HAWKE'S BAY REGIONAL COUNCIL

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

ASSESSMENT OF RESOURCE CONSENT APPLICATION

S42A REPORT FOR RESOURCE CONSENT APPLICATION APP-131372 – OHITI (OMAHU) FLOOD PROTECTION WORKS

16 October 2025

Applicant: Hawke's Bay Regional Council

Application Number: APP-131372

Application Type: Site situated within Order in Council Schedule 1 Delineation – Controlled and Non-notified

Site situated outside the Order in Council Schedule 1 Delineation – Discretionary and Non-notified

Situated inside or outside the OIC Schedule 1	Authorisation No:	Activity Description	Activity Type:	Activity Location
Within OIC	AUTH-132729-01	To undertake construction of a flood protection scheme, including erection of structures including stop banks, culverts and fords and associated disturbance of the Ngaruroro River and Ohiwia Stream beds and margins,	Land Use Consent	Land adjacent to Taihape and Ohiti Roads, within the Ohiwia Stream (culvert/ford) and between the Ohiwia Stream and the Ngaruroro River (true left).
	AUTH-132674-01	The diversion of water by stopbanks, roads and and swales	Water Permit	
	AUTH-132730-01	The discharge of contaminants to land and water including solid contaminants, and stormwater	Discharge Permit	
	AUTH-132731-01	Water take (drainage water) during construction	Water Permit	

	AUTH-132732-01	Discharges of dust to air,	Discharge Permit	
Outside OIC	AUTH-132729-01	To undertake construction of a flood protection scheme, including erection of structures including a stop bank, culverts and fords and associated disturbance of the Ngaruroro River and Ohiwia Stream beds and margins	Land use consent	Land adjacent to Taihape Road, to the east and north of Ohiwia Stream and at 39 Ohiti Rd
	AUTH-132674-01	The diversion of water by flood protection works	Water Permit	
	AUTH-132730-01	The discharge of contaminants to land and water including solid contaminants, and stormwater ,	Discharge permit	
	AUTH-132731-01	Water take (drainage water) during construction	Water Permit	
	AUTH-132732-01	Discharges of dust to air	Discharge Permit	

1. EXECUTIVE SUMMARY

1.1 This application is for flood protection works proposed on behalf of Hawke's Bay Regional Council and seeks consent via two consent 'pathways'. The first being for the majority of the work under the *Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024* ("**OIC**"). This pathway streamlines the consenting pathway for major flood protection works situated within a delineated footprint. The second being for works that are smaller in nature and fall outside the delineated footprint of the OIC and therefore, are subject to the 'usual' provisions and processes of the Resource Management Act 1991 (RMA).

1.2 This report provides a recommendation to the independent hearings commissioner who will decide on the applications.

1.3 The part of the proposal that is subject to the OIC 2024 must be granted as a controlled activity by an independent hearings commissioner. Consultation in accordance with Clause 15 of the OIC has occurred and notice to the listed parties was sent by HBRC (as consent authority) on 11th September 2025. The opportunity for invited parties to comment closed on 29th September 2025.

1.4 Eight comments were received within the statutory timeframe from invited parties. These comments have been considered and responded to where appropriate. A summary of comments has been prepared and will be placed on the HBRC website as required by clause 15 of the OIC.

1.5 Comments were also received from Forest and Bird and from B2R. While these parties were not invited to comment as s14(2)(b)(i-x) parties, for completeness their comments have also been summarised and considered where relevant.

1.6 This report addresses the relevant sections of the OIC and makes recommendations to the hearings commissioner for consideration in their decision and on the imposition of relevant consent conditions.

1.7 Additionally, for the part of the proposal that is not subject to the OIC, this report undertakes an assessment against the provisions of the RMA for a discretionary activity. This part of the proposal is considered to have less than minor adverse effects and the author of this report therefore recommends that this application be granted on a non-notified basis with conditions.

1.8 The hearings commissioner is delegated by Hawke's Bay Regional Council to decide on the application (for Regional Council related matters) for consent under s104A(a) of the RMA and has delegation to consider and decide on the applications both within and outside of the OIC area[1]. The commissioner also has delegated authority to decide upon the need for notification under s95A-95E of the RMA (for the non-OIC activities).

2. THE ACTIVITY

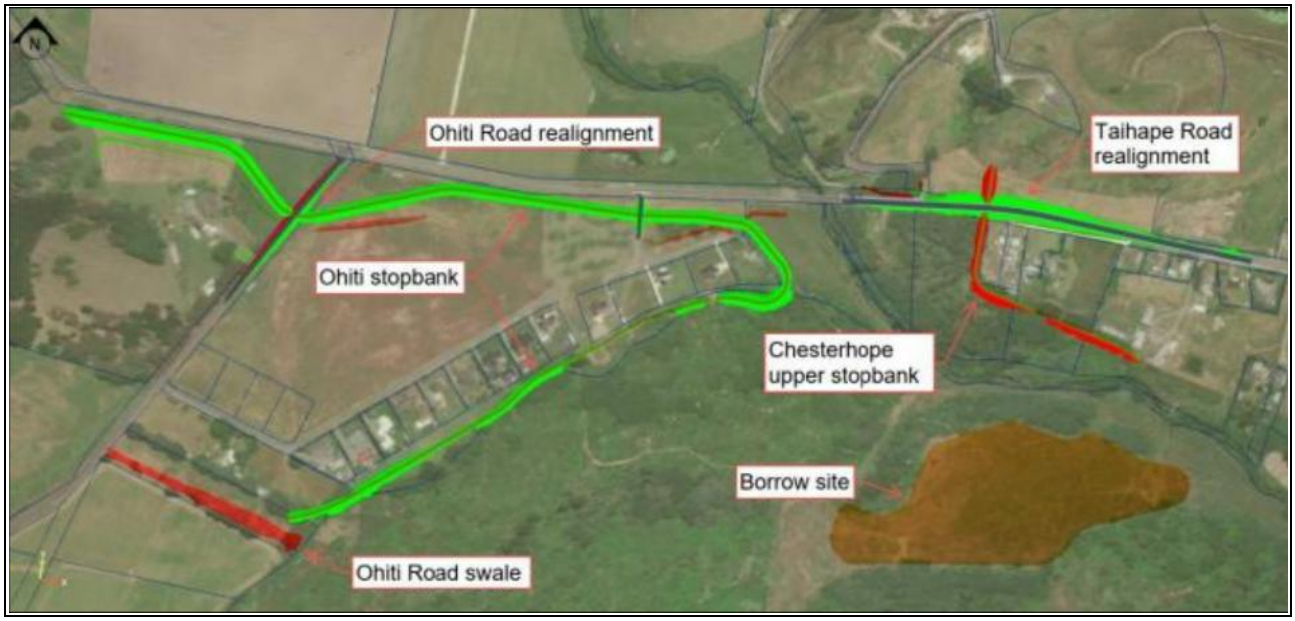

Figure 1: Site of activity

The Site

2.1 Section 5 of the application[2] describes the location of works and is not repeated in full here. The site in question is located in the Ohiti/Omahu area on land located adjacent to the true left bank of the Ngaruroro River, and in and around the Ohiwia Stream (Figure 1). The location of works begins adjacent to 39 Ohiti Road and 18 Ohiti Road finishes at the Upper Chesterhope Stopbank running between 131 and 170 Taihape Road.

Site Visit

2.2 An inspection of the site was undertaken by the reporting officer, accompanied by Paul Barrett (Consents Manager) Philip McKay (Independent Commissioner), Michelle Hart (Hastings District Council), Cameron Drury (Strategy Planning Limited), Dugan Weitz (Hawke's Bay Regional Council – Applicant Project Manager), Cameron Burton (Black Bridge Enviro) and Jamie Yule (Tonkin & Taylor Limited), on 2 September 2025.

[1] This delegation was confirmed at the Regional Council meeting held 28 May 2025 (Agenda of Hawke's Bay Regional Council meeting - Wednesday, 28 May 2025

[2] Stradegy, 'Resource Consent Application for Flood Protection Works – Ohiti Road (Omahu) Flood Protection Stopbank'. Dated: 4 September 2025, 24092AP1. (AA-RC-Application-Ohiti-FINAL.pdf)

Background

2.3 The Hawke's Bay Regional Council (hereafter referred to as the 'applicant') has applied for resource consent to undertake flood mitigation work on the Ohiwia Stream and true left side of the Ngaruroro River at Omahu. The application proposes works both within and outside of the *Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024* (OIC 2024) Schedule 1 'Locations of flood protection works' area '*Omahu* Location', as shown in Figure 2 below.

2.4 The majority of the proposed works are situated within the OIC 2024 Schedule 1 location and the proposal within this area is subject to the clauses of the OIC 2024 which set out a process for considering applications for this activity that differs from the standard Resource Management Act 1991 (RMA) process.

2.5 The portions of the proposed works that fall outside the OIC 2024 Schedule 1 area are subject to the standard RMA process in which the clauses of the OIC 2024 do not apply. These measures are the Ohiti Road (Smith) Swale, the Upper Chesterhope Stopbank and the Taihape Road Raising (including changes to property vehicle crossings).

2.6 The proposed activity as a whole is assessed as one application but, for clarity, this report will clearly differentiate between the regional planning aspects of the two portions of work and which statutory process applies to each of the two individual aspects.

2.7 Although there are two different RMA processes that apply to different parts of the application, even if a 'bundled' consent approach had been requested there is no clear pathway under the OIC 2024 to enable such an approach, therefore the two pathways are not "bundled" in this instance and the two pathways are assessed separately in this report under their respective RMA processes.

2.8 An introduction and background of the proposal and statutory context is explained in sections 1 and 2 of the application[3], which are agreed with and adopted, and therefore need not be repeated here.

Nature Of Activity

2.9 Section 6 of the application provides a full description of the proposal. In summary, the proposal seeks to undertake flood protection works including construction of a new 1,720 m long stop bank (the Ohiti Stopbank) adjacent to Taihape and Ohiti Roads to provide protection to the Ohiti community in up to a 1% AEP flood event (also known as a 1:100-year ARI event). A 390 m long stopbank (Chesterhope upper stopbank) is proposed to the north and east of Ohiwia Stream and perpendicular to Taihape Rd. Associated works include a swale (Ohiti Road swale) of approximately 320 m in length along the southern boundary of 39 Ohiti Road, the raising of Taihape and Ohiti Roads to accommodate the stopbanks passing below, new culverts through the stop bank and stormwater management. A ford or culvert crossing across the Ohiwia Stream is required to enable moving of fill material from the borrow site to the stopbank work areas.

2.10 A detailed description of the proposal is contained within section 6 of the application, and these descriptions are agreed with and adopted here; this section of the application should be referred to. Figure 2 below highlights the areas outside the OIC 2024 Schedule 1 footprint.

[3] *Resource Consent Application for Stopbank Works*, signed by – Andrew Caseley, Manager Regional Projects/Programme Director and dated 1 September 2025.

Figure 2: Area of works inside the OIC 2024 Schedule 1 footprint (blue fill) Proposed works outside the schedule 1 footprint also shown

The applicant has applied to both Hawke's Bay Regional Council for those matters in which fall under the Hawke's Bay Regional Resource Management Plan (RRMP), and to Hastings District Council (HDC) for those matters which fall under the Hastings District Plan (HDP).

3. REQUIRED APPROVALS

Resource Consents

3.1 The OIC application is a non-notified controlled activity in accordance with clauses 8 and 14 of the OIC 2024.

3.2 The nature of the application for works outside the OIC is a discretionary activity subject to the standard RMA process.

3.3 It is noted that some aspects of the work do not require consent under the RRMP. RRMP consent requirements generally relate to the diversion of water (i.e from the stopbanks), discharge of contaminants and works within the waterway (Ohiwia Stream crossing). Some matters are outside HBRC control, and include for example noise effects, road safety considerations, access way design and general earthworks (greater than 20 m from a waterway).

3.4 Consent is required from HBRC for the following National Environmental for Freshwater (NES-F) and RRMP matters:

- Regulation 71 of the NES-F for the installation of a culvert (which may be temporary) across the Ohiwia Stream bed
- Rule 8 of the RRMP for vegetation clearance and soil disturbance
- Rule 30 of the RRMP for a discharge of dust
- Rule 33 Discharge of drainage water (if required as part of construction)
- 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 47)

- Rule 55 of the RRMP Other takes and uses of groundwater (relating to the take of drainage water if required during construction)
- Rule 59 of the RRMP for the diversion of floodwaters of the Ohiwia Stream / Ngaruroro River arising from the stop bank and the swale
- Rule 69 of the RRMP for river and lake bed activities (e.g. outlet of the Ohiti swale and fords and crossings)
- Rule TANK 10 of the RRMP (TANK Plan Change) for the take and use of surface or groundwater (relating to the 'take' of drainage water if required as part of construction).
- Rule TANK 22 or 23 of the RRMP (TANK Plan Change) for the diversion and discharge of stormwater into water, or onto land where it may enter water

Other Approvals

3.5 In accordance with the HDP, the applicant requires resource consent from HDC for some matters. For the purpose of clarity, this report only addresses the matters relevant to the HBRC's consent authority jurisdiction and does not address those matters that are within HDC's jurisdiction. HDC's assessment will be provided separately to the Hearings Commissioner and should be referred to for matters within HDC's jurisdiction.

4. COMMENTS (OIC APPLICATION ONLY)

4.1 In accordance clause 15 of the OIC 2024, notice was sent to listed parties (clause 15(2)) and they were given the opportunity to comment on the application, with the comment period beginning 15 September 2025 and closing 29 September 2025.[4] In accordance with Clause 15(2)(x), an additional two parties were invited to comment who were considered to hold an interest greater than that of the general public. These were as follows:

a. The owners of 400 Taihape Road: invited to comment because the land is not in or adjoining the flood protection work areas, but the modelled flood level on this property will increase from the 'baseline' scenario.

b. Fish and Game New Zealand: invited to comment because the ecological assessment indicates that trout may be present in the Ohiwia Stream and the proposed works include installation of a crossing or ford, potentially within the fish spawning period.

4.2 It should be noted that none of the notices posted to parties were unable to be delivered and returned.

4.3 During that consultation period eight comments were received from invited parties. The comments are summarised and attached as Appendix 1 to this report. This summary will also be published on the HBRC website. The comments were also provided to the commissioner in full.

4.4 NZTA Waka Kotaki confirmed the agency had no issues or concerns with the project and requested further information on other HBRC OIC projects which was provided.

4.5 Tamatea Pōkai Whenua was in support of the project proceeding as proposed.

4.6 Heritage New Zealand Pouhere Taonga (HNZPT) comments related to condition 29 the Accidental Archaeological Discovery Protocol (AADP). The comment advised that the condition is not required and can be deleted as an Archaeological Authority will be sought for the project footprint and this

[4] HBRC acting as 'lead agency' and sent the notice to listed parties inviting comments on behalf of both council/consent authorities.

is preferred to an AADP. At the time of writing this report the Authority had not been obtained and therefore it is considered appropriate to recommend a change to the wording of the condition as proposed by the applicant to include the accidental discovery protocol until such time as an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014 is in place for the area of the works rather than to delete the condition. Leaving the condition in place in this form ensures that in the event that any areas of works are not covered by the archaeological authority, that they are still subject to the AADP.

4.7 Kerri Nuku Whanau Trust and KD Partnership Ltd commented seeking the relocation of the Ohiti Rd Swale. The relocation would enable an intended development to be included within the area benefiting from the proposed flood protection. The requested change relates to work that is not proposed to be protected by the project and is outside the OIC footprint, and therefore no change to the schedule of conditions is recommended. The land is upstream of the proposed Smith Swale and will not be adversely affected by the project, but neither will it be protected by the project.

4.8 Comments from HDC concerned access and transport, specifically the effect on Taihape Road as a key lifeline route. The stopbanks will increase flood levels and duration and an effective system of monitoring and warning of Ohiwia Stream flood levels with depth markers installed was requested. They seek that the final design of these controls is confirmed with HDC. In the proposed condition 30 an early warning system is offered to be installed in the upper Ohiwia Stream. Additional comment was sought from the applicant on this matter. The applicant stated[5] that "*...the site of the measurement and telemetry system is still to be determined" and that "...It needs to be as far up the catchment as is sensible to provide as much warning as possible. The site will be agreed with HDC following further discussion between all parties".*

4.9 Stephen Cornes' comments concerned the effect of the previous raising of the level of Lake Runanga, the discharge over the weir that was installed and the subsequent effect on flood flows down Ohiwia Stream and through the lake. The comment included that '*It is very important that this information is received and reviewed by all affected parties surrounding the lake and right down to Ohiti road before the approval can be given to proceed with the stop banks'*.

4.10 The comment was sent to the applicant, and a response was sought regarding the potential interconnectedness of flooding issues within the project area and at the lake. The applicant provided an assessment, and a summary as follows[6]:

4.11 *Summary:*

T+T's hydraulic model estimates that approximately 100 m³/s could spill out of the Okawa Stream channel into Lake Rūnanga during the 100-year ARI design event. The remaining 210 m³/s continues downstream to the project area at Taihape/Ohiti Road.

PDP's assessment indicates that, at flows similar to the 100-year ARI design event, the proportion of flow spilling from the Okawa Stream into Lake Rūnanga is not significantly affected by the modelled pre- and post-weir conditions.

Based on this information, we consider that management of the weir, such as removing the dam and/or weir, or undertaking modifications (e.g. lowering or widening the weir) would not have a significant impact on water levels or flood risk at the project area.

[5] Email from Cam Drury (Stradegy), dated 13/10/25
[6] Email from Cam Drury (Stradegy), dated 15/10/25

4.12 The email providing this assessment of the impact of Lake Runanga has been forwarded to Stephen Cornes to partly satisfy the request made in his comment.

4.13 It is also noted that PDP are continuing to work on refining the modelling for Lake Runanga to help HBRC understand the function and impact of the weir on upstream flooding. The weir is a consented structure, and any alteration to the weir, if required, would be subject to a seperate consent process.

4.14 The Department of Conservation (DOC) comments addressed streambed disturbance, fish passage, erosion and sediment control, the use of the NPS-FM effects management hierarchy, Freshwater Fisheries Regulations 1983 and the eDNA assay used to determine the presence or absence of Kakahi in the Ohiwia Stream.

4.15 DOC recommended a change to consent condition 15 that required that any erosion and sediment control measure failure incident report be provided in three working days. The applicant responded to the comment that "*the key is that the problem is flagged and managed as soon as practicable (condition 15(a)(i) and 15(b)). There are no specific circumstances for this project that necessitate a change to the standard condition 15(a)(iii) which is in relation to the timing of reporting, rather than the timing of the management response*". As the condition requires immediate reporting of incidents to the HBRC Pollution Hotline a change to the condition as proposed is not recommended.

4.16 DOC also requested that Condition 18(c), a proposed change by the applicant to exclude fords from fish passage requirements is amended to not exclude fish passage requirements.

4.17 For condition 18 d) ii. Where works in the bed of a river are to be designed by an engineer and an ecologist (both suitably qualified and experienced), DOC requested that the ecologist specifically be a **freshwater** ecologist. The applicant responded to the comment that "*The project ecologist is Dr Andy Hicks, he is an ecologist with expertise and experience in freshwater ecology. For consistency, the standard wording of condition 18(d)(ii) and condition 25 under the OiC is recommended rather than specifically stating a freshwater ecologist".*

4.18 For condition 18 d) iii, DOC requested that the effects management hierarchy is set out in the condition rather than being referred to by the condition. The applicant has responded that "*the intention of the ecology principles under condition 26(b), as a whole, is to manage effects and aim for a net positive where possible. It is likely for this project that the overall stream length can be maintained within the project site. This will be developed through the detailed design and Ecology Management Plan stages as anticipated by the conditions (including #28)*".

4.19 DOC requested that Condition 18 e), regarding the design of culverts, that fords are added to this condition. Several changes are recommended to the proposed conditions that make it clearer that while a short-lived impact to fish passage may be acceptable for a temporary crossing, subject to assessment by the ecologist under the ecology principles, permanent crossing structures should provide for fish passage.

4.20 For Condition 19 regarding fish passage at culverts and requirements if fish passage is not achieved, DOC requests that the condition does not approve installations that may need additional approval from the Director General for Conservations under the Freshwater Regulations 1983 and that DOC should be notified of any works taking place in a water course. An advice note is recommended to advise the consent holder of the requirement for additional approvals in the event fish passage is diminished.

4.21 Mr R Renew, the landowner at 168 Taihape Road commented on the height of floodwaters in relation to the height of the vehicle access to the property, hillside protection from the increased height of floodwaters and concerns for water security for drinking water drawn from the roadside bore. The key matter within scope of the Regional Council is that of the water supply bore. The

applicant responded[7] that they are continuing to work on an agreement with the landowner regarding property access and site works, and that they consider this is a land access agreement matter that does not need to be included in conditions of consent. The well appears likely to be subject to an increased depth of flooding. It should be made secure to prevent ingress of flood water. A consent condition is recommended that requires an inspection of the well after the construction works are complete to confirm that it is secure.

4.22 Two comments were also received from parties who were not invited to comment.

4.23 Forest and Bird commented about the need to ensure room for rivers as a preferred approach to river management and flood protection (including the effects of climate change) for local communities and improving aquatic and terrestrial habitat and biodiversity. They consider that making room for rivers is using a nature-based climate solution as opposed to hard engineering and includes a managed retreat of people and infrastructure. The comment relates to the conceptual approach to river management and flood protection, rather than addressing a matter of control or specific conditions of the OIC Schedules 2 and 3 and so does not recommend a change to a condition of consent. Council is currently consulting with the community in a reimagining flood resilience project, this comment was provided to that project for consideration.

4.24 The Community Advisory Group (CAG) provided a 'Community Summary Report' on the Ohiti Stopbank Project. Their comment highlights their involvement in the consultative process leading up to selection of the preferred design and lodgement of the consent application. Key points relate to the perceived benefits of an alternative design option ("2E"), which would see an altered stop bank alignment, the development of an early warning system, and concerns over the impacts to the Taihape Road Bridge (Broughton's Bridge).

4.25 The applicant was asked to comment on these points, and they provided a copy of the WSP report[8]. The applicant engaged WSP to provide a review of the flood model and undertake a scour assessment for Broughton Bridge. The key findings included that:

a. *velocity through the bridge was reasonably consistent across different flood flows.*
b. *The bridge lacks freeboard and is predicted to overtop. This is not an issue if the bridge structure can accommodate the forces. The barriers may be damaged in such an event, but these are simple to replace and any debris on the deck can quickly be cleared.*
c. *The historic performance of the bridge does not raise any concerns around scour.*
d. *Whilst some scour is predicted, it is not deep enough to compromise the bridge structure (the piles being relatively deep). Hence, we consider that the structure is not at risk of failure from scour generated during floods.*
e. *The bridge abutments are founded on deep piles, so bank erosion is not expected to result in damage to the bridge structure itself. The approach to the bridge could be damaged, but this would be relatively quick and simple to repair.*

The report concluded (pg 3): "*We also understand, via HBRC, that the engineers at HDC are not concerned about the hydraulic forces on the bridge structurally. Whilst our assessment did not look at the hydraulic forces on the structure itself, in New Zealand the seismic requirements for bridge design normally far exceed the hydraulic forces.*"

4.26 The CAG report purports to represent owners and occupiers of land with on or adjacent to the flood protection works. Persons invited to comment (under Clause 15) but who are associated with the CAG may not have commented in their own name in the belief that the CAG was commenting. In order to provide for these owners and occupiers to be a part of the STAG, it is considered the Category 2C owners should also be invited (despite not making any comments) in addition to any adjoining owners who did make comments. The proposed condition was amended accordingly. The

[7] Email from Cam Drury (Stradegy) dated 13/10/25
[8] WSP, 15 April 2025.Okawa Stream – Summary of Peer Review and Scour Assessment

applicant disagreed with this proposed change, stated that "*This introduces another category of people to be invited onto the STAG. Given the purpose of the STAG (to advise the consent holder how to manage and monitor the works – with broader consultation being provided by the Communications Plan) and the of quantum parties that are already to be invited... adding this group is not considered necessary".* The appropriate breadth of the invite to join the STAG is a point that requires a decision from the Hearings Commissioner

4.27 The applicant also commented on the 2E option, as follows, and provided a copy of the assessment from Tonkin and Taylor on the 2E option[9]:

"It is recognised that the Option 2E had some benefits, however those benefits came at an assessed additional project cost of approx. $3m as there would have to be several additional properties acquired as a consequence. This would have exceeded the project budget by approx. 30% which was an untenable position. The cost benefit of the project was already very close to 1:1 due to the few Cat 2C properties being protected and so the project may well have been curtailed and the properties reclassified to Cat 3 if the higher cost option has been pursued. While the proposed alignment does increase the depth and length of flooding on Taihape Road, compared to Option 2E, the extra depth and duration was seen as being an acceptable outcome to procced with the project. Exhaustive work has been done to verify the bridge structure would not be at risk in the event of the greater depths and velocities as a consequence of the proposed alignment and HDC have accepted this as the asset owner."

5. MATTERS TO BE CONSIDERED

5.1 When considering an application made pursuant to the OIC, and in accordance with clause 10, a hearings commissioner (whom the consent authority has delegated functions, duties, and powers to, and who is not a member of the consent authority) must consider the application under s104 of the RMA, and noting that clause 16 states:

> *Section 104(5) does not apply in relation to the consent authority's consideration of an application referred to in clause 12.*

5.2 This is understood to mean that the activities within the OIC delineated area must be processed as a controlled activity and this activity status cannot be changed for any reason. This would therefore mean that there is no opportunity for the commissioner to decline the application within the OIC delineated area.

5.3 The consent authority may only consider effects and associated conditions of consent that fall within the matters of control, which are set out in full in Schedule 3 of the OIC.

5.4 In summary, Schedule 3 of the OIC 2024 sets out the matters over which the consent authority's *control* is reserved (see *clause 17(3), (4), and (6)).* Those matters are potential adverse effects and proposed mitigation measures in relation to the following:

i. general, including risks of flooding and erosion and adverse effects on wildlife, habitat, and ecosystems:
ii. cultural values:
iii. freshwater:

[9] Tonkin and Taylor (2025): 'Ohiti Rd – Flood Model review of Option 2E'. 17 January 2025; Job no. 1017353.2402

iv. coastal environment:

v. stormwater:

vi. soil, land, and ecology:

vii. visual effects and amenity:

viii. adjoining land uses:

ix. heritage and archaeology:

x. access and transport:

xi. contaminated land (human health)

5.5 The non-OIC works are a discretionary activity, and any relevant effects can be considered.

5.6 When considering an application for a resource consent, in accordance with s104 of the RMA, the hearings commissioner must have regard to:

- any actual and potential effects on the environment of allowing the activity (within the matters of control where applicable), and
- relevant plans, policies and regulations.

5.7 The effects on the environment are addressed in section 7 of this report. The relevant plans, policies and regulation are addressed in section 8 of this report.

5.8 And in relation to any discharges proposed, the hearings commissioner must, in accordance with s105 of the RMA, also have regard to:

- the nature of the discharge and the sensitivity of the receiving environment,
- any possible alternative methods and points of discharge,
- the applicant's reasons for making the proposed choice.

5.9 Section 107 is also relevant, and in relation to discharges, sets out effects that must be avoided.

5.10 The hearings commissioner must make the above considerations subject to the purpose and principles of the RMA (Part 2).

5.11 The purpose of the RMA is to "*promote sustainable management of the natural and physical resources" (Section 5). This involves managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety*".

5.12 In promoting the sustainable management of natural and physical resources, the RMA requires the hearings commissioner to:

i) Recognise and provide for matters of national importance (section 6) including such things as:

- the preservation of the natural character of coasts, rivers and their margins,
- the relationship of Maori with their taonga,
- The management of significant risk from hazards.

and

ii) Have particular regard (section 7) to such things as:

- Kaitiakitanga, and the ethic of stewardship,
- The efficient use and development of natural and physical resources,
- The maintenance and enhancement of the quality of the environment,
- The maintenance and enhancement of amenity values,

- Any finite characteristics of natural and physical resources,
- The effects of climate change.

and

iii) Take into account the principles of the Treaty of Waitangi (section 8).

6. ACTUAL AND POTENTIAL EFFECTS

5.1 The applicant has proposed amendments to the standardised conditions of the OIC to better reflect the detail of the proposed activity and these are suitable for addressing adverse effects of the activity.

Figure 3. Works outside the OIC area – white dashed areas

7.1 The activities that are proposed outside the OIC area (Figure 3) are the Smith Swale diversion, the southern tail of the Ohiti stopbank, the raising of the northern end of the Upper Chesterhope stopbank, and the raising of the road to cross over the Upper Chesterhope stopbank. Consents are required from HBRC for the deposition of sediment, the discharge of sediment, the discharge of dust, the dewatering of land as part of construction, the diversion of floodwaters.

7.2 The actual and potential effects of the proposal have been detailed and assessed in section 10 of the OIC application and section 11 for the non-OIC works , and this assessment is largely agreed with and adopted in full for those matters relevant to the Hawke's Bay Regional Council's jurisdiction as a consent authority, except where discussed below.

Cultural values/effects

8.1 Mana Whenua engagement throughout the proposal has consisted of: an initial site walkover, regular meetings and discussions, participation of mana whenua representatives on the project team with regular attendance at design meetings, receipt of a CIA, Hui to discuss the CIA recommendations and proposed consent conditions. The CIA identifies values associated with the Awa and aspirations.

8.2 The OIC application includes a Cultural Impact Assessment[10] (CIA) (see: Table 8 of the application) and the full CIA should be referred to for completeness. The conclusions of the CIA have been summarised here:

- Assessment of Existing Damage Flood protection should include clearing overgrown flora, damaged trees and debris for environmental rehabilitation and community resilience
- Develop a comprehensive Restoration Plan for Stopbank rehabilitation and restoration
- Engage Stakeholders Engagement of Pou Taiao roopu throughout the process, consider their input and concerns and cultural monitoring empowering Mana Whenua
- Utilise sustainable practices and materials
- Replanting along Ohiwia Stream where use of native species is prioritised
- Maintenance prioritisation including using sustainable practices
- Ongoing monitoring to track effectiveness of restoration efforts
- Coordinate with the new stopbank project
- Education, training and capacity building: Raising awareness of stream restoration and clearing activities in flood risk management and enhancing resilience. Empower cultural monitoring kaitiaki with matauranga.
- Resource allocation: funding, equipment, materials and fair compensation for the value of labour and expertise
- Cultural sensitivity and respect: engage with hapū respecting tikanga traditions and matauranga
- Regular communication and feedback: maintain regular communication with local hapū soliciting feedback and addressing concerns
- Long term collaboration and partnerships, long term partnerships between project stakeholders, local hapū, government agencies, non-profit oganisations and research institutions
- Future projects around Kautuku lake
- Future activities Piringa Hapu could undertake to mitigate the adverse effects of the proposed activity on the Ohiwia Stream.

8.3 The CIA recommends a range of cultural and environmental restoration strategies for Ohiwia Stream and surrounding areas, including stream clearance, stopbank and ecological rehabilitation, community engagement, ongoing monitoring, and collaboration with local hapū and Māori entities, many of which are reflected in the proposed consent conditions and stakeholder advisory processes. Additional recommendations involve future projects, a memorandum of understanding, and the commissioning of a pou to acknowledge cultural significance.

7.3 For completeness, section 10 of the OIC application should be referred to as it is not repeated here.

Consequential flooding

7.4 The proposed flood protection works will provide stopbanks that protect land from floods up to the 1:100 yr ARI event.

7.5 A key potential effect relates to consequential flooding. The application included an assessment (Appendices 11, 12 and 13) of consequential flooding effects which took into consideration extensive modelling through a range of predicted events to inform an assessment of flood hazard risk.

7.6 It was observed that the Ohiwia stream and land that is not protected by the stopbanks and upstream of the works will have higher flood levels than would occur under the base scenario with no protection. Fig 3 below is Figure 2.4 in Appendix 11 T&T[11]. This shows the difference in levels between the base case and the 100-year ARI level of protection. The large red area shows that water levels will be between 250mm and 500mm higher with the proposed flood protection. The

[10] *Cultural Impact Assessment Ohiti Road Stopbank*, authored by Patricia Nuku on behalf of Piringa Hapū Trust.
[11] Consequential Flood Effects of the Omāhu Stopbanks T&T 22 July 2025 Appendix 11

applicant has noted this and provided comment on the implications of this.

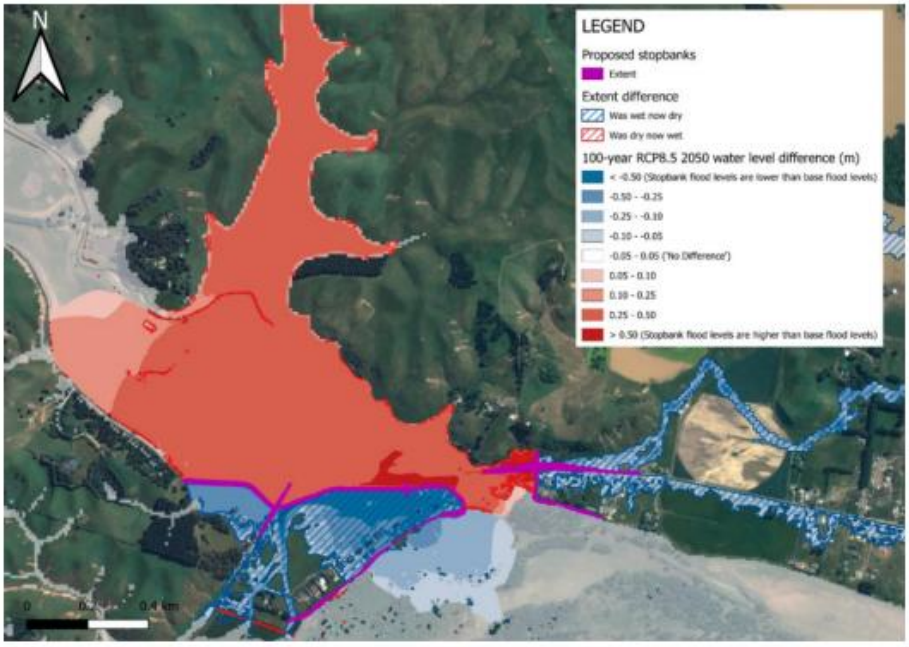

Figure 4: Differences in flood level estimates with the proposed stopbanks. 100-year ARI RCP8.5 2050

a. For the 100 year event scenario, two buildings were identified where flood hazard increased during this event. These buildings are not habitable buildings.

b. Horticultural land in the red area upstream of the stopbanks will be inundated to a greater depth in the 100-year event by 600mm on top of 800mm in the base case. While this is a reasonable increase the observation is that this is unlikely to compound the degree of damage. The T&T report comments that "*given the land use and minor incremental effects, no further assessment has been undertaken."*

c. Furthermore, a technical peer review of the consequential flood assessment was undertaken (Appendix 14) which concluded that the consequences of the proposed stop bank are acceptable.

d. Comments have been made by parties on the relationship between flooding in the project area and upstream management of Lake Runanga. As discussed earlier the applicant was asked for additional comment to help allay concerns that the management of the lake (with a dam and control weir) can impact on the flood flows downstream in the Ohiwia Stream. The summary from their reply was provided in the Comments discussion in Section 4. Their advice is accepted; that while flood flows do spill out of the Okawa Stream and flow to and through Lake Runanga, the modelling indicates that the majority of water flows down the stream and that function of the weir does not significantly impact the levels or flood risk at the project area.

e. The Taihape Road upstream of the stopbanks (in the red area) will have higher flood levels. This has led to a request that there is an early warning system. These - community concerns for a flood warning system are addressed in the applicant's proposed condition 30 where a telemetry system is offered to provide continuous water level data during major weather events. The specified details of the system are to be confirmed in consultation with HBRC and HDC.

f. The effect of increased flood water levels on the bridge has been assessed by the applicant. Effects on the bridge are assessed in the Tonkin and Taylor consequential flood effects report (section 2.3.3) (Appendix 11)[11] with no change in the hazard classification between base and 100 year event design scenario. Further comment was sought from the applicant about the potential impacts on the bridge from the flood protection scheme. They provided a copy of the WSP report[6] that assessed scour effects on the bridge. The assessment found that while the bridge may overtop during floods and experience some scour, the structure is not at risk of failure due to its deep piles, and any damage to barriers or approaches would be minor and easily repairable.

7.7 The application provided the following summary statement[12]. "*The key issue with the predominant activities undertaken outside the OiC Footprint (those being the diversion of water during flood flows and earthworks) is the actual or potential effects of consequential flooding. The specific effects identified by T+T on the receiving environment and particular parties have been considered and analysed to determine that, in the context of the existing environment, flooding effects will be less than minor*".

Effects on freshwater ecology

7.8 The application indicates that either a ford or a culvert will be used to enable crossing of the stream to move material from the borrow site to the site of works. This will include construction of a temporary culvert or ford crossing during fish spawning season. The details of the proposed structure and the length of time it will be in place are not yet known. As shown on Plan 1017353.2402-TT-021, the stream crossing site is outside of the OIC area. The crossing will be subject to the Regulations 62, 67 and 71 (culverts) of the NES FW, including the imposition of specified conditions if consent is granted.

7.9 The stream is likely to support freshwater fish communities including short and long fin eels, inanga, common bully's Koura and rainbow trout. In their comment, DoC also note the presence in the neighbouring Watio Stream of Kakahi (freshwater mussels).

7.10 The applicant reported the ecological scoping study required by condition 27 has already been undertaken and therefore the requirement has been removed from the proposed conditions. Condition 28.

7.11 DOC recommended further checks to see if Kākahi are present. If they are found, the Ecological Management Plan should be updated. The comment also talked about issues like disturbing the stream bed, releasing sediment, and changing the areas along the stream. To address these problems, DOC suggested having a freshwater ecologist oversee the work and managing it with an EMP (Ecological Management Plan). Other ideas include rescuing and moving animals, planning work around spawning and migration times, choosing less harmful structure designs, and checking for risks of spreading pests like Gambusia. The proposed changes to the conditions strengthen and clarify the assessment and design requirements for the main area of works where freshwater values can be impacted – the installation and use of river crossing of the stream where material will be moved from the borrow site to the work area.

7.12 For completeness, section 11 of the application should be referred to as it is not repeated here. The adverse effects of the non-OIC application will be **less than minor**.

8. RELEVANT NATIONAL POLICY STATEMENTS, NATIONAL ENVIRONMENTAL STANDARDS, POLICIES AND PLANS AND OTHER STATUTORY MATTERS

8.1 Relevant plans and policies are the:

[12] Resource Consent Application for Flood Protection Works 4 Sept 2025 pg 100

- National Policy Statement (NPS),
- National Environmental Standard (NES),
- Regional Policy Statement (RPS),
- Regional Resource Management Plan (RRMP),
- Hastings District Plan (HDP).

8.2 The NES for freshwater (NES-F), intends to manage activities in that relate to freshwater. The RPS and the RRMP relate to the proposal in the fact that they seek to achieve the integrated sustainable management of the natural and physical resources in the Hawke's Bay region, to maximise certainty by providing clear environmental direction, and in relation to natural hazards to recognise the communities vulnerability and to lessen this where practical.

National Policy Statement for Freshwater Management 2020 – Amended October 2024

8.3 The NPS-FM has the objective of ensuring that natural and physical resources are managed in a way that the NPS-FM has the objective of ensuring that natural and physical resources are managed in a way that prioritises the health and well-being of water bodies and freshwater ecosystems, Te Mana o te Wai, the health needs of people, and the ability of people and communities to provide for their social, economic, and cultural well-being.

8.4 The RMA was recently amended and s104 no longer requires consent authorities to have regard to certain specified provisions of the NPS-FM.

8.5 The following policies are considered as relevant to this application:

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

8.6 The NPS-FM seeks to give effect to Te Mana o te Wai and ensure that Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

8.7 The NPS-FM also seeks to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, or other maintained and improved. Freshwater is to be managed in an integrated way that considers the use and development of land on a whole of catchment basis, including effects on receiving environments.

NPSFM Considerations

8.8 The RMA was amended and Section 104(2F) added to prevent consent authorities from having regard to clause 1.3(5) or 2.1 of the NPS FM, which relate to the hierarchy of obligations.

8.9 This proposal is consistent with the objectives and policies of the NPS-FM because it will not cause degradation of water quality or adverse effects on freshwater ecosystems. All earthworks and sediment will be controlled to ensure that effects relating to the loss of sediment to the watercourses surrounding the project is avoided, remedied or mitigated.

8.10 The proposed works are required and will enable people to provide for their social, economic and cultural well-being by improving major flood mitigation protection in Ohiti/Omahu and cultural values have been identified and provided for.

8.11 Based on the above, it is considered that the proposal is consistent with the objectives and policies of the NPS-FM as it is unlikely to cause degradation of water quality or adverse effect on freshwater ecosystems.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 – Amended 2023

8.12 The NES-F provides for management of activities that relate to freshwater, this document does not have any specific objectives or policies. Regulations 58 – 74 require consideration of fish passage associated with works or structures in a bed and provsion of speciifed information.

Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-DW)

8.13 Regulations 7 and 8 of the NES-DW relate to resource consents for water or discharge permits upstream of drinking water abstraction points, which supply no fewer than 501 people with drinking water, for not less than 60 days each calendar year. These regulations do not allow the granting of a discharge permit if it would adversely affect this drinking water supply.

8.14 There are 2 down-gradient drinking water supplies within 3 km of the project site. The nearest being the Omahu School Bore and the Hastings District Council (HDC) Omahu bore and supplies more than 100 people.

8.15 The closest supply supplying more than 500 people is the HDC Portsmouth Bore (approximately 5 km to the southwest). The project area is not within the Plan Change 9 specified Source Protection Zones, but is within the modelled source water protection extents of several HDC water supplies, including the Omahu supply bores.

8.16 The applicant does not expect the works to have a significant adverse effect on the quality of the water supply at any abstraction point. Given the distance, proposed works and measures, I concur that the proposed activity is unlikely to increase the concentration of any of the determinants at these drinking water abstraction points, which draw water from the confined aquifer. Nor is it likely to introduce, or increase, the concentration of any aesthetic determinants in the drinking water to levels exceeding the drinking water guideline values.

8.17 Therefore, this resource consent can be granted, in accordance with sections 7 and 8 of the regulations.

8.18 Regulation 12 only applies to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 25 people with drinking water for not less than 60 days each calendar year.

8.19 As there are registered drinking water supplies of this nature (Omahu School Bore) in close proximity to the downstream end of the proposed works and as the works will occur within the SPZ, a condition of consent under Regulation 12 is recommended. While unlikely, this will ensure the operators of the supplies are notified if an event occurs that may have significant adverse effect on the quality of the water at this abstraction point.

Regional Policy Statement

8.20 The applicant provides an assessment of relevant planning provisions in section 11.4 of the application report. This is largely concurred with and is not repeated here.

8.21 The key Regional Policy Statement provisions relating to the proposed activity are listed below and summarised.

8.22 OBJ LW 1 and OBJ UD1 - relates to recognising and providing for river management and flood protection activities, and mitigating frequency of risk to people and property from natural hazards.

8.23 POL LW1A – relate to collaborative approach to working with freshwater bodies

8.24 POL 49 – management of stormwater and mitigation of effects of discharges on water quality.

8.25 OBJ 31 – Is particularly relevant and is *the avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood.* Related POL 55 *is to provide hazard mitigation measures, in particular flood mitigation measures, where the benefits can be shown to outweigh the costs and the identified beneficiaries can meet the costs.* And the associated anticipated environmental results is *natural hazard mitigation measures in place to minimise the risk to human safety and the environment from natural hazards*.

8.26 OBJ 32 – the development of physical infrastructure that supports people and communities and provides for their health and safety.

8.27 OBJ 34 & 35 and POL 59 – being the recognition and contribution of tikanga Maori values to sustainable development and to consult with Maori in a manner creating effective outcomes.

8.28 The activities as proposed are consistent with the RPS.

Regional Resource Management Plan

8.29 The Regional Resource Management Plan provisions relating to the proposed activity are stated below and summarised.

8.30 OBJ 40, POL 71 & 72 – relate to maintenance of water quality of specific rivers.

8.31 OBJ 42, POL 73 & 74 – relate to maintenance of water quantity of specific rivers.

8.32 The activities as proposed are consistent with the RRMP.

Tutāekurī, Ahuriri, Ngaruroro and Karamū (TANK) Proposed Plan Change 9

8.33 Proposed Plan Change 9 (TANK) was notified on 2 My 2020 and decision (issued September 2022) carries legal weight. This establishes the objectives for managing water quality in the Tūtaekurī, Ahuriri, Ngaruroro & Karamū catchments. The subject site is in the Ngaruroro catchment and the relevant Objectives and Policies of the TANK Plan Change are summarised below.

8.34 OBJ TANK 1 - relate to outstanding water bodies and the values in the plan being provided for and cultural responsibilities being recognised and provided for.

8.35 OBJ TANK 3 & POL TANK 59 – requires climate change be taken into account when making decisions.

8.36 OBJ TANK 4 – relates to the quality of freshwater bodies being maintained or improved.

8.37 OBJ TANK 6 – relate to activities within source protection zones for Registered Drinking Water Supplies not to cause source water to become unsuitable for human consumption.

8.38 OBJ TANK 8 – seeks to maintain upper reaches of the Ngaruroro River and improved in the tributaries and lower reaches where necessary to enable environmental, cultural and social outcomes.

8.39 POL TANK 1 – freshwater management be achieved collectively in a way that recognises responsibilities and uses good management practices.

8.40 POL TANK 2 – activities be regulated, and a collective approach used to maintain quality of water quality to meet standards.

8.41 POL TANK 5 – lower reaches of the Ngaruroro have reduced deposited sediment loss, reduced nutrients and improving ecosystem health.

8.42 POL TANK 7, 8, 9 & 10 – protection of Registered Drinking Water Supplies.

8.43 POL TANK 12 & 13 – riparian land management

8.44 POL TANK 19 – avoidance of sediment loss.

8.45 POL TANK 27 – relating to the management of stormwater and use of good management practices.

8.46 Overall, it is considered that the proposal is consistent with the above TANK provisions.

Outstanding Water Bodies (OWB) Plan Change 7

8.47 Plan Change 7 (Outstanding Water Bodies (OWB)) became operative on 29 August 2025. OWB incorporates outstanding water bodies in the region into the RRMP. The Ohiwa Stream is not identified as an outstanding water body therefore, the OWB related provisions of the Regional Policy Statement provisions of the OWB are not relevant to this proposal.

Hastings District Plan

8.48 Assessment of the HDP provisions relating to the proposal are assessed separately by HDC. The HDC assessment has been provided separately to the Hearings Commissioner and should be referred to.

Section 104(c) Other Matters

8.49 It is noted that some of the comments received speak to matters outside the scope of the proposed flood protection works, some of which relate to other parts of the catchment , or a preference for other works that have not been proposed by the applicant, their suitability and their levels of service. Some comments relate to matters that would be best considered through other processes, such as Flood Control Scheme reviews and the associated LTP process, for example, the level and extent of maintenance occurring within the Flood Control Scheme area.

8.50 It is worth noting that in late July 2023, an independent review was commissioned by HBRC to investigate the circumstances and contributing factors that led to flooding during Cyclone Gabrielle. The Hawke's Bay Independent Flood Review (HBIFR) presented their report, containing 47 recommendations, to HBRC Councillors on 24 July 2024. A review project for the Upper Tukituki and Heretaunga Plains flood schemes (the Reimagining Project) was established in direct response to the recommendations of the HBIFR, and the scheme reviews and capital works programmes that have been initiated post Cyclone Gabrielle. The Reimagining Project is intended to take a long-term view, to determine what flood resilience in Hawke's Bay might look like in generations to come. The

intention is that outcomes from this project will be available to inform the next iteration of HBRC's Long-term Plan, due to be released in 2027.

8.51 The Reimagining project is currently in the stakeholder engagement phase. This will provide a forum for members of the community to be involved in setting the visions and values for future decision making regarding the flood resilience for the Upper Tukituki and Heretaunga Plains flood protection schemes. The Stakeholder reference and focus groups will also examine affordability and how to manage future over design sized events. The engagement phase will run from September 2025 through to March 2026. Outcomes will be considered when developing the 2027 long term plan

Section 105

8.52 Section 105(1) of the RMA states that where an application is for a discharge permit, to do something that would otherwise contravene sections 15 or 15B of the RMA, the Consent Authority shall have regard to:

a) The nature of the discharge, the sensitivity of the receiving environment, and the applicant's reasons for making the proposed choice; and

b) The applicant's reasons for the proposed choice; and

c) Any possible alternative methods of discharge including discharge into any other receiving environment.

8.53 The nature of the discharge is addressed in section 11 of this report and the applicant's reasons for the proposed choice are addressed in section 2 of this report.

8.54 The receiving environment is the land and water within the Ohiwia Stream and Ngaruroro River catchments . The matters of control and recommended amendments to the conditions set out by Schedule 2 of the OIC 2024 and the proposed by the applicant are considered appropriate for managing any potential adverse effects of the activity.

Section 107

8.55 Section 107 of the RMA states that:

"Consent authorities must not grant a discharge consent or coastal permit for the discharge, of either water or contaminants, into water, which after reasonable mixing are likely to give rise to the following effects in the receiving waters:

a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials

b) Any conspicuous change in the colour or visual clarity

c) Any emission of objectionable odour

d) The rendering of fresh water unsuitable for consumption by farm animals

e) Any significant adverse effects on aquatic life

Unless there are exceptional circumstances which justify the effects or if the discharge is of a temporary nature, or if the discharge is associated with necessary maintenance work."

8.56 The proposed discharge is considered unlikely to result in any of these effects and will be temporary in nature, occurring over the course of construction. Consent can therefore be granted.

RMA Part 2 Consideration

8.57 With regard to Part 2 of the RMA, the OIC application seeks to undertake works to sustainably manage the effects from natural hazards on communities and in doing so proposes to avoid, remedy or mitigate adverse effects associated with the activity. The applicant has undertaken consultation with local stakeholders in the proximity of the works, and in particular consulted with members of the local Piringa Hapū to identify matters of cultural significance and address those throughout the evolvement of the proposal.

8.58 In the light of the above objectives and policies combined with the recommendations included in section 5 above, the activities overall are considered to be consistent with Part 2 of the RMA.

9 RMA S95A AND S95B ASSESSMENT (NON-OIC APPLICATION ONLY)

OIC Application

8.59 Section 6 of this report is not applicable to the OIC application, clause 14 of the OIC requires that an application made (under the OIC) must not give public notification or limited notification of the application under s95 of the RMA and must instead carry out consultation in accordance with clause 15.

Non-OIC Application

8.60 The non-OIC application is for a discretionary activity and is subject to s95A and s95B assessment. Firstly, the s95A public notification assessment must be made. Mandatory public notification (s95A(2)) is not required as s95A(3)(a)-(c) are not applicable. Preclusion of public notification is in certain circumstances (s95A(4)) is not applicable as s95A(5)(a) & (b) do not apply. If not precluded by s95A(4), determination as to whether public notification is required (s95A(7)) is necessary and neither s95A(8)(a) or (b) apply, as the adverse effects of the proposal on the environment are not considered likely to be more than minor, therefore public notification is not required.

8.61 The nature and scale of adverse effects from the proposed activities are assessed in sections 4 and 7 of this report.

8.62 I consider that there are no special circumstances (s95A(9)) that warrant public notification. To conclude the s95A assessment, public notification is not required.

8.63 Where public notification is not required in accordance with s95A, assessment under s95B limited notification must then be made. Notification to certain groups and affected persons is not necessary as the parties listed in s95B(2) & (3) are not considered adversely affected under s95E. Preclusion of limited notification in certain circumstances (s95B(5)) is not applicable as s95B(6)((a) & (b) do not apply. If not precluded by s95B(5), determination as to whether certain other affected persons must be limited notified is required and neither s95B(7) or (8) apply, therefore limited notification to certain parties is not required (s95B(9)).

8.64 Finally, I consider that there are no special circumstances that warrant limited notification to any other persons (s95B(10)). To conclude the s95B assessment, limited notification is not required.

8.65 Given neither public notification in accordance with s95A or limited notification in accordance with s95B is required, it is recommended that the non-OIC application be processed on a non-notified basis.

9. CONDITIONS OF CONSENT

9.1 The applicant has proposed conditions of consent that relate to works both within the OIC footprint (subject to the conditions set out in Schedule 2 of the OIC 2024) and outside the OIC footprint (not restricted to the matters set out in Schedule 2 of the OIC 2024).

9.2 The proposed conditions and any recommended amendments to these with have been included as Appendix 2 attached to this report. For ease of use combined for both the activities (OIC and non-OIC activities). The comments in Appendix 2 include those received from Hastings District Council. Additionally, a suggestion has been made as to which consent authority each condition relates to, for compliance purposes.

10. MONITORING

10.1 The applicant has proposed monitoring conditions in accordance with Schedule 2 of the OIC 2024. The monitoring proposed is intended to:

- Support the Māori entities representatives undertaking their role
- Provide advice for access solutions across the stop bank
- Provide advice to those preparing the Communications Plan and Ecology Management Plan
- Provide the applicant with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural values
- Monitor the flood protection works during construction
- Develop and implement a communications plan for the duration of the construction works
- Monitor erosion and sediment control devices during construction
- Monitor construction works and remediation works in relation to ecological effects (so that they may be avoided, remedied or mitigated).

Monitoring by Consent Holder

10.2 As previously mentioned, the applicant has proposed conditions relating to monitoring relating to the above matters. Appendix 7 of the OIC application contains an extensive list of conditions and should be referred to in full for completeness.

Monitoring by Council

10.3 In addition to the sampling and analysis to be carried out by the consent holder, HBRC staff will carry out the following monitoring:

- Site inspections during construction;
- Auditing of consent holder's compliance with conditions;
- Interpretation of monitoring data;
- Construction completion report;
- Annual monitoring report of ongoing mitigation etc.

10.4 Additional monitoring may be required if there is non-compliance or if monitoring indicates adverse effects are greater than anticipated.

11. CONSENT DURATION

11.1 In accordance with clause 20 of the OIC 2024 (for activities within the OIC footprint) and in accordance with s123 of the RMA (for the activity not within OIC footprint), a duration of 5 years is recommended as applied for.

12. CONCLUSION

12.1 In conclusion the recommendation of the reporting officer is that the resource consents, as attached, be granted to undertake flood protection works both within the delineated OIC footprint and stream disturbance outside the delineated OIC footprint at Ohiti/Omahu.

13. RECOMMENDATIONS

13.1 Clause 8 of the OIC requires applications made in accordance with the OIC be treated as a controlled activity. In accordance with the RMA 1991, resource consent applications (the OIC application) for controlled activities must be granted. In accordance with clause 10, only a hearings commissioner with delegated permissions may grant consent for an activity lodged in accordance with the OIC 2024. The above comments and recommendations are therefore made to the hearing commissioner in accordance with clause 15 of the OIC 2024.

13.2 For the above reasons, I also recommend the 'non-OIC' application be processed on a non-notified basis and granted in accordance with the RMA 1991 for a discretionary activity, subject to the conditions recommended and as shown in Appendix 2.

Recommending Planner	Reviewed By
Simon Moffitt	**Paul Barrett**
Senior Regulatory Advisor	**Manager Consents**
POLICY AND REGULATION GROUP	POLICY AND REGULATION GROUP
15/10/2025	16/10/2025

Appendices

1. Summary of Comments and responses
2. Conditions of Consent

APPENDIX 1: SUMMARY OF COMMENTS AND RESPONSE

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

In accordance with clause 15 of the OIC 2024, notice was sent to listed parties (clause 15(2)(a)(i-x)) and they were given the opportunity to comment on the application, with the comment period beginning 11 September 2025 and closing 29 September 2025. During that comment window eight comments were received from invited parties. The comments are summarised below:

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

				will be sought for works in this area and this must be followed.
		Mana Whenua engagement	The Resource Consent Application for Flood Protection Works show excellent engagement by the council with mana whenua. The establishment of a Stakeholder Advisory Group to manage and monitor the protection works shows clear commitment by HBRC to engage with the Māori Entity Representatives. Allowing for cultural monitoring, addressing sediment and erosion control plans and having mana whenua participation in the Ecology Management Plan is encouraging and noteworthy.	The comment is supportive of the conditions of the OIC 2024 regarding the stakeholder advisory group, Maori entities responsibilities, erosion and sediment control plans and Mana whenua participation in Ecology Management Plan.
4	Kerri Nuku Whanau Trust and KD PARTNERSHIP Ltd	Ohiti Swale Alignment	Suggests relocation of the Ohiti (Smith) Swale further west to accommodate their intended property development on an adjacent property.	No changes to the conditions are recommended in light of this comment. The land parcel is outside the OIC area, and the owner is not considered to be adversely affected as the proposed works will not affect their land.
5	Hastings District Council	Access and Transport: Effect on Taihape Road as a key lifeline route	The stop banks will have negative effects on a key lifeline route. Additional Monitoring of the Ohiwia Stream, flood depths and depth markers along the modelled area are recommended. An effective system of warning and management to enable communication of the road access status is required. Design confirmation with HDC,	A condition of consent has been proposed by the applicant (condition 30 'Early Warning System') which will require a telemetry system to be installed in the Upper Ohiwia Stream to provide continuous water level data for the purpose of enhancing early warning capabilities during major weather events. This is discussed in section 10.2.1 of the application, where it states: "Unlike other flood control and drainage schemes however, the Ohiwia Stream does not have an early warning system in place. It is therefore proposed to install a telemetry system to this effect (refer Condition 30). While this consent will provide for its installation, ongoing management will occur under other functions of Council. No conditions in regard to ongoing operation and maintenance are proposed."

				Further detail was sought from the applicant. The applicant stated that additional engagement had occurred with Hastings District Council and others. They stated2 that: "It needs to be as far up the catchment as is sensible to provide as much warning as possible. The site will be agreed with HDC following further discussion between all Parties". An addition to the proposed condition of consent is recommended that will require the final placement of the system to be decided after ongoing consultation with HBRC and HDC.
6	Stephen Cornes	Inundation levels	The effects on land and infrastructure from the raising of the Runanga Lake level and the design of the spillway and discharge weir. Around 1980 a bund wall was installed raising the lake level. The outlet was blocked in 2004 further raising the lake by an estimated 500 mm A consent was granted to Fish and Game in 2008 and a weir installed further raising the lake (440 mm) there has been significantly more flooding at the northern end of Lake Runanga, across the Taihape road and right through their property down to the Taihape / Ohiti Road intersection. The raising of the lake level was based on an incorrect catchment calculation and poorly designed spillway and weir (insufficient high flow capacity) must be dealt with before any stop banks are built at Ohiti. Lowering of the lake to the pre 2008 level and modification of the weir and spillway (to accommodate higher flows at lesser rise in level) would reduce flooding at the northern end and allow more water to pass through the lake rather than down past the Ohiti. Modifications at the cause could save the	The comment was sent to the applicant, and a response was sought regarding the potential interconnectedness of flooding issues within the project area and at the lake. The applicant provided an assessment, and a summary as follows3: T+T's hydraulic model estimates that approximately 100 m^3/s could spill out of the Okawa Stream channel into Lake Rūnanga during the 100-year ARI design event. The remaining 210 m^3/s continues downstream to the project area at Taihape/Ohiti Road. PDP's assessment indicates that, at flows similar to the 100-year ARI design event, the proportion of flow spilling from the Okawa Stream into Lake Rūnanga is not significantly affected by the modelled pre- and post-weir conditions. Based on this information, we consider that management of the weir, such as removing the dam and/or weir, or undertaking modifications (e.g. lowering or widening the weir) would not have a significant impact on water levels or flood risk at the project area.

			houses at Ohiti Road, minimise closures of Taihape Rd and reduce flooding over hundreds of hectares	
7	Director General Department of Conservation (DOC)	Streambed disturbance	Avoid works that disturb Ohiwia Stream, use alternative transport route from borrow pit.	The design, installation and removal of a temporary ford across the Ohiwia Stream will be accommodated through an amendment to the CEMP under Condition 11 if a crossing is required. The crossing site is outside of the OIC area and installation of a crossing is a discretionary activity. Further changes to the proposed conditions are recommended to ensure that fish passage is adequately considered and provided for if permanent crossing structures are proposed.
		Fish Passage	Clause (b) of the freshwater matters of control requires the provision for fish passage. However, the proposed consent conditions, as currently drafted, do not confirm that fish passage will be provided.	The applicant has provided comments in response to the DOC comments4. In relation to fish passage, the applicant states: "The approach to fish passage will be confirmed in the CEMP (condition 11(e)) once further information is known about the design and timing of the crossing (if required). For example, if the crossing is only required for 1 or 2 weeks outside of the critical migration window, one way passage may be sufficient to "mitigate any effects the structure may have on fish passage" (noting that Standard 62 of the NES-F relates to reporting of information only and does not specify that full fish passage needs to be provided for all fords). The comments provided by DOC will be considered in developing the plans including under Conditions 11(e) and 18. We note that the matter of control (b) requires the provision of fish passage to be a matter for assessment, it does not necessitate fish passage be provided in all circumstances. DOC will have an opportunity to review the management and mitigation plans before finalising, as an invited

				member of the Stakeholder advisory group (condition #6). No change to the proposed conditions recommended". The crossing will be installed outside of the OIC area and is a discretionary activity. The matters of control set by the OIC do not apply. How fish passage is provided for and the effects resulting from any lack of fish passage are a matter to be assessed, taking into account relevant plan and RMA provisions. At this stage it is unclear if a temporary or permanent structure is proposed, and if this will be a ford or a culvert. The applicant's proposed change to condition 11 is specific to installation of a temporary ford but does not address other potential crossing options (eg temporary or permanent culvert). If a permanent structure is to be installed (ford or culvert), fish passage should be provided, to ensure that a barrier to fish movement is not created. If a temporary structure is installed, a temporary effect on fish passage may be acceptable, provided this is the best practicable option and effects are minimised to greatest degree practicable. Amendments to the proposed conditions are recommended to reflect this.
		Sedimentation and Contamination Controls	The proposed consent condition provides a timeframe for incident reporting that is too lengthy in the scenario of failure or erosion and sediment control measures. The reporting period should be reduced to 3 working days.	The applicant stated in response: "The key is that the problem is flagged and managed as soon as practicable (condition 15(a)(i) and 15(b)). There are no specific circumstances for this project that necessitate a change to the standard condition 15(a)(iii) which is in relation to the timing of reporting, rather than the timing of the

				management response. No change to the proposed conditions recommended". Condition 15 requires immediate notification of HBRC via the Pollution Hotline. No changes to the condition are recommended.
		Effects Management Hierarchy	Condition 18 outlines the requirement to implement the effects management hierarchy without defining how it will be applied in relation to the management of stream loss, where threatened or at-risk species are present. Recommended implementation that is clearly defined as a consent condition.	The applicant responded that: "The intention of the ecology principles under condition 26(b), as a whole, is to manage effects and aim for a net positive where possible. It is likely for this project that the overall stream length can be maintained within the project site. This will be developed through the detailed design and Ecology Management Plan stages as anticipated by the conditions (including #28). No changes to conditions (including #18) recommended." The effects management hierarchy is to be applied through the ecology principles set out in condition 26. The applicant has proposed a change to condition 18 which removes reference to the ecology principles and instead refers to the ecology management plan required under condition 28. Proposed changes to condition 28 also remove the application of the effects management hierarchy. With these proposed changes, it is now unclear if and how the effects management hierarchy would be applied to the works in the stream, and how the ecology management plan would influence the works in the stream. Condition 18 should retain reference to the ecology principles which would then more clearly ensure that the application of the effects management hierarchy is retained for the design and construction of the crossing.

				It is noted a change to that condition 11 (CEMP) specific to a temporary ford crossing is proposed that would retain the reference to the ecology principles, including the effects management hierarchy, but it is not clear why this does not also apply to culvert options.
		Freshwater Fisheries Regulations 1983 (relating to fish passage at culverts and fords)	Approval under these regulations may be required if fish passage is not achieved in relation to a culvert or ford within a stream	An advice note is recommended to draw attention to this potential requirement.
		Project ecologist to be a freshwater ecologist	Specify that in relation the stream crossing the ecologist must be freshwater ecologist	The applicant responded that: "The project ecologist is Dr Andy Hicks, he is an ecologist with expertise and experience in freshwater ecology. For consistency, the standard wording of condition 18(d)(ii) and condition 25 under the OiC is recommended rather than specifically stating a freshwater ecologist. No change to conditions (including #18) recommended." Condition 18 requires that the ecologist have experience in fish passage. No changes are considered necessary.
8	R and R Renew	Height of floodwaters in relation to that of the vehicle crossing and driveway	Cyclone Gabrielle cut off access with 250-300 mm water flowing over the driveway. The changes to the stop banks and the stream way will cause increased water depth and water flows that will make properties inaccessible in weather events less severe than Gabrielle. The water modelling shows that the driveway could be under in excess of 800mm of water	The applicant has stated that these matters have been discussed with the affected landowners at project workshops. The applicant proposes to raise the vehicle crossing 1 m which provides for residents to drive out in a 1:100 flood event. Substantial drainage works are now proposed to remove floodwaters from the driveway, including low points and replanting trees.
		Hillside protection from increased height of floodwater	The increased height of water in the stream floodwaters has potential to erode base of the hill and undercut our driveway. The hillslope the driveway is on needs to be protected (stabilised) from higher flows	The applicant proposes scour protection be installed at the base of the hillside

		Concern for water bore from effects of the earthworks	The earthworks and floodwaters must not damage the bore, water infrastructure or cause contamination to the well water	The applicant stated5 that an agreement has been reached with the landowner, and that "this is a land access agreement matters, and do not need to be reflected in conditions of consent." An additional condition of consent is recommended to ensure well security is achieved after the works are complete.

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

Comment Number	Comment From	Issues Raised	Relief Sought	Response to comment
1	Forest and bird	Room for Rivers	Recommends council invest in making room for rivers as a preferred approach to river management and flood protection (including the effects of climate change) for local communities and improving aquatic and terrestrial habitat and biodiversity. A nature-based climate solution as opposed to hard engineering. Includes a managed retreat of people and infrastructure.	The comment relates to the conceptual approach to river management and flood protection, rather than addressing a matter of control or specific conditions of the schedules 2 and 3 and so does not recommend a change to a condition of consent Council is currently consulting with the community in a reimagining flood resilience project, this comment was provided to that project for consideration The comment proposes a modest and an aspirational widening for the bed of the Ngaruroro River in the reach from Omahu to Maraekakaho. The project footprint apart from the borrow area appears to be outside this aspirational zone.
2	Community Advisory Group (CAG)	Security of Broughton's (Taihape Road) Bridge	An assessment of Option 2C and Options 2E or other variations to the design assure the bridge's viability.	Broughton's Bridge is an HDC asset, no concerns in regard to the security of the bridge in large events were raised in the HDC comment that was submitted. Effects on the bridge are assessed in the Tonkin and Taylor consequential flood effects report (section 2.3.3) (Appendix 11)6 with no change in the hazard classification between base and 100 year event design scenario.

				Further comment was sought from the applicant about the potential impacts on the bridge from the flood protection scheme. They provided a copy of the WSP report7 that assessed scour effects on the bridge. The assessment found that while the bridge may overtop during floods and experience some scour, the structure is not at risk of failure due to its deep piles, and any damage to barriers or approaches would be minor and easily repairable.
		Ongoing maintenance of the Ohiwia streambed at the bridge	Ongoing Removal of sediment and debris as a condition of consent	The application is to construct the flood protection works. Ongoing maintenance is not covered by this consent. The application report (Stradegy, section 5.4.4) states this reach of the Ohiwia stream is included in the HBRC Heretaunga Plains Flood Control and Drainage Scheme area and stream blockage and debris removal maintenance is included in that scheme.
		A more comprehensive assessment of the frequency, magnitude and impacts of flooding	Assessment to include 'over design' events, that accounts for uncertainties in hydrological modelling and climate change projections	The applicant has undertaken consultation and made a decision on how to proceed with flood protection works. Modelling has included events exceeding the 1:100 event design standard and has included projections for climate change. The proposed stopbanks include a freeboard allowance of 700 mm above the 1:100 event design standard. The impacts of an over design event have been modelled and are discussed in section 3 of the Tonkin and Taylor Consequential Flood Effects Assessment (Appendix 11)
		The implementation of a full and robust early warning system	An early warning system to enable timely and effective evacuation of affected residents	The proposal includes an early warning system as condition 30. This is discussed above in relation to the HDC comment.

		Require that the community upstream from the stopbank is represented on the Stakeholder Advisory Group (STAG)	That the community upstream is represented alongside Maori entity representatives and directly affected landowners	Condition 6(2) of OIC Schedule of conditions, specifies the persons the consent holder must invite to appoint representatives to be members of the STAG, being: a. the owners and occupiers of land on which the flood protection works are carried out and all adjoining land: b. all persons who made comments under clause 15. The CAG considers that it has standing under Clause 15(a) and that they represent landowners in the 2C area that would be covered by condition 6(2)(a). These comments were received by the Council (via the HBRC project team) on 2 October after the closure date of the comments period. HBRC did not consider the CAG as a person with an interest greater than the interest of the general public and did not invite a comment from this group. 'Upstream landowners' would not qualify for inclusion on the STAG and it is not recommended that the condition 6 be changed to extend the invitation to join the STAG to such parties. The proposed conditions 6 and 7, which are modified from those set out in the OIC, include ongoing stakeholder involvement via a Stakeholder Advisory Group (STAG). The applicant's proposed changes to condition 6 b) i) would exclude owners and occupiers of land adjoining schedule 1 land unless they made a comment. In proposed condition 6 b) ii), only adjoining land owners or occupiers who made comments could be included on the STAG. As the CAG report does not name its contributors or who it represents, it is difficult to ascertain if some potentially eligible persons could be excluded from representation on the STAG based on the proposed changes to the consent conditions.

				A recommended change to the proposed condition is that the 2C property owners, which are directly adjoining the land on which works will occur, be invited to join the STAG (or provide a representative, which could be a member of the CAG).
		Ensure transparency and ongoing community consultation throughout the decision making process	Providing regular updates and opportunities for community engagement and feedback.	The application section 3 and section 9 provides a summary of the design process and development of the preferred option and consultation; section 9.4 of the application report (Stradegy) covers consultation with the community advisory group: *Various meetings were held toward the end of 2024 and over the beginning of 2025 with a meeting to confirm the preferred option being held in May. Consultation has been continued / will be continued until the Stakeholder Group is established under the conditions of consent.*
		Reassess the cost-effectiveness of Option 2C versus other alternatives.	Consider other stopbank alignments such as Option 2E (suggested by CAG) that widens the flow path	The application notes that extensive consultation has been undertaken and options assessed in determining the preferred option Comment was requested from the applicant on this aspect who then provided a copy of the assessment from Tonkin and Taylor on the 2E option[8] which explains that while Option 2E offered certain advantages, its significantly higher cost and the need to acquire additional properties made it unfeasible within the project budget. As a result, the proposed alignment was chosen despite increasing flood depth and duration on Taihape Road, as these impacts were deemed manageable and the bridge structure was confirmed to remain safe.

APPENDIX 2: CONDITIONS OF CONSENT AND RECOMMENDED AMENDMENTS

The recommended conditions relating to the works, both within and outside of the OIC area are as follows:

Conditions			
Overarching Condition Number and the Consent Authority to manage compliance	**Proposed by Applicant (amendments underlined in blue proposed by applicant on 30 April 2025)**	**Suggested changes from applicant's proposed conditions or additional conditions by HBRC in red**	
	Preliminary Matters		**HBRC Comment** **HDC Comment**
1. HBRC	a. The consent holder must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent: i. *Ohiti (Omahu) Flood Protection Stopbank Works, Summary of Design Report for Resource Consent Purposes, September 2025, Job Ref 1017353.2402~~[consent authority to complete]:~~* b. However, if there is a conflict between a condition imposed on the resource consent and a requirement in any document referred to in subclause (1), the imposed condition prevails.		Clause 17(3) of the OIC 2024 specifically prohibits the consent authority from making amends to the condition in clause 1 of Schedule 2.
1B HBRC	**Tracking changes in the design process** a. Changes that occur between preliminary and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1. In this context, in accordance means changes that do not introduce a new activity, do not introduce a substantial change in alignment, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material increase in consequential flooding effects to other properties. The Final Design Report shall be provided to the Hawke's Bay Regional Council (Manager Compliance) prior to construction commencing.		
2. HBRC and HDC	**Duration of resource consent**		HDC Comment

	a. The period for which this resource consent has been granted is ~~*[consent authority to insert date that is not more than 5 years]*~~ after the date of commencement of the consent. b. This resource consent lapses on ~~*[consent authority to insert date that is no later than 2 years after date of commencement of consent]*~~ *15 October 2027.*		For the areas outside the OIC the application is assessed in accordance with the RMA and the lapse date under s.125 for areas outside the OIC footprint is 5 years following the decision.
3. HBRC	**Definitions** **CEMP** means the Construction Environment Management Plan required by condition 10 of this schedule **construction works**— a) means activities that are authorised by this resource consent in connection with the flood protection works and that consist of directly constructing, reinstating, enhancing, or improving land or infrastructure; but b) does not include ancillary activities such as— i. preliminary activities such as planning, recruitment, site investigation, establishment of construction site, soil sampling; and ii. subsequent activities such as site clean-up and ongoing maintenance of infrastructure, plant, and landscaping until the flood protection works are completed; and iii. ongoing administrative and operational activities such as monitoring and reporting until the flood protection works are completed. **contaminated land** means land to which the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply (*see* regulation 5(1) of those regulations) **cultural indicator** means an indicator of an identified cultural association in guidance referred to in condition 5 of this schedule **cultural monitors** means the cultural monitors appointed by relevant Māori entities under condition 4(c) of this schedule **earthworks principles** means the principles set out in condition 12 of this schedule **ecology principles** means the principles set out in condition 26 of this schedule **erosion and sediment control device** includes a bund and a gully trap fitted into a drain		It is considered that 'construction works' includes the construction of river crossings.

	Erosion and Sediment Control Manager means the person appointed under condition 13(a) of this schedule **ESCP** means an erosion and sediment control plan prepared under condition 14 of this schedule **HBRC** means Hawke's Bay Regional Council **HBRC Erosion and Sediment Guidelines** means the *Hawke's Bay Regional Council Waterway Guidelines: Erosion and Sediment Control*, published by HBRC in April 2009 **HBRC Pest Management Plan** means the *Hawke's Bay Regional Council Regional Pest Management Plan 2018-2038, published by HBRC* in February 2023 **HBRC River Control Code** means the *Hawke's Bay Regional Council Environmental Code of Practice for River Control and Waterway Works*, published by HBRC in February 2017 **HBRC Stormwater Management Guidelines** means the *Hawke's Bay Regional Council Waterway Guidelines: Stormwater Management*, published by HBRC in May 2009 **Manager Compliance** means the person employed by HBRC as manager of compliance **Māori entity representative** means a person appointed as a representative under condition 4 of this schedule **NZS 6803:1999** means New Zealand Standard 6803:1999: Acoustics—Construction noise, published by Standards New Zealand on 8 February 2000 **OiC** means the Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024 **Project Ecologist** means suitably qualified and experienced ecologist appointed by the consent holder		
	Engagement And Communications		
4. HBRC	**Māori entities representatives** a) The consent holder must invite each relevant Māori entity to appoint a representative to perform, with the representatives appointed by all other relevant Māori entities, the Māori entities representatives' roles and responsibilities set out in this schedule in relation to the flood protection works for which the consent has been granted. b) The consent holder must issue the invitations at least 20 days before the flood protection works begin. c) The relevant Māori entities may appoint an appropriately sized team of cultural monitors to i.support the Māori entities representatives; ~~and~~	**Māori entities representatives** a) The consent holder must invite each relevant Māori entity to appoint a representative to perform, with the representatives appointed by all other relevant Māori entities, the Māori entities representatives' roles and responsibilities set out in this schedule in relation to the flood protection works for which the consent has been granted. b) The consent holder must issue the invitations at least 20 days before the flood protection works begin. c) The relevant Māori entities may appoint ~~an appropriately sized~~ team of cultural monitors to ii.support the Māori entities representatives; ~~and~~	Determining that the team of cultural monitors is 'appropriately' sized and compliant with the condition may be challenging for council compliance staff. The OIC wording is silent on the size of the team, and determining what is an 'appropriate' size would seem to have been intended to fall into the matters considered in developing the terms of reference (d) to f), with a suggested change to d)ii) to make this a clear consideration when establishing the team.

	ii. provide advice to those preparing the Communications Plan and Ecology 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. d) The consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters: i. the scope of the representatives' role and responsibilities: ii. time frames for decisions, advice, and actions: iii. support for the representatives: iv. remuneration for the representatives. e) In developing the terms of reference, the consent holder must— i. convene discussions with all relevant Māori entities; and ii. use its best endeavours to achieve consensus on all matters. f) If consensus on all matters is not achieved, the remaining matters must be determined— i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder.	iii. provide advice to those preparing the Communications Plan, CEMP and Ecology Management Plan, and iv. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value. d) The consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters: ii. the appropriate number of representatives, 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. e) In developing the terms of reference, the consent holder must— ii. convene discussions with all relevant Māori entities; and iii. use its best endeavours to achieve consensus on all matters. f) If consensus on all matters is not achieved, the remaining matters must be determined— ii. by a majority vote; or iii. if votes are tied, by the casting vote of the consent holder.	The applicant's proposed amendment notes the plans that the Maori Entities representatives are to provide advice on. Condition 10(c)(iii) (CEMP) also provides for development in partnership with the Maori entities representatives and should be referenced here in condition 4(c)(iii).
5. HBRC	**Guidance on Cultural indicators** a) The guidance provided under condition 4(c)(iii) of this schedule must focus on indicators covering all identified traditional associations,— i. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and ii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. b) The consent holder must, in preparing the Communications Plan and Ecology Management Plan ~~all plans~~ required by these conditions;	**Guidance on Cultural indicators** a) The guidance provided under condition 4(c)(iii) of this ~~schedule~~ consent must focus on indicators covering all identified traditional associations,— ii. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and iii. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. b) The consent holder must, in preparing the Communications Plan, CEMP and Ecology Management Plan ~~all plans~~ required by these conditions;	Condition 5 b) should also reference the CEMP as per condition 10 c iii)

	i.take all applicable cultural indicators into account; and ii.report to the Māori entities representatives how those indicators have been taken into account.	ii.take all applicable cultural indicators into account; and iii.report to the Māori entities representatives how those indicators have been taken into account.	
6. HBRC	**Stakeholder advisory group** a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the **stakeholder advisory group**. b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group: i.the owners and occupiers of land on which the flood protection works are carried out (referred to as 'immediately affected' in ~~and all adjoining land~~ Schedule 1): ii.all persons listed in ~~who made comments under~~ clause 15(2)(a)(ii)-(vi) and (viii)-(x) of the OiC and any owner or occupier of land referred to as 'immediately adjoining' in Schedule 1 who made comments under clause 15 of the OiC: iii.all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: iv.the Manager Compliance: v.Heritage New Zealand Pouhere Taonga: vi.the Department of Conservation: vii.the Māori entities representatives. c) The consent holder must issue the invitations at least 20 days before the flood protection works begin. d) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group. e) Each representative appointed must be authorised by the person or body appointing them to make decisions on behalf of the person or body in the consultations taking place in relation to the flood protection works. f) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following: i.frequency of meetings:	**Stakeholder advisory group** a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the **stakeholder advisory group**. b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group: i.the owners and occupiers of land on which the flood protection works are carried out (referred to as 'immediately affected') in ~~and all adjoining land~~ Schedule 1): ii.all persons listed in ~~who made comments under~~ clause 15(2)(a)(ii)-(vi) and (viii)-(x) of the OiC iii.any owner or occupier of land referred to as 'immediately adjoining' in Schedule 1 that is classified as 2C land: iv.any owner or occupier of land referred to as 'immediately adjoining' in Schedule 1 who made comments under clause 15 of the OiC: iii.all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: iv.the Manager Compliance: v.Heritage New Zealand Pouhere Taonga: vi.the Department of Conservation: vii.the Māori entities representatives. c) The consent holder must issue the invitations at least 20 days before the flood protection works begin. d) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group. e) Each representative appointed must be authorised by the person or body appointing them to make decisions on behalf of the person or body in the consultations taking place in relation to the flood protection works.	Condition 6.b) represents a change to the standard OIC condition that would act to reduce the number of landowners invited to appoint representatives to the STAG. This may be appropriate, but it is recommended that adjoining land owners on 2C land also be invited, despite not making comments. These landowners are likely to be affected by the works, and may not have commented individually because they believed the CAG comments were on their behalf. An additional amendment to make the condition clearer by splitting it with an additional sub-part is also recommended (iv). HDC agree with this approach

	ii. processes and methods for the performance of the group's role. g) In developing the terms of reference, the consent holder must— i. convene discussions with all members of the group; and ii. use its best endeavours to achieve consensus on all matters at the group's first meeting. h) If consensus on all matters is not achieved at the first meeting, the remaining matters must be determined— i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder.	f) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following: i. frequency of meetings: ii. processes and methods for the performance of the group's role. g) In developing the terms of reference, the consent holder must— i. convene discussions with all members of the group; and ii. use its best endeavours to achieve consensus on all matters at the group's first meeting. h) If consensus on all matters is not achieved at the first meeting, the remaining matters must be determined— i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder.	
7. HBRC	**Operation of stakeholder advisory group** a) The role of the stakeholder advisory group is to inform and advise the consent holder about managing and monitoring the flood protection works. b) The consent holder must— i. record all information and advice provided by the stakeholder advisory group; and ii. report to the group how the information and advice have been taken into account in the carrying out of the flood protection works.		
8. HBRC	**Project Engagement Lead** a) The consent holder must appoint a person as Project Engagement Lead to act as the consent holder's main point of contact with— i. the Māori entities representatives; and ii. the stakeholder advisory group. b) The consent holder must ensure that the Project Engagement Lead is reasonably available to perform their role under this condition. c) The consent holder must also ensure that the contact details of the Project Engagement Lead are posted on an		

	internet site maintained by or on behalf of the consent holder.		
9. HBRC	**Communications plan** a) The consent holder must, taking account of the advice provided by cultural monitors, develop and implement a communications plan for the duration of construction works. b) The communication plan must contain detailed processes for communications, throughout the construction works, with the following: i. the general public: ii. local residents and businesses: iii. the Māori entities representatives: iv. the persons and bodies represented by the stakeholder advisory group: v. all other persons potentially affected by the construction works. c) The communications plan must include the following: i. a description of the flood protection works or details of, or a link to, an internet site maintained by or on behalf of the consent holder that describes the construction works: ii. the contact details of the Project Engagement Lead: iii. a list of all persons and bodies who will be communicated with under the plan: iv. how any comments or concerns about the construction works should be communicated by those persons and bodies: v. details of proposed communication activities by the Project Engagement Lead, including notifications and other communications with any persons and bodies referred to in paragraph (iii): vi. information about when the communications plan will be reviewed (and amended, if necessary). d) The consent holder must give to the Manager Compliance— i. the initial communications plan at least ~~5~~20 **working days** before construction works begin; and	**Communications plan** a) The consent holder must, taking account of the advice provided by cultural monitors, develop and implement a communications plan for the duration of construction works. b) The communication plan must contain detailed processes for communications, throughout the construction works, with the following: ii. the general public: iii. local residents and businesses: iv. the Māori entities representatives: v. the persons and bodies represented by the stakeholder advisory group: vi. all other persons potentially affected by the construction works. c) The communications plan must include the following: ii. a description of the flood protection works or details of, or a link to, an internet site maintained by or on behalf of the consent holder that describes the construction works: iii. the contact details of the Project Engagement Lead: iv. a list of all persons and bodies who will be communicated with under the plan: v. how any comments or concerns about the construction works should be communicated by those persons and bodies: vi. 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): vii. information about when the communications plan will be reviewed (and amended, if necessary). d) The consent holder must give to the Manager Compliance— ii. the initial communications plan at least 10~~5~~20 **working days** before construction works begin; and	Condition 9 d i) the communications plan needs to be reviewed by the Manager Compliance and 10 days is considered an appropriate minimum timeframe for this

	ii.any amended plan, as soon as practicable after the amendment.	iii.any amended plan, as soon as practicable after the amendment.	
	CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN		
10. HBRC and HDC	**Construction environmental management plan** a) The consent holder must— i.prepare a construction environmental management plan for the ~~flood protection~~ construction works; and ii.not less than **5 working days** before the construction works begin, submit the CEMP to the consent authority and the stakeholder advisory group. b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the ~~flood protection~~ construction works. c) The CEMP must include the following information: i.the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager: ii.a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent: iii.procedures, developed in partnership with the Māori Entity Representatives, for— 1. obtaining ongoing guidance on cultural indicators provided by cultural monitors; and 2. ongoing reporting to the Māori entities representatives on how the indicators in condition 5(a) have been taken into account, or if not, why not. ~~under condition 5(b)(ii) of this schedule:~~ iv.indicative timing of all stages of the flood protection works and the location and management of stockpile areas: v.procedures for the management of hazards, including— 1. any risk of flood, including communications with Te Piringa Hapū; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons), particularly in the proximity of the bore on 170 Taihape Road; and	**Construction environmental management plan** a) The consent holder must— ii.prepare a construction environmental management plan for the ~~flood protection~~ construction works; and iii.not less than **5 working days** before the construction works begin, submit the CEMP to the consent authority and the stakeholder advisory group. b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the ~~flood protection~~ construction works. c) The CEMP must include the following information: i.the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager: ii.a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent: iii.procedures, developed in partnership with the Māori Entity Representatives, for— 1. obtaining ongoing guidance on cultural indicators provided by cultural monitors; and 2. ongoing reporting to the Māori entities representatives on how the indicators in condition 5(a) have been taken into account, or if not, why not. ~~under condition 5(b)(ii) of this schedule:~~ iv.indicative timing of all stages of the flood protection works and the location and management of stockpile areas: v.procedures for the management of hazards, including— 1. any risk of flood, including communications with Te Piringa Hapū; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons), particularly in the proximity of the bore on 170 Taihape Road; and	HDC agree with these amendments

	3. working in the proximity of overhead powerlines: vi. arrangements for site access and on-site traffic management: vii. procedures for managing public health and safety, including restrictions on public access to work sites and the river: viii. A Contamination Site Management Plan according to the Contamination Site Management Plan (CSMP) – Ohiti Stopbank, T&T Project No. 1017353.2402, ix. dust management measures (see condition 16 of this schedule): 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):~~ xi. contact details of at least 2 persons or bodies who respond to emergencies and who— 1. are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and 2. have authority to authorise immediate response actions: xii. a detailed process for detecting, investigating, and recording incidents: xiii. details (including timing) of arrangements for reporting to the consent authority on the outcomes of, and compliance with, the CEMP: xiv. any ESCP (*see* condition 14 of this schedule): 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. ~~the landscaping plan (if any) prepared under condition 24 of this schedule:~~ xviii. an outline of key procedures ~~how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or~~	3. working in the proximity of overhead powerlines: vi. arrangements for site access and on-site traffic management: vii. procedures for managing public health and safety, including restrictions on public access to work sites and the river: viii. A Contamination Site Management Plan according to the Contamination Site Management Plan (CSMP) – Ohiti Stopbank, T&T Project No. 1017353.2402, ix. dust management measures (see condition 16 of this consent ~~schedule~~): 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):~~ xi. contact details of at least 2 persons or bodies who respond to emergencies and who— 1. are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and 2. have authority to authorise immediate response actions: xii. a detailed process for detecting, investigating, and recording incidents: xiii. details (including timing) of arrangements for reporting to the consent authority on the outcomes of, and compliance with, the CEMP: xiv. any ESCP (*see* condition 14 of this consent ~~schedule~~): 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: xvii. ~~the landscaping plan (if any) prepared under condition 24 of this schedule:~~ xviii. an outline of key procedures ~~how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or~~	

	from the ecology management plan prepared under condition 28 of this schedule affecting construction: xix. details of how the ecology principles will guide environmental outcomes: xx. cultural and archaeological artefact discovery protocols (see clause 29 of this schedule) 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 schedule. d) The CEMP must, so far as is practicable, be consistent with the HBRC 'Environmental Code of Practice for River Control Works' (2017 or subsequent version).	from the ecology management plan prepared under condition 28 of this consent ~~schedule~~ affecting construction: xix. details of how the ecology principles will guide environmental outcomes: xx. cultural and archaeological artefact discovery protocols (see clause 29 of this consent ~~schedule~~) 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 ~~schedule~~. d) The CEMP must, so far as is practicable, be consistent with the HBRC 'Environmental Code of Practice for River Control Works' (2017 or subsequent version).	
11. HBRC	**Developing and amending CEMP** a) Before finalising the CEMP, or any amendment to the CEMP under subcondition (e), the consent holder must invite the consent authority and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days. b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment. c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment. d) The consent holder must act in accordance with the CEMP for the duration of the flood protection works. 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. Specifically, the consent holder must amend the CEMP in the event that a temporary ford is proposed across the Ohiwia Stream. The ford must be: i. designed by a suitably qualified and experienced engineer with input from the Project Ecologist, ii. designed, installed and removed in a way that is, so far as practicable, consistent with the ecology principles set out in Condition 26(b)(i),	**Developing and amending CEMP** a) Before finalising the CEMP, or any amendment to the CEMP under subcondition (e), the consent holder must invite the consent authority and the stakeholder advisory group to comment on the proposed CEMP or amendment within 10 working days. b) The consent holder must take account of any comments received by the persons invited when finalising the CEMP or the amendment. c) If the consent holder does not receive any comments within 10 working days after inviting them, the consent holder may finalise the CEMP or amendment. d) The consent holder must act in accordance with the CEMP for the duration of the ~~flood protection~~ construction works. 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~~ construction works. Specifically, the consent holder must amend the CEMP in the event that a temporary ford is proposed across the Ohiwia Stream. The ford must be: ii. designed by a suitably qualified and experienced engineer with input from an ecologist ~~the Project Ecologist,~~ who is suitably qualified and	Noting that for e), a ford could affect fish passage, and that the ecologist should be experienced in this matter. This ecologist may be the Project Ecologist, if they have necessary expertise.

	iii. reported on in respect to (i) and (ii) in amending the CEMP. 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.	experienced so as to provide advice for ongoing fish passage. iii. designed, installed and removed in a way that is, so far as practicable, consistent with the ecology principles set out in Condition 26(b)(i), iv. reported on in respect to (i) and (ii) in amending the CEMP. f) After amending the CEMP, the consent holder must give a copy of the amended CEMP (indicating the amendments) to the consent authority and the stakeholder advisory group within 10 working days.	
	EARTHWORKS		
12. HBRC HDC	**Earthworks principles** a) The consent holder must carry out all works in a manner that— i. minimises the volume, area, and duration of the proposed earthworks required through methodologies, including the design of batter slopes, appropriate to expected soil types and geology; and ii. maximises the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential for sediment generation and sediment yield; and iii. avoids if practicable, or minimises so far as practicable, adverse effects on freshwater and marine water environments within or beyond the works boundary, with particular regard to reducing opportunities for the works to generate sediment; and iv. avoids if practicable, or minimises so far as practicable, adverse effects on outstanding natural features, outstanding natural landscapes, and areas of outstanding natural character (as specified in a regional plan or policy statement for the relevant area); and v. avoids if practicable, or minimises so far as practicable, adverse effects on culturally significant land; and vi. stabilises disturbed land as soon as reasonably practicable in accordance with an ESCP.		HDC- No changes to standard Schedule 2 condition.

	b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.		
13. HBRC	**Erosion and Sediment Control Manager and staff** a) The consent holder must appoint a suitably qualified and experienced person as the Erosion and Sediment Control Manager for the duration of the flood protection works. b) The role of the Erosion and Sediment Control Manager is to— i. ensure compliance with the CEMP and ESCP; and ii. subject to any amendments made to the ESCP under condition 14(c)(x) of this schedule, liaise with any Erosion and Sediment Control Manager appointed in respect of any other flood protection works; and iii. liaise with the consent authority in respect of the implementation of the ESCP, including in respect of any incident relating to erosion and sediment control. c) An Erosion and Sediment Control Manager appointed under this condition may perform the same role in relation to any flood protection works at any other location specified in clause 6(3) of the OiC if the relevant consent holder considers it appropriate. d) The consent holder must also appoint suitably qualified and experienced staff to assist in erosion and sediment control, including— i. managing the operation, maintenance, and monitoring of erosion and sediment control devices; and ii. supervising the installation and decommissioning of those devices and associated equipment and arrangements.		
14. HBRC	**Erosion and sediment control plan** a) The consent holder must prepare 1 or more erosion and sediment control plans for the works to identify how the earthworks principles will be applied. b) The consent holder must engage a suitably qualified and experienced person to prepare an ESCP. c) An ESCP must specify the following matters:		

	General i. how the ~~construction~~ works will be carried out in accordance with the ecology principles: ii. structural and non-structural erosion and sediment control measures (including chemical treatment where necessary) to be in place before and during all construction works, including earthworks, ~~coastal works,~~ and works within watercourses: iii. key environmental risks, particularly in relation to topography, soil type and form, and the receiving environment, including proximity to any sensitive receivers (for example, watercourses): iv. procedures for ensuring advance warning of a rainfall event: v. procedures for decommissioning the erosion and sediment control measures: vi. procedures for determining the staging and sequencing of earthworks: vii. methods adopted, for the purpose of reducing sediment loss and erosion, to stabilise— 1. any excavated area; and 2. any watercourse bed; and 3. any banks of a watercourse that have been disturbed by the works: viii. details of maintenance, including actions and frequency: ix. supporting information about the size of erosion and sediment control devices: x. methods for amending and updating the ESCP as required: *Erosion and Sediment Control Manager and Staff* xi. the name and contact details of the Erosion and Sediment Control Manager: xii. the names and contact details of other staff appointed to assist with the management of erosion and sediment control (see condition 13(d) of this schedule): *Incident management* xiii. the process for detecting, investigating, and recording, and for notifying the consent authority of, incidents that result in the discharge of contaminants or material into any watercourse		

	due to the structural failure of any erosion and sediment control measures: *Monitoring* xiv. procedures for— 1. ongoing visual inspection, and where necessary quantitative monitoring, of all erosion and sediment control measures; and 2. detailed analysis of trends in erosion and sediment control effectiveness and performance; and 3. amendments to any ESCP resulting from the activities under subparagraphs (1) and (2): *Reporting to consent authority* xv. details (including timing) of reporting to the consent authority on the outcomes of, and compliance with, the ESCP. d) The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant works. e) The ESCP must include a site-specific risk-based approach that allows for the Erosion and Sediment Control Manager to determine the level of information and design that must be provided for specific activities. f) For works in or adjacent to a watercourse, an ESCP must, so far as is practicable, be consistent with the HBRC Erosion and Sediment Guidelines. h) The consent holder must implement an ESCP for the duration of the flood protection works. i) The consent holder must, for the duration of the construction works i. keep an ESCP; and ii. make it readily available to the consent authority.		
15. HBRC and HDC a)ii) 2 and a)ii 2 iii)	**Failure of erosion and sediment control measure** a) If the failure of an erosion and sediment control measure during flood protection works results in an uncontrolled release of sediment to surface water, the consent holder must— i. as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and ii. immediately notify—	**Failure of erosion and sediment control measure** a) If the failure of an erosion and sediment control measure during flood protection works results in an uncontrolled release of sediment to surface water, the consent holder must— ii. as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and iii. immediately notify—	DOC commented and suggested condition 15 a) iii), in relation to reporting an incident to council, be amended to three days (from seven days). The conditions require immediate notification of the incident to HBRC Pollution Response staff and remedial measures to be instigated as soon as practicable. This is considered appropriate, and no further changes are recommended.

	1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or 2. the territorial authority pollution officer (with responsibility for land-based borrow sites); and iii. within 7 days, report the incident to the Manager of Compliance. b) The Project Ecologist must investigate the affected area as soon as practicable. c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent authority, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects. d) The report to the Manager Compliance under subcondition (a)(iii) must – i. describe the control failure and its cause; and ii. specify the steps that have so far been taken to 1. control the released sediment and any resulting erosion; and 2. prevent any recurrence of the control failure.	1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or 2. the territorial authority ~~pollution officer~~ Compliance Manager(with responsibility for land-based borrow sites); and iv. within 7 days, report the incident to the Hawkes Bay Regional Council and Hastings District Council Manager of Compliance. b) The Project Ecologist must investigate the affected area as soon as practicable. c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent authority, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects. d) The report to the Manager Compliance under subcondition (a)(iii) must – ii. describe the control failure and its cause; and iii. specify the steps that have so far been taken to 1. control the released sediment and any resulting erosion; and 2. prevent any recurrence of the control failure.	HDC Comment HDC do not have a dedicated pollution officer so this function will fall to the Compliance Manager in the first instance.
16. HBRC	**Dust management** a) The consent holder must, as far as practicable, ensure that dust arising from construction works (including earthworks and related activities) does not spread beyond the boundary of the work sites.		
17	~~**Works on contaminated land**~~ ~~a) This condition applies if the consent holder undertakes earthworks or any other soil disturbance on contaminated land.~~ ~~b) The consent holder must ensure that any soil and other materials that are removed from the site and identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind.~~ ~~c) The consent holder must take all practicable measures to —~~ ~~i. prevent the discharge of soil and stormwater from contaminated land to watercourses; and~~	Condition seventeen omitted from HBRC consent	HDC Comment; With the Contaminated Site Management Plan forming part of the application, this condition can be removed

	~~ii. maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials; and~~ ~~iii. replace the soil to an erosion-resistant state at the completion of the relevant works.~~		
	WATERCOURSES		
18. HBRC	**Works and structures in beds of rivers** a) This condition and conditions 19 and 20 of this schedule apply to all construction works carried out in, or adjacent to, the bed of a river. b) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with— i. an applicable ESCP; and ii. the ecology management plan ~~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. c) Flood protection works that might affect fish passage in a river must, so far as practicable, be carried out outside peak times for migration and spawning of species of fish identified, in the ecological scoping survey conducted under condition 27 of this schedule, as being present in the river, except in the case of a ford. d) Permanent or other temporary works in or adjacent to the bed of a river that are completed as a part of the construction phase of the flood protection works (for example, sediment and debris removal, bank protection, and capacity increase) must— i. be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and ii. be designed by an engineer and an ecologist who are suitably qualified and experienced so as to provide for ongoing fish passage in the river; and iii. manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and iv. provide for the maintenance of the river for flood management purposes. e) The design of a temporary or permanent culvert in the bed of a river must—	**Works and structures in beds of rivers** a) This condition and conditions 19 and 20 of this ~~schedule~~ consent apply to all construction works carried out in, or adjacent to, the bed of a river. b) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with— v. an applicable ESCP; and vi. the ecology ~~management plan~~ principles; and vii. the earthworks principles; and viii. any guidance provided under condition 4(c)(iii) of this ~~schedule~~ consent (*see* condition 5 of this ~~schedule~~ consent) relating to relevant cultural indicators. c) ~~Flood protection~~ construction works that might affect fish passage in a river must, so far as practicable, be carried out outside peak times for migration and spawning of species of fish identified, in the ecological scoping survey conducted under condition 27 of this consent, as being present in the river, except in the case of a temporary ford, which is subject to condition 11 d) Permanent or other temporary works (including river crossings) 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, river crossings, sediment and debris removal, bank protection, and capacity increase) must— i. be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and ii. be designed by an engineer and an ecologist who are suitably qualified and experienced so as to provide for ongoing fish passage in the river; and iii. manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and	The standard OIC conditions intend that works in the beds of rivers and streams carried out in accordance with the ecology principles, which are set out in condition 26.The applicant's amendment changes this to be in accordance with the ecology management plan, required under condition 28. The ecology principles refer to the effects management hierarchy, and impacts on habitat connectivity (eg as might occur through creating a barrier to fish movement). The ecological management plan (as proposed) does not include any requirement to consider these matters. It is recommended that the wording of the OIC be retained. The applicant has added an exclusion for fords under condition c), because the design of this kind of crossing structure is managed under condition 11, which includes reference to the ecology principles and requires guidance from a suitable ecologist. Condition d) covers other kinds of works and a clarification is suggested to make it clear that this includes river crossing structures such as culverts. Condition v) is an addition that is suggested to make it clear that permanent river crossings should be designed and constructed to ensure the ongoing passage of fish.

	i. allow for the relevant design flood flow event; and ii. address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris. f) ~~A permanent spillway or weir must ensure that—~~ i. ~~a secondary flow path is available in the event of a blockage of the watercourse; and~~ i. ~~discharge from the secondary flow path does not exacerbate flooding of neighbouring or downstream properties~~. g) All works and structures in, or adjacent to, rivers must, so far as practicable, incorporate energy dissipation measures and erosion and sediment control measures (for example, revegetation of worked sites) to minimise bed scouring and bank erosion in receiving environments.	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. e) The design of a temporary or permanent culvert in the bed of a river must— i. allow for the relevant design flood flow event; and Ii. address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris. f) ~~A permanent spillway or weir must ensure that—~~ vi. ~~a secondary flow path is available in the event of a blockage of the watercourse; and~~ vii. ~~discharge from the secondary flow path does not exacerbate flooding of neighbouring or downstream properties~~. g) All works and structures in, or adjacent to, rivers must, so far as practicable, incorporate energy dissipation measures and erosion and sediment control measures (for example, revegetation of worked sites) to minimise bed scouring and bank erosion in receiving environments.	An advice note is also suggested that reiterates the need for additional approvals from the Department of Conservation in the event that fish passage is to be affected by a structure: *Advice note: Additional approvals under the Freshwater Fisheries Regulations 1983 may be required for any culverts or fords to be constructed in the stream bed if they act to restrict fish passage.*
19. HBRC	**Further requirements at watercourses** a) This condition applies if condition 18 of this schedule applies. b) For the purposes of condition 18(d)(ii) of this schedule, fish passage need not be provided and maintained on all permanent culverts if the Project Ecologist decides, after considering all relevant matters, that it is unnecessary. c) Instead the consent holder must— i. give the consent authority appropriate data and reasons (supported by relevant design drawings) for not complying with condition 18(4)(b) of this schedule; and ii. if culverts that do not provide fish passage are necessary, notify the Department of Conservation. d) For the purposes of condition 18 of this schedule, the consent holder must, at least 10 working days before starting permanent works within a watercourse, give to the consent authority—	**Further requirements at watercourses** a) This condition applies if condition 18 of this ~~schedule~~ consent applies. 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.~~ ~~c)~~ ~~Instead the consent holder must—~~ ii. ~~give the consent authority appropriate data and reasons (supported by relevant design drawings) for not complying with condition 18(4)(b) (d)(ii) of this schedule; and~~ iii. ~~if culverts that do not provide fish passage are necessary, notify the Department of Conservation.~~ d) For the purposes of condition 18 of this schedule, the consent holder must, at least 10 working days before starting permanent works within a watercourse, give to the consent authority—	The river crossing will be constructed outside of the OIC area and is a discretionary activity. The T&T Ecological Opportunities and Constraints Assessment (Sept 2025) (Appendix 3) finds that the stream supports migratory species and that: 'Fish migration (both upstream and downstream) within the Okawa Stream catchment occurs throughout the year, with peak migration occurring between September to November (inclusive)." Given this finding, it is recommended that any permanent crossing provide for fish passage.

	i. hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and ii. a statement of how those designs comply condition 18 of this schedule. e) All permanent works in the bed of a river must be carried out in accordance with the designs given to the consent authority under subcondition (d). f) The consent holder must ensure that any machinery or equipment used in the activities authorised by the consent is not stored in or on the bed or banks of the watercourse. g) The consent holder must ensure all of the following: i. no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within or near a watercourse in circumstances where run-off might enter water: ii. no vehicles, machinery, or equipment are refuelled within the bed of a watercourse or in any other location where spills might enter water: iii. the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water: iv. other fuels and lubricants are not released into water: v. the Ministry for Primary Industries' requirements and clean dry protocols relating to didymo and freshwater pests are followed in relation to all equipment: vi. machinery is operated in a way that minimises the transfer of organisms or pest plants from one catchment to another: vii. the use of wet concrete is avoided in flowing water. h) The consent holder, on becoming aware that any contaminant has been discharged into a watercourse in a way that contravenes the conditions of the resource consent, must immediately— i. take all necessary steps to stop or contain the discharge; and ii. notify— 1. the Manager Compliance; and	ii. hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and iii. a statement of how those designs comply condition 18 of this schedule. iv. The information required by Regulation 62 of the NES FW (2020). v. For culverts, the information required by Regulation 63 of the NES FW (2020) e) All permanent works in the bed of a river must be carried out in accordance with the designs given to the consent authority under subcondition (d). f) The consent holder must ensure that any machinery or equipment used in the activities authorised by the consent is not stored in or on the bed or banks of the watercourse. g) The consent holder must ensure all of the following: ii. no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within or near a watercourse in circumstances where run-off might enter water: iii. no vehicles, machinery, or equipment are refuelled within the bed of a watercourse or in any other location where spills might enter water: iv. the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water: v. other fuels and lubricants are not released into water: vi. the Ministry for Primary Industries' requirements and clean dry protocols relating to didymo and freshwater pests are followed in relation to all equipment: vii. machinery is operated in a way that minimises the transfer of organisms or pest plants from one catchment to another: viii. the use of wet concrete is avoided in flowing water. h) The consent holder, on becoming aware that any contaminant has been discharged into a watercourse in a way that contravenes the conditions of the resource consent, must immediately—	As the river crossing will be constructed outside of the OIC area, it is a discretionary activity and is subject to the requirements of the Regulations. Proposed additions iv) and v) meet the requirements of the NES FW (2020).

	2. the Department of Conservation, if there is imminent risk of the discharge adversely affecting any at-risk or threatened species; and iii. take all practicable steps to remedy or mitigate any ongoing adverse effects of the discharge on the environment. i) The consent holder must take the actions set out in subcondition (j) in relation to construction material, demolition material, and any materials from repair and maintenance activities that are— i. authorised by the consent; and ii. no longer required as part of the construction works. j) The consent holder must ensure that the materials are— i. removed on completion of the construction works; and ii. reused, repurposed, or disposed of in an appropriate manner and in a place where they will not affect surface water levels and watercourses. k) The consent holder must comply with all notices and guidelines issued by Biosecurity New Zealand that relate to the ongoing prevention of the spread of freshwater pests.	ii. take all necessary steps to stop or contain the discharge; and iii. notify— 1. the Manager Compliance; and 2. the Department of Conservation, if there is imminent risk of the discharge adversely affecting any at-risk or threatened species; and iv. take all practicable steps to remedy or mitigate any ongoing adverse effects of the discharge on the environment. i) The consent holder must take the actions set out in subcondition (j) in relation to construction material, demolition material, and any materials from repair and maintenance activities that are— ii. authorised by the consent; and iii. no longer required as part of the construction works. j) The consent holder must ensure that the materials are— ii. removed on completion of the construction works; and iii. reused, repurposed, or disposed of in an appropriate manner and in a place where they will not affect surface water levels and watercourses. k) The consent holder must comply with all notices and guidelines issued by Biosecurity New Zealand that relate to the ongoing prevention of the spread of freshwater pests.	
20. HBRC	Extraction activities and river gravel a) The consent holder must ensure that, during construction works, extraction does not take place— i. within any actively flowing channel; or ii. within 6 metres of any river bank. b) In addition, the consent holder must ensure that extraction activities are carried out in accordance with the HBRC River Control Code.		
	STORMWATER DISCHARGE		
21. HBRC	**Stormwater discharge** 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,—		

	i. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and ii. submit the documents to the consent authority. b) ~~The consent holder must design any new permanent culvert to ensure that any headwater ponding upstream in the relevant design event does not have any significant adverse effect in that area.~~ c) The consent holder must ensure that stormwater discharge from construction works does not cause erosion or scouring of the bed or any bank of any downstream watercourse or receiving drain. d) ~~The consent holder must ensure that the design of culverts and stormwater detention devices is, so far as practicable, in accordance with the HBRC Stormwater Management Guidelines~~.		
	LAND-BASED BORROW SITES		
22 HDC	**Design and management of land-based borrow sites** a) This condition applies to excavation of soil or other materials at land-based borrow sites to support construction works. b) The consent holder must ensure that excavation does not take place below the groundwater table. c) The consent holder must ensure that cut slopes do not exceed 45 degrees above the horizontal, unless a cut slope that exceeds that angle is— i. operationally necessary; or ii. unavoidable as a matter of practicability. d) The consent holder must ensure that a cut slope that exceeds 45 degrees above the horizontal is certified by a suitably qualified and experienced geotechnical engineer. e) The consent holder must ensure that, after excavation work is completed, all land disturbed by the excavation work is restored according to Condition 1 ~~(for example, to pasture or vegetation) to its state before the flood protection works—~~ i. as soon as practicable; but ii. within 6 months		HDC agree with this amendment

	CONSTRUCTION NOISE AND VIBRATION		
23. HDC	**Control of construction noise and vibration** a) The consent holder must ensure that noise from construction, maintenance, and demolition work complies, so far as practicable, with the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999. b) The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction works.	**Control of construction noise and vibration** a) The consent holder must ensure that noise from construction, maintenance, and demolition work complies, so far as practicable, with the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999. b) The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction works. c) The consent holder must submit a Construction Noise and Vibration Management Plan (CNVMP) for certification a minimum of 10 working days prior to commencement of works.) The construction works must be carried out in accordance with the certified CNVMP and a copy of the CNVMP must be kept onsite during construction hours and must be available to authorised Hastings District Council staff during monitoring inspections.	HDC Comment; The proposed amendment reflects the proximity of residential activities to the works sites and the medium liquefactions properties of the soils.
	LANDSCAPING		
24 HDC	**Landscape assessment and plan** a) ~~Before construction works begin, the consent holder must conduct a landscape scoping assessment to identify the potential visual landscape effects of the proposed works, including effects on any adjoining residential properties and any coastal environment.~~ b) ~~If the assessment identifies significant potential adverse effects~~, The consent holder must prepare and implement a landscaping plan according to the Plan prepared by Narrative Landscape labelled 'Planting Mitigation, Sheet 3, 7/08/2025, Job No. #2415' prior to the completion of works ~~for the use of planting and fencing as required to avoid, remedy, or mitigate those effects.~~		HDC agree to the imposition of this condition
	ECOLOGY		
25. HBRC	**Project Ecologist**		

	a) The consent holder must appoint a suitably qualified and experienced ecologist as the Project Ecologist for the duration of the flood protection works. b) The role of the Project Ecologist is to inform, in accordance with the ecology principles, the design, management, and monitoring of all construction works in relation to ecological effects and measures to avoid, remedy, or mitigate those effects.		
26. HBRC	**Ecology principles** a) The consent holder must apply the ecology principles set out in subcondition (b) in— i. designing all aspects of the flood protection works; and ii. carrying out all aspects of construction works. b) The ecology principles are as follows: i. to apply the effects management hierarchy to the following potential adverse effects: 1. permanent habitat loss (including in ~~coastal,~~ terrestrial, and freshwater habitats): 2. loss of naturally uncommon and highly depleted ecosystem types, significant indigenous vegetation, significant habitats of indigenous fauna, and habitats for at-risk or threatened species and taonga species: 3. habitat fragmentation or habitat barriers (including in ~~coastal,~~ terrestrial, and freshwater habitats): 4. impacts on habitat connectivity (including ~~coastal,~~ terrestrial, and freshwater habitats): 5. impacts on at-risk or threatened species and taonga species; 6. effects on water quality (including on kaimoana and mauri) from sediment; 7. alteration of natural hydrology patterns, except as necessary to facilitate the flood protection works: 8. spread or establishment, or both, of pest plants or animals: 9. impacts on habitats that play an important role in the life cycle and ecology of native species; ii. as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species:		

	iii. to avoid, remedy, mitigate, or offset (using biodiversity offset) adverse ecological effects in order to achieve, as far as practicable, a net positive ecological outcome: iv. to enhance the positive ecological role of the works area in the wider ecological context, including its role as a buffer that protects or enhances other areas with ecological significance.		
27	~~Ecological survey and assessment~~ ~~a) The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work together —~~ ~~i. to prepare an ecological scoping survey before construction works begin; and~~ ~~ii. as soon as practicable after construction works are completed, to prepare an ecological effects assessment.~~ ~~b) The purpose of the ecological scoping survey is to identify all ecological values relevant to applying the ecology principles to the places where construction works are to be carried out and adjoining land and adjacent water bodies and watercourses (and the CMA, if relevant), including the following:~~ ~~i. all naturally uncommon ecosystems:~~ ~~ii. all at-risk or threatened species:~~ ~~iii. all taonga species that may be significantly adversely affected during or as a result of construction:~~ ~~iv. significant natural inland wetland values:~~ ~~v. any pest plants or animals that might spread or become established (for example, Chilean needle grass, privet, and yellow bristle grass), having regard to the HBRC Pest Management Plan:~~ ~~vi. any fish, bird nesting areas, bat habitats, or habitats of species protected under the Wildlife Act 1953.~~ ~~c) The purpose of the ecological effects assessment is to assess the adverse effects the construction works have had on the ecological values identified by the ecological scoping survey.~~	Condition twenty seven omitted	
28. HBRC	**Managing ecological loss**		

	a) ~~If any indigenous ecosystems, flora, or fauna (including taonga species) are identified by the ecological scoping survey under condition 27 of this schedule, t~~The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work in partnership and take account of advice provided by cultural monitors to prepare an Ecology Management Plan which must include~~,~~ ~~in association with the Māori entities representatives,~~ — i. Procedures for undertaking a pre-felling native bird nest survey no earlier than 48hrs prior to the felling of identified riparian vegetation and management of any identified native bird nests to facilitate natural abandonment prior to felling, ii. Site preparation methodology to reduce the risk of lizards occupying the site during construction. iii. ~~applies the effects management hierarchy to the management of all direct or indirect adverse effects on those ecological values (including, where relevant, kauri dieback disease), taking the ecology principles into account; and~~ ~~ii. prepares an ecology management plan.~~ ~~b) The consent holder must,~~ — i. ~~at regular intervals throughout construction, record all measures taken under subcondition (a)(i); and~~ ii. ~~report to the stakeholder advisory group every 2 months —~~ ~~1. the measures taken; and~~ ~~2. any recommendations made by the Project Ecologist, working with the Māori entities representatives, to change those measures.~~		

	c) The consent holder must implement the ecology management plan prepared under subcondition (a)~~(ii)~~ throughout the construction works and report to the Stakeholder Advisory Group every 2 months on:~~-~~ i. work undertaken according to the Ecology Management Plan, ii. any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives. ~~d) The consent holder must keep a record of any habitat identified in the ecological scoping survey that is lost as a result of the construction works.~~ e) When the construction works and ~~any~~ ecological mitigation works carried out under subcondition (a)~~(i)~~ are both completed, the consent holder must give the stakeholder advisory group~~—~~ i. ~~a copy of the ecological effects assessment prepared under condition 27 of this schedule; and~~ a report that describes the ecological mitigation works ~~to be~~ carried out by the consent holder. ~~f) The consent holder must establish, and contribute to, a fund called the Ecological Enhancement Fund to ensure that compensation is available when compliance with the effects management hierarchy requires compensation for adverse ecological effects that cannot be offset (using biodiversity offset).~~ ~~g) The Ecological Enhancement Fund—~~ i. ~~applies throughout the Hawke's Bay region; and~~ ii. ~~must be used by the consent holder to provide compensation in relation to—~~ ~~1. making space available for a river (for example, by acquiring adjacent land); and~~ ~~2. rehabilitating or enhancing areas of vegetation in the river corridor with high~~		

	~~biodiversity values (for example, by planting appropriate species); and~~ ~~3. in-stream ecological values; and~~ ~~4. any other area of important in-river or riparian habitat.~~		
	ARCHAEOLOGICAL VALUES		
29. HBRC	**Archaeological discovery protocol** a) Unless or until an Authority under the Heritage New Zealand Pouhere Taonga Act 2014 is in place for the area of the works, ~~T~~the consent authority must prepare an accidental archaeological discovery protocol— i. at least **10 working days** before construction works begin; and ii. in collaboration with the Māori entities representatives; and iii. in consultation with Heritage New Zealand Pouhere Taonga. b) The protocol applies if— i. a worker or any other person associated with flood protection works discovers any cultural or archaeological artefacts or features on a work site; and ii. ~~an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014.~~ c) The consent holder must— i. follow the protocol; and ii. ensure that workers and other persons on site are aware of the protocol. c. ~~d)~~ In subcondition (1)~~(b)(ii)~~, authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.		
	Early Warning System		

30 HBRC and HDC	**Early Warning System** (a) A telemetry system shall be installed in the Upper Ohiwia Stream to provide continuous water level data for the purposes of enhancing early warning capabilities during major weather events.	**Early Warning System** a. A telemetry system shall be installed in the Upper Ohiwia Stream to provide continuous water level data for the purposes of enhancing early warning capabilities during major weather events. b. The consent holder shall consult with HDC (Group Manager Infrastructure) and HBRC (Group Manager Environmental Information) in confirming the design and location of the early warning system	The design of the early warning system should involve consultation with the council responsible for its maintenance and operation and use of its data. HDC Comment: See amendments to (b)
31 HBRC and HDC		**Drinking Water Supply** If an event occurs on-site that may lead to contamination of groundwater, the Consent Holder shall notify the Hastings District Council Drinking Water Supply Manager, Omahu School and the Hawke's Bay Regional Council (Manager Compliance) of the event as soon as reasonably practicable after the event occurs.	The site is located within the modelled drinking water source protection area for the Omahu community supply operated by Hastings District Council. It is also likely to be upgradient from the Omahu School supply, which is also a registered drinking water supply. HDC agree with this additional condition
32 HBRC		**Bore Security Well 2146** To minimise the risk of contaminants entering groundwater, the consent holder shall: a. Ensure that well headworks are constructed to prevent any leakage and/or movement of water or contaminants between the ground surface and groundwater and shall ensure that there are no openings through which contaminants might enter the well. This shall include (but not be limited to) ensuring that there are no gaps around any pipework and/or cables at the wellhead. b. The consent holder shall engage a suitably qualified and experienced person at their cost to inspect Well 2146, to produce a bore security report. This report shall be provided to the Council (Manager Compliance) within 3 months of the completion of the construction works. The report(s) shall be provided to Council	Well 2146 a drinking water bore at 168 Taihape Road will be subject to increased inundation It is considered appropriate to comfirm the security of the bore via a Bore Head Security Report completed by a suitably qualified person HDC Comment: This addresses the comments submitted by R and R Renew

		(Manager Compliance) within 2 months of the date of the bore security inspection. ***Advice Note:*** *For the purposes of this condition, an acceptable "suitably qualified and experienced person" is a blue tick accredited provider (i.e. a person who holds New Zealand Qualification Authority (NZQA) Unit Standard 27556: Carry out a full pipe water measurement system verification) or a qualified well driller.*	