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RESOURCE CONSENT APPLICATION RM260001

RESOURCE MANAGEMENT ACT 1991 – SEVERE WEATHER EMERGENCY RECOVERY (HAWKES BAY FLOOD PROTECTION WORKS) ORDER 2024

Section 42A Planning Report under Clauses 8 and 14 – Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024.

Summary of Application Details	
Applicant	Hawke's Bay Regional Council c/o Cam Drury (Strategy) Private Bay 6006 Hawke's Bay Mail Centre NAPIER 4142
Site address	Various sites in North Clyde and Wairoa township along the Wairoa River, between Ruataniwha Road and Waihirere Road, and along both Mitchell Road and Marine Parade.
Legal Description	<div style="background-color: #e6f2ff; padding: 5px;"> <p>Legal Description</p> <p>Fee Simple, 1/1, Te Rato 1A4B Block Fee Simple, 1/1, Part Te Rato 1B Block Fee Simple, 1/1, Part Te Rato 1D Block Fee Simple, 1/1, Part Te Rato 1C Block Fee Simple, 1/1, Te Rato 1A4D Block Fee Simple, 1/1, Part Te Rato 1E2 Block Fee Simple, 1/1, Te Rato 1A4C Block Fee Simple, 1/1, Part Te Rato 1B Block, Part Te Rato 1C Block and Part Taumata-o-teo 32D Block Partition Order, 1/1, Te Rato 1A3 Block Fee Simple, 1/1, Te Rato 1A4A Block Fee Simple, 1/1, Part Te Rato 1E1 Block Fee Simple, 1/1, Lot 2 Deposited Plan 17914 Fee Simple, 1/1, Part Taumataoteo 20A Block, Part Taumataoteo 20B Block and Lot 3 Deposited Plan 17920 Fee Simple, 1/1, Te Rato 1F2 Block Maori Land Plan 2322 Fee Simple, 1/1, Part Lot 1 Deposited Plan 8639 Fee Simple, 1/1, Lot 1 Deposited Plan 6699 Partition Order, 1/1, Paeroa No 1E No 14 Block Fee Simple, 1/1, Lot 1 Deposited Plan 5279 Fee Simple, 1/1, Te Rato 1A2 Block Part TAUMATAOTE0 21 BLK V CLYDE S D Fee Simple, 1/1, Lot 4 Deposited Plan 17920 Fee Simple, 1/1, Poutaka 13A1 Block Fee Simple, 1/1, Part Poutaka 13B Block Fee Simple, 1/1, Poutaka 13C Block Fee Simple, 1/1, Poutaka 12B Block Fee Simple, 1/1, Lot 2 Deposited Plan 7513 Fee Simple, 1/1, Lot 3 Deposited Plan 17077 Fee Simple, 1/1, Poutaka 9 Block Fee Simple, 1/1, Poutaka 8 Block Fee Simple, 1/1, Lot 1 Deposited Plan 28534 Fee Simple, 1/1, Lot 3 Deposited Plan 9927</p> </div>

	<p>Fee Simple, 1/1, Poutaka 4A Block Part SEC 1 SO 10489 - (ROWING CLUB) SEC 1 SO 10489 BLK V CLYDE SD Part SEC 1 SO 10489 - (SKI CLUB) Part SEC 1 SO 10489 - AUDITORIUM/SKATE PARK & LAND Part SEC 1 SO 10489 - SPORTS COMPLEX (INCL POOL) Part SEC 1 SO 10489 - ALEXANDRA PARK CAMPING GROUND Fee Simple, 1/1, Part Section 9 Survey Office Plan 9425 Fee Simple, 1/1, Section 1 Survey Office Plan 620593 Ruataniwha Road Road Reserve Waihiere Road Road Reserve Kiwirail corridor (in the process of being transitioned to road reserve)</p>
Zoning	Residential, Rural, Conservation and Reserve Zones – Operative Wairoa District Plan (June 2005).
Overlays or Other Info	<ul style="list-style-type: none"> • Te Iwi and Hapū of Te Rohe o Te Wairoa Area of Interest, as shown in OTS-198-01 AND Wairoa River and its tributaries, as shown in OTS-198-23. • Matangirau Reserves Board – Local Purpose Reserve (Esplanade) as per Schedule 4 of Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018. • Wairoa District Council Planning Maps 45, 46 and 47 <ul style="list-style-type: none"> - Archaeological sites A139 and A140 • Reserve Site R4, R49 and R51 • Land Use Capability Class 1, Class 2 and Class 3 soils
Application Summary and reasons for application (note that the Order in Council replaces the District Plan rules for works within the OIC area):	<p>Hawke’s Bay Regional Council is applying for land use consent for flood mitigation activities associated with:</p> <ul style="list-style-type: none"> • Earthworks and construction work with the residential, rural and residential and conservation zones of the Wairoa District Plan. • Disturbance of soil under the NESCS. • Disturbance works in proximity of archaeological sites A139 and A140. • Clearance or disturbance of (1) areas of significant indigenous vegetation and /or significant habitats of indigenous fauna and (2) clearance or disturbance of any naturally occurring wetland. • Works associated with the construction of new or reinstated utilities. <p>Clause 8(2) – Controlled Activity</p>
Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024 Provisions:	
Assessment Status	Controlled Activity – all area within OIC footprint (no areas existing outside of OIC footprint).
Report prepared by:	Tyler Trafford-Misson, Intermediate Planner

Acronyms used in this report

ADP	Accidental Discovery Protocol
AEP	Annual Exceedance Probability
ARI	Annual Recurrence Interval
CEMP	Construction and Environmental Management Plan
CIA	Cultural Impact Assessment
CSMP	Contamination Site Management Plan

ESCP	Erosion and Sediment Control Plan
DSI	Detailed Site Investigation
HAIL	Hazardous Activities and Industrial List
HBRC	Hawke’s Bay Regional Council
LUC	Land Use Classification
NES-CS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
NPS-HPL	National Policy Statement for Highly Productive Land
NZCPS	New Zealand Coastal Policy Statement
OIC	Order in Council – Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024
PSI	Preliminary Site Investigation
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
RRMP	Regional Resource Management Plan
STAG	Stakeholder Advisory Group
WDC	Wairoa District Council
WDP	Operative Wairoa District Plan

Appendix 1 – Comments Received

Appendix 2 – Recommended Conditions of Consent

1.0 Proposal

- 1.1 The Wairoa flood mitigation works is an initiative by the Hawke’s Bay Regional Council (HBRC, “the applicant”), to construct a new floodway and stop banks, and, to undertake associated works that will provide enhanced flood resilience to the Wairoa community. Regulatory approval for the project is being sought under the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024 (OIC).
- 1.2 The Wairoa flood mitigation project involves:
- The construction of a floodway formed by two stop banks / floodwalls which convey and constrain high flows – the floodway is designed to activate at approximately a 30-year ARI flood event and is designed to limit flooding, primarily to the North Clyde area, up to and including a 100-year ARI flood event.
 - Construction of a township side stop bank to provide mitigation to part of the Wairoa township during a 100-year ARI.
- 1.3 A detailed description of the proposal is contained within Section 4 of the Application, titled “Resource Consent Application for Flood Mitigation Works – Wairoa – Hawke’s Bay Regional Council”, by Cam Drury of Strategy and dated 15 December 2025.
- 1.4 A plan of the overall alignment is shown in Figure 1 of this report. The full set of engineering plans are comprised within the Preliminary Design Report (Appendix 9 of the Application) titled “Hawkes’s Bay Regional Council – Wairoa Flood Mitigation Project – Developed Concept Design Report”, by WSP and dated 10 December 2025.

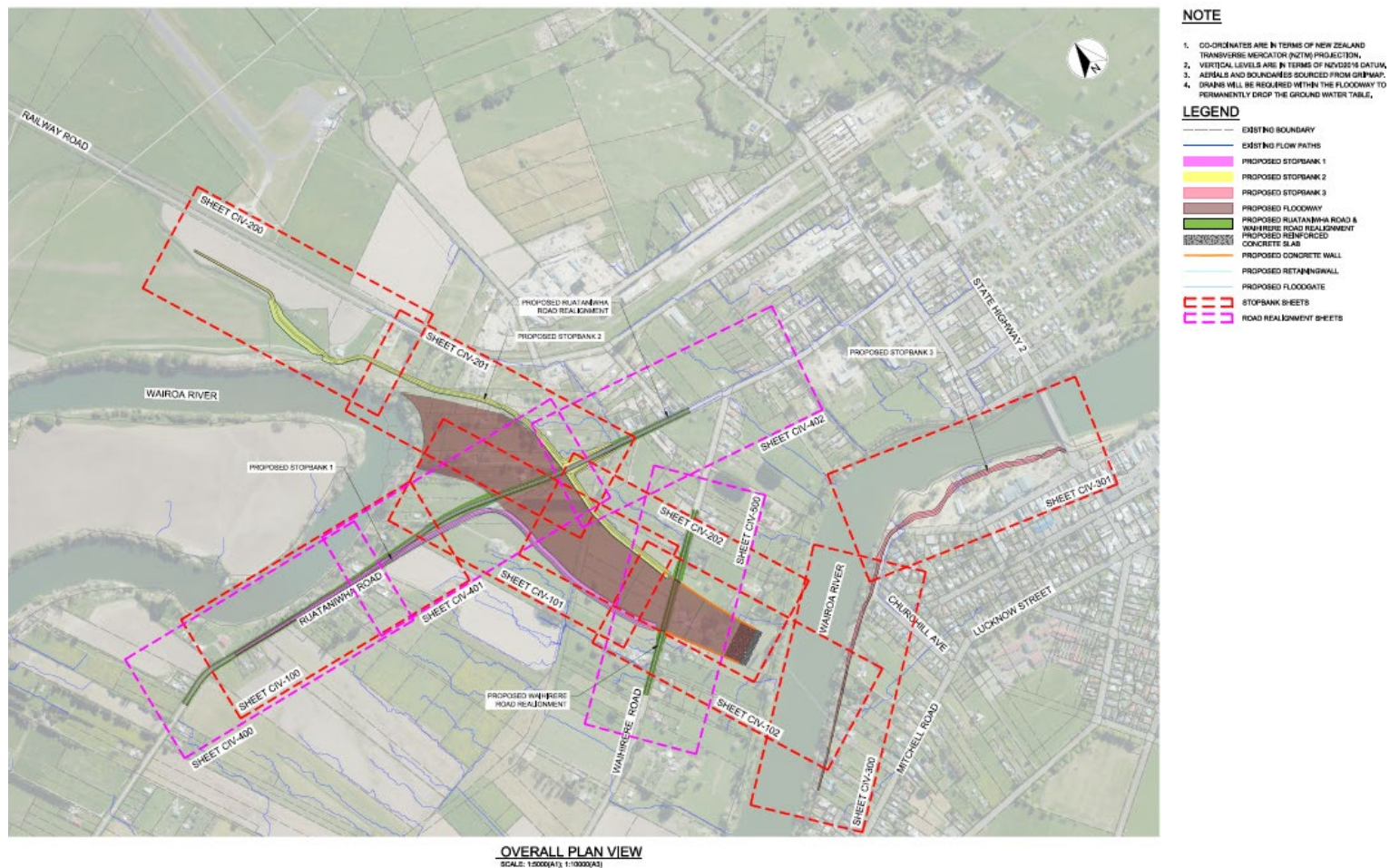


Figure 1: Project Extent and Alignment

1.5 Supporting Documents

The following reports have been provided as part of the application in the following appendices to the Assessment of Environmental Effects.

- Appendix 1 – Cultural Impact Assessment (Confidential) – Kawaia
- Appendix 2 – Cultural Impact Assessment (Confidential) – Ruataniwha Marae
- Appendix 3 – Cultural Research Report (Confidential) – Tāwhiti ā Maru Marae
- Appendix 4 – Cultural Impact Assessment (Confidential) – Ruataniwha Marae
- Appendix 5 – Archaeological Scoping Assessment – InSitu Archaeological Heritage
- Appendix 6 – Ecological Assessment – WSP
- Appendix 7 – Landscape Scoping Study – WSP
- Appendix 8 – Preliminary and Detailed Site Investigation – WSP
- Appendix 9 – Developed Concept Design Report – WSP
- Appendix 10 – Proposed Resource Consent Conditions – Strategy
- Appendix 11 – List of Māori Entities and Section 15(2)(a) Parties (Confidential) – Strategy
- Appendix 12 – Responses to CIA Recommendations (Confidential) – Strategy/HBRC
- Appendix 13 – Consequential Flooding Effects Assessment – WSP
- Appendix 14 – Consequential Flooding Assessment – Letter Review – Beca
- Appendix 15 – Consequential Flooding Assessment – Beca

2.0 Site and Surrounding Environment

2.1 The site is shown below in Figure 2, alongside annotated locations markers.

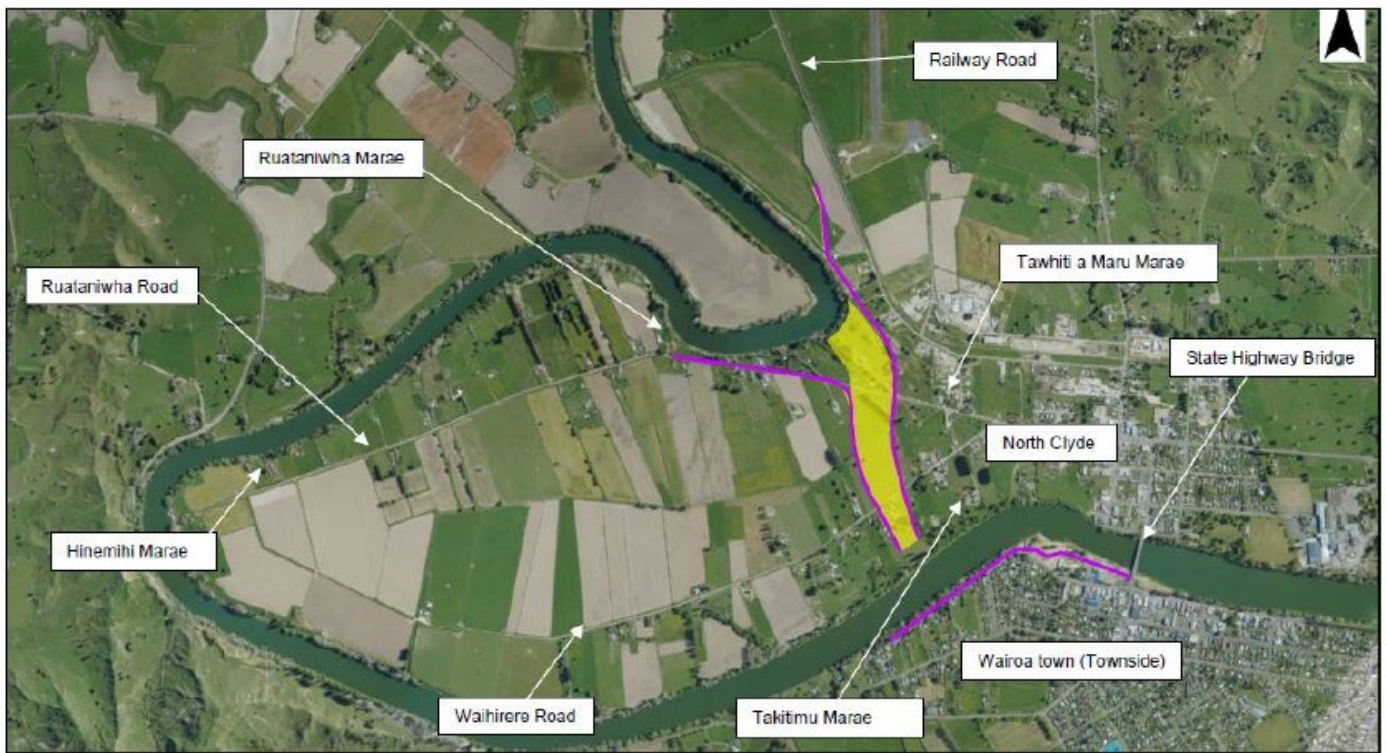


Figure 2: Site and Surrounding Environment – sourced from AEE.

2.2 The applicant in their application described the site as follows:

- *There are a number of marae and urupā in close proximity to the floodway and associated stopbanks, and within the immediate area.*
- *Both Ruataniwha and Waihirere Road will traverse the floodway and associated stopbanks.*
- *The townside stopbank will run along the frontage of residential properties to the west and through Alexander Park to the east.*
- *Marine Parade contains a number of community buildings and recreational facilities.*
- *Although impacted by Cyclone Gabrielle, the riparian margin along the river is relatively well vegetated where the townside stopbank runs along the frontage of residential properties to the west.*
- *It is our understanding that there are no registered drinking water supplies in the vicinity.*

2.3 The applicant has in their application provided an image of all land where works are to be undertaken. This is shown below in Figure 3.



Figure 3: Properties where works will be undertaken – sourced from AEE.

2.4 Having visited the sites; I concur with the description provided so far.

A site visit was undertaken on 5 February 2026 to observe the project area and surrounding environment. Those present included Brandon Baillie (Reporting Officer, Hawke’s Bay Regional Council), the reporting officer for Wairoa District Council (Tyler Trafford-Mission), and Philip McKay (Independent Commissioner). Also, present were Cameron Drury and Andy Hicks of Strategy Planning Limited, Graeme Hansen (Project Manager for HBRC), and Hira Campbell and Gabriella Luscombe (Wairoa District Council).

An overview of the site visit locations is shown below in Figures 4 and 5, with representative photographs included below.

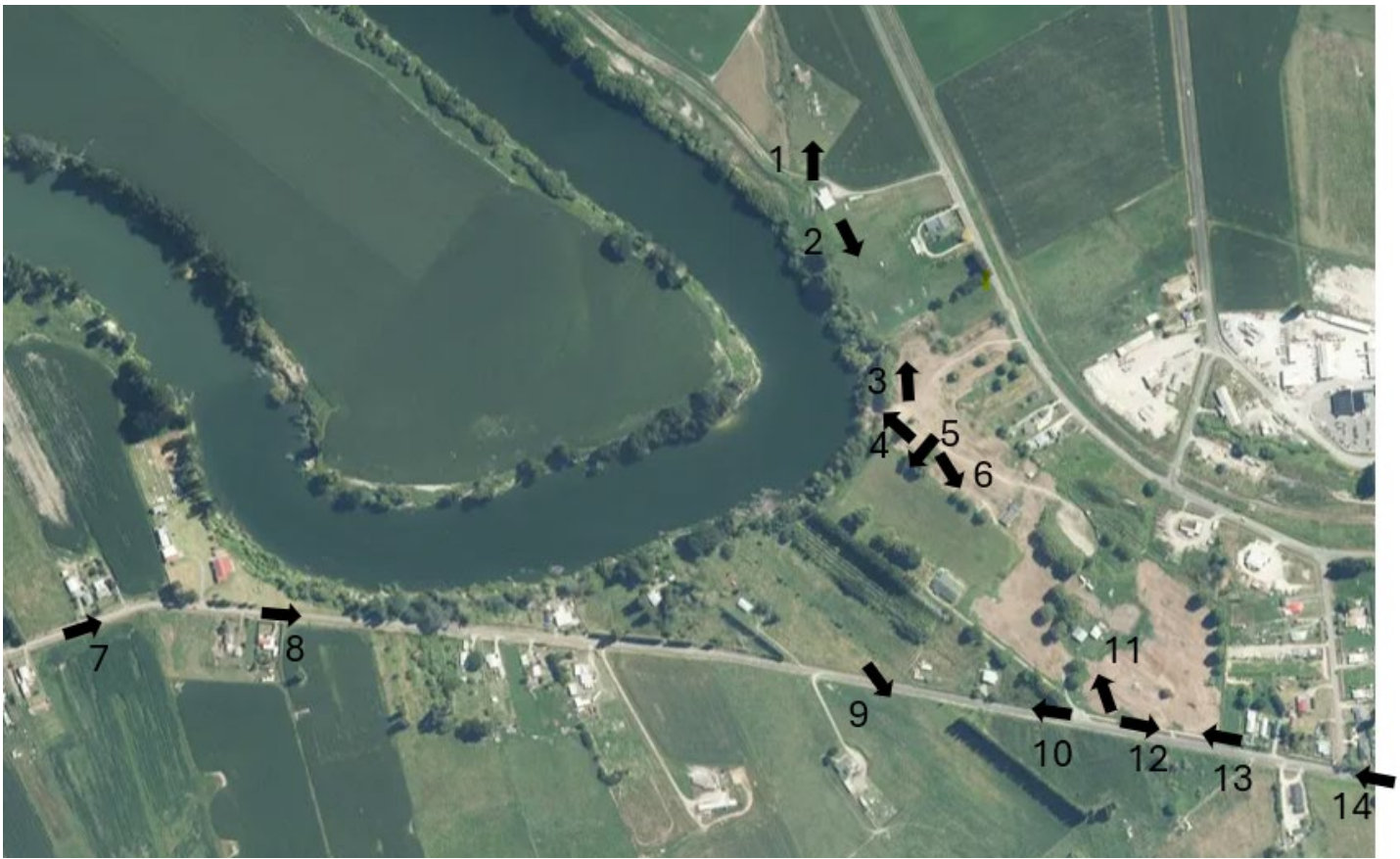


Figure 4: Overview of the Railway Road and Ruataniwha Road Site Visit Locations.



Figure 5: Overview of the Waihirere Road, Mitchell Road and Marine Parade locations.



(1) (above left): looking north along future alignment of stopbank 2 inc Te Kopua urupā
 (2) (above right): looking southeast along future alignment of stopbank 2.



(3) (above left): looking north from showgrounds along future alignment of stopbank 2.
 (4) (above right): looking northwest from showgrounds over the inlet of the floodway.



(5) (above left): looking southwest from over future spillway towards future stopbank 1.
 (6) (above right): looking southeast over alignment of future floodway.



(7) (above left): looking northeast along where Ruataniwha Road works are to commence.

(8) (above right): looking east along alignment of Ruataniwha Road to be raised.



(9) (above left): looking southeast along alignment of stopbank 1 where it leaves Ruataniwha.

(10) (above right): looking west across future spillway along Ruataniwha Road.



(11)(above left): looking northwest along alignment of stopbank 2 from Ruataniwha Road.

(12)(above right): looking east along future raised Ruataniwha Road.



(13)(above left): looking west along future raised Ruataniwha Road (closer to Tawhiti a Maru).

(14)(above right): looking west along future raised Ruataniwha Road (closer to Te Rato Rd).



(15)(above left): looking northeast where grass stopbank 1 will transition to concrete wall.

(16)(above right): looking southeast along western boundary line of future concrete wall.



(17)(above left): looking southwest where grass stopbank 2 will transition to concrete wall.

(18)(above right): looking southeast towards approximate boundary of Waihirere Urupā.



(19)(above left): looking northeast along Waihirere Road from border of future stopbank 2.
 (20)(above right): looking southwest along future alignment of stopbank 3.



(21)(above left): looking northwest towards approximate location of future floodway outlet.
 (22)(above right): looking northeast along future alignment of stopbank 3.



(23)(above left): looking southwest along future alignment of stopbank 3 – Lockwood Point.
 (24)(above right): looking east along future alignment of stopbank 3 along Marine Parade.



(25)(above left): looking northeast along future alignment of stopbank 3.

(26)(above right): looking west along future alignment of stopbank 3 from Alexandra Park.



(27)(above left): looking northwest along future alignment of stopbank 3 from skate park.

(28)(above right): looking southeast towards Wairoa bridge along future alignment of stopbank 3 (skatepark and part of playground to be removed).

3.0 Reason and Background to the Application

The application is made under the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024 (OIC). The Order provides a modified consenting pathway for specified flood protection works. Where the works are located within the Schedule 1 footprint, they are deemed to be a controlled activity for the purposes of the Resource Management Act 1991. The footprint is shown in Figure 6 below; all proposed works are located within this area and therefore fall within the scope of the OIC.

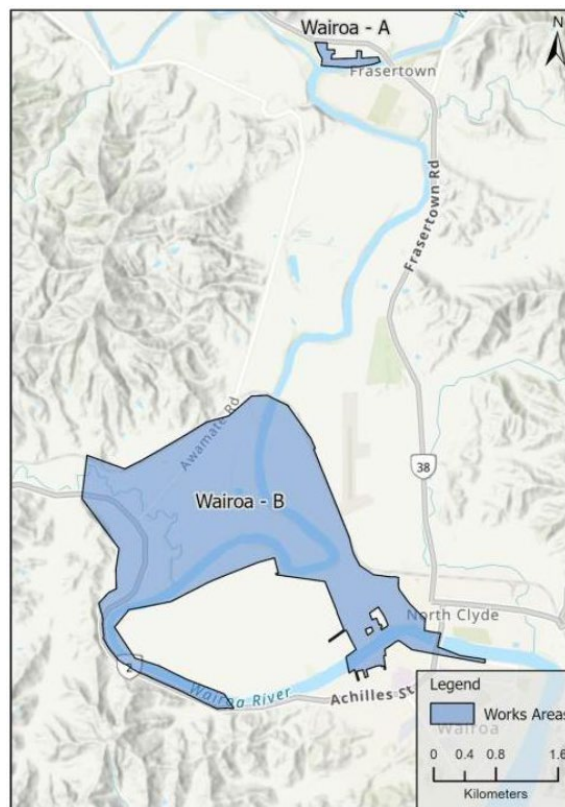


Figure 6: Order In Council Works Footprint – sourced from AEE

3.1.1 Statutory Context

The application is made under the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024. The OIC came into force on 27 May 2024 and establishes a modified statutory process distinct from a standard assessment under Part 6 of the Resource Management Act 1991 (RMA).

The OIC applies to specified flood protection works located within the Schedule 1 footprint. Within this area:

- flood protection works are deemed to be controlled activities.
- section 104A of the RMA applies, such that consent must be granted; and
- the consent authority’s discretion is limited to imposing conditions within the matters of control specified in Schedule 3 of the OIC.

Accordingly, the purpose of this report is not to determine whether the activity should occur, but to assist the Commissioner in determining the appropriate conditions necessary to manage effects within those matters of control. References to planning instruments, objectives and policies are therefore provided for contextual background only and do not determine the outcome of the application.

Key provisions of the OIC

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

Clause 9 of the OIC outlines who may apply for a resource consent for flood protection works.

Clause 9(2) of the OIC only applies to a Hawke’s Bay local authority. **Clause 9(3)** outlines that a Hawke’s 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.

I note that this resource consent application is being made by Hawke's Bay Regional Council with works to be carried out on its behalf.

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

Clause 11 of the OIC requires the applicant to apply jointly to every relevant consent authority at the same time and, for those 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 the 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 provides 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 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 Wairoa area as shown in Figure 6 (map is indicative only – full description is provided in the schedule).

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

Schedule 3 of the OIC lists the matters of control.

In accordance with **Schedule 3**, the application to the Hawke's Bay Regional Council and the Wairoa District Council considers the following matters (described fully in section 7 of the Application with the corresponding sections shown below):

- Permitted Baseline (7.1)
- General Matters (7.2)
 - Consequential Flooding (7.2.1)
- Cultural Values (7.3)
- Freshwater (7.4)
 - Natural Inland Wetlands (7.4.1)
 - Reclamation/Diversion of the Bed of a Water Body (7.4.2)
 - Fish Passage (7.4.3)
 - Discharge of Drainage Water (7.4.4)
- Coastal Environment (7.5)
- Stormwater Management (7.6)

- Soil, Land and Ecology (7.7)
 - Erosion and Stability (7.7.1)
 - Natural Landform and Contour (7.7.2)
 - Ecology (7.7.3)
 - Water Take (7.7.4)
- Visual Effects, Landscape and Amenity (7.8)
- Adjoining Land Uses (7.9)
 - Effects of the Subject Land and Adjoining Land (7.9.1)
 - Effects on Infrastructure Assets (7.9.2)
- Heritage and Archaeology (7.10)
- Access and Transport (7.11)
- Contaminated Land (7.12)
- Construction (7.13)

3.1.2 The Applicant in their application has provided an assessment covering each of 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 and shown below in Table 1 and 2. In addressing the matters for consideration, table 1 below lists the relevant specialist reports that support the application.

Table 1: Information Requirements Clause 12(2) OIC

a.	Detailed description of the flood protection works, including all activities of the kind described in clause 6(2)(a).	Information provided in Application prepared by Stradey Planning Limited. Information provided and contained in Appendices 9 and 13 – WSP.
b.	Maps that show the area, at the relevant location specified in clause 6(3), in which the flood protection work are to be carried out.	Information provided and contained in Appendix 9 of the Application.
c.	General description of the area referred to in paragraph (b)(i).	Information provided in Application prepared by Stradey Planning Limited.
d.	Description of: <ul style="list-style-type: none"> i. any identified natural and physical resources in that area that have cultural value identified by a relevant iwi authority or hapū as significant for present or future generations; and ii. any culturally significant land in the area (including a description of the nature of the cultural significance). 	Information provided and contained in Appendices 1 to 4 of the Application (cultural impact assessments and report).
e.	An assessment of all potential effects of the works with input from appropriate experts, including consideration of: <ul style="list-style-type: none"> 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.

f.	Proposals to avoid, remedy, or mitigate potential adverse effects identified by the assessment described in paragraph (e).	Information provided in Application prepared by Strategy Planning Limited.
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 10 of the provided Application.
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 Strategy Planning Limited – Section 6 of the Application.
i.	A list of all relevant Māori entities.	Information provided and contained in Appendix 11 of the Application.
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 11 of the Application.

Table 2: Matters of Control

General	Information provided in Application prepared by Strategy Planning Limited.
Cultural values	Cultural Impact Assessments and Report prepared by Strategy Planning Limited. Appendices 1 -4 (Confidential)
Freshwater	Information provided in Application prepared by Strategy Planning Limited – Section 7.4
Coastal environment	Information provided in Application prepared by Strategy Planning Limited – Section 7.5
Stormwater	Information provided in Application prepared by Strategy Planning Limited – Section 7.6
Soil, land and ecology	Information provided in Application prepared by Strategy Planning Limited – Section 7.7
Visual effects and amenity	Information provided in Application prepared by Strategy Planning Limited – Section 7.8
Adjoining land uses	Information provided in Application prepared by Strategy Planning Limited – Section 7.9
Heritage and archaeology	Information provided in Application prepared by Strategy Planning Limited – Section 7.10
Access and transport	Information provided in Application prepared by Strategy Planning Limited – Section 7.11
Contaminated land (human health)	Information provided in Application prepared by Strategy Planning Limited – Section 7.12 PSI/DSI prepared by WSP – Appendix 8 of the Application
Construction → additional to matters under Schedule 3 OIC	Information provided in Application prepared by Strategy Planning Limited – Section 7.13. This addresses the following matters in conjunction with those listed in Schedule 3: <ul style="list-style-type: none"> • Stormwater management and erosion and sediment control • Nuisance Effects i.e. noise, vibration and dust • Hours of operation • Construction Traffic • Public Health and Safety

Matters are covered in conditions such as requirements for CEMP and ESCM.

3.2 National Environmental Standards

3.2.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NEC-CS).

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

Three activities in this instance are of interest, (1) removal or replacing of fuel storage systems, (2) sampling of soil, and (3) disturbance of soil.

The Preliminary Site Investigation and Limited Detailed Site Investigation report is titled 'Hawke's Bay Regional Council Wairoa Floodway Design Phase – Preliminary Site Investigation and Limited Detailed Site Investigation', project number 2-T4441.03 by WSP and dated 5 August 2025 prepared by WSP (shown in Appendix 8 of this application) identifies parts of the project footprint that are located on land where HAIL activities are more likely than not to have taken place. Accordingly, the NES-CS is relevant to the site.

The plans Figures 7-9 below depict the areas the of interest for assessment under the NES-CS in relation to the proposed work site.

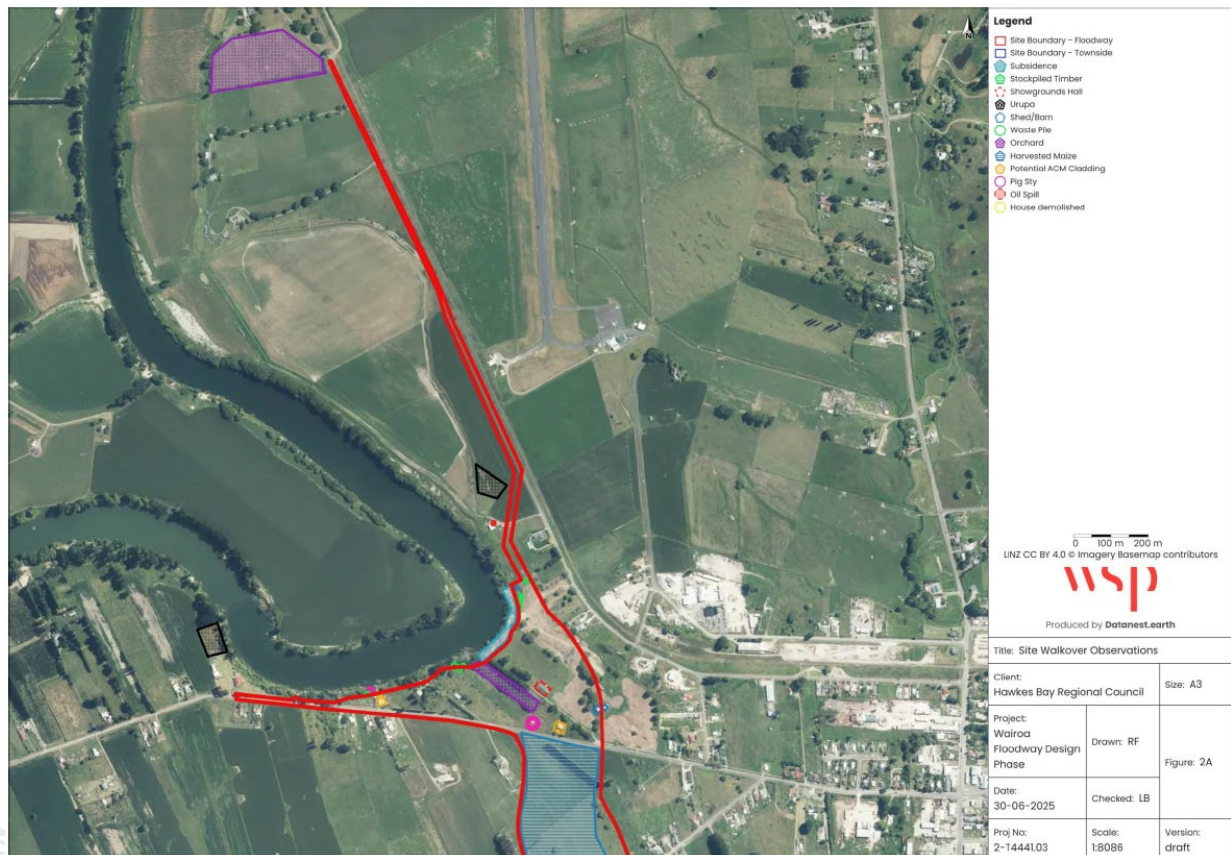


Figure 7: Site Walkover Observations (Source: WSP PSI/DSI Report)

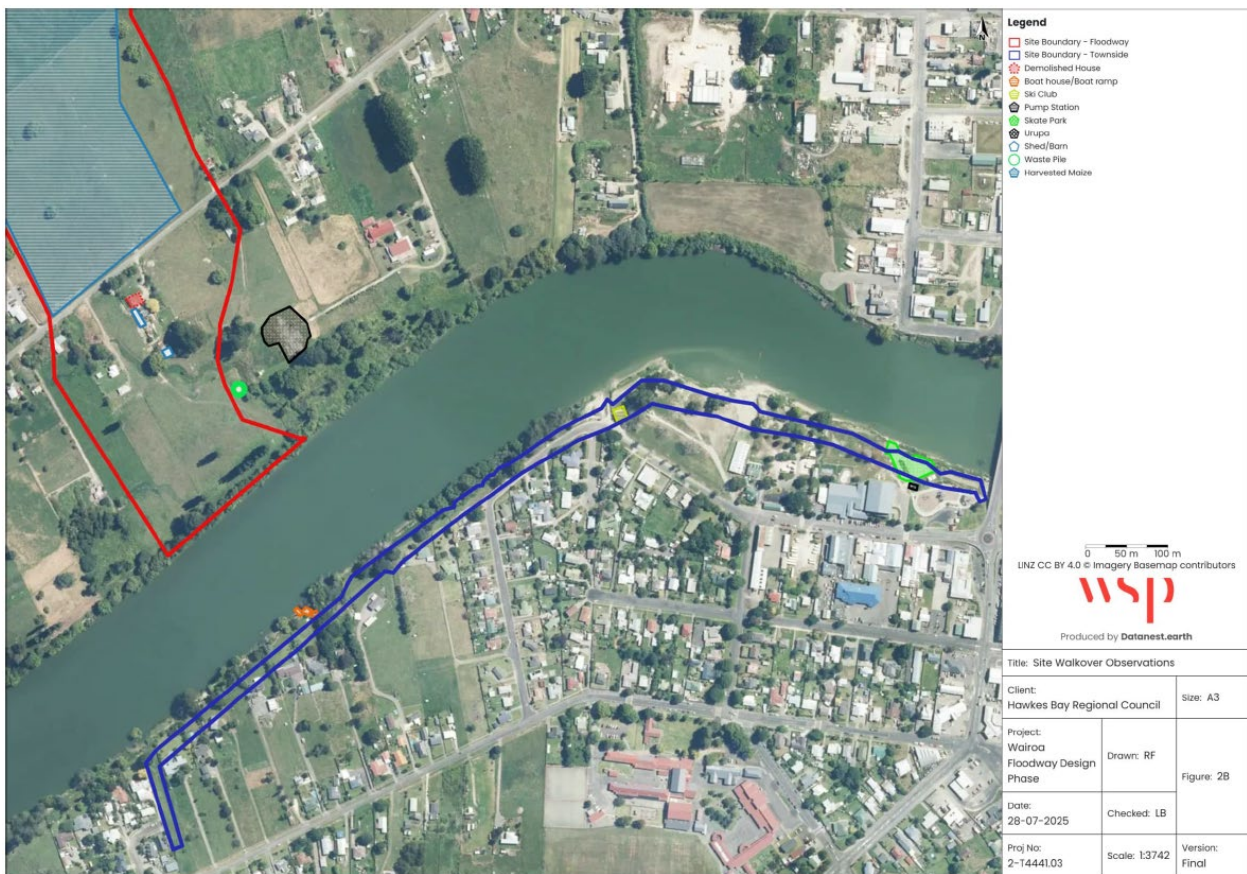


Figure 8: Site Walkover Observations (Source: WSP PSI/DSI Report)

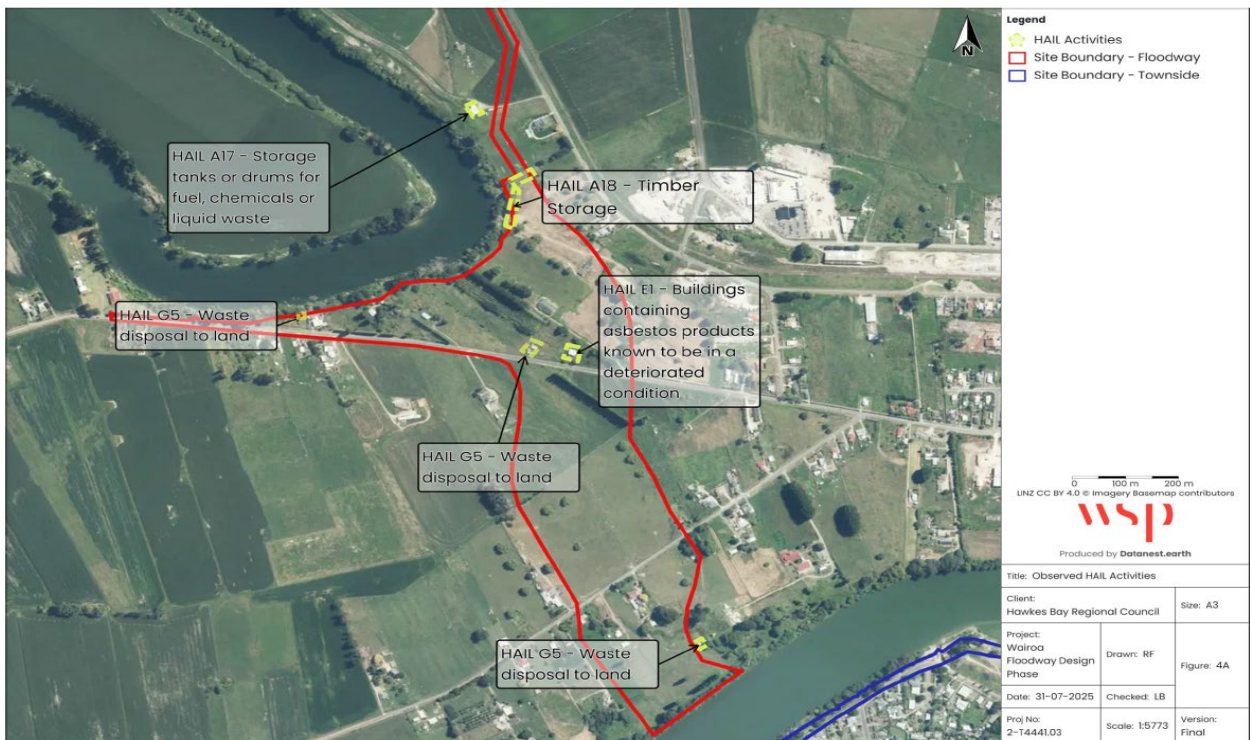


Figure 9: Observed HAIL Activities (Source: WSP PSI/DSI Report)

The investigation identified the presence of some contaminants. However, no exceedances of human health guideline values were identified. WSP concludes that the contamination present does not pose a risk to human health and does not constrain the development of the flood protection works, provided appropriate management measures are implemented during construction. WSP also recommends preparation of an Unexpected Discovery Protocol for disturbance works outlining the procedures and processes that will be followed should

anything of contaminated relevance be identified during excavations works (i.e. asbestos or buried rubbish), that a small area of visibly stained soils identified in one location as exceeding the Class 4 WAC for TPH should be removed from site to an appropriately licence facility and appropriate management of asbestos-containing materials where buildings are demolished.

Under a standard Resource Management Act consenting pathway, the NES-CS would determine the activity status of soil disturbance. However, within the footprint identified in Schedule 1 of the Severe Weather Emergency Recovery (Hawkes Bay Flood Protection Works) Order 2024, the activity status is prescribed as a controlled activity and consent must be granted. Accordingly, the NES-CS does not determine whether consent should be granted.

Instead, the relevance of the NES-CS to this application is to inform the management of potential human health risks and the appropriate consent conditions within the contaminated land matter of control in Schedule 3 of the OIC.

Schedule 2, clause 17 of the OIC specifically addresses works on contaminated land and requires:

- disposal of contaminated soil to an authorised facility;
- prevention of discharge of contaminated material to watercourses;
- protection of containment structures; and
- reinstatement of disturbed areas to an erosion-resistant state.

While WSP does not consider remediation is required, the presence of HAIL land and the scale of earthworks indicate that construction phase management measures are necessary. The recommended consent conditions requiring contaminated soil handling procedures, unexpected discovery protocols, asbestos management, and disposal to authorised facilities are therefore considered appropriate to manage potential risks to human health and the environment.

On this basis, potential adverse effects on human health from contaminated soil disturbance can be appropriately managed through conditions of consent. Additions and modifications to these conditions of consent have been made to this effect.

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

Given the works are not located near a WDC public water supply, the NES Sources of Human Drinking Water is not considered relevant.

3.2.3 National Environmental Standard for Freshwater (2020)

This NES falls within the domain of the Hawke's Bay Regional Council and will be assessed further in the HBRC report. WDC has no comment to make in respect of this NES.

3.3 **Operative Wairoa District Plan**

- ### 3.3.1
- The project area is predominantly located within the Rural Zone of the Operative Wairoa District Plan. However, portions of the third stopbank alignment also traverses' land zoned Residential and Conservation and Reserves as shown in Figure 10 below. While the OIC overrides provisions of the Wairoa District Plan (clause 17(5)), I consider it appropriate to

include the relevant District Plan provisions, that would have otherwise applied, as a background and overview of the application site. Ultimately, the OIC sets the direction and legislative scope for the proposed flood protection works.

3.3.2 Zoning and Relevant Provisions

The following District Plan provisions would ordinarily apply to the proposed works: These provisions are identified in Table 3 below to describe the planning context of the site only.

Table 3: Activity and Wairoa District Plan Provisions

Activity	Rule	Rule Description	Status
Disturbance works in the proximity of A139 and A140.	22.1.7	Any land disturbance occurring in any defined area of significance to tangata whenua identified in Schedule 1 of the WDP.	Discretionary
Clearance or disturbance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.	23.1.2	Activities that involve the clearance or disturbance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.	Discretionary
Clearance or disturbance of any naturally occurring wetland.	23.1.3	Activities that result in the clearance or disturbance of any naturally occurring wetland, not provided for as a permitted activity.	Discretionary
New/reinstated Utilities	26.5.6	All activities that are not permitted or controlled activities, or do not meet the performance standards or conditions for permitted activities.	Discretionary
Flood mitigation activities, including construction, with the: <ul style="list-style-type: none"> • Rural Zone • Residential Zone • Conservation and Reserves Zone 	16.7.2 18.7.2 14.7.3		Discretionary

Invitations to comment were sent on 13 January 2026. In accordance with clause 15(2)(c), comments were required within 10 working days and closed on 28 January 2026.

In accordance with clause 15(6), written comments are not submissions under the RMA. Persons invited to comment do not have appeal rights under Part 6 of the RMA and may not object to the decision under Part 14.

Eleven individuals or organisations provided written comments:

1. Blair Ferguson – 40 Mitchell Road (immediately adjoining ref# 161)
2. Kitea Tipuna on behalf of Joyce Kotuhi – 63 Waihirere Road (immediately adjoining ref# 88)
3. Kitea Tipuna on behalf of Taumataoteo 19B4 trustees (immediately adjoining ref# 113)
4. Ashby Pearse – 40 and 42 Mitchell Road (immediately affected and immediately adjoining ref #58 and #59)
5. New Zealand Transport Agency NZTA / Waka Kotahi (party under 15(2)(a)(vi))
6. Donna and John Waihape on behalf of Taumataoteo 19B1, 19B2 and 19B4 blocks (immediately adjoining ref #112, #89 and #113)
7. Tania Te Whenua – 3 Carroll Street (Ferry Hotel) Section 21 Block II Clyde SD, Lot 1 DP 10889, Lots 1-2 DP 5307 (15(2)(a)(x) greater interest party)
8. Te Tuma Paeroa (The Māori Trustee) – (multiple land parcels both immediately adjoining and parties under 15(2)(a)(x) greater interest party)
9. Tātau Tātau o Te Wairoa Trust (party under 15(2)(i))
10. KiwiRail Holdings Limited (party under 15(2)(a)(vi))

4.1.3 A summary of the comments received, relief sought and comments from HBRC/WDC is provided in Appendix 1. WDC responses where relevant are additional to HBRC responses and are shown in **Green**, any additional information provided by the applicant is highlighted in **yellow**.

4.1.4 Given, the summary of comments being included in Appendix 1, full comments are not included in this report but are available on request.

5.0 Consideration under Clause 16

5.1 Clause 16 states that Section 104(5) of the Resource Management Act 1991 does not apply to the consideration of an application made under clause 12 of the OIC. Accordingly, the activity status is prescribed by the OIC and is not to be reassessed by the consent authority.

6.0 Consideration under Clause 17

6.1 Clause 17 of the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024 governs the imposition of conditions on a resource consent for flood protection works.

Because the works are deemed to be a controlled activity, section 104A of the Resource Management Act 1991 requires that consent must be granted. The role of the consent authority is therefore limited to determining the appropriate conditions to be imposed.

Clause 17 provides that the consent authority may:

- impose any of the standard conditions set out in Schedule 2
- amend those conditions (other than the condition in clause 1 of Schedule 2) where necessary for a matter of control.
- impose additional conditions considered necessary for the purposes of the authority's responsibility for a matter of control.

The applicant has proposed conditions in Appendix 10 of the application. Hawke's Bay Regional Council and Wairoa District Council have jointly reviewed those proposed conditions and recommend amendments and additional conditions where appropriate. The recommended condition set and supporting rationale are contained in Appendix 2 of this report.6.2

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.

6.3 Clause 17(5) confirms that conditions may be imposed despite any contrary provision in a national environmental standard, national policy statement, or plan or proposed plan. 6.4

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 matters define the scope of both the assessment and the conditions that may be imposed, they include:

- General
 - Flooding
 - Erosion
 - Construction Management
 - Effects on Ecology
- Cultural Values
- Freshwater
- The Coastal Environment
- Stormwater
- Visual Effects and Amenity
- Adjoining Land uses
- Heritage and Archaeology
- Access and Transport
- Contaminated Land

The consent authority's consideration is limited to these matters.

6.5 **Section 104 of the Resource Management Act 1991**

Section 104 of the Resource Management Act 1991 continues to apply in the consideration of the application. However, its role is modified by the OIC. Because the proposal is deemed to be a controlled activity, section 104A requires that consent must be granted. The Commissioner is therefore not determining whether the flood protection works should occur. Instead, the section 104 assessment is directed to identifying the actual and potential effects on the environment of allowing the activity and determining the conditions necessary to appropriately manage those effects within the specified matters of control. References to relevant plans,

policies and regulations assist in informing appropriate conditions but do not affect the outcome of the application.

7.0 Notification Assessment

7.1 The notification provisions in sections 95A and 95B of the Resource Management Act 1991 do not apply to this application Clause 14 of the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024 requires that applications for flood protection works be processed on a non-notified basis.

Instead of public or limited notification, the Order provides a consultation process under clause 15, whereby specified parties are invited to provide written comments. This consultation has been undertaken jointly by Hawke’s Bay Regional Council and Wairoa District Council as outlined in Section 4 of this report.

Accordingly, no notification assessment under the Resource Management Act is required.

8.0 Assessment of Environmental Effects

8.1 Permitted Baseline

Section 104(2) of the RMA allows a consent authority when considering actual and potential effects under section 104(1)(a), to disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. (the permitted baseline principle). In respect to the proposal, it is the effects on the river and visual amenity of the proposed earthworks on the environment that present the need for consideration. The Wairoa District Plan (WDP) prescribes the permitted earthworks standard in rules 14.8.11, 16.8.18 and 18.8.16 for Chapter 14 – Conservation and Reserves Zone, Chapter 16 – Rural Zone, and Chapter 18 – Residential Zone, respectively. These permitted standards are included in the table below for reference.

Table 4: Wairoa District Plan Permitted Earthworks Standards

	14. Conservation and Reserves Zone	16. Rural Zone	18. Residential Zone
Max Vol (m ³) over 12 months per site	50m ³	250m ³	150m ³
Max face height (m)	1.5m	1.5m	1.5m
Max area of work per site (m ²)	300m ²	400m ²	150m ²
Proximity to water body measures from the bank edge at bank full height	No closer than 20m.		

On the above basis, there are approximately 39 land parcels that the floodway and stopbanks transverse. Two in the Conservation and Reserves Zone, twenty-six in the Rural Zone and eleven in the Residential Zone. When using the maximum permitted levels detailed above, permitted volume limits of up to 8,250m³ and permitted areas of up to 12,650m² are allowed for in the plan.

In respect of the floodway, the earthworks plan provided in the application refers to up to 220,000m³ of cut being required to form the floodway. An additional 40,000m³ of cut may be required for associated works. Much of this cut is to be used for establishing the three stopbanks. Additionally, the floodway channel is comprised of two parts: firstly, a grassed channel of (250m x 800m) and secondly a floodway outlet concrete structure (105m x 200m), totalling an area of approximately 221,000m². Further works may be required and could add to the total quantum's for volumes and areas.

In this instance, given the scale of the works, the permitted baselines for volumes and areas are not of particular assistance. However, in respect to permitted baseline, I would also like to add that:

- Outside of naturally occurring wetlands and beyond 20m from the Wairoa River, clearance and disturbance of vegetation is permitted.
- Many works associated with new roading, reinstatement of pavement and reinstatement of infrastructure pipes are permitted.
- Subject to noise levels, the establishment of contractor site and storage areas/ laydown stockpile area is permitted within the zones concerned.
- Removal of buildings are permitted.
- Removal of features from Alexandra Park are either permitted or not regulated by the WDP.

8.2 Matters of Control – Schedule 3

8.2.1 General

Schedule 3 of the Order specifies the matters over which control is reserved. The applicant has provided technical assessments addressing these matters, supported by specialist reports. The following section considers the nature and scale of effects relevant to those matters of control and the extent to which they can be managed through conditions.

The Schedule 3 “General” matters include:

- 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 consistent course.

The flooding risk is addressed in detail in primarily in Section 7.2 of the application, supported by the consequential flood assessment prepared by WSP (Appendix 13) and independently reviewed by Beca (Appendix 14).

The maximum water depth for the 100-year ARI baseline with no flood protection is shown below as Figure 11. This model expands on the flood extents witnessed during both Cyclone Bola and Cyclone Gabrielle, namely a river breach that inundates much of North Clyde.

Figure 12 shows modelling that compares a do-nothing baseline scenario with a scheme scenario based on a 1% AEP 100-year ARI flood event using current climate inputs. This modelling indicates a substantial reduction in flood extent and hazard within the urban and residential areas of Wairoa, particularly within North Clyde.

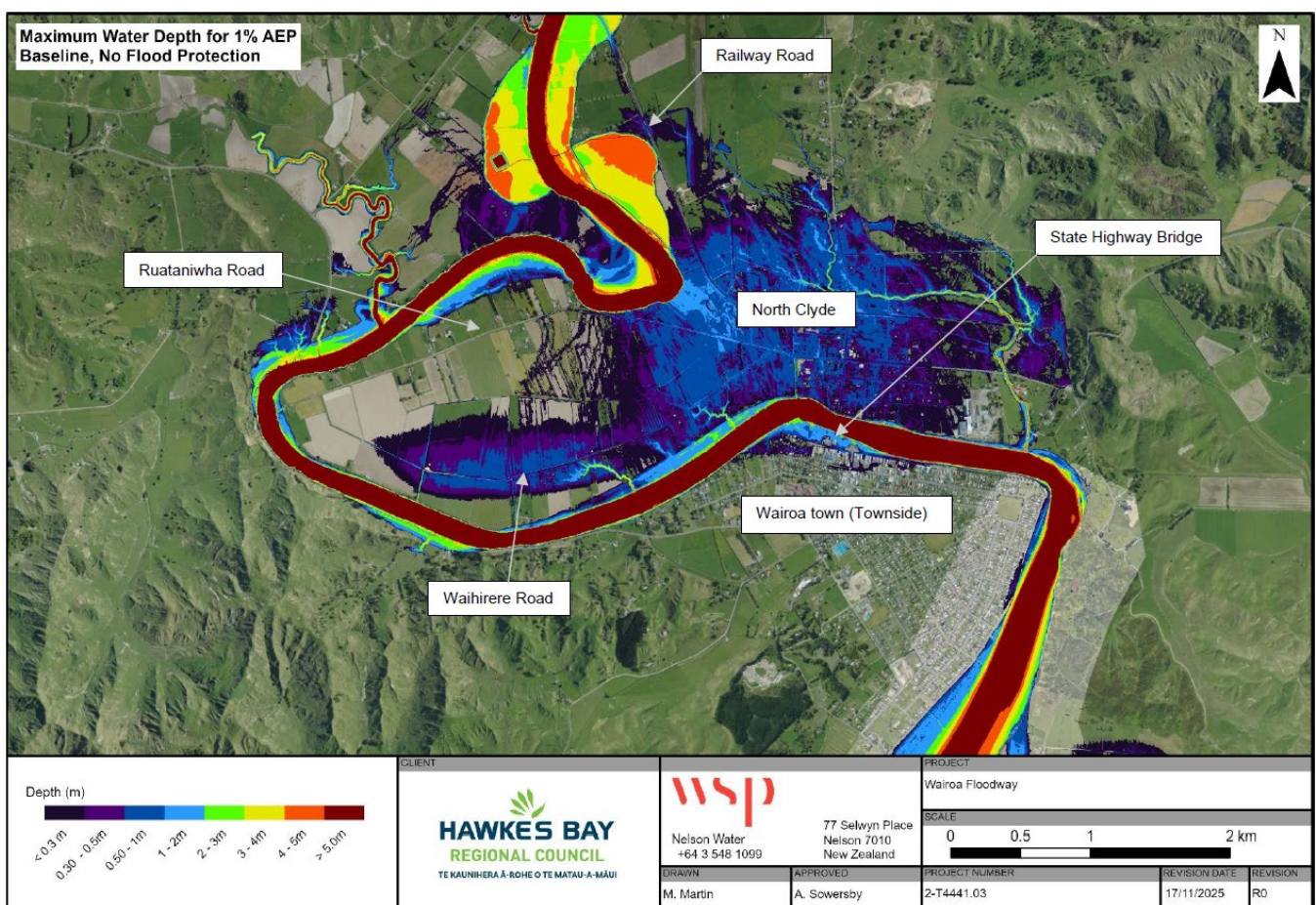


Figure 11: Modelled maximum water depth for 100-year ARI baseline, no flood protection.

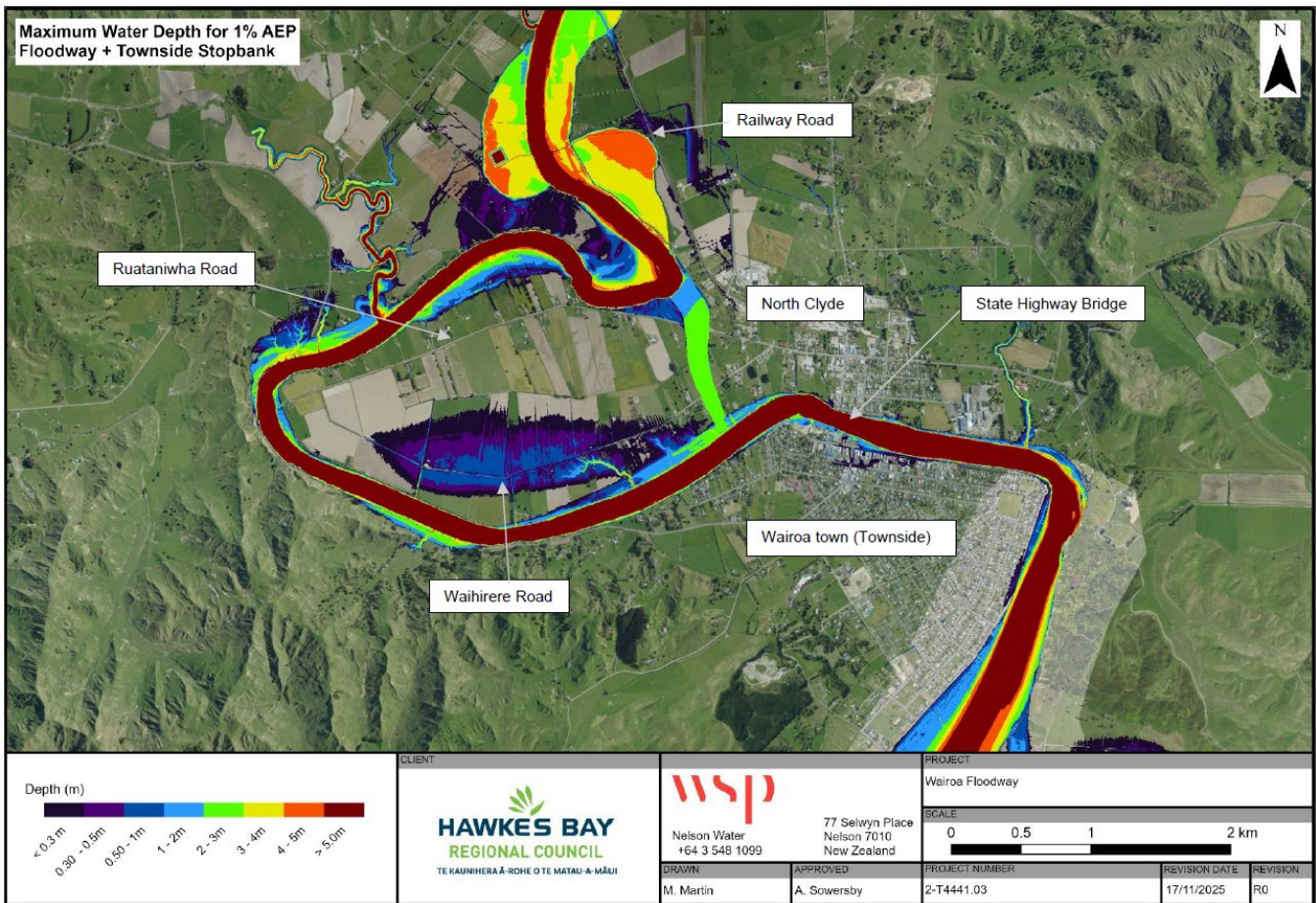


Figure 12: Modelled maximum water depth for 100-year ARI with floodway + townside stopbank.

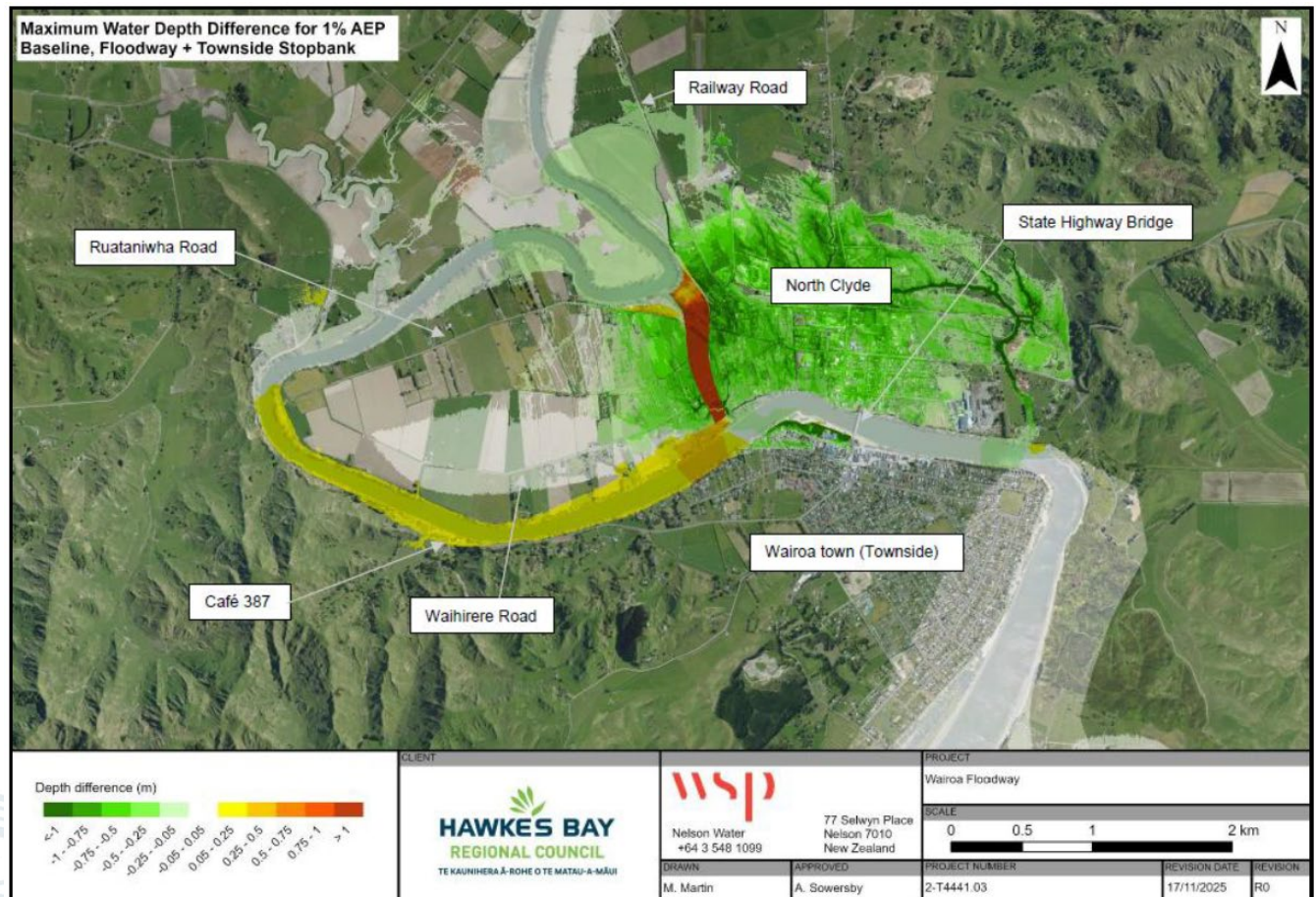


Figure 13: Flood water depth differences between no flood protection and flood protection.

Figure 13 provides a snapshot of the consequential flooding assessment. This models the net effect of implementing the proposed flood mitigation. The modelling demonstrates a substantial reduction in flood extent and hazard within the urban and residential areas of Wairoa, particularly within North Clyde. The modelling also identifies localised increases in flood depth in certain rural areas upstream and downstream of the floodway, and along a short section of State Highway 2. These increases are generally small (between 0.05 m and 0.25 m, with some areas up to approximately 0.5m, affecting approximately 22 hectares of rural land. No dwellings are predicted to experience additional flooding as a result of the works, although four ancillary or farm buildings are predicted to experience minor increases in potential flood depth. The assessment also considers impacts on wāhi tapu and urupā. Most sites experience a reduction in modelled flood depth and velocity. A small increase is modelled at Makeakea Urupā, however, the modelling indicates this does not materially alter the existing hazard classification at that location.

In terms of overall flood hazard risk, the proposal delivers a substantial net benefit, reducing the flooded area from approximately 1,003 ha to 681 ha and reducing the number of buildings affected by flooding from 960 to 101. These outcomes align with Objective 31 and Policy 55 of the Hawke's Bay Regional Policy Statement, which prioritise hazard mitigation in areas of high human population density where benefits outweigh costs.

The technical reports conclude that consequential flooding effects have been appropriately identified and quantified through the modelling process. For the purposes of the Order, the key consideration is whether these effects can be appropriately managed within the matters of control. This can be achieved through conditions relating to monitoring, adaptive management, and ongoing review of the scheme if required.

The effects of erosion, ecology, fisheries, and construction management are addressed in later sections of this report where they can be considered in greater detail.

8.2.2 **Cultural values**

Schedule 3 requires consideration of:

- a) *Potential adverse effects on cultural values, including effects on the relationship of tangata whenua with the land on which the works are carried out and receiving environments.*
- b) *Whether the works will affect wāhi tapu or wāhi taonga.*
- c) *Measures proposed to monitor adverse effects on cultural values throughout flood protection works.*
- d) *Whether the values of kaitiakitanga, manaakitanga, and whanaungatanga will be provided for.*

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

- ii. *The potential effects of any cultural values identified by the 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.*

Clause 12(2)(e) of the OIC also requires consideration of cultural values identified by relevant iwi authorities or hapū and any culturally significant land within or adjoining the works area.

The project is located within Te Wairoa, an area of long-standing occupation and association for mana whenua, including Ngāti Kahungunu ki Te Wairoa and affiliated hapū. The Wairoa River (Te Wairoa Hōpupu Hōnengengege Mātangirau) and its surrounding lands are recognised as culturally significant, including in relation to settlement, mahinga kai, wāhi tapu, urupā and marae. In this context, engagement with mana whenua and the management of potential cultural effects are important considerations for the works.

The application states that the alignment and design of the proposed stopbanks and floodway have been developed to avoid identified wāhi tapu and sites of significance, including avoidance of the Waihirere urupā adjacent to Takitimu Marae. On this basis, no direct physical disturbance of known wāhi tapu or wāhi taonga is anticipated.

Consequential flooding effects are addressed elsewhere in this report. The modelling indicates changes to flood behaviour in some locations; however, reductions in flow velocity are predicted at a number of culturally significant sites. The cultural assessment identifies that flood hazard is an existing environmental characteristic of Te Wairoa, and the works are intended to alter the nature and distribution of that hazard rather than introduce a new effect.

The proposal will change parts of the project area from agricultural land to a managed grassed and grazed floodway. Temporary construction effects will be managed through the Construction Environmental Management Plan (CEMP) and Erosion and Sediment Control measures. The application concludes that with management measures in place, the works are unlikely to result in increased adverse water quality effects on Te Wairoa Hōpupu Hōnengengege Mātangirau. In addition, the proposal includes extensive vegetation planting, supported by conditions that seek to achieve net positive ecological outcomes. This is consistent with the protection and enhancement of cultural and environmental values.

The Cultural Impact Assessment's (CIA) and a Cultural Research Report have been submitted with the application. These identify cultural values, potential effects, and recommendations relating to the proposal. The applicant has reviewed and responded to each of these recommendations, with those responses provided in Appendix 12 of the application on a confidential basis. The applicant has incorporated many of the recommendations provided in the CIA's and Cultural Research Report. The proposed conditions include, but are not necessarily limited to:

- Participation by Māori entities through representation on the Stakeholder Advisory Group, with an active role in advising on the management and monitoring of flood protection works.
- The appointment of cultural monitors to:
 - Support Māori entities representatives,
 - Provide on-site guidance to ensure appropriate management of impacts on culturally significant land and other resources with cultural value.
- Opportunities for Māori entities representatives to contribute, review and comment on the CEMP, with amendments proposed to strengthen engagement and input.
- Provision for Māori entities to nominate suitably qualified and experienced persons to work alongside the project ecologist in preparing the Ecology Management Plan.

For this project specifically, a modified engagement and governance structure is proposed through the establishment of a 'Mana Whenua Project Liaison Lead' role, envisaged as a Te Wairoa Tapokorau Whānui Trust – Kahui appointment. This role will coordinate:

- A Mana Whenua Working Group, comprising representatives from each marae and mana whenua groups with interests in the project area; and
- Marae appointed cultural monitors, collectively fulfilling the functions anticipated for cultural monitors under the OIC.

This structure aims to ensure that there are clear communication pathways, coordinated cultural oversight, and meaningful involvement of mana whenua throughout the life of the project.

For the purposes of the Order, the key consideration is whether cultural effects are identified and can be appropriately managed within the matters of control. The proposed conditions provide mechanisms for ongoing involvement of mana whenua, monitoring during works, and procedures to respond to any discoveries or unanticipated effects. Clarification within the accidental discovery protocol regarding kōiwi is recommended to ensure certainty in the implementation of the discovery procedures.

Given the cultural significance of Te Wairoa and the river environment to mana whenua, the proposed cultural monitoring, engagement framework, and accidental discovery procedures are important mechanisms to manage effects during construction and operation of the works.

8.2.3 Freshwater

- a) Schedule 3 requires consideration of freshwater-related matters including: 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 primarily relate to water quality, beds of rivers, wetlands, and associated ecological processes. They fall within the functions of the Hawke's Bay Regional Council and are addressed through the Hawke's Bay Regional Resource Management Plan and the Regional Council's technical reporting. Accordingly, these matters are assessed in detail within the Hawke's Bay Regional Council reporting. Wairoa District Council relies on that assessment and has no additional matters to raise in relation to this Schedule 3 matter of control.

8.2.4 Coastal environment

Schedule 3 requires consideration of:

- 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 is not located within the coastal environment and is unlikely to have any adverse effects on the coastal environment.

WDC has no further comment to make in respect to this matter of control.

8.2.5 **Stormwater**

Schedule 3 requires consideration of:

- 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.*

These matters of control listed in 8.2.5 above fall within the remit of the HBRRMP and will be addressed in the HBRC report.

WDC has no further comment to make in respect to this matter of control.

8.2.6 **Soil, land, and ecology**

Schedule 3 requires consideration of:

- 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 Assessment (Appendix 6 of the Application) titled 'Wairoa Flood Mitigation – Ecological Assessment – Hawke's Bay Regional Council', completed by WSP and dated 28 July 2025. The report identifies existing ecological values within the project area and assesses potential effects associated with vegetation clearance, earthworks, and construction activities. As condition 27 of Schedule 2 of the OIC requires this and it has already been prepared, the Applicant has shown this condition as deleted. Hawke's Bay Regional Council may wish to comment further in their report however, WDC have no further comment in respect to this matter of control.

8.2.7 **Visual effects and amenity**

Schedule 3 requires consideration of:

- a) *Potential adverse visual effects on the following:*
 - i. *the residential or recreational (including tourism) use of land in the vicinity of the flood protection works.*
 - ii. *the existing character of the locality and amenity values.*
 - iii. *outstanding or significant landscape areas.*

- b) Potential adverse amenity effects on adjoining land.*
- c) Construction noise, vibration, and dust generation, including having regard to the noise sensitivity of the receiving environment.*
- d) Potential adverse effects of the hours of operation of flood protection works.*
- e) Potential adverse effects on identified recreation areas.*
- f) Potential adverse effects on public health and safety during works.*
- g) Measures to avoid, remedy, or mitigate the effects described in paragraphs (a) to (f), including post-completion reinstatement and landscaping in relation to the effects described in paragraph (a).*

Matters (a), (b), (e) and (g) are addressed in this section. Matters (c), (d) and (f) relate primarily to construction activities and are addressed in section 7.13 of the application report and section 8.2.12 of this report.

Landscape Context and Visual Effects

The application confirms that the area of the proposed works are not located within an identified outstanding or significant landscape area.

Potential visual effects on surrounding land uses and the character and amenity of the locality (a)(i) and (a)(ii) have been assessed in the Landscape Scoping Assessment (Appendix 7), the assessment identifies a range of open and screened views within and adjacent to the project area.

The proposed stopbanks will alter existing landform and views, particularly for viewers in close proximity. The most noticeable changes occur along the townside stopbank, where the structure introduces a new raised landform between the river corridor and adjoining residential properties and recreational areas, including Alexandra Park.

The assessment indicates that visual effects for nearby residential properties range from low to moderate, in locations where views are partially filtered, through to higher levels of change where existing views toward the river are more directly affected. The horizontal form of the stopbanks reflects the surrounding floodplain topography and rural character, and the landform will be grassed and maintained as part of the flood protection scheme.

The alignment and height of the stopbank are determined by engineering requirements necessary to provide flood protection. As a result, avoidance of view obstruction is not practicable in some locations. The properties most affected are limited in number and are primarily those located at the end of Churchill Avenue and along Marine Parade, as identified in the Landscape Scoping Assessment (refer Figure 14). Property owners identified as potentially affected were invited to provide written comments through the consultation process under clause 15 of the Order. The consultation process forms part of the statutory procedure and is described in Section 4 of this report.

For the purposes of the Order, the relevant consideration is whether the visual and amenity effects can be managed through conditions within the matters of control. Proposed conditions requiring reinstatement, landscaping, and ongoing maintenance of the stopbanks provide mechanisms to manage the visual appearance of the works overtime.

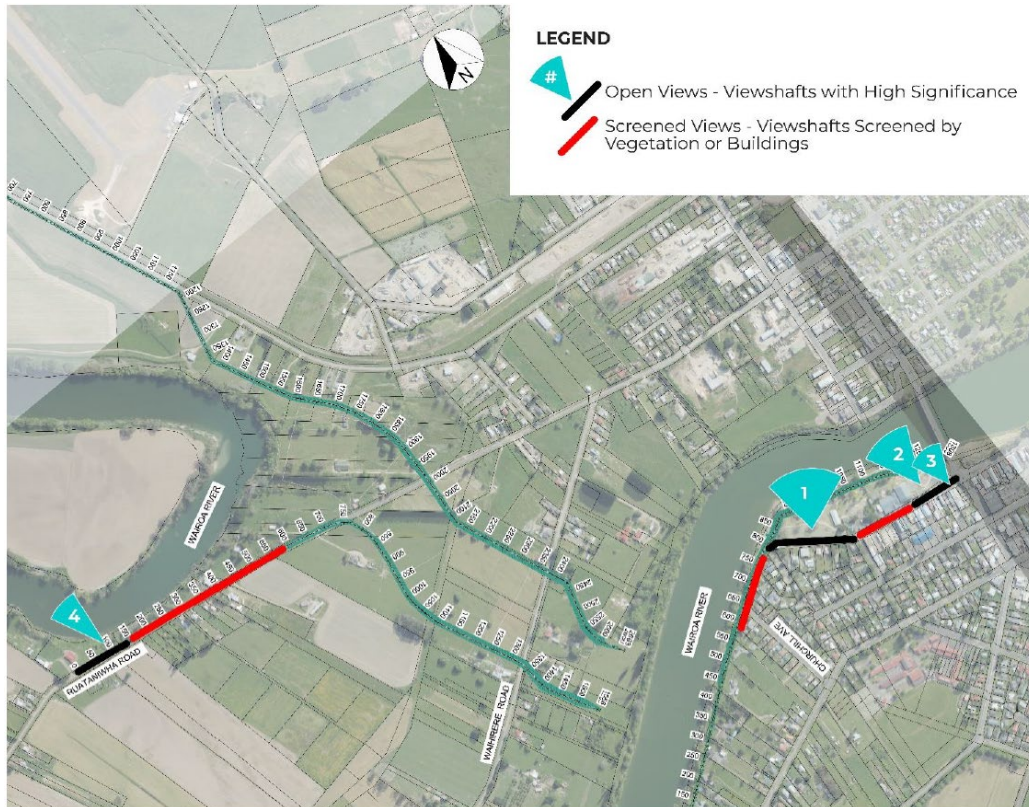


Figure 14: Map of proposed flood works alongside identified affected viewshafts

Effects on Recreation and Amenity – Alexandra Park

Alexandra Park is identified as a key recreation area affected by the proposal. The alignment of the townside stopbank reverses part of the park and will require the relocation of several park facilities. All affected facilities are located on land administered by Wairoa District Council, arrangements for access, relocation and reinstatement are to be addressed between the applicant and the landowner. For the purposes of the resource consent, the relevant consideration is whether the recreational and amenity effects can be managed through consent conditions.

The application proposes amendments and additional conditions to manage effects on recreational use and amenity. These include:

- Amendments to the CEMP to identify affected park facilities, and the anticipated duration of restricted access;
- Amendments to the CEMP and Communications Plan to specify procedures for managing public access to the park during construction.
- A condition requiring:
 - Provision of access over the stopbank to support watercraft use and public access as part of the detailed design; and
 - Relocation and re-establishment of affected park facilities prior to completion of works, unless otherwise agreed with Wairoa district Council.

The proposal will result in temporary disruption to recreational use of Alexandra Park during construction, however, the proposed management measures provide for continued public access where practicable and for reinstatement of facilities following construction.

Subject to these conditions, recreational and amenity effects associated with Alexandra Park can be managed within the matters of control specified in Schedule 3.

Adjoining Land

In relation to this matter of control, potential amenity effects on adjoining land are primarily associated with construction related activities, including noise, vibration, and dust. These effects are addressed through the implementation of the Construction Environmental Management Plan (CEMP) and conditions controlling construction noise, vibration, and dust effects. Further detail is provided in section 7.13 of the application and are assessed in section 8.2.12 of this report.

- The application and proposed conditions also include measures to manage ongoing visual and amenity effects following completion of the works, including reinstatement and landscaping requirements,
- the functional design of the stopbanks to integrate with the existing rural landscape.
- post-construction reinstatement and landscaping requirements,
- management of construction effects through the CEMP; and
- conditions addressing public access, communication, and reinstatement of recreational facilities within Alexandra Park.

Overall, subject to the proposed mitigation measures and condition amendments, adverse visual, landscape and amenity effects are assessed as acceptable in the context of the significant flood mitigation benefits delivered by the proposal. No further conditions are considered necessary to manage amenity effects or effects on adjoining land in respect of these matters of control.

8.2.8 Adjoining land uses

Schedule 3 requires consideration of:

- 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 Use of Land

The proposed floodway and associated stopbanks will inevitably result in changes to land use on parts of the subject land, with land use generally limited to bailage or low-intensity grazing. Matters relating to land ownership, acquisition and land access are outside the scope of this assessment and will be addressed separately between the applicant and affected landowners.

The proposal provides for the continued use of Ruataniwha Road and Waihirere Road, and for the continuing conveyance of existing services. In relation to the townside stopbank, the application indicates that the works will not permanently prevent the use of adjoining residential properties or Alexandra Park, although temporary disruption will occur during construction. Recreational facilities affected by construction are proposed to be relocated and reinstated following completion of works, as addressed in Section 8.2.7 of this report.

Flooding effects and visual amenity effects on adjoining land are addressed in Sections 8.2.1 and 8.2.7. To maintain drainage patterns, the proposal includes swales and culverts to accommodate stormwater flows, with detailed design to confirm final arrangements. These measures provide for continued drainage of adjoining land. For the purposes of the OIC, the relevant consideration is whether the effects on the use of adjoining land can be managed within the matters of control. The proposed conditions, including reinstatement, access management, and construction controls, provide mechanisms to manage those effects. No additional conditions are recommended in relation to this matter.

Effects on Infrastructure Assets and Facilities

The works area contains a range of infrastructure assets including local roads, council infrastructure, and network utility services. The application identifies that these assets have been considered in the design of the flood mitigation scheme and that relocation or protection measures will be implemented where necessary. Measures proposed include, but are not necessarily limited to:

- Managed road closures, realignment (where applicable), and reinstatement of both Council assets Ruataniwha and Waihirere Roads, and the realignment and reinstatement of Council water and stormwater assets.
- Realignment and reinstatement of utilities affected by the works, this includes Council stormwater drains and water pipes.

Both roads will transverse the proposed floodway. Ruataniwha is to be realigned and rebuilt up and into the floodway and then continue along the top of the built stopbank until approximately Ruataniwha Marae. Access to Waihirere will be controlled with floodgates rather than built up and then into the floodway like Ruataniwha Road. This is the result of limited land access arrangement and the need for a thinner alignment at that location.

Emergency management and resilience planning sits outside the matters of control under the Order and is not relied upon in this assessment.

At the eastern extent of the township stopbank the works connect into the Wairoa River Bridge abutment. The works are not expected to extend into the state highway road reserve or interfere with the operation of the state highway for the purposes of section 176 of the RMA. The New Zealand Transport Agency Waka Kotahi (NZTA) provided comments through clause 15 consultation process. Further coordination with infrastructure providers is proposed through the detailed design process and the Construction Environmental Management Plan.

For the purposes of the OIC, the relevant consideration is whether potential effects on infrastructure assets can be managed within the matters of control. The proposed conditions provide mechanisms for coordination, protection, and reinstatement of infrastructure. Accordingly, no further conditions beyond those recommended in Appendix 2 are considered necessary.

8.2.9 Heritage and archaeology

Schedule 3 requires consideration of:

- 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.*

The works occur in an area of known historical occupation and cultural activity. While the alignment has been developed to avoid identified sites of significance, the scale and nature of the earthworks mean the potential for encountering previously unidentified archaeological material cannot be excluded. Activities affecting an archaeological site are separately regulated under the Heritage New Zealand Pouhere Taonga Act 2014. Should archaeological material be present, an archaeological authority may be required prior to works affecting that site.

Given the proximity to both Ruataniwha and Takitimu Marae, identified in Schedule 1 of the WDP as A139 and A140 respectively, this activity would otherwise have been a discretionary activity under Rule 22.1.7. The OIC replaces the WDP provisions in this respect, however, the alignment and location of the works have been developed in a manner that avoids identified sites of significance as far as is practicable.

Considering the scale and nature of the works, the potential for effects on unknown or unidentified archaeological material cannot be entirely discounted. Accordingly, the applicant recognises that further assessment will be required to determine whether an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 is necessary prior to the commencement of works.

To address the risk of unidentified archaeological material, the proposed conditions include an Archaeological Discovery Protocol (ADP) consistent with the framework set out in Schedule 2 of the Order. The protocol should provide for:

- Immediate cessation of works in the affected area if archaeological material or kōiwi are discovered.
- Protection of the discovery site.
- Notification of Heritage New Zealand Pouhere Taonga and relevant mana whenua.
- Works not recommencing until appropriate approvals and guidance are obtained.

For the purposes of the Order, the relevant consideration is whether the risk of effects on heritage and archaeological values can be appropriately managed within the matters of control. The proposed ADP provides a mechanism to manage unexpected discoveries during construction.

Wairoa District Council recommends minor clarification within the protocol in relation to kōiwi and identified sites, as set out in Appendix 2. No further conditions are recommended.

8.2.10 **Access and transport**

- a) *Schedule 3 requires consideration of 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.*

The proposal includes provision of a new boat ramp at Alexandra Park. The stopbank alignment along the river margin will change the existing access arrangements; however, with the replacement facility in place, ongoing public access to the Wairoa River is intended to be maintained.

Temporary restrictions on access will occur during construction. These will be managed through the Construction Environmental Management Plan (CEMP), including procedures to manage public health and safety and control entry to active construction areas where required. The communications plan will provide advance notice of works and any temporary access restrictions.

For the purposes of the Order, the relevant consideration is whether effects on access can be managed through conditions. The proposed conditions requiring provision of replacement river access, management of construction areas, and communication of access changes provide mechanisms to manage these effects.

Construction activities have the potential to affect the operation of local roads and the surrounding transport network through temporary traffic management, detours, and construction vehicle movements. These matters are addressed in Section 7.13 of the application and assessed further in Section 8.2.12 of this report.

Subject to the construction management and traffic management conditions, effects on access and the transport network can be managed within the matters of control specified in Schedule 3.

8.2.11 **Contaminated land (human health)**

Schedule 3 requires consideration of:

- 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 is supported by a combined Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) prepared by WSP. The PSI/DSI indicates that, within the areas investigated, contaminant concentrations do not exceed relevant human health guideline values for the intended use. Accordingly, widespread contamination requiring remediation has not been identified within the proposed works footprint.

However, given the scale of the earthworks and the historical land uses within the wider project area, the potential for localised or previously unidentified contamination cannot be entirely excluded. To address this risk, the applicant proposes the preparation of a Contamination Site Management Plan (CSMP) to address the recommendations set out in PSI/DSI report. This CSMP is intended to provide procedures for managing any unforeseen contamination, providing an appropriate contingency framework and, ensuring that a precautionary approach is taken during construction.

Amendments to Conditions 10 and 17 have been proposed to require implementation of these procedures. For the purposes of the Order, the relevant consideration is whether potential human health risks can be managed within the matters of control. The CSMP and associated conditions provide mechanisms to manage those risks. Wairoa District Council supports the proposed amendments and does not recommend any additional conditions in relation to this matter of control.

8.2.12 Construction

While not specifically a matter of control listed under Schedule 3 of the OIC, many of the matters of controls relate directly to construction activities. These include:

General

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

Freshwater

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

Soil, Land and Ecology

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

Visual Effects, Landscape, and Amenity

(c) Construction noise, vibration, and dust generation, including having regard to the noise sensitivity of the receiving environment.

(d) Potential adverse effects of the hours of operation of flood protection works.

(f) Potential adverse effects on public health and safety during works.

Access and Transport

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

Collectively these matters relate to:

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

Stormwater management and erosion and sediment control will be managed through a combination of conditions and project specific management plans. These include:

- An Erosion and Sediment Control Plan (ESCP) being required under Condition 14. This plan is required to be prepared prior to the commencement of works and will be circulated to key stakeholders for feedback as part of the CEMP process.
- Condition 13 requires the appointment of an Erosion and Sediment Control Manager for the duration of the works, ensuring dedicated oversight of erosion and control measures.
- Condition 15 establishes procedures for responding to any failures of erosion and sediment control measures; and
- Condition 19 sets out specific requirements for managing the risk of spills, particularly where works occur within or adjacent to the bed of the river.

Potential nuisance effects, such as noise, vibration, and dust, arising from construction activities will be managed through the conditions of consent and the preparation of the CEMP.

- Condition 16 requires that the consent holder, as far as is practicable ensure that dust generated by construction activities does not extend beyond the boundaries of the work sites.
- Condition 23 requires that construction noise shall comply, at least as far as is practicable, with long-term duration limits set out in NZS 6803:1999, and requires that all practicable steps are taken to reduce noise and vibration from plant and equipment, and
- That noise, vibration and dust effects are required to be specifically addressed in the CEMP, which must be circulated to key stakeholders for feedback prior to works commencing.

The proposed hours of construction operation are outlined as generally 6:00am to 7:00pm, Monday through to Saturday, this is not inconsistent with other significant earthworks activities consented in the district. The application notes:

- Early start times enable erosion and sediment control measures to be implemented, monitored, and checked prior to and during daily works.
- Dust suppression measures are most effective when applied earlier in the day; and
- Extended working hours support timely completion of the works, thereby reducing the overall duration of construction-related effects.
- Noise effects during these hours will continue to be managed in accordance with NZS 6803:1999.

Construction traffic, including site access and on-site traffic management will be addressed through the CEMP that is required under Condition 10. Furthermore, the CEMP must be prepared by the applicant and circulated to key stakeholders for feedback prior to the commencement of work. I am satisfied that that CEMP process is sufficiently robust to ensure that construction traffic effects can be managed in an integrated manner alongside other construction-related effects.

In respect to public health and safety, this is a key consideration in the development of the CEMP. In addition to those matters outlined above, the CEMP is required to include:

- procedures for identifying and managing construction-related hazards;
- measures to manage risks associated with flooding; and

- restrictions on public access to work sites and the river where necessary.

The purpose of the matters of control is not to determine whether construction effects occur, but whether they can be appropriately managed.

The CEMP and ESCP, together with the associated consent conditions, provide a comprehensive framework to manage construction-related effects, including sediment discharge, nuisance effects, safety risks, and transport impacts.

Accordingly, Wairoa District Council considers that construction effects can be appropriately avoided, remedied or mitigated within the matters of control specified in Schedule 3, and no additional conditions are recommended.

9.0 Relevant Statutory Documents – s104(1)(b)

9.1 National Environmental Standards – s104(1)(b)(i)

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

Refer to assessment in section 3.2 and 8.2.11 of this report.

9.1.2 National Environmental Standard for Sources of Human Drinking Water 2007

The works are not located within, or in proximity to, a registered drinking water supply catchment. Accordingly, the NES is not directly applicable. Notwithstanding this, erosion and sediment control measures required under the consent conditions and the ESCP will manage any potential discharge effects during construction.

9.2 National Policy Statements – s104(1)(b)(iii)

9.2.1 National Policy Statement on Urban Development 2020

The activities proposed in this consent relate to flood mitigation earthworks rather than urban development; accordingly, the NPS-UD 2020 is therefore not relevant to the assessment.

9.2.2 National Policy Statement for Freshwater Management 2020

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

- a) *the health and wellbeing 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.*

Freshwater discharge, sediment and hydraulic effects fall primarily within the regional council's jurisdiction and are assessed in the HBRC report.

The proposed erosion and sediment control measures are consistent with the intent of the NPS-FM.

9.2.3 National Policy Statement for Highly Productive Land 2022

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

The policy provides direction to improve the way that highly productive land is managed under the 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 have a land use classification (LUC) Class 1, 2 and 3 as mapped by the New Zealand Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.

An assessment against the relevant parts of the NPS-HPL is included below as significant areas of the work footprint fall within areas comprised of land classified as LUC Class 1, 2 or 3. These soils all fall within areas that fall inside of the OIC area. These areas of interest are shown below as Figure 15.

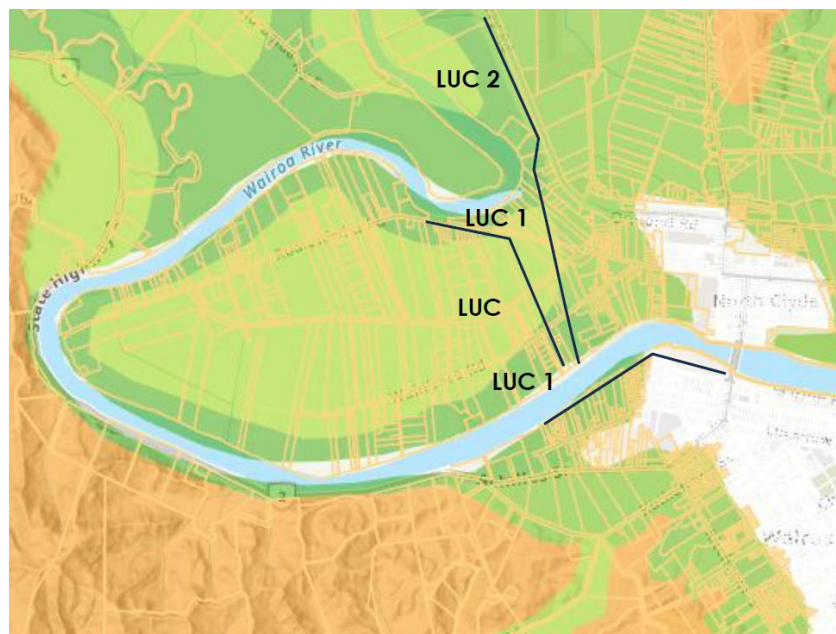


Figure 15: Land Use Classification Maps with flood mitigation alignment as provided in Application

Clause 3.9 of the NPS-HPL applies, however, an exception to this clause affecting works on highly productive land applies under 3.9(2), namely:

3.9 Protecting highly productive land from inappropriate use and development

- (1) *Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.*
- (2) *A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and measures in subclause (3) are applied:*
 - (a) *it provides for supporting activities on the land:*

- (aa) *it provides for intensive indoor primary production or greenhouse activities:*
 - (b) *it addresses a high risk to public health and safety: 11 National Policy Statement for Highly Productive Land 2022*
 - (c) *it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act:*
 - (d) *it is on specified Māori land:*
 - (e) *it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:*
 - (f) *it provides for the retirement of land from land-based primary production for the purpose of improving water quality:*
 - (g) *it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land:*
 - (h) *it is for an activity by a requiring authority in relation to a designation or notice of requirement under the Act:*
 - (i) *it provides for public access:*
 - (j) *it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land:*
 - i. *the development, operation, or decommissioning of specified infrastructure, including (but not limited to) its construction, maintenance, upgrade, expansion, replacement, or removal:*
 - ii. *the maintenance, operation, upgrade, or expansion of defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990*
 - iii. *the extraction of minerals and ancillary activities that provide significant national or regional benefit:*
 - iv. *quarrying activities that provide significant national or regional benefit.*
- (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:*
 - (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects of land-based primary production activities from the use or development.*
- (4) *Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.*

In respect to an assessment under this National Policy Statement, I make the following comments:

- The purpose of the works is to address flooding risk; this presents a high long-term risk to public safety;
- Section 6(h) of the RMA provides that the management of significant risks from natural hazards is a matter of national importance. The proposed works are designed in a manner to mitigate against such significant risk.

- Clause 3.9(2) specifies that the use or development of highly productive land is inappropriate except where at least one of the following (subsections (a)-(j)) applies to the use and development, and the measures in subclause (3) are applied. In this instance clause 3.9(2)(j)(i) applies. The sole purpose of the application is to construct a floodway and stopbanks and this constitutes public flood control and flood protection. Such works are defined as “specified infrastructure” in clause 1.3 of the NPS-HPL. The works have a functional need to be located in the specific area.

In addition to the exception under clause 3.9(2), there is a requirement to take measures noted in clause 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:*
 - (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects of land-based primary production activities from the use or development.*

In this case, much of the earth to be moved to excavate the spillway will be used to form the adjacent stopbanks. The proposal meets (3)(a) in that the new floodway and stopbanks 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 issues will be addressed through the conditions prescribed in Schedule 2 of the OIC and any modifications made throughout the OIC process.

9.2.4 New Zealand Coastal Policy Statement – s104(1)(b)(iv)

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is to provide objectives and policies to achieve the purpose of the RMA in relation to the New Zealand coastal environment. In this instance, the sites of interest are not within the coastal environment and therefore the NZCPS is not relevant.

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

The Hawke’s Bay Regional Management Plan 2006 (RRMP) includes the regional policy statement (RPS) for the Hawke’s Bay Region. Natural hazard management, water quality, and river processes are primarily regional council functions and are assessed in the HBRC 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.

9.3 **Wairoa District Plan – Assessment Criteria – s104(1)(b)(vi) Areas outside of the OIC Footprint**

All works are located within the OIC footprint. Effects are therefore assessed under the Schedule 3 matters of control rather than the District Plan rule framework. Should works occur outside the OIC footprint, separate resource consent and assessment will be required.

9.4 **Wairoa District Plan Objectives and Policies**

The application is as a controlled activity under the OIC with consideration limited to the matters of control prescribed in Schedule 3. However, I believe it is also prudent to consider the objectives and policies of the Wairoa District Plan. Overall, I consider that the proposal is consistent with key objectives and policies of the Wairoa District Plan, particularly, I note the following:

Tangata Whenua Issues

- **Objective 4.3.1** To promote, including recognising and providing for, the relationship of tangata whenua with their ancestral land, water, sites, wāhi tapu and other taonga.
- **Objective 4.3.3** To enable tangata whenua to provide for their social, economic and cultural well-being and for their health and safety, while promoting sustainable management of the environment.
- **Objective 4.3.4** To promote sustainable management of natural and physical resources including the ancestral lands of tangata whenua, taking into account the principles of the Treaty of Waitangi so as to enable tangata whenua to provide for their social, economic and cultural well-being.
- **Policy 4.4.1** I raro i te mauri o te Tiriti o Waitangi me ata korero te Kaunihera Takiwa ki te tangata whenua nona nei te whenua, te ahi ka me te mana ki runga i nga wahi i whakatapua e o ratou tupuna. Ma reira e whakamana na wawata o ia rohe, o ia rohe i roto i te Kaunihera Takiwa o Te Wairoa kia tutuki ai te ha o te Tiriti o Waitangi. Within the spirit of the Treaty of Waitangi, the Wairoa District Council must consult with Māori who are the descendants of the original inhabitants, who own the land, who currently reside in the area, and who exercise traditional authority over the areas made sacred by their ancestors. Through this consultation process the aspirations of each area within Wairoa District will be realised in accordance with the Treaty of Waitangi.
- **Policy 4.4.3** Promote the protection and sustainable management of all cultural heritage places, mahinga kai, and other taonga of Māori.

The proposal has been developed in a manner that recognises and provides for the relationship of tangata whenua with their ancestral lands, waterways and taonga, including Te Wairoa Hōpupu Hōnengenenge Mātangirau (The Wairoa River).

Engagement with relevant Māori entities has occurred throughout the project. Cultural Impact Assessments and cultural research recommendations has ensured that mātauranga Māori, kaitiakitanga and tangata whenua values have meaningfully informed both the assessment of effects and the design response. The works are intended to reduce flood risk to communities while avoiding, as far as practicable, adverse effects on wāhi tapu, cultural heritage sites and mahinga kai. Management measures and proposed conditions provide safeguards where works occur in culturally sensitive environments. In this context, the proposal appropriately recognises cultural values and provides for tangata whenua interests, consistent with the relevant objectives and policies of the Wairoa District Plan and with the requirements of sections 6(e), 7(a) and 8 of the Resource Management Act 1991.

Natural Hazards

- **Objective 8.4.2** To minimise the vulnerability of the community to the effects of natural hazards on people, property, and community services and infrastructure.

- **Objective 8.4.4** To ensure land use, development and subdivision does not increase the risk (probability and potential effect) from natural hazard events on communities and the environment, and where possible, reduces risk.
- **Policy 8.5.1** Prevent land use, development, and subdivision activities in areas where the adverse effects of natural hazards cannot be avoided, remedied or mitigated.
- **Policy 8.5.4** Ensure that the adverse effects of earthworks and land disturbance activities are avoided, remedied or mitigated.

The application is supported by detailed flood modelling and flood effects assessments, alongside the peer reviews. These provide a robust technical basis for assessing natural hazard effects.

The proposed works are intended to reduce community vulnerability to flooding and associated natural hazard risk. In undertaking these works, Hawke’s Bay Regional Council is exercising its statutory functions relating to flood protection and hazard management.

The Wairoa District Plan anticipates natural hazard mitigation activities undertaken by appropriate authorities, and the proposal is consistent with the objectives and policies of the Plan that seek to reduce risk to people, property, and infrastructure from natural hazards.

Natural and Physical Resources of significance

- **Objective 5.4.1** To identify, protect and enhance areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, trout, and salmon.
- **Objective 5.4.3** To protect and enhance the abundance and diversity of indigenous ecosystems in the district.
- **Objective 5.4.4** To identify and protect areas, sites and structures of importance to Maori culture and traditions.
- **Policy 5.5.1** Identify and protect outstanding natural features and landscapes, so as to avoid, remedy or mitigate any adverse effects of activities which may lead to the degradation or loss of values associated with these natural areas.
- **Policy 5.5.2** Protect and enhance biodiversity (fauna habitats, wetlands, indigenous vegetation, and riparian margins) that have recognised biological/ecological values.
- **Policy 5.5.3** Identify and protect areas of indigenous flora and fauna that are significant to the district for their rareness, biological, cultural, recreational, and educational values.

The proposal has been informed by ecological and cultural assessments that identify and respond to the values present within the project area.

The works largely affect areas of low to moderate ecological value and avoid significant indigenous vegetation, habitats and outstanding natural features where practicable.

Where potential effects on biodiversity, riparian margins or culturally significant environments may occur, appropriate avoidance and mitigation measures are proposed to manage those effects. Subject to the proposed conditions, the ecological effects are considered to be appropriately managed.

In this context, the proposal is consistent with the objectives and policies of the Wairoa District Plan relating to natural and physical resources and natural hazard management.

10.0 Other Matters

Section 104(1)(c) provides for any other matter that the consent authority considers relevant and reasonably necessary. No additional matters are considered relevant beyond those addressed in this report.

11.0 Part 2 of the Resource Management Act 1991

The OIC provides a specific statutory framework for flood protection works. However, the proposal is consistent with the purpose of the Act in that it:

- reduces significant natural hazard risk (s6(h))
- recognises cultural relationships with water and land (s6(e))
- provides for kaitiakitanga (s7(a))
- incorporates engagement with mana whenua consistent with Treaty principles (s8).

12.0 Conditions of Consent

The proposed conditions, as amended through the joint HBRC and WDC review, are included in Appendix 2. These conditions appropriately address the Schedule 3 matters of control.

13.0 Consent Duration and Lapse

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

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

14.0 Conclusion

The proposal is for flood protection works located within the defined OIC area. Under the Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024, the activity is a **controlled activity** and consent must be granted.

The assessment finds that:

- Environmental effects can be appropriately managed through conditions.
- The works provide substantial hazard mitigation benefit.
- The proposal is consistent with the relevant statutory framework.

15.0 Recommendation

Pursuant to Clause 8 of the Order and section 104A of the RMA, it is recommended that the Hearings Commissioner **grant** resource consent to Hawke's Bay Regional Council for the flood protection works within the Schedule 1 footprint, subject to the conditions in Appendix 2.

Report by:



Tyler Trafford-Misson
Pouwhakamahere Intermediate Planner
Wairoa District Council

Peer Reviewed by:



Hinetākoha Viriaere
Pouwhakarae Whakamahere me te Waeture
Group Manager Planning and Regulatory
Wairoa District Council

Date:

13 February 2026.

APPENDIX 1

HBRC APP-131470 and WDC RM260001 – Clause 15(4) Summary of comments and responses – Wairoa

In accordance with Clause 15 of the OIC 2024, notice was sent to listed parties (Clause 15(2)(a)(i-x) and these parties were given the opportunity to comment on the application, with the comment period beginning 14 January 2026 and closing 28 January 2026. During that comment window eleven comments were received from invited parties. The comments are summarised below with comments from HBRC and WDC, where applicable further WDC comments are shown in green, and any further information provided from the applicant are highlighter yellow.

#	Comment From	Issues Raised	Relief Sought	Response to Comment
1	Hira Campbell IMMEDIATELY AFFECTED 15(2)(a)(vii)	(1) Concern about potential impacts of flood water discharge and associated erosion. (2) Clarification and assurance of: <ul style="list-style-type: none"> Prevention of erosion or other damage to properties opposite works Who is responsible for monitoring, enforcement, maintaining erosion and flood mitigation measures? The responsible party for rectifying damage and covering associated costs (if damage were to occur as a result of the works). 	(1) That the issues raised be addressed and conditions explicitly ensure protection of adjacent properties. (2) Request a response to the concerns raised prior to issuing of a decision. (3) Proposed additional conditions: <ul style="list-style-type: none"> Erosion and flood protection Monitoring and oversight Notification of discharge event. Liability and remediation Documentation 	(1) Regarding the request for a response to the concerns raised, this was passed on to the applicant to directly address this request. (2) Largely, the conditions sought (erosion prevention, erosion mitigation, flood mitigations, responsible parties, monitoring and document circulation and certification) are already reflected in Schedule 2 of the OIC and the application in one way or another (particularly through the design and construction phases). The consent is for a 5-year period and focuses on design and construction. The works will become an HBRC asset that is managed, monitored and maintained under an Asset Management Plan. It is not possible to include conditions that extend past the duration of consent, for example on long term monitoring. (3) HBRC and WDC will be the consent authorities responsible for ensuring compliance with the respective conditions of consent over the duration of the consent. (4) The application has a focus on preventing scour and had described several measures to prevent or minimise scour resulting from the floodway, particularly at high-risk areas such as the inlet and outlet. (5) Any evacuation protocols will be determined by Civil Defence Emergency Management (CDEM) and this falls outside the matters of control of the OIC. The need for ongoing flood monitoring, early warning systems, and evacuation protocols are considered to fall outside of the OIC scope as this consent is

				<p>only for a 5-year duration as outlined under clause 20 and 21 of the OIC. The floodway ‘activates’ at approximately a 30-year ARI flood event and there is no formal process for ‘opening’ the floodway to allow flows to enter (or prevent from entering floodway).</p> <p>(6) The OIC legislation limits consents to a 5-year duration so ongoing liability and remediation is outside the scope of this process. HBRC has advised that the assets of the Wairoa Flood Mitigation Scheme will be managed by HBRC and will be subject to HBRC’s monitoring and maintenance regime defined in the specific asset management plan covering all stopbanks and flood control assets.</p> <p>WDC agrees with this approach and has no further comments.</p>
2	<p>Blair Ferguson</p> <p>IMMEDIATELY ADJOINING</p> <p>15(2)(a)(vii)</p>	<p>(1) Unequivocally opposes the application.</p> <p>(2) Misuse of emergency recovery power to authorise permanent works without the same test as the RMA.</p> <p>(3) Improper reliance on emergency provisions to circumvent standard RMA process and undermines the principles of the RMA.</p> <p>(4) Long-term re-engineering of the Wairoa River with potentially irreversible consequences.</p> <p>(5) Inadequate assessment of downstream and cumulative effects.</p> <p>(6) Inadequate assessment of environmental effects or demonstration of compliance with RMA Part 2 provisions,</p>	<p>(1) The application be declined.</p> <p>(2) Application should not proceed unless and until:</p> <ul style="list-style-type: none"> • An independent assessment of downstream and cumulative effects is undertaken. • Evaluation of alternative mitigation options. • Binding liability, monitoring and remediation conditions are imposed. <p>(3) Normal RMA rights are restored.</p>	<p>(1) In accordance with the OIC 2024, the proposed activity is a controlled activity and therefore cannot be declined. It must be granted.</p> <p>(2) A number of the issues raised relate to the standard RMA process. The OIC 2024 is its own piece of legislation that diverges from the standard RMA process. A number of RMA provisions are amended by this legislation, these include: the information required for the application, the timeframe and procedure for an application, the consultation/notification required to occur, the assessment of an application, and the conditions that can be imposed.</p> <p>(3) The proposed works have been independently designed by WSP and the consequential flooding effects assessments reviewed by independent experts (BECA).</p> <p>(4) Given the scale and high-level nature of projects made under the OIC 2024, conditions of consent require a number of management plans detailing mitigations and measures to avoid, remedy and mitigate effects of the proposals.</p> <p>(5) As per BECA’s review, the conclusion reached is that the proposed works are beneficial in reducing flood hazard overall.</p>

		<p>national standards and obligations to avoid, remedy or mitigate.</p> <p>(7) Mitigation is asserted rather than proven and measured proposed (monitoring and management plans) are not substitutes for proper avoidance.</p> <p>(8) Unacceptable risk to private land and community assets.</p> <p>(9) Who bares liability if works fail or flooding worsens.</p> <p>(10) Unclarity regarding compensation or remediation should land stability or useability be reduced.</p> <p>(11) Concern that accountability and conditions are not enforceable.</p> <p>(12) Lack of consultation and public participation in the process is meaningless and inconsistent with the RMA.</p>		<p>(6) The applicant is responsible for ensuring that they comply with the conditions of consent, and both HBRC and WDC consent authorities are responsible for compliance monitoring of the activity during the life of the consent.</p> <p>(7) Compensation of land is outside the scope of this process and instead will need to be considered through private agreements/the public works process.</p> <p>WDC agrees with this approach and has no further comments.</p>
3	<p>Kitea Tipuna (on behalf of Joyce Kotuhi)</p> <p>IMMEDIATELY ADJOINING</p> <p>15(2)(a)(vii)</p>		<p>(1) Seek that project have no adverse effects that might negatively affect their property, such as earthworks, dust, noise, water drainage, soil erosion, vibrations during construction. Particularly during times of construction and construction traffic.</p> <p>(2) seeks to be communicated with for the life of the project.</p> <p>(3) Seeks for a representative of their whānau to be added to the</p>	<p>(1) Conditions are set out to avoid, mitigate or remedy effects of the project as far as reasonably possible, including through development of the CEMP, effects arising from dust, noise and vibration etc.</p> <p>(2) Conditions enable a representative to be included in the Stakeholder Advisory Group.</p> <p>(3) Conditions enable communications during the construction phase of the project to the Stakeholder Advisory Group and additional parties.</p> <p>WDC agrees with this approach and has no further comments.</p>

			stakeholder group to ensure effective communications.	
4	<p>Kitea Tipuna</p> <p>(Taumataoteo 19B4 Māori Land Trust and descendants and whānau of beneficial owners)</p> <p>IMMEDIATELY ADJOINING</p> <p>15(2)(a)(vii)</p>		Seek no adverse effects that might negatively impact upon Māori Land Block Taumataoteo 19B4 relating to soil erosion, water runoff, earthworks etc.	<p>Conditions of consent will be imposed to appropriately manage effects of earthworks and erosion and sediment controls.</p> <p>The downstream end of the flood way is proposed on property adjacent to this parcel of land and works will be required at/near the boundary of this property for the construction of the concrete channel, concrete wall and concrete slab for the baffles (approximately chainage 1430 – 1513 of stopbank 1). However, it is not anticipated that works would change the existing level of access from this property (Taumataoteo 19B4 Block) to the Wairoa River. WSP has confirmed that there will be no impacts on access to the 19B4 block.</p> <p>WDC agrees with this approach and has no further comments.</p>
5	<p>Ashby Pearse</p> <p>IMMEDIATELY AFFECTED AND IMMEDIATELY ADJOINING</p> <p>15(2)(a)(vii)</p>	<p>(1) This property has not flooded previously but stormwater does pond. Concerned that the new stopbank on their property will prevent stormwater draining from their property and may enter house.</p> <p>(2) Existing stormwater flooding doesn't appear to be considered in the consequential flooding reports.</p>	Installation of new drainage pipes into stopbank.	<p>(1) Drainage to prevent stormwater being trapped behind the stopbank will be part of the design. WSP has advised that the stormwater design will achieve at a minimum, an equivalent level of service compared to the existing situation.</p> <p>(2) Figure 9 of the consequential flooding report identifies the areas where a change (increase shown in warmer colours) in flood depth, as a result of the proposal is to occur and there is a modelled increase on the commenter's property at the river's edge, this is restricted by the proposed townside stopbank.</p> <p>WDC agrees with this approach and has no further comments.</p>
6	<p>New Zealand Transport Agency (NZTA)</p> <p>NETWORK UTILITY</p> <p>15(2)(a)(vi)</p>	Have no further concerns regarding the design or scope.		<p>No response required, no matters raised.</p> <p>Agreed.</p>

7	<p>Donna and John Waihape</p> <p>IMMEDIATELY ADJOINING</p> <p>15(2)(a)(vii)</p>	<p>Clarification and assurance of (1) stream running through property will be diverted to a box drain, (2) whether the installation of municipal wastewater infrastructure would result in abandonment of septic tank and cesspits for all residences and (3) ensure sufficient structures and materials used to ensure no current or future negative impact on land.</p>	<p>(1) Seek to be involved and included with all aspects for the project duration to represent whānau.</p> <p>(2) Seek that project have no adverse effects that might negatively affect their property, such as dust, noise, water runoff and vibrations.</p>	<p>(1) Conditions enable a representative to be included in the Stakeholder Advisory Group.</p> <p>(2) Conditions are set out to avoid, mitigate or remedy effects of the project as far as reasonably practicable.</p> <p>(3) Conditions of consent will be imposed to appropriately manage effects of earthworks and erosion and sediment controls.</p> <p>(4) WSP has advised that the stormwater design will consider the existing stream and manage it adequately to achieve at a minimum, an equivalent level of service compared to the existing situation and drainage towards the river.</p> <p>(5) Reference to municipal wastewater infrastructure in Section 3.4.7 of the application is an error. There is no municipal wastewater infrastructure in Waihirere Road.</p> <p>(6) WSP has advised that all structures and material elements required to achieve the detailed design will be specified within the Technical Specifications for the contractor to meet. Materials will be suitable for the required purpose and environment.</p> <p>WDC agrees with this approach and has no further comments.</p>
8	<p>Tania Te Whenua</p> <p>GREATER INTEREST PARTY</p> <p>15(2)(a)(x)</p>	<p>(1) Floodway design increases downstream erosion risk.</p> <p>(2) Location of heightened vulnerability where additional velocity and scour effects cannot be reasonably absorbed without targeted, site-specific mitigation.</p> <p>(3) Assessment lacks property specific modelling.</p> <p>(4) Proposal fails to demonstrate RMA compliance sections 5, 30 and 104 (erosion on private land).</p>	<p>(1) Additional consenting requirements for monitoring and adaptive management.</p> <p>(2) Require an engineered stop bank and armoring system on north riverbank.</p> <p>(3) Install large woody debris/root-wad revetments.</p> <p>(4) Vegetation reinforcement strategy.</p>	<p>(1) Conditions are set out to avoid, mitigate or remedy effects of the project as far as is reasonably practicable.</p> <p>(2) Some of the requested conditions and amendments to conditions are out of the scope of this process and could be considered through private agreements.</p> <p>(3) The flood protection infrastructure design has been developed with input from stakeholders and assessed by engineers. The stopbanks are designed to prevent scour and erosion. Consent has been lodged under the OIC 2024 for flood protection infrastructure outlined in this application.</p> <p>(4) The OIC legislation modifies provisions of the RMA and therefore, the application information and process differs from that of 'standard' applications.</p>

				<p>(5) Once accepted in accordance with OIC 2024 clause 12, an OIC consent application must be granted as a controlled activity in accordance with clause 8(2) of the OIC.</p> <p>(6) HBRC has advised that the assets of the Wairoa Flood Mitigation Scheme will be managed by HBRC and will be subject to HBRC's monitoring and maintenance regime defined in the specific asset management plan covering all stopbanks and flood control assets.</p> <p>(7) The applicant advises that the concept erosion and stormwater solutions will be refined and confirmed as part of the detailed design. Further stability assessment in respect to bank integrity will be part of developing the final design/solution.</p> <p>WDC agrees with this approach and has no further comments.</p>
9	<p>Te Tumu Paeroa</p> <p>IMMEDIATELY ADJOINING AND GREATER INTEREST PARTY</p> <p>15(2)(a)(vii) and 15(2)(a)(x)</p>	<p>(1) Concerned that the proposed floodway will alter the existing hydrological function of land near the floodway and this impact has not been fully considered.</p> <p>(2) Shallow groundwater table will need to be lowered below finished levels of floodway.</p> <p>(3) Construction related water takes may also adversely affect local hydrological function.</p> <p>(4) Proposed floodway may increase natural hazard risk adversely effect the ongoing and future use of the land.</p> <p>(5) Increased flooding depth on land due to floodway.</p>	<p>(1) Recommendation of conditions for further hydrological and risk assessments, dewatering, adaptive management and monitoring framework.</p> <p>(2) Provide Māori Trustee with updated assessments and sufficient time to provide written feedback.</p> <p>(3) Compensation of affected land.</p>	<p>(1) Some of the requested conditions and amendments to conditions are out of scope for this process and could be considered through private agreements (e.g. compensation, land acquisition, access arrangements).</p> <p>(2) The OIC 2024 stipulates a maximum 5-year duration for the consent, therefore, adaptive management, monitoring and review is not within the scope of this process. These could be considered through the Asset Management Plan process.</p> <p>(3) Monitoring is proposed during the construction of the flood works. Water takes for construction will be temporary and measurement and monitoring will be required in accordance with the Resource Management (Measurement and Reporting Takes) Regulations 2010. Changes to the proposed conditions are recommended to ensure adequate monitoring and fish screening occurs.</p> <p>(4) The design of the OIC consent has been developed with stakeholders and engineers. The project has been independently designed and reviewed.</p> <p>(5) WSP has advised that the groundwater table must be permanently lowered to prevent the floodway (and associated</p>

				<p>infrastructure) from being inundated. The groundwater table will be dropped approximately 1m below the floodway finished levels. WSP expect the groundwater table draw down to be marginal, 250m away either side of the excavated length of the floodway (but this is not relevant where the stopbanks are not beside the excavated floodway).</p> <p>(6) Conditions are set out to avoid, mitigate or remedy effects on the project as far as reasonably practicable.</p> <p>(7) Conditions enable a representative to be included in the Stakeholder Advisory Group.</p> <p>(8) Compensation for lost land development potential, and access to private land are not a matter of control under the OIC conditions, and this will need to be considered through a private agreement.</p> <p>(9) Conditions require cultural indicators to be identified and taken into account when developing management plans and reported back to Māori entities representatives.</p> <p>(10) Land uses within the floodway will be impacted by the excavation and compaction of soil/material to lower the foodway, through the installation of the reno mattress and concrete slab near the upstream end of the floodway, the baffles at the outlet, willow planting, and at times of higher flows, when the floodway is activated (approximately a 30-year ARI event) and will be limited to bailage/low intensity grazing. If land is not required by the applicant, the applicant will address impacts through land access agreements. Land ownership and access, and associated compensation will need to be addressed outside the OIC process.</p> <p>(11) HBRC has advised that most of the land within the floodway footprint is being purchased for the project. Fr land that HBRC will own, HBRC will have a maintenance obligation to ensure that scheme standards are maintained, examples being moving, light grazing. There are some sections of land where easements are being used as the mechanism to allow the scheme assets to be constructed, protected and access provided for maintenance.</p>
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				WDC agrees with this approach and has no further comments.
10	<p>Tātau Tātau o Te Wairoa Trust</p> <p>MĀORI ENTITIY</p> <p>15(2)(a)(i)</p>	<p>(1) States that the design in hydrological intervention does not adequately address cultural context.</p> <p>(2) Creation of new risk and inequity (i.e. Ruantaniwha and Hinemihi marae functional isolation).</p> <p>(3) Narrow solution to a systematic challenge – addresses single symptom but not the broader drivers of vulnerability.</p> <p>(4) Belief that a new option (Option C++) has greater net gain in wellbeing, connection and resilience.</p> <p>(5) Insufficient time taken to enable TToTW to provide input.</p> <p>(6) Option 1C+ in conflict with traditional and ecological values, potential to degrade mauri and fails to demonstrate reciprocal relationship with whenua (land) and wai (water).</p> <p>(7) TToTW rejects the Option 1C+. But Option 1C++ represents integrated cultural interactions and ecological enhancement.</p> <p>(8) Additional assessment is necessary for protection of entire community (beyond North Clyde) and catchment-wide drivers such as river mouth management,</p>	<p>(1) Formal 5-yearly reviews of design assumptions and comprehensive catchment-wide flood resilience strategy.</p> <p>(2) Creating community resilience hubs at Ruataniwha and Tākitimu mara.</p> <p>(3) Early warning and ecosystem monitoring systems.</p> <p>(4) Incorporating ecosystem enhancements and cultural features.</p> <p>(5) There is potential for the project to have mauri - enhancing ecological and cultural provisions that could ensure the engineering resilience works contribute positively to holistic wellbeing.</p> <p>(6) A multifaceted approach be taken seeing holistic understanding of natural processes and the cultural values.</p> <p>(7) That 'Te Whakaruke a o Tawhirimatea', a holistic cultural model for understanding environmental relationships and balance; and the 'Ngōiro Principles' ethical lenses and action for stewardship and design supporting traditional practices, be integrated to</p>	<p>(1) Some of the requested conditions and amendments to conditions are out of scope for this process and could be considered through private agreements.</p> <p>(2) Any evacuation protocols will be determined by Civil Defence Emergency Management (CDEM) and this falls outside of the OIC. The need for ongoing flood monitoring, early warning systems and evacuation protocols is considered to fall outside of the OIC scope, as this consent is only for a 5-year duration as outlined under clause 20-21 of the OIC.</p> <p>(3) Conditions are proposed to manage ecological loss and include requirement for the management and works undertaken to be communicated.</p> <p>(4) Conditions require cultural indicators to be identified and taken into account when developing management plan, and report back to Māori entities representatives.</p> <p>(5) Wider catchments matters such as river moth mouth management, sediment loading from eroding upstream landscapes, and degraded riparian margins outside the OIC delineated footprint are outside the scope of this application. As it is not within the delineated footprint set out in Schedule 1 of the OIC 2024, it cannot be considered as part of this application.</p> <p>(6) Conditions enable a representative to be included in the Stakeholder Advisory Group.</p> <p>(7) There is simply not enough time to enable a lengthy review/discussion of draft conditions. A 24-hour window may be able to be made available to enable TToTW an opportunity to comment on draft conditions.</p> <p>(8) The OIC 2024 sets out an amended consent pathway that differs from the 'standard' RMA process.</p> <p>(9) It is understood that the land on which the stopbanks and floodway are to be constructed, are not situated on Māori Freehold Land except for Paeroa No1E No14 (urupā), located at</p>

		<p>sediment loading from erosion and degraded riparian margins.</p> <p>(9) Uncertainty in design and climate change projections.</p> <p>(10) The works will impact how whānau and hapu interact with their land.</p> <p>(11) Incorporating nature-based solutions with hard-engineering options will enhance environments own response. Belief that Option 1 C++ enables 'softening' of engineering structures, reconnects people with whenua and wai, helps mitigate temperature and supports groundwater resilience.</p> <p>(12) Hold a view that Option 1C+ having inequitable distribution of benefits and costs.</p> <p>(13) Concerns that the OIC 2024 process defies Declaration on the Rights of Indigenous Peoples, mentions the Aashukan Declaration (2017) as being Indigenous best practice.</p> <p>(14) Of the view that fundamental issues are that Option 1C+ is misaligned from a cultural and policy perspective.</p> <p>(15) Believe the selected option will have persistent negative cultural effects.</p> <p>(16) The Morgan & King-Hudson 2026 report has assessed the mauri of Option 1C+ against a</p>	<p>address impacts on the wider catchment.</p> <p>(8) Morgan & King-Hudson 2026 report interprets how mauri-informed enhancements could be achieved.</p> <p>(9) 'Mauri-o-meter' used to identify mauri outcomes of options.</p> <p>(10) That the recommendation of the Morgan & King-Hudson 2026 report be adopted and Option 1C++ embrace the mauri-enhancing mechanisms.</p> <p>(11) Enhancements of Option 1C++ and any further design be reviewed and approved by mana whenua.</p> <p>(12) 5-yearly review of infrastructure design, capability and functioning.</p> <p>(13) Cultural monitoring be provided following completion of projects and events.</p> <p>(14) To review draft conditions.</p> <p>(15) Re-design the proposal with infrastructure. Should be designed into cultural landscapes and not over it.</p> <p>(16) Request abandonment of Option 1C+ in its current form.</p> <p>(17) Cultural Outcomes be treated as a non-negotiable, physical connection to the awa.</p>	<p>the northernmost extent of the project. It is also understood that the layout of infrastructure has been designed to avoid Māori Freehold Land as far as practicable so as to avoid impacts on those areas and the values associated with them. This has been confirmed by the applicant.</p> <p>(10) The Morgan & King-Hudson 2026 report largely relates to the assessment of mauri. This assessment and the use of mauri-o-meter appear to utilise a number of factors that are either located out of the OIC 2024 delineated footprint (i.e. mouth bar hydraulics) or are matters that are out of scope (i.e. pest management efficacy) and that relate to a holistic/wider catchment approach. The scope of this assessment is restricted to the proposed works within the delineated footprint set out in Schedule 3 of the OIC 2024. Despite this, the reports and assessments included in this comment have been passed on to the applicant to consider as part of the detailed design of the project.</p> <p>(11) The OIC 2024 consent process does not enable a complete overhaul and redesign of the proposed option.</p> <p>(12) HBRC has advised that is has been entirely unaware of the 1C++ option until receipt of this comment. While having some interest in elements of the proposal, these have been provided too late in the process to be factored into design considerations and assessments.</p> <p>Issues raised by the proposal include, but are not limited to:</p> <ol style="list-style-type: none"> 1. This scheme is a high-level spillway designed to operate in a 1 in 20 – 30-year event, not a river diversion. 2. River water will not gravitate through the project at current design levels. 3. Wetlands, meandering streams and swimming holes cannot be fed from the river, as designed. 4. The spillway design anticipates keeping the spillway floor as dry as possible to manage erosion risks so is inconsistent with proposed permanent water features.
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11	<p>KiwiRail Holdings Limited</p> <p>NETWORK UTILITY AND IMMEDIATELY AFFECTED</p> <p>15(2)(a)(vi) and 15(2)(a)(vii)</p>	<p>(1) No physical works proposed or adjacent to or within the Palmerston North to Gisborne Line railway corridor.</p> <p>(2) No discharge from construction activities, nor storage of contaminated material should occur near or in proximity to the railway track.</p> <p>(3) The proposed stopbank will obstruct existing overland flow path.</p> <p>(4) Proposal appears to lack consideration of climate change impacts and seismic risk.</p> <p>(5) Northwest and southwest flooding extents do not improve with the introduction of the new floodway.</p>	<p>(1) Confirmation whether a risk assessment of slope instability or liquefaction has been undertaken.</p> <p>(2) Confirmation if climate change conditions will be included.</p> <p>(3) Any anticipated drawdown or change in groundwater levels near the railway corridor because of works?</p> <p>(4) Confirm the extent of stop bank 2 and whether there are any works within railway corridor.</p> <p>(5) Is there actual flood data available from Cyclone Gabrielle or other comparable flood events that have been used to validate or compare against the predicted modelling results?</p>	<p>(1) Proposed stopbanks and floodway do not appear to be located within the Palmerston North to Gisborne railway corridor.</p> <p>(2) WSP have advised that the liquefaction risk assessment, associated with seismic events has been carried out during concept design phase (refer to section 3.1.4 of Wairoa Flood Mitigation Concept Design Report_Rev 4, WSP, 10/1/2025), and will be updated during the detailed design phase.</p> <p>(3) WSP have advised that climate change has not been incorporated within the design.</p> <p>(4) WSP have advised that groundwater table drawdown is expected to be marginal, 250m away from floodway. The railway corridor will not be affected except for the section within this 250m buffer. In that area, the groundwater table drawdown is expected to be approximately 0.5m. Applicant to respond to slope stability and liquefaction at stopbank 2 comment.</p> <p>(5) There were no exceedances of human health or environmental criteria in relation to contaminated land, therefore there will not be any discharge of contaminated soil within proximity to railway corridor.</p> <p>(6) WSP have advised that the flood model was validated against the Cyclone Gabrielle and March 2022 events.</p>

APPENDIX 2: CONDITIONS OF CONSENT

[Please see Appendix 2 of the HBRC Officers Report, containing the finalised recommended condition]