

**Before the Hearing Commissioners appointed by Hawke's Bay  
Regional Council**

**In the matter** of the Resource Management Act 1991  
**(the Act)**

**And in the matter** of applications APP-123534, APP-123548, APP-123526, APP-123550, APP-123535 & APP-123536 by the Regional Assets Section, Hawke's Bay Regional Council to remove gravel and undertake other earthworks at various locations along the Ngaruroro River, Tukituki Catchment Rivers and Tutaekuri River to the coast

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**Statement of evidence of Christopher William Dolley**

**5 November 2021**

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Sainsbury Logan & Williams  
Solicitors  
Cnr Tennyson Street and Cathedral Lane  
**Napier**  
PO Box 41  
DX MP70039  
Phone: 835 3069  
Fax: 835 6746  
Ref: Lara Blomfield  
LJB-003502-387-158-V2

## INTRODUCTION

### Qualifications and experience

- 1 My full name is Christopher William Dolley. I am the Group Manager, Asset Management at Hawke's Bay Regional Council.
- 2 I have over 20 years' experience in strategic and operational engineering management roles in New Zealand and Australia.
- 3 Prior to joining Hawke's Bay Regional Council, I was the Manager Asset Strategy at Napier City Council responsible for overseeing a wide range of council assets, including stormwater, wastewater and drinking water, along with the inner harbour, parks and reserves.
- 4 The Asset Management Group at Hawke's Bay Regional Council is responsible for looking after a diverse portfolio of river and coastal engineering, flood scheme operations and maintenance and the regional park network.
- 5 In October 2017, the Regional Assets Section<sup>1</sup> of Hawke's Bay Regional Council (**the Applicant**) applied 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, but excluding the actively flowing channels (Figure 1). The gravel extraction activities are a required maintenance activity to maintain the scheme channel capacity and reduce flood and erosion risk.

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<sup>1</sup> At the time the applications were made the relevant group was called Regional Assets. It is now known as the Asset Management Group.  
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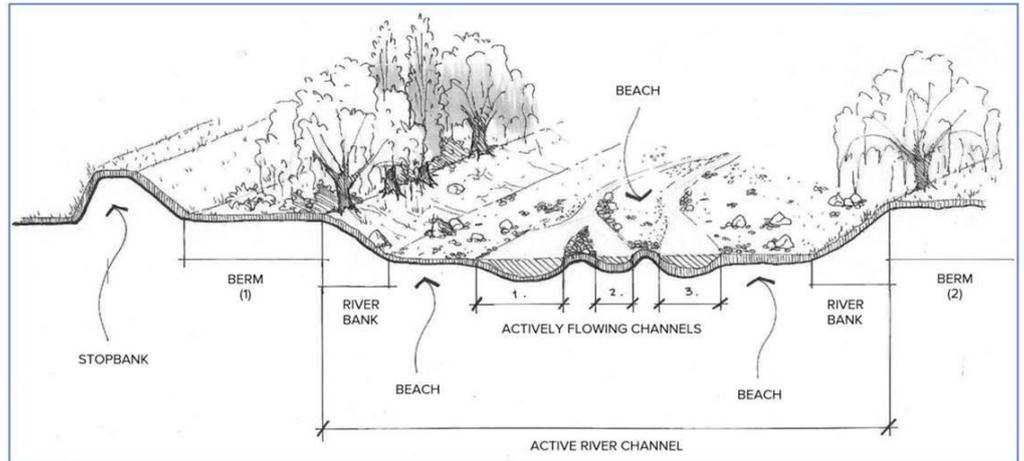


Figure 1: Definitions and terms used in consent application.

6 I first become involved in this consent application process in August 2018, when I was appointed Group Manager, Asset Management.

## PURPOSE AND SCOPE OF EVIDENCE

7 In this evidence I will:

- 7.1 Provide an overview of HBRC's flood scheme operations and explain the role that gravel extraction plays in those flood scheme operations.
- 7.2 Explain why the Applicant has applied for resource consents to extract gravel from the beds of the Ngaruroro River, the Tūtaekurī River and the Tukituki Catchment Rivers.
- 7.3 Address a matter raised in the submission made by Te Taiwhenua o Heretaunga about ownership of the riverbed of the Taruarau River.
- 7.4 Address concerns raised by Te Taiwhenua o Heretaunga in a letter dated 24 March 2021 over activities at two gravel extraction sites – namely the Ngaruroro River at Roy's Hill and Waipawa River at State Highway 50 near Onga Onga.

## HBRC'S FLOOD SCHEME OPERATIONS

- 8 The Asset Management Group at Hawke's Bay Regional Council is responsible for managing flood protection schemes throughout the Hawke's Bay region, including on the Ngaruroro, Tutaekuri, Waipawa and Tukituki Rivers.
- 9 These schemes were established in the 1960s to protect rural and urban development from flooding in the region.
- 10 The Heretaunga Plains Flood Protection Scheme (**HPFPS**) provides flood protection from the Ngaruroro, Tutaekuri and lower Tukituki Rivers and protects about 39,000 ha of land including:
- 10.1 Substantial parts of Napier and Hastings cities and smaller settlements such as Maraekakaho and Fernhill; and
  - 10.2 Other settlements near the coast, such as Clive and surrounding farmland.
- 11 The Upper Tukituki Flood Protection Scheme (**UTFPS**) provides flood protection from the upper Tukituki River and tributaries. It protects about 25,000 ha of productive farmland and around 5,000 people who live within the scheme boundaries, including the urban centres of Waipawa and Waipukurau.
- 12 A key component of the schemes is a series of stopbanks and other flood protection assets designed to contain floodwaters within a defined floodway. Each floodway has been designed to safely convey a design flood event. It must have a minimum width and depth at any particular location so that floodwaters pass through the floodway without overtopping or compromising the stopbanks.
- 13 These Ngaruroro, Tutaekuri, Waipawa and Tukituki rivers transport gravel and other sediments from the Ruahine, Kaimanawa and Kaweka ranges, particularly during major flood events. This can cause sediment to build

up in some locations, raising the bed level in that location and reducing the channel capacity between the riverbed and the top of the stopbanks.

- 14 If that sediment build-up was allowed to continue unchecked, the stopbanks would eventually be overtopped during large flood events. To prevent this happening, the Council actively manages the sediment build-up. This is essentially a maintenance activity which is carried out at no cost to the scheme beneficiaries through encouraging aggregate suppliers to excavate gravel from the dry parts of the riverbeds as a means of maintaining the bed at the design grade required to maintain the required floodway capacity.
- 15 Gravel extraction is currently authorised through the use of short-term consents (typically of one year) to gravel extractors. These short-term consents do not give those extractors the longer-term certainty they require. As well, the system is not working as well as HBRC would like in terms of achieving its flood management objectives.

#### **WHY THE APPLICATIONS WERE MADE**

- 16 In 2010 HBRC engaged Tonkin & Taylor to review the way in which the Council managed riverbed and coastal gravel resources within Hawke's Bay. The purpose of the review was to:
  - 16.1 Improve the Council's understanding of the riverbed gravel movement and the impact of gravel extraction on flood protection works and coastal processes; and
  - 16.2 Review the Council's management regime for assessing the gravel resource and allocating its use.
- 17 Tonkin & Taylor recommended that further investigations and further work be carried out, including the preparation of a Gravel Management Plan (**GMP**). HBRC developed a GMP which was adopted by the Council in September 2017 following a special consultative procedure.

- 18 The GMP established the concept of an Authorisation Zone. It proposed that the Applicant would hold resource consents for gravel extraction within an Authorisation Zone and would issue authorisations to commercial gravel extractors allowing them to operate within those zones.
- 19 That is the basis on which these resource consent applications have been made.
- 19.1 For the Ngaruroro River, the Applicant seeks consent for extraction from the entire river reach highlighted in blue in Figure 10 and Appendix A of the application, which is from the coast to map reference NZTM 1892902.293 east, 5615066.873 north (approximately 6.4 km west of the intersection of Matapiro and Whanawhana Roads), cross section number 69 of HBRC Ngaruroro River cross sections. The extraction reaches cover a total river length of approximately 57 km.
- 19.2 For the Tukituki Catchment Rivers, the Applicant seeks consent for extraction from the highlighted in blue in Figure 11 (and Appendix A of that application).
- 19.3 For the Tutaekuri River, HBRC seeks consent for extraction from the entire river reach highlighted in blue in Figure 10 and Appendix A of that application, which is from the coast to map reference NZTM 1903367 east, 5630762 north (about 4 km upstream of the Dampney Road ford). The extraction reaches cover a total river length of approximately 54 km.
- 20 The actual extraction sites will be located based on the following criteria:
- 20.1 Achievement of flood and river management objectives
- 20.2 Mean bed level is above the design bed profile on average over the reach
- 20.3 Aids transport of sediment through the river system

- 20.4 Berm height is reduced and flood capacity maintained
- 20.5 Crossings of wetted channels avoided where possible, or otherwise minimised, both to minimise environmental effects and to make truck access easier.
- 20.6 Avoidance of known sites of cultural significance.
- 21 Areas where gravel is required to be extracted for river management purposes and areas where the bed height above design grade are greatest will be targeted for extraction, to maintain the required floodway area and the required level of flood protection.
- 22 The Applicant will only issue authorisations to reputable gravel extractors with a proven track record of avoiding or minimising environmental effects. The chosen extractors will be made aware of the resource consent conditions that they are required to meet. They will also be required to comply with the Environmental Code of Practice for River Control and Waterway Works, the Ecological Management and Enhancement Plan and the Spill Management Plan.

#### **NOTIFICATION AND ENGAGING WITH SUBMITTERS**

- 23 The Applications were notified in February 2019. It is unusual in my experience for a notified consent application to take almost three years to proceed from notification to a hearing.
- 24 From the Applicant's perspective, the Applications seek to put in place an improved management regime for an activity that is already occurring. The Applications followed an extensive series of investigations, consultations and reports from 2010, including the public notification and hearings process for the GMP, which established the basis for the Applications.
- 25 The public notification of the Applications attracted eight submissions, with six in support and two neutral. No opposing submissions were received.

- 26 This outcome prompted an approach from the Applicant in which it sought to engage with submitters to seek an agreed outcome, principally through the development of an agreed set of conditions. That was encouraging, and in my view reflective of the extensive process leading up to lodgement and then notification of the Applications.
- 27 While most submitters' concerns were quickly addressed and resolved, unfortunately overall the direct engagement resulted in a protracted process that failed to achieve an agreed outcome. In an attempt to move matters forward, the Applicant requested a pre-hearing process facilitated by the Consent Authority. Three pre-hearing meetings and additional caucusing directly with submitters did not resolve matters. That is why the Applicant requested a hearing of these Applications.

## **RESPONSE TO MATTERS RAISED IN SUBMISSIONS AND/OR SECTION 42A REPORT**

### **Greenhouse Gas Emissions**

- 28 In June 2019 Hawke's Bay Regional Council declared a climate change emergency and set a goal for the region to be carbon neutral by 2050. It also established a climate action hub and accelerated its works programme to make the region climate resistant. That includes investment in flood protection, of which gravel extraction is a part. Last year the Council invested over \$12 million in flood protection infrastructure.
- 29 The reporting officer addresses climate change and greenhouse gas reductions in section 11 (page 30) of the Section 42A Report and recommends that there be an annual review in May 2022 to bring the consent in line with the new Zero Carbon Act requirements.
- 30 As I understand it, by 31 May 2022 the Government expects to publish the first emissions reductions plan setting out policies and strategies for meeting emissions budgets in accordance with the Zero Carbon Act.

- 31 The greenhouse gas footprint from gravel extraction activities will be included in HBRC's organisation-wide response to Zero Carbon Act requirements once they are better understood, which will be some time after May 2022.

### **Ownership of the riverbed of the Taruarau River**

- 32 One of the matters raised in the submission made by Te Taiwhenua o Heretaunga concerns ownership of the riverbeds by mana whenua (i.e., Taruarau).
- 33 The reporting officer addresses this particular submission at page 45 of the Section 42A Report, and his comments include the following:

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.

- 34 I confirm that the application areas for the Ngaruroro River consent are not in the Taruarau catchment and do not include the Taraurau River.
- 35 The maps at Figure 10 and Appendix A of the resource consent application show the upper inland extent of the gravel extraction area, which is the Whanawhana Cableway (map reference NZTM 1892902.293 east, 5615066.873 north) approximately 6.4 km west of the intersection of Matapiro and Whanawhana Roads. The Taruarau catchment is located further west.

### **Concerns raised about gravel extraction activities at particular sites**

- 36 On 24 March 2021 I received a letter from Te Taiwhenua o Heretaunga raising concerns about possible breaches of resource consent conditions at two gravel extraction sites identified as:

36.1 Ngaruroro River at Roy's Hill; and

36.2 Waipawa River at State Highway 50 near Onga Onga.

37 Heritage New Zealand Pouhere Taonga also raised concerns with HBRC about the Roy's Hill site in an email sent in June 2021. The particular area identified in that email was the part of the Ngaruroro River directly opposite the Ōhiti pā site (located at approximately NG 47 in the map below).



- 38 HBRC has since confirmed that:
- 38.1 No gravel extraction or gravel volume allocations have been granted in the vicinity of the Ōhiti pā site at NG47.
  - 38.2 The nearest and most recent allocation was Holcim's extraction at NG46 in January/February 2021 (roughly 500m upstream of Ōhiti pā site).
  - 38.3 Prior to that, Winstone Aggregates had consent to extract gravel at NG49 (roughly 800m downstream), but that was several years ago in 2017-18.
- 39 The site at Waipawa River at State Highway 50 near Onga Onga is not a gravel extraction site but rather a river erosion protection project that was undertaken with a funding contribution from both the Crown as part of their Covid recovery programme managed through the Infrastructure Reference Group and Kanoa and Waka Kotahi.
- 40 The Applicant and Te Taiwhenua o Heretaunga have been working to further these discussions through a site visit which should assist to clarify the issues and develop solutions. However due to the impacts of COVID-19 and scheduling challenges this site visit has been deferred a number of times. It is now proposed to take place on November 9<sup>th</sup>, after the pre-circulation of the Applicant's evidence. I anticipate that an agreed statement will be developed confirming the outcome of the site visit, and that this statement will be forwarded to the Consent Authority in due course.

## **CONCLUSIONS AND RECOMMENDATIONS**

- 41 The Applicant is seeking global consents for gravel extraction activity over the key rivers it manages for flood control purposes.

42 The outcome of this process is that the Applicant will be the consent holder and will ultimately be responsible for meeting all consent conditions. It will then issue authorisations to gravel extractors allowing them to operate under the consent that it holds.

43 Gravel extraction already occurs within the areas that are the subject of this proposal. The Applicant is not seeking to establish a new activity or expand on what already occurs. Rather, the Applicant seeks to put in place an improved management regime for the future extraction of gravel for flood control purposes that will enable:

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

43.2 Iwi and other stakeholders to engage with a single consent holder rather than multiple parties. I note that recommended consent conditions include the establishment of Kaitiaki Liaison Groups. A Memorandum of Understanding is being developed that sets out the terms of reference for those Groups;

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

43.4 The possibility of gravel extractors holding multi-year authorisations to extract gravel. This will give extractors greater certainty and is expected to improve gravel extraction outcomes for flood control purposes.



**Christopher William Dolley**

5 November 2021