PRELIMINARY MATTERS

1. Compliance with specified documents accompanying consent application

a) The consent holder must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent:

i. *Pōrangahau Stopbanks Preliminary Design Report, prepared by PDP dated June 2025* ~~*Por[consent authority to complete]:*~~

~~ii. *[consent authority to complete]:*~~

~~iii. *[consent authority to complete]:*~~

~~iv. *[consent authority to complete]:*~~

b) However, if there is a conflict between a condition imposed on the resource consent and a requirement in any document referred to in subclause (1), the imposed condition prevails.

1B. Tracking changes in the design process

Changes that occur between preliminary and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1.

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

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

2. Duration of resource consent

a) The period for which this resource consent has been granted is *[consent authority to insert period that is not more than 5 years]* after the date of commencement of the consent.

b) This resource consent lapses on *[consent authority to insert date that is no later than 2 years after date of commencement of consent]*.

3. Definitions

CEMP means the Construction Environment Management Plan required by condition 10 of this schedule

construction works—

a) means activities that are authorised by this resource consent in connection with the flood protection works and that consist of directly constructing, reinstating, enhancing, or improving land or infrastructure; but

b) does not include ancillary activities such as—

i. preliminary activities such as planning, recruitment, site investigation, establishment of construction site, soil sampling; and

ii. subsequent activities such as site clean-up and ongoing maintenance of infrastructure, plant, and landscaping until the flood protection works are completed; and

iii. ongoing administrative and operational activities such as monitoring and reporting until the flood protection works are completed.

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

cultural indicator means an indicator of an identified cultural association in guidance referred to in condition 5 of this schedule

cultural monitors means the cultural monitors appointed by relevant Māori entities under condition 4(c) of this schedule

earthworks principles means the principles set out in condition 12 of this schedule

ecology principles means the principles set out in condition 26 of this schedule

erosion and sediment control device includes a bund and a gully trap fitted into a drain

Erosion and Sediment Control Manager means the person appointed under condition 13(a) of this schedule

ESCP means an erosion and sediment control plan prepared under condition 14 of this schedule

HBRC means Hawke's Bay Regional Council

HBRC Erosion and Sediment Guidelines means the *Hawke's Bay Regional Council Waterway Guidelines: Erosion and Sediment Control*, published by HBRC in April 2009

HBRC Pest Management Plan means the *Hawke's Bay Regional Council Regional Pest Management Plan 2018-2038, published by HBRC* in February 2023

HBRC River Control Code means the *Hawke's Bay Regional Council Environmental Code of Practice for River Control and Waterway Works*, published by HBRC in February 2017

HBRC Stormwater Management Guidelines means the *Hawke's Bay Regional Council Waterway Guidelines: Stormwater Management*, published by HBRC in May 2009

Manager Compliance means the person employed by HBRC as manager of compliance

Māori entity representative means a person appointed as a representative under condition 4 of this schedule

NZS 6803:1999 means New Zealand Standard 6803:1999: Acoustics—Construction noise, published by Standards New Zealand on 8 February 2000

OiC means the Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024

Project Ecologist means suitably qualified and experienced ecologist appointed by the consent holder

Engagement And Communications

4. Māori entities representatives

a) The consent holder must invite each relevant Māori entity to appoint a representative to perform, with the representatives appointed by all other relevant Māori entities, the Māori entities representatives' roles and responsibilities set out in this schedule in relation to the flood protection works for which the consent has been granted.

b) The consent holder must issue the invitations at least 20 days before the flood protection works begin.

c) The relevant Māori entities may appoint a team of cultural monitors to

i. support the Māori entities representatives; ~~and~~
ii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecology Management Plan, and
~~ii.~~iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value.

d) The consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters:

i. the appropriate number of representatives;
~~i.~~ii. the scope of the representatives' role and responsibilities:
~~ii.~~iii. time frames for decisions, advice, and actions:
~~iii.~~iv. support for the representatives:
~~iv.~~v. remuneration for the representatives.

e) In developing the terms of reference, the consent holder must—

i. convene discussions with all relevant Māori entities; and
ii. use its best endeavours to achieve consensus on all matters.

f) If consensus on all matters is not achieved, the remaining matters must be determined—

i. by a majority vote; or
ii. if votes are tied, by the casting vote of the consent holder.

5. Guidance on Cultural indicators

a) The guidance provided under condition 4(c)(iii) of this schedule must focus on indicators covering all identified traditional associations,—

i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and
ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors.

b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecology Management Plan ~~all plans~~ required by these conditions;

i. take all applicable cultural indicators into account; and

ii. report to the Māori entities representatives how those indicators have been taken into account.

6. Stakeholder advisory group

a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the **stakeholder advisory group**.

b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group:
   i. the owners and occupiers of land on which the flood protection works are carried out and all adjoining land:
   ii. all persons who made comments under clause 15 of the OiC:
   iii. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land:
   iv. the Manager Compliance:
   v. Heritage New Zealand Pouhere Taonga:
   vi. the Department of Conservation:
   vii. the Māori entities representatives.

c) The consent holder must issue the invitations at least 20 days before the flood protection works begin.

d) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group.

e) Each representative appointed must be authorised by the person or body appointing them to make decisions on behalf of the person or body in the consultations taking place in relation to the flood protection works.

f) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following:
   i. frequency of meetings:
   ii. processes and methods for the performance of the group's role.

g) In developing the terms of reference, the consent holder must—
   i. convene discussions with all members of the group; and
   ii. use its best endeavours to achieve consensus on all matters at the group's first meeting.

h) If consensus on all matters is not achieved at the first meeting, the remaining matters must be determined—
   i. by a majority vote; or
   ii. if votes are tied, by the casting vote of the consent holder.

7. Operation of stakeholder advisory group

a) The role of the stakeholder advisory group is to inform and advise the consent holder about managing and monitoring the flood protection works.

b) The consent holder must—

i. record all information and advice provided by the stakeholder advisory group; and

ii. report to the group how the information and advice have been taken into account in the carrying out of the flood protection works.

8. Project Engagement Lead

a) The consent holder must appoint a person as Project Engagement Lead to act as the consent holder's main point of contact with—

i. the Māori entities representatives; and

ii. the stakeholder advisory group.

b) The consent holder must ensure that the Project Engagement Lead is reasonably available to perform their role under this condition.

c) The consent holder must also ensure that the contact details of the Project Engagement Lead are posted on an internet site maintained by or on behalf of the consent holder.

9. Communications plan

a) The consent holder must, taking account of the advice provided by cultural monitors, develop and implement a communications plan for the duration of construction works.

b) The communication plan must contain detailed processes for communications, throughout the construction works, with the following:

i. the general public:

ii. local residents and businesses:

iii. the Māori entities representatives:

iv. the persons and bodies represented by the stakeholder advisory group:

v. all other persons potentially affected by the construction works.

c) The communications plan must include the following:

i. a description of the flood protection works or details of, or a link to, an internet site maintained by or on behalf of the consent holder that describes the construction works:

ii. the contact details of the Project Engagement Lead:

iii. a list of all persons and bodies who will be communicated with under the plan:

iv. how any comments or concerns about the construction works should be communicated by those persons and bodies:

v. details of proposed communication activities by the Project Engagement Lead, including notifications and other communications with any persons and bodies referred to in paragraph (iii):

vi. information about when the communications plan will be reviewed (and amended, if necessary).

d) The consent holder must give to the Manager Compliance—

i. the initial communications plan at least 5~~20~~ **working days** before construction works begin; and

ii. any amended plan, as soon as practicable after the amendment.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

10. Construction environmental management plan

a) The consent holder must—

i. prepare a construction environmental management plan for the ~~flood protection~~ construction works; and

ii. not less than **5 working days** before the construction works begin, submit the CEMP to the consent authority and the stakeholder advisory group.

b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the ~~flood protection~~ construction works.

c) The CEMP must include the following information:

i) the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager:

ii) a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent:

iii) procedures, developed in partnership with the Māori Entity Representatives, for—

1. obtaining ongoing guidance on cultural indicators provided by cultural monitors; and

2. ongoing reporting to the Māori entities representatives on how the indicators in condition 5(a) have been taken into account, or if not, why not.~~under condition 5(b)(ii) of this schedule~~:

iv) indicative timing of all stages of the flood protection works:

v) procedures for the management of hazards, including—

1. any risk of flood, including communications with Ngāti Kere Hapū; and

2. the discharge of any contaminant (for example, chemicals or hydrocarbons)

vi) arrangements for site access and on-site traffic management:

vii) procedures for managing public health and safety, including restrictions on public access to work sites and the river:

viii) dust management measures (see condition 16 of this schedule):

ix) A Contamination Site Management Plan (see condition 17 of this schedule)

~~viii)~~x) procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings), groundwater or surface water takes, and diversions and discharges to land or water ~~(including the CMA)~~:

~~ix)~~xi) contact details of at least 2 persons or bodies who respond to emergencies and who—

1. are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and
2. have authority to authorise immediate response actions:

~~x)~~xii) a detailed process for detecting, investigating, and recording incidents:

~~xi)~~xiii) details (including timing) of arrangements for reporting to the consent authority on the outcomes of, and compliance with, the CEMP:

~~xii)~~xiv) any ESCP (*see* condition 14 of this schedule):

~~xiii)~~xv) how works in or adjacent to water bodies will be managed:

~~xiv)~~xvi) how any river gravel extraction or land-based borrow sites will be managed:

~~xv)~~xvii) how noise and vibration generated by the works will be managed:

~~xvi)~~xviii) ~~the landscaping plan (if any) prepared under condition 24 of this schedule:~~

~~xvii)~~ an outline of key procedures~~—~~

~~1. how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or~~

~~2.~~ from the ecology management plan prepared under condition 28 of this schedule affecting construction:

~~xviii)~~xix) details of how the ecology principles will guide environmental outcomes:

~~xix)~~xx) cultural and archaeological artefact discovery protocols (see clause 29 of this schedule) or reference to an Authority where applicable:

~~xx)~~xxi) methods for responding to queries and complaints:

~~xxi)~~xxii) procedures for amending the CEMP under condition 11 of this schedule.

d) The CEMP must, so far as is practicable, be consistent with the HBRC 'Environmental Code of Practice for River Control Works' (2017 or subsequent version).

11. Developing and amending CEMP

a) Before finalising the CEMP, or any amendment to the CEMP under subcondition (e), the consent holder must invite the consent authority and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days.

b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment.

c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment.

d) The consent holder must act in accordance with the CEMP for the duration of the flood protection works.

i. e) The consent holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, maintenance and operations methods, or procedures for managing adverse effects throughout the construction phase of the flood protection works.

f) After amending the CEMP, the consent holder must give a copy of the amended CEMP (indicating the amendments) to the consent authority and the stakeholder advisory group within 10 working days.

EARTHWORKS

12. Earthworks principles

a) The consent holder must carry out all works in a manner that—

i. minimises the volume, area, and duration of the proposed earthworks required through methodologies, including the design of batter slopes, appropriate to expected soil types and geology; and

ii. maximises the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential for sediment generation and sediment yield; and

iii. avoids if practicable, or minimises so far as practicable, adverse effects on freshwater and marine water environments within or beyond the works boundary, with particular regard to reducing opportunities for the works to generate sediment; and

iv. avoids if practicable, or minimises so far as practicable, adverse effects on outstanding natural features, outstanding natural landscapes, and areas of outstanding natural character (as specified in a regional plan or policy statement for the relevant area); and

v. avoids if practicable, or minimises so far as practicable, adverse effects on culturally significant land; and

vi. stabilises disturbed land as soon as reasonably practicable in accordance with an ESCP.

b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.

13. Erosion and Sediment Control Manager and staff

a) The consent holder must appoint a suitably qualified and experienced person as the Erosion and Sediment Control Manager for the duration of the flood protection works.

b) The role of the Erosion and Sediment Control Manager is to—

i. ensure compliance with the CEMP and ESCP; and

ii. subject to any amendments made to the ESCP under condition 14(c)(x) of this schedule, liaise with any Erosion and Sediment Control Manager appointed in respect of any other flood protection works; and

iii. liaise with the consent authority in respect of the implementation of the ESCP, including in respect of any incident relating to erosion and sediment control.

c) An Erosion and Sediment Control Manager appointed under this condition may perform the same role in relation to any flood protection works at any other location specified in clause 6(3) of the OiC if the relevant consent holder considers it appropriate.

d) The consent holder must also appoint suitably qualified and experienced staff to assist in erosion and sediment control, including—

i. managing the operation, maintenance, and monitoring of erosion and sediment control devices; and
ii. supervising the installation and decommissioning of those devices and associated equipment and arrangements.

14. Erosion and sediment control plan

a) The consent holder must prepare 1 or more erosion and sediment control plans for the works to identify how the earthworks principles will be applied.

b) The consent holder must engage a suitably qualified and experienced person to prepare an ESCP.

c) An ESCP must specify the following matters:

General

i. how the construction works will be carried out in accordance with the ecology principles:
ii. structural and non-structural erosion and sediment control measures (including chemical treatment where necessary) to be in place before and during all construction works, including earthworks, ~~coastal works,~~ and works within watercourses:
iii. key environmental risks, particularly in relation to topography, soil type and form, and the receiving environment, including proximity to any sensitive receivers (for example, watercourses):
iv. procedures for ensuring advance warning of a rainfall event:
v. procedures for decommissioning the erosion and sediment control measures:
vi. procedures for determining the staging and sequencing of earthworks:
vii. methods adopted, for the purpose of reducing sediment loss and erosion, to stabilise—
    1. any excavated area; and
    2. any watercourse bed; and
    3. any banks of a watercourse that have been disturbed by the works:
viii. details of maintenance, including actions and frequency:
ix. supporting information about the size of erosion and sediment control devices:
x. methods for amending and updating the ESCP as required:

Erosion and Sediment Control Manager and Staff

xi. the name and contact details of the Erosion and Sediment Control Manager:

xii. the names and contact details of other staff appointed to assist with the management of erosion and sediment control (see condition 13(d) of this schedule):

Incident management

xiii. the process for detecting, investigating, and recording, and for notifying the consent authority of, incidents that result in the discharge of contaminants or material into any watercourse due to the structural failure of any erosion and sediment control measures:

Monitoring

xiv. procedures for—

1. ongoing visual inspection, and where necessary quantitative monitoring, of all erosion and sediment control measures; and
2. detailed analysis of trends in erosion and sediment control effectiveness and performance; and
3. amendments to any ESCP resulting from the activities under subparagraphs (1) and (2):

Reporting to consent authority

xv. details (including timing) of reporting to the consent authority on the outcomes of, and compliance with, the ESCP.

d) The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant works.

e) The ESCP must include a site-specific risk-based approach that allows for the Erosion and Sediment Control Manager to determine the level of information and design that must be provided for specific activities.

f) For works in or adjacent to a watercourse, an ESCP must, so far as is practicable, be consistent with the HBRC Erosion and Sediment Guidelines.

h) The consent holder must implement an ESCP for the duration of the flood protection works.

i) The consent holder must, for the duration of the construction works

i. keep an ESCP; and
ii. make it readily available to the consent authority.

15. Failure of erosion and sediment control measure

a) If the failure of an erosion and sediment control measure during flood protection works results in an uncontrolled release of sediment to surface water, the consent holder must—

i. as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and
ii. immediately notify—

1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or
2. the territorial authority pollution officer (with responsibility for land-based borrow sites); and

iii. within 7 days, report the incident to the Manager of Compliance.

b) The Project Ecologist must investigate the affected area as soon as practicable.

c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent authority, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects.

d) The report to the Manager Compliance under subcondition (a)(iii) must –

i. describe the control failure and its cause; and
ii. specify the steps that have so far been taken to
1. control the released sediment and any resulting erosion; and
2. prevent any recurrence of the control failure.

16. Dust management

a) The consent holder must, as far as practicable, ensure that dust arising from construction works (including earthworks and related activities) does not spread beyond the boundary of the work sites.

17. Works on contaminated land

a) This condition applies if the consent holder undertakes earthworks or any other soil disturbance on contaminated land.

b) The consent holder must ensure that any soil and other materials that are removed from the site and identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind.

c) The consent holder must take all practicable measures to—

i. prevent the discharge of soil and stormwater from contaminated land to watercourses; and
ii. maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials; and
iii. replace the soil to an erosion-resistant state at the completion of the relevant works.

WATERCOURSES

18. Works and structures in beds of rivers

a) This condition and conditions 19 and 20 of this schedule apply to all construction works carried out in, or adjacent to, the bed of a river.

b) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with—

i. an applicable ESCP; and
ii. the ecology principles; and
iii. the earthworks principles; and
iv. any guidance provided under condition 4(c)(ii) of this schedule (*see* condition 5 of this schedule) relating to relevant cultural indicators.

c) Flood protection works that might affect fish passage in a river must, so far as practicable, be carried out outside peak times for migration and spawning of species of fish identified, in the ecological scoping survey conducted under condition 27 of this schedule, as being present in the river.

d) Permanent or other temporary works in or adjacent to the bed of a river that are completed as a part of the construction phase of the flood protection works (for example, sediment and debris removal, bank protection, and capacity increase) must—

i. be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and
ii. be designed by an engineer and an ecologist who are suitably qualified and experienced so as to provide for ongoing fish passage in the river; and
iii. manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and
iv. provide for the maintenance of the river for flood management purposes.

e) The design of a permanent culvert in the bed of a river must—

i. allow for the relevant design flood flow event; and

ii. address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris.

f) A permanent spillway or weir must ensure that—

i. a secondary flow path is available in the event of a blockage of the watercourse; and

ii. discharge from the secondary flow path does not exacerbate flooding of neighbouring or downstream properties.

g) All works and structures in, or adjacent to, rivers must, so far as practicable, incorporate energy dissipation measures and erosion and sediment control measures (for example, revegetation of worked sites) to minimise bed scouring and bank erosion in receiving environments.

19. Further requirements at watercourses

a) This condition applies if condition 18 of this schedule applies.

b) For the purposes of condition 18(d)(ii) of this schedule, fish passage need not be provided and maintained on all permanent culverts if the Project Ecologist decides, after considering all relevant matters, that it is unnecessary.

c) Instead the consent holder must—

i. give the consent authority appropriate data and reasons (supported by relevant design drawings) for not complying with condition 18(4)(b) of this schedule; and

ii. if culverts that do not provide fish passage are necessary, notify the Department of Conservation.

d) For the purposes of condition 18 of this schedule, the consent holder must, at least **10 working days** before starting permanent works within a watercourse, give to the consent authority—

i. hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and
ii. a statement of how those designs comply condition 18 of this schedule.

e) All permanent works in the bed of a river must be carried out in accordance with the designs given to the consent authority under subcondition (d).

f) The consent holder must ensure that any machinery or equipment used in the activities authorised by the consent is not stored in or on the bed or banks of the watercourse.

g) The consent holder must ensure all of the following:

i. no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within or near a watercourse in circumstances where run-off might enter water:
ii. no vehicles, machinery, or equipment are refuelled within the bed of a watercourse or in any other location where spills might enter water:
iii. the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water:
iv. other fuels and lubricants are not released into water:
v. the Ministry for Primary Industries' requirements and clean dry protocols relating to didymo and freshwater pests are followed in relation to all equipment:
vi. machinery is operated in a way that minimises the transfer of organisms or pest plants from one catchment to another:
vii. the use of wet concrete is avoided in flowing water.

h) The consent holder, on becoming aware that any contaminant has been discharged into a watercourse in a way that contravenes the conditions of the resource consent, must immediately—

i. take all necessary steps to stop or contain the discharge; and
ii. notify—
    1. the Manager Compliance; and
    2. the Department of Conservation, if there is imminent risk of the discharge adversely affecting any at-risk or threatened species; and
iii. take all practicable steps to remedy or mitigate any ongoing adverse effects of the discharge on the environment.

i) The consent holder must take the actions set out in subcondition (j) in relation to construction material, demolition material, and any materials from repair and maintenance activities that are—

i. authorised by the consent; and
ii. no longer required as part of the construction works.

j) The consent holder must ensure that the materials are—

i. removed on completion of the construction works; and
ii. reused, repurposed, or disposed of in an appropriate manner and in a place where they will not affect surface water levels and watercourses.

k) The consent holder must comply with all notices and guidelines issued by Biosecurity New Zealand that relate to the ongoing prevention of the spread of freshwater pests.

~~**20. Extraction activities and river gravel**~~

~~a) The consent holder must ensure that, during construction works, extraction does not take place—~~

~~i. within any actively flowing channel; or~~
~~ii. within 6 metres of any river bank.~~

~~b) In addition, the consent holder must ensure that extraction activities are carried out in accordance with the HBRC River Control Code.~~

STORMWATER DISCHARGE

21. Stormwater discharge

a) If in the event the works involve permanent stormwater treatment devices, ~~T~~the consent holder must, **not later than 3 months** after the completion of the construction works,—

i. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and
ii. submit the documents to the consent authority.

b) The consent holder must design any new permanent culvert to ensure that any headwater ponding upstream in the relevant design event does not have any significant adverse effect in that area.

c) The consent holder must ensure that stormwater discharge from construction works does not cause erosion or scouring of the bed or any bank of any downstream watercourse or receiving drain.

d) The consent holder must ensure that the design of culverts and stormwater detention devices is, so far as practicable, in accordance with the HBRC Stormwater Management Guidelines.

LAND-BASED BORROW SITES

22. Design and management of land-based borrow sites

a) This condition applies to excavation of soil or other materials at land-based borrow sites to support construction works.

b) The consent holder must ensure that excavation does not take place below the groundwater table.

c) The consent holder must ensure that cut slopes do not exceed 45 degrees above the horizontal, unless a cut slope that exceeds that angle is—

i. operationally necessary; or
ii. unavoidable as a matter of practicability.

d) The consent holder must ensure that a cut slope that exceeds 45 degrees above the horizontal is certified by a suitably qualified and experienced geotechnical engineer.

e) The consent holder must ensure that, after excavation work is completed, all land disturbed by the excavation work is restored (for example, to pasture or vegetation) to its state before the flood protection works—

i. as soon as practicable; but
ii. within 6 months

CONSTRUCTION NOISE AND VIBRATION

23. Control of construction noise and vibration

a) The consent holder must ensure that noise from construction, maintenance, and demolition work complies, so far as practicable, with the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999.

b) The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction works.

LANDSCAPING (Condition 24 omitted)

~~**24. Landscape assessment and plan**~~

~~a) Before construction works begin, the consent holder must conduct a landscape scoping assessment to identify the potential visual landscape effects of the proposed works, including effects on any adjoining residential properties and any coastal environment.~~

~~b) If the assessment identifies significant potential adverse effects, for the use of planting and fencing as required to avoid, remedy, or mitigate those effects.~~

ECOLOGY

25. Project Ecologist

a) The consent holder must appoint a suitably qualified and experienced ecologist as the Project Ecologist for the duration of the flood protection works.

b) The role of the Project Ecologist is to inform, in accordance with the ecology principles, the design, management, and monitoring of all construction works in relation to ecological effects and measures to avoid, remedy, or mitigate those effects.

26. Ecology principles

a) The consent holder must apply the ecology principles set out in subcondition (b) in—
   i. designing all aspects of the flood protection works; and
   ii. carrying out all aspects of construction works.

b) The ecology principles are as follows:
   i. to apply the effects management hierarchy to the following potential adverse effects:
      1. permanent habitat loss (including in ~~coastal,~~ terrestrial, and freshwater habitats):
      2. loss of naturally uncommon and highly depleted ecosystem types, significant indigenous vegetation, significant habitats of indigenous fauna, and habitats for at-risk or threatened species and taonga species:
      3. habitat fragmentation or habitat barriers (including in ~~coastal,~~ terrestrial, and freshwater habitats):
      4. impacts on habitat connectivity (including ~~coastal,~~ terrestrial, and freshwater habitats):
      5. impacts on at-risk or threatened species and taonga species;
      6. effects on water quality (including on kaimoana and mauri) from sediment;
      7. alteration of natural hydrology patterns, except as necessary to facilitate the flood protection works:
      8. spread or establishment, or both, of pest plants or animals:
      9. impacts on habitats that play an important role in the life cycle and ecology of native species;
   ii. as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species:
   iii. to avoid, remedy, mitigate, or offset (using biodiversity offset) adverse ecological effects in order to achieve, as far as practicable, a net positive ecological outcome:
   iv. to enhance the positive ecological role of the works area in the wider ecological context, including its role as a buffer that protects or enhances other areas with ecological significance.

27. ~~Ecological survey and assessment~~Condition twenty seven omitted

~~a) The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work together—~~

~~i. to prepare an ecological scoping survey before construction works begin; and~~

~~ii. as soon as practicable after construction works are completed, to prepare an ecological effects assessment.~~

~~b) The purpose of the ecological scoping survey is to identify all ecological values relevant to applying the ecology principles to the places where construction works are to be carried out and adjoining land and adjacent water bodies and watercourses (and the CMA, if relevant), including the following:~~

~~i. all naturally uncommon ecosystems:~~

~~ii. all at-risk or threatened species:~~

~~iii. all taonga species that may be significantly adversely affected during or as a result of construction:~~

~~iv. significant natural inland wetland values:~~

~~v. any pest plants or animals that might spread or become established (for example, Chilean needle grass, privet, and yellow bristle grass), having regard to the HBRC Pest Management Plan:~~

~~vi. any fish, bird nesting areas, bat habitats, or habitats of species protected under the Wildlife Act 1953.~~

~~c) The purpose of the ecological effects assessment is to assess the adverse effects the construction works have had on the ecological values identified by the ecological scoping survey.~~

28. Managing ecological loss

a) ~~If any indigenous ecosystems, flora, or fauna (including taonga species) are identified by the ecological scoping survey under condition 27 of this schedule, t~~The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of advice provided by cultural monitors to prepare an Ecology Management Plan which must include~~, in association with the Māori entities representatives~~,—

i. Procedures for undertaking a pre-felling native bird nest survey no earlier than 48hrs prior to the felling of identified riparian vegetation and management of any identified native bird nests to facilitate natural abandonment prior to felling,

ii. Site preparation methodology to reduce the risk of lizards occupying the site during construction.

iii. Management of risk to indigenous reptiles

iv. Management of in-situ substrates and earthworks equipment to minimise the risk of spreading pest plants offsite or to new locations on site

v. A restoration plan outlining the planting of indigenous species to be undertaken following the completion of the works to mitigate the effects of vegetation clearance, particularly the loss of wetland vegetation.

~~i. applies the effects management hierarchy to the management of all direct or indirect adverse effects on those ecological values (including, where relevant, kauri dieback disease), taking the ecology principles into account; and~~

~~ii. prepares an ecology management plan.~~

~~b) The consent holder must,—~~

~~i. at regular intervals throughout construction, record all measures taken under subcondition (a)(i); and~~

~~ii. report to the stakeholder advisory group every 2 months—~~

~~1. the measures taken; and~~

~~2. any recommendations made by the Project Ecologist, working with the Māori entities representatives, to change those measures.~~

c) The consent holder must implement the ecology management plan prepared under subcondition (a)~~(ii)~~ throughout the construction works and report to the Stakeholder Advisory Group every 2 months on:~~.~~

i. work undertaken according to the Ecology Management Plan,

ii. any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives.

~~d) The consent holder must keep a record of any habitat identified in the ecological scoping survey that is lost as a result of the construction works.~~

e) When the construction works and ~~any~~ ecological mitigation works carried out under subcondition (a)~~(i)~~ are both completed, the consent holder must give the stakeholder advisory group—

~~i. a copy of the ecological effects assessment prepared under condition 27 of this schedule; and~~

a report that describes the ecological mitigation works ~~to be~~ carried out by the consent holder.

~~f) The consent holder must establish, and contribute to, a fund called the Ecological Enhancement Fund to ensure that compensation is available when compliance with the effects management hierarchy requires compensation for adverse ecological effects that cannot be offset (using biodiversity offset).~~

~~g) The Ecological Enhancement Fund—~~

~~i. applies throughout the Hawke's Bay region; and~~

~~ii. must be used by the consent holder to provide compensation in relation to—~~

~~1. making space available for a river (for example, by acquiring adjacent land); and~~

~~2. rehabilitating or enhancing areas of vegetation in the river corridor with high biodiversity values (for example, by planting appropriate species); and~~

~~3. in-stream ecological values; and~~

~~4. any other area of important in-river or riparian habitat.~~

ARCHAEOLOGICAL VALUES

29. Archaeological discovery protocol

a) Unless or until an Authority under the Heritage New Zealand Pouhere Taonga Act 2014 is in place for the area of the works, ~~T~~the consent authority must prepare an accidental archaeological discovery protocol—

i. at least **10 working days** before construction works begin; and
ii. in collaboration with the Māori entities representatives; and
iii. in consultation with Heritage New Zealand Pouhere Taonga.

b) The protocol applies if—

i. a worker or any other person associated with flood protection works discovers any cultural or archaeological artefacts or features on a work site~~; and~~

ii. ~~an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014.~~

c) The consent holder must—

i. follow the protocol; and
ii. ensure that workers and other persons on site are aware of the protocol.

c) ~~d)~~ In subcondition (1)~~(b)(ii)~~, authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

SURFACE WATER TAKE

30. (a) Abstraction

- The consent holder may abstract water from the Porangahau River up to:
  - Maximum instantaneous rate: 25 litres per second (L/s).
  - Maximum daily volume: 720 cubic metres (m^3).

(b) Intake Structure

- Each point of take shall be installed to prevent fish, including eels, from entering the recitulation system.

(c)Minimum Flow Restrictions

- When the river flow at the Porangahau River at Saleyards monitoring site falls below 80 l/s, abstraction shall not exceed a maximum instantaneous rate of 10 l/s
- Abstraction shall cease when river flow at the Porangahau River at Saleyards monitoring site falls below 53 l/s.

(d) Monitoring and Reporting

- The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.