

Report of Independent Commissioner

DECISION REPORT ON RESOURCE
CONSENT APPLICATION APP-131470
TO HAWKE'S BAY REGIONAL
COUNCIL AND RM260001 TO
WAIROA DISTRICT COUNCIL

**APPLICATION FROM HAWKE'S
BAY REGIONAL COUNCIL –
SEVERE WEATHER
EMERGENCY RECOVERY
(HAWKE'S BAY FLOOD
PROTECTION WORKS) ORDER
2024**

Works Associated with the
Establishment of Flood Protection
Works at Wairoa

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OVERVIEW

Decision on a non-notified resource consent application under the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024 (‘the OIC’) on behalf of the Hawke’s Bay Regional Council and Wairoa District Council as consent authorities.

This resource consent is GRANTED subject to conditions for the reasons herein.

Table 1 – Application Summary Details

Application Number:	HBRC: APP-131470 WDC: RM260001
Applicant:	Hawke’s Bay Regional Council (‘the Applicant’)
Proposal Summary:	<p>All proposed works are within the area subject to the Wairoa - B OIC:</p> <ul style="list-style-type: none"> ➤ To undertake construction of a floodway formed by two stopbanks / floodwalls to convey high flows from the Wairoa River (greater than a 30 year Annual Recurrence Interval (ARI) and up to a 100 year ARI), and a town side stopbank; ➤ Associated works, including road raising, cross drainage (stormwater) management, and subsurface drainage; ➤ Associated disturbance of stream beds, stream diversion and reclamation, erection of structures including stopbanks and culverts, take and use of surface water and groundwater, dust and stormwater discharges, and earthworks, vegetation clearance, and works within wetland. ➤ Associated disturbance of contaminated soil and earthworks.
Site Address:	Various Sites, adjacent to Railway Road, across Ruataniwha Road and Waihirere Road, the town side (true right) stopbank and between two bends of the Wairoa River.
Legal Description:	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

	<p>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 TAUMATAOTEO 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; 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 Reserve; Waihirere Road Reserve; Kiwi Rail corridor (in the process of being transitioned to road reserve).</p>
Date of formal Lodgement of Application:	22 December 2025
Relevant Regional and District Plans and National Environmental Standards:	<ul style="list-style-type: none"> ➤ Hawke’s Bay Regional Resource Management Plan (‘RRMP’) ➤ Wairoa District Plan (‘WDP’) ➤ National Environmental Standard for Freshwater (‘NES-F’) ➤ National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (‘NES-CS’)
Applicable Regional Plan Spatial Overlays and District Plan Zoning and Overlays:	<p>RRMP:</p> <ul style="list-style-type: none"> ➤ The riparian margin of the Wairoa River upstream of the State Highway 2 Road Bridge is included in Schedule VIII – Riparian Protection. ➤ The area of works is within a confined productive aquifer system.

	<ul style="list-style-type: none"> ➤ The area of works, with the exception of Alexander Park is within an area excluded from consideration under Rule 7(c) in respect to vegetation clearance and disturbance. <p>WDP:</p> <ul style="list-style-type: none"> ➤ Rural Zone, Residential Zone, Conservation and Reserves Zone. ➤ Reserve R4 – Esplanade, Reserve R49 – Riverbank Reserve & Esplanade Reserve and Reserve R51 – Alexander Park. ➤ Archaeological sites A139 and A140
<p>Nature of Resource Consents Required:</p>	<p>HBRC jurisdiction:</p> <ul style="list-style-type: none"> ➤ Rule 8 of the RRMP for vegetation clearance and soil disturbance. ➤ Rule 30 of the RRMP for a discharge of dust. ➤ Rule 33 of the RRMP (if not considered permitted under Rule 32) for the discharge of drainage water (during construction and ongoing). ➤ Rule 52 of the RRMP for the Discharge of Sediment laden water to land or water. ➤ Rule 52 of the RRMP for the discharge of solid contaminants within 20 m of a surface water body (not meeting permitted Rule 48). ➤ Rule 55 of the RRMP for other takes & uses of surface & groundwater (relating to the ‘take’ of drainage water and the taking and use of water from the Wairoa River for construction and dust suppression purposes). ➤ Rule 59 of the RRMP for the Diversion of the Wairoa River during times of flood arising from the stopbanks / floodway. ➤ Rule 69 of the RRMP for the planting and other activities not deemed to comply with Permitted Activity rules in section 6.8. ➤ Rule 69 of the RRMP for the disturbance of the northern and southern permanent streams, installation of culverts, stormwater outlets and scour protection solutions. ➤ Regulation 45 of the NES-F for the construction of specified infrastructure affecting wetlands. ➤ Regulation 57 of the NES-F for the reclamation of the southern permanent streams.

	<ul style="list-style-type: none"> ➤ Regulation 71 of the NES-F for the installation of culverts within the northern permanent stream. <p>WDC jurisdiction:</p> <ul style="list-style-type: none"> ➤ Earthworks and construction work with the Residential, Rural and Residential & Conservation zones. ➤ 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. ➤ Disturbance of soil under the NESCS.
Application Activity Status:	Controlled Activity under clause 8 of OIC.

1. INTRODUCTION

1.1 DELEGATION

1. This decision is made on behalf of the Hawke’s Bay Regional Council (‘HBRC’) and Wairoa District Council (‘WDC’) by an independent hearing commissioner, Philip McKay,¹ appointed under clause 10 of the OIC and section 34A of the Resource Management Act 1991 (‘RMA’) to decide this application.
2. Delegation from HBRC was given on 24 November 2025, and from WDC on 3 February 2026.

1.2 PROCEDURAL MATTERS

3. The resource consent application by the Applicant for activities within the OIC area is required to be considered as a controlled activity² without public notification or limited notification.³
4. The OIC, in clause 15, sets out the requirements for consultation with specified persons, including the owners and occupiers of affected or adjoining land. Notice is provided to those persons who are invited to make comments, and the consent authority must consider all comments received and make a summary of the comments publicly available. A person who makes written comments does not have the status of a submitter under the RMA and may not appeal or object to the decision on the application.⁴ The nature of the comments received are discussed further below, with the summary of the comments received and response attached to both the HBRC and the WDC s42A Reports⁵.
5. I conducted a visit to the site of the application, the Wairoa River environments in the vicinity of North Clyde and Wairoa, including Railway Road, Ruataniwha Road, Waihirere Road, Marine Parade and Mitchell Road (“the Site”) on 5 February 2026. I was accompanied by the respective section 42A reporting officers, Mr Brandon Baillie for HBRC and Mr Tyler Trafford-Mission for WDC. We were also accompanied by Applicant representatives: Mr Cameron Drury (Stradegy Planning, who prepared the application), Mr Graeme Hansen (HBRC, who is the Applicant Project Manager), Mr Andy Hicks (Ecologist, Stradegy Planning) and WDC officers Ms Gabriella Luscombe and Mr Hira Campbell.

¹ Who is certified with a Charing Endorsement under the Making Good Decisions programme (expires 31/12/26), and who is a planner and resource management practitioner with over 31 years of practice.

² Clause 8 of OIC.

³ Clause 14 of OIC.

⁴ Clause 15(6) of OIC.

⁵ Appendix 1 of both RMA s42A Reports.

6. We visited a number of locations subject to the proposed works during the site visit. These locations are well documented by Mr Trafford-Mission in the WDC s42A Report, which I adopt for a record of the site visit (see figures 4 – 28 and the accompanying captions of that report).
7. Clause 10(2) of the OIC states that the following functions, duties and powers are delegated:
 - (a) *consideration of an application under section 104 of the RMA (see clause 16):*
 - (b) *decision to grant a resource consent under section 104A(a) of the RMA:*
 - (c) *imposition of conditions on a resource consent in accordance with clause 17:*
 - (d) *giving of notice of its decision under section 114 of the RMA in accordance with clause 18.*
8. As this application has not involved a hearing or notification, the decision is to be made pursuant to section 113(4) of the RMA and is required to state the decision and reasons.

1.3 MATERIAL CONSIDERED

9. The following documentation has been provided to me and reviewed as part of my decision-making process:
 - a. *Resource Consent Application for Flood Mitigation Works – Wairoa*, HBRC, 15 December 2025⁶, and prepared by Stradegy Planning Ltd, and the associated appendices:
 - i *Cultural Impact Assessment (“CIA”) – proposed flood mitigation options for North Clyde, Wairoa [Options 1C and 1D]*, Commissioned by HBRC and prepared by Piripi Winiata (January 2025) (Appendix 1 of Application) (requested to remain confidential).
 - ii *Ruataniwha Marae Cultural Impact Assessment*, (undated) (Appendix 2 of Application) (requested to remain confidential).
 - iii *Cultural Research Report – Tāwhiti-ā-Maru Marae Trustee Endorsed*, Haika Consultancy Ltd (14 December 2025) (Appendix 3 of Application) (requested to remain confidential).
 - iv *Cultural Impact Assessment – Option 1C+ Wairoa Flood Mitigation Project*, Trustees of Takitimu Marae, (November 2025) (Appendix 4 of Application) (requested to remain confidential).

⁶ Although that is the date on the Application I am advised by Mr Baillie in his s42A Report that the application was formally lodged on 22 December 2025.

- v *Archaeological Assessment of the Proposed Wairoa Floodway, InSitu Archaeological Heritage* (19 August 2025) (Appendix 5 of Application).
 - vi *Hawke's Bay Regional Council Wairoa Flood Mitigation – Ecological Assessment*, WSP (12 December 2025) (Appendix 6 of Application).
 - vii *Hawke's Bay Regional Council Wairoa Floodway Design Phase – Landscape Scoping Assessment*, WSP (8 September 2025) (Appendix 7 of Application).
 - viii *Hawke's Bay Regional Council Wairoa Floodway Design Phase – Preliminary Site Investigation and Limited Detailed Site Investigation ("PSI/DSI")*, WSP (5 August 2025) (Appendix 8 of Application).
 - ix *Hawke's Bay Regional Council Wairoa Flood Mitigation Project – Developed Concept Design Report*, WSP (10 December 2025) (Appendix 9 of Application).
 - x *Proposed Resource Consent Conditions*, (undated) (Appendix 10 of Application).
 - xi *List of Māori entities and Section 15(2)(a) Parties*, (undated) (Appendix 11 of Application) (requested to remain partially confidential).
 - xii *Applicant's Responses to CIA Recommendations*, (undated) (Appendix 12 of Application) (requested to remain confidential).
 - xiii *Hawke's Bay Regional Council Wairoa Flood Mitigation – Consequential Flooding Assessment*, WSP (21 November 2025) (Appendix 13 of Application).
 - xiv *HBRC Consequential Flood Risk – Wairoa Floodway – Review Letter*, Beca (25 November 2025) (Appendix 14 of Application).
 - xv *HBRC Consequential Flood Risk – Wairoa Floodway – Review Letter*, Beca (18 September 2025) (Appendix 15 of Application).
- b. Wairoa OIC Flood protection consent application – Full comments (contacts removed), including comments from:
- i KiwiRail Holdings Limited.
 - ii NZTA (via DJ Lamorena).
 - iii Te Tumu Paeroa (Office of the Māori Trustee).
 - iv Tātau Tātau o Te Wairoa Trust.
 - v Hira Campbell, 20A Mitchell Road.
 - vi Ashby Pearse, 40 and 42 Mitchell Road.
 - vii Blair Ferguson, 40 Mitchell Road.

- viii John and Donna Waihape on behalf of Taumataoteo 19B1, 19B2, Taumataoteo 19B4 blocks, 61 Waihirere Road.
 - ix Kitea Tipuna on behalf of Taumataoteo 19B4 trustees, 3 Murrae Street.
 - x Kitea Tipuna on behalf of Joyce Kotuhi, 63 Waihirere Road.
 - xi Tania Te Whenua, 3 Carroll Street (Ferry Hotel).
- c. HBRC, WDC, and Applicant response to Comments Received – word document table prepared by HBRC s42A Report author with inputs from WDC s42A Report author and Applicant, provided 9 February 2026.
 - d. Draft Conditions Table prepared by HBRC s42A Report and WDC s42A Report authors with comments from Applicant, provided 11 February 2026.
 - e. *Resource Consent Application RM260001 – Section 42A Planning Report under Clauses 8 and 14 – Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024* (‘the WDC s42A Report’), Tyler Trafford-Mission, Pouwhakamahere Intermediate Planner, WDC, dated 13 February 2026.
 - f. *Assessment of Resource Consent Application Flood Protection Works – Wairoa - s42A Report for Resource Consent Application: APP-131470* (‘the HBRC s42A Report’), Brandon Baillie, Senior Consents Planner, HBRC, dated 13 February 2026.
10. The respective s42A Reports from HBRC and WDC analyse the information received in relation to the Application along with the comments received, and following assessment under sections 104 and 104A of the RMA, and the relevant provisions of the OIC, recommend the conditions to be applied to the consent. Both s42A Reports attach the comments received as Appendix 1. The HBRC s42A Report attaches recommended conditions of consent as Appendix 2 with track changes showing amendments to the conditions as requested by the Applicant and explanatory comments from both the HBRC and WDC s42A Report authors. The WDC s42A Report references the recommended consent conditions Appendix 2 of the HBRC s42A Report.
 11. Those reports should be read in conjunction with this decision as I generally adopt the descriptions, assessments, and conditions recommended in those s42A Reports, unless I state differently below.

2. DESCRIPTION OF THE PROPOSAL & SITE

12. I adopt the descriptions of the proposal set out in section 1 of the WDC s42A Report⁷, section 2 of the HBRC s42A Report⁸, and section 4 of the Application.⁹
13. In short, the proposal seeks to undertake flood protection works including construction of:
 - a. A new 1,520 m long stop bank (the west stop bank) and a new 1,800 m long stop bank (the east stop bank) to provide protection to the Wairoa community in up to a 1% AEP flood event (also known as a 1:100-year ARI event). The floodway activates at approximately a 30-year ARI flood event and is designed to limit flooding, primarily in the North Clyde area.
 - b. A new 1,200 m long stop bank (townside stop bank) to provide protection to the Wairoa community in up to a 1% AEP flood event.
 - c. Associated works include removal of dwellings and other buildings, concrete channel south of Waihirere Road, swales to the west of the western stop bank and east of the floodway along Ruataniwha Road, the raising of Ruataniwha Road, modifications to Waihirere Road, new or upgraded culverts through the stop bank, stormwater management, and relocation of community facilities such as the Alexandra Park skate park and flying fox, boat ramp, water ski club building, and the Riverside Motor Camp.
14. The Site is west of North Clyde and between two bends in the Wairoa River. At the northern point of the Site, the west and east stopbanks begin near Ruataniwha Marae and Te Kopua Urupā, respectively. These stopbanks traverse south to bund the floodway (and include a floodwall as opposed to a stopbank at the southern end), which runs from an oxbow bend in the Wairoa River to the Wairoa township section of the River. On the opposite bank of the river from the proposed floodway outlet, the town side stopbank runs along the northern edge of the Wairoa township, providing flood protection.
15. Both s42A Reports and the Application include helpful aerial photographs identifying the approximate area of the proposed works, while the Wairoa s42A Report includes a series of photographs of different locations within the site.¹⁰ I adopt the site

⁷ Pages 3 & 4.

⁸ Pages 5 & 6.

⁹ Pages 25 – 42.

¹⁰ Application (Figures 1, 4 & 5); HBRC s42A Report (Figure 1); WDC s42A Report (Figures 1 – 5 (site overview) and pages 8 – 12 (photographs within the site area)).

descriptions from the set out in section 2 of the WDC s42A Report¹¹, paragraph 2.1 of the HBRC s42A Report¹², and section 3 of the Application.¹³

3. RESOURCE CONSENT REQUIREMENTS AND ACTIVITY STATUS

16. The OIC was established to facilitate the timely provision of flood protection works following the severe weather events of February 2023 (Cyclone Gabrielle). The Application and both s42A Reports provide a helpful summary of the relevant provisions of the OIC.¹⁴
17. I note that Schedule 1 of the OIC identifies the specific land areas in Hawke’s Bay to which the enabling flood protection works provisions of the OIC apply. Schedule 1 includes both a description of, and a map of, the land at ‘Wairoa—Area B’ (which is inclusive of the Wairoa township) in which flood protection works are enabled as a controlled activity under the OIC. This map is reproduced as Figure 2 of the HBRC s42A Report, Figure 6 of the WDC s42A Report, and Figure 3 of the Application.
18. Unlike other flood protection projects undertaken by the Applicant under the OIC, all of the proposed works are within the Wairoa – B OIC Schedule 1 works area footprint, therefore there are no additional resource consent requirements, outside the provisions of the OIC.
19. Having considered the Application and the respective s42A reports which are in general agreement, my findings of the consents required under these categories are summarised in Table 2 below:

Table 2 – Identification of Plan Rules & NES Regulations Requiring Resource Consent

	Relevant Rules and Regulations Triggering Resource Consent
HBRC Jurisdiction	<ul style="list-style-type: none"> ➤ Regulation 45 of the NES-F for activities affecting natural inland wetlands for the purpose of construction of specified infrastructure. ➤ Regulation 57 of the NES-F for the reclamation of the southern permanent streams. ➤ Regulation 71 of the NES-F for the installation of a culvert in the northern permanent stream. ➤ Rule 8 of the RRMP for vegetation clearance and soil disturbance that does not comply with the conditions in Rule 7.

¹¹ Pages 4 - 12.

¹² Page 3.

¹³ Pages 8 – 24.

¹⁴ The Application (section 2.3, pages 5 – 7), the HBRC s42A Report (sections 2.6 – 2.8), and the WDC s42A Report (section 3.1.1, pages 13 – 17).

- Rule 30 of the RRMP for discharge of dust.
- Rule 33 of the RRMP for the discharge of drainage water during construction and operation of the floodway.
- Rule 52 of the RRMP for discharge of sediment-laden water to land or water, and for the discharge of solid contaminants within 20 m of a surface water body.
- Rule 55 of the RRMP for the take of groundwater take and use of surface water or groundwater from drainage water and the Wairoa River for construction and dust suppression purposes.
- Rule 59 of the RRMP for the diversion of the Wairoa River during times of flood arising from the stop banks / floodway.
- Rule 69 of the RRMP for planting and other activities not deemed to comply with Permitted Activity rules in Section 6.8.
- Rule 69 for river and lake bed activities, including disturbance of the northern and southern permanent streams, installation of culverts, stormwater outlets, and scour protection solutions.

Overall Activity Status – Controlled Activity (pursuant to OIC provisions)

- | | |
|-----------------------------|--|
| WDC
Jurisdiction | <ul style="list-style-type: none"> ➤ Regulation 9 of the NESCS for disturbing soil. ➤ Rule 22.1.7 of the WDP for the disturbance of an area of significance to tangata whenua identified in Schedule 1 (Archaeological Sites - A139 and A140). ➤ Rule 23.1.2 of the WDP for clearance or disturbance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna. ➤ Rule 23.1.3 of the WDP for the clearance or disturbance of any naturally occurring wetland. ➤ Rule 26.5.6 of the WDP for new / reinstated utilities that are not provided for as a permitted or controlled activity, or do not comply with the relevant performance standards or conditions. ➤ Rules 16.7.2, 18.7.2, and 14.7.2 of the WDP for flood mitigation activities within the Rural Zone, Residential Zone, and Conservation and Reserve Zone. |
|-----------------------------|--|

Overall Activity Status – Controlled Activity (pursuant to OIC provisions)

20. As I have already identified in paragraph 3 above, the resource consents required must be assessed and decided as a controlled activity pursuant to clause 8 of the OIC, hence the conclusion regarding overall activity status in the above table.

4. RELEVANT STATUTORY REQUIREMENTS

21. In deciding on a controlled activity, section 104A of the RMA requires consent to be granted¹⁵ and that conditions may be imposed only for those matters for which control is reserved. Schedule 3 of the OIC lists the matters for which control is reserved.¹⁶ The respective assessments of effects on the environment in the Application and the s42A reports are appropriately arranged under corresponding headings to the Schedule 3 matters of control.
22. Section 104(1) of the RMA also applies and sets out the mandatory matters to which I must have regard when considering the Application. These include any actual or potential effects on the environment of allowing the activity, and the statutory instruments set out in subsection (1)(b). Those instruments are relevant to the extent that they relate to the matters of control set out in Schedule 3 of the OIC. Consideration under section 104 is also subject to Part 2 of the RMA.
23. As there are discharges involved with the proposed activity, I must also have regard to the matters in sections 105 and 107 of the RMA.¹⁷

5. CONSIDERATION OF THE APPLICATION

5.1 COMMENTS RECEIVED

24. Clause 15(4) requires all comments received to be considered. The process for inviting comments and a summary of the comments received and a response to each comment are set out in the respective s42A reports.¹⁸
25. Eleven comments were received from parties invited to comment under clause 15(2) of the OIC. The nature of the comments received are briefly summarised below:
 - a. #1 Hira Campbell – seeks that additional site-specific assessments be undertaken to confirm management of flooding and erosion effects and proposed mitigation in protecting the submitter’s property.
 - b. #2 Blair Ferguson – raises concerns regarding the use of an OIC to progress permanent flood control infrastructure and seeks that the application be declined or additional assessments be undertaken to confirm flooding effects and explore all alternative mitigation options.

¹⁵ Unless there is insufficient information to determine that the application is a controlled activity, which I do not find to be the case here.

¹⁶ These matters are also set out in the Application (pages 7 & 54), HBRC s42A Report (pages 4, 5 & 14) and WDC s42A Report (pages 16, 17 & 23).

¹⁷ As set out on page 12 of the HBRC s42A Report.

¹⁸ HBRC s42A Report (pages 8 – 11 and Appendix 1) and WDC s42A Report (pages 21 – 22 and Appendix 1).

- c. #3 Kitea Tipuna on behalf of Joyce Kotuhi (63 Waihirere Road) – seeks that there be no adverse effects on property from earthworks, dust, noise, drainage water, soil erosion, vibration, and construction times and traffic. Also requests to be communicated with for the life of the project.
- d. #4 Kitea Tipuna on behalf of Taumataoteo 19B4 trustees – seeks that there be no adverse effects on ML Taumataoteo 19B4 regarding soil erosion, water runoff and earthworks. Nor restriction on access to the Wairoa River across this land. Seeks ongoing communications with the owners of Taumataoteo 19B4.
- e. #5 Ashby Pearse – concerned with potential flood effects on their property (which has not flooded before) arising from the stopbank and seeks stormwater drainage pipes to be constructed under the proposed stopbank.
- f. #6 NZTA – no specific concerns with project, as there is no explicit indication of major SH2 operational disruption and no functional changes to SH2.
- g. #7 John and Donna Waihape on behalf of Taumataoteo 19B1, 19B2, Taumataoteo 19B4 blocks – raises general concerns regarding effects on their property which is immediately adjacent to the floodway and seeks reassurance regarding the avoidance or mitigation of such effects. Requests to be actively communicated with for the duration of the project.
- h. #8 Tania Te Whenua – concerned with increases in downstream velocity and potential scour effects and seeks additional site-specific assessments be undertaken regarding such effects on the Ferry Hotel site. Seeks additional engineering with a stopbank and armouring system on the north riverbank (true left) to protect the site against these effects. Comments include a supporting memorandum from Civil Plan Consultants.
- i. #9 Te Tumu Paeroa (Office of the Māori Trustee) – takes a neutral position on the Application but generally supports the aim of the project but. Concerns are however raised around whether there is any increase in natural hazard (flood) risk and effects on the hydrological function of the surrounding land. Requests further assessments be undertaken to confirm effects. This is particularly noting the Māori land near the floodway and its uses for cropping and grazing that may be affected by changes to surface and subsurface drainage patterns.
- j. #10 Tātau Tātau o Te Wairoa Trust – raises cultural concerns regarding whether the project fulfills Te Tiriti obligations and suggests an alternative flood mitigation option (1C++). A comparative assessment of the proposed option 1C+ and a suggested alternative 1C++ which includes environmental enhancement is provided, including against a Mauri Model. Opposes the proposed 1C+ option as infrastructure occupation rather than belonging.

- k. #11 KiwiRail Holdings Limited – seeks to understand whether effects on slope stability, liquefaction, flooding, or groundwater, and climate change impacts and seismic risk has been sufficiently assessed. Requests confirmation that the eastern stopbank does not extend into the rail corridor. Questions the availability of actual flood data to validate the modelling.
26. The issues raised in the comments received are summarised and responded to in Appendix 1 of both the HBRC and WDC s42A Reports. I therefore reference those summaries and do not provide any additional record of the comments received in this decision. I emphasise however, that the comments received and the responses to them are a fundamental part of the OIC process and this decision and I therefore adopt the respective comment summaries and responses provided in the two s42A Report. I thank those who provided comments for their time in contributing to this OIC consent process.

5.2 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

27. The Application sets out a comprehensive assessment of effects on the environment under the heading ‘Assessment of Environmental Effects’ and generally using headings corresponding to the matters of control in Schedule 3 of the OIC and includes references to the various technical reports as part of that assessment.¹⁹ The Application provides the following overall summary to its assessment of effects:²⁰

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

It is also relevant to note that while cut material to form the floodway will be used to form the stopbanks, the floodway area is not deemed a borrow site in the context of condition 22 of the OIC. As with condition 20 (applying to extraction of material and gravel – not disturbance as part of the construction works), condition 22 is nevertheless retained to provide scope.

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

28. The HBRC s42A Report generally agrees with the assessment in the Application and adopts it for those matters relevant to HBRC jurisdiction, except for those matters relating to Cultural Values, Consequential Flooding, Freshwater Ecology, and

¹⁹ Application, Section 7 (pages 54–76).

²⁰ Application, Section 7.14 (page 76).

Subsurface Drainage and Drawdown where additional assessment is provided in the s42A Report.²¹

29. The WDC s42A Report, firstly sets out the permitted baseline regarding earthworks, noting that it is not particularly relevant given the significant volume and area of the earthworks proposed compared to what would be permitted under the District Plan. I agree with that conclusion. That assessment also identifies where vegetation clearance is permitted and other relevant works permitted under the District Plan.
30. The WDC s42A Report then assesses relevant effects under each of the matters of control set out in Schedule 3 of the OIC relevant to its jurisdiction, these being General (covering consequential flood risk), Cultural Values, Visual Effects & Amenity, Adjoining Land Uses, Heritage and Archaeology, Access and Transport, Contaminated Land and Construction. The assessment also considers the appropriateness of the conditions proposed by the Applicant in regard to addressing each of the matters of control.²²
31. The WDC s42A Report does not identify any areas of major disagreement with the Application's assessment of effects on the environment, albeit that some amendments are recommended to the consent decisions as I discuss further below.
32. I am generally satisfied with the comprehensive assessment of effects provided in the Application and adopt it as part of my decision, except where I undertake further consideration below. I also note that assessment was made prior to the comments being received and as set out in Table 3 below, I find that additional conditions to those set out in Schedule 2 of the OIC are required to appropriately address relevant matters raised in the comments received.
33. I therefore consider those matters, as assessed by the s42A Reports in further detail below.

5.3 SPECIFIC CONSIDERATION OF EFFECTS IDENTIFIED IN S42A REPORTS

General (Consequential Flooding)

34. The Application refers to the technical basis for considering potential consequential flooding effects as follows:²³

A consequential flood effects assessment of the proposal was undertaken by WSP and is provided in Appendix 13. This has been reviewed by Beca, a copy of which is provided in Appendix 14 with reference to a previous review of a consequential flood effects assessment of an earlier scheme involving a slightly wider floodway –

²¹ HBRC s42A Report (pages 13 & 14).

²² WDC s42A Report (pages 25 – 39).

²³ AEE (page 56).

provided in Appendix 15. The following consideration draws on the content of these assessments.

35. The Application separately considers consequential flooding effects on buildings, public roads (including Ruataniwha Road, Waihirere Road, and State Highway 2), horticultural and agricultural land, and sites of significance to tangata whenua, and goes onto make the following conclusion:²⁴

The WSP assessment has evaluated the benefits of the proposal against its potential adverse effects and has concluded that the consequences are acceptable. No further mitigation has been proposed.

The Beca review considers this analysis and concurs with the conclusion drawn by WSP that the overall consequences of the proposed works are beneficial in reducing flood hazard overall. No further mitigation was recommended.

36. Comments were received from the following parties who raised concerns associated with the effects of consequential flooding: Blair Fergusson (in general opposition to the Application) and Tania Te Whenua (specifically regarding downstream effects of increased river velocities and scour and erosion effects).
37. Both s42A Reports assess the consequential flooding effects and the key findings of the technical reporting and accept the finding of the WSP assessment and Beca peer review, that the overall consequences of the proposed works are beneficial in reducing the flood hazard and that the resulting effects can be appropriately managed through conditions.²⁵
38. I have carefully considered the Application, including the technical assessments from WSP and the Beca peer review, the comments received on the issue of consequential flooding or potential downstream effects, and the responses to the comments set out in the s42A Reports. I find that the Application, with the conditions proposed (and further refined as recommended in the s42A Reports), has appropriately addressed the potential consequential flooding effects in achieving the purpose of the flood protection works of protecting the Wairoa community of Category 2C properties (predominantly located in North Clyde) from a flood event of up to a 100 year ARI such that they can be moved to Category 1.

Cultural Values Effects

39. The Application acknowledges the three CIAs prepared and the Cultural Research Report which have been prepared to inform the application.²⁶ In reaching the proposed design of Option 1C+ to which consent is being sought, the Application notes an important factor in the design of Option 1C+ was how the protection

²⁴ AEE (page 59).

²⁵ HBRC s42A Report (page 22); WDC s42A Report (page 28).

²⁶ Attached as Appendices 1 - 4 to the Application and requested to remain confidential.

measures were to be designed around Māori owned land so as to avoid a need uplifting those owners and occupants from their lands. Additionally, the design was developed around areas of significance, particularly urupā and marae.²⁷

40. The Application sets out that under a proposed new condition (4), a 'Mana Whenua Project Liaison Lead' role will be established to coordinate a Mana Whenua Working Group.²⁸ This Group will be tasked with ensuring effects on cultural values are managed, a cultural induction is provided prior to the commencement of works, and processes for implementing the Accidental Discovery Protocol are developed in collaboration with the Mana Whenua Working Group.
41. The Application generally references how the recommendations of the CIA will be addressed by the standard conditions on the OIC consent, referencing in particular, conditions 4 'Māori entities representatives', 6 'Stakeholder advisory group', 10 'Construction environmental management plan'²⁹, and 29 'Archaeological discovery protocol'.
42. In terms of comments received, effects on Māori cultural values are the focus of the Tātau Tātau o Te Wairoa comments as they do not consider such values to be appropriately addressed by the Application and would prefer an alternative approach with environmental enhancement works and improved cultural connection. Comments from others raised concerns regarding effects on nearby Māori land (Te Tumu Paeroa) or specific Māori land holdings (Taumataote 19B4).
43. The HBRC s42A Report sets out a comprehensive summary of the recommendations of the respective Cultural Impact Assessments (CIAs) and the Cultural Research Report (CRR)³⁰
44. Regarding the Applicant's intent for the works to avoid Māori land and sites of significance, the HBRC s42A Report notes a following aspect of design detail where this is proving challenging to achieve:³¹

"That being said there is a lower lying area of project footprint between the river and Te Kopua urupa, Paeroa No 1E No 14, (see CH250-440 of the design plans) being Māori land that the proposed works is indicated to occur on (this section of alignment is yet to be confirmed), and this is located at the northern end of Stopbank 2. The current alignment at this urupa is shown on the lower lying area of this property, which is away from the higher terrace where there are obvious koiwi likelihood (currently a fenced area) of cultural importance. In the event the applicant

²⁷ Application (pages 16, 25, 27, and 59).

²⁸ Figure 21 (page 61) of the AEE sets out how the Mana Whenua Working Group will engage with HBRC.

²⁹ The engagement on condition 10 relates to Māori Entities representatives providing comment on the CEMP.

³⁰ HBRC s42A Report (pages 14 – 19).

³¹ HBRC s42A Report (paragraph 7.6, page 19).

is unable to progress this option, an alternative alignment around the landward side of the urupa will be adopted and confirmed as part of final design.”

45. The alignment at the northern end of the Stopbank 2 will be confirmed during detailed design but significantly the Māori land referred to above could only be incorporated within the area of works with the agreement of the owners, which provides some assurance will need to address cultural values. I have been advised by recent correspondence from the Applicant, that consultation with representative of the urupā trustees has been ongoing during January and February 2026 in confirming an agreed alignment that would see the urupā land protected.³² The HBRCs42A Report notes the proposed accidental discovery protocol condition would apply in the event of archaeology being uncovered by the works.

46. Regarding the comments from Tātau Tātau o Te Wairoa the HBRC s42A Report records the Applicant’s response that the alternative Option 1C++ has been provided too late in the process to be factored into their application, with additional reasons of why that option cannot be incorporated set out as follows:³³

“The applicant provided additional commentary that the scheme is a high-level spillway designed to operate in a 1 in 20-year event and is not a river diversion. River water will not gravitate through the project at design level, and therefore, wetlands, meandering streams and swimming holes cannot be fed from the river. The floodway floor anticipates keeping the spillway floor as dry as possible to manage erosion risks. Furthermore, the assets shown in the Mauri Assessment are outside the footprint of the project and land purchased. In addition to the above, the applicant mentioned local marae had given their feedback separately, generally in support of the project.”

47. The HBRC s42A Report agrees with the Applicant that the merits of the Tātau Tātau o Te Wairoa Option 1C++ are unable to be assessed through this OIC consent process and recommends that:³⁴

“The applicant should explore ways in which connection to place and belonging (i.e. pou) could be incorporated into the project in location(s) that do not compromise the integrity or function of the flood protection works.”

48. The WDC s42A Report provides additional context to the cultural values assessment in highlighting the importance of such values in the assessment of this project:³⁵

“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

³² E-mail from Graeme Hansen (Applicant representative) to Paul Barrett (HBRC, Manager Consents) dated 20 February 2026.

³³ HBRC s42A Report (paragraph 7.13, page 20).

³⁴ HBRC s42A Report (paragraph 7.15, page 20).

³⁵ WDC s42A Report (page 29).

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.”

49. The WDC s42A Report identifies that the proposal has been designed to avoid land or sites of cultural significance and on that basis no direct physical disturbance of known wāhi tapu or wāhi taonga is anticipated. It also identifies the proposed effects management approaches to avoid construction effects and that extensive vegetation planting is proposed to achieve net positive ecological outcomes, as is consistent with cultural values.³⁶
50. In assessing the Applicant’s response to the three CIAs and the CRR, the Wairoa s42A Report identifies that the proposed conditions include: participation by Māori entities through representation on the Stakeholder Advisory Group, appointment of cultural monitors, opportunities for Māori entities representatives to contribute to the CEMP and Ecology Management Plan, and for a bespoke condition to establish a ‘Mana Whenua Project Liaison Lead’ to coordinate a Mana Whenua Working Group and marae appointed cultural monitors.³⁷
51. The WDC s42A Report recommends an addition to Condition 29 (Archaeological discovery protocol) that is specific to koiwi discovery and comments that with the proposed conditions and recommended additions, the conditions would ensure that there are clear communication pathways, coordinated cultural oversight, and meaningful involvement of mana whenua throughout the life of the project.³⁸
52. I agree with the assessments provided in the respective s42A Reports and note additional comment from the Applicant³⁹ on the proposed new Mana Whenua Project Liaison Lead condition (Condition 4), where the following wording has been proposed:

Mana Whenua Project Liaison Lead

- a) *Prior to issuing invites under condition 4A, and unless a Mana Whenua Project Liaison Lead has been appointed by the Crown Manager to the Wairoa District Council and Hawkes Bay Regional Council, the consent holder must invite Te Wairoa Tapokorau Whanui Trust to appoint a Mana Whenua Project Liaison Lead within 10 days of the invite.*
- b) *The role of the Mana Whenua Project Liaison Lead will be to co-ordinate:*
- *A Mana Whenua Working Group, which will comprise representatives from each relevant Māori Entity,*
 - *cultural monitors appointed by each Māori Entity representative.*

³⁶ *Ibid.*

³⁷ WDC s42A Report (pages 29 & 30).

³⁸ WDC s42A Report (page 30).

³⁹ E-mail from C Drury (Applicant’s planner) to B Baillie (HBRC s42A Report author) dated 11 February 2026.

53. I find this bespoke condition to be appropriate for the context of the Wairoa Flood Protection Works OIC application, given that a Crown Manager has been appointed by the Government to govern this project, including relationship management. Further to this the co-ordination function of the Mana Whenua Project Liaison Lead will be important to the operation and inputs of the Mana Whenua Working Group and cultural monitors in seeking due consideration of cultural values in the timely implementation of the project.

Effects on Freshwater Ecology

54. The AEE provides an overview of the Ecological Assessment work already undertaken against the standard conditions and also comments on the proposed reclamation of the two southern permanent streams, again with reference to the standard conditions. These streams need to be reclaimed as part of forming the floodway. It also refers to a stream and drain being affected at the northern extent and to seven natural inland wetland areas.

55. The HBRC s42A Report points out that proposed condition 26(b)(i)(1) 'Ecological Principles' applies the effects management hierarchy to potential adverse effects on freshwater habitats (excluding the drain), which will apply to reclamation and works within the wetland and/or stream features.⁴⁰ Under this condition the applicant will need to assess the values associated with these features and, if necessary, offset or compensate any loss.

56. Conditions 25 – 28 relate to managing ecological effects, including the application of the effects management hierarchy and offsetting compensation where appropriate. I consider these conditions in further detail in Table 3 below and find that relevant effects on freshwater ecology can be appropriately addressed by the conditions.

Stormwater Management

57. The AEE references Condition 21 of the OIC as being applicable and that the works have been designed to comply with this condition. In particular, the stopbanks and floodwalls will not result in any new upstream ponding during a 10-year ARI rainfall event.

58. The HBRC s42A Report does not comment specifically on stormwater in its effects assessment. In summarising the comments received however that report notes the specific concerns of Ashby Pearse regarding stormwater effects and that the applicant has confirmed that the stormwater design will achieve an equivalent level of service compared to the existing situation.⁴¹

⁴⁰ HBRC s42A Report (paragraph 7.25, page 22).

⁴¹ HBRC s42A Report (paragraph 4.13, page 10)

59. I am satisfied that stormwater effects can be appropriately avoided, remedied and mitigated, subject to the proposed conditions of consent.

Soil, Land, and Ecology

60. The AEE refers to the Developed Concept Design Report to conclude that effects from liquefaction are manageable, and soil erosion will be managed through the CEMP and ESCP. Drainage features have been designed in response to the natural landform.
61. The AEE identifies ecology Conditions 26, 27, and 28 as being relevant to the works, noting that detailed surveying will inform offsetting (if required) and the Ecology Management Plan. The Applicant confirmed the Project Ecologist will collaborate with the Māori Entities representatives to prepare the Plan.
62. The AEE states that the use of water in the construction of the stopbanks is essential for maintaining stability and managing dust. Taking water from the Wairoa River rather than the municipal supplies is the most efficient and sustainable option. Appropriate conditions are proposed to manage effects on aquatic fauna.
63. The HBRC s42A Report does not comment specifically on these matters in its effects assessment. A number of comments relating to erosion effects in particular are however responded to in Appendix 1 of the respective s42A Reports. I note the responses to the comments from Hari Campbell, Kitea Tipuna (Taumataote 19B4 Trust), John & Donna Waihape, and Tania Te Whenua. I am satisfied with the responses provided and in conjunction with the conditions of consent that these effects will be appropriately avoided, remedied and mitigated where they are within the scope of, or relate specifically to, the OIC application.

Visual Effects, Landscape and Amenity

64. The AEE assesses matters (c), (d), and (f) in the Construction section of the AEE. Referring to the conclusions in the Landscape Scoping Assessment, the AEE states that the stopbanks will modify the landform and views at a local scale but will integrate into the broader rural landscape relatively well. Mitigation is not practicable due to the functional reality of the stopbank.
65. Effects on Alexandra Park, being a recreation area where several facilities and buildings will need to be relocated, will be managed through Conditions 9 and 10 of the OIC. Several amendments to these conditions are proposed to overtly include these facilities and buildings into the works schedule and relevant management plans so that relocation and public access to these facilities during construction is communicated and managed appropriately.
66. I note that visual, landscape and amenity effects were not specifically identified as matters of concern in the comments received, albeit that these matters are of general relevance to the themes of the Tātau Tātau o Te Wairoa submission.

67. The WDC s42A Report assesses the potential landscape and visual effects and accepts that such effects can be managed through conditions requiring reinstatement, landscaping, and ongoing maintenance of the stop banks.⁴²
68. The WDC s42A Report provides assessment of the recreational and amenity effects of the proposal on Alexandra Park and identifies the following proposed additional conditions to manage such effects:⁴³
- *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.*
69. I agree with the WDC s42A Report conclusion that subject to such conditions the recreational and amenity effects associated with Alexandra Park can be managed within the matters of control specified in Schedule 3. I also agree with the overall conclusion of the WDC s42A Report on landscape, visual and amenity effects that subject to proposed mitigation measures and condition amendments such effects are acceptable in the context of the significant flood mitigation benefits delivered by the proposal.⁴⁴

Adjoining Land Uses

70. The AEE acknowledges impacts on land comprising the floodway and associated stopbanks. Agreements with affected landowners are being addressed and matters relating to land ownership, acquisition and land access are outside the scope of this decision and will be addressed separately between the applicant and affected landowners.
71. The WDC s42A Report assesses effects on the use of land and concludes “*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.*”⁴⁵

⁴² WDC s42A Report (page 32).

⁴³ WDC s42A Report (page 33).

⁴⁴ WDC s42A Report (page 34).

⁴⁵ WDC s42A Report (page 35).

72. In regard to infrastructure assets, both NZTA and Kiwi Rail are submitters. NZTA did not raise any concerns regarding State Highway 2. Kiwi Rail raised questions in their comments regarding potential effects on their rail infrastructure, which I am satisfied are generally responded to in the 'response to comments' column of Appendix 1 of the s42A Reports.
73. The WDC s42A Report identifies that the following measures are proposed in the Application to mitigate effects on infrastructure assets:⁴⁶
- *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.*
74. That report also identifies that the proposed conditions provide mechanisms for coordination, protection, and reinstatement of infrastructure and does not recommend the need for additional conditions.⁴⁷ I also find that to be the case.

Heritage and Archaeology

75. The AEE identifies that a further assessment is necessary to determine whether an Archaeological Authority is required and proposes Condition 29 is sufficient to address this.
76. As mentioned above under the discussion on cultural effects, the WDC s42A Report recommends an amendment to Condition 29 relating to the discovery of koiwi. As per further discussion in Table 3 below I find that amendment, and Condition 29 as otherwise proposed to be appropriate for mitigating potential heritage and archaeological effects.

Access and Transport

77. The AEE states standard conditions are proposed to manage potential adverse effects on access to and along or around watercourses and water bodies during construction. The proposal also includes provision of a new boat ramp at Alexandra Park given that the proposed town side stopbank will cut off access to the existing boat ramp associated with the water ski club.
78. Access to the Wairoa River across their land was a specific matter raised in the comments from Kitea Tipuna on behalf of the Taumataote 19B4 Trust. I am satisfied with the response provided in Appendix 1 to the s42A Reports that:

⁴⁶ Ibid.

⁴⁷ Ibid.

“it is not anticipated that works would change the existing level of access from this property (Taumataoteo 19B4 Block) to the Wairoa River. This comment was passed onto the applicant who confirmed that there will be no impacts on access to 19B4 block land.”

79. I agree with the conclusion in the WDC s42A Report that subject to the construction management and traffic management conditions, effects on access and the transport network can be managed within the matters of control.⁴⁸

Contaminated Land

80. The AEE references the PSI/DSI, which concluded there were no exceedances of human health or environmental criteria. A Contamination Site Management Plan is proposed to manage any potential effects on human health from contaminated soils.
81. WDC supports the proposed conditions and does not recommend any amendments or additional conditions.⁴⁹ I also find the proposed contaminated land conditions to be appropriate.

Construction

82. Although not a specific matter of control under the OIC (but referenced in a number of the other matters of control), the Applicant has assessed construction effects separately.⁵⁰ The identified construction effects comprise stormwater management, erosion and sediment control, nuisance effects, hours of operation, public health and safety, and construction traffic. A list of conditions is proposed to manage these potential effects.
83. I also note that potential construction effects were raised as a concern in comments from several of the adjoining landowners.
84. The WDC s42A Report provides a thorough assessment of the Applicant’s proposed approach to construction and the relevant conditions and draws the following conclusion:⁵¹

“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.”

85. I agree with the conclusions reached in the WDC s42A Report on construction.

⁴⁸ WDC s42A Report (page 37).

⁴⁹ WDC s42A Report (page 38).

⁵⁰ AEE (pages 74–76).

⁵¹ WDC s42A Report (page 40).

Subsurface Drainage and Drawdown

86. The HBRC s42A Report includes an additional assessment under the above heading to respond to the matters raised in the comments of Kiwi Rail and Te Tumu Paeroa who were concerned about potential water table drawdown effects on land near to the floodway. The HBRC s42A Report summarises this issue as follows:⁵²

“The applicant proposes to undertake “construction site establishment works” prior to commencement of “construction works”. Construction site establishment works includes subsurface drainage of the floodway, through installation of cut off drains between 1 m to 2 m deep to draw down the groundwater ahead of the earthworks phase. Through the applicant’s response to comments, it was stated that marginal drawdown of up 250 m away from either side of the excavated length of the flood way is expected, but that this is not relevant where the stopbanks are not besides the excavated floodway. Some recommend changes to the conditions are made to reflect the need to survey wetland and stream extent prior to drainage work occurring as this work (which the applicant considers as site establishment work) could otherwise proceed prior to the CEMP and Ecological Management Plan being completed.”

87. Accordingly, land within 250m of the proposed floodway is likely to be subject to lowered water tables. The Applicant proposes Condition 1C to address the proposed dewatering, subsurface drainage works, as part of the site establishment, and therefore ahead of the Construction Environmental Management Plan being in place. In response to my questions, I have received additional advice and recommendations from the HBRC Consents Manager to the information provided in the s42A Report, for additions to Condition 1C. I discuss the details and merits of those additions in Table 3 below.

88. Based on the Applicant’s proposal and response to comments, and additional advice from the HBRC Consents Manager, I am satisfied that potential subsurface drainage and water table drawdown effects can be appropriately managed through the conditions of consent.

6. STATUTORY INSTRUMENTS

6.1 ASSESSMENT RELEVANT TO HBRC AS CONSENT AUTHORITY

89. The HBRC s42A Report provides a comprehensive assessment of the application against the following statutory instruments pursuant to section 104(1)(b) of the RMA:

- a) National Policy Statement for Freshwater Management 2020 (Amended December 2025) (‘NPS-FM’).
- b) National Policy Statement for Infrastructure 2025 (‘NPS-I’).

⁵² HBRC s42A Report (paragraph 7.26, page 23).

- c) National Policy Statement for Natural Hazards 2025 ('NPS-NH').
- d) National Environmental Standards for Freshwater 2020 (Amended 2023).
- e) National Environmental Standards for Sources of Human Drinking Water 2007.
- f) Regional Policy Statement.
- g) Regional Resource Management Plan.
- h) Outstanding Water Bodies Proposed Plan Change 7.

90. The assessment provided against each of the above instruments considers that the proposal is consistent with the relevant provisions, can be approved subject to those provisions or that the provisions are not relevant to the proposal.⁵³

91. I find the assessment under section 104(1)(b) of the RMA in the HBRC s42A Report to be appropriate and I adopt it for the purposes of this decision.

6.2 ASSESSMENT RELEVANT TO WDC AS CONSENT AUTHORITY

92. The WDC s42A Report considers various statutory instruments and includes assessment against the following as relevant to the WDC components of the Application:

- a. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health NESCS 2011.
- b. National Policy Statement for Highly Productive Land 2023 ('NPS-HPL').
- c. Regional Policy Statement.
- d. Wairoa District Plan.

93. The assessment in the WDC s42A Report against the NPS-HPL identifies that exemptions under clause 3.9(2)(b), (c), and (j)(i) would apply to the proposed works. It also identifies that clause 3.9(3) will be satisfied given the nature and purpose of the proposed works.⁵⁴ I agree with the assessment provided in the WDC s42A Report and adopt it as part of my decision.

94. The WDC s42A Report identifies that the proposal is consistent with the relevant objectives and policies of the both the RPS and the WDP. In reaching that conclusion the WDC s42A Report provides specific assessment of the WDP objectives and policies relating to Tangata Whenua Issues, Natural Hazards, and Natural & Physical

⁵³ HBRC s42A Report (pages 24 – 28).

⁵⁴ WDC s42A Report (pages 41 – 43).

Resources of Significance.⁵⁵ I agree with these conclusions, and I adopt them for the purposes of this decision.

7. RMA SECTIONS 105, 107 AND PART 2

95. The HBRC s42A Report considers the discharges that may result from the proposal against sections 105 and 107 of the RMA. Regarding section 105, the nature of the discharges, sensitivity of the receiving environment and reasons for making the proposed choice are considered and the s42A Report concludes the proposal, including the proposed conditions and recommended amendments to them, are appropriate managing any adverse effects of the activity (inclusive of the discharge).⁵⁶
96. In terms of section 107, the s42A Report concludes that the proposed discharge is unlikely to result in any of the effects referenced in section 107 and will be temporary in nature, occurring over the course of construction, allowing consent to be granted.⁵⁷
97. I agree with the conclusions of the HBRC s42A Report on sections 105 and 107 of the RMA and adopt them for the purposes of this decision.
98. Both the HBRC and WDC s42A Reports assess the application against Part 2 of the RMA and conclude that consistency is achieved with Part 2.⁵⁸ I agree with these assessments, and I adopt them for the purposes of this decision.

8. CONSENT DURATION

99. I adopt the consent durations and lapse date as recommended in both the HBRC and WDC s42A Reports of 5 years duration for matters of HBRC jurisdiction and unlimited duration for land use consents within the jurisdiction of WDC as is consistent with Clause 20 of the OIC, and a lapse date of two years from the date of this decision.⁵⁹

9. CONSENT CONDITIONS

100. Clause 17 of the OIC sets out that the consent authority may impose 1 or more of the conditions set out in Schedule 2 of the OIC, while also enabling the consent authority to amend any of these conditions, and to add additional conditions, if considered necessary for achieving the authorities' responsibility for a matter of control in

⁵⁵ WDC s42A Report (pages 43 – 45).

⁵⁶ HBRC s42A Report (pages 29 & 30).

⁵⁷ HBRC s42A Report (page 30).

⁵⁸ HBRC s42A Report (pages 30 & 31); and WDC s42A Report (page 46).

⁵⁹ HBRC s42A Report (page 32) and WDC s42A Report (page 46).

Schedule 3. That is, except for the condition in Clause 1 of Schedule 2, which clause 17(3) of the OIC prevents from being amended. That condition being:

1 Compliance with specified documents accompanying consent application

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

(a) [consent authority to complete]:

(b) [consent authority to complete]:

(c) [consent authority to complete]:

(d) [consent authority to complete].

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

101. The Application proposes a set of conditions based on Schedule 2, with modifications and deletions that reflect the assessment of effects on the environment undertaken and the matters of control in Schedule 3 of the OIC.

102. The HBRC s42A Report sets out as Appendix 2 a table of conditions as requested by the applicant, and comments and recommended wording changes as appropriate from both WDC and HBRC and references feedback on draft conditions from the Applicant. The WDC s42A Report cross references to Appendix 2 of the HBRC s42A Report. I am in general agreement with the assessment of the conditions provided in the respective s42A Reports. Rather than repeating those assessments I identify in the following table where changes other than minor typographical edits are recommended and comment on those. I note that I do not include those conditions in the table below that have been recommended by the Applicant and agreed with in full by both s42A Reports.

103. The full set of conditions as per my decision is set out in Appendix A in a clean copy format.

Table 3 – Findings on Conditions Proposed for Consent

<p>Conditions Proposed by Applicant – Amendments to Standard Schedule 2 conditions in blue font.</p>	<p>Amendment Recommended by Consent Authority highlighted in yellow -(additions in red font, deletions in strike through font)</p>	<p>Decision Finding (decisions on condition wording different to the s42A recommendations are highlighted in green)</p>
<p>a) The consent holder must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent:</p> <ul style="list-style-type: none"> i. <u>Wairoa Flood Mitigation Project, Developed Concept Design Report, 10 December 2025</u>, consent authority to complete; ii. consent authority to complete; iii. consent authority to complete; iv. consent authority to complete; <p>b) However, if there is a conflict between a condition imposed on the resource consent and a requirement in any document referred to in subclause (1), the imposed condition prevails.</p>	<p><u>1. Compliance with specified documents accompanying consent application</u></p> <p>a) The consent holder must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent:</p> <ul style="list-style-type: none"> i. <u>'Resource Consent Application For Flood Mitigation Works, Wairoa, Hawke's Bay Regional Council', authored by Stradegy and dated 15 December 2025.</u> ii. <u>Wairoa Flood Mitigation Project, Developed Concept Design Report, 10 December 2025.</u> <p>b) However, if there is a conflict between a condition imposed on the resource consent and a requirement in any document referred to in subclause (1), the imposed condition prevails.</p>	<p>The Council officers have recommended to include reference to the primary application document for completeness.</p> <p>I find Condition 1 to be appropriate with the following minor referencing addition:</p> <p><u>ii. Wairoa Flood Mitigation Project, Developed Concept Design Report, WSP, 10 December 2025.</u></p>

<p><u>1B Tracking changes in the design process</u></p> <p><u>Changes that occur between developed concept and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1.</u></p> <p><u>In this context, “in accordance with” means changes that do not introduce a new activity, do not introduce a substantial change in alignment, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material increase in consequential flooding effects to other properties.</u></p> <p><u>The Final Design Report shall be provided to the Hawke’s Bay Regional Council (Manager Compliance) prior to construction commencing, and shall include:</u></p> <ul style="list-style-type: none"> <u>i. Establishment of an access over the townside stopbank to facilitate watercraft and public uses,</u> <u>ii. Solutions for the relocation and/or re-establishment of affected park facilities in Alexander Park as part of the construction works, unless otherwise agreed with Wairoa District Council.</u> 	<p><u>1B Tracking changes in the design process</u></p> <p>a) <u>Changes that occur between developed concept and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall include the final design plans and shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1.</u></p> <p>b) <u>In this context, “in accordance with” means changes that do not introduce a new activity, do not introduce a substantial change in alignment, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material increase in consequential flooding effects to other properties.</u></p> <p>c) <u>The Final Design Report and final design plans shall be provided to the Hawke’s Bay Regional Council (Manager Compliance) and Wairoa District Council (Compliance Manager) at least 5 10 working days prior to construction commencing, and shall include:</u></p> <ul style="list-style-type: none"> <u>i. Establishment of an access over the townside stopbank to facilitate watercraft and public uses,</u> <u>ii. Solutions for the relocation and/or re-establishment of affected park facilities in Alexander Park as part of the construction works, unless otherwise agreed with Wairoa District Council.</u> 	<p>I note the Applicant has not commented on the minor wording amendments recommended in the s42A Reports.</p> <p>There is a minor discrepancy between the two s42A Report recommendations regarding the timeframe within which the final design plans are to be provided. I find that the 5 working day timeframe aligns with Condition 10 (CEMP) and therefore adopt that timeframe for my decision.</p> <p>The WDC s42A Report also requests a new definition of “Manager(s) Compliance” and the use of that term in this condition rather than the more specific wording requested by HBRC. I find that recommendation of WDC to be appropriate. I adopt the recommended wording of the s42A Reports in column 2 in all respects except for the following amendments to 1B(c):</p> <p><u>The Final Design Report and final design plans shall be provided to the Managers Compliance at least 5 working days prior to construction commencing, and shall include: ...</u></p>
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<p><u>1C. Dewatering during Establishment of Construction Site Works</u></p> <p>a) <u>This condition applies if dewatering or subsurface drainage is undertaken as part of establishment of construction site works.</u></p> <p>b) <u>Prior to commencement of the dewatering or subsurface drainage activity, the consent holder must provide the following to the Hawke's Bay Regional Council (Manager Compliance):</u></p> <ul style="list-style-type: none"> i. <u>A description of the dewatering or subsurface drainage methodology and plan showing features,</u> ii. <u>A sediment control and environmental management plan.</u> 	<p><u>1C. Dewatering during Establishment of Construction Site Works</u></p> <p>a) <u>This condition applies if dewatering or subsurface drainage is undertaken as part of establishment of construction site works.</u></p> <p>b) <u>At least 5 working days prior to commencement of the dewatering or subsurface drainage activity, the consent holder must provide the following to the Hawke's Bay Regional Council (Manager Compliance):</u></p> <ul style="list-style-type: none"> i. <u>A description of the dewatering or subsurface drainage methodology and plan showing key drainage features including discharge points.</u> ii. <u>A sediment control and environmental management plan.</u> iii. <u>Confirmation that ecological survey as required by condition 27.a) iii – v. has occurred.</u> 	<p>I find this condition to be an important mitigation to the general concerns raised in the comments of both Te Tumu Paeroa and Kiwi Rail who are concerned with potential effects on the water table of nearby land, as well as those comments that were concerned with general environmental effects. I note however that lowering of the water table under the floodway is proposed on a permanent basis but with separate dewatering drainage established prior to construction, and it is these preconstruction works that this Condition 1C seeks to address (see Application section 4.5.1, page 39). Following the completion of the HBRC s42A Report, it has been brought to my attention that the proposed drainage works are of greater potential effect than typical preconstruction site works, and as such would need to be subject to some of the construction work conditions to ensure potential effects are mitigated. As such I find that it is appropriate to attach additional requirements to condition 1C(b) to what was recommended in the HBRC s42A Report:</p> <p>b) <u>At least 5 working days prior to commencement of the dewatering or subsurface drainage activity, the consent holder must provide the following to the Hawke's Bay Regional Council (Manager Compliance) and subsequently implement the works in accordance with these requirements:</u></p>
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<p>1D. Removal of Buildings</p> <p>Whether undertaken as part of ‘establishment of construction site’ works or ‘construction works’, any buildings removed by the consent holder with</p>	<p>No changes recommended</p>	<p>This condition implements a recommendation of the WSP PSI and limited DSI Report (Appendix 8 of Application), which I find to be appropriate.</p>

<p>asbestos cladding must be removed by licensed asbestos removal specialists.</p>		
<p><u>2. Duration of resource consent</u></p> <p>(a) The period for which this resource consent has been granted is <i>[consent authority to insert date that is not more than 5 years]</i> after the date of commencement of the consent.</p> <p>(b) This resource consent lapses on <i>[consent authority to insert date that is no later than 2 years after date of commencement of consent]</i>.</p>	<p>No changes recommended</p>	<p>The wording of decision with appropriate dates inserted is as follows:</p> <p><u>2. Duration of resource consent</u></p> <p>(a) The period for which this resource consent has been granted is 5 years after the date of commencement of the consent.</p> <p>(b) This resource consent lapses on 23 February 2028 if not exercised before this date.</p>
<p><u>Condition number and heading only are quoted below:</u></p> <p><u>3. Definitions</u></p> <p>(No changes proposed to the OIC Schedule 2 wording)</p>	<p><u>3. Definitions</u></p> <p>CEMP means the Construction Environment Management Plan required by condition 10 of this schedule consent.</p> <p><i>An equivalent amendment is also recommended to the definitions of the following terms:</i></p> <p><i>Cultural indicator, cultural monitors, earthworks principles, ecology principles, Erosion and Sediment Control Manager, ESCP, Māori entity representative.</i></p> <p>Additional definitions and amendments recommended in the s42A Reports are listed below:</p>	<p>HBRC and WDC Reporting Officers have recommended the same changes to this condition (and all subsequent references in the recommended conditions) to replace the word 'schedule' with 'consent'.</p> <p>When the standard conditions listed in Schedule 2 of the OIC are applied to the consent, I agree that the definitions when cross referencing should refer to 'this consent' rather than 'this schedule'.</p> <p>The recommended definition of consent authorities is self-explanatory and appropriate.</p> <p>The reference to condition 4A(c) in the 'cultural monitors' definition is a consequential amendment resulting from a recommended new condition 4</p>

	<p><u>Consent authorities means Hawke’s Bay Regional Council (HBRC) and Wairoa District Council (WDC)</u></p> <p>cultural monitors means the cultural monitors appointed by relevant Māori entities under condition 4A(c) of this <u>schedule consent</u></p> <p><u>Manager(s) Compliance means the person employed by HBRC as manager of compliance or in the case of WDC, the Group Manager of Planning and Regulatory or their respective nominee.</u></p>	<p>below, which results in the condition that establishes cultural monitors becoming 4A.</p> <p>As mentioned under 1B above, the recommendation for a ‘Manager(s) Compliance’ definition is from the WDC and enables appropriate reference to the relevant officers responsible for compliance at both HBRC and WDC.</p> <p>I therefore find the recommended definition amendments and new definitions recommended by the s42A Reports to be appropriate.</p>
<p><u>4. Māori entities representatives Mana Whenua Project Liaison Lead</u></p> <p>a) <u>Prior to issuing invites under condition 4A, the consent holder must invite Te Wairoa Tapokorau Whanui Trust to appointment a Mana Whenua Project Liaison Lead within 10 days of the invite.</u></p> <p>b) <u>The role of the Mana Whenua Project Liaison Lead will be to co-ordinate:</u></p> <p>i. <u>A Mana Whenua Working Group, which will comprise representatives from each relevant Māori Entity,</u></p> <p>ii. <u>cultural monitors appointed by each Māori Entity representative.</u></p>	<p><u>4. Māori entities representatives Mana Whenua Project Liaison Lead</u></p> <p>a) <u>Prior to issuing invites under condition 4A, and unless a Mana Whenua Project Liaison Lead has been appointed by the Crown Manager to the Wairoa District Council and Hawkes Bay Regional Council, the consent holder must invite Te Wairoa Tapokorau Whanui Trust to appointment a Mana Whenua Project Liaison Lead within 10 days of the invite.</u></p> <p>b) <u>The role of the Mana Whenua Project Liaison Lead will be to co-ordinate:</u></p> <p>i. <u>A Mana Whenua Working Group, which will comprise representatives from each relevant Māori Entity,</u></p> <p>ii. <u>cultural monitors appointed by each</u></p>	<p>The applicant proposed the additional wording <i>in italics</i> in the 2nd column after the Application was lodged (as explained in paragraphs 52 and 53 of the body of this decision) stating that “<i>the amendments included to preserve the ‘relationship management’ function of the Crown Manager to the Wairoa District Council and Hawkes Bay Regional Council – being a specific function of the statutory role</i>”. Both the HBRC and WDC s42A reports consider the proposed new condition 4 with the additional wording set out in the second column to be appropriate, which I also find to be the case.</p>

	<u>Māori Entity representative.</u>	
<p><u>4A Māori entities representatives</u></p> <p>a) <u>Working with the Mana Whenua Project Liaison Lead (if one is in place),</u> The consent holder must invite each relevant Māori entity to appoint a representative to <u>join the Mana Whenua Working Group, who will perform, with the representatives appointed by all other relevant Māori entities,</u> the Māori entities representatives' roles and responsibilities set out in this schedule in relation to the flood protection works for which the consent has been granted.</p> <p>b) The consent holder must issue the invitations at least 20 days before the flood protection work begin.</p> <p>c) The relevant Māori entities may appoint a team of cultural monitors to</p> <ol style="list-style-type: none"> i. Support the Māori entities representatives; and ii. <u>provide advice to those preparing the Communications plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecological Management Plan, and</u> iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value. 	<p><u>4A Māori entities representatives</u></p> <p>a) <u>Working with the Mana Whenua Project Liaison Lead (if one is in place),</u> The consent holder must invite each relevant Māori entity to appoint a representative to <u>join the Mana Whenua Working Group, who will perform, with the representatives appointed by all other relevant Māori entities,</u> the Māori entities representatives' roles and responsibilities set out in this schedule consent in relation to the flood protection works for which the consent has been granted.</p> <p>b) The consent holder must issue the invitations at least 20 days before the flood protection work begin.</p> <p>c) The relevant Māori entities may appoint a team of cultural monitors to</p> <ol style="list-style-type: none"> i. Support the Māori entities representatives; and ii. <u>provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecological Management Plan, and</u> iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value. 	<p>This is the amended condition 4 from Schedule 2 of the OIC. The amendments provide for the 'Mana Whenua Project Liaison Lead' and 'Mana Whenua Working Group' which has been requested by the Applicant and recommended by the s42A Report authors as an appropriate bespoke approach to this project given the significant cultural values and number of separate Māori entities involved.</p> <p>I find the recommended conditions 4 and 4A to be appropriate.</p>

<p>d) Working with the Mana Whenua Project Liaison Lead, the consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters:</p> <ul style="list-style-type: none"> i. the appropriate number of representatives; ii. the scope of the representatives' role and responsibilities; iii. time frames for decisions, advice, and actions; iv. support for the representatives; v. remuneration for the representatives. <p>e) In developing the terms of reference, and in working with the Mana Whenua Project Liaison Lead, the consent holder must —</p> <ul style="list-style-type: none"> i. convene discussions with all relevant Māori entities; and ii. use its best endeavours to achieve consensus on all matters. <p>f) If consensus on all matters is not achieved, the remaining matters must be determined —</p> <ul style="list-style-type: none"> i. By a majority vote; or ii. If votes are tied, by the casting vote of the consent holder. 	<p>d) Working with the Mana Whenua Project Liaison Lead, the consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters:</p> <ul style="list-style-type: none"> i. the appropriate number of representatives; ii. the scope of the representatives' role and responsibilities; iii. time frames for decisions, advice, and actions; iv. support for the representatives; v. remuneration for the representatives. <p>e) In developing the terms of reference, and in working with the Mana Whenua Project Liaison Lead, the consent holder must —</p> <ul style="list-style-type: none"> i. convene discussions with all relevant Māori entities; and ii. use its best endeavours to achieve consensus on all matters. <p>f) If consensus on all matters is not achieved, the remaining matters must be determined —</p> <ul style="list-style-type: none"> i. By a majority vote; or ii. If votes are tied, by the casting vote of the consent holder. 	
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<p><u>5. Guidance on Cultural indicators</u></p> <p>a) The guidance provided under condition 4(c)(iii) of this schedule must focus on indicators covering all identified traditional associations,—</p> <ul style="list-style-type: none"> i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. <p>b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan all plans required by these conditions;</p> <ul style="list-style-type: none"> i. take all applicable cultural indicators into account; and ii. report to the Māori entities representatives how those indicators have been taken into account. 	<p><u>5. Guidance on Cultural indicators</u></p> <p>a) The guidance provided under condition 4A(c)(iii) of this schedule consent must focus on indicators covering all identified traditional associations,—</p> <ul style="list-style-type: none"> i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. <p>b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan all plans required by these conditions;</p> <ul style="list-style-type: none"> i. take all applicable cultural indicators into account; and ii. report to the Māori entities representatives how those indicators have been taken into account. 	<p>The replacement of references to ‘this schedule’ with ‘this consent’ are appropriate. This is a typographical correction for the reasons discussed above, and the same change is made in a number of additional conditions. There is no need for me to provide further comment on this matter.</p> <p>The reference to 4A(c)(iii) is a necessary consequential amendment.</p> <p>The HBRC and WDC s42A Reports are in agreement with the wording recommended by the applicant in all other respects.</p> <p>The changes to 5(b) result in more specific wording to focus the cultural indicators to the associated cross reference in the Construction Environmental Management Plan and to the Ecology Management Plan, with ecological effects being a specific area of concern in the three CIAs and the CRR. I find the proposed changes to be appropriate.</p>
<p><u>6. Stakeholder advisory group</u></p> <p>a) The representatives appointed under subconditions (b) and (d) and the Māori entities</p>	<p><u>6. Stakeholder advisory group</u></p> <p>a) The representatives appointed under subconditions (b) and (d) and the Māori</p>	<p>The recommended amendments to (b)(ii – iii)) amends the list of parties able to join the STAG group into two sub-conditions to make this requirement clearer. The amended wording</p>

<p>representatives form the stakeholder advisory group.</p> <p>b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group:</p> <ul style="list-style-type: none"> i. the owners and occupiers of land on which the flood protection works are carried out (<u>referred to as ‘Footprint’ in and all adjoining land Schedule 1</u>): ii. all persons listed in who made comments under clause 15(2)(a)(ii)-(vi) and (viii)-(x) of the OIC <u>and any owner or occupier of land referred to as ‘Footprint Adjoining’ in Schedule 1 who made comments under clause 15 of the OIC</u>: iii. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: iv. the Manager Compliance: v. Heritage New Zealand Pouhere Taonga: vi. the Department of Conservation: vii. the Māori entities representatives ... <p><u>(remainder of wording as per Schedule 2 of OIC)</u></p>	<p>entities representatives form the stakeholder advisory group.</p> <p>b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group:</p> <ul style="list-style-type: none"> i. the owners and occupiers of land on which the flood protection works are carried out (<u>referred to as ‘Footprint’ in and all adjoining land Schedule 1</u>): ii. all persons listed in who made comments under clause 15(2)(a)(ii)-(vi) and (viii)-(x) of the OIC: iii. <u>any owner or occupier of land referred to as ‘Footprint Adjoining’ in Schedule 1 who made comments, and any clause 15(2)(a)(x) party that commented. under clause 15 of the OIC</u>: iv. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: v. the Managers Compliance <u>of both consent authorities (HBRC and WDC)</u>: vi. Heritage New Zealand Pouhere Taonga: vii. the Department of Conservation: viii. the Māori entities representatives 	<p>continues to ensure that all listed parties are invited, along with all ‘footprint’ landowners and occupiers, and any ‘adjoining’ or clause 15(2)(a)(x) parties that commented. The condition does not now require the applicant to invite all parties who were invited to comment by the councils under clause 15(2)9a)(x).</p> <p>The HBRC s42A Report provides the following reason for the additions proposed:</p> <p><i>“It is noted that Te Tumu Paeroa commented on the application on behalf of 59 Trusts within their portfolio that are within close proximity to the proposed floodway. Some of the properties represented by Te Tumu Paeroa are shown in Schedule 1 as Immediately Adjoining. It is recommend that the comment from Te Tumu Paeroa be taken as a comment from these land owners, and that they be invited to appoint a representative.</i></p> <p><i>KiwiRail has been specifically included as a party even though KiwiRail was a party that commented, given it was a “immediately affected” land owner at time of application.”</i></p> <p>I find that the amendments to Condition 6 as recommended in the s42A Reports are appropriate.</p>
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	<p>ix. Te Tumu Paeroa</p> <p>x. Kiwi Rail ...</p>	
<p>Condition numbers and heading only is quoted below:</p> <p><u>7 Operation of stakeholder advisory group.</u></p> <p>(No changes proposed to the OIC Schedule 2 wording)</p>	No changes suggested.	No comment required.
<p><u>8. Project Engagement Lead</u></p> <p>a) The consent holder must appoint a person as Project Engagement Lead to act as the consent holder’s main point of contact with—</p> <p>i. the Mana Whenua Project Liaison Lead, Mana Whenua Working Group or Māori entities representatives; and</p> <p>ii. the stakeholder advisory group.</p> <p>b) The consent holder must ensure that the Project Engagement Lead is reasonably available to perform their role under this condition.</p> <p>c) The consent holder must also ensure that the contact details of the Project Engagement Lead are posted on an internet site maintained by or on behalf of the consent holder.</p>	<p><u>8. Project Engagement Lead</u></p> <p>a) The consent holder must appoint a person as Project Engagement Lead to act as the consent holder’s main point of contact with—</p> <p>i. the Mana Whenua Project Liaison Lead, Mana Whenua Working Group and/or Māori entities representatives; and</p> <p>ii. the stakeholder advisory group.</p> <p>b) The consent holder must ensure that the Project Engagement Lead is reasonably available to perform their role under this condition.</p> <p>c) The consent holder must also ensure that the contact details of the Project Engagement Lead are posted on an internet site maintained by or on behalf of the consent holder.</p>	<p>This requested amendment to the standard Schedule 2 condition is to accommodate the addition of the Mana Whenua Project Liaison Lead and Mana Whenua Working Group to the Wairoa Flood Protection Process.</p> <p>The HBRC s42A Report advises the addition of “and/” ensures the Project Engagement Lead will be the main contact point for all parties as necessary.</p> <p>I find Condition 8 as recommended in the 2nd column to be appropriate.</p>

<p><u>9 Communications Plan</u></p> <p><i>(Only those parts of the standard condition that are proposed to be altered are set out below)</i></p> <p>a) The consent holder must, taking account of the advice provided by cultural monitors, develop and implement a communications plan for the duration of construction works. ...</p> <p>c) The communications plan must include the following:</p> <p>i. a description of the flood protection works or details of (including the likely period over which access to Alexander Park will be affected and the procedures for managing public access to the Park), or a link to, an internet site maintained by or on behalf of the consent holder that describes the construction works: ...</p> <p>d) The consent holder must give to the Manager Compliance—</p> <p>i. the initial communications plan at least 520 working days before construction works begin; and</p> <p>ii. any amended plan, as soon as practicable after the amendment.</p>	<p><u>9 Communications Plan</u></p> <p>a) The consent holder must, taking account of the advice provided by cultural monitors, develop and implement a communications plan for the duration of construction works. ...</p> <p>c) The communications plan must include the following:</p> <p>i. a description of the flood protection works or details of (including the likely period over which access to Alexander Park will be affected and the procedures for managing public access to the Park), or a link to, an internet site maintained by or on behalf of the consent holder that describes the construction works:</p> <p>d) The consent holder must give to the Managers Compliance (HBRC and WDC) —</p> <p>i. the initial communications plan at least 520-10 working days before construction works begin; and</p> <p>ii. any amended plan, as soon as practicable after the amendment.</p>	<p>Referencing the cultural monitors in Condition 9(a) has occurred for other HB flood protection OIC decisions and is also appropriate for this decision.</p> <p>The HBRC s42A Report states that Condition 9(d)(i) the communications plan needs to be reviewed by the Compliance Manager, and 10 working days is considered an appropriate minimum timeframe for this.</p> <p>Although the Applicant has requested a 5 working day time frame, I find that the 10 working days as recommended by the Council s42A Reports is an appropriate timeframe, given that the OIC standard condition is 20 working days and that the works in this proposal are significant.</p> <p>I therefore find the recommended wording of Condition 9 in the 2nd column to be appropriate.</p>
<p><u>10 Construction Environmental Management Plan</u></p>	<p><u>10 Construction environmental management plan</u></p>	<p>There is agreement between the Application and s42A Reports with the wording for condition 10 for the most part. The amendments sought and</p>

<p>a) The consent holder must—</p> <ul style="list-style-type: none"> i. prepare a construction environmental management plan for the flood protection <u>construction</u> works; and ii. not less than 5 working days before the <u>commencement of each area of construction</u> works begin, submit the CEMP to the consent authority and the stakeholder advisory group. <p>b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the flood protection <u>construction</u> works.</p> <p>c) The CEMP must include the following information:</p> <ul style="list-style-type: none"> i) the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager: ii) a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent <u>and details for cultural induction prior to commencement</u>: iii) procedures, <u>developed in partnership with the Māori Entity Representatives</u>, for— <ul style="list-style-type: none"> 1. obtaining <u>ongoing</u> guidance on cultural indicators provided by cultural monitors; and 2. <u>works around the Waihirere urupā to identify no-go areas</u> 	<p>a) The consent holder must—</p> <ul style="list-style-type: none"> i. prepare a construction environmental management plan for the flood protection <u>construction</u> works; and ii. not less than 5 working days before the <u>commencement of each area of construction</u> works begin, submit the CEMP <u>and the final design report and plans required under condition 1B</u> to the consent authorities y (<u>HBRC and WDC</u>) and the stakeholder advisory group. <p>b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the flood protection <u>construction</u> works.</p> <p>c) The CEMP must include the following information:</p> <ul style="list-style-type: none"> i) the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager: ii) a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent <u>and details for cultural induction prior to commencement</u>: iii) procedures, <u>developed in partnership with the Māori Entity Representatives</u>, for— <ul style="list-style-type: none"> 1. obtaining <u>ongoing</u> guidance 	<p>agreed to and refined by the s42A Report recommendations incorporate the bespoke features of this project, which I also find to be appropriate.</p> <p>The only aspect of the condition wording recommended in the s42A Report that the Applicant has commented on is Condition 10(c)(xxvi) where they question the need to add reporting procedures as changes would have been shared with the Councils and STAG under condition 11.</p> <p>In response to these comments the HBRC s42A Report states: <i>“HBRC continues to recommend this change as it will assist with compliance monitoring by making any changes clear.”</i></p> <p>I agree that the recommended amendment to 10(c)(xxvi) in the 2nd column will assist monitoring by identifying the changes made and therefore find the wording of condition 10 as set out in the 2nd column to be appropriate.</p>
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<p>and ensure tikanga is followed; and</p> <p>3. managing restrictions on public access to marae and urupa in respect to health and safety; and</p> <p>1-4. ongoing reporting to the Māori entities representatives <u>on how the indicators in condition 5(a) have been taken into account, or if not, why not, under condition 5(b)(ii) of this schedule:</u></p> <p>iv) indicative timing of all stages of the flood protection works, the facilities in Alexander Park affected and the likely period over which access to Alexander Park will be affected:</p> <p>v) procedures for the management of hazards, including—</p> <ol style="list-style-type: none"> 1. any risk of flood; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons); and 3. working in the proximity of overhead powerlines: <p>vi) the location of laydown and material stockpile areas and arrangements for site access and on-site traffic management, including haulage routes:</p> <p>vii) procedures for managing public health and safety, including restrictions on public access to work</p>	<p>on cultural indicators provided by cultural monitors; and</p> <p>2. works around the Waihirere urupā to identify no-go areas and ensure tikanga is followed; and</p> <p>3. managing restrictions on public access to marae and urupā in respect to health and safety; and</p> <p>1-4. ongoing reporting to the Māori entities representatives <u>on how the indicators in condition 5(a) have been taken into account, or if not, why not, under condition 5(b)(ii) of this schedule:</u></p> <p>iv) indicative timing of all stages of the flood protection works, the facilities in Alexander Park affected and the likely period over which access to Alexander Park will be affected:</p> <p>v) procedures for the management of hazards, including—</p> <ol style="list-style-type: none"> 1. any risk of flood; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons); and 3. working in the proximity of overhead powerlines: <p>vi) the location of laydown and material stockpile areas and arrangements</p>	
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<p>sites, Alexander Park, and the river:</p> <p>viii) A Contamination Site Management Plan including, but not limited to:</p> <ol style="list-style-type: none"> 1. Unexpected discovery protocols, 2. Procedures for the removal of any contaminated soil from 147 Railway Road, <p>viii) ix) dust management measures (see condition 16 of this schedule):</p> <p>ix) x) procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings), groundwater or surface water takes, and diversions and discharges to land or water (including the CMA):</p> <p>x) xi) contact details of at least 2 persons or bodies who respond to emergencies and who—</p> <ol style="list-style-type: none"> 1. are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and 2. have authority to authorise immediate response actions: <p>xii) xii) a detailed process for detecting, investigating, and recording incidents:</p> <p>xiii) xiii) details (including timing) of arrangements for reporting to the consent authority on the outcomes of, and compliance with, the CEMP:</p>	<p>for site access and on-site traffic management, including haulage routes:</p> <p>vii) procedures for managing public health and safety, including restrictions on public access to work sites, Alexander Park, and the river:</p> <p>viii) A Contamination Site Management Plan including, but not limited to:</p> <ol style="list-style-type: none"> 1. Unexpected discovery protocols, 2. Procedures for the removal of any contaminated soil from 147 Railway Road. <p>xvii) ix) dust management measures (see condition 16 of this schedule-consent):</p> <p>xviii) x) procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings), and for the managing and measurement of groundwater or surface water takes, including fish screening requirements, and diversions and discharges to land or water (including the CMA):</p> <p>xix) xi) contact details of at least 2 persons or bodies who respond to emergencies and who—</p> <ol style="list-style-type: none"> 1. are contactable 24 hours a day, 7 days a week, 	
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<p>xiii) <u>xiv)</u> any ESCP (see condition 14 of this schedule):</p> <p>xiv) <u>xv)</u> how works in or adjacent to water bodies will be managed:</p> <p>xv) <u>xvi)</u> how any river gravel extraction or land-based borrow sites will be managed:</p> <p>xvi) <u>xvii)</u> how noise and vibration generated by the works will be managed:</p> <p>xvii) <u>xviii)</u> the landscaping plan (if any) prepared under condition 24 of this schedule:</p> <p>xviii) an outline of key procedures—</p> <p style="padding-left: 20px;">1. how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or</p> <p style="padding-left: 20px;">2. <u>from the applicable ecology management plan prepared under condition 28 of this schedule affecting construction:</u></p> <p>xix) details of how the ecology principles will guide environmental outcomes:</p> <p>xx) cultural and archaeological artefact discovery protocols <u>(see clause 29 of this schedule) or reference to an Authority where applicable:</u></p> <p>xxi) methods for responding to queries and complaints:</p>	<p>throughout the flood protection works; and</p> <p>2. have authority to authorise immediate response actions:</p> <p>xx) <u>xii)</u> a detailed process for detecting, investigating, and recording incidents:</p> <p>xxi) <u>xiii)</u> details (including timing) of arrangements for reporting to the consent authorities <u>(Manager Compliance)</u> on the outcomes of, and compliance with, the CEMP:</p> <p>xxii) <u>xiv)</u> any ESCP (see condition 14 of this <u>schedule consent</u>):</p> <p>xxiii) <u>xv)</u> how works in or adjacent to water bodies will be managed:</p> <p>xxiv) <u>xvi)</u> how any river gravel extraction or land-based borrow sites will be managed:</p> <p>xxv) <u>xvii)</u> how noise and vibration generated by the works will be managed:</p> <p>xix) <u>xviii)</u> the landscaping plan (if any) prepared under condition 24 of this schedule:</p> <p>xx) an outline of key procedures—</p> <p style="padding-left: 20px;">1. how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or</p>	
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<p>xxii) procedures for amending the CEMP under condition 11 of this schedule. The CEMP must, so far as is practicable, be consistent with the HBRC 'Environmental Code of Practice for River Control Works' (2017 or subsequent version).</p>	<p>2. from the applicable ecology management plan prepared under condition 28 of this schedule consent affecting construction:</p> <p>xxiii) details of how the ecology principles will guide environmental outcomes:</p> <p>xxiv) cultural and archaeological artefact discovery protocols (see clause condition 29 of this schedule consent) or reference to an Authority where applicable:</p> <p>xxv) methods for responding to queries and complaints:</p> <p>xxvi) procedures for amending the CEMP under condition 11 of this schedule consent and reporting on any such amendments.</p> <p>d) The CEMP must, so far as is practicable, be consistent with the HBRC 'Environmental Code of Practice for River Control Works' (2017 or subsequent version).</p> <p><i>Advice Note: The CEMP should include specific procedures for managing effects on land owned by WDC or affecting WDC assets (i.e. public places, public access ways, parks, and community facilities including Alexandra Park) the works should be developed in consultation with WDC.</i></p>	
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<p><u>11 Developing and amending the CEMP</u></p> <p>a) Before finalising the CEMP, or any amendment to the CEMP under subcondition (e), the consent holder must invite the consent authority and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days.</p> <p>b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment.</p> <p>c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment.</p> <p>d) The consent holder must act in accordance with the CEMP for the duration of the flood protection works.</p> <p>e) The consent holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, maintenance and operations methods, or procedures for managing adverse effects throughout the construction phase of the flood protection works.</p> <p>f) After amending the CEMP, the consent holder must give a copy of the amended CEMP (indicating the amendments) to the consent authority and the stakeholder advisory group within 10 working days.</p>	<p><u>11 Developing and amending the CEMP</u></p> <p>a) Before finalising the CEMP, or any amendment to the CEMP under subcondition (e), the consent holder must invite the consent authority iesy (Manager Compliance) and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days.</p> <p>b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment.</p> <p>c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment.</p> <p>d) The consent holder must act in accordance with the CEMP for the duration of the flood protection works.</p> <p>e) The consent holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, maintenance and operations methods, or procedures for managing adverse effects throughout the construction phase of the flood protection works.</p> <p>f) After amending the CEMP, the consent holder must give a copy of the amended CEMP, <u>and where applicable, the associated final design plans</u> (indicating the amendments) to the</p>	<p>The HBRC s42A Report explains condition 11(f) has been amended to better tie in with Condition 10. I find the condition wording as recommended in the 2nd column to be appropriate.</p>
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	consent authorities and the stakeholder advisory group within 10 working days.	
Condition number and heading only is quoted below: <u>12 Earthworks principles,</u> (No changes proposed to the OIC Schedule 2 wording)	No changes suggested.	No comment required.
Condition number and heading only is quoted below: <u>13 Erosion and Sediment Control Manager and staff,</u> (No changes proposed to the OIC Schedule 2 wording)	No recommended amendments to the Schedule 2 Conditions, except for replacing the word 'schedule' with 'consent' in condition 13(b)(iii).	I agree with the recommended amendment in the 2 nd column.
<u>14 Erosion and Sediment Control Plan.</u> <i>The wording from Schedule 2 is proposed to be retained except for the following change to c) (i):</i> c) An ESCP must specify the following matters: <i>General</i>	<u>14 Erosion and Sediment Control Plan.</u> a) The consent holder must prepare 1 or more erosion and sediment control plans for the works to identify how the earthworks principles will be applied. b) The consent holder must engage a suitably qualified and experienced person to prepare an ESCP.	I find the amendments as set out in the 2 nd column to be for the purposes of wording accuracy and therefore appropriate. I also find that amendment should be made to 14(c)(ii) to delete the reference to 'coastal works' given the location of the project outside of the coastal environment.

<p>(i) how the construction works will be carried out in accordance with the ecology principles:</p>	<p>c) An ESCP must specify the following matters:</p> <p><i>General</i></p> <ul style="list-style-type: none"> i. how the construction works will be carried out in accordance with the ecology principles: ii. structural and non-structural erosion and sediment control measures (including chemical treatment where necessary) to be in place before and during all construction works, including earthworks, coastal works, and works within watercourses: iii. key environmental risks, particularly in relation to topography, soil type and form, and the receiving environment, including proximity to any sensitive receivers (for example, watercourses): iv. procedures for ensuring advance warning of a rainfall event: v. procedures for decommissioning the erosion and sediment control measures: vi. procedures for determining the staging and sequencing of earthworks: vii. methods adopted, for the purpose of reducing sediment loss and erosion, to stabilise— <ul style="list-style-type: none"> 1. any excavated area; and 	
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	<ul style="list-style-type: none"> 2. any watercourse bed; and 3. any banks of a watercourse that have been disturbed by the works: <ul style="list-style-type: none"> viii. details of maintenance, including actions and frequency: ix. supporting information about the size of erosion and sediment control devices: x. methods for amending and updating the ESCP as required: <p><i>Erosion and Sediment Control Manager and Staff</i></p> <ul style="list-style-type: none"> xi. the name and contact details of the Erosion and Sediment Control Manager: xii. the names and contact details of other staff appointed to assist with the management of erosion and sediment control (see condition 13(d) of this schedule consent): <p><i>Incident management</i></p> <ul style="list-style-type: none"> xiii. the process for detecting, investigating, and recording, and for notifying the consent authority of, incidents that result in the discharge of contaminants or material into any watercourse due to the structural failure of any erosion and sediment control measures: 	
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	<p><i>Monitoring</i></p> <p>xiv. procedures for—</p> <ol style="list-style-type: none"> 1. ongoing visual inspection, and where necessary quantitative monitoring, of all erosion and sediment control measures; and 2. detailed analysis of trends in erosion and sediment control effectiveness and performance; and 3. amendments to any ESCP resulting from the activities under subparagraphs (1) and (2): <p><i>Reporting to consent authorities</i></p> <p>xv. details (including timing) of reporting to the consent authorities <u>(Manager Compliance)</u> on the outcomes of, and compliance with, the ESCP.</p> <p>d) The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant works.</p> <p>e) The ESCP must include a site-specific risk-based approach that allows for the Erosion and Sediment Control Manager to determine the level of information and</p>	
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	<p>design that must be provided for specific activities.</p> <p>f) For works in or adjacent to a watercourse, an ESCP must, so far as is practicable, be consistent with the HBRC Erosion and Sediment Guidelines.</p> <p>h) The consent holder must implement an ESCP for the duration of the flood protection works.</p> <p>i) The consent holder must, for the duration of the construction works</p> <p>i. keep an ESCP; and make it readily available to the consent authorities <u>(Manager Compliance)</u>.</p>	
<p><u>15. Failure of erosion and sediment control measure</u></p> <p>a) If the failure of an erosion and sediment control measure during flood protection works results in an uncontrolled release of sediment to surface water, the consent holder must—</p> <p>i. as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and</p> <p>ii. immediately notify—</p>	<p><u>15. Failure of erosion and sediment control measure</u></p> <p>a) If the failure of an erosion and sediment control measure during flood protection works results in an uncontrolled release of sediment to surface water, the consent holder must—</p> <p>i. as soon as reasonably practicable, engage the Project Ecologist <u>(appointed pursuant to Condition 25)</u> to investigate the affected area; and</p>	<p>The proposed wording changes ensure the references to Council officers are correct for both WDC and HBRC and have not been commented on by the Applicant. I therefore find the wording as recommended in the 2nd column to be appropriate.</p>

<p>1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or</p> <p>2. the territorial authority pollution officer (with responsibility for land-based borrow sites); and</p> <p>iii. within 7 days, report the incident to the Manager of Compliance.</p> <p>b) The Project Ecologist must investigate the affected area as soon as practicable.</p> <p>c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent authority, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects.</p> <p>d) The report to the Manager Compliance under subcondition (a)(iii) must –</p> <p>i. describe the control failure and its cause; and</p> <p>ii. specify the steps that have so far been taken to</p> <p style="padding-left: 40px;">1. control the released sediment and an</p> <p style="padding-left: 40px;">resulting erosion; and</p>	<p>iii. immediately notify—</p> <p>1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or</p> <p>2. the territorial authority WDC pollution officer <u>WDC pollution officer planning officer</u> (with responsibility for land-based borrow sites); and</p> <p>iv. within 7 days, report the incident to the Manager of Compliance (HBRC and WDC).</p> <p>b) The Project Ecologist must investigate the affected area as soon as practicable.</p> <p>c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent authority, iesy, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects.</p> <p>d) The report to the Manager Compliance (HBRC & WDC) under subcondition (a)(iii) must –</p> <p>ii. describe the control failure and its cause; and</p>	
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<p>2. prevent any recurrence of the control failure.</p>	<p>iii. specify the steps that have so far been taken to</p> <ol style="list-style-type: none"> 1. control the released sediment and an resulting erosion; and <p>2. prevent any recurrence of the control failure</p>	
<p>Condition number and heading only quoted below:</p> <p>16 Dust Management</p> <p><i>(Wording to remain the same as Schedule 2 of the OIC).</i></p>	<p>No recommended amendments to the standard condition nor comments in the s42A reports.</p>	<p>No changes have been proposed to condition 16 from Schedule 2 of the OIC.</p>
<p>17. Works on contaminated land</p> <p>a) This condition applies if the consent holder undertakes earthworks or any other soil disturbance on land discovered to be contaminated land. ...</p> <p><i>(Wording of 17(b) & (c) to remain the same as Schedule 2 of the OIC).</i></p>	<p>No recommended amendments nor comments in the s42A Reports.</p>	<p>I find this condition as requested to be appropriate in mitigating potential adverse effects on human health and the environment from contaminated soil.</p>

<p><u>18. Works and structures in beds of rivers</u></p> <p>a) This condition and conditions 19 and 20 of this schedule apply to all construction works carried out in, or adjacent to, the bed of a river.</p> <p>b) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with—</p> <ol style="list-style-type: none"> i. an applicable ESCP; and ii. the ecology principles; and iii. the earthworks principles; and iv. any guidance provided under condition 4(c)(iii) of this schedule (see condition 5 of this schedule) relating to relevant cultural indicators. <p>c) <u>With the exception of the diversion / reclamation of the northern permanent stream and southern permanent stream (where fish passage matters are to be addressed through Conditions 27 and 28), Flood protection works that might affect fish passage in a river must, so far as practicable, be carried out outside peak times for migration and spawning of species of fish identified, in the eEcological Assessment, 6 November, 2-T4441.03 0 scoping survey conducted under condition 27 of this schedule, as being present in the water body concerned. river.</u></p>	<p><u>18. Works and structures in beds of rivers</u></p> <p>a) This condition and conditions 19 and 20 of this schedule <u>consent</u> apply to all construction works carried out in, or adjacent to, the bed of a river.</p> <p>b) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with—</p> <ol style="list-style-type: none"> ii. an applicable ESCP; and iii. the ecology principles; and iv. the earthworks principles; and v. any guidance provided under condition 4A(c)(iii) of this schedule <u>consent</u> (see condition 5 of this schedule <u>consent</u>) relating to relevant cultural indicators. <p>c) <u>With the exception of the diversion / reclamation of the northern permanent stream and southern permanent stream (where fish passage matters are to be addressed through Conditions 27 and 28), Flood protection works that might affect fish passage in a river must, so far as practicable, be carried out outside peak times for migration and spawning of species of fish identified, in the eEcological Assessment, 6 November, 2-T4441.03 0 scoping survey conducted under</u></p>	<p>Condition 18(c) has been amended to reference the specific ecological assessment undertaken in support of the Application.</p> <p>I find the condition as listed in the 2nd column to be appropriate with the additional typographical corrections (which have been explained above). I find that further reference clarification should be provided to condition 18(c) for completeness, which I set out as follows:</p> <p>c) <u>With the exception of the diversion / reclamation of the northern permanent stream and southern permanent stream (where fish passage matters are to be addressed through Conditions 27 and 28), Flood protection works that might affect fish passage in a river must, so far as practicable, be carried out outside peak times for migration and spawning of species of fish identified, in the eEcological Assessment, WSP, 12 December 2025, 6 November, 2-T4441.03 0 scoping survey conducted under condition 27 of this schedule, as being present in the water body concerned. river.</u></p>
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<p>d) Permanent works in or adjacent to the bed of a river that are completed as a part of the construction phase of the flood protection works (for example, sediment and debris removal, bank protection, and capacity increase) must—</p> <ul style="list-style-type: none"> i. be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and ii. be designed by an engineer and an ecologist who are suitably qualified and experienced so as to provide for ongoing fish passage in the river; and iii. manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and iv. provide for the maintenance of the river for flood management purposes. <p>e) The design of a permanent culvert in the bed of a river must—</p> <ul style="list-style-type: none"> i. allow for the relevant design flood flow event; and ii. address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris. <p>f) A permanent spillway or weir must ensure that—</p> <ul style="list-style-type: none"> i.—a secondary flow path is available in the event of a blockage of the watercourse; and i. discharge from the secondary flow path does not exacerbate flooding of 	<p>condition 27 of this schedule, as being present in the water body concerned. river.</p> <p>d) Permanent works in or adjacent to the bed of a river that are completed as a part of the construction phase of the flood protection works (for example, sediment and debris removal, bank protection, and capacity increase) must—</p> <ul style="list-style-type: none"> ii. be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and iii. be designed by an engineer and an ecologist who are suitably qualified and experienced so as to provide for ongoing fish passage in the river; and iv. manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and v. provide for the maintenance of the river for flood management purposes. <p>e) The design of a permanent culvert in the bed of a river must—</p> <ul style="list-style-type: none"> ii. allow for the relevant design flood flow event; and iii. address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris. 	
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<p>neighbouring or downstream properties.</p> <p>g) All works and structures in, or adjacent to, rivers must, so far as practicable, incorporate energy dissipation measures and erosion and sediment control measures (for example, revegetation of worked sites) to minimise bed scouring and bank erosion in receiving environments.</p>	<p>f) A permanent spillway or weir must ensure that—</p> <p>i. a secondary flow path is available in the event of a blockage of the watercourse; and</p> <p>ii. discharge from the secondary flow path does not exacerbate flooding of neighbouring or downstream properties.</p> <p>g) All works and structures in, or adjacent to, rivers must, so far as practicable, incorporate energy dissipation measures and erosion and sediment control measures (for example, revegetation of worked sites) to minimise bed scouring and bank erosion in receiving environments.</p>	
<p><u>19 Further requirements at watercourses</u></p> <p>Condition 19 is sought by the Applicant to be retained as per the OIC Schedule 2 wording.</p>	<p><u>19 Further requirements at watercourses</u></p> <p>a) This condition applies if condition 18 of this schedule consent applies.</p> <p>b) For the purposes of condition 18(d)(ii) of this schedule consent, fish passage need not be provided and maintained on all permanent culverts if the Project Ecologist decides, after considering all relevant matters, that it is unnecessary.</p> <p>c) Instead the consent holder must—</p> <p>i. give the consent authority (Manager Compliance, HBRC) appropriate data and reasons (supported by</p>	<p>Only minor wording changes are recommended to this condition to replace the term ‘schedule’ with ‘consent’ and to specifically reference HBRC as the relevant consent authority. I therefore find Condition 19 as set out in the 2nd column to be appropriate.</p>

	<p>relevant design drawings) for not complying with condition 18(4)(b) of this schedule consent; and</p> <p>ii. if culverts that do not provide fish passage are necessary, notify the Department of Conservation.</p> <p>d) For the purposes of condition 18 of this schedule consent, the consent holder must, at least 10 working days before starting permanent works within a watercourse, give to the consent authority (Manager Compliance, HBRC)—</p> <p>i. hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and</p> <p>ii. a statement of how those designs comply condition 18 of this schedule consent.</p> <p>e) All permanent works in the bed of a river must be carried out in accordance with the designs given to the consent authority (HBRC) under subcondition (d).</p> <p>f) The consent holder must ensure that any machinery or equipment used in the activities authorised by the consent is not stored in or on the bed or banks of the watercourse.</p> <p>g) The consent holder must ensure all of the following:</p> <p>i. no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within or near a</p>	
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	<p>watercourse in circumstances where run-off might enter water:</p> <ul style="list-style-type: none"> ii. no vehicles, machinery, or equipment are refuelled within the bed of a watercourse or in any other location where spills might enter water: iii. the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water: iv. other fuels and lubricants are not released into water: v. the Ministry for Primary Industries' requirements and clean dry protocols relating to didymo and freshwater pests are followed in relation to all equipment: vi. machinery is operated in a way that minimises the transfer of organisms or pest plants from one catchment to another: vii. the use of wet concrete is avoided in flowing water. <p>h) The consent holder, on becoming aware that any contaminant has been discharged into a watercourse in a way that contravenes the conditions of the resource consent, must immediately—</p> <ul style="list-style-type: none"> i. take all necessary steps to stop or contain the discharge; and ii. notify— <ul style="list-style-type: none"> 1. the Manager Compliance (HBRC); and 2. the Department of Conservation, if there is 	
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	<p>imminent risk of the discharge adversely affecting any at-risk or threatened species; and</p> <p>iii. take all practicable steps to remedy or mitigate any ongoing adverse effects of the discharge on the environment.</p> <p>i) The consent holder must take the actions set out in subcondition (j) in relation to construction material, demolition material, and any materials from repair and maintenance activities that are—</p> <p>i. authorised by the consent; and</p> <p>ii. no longer required as part of the construction works.</p> <p>j) The consent holder must ensure that the materials are—</p> <p>i. removed on completion of the construction works; and</p> <p>ii. reused, repurposed, or disposed of in an appropriate manner and in a place where they will not affect surface water levels and watercourses.</p> <p>k) The consent holder must comply with all notices and guidelines issued by Biosecurity New Zealand that relate to the ongoing prevention of the spread of freshwater pests.</p>	
<p><u>20 Extraction activities and river gravel</u></p> <p>a) The consent holder must ensure that, during construction works, extraction (beyond cut activities to form the floodway, stopbanks or</p>	<p><u>20 Extraction activities and river gravel</u></p> <p>a) The consent holder must ensure that, during construction works, extraction (beyond cut activities to form the</p>	<p>I find the recommended amendments to be appropriate in the wording correction and</p>

<p>cross drainage features and any disturbance associated with the installation of scour proteicon) does not take place—</p> <ul style="list-style-type: none"> i. within any actively flowing channel; or ii. within 6 metres of any river bank. <p>b) In addition, the consent holder must ensure that extraction activities are carried out in accordance with the HBRC River Control Code.</p>	<p>floodway, stopbanks or cross drainage features and any disturbance associated with the installation of scour proteicon protection) does not take place—</p> <ul style="list-style-type: none"> i. within any actively flowing channel; or ii. within 6 metres of any river bank. <p>b) In addition, the consent holder must ensure that extraction activities are carried out in accordance with the HBRC River Control Code ‘Environmental Code of Practice for River Control Works’</p>	<p>specifically referencing the relevant environmental code for the local context.</p>
<p><u>21. Stormwater discharge</u></p> <p>a) a) If in the event the works involve permanent stormwater treatment devices, the consent holder must, not later than 3 months after the completion of the construction works,—</p> <ul style="list-style-type: none"> i. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and ii. submit the documents to the consent authority. <p>b) The consent holder must design any new permanent culvert to ensure that any</p>	<p><u>21. Stormwater discharge</u></p> <p>a) If in the event the works involve permanent stormwater treatment devices, the consent holder must, not later than 3 months after the completion of the construction works,—</p> <ul style="list-style-type: none"> ii. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and iii. submit the documents to the consent authority (Manager Compliance, HBRC). <p>b) The consent holder must design any new permanent culvert to ensure that any</p>	<p>Only a minor referencing amendment is recommended, other than that the Application and Section 42A Reports are in agreement. I find Condition 21 as worded in the 2nd column to be appropriate.</p>

<p>headwater ponding upstream in the relevant design event does not have any significant adverse effect in that area.</p> <p>c) The consent holder must ensure that stormwater discharge from construction works does not cause erosion or scouring of the bed or any bank of any downstream watercourse or receiving drain.</p> <p>d) The consent holder must ensure that the design of culverts and stormwater detention devices is, so far as practicable, in accordance with the HBRC Stormwater Management Guidelines.</p>	<p>headwater ponding upstream in the relevant design event does not have any significant adverse effect in that area.</p> <p>c) The consent holder must ensure that stormwater discharge from construction works does not cause erosion or scouring of the bed or any bank of any downstream watercourse or receiving drain.</p> <p>d) The consent holder must ensure that the design of culverts and stormwater detention devices is, so far as practicable, in accordance with the HBRC Stormwater Management Guidelines.</p>	
<p><u>22 Design and management of land based borrow sites</u></p> <p>a) This condition applies to excavation of soil or other materials at land-based borrow sites to support construction works, <u>but does not apply to cut activities to form the floodway, stopbanks or cross drainage features</u></p> <p>b) The consent holder must ensure that excavation does not take place below the groundwater table.</p> <p>c) The consent holder must ensure that cut slopes do not exceed 45 degrees above the horizontal, unless a cut slope that exceeds that angle is—</p> <p>i. operationally necessary; or</p> <p>ii. unavoidable as a matter of practicability.</p> <p>d) The consent holder must ensure that a cut slope that exceeds 45 degrees above the</p>	<p>The s42A Reports do not recommend any amendments to this condition.</p>	<p>An amendment is sought to clarify that excavation of the floodway is not considered to be a borrow site. I find condition 22 as requested to be appropriate as construction of the floodway is subject to other conditions.</p>

<p>horizontal is certified by a suitably qualified and experienced geotechnical engineer.</p> <p>e) The consent holder must ensure that, after excavation work is completed, all land disturbed by the excavation work is restored (for example, to pasture or vegetation) to its state before the flood protection works—</p> <p>i. as soon as practicable; but</p> <p>ii. within 6 months</p>		
<p><u>23 Control of construction noise and vibration</u></p> <p>a) The consent holder must ensure that noise from construction, maintenance, and demolition work complies, so far as practicable, with the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999.</p> <p>b) The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction works.</p>	<p>The s42A Reports do not recommend any amendments to this condition.</p>	<p>I agree that the requested Condition 23 will appropriately mitigate potential noise and vibration effects from the proposed construction activities,</p>
<p><u>24 Landscape assessment and plan</u></p> <p><i>Applicant seeks deletion as there are no recommended mitigation actions arising from the landscape assessment report.</i></p>	<p>No comment was provided on the proposed deletion of this condition in the s42A Reports.</p>	<p>The OIC Schedule 2 standard condition 24 requires the preparation of a landscape scoping assessment. Such an assessment has already</p>

		<p>been undertaken by WSP with the report provided as Appendix 7 to the AEE.</p> <p>I find the deletion of this condition to be appropriate.</p>
<p>Condition numbers and headings only quoted below:</p> <p><u>25 Project Ecologist</u></p> <p><u>26 Ecology principles</u></p> <p>No changes are proposed to standard conditions 25 and 26.</p>	<p>No recommended amendments or comments from the s42A reports</p>	<p>No changes to Schedule 2 is requested to condition 25, and condition 26.</p>
<p><u>27 Ecological survey and assessment</u></p> <p><i>(The OIC Schedule 2 wording of Condition 27 is requested to be deleted and replaced by the following).</i></p> <p>a) <u>Prior to preparation of the Ecology Management Plan required in Condition 28, the consent holder must ensure that the Project Ecologist prepares an ecological survey to determine:</u></p> <p>i. <u>The presence of lizards within the area of the floodway works,</u></p> <p>ii. <u>The presence of bats,</u></p> <p>iii. <u>The extent and value of wetland areas identified,</u></p>	<p><u>27 Ecological survey and assessment</u></p> <p>a) <u>Prior to preparation of the Ecology Management Plan required in Condition 28, the consent holder must ensure that the Project Ecologist prepares an ecological survey to determine:</u></p> <p>i. <u>The presence of lizards within the area of the floodway works,</u></p> <p>ii. <u>The presence of bats,</u></p> <p>iii. <u>The extent and value of wetland areas identified,</u></p> <p>iv. <u>The ecological value of northern permanent stream and southern permanent streams to inform construction methodology and the</u></p>	<p>The standard wording of condition 27 is requested to be deleted as it requires the preparation of an ecological scoping survey. Such an assessment has already been completed in the form of the WSP Ecological Assessment attached as Appendix 6 to the Application.</p> <p>The requested replacement condition is based on the findings and recommendations of that WSP Ecological Assessment.</p> <p>As an explanation to the additions recommended in the 2nd column the HBRC s42A Report states the change to ((a)(iv)) includes the full range of the effects</p>

<p>iv. The ecological value of northern permanent stream and southern permanent streams to inform construction methodology and the need for any offsetting.</p>	<p>need for any mitigation, offsetting and/or compensation.</p> <p>v. The requirements of iii and iv shall be undertaken prior to any site establishment works that may affect the levels or extents of wetlands or streams.</p>	<p>management hierarchy; and the explanation to the recommended addition (a)(v):</p> <p><i>“The addition of v and 1C(iii) is to ensure that the surveys of wetlands and streams are undertaken before any drainage activities commence. This ensures the extent and values of wetlands and streams are captured before they are affected. (N.B: this was recommended late and after the applicant provided a response on an earlier draft – this addition has not been provided to or considered by the applicant).”</i></p> <p>I note the Applicant has since been provided the opportunity to comment on both this condition and Condition 1C and has advised that they are accepting of the recommendation.</p> <p>As per my comments in regard to 1C above, I find it appropriate that the specified additional ecological assessment occurs prior to the preconstruction drainage works of the flood way commencing.</p>
<p><u>28 Managing ecological loss</u></p> <p>a) If any indigenous ecosystems, flora, or fauna (including taonga species) are identified by the ecological scoping survey under condition 27 of this schedule, †The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of advice</p>	<p><u>28 Managing ecological loss</u></p> <p>a) If any indigenous ecosystems, flora, or fauna (including taonga species) are identified by the ecological scoping survey under condition 27 of this schedule, †The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of advice</p>	<p>The Application provides the following explanation of proposed Condition 28, the amendments to which require the preparation of an Ecological Management Plan which must include:</p> <p><i>“Pre-commencement procedures for the disturbance of vegetation and ground in areas where the Ecological Scoping Assessment</i></p>

<p><u>provided by cultural monitors to prepare an Ecology Management Plan for the construction works. The Ecology Management Plan must include, in association with the Māori entities representatives,—</u></p> <ul style="list-style-type: none"> i. <u>Pre-commencement procedures for the disturbance of vegetation and ground in areas where the Ecological Scoping Assessment undertaken in accordance with Condition 27 identifies the presence of lizards,</u> ii. <u>Pre-felling procedures for trees where the Ecological Scoping Assessment undertaken in accordance with Condition 27 identifies the presence of bats,</u> iii. <u>In the event that the Ecological Scoping Assessment undertaken in accordance with Condition 27 confirms the presence of natural inland wetlands, measures to remedy, or if required, offset effects to achieve, as far as practicable, a net positive ecological outcome where identified natural inland wetlands may be affected by the construction works,</u> iv. <u>A construction methodology for work within the northern permanent stream and southern permanent streams (including capture and relocation of fish if required) and any responses required to remedy, or if</u> 	<p><u>provided by cultural monitors to prepare an Ecology Management Plan for the construction works. The Ecology Management Plan must include, in association with the Māori entities representatives,—</u></p> <ul style="list-style-type: none"> i. <u>Pre-commencement procedures for the disturbance of vegetation and ground in areas where the Ecological Scoping Assessment undertaken in accordance with Condition 27 identifies the presence of lizards,</u> ii. <u>Pre-felling procedures for trees where the Ecological Scoping Assessment undertaken in accordance with Condition 27 identifies the presence of bats,</u> iii. <u>In the event that the Ecological Scoping Assessment undertaken in accordance with Condition 27 confirms the presence of natural inland wetlands, measures to remedy, or if required, offset effects to achieve, as far as practicable, a net positive ecological outcome where identified natural inland wetlands may be affected by the construction works,</u> iv. <u>A construction methodology for work within the northern permanent stream and southern permanent streams (including capture and relocation of fish if</u> 	<p><i>undertaken in accordance with Condition 27 identifies the presence of lizards,</i></p> <p><i>Pre-felling procedures for trees where the Ecological Scoping Assessment undertaken in accordance with Condition 27 identifies the presence of bats,</i></p> <p><i>In the event that the Ecological Scoping Assessment undertaken in accordance with Condition 27 confirms the presence of natural inland wetlands, measures to remedy, or if required, offset effects to achieve, as far as practicable, a net positive ecological outcome where identified natural inland wetlands may be affected by the construction works,</i></p> <p><i>A construction methodology for work within the northern permanent stream and southern permanent streams (including capture and relocation of fish if required) and any responses required to remedy, or if required, offset the effects of deprived fish passage in the northern permanent stream and reclaiming the southern permanent streams, to achieve, as far as practicable, a net positive ecological outcome,</i></p> <p><i>A planting plan for the vegetated swales along stopbank 1 and stopbank 2.”⁶⁰</i></p>
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⁶⁰ Application (page 37).

<p><u>required, offset the effects of deprived fish passage in the northern permanent stream and reclaiming the southern permanent streams, to achieve, as far as practicable, a net positive ecological outcome.</u></p> <p>v. <u>A planting plan for the vegetated swales along stopbank 1 and stopbank 2.</u></p> <p>vi. <u>Identification of where riparian vegetation will be removed and a planting plan for replacement vegetation.</u></p> <p>i. applies the effects management hierarchy to the management of all direct or indirect adverse effects on those ecological values (including, where relevant, kauri dieback disease), taking the ecology principles into account; and</p> <p>ii. prepares an ecology management plan.</p> <p>b) The consent holder must,</p> <p>i. at regular intervals throughout construction, record all measures taken under subcondition (a)(i); and</p> <p>ii. report to the stakeholder advisory group every 2 months</p> <p>1. the measures taken; and</p> <p>2. any recommendations made by the Project Ecologist, working with the Māori entities representatives, to change those measures.</p>	<p><u>required) and any responses required to remedy, or if required, offset the effects of deprived fish passage in the northern permanent stream and reclaiming the southern permanent streams, to achieve, as far as practicable, a net positive ecological outcome.</u></p> <p>v. <u>A planting plan for the vegetated swales along stopbank 1 and stopbank 2.</u></p> <p>vi. <u>Identification of where riparian vegetation will be removed and a planting plan for replacement vegetation.</u></p> <p>vii. <u>Management of water takes including intakes and fish screens required by condition 32.</u></p> <p>viii. <u>Apply the ecology principles set out in condition 26(b)</u></p> <p>ix. <u>Details (including timing) of reporting to the consent authorities (Manager Compliance) on the outcomes of, and compliance with, the EMP.</u></p> <p>iii. applies the effects management hierarchy to the management of all direct or indirect adverse effects on those ecological values (including, where relevant, kauri dieback disease), taking the ecology principles into account; and</p> <p>iv. prepares an ecology management plan.</p>	<p>The following explanation is provided for the recommended additions in the 2nd column by the HBRC s42A Report:</p> <p><i>“The recommended addition of vii. ensures that the screening requirements for the water takes are considered by the Project Ecologist and included in the Ecology Management Plan.</i></p> <p><i>The change recommended to condition 28(a)viii. is to reinstate the application of the effects management hierarchy through taking into account the ecology principles when developing the EMP. This change restores the intention set out in OIC Schedule 2. The applicant wanted reference to the principles in full rather than only the effects management hierarchy. This comment is reflected in the HBRC recommended wording.</i></p> <p><i>The recommend change is to also include details of reporting and enables compliance monitoring. The applicant considers that recommended condition ix may be unnecessary if (e) is included. HBRC recommend this condition as it is broader than the reporting on offsetting that is included below.</i></p> <p><i>The addition of ‘compensation’ reflects the requirement for works to be undertaken in a manner consistent with the effects management hierarchy (condition 26 and recommended 28(a)(viii)).</i></p>
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<p>c) The consent holder must implement the ecology management plans prepared under subcondition (a)(ii) throughout the construction works and report to the Stakeholder Advisory Group every 2 months on:-</p> <ol style="list-style-type: none"> i. <u>work undertaken according to the Ecology Management Plan,</u> ii. <u>any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives.</u> <p>d) The consent holder must keep a record of any habitat identified in the ecological scoping survey that is lost as a result of the construction works.</p> <p>e) When the construction works and any ecological mitigation works carried out under subcondition (a)(ii) are both completed, the consent holder must give the stakeholder advisory group—</p> <ol style="list-style-type: none"> i. a copy of the ecological effects assessment prepared under condition 27 of this schedule; and <p>a report that describes the ecological mitigation works to be carried out by the consent holder.</p> <p>f) The consent holder must establish, and contribute to, a fund called the Ecological Enhancement Fund to ensure that compensation is available when compliance with the effects management hierarchy requires compensation for adverse ecological effects that cannot be offset (using biodiversity offset).</p>	<p>b) The consent holder must,—</p> <ol style="list-style-type: none"> i. at regular intervals throughout construction, record all measures taken under subcondition (a)(i); and ii. report to the stakeholder advisory group every 2 months— <ol style="list-style-type: none"> 1. the measures taken; and 2. any recommendations made by the Project Ecologist, working with the Māori entities representatives, to change those measures. <p>c) The consent holder must implement the ecology management plans prepared under subcondition (a)(ii) throughout the construction works and report to the Stakeholder Advisory Group every 2 months on:-</p> <ol style="list-style-type: none"> i. <u>work undertaken according to the Ecology Management Plan,</u> ii. <u>any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives.</u> <p>d) The consent holder must keep a record of any habitat identified in the ecological scoping survey that is lost as a result of the construction works.</p> <p>e) When the construction works and any ecological mitigation <u>or offsetting/compensation</u> works carried out under subcondition (a)(ii) are both completed, the consent holder must give the stakeholder advisory group—</p>	<p><i>The additions to e) reflect the recommendations of the Ecological Assessment (WSP, 12 December 2025, section 5). The works will involve reclamation of a stream. The ecological values of the stream and the assessment of the loss from this work and need for offsetting or compensation is yet to be undertaken in detail. This condition ensures that the assessment is reported on to STAG (including HBRC as a consent authority).</i></p> <p><i>The applicant considered this a duplicate of the content of the EMP (condition 27) and suggested alternative wording which has been accepted by HBRC and is reflected in the recommend changes.</i></p> <p><i>It is recommended that condition f) and g) be retained as there may be a requirement for compensation due to reclamation of the stream and wetlands.</i></p> <p><i>The applicant does not expect, given the limited values concerned and the opportunities for offsetting, that there will be a need for the fund, and recommend some additional changes to the conditions so that the focus is on the features referenced in a(iii) and a(iv) – being natural inland wetlands and the northern permanent stream and southern permanent streams.</i></p> <p><i>These are accepted and reflected in the recommend changes. “</i></p>
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<p>g) The Ecological Enhancement Fund—</p> <p>i. applies throughout the Hawke’s Bay region; and</p> <p>ii. must be used by the consent holder to provide compensation in relation to—</p> <p>1. making space available for a river (for example, by acquiring adjacent land); and</p> <p>2. rehabilitating or enhancing areas of vegetation in the river corridor with high biodiversity values (for example, by planting appropriate species); and</p> <p>3. in stream ecological values; and</p> <p>4. any other area of important in-river or riparian habitat.</p>	<p>i. a copy of the ecological effects assessment prepared under condition 27 of this schedule; and</p> <p>a report that describes:</p> <p>i. the assessment undertaken to determine existing ecological values of the affected streams (referred to as the northern permanent stream and southern permanent streams),</p> <p>ii. the assessment that was undertaken to quantify the extent of ecological loss in value or potential values of the streams referred to in (i) above,</p> <p>iii. the ecological mitigation and/or offsetting/compensation works that have or will be to be carried out by the consent holder, and an overview of the assessment demonstrating the offset or compensation is consistent with achieving the ecological principles to achieve as far as practicable a net positive ecological outcome.</p> <p>f) Where effects cannot be remedied or offset to the extent provided for in a(iii) and/or a(iv), the consent holder must establish, and contribute to, a fund called the Ecological Enhancement Fund to ensure that compensation is available.</p> <p>g) The Ecological Enhancement Fund—</p> <p>i. applies throughout the Hawke’s Bay region; and</p> <p>ii. must be used by the consent holder</p>	<p>Given the comprehensive explanation in the HBRC s42A Report above including consideration of feedback from the applicant, I find the amendments proposed to the OIC Schedule 2 wording of Condition 28 in the 2nd column to be appropriate.</p>
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	<p><u>to provide compensation in relation to—</u></p> <ol style="list-style-type: none"> 1. <u>making space available for a river (for example, by acquiring adjacent land); and</u> 2. <u>rehabilitating or enhancing areas of vegetation in the river corridor with high biodiversity values (for example, by planting appropriate species); and</u> 3. <u>in-stream ecological values; and</u> 4. <u>any other area of important in-river or riparian habitat.</u> 	
<p><u>29 Archaeological discovery protocol</u></p> <p>a) The consent authority must prepare an accidental archaeological discovery protocol—</p> <ol style="list-style-type: none"> i. at least 10 working days before construction works begin; and ii. in collaboration with the Māori entities representatives; and iii. in consultation with Heritage New Zealand Pouhere Taonga. <p>b) The protocol applies if—</p> <ol style="list-style-type: none"> i. a worker or any other person associated with flood protection works discovers any cultural or archaeological artefacts or features on a work site; and 	<p><u>29 Archaeological discovery protocol</u></p> <p>a) The consent holder—authority must prepare an accidental archaeological discovery protocol—</p> <ol style="list-style-type: none"> i. at least 10 working days before construction works begin; and ii. in collaboration with the Māori entities representatives; and iii. in consultation with Heritage New Zealand Pouhere Taonga. <p>b) The protocol applies if—</p> <ol style="list-style-type: none"> i. a worker or any other person associated with flood protection works discovers any cultural or archaeological artefacts or features 	<p>The s42A Reports explain the amendments in the 2nd column as follows:</p> <p><i>“Amend condition 29 (a) to reference consent holder, not consent authority as the party to undertake the Accidental Discovery Protocol.</i></p> <p><i>Modified Condition 29(b) from WDC Conditions Manual. Ensures that koiwi and further sites are also included.</i></p> <p><i>HBRC additions following WDC amendments – inclusion of “on a work site” in 29.b)i. for clarity.”</i></p> <p>I agree with the recommended amendments in the 2nd column.</p>

<p>ii. an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014</p> <p>a) The consent holder must—</p> <p>i. follow the protocol; and</p> <p>ii. ensure that workers and other persons on site are aware of the protocol.</p> <p>In subcondition (b)(ii), authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.</p>	<p>on a work site, and <u>any koiwi (human remains), artefacts or sites of historic archaeological, or cultural significance are discovered on a work site by any worker or any other person associated with flood protection works, and,</u></p> <p>ii. an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>c) The consent holder must—</p> <p>i. follow the protocol; and</p> <p>ii. ensure that workers and other persons on site are aware of the protocol.</p> <p>d) In subcondition (b)(ii), authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.</p>	
Additional Conditions Proposed by the Applicant and / or recommended by the S42A Reports		
<i>Water Take Conditions</i>		
<p><u>30. Taking of water from the Wairoa River shall be limited to the length of river between a point 500m upstream of inlet to the floodway and 500m downstream of the outlet.</u></p>	<p>No amendments are recommended.</p>	<p>This condition is not in contention, and I find it appropriate to limit the extent of the river from which water can be taken.</p>

<p><u>31. The taking of water from the Wairoa River at each point of take shall not exceed 25 L/s.</u></p>	<p><u>31. The taking of water from the Wairoa River at each point of take shall not exceed 25 L/s.</u> <u>The combined rate of extraction at any one time shall not exceed 75 L/s.</u></p>	<p>The HBRC s42A Report advises that this recommended addition sets a maximum rate of take at any one time and that under the applicant's proposed condition this would not be limited.</p> <p>The applicant has not disagreed with the recommended amendments. I find the condition as recommended in the 2nd column to be appropriate.</p>
<p><u>32. Each point of take shall be installed to prevent fish, including eels, from entering the reticulation system.</u></p>	<p><u>32. Each point of take shall have a suitably designed and maintained fish screen be installed to prevent fish, including eels, from entering the reticulation system. The fish screen design shall be confirmed by the Project Ecologist or other suitably qualified professional as being appropriate relative to the velocity of the intake(s) and the presence of fish species at the site(s) of take.</u></p>	<p>The HBRC s42A Report advises that this recommended addition links to the recommended requirement for the project ecologist to consider fish screening in the development of the EMP under condition 28.</p> <p>Again, there is no disagreement recorded with these recommended amendments. I find the condition as recommended in the 2nd column to be appropriate.</p>
<p><u>33. The combined maximum volume of take shall not exceed 500m³ per day.</u></p>	<p>No amendments are recommended in the s42A Reports.</p>	<p>I find proposed condition 33 to be appropriate.</p>
<p><u>34. The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.</u></p>	<p><u>34. The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, and:</u></p> <p>a) <u>A water meter with a data logger and telemetry unit(s) compatible with the Council's telemetry system shall be</u></p>	<p>The HBRC s42A Report advises that the proposed additions reflect HBRC requirements for metering and telemetry of water take data.</p> <p>The applicant has not commented on this condition.</p>

	<p><u>installed at each point of take prior to the exercise of this consent and be operated and maintained to measure the volume of water taken (in cubic metres) to an accuracy of +/- 5%.</u></p> <p>b) <u>The water meter and telemetry device(s) required by Subcondition (d) shall be installed and maintained in accordance with 'The New Zealand Water Measurement Code of Practice' (January 2023).</u></p> <p>c) <u>A record of water meter installation shall be provided to the Council using the 'Water Information Services (WIS) Meter Installation Form' prior to commencement of abstraction.</u></p> <p>d) <u>The telemetry unit(s) shall record the volume (in cubic metres, m3) of take every 15 minutes. Each 15 minute interval of data shall be date and time stamped with the New Zealand Standard Time at the end of the 15 minute interval.</u></p> <p>e) <u>Data shall be transmitted to the Council's telemetry system at least once per day.</u></p> <p>f) <u>The telemetry unit(s) shall be installed so as to provide an accurate record of the flow meter data by a suitably qualified person. A record of installation shall be provided to the Council (Manager Compliance) in writing using the Council's "Telemetry Installation Form" within one week of installation of the new or reinstalled unit(s) having occurred.</u></p>	<p>I find the recommended condition to be appropriate.</p>
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	<p>g) <u>A manual water meter reading shall be taken during the month of June each year. The water meter reading and the date and time the reading was taken shall be provided in writing to the Council (Manager Compliance) prior to 10 July each year.</u></p> <p>h) <u>Where the telemetry equipment fails, the consent holder shall notify the Council (Manager Compliance) of the failure within 3 working days, shall read the water meter at daily intervals and shall provide the Council with a record of the following:</u></p> <ul style="list-style-type: none"> i. <u>The meter reading (in cubic metres); and,</u> ii. <u>The daily volume of water taken (in cubic metres); and,</u> iii. <u>The date and time of each reading;</u> iv. <u>This information shall be supplied no later than 7 days after the end of each calendar month. Where the telemetry equipment is returned to full operation, the information shall instead be supplied within 7 days of this return to full operation occurring.</u> 	
	<p>35. As-Built Plans</p> <p><u>Within three months of the completion of construction works, the consent holder shall provide the consent authorities (Managers</u></p>	<p>The s42A Reports advise that:</p> <p><i>“This addition ensures that both councils receive full as built plans. This will be particularly important for understanding the location and design of key elements of the works, including changes/additions to the stormwater network and</i></p>

	<p><u>Compliance) with as-built plans that include (but are not limited to), the following:</u></p> <ul style="list-style-type: none"> a) <u>plans of the completed works that clearly show their location and layout.</u> b) <u>The final contours of the stopbank, floodway and associated earthworks;</u> c) <u>The extent and depths of any cut or fill; and</u> d) <u>The final overland flow paths, stormwater outlets and any re-directed local catchment flows.</u> 	<p><i>enables compliance monitoring in the first instance, and then ongoing asset management/maintenance.</i></p> <p><i>The applicant considered provision of plans including fill depths unnecessary to understand the location and design of key elements of the works, including changes/additions to the stormwater network. HBRC considers that inclusion of this detail will assist with compliance (e.g. stopbank heights) and with providing an accurate final record of the works that were completed/undertaken.”</i></p> <p>I agree with the Applicant that the detail of depths of all cut and fill is not necessary given that the extent will be identified and that the final contours of the flood protection details are required to be identified in any case.</p> <p>I find that Condition 35 is appropriate as recommend, with the following amendment to 35(c):</p> <p><u>c) . The extent and depth of any cut or fill; and</u></p>
	<p>36. Notice of Commencement</p> <p><u><i>The consent holder shall provide the consent authorities (Managers Compliance) notice in</i></u></p>	<p>The s42A Reports explain this condition as follows:</p> <p><i>“This additional condition is to ensure that consent authorities are advised when work will commence to assist with management of compliance resources and administration of the consent.</i></p>

	<p><u>writing of intention to commence works, at least:</u></p> <ul style="list-style-type: none"> <u>i. 3 working days prior to construction site establishment works; and</u> <u>ii. 10 working days prior to construction works,</u> <p><u>and not more than 20 working days prior to commencing the proposed works.</u></p>	<p><i>The applicant questioned whether the condition applied to construction works or site establishment works. The recommended wording now makes that clear and intends that notice is provided ahead of both site establishment works and construction works.”</i></p> <p>I find the different timeframes of notice for condition 36 as recommended in the HBRC s42A report to be appropriate.</p>
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104. I have carefully considered the conditions proposed in the Application alongside the comments received, as well as the recommended amendments set out in the s42A Reports.

105. I set out the conditions to be applied to this consent in Appendix A to this decision.

10. DETERMINATION

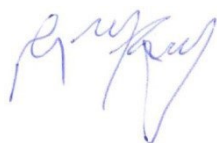
106. Pursuant to the powers delegated to me by the Hawke's Bay Regional Council and Wairoa District Council respectively, under Clause 10 of the Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024, I record that having considered the application documents, the comments received, the respective Section 42A Reports, and having considered the various requirements of the OIC and RMA, I find that:

- a. The actual and potential adverse effects of the application, can be suitably avoided, remedied or mitigated by the imposition of the Conditions in Appendix A that are consistent with the matters of control listed in Schedule 3 of the OIC; and
 - b. The application as a controlled activity must be granted under section 104A of the RMA.
- I therefore **grant** the application lodged by the Hawke's Bay Regional Council (APP – 131470 & RM260001) for resource consent to undertake construction of a flood protection scheme and associated works, involving:
- Two stopbanks / floodwalls to convey high flows from the Wairoa River (greater than a 30 year Annual Recurrence Interval (ARI) and up to a 100 year ARI), and a town side stopbank.
 - Associated works, including road raising, cross drainage (stormwater) management, and subsurface drainage.
 - Associated disturbance of stream beds, stream diversion and reclamation, erection of structures including stopbanks and culverts, take and use of surface water and groundwater, dust and stormwater discharges, and earthworks, vegetation clearance, and works within wetland.
 - Associated disturbance of contaminated soil and earthworks.

107. The application is granted subject to the conditions set out in Appendix A.

108. The reasons for this decision and the relevant statutory provisions considered are set out in the body of this report.

Signed by Independent Commissioner



Philip McKay

Dated: 23 February 2026



APPENDIX A

Conditions of Consent

APPENDIX A – DECISION CONDITIONS

1. Conditions – OIC Consent

Condition # and responsible consent authority	Condition
1. HBRC & WDC	<p>1. Compliance with specified documents accompanying consent application</p> <p>a) The consent holder must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent:</p> <ul style="list-style-type: none"> i. <i>'Resource Consent Application For Flood Mitigation Works, Wairoa, Hawke's Bay Regional Council'</i>, authored by Stradegy and dated 15 December 2025. ii. <i>Wairoa Flood Mitigation Project, Developed Concept Design Report, WSP, 10 December 2025.</i> <p>b) However, if there is a conflict between a condition imposed on the resource consent and a requirement in any document referenced to in subclause (1), the imposed condition prevails.</p>
1B. HBRC & WDC	<p>1B. Tracking changes in the design process</p> <p>a) Changes that occur between developed concept and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall include the final design plans and shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1.</p> <p>b) In this context, "in accordance with" means changes that do not introduce a new activity, do not introduce a substantial change in alignment, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material increase in consequential flooding effects to other properties.</p> <p>c) The Final Design Report and final design plans shall be provided to the Managers Compliance (HBRC & WDC) at least 5 working days prior to construction commencing, and shall include:</p> <ul style="list-style-type: none"> i. Establishment of an access over the town side stopbank to facilitate watercraft and public uses, ii. Solutions for the relocation and/or re-establishment of affected park facilities in Alexandra Park as part of the construction works, unless otherwise agreed with Wairoa District Council.
1C. HBRC	<p>1C. Dewatering during Establishment of Construction Site Works</p> <p>a) This condition applies if dewatering or subsurface drainage is undertaken as part of establishment of construction site works.</p> <p>b) At least 5 working days prior to commencement of the dewatering or subsurface drainage activity, the consent holder must provide the following to the Hawke's Bay Regional Council (Manager Compliance):</p>

	<ul style="list-style-type: none"> i. A description of the dewatering or subsurface drainage methodology and plan showing key drainage features including discharge points, and evidence of consultation with the Mana Whenua Project Liaison Lead (as set out in condition 4) and, if appointed at the time of the works commencing, the Māori entities for representatives and appointment of cultural monitors. ii. A sediment control and environmental management plan. iii. An environmental management plan outlining how the works will be undertaken in accordance with the ecology principles set out in condition 26. iv. Archaeological discovery protocols in accordance with condition 29. v. Confirmation that ecological survey as required by condition 27.a) iii – v. has occurred.
1D WDC	<p>1D. Removal of Buildings</p> <p>a) Whether undertaken as part of ‘establishment of construction site’ works or ‘construction works’, any buildings removed by the consent holder with asbestos cladding must be removed by licensed asbestos removal specialists.</p>
2. HBRC & WDC	<p>2. Duration of resource consent</p> <p>a) The period for which this resource consent has been granted is 5 years after the date of commencement of the consent.</p> <p>b) This resource consent lapses on 23 February 2028 if not exercised before this date.</p>
3. HBRC & WDC	<p>3. Definitions</p> <p>CEMP means the Construction Environment Management Plan required by condition 10 of this schedule</p> <p>Consent authorities means Hawke’s Bay Regional Council (HBRC) and Wairoa District Council (WDC)</p> <p>construction works—</p> <ul style="list-style-type: none"> a) means activities that are authorised by this resource consent in connection with the flood protection works and that consist of directly constructing, reinstating, enhancing, or improving land or infrastructure; but b) does not include ancillary activities such as— <ul style="list-style-type: none"> i. preliminary activities such as planning, recruitment, site investigation, establishment of construction site, soil sampling; and ii. subsequent activities such as site clean-up and ongoing maintenance of infrastructure, plant, and landscaping until the flood protection works are completed; and iii. ongoing administrative and operational activities such as monitoring and reporting until the flood protection works are completed. <p>contaminated land means land to which the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply (see regulation 5(1) of those regulations)</p>

	<p>cultural indicator means an indicator of an identified cultural association in guidance referred to in clause 5 of this consent</p> <p>cultural monitors means the cultural monitors appointed by relevant Māori entities under clause 4A(c) of this consent</p> <p>earthworks principles means the principles set out in clause 12 of this consent</p> <p>ecology principles means the principles set out in clause 26 of this consent</p> <p>erosion and sediment control device includes a bund and a gully trap fitted into a drain</p> <p>Erosion and Sediment Control Manager means the person appointed under clause 13(1) of this consent</p> <p>ESCP means an erosion and sediment control plan prepared under clause 14 of this consent</p> <p>HBRC means Hawke’s Bay Regional Council</p> <p>HBRC Erosion and Sediment Guidelines means the Hawke’s Bay Regional Council Waterway Guidelines: Erosion and Sediment Control, published by HBRC in April 2009</p> <p>HBRC Pest Management Plan means the Hawke’s Bay Regional Council Regional Pest Management Plan 2018-2038, published by HBRC in February 2023</p> <p>HBRC River Control Code means the Hawke’s Bay Regional Council Environmental Code of Practice for River Control and Waterway Works, published by HBRC in February 2017</p> <p>HBRC Stormwater Management Guidelines means the Hawke’s Bay Regional Council Waterway Guidelines: Stormwater Management, published by HBRC in May 2009</p> <p>Manager(s) Compliance means the person employed by HBRC as manager of compliance or in the case of WDC, the Group Manager of Planning and Regulatory or their respective nominee.</p> <p>Māori entity representative means a person appointed as a representative under clause 4 of this consent</p> <p>NZS 6803:1999 means New Zealand Standard 6803:1999: Acoustics—Construction noise, published by Standards New Zealand on 8 February 2000</p> <p>OiC means the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024</p> <p>Project Ecologist means suitably qualified and experienced ecologist appointed by the consent holder.</p> <p>WDC means Wairoa District Council</p>
4A. HBRC & WDC	<p style="text-align: center;">4A. Mana Whenua Project Liaison Lead</p> <p>a) Prior to issuing invites under condition 4A, and unless a Mana Whenua Project Liaison Lead has been appointed by the Crown Manager to the Wairoa District Council and Hawkes Bay Regional Council, the consent holder must invite Te Wairoa Tapokorau Whanui Trust to appoint a Mana Whenua Project Liaison Lead within 10 days of the invite.</p>

	<p>b) The role of the Mana Whenua Project Liaison Lead will be to co-ordinate:</p> <ul style="list-style-type: none"> i. A Mana Whenua Working Group, which will comprise representatives from each relevant Māori Entity, ii. cultural monitors appointed by each Māori Entity representative.
<p>4. HBRC & WDC</p>	<p style="text-align: center;">4. Māori entities representatives</p> <p>a) Working with the Mana Whenua Project Liaison Lead (if one is in place), the consent holder must invite each relevant Māori entity to appoint a representative to join the Mana Whenua Working Group, who will perform the Māori entities representatives' roles and responsibilities set out in this consent in relation to the flood protection works for which the consent has been granted.</p> <p>b) The consent holder must issue the invitations at least 20 days before the flood protection work begin.</p> <p>c) The relevant Māori entities may appoint a team of cultural monitors to</p> <ul style="list-style-type: none"> i. Support the Māori entities representatives; ii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecological Management Plan, and iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value. <p>d) Working with the Mana Whenua Project Liaison Lead, the consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters:</p> <ul style="list-style-type: none"> i. the appropriate number of representatives: ii. the scope of the representatives' role and responsibilities: iii. time frames for decisions, advice, and actions: iv. support for the representatives: v. remuneration for the representatives. <p>e) In developing the terms of reference, and in working with the Mana Whenua Project Liaison Lead, the consent holder must —</p> <ul style="list-style-type: none"> i. convene discussions with all relevant Māori entities; and ii. use its best endeavours to achieve consensus on all matters. <p>f) If consensus on all matters is not achieved, the remaining matters must be determined —</p> <ul style="list-style-type: none"> i. By a majority vote; or ii. If votes are tied, by the casting vote of the consent holder.

5. HBRC & WDC	<p style="text-align: center;">5. Guidance on Cultural indicators</p> <p>a) The guidance provided under condition 4A(c)(iii) of this consent must focus on indicators covering all identified traditional associations,—</p> <ul style="list-style-type: none"> i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. <p>b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan required by these conditions;</p> <ul style="list-style-type: none"> i. take all applicable cultural indicators into account; and ii. report to the Māori entities representatives how those indicators have been taken into account.
6. HBRC & WDC	<p style="text-align: center;">6. Stakeholder advisory group</p> <p>a) The representatives appointed under sub-conditions (b and (d) and the Māori entities representatives from the stakeholder advisory group.</p> <p>b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group:</p> <ul style="list-style-type: none"> i. the owners and occupiers of land on which the flood protection works are carried out (referred to as 'Footprint' in Schedule 1): ii. all persons listed in clause 15(2)(a)(ii)-(vi) and (viii) of the OIC: iii. any owner or occupier of land referred to as 'Footprint Adjoining' in Schedule 1 who made comments, and any clause 15(2)(a)(x) party that commented: iv. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: v. the Managers Compliance of both consent authorities (HBRC and WDC): vi. Heritage New Zealand Pouhere Taonga: vii. the Department of Conservation: viii. the Māori entities representatives ix. Te Tumu Paeroa x. Kiwi Rail <p>c) The consent holder must issue the invitations at least 20 days before the flood protection works begin.</p> <p>d) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group.</p>

	<p>e) Each representative appointed must be authorised by the person or body appointing them to make decisions on behalf of the person or body in the consultations taking place in relation to the flood protection works.</p> <p>f) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following:</p> <ul style="list-style-type: none"> i. frequency of meetings: ii. processes and methods for the performance of the group's role. <p>g) In developing the terms of reference, the consent holder must—</p> <ul style="list-style-type: none"> i. convene discussions with all members of the group; and ii. use its best endeavours to achieve consensus on all matters at the group's first meeting. <p>h) If consensus on all matters is not achieved at the first meeting, the remaining matters must be determined—</p> <ul style="list-style-type: none"> i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder.
7. HBRC & WDC	<p style="text-align: center;">7. Operation of stakeholder advisory group</p> <p>a) The role of the stakeholder advisory group is to inform and advise the consent holder about managing and monitoring the flood protection works.</p> <p>b) The consent holder must—</p> <ul style="list-style-type: none"> i. record all information and advice provided by the stakeholder advisory group; and ii. report to the group how the information and advice have been taken into account in the carrying out of the flood protection works.
8. HBRC & WDC	<p style="text-align: center;">8. Project Engagement Lead</p> <p>a) The consent holder must appoint a person as Project Engagement Lead to act as the consent holder's main point of contact with—</p> <ul style="list-style-type: none"> i. The Mana Whenua Project Liaison Lead, Mana Whenua Working Group and/or Māori entities representatives; and ii. the stakeholder advisory group. <p>b) The consent holder must ensure that the Project Engagement Lead is reasonably available to perform their role under this clause.</p> <p>c) The consent holder must also ensure that the contact details of the Project Engagement Lead are posted on an internet site maintained by or on behalf of the consent holder.</p>
9. HBRC & WDC	<p style="text-align: center;">9. Communications plan</p>

	<p>a) The consent holder must, taking account of advice provided by cultural monitors, develop and implement a communications plan for the duration of construction works.</p> <p>b) The communication plan must contain detailed processes for communications, throughout the construction works, with the following:</p> <ul style="list-style-type: none"> i. the general public; ii. local residents and businesses; iii. the Māori entities representatives; iv. the persons and bodies represented by the stakeholder advisory group; v. all other persons potentially affected by the construction works. <p>c) The communications plan must include the following:</p> <ul style="list-style-type: none"> i. a description of the flood protection works or details of (including the likely period over which access to Alexandra Park will be affected and the procedures for managing public access to the Park), or a link to, an internet site maintained by or on behalf of the consent holder that describes the construction works; ii. the contact details of the Project Engagement Lead; iii. a list of all persons and bodies who will be communicated with under the plan; iv. how any comments or concerns about the construction works should be communicated by those persons and bodies; v. details of proposed communication activities by the Project Engagement Lead, including notifications and other communications with any persons and bodies referred to in paragraph (iii); vi. information about when the communications plan will be reviewed (and amended, if necessary). <p>d) The consent holder must give to the Managers Compliance (HBRC & WDC)—</p> <ul style="list-style-type: none"> i. the initial communications plan at least 10 working days before construction works begin; and ii. any amended plan, as soon as practicable after the amendment.
<p>10. HBRC & WDC</p>	<p style="text-align: center;">10. Construction environmental management plan</p> <p>a) The consent holder must—</p> <ul style="list-style-type: none"> i. prepare a construction environmental management plan for the construction works; and ii. not less than 5 working days before the commencement of each area of construction works, submit the CEMP and the final design report and plans required under condition 1B to the consent authorities (HBRC & WDC) and the stakeholder advisory group. <p>b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the construction works.</p> <p>c) The CEMP must include the following information:</p> <ul style="list-style-type: none"> i. the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager; ii. a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent and details for cultural induction prior to commencement; iii. procedures, developed in partnership with the Māori Entity Representatives, for— <ul style="list-style-type: none"> 1. obtaining ongoing guidance on cultural indicators provided by cultural monitors; and 2. works around the Waihirere urupā to identify no-go areas and ensure tikanga is followed; and

	<ul style="list-style-type: none"> 3. managing restrictions on public access to marae and urupā in respect to health and safety; and 4. ongoing reporting to the Māori entities representatives on how the indicators in condition 5(a) have been taken into account, or if not, why not: iv. indicative timing of all stages of the flood protection works , the facilities in Alexandra Park affected and the likely period over which access to Alexandra Park will be affected: v. procedures for the management of hazards, including— <ul style="list-style-type: none"> 1. any risk of flood; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons); and: 3. working in the proximity of overhead powerlines: vi. the location of laydown and material stockpile areas and arrangements for site access and on-site traffic management, including heavy haulage routes: vii. procedures for managing public health and safety, including restrictions on public access to work sites, Alexandra Park, and the river: viii. A Contamination Site Management Plan including, but not limited to: <ul style="list-style-type: none"> 1. Unexpected discovery protocols, 2. Procedures for the removal of any contaminated soil from 147 Railway Road, ix. dust management measures (see condition 16 of this consent): x. procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings), and for the managing and measurement of groundwater or surface water takes, including fish screening requirements, and diversions and discharges to land or water: xi. contact details of at least 2 persons or bodies who respond to emergencies and who— <ul style="list-style-type: none"> 1. are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and 2. have authority to authorise immediate response actions: xii. a detailed process for detecting, investigating, and recording incidents: xiii. details (including timing) of arrangements for reporting to the consent authorities (Managers Compliance) on the outcomes of, and compliance with, the CEMP: xiv. any ESCP (see condition 14 of this consent): xv. how works in or adjacent to water bodies will be managed: xvi. how any river gravel extraction or land-based borrow sites will be managed: xvii. how noise and vibration generated by the works will be managed: xviii. an outline of key procedures from the ecology management plan prepared under clause 28 of this consent affecting construction: xix. details of how the ecology principles will guide environmental outcomes: xx. cultural and archaeological artefact discovery protocols (see condition 29 of this consent) or reference to an Authority where applicable: xxi. methods for responding to queries and complaints: xxii. procedures for amending the CEMP under condition 11 of this consent and reporting on any such amendments. <p>d) The CEMP must, so far as is practicable, be consistent with the HBRC ‘Environmental Code of Practice for River Control Works’ (2017 or subsequent version).</p> <p><i>Advice Note: The CEMP should include specific procedures for managing effects on land owned by WDC or affecting WDC assets (i.e. public places, public access ways, parks, and community facilities including Alexandra Park) the works should be developed in consultation with WDC.</i></p>
11. HBRC & WDC	<p style="text-align: center;">11. Developing and amending CEMP</p> <p>a) Before finalising the CEMP, or any amendment to the CEMP under subcondition (e), the consent holder must invite the consent authorities (Manager Compliance) and the</p>

	<p>stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days.</p> <p>b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment.</p> <p>c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment.</p> <p>d) The consent holder must act in accordance with the CEMP for the duration of the construction works.</p> <p>e) The consent holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, maintenance and operations methods, or procedures for managing adverse effects throughout the construction phase of the flood protection works.</p> <p>f) After amending the CEMP, the consent holder must give a copy of the amended CEMP, and where applicable, the associated final design plans (indicating the amendments) to the consent authorities and the stakeholder advisory group within 10 working days.</p>
12. HBRC & WDC	<p style="text-align: center;">12. Earthworks principles</p> <p>a) The consent holder must carry out all works in a manner that—</p> <ol style="list-style-type: none"> i. minimises the volume, area, and duration of the proposed earthworks required through methodologies, including the design of batter slopes, appropriate to expected soil types and geology; and ii. maximises the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential for sediment generation and sediment yield; and iii. avoids if practicable, or minimises so far as practicable, adverse effects on freshwater and marine water environments within or beyond the works boundary, with particular regard to reducing opportunities for the works to generate sediment; and iv. avoids if practicable, or minimises so far as practicable, adverse effects on outstanding natural features, outstanding natural landscapes, and areas of outstanding natural character (as specified in a regional plan or policy statement for the relevant area); and v. avoids if practicable, or minimises so far as practicable, adverse effects on culturally significant land; and vi. stabilises disturbed land as soon as reasonably practicable in accordance with an ESCP. <p>b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.</p>
13. HBRC & WDC	<p style="text-align: center;">13. Erosion and Sediment Control Manager and staff</p> <p>a) The consent holder must appoint a suitably qualified and experienced person as the Erosion and Sediment Control Manager for the duration of the flood protection works.</p> <p>b) The role of the Erosion and Sediment Control Manager is to—</p>

	<ul style="list-style-type: none"> i. ensure compliance with the CEMP and ESCP; and ii. subject to any amendments made to the ESCP under condition 14(c)(x) of this consent, liaise with any Erosion and Sediment Control Manager appointed in respect of any other flood protection works; and iii. liaise with the consent authority in respect of the implementation of the ESCP, including in respect of any incident relating to erosion and sediment control. <p>c) An Erosion and Sediment Control Manager appointed under this condition may perform the same role in relation to any flood protection works at any other location specified in clause 6(3) of the OiC if the relevant consent holder considers it appropriate.</p> <p>d) The consent holder must also appoint suitably qualified and experienced staff to assist in erosion and sediment control, including—</p> <ul style="list-style-type: none"> i. managing the operation, maintenance, and monitoring of erosion and sediment control devices; and ii. supervising the installation and decommissioning of those devices and associated equipment and arrangements.
14. HBRC	<p style="text-align: center;">14. Erosion and sediment control plan</p> <ul style="list-style-type: none"> a) The consent holder must prepare 1 or more erosion and sediment control plans for the works to identify how the earthworks principles will be applied. b) The consent holder must engage a suitably qualified and experienced person to prepare an ESCP. c) An ESCP must specify the following matters: <ul style="list-style-type: none"> <i>General</i> i. how the construction works will be carried out in accordance with the ecology principles: ii. structural and non-structural erosion and sediment control measures (including chemical treatment where necessary) to be in place before and during all construction works, including earthworks, and works within watercourses: iii. key environmental risks, particularly in relation to topography, soil type and form, and the receiving environment, including proximity to any sensitive receivers (for example, watercourses): iv. procedures for ensuring advance warning of a rainfall event: v. procedures for decommissioning the erosion and sediment control measures: vi. procedures for determining the staging and sequencing of earthworks: vii. methods adopted, for the purpose of reducing sediment loss and erosion, to stabilise— <ul style="list-style-type: none"> 1. any excavated area; and 2. any watercourse bed; and 3. any banks of a watercourse that have been disturbed by the works: viii. details of maintenance, including actions and frequency: ix. supporting information about the size of erosion and sediment control devices: x. methods for amending and updating the ESCP as required: <i>Erosion and Sediment Control Manager and staff</i> xi. the name and contact details of the Erosion and Sediment Control Manager: xii. the names and contact details of other staff appointed to assist with the management of erosion and sediment control (see clause 13(d) of this consent):

	<p><i>Incident management</i></p> <p>xiii. the process for detecting, investigating, and recording, and for notifying the consent authority of, incidents that result in the discharge of contaminants or material into any watercourse due to the structural failure of any erosion and sediment control measures:</p> <p><i>Monitoring</i></p> <p>xiv. procedures for—</p> <ol style="list-style-type: none"> 1. ongoing visual inspection, and where necessary quantitative monitoring, of all erosion and sediment control measures; and 2. detailed analysis of trends in erosion and sediment control effectiveness and performance; and 3. amendments to any ESCP resulting from the activities under subparagraphs (i) and (ii): <p><i>Reporting to consent authorities</i></p> <p>xv. details (including timing) of reporting to the consent authorities (Managers Compliance) on the outcomes of, and compliance with, the ESCP.</p> <p>d) The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant works.</p> <p>e) The ESCP must include a site-specific risk-based approach that allows for the Erosion and Sediment Control Manager to determine the level of information and design that must be provided for specific activities.</p> <p>f) For works in or adjacent to a watercourse, an ESCP must, so far as is practicable, be consistent with the HBRC Erosion and Sediment Guidelines.</p> <p>g) The consent holder must implement an ESCP for the duration of the flood protection works.</p> <p>h) The consent holder must, for the duration of the construction works,—</p> <ol style="list-style-type: none"> i. keep an ESCP; and ii. make it readily available to the consent authorities (Manager Compliance).
15. HBRC and WDC	<p>15. Failure of erosion and sediment control measure</p> <p>a) If the failure of an erosion and sediment control measure during flood protection works results in an uncontrolled release of sediment to surface water, the consent holder must—</p> <ol style="list-style-type: none"> i. as soon as reasonably practicable, engage the Project Ecologist (appointed pursuant to Condition 25) to investigate the affected area; and ii. immediately notify— <ol style="list-style-type: none"> 1. the HBRC pollution (0800 108 838); or 2. the WDC Planning Officer (with responsibility for land-based borrow sites); and iii. within 7 days, report the incident to the Managers of Compliance (HBRC & WDC). <p>b) The Project Ecologist must investigate the affected area as soon as practicable.</p> <p>c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent authorities, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects.</p>

	<p>d) The report to the Managers Compliance (HBRC & WDC) under subclause (a)(iii) must—</p> <ul style="list-style-type: none"> i. describe the control failure and its cause; and ii. specify the steps that have so far been taken to <ul style="list-style-type: none"> 1. control the released sediment and any resulting erosion; and 2. prevent any recurrence of the control failure.
16. HBRC	<p style="text-align: center;">16. Dust management</p> <p>a) The consent holder must, as far as practicable, ensure that dust arising from construction works (including earthworks and related activities) does not spread beyond the boundary of the work sites.</p>
17. WDC	<p style="text-align: center;">17. Works on Contaminated Land</p> <p>a) This condition applies if the consent holder undertakes earthworks or any other soil disturbance on land discovered to be contaminated.</p> <p>b) The consent holder must ensure that any soil and other materials that are removed from the site and identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind.</p> <p>c) The consent holder must take all practicable measures to—</p> <ul style="list-style-type: none"> i. prevent the discharge of soil and stormwater from contaminated land to watercourses; and ii. maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials; and iii. replace the soil to an erosion-resistant state at the completion of the relevant works.
18. HBRC	<p style="text-align: center;">18. Works and structures in beds of rivers</p> <p>a) This condition and conditions 19 and 20 of this consent apply to all construction works carried out in, or adjacent to, the bed of a river.</p> <p>b) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with</p> <ul style="list-style-type: none"> i. an applicable ESCP; and ii. the Ecology Management Plan; and iii. the earthworks principles; and iv. any guidance provided under clause 4A(c)(iii) of this consent (see condition 5 of this consent) relating to relevant cultural indicators. <p>c) With the exception of the diversion / reclamation of the northern permanent stream and southern permanent stream (where fish passage matters are to be addressed through Conditions 27 and 28), flood protection works that might affect fish passage in a river must, so far as practicable, be carried out outside peak times for migration and spawning of species of fish identified, in the Ecological Assessment, WSP, 12 December 2025, 2-T4441.03, as being present in the water body concerned.</p>

	<p>d) Permanent works in or adjacent to the bed of a river that are completed as a part of the construction phase of the flood protection works (for example, sediment and debris removal, bank protection, and capacity increase) must—</p> <ul style="list-style-type: none"> i. be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and ii. be designed by an engineer and an ecologist who are suitably qualified and experienced so as to provide for ongoing fish passage in the river; and iii. manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and iv. provide for the maintenance of the river for flood management purposes. v. Any permanent river crossing must be designed and constructed to provide for the passage of fish. <p>e) The design of a permanent culvert in the bed of a river must—</p> <ul style="list-style-type: none"> i. allow for the relevant design flood flow event; and ii. address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris. <p>f) All works and structures in, or adjacent to, rivers must, so far as practicable, incorporate energy dissipation measures and erosion and sediment control measures (for example, revegetation of worked sites) to minimise bed scouring and bank erosion in receiving environments.</p>
19. HBRC	<p style="text-align: center;">19. Further requirements at watercourses</p> <p>a) This condition applies if condition 18 of this consent applies.</p> <p>b) For the purposes of condition 18(d)(ii) of this consent, fish passage need not be provided and maintained on all permanent culverts if the Project Ecologist decides, after considering all relevant matters, that it is unnecessary.</p> <p>c) Instead the consent holder must—</p> <ul style="list-style-type: none"> i. give the consent authority (Manager Compliance, HBRC) appropriate data and reasons (supported by relevant design drawings) for not complying with condition 18(4)(b) of this consent; and ii. if culverts that do not provide fish passage are necessary, notify the Department of Conservation. <p>d) For the purposes of condition 18 of this consent, the consent holder must, at least 10 working days before starting permanent works within a watercourse, give to the consent authority (Manager Compliance, HBRC)—</p> <ul style="list-style-type: none"> i. hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and ii. a statement of how those designs comply condition 18 of this consent. <p>e) All permanent works in the bed of a river must be carried out in accordance with the designs given to the consent authority (HBRC) under subcondition (d).</p> <p>f) The consent holder must ensure that any machinery or equipment used in the activities authorised by the consent is not stored in or on the bed or banks of the watercourse.</p> <p>g) The consent holder must ensure all of the following:</p> <ul style="list-style-type: none"> i. no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within or near a watercourse in circumstances where run-off might enter water:

	<ul style="list-style-type: none"> ii. no vehicles, machinery, or equipment are refuelled within the bed of a watercourse or in any other location where spills might enter water: iii. the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water: iv. other fuels and lubricants are not released into water: v. the Ministry for Primary Industries' requirements and clean dry protocols relating to didymo and freshwater pests are followed in relation to all equipment: vi. machinery is operated in a way that minimises the transfer of organisms or pest plants from one catchment to another: vii. the use of wet concrete is avoided in flowing water. <p>h) The consent holder, on becoming aware that any contaminant has been discharged into a watercourse in a way that contravenes the conditions of the resource consent, must immediately—</p> <ul style="list-style-type: none"> i. take all necessary steps to stop or contain the discharge; and ii. notify— <ul style="list-style-type: none"> 1. the Manager Compliance (HBRC); and 2. the Department of Conservation, if there is imminent risk of the discharge adversely affecting any at-risk or threatened species; and iii. take all practicable steps to remedy or mitigate any ongoing adverse effects of the discharge on the environment. <p>i) The consent holder must take the actions set out in subcondition (j) in relation to construction material, demolition material, and any materials from repair and maintenance activities that are—</p> <ul style="list-style-type: none"> i. authorised by the consent; and ii. no longer required as part of the construction works. <p>j) The consent holder must ensure that the materials are—</p> <ul style="list-style-type: none"> i. removed on completion of the construction works; and ii. reused, repurposed, or disposed of in an appropriate manner and in a place where they will not affect surface water levels and watercourses. <p>k) The consent holder must comply with all notices and guidelines issued by Biosecurity New Zealand that relate to the ongoing prevention of the spread of freshwater pests.</p>
20. HBRC	<p style="text-align: center;">20. Extraction activities and river gravel</p> <p>a) The consent holder must ensure that, during construction works, extraction (beyond cut activities to form the floodway, stop banks or cross drainage features and any disturbance associated with the installation of scour protection) does not take place—</p> <ul style="list-style-type: none"> i. within any actively flowing channel; or ii. within 6 metres of any river bank. <p>b) In addition, the consent holder must ensure that extraction activities are carried out in accordance with the HBRC 'Environmental Code of Practice for River Control Works'.</p>
21. HBRC	<p style="text-align: center;">21. Stormwater discharge</p>

	<p>a) If in the event the works involve permanent stormwater treatment devices, the consent holder must, not later than 3 months after the completion of the construction works,—</p> <ul style="list-style-type: none"> i. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and ii. submit the documents to the consent authority (Manager Compliance, HBRC). <p>b) The consent holder must design any new permanent culvert to ensure that any headwater ponding upstream in the relevant design event does not have any significant adverse effect in that area.</p> <p>c) The consent holder must ensure that stormwater discharge from construction works does not cause erosion or scouring of the bed or any bank of any downstream watercourse or receiving drain.</p> <p>d) The consent holder must ensure that the design of culverts and stormwater detention devices is, so far as practicable, in accordance with the HBRC Stormwater Management Guidelines.</p>
22. WDC	<p style="text-align: center;">22. Design and management of land based borrow sites</p> <p>a) This condition applies to excavation of soil or other materials at land-based borrow sites to support construction works , but does not apply to cut activities to form the floodway, stop banks or cross drainage features.</p> <p>b) The consent holder must ensure that excavation does not take place below the groundwater table.</p> <p>c) The consent holder must ensure that cut slopes do not exceed 45 degrees above the horizontal, unless a cut slope that exceeds that angle is—</p> <ul style="list-style-type: none"> iii. operationally necessary; or iv. unavoidable as a matter of practicability. <p>d) The consent holder must ensure that a cut slope that exceeds 45 degrees above the horizontal is certified by a suitably qualified and experienced geotechnical engineer.</p> <p>e) The consent holder must ensure that, after excavation work is completed, all land disturbed by the excavation work is restored according to Condition 1—</p> <ul style="list-style-type: none"> i. as soon as practicable; but ii. within 6 months.
23. WDC	<p style="text-align: center;">23. Control of construction noise and vibration</p> <p>a) The consent holder must ensure that noise from construction, maintenance, and demolition work complies, so far as practicable, with the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999.</p> <p>b) The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction works.</p>
25. HBRC	<p style="text-align: center;">25. Project Ecologist</p>

	<p>a) The consent holder must appoint a suitably qualified and experienced ecologist as the Project Ecologist for the duration of the flood protection works.</p> <p>b) The role of the Project Ecologist is to inform, in accordance with the ecology principles, the design, management, and monitoring of all construction works in relation to ecological effects and measures to avoid, remedy, or mitigate those effects.</p>
26. HBRC	<p style="text-align: center;">26. Ecology principles</p> <p>a) The consent holder must apply the ecology principles set out in subcondition (b) in—</p> <ul style="list-style-type: none"> i. designing all aspects of the flood protection works; and ii. carrying out all aspects of construction works. <p>b) The ecology principles are as follows:</p> <ul style="list-style-type: none"> i. to apply the effects management hierarchy to the following potential adverse effects: <ul style="list-style-type: none"> 1. permanent habitat loss (including in terrestrial, and freshwater habitats): 2. loss of naturally uncommon and highly depleted ecosystem types, significant indigenous vegetation, significant habitats of indigenous fauna, and habitats for at-risk or threatened species and taonga species: 3. habitat fragmentation or habitat barriers (including in terrestrial, and freshwater habitats): 4. impacts on habitat connectivity (including terrestrial, and freshwater habitats): 5. impacts on at-risk or threatened species and taonga species: 6. effects on water quality (including on kaimoana and mauri) from sediment: 7. alteration of natural hydrology patterns, except as necessary to facilitate the flood protection works: 8. spread or establishment, or both, of pest plants or animals: 9. impacts on habitats that play an important role in the life cycle and ecology of native species: ii. as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species: iii. to avoid, remedy, mitigate, or offset (using biodiversity offset) adverse ecological effects in order to achieve, as far as practicable, a net positive ecological outcome: iv. to enhance the positive ecological role of the works area in the wider ecological context, including its role as a buffer that protects or enhances other areas with ecological significance.
27. HBRC	<p style="text-align: center;">27. Ecological survey and assessment</p> <p>a) Prior to preparation of the Ecology Management Plan required in Condition 28, the consent holder must ensure that the Project Ecologist prepares an ecological survey to determine:</p> <ul style="list-style-type: none"> i. The presence of lizards within the area of the floodway works, ii. The presence of bats, iii. The extent and value of wetland areas identified, iv. The ecological value of northern permanent stream and southern permanent streams to inform construction methodology and the need for any mitigation, offsetting and/or compensation. v. The requirements of iii and iv shall be undertaken prior to any site establishment works that may affect the levels or extents of wetlands or streams.

28. HBRC	<p style="text-align: center;">28. Managing ecological loss</p> <p>a) The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of advice provided by cultural monitors to prepare an Ecology Management Plan for the construction works. The Ecology Management Plan must include –</p> <ul style="list-style-type: none"> i. Pre-commencement procedures for the disturbance of vegetation and ground in areas where the Ecological Scoping Assessment undertaken in accordance with Condition 27 identifies the presence of lizards, ii. Pre-felling procedures for trees where the Ecological Scoping Assessment undertaken in accordance with Condition 27 identifies the presence of bats, iii. In the event that the Ecological Scoping Assessment undertaken in accordance with Condition 27 confirms the presence of natural inland wetlands, measures to remedy, or if required, offset effects to achieve, as far as practicable, a net positive ecological outcome where identified natural inland wetlands may be affected by the construction works, iv. A construction methodology for work within the northern permanent stream and southern permanent streams (including capture and relocation of fish if required) and any responses required to remedy, or if required, offset the effects of deprived fish passage in the northern permanent stream and reclaiming the southern permanent streams, to achieve, as far as practicable, a net positive ecological outcome, v. A planting plan for the vegetated swales along stopbank 1 and stopbank 2. vi. Identification of where riparian vegetation will be removed and a planting plan for replacement vegetation. vii. Management of water takes including intakes and fish screens required by condition 32, viii. Apply the ecology principles set out in condition 26(b) ix. Details (including timing) of reporting to the consent authorities (Manager Compliance) on the outcomes of, and compliance with, the EMP. <p>b) The consent holder must implement the ecology management plans prepared under subcondition (a) throughout the construction works and report to the Stakeholder Advisory Group every 2 months on:</p> <ul style="list-style-type: none"> i. work undertaken according to the Ecology Management Plan, ii. any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives. <p>c) When the construction works and ecological mitigation or offsetting / compensation works carried out under subcondition (a) are both completed, the consent holder must give the stakeholder advisory group a report that describes:</p> <ul style="list-style-type: none"> i. the assessment undertaken to determine existing ecological values of the affected streams (referred to as the northern permanent stream and southern permanent streams), ii. the assessment that was undertaken to quantify the extent of ecological loss in value or potential values of the streams referred to in (i) above, iii. the ecological mitigation and/or offsetting/compensation works that have or will be carried out by the consent holder, and an overview of the assessment demonstrating the offset or compensation is consistent with achieving the ecological principles to achieve as far as practicable a net positive ecological outcome.

	<p>d) Where effects cannot be remedied or offset to the extent provided for in a(iii) and/or a(iv), the consent holder must establish, and contribute to, a fund called the Ecological Enhancement Fund to ensure that compensation is available.</p> <p>e) The Ecological Enhancement Fund—</p> <ul style="list-style-type: none"> i. applies throughout the Hawke’s Bay region; and ii. must be used by the consent holder to provide compensation in relation to— <ul style="list-style-type: none"> 1. making space available for a river (for example, by acquiring adjacent land); and 2. rehabilitating or enhancing areas of vegetation in the river corridor with high biodiversity values (for example, by planting appropriate species); and 3. in-stream ecological values; and 4. any other area of important in-river or riparian habitat.
29. HBRC & WDC	<p style="text-align: center;">29. Archaeological discovery protocol</p> <p>a) The consent holder must prepare an accidental archaeological discovery protocol—</p> <ul style="list-style-type: none"> i. at least 10 working days before construction works begin; and ii. in collaboration with the Māori entities representatives; and iii. in consultation with Heritage New Zealand Pouhere Taonga. <p>b) The protocol applies if—</p> <ul style="list-style-type: none"> i. any koiwi (human remains), artefacts or sites of historic archaeological, or cultural significance are discovered on a work site by any worker or any other person associated with flood protection works, and, ii. an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014. <p>c) The consent holder must—</p> <ul style="list-style-type: none"> i. follow the protocol; and ii. ensure that workers and other persons on site are aware of the protocol. <p>d) In subcondition (b)(ii), authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.</p>
30. HBRC	<p style="text-align: center;">30. Water Take Location</p> <p>a) Taking of water from the Wairoa River shall be limited to the length of river between a point 500m upstream of inlet to the floodway and 500m downstream of the outlet.</p>
31. HBRC	<p style="text-align: center;">31. Water Take Rate of Extraction</p> <p>a) The taking of water from the Wairoa River at each point of take shall not exceed 25 L/s.</p> <p>b) The combined rate of extraction at any one time shall not exceed 75 L/s.</p>

32. HBRC	<p style="text-align: center;">32. Water Take Fish Screening</p> <p>a) Each point of take shall have a suitably designed and maintained fish screen installed to prevent fish, including eels, from entering the reticulation system. The fish screen design shall be confirmed by the Project Ecologist or other suitably qualified professional as being appropriate relative to the velocity of the intake(s) and the presence of fish species at the site(s) of take.</p>
33. HBRC	<p style="text-align: center;">33. Water Take Maximum Volume</p> <p>a) The combined maximum volume of take shall not exceed 500m³ per day.</p>
34. HBRC	<p style="text-align: center;">34. Water Take Measurement</p> <p>a) The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, and:</p> <ul style="list-style-type: none"> i. A water meter with a data logger and telemetry unit(s) compatible with the Council’s telemetry system shall be installed at each point of take prior to the exercise of this consent and be operated and maintained to measure the volume of water taken (in cubic metres) to an accuracy of +/- 5%. ii. The water meter and telemetry device(s) required by Subcondition (d) shall be installed and maintained in accordance with ‘The New Zealand Water Measurement Code of Practice’ (January 2023). iii. A record of water meter installation shall be provided to the Council using the ‘Water Information Services (WIS) Meter Installation Form’ prior to commencement of abstraction. iv. The telemetry unit(s) shall record the volume (in cubic metres, m3) of take every 15 minutes. Each 15 minute interval of data shall be date and time stamped with the New Zealand Standard Time at the end of the 15 minute interval. v. Data shall be transmitted to the Council’s telemetry system at least once per day. vi. The telemetry unit(s) shall be installed so as to provide an accurate record of the flow meter data by a suitably qualified person. A record of installation shall be provided to the Council (Manager Compliance) in writing using the Council’s “Telemetry Installation Form” within one week of installation of the new or reinstalled unit(s) having occurred. vii. A manual water meter reading shall be taken during the month of June each year. The water meter reading and the date and time the reading was taken shall be provided in writing to the Council (Manager Compliance) prior to 10 July each year. viii. Where the telemetry equipment fails, the consent holder shall notify the Council (Manager Compliance) of the failure within 3 working days, shall read the water meter at daily intervals and shall provide the Council with a record of the following: <ul style="list-style-type: none"> 1. The meter reading (in cubic metres); and, 2. The daily volume of water taken (in cubic metres); and, 3. The date and time of each reading; 4. This information shall be supplied no later than 7 days after the end of each calendar month. Where the telemetry equipment is returned to

	full operation, the information shall instead be supplied within 7 days of this return to full operation occurring.
35. HBRC & WDC	<p style="text-align: center;">35. As-Built Plans</p> <p>a) Within three months of the completion of construction works, the consent holder shall provide the consent authorities (Managers Compliance) with as-built plans that include (but are not limited to), the following:</p> <ul style="list-style-type: none"> i. plans of the completed works that clearly show their location and layout. ii. The final contours of the stopbank, floodway and associated earthworks; iii. The extent of any cut or fill; and iv. The final overland flow paths, stormwater outlets and any re-directed local catchment flows.
<p><u>Additional Explanation</u></p> <p>For the avoidance of doubt there is no conditions numbered: 24. The condition numbers used above align with the equivalent conditions in Schedule 2 of the OIC. Due to the nature of the proposed works and the assessment of effects on the environment completed in the application the following condition from Schedule 2 has not been applied to this consent:</p> <p><u>24 Landscape assessment and plan</u></p> <p>Conditions 30 - 35 are additional to the conditions set out in Schedule 2 and seek to ensure that all relevant potential effects are appropriately mitigated.</p>	

Schedule 1 – Immediately Affected and Adjoining Land

‘Immediately affected’ land identified in pink and outlined in red, and ‘Immediately adjoining’ land identified in yellow.



Map Ref	LINZ Property ID	Immediately Affected or Immediately Adjoining	Legal Description
1	2170861	Immediately affected	Fee Simple, 1/1, Te Rato 1A4B Block, 3,389 m2
2	2173186	Immediately affected	Fee Simple, 1/1, Part Te Rato 1B Block, 19,513 m2
3	2173190	Immediately affected	Fee Simple, 1/1, Part Te Rato 1D Block, 19,061 m2
4	2173188	Immediately affected	Fee Simple, 1/1, Part Te Rato 1C Block, 31,330 m2
5	2039776	Immediately affected	Fee Simple, 1/1, Te Rato 1A4D Block, 9,738 m2

6	2199954	Immediately affected	Fee Simple, 1/1, Part Te Rato 1E2 Block, 20,022 m2
7	2254457	Immediately affected	Fee Simple, 1/1, Te Rato 1A4C Block, 4,097 m2
8	2016131	Immediately affected	Fee Simple, 1/1, Part Te Rato 1B Block, Part Te Rato 1C Block and Part Taumata-o-teo 32D Block, 2,190 m2
9	4970596	Immediately affected	Partition Order, 1/1, Te Rato 1A3 Block, 2,630 m2
10	2044881	Immediately affected	Fee Simple, 1/1, Te Rato 1A4A Block, 2,099 m2
17	2188590	Immediately affected	Fee Simple, 1/1, Part Te Rato 1E1 Block, 20,029 m2
18	1909705	Immediately affected	Fee Simple, 1/1, Lot 2 Deposited Plan 17914, 58,410 m2
19	2192001	Immediately affected	Fee Simple, 1/1, Part Taumataoteo 20A Block, Part Taumataoteo 20B Block and Lot 3 Deposited Plan 17920, 63,611 m2
21	1984345	Immediately affected	Fee Simple, 1/1, Te Rato 1F2 Block Maori Land Plan 2322, 26,281 m2
24	1871688	Immediately affected	Fee Simple, 1/1, Part Lot 1 Deposited Plan 8639, 8,794 m2
25	1881343	Immediately affected	Fee Simple, 1/1, Lot 1 Deposited Plan 6699, 271,519 m2
26	1875475	Immediately affected	Partition Order, 1/1, Paeroa No 1E No 14 Block, 20,093 m2
27	1876322	Immediately affected	Fee Simple, 1/1, Lot 1 Deposited Plan 5279, 16,552 m2
30	2231962	Immediately affected	Fee Simple, 1/1, Te Rato 1A2 Block, 15,656 m2
39	4219230 (parcel ID)	Immediately affected	Part TAUMATAOTE0 21 BLK V CLYDE S D
45	1916849	Immediately affected	Fee Simple, 1/1, Lot 4 Deposited Plan 17920, 45,335 m2
49	2300750	Immediately affected	Fee Simple, 1/1, Poutaka 13A1 Block, 3,389 m2
54	2069573	Immediately affected	Fee Simple, 1/1, Part Poutaka 13B Block, 7,158 m2
55	2203040	Immediately affected	Fee Simple, 1/1, Poutaka 13C Block, 4,578 m2
56	2271482	Immediately affected	Fee Simple, 1/1, Poutaka 12B Block, 9,940 m2

58	1864318	Immediately affected	Fee Simple, 1/1, Lot 2 Deposited Plan 7513, 8,013 m2
60	1917681	Immediately affected	Fee Simple, 1/1, Lot 3 Deposited Plan 17077, 5,204 m2
63	2173189	Immediately affected	Fee Simple, 1/1, Poutaka 9 Block, 3,819 m2
65	2298123	Immediately affected	Fee Simple, 1/1, Poutaka 8 Block, 3,946 m2
67	1779641	Immediately affected	Fee Simple, 1/1, Lot 1 Deposited Plan 28534, 11,469 m2
70	1930184	Immediately affected	Fee Simple, 1/1, Lot 3 Deposited Plan 9927, 11,548 m2
73	2345309	Immediately affected	Fee Simple, 1/1, Poutaka 4A Block, 2,630 m2
81	4201326 (parcel ID)	Immediately affected	Part SEC 1 SO 10489 - (ROWING CLUB)
82	4201326 (parcel ID)	Immediately affected	SEC 1 SO 10489 BLK V CLYDE SD
83	4201326 (parcel ID)	Immediately affected	Part SEC 1 SO 10489 - (SKI CLUB)
84	4201326 (parcel ID)	Immediately affected	Part SEC 1 SO 10489 - AUDITORIUM/SKATE PARK & LAND
85	4201326 (parcel ID)	Immediately affected	Part SEC 1 SO 10489 - SPORTS COMPLEX (INCL POOL)
86	4201326 (parcel ID)	Immediately affected	Part SEC 1 SO 10489 - ALEXANDRA PARK CAMPING GROUND
87	2001683	Immediately affected	Fee Simple, 1/1, Part Section 9 Survey Office Plan 9425, 95,025 m2
146	5308458	Immediately affected	Fee Simple, 1/1, Section 1 Survey Office Plan 620593, 9,494 m2
11	4502783	Immediately adjoining	Fee Simple, 1/1, Part Taumataoteo 31 Block, 6,359 m2
12	4555055	Immediately adjoining	Fee Simple, 1/1, Te Rato 3D 3C 1 Block, 11,128 m2
13	4556935	Immediately adjoining	Fee Simple, 1/1, Te Rato 3X19 Block, 4,856 m2
14	2231966	Immediately adjoining	Fee Simple, 1/1, Part Taumataoteo 23B1 Block, 11,849 m2
15	1860849	Immediately adjoining	Fee Simple, 1/1, Lot 1 Deposited Plan 6472, 14,154 m2
20	2304099	Immediately adjoining	Fee Simple, 1/1, Te Rato 3E3B1 Block, 1,669 m2
22	1984338	Immediately adjoining	Fee Simple, 1/1, Te Rato 1F1 Block Maori Land Plan 2322, 5,437 m2

23	2344049	Immediately adjoining	Fee Simple, 1/1, Lot 1 Deposited Plan 9579, 2,630 m2
28	1884058	Immediately adjoining	Fee Simple, 1/1, Paeroa 1E12 (Part) Block, 2,706 m2
29	2171753	Immediately adjoining	Fee Simple, 1/1, Paeroa 1E13A Block, 12,065 m2
31	2014509	Immediately adjoining	Fee Simple, 1/1, Paeroa 1B1A2 Block, 4,047 m2
32	4436315	Immediately adjoining	Fee Simple, 1/1, Paeroa 1 B 1 A 1 Block, 733 m2
33	4436294	Immediately adjoining	Fee Simple, 1/1, Part Paeroa 1 B 1 B Block, 1,112 m2
34	1940123	Immediately adjoining	Fee Simple, 1/1, Lot 1 Deposited Plan 19836, 2,682 m2
35	1940113	Immediately adjoining	Fee Simple, 1/1, Lot 2 Deposited Plan 19836, 2,503 m2
36	4537920	Immediately adjoining	Partition Order, 1/1, Taumataoteo 32D1A and 32C2A Block, 1,754 m2
37	4566766	Immediately adjoining	Fee Simple, 1/1, Te Rato 1A1 Block, 551 m2
38	1909707	Immediately adjoining	Fee Simple, 1/1, Lot 1 Deposited Plan 17914, 58,399 m2
40	4540839	Immediately adjoining	Partition Order, 1/1, Taumataoteo 16A Block, 12,122 m2
41	4492595	Immediately adjoining	Fee Simple, 1/1, Part Taumataoteo 22D2 Block, 8,144 m2
44	4510529	Immediately adjoining	Fee Simple, 1/1, Taumataoteo No. 34 Block and Taumataoteo No. 35 Block, 10,116 m2
50	4158263 (parcel ID)	Immediately adjoining	Lot 11 DP 16621-ESPLANADE
51	1793522	Immediately adjoining	Fee Simple, 1/1, Lot 4 Deposited Plan 16621, 1,213 m2
52	1793536	Immediately adjoining	Fee Simple, 1/1, Lot 1 Deposited Plan 16621, 506 m2
53	1800666	Immediately adjoining	Fee Simple, 1/1, Lot 1 Deposited Plan 12644, 592 m2
57	2174676	Immediately adjoining	Fee Simple, 1/1, Poutaka 12A Block, 1,922 m2
59	1856032	Immediately adjoining	Fee Simple, 1/1, Lot 1 Deposited Plan 7513 and Lot 4 Deposited Plan 17077, 1,086 m2

61	4215434 (parcel ID)	Immediately adjoining	Lot 5 DP 17077-ESPLANADE
62	1906747	Immediately adjoining	Fee Simple, 1/1, Lot 2 Deposited Plan 17077, 792 m2
64	2298032	Immediately adjoining	Fee Simple, 1/1, Poutaka 7A Block, 4,376 m2
66	2173167	Immediately adjoining	Fee Simple, 1/1, Poutaka 7B Block, 4,593 m2
68	1779564	Immediately adjoining	Fee Simple, 1/1, Lot 2 Deposited Plan 17179, 908 m2
69	1779648	Immediately adjoining	Fee Simple, 1/1, Lot 3 Deposited Plan 17179, 924 m2
71	1856181	Immediately adjoining	Fee Simple, 1/1, Lot 1 Deposited Plan 9927, 827 m2
72	1856187	Immediately adjoining	Fee Simple, 1/1, Lot 2 Deposited Plan 9927, 827 m2
74	1913137	Immediately adjoining	Partition Order, 1/1, Poutaka 4B Block, 4,148 m2
75	1870031	Immediately adjoining	Fee Simple, 1/1, Lot 1 Deposited Plan 10974, 784 m2
76	2088940	Immediately adjoining	Fee Simple, 1/1, Lot 2 Deposited Plan 10974, 688 m2
77	1915233	Immediately adjoining	Fee Simple, 1/1, Lot 3 Deposited Plan 10974, 688 m2
78	1914640	Immediately adjoining	Fee Simple, 1/1, Lot 4 Deposited Plan 10974, 688 m2
79	1914303	Immediately adjoining	Fee Simple, 1/1, Lot 5 Deposited Plan 10974, 687 m2
80	1876789	Immediately adjoining	Fee Simple, 1/1, Lot 6 Deposited Plan 10974, 688 m2
88	2182282	Immediately adjoining	Fee Simple, 1/1, Taumataoteo 19B3 Block, 1,011 m2
89	2167966	Immediately adjoining	Fee Simple, 1/1, Taumataoteo 19B2 Block, 1,012 m2
90	2183459	Immediately adjoining	Fee Simple, 1/1, Te Rato 3D3C2C1 Block, 2,023 m2
91	4499330	Immediately adjoining	Fee Simple, 1/1, Part Te Rato 3D3C2C2A Block and Part Te Rato 3D3C2C2A Block, 111,490 m2
92	2187774	Immediately adjoining	Fee Simple, 1/1, Te Rato 3D3C2C2C Block, 19,298 m2

93	4497514	Immediately adjoining	Fee Simple, 1/1, Te Rato 3D3C2B Block, 41,349 m2
94	4497511	Immediately adjoining	Fee Simple, 1/1, Te Rato 3D3C2A Block, 1,012 m2
95	4499148	Immediately adjoining	Fee Simple, 1/1, Te Rato 3X1 Block, 1,846 m2
96	4500489	Immediately adjoining	Fee Simple, 1/1, Part Te Rato 3 X 2 & 3 X 17 Block and Part Te Rato 3 X 2 & 3 X 17 Block, 12,873 m2
97	2187012	Immediately adjoining	Fee Simple, 1/1, Te Rato 3X3 Block and Te Rato 3X16 Block, 12,873 m2
98	4503193	Immediately adjoining	Fee Simple, 1/1, Te Rato 3 X 4 Block, 1,846 m2
99	4500396	Immediately adjoining	Fee Simple, 1/1, Te Rato 3E5A Block, 4,046 m2
100	1862693	Immediately adjoining	Fee Simple, 1/1, Te Rato 3E5 Block, 110,883 m2
101	2013770	Immediately adjoining	Fee Simple, 1/1, Te Rato 3X5 Block, 2,200 m2
102	2271244	Immediately adjoining	Fee Simple, 1/1, Te Rato 3X6 Block and Te Rato 3X10 Block, 12,899 m2
103	4500394	Immediately adjoining	Fee Simple, 1/1, Te Rato 3X7 Block, 2,200 m2
104	4498138	Immediately adjoining	Fee Simple, 1/1, Te Rato 3X8 Block and Te Rato 3X12 Block, 12,874 m2
105	2214241	Immediately adjoining	Fee Simple, 1/1, Te Rato 3X9 Block, 12,950 m2
106	2214243	Immediately adjoining	Fee Simple, 1/1, Te Rato 3E3B2 Block, 8,650 m2
108	2208993	Immediately adjoining	Fee Simple, 1/1, Part Paeroa 1E7B2 Block, 115,260 m2
112	4457845	Immediately adjoining	Fee Simple, 1/1, Taumataoteo 19B1 Block, 2,731 m2
113	4457822	Immediately adjoining	Fee Simple, 1/1, Taumataoteo 19B4 Block, 6,815 m2
114	2172304	Immediately adjoining	Fee Simple, 1/1, Taumataoteo 22E Block, 10,875 m2
115	4184159 (parcel ID)	Immediately adjoining	Lot 29 D P 10974-HOUSE ID 30090
116	1882911	Immediately adjoining	Fee Simple, 1/1, Lot 30 Deposited Plan 10974, 807 m2

117	1861089	Immediately adjoining	Fee Simple, 1/1, Lot 31 Deposited Plan 10974, 1,513 m2
118	1940760	Immediately adjoining	Fee Simple, 1/1, Lot 2 Deposited Plan 19636, 630 m2
143	4242848 (parcel ID)	Immediately adjoining	RAIL LAND IN WAIROA DISTRICT
147	4537837	Immediately adjoining	Partition Order, 1/1, Taumataoteo 32D2B2 Block, 1,490 m2
148	4537658	Immediately adjoining	Partition Order, 1/1, Taumataoteo 32D2B1 Block, 1,138 m2
149	2298025	Immediately adjoining	Fee Simple, 1/1, Taumataoteo 32C1A Block, 817 m2
150	5308459	Immediately adjoining	Fee Simple, 1/1, Section 2 Survey Office Plan 620593, 7,000 m2
151	4537661	Immediately adjoining	Partition Order, 1/1, Taumataoteo 32 B 2 A Block, 627 m2
152	2172300	Immediately adjoining	Fee Simple, 1/1, Taumataoteo 32B1 Block, 531 m2
153	4537659	Immediately adjoining	Partition Order, 1/1, Taumataoteo No. 32A Block, 1,188 m2
154	1928556	Immediately adjoining	Fee Simple, 1/1, Lot 10 Deposited Plan 19836, 1,197 m2
155	1928552	Immediately adjoining	Fee Simple, 1/1, Lot 11 Deposited Plan 19836, 994 m2
156	4539992	Immediately adjoining	Partition Order, 1/1, Taumataoteo Y Block, 11,129 m2
157	2304090	Immediately adjoining	Fee Simple, 1/1, Taumataoteo 23B2B1A Block, 1,277 m2
158	4539981	Immediately adjoining	Partition Order, 1/1, Taumataoteo 23B 2B 1B Block, 1,277 m2
159	4754660	Immediately adjoining	Fee Simple, 1/1, Taumataoteo 23B2B2 Block, 1,922 m2
160	4464431	Immediately adjoining	Fee Simple, 1/1, Taumataoteo 23B 2C 1 Block, 12,101 m2
161	1906758	Immediately adjoining	Fee Simple, 1/1, Lot 1 Deposited Plan 17077, 1,011 m2