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Gravel management

The management of gravel continues to be of interest to Councils in the Southland Region, and to our communities. Questions have been asked about whether gravel can be removed from, and around, existing structures (such as bridges) without first obtaining a resource consent. Questions have also been asked about the perception that has arisen in the community that written approvals from third parties are always required prior to obtaining a resource consent for gravel extraction that is not a permitted activity.

This purpose of this letter is to provide clarity about the rules in the Southland Water and Land Plan (**SWLP**) that apply to gravel extraction associated with the maintenance of structures, and clarity about Environment Southland's approach to written approvals when resource consents are required.

Gravel extraction associated with the maintenance of structures

Rule 66 of the SWLP permits gravel extraction associated with the maintenance of structures in, on, under, or over the bed of a lake, river, modified watercourse or wetland. Resource consent is not required, provided that the conditions of the rule are complied with.

Relevantly, two of the conditions in Rule 66 require that the structure must be lawfully established (Rule 66(a)(i)) and that any bed disturbance is the minimum necessary to undertake the activity (Rule 66(a)(ii)). The bed must be returned to as near as practicable to its original channel shape, area, depth, or gradient on completion of the activity (with the exception of revegetation or where gravel is required to be moved) (Rule 66(a)(ii)).

As such, gravel extraction associated with the maintenance of lawfully established structures owned by relevant authority can be carried out as a permitted activity provided the conditions of Rule 66(a) are complied with. For completeness, if the conditions of Rule 66(a) are not complied with, a resource consent for a restricted discretionary activity will be required under Rule 66(b) of the SWLP.

Accordingly, to the extent that your infrastructure teams need to undertake gravel extraction in order to maintain lawfully established structures (such as a bridge), Rule 66 enables that to occur as a permitted activity.

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Written approvals when resource consents are required

If resource consent is required to authorise an activity in the bed of a river, the Council will need to determine whether there are any affected persons who need to be notified of the application. This exercise will need to be undertaken for each application on a case-by-case basis.

Over time, a general perception has arisen in the community that resource consent applications regarding certain works in the beds of rivers require written approval from third parties (such as the Fish & Game Council (**Fish & Game**)) before they can be processed on a non-notified basis. Environment Southland has been informed by stakeholders that the perception of the need to first obtain a written approval has been operating as a barrier to resource consent applications being lodged for routine gravel extraction activities.

Environment Southland does not automatically treat third parties such as Fish & Game as affected persons from whom written approvals will be required. A case-by-case assessment is undertaken and written approvals (or notification) is only required if third parties are “functionally affected”. A party is “functionally affected” only if the proposed activity has adverse effects on that party’s functions and those effects must be more than minor.

If a resource consent is required for gravel extraction, Environment Southland’s resource consents team is always available to discuss what would be required in an application. The Council offers pre-application meetings where applications can be discussed, including in relation to whether written approvals might be required.

If you have any further questions about the management of gravel in the Southland Region, please get in touch.

Yours sincerely



N G Horrell
Chairman