STRADEGY
Urban, Environmental & Strategic Planning

Resource Consent Application for Flood Protection Works

Ohiti Road (Omahu) Flood Protection Stopbank

Hawke's Bay Regional Council

24092AP1
4 September 2025

APPLICATION DETAILS

Consent Authority: Hawke's Bay Regional Council
Hastings District Council

The Applicant: Hawke's Bay Regional Council

Address for Service: Stradegy Planning Limited, PO Box 239 Napier 4140

Address for Invoice: Hawke's Bay Regional Council
c/- Dugan.Weitz@hbrc.govt.nz

Site Details: Various sites in Ohiti (Omahu) - as follows:

Appellation
Fee Simple, 1/1, Lot 2 DP 28250, 390,507 m2
Fee Simple, 1/1, Lot 10S PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802, 217,500 m2
Partition Order, 1/1, Omahu 2D5F2B Block, 18,950 m2
Fee Simple, 1/1, Lot 1 DP 600663 and Lot 2 DP 25428 and Lot 3-4, 6 DP 449565 and Lot 2 DP 523754, 235,396 m2
Lot 10A Pt Omahu 2C1C Block ML 506974
Fee Simple, 1/1, Lot 5 Pt Omahu 2C1C Block, 2,500 m2
Part OMAHU 2C1C BLK X HERETAUNGA SD
Lot 1 DP 472466
Lot 1 DP 7904
OMAHU 2D5F2B BLOCK ML 407681 - SUBJ TO STOPBANK SMT
OMAHU 2D5F2A BLOCK ML 407681
Fee Simple, 1/1, Lot 1 DPlan 600663 and Lot 2 DPlan 25428 and Lot 3-4, 6 DP 449565 and Lot 2 DP 523754, 235,396 m2
Fee Simple, 1/1, Lot 10B PT Omahu 2C1C Block, 2,501 m2
Fee Simple, 1/1, Lot 10F Pt Omahu 2C1C Block, 2,500 m2
Fee Simple, 1/1, Lot 10G Pt Omahu 2C1C Block, 2,500 m2
Lot 1 DP 6309
SEC 1 SO 497236
Fee Simple, 1/1, Lot 1 DP 460685, 20,150 m2 Fee Simple, 1/4, Lot 6 DP 460685, 4,362 m2
Fee Simple, 1/1, Lot 10N PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802, 130,260 m2
Fee Simple, 1/1, Lot 1 DP 7904, 12,141 m2
Road Reserve - Taihape Road
Road Reserve – Ohiti Road

Activity for which Consent is sought:

Resource consent to:

1. Undertake flood protection works as a **Controlled Activity** under the **Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024**. The works involve a range of activities otherwise regulated under section 9, 12, 13, 14 and 15 of the Resource Management Act 1991,
2. Undertake soil disturbance as a **Restricted Discretionary Activity** under Regulation 10 of the **National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health**,
3. Undertake earthworks as a **Discretionary Activity** under Rule EM6 and EM11 of the **Hastings District Plan**,
4. Undertake the diversion of flood water as a **Discretionary Activity** under Rule 59 of the **Regional Resource Management Plan** and various other activities.

Prepared by:

Cameron Drury BRP(HONS) MNZPI
Principal Planner I Director

Reviewed and Approved for Release by:

Catherine Reaburn MNZPI
Associate - Planning

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Appendices –

1. Cultural Impact Assessment (to be provided confidentially)
2. Archaeological Screening Assessment
3. Ecological Impact Assessment Report
4. Landscape Scoping Study
5. Preliminary and Detailed Site Investigation
6. Summary of Design for Resource Consent Purposes
7. Proposed Resource Consent Conditions
8. Draft Contaminated Site Management Plan
9. Earthworks According to Properties and OiC Footprint
10. List of Māori entities and Section 15(2)(a) Parties (some contact details to be provided confidentially)
11. Consequential Flooding Effects Assessment (Tonkin and Taylor)
12. Duration of Flooding Effects Assessment (Tonkin and Taylor)
13. Consequential Flooding Assessment (Beca)

1. INTRODUCTION

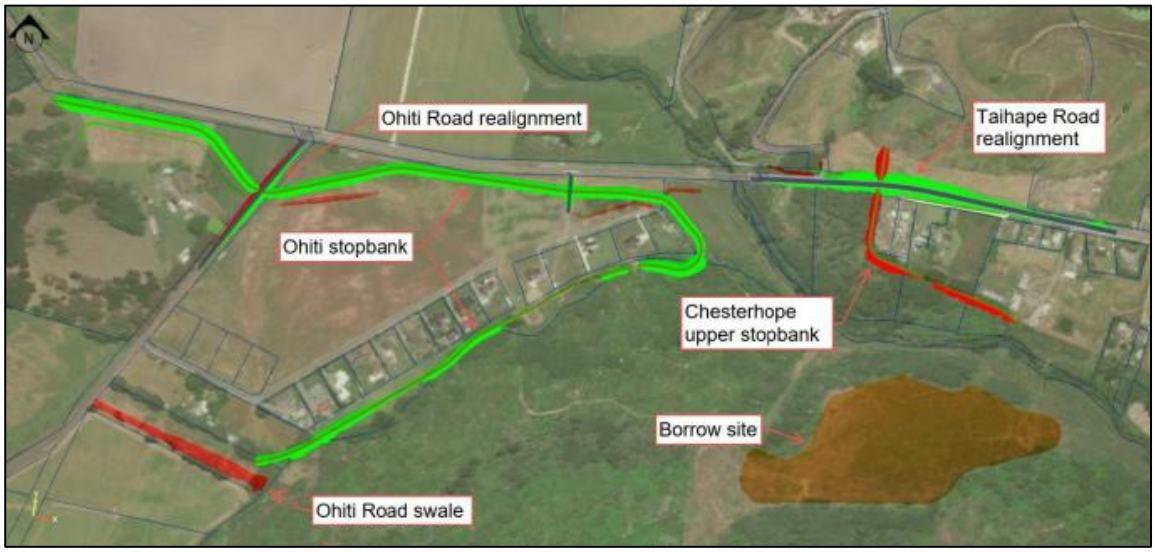
The Ohiti (Omahu) flood protection project is an initiative by Hawke's Bay Regional Council ('HBRC') to construct a new stopbank configuration that will provide enhanced flood resilience to the Ohiti community.

The solution generally comprises:

- A stopbank (the 'Ohiti stopbank') of approximately 1,720m in length located adjacent to Taihape and Ohiti Roads, and running along the eastern (rear) boundary of 203 to 209 Taihape Road and 23 to 31A Ohiti Road,
- A swale (Ohiti Road Swale) of approximately 320m in length along the southern boundary of 39 Ohiti Road,
- A mitigation measure in the form of a stopbank (the 'Chesterhope upper stopbank') of approximately 390m in length and running perpendicular to Taihape Road, to the east and north of Ohiwia Stream,
- Raising/realignment of Taihape Road and Ohiti Road to accommodate the stopbanks passing below.

A 'Borrow area' of approximately 36,000-50,000m^2 located between the Ohiwia Stream and Ngaruroro River will also be established – with soil/silt being excavated and used to construct the stopbanks.

Figure 1: Proposed Flood Protection Project



Funding for the project comes from the integrated package agreed between all five Hawke's Bay councils and Central Government.

Regulatory approval for the project is being sought under the:

1. Severe Weather Emergency Recovery Legislation (Hawke's Bay Flood Protection Works) Order 2024 ("**the OiC**") for features/activities of the project within the identified footprint to which the OiC applies, and,

2. The Regional Resource Management Plan ('RRMP') and Hastings District Plan ('HDP') as they apply to features/activities outside the the identified footprint to which the OiC applies.

Reference to 'Māori entities' as opposed to mana whenua is used in this application to maintain consistency with the terms used in the OiC.

Expert assessments have been provided to support this resource consent application. These are detailed below in **Table 1** and included as appendices to this application.

Table 1: Expert Reports

Expert Report	Author	Purpose
Cultural Impact Assessment	Te Piringa Hapu	To advise on cultural context and cultural values associated with the area.
Archaeological Risk Assessment	HB Archaeology	To determine the risk of encountering archaeology and advise on the appropriate response in regard to progressing the works.
Ecological Impact Assessment	Tonkin and Taylor	To determine ecological values and methods to manage ecological effects.
Landscaping Scoping Assessment	Narrative	To identity potential visual effects and determine the need for landscape mitigation.
Preliminary / Detailed Site Investigation	Tonkin and Taylor	To determine the potential for soil contamination and the nature of any management procedures.
Summary of Design Report and Plans	Tonkin and Taylor	To provide details of the proposal.
Consequential Flooding Effects Assessment	Tonkin and Taylor	To determine any changes in flood impacts as a result of the proposal and the need for mitigation.
Consequential Flooding Assessment	Beca	To evaluate the consequential flooding effects of the proposal

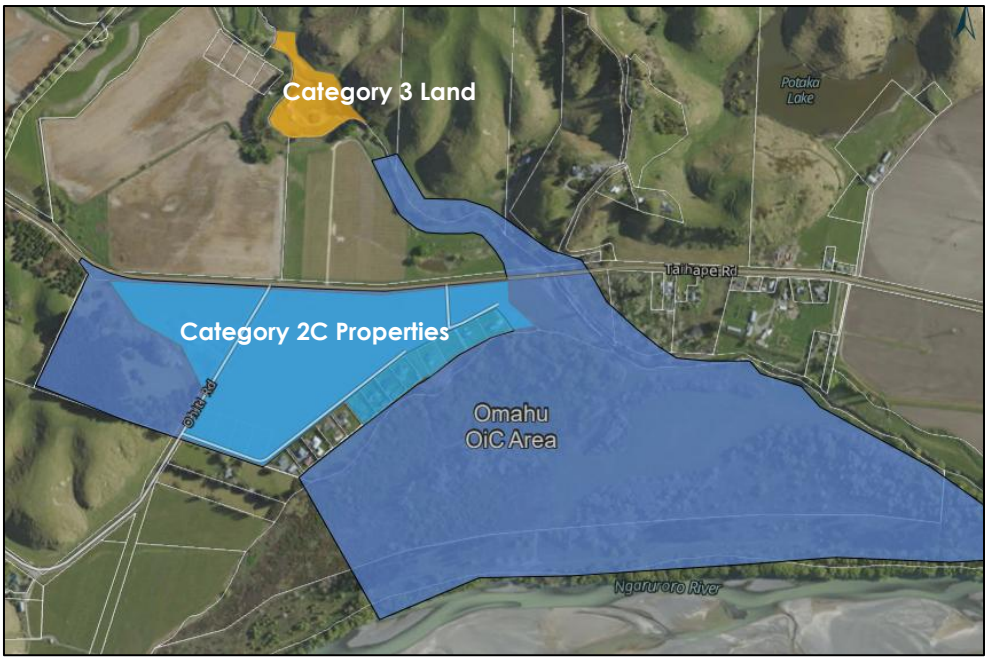
Legislative Context for the OiC

The OiC was developed to facilitate the timely provision of flood protection works following the severe weather events of February 2023 - namely Cyclone Gabrielle. In short, the OiC established a streamlined consenting process that allows flood protection works within specified areas, that trigger a need for resource consent, to be processed as a 'controlled activity' through a modified RMA process. Standardised conditions to avoid, remedy or mitigate the effects of the projects are embedded into the OiC, and are of a nature to enable resource

consent to be granted in a more timely way, and for initiatives to manage environmental effects and facilitate engagement to be finalised post granting.

In the case of Ohiti, the flood protection works are proposed to allow the properties identified in **Figure 2** to be moved from provisional Category 2C to Category 1. The implication of this change for these properties is significant as Category 1 land is not considered to be subject to any further requirement for flood hazard related interventions before residential activity can safely occur. The footprint to which the OiC applies for this purpose is also shown in Figure 1 ('OiC Footprint').

Figure 2: Category 2C Land and OiC Footprint



The OiC Footprint was developed on the basis of a high-level concept for a new stopbank prior to (1), the OiC legislation being enacted, (2), final modelling, and (3), comprehensive community engagement.

Since then, further analysis to inform the design process (including consequential flooding impact assessments) and significant community engagement has been undertaken. As shown in **Figure 3**, while the primary flood protection feature and borrow site remain within the OiC Footprint, the scheme involves a swale drain and the 'tail' of the primary stopbank together with mitigation measures (in respect to consequential flooding in the form of road raising and the construction of a stopbank) outside the OiC Footprint. Accordingly, any consenting requirements associated with these works/features are to be considered under the standard RMA process i.e. any applicable rules of National Environmental Standards and District and Regional Plans.

Mitigation measures being located outside the OiC Footprint is not an unanticipated outcome of the OiC. It was never assumed, nor could it be prior to design and assessment, that all necessary mitigation measures to address upstream or downstream flooding would

be within the OiC Footprint. The need to assess activities associated with the flood protection works outside the OiC Footprint under the standard RMA process was therefore always a potential requirement. This does not however detract from the purpose of the OiC and its enabling legislation the Severe Weather Emergency Recovery Legislation Act 2023.

Figure 3: Flood Protection Works and OiC Footprint

Noting the need to consider the proposal under both the OiC and standard RMA process, this application is structured as follows. It is noted that the approach of including all consenting requirements within one application has been discussed with each Consent Authority.

Section 2	Background • Impacts of Cyclone Gabrielle • Project Purpose • OiC – purpose and overview
Section 3	Design Process and development of mitigation
Section 4	Approach to Assessment of Application • Assessment Approach - OiC with Standard RMA Process
Section 5	Site Context • Site Location and Neighbouring Community • Subject Properties • Planning Context • Site Values and Environmental Context
Section 6	Details of Proposal
Section 7	Consents Needed • OiC

	• Standard RMA process o National Environmental Standards o HDP o HBRC RRMP
Section 8	Statutory Considerations • OiC – Clause 12 • Standard RMA process
Section 9	Summary of Consultation
Section 10	OiC Assessment – Activities within the OiC Footprint
Section 11	Standard RMA Process Assessment - Activities outside the OiC Footprint • Planning Context (NPS, RPS, RRMP, DP) • Section 104(1)(a) Assessment - Assessment of Environmental Effects • Section 95-95G Assessment - Notification • Section 104(1)(b) Assessment - Policy Assessment (NPS, RPS, RRMP, DP) • Section 104(1)(c) Assessment - Other Matters
Section 12	Summary

Overall:

1. The application meets the requirements of Section 12 of the OiC and Section 88 and Schedule 4 of the RMA,
2. Key considerations informing the application include:
    - Consideration of consequential flooding arising from the new stopbank,
    - Accommodating existing drainage patterns,
    - Accommodating the input of the community and Te Piringa Hapū in developing the design, and
    - Determining the potential impact on wildlife and developing appropriate responses,
3. Engagement with mana whenua, local authorities and key stakeholders, together with technical assessments and careful consideration of conditions has ensured the development of a robust flood protection proposal that will achieve significant benefits to Category 2C land,
4. The standardised conditions of the OiC have been largely adopted (with minor amendments) - and applied to activities outside the OiC Footprint to avoid, remedy or mitigate the actual or potential adverse effects of the proposal on an integrated project basis.

2. BACKGROUND

2.1 Impacts of Cyclone Gabrielle

Cyclone Gabrielle caused severe flooding and devastation in both Omahu and Ohiti. Floodwaters inundated homes, farm properties, marae and urupa, and swept through the different settlements, leading to the evacuation of residents and widespread damage.

Flooding led to loss and damage of roads, bridges, and power supply, isolating communities and cutting off access for several days.

Productive farmland was buried under thick layers of silt and debris, severely affecting agriculture and requiring extensive clean-up. Homes were affected in a similar way and many residents had to evacuate and lost their homes or faced uninhabitable conditions due to building damage and silt inundation. These immediate impacts were followed by enduring social and cultural impacts during the recovery process.

Following the Cyclone, the properties in **Figure 1** were categorized as 2C under the government's land categorisation process, indicating a high risk of future flooding without mitigation measures.

2.2 Project Purpose

The purpose of this project/proposed stop bank is to move the identified Category 2C properties to Category 1.

In terms of background context, shortly after Cyclone Gabrielle, on the 1st of May 2023, the Government released a series of risk categories and their definitions. These were developed to support the local authorities affected by Cyclone Gabrielle and the Auckland severe-weather events to complete risk assessments of the properties affected by the weather events.

HBRC developed both a process and a technical framework to look at the future risk to life at affected properties. In short:

- Where the future risk from flooding was determined to be intolerably high, and where that risk could not be sufficiently mitigated, those properties were identified as Category 3,
- Where future flood risk could be mitigated by community or property level interventions, those properties were identified as Category 2 (being either 2P or 2C),
- Where there was a tolerable risk, those properties were identified as Category 1.

As outlined above, Category 2C is where community-level interventions are required to sufficiently reduce the risk to life from future flooding. Being re-categorised from Category 2C to Category 1 allows property owners to repair or rebuild affected dwellings/property and develop land according to Regional and District Plans. It also serves to remove potential for insurance related uncertainty.

Category 1 does not mean that there is no risk of flooding at the property however, and landowners are still encouraged to plan for future emergencies including flooding. Indeed, the target Level of Service for Category 1 land is protection during a 1:100 year event[1].

[1] The peak 100 yr flows are advised by NIWA following their post Cyclone Gabrielle Flood Frequency assessment.

2.3 Severe Weather Emergency Recovery Legislation (Hawke's Bay Flood Protection Works) Order 2024

The OiC was established under the Severe Weather Emergency Recovery Legislation Act 2023 (SWERLA).

The purpose of SWERLA is to assist communities and local authorities to respond to and recover from the impacts of specified severe weather events in New Zealand, particularly Cyclones Hale and Gabrielle and the early 2023 floods. Specifically, the Act aims to:

- Provide for the planning, rebuilding, and recovery of affected communities and persons, including rebuilding land, infrastructure, and property,
- Facilitate coordinated short-term, medium-term, and long-term recovery efforts,
- Restore and improve the economic, social, cultural well-being, and resilience of affected communities,
- Support safety enhancements and improve the resilience of infrastructure,
- Ensure an adequate regulatory framework to speed up recovery while minimising burdens on those affected,
- Enable government agencies, Crown entities, and local authorities to operate flexibly and efficiently in the recovery process by modifying or relaxing legislative requirements through Orders in Council when necessary.

In summary, the Act supports and expedites recovery from severe weather damage by removing regulatory barriers, coordinating efforts, and enhancing resilience for affected communities and infrastructure across impacted regions. Key to its theme is enabling other legislation to be relaxed or operate more flexibly.

Turning to the OiC, this was established to facilitate the timely provision of flood protection works following Cyclone Gabrielle. In short:

- Clause 6 sets out the meaning of 'flood protection works', which is

  '*activities that involve or are concerned with the construction or reinstatement of, making safety enhancements to, or improving the resilience of land and flood protection infrastructure, including stopbanks, spillways, retaining walls, bridges, pump stations, stream realignments, and earthworks; and any incidental or subsidiary activity*'.
- The framework applies to works that are carried out within the affected areas identified in Schedule 2 of the Order,
- The OiC sets out that all flood protection works subject to the Order (in Clauses 5 and 6) are to be assessed as a Controlled Activity (Clauses 7 and 8). Under Section 104A of the RMA an application for a Controlled Activity must be granted, and any conditions imposed must be limited to those over which control has been reserved.
- Only a Hawke's Bay local authority may apply for a resource consent under the Order (Clause 9),
- Clause 10 essentially requires an application made under the order to be considered and decided by a hearings commissioner,
- Where the proposed flood protection works require resource consent from more than 1 consent authority, Clause 11 requires the applicant to apply to every relevant

consent authority at the same time and for those consent authorities to act jointly in performing all their functions, duties, and powers in relation to the application,

- Instead of complying with section 88(2)(b) of the RMA, Clause 12 sets out what must be included in an application under the Order. In short, this includes:
    - a detailed description of the works,
    - a map showing the area of the works and description of that area,
    - identification of the cultural values associated with the area and where applicable any culturally significant land within the area,
    - an assessment of all potential effects of the works – including any potential effects on any cultural values / culturally significant land identified – recognising the limitations in Section 104A,
    - proposals to avoid, remedy, or mitigate potential adverse effects identified,
    - any conditions proposed that are a variation of, or additional to the standard conditions in Schedule 2 of the Order (refer Clause 17 below),
    - a description of any consultation undertaken in relation to the works and the names and contact details of all persons consulted – or an explanation as to why consultation has not been carried out,
    - a list of all relevant Māori entities, and
    - a list of the names and contact details of all persons the consent authority is required to notify under clause 15(2)(a) of the Order,
- Clause 14 requires the application to be assessed on a non-notified basis. Clause 15 nevertheless sets out the parties from whom the consent authority must invite written comment. The consent authority must consider all comments received. A person invited to make written comments on an application may not:
    - appeal under Part 6 of the RMA against the consent authority's decision on the application; or
    - object to the decision under Part 14 of the RMA.
- While the direction in Section 104A(a) to grant consent remains, Clause 17 of the Order amends Section 104A(b) in respect to its directions around and references to matters of control and states:
    - The consent authority may impose any 1 or more of the conditions set out in Schedule 2,
    - The consent authority may amend any condition it imposes under subclause (2) (other than the condition in clause 1 of Schedule 2) if it considers the amendment necessary for the purposes of the authority's responsibility for a matter of control,
    - The consent authority may impose any 1 or more additional conditions it considers necessary for the purposes of the authority's responsibility for a matter of control. Of note:
        - This clause applies despite anything to the contrary in:
            a) any requirements in a national environmental standard or a national policy statement:
            b) any rules or assessment criteria in any plan or proposed plan.
        - Matter of control means any of the matters specified in Schedule 3, which are matters over which the consent authority is taken to have reserved control. These include matters associated with:

- General matters –
    - Flooding
    - Construction management
    - Effects on ecology
- Cultural values
- Freshwater
- The coastal environment
- Stormwater management
- Visual effects and amenity
- Adjoining landuses
- Heritage and archaeology
- Access and transport
- Contaminated land

- Once an application is accepted as meeting all the information requirements in Clause 12(2) and all necessary resource consents have been lodged (activities included), Clause 18 requires the consent authority to give notice of its decision on the application within 30 working days. There is no provision in the OiC for the consent authority to request further information, and the 30 working day deadline may not be extended, deferred, or altered in any way.

Central to the OiC's approach is that an application can be lodged on the basis of only concept level project design information – with the standardised conditions containing earthworks and ecology principals in particular, and other directions, to develop mitigation of effects through further design development/refinement post granting of the resource consent. This approach is quite different to the standard RMA process which typically requires these matters to be resolved at the application stage.

Where a greater degree of assessment and design has occurred as part of preparing the application than what the OiC may have anticipated, it follows that components of the standardised conditions to require and guide mitigation post granting may not be necessary. This is certainly the case with the Ohiti project. Amendments to the standardised conditions are discussed in various sections of this report in response.

3. DESIGN PROCESS AND DEVELOPMENT OF MITIGATION

The initial concept design process commenced in early 2024 involving development of a model, design parameters and a basic concept within the bounds of the OiC Footprint. Various scoping assessments were commenced together with commissioning of a Cultural Impact Assessment.

Different stopbank alignment and layout scenarios were considered as each was tested in respect to consequential flooding and as the need for road raising became more apparent. With various scenarios being worked through and subject sites being considered, community involvement grew with different views and options being put forward by different groups for consideration. These were included in the optioneering exercises being undertaken and

'worked up' to consider various factors such as consequential flooding, the location and extent of road raising, fill requirements and land access.

It became clear during this design phase that works outside the OiC Footprint would be required / were inevitable to mitigate the consequential flooding effects of a stopbank located to protect the identified 2C properties.

Community involvement in the design process continued with a Community Advisory Group (CAG) being established and an alternative design concept, referred to as the 'community alternative' being put forward. While this was considered by the design team and independently peer reviewed, it did not meet the necessary criteria – primarily due to a forecasted budget exceedance of circa 30%, thereby exceeding crown parameters around cost: benefit. Design considerations progressed with confirmation of the preferred option being obtained from the CAG. The design process moved to the preliminary design phase where finer detail such as drainage, stopbank batter slopes, cut and fill volumes, roading geometry and access solutions were given greater consideration to form the preliminary design subject to this application.

Overall, the design process has been iterative, involving upfront consideration of more matters than originally anticipated by the OiC and robust and comprehensive community input.

4. APPROACH TO ASSESSMENT OF APPLICATION

As noted above, the bespoke streamlined consent process created by the OiC applies to flood protection works within the OiC Footprint.

Since then, further analysis to inform the design process and significant community engagement has been undertaken, and as explained above, the proposed solution now involves works within and outside of the OiC Footprint.

Flood mitigation measures being located outside the OiC Footprint is not an unanticipated outcome. It was never assumed, nor could it be prior to design and assessment, that all necessary mitigation measures to address upstream or downstream flooding would be within the OiC Footprint. Further, the possible need for additional resource consents to be obtained to enable activities associated with the flood protection works under the standard RMA process (including activities outside the OiC Footprint) is provided for / contemplated in Clause 13(3)(b) of the OiC.

This does not however detract from the purpose of the OiC and its enabling legislation the SWERLA. While the proposed swale (located outside the OiC Footprint) contributes to the effectiveness of the primary flood protection feature, the primary Ohiti flood protection feature, borrow site and construction laydown area remain within the OiC Footprint, and it is still entirely appropriate to assess the application for the majority of the works using the bespoke framework provided by the OiC.

However, given the limited parameters of the OiC, the minority of the works/features located outside the OiC Footprint will need to be considered under the standard RMA process i.e. any against any applicable rules of National Environmental Standards and District and Regional Plans.

We have considered whether the different aspects should be applied for in different applications, and also the matter of bundling if they are sought together.

In this case, the applications for works within and outside of the OiC Footprint have been made together, however this does not prevent the consents being assessed and issued according to the frameworks in the separate legislation.

Bundling applications / activity statuses across consent applications is not mandatory. When deciding whether to adopt a bundling approach a consent authority will usually consider whether there is sufficient overlap between the activities such that the applications for each class of activity should be considered together under the most restrictive activity classification.

While it is acknowledged that the different components of the Project are connected and give rise to similar considerations/effects, the unique context of the OiC strongly suggests that bundling would not be appropriate, as it would undermine the purpose of the OiC, which is to provide a bespoke, streamlined consenting process for flood protection works within the OiC Footprint. The Minister's Statement of Reasons for the OiC explains:

> The order seeks to ensure that people and communities in Hawke's Bay can recover from the effects of Cyclone Gabrielle and are protected against future events through the construction of flood protection works at specified locations in the region.
>
> It is necessary to reclassify those flood protection works under the RMA and create a bespoke streamlined consent process.
>
> Unless modified by this order, the activities associated with those works would otherwise be classified as discretionary or non-complying activities under the relevant district and regional plans with the potential for the consent applications to be publicly notified. If public notification occurred, the consent applications would be subject to lengthy public notification, submissions, and hearings requirements in accordance with Part 6 of the RMA. The RMA also provides for a right of appeal to the Environment Court. Using those existing processes to consent the flood protection works could threaten their effectiveness by generating significant delay. Streamlining the process is necessary to ensure that the works can progress by restoring land, safeguarding property, and building resilience in affected communities.
>
> Similarly, the streamlined consent process also makes it possible to complete necessary flood protection works in an expedient way, allowing work to begin quickly on long-term safety improvements. This approach reflects the purposes of the SWERLA as the flood protection works are necessary safety enhancements to address dangers posed by flooding in future severe weather events.

If the OiC and non-OiC applications were bundled, this would have the effect of eliminating the controlled activity status allocated under the OiC for the primary flood protection feature

to a discretionary activity status (as per the more minor component and mitigation measures). This would undermine the purpose of the OiC and SWERLA as described above and subvert the Minister's intentions. Aside from making the activity status more stringent, the application would then be subject to the usual RMA process steps and right of appeal, which would further remove the efficiency gains provided by the OiC.

The Minister's Statement of Reasons evidences an intention that the consideration of applications under the OiC will not be subject to the ordinary practice of bundling under the RMA and will instead be considered under this bespoke framework. A case specific view of bundling is also supported by the theme of SWERLA to enable other legislation, or what could be considered usually adopted regulatory approaches, to be relaxed or operate more flexibly.

Finally, taking an un-bundled approach does not prevent proper consideration of activities outside the OiC Footprint under the standard RMA process.

The following application is therefore presented on the basis that the consent for the works/features within the OiC Footprint will be assessed under the OiC, and the works/features outside the OiC Footprint under the standard RMA process in an un-bundled manner. To be clear however, those activities to be considered solely under the standard RMA process have been bundled.

5. SITE DESCRIPTION

The following sets out:

- Site location and neighbouring community,
- The subject properties,
- Planning context:
- Site values and environmental context:
    - Cultural context,
    - Archaeology,
    - Water bodies and ecological values,
    - Flood hazard management,
    - Landscape and amenity values,
    - Land contamination,
    - Productive capacity of land,
    - Network Utility Operators and other infrastructure and services.

5.1 Site Location and Neighbouring Community

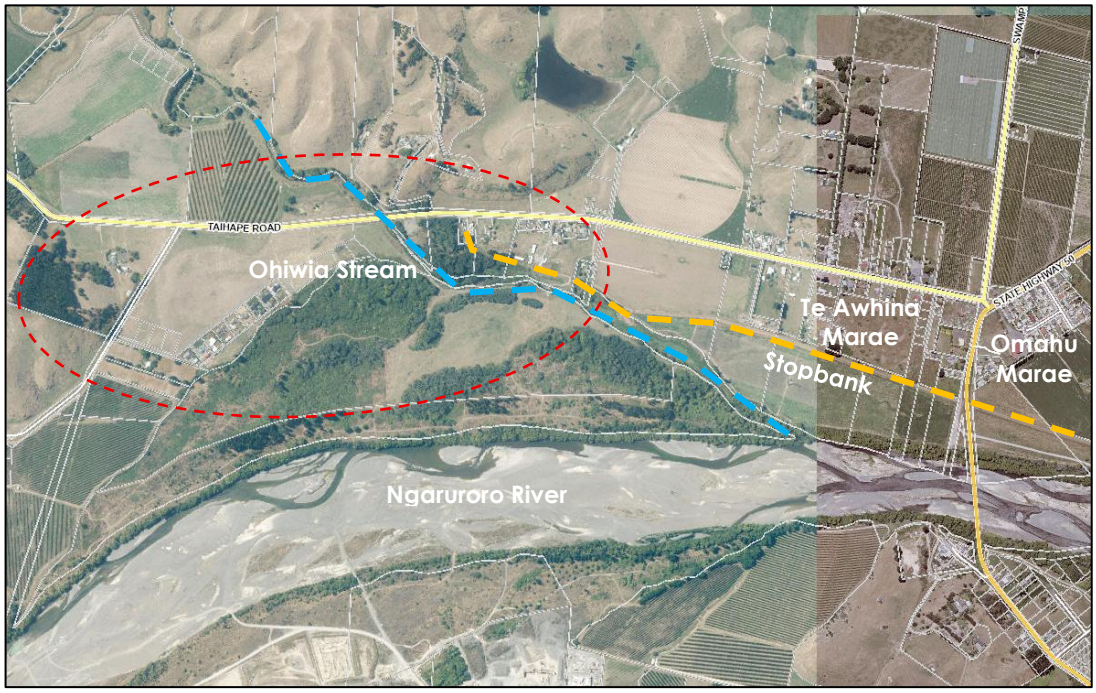
The area of works is primarily located between the Ngaruroro River and Taihape Road as shown in **Figure 5** below. Of particular note:

- The Te Awhina Marae and Omahu Marae are located to the east,
- The Ohiwia Stream flows northwest-southeast through the area of works onto the river berm before discharging to the Ngaruroro River,

- There is a cluster of dwellings in the western and eastern extents of the area of works,
- An existing stopbank feature runs eastward from the eastern area of the works.

Other key features are discussed below.

Figure 5: Area of Works



5.2 Subject Properties

The properties on which the proposed works are to be carried out are illustrated in **Figure 6** and detailed in **Table 2** below.

With the exception of the following properties, it is envisaged that the footprints of the proposed features will be secured via easements in favour of HBRC:

- (7) - Fee Simple, 1/1, Lot 5 Pt Omahu 2C1C Block,
- (60) - Fee Simple, 1/1, Lot 10N PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802,
- (12) - Lot 1 DP 7904,
- (47) - Lot 1 DP 6309,
- (10) - Part OMAHU 2C1C BLK X HERETAUNGA SD,
- (6) - Lot 10A Pt Omahu 2C1C Block ML 506974.

On these properties, specific areas are intended to be acquired by HBRC to accommodate the footprint of the proposed features.

Agreements to this effect have been presented to the relevant landowners and are being worked through.

The ability to utilize the land concerned will be resolved during these land access agreement processes.

Figure 6: Land on which the works will be undertaken

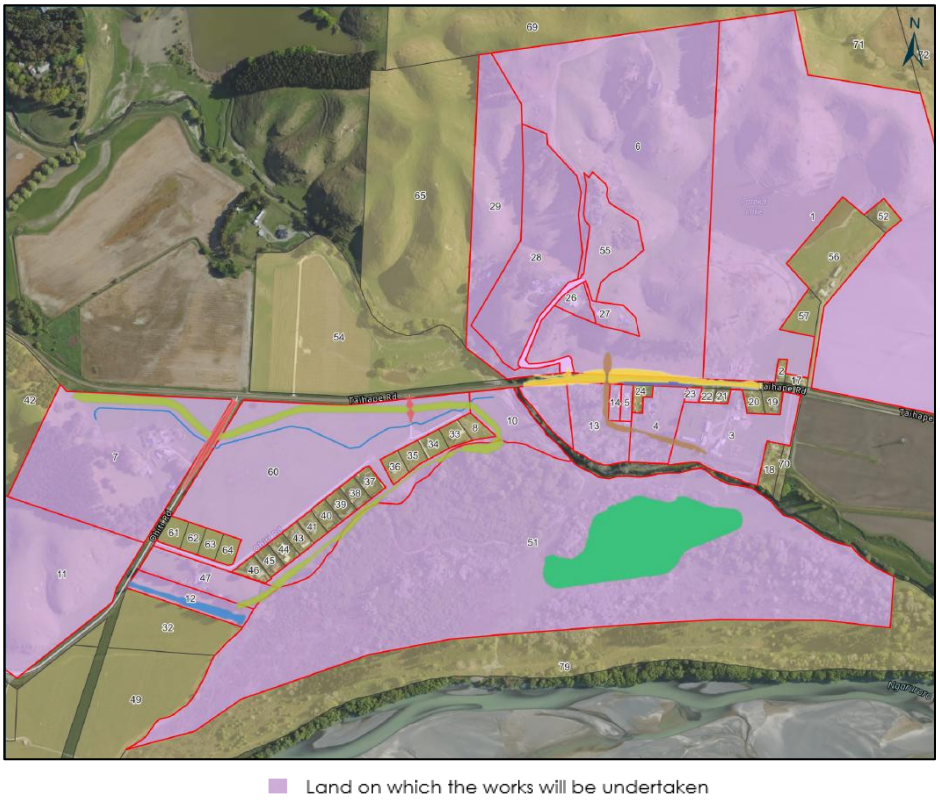


Table 2: Land on which the works will be undertaken

Figure Reference	LINZ Property ID	Appellation
1	1927081	Fee Simple, 1/1, Lot 2 DP 28250, 390,507 m2
3	2303624	Fee Simple, 1/1, Lot 10S PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802, 217,500 m2
4	4488286	Partition Order, 1/1, Omahu 2D5F2B Block, 18,950 m2
5	1996183	Fee Simple, 1/1, Lot 1 DP 600663 and Lot 2 DP 25428 and Lot 3-4, 6 DP 449565 and Lot 2 DP 523754, 235,396 m2
6	4674874	Lot 10A Pt Omahu 2C1C Block ML 506974
7	2422644	Fee Simple, 1/1, Lot 5 Pt Omahu 2C1C Block, 2,500 m2
10	4214443	Part OMAHU 2C1C BLK X HERETAUNGA SD
11	4713458	Lot 1 DP 472466
12	1831755	Lot 1 DP 7904
13	4534626	OMAHU 2D5F2B BLOCK ML 407681 - SUBJ TO STOPBANK SMT
14	4529909	OMAHU 2D5F2A BLOCK ML 407681
26	4674872	Fee Simple, 1/1, Lot 1 DP 600663 and Lot 2 DP 25428 and Lot 3-4, 6 DP 449565 and Lot 2 DP 523754, 235,396 m2

27	4674873	Fee Simple, 1/1, Lot 10B PT Omahu 2C1C Block, 2,501 m2
28	4678386	Fee Simple, 1/1, Lot 10F Pt Omahu 2C1C Block, 2,500 m2
29	1815952	Fee Simple, 1/1, Lot 10G Pt Omahu 2C1C Block, 2,500 m2
47	1861828	Lot 1 DP 6309
51	4918908	SEC 1 SO 497236
55	4674871	Fee Simple, 1/1, Lot 1 Deposited Plan 460685, 20,150 m2 Fee Simple, 1/4, Lot 6 Deposited Plan 460685, 4,362 m2
60	5247548	Fee Simple, 1/1, Lot 10N PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802, 130,260 m2
23	2041281	Fee Simple, 1/1, Lot 1 Deposited Plan 7904, 12,141 m2
		Road Reserve - Taihape Road
		Road Reserve – Ohiti Road

5.3 Planning Context

The works will be undertaken within the district and region of the Hastings District Council ('HDC') and HBRC.

The following provides an outline of the planning context in regard to:

- The Hastings District Plan (HDP) (including Designations),
- The Regional Resource Management Plan (RRMP).

5.3.1 Hastings District Plan

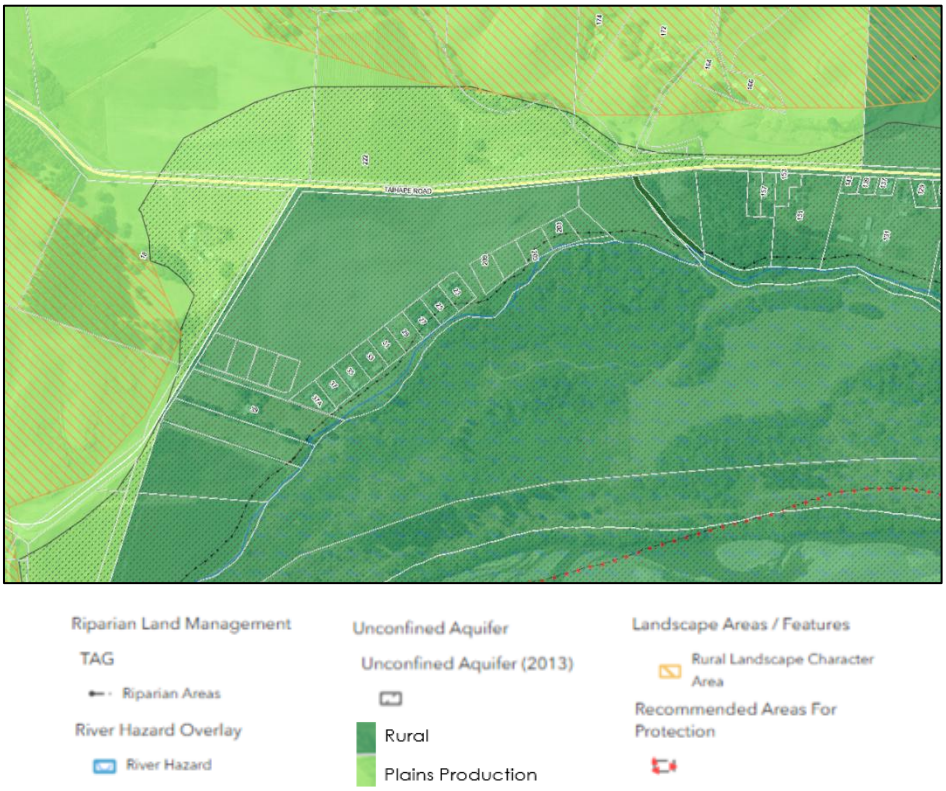
The flood protection works will generally be undertaken on land zoned Plains Production in the HDP. Works undertaken on the northern side of Taihape Road and the western side of Ohiti Road will be undertaken on land zoned Rural.

Other notations on the planning map, as shown in **Figure 7** include:

- River Hazard (shown by blue waves): The District Plan enables Natural Hazard Mitigation Activities, including stop banks, in the River Hazard Overlay when this is carried out by a Local Authority. Other activities enabled include water intakes, bridge structures, and minor upgrading of existing network utilities,
- Unconfined Aquifer,
- Riparian Land Management Area: The Riparian Land Management and Public Access District Wide Activity Chapter identifies those areas in the Rural and Plains Production Zones of the District where the Council has identified the opportunity to provide esplanade reserves and alternative mechanisms for the protection of waterbodies to ensure the sustainable management of them and public access to them. Rules are included in the District Plan to regulate the modification of riparian vegetation; however, it is stated in the Plan that riparian vegetation modification does not include actions undertaken or authorised by the HBRC for the purpose of flood control activities,
- Areas to the north and west, outside the area of work, are within the Rural Landscape Character Area,

- A Recommended Area of Protection lies over the Ngaruroro Rover to the south – outside the area of work.

Figure 7: Hastings District Plan Planning Map Features



Designations

It is noted in the Hastings District Plan that all existing roads and State Highways are deemed to be designated for roading purposes. Apart from Taihape Road and Ohiti Road, the construction area is not subject to any identified Designations in the HDP.

5.3.2 Regional Resource Management Plan

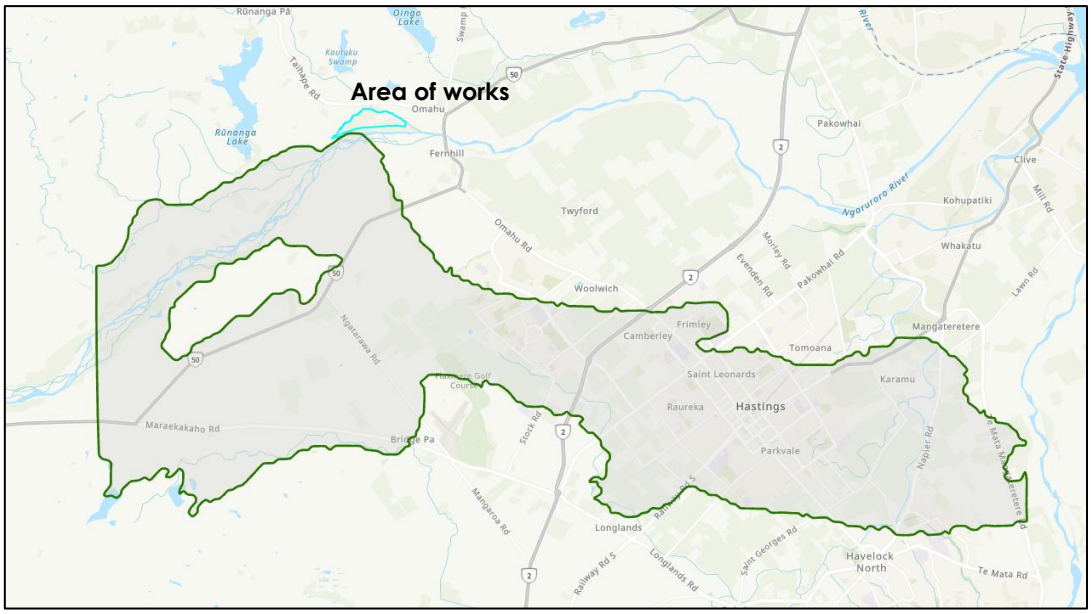
The flood protection works are within an area subject to various planning map overlays within the Regional RMPP (including Change 9). Of particular relevance:

- The area of works is within the 'Heretaunga-Ruataniwha Aquifer System – Unconfined Aquifer' area and the 'Productive Aquifer Systems – Unconfined' area,
- The area of works is subject to a relatively high 'Contamination Vulnerability' classification,
- The alignment is within an area excluded from consideration under Condition (c) of Rule 7 pertaining to vegetation clearance and soil disturbance,
- The area is within the Ngaruroro Surface Water Quality Area and is within:
    - a medium priority area for managing sediment,
    - a medium priority area for managing Phosphorus,
    - a medium priority area for managing Nitrogen, and
    - a priority area for managing Dissolved Oxygen risk,

- The area is within the Ngaruroro Water Quantity Area and is within Groundwater Zone 1 area,
- The area of works sits just outside the Hastings Source Protection Zone as shown in **Figure 8** below.

Land use capability is considered in Section 5.4.7 below.

Figure 8: Hastings Source Protection Zone



5.4 Site Values and Environmental Context

The following provides an outline of the site values and environmental context in regard to:

- The cultural context,
- Archaeology,
- Water bodies and ecological values,
- Flood hazard management,
- Landscape and amenity values,
- Land contamination,
- Productive capacity of land,
- Network Utility Operators and other infrastructure and services.

5.4.1 Cultural Context

Overview

According to the HBRC Pataka GIS and the records of Statutory Acknowledgments in the Regional Resource Management Plan, the construction area is:

1. Within the proximity of the Te Awhina Marae, Omāhu Marae and Rūnanga Marae, and Te Piringa Hapū (a mandated entity that represents Ngāi Te Ūpokoiri, Ngāti Hinemanu, Ngāti Mahuika and Ngāti Honomōkai Hapū),

2. Within the rohe of Ngāti Kahungunu,
3. Within the Area of Interest of both Mana Ahuriri and Tamatea Pōkai Whenua,
4. Within/adjoins:
    - the Mana Ahuriri 'Ngaruroro River and Tributaries (OTS-206-14)' Statutory Acknowledgement Area,
    - the Tamatea Pōkai Whenua 'Ngaruroro Riverland and Tributaries (OTS110-19)' Statutory Acknowledgement Area, and
    - The 'Omahu Property (OTS-110-35)' – a Cultural Redress Property as referred to in the Deed of Settlement between Heretaunga Tamatea (Tamatea Pōkai Whenua) and the Crown,
5. Within the 'boundary' of Te Taiwhenua O Heretaunga.

Customary Marine Title Groups

Te Takutai Moana Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 provide for recognition of customary interests of iwi, hapū and whānau in the common marine and coastal area of Aotearoa New Zealand and its offshore islands and allows iwi, hapū or whānau groups to make applications for a customary marine title.

With the works occurring outside the common marine and coastal area there are no holders of, or any applicants for, customary marine title that could be affected by the proposal.

Relevant Māori Entities

Section 12(2)(i) of the OiC requires an applicant to identity all relevant Māori entities. A Māori Entity is defined in the OiC as having the same meaning in Section 13(5) of SWERLA, which is as follows:

> ***Māori entity***—
> *(a) has the same meaning as in section 9 of the Urban Development Act 2020; and*
> *(b) includes any entity or other body, incorporated or unincorporated, comprising or representing a collective group whose members are 1 or more of the Māori entities.*

In respect to (a), a Māori Entity is defined in the Urban Development Act 2020 as:

> *meaning any of the following persons or entities:*
> *(a) a post-settlement governance entity:*
> *(b) an iwi authority:*
> *(c) a hapū:*
> *(d) an urban Māori authority:*
> *(e) a Māori Trust Board:*
> *(f) a Māori association:*
> *(g) the Māori Trustee:*
> *(h) a board, committee, authority, or other body, incorporated or unincorporated, recognised in, or established under, iwi participation legislation:*
> *(i) a body corporate, the trustees of a trust, or any other entity or persons who have an ownership interest in Māori land:*
> *(j) a body corporate or the trustees of a trust appointed to administer a Māori reservation:*
> *(k) a customary marine title group or protected customary rights group:*
> *(l) the entity that is authorised to act for a natural resource with legal personhood*

HBRC has identified the following relevant Māori entities in respect to Section 12(2)(i) – with Te Piringa Hapū being the mana whenua entity HBRC has primarily engaged with throughout the Ohiti project:

- Te Piringa Hapū (Ngāi Te Ūpokoiri, Ngāti Hinemanu, Ngāti Mahuika and Ngāti Honomōkai Hapū),
- Ōmāhu Marae – being a local marae,
- Te Awhina Marae – being a local marae,
- Rūnanga Marae – being a local marae,
- Ngāti Kahungunu Iwi Incorporated,
- Tamatea Pōkai Whenua – being the Post Settlement Governance Entity,
- Mana Ahuriri – being the Post Settlement Governance Entity.

Culturally Significant Land

Section 12(2)(d)(ii) of the OiC requires an applicant to provide a description of any culturally significant land, which is defined in the OiC as land that:

(a) is on, or adjoins, a wāhi tapu (or a site of cultural significance); or
(b) is on, or adjoins, land that has an area that is subject to a statutory acknowledgement; or
(c) is within, is adjacent to, or directly affects the statutory overlay of ngā rohe moana and ngā rohe moana o ngā hapū o Ngāti Porou, as described in section 11 and Schedule 3 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

In terms of (a) the HDP does not identify any specific 'Wāhi Tapu' sites in the area. The Cultural Impact Assessment prepared by Te Piringa Hapū and summarised below provides greater insight to the culturally significant land comprising the project area.
In terms of (b), and as outlined above, the construction area is within/adjoins:

- the Mana Ahuriri 'Ngaruroro River and Tributaries (OTS-206-14)' Statutory Acknowledgement Area,
- the Tamatea Pōkai Whenua 'Ngaruroro Riverland and Tributaries (OTS110-19)' Statutory Acknowledgement Area.

Subclause (c) is not applicable.

Cultural Impact Assessment

A Cultural Impact Assessment (CIA) has been prepared by Te Piringa Hapū - descendants of Ngāi Te Upokoiri Ngāti Hinemanu me ōna pringa hapū. Referenced as **Appendix 1**, it has been provided to HBRC on a confidential basis - noting inclusion of the following summary has been approved by Te Piringa Hapū.

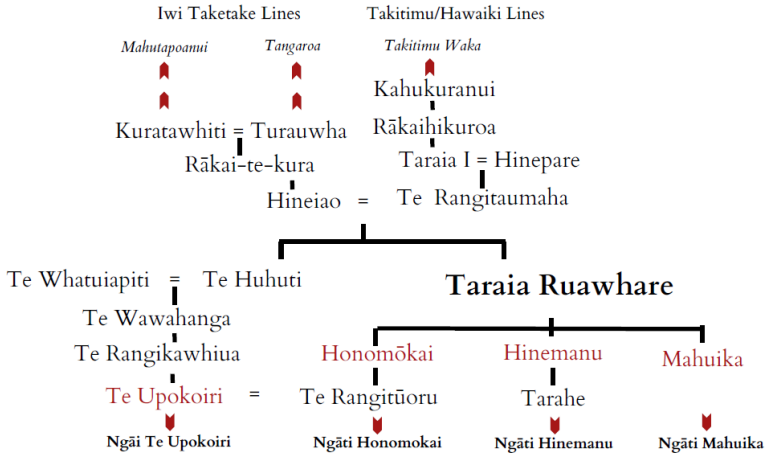
The reported aims and objectives of the CIA include:

- Identify the cultural values of the Hapū in relation to the area and/or resources that could be impacted by the proposed activity.
- Analyse the potential impacts of the proposed activity on those cultural values and the mauri, or life force, of the area and/or resources.

- Provide recommendations to mitigate any negative impacts and enhance positive impacts on hapū cultural values and mauri.
- Promote understanding and awareness of Ngai Te Upokoiri, Ngati Hinemanu, Ngati Honomokai, Ngati Mahuika cultural values and mauri among all parties involved in the project.

The following diagram reproduced from Section 3 of the CIA provides a helpful overview of hapu connections.

Figure 9: Hapū Connections



It is stated that the identity of the different hapū is woven into the very fabric of this takiwā and Ohiwia (the area of works). The CIA speaks of Taraia Ruawhare, a revered ancestor who resided at Ohiwia, where he harnessed the power of its waters as sacred healing sources. It is explained that through these waters he carried out ancient healing rituals and tohi rites passing down the tikanga and mātauranga of Ohiwia that is cherished by the different hapū today. It is noted that whānau continue to recognize the Ohiwia stream as a place of traditional baptism and healing, honoring the legacy of Taraia Ruawhare and the significance of ancestral practices. The connection to Ohiwia remains strong, a symbol of the heritage and the enduring spirit of the different hapū.

It is also noted that Ohiwia is the home of Karukaru, the kaitiaki taniwha of the different hapū, and a guardian in the kōrero tuku iho and whānau experiences. Karukaru watches over the waters, ensuring the balance and wellbeing of the Taiao and is a symbol of protection and guidance for the hapū. From the waters of Ohiwia, Karukaru's presence ripples through the awa and its tributaries, protecting the people as they mahinga kai and interact with the awa.

Ohiwia is identified as a site of significance owing to the whakapapa connecting the different hapū to centuries of relationship and experience with the whenua and wai of Ohiwia. It is concluded that it is of extreme significance to see the Ohiwia restored.

Recommendations associated with the following matters to mitigate potential cultural value impacts are listed – noting they aim to balance environmental conservation with cultural values, ensuring the sustained health and significance of the Ohiwia stream for future generations:

- Cultural and Environmental Restoration Strategies for Ohiwia Stream - A Pathway to Community Resilience,
- Restoring Ohiwia Stream - Clearing Overgrown Flora and Damaged Willows for Environmental and Rehabilitation and Community Resilience,
- Stopbank Rehabilitation and Environmental Restoration,
- Clearing and Replanting Along Ohiwia Stream,
- Implementing Effective Monitoring Programs,
- Engagement of Local Hapū Work Crew - Cultivating Resilience through Community Collaboration,
- Future Projects Around Kautuku Lake and Wetlands.

Finally, it is emphasised that the reinstatement of Ohiwia Stream's original name, from Okawa to Ohiwia, holds paramount importance for Ngā Hapū o Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Honomōkai, and Ngāti Mahuika, and that the hapū would like to work with HBRC in the commissioning of a Pou with an information board to mark the cultural significance of Ohiwia.

5.4.2 Archaeology

An Archaeological Risk Screening Assessment has been undertaken by Archaeological Hawke's Bay and is provided in **Appendix 2.**

The assessment considered the risks of disturbances associated with the proposed stopbanks, swale and borrow site and involved a review of the following together with a site visit:

- Recorded Archaeological Sites,
- Historic aerial imagery,
- Historic maps,
- HDP.

The assessment has determined that while there are no currently recorded archaeological sites within the area of proposed work, the site does lie in a landscape of known long term occupation, and in particular, cultivation activity.

5.4.3 Water Bodies and Ecological Values

An Ecological Constraints and Opportunities Assessment has been undertaken by Tonkin & Taylor ('T+T') and is provided in **Appendix 3**. While the report refers to various stopbank alignments being considered, it is stated that the assessment covers the broader project area – comprising the solution subject to this application and meets the requirements of the ecological scoping surveys required by Condition 27(1)(a) and (2) of the OiC.

The assessment methodology involved:

- General site vegetation descriptions,
- Fauna habitat observations:
  - Identifying potential bat roost trees,
  - Identifying areas of potential lizard habitat, and
  - Identifying potential avifauna habitat,
- Identifying areas of potential wetland, as indicated by vegetation, soils and hydrological indicators.

- Stream fauna surveys:
  - Electrofishing the Okawa Stream,
  - Macroinvertebrate sample collection, and
  - Ecological DNA (eDNA) collection.

Targeted terrestrial fauna surveys for long-tailed bats and skinks were also conducted in addition to the observation work.

Key points/findings include:

Terrestrial Vegetation:

- Terrestrial vegetation across the site was exotic dominated. Vegetation for the majority of the site comprised exotic, grazed pasture species and annual weeds,
- Vegetation on the banks of the Okawa Stream near the Taihape Road bridge was covered in rank grasses and large areas of fleabane (*Erigeron bonariensis*), Chinese mugwort (*Artemisia veriotiorum*), and blackberry (*Rubus fruticosus* agg). Mature large trees, primarily poplars (*Populus* spp.) and crack willows were also along the streambanks.
- Just below the subdivision, bordering the Ngaruroro River was a large area of overgrown exotic dominated forest. Crack willows, Chinese privet (*Ligustrum sinense*) in varying stages of maturity, and blackberry were the main species in the forest. Occasional native trees, primarily mature cabbage trees (*Cordyline australis*) were also scattered throughout.
- No significant natural areas (SNA) are located within or adjacent to site and no Threatened or At Risk plant species were observed,

Long Tailed Bats:

- It is considered highly unlikely that long-tailed bats use the site. No further bat management is required,

Avifauna:

- Few birds were seen or heard during the survey, most being exotic,
- Bird species at the site included the native fantail (*Rhipidura fuliginosa*; Not Threatened), and Introduced and Naturalised spur winged plover (*Vanellus miles*), sparrow (*Passer domesticus*), magpie (*Gymnorhina tibicen*), skylark (*Alauda arvensis*), and Californian quail (*Callipepla californica*),
- The paddock habitat is not considered suitable for wetland birds,
- The Ohiwia Stream may provide habitat for dabbling birds such as grey duck (*Anas superciliosa*; Threatened-Nationally Vulnerable) and mallard (*Anas platyrhynchos*; Introduced and Naturalised,
- While birds are generally mobile and can redisperse during disturbance, they become vulnerable during breeding season when nesting occurs (peak bird breeding season is September to January inclusive for forest birds and ducks),
- If vegetation needs to be cleared during September to January, bird nest checks should be undertaken by an ecologist prior to clearance.

Skinks:

- Several areas of potential skink habitat were identified across the site during the site visits however no skink footprints were present on the 53 tracking tunnel cards,

- Skinks are considered highly unlikely to be present on site and a Wildlife Act Authority or native skink relocation is not considered necessary,
- To ensure skinks do not colonise the site in future, it was recommended to keep areas within the site short (through progressive mowing) - mowing to a height of approximately 50mm would need to commence in between October and April when lizards are more active,

Natural Inland Wetlands:

- Two main areas were initially identified for further investigation for potential natural inland wetlands, however following assessment neither area was defined as a natural inland wetland,

Stream Habitat:

- The water body is the Ohiwia Stream,
- Within the project area the stream is a low-grade channel, with a fairly uniform wetted width (around 5 m). The stream exhibited some meandering and appeared largely unaltered. The instream habitat was primarily a mixture of fast and slow runs, and pools. A few small areas of riffle were present,

Stream Fauna:

- A summary of fish and invertebrate species detected using electrofishing and eDNA are outline in the table below (reproduced from Table 4.1 in the T+T report):

Common name	Scientific name	Threat status [19, 20]	Method	
			Electrofishing	eDNA
Longfin eel	*Anguilla dieffenbachii*	At Risk - Declining	✓	✓
Īnanga	*Galaxias maculatus*	At Risk - Declining		✓
Shortfin eel	*Anguilla australis*	Not Threatened	✓	✓
Common bully	*Gobiomorphus cotidianus*	Not Threatened	✓	✓
Common smelt	*Retropinna retropinna*	Not Threatened		✓
Black flounder	*Rhombosolea retiaria*	Not Threatened		✓
Rainbow trout	*Oncorhynchus mykiss*	Introduced and Naturalised		✓
Goldfish	*Carassius auratus*	Introduced and Naturalised		✓
Gambusia	*Gambusia affinis*	Introduced and Naturalised		✓
Kōura	*Paranephrops planifrons*	Not Threatened	✓	✓
Freshwater shrimp	*Paratya curvirostris*	Not Threatened	✓	

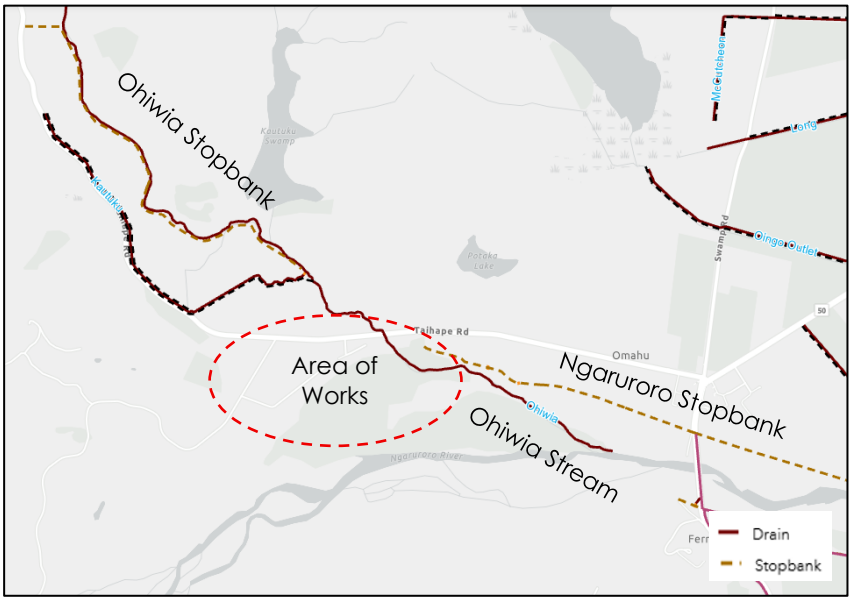
- Macroinvertebrate results showed soft-bottomed MCI scores of 85.2 and a QMCI score of 2.3, indicating fair and poor water quality, respectively,
- *Potamopyrgus* snails were in the samples. There were also very high readings for mud snails (*Potamopyrgus antipodarum*) in the pooled eDNA sample. *Potamopyrgus* snails are native to New Zealand and are the most widespread water snail in the country, being found in most streams and rivers.

5.4.4 Flood Hazard Management

The Ohiwia Stream, Ohiwia Stopbank and Ngaruroro Stopbank as shown in **Figure 10** below are part of the Heretaunga Plains Flood Control and Drainage Scheme – covering the low-lying river plains of the Tutaekuri, Ngaruroro and lower Tukituki Rivers.

Stopbank schemes have been present on the Ngaruroro since the early 1900s. T+T reports that much of the northwestern side of the Chesterhope Upper stopbanks (referred to as the Ngaruroro Stopbank below) were constructed in the 1960s, with some downstream areas, towards Omāhu township and SH50 being upgraded in the late 1980s and 1990s following the 1987 scheme review. The project team is unaware of any more recent upgrade works.

Figure 10: Flood Control Features



5.4.5 Landscape and Amenity Values

A Landscape Scoping Assessment has been prepared by Narrative Landscape to identify the potential visual landscape effects of the proposed works, including effects on any adjoining residential properties. A copy of the assessment is provided in **Appendix 4**.

Although a relatively confined assessment, it is based on guidance from the NZ Landscape Assessment Guidelines. The assessment method comprised:

- Preliminary desktop research and collation of relevant base information,
- Undertaking site visits (initially in June 2024 and February 2025 as the preliminary design developed) to collect photographs and develop an understanding of the surrounding site character,
- Detailed consideration of the proposal,
- Consideration of the relevant statutory planning framework, and
- An assessment of potential landscape and visual effects,

Although a further assessment of the effects is undertaken in Section 10 of this report, no specific landscape features were identified as requiring consideration. Rather it was identified the inclusion of a grassed stopbank is not considered a 'significant' adverse visual effect on nearby residential properties, and that for the most part, these stop banks will provide an additional degree of visual mitigation from the road corridor (e.g. screen vehicle movements).

From a visual outlook and amenity perspective however, the potential for adverse visual effects associated with vehicles crossing the proposed stopbank was identified (e.g. noise, headlights, visual clutter) - specifically where Ohiti Road will be raised near the Taihape Road intersection and the access into 203, 205, 207 and 209 Taihape Road.

5.4.6 Land Contamination

Contaminated land is defined in the OiC as:

> *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).*

In the same manner as the potential soil contamination would be investigated and assessed under the NESCS, a combined Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) report has been prepared by T+T and is provided in **Appendix 5**.

The PSI stage involved:

PSI stage:

- Review of geological information for the site and wider area,
- Review of historical aerial imagery from the HDC online GIS viewer and available from Retrolens and Google Earth,
- Review HBRC and HDC information relating to existing consents held for the site and adjacent areas,
- Review HBRC's online hazard portal for HAIL information,
- Site walkover inspections in May 2024 and February 2025,
- Collection and testing of a soil sample and a suspected bulk asbestos containing material (ACM) in May 2024.

The DSI works were undertaken to refine the ground contamination implications identified in the PSI. The DSI investigations included collection and laboratory analysis of 31 surface soil samples and two deeper soil samples to target sources of potential contamination identified in the PSI. The results of laboratory testing were assessed against land use based human health assessment criteria and environmental criteria,

In summary, T+T reports:

- The site has been predominantly occupied by rural and rural residential land uses for at least the past 75 years. The proposed borrow area was a river channel and flood plain of the Ngaruroro River where a section of this area was cleared of vegetation and converted into grazing pasture in the late 1960s. The proposed borrow area appears vacant and unchanged since the early 2000s,
- An orchard or vineyard was present within the south-western portion of the site (property parcel south of 39 Ohiti Road) between the early 1970s to the late 1980s, and piles of material which appear to be green waste and/or timber with suspected asbestos fragments, have since been present in the area. During the February 2025 site walkover charcoal fragments were identified. Recent geotechnical investigations along Taihape Road found no indication of fill containing

anthropogenic material or other evidence of ground contamination. However, stockpile material including building debris, scrap metal and construction waste are present in the north-western portion of the site,

- The properties along Taihape Road were constructed from the 1950s and appear to have had a mixture of land uses. 131 Taihape Road appears to have been used for milking with supporting farming buildings for milk storage and an effluent pond from the late 1970s with the apparent construction of a stockpen and a dairy circle in the 1990s (HBRC Consents team has confirmed there was a Farm Dairy Effluent discharge permit in place on this property until 2023). The rear of 157 Taihape Road has been used for miscellaneous storage since early 2010. In the 2023 aerial photograph, several vehicles and small structures have been added to 157 Taihape Road.

Eight areas of potential soil contamination were identified as follows and as shown in **Figure 11** below:

- Former orchard south of 39 Ohiti Road,
- Buried waste in burning areas identified in the former orchard,
- Burn barrels behind 27-37 Ohiti Road,
- Stockpiled material to the rear of 203 Ohiti Road,
- Miscellaneous storage at the rear of 157 Taihape Road,
- Potential ACM building halo at 157 Taihape Road,
- Potential ACM building halo at 131 Taihape Road, and
- Fuel storage IBC at the rear of 131 Taihape Road.

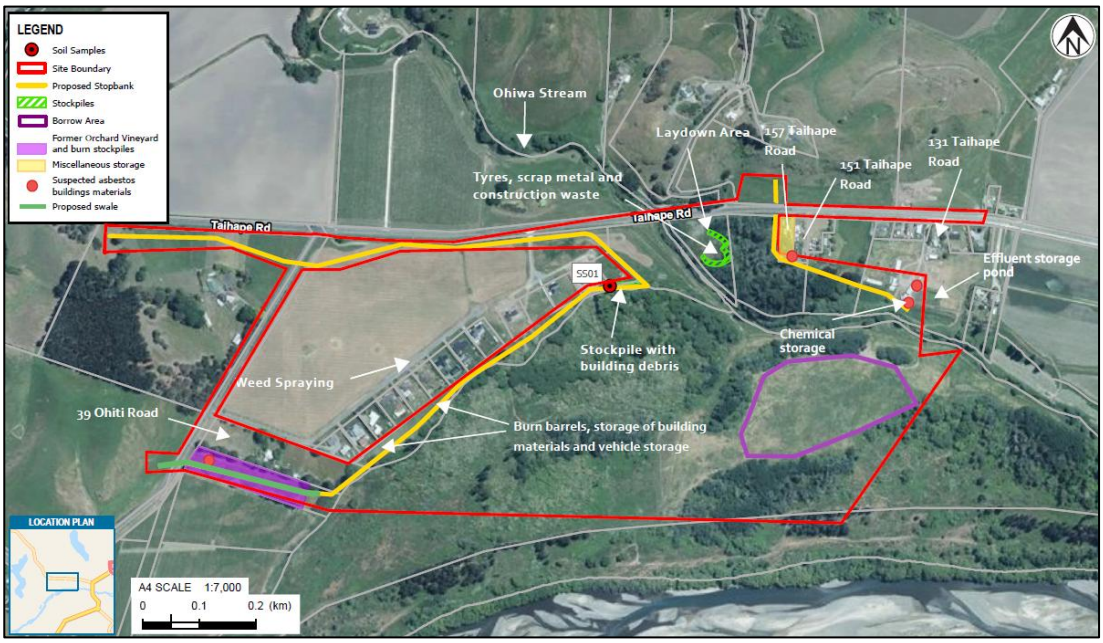
Soil sampling across 31 locations was subsequently undertaken. Two exceedances of human health criteria were reported:

- Arsenic concentration of 260 mg/kg above the NESCS SCS commercial/industrial land use criteria (70 mg/kg) at SS24 at the rear of 157 Taihape Road, and
- FA/AF were above the Asbestos in Soil guideline value for commercial/industrial land use (≤ 0.001 % w/w) within the building halo at 131 Taihape Road.

It was also identified that:

- Environmental criteria for one or more heavy metal analytes were exceeded at two soil sample locations (SS14 and SS24), and
- Asbestos specific management controls will be required in two areas:
    - Trace asbestos contamination controls for the stockpile of building debris behind 203 Ohiti Road.
    - Low level asbestos contamination for soil disturbance within the building halo at the rear of 131 Taihape Road.

Figure 11: Potential Soil Contamination



In terms of reuse and disposal:

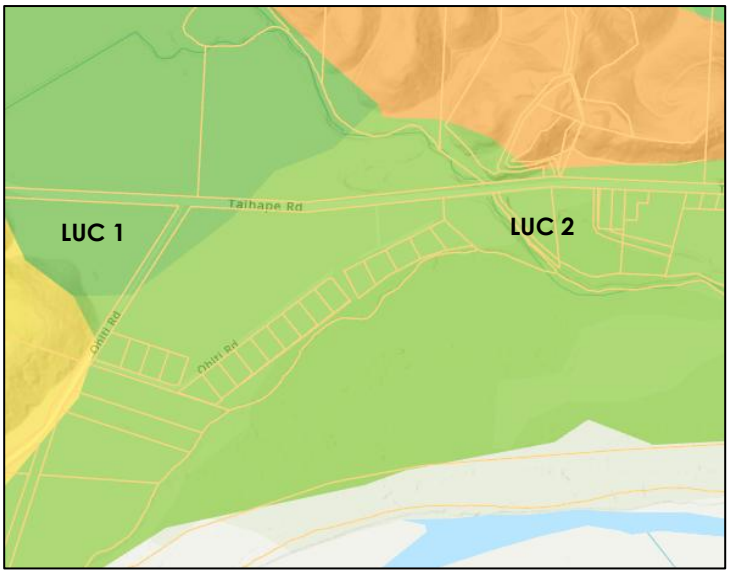
- Soil disturbance outside of the two asbestos areas noted above can be undertaken under standard earthwork controls. Additional controls will be required where there is potential risk to the environmental (burn barrel soil sample SS14) and human health (rear of 157 Ohiti Road soil sample SS24),
- Soil is suitable for reuse as stopbank construction fill, except for material from the stockpile with building debris (at the Rear of 203 Ohiti Road) and near surface soils around the rear of 157 Taihape Road. Soil containing asbestos would need to be used at depth and recorded in an asbestos register,
- Soil removed from site is suitable for disposal to Ōmarunui Landfill.

5.4.7 Productive Capacity of Land

As shown in **Figure 12**, most of the land within the project extent is classified in the Land Use Classification maps as LUC 1 or 2.

For those LUC 1 or 2 classified areas located outside of the OiC Footprint, consideration of the application under the National Policy Statement for Highly Productive Land (NPS-HPL) is required. This is discussed in Section 11.1.

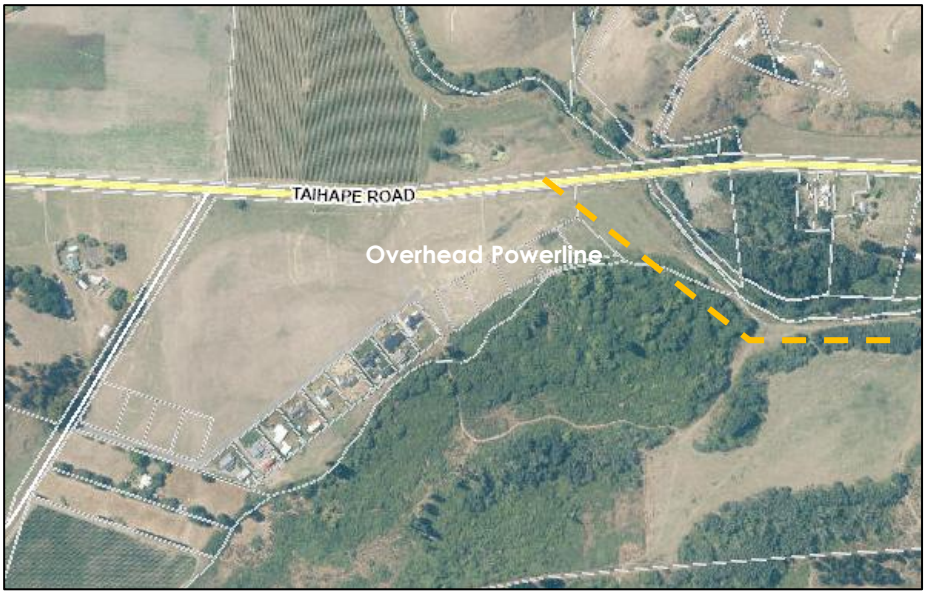
Figure 12: Land Use Classification Maps



5.4.8 Network Utility Operators and Other Infrastructure and Services

The area of works is characterised by overhead powerlines and underground communication networks as well as distribution pillars and telecommunication poles. These are largely situated along the road reserves, with the exception being an overhead powerline running along the Ohiwia Stream as indicated in **Figure 13** below. A Close Approach Consent may be required from Unison in this regard.

Figure 13: Unison Overhead Powerlines

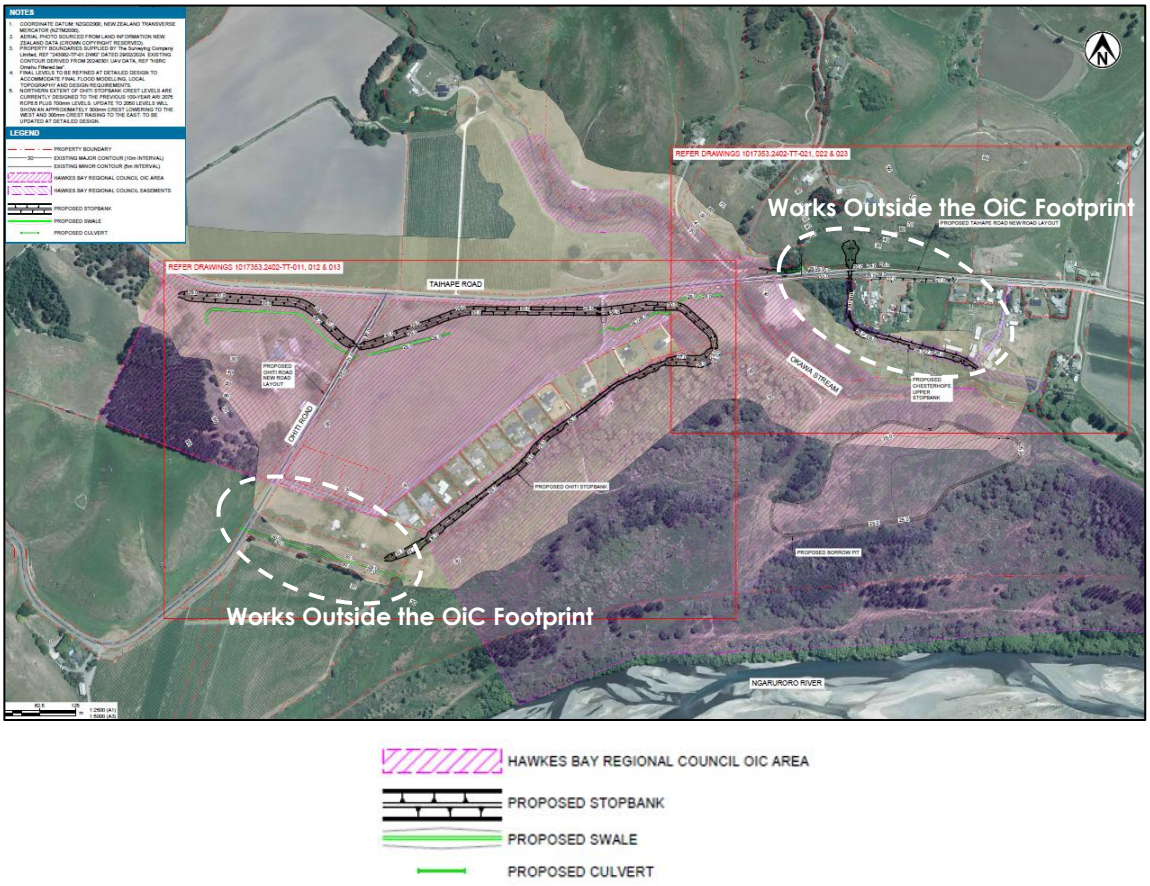


6. DESCRIPTION OF PROPOSAL

The Ohiti Flood Protection Project involves construction of a new stop bank and associated works to provide protection to the Ohiti community in a 1% AEP flood event (also known as a 1:100 year ARI event) as generally shown in **Figure 14** below. Specific details of the design together with plans are provided in the Summary of Design Report prepared by T+T and provided in **Appendix 6**.

The area of work/features outside the footprint in the OiC are also identified in Figure 14. As outlined, the consenting requirements associated with these works/features will be considered under the standard RMA process and are considered in Section 7.2.

Figure 14: Stopbank Project Extent and Alignment



The OiC sets out "standardised conditions" developed to provide consistency in how the flood protection works enabled by this process will avoid, mitigate or remedy potential environmental effects. As outlined above, the OiC provides the opportunity for applicants to seek variations to the standardised conditions where appropriate for each individual project. The decision maker may also amend the standardised conditions to address specific environmental effects associated with each proposal.

In developing the broader proposal, the applicant generally proposes to adopt the standardised conditions of the OiC, thus some of these conditions form part of the details of the proposal. A full suite of proposed conditions, based on a template of the standardised conditions (in the OiC) provided by the HBRC Consents Team[2] and including minor alterations to tailor them to this specific project is included at **Appendix 7**.

The following sets out details of the proposal with reference to proposed conditions in respect to:

- The proposed stopbank and associated activities,
- The borrow site,
- Ecological management,
- Landscaping,
- Archaeology,
- Communication and engagement, and
- Construction.

6.1 Proposed Stop Banks and Associated Activities

Drawing on the details of the Summary of Design Report prepared by T+T, the following provides an overview of the proposed stopbanks and associated activities in respect to:

- Design considerations,
- The primary flood protection feature – the Ohiti Stopbank,
- The mitigation works – the Chesterhope Upper Stopbank,
- Road raising – Ohiti Road and Taihape Road,
- Smith Swale,
- Culverts and stormwater management,
- Earthworks and vegetation clearance,
- Managing the Detailed Design process.

6.1.1 Design Considerations

The design has been informed by survey data collected by The Surveying Company and Civil Services (HB) and flood modelling undertaken by T+T using the Okawa stream model. Geotechnical analyses of liquefaction, stability and seepage under 100-year ARI design considerations has been undertaken together with geometric design including earthworks levels, grades and cut/fill requirements.

6.1.2 Ohiti StopBank

As shown above, the Ohiti stopbank essentially wraps around the Category 2C properties providing protection from both the Ohiwia Stream and Ngaruroro River. It is the primary flood protection feature. Relevant plans from the drawing set include:

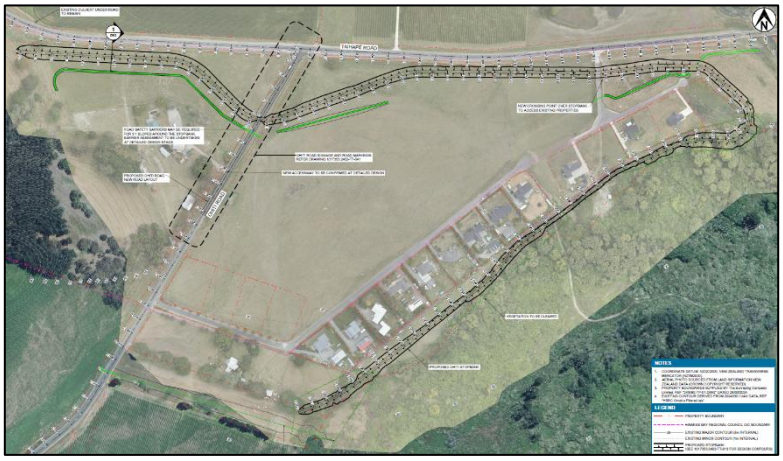
[2] Text highlighted yellow are minor amendments made by HBRC. With exception of number references, we are assured that no other changes have been made to the text in Schedule 3 of the OiC.

Plan:

- 1017353.2402-TT-010
- 1017353.2402-TT-011
- 1017353.2402-TT-012
- 1017353.2402-TT-013

Stop Bank Sections:

- 1017353.2402-TT-071
- 1017353.2402-TT-072
- 1017353.2402-TT-073
- 1017353.2402-TT-074
- 1017353.2402-TT-075
- 1017353.2402-TT-076
- 1017353.2402-TT-077
- 1017353.2402-TT-078
- 1017353.2402-TT-092



Key points include:

- The new stop bank will be approximately 1,720m long,
- The crest of the stop bank will be designed to the 100-year ARI level, with currently a 700mm freeboard. The stopbank will generally present as being 2-3m high (above existing ground level), other than behind the houses on Ohiti Road where it will be a lower bund type structure,
- The batters will be designed with a 1V:2.5H batter slope,
- A crest size/width of generally 4m has been adopted,
- The batters will be grassed – reinforcement (if required) will be considered as part of detailed design,
- The undercut width and depth will vary but is expected to be generally in order of 0.5-1m deep,
- The stopbank will be formed utilising excavated material from the borrow site (refer Section 6.2 below). Additional clean natural material maybe imported, if necessary.

It is relevant to note that the 'tail' of the southern extent of the stopbank extends slightly outside the OiC Footprint.

6.1.3 Chesterhope Upper Stopbank

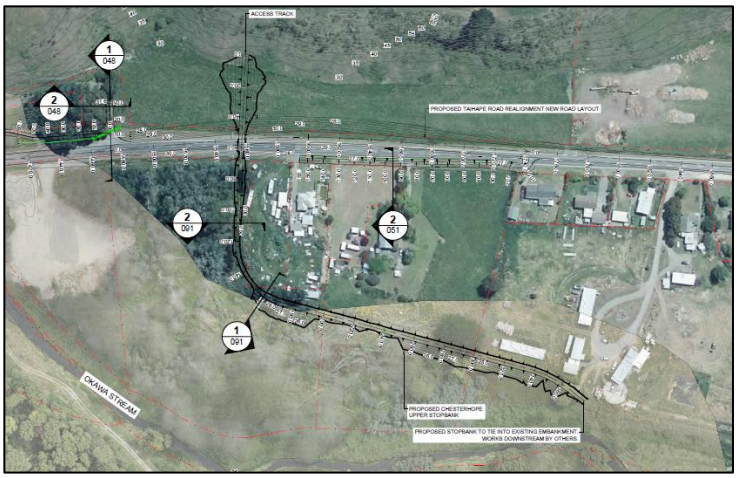
Works associated with the Chesterhope Upper Stopbank involve rehabilitation and raising of the northern end to achieve sufficient crest levels to mitigate the effects of the Ohiti Road stopbanks. These works/features will be outside the OiC Footprint. Relevant plans from the drawing set include:

Plan:

- 1017353.2402-TT-021
- 1017353.2402-TT-022
- 1017353.2402-TT-023

Sections:

- 1017353.2402-TT-081
- 1017353.2402-TT-082
- 1017353.2402-TT-083
- 1017353.2402-TT-091



Key points include:

- The length of the new stop bank will be approximately 400m long,
- The crest of the stop bank will be designed to the 100-year ARI level with currently a 700mm freeboard. While this will generally present as being 2m high (above existing ground level), some lengths will present as less than 1m above existing ground level,
- The batters will be designed with a 1V:2.5H batter slope, with the exception of the first 140m where due to a narrow easement allowance the batter is steepened to 1V:1.8H to limit encroachment onto the surrounding private properties. The steeper batter section will need to additional reinforcement. This will be considered as part of detailed design,
- A crest size/width of 4m has generally been adopted – with the exception again of the first 140m where the crest/width has been reduced to 2m to meet the space constraints of the existing easement,
- The batters will be grassed – reinforcement (if required) will be considered as part of detailed design,
- The undercut width and depth will vary but is expected to be generally in order of 0.5-1.5m deep,
- The stopbank will be formed utilising excavated material from the borrow site (refer Section 6.2 below). Additional clean natural material maybe imported, if necessary.

6.1.4 Road Raising

Ohiti Road is required to be raised to accommodate crossing of the Ohiti Road Stopbank. Relevant plans from the drawing set include:

Plan:

- 1017353.2402-TT-541

Sections:

- 1017353.2402-TT-031
- 1017353.2402-TT-033
- 1017353.2402-TT-034
- 1017353.2402-TT-052

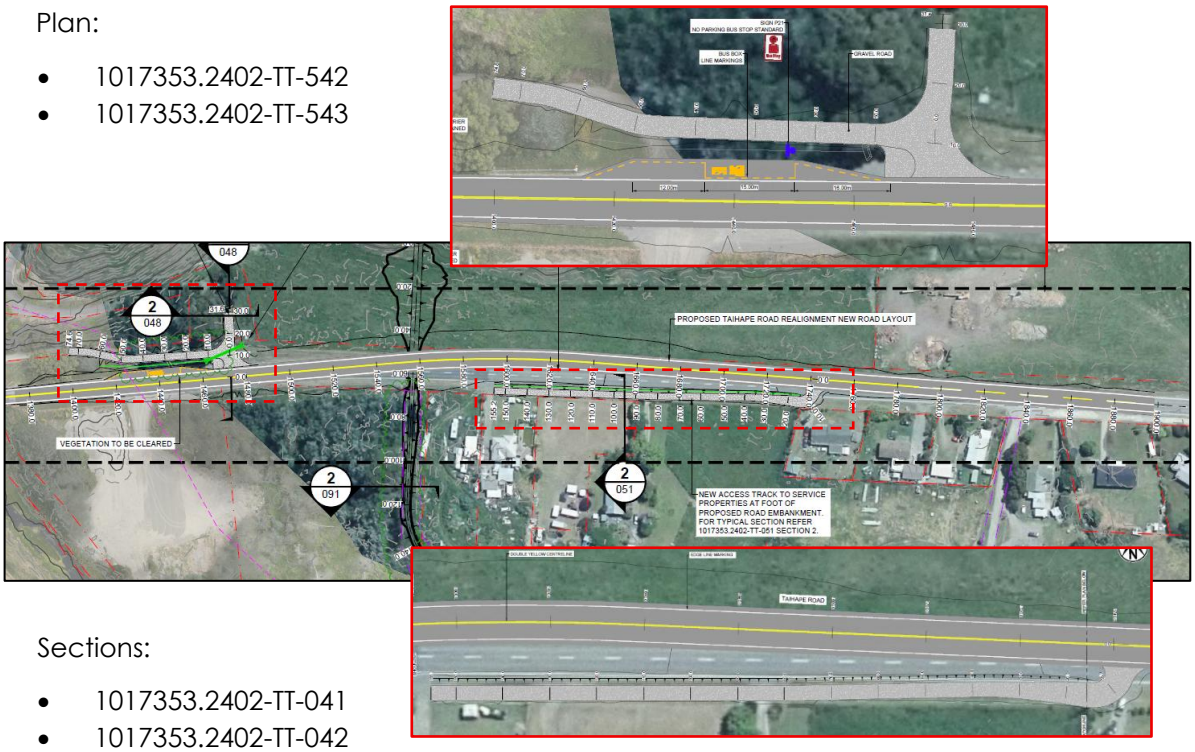
Key points include:

- The road raising works will occur over a circa 250m distance commencing at the Ohiti Road / Taihape Road intersection,
- The maximum increase in height will be approximately 2m above the existing over chainage 100 to 140 as it traverses the stopbank feature,
- The carriageway will be a minimum of 6m wide (minimum 3m wide lanes) with a 3% grade with 1V:3H batter slopes,
- Road construction will comprise 200mm AP65 lower subbase, 180mm AP65 Upper Subbase, 150mm NZTA M04/AP40 Basecourse with a grade 3/5 chipseal,
- Existing vehicle crossings/accessways will be updated as required,
- The need for road safety barriers along high points will be determined at detailed design stage,
- The carriage way will remain within the road reserve (Designation), noting some batters may extend onto private land.

Taihape Road is required to be raised to accommodate crossing of the Chesterhope Upper Stopbank. These works will be undertaken outside the OiC Footprint. Relevant plans from the drawing set include:

Plan:

- 1017353.2402-TT-542
- 1017353.2402-TT-543



Sections:

- 1017353.2402-TT-041
- 1017353.2402-TT-042
- 1017353.2402-TT-043
- 1017353.2402-TT-044
- 1017353.2402-TT-045
- 1017353.2402-TT-046
- 1017353.2402-TT-048
- 1017353.2402-TT-051
- 1017353.2402-TT-052

Vehicle Tracking:

- 1017353.2402-TT-551

Sight Distance Plan:

- 1017353.2402-TT-571

Key points include:

- Road raising works occur over a circa 500m distance east of the Ohiwia Stream road bridge,
- The alignment will 'push' slightly north opposite the residential dwellings to the south,
- The maximum increase in height will be approximately 2.5m above the existing level between chainage 1580 to 1700 as it traverses the stopbank feature,
- The carriageway will be a minimum of 9m wide (minimum 3.5m wide lanes and a 1m wide shoulder) with grades between 1-6% and batter slopes of 1V-3H – 1V-5H according to site conditions/design parameters,
- Road construction will comprise 200mm AP65 lower subbase, 180mm AP65 Upper Subbase, 150mm NZTA M04/AP40 Basecourse with a grade 3/5 chipseal,
- An existing school bus stop will be retained and formalised,
- A new vehicle crossing/access will be constructed on the north side of Taihape Road,
- Similarly, a new vehicle crossing and circa 155m long access lane will be constructed on the south side of Taihape Road.
- Sight lines and swept paths have been considered where applicable in regard to each new access.
- The carriage way (including the realignment) and access lane will remain within the road reserve (Designation), noting some batters may extend onto private land.

The HDC Roading Team has been actively engaged with throughout the preliminary design phase. To date, two dedicated workshops have been held, where the proposed concept and subsequently the full preliminary design pack was presented. Feedback regarding maintenance considerations was received and has been adopted. While we are informed by HBRC that the HDC roading team has provided confirmation it is comfortable with the direction of the proposed works and of its support to commence the road safety audit and to proceed to detailed design, further feedback has since been received. This will be worked through, within the bounds of the existing land acquisition plans, during the detailed design process.

We are also informed that a member of the HDC Roading Team will act in an advisory role to the Tender Evaluation Team in appointing a contractor to undertake the roading works.

It is recognised that with the roads being public assets an engineering approval process will be required from HDC prior to commencement of these components of the work. We understand this sits outside the OiC and RMA process, thus no conditions are required. An advice note to this effect could be imposed, however.

6.1.5 Smith Swale

A swale is proposed at the southern end of the Category 2C area to capture overland flows and direct it east to the Ngaruroro River. This is located outside the OiC Footprint. Relevant plans from the drawing set include:

Plan:

- 1017353.2402-TT-631

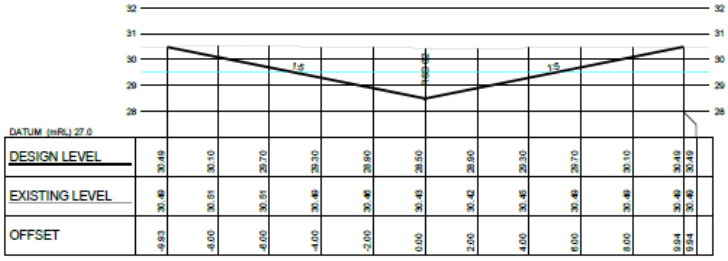
Sections:

- 1017353.2402-TT-661

Key points include:

- A DN750 culvert will be installed under Ohiti Road to drain runoff,
- The swale will be approximately 300m long and 20m wide with 1V:5H batters falling to an invert of approached 2m below existing ground as shown in **Figure 15** below.

Figure 15: Typical Cross Section



6.1.6 Culverts and Stormwater Management

A series of culverts and swales are proposed to facilitate existing drainage through the Category 2C area and through the Ohiti Road Stopbank to discharge to the Ohiwia Stream. A culvert and relatively short swale are also proposed north of Taihape Road outside the OiC Footprint to drain pasture – although the end of the swale is within the OiC Footprint.

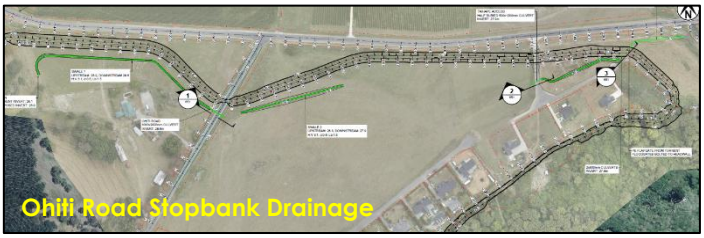
Relevant plans from the drawing set include:

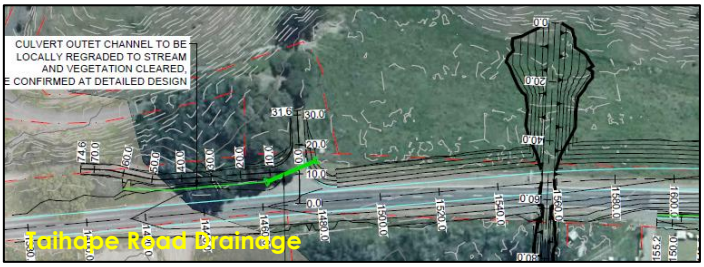
Plan:

- 1017353.2402-TT-611
- 1017353.2402-TT-621

Sections:

- 1017353.2402-TT-651





Key points include:

- The western extent of the existing drainage path will be filled to reduce the invert,
- Moving east, a more formal swale will be excavated and shaped as it follows the alignment of the Ohiti Road Stopbank before flowing via a 1000x2000mm culvert under Ohiti Road. A further swale will be formed on the eastern side of Ohiti Road,
- Towards the east, a 500x1200mm culvert will be installed under the existing accessway and a swale formed to two 600mm diameter culverts passing under the stopbank (with floodgates on the outlet) and flowing via a flared swale to the Ohiwia Stream. The exact outlet design will be determined as part of detailed design but is likely to involve a minor degree of bank disturbance. While the discharge is considered permitted, the outlet and associated disturbance works will need to comply with Condition 18(7) of the OiC relating to scour protection and the like,
- Noting the above disturbance that may be undertaken in constructing the outlet to the Ohiwia Stream, none of the culverts will be installed in the bed of a water body,
- A DN525 culvert will be installed on the northern side of Taihape to drain runoff from a low-lying area of pasture that will be constrained as the northern end of the Chesterhope Upper stopbank ties into the adjoining hillside. The culvert will discharge to a swale shaped within the existing landform,
- It is stated in the Design Report that:
    - The culverts have been sized to cater to a 100-year ARI event[3], and
    - Erosion protection measures have been included on stormwater outlets and have been sized in accordance with HBRC Stormwater Management guidelines. Further details will be clarified at the detailed design stage.

6.1.7 Earthworks and Vegetation Clearance

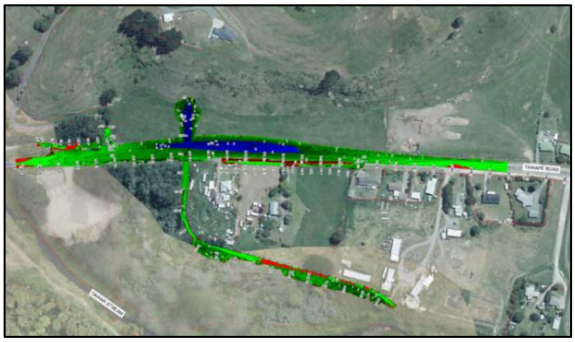
Approximately 4,500m^3 of cut and 37,500m^3 of fill will be required to undertake the works and construct the features. Relevant plans from the drawing set include:

Cut and Fill:

- 1017353.2402-TT-012
- 1017353.2402-TT-022

Design Contours

- 1017353.2402-TT-013
- 1017353.2402-TT-023



[3] The culverts were designed based on HDC CoP requirements, which defers to NZS4404 (NZ Standard for Land and Subdivision Development). For culverts designed to cater to secondary flows, or where there are no secondary flowpaths, the design requirement is to cater to a 100yr ARI.

Condition 12 of the standardised conditions set out earthworks principles that will apply to the detailed design and implementation of earthworks associated with the project. This includes generally minimising the scope of earthworks to those required to facilitate the project, maximising the effectiveness of erosion and sediment control measures, avoiding or otherwise minimising potential adverse effects on receiving environments and ecology, landscape values and culturally significant land, and stabilisation of land as soon as reasonably practicable. The preliminary design incorporates these principles. Further confirmation will be provided in the detailed design and the CEMP as outlined below.

The contractor will be required to prepare an erosion and sediment control plan that addresses specific requirements (outlined in condition 14), and this will form part of the overall CEMP for the project. Dust management is also required, together with procedures for managing de-watering if required.

The primary areas of vegetation removal will occur along the southern alignment of the Ohiti Road stopbank and the northern extent of the Chesterhope Upper Stopbank as shown on Drawings 1017353.2402-TT-011 and 1017353.2402-TT-021 of the Design Report and reproduced in **Figure 16** below:

Figure 16: Areas of Vegetation Removal

The vegetation to be removed alongside the Ohiti Road stopbank is largely within the Riparian Land Management Area identified on the HDP planning maps, while the vegetation to be removed alongside the Chesterhope Upper stopbank is outside this area.

6.1.8 Managing the Detailed Design Process

Noting that refinements to the design and the associated documentation will of course occur as the design process progresses from its current Preliminary level to Detailed (Final) Design, it is important, in the context of the purpose of the streamlined nature of the OiC, to avoid barriers to implementation where such changes are not substantial or likely to result in a change to the activity or condition outcomes (including the expected scale of adverse environmental effects). The following condition is proposed as Condition 1A – consistent with the decision on the Waiohiki Flood Protection project:

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 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.

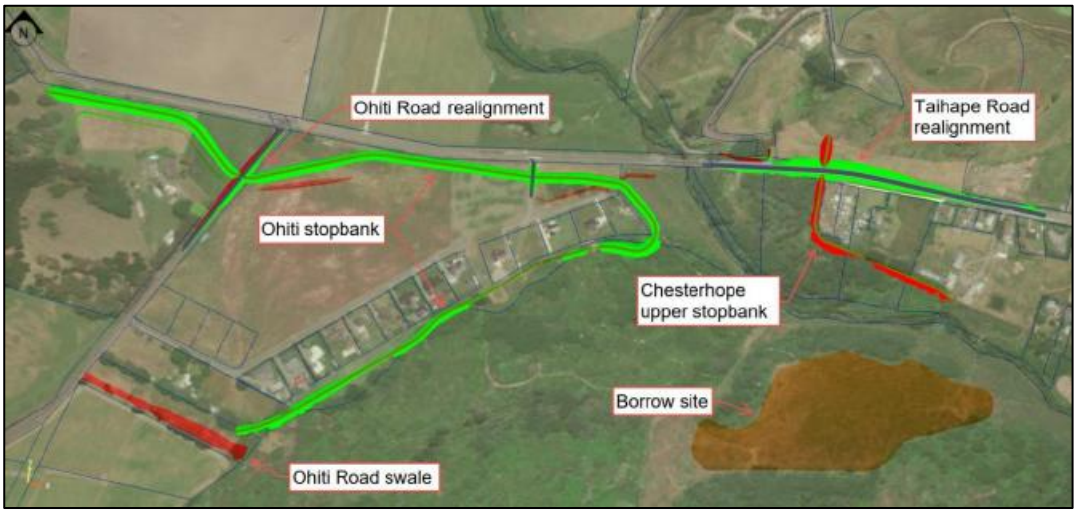
In this context, in accordance means changes that do not introduce a new activity, do not introduce a substantial change in alignment, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material increase in consequential flooding effects to other properties.

The Final Design Report shall be provided to the Hawke's Bay Regional Council (Manager Compliance) prior to construction commencing.

6.2 Borrow Site

Material to construct the stopbank features will be primarily sourced from an onsite borrow pit located approximately 400m east of the proposed Ohiti Stopbank and 250m south of the Chesterhope Upper stopbank as shown in **Figure 17** below. The borrow material consists predominantly of silt and sand mixtures overlying sandy gravels with cobbles.

Figure 17: Borrow Site



As outlined in Section 6.1 of the Design Report, key points include:

1. Topsoil will be stripped and stored onsite,
2. A bund will be constructed around the borrow pit to control runoff (other runoff measures may also be required, and management throughout the operations will be monitored),
3. Material will be cut from the borrow area to a maximum depth of 2m in sections to minimise the exposed soil,
4. Material will be carted to the stopbank alignments for use in construction. This may involve construction of a ford across the Ohiwia Stream,
5. Once the full depth of soil extraction has been completed within the section, it will be re-topsoiled and the contractor will move to the next section,
6. At completion of works, bunds will be constructed to encourage siltation and backfilling of the pit.

Further detail is on Plan 1017353.2402-TT-027 in Appendix A of the Design Report. Condition 22 of the standardised conditions of the OiC pertaining to the design and management of land-based borrow sites has been largely adopted, thus the borrow site will generally be managed in line with the framework established in the OiC.

6.3 Ecological Management

The standardised OiC conditions set out ecological principles. Taking the findings of the Ecological Scoping Assessment undertaken by T+T into account together with the limited impact of the proposed works, the following outlines the approach to managing bats, native birds and lizards, and any works within the bed of the Ohiwia Stream.

Bats

T+T has advised no further bat management is required.

Native Birds

Native birds are vulnerable to disturbance during the forest bird peak breeding months (September to January) when the loss of vegetation can result in the destruction of nests, eggs and fledglings. Where feasible, vegetation removal will be conducted outside of peak bird breeding season. Where vegetation removal within this season is required, the following mitigation measures are proposed:

- Pre-felling bird nest survey no earlier than 48 hours prior to felling,
- If active native bird nests are found, then an exclusion area around the nest will be established and will remain until the birds have left the nest or it has been naturally abandoned.

Native Lizards

Native lizards are not expected to be present within the site. To reduce the risk of lizards moving into the site, mowing of the grass will be continued prior to works commencing.

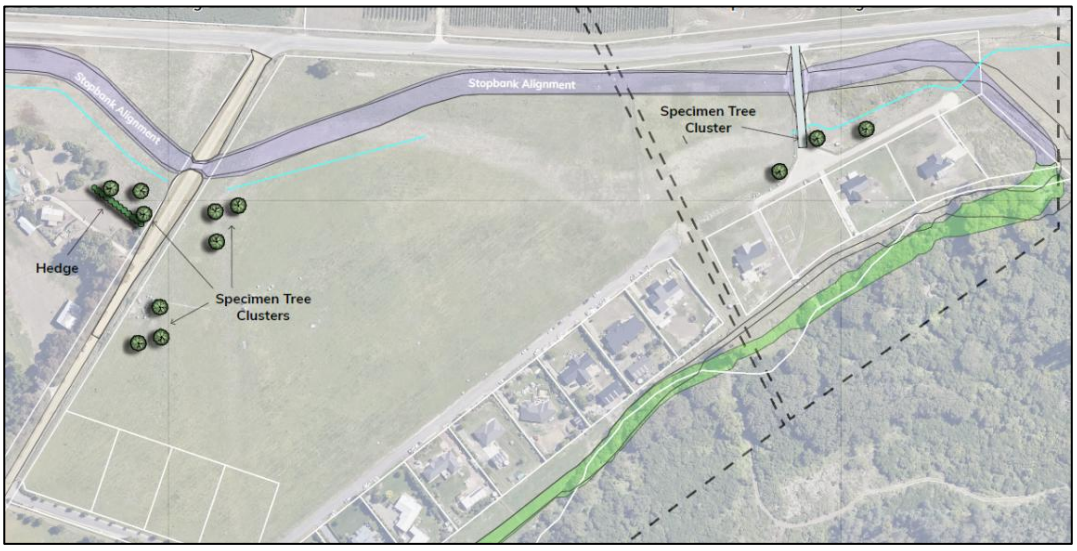
6.4 Landscaping

Given the relatively limited amount of vegetation removal proposed, no landscaping/ planting for ecological mitigation purposes is proposed.

In respect to landscaping to avoid, remedy, or mitigate potential visual (and amenity) effects of the proposed works, the Landscaping Scoping Assessment identifies the need to address potential effects in respect to noise headlights and visual clutter arising from vehicles crossing the proposed stopbank – specifically where Ohiti Road will be raised near the Taihape Road intersection and the access into 203, 205, 207 and 209 Taihape Road. In response, a landscape mitigation plan has been prepared and is provided in Attachment 1 of the Landscape Scoping Assessment provided in **Appendix 4** (refer **Figure 18** below). We are advised that this has been agreed with by the respective landowners.

Amendments are proposed to Condition 24 of the OiC to recognise the landscaping scoping assessment already carried out, and the landscape mitigation plan that has been prepared to avoid the effects identified.

Figure 18: Mitigation Planting



6.5 Archaeology

Although there are no currently recorded archaeological sites within the area of proposed work, the wider area has been identified by Archaeology Hawke's Bay to lie within a landscape of known long term occupation, and in particular, cultivation activity, and it has been recommended that a pre-emptive Archaeological Authority is applied for.

The applicant is in the process of applying for this type of Authority under the Heritage New Zealand Pouhere Taonga Act 2014.

Until that is obtained however, and to enable works to commence, preparation of an accidental archaeological discovery protocol according to Condition 29 of the

standardised conditions is proposed – noting this would only apply until the Authority is in place.

6.6 Communication and Engagement

A key function of the OiC standardised conditions is to provide mechanisms to minimise or mitigate effects of the project through ongoing engagement with Māori entities and stakeholders through the detailed design and implementation phases. Conditions 4-11 of the OiC are generally proposed to be adopted in this respect. This involves:

- Inviting each relevant Māori entity to appoint a representative to a Stakeholder Advisory Group,
- Taking identified cultural indicators into account in preparing plans and reporting to the Māori entities representatives how those indicators have been taken into account,
- Inviting identified parties to form a Stakeholder Advisory Group to inform and advise the consent holder about managing and monitoring the flood protection works – noting amendments are proposed to Condition 6 to focus the adjoining landowners to be invited to join the STAG to those who are in immediate proximity to the construction works, rather than those who may still be technically adjoining, but given property size, are some distance away. This view is considered to align with the purpose of the Stakeholder Group,
- Appointing a person as a Project Engagement Lead to act as the consent holder's main point of contact with the Māori entities and the Stakeholder Advisory Group,
- Recording all information and advice provided by the Stakeholder Advisory Group and report to the group how the information and advice have been taken into account in the carrying out of the flood protection works,
- Developing and implementing a Communication Plan containing processes for communications, throughout the construction works, with:
    - the general public,
    - local residents and businesses,
    - the Māori entities representatives,
    - the persons and bodies represented by the stakeholder advisory group,
    - all other persons potentially affected by the construction works,
- Inviting the Stakeholder Advisory Group to comment on the proposed CEMP,
- Submitting the finalised CEMP with the Stakeholder Advisory Group.

In terms of the Communications Plan, Condition 9(4)(a) requires this to be provided to the Manager Compliance at least 20 working days before construction works begin. With such a long timeline risking commencement, it is proposed to that the Communications Plan be provided alongside the CEMP according to the timeline in Condition 10(1)(b). Amendments to Condition 9(4)(a) are made to this effect.

6.7 Construction

The following outlines the works involved in establishing the construction site and general construction management matters.

6.7.1 Establishment of Construction Site Works

To enable the timely delivery of the flood protection schemes, it was acknowledged in developing the OiC that it would be necessary for the consent holder to commence site establishment works as soon as possible following the issue of consent. Works associated with the 'establishment of the construction site' are therefore excluded from the definition of 'construction works' (refer Condition 3 of the OiC). This has the effect allowing such works to occur ahead of / separate to a number of 'pre-commencement' requirements embedded in the standardised conditions, including preparation of the Construction Environmental Management Plan (CEMP) required under Condition 10.

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

Fence removal and boundary marking:

- Remove existing fencing as shown in **Figure 19** below,
- Erect temporary fencing to clearly mark the works boundary and 'no go' areas, and
- Stake out the limits of disturbance,

Temporary Facilities:

- Bring in and position site offices and buildings within the 'site base' area as shown in **Figure 19** below,

Erosion and Sediment Controls:

- Install 'initial' perimeter silt fences or sediment berms,

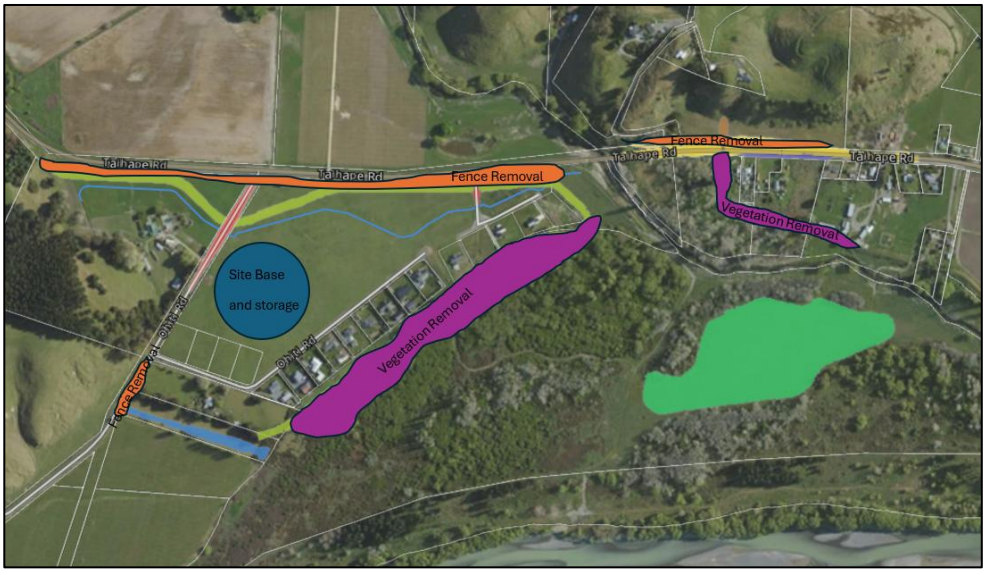
Pre-Construction Investigations and Surveys:

- Confirm underground services and complete a health-and-safety site hazard register,

Vegetation Clearance:

- Vegetation clearance for access and works associated with the above and as shown in **Figure 19** below.

Figure 19: Construction Site Establishment Works



6.7.2 Construction Management

The OiC standardised conditions require a detailed Construction Environmental Management Plan (CEMP) to be prepared prior to works commencing. The purpose of the CEMP is to ensure mechanisms are in place to avoid, mitigate or otherwise minimise potential effects on the environment, cultural values and adjoining properties for the duration of the project construction works.

The process for the CEMP is for a draft to be prepared in accordance with the specified requirements, and for this draft to be circulated to a number of parties for feedback prior to being finalised and works commencing on the site. This provides an opportunity for mana whenua, consenting authorities and stakeholders to provide input.

While the CEMP is far reaching, the following considers:

- Operations area and access and parking,
- Erosion and sediment control,
- Construction of a ford across the Ohiwia Stream,
- Contaminated soil,
- Construction noise and vibration.

Operations Area and Access and Parking

An area to accommodate contractor operations including temporary site buildings, storage and parking will be established as indicated shown in **Figure 20** below. Access (from Ohiti Road) and specific layout details in regard to parking for example will be confirmed as part of preparing the CEMP. Construction traffic management will form part of the CEMP, which is required to be prepared by the contractor and circulated to key stakeholders for feedback prior to works commencing.

Figure 20: Operations Area

Erosion and Sediment Control

Erosion and sediment controls will be confirmed by the contractor prior to works commencing, as per the standardised conditions of consent. As outlined in the Design Report, consideration will be given to:

- Silt fencing around working areas based on on-site risk assessments,
- Progressive stabilisation of stopbank faces and the borrow site with topsoil and planting of grass,
- Use of erosion control devices where large open earthworks faces are proposed. This may include decanting earth bunds, clean and dirty water diversion bunds, sediment ponds and other means of sediment retention such as flocculation,
- Topsoil worked into the stopbank face to facilitate re-grassing,
- Dust suppression measures, including consideration of water carts, sprinkler systems or similar.
- Stabilised haul roads.

Construction of a Ford Across the Ohiwia Stream

A temporary ford may be constructed across the Ohiwia Stream to haul material from the borrow site across the stream to the eastern construction area.

As the need for this is not yet known and may not need to be established as part of the first stage of works, this is proposed to be given consideration within the CEMP as an amendment under Condition 11 of the standardised conditions. If required, the structure would generally involve:

- Form and stabilise approaches,
- Placement/stabilisation of rock (or appropriate material) to reinforce the carriage way surface – without raising the bed significantly that may otherwise result in a perched 'deck',
- Re-grass/stabilise disturbed surfaces.

Changes have also been proposed to conditions 18 and 19 in the event that a culvert structure is preferred. The proposed changes essentially provide for a temporary culvert to be installed in the same manner as the OiC would otherwise provide for a permanent culvert to be considered, designed and installed post the issue of consent.

Contaminated Soil

A Draft Contamination Site Management Plan has been prepared commensurate to the risks identified in the PSI/DSI and addresses the following matters:

- Site establishment,
- Control to manage human health,
- Asbestos control,
- Disposal,
- Transportation stockpile management,
- Soil importation,
- Dust, sediment, and water discharges (as applicable),
- Monitoring,

- Validation (as required),
- Unexpected discoveries.

A copy is provided in **Appendix 8**. This will be finalised and embedded in the CEMP.

While the DSI refers to the feasibility of using soil containing asbestos within the construction material, this will not occur. Any such material encountered will be disposed of at a suitably authorised facility.

Construction Noise and Vibration

In line with Condition 23 of the OiC, construction activity is to be undertaken in accordance with the New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise" to the extent practicable. To this end, the construction works will be limited to daytime/working hours, being 7.30am-6.00pm Monday-Saturday.

7. RESOURCE CONSENTS REQUIRED

Section 7.1 focuses on the activities associated with the flood protection works within the OiC Footprint for which resource consent would ordinarily be required, while Section 7.2 identifies the consents required for the activities located outside the OiC Footprint. Section 7.3 references the analysis undertaken in Section 4 in regard to bundling.

7.1 Activities Requiring Resource Consent under the OiC

As outlined in Section 6 of the OiC, flood protection works means works that:

(a) are of a kind described in subclause (2); and

(b) are carried out—

(i) by or on behalf of any 1 or more Hawke's Bay local authorities; and

(ii) in any part of the severe weather events affected area that is at a location specified in subclause (3); and

(c) for the purposes of the RMA,—

(i) would ordinarily require a resource consent; and

(ii) are not described in any plan or national environmental standard as a permitted activity; and

(iii) are not a prohibited activity.

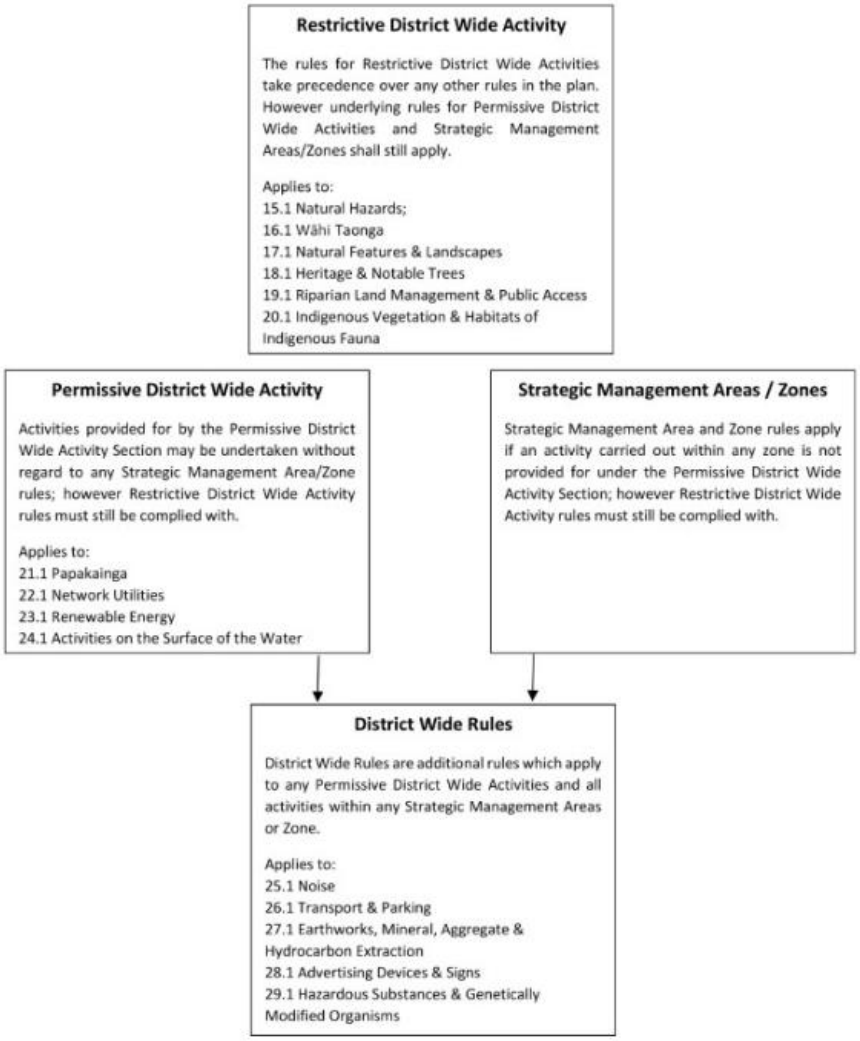
All of the proposed works within the OiC Footprint will be carried out by HBRC and are of a kind described in subclause 6(2), being activities that involve or are concerned with the construction or reinstatement of, making safety enhancements to, or improving the resilience of land and flood protection infrastructure; or any incidental or subsidiary activity.

The activities involved in the works that would ordinarily require a resource consent in respect to c(i) have been identified having worked through the analysis below – taking c(ii) into account) and are outlined in **Table 2**. None of the proposed works are classified as a prohibited activity under any relevant NES or plan.

Rule Analysis

In terms of (c)(ii), and the HDP in particular, the following hierarchy applies (refer 1.1.5.3 of the Plan).

Figure 21: Hastings District Plan Hierarchy



Key points include:

Works within the River Hazard Overlay (Ohiti Road Stopbank along 203 – 209 Taihape Road and 23-37A Ohiti Road):

- Natural Hazard Mitigation Activities[4] including River Control and Drainage Works in the River Hazard Overlay carried out by or on behalf of a Local Authority, Network Utility Operator or a Requiring Authority Exercising its Powers, Functions and Duties Under the Resource Management Act 1991, Soil Conservation and Rivers Control

[4] means activities that are carried out by a Network Utility Operator to reduce the risks posed by natural hazards to human life, property or the environment (includes stopbanks, sea walls, vegetation planting).

Act 1941, or Land Drainage Act 1908 are classified as a Permitted Activity under Rule NH1. All performance standards and terms can be complied with.

- It is stated in the 19.1.6.1 that riparian vegetation modification does not include actions undertaken or authorised by the HBRC for the purpose of flood control activities. Riparian vegetation modification associated with this proposal is therefore Permitted under Rule RM1 / not regulated,
- Similarly, it is stated in 20.1.6B(h) that Indigenous Vegetation Modification in association with actions undertaken for flood control purposes by or on behalf of the HBRC shall be permitted. Indigenous Vegetation Modification associated with this proposal is therefore Permitted under Rule IN1 / not regulated,
- The proposal does not trigger Rules in Chapters 16.1, 17.1 or 18.1, being Restrictive District Wide Activities,
- The proposal does not trigger Rules in Chapters 21.1, 22.1[5], 23.1 or 24.1, being Permissive District Wide Activities,
- According to the Plan hierarchy above (refer 1.1.5.3 of the Plan), Rules in Chapter 27.1 pertaining to Earthworks are not applicable where activities are provided for under Restrictive District Wide Activity rules.

Works outside the River Hazard Overlay (Remainder of the works with the OiC Footprint):

- Outside the River Hazard Overlay the rules pertaining to the applicable zones apply. This applies to the majority of the alignment – with the associated works being subject to the earthwork rules in Chapter 27.1.
- The removal of river berm silt, gravel or other river control or drainage works carried out by a local or regional authority, exercising its powers, functions and duties under The Soil Conservation and Rivers Controls Act 1941, or The Land Drainage Act 1908 and ancillary activities involved with any relocation of the extracted material is provided for as a Permitted Activity under Rule EM4. The proposal is considered to meet this rule.
- Although the exact volumes and strict compliance with the applicable performance standards for earthworks associated with construction of various stopbank and drainage features is not known, it is assumed that strict compliance with the standards will not be achieved.

On this basis, resource consent would be required to undertake earthworks as a Restricted Discretionary Activity under Rule EM6 and a Discretionary Activity under Rule EM11 (extraction of material from the borrow site) – noting resource consent would also ordinarily be required under the NES-CS for the disturbance of contaminated land on identified HAIL sites.

These consent requirements under the HDP, together with the relevant consent triggers under the NESs and Regional Plan relating to the proposed activity are summarised in respect to each consenting authority in **Table 3** below. These will require resource consent as a controlled activity, with the relevant matters of control being those in Schedule 3 of the OiC.

[5] HDC has confirmed that the proposed road raising works can be deemed a Permitted Activity under Rule NU4, and that Outline Plan or waiver is not necessary (email from Dave Bishop, Team Leader Environmental Consents/Subdivision, 07/08/25). If Section 176 approval from HDC as the Roding Authority is deemed to be necessary, this is proposed to be provided as part of assessing this application.

Table 3: Activities subject to the OiC and which are to be processed as a controlled activity consent

Activity	Rule	Rule Description	Status	Consent Authority
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011				
Disturbance of soil	10	Removing or replacing fuel storage system, sampling soil, or disturbing soil	Restricted Discretionary	HDC
Hastings District Plan				
Earthworks and Borrow Site	EM6 EM11	Permitted Activities not meeting the General Performance Standards and Terms in Section 27.1.6 The removal offsite of more than 25m^3 topsoil, sand, gravel, metal or earth from any site in the Plains Production Zone (from the borrow site)	Restricted Discretionary Discretionary	HDC
Resource Management (National Environmental Standards for Freshwater) Regulations 2020				
Installation of a culvert (across the Ohiwia Stream - if required)	71	The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river.	Discretionary	HBRC
Regional Resource Management Plan				
Discharge of dust	30	The discharge of contaminants into the air that: • is from an industrial and trade premises and is not specifically classified by any other rule in this Plan as a discretionary, noncomplying or prohibited activity, or • does not comply with all relevant conditions on a permitted activity rule, or • does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary activity rule.	Restricted Discretionary	HBRC

Discharge of drainage water (if required as part of construction)	33	The diversion and discharge of drainage water into water or onto or into land, from a pumped system	Controlled	HBRC
Other takes & uses of surface & ground (relating to the 'take' of drainage water if required as part of construction)	55	The take and use of surface water or groundwater, including takes and uses associated with, or ancillary to Community Irrigation Schemes, except as provided for by Rules 53, 54 TT3, TT3A, TT3B and TT4.	Discretionary	HBRC
The take and use of surface or groundwater relating to the 'take' of drainage water if required as part of construction)	TANK 10	The taking of groundwater as a non-consumptive use.	Discretionary	HBRC
Discharge of sediment laden water to land or water and potentially solid contaminants to land	52	The discharge of: • contaminants onto or into land, or into water, or • water into water which does not comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary, noncomplying or prohibited activity.	Discretionary	HBRC
Diversion of the Ohiwia Stream and Ngaruroro River during times of flood arising from the stopbank	59	Any diversion of water which cannot comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary or non-complying activity.	Discretionary	HBRC

River & lake bed activities (outlet of the swale[6] and ford/crossing[7])	69	Any activity which cannot comply with any of the rules in section 6.8 of this Plan and which is not expressly regulated by other rules in this Plan.	Discretionary	HBRC
The diversion and discharge of stormwater into water, or onto land where it may enter water[8]	TANK 22 or 23	The activity does not comply with the conditions of Rule TANK 21. The discharge is from multiple properties with combined impervious area of > 1000m^2 Or: Diversion and discharge of stormwater from an existing or new local authority managed stormwater network into water, or onto land where it may enter water	Restricted Discretionary Controlled	HBRC

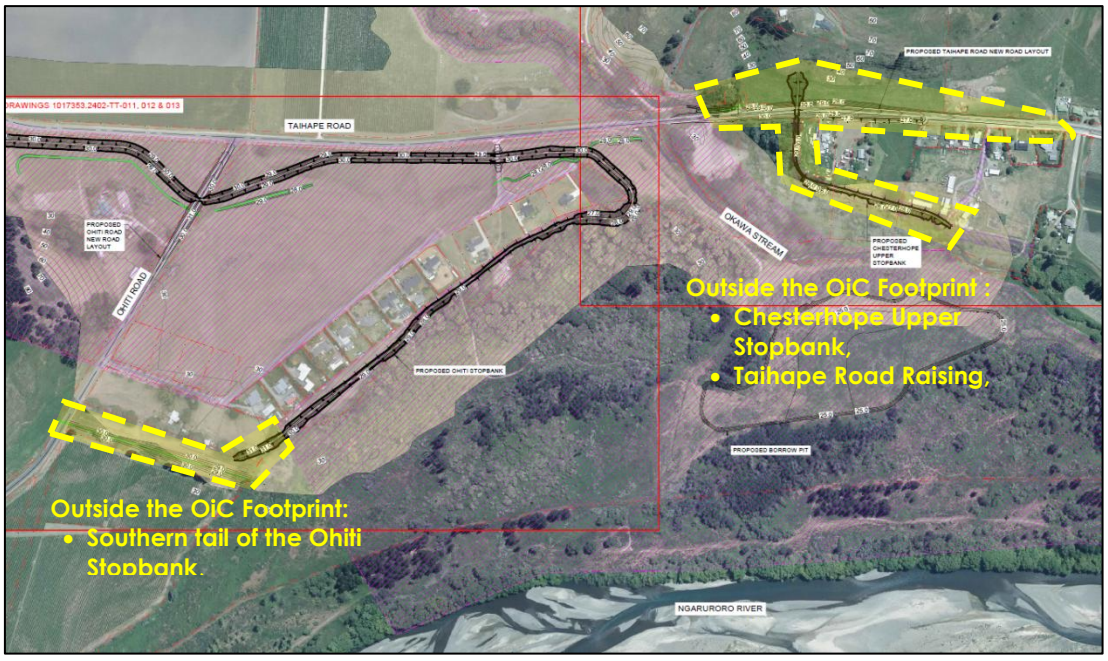
[6] If it is not considered to fall under Rule 72 as a Permitted Activity
[7] If the potential crossing across the Ohiwia Stream is not considered to fall under Rule 70 as a Permitted Activity.
[8] HBRC has confirmed that the discharge of stormwater from a road is not subject to these rules. These rules have nevertheless been identified as they might apply in relation to the discharge of stormwater from the proposed culverts. It is our view that the discharge of any stormwater that may have occurred upstream prior to flowing into the drainage features (and ultimately from the culverts) to be established as part of the works would have already been discharged into the environment and that the correct application of the rules, if applicable, is at the point of discharge – not further down the drainage system. Rules 22 and 23 are nevertheless identified as rules that may otherwise apply for the Council to evaluate and determine.

7.2 Activities Requiring Resource Consent under the Standard RMA Process

As outlined above and illustrated in **Figure 22** below, the following features are to be constructed outside the OiC Footprint:

- The southern tail of the Ohiti Road Stopbank,
- Chesterhope Upper Stopbank,
- Taihape Road raising,
- Smith Swale,
- A culvert and swale on the northern side of Taihape Road.

Figure 22: Works Outside the OiC Footprint



The consenting requirements for these works are to be considered under the standard RMA process, which requires an analysis of the resource consents required under any applicable National Environmental Standards, the Hastings District Plan and the Regional Plan documents.

Regarding National Environmental Standards, there are currently nine. These include:

- Plantation Forestry 2017
- Air Quality 2004
- Sources of Drinking Water 2007
- Telecommunications Facilities 2016
- Electricity Transmission Activities 2009
- Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Freshwater

- Marine Aquaculture 2020
- Storing Tyres Outdoors 2021

Of these, only the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is applicable to the activities outside the OiC Footprint. Consenting requirements under the NESCS are considered below alongside the HDP.

The resource consents required are described below and summarised in **Table 4**, which also addresses the requirements of Clause 13(2)(b) of the OiC (other resource consents required in relation to the proposed flood protection works).

Hastings District Plan

The 'southern tail of the Ohiti Stopbank' and 'Smith Swale' are located outside the River Hazard Overlay and are therefore subject to the rules pertaining to the Plains Production Zone. Being earthworks activities however, the earthwork rules in Chapter 27.1 are applicable.

Having considered each feature (as they fall outside the OiC mapped extent):

- The earthwork thresholds in 27.1.6A – Extent of Earthworks are 100m^3 per hectare for cut activities and 50m^3 per hectare for fill activities. The earthwork volumes on Lots 1 DP 6309 and Lot 7904 as referred to on the Plans provided in **Appendix 9** associated with these activities and their extent of compliance with the District Plan thresholds are outlined below.

Property	Area (ha)	Cut (m^3)	Complies	Fill (m^3)	Complies
Lot 1 DP 6309	1.65	25	Yes	692	No
Lot 1 DP 7904	1.2	3095	No	82	No
Section 1 SO 497236	44	47	Yes	12.5	Yes

- According to the drawings excavations within 10m of Ohiti Road to form the Smith Swale will be greater than 1m deep in respect to 27.1.6D – Excavation,
- Any vegetation clearance or disturbed areas will be repastured or revegetated as soon as practicable within 18 months of the activity ceasing in respect to 27.1.6B – Vegetation,
- The earthworks will not be undertaken on land with a slope of greater than 45° above horizontal in respect to 27.1.6C – Slope,
- The works are expected to be undertaken in accordance with 25.1.6I pertaining to construction noise in respect to 27.1.6E – Noise,
- Regarding the Smith Swale, by accommodating and providing for existing runoff and drainage there will be no 'significant' change to existing flood overflow paths in respect to 27.1.6F(2) – Flood Protection Works. Similarly, in the context of the broader stopbank feature, the southern tail of the Ohiti Stopbank is not considered to result 'significant' change to the flood overflow paths created by the features within the OiC Footprint,
- A cut and fill plan is included in respect to 27.1.6H pertaining to the Location of Fill,

- 27.1.6H pertaining to Sediment Control is not applicable in this instance.

Based on non-compliance with 27.1.6A and 27.1.6D – Excavation, the earthworks associated with these features are to be assessed as a Restricted Discretionary Activity under Rule EM6. On the basis that more than 25m^3 of material is likely to be removed from the property on which the Smith Swale will be constructed, resource consent is required as a Discretionary Activity under Rule EM11.

Turning to the 'Chesterhope Upper Stopbank', 'Taihape Road Raising' and 'Culvert and Swale', these features are also outside the River Hazard Overlay and are therefore subject to the rules pertaining to the Rural Zone and Plains Production Zone. Being earthworks activities however, the earthwork rules in Chapter 27.1 are applicable.

Having considered each feature (as they fall outside the OiC mapped extent):

- The earthwork thresholds in 27.1.6A – Extent of Earthworks are 100m^3 per hectare for cut activities and 50m^3 per hectare for fill activities in the Plains Production Zone, and 1,000m^3 per hectare for cut activities and 2,000m^3 per hectare for fill activities in the Rural Zone. The earthwork volumes on lots on which the works will be carried out as referred to on the Plans provided in **Appendix 9** (excluding the road reserve) and compliance with the District Plan thresholds are outlined below.

Property	Area (ha)	Cut (m^3)	Complies	Fill (m^3)	Complies
Lot 6 DP 460685	6.058	>1	Yes	14	Yes
Lot 4 DP 460685	23.35	2	Yes	3087	Yes
2D5F2B Block	1.895	1.4	Yes	900	No
2D5F2A Block	0.2	>1	Yes	1.4	Yes
2D5E2 Block	1.558	12	Yes	229	No
2D5B2B2 Block	3.45	1.8	Yes	354	No

- Excavation depth will not exceed the limits in 27.1.6D – Excavation,
- Any vegetation clearance or disturbed areas will be repastured or revegetated as soon as practicable within 18 months of the activity ceasing in respect to 27.1.6B – Vegetation,
- The earthworks will not be undertaken on land with a slope of greater than 45° above horizontal in respect to 27.1.6C – Slope,
- The works are expected to be undertaken in accordance with 25.1.6I pertaining to construction noise in respect to 27.1.6E – Noise,
- While there will be a change (for the positive) in the flow of flood waters, in the context of the broader stopbank feature and the existing Chesterhope Upper Stopbank feature (which will be upgraded), the scale of change is not considered 'significant' in respect to 27.1.6F(2) – Flood Protection Works,
- A cut and fill plan is included in respect to 27.1.6H pertaining to the Location of Fill,
- 27.1.6H pertaining to Sediment Control is not applicable in this instance.

Based on non-compliance with 27.1.6A – Extent of Earthworks, the earthworks associated with these features are to be assessed as a Restricted Discretionary Activity under Rule EM6. In

terms of Rules EM10 and EM11 pertaining to the removal of material, given the predominant fill activities, these thresholds are not expected to be exceeded.

Further, given the asbestos and arsenic concentrations found at 131 and 157 Taihape Road respectively, resource consent is required under Regulation 10 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

The 'Culvert and Swale' on the north side of Taihape Road is not expected to trigger the requirement for resource consent.

Regional Planning Documents

In the first instance, the upgrading of the Chesterhope Upper Stopbank will result in the diversion of water during flood flows, thus resource consent is required under Rule 59 of the RRMP.

Further, the deposition of material within 20m of the Ohiwia Stream at the southern most end of the Chesterhope Upper stopbank may trigger the need for resource consent under Rule 52.

As in the case of the same type of works within the OiC Footprint, resource consent may also be required for the:

- Discharge of dust under Rule 30,
- Discharge of sediment laden water, which may also contain flocculants, to land or water under Rule 52,
- Dewatering – take and discharge (if dewatering is required as part of construction).

Consent for all these activities is being sought.

Summary

A summary of the consents identified to be required for works/features outside the OiC is provided in **Table 4** below.

While bundling of the consents required under the OiC and standard RMA process is not proposed, those being assessed solely under the standard RMA process may be bundled.

Table 4: Activities requiring resource consent under the standard RMA process

Activity	Rule	Rule Description	Status	Consent Authority
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011				
Disturbance of soil	10	Removing or replacing fuel storage system, sampling soil, or disturbing soil	Restricted Discretionary	HDC
Hastings District Plan				
Earthworks	EM6 EM11	Permitted Activities not meeting the General Performance Standards and Terms in Section 27.1.6 The removal offsite of more than 25m^3 topsoil, sand, gravel, metal or earth from any site in the Plains Production Zone (from the borrow site)	Restricted Discretionary Discretionary	HDC
Regional Resource Management Plan				
Discharge of dust	30	The discharge of contaminants into the air that: • is from an industrial and trade premises and is not specifically classified by any other rule in this Plan as a discretionary, noncomplying or prohibited activity, or • does not comply with all relevant conditions on a permitted activity rule, or • does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary activity rule.	Restricted Discretionary	HBRC
Discharge of drainage water (if required as part of construction)	33	The diversion and discharge of drainage108 water into water or onto or into land, from a pumped system	Controlled	HBRC
Other takes & uses of surface & ground (relating to the 'take' of	55	The take and use of surface water or groundwater, including takes and uses associated with, or ancillary to Community	Discretionary	HBRC

drainage water if required as part of construction)		Irrigation Schemes, except as provided for by Rules 53, 54 TT3, TT3A, TT3B and TT4.		
The take and use of surface or groundwater relating to the 'take' of drainage water if required as part of construction)	TANK 10	The taking of groundwater as a non-consumptive use.	Discretionary	HBRC
Discharge of sediment laden water to land or water Discharge of solid contaminants within 20 m of a surface water body (not meeting Rule 48)	52	The discharge of: • contaminants onto or into land, or into water, or • water into water which does not comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary, noncomplying or prohibited activity.	Discretionary	HBRC
Diversion of the Ohiwia Stream and Ngaruroro River Diversion of the Ohiwia Stream and Ngaruroro River during times of flood arising from the stopbanks	59	Any diversion of water which cannot comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary or non-complying activity.	Discretionary	HBRC

7.3 Bundling

OiC and the Standard RMA Process

For the reasons traversed in detail in Section 4 above, this application is presented on the basis that the consent for the works/features within the OiC Footprint will be assessed under the OiC, and the works/features outside the OiC Footprint under the standard RMA process in an un-bundled manner.

Activities Subject to the Standard RMA Process

While bundling of the consents required under the OiC and standard RMA process is not proposed, those being assessed solely under the standard RMA process are to be bundled as a discretionary activity – being the most restrictive activity status.

8. STATUTORY CONSIDERATIONS

Section 8.1 sets out the application requirements and statutory considerations for applications under the OiC and Section 8.2 under the standard RMA process.

8.1 Application Requirements of the Order in Council

Application Requirements

As outlined above, Section 88 of the RMA has been amended by the OiC – with Section 12(2) of the OiC setting out the information that is required to be included in an application under the Order. **Table 5** confirms compliance with these requirements. The application can therefore be accepted for processing without the need to invoke Section 13(3).

Table 5: Section 12(2) Application Requirements

S88 requirements (modified by clause 12(2) of Oic)	AEE section reference
(a) A detailed description of the flood protection works	Refer Section 6 – Description of Proposal
(b) A map that shows – i. The area in which flood protection works are to be carried out; and ii. Every proposed work site in that area	Refer to the Design Report in **Appendix 6**
(c) A general description of the area	Refer Section 5 – Site Description
(d) A description of – i. Any identified natural and physical resources at the site that have cultural value identified by a relevant iwi authority or hapū as significant for present or future generations; and ii. Any culturally significant land in the area (including a description of the nature of the cultural significance).	Refer Section 5.4.1 – Cultural Context

(e)	An assessment of all potential effects of the work with input from appropriate experts, including consideration of: i. All information reasonably available to the applicant; and ii. The potential effects on any cultural values identified by a relevant iwi authority or hapū; and iii. The potential effects on any culturally significant land that is within or adjoining the area where the works are to be carried out	Refer Section 10 - Assessment of Environmental Effects, and Section 10.3 – Cultural Values
(f)	Proposal to avoid, remedy, or mitigate potential adverse effects identified by the assessment described in paragraph (e)	Refer Section 10 – Assessment of Environmental Effects
(g)	Any conditions that the applicant proposes for the resource consent that are a variation of, or additional to, a condition set out in Schedule 2	Refer Sections 6 – Description of Proposal and 10 – Assessment of Environmental Effects, and **Appendix 7** – Proposed Resource Consent Conditions
(h)	A description of any consultation undertaken in relation to the proposed work, including with relevant Māori entities.	Refer Section 9
(i)	A list of all relevant Māori entities	Refer Section 5.4.1 – Cultural Context and **Appendix 10** containing a list of Māori Entities and stakeholder contact details
(j)	A list of the names and contact details of all persons the consent authority is required to notify under clause 15(2)(a)	Refer **Appendix 10**

Assessment of an Application

The statutory process for assessing an application is outlined in Section 2.3 above.

8.2 Standard RMA Process

Application Requirements

Section 88 of the RMA allows any person to make a resource consent application, provided it is in the prescribed form and includes an assessment of environmental effects in such detail to correspond with the scale and significance of the effects that the activity may have on the environment.

Schedule 4 of the Act lists those matters that must (and should) be included in an assessment of environmental effects. These matters are addressed throughout the body of this report, confirming that the application meets all the requirements of Section 88.

Assessment of an Application

In accordance with section 104(1), and when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 of the Act, have regard to:

a) Any actual and potential effects on the environment of allowing the activity; and

ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

b) Any relevant provisions of:
   i) a national environmental standard:
   ii) other regulations:
   iii) a national policy statement:
   iv) a New Zealand coastal policy statement:
   v) a regional policy statement or proposed regional policy statement:
   vi) a plan or proposed plan; and

c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

The relevant planning documents referred to in Section 104(1)(b) are identified in Section 11.1 where the relevant national policy statements are considered prior to an assessment of the activities' actual or potential effects in terms of Section 104(1)(a) in Section 11.2 - the conclusions of which are considered in relation to notification in Section 11.3. Sections 105 and 107 of the RMA are also considered in Section 11.2 as part of the assessment of environmental effects.

The relevant provisions of the Regional Policy Statement, Regional Plan and District Plan, being the most applicable planning documents, are considered in respect to section 104(1)(b) in Section 11.4. Other matters in respect to Section 104(1)(c) are considered in Section 11.5.

Part 2 of the Act contains sections 5, 6, 7 and 8. Section 5 outlines the purpose of the Act, which is to "*promote the sustainable management of natural and physical resources*", and the meaning of the "sustainable management". Sections 6 and 7 contain "matters of national importance" and "other matters", while Section 8 provides for the principles of the Treaty of Waitangi. Part 2 of the Act is considered in Section 11.6 of this.

9. SUMMARY OF CONSULTATION

Section 12(2)(h)-(j) of the OiC requires the applicant to provide:

(h) a description of any consultation undertaken in relation to the works (including with relevant Māori entities) and the names and contact details of all persons consulted:

(i) a list of all relevant Māori entities:

(j) a list of the names and contact details of all persons the consent authority is required to notify under clause 15(2)(a).

Where consultation has not been carried out in respect to Section 12(2)(h), the application must explain why.

In terms of the standard RMA process, in accordance with Schedule 4 of the RMA, an application for resource consent should:

1. Identify the persons affected by the proposal.
2. The consultation undertaken.
3. Any response to the views of any person consulted.

While the applicant is not obliged to undertake consultation, nor are there any grounds for expecting the applicant to consult with any person, the applicant is obliged to report on who may be affected by the proposal. This is expanded upon in Section 11.3 of this report. The following addresses (2) and (3).

Consultation has been led by the HBRC Infrastructure Programme Management Office. This has involved various meetings, hui, community meetings, site visits and discussions with interested parties over the period February 2024 through to August 2025, while monthly newsletters (since November 2023) have been made available on the Councils website.

Multiple conversations have been had with individuals either as part of community meetings, drop-in sessions or one-on-one's when considering specific matters in regard to the design, associated works or land access matters. Matters of concern have generally included:

- Extent of the stopbank footprints,
- Consequential flooding effects,
- Increased risk/overtopping velocities at the Taihape Road Bridge,
- Drainage solutions,
- Scale of road works,
- Headlight glare arising from changes to road/access elevations.

These are among the primary matters that have been considered and responded to in developing the proposal.

Sections 6.1 – 6.4 below provide further detail in regard to the following key parties:

- Relevant Māori entities,
- HDC,
- Unison and Chorus,
- Community Advisory Group.

9.1 Māori Entities

Te Piringa Hapū has been the primary entity that HBRC has engaged with as partners on the project. This has involved:

- An initial site walkover in March 2024,
- Various hui with different marae and hapū,
- Receipt of the Cultural Impact Assessment,

- Participation of mana whenua representatives on the project team with regular attendance (circa fortnightly) at design meetings,
- Hui to discuss the recommendations of the CIA and whether the standardised conditions could be amended to give effect to these.

The final point is discussed further in Section 10.3 in considering the matters of control pertaining to cultural values.

9.2 Hastings District Council

Engagement with the HDC has centred around the raising of Taihape and Ohiti Roads and commenced as early as April 2024 with on-site meetings. As outlined above, engagement with the HDC roading team has been ongoing, and will continue as part of detailed design.

In terms of broader matters, regular (circa monthly) 'catch up' sessions have been held between HDC and HBRC's recovery management teams to discuss issues and share information in the recovery space.

9.3 Unison and Chorus

Engagement with Unison and Chorus commenced mid-2024 and has been ongoing as required as part of developing the preliminary design. Further engagement will occur as part of the detailed design process and standard construction.

9.4 Community Advisory Group

As outlined in Section 3 above, the Community Advisory Group (CAG) was established to inform and support the design process. Various meetings were held toward the end of 2024 and over the beginning of 2025 with a meeting to confirm the preferred option being held in May. Consultation has been continued / will be continued until the Stakeholder Group is established under the conditions of consent.

10. OIC ASSESSMENT

This assessment relates to activities within the OiC footprint as shown in **Figure 23** below. Being a Controlled Activity, and according to the requirements of the OiC, the purpose of the following assessment of environmental effects is to:

(1) Determine, and if necessary, refine the standardised conditions in Schedule 2 of the OiC to avoid, remedy, or mitigate potential adverse effects i.e. link the established/ standardised conditions embedded in the OiC (to avoid, remedy, or mitigate potential adverse effects) with the identified matters/effects, and
(2) Determine the need for any additional conditions to avoid, remedy, or mitigate potential adverse effects (within the scope of the matters of control in Schedule 3 of the Order).

Figure 23: Works within the OiC Footprint

This analysis is structured through Section 10.2 – 10.13 according to the topics under which various matters of control are grouped in Schedule 3 of the OiC – being:

- General matters
- Cultural values
- Freshwater
- The coastal environment
- Stormwater management
- Soil, land and ecology
- Visual effects and amenity
- Adjoining landuses
- Heritage and archaeology
- Access and transport
- Contaminated land

Prior to this, the permitted baseline established by rules in the District and Regional Plans is considered in Section 10.1.

Identified amendments to the standardised conditions are outlined in **Appendix 7.**

10.1 Permitted Baseline

When considering the effects of an activity, a consent authority may disregard an adverse effect on the environment if the plan permits an activity with that effect (s 104(2)). The permitted baseline is useful in this context as it assists in establishing what the anticipated

outcomes of the District and Regional Plans are with respect to environmental effects on the river berm and visual and amenity effects in particular. Here it is noted:

District Council functions

Within the River Hazard Overlay:

- Natural hazard mitigation activities (construction of stopbank), vegetation clearance and earthworks within the River Hazard Overlay (and their associated visual amenity and landscape effects) are permitted.

Outside the River Hazard Overlay:

- Earthworks meeting the following parameters are permitted:
    - less than 100m³ per hectare of site *(within the Plains Production Zone),*
    - not undertaken on land with a slope of greater than 45° above horizontal,
    - cut/fill face does not exceed a vertical extent of 5 metres,
    - no excavation of greater than 1 metre vertical extent of cut/fill face, where the top of the excavation is within 10 metres of buildings or surcharge loads,
    - no significant change occurs to existing flood overflow paths,
    - sediment run-off into a Council reticulated network does not cause any conspicuous change in colour or visual clarity of water after reasonable mixing,
- Vegetation clearance where disturbed areas are repastured or vegetated as soon as practicable within 18 months of the activity ceasing is a permitted activity,
- The removal of river berm silt, gravel or other river control or drainage works carried out under the Soil Conservation and Rivers Control Act 1941, of the Land Drainage Act 1908 and ancillary activities involved with the relocation of the extracted material is permitted under Rule EM4,
- Construction noise that complies with NZS6803:1999 Acoustics - Construction Noise is permitted,
- The operation, maintenance, replacement, refurbishment or upgrading of existing roads, road reserves and service lanes, including any associated retaining walls, culverts, bridges and general works both within and on land adjacent to road reserve are permitted under Rule NU4.

Regional Council functions

- Some flood management activities in relation to river protection maintenance works are permitted under Rule 70 of the RRMP and/or Clause 51 of the National Environmental Standard: Freshwater (NES-F) that do not otherwise trigger consent under the NES-F.
- While the NES-F requires information to be provided in regard to culverts (and potentially resource consent), consent is not required for a ford – nor is fish passage strictly required under regulations 67 or 68.

The scale and intensity of the effects associated with the above activities are relevant when assessing the comparative impact of the current proposal.

10.2 General Matters (as referenced in Schedule 3 of the OiC)

The following matters of control are listed under '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.*
(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.*
(e) *The management of construction works to avoid, remedy, or mitigate potential adverse effects on receiving environments, including adverse effects of hazardous substances, spills, and stormwater run-off.*

Matter (a) is considered in Section 10.2.1 below, but with matters (b), (c) and (d) relating more to the matters grouped under 'Soil, Land and Ecology', these are considered in Section 10.7 Although not a specific topic listed in Schedule 3 of the OiC, matter (e) pertaining to construction is considered in Section 10.13.

10.2.1 Consequential Flooding

(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.*

Planning Context

It is recognised within the Regional Policy Statement (RPS) that there is widespread potential for flooding within Hawke's Bay, and that individual rainfall events causing flooding can range from localised downpours affecting particular catchments, to cyclonic storms causing general flooding over large parts of the region.

Considerable flood protection works have been carried out by HBRC, particularly on the Heretaunga and Ruataniwha Plains. In addition to the obvious potential impact of large floods on unprotected areas however, it is noted in the RPS that while these works have significantly reduced the risk from most flood events, very large events exceeding flood protection design standards can impact normally protected areas. Indeed, the risk of flooding cannot be completely avoided, and there will always be potential for incidences when land is impacted by flooding, regardless of whether that land benefits from an existing flood protection scheme or how that land may have experienced flooding in the past. In this context the RPS refers to broader land use planning and adequate and timely flood forecasting being fundamental to managing the risk of flooding.

For context, Objective 31 of the RPS is the avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood. In regard to flooding, Policy 55 directs HBRC to focus both hazard avoidance and mitigation on areas of high human population density as a first priority, and to provide flood mitigation measures where the benefits can be shown to outweigh the costs. While there is reference (in the Policy) that

costs should be met by beneficiaries, this directive is not applicable in this circumstance given the funding approach for projects covered by the OiC / Land recategorization process.

Risk Assessment

A Consequential Flood Effects Assessment (CFEA) undertaken by T+Tis provided in **Appendix 11** with further comment in relation to the duration of flooding on upstream rural land in **Appendix 12**. The CFEA has been reviewed by Beca – a copy of which is provided in **Appendix 13.** The following consideration draws on the content of these assessments.

Consideration:

Consequential flooding (i.e. additional flood risk occurring as a result of the proposed stopbank) is a matter that the designers have been cognisant of and have been testing throughout the design process to arrive upon the solution proposed in this application.

Having worked through various matters to develop the solution to be proposed, further assessment has been undertaken by comparing the following two scenarios:

1) "Base model",
2) "Proposed stopbank" – Includes the base model and the proposed stopbank preliminary design developed to accommodate the 100-year ARI RCP8.5 2050 climate event water level plus 700 mm freeboard from the Okawa model, and 100-year ARI water level plus 700 mm freeboard from the Ngaruroro River model.

Both scenarios were modelled for:

1) A 100-yr ARI RCP8.5 2050 Climate event, and
2) A Cyclone Gabrielle equivalent event.

In summary, while the proposed works will result in slightly elevated hazard risk for some properties, the proposed works will contribute to a significant reduction in flood risk overall.

Flood Levels:

The drawings in Appendix 4 of the CFEA show the difference in flood levels as a result of the proposed stopbank under the different modelled scenarios. Focusing on the potential increase in flood depths, the difference maps show the water level upstream of the stopbanks increases by approximately 600mm in the 100-year RCP8.5 2050 event (and approximately 700 mm in the estimated Cyclone Gabrielle event) as a result of the stopbanks constricting the flow between them. There is already significant flooding here however, with flood depths generally exceeding one meter, and in some cases exceeding two metres (in the 100-year ARI RCP8.5 2050 event). These areas are largely pastoral farmland.

There is also a pocket of increased flooding adjacent to the shared access road to 164-172 Taihape Road where Taihape Road is raised and the stopbank constructed. The flooding in this area increased up to 1.5 m in the 100-year ARI RCP8.5 2050 event and 1.6 m in the Cyclone Gabrielle event.

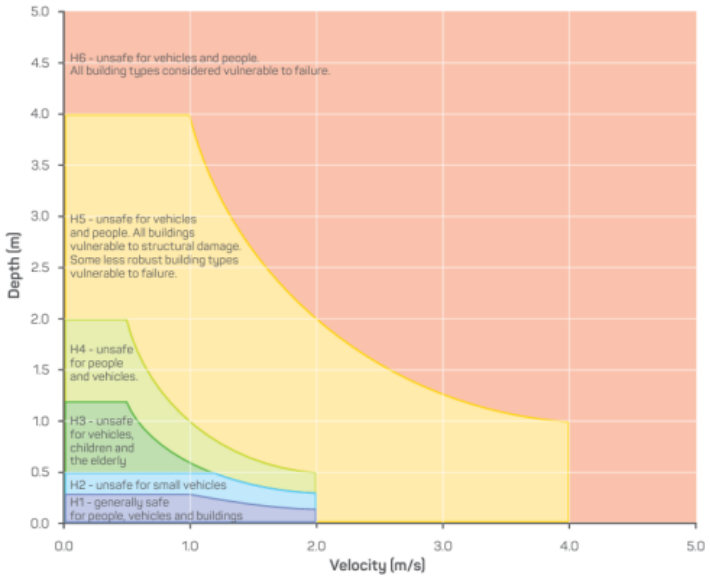
In the estimated Cyclone Gabrielle event, there is a slight increase in flood depths on the property at 39 Ohiti Road, with depths increasing up to 200mm. There may be some increased ponding on the property, however, the hazard at the buildings remains unchanged.

Flood Hazard Risk:

Focusing on areas where the model indicates a potential effect from the works on flood levels, the assessment goes onto consider impacts on buildings, roads, the Taihpe Road Bridge, horticultural land and infrastructure - with particular consideration on velocity in addition to depth. This is because flood risk is related to the combination of both the increased water levels, and the velocity of flood waters.

The *"Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia (AIDR 2017)"* has been adopted to evaluate the impact. This provides an overview of various risk categories (H1 – H6) based on flood depth and velocity as shown below.

Figure 24: Flood Depth vs Velocity Risk Category



In terms of buildings, there is a significant increase in overall flood protection as a result of the proposed works. Indeed, as shown in **Table 6** below, the modelling identifies 48 buildings changing from a higher to a lower hazard, with only 2 buildings changing from a lower to a higher hazard in the '100-year ARI with present day climate' event[9]. The location of these buildings is shown in Figure 2.7 of the T+T report reproduced in **Figure 25** below.

As also noted in **Table 6,** the modelling identifies 28 buildings changing from a higher to a lower hazard, with 12 buildings changing from a lower to a higher hazard in the 'estimated Cyclone Gabirelle' event. The location of these buildings is shown in in Figure 2.9 of the T+T report reproduced in **Figure 26** below.

[9] Noting this is the design LOS for this project

Table 6: Hazard Change Category Analysis

Flood event	Hazard category increase	Hazard category decrease
100-year ARI with RCP8.5 2050	2 - at 174 Taihape Road (refer to Figure 2.8).	48 - behind the stopbank at the Ohiti Road subdivision and east along Taihape Road.
Cyclone Gabrielle	12 - at 174 Taihape Road, one behind the stopbank at the Ohiti Road subdivision, at 131 Taihape Road and seven further east along Taihape Road.	28 - behind the stopbank at the subdivision and east along Taihape Road.

Figure 25: Building footprints with hazard class changes in flood hazard in the 100-year ARI RCP8.5 2050 event

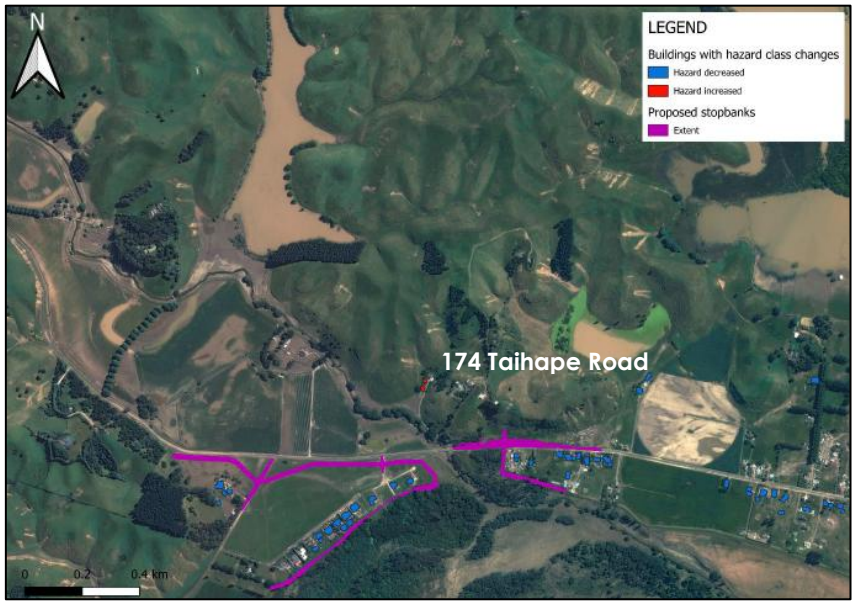
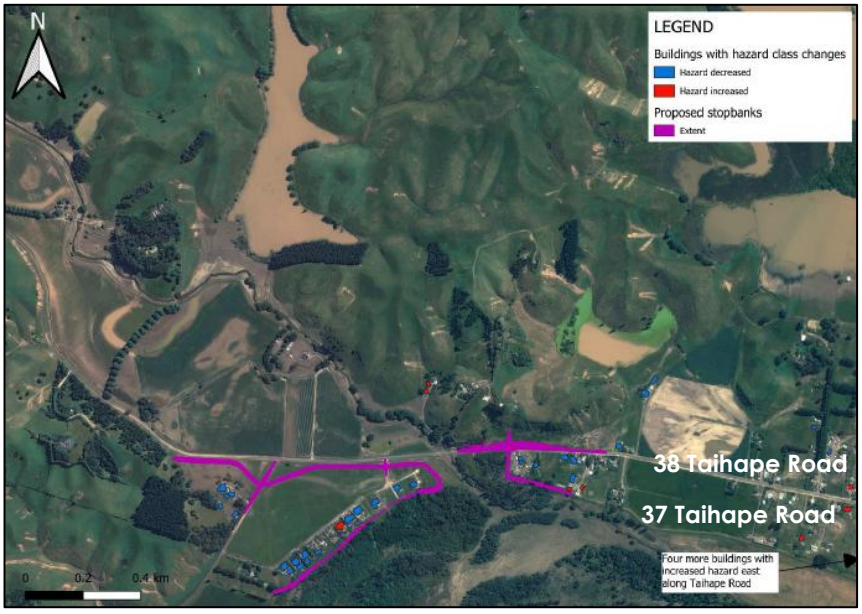


Figure 26: Building footprints with hazard class changes in flood hazard in the estimated Cyclone Gabrielle event



T+T has advised that the two buildings at 174 Taihape Road are sheds and not habitable buildings. There is no other increase in risk arising from the 100-year ARI RCP8.5 2050 event – noting, as identified in the Beca Report, that regardless of the stopbank, local runoff means 18 and 20 Ohiti Road are still subject to flooding arising from ponding during the 100-year ARI event – although the depth of flooding will be less.

Turning to the estimated Cyclone Gabrielle event, detail as to how the identified buildings are impacted is provided in Table 2.2 of the T+T report and reproduced in **Table 7** below. In the first instance however, and as recognised in the RPS, very large events exceeding flood protection design standards can impact normally protected areas, and broader land use planning and adequate and timely flood forecasting are fundamental/the appropriate tools to managing the risk of flooding in this regard.

Nevertheless, it is noted by T+T that while there are increases in the risk categories during such an event, these arise from only minimal fluctuations in flood depth and velocities. Again, during such a significant event, timely flood forecasting (as referred to in the RPS) and emergency response plans (as referred to in the T+T report) would be the fundamental matters to focus on in managing risk during such flood events. Unlike other flood control and drainage schemes however, the Ohiwia Stream does not have an early warning system in place. It is therefore proposed to install a telemetry system to this effect (refer Condition 30). While this consent will provide for its installation, ongoing management will occur under other functions of Council. No conditions in regard to ongoing operation and maintenance are proposed.

Finally, regarding the dwellings at 37 and 38 Taihape Road that show a theoretical increase in potential damage or failure (during the Cyclone Gabrielle event) and are arguably subject to the greatest change, T+T note that the increase in actual flood depth or velocity is minimal at these buildings and that they are already at significant risk.

Overall, the analysis by T+T confirms a significant reduction in flood risk overall – with the proposal being aligned with Policy 55 of the RPS - which directs HBRC to provide flood mitigation measures where the benefits can be shown to outweigh the costs.

Table 7: Impacts on Buildings

Location (and building description)*	Hazard increase	Primary reason for hazard increase
174 Taihape Rd. Two non-habitable sheds located approximately 20 m and 50 m from main dwelling.	100-year ARI RCP8.5 2050: • Shed 1: H0 to H1 • Shed 2: H2 to H3 Cyclone Gabrielle: • Shed 1: H1 to H2 • Shed 2: H3 to H4	100-year ARI RCP8.5 2050: • Shed 1: Dry to < 50 mm flood depth. • Shed 2: 400 mm increase flood depth from 250 mm to 650 mm. Cyclone Gabrielle: • Shed 1: 350 mm increase flood depth from < 50 mm to 400 mm. • Shed 2: 600 mm increase in flood depth from 600 mm to 1200 mm

27 Ohiti Rd. Dwelling.	H3 to H4 in the Cyclone Gabrielle event.	0.2 increase in Depth x Velocity from 0.4 to 0.6 as velocity increased from 0.6 m/s to 1.0 m/s in the Cyclone Gabrielle event.
131 Taihape Road [T+T refer to it being unclear from aerial imagery what type of buildings these are. They appear to be dairy milking and supporting farming buildings – the HBRC Consents team has confirmed a Fram Dairy Effluent discharge permit was in place until 2023]	H2 to H4 in the Cyclone Gabrielle event.	Depth and velocity both increase at both buildings in the Cyclone Gabrielle event. • Building 1: 70 mm depth increase from 0.32 m to 0.39 m. 0.4 m/s increase in velocity from 1.54 m/s to 1.94 m/s. DxV increases 0.17 from 0.50 to 0.67. • Building 2: 50 mm depth increase from 0.40 m to 0.45 m. 0.22 m/s velocity increase from 1.14 m/s to 1.36 m/s. 0.16 increase in DxV from 0.46 to 0.62.
37 Taihape Road (dwelling), 38 Taihape Road (dwelling), 49 Taihape Rd (dwelling), 6 Hakiwai Road (dwelling), 5 Ngahiriwa Place (non-habitable shed) and 7 Ngahiriwa Place (dwelling and shed).	• H4 to H5: 37 and 38 Taihape Road. • H3 to H4: 49 Taihape Road. • H2 to H3: 6 Hakiwai Road. • H1 to H2: 5 and 7 Ngahiriwa Place.	Minimal fluctuations in flood depth and flood velocities have increased the hazard category in the Cyclone Gabrielle event. The maximum velocity increase is 0.02 m/s and the maximum depth increase is 10 mm at any of these buildings.

In terms of roads, access ways and the Taihape Road Bridge:

Taihape Road:

- Figure 2.10 and Figure 2.11 of the T+T report indicate that (for the events considered) the proposed stopbanks cause water levels to increase along Taihape Road for an approximate 2 km length from the stopbanks west and north. Whilst the stopbank increases the flood level along the road, the hazard status for vehicles remains unchanged (that being H3 or higher which is unsafe),
- Flood depths along Taihape Road east of the stopbank crossing are decreased, with the hazard decreasing from H1 to no hazard in the 100-year ARI RCP8.5 2050 event and from H3 to H1 in the Cyclone Gabrielle event,
- Flood levels over the accessway to 316 Taihape Road (west of the Ohiti Road intersection) increase, but the hazard status for vehicles remains unchanged,
- There are increased flood depths at the beginning of the shared access road to 164-172 Taihape Road. This increases the hazard from H1 to H3 in the 100-year ARI RCP8.5 2050 event, and H2 to H4 in the estimated Cyclone Gabrielle event. It is noted in the T+T report however that the model indicates that a significant section of Taihape Road is flooded with a hazard of H3 in the base case 100-year ARI RCP8.5 2050 event. Use of the road, whether it was able to be accessed or not by these properties would be unsafe/prohibited in any case. While the risk rating 'moves' from the road to the accessway, there is no change in outcome in respect to utilisation of the road reserve as a consequence of the proposed stopbank.

Ohiti Road:

- The flood depth decreases on Ohiti Road past the stopbank crossing. The model indicates that in the 100-year ARI RCP8.5 2050 event, the hazard along Ohiti Road decreases from H2 (unsafe for small vehicles) to H1. In the modelled Cyclone Gabrielle event, the hazard is decreased from H3 to H1.
- The accessway to 23-37 Ohiti Road has hazards up to H3 along it in the 100-year ARI RCP8.5 2050 event, base scenario. The stopbanks remove the hazard in the 100-year ARI RCP8.5 2050 event. In the Cyclone Gabrielle event, there is hazards up to H3 on the accessway both with the stopbanks and in the base scenario. The extent of the higher hazards is reduced with the stopbanks.

Taihape Road Bridge:

- Flood water flows over the Taihape road bridge deck in both the 100-year ARI RCP8.5 2050 and estimated Cyclone Gabrielle events without the stopbanks in place. While modelling would indicate greater depths of flow and velocities, and an increased duration of flow, the model shows that the western bridge approach is flooded with a H3 hazard category for both the base and design scenarios in the 100-year ARI RCP8.5 2050 and Cyclone Gabrielle events. This would make the bridge unusable for driving on in these flood events in any case. As such, the proposal does not exacerbate existing risks.

Regarding horticultural land the modelling shows that the area upstream of the stopbanks was inundated in the base case for both the 100-year ARI RCP8.5 2050 event and the estimated Cyclone Gabrielle event with flood depths over 1.5 m. While flood depths increase by up to 600mm in the 100-year RCP8.5 2050 event, and 700mm in the estimated Cyclone Gabrielle event, this would be on top of the 1.5m flooding that would otherwise occur.

Regarding the duration of flooding, T+T has advised that it is during less significant events where there is the greatest potential for change in regard to the effects of increased flood depths. In response, T+T has considered the increased duration of flooding arising from the 20-year ARI event across three locations upstream of the Taiphpe Road Bridge and found that while flood depths will generally remain higher during the 14-20 hour period following/during a rainfall event, they will begin to subside as they would have without the stopbank within 24 hours (following/during a rainfall event).

Further detail can be found in the assessments provided in **Appendix 11 and 12.**

Beca Review and Summary:

The Beca review considers this analysis, and in evaluating the identified effects of the proposal against five criteria, concludes that consequences of the proposed stop bank are acceptable.

With reliance on 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.

10.3 Cultural Values

The following matters of control are listed under 'Cultural Values':

(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.

Section 12(2)(e) also requires consideration of:

(ii) the potential effects on any cultural values identified by a relevant iwi authority or hapū; and
(iii) the potential effects on any culturally significant land within or adjoining the area where the works are to be carried out:

The proposed works do not impact any identified wāhi tapu or wāhi taonga sites.

In regard to the remaining matters, and as introduced above, a CIA has been prepared by Te Piringa Hapū and includes a number of recommendations under the following headings:

1. Cultural and Environmental Restoration Strategies for Ohiwia Stream - A Pathway to Community Resilience,
2. Restoring Ohiwia Stream - Clearing Overgrown Flora and Damaged Willows for Environmental and Rehabilitation and Community Resilience,
3. Stopbank Rehabilitation and Environmental Restoration,
4. Clearing and Replanting Along Ohiwia Stream,
5. Implementing Effective Monitoring Programs,
6. Engagement of Local Hapū Work Crew - Cultivating Resilience through Community Collaboration,
7. Future Projects Around Kautuku Lake and Wetlands.

Finally, it is emphasised that the reinstatement of Ohiwia Stream's original name, from Okawa to Ohiwia, holds paramount importance for Ngā Hapū o Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Honomōkai, and Ngāti Mahuika, and that the hapū would like to work with HBRC in the commissioning of a Pou with an information board to mark the Cultural Significance of Ohiwia. The Council has committed to collaborate to cost and develop the pou - with the location to be determined in partnership with mana whenua.

Of Te Piringa Hapū's remaining recommendations, (1), (2) and (4) applied to stream clearance works undertaken at the beginning of 2025, while (7) applies to different activities to those being considered in this application.

Table 8 below outlines the recommendations made in regard to (3), (5) and (6) and how these recommendations can be given effect through the standardised conditions of consent with minor amendments. It is our understanding that Te Piringa Hapū supports the suggested amendments, and the view that these changes (to incorporate the Hapū's

recommendations) together with the broader approach in the standardised conditions, give effect to the recommendations in the CIA that are applicable to this specific project, and address this matter of control.

Table 8: Analysis of Applicable CIA Recommendations

Reproduced from the CIA		Response
Theme	**Recommendation**	
Stopbank Rehabilitation and Environmental Restoration	Assess Existing Damage: Conduct a thorough assessment of the current condition of the damaged stopbank areas and overgrown sections along Ohiwia Stream. Identify areas that require immediate restoration and prioritize them based on the level of risk they pose to the surrounding community and environment.	This is part of the broader programme of work, of which the works subject to this application are only one component.
	Develop a Comprehensive Restoration Plan: HBRC might consider developing a comprehensive restoration plan that outlines specific objectives, timelines, and budget allocations for restoring the damaged stopbank areas and overgrown sections. Ensure that the plan aligns with the long-term flood management goals and incorporates measures to enhance environmental resilience and community safety allowing Mana whenua input.	The broader programme of work involves different initiatives that will give effect to this recommendation. In regard to this project, Conditions 4 – 7 establish the framework for a Stakeholder Advisory Group, which includes Māori Entity representatives, and cultural monitors to inform and advise the consent holder about managing and monitoring the flood protection works.
	Engage Stakeholders: Engage with Pou Taiao hapū roopu, and other stakeholders throughout the restoration process to ensure their input is considered and their concerns are addressed. Strengthen collaborative partnerships to leverage local knowledge and resources for effective restoration efforts.	Conditions 4 – 7 establish the framework for a Stakeholder Advisory Group, which includes Māori Entity representatives, and cultural monitors to inform and advise the consent holder about managing and monitoring the flood protection works.
	Utilize Sustainable Practices: Prioritize the use of environmentally sustainable practices and materials in the restoration process to minimize negative impacts on the surrounding ecosystem. Incorporate erosion control measures and native vegetation planting to enhance the stability and ecological value of restored areas.	An Erosion and Sediment Control Plan is required to be prepared under Condition 14 – information on which must be included in the Construction Environment Management Plan, which the Stakeholder Group, of which the Māori Entities will be members, will have opportunity to comment on. Further, the Ecologist is to work the Māori Entity representative in developing the Ecology Management Plan.

	Monitor and Evaluate Progress: Implement a monitoring and evaluation framework to track the progress of restoration efforts and assess their effectiveness in achieving the desired outcomes. Use monitoring data to make informed decisions and adjust restoration strategies as needed to address emerging challenges.	In terms of the scope of this project, the Māori Entities and Stakeholder Group are to be reported to under Conditions 5 and 7 respectively. The Stakeholder Group, of which the Māori Entities will be members, is required to be reported to in relation to ecological management matters under Condition 28(2) on a 2 monthly basis.
	Coordinate with the New Stopbank Project: Collaborate closely with the HBRC team responsible for the new 5-year project to build a stopbank on the south side of Taihape Road & Ohiti road. Ensure that restoration efforts are aligned with the construction timeline and design of the new stopbank to maximize synergies and minimize disruptions to ongoing restoration work.	Collaboration is provided for within the OiC process and standardised conditions. In particular: • Condition 4 provides for the appointment of Māori Entity representatives, and cultural monitors to inform and advise the consent holder about managing and monitoring the flood protection works. • The cultural monitors are to 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 (Condition 4). Amendments are proposed to 'build out' their role to also provide advice in preparing the Communications Plan and Ecology Management Plan – which in reality need to be prepared ahead of the CEMP. Amendments are proposed to Condition 5(2) to focus on these initial requirements with ongoing inputs being provided for under Condition 10(c)(3), • The consent holder is to report how the information and advice has been taken into account in the carrying out of the flood protection works (Conditions 5 and 7), • The Stakeholder Advisory Group may comment on the CEMP and the consent holder must take account of any comments received by the persons invited when finalising the CEMP or any amendment (Condition 11).

		• The Ecologist is to work the Māori Entity representative in developing the Ecology Management Plan. Amendments are proposed to Condition 28 to emphasis this is to be undertaken in partnership.
	Provide Community Education and Engagement: Educate the local community about the importance of stopbank restoration and its benefits for flood management, environmental conservation, and community resilience. Encourage active participation and stewardship among community members to support a sense of ownership and pride in the restored areas.	A Communications Plan is required under Condition 9. This will support the Councils broader communication and education initiatives.
Implementing Effective Monitoring Programs	Support Pou Taiao Cultural Monitoring Roopu: By empowering Pou Taiao cultural monitoring roopu comprised of representatives from Nga Hapu. Allow these kaitiaki to oversee monitoring activities, coordinate data collection efforts, and ensure community involvement in decision-making processes.	Condition 4 provides for the appointment of Māori Entity representatives, and cultural monitors to inform and advise the consent holder about managing and monitoring the flood protection works. The cultural monitors are to 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 (Condition 4).
	Develop Monitoring Protocols: Develop clear and standardized monitoring protocols tailored to the specific needs and objectives of the community. These protocols should outline data collection methods, frequency of monitoring, and parameters to be assessed, ensuring consistency and reliability in data collection efforts.	
	Provide Training and Capacity Building: Support with training workshops and capacity-building initiatives to empower cultural monitoring Kaitiaki with known Mātauranga and skills needed to effectively conduct monitoring activities.	
	Allocate Dedicated Funding: Allocate dedicated funding for monitoring activities to ensure sustained support and resources for ongoing monitoring efforts. Securing funding sources can help cover equipment costs, training expenses, and operational needs associated with monitoring programs.	Conditions 4 – 7 establish the framework for a Stakeholder Advisory Group, which includes Māori Entity representatives, and cultural monitors and includes renumeration being considered in developing a terms of reference.

Engagement of Local Hapū Work Crew - Cultivating Resilience through Community Collaboration	Community Consultation and Collaboration: Prioritize community consultation and collaboration in the selection and implementation of projects involving local hapū work crews. Engage with Pou Taiao & Pou Tikanga Lead in decision-making processes to ensure projects align with their cultural values, priorities, and aspirations.	Community consultation and collaboration has been facilitated through the establishment of the Community Advisory Group (CAG) which during pre-application processes has assisted the Council in developing the solution. Moving forward, Conditions 4 – 7 establish the framework for a Stakeholder Advisory Group, which includes Māori Entity representatives, and cultural monitors to inform and advise the consent holder about managing and monitoring the flood protection works. Amendments have been made to Condition 10 to require ongoing reporting to the Māori entities representatives on how any cultural indicators identified under Condition 5 have been taken into account, or if not, why not.
	Skills Development and Training: Providing opportunities for skills development and training for members of the local hapū work groups. Offer training workshops on replanting techniques, environmental stewardship, and project management to enhance their capacity to contribute effectively to restoration efforts.	Conditions 4 – 7 establish the framework for a Stakeholder Advisory Group, which includes Māori Entity representatives, and cultural monitors and includes renumeration being considered in developing a terms of reference.
	Resource Allocation: Allocate sufficient resources, including funding, equipment, and materials, to support the engagement of local hapū work groups. Ensure that crews have access to the necessary resources to carry out their tasks safely and efficiently.	
	Fair Compensation and Recognition: Ensure that members of local hapū work groups receive fair compensation for their contributions. Recognize the value of their labour and expertise by providing equitable wages and acknowledging their role in project success.	
	Cultural Sensitivity and Respect: Approach engagement with local hapū work groups with cultural sensitivity and respect. Respect cultural tikanga, traditions, and matauranga systems,	Amendments are proposed to 'build out' the role of the Cultural Monitors to also provide advice in preparing the Communications Plan, which is to contain detailed processes for

	and foster an environment that values and honors indigenous perspectives on environmental stewardship.	communications, throughout the construction works, with the Māori Entities representatives.
	Regular Communication and Feedback: Maintain regular communication with local hapū work groups throughout the duration of projects. Solicit feedback, address concerns, and provide opportunities for crews to share their experiences and insights to improve project outcomes.	The Māori Entities and Stakeholder Group are to be reported to under Conditions 5 and 7 respectively. The Stakeholder Group, of which the Māori Entities will be members, is required to be reported to in relation to ecological management matters under Condition 28(2) on a 2 monthly basis.
	Long-Term Collaboration and Partnerships: Look to strengthen long-term partnerships between project stakeholders, local hapū, government agencies, non-profit organizations, and research institutions. Build relationships based on trust, mutual respect, and shared goals to ensure the sustainability and success of restoration efforts over time	The provision for collaboration as embedded in the standardised conditions will contribute to achieving this.

10.4 Freshwater

The following matters of control are listed under 'Freshwater':

(a) Potential adverse effects on the values of any natural inland wetland and hydrological regime.
(b) Provision for the passage of fish.
(c) Application of the effects management hierarchy to works affecting any natural inland wetland.
(d) The use of reclamation and diversion to facilitate flood protection works.
(e) The management of flood protection works to avoid, remedy, or mitigate potential sedimentation or contamination effects on any receiving environment.

Matters (a) and (c) relate to natural inland wetlands and are considered in Section 10.4.1. Matter (d) relating to the reclamation/diversion of the bed of water bodies is considered in Section 10.4.2 and fish passage in Section 10.4.3. Matter (e) relating to the management of potential sedimentation and contamination is a construction matter and is considered in Section 10.13.

10.4.1 Natural Inland Wetlands

(a) Potential adverse effects on the values of any natural inland wetland and hydrological regime.
(c) Application of the effects management hierarchy to works affecting any natural inland wetland.

No natural inland wetlands were identified. As such, there is no need for any conditions to avoid, remedy or mitigate effects on wetland features.

10.4.2 Reclamation/Diversion of the Bed of a Water Body

(d) The use of reclamation and diversion to facilitate flood protection works.

Except insofar as the stopbanks themselves, no reclamation or diversions are proposed as part of the works. Effects on ecological values and appropriate consent conditions are considered in Section 10.7 below.

10.4.3 Fish Passage

(b) Provision for the passage of fish.

Fish passage considerations may be applicable if a ford was to be established to haul material from the borrow site. This is considered in Section 10.7.3 pertaining to Ecology in terms of the standardised conditions in the OiC and how the National Environmental Standard for Freshwater provides for fords.

10.5 Coastal Environment

The following matters of control are listed under 'Coastal Environment':

(a) The methods to be used to avoid, remedy, or mitigate the effects of any identified coastal hazard on the flood protection works.

(a) *Potential adverse effects of the flood protection works on landscape values of the coastal environment, and measures to avoid, remedy, or mitigate those effects*

Being located some distance inland and outside the coastal margin, the location of the proposed works does not raise any matters in relation to on or of effects on the coastal environment.

Minor amendments have been made to the standardised conditions to remove reference to the coastal environment or CMA.

10.6 Stormwater Management

The following matters of control are listed under 'Stormwater Management':

(a) *The quality of stormwater discharged from the area where flood protection works are carried out, including the concentration of any hazardous substances in the stormwater, and measures to avoid, remedy, or mitigate contamination and the sediment loading.*
(b) *Potential adverse effects (including potential cumulative effects) on water quality in any receiving freshwater or coastal environment, and measures to avoid, remedy, or mitigate those effects.*

The standard condition in the OiC to avoid, remedy or mitigate effects in relation to stormwater is Condition 21, which states:

(1) The consent holder must, not later than 3 months after the completion of the construction works,
  (a) document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and
  (b) submit the documents to the consent authority.
(2) 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.
(3) 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.
(4) 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.

In terms of (2) and (4), T+T has stated in the Design Report that:

- The culverts have been sized to cater to a 100-year ARI event and to HBRC Management Guidelines,
- Erosion protection measures have been included on stormwater outlets and have been sized in accordance with HBRC Stormwater management guidelines. Further details will be clarified at the detailed design stage.

On this basis, subclauses (2) and (4) can be considered to have been achieved. Amendments are proposed to Condition 21 in this respect.

Conditions 21(1) and (3) are proposed to be retained to suitably mange effects on water quality – with minor amendments to (1) noting that the final design may not (is unlikely to) involve permanent treatment devices.

10.7 Soil, Land and Ecology

The following matters of control are listed under 'Soil, Land and Ecology':

(a) Potential soil erosion and other adverse effects on soil stability, and measures to avoid, remedy, or mitigate those effects.
(b) Potential soil run-off and sedimentation, and measures to avoid, remedy, or mitigate those effects.
(c) Potential adverse effects on natural landforms and contours, and measures to avoid, remedy, or mitigate those effects.
(d) Potential adverse effects on terrestrial ecology, and measures to avoid, remedy, or mitigate those effects.

Matter (a) relating to potential erosion and stability is considered in 10.7.1 together with matter (b) from 'General'.

Matter (b) is similar to matter (e) from 'Freshwater' and is considered in Section 10.13 pertaining to construction.

Matter (c) is considered in Section 10.7.2 and matter (d) in Section 10.7.3, where (c) and (d) from 'General' are also considered.

10.7.1 Erosion and Stability

(a) Potential soil erosion and other adverse effects on soil stability, and measures to avoid, remedy, or mitigate those effects.

Section 6 of the Design Report provided in **Appendix 6** outlines the geotechnical assessments that have been undertaken and the relevant findings. Section 6.2 outlines the matters to be considered during the detailed design and construction phase.

T+T will be responsible for progressing the detailed design according to the Design Report and associated plans under Condition 1 of the standardised conditions. This framework for detailed design and planning is considered to suitably address the requirement to manage erosion and effects on soil stability in the manner envisaged by the OiC.

10.7.2 Natural Landform and Contour

c) Potential adverse effects on natural landforms and contours, and measures to avoid, remedy, or mitigate those effects.

The design of the proposed works considers the natural landform and provides for drainage features. No additional conditions are considered necessary in this regard.

10.7.3 Ecology

(d) Potential adverse effects on terrestrial ecology, and measures to avoid, remedy, or mitigate those effects.

(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.

Condition 26 of the standardised conditions set out the following ecology principles to be applied to the design of the flood protection works and in carrying out the works:

(a) to apply the effects management hierarchy to the following potential adverse effects:
- *(i) permanent habitat loss (including in coastal, terrestrial, and freshwater habitats):*
- *(ii) 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:*
- *(iii) habitat fragmentation or habitat barriers (including in coastal, terrestrial, and freshwater habitats):*
- *(iv) impacts on habitat connectivity (including coastal, terrestrial, and freshwater habitats):*
- *(v) impacts on at-risk or threatened species and taonga species:*
- *(vi) effects on water quality (including on kaimoana and mauri) from sediment:*
- *(vii) alteration of natural hydrology patterns, except as necessary to facilitate the flood protection works:*
- *(viii) spread or establishment, or both, of pest plants or animals:*
- *(ix) impacts on habitats that play an important role in the life cycle and ecology of native species:*

(b) as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species:

(c) 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:

(d) 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.

Condition 27 of Schedule 2 requires preparation of an Ecological Scoping Survey to:

- Identify all ecological values relevant to applying the ecology principles to the places where construction works, and,
- To assess the adverse effects the construction works have had on the ecological values identified by the ecological scoping survey.

Finally, Condition 28 relates to preparation of an Ecology Management Plan, which requires ongoing recording and reporting in anticipation of the design of the works occurring on a progressive basis.

The standardised OiC conditions anticipate a lesser degree of design and assessment than has been provided in this application. Here, there is already a high degree of clarity over the proposal and mitigation required and proposed. The scoping study that would have been

required by Condition 27 has already been undertaken and has enabled ecological values to be identified and considered as part of developing the design. It has also considered the potential presence for bats, native birds and native lizards and determined appropriate responses.

It is therefore not considered necessary to impose Condition 26, or Conditions 27 and 28 in their standardised form. Amendments are proposed to provide for the specific mitigation/management already developed and assessed by the applicant. Key points include:

- The requirements for an ecological scoping survey to be prepared under Condition 27 has been removed on the basis that this work and the outcomes anticipated to inform design, ecological management/mitigation and implementation have already been achieved through the Ecological Scoping Assessment prepared by T+T. Consequential amendments are also made to Condition 18(3),
- Condition 28 has been amended to focus on the preparation and delivery of an Ecology Management Plan that responds to the findings and recommendations of the Ecological Scoping Assessment - with the key matters being:
    - Developing procedures for managing native bird species prior to vegetation removal,
    - Preparing a site preparation methodology to reduce the risk lizards occupying the site during construction.
- The Project Ecologist must still work with the Māori Entities representatives to prepare an Ecology Management Plan,
- The consent holder must still report to the Stakeholder Advisory Group every 2 months on work undertaken according to the Ecology Management Plan and on any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives,
- A report must still be completed at the completion of works that describes the ecological mitigation works carried out by the consent holder.

Regarding the provision for a temporary ford in the bed of Ohiwia Stream:

- Noting the need for this may not be determined until after the works have commenced, amendments to Condition 11 are proposed to facilitate its design, installation and removal as an amendment to the CEMP - in accordance with the ecology principals in Condition 26 via using similar wording to Condition 18(d) that would otherwise apply to the design of permanent works within a bed of river following the issue of consent i.e. The ford must be:
    i. Designed by a suitably qualified and experienced engineer with input from the Project Ecologist,
    ii. Designed, installed and removed in a way that is, so far as practicable, consistent with the ecology principles set out in Condition 26(b)(i),
    iii. Included in / reported on in an amendment to the CEMP according to the process set out in Condition 11 relating to developing and amending the CEMP.
- Noting that the NES F does not strictly require the provision of fish passage in the case of fords, Condition 18(3) is proposed to be amended to align with this.

- While recommendations in relation to the construction of a crossing are included in the Ecological Scoping Assessment prepared by T+T, the approach set out above draws on the approach provided for in the OiC for works post the issue of consent and provides for the outcomes ought in respect to the ecology principles.

While the integration of this activity is in line with that provided for in the OiC (refer Condition 18(d) pertaining to 'permanent' works within the bed of a water body), the following assessment is nevertheless provided:

Effects on the Drainage Network

Being a ford and that no obstacles will be constructed such as bridge abutments, decks or culverts, the works are not expected to affect the alignment or grade of the water body or its capacity to convey the flows. Effects on the wider drainage network can therefore be considered less than minor.

Effects on Water Quality

Actual or potential effects associated with installation and ongoing use of the ford on water quality are likely to be limited to the potential for increased turbidity to occur.

In regard to installation, the scale of activity is minor, the works will only occur for a short period and the discharge of sediment will be generally avoided. In addition, machinery will be operated only from the banks and all refueling will be undertaken in a location away from the stream to avoid any spills into surface water – as essentially provided for under Condition 19 of the standardised conditions. All exposed surfaces will be re-vegetated upon completion of the works.

In regard to ongoing use, wheel washes or similar can be installed at the approaches, while any increase in turbidity as a result of crossing the stream is likely to be of a minor scale, limited to the immediate area, and of short duration. Overall, any actual or potential effects on water quality are considered to be less than minor.

Effects on Ecological Values

Given the minor scale and localized nature of the works and noting the above in regard to effects on water quality, effects on ecological values can be considered to be less than minor. In terms of fish passage, while the invert of the ford can be installed to be below water level, so as to maintain a passage for fish, fish passage is not strictly required in the NES-F, and installation of the ford will of course be temporary. Overall, the proposal will not result in the permeant loss of habitat and will not present a significant barrier or lead to habitat fragmentation as referenced in the ecology principles in condition 26. For these same reasons, it is not considered necessary to limit the works to times outside fish spawning.

Changes are also proposed to Conditions 18 and 19 to facilitate the installation of temporary culverts in the same manner as what is provided for in respect to the design and installation of permanent culverts post the issue of consent. The actual or potential effects of installing a culvert are not dissimilar to the matters considered in regard to a ford above, and no

additional conditions beyond those already embedded in the standardised conditions are considered necessary.

10.8 Visual Effects, Landscape and Amenity

The following matters of control are listed under 'Visual Effects, Landscape and Amenity':

(a) Potential adverse visual effects on the following:
  (i) the residential or recreational (including tourism) use of land in the vicinity of the flood protection works:
  (ii) the existing character of the locality and amenity values:
  (iii) outstanding or significant landscape areas.
(b) Potential adverse amenity effects on adjoining land.
(c) Construction noise, vibration, and dust generation, including having regard to the noise sensitivity of the receiving environment.
(d) Potential adverse effects of the hours of operation of flood protection works.
(e) Potential adverse effects on identified recreation areas.
(f) Potential adverse effects on public health and safety during works.
(g) Measures to avoid, remedy, or mitigate the effects described in paragraphs (a) to (f), including post-completion reinstatement and landscaping in relation to the effects described in paragraph (a).

Matters (a), (b), (e) and (g) are considered below. Matters (c), (d) and (f) relate more to construction and are considered in Section 10.13.

In terms of (a)(iii), the area of works is not within an outstanding or significant landscape area, nor within an area of recreation as referenced in (a)(i) and (e).

Turning to (a)(ii), (b) and (g) and the existing character and visual and amenity values of the adjoining area, while the Landscaping Scoping Assessment has concluded that the flood protection features themselves will not result in 'significant' adverse visual effects on nearby residential properties, mitigation planting is proposed to avoid the potential for adverse visual effects associated with vehicles crossing the proposed stopbank where Ohiti Road will be raised near the Taihape Road intersection and the access into 203, 205, 207 and 209 Taihape Road.

Amendments are proposed to Condition 24 to give effect to this. There are no additional effects that require mitigation. Noting the existing requirement of the CEMP and conditions pertaining to noise, vibration and dust, there is no need for any further conditions in respect to amenity.

10.9 Adjoining Land Uses

The following matters of control are listed under '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.

Matter (a) relating to effects on the subject and adjoining land is considered in Section 10.9.1 with effects on infrastructure assets and facilities in Section 10.9.2.

10.9.1 Effects on the Subject Land and Adjoining Land

(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.

In terms of the land upon which the works will occur, the landowners concerned have been involved in developing the solution and are supportive of the flood protection being established. Furthermore, the majority of the land concerned is river berm, and the proposed works are not anticipated to compromise the use of this area.

In terms of the adjoining land:

- Swales and culverts are proposed to accommodate existing drainage patterns,
- The flood protection features themselves are not anticipated to compromise existing or potential land use activities.

Consequential flooding effects have been considered in Section 10.2.1 above.

10.9.2 Effects on Infrastructure Assets

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

As outlined above, the area of works is characterised by overhead powerlines and underground communication networks as well as distribution pillars and telecommunication poles, while Taihpe Road and Ohiti Road are both public roads.

All these features have been taken into account in the design of the scheme. The presence of this infrastructure is not expected to impact construction, nor is the proposed flood protection (including the road raising works) expected to affect this infrastructure.

Further consultation will be undertaken with Unison, Chorus and the HDC as part of the detailed design process and in preparing the CEMP. Specific matters affecting Unison's infrastructure will likely be worked through as part of a Close Approach Consent process, however an amendment to Condition 10 is also proposed to require specific consideration of the effects of working in the proximity of overhead powerlines in the CEMP.

Unison, Chorus and the HDC will also be invited to appoint a member to the Stakeholder Group under Condition 6, which, under Condition 11 will have the opportunity to comment on the CEMP. No further conditions/amendments are considered necessary, beyond those described above, to address effects on infrastructure assets.

10.10 Heritage and Archaeology

The following matters of control are listed under 'Heritage and Archaeology':

(a) Potential adverse effects on identified heritage values, and measures to avoid, remedy, or mitigate adverse effects.

(b) Accidental discovery protocols to reduce risk to unidentified archaeological sites.

As outlined above, there are no currently recorded archaeological sites within the area of proposed work. A pre-emptive Archaeological Authority is nevertheless being applied for, which will include management protocols to reduce risk to unidentified archaeological sites.

Recognizing that works may need to commence prior to this process being complete, preparation of an accidental archaeological discovery protocol according to Condition 29 of the standardised conditions is proposed – noting this would only apply until the Authority is in place. Amendments to Condition 29 are proposed to this effect.

This approach is considered a reasonable response to avoiding, remedying, or mitigating adverse effects on heritage values.

10.11 Access and Transport

The following matters of control are listed under 'Access and Transport':

(a) Potential adverse effects on access to and along or around watercourses and water bodies, and measures to avoid, remedy, or mitigate those effects.

(b) Potential adverse effects on the safe and efficient operation of the transport network during flood protection works, and measures to avoid, remedy, or mitigate those effects.

Matters (a) is considered below, with matter (b) being considered in relation to construction in Section 10.13.

The location and form of the proposed stopbank features will not prevent opportunities for access to and along the Ohiwia Stream or Ngaruroro River from being established if a decision is made to do so following completion of the works. As such, no specific measures/conditions to avoid, remedy, or mitigate effects associated with access to and along or around watercourses and water bodies are considered necessary.

In terms of access during construction, Condition 10(3)(g) requires the CEMP to include procedures for managing public health and safety - including restrictions on public access to work sites and the river. Further, the Communications Plan required under Condition 9 requires a description of the construction works, which will include such procedures.

These standardised conditions are proposed to manage potential adverse effects on access to and along or around watercourses and water bodies during construction. No further measures/conditions are considered necessary.

10.12 Contaminated Land

The following matters of control are listed under 'Contaminated Land':

(a) Potential adverse effects on human health from disturbance or use of contaminated soil.
(b) Measures to avoid, remedy, or mitigate those effects, including—
(i) remediation or management methods proposed to reduce risk posed by contaminants; and
(ii) timing of remediation; and
(iii) standard of remediation on completion of works.

The combined PSI/DSI prepared by T+T identified a limited number of discrete locations/matters associated with soil contamination. A draft Contaminated Site Management Plan has been prepared meeting the applicable outcomes referred to in (b) above.

It is submitted that Condition 17 of the standardised conditions in the OiC can be deleted and that Condition 10 be amended to require a final Contaminated Site Management Plan, in general according with the draft presented to be prepared and embedded in the CEMP.

Amendments to Conditions 10 and 17 have been made to this effect.

This approach is considered a reasonable response to managing potential effects on human health in respect to contaminated soil.

10.13 Construction

Although not a specific topic noted in Schedule 3, many of the matters of control listed under other topics relate to construction. These include:

General:

(e) The management of construction works to avoid, remedy, or mitigate potential adverse effects on receiving environments, including adverse effects of hazardous substances, spills, and stormwater run-off.

Freshwater:

(e) The management of flood protection works to avoid, remedy, or mitigate potential sedimentation or contamination effects on any receiving environment.

Soil, Land and Ecology:

(b) Potential soil run-off and sedimentation, and measures to avoid, remedy, or mitigate those effects.

Visal Effects, Landscape and Amenity:

(c) Construction noise, vibration, and dust generation, including having regard to the noise sensitivity of the receiving environment.
(d) Potential adverse effects of the hours of operation of flood protection works.
f) Potential adverse effects on public health and safety during works.

Access and Transport:

(b) *Potential adverse effects on the safe and efficient operation of the transport network during flood protection works, and measures to avoid, remedy, or mitigate those effects.*

These matters essentially cover:

- Stormwater management and erosion and sediment control
- Nuisance effects i.e. noise, vibration and dust
- Hours of operation
- Public health and safety
- Construction traffic

Each is considered below:

Stormwater Management and Erosion and Sediment Control:

- The Design Report outlines the key matters that will be considered in managing erosion and sediment during construction,
- An Erosion and Sediment Control Plan is required to be prepared under Condition 14 and will be circulated to key stakeholders for feedback as part of preparing the CEMP prior to works commencing,
- Condition 13 requires an Erosion and Sediment Control Manager to be appointed for the duration of the flood protection works. This will ensure a focused approach to erosion and sediment control and managing the potential for sedimentation of waterbodies,
- Condition 15 outlines the process for managing/responding to any failures,
- Condition 19 sets out specific requirements particularly in regard to managing the potential for spills when working within, or adjacent to, the bed of a river,
- The design, installation and removal of a ford across the Ohiwia Stream will be accommodated through an amendment to the CEMP under Condition 11 if a crossing is required.

Nuisance Effects (Noise, Vibration and Dust):

- Condition 16 states 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,
- Condition 23 states:
    1. 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.
    2. The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction.
- Dust, noise and vibration are all matters to be considered in preparing the CEMP, which be circulated to key stakeholders for feedback,

Hours of Operation:

- Hours of operation will generally be 6.00am to 7.00pm each day,

- The start time is to allow for erosion and sediment control measures to be implemented, monitored and checked. The use of dust suppressants is far more effective if they are first used in the early morning,
- The broader working hours will enable the works to be completed as soon as possible,
- As outlined above, noise will be managed according to the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999,

Construction Traffic:

- Site access and on-site traffic management is a matter to be considered by the contractor in preparing the CEMP under Condition 10, which is required to be circulated to key stakeholders for feedback prior to works commencing,
- Effects on the safe and efficient operation of the transport network are anticipated to be managed by the contractor through standard operating procedures,

Public Health and Safety:

- In addition to the matters already discussed, public health and safety is a matter to be considered in developing the CEMP,
- The CEMP is also required to consider procedures for managing hazards, including any risk of flooding and restrictions on public access to work sites and the river,
- Stormwater management around bores, specifically at 170 Taihape Road, is a matter proposed to be included in the CEMP through amending 10.

The requirements of Conditions 10 and 14 pertaining to the preparation of a CEMP and an Erosion and Sediment Control Plan are comprehensive and considered sufficient to ensure that overall, effects with regard to construction can be suitably managed. No other conditions are considered necessary.

10.14 Summary

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

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.

11. STANDARD RMA PROCESS ASSESSMENT

This assessment relates to those activities outside the OiC Footprint as shown in **Figure 27** below.

Figure 27: Works Outside the OiC Footprint

11.1 Planning Context

While the various National Environmental Standards have been considered in Section 7.2 above in identifying the resource consents required, the following Tables set out the applicable National Policy Statements and Regional and District level planning documents.

Table 9: National Policy Statements

National Policy Statement	Applicable
National Policy Statement for Freshwater Management	Yes
National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat	No
National Policy Statement for Highly Productive Land	Yes
National Policy Statement for Indigenous Biodiversity	No
National Policy Statement for Renewable Electricity Generation	No
National Policy Statement on Electricity Transmission	No
National Policy Statement on Urban Development	No
New Zealand Coastal Policy Statement	No

Table 10: Regional and District Level Planning Documents

Planning Document	Applicable
Regional Policy Statement	Yes
Operative Regional Resource Management Plan	Yes
Plan Change 9	Yes
Regional Coastal Environment Plan	No
Hastings District Plan	Yes

The National Policy Statement for Freshwater Management (NPS-FM) and National Policy Statement for Highly Productive Land (NPS-HPL) are considered in this section, while the Regional and District Plan level planning documents are considered in Section 11.4 below.

11.1.1 National Policy Statement for Freshwater Management

The NPS FM 2020 came into force on 3 September 2020. It generally relates to freshwater quantity and quality matters but also contains a suite of further provisions relating to other matters such as tangata whenua involvement, integrated management, setting objectives/outcomes/actions and monitoring. These are generally high level, however, and of a nature to inform Plan development processes. Greater consideration has been given to the Regional and District Plan level planning documents considered in Section 11.4 below.

11.1.2 National Policy Statement for Highly Productive Land

The NPS-HPL was published in September 2022. The NPS-HPL requires regional councils to map highly productive land in the region, and for regional policy statements and district plans to be updated to give effect to the key objective being "*Highly productive land is protected for us in land-based primary production, both now and for future generations*" – with the key policy in this instance being "*Highly productive land is protected from inappropriate use and development.*"

The HBRC has not yet mapped highly productive land in the region through the process identified in the NPSHPL. Therefore, the interim applicability outlined in clause 3.5(7) would apply during a resource consent process.

As identified in **Figure 27** above, the areas subject to consideration are rurally zoned and are classified as LUC 2. Use of development of this land is constrained by the NPS. However as outlined below, the policy statement provides for flood protection activities as 'Specified Infrastructure', and creates an exemption pathway for the proposal under Clause 3.9 (j)(i).

Clause 3.9 states (emphasis added):

(1) Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.

(2) A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:

(a) it provides for supporting activities on the land:
(b) it addresses a high risk to public health and safety:
(c) it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act:
(d) it is on specified Māori land:
(e) it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:
(f) it provides for the retirement of land from land-based primary production for the purpose of improving water quality:
(g) it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land:
(h) it is for an activity by a requiring authority in relation to a designation or notice of requirement under the Act:
(i) it provides for public access:
(j) it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land:
    (i) the maintenance, operation, upgrade, or expansion of specified infrastructure:
    (ii) the maintenance, operation, upgrade, or expansion of defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990:
    (iii) mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand:
    (iv) aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand.

(3) Territorial authorities must take measures to ensure that any use or development on highly productive land:
    (a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and
    (b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.
    (c) Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.

Specified Infrastructure is defined below, with particular reference to (c):

specified infrastructure means any of the following:

(a) infrastructure that delivers a service operated by a lifeline utility:
(b) infrastructure that is recognised as regionally or nationally significant in a National Policy Statement, New Zealand Coastal Policy Statement, regional policy statement or regional plan:
(c) any public flood control, flood protection, or drainage works carried out:
    (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or
    (ii) for the purpose of drainage, by drainage districts under the Land Drainage Act 1908

The proposal need not be considered inappropriate in respect to the NPS-HPL.

11.2 Section 104(1)(a) – Assessment of Environmental Effects

11.2.1 Assessment of Effects Arising from Activities Requiring Resource Consent from HBRC

The activities for which resource consent is required from HBRC are outlined in **Table 4** above and include:

1. The deposition of material within 20m of the Ohiwia Stream at the southern most end of the Chesterhope Upper stopbank as part of constructing the stopbank,
2. The potential discharge of sediment laden water to land or water,
3. Potential dewatering (if considered a take and discharge and if required as part of construction),
4. The potential discharge of dust,
5. The diversion of water during flood flows.

Discharge and Dewatering Activities

In terms of (1), the material to be used to construct the stopbank will be natural material and will not present a risk to water quality.

Regarding (2), the potential discharge of sediment laden water may occur from sediment control devices should the design events used to size erosion and sediment control measures be exceeded. Such effects would be of a temporary nature and minor in the context of the rainfall event that would be occurring at the time when sediment loads are likely to be naturally high.

Nevertheless, the potential discharge of sediment laden water is proposed to be managed outside the OiC Footprint in the same manner as it is proposed to be within it – that is for erosion and sediment control measures to be in place (Condition 14(3)(b)) before and during all construction works, for failure of any erosion and sediment control measure to be responded to in the manner outlined in Condition 15 and for activities to be carried out in a manner that avoids if practicable, or minimises so far as practicable, adverse effects on freshwater environments, with particular regard to reducing opportunities for the works to generate sediment (Condition 12(c)). As within the footprint of the OiC, this approach is considered suitable in managing the potential for sediment discharge outside the footprint of the OiC.

While the need for dewatering in respect to (3) is not expected, the theoretical taking of water would involve minor amounts and would essentially be non-consumptive. With any associated discharge involving natural water or levels of turbidity worst case, this is unlikely to present a risk to water quality after reasonable mixing – if even discharged to water. Dewatering is therefore, again, proposed to be managed outside the OiC Footprint in the same manner as within it – that is for these procedures to be outlined in the CEMP (Condition 10(3)(i)) and for these activities to be carried out in a manner that avoids if practicable, or minimises so far as practicable, adverse effects on freshwater environments, with particular regard to reducing opportunities for the works to generate sediment (Condition 12(c)). As

within the OiC Footprint, this approach is considered suitable for managing the effects of dewatering outside the OiC Footprint.

Further, given the temporary nature and minor scale of any effects associated with the discharge components of these activities, the proposal is not expected to give rise to any of the matters listed in Section 107(1)(c)-(g). Section 107(2) would nevertheless allow consent to be granted on the basis of the activities being of a temporary nature.

Regarding Section 105, the sensitivity of the receiving environment has been considered in locating the flood protection features in respect to the effects of associated discharge activities and is recognised in the management approaches to be applied.

Regarding the potential for dust, this will again be managed outside the OiC Footprint in the same manner as within it. As outlined above, this will generally include the use of water carts, sprinkler systems or similar, with further detail on measures being included in the CEMP to achieve the outcome in Condition 16 – being that as far as practicable, dust arising from construction works does not spread beyond the boundary of the work sites. As with within the OiC Footprint, this approach is considered suitable for managing the potential for dust outside the footprint of the OiC.

Diversion of Water

It has been demonstrated that the effects associated with the broader diversion of flood waters arising from the Chesterhope Upper Stopbank will be largely positive i.e. the wider risk of flooding will be reduced.

In terms of the diversion arising from the works outside the OiC Footprint, the proposed swale on the Smith Bock will essentially convey runoff in the general direction of the existing drainage pattern. The effects of this 'diversion' are therefore considered to be less than minor.

In assessing the effects of the Chesterhope Upper Stopbank, it is a matter of considering a scenario of it being in place versus it not. In this regard we note:

1. With the stopbank in place, there is a significant increase in flood protection east of the Ohiwia Stream,
2. With the stopbank in place, upstream flood depths are arguably greater as a result of flow being constrained between the two stopbanks,
3. With the stopbank in place, downstream flood depths to the south of the area protected, and further east, are arguably greater as flood flows do not avail the storage capacity of the area being protected.

These are the very effects considered in Section 10.2.1 where the following key areas of focus were identified:

1. Increased flood depths on upstream horticultural land,
2. 174 Taihape Road where there was a greater impact on sheds,
3. Increased flood depths and velocities over the Taihape Road Bridge,
4. Increased flood depths at the beginning of the shared access road to 164-172 Taihape Road making the access less safe for vehicles,

5. 37 and 38 Taihape Road where the modelling results showed a theoretical increase in potential damage or failure to dwellings.

In the context of the OiC it was a matter of determining whether mitigation was required in regard to these effects, which it was not. In the context of the standard RMA process, it is a matter of determining the scale of effects for notification purposes in the first instance, and to have regard to any actual and potential effects on the environment in allowing the activity.

In considering each matter/effect, it is noted that while flood depths increase by up to 600 mm in the 100-year RCP8.5 2050 event and 700 mm in the estimated Cyclone Gabrielle event on upstream horticultural land, this would be on top of the 1.5m flooding that would otherwise occur. In this context, having regard to both the likeliness of the event and its potential consequences, the effects of the Chesterhope Upper Stopbank are considered less than minor.

Regarding the duration, and as outlined above, T+T has advised that it is during less significant events where there is the greatest potential for change in regard to the effects of increased flood depths. In response, T+T has considered the increased duration of flooding arising from the 20-year ARI event across three locations upstream of the Taihape Road Bridge and found that while flood depths will generally remain higher during the 14-20 hour period following/during a rainfall event, they will begin to subside as they would have without the stopbank within 24 hours (following/during a rainfall event). In terms of the contribution of the Chersterhope Stopbank to this effect, T+T has advised it is difficult to discretise and quantify the effect of each separate stopbank (on the water level and therefore duration). Nevertheless, the duration of increased flood depths is minimal and unlikely to result in increased impacts on the land resource compared those that would already occur i.e. increased flood depths subside to the baseline relatively quickly.

In terms of 174 Taihape Road, effects are limited to sheds rather than habitable dwellings and would occur during a the 100-year event – well beyond the minimum floor level standards required under the Building Act. In this context, the effects of the Chesterhope Upper Stopbank are considered less than minor.

Turning to the increased flood depths and velocities over the Taihape Road Bridge, the model shows that the western bridge approach is flooded with a H3 hazard category for both the base and design scenarios in the 100-year ARI RCP8.5 2050 and Cyclone Gabrielle events – meaning the bridge would be unusable for driving on with or without the stopbank. In this context, and on the basis that the stopbank would not exacerbate existing risks, the effects of the Chesterhope Upper Stopbank are considered less than minor.

Regarding the increased flood depths at the beginning of the shared access road to 164-172 Taihape Road making the access less safe for vehicles, on the basis that it has been identified that a significant section of Taihape Road is flooded with a hazard of H3 in the base case 100-year ARI RCP8.5 2050 event, there is no change in outcome in respect to utilisation of the road reserve as a consequence of the proposed stopbank. On this basis, the effect on these properties is considered less than minor.

Finally, while the modelling shows a theoretical increase in potential for damage or failure to the dwellings at 37 and 38 Taihape Road, T+T note that the increase in actual flood depth or velocity is minimal at these buildings and that they are already at significant risk. The 'change' in effect, or relative potential impact versus the existing situation, can therefore be considered low. It is also noted that such effects would only occur during significant flood events i.e. the estimated Cyclone Gabrielle event – which have a relatively low probability of occurring.

The potential effect is therefore best described as an effect of 'low probability' which has 'low potential impact' in the context of the existing risk. On this basis, the effects of the change arising from the stopbank can be considered less than minor.

11.2.2 Assessment of Effects Arising from Activities Requiring Resource Consent from HDC

Activities outside the OiC footprint that require resource consent from HDC are outlined in **Table 4** above and include:

1. Disturbance of contaminated soil (under the NES CS),
2. Earthworks,
3. The removal of material from the Plains Production Zone.

Disturbance of Contaminated Soil

When normally assessed as a Restricted Discretionary Activity, the disturbance of contaminated soil would ordinarily be assessed in regard to the following matters. Although the activities outside the OiC Footprint are to be bundled and assessed as a Discretionary Activity, these matters have been adopted for the purpose of assessing this aspect of the proposal:

a) the adequacy of the detailed site investigation, including—
- *i. site sampling:*
- *ii. laboratory analysis:*
- *iii. risk assessment:*

b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:

c) the approach to the remediation or ongoing management of the piece of land, including—
- *i. the remediation or management methods to address the risk posed by the contaminants to human health:*
- *ii. the timing of the remediation:*
- *iii. the standard of the remediation on completion:*
- *iv. the mitigation methods to address the risk posed by the contaminants to human health:*
- *v. the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:*

d) the adequacy of the site management plan or the site validation report or both, as applicable:

e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:

f) the requirement for and conditions of a financial bond:

g) the timing and nature of the review of the conditions in the resource consent:

h) the duration of the resource consent.

All the matters that are applicable here (to the disturbance of soil as part of constructing the Smith Swale and Chesterhope Upper Stopbank) are covered in the Draft Contaminated Site Management Plan, and adoption of its final version is to be provided for in Condition 10 of the standardised conditions. These measures are considered sufficient to ensure any potential effects in terms of contaminated soils will be appropriately managed and avoided to a level which is less than minor.

Earthworks

Although being considered under a bundling approach as a discretionary activity, earthworks outside the OiC Footprint would ordinarily require resource consent as a restricted discretionary or discretionary activity. Chapter 27.1.7 of the District Plan identifies matters over which HDC has restricted its discretion for rrestricted discretionary activities. For discretionary activities, HDC's assessment is not restricted to these matters, but it may consider them.

An assessment in regard to each is provided in terms of the earthworks associated with both the Smith Swale and Chesterhope Upper Stopbank (noting the works within the road reserve are permitted):

27.1.7A LAND DISTURBANCE AND VEGETATION CLEARANCE

(a) The effects of land disturbance and vegetation clearance will be assessed in terms of their effects on:

- (i) The life-supporting capacity of soils.
- (ii) Soil erosion and stability.
- (iii) Soil Runoff and Sedimentation.
- (iv) Natural landforms and contours.
- (v) Flora and fauna.
- (vi) Significant cultural, ecological and historic heritage sites (including archaeological sites).
- (vii) Composition and characteristics of any fill used.

(b) In making an assessment, regard will be had to the following:

- (i) The extent of removal of vegetation, topsoil and subsoils at any one time.
- (ii) Methods to separate soil horizons during stripping.
- (iii) Measures to safeguard the life supporting capacity of stockpiled soils.
- (iv) The potential or increased risk of hazards from the activity, including potential risk to people or the community.
- (v) Sediment control measures, including measures to prevent sediment run-off into Council's reticulated network.
- (vi) Rehabilitation of site (including backfilling, re-spreading of subsoil and topsoil, contouring, repasturing and revegetation).
- (vii) Land capability and potential end uses of the site.
- (viii) Information on any relocation of fill on or offsite.
- (ix) Siting, construction and maintenance of internal access roads.
- (x) Effect on flow paths and floodways.
- (xi) Measures to avoid the disturbance of archaeological sites (noting that any disturbance of an archaeological site will require separate approval under the Heritage New Zealand Pouhere Taonga Act 2014.

The matters outlined in (b) have been considered in forming the following views in regard to the matters listed in (a):

- Given the sites do not form part of a production unit, and the areas concerned will go on to accommodate a critical flood protection infrastructure, the associated earthworks are not expected to compromise the life-supporting capacity of soils or the production potential of the Plains Zone,
- Section 6 of the Design Report provided in **Appendix 6** outlines the geotechnical assessments that have been undertaken and their findings. Section 6.2 outlines the matters to be considered during the detailed design and construction phase. T+T will progress the detailed design process according to the Design Report. This is considered to suitably address erosion and stability matters associated with the flood protection features,
- Erosion and sediment control measures will be employed to manage sediment laden stormwater runoff. As outlined in regard to the discharge activities regulated by HBRC in Section 11.2.1 above, the standardised conditions in the OiC relating to erosion and sediment control are considered appropriate to manage erosion and sediment control outside the OiC Footprint also,
- Fill material will be natural material - whether completely sourced from the borrow site or not,
- In terms of effects on flow paths and foodways, the assessment applied with regard to the diversion of water in Section 11.2.1 above can be applied here also,
- While there are no known cultural heritage or archaeological sites within the footprint concerned, a pre-emptive Authority will nevertheless be in place in relation to construction management and a condition will be imposed to manage the unexpected discovery of archaeological features, artefacts or taonga, as is common for development projects.

27.1.7B VISUAL IMPACT

(a) The visual effects of the activity will be assessed in terms of its potential effect on:

- (i) The residential or recreational (including tourism) use of land in the vicinity of the activity.
- (ii) The existing character of the locality and amenity values.
- (iii) Whether the land is covered by Outstanding or Significant Landscape Areas will be assessed under the Assessment Criteria 27.1.7F.

(b) In making that assessment regard shall be had to:

- (i) Planting, screening and other amenity treatment to minimise visual impact.
- (ii) Site location including locality, topography, geographical features, adjoining land uses.
- (iii) Height of soil stockpiles and cuttings.
- (iv) Rehabilitation of the site, including contouring, landscaping and re-vegetation.
- (v) Duration, rate and extent of extraction.
- (vi) Lighting - intensity, direction and positioning of lighting in relation to the effects of glare on the surrounding environment and adjacent land uses.

The matters outlined in (b) have been considered in coming to the following views around the matters listed in (a):

- The sites are not located within or near an area of Outstanding Natural Value or an Outstanding Natural Feature,
- With the existing Chesterhope Upper Stopbank already comprising the character of the existing environment, its upgraded form is not expected to result in a significant change in the existing character of the locality or level of amenity. Likewise, formation of the Smith Swale will not be incompatible with a rule environment,
- Works will be short term, and the disturbed areas will be reinstated upon completion.

27.1.7C EFFECTS ON OTHER LAND USES AND ADJOINING PROPERTIES

The extent to which the activity will interfere with, or adversely affect, the current use of the land on which the activity is sited, or adjoining land uses. Consideration will be given to any potential effects of the proposed activity on adjoining properties and land uses, such as effects on surface drainage patterns, dust nuisance, or adverse effects on adjoining buildings. Permanent effects will be given more weight than temporary effects. Consideration will also be given to methods to avoid adverse effects on land use activities which are allowed in the Zone where the activity is located, such as the distance of activities from boundaries, and methods to avoid disturbance to adjoining properties, including livestock, particularly during birthing, and dust on fruit, particularly during harvesting season.

Dust will be managed as referenced in Section 11.2.1 and is considered appropriate in respect to managing effects on adjoining parties. The works will not alter or impact overland drainage in relation to any adjacent sites and with reliance on the assessment and designs of T+T will not destabilise or cause erosion of any adjacent site.

27.1.7D NOISE

In assessing the impact of noise, regard shall be had to the noise sensitivity of the receiving environment, including adjacent land uses, where it is proposed to undertake the activity. Consideration will also be given to hours of operation of the activity.

Noise will be managed according to the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999. On this basis it is considered that noise effects will be less than minor.

27.1.7E EFFECTS ON SPECIFIC DISTRICT WIDE ACTIVITIES AND LOCATIONS

The extent to which the activity will interfere with, or adversely affect:

(a) Access to and along watercourses and waterbodies.

(b) Recreation, Conservation or Natural Areas (see District Plan Section 13.1 Open Space Environments).

The location and form of the proposed stopbank features will not prevent opportunities for access to and along the Ohiwia Stream or Ngaruroro River from being established if a decision is made to do so following completion of the works. Matter (b) is not particularly relevant.

27.1.7F EARTHWORKS WITHIN OUTSTANDING NATURAL LANDSCAPES (ONFL)

Not applicable to this site.

27.1.7G ADDITIONAL SPECIFIC ASSESSMENT CRITERIA FOR MINING AND EXPLORATION ACTIVITIES ONLY

Not applicable to this activity.

In summary, the extent of earthworks is considered to have less than minor adverse effects on people, property and the environment.

Finally, and as outlined in regard to Assessment Criteria 27.1.7A, given the sites from which any material would be removed in respect to (3) do not form part of a production unit, and the areas concerned will go on to accommodate critical flood protection features, the removal of material is not expected to compromise the life-supporting capacity of soils or the production potential of the Plains Zone.

11.2.3 Summary

The key issue with the predominant activities undertaken outside the OiC Footprint (those being the diversion of water during flood flows and earthworks) is the actual or potential effects of consequential flooding. The specific effects identified by T+T on the receiving environment and particular parties have been considered and analysed to determine that, in the context of the existing environment, flooding effects will be less than minor.

Secondly, there is a clear finding that the standardised conditions (as influenced by the amendments outlined above) of the OiC (which were specifically designed by MfE to manage the relevant impacts of flood protection works on the environment) are equally suitable for managing the effects of the activities occurring outside the OiC Footprint as within it. There is no reason why they cannot be adopted to avoid, remedy or mitigate the effects of equivalent activities outside the OiC Footprint.

Adopting a consistent set of conditions for works within and outside the OiC Footprint will enable effective monitoring and implementation of the consents and is consistent with the theme of SWERLA to enable other legislation to operate more flexibly. Rather than having two separate consent documents with the same conditions, it is suggested that the face of the consent document could reference the different consents authorised under the different legislation/Plans, but with the same set of conditions applying to both.

11.3 Section 95-95G Assessment – Notification

The following assessment focuses on the effects associated with the works outside the OiC Footprint.

There is no presumption in the RMA as to whether or not an application will be notified, and a consent authority has discretion in determining whether or not notification is necessary. This assessment is primarily governed by Section 95A and Section 95B of the RMA.

11.3.1 Section 95A Assessment – Wider Environmental Effects

Section 95A of the RMA considers the need for public notification and sets out four steps in a specific order to be considered in determining whether to publicly notify.

In terms of Step (1), public notification has not been requested, Section 95C pertaining to notification in the event that further information is not provided under Section 92 is not applicable, and the application is not being made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In terms of Step (2), none of the circumstances precluding notification are applicable.

Moving to Step 3, notification is not required by a rule in a Plan and the adverse effects of the features outside the OiC Footprint on the wider environment have been demonstrated in Section 11.2. of this report to be positive in respect to reducing the wider impacts of flood events, and less than minor in the case of other matters.

Lastly, Step 4 requires the consideration of any special circumstances. The purpose of considering special circumstances is to look at matters that are beyond the plan itself. Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc.) v Minister of Energy* [1996] 2 NZLR 529 (Court of Appeal)).

Special circumstances must also be more than where a council has had an indication that people want to make submissions and must be more than just the fact that a large or interesting activity is proposed. The fact that some parties may have concerns about a proposal, or a relevant topic does not in itself give rise to special circumstances.

It is submitted that consideration of the proposed activities is well provided for under the Regional and District Plan planning documents and that the actual or potential effects of the proposal are well understood. There are not considered to be any special circumstances in this particular case to justify notification. Public notification is therefore not required under any of the pathways in Section 95A.

11.3.2 Section 95B Assessment – Effects on the Local Environment and Particular Parties

While public notification is not necessary, any effects of the proposal on the local environment and upon particular parties must still be considered. This is addressed through

Section 95B of the RMA, which has four steps similar to Section 95A.

In terms of Step (1), being outside the coastal marine area we understand there are no affected protected customary rights or customary marine title groups in terms of Subclause (2).

In terms of subclause (3), and whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11, the proposal falls within a Statutory Acknowledgment Area of both Mana Ahuriri and Tamatea Pōkai Whenua. The scale of effects on the entities therefore needs to be considered in the context of S95B (refer Step 3 below).

In terms of Step (2), none of the circumstances in Subsection (6) that would preclude limited notification apply. We therefore move to Step (3).

Step (3) requires the consent authority to determine, in accordance with Section 95E, whether there are any affected parties. Section 95E states that a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

The scale of effects arising from the various features/activities to be undertaken outside the OiC Footprint has been identified and considered in Section 11.2 above. While the ability to utilize the land concerned will be resolved during land access agreement processes, effects on adjoining parties have been considered with particular focus flooding. In the context of the existing environment, and the reasons expressed in relation to the relevant assessments in Section 11.2, those effects have been determined to be less than minor.

Lastly, Step 4 is similar to Step 4 of Section 95A and considers whether special circumstances exist that warrant notification of the application to any other persons not already determined to be eligible for limited notification. No special circumstances are considered to exist in this regard.

On the basis that there are no affected parties or any special circumstances, the application may be processed on a non-notified basis - acknowledging a number of parties will still have the opportunity to provide comment on the broader flood protection proposal under Clause 15 of the OiC.

11.4 Section 104(1)(b) – Policy Assessment

In accordance with section 104(1)(b) of the RMA, a consent authority must, subject to Part 2 of the RMA, have regard to the relevant provisions of any statutory plans and policy statements. This includes any relevant provisions of:

i) National Environmental Standards (**NES**)
ii) Other regulations
iii) National Policy Statements
iv) The New Zealand Coastal Policy Statement (**NZCPS**)
v) Regional Policy Statements or proposed Regional Policy Statements (**RPS**)

vi) A Plan or Proposed Plan

With the NES for Assessing and Managing Contaminants in Soil to Protect Human Health being dealt with in Section 7.2, and the NPS-F and NPS-HPL being considered in Section 11.1, the provisions of Regional Policy Statement, Regional Plan and Hastings District remain to be considered.

11.4.1 Regional Policy Statement

The Regional Policy Statement is contained in Chapter 3 of the RRMP – with various Objectives and Policies relating to water quality and quantity matters. In light of the minor scale of effects identified in Section 11.2.1, the proposed dewatering and discharge activities are not expected to compromise the outcomes sought i.e.:

- There is unlikely to be any degradation of groundwater in respect to Objective 21,
- Significant adverse effects on the long-term quantity of groundwater in aquifers and on surface water resources respect to Objective 23 and on existing users in respect to Objective 24 and Policy 38 will be avoided,
- Operations will be undertaken and measures will be in place to manage the quality of water will be maintained in line with Objective 25.

Importantly, the proposal is also consistent with Objective 31 relating to natural hazards. which is the avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood. This is very purpose of the proposal and as outlined the various assessments, it is consistent with the directions set down in Policy 55 and takes account of existing infrastructure in respect to Objective 32.

Finally, development of the broader proposal has given effect to Objectives 34 – 36 in respect to recognising tikanga maori, providing for contributions, consultation and proving for the protection of wahi tapu and other taonga.

11.4.2 Regional Plan

The Regional Plan is contained in Chapter 5 of the RRMP. Again, there are a number of Objectives and Policies relating to water quality and quantity matters. In light of the assessments above, and to avoid unnecessary repetition, the proposal is not considered to compromise any of the policy directions or environmental guidelines stated.

Noting the specific reference to Policy 79 in Rule 59 pertaining to diversion however, it is noted that the guidelines contained in Table 12 that activities affecting river beds are to be managed in accordance with relate to the active riverbed and are not applicable to considering the effects of flood flow beyond the river berm - as is the case of the 'diversion' activity being considered in this application.

11.4.3 District Plan

While Objectives NHO1 and NHO2 relating to natural hazards seek to minimise the effects of natural hazards on the community and the built environment and avoid increasing the risk to

people, property, infrastructure and the environment from the effects of natural hazards respectively, which the proposal seeks to achieve, the provisions in Chapter 27.1 of the District Plan relating to earthworks are applicable.

Here Objective EMO1 seeks to enable earthworks within the Hastings District while ensuring that the life-supporting capacity of soils and ecosystems are safeguarded and adverse effects on landscapes and human health and safety are avoided, remedied or mitigated.

Objectives EO2 and EO4 relate to the investigation and use of the district mineral resources, which are not relevant to this proposal.

Objective EO3 is that the water quality and life supporting capacity of the Heretaunga Plains Unconfined Aquifer Water Resource is not compromised by the effects of land use activities occurring over it, including activities associated with the extraction of oil and gas. Although the areas of work are located over the Unconfined Aquifer Water Resource, Policies to achieve this relate only to oil and gas extraction activities.

Objective EMO5 is to ensure that earthworks and mineral extraction do not compromise outstanding natural features, historic heritage and cultural heritage features (including archaeological sites).

These are generally achieved through the following policies. The remaining objectives and policies relate to mineral extraction or earthworks within Outstanding Natural Landscapes and are not relevant to this proposal.

EMP1 Require the re-pasture or revegetation of land where vegetation is cleared in association with earthworks, prospecting and extraction of aggregates or other minerals.

EMP3 Protection of productive soils within the District from large-scale stripping, stockpiling, alteration and removal to ensure the land can still support a range of productive land uses.

EMP5 Control earthworks, exploration and mining activities to ensure that any adverse effects on the natural and physical environment and the amenity of the community, adjoining land uses and culturally sensitive sites are avoided, remedied and mitigated.

EMP13 Permanent visual scars resulting from earthworks and mineral extraction and the impact that they may have on cultural values will be restricted on identified Cultural Landscapes and Outstanding Natural Landscapes throughout the District.

EMP14 Historic Heritage Features will be protected from the effects of earthworks and mining activities

The matters raised in the Polices reflect those considered in the assessment criteria in Section 11.2.2 above. Overall, the circumstances of the proposal do not give rise to issues associated with the protection of productive soil in respect to EMP3, and it has been demonstrated that the works will be undertaken / managed in a manner consistent with EMP1, EMP5, EMP13 and EMP14.

Overall, the proposal can be considered consistent with the Objectives and Policies pertaining to earthworks, and totally aligned with Objectives NHO1 and NHO2 relating to natural hazards which essentially seek to minimise the effects of natural hazards.

11.5 Section 104(1)(c) – Other Matters

Section 104(1)(c) provides for any other matter the consent authority considers relevant and reasonably necessary to determine the application to be given regard. With reference to the matters already considered in the body of this report, there are not considered to be any 'other matters'.

11.6 Part 2 Assessment

The assessments contained in Sections 11.2, 11.4 and 11.5 of this report are subject to the matters contained in Part 2 of the RMA, which contains Sections 5, 6, 7 and 8.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources and is supported by Sections 6, 7 and 8. Sections 6 and 7 contain the "matters of national importance" and "other matters" and Section 8 provides for the principles of the Treaty of Waitangi. These sections are hierarchical and provide for a different level of consideration to be given to each.

Regarding the extent to which Part 2 of the RMA should be considered in determining applications for resource consent, it is acknowledged that the relevant planning documents (RPS, HDP, RRMP and RCEP) have been competently prepared having regard to Part 2 and have coherent sets of policies. For completeness, the following brief assessment under Part 2 is provided.

The matters listed in Section 6(a), (b) and (c) relate to natural character, outstanding natural features and landscapes and significant indigenous vegetation and habitats of indigenous fauna. The area of work has been assessed and is either not characterized by such features or works will be undertaken to avoid the identified matters being compromised. Access along rivers as provided for in Section 6(d) will not be compromised.

There are no identified heritage values that may be compromised in terms of Section 6(f), while the works will be managed to avoid the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga being compromised as provided for by Section 6(e). Sections 6(a), 6(aa) and 8 have been given regard / taken account of through the engagement undertaken and envisaged to continue through the proposed conditions of consent. In terms of Section 6(h) pertaining to natural hazards, the very purpose of the proposal is to reduce the impact of flooding on the community. Climate change has been given regard in respect to Section 6(i).

Turning to Sections 7(c) and 7(f), particular regard has been given to amenity values and the maintenance and enhancement of the quality of the environment, and it has been demonstrated that the activity's scale of effects on the receiving environment, including surface water resources, is acceptable.

12. CONCLUSION

The works involve the primary flood protection feature being located within the OiC Footprint together with supporting drainage and mitigation features located outside it. Features within the OiC footprint have been considered under the OiC and those outside it under the standard RMA process. It has been demonstrated that this is not an unanticipated consequence of the OiC. In the unique context of SWERLA and the bespoke consenting framework provided by the OiC, the activities within and outside of the OiC can and should be assessed separately in an unbundled manner.

Works within the OiC Footprint

The works within the OiC Footprint are a Controlled Activity, and the application for these works must be granted, and processed on a non-notified basis. Engagement with mana whenua, local authorities and key stakeholders, together with technical assessments, have ensured the robust development of a flood protection proposal that will achieve significant benefits to Category 2 land.

Key issues arising from the specific flood protection works design have been identified and worked through in this report, with the standardised conditions being largely adopted to avoid, remedy or mitigate the actual or potential adverse effects of the proposal in line with the approach established in OiC. Where a sufficient degree of design and assessment has been undertaken such that effects and mitigation are clear, amendments have been made to the standardised conditions to enable efficient implementation of the recovery works.

Works outside the OiC Footprint

In terms of the activities outside the OiC Footprint and subject to the standard RMA process, consent is required under the NES-CS, HDP, RRMP and as a discretionary activity overall.

It has been demonstrated that the effects of these components of the proposal will be less than minor, and in keeping with the applicable planning documents. Limited or public notification is not required.

Further, it has been demonstrated that consent for these activities can be granted subject to the same condition framework applied to the activities within the OiC Footprint. These conditions are more than appropriate to manage the effects of the proposal, and adopting a consistent approach to conditioning the works will enable more efficient and effective consent implementation.

Having considered the components of the Project to be assessed under the standard RMA process in terms of Part 2 of the RMA, it has been determined that the grant of consent for a discretionary activity is appropriate under sections 104 and 104B of the Resource Management Act 1991.

Appendix 1

Cultural Impact Assessment

(to be provided confidentially)

Appendix 2

Archaeological Screening Assessment

Appendix 3

Ecological Impact Assessment Report

Appendix 4

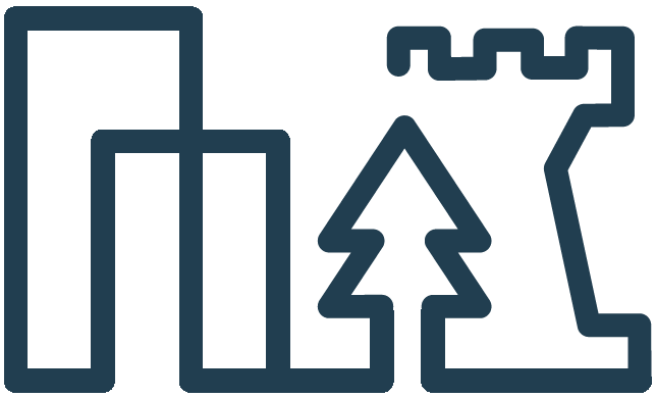
Landscape Scoping Study

Appendix 5

Preliminary and Detailed Site Investigation

Appendix 6

Summary of Design Report



Appendix 7

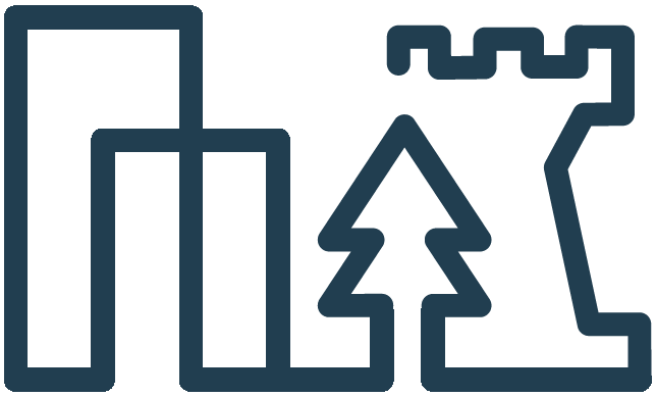
Proposed Resource Consent Conditions

Appendix 8

Draft Contaminated Site Management Plan

Appendix 9

Earthwork Plans (According to Properties and OiC)



Appendix 10

List of Māori Entities and Section 15(2)(a) Parties

Some names and contact details to be provided confidentially

Appendix 11

Consequential Flooding Effects Assessment

(Tonkin and Taylor)

Appendix 12

Duration of Flooding Effects

(Tonkin and Taylor)

Appendix 13

Consequential Flooding Assessment

(Beca)