

**s42A Report for Resource Consent Application APP-131373 – Whirinaki
Flood Protection Works**

29 October 2025

Applicant: Hawke's Bay Regional Council

Application Number: APP-131373

Application Type: Site situated within Order in Council Schedule 1 Delineation – Controlled and Non-notified
Site situated outside the Order in Council Schedule 1 Delineation – Discretionary and Non-notified

Situated inside or outside the OIC Schedule 1	Authorisation No:	Activity Description	Activity Type:	Activity Location
Within OIC	AUTH-132879-01	To construct a flood protection scheme, including the erection of stopbanks and the construction, use and removal of structures ¹ (including river crossings and outlet pipes) in and within 6 m of the bed of a waterway, and associated activities including soil disturbance and vegetation clearance within 5m of the bed of a river.	Land use Consent	Land adjacent to Whirinaki Drain, and between the Whirinaki Drain and the Esk River near the coast (true left bank).
	AUTH-132875-01	To divert flood water	Water Permit ²	

¹ Including under the NES FW (2020)

² Including under the RCEP

	AUTH-132876-01	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 the bed of a surface water body.	Discharge Permit ³	
	AUTH-132877-01	To take and use groundwater and surface water (drainage water) for dewatering and other construction related purposes.	Water Permit	
	AUTH-132878-01	The discharge of dust to air.	Discharge Permit ⁴	
Outside OIC	AUTH-132879-01	To construct a flood protection scheme, including the erection of stopbanks and the construction, use and removal of structures ⁵ (including river crossings and outlet pipes) in and within 6 m of the bed of a waterway, and associated activities including soil disturbance and vegetation clearance within 5m of the bed of a river.	Land use Consent	Land adjacent to SH 2, to the east and north of Whirinaki Drain.
	AUTH-132875-01	To divert flood water	Water Permit	
	AUTH-132876-01	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 the bed of a surface water body.	Discharge Permit	
	AUTH-132877-01	To take and use groundwater and surface water (drainage water) for dewatering and other construction related purposes.	Water Permit	
	AUTH-132878-01	The discharge of dust to air.	Discharge Permit	

1. EXECUTIVE SUMMARY

1.1 This application is for flood protection works proposed on behalf of Hawke's Bay Regional Council and seeks consent via two consent 'pathways'. The first being for the majority of the work under

³ Including under the RCEP

⁴ Including under the RCEP

⁵ Including under the NES FW (2020) in relation to temporary culverts

the *Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024* ("OIC"). This pathway streamlines the consenting pathway for major flood protection works situated within a delineated area. The second being for works that are smaller in nature and fall outside the delineated footprint of the OIC and therefore, are subject to the 'usual' provisions and processes of the Resource Management Act 1991 (RMA).

- 1.2 This report provides a recommendation to the independent hearings commissioner who will decide on the applications.
- 1.3 The part of the proposal that is subject to the OIC 2024 must be granted as a controlled activity by an independent hearings commissioner. Consultation in accordance with Clause 15 of the OIC has occurred and notice to the listed parties was sent by HBRC (as consent authority) on 19 September 2025. The opportunity for invited parties to comment closed on 7 October 2025.
- 1.4 Four comments were received within the statutory timeframe from invited parties. These comments have been considered and responded to where appropriate. A summary of comments has been prepared (Appendix 1) and will also be placed on the HBRC website as required by clause 15 of the OIC.
- 1.5 This report addresses the relevant sections of the OIC and makes recommendations to the hearings commissioner for consideration in their decision and on the imposition of relevant consent conditions.
- 1.6 Additionally, for the part of the proposal that is not subject to the OIC, this report undertakes an assessment against the provisions of the RMA for a discretionary activity. This part of the proposal is considered to have less than minor adverse effects and the author of this report therefore recommends that this application be granted on a non-notified basis with conditions.
- 1.7 The hearings commissioner is delegated by Hawke's Bay Regional Council to decide on the application (for Regional Council related matters) for consent under s104A and 104C of the RMA and has delegation to consider and decide on the applications both within and outside of the OIC area⁶. The commissioner also has delegated authority to decide upon the need for notification under s95A-95E of the RMA (for the non-OIC activities).

⁶ This delegation was confirmed at the Regional Council meeting held 28 May 2025 [Agenda of Hawke's Bay Regional Council meeting - Wednesday, 28 May 2025](#)

2. THE ACTIVITY

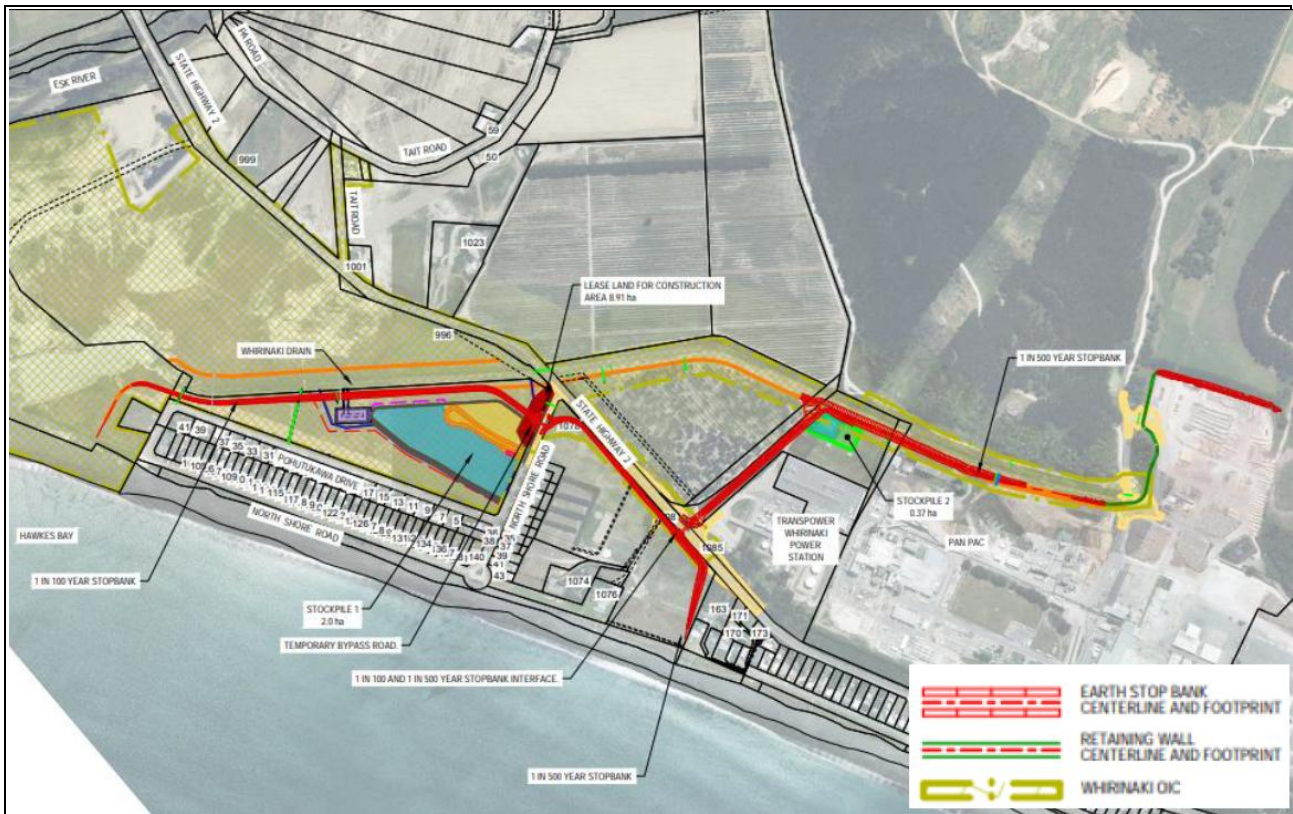


Figure 1: Site of activity

The Site

- 2.1 Section 5 of the application⁷ describes the location of works and is not repeated in full here. The site in question is located in the Whirinaki area on land located adjacent to the Whirinaki Drain, and in and around the Pan Pac site (Figure 1) and the residential areas of North Shore Road and Pohutukawa Drive. The location of works begins at the rear of the Pan Pac Site and finishes by the mouth of the Esk River.

Site Visit

- 2.2 An inspection of the site was undertaken by the reporting officer, accompanied by Paul Barrett (Consents Manager) Janeen Kidd-Smith (Independent Commissioner), Caleb Sutton (Hastings District Council), Cameron Drury (Strategy Planning Limited), Luke Cahalin (Hawke's Bay Regional Council – Applicant Project Manager), Dylan Stuijt (Pan Pac) and Josh Orringe (CT Design Limited), on 5 September 2025.

Background

- 2.3 The Hawke's Bay Regional Council (hereafter referred to as the 'applicant') has applied for resource consent to undertake flood mitigation work on the Esk River and Whirinaki Drain. The application proposes works both within and outside of the *Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024* (OIC 2024) Schedule 1 'Locations of flood protection works' area 'Whirinaki Location', as shown in Figure 2 below.
- 2.4 The majority of the proposed works are situated within the OIC 2024 Schedule 1 location and the proposal within this area is subject to the clauses of the OIC 2024 which set out a process for

⁷ Strategy, 'Resource Consent Application for Flood Mitigation Works – Whirinaki Flood Protection Stopbank'. Dated: 15 September 2025, 24091AP1. (<https://www.hbrc.govt.nz/assets/Uploads/AA-RC-Application-Whirinaki-FINAL-150925.pdf>)

considering applications for this activity that differs from the standard Resource Management Act 1991 (RMA) process.

- 2.5 The portions of the proposed works that fall outside the OIC 2024 Schedule 1 area are subject to the standard RMA process in which the clauses of the OIC 2024 do not apply. These measures on the Pan Pac stopbank are the 'Northern Tip' extending around the Pan Pac yard, the 'Detour' section past the Transpower site from the Whirinaki Drain to SH 2, the 'Eastern Extent' including the SH 2 road raising to the beach gravels beside 163 Whirinaki Road. On the Whirinaki stopbank this is the tail end of the road raising works along North Shore Road.
- 2.6 The proposed activity as a whole is assessed as one application but, for clarity, this report will differentiate between the regional planning aspects of the two portions of work and which statutory process applies to each of the two individual aspects.
- 2.7 Although there are two different RMA processes that apply to different parts of the application, even if a 'bundled' consent approach had been requested there is no clear pathway under the OIC 2024 to enable such an approach, therefore the two pathways are not "bundled" in this instance and the two pathways are assessed separately in this report under their respective RMA processes.
- 2.8 An introduction and background of the proposal and statutory context is explained in sections 1 and 2 of the application⁸, which are agreed with and adopted, and therefore need not be repeated here.

Nature Of Activity

- 2.9 Section 6 of the application provides a full description of the proposal.
- 2.10 In summary, the applicant seeks to undertake flood protection works including construction of a new 1,690 m long stop bank (the Pan Pac Stopbank) adjacent to the Whirinaki drain at the rear of the Pan Pac site, including the Transpower site and detouring to cross SH 2 and finishing at the gravel barrier at the southern end of Whirinaki Road. This is designed to provide protection to the Industrial site in up to a 1:500-year ARI event.
- 2.11 A 390 m long stopbank (Whirinaki stopbank) is also proposed to the north and east of the Esk river mouth adjacent to the Whirinaki Drain and crossing North Shore Rd to meet the Pan Pac stopbank, providing flood protection to a 1:100-year ARI event level. Associated works include road raising of North Shore Road and SH2 to accommodate the stopbanks passing below, new culverts through the stop bank to drain water from behind the stopbanks and new crossings and stormwater management are required to enable moving of fill material from the borrow site to the stopbank construction work areas.
- 2.12 The applicant also proposes to protect the Petane Urupa with a 178 m perimeter flood wall to be constructed with either concrete or timber with an earthen embankment to provide protection for a 1:500 ARI event. These works will be managed separately, and it is proposed to be subject to a Petane Urupa Construction Environment Management Plan (PUCEMP). The requirements of the PUCEMP are included in the proposed conditions as condition 10B. The applicant reported that as the area of these works is not characterised by identified ecological values, it is not necessary for the works to be subject to Ecology Management Plan.
- 2.13 A detailed description of the proposal is contained within section 6 of the application, and these descriptions are agreed with and adopted here; this section of the application should be referred to. Figure 2 below highlights the areas outside the OIC 2024 Schedule 1 footprint.

⁸ *Resource Consent Application for Stopbank Works*, signed by – Andrew Caseley, Manager Regional Projects/Programme Director and dated 1 September 2025.

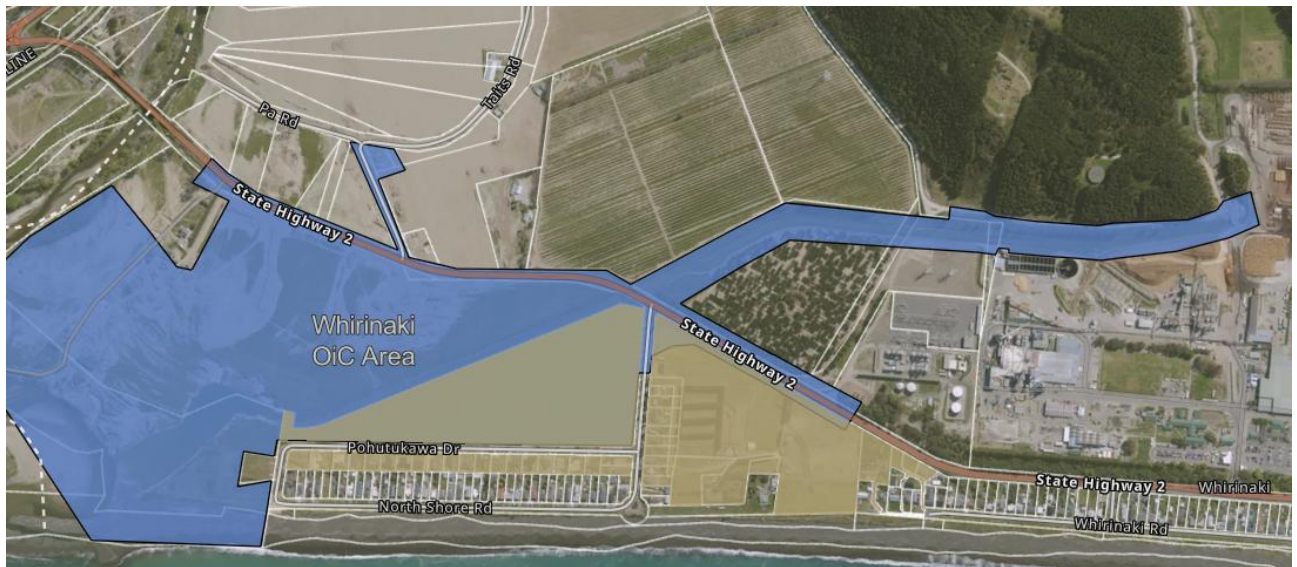


Figure 2: Area of works inside the OIC 2024 Schedule 1 footprint (blue fill)

The applicant has applied to both Hawke’s Bay Regional Council for those matters in which fall under the Hawke’s Bay Regional Resource Management Plan (RRMP) and Regional Coastal Environment Plan (RCEP), and to Hastings District Council (HDC) for those matters which fall under the Hastings District Plan (HDP).

3. REQUIRED APPROVALS

Resource Consents

- 3.1 The OIC application is a non-notified controlled activity in accordance with clauses 8 and 14 of the OIC 2024.
- 3.2 The nature of the application for works outside the OIC is a discretionary activity subject to the standard RMA process.
- 3.3 It is noted that some aspects of the work do not require consent under the RRMP (or RCEP). RRMP consent requirements generally relate to the diversion of water (i.e from the stopbanks), discharge of contaminants and works within the waterway (Whirinaki Drain crossing). Some matters are outside HBRC control, and include for example noise effects, road safety considerations, access way design and general earthworks (greater than 20 m from a waterway).
- 3.4 Consent is required from HBRC for the following National Environmental for Freshwater (NES-F) RRMP and RCEP matters:
 - Regulation 71 of the NES-F for the installation of a culvert(s) (which may be temporary) across the Whirinaki Drain bed
 - Rule 8 of the RRMP for vegetation clearance and soil disturbance
 - Rule 30 of the RRMP for a discharge of dust
 - Rule 33 Discharge of drainage water (if required as part of construction)
 - Rule 52 of the RRMP for the discharge of sediment laden water to land or water
 - Rule 52 of the RRMP for the discharge of solid contaminants within 20 m of a surface water body (not meeting permitted Rule 47)
 - Rule 55 of the RRMP for other takes and uses of groundwater (relating to the take of drainage water if required during construction)
 - Rule 59 of the RRMP for the diversion of floodwaters of the Esk River arising from the stop bank
 - Rule 69 of the RRMP for river and lake bed activities (e.g. stream crossings)
 - Rule 8 of the RCEP for vegetation clearance and soil disturbance

- Rule 9 of the RCEP for the discharge of solid contaminants within 20 m of the CMA or any surface water body (not meeting permitted Rules 18 or 19)
- Rule 24 of the RCEP for the discharge of drainage water (if required as part of construction)
- Rule 35 of the RCEP for other takes & uses of surface & ground (relating to the 'take' of drainage water if required as part of construction)
- Rule 9 of the RCEP for discharge of sediment laden water to land or water
- Rule 39 of the RCEP for Diversion of the Esk River and Whirinaki Drain during times of flood arising from the stopbanks

There is only one part of the proposed works that falls within the Coastal Margin area and that is therefore covered by the RCEP Rules. This is the end of the Whirinaki Stopbank at the coastal end, by the Pohutukawa Drive Urupa. It is in the Coastal Margin but not within the Hazard Zone 1 area according to the applicant. The application states as follows: *"Based on the long section, the proposed stopbank will tie into existing ground prior to extending into Coastal Hazard Zone 1"⁹.*

Other Approvals

- 3.5 In accordance with the Hastings District Plan (HDP), the applicant requires resource consent from HDC for some matters. For clarity, this report only addresses the matters relevant to the HBRC's consent authority jurisdiction and does not address those matters that are within HDC's jurisdiction. HDC's assessment will be provided separately to the Hearings Commissioner and should be referred to for matters within HDC's jurisdiction.

4. COMMENTS (OIC APPLICATION ONLY)

- 4.1 In accordance with clause 15 of the OIC 2024, notice was sent to listed parties (clause 15(2)) and they were given the opportunity to comment on the application, with the comment period beginning 19 September 2025 and closing 7 October 2025.¹⁰ In accordance with Clause 15(2)(x), additional parties were invited to comment who were considered to hold an interest greater than that of the general public. These were as follows:
- a. The owners of Properties on North Shore Road and Pohutukawa Drive: invited to comment because the land is not in or adjoining the flood protection work areas, but may be affected by the road raising of North Shore Road.
 - b. Two properties where flood modelling showed an increase in flood inundation level (1023 SH2 and SH2 adjacent to 1023 SH2).
 - c. Three properties on which the flood hazard classification levels on non-habitable buildings were predicted to increase (15 Thurley Place, 2 Anthony Place, 2 Bruce Place).
- 4.2 It should be noted that one of the notices posted to parties was unable to be delivered and was returned; an alternative address was subsequently found.
- 4.3 During that consultation period four comments were received from invited parties. The comments are summarised and attached as Appendix 1 to this report. This summary will also be published on the HBRC website.
- 4.4 **Powerco** confirmed they had received correspondence but due to changes in the design found it challenging to know what impact the project would have on their assets. Powerco provided minimum requirements in a schedule and requested that they be contacted if any of those cannot be met once the final design is confirmed.
- 4.5 Comments from **Transpower** concerned access and transport, works in proximity to the national grid and the potential effects of construction dust on the national grid. Transpower suggested a

⁹ Resource Consent Application for Flood Mitigation Works - Whirinaki Flood Protection Stopbank. Pg 67

¹⁰ HBRC acting as 'lead agency' and sent the notice to listed parties inviting comments on behalf of both council/consent authorities.

number of amendments to the conditions proposed, including provision of notice, final design plans and 'as built' plans. Some of the amendments proposed are recommended by the reporting officer.

- 4.6 The **Department of Conservation (DOC)** comments addressed streambed disturbance, fish passage, erosion and sediment control, the use of the NPS-FM effects management hierarchy, Freshwater Fisheries Regulations 1983.
- 4.7 DOC recommended a change to consent condition 15 that required that any erosion and sediment control measure failure incident report be provided in three working days. This was raised in the Ohiti OIC application (APP-131372) and the applicant responded to the comment that *"the key is that the problem is flagged and managed as soon as practicable (condition 15(a)(i) and 15(b)). There are no specific circumstances for this project that necessitate a change to the standard condition 15(a)(iii) which is in relation to the timing of reporting, rather than the timing of the management response"*. As the condition requires immediate reporting of incidents to the HBRC Pollution Hotline a change to the condition as proposed is not recommended.
- 4.8 For condition 18 d) ii. Where works in the bed of a river are to be designed by an engineer and an ecologist (both suitably qualified and experienced), DOC requested that the ecologist specifically be a **freshwater** ecologist. The applicant has confirmed *"The project ecologist is Dr Andy Hicks, he is an ecologist with expertise and experience in freshwater ecology. For consistency, the standard wording of condition 18(d)(ii) and condition 25 under the OIC is recommended rather than specifically stating a freshwater ecologist"*.
- 4.9 For condition 18 d) iii, DOC similarly to the Ohiti OIC application requested that the effects management hierarchy is set out in the condition rather than being referred to by the condition. The applicant's response was that *"the intention of the ecology principles under condition 26(b), as a whole, is to manage effects and aim for a net positive where possible. It is likely for this project that the overall stream length can be maintained within the project site. This will be developed through the detailed design and Ecology Management Plan stages as anticipated by the conditions (including #28)"*.
- 4.10 DOC requested that Condition 18 e), regarding the design of culverts, that temporary culverts also provide fish passage. The design of all culverts is subject to assessment by the Project Ecologist under the ecology principles. The applicants proposed amendments apply the same discretion to temporary culverts, the effects of a temporary culvert will be less than those the OIC provides for permanent culverts. Permanent crossing structures should provide for fish passage.
- 4.11 For Condition 19 regarding fish passage at culverts and requirements if fish passage is not achieved, DOC requests that the condition does not approve installations that may need additional approval from the Director General for Conservations under the Freshwater Regulations 1983 and that DOC should be notified of any works taking place in a water course. An advice note is recommended to advise the consent holder of the requirement for additional approvals in the event fish passage is restricted.
- 4.12 **Pan Pac** commented in support of the project supporting building to provide 1:500 year protection. The comment also highlighted that the works need to be planned in collaboration with the Pan Pac Health, Safety and Environmental team to ensure their staff and contractors are protected from harm and environmental effects are minimised.
- 4.13 **NZTA** provided a comment (received on 21 October 2025, after the closing date for comments) confirming engagement with the applicant's project team is ongoing and that an agreement is currently being developed between NZTA and HBRC that will outline NZTA's responsibilities and scope across the design and planning phase, construction stage, the completion, and handover of works. They stated that their *"... network engineers will continue to engage closely in alignment with that agreement to ensure smooth coordination and delivery"*.

5. MATTERS TO BE CONSIDERED

5.1 When considering an application made pursuant to the OIC, and in accordance with clause 10, a hearings commissioner (whom the consent authority has delegated functions, duties, and powers to, and who is not a member of the consent authority) must consider the application under s104 of the RMA, and noting that clause 16 states:

Section 104(5) does not apply in relation to the consent authority's consideration of an application referred to in clause 12.

5.2 This is understood to mean that the activities within the OIC delineated area must be processed as a controlled activity and this activity status cannot be changed for any reason. This would therefore mean that there is no opportunity for the commissioner to decline the application within the OIC delineated area.

5.3 The consent authority may only consider effects and associated conditions of consent that fall within the matters of control, which are set out in full in Schedule 3 of the OIC.

5.4 In summary, [Schedule 3](#) of the OIC 2024 sets out the matters over which the consent authority's control is reserved (see [clause 17\(3\), \(4\), and \(6\)](#)). Those matters are potential adverse effects and proposed mitigation measures in relation to the following:

- i. general, including risks of flooding and erosion and adverse effects on wildlife, habitat, and ecosystems:
- ii. cultural values:
- iii. freshwater:
- iv. coastal environment:
- v. stormwater:
- vi. soil, land, and ecology:
- vii. visual effects and amenity:
- viii. adjoining land uses:
- ix. heritage and archaeology:
- x. access and transport:
- xi. contaminated land (human health)

5.5 The non-OIC works require HBRC consent as a discretionary activity, and any relevant effects can be considered.

5.6 When considering an application for a resource consent, in accordance with s104 of the RMA, the hearings commissioner must have regard to:

- any actual and potential effects on the environment of allowing the activity (within the matters of control where applicable), and
- relevant plans, policies and regulations.

5.7 The effects on the environment are addressed in section 10 and 11 of this report. The relevant plans, policies and regulation are addressed in section 7 of this report.

5.8 And in relation to any discharges proposed, the hearings commissioner must, in accordance with s105 of the RMA, also have regard to:

- the nature of the discharge and the sensitivity of the receiving environment,
- any possible alternative methods and points of discharge,
- the applicant's reasons for making the proposed choice.

5.9 Section 107 is also relevant, and in relation to discharges, sets out effects that must be avoided.

- 5.10 The hearings commissioner must make the above considerations subject to the purpose and principles of the RMA (Part 2).
- 5.11 The purpose of the RMA is to “promote sustainable management of the natural and physical resources” (Section 5). This involves managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety”.
- 5.12 In promoting the sustainable management of natural and physical resources, the RMA requires the hearings commissioner to:
- i) Recognise and provide for matters of national importance (section 6) including such things as:
 - the preservation of the natural character of coasts, rivers and their margins,
 - the relationship of Maori with their taonga,
 - The management of significant risk from hazards.
 and
 - ii) Have particular regard (section 7) to such things as:
 - Kaitiakitanga, and the ethic of stewardship,
 - The efficient use and development of natural and physical resources,
 - The maintenance and enhancement of the quality of the environment,
 - The maintenance and enhancement of amenity values,
 - Any finite characteristics of natural and physical resources,
 - The effects of climate change.
 and
 - iii) Take into account the principles of the Treaty of Waitangi (section 8).

6. ACTUAL AND POTENTIAL EFFECTS

- 6.1 The applicant has proposed amendments to the standardised conditions of the OIC to better reflect the detail of the proposed activity and these are suitable for addressing adverse effects of the activity.

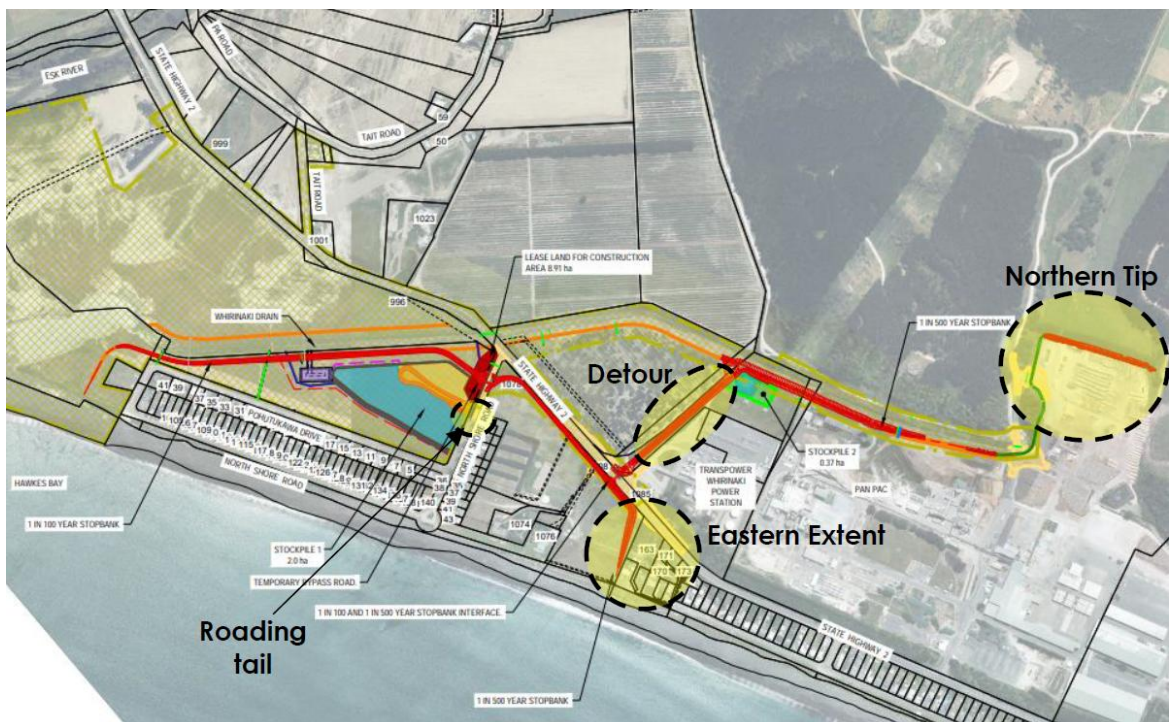


Figure 3. Works outside the OIC area –dashed areas

- 6.2 The activities that are proposed outside the OIC area (Figure 3) are the Northern Tip, the Detour, part of the raising of SH2 and the Eastern Extent of the Pan Pac stopbank. Part of the raising of North Shore Road to pass over the Whirinaki Stopbank is also outside the OIC area. Consents are required from HBRC for the deposition of sediment, the discharge of sediment, the discharge of dust, the dewatering of land as part of construction, the diversion of floodwaters.
- 6.3 The actual and potential effects of the works proposed within the OIC area have been detailed and assessed in section 10 of the application and in section 11 for the non-OIC works, and this assessment is largely agreed with and adopted in full for those matters relevant to the Hawke's Bay Regional Council's jurisdiction as a consent authority, except where discussed below.

Cultural values/effects

- 6.4 Mana Whenua engagement throughout the proposal has included an initial site walkover, regular meetings and discussions, participation of mana whenua representatives on the project team with regular attendance at design meetings, receipt of a CIA, Hui to discuss the CIA recommendations and proposed consent conditions. The CIA identifies values associated with the Awa and aspirations.
- 6.5 The OIC application includes a Cultural Impact Assessment¹¹ (CIA) provided in confidence to HBRC. The recommendations of the CIA have been summarised here:
- Explicit Wāhi Tapu Protection
 - Holistic Environmental Management
 - Environmental Degradation by Clean Fill Operations
 - Preservation of Wāhi Taonga
 - Mana Whenua Inclusion in Decision-Making
 - Economic Participation and Equity
 - Planning for Stopbank Breaches
 - Return of Pan Pac's Social License
 - Restoration Efforts
 - Maintaining Residential Standards
- 6.6 The applicant concluded¹² that mana whenua understand that the project provides improved resilience and that this is reasonable, that an engineered flood hazard mitigation alters the landscape and river dynamics and that construction and maintenance of this type of infrastructure provides obvious benefits and may lead to the disruption to the exercise of kaitiakitanga over ancestral land.
- 6.7 Maungaharuru Tangitū also provided input and emphasised several recommendations made in the CIA:
- a. explicit wāhi tapu protection
 - b. preservation of wāhi taonga
 - c. a seat at the decision-making table

¹¹ *Cultural Impact Assessment Whirinaki Stopbank*, authored by Jaymee Keleher on behalf of Ngā Hapū o Petane Marae.

¹² Resource Consent Application for Flood Mitigation Works Whirinaki-Whirinaki Flood Protection Stopbank, 15 September 2025, Strategy, page 33

- d. restoration efforts

Maungaharuru Tangitū also offered suggestions:

- a. Cultural Training for all Kaimahi onsite
- b. Accidental discovery protocol
- c. Plans to identify, recover preserve and store archaeological artifacts
- d. Establish a mana whenua group to fulfil kaitiaki responsibilities
- e. Engaging of a cultural monitor
- f. Karakia undertaken before mahi begins by an appropriate kaumatua

6.8 For completeness, section 5.4.1 of the OIC application should be referred to as it is not repeated here.

6.9 It is noted that all relevant Māori entities will be invited to assign a representative to join the STAG.

Consequential flooding

6.10 The proposed flood protection works will provide stopbanks to protect the Transpower, Contact and Pan Pac industrial sites from floods up to the 1:500 year ARI level and the North Shore Road and Pohutukawa Drive area from floods up to the 1:100 yr ARI event.

6.11 A key potential effect relates to consequential flooding. The application included an assessment (Appendices 16 and 17) of consequential flooding effects which took into consideration extensive modelling through a range of predicted events to inform an assessment of flood hazard risk.

6.12 It was observed that the Esk River and land that is not protected by the stopbanks and upstream of the works will have higher flood levels than would occur under the base scenario with no protection. Figure 4 below is Figure C7 in Appendix 16 PDP¹³. This shows the flood difference levels in the case of the 100-year ARI level event (with climate change) and the protection provided. The Pohutukawa Drive and North Shore Road area (and the Whirinaki substation and Pan Pac site) are protected with the proposed flood mitigation.

¹³ Assessment of Effects on Flooding for Proposed Whirinaki Stopbank, PDP, 09 September 2025, Appendix C

base case. The observation is that this is unlikely to compound the degree of damage. The PDP report comments that *“Damage to the orchard is more likely to result from debris and sediment carried by floodwaters rather than solely flood depths.”*

- d. Furthermore, a technical peer review of the consequential flood assessment was undertaken (Appendix 17, Consequential Flood Assessment Whirinaki, Beca 22/08/2025) which concluded that¹⁵:
 - i. the effect of the stopbank of increasing flood depths in the Taita Road area is that flood hazard generally only increases in extreme floods (greater than the 100-year ARI event) and
 - ii. the properties in the Taita Road area that will experience small increases in peak flood depth and duration of flooding in the extreme events but will not see their risk of flooding increase materially during smaller events, if at all.
 - iii. that overall, the consequences of the proposed stop bank are acceptable.

6.14 The BECA peer review also includes the following conclusion:

“... the modelling and reporting undertaken by PDP is robust. PDP have cooperated in providing information to inform this report and previous versions. The modelling shows that the proposed Whirinaki stopbank prevents flooding of Category 2C land east of Whirinaki Drain in the design 100-year and [for the Pan Pac stopbank the] 500-year ARI floods. The area protected by the 500-year ARI ‘level of service’ stopbank would have likely been protected by the proposed stopbank if it had been in situ during Cyclone Gabrielle. The proposed 100-year ARI ‘level of service’ stopbank would have resulted in less flooding in the area around North shore road during Cyclone Gabrielle. The area protected by the 500-year ARI stopbank includes the Pan Pac timber and wood pulp mill, Contact Energy power station, Transpower substation, and residential areas in Whirinaki along SH2 and Whirinaki Road. The area protected by the 100- year ARI stopbank includes Pohutukawa Drive Urupa, and residential areas along North Shore Road and Pohutukawa Drive. As such, the proposed works provide a significant level of protection to critical infrastructure and residential areas. However, flood risk and hazard increases slightly in the Taita Road area between Whirinaki Drain and the Esk River. The area is identified as Category 3 land that HBRC has identified as where “Future severe weather event risk cannot be sufficiently mitigated.”¹⁶

Effects on freshwater ecology

6.15 The Whirinaki Drain is likely to support freshwater fish communities¹⁷, including short and long fin eels, Inanga and bullies. PDP described the stream as a very impacted waterway likely to support a less diverse aquatic fauna and of low value overall¹⁸ and stated that *“Overall, benthic macroinvertebrate communities were dominated by pollution-tolerant taxa and indicate that all sites were impacted by severe organic pollution, nutrient enrichment, or modified physical habitat conditions”*.¹⁹

6.16 The application²⁰ indicates that either a temporary bridge or a culvert will be used to enable crossing of the Whirinaki Drain in two places to move material from the borrow site to the site of works. The details of the proposed structures and the length of time it will be in place are not yet known although a temporary bridge is preferred and it is proposed to deal with the effects of temporary culverts in an amendment to the CEMP.

¹⁵ BECA, Table 3-8

¹⁶ BECA, Consequential Flood Assessment – Whirinaki’. 22 August 2025. Section 4.

¹⁷ PDP. ‘Ecological Impact Assessment for the Proposed Upgrade to the Whirinaki Stopbank’. Page 29. Appendix 5.

¹⁸ PDP, Appendix 5, Table 11.

¹⁹ PDP, Appendix 5, page 30

²⁰ Strategy, Figure 19, pg 55

- 6.17 PDP stated that “*fish passage to the ocean is an important consideration because all fish present were migratory and move between fresh and salt water to complete their life cycles*”.²¹
- 6.18 The applicant reports there would be limited effects on instream habitat as a result of the the proposed temporary stream crossings. The crossings will be subject to the Regulations 62 and 63 (culverts) of the NES FW, including the imposition of specified conditions.
- 6.19 The applicant reported the ecological scoping study required by condition 27 has already been undertaken and therefore the requirement has been removed from the proposed conditions. Condition 28.
- 6.20 DOC commented on issues including disturbing the stream bed, releasing sediment, and changing the areas along the stream. To address these problems, DOC suggested having a freshwater ecologist oversee the work and managing it with an EMP (Ecological Management Plan). Other suggestions from DOC include rescuing and moving animals, planning work around spawning and migration times, choosing less harmful structure designs, and checking for risks of spreading pests like *Gambusia*.
- 6.21 The recommended changes to the conditions strengthen and clarify the assessment and design requirements for the main area of works where freshwater values can be impacted – the installation and use of temporary river crossing of the stream where material will be moved from the borrow site to the work areas. The changes recommended are to make it clear that permanent crossing, while not seemingly proposed, must provide for fish passage, but allow that temporary crossings may not, provided that a freshwater ecologist assists in the design of these, and that this is considered through the Ecology Plan and CEMP, with guidance from the Ecology Principles. Consideration of when to remove the crossing is also important, and the ecologist may advise against removal during key times of increased sensitivity (eg fish spawning periods).

Effects on Terrestrial ecology

- 6.22 HBRC consents are not required for all of the various activities proposed as part of the flood protection works. In some areas, earthworks, soil disturbance or vegetation clearance may occur and these will be outside of the scope of HBRC rules and subsequent consents. For example, earthworks and vegetation clearance occurring more than 5m away from waterways is not an activity that is managed by the rules of the RCEP or RRMP.
- 6.23 PDP identified the potential effects on the values of terrestrial habitats in and around the project corridor as including vegetation removal and material stockpiling resulting in loss of fauna habitat and disturbance to indigenous birds, lizards and bats, noise and vibration from machinery and the spread of pest and weed plant species due to earthworks.
- 6.24 The PDP report (Appendix 5) concluded that there are no threatened or at-risk plant species were found in the project corridor.
- 6.25 The Whirinaki Drain and surrounds provide foraging and roosting habitat for indigenous birds. Within the project corridor roosting habitat is limited to Pukeko nesting in stream margins.
- 6.26 Bats are known to have specific requirements in selecting roosting sites. Inspection of the tree species identified no potential bat roosting sites or evidence of roosting.
- 6.27 No lizard species were sighted within the project corridor which is consistent with the recent flooding being a substantial mortality event. There is a low likelihood of lizards skins and geckos being present in the project area.
- 6.28 For completeness, section 11 of the application should be referred to as it is not repeated here.

Conclusion on scale of effects

²¹ PDP, Appendix 5, page 38

- 6.29 In conclusion, it is considered that the potential adverse aquatic and terrestrial ecology effects are limited, and able to be effectively managed through the conditions of consent. These set out a process for ensuring that construction occurs in a manner that seeks to minimise impacts on ecological values, in line with the ecology principles.
- 6.30 The applicant has consulted with relevant tangata whenua and commissioned a CIA. How the CIA recommendations have influenced the application and proposed works is set out in Table 6 of the application. There is an ongoing opportunity for Maori Entities to be involved in the final design and construction processes through the CEMP and STAG provisions set out in the consent conditions.
- 6.31 The proposed works will result in increased flood levels on several properties. These impacts are relatively minor, affecting no-habitable buildings and horticultural areas already subject to flooding and risk of damage from flood carried debris.
- 6.32 The adverse effects of the non-OIC application will be **less than minor**.

8. RELEVANT NATIONAL POLICY STATEMENTS, NATIONAL ENVIRONMENTAL STANDARDS, POLICIES AND PLANS AND OTHER STATUTORY MATTERS

- 8.2 Relevant plans and policies are the:
- National Policy Statement (NPS),
 - National Environmental Standard (NES),
 - Regional Policy Statement (RPS),
 - Regional Resource Management Plan (RRMP),
 - Hastings District Plan (HDP).
- 8.3 The NES for freshwater (NES-F), intends to manage activities that relate to freshwater. The RPS and the RRMP relate to the proposal in the fact that they seek to achieve the integrated sustainable management of the natural and physical resources in the Hawke’s Bay region, to maximise certainty by providing clear environmental direction, and in relation to natural hazards to recognise the communities vulnerability and to lessen this where practical.
- National Policy Statement for Freshwater Management 2020 – Amended October 2024**
- 8.4 The NPS-FM has the objective of ensuring that natural and physical resources are managed in a way that prioritises the health and well-being of water bodies and freshwater ecosystems, Te Mana o te Wai, the health needs of people, and the ability of people and communities to provide for their social, economic, and cultural well-being.
- 8.5 The RMA was amended and s104 no longer requires consent authorities to have regard to certain specified provisions of the NPS-FM.
- 8.6 The following policies are considered as relevant to this application:
- Policy 1:** Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- Policy 2:** Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.
- Policy 4:** Freshwater is managed as part of New Zealand’s integrated response to climate change.
- Policy 15:** Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

- 8.7 The NPS-FM seeks to give effect to Te Mana o te Wai and ensure that Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.
- 8.8 The NPS-FM also seeks to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, or other maintained and improved. Freshwater is to be managed in an integrated way that considers the use and development of land on a whole of catchment basis, including effects on receiving environments.

NPSFM Considerations

- 8.9 The RMA was amended and Section 104(2F) added to prevent consent authorities from having regard to clause 1.3(5) or 2.1 of the NPS FM, which relate to the hierarchy of obligations.
- 8.10 This proposal is consistent with the objectives and policies of the NPS-FM because it will not cause degradation of water quality or adverse effects on freshwater ecosystems. All earthworks and sediment will be controlled to ensure that effects relating to the loss of sediment to the watercourses surrounding the project is avoided, remedied or mitigated.
- 8.11 The proposed works are required and will enable people to provide for their social, economic and cultural well-being by improving major flood mitigation protection in Whirinaki and cultural values have been identified and provided for.
- 8.12 Based on the above, it is considered that the proposal is consistent with the objectives and policies of the NPS-FM as it is unlikely to cause any significant degradation of water quality or adverse effect on freshwater ecosystems.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 – Amended 2023

- 8.13 The NES-F provides for management of activities that relate to freshwater, including through setting design standards for river crossings to ensure fish passage is maintained, and setting out requirements for management of effects on natural inland wetlands.
- 8.14 The NES does not have any specific objectives or policies. Regulations 58 – 74 require consideration of fish passage associated with works or structures in a bed and provision of specified information and conditions are recommended that reflect these requirements should any of the crossings covered by the regulations be used.
- 8.15 The applicant has identified some areas which contain wetlands but have not indicated any consent requirements under the NES in relation to works in the vicinity of natural inland wetlands, for example earthworks within 10 of a natural inland wetland. The ecological assessment concludes that effects on wetlands are not likely to occur. Council's indicative natural inland wetland maps also do not indicate the presence of any natural inland wetlands within the areas of work.

Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-DW)

- 8.16 Regulations 7 and 8 of the NES-DW relate to resource consents for water or discharge permits upstream of drinking water abstraction points, which supply no fewer than 501 people with drinking water, for not less than 60 days each calendar year. These regulations do not allow the granting of a discharge permit if it would adversely affect this drinking water supply.
- 8.17 There are no down-gradient drinking water supplies of the project site. The closest supply supplying more than 500 people is the HDC Whirinaki Bore (approximately 1400 m to the west). The project area is not within the Plan Change 9 specified Source Protection Zones, and not within the modelled source water protection extents of the HDC Whirinaki water supply bores.
- 8.18 The applicant does not expect the works to have an effect on the quality of the water supply at any abstraction point. Given the distance, nature of the 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.

8.19 Therefore, this resource consent can be granted, in accordance with sections 7 and 8 of the regulations.

8.20 Regulation 12 only applies to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 25 people with drinking water for not less than 60 days each calendar year.

8.21 As there are no registered drinking water supplies of this nature in close proximity to the proposed works and as the works will not occur within the SPZ, a condition of consent under Regulation 12 is not recommended.

Regional Policy Statement

8.22 The applicant provides an assessment of relevant planning provisions in section 11.4 of the application report. This is largely concurred with and is not repeated here.

8.23 The key Regional Policy Statement provisions relating to the proposed activity are listed below and summarised.

8.24 OBJ LW 1 and OBJ UD1 - relates to recognising and providing for river management and flood protection activities, and mitigating frequency of risk to people and property from natural hazards.

8.25 POL LW1A – relate to collaborative approach to working with freshwater bodies

8.26 POL 49 – management of stormwater and mitigation of effects of discharges on water quality.

8.27 OBJ 31 – Is particularly relevant and is *the avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood*. Related POL 55 is *to provide hazard mitigation measures, in particular flood mitigation measures, where the benefits can be shown to outweigh the costs and the identified beneficiaries can meet the costs*. And the associated anticipated environmental results is *natural hazard mitigation measures in place to minimise the risk to human safety and the environment from natural hazards*.

8.28 OBJ 32 – the development of physical infrastructure that supports people and communities and provides for their health and safety.

8.29 OBJ 34 & 35 and POL 59 – being the recognition and contribution of tikanga Maori values to sustainable development and to consult with Maori in a manner creating effective outcomes.

8.30 The activities as proposed are consistent with the RPS.

Regional Resource Management Plan

8.31 The Regional Resource Management Plan provisions relating to the proposed activity are stated below and summarised.

8.32 OBJ 40, POL 71 & 72 – relate to maintenance of water quality of specific rivers.

8.33 OBJ 42, POL 73 & 74 – relate to maintenance of water quantity of specific rivers.

8.34 The activities as proposed are consistent with the RRMP.

Tutāekurī, Ahuriri, Ngaruroro and Karamū (TANK) Proposed Plan Change 9

8.35 The subject site is not within the Proposed Plan Change 9 (TANK) catchments.

Regional Coastal Environment Plan

8.36 There is a very small part of this project that falls within the Coastal Margin where the RCEP applies. This is the tail of the stopbank adjacent to Pohutakawa Drive.

8.37 It is the proximity of these works to the Whirinaki Drain that triggers the need for resource consent. The most relevant objective in this case is Objective 13.1

Obj 13.1, Policy 13.1 and Policy 13.2 – relate to the maintenance or enhancement of the natural and physical resources, and use and values, of the beds of rivers.

Outstanding Water Bodies (OWB) Plan Change 7

8.38 Plan Change 7 (Outstanding Water Bodies (OWB)) became operative on 29 August 2025. OWB incorporates outstanding water bodies in the region into the RRMP. The Esk River and Whirinaki Stream are not identified as outstanding water bodies therefore, the OWB related provisions of the Regional Policy Statement provisions of the OWB are not relevant to this proposal.

Hastings District Plan

8.39 Assessment of the HDP provisions relating to the proposal are assessed separately by HDC. The HDC assessment has been provided separately to the Hearings Commissioner and should be referred to.

Section 104(c) Other Matters

8.40 It is worth noting that in late July 2023, an independent review was commissioned by HBRC to investigate the circumstances and contributing factors that led to flooding during Cyclone Gabrielle. The Hawke's Bay Independent Flood Review (HBIFR) presented their report, containing 47 recommendations, to HBRC Councillors on 24 July 2024²².

8.41 The report sets out that Cyclone Gabrielle (February 2023) caused record-breaking rainfall and catastrophic flooding across Hawke's Bay, with the Esk Valley among the most severely affected areas. The event resulted in loss of life, widespread property and infrastructure damage, and highlighted significant gaps in flood risk management and planning.

8.42 The review describes the existing Esk River and Whirinaki Drainage Schemes, drainage scheme (section 8.4.1) and highlights that there are no stopbanks within the Esk River scheme, and once a flood exceeds the 2-year return period the floodplain begins to be inundated. For the Whirinaki Scheme, it considered the performance of the existing stopbanks and recommended (section 8.4.2) a combination of scenarios be considered in the design of the flood-protection infrastructure being considered for the Whirinaki Resilience Project, which incorporates the works proposed under this application.

Section 105

8.43 Section 105(1) of the RMA states that where an application is for a discharge permit, to do something that would otherwise contravene sections 15 or 15B of the RMA, the Consent Authority shall have regard to:

- The nature of the discharge, the sensitivity of the receiving environment, and the applicant's reasons for making the proposed choice; and
- The applicant's reasons for the proposed choice; and
- Any possible alternative methods of discharge including discharge into any other receiving environment.

8.44 The nature of the discharge is addressed in section 11 of this report and the applicant's reasons for the proposed choice are addressed in section 2 of this report.

8.45 The receiving environment is the land and water within the Whirinaki Stream and Esk River catchments. The matters of control and recommended amendments to the conditions set out by Schedule 2 of the OIC 2024 and the proposed by the applicant are considered appropriate for managing any potential adverse effects of the activity.

²² [Report-of-the-Hawkes-Bay-Independent-Flood-Review-Digital-Version.pdf](#)

Section 107

8.46 Section 107 of the RMA states that:

“Consent authorities must not grant a discharge consent or coastal permit for the discharge, of either water or contaminants, into water, which after reasonable mixing are likely to give rise to the following effects in the receiving waters:

- a) *The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials*
- b) *Any conspicuous change in the colour or visual clarity*
- c) *Any emission of objectionable odour*
- d) *The rendering of fresh water unsuitable for consumption by farm animals*
- e) *Any significant adverse effects on aquatic life*

Unless there are exceptional circumstances which justify the effects or if the discharge is of a temporary nature, or if the discharge is associated with necessary maintenance work.”

8.47 The proposed discharge is considered unlikely to result in any of these effects and will be temporary in nature, occurring over the course of construction. Consent can therefore be granted.

RMA Part 2 Consideration

8.48 With regard to Part 2 of the RMA, the OIC application seeks to undertake works to sustainably manage the effects from natural hazards on communities and in doing so proposes to avoid, remedy or mitigate adverse effects associated with the activity. The applicant has undertaken consultation with local stakeholders in the proximity of the works, and in particular consulted with members of the local Piringa Hapū to identify matters of cultural significance and address those throughout the evolution of the proposal.

8.49 In the light of the above objectives and policies combined with the recommendations included in section 5 above, the activities overall are considered to be consistent with Part 2 of the RMA.

Statutory Acknowledgements

8.50 The Esk River and its tributaries are recognised as a statutory area as set out by the relevant sections of the Maungaharuru Tangitū Claims Settlement Act 2014 (MTCSA) and Ahuriri Hapū Claims Settlement Act 2021 (AHCSA). This statutory area falls within the Maungaharuru Tangitū Trust (MTT) and Mana Ahuriri (MAT) Areas of Interest.

8.51 In accordance with the provisions of the MTCSA and AHCSA, a summary of the application was sent to the trustees of Maungaharuru Tangitū Trust and Mana Ahuriri Trust on 17th September 2025. MTT provided a letter to HDC.

8.52 The Maungaharuru Tangitū Statement of Association for the Esk River states the following:

The Esk River is the official name of the awa (river). The name known to the Hapū is Te Wai-o-Hingānga. It is an extensive awa with its origins in the vicinity of Taraponui (this is the official name, it is known to the Hapū as Tarapōnui-a-Kawhea) high on Maungaharuru (the Maungaharuru Range). It flows south-east and exits at the entrance to the Esk valley into Tangitū (the sea). The importance of Te Wai-o-Hingānga to the Hapū lies in its status as one of the southern boundary markers of the takiwā (traditional area) of the Hapū and as a significant mahinga kai (food gathering place). The following statements of association relate to the awa.

Hapū kaumātua (elders) and kaikōrero (speakers) acknowledge the importance of Te Wai-o-Hingānga. The important status of the awa is recognised by the Hapū in their whaikōrero (formal speeches) on their marae and in waiata (songs).

Kōrero tuku iho - historical importance Prior to the 1931 Napier earthquake, Te Wai-o-Hingānga flowed towards Te Whanganui-ā-Orotu, the large Napier inner harbour. It had two exits. In those days, there was a large lagoon near the present river mouth. Part of the awa flowed into the sea from the lagoon. Another branch, called the Petane Stream, flowed southwards across the present day Petane Domain and into Te Whanganui-ā-Orotu near Te-Iho-o-te-Rei (also known as Quarantine Island). Following the earthquake and the uplifting of land, the Petane Stream was reduced to a trickle, and no longer exists today.

Alongside, and nearby Te Wai-o-Hingānga are kāinga (villages), pā (fortified villages) and wāhi tapu (sacred sites) attesting to the occupation of the Hapū, particularly Ngāi Te Ruruku. Te Wai-o-Hingānga provided a wealth of kai (food) to sustain the Hapū living at the pā at Nukurangi, Kapemaihi and Heipipi.

Nukurangi pā was located at the current mouth of Te Wai-o-Hingānga on the north side of the lagoon. Nearby is an urupā (burial ground) named Ararata – Mt Ararat, which is associated with Ngāi Te Ruruku.

Kapemaihi is another kāinga located south of the current river mouth, and was occupied by Ngāi Te Ruruku. It is known to have still been occupied in the 1840's when William Colenso visited and found that one of Te Ruruku's sons, Te Kariwhenua, was living there. In 1849 the pā shifted to Petane on the north side of the awa.

Further inland from Kapemaihi is the famous Heipipi pā. It is an ancient pā located on the Petane hills and was originally built by Te Koaupari, a Ngāti Marangatūhetaua (Ngāti Tū) ancestor. It was later inhabited by Tunuiarangi, the rangatira (chief) of Ngāti Whatumamoa, tohunga (high priest) and Ngāi Taura and Ngāti Tū ancestor. Tunui was descended from Tangaroa-i-te-Rupetu, the spiritual guardian of the sea and other water bodies and all that lives within them. As a result, Tunui possessed supernatural powers.

Cultural importance Prior to the earthquake, the Petane Stream was an excellent mahinga kai. It was a source of kākahi (fresh water mussels) and tuna (eels), with the tidal flats being an excellent place to spear tuna. Īnanga (whitebait) was particularly abundant. Kōura (fresh water crayfish) and kohitihiti (shrimps) were also collected. Kahawai and herrings made their way up the awa and were fished.

Hapū kaumātua have commented that Te Wai-o-Hingānga, in particular its river mouth, was the source of similar kai as the Petane Stream as well as pātiki (flounder) which were prolific. They also noted the tohu (signs) that were used to harvest kai. For example, the time to net inanga or ngaore (forms of whitebait) or kohitihiti, is when you see the whiro (willow) tree leaves appearing. Traditionally, Te Wai-o-Hingānga was an abundant food basket, with diverse ecosystems and species associated with those habitats.

- 8.53 MTT subsequently provided comments to HDC, focusing on ensuring their cultural input is included in the application and consent conditions, ensuring the conditions are clear and appropriate. and supporting Petane as the primary entity, separate from the Māori Representative Entities.
- 8.54 MTT have provided feedback to the applicant and are comfortable this was included in the consent application.
- 8.55 MTT remain a Relevant Māori Entity and will have the opportunity to participate in the STAG (condition 6). They will be able to nominate a representative and, with the other entities appoint a team of cultural monitors to assist them and provide advice to the consent holder (condition 4). The terms of reference for the Māori Entities Representatives are to be developed with the Māori Entities including scope, roles, responsibilities, timeframes and remuneration.
- 8.56 MTT asked for clarifications be made to some conditions of consent. It is considered that the process set out in conditions 4 and 6 provides an opportunity for many of these matters to be discussed and resolved through establishment of the terms of reference.

8.57 Other recommended amendments to the conditions help to address comments, for example concerning the need for ensuring fish passage.

8.58 The Ahuriri Hapū Statement of Association states:

Ahuriri Hapū refer to Esk River as Te Hukawai-o-Hinganga, which is so named because in early times the river was narrow and deep and with the faster flow of water it produced a froth (hukawai) which often gathered along the riverbank or was seen floating by. The waterway is also known by the name Waiohinganga. Rising in the Esk valley, the river runs southwards until veering eastwards where it flows around the base of the Heipipi hills. Originally, the river flowed into the northern end of Te Whanganui-ā-Orotu. As a result of the 1931 earthquake, the river's lower course was altered and today it flows out to the sea at a point just to the north of Le Quesne Road.

Traditionally, Ngāti Tū are associated with the Esk valley through which Te Hukawai-o-Hinganga runs.

The area around the mouth of Te Hukawai-o-Hinganga was the focal point of settlement when Ngāti Matepū, Ngāi Te Ruruku and Ngāti Tū returned from Nukutaurua in the 1830s. Initially the hapū occupied Kapemaihi pā at the northern end of the Te Whanganui-ā-Orotu. By 1849, those occupying the pa had moved to Poraaira (later named Pētane) just north of the present-day mouth of the river. Living communally in the Pētane district brought close connections between Ngāi Te Ruruku, Ngāti Tū and Ngāti Matepū. 5.4. The lower reaches of Te Hukawai-o-Hinganga formed part of the northeastern boundary of the 1851 Ahuriri purchase block.

9 RMA s95A and s95B Assessment

OIC Application

6.1 Section 9 of this report is not applicable to the OIC application, clause 14 of the OIC requires that an application made (under the OIC) must not give public notification or limited notification of the application under s95 of the RMA and must instead carry out consultation in accordance with clause 15.

Non-OIC Application

6.2 The 'non-OIC' application is for a discretionary activity and is subject to s95A and s95B assessment. Firstly, the s95A public notification assessment must be made. Mandatory public notification (s95A(2)) is not required as s95A(3)(a)-(c) are not applicable.

6.3 Preclusion of public notification in certain circumstances (s95A(4)) is not applicable as s95A(5)(a) & (b) do not apply and a determination as to whether public notification is required (s95A(7)) is necessary. Neither s95A(8)(a) or (b) apply, as the adverse effects of the proposal on the environment are not considered likely to be more than minor, therefore public notification is not required.

6.4 The nature and scale of adverse effects from the proposed activities are assessed in sections 4 and 6 of this report.

6.5 There are no special circumstances (s95A(9)) that warrant public notification. To conclude the s95A assessment, public notification is not required.

6.6 Where public notification is not required in accordance with s95A, assessment under s95B limited notification must then be made. Notification to certain groups and affected persons is not necessary as the parties listed in s95B(2) & (3) are not considered adversely affected under s95E.

6.7 It is noted that specific regard has been had to the potential effects on Treaty Settlement entities with statutory acknowledgment areas adjacent to the proposed area of works. No comments have been received by these groups to suggest that there will be adverse effects on them that have not already been identified through the CIA and consultation process and mitigated through

implementation of these recommendations in the design of the project and CEMP and STAG processes.

- 6.8 Some properties will have slightly higher flood levels during a 100-year flood event, taking climate change into account (see section 6 and 11.2 of the application, and Appendices 16 and 17). No feedback was received from any parties invited to comment under clause 15. Section 10.2.1 of the application explains that there is no change to the hazard classification for homes outside the Land Classification 3 area. For horticultural land, including an orchard next to Whirinaki Stream, the modelled flood level increase of 50–100mm is in addition to the existing flood depths, which are already between 500 and 1500mm, and for this property, a greater risk of damage is from debris and sediment carried by flood waters, which remains a significant risk with or without the proposed works in place.
- 6.9 Sections 95B(6)(a) & (b) do not apply and limited notification is not precluded. A determination as to whether certain other affected persons must be limited notified is required. Neither s95B(7) or (8) are considered to apply, therefore limited notification to certain parties is not required (s95B(9)).
- 6.10 In support of this there is an argument put by the applicant that the effect of realigning the stopbank to partly fall outside of the OIC area serves to lessen the impact of flooding. The application stated the following²³.
- 6.11 *“The realignment did not substantially change the findings and recommendations of the initial scoping assessments, however an updated flooding effects assessment was carried out. This determined that owing to the proposed alignment being set further back from the Whirinaki Drain, and there being more space for “out of river” flow and the conveyance of flood waters, there would be less consequential flooding effects compared with the initial concept within the OIC footprint – with the exception of the Pan Pac nursery, being the area providing the additional capacity.”*
- 6.12 PanPac provided written approval for the project²⁴ and reinforced this support through their comments on the project in response to the Clause 15(2)(b) invitation.
- 6.13 Finally, there are no special circumstances that warrant limited notification to any other persons (s95B(10)). To conclude the s95B assessment, limited notification is not required.
- 6.14 Given neither public notification in accordance with s95A or limited notification in accordance with s95B is required, it is recommended that the non-OIC application be processed on a non-notified basis.

9. Conditions of Consent

- 9.1 The applicant has proposed conditions of consent that relate to works both within the OIC footprint (subject to the conditions set out in Schedule 2 of the OIC 2024) and outside the OIC footprint (not restricted to the matters set out in Schedule 2 of the OIC 2024).
- 9.2 The proposed conditions agreed with have been included as Appendix 2 attached to this report and for ease of use combined for both the activities (OIC and non-OIC activities). Additionally, a suggestion has been made as to which consent authority each condition relates to, for compliance purposes.
- 9.3 Suggested changes are made, with comments to explain why these are recommended. Suggestions and comment received from HDC are also included.

²³ Strategy, pg 17

²⁴ Appendix 18: Written Approvals

10. Monitoring

10.1 The applicant has proposed monitoring conditions in accordance with Schedule 2 of the OIC 2024. The monitoring proposed is intended to:

- Support the Māori entities representatives undertaking their role
- Provide advice for access solutions across the stop bank
- Provide advice to those preparing the Communications Plan and Ecology Management Plan
- Provide the applicant with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural values
- Monitor the flood protection works during construction
- Develop and implement a communications plan for the duration of the construction works
- Monitor erosion and sediment control devices during construction
- Monitor construction works and remediation works, such as culvert removal, in relation to ecological effects (so that they may be avoided, remedied or mitigated).

Monitoring by Consent Holder

10.2 As previously mentioned, the applicant has proposed conditions relating to monitoring relating to the above matters. Appendix 7 of the OIC application contains an extensive list of conditions and should be referred to in full for completeness.

Monitoring by Council

10.3 In addition to the sampling and analysis to be carried out by the consent holder, HBRC staff will carry out the following monitoring:

- Site inspections during construction;
- Auditing of consent holder's compliance with conditions;
- Interpretation of monitoring data;
- Construction completion report;
- Annual monitoring report of ongoing mitigation etc.

10.4 Additional monitoring may be required if there is non-compliance or if monitoring indicates adverse effects are greater than anticipated.

11. Consent Duration

11.1 In accordance with clause 20 of the OIC 2024 (for activities within the OIC footprint) and in accordance with s123 of the RMA (for the activity not within OIC footprint), a duration of 5 years is recommended for the consents.

11.2 Once established, some of the ongoing activities may be accommodated by Rule 70 of the RRMP, which for example, provides for maintenance and repair of flood protection scheme assets by HBRC.

12. Conclusion

12.1 In conclusion, the recommendation of the reporting officer is that the resource consents, as attached, be granted to undertake flood protection works both within the delineated OIC footprint and outside the delineated OIC footprint at Whirinaki.

13. Recommendations

- 13.1 Clause 8 of the OIC requires applications made in accordance with the OIC be treated as a controlled activity. In accordance with the RMA 1991, resource consent applications (the OIC application) for controlled activities must be granted. In accordance with clause 10, only a hearings commissioner with delegated permissions may grant consent for an activity lodged in accordance with the OIC 2024.
- 13.2 For the above reasons, it is also recommended that the 'non-OIC' application be processed on a non-notified basis and granted in accordance with the RMA 1991 for a discretionary activity, subject to the conditions recommended and as shown in Appendix 2.

Recommending Planner	Approved By
	
Simon Moffitt Senior Regulatory Advisor POLICY AND REGULATION GROUP 29/10/2025	Paul Barrett Manager Consents POLICY AND REGULATION GROUP 29/10/2025

Appendices

1. Comment Summary and response
2. Proposed conditions of consent and recommended changes

APPENDIX 1 – COMMENTS SUMMARY AND RESPONSE

APP-131373– Clause 15(4) Summary of comments and response- Whirinaki

HDC RMA20250336 - Clause 15(4) Summary of comments and responses - Whirinaki

In accordance with clause 15 of the OIC 2024, notice was sent to listed parties (clause 15(2)(a)(i-x)) and they were given the opportunity to comment on the application, with the comment period beginning 19 September 2025 and closing 7 October 2025. During that comment window eight comments were received from invited parties. The comments are summarised below and responded to by HBRC and HDC where appropriate.

Comment Number	Comment From	Issues Raised	Relief Sought	Response to comment
1	Transpower New Zealand Ltd	Land disturbance and stockpiling near the National Grid	<p>Stockpile Area 2 is shown on Figure 18 'Laydown and Stockpile Area', in the Application. In order to comply with the required conductor to ground clearances, no fill or material shall be stockpiled or deposited so that the conductor to ground clearance is reduced to less than 8 metres. Additionally, Transpower does not support the stockpiling of materials or storage of equipment beneath the RDF-WHI-A or WRK-WHI-A National Grid transmission lines or within 12 metres of the outer most visible edged of any National Grid support structure foundations. In this regard, Stockpile Area 2 must be set back at least 12 metres from the aforementioned tower foundations.</p>	<p>Transpower's Wairakei-Whirinaki A(WRK-WHI-A) 220 kV National Grid transmission line and Redclyffe-Whirinaki (RDF-WHI-A) 200 kV National Grid transmission line traverse the section of the Pan Pac stopbank that will extend along the western side of Transpower's Whirinaki Substation and to the north of the substation.</p> <p>Consents sought from HBRC include for the discharge of solid contaminants (fill) within 20 m of a waterway, and so there will be areas where the discharge will occur in the vicinity of the transmission lines. It is therefore appropriate that the Transpower comments are considered in relation to that part of the proposed activity. There are other comments which do not relate to HBRC consent activities, eg earthworks in the Laydown and Stockpile Area and setback distances from tower foundations.</p> <p>It is recommended that reference is made to Transpower proximity restrictions to CEMP Condition 10.c)(v).</p> <p>An advice note is recommended that all proposed works must comply with the NZECP34: 2001 requirements.</p> <p>HDC Comments: The Hastings District Plan requires a setback of 12m (in all directions) from the transmission poles/towers as identified in Appendix 68, Figure 8. It is recommended that condition 10 c) vii) be amended to ensure the 12m setback required under the District Plan is maintained for the duration of the works.</p>
			<p>Transpower request that the project Construction Environmental Management Plan (CEMP) confirms the material to be stockpiled, the location and maximum height of the stockpile, mobile plant operation at the stockpile area, as</p>	<p>Condition 11)(f) requires the consent holder to provide a copy of the CEMP to the STAG of which Transpower is a member. No change to conditions is recommended.</p>

		well as how dust from the stockpile will be managed to avoid or minimise any adverse effects on the National Grid transmission lines and support structures.	<p>HDC Comments: Earthworks in association with Network Utility Operations are permitted activities but subject to meeting the general and specific performance standards specified in the District Plan. The proposal is being assessed under these provisions and relevant assessment criteria within and outside the OIC areas.</p>
	Mobile Plant Operation	In accordance with Section 5 of NZECP34: 2001, no mobile plant or large vehicles may come within 4 meters of the conductors of any transmission lines during construction. Accordingly, all machinery, mobile plant and vehicles operating within 12 metres of the transmission lines and traversing beneath the lines, shall be limited to a maximum reach height of 20 metres for the WRK-WHI-A transmission line and 8 metres for the RDF-WHI-A transmission line.	The operation of mobile plant is outside the scope of any HBRC consents. It is recommended that this matter is directly discussed between the applicant and Transpower and no change to the conditions is recommended.
	Access	Transpower has a right to access its existing assets under section 23 of the Electricity Act 1992. Vehicular access to the National Grid transmission lines and support structures shall be maintained during construction of the project and following construction activities so that maintenance works can be undertaken at all reasonable times and emergency works can be undertaken at all times.	<p>Access for Transpower is not a matter within the scope of HBRC consents. It should be agreed between the applicant and Transpower. No changes to conditions are recommended.</p> <p>An advice note is recommended that states that Transpower has a right to access its existing assets under section 23 of the Electricity Act 1992.</p> <p>HDC Comments: HDC agree with this approach.</p>
	Underground Fibre Cables	All land disturbance and excavation works shall be undertaken to avoid any damage to the underground fibre cables. Should either of Transpower's underground fibre cables need to be relocated as part of the proposed works, Transpower request to be involved in the relocation design, given these are critical to Transpower's operations.	<p>This is also not a matter within the scope of HBRC consents and no changes to conditions are recommended.</p> <p>HDC Comments: This is not within scope of the HDC consent and no change to conditions are recommended.</p>

		<p>Transpower do not have any concerns with the cables being buried at depth following construction of the stopbank, providing access to existing buried joint tubs is maintained. Transpower requests to review the detailed design drawings of the Whirinaki Stopbank and State Highway 2 / North Shore Road road raising works.</p> <p>Transpower also request accurate as built plans of the works located near the WHI_FOC_TR511 and WHL_WRA_TR320 cables are provided to Transpower, confirming the location and depth of its underground assets in reference to the stopbank and road raising.</p> <p>Transpower also request notification prior to the commencement of construction works and propose the following new condition –</p> <p>The consent holder shall provide Transpower NZ Ltd 10 working days’ notice in writing prior to commencing the proposed works.</p>	<p>Recommend an additional condition for as built plans to be provided to network utility operators on the STAG and for notice of works to be provided in advance as requested (added to condition 1B).</p> <p>HDC Comments: HDC agree with this approach as this will provide certainty moving forward of where these assets are located.</p>
	Whirinaki Substation Access	<p>Access must be maintained 24/7 to the Whirinaki Substation during works on State Highway 2 and North Shore Road. Transpower requests that the CEMP includes detail on proposed construction traffic movements on or around the Whirinaki Substation Transpower requests to be notified if the construction works will limit the size of vehicles able to access the substation at any stage during construction of the project.</p>	<p>This is also not a matter within the scope of HBRC consents and no changes to conditions are recommended.</p> <p>The condition sought by Transpower about access is not recommended. An advice note is recommended instead.</p> <p>HDC Comments: HDC agree with the approach taken by HBRC. The CEMP at condition 10 c) vi) addresses the site access and on-site traffic management, including haulage routes.</p>
	Whirinaki Substation Dust Management	<p>Discharges of dust from construction activities undertaken near the Whirinaki Substation (and National Grid transmission lines and support structures) can settle on the National Grid assets and affect the operation of insulators and transmission equipment at the Substation. Dust discharges during construction of the stopbank must be appropriately managed.</p> <p>Transpower request that the CEMP clearly sets out how any dust generated during the construction will be managed to mitigate potential adverse effects on the National Grid assets.</p>	<p>This is provided in the CEMP Condition 10 (c)(ix). dust management measures. This also references condition 16.</p> <p>An amendment to the CEMP (condition 10) in relation to dust is recommended so that it includes consideration specifically of the impact of dust on the transmission lines/assets</p> <p>HDC Comments: While not within scope of HDC consenting, HDC agree with this approach as it will protect important national infrastructure.</p>

		Whirinaki Substation Detailed design and construction	<p>Transpower request to be kept informed during the detailed design phase of the works in proximity to the substation and to be provided the opportunity to provide comment on any works near the Transpower assets, including being provided with a copy of the Final Design Report and CEMP.</p>	<p>The CEMP is to be provided to the STAG, of which the network utility providers are members. The invite to the STAG must be provided to the STAG at least 20 working days before construction begins. The draft CEMP must be provided allowing 10 days for comment before finalising and the final CEMP must be provided to the group at least five working days before works begin. The CEMP (and any amendments to it) must be finalised after taking into account comments from STAG members.</p> <p>This is considered an appropriate process and forum for this exchange of information and views, without the need to change conditions 1B or 10 in relation to the final design and CEMP respectively. It is recommended that condition 10(a)(iii) and 11(f) are amended to require that the final design report/plans are provided to STAG members with the CEMP and any amendments.</p> <p>Transpower also requested that the following condition be added to the CEMP:</p> <p>xxiii) The CEMP shall include a chapter that details the construction methods and management procedures to be implemented on site so that works near the National Grid are undertaken safely and potential adverse effects on the National Grid assets are appropriately managed. This chapter must include the following (but is not limited to):</p> <ul style="list-style-type: none"> a) The name, experience and qualifications of the person/s nominated by the consent holder to supervise the implementation of, and adherence to, the CEMP. b) Construction drawings, plans, procedures, methods and measures to demonstrate that all construction activities undertaken on the site will meet the safe distances within the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001) or any subsequent revision of the code, including (but not limited to) those relating to: <ul style="list-style-type: none"> i) Excavation and Construction near National Grid support structures (Section 2); ii) Building to conductor clearances (Section 3); iii) Ground to conductor clearances (Section 4); iv) Mobile Plant to conductor clearances (Section 5); and v) People to conductor clearances (Section 9). c) Construction drawings and methods for the management of land disturbance activities around Transpower’s underground fibre cables. d) Details of any areas that are “out of bounds” during construction and/or areas within which additional management measures are required, such as fencing off, entry and exit hurdles, maximum height
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				<p>limits, or where a safety observer may be required (a safety observer will be at the consent holder's cost).</p> <p>e) Detail the operation and management of stockpile areas located within 50 metres of the National Grid, including the material to be stockpiled, the location and maximum height of the stockpile, mobile plant operation at the stockpile area and dust management.</p> <p>f) Detail the construction traffic management measures that will be implemented to maintain access to the National Grid transmission lines, support structures and Whirinaki Substation during construction activities.</p> <p>g) Demonstrate how the effects of dust (including any other material potentially resulting from construction activities able to cause material damage beyond normal wear and tear) on the National Grid transmission lines, support structures the Whirinaki Substation will be managed.</p> <p>h) Demonstrate how construction activities that could result in ground vibrations and/or ground instability will be managed to avoid causing damage to the transmission lines, support structures, and Whirinaki Substation.</p> <p>i) Details of proposed contractor training for those working near the transmission lines.</p> <p>The CEMP shall be provided to Transpower via - Transmission.Corridor@transpower.co.nz</p> <p>All construction activities near the National Grid shall be undertaken in accordance with the CEMP.</p> <p>While there may be some merit in including some of these suggested changes, they do not seem to relate to the matters for which consent is sought from HBRC. It is also noted that Transpower will have the ability to be involved in the development of the CEMP through the STAG process.</p> <p>HDC Comments: HDC agree with this approach and proposed amendments to conditions</p>
2	DoC	Freshwater: the value of the upstream catchment as high quality habitat.	Condition 18 that a specialist freshwater ecologist design any fish passage mitigation structures.	<p>The applicant was asked advised that Dr Andy Hicks (Ecologist) will be the project ecologist. Condition 18 requires that the ecologist have experience in fish passage. As above, a change to condition 11e) is recommended along with a similar change to condition 19b). No other changes are considered necessary.</p> <p>HDC Comment: Not within scope of HDC consenting.</p>

			<p>Proposed that condition 18d) regarding permanent fish passage structures should also apply to temporary works.</p>	<p>The application states that provision is sought for two temporary crossings as shown in Figure 19, and that:</p>
			<p>Condition 18e) sets out the requirements for the design of all culverts. DOC promotes this should include the provision of fish passage in accordance with the NZ Fish Passage Guidelines.</p>	<p>“The preference is for these crossings to be via a temporary bridge. If this is not practicable, culverts may need to be installed to form the crossings. Taking fish passage into account, PDP has recommended any culverts crossing should adhere to the following:</p> <ul style="list-style-type: none"> • Culverts should be open bottom or embedded 25%, and • Culverts should span should be 1.2 x bank full width + 0.6m (for Whirinaki Stream (bed width 1.5 – 2.5 m), this can be achieved with a 2.4 – 3.6 m diameter culvert).”¹ <p>The application explains that the possible need for one or both temporary crossings will be addressed through an amendment to the Construction Environmental Management Plan (CEMP), under Condition 11. It also notes that changes to conditions 18 and 19 are proposed to allow a temporary culvert to be installed using the same process as for a permanent culvert, following consent approval.</p> <p>It is recommended that conditions 11e) and 19b) refer to an ecologist with fish passage experience. This may be the Project Ecologist.</p> <p>While providing for fish passage at all times is preferred, it may be appropriate for a temporary crossing to not fully provide for fish passage because of the short duration of effects.</p> <p>It is recommended that condition 19b) be amended so that it does not apply to permanent crossings and refers to temporary crossings only. It is also recommended that condition 19c)i) require the consent holder to provide justification as to why not providing for fish passage at a temporary culvert is the best practicable option.</p> <p>If fish passage is not provided, an approval may be required from DOC and an advice note is recommended to this effect.</p> <p>HDC Comment: Not within scope of HDC consenting.</p>
			<p>Condition 18d) sets out the requirements for the implementation of the effects management hierarchy in relation to managing stream loss where threatened or at-risk species are present. This condition needs to be clear that this</p>	<p>Attention will be required to control sediment movement and to revegetate and rehabilitate the site. Condition 18 d) requires that the effects management hierarchy is applied if there is stream loss from permanent works. There should be no permanent stream loss.</p>

		should be carried out in accordance with the effects management hierarchy set out in the NPS-FM.	Changes proposed to condition 18b) by the applicant make reference to the ecology plan rather than ecology principles. It is recommended that the reference to ecology principles as set out by the OIC schedule of conditions remain as it will ensure that consideration of the effects management hierarchy occurs. HDC Comment: Not within scope of HDC consenting.
		The intent of condition 19 does not align with freshwater control (b), which requires provision for the passage of fish. Currently clause (b) of the condition provides the project ecologist with the discretion of providing fish passage. It is the DOC request that this clause is removed.	
	Sedimentation and Contamination Controls	DOC is of the view that clause 15(a)(iii) provides a timeframe for incident reporting that is too lengthy in the scenario of failure or erosion and sediment control measures. Recommended that this should be reduced to 3 working days.	Condition 15 requires immediate notification of HBRC via the Pollution Hotline. The seven day incident reporting provides for thorough investigation and consideration of learnings from the incident. No changes to the condition are recommended. HDC Comment: HDC do not have a dedicated pollution officer so this function will fall to the Compliance Manager in the first instance. It is recommended that condition 15 a) iii) be amended accordingly.
	Bats	Bats have been adequately considered; DOC supports the following steps which have been proposed: <ul style="list-style-type: none"> •Following the Bat Recovery Group Protocols for minimising the risk of felling occupied bat roosts. •Only tree species located directly within the construction footprint should be felled. •Replacement of removed vegetation with suitable indigenous species. 	This supports the proposed conditions. These steps are identified in the Ecological Impact Assessment. These steps are not specifically set as conditions, but these protocols are expected to be included as part of the Ecological Management Plan (EMP). Condition 28 lists “procedures for managing bats prior to felling trees that have bat roosting features” as a matter that must be included in the EMP. HDC Comment: Not within scope of HDC consenting.
		In relation to deciding on replacement of removed vegetation, DOC recommends to use of the following advice note in deciding the replacement vegetation: Advice Note – Any Planting plan should have regard to the New Zealand Bat Recovery Group advice note - Planting to provide roosts for bats in the long term.	A planting plan is a matter that is to be included in the EMP. This can be included as an advice note. HDC Comment: HDC agree with this approach.
		The AEE proposes to omit Condition 27 from the final decision, as the outcomes intended to inform design, ecological management/mitigation, and implementation have already been achieved through the Ecological Scoping Assessment prepared by PDP. DOC, subject to the aforementioned wording changes, considers this appropriate, as pre-felling surveys are provided for under Condition 28(a)(i).	This supports the removal of condition 27 as the scoping assessment has been done.
		Condition 28 outlines procedures for managing bats prior to felling trees with potential roosting features. However, its implementation does not require compliance with the Bat	Condition 28 could be amended to read as follows:

			Recovery Group Protocols for minimising the risk of felling occupied bat roosts. It is recommended this document should be directly referenced.	<p>“Procedures for managing bats prior to felling trees that have potential bat roosting features, that are consistent with the Bat Recovery Group Protocols. “</p> <p>HDC Comment: Not within scope of HDC consenting.</p>
		Other Statutory Approvals	The applicant should note that other approvals under the Freshwater Fisheries Regulations 1983 may be required relating to the placement of structures or culverts within a stream.	This can be included as an advice note.
3	Pan Pac Forest Products	Fully supportive of the project	Pan Pac is fully supportive of the project, and we will work with HBRC and the successful contractors to ensure the scheme is delivered safely and efficiently with appropriate environmental management practices.	Supportive of the project.
			A significant amount of construction work will take place on our Whirinaki site, it is important that work is planned in collaboration with the Pan Pac Health, Safety and Environmental team to ensure our staff and contractors are protected from harm along with our environment.	A matter for discussion by the applicant with Pan Pac or STAG.
			It is crucial that the industrial section of the flood protection scheme is built to provide 1:500-year level of service and protection from future weather events.	Between Pan Pac and the applicant.
4	Powerco	Underground gas main	<p>Powerco provided a schedule of requirements in regard to construction in proximity to the gas main</p> <ul style="list-style-type: none"> Existing cover of the gas main was confirmed by potholing as 1.0 m. Cover on the gas main will not exceed 3.2 m. Gas main to remain on the edge of the road not in the live lane. No barriers or retaining walls to be built over the alignment of the gas main. Any excavation below current ground level needs to be notified. Advise and share final design plans, a contact liaison and an expected timeframe when work will commence. <p>Confirm ASAP if any of the above requirements can't be met by contacting Powerco.</p>	<p>This is generally a design / construction matter, and will need to be discussed when detailing the works through the STAG group and CEMP finalisation process. Recommendations on notice and design plans being provided and made in relation to the Transpower comments above are also relevant to this comment.</p> <p>No additional condition required from HBRC consenting perspective.</p>
Comment received late (21/10/2025 1:42pm)				
	NZTA	s.176 Request to undertake a project	Thanks for inviting New Zealand Transport Agency Waka Kotahi (NZTA) to comment on the resource consent application for the Whirinaki Flood Protection Project. I apologise for the delays	No response required and no recommended amendment to conditions

		<p>within the SH 2 designation</p>	<p>coming back to you with our comments.</p> <p>NZTA has been engaging with the project team at HBRC, and an agreement is currently being developed between NZTA and HBRC that will outline NZTA's responsibilities and scope across the design and planning phase, construction stage, the completion, and handover of works. Our network engineers will continue to engage closely in alignment with that agreement to ensure smooth coordination and delivery.</p> <p>NZTA has now received a s176 request to undertake the project within our designation for SH2 and we are currently processing that application.</p>	
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APPENDIX 2 – CONDITIONS PROPOSED BY APPLICANT AND RECOMMENDED CHANGES

Conditions	
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Overarching Condition Number and the Consent Authority to manage compliance	Proposed by Applicant (amendments underlined in blue proposed by applicant on 30 April 2025)	Suggested changes from applicant's proposed conditions or additional conditions by HBRC in red	HBRC and HDC Comment (No comment from HDC represents general agreement with proposed changes to conditions and comments from HBRC)
1. HBRC	<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> <p>i. <u>Whirinaki Drain Stopbank Upgrade Design Report, 9 September 2025, Job Ref HB010500006</u> consent authority to complete;</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>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> <p>i. <u>Resource Consent Application for Flood Mitigation Works, 15 September 2025, Stradey (24091AP1)</u></p> <p>ii. <u>Whirinaki Drain Stopbank Upgrade Design Report, 9 September 2025, PDP, Job Ref HB010500006</u> consent authority to complete;</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>Clause 17(3) of the OIC 2024 specifically prohibits the consent authority from making amendments to the condition in clause 1 of Schedule 2. For completeness, it is recommended that additional key document that was provided is referenced.</p>
1B HBRC	<p><u>Tracking changes in the design process</u></p> <p>a. <u>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 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.</u></p> <p><u>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.</u></p> <p><u>The Final Design Report shall be provided to the Hawke's Bay Regional Council (Manager Compliance) prior to construction commencing.</u></p>	<p><u>Tracking changes in the design process</u></p> <p>a. <u>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, 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.</u></p> <p><u>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.</u></p> <p><u>The Final Design Report shall be provided to the Hawke's Bay Regional Council (Manager Compliance) and network utility operators (includes HDC) with network infrastructure or other facilities on the land on which the flood protection works are</u></p>	<p>The proposed change is to meet the Transpower request to be kept informed during the detailed design phase of the works in proximity to the substation and to be provided the opportunity to provide comment on any works near the Transpower assets, including being provided with a copy of the Final Design Report (and plans). It is noted that Transpower will also be invited to the STAG group and will receive the chance to comment on the CEMP and any amendments to the CEMP before they are finalised. The 5 WD timeframe aligns with condition 10 (CEMP).</p> <p>HDC comment: HDC propose amendment to Condition 10 c) vii) to secure the protection of the</p>

		<u>carried out on any adjoining land at least 5 working days prior to construction commencing.</u>	National Grid support structure foundations and the asset owned by Transpower on the application site.
1C	<p><u>Temporary Rooding By-passes</u></p> <p>a. <u>The temporary rooding by-passes (to be undertaken as ‘establishment of construction site’ works) shall be established and managed in accordance with the following erosion and sediment control plans:</u></p> <p>i. <u>Hawkes Bay Regional Council, Draft Erosion Sediment Control Plan, Temporary Bypass Road, 24-05-04-M101, REV A.</u></p> <p>ii. <u>Temporary Bypass Road ESCP Plan North Shore Road, SK-001, REV A.</u></p> <p>b. <u>In relation to the State Highway 2 temporary rooding by-pass, trees that have the potential for bat roosting shall undergo a tree survey prior to felling. The survey must be undertaken by a suitably qualified person.</u></p> <p>c. <u>Trees confirmed to be bat free must be removed the same day or as otherwise advised by the person undertaking the survey.</u></p>		The Powerco gas main runs alongside SH2. It will be crossed by the temporary by-pass. Attention will need to be paid to this and the requests of Powerco to be informed. Condition 1 B as amended should assist. Effects on Powerco are generally District plan matters.
2. HBRC & HDC	<p>Duration of resource consent</p> <p>a. The period for which this resource consent has been granted is feconsent authority to insert date that is not more than 5 years} after the date of commencement of the consent.</p> <p>b. This resource consent lapses on feconsent authority to insert date that is no later than 2 years after date of commencement of consent}</p> <p>.</p>	<p>Duration of resource consent</p> <p>a. The period for which this resource consent has been granted is feconsent authority to insert date that is not more than 5 years} after the date of commencement of the consent.</p> <p>b. This resource consent lapses on <u>30 October 2027</u> feconsent authority to insert date that is no later than 2 years after date of commencement of consent}.</p>	<p>Clause 21 of the OIC provides that a consent granted under the OIC must lapse no later than 2 years after the date of commencement.</p> <p>HDC Comment: For the areas outside the OIC, the application is assessed in accordance with the RMA and the lapse date under s.125 for areas outside the OIC footprint is 5 years following the decision.</p> <p>It is recommended that the lapse date for the resource consent (b) be 30 October 2027.</p>
3.	<p>Definitions</p> <p>CEMP means the Construction Environment Management Plan required by condition 10 of this schedule</p>	<p>Definitions</p> <p>CEMP means the Construction Environment Management Plan required by condition 10 of this schedule <u>consent</u>.</p>	It is considered that ‘construction works’ includes the construction and removal of river crossings.

<p>PUCEMP means the Petane Urupa Construction Environment Management Plan required under condition 10B of this schedule.</p> <p>construction works— 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— preliminary activities such as planning, recruitment, site investigation, establishment of construction site, soil sampling; and subsequent activities such as site clean-up and ongoing maintenance of infrastructure, plant, and landscaping until the flood protection works are completed; and ongoing administrative and operational activities such as monitoring and reporting until the flood protection works are completed.</p> <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 condition 5 of this schedule</p> <p>cultural monitors means the cultural monitors appointed by relevant Māori entities under condition 4(c) of this schedule</p> <p>earthworks principles means the principles set out in condition 12 of this schedule</p> <p>ecology principles means the principles set out in condition 26 of this schedule</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 condition 13(a) of this schedule</p> <p>ESCP means an erosion and sediment control plan prepared under condition 14 of this schedule</p> <p>HBRC means Hawke’s Bay Regional Council</p> <p>HBRC Erosion and Sediment Guidelines means the <i>Hawke’s Bay Regional Council Waterway Guidelines: Erosion and Sediment Control</i>, published by HBRC in April 2009</p>	<p>PUCEMP means the Petane Urupa Construction Environment Management Plan required under condition 10B of this schedule consent.</p> <p>construction works— 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— preliminary activities such as planning, recruitment, site investigation, establishment of construction site, soil sampling; and subsequent activities such as site clean-up and ongoing maintenance of infrastructure, plant, and landscaping until the flood protection works are completed; and ongoing administrative and operational activities such as monitoring and reporting until the flood protection works are completed.</p> <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 condition 5 of this schedule consent</p> <p>cultural monitors means the cultural monitors appointed by relevant Māori entities under condition 4(c) of this Consent</p> <p>earthworks principles means the principles set out in condition 12 of this schedule consent</p> <p>ecology principles means the principles set out in condition 26 of this schedule 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 condition 13(a) of this schedule consent</p> <p>ESCP means an erosion and sediment control plan prepared under condition 14 of this schedule 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 Waterway Guidelines: Erosion and Sediment Control</i>, published by HBRC in April 2009</p>	
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	<p>HBRC Pest Management Plan means the <i>Hawke’s Bay Regional Council Regional Pest Management Plan 2018-2038, published by HBRC in February 2023</i></p> <p>HBRC River Control Code means the <i>Hawke’s Bay Regional Council Environmental Code of Practice for River Control and Waterway Works, published by HBRC in February 2017</i></p> <p>HBRC Stormwater Management Guidelines means the <i>Hawke’s Bay Regional Council Waterway Guidelines: Stormwater Management, published by HBRC in May 2009</i></p> <p>Manager Compliance means the person employed by HBRC as manager of compliance</p> <p>Māori entity representative means a person appointed as a representative under condition 4 of this schedule</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 suitably qualified and experienced ecologist appointed by the consent holder</p>	<p>HBRC Pest Management Plan means the <i>Hawke’s Bay Regional Council Regional Pest Management Plan 2018-2038, published by HBRC in February 2023</i></p> <p>HBRC River Control Code means the <i>Hawke’s Bay Regional Council Environmental Code of Practice for River Control and Waterway Works, published by HBRC in February 2017</i></p> <p>HBRC Stormwater Management Guidelines means the <i>Hawke’s Bay Regional Council Waterway Guidelines: Stormwater Management, published by HBRC in May 2009</i></p> <p>Manager Compliance means the person employed by HBRC as manager of compliance</p> <p>Māori entity representative means a person appointed as a representative under condition 4 of this schedule 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 suitably qualified and experienced ecologist appointed by the consent holder</p>	
	Engagement And Communications		
4. HBRC	<p>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 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; and ii. provide advice to those preparing the Communications Plan 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>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 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; and ii. provide advice to those preparing the Communications Plan, 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>Determining that the team of cultural monitors is ‘appropriately’ sized and compliant with the condition may be challenging for council compliance staff. The OIC wording is silent on the size of the team, and determining what is an ‘appropriate’ size would seem to have been intended to fall into the matters considered in developing the terms of reference (d) to f), with a suggested change to d)ii) to make this a clear consideration when establishing the team.</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 scope of the representatives' role and responsibilities: ii. time frames for decisions, advice, and actions: iii. support for the representatives: iv. 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. 	
5. HBRC	<p>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 tūpuna, 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 and Ecology Management Plan all plans required by these conditions;</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. 	<p>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 tūpuna, 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, and Ecology Management Plan all plans required by these conditions;</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. 	
6. HBRC	<p>Stakeholder advisory group</p> <p>a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the stakeholder advisory group.</p>	<p>Stakeholder advisory group</p> <p>a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the stakeholder advisory group.</p>	<p>No individual land owners made comments. Category 2C Land property owners will be represented on STAG by b) iii). No one who remains within the are not protected by the</p>

	<p>b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group:</p> <ul style="list-style-type: none"> i. the owners and occupiers of land on which the flood protection works are carried out (referred to as 'immediately affected' in and all adjoining land Schedule 1): ii. all persons listed in who made comments under clause 15(2)(a)(ii)-(vi) and (viii)-(x) of the OIC and any owner or occupier of land referred to as 'immediately adjoining' in Schedule 1 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 Manager Compliance: v. Heritage New Zealand Pouhere Taonga: vi. the Department of Conservation: vii. the Māori entities representatives: viii. One representative from the group of residents along 21 – 35 North Shore Road and one representative from the group of residents along 36 North Shore Road and 5 – 41 Pohutukawa Drive. <p>c) The consent holder must issue the invitations at least 20 days before the flood protection works begin.</p> <p>d) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group.</p> <p>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.</p> <p>f) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following:</p> <ul style="list-style-type: none"> i. frequency of meetings: ii. processes and methods for the performance of the group's role. <p>g) In developing the terms of reference, the consent holder must—</p> <ul style="list-style-type: none"> i. convene discussions with all members of the group; and 	<p>b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group:</p> <ul style="list-style-type: none"> i. the owners and occupiers of land on which the flood protection works are carried out (referred to as 'immediately affected' in and all adjoining land Schedule 1): ii. all persons listed in who made comments under clause 15(2)(a)(ii)-(vi) and (viii)-(x) of the OIC and any owner or occupier of land referred to as 'immediately adjoining' in Schedule 1 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 Manager Compliance: v. Heritage New Zealand Pouhere Taonga: vi. the Department of Conservation: vii. the Māori entities representatives: viii. One representative from the group of residents along 21 – 35 North Shore Road and one representative from the group of residents along 36 North Shore Road and 5 – 41 Pohutukawa Drive. <p>c) The consent holder must issue the invitations at least 20 days before the flood protection works begin.</p> <p>d) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group.</p> <p>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.</p> <p>f) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following:</p> <ul style="list-style-type: none"> i. frequency of meetings: ii. processes and methods for the performance of the group's role. <p>g) In developing the terms of reference, the consent holder must—</p> <ul style="list-style-type: none"> i. convene discussions with all members of the group; and 	<p>stop banks will be represented as none of these parties commented. They could still be appointed by the applicant under 6 d).</p>
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	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	
7. HBRC	<p>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. 		
8. HBRC	<p>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. 		
9. HBRC	<p>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: 	<p>munications 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: 	<p>Condition 9 d i) the communications plan needs to be reviewed by the Manager Compliance and 10 days is considered an appropriate minimum timeframe for this</p>

	<ul style="list-style-type: none"> 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> <ul style="list-style-type: none"> i. the initial communications plan at least 520 working days before construction works begin; and ii. any amended plan, as soon as practicable after the amendment. 	<ul style="list-style-type: none"> 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> <ul style="list-style-type: none"> i. the initial communications plan at least 10520 working days before construction works begin; and ii. any amended plan, as soon as practicable after the amendment. 	
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN			
10. HBRC and HDC	<p>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 the flood protection <u>construction</u> works <u>(excluding those associated with the Petane Urupa which are to be subject to the Petane Urupa Construction Environmental Management Plan)</u>; and 	<p>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 the flood protection <u>construction</u> works <u>(excluding those associated with the Petane Urupa which are to be subject to the Petane Urupa Construction Environmental Management Plan)</u>; and ii. not less than 5 working days before the <u>construction</u> works begin, submit the CEMP <u>and the final design</u> 	<p>Transpower restrictions (setback distances from National Grid assets) apply to siting of stockpile areas (condition(c)(iv)), maintaining access during construction (condition(c)(vi)), works in proximity to powerlines and fibre optic cables. (Condition c) (v)(4)) and managing the potential effect of dust from construction on the operation of insulators and transmission equipment (condition(c)(ix)).</p>

	<ul style="list-style-type: none"> ii. not less than 5 working days before the 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 the indicators in condition 5(a) have been taken into account, or if not, why not. under condition 5(b)(iii) of this schedule. iv. indicative timing of all stages of the flood protection works and the location and management of stockpile areas: v. procedures for the management of hazards, including— <ol style="list-style-type: none"> 1. any risk of flood; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons); and 3. working in the proximity of overhead powerlines: vi. arrangements for site access and on-site traffic management including haulage routes: vii. procedures for managing public health and safety, including restrictions on public access to work sites and the river: viii. A Contamination Site Management Plan responding to the matters identified in the Preliminary Site Investigation at Whirinaki Stop Bank, 2 July 2025, and including, but not limited to: <ul style="list-style-type: none"> i. Appropriate management of earthworks, ii. Hygiene controls. iii. PPE, 	<ul style="list-style-type: none"> report 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 the indicators in condition 5(a) have been taken into account, or if not, why not. under condition 5(b)(iii) of this schedule. iv. indicative timing of all stages of the flood protection works and the location and management of stockpile areas v. procedures for the management of hazards, including— <ol style="list-style-type: none"> 1. any risk of flood; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons); and 3. working in the proximity of overhead powerlines and National Grid assets: vi. arrangements for site access and on-site traffic management, including haulage routes, vii. procedures for managing public health and safety, including restrictions on public access to work sites and the river and how a 12m setback control from the outer most visible edge of the National Grid support structure foundations, on the land legally described as INDUSTRIAL PORTION PO 4500025484, for material stockpiles will be managed (demarcation of the 12 metre setback shall be visible on site). viii. A Contamination Site Management Plan responding to the matters identified in the Preliminary Site 	<p>The amendment to a)ii satisfies the request of Transpower to be provided with final design plans. A change to condition 5 v. 3. reflects Transpower request for consideration of proximity restrictions near their assets.</p> <p>An advice note recommended that all proposed works must comply with the NZECP34: 2001 requirements.</p> <p>An advice note is also recommended that states that Transpower has a right to access its existing assets under section 23 of the Electricity Act 1992.</p> <p>HDC Comments: The Hastings District Plan requires a setback of 12m (in all directions) from the transmission poles/towers as identified in Appendix 68, Figure 8. The amendment to condition 10 c) vii) will ensure the 12m setback required under the District Plan is maintained for the duration of the works and the National Grid structure is protected.</p>
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	<ul style="list-style-type: none"> iv. Dust management, v. Stormwater controls, vi. Offsite disposal of soils, vii. Accidental discovery protocols. ix. dust management measures (see condition 16 of this schedule): 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): 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 authority on the outcomes of, and compliance with, the CEMP: xiv. any ESCP (see condition 14 of this schedule): xv. how works in or adjacent to water bodies will be managed: xvi. how any river gravel extraction or land-based borrow sites will be managed: xvii. how noise and vibration generated by the works will be managed: xviii. the landscaping plan (if any) prepared under condition 24 of this schedule: an outline of key procedures how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or from the ecology management plan prepared under condition 28 of this schedule affecting construction: xix. details of how the ecology principles will guide environmental outcomes: xx. cultural and archaeological artefact discovery protocols (see clause 29 of this schedule) or reference to an Authority where applicable: xxi. methods for responding to queries and complaints: 	<p>Investigation at Whirinaki Stop Bank, 2 July 2025, and including, but not limited to:</p> <ul style="list-style-type: none"> i. Appropriate management of earthworks, ii. Hygiene controls. iii. PPE, iv. Dust management, v. Stormwater controls, vi. Offsite disposal of soils, vii. Accidental discovery protocols. ix. dust management measures (see condition 16 of this consent schedule) including to mitigate potential adverse effects on the National Grid assets.: 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): 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 authority on the outcomes of, and compliance with, the CEMP: xiv. any ESCP (see condition 14 of this consent schedule): xv. how works in or adjacent to water bodies will be managed: xvi. how any river gravel extraction or land-based borrow sites will be managed: xvii. how noise and vibration generated by the works will be managed: xviii. the landscaping plan (if any) prepared under condition 24 of this schedule: an outline of key procedures how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or from the ecology management plan prepared under condition 28 of this consent schedule affecting construction: 	
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	<p>xxii. procedures for amending the CEMP under condition 11 of this schedule.</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>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 consent 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 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><i>Advice note: Proposed works must comply with the NZECP34: 2001 requirements, where relevant. Transpower and other electricity network owners/operators have a right to access its existing assets under section 23 of the Electricity Act 1992. These matters should be discussed and agreed with network operators through the STAG and CEMP finalisation process.</i></p>	
<p>10B HBRC and HDC</p>	<p>Petane Urupa Construction environmental management plan</p> <p>a. The consent holder must—</p> <p>i. prepare a construction environmental management plan for the construction works associated with the Petane Urupa; and</p> <p>ii. not less than 5 working days before the construction works begin, submit the PUCEMP to the consent authority and the stakeholder advisory group.</p> <p>b) The level of detail and the measures proposed in the PUCEMP must correspond with the nature and scale of the construction works.</p> <p>c) The PECEMP must include the following information:</p> <p>i. the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager;</p> <p>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;</p> <p>iii. procedures, developed in partnership with the Māori Entity Representatives, for—</p>	<p>Petane Urupa Construction Environmental Management Plan (PUCEMP)</p> <p>a. The consent holder must—</p> <p>i. prepare a construction environmental management plan for the construction works associated with the Petane Urupa; and</p> <p>ii. not less than 5 working days before the construction works begin at or in the vicinity of the Petane Urupa site; submit the PUCEMP to the consent authority and the stakeholder advisory group.</p> <p>b) The level of detail and the measures proposed in the PUCEMP must correspond with the nature and scale of the construction works.</p> <p>c) The PUCEMP must include the following information:</p> <p>i. the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager;</p> <p>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;</p> <p>iii. procedures, developed in partnership with the Māori Entity Representatives, for—</p>	

	<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 works: v. arrangements for site access and on-site traffic management, vi. procedures for managing public health and safety: vii. A Contamination Site Management Plan. viii. dust management measures (see condition 16 of this schedule): ix. 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: x. a detailed process for detecting, investigating, and recording incidents: xi. details (including timing) of arrangements for reporting to the consent authority on the outcomes of, and compliance with, the PUCEMP: xii. any ESCP (see condition 14 of this schedule): xiii. how noise and vibration generated by the works will be managed: xiv. cultural and archaeological artefact discovery protocols (see clause 29 of this schedule) or reference to an Authority where applicable: xv. methods for responding to queries and complaints: xvi. procedures for amending the PUCEMP under condition 11 of this schedule. 	<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 works: v. arrangements for site access and on-site traffic management, vi. procedures for managing public health and safety: vii. A Contamination Site Management Plan. viii. dust management measures (see condition 16 of this schedule consent): ix. 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: x. a detailed process for detecting, investigating, and recording incidents: xi. details (including timing) of arrangements for reporting to the consent authority on the outcomes of, and compliance with, the PUCEMP: xii. any ESCP (see condition 14 of this schedule consent): xiii. how noise and vibration generated by the works will be managed: xiv. cultural and archaeological artefact discovery protocols (see clause 29 of this schedule consent) or reference to an Authority where applicable: xv. methods for responding to queries and complaints: xvi. procedures for amending the PUCEMP under condition 11 of this schedule consent 	
11. HBRC & HDC	<p>Developing and amending CEMP and PUCEMP</p> <p>a) Before finalising the CEMP and PUCEMP, or any amendment to the CEMP or PUCEMP under subcondition (e), the consent holder must invite the consent authority and the stakeholder advisory group to comment on the proposed CEMP or PUCEMP 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 PUCEMP or the amendment.</p>	<p>Developing and amending CEMP and PUCEMP</p> <p>a) Before finalising the CEMP and PUCEMP, or any amendment to the CEMP or PUCEMP under subcondition (e), the consent holder must invite the consent authority and the stakeholder advisory group to comment on the proposed CEMP or PUCEMP 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 PUCEMP or the amendment.</p>	<p>The amendment to e)j. meets DOC’s request that the ecologist has specific experience in fish passage provision when assisting with the design of the temporary crossings. This may be the Project Ecologist if they have this expertise.</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 PUCEMP or amendment.</p> <p>d) The consent holder must act in accordance with the CEMP or PUCEMP for the duration of the flood protection works.</p> <p>e) The consent holder must amend the CEMP or PUCEMP 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. Specifically, the consent holder must amend the CEMP in the event that a temporary crossing is proposed across the Whirinaki Drain. If the crossing involves works within the bed of the water body, it must be:</p> <p>i. designed by a suitably qualified and experienced engineer with input from the Project Ecologist,</p> <p>ii. designed, installed and removed in a way that is, so far as practicable, consistent with the ecology principles set out in Condition 26(b)(i),</p> <p>iii. reported on in respect to (i) and (ii) in amending the CEMP.</p> <p>f) After amending the CEMP or PUCEMP, the consent holder must give a copy of the amended CEMP or PUCEMP (indicating the amendments) to the consent authority and the stakeholder advisory group within 10 working days.</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 PUCEMP or amendment.</p> <p>d) The consent holder must act in accordance with the CEMP or PUCEMP for the duration of the flood protection works.</p> <p>e) The consent holder must amend the CEMP or PUCEMP 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. Specifically, the consent holder must amend the CEMP in the event that a temporary crossing is proposed across the Whirinaki Drain. If the crossing involves works within the bed of the water body, it must be:</p> <p>i. designed by a suitably qualified and experienced engineer with input from an ecologist the Project Ecologist, who is suitably qualified and experienced so as to provide advice for ongoing fish passage.</p> <p>ii. designed, installed and removed in a way that is, so far as practicable, consistent with the ecology principles set out in Condition 26(b)(i),</p> <p>iii. Inclusive of procedures for constructing and removing temporary crossings to reduce impacts on fish passage past the structures and on fish spawning.</p> <p>iv. reported on in respect to (i) (ii) and (iii) in amending the CEMP.</p> <p>f) After amending the CEMP or PUCEMP, the consent holder must give a copy of the amended CEMP or PUCEMP and the associated final design plans (indicating the amendments) to the consent authority and the stakeholder advisory group within 10 working days.</p>	<p>The amendment to f) satisfies the request of Transpower to be provided with final design plans.</p> <p>Amendment recommended to e) iii to include fish passage management for temporary crossings, their removal, and effects on spawning.</p> <p>It is unclear what reporting the applicant's addition condition e) iii refers to. A recommended addition to condition 10 c) xxii. is intended to provide further clarity. It is noted that reporting to the STAG would also occur under condition 7 b).</p> <p>HDC Comment: The consent authority should include HBRC and HDC in respect to changes to the CEMP</p>
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EARTHWORKS			
12. HBRC & HDC	<p>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 vi. stabilises disturbed land as soon as reasonably practicable in accordance with an ESCP. <p>b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.</p>		<p>HDC Comment: No changes to standard Schedule 2 conditions is required. These are relevant for the areas within and outside of the OiC footprint. Repetition of the conditions is not recommended.</p>
13. HBRC & HDC	<p>Erosion and Sediment Control Manager and staff</p> <p>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.</p> <p>b) The role of the Erosion and Sediment Control Manager is to—</p> <ul style="list-style-type: none"> i. ensure compliance with the CEMP or PUCEMP and ESCP; and 	<p>Erosion and Sediment Control Manager and staff</p> <p>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.</p> <p>b) The role of the Erosion and Sediment Control Manager is to—</p> <ul style="list-style-type: none"> i. ensure compliance with the CEMP or PUCEMP and ESCP; and 	

	<ul style="list-style-type: none"> ii. subject to any amendments made to the ESCP under condition 14(c)(x) of this schedule, 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. <p>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.</p> <p>d) The consent holder must also appoint suitably qualified and experienced staff to assist in erosion and sediment control, including—</p> <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. 	<ul style="list-style-type: none"> ii. subject to any amendments made to the ESCP under condition 14(c)(x) of this schedule 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. <p>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.</p> <p>d) The consent holder must also appoint suitably qualified and experienced staff to assist in erosion and sediment control, including—</p> <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 & HDC</p>	<p>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: <i>General</i> <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, coastal works, and works within watercourses: 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): 		

	<ul style="list-style-type: none"> iv. procedures for ensuring advance warning of a rainfall event: v. procedures for decommissioning the erosion and sediment control measures: vi. procedures for determining the staging and sequencing of earthworks: vii. 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: viii. details of maintenance, including actions and frequency: ix. supporting information about the size of erosion and sediment control devices: x. methods for amending and updating the ESCP as required: <i>Erosion and Sediment Control Manager and Staff</i> xi. the name and contact details of the Erosion and Sediment Control Manager: 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): <i>Incident management</i> 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: <i>Monitoring</i> xiv. procedures for— <ul 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 authority</i></p>		
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	<ul style="list-style-type: none"> xv. details (including timing) of reporting to the consent authority on the outcomes of, and compliance with, the ESCP. d) The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant works. 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. 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. h) The consent holder must implement an ESCP for the duration of the flood protection works. i) The consent holder must, for the duration of the construction works <ul style="list-style-type: none"> i. keep an ESCP; and ii. make it readily available to the consent authority. 		
<p>15. HBRC & HDC</p>	<p>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 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. 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 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>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 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 <u>Compliance Manager</u> (with responsibility for land-based borrow sites); and 	<p>DOC commented and suggested condition 15 a) iii), in relation to reporting an incident to council, be amended to three days (from seven days). The conditions require immediate notification of the incident to HBRC Pollution Response staff and remedial measures to be instigated as soon as practicable. This is considered appropriate, and no further changes are recommended.</p> <p>HDC Comment</p> <p>HDC do not have a dedicated pollution officer so this function will fall to the Compliance Manager in the first instance.</p>

	<p>d) The report to the Manager Compliance under subcondition (a)(iii) must –</p> <p>i. describe the control failure and its cause; and</p> <p>ii. specify the steps that have so far been taken to</p> <ol style="list-style-type: none"> 1. control the released sediment and any resulting erosion; and 2. prevent any recurrence of the control failure. 	<p>iii. within 7 days, report the incident to the Hawkes Bay Regional Council and Hastings District Council (Manager of Compliance).</p> <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>d) The report to the Manager Compliance under subcondition (a)(iii) must –</p> <p>i. describe the control failure and its cause; and</p> <p>ii. specify the steps that have so far been taken to</p> <ol style="list-style-type: none"> 1. control the released sediment and any resulting erosion; and 2. prevent any recurrence of the control failure. 	
16. HBRC	<p>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>		
17	<p>Works on contaminated land</p> <p>a) This condition applies if the consent holder undertakes earthworks or any other soil disturbance on contaminated land.</p> <p>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.</p>	Condition seventeen omitted from HBRC consent	<p>HDC Comment:</p> <p>With the Contaminated Site Management Plan forming part of the application and addressed on Condition 10, this condition can be removed.</p>

	<p>e) The consent holder must take all practicable measures to—</p> <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. 		
WATERCOURSES			
18. HBRC	<p>Works and structures in beds of rivers</p> <ul style="list-style-type: none"> a) This condition and conditions 19 and 20 of this schedule apply to all construction works carried out in, or adjacent to, the bed of a river. b) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with— <ul style="list-style-type: none"> i. an applicable ESCP; and ii. the ecology <u>management plan principles</u>; and iii. the earthworks principles; and iv. any guidance provided under condition 4(c)(iii) of this schedule (see condition 5 of this schedule) relating to relevant cultural indicators. 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, in the ecological scoping survey conducted under condition 27 of this schedule, as being present in the river. d) Permanent 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, sediment and debris removal, bank protection, and capacity increase) must— <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 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 	<p>Works and structures in <u>and adjacent to</u> the beds of rivers</p> <ul style="list-style-type: none"> a) This condition and conditions 19 and 20 of this <u>schedule consent</u> apply to all construction works carried out in, or adjacent to, the bed of a river. b) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with— <ul style="list-style-type: none"> i. an applicable ESCP; and ii. the ecology <u>management plan principles</u>; and iii. the earthworks principles; and iv. any guidance provided under condition 4(c)(iii) of this <u>schedule consent</u> (see condition 5 of this <u>schedule consent</u>) relating to relevant cultural indicators. c) Flood protection <u>Construction works</u> 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, in the ecological scoping survey conducted under condition 27 of this consent, as being present in the river. d) Permanent <u>or other temporary</u> 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, <u>river crossings</u>, sediment and debris removal, bank protection, and capacity increase) must— <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 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 	<p>The standard OIC conditions intend that works in the beds of rivers and streams carried out in accordance with the ecology principles, which are set out in condition 26. The applicant’s amendment changes this to be in accordance with the ecology management plan, required under condition 28.</p> <p>The ecology principles refer to the effects management hierarchy, and impacts on habitat connectivity (eg as might occur through creating a barrier to fish movement). The ecological management plan (as proposed) does not include any requirement to consider these matters. It is recommended that the wording of the OIC be retained.</p> <p>The change to condition c) is recommended to reflect the removal of condition 27, as an ecological assessment has been completed.</p> <p>The recommended change to d) makes it clear that river crossings are covered by the condition.</p> <p>An advice note is also suggested in relation to conditions 18 and 19 that reiterates the need for additional approvals from the Department of Conservation in the event</p>

	<ul style="list-style-type: none"> iv. provide for the maintenance of the river for flood management purposes. e) The design of a temporary or permanent culvert in the bed of a river must— <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. f) A permanent spillway or weir must ensure that— <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. 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. 	<ul style="list-style-type: none"> 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. e) The design of a temporary or permanent culvert in the bed of a river must— <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. f) A permanent spillway or weir must ensure that— <ul style="list-style-type: none"> v. a secondary flow path is available in the event of a blockage of the watercourse; and vi. discharge from the secondary flow path does not exacerbate flooding of neighbouring or downstream properties. 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. <i><u>Advice note: Additional approvals under the Freshwater Fisheries Regulations 1983 may be required for any culverts or fords to be constructed in the stream bed if they act to restrict fish passage.</u></i> 	<p>that fish passage is to be affected by a structure:</p>
19. HBRC	<p>Further requirements at watercourses</p> <ul style="list-style-type: none"> a) This condition applies if condition 18 of this schedule applies. b) For the purposes of condition 18(d)(ii) of this schedule, fish passage need not be provided and maintained on all 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 appropriate data and reasons (supported by relevant design drawings) for not complying with condition 18(4)(b) of this schedule; and ii. if culverts that do not provide fish passage are necessary, notify the Department of Conservation. 	<p>Further requirements at watercourses</p> <ul style="list-style-type: none"> a) This condition applies if condition 18 of this schedule consent applies. b) For the purposes of condition 18(d)(ii) of this schedule consent, fish passage need not be provided and maintained on all permanent temporary culverts if the Project-an Ecologist who is suitably qualified and experienced so as to provide advice for ongoing fish passage 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 appropriate data and reasons (supported by relevant design drawings) for 	<p>An amendment to condition b) ensures that the ecologist has appropriate fish passage experience. This could be the Project Ecologist if they have the appropriate expertise.</p> <p>The addition of the STAG to condition c) iii) was as recommended by MTT who expressed a strong preference that fish passage be maintained.</p>

	<p>d) For the purposes of condition 18 of this schedule, the consent holder must, at least 10 working days before starting permanent works within a watercourse, give to the consent authority—</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 schedule. <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 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— 	<p>not complying with condition 18(d)(ii) of this schedule consent; and</p> <ul style="list-style-type: none"> ii. Provide justification as to why the proposed design of the culvert is the best practicable option; and, iii. if culverts that do not provide fish passage are necessary, notify the Department of Conservation and the Stakeholder Advisory Group. <p>d) For the purposes of condition 18 of this schedule consent, the consent holder must, at least 10 working days before starting permanent works within a watercourse, give to the consent authority—</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 schedule consent. iii. The information required by Regulation 62 of the NES FW (2020). iv. For culverts, the information required by Regulation 63 of the NES FW (2020) <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 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: 	
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	<ul style="list-style-type: none"> 1. the Manager Compliance; and 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 ii. 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. 	<ul style="list-style-type: none"> 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. 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— <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; and 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. <p><i><u>Advice note: Additional approvals under the Freshwater Fisheries Regulations 1983 may be required for any culverts or fords to be constructed in the stream bed if they act to restrict fish passage.</u></i></p>	
20. HBRC	<p>Extraction activities and river gravel</p> <ul style="list-style-type: none"> a) The consent holder must ensure that, during construction works, extraction does not take place— 		

	<ul style="list-style-type: none"> i. within any actively flowing channel; or ii. within 6 metres of any river bank. <p>b) In addition, the consent holder must ensure that extraction activities are carried out in accordance with the HBRC River Control Code.</p>		
STORMWATER DISCHARGE			
21. HBRC	<p>Stormwater discharge</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> <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. <p>b) The consent holder must design any new permanent culvert to ensure that any headwater ponding upstream in the relevant design event does not have any significant adverse effect in that area.</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) 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>		<p>The applicant has stated at pg 95 that “In reliance on PDP’s design, which will manage drainage and avoid unreasonable upstream ponding, subclauses (2) and (4) are proposed to be deleted.</p> <p>This is considered appropriate.</p> <p>There will be swales to collect and treat stormwater and culverts passing through the stopbank or piping over the stopbank to discharge stormwater.</p> <p>The PanPac site has its own stormwater consent.</p> <p>The design is described at pages 29/30 of the PDP Whirinaki Drain Stopbank Upgrade Design Report.</p>
LAND-BASED BORROW SITES			
22 HDC	<p>Design and management of land-based borrow sites</p> <ul style="list-style-type: none"> a) This condition applies to excavation of soil or other materials at land-based borrow sites to support construction works. b) The consent holder must ensure that excavation does not take place below the groundwater table. 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 — <ul style="list-style-type: none"> i. operationally necessary; or 		<p>HDC Comment: No borrow sites are being used in the areas inside or outside of the Oic. Materials will be imported to the application site and will largely be temporarily deposited on the property at 996 SH2, being Lot 1 DP 5625586. Conditions 10,12,13 and 14 address the location and management of stockpile areas.</p>

	<ul style="list-style-type: none"> ii. unavoidable as a matter of practicability. 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. e) The consent holder must ensure that, after excavation work is completed, all land disturbed by the excavation work is restored according to Condition 1 (for example, to pasture or vegetation) to its state before the flood protection works — <ul style="list-style-type: none"> i. as soon as practicable; but ii. within 6 months. 		
CONSTRUCTION NOISE AND VIBRATION			
23. HDC	<p>Control of construction noise and vibration</p> <ul style="list-style-type: none"> 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. 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 <u>works.</u> c) <u>The consent holder must submit a Construction Noise and Vibration Management Plan (CNVMP) for certification a minimum of 10 working days prior to commencement of works.</u> d) <u>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 Hastings District Council staff during monitoring inspections.</u> 		HDC Comment: The proposed amendment reflects the proximity of residential activities to the works sites and the medium liquefaction properties of the soils.
LANDSCAPING			
24 HDC	<p>Landscape assessment and plan</p> <ul style="list-style-type: none"> a) Before construction works begin, the consent holder must conduct a landscape scoping assessment to identify the 		

	<p>potential visual landscape effects of the proposed works, including effects on any adjoining residential properties and any coastal environment.</p> <p>b) If the assessment identifies significant potential adverse effects, The consent holder must prepare and implement a landscaping plan according to Figure 5 of the Whirinaki Landscape Scoping Assessment, 25 August 2025 prepared by Narrative Landscape prior to the completion of works, so that planting, upon maturity, will reduce the visibility of the stopbank and traffic on State Highway 2 from the dwelling identified in Figure 5 of the Whirinaki Landscape Scoping Assessment, for the use of planting and fencing as required to avoid, remedy, or mitigate those effects.</p>		
ECOLOGY			
25. HBRC	<p>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>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 coastal, 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 coastal, terrestrial, and freshwater habitats): 		

	<ol style="list-style-type: none"> 4. impacts on habitat connectivity (including coastal, 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	<p>Ecological survey and assessment</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 together —</p> <ol style="list-style-type: none"> i. to prepare an ecological scoping survey before construction works begin; and ii. as soon as practicable after construction works are completed, to prepare an ecological effects assessment. <p>b) The purpose of the ecological scoping survey is to identify all ecological values relevant to applying the ecology principles to the places where construction works are to be carried out and adjoining land and adjacent water bodies and watercourses (and the CMA, if relevant), including the following:</p> <ol style="list-style-type: none"> i. all naturally uncommon ecosystems; ii. all at risk or threatened species; 	Condition twenty seven omitted	

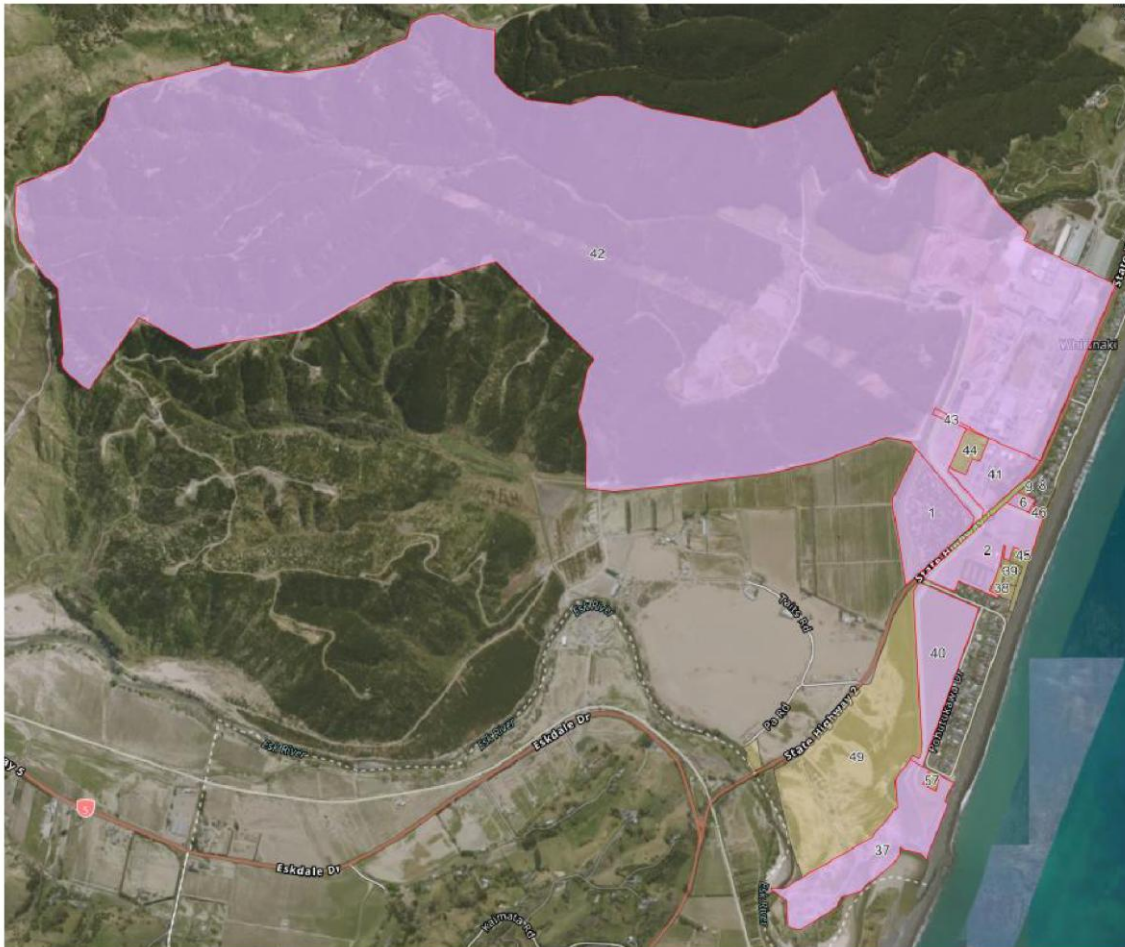
	<ul style="list-style-type: none"> iii. all taonga species that may be significantly adversely affected during or as a result of construction- iv. significant natural inland wetland values- v. any pest plants or animals that might spread or become established (for example, Chilean needle grass, privet, and yellow bristle grass), having regard to the HBRC Pest Management Plan- vi. any fish, bird nesting areas, bat habitats, or habitats of species protected under the Wildlife Act 1953- e) The purpose of the ecological effects assessment is to assess the adverse effects the construction works have had on the ecological values identified by the ecological scoping survey- 		
<p>28. HBRC & HDC</p>	<p>Managing ecological loss</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 Ecologist <u>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, –</u></p> <ul style="list-style-type: none"> i. <u>Procedures for managing bats prior to felling trees that have potential bat roosting features,</u> ii. <u>Procedures for managing native bird species prior to vegetation removal to facilitate natural abandonment prior to felling,</u> iii. <u>Procedures (applying to areas of rank grasses and wood debris that will be affected by construction) to reduce the risk to lizards occupying the site during construction,</u> iv. <u>Identification of areas of indigenous vegetation removal,</u> v. <u>A planting plan for replacement of indigenous vegetation.</u> vi. applies the effects management hierarchy to the management of all direct or indirect adverse effects on those ecological values (including, where relevant, kauri dieback disease), taking the ecology principles into account; and 	<p>Managing ecological loss</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 Ecologist <u>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, –</u></p> <ul style="list-style-type: none"> i. <u>Procedures for managing bats prior to felling trees that have potential bat roosting features, that are consistent with the Bat Recovery Group Protocols.</u> ii. <u>Procedures for managing native bird species prior to vegetation removal to facilitate natural abandonment prior to felling,</u> iii. <u>Procedures (applying to areas of rank grasses and wood debris that will be affected by construction) to reduce the risk to lizards occupying the site during construction,</u> iv. <u>Identification of areas of indigenous vegetation removal,</u> v. <u>A planting plan for replacement of indigenous vegetation.</u> vi. <u>applies the effects management hierarchy to the management of all direct or indirect adverse effects on those ecological values</u> (including, where relevant, 	<p>In relation to the planting plan, an advice note is recommended.</p> <p>The change recommended reinstates 28 vi), which is to apply the effects management hierarchy and take into account the ecology principles when developing the EMP. This change restores the wording as set out in OIC Schedule 2. This change better ensures the intent of the OIC conditions remain and that the EMP is developed with due regard to the ecology principles.</p> <p>The applicant commented on this proposed change and considered it unnecessary because: “Regarding 28(a)(vii), you have flipped the ‘ecology principles’ and the ‘effects management hierarchy’ around from what was established by central government in developing the OIC and the bespoke resource consent process. The effects management hierarchy is to be applied, as a tool, to achieve some of the ecology principles, but not all (refer 26(2)(b)-(d). The ecology principles are the outcome.</p>

	<p>ii. _____ prepares an ecology management plan.</p> <p>b) The consent holder must, —</p> <p>i. at regular intervals throughout construction, record all measures taken under subcondition (a)(i); and</p> <p>ii. report to the stakeholder advisory group every 2 months —</p> <ol style="list-style-type: none"> 1. the measures taken; and 2. any recommendations made by the Project Ecologist, working with the Māori entities representatives, to change those measures. <p>c) The consent holder must implement the ecology management plan prepared under subcondition (a)(ii) throughout the construction works (except in relation to the Petane Urupa) and report to the Stakeholder Advisory Group every 2 months on:-</p> <ol 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) The consent holder must keep a record of any habitat identified in the ecological scoping survey that is lost as a result of the construction works.</p> <p>e) When the construction works and any ecological mitigation works carried out under subcondition (a)(ii) are both completed, the consent holder must give the stakeholder advisory group —</p> <ol style="list-style-type: none"> i. a copy of the ecological effects assessment prepared under condition 27 of this schedule; and <p>a report that describes the ecological mitigation works to be carried out by the consent holder.</p> <p>f) The consent holder must establish, and contribute to, a fund called the Ecological Enhancement Fund to ensure that compensation is available when compliance with the effects management hierarchy requires compensation for adverse ecological effects that cannot be offset (using biodiversity offset).</p> <p>g) The Ecological Enhancement Fund —</p> <ol style="list-style-type: none"> i. applies throughout the Hawke’s Bay region; and ii. must be used by the consent holder to provide compensation in relation to — <ol style="list-style-type: none"> 1. making space available for a river (for example, by acquiring adjacent land); and 	<p>kauri dieback disease); taking the ecology principles into account.</p> <p>ii. _____ prepares an ecology management plan.</p> <p>b) The consent holder must, —</p> <p>i. at regular intervals throughout construction, record all measures taken under subcondition (a)(i); and</p> <p>ii. report to the stakeholder advisory group every 2 months —</p> <ol style="list-style-type: none"> 1. the measures taken; and 2. any recommendations made by the Project Ecologist, working with the Māori entities representatives, to change those measures. <p>c) The consent holder must implement the ecology management plan prepared under subcondition (a)(ii) throughout the construction works (except in relation to the Petane Urupa) and report to the Stakeholder Advisory Group every 2 months on:-</p> <ol 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) The consent holder must keep a record of any habitat identified in the ecological scoping survey that is lost as a result of the construction works.</p> <p>e) When the construction works and any ecological mitigation works carried out under subcondition (a)(ii) are both completed, the consent holder must give the stakeholder advisory group —</p> <ol style="list-style-type: none"> i. a copy of the ecological effects assessment prepared under condition 27 of this schedule; and <p>a report that describes the ecological mitigation works to be carried out by the consent holder.</p> <p>f) The consent holder must establish, and contribute to, a fund called the Ecological Enhancement Fund to ensure that compensation is available when compliance with the effects management hierarchy requires compensation for adverse ecological effects that cannot be offset (using biodiversity offset).</p> <p>g) The Ecological Enhancement Fund —</p> <ol style="list-style-type: none"> i. applies throughout the Hawke’s Bay region; and ii. must be used by the consent holder to provide compensation in relation to — 	<p><i>With the ecology principles being required to be applied under condition 26(1) in any case, 28(a)(vii) is not necessary. Nevertheless, if some reference to these is to be made in condition 28, then this reference should be to just the ‘ecology principles’ - being the intended outcome of the legislation.”¹</i></p>
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	<ul style="list-style-type: none"> 2. rehabilitating or enhancing areas of vegetation in the river corridor with high biodiversity values (for example, by planting appropriate species); and 3. in-stream ecological values; and 4. any other area of important in-river or riparian habitat. 	<ul style="list-style-type: none"> 1. making space available for a river (for example, by acquiring adjacent land); and 2. rehabilitating or enhancing areas of vegetation in the river corridor with high biodiversity values (for example, by planting appropriate species); and 3. in-stream ecological values; and 4. any other area of important in-river or riparian habitat. <p><i>Advice note: in deciding the replacement vegetation the New Zealand Bat Recovery Group Advice Note – “Planting to provide roosts for bats” should be considered.</i></p>	
29. HBRC & HDC	<p>Archaeological discovery protocol</p> <ul style="list-style-type: none"> a) The consent authority must prepare an accidental archaeological discovery protocol— <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. 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. 		
30 HBRC / HDC		<p><u>The consent holder shall provide the Hawkes Bay Regional Council and Hastings District Council (Manager Compliance) and all network utility providers and 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, 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.</u></p>	<p>This provides for Transpower's request that they be notified prior to the works commencing.</p> <p>HDC Comment:</p> <p>This will allow HDC to check the CEMP for compliance with the HDP.</p>

31 HBRC		<p><u>Within three months of the completion of construction works, the consent holder shall provide the Council (Manager Compliance) and all network utility providers 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 :</u></p> <p><u>a) an 'as built' plan of the completed works that clearly shows their location and layout in relation to the network utility providers assets, in particular the plan shall show any distances and depths in proximity to Transpower's WHI FOC TR511 and WHL WRA TR320 underground cables in relation to the stop bank and road raising.</u></p>	This provides for Transpower's request to be provided as built plans.

Schedule 1



- Land Upon which the works will be undertaken
- Adjoining land

Map Ref	LINZ Property ID	Immediately Affected or Immediately Adjoining	Legal Description
<u>1</u>	<u>4498680</u>	Immediately affected	Fee Simple, 1/1, Lot 1 Deposited Plan 405054, 87,370 m ²
<u>2</u>	<u>4831419</u>	Immediately affected	Fee Simple, 1/1, Lot 3-12 Deposited Plan 506130, 73,408 m ²
<u>6</u>	<u>1762085</u>	Immediately affected	Fee Simple, 1/1, Lot 2 Deposited Plan 24246, 4,944 m ²
<u>37</u>	<u>5051997</u>	Immediately affected	Fee Simple, 1/1, Lot 3 Deposited Plan 562586, 132,815 m ²
<u>40</u>	<u>5051995</u>	Immediately affected	Fee Simple, 1/1, Lot 1 Deposited Plan 562586, 90,028 m ²
<u>41</u>	<u>1754606</u>	Immediately affected	Fee Simple, 1/1, Lot 2 Deposited Plan 23303, 47,214 m ²

<u>42</u>	<u>4263513</u>	<u>Immediately affected</u>	<u>Fee Simple, 1/1, Lot 1 Deposited Plan 344267 and Lot 1 Deposited Plan 28162 and Lot 1 Deposited Plan 28357, 4,292,070 m2</u>
<u>43</u>	<u>1996998</u>	<u>Immediately affected</u>	<u>Fee Simple, 1/1, Section 62 Block XII Puketapu Survey District, 2,734 m2</u>
<u>8</u>	<u>4938145</u>	<u>Immediately adjoining</u>	<u>Fee Simple, 1/1, Lot 8 Deposited Plan 533712, 1,292 m2</u>
<u>9</u>	<u>4938144</u>	<u>Immediately adjoining</u>	<u>Fee Simple, 1/1, Lot 7 Deposited Plan 533712, 800 m2</u>
<u>38</u>	<u>4831418</u>	<u>Immediately adjoining</u>	<u>Fee Simple, 1/1, Lot 2 Deposited Plan 506130, 6,290 m2</u>
<u>39</u>	<u>4831417</u>	<u>Immediately adjoining</u>	<u>Fee Simple, 1/1, Lot 1 Deposited Plan 506130, 5,886 m2</u>
<u>44</u>	<u>1754615</u>	<u>Immediately adjoining</u>	<u>Fee Simple, 1/1, Lot 1 Deposited Plan 23303, 13,743 m2</u>
<u>45</u>	<u>1902845</u>	<u>Immediately adjoining</u>	<u>Fee Simple, 1/1, Lot 1 Deposited Plan 17544, 7,780 m2</u>
<u>46</u>	<u>1913008</u>	<u>Immediately adjoining</u>	<u>Fee Simple, 1/1, Lot 1 Deposited Plan 21870, 2,063 m2</u>
<u>49</u>	<u>5051996</u>	<u>Immediately adjoining</u>	<u>Fee Simple, 1/1, Lot 2 Deposited Plan 562586 and Part Lot 1 Deposited Plan 4741, 299,471 m2</u>
<u>57</u>	<u>1880145</u>	<u>Immediately adjoining</u>	<u>Fee Simple, 1/1, Lot 2 Deposited Plan 3354, 3,035 m2</u>