc. However, by forcing extractors to take all the volume from the south prior to extracting from the north is not the solution. We support the concept and the percentage that is to be taken but extractors must be able to manage the timing of this, particularly where larger extractors are concerned.

HBRC Response: See previous comment relating to this. The issue of transport costs to obtain gravel from the southern rivers and transport it to the market is always raised when we look at extractors helping us to reduce the problem of excess gravel. This is not a criticism of the extractors, but it remains a problem. We have looked at various options in the past and consider that what we are proposing will work best. It may also be a temporary solution if the excess gravel is reduced and there is local demand as in previous years. Lower extraction fees are already applied at the Southern rivers in some cases and is still an option to look at. The subject of fees is something that we will be looking at in the future for all rivers. Fees have remained steady for a decade or more.

AMEND OR REMOVE: Any requirement for extractors to take the entire southern allocation before extracting from the northern rivers.

We are happy to have an ecological assessment done, but the application is unclear on how this works for extractors who work all year round and what our ongoing requirements will be.

AMEND/CLARIFY/INSERT: The ecological survey might better sit as a consent condition by itself, rather than be part of condition 18. However it might be approached, we seek to have it clearly set out what is required by us since we work all year round.

The current authorisation document comes with a list of conditions attached – most of which have been put forward in this application as suggested consent conditions. It is unclear from the application what the wording of the authorisation will be and whether there will be any further (and potentially onerous) conditions that also require full disclosure.

SUGGESTION: That HBRC release a draft authorisation document for public assessment, unless the authorisation has no additional conditions that must be complied with.

HBRC Response: We note and agree with the point regarding the requirement to take the southern allocation first and for larger extractors their Authorisation can reflect that this can occur at any time during the year. Ecological assessment are a requirement of our plans and do not need specific consent conditions as they are embedded in the Riverbed Gravel Management Plan. Ecological assessments will be carried out by HBRC or external experts and will mainly affect extraction in areas where there are nesting birds. Work can still continue in areas outside nest areas and planning work around nesting areas will be necessary.

In terms of the Authorisation, there will be no additional conditions that would otherwise require resource consent. So whatever consent conditions we end up with, the holder of Authorisations will be expected to comply with them on behalf of us, the Consent Holder. There may well be additional requirements such as speed restrictions and dust control for example. There will also need to be some discussion around what actions will be taken for persistent non-compliance of the Authorisation. As the Authorisations are new to HBRC and the extractors, there will most likely be different authorisations depending on the location and size of the operation, we would prefer to obtain consents and then look at the Authorisations once we get the gravel requirements (time, location, volume) from extractors. We will be open to discussion around the Authorisations as it is in everyone's interest that these are fair and workable.