

Meeting Minutes

1 Meeting Information			
Project Name:	Gravel Liaison Committee Annual Meeting		
Meeting Date:	09 th December 2020	Location:	Environment Canterbury, Christchurch
Attended By:	George Kelcher (South Canterbury Industry Rep), Dave Rowlands (Central Industry Rep.), Brett Swain (Waimakariri Industry Rep.), Stuart Edwards (Fulton Hogan), Kelvyn Jolly (Fulton Hogan) April Hussey (LINZ), Stuart Chandler (LINZ via Teams), Ursula Paul (DOC via Teams), Suzanne Eddington (Te Runanga o Waihao), Peter Hobbs (Rating District rep.), Barry Austin (Rating District rep.), Emily Arthur-Moore (Fish and Game), Gary Johnson (Taggarts), Environment Canterbury – Councillors: John Sunckell, staff: Shaun McCracken, Leigh Griffiths, Saskia Wilson, Katie Nagy, Jolene Irvine, Sam Kidner, Makarini Rupene, Phil Burge (joined at 12:00)		
Apologies:	Hamish Stevens (Fish and Game), Chris Coulter (DOC), George Leslie (Rating District rep.), Gert van't Klooster (Rating District rep.), Angela Christensen (Fish and Game), Rob Wilson (Rating District rep.), David Moore (Rating District rep.), Zella Smith (ECan), Sarah Worthington (ECan), Verity Kirstein (ECan), James Tricker (ECan)		

1 Introductions

Katie Nagy welcomed all to the meeting and thanked everyone for their attendance and participation, followed by a round table of introductions.

2 Minutes of the previous meeting, Matters arising

The previous meeting was held on 11 December 2018.
A motion was introduced by Katie Nagy that the committee endorse that the minutes from the previous meeting are a true and correct record and that the group adopts the minutes of the meeting held on 11 December 2018. This was accepted- 1st Dave Rowlands/ 2nd George Kelcher.

3 Meeting Notes, Issues, Decisions

Actions from last meeting:

- 1. Nesting bird offset – Develop this idea into a supported proposal**
UPDATE: Offset idea not supported by wider Council. However, survey exemption conditions have now been added to the recently issued authorisations and consent. A follow up meeting within months was not held as the offset idea was not pursued further.
- 2. LINZ Meet up – Facilitate a meeting between LINZ & Industry re/ land access/fees**
UPDATE: Has occurred during 2019. LINZ representative here today to update.

4 Update on Regional Gravel Numbers

- Consented versus extracted
Katie presented the consented vs. extracted volume trends over the last five years. The data showed the typical disparity between consented volumes and reported extracted volumes. The second slide showed the total number of active and in process Gravel Authorisations and Consents split by regions. Katie noted that an indication of availability of gravel can be viewed via Canterbury Maps layers. This requires an update with the newest data but is a work in progress. The link for Canterbury Maps is on the presentation slide.
The presentation slides are enclosed separately for reference.

- Question from Barry Austin: What are the numbers for small takes right next to the rivers? Reason for question is that many would like a truck/trailer load volume for personal use only but they chose to go buy gravel instead when it would be easy to get gravel from the river.
- Answer from Jolene Irvine: There are permitted activity rules that allow small gravel takes for individual use.

Details are enclosed separately.

- Comment from Peter Hobbs: Requesting a Canterbury Maps layer that shows only active consents.
- Answer Jolene Irvine: These layer exist. You will need to add these layers in Canterbury Maps and zoom close enough for them to become visible (may just list the points, not the areas)

- ▶ Areas (Active) - Consented Activities - Consented Activities - Areas (Active) ...
- ▶ Gravel Excavation (Active) - Consented Activities - Consented Activities - Gravel Excavation (Active) ...
- ▶ Gravel Excavation Area (Active) - Consented Activities - Consented Activities - Gravel Excavation Area (Active) ...

5 Update on Survey Programme and Finances

Shaun McCracken presented an update on finances, completed works since the last meeting and planned work for the year ahead.

1. Gravel management fee revenue

The annual gravel management budget as set in the Long Term Plan is \$734,236 covering the whole Canterbury region. This is made up of approx. \$283,748 from general rates and \$450,488 from the gravel management fee. To date (Dec 2020), the gravel management budget has accumulated \$303,656 and the current expenditure (Dec 2020) is reported as \$206,582. This covered availability advice for gravel extraction and the below summarised survey work. Survey work and analyses are expected to increase in the 2nd half of the financial year.

- Question from George Kelcher: What is the ratio of funding from rates vs. the management fee? The impression was that this has been 50:50.
- Answer from Shaun: The split has always been approx. 60:40, 60% from the gravel management fee and 40% from general rates.

2. 2018-2020 work completed

Bed Level Surveys

- Opihi
- Upper Opihi
- Waihao
- MBL for Blands Reach (North Branch Ashburton) using LiDAR
- LIDAR flown – Waimakariri, Opihi, Orari, Waihi, Hae Hae Te Moana, Te Ngawai, Plains from Timaru to Waitaki -Pareora, Otaio, Lower Waitaki

LiDAR Assessments

- Analysis (LiDAR / Cross section data comparison) – Orari, Otaio, Pareora, Ashburton – North & South Branch

3. 2020-2021 proposed works

Bed Level Surveys

- Waimakariri – McLeans to mouth
- Upper Waimakariri – at Bealey River

- Bridges: Waimakariri, Ashley and Ashburton
- Hinds River
- Kowhai – control network
-

Reports / Investigations

- Cross section/ LiDAR comparison report
- Ashley bed level changes – LiDAR
- Selwyn bed level changes – LiDAR
- Kowhai bed level changes – LiDAR
- Review Gravel Management Strategy and Code of Practice
- Benchmark data onto Canterbury Maps

4. LiDAR programme

Shaun introduced the next steps for LiDAR capture. The CRC have secured additional funding via the Provincial Growth Fund/LINZ to capture much of the Canterbury Region. This is a five-year programme. Some areas will only be flown over once, and others will be flown multiple times.

- Question from Barry Austin: Why are the mountains being flown for LiDAR?
- Answer from Shaun: We are capturing the rest of the region that hasn't been captured yet. However, the river engineering section is only contributing a portion of the cost for covering the river areas. The gravel management fee is not used for the mountain LiDAR capture.
- Comment/ Question from Emily Arthur-Moore: Values LiDAR near little towns. Great to hear that this information will be available in future, especially for the high country where there is limited data to date. When will this information be available?
- Answer from Shaun: Unsure of exact timeframe for the individual areas, but will provide a timeline of expected works.

6 Planning and Consents Update

Katie reminded the group of the communication that has gone out to the industry in September 2020 regarding criteria that need to be met for a gravel authorisation application. Gravel authorisations are only granted in River Rating Districts or in areas where the extraction of gravel will alleviate an existing flooding or erosion problem (outside of a River Rating District).

1. National Environmental Standards Freshwater 2020 and National Policy Statement Freshwater 2020

Saskia introduced the recent changes that have been initiated with the NES and NPS.

National Environmental Standards act like the Regional Plan, citing activities that require consent and providing guidance on how they are processed. These apply in addition to regional plans and the most stringent requirements apply. Environment Canterbury is currently seeking clarity from the Ministry for the Environment regarding the culvert rules and how they apply to temporary culverts. In the interim, the industry is asked to provide the required information in consent applications.

National Policy Statements are issued by central government to provide direction to local government about how to carry out their responsibilities under the Resource Management Act 1991 when it comes to matters of national significance. The NPS also includes provisions related to rivers and wetlands specifically. These are relevant to gravel extraction from rivers. There is technical advice already on the Environment Canterbury website and guidance will be refined further.

Links are provided within the enclosed presentation copy.

2. Plan Change 7 to the Land and Water Regional Plan

Proposed Plan Change 7 rules apply to activities as well as the current Land and Water Regional Plan rules. Hearings finished in the week of 4 December 2020. We are now waiting on recommendations from the panel. Katie will let the gravel industry know when those recommendations and the finalised rules are released.

3. Canterbury Air Regional Plan

It was noted again that the current interpretation of the Air Regional Plan requires an air discharge consent for activities within sensitive areas, and those that are of cultural importance. Environment Canterbury is engaging with Te Ngai Tahu Runanga for clarity and direction.

- Question from Councillor Sunckell regarding culverts: Are we likely to have more restrictive consenting processes?
- Answer: We are awaiting clarity from MfE on this matter and will be able to advise further then.

- Question from ?: Does the NES/NPS apply for artificial waterways as well?
- No definite answer on the day. Will have to be answered once we receive more clarity from MfE.

- Comment from Dave Rowlands: Reiterated the concerns and frustrations with dust discharge.
- Comment from George Kelcher: Questions regarding the money spent on air discharge consents. No refund is processed from the deposit. Why is that if the process is supposedly so easy. Can we provide numbers on this?
- Comment from Dave Rowlands: Noting that the delay in processing doesn't work with the industry's timeframes.
- Comments from George Kelcher: Noting that the process is getting too difficult. Extraction now requires ECan, DOC, LINZ, District Council approvals. This is all time and cost. There is the issue of access via private land. Cited the recent example of an application in the Snowy River where an assessment for grasshoppers was required in an established stockpiling area.
- Question from Councillor Sunckell: Mackenzie accord- can this be any help in that space to resolve some of the complexities?
- Comment from Dave Rowlands: Council contracts require a start date within 10 days. This does not work with the long delays and processes.
- Comment from Shaun McCracken: What we needed to address 10 years ago is now different. New issues are arising and many permissions are required from different agencies. This is something that we can attempt to address with the Gravel Management Strategy Review.
- Comment from Ursula Paul: A memo has been drafted within DOC to seek internal consistency regarding DOC marginal strips and how concessions are handled. The question has been raised if concessions are required if a marginal strip is only crossed once for access.

4. LINZ

The last slide of the presentation was addressed by April Hussey. LINZ has two pathways for approval, one for pastoral lease land and one for other LINZ administered Crown land. For activities on pastoral lease land, a recreational permit is required for a commercial activity. These are overseen by LINZ staff. Other areas require a s165 license and these are processed by Colliers International staff in Queenstown. April acknowledged the difficulty in getting in contact with the right person in a large organisation and offered to be a contact person for queries, alongside Stuart Chandler who has just started in this role. April noted that she was happy for contact details to be included in the minutes: ahussey@linz.govt.nz

- Question from George Kelcher regarding timeframes for processing of LINZ permissions.
- April noted that there are not statutory timeframes for processing and often a lot of information is required prior to a grant. This information comes from external parties. LINZ is conscious of the timeframes and encourages external parties to submit information as fast as possible but there are no statutory requirements for timeframes.

- Question from Councillor Sunckell if information can already be 'preloaded' with applications to LINZ. We can predict where extraction might occur and build a register of information.
- April noted that she encourages conversations with those parties ahead of an application but ultimately, LINZ has statutory responsibilities to obtain the required information. The queries have to be directed

from LINZ. However, the s165 license process has already been expedited with the agreement for Gravel Authorisations. Where it is deemed that gravel extraction is for flood and erosion mitigation purposes in accordance with the ECan rules, no license has to be obtained.

- Comment from George noting that government driven change is required to facilitate a better and easier process.
- April commented that environmental requirements are becoming more and more prevalent and stringent and this is likely to continue, rather than ease off.
- George commented on the requirement for securing aggregate supply as a natural resource. This is being addressed at a national level in the Aggregate and Quarry Association.
- Kelvyn Jolly (?) noted that we will see significant shortages within the next 10- 15 years and that's about the time it takes to get a viable land-based operation going.

5. Bird surveys

Katie highlighted that the new bird exemption criteria are now included in consents and gravel authorisations. Exemptions can either be addressed at the consenting stage, which is the preferred option. This way, the condition is not on the authorisation to begin with. Evidence has to be supplied at the time of the application to support a removal of the condition. Otherwise, the exemption criteria can also be addressed after the authorisation is issued via a compliance pathway.

- George Kelcher voiced his frustration with the bird survey conditions and would like to see the offset option explored again.
- Peter Hobbs noted that lupins in riverbeds are more of an issue than gravel extraction.
- George Kelcher commented that the current exemption criteria are not suitable if the request still has to be assessed by the ecologists who also undertake the surveys and charge money for them.
- Shaun McCracken noted that this is not correct as the assessment for the exemption is made by Environment Canterbury staff independently and not external parties.
- Dave Rowlands noted that the RDR scheme in the North Ashburton will send high flows down the river whenever they please and this is more detrimental to birds than the extraction industry.
- Comment from Ursula Paul noting that single traps within riverbeds are not effective.
- Gary Johnson noted that Taggarts work closely with the Ashley Rakahuri River Care Bird Group for remediation and habitat restoration and this has worked very well.
- George Kelcher requested further relaxing of bird survey conditions.

7 Compliance Monitoring Update

Katie noted that part of her role would also be an increased focus on compliance monitoring and an increase in monitoring should be expected, particularly for Gravel Authorisations as these are works that are undertaken on behalf of ECan. This could be prearranged or a drop in on site. The focus will be on site remediation, stockpiling within the riverbed past consent expiry and works in waterways. The new Plan

Change 7 amendments related to diversions and culverts was briefly mentioned.

Katie noted that the intention is not to pick on operators but to establish compliance. Once good conduct has been verified, visits will likely reduce.

8 Committee Terms of Reference

Katie noted that the group should revisit the terms of reference for the Liaison Committee. Katie raised the question regarding number of members and representation. It was suggested that gravel matters relevant to Rating Districts are discussed at the Rating District meetings and perhaps membership needs to include only industry relevant members. The gravel industry also needs to reelect its representatives as this has not been done in a number of years.

Katie suggested that a call for nominations will be made via the newsletter in the new year, with a call for elections following after. Katie asked the members to provide comment during the next meeting.

A copy of the terms is enclosed with the minutes for review.

- Comment from George Kelcher: The industry representation for the South Canterbury area has been already determined during the MoU meeting last month.
- Katie confirmed that this has already been taken into account.

9 General Business

1. ECan staff update

The Regional Gravel Officer roles has been re-established. Any gravel related enquiries should be directed at Katie Nagy first and foremost to ensure consistency. Sarah Worthington has joined the team as a Rivers Planning Advisor having come from the consents section. Sarah has brought with her a lot of gravel consent planning knowledge.

2. Code of Practice (CoP) Amendments

Jolene introduced a number of small changes within the Code of Practice which primarily relate to reference updates. These include an update to the Health and Safety requirements for applications. These are no longer needed. Extractors are responsible for meeting Health and Safety requirements under Work Safe regulation, but evidence does not need to be attached to applications. Other changes include updated references to Freshwater Habitat restrictions and an update to the salmon spawning list in alignment with Plan Change 7 of the Land and Water Regional Plan. The current version of the CoP still references the gravel management fee as \$0.13. This will be updated to the current \$0.11. Finally, Jolene suggested adding the new bird survey exemption criteria to the code of practice. Currently, these are issues separately with Gravel Authorisations.

A wider review of the Code of Practice will be done in alignment with the review of the Gravel Management Strategy and will require input and collaboration with industry.

The committee was asked to provide comments and/or raise concerns with the proposed updates. No concerns were raised by the committee regarding the proposed updates.

The updates will be incorporated into the Code of Practice in the new year.

3. Other Items

Katie noted that there is increased capacity for advice/help within Environment Canterbury and the industry should make use of this.

The Gravel Management Strategy and Code of Practice reviews are scheduled for the next year and Environment Canterbury will seek wider industry engagement through a workshop.

Sarah Worthington is leading training in the consents processing section to ensure consistency and speedier processes and the review of the application forms is also scheduled to facilitate a more straightforward application.

Suzanne Eddington relayed her concerns with the gravel extraction industry and noted that particularly in South Canterbury here are concerns with taking all gravel from the riverbed and therefore compromising coastal processes and leaving behind a scarred landscape. She also raised a concern with stockpiles left behind in riverbeds.

Makarini Rupene raised a concern with protection of mahinga kai values in river and the effect of gravel extraction on sedimentation, the effect of diversions and spreading of pest seeds.

Meeting closed 12:30pm

Meeting Minutes

9 Action Items and Responsibilities			
Item	Description	Action & Responsibility	Due Date
1	Information regarding small permitted activity gravel takes	Katie Nagy	Enclosed
2	Information re expected timeline of 5 year LiDAR programme	Shaun McCracken	Next meeting
3	Update Canterbury Maps Availability data	Katie Nagy	Next meeting
4	Clarification on NES/NPS changes	Katie Nagy	when information becomes available-via newsletter
5	Numbers relating to average cost of consent process for gravel take and air discharge	Katie Nagy	Next meeting
6	Review terms of reference	Gravel Liaison Committee members	Next meeting
7	Call for industry representative nominations	Katie Nagy	With first newsletter
8	Amendments to the Code of Practice	Jolene Irvine	Next meeting

10 Next Meeting					
Date:	Approx. 6 months	Time:	TBA	Venue:	TBA
11 Attachments					
1	Copy of meeting presentation				
2	Small scale permitted activity take rules from the Land and Water Regional Plan				
3	LINZ fact sheet				
4	Term of reference				

Meeting Minutes

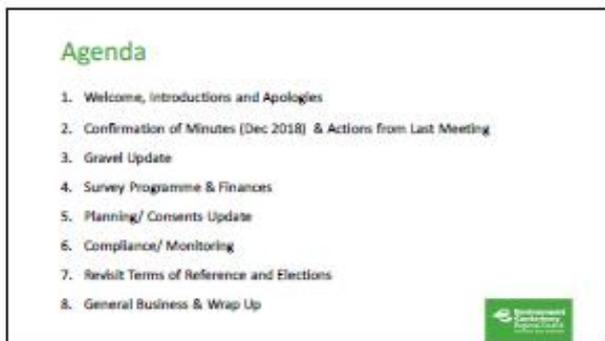
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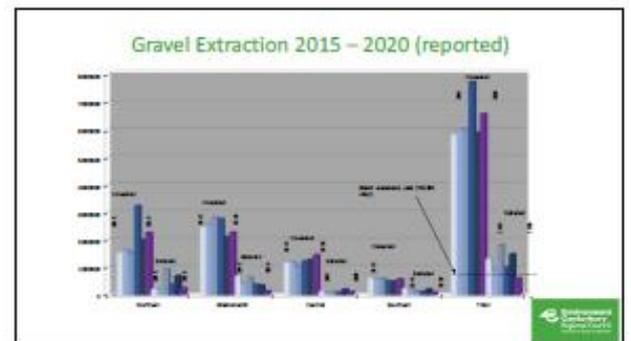
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Actions from Last Meeting

4 Action Items and Responsibilities			
Item	Description	Action & Responsibility	Due Date
1	Meeting to discuss	Develop this idea into a supported proposal - N/3/21	June 2018
2	LINE Meeting	Facilitate meeting between U&I & industry to fund access fees	Next meeting

Confirmation of meeting minutes from Dec 2018

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Regional Numbers

Area	Total consents	Total take	In process	To apply by 2020/21
Northern	27	25	8	30
Waimakariri	22	n/a	1	8
Central	22	11	3	15
Southern	20	28	14	29
Total	96	64	26	82

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Canterbury Maps



→ Update in progress

<https://mapviewer.canterburymaps.govt.nz/>

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2018 -2020 Works Completed

Bed Level Surveys	LIDAR Assessments
Opihi	Orari
Upper Opihi	Otaio
Waihao	Pareora
MBL for Blands Reach (NB Ashburton) using LIDAR	Ashburton – North & South Branch
Waimakariri	
LIDAR	
Opihi, Orari, Waihi, Hae Hae Te Moana, Te Ngawoi	
Plains from Timaru to Waitaki - Pareora, Otaio, Lower Waitaki	
Hinds, Ashburton and tribs	
Waimakariri	

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Survey Programme and Finances

Horopito River, Canterbury

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2020 – 2021 Works Planned

Bed Level Surveys	Reports / Investigations
Waimakariri – McLeans Island to mouth	Cross Section – LIDAR comparison report
Upper Waimakariri – at Bealey River	Ashley bed level changes – LIDAR
Bridges – Waimakariri, Ashley and Ashburton	Selwyn bed level changes – LIDAR
Hinds River	Kowhai bed level changes – LIDAR analysis
Kowhai – control network	Review Gravel Management Strategy & CoP
	Bench mark data onto Canterbury maps

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Finances

- Fluvial Monitoring budget is \$734,236 (region wide) - LTP
 - \$283,748 from general rates
 - \$450,488 from gravel management fee (estimate)
- Fluvial Monitoring budget – \$ 303,656 July to date
- Current expenditure - \$206,582 July to date
 - Mostly availability advice and survey analysis
 - Survey and analysis to increase in 2nd half of year

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LIDAR Programme

- Secured additional funding via the Provincial Growth Fund/LINZ
- Committed 5 year programme
- Use of LIDAR for riverbed monitoring
- Programme will cover much of the region over the 5 year period



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National Policy Statement Freshwater 2020

This Freshwater NPS applies to the management of freshwater through a framework that considers and recognises Te Mana o te Wai as an integral part of freshwater management. It directs the content that regional councils, in consultation with their communities must include in their regional plans, → changes to the LWRP by 2024

Discussions are occurring with Iwi as to what Te Mana O te Wai looks like in relation to our regional plan.

[What does the new freshwater policy mean for you? | Environment Canterbury](#)
[What does the new freshwater policy mean for you? | Environment Canterbury](#)

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Gravel Authorisations Update

- Notification sent to industry early September 2020
- Gravel Authorisations are issued as a permitted activity on behalf of the Environment Canterbury, Manager River Engineering
- GMS objectives require:
 - The extraction of gravel is located within a river rating district (the management of gravel is a tool for flood & erosion management); or
 - The extraction will alleviate an existing flooding or erosion problem (outside of river rating districts).

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Land and Water Regional Plan - Plan Change 7

- Notified on 20 July 2019
- Changes to rules to include reference to "Indigenous freshwater species habitat"
- Hearings finished 4 December 2020
- Changes and refinements to diversions, culverts and temporary discharges

<https://can.govt.nz/get-involved/news-and-events/2020/plan-change-7-and-plan-change-2-what-you-need-to-know/>



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National Environmental Standards (NES) Freshwater 2020

The NES-F set requirements for carrying out activities that pose risks to freshwater and freshwater ecosystems.

In terms of gravel extraction the NES-F will impact you if you are:

- Working in, on or near a wetland; and
- Installing culverts

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Canterbury Air Regional Plan

- Rules in the plan require a resource consent for any gravel extraction within 200 m of areas of cultural importance
- Engaged appropriate Te Ngāi Tahu Rūnanga representatives for clarity and direction
- In the meantime, air discharge consents will be required to accompany all resource consent applications within rūnanga sensitive areas



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Meeting Minutes

River Bird Consent Condition

- If you believe there are no birds or potential for nesting in your application area then the onus is on you to provide this with your application – at consenting stage
- Exemption criteria now added to all consents – at compliance stage



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Terms of Reference

Rangitikei River, Canterbury



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Compliance and Monitoring

Rangitikei River, Canterbury



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Objectives

OBJECTIVES

1. To help ensure good communication with the stakeholders
2. To deliver the committee of issues related to the management of this gravel in the region
3. To liaise with staff on matters relating to river gravel: data collection, analysis, presentation of results, and issues of charging to fund management of the river gravel instance
4. To provide action on the basis of service needed and the level of charging
5. To advise on, and participate in, professional and educational programmes aimed at promoting best practice for river gravel extraction contractors.

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Key Messages

- Increase in monitoring to be expected
- Focus on:
 - Stockpiling
 - Remediation
 - Works in water
- Surrender of completed consents/ GAs
- PC7 changes

Renovating an urban water supply system, the placement, use, maintenance and removal of emergency resources and direction related path undertaking activities in July 2011 will be a focus. In addition to specific activities any permitted activities, provided the following conditions are met:

1. The activity is not undertaken in a public domain, or, if it is, it is a temporary activity during the major opening hours of 7.00am to 7.00pm, 7 days a week, 5.00pm to 7.00pm on Saturdays, and 10.00am to 7.00pm on Sundays.
2. The activity is undertaken in a public domain, or, if it is, it is a temporary activity during the major opening hours of 7.00am to 7.00pm, 7 days a week, 5.00pm to 7.00pm on Saturdays, and 10.00am to 7.00pm on Sundays.
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Procedure – current appointments

- Three-year term for elections → call for re-elections
- “Membership shall be 12...”
 - Industry rep North of Waimakariri: Steve Graue (Fulton Hogan)
 - Industry rep Waimakariri: Brett Swain (Southern Screenworks)
 - Industry rep South to Hinds: Dave Rowlands (Ashburton Contracting)
 - Industry rep South: George Kelcher (Road Metals)
 - River Rating District rep
- Ex officio appointees
 - Ngāi Tahu – review in progress
 - Fish and Game – Bridget Pringle
 - Department of Conservation – Phil Keene
 - ITCan Councillor

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Other Items on the Horizon

- Increased advisory capacity
- Gravel Management Strategy review + consultation — Workshop
- Code of Practice review
- Process improvement
 - Training in consents section
 - Review of application forms

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ECan Update and Staff Changes

Regional Gravel Officer Katie Nagy 	Rivers Planning Advisor Jolene Irvine Sarah Worthington 
Area Engineers/ Engineering Officers	
River Engineers	

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LINZ clarification

Two pathways for approval with two processes

Pastoral lease land: Recreational Permit for a commercial activity

- Overseen by LINZ staff
- Gives the right to undertake activity other than pastoral farming

Other LINZ administered Crown land: s165 license

- Overseen by Colliers International Queenstown staff

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Code of Practice Amendments

- Minor updates suggested:
 - Update Health and Safety (no SSSP required)
 - Include indigenous Freshwater Habitat restrictions, update salmon spawning list (PC7)
 - Correct GMF to \$0.11
 - Update bird survey condition

→ Wider review of CoP to follow with GMS review



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**Environment
Canterbury**
Regional Council
Kaunhera Taiao ki Waitaha

Facilitating sustainable development in
the Canterbury region
www.ecan.govt.nz

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2. Information regarding small permitted activity gravel takes

Permitted activity gravel takes are covered by Rule 5.148 of the Canterbury Land and Water Regional Plan. Please refer to a copy of the CLWRP for the references Schedules at <https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/canterbury-land-and-water-regional-plan/>. The following conditions need to be met:

5.148

The extraction of gravel from the bed of a lake or river including the deposition of substances on the bed and excavation or other disturbance of the bed of a lake or river, but excluding the diversion of water within the bed of a river, is a permitted activity, provided the following conditions are met:

1. The activity is not undertaken in, on, or under the bed of any river or lake listed as a high naturalness waterbody in Sections [6](#) to [15](#); and
2. No part of the activity occurs within flowing water; and
3. The activity does not include the deposition of any substance, other than bed material, on the bed; and
4. The volume excavated by any person or on behalf of any person, organisation or corporation:
 - a. in the bed of any river or lake does not exceed 5 m³ in any 12 consecutive months; or
 - b. between 1 February and 31 August, in the beds listed in Schedule 14, does not exceed 5 m³ per month and not more than 10 m³ in any 12 consecutive months period; or
 - c. between 1 February and 31 August, in the beds listed in Schedule 15, does not exceed 10 m³ per month and not more than 20 m³ in any 12 consecutive months period; and
5. Any excavated material (other than surplus or reject material) is removed from the bed within 10 days of the material being excavated; and
6. Unless undertaken by owner of the structure, or written permission from the owner of the structure has been obtained, the activity is undertaken more than 50 m from any lawfully established dam, weir, culvert crossing, bridge, surface water intake plant or network utility pole or pylon, more than 150 m from any lawfully established water level recorder and more than 7.5 m from any existing defences against water; and
7. The activity and any associated equipment, materials or debris does not obstruct or alter access to or the navigation of the lake or river; and
8. The activity does not include screening or any other processing of the gravel within the bed of the lake or river; and
9. The activity is not undertaken in a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive, or in any Indigenous Freshwater Species Habitat; and
10. Excavation shall not occur within 100 metres of birds which are nesting or rearing their young in the bed of the river.

3. LINZ factsheet



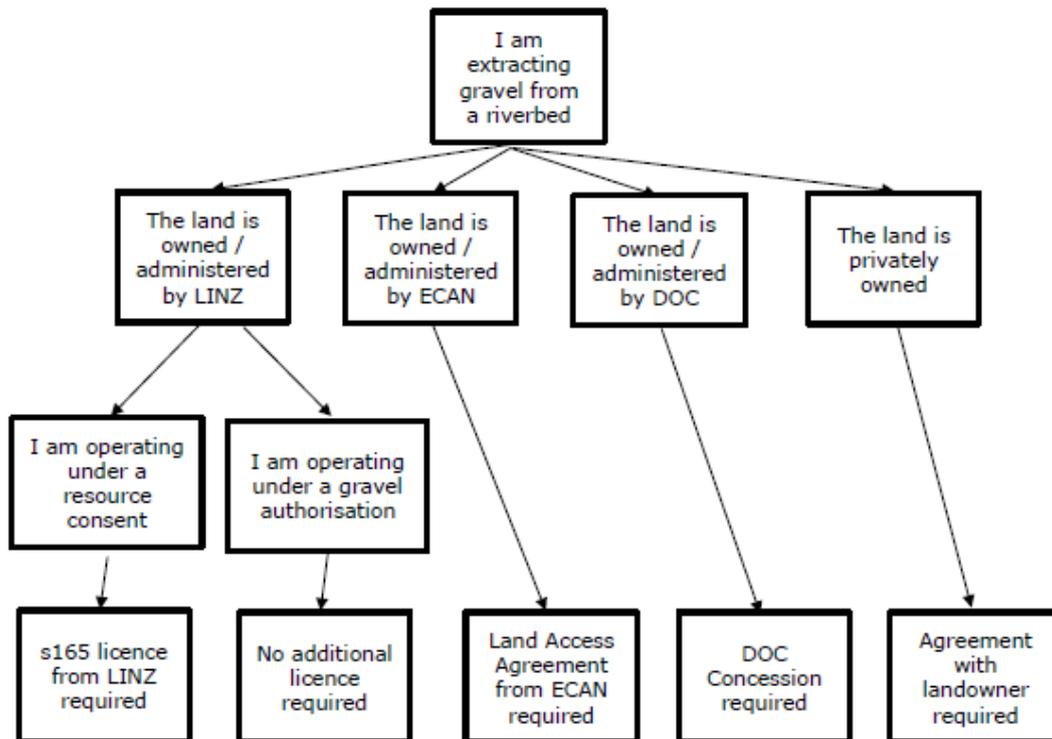
Factsheet for ECAN and Gravel Operators



Licences for Gravel Extraction – s165 Land Act 1948

Prepared by:	April Hussey, Senior Portfolio Manager
Prepared for:	ECAN and Gravel Operators
Date:	5 December 2017
Version:	1.2
Status:	FINAL

Do I need land access permission, other than my resource consent or gravel authorisation, to operate at my site?



What is a s165 licence for gravel extraction and why do I need one?

A s165 licence for gravel extraction enables you to occupy land owned and/or administered by LINZ and to undertake gravel extraction lawfully at that location. A s165 licence is a signed agreement between you and the Commissioner of Crown Lands (CCL).

A s165 licence is a short term (1-10 years, depending on the circumstances) right to occupy LINZ owned and/or administered land for the purpose of extracting gravel. It does not give any rights to exclusive occupation of an area.

Environment Canterbury will notify LINZ when each application for a resource consent to extract gravel is received.

Why don't I need a s165 licence if I'm operating under a Gravel Authorisation?

LINZ are comfortable that if you are operating under a gravel authorisation, in accordance with the Gravel Extraction Code of Practice, then you are assisting Environment Canterbury with their obligations under the Soil Conservation and Rivers Control Act (1941).

Is the requirement for a s165 licence from LINZ a new requirement?

No. The requirement for a s165 licence from LINZ in order to lawfully undertake extraction is not new. However many gravel operators are not aware of the requirement for a licence and are therefore occupying and taking gravel from LINZ land unlawfully.

What happens if I'm found to be occupying LINZ land and/or extracting gravel without a s165 licence?

Occupying LINZ land or extracting gravel from LINZ land without a signed s165 licence is considered trespass. Trespass action may be taken against you by the CCL.

What does s165 of the Land Act 1948 say?

Part 11

Licences for timber, flax, minerals, and other purposes

165 Licences for timber, minerals, etc

- (1) The Board may from time to time issue licences authorising the licensees to occupy such area of unalienated Crown land as is specified therein, for any of the following purposes:
 - cutting, felling, or removing of timber, bark, or flax:
 - removal of gravel, sand, stone, clay, lime, limestone, guano, kauri gum, or similar substances:
 - working of quarries:
 - sites for mills, yards, kilns, potteries, tanneries, and similar purposes:
 - sites for tramways, railways, slipways, and similar purposes.
- (2) *[Repealed]*
- (3) The Board shall determine the extent of land to which any such licence shall give a right of occupancy, the term of the licence, the annual fee to be charged, the royalties to be paid, and the conditions upon which any such licence shall be held.
- (4) No licence granted under this section shall preclude the Board from selling or leasing, or the Governor-General from reserving, or shall in any way affect the rights of the Crown to, the land occupied in virtue of the licence; and the licence shall cease to have any force over any land so sold, leased, or reserved.
- (5) The licensee shall not be entitled to any compensation by reason of the loss of his licence pursuant to the last preceding subsection; but he may, within such time as the Board may allow, remove all buildings, fencing, enclosures, and other improvements purchased, erected, or made by him on the land.
- (6) *[Repealed]*
- (6A) Nothing in this section shall derogate from the provisions of the [Resource Management Act 1991](#) or the [Crown Minerals Act 1991](#).

Compare: 1924 No 31 vs 347, 348

Section 165(1): amended, on 1 October 1991, by [section 362](#) of the [Resource Management Act 1991](#) (1991 No 69).

Section 165(1): amended, on 26 November 1953, by [section 9\(1\)](#) of the [Land Amendment Act 1953](#) (1953 No 67).

Section 165(2): repealed, on 1 October 1991, by [section 362](#) of the [Resource Management Act 1991](#) (1991 No 69).

Section 165(6): repealed, on 1 April 1973, by [section 245](#) of the [Mining Act 1971](#) (1971 No 25).

Section 165(6A): inserted, on 1 October 1991, by [section 362](#) of the [Resource Management Act 1991](#) (1991 No 69).

Who do I make an application for a s165 licence to?

Applications are made to Colliers International, who manage Crown land owned and/or administered by LINZ on LINZ's behalf. The current contacts at Colliers are Rose Quirk and Poppy Simpson-Wells (rose.quirk@colliers.com and poppy.simpson-wells@colliers.com). You are able to request an application form directly from Colliers and discuss any questions you might have about your application with them in the first instance.

What does the application form look like?

The application form is attached to this factsheet. You are required to answer all of the questions in as much detail as possible

What other information am I expected to provide with my application?

You will be expected to provide a copy of your resource consent for gravel extraction, as well as any other information that you think may be relevant to the processing of your application, such as certificate of incorporation (for companies), additional maps or plans etc. You are also expected to provide any additional information that Colliers request from you.

Not providing all the information required may slow down your application or mean that LINZ is unable to approve it.

How long does it take for an application to be processed?

The processing time for a licence varies depending on the detail and quality of information provided with your application, the number of other applications being dealt with by Colliers and by LINZ at the time you apply, the length of time taken for consulting parties to submit their responses and the time taken for documents to be executed by operators.

Generally, licences take between two and eight weeks to be processed.

Can I undertake gravel extraction while my application is being processed?

No. You cannot undertake any occupation of LINZ owned and/or administered land or any gravel extraction until you have a licence that has been signed by the CCL.

Will LINZ consult with other parties when considering my application?

Yes. Colliers, on behalf of LINZ, will consult with the Department of Conservation and, if the extraction area falls within a statutory recognition area for iwi, with Ngāi Tahu. Colliers may also communicate with the Council while processing your application.

If any of these parties have concerns with your application, Colliers will discuss these with you.

How much does a licence cost?

Making an application for a s165 licence costs \$195.00 (GST inclusive). You may also have to pay costs associated with the preparation of the licence document, though Colliers will advise you what these costs are likely to be, if relevant.

Additionally, your licence will have an annual fee, payable to Colliers by a certain date. This annual fee must be paid by the date specified in order for your licence to stay valid. Annual fees for licences vary, depending on factors such as the amount of gravel proposed for extraction and the size of the extraction area.

Will I have to pay royalties?

The CCL reserves the right to charge royalties for gravel as part of s165 licences. However, this is not common.

How long will my licence be valid for?

Your licence may be valid for any length of time, generally in line with your resource consent. Very few licences are granted for over 10 years, but each application is assessed on a case by case basis depending on the circumstances. Every licence is different.

What kind of conditions might be included in my licence?

The CCL can include conditions in your licence document. These conditions may include but are not limited to, the amount of gravel you can extract in any period, not permitting extraction in the active water area, not disturbing nesting birds, remediating the extraction area after use, not operating at certain times of the day or week, or not permitting the screening and crushing of gravel onsite.

Each application is considered on a case by case basis depending on the circumstances. Every licence is different.

What do I do if I no longer require my licence?

If you are finished with your extraction activities or no longer require your licence for whatever reason, you can contact Colliers International and advise them of this. They will check that your annual fee has been paid and that any conditions to be satisfied prior to termination of your licence have been completed. Your licence will then be able to terminate.

What do I do if my licence is coming up to expire?

If your licence is coming up to expire, you need to contact Colliers International about making a new application. You will be required to complete a new form and to provide updated information and your new resource consent.

It is a good idea to apply for a new licence well in advance of your current licence expiring, as this gives Colliers, LINZ and the consulting parties time to process your application and avoids the situation where you have to stop operating.

4. Terms of Reference

TERMS OF REFERENCE FOR RIVER GRAVEL LIAISON COMMITTEE	REN-
<i>Approved by Council, 20 June 2007</i>	

PURPOSE:

To act as an advisory committee to the Council to articulate the views of stakeholders in relation to the management of river gravel in the region. This is an informal liaison committee and has no statutory basis, nor any delegated functions of the Council.

RESPONSIBILITIES:

The Regional Engineer is responsible for the formation of the river gravel liaison committee and the overview of its activities. The Regional Engineer is responsible for the servicing of the committee and for organising meetings. Membership is voluntary and committee members shall bear their own costs. Incidental costs such as photocopying, circulation of meeting notices and agenda material, advertising and hall hire will be met by the Council.

OBJECTIVES

1. To help ensure good communication with the stakeholders.
2. To inform the committee of issues related to the management of river gravel in the region.
3. To liaise with staff on matters relating to river gravel data collection, analysis, presentation of results, and levels of charging to fund management of the river gravel resource.
4. To provide advice on the levels of service desired and the level of charging.
5. To advise on, and participate in, promotional and educational programmes aimed at promoting best practice for river gravel extraction contractors.

PROCEDURE:

1. The Regional Engineer shall set up a democratic mechanism for stakeholders to elect a river gravel liaison committee.
2. The committee shall be elected for a three year term to coincide with the local authority triennial elections. Elected members may stand for succeeding terms.
3. Membership shall be 12 and shall comprise elected representatives from the gravel extraction industry (4, with one for area north of Waimakariri River, one for Waimakariri catchment, one for area south of Waimakariri catchment to Hinds River, one for area Rangitata to Waitaki), river rating district liaison committees (4, with one for area north of Waimakariri River, one for Waimakariri, one for area south to Hinds River, one for area south of and including Rangitata), and ex officio appointees.
4. Ex officio appointees to the committee shall comprise a representative of Ngai Tahu, a representative of Fish and Game, a representative of the Department of Conservation, and an Environment Canterbury appointed Councillor
5. The committee may co-opt additional members, with terms of membership as the committee sees fit, in order to ensure a representation of views and interests on the committee, to add desired skills on the committee or otherwise improve the working of the committee.
6. The committee shall elect its own chairperson.
7. Council committee procedures will be followed.
8. Minutes will be taken at each meeting and held on record by Environment Canterbury. Environment Canterbury is responsible for providing secretarial services.
9. A quorum shall be four members and must include two gravel extraction representatives, and a river rating district liaison committee representative.
10. The committee shall meet annually or when required unless the committee determines otherwise