	RESOURCE CONSENT APPLICATION – RMA20250327 RESOURCE MANAGEMENT ACT 1991 SEVERE WEATHER EMERGENCY RECOVERY (HAWKES BAY FLOOD PROTECTION WORKS) ORDER 2024
	SECTION 42A PLANNING REPORT Clauses 8 and 14 - Severe Weather Emergency Recovery (Hawkes Bay Flood Protection Works) Order 2024 – OIC Section 95A, 95B and 104 - Resource Management Act 1991 – Areas Outside the OIC

Summary of Application Details																								
Application Received: 8 September 2025	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%; vertical-align: top;"> PID: 52892 and numerous others along the alignment of the stopbank. </td> <td style="width: 33%; vertical-align: top;"> Schedule 1 <u>Within the OIC area</u> Construction of new stop banks and associated structures at Ohiti (Omahu) to give effect to a flood protection scheme authorised under the OIC. <u>Outside the OIC area</u> Undertake earthworks associated with the construction of flood protection stop banks to extend the area of protection and in association with works within the OIC area. <u>Other</u> Disturbance of Soil under the NESCS </td> </tr> </table>	PID: 52892 and numerous others along the alignment of the stopbank.	Schedule 1 <u>Within the OIC area</u> Construction of new stop banks and associated structures at Ohiti (Omahu) to give effect to a flood protection scheme authorised under the OIC. <u>Outside the OIC area</u> Undertake earthworks associated with the construction of flood protection stop banks to extend the area of protection and in association with works within the OIC area. <u>Other</u> Disturbance of Soil under the NESCS																					
PID: 52892 and numerous others along the alignment of the stopbank.	Schedule 1 <u>Within the OIC area</u> Construction of new stop banks and associated structures at Ohiti (Omahu) to give effect to a flood protection scheme authorised under the OIC. <u>Outside the OIC area</u> Undertake earthworks associated with the construction of flood protection stop banks to extend the area of protection and in association with works within the OIC area. <u>Other</u> Disturbance of Soil under the NESCS																							
Applicant:	Hawkes Bay Regional Council Private Bag 6006 Hawkes Bay Mail Centre Napier 4142																							
Address of Sites:	Various Sites in the Ohiti/Omahu area on the northern bank of the Ngaruroro River																							
Legal Description:	<table border="1" style="width: 100%;"> <thead> <tr> <th style="background-color: #4F81BD; color: white;">Appellation</th> </tr> </thead> <tbody> <tr><td>Fee Simple, 1/1, Lot 2 DP 28250, 390,507 m2</td></tr> <tr><td>Fee Simple, 1/1, Lot 10S PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802, 217,500 m2</td></tr> <tr><td>Partition Order, 1/1, Omahu 2D5F2B Block, 18,950 m2</td></tr> <tr><td>Fee Simple, 1/1, Lot 1 DP 600663 and Lot 2 DP 25428 and Lot 3-4, 6 DP 449565 and Lot 2 DP 523754, 235,396 m2</td></tr> <tr><td>Lot 10A Pt Omahu 2C1C Block ML 506974</td></tr> <tr><td>Fee Simple, 1/1, Lot 5 Pt Omahu 2C1C Block, 2,500 m2</td></tr> <tr><td>Part OMAHU 2C1C BLK X HERETAUNGA SD</td></tr> <tr><td>Lot 1 DP 472466</td></tr> <tr><td>Lot 1 DP 7904</td></tr> <tr><td>OMAHU 2D5F2B BLOCK ML 407681 - SUBJ TO STOPBANK SMT</td></tr> <tr><td>OMAHU 2D5F2A BLOCK ML 407681</td></tr> <tr><td>Fee Simple, 1/1, Lot 1 DPlan 600663 and Lot 2 DPlan 25428 and Lot 3-4, 6 DP 449565 and Lot 2 DP 523754, 235,396 m2</td></tr> <tr><td>Fee Simple, 1/1, Lot 10B Pt Omahu 2C1C Block, 2,501 m2</td></tr> <tr><td>Fee Simple, 1/1, Lot 10F Pt Omahu 2C1C Block, 2,500 m2</td></tr> <tr><td>Fee Simple, 1/1, Lot 10G Pt Omahu 2C1C Block, 2,500 m2</td></tr> <tr><td>Lot 1 DP 6309</td></tr> <tr><td>SEC 1 SO 497236</td></tr> <tr><td>Fee Simple, 1/1, Lot 1 DP 460685, 20,150 m2 Fee Simple, 1/4, Lot 6 DP 460685, 4,362 m2</td></tr> <tr><td>Fee Simple, 1/1, Lot 10N PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802, 130,260 m2</td></tr> <tr><td>Fee Simple, 1/1, Lot 1 DP 7904, 12,141 m2</td></tr> <tr><td>Road Reserve - Taihope Road</td></tr> <tr><td>Road Reserve - Ohiti Road</td></tr> </tbody> </table>	Appellation	Fee Simple, 1/1, Lot 2 DP 28250, 390,507 m2	Fee Simple, 1/1, Lot 10S PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802, 217,500 m2	Partition Order, 1/1, Omahu 2D5F2B Block, 18,950 m2	Fee Simple, 1/1, Lot 1 DP 600663 and Lot 2 DP 25428 and Lot 3-4, 6 DP 449565 and Lot 2 DP 523754, 235,396 m2	Lot 10A Pt Omahu 2C1C Block ML 506974	Fee Simple, 1/1, Lot 5 Pt Omahu 2C1C Block, 2,500 m2	Part OMAHU 2C1C BLK X HERETAUNGA SD	Lot 1 DP 472466	Lot 1 DP 7904	OMAHU 2D5F2B BLOCK ML 407681 - SUBJ TO STOPBANK SMT	OMAHU 2D5F2A BLOCK ML 407681	Fee Simple, 1/1, Lot 1 DPlan 600663 and Lot 2 DPlan 25428 and Lot 3-4, 6 DP 449565 and Lot 2 DP 523754, 235,396 m2	Fee Simple, 1/1, Lot 10B Pt Omahu 2C1C Block, 2,501 m2	Fee Simple, 1/1, Lot 10F Pt Omahu 2C1C Block, 2,500 m2	Fee Simple, 1/1, Lot 10G Pt Omahu 2C1C Block, 2,500 m2	Lot 1 DP 6309	SEC 1 SO 497236	Fee Simple, 1/1, Lot 1 DP 460685, 20,150 m2 Fee Simple, 1/4, Lot 6 DP 460685, 4,362 m2	Fee Simple, 1/1, Lot 10N PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802, 130,260 m2	Fee Simple, 1/1, Lot 1 DP 7904, 12,141 m2	Road Reserve - Taihope Road	Road Reserve - Ohiti Road
Appellation																								
Fee Simple, 1/1, Lot 2 DP 28250, 390,507 m2																								
Fee Simple, 1/1, Lot 10S PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802, 217,500 m2																								
Partition Order, 1/1, Omahu 2D5F2B Block, 18,950 m2																								
Fee Simple, 1/1, Lot 1 DP 600663 and Lot 2 DP 25428 and Lot 3-4, 6 DP 449565 and Lot 2 DP 523754, 235,396 m2																								
Lot 10A Pt Omahu 2C1C Block ML 506974																								
Fee Simple, 1/1, Lot 5 Pt Omahu 2C1C Block, 2,500 m2																								
Part OMAHU 2C1C BLK X HERETAUNGA SD																								
Lot 1 DP 472466																								
Lot 1 DP 7904																								
OMAHU 2D5F2B BLOCK ML 407681 - SUBJ TO STOPBANK SMT																								
OMAHU 2D5F2A BLOCK ML 407681																								
Fee Simple, 1/1, Lot 1 DPlan 600663 and Lot 2 DPlan 25428 and Lot 3-4, 6 DP 449565 and Lot 2 DP 523754, 235,396 m2																								
Fee Simple, 1/1, Lot 10B Pt Omahu 2C1C Block, 2,501 m2																								
Fee Simple, 1/1, Lot 10F Pt Omahu 2C1C Block, 2,500 m2																								
Fee Simple, 1/1, Lot 10G Pt Omahu 2C1C Block, 2,500 m2																								
Lot 1 DP 6309																								
SEC 1 SO 497236																								
Fee Simple, 1/1, Lot 1 DP 460685, 20,150 m2 Fee Simple, 1/4, Lot 6 DP 460685, 4,362 m2																								
Fee Simple, 1/1, Lot 10N PT OMAHU 2C1C BLOCK Block Maori Land Plan 585802, 130,260 m2																								
Fee Simple, 1/1, Lot 1 DP 7904, 12,141 m2																								
Road Reserve - Taihope Road																								
Road Reserve - Ohiti Road																								

Zoning:	Plains Production Zone – Operative Hastings District Plan (July 2024) Rural Zone - Operative Hastings District Plan (July 2024) Open Space Zone - Operative Hastings District Plan (July 2024)
District Plan Overlays:	List 1 Riparian Area, River Hazard Overlay River Hazard Overlay Heretaunga Plains Unconfined Aquifer Heretaunga Tamatea Redress Area Land Use Capability Class 1 and Class 2 soils
Reasons for Application (note the Order In Council replaces the District Plan rules for works within OIC area): District Plan Provisions: RMA Requirements: Severe Weather Emergency Recovery Legislation (Hawkes Bay Flood Protection Works) Order 2024 Provisions:	Operative Hastings District Plan (July 2024) Areas outside the OIC - Rule EM6 and EM11 National Policy Statement for Highly Productive Land – LUC Class 1 and Class 2 Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 – Regulation 10 Clause 8 (2) - Controlled Activity
Assessment of Status:	Controlled Activity – OIC Discretionary Activity – Operative Hastings District Plan (July 2024) outside OIC (bundled) Restricted Discretionary Activity - Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
Report Prepared By:	Michelle Hart, Senior Environmental Planner (Consents)

Acronyms used in this report

OIC	Severe Weather Emergency Recovery (Hawkes Bay Flood Protection Works) Order 2024
RMA	Resource Management Act 1991
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil
NPS-HPL	National Policy Statement for Highly Productive Land
HDC	Hastings District Council
HBRC	Hawkes Bay Regional Council
RPS	Regional Policy Statement
RRMP	Regional Resource Management Plan
CEMP	Construction Environment Management Plan
CSMP	Contamination Site Management Plan
CAG	Community Advisory Group

Appendix 1 – Comments Received

Appendix 2 – Conditions of Consent

1.0 The Proposal

- 1.1 The Ohi(Omahu) flood protection works is an initiative by Hawke's Bay Regional Council (the Applicant), to construct a new stopbank and undertake associated works that will provide enhanced

flood resilience to the Ohiti (Omahu) community. Regulatory approval for the project is being sought under Severe Weather Emergency Recovery Legislation (Hawkes Bay Flood Protection Works) Order 2024 (“OIC”) and the Hastings District Plan (for the areas outside the OIC area).

- 1.2 The Ohiti Flood Protection Project involves construction of a new stop bank and associated works to provide protection to the Ohiti community in a 1 % AEP flood event (also known as a 1:100 year ARI event) as generally shown in Figure 1 below. Specific details of the design together with plans are provided in the Summary of Design Report prepared by T+T and provided in Appendix 6 of the application.
- 1.3 The area of work/features outside the footprint in the OIC are also identified in Figure 1. The activities that are proposed outside the OIC area are the Smith Swale diversion, the southern tail of the Ohiti stopbank, the raising of the northern end of the Upper Chesterhope stopbank, and the raising of the road to cross over the Upper Chesterhope Stopbank.
- 1.4 As outlined, the consenting requirements associated with the works/features outside the OIC Footprint will be considered under the standard RMA process and are considered further in this report.

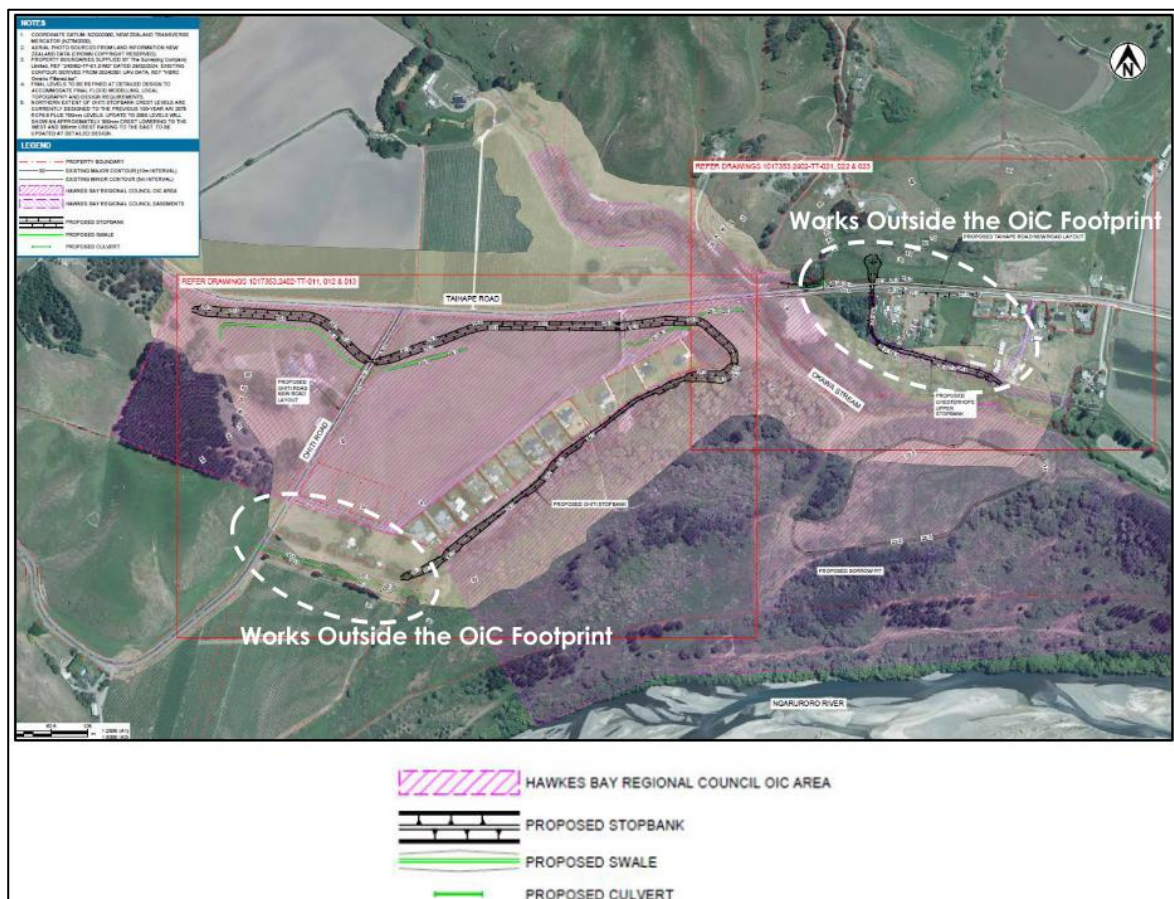


Figure 1: Work areas inside and outside of the OIC area – Sourced from Application

- 1.5 A detailed description of the proposal is contained within Section 6 of the application which can be viewed on HDC file reference RMA20250327#0003.
- 1.6 Briefly the activity involves the construction of a new 1,720m long stop bank (the Ohiti Stopbank) adjacent to Taihape and Ohiti Roads to provide protection to the Ohiti community in up to a 1% AEP flood event and a 390m long stopbank (Chesterhope upper stopbank) to the north and east of Ohiwia Stream and perpendicular to Taihape Rd. Associated works include a swale (Ohiti Road swale) of approximately 320m in length along the southern boundary of 39 Ohiti Road, the raising of Taihape and Ohiti Roads to accommodate the stopbanks passing below, new culverts through the stop bank

and stormwater management. A ford or culvert crossing across the Ohiwia Stream is required to enable moving of fill material from the borrow site to the stopbank work areas.

- 1.7 A full description is provided in Section 6 of the application, however for efficiency, the detailed description of the activity is agreed with and adopted for this report.
- 1.8 The full set of engineering plans are within the Preliminary Design Report, prepared by Tonkin and Taylor, in Appendix 6 of the application and registered on the HDC file at reference RMA20250327#0009. An overall plan of the proposed stopbank and associated works is shown in Figure 2 below.

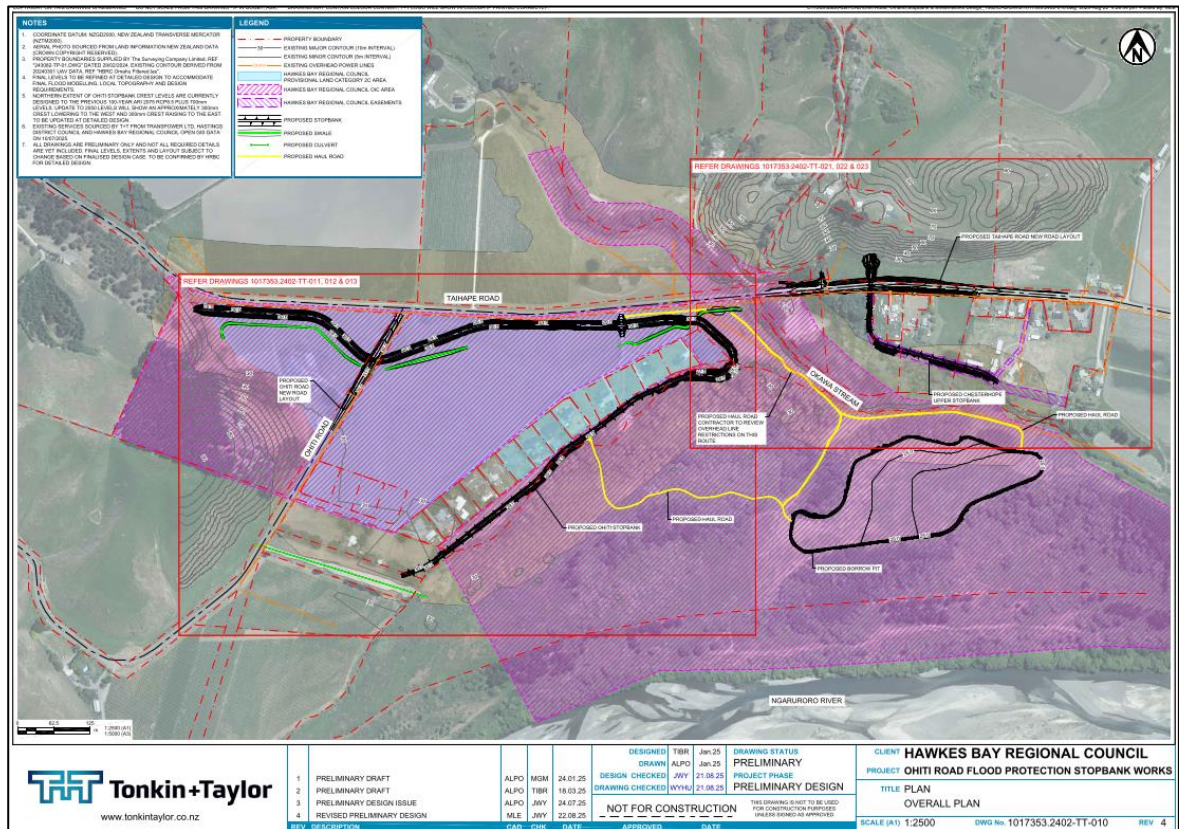


Figure 2: Overall Plan of the Proposed Stopbank

1.9 Supporting Documents

The following reports are provided with the Application (each with HDC File references) in the following Appendices to the Assessment of Environmental Effects prepared by Strategy Planning Limited (HDC Ref: RMA20250327#0003).

- 1 – Cultural Impact Assessment (Confidential) HDC Ref: RMA20250327#0004
- 2 – Archaeological Scoping Report – Archaeology Hawkes Bay HDC Ref: RMA20250327#0005
- 3 – Ecological Opportunities & Constraints Assessment – Tonkin + Taylor HDC Ref: RMA20250327#0006
- 4 – Landscape Scoping Assessment – Narrative Landscape HDC Ref: RMA20250327#0007
- 5 – PSI/DSI – Tonkin + Taylor HDC Ref: RMA20250327#0008
- 6 – Summary of Design Report – Tonkin + Taylor HDC Ref: RMA20250327#0009
- 7 – Condition Table (new numbering convention)– Strategy Planning Ltd HDC Ref: RMA20250327#0010
- 8 – Draft Contaminated Site Management Plan - Tonkin +Taylor HDC Ref: RMA20250327#0011
- 9 – Earthworks OIC Footprint - Tonkin + Taylor HDC Ref: RMA20250327#0012
- 10 – Section 15(2)(a) (vii) parties - Strategy Planning Ltd HDC Ref: RMA20250327#0002
- 11 – Consequential Flood Effects Assessment – Tonkin + Taylor HDC Ref: RMA20250327#0014
- 12 – Supplementary Flood Effects – Tonkin + Taylor HDC Ref: RMA20250327#0015
- 13 – Consequential Flood Assessment Peer Review – BECA HDC Ref: RMA20250327#0013

Documents Submitted following Comments that support the application

- Broughton Bridge Assessment – WSP
- Hydraulic Model Peer Review – Tonkin + Taylor
- Assessment in terms of Category 2C and 2E properties

HDC Ref: RMA20250327#0039
HDC Ref: RMA20250327#0040
HDC Ref: RMA20250327#0041

2.0 The Site and Surrounding Environment

- 2.1 The area of works is primarily located between the Ngaruroro River and Taihape Road as shown in Figure 3 below. The Te Awhina Marae and Omahu Marae are located to the east and the Ohiwia Stream flows northwest southeast through the area of works onto the river berm before discharging to the Ngaruroro River. Figure 3 shows a cluster of dwellings in the western and eastern extents of the area of works. Also noted is the existing stopbank which runs eastward from the eastern area of the works.

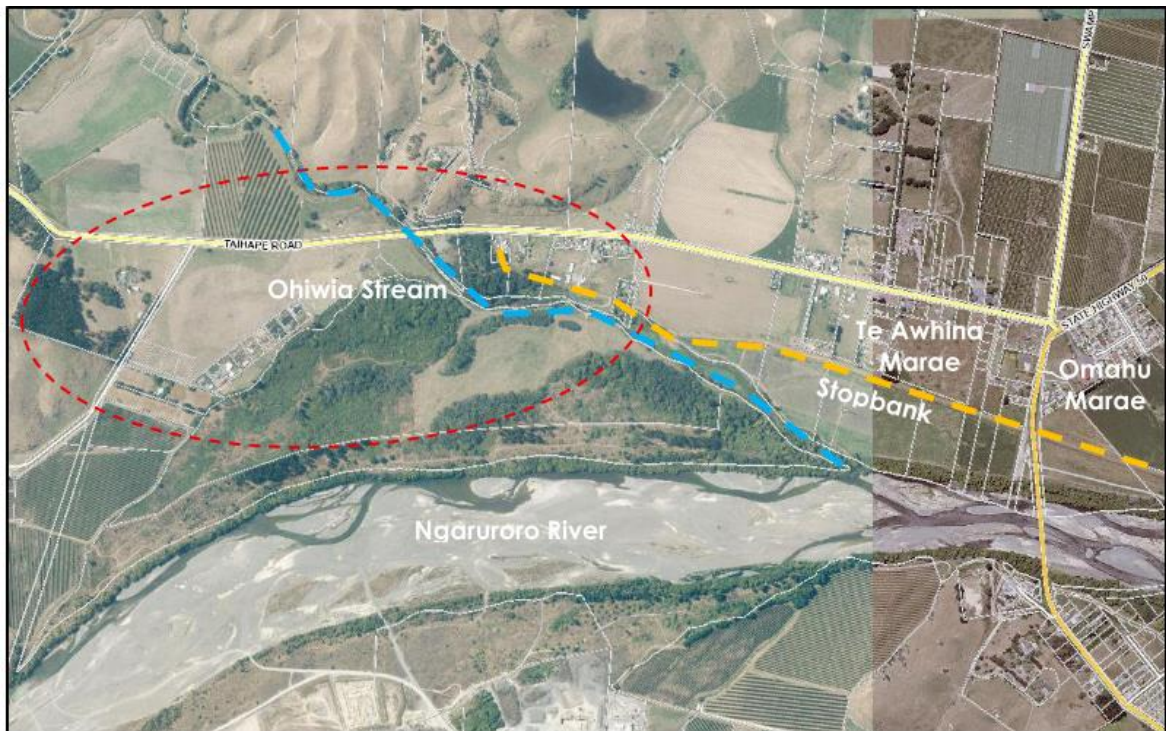


Figure 3: Site and Surrounding Environment – Sourced from Application

- 2.2 I visited the site on 5 September 2025. Representatives from HBRC and Tonkin and Taylor attended along with Philip McKay (Independent Commissioner), Cameron Drury (Strategy Planning Limited) on behalf of the Applicant.

Photographs along the alignment are as follows:



Borrow Site



Ohiwia Stream – proposed crossing point to borrow site





Location of swale on Smith property



Eastward Across the alignment from Ohiti Road



Westward across the alignment and parallel to Taihape Road



Bridge over the Ohiwia Stream – Eastward and Westward

3.0 Reason and Background to the Application – Activity Status

The Applicant seeks consent via two consent ‘pathways’. The first being for the majority of the work pursuant to the OIC. Under this legislation the consenting pathway for major flood protection works falls to be a controlled activity provided the works are situated within a delineated footprint prescribed in Schedule 1 of the OIC. The footprint is shown below in Figure 4.



Figure 4: Area subject to OIC

The works that fall outside of the OIC footprint are still subject to the relevant provisions and process of the RMA and Operative Hastings District Plan are shown below in Figure 5.

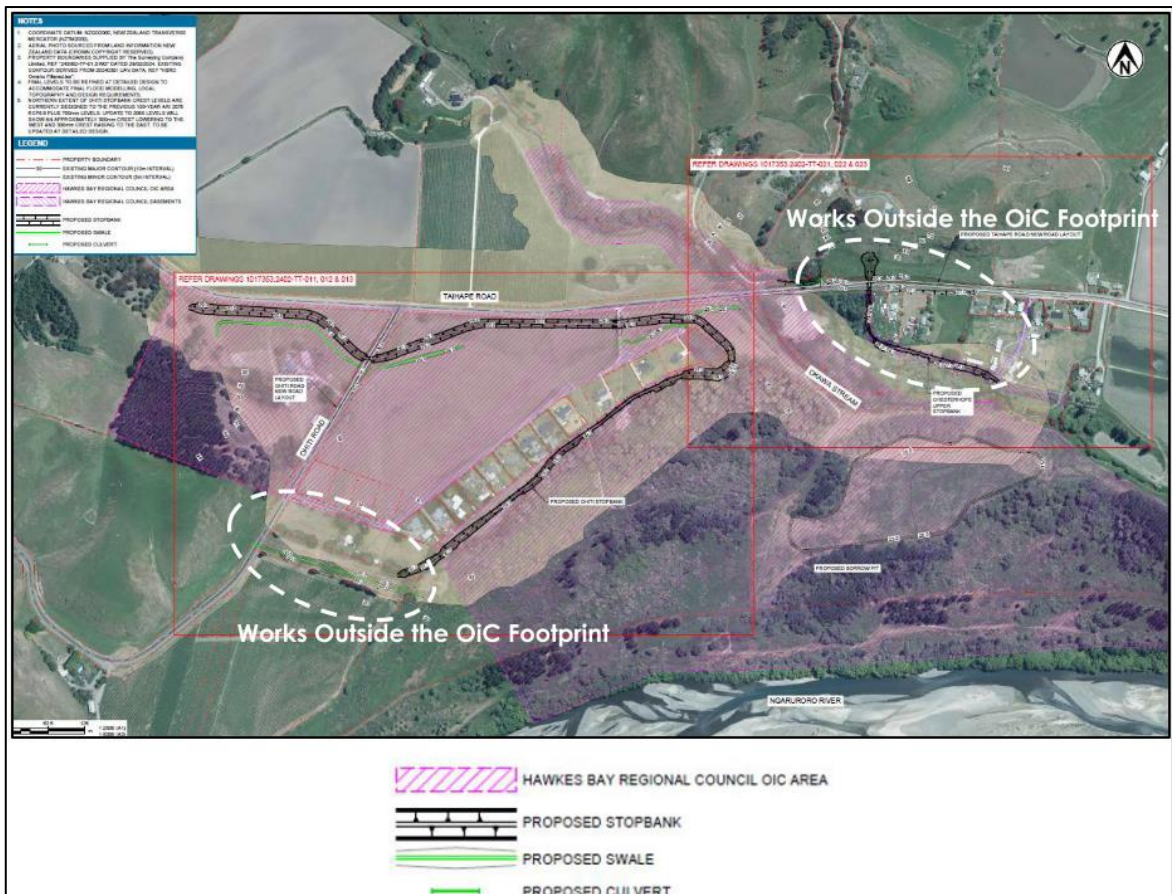


Figure 5: Areas of work outside OIC footprint circled in white dashed format

3.1 **Severe Weather Emergency Recovery Legislation (Hawkes Bay Flood Protection Works) Order 2024 – Order in Council (OIC)**

3.1.1 Statutory Context:

The ("OIC") came into force on the 27 May 2024 and provides for flood protection works and the carrying out of those flood protection works as **controlled activities** under **Clause 8 (2)** of the OIC. A controlled activity must be granted. The relevant clauses are noted below:

Clause 8 refers that flood protection works are taken to be **controlled activities** for the purposes of the RMA.

Clause 9 of the OIC states who may apply for a resource consent for flood protection works. **Clause 9(2)** of the OIC only applies to a Hawkes Bay local authority. **Clause 9(3)** states that a Hawkes Bay local authority may apply for a resource consent for flood protection works only if it is proposed that flood protection works will be carried out by that authority or on its behalf. Application is being made by Hawkes Bay Regional Council with works to be carried out on its behalf.

Clause 10 of the OIC relates functions etc, delegated to hearings commissioner.

Clause 11 of the OIC 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.

Clause 12 of the OIC sets out the procedure for and the information requirements for an application. 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.

Clause 13 of the OIC relates to incomplete applications – does not apply to this application which has been deemed to be complete.

Clause 14 of the OIC states that applications are to be assessed on a non-notified basis.

Clause 15 of the OIC relates to consultation.

Clause 16 of the OIC refers back to Clause 12 and overrides section 104(5) of the RMA.

Clause 17 of the OIC states that the consent authority may impose any 1 or more of the conditions set out in Schedule 2 and may impose any 1 or more additional conditions it considers necessary.

Clause 18 of the OIC relates to giving notice of decision and overrides section 115 of the RMA in favour of section 114 of the RMA.

Schedule 1 of the OIC provides the location and description for the Omaha area as shown in Figure 4 above (map is indicative only – full description provided in the schedule).

Schedule 2 of the OIC provides the pathway to impose conditions of resource consents.

Schedule 3 of the OIC lists the matters of control.

The application to Hawkes Bay Regional Council and Hastings District Council considers the following matters (described fully in section 10 of the Application);

- Permitted Baseline
- General matters –
 - Consequential Flooding
 - Impacts on Buildings
 - Roads and Bridges
- Cultural values
- Freshwater
- The coastal environment
- Stormwater management
- Soil, Land and Ecology
- Visual effects, Landscape and amenity
- Adjoining land uses
 - Effects on the Subject Land and Adjoining Land

- Effects on Infrastructure Assets
- Heritage and Archaeology
- Access and Transport
- Contaminated Land (human health)
- Construction

3.1.2 The Applicant in their application has provided an assessment covering the above matters of control as specified in **Schedule 3** of the OIC.

3.1.3 The application meets the requirements of **Clause 12** of the OIC which sets out the procedure and the information requirements for an application. A summary of the information provided is shown below. In addressing the matters for consideration, the table below lists the relevant specialist reports that support the application.

Information Requirements Clause 12 (2)

(a) Detailed description of flood protection works	Information provided and contained in: Appendix 11 and 12 – Tonkin and Taylor; <i>HDC Refs: RMA20250327# 0014 and #0015</i> Appendix 13 – BECA <i>HDC Ref: RMA20370#0016</i>
(b) Maps	Information provided in contained in Appendix 6 <i>HDC Ref: RMA20250327#0009</i>
(c) General description of the area	Information provided in Application prepared by Stradey Planning Limited <i>HDC Ref: RMA20250327#0003</i>
(d) (i) Description of identified natural and physical resources that have cultural values identified by relevant iwi (ii) Any cultural significant land in the area	Information provided and contained in Appendix 1 <i>HDC Ref: RMA20250327#0004</i>
(e) An assessment of all potential effects of the works 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 within or adjoining the area where the works are to be carried out:	Information provided in Application prepared by Stradey Planning Limited <i>HDC Ref: RMA20250327#0003</i>
(f) Proposals to avoid, remedy, or mitigate potential adverse effects identified by the assessment described in paragraph (e):	Information provided in Application prepared by Stradey Planning Limited <i>HDC Ref: RMA20250327#0003</i>
(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:	Information provided and contained in Appendix 7 <i>HDC Ref: RMA20250327#0010</i>
(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:	Summary of consultation provided in the application prepared by Stradey Planning Limited – Section 9 of Application <i>HDC Ref: RMA20250327#0003</i>
(i) A list of all relevant Māori entities:	Information provided and contained in Appendix 10 <i>HDC Ref: RMA20250327#000013</i>
(j) A list of the names and contact details of all persons the consent authority is required to notify under clause 15(2)(a).	Information provided and contained in Appendix 10 HDC Ref: RMA20250327#000013 List also Provided by HBRC <i>HDC Ref: RMA20250327#0026</i>

Matters of Control

General	Information provided in Application prepared by Stradey Planning Limited <i>HDC Ref: RMA20250327#0003</i>
Cultural Values	Cultural Impact Assessment provided in Application prepared by Stradey Planning Limited Appendix 1(Confidential) <i>HDC Ref: RMA20250327#0004</i>
Freshwater	Information provided in Application prepared by Stradey Planning Limited – Section 10.4 <i>HDC Ref: RMA20250327#0003</i>

Coastal Environment	<p>Information provided in Application prepared by Stradey Planning Limited – Section 10.5 HDC Ref: RMA20250327#0003</p>
Stormwater	<p>Information provided in Application prepared by Stradey Planning Limited – Section 10.6 HDC Ref: RMA20250327#0003</p>
Soil, land and ecology	<p>Information provided in Application prepared by Stradey Planning Limited – Section 10.7 HDC Ref: RMA20250327#0003</p>
Visual effects and amenity	<p>Information provided in Application prepared by Stradey Planning Limited – Section 10.8 HDC Ref: RMA20250327#0003</p>
Adjoining land uses	<p>Information provided in Application prepared by Stradey Planning Limited – Section 10.9 HDC Ref: RMA20250327#0003</p>
Heritage and Archaeology	<p>Information provided in Application prepared by Stradey Planning Limited – Section 10.10 HDC Ref: RMA20250327#0003</p>
Access and transport	<p>Information provided in Application prepared by Stradey Planning Limited – Section 10.11 HDC Ref: RMA20250327#0003</p>
Contaminated land (human health)	<p>Information provided in Application prepared by Stradey Planning Limited – Section 10.12 HDC Ref: RMA20250327#0003</p> <p>PSI/DSI prepared by Tonkin and Taylor Appendix 5 HDC Ref: RMA20250327#0008</p> <p>Draft Contamination Site Management Plan – Appendix 8 HDC Ref: RMA20250327#0011</p>
Construction – Additional to Matters under Schedule 3	<p>Information provided in Application prepared by Stradey Planning Limited – Section 10.13</p> <p>Addresses the following matters in tandem with those listed within Schedule 3</p> <ul style="list-style-type: none"> • Stormwater management and erosion and sediment control • Nuisance effects i.e. noise, vibration and dust • Hours of operation • Public health and safety • Construction traffic <p>Matters covered in conditions such as requirement for CEMP and ESCM. HDC Ref: RMA20250327#0003</p>

3.2 National Environmental Standards

3.2.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

This NES requires consideration at the time of change in land use, subdivision or earthworks on a piece of land upon which an activity on the Hazardous Activities and Industrial List (HAIL) has/is or is more likely than not been undertaken.

Regulation 8(3) states that disturbing the soil of the piece of land is a **Permitted Activity** while the following requirements are met:

- (a) *controls to minimise the exposure of humans to mobilised contaminants must—*
 - (i) *be in place when the activity begins:*
 - (ii) *be effective while the activity is done:*
 - (iii) *be effective until the soil is reinstated to an erosion-resistant state:*
- (b) *the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:*
- (c) **the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:**
- (d) *soil must not be taken away in the course of the activity, except that,—*
 - (i) *for the purpose of laboratory analysis, any amount of soil may be taken away as samples:*
 - (ii) *for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:*
- (e) *soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:*
- (f) *the duration of the activity must be no longer than 2 months:*
- (g) *the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.*

Regulation 8(4) states that changing the use of the piece of land is a **Permitted Activity** while the following requirements are met:

- (a) *a preliminary site investigation of the land or piece of land must exist:*
- (b) *the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:*
- (c) *the report must be accompanied by a relevant site plan to which the report is referenced:*
- (d) *the consent authority must have the report and the plan.*

Sites which do not meet the permitted standards above, become a **Controlled Activity** pursuant to either Regulation 9(1) or 9(3), provided that they meet the following Regulations:

Regulation 9

(9)(1) *If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:*

- (a) *a detailed site investigation of the piece of land must exist:*
- (b) *the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:*
- (c) *the consent authority must have the report:*
- (d) *conditions arising from the application of subclause (2), if there are any, must be complied with*

(9)(3) *If a requirement described in regulation 8(4) is not met, the activity is a controlled activity while the following requirements are met:*

- (a) *a detailed site investigation of the piece of land must exist:*
- (b) *the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:*
- (c) *the consent authority must have the report:*
- (d) *conditions arising from the application of subclause (4), if there are any, must be complied with.*

Sites which do not meet regulation (8) fall to be assessed under Regulation 10. The soil disturbance exceeds 25m³ and does not meet Regulation 8 (3)(c).

Regulation 10

10 Restricted discretionary activities

- (1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) **that is not a permitted activity or a controlled activity.**
- (2) The activity is a restricted discretionary activity while the following requirements are met:
 - (a) a detailed site investigation of the piece of land must exist;
 - (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7;
 - (c) the consent authority must have the report;
 - (d) conditions arising from the application of subclause (3), if there are any, must be complied with.
- (3) The matters over which discretion is restricted are as follows:
 - (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.

The OIC reduces the regulatory pathways for flood mitigation works and for the area inside the OIC replaces the consenting pathway under District Plans. Conditions 17 of OIC (Schedule 3) is the relevant condition for contaminated land within the OIC area.

17 Works on contaminated land

- (1) This clause applies if the consent holder undertakes earthworks or any other soil disturbance on contaminated land.
- (2) 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.
- (3) The consent holder must take all practicable measures to—
 - (a) prevent the discharge of soil and stormwater from contaminated land to watercourses; and
 - (b) maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials; and
 - (c) replace the soil to an erosion-resistant state at the completion of the relevant works.

The applicant has provided (in Appendix 5 of the application) a combined Preliminary and Detailed Site Investigation Report from a suitably qualified and experienced professional (SQEP), Tonkin and Taylor Limited, which confirms that some potentially contaminating (HAIL) activities have been

undertaken over the area within the application site. The plans below depict the areas within and outside the OIC boundary and identifies the sample sites, including the borrow area.

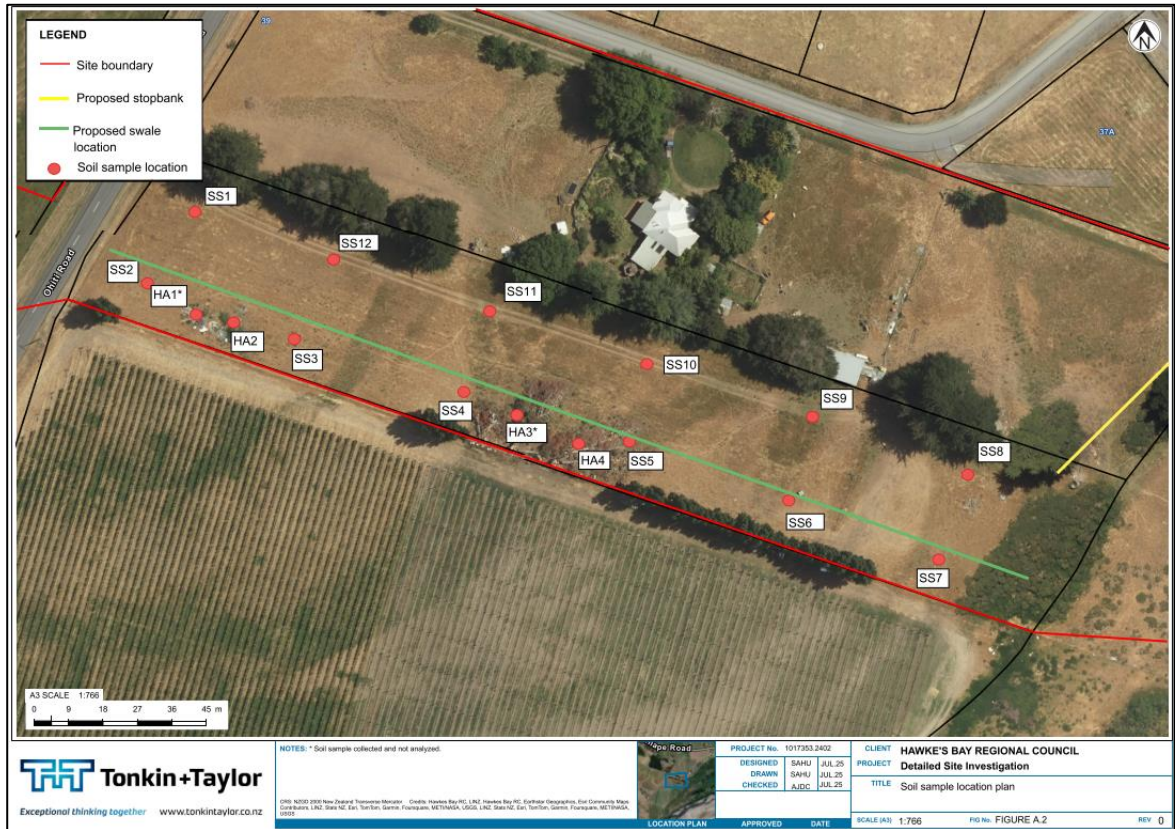


Figure 6: Taken from Tonkin and Taylor PSI/DSI Report



Figure 7: Taken from Tonkin and Taylor PSI/DSI Report

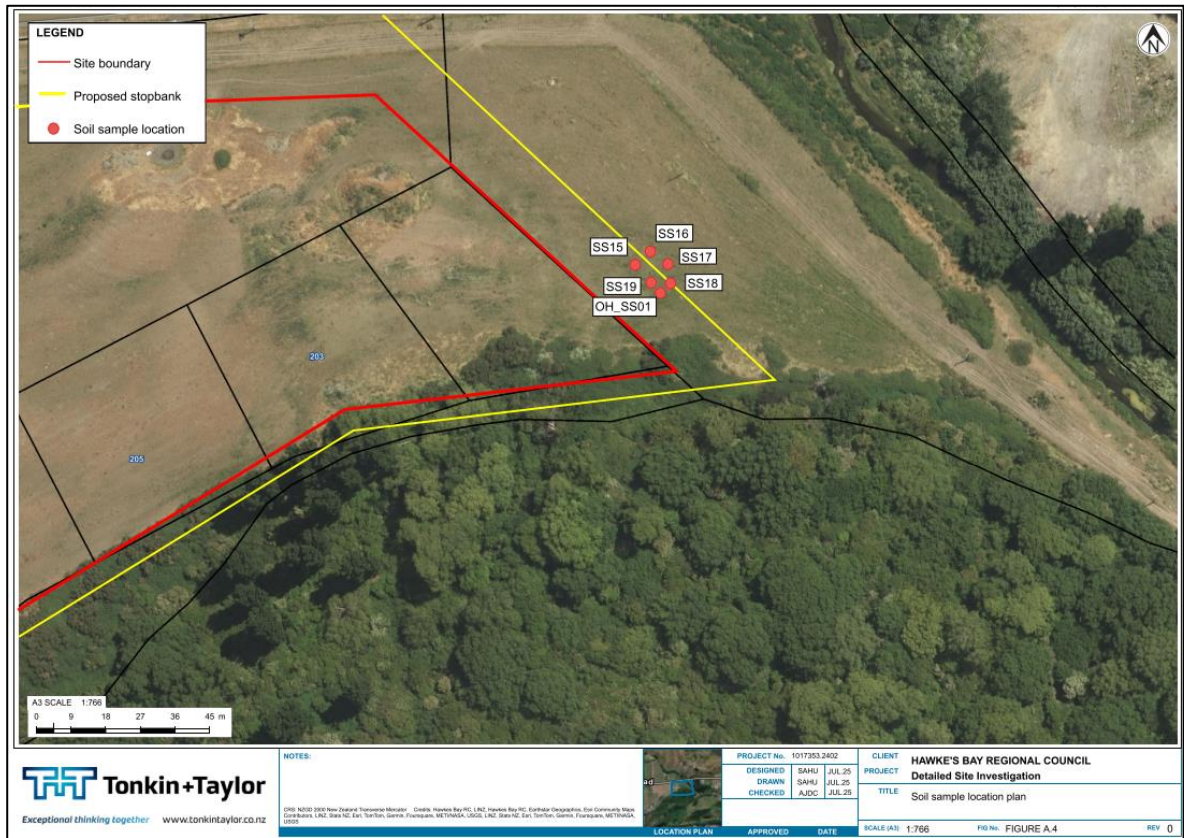


Figure 8: Taken from Tonkin and Taylor PSI/DSI Report

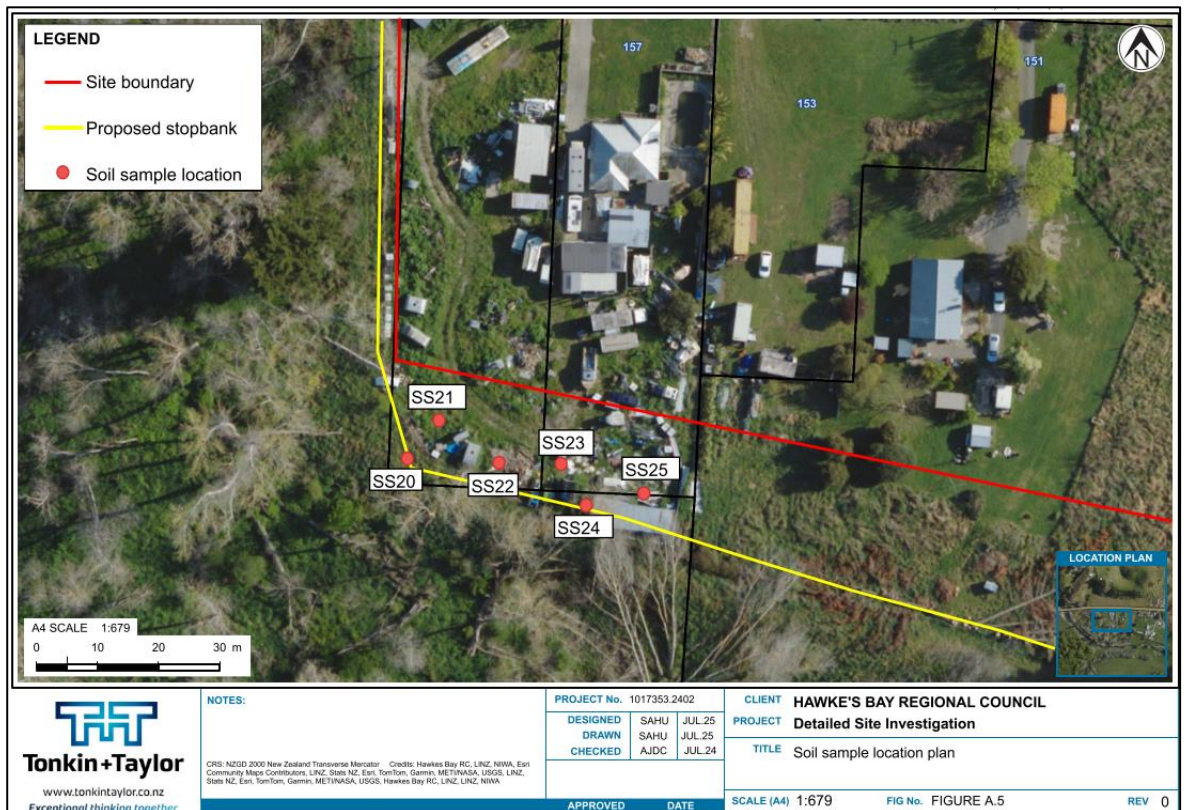


Figure 9: Taken from Tonkin and Taylor PSI/DSI Report

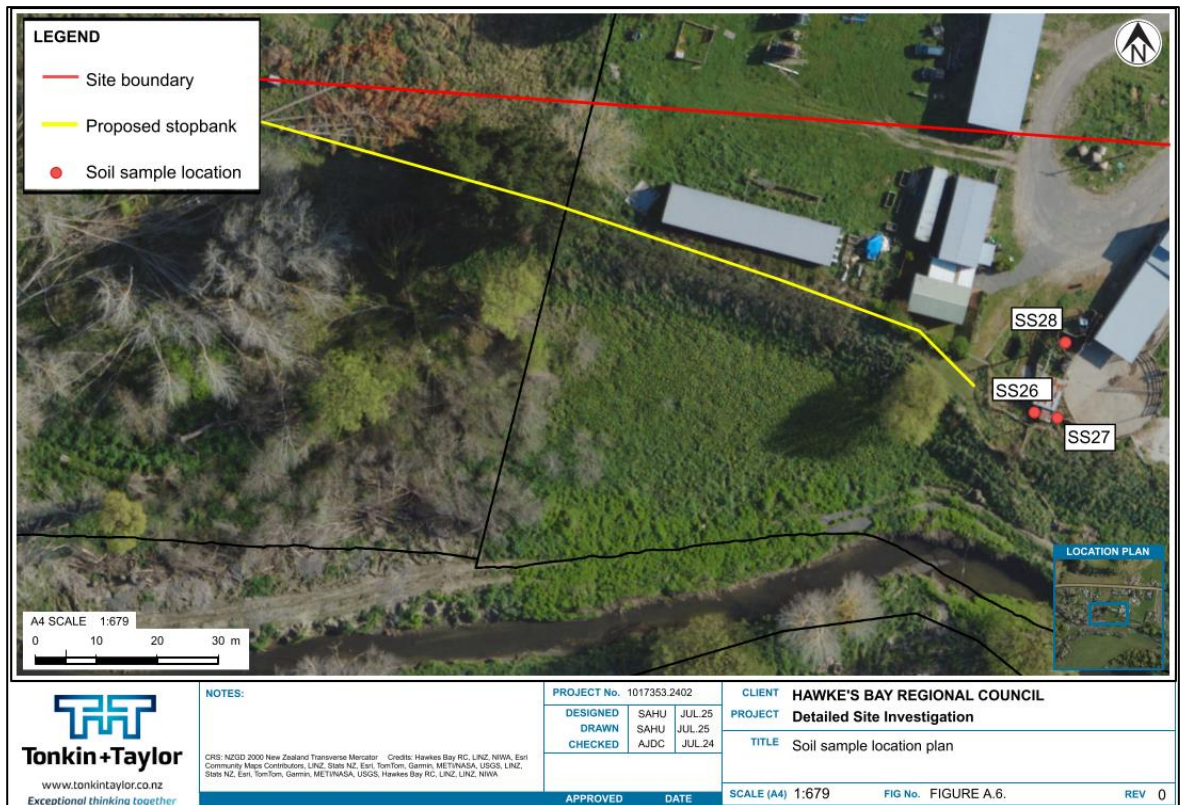


Figure 10: Taken from Tonkin and Taylor PSI/DSI Report

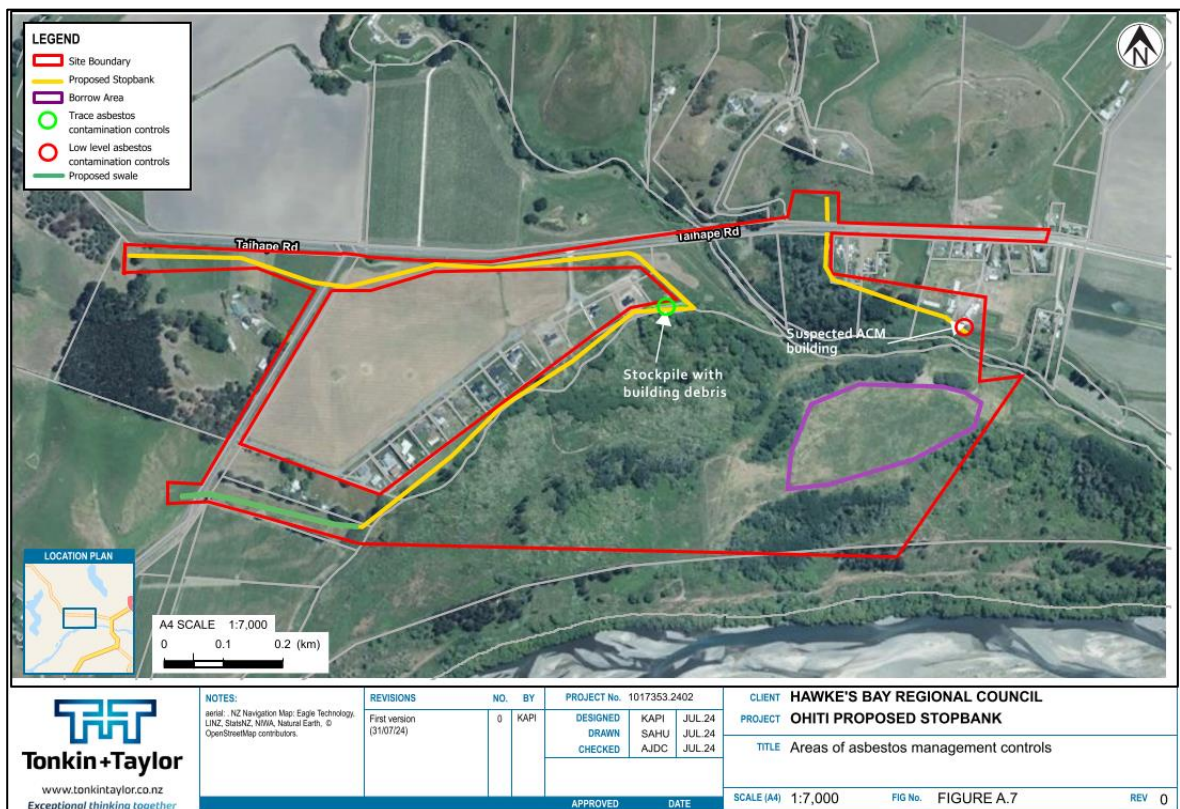


Figure 11: Taken from Tonkin and Taylor PSI/DSI Report

The Tonkin and Taylor PSI and DSI identified a number of locations where soil contamination may be occurred. To address this, a draft CSMP was prepared by Tonkin and Taylor and submitted with the application in Appendix 8 (HDC Ref: RMA20250327#0011). The purpose of the CSMP is to address the management of ground contamination and to outline the procedures for the appointed

contractor to follow during the proposed construction of the Stopbank. **A CSMP is a requirement under Condition 10 of the OIC¹.**

Clause 17 - OIC Conditions of consent

- (1) *This clause applies instead of sections 87A(2)(b) and (c), 104A(b), and 108 of the RMA.*
- (2) *The consent authority may impose any 1 or more of the conditions set out in Schedule 2 on a consent granted for flood protection works.*
- (3) *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.*
- (4) *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.*
- (5) *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.*
- (6) *In this clause, 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.*

The analytical results for the test sites shown in Figures 6 to 11 are outlined in Section 6.5 of the Tonkin and Taylor PSI/DSI (HDC Ref: RMA20250327#0008) which separates out the individual sample sites. Generally, the samples collected above recommended levels included, cadmium, copper, heavy hydrocarbons, arsenic, zinc, mercury, lead however not all of these were present in all sample areas.

Given the findings of the PSI and DSI, the Applicant has recommended that **Conditions 10 and 17 of the OIC** (Works on contaminated land) be amended from the standard condition (see Appendix 7 of the Application - HDC Ref: RMA20250327#0010).

3.2.2 National Environmental Standard for Sources of Human Drinking Water (2007)

Given the works are not located near a HDC public water supply and is not within a HDC Source Protection Zone, the NES: Sources of Human Drinking Water is not considered relevant.

3.2.3 National Environmental Standard for Freshwater (2020)

The application identifies that a discretionary activity consent is required from HBRC under Rule 71 of the Hawkes Bay Regional Resource Management Plan (HBRRMP) for the installation of a culvert across the Ohiwia Stream (if required).

3.3 Operative Hastings District Plan (July 2024) – Consents Required

As shown below, the site is predominantly zoned Plains Production but also includes a small area of land within the Rural Zone and Open Space Zone (narrow reserve strip). While the OIC overrides the District Plan [Clause17(5)] I consider it appropriate to include the relevant District Plan provisions as a background and overview of the Application site. Ultimately the OIC sets the direction for the proposed flood protection works.

¹ Order in Council – Granted to HBRC to reduce the regulatory pathways for the flood mitigation works following Cyclone Gabrielle.

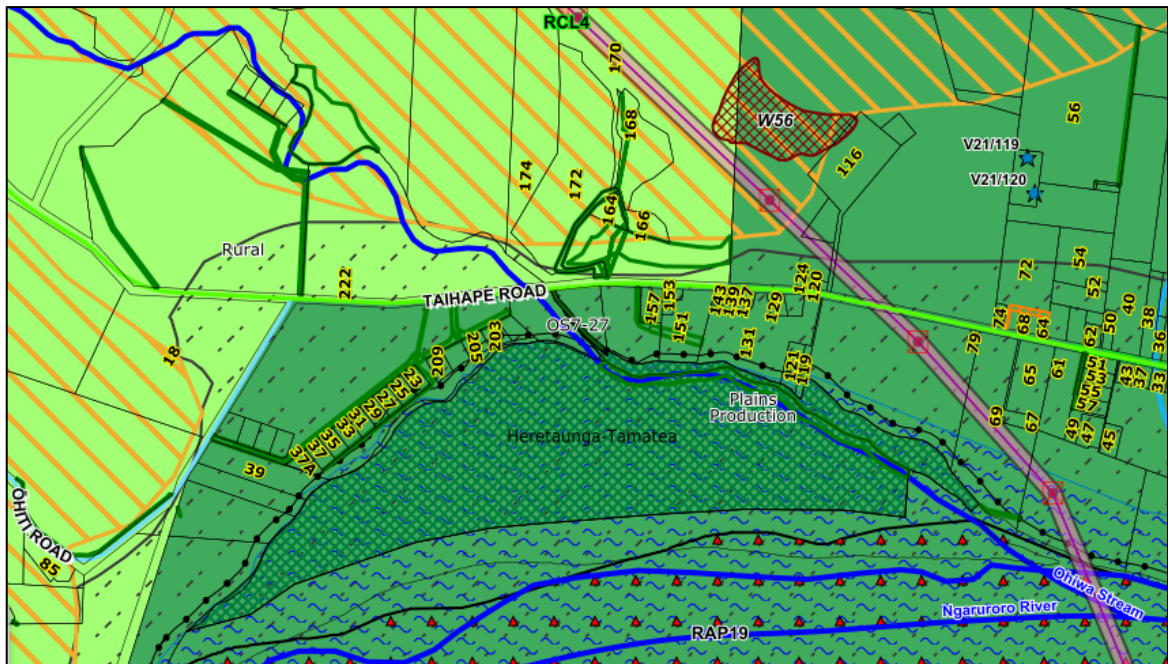


Figure 12: Operative District Plan Zone Map and Overlays

The Application site is also subject to the River Hazard, Heretaunga Plains Unconfined Aquifer and Riparian Management overlays (discussed further below).

3.3.1 River Hazard (shown by blue waves): - Section 15.1 applies

The District Plan permits Natural Hazard Mitigation Activities, including stop banks, in the River Hazard Overlay when this is carried out by a Local Authority. Other activities permitted include water intakes, bridge structures, and minor upgrading of existing network utilities.

RULE TABLE 15.1.5 - NATURAL HAZARDS		
RULE	ACTIVITY	ACTIVITY STATUS
NH1	<i>Natural Hazard Mitigation Activities including River Control and Drainage Works in the River Hazard Overlay carried out by or on behalf of a Local Authority, Network Utility Operator or a Requiring Authority Exercising its Powers, Functions and Duties Under the Resource Management Act 1991, Soil Conservation and Rivers Control Act 1941, or Land Drainage Act 1908.</i>	P

3.3.2 Riparian Land Management Area (List 1):- Section 19.1 applies

The Riparian Land Management and Public Access District Wide Activity Chapter identifies those areas in the Rural and Plains Production Zones of the District where the Council has identified the opportunity to provide esplanade reserves and alternative mechanisms for the protection of waterbodies to ensure the sustainable management of them and public access to them. Rules are included in the District Plan to regulate the modification of riparian vegetation; however, it is stated in the Plan that riparian vegetation modification does not include actions undertaken or authorised by the Hawke's Bay Regional Council for the purpose of flood control activities.

RULE TABLE 19.1.5 - RIPARIAN VEGETATION MODIFICATION			
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS	MATTERS FOR CONTROL & RESTRICTING DISCRETION
RULE RM1	<i>Riparian Vegetation Modification</i>	P	

3.3.3 Section 27.1 Earthworks, Mineral, Aggregate and Hydrocarbon Extraction

When assessed under Rule Table 27.1.5, earthworks will be considered a Permitted Activity and not have to comply with the Performance Standards and Terms in Section 27.1.6, provided they are:

- (a) Earthworks assessed with any Subdivision Consent and Designations.
- (b) Earthworks in association with a Building Consent, where the area of earthworks includes no more than 150% of the area of the associated building footprint. Note that Rules and Standards are applied once the 150% threshold is exceeded.
- (c) Earthworks in association with Forestry Activities; Network Utility Operations; and the replacement and /or removal of a fuel storage system as defined by the Resource Management Regulations 2011 (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health)
- (d) Earthworks in association with the creation of public walk ways and cycleways, except when located within any ONFL area, where the standards relating to ONFL's in 27.1.5 and 27.1.6 shall still apply.

RULE TABLE 27.1.5 - EARTHWORKS, AND MINERAL, AGGREGATE AND HYDROCARBON EXTRACTION		
RULE	ACTIVITIES	ACTIVITY STATUS
EM1	Earthworks	P
EM6	Permitted Activities not meeting the General Performance Standards and Terms in Section 27.1.6	RD

27.1.6A EXTENT OF EARTHWORKS

1. For the purpose of assessing the total volume of earthworks allowed as a Permitted Activity for sites in these sub zones, the volume shall be calculated by multiplying the volume threshold (listed in 27.1.6A) by the total area of the subject site in hectares, over any 12 month period.
2. For the importation of fill or removal of cut to or from an offsite location, the volumes of earthworks specified in the Table in 27.1.6A shall be reduced by 50% in determining the volume permitted in any 12 month period.

TABLE 27.1.6A EXTENT OF EARTHWORKS			
STRATEGIC MANAGEMENT AREA (SMA)	ZONE	VOLUME	CRITERIA (for any 12 Month period)
Plains	Production	100m ³	per hectare of site
Rural		2000m ³	per hectare of site

The proposed works will require approximately 4,500m³ of cut and 37,500m³ of fill. This includes the areas within and outside the OIC extent will most likely exceed the threshold referred to in the table above given the scale of the proposed works and the difficulty in calculating each specific area in relation to the specific sites affected by the new stopbank. The material to be used to form the stopbank has been extracted from the borrow area within the OIC boundary but is a separate land parcel. The application states that given the level of earthworks required, the proposal is unlikely to meet the maximum standard. The earthworks within the OIC area would therefore (in the absence of the OIC) usually fall to be overall assessed as a **Discretionary Activity** pursuant to Rule **EM10**. This is displaced by the OIC which confirms the activity status is a **Controlled Activity**.

For the areas that sit outside the area identified in the OIC as referenced in **Figure 1** of this report, the application will be assessed overall as a **Discretionary Activity** under the Operative Hastings District Plan.

3.4 Overall Activity Status

The OIC provides that flood protection works subject to the Order (Clause 5 and 6) are to be assessed as a controlled activity (Clause 7 and 8) for the purposes of the Resource Management Act 1991(RMA), including sections 87A (2) and 104A. 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. The matters of control are listed in Schedule 3 of the OIC

The OIC takes precedence over the Hastings District Plan status. Accordingly, the application falls to be assessed as a **Controlled Activity** under the Severe Weather Emergency Recovery (Hawkes Bay Flood Protection Works) Order 2024.

For the areas outside the OIC, the application falls to be assessed as a **Discretionary Activity** under the Operative Hastings District Plan.

3.5 Other Approvals

A number of approvals are required under the OIC from HBRC, and these are listed on page 48 and 49 of the application (HDC Ref: RMA20250327#0003)

4.0 Notification

In accordance with **Clause 15** of the OIC, section 95 of the RMA does not apply, and public and limited notification is precluded.

For the areas that sit outside of the OIC Footprint the application is assessed as a discretionary activity that does not preclude public or limited notifications. An assessment under section 95A and 95B of the RMA applies.

4.1 CLAUSE 14 & 15 – APPLICATION PROCESSED ON NON NOTIFIED BASIS

4.1.1 **Clause 14 (2)(a)** A consent authority that receives an application for resource consent for flood protections works must not give public notification or limited notification under section 95 of the RMA but under **Clause 14 (2)(b)** must instead carry out consultation in accordance with **Clause 15** of the OIC.

4.1.2 **Clause 15(6)** states that a person who makes a written comments to a consent authority under this clause is not to be treated under the RMA as a person making a submission. Comments have been received from a number of adjoining parties, however under **Clause 15(5)** of the OIC, a person invited to make written comments have no appeal rights under Part 6 of the RMA, and they cannot object to the decision under Part 14 of the RMA.

4.1.3 As the issues around the flood protection works fall to be mainly within the responsibility of HBRC under the HBRRMP, under **Clause 11 (3)**, that Authority has undertaken the required engagement with immediately affected or immediately adjoining parties pursuant to **Clause 15(2)(a)** of the OIC. The notice can be viewed on (HDC Ref: RMA20250327#0024) and was notified jointly by HBRC and HDC.

Notice of the Application was sent to all the relevant parties listed **clause 15(2)²**. **Clause 15(2)(c)** requires all comments to be received within 10 working days after the date on which the invitation is given. The closing date for comments was **11 September 2025**.

4.1.4 A summary of the comments received, and relief sought is provided below. HDC responses where relevant are additional to HBRC responses and are shown in Blue:

² HBRC acted as 'lead agency' under clause 11(3) and sent the notice to listed parties inviting comments on behalf of both council/consent authorities.

APP-131372 (HBRC) and RMA20250327 (HDC)– Clause 15(4) Summary of comments and response

In accordance with **Clause 15** of the OIC 2024, notice was sent to listed parties (clause 15(2)(a)(i-x)) and each was given the opportunity to comment on the application. The comment period was from 11 September 2025 and closing 29 September 2025. During that comment window **eight comments** were received from invited parties. Two additional (late) comments were also received. These comments are summarised below with a comment from HBRC and HDC where appropriate (HDC Comments in [Blue](#))

Comment Number	Comment From	Issues Raised	Relief Sought	Response to comment
1	NZTA Waka Kotahi	No issues or concerns regarding the proposed flood mitigation works as outlined	Requested information on any further projects closer to the State Highway corridor	A link to the flood protection projects on the HBRC website where further information on each project is available was provided to NZTA. HDC agrees with this approach
2	Tamatea Pōkai Whenua (TPW)	Have no concerns regarding this resource consent application for flood mitigation works and the implementation of the SWER-OIC.	TPW state that “ <i>the activities outlined are essential to the recovery and resilience of affected communities, providing critical protection against the impacts of future, natural disasters. We fully support the consent processing proceeding as proposed</i> ”.	No response required. Agreed
3	Heritage New Zealand Pouhere Taonga	Archaeology and cultural values	Delete proposed condition 29 (Accidental Archaeological discovery protocol (AADP)). An archaeological authority will be obtained and any impacts to archaeology should be managed under an active authority and not under an accidental discovery protocol. If there is no authority and works encounter archaeology, all works must cease immediately and would likely not be able to continue until an authority is in place (which can take up to 40 working days). Timing and methodology of earthworks to enable identification of the presence of archaeology.	This is addressed in section 10.10 of the application report (Strategy) ³ . Condition 29(2)(b) requires an accidental archaeological discovery protocol be put in place for the site(s) of work if an archaeological authority in relation to the location is not required. As the authority will not be in place at the time of granting the resource consent but likely will be to meet pre-commencement requirements it is appropriate to retain the condition and add an advice note confirming the authority will take precedence over the AADP rather than to delete this condition from the resource consent. HDC agree

³ AA-RC-Application-Ohiti-FINAL (HDC Ref: RMA20250327#0003)

				<p>It is noted that earthworks to remove material from the borrow site are not requiring of consents from HBRC, but in any case, an archaeological authority will be sought for works in this area and this must be followed.</p> <p>HDC require resource consent under the RMA for the areas outside of OIC and the appropriate conditions normally imposed are not dissimilar to the conditions specified in Schedule 2 of the OIC.</p>
		Mana Whenua engagement	The Resource Consent Application for Flood Protection Works show excellent engagement by the council with mana whenua. The establishment of a Stakeholder Advisory Group to manage and monitor the protection works shows clear commitment by HBRC to engage with the Māori Entity Representatives. Allowing for cultural monitoring, addressing sediment and erosion control plans and having mana whenua participation in the Ecology Management Plan is encouraging and noteworthy.	<p>The comment is supportive of the conditions of the OIC 2024 regarding the stakeholder advisory group, Maori entities responsibilities, erosion and sediment control plans and Mana whenua participation in Ecology Management Plan.</p> <p>HDC agree</p>
4	Kerri Nuku Whanau Trust and KD PARTNERSHIP Ltd	Ohiti Swale Alignment	Suggests relocation of the Ohiti (Smith) Swale further west to accommodate their intended property development on an adjacent property.	<p>The comment was referred to the HBRC project team who responded that no changes in the design are proposed in relation to this comment.</p> <p>No changes to the conditions are recommended in light of this comment. The land parcel is outside the OIC area, and the owner is not considered to be adversely affected as the proposed works will not affect their land.</p> <p>HDC Comments: These property owners will be required to apply for a resource consent from HDC which will require consideration under the Operative District Plan. The OIC process is not the appropriate mechanism in which to seek a future approval path.</p>
5	Hastings District Council	Access and Transport: Effect on Taihape Road as a key lifeline route	The stop banks will have negative effects on a key lifeline route.	The comment was referred to the HBRC project team. The Project Manager responded that the project is investigating an early warning system and markers at the bridge to address the concern.

			<p>Additional Monitoring of the Ohiwia Stream, flood depths and depth markers along the modelled area are recommended.</p> <p>An effective system of warning and management to enable communication of the road access status is required.</p> <p>Design confirmation with HDC.</p>	<p>A condition of consent has been proposed by the applicant (condition 30 'Early Warning System') which will require a telemetry system to be installed in the Upper Ohiwia Stream to provide continuous water level data for the purpose of enhancing early warning capabilities during major weather events.</p> <p>This is discussed in section 10.2.1 of the application, where it states:</p> <p><i>"Unlike other flood control and drainage schemes however, the Ohiwia Stream does not have an early warning system in place. It is therefore proposed to install a telemetry system to this effect (refer Condition 30). While this consent will provide for its installation, ongoing management will occur under other functions of Council. No conditions in regard to ongoing operation and maintenance are proposed."</i></p> <p>Further detail was sought from the applicant. The applicant stated that additional engagement had occurred with Hastings District Council and others. They stated⁴ that: <i>"It needs to be as far up the catchment as is sensible to provide as much warning as possible. The site will be agreed with HDC following further discussion between all Parties"</i>.</p> <p>An addition to the proposed condition of consent is recommended that will require the final placement of the system to be decided after ongoing consultation with HBRC and HDC.</p> <p>HDC Comment: The comment has resulted in an amendment to proposed Condition 30 to engage with HDC Manager for Infrastructure to determine the location of the telemetry system but agree that this needs to be as far up the catchment as is sensible to provide as much warning as possible. The site will be agreed</p>
--	--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

⁴ Email from Cam Drury (Stradegy), 'Response to Comments – Ohiti', dated 13 October 2025

				with HDC following further discussion between all Parties. I agree with this approach.
6	Stephen Cornes	Inundation levels	<p>The effects on land and infrastructure from the raising of the Runanga Lake level and the design of the spillway and discharge weir. Around 1980 a bund wall was installed raising the lake level. The outlet was blocked in 2004 further raising the lake by an estimated 500 mm</p> <p>A consent was granted to Fish and Game in 2008 and a weir installed further raising the lake (440 mm) there has been significantly more flooding at the northern end of Lake Runanga, across the Taihape road and right through their property down to the Taihape / Ohiti Road intersection.</p> <p>The raising of the lake level was based on an incorrect catchment calculation and poorly designed spillway and weir (insufficient high flow capacity) must be dealt with before any stop banks are built at Ohiti.</p> <p>Lowering of the lake to the pre 2008 level and modification of the weir and spillway (to accommodate higher flows at lesser rise in level) would reduce flooding at the northern end and allow more water to pass through the lake rather than down past the Ohiti. Modifications at the cause could save the houses at Ohiti Road, minimise closures of Taihape Rd and reduce flooding over hundreds of hectares</p>	<p>A comment has been received from the applicant which refers to modelled results that indicate the majority of flow in larger scale events passes around the lake (~80%).</p> <p>The effect of the Lake Runanga Weir was also assessed for HBRC in the report: <i>Lake Rūnanga Weir – Flood Effects Assessment, PDP, May 2025</i>. While this assessment is currently being reviewed by the PDP, and may change, the assessment indicates little change to the flows and flood levels pre-construction of the weir and post-construction of the weir in larger flood events. The assessment generally aligns with the modelling results referred to by the applicant, for larger events (> 5 year ARI) and concludes that the construction of the weir is likely to have only had a measurable impact on the lake water levels and upstream flooding in more frequent flood events.</p>
7	Director General Department of Conservation (DOC)	Streambed disturbance	Avoid works that disturb Ohiwia Stream, use alternative transport route from borrow pit.	The design, installation and removal of a ford across the Ohiwia Stream will be accommodated through an amendment to the CEMP under Condition 11 if a crossing is required. The crossing site is outside of the OIC area and installation of a crossing is a discretionary activity. Further changes to the proposed conditions are recommended to ensure that fish passage is adequately considered and provided for if permanent crossing structures are proposed.

		Fish Passage	<p>Clause (b) of the freshwater matters of control requires the provision for fish passage. However, the proposed consent conditions, as currently drafted, do not confirm that fish passage will be provided.</p>	<p>The applicant has provided comments in response to the DOC comments⁵.</p> <p>In relation to fish passage, the applicant states:</p> <p><i>“The approach to fish passage will be confirmed in the CEMP (condition 11(e)) once further information is known about the design and timing of the crossing (if required). For example, if the crossing is only required for 1 or 2 weeks outside of the critical migration window, one way passage may be sufficient to “mitigate any effects the structure may have on fish passage” (noting that Standard 62 of the NES-F relates to reporting of information only and does not specify that full fish passage needs to be provided for all fords).</i></p> <p><i>The comments provided by DOC will be considered in developing the plans including under Conditions 11(e) and 18. We note that the matter of control (b) requires the provision of fish passage to be a matter for assessment, it does not necessitate fish passage be provided in all circumstances. DOC will have an opportunity to review the management and mitigation plans before finalising, as an invited member of the Stakeholder advisory group (condition #6). No change to the proposed conditions recommended”.</i></p> <p>The crossing will be installed outside of the OIC area and is a discretionary activity. The matters of control set by the OIC do not apply. How fish passage is provided for and the effects resulting from any lack of fish passage are a matter to be assessed, taking into account relevant plan and RMA provisions.</p> <p>At this stage it is unclear if a temporary or permanent structure is proposed, and if this will be a ford or a culvert. The proposed change to condition 11 is specific to installation of a temporary ford but does</p>
--	--	--------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

⁵ Email from Stradegy (Catherine Raeburn) dated 7 October 2025.

			<p>not address other potential crossing options (e.g. temporary or permanent culvert).</p> <p>If a permanent structure is to be installed (ford or culvert), fish passage should be provided, to ensure that a barrier to fish movement is not created. If a temporary structure is installed, a temporary effect on fish passage may be acceptable, provided this is the best practicable option and effects are minimised to greatest degree practicable.</p> <p>Amendments to the proposed conditions are recommended to reflect this.</p>
		Sedimentation and Contamination Controls	<p>The current consent condition provides a timeframe for incident reporting that is too lengthy in the scenario of failure or erosion and sediment control measures. The reporting period should be reduced to 3 working days.</p> <p><i>The applicant stated in response:</i></p> <p><i>“The key is that the problem is flagged and managed as soon as practicable (condition 15(a)(i) and 15(b)). There are no specific circumstances for this project that necessitate a change to the standard condition 15(a)(iii) which is in relation to the timing of reporting, rather than the timing of the management response. No change to the proposed conditions recommended”.</i></p> <p>Condition 15 requires immediate notification of HBRC via the Pollution Hotline. No changes to the condition are recommended.</p> <p>HDC Comment HDC also recommends the change to condition 15 includes notification to HDC Compliance Manager.</p>
		Effects Management Hierarchy	<p>Condition 18 outlines the requirement to implement the effects management hierarchy without defining how it will be applied in relation to the management of stream loss, where threatened or at-risk species are present. Recommended implementation that is clearly defined as a consent condition.</p> <p>The applicant responded that:</p> <p><i>“The intention of the ecology principles under condition 26(b), as a whole, is to manage effects and aim for a net positive where possible. It is likely for this project that the overall stream length can be maintained within the project site. This will be developed through the detailed design and Ecology Management Plan stages as anticipated by the</i></p>

			<p><i>conditions (including #28). No changes to conditions (including #18) recommended.”</i></p> <p>The effects management hierarchy is to be applied through the ecology principles set out in condition 26. The applicant has proposed a change to condition 18 which removes reference to the ecology principles and instead refers to the ecology management plan required under condition 28. Proposed changes to condition 28 also remove the application of the effects management hierarchy. With these proposed changes, it is now unclear if and how the effects management hierarchy would be applied to the works in the stream, and how the ecology management plan would influence the works in the stream.</p> <p>Condition 18 should retain reference to the ecology principles which would then ensure that the application of the effects management hierarchy is retained for the design and construction of the crossing.</p> <p>It is noted a change to that condition 11 (CEMP) specific to a temporary ford crossing is proposed that would retain the reference to the ecology principles, including the effects management hierarchy, but it is not clear why this does not also apply to culvert options.</p> <p>HDC Comments: The standard earthworks conditions would apply to the grant of a discretionary activity resource consent under the Operative Hastings District Plan for areas outside of the OIC area. The applicant proposes to amend the Schedule 2 OIC conditions to reduce repetition and HDC are agreeable to this approach.</p>
		Freshwater Fisheries Regulations 1983 (relating to fish passage at culverts and fords)	<p>Approval under these regulations may be required if fish passage is not achieved in relation to a culvert or ford within a stream</p> <p>An advice note is recommended to draw attention to this potential requirement.</p>

		Project ecologist to be a freshwater ecologist	Specify that in relation the stream crossing the ecologist must be freshwater ecologist	<p>The applicant responded that:</p> <p><i>“The project ecologist is Dr Andy Hicks, he is an ecologist with expertise and experience in freshwater ecology. For consistency, the standard wording of condition 18(d)(ii) and condition 25 under the OiC is recommended rather than specifically stating a freshwater ecologist. No change to conditions (including #18) recommended.”</i></p> <p>Condition 18 requires that the ecologist have experience in fish passage. No changes are considered necessary.</p>
8	R and R Renew	Height of floodwaters in relation to that of the vehicle crossing and driveway	Cyclone Gabrielle cut off access with 250-300 mm water flowing over the driveway. The changes to the stop banks and the stream way will cause increased water depth and water flows that will make properties inaccessible in weather events less severe than Gabrielle. The water modelling shows that the driveway could be under in excess of 800mm of water	<p>The applicant has stated that these matters have been discussed with the affected landowners at project workshops. The applicant proposes to raise the vehicle crossing 1 m which provides for residents to drive out in a 1:100 flood event.</p> <p>Substantial drainage works are now proposed to remove floodwaters from the driveway, including low points and replanting trees.</p> <p>HDC Comment: All new vehicle crossings will be required comply with the Hastings District Council Engineering Code of Practice with works requiring an ‘Vehicle Crossing Application’</p>
		Hillside protection from increased height of floodwater	The increased height of water in the stream floodwaters has potential to erode base of the hill and undercut our driveway. The hillslope the driveway is on needs to be protected (stabilised) from higher flows	The applicant proposes scour protection be installed at the base of the hillside.
		Concern for water bore from effects of the earthworks	The earthworks and floodwaters must not damage the bore, water infrastructure or cause contamination to the well water	<p>The applicant stated⁶ that an agreement has been reached with the landowner, and that <i>“this is a land access agreement matters, and do not need to be reflected in conditions of consent.”</i></p> <p>HDC Comment:</p>

⁶ Email from Cam Drury (Strategy), 13/10/25

				New condition 32 addresses this and addresses the comments received by R and R Renew, owners and occupiers of 168 Taihape Road.
--	--	--	--	---------------------------------------------------------------------------------------------------------------------------------

In addition to the invited parties, a comment was completed by Forest and Bird and from a group identifying itself as Community Advisory Group (CAG).

Comment Number	Comment From	Issues Raised	Relief Sought	Response to comment
1	Forest and bird	Room for Rivers	<p>Recommends council invest in making room for rivers as a preferred approach to river management and flood protection (including the effects of climate change) for local communities and improving aquatic and terrestrial habitat and biodiversity.</p> <p>A nature based climate solution as opposed to hard engineering. Includes a managed retreat of people and infrastructure.</p>	<p>The comment relates to the conceptual approach to river management and flood protection, rather than addressing a matter of control or specific conditions of the schedules 2 and 3 and so does not recommend a change to a condition of consent.</p> <p>Council is currently consulting with the community in a reimagining flood resilience project, this comment was provided to that project for consideration.</p> <p>The comment proposes a modest and an aspirational widening for the bed of the Ngaruroro River in the reach from Omahu to Maraekakaho. The project footprint apart from the borrow area appears to be outside this aspirational zone.</p>
2	Community Advisory Group (CAG)	Security of Broughton's (Taihape Road) Bridge	An assessment of Option 2C and Options 2E or other variations to the design assure the bridge's viability.	<p>Broughton's Bridge is an HDC asset, no concerns in regard to the security of the bridge in large events were raised in the HDC comment that was submitted.</p> <p>Effects on the bridge are assessed in the Tonkin and Taylor consequential flood effects report (section 2.3.3) (Appendix 11)⁷ with no change in the hazard classification between base and 100 year event design scenario.</p> <p>Further comment was sought from the applicant about the potential impacts on the bridge from the flood protection scheme. They provided a copy of the</p>

⁷ Appd-11-Consequential-Flood-Effects-Assesment-TT

				<p>WSP report⁸ that assessed scour effects on the bridge. The assessment found that while the bridge may overtop during floods and experience some scour, the structure is not at risk of failure due to its deep piles, and any damage to barriers or approaches would be minor and easily repairable.</p> <p>HDC Comment: The Transportation Policy and Planning Manager has advised that the Broughton Bridge underwent remedial repair and maintenance work following Cyclone Gabrielle. This was backed by HDC Bridge Recovery and Structural Assets Manager who advised (email HDC Ref: RMA20270327#0045) <i>“the Ohiwia (Broughtons) Bridge experienced no cyclone damage apart from accumulation of debris from the upstream catchment. Following the cyclone, the debris was simply removed and disposed of. No structural repairs were required.</i></p> <p><i>HBRC recently undertook waterway clearance to increase with waterway area under the bridge... and rock lining to protect from scour. Note, however, that during the cyclone, no significant scour occurred. The flow velocity was reasonably low due to the backing up of the Ngaruroro River”.</i></p> <p>The viability of the bridge is addressed in Appendix 11 of the application at section 2.3.3. Ongoing maintenance of the bridge falls outside the scope of this application and will be subject to Asset Management scheduling.</p> <p>Further comment was sought by HBRC about the potential impacts on the bridge from the flood protection scheme referencing a Scour Assessment referred to in Appendix 11. I note that the WSP report has been provided at HDC Ref: RMA20250327#0039. The report, prepared by a</p>
--	--	--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

⁸ WSP, 15 April 2025.Okawa Stream – Summary of Peer Review and Scour Assessment

				<p>CPEng provides key findings in respect to bridge scour and can be relied on in assessing this proposal.</p> <p>HBRC have addressed these issues in their s42A report.</p>
		Ongoing maintenance of the Ohiwia streambed at the bridge	Ongoing Removal of sediment and debris as a condition of consent.	<p>The application is to construct the flood protections. Ongoing maintenance is not covered by this consent.</p> <p>The application report (Strategy, section 5.4.4) states this reach of the Ohiwia stream is included in the HBRC Heretaunga Plains Flood Control and Drainage Scheme area and stream blockage and debris removal maintenance is included in that scheme.</p>
		A more comprehensive assessment of the frequency, magnitude and impacts of flooding	Assessment to include 'over design' events, that accounts for uncertainties in hydrological modelling and climate change projections.	<p>The applicant has undertaken consultation and made a decision on how to proceed with flood protection works. Modelling has included events exceeding the 1:100 event design standard and has included projections for climate change. The proposed stopbanks include a freeboard allowance of 700 mm above the 1:100 event design standard.</p> <p>The impacts of an over design event have been modelled and are discussed in section 3 of the Tonkin and Taylor Consequential Flood Effects Assessment (Appendix 11) HDC Ref: RMA20250327#0014</p>
		The implementation of a full and robust early warning system	An early warning system to enable timely and effective evacuation of affected residents.	<p>The proposal includes an early warning system as condition 30.</p> <p>HDC Comment: This is discussed above in relation to the HDC comment (5) where the HDC Asset Management Group have also commented on the need for early warning systems and the need for flood depths and flood markers along the modelled flooded area given the modelled increased frequency of flooding over the road. HBRC have suggested changes to the Schedule 2 Conditions of the OIC to address this and I agree with these changes.</p>
		Require that the community upstream from the stopbank is represented on the	That the community upstream is represented alongside Maori entity representatives and directly affected landowners	Condition 6(2) of OIC Schedule of conditions, specifies the persons the consent holder must invite to appoint representatives to be members of the STAG, being:

		Stakeholder Advisory Group (STAG)		<p>(a) the owners and occupiers of land on which the flood protection works are carried out and all adjoining land: (b) all persons who made comments under clause 15.</p> <p>The CAG considers that it has standing under Clause 15(a) and that they represent landowners in the 2C area that would be covered by condition 6(2)(a). These comments were received by the Council (via the HBRC project team) on 2 October after the closure date of the comments period.</p> <p>HBRC and HDC did not consider the CAG as a person with an interest greater than the interest of the general public and did not invite a comment from this group. 'Upstream landowners' would not qualify for inclusion on the STAG and it is not recommended that the condition 6 be changed to extend the invitation to join the STAG to such parties.</p> <p>The proposed conditions 6 and 7, which are modified from those set out in the OIC, include ongoing stakeholder involvement via a Stakeholder Advisory Group (STAG). The applicant's proposed changes to condition 6 b) i) would exclude owners and occupiers of land adjoining schedule 1 land unless they made a comment. In proposed condition 6 b) ii), only adjoining landowners or occupiers who made comments could be included on the STAG. As the CAG report does not name its contributors or who it represents, it is difficult to ascertain if some potentially eligible persons could be excluded from representation on the STAG based on the proposed changes to the consent conditions.</p> <p>A recommended change to the proposed condition is that the 2C property owners, which are directly adjoining the land on which works will occur, be invited to join the STAG (or provide a representative, which could be a member of the CAG).</p> <p>HDC agree with this response</p>
--	--	-----------------------------------	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		Ensure transparency and ongoing community consultation throughout the decision making process	Providing regular updates and opportunities for community engagement and feedback.	<p>The application section 3 and section 9 provides a summary of the design process and development of the preferred option and consultation, section 9.4 of the application report (Stradegy Planning Limited) covers consultation with the community advisory group:</p> <p><i>Various meetings were held toward the end of 2024 and over the beginning of 2025 with a meeting to confirm the preferred option being held in May. Consultation has been continued / will be continued until the Stakeholder Group is established under the conditions of consent.</i></p>
		Reassess the cost-effectiveness of Option 2C versus other alternatives	Consider other stopbank alignments such as Option 2E (suggested by CAG) that widens the flow path	<p>The application notes that extensive consultation has been undertaken and options assessed in determining the preferred option</p> <p>Comment was requested from the applicant on this aspect who then provided a copy of the assessment from Tonkin and Taylor on the 2E option which explains that while Option 2E offered certain advantages, its significantly higher cost and the need to acquire additional properties made it unfeasible within the project budget. As a result, the proposed alignment was chosen despite increasing flood depth and duration on Taihape Road, as these impacts were deemed manageable, and the bridge structure was confirmed to remain safe.</p> <p>HDC agree with this response noting that HDC Engineers have stated that the bridge was repaired and remediated following Cyclone Gabrielle.</p>

Table 1: Summary of Comments Received

4.1.5 Two late comments were received. One from Forest and Bird and one from the CAG. These are discussed above the Table 1.

4.1.6 Full copies of comments received are included as Appendix 1.

5.0 CONSIDERATION UNDER CLAUSE 16

5.1 **Clause 16** states that Section 104(5) of the RMA , which relates to the activity status of an application, does not apply in relation to the consent authority's consideration of an application referred to in **Clause 12** of the OIC.

6.0 CONSIDERATION UNDER CLAUSE 17

6.1 While the direction in Section 104A(a) to grant consent remains, **Clause 17** of the OIC amends Section 104A(b) in respect to its directions around and references to matters of control and provides:

- 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 (1) of **Schedule 2**) if it considers the amendment necessary for the purposes of the authority's responsibility for a matter of control;

The Applicant has included proposed conditions in Appendix 7 of the application, in accordance with Schedule 2, and is seeking to make a number of changes relevant to this proposal. **Here I note that the Applicant is using a different numbering convention to Schedule 2, but this numbering does not alter the intent of the conditions. This aligns with condition 1 (2) below and where referencing a particular condition, my report will reflect the proposed condition numbering.**

The Applicant is seeking the following amendments to condition 1 by adding condition 1B:

1 Compliance with specified documents accompanying consent application

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

a) *Ohiti (Oahu) Flood Protection Stopbank Works, Summary of Design Report for Resource Consent Purposes, September 2025, Job Ref I017353.2402 (consent authority to complete):*

b)...

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

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 report shall record the changes, outline the reasons for them and provide a view as to whether the changes are in general accordance with documents referred to in Condition 1.

In this context, general accordance could mean changes that do not introduce a new activity, do not introduce a substantial change in alignment and do not result in a change to outcomes sought under the conditions of this consent.

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

However, **Clause 17(3)** of the OiC provides that the power to amend conditions does not apply to the condition in clause 1 of Schedule 2. Therefore condition 1 must remain as stated in the OIC.

- 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.

In accordance with sub clause (2) of Schedule 2, the applicant is proposing further additional conditions (Condition 30) that relates to installing an 'Early Warning System' reflecting the need for an early response to flood events. The Applicant is also seeking amendments to various other conditions as noted in Appendix 7 of the Application.

6.2 **Clause 17 (5)** 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.

6.3 **Clause 17 (6)** refers to the matters of control 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 –
 - o Flooding
 - o Construction management
 - o 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

6.4 When considering an application for resource consent, section 104 of the RMA requires the decision maker (hearings commissioner) to have regard to:

- any actual and potential effects on the environment of allowing the activity, and
- relevant plans, policies and regulations.

7.0 NOTIFICATION ASSESSMENT (SECTIONS 95A AND 95B) – WORKS OUTSIDE OIC FOOTPRINT

7.1 Public Notification Assessment Section 95A

Step 1: mandatory public notification in certain circumstances

Has the applicant requested the application be publicly notified? (S95A(3)(a));	No
Has any further information been requested that the applicant has refused to provide to the Council under Section 95C? (S95A(3)(b)).	No
Has the application been made jointly with an application to exchange reserve land? (S95A(3)(c)).	No
Outcome Step 1: Mandatory public notification is NOT required [S95A(2)(b)].	

Step 2: if not required by step 1, public notification precluded in certain circumstances

Is the application for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification? (S95A(5)(a))	No
Is the application for a Controlled Activity or a Boundary activity of any status? (S95A(5)(b))	No
Outcome Step 2: Public notification is NOT precluded by Step 2. Step 3 therefore applies.	

Step 3: if not precluded by step 2, public notification required in certain circumstances

Is the application for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification? (S95A(8)(a))	No
Will the activity have, or is likely to have adverse effects on the environment that are more than minor in accordance with Section 95D? (S95A(8)(b))	In terms of S95A(8)(b) an assessment of whether the effects of the proposal are more than minor is discussed below.

Effects More than Minor Assessment (Section 95D)

A consent authority that is deciding, for the purpose of section 95A(8)(b), whether an activity will have or is likely to have adverse effects on the environment that are more than minor —

- (a) must disregard any effects on persons who own or occupy—**
 - (i) the land in, on, or over which the activity will occur; or**
 - (ii) any land adjacent to that land; and**
- (b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and**
- (c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and**
- (d) must disregard trade competition and the effects of trade competition; and**
- (e) must disregard any effect on a person who has given written approval to the relevant application.**

Section 95D(a)

In accordance with Section 95D(a), I have disregarded effects on persons who own or occupy the adjacent land.

Section 95D(b)

No effects have been disregarded.

Section 95D(c)

The activity is not a Restricted Discretionary Activity.

Section 95D(d)

There are no trade competition effects.

Section 95D(e)

No written approvals have been provided with the application.

Are the Adverse Effects more than Minor?

My assessment of whether there are adverse effects on the environment that are more than minor is as follows:

- Safe and efficient access can be provided to the works site via existing crossings;

- The borrow site being within the OIC area can be accessed without utilising a public road for most of the works;
- The proposal will not have a significant adverse effects on the wider roading network;
- The proposal does not directly affect any known Waahi tapu, archaeological sites or any other areas of historic or cultural significance;
- No reverse sensitivity issues within the wider environment are anticipate;
- Conditions imposed under Schedule 2 of the OIC are suitable for those areas outside of the OIC Footprint. These conditions include provision for relevant management plans to mitigate the effects of the earthworks activity;
- The application is supported by expert engineering reports that include flood modelling to address any consequential flooding of land following the construction of the new stopbanks, raising of road and installation of stormwater swales.
- The proposal is a positive addition to the environment due to the purpose of providing flood mitigation to protect land and property.

Outcome Step 3: On the basis of the assessment above, I do not consider that the activity will have, or is likely to have, adverse effects on the environment that are more than minor. Public notification is therefore NOT required.

Step 4: public notification in special circumstances

I have considered whether there are special circumstances which exist in relation to the application which would warrant the application being publicly notified. I do not consider there are any such special circumstances given that:

- As assessed above, the effects on the wider environment are likely to be no more than minor;
- The earthworks are specifically anticipated by the Hastings District Plan.

7.1.1 Section 95A Recommendation

I am satisfied the application can be considered **without** full notification to the public in accordance with S95A(9)(b).

7.2 Limited Notification Assessment Section 95B

Step 1: certain affected groups and affected persons must be notified

Are there any affected protected customary rights groups? (S95B(2)(a))	No
Are there any affected customary marine title groups? (S95B(2)(b))	No
Is the proposed activity 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? (S95B(3)(a))	No
Is the person to whom the statutory acknowledgement is made an affected person under section 95E? (S95B(3)(b))	The Ngaruroro River (and its tributaries) are within a statutory acknowledgement area identified in the Heretaunga Tamatea Claims Settlement Act 2018 (HTCS Act) and the Ahuriri Hapu Claims Settlement Act 2021 (AHCS). The OIC Footprint adjoins crown land, and a Statutory Acknowledgement

Redress Area of Heretaunga Tamatea. Notice has been sent to the Tamatea Pōkai Whenua (TPW) (formerly Heretaunga Tamatea) in terms of s28 of the Heretaunga Tamatea Claims Settlement Act 2018) and Trustees of the Mana Ahuriri Trust, in terms of the Ahuriri Hapu Settlement Act 2021. Comments were received from TPW stating the following:

“We have no concerns and fully support the resource consent processing proceeding as proposed.

•The application is for flood mitigation works and the implementation of the SWER-OIC.

•There are no wahi taonga or archaeological sites identified in the vicinity of the activity.

•The activities outlined are essential to the recovery and resilience of affected communities, providing critical protection against the impacts of future, natural disasters.”

To be considered an affected person under section 95E, the consent authority must decide that the adverse effects of the activity on persons to whom a statutory acknowledgement is made are minor or more than minor (but not less than minor).

A Cultural Impact Assessment (CIA) for the Ohiti/Omahu Flood Protection Scheme, prepared by Te Piringa Hapū to assist HBRC. It provides strong recommendations to HBRC to aid in the design, development, and delivery of the project which includes ongoing community consultation, collaboration and ensuring that long term partnerships ensue.

The applicant has committed to maintaining ongoing relationship and communication between HBRC and the marae, and local landowners throughout the project.

Given involvement by Tangata whenua throughout this project and that the proposal is a relatively low impact activity (being earthworks to create a stop bank for flood mitigation), that the Ngaruroro River and its margins will not be impacted, and the subject site does not contain any known wahi tapu area or archaeological sites, it is not considered that there will be any effects on the Ngaruroro River or the wider catchment area.

Accordingly, no persons to whom the statutory acknowledgement are made are considered to be affected persons.

Outcome Step 1: Limited notification is NOT required to the above groups.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

Is the application for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification? (S95B(6)(a))	No
Is the application for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land)? (S95B(6)(b))	No
Outcome Step 2: Limited notification is NOT precluded by Step 2. Step 3 therefore applies.	

Step 3: if not precluded by step 2, certain other affected persons must be notified

<p>Determine whether a person is an affected person in accordance with section 95E (S95B(8))</p> <p>Under Section 95E, a consent authority must decide that a person is an affected person if the activity's effects on them are minor or more than minor (but are not less than minor), subject to the limitations in Sections 95E(2) and (3).</p> <p><u>Section 95E(2)(a)</u> I have not disregarded effects on the environment on the basis that a rule or national environmental standard permits an activity with that effect.</p> <p><u>Section 95E(2)(b)</u> The activity is not being assessed as a restricted discretionary activity.</p> <p><u>Section 95E(2)(c)</u> The Ngaruroro River (and its tributaries) are within a statutory acknowledgement area identified in the Heretaunga Tamatea Claims Settlement Act 2018 (HTCS Act) and Ahuriri Hapu Claims Settlement Act 2021. The subject site is adjoining crown land a Statutory Acknowledgement Redress Area of Heretaunga Tamatea. Notice has been sent to the Trustees of the Heretaunga Tamatea Settlement Trust (in terms of s28 of the Heretaunga Tamatea Claims Settlement Act 2018) and Ahuriri Hapu Settlement Act 2021 (in terms of s39 of the Ahuriri Hapu Claims Settlement Act 2021).</p> <p>Consideration of both Tamatea Pōkai Whenua (formerly Heretaunga Tamatea Settlement Trust) and Mana Ahuriri is therefore required.</p> <p>Given that the proposal is of a limited/temporary nature, and the subject site does not contain any known wāhi tapu area or archaeological sites, it is not considered that there will be any adverse effects on the wider Ngaruroro River catchment area affected by the Statutory Acknowledgement. Te Piringa Hapū has provided a CIA that provides strong recommendations to HBRC to aid in the design, development, and delivery of the wider project. Ongoing relationships and communication between HBRC and the marae, and local landowners, is proposed throughout the project.</p> <p>Accordingly, no persons to whom the statutory acknowledgement are made are considered to be affected persons.</p> <p><u>Section 95E(3)</u> Where written consent is obtained Council must disregard any effect on a person who has given written approval to the relevant application. In this case no written approvals have been provided as part of the application.</p> <p><u>Are there any Affected Persons?</u> My assessment as to whether there are any affected persons is as follows:</p>

- The proposed construction activity will be for a limited duration while the stopbank, swales and works on Taihape and Ohiti Road is being undertaken;
- Visual impacts on adjoining properties cannot be avoided due to the scale of works, however these works will be temporary and of limited duration;
- Truck movements will be mitigated by utilising the borrow area on the adjoining site without the need to involve significant movements on the road network;
- The proposed activity is permitted in the District Plan and therefore anticipated to occur within the River Hazard Overlay provided the works are flood protection works, which they are;
- The site does not contain any known cultural heritage or archaeological sites. An accidental discovery protocol will be developed prior to construction commencing to address the unexpected discovery of archaeological features, artefacts or taonga. This will be imposed as a condition of consent which will follow the standard OIC conditions (along with recommended amendments) listed in Schedule 2 of the OIC (Appendix 2 of this report);
- Noise associated with the activity will be temporary but will be required to meet the NZ Standards for Construction Noise and will be imposed as a condition to ensure noise construction effects are minimised;
- In terms of the visual effects on adjoining residential activities in proximity to the stopbank and in particular near the areas of Ohiti and Taihape Road works, these have been considered (in a report by Narrative Landscape HDC Ref: RMA20250327#0007) to not meet the threshold for less than minor unless mitigated through an appropriate design is conditioned. The conditions in Schedule 2 of the OIC will be sufficient to address this issue and specific reference to an approved landscape design will be included.
- There will not be a significant change to existing land use patterns in the surrounding area in the long term as stopbanks are a common feature within the Plains Production and Rural Zones.

Overall, it is considered that the adverse effects of the proposal are less than minor on any person.

Outcome Step 3: I am satisfied that no persons in terms of Section 95E will be adversely affected as a result of this proposal under Section 95B(8).

Step 4: Special Circumstances

It is considered that there are no special circumstances that exist in relation to the application that would warrant notification of the application to any other persons not already determined to be eligible for limited notification (excluding persons assessed under Section 95E as not being affected persons). All relevant matters and persons are sufficiently addressed above in this report. Thus, no limited notification to any other affected persons is deemed necessary in accordance with Section 95B(10).

4.2.1 Section 95B Recommendation

I am satisfied the application can be considered without notification on a limited basis to any person in accordance with Section 95B(10)(b).

4.3 Summary of Notification Recommendations

Having assessed the application in accordance with the steps contained within Sections 95A and 95B of the Resource Management Act 1991, and for the reasons provided within sections 4.1 and 4.2 of this report, it is recommended that this application be considered on a **non-notified** basis.

4.4 Decision on Notification

Accordingly, and for the reasons set out in the above assessment and recommendations, the application can be processed on a **non-notified** basis.

Notification Decision made under delegated authority by:



Michelle Hart
Senior Environmental Planner (Consents)

Date: 17/10/2025

7.0 Assessment of Environmental Effects

7.1 Permitted Baseline

Section 104(2) of the RMA is not precluded from being included in an assessment under the OIC. Consequently, when forming an opinion for the purposes of subsection (1)(a), considering an application for resource consent, a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

In regard to this proposal, it is the effects on the river (inside and outside of the River Hazard Overlay) and the visual and amenity effects of the proposed earthworks on the environment that need to be considered. The District Plan prescribes the volume of earthworks permitted in the Plains Production Zone as being 100m³ per hectare of site for any twelve month period and in the Rural Zone 2000m³ per hectare of site for any twelve month period. In the Plains Production Zone, this is reduced to 50m³ where fill is imported to the site.

In terms of the proposed works within the River Hazard Overlay, these works are permitted under the District Plan and therefore the permitted baseline is not relevant. Works outside of the River Hazard Overlay are only permitted if the volume of earthworks exceed the volume thresholds prescribed in the District Plan. On this point, the soil for the construction of the stopbank is being borrowed from an adjoining title. The visual impact of these earthworks will be assessed against the relevant assessment criteria under the earthworks provisions.

7.2 Matters of Control - Schedule 3

Schedule 3 of the OIC lists the matters of control for assessing the application. The applicant has provided a detailed analysis of these matters and provided comprehensive technical reports to support the proposal. These are listed in section 1.6 of this report.

7.2.1 **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.*

The application addresses (a) on its own but assesses (b) through to (e) under separate headings where it is more appropriate to do so. I agree with this approach and on this basis, I will take a similar approach.

- (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.*

The images below show the flood hazard overlay in the HDC GIS before (left) and following Cyclone Gabrielle (right).

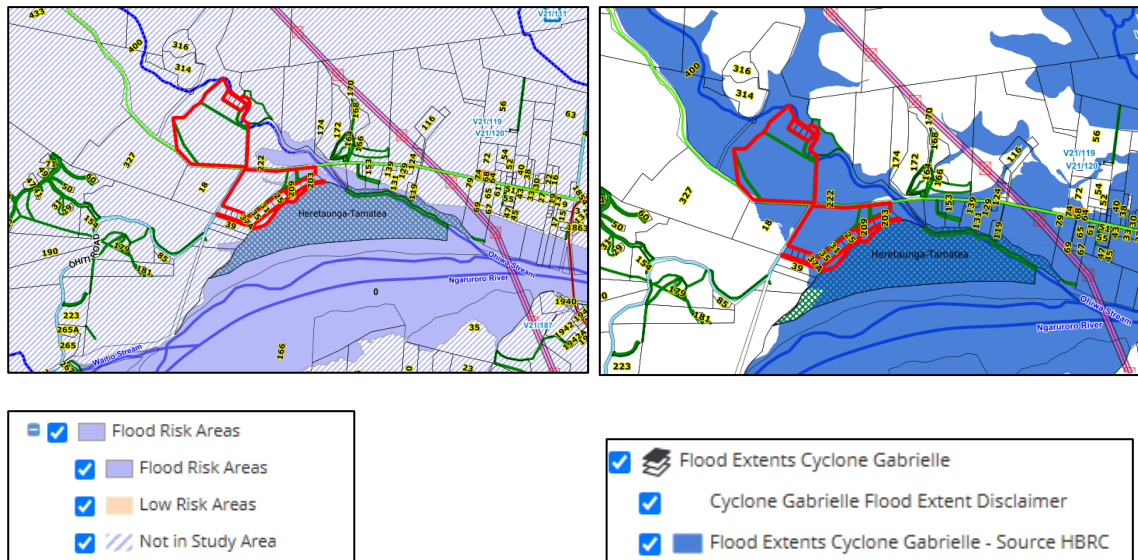


Figure 13: Flood Hazard – Before and following Cyclone Gabrielle

The application was lodged with key engineering reports in Appendices 11,12 and 13. Appendix 13 is a peer view from BECA of the consequential flood effects report by Tonkin and Taylor. These reports can be viewed at HDC Ref: RMA20250327#0014,HDC Ref: RMA20250327#0015 and RMA20250327#0013. Following comments, the applicant provided additional reports noted below with HDC file references.

- Broughton Bridge Assessment – WSP HDC Ref: RMA20250327#0039
- Hydraulic Model Peer Review – Tonkin + Taylor HDC Ref: RMA20250327#0040
- Assessment in terms of Category 2C and 2E properties HDC Ref: RMA20250327#0041

The key potential effects have been recognised as being the effects of consequential flooding that may occur following construction of the stopbanks. To address this, extensive modelling through a range of predicted events to inform the assessment undertaken of flood hazard risks.

The applicant makes the point that “*within the Regional Policy Statement (RPS) 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.*” The purpose of the OIC and this Application is to endeavour to ensure that to provide a pathway in which to ensure the best possible protection from future flood events to communities located alongside river features is achieved without delay and for works to commence without a complicated process.

The Applicant has included a risk assessment of the proposed works. Technical reports from Tonkin and Taylor, that address consequential flood assessment, and their reports have been reviewed by BECA and WSP. These studies inform the assessment provided by the Applicant and cover; the scenarios for a 1:100 year ARI RCP8.5 2050 Climate event, and a Cyclone Gabrielle equivalent event. The application, at section 10.2.1, also provides separate assessments for floor levels and flood hazard risk; and some targeted assessment of potentially vulnerable buildings.

The Tonkin and Taylor report (HDC Ref: RMA20250327#0014) included a detailed assessment of the effects on properties/buildings and concluded that the modelling *indicates that water levels increase up to 600mm upstream of the stopbanks, flood levels decrease within the subdivision at Ohiti Road and east along Taihape Road in both the 100-year ARI RCP8.5 2050 and estimated Cyclone Gabrielle event.*

The model indicates that the number of building footprints subject to flood hazard reduces significantly in the 100-year ARI with RCPS.5 2050 climate event. In the estimated Cyclone Gabrielle event, the reduction in the number of building footprints subject to hazard diminishes as the proposed stopbank is overtopped, resulting in similar flooding to the base case scenario.

In terms of the effects on roads and accessways, the report indicates that the proposed stopbanks cause water levels to increase along Taihape Road for approximately 2km length form the stopbanks west and north. The large red area in the map below (taken from Tonkin and Taylor report) shows that water levels will be between 250mm and 500mm higher with the proposed flood protection. The applicant has noted this and provided comment on the implications of this.

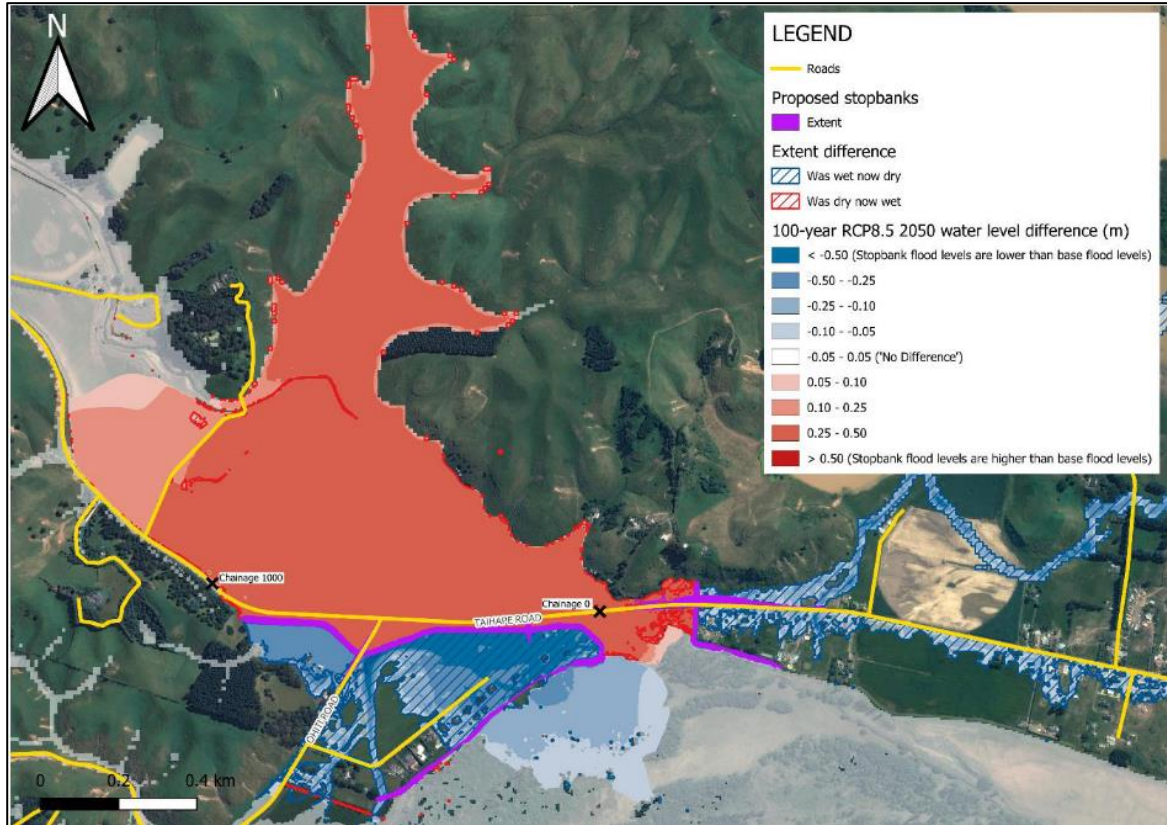


Figure 14: Flood Level Difference with the Proposed Stopbanks - 100-year ARI RCP8.5 2050

The full assessment can be viewed at HDC Ref: RMA20250327#0014.

BECA (as a peer reviewer) were engaged to weigh up the benefits of protecting the Category 2C land against the adverse effects on the Category 3 areas. Their report concludes;

Based on the outcome of the review by WSP, the modelling of the Okāwa (Ohiwia) Stream and reporting undertaken by T + T is robust.

The modelling shows that the proposed stopbank prevents flooding of most of the Category 2C land south of Taihape Road in the design 100-year ARI flood, the exception being at 18 & 20 Ohiti Road where the stopbanks will reduce (but not preclude) flooding. The area protected is less than about 25 ha.

The stopbanks would have reduced flooding to the Category 2C land under Cyclone Gabrielle conditions, which were more extreme than the design 100-year ARI flood event.

Non-2C land along Taihape Road east of the Okāwa (Ohiwia) Stream will also be protected by the stopbanks.

Beca concluded that overall, the consequences of the proposed stopbank are acceptable.

The application⁹ summarises the issues around consequential flooding as follows:

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

It is my view that HDC can rely on the detail provided in the application and supporting engineering reports to inform the assessment and come to the same conclusion.

7.2.2 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.*

Clause 12(2)(e) (ii) and (iii) also requires consideration of the potential effects on any cultural values identified by a relevant iwi authority or hapu; and the potential effects on any culturally significant land within or adjoining the area where the works are to be carried out.

I note that the works do not impact any identified wāhi tapu or wāhi taonga sites.

The application includes details of the level of engagement with Mana Whenua throughout the proposal. Cultural Impact Assessment (CIA) at Appendix 1 of the Application. This has been prepared by Te Piringa Hapū who have requested that this report remains confidential. Table 8¹⁰ in the Application sets out clearly the recommendations of the CIA and the Applicants response to those which indicate an ongoing partnership between the Applicant (HBRC) and Iwi throughout the project construction.

The CIA includes a number of recommendations under the following headings.

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

The application also emphasises that the stream name (Okawa) be reinstated to its original name which is Ohiwia Stream. *This holds paramount importance for Ngā Hapū O Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Honomōkai, and Ngāti Mahuika, and that the hapu would like to work with HBRC in the commissioning of a Pou with an information board to mark the Cultural Significance of Ohiwia. The Council has committed to collaborate to cost and develop the pou - with the location to be determined in partnership with mana whenua.*

The remaining recommendations applied to stream clearance works and different activities to those being considered in this application.

⁹ Page 100 – Application (HDC Ref: RMA20250327#0003)

¹⁰ Page 73 – 77 Application (HDC Ref: RMA20250327#0003)

Table 8 as referred to above, outlines the various recommendations made in the CIA which relate to stopbank rehabilitation and environmental restoration, effective monitoring and engagement of a local hapu crew to cultivate resilience through community collaboration. Again, this indicates an ongoing partnership between the Applicant (HBRC) and Iwi throughout the project construction.

Conditions 4 to 7 of Schedule 2 establishes the framework for a Stakeholder Advisory Group, which includes Māori Entity representatives and cultural monitors. Following extensive consultation by the Applicant with Te Piringa Hapū and other Iwi representatives, conditions have been agreed with amendments. The conditions with amendments to Conditions 4 – 6 are included within Appendix 7 of the Application. Clause 17 (3) allows amendment to the standard conditions apart from Condition 1.

While it is noted that the proposed works (including ancillary activities) do not impact the identified wāhi tapu or wāhi taonga sites this does not mean other cultural elements should be overlooked.

The conditions in Schedule 2 of the OIC will ensure that cultural values are maintained.

7.2.3 **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.*

The matters of control listed in 7.2.3 above fall to be addressed under the HBRRMP and will be addressed by HBRC.

HDC has no comment to make in respect to this Matter of Control.

7.2.4 **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.*
- (b) *Potential adverse effects of the flood protection works on landscape values of the coastal environment, and measures to avoid, remedy, or mitigate those effects.*

The Application site is not located within the coastal environment. The Applicant has provided amended conditions (Appendix 7 of the Application) to reflect this.

HDC has no comment to make in respect to this Matter of Control.

7.2.5 **Stormwater**

- (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 matters of control listed in 7.2.5 above fall to be addressed under the HBRRMP and will be addressed by HBRC.

HDC has no comment to make in respect to this Matter of Control.

7.2.6 **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.*

The application includes an Ecological Opportunities and Constraints Report (Appendix 3 of the Application) prepared by Tonkin and Taylor in accordance with Condition 27 of Schedule 2 of the OIC. The purpose for this condition is to; *identify all ecological values relevant to applying the ecology principles to the places where construction works are to be carried out including the matters listed in Condition 27(2) (a) to (f); and, to assess the adverse effects the construction works have had on the ecological values identified by the ecological scoping survey.*

The Ecological Assessment Report is taken as read and as the matters fall to be within the jurisdiction of HBRC, HDC have no further comment in respect to this Matter of Control.

7.2.7 **Visual effects 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).*

The Application includes a Landscape Scoping Assessment prepared by Narrative Landscape in Appendix 4. This scoping assessment is listed as a required condition of the OIC (Condition 24).

The assessment provided addresses the potential landscape effects on the adjoining properties and concludes that *the Ohiti Flood Resilience project has the potential for a 'significant' potential adverse effect on a limited number of dwellings due to the raising of the road carriageway to cross the proposed stopbands.* The author of the report recommends mitigation planting to ensure no potential visual landscape effects approach a 'significant' threshold.

The proposed planting plan is shown below :

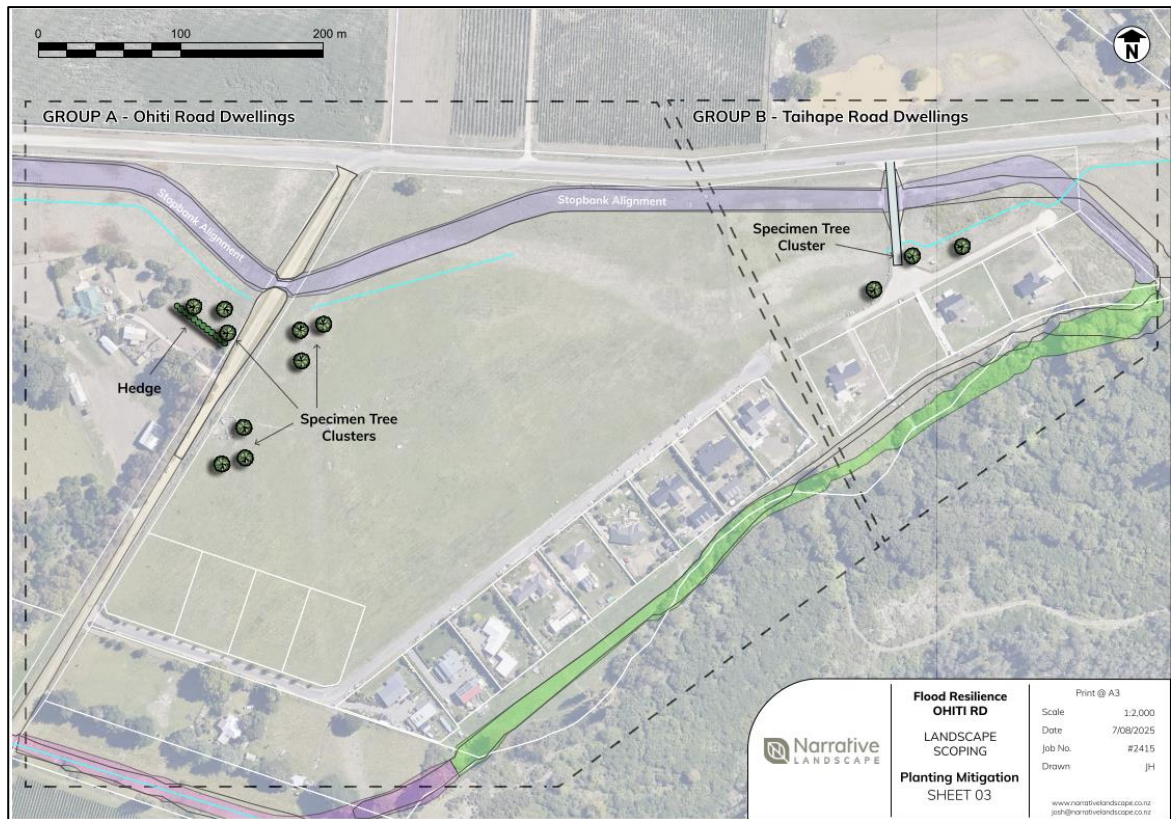


Figure 15 – Planting Plan by Narrative Landscape (HDC Ref: RMA20250327#0007)

I agree with the scoping assessment prepared by Narrative Landscape submitted in Appendix 4 of the Application and subsequent amendment to Condition 24 requested by the Applicant to require this planting mitigation to be established in accordance with the plan prepared by Narrative Landscape.

7.2.8 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.*

Effects on adjoining land uses has been addressed throughout the Application, in particular the sections that relate to consequential flooding. I concur with these assessments in relation to potential risk of flooding upstream and downstream of the proposed stopbanks and I have reached a measured conclusion that the benefits of the works have been identified as outweighing the costs.

The Applicant has engaged with the HDC throughout the process, particularly in relation to the Broughton Bridge and road works on Ohiti and Taihape Roads.

Effects from the earthworks can be appropriately mitigated through the conditions (with amendments) in Schedule 2 of the OIC.

7.2.9 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.*

Condition 29 of Schedule 2 specifies that an Archaeological Discovery Protocol must be prepared before construction works commence.

The Applicant has addressed this topic in section 10.10 of the Application. The Application states that while there are no known archaeological sites identified in or near the area of works an Accidental Discovery Protocol is being applied for. The Applicant is seeking an amendment to this condition to ensure the consent holder meets this obligation. They are requesting the following change to Condition 29 which I agree with.

29. HBRC	<p>Archaeological discovery protocol</p> <p>a) Unless or until an Authority under the Heritage New Zealand Pouhere Taonga Act 2014 is in place for the area of the works, the consent authority must prepare an accidental archaeological discovery protocol—</p> <ul style="list-style-type: none"> i. at least 10 working days before construction works begin; and ii. in collaboration with the Māori entities representatives; and iii. in consultation with Heritage New Zealand Pouhere Taonga.
----------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

7.2.10 **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.*

Condition 10(c)(vii) of the draft conditions requires that the CEMP required under this condition shall include procedures for managing public health and safety – including restriction of public access to work sites and the river.

The Applicant is seeking a number of changes to Condition 10, however these changes do not in my view diminish the strength or applicability of the condition but rather strengthens these and address some of the comments received.

7.2.11 **Contaminated land (human health)**

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

The Application included a PSI and DSI that concluded that there are exceedances at some of the test sites that could potentially affect human health or environmental criteria in the samples analysed over the application site. The application includes a Contaminated Site Management Plan (Appendix 8 – HDC Ref: RMA20250327#0011) that meets the applicable outcome in (b) above. The applicant has therefore recommended that **Condition 17 of the OiC** (Works on Contaminated Land) is not necessary and is requesting that Condition 17 is deleted and that Condition 10 be amended to include a CSMP (see Appendix 7 of the Application). I agree that to the deletion at it will reduce repetition and confusion around this.

8.0 **Relevant Statutory Documents - s104(1)(b)**

8.1 **National Environmental Standards - s104(1)(b)(i)**

8.1.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) 2011

Refer to assessment in section 3.2 of this report.

8.1.2 National Environmental Standard for Sources of Human Drinking Water 2007

The Sources of Human Drinking Water NES is not considered relevant to this proposal given there is no registered drinking water supplier in the immediate vicinity and the proposal involves earthworks for the purpose of mainly borrowing soil from the adjoining site (although some importation may be required) for river protection works with associated sediment control measures in place to manage any runoff of silt.

8.2 **National Policy Statements - s104(1)(b)(iii)**

8.2.1 National Policy Statement on Urban Development 2020

As this is for an earthworks activity not associated with urban development, the NPS-UD 2020 is not relevant.

8.2.2 National Policy Statement for Freshwater Management 2020

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) the health and well-being of water bodies and freshwater ecosystems***
- (b) the health needs of people (such as drinking water)***
- (c) the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.***

The application includes sediment control measures to ensure sediment runoff is controlled. This is however a function of the HBRC who will address this particular NPS.

8.2.3 National Policy Statement for Highly Productive Land 2023

The National Policy Statement for Highly Productive Land (NPS-HPL) is about ensuring the availability of New Zealand's most favourable soils for food and fibre production, now and for future generations.

The Policy provides direction to improve the way highly productive land is managed under the Resource Management Act 1991 (RMA) and came into effect on 17 October 2022.

This is achieved through obligations on councils to map and zone highly productive land, and manage the subdivision, use and development of this non-renewable resource. This relates to soils that are classified as LUC Class 1, 2 and 3 as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.

An assessment against the NPS-HPL must now be undertaken for this current application given that some of the land within the area of works is identified in the NPS-HPL as being LUC Class 1 and LUC Class 2. These soils are within the areas that fall outside and inside of the OIC area. See Figure 16 below.

- In terms of (j)(i) the sole purpose of the application is to construct a stopbank which constitutes public flood control and flood protection. Such works are defined as “specified infrastructure” in cl 1.3 NPS-HPL. The works have a functional need to be located in the specific area.

In addition to an exception under cl 3.9(2), there is a requirement to take measures noted in cl 3.9(3):

- (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.***

In this case, I have particularly focused on the aspects which require consent from HDC which is for earthworks. As stated above, the earthworks are required to allow soil to be transported between adjoining properties to construct a new stopbank to protect the Ohiti/Omahu community from future flooding events. The proposal meets (3) (a) in that the new stopbank will avoid further loss of productive soils should a similar event like Cyclone Gabrielle occur in this location. In terms of (3) (b) the construction activity is temporary and accordingly reverse sensitivity issue will be addressed through the conditions in Schedule 2 of the OIC.

8.2.4 **New Zealand Coastal Policy Statement - s104(1)(b)(iv)**

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. In this instance, the site does not directly connect to the coast, therefore the NZCPS is not relevant.

8.2.5 **Hawke’s Bay Regional Policy Statement – s104(1)(b)(v)**

The Hawke's Bay Regional Resource Management Plan 2006 (RRMP) includes the regional policy statement (RPS) for the Hawke's Bay Region.

The Applicant has provided a relevant assessment under both documents and in particular references those Objectives and Policies that relate to water quality and quantity, natural hazards, economic outcomes and recognising the importance of tikanga maori in respect of the broader proposal. A detailed analysis is contained in the HBRC Officer Report and need not be repeated in this report.

Overall, it is considered that the proposal is not contrary to the relevant objectives and policies of the Hawke’s Bay Regional Policy Statement and other relevant regional documents.

8.3 **Hastings District Plan – Assessment Criteria - s104(1)(b)(vi) – Areas outside the OIC Footprint**

8.3.1 Applicable Earthworks Assessment Criteria – Section 27.1.7

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*
 - (vii) *Composition and characterises 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
- (vi) Rehabilitation of site
- (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 disturbance of archaeological sites

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.
- (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.

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 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.

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.

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).

27.1.7F EARTHWORKS WITHIN OUTSTANDING NATURAL LANDSCAPES (ONFL)

Earthworks within an ONFL will be designed and located to minimise adverse visual effects. In particular, the extent to which any such development will:

- (a) Where practicable, minimise the location of large scale earthworks on prominent rural ridgelines, hill faces and spurs.
- (b) Be designed to minimise cuttings across hill faces and spurs.
- (c) Where practicable, minimise the number of finished contours that are out of character with the natural contour.
- (d) Demonstrate what visual mitigation is proposed to minimise the visual intrusion of the work, including proposals to ensure the successful establishment of any plantings.

Assessment:

27.1.7A - LAND DISTURBANCE AND VEGETATION CLEARANCE

The Applicant has provided an assessment in respect of earthworks required to form the Smith Swale and Chesterhope Upper Stopbank which are located outside the OIC Footprint but not within the road reserve where earthworks are permitted.

In terms of criterial 27.1.7A (a) these criteria seek to manage the effects of land disturbance and vegetation clearance and the potential effects these activities could have on soils such as erosion

and stability of land, soil runoff. Effects on flora and fauna, fill characteristics and any cultural, heritage and ecological values are also a consideration.

In terms of effects on the life-supporting capacity of soils and versatile soils in the Plains Production Zone, the proposed stopbanks will not only protect people and land they will in effect form a barrier to contain these soils from being washed away during flood events. The soil to form the stopbanks will be from a borrow site that is in effect accreted land on the border of the Ngaruroro River and therefore the makeup of these soils will be natural to the area.

Section 6 of the Design Report provided in Appendix 6 of the application, outlines the geotechnical considerations for construction and addresses the proposed stopbank fill to be taken from the borrow site. Section 6.2 of the Design Report outlines the matters to be considered during the detailed design and construction phase. Section 7 sets out the construction of the culverts and swales along with stormwater management and Section 8 sets out the direction for erosion and sediment controls that should be put in place prior to works commencing. The application states that erosion and sediment control measures will be employed to manage sediment laden stormwater runoff, and these will need to be in accordance with HBRC guidelines. Condition 13 in the OIC relating to erosion and sediment control is considered appropriate to manage erosion and sediment control outside the OIC Footprint.

Tonkin and Taylor will progress the detailed design process according to the Design Report. This is considered to suitably address erosion and stability matters associated with the flood protection features

In terms of effects on flow paths and foodways, the assessment applied by the Applicant in their assessment in Section 11.2.1 of the application¹¹ provides a detailed assessment relating to discharge and dewatering activities and diversion of water. While any discharge or diversion of water in the excise of an activity falls to be largely a responsibility of the HBRC, HDC must remain consistent in its approach to these activities in accordance with the assessment criteria listed in the District Plan.

For this reason, HDC supports the imposition of erosion and sediment control measures for the duration of the works. This is covered in Condition 14 of the OIC and is considered an appropriate approach in managing potential for sediment discharge.

While there are no known cultural heritage or archaeological sites within the footprint concerned, the Applicant has applied a pre-emptive Authority be put in place in relation to construction management and a condition (Condition 29) is proposed to manage the unexpected discovery of archaeological features, artefacts or taonga, as is common for development projects.

27.1.7B – VISUAL IMPACT

The sites are not located within or near an area of Outstanding Natural Value or an Outstanding Natural Feature and therefore effects on these features are not applicable.

The existing Chesterhope Upper Stopbank is already a feature of this area and informs the character of the existing environment. I consider that the works upgrade this stopbank will not result in a significant change in the existing character of the locality and will not have a significant visual impact on surrounding properties.

The Application includes a Landscape Scoping Assessment prepared by Narrative Landscape in Appendix 4. This scoping assessment is listed as a required condition of the OIC (Condition 24). This assessment addresses the potential landscape effects on the adjoining properties on Ohiti Road in particular and a small group of houses off Taihape Road and concludes that *the Ohiti Flood Resilience project has the potential for a 'significant' potential adverse effect on a limited number of dwellings due to the raising of the road carriageway to cross the proposed stopbands*. The author of the report recommends mitigation planting to ensure no potential visual landscape effects

¹¹ Page 93 – 96 Strategy Planning Ltd (HDC Ref: RMA20250327#0003)

approach a 'significant' threshold. As stated earlier in this report, I agree with the scoping assessment prepared by Narrative Landscape submitted in Appendix 4 of the Application and subsequent amendment to Condition 24 requested by the Applicant, to require this planting mitigation to be established in accordance with the plan prepared by Narrative Landscape.

In terms of the proposed swales, these will not be incompatible within a rural context due to the low impact of the designs proposed.

Earthworks are generally short term projects where the disturbed areas are required to be reinstated upon completion. Proposed Condition 12(a) vi of the OIC covers this reinstatement.

27.1.7C EFFECTS ON OTHER LAND USES AND ADJOINING LAND

The most significant effect from earthworks on adjoining land uses and adjoining land is dust created by the use of machinery and from wind blowing particulates in the air. This can be mitigated through appropriate dust suppression measures. The Application¹² lists measures such as water carts and sprinkler systems or similar to mitigate the effects of dust while construction activities are being undertaken. Proposed Condition 16 of the OIC specifically addresses this.

The application is reliant on the specialist reports and designs prepared by Tonkin and Taylor that address any overland flows and drainage from the new stopbank and consequential flooding upon completion of the stopbank.

The application¹³ states that the key issue with the predominant activities undertaken outside the OIC Footprint (those being the diversion of water during flood flows and earthworks) is the actual or potential effects of consequential flooding. The specific effects identified by Tonkin and Taylor (peer reviewed by BECA) on the receiving environment and particular parties have been thoroughly considered and analysed through flood modelling to determine that, in the context of the existing environment, flooding effects will be less than minor.

27.1.7D NOISE

Noise associated with construction works is considered to create temporary effects only and while the works are being undertaken. Standard 25.1.6l of the Operative Hastings District Plan specifies the level of construction noise permitted, stating that this shall be in accordance with NZS6803:1999 Acoustics - Construction Noise. Noise effects are therefore considered to be less than minor.

In terms of the properties backing on to the eastern loop of the proposed stopbank, I consider these persons should be protected from vibration effects associated with the proposed works. To this effect I am recommending a change to Condition 23 as follows:

3) The consent holder must submit a Construction Noise and Vibration Management Plan (CNVMP) for certification a minimum of 10 working days prior to commencement of works.

4) The construction works must be carried out in accordance with the certified CNVMP and a copy of the CNVMP must be kept onsite during construction hours and must be available to authorised Hastings District Council staff during monitoring inspections.

27.1.7E EFFECTS ON SPECIFIC DISTRICT WIDE ACTIVITIES AND LOCATIONS

The OIC site area includes a small local purpose reserve owned by HDC. This was taken on subdivision in 1993 and is noted on the planning maps as OS7-27 and shown on the map in Figure 16 below.

¹² Section 11.2.1 Page 94 Strategy Planning Limited (HDC Ref: RMA20250327#0003)

¹³ Page 100 – Application (HDC Ref: RMA20250327#0003)

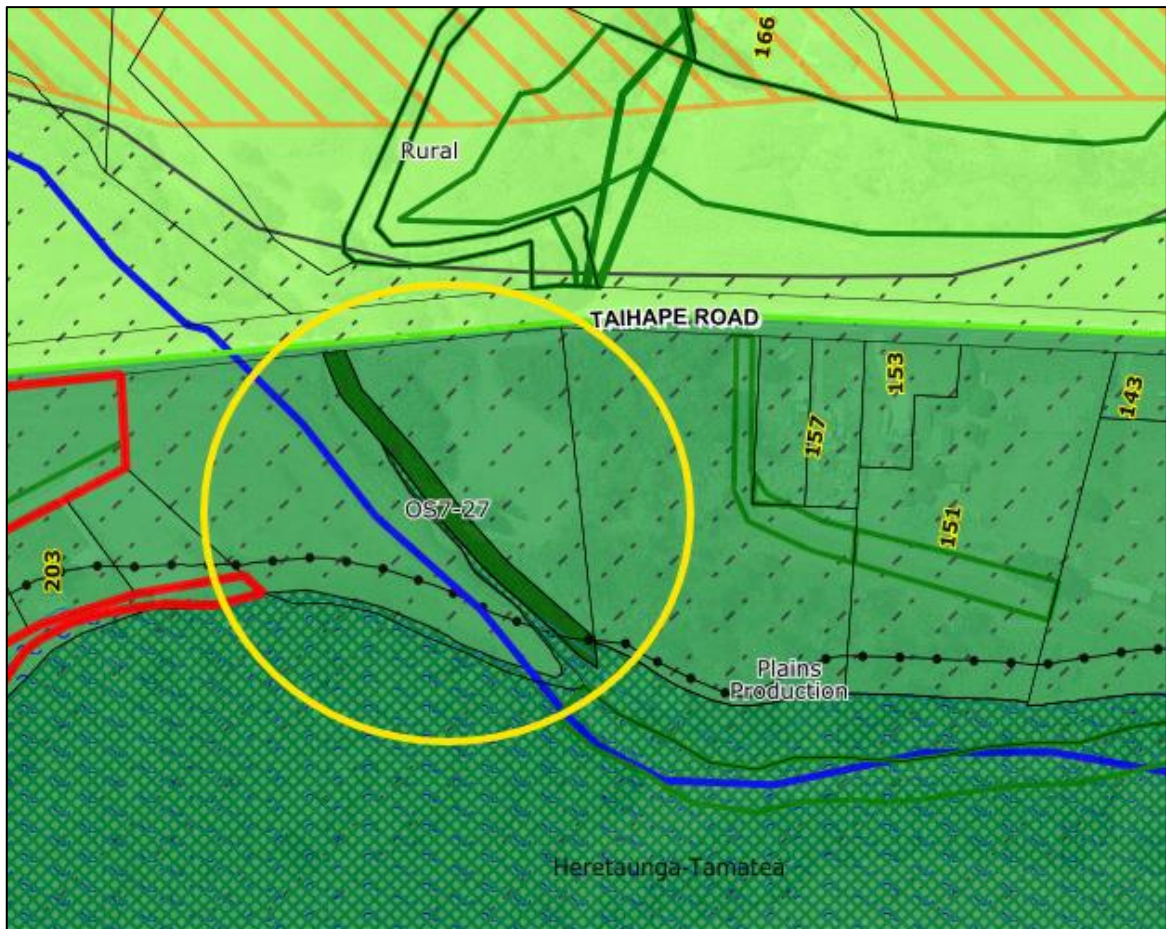


Figure 17: Open Space Reserve

This parcel of land is classified as a local purpose reserve and a recreation, conservation or natural area reserve, notwithstanding that this parcel is not directly affected by the proposed works.

27.1.7F EARTHWORKS WITHIN OUTSTANDING NATURAL LANDSCAPES (ONFL)

Not applicable to this activity

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

The activities are not considered to be mining activities in terms of the District Plan.

8.4 Hastings District Plan Objectives and Policies

The Application is being assessed as a controlled activity under the OIC and a discretionary activity under the Hastings District Plan. It is therefore relevant to consider objectives and policies of the Hastings District Plan. I consider the proposal to be consistent with key objectives and policies of the Hastings District Plan, particularly with:

Natural Hazards

- **Objective NHO1 - Minimisation of the effects of natural hazards on the community and the built environment.**
- **Objective NHO2 - To avoid increasing the risk to people, property, infrastructure and the environment from the effects of natural hazards.**

- **NHP2** - Manage land use activities in identified natural hazard areas where communities and resources are potentially at risk.
- **POLICY NHP3** - Adopt and promote the best practicable options (including mitigation or the 'do nothing' option) in the management of areas of existing development actually or potentially at risk from natural hazards.
- **POLICY NHP6** - Ensure that subdivision, land use activities or other new development is located and designed so as to avoid the need for further natural hazard mitigation activities.
- **Policy NHP8** - Allow Public Bodies exercising their statutory powers to carry out natural hazard mitigation activities.

Assessment:

The District Plan notes that some areas where there is a known risk from natural hazards will have District Plan controls to ensure that the effects of natural hazards are avoided or mitigated where appropriate. The area of works is located within the River Hazard Overlay and on land subject to a flood hazard. The District Plan also states that where relevant, discretionary activities requiring resource consent will be assessed against the most 'up to date' and contemporary natural hazard information available to Council, not only those hazards identified in District Plan maps or appendices.

The application is supported initially by two specialist flood assessments, and these have undergone a peer view by BECA. These reports referenced below:

- | | |
|--------------------------------------------------------|---------------------------|
| • Broughton Bridge Assessment – WSP | HDC Ref: RMA20250327#0039 |
| • Hydraulic Model Peer Review – Tonkin + Taylor | HDC Ref: RMA20250327#0040 |
| • Assessment in terms of Category 2C and 2E properties | HDC Ref: RMA20250327#0041 |

Following receipt of comments, additional reports and peer reviews specific to those comments where sought. These were from Tonkin and Taylor, and WSP. These reports and these can be viewed at HDC Refs: RMA20250327#0039, RMA20250327#0040 and RMA20250327#0041.

I consider that these reports which include flood modelling and flood effects assessments, and the peer reviews represent the most 'up to date' information that Council has upon which to base its decision on the potential natural hazard effects. The works are being undertaken by HBRC (public body) who are exercising their power to carry out natural hazard mitigation activities. HBRC have a statutory obligation as part of their functions and powers to carry out mitigation work for some hazards. The District Plan enables these Authorities to carry out these functions where they follow the provisions of the relevant statute, and they have expertise in this field. Flood mitigation works are permitted activities in the District Plan.

Earthworks:

- **Objective EMO1** - 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.
- **POLICY EMP1** - Require the repasture or revegetation of land where vegetation is cleared in association with earthworks, prospecting and extraction of aggregates or other minerals.
- **POLICY 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.
- **POLICY EMP4** - Allow earthworks and the prospecting of minerals where the adverse effects on the environment will be minor.

- **POLICY 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.
- **OBJECTIVE EMO3** - The water quality and life supporting capacity of the Heretaunga Plains Unconfined Aquifer Water Resource is not compromised by the effects of land use activities occurring over it, including activities associated with the extraction of oil and gas.
- **POLICY EMP10** - Control exploration and mining activities (excluding oil and gas extraction) on land located over the Heretaunga Plains unconfined aquifer, to ensure the protection of the potability of the underlying water resource.

Assessment:

The matters raised in these objectives and policies have largely been addressed under the earthworks assessment criteria in Section 8.3.1 above. The application has demonstrated that:

- The proposed flood mitigation works will not threaten the life-supporting capacity of soils;
- Ecosystems are safeguarded through the requirement under the OIC to install erosion and sediment controls for the duration of works;
- Adverse effects on landscapes will be less than minor due to the nature of works blending into the surrounding rural environment;
- Effects on human health and safety are avoided, remedied or mitigated through appropriate management plans required by the conditions of the OIC;
- The works will be undertaken / managed in a manner consistent with the above;
- Conditions will be imposed in accordance with Schedule 2 of the OIC to manage any potential adverse environmental effects of the proposed works.

9.0 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. There are no other matters that have not already been considered in this report.

10.0 Part 2 of the Resource Management Act 1991

The proposed earthworks and construction activities are considered to be consistent with Part 2 of the RMA in that;

- The flood protection works are being undertaken to sustainably manage the effects from natural hazards on the Ohiti/Omahu community;
- Section 6(h) provides for the management of significant risks for natural hazards as a matter of national importance, and the works will assist in achieving that for the Ohiti/Omahu community;
- The relevant consultation has been undertaken with all stakeholders and appropriate iwi authorities;
- On going engagement with mana whenua is promoted through the conditions listed in Schedule 2 of the OIC;

- Sections 6(e), 7(a) and 8 of Part 2 state that Council should recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga, have regard to kaitiakitanga, and take into account the Principles of the Treaty of Waitangi. This proposal does not affect any known archaeological sites or wāhi tapu or wāhi taonga however HBRC have stated through the application that they will continue to liaise with the hapu and marae representatives for the duration of the project. A CIA prepared by Te Piringa Hapū directs and supports the project.

11.0 Conditions of Consent

- 11.1 The applicant has proposed conditions of consent that relate to works both within the OIC footprint (subject to the conditions set out in Schedule 2 of the OIC 2024) and for those outside the OIC footprint (not restricted to the matters set out in Schedule 2 of the OIC 2024).
- 11.2 To be consistent with the HBRC section 42A report, the proposed conditions agreed with have been included as Appendix 1 attached to this report and separated into the individual activities (OIC and non-OIC activities). Additionally, a suggestion has been made as to which consent authority each condition relates to, for compliance purposes.

11.0 Consent Duration and Lapse

Clause 20 of the OIC relates to the duration of consent for works in the area inside the OIC. For land use consent, the usual position applies in that there is no limitation on duration.

Clause 21 of the OIC provides that a consent granted under the OIC must lapse no later than 2 years after the date of commencement (i.e. the usual 5 year period under the RMA does not apply).

For areas outside the OIC area, I am content for the default 5 year period under s 125 RMA to apply.

12.0 Conclusion

It is recommended that consent to this application be **granted**, to HBRC to undertake flood protection mitigation works within and outside of the OIC area at Ohiti/Omahu as defined in Schedule 1 and subject to conditions imposed pursuant to Schedule 2 of the Severe Weather Emergency Recovery (Hawkes Bay Flood Protection Works) Order 2024 and section 108 of the Resource Management Act 1991.

13.0 Recommendation

- 13.1 In accordance with **Clause 8** of OIC, application for works within the OIC Footprint shall be assessed as a controlled activity and in accordance with the RMA and must be granted.
- 13.2 In accordance with **Clause 10(1)** of the OIC, only a hearings commissioner with delegated authority may grant consent for an activity lodged in accordance with the Severe Weather Emergency Recovery (Hawkes Bay Flood Protection Works) Order 2024.
- 13.3 Accordingly, the above comments and recommendations are made to the hearings commissioner in accordance with **Clause 10(1)** of the Severe Weather Emergency Recovery (Hawkes Bay Flood Protection Works) Order 2024.
- 13.4 For the above reasons, I also recommend the for the area outside the OIC Footprint, application be granted for a discretionary activity, on a non-notified basis, in accordance with section 104 of the RMA 1991, subject to the conditions imposed under Schedule 2 of the OIC as recommended and shown in Appendix 2.

Recommended by:



Michelle Hart
Senior Environmental Planner (Consents)
Planning and Regulatory Services

Reviewed by:



Caleb Sutton
Environmental Consents Manager
Planning and Regulatory Services

Date: 20 October 2025

APPENDIX 1: COMMENTS

Full copies of the comments received are available on request for the decision maker.

APPENDIX 2: CONDITIONS OF CONSENT – RMA20250327
HDC Comments and Changes in **Blue Highlighted**