Report of Independent Commissioner

DECISION REPORT ON RESOURCE CONSENT APPLICATION APP-131669 TO HAWKE'S BAY REGIONAL COUNCIL AND RMA20250446 TO HASTINGS DISTRICT COUNCIL

APPLICATION FROM HAWKE'S BAY REGIONAL COUNCIL – SEVERE WEATHER EMERGENCY RECOVERY (HAWKE'S BAY FLOOD PROTECTION WORKS) ORDER 2024

Works Associated with the Establishment of the Pakowhai Flood Protection works

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OVERVIEW

Decision on a non-notified resource consent application under the Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024 ('the OIC'); and

Recommendation on a non-notified resource consent application under the Resource Management Act 1991 ('RMA').

This resource consent is GRANTED subject to conditions for the reasons herein.

Table 1 – Application Summary Details

Application Number:	APP – 131669 & RMA20250446
Applicant:	Hawke's Bay Regional Council ('the Applicant')
Proposal Summary:	Within the area subject to the OIC: To undertake construction of a flood protection scheme, including: › Associated disturbance of the Tūtaekurī-Waimate Stream bed and Waiohiki Drain, reclamation of stream bed, erection of structures including a stop bank, stormwater outlet and culverts, diversion of water and stormwater, vegetation clearance and soil disturbance, and discharges of contaminants to land, water and air, including solid contaminants, stormwater, drainage water and dust, take and use of surface and ground water (under the Hawke's Bay Regional Resource Management Plan). › Reclamation of the bed of a river associated with the diversion of the Tūtaekurī-Waimate Stream and the construction of specified infrastructure within 10m of a natural inland wetland (under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020). › To undertake earthworks, including the removal of more than 25m^3 of earth from a site, and to undertake an activity within a Wāhi Toanga site (under the Hastings District Plan). › To disturb contaminated soil (under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011). Outside of the OIC area:

	› Diversion of the Tūtaekurī-Waimate Stream during times of flood arising from the stop bank, vegetation clearance and soil disturbance, and discharges of contaminants to land, water and air, including solid contaminants, stormwater, drainage water and dust, take and use of surface and ground water (under the Hawke's Bay Regional Resource Management Plan). › To undertake earthworks, including the removal of more than 25m^3 of earth from a site (under the Hastings District Plan). › To disturb contaminated soil (under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011).
Site Address:	Various properties, adjacent to a proposed 8.93km long stopbank adjacent the Waiohiki Drain and Tūtaekurī-Waimate Stream, including sites accessed from Links Road, Franklin Road, Pakowhai Road, Chesterhope Road, and Hodgson Road; between the Waiohiki Drain and the Ngaruroro River (true left bank). Collectively referred to as "the Site".
Legal Description:	Pt Pakowhai Māori Reserve 1 Blk Māori Land Plan 864 and Section 1-3 SO Plan, Lot 14-15 Deeds Plan, Lot 2-3 Deposited Plan, Part Lot 2 Deeds Plan 376, Lot 35 and Lot 40 Deeds Plan 493, Lot 3 Deposited Plan 10514, Lot 2 Deposited Plan 10514, Lot 1 Deposited Plan 10514, Lot 2-3 Deposited Plan 6071, Lot 2 Deposited Plan 389718, Lot 1 Deposited Plan 374026, Lot 2 Deposited Plan 374026, Lot 39-40 Deeds Plan 80, Lot 1-2 Deeds Plan 437, Lot 3 Deed Plan 437, Section 43 Block XII Heretaunga Survey District, Lot 1 Deposited Plan 12698, Lot 2 Deposited Plan 512396 and Lot 2 Deposited Plan 20869, Lot 6 Deeds Plan 437, Lot 2 Deposited Plan 460806, Section 15 Block XI Heretaunga Survey District and Lot 2 Deposited Plan 309041, Lot 1 Deposited Plan 12546, Lot 2 Deposited Plan 12012 and Section 1 Survey Office Plan 9891, Lot 1 DP 22965, Lot 2 DP 2721 and Section 2 Survey Office Plan 9891, Lot 2 Deposited Plan 16843, Lot 1 Deposited Plan 20523, Lot 1 Deposited Plan 16843, Paper Road - Road Reserve, State Highway 2 Road Reserve.
Date of Application:	26 November 2025
Relevant Regional and District Plans and National Environmental Standards:	› Hawke's Bay Regional Resource Management Plan ('RRMP')

	› Plan Change 9 (Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments) to the RRMP ('TANK') › Hastings District Plan ('HDP') › National Environmental Standard for Freshwater ('NES-F') › National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NESCS') › National Environmental Standards for Sources of Human Drinking Water ('NESDW')
Applicable Regional Plan Spatial Overlays and District Plan Zoning and Overlays:	RRMP (inclusive of TANK): Heretaunga–Ruataniwha Aquifer System – Productive Aquifer; relatively low Contamination Vulnerability classification; within area excluded from Rule 7(c) (vegetation clearance and soil disturbance); Ngaruroro Surface Water Quality Area – low priority for managing sediment, low priority for managing Phosphorus, high priority for managing Nitrogen, priority area for managing Dissolved Oxygen risk; within Heretaunga Plains Groundwater Quantity Area and the Tūtaekuri-Waimate Sub area, the Heretaunga Plains Aquifer System is identified as an Outstanding Water Body, the northern extent of the alignment is within the Napier Source Protection Zone for Taradale. HDP: Plains Production Zone, and Open Space Zone; Significant Riparian Area in Plains Zone (Ngaruroro River), and List 2 Riparian Area (Tūtaekuri-Waimate Stream); Wāhi Toanga Site W13; National Grid – High Voltage Transmission Line; River Hazard Overlay (at southern extent of the site).
Nature of Resource Consents Required:	Within the area subject to the OIC: › Water Permits, Discharge Permits and Land Use Consent (under RRMP, NES-F, HDP & NESCS). Outside the area subject to the OIC: › Discharge Permits; and Land Use Consent (under RRMP, HDP & NESCS).
Application Activity Status:	Within the area subject to the OIC: › Controlled Activity under clause 8 of OIC. Outside the areas subject to the OIC: › Discretionary Activity (bundled) under the RRMP. › Discretionary Activity (bundled) under the HDP. › Restricted Discretionary Activity under the NESCS.

1. INTRODUCTION

1.1 DELEGATION

1. This decision is made on behalf of the Hawke's Bay Regional Council ('HBRC') and Hastings District Council ('HDC') by an independent hearing commissioner, Philip McKay,[1] appointed under clause 10 of the OIC and section 34A of the Resource Management Act 1991 ('RMA') to decide this application.

2. Delegation from HBRC was given on 28 May 2025, and from HDC on 2 December 2025.

1.2 PROCEDURAL MATTERS

3. The resource consent application by the Applicant for activities within the OIC area is required to be considered as a controlled activity[2] without public notification or limited notification.[3]

4. The OIC, in clause 15, sets out the requirements for consultation with specified persons, including the owners and occupiers of affected or adjoining land. Notice is provided to those persons who are invited to make comments, and the consent authority must consider all comments received and make a summary of the comments publicly available. A person who makes written comments does not have the status of a submitter under the RMA and may not appeal or object to the decision on the application.[4] The nature of the comments received are discussed further below, with the summary of the comments received included within the HBRC s42A Report and full copies of the comments received attached to the HDC s42A Reports[5].

5. I conducted a visit to portions of the application site, off Pakowhai, Hodgson and Franklin Roads ("the Site") on 27 November 2025. I was accompanied by the section 42A reporting officers and consents managers Ms Brooke Bickerstaff and Mr Paul Barrett for HBRC and Ms Michelle Hart and Mr Caleb Sutton for HDC respectively. We also met Applicant representatives on site, being: Mr Cameron Drury (Stradegy Planning, who prepared the application), and Mr Harry Donnelly (HBRC, who is the Project Manager for the Application).

6. Clause 10(2) of the OIC states that the following functions, duties and powers are delegated:

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[1] Who is certified with a Chairing Endorsement under the Making Good Decisions programme (expires 31/12/26), and who is a planner and resource management practitioner with over 31 years of practice.

[2] Clause 8 of OIC.

[3] Clause 14 of OIC.

[4] Clause 15(6) of OIC.

[5] Appendix 1 of both s42A Reports.

*(a) consideration of an application under section 104 of the RMA (*see *clause 16):*

(b) decision to grant a resource consent under section 104A(a) of the RMA:

(c) imposition of conditions on a resource consent in accordance with clause 17:

(d) giving of notice of its decision under section 114 of the RMA in accordance with clause 18.

7. As this application has not involved a hearing or notification, the decision is to be made pursuant to section 113(4) of the RMA and is required to state the decision and reasons.

1.3 MATERIAL CONSIDERED

8. The following documentation has been provided to me and reviewed as part of my decision-making process:

    a. *Resource Consent Application for Stopbank Works – Pākōwhai Flood Protection,* HBRC, 26 November 2025, and prepared by Stradegy Planning Ltd, and the associated appendices:

        i *Cultural Impact Assessment Report – Hawke's Bay Regional Council construction of the Waiohiki and Pakowhai Stopbank – Links Road,* Ngāti Pārau Hapū Trust (Laurie O'Reilly), December 2024 (Appendix 1 of Application) ('CIA') (requested to remain confidential).

        ii *Pakowhai Secondary Stop-Bank Proposal – Cultural Aspirations and Assessment Report ('CAAR'),* by Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori, 30 January 2025 (Appendix 2 of Application) ('CAAR') (requested to remain confidential).

        iii *HBRC Archaeological Screening: Pakowhai Secondary Stop-Bank, Hawke's Bay,* Archaeology Hawke's Bay, January 2024 (Appendix 3 of Application) ('Archaeological Screening Report').

        iv *Pakowhai Secondary Stopbank – Ecological Scoping Study,* Tonkin & Taylor Ltd, November 2025 (Appendix 4 of Application) ('Ecological Assessment').

        v *Flood Resilience: Pakowhai Landscape Scoping Assessment,* Narrative Landscape, 2 October 2025 (Appendix 5 of Application) ('Landscape Assessment').

        vi *Pakowhai Secondary Stopbank – Preliminary Site Investigation,* Tonkin & Taylor Ltd, September 2024 (Appendix 6 of Application) ('PSI Report').

        vii *Pakowhai Secondary Stopbank – Detailed Site Investigation,* Tonkin & Taylor Ltd, March 2025 (Appendix 7 of Application) ('DSI Report').

viii *Pākōwhai Secondary Stopbank Additional Sampling – DSI Addendum,* Tonkin & Taylor Ltd, 6 November 2025 (Appendix 8 of Application) ('DSI Addendum').

ix *Pakowhai Flood Protection Improvements – Preliminary Design Report, Tonkin* & Taylor Ltd, November 2025 (Appendix 9 of Application) ('Design Report').

x *Works Outside the OIC Footprint – Plans,* Tonkin & Taylor Ltd, 30 May 2025 (Appendix 10 of Application) ('Plans of work outside OIC area').

xi *OIC Schedule 2: Proposed Conditions of Resource Consent – Track Changes as Proposed by the Applicant* (Appendix 11 of Application) ('Proposed Conditions').

xii *Pākōwhai Section 15(2)(a)(vii) Parties – Table & Plan,* Applicant, undated (Appendix 12 of Application) ('Section 15 Parties List').

xiii *Consequential Flood Effects – Pākōwhai Stopbank,* Tonkin & Taylor Ltd, October 2025 (Appendix 13 of Application) ('T&T Flood Effects Report').

xiv *Consequential Flood Assessment – Proposed Pākōwhai Scheme,* Beca Limited, 11 November 2025 (Appendix 14 of Application) ('Beca Flooding Review').

xv *Geotechnical Assessment Report – Pakowhai Secondary Stopbank,* Tonkin & Taylor Ltd, September 2025 (Appendix 15 of Application) ('Geotechnical Report').

xvi *Traffic Impact Assessment – Pakowhai Stopbank, Hawke's Bay,* East Cape Consulting, 30 October 2025 (Appendix 16 of Application) ('TIA').

b. Pākowhai OIC Flood protection consent application – Full comments (contacts removed), including comments from:

   i NZTA (via DJ Lamorena).

   ii Hastings District Council (via B Conaghan).

   iii Trustees of the Joan Ferie Charitable Trust (via J Winchester).

   iv Bostock New Zealand (via M Stafford).

   v Ministry of Education (via G Hayes).

   vi Evan O'Leary, 125 Gilbertson Road.

   vii Sheryl & David Mackie, 56 Franklin Road.

c. Pakowhai OIC Comments Received and Summaries – APP-131669, E-mail from B Bickerstaff (HBRC) to C Drury (Applicant), dated 23 December 2025.

d. Pakowhai – Temporary Crossings as part of Construction – E-mail from C Drury (for Applicant) to HBRC, dated 23 December 2025, identifying proposed temporary bridge crossing locations and conditions to accommodate them.

e. Applicant's Response to Comments –

   i Letter from Tonkin & Taylor Ltd, titled: *'Pakowhai Stopbank – Comments on Resource Consent Submissions APP-131699 Rev1',* dated 15 January 2026.

   ii 'Pakowhai Flood Protection Activity – Applicant Response to Comments', provided by C Drury, Stradegy, 5 January 2026.

f. *APP-131669 – Clause 15(4) Summary of comments and response* – word document prepared by HBRC section 42A Report author, provided 21 January 2026.

g. Applicant response to draft conditions – *'Consent Conditions Table for s42A Report – Pākowhai Flood Protection Works (OIC)'* information provided via email from P Barrett, HBRC, dated 28 January 2026.

h. A report on the Application and comments received prepared under section 42A of the RMA and clauses 8 & 14 of the OIC and sections 95A, 95B, & 104 of the RMA by Ms Michelle Hart ('the HDC s42A Report'), Senior Environmental Planner (Consents), HDC, received 28 January 2026.

   A report on the Application and comments received prepared under section 42A of the RMA and clauses 8 & 14 of the OIC by Ms Brooke Bickerstaff, Intermediate Consents Planner, HBRC titled *'s42A Report for Resource Consent Application APP-131669 – Flood Protection Works - Pākowhai'* ('the HBRC s42A Report'), dated 30 January 2026.

9. The respective s42A Reports from HBRC and HDC analyse the information received in relation to the Application along with the comments received, and following assessment under sections 104 and 104A of the RMA, and the relevant provisions of the OIC, recommend the conditions to be applied to the consent. Both s42A Reports attach the comments received as Appendix 1, and Conditions of consent as Appendix 2 with track changes showing amendments to the conditions as requested by the Applicant and recommended by the s42A Report authors.

10. Those reports should be read in conjunction with this decision as I generally adopt the descriptions, assessments, and conditions recommended in those s42A Reports, unless I state differently below.

2. DESCRIPTION OF THE PROPOSAL & SITE

11. I adopt the descriptions of the proposal set out in section 1 of the HDC s42A Report[6], section 2 of the HBRC s42A Report[7], and section 6 of the Application.[8]

12. In short, the proposal seeks to undertake flood protection works including construction of:[9]

    a. A new 8,930m long stop bank / floodwall on the true left bank of the Waiohiki Drain and the Tūtaekuri-Waimate Stream between Links Road and the Ngaruroro River south of Hodgson Road.

    b. The stop bank will generally extend along the eastern side of the Tutaekuri-Waimate Stream, and will also involve various features such as flood walls, retaining walls, a flood control spillway, various road crossings, access ramps and stormwater drainage culverts and swales.

    c. Works along the Waiohiki Drain and minor diversion of the Tūtaekurī-Waimate Stream is also proposed to provide room to construct the stopbank.

    d. In principle, the purpose of the stop bank is to detain flood flows arising from upstream water body sources (including the Tūtaekurī and Ngaruroro Rivers) to prevent (in certain design events) flooding of Category 2C properties to the east of the flood protection structure.

    e. In the first instance, flood water will drain via the Tūtaekurī-Waimate Stream, and at higher inflows via the proposed 200m wide spillway.

    f. The flood protection is designed for an event involving flood flows of up to 200m^3/s with a freeboard of 500mm and spillway discharge.

    g. The detained water would flood farmland to the west and extend over a 1km portion of SH2, noting that these areas are already subject to flooding, but the effects would be exacerbated by the proposal.

    h. The proposed stop bank will comprise of three different earth embankment typical sections adopted to suit different site layout and condition constraints, referred to as 'refurbishment', 'Type A' and 'Type B'.

    i. There are two areas where due to constrained space, retaining wall and freestanding wall solutions are proposed. These areas being 71 Franklin Road and 24 Chesterhope Road.

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6 Pages 3 - 7.

7 Pages 3 – 9.

8 Pages 34 – 51.

9 Application (Pages 34 – 40).

j. Although the retaining wall/flood wall solutions will be slightly different, the stop bank will generally be constructed with crest width of 3.5m and 1V:2.5H batter slopes.

k. The stop bank will generally present as 1m – 4m high (above existing ground level) depending on local ground contour/levels.

l. Rock riprap or similar will be used to for scour/erosion protection at the toe of areas of the stop bank / floodwall where proximity to water bodies requires.

m. The spillway will be approximately 200m wide with a landward side batter slope of 1V:15H to control flow velocities over the spillway.

13. The extent of the works described above necessitates a significant construction programme, which is proposed to be undertaken as two core projects, one involving works north of the Hawke's Bay Expressway and the other involving works south of the Hawke's Bay Expressway. Key points include:[10]

a. Construction is anticipated to involve approximately 55,000m^3 of cut and 292,900m^3 of imported fill (fill material will be sourced from already approved borrow sites).

b. Five stockpile areas are proposed referred to as SP1 – SP5.

c. SP1 – SP3 are located in the project area south of the Expressway and accessed from Pakowhai Road, with stockpiling expected to take 12 – 14 months.

d. SP4 – SP5 are located in the project area north of the Expressway and accessed from Franklin Road and Links Road respectively, with stockpiling expected to take 9 months.

e. A temporary water take from the Tūtaekurī-Waimate Stream for construction and dust suppression purposes not exceeding 1,080m^3 per day. Provision to establish up to three points of take at any one time is proposed – with the maximum rate of take from each being 25l/s.[11]

f. Two temporary bridges across the Tutaekuri-Waimate Stream.[12]

14. The Site comprises multiple properties accessed from Links Road, Franklin Road, Pakowhai Road, Chesterhope Road, and Hodgson Road between the Waiohiki Drain in the north and the Ngaruroro River (true left bank) in the south. The works are generally located along the true left bank of the Waiohiki Drain and the Tūtaekurī-

[10] Application (Pages 39 & 49).

[11] Application (Page 45).

[12] E-mail C Drury to P Barrett dated 23 December 2025.

Waimate Stream. The Application identifies the following features within the vicinity of the proposed work:

a. Links Road (SH50), Hawke's Bay Expressway (SH2) and Pakowhai Road (HDC arterial road).

b. The Napier Golf Club adjoins the northern extent.

c. Pakowhai School on Chesterhope Road.

d. Pakowhai Memorial Hall, between the Tūtaekurī-Waimate Stream and Pakowhai Road.

e. Land on the west of the Tūtaekurī-Waimate Stream is essentially managed as a single farming unit, while land on the east is comprised of many properties, generally used for horticultural/primary production purposes.[13]

15. Both s42A Reports and the Application include helpful aerial photographs identifying the approximate area of the proposed works.[14]

3. RESOURCE CONSENT REQUIREMENTS AND ACTIVITY STATUS

16. The OIC was established to facilitate the timely provision of flood protection works following the severe weather events of February 2023 (Cyclone Gabrielle). The Application provides a helpful summary of the relevant provisions of the OIC.[15]

17. A similarly helpful clause by clause summary is also provided in the HDC s42A Report[16] and HBRC s42A Report.[17] I note that Schedule 1 of the OIC identifies the specific land areas in Hawke's Bay to which the enabling flood protection works provisions of the OIC apply. Schedule 1 includes both a description of, and a map of, the land at 'Pakowhai' (which of relevance to this application is labelled 'Pakowhai – A') in which flood protection works are enabled as a controlled activity under the OIC. This map is reproduced as Figure 2 of the Application, Figure 1 of the HDC s42A Report, and Figure 2 of the HBRC s42A Report.

18. Figure 3 of the Application and Figure 3 of the HBRC s42A Report identifies the boundaries of the Pakowhai – A OIC area in regard to the proposed flood protection woks. Several small areas of works are located outside of the OIC area. This includes the alignment of the stopbank in four discrete areas, and four stockpile areas.[18]

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13 Application (Pages 17 & 18).

14 Application Figures 1, 4, 5, 6, and 14; HBRC s42A Report Figures 1 & 3; and HDC s42A Report (Figures 2 -5).

15 The Application (Section 2.3, Pages 12 – 14).

16 HDC s42A Report (Section 3.1, pages 9 – 10).

17 HBRC s42A Report (pages 6 – 8).

18 The Application (Pages 8 & 9).

19. The consequences of these works areas beyond that identified for Pakowhai – A in Schedule 1 of the OIC is that the normal provisions of the regional and district plan and NES regulations must be applied to those works, while the vast majority of the proposed works, which are within the identified area, are subject to the provisions of the OIC.

20. Accordingly, the application potentially gives rise to four separate categories of assessment, these being resource consents required from HBRC, both within and outside the OIC Schedule 1 works area for Pakowhai – A, and similarly resource consents required from HDC, inside and outside of the OIC Pakowhai – A works area.

21. Having considered the Application and the respective s42A reports which are in general agreement, my findings of the consents required under these categories are summarised in Table 2 below:

Table 2 – Identification of Rules Requiring Resource Consent

	Inside OIC Works Area	Outside OIC Area
HBRC Jurisdiction	› Regulation 45 of the NES-F for the construction of specified infrastructure in a natural inland wetland › Regulation 57 of the NES-F for the diversion of the Tūtaekurī-Waimate Stream › Rule 8 of the RRMP for vegetation clearance and soil disturbance not meeting Rule 7 › 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 55 of the RRMP Other takes and uses of groundwater (relating to the take of drainage water if required during construction and taking and using water from the Tūtaekurī-Waimate Stream for construction and dust suppression purposes) › Rule 59 of the RRMP for the Diversion of floodwaters from the Tūtaekurī-Waimate Stream arising from the stop bank › Rule 69 of the RRMP for river and lake bed activities (e.g. disturbance of Waiohiki	› Rule 8 of the RRMP for vegetation clearance and soil disturbance not meeting Rule 7 › 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 55 of the RRMP 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 from the Tūtaekurī-Waimate Stream arising from the stop bank

	Drain, installation of stormwater outlets, installation of rock rip rap, and installation of a culvert in overflow channel, and plantings) › Rule TANK 10 of the RRMP (TANK Plan Change) for the take and use of surface or groundwater (relating to the 'take' of drainage water and the take and use of water from the Tūtaekurī-Waimate Stream if required as part of construction) › Rule TANK 22 or 23 of the RRMP (TANK Plan Change) for the diversion and discharge of stormwater into water, or onto land where it may enter water **Overall Activity Status – Controlled Activity (pursuant to OIC provisions)**	› Rule TANK 10 of the RRMP (TANK Plan Change) for the take and use of surface or groundwater (relating to the 'take' of drainage water and the take and use of water from the Tūtaekurī-Waimate Stream if required as part of construction) **Overall Activity Status – Discretionary Activity**
HDC Jurisdiction	Rules EM6 and EM10 of the HDP for earthworks exceeding the permitted volumes per site. Rule WT15 for an activity within a Wāhi Toanga site. Regulation 10 of the NESCS for disturbing soil. **Overall Activity Status – Controlled Activity (pursuant to OIC provisions)**	Rules EM6 and EM10 of the HDP for earthworks exceeding the permitted volumes per site. Regulation 10 of the NESCS for disturbing soil. **Overall Activity Status – Discretionary Activity**

22. As I have already identified in paragraph 3 above, the resource consents required within the OIC area must be assessed and decided as a controlled activity pursuant to clause 8 of the OIC, hence the conclusion regarding overall status in column 2 of the above table. The Application and the HBRC and HDC s42A Reports are also in agreement that the proposed works outside of the OIC area require discretionary activity resource consent.[19]

4. RELEVANT STATUTORY REQUIREMENTS

23. In deciding on a controlled activity, section 104A of the RMA requires consent to be granted[20] and that conditions may be imposed only for those matters for which control

[19] Application (page 65), HBRC s42A Report (page 9) and HDC s42A Report (page 21).

[20] Unless there is insufficient information to determine that the application is a controlled activity, which I do not find to be the case here.

is reserved. Schedule 3 of the OIC lists the matters for which control is reserved.[21] The respective assessments of effects on the environment in the Application and the s42A reports are appropriately arranged under corresponding headings to the Schedule 3 matters of control.

24. Section 104(1) of the RMA also applies and sets out the mandatory matters to which I must have regard when considering the Application. These include any actual or potential effects on the environment of allowing the activity, and the statutory instruments set out in subsection (1)(b). Those instruments are relevant to the extent that they relate to the matters of control set out in Schedule 3 of the OIC. Consideration under section 104 is also subject to Part 2 of the RMA.

25. As there are discharges involved with the proposed activity, I must also have regard to the matters in sections 105 and 107 of the RMA.[22]

26. For the areas outside of the OIC works area, as a discretionary activity I am required to consider those same provisions identified above except for the OIC which does not apply, and section 104B of the RMA applies rather than section 104A. Section 104B states that after considering an application for a discretionary activity, the application may be granted or refused, and if granted conditions may be imposed under s108 of the RMA.

5. CONSIDERATION OF THE APPLICATION

5.1 COMMENTS RECEIVED

27. Clause 15(4) requires all comments received to be considered. The process for inviting comments and a summary of the comments received and a response to each comment are set out in the respective s42A reports.[23]

28. Seven comments were received from parties invited to comment under clause 15(2) of the OIC, these being from:

    a. NZTA Waka Kotahi –concern with the Tūtaekurī-Waimate Stream bridge over the HB Expressway (SH2) being lower than the proposed stopbanks adjacent the bridge.

    b. Hastings District Council – concerns regarding flooding effects on SH2 as a key lifeline route.

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[21] These matters are also set out in the Application (page 14), HBRC s42A Report (pages 7 & 8), and HDC s42A Report (pages 12 & 13 and pages 33 & 34).

[22] As set out on pages 14 & 31 of the HBRC s42A Report.

[23] HBRC s42A Report (pages 10 – 13 and Appendix 1) and HDC s42A Report (pages 23 - 32).

c. Joan Fernie Charitable Trust – concern with consequential flooding effects on the productive land of the farm, request monitoring requirements and conditions of consent to address.

d. Bostock NZ Ltd – concerned as a lease holder with the increased flooding risk on land not previously exposed to flooding.

e. Ministry of Education – concerns with construction traffic safety effects on Pākōwhai School during morning and evening school traffic peaks. Condition amendments sought.

f. Evan O'Leary – concerns with effects of spillway including potential flooding effects on his Gilbertson Road property and with lack of communication.

g. Sherly and David Mackie – concerns with effects on Franklin Road property and request various condition amendments, including in relation to timeframes to consider management plans, noise & vibration management plan, decreased working hours, design details, stakeholder group, and stockpile locations & access points.

29. Issues raised in the comments received are summarised and responded to in Appendix 1 of the HBRC s42A Reports and in section 4.1 of the HDC s42A Report. I therefore reference those summaries and do not provide any additional record of the comments received in this decision. I emphasise however, that the comments received and the responses to them are a fundamental part of the OIC process and this decision and I therefore adopt the respective comment summaries and responses provided in the two s42A Reports. I also refer to those comments relevant to the OIC matters of control, or to the required resource consents outside of the OIC area, along side the Application and s42A recommendations, in my following considerations.

5.2 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT WITHIN OIC AREA

30. The Application sets out a comprehensive assessment of effects on the environment within the OIC area under the heading 'OIC Assessment' and generally using headings corresponding to the matters of control in Schedule 3 of the OIC and includes references to the various technical reports as part of that assessment."[24] The Application provides the following overall summary to its assessment of effects within the OIC area:[25]

In summary, with the benefit of a greater degree of design and assessment being undertaken as part of preparing the application than necessarily anticipated by the

[24] Application, Section 10 (pages 70 - 103).

[25] Application, (page 103).

context of the OiC, many of the outcomes provided for in the standardised conditions have already been met and components of them are not required as conditions of consent. Amendments to the standardised conditions are proposed to enable more effective implementation of the works.

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

31. The HBRC s42A Report generally agrees with the assessment in the Application, except for those matters relating to Dust Management, Surface Water Take, Temporary Structures and Drinking Water Supplies where additional assessment is provided with additional conditions recommended. Additional assessment is also provided of Consequential Flooding Effects and Cultural Matters, for which the HBRC s42A Report author agrees with the approach proposed in the Application.[26]

32. The HDC s42A Report summarises the assessment of each effect provided in the Application and provides comment on those matters relevant to its jurisdiction, including to the appropriateness of the related conditions.[27] The HDC s42A Report does not identify any areas of significant disagreement with the Application's assessment of effects on the environment, albeit that some amendments are recommended to the consent decisions following consideration of comments as I discuss further below.

33. I am generally satisfied with the comprehensive assessment of effects provided in the Application and adopt it as part of my decision, except where I undertake further consideration below. I also note that assessment was made prior to the comments being received. As set out in Table 3 below, I find that additional conditions to those set out in Schedule 2 of the OIC and to those proposed in the Application are required to appropriately address relevant matters raised in the comments received.

34. I therefore consider matters relating to comments and those matters remaining in contention, as assessed by the s42A Reports in further detail below.

5.3 SPECIFIC CONSIDERATION OF EFFECTS IDENTIFIED IN COMMENTS AND S42A REPORTS

5.3.1 Cultural Values Effects

35. The relevant matter of control to these effects in Schedule 3 of the OIC is:

Cultural Values

[26] HBRC s42A Report (pages 15 – 20).

[27] HDC s42A Report (pages 43 – 54).

(a) Potential adverse effects on cultural values, including effects on the relationship of tangata whenua with the land on which the works are carried out and receiving environments.

(b) Whether the works will affect wāhi tapu or wāhi taonga.

(c) Measures proposed to monitor adverse effects on cultural values throughout flood protection works.

(d) Whether the values of kaitiakitanga, manaakitanga, and whanaungatanga will be provided for.

(a) The risk (likelihood and severity) of flooding upstream or downstream of the proposed flood protection works as a result of the works, and measures to avoid or minimise that risk.

36. The Application in section 10.3 sets out the above matters of control and notes that neither the CIA nor CAAR specifically consider the effects on the Wāhi Toanga site[28] identified in the Hastings District Plan at the southern end of the proposed area of works.

37. The Application then refers to the recommendations of the respective reports which it sets out in Table 6 with the Applicant's response. The Application notes that the OIC resource consent process does not provide scope for all the recommendations to be realised and that some of those recommendations are to be considered by the HBRC Māori Partnerships Team outside of this consent process.

38. In considering the specific recommendations, Table 6 of the Application references the Ecology Management Plan under Condition 28, Accidental Discovery Protocol Condition 29 (which would become redundant upon approval of the Archaeological Authority that has been applied for from Heritage NZ Pouhere Taonga), Conditions providing for the input of Māori Entity representatives and cultural monitors, the proposed Contaminated Site Management Plan, and notes where the application as proposed address some of the recommendations. There are however recommendations, particularly in relation to the CAAR where the Application notes the recommendation is beyond the scope of the project or subject to the approval of private landowners.

39. The HBRC s42A Report does not raise any specific disagreement with the assessment in the Application and notes the applicant has incorporated recommendations outlined in the CIA and CAAR where possible, and considers the recommendations are generally covered under the standard conditions of consent. The HBRC s42A Report states that this is generally with involvement in the STAG (condition 6) and during the preparation of the CEMP (condition 10) Ecology Management Plan

[28] W13 – Battlefield–Urupā at Pākōwhai/Whakatū (HDP – Appendix 50. Part 1: Wāhi Taonga Sites).

(condition 28) development process and considers that adverse effects regarding cultural matters will be less than minor.[29]

40. The HDC s42A Report also provides an assessment under the heading Cultural Values and concludes that the conditions in Schedule 2 of the OIC will ensure that cultural values are maintained, and archaeology is protected through the appropriate mechanisms. It also concludes that with these conditions, the protection of W13 is implicit.[30]

Consequential Flooding

41. The relevant matters of control relating to consequential flooding effects in Schedule 3 of the OIC are:

General

(a) The risk (likelihood and severity) of flooding upstream or downstream of the proposed flood protection works as a result of the works, and measures to avoid or minimise that risk.

(b) The risk (likelihood and severity) of erosion resulting from the proposed works, and measures to avoid or minimise that risk.

42. The Application refers to the technical basis for considering potential consequential flooding effects and draws on the T&T Flood Effects Report and the Beca Flooding Review.[31] Key points made in regard to consequential flooding effects are extracted from the Application as follows:

- *"...the proposed stopbank reduces the extent of existing flooding in the north and northeast Pakowhai area, while obviously increasing flood extents immediately downstream of the proposed spillway and in areas upstream/west of the proposed stopbank within the detention area."* [32]
- *"...with the greatest increased depths being upstream of the stopbank within the detention area – being pastoral farmland and approximately a 1 km section of SH2, and immediately downstream of the spillway. Further downstream of the spillway however, flood depths compared to the base scenario reduce.*[33]
- *"...the greatest increased flood depths occur upstream of the stopbank - being pastoral farmland and approximately 1 km section of SH2. Regarding the farmland, there is already the potential for significant amounts of flooding in this area (from SH2 to the downstream end of the stream). While the effects of the proposal will add to the depth and extent of this, HBRC is working with the landowner to reach a land access agreement that will take account of the*

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29 HBRC s42A Report (page 20),

30 HDC s42A Report (page 47).

31 Appendices 13 & 14 of the Application respectively.

32 Application (page 73).

33 Application (page 73).

effects identified, thus no further mitigation is proposed as part of this resource consent process." [34]

- *Regarding buildings, Figure 4.1 of the T+T report identifies 841 buildings (including dwellings, farm sheds, and ancillary structures) within the model domain with 323 of these being within the Land Category 2C zone and 259 within the Land Category 3 zone.*[35]

43. The Application separately considers those buildings that are subject to an increase in hazard classification as a result of the proposed works, with most of those buildings either being non-residential or within the post Cyclone Gabrielle Category 3 area. three buildings including a residential building at 70 Franklin Road have been purchased by HBRC and the residential building demolished. In regard to building effects the Application concludes: *"Overall, there is a significant increase in overall flood protection as a result of the proposed works."*[36]

44. Downstream of the spillway the Application identifies that, with the exception of a small area of land west of Pakowhai Road, affected land is all within the Category 3 area. Regarding the land on the western side of the road there are three building clusters, two of which HBRC have purchased, while the other has been removed. On the basis that the remaining land downstream of the spillway is Category 3, no further mitigation is proposed.[37]

45. In terms of effects on roads and utilities the Application makes the following comments:

- *"...while a greater length of State Highway 2 may be flooded, the change in the duration of flooding will be limited, and effects on the functioning of the State Highway network compared the impacts that would otherwise occur in the baseline scenario also limited i.e. while flood depths across some lengths of the State Highway may take longer to drain, they will still drain within the time it takes for low areas that are flooded under the base scenario to drain."* [38]
- *"Flooding has been eliminated along Pakowhai Road for the northernmost 2.5km until the spillway. ... While the redirection of flow through the spillway increases the flood depth and velocity in this area, the hazard category along Pakowhai Road for the base scenario and stopbank scenario does not exceed H1, and therefore is not considered unsafe for vehicles."*
- *"In terms of other roads within the area, the T+T report reports a significant reduction in the length of roads subject to hazard category of H3 or higher, noting all vehicles are unsafe at a hazard of H3 and higher."*

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34 Application (page 77).

35 Application (page 75).

36 Application (pages 75 - 77).

37 Application (page 78).

38 Application (page 77).

- *"…the length of Chesterhope Road currently subject to a H3 hazard classification or higher will increase from 90m to 590m. This length of Chesterhope Road is not however within the public road reserve – rather an extension of the 'road' within private property. This length will be on the streamside of the stopbank and within the detention area. As outlined above, HBRC is working with the landowner on a land access agreement that will take this matter into account – noting it is already subject to a H3 category in any case."*[39]

- *"Flood water flows over the Franklin Road bridge deck in both the base and stopbank scenario. While the maximum water depth over the bridge deck increases from 0.4 m to 0.7 m and the maximum flood velocity increases from 1.3 m/s to 1.8 m/s from the base scenario to stopbank scenario, the flood depth duration remains unchanged between the two scenarios."*

  "The water level reaches the soffit of the SH2 bridge in both the base or stopbank scenario. The bridge does not overtop in either scenario."[40]

46. The overall conclusions made in the Application regarding flooding effects are set out as follows:

    - *Highly relevant to the Pakowhai context is the ability for residents to evacuate. Evacuation routes and flood conditions during such events have been considered by T+T, and in evaluating this assessment, Beca has concluded that the ability of Pākōwhai residents to evacuate locally is not adversely affected by the proposed stopbank.*

    - *In evaluating the identified effects of the proposal against five criteria, Beca concludes that consequences of the proposed stopbank are acceptable.*

    - *Based on the findings of T+T and Beca, beyond the mitigation built into the proposal, no additional mitigation or conditions are proposed by HBRC in respect to consequential flooding.*[41]

47. Comments were received from the following parties who raised concerns associated with the effects of consequential flooding: NZTA and Hastings District Council (as affecting SH2 as a key lifeline route, and specific effects regarding the Tūtaekuri-Waimate Stream bridge), Joan Fernie Charitable Trust and Bostock New Zealand (regarding the effects on the Trust's productive farmland in particular), Evan O'Leary (as affecting his property at 125 Gilbertson Road), and Sherly & David Mackie (concerns regarding lost production land) and effects on pump shed).

48. A summary of the concerns identified in the comments is provided in the HBRC s42A Report[42] along with response to them in Appendix 1, which in summary points out:

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39 Application (page 79).

40 *Ibid*

41 Application (pages 79 & 80).

42 HBRC s42A Report (pages 11-13 & Appendix 1).

- *NZTA & HDC submissions –*
    - *The applicant has confirmed that the northern approach of SH2 expressway bridge (Tutaekuri -Waimate stream) sits higher than the proposed stopbank crest level. They have also confirmed that the design for the tie in between the two assets shall be confirmed at the detailed design stage and that consultation with NZTA will occur to ensure design alignment.*
    - *Condition 10(a(ii)) requires the consent holder to provide a copy of the CEMPs and final design report and plans to the STAG which NZTA will be a member of. It is accepted that further consultation and agreement will need to be reached with NZTA on the tie into SH2, and this will need to take into account changes to SH2 as a result of the four laning project that is currently underway.*
- *Joan Fernie Charitable Trust ('JFCT') & Bostock NZ–*
    - *Access to private land and compensation for lost land development potential are key concerns. This falls outside the scope of the OIC and is a private agreement between the applicant and landowners (including leases). The applicant has provided a response confirming discussions regarding these matters are currently underway.*
    - *Any evacuation protocols will be determined by CDEM and this falls outside the OIC. The need for ongoing flood monitoring, early warning systems and evacuation protocols is considered to fall outside the OIC scope, as this consent is only for a 5-year duration as outlined under clause 20-21 of the OIC.*
    - *Compensation for lost land development potential, and access to private land is also not a matter of control under the OIC conditions, and this will need to be considered through private agreements with landowners. Condition 6 includes invitations to landowners and occupiers to STAG group (condition 6 (b(i)).*
    - *It is noted that Bostocks NZ and JFCT will be invited to be part of the STAG group under Condition 6(b(i)) and therefore additional conditions to provide for input during the construction phases are not recommended.*
- *Ministry of Education –*
    - *Given the location of the works will occur adjacent to Pākowhai School and on Chesterhope Road, it is recommended to specifically include the Ministry of Education and Pākowhai School within the identified parties listed under Condition 6(b) of the STAG process and Condition 10. Amendments to Conditions 6 and Condition 10 are recommended, and the agreed conditions (by the applicant) have been updated to reflect this.*
- *Evan O'Leary –*
    - *The applicant has provided a summary of consultation undertaken in Section 9 of their application, which includes properties impacted by the proposed spillway. No additional conditions are recommended.*
- *Sheryl & David Mackie –*

- *Conditions 39-41 (as requested in the Mackie's comments) relate to relocation and protection of private infrastructure (eg water intakes) within the stopbank corridor, and provision of compensation should turning circles at the end of orchard rows be lost. As above, compensation agreements are to be made outside of this OIC process. Similarly, the need to relocate private infrastructure is a matter that should be agreed directly between the applicant and landowner and is not within the scope (i.e. a matter of control) under this consent process. The addition of these conditions is not recommended.*

49. The HBRC s42A Report does not identify any significant concerns with the consequential flooding effects assessment offered by the Applicant, stating that:

    "…conclusions on consequential flooding are accepted, and while in some instances an increase in flooding will occur this can be accepted given the already significant risk of floodings across affected areas, i.e. the proposed increase will not generate significant additional further adverse impacts in the time of a flood and where these impacts are most significant, land access arrangements are being made, and the benefits from reduced flooding that will occur for the Pākowhai area."[43]

50. The HDC s42A Report in considering consequential flood effects provides a summary of the key points from the Application and the supporting Tonkin & Taylor and Beca technical reports, and concludes that the consequential effects of the stop bank are acceptable, as follows:[44]

    "Overall, the analysis undertaken by BECA evaluated the consequences of the stopbank as being acceptable. It is my view that HDC can rely on the detail provided in the application and supporting engineering reports to inform the assessment and come to the same conclusion."

51. I have carefully considered the Application, including the technical assessments from Tonkin & Taylor, and the Beca peer review, the comments received on the issue of consequential flooding, and the responses set out in the s42A Reports. I find that the Application, with the conditions proposed (and further refined as recommended in the s42A Reports), has appropriately addressed the potential consequential flooding effects to the extent possible in achieving the purpose of the flood protection works of protecting the non-Category 3 Pākowhai and Chesterhope community properties from a design event estimated to be the equivalent of a 1:200 year flood event. In saying this, I acknowledge that the JFCT property and SH2 will be subject to increased flooding effects as a result of the works, but that such effects cannot be avoided by the project.

    General Matters

[43] HBRC s42A Report (page 19).

[44] HDC s42A Report (page 46).

52. The HBRC s42A Report specifically assesses Dust Management. The relevant assessment matter to dust management in Schedule 3 of the OIC is:

    (b) The risk (likelihood and severity) of erosion resulting from the proposed works, and measures to avoid or minimise that risk.

53. The assessment provided in the HBRC s42A Report is in response to the comments from S & D Mackie concerned about the potential for dust to affect their orchard. The HBRC s42A report recommends that a local dust management plan is developed to manage dust effecting 56 Franklin Road, Waiohiki, given the potential for dust from heavy machinery use outside this property.[45]

54. The HBRC s42A Report also specifically assesses the effects of the proposed surface water take during construction. The relevant assessment matters to water takes from a stream in Schedule 3 of the OIC are:

    (c) Potential adverse effects on fisheries, and measures to avoid or minimise that risk.

    (d) Potential adverse effects on wildlife, habitat and ecosystems, and the application of the effects management hierarchy.

55. The HBRC s42A Report identifies concerns with the proposed 25l/s rate of take from multiple points and the proposed 1,080m^3 per day abstraction and recommends restricting the rate of abstraction and a low flow condition, to align with the requirements set out in TANK to help protect water flows and instream ecological health. The report discusses an alternative option of a water take reduction plan instead of the take ceasing in low flow conditions but recommends a condition requiring takes to cease during minimum flows. In addition, conditions requiring metering and telemetry of the take and fish screens at each take point are recommended.[46] The Applicant does not agree with some of these recommendations, and this is discussed further in Table 3 below, where I set out my findings on the conditions in contention.

56. The HBRC s42A Report also discusses the temporary bridges proposed by the Applicant subsequent to the lodging of the application and recommends amendments to conditions 1B, and 10 as well as a new condition relating to the removal of the structures, to mitigate potential effects.[47] I discuss this further in Table 3 below.

    Adjoining Land Uses

[45] HBRC s42A Report (page 16).

[46] HBRC s42A Report (pages 16 & 17).

[47] HBRC s42A Report (page 17).

57. Schedule 3 of the OIC includes the following matters of control relating to adjoining land uses:

Adjoining land uses

(a) Potential adverse effects on the use of land on which works are carried out and adjoining land, and measures to avoid, remedy, or mitigate those effects.

(b) Potential adverse effects on infrastructure assets and facilities (including those of network utility operators), and measures to avoid, remedy, or mitigate those effects.

58. The Application notes that the owners of the land on which the works will occur have been involved in developing the flood protection proposal, and on that basis with the design avoiding existing services concludes: "…the proposed works are not anticipated to compromise the actual use of the properties concerned."48

59. Regarding adjoining land owners, the Application states that existing drainage patterns have been accommodated and that the stopbank will not compromise existing or potential land use activities and therefore additional conditions are not considered necessary.

60. Concerns raised in the comments about adjoining land uses were more relevant to the issue of consequential flooding effects post the works, which have been discussed above.

61. The HDC s42A Report provides comment under this heading and after summarising the approach taken by the applicant and the relevant matters in the comments received, makes the following conclusions:

"…Some of the concerns raised can be mitigated through the CEMP, CTMP, CNVMP and through amendments to some of the conditions. The matters relating to compensation on the other hand must be addressed through other private agreements.

To conclude, the effects from the earthworks can be appropriately mitigated through the conditions (with amendments) in Schedule 2 of the OiC."[49]

62. I agree with those conclusions and those conditions are set out in Table 3 below.

Drinking Water Supplies

63. The HBRC s42A Report also notes that a condition of consent has been proposed by the Applicant requiring notification of the NCC Drinking Water Supply manager in the event of a spill with the potential to affect groundwater within the Taradale Water Source Protection Zone. The HBRC s42A Report also recommends adding a condition requiring notification of Pākowhai School given the school is the nearest

48 Application (page 97).

49 HDC s42A Report (page 50).

registered drinking water supplier located within the vicinity of the works area where dust and other contaminants in the form of diesel and oil from heavy machinery could result in contaminants entering the groundwater resources.[50]

5.4 NON OIC APPLICATION ASSESSMENT

5.4.1 HBRC Matters

64. The HBRC s42A Report discusses the assessment provided in the Application, including the potential effects of the proposed four construction material stockpiles and concludes that the adverse effects of the non-OIC application will be less than minor.[51]

65. The HBRC s42A Report includes an assessment of RMA sections 95A and 95B and concludes that neither public nor limited notification is required, and that the non-OIC application be processed on a non-notified basis.[52] I also find that to be the case.

5.4.2 HDC Matters

66. An assessment of the effects of the proposed earthworks outside of the OIC area is provided as part of the notification assessment in the HDC s42A report.[53] The conclusions made are that the adverse effects on the environment are no more than minor under section 95D of the RMA and that the adverse effects on any person are less than minor under section 95E of the RMA. I have considered the reasons provided for those conclusions and adopt that assessment as part of my decision.

67. The HDC s42A Report includes a decision made under delegated authority that the application (for matters of HDC jurisdiction outside of the OIC area) is to be processed on a non-notified basis.[54]

6. STATUTORY INSTRUMENTS

6.1 ASSESSMENT RELEVANT TO HBRC AS CONSENT AUTHORITY

68. The HBRC s42A Report provides a comprehensive assessment of the application against the following statutory instruments pursuant to section 104(1)(b) of the RMA:

    a. National Policy Statement for Freshwater Management 2020 (Amended October 2024) ('NPS-FM').

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50 HBRC s42A Report (pages 19 & 20).

51 HBRC s42A Report (pages 20 - 21).

52 HBRC s42A Report (pages 21 – 23).

53 HDC s42A Report (pages 34 – 42).

54 HDC s42A Report (page 42).

b. National Policy Statement for Infrastructure 2025 ('NPS-I').

c. National Policy Statement for Natural Hazards 2025 ('NPS-NH').

d. National Environmental Standards for Freshwater 2020 (Amended 2023).

e. National Environmental Standards for Sources of Human Drinking Water 2007.

f. Regional Policy Statement.

g. Regional Resource Management Plan.

h. TANK Proposed Plan Chage 9.

i. Outstanding Water Bodies Proposed Plan Change 7.

69. The assessment provided against each of the above instruments considers that the proposal is consistent with the relevant provisions, can be approved subject to those provisions or that the provisions are not relevant to the proposal.[55]

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

6.2 ASSESSMENT RELEVANT TO HDC AS CONSENT AUTHORITY

71. The HDC s42A Report considers various statutory instruments and includes assessment against the following as relevant to the HDC components of the Application:

a. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health NESCS 2011 ('NES-CS').

b. National Policy Statement for Highly Productive Land 2022 (Amended December 2025) ('NPS-HPL').

c. National Policy Statement for Natural Hazards 2025 ('NPS-NH').

d. National Policy Statement for Infrastructure 2025 ('NPS-I).

e. Regional Policy Statement.

f. Hastings District Plan.

g. Section 106A of the RMA.

72. The HDC s42A Report considers that the amendments proposed to conditions 10 and 17 in the Application appropriately address and mitigate any potential effects of contaminated soil on any person(s) both within and outside the OIC area.56 I agree with that conclusion.

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55 HBRC s42A Report (pages 23 – 30).

56 HDC s42A Report (page 54).

73. The assessment in the HDC s42A Report against the NPS-HPL identifies that exemptions under clause 3.9(2)(b), (c), and (j) would apply to the proposed works. It also identifies that clause 3.9(3) will be satisfied given the nature and purpose of the proposed works. Finally, the HDC s42A Report considers that the proposal is consistent with Policy 7 as the proposed use is not inappropriate.57 I agree with the assessment provided in the HDC s42A Report and adopt it as part of my decision.

74. Since the lodgement of the Application two new NPS documents have come into effect, these being the NPS-NH and the NPS-I. The HDC s42A Report assesses the Application against both of these documents.

75. Regarding the NPS-NH the HDC s42A Report considers the proposed earthworks against the NPS-NH risk matrix and considers that the works themselves would fit into the medium risk category while noting that their purpose is to mitigate natural hazard risk. The HDC s42A Report concludes assessment against the NPS-NH as follows:

> *"The application provides robust engineering reports and flood modelling and while some flooding will still occur as a result of the flood protection works, overall, the area where flooding will occur is reduced. The report recognises that flooding from a large event is unavoidable, however the risks of large scale flooding are appropriately mitigated through the OiC conditions.*
>
> *I therefore consider that the proposal meets the objective and policies of the NPS-NH."*[58]

76. I agree with those conclusions but for completeness I note that Policy 4 and clause 3.3(2)(c) of the NPS-NH require the avoidance or mitigation of significant natural hazard risk to other sites. I am satisfied that the natural hazard risks to other sites has been appropriately considered under the consequential flooding risk assessment, with mitigation proposed to ensure that no habitable buildings will be subject to increased flooding effects. For those reasons I find the proposal to be generally consistent with the NPS-NH.

77. The HDC s42A Report in assessing the NPS-I, identifies that flood control and protection works carried out by or on behalf of a local authority are within the scope of the NPS as "additional infrastructure". That report goes on to set out the relevant policies of the NPS-I and concludes:

> *"I have reached a conclusion that the proposal has addressed the matters referred to above and is not inconsistent with the above policies. In reaching this conclusion I find that the infrastructure is in direct response to climate change and will provide greater resilience for the Pakowhai and Chesterhope communities."*[59]

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57 HDC s42A Report (pages 55 – 56).

58 HDC s42A Report (page 57).

59 HDC s42A Report (page 60).

78. I agree with that HDC s42A Report conclusion and adopt its assessment of the NPS-I as part of my decision.

79. The HDC s42A Report identifies that the proposal is consistent with the relevant objectives and policies of the both the RPS and the HDP and the HDP earthworks assessment criteria, with the proposed conditions and recommended additions to Condition 23 regarding noise and vibration mitigation, and the new local dust management plan condition recommended in the HBRC s42A Report.60 I agree with these conclusions and the assessment provided, which I adopt for the purposes of this decision.

80. Section 106A of the RMA enables the refusal of land use consent where there is a significant risk from natural hazards. The HDC s42A Report considers that the proposal is consistent with section 106A of the RMA as it seeks to provide flood protection for the Pakowhai and Chesterhope communities from future large events, albeit that there are some consequential effects as a result of the mitigation provided.[61] I also find the proposal to be consistent with section 106A of the RMA on that basis.

7. RMA SECTIONS 105, 107 AND PART 2

81. The HBRC s42A Report considers the discharges that may result from the proposal against sections 105 and 107 of the RMA. Regarding section 105, the nature of the discharge, sensitivity of the receiving environment and reasons for making the proposed choice are considered and the s42A Report concludes the proposal, including the proposed conditions and recommended amendments to them, are appropriate for managing any adverse effects of the activity (inclusive of the discharge).[62]

82. In terms of section 107, the s42A Report concludes that the proposed discharge is unlikely to result in any of the effects referenced in section 107 and will be temporary in nature, occurring over the course of construction, allowing consent to be granted.[63]

83. I agree with the conclusions of the HBRC s42A Report on sections 105 and 107 of the RMA and adopt them for the purposes of this decision.

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60 HDC s42A Report (pages 53 – 59).

61 HDC s42A Report (page 68).

62 HBRC s42A Report (page 31).

63 HBRC s42A Report (page 31).

84. Both the HBRC and HDC s42A Reports assess the application against Part 2 of the RMA and conclude that consistency is achieved with Part 2.[64] I agree with these assessments, and I adopt them for the purposes of this decision.

8. CONSENT DURATION

85. I adopt the consent duration and lapse dates as recommended in both the HBRC and HDC s42A Reports of 5 years and two years respectively, as is consistent with clause 20 of the OIC.[65]

9. CONSENT CONDITIONS

86. Clause 17 of the OIC sets out that the consent authority may impose 1 or more of the conditions set out in Schedule 2 of the OIC, while also enabling the consent authority to amend any of these conditions, and to add additional conditions, if considered necessary for achieving the authorities' responsibility for a matter of control in Schedule 3. That is, except for the condition in Clause 1 of Schedule 2, which clause 17(3) of the OIC prevents from being amended. That condition being:

    1 Compliance with specified documents accompanying consent application

    (1) 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:

        (a) [consent authority to complete]:

        (b) [consent authority to complete]:

        (c) [consent authority to complete]:

        (d) [consent authority to complete].

    (2) 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.

87. The Application proposes a set of conditions based on Schedule 2, with modifications and deletions that reflect the assessment of effects on the environment undertaken and the matters of control in Schedule 3 of the OIC.

88. Both s42A Reports set out as Appendix 2 a table of conditions as requested by the applicant, and provide comments and recommended wording changes as appropriate. I am in general agreement with the assessment of the conditions provided in the respective s42A Reports. Rather than repeating those assessments I

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64 HBRC s42A Report (pages 31 & 32); and HDC s42A Report (page 68).

65 HBRC s42A Report (page 35) and HDC s42A Report (page 69).

identify in the following table where changes other than minor typographical edits are recommended and comment on those. I note that I do not include the full conditions in the table below that have been recommended by the Applicant and agreed with by both s42A Reports. The full set of conditions is set out in Appendix A to this decision.

Table 3 – Findings on Conditions Proposed for Consent

Conditions Proposed by Applicant – Amendments to Standard Schedule 2 conditions in blue font.	**Amendment Recommended by Consent Authority highlighted in yellow -(additions in red font, deletions in ~~strike through font~~)**	**Finding (decisions on condition wording different to the s42A recommendations are highlighted in green)**
1. Compliance with specified documents accompanying consent application 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: i. Pakowhai Flood Protection Improvements, Prelimianry Design Report, Novmeber 2025, Job Number 1017353.2403 v1 However, if there is a conflict …, the imposed condition prevails.	1. Compliance with specified documents accompanying consent application 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: i. Resource Consent Application for Flood Protection Works, Pakowhai Flood Protection Improvements, Preliminary Design Report, November 2025, Job Number 1017353.2403 v1. ii. Stradegy, 'Resource Consent Application for Flood Protection Works – Pakowhai Flood Protection Works'. 26 November 2025. However, if there is a conflict …, the imposed condition prevails.	The Council officers have recommended to include additional key documents provided in the reference of the conditions for completeness. Aside from a minor rewording set out as follows, I find Conditions 1 and 1B to be appropriate: "i. 'Resource Consent Application for Flood Protection Works, Pakowhai Flood Protection Improvements, Preliminary Design Report,' Tonkin & Taylor, November 2025, Job Number 1017353.2403 v1. ii. *'Resource Consent Application for Flood Protection Works – Pakowhai Flood Protection Works'*, Stradegy, 26 November 2025. …
1B Tracking changes in the design process	**1B Tracking changes in the design process**	A change to condition 1B was recommended by S&D Mackie so that provision of the final design to

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. 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. The Final Design Report shall be provided to the Hawke's Bay Regional Council (Manager Compliance) prior to construction commencing.	Changes that occur between preliminary and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall include the final design plans and shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1. 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. The Final Design Report and final design plans shall be provided to the Hawke's Bay Regional Council (Manager Compliance) and Compliance Manager Hastings District Council and to the Stakeholder Advisory Groups set out under condition 6 at least 5 working days prior to construction commencing. These final design reports and plans may exclude the design details of the tie into SH2. Rather, the final design plans for the tie in with State Highway 2 shall be provided to the Hawke's Bay Regional Council (Manager Compliance),	the STAG is also required. This change is recommended by the respective s42A report authors and is not opposed by the applicant. The 5 working day timeframe aligns with Condition 10 (CEMP). The tie in of the stopbanks to the SH2 Tūtaekuri-Waimate Stream bridge will most efficiently be determined once the proposed 4 lane Expressway designs are available. The recommended amendments to Condition 1B provide for that flexibility and enable the bridge design to be confirmed at a later date than the design for the remainder of the project. I agree with the additional wording recommended by the Council reporting officers.

	Compliance Manager Hastings District Council and NZTA at least 5 working days prior to the tie in works commencing.	
2. Duration of resource consent (a) The period for which this resource consent has been granted is ~~*[consent authority to insert date that is not more than* **5 years***]*~~ after the date of commencement of the consent. (b) This resource consent lapses on *[consent authority to insert date that is no later than 2 years after date of commencement of consent].*	2. Duration of resource consent (a) The period for which this resource consent has been granted is 5 years ~~*[consent authority to insert date that is not more than 5 years]*~~ after the date of commencement of the consent. (b) This resource consent lapses on 4 February 2028 if not exercised before this date.	The HDC Reporting points out that outside the OIC area the application is assessed under the RMA, of which s125 enables a lapse date to either be set in the resource consent or default to 5 years. 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 (being the date on which the decision is notified). I find it appropriate that Condition 2, which would apply to both the areas inside and outside the Pakowhai A OIC area, sets a 2 year lapse date consistent with the OIC, which takes into account the immediate need for the flood protection works to commence.
Condition number and heading only are quoted below: 3. Definitions (No changes proposed to the OIC Schedule 2 wording)	3. Definitions **CEMP** means the Construction Environment Management Plan required by condition 10 of this ~~schedule~~ consent. *An equivalent amendment is also recommended to the definitions of the following terms:* *Cultural indicator, cultural monitors, earthworks principles, ecology principles,*	HBRC and HDC Reporting Officers have recommended the same changes to this condition (and all subsequent references in the recommended conditions) to replace the word 'schedule' with 'consent'. When the standard conditions listed in Schedule 2 of the OIC are applied to the consent, I agree that the definitions when cross referencing should refer to 'this consent' rather than 'this schedule'.

	Erosion and Sediment Control Manager, ESCP, Māori entity representative.	
4. Māori entities representatives 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. b) The consent holder must issue the invitations at least 20 days before the flood protection works begin. c) The relevant Māori entities may appoint a team of cultural monitors to i. support the Māori entities representatives; ~~and~~ ii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan, and iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and	4. Māori entities representatives 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. b) The consent holder must issue the invitations at least 20 days before the flood protection works begin. c) The relevant Māori entities may appoint a team of cultural monitors to i. support the Māori entities representatives; ~~and~~ ii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan, and iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value.	HBRC and HDC Reporting Officers recommend a minor wording change to this condition to change the wording from 'schedule' to 'consent'. I agree with this change for the reasons set out above. I find the amendments sought by the Applicant to condition 4 to be appropriate in giving a greater advisory role to the cultural monitors and in this way responds to some of the matters raised in the CIA and CAAR.

physical resources that have cultural value. d)The consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters: i. the appropriate number of representatives: …	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: i. the appropriate number of representatives: …	
5. Guidance on Cultural indicators a) The guidance provided under condition 4(c)(iii) of this schedule must focus on indicators covering all identified traditional associations,— i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan ~~all plans~~ required by these conditions;	5. Guidance on Cultural indicators a) The guidance provided under condition 4(c)(iii) of this ~~schedule~~ consent must focus on indicators covering all identified traditional associations,— i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan ~~all plans~~ required by these conditions;	The replacement of references to 'this schedule' with 'this consent' are appropriate. This is a typographical correction for the reasons discussed above, and the same change is made in a number of additional conditions. There is no need for me to provide further comment on this matter. The HBRC and HDC s42A Reports are in agreement with the wording recommended by the applicant in all other respects. The changes to 5(b) result in more specific wording to focus the cultural indicators to the associated cross reference in the Construction Environmental Management Plan and to the Ecology Management Plan, with ecological effects being a specific area of focus in both the CIA and CAAR. I find the proposed changes to be appropriate.

i. take all applicable cultural indicators into account; and ii. report to the Māori entities representatives how those indicators have been taken into account.	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. Stakeholder advisory group a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the **stakeholder advisory group**. b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group: i. the owners and occupiers of land on which the flood protection works are carried out (referred to as 'Footprint' 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 'Footprint Adjoining' in Schedule 1 who made comments under clause 15 of the OiC: iii. all network utility operators with network infrastructure or other	6. Stakeholder advisory group a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the **stakeholder advisory group**. b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group: i. the owners and occupiers of land on which the flood protection works are carried out (referred to as 'Footprint' 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 'Footprint Adjoining' in Schedule 1 who made comments, and any clause 15(2)(a)(x) party that commented. ~~under clause 15 of the OiC~~:	The HBRC s42A Report provides the following reason for the amendment proposed: *"The Ministry of Education made a comment on this proposal for safety concerns given the school is within the OIC footprint and project area. It is recommended to include a representative from the Ministry of Education and/or Pākōwhai School under Condition 6 (b(viii)) to enable inclusion on the STAG group.* (The recommended amendments to (b)(ii – iii)) - *Updated the list of people able to join the STAG group into two sub-conditions to make this requirement clearer. The amended wording continues to ensure that all listed parties are invited, along with all 'footprint' landowners and occupiers, and any 'adjoining' or clause 15(2)(a)(x) parties that commented. The condition does not now require the applicant to invite all parties who were invited to comment by the councils under cluse 15(2)9a)(x)."*

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 …	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.** the Ministry of Education and Pākōwhai School …	The HDC s42A Report states that this condition should include people who hold leases on land and buildings within the OIC footprint. The recommended reference to clause 15(2)(a)(x) covers Bostock NZ, who commented and fall within this category. In regard to the comments received, I note that S & D Mackie sought an amendment to condition 6 to require two separate STAG groups to represent the areas to the north and south of SH2. The applicant considers that *"a single STAG, with adequate representation from both ends of the project, will be sufficient to represent the footprint owners and wider community".* Both HDC and HBRC s42A reporting officers agree that two STAGs are not necessary and may create unnecessary duplication. I find that the amendments to Condition 6 as recommended in the s42A Reports are appropriate.
Condition numbers and headings only are quoted below: 7 Operation of stakeholder advisory group, 8 Project Engagement Lead, (No changes proposed to the OIC Schedule 2 wording)	No changes suggested.	No comment required.
9 Communications Plan	9 Communications Plan	The HBRC s42A Report states that Condition 9(d)(i)) the communications plan needs to be

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. … d) The consent holder must give to the Manager Compliance— i. the initial communications plan at least ~~5~~20 **working days** before construction works begin; and ii. any amended plan, as soon as practicable after the amendment.	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. … d) The consent holder must give to the Manager Compliance (Hawke's Bay Regional Council and Hastings District Council) — i. the initial communications plan at least ~~520~~ 10 **working days** before construction works begin; and ii. any amended plan, as soon as practicable after the amendment.	reviewed by the respective HBRC and HDC Compliance Managers and 10 working days is considered an appropriate minimum timeframe for this. This also aligns with comments received on this condition from S & D Mackie. The Applicant in commenting on the draft conditions seeks that the timeframe be 5 working days as requested in the Application, given that previous OIC applications have been approved with such a timeframe and that 5 days is considered ample. I find that the 10 working days requested by S & D Mackie and recommended by the Council s42A Reports is an appropriate timeframe, given that the OIC standard condition is 20 working days and that the works in this proposal are significantly more extensive than for previously consented proposals under this OIC.
10 Construction Environmental Management Plan a) The consent holder must— i. prepare a construction environmental management plan for the ~~flood protection~~ construction works undertaken north of State Highway 2 and a separate construction	10 Construction Environmental Management Plan a) The consent holder must— i. prepare a construction environmental management plan for the ~~flood protection~~ construction works undertaken north of State Highway 2 and a separate construction environmental	As noted in the HDC s42A Report Condition 10(a) responds to the comments from Sheryl and David Mackie of 56 Franklin Road, with the additional reference to the final design report. Increasing 5 working days prior notice requested to 10(a)(ii) is not supported by either s42A Report author. I find the wording recommended by the s42A Reports to be appropriate.

environmental management plan for the construction works undertaken south of State Highway 2 and; ii. not less than **5 working days** before the commencement of each area of 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 (in respect to the construction works and areas concerned): 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—	management plan for the construction works undertaken south of State Highway 2 and; ii. not less than **5 working days** before the commencement of each area of construction works ~~begin~~, submit the CEMP and the final design report and plans required under condition 1B to the consent authority (Hawkes Bay Regional Council and Hastings District Council)— and the stakeholder advisory group. b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the ~~flood protection~~ construction works. c) The CEMP must include the following information (in respect to the construction works and areas concerned): 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:	There is agreement between the Application and s42A Reports with the wording for condition 10(b) & (c)(i) – (viii). The proposed amendments to Condition 10(c)(iii) respond to the CIA and CAAR reports by involving Māori Entity Representatives. The inclusion of a Contamination Site Management Plan under subclause (viii) is supported by the HDC s42A Report author, who states: *"The CSMP has been specifically added to matters to be addressed in the CEMP under Condition 10 (new condition 10 c) viii) of the OiC. Rather than duplicate the process for the area outside OiC footprint, HDC can rely on the imposition and implementation of the CSMP as part of the CEMP to address and mitigate any potential effects of contaminated soil on any person(s)."* I agree with the proposed approach to incorporate the CSMP into condition 10(c)(viii).

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)(ii) of this schedule:~~ iv. indicative timing of all stages of the flood protection works: v. procedures for the management of hazards, including— 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. the location of laydown and material stockpile areas and arrangements for site access and on-site traffic management including haulage routes, that respond to the matters outlined in Table 10 of the Traffic Impact Assessment – Pakowhai Stopbank, Hawke's Bay, 30 October	iii. procedures, developed in partnership with the Māori Entity Representatives, for— 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)(ii) of this schedule:~~ iv. indicative timing of all stages of the flood protection works: v. procedures for the management of hazards, including— 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. the location of laydown and material stockpile areas and arrangements for site access and on-site traffic	

2025 prepared by East Cape Consulting Limited: 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 and Detailed Site Investigations prepared by T+T, and including, but not limited to: 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. viii. Protocols associated with and disturbance and remediation of the identified fill sites at 1023 Links Road and 2008 Pakowhai Road (protocols associated with 1023 Links Road to be included in the CEMP pertaining to the construction works north of	management including haulage routes (see conditions 39 and 40), that respond to the matters outlined in Table 10 of the Traffic Impact Assessment – Pakowhai Stopbank, Hawke's Bay, 30 October 2025 prepared by East Cape Consulting Limited: 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 and Detailed Site Investigations prepared by T+T, and including, but not limited to: 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. viii. Protocols associated with and disturbance and remediation of the identified fill sites at 1023 Links Road and 2008	

State Highway 2 and those associated with 2008 Pakowhai Road in the CEMP pertaining to the constructions work south of State Highway 2). 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— 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:	Pakowhai Road (protocols associated with 1023 Links Road to be included in the CEMP pertaining to the construction works north of State Highway 2 and those associated with 2008 Pakowhai Road in the CEMP pertaining to the constructions work south of State Highway 2). ix. dust management measures and procedures for avoiding or minimising to the extent practicable the discharge of dust outside the boundary of the works footprint (see conditions 16 and 41 of this ~~schedule~~ consent): x. procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings), and for managing and measuring groundwater or surface water takes, including fish screening requirements, 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— 1. are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and	As noted in the HBRC s42A Report (and agreed with by the HDC s42A Report) S&D Mackie seek to add to c) ix: "*and procedures for avoiding or minimising to the extent practicable the discharge of dust outside the boundary of the works footprint, including wind conditions in which dust generating activities are to cease.*" Given the potential effects of dust occurring outside 56 Franklin Road from the truck movements, it is recommended to include a requirement for a dust management plan (as condition 41) to reduce the impacts at this location be developed prior to works commencing to ensure offsite dust effects are minimised. I note that the Applicant does not support a new condition 41 relating specifically to 56 Franklin Road, opposing the prescription and focus of that condition on a single property. I find agreement with the HBRC s42A Report recommendation (see paragraph 53 above) given the nature of the crops that the condition would protect. The HBRC s42A Report advises that the recommended additions to Condition (10(x)) (water takes) link to the requirements in Conditions 28 and 34 for metering and data reporting and for

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:~~ xviii. an outline of key procedures ~~1. how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or~~ 2. from the applicable 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:	2. have authority to authorise immediate response actions: xii. a detailed process for detecting, investigating, and recording incidents: xiii. details (including timing) of arrangements for reporting to the consent authorities on the outcomes of, and compliance with, the CEMP: xiv. any ESCP (*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:~~ xviii. an outline of key procedures ~~1. how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or~~ 2. from the applicable ecology management plan prepared under	adequate fish screening to be provided for the water takes. This change ensures it is included in the CEMP so that it is easily incorporated into the contractor's procedures. In response to the Applicant's comments the recommended wording of 10(x) clarifies that measurement only applies to groundwater or surface water abstraction (not dewatering). The HBRC s42A Report advises that the amendment proposed to Condition 10(c)(xxii) addresses in part the suggestion from S&D Mackie that amendments to the CEMP be reported on, but leaves the exact mechanism and format for this to be developed through the CEMP (and STAG) process. I agree with this approach. Two temporary bridges over the Tutaekuri-Waimate Stream are proposed to enable construction. The respective s42A reports recommend that the details of these temporary structures should be included in the CEMP and in the design plans required by condition 1B and this is included under the addition of condition 10(c)(xxiii) and condition (xx). I find this approach to be appropriate and note that it is accepted by the Applicant.

xxii. procedures for amending the CEMP under condition 11 of this schedule. d) The CEMP must, so far as is practicable, be consistent with the HBRC ~~River Control Code~~ 'Environmental Code of Practice for River Control Works' (2017 or subsequent version).	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 condition 29 of this ~~schedule~~ consent) or reference to an Authority where applicable: xxi. methods for responding to queries and complaints: xxii. procedures for amending the CEMP under condition 11 of this ~~schedule~~ consent and reporting on any such amendments. xxiii. Location and design details of temporary bridges, and procedures for establishing and removing these structures d) The CEMP must, so far as is practicable, be consistent with the HBRC ~~River Control Code~~ 'Environmental Code of Practice for River Control Works' (2017 or subsequent version).	
11 Developing and amending the CEMP a) Before finalising the CEMP, or any amendment to the CEMP under subcondition (e), the consent	11 Developing and amending the CEMP a) Before finalising the CEMP, or any amendment to the CEMP under subcondition (e), the consent	The HBRC s42A Report explains condition 11(f) has resulted from the Applicant's comments on the originally proposed draft conditions which sought

holder must invite the consent authority and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days. b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment. c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment. d) The consent holder must act in accordance with the CEMP for the duration of the flood protection works. e) The consent holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, maintenance and operations methods, or procedures for managing adverse effects throughout the construction phase of the flood protection works. f) After amending the CEMP, the consent holder must give a copy of the amended CEMP (indicating the amendments) to the consent authority and the stakeholder advisory group within 10 working days.	holder must invite the consent authority (Hawkes Bay Regional Council and Hastings District Council) and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days. b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment. c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment. d) The consent holder must act in accordance with the CEMP for the duration of the flood protection works. e) The consent holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, maintenance and operations methods, or procedures for managing adverse effects throughout the construction phase of the flood protection works. f) After amending the CEMP, the consent holder must give a copy of the amended CEMP (indicating the amendments) and the final design report and associated plans (if these have changed as a result) to the consent authorities (Hawkes Bay Regional Council and Hastings District Council) and	that provision of the final design report and associated plans only be required if changes have occurred when amending the CEMP. HBRC accepts this change. The wording as now proposed in the 2nd column has therefore been agreed by both the Applicant and HBRC & HDC s42A Reports. I have no reason to disagree with that wording.

	the stakeholder advisory group within 10 working days.	
12 Earthworks principles a) The consent holder must carry out all works in a manner that— 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	12 Earthworks principles a) The consent holder must carry out all works in a manner that— 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 … b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles. c) There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the earthworks activity. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters. d) That all areas of earthworks shall be re-grassed to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee). As-built Plans e) The consent holder shall provide as-built plans to the Development Engineer, Hastings	The HDC s42A report author advises that the additions they have proposed are reflective of standard earthworks conditions applied to resource consents for earthworks activities. HBRC advise that they agree with HDC that there should be a requirement to provide ‘as built’ plans. Following the receipt of feedback on the draft conditions from the Applicant the HBRC s42A Report proposes some minor amendments to the HDC wording with the following explanation: *“Condition 12(e) - the applicant opposes the requirement for the ‘as built’ plans to be approved by Council and HBRC agrees with the applicant’s amendments given the works will have been approved under the OIC consent and an additional ‘approval’ process of as-built plans is not likely to add benefit.”* The wording set out in the second column for Condition 12(e) is as agreed by the Applicant including the minor modifications they requested. I find that wording to be appropriate while still achieving the intent of HDC to have as built documentation of the earthworks.

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. b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.	District Council on completion of earthworks showing: i. The final contours of the stopbank, spillway and associated earthworks; and iii The overland flow paths, established as part of the works, including the designated spillway flow path and any re-directed local catchment flows. The final earthworks plan shall clearly distinguish between overland flow paths established as part of the works (including the spillway) and other areas and shall be referenced to NZVD2016.	
Condition numbers and heading only are quoted below, as the applicant does not request any changes to the standard condition: 13 Erosion and Sediment Control Manager and staff,	No recommended amendments to the Schedule 2 Conditions, except for replacing the word 'schedule' with 'consent' in condition 13(b)(iii).	No comment required.
14 Erosion and Sediment Control Plan. *The recommended wording from Schedule 2 is proposed to be retained except for the following change to c) (i):* c) An ESCP must specify the following matters: *General* (i) how the construction works will be carried out in accordance with the ecology principles:	14 Erosion and Sediment Control Plan. *The recommended wording from Schedule 2 is proposed to be retained except for the following changes to c) (i) and c) (xvi):* c) An ESCP must specify the following matters: *General* (i) how the construction works will be carried out in accordance with the ecology principles:	I find the additions to Condition 14(c)(i) and 14(c)(xvi) as set out in the 2nd column to be appropriate. I also find that amendment should be made to 14(c)(ii) to delete the reference to 'coastal works' given the location of the project outside of the coastal environment.

	(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: … *Reporting to consent authority* (xvi) details (including timing) of reporting to the consent authority (Hawkes Bay Regional Council and Hastings District Council) on the outcomes of, and compliance with, the ESCP.	
15. Failure of erosion and sediment control measure 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— i. as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and ii. immediately notify— 1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or	15. Failure of erosion and sediment control measure 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— ii. as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and iii. immediately notify— 1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or	The proposed wording changes ensure the references to Council officers are correct for both HDC and HBRC and are accepted by the Applicant. I therefore find the wording as recommended in the 2nd column to be appropriate.

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. d) The report to the Manager Compliance under subcondition (a)(iii) must – i. describe the control failure and its cause; and ii. specify the steps that have so far been taken to 1. control the released sediment and an resulting erosion; and 2. prevent any recurrence of the control failure.	2. the territorial authority ~~pollution officer~~ Compliance Manager (with responsibility for land-based borrow sites); and iv. within 7 days, report the incident to the Manager of Compliance (Hawkes Bay Regional Council and Hastings District Council). b) The Project Ecologist must investigate the affected area as soon as practicable. c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent 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. d) The report to the Manager Compliance (Hawkes Bay Regional Council and Hastings District Council) under subcondition (a)(iii) must – ii. describe the control failure and its cause; and iii. specify the steps that have so far been taken to 1. control the released sediment and an	

	resulting erosion; and 2. prevent any recurrence of the control failure	
Condition numbers and headings only quoted below: 16 Dust Management	No recommended amendments to the standard condition nor comments in the s42A reports.	No changes have been proposed to condition 16 from Schedule 2 of the OIC.
17. Works on contaminated land a) This condition applies to 1023 Links Road and 2008 Pakowhai Road if the consent holder undertakes earthworks or any other soil disturbance on the identified fill site (contaminated land). b) The consent holder must ensure that any soil and other materials that are removed from the site and identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind. c) The consent holder must take all practicable measures to—	17. Works on contaminated land a) This condition applies to 1023 Links Road and 2008 Pakowhai Road if the consent holder undertakes earthworks or any other soil disturbance on the identified fill site (contaminated land). b) The consent holder must ensure that any soil and other materials that are removed from the site and identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind. c) The consent holder must take all practicable measures to—	The HDC S42A report states: *"In addition to the standard practice for managing contamination, capping of the existing fill sites identified at 1023 Links Road and 2008 Pakowhai Road has been identified as needing to be undertaken. Condition 17 of the OiC prescribes how this is to be achieved and has been amended to specifically identify these two sites. "* The HDC s42A Report is supportive of the approach proposed by the Applicant in Condition 17. I therefore find this condition to be appropriate in mitigating potential adverse effects on human health and the environment from contaminated soil.

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~~ ii. replace the soil surface to an erosion-resistant state at the completion of the relevant works.	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~~ ii. replace the soil surface to an erosion-resistant state at the completion of the relevant works.	
18. Works and structures in beds of rivers 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— i. an applicable ESCP; and ii. the ecology principles; and iii. the earthworks principles; and iv. any guidance provided under condition 4(c)(iii) of this schedule (see condition 5 of this schedule) relating to relevant cultural indicators. c) With the exception of the diversion / reclamation of the Tutaekuri-Waimate	18. Works and structures in and adjacent to the beds of rivers a) This condition and conditions 19 and 20 of this ~~schedule~~ consent 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— ii. an applicable ESCP; and iii. the ecology principles; and iv. the earthworks principles; and v. any guidance provided under condition 4(c)(iii) of this ~~schedule~~ consent (see condition 5 of this ~~schedule~~ consent) relating to relevant cultural indicators.	Condition 18(c) has been amended to reference the specific ecological assessment undertaken in support of the Application. The HBRC s42A Report comments that *"the applicant has indicated that temporary bridge crossings may be used to enable construction and it is not likely that condition 18(e) will apply to the works, with no permanent crossings proposed in the Tutaekuri-Waimate Stream. Condition 18 (f) relates to providing a spillway for permanent culverts and as condition 18(e) is being retained, condition (f) should also be retained with some clarification to avoid confusion with the main spillway being constructed as part of the works."* I find the condition as listed in the 2nd column to be appropriate, given the above explanation, however I find further clarification is required to Condition

Stream (where fish passage matters are to be addressed through Condition 28), ~~F~~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 ~~e~~Ecological Opportunities and Constraints Assessment dated October 2025, Job Number 1017353.2403 v2.0 ~~scoping survey conducted under condition 27 of this schedule,~~ as being present in the water body concerned ~~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— 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 iv. provide for the maintenance of the river for flood management purposes.	c) With the exception of the diversion / reclamation of the Tutaekuri-Waimate Stream (where fish passage matters are to be addressed through Condition 28), ~~F~~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 ~~e~~Ecological Opportunities and Constraints Assessment dated October 2025, Job Number 1017353.2403 v2.0 ~~scoping survey conducted under condition 27 of this schedule,~~ as being present in the water body concerned ~~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— ii. be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and iii. 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	18(f) to make it clear that it is not referring to the designed stopbank spillway: f) In relation to permanent culverts under e) above, a permanent spillway (not including the designed flood control spillway in the stop bank) or weir must ensure that— …

e) The design of a permanent culvert in the bed of a river must— 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—~~ ~~i. a secondary flow path is available in the event of a blockage of the watercourse; and~~ ~~i. 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.	iv. manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and v. provide for the maintenance of the river for flood management purposes. e) The design of a permanent culvert in the bed of a river must— ii. allow for the relevant design flood flow event; and iii. address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris. f) In relation to permanent culverts under e) above, a permanent spillway or weir must ensure that— ii. 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.	

	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.	
Condition 19 is sought by the Applicant to be retained as per the Schedule 2 wording except for the minor amendment to 19(b) shown below. 19 Further requirements at watercourses 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. …	19 Further requirements at watercourses 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~~ culverts if the Project Ecologist decides, after considering all relevant matters, that it is unnecessary. c) Instead the consent holder must— i. give the consent authority (HBRC) appropriate data and reasons (supported by relevant design drawings) for not complying with condition 18(4)(b) of this ~~schedule~~ consent; and ii. if culverts that do not provide fish passage are necessary, notify the Department of Conservation. d) For the purposes of condition 18 of this schedule, the consent holder must, at least 10 working days before starting	Only minor wording changes are recommended to this condition to replace the term 'schedule' with 'consent' and to specifically reference HBRC as the relevant consent authority. I therefore find Condition 19 as set out in the 2nd column to be appropriate.

	permanent works within a watercourse, give to the consent authority (HBRC)— 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. 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). 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. g) The consent holder must ensure all of the following: 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. 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— i. take all necessary steps to stop or contain the discharge; and ii. notify— 1. the Manager Compliance (HBRC); 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.	
Condition number and heading only quoted below: 20 Extraction activities and river gravel	20 Extraction activities and river gravel a) The consent holder must ensure that, during construction works, extraction does not take place— i. within any actively flowing channel; or ii. within 6 metres of any river bank. b) In addition, the consent holder must ensure that extraction activities are carried out in accordance with the HBRC ~~River Control Code.~~ 'Environmental Code of Practice for River Control Works' (2017).	I find the recommended addition to be appropriate in specifically referencing the relevant environmental code for the local context.
21. Stormwater discharge	21. Stormwater discharge	Deletions are made to condition 21 from Schedule 2 to remove reference to matters not associated

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,— 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. 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.~~ 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. 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~~.	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,— ii. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and iii. submit the documents to the ~~consent authority~~ Manager Compliance, HBRC. 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.~~ 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. d) ~~The consent holder must ensure that the design of culverts and stormwater detention devices is, so far as practicable, in accordance with the~~	with the proposed works. I find the deletions to be appropriate.

	~~HBRC Stormwater Management Guidelines~~.	
22 Design and management of land based borrow sites *Applicant seeks deletion as there are no land based borrow sites proposed within the project area.*	The s42A Reports do not comment on this Condition.	I find the requested deletion of condition 22 to be appropriate.
23 Control of construction noise and vibration 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 works.	23 Control of construction noise and vibration 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 works. c) The consent holder must submit a Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person taking account of construction activities and	The comments from S & D Mackie raise concerns about the hours of operation, noise and vibration from the proposed works and seek additions to condition 23 to address these matters. The HBRC s42A Report advises that the applicant accepted additions to condition 23(c) and (d) proposed by S & D Mackie with amendments, but not conditions 23(aa) (hours of operation), (e) and (f) (vibration mitigation). In recommending conditions 23(c) & (d) the HDC s42A Report states: *"Noise associated with construction works is considered to create temporary effects only and while the works are being undertaken. Standard 25.1.6I of the Operative Hastings District Plan specifies the level of construction noise permitted, stating that this shall be in accordance with NZS6803:1999 Acoustics - Construction Noise. The Application states that noise will be controlled*

	sensitive receptors (including structures in respect to vibration) a minimum of 10 working days prior to commencement of works. d) The construction works must be carried out in accordance with the 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.	*within these limits. Condition 23 of the OiC requires these limits not be exceeded.* *In terms of the properties with buildings close to the proposed works, I consider these persons should be protected from vibration effects associated with the proposed works. To this effect I am recommending a change to Condition 23 to include c) and d).* *The proposed amendment to this condition reflects the proximity of residential activities to the works sites and the medium liquefaction properties of the soils. The changes are also reflective of comments receive from the persons at 56 Franklin Road.* *The comments from the persons at 56 Franklin Road relating to reduced hours of operation are not supported by HDC due to the overriding need to expedite the flood protections works without delay in order to protect the wider Pakowhai community for future major flood events."* I agree with the assessment provided and proposed additions to condition 23 by the HDC s42A Report as set out in the 2nd column.
24 Landscape assessment and plan *Applicant seeks deletion as there are no recommended mitigation actions arising from the landscape assessment report.*		The OIC Schedule 2 standard condition 24 requires the preparation of a landscape scoping assessment. Such an assessment has already been undertaken by Narrative Landscape with the report provided as Appendix 5 to the AEE.

		I find the deletion of this condition to be appropriate.
Condition numbers and headings only quoted below: 25 Project Ecologist 26 Ecology principles ~~27 Ecological survey and assessment~~ No changes are proposed to standard conditions 25 and 26 and condition 27 is proposed to be deleted.	No recommended amendments or comments from the s42A reports	No changes to Schedule 2 is requested to condition 25, and condition 26. Condition 27 is recommended to be deleted on the basis of the Ecological Assessment which has already undertaken a scoping of ecological values.[66] This has also resulted in condition 28 being requested to be amended to give effect to the proposed ecological mitigation, and recommendations of the CIA and CAAR. Given the above, and the associated technical reports I agree that the requested deletion of condition 27 and the modification of condition 28 are appropriate as requested.
28 Managing ecological loss a) ~~If any indigenous ecosystems, flora, or fauna (including taonga species) are identified by the ecological scoping survey under condition 27 of this schedule, t~~The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of advice provided by cultural monitors to prepare an Ecology Management Plan for the construction	28 Managing ecological loss a) ~~If any indigenous ecosystems, flora, or fauna (including taonga species) are identified by the ecological scoping survey under condition 27 of this schedule, t~~The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of advice provided by cultural monitors to prepare an Ecology Management	The Application provides the following explanation of proposed Condition 28: *"Based on the Ecological Assessment undertaken by T+T, the following measures for managing vegetation removal, bats, reptiles and native birds and impacts on the identified wetland are proposed to give effect to the ecology principles, and in addition to matters associated with the diversion of the Tūtaekurī-Waimate Stream, are*

[66] *Pakowhai Secondary Stopbank – Ecological Scoping Study,* Tonkin & Taylor Ltd, November 2025 (Appendix 4 of Application).

works undertaken north of State Highway 2 and a separate Ecology Management Plan for the construction works undertaken south of State Highway 2. Each must include (where applicable to the area of works concerned), in association with the Māori entities representatives,— i. An accidental discovery protocol to provide guidance if unexpected bat species are discovered, ii. An accidental discovery protocol to provide guidance if unexpected lizard species are discovered, iii. Procedures for managing native bird species prior to vegetation, iv. A construction methodology for the reclamation/diversion of the TūtaekurīWaimate Stream to facilitate the capture and relocation of fish, v. Preparation of a planting plan for the reclamation/diversion of the Tūtaekurī-Waimate Stream to achieve, as far as practicable, a net positive ecological outcome, vi. Preparation of a planting plan to offset any remaining effects of the reclamation/diversion of the Tūtaekurī-Waimate Stream, including the approach to offsetting to achieve, as far as practicable, a net positive ecological outcome,	Plan for the construction works undertaken north of State Highway 2 and a separate Ecology Management Plan for the construction works undertaken south of State Highway 2. Each must include (where applicable to the area of works concerned), in association with the Māori entities representatives,— i. An accidental discovery protocol to provide guidance if unexpected bat species are discovered, ii. An accidental discovery protocol to provide guidance if unexpected lizard species are discovered, iii. Procedures for managing native bird species prior to vegetation, iv. A construction methodology for the reclamation/diversion of the TūtaekurīWaimate Stream to facilitate the capture and relocation of fish, v. Preparation of a planting plan for the reclamation/diversion of the Tūtaekurī-Waimate Stream to achieve, as far as practicable, a net positive ecological outcome, vi. Preparation of a planting plan to offset any remaining effects	*proposed to be included in Ecology Management Plans (EMP) prepared under Condition 28 of the standardised conditions of the OiC. It is proposed that Condition 28 be amended to allow separate EMP's to be prepared for each of the two core projects i.e. one project involving works north of the Expressway and one project involving works south of the expressway."*[67] The additions recommended in the 2nd column are explained in the HBRC s42A Report as follows: *"The recommended addition of viii. ensures that the screening requirements for the water intakes are considered by the Project Ecologist and included in the Ecology Management Plan.* *The change recommended to condition 28(a)(ix) reinstates the effects management hierarchy and the need to 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 remains and that the EMP is developed with due regard to the ecology principles."* The Applicant has not commented further on the amendments proposed in the 2nd column.

[67] Application (page 46).

vii. Preparation of a planting plan to offset effects on Wetland 23 (if affected by the alignment) should the alignment of the stopbank not be able to avoid its extent, including the approach to offsetting to achieve, as far as practicable, a net positive ecological outcome. i. ~~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~~ ~~ii. prepares an ecology management plan.~~ ~~b) The consent holder must, —~~ i. ~~at regular intervals throughout construction, record all measures taken under subcondition (a)(i); and~~ i. ~~report to the stakeholder advisory group every 2 months —~~ ~~1. the measures taken; and~~ ~~2. any recommendations made by the Project Ecologist, working with the Māori entities representatives, to change those measures.~~ c) The consent holder must implement the ecology management plans prepared under subcondition (a)~~(ii)~~ throughout the construction works and report to the Stakeholder Advisory Group every 2 months on:~~:~~	of the reclamation/diversion of the Tūtaekurī-Waimate Stream, including the approach to offsetting to achieve, as far as practicable, a net positive ecological outcome, vii. Preparation of a planting plan to offset effects on Wetland 23 (if affected by the alignment) should the alignment of the stopbank not be able to avoid its extent, including the approach to offsetting to achieve, as far as practicable, a net positive ecological outcome. viii. Management of water takes including intakes and fish screens required by condition 30; and must, ix. Apply 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. i. ~~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~~ ~~ii. prepares an ecology management plan.~~	Given the above, I find the amendments proposed to the OIC Schedule 2 wording of Condition 28 in the 2nd column to be appropriate.

i. work undertaken according to the Ecology Management Plans, ii. any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives. ~~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.~~ e) When the construction works and ~~any~~ ecological mitigation works carried out under subcondition (a)~~(i)~~ are both completed, the consent holder must give the stakeholder advisory group— i. ~~a copy of the ecological effects assessment prepared under condition 27 of this schedule; and~~ a report that describes the ecological mitigation works ~~to be~~ carried out by the consent holder. ~~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).~~ ~~g) The Ecological Enhancement Fund—~~ i. ~~applies throughout the Hawke's Bay region; and~~ i. ~~must be used by the consent holder to provide compensation in relation to—~~ ~~1. making space available for a river (for example, by~~	~~b) The consent holder must,—~~ iii. ~~at regular intervals throughout construction, record all measures taken under subcondition (a)(i); and~~ iv. ~~report to the stakeholder advisory group every 2 months—~~ ~~1. the measures taken; and~~ ~~2. any recommendations made by the Project Ecologist, working with the Māori entities representatives, to change those measures.~~ c) The consent holder must implement the ecology management plans prepared under subcondition (a)~~(ii)~~ throughout the construction works and report to the Stakeholder Advisory Group every 2 months on:~~.~~ i. work undertaken according to the Ecology Management Plans, ii. any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives. ~~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.~~ e) When the construction works and ~~any~~ ecological mitigation works carried out under subcondition (a)~~(i)~~ are both completed, the consent holder must give the stakeholder advisory group— i. ~~a copy of the ecological effects assessment prepared under condition 27 of this schedule; and~~	

~~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.~~	a report that describes the ecological mitigation works ~~to be~~ carried out by the consent holder. ~~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).~~ ~~g) The Ecological Enhancement Fund—~~ i. ~~applies throughout the Hawke's Bay region; and~~ ii. ~~must be used by the consent holder to provide compensation in relation to—~~ ~~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.~~	

29 Archaeological discovery protocol a) The consent authority must prepare an accidental archaeological discovery protocol— 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— 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 b) The consent holder must— i. follow the protocol; and ii. ensure that workers and other persons on site are aware of the protocol. In subcondition (b)(ii),authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.	No changes are recommended in the s42A Reports to the standard condition.	The HDC s42A Report states:[68] *"Condition 29 of the OiC will be enacted should any item/artefact be discovered during construction noting that the Applicant has stated that an Archaeological Authority has been applied for, adding further strength to protect any historic heritage features."* On that basis no changes are recommended to Condition 29 and I agree that is an appropriate approach in conjunction with the application for a precautionary Archaeological Authority, which falls outside the jurisdiction of this decision.
Additional Conditions Proposed by the Applicant and / or recommended by the S42A Reports		

[68] HDC s42A Report (page 47).

Water Take Conditions		
30. Taking of water from the Tutaekuri-Waimate Stream shall be limited to the length of stream between a point 700m upstream of Franklin Road and the Ngaruroro Stopbank.	No amendments are recommended.	This condition is not in contention, and I find it appropriate to limit the extent of the stream from which water can be taken.
31. The taking of water from the Tutaekuri-Waimate Stream at each point of take shall not exceed 25 L/s.	31. The taking of water from the Tutaekuri-Waimate Stream at each point of take shall not exceed 25 L/s. The combined rate of abstraction at any one time shall not exceed 50 L/s.	The HBRC s42A Report advises that this recommended addition sets a maximum rate of take at any one time and that under the applicant's proposed condition this would not be limited. The applicant has not disagreed with the recommended amendments. I find the condition as recommended in the 2nd column to be appropriate.
32. Each point of take shall be installed to prevent fish, including eels, from entering the reticulation system.	32. Each point of take shall be installed to prevent fish, including eels, from entering the reticulation system. The fish screen design shall be confirmed by the Project Ecologist or other suitably qualified professional as being appropriate relative to the velocity of the intake(s) and the presence of fish species at the site(s) of take.	The HBRC s42A Report advises that this recommended addition links to the recommended requirement for the project ecologist to consider fish screening in the development of the EMP under condition 28. Again, there is no disagreement recorded with these recommended amendments. I find the condition as recommended in the 2nd column to be appropriate.
33. The combined maximum volume of take shall not exceed 1,080m^3 per day.	33. The combined maximum volume of take shall not exceed 1,080m^3 per day, except that:	The recommendation for takes to cease at low flow is a significant point of contention with the

	Taking shall cease at times when the flow in the Tutaekuri Waimate Stream is at or below 1,200 L/s measured at the Goods Bridge flow measuring site (no.1023149). Abstraction shall not commence until the flow in the Tutaekuri Waimate Stream is at or above 1,200 L/s as measured at the Goods Bridge flow measuring site. All flows shall be as determined by HBRC, abstraction shall cease. Advice note: during times of low flow ban, abstraction in accordance with the conditions of the relevant permitted activity rules may occur.	Applicant. The HBRC s42A Report sets out the following reasoning for the recommendation: "While minimum flow bans on this stream are uncommon, it is recommended that the minimum flow limits specified by the RRMP and the TANK Plan Change (PC9) are applied. This ensures that instream values are protected during period of low flow, and is appropriate given the relatively large scale of the water take proposed. The applicant accepts the requirement of a minimum flow of 1,200 L/s but prefers the approach of allowing for ongoing abstraction under a water demand reduction plan during times of low flow. The applicant has suggested an addition to condition 33 to provide for this. HBRC continues to recommend that the take from the stream be required to cease in the unlikely event of a minimum flow ban. … It is recommended that if the take is allowed to carry on during low flow bans under the reduction plan approach, it be for a set period of time (e.g. not more than 10 days) which provides time for alternative sources to be found, such as groundwater, and that the maximum rate of take is reduced to a specified maximum rate (e.g. 25 L/s). This should only be implemented after assessing all the alternative options and should only reduce to the greatest extent practicable or viable to undertake works that are essential.

		In commenting on the draft conditions the Applicant stated: *"…water from the stream is critical for construction to avoid dust effects. The applicant would therefore like the opportunity to prepare a 'water demand reduction plan' so that the abstraction of water from the stream, albeit minimized to the greatest extent practicable, may still occur to some degree during any minimum flow periods."* The applicant requested an alternative option to the recommended condition for water takes to reduce in accordance with a water demand reduction plan. I asked the HBRC s42A Report author to provide wording for this alternative option which is set out in the row below.
	33A. When the flow in the Tutaekuri Waimate Stream is at or below 1,200 L/s measured at the Goods Bridge flow measuring site (no.1023149) (i.e "**low flow periods**"), the taking of water shall only occur as follows: a. The combined maximum rate of abstraction does not exceed **25 litres per second.** b. Abstraction may only occur where: i. There are no practicable alternatives to taking surface water and ii. The take is required to support critical construction work activities or dust suppression.	The alternative wording provided by HBRC reporting officers at my request is set out as proposed condition 33A in the 2nd column. If adopted, Condition 33 would be as requested by the Applicant in the first column in the row above. Given that the water take is only temporary, while construction is ongoing and the importance of dust mitigation alongside the timely completion of the works, which needs to be balanced with effects on the stream, I am persuaded to provide the option of a water reduction plan at low flow levels as set out in column 2.

	iii. The take and use of water is consistent with a Water Demand Reduction Plan (**WDRP**). c. The purpose of the WDRP is to set out how the amount of water taken during low flow periods will be minimised to the greatest extent practicable during the low flow period. The WDRP shall include, but not be limited to: i. An explanation as to why the ongoing use of that water is critical and must continue to occur during the low flow period (for example to mitigate adverse effects of dust). ii. A description of the alternatives to taking water from the stream that were investigated and why these alternative sources cannot be implemented in whole or part. iii. Methods to be implemented to reduce the amount of water taken to the greatest extent practicable and to ensure an efficient use of water. d. The consent holder shall notify the Council (Manager Compliance) in writing of its intention to commence abstraction under the WDRP and shall provide a copy of the WDRP to the Hawke's Bay Regional Council (Manager Compliance) within 48 hours of having commenced abstraction during a low flow period. e. Full abstraction shall not commence until the flow in the Tutaekuri Waimate Stream is at or above 1,200 L/s as measured at the Goods Bridge flow measuring site.	

	f. The requirements of e) above shall apply each time a low flow period commences. g. All flows specified in this condition shall be as determined by HBRC.	
34. The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.	34. The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, and: a. A water meter with a data logger and telemetry unit(s) compatible with the Council's telemetry system shall be installed prior to the exercise of this consent and be operated and maintained to measure the volume of water taken (in cubic metres) to an accuracy of +/- 5%. b. The water meter and telemetry device(s) required by Condition (d) i) shall be installed and maintained in accordance with *'The New Zealand Water Measurement Code of Practice'* (January 2023). c. A record of water meter installation shall be provided to the Council using the *'Water Information Services (WIS) Meter Installation Form'* prior to commencement of abstraction. d. The telemetry unit(s) shall record the volume (in cubic metres, m^3) of take every 15 minutes. Each 15 minute interval of data shall be date and time stamped with the New Zealand Standard Time at the end of the 15 minute interval. e. Data shall be transmitted to the Council's telemetry system at least once per day.	The HBRC s42A Report advises that the proposed additions reflect HBRC requirements for metering and telemetry of water take data. The Applicant had not provided any response to this draft condition. In reviewing the additional conditions I find that recommended condition 34(g) should be amended as follows given the temporary nature of the proposed take: (g) A manual water meter reading shall be taken during the month of June each year, if the construction works and associated water takes are ongoing at that time. The water meter reading and the date and time the reading was taken shall be provided in writing to the Council (Manager Compliance) prior to 10 July each year. With the above amendment I consider the recommended conditions to be appropriate.

	f. The telemetry unit(s) shall be installed so as to provide an accurate record of the flow meter data by a suitably qualified person. A record of installation shall be provided to the Council (Manager Compliance) in writing using the Council's "Telemetry Installation Form" within one week of installation of the new or reinstalled unit(s) having occurred. g. A manual water meter reading shall be taken during the month of June each year. The water meter reading and the date and time the reading was taken shall be provided in writing to the Council (Manager Compliance) prior to 10 July each year. h. Where the telemetry equipment fails, the consent holder shall notify the Council (Manager Compliance) of the failure within 3 working days, shall read the water meter at daily intervals and shall provide the Council with a record of the following: i. The meter reading (in cubic metres); and, i. The daily volume of water taken (in cubic metres); and, ii. The date and time of each reading; iii. This information shall be supplied no later than 7 days after the end of each calendar month. Where the telemetry equipment is returned to full operation, the information shall instead be supplied within 7 days of this return to full operation occurring.	

Drinking Water Supply		
35. If an event occurs on-site that may lead to contamination of groundwater, the Consent Holder shall notify the Napier City Council Drinking Water Supply Manager and the Hawke's Bay. Regional Council (Manager Compliance) of the event as soon as reasonably practicable after the event occurs	**35. Drinking Water Supply** If an event occurs on-site that may lead to contamination of groundwater, the Consent Holder shall notify the Napier City Council Drinking Water Supply Manager, Pākōwhai School, and the Hawke's Bay Regional Council (Manager Compliance) of the event as soon as reasonably practicable after the event occurs	The HBRC s42A Report advises that: *"the works are located within the Napier City Council's drinking water source protection zone (SPZ) known as 'Taradale'. A SPZ is an area of protection to manage and prevent contaminants effecting water supplies. Given the close proximity to the flood protection works it is recommended that Pākōwhai School (private supply) is notified in the event of potential contamination risk in addition to the parties recommended by the applicant. Pakowhai School is the nearest registered drinking water supply."* The Applicant has not commented on the recommended additions, which I find to be appropriate as set out in the 2nd column.
Road Pavement Condition and Remediation		
36. Prior to commencement of stockpiling material, the Consent Holder shall undertake a preconstruction pavement condition survey of Franklin and Gilbertson Roads. The survey shall include photographic and written records of the pavement condition and be submitted to Hastings District Council.		The comments from S & D Mackie sought additions to Condition 36 to require the widening of Franklin Road, a limitation of construction work to the months of April – September, compensation for fruit damage, and a 50km/hr speed limit. The HDC s42A Report states: *"Important to note here that the Traffic Impact Assessment did not consider the traffic generated or the times of greatest activity of the existing traffic with the current land use activities. Independent of the*

		proposed construction activity, there is more than adequate visibility along Franklin Road to provide for two way traffic flow safely noting that some vehicles may need to move to the left to achieve that noting that the unsealed shoulders can provide for that. Other matters raised are addressed through the CEMP. Matters such as speed limits is addressed in the TIA submitted with the application." After considering the matters raised by S & D Mackie and the TIA provided by the Applicant, HDC has not recommended any amendment to condition 36. I do note however that some of the road safety concerns identified by S & D Mackie are addressed in the recommended additional condition 39. Given the temporary nature of the proposed construction works, I find condition 36 as proposed in the Application to be appropriate.
37. Within 30 working days of completing the stockpiling of material, the Consent Holder shall: a) undertake a post-construction pavement condition survey of Franklin and Gilbertson Roads. The survey shall include photographic and written records and be compared against the pre-construction survey to identify any damage attributable to the works. b) Provide a copy of the post-construction survey and comparison report outlining the following to		Conditions 37 & 38 are proposed by the Applicant in response to the recommendations of the TIA. As the relevant road controlling authority, HDC have not recommended any changes to these conditions. I find proposed conditions 37 & 38 to be appropriate.

the Hastings District Council for 10 working days for comment: i. an outline of the damage considered to have resulted from traffic associated with the stockpiling of material; ii. details of the remedial work proposed to be undertaken to restore the affected roads to a condition equal to or better than that recorded in the pre-construction survey.		
38. The Consent Holder shall, at its expense, shall carry out the identified remedial works within 60 working days of providing of the comparison report to the Hastings District Council.		
	39. Construction Traffic The consent holder shall submit a Construction Traffic Management Plan (CTMP) which shall; i. be prepared by a suitably qualified traffic management practitioner and certified by Hastings District Council and NZTA prior to the commencement of the relevant phase of construction works ii. address those matters referred to in the TIA by East Cape Consulting, Ref 25-0181 Stopbank TIA 251030.dox (HDC Ref: RMA20250133#0005) Section 7, pages 24 and 25, dated 30 October 2025, submitted with the application	The HDC s42A report advises that due to the physical constraints on some local roads, a CTMP is recommended by the TIA. In light of this, HDC are recommending a separate condition (39) to address this issue. The Applicant has not commented on this additional recommended condition in their response to the draft conditions. I find the recommended Condition 39 to be appropriate.

	iii. be developed in consultation with HDC and NZTA prior to the commencement of the relevant phases on the development iv. be prepared in accordance with the Code of Practice for Temporary Traffic Management (CoPTIM); and/or the New Zealand Guide to Temporary Traffic Management (NZGTIM) v. shall address the necessity of reduced traffic speed along local roads for the duration of works, in particular the haulage to stockpile areas	
	40. Haulage Routes There shall be no right-hand turn on to Pakowhai Road from Gilbertson Road by vehicles under any circumstances whether (includes temporary maneuvering).	The HDC s42A Report advises: "This intersection is particularly challenging due to the proximity of the bridge over the Ngaruroro River, sightlines and the approaches off Gilbertson Road. Even with traffic management in place and on a temporary basis, the traffic implications are considerable due to the volume of materials being transported through this intersection. The consent holder will be required to observe a safer route, and this route should be detailed in the CTMP and certified by HDC." The Applicant has not commented on this recommendation in their response to the Draft Conditions. I find this condition to be appropriate with some minor rewording to remove the word 'whether'.
	41. Local Dust Management Plan	The applicant opposes this condition and provides the following response to the draft conditions: *"It is the applicants view that condition 16 together with*

	Prior to commencement of construction works within Separable Portions 4 and/or 5, the consent holder must develop a Dust Management Plan developed in consultation with the owners of 56 Franklin Road, and submit this to HBRC (Manager Compliance). The purpose of the plan is to set out how, for the focus area of the plan (being 56 Franklin Road and construction work areas that may generate dust affecting this property), condition 16 will be achieved, and the plan shall include (but not be limited to): • Identify potential dust sources and sensitive receptors (e.g., orchard, dwellings). • Specify dust suppression measures that will be employed (e.g., water carts, stabilisation, limiting exposed areas). • Include monitoring protocols and complaint response procedures. • Detail contingency actions if dust effects occur beyond the construction site works boundary. The plan must be prepared by a suitably qualified and experienced practitioner and implemented for the duration of construction works within Separable Portions 4 and 5, until	*the amendments to condition 10(c)(ix) are sufficient to ensure appropriate dust management procedures are in place and outcomes anticipated in the OiC are achieved without the level of prescription and focus on just one property that condition 41 would bring. Further, it is considered that condition 16 together with the amendments to condition 10(c)(ix) are sufficient in themselves to respond to the comments made by S&D Mackie."* The HBRC s42 Report responds that HBRC continue to recommend this condition given the potential dust effects on the property 56 Franklin Road given the truck movements will be located adjacent to this property and as described in their comments, the sensitivity of the land use to dust impacts.

	such time as the work sites are stabilised and no longer present a dust risk.	
	42. The consent holder shall notify the Manager Compliance (HBRC) of the intention to remove a temporary bridge crossing. This notice shall be provided at between 5 and 10 working days before the removal works occur.	This ensures the Council is advised of works to remove the temporary bridges and provides an opportunity for Council compliance staff to visit during the time of these works. I find this condition to be appropriate.

89. I have carefully considered the conditions proposed in the Application alongside the comments received, as well as the recommended amendments set out in the s42A Reports.

90. I set out the conditions to be applied to this consent in Appendix A to this decision.

10. DETERMINATION WITHIN OIC AREA

91. Pursuant to the powers delegated to me by the Hawke's Bay Regional Council and Hastings District Council respectively, under Clause 10 of the Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024, I record that having considered the application documents, the comments received, the respective Section 42A Reports, and having considered the various requirements of the OIC and RMA, I find that:

    a. The actual and potential adverse effects of the application, can be suitably avoided, remedied or mitigated by the imposition of the Conditions in Appendix A that are consistent with the matters of control listed in Schedule 3 of the OIC; and

    b. The application as a controlled activity must be granted under section 104A of the RMA.

92. I therefore grant the application lodged by Hawke's Bay Regional Council (APP – 131669 & RMA20250446) for resource consent to undertake construction of a flood protection scheme, including:

    - *Associated disturbance of the Tūtaekurī-Waimate Stream bed and Waiohiki Drain, reclamation of stream bed, erection of structures including a stop bank, stormwater outlet and culverts, diversion of water and stormwater, vegetation clearance and soil disturbance, and discharges of contaminants to land, water and air, including solid contaminants, stormwater, drainage water and dust, take and use of surface and ground water (under the Hawke's Bay Regional Resource Management Plan).*
    - *Reclamation of the bed of a river associated with the diversion of the Tūtaekurī-Waimate Stream and the construction of specified infrastructure within 10m of a natural inland wetland (under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020).*
    - *To undertake earthworks, including the removal of more than 25m^3 of earth from a site, and to undertake an activity within a Wāhi Toanga site (under the Hastings District Plan).*
    - *To disturb contaminated soil (under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011).*

93. The application is granted subject to the conditions set out in Appendix A.

94. The reasons for this decision and the relevant statutory provisions considered are set out in the body of this report.

11. DETERMINATION ON LAND OUTSIDE OF OIC AREA

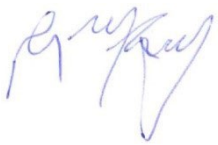
95. Pursuant to sections 104 and 104B of the RMA consent is granted to the application lodged by Hawke's Bay Regional Council (APP – 131669 & RMA20250446) for resource consent for:

    - *Diversion of the Tūtaekurī-Waimate Stream during times of flood arising from the stop bank, vegetation clearance and soil disturbance, and discharges of contaminants to land, water and air, including solid contaminants, stormwater, drainage water and dust, take and use of surface and ground water (under the Hawke's Bay Regional Resource Management Plan).*
    - *To undertake earthworks, including the removal of more than 25m^3 of earth from a site (under the Hastings District Plan).*
    - *To disturb contaminated soil (under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011).*

96. The application is granted subject to the conditions set out in Appendix A.

97. The reasons for this decision and the relevant statutory provisions considered are set out in the body of this report.

Signed by Independent Commissioner



Philip McKay

Dated: 4 February 2026

APPENDIX A

Conditions of Consent

APPENDIX A – DECISION CONDITIONS

Condition # and responsible consent authority	Condition
Preliminary Matters	
1. HBRC & HDC	**Compliance with specified documents accompanying consent application** 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: i. Resource Consent Application for Flood Protection Works, Pākowhai Flood Protection Improvements, Preliminary Design Report, Tonkin & Taylor, November 2025, Job Number 1017353.2403 v1. ii. 'Resource Consent Application for Flood Protection Works – Pākowhai Flood Protection Works'. Stradegy, 26 November 2025. 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.
1B. HBRC & HDC	**Tracking changes in the design process** Changes that occur between preliminary and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall include the final design plans and shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1. 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. The Final Design Report and final design plans shall be provided to the Hawke's Bay Regional Council, Manager Compliance, and Compliance Manager, Hastings District Council and to the Stakeholder Advisory Groups set out under condition 6 at least **5 working days** prior to construction commencing. These final design reports and plans may exclude the design details of the tie into SH2. Rather, the final design plans for the tie in with State Highway 2 shall be provided to the Hawke's Bay Regional Council (Manager Compliance), Compliance Manager Hastings District Council and NZTA at least **5 working days** prior to the tie in works commencing.
2, HBRC & HDC	**Duration of resource consent** a) The period for which this resource consent has been granted is **5 years** after the date of commencement of the consent. b) This resource consent lapses on 4 February 2028 if not exercised before this date.

3. HBRC	**Definitions** **CEMP** means the Construction Environment Management Plan required by condition 10 of this consent. **construction works**— a) means activities that are authorised by this resource consent in connection with the flood protection works and that consist of directly constructing, reinstating, enhancing, or improving land or infrastructure; but b) does not include ancillary activities such as— i. preliminary activities such as planning, recruitment, site investigation, establishment of construction site, soil sampling; and ii. subsequent activities such as site clean-up and ongoing maintenance of infrastructure, plant, and landscaping until the flood protection works are completed; and iii. ongoing administrative and operational activities such as monitoring and reporting until the flood protection works are completed. **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) **cultural indicator** means an indicator of an identified cultural association in guidance referred to in condition 5 of this consent **cultural monitors** means the cultural monitors appointed by relevant Māori entities under condition 4(c) of this consent **earthworks principles** means the principles set out in condition 12 of this consent **ecology principles** means the principles set out in condition 26 of this consent **erosion and sediment control device** includes a bund and a gully trap fitted into a drain **Erosion and Sediment Control Manager** means the person appointed under condition 13(a) of this consent **ESCP** means an erosion and sediment control plan prepared under condition 14 of this consent **HBRC** means Hawke's Bay Regional Council **HBRC Erosion and Sediment Guidelines** means the Hawke's Bay Regional Council Waterway Guidelines: Erosion and Sediment Control, published by HBRC in April 2009 **HBRC Pest Management Plan** means the Hawke's Bay Regional Council Regional Pest Management Plan 2018-2038, published by HBRC in February 2023 **HBRC River Control Code** means the Hawke's Bay Regional Council Environmental Code of Practice for River Control and Waterway Works, published by HBRC in February 2017 **HBRC Stormwater Management Guidelines** means the *Hawke's Bay Regional Council Waterway Guidelines: Stormwater Management*, published by HBRC in May 2009

	Manager Compliance means the person employed by HBRC as manager of compliance **Māori entity representative** means a person appointed as a representative under condition 4 of this consent **NZS 6803:1999** means New Zealand Standard 6803:1999: Acoustics—Construction noise, published by Standards New Zealand on 8 February 2000 **OiC** means the Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024 **Project Ecologist** means suitably qualified and experienced ecologist appointed by the consent holder
Engagement and Communications	
4. HBRC	**Māori entities representatives** a) The consent holder must invite each relevant Māori entity to appoint a representative to perform, with the representatives appointed by all other relevant Māori entities, the Māori entities representatives' roles and responsibilities set out in this consent in relation to the flood protection works for which the consent has been granted. b) The consent holder must issue the invitations at least **20 days** before the flood protection works begin. c) The relevant Māori entities may appoint a team of cultural monitors to i. support the Māori entities representatives; ii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan; and iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value. 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: i. the appropriate number of representatives: ii. the scope of the representatives' role and responsibilities: iii. time frames for decisions, advice, and actions: iv. support for the representatives: v. remuneration for the representatives. e) In developing the terms of reference, the consent holder must— i. convene discussions with all relevant Māori entities; and ii. use its best endeavours to achieve consensus on all matters.

	f) If consensus on all matters is not achieved, the remaining matters must be determined— i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder.
5. HBRC	**Guidance on Cultural indicators** a) The guidance provided under condition 4(c)(iii) of this consent must focus on indicators covering all identified traditional associations,— i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan required by these conditions; 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 & HDC	**Stakeholder advisory group** a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the stakeholder advisory group. b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group: i. the owners and occupiers of land on which the flood protection works are carried out (referred to as 'Footprint' in Schedule 1); ii. all persons listed in who made comments under clause 15(2)(a)(ii)-(vi) and (vii) of the OiC; iii. any owner or occupier of land referred to as 'Footprint Adjoining' in Schedule 1 who made comments, and any clause 15(2)(a)(x) party that commented; iv. 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; v. the Manager Compliance; vi. Heritage New Zealand Pouhere Taonga: vii. the Department of Conservation: viii. the Māori entities representatives ix. the Ministry of Education and Pākowhai School c) The consent holder must issue the invitations at least 20 days before the flood protection works begin.

	d) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group. e) Each representative appointed must be authorised by the person or body appointing them to make decisions on behalf of the person or body in the consultations taking place in relation to the flood protection works. f) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following: i. frequency of meetings: ii. processes and methods for the performance of the group's role. g) In developing the terms of reference, the consent holder must— i. convene discussions with all members of the group; and ii. use its best endeavours to achieve consensus on all matters at the group's first meeting. h) If consensus on all matters is not achieved at the first meeting, the remaining matters must be determined— i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder.
7. HBRC	**Operation of stakeholder advisory group** 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— 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	**Project Engagement Lead** a) The consent holder must appoint a person as Project Engagement Lead to act as the consent holder's main point of contact with— 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 & HDC	**Communications plan**

	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: i. the general public: ii. local residents and businesses: iii. the Māori entities representatives: iv. the persons and bodies represented by the stakeholder advisory group: v. all other persons potentially affected by the construction works. c) The communications plan must include the following: 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). d) The consent holder must give to the Manager Compliance (Hawke's Bay Regional Council and Hastings District Council) — i. the initial communications plan at least 10 working days before construction works begin; and ii. any amended plan, as soon as practicable after the amendment.
Construction Environment Management Plan	
10. HBRC & HDC	**Construction Environmental Management Plan** a) The consent holder must— i. prepare a construction environmental management plan for the construction works undertaken north of State Highway 2 and a separate construction environmental management plan for the construction works undertaken south of State Highway 2 and; ii. not less than 5 working days before the commencement of each area of construction works, submit the CEMP and the final design report and plans required under condition 1B to the consent authority (Hawkes Bay Regional Council and Hastings District Council) — and the stakeholder advisory group.

	b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the construction works. c) The CEMP must include the following information (in respect to the construction works and areas concerned): 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— 1. obtaining ongoing guidance on cultural indicators provided by cultural monitors; and 2. ongoing reporting to the Māori entities representatives on how the indicators in condition 5(a) have been taken into account, or if not, why not. iv. indicative timing of all stages of the flood protection works: v. procedures for the management of hazards, including— 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. the location of laydown and material stockpile areas and arrangements for site access and on-site traffic management including haulage routes (see conditions 39 and 40), that respond to the matters outlined in Table 10 of the Traffic Impact Assessment – Pakowhai Stopbank, Hawke's Bay, 30 October 2025 prepared by East Cape Consulting Limited; 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 and Detailed Site Investigations prepared by T+T, and including, but not limited to: 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.

	viii. Protocols associated with and disturbance and remediation of the identified fill sites at 1023 Links Road and 2008 Pakowhai Road (protocols associated with 1023 Links Road to be included in the CEMP pertaining to the construction works north of State Highway 2 and those associated with 2008 Pakowhai Road in the CEMP pertaining to the constructions work south of State Highway 2). ix. dust management measures and procedures for avoiding or minimising to the extent practicable the discharge of dust outside the boundary of the works footprint (see conditions 16 and 41 of this consent): x. procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings) and for managing and measuring groundwater or surface water takes, including fish screening requirements, and diversions and discharges to land or water; xi. contact details of at least 2 persons or bodies who respond to emergencies and who— 1. are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and 2. have authority to authorise immediate response actions; xii. a detailed process for detecting, investigating, and recording incidents; xiii. details (including timing) of arrangements for reporting to the consent authorities on the outcomes of, and compliance with, the CEMP; xiv. any ESCP (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. an outline of key procedures from the applicable 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 condition 29 of this consent) or reference to an Authority where applicable; xxi. methods for responding to queries and complaints; xxii. procedures for amending the CEMP under condition 11 of this consent and reporting on any such amendments. xxiii. location and design details of temporary bridges, and procedures for establishing and removing these structures. 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).
11. HBRC & HDC	**Developing and amending the CEMP**

	a) Before finalising the CEMP, or any amendment to the CEMP under subcondition (e), the consent holder must invite the consent authority (Hawkes Bay Regional Council and Hastings District Council) and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days. b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment. c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment. d) The consent holder must act in accordance with the CEMP for the duration of the flood protection works. e) The consent holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, maintenance and operations methods, or procedures for managing adverse effects throughout the construction phase of the flood protection works. f) After amending the CEMP, the consent holder must give a copy of the amended CEMP (indicating the amendments) and the final design report and associated plans (if these have changed as a result) to the consent authorities (Hawkes Bay Regional Council and Hastings District Council) and the stakeholder advisory group within 10 working days.
Earthworks	
12. HBRC & HDC	**Earthworks principles** a) The consent holder must carry out all works in a manner that— 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. b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.

	c) There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the earthworks activity. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters. d) That all areas of earthworks shall be re-grassed to the satisfaction of the Environmental Consents Manager, Planning and Regulatory Services, Hastings District Council (or nominee). As-built Plans e) The consent holder shall provide as-built plans to the Development Engineer, Hastings District Council on completion of earthworks showing: i. The final contours of the stopbank, spillway and associated earthworks; ii. The overland flow paths, established as part of the works, including the designated spillway flow path and any re-directed local catchment flows. The final earthworks plan shall clearly distinguish between approved overland flow paths (including the spillway) and other areas and shall be referenced to NZVD2016.
13. HBRC	**Erosion and Sediment Control Manager and staff** a) The consent holder must appoint a suitably qualified and experienced person as the Erosion and Sediment Control Manager for the duration of the flood protection works. b) The role of the Erosion and Sediment Control Manager is to— i. ensure compliance with the CEMP and ESCP; and 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. c) An Erosion and Sediment Control Manager appointed under this condition may perform the same role in relation to any flood protection works at any other location specified in clause 6(3) of the OiC if the relevant consent holder considers it appropriate. d) The consent holder must also appoint suitably qualified and experienced staff to assist in erosion and sediment control, including— 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.
14. HBRC & HDC	**Erosion and sediment control plan**

	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: *General* i. how the construction works will be carried out in accordance with the ecology principles: ii. structural and non-structural erosion and sediment control measures (including chemical treatment where necessary) to be in place before and during all construction works, including earthworks, and works within watercourses: iii. 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): 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— 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: *Erosion and Sediment Control Manager and Staff* 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); *Incident management* 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; *Monitoring* xiv. procedures for—

	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): *Reporting to consent authority* xv. details (including timing) of reporting to the consent authorities (Hawkes Bay Regional Council and Hastings District Council) 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. g) The consent holder must implement an ESCP for the duration of the flood protection works. h) The consent holder must, for the duration of the construction works - i. keep an ESCP; and ii. make it readily available to the consent authority.
15. HBRC & HDC	**Failure of erosion and sediment control measure** 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— i. as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and ii. immediately notify— 1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or 2. the territorial authority Compliance Manager (with responsibility for land-based borrow sites); and iii. within 7 days, report the incident to the Manager of Compliance (Hawkes Bay Regional Council and Hastings District Council). b) The Project Ecologist must investigate the affected area as soon as practicable. c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent 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.

	d) The report to the Manager Compliance (Hawkes Bay Regional Council and Hastings District Council) under subcondition (a)(iii) must – i. describe the control failure and its cause; and ii. specify the steps that have so far been taken to - 1. control the released sediment and any resulting erosion; and 2. prevent any recurrence of the control failure.
16. HBRC	**Dust management** a) 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.
17. HDC	**Works on contaminated land** a) This condition applies to 1023 Links Road and 2008 Pakowhai Road if the consent holder undertakes earthworks or any other soil disturbance on the identified fill site (contaminated land). b) The consent holder must ensure that any soil and other materials that are removed from the site and identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind. c) The consent holder must take all practicable measures to— i. prevent the discharge of soil and stormwater from contaminated land to watercourses; and ii. replace the soil surface to an erosion-resistant state at the completion of the relevant works.
Watercourses	
18. HBRC	Works and structures in and adjacent to the beds of rivers a) This condition and conditions 19 and 20 of this consent apply to all construction works carried out in, or adjacent to, the bed of a river. b) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with— i. an applicable ESCP; and ii. the ecology principles; and iii. the earthworks principles; and iv. any guidance provided under condition 4(c)(iii) of this consent (see condition 5 of this consent) relating to relevant cultural indicators. c) With the exception of the diversion / reclamation of the Tutaekuri-Waimate Stream (where fish passage matters are to be addressed through Condition 28), 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 Opportunities and Constraints Assessment dated

	October 2025, Job Number 1017353.2403 v2.0 as being present in the water body concerned. 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— 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 iv. provide for the maintenance of the river for flood management purposes. e) The design of a permanent culvert in the bed of a river must— 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) In relation to permanent culverts under e) above, a permanent spillway (not including the designed flood control spillway in the stop bank) or weir must ensure that— 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. 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.
19. HBRC	**Further requirements at watercourses** a) This condition applies if condition 18 of this consent applies. b) For the purposes of condition 18(d)(ii) of this consent, fish passage need not be provided and maintained on culverts if the Project Ecologist decides, after considering all relevant matters, that it is unnecessary. c) Instead the consent holder must— i. give the consent authority (HBRC) appropriate data and reasons (supported by relevant de-sign drawings) for not complying with condition 18(4)(b) of this consent; and

	ii. if culverts that do not provide fish passage are necessary, notify the Department of Conservation. d) d) For the purposes of condition 18 of this consent, the consent holder must, at least 10 working days before starting permanent works within a watercourse, give to the consent authority (HBRC)— i. hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and ii. a statement of how those designs comply condition 18 of this consent. 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). 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. g) The consent holder must ensure all of the following - 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 re-fuelled 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 in-to 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. 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— i. take all necessary steps to stop or contain the discharge; and ii. notify— 1. the Manager Compliance (HBRC); 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—

	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— i. removed on completion of the construction works; and ii. reused, repurposed, or disposed of in an ap-propriate manner and in a place where they will not affect surface water levels and water-courses. k) The consent holder must comply with all notices and guidelines issued by Biosecurity New Zealand that relate to the ongoing prevention of the spread of freshwater pests.
20. HBRC	**Extraction activities and river gravel** a) The consent holder must ensure that, during construction works, extraction does not take place— i. within any actively flowing channel; or ii. within 6 metres of any river bank. b) In addition, the consent holder must ensure that extraction activities are carried out in accordance with the HBRC. 'Environmental Code of Practice for River Control Works' (2017).
Stormwater Discharge	
21. HBRC	**Stormwater discharge** 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,— 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 Manager Compliance, HBRC. b) 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.
Construction Noise and Vibration	
23. HDC	**Control of construction noise and vibration** 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 works. c) The consent holder must submit a Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person taking account of construction activities and sensitive receptors (including structures in respect to vibration) a minimum of 10 working days prior to commencement of works.

	d) The construction works must be carried out in accordance with the 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.
Ecology	
25. HBRC	**Project Ecologist** a) The consent holder must appoint a suitably qualified and experienced ecologist as the Project Ecologist for the duration of the flood protection works. 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.
26. HBRC	**Ecology principles** a) The consent holder must apply the ecology principles set out in subcondition (b) in— i. designing all aspects of the flood protection works; and ii. carrying out all aspects of construction works. b) The ecology principles are as follows: i. to apply the effects management hierarchy to the following potential adverse effects: 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); 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. iii. as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species;

	iv. 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; v. 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.
28. HBRC	**Managing ecological loss** a) The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of advice provided by cultural monitors to prepare an Ecology Management Plan for the construction works undertaken north of State Highway 2 and a separate Ecology Management Plan for the construction works undertaken south of State Highway 2. Each must include (where applicable to the area of works concerned), in association with the Māori entities representatives,— i. An accidental discovery protocol to provide guidance if unexpected bat species are discovered; ii. An accidental discovery protocol to provide guidance if unexpected lizard species are discovered; iii. Procedures for managing native bird species prior to vegetation, iv. A construction methodology for the reclamation/diversion of the Tūtaekurī-Waimate Stream to facilitate the capture and relocation of fish; v. Preparation of a planting plan for the reclamation/diversion of the Tūtaekurī-Waimate Stream to achieve, as far as practicable, a net positive ecological outcome; vi. Preparation of a planting plan to offset any remaining effects of the reclamation/diversion of the Tūtaekurī-Waimate Stream, including the approach to offsetting to achieve, as far as practicable, a net positive ecological outcome; vii. Preparation of a planting plan to offset effects on Wetland 23 (if affected by the alignment) should the alignment of the stopbank not be able to avoid its extent, including the approach to offsetting to achieve, as far as practicable, a net positive ecological outcome; viii. Management of water takes including intakes and fish screens required by condition 30; and must; ix. Apply the effects management hierarchy to the management of all direct or indirect adverse effects on those ecological values, taking the ecology principles into account. b) The consent holder must implement the ecology management plans prepared under subcondition (a)(ii) throughout the construction works and report to the Stakeholder Advisory Group every 2 months on - i. work undertaken according to the Ecology Management Plans; and ii. any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives.

	c) When the construction works and ecological mitigation works carried out under subcondition (a) are both completed, the consent holder must give the stakeholder advisory group a report that describes the ecological mitigation works carried out by the consent holder.
Archaeological Value	
29. HBRC & HDC	Archaeological discovery protocol a) The consent authority must prepare an accidental archaeological discovery protocol— 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— 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— iii. follow the protocol; and iv. 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.
Water Take	
30. HBRC	Taking of water from the Tutaekuri-Waimate Stream shall be limited to the length of stream between a point 700m upstream of Franklin Road and the Ngaruroro Stopbank.
31. HBRC	The taking of water from the Tutaekuri-Waimate Stream at each point of take shall not exceed 25 L/s. The combined rate of abstraction at any one time shall not exceed 50 L/s.
32. HBRC	Each point of take shall be installed to prevent fish, including eels, from entering the reticulation system. The fish screen design shall be confirmed by the Project Ecologist or other suitably qualified professional as being appropriate relative to the velocity of the intake(s) and the presence of fish species at the site(s) of take.
33. HBRC	The combined maximum volume of take shall not exceed 1,080m^3 per day. .
33A. HBRC	When the flow in the Tutaekuri Waimate Stream is at or below 1,200 L/s measured at the Goods Bridge flow measuring site (no.1023149) (i.e "**low flow periods**"), the taking of water shall only occur as follows: a) The combined maximum rate of abstraction does not exceed 25 litres per second.

	b) Abstraction may only occur where: i. There are no practicable alternatives to taking surface water and ii. The take is required to support critical construction work activities or dust suppression. iii. The take and use of water is consistent with a Water Demand Reduction Plan (WDRP). c) The purpose of the WDRP is to set out how the amount of water taken during low flow periods will be minimised to the greatest extent practicable during the low flow period. The WDRP shall include, but not be limited to: i. An explanation as to why the ongoing use of that water is critical and must continue to occur during the low flow period (for example to mitigate adverse effects of dust). ii. A description of the alternatives to taking water from the stream that were investigated and why these alternative sources cannot be implemented in whole or part. iii. Methods to be implemented to reduce the amount of water taken to the greatest extent practicable and to ensure an efficient use of water. d) The consent holder shall notify the Council (Manager Compliance) in writing of its intention to commence abstraction under the WDRP and shall provide a copy of the WDRP to the Hawke's Bay Regional Council (Manager Compliance) within 48 hours of having commenced abstraction during a low flow period. e) Full abstraction shall not commence until the flow in the Tutaekuri Waimate Stream is at or above 1,200 L/s as measured at the Goods Bridge flow measuring site. f) The requirements of e) above shall apply each time a low flow period commences. g) All flows specified in this condition shall be as determined by HBRC.
34. HBRC	The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, and: a) A water meter with a data logger and telemetry unit(s) compatible with the Council's telemetry system shall be installed prior to the exercise of this consent and be operated and maintained to measure the volume of water taken (in cubic metres) to an accuracy of +/- 5%. b) The water meter and telemetry device(s) required by Condition (d) shall be installed and maintained in accordance with 'The New Zealand Water Measurement Code of Practice' (January 2023). c) A record of water meter installation shall be provided to the Council using the 'Water Information Services (WIS) Meter Installation Form' prior to commencement of abstraction. d) The telemetry unit(s) shall record the volume (in cubic metres, m3) of take every 15 minutes. Each 15 minute interval of data shall be date and time stamped with the New Zealand Standard Time at the end of the 15 minute interval.

	e) Data shall be transmitted to the Council's telemetry system at least once per day. f) The telemetry unit(s) shall be installed so as to provide an accurate record of the flow meter data by a suitably qualified person. A record of installation shall be provided to the Council (Manager Compliance) in writing using the Council's "Telemetry Installation Form" within one week of installation of the new or reinstalled unit(s) having occurred. g) A manual water meter reading shall be taken during the month of June each year, if the construction works and associated water takes are ongoing at that time. The water meter reading and the date and time the reading was taken shall be provided in writing to the Council (Manager Compliance) prior to 10 July each year. h) Where the telemetry equipment fails, the consent holder shall notify the Council (Manager Compliance) of the failure within 3 working days, shall read the water meter at daily intervals and shall provide the Council with a record of the following: i. The meter reading (in cubic metres); and, i. The daily volume of water taken (in cubic metres); and, ii. The date and time of each reading; iii. This information shall be supplied no later than 7 days after the end of each calendar month. Where the telemetry equipment is returned to full operation, the information shall instead be supplied within 7 days of this return to full operation occurring.
Drinking Water Supplies	
35. HBRC	**Drinking Water Supply** If an event occurs on-site that may lead to contamination of groundwater, the Consent Holder shall notify the Napier City Council Drinking Water Supply Manager, Pākowhai School, and the Hawke's Bay. Regional Council (Manager Compliance) of the event as soon as reasonably practicable after the event occurs
Road Pavement Condition and Remediation	
36. HDC	Prior to commencement of stockpiling material, the Consent Holder shall undertake a preconstruction pavement condition survey of Franklin and Gilbertson Roads. The survey shall include photographic and written records of the pavement condition and be submitted to Hastings District Council.
37. HDC	Within 30 working days of completing the stockpiling of material, the Consent Holder shall: a) undertake a post-construction pavement condition survey of Franklin and Gilbertson Roads. The survey shall include photographic and written records and be compared against the pre-construction survey to identify any damage attributable to the works. b) provide a copy of the post-construction survey and comparison report outlining the following to the Hastings District Council for 10 working days for comment: i. an outline of the damage considered to have resulted from traffic associated with the stockpiling of material;

	ii. details of the remedial work proposed to be undertaken to restore the affected roads to a condition equal to or better than that recorded in the pre-construction survey.
38. HDC	The Consent Holder shall, at its expense, shall carry out the identified remedial works within 60 working days of providing of the comparison report to the Hastings District Council.
39. HDC	**Construction Traffic** a) The consent holder shall submit a Construction Traffic Management Plan (CTMP) which shall - i. be prepared by a suitably qualified traffic management practitioner and certified by Hastings District Council and NZTA prior to the commencement of the relevant phase of construction works; ii. address those matters referred to in the TIA by East Cape Consulting, Ref 25-0181 Stopbank TIA 251030.dox (HDC Ref: RMA20250133#0005) Section 7, pages 24 and 25, dated 30 October 2025, submitted with the application; iii. be developed in consultation with HDC and NZTA prior to the commencement of the relevant phases on the development; iv. be prepared in accordance with the Code of Practice for Temporary Traffic Management (CoPTIM); and/or the New Zealand Guide to Temporary Traffic Management (NZGTIM); and v. shall address the necessity of reduced traffic speed along local roads for the duration of works, in particular the haulage to stockpile areas.
40. HDC	**Haulage Routes** There shall be no right-hand turn on to Pakowhai Road from Gilbertson Road by vehicles under any circumstances (includes temporary manoeuvring).
41. HBRC	**Local Dust Management Plan** a) Prior to commencement of construction works within Separable Portion 4 and/or 5, the consent holder must develop a Dust Management Plan in consultation with the owners of 56 Franklin Road, and submit this to HBRC (Manager Compliance). The purpose of the plan is to set out how, for the focus area of the plan (being 56 Franklin Road and construction work areas that may generate dust affecting this property), condition 16 will be achieved, and the plan shall include (but not be limited to): i. Identify potential dust sources and sensitive receptors (e.g., orchard, dwellings); ii. Specify dust suppression measures that will be employed (e.g., water carts, stabilisation, limiting exposed areas); iii. Include monitoring protocols and complaint response procedures; and iv. Detail contingency actions if dust effects occur beyond the construction site works boundary.

	b) The plan must be prepared by a suitably qualified and experienced practitioner and implemented for the duration of construction works within Separable Portions 4 and 5, until such time as the work sites are stabilised and no longer present a dust risk.
42. HBRC	The consent holder shall notify the Manager Compliance (HBRC) of the intention to remove a temporary bridge crossing. This notice shall be provided at between 5 and 10 working days before the removal works occur.