

REPORT OF INDEPENDENT COMMISSIONER

Decision and Recommendation on Resource Consent
Application APP-131608 to Hawke's Bay Regional Council and
Central Hawke's Bay District Council

Application from Hawke's Bay Regional Council
Under the Severe Weather Emergency Recovery
(Hawke's Bay Flood Protection Works) Order 2024
and the Resource Management Act 1991

Works Associated with the Establishment of Stopbanks for
the Pōrangahau Flood Protection Project

February 2026

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Summary of Decision & Recommendation

That, in relation to a:

- Decision on a non-notified resource consent application under the Severe Weather Emergency Recovery (Hawke’s Bay Flood protection Works) Order 2024 (‘OIC’); and
- Recommendation on a non-notified resource consent application under the Resource Management Act 1991.

Resource Consent Applications APP-131608 and RM250105 are GRANTED subject to conditions, for the reasons given in this report.

Overview of Application Details

Resource Consent Application Numbers:	APP-131608 RM250105
Applicant:	Hawke’s Bay Regional Council Private Bag 6006 Hawke’s Bay Mail Centre Napier 4142
Date of Application:	27 November 2025
Address of Site:	Various sites in the Porangahau area off State Highway 2 and Northshore Road
Legal Description:	Lot 1 DP 20711 BLK XII PORANGAHAU SD Fee Simple, 1/1, Lot 6 DP 562529 and Lot 7 DP 562529 Fee Simple, 1/1, Lot 5 Deposited Plan 562529 Fee Simple, 1/1, Lot 4 Deposited Plan 562529 BALANCE-PORANGAHAU SCHOOL - Part SECS 48 72 187-194 211 212 BLK XII PORANGAHAU SD Fee Simple, 1/1, Town Section 158 Porangahau Fee Simple, 1/1, Section 170-172 Survey Office Plan 5185 Fee Simple, 1/1, Town Section 183-186 Town of Porangahau Fee Simple, 1/1, Lot 1 Deposited Fee Simple, 1/1, Town Section 183-186 Fee Simple, 1/1 Town Section 215 Fee Simple, 1/1, Town Section 182 Fee Simple, 1/1, Town Section 181 Fee Simple, 1/1, Town Section 173 Fee Simple, 1/1, Town Section 174

	<p>Fee Simple, 1/1, Part Section 1-2 Survey Office Plan 10194 Fee Simple, 1/1, Section 8 Survey Office Plan 6143 Fee Simple, 1/1, Lot 2 Deposited Plan 410062 Fee Simple, 1/1, Porangahau No.2 B. No. 11 Block Fee Simple, 1/1, Porangahau 2B9B13 Block Maori Land Plan 1295 Fee Simple, 1/1, Porangahau 2B9B12 Block Maori Land Plan 1295 Fee Simple, 1/1, Porangahau 2B 9B Sec 14 Block Fee Simple, 1/1, Porangahau 2B9B5A Block Fee Simple, 1/1, Porangahau 2B9B18 Block Fee Simple, 1/1, Porangahau No.2 B. No.10 (Runanga Block) Fee Simple, 1/1, Porangahau 2B 9B Section 2A Block Fee Simple, 1/1, Porangahau 2B9B20 Block Fee Simple, 1/1, Porangahau 2B 9B Sec 19 Block Porangahau No.2 B No.8 Block Crown Land, Survey Office Plan 6143 Fee Simple, 1/1, Lot 2 Deposited Plan 11593</p>
<p>Summary of Proposal:</p>	<p>Construction of a new circa 1,700 m long stopbank and flood walls on the true left bank side of the Pōrangahau River to provide protection to the Pōrangahau community in a 1% AEP flood event (also known as a 1:100 year ARI event), with 500mm freeboard/climate change allowance. The stopbank and floodwall will be constructed generally as follows:</p> <ul style="list-style-type: none"> • An earth compacted fill, stopbank, in three sections: <ol style="list-style-type: none"> i. From the most downstream end from Porangahau School; ii. From Keppel Road up to the bridge on Abercrombie Street; and iii. Away from the river near the west end of Franklin Street to tie into the natural spur to the north. • A flood wall (sheet piled wall) in two sections: from the school to Keppel Street and from the bridge to the western end of Franklin Street. <p>The new stopbank will be a maximum of 4.1 m in height, and the flood walls will be a maximum of 2.2 m in height.</p> <p>A separate 224 m long bund to be constructed on the southern side of the Pōrangahau River to protect the Kaitiwhitikitiki Urupā, with a maximum height of 1.8 m.</p> <p>A separate bund option to protect the Rongomaraeroa Marae, to be installed as part of these works.</p>

	<p>A Borrow Pit to be located at 18 Jones Street, Pōrangahau, to provide approx. 26,000 m³ of fill required for the stopbanks, as well as a Stockpile and Contractor Yard on land adjoining it.</p> <p>Surface water to be taken temporarily from the Pōrangahau River for dust suppression during construction works (a total take of 810 m³ per day at a rate of 25 L/s is proposed).</p> <p>Disturbance of a wetland and stream in the western portion of the area.</p> <p>Associated works include integration with stormwater infrastructure, including a culvert to provide long term stormwater connection, and associated roading/access works.</p>
<p>Resource Consents sought under:</p>	<ul style="list-style-type: none"> ▪ Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024 (OIC); and ▪ Hawke’s Bay Regional Resource Management Plan (‘RRMP’), and Central Hawke’s Bay District Plan -Operative in Part (2024) (‘Central Hawke’s Bay District Plan’).
<p>Relevant Regional and District Plans, National Policy Statements and National Environmental Standards:</p>	<ul style="list-style-type: none"> ▪ National Policy Statement for Freshwater Management 2020 – Amended October 2024 (NPS-FM). ▪ National Policy Statement for Highly Productive Land 2022 (‘NPS-HPL’). ▪ National Policy Statement for Infrastructure 2025 (‘NPS-I’). ▪ National Policy Statement for Natural Hazards 2025 (‘NPS-NH’). ▪ National Policy Statement for Indigenous Biodiversity 2024 (amended December 2025) (‘NPS-IB’). ▪ Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (‘NES-DW’). ▪ Resource Management (National Environmental Standards for Freshwater) Regulations 2020 - Amended 2023 (‘NES-F’). ▪ Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (‘NESCS’). ▪ Hawke’s Bay Regional Policy Statement (‘RPS’). ▪ Hawke’s Bay Regional Resource Management Plan (‘RRMP’) ▪ Central Hawke’s Bay District Plan.
<p>Relevant District Plan Zoning and Overlays:</p>	<ul style="list-style-type: none"> ▪ GRUZ - General Rural Zone ▪ SETZ - Settlement Zone ▪ Natural Hazard - Flood Risk Area 1 and Area 2

	<ul style="list-style-type: none"> ▪ Natural Hazard – Tsunami Hazard ▪ Designations: CHBDC-61 CHB District Council: Reserve, and CHBDC-62 CHB District Council: Sewage Treatment and Oxidation Pond ▪ Site of Significance to Māori: SASM-63 ▪ Heritage Item: HH-67 Kaiwhitikitiki Urupā and Henare Matua Tohu Whakamaumarahara ▪ Statutory Acknowledgement Area – Pōrangahau/Tāurekaitai River and its tributaries. ▪ All roads are designated ▪ Land Use Capability Class 3 soils
<p>Resource Consents Required:</p>	<p>Works within and outside the area to which the OIC applies:</p> <ul style="list-style-type: none"> ▪ Land Use Consent (AUTH-132936-01); ▪ Discharge Permit (AUTH-133267-01); ▪ Water Permit (AUTH-133268-01); ▪ Water Permit (AUTH-133270-01); ▪ Discharge Permit (AUTH-133269-01); and ▪ Land use consent (RM250105).
<p>Resource Consents Activity Status:</p>	<p>Works within the OIC Schedule 1 Delineation:</p> <ul style="list-style-type: none"> ▪ Controlled Activity and Non-notified under Clause 8(2) of the OIC. <p>Works outside the OIC Schedule 1 Delineation:</p> <ul style="list-style-type: none"> ▪ Discretionary Activity under the NES-F and RMMP, NESCS and the Central Hawke’s Bay District Plan, and Non-notified.

1 Introduction

1.1 Appointment

- [001] This decision is made on behalf of the Hawke’s Bay Regional Council (‘HBRC’) and the Central Hawke’s Bay District Council (‘CHBDC’) by an independent hearing commissioner, Janeen Kydd-Smith, appointed under clause 10 of the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024 (‘OIC’) and section 34A of the Resource Management Act 1991 (‘RMA’) to decide this application from the Hawke’s Bay Regional Council (‘the Applicant’).¹
- [002] Delegation was given by HBRC and CHBDC on 6 June 2024, and was then extended to 28 May 2025 (to cover the non-OIC Activities), to consider and decide on the application for consent both within and outside the OIC area (under sections 104A and 104B of the RMA, and Regulation 11 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (‘NESCS’)), and to decide upon the need for notification under sections 95A-95E of the RMA (for the non-OIC activities).
- [003] The functions, duties and powers that must be delegated are stated in clause 10(2) of the OIC, as follows:
- (a) *consideration of an application under section 104 of the RMA (see clause 16):*
 - (b) *decision to grant a resource consent under section 104A(a) of the RMA;*
 - (c) *imposition of conditions on a resource consent in accordance with clause 17:*
 - (d) *giving notice of its decision under section 114 of the RMA in accordance with clause 18.*

1.2 Decision Format

- [004] Section 113(4) of the RMA specifies that every decision on an application that is not notified must be in writing and state the reasons for the decision.
- [005] While section 113(3) of the RMA does not apply to a non-notified resource consent application, I have nevertheless cross-referenced and/or adopted all or part of the assessment of environmental effects provided by the applicant, and the section 42A Report, as appropriate, to avoid repeating material.

1.3 Procedural Matters

- [006] Clause 5 states that the OIC applies only in relation to:
- (a) *flood protection works (as defined in clause 6)–*
 - (i) *that are taken to be a controlled activity under clause 8; and*
 - (ii) *in relation to which a resource consent is granted under the RMA as modified by this order; and*
 - (b) *the carrying out of those flood protection works.*

¹ Janeen is an Accredited Commissioner (with Chair Endorsement) under the Ministry for the Environment ‘Making Good Decisions’ Programme and is an experienced planning practitioner with over 33 years’ professional experience.

- [007] In clause 6(1) of the OIC, ‘flood protection works’ are defined as works that:
- (a) *are of a kind described in subclause (2); and*
 - (b) *are carried out–*
 - (i) *on behalf of any 1 or more Hawke’s Bay local authorities; and*
 - (ii) *in any part of the severe weather events affected area that is at a location specified in subclause (3); and*
 - (c) *for the purposes of the RMA,–*
 - (i) *would ordinarily require a resource consent; and*
 - (ii) *are not described in any plan or national environmental standard as a permitted activity; and*
 - (iii) *are not a prohibited activity.*
- [008] For the purpose of subclause 6(1)(b)(ii) ‘Pōrangahau’ is listed in clause 6(3) as a location described in Schedule 1 of the OIC.
- [009] Clause 14 of the OIC states that a consent authority that receives an application for resource consent for flood protection works must not publicly notify or limited notify the application under section 95 of the RMA and must instead carry out consultation in accordance with clause 15 of the OIC.
- [010] Clause 15 of the OIC sets out the requirements for consultation, including persons who must be notified that an application has been lodged and advise them where they can find a copy of the application (clause 15(2)). Those persons must be invited to make written comments on the application given. A person who makes written comments under clause 15 is not to be treated under the RMA as a person making a submission on an application and may not appeal under Part 6 of the RMA against the consent authority’s decision or object to the decision under Part 14 of the RMA (clauses 15(5) and 15(6)).
- [011] Comments received on the subject application are summarised in the s42A report² (being a joint report for consents required under the jurisdiction of the Hawke’s Bay Regional Council (‘HBRC’) and the Central Hawke’s Bay District Council (‘CHBDC’)) and are discussed later in this report.
- [012] I conducted a site visit of the Pōrangahau application site (‘the site’) on Monday, 17 November 2025. I was accompanied by Mr Paul Barrett (HBRC Consents Manager), Sophie Elliott (CHBDC Consents Manager) and Ms Alison Francis (Director, Bay Planning, being the s42A Report author for HBRC and CHBDC for this application). Also, in attendance for the Applicant was Ms Catherine Reaburn (Stradegy Planning, who prepared the resource consent application), Mr JP Nethling (HBRC Project Manager) and Ms Lowri Baker (HBRC Engagement Advisor).

1.4 Documents Considered

- [013] In considering the application for the Pōrangahau flood protection works, I have reviewed the following documents provided to me:

² In Appendix 1 of the s42A report.

- a. *Resource Consent Application for Stopbank Works – Pōrangahau Flood Protection*, signed by Andrew Caseley, Manager Regional Projects/Programme Director, including the following:
- i. *Resource Consent Application for Flood Mitigation Works: Pōrangahau Flood Protection Stopbank, Hawke’s Bay Regional Council*, dated 27 November 2025, prepared by Stradegy Planning Limited (Ref. 24129AP1) (‘the Application’)
 - ii. *Cultural Impact Assessment Report Redacted for Public Release: Pōrangahau Flood Resilience Project Te Tore o Puanga April 2025*, prepared by Te Tore o Puanga on behalf of Te Mana o Ngāti Kere Hapū Authority and Rongomaraeroa Marae (Appendix 1).³
 - iii. *HBRC Archaeological Screening: Pōrangahau Stop-Bank: Hawke’s Bay*, September 2025, prepared by Archaeology Hawke’s Bay (Appendix 2).
 - iv. *Pōrangahau Flood Mitigation Ecological Impact Assessment*, prepared for Hawke’s Bay Regional Council by Pattle Delamore Partners Ltd, dated 28 October 2025 (PDP) (Job Reference HB01041700) (Appendix 3).
 - v. *Flood Resilience: Pōrangahau Landscape Scoping Assessment*, prepared by Narrative Landscape, dated 17 November 2025 (Appendix 4).
 - vi. *Preliminary Site Investigation for Pōrangahau Stopbank*, prepared by Pattle Delamore Partners Ltd, dated 16 April 2025 (Appendix 5).
 - vii. *Pōrangahau Stopbanks Design Report*, prepared for Hawke’s Bay Regional Council by Pattle Delamore Partners Ltd, dated 5 November 2025 (Appendix 6).
 - viii. *Transportation Impact Assessment: Pōrangahau Stopbank*, prepared by Civil & Transportation Design Ltd, dated April 2025 (File Ref: 25-01) (Appendix 7).
 - ix. *Pōrangahau Stopbanks Erosion and Sediment Control Plan*, Drawing No. HB01041700-GT-003, prepared by Pattle Delamore Partners Ltd, dated July 2024 (Appendix 8).
 - x. *Pōrangahau Stopbank Borrow Area 3 Material Investigation Addendum to Pōrangahau Stopbank Borrow Area Material Investigation Ref HB01041700R007*, prepared by Pattle Delamore Partners Ltd, dated 24 September 2025 (Appendix 9).
 - xi. Proposed Resource Consent Conditions (Appendix 10).
 - xii. Pōrangahau Affected Land Parcels (map prepared by Hawke’s Bay Regional Council) (Appendix 11).
 - xiii. Pōrangahau Communications Record (Appendix 12).
 - xiv. List of Māori entities and Section 15(2)(a) Parties (Appendix 13).

³ This report is **Confidential**

- xv. *Assessment of Effects on Flooding for Proposed Pōrangahau Stopbanks*, prepared for Hawke’s Bay Regional Council by Pattle Delamore Partners Ltd, dated 8 September 2025 (Appendix 14).
 - xvi. *Consequential Flood Assessment Proposed Pōrangahau Scheme*, prepared for Hawke’s Bay Regional Council by Beca Limited, dated 10 September 2025 (Appendix 15).
- b. Comments received from Selina Wakefield on 8 January 2026.
 - c. Comments received from Russell T Petuha on 5 January 2026.
 - d. Comments received from Fionna Winter for Joe MacDonald on 13 January 2026.
 - e. Letter from Strategy Planning Limited to Janeen Kydd-Smith, Independent Commissioner, dated 16th January 2026, providing a response to questions in the Commissioner’s Minute 1 to APP-131608.
- [014] I have also reviewed the combined section 42A Report for HBRC and CHBDC, dated 26 January 2026 (“the s42A Report”), which has assessed the application documents and comments received under sections 104 and 104B of the RMA, Regulation 11 of the NESCS, and the relevant clauses of the OIC, and have recommended conditions to be applied to the consent. Attached to the s42A Report are the comments received as Appendix 1, and the recommended consent conditions (with the amendments requested by the Applicant shown as tracked changes) as Appendix 2. I also received an email from Paul Barrett (Manager Consents, HBRC) and Alison Francis (the author of the s42A Report) which corrected some errors identified in the s42A Report and provided some further clarification in relation to consent duration and recommended consent conditions 1C a) and 28 a) vi).⁴ I refer to the s42A Report and the email collectively as the ‘s42A Report’.
- [015] The s42A Report is to be read in conjunction with this decision, as I generally adopt the descriptions, assessments and conditions recommended in it, unless I state otherwise below.

2 Description of the Proposal

[016] Descriptions of the proposal are provided in Section 5 of the Application, and Section 3 of the s42A Report, which I adopt.

[017] The proposal is helpfully summarised in the s42A Report⁵ as follows:

“In summary, the applicant seeks to undertake flood protection works including construction of a new 1,700m long stopbank and floodwall on the true left bank of the Pōrangahau River. This is designed to provide protection to the Pōrangahau community from a 1% AEP flood event. The stopbank will be constructed in three sections, and the flood wall will be constructed in two sections.”

⁴ Email from Paul Barrett (Manager Consents, HBRC) to Janeen Kydd-Smith (Independent Commissioner), dated 3 February 2026.

⁵ Paragraphs 3.2-3.7 (page 6).

A 224m long bund will be constructed around Kaiwhitikitiki Urupa, which is located on the western end of the works. This work is intended to reduce flood velocities across the urupa site to reduce the risk of damage, rather than mitigating flood depths.

The area of works (outside the OIC Schedule 1 area) includes the borrow site at 18 Jones Street, this will provide the approximate 26,000m³ fill required for the stopbanks.

Works will include the disturbance of a wetland and stream in the western portion of the subject area. A culvert will be installed to provide long term stormwater connection to this area.

Due to consequential flooding risk at the Rongomaraeroa marae, a bund option has been agreed to, which will be installed as part of these works.”

[018] The bund option for the Rongomaraeroa Marae has been agreed between the Applicant and the Rongomaraeroa Marae Committee but has not yet been designed. It is proposed to provide protection to a 1:100 year event with a 10% climate change allowance⁶.

[019] The majority of the proposed works are located within the OIC Schedule 1 location. The portions of the proposed works that fall outside the OIC Schedule 1 area, and which are subject to the standard RMA process, are as follows⁷:

- Area 1 (Ch100-140) – approximately 180m³ of fill for stopbank construction, up to 2.8m in height;
- Area 2 (Ch230-310) – approximately 550m³ of fill for stopbank construction, up to 2.81m in height;
- Area 3 (Ch1420-1440) – removal of topsoil and minor grading of the natural ground to facilitate the floodwall (up to 1.8 m in height) with approx. 5 m³ of disturbance; and
- The Borrow Pit, Stockpile and Contractor Yard (as shown in Figure 13 of the Application).

[020] Figure 12 of the application identifies the areas of the project falling outside the OIC Schedule 1 area⁸, which is included as Figure 2 in the s42A Report.

[021] The Application includes proposed conditions in accordance with Schedule 2 of the OIC and is seeking several changes to conditions relevant to the subject proposal.⁹

[022] Section 5.6.1 of the Application refers to proposed ‘Establishment of Construction Site Works’, as follows:

“The OIC recognises that the consent holder will need to commence site establishment works as soon as possible following the issue of consent to enable the timely delivery of the flood protection schemes. It is for this reason that works associated with the ‘establishment of the construction site’ are excluded from the definition of ‘construction works’ (refer Condition 3 of the OIC). This has the effect allowing such works to occur ahead of / separate to a number of ‘pre-commencement’ requirements embedded in the standardised

⁶ Letter from Strategy Planning Limited to Janeen Kydd-Smith, Independent Commissioner, dated 16th January 2026, providing a response to questions in the Commissioner’s Minute 1 to APP-131608.

⁷ Section 6.2, page 46 of the Application.

⁸ Page 31 of the Application.

⁹ Appendix 10 of the Application.

conditions, including preparation of the Construction Environmental Management Plan (CEMP) required under Condition 10.

Provision to undertake the following 'construction site establishment works' is proposed:

- Removal of fencing and vegetation at access points and along construction areas where required,
- Installation of construction fencing,
- Installation of laydown areas,
- Preparation of stockpile sites and haul roads,
- Bring in and position site offices and buildings,
- Lay temporary power cables and water supply lines."

- [023] The Applicant proposes that new Condition 1B be added to the suite of standard conditions provided for under Schedule 2 of the OIC that relates to 'Tracking changes in the design process', where changes that occur between preliminary and detailed (final) design must be recorded and reported on as part of the final design report. This report must outline the reasons for the changes and provide a view as to whether the changes are in accordance with the documents referred to in Condition 1, which requires all activities included in the flood protection works for which consent has been granted to be carried out in accordance with the Application documents. The Final Design Report must be provided to the HBRC Manager Compliance prior to construction commencing
- [024] Proposed condition 1B is intended to ensure that the effects of any mitigation works undertaken at Rongomaraeroa Marae, Kaumatua Flats and 14 Pah Road will not increase the consequential flood hazard risk classification.¹⁰
- [025] Among the changes to conditions being sought, the Applicant also proposes new condition 30 for the proposed surface water take, and deletion of condition 20 (Extraction activities and river gravel), condition 24 (Landscaping), and condition 27 (Ecological survey and assessment).
- [026] The s42A Report advises that the borrow site option may now not be used by the Applicant – the Applicant is awaiting confirmation of structural integrity. If the borrow site is not used, material will be imported from a quarry and stockpiles may be used.¹¹

3 Description of Site and Surrounding Environment

- [027] A description of the site is provided in Section 4 of the application, and in paragraph 2.1 of the s42A Report, which I adopt.
- [028] To summarise, the subject site is located in and around the Pōrangahau River, in the vicinity of the Pōrangahau settlement to the north, the Kaiwhitikitiki Urupa and Rongomaraeroa Marae to the south, and the Pōrangahau wastewater treatment plant at the southeast of the settlement.

¹⁰ Letter from Stradegy Planning Limited to Janeen Kydd-Smith, Independent Commissioner, dated 16th January 2026, providing a response to questions in the Commissioner's Minute 1 to APP-131608.

¹¹ Page 44 of the s42A Report.

4 Resource Consent Requirements and Activity Status

- [029] Section 2.3 of the application provides an overview of the OIC, which was established to facilitate the timely provision of flood protection works following Cyclone Gabrielle in 2023.¹²
- [030] The OIC streamlines the consenting pathway for major flood protection works located within the areas identified in Schedule 1 of the OIC (which includes a description and map of land at Pōrangahau), such that all works subject to the OIC must be assessed as a non-notified Controlled Activity in accordance with clauses 8 and 14 of the OIC, by an independent hearings commissioner, and any conditions imposed must be limited to the matters of control set out in Schedule 3 of the OIC.
- [031] The portions of the proposed works that fall outside the OIC Schedule 1 area are subject to the standard RMA process, such that the normal provisions of the regional and district plans and NES regulations must apply.
- [032] There are, therefore, two different RMA processes under which the application must be assessed (i.e., for works ‘within’ and ‘outside’ the OIC Schedule 1 area, and in relation to resource consents required from two different consent authorities (HBRC and CHBDC)). As advised in the s42A Report¹³, there is no clear pathway under the OIC to enable a ‘bundled’ consent approach to the two processes, therefore, I consider the two RMA processes separately.
- [033] Having considered the assessment of resource consents required, in Section 6 of the application¹⁴ and in the s42A Report¹⁵, I find that the following resource consents are required from HBRC and CHBDC for works located within and outside the OIC Schedule 1 area, as summarised in Table 1 below:

Table 1: Resource Consents Required under HBRC and CHBDC Jurisdictions

Jurisdiction	Inside OIC Schedule 1 Works Area	Outside OIC Schedule 1 Works Area
HBRC	<p>Regulation 57 of the NES-F for the diversion of stream (a small unnamed stream in the wetland area will be diverted and reinstated).</p> <p>Rule 8 of the RRMP for vegetation clearance and soil disturbance.</p> <p>Rule 30 of the RRMP for a discharge of dust.</p> <p>Rule 33 of the RRMP for the discharge of drainage water (if required as part of construction).</p>	<p>The rules applying to the works inside the OIC Schedule 1 area also generally apply to the works outside the OIC Schedule 1 area, which are subject to the standard RMA process.</p> <p>Overall Activity Status – Discretionary Activity</p>

¹² Pages 12-15 of the Application.

¹³ Paragraph 2.9, page 5 of the s42A Report.

¹⁴ Pages 41-52 of the application.

¹⁵ Section 4, pp. 6-7 of the s42A Report.

	<p>Rule 52 of the RRMP for the discharge of sediment laden water to land or water.</p> <p>Rule 52 of the RRMP for the discharge of solid contaminants within 20 m of a surface water body (not meeting permitted Rule 47).</p> <p>Rule 55 of the RRMP for other takes and uses of surface water and groundwater (relating to the take of drainage water and/or surface water from the river if required during construction).</p> <p>Rule 59 of the RRMP for the diversion of floodwaters of the Pōrangahau River arising from the stopbank.</p> <p>Rule 59 of the RRMP for the diversion of the stream.</p> <p>Rule 69 of the RRMP for river and lake bed activities (e.g. stream crossings, culvert installation).</p> <p>Overall Activity Status – Controlled Activity¹⁶</p>	
CHBDC	<p>Regulation 11 of the NESCS for the disturbance of soil.</p> <p><u>Central Hawke’s Bay District Plan:</u></p> <p>Rule EM6-R7(2) for earthworks.</p> <p>Rule ECO-R4(4) for the removal of indigenous vegetation.</p> <p>Rule GRUZ-R18 and SETZ-R18 for any other activity not otherwise provided for in the GRUZ – General Rural Zone and the SETZ - Settlement Zone.</p> <p>Overall Activity Status – Controlled Activity¹⁷</p>	<p>The rules applying to the works inside the OIC Schedule 1 area also generally apply to the works outside the OIC Schedule 1 area, which are subject to the standard RMA process.</p> <p>Overall Activity Status – Discretionary Activity.</p>

[034] I note that the application did not identify the need for resource consent under Regulation 57 of the NES-F in relation to a small unnamed stream in the wetland area that will be diverted and reinstated. This need is identified in the s42A Report, which I find is required in Table 1 above.

¹⁶ As required under clause 8 of the OIC.

¹⁷ As required under clause 8 of the OIC.

5 Relevant Statutory Requirements

- [035] Under section 104A of the RMA, consent for a Controlled Activity (for the proposed works within the OIC Schedule 1 area) must be granted and conditions may only be imposed on the consent (under section 108 of the RMA) for those matters over which control is reserved. In this case, the matters of control are specified in Schedule 3 of the OIC.
- [036] Under section 104B of the RMA, consent for a Discretionary Activity (for the proposed works outside the OIC Schedule 1 area) may be granted or refused, and if granted, conditions may be imposed under section 108 of the RMA. There is no restriction as to which matters may be considered.
- [037] In considering the application for resource consents, under section 104(1) of the RMA, I must, subject to Part 2 of the RMA, have regard to any actual and potential effects on the environment of allowing the activity and any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, a plan or proposed plan, and any other matter I consider relevant and reasonably necessary to determine the application.
- [038] Section 104(2) of the RMA is not precluded from being included in an assessment under the OIC. As such, I may disregard an adverse effect of the activity on the environment if a national environmental standard or plan permits an activity with that effect.
- [039] In relation to any discharges proposed, I must, in accordance with section 105 of the RMA, have regard to the nature of the discharge and the sensitivity of the receiving environment, the applicant's reasons for the proposed choice, and any possible alternative methods of discharge, including discharge to any other receiving environment.
- [040] I must also, under section 107 of the RMA, have regard to effects of discharges on receiving waters.

6 Consideration of Applications (s104 RMA)

6.1 OIC Application Assessment

6.1.1 Comments Received

- [041] In accordance with clause 15 of the OIC, notice was sent to parties listed under clause 15(2)(a)(i-x) of the OIC, and they were invited to make written comments on the application (clauses 15(2)(b)-(c), with the comment period beginning 8 December 2025 and closing 13 January 2026. Comments were received from the following three parties:
- Selina Wakefield;
 - Russell T Petuha; and
 - Fiona Winter for Joe MacDonald.

- [042] Clause 15(4) of the OIC requires the consent authority to consider all comments received. The process for inviting comments and a summary of comments received are set out in the section 42A Report.¹⁸ Full copies of the comments received are included as Appendix 1 to the s 42A Report.
- [043] Selina Wakefield’s comments relate to potential adverse effects associated with heavy construction traffic using Keppel Street, in relation to:
- dust generated by heavy traffic on Keppel Street on properties along Keppel Street, including effects on the health of residents, kai and homes, community/private gardens, contamination of water tanks, laundry/washing, and works inside and outside flood damaged homes);
 - the safety of pedestrians crossing Keppel Street for the tennis courts, Wharangi Nursery, Pōrangahau Community Hall and the Pōrangahau community garden;
 - Heavy traffic flicking loose shingle/stones from the road (north end of Keppel Street), lawn mowers hitting stones of the grass verges, flying stones damaging cars parked on the grass verges, and potential damage to nearby houses; and
 - Noise and vibration affecting the ability to work from home.
- [044] Selina Wakefield requests that acknowledgement and consideration be given to the Pa Site Oreorewai, where the Wharenuī Ariki Awatea stood, and the following be added to the consent:
- Compensation be given for any damages incurred to properties and persons as a result of any operational process of the flood mitigation works;
 - Reduce the speed limit from 50 km/hr to 30 km/hr;
 - Dampen down Keppel Street (shingle part) 3-4 times a day at specific times, and inform residents accordingly;
 - Set specific working hours for the flood mitigation works, and notify residents if works are to proceed outside the stated hours; and
 - Include the Pa site Oreorewai and the wharenuī Ariki Awatea in the consent.
- [045] Regarding the Oreorewai Pa Site, the s42A Report¹⁹ advises that it is understood that the Pa Site is located near the site of the Pōrangahau Hall, and the Applicant has made the following comments:
- “We understand that the pa and wharenuī site referred to by Ms Wakefield is in the vicinity of the Porangahau War Memorial Hall (see below excerpt from the CHBDCP s42A report for the historic heritage chapter). The project footprint is in the vicinity of this site. An archaeological authority is being sought for the project. Ongoing cultural input in accordance with the standard OIC consent conditions will assist in minimising any potential effects, noting that complete avoidance of the site may not be possible due to the limited space available.”*

¹⁸ Section 5 (pp. 7-8) of the s42A Report.

¹⁹ Paragraph 5.4, page 7 of the s42A Report.

- [046] The s42A Report advises that confirmation about the archaeological authority for the whole project is being sought as a condition of consent (i.e. as a recommended amendment to condition 29 on 'Archaeological discovery protocol'.²⁰
- [047] Russell T Petuha questions why culverts and outlets are being installed in the stopbanks, what is the purpose and process for this and diversion of stormwater. He considers that these seem like weak points in the stopbanks and outlets. He also asks whether there is an issue of flooding on the Kaiwhitikitiki side of the stopbank.
- [048] Joe MacDonald has dug graves and mowed lawns at the Kaiwhitikitiki Urupā for 45 years. Over that time, he has buried over 100 people and has found various unmarked graves. He is concerned that, if the bund is built just next to the existing cemetery, in years to come there will be no available space for future burials, and questions what plans are in place for future burial spaces.
- [049] The s42A Report advises²¹ that the Applicant has stated:
- "The bund for the urupa is included within the project scope as a result of engagement with marae representatives and Ngāti Kere. Input will be ongoing as the project is finalised and constructed, as per the standard OIC conditions."*
- [050] The matters raised in the comments received fall within the Matters of Control in Schedule 3 of the OIC, I can consider them in deciding on the conditions to be imposed on the consent.

6.1.2 Assessment of Effects on the Environment

6.1.2.1 Permitted Baseline

- [051] The Application considers the permitted baseline (s104(2) of the RMA) in relation to the proposal and considers that it is useful, as it assists in establishing what the anticipated outcomes of the District and Regional Plans are in respect to environmental effects on the river berm and visual amenity effects.²²
- [052] The s42A Report does not consider the permitted baseline.
- [053] I find that the permitted baseline is not helpful or particularly relevant in this case.

6.1.2.2 Matters of Control – Schedule 3 of the OIC

- [054] As I have referred to above, I may only consider the potential effects and proposed mitigation measures that fall within the Matters of Control set out in Schedule 3 of the OIC.
- [055] An assessment of the actual and potential effects of the proposal against the matters of control in Schedule 3 is provided in Section 9 of the application²³, and is supported by comprehensive technical reports provided with the Application. The assessment is summarised in the Application as follows²⁴:

²⁰ Paragraph 5.5, page 8 of the s42A Report.

²¹ Paragraph 5.10, page 8 of the s42A Report.

²² Section 9.1, page 58 of the Application.

²³ Section 9, pp. 57-82 of the Application.

²⁴ Section 9.14, page 82 of the Application.

“In summary, with the benefit of a greater degree of design and assessment being undertaken as part of preparing the application than necessarily anticipated by the context of the OIC, many of the outcomes provided for in the standardised conditions have already been met and components of them are not required as conditions of consent. Amendments to the standardised conditions are proposed to enable more effective implementation of the works.

Other than the new conditions already proposed by the applicant, no additional conditions are required to avoid, remedy or mitigate the effects of the proposal in relation to the matters over which control has been reserved.”

- [056] The 42A Report largely agrees with and adopts this assessment in full for matters relevant to HBRC and CHBDC’s jurisdiction as consent authorities except in relation to potential effects on cultural values, consequential flooding, freshwater ecology, terrestrial ecology, effects from construction, contaminated land, and character and amenity of surrounding area. I discuss these separately below.²⁵

6.1.2.3 Cultural Values Effects

- [057] The Cultural Impact Assessment (‘CIA’) that was submitted with the application, included recommendations that are summarised in Table 6 of the application and in the s42A Report.²⁶ The Applicant concludes in Section 9.3 of the application:

“It is our understanding that Ngāti Kere supports the proposed OIC conditions, and the view that these give effect to the recommendations of the CIA that are applicable to the resource consent for this project.”

- [058] The s42A Report notes that the relationship between the Applicant and Ngāti Kere representatives has been established for some time and it is satisfied that the recommendations put forward in the CIA have been appropriately captured by the proposed conditions, which have been altered where required to accommodate the requirements of the CIA where appropriate.
- [059] Having considered the Application and the s42A Report, I find that the consent conditions proposed in the application and the amendments to the conditions recommended by the s42A Report will appropriately give effect to the recommendations in the CIA.

6.1.2.4 Consequential Flooding

- [060] An assessment and peer review of consequential flooding effects from the proposed flood protection project was provided with the application (in Appendices 14 and 15, as referenced in Section 1.4 of this decision report).
- [061] Overall, the application assesses that 128 buildings that currently experience flooding in and around Pōrangahau will have that flood risk reduced and there will be a small decrease (3%) of total flood extent, down to 28.1 ha. The s42A Report identifies this as a positive effect²⁷.

²⁵ Paragraphs 7.5-7.58, pp. 10-18 of the s42A Report.

²⁶ Page 11 of the s42A Report.

²⁷ Paragraph 7.13, page 21 of the s42A Report.

- [062] However, 82 buildings will experience an increase in flood risk. These are identified as being within the areas coloured yellow/orange in Figure 3 of the s42A Report (page 12), located on land on both the northern and southern sides of the Pōrangahau River.
- [063] The s42A Report generally agrees with the conclusions in the assessment and peer review submitted with the application, and accepts that in some instances an increase in flooding of 8-11mm (for example, at the Beach Road properties) can be accepted, given the already severe risk of flooding across the site, such that the proposed increase will not be noticeable or generate further adverse impacts in the time of a flood.²⁸
- [064] On the basis of the above, I find the s42A Report assessment appropriate and I adopt it for the purposes of this decision.
- [065] I consider below potential flooding effects from the proposal on Rongomaraeroa Marae, the Kaumātua Flats and 14 Pah Road located on the southern side of the Pōrangahau River within the OIC area, and 96 Cooks Tooth Road located outside the OIC area.

Rongomaraeroa Marae

- [066] The flooding assessment submitted with the application predicts that the establishment of the stopbanks and flood walls will increase flood levels on the Rongomaraeroa Marae building footprints by up to 110mm. Two buildings within the property are predicted to move from a hazard classification of H2 to H3, while the other three buildings will remain either H2 or H3 under both the baseline and mitigation scenarios.
- [067] The Application refers to potential options to mitigate consequential flooding effects on the marae that form part of the proposal.²⁹ The Application refers to remedial options including either the construction of a small earth bund or a floodwall, with details to be confirmed as part of the detailed design. The bund would be around 1.2m with a maximum potential height of 1.8m and would be located within the OIC area.
- [068] In my Direction (Minute 1), dated 10 December 2025, I requested that the Applicant confirm and provide information on the chosen mitigation option for the marae (if any) and comment on the consequential effects (if any) of installing a new bund/wall. I also requested that they provide any proposed conditions relating to the detailed design and implementation of any chosen mitigation option and the outcomes to be achieved. In response, the Applicant advised that:³⁰

“A bund option has been agreed with the Rongomaraeroa Marae Committee. This has not yet been designed, but will provide protection to a 1:100 year event with a 10% climate change allowance (consistent with the consequential flood report). The flood model has been run on this basis (by effectively “turning off” the marae site during this event).”

²⁸ Paragraph 7.16, page 12 of the s42A Report.

²⁹ Section 5.1.3, page 33 of the Application.

³⁰ Letter to Janeen Kydd-Smith from Stradegy, dated 16th January 2026.

[069] The section 42A Report considers that:³¹

“With no detailed design of this bund, there are unanswered questions about:

- *Risk of further consequential flooding to neighbouring properties (Kaumatua flats and 14 Pah Road);*
- *Ability for bund to adequately protect the marae in the time of a flood event once the stopbank works have been completed along Pōrangahau River;*
- *Effects arising from the construction (temporary) and installation (such as visual and landscape);*
- *The amount of fill required for the bund and can this be provided by the proposed borrow pit.*

It is clear that the applicant has been working with the marae committee to find a solution and the design and installation of this bund is a small part of the much larger flood protection works. The marae is within the OIC area of works and this bund is a part of much wider flood protection works proposed. This consenting process is governed by specific timeframes and I acknowledge that this is a project that requires urgency to implement.

To not put an unfair burden on the timeframe, conditions of consent have been recommended that require a detailed design of the bund, along with assessment of the effects and landscaping prior to the works commencing on other aspects of the flood protection project. This will allow the detailed project design to move forward but recognises that without appropriate mitigation, the proposed works will result in increased flooding on the marae.”

[070] In response to the s42A Report’s suggested changes to the Applicant’s proposed conditions (in Appendix 2 of the s42A Report), the Applicant proposes to introduce two stages to the proposed works under proposed new condition 1B, being: Stage 1, to include construction of the main stopbank, flood walls and the urupā bund; and Stage 2, to cover the marae bund and any associated raising or other mitigation for the Kaumatua flats. The s42A Report considers that the proposed addition of stages is appropriate.

[071] New condition 1B (as proposed by the Applicant and recommended to be amended by the s42A Report) requires the consent holder to provide a Final Design Report to the HBRC’s Manager Compliance and the CHBDC’s Compliance Manager at least 5 working days prior to construction commencing on each stage.

[072] The s42A Report advises that they have considered recommending conditions that would have required the final design for Stage 2 to be confirmed prior to commencement of works. This has included considering the potential impact of increased flooding in the marae if the Pōrangahau River stopbank/flood walls (Stage 1) are completed ahead of works to protect the marae with a flood protection bund or wall. The s42A Report advises that:³²

“The applicant considers the risk to the marae from a delay between stages as being low, stating “For the marae, without mitigation, the stopbank project will have three buildings remain as either H2 or H3 under both the baseline and mitigation scenarios. Two buildings will move from H2 to H3. This minor increase in risk for the short duration between the stopbank project being constructed, and finalising and construction of the

³¹ Paragraphs 7.21-7.23, page 13 of the s42A Report.

³² Paragraph 25, pp. 13-14 of the s42A Report.

mitigation bund, is not considered significant. Waiting for the bund design to be finalised may result in significant delays to the project for the Pōrangahau community”.

- [073] A new condition 1C is recommended by the s42A Report to require the consent holder to confirm the design of the (Stage 2) Rongomaraeroa Marae flood protection before works for that stage commence (Appendix 3). The condition specifies what the detailed engineering design must include (i.e., addressing effects arising from extra earthworks, dust, noise and traffic).
- [074] I note that recommended condition 1C b) i) requires confirmation that the bund is designed to protect the Marae from a 1:100 year event with an ‘8%’ climate change allowance. This differs from the ‘10%’ climate change allowance originally proposed by the Applicant and is recommended to be amended to 8% by the s42A Report in response to a request from the Applicant.
- [075] The s42A Report (Appendix 2) advises that condition 1C has been worded to minimise disruption in construction of the overall project, while ensuring that a suitable flood protection solution is designed for the marae.
- [076] As the Stage 2 works are located within the OIC area, they must be assessed as a Controlled Activity, which must be granted, subject to conditions. One of the intents of the OIC is *‘to avoid adverse effects where practicable and otherwise manage (remedy, mitigate, etc.) adverse effects through conditions on resource consents’*. The s42A Report considers that, with the mitigation proposed and conditions recommended, the effects will be acceptable and will be consistent with the intent of the OIC.³³
- [077] On the basis of the above, I find the s42A Report assessment appropriate and I adopt it for the purposes of this decision.

Kaumātua Flats and 14 Pah Road

- [078] The flooding assessment submitted with the application predicts that the establishment of the stopbanks and flood walls (otherwise referred to as the ‘stopbank only’ scenario) will increase flood levels/depths across three of the four Kaumātua flats by 65-110mm. The fourth flat (easternmost) will experience a slight improvement in flood effects due to reduced velocities across the site and will be downgraded from H4 to H3. It is predicted that 14 Pah Road will experience an increase in flood depths of 77-80mm.³⁴
- [079] In relation to the unknown effects of the marae bund, compared to the ‘stopbank only’ scenario, the Applicant has assessed that flood levels will increase by up to 36mm on the Kaumātua flats and up to 29mm at 14 Pah Road. This is assessed as being in the context of baseline flood depths of 1.04m – 1.43m in the baseline (without stopbank or bund) scenario. Therefore, the consequences of the marae bund are assessed as being less than minor, as these buildings would already be

³³ ‘Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024 (SL 2024/83) (as at 22 August 2025) Explanatory note – New Zealand Legislation’, as referred to in the email from Paul Barrett (Manager Consents, HBRC) and Alison Francis (s42A Report author) to Janeen Kydd-Smith, dated 3 February 2026.

³⁴ Section 5.3.2, page 13 of *Assessment of Effects on Flooding for Proposed Pōrangahau Stopbanks*, prepared for Hawke’s Bay Regional Council by Pattle Delamore Partners Ltd, dated 8 September 2025.

flooded in the design event. The flood hazard risk classification will also not change (i.e., they will not exceed H4), as is the case in the baseline scenario. Therefore, no mitigation is considered necessary in relation to the marae bund.³⁵

- [080] The s42A Report understands that the Applicant is in ongoing talks with the owners of these properties about options for mitigation but to date, no solution has been agreed. No comments were received from any owner or resident of these properties.
- [081] As the flood hazard risk to these properties will not increase, the s42A Report considers that the effects on the Kaumātua flats and 14 Pah Road will be less than minor. The recommended condition 1C will require confirmation through additional assessment and modelling based on final design plans for Stage 2, that the hazard risk to these buildings will not increase.³⁶
- [082] On the basis of the above, I find the s42A Report assessment appropriate and I adopt it for the purposes of this decision.

96 Cooks Tooth Road

- [083] The S42A Report advises that the property at 96 Cooks Tooth Road will see an increase in flooding from no risk, up to 120mm. The modelling shows that this flooding could affect the carport and out-buildings on the property but not the house. The s42A Report is therefore satisfied that the risk of flooding on this property, while increased, remains less than minor.³⁷
- [084] On the basis of the above, I find the s42A Report assessment appropriate and I adopt it for the purposes of this decision.

6.1.2.5 Effects of Freshwater Ecology

- [085] The s42A Report³⁸ refers to an assessment of effects on freshwater ecology submitted with the application³⁹ which considers that, overall, the freshwater ecological value of the subject area is moderate and mitigation is recommended. It is proposed that minimal work disturbance will be undertaken within the riverbed, with most construction work being located on the riverbank. The alignment of a small unnamed intermittent stream will be required for the placement of the access ramp and stopbank.
- [086] The Applicant proposes mitigation measures under conditions 14, 18 and 28 in relation to erosion and sediment control (including the preparation and implementation of one or more erosion and sediment control plans ('ESCP')), works and structures in the beds of rivers, and managing ecological loss (including preparation of an Ecology Management Plan, also discussed in Sections 6.1.2.6 below in relation to terrestrial ecology). The s42A Report considers that these mitigation measures, along with compliance with all conditions, will mitigate the risk to freshwater ecosystems and ecology, such that effects will be less than minor.

³⁵ Letter to Janeen Kydd-Smith from Strategy, dated 16th January 2026.

³⁶ Paragraph 31, page 14 of the s42A Report.

³⁷ Paragraph 7.32, page 14 of the s42A Report.

³⁸ Paragraphs 7.34-7.38, page 15 of the s42A Report.

³⁹ 'Pōrangahau Flood Mitigation Ecological Impact Assessment', prepared by PDP dated October 2025.

[087] On the basis of the above, I find the s42A Report assessment appropriate and I adopt it for the purposes of this decision.

6.1.2.6 *Effects on Terrestrial Ecology*

[088] The s42A Report⁴⁰ refers to an assessment of effects on freshwater ecology submitted with the application⁴¹ which advises that the area hosts several sensitive bird species categorised as ‘At Risk – Declining’, there is suitable habitat suggesting a moderate risk to lizards from the proposed activities, and potential bat roosts were found in several locations across the site, suggesting that the area could be used by native bats. Overall, the effect on terrestrial ecology from the proposed construction works is assessed as being ‘very low to high (including effects associated with birds, bats and lizards) if no mitigation measures are implemented’. If no bats are present, then the maximum level of effect is assessed as being ‘moderate’.

[089] To mitigate potential effects on the bat population, the proposed works area has been aligned to avoid potential bat habitat and wetland extent as much as possible.

[090] The application (Section 9.4.1, page 71) advises that the works to create the stopbanks and access ramps on the northern end of the site near Keppel Street will result in the loss of all the rautahi sedgeland wetland, a small section of the juncus rushland wetland, and a section of the creeping bent stream margin wetland⁴². A total of 0.074ha of wetland will be lost. The establishment of the stopbank and access maps will also likely result in some small change by hydrology, however, a culvert will be installed underneath the stopbank to provide hydrological connection.

[091] Further mitigation measures are proposed by the Applicant, with amendments recommended by the s42A Report, under conditions 14 and 28. These require the preparation and implementation of an Ecology Management Plan which must include procedures for undertaking a pre-felling native bird nest survey, procedures for undertaking bat roost inspections for any trees scheduled to be removed with bat roost features prior to felling, a site preparation methodology to reduce the risk of lizards occupying the site during construction, management of risk to indigenous reptiles, a restoration planting plan (indigenous species) to mitigate the effects of vegetation clearance (particularly the loss of wetland vegetation), manage water takes including intakes and fish screens, and apply the effects management hierarchy to all direct and indirect effects on ecological values taking the ecology principles into account.

[092] The s42A Report considers that these mitigation measures, along with compliance with all conditions, will mitigate the risk to terrestrial ecosystems and ecology, such that the effects are considered to be less than minor.

[093] On the basis of the above, I find the s42A Report assessment appropriate and I adopt it for the purposes of this decision.

⁴⁰ Paragraphs 7.39-7.44, page 16 of the s42A Report.

⁴¹ ‘Pōrangahau Flood Mitigation Ecological Impact Assessment’, prepared by PDP dated October 2025.

⁴² Wetlands as defined by the NPS-F.

6.1.2.7 Effects from Construction

- [094] Comments received from Selina Wakefield raised concerns about heavy traffic generating dust, noise and vibration and potentially affecting the safety of pedestrians crossing Keppel Street.
- [095] In response to these comments, the Applicant has advised:
- “Dust management will form part of the CEMP. Water abstraction has been sought to utilise as a dust suppressant. Traffic, safety and noise management will also form part of the CEMP and this will be developed with input from stakeholders as per the OIC condition process”⁴³*
- [096] The s42A Report considers that construction effects are temporary and can be managed through agreed conditions, specifically condition 10 which requires the creation and implementation of a Construction Environmental Management Plan (‘CEMP’), and condition 14 which requires preparation of at least one ESCP.
- [097] Condition 10 c) (as proposed/recommended to be amended) specifies information that must be included in the CEMP, including arrangements for site access and traffic management, procedures for managing public health and safety, dust management measures, and a Contamination Site Management Plan.
- [098] The s42A Report recommends amending Condition 14 c) to include a requirement for the ESCP to include *‘Methods and procedures to prevent the deposition of earthworks debris on any public road or footpath resulting from the earthworks activity, and to remediate any areas where deposition does occur’*.
- [099] The s42A Report also recommends adding a new condition 36, to require the consent holder to prepare and submit a Construction Management Traffic Plan (‘CTMP’) prior to the commencement of the relevant of construction works as part of the CEMP, to address matters raised in the Traffic Impact Assessment submitted with the application and concerns raised in comments about traffic using Keppel Street (see Appendix 2). This includes a requirement for the CTMP to address the necessity of reduced traffic speed along local roads for the duration of works, and particularly the haulage to stockpile areas and the area around Pōrangahau School.
- [100] The s42A Report advises that, at the time of reporting, the Applicant advised that they may not use the proposed Borrow Pit location and instead may truck the stopbank material from outside the township. This will result in different truck movements through the community than was previously proposed. The s42A Report considers that, if material comes from outside the OIC area, it is likely that an area(s) for stockpiling would be required. Effects from stockpiling, such as dust and traffic management, can be covered by the CEMP, as addressed in the recommended conditions.⁴⁴
- [101] The s42A Report considers that, overall, while there will be noticeable effects arising from the construction, these are temporary and can be managed through the recommended conditions.⁴⁵

⁴³ Paragraph 7.48, page 17 of the s42A Report.

⁴⁴ Paragraphs 7.49-7.50, page 17 of the s42A Report.

⁴⁵ Paragraph 7.51, page 17 of the s42A Report.

[102] On the basis of the above, I find the s42A Report assessment appropriate and I adopt it for the purposes of this decision.

6.1.2.8 Contaminated Land

[103] The Preliminary Site Investigation ('PSI') submitted with the application identifies a number of properties in the immediate vicinity of the proposed works that have or could have HAIL activities (historically or currently) present on site. The s42A Report recommends that a new condition 17A be added which requires the consent holder to develop and implement a Contamination Site Management Plan ('CSMP') prior to the commencement of any earthworks, excavation or construction activities that may disturb contaminated soils.⁴⁶

[104] The CSMP will include procedure and methods for soil sampling, testing and reporting, excavation and handling procedures, dust and odour control and monitoring measures. This new condition has been agreed with the Applicant, who has advised that a Detailed Site Investigation ('DSI') is underway and should be available shortly.

[105] The s42A Report considers that, with this plan in place, the risks of adverse effects on human health can be managed.

[106] On the basis of the above, I find the s42A Report assessment appropriate and I adopt it for the purposes of this decision.

6.1.2.9 Character and Amenity of Surrounding Area

[107] The s42A Report has assessed that, overall, the proposal will not have adverse effects on the character and amenity of the surrounding area. I adopt that assessment for the purposes of this decision.

6.1.2.10 Conclusion OIC Assessment of Effects

[108] On the basis of the above, I adopt the conclusion of the s42A Report that the adverse effects of the proposed works within the OIC Schedule 1 area will be less than minor.

6.2 Non OIC Application Assessment

[109] There are three small areas of the proposed flood protection works, as well as the Borrow Pit, Stockpile and Contractor Yard, located outside the OIC Schedule 1 area.

[110] The actual and potential effects of the non-OIC Schedule 1 area works are detailed and assessed in Section 10 of the application, and they have been assessed together with the effects of works within the OIC Schedule 1 area in Section 7 of the s42A Report (as discussed above in Section 6.1 of this decision report).

[111] I adopt the conclusion of the s42A Report, that the adverse effects of the non-OIC application will be less than minor⁴⁷.

⁴⁶ Paragraphs 7.52-7.55, pp. 17-18 of the s42A Report.

⁴⁷ Paragraph 7.64, page 18 of the s42A Report.

[112] I also adopt the recommendation of the s42A Report, that neither public notification under s95A of the RMA nor limited notification under s95B of the RMA is required, that there are no special circumstances under s95A(9) and s95B(10) that warrant public notification or limited notification, and that the non-OIC application be processed on a non-notified basis.⁴⁸

6.3 Assessment of Relevant Statutory Instruments

[113] The s42A Report ⁴⁹assesses the Application against the relevant plans and policies under section 104(1)(b) of the RMA, identified as being:

- a. National Policy Statement for Freshwater Management 2020 – Amended October 2024 (NPS-FM);
- b. Resource Management (National Environmental Standards for Freshwater) Regulations 2020 – Amended 2023 (NES-F);
- c. National Policy Statement for Highly Productive Land (Amended 2025) (NPS-HPL);
- d. National Policy Statement for Infrastructure 2025 (NPS-I);
- e. National Policy Statement for Natural Hazards 2025 (NPS-NH);
- f. National Policy Statement for Indigenous Biodiversity 2023 (Amended December 2025) ('NPS-IB');
- g. Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulation 2007 (NES-DW);
- h. Hawke's Bay Regional Policy Statement (RPS);
- i. Hawke's Bay Regional Resource Management Plan (RMMP); and the
- j. Central Hawke's Bay District Plan.

[114] The s42A Report considers that the proposal is consistent with the relevant provisions of these statutory instruments, including for the following reasons (which I summarise):

- the proposal is unlikely to cause any significant degradation of water quality or adverse effects on freshwater ecosystems;
- works in the wetland area are considered necessary and do not result in significant loss or damage to ecosystems. Offset planting in the immediate area will mitigate the effects of these works;
- the stream to be diverted is an intermittent stream and it is out of an abundance of caution that this has been included as part of the consent. Consideration has been given to the stream and the final design outcome includes a culvert which will ensure that the stream is connected to the freshwater system. Conditions require that regard be had to the effects management hierarchy for all aspects of the construction works, and that the Ecology Management Plan be developed by the Project Ecologist in a manner that is consistent with Ecology Principles;
- the land within the OIC Schedule 1 area and the Borrow Pit are classified as LUC 3 land which is 'highly productive land' under the NPS-HPL. Clause 3.9(2) of the NPS-HPL specifies that a use

⁴⁸ Paragraphs 12.2 – 12.11, pages 26-27 of the s42A Report.

⁴⁹ Section 8 (pp. 19-24) of the s42A Report.

or development of highly productive land is inappropriate except where at least one of the criteria set out under Clause 3.9(2) applies to the use or development, and the measures in subclause (3) are applied. The proposal (including the associated Borrow Pit) is 'specified infrastructure' under clause 3.9(2)(j)(i) of the NPS-HPL and is, therefore, not an inappropriate activity. The spatial extent is limited to that required to deliver the flood protection project and will it will not generate reverse sensitivity effects on the productive use of highly productive land. The Borrow Pit will be backfilled by the stockpiled topsoil material and reinstated to pasture at the completion of the project;

- the proposal will deliver local and regional benefits by enabling people to provide for their social, economic and cultural well-being by improving major flood mitigation protection in Pōrangahau and cultural values have been identified and provided for;
- the proposed stopbanks and flood walls have an operational need to be in the proposed location to manage risk from natural hazards;
- potential and actual adverse effects will be avoided, remedied and mitigated through conditions of consent. The effects are proportionate to the scale of the activity and the long-term positive benefits to the community will be clearly recognised;
- the subject site is affected by flooding and tsunami risk. As the proposal is to improve and mitigate the risk of severe flooding in the Pōrangahau community, and the design of the stopbanks and flood walls has considered risks, such as consequential flooding, no further assessment of these risks under the NPS-NH is necessary;
- Clause 3.11(1)(a)(i) exempts the construction or upgrade of specified infrastructure that provides significant national or regional public benefit from applying the requirements of the NPS-IB. The proposal is consistent with the NPS-IB as there will be no reduction in indigenous biodiversity as a result of the proposed works, or any adverse effects on any Significant Natural Area;
- the nearest down-gradient drinking water supplies to the project site is the CHBDC supply bore, located approximately 4.5 km downstream at Beach Road, near the Pōrangahau Golf Course. The works will occur within the modelled source water protection zone for this supply. Given the distance, nature of proposed works and management measures to be employed, the proposed activity is unlikely to increase the concentration of any of the determinants at these drinking water abstraction points, which draw water from the confined aquifer. Nor is it likely to introduce or increase the concentration of any aesthetic determinants in the drinking water to levels exceeding the drinking water guideline values. As there is a registered drinking water supply downstream that provides no fewer than 25 people with drinking water for not less than 60 days each calendar year, the s42A Report recommends that new condition 35 be imposed on the consent in accordance with Regulation 12 of the NES-DW. This condition requires the consent holder to notify the CHBDC and HBRC Manager Compliance of an event that occurs on-site that may lead to contamination of groundwater as soon as is reasonably practicable after the event occurs. This condition is accepted by the Applicant;
- the proposal provides for flood protection activities, mitigating the frequency of risk of natural hazards on people's safety, property and economic livelihoods, while maintaining the quality and quantity of water;
- the Pōrangahau River and Estuary downstream of Beach Road Bridge is included in the list of Outstanding Water Bodies ('OWB') under Plan Change 7 to the RRMP. As the proposed works

are upstream from the bridge, the OWB provisions of the RPS are not relevant to the proposal; and

- the proposal will not change the character and amenity of the Pōrangahau settlement or surrounding rural environment. The flood protection structures have been designed to minimise the impact on immediate neighbouring properties.

[115] I find the HBRC s42A Report assessment under section 104(1)(b) of the RMA to be appropriate and I adopt it for the purposes of this decision.

7 Section 104(1)(c) – Other Matters

[116] The s42A Report⁵⁰ refers to the Hawke’s Bay Independent Flood Review that was commissioned by HBRC Councillors on 24 July 2024 to investigate the circumstances and contributing factors that led to flooding during Cyclone Gabrielle. The Review describes the history of flooding in Pōrangahau (Section 8.7) and describes the asset management plan for this catchment (Section 8.7.1), which had a ‘limited objective’ of ‘preventing the closure of Pōrangahau Road (within the boundaries of the Pōrangahau River Flood Control Scheme) due to flooding’. The s42A Report does not identify any other matters relevant to the proposal.

[117] I find the HBRC s42A Report assessment under section 104(1)(c) of the RMA to be appropriate and I adopt it for the purposes of this decision.

8 Sections 105, 107 and Part 2 of RMA

[118] With regard to section 105 of the RMA, the s42A Report refers to Section 10.2.1 of the application which states that the potential for any discharge outside the OIC Schedule 1 area will be managed in the same manner as discharge within the OIC area, with erosion and sediment control measures to be put in place, and any possible dewatering will be managed by conditions of consent. The s42A Report considers that the conditions proposed by the applicant and recommended by the s42A Report are appropriate for managing any potential adverse effects of the activity.⁵¹

[119] With regard to section 107 of the RMA, the s42A Report considers that the proposed discharge is unlikely to result in any of the effects in the receiving waters listed under section 107, and it will be temporary in nature, occurring over the course of construction. The s42A Report considers that consent can therefore be granted.⁵²

[120] I concur with the s42A Report conclusions on sections 105 and 107 of the RMA and adopt them for the purposes of this decision.

⁵⁰ Paragraphs 8.65-8.66, pages 24-25 of the s42A Report.

⁵¹ Paragraphs 8.67-8.70, page 25 of the s42A Report.

⁵² Paragraph 8.72, page 25 of the s42A Report.

[121] The s42A Report⁵³ has assessed the proposal against Part 2 of the RMA and concludes that the activities overall are consistent with Part 2 of the RMA. I concur with that assessments and I adopt it for the purposes of this decision.

9 Statutory Acknowledgements

[122] The Pōrangahau / Tāurekaitai River (with recorded name ‘Pōrangahau River’) and its tributaries within the Heretaunga Tamatea area of interest are recognised as a statutory acknowledgement area as set out in the relevant sections of the Heretaunga Tamatea Claims Settlement Act 2018 (the ‘Settlement Act’). The s42A Report advises that a summary of the subject application was sent to the trustees (Tamatea Pōkai) on 5 December 2025. The Trust did not raise any specific concerns, but they wished to review the Cultural Impact Assessment (‘CIA’) submitted with the application in full. The Applicant was asked if the full CIA could be shared with the Trust but confirmation was not received from the CIA authors at the time of writing the s42A Report.⁵⁴

10 Consent Duration

[123] I adopt the s42A Report recommendation that a consent duration of 5 years be applied to the HBRC consents, in accordance with clause 20 of the OIC (for activities inside the OIC Schedule 1 area) and section 123 of the RMA (for activities outside the OIC Schedule 1 area).⁵⁵ The consent durations are set out in Table 2 below.

Table 2: Hawke’s Bay Regional Council Consent Durations

Situated Within And Outside the OIC Schedule 1 Area	Authorisation No:	Activity Description	Activity Type:	Consent Duration
	AUTH-132936-01	To undertake construction of a flood control scheme, including erection of structures such as stop banks, flood walls and culverts, and associated activities including earthworks in or within 10 m of a natural inland wetland, installation of structures within the bed of a stream, soil disturbance and vegetation clearance within 5 m of the bed of a river.	Land use Consent	5 years

⁵³ Section 9, page 25 of the s42A Report.

⁵⁴ Section 10, page 26 of the s42A Report.

⁵⁵ Section 15, page 28 of the s42A Report.

	AUTH-133267-01	To divert and discharge stormwater, drainage water and associated contaminants to land and water, and to discharge solid contaminants to land within 20 m of a surface water body.	Discharge Permit	5 years
	AUTH-133268-01	To take and use ground and surface water (including drainage water) for construction related purposes.	Water Permit	5 years
	AUTH-133270-01	To divert flood water.	Water Permit	5 years
	AUTH-133269-01	The discharge of dust to air.	Discharge Permit	5 years

[124] The s42A Report recommends that the CHBDC land use consent RM250105 for the disturbance of soil under Regulation of the NESCS, and for earthworks, the removal of indigenous vegetation species, and other activities not otherwise provided for in the General Rural and Settlement Zones (under Rules RM6-R7(2), ECO-R4(4), GRUZ-R18 and SETZ-R18 of the Central Hawke’s Bay District Plan) have an unlimited consent duration (as provided for under s123(b) of the RMA) but with a 5 year lapse date.

11 Consent Conditions

[125] Under clause 17 of the OIC, the consent authority may impose 1 or more conditions set out in Schedule 2 on a consent granted for flood protection works (clause 17(2)). The consent authority may amend any condition it imposes (except the condition in clause 1 in Schedule 2 of the OIC), or impose 1 or more additional conditions, if it considers the amendment/addition necessary for the purposes of the authority’s responsibility for a matter of control in Schedule 3 of the OIC (clauses 17(3) and (4)). Clause 17 applies despite anything to the contrary in any requirements in a national environmental standard or a national policy statement, and any rules or assessment criteria in any plan or proposed plan (clause 17(5)).

[126] Appendix 10 of the Application includes a proposed suite of consent conditions. The Applicant proposes to largely adopt the conditions in Schedule 2 of the OIC, with some variations to account for the specific characteristics of the proposal.

[127] The Applicant considers that the proposed consent conditions under the OIC are equally suitable for managing the effects of the activities occurring outside the OIC footprint, and that adopting a consistent set of conditions will enable effective monitoring and implementation of the consents.⁵⁶

⁵⁶ Section 10.2.3, page 90 of the application report.

[128] The s42A Report provides a table (in Appendix 2) that, for ease, sets out the combined conditions for both activities (OIC and non-OIC activities) proposed by the Applicant, and the officer’s comments and recommendations (including any wording changes) in relation to each condition and any recommended new conditions. The s42A Report recommends some additional wording and additional conditions to reflect the various nuances of the construction works. I set out below (Table 3) my comments and findings on the substantive changes to conditions recommended in the s42A report.

Table 3 Findings on Proposed Consent Conditions - Combined for Both OIC and non-OIC Activities

Applicant’s Proposed Condition (additions are shown in bold blue font and deletions are shown in blue strikethrough font)	Amendment to Applicant’s Proposed Condition Recommended by s42A Report (additions are shown in bold font and deletions are shown in strikethrough font)	Finding on condition
<p>1.</p> <p>a. The consent authority must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent:</p> <p>i. Porangahau Stopbanks Preliminary Design Report, prepared by PDP dated June 2025.</p> <p>b. However, if there is a conflict between a condition imposed on the resource consent and a requirement in any document referred to in subclause (1), the imposed condition prevails.</p>	<p>1.</p> <p>a. The consent authority must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent:</p> <p>i. Porangahau Stopbanks Preliminary Design Report, prepared by PDP dated June 2025.</p> <p>ii. Resource Consent Application for Flood Mitigation Works – Pōrangahau Flood Protection and Flood Wall, prepared by Stradegy (24129AP1), 27 November 2025.</p> <p>However, if there is a conflict between a condition imposed on the resource consent and a requirement in any document referred to in subclause (1), the imposed condition prevails.</p>	<p>I find that the recommended amendments to Condition 1 are appropriate.</p> <p>However, I consider it appropriate that the condition also reference the Letter to Janeen Kydd-Smith Independent Commissioner from Stradegy, dated 16th January 2026, as this also provides further information and assessment relevant to the application.</p>
<p>Proposed new Condition 1B to follow Condition 1:</p> <p><u>1B. Tracking changes in the design process</u></p> <p>a. Changes that occur between preliminary and detailed (final) design shall be recorded and reported on as part of a final design</p>	<p><u>1B. Tracking changes in the design process</u></p> <p>a. Changes that occur between preliminary and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall include the final design plans and</p>	<p>I find the inclusion of the final design plans and the 5 working days timeframe for the Final Design Report to be provided to the Hawke’s Bay Regional Council (Manager Compliance) and is appropriate to align with the Condition 10, which</p>

<p>report. The final design report shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1.</p> <p>In this context, in accordance means changes that do not introduce a new activity, do not introduce a substantial change in alignment, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material increase in consequential flooding effects to other properties.</p> <p>The Final Design Report shall be provided to the Hawke’s Bay Regional Council (Manager Compliance) prior to construction commencing.</p>	<p>shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1.</p> <p>In this context, in accordance means changes that do not introduce a new activity, do not introduce a substantial change in alignment, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material increase in consequential flooding effects to other properties.</p> <p>The Final Design Report shall be provided to the Hawke’s Bay Regional Council (Manager Compliance) and Compliance Manager Central Hawke’s Bay District Council land at least 5 working days prior to construction commencing on each stage. For the purpose of this condition, the project stages are:</p> <ul style="list-style-type: none"> a) Stage 1: The Pōrangahau stopbank project, including the stopbank and walls on the true right bank of the Pōrangahau River, and the urupā bund; b) Stage 2: The marae bund, and raising of the Kaumātua flats (if proposed). 	<p>requires the consent holder to submit the CEMP to the consent authority and Stakeholder Advisory Group ‘not less than 5 working days before construction work beginning’.</p> <p>I find the amendment to condition 1 a. a) appropriate to reflect the project stages.</p>
	<p>1C. Confirmed design of Rongomaraeroa Marae flood protection before works commence</p> <ul style="list-style-type: none"> a) Prior to commencement of mitigation works for the marae, the detailed engineering design for the bund option agreed with the Rongomaraeroa Marae committee shall be provided to the Hawke’s Bay Regional Council (Manager Compliance) and Compliance Manager Central Hawke’s Bay District Council. b) The Stage 2 detailed engineering design shall include but not be limited to: 	<p>I find that new condition 1C is appropriate to require the consent holder to provide the detailed engineering design for the Stage 2 option agreed with the Rongomaraeroa Marae Committee, within the OIC area, to ensure that the consequential effects of flooding on the marae can be managed, as proposed by the applicant, and that any potential adverse landscape visual, earthworks, dust, noise and traffic effects can be assessed and appropriately</p>

	<p>i. Confirmation that the bund is designed to protect the Marae from a 1:100 year event with an 8% climate change allowance and the design details of the bund, including levels, cross sections and plans;</p> <p>ii. Confirmation that the design of the bund will not affect or invalidate any previous flood risk assessment and presented in the report <i>'Porangahau Stopbanks Design Report'</i> prepared for HBRC by PDP dated 2 November 2025, including confirmation that there will be no increase in flood hazard risk classification to any building as a result of the Stage 2 works;</p> <p>iii. Earthworks, dust, noise and traffic management. This may be in the form of a supplementary CEMP, as required by condition 10;</p> <p>iv. An addendum to the <i>'Flood Resilience: Pōrangahau Landscape Scoping Assessment'</i> prepared by Narrative Landscape dated 17/11/25 must be provided to ensure either no significant landscape visual effects arise from the proposed Stage 2 works, or where significant potential adverse effects are identified, a landscaping plan must be prepared and implemented for the use of planting and fencing as required to avoid, remedy or mitigate those effects. .</p>	<p>avoided, remedied or mitigated.</p> <p>However, as a preliminary design was not provided for the Stage 2 works, I find it appropriate that a timeframe of 'at least 20 working days prior to construction commencing' be added to condition 1C a), for when the detailed design for the bund option agreed with the Rongomaraeroa Marae Committee is provided to the Hawke's Bay Regional Council (Manager Compliance) and Compliance Manager Central Hawke's Bay District Council.</p>
<p><u>2. Duration of resource consent</u></p> <p>a. The period for which this resource consent has been granted is 5 years after the date of commencement of the consent.</p> <p>b. This resource consent lapses on [consent authority to insert date that is no later than 2 years after</p>	<p><u>2. Duration of resource consent</u></p> <p>a. The period for which this resource consent has been granted is 5 years after the date of commencement of the consent.</p>	<p>I find the recommended duration to be appropriate, as discussed in Section 10 above.</p> <p>I find that the date of 5 February 2028, for when</p>

<p><i>date of commencement of consent]</i></p>	<p>b. This resource consent lapses on 5 February 2028 if not exercised before this date.</p>	<p>the consent would lapse, to be appropriate.</p>
<p>Condition numbers and headings only are quoted below:</p> <p><u>3. Definitions</u></p>	<p>The s42A Report recommends a minor amendment to the definition of ‘Manager Compliance’ and the addition of a new definition in standard Schedule 2 OIC condition 3, as follows:</p> <ul style="list-style-type: none"> • Manager(s) Compliance means the person employed by HBRC and/or CHBDC as manager of compliance. • Consent authorities means Hawke’s Bay Regional Council (HBRC) and Central Hawke’s Bay District Council (CHBDC). 	<p>I find the recommended amendment to the definition of ‘Manager Compliance’ and the proposed new definition of ‘Consent authorities’ appropriate for clarification.</p>
<p><u>4. Māori entities representatives</u></p> <p>a) The consent holder must invite each relevant Māori entity to appoint a representative to perform, with the representatives appointed by all other relevant Māori entities, the Māori entities representatives’ roles and responsibilities set out in this schedule in relation to the flood protection works for which the consent has been granted.</p> <p>b) The consent holder must issue the invitations at least 20 days before the flood protection works begin.</p> <p>c) The relevant Māori entities may appoint an appropriately sized team of cultural monitors to</p> <ol style="list-style-type: none"> i. support the Māori entities representatives;- ii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecology Management Plan, and iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value. 	<p><u>4. Māori entities representatives</u></p> <p>a) The consent holder must invite each relevant Māori entity to appoint a representative to perform, with the representatives appointed by all other relevant Māori entities, the Māori entities representatives’ roles and responsibilities set out in this schedule consent in relation to the flood protection works for which the consent has been granted.</p> <p>b) The consent holder must issue the invitations at least 20 days before the flood protection works begin.</p> <p>c) The relevant Māori entities may appoint an appropriately sized team of cultural monitors to</p> <ol style="list-style-type: none"> i. support the Māori entities representatives;- ii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecology Management Plan, and iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value. 	<p>I find the recommended amendments to condition 4 to be appropriate, including the recommendation to delete the word ‘schedule’ and replace it with the word ‘consent’, as the conditions referred to in the relevant definitions will be in the consent, and not the OIC Schedule.</p>

<p>d) The consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters:</p> <ul style="list-style-type: none"> i. the appropriate number of representatives; ii. the scope of the representatives’ role and responsibilities; iii. time frames for decisions, advice, and actions; iv. support for the representatives; v. remuneration for the representatives. <p>e) In developing the terms of reference, the consent holder must—</p> <ul style="list-style-type: none"> i. convene discussions with all relevant Māori entities; and ii. use its best endeavours to achieve consensus on all matters. <p>f) If consensus on all matters is not achieved, the remaining matters must be determined—</p> <ul style="list-style-type: none"> i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder. 	<p>d) The consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters:</p> <ul style="list-style-type: none"> i. the appropriate number of representatives; ii. the scope of the representatives’ role and responsibilities; iii. time frames for decisions, advice, and actions; iv. support for the representatives; v. remuneration for the representatives. <p>e) In developing the terms of reference, the consent holder must—</p> <ul style="list-style-type: none"> i. convene discussions with all relevant Māori entities; and ii. use its best endeavours to achieve consensus on all matters. <p>f) If consensus on all matters is not achieved, the remaining matters must be determined—</p> <ul style="list-style-type: none"> i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder. 	
<p>5. Guidance on Cultural Indicators</p> <p>a) The guidance provided under condition 4(c)(iii) of this schedule must focus on indicators covering all identified traditional associations, -</p> <ul style="list-style-type: none"> i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tupuna, protocols, and heritage; and ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. <p>b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecology Management Plan all plans required by these conditions;</p>	<p>5. Guidance on Cultural Indicators</p> <p>a) The guidance provided under condition 4(c)(iii) of this schedule consent must focus on indicators covering all identified traditional associations, -</p> <ul style="list-style-type: none"> i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tupuna, protocols, and heritage; and ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. <p>b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecology Management Plan required by these conditions;</p>	<p>I find that the recommended amendments to Condition 5 are appropriate.</p> <p>However, I find that it is appropriate to amend condition 5 b) to include the word ‘include’ before ‘aspects of the CEMP’.</p>

<ul style="list-style-type: none"> i. take all applicable cultural indicators into account; and ii. report to the Māori entities representatives how those indicators have been taken into account. 	<ul style="list-style-type: none"> i. take all applicable cultural indicators into account; and ii. report to the Māori entities representatives how those indicators have been taken into account. 	
<p><u>6. Stakeholder advisory group</u></p> <ul style="list-style-type: none"> a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives for the stakeholder advisory group. b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group: <ul style="list-style-type: none"> i. the owners and occupiers of land on which the flood protection works are carried out and all adjoining land: ii. all persons who made comments under clause 15 of the OIC; iii. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: iv. the Managers Compliance of both consent authorities: v. [...] 	<p><u>6. Stakeholder advisory group</u></p> <ul style="list-style-type: none"> a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives for the stakeholder advisory group. b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group: <ul style="list-style-type: none"> i. the owners and occupiers of land on which the flood protection works are carried out and all adjoining land (referred to as ‘Footprint Adjoining’ in Appendix 11 of the document referred to in condition 1 a) ii)): ii. all persons who made comments under clause 15 of the OIC; iii. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: iv. the Managers Compliance of both consent authorities: v. [...] 	<p>I find that the recommended amendments to Condition 6 are appropriate.</p>
<p>Condition numbers and headings only are quoted below:</p> <p><u>7. Operation of stakeholder advisory group</u></p> <p><u>8. Project Engagement Lead</u></p>	<p><i>There are no changes recommended in the s42A Report</i></p>	<p>I find retaining conditions 7 and 8 in Schedule 2 of the OIC to be appropriate.</p>
<p><u>9. Communications plan</u></p> <ul style="list-style-type: none"> a) The consent holder must, taking account of the advice provided by cultural monitors, develop and implement a communications plan 	<p><u>9. Communications plan</u></p> <ul style="list-style-type: none"> a) The consent holder must, taking account of the advice provided by cultural monitors, develop and implement a communications plan 	<p>I find that the recommended amendments to Condition 9 appropriate, including the inclusion of ‘Porangahau school’ in condition 9 b) ii., to</p>

<p>for the duration of construction works.</p> <p>b) The communication plan must contain detailed processes for communications, throughout the construction works, with the following:</p> <ul style="list-style-type: none"> i. the general public: ii. local residents and businesses: iii. the Māori entities representatives: iv. the persons and bodies represented by the stakeholder advisory group: v. all other persons potentially affected by the construction works: <p>c) The communications plan must include the following:</p> <ul style="list-style-type: none"> i. a description of the flood protection works or details of, or a link to, an internet site maintained by or on behalf of the consent holder that describes the construction works: ii. the contact details of the Project Engagement Lead: iii. a list of all persons and bodies who will be communicated with under the plan: iv. how any comments or concerns about the construction works should be communicated by those persons and bodies: v. details of proposed communication activities by the Project Engagement Lead, including notifications and other communications with any persons and bodies referred to in paragraph (iii): vi. information about when the communications plan will be reviewed (and amended, if necessary). <p>d) The consent holder must give to the Manager Compliance-</p>	<p>for the duration of construction works.</p> <p>b) The communication plan must contain detailed processes for communications, throughout the construction works, with the following:</p> <ul style="list-style-type: none"> i. the general public: ii. local residents, the Pōrangahau School and businesses: iii. the Māori entities representatives: iv. the persons and bodies represented by the stakeholder advisory group: v. all other persons potentially affected by the construction works: <p>c) The communications plan must include the following:</p> <ul style="list-style-type: none"> i. a description of the flood protection works or details of, or a link to, an internet site maintained by or on behalf of the consent holder that describes the construction works: ii. the contact details of the Project Engagement Lead: iii. a list of all persons and bodies who will be communicated with under the plan: iv. how any comments or concerns about the construction works should be communicated by those persons and bodies: v. details of proposed communication activities by the Project Engagement Lead, including notifications and other communications with any persons and bodies referred to in paragraph (iii): vi. information about when the communications plan will be reviewed (and amended, if necessary). <p>d) The consent holder must give to the Managers Compliance (Hawke's</p>	<p>require communications with the school during construction works to ensure school traffic and pedestrian safety..</p>
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<ul style="list-style-type: none"> i. the initial communications plan at least 5 working days before construction works begin; and ii. any amended plan, as soon as practicable after the amendment. 	<p>Bay Regional Council and Central Hawke’s Bay District Council)-</p> <ul style="list-style-type: none"> i. the initial communications plan at least 5 10 working days before construction works begin; and ii. any amended plan, as soon as practicable after the amendment. 	
<p><u>10. Construction environmental management plan</u></p> <ul style="list-style-type: none"> a) The consent holder must— <ul style="list-style-type: none"> i. prepare a construction environmental management plan for the flood protection construction works; and ii. not less than 5 working days before the flood protection construction works begin, submit the CEMP to the consent authority and the stakeholder advisory group. b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the flood protection construction works. c) The CEMP must include the following information: <ul style="list-style-type: none"> i. the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager; ii. a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent; iii. procedures, developed in partnership with the Māori Entity Representatives, for— <ol style="list-style-type: none"> 1. obtaining ongoing guidance on cultural indicators provided by cultural monitors; and 2. ongoing reporting to the Māori entities representatives on how 	<p><u>10. Construction environmental management plan</u></p> <ul style="list-style-type: none"> a) The consent holder must— <ul style="list-style-type: none"> i. prepare a construction environmental management plan for each stage of the construction works (refer condition 1B); and ii. not less than 5 working days before the construction works begin, submit the CEMP and the final design report and plans required under condition 1B to the consent authorityies (Hawke’s Bay Regional Council and Central Hawke’s Bay District Council and the stakeholder advisory group. b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the construction works. c) The CEMP must include the following information: <ul style="list-style-type: none"> i. the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager; ii. a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent; iii. procedures, developed in partnership with the Māori Entity Representatives, for— 	<p>I find amending condition 10 a) to reflect the proposed staging of the works and the final design report and plans required under new condition 1B appropriate.</p> <p>I find the recommendation to delete the word ‘schedule’ and replace it with the word ‘consent’ appropriate, as the conditions referred to in the relevant definitions will be in the consent, and not the OIC Schedule. However, I consider that the same amendment should also be made to condition 10 c) viii.</p> <p>I find the recommended amendments to condition 10 c) x) appropriate to link the requirements for water metering and data under condition 28 and 30, and a requirement for fish screening of water takes in the procedures to be included as part of the CEMP.</p> <p>I find it appropriate to amend condition 10 c) xvi for the CEMP to include how stockpile areas (which may be used for imported stopbank material where the borrow sites within the</p>

<p>the indicators in condition 5(a) have been taken into account, or if not, why not.under condition 5(b)(ii) of this schedule:</p> <p>iv. indicative timing of all stages of the flood protection works:</p> <p>v. procedures for the management of hazards, including—</p> <ol style="list-style-type: none"> 1. any risk of flood, including communications with Ngāti Kere Hapū; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons); and <p>vi. arrangements for site access and on-site traffic management:</p> <p>vii. procedures for managing public health and safety, including restrictions on public access to work sites and the river:</p> <p>viii. dust management measures (see condition 16 of this schedule):</p> <p>ix. A Contamination Site Management Plan (see conditions 17 of this schedule):</p> <p>x. procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings), groundwater or surface water takes, and diversions and discharges to land or water (including the CMA):</p> <p>xi. contact details of at least 2 persons or bodies who respond to emergencies and who—</p> <ol style="list-style-type: none"> 1. are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and 	<ol style="list-style-type: none"> 1. obtaining ongoing guidance on cultural indicators provided by cultural monitors; and 2. ongoing reporting to the Māori entities representatives on how the indicators in condition 5(a) have been taken into account, or if not, why not. <p>iv. indicative timing of all stages of the flood protection works:</p> <p>v. procedures for the management of hazards, including—</p> <ol style="list-style-type: none"> 1. any risk of flood, including communications with Ngāti Kere Hapū; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons); and <p>vi. arrangements for site access and on-site traffic management (refer condition 36):</p> <p>vii. procedures for managing public health and safety, including restrictions on public access to work sites and the river:</p> <p>viii. dust management measures (see condition 16 of this schedule):</p> <p>ix. A Contamination Site Management Plan (see conditions 17 of this scheduleconsent):</p> <p>x. procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings), and for managing and measurement of groundwater or surface water takes, including fish screening requirements, and diversions and discharges to land or water:</p>	<p>local area are not utilised) will need to be managed.</p>
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<p>2. have authority to authorise immediate response actions:</p> <p>xii. a detailed process for detecting, investigating, and recording incidents:</p> <p>xiii. details (including timing) of arrangements for reporting to the consent authority on the outcomes of, and compliance with, the CEMP:</p> <p>xiv. any ESCP (see condition 14 of this schedule):</p> <p>xv. how works in or adjacent to water bodies will be managed:</p> <p>xvi. how any river gravel extraction or land-based borrow sites will be managed:</p> <p>xvii. how noise and vibration generated by the works will be managed:</p> <p>xviii. the landscaping plan (if any) prepared under condition 24 of this schedule:</p> <p>xviii. an outline of key procedures -</p> <ol style="list-style-type: none"> 1. how potential adverse ecological effects of those works will be avoided, remedied, mitigated or offset (using biodiversity offset); or 2. from the ecology management plan prepared under condition 28 of this schedule affecting construction. <p>xix. details of how the ecology principles will guide environmental outcomes:</p> <p>xx. cultural and archaeological artefact discovery protocols (see clause 29 of this schedule) or reference to an Authority where applicable):</p> <p>xxi. methods for responding to queries and complaints:</p> <p>xxii. procedures for amending the CEMP under condition 11 of this schedule.</p>	<p>xi. contact details of at least 2 persons or bodies who respond to emergencies and who—</p> <ol style="list-style-type: none"> 1. are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and 2. have authority to authorise immediate response actions: <p>xii. a detailed process for detecting, investigating, and recording incidents:</p> <p>xiii. details (including timing) of arrangements for reporting to the consent authority ies on the outcomes of, and compliance with, the CEMP:</p> <p>xiv. any ESCP (see condition 14 of this consent schedule):</p> <p>xv. how works in or adjacent to water bodies will be managed:</p> <p>xvi. how any river gravel extraction or land-based borrow sites and/or stockpile areas will be managed:</p> <p>xvii. how noise and vibration generated by the works will be managed (refer condition 23):</p> <p>xviii. an outline of key procedures</p> <ol style="list-style-type: none"> 1. from the ecology management plan prepared under condition 28 of this consent schedule affecting construction. <p>xix. details of how the ecology principles will guide environmental outcomes:</p> <p>xx. cultural and archaeological artefact discovery protocols (see clause condition 29 of this consent schedule) or reference to an Authority where applicable):</p> <p>xxi. methods for responding to queries and complaints:</p>	
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<p>d) The CEMP must, so far as is practicable, be consistent with the HBRC 'Environmental Code of Practice for River Control Works' (2017 or subsequent version).</p>	<p>xxii. procedures for amending the CEMP under condition 11 of this consent schedule, and reporting on any such amendments.</p> <p>d) The CEMP must, so far as is practicable, be consistent with the HBRC 'Environmental Code of Practice for River Control Works' (2017 or subsequent version).</p>	
<p><u>11. Developing and amending CEMP</u></p> <p>a) Before finalising the CEMP, or any amendment to the CEMP under subcondition (e), the consent holder must invite the consent authority and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days.</p> <p>b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment.</p> <p>c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment.</p> <p>d) The consent holder must act in accordance with the CEMP for the duration of the flood protection works.</p> <p>e) The consent holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, or procedures for managing adverse effects throughout the construction phase of the flood protection works.</p> <p>f) After amending the CEMP, the consent holder must give a copy of the amended CEMP (indicating the amendments) to the consent authority and the stakeholder advisory group within 10 working days.</p>	<p><u>11. Developing and amending CEMP</u></p> <p>a) Before finalising the each CEMP, or any amendment to the a CEMP under subcondition (e), the consent holder must invite the consent authorityies (Hawke's Bay Regional Council and Central Hawke's Bay District Council) and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days.</p> <p>b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment.</p> <p>c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment.</p> <p>d) The consent holder must act in accordance with the CEMP for the duration of the flood protection works.</p> <p>e) The consent holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, or procedures for managing adverse effects throughout the construction phase of the flood protection works.</p> <p>f) After amending the CEMP, the consent holder must give a copy of the amended CEMP, and where applicable, the associated final design plans (indicating the amendments) to the consent authorityies and the stakeholder</p>	<p>I find the recommended amendments to condition 11 appropriate to provide for the staging of the construction works.</p>

	advisory group within 10 working days.	
<p>Condition numbers and headings only are quoted below:</p> <p><u>12. Earthworks principles</u></p> <p><u>13. Erosion and Sediment Control Management and staff</u></p>	<p><i>There are no changes recommended in the s42A Report</i></p>	<p>I find retaining conditions 12 and 13 in Schedule 2 of the OIC to be appropriate.</p>
<p><u>14. Erosion and sediment control plan</u></p> <p>a) The consent holder must prepare 1 or more erosion and sediment control plans for the works to identify how the earthworks principles will be applied.</p> <p>b) The consent holder must engage a suitably qualified and experienced person to prepare an ESCP.</p> <p>c) An ESCP must specify the following matters:</p> <p><i>General</i></p> <p>i. how the construction works will be carried out in accordance with the ecology principles:</p> <p>ii. structural and non-structural erosion and sediment control measures (including chemical treatment where necessary) to be in place before and during all construction works, including earthworks, coastal works, and works within watercourses:</p> <p>iii. key environmental risks, particularly in relation to topography, soil type and form, and the receiving environment, including proximity to any sensitive receivers (for example, watercourses):</p> <p>iv. procedures for ensuring advance warning of a rainfall event:</p> <p>v. procedures for decommissioning the erosion and sediment control measures:</p>	<p><u>14. Erosion and sediment control plan</u></p> <p>a) The consent holder must prepare 1 or more erosion and sediment control plans for the works to identify how the earthworks principles will be applied.</p> <p>b) The consent holder must engage a suitably qualified and experienced person to prepare an ESCP.</p> <p>c) An ESCP must specify the following matters:</p> <p><i>General</i></p> <p>i. how the construction works will be carried out in accordance with the ecology principles:</p> <p>ii. structural and non-structural erosion and sediment control measures (including chemical treatment where necessary) to be in place before and during all construction works, including earthworks, and works within watercourses:</p> <p>iii. a site-specific ESCP for the borrow site (if to be utilised for source material for the project):</p> <p>iv. a site specific ESCP for any stockpile sites (if to be utilised for storage of source material for the project):</p> <p>v. key environmental risks, particularly in relation to topography, soil type and form, and the receiving environment, including proximity to any sensitive receivers (for example, watercourses, stormwater systems):</p>	<p>I find the recommended amendments to condition 14 c) appropriate, as they will ensure that a site-specific ESCP is prepared for the borrow site (if utilised) and any stockpile areas utilised, methods and procedures are developed to prevent the deposition of earthworks debris onto any public road, footpath (to address issues raised in comments relating to potential amenity effects on residents) and stormwater system, and any areas where deposition of material occurs must be remediated.</p>

<p>vi. procedures for determining the staging and sequencing of earthworks:</p> <p>vii. methods adopted, for the purpose of reducing sediment loss and erosion, to stabilise—</p> <ol style="list-style-type: none"> 1. any excavated area; and 2. any watercourse bed; and 3. any banks of a watercourse that have been disturbed by the works: <p>viii. details of maintenance, including actions and frequency:</p> <p>ix. supporting information about the size of erosion and sediment control devices:</p> <p>x. methods for amending and updating the ESCP as required:</p> <p><i>Erosion and Sediment Control Manager and Staff</i></p> <p>xi. the name and contact details of the Erosion and Sediment Control Manager:</p> <p>xii. the names and contact details of other staff appointed to assist with the management of erosion and sediment control (see condition 13(d) of this schedule):</p> <p><i>Incident management</i></p> <p>xiii. the process for detecting, investigating, and recording, and for notifying the consent authority of, incidents that result in the discharge of contaminants or material into any watercourse due to the structural failure of any erosion and sediment control measures:</p> <p><i>Monitoring</i></p> <p>xiv. procedures for—</p> <ol style="list-style-type: none"> 1. ongoing visual inspection, and where 	<p>iv. procedures for ensuring advance warning of a rainfall event:</p> <p>v. procedures for decommissioning the erosion and sediment control measures:</p> <p>vi. procedures for determining the staging and sequencing of earthworks:</p> <p>vii. methods adopted, for the purpose of reducing sediment loss and erosion, to stabilise—</p> <ol style="list-style-type: none"> 1. any excavated area; and 2. any watercourse bed; and 3. any banks of a watercourse that have been disturbed by the works: <p>viii. Methods and procedures to prevent the deposition of earthworks debris on any public road or footpath resulting from the earthworks activity, and to remediate any areas where deposition does occur.</p> <p>ix. details of maintenance, including actions and frequency:</p> <p>ix. supporting information about the size of erosion and sediment control devices:</p> <p>x. methods for amending and updating the ESCP as required:</p> <p><i>Erosion and Sediment Control Manager and Staff</i></p> <p>xi. the name and contact details of the Erosion and Sediment Control Manager:</p> <p>xii. the names and contact details of other staff appointed to assist with the management of erosion and sediment control (see condition 13(d) of this schedule):</p>	
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<p>necessary quantitative monitoring, of all erosion and sediment control measures; and</p> <p>2. detailed analysis of trends in erosion and sediment control effectiveness and performance; and</p> <p>3. amendments to any ESCP resulting from the activities under subparagraphs (1) and (2):</p> <p><i>Reporting to consent authority</i></p> <p>xv. details (including timing) of reporting to the consent authority on the outcomes of, and compliance with, the ESCP.</p> <p>d) The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant works.</p> <p>e) The ESCP must include a site-specific risk-based approach that allows for the Erosion and Sediment Control Manager to determine the level of information and design that must be provided for specific activities.</p> <p>f) For works in or adjacent to a watercourse, an ESCP must, so far as is practicable, be consistent with the HBRC Erosion and Sediment Guidelines.</p> <p>h) The consent holder must implement an ESCP for the duration of the flood protection works.</p> <p>i) The consent holder must, for the duration of the construction works</p> <p>i. keep an ESCP; and</p> <p>ii. make it readily available to the consent authority.</p>	<p><i>Incident management</i></p> <p>xiii. the process for detecting, investigating, and recording, and for notifying the consent authority of, incidents that result in the discharge of contaminants or material into any watercourse due to the structural failure of any erosion and sediment control measures:</p> <p><i>Monitoring</i></p> <p>xiv. procedures for—</p> <p>1. ongoing visual inspection, and where necessary quantitative monitoring, of all erosion and sediment control measures; and</p> <p>2. detailed analysis of trends in erosion and sediment control effectiveness and performance; and</p> <p>3. amendments to any ESCP resulting from the activities under subparagraphs (1) and (2):</p> <p><i>Reporting to consent authority</i></p> <p>xv. details (including timing) of reporting to the consent authority (Hawke’s Bay Regional Council and Central Hawke’s Bay District Council) on the outcomes of, and compliance with, the ESCP.</p> <p>d) The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant works.</p> <p>e) The ESCP must include a site-specific risk-based approach that allows for the Erosion and Sediment Control Manager to determine the level of information and design that must be provided for specific activities.</p> <p>f) For works in or adjacent to a watercourse, an ESCP must, so far</p>	
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	<p>as is practicable, be consistent with the HBRC Erosion and Sediment Guidelines.</p> <p>h) The consent holder must implement an ESCP for the duration of the flood protection works.</p> <p>i) The consent holder must, for the duration of the construction works</p> <ol style="list-style-type: none"> i. keep an ESCP; and ii. make it readily available to the consent authority ies <p>(Managers Compliance).</p>	
<p><u>15. Failure of erosion and sediment control measure</u></p> <p>a) If the failure of an erosion and sediment control measure during flood protection works results in an uncontrolled release of sediment to surface water, the consent holder must—</p> <ol style="list-style-type: none"> ii. as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and ii. immediately notify— <ol style="list-style-type: none"> 1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or 2. the territorial authority pollution officer (with responsibility for land-based borrow sites); and iii. within 7 days, report the incident to the Manager of Compliance. <p>b) The Project Ecologist must investigate the affected area as soon as practicable.</p> <p>c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent authority, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects.</p>	<p><u>15. Failure of erosion and sediment control measure</u></p> <p>a) If the failure of an erosion and sediment control measure during flood protection works results in an uncontrolled release of sediment to surface water, the consent holder must—</p> <ol style="list-style-type: none"> iii. as soon as reasonably practicable, engage the Project Ecologist (appointed pursuant to condition 25) to investigate the affected area; and iii. immediately notify— <ol style="list-style-type: none"> 1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or 2. the territorial authority pollution officer CHBDC Compliance Manager (with responsibility for land-based borrow sites); and iv. within 7 days, report the incident to the Manager of Compliance (Hawke’s Bay Regional Council and Central Hawke’s Bay District Council). <p>b) The Project Ecologist must investigate the affected area as soon as practicable.</p> <p>c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent authority ies, must, as soon as practicable, develop and implement appropriate remedial measures (which may include</p>	<p>I find the recommended amendments to condition 15 appropriate.</p>

<p>d) The report to the Manager Compliance under subcondition (a)(iii) must –</p> <ol style="list-style-type: none"> i. describe the control failure and its cause; and ii. specify the steps that have so far been taken to <ol style="list-style-type: none"> 1. control the released sediment and an resulting erosion; and 2. prevent any recurrence of the control failure. 	<p>biodiversity offsets) appropriate to the scale of the adverse effects.</p> <p>d) The report to the Manager Compliance (Hawke’s Bay Regional Council and Central Hawke’s Bay District Council) under subcondition (a)(iii) must –</p> <ol style="list-style-type: none"> ii. describe the control failure and its cause; and iii. specify the steps that have so far been taken to <ol style="list-style-type: none"> 1. control the released sediment and an resulting erosion; and 2. prevent any recurrence of the control failure. 	
<p>Condition numbers and headings only are quoted below:</p> <p><u>16. Dust management</u></p>	<p><i>There are no changes recommended in the s42A Report</i></p>	<p>I find retaining condition 16 in Schedule 2 of the OIC to be appropriate.</p>
<p><u>17. Works on contaminated land</u></p> <p>a) This condition applies if the consent holder undertakes earthworks or any other soil disturbance on the identified fill site (contaminated land).</p> <p>b) [...]</p>	<p><i>There are no changes recommended in the s42A Report</i></p>	<p>I find retaining condition 17 in Schedule 2 of the OIC to be appropriate.</p>
	<p><u>17A. Contamination Site Management Plan</u></p> <p><u>Prior to the commencement of any earthworks, excavation, or construction activities that may disturb contaminated soils, the consent holder shall develop and implement a Contamination Site Management Plan (CSMP). The CSMP shall be developed by a suitably qualified and experienced practitioner (SQEP). The CSMP shall be consistent with the recommendations of the Preliminary Site Investigation (PDP, 16 April 2025) shall be in accordance with the Ministry for the Environment’s Contaminated Land Management Guidelines No. 1 and Contaminated land management guidelines No 5: Site investigation and analysis of soils (Ministry for the Environment, 2021), and shall include (but not limited to):</u></p>	<p>I find the recommended new condition appropriate to ensure that a CSMP is developed prior to the commencement of earthworks, excavation or construction activities that may disturb contaminated soils, that is consistent with the recommendations of the PSI submitted with the application and in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines.</p>

	<p>a) <u>A site characterisation, and identification of known and potential contamination areas.</u></p> <p>b) <u>Details of the soil sampling programme to be undertaken prior to works occurring in potentially contaminated sites.</u></p> <p>c) <u>Procedures and methods for soil sampling and testing and reporting, with reference to the soil contaminant standards set out in Appendix B of the 'User's Guide- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (MFE, April 2012)'. Excavation and handling procedures: Methods for safe excavation, segregation, and stockpiling of contaminated material.</u></p> <p>d) <u>Excavation and handling procedures: Methods for safe excavation, segregation, and stockpiling of contaminated material.</u></p> <p>e) <u>Dust and odour control measures: Techniques to minimise nuisance and health risks.</u></p> <p>f) <u>Measures to prevent contaminated stormwater runoff.</u></p> <p>g) <u>Identification of authorised facilities for contaminated soil disposal.</u></p> <p>h) <u>Monitoring and reporting requirements and how compliance will be demonstrated.</u></p>	
<p><u>18. Works and structures in beds of rivers</u></p> <p>a) [...]</p> <p>d) Permanent or other temporary works in or adjacent to the bed of a river that are completed as part of the construction phase of the flood protection works (for example, sediment and debris removal, bank protection, and capacity increase) must-</p> <p>[...]</p>	<p>The s42A Report recommends that the requested amendment to standard Schedule 2 OIC condition 18 d) be accepted, and that a minor amendment be made to standard Schedule 2 OIC condition 18 c), to delete the work 'schedule' and replace it with the word 'consent'.</p>	<p>I find the recommended amendments appropriate.</p>
<p>Condition numbers and headings only are quoted below:</p> <p><u>19. Further requirements at watercourses</u></p>	<p>The s42A Report recommends minor amendments to standard Schedule 2 OIC condition 19, as follows:</p> <ul style="list-style-type: none"> • conditions 19 c) and 19 d), by adding the words '(Manager, Compliance, HBRC)' after 'consent authority'. The Report also recommends; and 	

	<ul style="list-style-type: none"> conditions 19e) and 19 h) ii. 1., by adding the word '(HBRC)' after 'consent authority'. 	
<p>Condition number and heading only are quoted below:</p> <p><u>20. Extraction activities and river gravel</u></p>	<p>The Applicant proposes that standard Schedule 2 OIC condition 20 be deleted.</p> <p>The s42A Report supports that request.</p>	<p>I find the recommendation to delete condition 20 appropriate.</p>
<p><u>21. Stormwater discharge</u></p> <p>a) If in the event the works involve permanent stormwater treatment devices, the consent holder must, not later than 3 months after the completion of the construction works,—</p> <p>i. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and</p> <p>ii. submit the documents to the consent authority.</p> <p>b) [deleted]</p> <p>c) The consent holder must ensure that stormwater discharge from construction works does not cause erosion or scouring of the bed or any bank of any downstream watercourse or receiving drain.</p> <p>d) [deleted]</p>	<p>The Applicant proposes that standard Schedule 2 OIC condition 21 a) be amended, which is supported by the s42A Report.</p> <p>The s42A Report recommends that a minor amendment be made to condition 21 a) ii., by adding the words '(Manager Compliance HBRC)' after 'consent authority'.</p>	<p>I find the recommendation to delete condition 20 appropriate.</p>
<p>Condition number and heading only are quoted below:</p> <p><u>22. Design and management of land based borrow sites</u></p>	<p><i>There are no changes recommended in the s42A Report</i></p>	<p>I find retaining condition 22 in Schedule 2 of the OIC to be appropriate.</p>
<p><u>23. Control of construction noise and vibration</u></p> <p>a) The consent holder must ensure that noise from construction, maintenance, and demolition work complies, so far as practicable, with the long-term duration limits set out</p>	<p><u>23. Control of construction noise and vibration</u></p> <p>a) The consent holder must ensure that noise from construction, maintenance, and demolition work complies, so far as practicable, with the long-term duration limits set out</p>	<p>I find the recommended amendments to condition 23 appropriate to address concerns raised in comments in relation to the effects of construction noise and vibration on residents in Keppel Street.</p>

<p>in Table 2 and Table 3 of NZS 6804:1999.</p> <p>b) The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction works.</p>	<p>in Table 2 and Table 3 of NZS 6804:1999.</p> <p>b) The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction works.</p> <p>c) The consent holder must submit a Construction Noise and Vibration Management Plan (CNVMP) to the Compliance Manager (CHBDC) as part of the CEMP (refer conditions 10-11).</p> <p>d) The construction works must be carried out in accordance with the certified CNVMP and a copy of the CNVMP must be kept onsite during construction hours and must be made available to authorised Central Hawke’s Bay District Council staff during monitoring inspections.</p>	
<p>Condition number and heading only are quoted below:</p> <p><u>24. Landscape assessment and plan</u></p>	<p>The Applicant proposes that standard Schedule 2 OIC condition 24 be deleted.</p> <p>The s42A Report supports that request.</p>	<p>I find the proposed deletion of condition 24 to be appropriate.</p>
<p>Condition numbers and headings only are quoted below:</p> <p><u>25. Project Ecologist</u></p>	<p><i>There are no changes recommended in the s42A Report</i></p>	<p>I find retaining condition 25 in Schedule 2 of the OIC to be appropriate.</p>
<p>Condition numbers and headings only are quoted below:</p> <p><u>26. Ecology principles</u></p> <p>The Applicant requests that the word ‘coastal’ be deleted in conditions 26 b) i. 1., 26 b) i. 3., and 26 b) i. 4.</p>	<p><i>There are no changes recommended in the s42A Report</i></p>	<p>I find retaining condition 26 in Schedule 2 of the OIC to be appropriate.</p>
<p>Condition numbers and headings only are quoted below:</p> <p><u>27. Ecological survey and assessment</u></p>	<p>The Applicant proposes that standard Schedule 2 OIC condition 27 be deleted.</p> <p>The s42A Report supports that request.</p>	<p>I find the proposed deletion of condition 27 to be appropriate.</p>
<p><u>28. Managing ecological loss</u></p> <p>a) If any indigenous ecosystems, flora, or fauna (including taonga species) are identified by the ecological scoping survey under condition 27 of this schedule, The consent holder must ensure that the Project</p>	<p><u>28. Managing ecological loss</u></p> <p>a) The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of</p>	<p>I find the recommended amendments to condition 28 are appropriate for the reasons given in Appendix 2 of the s42A Report, including:</p>

<p>Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of advice provided by cultural monitors to prepare an Ecology Management Plan which must include, in association with the Māori entities representatives—</p> <p>i. Procedures for undertaking a pre-felling native bird nest survey no earlier than 48hrs prior to the felling of identified riparian vegetation and management of any identified native bird nests to facilitate natural abandonment prior to felling,</p> <p>ii. Site preparation methodology to reduce the risk of lizards occupying the site during construction,</p> <p>iii. Management of risk to indigenous reptiles,</p> <p>iv. Management of in-situ substrates and earthworks equipment to minimise the risk of spreading pest plants off site or to new locations on site,</p> <p>v. A restoration plan for outlining the planting of indigenous species to be undertaken following the completion of the works to mitigate the effects of vegetation clearance, particularly the loss of wetland vegetation.</p> <p>vi. [deleted]</p> <p>vii. [deleted]</p> <p>b) [deleted]</p> <p>c) The consent holder must implement the ecology management plan prepared under subcondition (a) throughout the construction works and report to the Stakeholder Advisory Group every 2 months on:</p>	<p>advice provided by cultural monitors to prepare an Ecology Management Plan which must include,—</p> <p>i. Procedures for undertaking a pre-felling native bird nest survey no earlier than 48hrs prior to the felling of identified riparian vegetation and management of any identified native bird nests to facilitate natural abandonment prior to felling,</p> <p>ii. Procedures for monitoring and managing bats prior to felling trees that have potential bat roosting features, that have regard to the Bat Recovery Group Protocols.</p> <p>iii. Site preparation methodology to reduce the risk of lizards occupying the site during construction,</p> <p>iv. Management of risk to indigenous reptiles,</p> <p>v. Management of in-situ substrates and earthworks equipment to minimise the risk of spreading pest plants off site or to new locations on site,</p> <p>vi. A restoration plan for outlining the planting of indigenous species to be undertaken following the completion of the works to mitigate the effects of vegetation clearance, particularly the loss of wetland vegetation.</p> <p>vii. Management of water takes including intakes and fish screens required by condition 30, and must,</p> <p>viii. Apply the effects management hierarchy to the management of all direct or indirect adverse effects on those ecological</p>	<ul style="list-style-type: none"> • the Ecological Impact Assessment submitted with the application indicates a high chance of bats being present in the river corridor. Condition 28 a) ii. will ensure bats are not present in potential roost trees prior to felling; • condition 28 a) vii. requires the Project Ecologist to consider fish screening requirements for water takes, which are to be included in the Ecology Management Plan (EMP); and • condition 28 a) viii. requires the effects management hierarchy to be applied and for the ecology principles to be taken into account when developing the EMP. <p>However, I find it appropriate for Condition 28 a) vi) to be amended to provide more certainty as to which wetland must be restored in general accordance with the recommendations of the ‘Pōrangahau Flood Mitigation Ecological Impact Assessment’, by specifically referring to the need for the restoration plan to include wetland planting and enhancement to replace wetland lost south of Keppel Street.</p>
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<ul style="list-style-type: none"> i. work undertaken according to the Ecology Management Plan, ii. any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives. <p>d) [deleted]</p> <p>e) When the construction works and any ecological mitigation works carried out under subcondition (a)(i) are both completed, the consent holder must give the stakeholder advisory group—</p> <ul style="list-style-type: none"> i. [deleted] ii. a report that describes the ecological mitigation works to be carried out by the consent holder. <p>f) [deleted]</p> <p>g) [deleted]</p>	<p>values, taking the ecology principles into account, and</p> <p>b) The consent holder must implement the ecology management plan prepared under subcondition (a) throughout the construction works and report to the Stakeholder Advisory Group every 2 months on:</p> <ul style="list-style-type: none"> i. work undertaken according to the Ecology Management Plans; ii. any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives. <p>c) When the construction works and ecological mitigation works carried out under subcondition (a) are both completed, the consent holder must give the stakeholder advisory group—</p> <ul style="list-style-type: none"> i. a report that describes the ecological mitigation works carried out by the consent holder. 	
<p><u>29. Archaeological discovery protocol</u></p> <p>a) Unless or until an Authority under the Heritage New Zealand Pouhere Taonga Act 2014 is in place for the area of the works, the the consent authority must prepare an accidental archaeological discovery protocol-</p> <ul style="list-style-type: none"> i. at least 10 working days before construction works begin; and ii. in collaboration with the Māori entities representatives; and iii. in consultation with Heritage New Zealand Pouhere Taonga. <p>b) The protocol applies if-</p> <ul style="list-style-type: none"> i. a worker or any other person associated with flood protection works discovers any cultural or archaeological 	<p><u>29. Archaeological discovery protocol</u></p> <p>a) Unless or until an Authority under the Heritage New Zealand Pouhere Taonga Act 2014 is in place for the area of the works, the consent authority must prepare an accidental archaeological discovery protocol-</p> <ul style="list-style-type: none"> i. at least 10 working days before construction works begin; and ii. in collaboration with the Māori entities representatives; and iii. in consultation with Heritage New Zealand Pouhere Taonga. <p>b) The protocol applies if-</p> <ul style="list-style-type: none"> i. a worker or any other person associated with flood protection works discovers any cultural or archaeological 	<p>I find the recommended amendments to condition 29 appropriate to ensure that, if works proceed prior to an Archaeological Authority being issued, the consent holder must demonstrate to the consent authorities that consultation with the Māori entities and Heritage New Zealand Pouhere Taonga has been undertaken (specific to the areas in which work will commence), as required under conditions 29 a) -c). The consent holder must also provide the consent authorities with a copy of the Authority once it has been obtained.</p>

<p>artefacts or features on a work site.</p> <p>ii. an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>c) The consent holder must-</p> <p>i. follow the protocol; and</p> <p>ii. ensure that workers and other persons on site are aware of the protocol.</p> <p>d) In subcondition (1)(b)(ii), authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.</p>	<p>artefacts or features on a work site.</p> <p>ii. an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>c) The consent holder must-</p> <p>i. follow the protocol; and</p> <p>ii. ensure that workers and other persons on site are aware of the protocol.</p> <p>d) In subcondition (1)(b)(ii), authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>e) If works commence prior to an Authority being obtained, in accordance with conditions a) to c) above, the consent holder shall demonstrate to the consent authorities, that consultation as required under a) has occurred, specific to the areas in which work will commence prior to the Authority being obtained.</p> <p>f) The consent holder shall provide to the consent authorities, a copy of the Authority once it is obtained.</p>	
<p>New condition requested by the Applicant:</p> <p><u>30. Surface Water Take</u></p> <p><u>a) The consent holder may abstract water from the Porangahau River up to:</u></p> <p>i. Maximum instantaneous rate: 25 litres per second (L/s),</p> <p>ii. Maximum daily volume: 720 cubic metres (m³).</p> <p><u>b) Intake Structure</u></p> <p>i. Each point of take shall be installed to prevent fish, including eels, from entering the reticulation system.</p> <p><u>c) Minimum Flow Restrictions</u></p> <p>i. When the river flow at the Porangahau River at Saleyards monitoring site falls below 80 L/s, abstraction shall not exceed</p>	<p><u>30. Surface Water Take</u></p> <p>a) The consent holder may abstract water from the Porangahau River up to as follows:</p> <p>i. Maximum instantaneous rate: 25 litres per second (L/s),</p> <p>ii. Maximum daily volume: 720 810 cubic metres (m³).</p> <p>b) Intake Structure</p> <p>i. Each point of take shall be installed to prevent fish, including eels, from entering the reticulation system. The fish screen design shall be confirmed by the Project Ecologist or other suitably qualified professional as being appropriate relative to the</p>	<p>I find new recommended condition 30 a) ii. is appropriate to reflect the proposed maximum daily volume of surface water to be taken, as clarified in the Applicant’s response to my Direction provided on 16th January 2026.</p> <p>I find condition 30 b) i. is appropriate to ensure that suitably designed fish screening is installed at each point of intake.</p> <p>I find the recommended amendments to conditions 30 c) and 30 d) are appropriate to incorporate HBRC standard wording</p>

<p>a maximum instantaneous rate of 10 L/s.</p> <p>ii. Abstraction shall cease when river flow at the Porangahau River at Saleyards monitoring site falls below 53 L/s.</p> <p>d) Monitoring and Reporting</p> <p>i. The measurement and reporting of water use shall be undertaken and provided to the Hawke’s Bay Regional Council in accordance with the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010.</p>	<p>velocity of the intake(s) and the presence of fish species at the site(s) of take.</p> <p>c) Minimum Flow Restrictions</p> <p>i. When the river flow at the Pōrangahau River at Saleyards HBRC flow monitoring site falls is at or below 80 L/s, abstraction shall not exceed a maximum instantaneous rate of 10 L/s.; and</p> <p>ii. Abstraction shall cease when river flow at the Pōrangahau River at Saleyards HBRC flow monitoring site falls is at or below 53 L/s.</p> <p>iii. All river flows shall be as determined by the Hawke’s Bay Regional Council.</p> <p>d) Monitoring and Reporting</p> <p>i. The measurement and reporting of water use shall be undertaken and provided to the Hawke’s Bay Regional Council in accordance with the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010.</p> <p>ii. A water meter with a data logger and telemetry unit(s) compatible with the Council’s telemetry system shall be installed prior to the exercise of this consent and be operated and maintained to measure the volume of water taken (in cubic metres) to an accuracy of +/- 5%.</p> <p>iii. The water meter and telemetry device(s) required by Condition d) i) shall be installed and maintained in accordance with ‘The New Zealand Water Measurement Code of Practice’ (January 2023).</p>	<p>and approach to managing minimum flow restrictions, and to ensure that water metering and telemetry is installed to meet HBRC’s requirements for monitoring and reporting.</p> <p>However, I find that the numbering (i.e. A-D) of condition 30 d) should be amended to (1-4), to be consistent with the numbering format used in the other conditions.</p>
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	<ul style="list-style-type: none"> iv. A record of water meter installation shall be provided to the Council using the '<i>Water Information Services (WIS) Meter Installation Form</i>' prior to commencement of abstraction. v. The telemetry unit(s) shall record the volume (in cubic metres, m³) of take every 15 minutes. Each 15 minute interval of data shall be date and time stamped with the New Zealand Standard Time at the end of the 15 minute interval. vi. Data shall be transmitted to the Council's telemetry system at least once per day. vii. The telemetry unit(s) shall be installed so as to provide an accurate record of the flow meter data by a suitably qualified person. A record of installation shall be provided to the Council (Manager Compliance) in writing using the Council's '<i>Telemetry Installation Form</i>' within one week of installation of the new or reinstated unit(s) having occurred. viii. A manual water meter reading shall be taken during the month of June each year. The water meter reading and the date and time the reading was taken shall be provided in writing to the Council (Manager Compliance) prior to 10 July each year. ix. Where the telemetry equipment fails, the consent holder shall notify the Council (Manager Compliance) of the failure within 3 working days, shall read the water meter at daily intervals and shall provide the Council with a record of the following: 	
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	<p>A. The meter reading (in cubic metres; and</p> <p>B. The daily volume of water taken (in cubic metres); and</p> <p>C. The date and time of each reading;</p> <p>D. This information shall be supplied no later than 7 working days after the end of each calendar month. Where the telemetry equipment is returned to full operation, the information shall instead be supplied within 7 days of this return to full operation occurring.</p>	
	<p><u>35. Drinking Water Supplies</u></p> <p>If an event occurs on-site that may lead to contamination of groundwater, the consent holder shall notify Central Hawke’s Bay District Council and the Hawke’s Bay Regional Council (Manager Compliance) of the event as soon as reasonably practicable after the event occurs.</p>	<p>I find new recommended condition 35 is appropriate, as works will occur upstream from the public drinking water supply for Pōrangahau and Te Paerahi (from well no. 4993) and will occur within the modelled Source Protection Zone 3 for the supply.</p> <p>However, I find that it is appropriate that the numbering of the condition is amended to ‘condition 31’, to be in sequence with the numbering above it.</p>
	<p><u>36. Construction Traffic</u></p> <p>The consent holder shall submit a Construction Traffic Management Plan (CTMP) which shall:</p> <p>a) be prepared by a suitably qualified traffic management practitioner certified by Central Hawke’s Bay District Council prior to the commencement of the relevant phase of construction works;</p> <p>b) address those matters referred to in the TIA by CTD, Ref 25-01 dated</p>	<p>I find new recommended condition 36 is appropriate to implement the recommendation of the Traffic Impact Assessment submitted with the application and to address concerns raised in comments regarding the necessity for reduced construction traffic speed along local roads (including Keppel Street), particularly for the haulage of material</p>

	<p>April 2025, submitted with the application;</p> <p>c) be developed in consultation with CHBDC prior to the commencement of the relevant phases of the development;</p> <p>d) be prepared in accordance with the Code of Practice for Temporary Traffic Management (CoPTIM); and/or the New Zealand Guide to Temporary Traffic Management (NZGTIM); and</p> <p>e) shall address the necessity of reduced traffic speed along local roads for the duration of works, in particular the haulage to stockpile areas and also in particular to the area around Pōrangahau School.</p>	<p>to stockpile areas and in the area around</p> <p>However, I find it appropriate that:</p> <ul style="list-style-type: none"> the numbering of the condition is amended to 'condition 32', to be in sequence with the numbering above it; condition 36 b) is amended by replacing 'TIA by CTD' with '<i>Traffic Impact Assessment – Pōrangahau Stopbank</i>', prepared by CTD/Traffic Concepts, dated April 2025'; and condition 36 c) is amended by replacing 'CHBDC' with 'Central Hawke's Bay District Council'.
	<p><u>37. As-Built Plans</u></p> <p>Within three months of the completion of construction works, the consent holder shall provide the consent authorities (Managers Compliance) with as-built plans that include (but are not limited to), the following:</p> <p>a) plans of the completed works that clearly shows their location and layout;</p> <p>b) the final contours of the stopbank, spillway and associated earthworks;</p> <p>c) the depth and extent of any fill place; and</p> <p>d) the final overland flow paths, stormwater outlets and any re-directed local catchment flows.</p>	<p>I find new condition 37 to be appropriate, to require full as-built plans to be provided to the consent authorities, so there is a record of the location and layout, contours, depth and extent of the final works (including associated earthworks), and the final overland flow paths, stormwater outlets and any re-directed local catchment flows. This will enable compliance monitoring in the first instance and then ongoing asset management/maintenance.</p> <p>However, I find it appropriate that the numbering of the condition is amended to 'condition 33', to be in sequence with the numbering above it.</p>
	<p><u>38. Notice of Commencement</u></p>	<p>I find new condition 38 appropriate to ensure the</p>

	<p>The consent holder shall provide the consent authorities (Managers Compliance) notice in writing of intention to commence works, at least 10 working days and not more than 20 working days prior to commencing the proposed works.</p>	<p>consent authorities are advised when work will commence.</p> <p>However, I find it appropriate that the numbering of the condition is amended to 'condition 34', to be in sequence with the numbering above it.</p>
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[129] The conditions to be applied to the consent for works both within and outside the OIC are set out in Appendix A to this decision.

12 Decision - OIC

[130] Pursuant to the powers delegated to me by the Hawke’s Bay Regional Council and Central Hawke’s Bay District Council respectively, under clause 10 of the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024, and having considered the application documents, the comments received, the section 42A Report and the various requirements of the OIC and RMA, I find that:

- a. The actual and potential adverse effects of the activity can be appropriately avoided, remedied or mitigated by the imposition of the consent conditions in Appendix A, which are consistent with the matters of control listed in Schedule 3 of the OIC; and
- b. The application as a Controlled Activity must be granted under section 104A(a) of the RMA.

[131] Therefore, I **grant** resource consent to Hawke’s Bay Regional Council (APP-131608 and RM250105) to undertake construction of a flood protection scheme, including the erection of stopbanks, flood walls and culverts and associated activities, including: earthworks in or within 10 m of a natural inland wetland; to divert a stream under Regulation 57 of the NES-F; install structures within the bed of a stream; soil disturbance and vegetation clearance within 5m of the bed of a river; divert and discharge stormwater, drainage water and associated contaminants to land and water; discharge solid contaminants to land within 20 m of a surface water body; take and use ground and surface water (including drainage water) for construction related purposes; divert flood water; discharge dust to air; associated earthworks; the removal of indigenous vegetation species; and the disturbance of soil under Regulation 11 of the NESCS.

[132] The consent is granted subject to the conditions set out in Appendix A.

13 Recommendation - Land Outside OIC

[133] Pursuant to sections 104, 104B, 105, 107 and 108 of the RMA, I recommend that resource consent be **granted** to the applications lodged by Hawke’s Bay Regional Council (APP-131608 and RM250150) for resource consent to undertake construction of a flood protection scheme, including the erection of stopbanks, flood walls and culverts and associated activities, including: earthworks

in or within 10 m of a natural inland wetland; to divert a stream under Regulation 57 of the NES-F; install structures within the bed of a stream; soil disturbance and vegetation clearance within 5m of the bed of a river; divert and discharge stormwater, drainage water and associated contaminants to land and water; discharge solid contaminants to land within 20 m of a surface water body; take and use ground and surface water (including drainage water) for construction related purposes; divert flood water; discharge dust to air; associated earthworks; the removal of indigenous vegetation species; and the disturbance of soil under Regulation 11 of the NESCS, subject to the conditions set out in Appendix A, for the following reasons:

- a. the actual and potential adverse effects of the activities can be appropriately avoided, remedied or mitigated by the imposition of the consent conditions in Appendix A;
- b. the proposal is consistent with the relevant provisions of the NPS-FM, NPS-HPL, NPS-I, NPS-NH, NPS-IB, NES-F, NES-DW, RPS, RRMP, and the Central Hawke’s Bay District Plan; and
- c. the proposal is consistent with Part 2 of the RMA.

Signed by Independent Commissioner



Janeen Kydd-Smith

Dated: 3 February 2026

Appendix A – Decision Conditions

Combined OIC and Non-OIC Consent Conditions

Condition No. and Responsible Consent Authority	Condition
<p>1.</p> <p>HBRC</p> <p>CHBDC</p>	<p>1. Compliance with specified documents accompanying consent application</p> <p>a. The consent holder must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent:</p> <ul style="list-style-type: none"> i. <i>Pōrangahau Stopbanks Preliminary Design Report</i>, prepared by PDP, dated June 2025. ii. <i>Resource Consent Application for Flood Mitigation Works, Pōrangahau Flood Protection Stopbank and Flood Wall</i>, prepared by Stradegey Planning Limited (24129AP1), dated 27 November 2025. iii. Letter from Stradegey Planning Limited to Janeen Kydd-Smith, Independent Commissioner, dated 16th January 2026. <p>b. However, if there is a conflict between a condition imposed on the resource consent and a requirement in any document referred to in subclause (1), the imposed condition prevails.</p>
<p>1B.</p> <p>HBRC</p> <p>CHBDC</p>	<p>1B. Tracking changes in the design process</p> <p>a. Changes that occur between preliminary and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall include the final design plans, and shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1.</p> <p>In this context, in accordance means changes that do not introduce a new activity, do not introduce a substantial change in alignment, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material increase in consequential flooding effects to other properties.</p> <p>The Final Design Report shall be provided to the Hawke’s Bay Regional Council (Manager Compliance) and Compliance Manager Central Hawke’s Bay District Council at least 5 working days prior to construction commencing on each stage. For the purpose of this condition, the project stages are:</p>

	<ul style="list-style-type: none"> a) Stage 1: The Pōrangahau stopbank project, including the stopbank and walls on the true right bank of the Pōrangahau River, and the urupā bund; b) Stage 2: The marae bund, and raising of the Kaumātua flats (if proposed).
<p>1C. HBRC CHBDC</p>	<p>1C. Confirmed design of (Stage 2)</p> <ul style="list-style-type: none"> a. Prior to the commencement of mitigation works for the marae, the detailed engineering design for the bund option agreed with the Rongomaraeroa Marae committee shall be provided to the Hawke’s Bay Regional Council (Manager Compliance) and Compliance Manager Central Hawke’s Bay District Council at least 20 working days prior to construction commencing: b. The Stage 2 detailed engineering design shall include but not be limited to: <ul style="list-style-type: none"> i. Confirmation that the bund is designed to protect the Marae from a 1:100 year event with an 8% climate change allowance and the design details of the bund, including levels, cross sections and plans; ii. Confirmation that the design of the bund will not affect or invalidate any previous flood risk assessment and presented in the report ‘Porangahau Stopbanks Design Report’ prepared for HBRC by PDP dated 2 November 2025, including confirmation that there will be no increase in flood hazard risk classification to any building as a result of the Stage 2 works; iii. Earthworks, dust, noise and traffic management. This may be in the form of a supplementary CEMP, as required by condition 10; iv. An addendum to the ‘<i>Flood Resilience: Pōrangahau Landscape Scoping Assessment</i>’ prepared by Narrative Landscape dated 17/11/25 must be provided to ensure either no significant landscape visual effects arise from the proposed Stage 2 works, or where significant potential adverse effects are identified, a landscaping plan must be prepared and implemented for the use of planting and fencing as required to avoid, remedy or mitigate those effects.
<p>2. HBRC</p>	<p>2. Duration of resource consent</p> <ul style="list-style-type: none"> a. The period for which resource consent APP-131608 has been granted is 5 years after the date of commencement of the consent

CHBDC	<p>b. Resource consents APP-131608 and RM250105 lapse on 5 February 2028 if not exercised before this date.</p>
<p>3. HBRC CHBDC</p>	<p>3. Definitions</p> <p>CEMP means the Construction Environment Management Plan required by clause 10 of this consent</p> <p>Consent authorities means Hawke’s Bay Regional Council (HBRC) and Central Hawke’s Bay District Council (CHBDC)</p> <p>construction works—</p> <p>a) means activities that are authorised by this resource consent in connection with the flood protection works and that consist of directly constructing, reinstating, enhancing, or improving land or infrastructure; but</p> <p>b) does not include ancillary activities such as—</p> <ul style="list-style-type: none"> v. preliminary activities such as planning, recruitment, site investigation, establishment of construction site, soil sampling; and vi. subsequent activities such as site clean-up and ongoing maintenance of infrastructure, plant, and landscaping until the flood protection works are completed; and vii. ongoing administrative and operational activities such as monitoring and reporting until the flood protection works are completed <p>contaminated land means land to which the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply (see regulation 5(1) of those regulations)</p> <p>cultural indicator means an indicator of an identified cultural association in guidance referred to in clause 5 of this consent</p> <p>cultural monitors means the cultural monitors appointed by relevant Māori entities under clause 4(3) of this consent</p> <p>earthworks principles means the principles set out in clause 12 of this consent</p> <p>ecology principles means the principles set out in clause 26 of this consent</p> <p>erosion and sediment control device includes a bund and a gully trap fitted into a drain</p>

	<p>Erosion and Sediment Control Manager means the person appointed under clause 13(1) of this consent</p> <p>ESCP means and erosion and sediment control plan prepared under clause 14 of this consent</p> <p>HBRC means Hawke’s Bay Regional Council</p> <p>HBRC Erosion and Sediment Guidelines means the <i>Hawke’s Bay Regional Council Water Guidelines: Erosion and Sediment Control</i>, published by HBRC in April 2009</p> <p>HBRC Pest Management Plan means the <i>Hawke’s Bay Regional Council Pest Management Plan 2018-2038</i>, published by HBRC in February 2023</p> <p>HBRC River Control Code means the <i>Hawke’s Bay Regional Council Environmental Code of Practice for River Control and Waterway Works</i>, published by HBRC in February 2017</p> <p>HBRC Stormwater Management Guidelines means the <i>Hawke’s Bay Regional Council Water Guidelines: Stormwater Management</i>, published by HBRC in May 2009</p> <p>Manager(s) Compliance means the person employed by HBRC and/or CHBDC as manager of compliance</p> <p>Māori entity representative means a person appointed as a representative under clause 4 of this consent</p> <p>NZS 6803:1999 means New Zealand Standard 6803:1999: Acoustics—Construction noise, published by Standards New Zealand on 8 February 2000</p> <p>OiC means the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024</p> <p>Project Ecologist means a suitably qualified and experienced ecologist appointed by the consent holder.</p>
Engagement And Communications	
<p>4. HBRC</p>	<p>4. Māori entities representatives</p> <p>a) The consent holder must invite each relevant Māori entity to appoint a representative to perform, with the representatives appointed by all other relevant Māori entities, the Māori entities representatives’ roles and responsibilities set out in this consent in relation to the flood protection works for which the consent has been granted.</p> <p>b) The consent holder must issue the invitations at least 20 days before the flood protection works begin.</p>

	<ul style="list-style-type: none"> c) The relevant Māori entities may appoint a team of cultural monitors to— <ul style="list-style-type: none"> i. support the Māori entities representatives; ii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecology Management Plan, and ii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value. d) The consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters: <ul style="list-style-type: none"> i. the appropriate number of representatives: ii. the scope of the representatives’ role and responsibilities: iii. time frames for decisions, advice, and actions: iv. support for the representatives: v. remuneration for the representatives. e) In developing the terms of reference, the consent holder must— <ul style="list-style-type: none"> i. convene discussions with all relevant Māori entities; and ii. use its best endeavours to achieve consensus on all matters. f) If consensus on all matters is not achieved, the remaining matters must be determined— <ul style="list-style-type: none"> i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder.
<p>5. HBRC</p>	<p>5. Guidance on Cultural indicators</p> <ul style="list-style-type: none"> a) The guidance provided under condition 4(c)(iii) of this consent must focus on indicators covering all identified traditional associations,— <ul style="list-style-type: none"> i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. b) The consent holder must, in preparing the Communications Plan, include aspects of the CEMP referred to in condition 10(c)(iii) and Ecology Management Plan required by these conditions;

	<ul style="list-style-type: none"> i. take all applicable cultural indicators into account; and ii. report to the Māori entities representatives how those indicators have been taken into account.
<p>6. HBRC CHBDC</p>	<p>6. Stakeholder advisory group</p> <ul style="list-style-type: none"> a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the stakeholder advisory group. b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group: <ul style="list-style-type: none"> i. the owners and occupiers of land on which the flood protection works are carried out and all adjoining land (referred to as ‘Footprint’ and ‘Footprint Adjoining’ in Appendix 11 of the document referred to in condition 1 a) ii.: ii. all persons who made comments under clause of the OiC: iii. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: iv. the Managers Compliance of both consent authorities: v. Heritage New Zealand Pouhere Taonga: vi. the Department of Conservation: vii. the Māori entities representatives: c) The consent holder must issue the invitations at least 20 days before the flood protection works begin. d) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group. e) Each representative appointed must be authorised by the person or body appointing them to make decisions on behalf of the person or body in the consultations taking place in relation to the flood protection works. f) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following: <ul style="list-style-type: none"> i. frequency of meetings: ii. processes and methods for the performance of the group’s role. g) In developing the terms of reference, the consent holder must—

	<ul style="list-style-type: none"> i. convene discussions with all members of the group; and ii. use its best endeavours to achieve consensus on all matters at the group’s first meeting. <p>h) If consensus on all matters is not achieved at the first meeting, the remaining matters must be determined—</p> <ul style="list-style-type: none"> i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder.
<p>7. HBRC</p>	<p>7. Operation of stakeholder advisory group</p> <ul style="list-style-type: none"> a) The role of the stakeholder advisory group is to inform and advise the consent holder about managing and monitoring the flood protection works. b) The consent holder must— <ul style="list-style-type: none"> i. record all information and advice provided by the stakeholder advisory group; and ii. report to the group how the information and advice have been taken into account in the carrying out of the flood protection works.
<p>8. HBRC</p>	<p>8. Project Engagement Lead</p> <ul style="list-style-type: none"> a) The consent holder must appoint a person as Project Engagement Lead to act as the consent holder’s main point of contact with— <ul style="list-style-type: none"> i. the Māori entities representatives; and ii. the stakeholder advisory group. b) The consent holder must ensure that the Project Engagement Lead is reasonably available to perform their role under this condition. c) The consent holder must also ensure that the contact details of the Project Engagement Lead are posted on an internet site maintained by or on behalf of the consent holder.
<p>9. HBRC CHBDC</p>	<p>9. Communications plan</p> <ul style="list-style-type: none"> a) The consent holder must, taking account of the advice provided by cultural monitors, develop and implement a communications plan for the duration of construction works. b) The communication plan must contain detailed processes for communications, throughout the construction works, with the following:

	<ul style="list-style-type: none"> i. the general public: ii. local residents, the Pōrangahau School and businesses: iii. the Māori entities representatives: iv. the persons and bodies represented by the stakeholder advisory group: v. all other persons potentially affected by the construction works. <p>c) The communications plan must include the following:</p> <ul style="list-style-type: none"> i. a description of the flood protection works or details of, or a link to, an internet site maintained by or on behalf of the consent holder that describes the construction works: ii. the contact details of the Project Engagement Lead: iii. a list of all persons and bodies who will be communicated with under the plan: iv. how any comments or concerns about the construction works should be communicated by those persons and bodies: v. details of proposed communication activities by the Project Engagement Lead, including notifications and other communications with any persons and bodies referred to in paragraph (iii): vi. information about when the communications plan will be reviewed (and amended, if necessary). <p>d) The consent holder must give to the Managers Compliance (Hawke’s Bay Regional Council and Central Hawke’s Bay District Council)—</p> <ul style="list-style-type: none"> i. the initial communications plan at least 10 working days before construction works begin; and ii. any amended plan, as soon as practicable after the amendment.
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN	
<p>10. HBRC CHBDC</p>	<p>10. Construction environmental management plan</p> <p>a) The consent holder must—</p> <ul style="list-style-type: none"> i. prepare a construction environmental management plan for each stage of the construction works (refer to condition 1B); and ii. not less than 5 working days before the construction works begin, submit the CEMP and the final design report and plans required under condition 1B to the consent authorities (Hawke’s Bay Regional

	<p>Council and Central Hawke’s Bay District Council) and the stakeholder advisory group.</p> <p>b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the construction works.</p> <p>c) The CEMP must include the following information:</p> <ul style="list-style-type: none"> i. the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager: ii. a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent: iii. procedures, developed in partnership with the Māori Entity Representatives, for— <ul style="list-style-type: none"> 1. obtaining ongoing guidance on cultural indicators provided by cultural monitors; and 2. ongoing reporting to the Māori entities representatives on how the indicators in condition 5(a) have been taken into account, or if not, why not: iv. indicative timing of all stages of the flood protection works: v. procedures for the management of hazards, including— <ul style="list-style-type: none"> 1. any risk of flood, including communications with Ngāti Kere Hapū; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons): vi. arrangements for site access and traffic management (refer condition 36): vii. procedures for managing public health and safety, including restrictions on public access to work sites and the river: viii. dust management measures (see condition 16 of this consent): viii. A Contamination Site Management Plan (see condition 17 of this consent) x. procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings), and for managing and measurement of groundwater or surface water takes, including fish screening requirements, and diversions and discharges to land or water:
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	<ul style="list-style-type: none"> xi. contact details of at least 2 persons or bodies who respond to emergencies and who— <ul style="list-style-type: none"> 1. are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and 2. have authority to authorise immediate response actions: xii. a detailed process for detecting, investigating, and recording incidents: xiii. details (including timing) of arrangements for reporting to the consent authorities on the outcomes of, and compliance with, the CEMP: xiv. any ESCP (<i>see</i> condition 14 of this consent): xv. how works in or adjacent to water bodies will be managed: xvi. how any river gravel extraction, land-based borrow sites and/or stockpile areas will be managed: xvii. how noise and vibration generated by the works will be managed (refer condition 23): xviii. an outline of key procedures <u>from</u> the ecology management plan prepared under condition 28 of this consent schedule affecting construction: xix. details of how the ecology principles will guide environmental outcomes: xx. cultural and archaeological artefact discovery protocols (see condition 29 of this consent) or reference to an Authority where applicable: xxi. methods for responding to queries and complaints: xxii. procedures for amending the CEMP under condition 11 of this consent, and reporting on any such amendments. <p>d) The CEMP must, so far as is practicable, be consistent with the HBRC <i>'Environmental Code of Practice for River Control Works'</i> (2017 or subsequent version).</p>
<p>11. HBRC CHBDC</p>	<p>11. Developing and amending CEMP</p> <ul style="list-style-type: none"> a) Before finalising each CEMP, or any amendment to a CEMP under subcondition (e), the consent holder must invite the consent authorities (Hawke’s Bay Regional Council and Central Hawke’s Bay District Council)

	<p>and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days.</p> <p>b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment.</p> <p>c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment.</p> <p>d) The consent holder must act in accordance with the CEMP for the duration of the flood protection works.</p> <p>e) The consent holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, maintenance and operations methods, or procedures for managing adverse effects throughout the construction phase of the flood protection works.</p> <p>f) After amending the CEMP, the consent holder must give a copy of the amended CEMP and, where applicable, the associated final design plans (indicating the amendments) to the consent authorities and the stakeholder advisory group within 10 working days.</p>
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EARTHWORKS

<p>12. HBRC CHBDC</p>	<p>12. Earthworks principles</p> <p>a) The consent holder must carry out all works in a manner that—</p> <ul style="list-style-type: none"> i. minimises the volume, area, and duration of the proposed earthworks required through methodologies, including the design of batter slopes, appropriate to expected soil types and geology; and ii. maximises the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential for sediment generation and sediment yield; and iii. avoids if practicable, or minimises so far as practicable, adverse effects on freshwater and marine water environments within or beyond the works boundary, with particular regard to reducing opportunities for the works to generate sediment; and iv. avoids if practicable, or minimises so far as practicable, adverse effects on outstanding natural features, outstanding natural landscapes, and areas of outstanding natural character (as specified in a regional plan or policy statement for the relevant area); and v. avoids if practicable, or minimises so far as practicable, adverse effects on culturally significant land; and
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	<ul style="list-style-type: none"> vi. stabilises disturbed land as soon as reasonably practicable in accordance with an ESCP. b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.
<p>13. HBRC CHBDC</p>	<p>13. Erosion and Sediment Control Manager and staff</p> <ul style="list-style-type: none"> a) The consent holder must appoint a suitably qualified and experienced person as the Erosion and Sediment Control Manager for the duration of the flood protection works. b) The role of the Erosion and Sediment Control Manager is to— <ul style="list-style-type: none"> i. ensure compliance with the CEMP or ESCP; and ii. subject to any amendments made to the ESCP under condition 14(c)(x) of this consent, liaise with any Erosion and Sediment Control Manager appointed in respect of any other flood protection works; and iii. liaise with the consent authority in respect of the implementation of the ESCP, including in respect of any incident relating to erosion and sediment control. c) An Erosion and Sediment Control Manager appointed under this condition may perform the same role in relation to any flood protection works at any other location specified in clause 6(3) of the OIC if the relevant consent holder considers it appropriate. d) The consent holder must also appoint suitably qualified and experienced staff to assist in erosion and sediment control, including— <ul style="list-style-type: none"> i. managing the operation, maintenance, and monitoring of erosion and sediment control devices; and ii. supervising the installation and decommissioning of those devices and associated equipment and arrangements.
<p>14. HBRC CHBDC</p>	<p>14. Erosion and sediment control plan</p> <ul style="list-style-type: none"> a) The consent holder must prepare 1 or more erosion and sediment control plans for the works to identify how the earthworks principles will be applied. b) The consent holder must engage a suitably qualified and experienced person to prepare an ESCP. c) An ESCP must specify the following matters:

	<p><i>General</i></p> <ul style="list-style-type: none"> i. how the construction works will be carried out in accordance with the ecology principles: ii. structural and non-structural erosion and sediment control measures (including chemical treatment where necessary) to be in place before and during all construction works, including earthworks, and works within watercourses: iii. a site-specific ESCP for the borrow site (if to be utilised for source material for the project): iv. A site-specific ESCP for any stockpile sites (if to be utilised for storage of source material for the project): v. key environmental risks, particularly in relation to topography, soil type and form, and the receiving environment, including proximity to any sensitive receivers (for example, watercourses, stormwater systems): vi. procedures for ensuring advance warning of a rainfall event: vii. procedures for decommissioning the erosion and sediment control measures: viii. procedures for determining the staging and sequencing of earthworks: ix. methods adopted, for the purpose of reducing sediment loss and erosion, to stabilise— <ul style="list-style-type: none"> 1. any excavated area; and 2. any watercourse bed; and 3. any banks of a watercourse that have been disturbed by the works: x. Methods and procedures to prevent the deposition of earthworks debris on any public road, or footpath resulting from the earthworks activity, and to remediate any areas where deposition does occur: xi. details of maintenance, including actions and frequency: xii. supporting information about the size of erosion and sediment control devices: xiii. methods for amending and updating the ESCP as required: <p><i>Erosion and Sediment Control Manager and Staff</i></p>
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	<p>xiv. the name and contact details of the Erosion and Sediment Control Manager:</p> <p>xv. the names and contact details of other staff appointed to assist with the management of erosion and sediment control (see condition 13(d) of this consent):</p> <p><i>Incident management</i></p> <p>xvi. the process for detecting, investigating, and recording, and for notifying the consent authorities of, incidents that result in the discharge of contaminants or material into any watercourse due to the structural failure of any erosion and sediment control measures:</p> <p><i>Monitoring</i></p> <p>xvii. procedures for—</p> <ol style="list-style-type: none"> 1. ongoing visual inspection, and where necessary quantitative monitoring, of all erosion and sediment control measures; and 2. detailed analysis of trends in erosion and sediment control effectiveness and performance; and 3. amendments to any ESCP resulting from the activities under subparagraphs (1) and (2): <p><i>Reporting to consent authorities</i></p> <p>xviii. details (including timing) of reporting to the consent authority (Hawke’s Bay Regional Council and Central Hawke’s Bay District Council) on the outcomes of, and compliance with, the ESCP.</p> <p>d) The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant works.</p> <p>e) The ESCP must include a site-specific risk-based approach that allows for the Erosion and Sediment Control Manager to determine the level of information and design that must be provided for specific activities.</p> <p>f) For works in or adjacent to a watercourse, an ESCP must, so far as is practicable, be consistent with the HBRC Erosion and Sediment Guidelines.</p> <p>h) The consent holder must implement an ESCP for the duration of the flood protection works.</p> <p>i) The consent holder must, for the duration of the construction works</p> <ol style="list-style-type: none"> i. keep an ESCP; and
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	<ul style="list-style-type: none"> ii. make it readily available to the consent authorities (Managers Compliance).
<p>15. HBRC CHBDC</p>	<p>15. Failure of erosion and sediment control measure</p> <ul style="list-style-type: none"> a) If the failure of an erosion and sediment control measure during flood protection works results in an uncontrolled release of sediment to surface water, the consent holder must— <ul style="list-style-type: none"> i. as soon as reasonably practicable, engage the Project Ecologist (appointed pursuant to condition 25) to investigate the affected area; and ii. immediately notify— <ul style="list-style-type: none"> 1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or 2. the Central Hawke’s Bay District Council Compliance Manager (with responsibility for land-based borrow sites); and iii. within 7 days, report the incident to the Manager of Compliance (Hawke’s Bay Regional Council and Central Hawke’s Bay District Council). b) The Project Ecologist must investigate the affected area as soon as practicable. c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent authorities, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects. d) The report to the Manager Compliance (Hawke’s Bay Regional Council and Central Hawke’s Bay District Council) under subcondition (a)(iii) must— <ul style="list-style-type: none"> i. describe the control failure and its cause; and ii. specify the steps that have so far been taken to <ul style="list-style-type: none"> 1. control the released sediment and any resulting erosion; and 2. prevent any recurrence of the control failure.
<p>16. HBRC</p>	<p>16. Dust management</p>

	<p>The consent holder must, as far as practicable, ensure that dust arising from construction works (including earthworks and related activities) does not spread beyond the boundary of the work sites.</p>
<p>17. CHBDC</p>	<p>17. Works on contaminated land</p> <ul style="list-style-type: none"> a) This condition applies if the consent holder undertakes earthworks or any other soil disturbance on the identified fill site (contaminated land). b) The consent holder must ensure that any soil and other materials that are removed from the site and identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind. c) The consent holder must take all practicable measures to- <ul style="list-style-type: none"> i. prevent the discharge of soil and stormwater from contaminated land to watercourses; and ii. maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials; and iii. replace the soil to an erosion-resistant state at the completion of the relevant works.
<p>17A. CHBDC</p>	<p>17A. Contamination Site Management Plan</p> <p>Prior to the commencement of any earthworks, excavation, or construction activities that may disturb contaminated soils, the consent holder shall develop and implement a Contamination Site Management Plan (CSMP). The CSMP shall be developed by a suitably qualified and experienced practitioner (SQEP). The CSMP shall be consistent with the recommendations of the Preliminary Site Investigation (PDP, 16 April 2025) shall be in accordance with the Ministry for the Environment’s Contaminated Land Management Guidelines No. 1 and Contaminated land management guidelines No 5: Site investigation and analysis of soils (Ministry for the Environment, 2021), and shall include (but not limited to):</p> <ul style="list-style-type: none"> a) A site characterisation, and identification of known and potential contamination areas. b) Details of the soil sampling programme to be undertaken prior to works occurring in potentially contaminated sites. c) Procedures and methods for soil sampling and testing and reporting, with reference to the soil contaminant standards set out in Appendix B of the <i>‘User’s Guide- National Environmental Standard for Assessing and</i>

	<p><i>Managing Contaminants in Soil to Protect Human Health (MFE, April 2012)</i>’.</p> <p>d) Excavation and handling procedures: Methods for safe excavation, segregation, and stockpiling of contaminated material.</p> <p>e) Dust and odour control measures: Techniques to minimise nuisance and health risks.</p> <p>f) Measures to prevent contaminated stormwater runoff.</p> <p>g) Identification of authorised facilities for contaminated soil disposal.</p> <p>h) Monitoring and reporting requirements and how compliance will be demonstrated.</p>
WATERCOURSES	
<p>18. HBRC</p>	<p>18. Works and structures in and adjacent to the beds of rivers</p> <p>a) This condition and conditions 19 and 20 of this consent apply to all construction works carried out in, or adjacent to, the bed of a river.</p> <p>b) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with—</p> <ul style="list-style-type: none"> i. an applicable ESCP; and ii. the ecology principles; and iii. the earthworks principles; and iv. any guidance provided under condition 4(c)(iii) of this consent (<i>see</i> condition 5 of this consent) relating to relevant cultural indicators. <p>c) Flood protection works that might affect fish passage in a river must, so far as practicable, be carried out outside peak times for migration and spawning of species of fish identified as being in the ecological scoping survey conducted under condition 27 of this consent, as being present in the river.</p> <p>d) Permanent or other temporary works in or adjacent to the bed of a river that are completed as a part of the construction phase of the flood protection works (for example, river crossings, sediment and debris removal, bank protection, and capacity increase) must—</p> <ul style="list-style-type: none"> i. be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and

	<ul style="list-style-type: none"> ii. be designed by an engineer and an ecologist who are suitably qualified and experienced so as to provide for ongoing fish passage in the river; and iii. manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and iv. provide for the maintenance of the river for flood management purposes. <p>e) The design of a temporary or permanent culvert in the bed of a river must—</p> <ul style="list-style-type: none"> i. allow for the relevant design flood flow event; and ii. address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris. <p>f) A permanent spillway or weir must ensure that-</p> <ul style="list-style-type: none"> i. a secondary flow path is available in the event of a blockage of the watercourse; and ii. discharge from the secondary flow path does not exacerbate flooding of neighbouring or downstream properties. <p>g) All works and structures in, or adjacent to, rivers must, so far as practicable, incorporate energy dissipation measures and erosion and sediment control measures (for example, revegetation of worked sites) to minimise bed scouring and bank erosion in receiving environments.</p>
<p>19. HBRC</p>	<p>19. Further requirements at watercourses</p> <ul style="list-style-type: none"> a) This condition applies if condition 18 of this consent applies. b) For the purposes of condition 18(d)(ii) of this consent, fish passage need not be provided and maintained on permanent culverts if the Project Ecologist decides, after considering all relevant matters, that it is unnecessary. c) Instead the consent holder must— <ul style="list-style-type: none"> i. give the consent authority (Manager Compliance, HBRC) appropriate data and reasons (supported by relevant design drawings) for not complying with condition 18(d)(ii) of this consent; and ii. if culverts that do not provide fish passage are necessary, notify the Department of Conservation and the Stakeholder Advisory Group. d) For the purposes of condition 18 of this consent, the consent holder must, at least 10 working days before starting permanent works within a

	<p>watercourse, give to the consent authority (Manager Compliance, HBRC)—</p> <ul style="list-style-type: none"> i. hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and ii. a statement of how those designs comply condition 18 of this consent. <p>e) All permanent works in the bed of a river must be carried out in accordance with the designs given to the consent authority (HBRC) under subcondition (d).</p> <p>f) The consent holder must ensure that any machinery or equipment used in the activities authorised by the consent is not stored in or on the bed or banks of the watercourse.</p> <p>g) The consent holder must ensure all of the following:</p> <ul style="list-style-type: none"> i. no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within or near a watercourse in circumstances where run-off might enter water: ii. no vehicles, machinery, or equipment are refuelled within the bed of a watercourse or in any other location where spills might enter water: iii. the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water: iv. other fuels and lubricants are not released into water: v. the Ministry for Primary Industries’ requirements and clean dry protocols relating to didymo and freshwater pests are followed in relation to all equipment: vi. machinery is operated in a way that minimises the transfer of organisms or pest plants from one catchment to another: vii. the use of wet concrete is avoided in flowing water. <p>h) The consent holder, on becoming aware that any contaminant has been discharged into a watercourse in a way that contravenes the conditions of the resource consent, must immediately—</p> <ul style="list-style-type: none"> i. take all necessary steps to stop or contain the discharge; and ii. notify— <ul style="list-style-type: none"> 1. the Manager Compliance (HBRC); and
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	<ul style="list-style-type: none"> 2. the Department of Conservation, if there is imminent risk of the discharge adversely affecting any at-risk or threatened species; and iii. take all practicable steps to remedy or mitigate any ongoing adverse effects of the discharge on the environment. i) The consent holder must take the actions set out in subcondition (j) in relation to construction material, demolition material, and any materials from repair and maintenance activities that are— <ul style="list-style-type: none"> i. authorised by the consent; and iii. no longer required as part of the construction works. j) The consent holder must ensure that the materials are— <ul style="list-style-type: none"> i. removed on completion of the construction works; and ii. reused, repurposed, or disposed of in an appropriate manner and in a place where they will not affect surface water levels and watercourses. k) The consent holder must comply with all notices and guidelines issued by Biosecurity New Zealand that relate to the ongoing prevention of the spread of freshwater pests.
20.	[Omitted]
STORMWATER DISCHARGE	
<p>21.</p> <p>HBRC</p>	<p>21. Stormwater discharge</p> <ul style="list-style-type: none"> a) If in the event the works involve permanent stormwater treatment devices, the consent holder must, not later than 3 months after the completion of the construction works,— <ul style="list-style-type: none"> i. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and ii. submit the documents to the consent authority (Manager Compliance, HBRC). c) The consent holder must ensure that stormwater discharge from construction works does not cause erosion or scouring of the bed or any bank of any downstream watercourse or receiving drain.

	<p>d) The consent holder must ensure that the design of culverts and stormwater detention devices is, so far as practicable, in accordance with the HBRC Stormwater Management Guidelines.</p>
LAND-BASED BORROW SITES	
<p>22. CHBDC</p>	<p>22. Design and management of land-based borrow sites</p> <p>a) This condition applies to excavation of soil or other materials at land-based borrow sites.</p> <p>b) The consent holder must ensure that excavation does not take place below the groundwater table.</p> <p>c) The consent holder must ensure that cut slopes do not exceed 45 degrees above the horizontal, unless a cut slope that exceeds that angle is-</p> <ul style="list-style-type: none"> i. operationally necessary; or ii. unavoidable as a matter of practicality. <p>d) The consent holder must ensure that a cut slope that exceeds 45 degrees above the horizontal is certified by a suitably qualified and experienced geotechnical engineer.</p> <p>e) The consent holder must ensure that, after excavation work is completed, all land disturbed by the excavation work is restored (for example, to pasture or vegetation) to its state before the flood protection works-</p> <ul style="list-style-type: none"> i. as soon as practicable; but ii. within 6 months.
CONSTRUCTION NOISE AND VIBRATION	
<p>23. CHBDC</p>	<p>23. Control of construction noise and vibration</p> <p>a) The consent holder must ensure that noise from construction, maintenance, and demolition work complies, so far as practicable, with the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999.</p> <p>b) The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction works.</p>

	<p>c) The consent holder must submit a Construction Noise and Vibration Management Plan (CNVMP) to the Compliance Manager (CHBDC) as part of the CEMP (refer conditions 10-11).</p> <p>d) The construction works must be carried out in accordance with the certified CNVMP and a copy of the CNVMP must be kept onsite during construction hours and must be available to authorised Central Hawke’s Bay District Council staff during monitoring inspections.</p>
LANDSCAPING	
24.	[Omitted]
ECOLOGY	
25. HBRC	<p>25. Project Ecologist</p> <p>a) The consent holder must appoint a suitably qualified and experienced ecologist as the Project Ecologist for the duration of the flood protection works.</p> <p>b) The role of the Project Ecologist is to inform, in accordance with the ecology principles, the design, management, and monitoring of all construction works in relation to ecological effects and measures to avoid, remedy, or mitigate those effects.</p>
26. HBRC	<p>26. Ecology principles</p> <p>a) The consent holder must apply the ecology principles set out in subcondition (b) in—</p> <ol style="list-style-type: none"> i. designing all aspects of the flood protection works; and ii. carrying out all aspects of construction works. <p>b) The ecology principles are as follows:</p> <ol style="list-style-type: none"> i. to apply the effects management hierarchy to the following potential adverse effects: <ol style="list-style-type: none"> 1. permanent habitat loss (including in terrestrial and freshwater habitats): 2. loss of naturally uncommon and highly depleted ecosystem types, significant indigenous vegetation, significant habitats of indigenous fauna, and habitats for at-risk or threatened species and taonga species: 3. habitat fragmentation or habitat barriers (including in terrestrial and freshwater habitats):

	<ol style="list-style-type: none"> 4. impacts on habitat connectivity (including terrestrial and freshwater habitats): 5. impacts on at-risk or threatened species and taonga species; 6. effects on water quality (including on kaimoana and mauri) from sediment; 7. alteration of natural hydrology patterns, except as necessary to facilitate the flood protection works: 8. spread or establishment, or both, of pest plants or animals: 9. impacts on habitats that play an important role in the life cycle and ecology of native species; <ol style="list-style-type: none"> ii. as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species: iii. to avoid, remedy, mitigate, or offset (using biodiversity offset) adverse ecological effects in order to achieve, as far as practicable, a net positive ecological outcome: iv. to enhance the positive ecological role of the works area in the wider ecological context, including its role as a buffer that protects or enhances other areas with ecological significance.
27.	[Omitted]
28. HBRC	<p>28. Managing ecological loss</p> <ol style="list-style-type: none"> a) The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of advice provided by cultural monitors to prepare an Ecology Management Plan which must include,— <ol style="list-style-type: none"> i. Procedures for undertaking a pre-felling native bird nest survey no earlier than 48hrs prior to the felling of identified riparian vegetation and management of any identified native bird nests to facilitate natural abandonment prior to felling, ii. Procedures for monitoring and managing bats prior to felling trees that have potential bat roosting features, that have regard to the Bat Recovery Group Protocols. iii. Site preparation methodology to reduce the risk of lizards occupying the site during construction, iv. Management of risk to indigenous reptiles,

	<ul style="list-style-type: none"> v. Management of in-situ substrates and earthworks equipment to minimise the risk of spreading pest plants off site or to new locations on site, vi. A restoration plan for outlining the planting of indigenous species to be undertaken following the completion of the works to mitigate the effects of vegetation clearance, including wetland planting and enhancement to replace wetland lost south of Keppel Street, in general accordance with the recommendations of ‘<i>Pōrangahau Flood Mitigation Ecological Impact Assessment</i>’, prepared by Pattle Delamore Partners Ltd, dated 28 October 2025 (Job Reference HB01041700). vii. Management of water takes including intakes and fish screens required by condition 30, and must, viii. Apply the effects management hierarchy to the management of all direct or indirect adverse effects on those ecological values, taking the ecology principles into account, and <p>b) The consent holder must implement the ecology management plan prepared under subcondition (a) throughout the construction works and report to the Stakeholder Advisory Group every 2 months on:</p> <ul style="list-style-type: none"> i. work undertaken according to the Ecology Management Plans; ii. any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives. <p>c) When the construction works and ecological mitigation works carried out under subcondition (a) are both completed, the consent holder must give the stakeholder advisory group—</p> <ul style="list-style-type: none"> i. a report that describes the ecological mitigation works carried out by the consent holder.
ARCHAEOLOGICAL VALUES	
<p>29.</p> <p>HBRC</p> <p>CHBDC</p>	<p>29. Archaeological discovery protocol</p> <p>a) Unless or until an Authority under the Heritage New Zealand Pouhere Taonga Act 2014 is in place for the area of the works, the consent authority must prepare an accidental archaeological discovery protocol—</p> <ul style="list-style-type: none"> i. at least 10 working days before construction works begin; and ii. in collaboration with the Māori entities representatives; and

	<ul style="list-style-type: none"> iii. in consultation with Heritage New Zealand Pouhere Taonga. b) The protocol applies if— <ul style="list-style-type: none"> i. a worker or any other person associated with flood protection works discovers any cultural or archaeological artefacts or features on a work site; and ii. an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014. c) The consent holder must— <ul style="list-style-type: none"> i. follow the protocol; and ii. ensure that workers and other persons on site are aware of the protocol. d) In subcondition (b)(ii) authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014. e) If works commence prior to an authority being obtained, in accordance with conditions a) to c) above, the consent holder shall demonstrate to the consent authorities, that consultation as required under a) has occurred, specific to the areas in which work will commence prior to an authority being obtained. f) The consent holder shall provide to the consent authorities, a copy of the authority once it is obtained.
<i>SURFACE WATER TAKE</i>	
<p>30. HBRC</p>	<ul style="list-style-type: none"> a) The consent holder may abstract water from the Pōrangahau River as follows: <ul style="list-style-type: none"> i. The rate of take shall not exceed 25 litres per second ((L/s). ii. The volume taken shall not exceed 810 cubic metres (m³) in any day. b) Intake Structure <ul style="list-style-type: none"> i. Each point of take shall be installed to prevent fish, including eels, from entering the reticulation. The fish screen design shall be confirmed by the Project Ecologist or other suitably qualified professional as being appropriate relative to the velocity of the intake(s) and the presence of fish species at the site(s) of take. c) Minimum Flow Restrictions

	<ul style="list-style-type: none"> i. When the river flow at the Pōrangahau River at Saleyards HBRC flow monitoring site is at or below 80 L/s, abstraction shall not exceed a maximum instantaneous rate of 10 L/s; and ii. Abstraction shall cease when river flow at the Pōrangahau River at Saleyards HBRC flow monitoring site is at or below 53 L/s. iii. All river flows shall be as determined by the Hawke’s Bay Regional Council. <p>d) Monitoring and Reporting</p> <ul style="list-style-type: none"> i. The measurement and reporting of water use shall be undertaken and provided to the Hawke’s Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010. ii. A water meter with a data logger and telemetry unit(s) compatible with the Council’s telemetry system shall be installed prior to the exercise of this consent and be operated and maintained to measure the volume of water taken (in cubic metres) to an accuracy of +/- 5%. iii. The water meter and telemetry device(s) required by Condition 30 d) i. shall be installed and maintained in accordance with <i>‘The New Zealand Water Measurement Code of Practice’</i> (January 2023). iv. A record of water meter installation shall be provided to the Council using the <i>‘Water Information Services (WIS) Meter Installation Form’</i> prior to commencement of abstraction. v. The telemetry unit(s) shall record the volume (cubic metres, m³) of take every 15 minutes. Each 15 minute interval of data shall be date and time stamped with the New Zealand Standard Time at the end of the 15 minute interval. vi. Data shall be transmitted to the Council’s telemetry system at least once per day. vii. The telemetry unit(s) shall be installed so as to provide an accurate record of the flow meter data by a suitably qualified person. A record of installation shall be provided to the Council (Manager Compliance) in writing using the Council’s <i>‘Telemetry Installation Form’</i> within one week of installation of the new or reinstated unit(s) having occurred. viii. A manual water meter reading shall be taken during the month of June each year. The water meter reading and the date and time the
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	<p>reading was taken shall be provided in writing to the Council (Manager Compliance) prior to 10 July each year.</p> <p>ix. Where the telemetry equipment fails, the consent holder shall notify the Council (Manager Compliance) of the failure within 3 working days, shall read the water meter at daily intervals and shall provide the Council with a record of the following:</p> <ol style="list-style-type: none"> 1. The meter reading (in cubic metres); and 2. The daily volume of water taken (in cubic metres); and 3. The date and time of each reading; 4. This information shall be supplied no later than 7 days after the end of each calendar month. Where the telemetry equipment is returned to full operation, the information shall instead be supplied within 7 days of this return to full operation occurring.
<p>31. HBRC</p>	<p>31. Drinking Water Supplies</p> <p>If an event occurs on-site that may lead to contamination of groundwater, the consent holder shall notify Central Hawke’s Bay District Council and the Hawke’s Bay Regional Council (Manager Compliance) of the event as soon as reasonably practicable after the event occurs.</p>
<p>32. CHBDC</p>	<p>32. Construction Traffic</p> <p>The consent holder shall submit a Construction Traffic Management Plan (CTMP) which shall:</p> <ol style="list-style-type: none"> a) be prepared by a suitably qualified traffic management practitioner and be provided to Central Hawke’s Bay District Council prior to the commencement of the relevant phase of construction works as part of the CEMP (refer conditions 10-11); b) address those matters referred to in the ‘<i>Transportation Impact Assessment – Pōrangahau Stopbank</i>’, prepared by CTD/Traffic Concepts, dated April 2025 (Ref 25-01) submitted with the application; c) be developed in consultation with Central Hawke’s Bay District Council prior to the commencement of the relevant phases of the development; d) be prepared in accordance with the Code of Practice for Temporary Traffic Management (CoPTM); and or the New Zealand Guide to Temporary Traffic Management (NZGTM); and

	<p>e) shall address the necessity of reduced traffic speed along local roads for the duration of works, in particular the haulage to stockpile areas and also in particular to the area around Pōrangahau School.</p>
<p>33. HBRC CHBDC</p>	<p>33. As-Built Plans</p> <p>Within three months of the completion of construction works, the consent holder shall provide the consent authorities (Managers Compliance) with as-built plans that include (but are not limited to), the following:</p> <ul style="list-style-type: none"> a) plans of the completed works that clearly shows their location and layout; b) the final contours of the stopbank, spillway and associated earthworks; c) the depth and extent of any fill place; and d) the final overland flow paths, stormwater outlets and any re-directed catchment flows.
<p>34. HBRC CHBDC</p>	<p>34. Notice of Commencement</p> <p>The consent holder shall provide the consent authorities (Manager Compliance) notice in writing of intention to commence works, at least 10 working days prior to commencing the proposed works.</p>