

21/01/2021

Hawke's Bay Regional Council
C/- Birman Consulting Limited
Private Bag 6006
Hawke's Bay Mail Centre
Napier 4142

Our Ref: APP-126155 (quote this number when discussing application with HBRC staff)

For the attention of Murray Tonks

Dear Sir,

Request for Further Information

Your resource consent application APP-126155, which relates to the proposed dredging of the Clive River and disposal of this dredge material in the CMA, has been reviewed. More information is needed so that I can better understand the proposed activities and their potential effects.

In accordance with Section 92 of the Resource Management Act (1991) (RMA) I request the following information:

1. The application documentation refers to three different volumes of dredged material:
 - On pages 3 and 15 of the application document it refers to a total estimated volume of 55,000 m³
 - On page 7 an estimated discharge of approximately 48,000 m³ occurs in the footnote
 - Within the "*Lower Clive River Sediment Sampling and Depth Probing*" report V2 dated 15 August 2019, on page 11 a volume of approximately 60,500 m³ is referred to
 - On page 14 of the "*Lower Clive River Sediment Sampling and Depth Probing, and Entrance Bathymetry and Ecological Assessment*" report V1 dated 7 October 2019, a total of approximately 60,500 m³ is noted.

Please confirm the maximum estimated volume of dredging.

2. The discharge location is not identified clearly enough to confirm its location and there is conflicting information provided.
 - The information included in the "*Lower Clive River Sediment Sampling and Depth Probing, and Entrance Bathymetry and Ecological Assessment*" report V1 dated 7 October 2019 on pages 14 and 15 indicate that the southern side of the lower estuary is considered as a potential location to dispose of the dredge material, noting that it would be filled to ~1.4m above MSL.

- The main application document on page 7 details the discharge onto the foreshore and seabed near the river mouth.
- Page 13 of the main application document notes that the proposed discharge point for the dredge sediments will be above the high tide line on the shore to the south of the river mouth groyne.

Please clearly mark on a plan the location of the discharge point and provide northing and easting coordinates of the location for clarity.

3. Section 3.1 of the main application report refers to an Environmental Management Services Limited (Feb 2013) *Clive River Dredging Review (Draft Report)*. A report to Hawke's Bay Regional Council.

Please advise if this report was ever made final and provide a copy of the report.

4. The main application report provides a number of statements without providing sufficient evidential, technical or specialist opinion to support the authors' statements. The specialist, technical reports prepared by eCoast provide bathymetric, sediment and ecological sampling results with little or no interpretation or conclusions on the potential effects of the proposed activities. In order to determine whether the advice and conclusions provided in the application are environmentally robust, could you please provide:
 - a. An assessment of coastal processes prepared by an appropriately qualified and experienced specialist to provide evidence of the coastal process of the area and the likely impact of the discharge of dredge material on the coastal environment. At a minimum, we would expect the following matters to be covered:
 - i. downstream effects of sediment mobilisation, dispersal, and deposition during dredging; and,
 - ii. the fate of deposited material, including a consideration of shorter-term environmental outcomes if deposition occurs during calm, dry weather,
 - iii. infilling rates once dredging is complete; and,
 - iv. whether altering river morphology (deepening) will have downstream physical effects on the lower river or river mouth.
 - b. An ecological effects assessment prepared by appropriately qualified and experienced, independent specialists and informed by the coastal processes assessment and sediment sampling already carried out, that assesses the ecological impact on the river environment from the proposed dredging operation and the estuarine and coastal environments from the proposed discharge of dredged material. The assessment(s) should include evidence which supports any statements made in the main report regarding:
 - impacts on fish (including whitebait); and,
 - biosecurity risks associated with the invasive tubeworm,
 - ecological values and effects of dredging within the footprint, lower river/estuary and any nearshore areas potentially affected,
 - ecological values (including avian values) and effects of disposal at the proposed site (i.e. "the shore above mean high water springs, on or near the river mouth groyne,

whereby the dredge sediments, in slurry form, will flow down the beach and into the sea”) and nearshore areas potentially affected; and,

- likelihood and timeframes for the recovery of river benthos.

5. The report addresses cultural values by referring to the consultation undertaken with representatives of the Kohupatiki Marae and Te Taiwhenua O Heretaunga relating to the proposal and notes their general comments regarding the proposal. No minutes of meetings have been provided to support this basis, nor has the assessment gone into detail regarding cultural values and the associated impact of the proposal on those values.

Hawke’s Bay Regional Council’s Pataka System identifies four Iwi/Hapu Management Plans relevant to the application Area, prepared by the following groups:

- Ngati Hori Hapu; and,
- Te Taiwhenua o Heretaunga,
- Ngati Kahungunu Iwi Incorporated; and,
- Nga Hapu o Tutaekuri.

In addition, we recognise that Heretaunga Tamatea Settlement Trust and Kohupatiki Marae are also important in understanding the impact on relevant cultural values associated with the project.

Please provide a Cultural Impact Assessment [CIA] identifying the impact of the proposals on Maori cultural values prepared by person(s) suitably experienced and knowledgeable of Maori cultural values of the local and project area. In many cases, various overlapping hapu or iwi groups often have differing values. These can be captured in preparation of multiple cultural impact assessments if required.

Note: In the event that each of the identified groups confirm that they do not consider the impact of the project on cultural values of the area warrants a CIA being prepared, we would accept that no CIA is required and the levels of impact on cultural values can be considered less than minor. Should some but not all provide such approval then a CIA should be undertaken which considers the impacts on those parties who have not provided their support.

6. The application notes the use of a cutter-suction dredge, but does not give details of how the dredging operation will be managed, including maintenance of equipment, operation of equipment to ensure no over-dredging (i.e. ensure the correct depth), duration of dredging (number of days), hours of dredging, anticipated time of year proposed for the works.

Please provide a dredging management plan detailing these matters. In the event that the applicant has not confirmed a contractor and wishes this matter to remain flexible, please provide a “draft dredge management plan” to detail assumed measures, on the basis of which a condition requiring submission of a final management plan and Council certification can be formulated.

You must respond in writing to this request, before 10 February 2021 and do one of the following:

- a) Provide the information; or,

- b) Tell us that you agree to provide the information but propose an alternative reasonable date (suggest a date); or,
- c) Tell us that you refuse to provide the information.

It is important that you respond to this request. If you fail to respond within the time limit, or refuse to provide the information requested, Council must:

- Process the application on a publicly notified basis pursuant to s95C(1) and (2) of the RMA; and
- Consider the application under s104 of the RMA.

The processing of your application has been placed on hold until we receive your entire response.

Please contact me if you have any questions.

Yours faithfully

Devon Rollo
Consultant Planner
Mott McDonald

Approved by:



PAUL BARRETT
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