

Our Reference: A1447279

Consent No. RM20.338.01

## LAND USE CONSENT

Pursuant to Section 104C of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: ~~Glenorchy Community Association Incorporated~~ *transferred 26 October 2023*

Address: ~~876 Kinloch Road, Glenorchy~~

Name: *Otago Regional Council*

Address: *70 Stafford Street, Dunedin*

To disturb the bed of the Buckler Burn River for the purpose of extracting gravel

For a term expiring 16 March 2031

Location of the consent activity: Glenorchy, approximately 388 metres south west of the intersection of Oban Street and Shiel Street

Legal description of the consent activity: Section 24 Block IV Glenorchy and Crown Riverbed

Map Reference (NZTM2000) Start point: E1235189 N5022520  
End Point: E1235359 N5022590

### Conditions

#### Specific

1. The extraction of gravel from the true right bank of the Buckler Burn at E1235189 N5022520 to E1235359 N5022590 on land legally described as Section 24 Block IV Glenorchy and Crown Riverbed must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Consent Authority as consent number RM20.338 and as shown on appendix 1:
  - a) Application form, and Assessment of environmental effects dated 2 October 3382020.If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.
2. The gravel extraction activity must be undertaken in accordance with the following:
  - a) Gravel must only be extracted from the location illustrated in appendix 1.
  - b) Gravel must not be extracted within 5 metres of the water's edge nor below the level of water in the river at any location;

- c) The gravel extracted must not exceed 20,000 cubic meters per year; and
  - d) Gravel must not be extracted between the period 1st September to the 31st March to avoid the disturbance of bird nesting times.
3. Gravel extraction must not occur within 100 metres of any birds that are nesting on the riverbed.
- 3a. Under section 125 of the Resource Management Act 1991, this consent lapses 16 March 2028 unless:
- a. The consent is given effect to; or
  - b. The Consent Authority extends the period after which the consent lapses.

### **Performance Monitoring**

4. The Consent Holder must:
- a) Notify the Consent Authority in writing no less than 10 working days prior to the commencement of each extraction event and provide:
    - i. The quantity of gravel to be extracted;
    - ii. The duration of the extraction;
    - iii. A plan of the location/s of gravel to be extracted; and
    - iv. Photographs (looking upstream and downstream of the location of extraction sites and including date and location of photographs) of each proposed gravel extraction site.
  - b) Maintain a written record of the volume of the gravel extracted and provide this record to the Consent Authority by 30 April and 31 October each year; and
  - c) Notify the Consent Authority in writing no more than 10 working days after the completion of each extraction event and provide:
    - i. Photographs (looking upstream and downstream of the location of extraction sites and including date and location of photographs) of each gravel extraction site at the completion of extraction;
    - ii. The record of gravel extracted required by (b) above.

Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.

### **General**

5. During the exercise of this consent:
- a) Any pits or holes formed during gravel extraction activities must be filled in with gravel from the surrounding dry bed, consistent with the adjacent beach areas, within 2 working days of their formation;
  - b) No vehicles or machinery may be operated within or cross flowing water except when expressly permitted in writing by any authorised officer of the Consent Authority;
  - c) No contaminants or sediment may be discharged into the river;
  - d) There must be no damage to trees on the riverbed or in riparian areas
  - e) The gravel extraction works do not cause any flooding, erosion, scouring, land instability or property damage;
  - f) There must be no stockpiling or creation of gravel banks in the bed of the river, or within a floodway;

- g) There must be no washing or refuelling of machinery in the bed of the watercourse;
  - h) All extraction operations or associated works must only be undertaken between the hours of 7.00am and 7.00pm. No extraction or associated works must occur on Sundays and public holidays and during the Christmas – New Year period from 22 December until 8 January (inclusive).
6. The Consent Holder must take all reasonable precautions to minimise the spread of pest plants and aquatic weeds. In particular, the Consent Holder must:
- a) Water blast all machinery to remove any visible dirt and/or vegetation prior to being brought on-site to reduce the potential for pest species being introduced to the bed of the watercourse. Machinery and equipment that has worked in watercourses must, prior to entering the site, also be cleaned with suitable chemicals or agents to kill didymo;
  - b) Avoid working in areas where aquatic weeds such as Lagarosiphon major are known to be present (for information, contact the Consent Authority's Biosecurity Team); and
  - c) To avoid the spread of the Didymosphenia geminata or any other pest plant, not use machinery in the berm or bed of the river that has been used in any area where the pest plant(s) are known to be present in the previous 20 working days, unless the machinery has been thoroughly cleansed with a decontamination solution (for information on decontamination contact the Consent Authority's Biosecurity Team);
  - d) Remove any vegetation caught on the machinery at the completion of works;
  - e) Prior to leaving the site, water blast all machinery following the completion of works to reduce the potential for pest species being spread from the bed of the watercourse.
7. In the event that an unidentified archaeological site is located during works, the following will apply;
- a) Work must cease immediately at that place and within 20 metres around the site.
  - b) All machinery must be shut down, the area must be secured, and the Heritage New Zealand Pouhere Taonga Regional Archaeologist and the Consent Authority must be notified.
  - c) If the site is of Maori origin, the Consent Holder must also notify the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act 2014, Protected Objects Act 1975).
  - d) If human remains (koiwi tangata) are uncovered the Consent Holder must advise the Heritage New Zealand Pouhere Taonga Regional Archaeologist, NZ Police, the Consent Authority and the appropriate iwi groups or kaitiaki representative and the above process under (c) will apply. Remains are not to be disturbed or moved until such time as iwi and Heritage New Zealand Pouhere Taonga have responded.
  - e) Works affecting the archaeological site and any human remains (koiwi tangata) must not resume until Heritage New Zealand Pouhere Taonga gives written approval for work to continue. Further assessment by an archaeologist

may be required.

f) Where iwi so request, any information recorded as the result of the find such as a description of location and content, must be provided for their records.

8. Under the Heritage New Zealand Pouhere Taonga Act 2014 an archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand (see Section 6). For pre-contact Maori sites this evidence may be in the form of Taonga (artefacts) such as toki (adzes) or flake tools as well as bones, shells, charcoal, stones etc. In later sites of European/Chinese origin, artefacts such as bottle glass, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures. Pre-1900 buildings are also considered archaeological sites. Burials/koiwi tangata may be found from any historic period. Archaeological sites are legally protected under Sections 42(1) & (2) of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under Section 87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an Authority from Heritage New Zealand Pouhere Taonga irrespective of whether the works are permitted, or a consent has been issued under the Resource Management Act 1993 or Building Act 1991.

### Review

9. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent during the period of three months either side of the date of granting of this consent each year, or within two months of any enforcement action taken by the Consent Authority in relation to the exercise of this consent, for the purpose of:
  - a) Determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the consent;
  - b) Ensuring the conditions of this consent are consistent with any National Environmental Standards, relevant regional plans, and/or the Otago Regional Policy Statement;
  - c) Reviewing the frequency of monitoring or reporting required under this consent;

### Notes to Consent Holder

1. *The Consent Holder must comply with the Biosecurity Act 1993 and the rules of the Regional Pest Management Plan 2019 in relation to avoiding the spread of pest organisms.*
2. *The Consent Holder must also comply with all notices and guidelines issued by Biosecurity New Zealand, in relation to avoiding spreading the pest organism *Didymosphenia geminata* known as "Didymo" (refer to [www.biosecurity.govt.nz/didymo](http://www.biosecurity.govt.nz/didymo))*
3. *Section 126 of the Resource Management Act 1991 provides that the Consent Authority may cancel this consent by written notice served on the Consent Holder*

*if the consent has been exercised in the past but has not been exercised during the preceding five years.*

4. *Where information is required to be provided to the Consent Authority in condition/s [insert condition numbers] this is provided in writing to compliance@orc.govt.nz and the email heading is to reference RM20.338 and the condition/s the information relates to.*

Issued at Dunedin this 16<sup>th</sup> day of March 2021

Reissued at Dunedin this 13<sup>th</sup> December 2023 to reflect a transfer of holder from Glenorchy Community Association Incorporated to Otago Regional Council



Simon Wilson  
**Manager Regulatory Data and Systems**

*Reissued at Dunedin this 16<sup>th</sup> day of March 2026 to reflect a variation to include a new lapse date under Section 125 of the Resource Management Act*



Allan Cubitt  
**Independent Decision Maker for Otago Regional Council**

## Appendix 1

