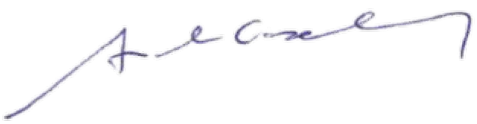
Resource Consent Application For Stopbank Works

Pākōwhai Flood Protection

Signed by – Andrew Caseley
Manager Regional Projects/Programme Director



HAWKE'S BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

IRP Infrastructure Resilience Programme
NGĀ MAHI TŪROA

STRADEGY
Urban, Environmental & Strategic Planning

Resource Consent Application for Flood Protection Works

Pakowhai Flood Protection Works

Hawke's Bay Regional Council

24126AP1
26 November 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/- Harry.Donnelly@hbrc.govt.nz

Site Details: Various sites in Pakowhai - as follows:

Legal Description
Pt Pakowhai Maori Reserve 1 Blk Maori Land Plan 864 and Section 1-3 SO Plan
Lot 14-15 Deeds Plan
Lot 2-3 Deposited Plan
Part Lot 2 Deeds Plan 376
Lot 35 and Lot 40 Deeds Plan 493
Lot 3 Deposited Plan 10514
Lot 2 Deposited Plan 10514
Lot 1 Deposited Plan 10514
Lot 2-3 Deposited Plan 6071
Lot 2 Deposited Plan 389718
Lot 1 Deposited Plan 374026
Lot 2 Deposited Plan 374026
Lot 39-40 Deeds Plan 80
Lot 1-2 Deeds Plan 437
Lot 3 Deed Plan 437
Section 43 Block XII Heretaunga Survey District
Lot 1 Deposited Plan 12698
Lot 2 Deposited Plan 512396 and Lot 2 Deposited Plan 20869
Lot 6 Deeds Plan 437
Lot 2 Deposited Plan 460806
Section 15 Block XI Heretaunga Survey District and Lot 2 Deposited Plan 309041
Lot 1 Deposited Plan 12546
Lot 2 Deposited Plan 12012 and Section 1 Survey Office Plan 9891
Lot 1 DP 22965, Lot 2 DP 2721 and Section 2 Survey Office Plan 9891
Lot 2 Deposited Plan 16843
Lot 1 Deposited Plan 20523
Lot 1 Deposited Plan 16843
Paper Road Road Reserve
State Highway 2 Road Reserve

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 **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
Senior Associate - Planning

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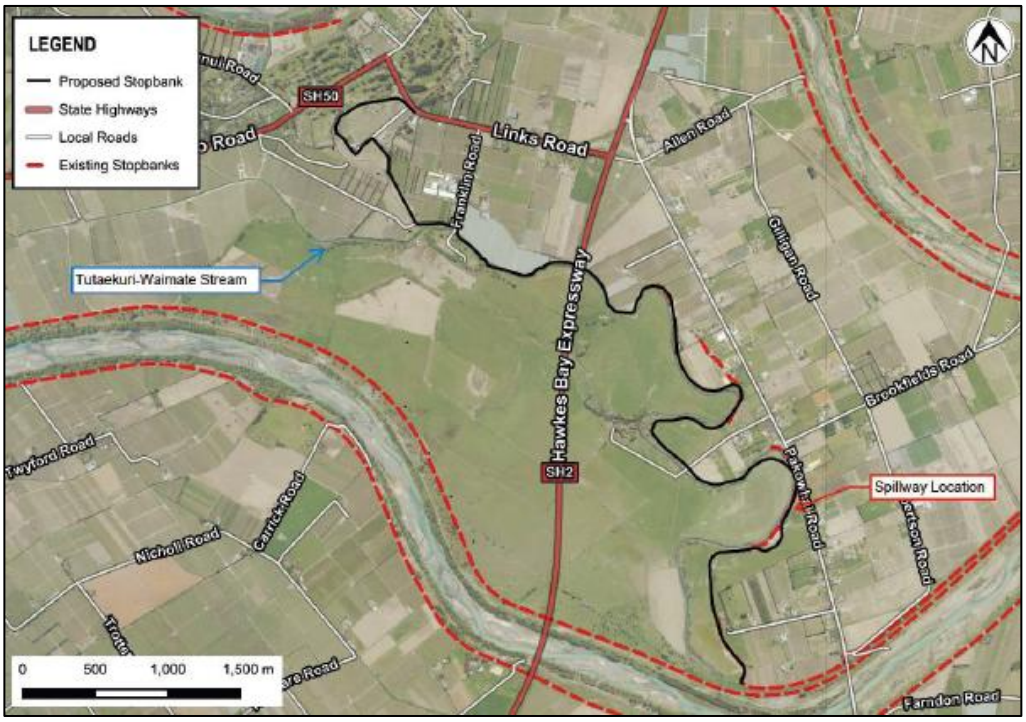
1. INTRODUCTION

The Pakowhai flood protection project ("**Project"**) is an initiative by Hawke's Bay Regional Council ('HBRC') to construct a new stopbank and floodwalls that will provide enhanced flood resilience to the Pakowhai community.

The Project involves construction of a new circa 8,930m long stopbank / floodwall between Links Road and the Ngaruroro River south of Hodgson Road as shown in **Figure 1** below. The stopbank will generally extend along the eastern side of the Tutaekuri-Waimate Stream and Waiohiki Drain, and will also involve various features such as flood walls, retaining walls, a flood control spillway, various road crossings, access ramps and stormwater drainage culverts and swales. Minor diversion of the Tutaekuri-Waimate Stream is also proposed to provide room to construct the stopbank.

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.

Resource consents for the Project are being sought under the:

1. Severe Weather Emergency Recovery Legislation (Hawke's Bay Flood Protection Works) Order 2024 ("**the OiC**"), for all aspects of the Project contained within the area to which the OiC applies (**"OiC Footprint"**); and
2. Regional Resource Management Plan (**"RRMP"**) and Hastings District Plan (**"HDP"**) as they apply to all aspects of the Project located outside the OiC Footprint.

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

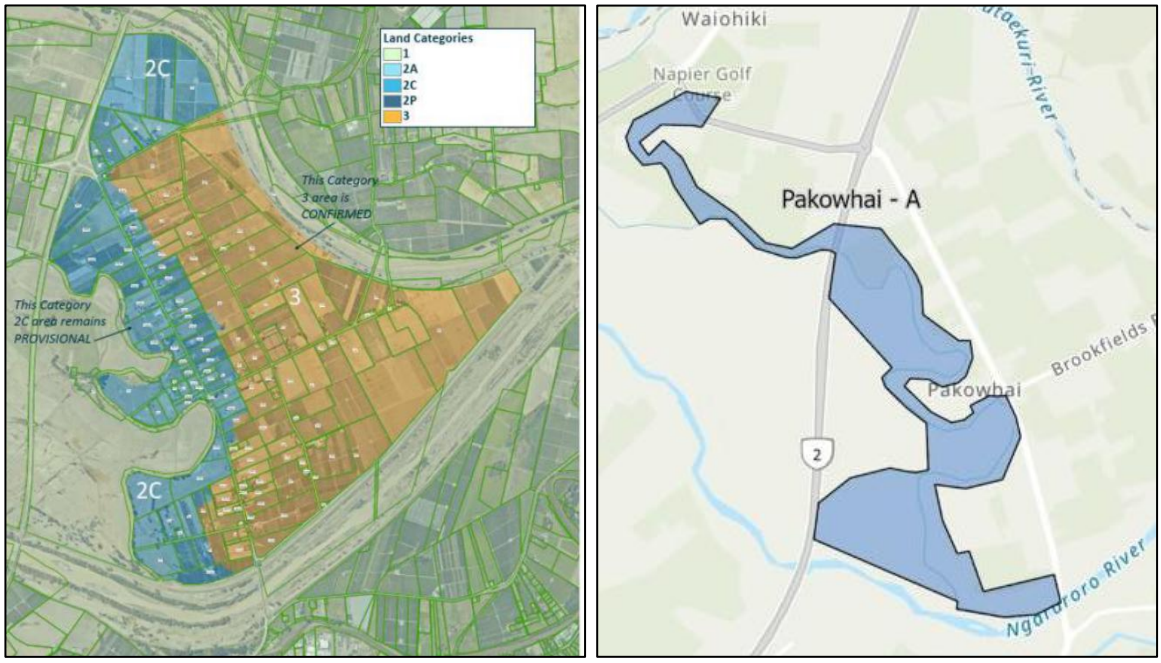
Expert Report	Author	Purpose
Cultural Impact Assessment Cultural Aspirations and Assessment Report	Ngati Parau Hapu Trust Ngāti Hinemoa, Ngāti Hawea and Ngāti Hori	To advise on cultural context and cultural values associated with the area.
Archaeological Risk Assessment	HB Archaeology	To determine the risk of encountering archaeology and advise on the appropriate response in regard to progressing the works.
Ecological Impact Assessment	Tonkin and Taylor (T+T)	To determine ecological values and methods to manage ecological effects.
Landscaping Scoping Assessment	Narrative	To determine the need for landscape mitigation.
Preliminary Site Investigation Detailed Site Investigation Further DSI	T+T	To determine the potential for soil contamination and the nature of any management procedures.
Design Report and Plans - Stopbank	T+T	To provide details of the proposal.
Consequential Flooding Effects Assessment	T+T	To determine any changes in flood impacts as a result of the proposal and the need for mitigation.
Consequential Flooding Assessment	Beca	To review the consequential flooding effects of the proposal
Traffic Impact Assessment	East Cape Consulting (EEC)	To assesses potential traffic effects during construction

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 Pakowhai, the flood protection works are proposed to provide flood protection to residential dwellings within parts of Pakowhai – specifically those within the Category 2C area identified in **Figure 2** so they can be moved 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 OiC Footprint is also shown below.

Figure 2: Category 2C Properties and the 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, (3), optimised alignment choices based on budget limitations, affected site constrains, constructability, and (4), comprehensive community engagement.

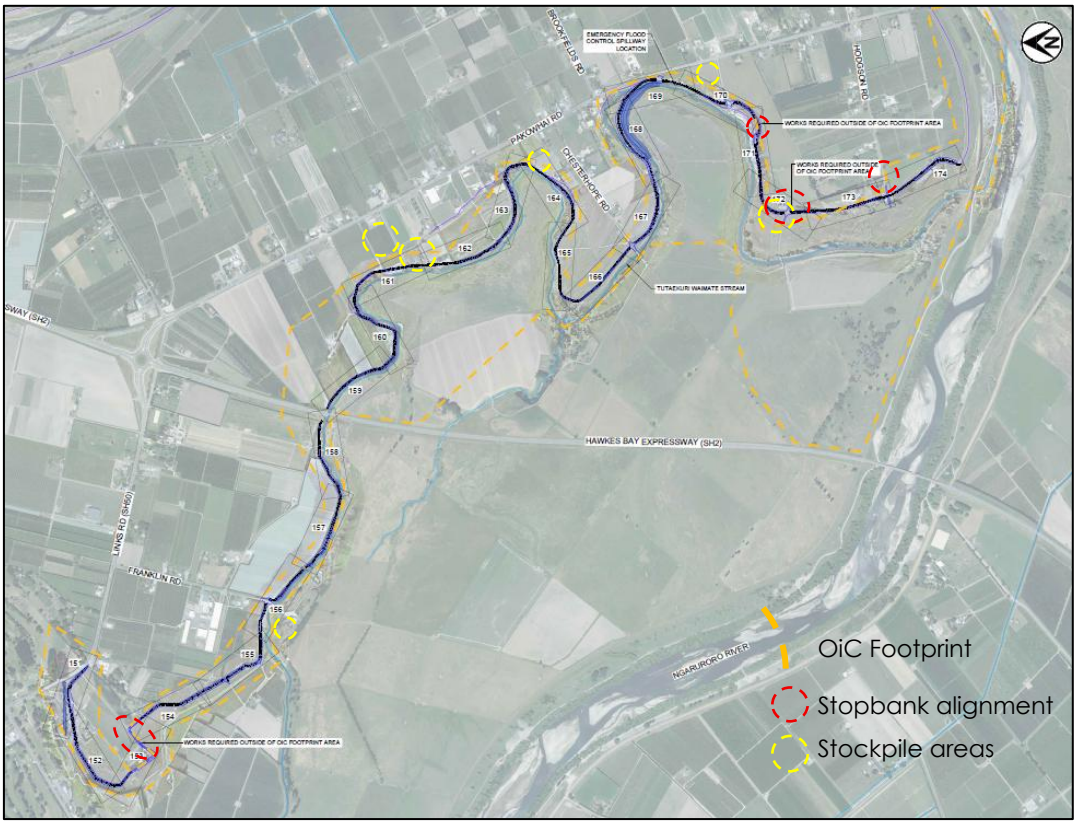
Since then, further analysis to inform the design process has been undertaken. As shown in **Figure 3**, while most of the primary flood protection feature remains within the OiC Footprint, there are four areas where the alignment of the stopbank is slightly outside it, with four stockpile areas also located outside it.

The consenting requirements associated with these works are not subject to the OiC process and will need to be considered under the standard RMA process i.e. any applicable rules of National Environmental Standards and District and Regional Plans.

The majority of the stopbank alignment is within the OiC Footprint. The portions of the proposed alignment that sit outside the OiC Footprint are considered to be minor deviations while still meeting the requirements to move the category 2C properties to category 1. The fact that some components of the alignment need to be considered under the standard RMA process does not, however, detract from the purpose of the OiC and its enabling legislation the Severe Weather Emergency Recovery Legislation Act 2023.

The practical effect of the mixed application of the OiC is that portions of the Project will benefit from the OiC's bespoke process, while others will need to be processed under the RMA, in an orthodox manner.

Figure 3: Works Outside the OiC Footrpint



Noting the need to consider the broader 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 previously been discussed with each Consent Authority.

Section 2	Background • Impacts of Cyclone Gabrielle • Project Purpose • OiC – purpose and overview
Section 3	Design Process
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	Resource Consents Needed
	• OiC
	• Standard RMA process
	  o National Environmental Standards
	  o Hastings District Plan
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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, NZCPS, RPS, RPs, DP) • Section 104(1)(a) Assessment - Assessment of Environmental Effects • Section 95-95G Assessment - Notification • Section 104(1)(b) Assessment - Policy Assessment (NPS, RPS, RPs, 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 have included:
    - Minimising impacts on State Highway 2,
    - Corridor constraints and minimising impacts on private property/infrastructure and the Tutaekuri-Waimate Stream,
    - The location of the spillway and management of spill flows,
    - Accommodating existing drainage patterns,
    - Potential construction traffic effects at intersections and vehicle crossings
    - Consideration of consequential flooding arising from the new stopbank,
    - Accommodating the input of Ngati Parau Hapu Trust and Ngāti Hinemoa, Ngāti Hawea and Ngāti Hori 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 by removing this land categorisation,
4. The standardised conditions of the OiC have been largely adopted - and applied to activities outside the OiC Footprint to avoid, remedy or mitigate the actual or potential adverse effects of the proposal.

2. BACKGROUND

2.1 Impacts of Cyclone Gabrielle

On 14 February 2023, Cyclone Gabrielle caused both the Tūtaekurī and Ngaruroro Rivers to breach their stopbanks, leading to rapid and widespread flooding across Pakowhai.

Floodwaters rose swiftly, reaching ceiling height in some homes and submerging vehicles. Many residents were forced to evacuate, some scrambling onto rooftops to escape the rising waters, with many being recused by jetboats.

The weather event caused loss of life, significant ecological damage, including sedimentation, riparian vegetation loss, and degraded freshwater habitats.

2.2 Project Purpose

The purpose of the flood protection works/Project is to provide flood protection to residential dwellings within parts of Pakowhai to allow the identified Category 2C properties to move to Category 1. As noted above, this change will have significant implications for these properties, as it will allow residential activity to safely resume and will remove insurance related uncertainty.

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.

Hawke's Bay Regional Council developed both a process and a technical framework to assess affected properties. In short:

- Where the future risk from flooding is determined to be intolerably high, and where that risk cannot be sufficiently mitigated, those properties were identified as Category 3,
- Where future flood risk can be mitigated by community or property level interventions, those properties were identified as Category 2 (being either 2P and 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 repair or rebuild of affected dwellings/property and land development 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 find out more about planning for an emergency including

flooding. Indeed, the target Level of Service for Category 1 land in Pakowhai is protection during a 1:200 year event[1].

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

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

The purpose of SWERLA was to assist communities and local authorities to respond to and recover from the impacts of recent severe weather events in New Zealand, particularly Cyclones Hale and Gabrielle and the early 2023 floods. Specifically, the Act aimed 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 it 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 OiC framework applies to flood protection 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.

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

- 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 Pakowhai project. Amendments to the standardised conditions are discussed in various sections of this report in response.

3. DESIGN PROCESS

HBRC's brief was to develop a flood protection solution to provide protection to Category 2 land in Pakowhai during an overtopping or stopbank breach event from either the Ngaruroro or Tūtaekurī Rivers or both, up to a 1 in 100-yr Average Recurrence Interval (ARI). The Tūtaekurī-

Waimate Stream catchment is relatively small and the 1 in 100-yr ARI flood flows are generally held within the existing stream banks - as are flood flows in the Tūtaekurī and Ngaruroro Rivers during the 1 in 100-yr ARI flood flows. Noting the vulnerability of the Pakowhai area to a breach or overtopping scenario involving these main river water bodies however, HBRC has adopted a design inflow into the Pakowhai area of 200 m^3/s, which is significantly greater than a 1 in 100-yr ARI LoS local catchment flow (approximately 30 m^3/s) and represents a 1:200 ARI event in the main rivers.

T+T developed and refined a Pakowhai area hydraulic model, including inflow boundary conditions at Waiohiki and Koropiko Road (SH50) near Fernhill, with a combined inflow of 200 m^3/s as the basis of the design peak inflow. The flood model used to determine stopbank levels assumes the Waiohiki stopbank will overtop (i.e. the Tūtaekurī River flood level would need to exceed a 1 in 100-yr ARI event). The Korokipo Road inflow location is generalised to assume flow could be in coming from the local catchment or overtopping/breach events at Moteo or Omahu (i.e. the Ngaruroro or Tutaekuri River flood level would need to exceed a 1 in 100-yr ARI event).

Site investigations to develop the stopbank alignment were then undertaken together with design of a spillway to better direct flows in an overdesign event, up to approximately 350m^3/s to discharge into the Category 3 land, east of Pakowhai, rather than overtopping into Category 2 properties and residences. Flood modelling was refined and considered as part of the concept and preliminary design processes.

4. APPROACH TO ASSESSMENT OF APPLICATION

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

Since then, further analysis to inform the design process, consideration of property constraints and significant community engagement has been undertaken, and as explained above, the proposed Project now involves minor extents of the stopbank (and associated works) and a number of stockpile areas outside of the OiC Footprint. The potential need for additional resource consents to be obtained under the standard RMA process, to enable activities associated with the flood protection works (including for activities outside the OiC Footprint), is expressly provided for and contemplated in Clause 13(3)(b) of the OiC. As a result, the OiC was not anticipated to provide for all aspects of a flood protection works project, with the potential that other consents may be required.

For the Project, the majority of the stopbank and construction laydown areas remain within the OiC Footprint. For those aspects, it is appropriate to complete the necessary consent assessment using the bespoke framework provided by the OiC.

A very small minority of the Project is located outside the OiC Footprint and 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:
    - Hastings District Plan,
    - Designations,
    - Hawkes Bay Regional Council Regional Planning Documents,
- 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 extends along the Tūtaekurī-Waimate Stream as shown in **Figure 4** below. Of particular note:

- Pakowhai Road is defined as an Arterial Road in the Hastings District Council Road Hierarchy, and Links Road as a National Road – being part of the State Highway 50

network. The Hawkes Bay Expressway, also part of the State Highway 2 network runs north-south west of Pakowahi Road,

- The Napier Golf Club adjoins the northern extent,
- Pakowhai School is located on Chesterhope Road,
- The Pakowhai Memorial Hall is located between the Tūtaekurī-Waimate Stream and Pakowhai Road, in close proximity to the stream bank,
- Land on the west of the Tūtaekurī-Waimate Stream is essentially managed as a single farming unit, while land on the east is comprised of many properties, generally used for horticultural/primary production purposes.

Figure 4: Site location

5.2 Subject Properties

The properties on which the proposed works are to be carried out are illustrated in **Figure 5** and detailed in **Table 2** below.

Specific properties/areas are intended to be acquired, or land access of various sorts (easements and covenants) agreed, by HBRC to accommodate the footprint and requirements (e.g. increased ponding on the Joan Fernie Charitable Trust property) of the proposed features and project. Any existing easements will remain. Agreements to acquire or access the relevant land are currently being worked through with the relevant landowners.

Figure 5: Land on which the works will be undertaken

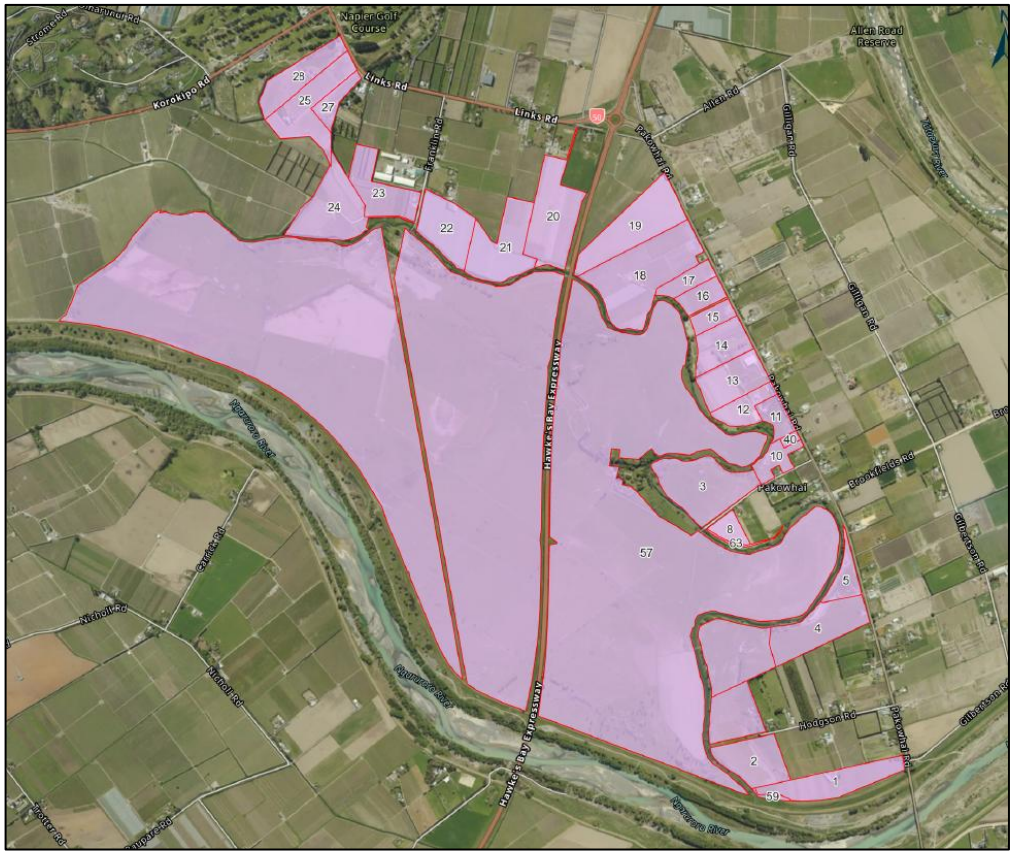


Table 2: Land on which the works will be undertaken

Map Ref	LINZ Property ID	Legal Description
1	1926287	Pt Pakowhai Maori Reserve 1 Blk Maori Land Plan 864 and Section 1-3 SO Plan
2	2046370	Lot 14-15 Deeds Plan
3	1809407	Lot 2-3 Deposited Plan
4	1848561	Part Lot 2 Deeds Plan 376
5	1982821	Lot 35 and Lot 40 Deeds Plan 493
6	1878419	Lot 3 Deposited Plan 10514
7	1878531	Lot 2 Deposited Plan 10514
8	1878427	Lot 1 Deposited Plan 10514
9	1809407	Lot 2-3 Deposited Plan 6071
10	4439914	Lot 2 Deposited Plan 389718
11	4379112	Lot 1 Deposited Plan 374026
12	4379113	Lot 2 Deposited Plan 374026
13	1806357	Lot 39-40 Deeds Plan 80
14	1976981	Lot 1-2 Deeds Plan 437
15	1926109	Lot 3 Deed Plan 437
16	1881117	Section 43 Block XII Heretaunga Survey District
17	1813203	Lot 1 Deposited Plan 12698

18	4853870	Lot 2 Deposited Plan 512396 and Lot 2 Deposited Plan 20869
19	1814833	Lot 6 Deeds Plan 437
20	4675266	Lot 2 Deposited Plan 460806
21	3401528	Section 15 Block XI Heretaunga Survey District and Lot 2 Deposited Plan 309041
22	1833070	Lot 1 Deposited Plan 12546
23	1778725	Lot 2 Deposited Plan 12012 and Section 1 Survey Office Plan 9891
24	1995515	Lot 1 DP 22965, Lot 2 DP 2721 and Section 2 Survey Office Plan 9891
25	2039276	Lot 2 Deposited Plan 16843
27	1963559	Lot 1 Deposited Plan 20523
28	1941016	Lot 1 Deposited Plan 16843
		Paper Road Road Reserve
		State Highway 2 Road Reserve

5.3 Planning Context

The works will be undertaken within the district and region of the Hastings District Council ("**HDC**") and Hawke's Bay Regional Council ("**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 be undertaken within the Plains Production Zone of the HDP as generally shown in **Figure 6** below – and within a small strip of the Open Space Zone alongside the Tūtaekurī-Waimate Stream south of Chesterhope Road.

Other notations on the planning map include:

- An unclassified Archaeological Site of a group of Notable Trees west of Franklin Road,
- National Transmission Pylons and Transmission Lines,
- The List 2 status of the Tūtaekurī-Waimate Stream Riparian Land Management classification,
- Wahi Taonga Site – Battleground – Urupa, referred to as W13.

Designations

It is noted in the HDP that all existing roads and State Highways are deemed to be designated for roading purposes. Apart from where the stopbank crosses Franklin Road, State Highway 2 and Hodgson Road, and where State Highway 2 may experience inundation between the Ngaruroro River road bridge to the south and the proposed stopbank to the north, the alignment is not subject to any identified Designations in the Hastings District Plan – noting it is within close proximity to Designation MEDU - 11, being Pakowhai School with the Requiring Authority being the Ministry of Education and the purposes of the designation being for Education Purposes.

Figure 6: Hastings District Plan Planning Map Features

5.3.2 Hawke's Bay Regional Council Regional Planning Documents

The flood protection works are within an area subject to various planning map overlays within the Regional Resource Management Plan and Plan Change 9. Of particular relevance:

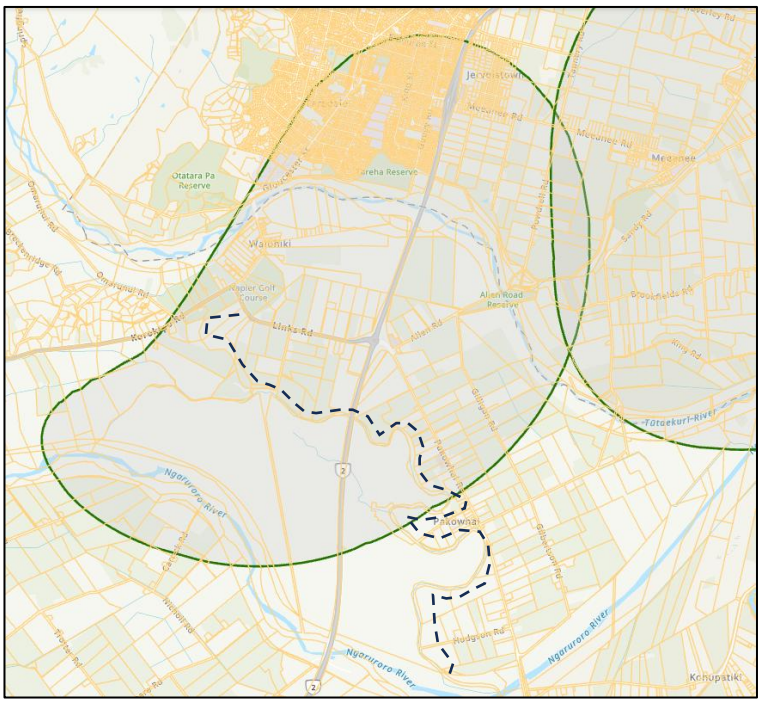
- The Tūtaekurī-Waimate Stream is subject to a minimum flow of 1,200l/s at Goods Bridge in both the operative Regional Plan and PC9,
- The area is within the Heretaunga – Ruataniwha Aquifer System (a Productive Aquifer System) in respect to the Operative Plan,
- The area of works is within an area of low contaminated vulnerability,
- The area of works 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 of Plan Change 9 and is within:
    - a low priority area for managing sediment,

- a low priority area for managing Phosphorus,
- a high priority area for managing Nitrogen,
- a priority area for managing Dissolved Oxygen,

- The area is within the Heretaunga Plains Groundwater Quantity Area and Ngaruroro Water Quantity Area and the Tūtaekurī-Waimate Sub area,
- The Heretaunga Plains Aquifer System is identified as an Outstanding Water Body,
- The northern extent of the alignment is within the Napier Source Protection Zone for Taradale as shown in **Figure 5** below.

Land use capability is considered in Section 5.4.7 below.

Figure 7: Napier 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,
- Existing drainage and 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 vicinity of Waiohiki, Kohupatiki, Waipatu and Ruahapia Marae,
2. Within the rohe of Ngāti Kahungunu,
3. Within the Area of Interest of both Mana Ahuriri and Tamatea Pokai Whenua,
4. Within:
    - The Mana Ahuriri 'Tuataekuri River and its Tributaries (OTS-206-19)' and 'Ngaruroro River and its Tributaries (OTS-206-14)' Statutory Acknowledgement Areas,
    - The Tamatea Pokai Whenua 'Tuataekuri River and its Tributaries (OTS-110-25)' and 'Ngaruroro River and its Tributaries (OTS-110-19)' Statutory Acknowledgement Areas,
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 Coastal Marine Area there are no holders of, or any applicants for, customary marine title.

Relevant Māori Entities

Section 12(2)(i) 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 the 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):

- Waipatu Marae,
- Ruahapia Marae,
- Kohupatiki Marae,
- Ngāti Pārau Hapū Trust,
- Ngāti Kahungunu,
- Mana Ahuriri – being a Post Settlement Governance Entity,
- Tamatea Pokai Whenua – being a Post Settlement Governance Entity.

Culturally Significant Land

Section 12(2)(d)(ii) 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 Hastings District Plan, Wahi Taonga Site – Battleground – Urupa, referred to as W13 is located within the southern extent of the works. The Cultural Impact Assessment ("CIA") prepared by Ngati Parau Hapu Trust and the Cultural Aspirations and Assessment Report ("CAAR") prepared by Ngāti Hinemoa, Ngāti Hawea and Ngāti Hori and summarised below provide greater insight to the culturally significant land comprising the project area.

In terms of (b), and as outlined above, the construction area is within:

- The Mana Ahuriri 'Tutaekuri River and its Tributaries (OTS-206-19)' and 'Ngaruroro River and its Tributaries (OTS-206-14)' Statutory Acknowledgement Areas,
- The Tamatea Pokai Whenua 'Tutaekuri River and its Tributaries (OTS-110-25)' and 'Ngaruroro River and its Tributaries (OTS-110-19)' Statutory Acknowledgement Areas.

Subclause (c) is not applicable.

Cultural Impact Assessment and Cultural Aspirations and Assessment Report

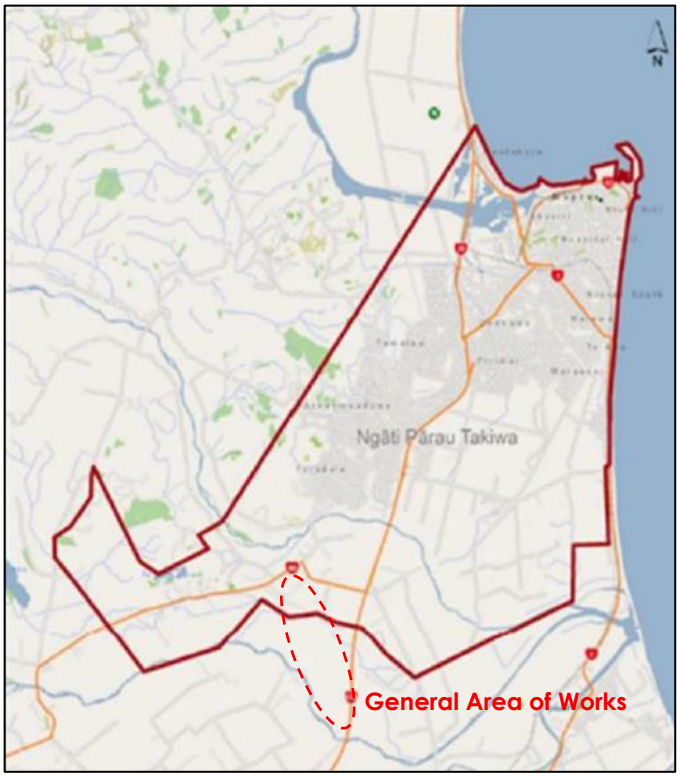
A CIA has been prepared by Ngati Parau Hapu Trust and a CAAR by Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori of Waipatu Marae. Referenced as **Appendices 1 and 2**, these have been

provided to HBRC on a confidential basis - noting inclusion of the following summaries has been approved by the authors.

The CIA refers to the image below as the Ngati Pārau Takiwa, which incorporates the northern extent of the stopbank alignment. Here it is stated:

> "Although Ngāti Pāraus takiwa interests and historical connections extend beyond the boundaries depicted…., the area specifically highlights the region where the hapū has maintained an unbroken connection for over 600 years. This enduring relationship emphasizes the profound cultural, historical, and spiritual significance of the area to Ngāti Pārau, making it a cornerstone of the hapū's identity and heritage".

Figure 8:



Historical background in respect to settlement of the area and land ownership is provided in Section 4, where a desire to enhance mauri of the aquifer and the Waiohiki Drain and the Tūtaekurī-Waimate Stream and associated springs and wetlands is emphasized.

Section 5 sets out the broader cultural values of the Hapu in respect to the whenua, wai, taiao, tangata and tipuna. In conclusion it is stated that:

> "The Ngāti Pārau Hapū cultural values – whenua, wai, taiao, tāngata, and tīpuna – are closely tied to the principles of kaitiakitanga, manaakitanga, whakapapa, wairuatanga, and rangatiratanga. These values reflect the deep connection the hapū have with the land, environment, people, and ancestors, shaping our commitment to guardianship, care, and leadership within the community. These values provide the framework for how we live and care for our environment, nurture our relationships, and honour our ancestors. Together, they guide us in preserving the mana and mauri

of our people and the world around us, ensuring that future generations inherit a legacy of strength, unity, and harmony."

Further historical background in respect to geology, history and the Tūtaekurī-Waimate Stream and Waiohiki Drain is provided in Section 6.

The need for the proposed stopbank and other infrastructure upgrades to improve flood resiliency in the area in response to climate change is acknowledged in Section 8, while also raising the opportunity to enhance the ecological value of the area, particularly in and around the Tūtaekurī-Waimate stream and the Waiohiki Drain.

Recommendations are provided in regard to the following matters:

1. Restoration and Enhancement of the Tūtaekurī-Waimate Stream and Waiohiki Drain,
2. Addressing Environmental Impacts Proactively,
3. Preservation of Wāhi Taonga.

Turning to the CAAR, Section 1 outlines the background to the production of CAARs and the specific work plan for the preparing the CAAR provided.

In Section 2 provides context around the broader area of works location and impacts of Cyclone Gabrielle in regard to a number of metaphors, and it is this context that is drawn on in making a number of recommendations in Section 3.2 – which have a focus on the proposed stopbank design and capital works being undertaken in a way that enhances the mana and mauri of the cultural landscape.

The recommendations contained in the CIA and CAAR have been considered by HBRC are considered in Section 10.3.

5.4.2 Archaeology

An Archaeological Risk Screening assessment has been undertaken by Archaeological Hawke's Bay and is provided in **Appendix 3.** The assessment considered the risks of disturbances associated with different sections of the proposed stopbank and involved a review of the following together with a site visit:

- ArchSite (New Zealand Archaeological Association (NZAA) national archaeological site recording database),
- The New Zealand Heritage List/Rārangi Kōrero,
- Published literature,
- Historic aerial images,
- Historic maps,
- Hastings District Plan.

One recorded archaeological site was identified within the northern extent of the wider works area but not within the work corridor. It was nevertheless recognised that the wider landscape is highly significant and culturally sensitive, with a moderate to high

archaeological risk, and it was further acknowledged that the area is potentially significantly 'under-recorded' due to historic flood silt overburden obscuring usual surface indicators.

Taking this into account, an Archaeological Authority is in the process of being applied for under the Heritage New Zealand Pouhere Taonga Act 2014.

5.4.3 Water Bodies and Ecological Values

The key water bodies include the Waiohiki Drain and Tūtaekurī-Waimate Stream. A high-level overview of the freshwater and terrestrial ecological characteristics of these water bodies and the adjacent areas (likely to be affected by the construction of the stopbank) has been undertaken by T+T and is reported on in the Ecological Opportunities and Constraints Assessment provided in **Appendix 4**. This work involved the following 3 core stages:

- A desktop assessment of relevant ecological information for the proposed project area.
- Site visits involving:
    - Freshwater and terrestrial habitat assessments within the wider project area to identify and confirm areas of ecological value within and adjacent to the proposed project area,
    - Stream Ecological Valuation (SEV) within the Tūtaekurī-Waimate Stream and Waiohiki Drain catchments, at stream reaches that will potentially be impacted by stream reclamation associated with the proposed stopbank works,
    - Environmental DNA (eDNA) and macroinvertebrate sampling in the Tūtaekurī-Waimate Stream and Waiohiki Drain.
- Site visits for:
    - Bat surveys,
    - Lizard surveys,
    - Wetland surveys.

Key points include:

Freshwater:

Waiohiki Drain:

- Hydrological heterogeneity and instream habitat diversity was low, with the stream being mainly a long slow run with grassed channel banks.
- Based on observations and survey results, the Waiohiki Drain could provide habitat for diadromous species such as adult īnanga, although the presence of a flood gate at the confluence of the Tūtaekurī-Waimate Stream will restrict fish passage intermittently,

Tūtaekurī-Waimate Stream:

- The Tūtaekurī-Waimate Stream (in the assessed reach) is a low-grade channel, with a varying wetted width (approximately 6 - 15 m). The stream exhibited some meandering and appeared largely unaltered,
- Instream habitat was primarily a mixture of fast and slow runs, and pools. Small areas of riffle habitat were present,

- Most of the channel banks were grassed, with the bottom substrate being predominantly silt,
- There was a limited amount of in-stream habitat present for freshwater fauna, including bankside vegetation, macrophytes, fine gravels, undercut banks, and in-stream willows.
- Stream shading was generally low and was provided by the stream banks and tall grass or other vegetation in the riparian margins.
- Some sediment bubbling was evident where sediment had accumulated in areas of slow water flow, suggesting presence of anaerobic processes,
- Results of eDNA sampling (at two sites) identified eight species of native freshwater fish, three of which are classified as At Risk (Giant Bully, Longfinn Eel and Inanga), and one as Threatened (Lamprey). An additional two native freshwater invertebrate species, three Introduced and Naturalised species, and one marine fish were also detected at the sites,
- Common bully, longfin eel, shortfin eel, Īnanga, redfin bully, giant bully and lamprey species were identified within the catchment and are diadromous, meaning that they must migrate to the sea as part of their lifecycle. Therefore, access to habitats throughout the catchment is important so that these species can complete their lifecycles and aid in maintaining regional populations.
- Macroinvertebrate results indicated reduced in-stream ecological health.

Wetlands:

- While a number of wetland environments were identified, and would pass the vegetation tests under the WDPs, they are considered to be part of the Tūtaekurī-Waimate Stream channel and were therefore not considered by T+T to be wetlands,
- The one exception was where wetland characteristics (referred to as wetland 23) were identified at the western end of 1986 Pakowhai Road as shown below.

Figure 9: Wetland 23

Vegetation:

- Terrestrial vegetation within and around the site is dominated by exotic species, with large areas of grass and annual weeds along the stream. Large exotic trees are present in places along the stream, or as shelterbelts or specimen trees,
- There are no Significant Natural Areas (SNA) mapped within or near the site, no notable trees, and no areas recommended for protection or nature preservation within the site or its vicinity,
- While the occasional native tree and shrub species were identified in residential gardens, such species were largely absent from the area of works,
- All native vegetation recorded is classified as nationally Not Threatened,
- The desktop assessment did not reveal any records of privet (*Ligustrum* spp.), Chilean needle grass (*Nassella neesiana*) or yellow bristle grass (*Setaria pumila*) on site,

Terrestrial Fauna:

Bats:

- An acoustic bat survey was undertaken. No bats were detected,
- Based on the outcome of this survey, and that no bats were detected during surveys in Waiohiki and Ohiti, T+T consider it unlikely that long-tailed bats utilise this area. It is considered by T+T that no further bat management is required.

Birds:

- Suitable breeding habitat is available for a variety of native terrestrial and shorebird species which nest on or in trees and shrubs, long grass or short grass, although the species most likely to breed within the site are classified as Not Threatened,
- Potential wetland habitat within the site is highly degraded. It is considered unlikely that cryptic wetland birds are present, and the available wetland habitat is unlikely to be suitable for wetland birds to breed,
- While birds are generally mobile and can disperse during disturbance, they are vulnerable when nesting. Habitat clearance during nesting season should be avoided where achievable.

Lizards

- Potential lizard habitat in the stopbank footprint contained small discrete areas of high value anthropogenic debris lizard habitat totalling 8 ha but was primarily dominated by low value rank grass dominated lizard habitat totalling 24.3 ha,
- Neither tracking tunnels nor manual searching techniques detected native lizards. Of the 177 tracking cards analysed 58 contained rat prints and 86 contained mice prints,
- T+T consider that lizards are not likely to be present, however it is recommended that:
    - Accidental discovery protocols be included within the CEMP to provide guidance if lizard species are unexpectedly discovered on site,

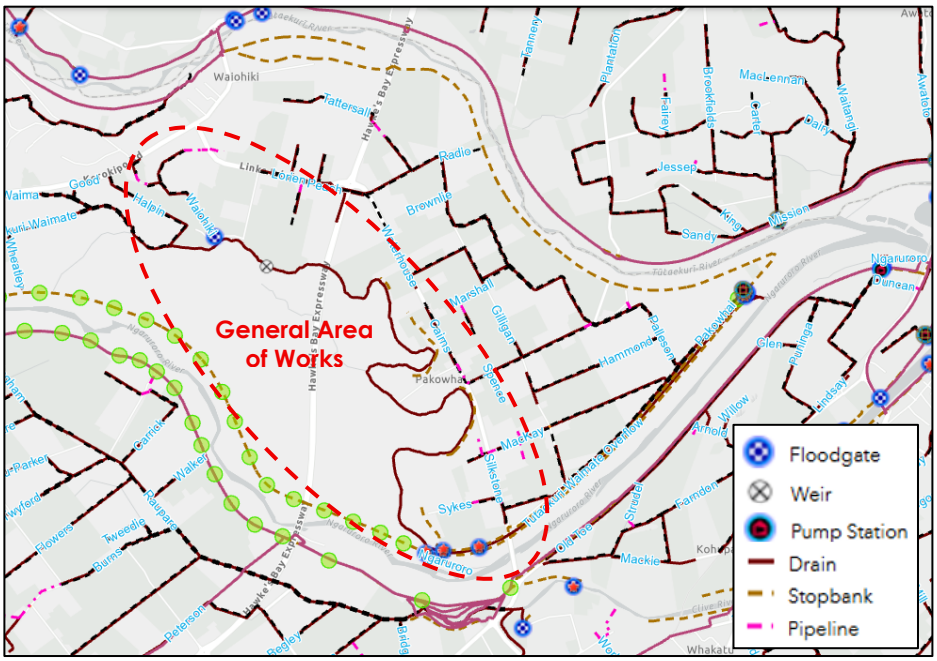
- Areas of grass and annual weeds are kept short (through grazing or progressive mowing) to ensure skinks do not colonise the site in the future.

Section 4 of the report contains recommendations informing design and management. These matters are considered in Section 6 in relation to the details of the proposal and Section 10 in regard to the relevant matters of control.

5.4.4 Existing Drainage and Flood Hazard Management

The area of works is located between the Ngaruroro and Tūtaekurī River stopbanks and is characterised by a number of drainage and flood protection features as illustrated in **Figure 10** below. These include culverts and floodgates, a weir upstream of the expressway and remnant stopbank features along the Tūtaekurī-Waimate Stream. A comprehensive drainage network east of the Tūtaekurī-Waimate Stream drains the Pakowhai area to the Pakowhai pumpstation near the confluence of the Tūtaekurī and Ngaruroro Rivers.

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 5**.

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

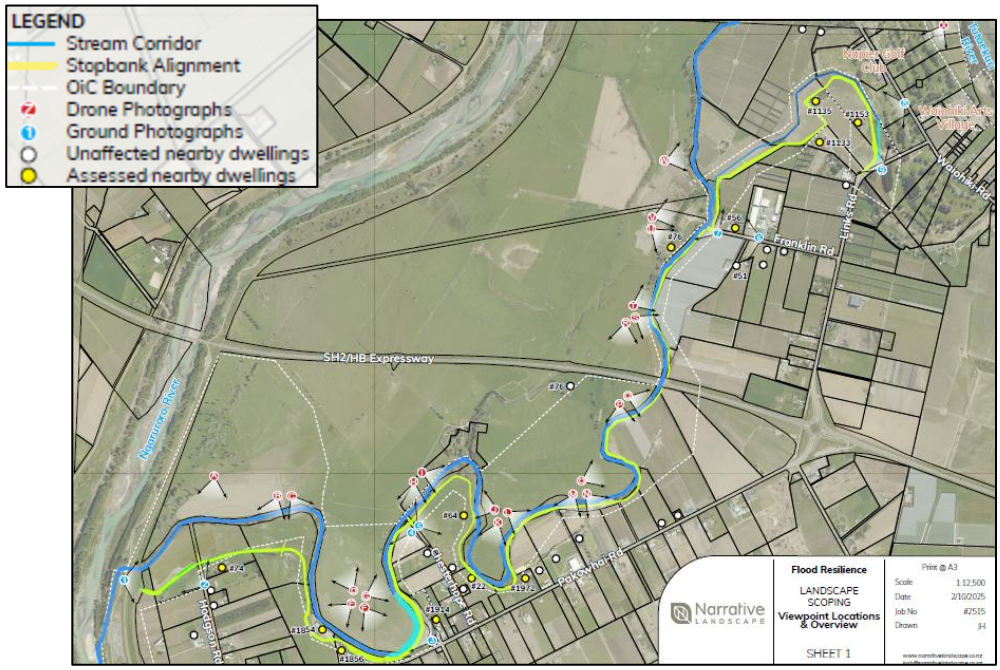
- Preliminary desktop research and collation of relevant base information,

- Review of the Pakowhai Optioneering Report (May 2025),
- Field observations from multiple site visits to collect photographs and develop an understanding of the surrounding site character during June and August 2025,
- Review of the proposal,
- Consideration of the Relevant Statutory Planning Framework,
- Identification of potentially affected residential properties,
- Assessment of potential landscape and visual effects and mitigation consideration.

Key points include:

- No significant or outstanding landscape features were identified,
- The key viewing audience is considered to be those residential properties in close proximity to the proposed stopbank – identified in **Figure 11** below (yellow dots) and grouped as the:
    - Links Road properties,
    - Franklin Road properties,
    - Pakowhai Road properties,
    - Chesterhope Road properties,
    - Hodgson Road properties,
- Adverse effects on residential properties were assessed as 'Very Low' or 'low', with only one dwelling identified as experiencing a 'Moderate' adverse effect, and no dwellings approaching a 'Significant' degree.

Figure 11:



Although a further assessment of the effects will be undertaken in Section 10 of this report, the assessment does not identify any 'significant' potential adverse effects, thus there is no need in respect to Condition 24 of the OiC to prepare and implement a landscaping plan in respect to potential visual landscape effects.

5.4.6 Land Contamination

Contaminated land is defined in the OiC as:

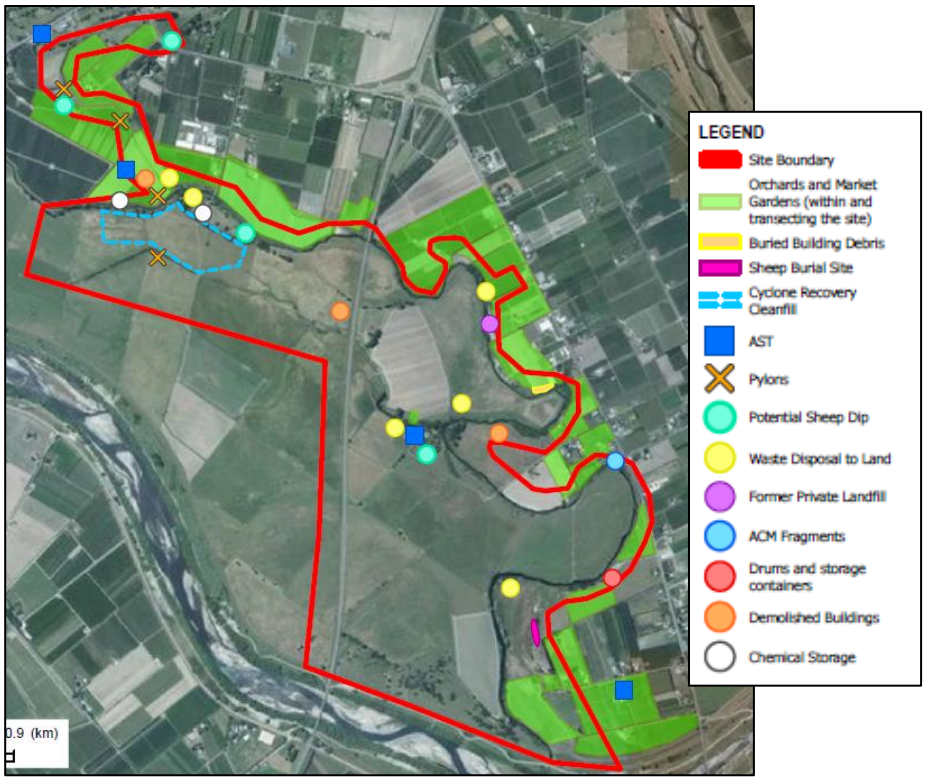
> *land to which the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply (see regulation 5(1) of those regulations).*

In the same manner as the potential soil contamination would be investigated and assessed under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("**NES-CS**"), a Preliminary Site Investigation ("**PSI**") over the footprint of the stopbank alignment was undertaken by T+T in September 2024, followed by a Detailed Site Assessment ("**DSI**") in March 2025 to assess ground contamination risks identified by the PSI. Owing to a minor change in alignment and the findings of additional geotechnical investigations, a further DSI was undertaken over newly introduced land. A copy of the PSI, DSI, and additional DSI is provided in **Appendices 6, 7 and 8.** Each is considered below.

PSI

- Based on the review of historic information and a site walkover, a number of activities were identified to have the potential to cause ground contamination. These are outlined in Table 5.1 of the PSI and identified in **Figure 12** reproduced from Figure A.1 of Appendix A of the PSI:

Figure 12:



- Soil sampling was undertaken at 21 locations as shown in Figure A.2 of Appendix A of the PSI,
- While a number of samples were taken in the location of four potential borrow sites (being considered at the time), none of these are now proposed,
- There were no exceedances of human health or environmental criteria in any of the analysed samples, with one exception – being a sample immediately adjacent to a farm waste pit containing asbestos above the risk-based criteria,
- Based on the results it was concluded that ground contamination is unlikely to present a significant constraint, with the recommended response being further sampling in 6-7 areas to inform a Contamination Site Management Plan ("**CSMP**").

DSI

- Further soil sampling was undertaken in 13 areas according to the recommendations of the PSI in the locations shown in Figures A1 to A12 in Appendix A of the DSI,
- Results of laboratory analysis identified several human health and environmental exceedances for heavy metals, pesticides, and/or asbestos across various areas,
- Again, while a number of samples were taken in the location of potential borrow sites, none of these are now proposed,
- Preparation of a CSMP remained the recommendation.

Of particular relevance is a closed landfill at 2008 Pakowhai Road (HBRC resource consent reference DP960171 and DP010237). Here it is reported that demolition materials were used to level the site so that market gardening activities could extend. It is reported in the DSI that the fill contains variable amounts of refuse and in addition to soil contamination matters that would need to be managed in respect to effects human health during disturbance, the underlying fill will need to be managed in respect to forming the stopbank.

Further DSI

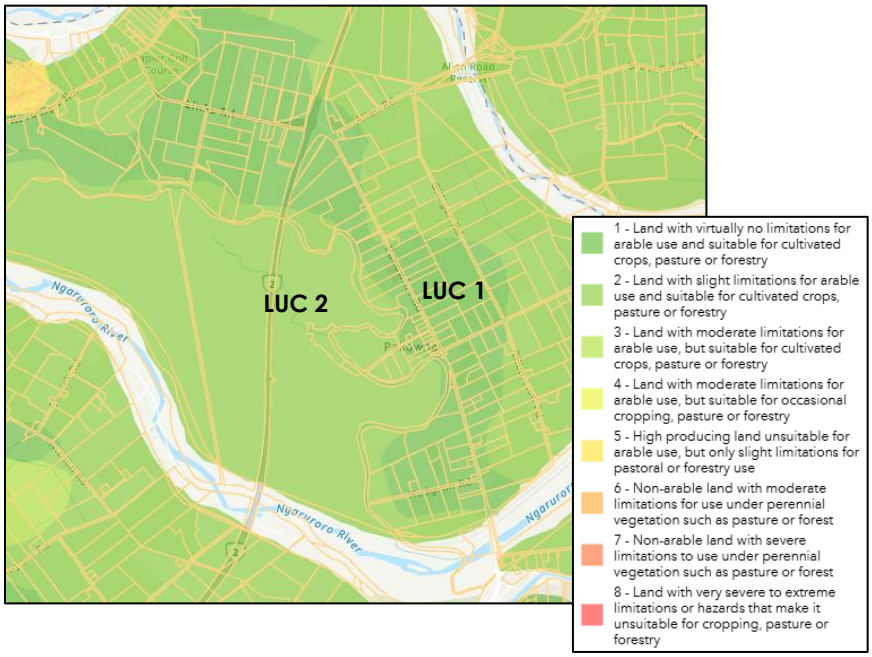
- Further sampling was undertaken in 5 additional areas as shown in Figures A1 to A7 in Appendix A of the DSI,
- The results confirmed that contamination was present in three of the sites where heavy metals (primarily arsenic, copper, lead, and zinc) concentrations will require management. These included Site 6 (1023 Links Road), 10 (71 Franklin Road) and 4c (1854 Pakowahi Road),
- Preparation of a CSMP remained the recommendation.

5.4.7 Productive Capacity of Land

As shown in **Figure 13** below, the majority of the area of works is located within LUC 2, some shorter lengths of the stopbank alignment being within LUC 1.

For those 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 13: Land Use Classification Maps



5.4.8 Network Utility Operators and Other Infrastructure and Services

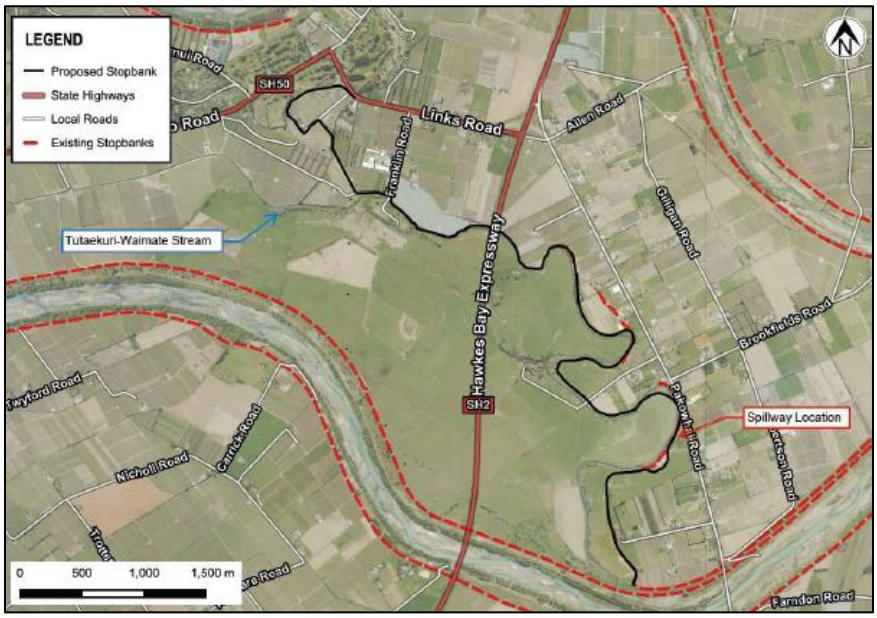
The presence of above ground and underground infrastructure has been checked by T+T. The following has been identified:

- HBRC stormwater drainage infrastructure (culverts and drains),
- Private infrastructure/ features – shelter belts, trees, feature walls, orchard infrastructure, irrigation pump systems, and sheds,
- Unison power supply infrastructure – high voltage overhead power, low voltage overhead power, low voltage property connections, and buried cables (Transpower infrastructure is nearby but was not found within the construction corridor – the location of the Transpower pylons and lines is shown on the planning maps at Figure 6 in relation to the stopbank alignment).
- Chorus communications infrastructure – buried property connection fibre, ADSL, VDSL, and telephone cabling.

6. DESCRIPTION OF PROPOSAL

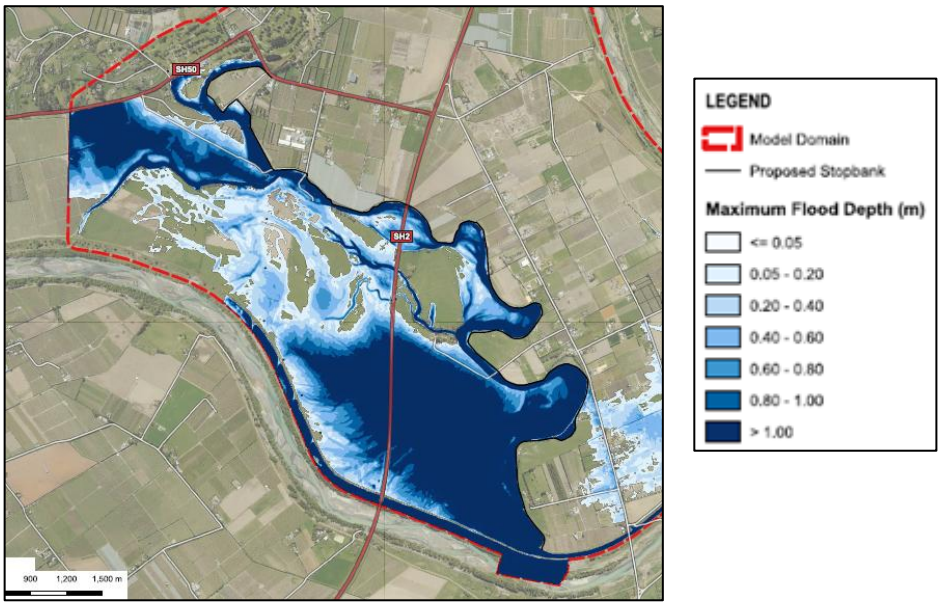
The Pakowhai Flood Protection Project involves construction of a new circa 8,930m long stopbank / floodwall between Links Road and the Ngaruroro River south of Hodgson Road as shown in **Figure 14** below. The stopbank will generally extend along the eastern side of the Tutaekuri-Waimate Stream, and will also involve various features such as flood walls, retaining walls, a flood control spillway, various road crossings, access ramps and stormwater drainage culverts and swales. Works along the Waiohiki Drain and minor diversion of the Tūtaekurī-Waimate Stream is also proposed to provide room to construct the stopbank.

Figure 14: Stopbank Project Extent and Alignment



In principle, the purpose of the stopbank is to detain flood flows arising from upstream water body sources to prevent (in certain design events) flooding of residential properties on the Ngaruroro River side of the Expressway and east of the flood protection structure. In the first instance, flood water will drain via the Tūtaekurī-Waimate Stream, and at higher inflows via the proposed spillway. While overdesign events may see the stopbank overtopped, the intention is that time would have been provided for evacuation of downstream residential properties prior to this occurring. During the design event (200m^3/s), the flood water detained will generally pond over the area shown in **Figure 15**, through which State Highway 2 traverses. Much of this area is already subject to flooding under the design event. Further assessment is provided in Section 7.3.1.

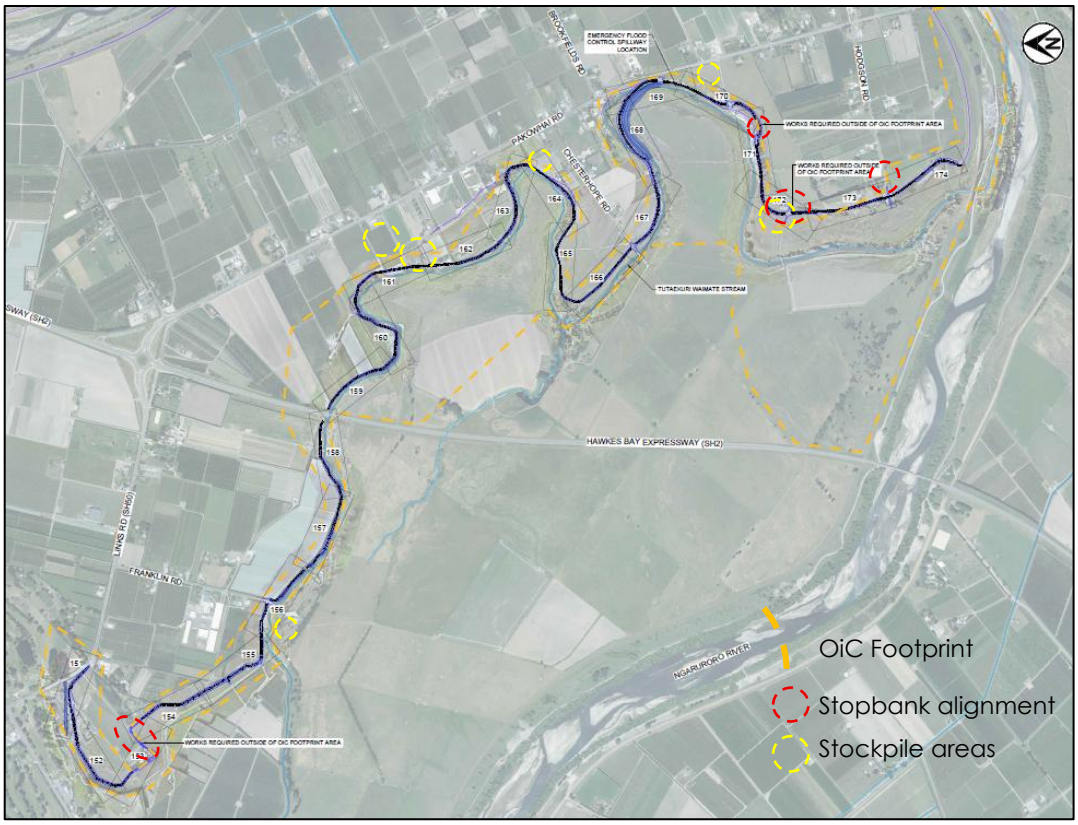
Figure 15:



Specific details of the design together with plans are provided in the Design Report prepared by T+T provided in **Appendix 9.**

As noted, some work/features will occur outside the footprint in the OiC. These are identified in **Figure 16** (also refer to **Appendix 10**). The consenting requirements associated with these works/features will be assessed under the standard RMA process and are considered in Section 7.2.

Figure 16:



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.

The applicant proposes to largely adopt the standardised conditions of the OiC, with some variations to account for the specific characteristics of this proposal. The standardised conditions have guided the development of the proposal, including the effects management that is proposed. 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 11**.

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

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

6.1 Proposed Stopbank and Associated Activities

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

- Design considerations,
- Proposed Stopbank and spillway,
- Road and Access crossings,
- Infrastructure and buildings,
- Cross Drainage (stormwater) management,
- Waiohiki Drain works,
- Tūtaekurī-Waimate Stream Diversion,
- Detention Area and Spillway Flow Path,
- Earthworks and vegetation clearance,
- Water Take,
- Managing the Detailed Design process.

6.1.1 Design Considerations

The stopbank and spillway crest levels have been designed on the basis of a chosen peak flow rate (200m^3/s with a freeboard of 500mm) and spillway discharge.

A flow of 200 m^3/s was selected as a reasonable design parameter on the basis of it representing several potential hydrological events, including (noting scenarios, or a combination of them may also result in flows more than 200 m^3/s):

- A localised flood event within the Tūtaekurī-Waimate Stream catchment in excess of a 100-year event,
- Stopbank overtopping from a flood event within the Ngaruroro and/or Tūtaekurī River, e.g. overtopping corresponding to a return period of approximately 200 years,
- Non-overtopping stopbank breach (e.g. piping failure) from a flood event within the Ngaruroro or Tūtaekurī Rivers, corresponding to a return period of less than 100 years.
- A combination of the above.

[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.

The design has been informed by various surveys, flood modelling and geotechnical assessments.

6.1.2 Proposed Stopbank / Floodwalls and Spillway

Stopbank / Floodwalls

The proposed stopbank / floodwalls will extend between Links Road and the Ngaruroro River and will generally extend along the eastern side of the Tūtaekurī-Waimate Stream. Owing to the length of the stopbank, construction is likely to be undertaken in stages within two 'core projects' – one project involving works north of the Expressway and one project involving works south of the expressway. Key points include:

- The stopbank will involve three different earth embankment typical sections adopted to suit different site layout and condition constraints, as well as sections comprising retaining wall and free-standing flood wall solutions,
- The three earth embankment typologies include 'refurbishment' and 'Type A' and 'Type B' - described as follows:
    - Typical stopbank refurbishment section (refer drawing 1017353.2403-210) - adopted where an existing poor condition stopbank is present and is to be refurbished. These areas generally require topsoil removal, undercut along the new stream side toe, benching into the existing stopbank, cut to waste of existing stopbank material, and fill and compaction of imported material to form the stopbank structure,
    - Typical new stopbank section – Type A (refer drawing 1017353.2403-211) – adopted over the alignment of the new stopbank where ground foundation soil conditions are suitable for 'typical earthworks-only' stopbank construction. These areas generally require the same process as for the 'refurbishment' type albeit typically with less cut to waste material required,
    - Typical new stopbank section – Type B (refer drawing 1017353.2403-212) – adopted over the alignment of the new stopbank where ground foundation soil conditions are not suitable for 'typical earthworks-only' stopbank construction, and a collector drain is required on the landward side toe to alleviate pore water pressure seeping from the stream side under the stopbank in a flood event. These areas generally require the same process as the Type A solution except with the addition of the landward side toe drain.
- The two areas where the retaining wall and free-standing flood wall solutions will be adopted are on 71 Franklin Road and 24 Chesterhope Road. In summary:

    <u>71 Franklin Road:</u>

    - The area between 71 Franklin Road and the Tūtaekurī-Waimate Stream is significantly space constrained over a length of approximately 800m.
    - A hybrid earth stopbank and sheet pile flood wall system is therefore proposed to both provide sufficient flood protection, refurbish the existing bank stability, and minimise the width length and height of wall required. This hybrid solution will be approximately 700m long and

present as an earth stopbank with a sheet pile flood wall on top of the crest ((refer drawing 1017353.2403-213),

24 Chesterhope Road:

- The area between 24 Chesterhope Road and the Tūtaekurī-Waimate Stream (refer drawing 1017353.2403-164 and 1017353.2403-192) is space constrained due to existing infrastructure (sheds/groundwater bore).
- The proposal provides for the following two retaining wall options,
  - (1) a 75m long river-side kingpost-deadman anchor type retaining wall which would result in a retaining wall with a maximum retained height of approximately 3.5 m, or
  - (2) a landward retaining wall with riverside ground improvement which would result in a retaining wall of 1.5 m high and a reduced 2 m crest level.

- The entire stopbank / floodwall will be approximately 8,930m long, with the proposed spillway between CH 4100 and CH 4320 (refer below),
- Although the retaining wall/flood wall solutions will be slightly different, the stopbank will generally be constructed with crest width of 3.5m and 1V:2.5H batter slopes.
- Construction is anticipated to involve approximately 55,000m^3 of cut and 292,900m^3 of imported fill (fill material will be sourced from already approved borrow sites i.e. this application does not seek approval for any borrow sites),
- The undercut width and depth will vary but is expected to be generally in order of 300-500mm deep,
- The stopbank will generally present as 1m – 4m high (above existing ground level) depending on local ground contour/levels
- The batters will be grassed with crests likely to comprise 50mm thick compacted 1P20 running course,
- Rock riprap or similar will be used to for scour/erosion protection at the toe of areas of the stopbank / floodwall where proximity to water bodies requires.

As noted on the plans, the stopbank alignment will traverse two contaminated fill sites, one at 1023 Links Road and another at 2008 Pakowhai Road. The design plans note that undercuts will be limited, cut to waste disposed of at a suitably authorised landfill facility and disturbed areas capped. Specific detail will be considered as part of the CSMP (refer --- below) and detailed design process.

Spillway

The purpose of the spillway is to direct flows in an overdesign event to discharge into the Category 3 land, east of Pakowhai, rather than overtopping into Category 2 homes within the Hodgson Road area and other areas of Pakowhai.

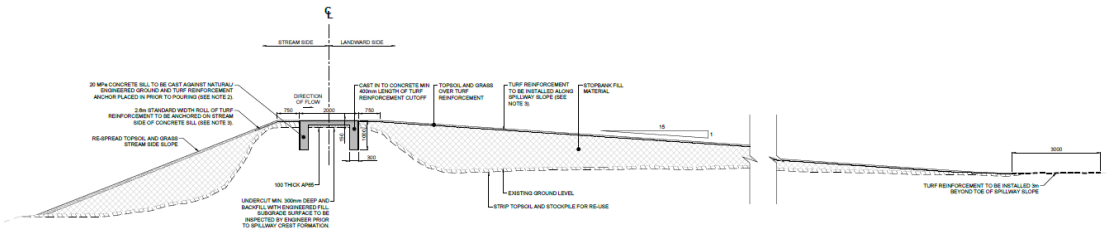
The spillway is expected to commence operating at a peak inflow of about 140 m^3/s, this is required to manage flood levels on the stream side of the proposed stopbank.

The overdesign event for spillway operation adopted a 300 m^3/s inflow rate. This event was used to design the spillway geometrics and erosion protection systems for safe spillway operation in extreme events.

The location of the spillway at between CH 4100 and CH 4320 was chosen to best achieve the direction of flow i.e. into the Category 3 land and follows an existing overflow route from the Tūtaekurī-Waimate Stream. Key points include:

- The spillway will be approximately 200m wide with a landward side batter slope of 1V:15H to control flow velocities over the spillway, and thereby reduce erosion potential at the toe of the spillway,
- The landward batter will be constructed with imported material to form the required gradient with topsoil and grass turf reinforcement over top,
- The crest/spillway, will be amoured with a concrete sill cast in-situ
- The crest along the length of the spillway is intended to be trafficable, in line with the design requirements for the rest of the stopbank alignment,
- Training bunds will be provided to ensure flows remain contained within the channel at the 1V:15H gradient during design events.

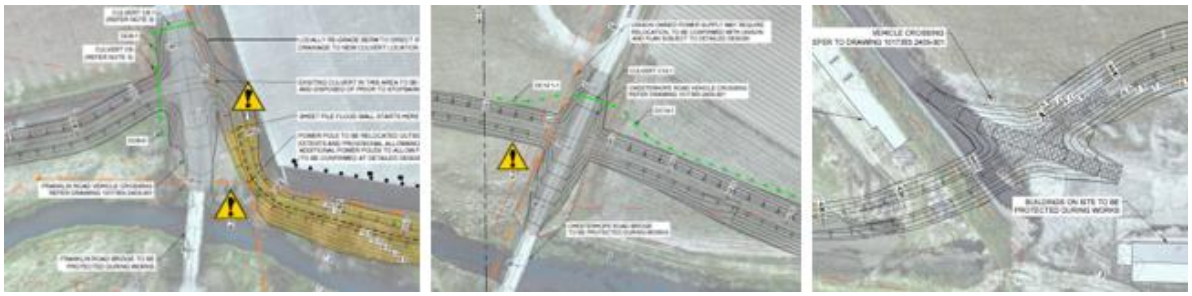
Figure 17:



6.1.3 Road and Access Crossings

Vehicle crossings within road reserves are required at Franklin Road, Chesterhope Road, and Hodgson Road as shown below:

Figure 18:



Key points include:

- A maximum grade of 15% has been adopted, with detailed design ideally working to 12.5%,

- The existing Hodgson Road carriageway is approx. 3 m wide, and is a dead-end road, with the proposed vehicle crossing only serving one private uninhabited lot currently. As a result, and as agreed with HDC, the Hodgson Road vehicle crossing has adopted a 3m wide road width, gravel surfacing rather than sealing, no line marking or signage, and no public access allowed (gated),
- The existing Franklin Road carriageway is approx. 6 m wide, whereas Chesterhope Road is approx. 3.5 m wide. For both roads, the crossings will 6m wide sealed roads with 0.5 m gravel shoulders on either side. Traffic will be one-way with traffic on the true right bankside having priority give way signage.

A further 7 vehicle crossings and ramps servicing singular private properties and/ or HBRC maintenance and operations access have been developed based on discussions between HBRC and impacted parties (as applicable). The adopted pavement and surfacing solutions will use a typical gravel pavement detail to be confirmed at detailed design. These will be typically 3.5m wide with gradients being typically 10-15%.

6.1.4 Infrastructure and Buildings

The preliminary design plans have taken account of the following and have identified features to be removed/relocated/re-established:

- Existing fencing,
- Existing buildings,
- Existing stormwater pipes and culverts,
- Existing water and irrigation pipes,
- Existing underground and overhead powerlines and associated structures,
- Existing fibre cables,
- Existing orchard infrastructure i.e. posts, anchors and netting.

Solutions will be further refined with property owners as part of the land access agreements.

6.1.5 Cross Drainage (Stormwater) Management

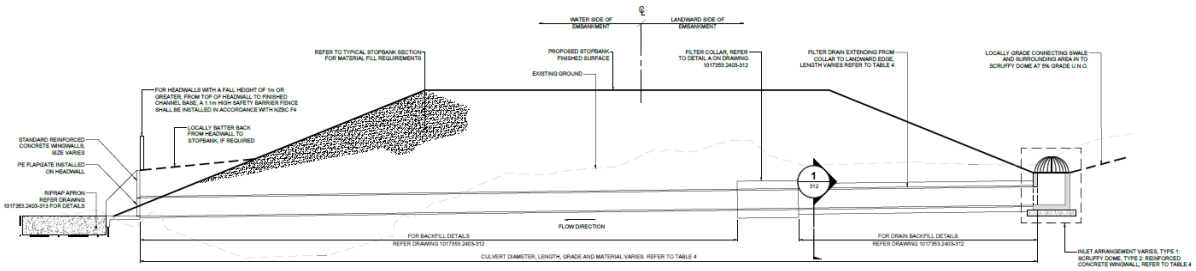
To prevent ponding on the landward side of the stopbank, stormwater management systems comprising swales and culverts are proposed to convey stormwater runoff through the stopbank to the nearest drain/stream/river. In summary:

- Swales/drainage channels will generally run the length of the stopbank on the landward side. In terms of design:
    - These will have a typical width of 500m, depth of 100-300mm and side slopes of 3H:1V,
    - A Manning's roughness coefficient of 0.03 was selected in accordance with Table 7-1 of the HBRC Stormwater Management Guidelines,
    - They have been designed to generally comply with a minimum hydraulic residence time (HRT) of 9 minutes, where practical, in accordance with HBRC Stormwater Management Guidelines,
- These will discharge to the Tūtaekurī-Waimate Stream via, typically, 300mm diameter culverts through the stopbank as typically shown in **Figure 19** below. Inlets will typically be either swales where incoming swale depth(s) are comparable to the culvert inlet

depths or scruff domes where incoming swale depth(s) are shallow and the culvert inlet is relatively deep. Outlets will comprise reinforced concrete wingwall, a rock rip rap erosion protection apron, and a polyethylene flap gate to prevent flood water ingress into the culvert barrel,

- The location and alignment of swales and culverts are shown on the Preliminary Design Plans.

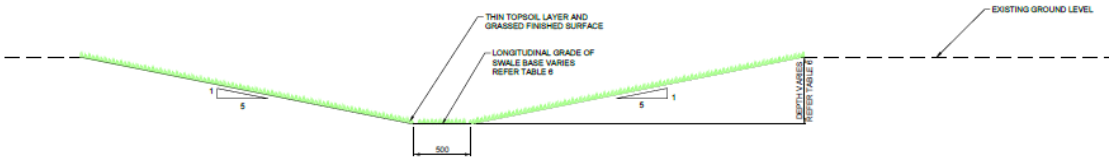
Figure 19:



6.1.6 Waiohiki Drain Works

Downstream of Links Road, the Waiohiki Drain runs alongside the stopbank alignment between CH 120 and CH 700m. Over this distance the drain is comprised of open channel and a culvert of approximately 200m long (terminating at the Links Road culvert). As part of the project, it is proposed to remove the culvert and reinstate an open channel. Rock rip is likely to be installed at the outlet of the Links Road culvert. Typically, the new channel will be constructed with a 500mm wide bed and 1V:5H banks which will be grassed as generally shown in **Figure 20** below.

Figure 20:



6.1.7 Tūtaekurī-Waimate Stream Diversion

The current alignment of Tūtaekurī-Waimate Stream runs close to Pakowhai Road near the Pakowhai memorial hall. This area is highly constrained against the construction of a new stopbank, and in the concept optioneering phase of the project multiple options were considered including flood walls, relocating all affected buildings, and various stream infill options. The option chosen was to construct a stream diversion to provide sufficient space for the new stopbank and to minimise the impact on adjoining property owners and the affordability of the works required in this location.

The indicative alignment of the proposed diversion is shown in **Figure 21** below with the concept cross section in **Figure 22**. Key points include:

- Offset lengths from the stopbank will vary between 1m-3m,
- The bed will be formed with a layer of loosely compacted material excavated from the existing stream bed,
- Bed width will vary with a minimum width of 12m and a typical width of 14m,
- Banks will be constructed with a 1V:5H gradient,
- Planting of the banks will be undertaken in accordance with a planting plan to be prepared as part of the Ecology Management Plan,
- The construction methodology will be confirmed as part of the Ecology Management Plan / detailed design but will typically involve constructing the new stream prior to diverting the flow, fish relocation and riparian planting.

In addition to the above, native riparian planting will be undertaken alongside the Tūtaekurī-Waimate Stream to offset any remaining effects of the diversion. Various pockets/areas of land (on each side of the stream) have been identified as being available to accommodate this. Details in regard to the construction methodology, planting of the banks of the diversion and offset planting measures (within the selected areas) to achieve, as far as practicable, a net positive ecological outcome in line with Condition 26(2)(c) are proposed to be finalised as part of preparing the Ecology Mitigation Plan, with the construction aspects informing the CEMP.

Figure 21:

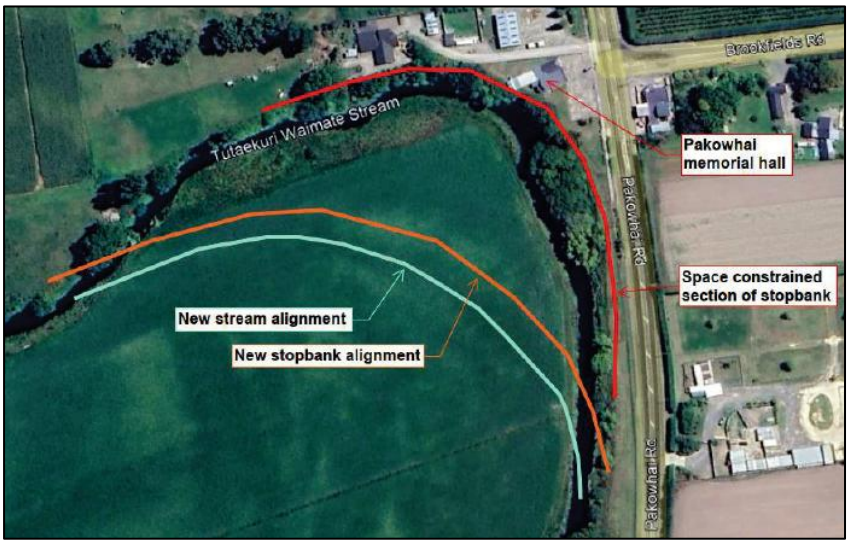
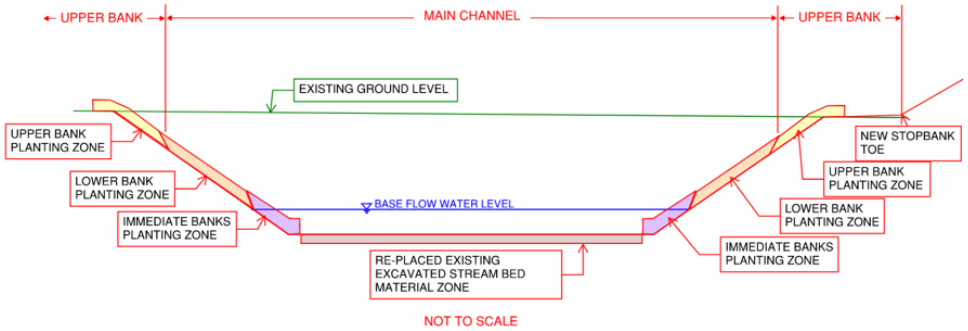


Figure 22:



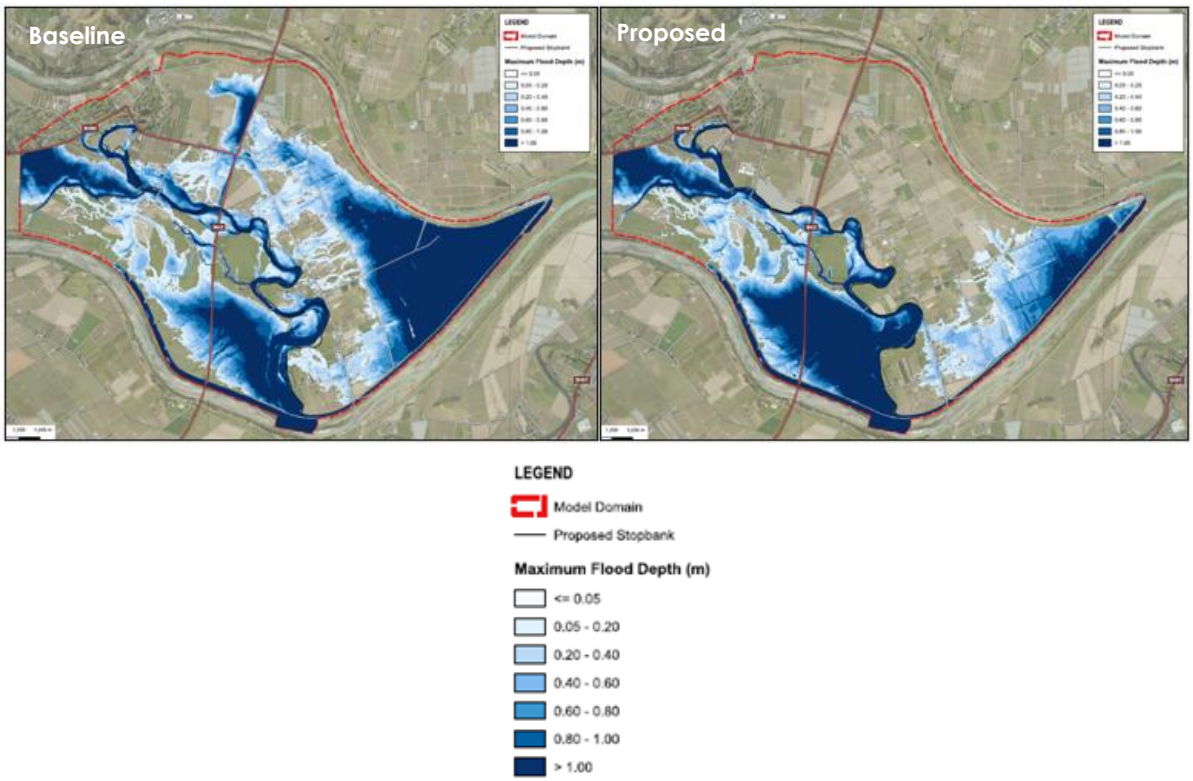
6.1.8 Detention Area and Spillway Flow Path

As outlined above, the purpose of the stopbank is to detain flood flows arising from upstream water body sources to prevent flooding, in certain design events, of downstream areas. In the first instance, flood water will drain via the Tūtaekurī-Waimate Stream, and at higher inflows via the proposed spillway. While overdesign events may see the stopbank overtopped, the intention is that time would have been provided for the safe evacuation of downstream areas prior to this occurring.

During the design event (200m³/s), the flood water detained will generally pond over the area shown in **Figure 23**. No recontouring/earthworks will be undertaken - the water will simply pond.

As shown between the images, the main difference arising from the proposed stopbank is deeper ponding depths in the southern area and across the State Highway. Ponding on private property is being addressed through the land access agreements. Regarding the flow path downstream of the spillway, water will flow towards the Pakowhai Pump Station where it will be discharged to the Ngaruroro River.

Figure 23: Extent and Depth of Ponding – Baseline (existing) vs Proposed (200m³/s)



6.1.9 Earthworks and Vegetation Clearance

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.

Vegetation clearance will generally only occur along the stopbank alignment.

6.1.10 Water Take

Water will be required for construction and dust suppression purposes – with the upper demand expecting to be up to 1,080m^3 per day. While various use scenarios will exist, this upper figure reflects a scenario of three 20,000l water carts operating full time over multiple stages of the project area and filling every 30 minutes over a 9 hour day.

Water will be abstracted from the Tūtaekurī-Waimate Stream via temporary intakes established long its length between a point 700m upstream of Franklin Road and the Ngaruroro Stopbank. Provision to establish up to three points of take at any one time is proposed – with the maximum rate of take from each being 25l/s.

In line with the decisions version of Plan Change 9, a condition is proposed to prevent fish, including eels, from entering the reticulation system (refer condition (d) of Rule TANK 6). It is recognised that one means of compliance is a screen (or screens) that has a screen mesh size not greater than 3 millimetres so that the intake velocity at the screen's outer surface is less than 0.3 metres per second.

With the rate of take being greater than 5l/s, measurement and reporting of water use will be undertaken and provided to Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.

6.1.11 Managing the Detailed Design Process

The OiC framework envisages that further refinements to the flood protection works design and the associated documentation will continue to occur post-consenting. It is important that the conditions of consent do not pose barriers to implementation where such design changes are not substantial or likely to result in a change to the activity or the expected scale of adverse effects. The following condition is proposed as Condition 1A:

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 with" 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 Ecological Management

Standard OiC condition 26 sets out ecology principles that the consent holder must apply when designing the flood protection works and carrying out construction works.

Based on the Ecological Assessment undertaken by T+T, the following measures for managing vegetation removal, bats, reptiles and native birds and impacts on the identified wetland are proposed to give effect to the ecology principles, and in addition to matters associated with the diversion of the Tūtaekurī-Waimate Stream, are proposed to be included in Ecology Management Plans (EMP) prepared under Condition 28 of the standardised conditions of the OiC. It is proposed that Condition 28 be amended to allow separate EMP's to be prepared for each of the two core projects i.e. one project involving works north of the Expressway and one project involving works south of the expressway.

Vegetation Removal

It has been determined by T+T that there is limited native vegetation within the site and no nationally 'Threatened' or 'At Risk' species. Re-planting initiatives will be based around the offsetting associated with the diversion of the Tūtaekurī-Waimate Stream.

Bats

While it is advised by T+T that no further bat management is required, an accidental discovery protocol is recommended to provide guidance if unexpected species are discovered on site. This is proposed to be included in the Ecology Management Plan.

Reptiles

While it is advised by T+T that no further lizard management is required, an accidental discovery protocol is recommended to provide guidance if unexpected species are discovered on site. This is proposed to be included in the Ecology Management Plan.

Native Birds

Suitable breeding habitat is available for a variety of native terrestrial and shorebird species which nest on or in trees and shrubs, long grass or short grass, and while birds are generally mobile and can disperse during disturbance, they are vulnerable when nesting. The need to preparation of procedures for managing native bird species prior to vegetation removal to facilitate natural abandonment prior to felling is proposed to be included in the Ecology Management Plan.

Identified Wetland

As outlined above, a small area of wetland characteristics has bene identified at approximately CH 1500m. In line with the recommendations of T+T, the alignment will seek to avoid it in the first instance. If this is not possible, native riparian planting will be undertaken within selected areas alongside the Tūtaekurī-Waimate Stream to offset effects. Details of the planting measures within the selected areas to achieve, as far as practicable, a net positive ecological outcome in line with Condition 26(2)(c) are proposed to be finalised as part of preparing the Ecology Mitigation Plan.

Effects on water quality arising from turbidity will be managed under the Erosion and Sediment Control Plan addressed in Section 6.4.

6.3 Landscaping

Landscaping/planting for ecological mitigation purposes has been discussed in Sections 6.1 and 6.2 above. In respect to landscaping to avoid, remedy, or mitigate potential visual effects of the proposed works, it is concluded in the Landscaping Scoping Assessment that the project will not result in significant potential adverse effects. On the basis that Condition 24(2) of the OiC only requires landscaping where significant potential effects are identified, no further landscaping is proposed.

6.4 Archaeology

An Authority is in the process of being applied for 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.

6.5 Construction and Stockpile Areas

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

6.5.1 Establishment of Construction Site Works

The OiC recognises that the consent holder will need to commence site establishment works as soon as possible following the issue of consent to enable the timely delivery of the flood protection schemes. It is for this reason that works associated with the 'establishment of the construction site' are excluded from the definition of 'construction works' (refer Condition 3 of the OiC). This has the effect allowing such works to occur ahead of / separate to a number of 'pre-commencement' requirements embedded in the standardised conditions, including preparation of the Construction Environmental Management Plan (CEMP) required under Condition 10.

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

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

6.5.2 Construction Management

Standard OiC condition 10 requires 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:

- Laydown and stockpile areas,
- Erosion and sediment control,
- Contaminated soil,
- Construction noise and vibration.

It is proposed that Condition 10 be amended to allow separate CEMP's to be prepared for each core project area (i.e. 2 CEMP's).

Laydown and Stockpile Areas

Five initial stockpile areas (referred to as SP1-SP5) are proposed to be established as illustrated in **Figure 24** below, with two areas forming SP3, SP4 and SP5. Alternative locations for areas within SP3 and SP5 are also shown.

Of these, including the alternative locations, six are located outside the OiC Footprint (refer **Appendix 10**). Figure 24 also shows a proposed haulage route, which essentially follows the downstream side of the proposed stopbank. The expected volume of material and access points for each stockpile area are outlined in **Table 3** below.

Figure 24:

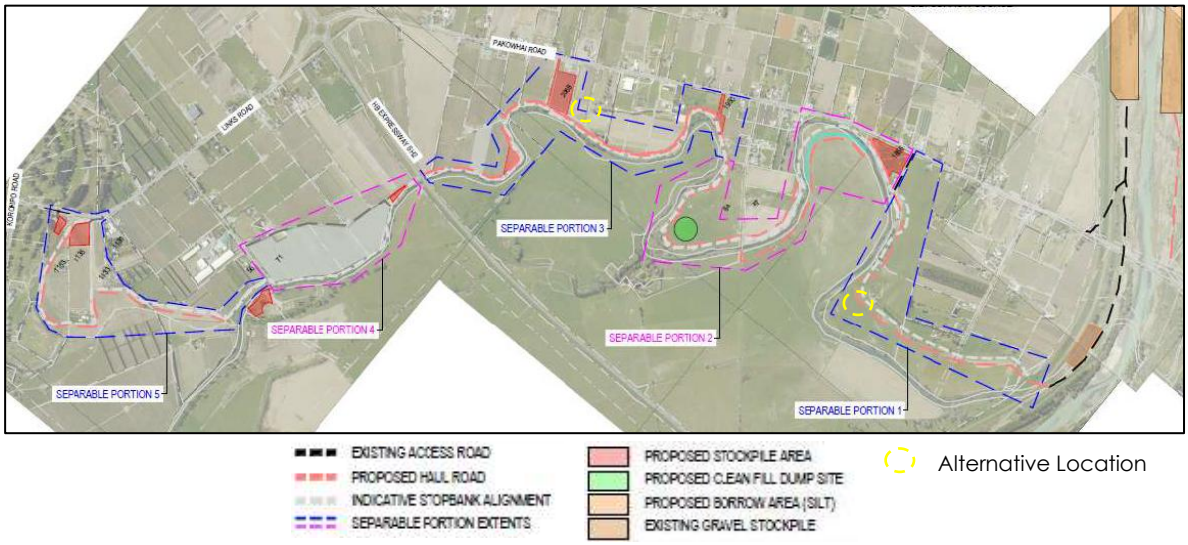


Table 3:

Stockpile Area	Expected volume of material	Point of access
SP1	36,000m³	Existing vehicle crossing to 1856 Pakowhai Road
SP2	61,000m³	Existing vehicle crossing to 1950 Pakowhai Road
SP3 (2 areas)	49,000m³	Existing vehicle crossing to 2068 Pakowhai Road
SP4 (2 areas)	17,000m³	Existing vehicle crossing to 71 Franklin Road New access to eastern side of Franklin Road (southern end) Existing vehicle crossing to 56 Franklin Road
SP5 (2 areas)	67,000m³	Existing vehicle crossing to 1153 and 1131 Links Road

Stockpiling for SP1, SP2 and SP3 is expected to take twelve to fourteen months, and for SP4 and SP5 nine months.

Specific access and layout details[3], haulage routes (for which a culvert is likely where the haul road crosses through the invert of the overflow channel alongside the Ngaruroro River) and details for any other laydown and stockpile areas (within the OiC Footprint) 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. As outlined in the assessments below, specific matters associated with construction traffic management will be included, and amendments to condition 10 are proposed to this effect.

[3] Such as temporary site buildings, storage and parking.

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. These are likely to involve:

- Stabilised entranceways and vehicle/wheel washes to manage the transport of sediment onto the road network,
- Progressive construction to limit areas of expose,
- Progressive remediation/grassing of exposed surfaces,
- Use of erosion control devices where disturbance and exposed earthwork faces occur. This may include silt fencing based on on-site risk assessments, clean and dirty water diversion bunds, decanting earth bunds, sediment ponds and other means of sediment retention such as flocculation,
- Dust suppression measures, including consideration of water carts, sprinkler systems or similar, stabilisation of haul roads, dust shielding and surface covering.

Final solutions and associated detail will be provided within the Erosion and Sediment Control Plan which is required to be prepared under Condition 14 of the standardised conditions, and included in the CEMP prepared under Condition 10.

Contaminated Soil

As recommended by T+T following a PSI, DSI and further DSI, a Contamination Site Management Plan (CSMP) responding to the matters raised at specific sites in those assessments is proposed to be prepared. This will generally involve the following:

- Appropriate management of earthworks,
- Hygiene controls,
- PPE,
- Dust management,
- Stormwater controls,
- Any offsite disposal of soils,
- Accidental discovery protocols.

In addition to the above, capping of the existing fill sites identified at 1023 Links Road and 2008 Pakowhai Road will be undertaken in accordance with Condition 17 of the standardised conditions in the OiC, which was specifically crafted for circumstances where earthworks or any other soil disturbance occurs on contaminated land. Minor amendments are proposed to tailor Condition 17 to this particular circumstance.

The CSMP, which will include protocols associated with land disturbance and remediation of the identified fill sites at 1023 Links Road and 2008 Pakowhai Road, will be embedded in the CEMP. Changes to Condition 10 of the standardised conditions in the OiC are proposed to this effect.

Construction Noise and Vibration

In line with standard 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 6.00am – 7.00pm Monday-Saturday.

6.6 Communication and Engagement

The OiC standardised conditions provide mechanisms to minimise or mitigate effects of the project via ongoing engagement with Māori entities and stakeholders throughout the detailed design and implementation phases. Standard conditions 4-11 of the OiC are proposed to be adopted with some minor amendments. These require the consent holder to:

- Invite each relevant Māori entity to appoint a representative to a Stakeholder Advisory Group (STAG),
- Take identified cultural indicators into account in preparing plans and reporting to the Māori entities representatives on how those indicators have been taken into account.
- Invite identified parties to form a STAG to inform and advise the consent holder about managing and monitoring the flood protection works. For this proposal, amendments are proposed to Condition 6 to focus the adjoining landowners (to be invited to join the STAG) to those who actually 'adjoin' the areas of work (rather than including properties that may adjoin properties on which the works will occur, but given the size of those affected properties, are in fact some distance away),
- Appoint a person as a Project Engagement Lead to act as the consent holder's main point of contact with the Māori entities representatives and the Stakeholder Advisory Group,
- Record all information and advice provided by the STAG and report to the group how the information and advice have been taken into account in the carrying out of the flood protection works,
- Develop and implement 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,
- Invite the STAG to comment on the proposed CEMP,
- Submit the finalised CEMP with the STAG.

OiC Standard Condition 9(4)(a) requires the Communications Plan 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 that the Communications Plan instead 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.

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.

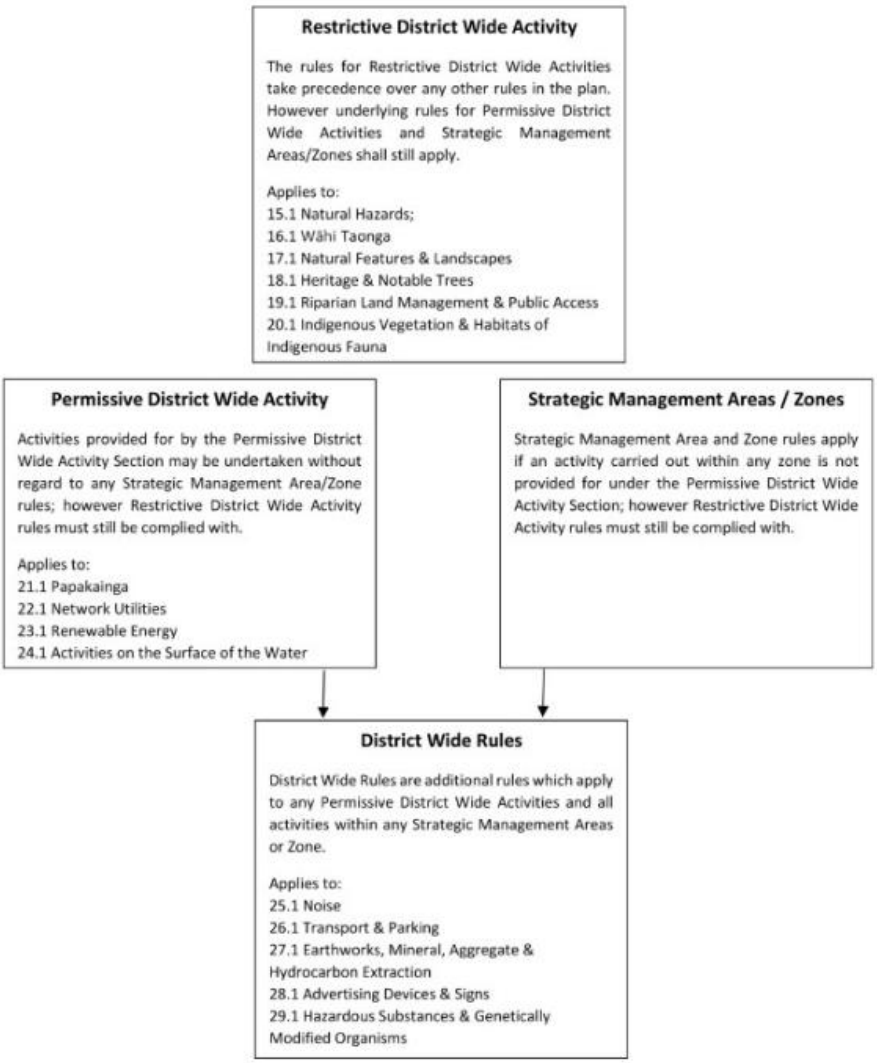
All of the proposed works within the OiC Footprint will be carried out by HBRC and are of a kind described in subclause 6(2), being activities that involve or are concerned with the construction or reinstatement of, making safety enhancements to, or improving the resilience of land and flood protection 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 4**. 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 25: Hastings District Plan Hierarchy



Key points include:

Restrictive District Wide Activities:

- The works are not located within any of the Overlays referenced in the rules in Chapter 15.1.5 pertaining to,
- With the southern extent of the stopbank traversing W13 resource consent is likely to be required under Rule WT15 of Chapter 16 pertaining to Wahi Tapu,
- The proposal does not trigger Rules in Chapters 17.1 or 18.1,
- It is stated in 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,

Permissive District Wide Activities:

- The proposal does not trigger Rules in Chapters 21.1, 22.1[4], 23.1 or 24.1,

Strategic Management Areas / Zones

- While the works will occur within the Plains Production Zone, we understand the works are classified as an earthworks activity – regulated under Chapter 27.1,

District Wide Rules

- The works are classified as an earthworks activity – meaning on Chapter 27.1 is applicable,
- 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 on a site by site basis 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 – noting resource consent would also ordinarily be required under the NES-CS for the disturbance of contaminated land on identified HAIL sites.

Assuming some material is removed and that the volumes exceed the limit of 25m^3 for Plains Production zoned sites, resource consent would also likely be required as a Discretionary Activity under Rule EM10 pertaining to the removal of material.

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 the table below.

The activities in **Table 4** that are within the OiC Footprint will require resource consent as a controlled activity, with the relevant matters of control being those in Schedule 3 of the OiC.

[4] HDC has confirmed that road raising works (in a similar situation) can be deemed a Permitted Activity under Rule NU4, and that an Outline Plan or waiver is not necessary. If Section 176 approval from HDC as the Roading Authority in respect to works within the road reserves of Franklin Road, Chesterhope Road and Hodgson Road is deemed necessary, this is proposed to be provided as part of assessing this application.

Table 4: 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	EM6 EM10	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	Restricted Discretionary Discretionary	HDC
Any activity within Wāhi Taonga identified in Part 1 of Appendix 50	WT15	Any activity within Wāhi Taonga identified in Part 1 of Appendix 50	Discretionary	HDC
Resource Management (National Environmental Standards for Freshwater) Regulations 2020				
Diversion of the Tūtaekurī-Waimate Stream	57	Reclamation of the bed of any river	Discretionary	HBRC
Activities affecting wetland 23 – natural inland wetland	45	Construction of specified infrastructure	Discretionary	HBRC
Regional Resource Management Plan				
Vegetation clearance and soil disturbance	8	Vegetation clearance or soil disturbance activities which do not meet the conditions in Rule 7.	Restricted Discretionary	HBRC
Discharge of dust	30	The discharge of contaminants into the air that:	Restricted Discretionary	HBRC

		• 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.		
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 and the taking and use of water from the Tūtaekurī-Waimate Stream for construction and dust suppression purposes)	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 and the taking and use of water from the Tūtaekurī-Waimate Stream for construction and dust suppression purposes)	TANK 10	Temporary take of water	Discretionary	HBRC
Discharge of sediment laden water to land or water	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	Discretionary	HBRC

Discharge of solid contaminants within 20 m of a surface water body (not meeting Rule 48)		activity rule within this Plan, but which is not expressly classified as a discretionary, noncomplying or prohibited activity.		
Diversion of the Tūtaekurī-Waimate Steam / diversion of the Tūtaekurī-Waimate Stream 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
Planting and other activities not deemed to comply with Permitted Activity rules in Section 6.8	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
River & lake bed activities (disturbance of the Waiohiki Drain, installation of stormwater outlets[5] installation of rock rip rap or similar at the toes of the stopbank / floodwall and installation of a culvert in the invert of the overflow channel – if deemed a water body))	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[6]	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	Restricted Discretionary Controlled	HBRC

[5] If the cross drainage outlets are considered to be within the bed of the stream and not considered to fall under Rule 72 as a Permitted Activity.

[6] Feedback from HBRC during previous pre-application consultation suggested that either Rules 22 or 23 of PC9 may 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 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.

		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		

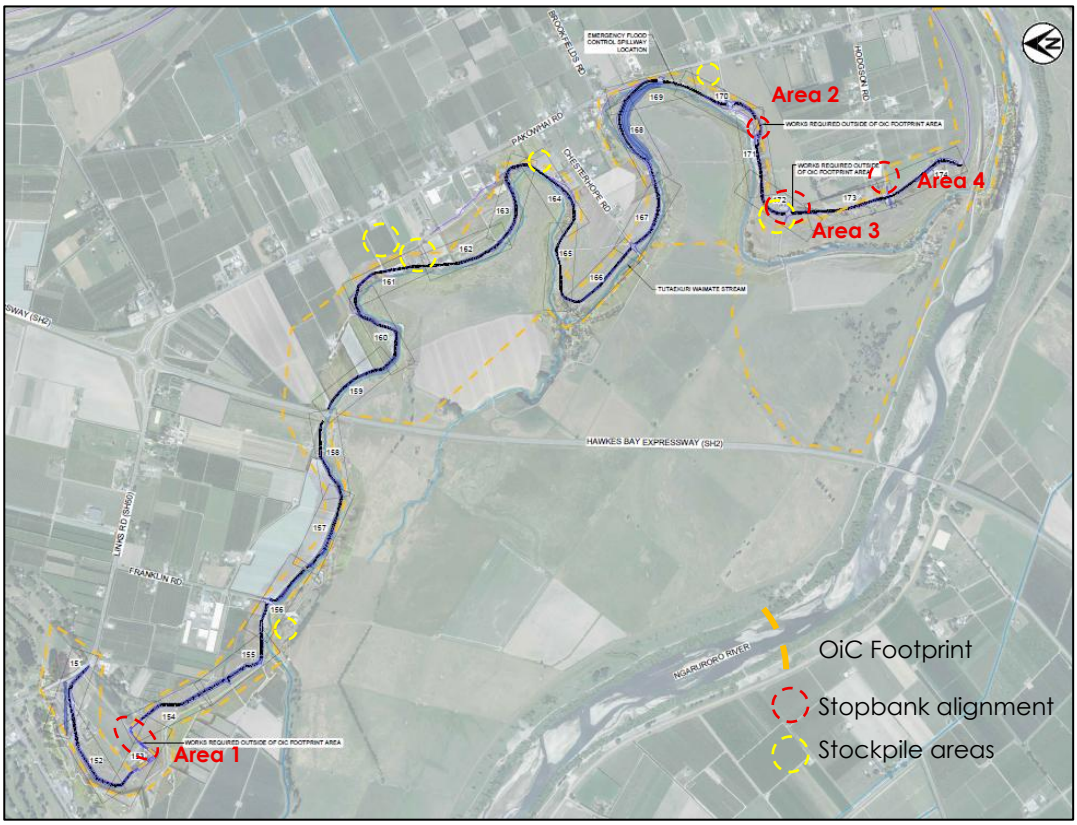
7.2 Activities Requiring Resource Consent under the Standard RMA Process

As outlined above and illustrated in **Figure 26** below, there are four areas of the stopbank and four stockpile areas that are to be constructed outside the OiC Footprint. The works associated with the stopbank are described on the Plan provided in **Appendix 10** but will generally involve:

1. Area 1 – earthworks,
2. Area 2 – earthworks,
3. Area 3 – earthworks, road construction (access ramps) and swale and culvert installation,
4. Area 4 – road construction (access ramps).

These stockpile areas have been introduced in Section 6 above and are also shown in regard to the OiC Footprint in **Appendix 10**.

Figure 26: 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 2011
- Freshwater 2020
- 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) are 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 5**, 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

On the basis that the works within Area 4 (within the road reserve road) are considered a permitted activity under Rule NU4, the following analysis is limited to activities associated with Areas 1 – 3 as described on the Plan provided in **Appendix 10** and the proposed stockpile areas located outside the OiC Footprint. Being earthworks activities i.e. fill activities to form stopbanks, these works are subject to the earthwork rules in Chapter 27.1.

Having considered Areas 1-3 of the stopbank alignment, each area (as they fall outside the OiC mapped extent):

- The earthwork thresholds in 27.1.6A – Extent of Earthworks pertaining to the Plains Production Zone are 100m^3 per hectare and 50m^3 per hectare for the importation of fill or removal of cut to or from an offsite location,
- The cut and fill volumes on the lots outside the OiC Footprint (excluding area 4 being road reserve) and their extent of compliance with the District Plan thresholds are outlined below (although Area 3 contains two lots the bulk of works will be undertaken on Lot 3 DP 6071),

Property	Area (ha)	Cut (m^3)	Complies	Imported Fill (m^3)	Complies
Area 1					
Lot 2 DP 16843	9.97	-	Yes	1,950	No
Area 2					
Pt Lot 2 Deeds Plan 376	10.58	-	Yes	1,640	No
Area 3					

Lot 3 DP 6071	25.17	670	Yes	7,110	No

- Stopbank height will exceed a fill face of 2.5m in respect to 27.1.6D – Excavation in Area 3,
- 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,
- In respect to 27.1.6F(2) – Flood Protection Works, in the context of the broader stopbank the works will not result in a 'significant' change to flood overflow paths,
- 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.

Regarding the proposed stockpile areas, the expected volume of material exceeds the limits in 27.1.6A.

Based on non-compliance with 27.1.6A and 27.1.6D, the earthworks associated with these features/activities are to be assessed as a Restricted Discretionary Activity under Rule EM6. Assuming the 670m^3 of cut (or at least 25m^3) in Area 2 will be removed from the site, resource consent is also likely to be required as a Discretionary Activity under Rule EM11 pertaining to the removal of material.

Further, given the close proximity of some sites identified in the PSI, DSI and further DSI, resource consent is also sought under Regulation 10 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Regional Planning Documents

In the first instance, the portions of stopbank outside the OiC Footprint will contribute to the diversion of water during flood flows, thus resource consent is required under Rule 59 of the RRMP.

Further, the deposition of material to form the stopbank, particularly within Area 2, is likely to occur within 20m of the Tūtaekurī-Waimate Stream and will therefore 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:

- Vegetation clearance and soil disturbance under Rule 8,
- Discharge of dust under Rule 30,
- Discharge of sediment laden water, under Rule 52,
- Dewatering – take and discharge (if dewatering is required as part of construction).

Consent for all these activities is sought.

Summary

A summary of the consents identified to be required for works/features outside the OiC Footprint is provided in **Table 5** 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 5: 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	Restricted Discretionary Discretionary	HDC
Regional Resource Management Plan				
Vegetation clearance and soil disturbance	8	Vegetation clearance or soil disturbance activities which do not meet the conditions in Rule 7.	Restricted Discretionary	HBRC
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 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 Tūtaekurī-Waimate Stream 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

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 flood protection works activities within the OiC Footprint will be processed as for a controlled activity under the OiC, and the activities 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.

8.2 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 OiC. **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
(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 11** – 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 – Summary of Consultation
(i)	A list of all relevant Māori entities	Refer Section 5.4.1 – Cultural Context and **Appendix 12** 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 12**

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, RRMP 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 report.

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.

Similarly, and in regard to the standard RMA process, Schedule 4 of the RMA requires an application for resource consent to:

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, 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 May 2023 through to October 2025, while monthly newsletters (since November 2023) have been made available on the Councils website. How the design and alignment have been refined during the design process has been included in the consultation undertaken.

The applicant has engaged with multiple individuals either at community meetings, drop-in sessions or one-on-one's in regard to the design, associated works and land access matters. Discussions with those consulted have covered matters including:

- Extent of the stopbank footprints, including how the alignment has been refined,
- Drainage solutions,
- Management of property infrastructure,
- Consequential flooding effects,
- Land access requirements.

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

Sections 9.1 – 9.5 below provide further detail in regard to the following key parties:

- Relevant Māori entities,
- NZTA,
- HDC,
- Unison and Chorus,
- Community and 2C Landowners.

9.1 Māori Entities

Ngati Parau Hapu Trust and Ngāti Hinemoa, Ngāti Hawea and Ngāti Hori have been the primary entities that HBRC has engaged with as partners on the project. In addition to representatives being invited to fortnightly project meetings, this has involved:

- Hui in May 2025 to discuss alignment/ realignment options,

- Hui in June 2025 to set a framework to develop a planting programme for Pakowhai,
- Hui in August 2025 to discuss the planting plan / Ecological Management Plan,
- Hui in September 2025 to discuss alignment and progress of the planting plan,
- Hui in October 2025 to discuss the consent application, timeline and roles,
- Hui on 31 October 2025 to confirm the summaries of the CIA ad CAAR and discuss the recommendations of the CIA and whether/how 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 NZTA

NZTA is a key stakeholder with interest in the impact the works will have on its roading asset. Consultation has been ongoing, with points of note including:

- Initial hui in early 2024 to discuss impacts on the State Highway and Links Road corridor,
- Ongoing meetings throughout 2025 to discuss design iterations,
- Follow-up discussion during July 2025 to discuss areas of interest/concern in relation to the new alignment and flood impacts on State Highway,
- Discussions with NZTA over September-October 2025 regarding project and timelines and sharing of design reports and flooding assessments.

9.3 Hastings District Council

Regular (circa fortnightly) 'catch up' sessions have been held between HDC and HBRC's recovery management teams since April 2025 to discuss issues and share information in the recovery space. Specific meetings focusing on the requirement to raise some of HDC's roads that will interface with the new stop bank alignment have recently been held.

9.4 Unison and Chorus

Unison and Chorus have been consulted with in respect to the protection or relocation of utilities. Engagement has included:

- Initial contact in July 2025 to advise them of the project and seek advice on asset relocation,
- August - October 2025 - preliminary design shared with Unison, agreed to develop detailed drawings and costings, dates for work agreed to start in March 2026.

9.5 Community and 2C Landowners

Numerous meetings have been held with the wider community and 2C landowners since August 2024. These have involved meetings, drop-in sessions and site walk overs.

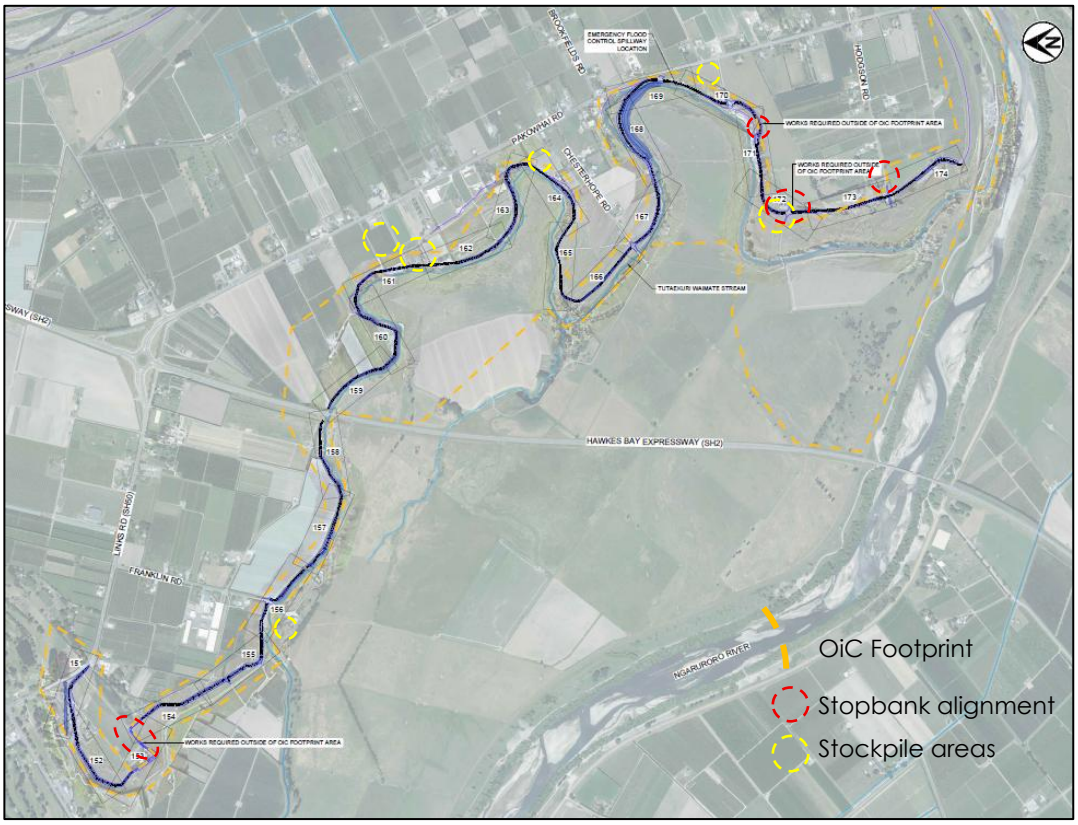
10. OIC ASSESSMENT

This part of the assessment relates to activities within the OiC footprint as shown in **Figure 27** below (within the brown dashed lines – areas in the red and yellow dashed circles are excluded). 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 27: 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 – these 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 11.**

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. Of note:

District Council Functions

- Earthworks meeting the following parameters are permitted:
    - 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 as 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,
- 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.

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 re-categorisation process.

Risk Assessment

An assessment of effects on flooding has been undertaken by T+T, with Beca also being engaged to:

1) Review and provide comment on the T+T "Consequential Flood Effects - Pākōwhai Stopbank" report,
2) Report on the consequences of the proposed works on the local community. This includes the areas and numbers of buildings where the risk of flooding will change due to the works, with the information drawn from the T+T report.

The T+T report is provided in **Appendix 13** with the Consequences Report prepared by Beca in **Appendix 14.** The following consideration draws on the content of these reports.

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. The following hydrological events have been used by T+T to assess flood effects arising from the proposal/an inflow of 200 m^3/s:

- "Base scenario" – Existing conditions based on 2023 LiDAR,
- "Stopbank scenario" – Includes the base scenario with a "glasswall" along the stopbank alignment and a spillway crest level at 7.5 m (NZVD).

Flood Extents and Levels:

Figure 3.1 in the T+T report (reproduced in **Figure 28** below) compares the estimated flood extents for the two scenarios (under an inflow of 200 m^3/s). The figure shows that the proposed stopbank reduces the extent of existing flooding in the north and northeast Pakowhai area, while obviously increasing flood extents immediately downstream of the proposed spillway and in areas upstream/west of the proposed stopbank within the detention area.

Differences in flood depth are shown in Figure 3.2 in the T+T report (reproduced in **Figure 29** below), with the greatest increased depths being upstream of the stopbank within the detention area – being pastoral farmland and approximately a 1 km section of SH2, and immediately downstream of the spillway. Further downstream of the spillway however, flood depths compared to the base scenario reduce. As shown in Figure 3.3 of the T+T report, where flooding has increased, flood velocities have also risen.

Figure 28:

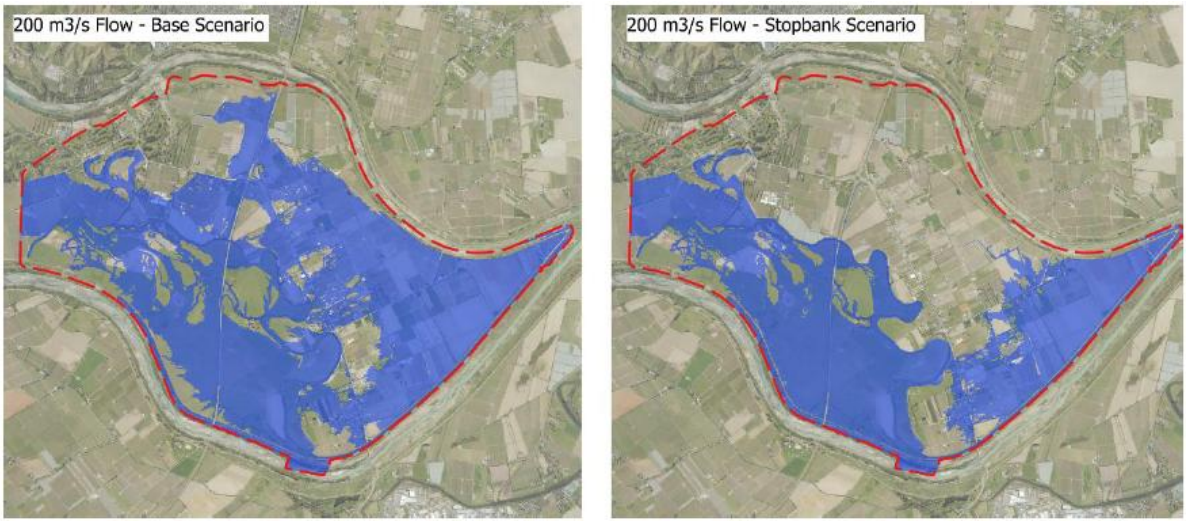
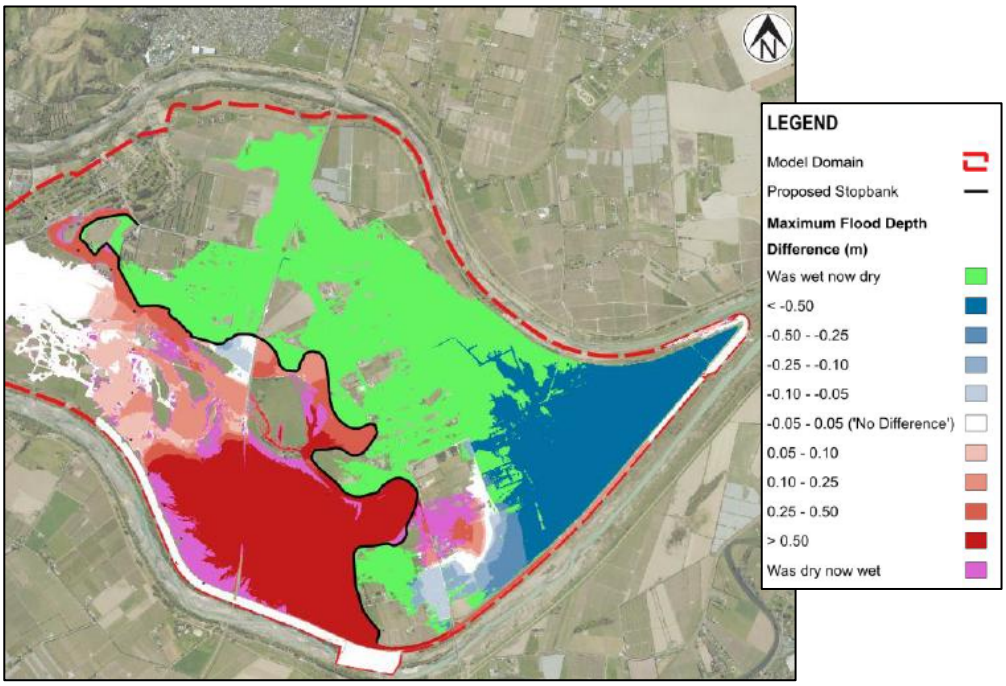


Figure 29:

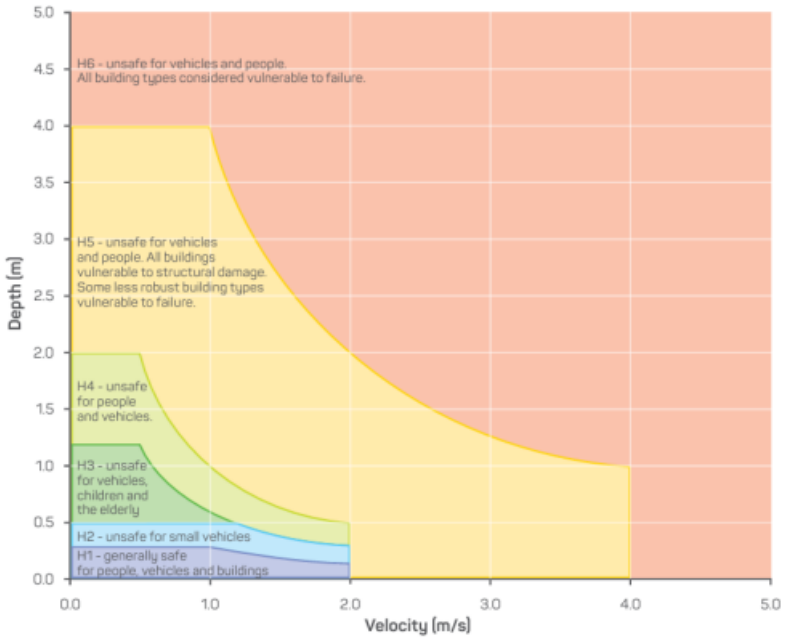


Flood Hazard Risk:

Focusing on areas where the model indicates a potential effect on flood levels, the assessment goes onto consider impacts on buildings and infrastructure.

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 30: Flood Depth vs Velocity Risk Category



Buildings:

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

The Land Category 3 (LC3) zone is defined as:

> *Future severe weather event risk cannot be sufficiently mitigated. In some cases, some current land uses may remain acceptable, while for others there is intolerable risk of injury or death*.

Outside the LC3 zone, there are:

- 8 buildings that have moved from H0 to a H1 hazard classification,
- 2 buildings that have moved from a H0 to a H2 hazard classification,
- 4 buildings that have moved from a H1 to a H2 hazard classification,
- 1 building that has moved from a H0 to a H3 hazard classification,
- 1 building that has moved from a H1 to a H3 hazard classification,
- 4 buildings that have moved from a H2 to a H3 hazard classification,
- 1 building that has moved from a H1 to a H4 hazard classification,
- 1 building that has moved from a H3 to a H4 hazard classification.

Increases to H1 or H2 (14 buildings) are not considered to be a significant change in risk to people, buildings or land, and no mitigation is considered by HBRC to be necessary.

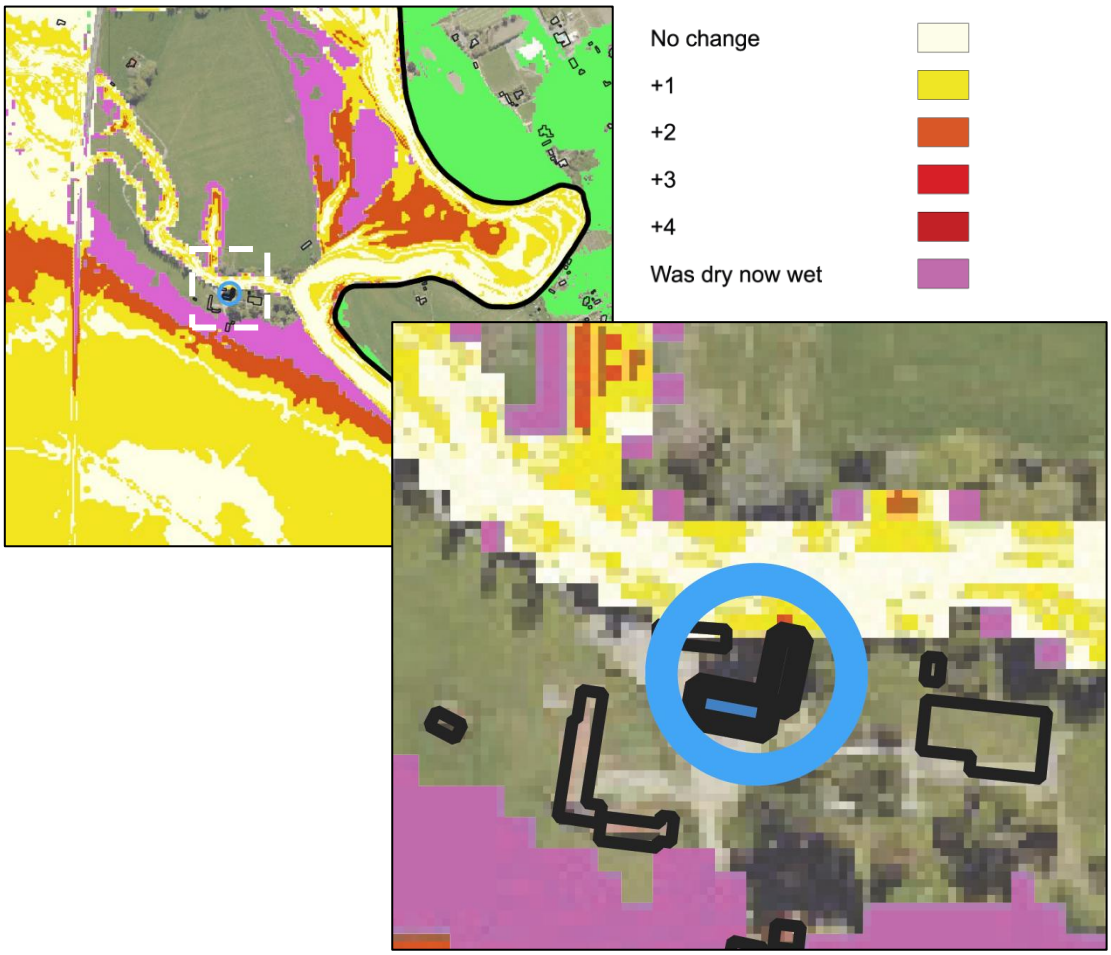
It has been identified that six buildings will increase to H3. Three of these are located on 70 Franklin Road where flood depths increase by 0.11, 0.12 and 0.13m and two on 64 Chesterhope Road where flood depths increase by 0.41 and 0.19m. These are located on

the streamside of the stopbank. One building is located near the spillway at 1834 Pakowhai Road where flood depths increase by 0.23m.

HBRC has purchased the property at 70 Franklin Road, and the residential building has been demolished. The other buildings are non-residential.

Regarding the two building at 64 Chesterhope Road (homestead and farmhouse), as shown in **Figure 31** below, the homestead change in classification is triggered by one spot point (red point) in the model. The surrounding area is generally unaffected. Implications on the second building (the farmhouse) are being considered as part of the land access agreement.

Figure 31:



The building on 1834 Pakowhai Road is a shed (which appears to be a derelict fruit and vegetable stall).

Regarding the 2 buildings that increase to H4, neither are identified as residential dwellings, while one (referred to as the 'potato shed') is located on the streamside of the stopbank.

Effects on this building are be considered as part of the land access agreements with the landowner.

Within the LC3 zone, there are:

- 20 buildings that have moved from H0 to a H1 hazard classification,
- 6 buildings that have moved from a H0 to a H2 hazard classification,
- 3 buildings that have moved from a H1 to a H2 hazard classification,
- 1 building that has moved from a H1 to a H3 hazard classification.

Again, increases to H1 or H2 (29 buildings) are not considered to be a significant change in risk to people, buildings or land, and no mitigation is considered necessary.

In terms of the 1 building moved to H3, given the already significant hazard risk posed to this building (evidenced by it being within the LC3 zone), no mitigation is proposed to address the consequential flooding effects.

Overall, there is a significant increase in overall flood protection as a result of the proposed works.

Detention Area and State Highway 2:

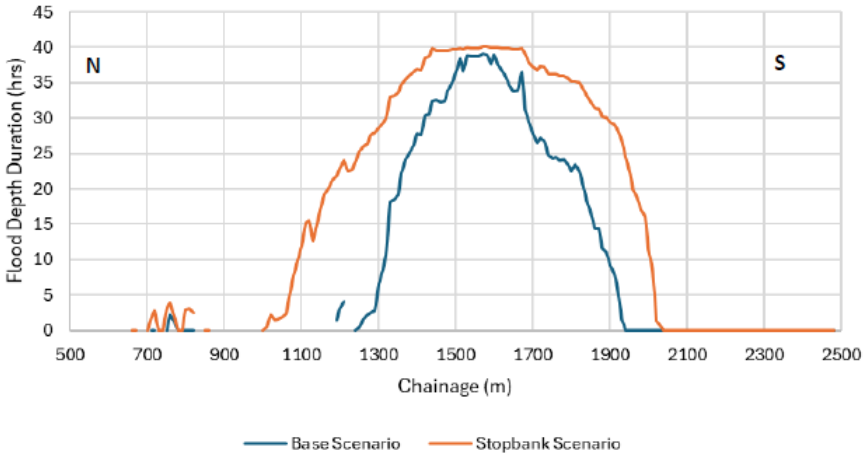
As outlined above, the greatest increased flood depths occur upstream of the stopbank - being pastoral farmland and approximately 1 km section of SH2.

Regarding the farmland, there is already the potential for significant amounts of flooding in this area (from SH2 to the downstream end of the stream). While the effects of the proposal will add to the depth and extent of this, HBRC is working with the landowner to reach a land access agreement that will take account of the effects identified, thus no further mitigation is proposed as part of this resource consent process. It is nevertheless noted:

- Based on the flood depth difference maps, much of the affected area is already subject to flooding,
- The increase flood depth is on top of existing flood depths,
- It is highly unlikely that people or vehicles would be present on this land during a significant flood event.

According to Smith et al (2014), all vehicles are unsafe at a hazard of H3 and higher. In terms of State Highway 2, the model indicates that during the base scenario, there is a 220 m length of road between chainages of 1430m and 1650m that is subject to H3 hazard or higher. During the stopbank scenario, this length of road is increased to 790 m between chainages of 1160m and 1950m – extending the already impacted length of 220m by 570m. Relevantly, however, and as illustrated in the flood depth duration graph (reproduced in **Figure 32** below), while a greater length of State Highway 2 may be flooded, the change in the duration of flooding will be limited, and effects on the functioning of the State Highway network compared the impacts that would otherwise occur in the baseline scenario also limited i.e. while flood depths across some lengths of the State Highway may take longer to drain, they will still drain within the time it takes for low areas that are flooded under the base scenario to drain.

Figure 32:



Spillway:

With the exception of a small area of land west of Pakowhai Road (refer **Figure 33**), effects arising from the spillway are within the LC3 zone. Within that the small area three clusters of buildings have been identified. We are advised that northern and mid clusters have been acquired by Hawke's Bay Regional Council and that the southern cluster has in fact been removed.

Figure 33:

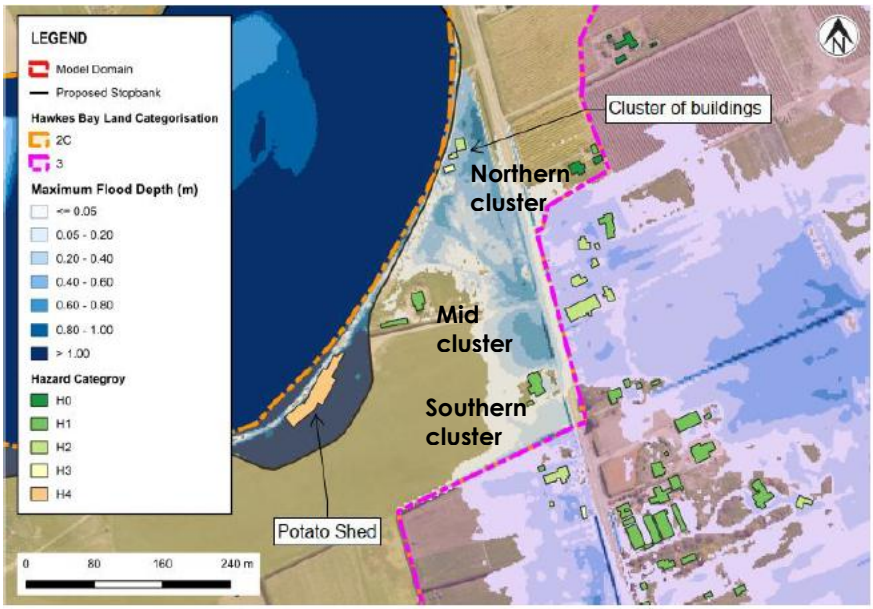


Figure 4.9: Maximum flood depth downstream of the spillway - 200 m³/s inflow - with buildings and hazard categories overlaid.

Turning to the LC3 zone, effects on buildings have been discussed above where it is identified that buildings within this area are already subject to significant hazard risk. The same view can be applied to impacts on primary production land. On this basis, no further mitigation is proposed.

Roads:

Flooding has been eliminated along Pakowhai Road for the northernmost 2.5km until the spillway. Downstream of the spillway, flood depths are estimated to increase between 0.1 – 0.3m between the base and stopbank scenario, with velocities increasing from 0.62m/s to 1.2m/s. While the redirection of flow through the spillway increases the flood depth and velocity in this area, the hazard category along Pakowhai Road for the base scenario and stopbank scenario does not exceed H1, and therefore is not considered unsafe for vehicles.

In terms of other roads within the area, the T+T report reports a significant reduction in the length of roads subject to hazard category of H3 or higher, noting all vehicles are unsafe at a hazard of H3 and higher. However, Table 4.6 of the report identifies the length of Chesterhope Road currently subject to a H3 hazard classification or higher will increase from 90m to 590m. This length of Chesterhope Road is not however within the public road reserve – rather an extension of the 'road' within private property. This length will be on the streamside of the stopbank and within the detention area. As outlined above, HBRC is working with the landowner on a land access agreement that will take this matter into account – noting it is already subject to a H3 category in any case.

While there are increases for private accessways, sections of these are already subject to a H3 hazard classification or higher.

Bridges:

Potential effects on the Franklin Road and State Highway 2 bridges have been considered. The model results indicate:

- Flood water flows over the Franklin Road bridge deck in both the base and stopbank scenario. While the maximum water depth over the bridge deck increases from 0.4 m to 0.7 m and the maximum flood velocity increases from 1.3 m/s to 1.8 m/s from the base scenario to stopbank scenario, the flood depth duration remains unchanged between the two scenarios.
- The water level reaches the soffit of the SH2 bridge in both the base or stopbank scenario. The bridge does not overtop in either scenario, however.

Transmission lines:

There is a 220 kV transmission line that runs through the western area of Pakowhai. The analysis determines that there will be minor increases in flood depth and velocity at some towers, with the hazard category for one tower (TT3) increasing from H3 to H4, and two previously unaffected towers becoming exposed to flooding. T+T has advised that the modelled flood velocities at the transmission tower sites are very low and not expected to cause any scour issues.

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

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

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

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 extend into a wahi taonga site identified in the Hastings District Plan (Wahi Taonga Site – Battleground – Urupa, referred to as W13). While this is not specifically focused on in the CIA or CAAR, an Archaeological Authority will be in place to manage any unexpected discoveries.

In regard to the remaining matters, and as introduced above, a CIA and CAAR have been has been and include a number of recommendations.

Table 6 below contains the individual recommendations made. Although this resource consent process does not provide scope for all to be realised, each recommendation has nevertheless been considered and responded to, with input from the HBRC Māori Partnerships Team. Where scope allows, a response has been provided as to how those specific recommendations can be given effect through the standardised conditions of consent - which are proposed to be adopted to manage effects on cultural values in respect to the matters over which control has been reserved.

Where scope does not allow some of the recommendations to be realised within this project, it is noted that there are a number of workstreams being undertaken by the broader HBRC team, and that part of the Māori Partnerships Team's role is to connect opportunities for ongoing engagement. The CIA and CAAR will inform this work, which is ongoing.

It is our understanding that the analysis and view that the standardised conditions give effect to the applicable recommendations in the CIA and CAAR and address the applicable matter

of control is accepted by Ngati Parau Hapu Trust and Ngāti Hinemoa, Ngāti Hawea and Ngāti Hori.

Table 6: Analysis of CIA Recommendations

Reproduced from the CIA and CAAR		Response
Theme	**Recommendation**	
CIA prepared by Ngāti Pārau Hapu Trust		
Restoration and Enhancement of the Tūtaekurī-Waimate Stream and Waiohiki Drain	Riparian planting with native species along the Tūtaekuri-Waimate Stream is strongly recommended. This would mitigate farm and orchard runoff, improve water quality, and contribute to the restoration of the stream's natural ecosystems.	An Ecology Management Plan must be prepared under Condition 28 in association with the Māori Entities representative, which will include finalising planting plans and other areas of vegetation replacement.
	Preservation and enhancement of the spring that feeds what is currently known as the Waiohiki Drain. Native flora and fauna should be protected and, where possible, encouraged to flourish. HBRC is encouraged to use native grass species for ground cover and to incorporate rongoā (medicinal plants) and other native species along the riparian strip.	An Ecology Management Plan must be prepared under Condition 28 in association with the Māori Entities representative, which will include finalising the concept mitigation planting plans and other areas of vegetation replacement.
	Renaming the "drain" to better reflect its importance and historical significance would honor its vitality and the cultural heritage of the area.	HBRC has confirmed its support for this but has noted it is not the decision maker. Although beyond the scope of process, HBRC has advised Ngāti Pārau Hapu Trust of the process and has confirmed it us willing to pursue it with Mana Whenua.
Addressing Environmental Impacts Proactively	Undertake riparian restoration by incorporating native plant species that align with the cultural and ecological identity of the region. This will help support biodiversity, improve water quality, and strengthen cultural connections to the land.	An Ecology Management Plan must be prepared under Condition 28 in association with the Māori Entities representative, which will include finalising planting plans and other areas of vegetation replacement.

	Establish a deliberate and measurable wetland restoration programme covering at least 10 hectares. This initiative will focus on enhancing natural habitats, improving water filtration, and supporting indigenous flora and fauna.	Planting will focus on replacing disturbed vegetation and offsetting the effects of the diversion. Additional initiatives are beyond the scope of this process.
	Implement natural channel design principles when modifying watercourses to maintain ecological balance, minimize erosion, and restore natural hydrological functions.	This recommendation is consistent with the approach being taken with the diversion of the Tūtaekurī-Waimate Stream.
	Develop a comprehensive wetland management plan aimed at long-term resilience. The plan will include clear objectives, strategies for invasive species control, and regular ecological monitoring to ensure sustained health and functionality.	Although beyond the scope of this process this recommendation has been referred to the staff responsible for preparation/implementation of the Hawkes Bay Regional Councils River management Plan.
	Engage mana whenua to lead monitoring and fish relocation efforts throughout the project. This will be guided by Te Wai Mauri principles and executed by kaitiaki rangers, ensuring that cultural and ecological values are upheld.	The construction methodology for the diversion of the Tūtaekurī-Waimate Stream and associated fish relocation procedures will be confirmed as part of the Ecology Management Plan – preparation of which involves working in association with the Māori Entity representatives.
Preservation of Wāhi Taonga	Collaborate with cultural advisors to ensure any taonga uncovered during construction are handled with the highest respect and care, aligning with tikanga Māori and cultural protocols.	An Authority is being applied for which will address these matters, while Condition 29 would require an accidental archaeological discovery protocol to be prepared in collaboration with the Māori entities representatives in any case.

	Source construction materials in a manner that minimizes cultural and environmental impacts, prioritising sustainable and locally appropriate options.	Although beyond the scope of this resource consent process, HBRC is prioritising the use of local and sustainably sourced materials.
	Implement a robust accidental discovery protocol to ensure immediate and culturally appropriate responses to any heritage items encountered, safeguarding their preservation and significance.	An Authority is being applied for which will address these matters, while Condition 29 would require an accidental archaeological discovery protocol to be prepared in collaboration with the Māori entities representatives in any case.
	Provide opportunities for mana whenua to access training programmes or recover costs associated with the preservation and care of taonga or other cultural artefacts uncovered during the project.	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.
	Collaborate with mana whenua to officially rename the Waiohiki waterway (currently referred to as a drain) to reflect its cultural significance and restore its mana as an integral part of the environment.	HBRC has confirmed its support for this but has noted it is not the decision maker. Although beyond the scope of process, HBRC has advised Ngāti Pārau Hapu Trust of the process and has confirmed it us willing to pursue it with Mana Whenua.
CAAR prepared by Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori of Waipatu Marae (the recommendations presented here are as summarised by the HBRC Māori Partnerships Team)		
Additional restoration activities	Integrate the construction of a stopbank with ecological and cultural restoration of the Tūtaekurī Waimate Stream, supporting the return of its life-sustaining role within the traditional aquacultural economy of Heretaunga. This includes restoring fish habitats, spawning grounds, and riparian vegetation across significant land blocks. The initiative must align with the principles of Te Hā o Waiaroha—Mana Atua, Mana Taiao, and Mātauranga Māori—and acknowledge atua Takotowai and Hinetūiterepo. Restoration should meet the standard of *waimāori*—pure, natural water—critical to	Replacement vegetation and offsetting of the effects of the diversion of the Tūtaekurī-Waimate Stream will be undertaken alongside compliance with the standardised conditions in the OiC in

	Ngāti Kahungunu values and freshwater aspirations, particularly those outlined in the Ngāti Hori Freshwater Resources Management Plan (Operation Pātiki).	relation to construction and erosion and sediment control.
Additional capital works	Due to the highly degraded state of the Tūtaekurī Waimate Stream, additional capital works are recommended to improve water quality and restore cultural and ecological health, as advocated by Ngāti Hinemoa, Ngāti Hori, and Ngāti Hawea. This includes constructing three enhancement *roto* (wetland ponds): one to settle sediment, one guided by atua Hinetūiterepo to remove pollutants, and one with rocks to restore *mauri*. A 10m riparian margin should surround the *roto* for planting. These interventions aim to reinstate *mana* and *mauri*, and support re-monitoring efforts to establish a contemporary baseline for water quality improvements.	Additional works are beyond the scope of the project, however replacement planting and offsetting of the effects of the diversion of the Tūtaekurī-Waimate Stream will contribute to the improvement of water quality.
3Conditional support	Ngāti Hinemoa, Ngāti Hawea, and Ngāti Hori conditionally support the proposed 1-in-100 year flood protection stopbank and spillway, provided a 10m wide riparian vegetation and wetland corridor is maintained on both sides of the Tūtaekurī Waimate Stream and its tributaries. This corridor is vital for restoring native aquatic and terrestrial plants, *rongoā* species, instream habitat protection (particularly shade), and future customary harvesting. The approach reflects the principle of *ki uta ki tai*—recognising the interconnectedness of the river's headwaters, tributaries, groundwater recharge zones, and its eventual flow into the coastal environment.	Refer above.
Fencing and pest eradication	Riparian planting surrounding the enhancement lakes and the full length of the Tūtaekurī Waimate Stream is fenced in a way that prevents future stock access. A suitable pest eradication programme is designed and implemented.	Fencing and maintenance requirements will be included planting plan prepared as part of the Ecology Management Plan under Condition 28, which is required to be prepared in association with the Māori Entities representative.
Safe translocation	Commission a dedicated creative project, led by a preferred Ngāti Hinemoa, Ngāti Hawea, and Ngāti Hori team, to design a planting strategy and timeline for restoring indigenous riparian ecosystems. This strategy should focus on the complete removal of willows and other non-native plant species within the riparian corridor and support the safe translocation of native species such as bats and lizards. Where possible, materials from removed vegetation (e.g., timber) should be repurposed to create protective habitats for relocated indigenous wildlife, aligning ecological restoration with cultural stewardship values.	An Ecology Management Plan must be prepared under Condition 28 in association with the Māori Entities representative, which will include finalising planting plans and other areas of vegetation replacement.

A plant species inventory	Commission a culturally-led creative project by Ngāti Hinemoa, Ngāti Hawea, and Ngāti Hori to develop a pre-1840 *ngahere urutapu* (pristine forest) plant species inventory, alongside a strategy for local seed sourcing, propagation, and planting. This supports restoration efforts grounded in cultural and ecological knowledge, including onsite planting trials to refine restoration methods aligned with atua Hinetūiterepo. Remaining stands of native species like Kahikatea, Pukatea, and Tawa may guide seed selection. This work honours *ki uta ki tai* by maintaining *mauri*, supporting ecosystem integrity, and ensuring habitats meet the needs of aquatic species for successful recruitment.	Design of the planting plan by the Project Ecologist in association with the Māori Entities representative will ensure the use of suitable planting species.
Access	Ensure Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori and their marae/hapū confederation have unhindered access to the Tūtaekurī Waimate Stream for cultural harvest, wellbeing, and ceremonial purposes. Historical modifications—such as river diversions, wetland drainage, and stopbank construction—have physically and culturally disconnected hapū from their ancestral waterways. This recommendation aligns with the principle of *He Ara Haere*, which affirms the right to access and maintain cultural practices across the awa, lakes, and significant sites. It also includes maintaining sufficient water levels to support waka use, reinforcing both physical and relational connectivity to these taonga.	This is a private landowner matter.
Stream realignment	The creation of a stopbank is undertaken in a way that does not alter the existing (energetic) shape and form of the Tūtaekurī Waimate Stream. Realignment of the Tūtaekurī Waimate Stream would diminish the aquacultural mana, mauri, heritage and cultural values of this stream and for this reason is strongly opposed by Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori.	The proposed diversion has been conceptually / will be designed to mirror the existing form and to accommodate flows.
Stopbank plant cover	A separate creative activity project is commissioned (for a preferred Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori creative activity team) to develop a planting/recruitment strategy for the surface of stopbank structures that makes possible the reinstatement of pre-1840 indigenous grassland/fernland species.	The surface of the stopbank structures will be grassed for performance reasons.
A monitoring strategy	Commission a monitoring project, led by a preferred Ngāti Hinemoa, Ngāti Hawea, and Ngāti Hori creative team, to track the effectiveness of the infrastructure works in restoring the pre-1840 aquacultural economy on the Ohikakarewa land block and giving effect to Te Hā o Waiaroha principles. The project will assess instream wellbeing, particularly for at-risk indigenous fish species, and produce a report outlining best practices for future restoration efforts in Heretaunga and Hawke's Bay.	Monitoring of water quality is already a function of the HBRC water quality team.

	It will also include a cost assessment—both direct and indirect—to guide the design of future projects that minimise harm and enhance cultural and ecological outcomes.	
A cultural monitor	A preferred Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori creative activity team is present during all site excavation activities, especially to provide for cultural safety and guidance, should there be an accidental discovery that requires activation of the TToH accidential discovery protocol.	Cultural monitors will have the opportunity to attend initial site excavations to be undertaken on a progressive basis.
Location of borrow pits	Carefully assess the location of borrow pits to avoid disturbing potential archaeological sites and ensure alignment with mana-enhancing water storage approaches. Mana whenua oppose the use of farm ponds, viewing them as inconsistent with cultural values and aspirations to restore the aquacultural economy of Heretaunga. Any new water storage infrastructure must not involve additional water takes from Te Ipu o Taraia, which is already over-allocated. Mana whenua have clearly stated they do not support further consents. Water allocation decisions must uphold the *mauri* of the Tūtaekurī Waimate Stream, with monitoring focused on maintaining adequate flows aligned with the maramataka.	No longer applicable – there will be no borrow pits.
Innovative stormwater remedies	Commission a dedicated project, led by a preferred Ngāti Hinemoa, Ngāti Hawea, and Ngāti Hori creative team, to design and implement a surface water management plan that integrates proposed infrastructure with existing stormwater systems. The plan must prevent untreated stormwater and pollutants from entering the Tūtaekurī Waimate Stream. Innovative solutions and ongoing monitoring are required to address both point and non-point source discharges, ensuring they align with the mana and *mauri*-enhancing goals of restoring the region's aquacultural economy. This work must reflect the cultural values and environmental priorities of the associated marae and hapū confederation.	The effects of the proposal will be managed in line with the standardised conditions of the OiC. Consideration of other discharge activities is beyond the scope of this process.
Waahi taonga protection	A separate creative activity project is commissioned (for a preferred Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori creative activity team) to develop an inventory of waahi tapū for the site including punawai, to ensure registration in the HHDC waahi tapū register and where necessary to work with the farm board to put in place suitable protection mechanisms.	An Authority is being applied for which will address these matters and set out the process for any future actions should unexpected discoveries be made.
Re-envisioning farm drains	Commission a creative project with Ngāti Hinemoa, Ngāti Hawea, and Ngāti Hori to collaborate with local landowners to develop innovative alternatives to conventional farm drains and channels, which currently contribute pollutants and sediment to the Tūtaekurī Waimate Stream. These drains are seen as mana-diminishing and contrary to the aspiration of restoring the pre-1840 aquacultural economy. The project aims to reimagine drainage in a way that enhances *waiaroha* by restoring mana and *mauri*	The effects of the proposal will be managed in line with the standardised conditions of the OiC. Consideration of other discharge activities is beyond the scope of this process.

	of the water through love and care, recognizing the deep spiritual connection between the land, water, and ancestors that underpin this area.	
Landfills, waste dumps, asbestos and HAIL sites	Appropriate remedies are devised and applied to HAIL, landfill, waste dumps and locations containing asbestos–in particular to ensure that water borne pollutants from these sites are not entering the waters of the Tūtaekurī Waimate Stream via underground remnant braids or overland flow.	Works involving the risk of contaminated soil will be managed in accordance with a Contaminated Site Management Plan.
Bare ground	A separate creative activity project is commissioned (for a preferred Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori creative activity team) involves work with local landowners to develop an innovative alternative to bare ground that mitigates soil erosion when activated by heavy rainfall or overland flood waters.	Beyond the scope of this process.
Restoration/regeneration urgently needed	The Ohikakarewa land block historically supported abundant lowland ngahere urutapu (kahikatea, pukatea, tawa) and the wetland Hinetūiterepo, linked to former Tūtaekurī River meanders. Spatial analysis comparing pre-1840, 1840, and 2018 landcover shows dramatic decline in these ecosystems, reflecting a systematic loss of treasured taonga protected under Te Tiriti o Waitangi. This decline signals Crown neglect and ecological extinguishment. The recommendation calls for urgent corrective action by HBRC staff to halt and reverse this ecosystem loss, emphasizing that current restoration proposals represent only a minimum response to the ongoing crisis faced by Ngāti Hinemoa, Ngāti Hawea, and Ngāti Hori.	While planting and offsetting will focus on the effects of the proposal, the species referred to can be taken into account by the Project Ecologist and Māori Entity representative in developing the planting plans.
An invitation	Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori, and their marae/hapū invite the Regional Council to collaborate in a creative wānanga to co-design a 500-year moemoeā (vision) for the coastal plain. This vision seeks to move beyond stopbank flood mitigation, aiming instead to restore the mana of their ancestral awa and develop a sustainable regional economy and communities living harmoniously with atua and taniwha. The approach draws on emerging international culturally-mediated best practices, emphasizing place-based, treaty partnership collaboration rooted in cultural identity and environmental rhythms, as expressed in an oral interview reflecting hope for the river's natural course to return.	While this initiative sits outside the scope of this project the invite if being considered by the relevant teams at HBRC.
Takaparata	The recommendation above highlights concerns over instream flow and water levels, particularly due to over-extraction from Te Ipu o Taraia. This overuse causes lowered flows, loss of punawai (springs), and disrupts the work of Takaparata, the taniwha guardian of the aquifer. Monitoring flow through the maramataka (Māori lunar calendar) will identify when water takes impact the aquifer, allowing	Refer above. Water allocation and use is also the subject of Plan Change 9.

	adjustments to protect flow and mauri. The cultural understanding shared describes the aquifer as a living entity—breathing and guarded by Takaparata, whose mana energizes and revitalizes water. Gravel beds, as the home of Takaparata, are sacred and must be respected; they are not resources to be taken lightly, as ancestral wisdom places taniwha there for protection.	
Language	The current English terminology used by the Regional Council to discuss flood risks and storm drains tends to diminish the mana (authority and sacredness) of Atua and Taniwha. Flooding in Heretaunga has been part of natural cycles, contributing vital silts and supporting fish migration, and storms like Cyclone Gabrielle are viewed within this cultural framework as gifts from Parawhenuamea, not enemies. The negative framing ignores these gifts and the fact that human development has encroached upon flood-prone and aquifer areas, such as Te Ipu o Taraia. To address this, a separate creative project will be commissioned for a Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori creative team to collaborate with Regional Council staff to develop new vocabulary. This language will better reflect Māori cultural values and provide a more inclusive way of communicating about natural phenomena. Current planning language and policies often limit Māori concepts and thus fail to fully protect or prioritize tangata whenua values (McArthur et al., 2016).	This recommendation has been passed on the team working on region wide flood resilience projects.
Maramataka	Restoration activities outlined in this CAAR are planned and undertaken in a way that appropriately aligns with appropriate phases of the maramataka.	Conditions provide for the input of Māori Entity representatives and cultural monitors to ensure such outcomes.
Mātauranga Māori	The aquirement of lands for capital works and the restoration aspirations outlined in this CAAR also present an opportunity to reinstate key aspects of the mātauranga of Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori including ancestral walking tracks, tauranga waka, urupā, waahi taonga, tohi, ancestral place names and nohoanga.	While land access agreements may be reached these will only apply to the alignment of the stopbank. Public access will remain to be limited by private property.
Fish passages	Fish passages are an essential contribution towards reinstating the mana and mauri of our pre1840 aquacultural economy. A separate creative activity project is commissioned (for a preferred Ngāti Hinemoa, Ngāti Hawea, Ngāti Hori creative activity team) to work with local landowners to undertake a systematic check of all tributaries and drains to ensure adequate provisions exist for fish passage. Recommendations from this study can then guide remedial actions as required.	The proposal does not introduce any barriers to fish passage within the Tūtaekurī-Waimate Stream of Waiohiki Drain. Additional assessment of existing structures is beyond the scope of this process.

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.

One small area comprising wetland characteristics has been identified at approximately CH 1500m. In line with the recommendations of T+T, the alignment will seek to avoid it in the first instance. If this is not possible, native riparian planting will be undertaken within selected areas alongside the Tūtaekurī-Waimate Stream to offset effects. Details of the planting measures within the selected areas to achieve, as far as practicable, a net positive ecological outcome in line with Condition 26(2)(c) are proposed to be finalised as part of preparing the Ecology Mitigation Plan. There is no need for any other 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.

The diversion of the Tūtaekurī-Waimate Stream is necessary to facilitate the alignment of the proposed stopbank. The diversion will be designed to accommodate expected flows and constructed to facilitate re-establishment of the stream bed and riparian margin. Details of the construction methodology, which will address the relocation of fish species, and offset planting measures to achieve, as far as practicable, a net positive ecological outcome in line with Condition 26(2)(c) are proposed to be finalised as part of preparing the Ecology Mitigation Plan. There is no need for any other conditions to avoid, remedy or mitigate the effects of the stream diversion.

10.4.3 Fish Passage

(b) Provision for the passage of fish.

With no crossings or barriers being installed, the works do not give rise to any issues in relation to the passage for fish.

In terms of the proposed diversion of the Tūtaekurī-Waimate Stream, the passage for fish will be maintained – with specific management during construction, which will be confirmed as part of the EMP.

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), the Preliminary Design Report explains the level of service of each drainage solution. In reliance on T+T's design to manage drainage and avoid unreasonable upstream ponding, subclauses (2) and (4) are proposed to be deleted.

Conditions 21(1) and (3) are proposed to be retained to suitably manage effects on water quality – with minor amendments to (1) noting that the final design 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.

The effects of the proposed water take are considered in regard to (d) from 'General' in Section 10.7.4.

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.*

A geotechnical assessment has been prepared by T&T and is provided in **Appendix 15.** This contains an assessment of the following:

- Seismic hazards along the alignment,
- Static settlement,

- Stability under static, seismic and rapid drawdown conditions,
- Seepage,
- The proposed retaining structures.

While the analysis has raised a number of matters to be considered as part of detailed design, it is concluded that the stopbank is generally feasible against HBRC static and transient flood performance criteria – noting some areas have been identified to require special consideration, which will be part of the detailed design process.

Under Ultimate Limit State (ULS) conditions (the point at which a structure may experience catastrophic failure due to extreme loading conditions) it is HBRC's approach to take a 'repair-when-damaged' approach in the event of a ULS seismic event.

In respect to soil erosion, this will be managed during construction under the CEMP and ESCP, while the flooding assessment has concluded in regard to erosion and scour that flood velocities under the modelled events are generally unchanged, with localised increases not expected to significantly increase scour.

No additional conditions are considered necessary in this regard to this matter of control.

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 proposed works have considered the natural landform and provided 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 Opportunities and Constraints Assessment prepared by T+T. Consequential amendments have been made to Condition 18(c) to reference this report rather than condition 27.
- 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 Assessment and further consideration of the division of the Tūtaekurī-Waimate Stream - with the key matters being:
    - Developing an accidental discovery protocol to provide guidance if unexpected bat species are discovered,

- Developing an accidental discovery protocol to provide guidance if unexpected lizard species are discovered,
- Developing procedures for managing native bird species prior to vegetation removal,
- Developing a construction methodology for the reclamation/diversion of the Tūtaekurī-Waimate Stream to facilitate the capture and relocation of fish,
- Preparation of a planting plan for the reclamation/diversion of the Tūtaekurī-Waimate Stream to achieve, as far as practicable, a net positive ecological outcome,
- Preparation of a planting plan to offset any remaining effects of the reclamation/diversion of the Tūtaekurī-Waimate Stream, including the approach to offsetting, to achieve, as far as practicable, a net positive ecological outcome,
- Preparation of a planting plan to offset effects on Wetland 23 should the alignment of the stopbank not be able to avoid its extent, including the approach to offsetting, to achieve, as far as practicable, a net positive ecological outcome.

- 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.

Finally, while the stopbank comprises a spillway, this is not the type of spillway that would be subject of condition 18(f). On the basis that no spillway or weir is proposed within the bed of a water body, condition 18(f) is proposed to be deleted.

10.7.4 Water Take

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

The use of water in the construction of stopbanks is essential to achieving structural stability and managing dust, while abstracting water from the Tūtaekurī-Waimate Stream close to the construction site represents an efficient use of water on the basis that municipal supplies will not be affected and transport associated effects and costs significantly reduced.

The applicable matter of control relates to effects on wildlife, habitat and ecosystems rather than effects on other users. In this regard:

- The volume identified is based on contractor inputs and expectations around the likely needs,
- Taking will be temporary and limited to the duration of the construction works (expected to be an 18-month period),
- Conditions are proposed to manage effects on fish,

- While no minimum flow is proposed, information available on the HBRC website shows that the Stream has only been on ban (subject to the 1,200ls minimum flow) on one occasion for one day. The likelihood of significant effects can therefore be considered low. The point of take is also low in the catchment.

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, the Landscaping Scoping Assessment has concluded there will be no significant effects on residential properties and that in line with standardised conditions relating to this matter that no landscaping or further mitigation is necessary.

Noting the existing requirement of the CEMP and conditions pertaining to noise, vibration and dust, which the applicant has adopted, there is no need for any further conditions to mitigate potential effects on 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.

The landowners of the land upon which the works will occur have been involved in the developing the solution. In principle, and noting the design features around providing for existing services, the proposed works are not anticipated to compromise the actual use of the properties concerned.

In terms of the adjoining land, noting effects in relation to flooding and visual outlook/amenity have been considered in Sections 10.2.1 and 10.8 above respectively:

- Swales and culverts are proposed to accommodate the existing drainage pattern,
- The stopbank itself is not anticipated to compromise existing or potential landuse activities.

No additional conditions are considered necessary.

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 various infrastructure services, while Franklin Road, Chesterhope Road and Hodgson Road are public roads.

The various infrastructure services/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 expected to affect this infrastructure.

Regarding the works within the various road reserve, these are relatively minor, and each length has been designed according to the applicable design parameters.

Effects on State Highway 2 have been considered in Section 10.2.1 above.

Further consultation will be undertaken with networks utility operators and HDC as part of the detailed design process and in preparing the CEMP, while they will also be invited to appoint a member to the Stakeholder Group under Condition 6, which, under Condition 11, will enable the opportunity to comment on the CEMP. No further conditions/amendments are considered necessary 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.*

An Archaeological Authority is in the process of being applied for, which will include management protocols to reduce risk to unidentified archaeological sites.

Condition 29 of the standardised conditions is nevertheless proposed to be retained to enable works to commence if necessary. This will require preparation of an accidental archaeological discovery protocol – noting this would only apply until the Authority is in place.

The structure of Condition 29 provides for this approach and 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.*

Matter (a) is considered below, with matter (b) relating more to construction and being considered in relation Section 10.13.

In terms of (a), and although much of the alignment will be within private property, the location and form of the proposed stopbank itself will not prevent opportunities for access to the Tūtaekurī-Waimate Stream if this was to be considered in the future. 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.

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.*

As outlined above, T+T has identified a number of potentially contaminated areas of land and has undertaken considerable sampling and analysis. In short, T+T has concluded that a Contaminated Site Management Plan (CSMP) is a suitable means of managing potential effects on human health in respect (a). Amendments to Condition 10 have been made to this effect.

Regarding (b), capping will be undertaken where disturbance associated with the works occurs on the identified contaminated fill sites at 1023 Links Road and 2008 Pakowhai Road. As outlined above, Condition 17 of the OiC was specifically crafted for circumstances where earthworks or any other soil disturbance occurs on contaminated land. Minor amendments are proposed to tailor condition 17 to this particular circumstance.

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 key matters that will be considered in managing erosion and sediment during construction have been outlined,
- 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,

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 must 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:

- Given the extent of the works and number of stockpile areas, both general construction traffic and traffic associated with the stockpile requires consideration.
- In terms of general construction traffic, site access and on-site traffic management is a matter to be considered in preparing the CEMP under Condition 10, which is required to be prepared by the contractor and circulated to key stakeholders for feedback prior to works commencing. The safety and functioning of Pakowhai Road will be an obvious factor in developing these traffic management approaches.
- Regarding traffic associated with the stockpile areas, which is arguably the primary consideration in respect to the safe and efficient operation of the transport network, this has been considered in the Traffic Impact Assessment prepared by East Cape Consulting (EEC) provided in **Appendix 16**. Key points in terms (noting some stockpile areas are outside the OiC Footprint) include:
    - The TIA considers the average daily traffic volumes and formation of the roads within the local roading network, as well as the characteristics and crash data of key intersections,

- Expected vehicle movements during the enabling works phase when material is to be stockpiled are set out according to each stockpile area,
- Likely haulage routes between (likely) material source sites and the stockpile areas together with the specific access points to each stockpile area are identified,
- Effects are considered in regard to increased traffic generation, pavement condition and intersection/vehicle crossing performance/ sight distance/ safety. Key points include:
    - The State Highway network (the HEX, Links Road and Korokipo Road) is already carrying a significant volume of heavy vehicles, in the order of 1,600-1,970 HCV/per day. On these roads, the increases in HCV volumes represent a small change of up to 3-7%,
    - The HDC arterial network (Pakowhai Road) is also carrying a significant volume of heavy vehicles (1,370 HCV/per day). On this road, the increases in HCV volumes generally represent a change of up to 21%,
    - Franklin Road and Gilbertson Road, which do not have high existing HCV volumes, may not have been designed with the width and pavement strength suitable to sustain the expected level of HCV activity. The usual approach to managing this risk is to carry out pre-construction and post-construction Pavement Condition Surveys (PCSs) to identify pavement damage and/or failure that occurs during the construction period. Pavement repairs are then carried out in a timely fashion which avoids more substantial work resulting from delayed repairs,
    - Changes in peak hour volumes across the network are minimal and it is concluded that the changes are unlikely to materially affect operation. No network capacity responses are required,
    - Provided vegetation, such as hedging, is trimmed back to the road boundary, and that in case of the access points on 1153 and 1131 Links Road a temporary speed restriction is imposed, sight distances can generally be met,
    - Network constraints in regard to specific intersections and access points to the stockpile areas are considered and recommendations made,
- While it is recognised that construction traffic will influence the normal operating conditions of the road network, it is concluded that there are adequate opportunities for access and that matters associated with access routes, access points and construction traffic (more generally) can be appropriately managed by a Construction Traffic Management Plan (CTMP) – which in the context of the OiC, is part of the CEMP prepared under Condition 10 as referred to above. In this regard, Condition 10 is proposed to be amended to take account of the TIA, and to specifically respond to the matters outlined in Table 10 to address the identified network of constraints at the identified intersections and access points to the stockpile areas. A condition is also proposed in

regard to pre and post-construction Pavement Condition Surveys to address potential impacts on Franklin Road and Gilbertson Road,

- Effects in relation to the stockpile areas outside the OiC Footprint are considered in Section 11.3.2,

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.
- Noting the location of the works within the Napier Drinking Water Source Protection Area, it is proposed to mirror the approach taken in the NES Sources of Human Drinking Water and adopt the type of condition outlined in Regulation 12(3) of the NES.

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

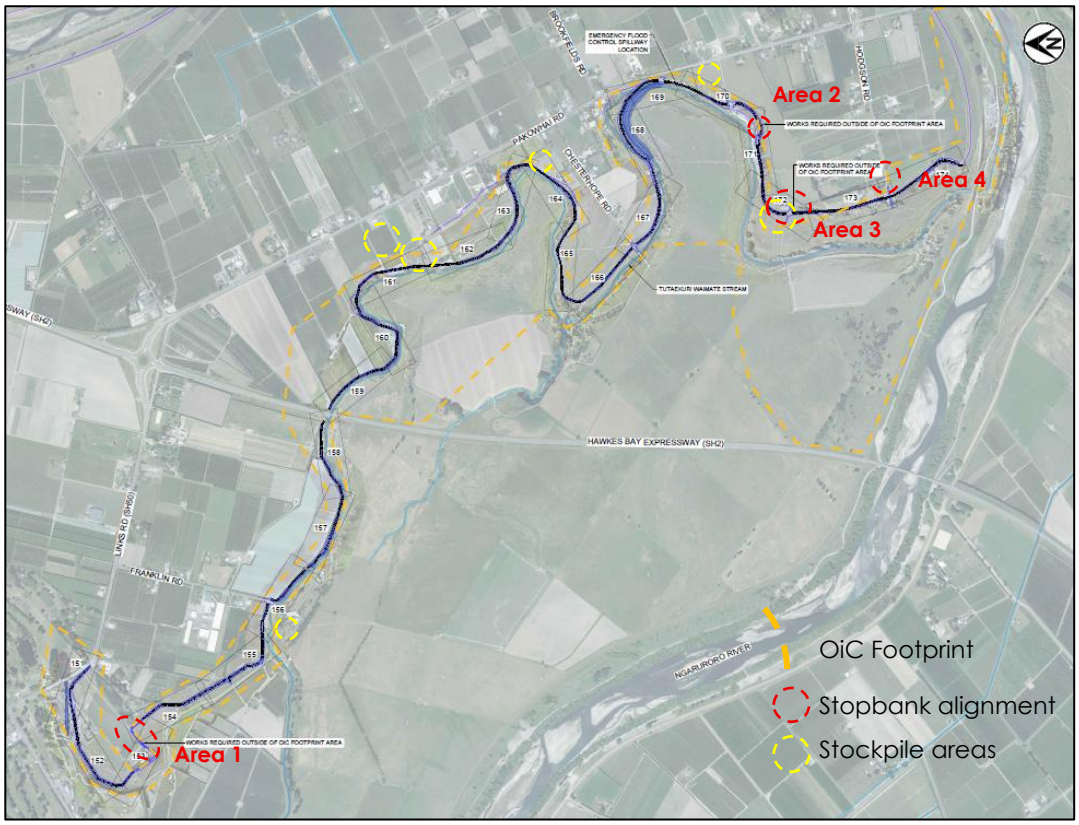
In summary, with the benefit of a greater degree of design and assessment being undertaken as part of preparing the application than necessarily anticipated by the context of the OiC, many of the outcomes provided for in the standardised conditions have already been met and components of them are not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

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

11. STANDARD RMA PROCESS ASSESSMENT

This assessment relates to the four areas of the stopbank and four stockpile areas outside the OiC Footprint as shown in **Figure 34** below.

Figure 34: 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 7: 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 8: 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 definition of highly productive land outlined in clause 3.5(7) would apply during a resource consent process.

As identified in **Figure 13** above, some of the areas of work outside the OiC Footprint are classified as LUC 1 and 2. Use or 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:
- (aa) it provides for intensive indoor primary production or greenhouse activities:
- (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 development, operation, or decommissioning of specified infrastructure, including (but not limited to) its construction, maintenance, upgrade, expansion, replacement, or removal
    (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 is therefore not an inappropriate activity in respect to the NPS-HPL. It is development of specified infrastructure, the spatial extent is limited to that required to deliver the flood protection project, and the stopbank will not generate reverse sensitivity effects on the productive use of HPL. The stockpile areas are also a temporary activity that will have no impact on land productivity once use of the areas is no longer required.

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 5** above and include the following under various rules/Plans:

1. The deposition of material within 20m of the Tūtaekurī-Waimate Stream and Esk River mouth 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 arising from soil disturbance,
5. The diversion of water during flood flows.

Discharge and Dewatering Activities

In terms of (1), the material to be stockpiled and 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 potential temporary 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 as a result of stockpiling and soil disturbance, 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

Given the very minor extent of the works outside the OiC Footprint, and that their location is essentially along the alignment provided for, effects arising from the diversion of water compared what would have occurred if the minor lengths of stopbank concerned were within the identified footprint, will be negligible.

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 (stockpile areas and stopbank extents),
3. The removal of material from the Plains Production Zone.

Disturbance of Contaminated Soil

The proposed works require resource consent as a Restricted Discretionary Activity under regulation 10 of the NESCS. The matters of discretion in regulation 10 include:

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 these matters will be addressed in the Contaminated Site Management Plan that is required to be prepared under Condition 10. The requirement to prepare a Contaminated Site Management Plan is in line with the recommendation of T+T and with reliance on T+T is considered sufficient to ensure that 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.[7] Chapter 27.1.7 of the District Plan identifies matters over which HDC has restricted its discretion for Restricted Discretionary Activities. For Discretionary Activities, HDC's assessment is not restricted to these matters, but it may consider them.

An assessment is provided in regard to each of these matters below in respect to the consents required under (2) and (3) above. We note the assessment criteria covers matters/effects such as:

- Effects on life supporting capacity of soil,
- Effects on drainage,
- Stability matters,
- Visual impacts,
- Landscape values,
- Construction effects.

These matters/effects are addressed as part of considering the assessment criteria rather than under specific headings. Construction traffic effects are also considered.

7 As noted above, the works within the road reserve do not require resource consent. As such, the assessment of effects does not include effects arising from this activity.

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 limited extent of the areas concerned the associated earthworks are not expected to compromise the life-supporting capacity of soils or the production potential of the Plain Production Zone. Further, the works will go on to accommodate critical flood protection infrastructure,
- Stability matters have been considered by T+T as summarised in Section 10.7.1. T+T will progress the detailed design process according to the recommendations in the Geotechnical Assessment Report. This is expected to suitably address 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,
- 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 areas concerned, an 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,
- Given the minor extent of the earthworks concerned and in the context of the broader stopbank that will form the environment, and the stockpiles will be temporary, the scale of visual effects arising from works outside the OiC Footprint are considered to be less than minor.
- 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 water bodies concerned 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.

Although not subject to a specific assessment criteria, construction traffic effects arising from the stockpiling activities have been considered by EEC in the Traffic Impact Assessment provided in Appendix. The findings and conclusions of the TIA have been outlined in Section 10 and apply to whether inside or outside the OiC Footprint. Likewise, the amendments to condition 10 and the condition in relation to the pre and post-construction Pavement Condition Surveys (to address potential impacts on Franklin Road and Gilbertson Road) can apply to address any effects arising from those stockpile areas outside the OiC Footprint.

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 limited area from which material will be removed, and that the works will in fact increase the protection

afforded to production activities, the associated removal of material is not expected to compromise the life-supporting capacity of soils or the production potential of the Plains Production Zone.

11.2.3 Summary

The effects of the stockpile areas and stopbank features located outside of the OiC Footprint in respect to the diversion of floodwater and earthworks (including in relation to construction, soil contamination matters, drainage and visual effects), are considered less than minor.

Secondly, it has been demonstrated that the standardised conditions of the OiC (as amended by the applicant) are equally suitable for managing the effects of the activities occurring outside the OiC Footprint as within it. These conditions were specifically designed to manage the relevant impacts of flood protection works on the environment. 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. 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 Pokai 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 effects arising from the various features/activities to be undertaken outside the OiC Footprint have been identified and considered in Section 11.2 above. For the reasons expressed, the effects of the stopbank features located outside of the OiC Footprint on the properties/parties adjacent to those areas of works are considered less than minor. Key points in coming to this view include:

- The works will reduce the potential impacts of flooding,

- Drainage solutions are provided for,
- Visual effects will be less than minor,
- Access will not be compromised,
- Construction effects including construction traffic, noise and dust will be of temporary nature and managed to avoid unreasonable nuisance effects.

In respect to mana whenua parties, and Mana Ahuriri and Tamatea Pokai Whenua, the works outside the OiC Footprint are not considered to give rise to any effects on cultural values that are not already associated with the works within the OiC footprint and which the standardised conditions of the OiC will manage under the bespoke framework established.

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 RPS, RRMP and HDP 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 the 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 Resource Management Plan

The relevant objectives and policies of the Regional Plan are 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 the diversion of water however, it is noted that the guidelines contained in Table 12 that activities affecting river beds are to be managed in accordance these 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 Hastings 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.

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, works over Unconfined Aquifer Water Resource 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 Policies 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 and RRMP) 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 characterised 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 Project involves flood protection works that are located both within and outside of the OiC Footprint. This leads to a situation where the OiC process can be relied on in part, with the standard RMA process for the balance of the Project. This mixed approach to a single flood protection works activity 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, and not bundled with the non-OiC parts of the Project. If bundling was applied, this would undermine the purpose of the OiC.

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. The OiC does, however, require engagement with mana whenua, local authorities and key stakeholders, together with technical assessments, which collectively ensures that a robust flood protection works consent is confirmed that will achieve significant benefits to Category 2 land while managing potential adverse environmental effects of the project to the extent practicable.

Key issues arising from the specific flood protection works design that are relevant to the matters of control have been identified and worked through in this report, with the standardised conditions largely adopted to avoid, remedy or mitigate any actual or potential adverse effects of the proposal. 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 and RRMP as a discretionary activity overall.

It has been demonstrated that the effects of these components of the Project will be less than minor, and in keeping with the applicable planning documents. The assessment provided in this document is that no notification is required for the non-OiC parts of the Project.

Further, it has been demonstrated that consent for these activities can be granted subject to the same condition framework that has been applied to the activities within the OiC Footprint. These conditions are considered to be appropriate to manage the effects of those parts of the Project - and adopting the same conditions will ensure that a consistent, workable approach is taken to the implementation and monitoring of the works, which will be efficient and effective.

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

Cultural Aspirations and Assessment Report

(to be provided confidentially)

Appendix 3

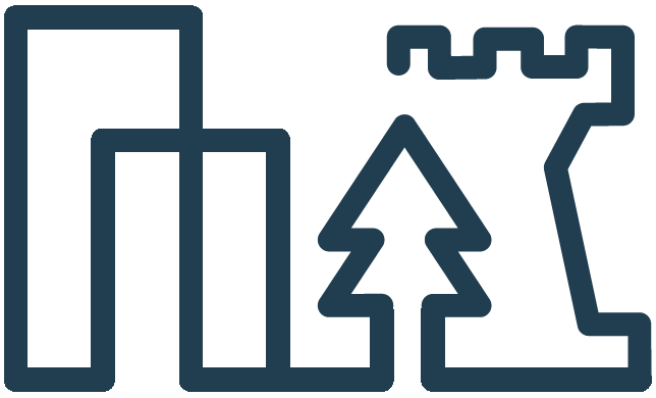
Archaeological Screening Assessment

Appendix 4

Ecological Assessment Report

Appendix 5

Landscape Scoping Study

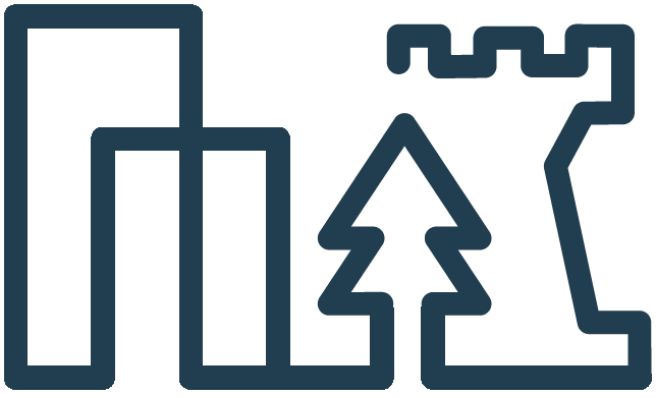


Appendix 6

Preliminary Site Investigation

Appendix 7

Detailed Site Investigation



Appendix 8

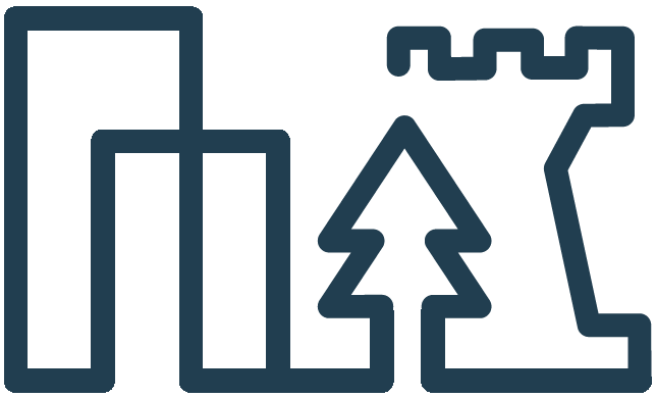
Further Detailed Site Investigation

Appendix 9

Preliminary Design Report and Plans

Appendix 10

Works Outside the OiC Footprint



Appendix 11

Proposed Resource Consent Conditions

Appendix 12

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

Names and contact details to be provided confidentially

Appendix 13

Consequential Flooding Effects Assessment – T+T

Appendix 14

Consequential Flooding Assessment Evaluation - Beca

Appendix 15

Geotechnical Assessment

Appendix 16

Traffic Impact Assessment