Assessment of Resource Consent Application - APP-131608

Assessment of Resource Consent Application – RM250105

Joint s42A Report for Resource Consent Application APP-131608 and RM250105– Pōrangahau Flood Protection Works

26 January 2026

Applicant:	Hawke's Bay Regional Council
Application Number:	APP-131608 (HBRC) and RM250105 (CHBDC)
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

HAWKE'S BAY REGIONAL COUNCIL reasons for consent:

Situated within or outside the OIC Schedule 1	**Authorisation No:**	**Activity Description**	**Activity Type:**	**Activity Location**
Within OIC & Outside of OIC	AUTH-132936-01	To undertake construction of a flood control scheme, including erection of structures such as stop banks, flood walls and culverts, and associated activities including earthworks in or within 10 m of a natural inland wetland, installation of structures within the bed of a stream, soil disturbance and vegetation clearance within 5 m of the bed of a river	Land Use Consent	Northern side of the Pōrangahau River, the Kaiwhitikitiki Urupā (along Abercromby Street) located south of the river, as shown in Figure 1, and Rongomaraeroa Marae/kaumātua flats on Pah Road.
	AUTH-133267-01	To divert and discharge stormwater, drainage water and associated contaminants to land and water, and to discharge solid contaminants to land within 20 m of a surface water body	Discharge permit	
	AUTH-133268-01	To take and use ground and surface water (including drainage water) for construction related purposes	Water Permit	
	AUTH-133270-01	To divert flood water	Water Permit	
	AUTH-133269-01	The discharge of dust to air	Discharge Permit	

CENTRAL HAWKE'S BAY DISTRICT COUNCIL reasons for consent

Situated inside or outside the OIC Schedule 1	**Authorisation No:**	**Activity Description**	**Plan/Rule**	**Activity Location**
Within OIC & Outside of OIC	RM250105	Disturbance of soil	NESCS – Regulation 11	Northern side of the Pōrangahau River, the Kaiwhitikitiki Urupā (along Abercromby Street) located south of the river, as shown in Figure 1, and Rongomaraeroa
		Earthworks	CHBDC Operative District Plan rule RM6-R7(2)	

		Removal of indigenous vegetation species	CHBDC Operative District Plan rule ECO-R4(4)	Marae/kaumātua flats on Pah Road.
		Other activities not otherwise provided for in the General Rural and Settlement Zones	CHBDC Operative District Plan rule GRUZ -R18 and SETZ – R18.	

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 area. 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 is a joint report for both consents required under the requirements of Hawke's Bay Regional Council (HBRC) and Central Hawke's Bay District Council (CHBDC).

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

1.4. 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 8 December 2025. The opportunity for invited parties to comment closed on 13 January 2026.

1.5. Three 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 (Appendix 1) and will also be placed on the HBRC website as required by clause 15 of the OIC.

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 and National Environmental Standard Freshwater related matters) and by Central Hawke's Bay District Council to decide on the application (for District Council related matters) for consent under s104A and 104C of the RMA, and Regulation 11 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NESCS) 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).

[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. THE ACTIVITY

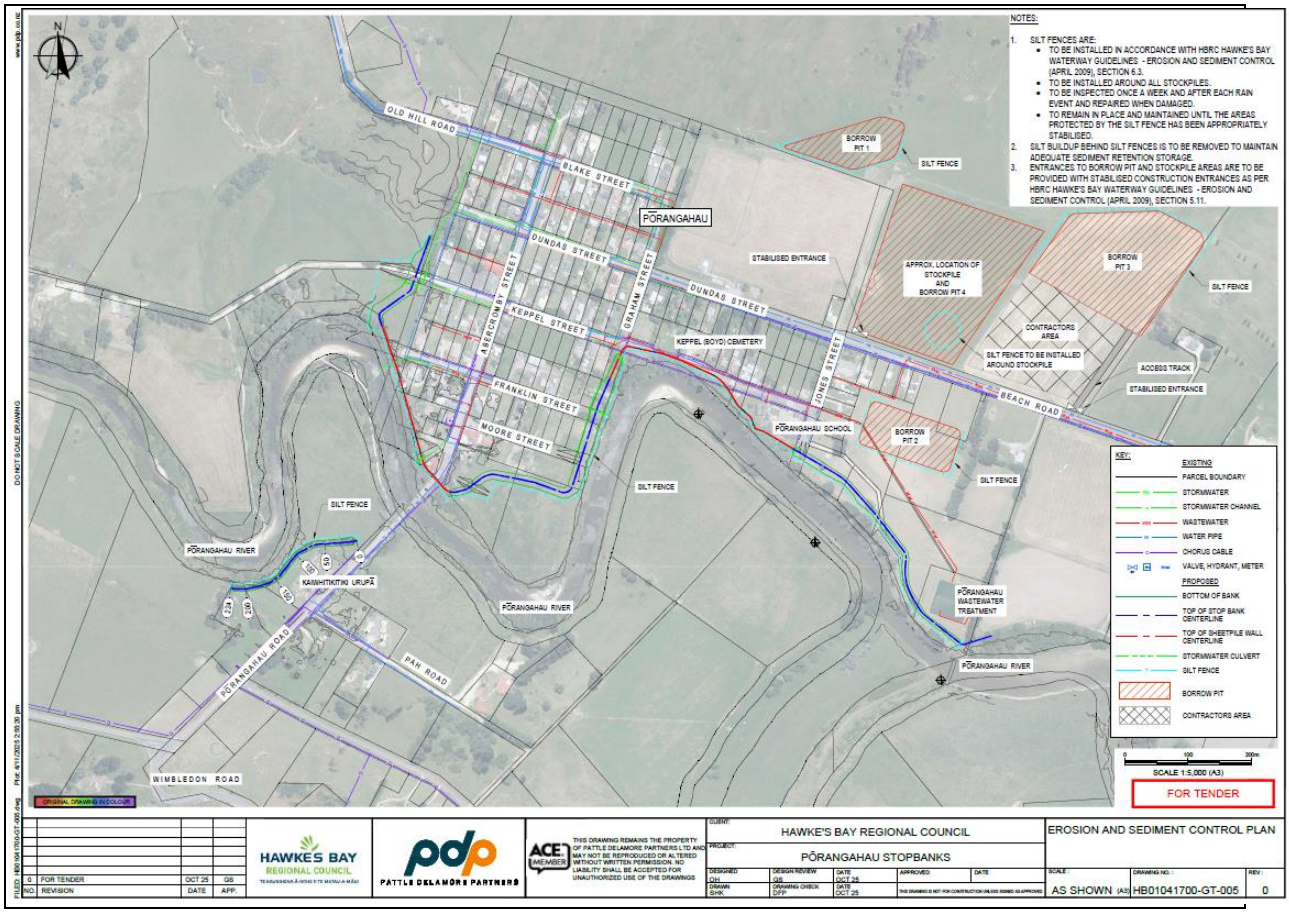

Figure 1: Site of activity

The Site

2.1. Section 4 of the application[2] describes the location of works and is not repeated in full here. The site in question is located in and around the Pōrangahau River, including the Kawhitikitikiti urupa and the Rongomaraeroa Marae. A borrow pit for earthworks is located outside of the OIC area to the north.

Site Visit

2.2. An inspection of the site was undertaken by the reporting officer, accompanied by Paul Barrett (HBRC Consents Manager) Janeen Kidd-Smith (Independent Commissioner), Sophie Elliott (Central Hawke's Bay District Council), Catherine Raeburn (Strategy Planning Limited), Lowri Baker (HBRC Engagement Advisor) and JP Nethling (HBRC Project Manager) on 17 November 2025.

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 Pōrangahau River, Kawhitikitikiti urupa and Rongomaraeroa marae. 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 '*Pōrangahau* Location', as shown in Figure 2 below.

[2] Stradegy, 'Resource Consent Application for Flood Mitigation Works – Pōrangahau Flood Protection Stopbank and Flood Wall'. Dated: 27 November 2025, 24129AP1. (https://www.hbrc.govt.nz/assets/Document-Library/Consents/SWELA-OIC-Consent-Applications/Porangahau/0.RC-Application-Porangahau.pdf)

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. The measures outside the OIC Schedule 1 location are described as:

- Area 1 (Ch100-140) – approximately 180m³ of fill for stopbank construction, up to 2.8m in height;
- Area 2 (Ch230-310) – approximately 550m³ of fill for stopbank construction, up to 2.81m in height;
- Area 3 (Ch1420 – 1440) – removal of topsoil and minor grading of the natural ground to facilitate the floodwall (up to 1.8m in height) with less than 5m³ disturbance.

2.6. These areas are shown in Figure 2 below.

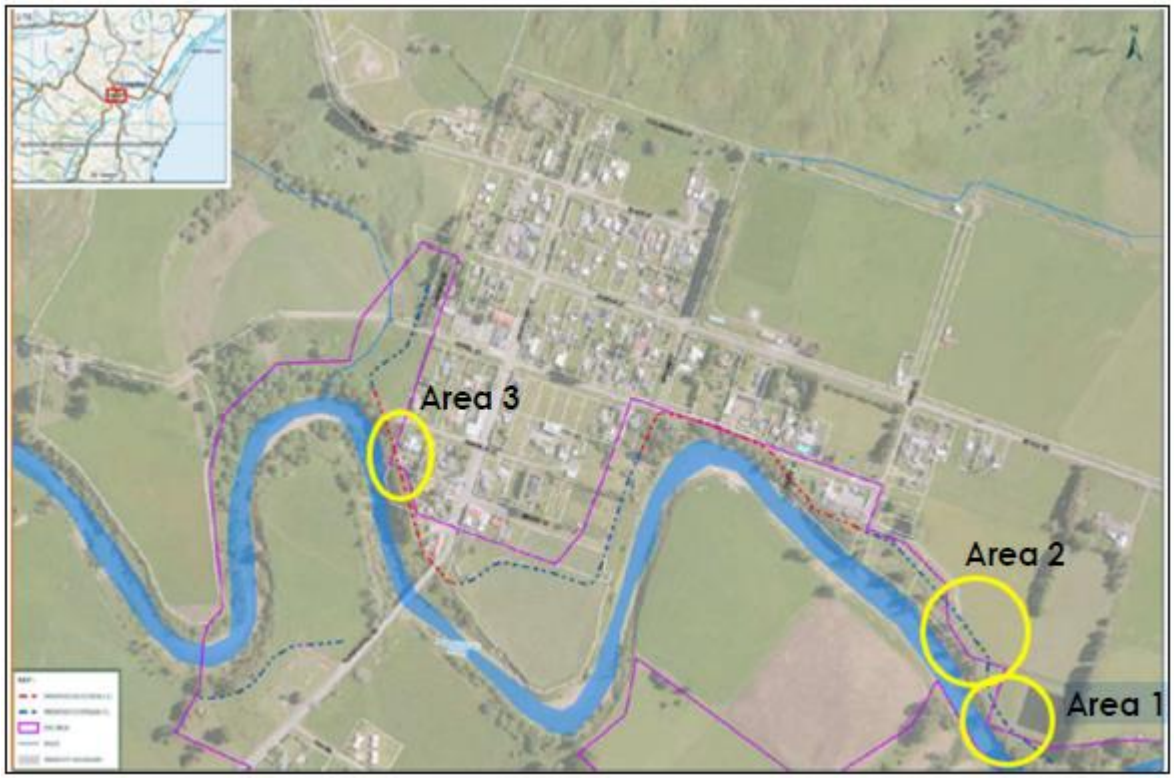

Figure 2: Areas outside of the OIC

2.7. Further, the borrow site (located on Beach Road and shown in Figure 1) is also outside of the OIC Schedule 1 area.

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

2.9. 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.

2.10. 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.

3. Nature Of Activity

3.1. Section 5 of the application provides a full description of the proposal.

3.2. In summary, the applicant seeks to undertake flood protection works including construction of a new 1,700m long stopbank and floodwall on the true left bank of the Pōrangahau River. This is designed to provide protection to the Pōrangahau community from a 1% AEP flood event. The stopbank will be constructed in three sections, and the flood wall will be constructed in two sections.

3.3. A 224m long bund will be constructed around Kaiwhitikitiki Urupa, which is located on the western end of the works. This work is intended to reduce flood velocities across the urupa site to reduce the risk of damage, rather than mitigating flood depths.

3.4. The area of works (outside of the OIC schedule 1 area) includes the borrow site at 18 Jones Street, this will provide the approximate 26,000m³ of fill required for the stopbanks.

3.5. Works will include the disturbance of a wetland and stream in the western portion of the subject area. A culvert will be installed to provide long term stormwater connection to this area.

3.6. Due to consequential flooding risk at the Rongomaraeroa marae, a bund option has been agreed to, which will be installed as part of these works.

3.7. A detailed description of the proposal is contained within section 5 of the application, and these descriptions are agreed with and adopted here; this section of the application should be referred to.

4. Required Approvals

Resource Consents

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

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

Hawke's Bay Regional Council (RRMP)

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

- Regulation57 of the NES-F diversion of stream (a small unnamed stream in the wetland area will be diverted and reinstated)
- 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)

[3] *Resource Consent Application for Stopbank Works*, signed by – Andrew Caseley, Manager Regional Projects/Programme Director and dated 27 November 2025.

- Rule 55 of the RRMP for other takes and uses of groundwater (relating to the take of drainage water and /or surface water from the river if required during construction)
- Rule 59 of the RRMP for the diversion of floodwaters of the Porangahau River arising from the stop bank
- Rule 59 of the RRMP for the diversion of the stream
- Rule 69 of the RRMP for river and lake bed activities (e.g. stream crossings, culvert installation)

Central Hawke's Bay District Council

4.4. Consent is required from CHBDC for the following National Environmental for Contaminated Soil (NESCS) and Operative District Plan (ODP)matters:

- Regulation 11 of the NESCS for the disturbance of soil;
- Rule EM6-R7(2) for earthworks;
- Rule ECOR4(4) for the removal of indigenous vegetation;
- Rule GRUZ-R18 and SETZ-R18 for any other activity not otherwise provided for in the GRUZ and SETZ.

5. Comments (OIC Application Only)

5.1. In accordance with 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 8 December 2025 and closing 13 January 2026.[4] In accordance with Clause 15(2)(x), additional parties were invited to comment who were considered to hold an interest greater than that of the general public. These were as follows:

- The owners of properties on which increased flowing is predicted, as set out in Table 3 of the PDP flooding assessment[5].
- The owners of other land on which increased flood levels are predicted, including those on Cook's Tooth Road and Pah Road, and Beach Road located to the east of the Township.
- Heritage New Zealand.

5.2. During that consultation period three 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.

5.3. **Ms S Wakefield** raised the following matters of concern:

- **Dust –** concerns about the amount of dust that will be generated and the health and amenity effects this might have;
- **Traffic safety –** concerns for safety of pedestrians and effects from stones being dislodged and causing damage. Seeks a speed limit decrease down to 30km/hr;
- **Amenity impacts** - concerned about the general impacts of construction on quality of life, including noise, vibration and dust impacts. Requests specific working hours;
- **Cultural effects** – Would like acknowledgement and consideration to be given to the Pa site at Oreorewai where the Wharenui Ariki Awatea stood.

5.4. Regarding the first three points, these will be considered further in the assessment of effects and can be managed by way of the Construction Environmental Management Plan (CEMP). With regards to Ms Wakefields last points regarding the Pa site, this site is understood to be near the site of the Porangahau Hall, the applicant has made these comments:

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

5 PDP, 'Assessment of Effects on Flooding for Proposed Pōrangahau Stop banks'. September 2025.

"We understand that the pa and wharenui site referred to by Ms Wakefield is in the vicinity of the Porangahau War Memorial hall (see below excerpt from the CHBDP s42a report for the historic heritage chapter). The project footprint is in the vicinity of this site. An archaeological authority is being sought for the project. Ongoing cultural input in accordance with the standard OiC consent conditions will assist in minimising any potential effects, noting that complete avoidance of the site may not be possible due to the limited space available.

"ORAL HISTORY OF THE PLACE : (ref Piri Sciascia. Appendix A.9) The site where the Porangahau War Memorial Hall stands has a connection to the past, pre-European in its beginnings. Māori people lived on both sides of the river, and farmed all the land to the beach. The North side of the river was occupied by Māori who owned land there. Behind the Hall site was a stream named 'Tauirikaitai'. One of many streams feeding the Porangahau river, Tauirikaitai is named after an ancestor. The site at the back of the present day hall was occupied by a Ngati Kere pa "Oreorewai". The wharenui was named "Ariki Awatea". The area where the War Memorial Hall is, has long been inspired ground. 'Oreorewai' is a spiritually motivated name, 'oreore' means to move, shake, give life; 'wai' means water; so together it is rippling water, wind on water, giver of life. The Wharenui name "Ariki Awatea' means chief, dawn, when the light comes. The chief provided a great dawning and enlightenment. He represented achievement and realisation of intent. The names are inspiring. All the families lived by the river and used to swim, bath and fish there. It was a way of living emanating from the power and gift of water.'"

5.5. Confirmation about the archaeological authority for the whole project site is being sought as condition of consent.

5.6. **Mr R Petuha** raised a comment about the stormwater culverts and outlets that will be installed in the stopbanks and whether this will create weak points and whether this design will result in flooding on the Kaiwhitikitiki side of the stopbank.

5.7. The stormwater outlets are part of the engineered design and have been specifically designed to provide for stormwater flows via culverts running through or under the stopbanks.

5.8. The proposal will result in a reduced flood level at the Kaiwhitikitiki Urupa and this information is provided in the application materials.

5.9. There may be an increase in flood levels at other sites on the other side of the river (the Kaiwhitikitiki side) and this is discussed in more detail in the assessment of effects in this report.

5.10. **Mr J MacDonald** comments that he has been caring for the Kaiwhitikitiki Urupa for about 45 years and over that time has buried about 100 people. He is concerned that the location of the bund will limit the space available for future burials.

5.11. The applicant has stated:

"The bund for the urupa is included within the project scope as a result of engagement with marae representatives and Ngāti Kere. Input will be ongoing as the project is finalised and constructed, as per the standard OiC consent conditions."

6. MATTERS TO BE CONSIDERED

6.1. 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.

6.2. 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.

6.3. 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.

6.4. 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:

- general, including risks of flooding and erosion and adverse effects on wildlife, habitat, and ecosystems:
- cultural values:
- freshwater:
- coastal environment:
- stormwater:
- soil, land, and ecology:
- visual effects and amenity:
- adjoining land uses:
- heritage and archaeology:
- access and transport:
- contaminated land (human health)

6.5. The non-OIC works require HBRC and CHBDC consent as a Discretionary activity, and any relevant effects can be considered.

6.6. 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.

6.7. The effects on the environment are addressed in section 6 of this report. The relevant plans, policies and regulation are addressed in section 7 of this report.

6.8. 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.

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

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

6.11. 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".

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

6.13. 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 Māori with their taonga,
- The management of significant risk from hazards.
- and

6.14. 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

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

7. Actual And Potential Effects

7.1. 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.

7.2. These conditions have been agreed to by the applicant and the consenting authorities.

7.3. The activities that are proposed outside the OIC area (Figure 2) are three small areas that fall just outside of the OIC area and the borrow pit which is to the north of the works area. 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. Consents are required from CHBDC for earthworks, removal of vegetation and the activity for flood protection which is not provided for in either of the underlying zones, along with consent pursuant to the NESCS.

7.4. The actual and potential effects of the works proposed within the OIC area have been detailed and assessed in section 9 of the application and in section 10 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 and Central Hawke's Bay District Council's jurisdiction as consent authority, except where discussed below.

Cultural values/effects

7.5. The applicant has outlined in section 8.1 of the application the consultation with Māori entities throughout the process. Ngāti Kere Hapū Authority have been the primary contact that the applicant has engaged with. A number of engagement events have been held, including hui, walkovers, presentations and the creation of a Cultural Impact Assessment[6] (CIA).

[6] *Cultural Impact Assessment Redacted for Public Use,* authored by Te Tore or Puanga on behalf of Te Mana o Ngāti Kere, The Ngāti Kere Hapū Authority and Rongomaraeroa Marae.

7.6. The recommendations of the CIA have been summarised here and in table 6 of the application:

- Te Mana Whakahaere Takirua – Co-governance structure;
- Ngā Mahi Whakawhanaunga me Ngāti Kere – Robust stakeholder engagement;
- Ngā Tikanga Mahi – Culturally Sensitive Construction Protocols;
- Te Tiaki i ngā Wāhi Tapu me ngā Wāhi Taonga – Protection of Sacred and Cultural sites;
- Te Whakaurunga o te Mātauranga Māori – Integration of Mātauranga Māori;
- Te Waiaro kite Reo Māori – Language revitalisation;
- Te Whakawhanake Pukenga – Capacity building and community development;
- Te Whakarauora Taiao – Environmental Restoration.

7.7. Overall, the recommendations from the consultation with Ngāti Kere Hapū Authority can be provided for in the draft conditions, these have been altered where required to accommodate the requirements of the CIA where appropriate.

7.8. The following matters were raised by Ngāti Kere Hapū Authority that require specific comment, either due to design changes through the process, or further assessment of effects:

- **Location of borrow sites:** The original application include a possible borrow site on the Rongomaraeroa Reserve. The CIA states that Tangata Whenua oppose the proposal to use the Rongomaraeroa Reservation as a borrow site. This site has not been included in the application for use as a borrow site.
- **Traditional "unrecorded" sites:** The Archaeology Report[7] identifies a number of recorded sites in ArchSite that are not included in the CHBDC Operative District Plan Appendices. There is also significant archaeological potential in the wider area. The Archaeology Report recommends a full assessment of effects to be undertaken to assess the wider archaeological risk with a view to requiring an Archaeological Authority. The applicant has stated numerous times throughout the application, specifically in section 9.10 that an Archaeology Authority has been applied for and will be in place throughout the course of construction for this project.
- **Consequential flooding:** The CIA does not cover the cultural impacts of the flood resilience work on the Rongomaraeroa Marae and the nearby Kaumātua Flats, however notes that their protection from future flood events must also be a priority.

7.9. The applicant concluded in section 9.3 (Pg 63):

"It is our understanding that Ngāti Kere Hapū supports the proposed OIC conditions, and the view that these give effect to the recommendations in the CIA that are applicable to the resource consent for this project."

7.10. I am satisfied that the recommendations put forward in the CIA have been appropriately captured by the proposed conditions. The relationship between HBRC and Ngāti Kere Hapū representatives has been established for some time and the consent conditions will provide for the ongoing implementation of the recommendations of the CIA.

7.11. For completeness, section 9.3 of the OIC application should be referred to as it is not repeated here.

Consequential flooding

7.12. A key potential effect relates to consequential flooding. The application included an assessment and peer review (Appendices 14 and 15) of consequential flooding effects which took into consideration

[7] *HBRC Archaeological Screening: Porangahau Stop-bank: Hawke's Bay.* Prepared by Archaeology Hawke's Bay dated Sept 2025

extensive modelling through a range of predicted events to inform an assessment of flood hazard risk.

7.13. The positive effect is that overall, 128 buildings that currently experience flooding in the area in and around Pōrangahau will have that flood risk reduce and there will be a small decrease (3%) of total flood extent, down to 28.1ha.

7.14. However, there are identified increases in flood risk at 82 buildings in the area. Figure 3 below shows the difference in flood risk across the Pōrangahau community, with those areas in green experiencing an improvement in risk and those areas in yellow/orange experiencing an increase in risk.

7.15. To determine the effects from the flood hazards on each identified property, the authors of the flood hazard report[8] have relied on methodology outlines in *Australian Rainfall and Runoff 2019* (ARR, 2019)[9] and overall have determined that as the flood hazard risk does not change for any property, the effects from consequential flooding are acceptable and appropriate in this instance.

7.16. I generally agree with the conclusions of the report and peer review, and accept that in some instances an increase in flooding of 8-11mm for example at the Beach Road properties can be accepted given the already severe risk of flooding across the site, ie, the proposed increase will not be noticeable or generate further adverse impacts in the time of a flood.

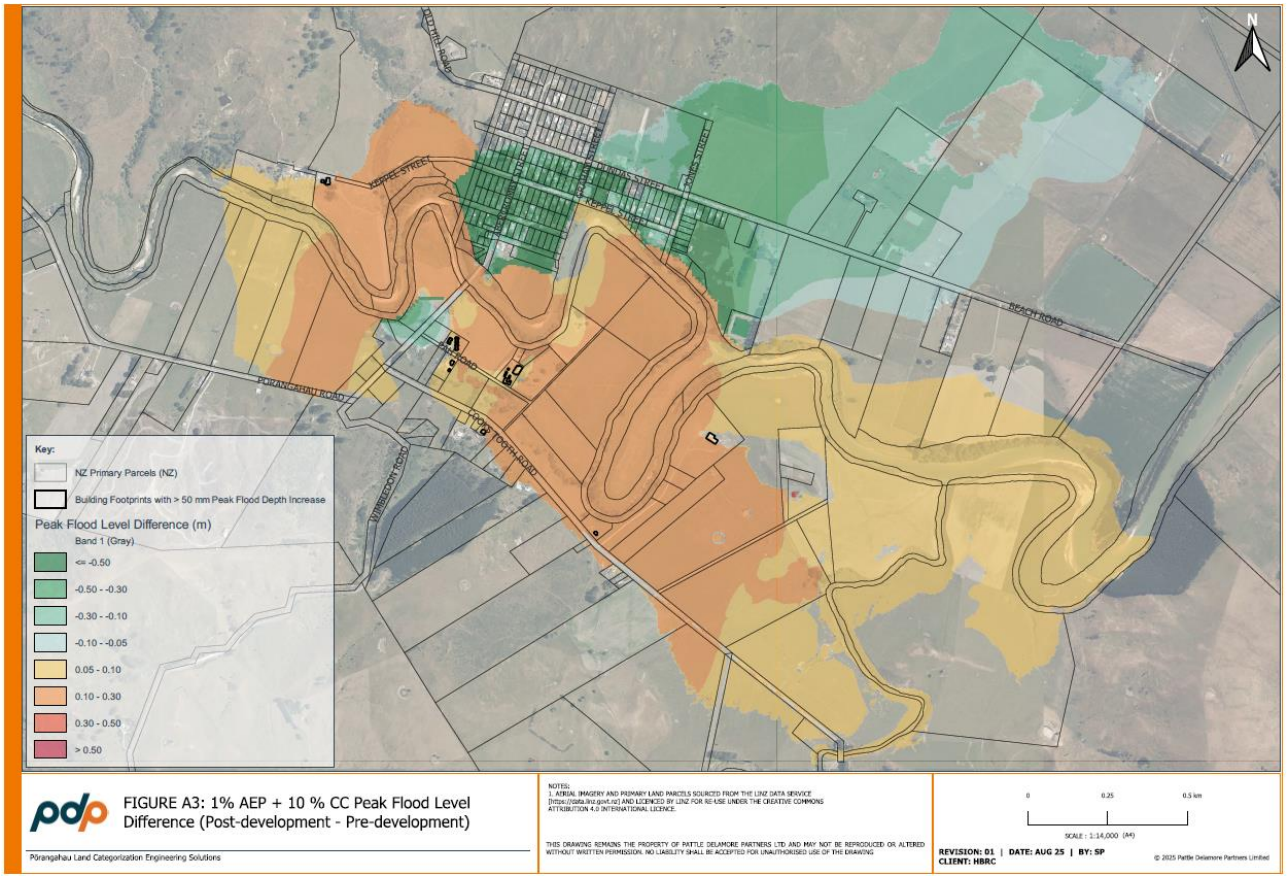

Figure 3: Peak Flood Level Difference (Post-development – Pre-development)

[8] '*Assessment of Effects on Flooding for Proposed Pōrangahau Stopbanks'* prepared for Hawke's Bay Regional Council by PDP, dated September 2025.

[9] See Figure 3 (page 5) in the '*Assessment of Effects on Flooding for Proposed Pōrangahau Stopbanks'* prepared for Hawke's Bay Regional Council by PDP, dated September 2025

7.17. The effects of consequential flooding on the following properties requires further consideration:

7.18. **Rongomaraeroa Marae:** The consequential flood hazard report states:
"… the establishment of the stopbanks and flood walls are predicted to increase flood levels on the marae building footprints by up to 110mm. Two buildings within the property are predicted to move from a hazard classification of H2 to H3, whilst the other three buildings remain either H2 or H3 under both the baseline and mitigation scenarios."

7.19. Rongomaraeroa Marae was affected by Cyclone Gabrielle, with many of the buildings on site flooding. At the time of the application for these stopbanks, discussions were underway with the marae committee around options for further flood protection that could be installed as part of this overall project.

7.20. At the direction of the Hearings Commissioner, the applicant was requested to provide an update on the chosen mitigation option for the marae. They have responded[10]:

"A bund option has been agreed with the Rongomaraeroa Marae committee. This has not yet been designed, but will provide protection to a 1:100 year event with a 10% climate change allowance (consistent with the consequential flood report). The flood model has been run on this basis (by effectively "turning off" the marae site during this event)."

7.21. With no detailed design of this bund, there are unanswered questions about:
- Risk of further consequential flooding to neighbouring properties (Kaumātua flats and 14 Pah Road);
- Ability for bund to adequately protect the marae in the time of a flood event once the stopbank works have been completed along Pōrangahau River;
- Effects arising from the construction (temporary) and installation (such as visual and landscape);
- The amount of fill required for the bund and can this be provided by the proposed borrow pit;

7.22. It is clear that the applicant has been working with the marae committee to find a solution and the design and installation of this bund is a small part of the much larger flood protection works. The marae is within the OIC area of works and this bund is a part of much wider floor protection works proposed. This consenting process is governed by specific timeframes and I acknowledge that this is a project that requires urgency to implement.

7.23. To not put an unfair burden on the timeframe, conditions of consent have been recommended that require a detailed design of the bund, along with assessment of the effects and landscaping prior to the works commencing on other aspects of the flood protection project. This will allow the detailed project design to move forward but recognises that without appropriate mitigation, the proposed works will result in increased flooding on the marae.

7.24. The applicant, in responding to the recommended conditions (see Appendix 3), introduced two stages to the proposed works - Stage 1 includes construction of the main stopbank, flood walls and the urupā bund, while Stage 2 covers the marae bund and any associated raising or other mitigation for the kaumātua flats.

7.25. Consideration was given to recommending conditions that would have required the final design for Stage 2 to be confirmed prior to commencement of works. This was in light of the potential impact of increased flooding in the marae if the Pōrangahau River stop bank/flood wall works (Stage 1) are completed ahead of works to protect the marae with a flood protection bund or wall. The applicant considers the risk to the marae from a delay between stages as being low, stating "*For the marae, without mitigation, the stopbank project will have three buildings remain as either H2 or H3 under*

[10] Letter to Janeen Kydd-Smith from Stradegy, dated 16th January 2026.

both the baseline and mitigation scenarios. Two buildings will move from H2 to H3. This minor increase in risk for the short duration between the stopbank project being constructed, and finalising and construction the mitigation bund, is not considered significant. Waiting for the bund design to be finalised may result in significant delays to the project for the Porangahau community" (see Appendix 3).

7.26. The applicant should continue engaging with both the community and the marae to ensure that they clearly understand the potential risks associated with any delays between Stage 1 and Stage 2. These risks should be minimised by completing the Stage 2 works as soon as after commencing Stage 1.

7.27. **Kaumātua Flats and 14 Pah Road:** The consequential flooding report states[11]:

7.28. *"The flood hazard classification for the kaumātua flats' building footprints is predicted to remain unchanged for all but one building. The easternmost flat is downgraded from H4 to H3, reflecting a slight improvement in flood effects due to reduced flow velocities across the site. However, flood depths are predicted to increase by 65-110 mm across the three affected buildings."*

7.29. 14 Pah Road is on the other side of the road from the Kaumātua flats and will see increases of 77-80mm flood risk.

7.30. I understand that the applicant has been in contact with the owners and residents of these properties and as yet no solution has been agreed to with regards to mitigation. A consideration of the unknown effects from the marae bund has been prepared by the applicant who states[12]:

"Compared with the 'stopbank only' scenario, flood levels increase by up to 36mm on the Kaumātua flats and up to 29mm at 14 Pah Road. This is in the context of baseline flood depths of 1.04 – 1.43m in the baseline (without stopbank or bund) scenario. The consequence of the marae bund is therefore considered to be less than minor in this case, as these buildings would already be flooded in the design event. Further, the maximum flood hazard risk classification following the methodology outlined in Australian Rainfall and Runoff 2019 (ARR, 2019) will not be changed i.e. they will not exceed H4, as is the case in the baseline scenario. No mitigation is therefore considered necessary in relation to the marae bund. Discussions with the owners of the Kaumatua Flats and 14 Pah Road is ongoing."

7.31. It is an unfortunate consequence of these works that the flood risk will further increase on these two properties. I understand that the applicant has been in ongoing talks with the owners of these properties about options for mitigation, and as yet there are no confirmed design details. As the flood hazard risk on these properties does not increase, I consider that the effects on these properties will be less than minor. Further, no submission was received from any owner or resident of these properties. The recommended condition requires confirmation through additional assessment and modelling based on final design plans for Stage 2 that the hazard risk to these buildings does not increase.

7.32. **96 Cooks Tooth Road:** There is minimal information in the flood risk assessment about this property except to state that this property will see an increase in flooding from no risk to up to 120mm. The modelling shows that this flooding could affect the carport and out buildings of the property but not the house. I am satisfied that the risk of flooding on this property, while increased, remains less than minor.

7.33. The BECA peer review also includes the following conclusion:

[11] Section 5.3.2, pg 13

[12] Letter to Janeen Kydd-Smith from Stradegy, dated 16th January 2026.

"The scope of this report has been to weigh up the benefits of protecting the Category 2C land against the adverse effects on other areas. Based on the flood consequences evaluation (Table 2), the proposed scheme passes three of the five criteria with an unclear result for the remaining criteria. This would indicate that, subject to suitable mitigations being agreed for the marae properties, and further consideration of floor-level impacts on a limited number of properties, the consequences of the proposed stopbank are considered acceptable[13]."

Effects on freshwater ecology

7.34. The applicant has undertaken an assessment on freshwater ecology, prepared by PDP[14]. This is summarised as follows:

- The riparian margin along the Pōrangahau River is assessed as having marginal to suboptimal habitat quality;
- The area is dominated by exotic grass and willow contributing to the poor quality;
- River is tidal and erosion is evident along the riverbank;
- Native fish have been found and the site has the potential to provide inanga spawning habitat along the banks and adjacent wetlands. Kakahi freshwater mussels were identified at the site.
- Overall the freshwater ecological value is moderate and mitigation is recommended.

7.35. Minimal work and disturbance will be undertaken within the riverbed, with most construction work located on the riverbank. The applicant has noted that there will be the need for the realignment of a small unnamed intermittent stream for the placement of the access ramp and stopbank. PDP provide more information on this stream in section 5.2:

"A small unnamed intermittent stream flows from the township through rautahi sedgeland wetland south of Keppel Street, before continuing along margins dominated by creeping bent (Agrostis stolonifera). The channel is primarily stormwater-fed, with inputs from the township providing the majority of the baseflow, and it passes through pastoral land before converging with the Pōrangahau River. At the time of the site visit, the stream was not flowing, with shallow pooling (up to 5cm) in its deepest sections. The streambed supported dense vegetation growth, with little evidence of high-velocity bed turnover or scouring that would be expected from regular baseflows or frequent high-flow events. No formal assessment were undertaken for this stream."

7.36. No comments relating to the effects on freshwater ecology were received by submitters.

7.37. The applicant proposes the following mitigation measures:

- Planting of indigenous species following the completion of the works to mitigate the effects of vegetation clearance (condition 28);
- A robust ESCP will be implemented. Routine inspection and maintenance for onsite sediment controls will be outlined in the ESCP (condition 14);
- Management of in-site substrates and earthworks equipment to minimise the risk of spreading pest plants offsite or to new locations on site (condition 14 and 28);
- Timing construction to avoid peak migration and spawning of indigenous fish (condition 14);
- Realignment and reinstating the intermittent stream post-works with a culvert to maintain hydrological connection to the stormwater source of water and some planting to improve the margins and ecological value of the new stream alignment (condition 18).

7.38. These mitigation measures, along with compliance with all conditions will mitigate the risk to freshwater ecosystems and ecology. The effects are considered to be less than minor.

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[13] *"Consequential Flood Assessment Proposed Pōrangahau Scheme"* Prepared by Beca dated 10 September 2025.

[14] '*Pōrangahau Flood Mitigation Ecological Impact Assessment'*, prepared by PDP dated October 2025.

Effects on Terrestrial ecology

7.39. PDP identified a range of vegetation types in the area of works, along with two invasive weed species that will need management prior to works commencing to prevent spreading. PDP notes that the area:

"hosts several sensitive bird species categorised as 'At Risk – Declining', including royal spoonbills that were observed during fieldwork. Whilst there is no evidence that lizards are present within the area, there is suitable habitat suggesting a moderate risk to lizards of the proposed activities.

Potential bat roosts were found in several locations across the site, suggesting that the area could be used by native bats. Bats are considered threatened and are an ecologically significant species, highlighting the need for mitigation measures to be undertaken to reduce the impact of construction works on these species.

*Overall, the level of effect on terrestrial ecology associated with the proposed construction activities is assessed as **very low** to **high** (including effects associated with birds, bats and lizards) if no mitigation measures are implemented. If no bats are present, then the maximum level of effect would be **moderate.***

7.40. To mitigate the potential effects on the bat population, the works area has been realigned to avoid the potential bat habitat and wetland extent as much as possible.

7.41. The works will result in the loss of wetlands as defined by the NPS-F and the applicant makes these points (section 9.4.1 of the AEE):

"Works to create the stopbanks and access ramps on the northern end of the site near Keppel Street will result in the loss of all of the rautahi sedgeland wetland (moderate value, 0.05ha), a small section of the juncus rushland wetland (moderate value, 0.019ha) and a section of the creeping bent stream margin wetland (low value, 0.005ha). A total of 0.074ha of wetland will be lost. This is necessary to tie the north-western end of the stopbank into higher ground.
The establishment of the stopbank and access ramps will also likely result in some small change in hydrology, however, a culvert will be constructed underneath the stopbank to provide hydrological connection. A flapgate will prevent flood water from flowing the opposite way towards the town. Overall changes in hydrology in relation to the natural inland wetland will therefore be minimal. Mitigation is proposed in the paddock in which creeping bent wetland is located. This will be described in the Ecology Management Plan required under standard condition 28."

7.42. No comments relating to the effects on terrestrial ecology were received.

7.43. Further mitigation measures have been proposed by the applicant:

- Development and implementation of a restoration planting plan, this is to mitigate the loss of bird and lizard habitat (condition 28);
- Wetland enhancement and offsetting of wetland loss (condition 28);
- Management of in-site substrates and earthworks equipment to minimise the risk of spreading pest plants offsite or to new locations on site (condition 14 and 28);
- Staged vegetation clearance and installation of eco-piles will create offsite habitats for lizards and minimise noise and habitat disruption (condition 28);
- Bat roost inspections for any trees scheduled to be removed with bat roost features prior to felling (condition 28).

7.44. These mitigation measures, along with compliance with all conditions will mitigate the risk to terrestrial ecosystems and ecology. The effects are considered to be less than minor.

Effects from construction

7.45. Effects resulting from construction include dust, noise and traffic. These effects are temporary in nature and can be managed through agreed conditions, specifically condition 10 which requires the creation and implementation of a Construction Environmental Management Plan and condition 14 which requires an Erosion and Sediment Control Plan.

7.46. Effects from construction are generally confined to the immediate area where works are taking place, which will be the properties adjacent to the stopbanks and flood wall, the urupa and the borrow pit. Effects from noise and dust can be wider spread if not mitigated appropriately.

7.47. The applicant has provided a Traffic Impact Assessment[15] that recommends the following:

- The traffic generated by this proposal will be relatively low and is able to be staggered over an extended time period to reduce the peak flow loading. The existing road network has capacity to accommodate these traffic volumes.
- Some temporary widening may be required, which will be part of the project establishment.
- A temporary traffic management plan is required, and this is provided for in recommended condition 36. The school will be avoided where possible.

7.48. Two comments received in the submissions raised concerns about the effects from construction, the applicant has noted:

"Dust management will form part of the CEMP. Water abstraction has been sought to utilise as a dust suppressant. Traffic, safety and noise management will also form part of the CEMP and this will be developed with input from stakeholders as per the OiC condition process".

7.49. At the time of reporting, the applicant has advised that they may not use the proposed borrow pit location, instead they may truck the stopbank material in from out of the township. This will result in different truck movements through the community than had previously been proposed.

7.50. Effects from truck movements are temporary and can be managed with good on-site traffic management. At the time of reporting, it was unclear if source material will come from outside the OIC area and if this does occur, it is likely that an area(s) for stockpiling would be required. Effects from stockpiling, such as dust and traffic management can be covered by the CEMP and this has been covered by recommended conditions.

7.51. Overall, while there will be noticeable effects arising from the construction, this is temporary and managed through conditions.

Contaminated Land

7.52. The applicant has provided a PSI[16] prepared by PDP that has identified a number of properties in the immediate vicinity of works that have or could have HAIL activities either historically or currently present on site.

7.53. No DSI has been provided and no Remedial Action Plan has yet been provided.

7.54. To ensure that the correct identification of these sites is undertaken and effects on human health are managed, PDP has suggested the following (pg 20):

"Based on a review of the available site history information, and due to the presence of likely HAIL activities at the site, a potential risk exists to human health. If the proposed stop bank and sheet pile works are unable to meet the NES-CS permitted activity requirements for soil disturbance, then further assessment (e.g. soil sampling investigation) maybe required. Irrespective, a soil sampling investigation maybe required to characterise the soils to be excavated to inform offsite disposal

[15] *'Transportation Impact Assessment Porangahau Stopbank'* prepared by CTD and Traffic Concepts dated April 2025.
[16] *'Preliminary Site Investigation for Pōrangahau Stopbank'* prepared by PDP dated 16 April 2025.

requirements and health and safety management measures for site contractors and future site occupants."

7.55. We have recommended a Contamination Site Management Plan as condition 17A which has been agreed to by the applicant. The applicant has informed us that a DSI is underway and should be available shortly. The Contamination Site Management Plan includes the procedures and methods for soil sampling, testing and reporting, excavation and handling procedures, dust and odour control and monitoring measures. With this plan in place, the risks of adverse effects on human health can be managed.

Character and Amenity of surrounding area

7.56. Flood work protection of this type is provided for in the NH – Natural Hazards chapter of the District Plan. Rule NH-R1 provides for natural hazard mitigation activities within a Natural Hazard area.

7.57. Works outside of the flood protection work area is limited to the borrow pit and effects arising from that, being earthworks, dust, noise and traffic. These temporary effects have been discussed above and are considered to have less than minor effects on the wider environment. Earthworks in the rural zone is not unusual and can be managed to ensure that once complete the site is reinstated and returned to rural productive use. There will not be any long term effects on the character and amenity of the rural environment.

7.58. For the most part, the stopbanks and flood walls will not be highly visible from the surrounding roads and public view points. The height of the structures has been considered to ensure that immediate neighbouring properties are not adversely affected. Stopbanks along rivers are not unusual and their purpose is clear. They are not located in areas that are easily accessible to the public and should not have adverse effects on the health of the river and the ability for people to use the river for recreation and mahinga kai gathering.

7.59. Overall, the proposal will not have adverse effects on the character and amenity of the surrounding area.

Conclusion on scale of effects

7.60. In conclusion, it is considered that the applicant has established good relationships with the Porangahau community and Ngāti Kere. Many recommendations from the CIA are to be implemented through the agreed conditions.

7.61. The effects from consequential flooding are generally minimal. A condition of consent has been agreed to that requires the details of the Rongomaraeroa marae bund to be designed and all potential effects arising from this bund considered appropriate before works commence on the project.

7.62. The effects on ecology, both freshwater and terrestrial, are less than minor provided the mitigation requirements in the conditions are implemented.

7.63. Short term effects from the construction, including noise, dust and traffic are less than minor and can be managed through conditions of consent. The proposal is appropriate and provided for by the CHBDC District Plan.

7.64. 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 include:

- National Policy Statement (NPS),
- National Environmental Standard (NES),
- Regional Policy Statement (RPS),
- Regional Resource Management Plan (RRMP),
- Central Hawke's Bay Council District Plan (CHBDCDP).

National Policy Statement for Freshwater Management 2020 – Amended October 2024

8.2. 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.

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

8.4. 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 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.
Policy 9: The habitats of indigenous freshwater species are protected.
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.

8.5. 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.

8.6. 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

8.7. 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.

8.8. 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.

8.9. The loss of wetlands will be mitigated through indigenous planting in an area in close proximity to the wetland areas. This will promote and protect the identified terrestrial ecology values and ecosystems.

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 Porangahau 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 any significant 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, including the reclamation and diversion of rivers and streams, and setting out requirements for management of effects on natural inland wetlands.

8.13. The works in the wetland area are considered necessary and do not result in significant loss or damage to ecosystems. Offset planting in the immediate area will mitigate the effects of these works.

8.14. The stream to be diverted is an intermittent stream and it is out of an abundance of caution that this has been included as part of this consent. Consideration has been given to this stream and the final design outcome includes a culvert which will ensure that the stream is connected to the freshwater system. Conditions require that regard be had to the effects management hierarchy for all aspects of the construction works, and that the Ecological Management Plan be developed by the Project Ecologist in a manner that is consistent with the Ecology Principles.

8.15. The proposal is consistent with the requirements of the NES-F.

National Policy Statement for Highly Productive Land (Amended 2025) NPS-HPL

8.16. The National Policy Statement for Highly Productive Land (NPS-HPL) came into force on 17 October 2022 (amended December 2025). The NPS-HPL provides direction to improve the way highly productive land is managed under the RMA.

8.17. Highly Productive Land means:

a) Land that has been mapped in accordance with clause 3.4 of the NPS-HPL and is included in an operative regional policy statement as required by clause 3.5; or,

b) Until a regional policy statement containing maps of highly productive land in the region is operative, is land that at the commencement date zoned general rural or rural production; and contains land mapped by the New Zealand Land Resource Inventory as Land Use Capability Class 1, 2, or 3.

8.18. Land is not classified as Highly Productive Land where it is identified for future urban development; or subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

8.19. The land that has been identified for the borrow pit, along with the land within the OIC area is classified as LUC3, this is highly productive land.

8.20. The applicant has provided an assessment against the NPS-HPL (see section 10.1.2 of the AEE) that correctly identifies the proposal as 'specified infrastructure'. Cl 3.9(2)(j)(i) provides for the

"development, operation or decommissioning of specified infrastructure, including (but not limited to) its construction, maintenance, upgrade, expansion, replacement or removal."

8.21. Further, the land identified to be used as the borrow pit will be backfilled with topsoil material and reinstated into pasture at the completion of the project.

8.22. Overall, the proposal is consistent with the intent of the NPS-HPL and does not result in the loss or fragmentation, or unsuitable use, of productive land.

National Policy Statement for Infrastructure 2025

8.23. The objective of the NPS-I is to:

a) Ensure the national, regional and local benefits of infrastructure are provided for;

b) Enable infrastructure to support the social, economic and cultural wellbeing of people and communities and their health safety;

c) Enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;

d) Ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and

e) Ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure.

8.24. The proposal meets the following policies:

Policy 1: Providing for the benefits of infrastructure;

The proposal will deliver regional and local benefits by providing for the social, cultural and economic wellbeing of present and future generations and reducing the risks from and improving resilience to, natural hazards and climate change.

Policy 2: Operational need or functional need of infrastructure to be in particular locations and environments;

The proposed stopbanks and flood walls have an operational need to be in the proposed location. The location is where the services are required to manage the risk from natural hazards.

Policy 4: Enabling the efficient and timely operation and delivery of infrastructure activities;

Using the OIC legislation, the works are consented under a streamlined consenting process, contributing to an efficient delivery of infrastructure.

Policy 5: Recognising and providing for infrastructure supporting activities;

The borrow pit is a supporting activity for the provision of this infrastructure and has been provided for in this consent.

Policy 6: Recognising and providing for Māori interests;

Ngāti Kere have been involved in the communication and consultation to date and have provided a CIA, the outcomes of which are included (where appropriate) in the conditions of consent.

Policy 7: Assessing and managing the effects of proposed infrastructure activities;

Adverse effects have been considered and will be avoided, remedied and mitigated through conditions of consent. The effects are proportionate to the scale of the activity and the long term positive benefits to the community will be clearly recognised.

Policy 9: Managing the effects of new infrastructure and major upgrades;

The proposal will not result in adverse effects on environments and values provided for in Section 6 of the RMA and the adverse effects are avoided, remedied and mitigated.

8.25. The proposal is consistent with the relevant objectives and policies of the NPS-I.

National Policy Statement for Natural Hazards 2025

8.26. The purpose of the NPS – Natural Hazards (NPS-NH) is to ensure the natural hazard risk to people and property associated with subdivision, use and development of land is managed using a risk-based proportionate approach.

8.27. The NPS-NH came into force on 15th January 2025. It requires consideration of the following natural hazards:

a) Flooding

b) Landslips

c) Coastal Erosion

d) Coastal Inundation

e) Active Faults

f) Liquefaction, and

g) Tsunami

8.28. In this instance, the sites is affected by a flooding and tsunami risk. While normally an application for an activity would be assessed using the risk based framework in the NPS-NH, as this proposal is to improve and mitigate the risk of severe flooding in the Pōrangahau community, and the design of the floodwalls and stopbanks has considered risks, such as consequential flooding, no further assessment of these risks under the NPS-NH is necessary.

National Policy Statement for Indigenous Biodiversity 2023 (amended December 2025)

8.29. The purpose of the NPS-IB is to identify and protect Indigenous Biodiversity so there is at least no overall reduction in biodiversity from the date of commencement. For the purpose of this NPS, Indigenous Biodiversity is defined as "living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats".

8.30. There are no identified Significant Natural Area's (SNA) under the CHBDC District Plan. The Ecology Report does identify some areas of indigenous vegetation and ecological habitats in the area of works.

8.31. Cl 3.11(1)(a)(i) exempts the construction or upgrade of specified infrastructure that provides significant national or regional public benefit from applying the requirements of the NBS-IB.

8.32. It is therefore considered that the application is consistent with the NPS-IB as there is no reduction of Indigenous Biodiversity as a result of proposed works, or any adverse effects on an SNA.

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

8.33. 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.

8.34. The nearest down-gradient drinking water supplies to the project site is the CHBDC supply bore, located approximately 4.5 km downstream at Beach Road, near the Pōrangahau Golf Course. The works will occur in the modelled source water protection zone for this supply .

8.35. The applicant does not expect the works to have an effect on the quality of the water supply at any abstraction point. Given the distance, nature of the proposed works and management measures to be employed, 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.

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

8.37. 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.

8.38. As there are is a registered drinking water supplies of this nature downstream to the proposed works, a condition of consent under Regulation 12 is recommended.

Regional Policy Statement

8.39. The applicant provides an assessment of relevant planning provisions in section 10.4.1 of the AEE. This is largely concurred with and is not repeated here.

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

8.41. 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.

8.42. POL LW1A – relate to collaborative approach to working with freshwater bodies

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

8.44. OBJ 27 – The water quality of the river and wetlands is suitable for sustaining or improving aquatic ecosystems.

8.45. 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*.

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

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

8.48. The activities as proposed are consistent with the RPS.

Regional Resource Management Plan

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

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

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

8.52. The activities as proposed are consistent with the RRMP.

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

8.53. The site is not within the Proposed Plan Change 9 (TANK) catchments.

Regional Coastal Environment Plan

8.54. No part of this proposal is located within the Coastal Environment and the RCEP is not relevant.

Outstanding Water Bodies (OWB) Plan Change 7

8.55. 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 Pōrangahau River and Estuary downstream of the Beach Road Bridge is included in this list. The proposed works take place upstream from this bridge and therefore the OWB related provisions of the Regional Policy Statement provisions of the OWB are not relevant to this proposal.

Central Hawke's Bay District Plan

8.56. The following objectives and policies of the CHBDC District Plan are relevant to this proposal:

8.57. NH – Natural Hazards

- Objectives: NH-O1, NH-O2 and NH-O3.
- Policies: NH-P12

8.58. The proposal is consistent with the above objectives and policies as it avoids and minimises the risk from natural hazards and allows Hawke's Bay Regional Council to carry out natural hazard mitigation.

8.59. EW – Earthworks

- Objectives: EW-O1 and EW-O2
- Policies: EW-P1, EW-P3, EW-P4, EW-P5 and EW-P13

8.60. The earthworks proposed are necessary to support the provision of this infrastructure. The land will be rehabilitated once the project is completed and there is no long term loss of highly productive land. Temporary effects associated with earthworks will be managed through conditions of consent.

8.61. GRUZ – General Rural Zone

- Objectives: GRUZ-O1, GRUZ-O2 and GRUZ-O3
- Policies: GRUZ-P2

8.62. SETZ – Settlement Zone

- Objectives: SETZ-O1 and SETZ-O3
- SETZ-P2, SETZ-P4

8.63. The proposal does not result in any change to the character and amenity of the township or surrounding rural environment. The flood protection structures have been designed to minimise the impact on immediate neighbouring properties.

8.64. Overall the proposal is consistent with the above objectives and policies.

Section 104(c) Other Matters

8.65. 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[17].

8.66. The report sets out that Cyclone Gabrielle (February 2023) caused record-breaking rainfall and catastrophic flooding across Hawke's Bay. The event resulted in loss of life, widespread property and infrastructure damage, and highlighted significant gaps in flood risk management and planning. The review describes the history of flooding in Pōrangahau (section 8.7) and describes the asset management plan for this catchment (section 8.7.1), which had a 'limited objective' of 'preventing

[17] Report-of-the-Hawkes-Bay-Independent-Flood-Review-Digital-Version.pdf

the closure of Pōrangahau Road (within the boundaries of the Pōrangahu River Flood Control Scheme) due to flooding'.

Section 105

8.67. 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.

8.68. The applicant has stated in section 10.2.1 of the AEE that the potential for any discharge outside of the OIC footprint will be managed in the same manner as within it, with erosion and sediment control measures to be in place. Any possible dewatering will be managed by conditions of consent.

8.69. The discharge of stormwater into the river is required and is part of a wider stormwater project carried out by CHBDC.

8.70. The receiving environment is the land and water within the Pōrangahau River catchment. 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

8.71. 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

b) 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."

8.72. 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.

9. RMA Part 2 Consideration

9.1. 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 Ngāti Kere Hapū Authority to identify matters of cultural significance and address those throughout the evolvement of the proposal.

9.2. 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.

10. Statutory Acknowledgements

10.1. The Pōrangahau / Tāurekaitai River (with recorded name Porangahau River) and its tributaries within the Heretaunga Tamatea area of interest are recognised as a statutory area as set out by the relevant sections of the) of the Heretaunga Tamatea Claims Settlement Act 2018 (the 'Settlement Act').

10.2. In accordance with the provisions of the Settlement Act a summary of the application was sent to the trustees (Tamatea Pōkai Whenua) on 5 December 2025.

10.3. The Statement of Association for the Pōrangahau River states the following:

The Pōrangahau River is known locally to Māori as the Tāurekaitai River and it is always referred to as such. 'Ko Awapūtahi te maunga, Ko Tāurekaitai te awa, ko Ngāti Kere te hapū'. It was renamed the Pōrangahau River, presumably by the District Council, from the confluence of what is marked on maps as the Tāurekaitai and Mangaorapa Streams. From here it flows in a loop just to the south of Pōrangahau village and then northeast where it reaches the sea. The cultural associations of this area extend back to the arrival of the famed chief, Porangahau, after whom the township and river are named and this association passes on to his great grandson, Te Aomatarahi, and to his great grandson, Te Angiangi. The river has always been a marker for land division. For instance, Te Angiangi gifted coastal land from the Pōrangahau River southwards to Te Whatuiapiti in return for a feast that the latter had held for him and later, in the 1850s local hapū people sold land north of the river to the Crown. The land in this area is associated with Te Whatuiāpiti's descendant hapū Ngāti Kere and Ngāti Hinetewai. Ngāti Manuhiri retain their land on the northern side of the river. A number of significant sites lie alongside the Pōrangahau River. The mouth of the Pōrangahau is a significant area for food gathering. Protecting these resources was a pā named Pipitawai on a small spit of land running between the river and the coast called Puketauhinu. Between the river mouth and the current village of Pōrangahau a further four riverside pā were once located. These were called Te Makahue, Te Manga, Oreorewaia and Kahotai. Past the village, on the southern bank of the river, rises Opiango, a peak sacred to Ngāti Pīhere on which a pā was located.

11. The Trust did not raise any specific concerns, but they did wish to be able to review the CIA in full. The applicant was asked to confirm if the full CIA could be shared with the Trust, but confirmation was not received from the CIA authors as of the time of writing.

12. RMA s95A and s95B Assessment

OIC Application

12.1. Section 9 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

12.2. 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.

12.3. Preclusion of public notification in certain circumstances (s95A(4)) is not applicable as s95A(5)(a) & (b) do not apply and a determination as to whether public notification is required (s95A(7)) is necessary. 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.

12.4. The nature and scale of adverse effects from the proposed activities are assessed in sections 4 and 6 of this report.

12.5. There are no special circumstances (s95A(9)) that warrant public notification. To conclude the s95A assessment, public notification is not required.

12.6. 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.

12.7. It is noted that specific regard has been had to the potential effects on Treaty Settlement entities with statutory acknowledgment areas adjacent to the proposed area of works. No comments have been received by these groups to suggest that there will be adverse effects on them that have not already been identified through the CIA and consultation process and mitigated through implementation of these recommendations in the design of the project and CEMP and STAG processes.

12.8. Some properties will have slightly higher flood levels during a 100-year flood event, taking climate change into account (see section 6 and 11.2 of the application, and Appendices 16 and 17). No feedback was received from any parties invited to comment under clause 15. Section 10.2.1 of the application explains that there is no change to the hazard classification for any properties other than the Rongomaraeroa Marae, and that is only if no mitigation is in place.

12.9. Sections 95B(6)((a) & (b) do not apply and limited notification is not precluded. A determination as to whether certain other affected persons must be limited notified is required. Neither s95B(7) or (8) are considered to apply, therefore limited notification to certain parties is not required (s95B(9)).

12.10. Finally, 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.

12.11. 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.

13. CONDITIONS OF CONSENT

13.1. 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).

13.2. The proposed conditions have been included as Appendix 2 attached to this report and for ease of use combined for both the activities (OIC and non-OIC activities). Recommendations on changes or additions to the conditions are also shown in Appendix 2. Appendix 3 includes the comments received by the applicant on changes proposed by the councils. Additionally, a suggestion has been made as to which consent authority each condition relates to, for compliance purposes.

13.3. Suggested changes are made, with comments to explain why these are recommended. Suggestions and comment received from CHBDC are also included.

14. MONITORING

14.1. 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, such as culvert removal, in relation to ecological effects (so that they may be avoided, remedied or mitigated).

Monitoring by Consent Holder

14.2. 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

14.3. 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.
- Additional monitoring may be required if there is non-compliance or if monitoring indicates adverse effects are greater than anticipated.

15. CONSENT DURATION

15.1. 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 for the consents.

15.2. Once established, some of the ongoing activities may be accommodated by Rule 70 of the RRMP, which for example, provides for maintenance and repair of flood protection scheme assets by HBRC.

16. CONCLUSION

16.1. 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 outside the delineated OIC footprint at Pōrangahau.

17. RECOMMENDATIONS

17.1. 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.

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

Recommending Planner	Approved By	Approved By
		
Alison Francis **Consultant Planner** POLICY AND REGULATION GROUP 26th January 2026	**Sophie Elliott** **Resource Consents Manager** CENTRAL HAWKE'S BAY DISTRICT COUNCIL 26th January 2026	**Paul Barrett** **Manager Consents** POLICY AND REGULATION GROUP 28 January 2026

Appendices

1. Comment Summary and response
2. Proposed conditions of consent and council recommended changes (final)
3. Proposed conditions of consent, recommended changes and applicant feedback

APPENDIX 1 – COMMENTS SUMMARY AND RESPONSE

APP-131608 – 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 closing 13 January 2026. During that comment window comments were received from invited parties and these are summarised below, including responses to these comments from the councils where required:

Comment Number	Comment From	Issues Raised	Key Concerns and Relief Sought	Response to comment (Note: the applicant provided a response to the comments on 23 January 2026[18], and where relevant, this response is referred to)
1	**Selina Wakefield** **(2 Keppel Street)[19]**	Dust	Concerns over the amount of dust that will be produced and generated with the amount of heavy traffic passing properties along Keppel Street, and associated health and amenity effects.	The commenter will be invited to join the STAG and will be able to provide feedback into the CEMP. The CEMP is to include methods and procedures that will address dust generation, noise, vibration and traffic management. Condition 16 also specifically addresses dust nuisance. The applicant responded to the comments on dust and amenity as follows: "*Dust management will form part of the CEMP. Water abstraction has been sought to utilise as a dust suppressant. Traffic, safety and noise management will also form part of the CEMP and this will be developed with input from stakeholders as per the OiC condition process".* The pa and wharenui site are not mentioned specifically in the CIA but is understood to be near the site of the Pōrangahau Hall, at 15 Abercrombie Street. No physical works are proposed for this site, and the modelling indicates that the site will receive protection from design flood events.
		Traffic safety	Concerns expressed over the amount of foot traffic on Keppel Street and potential for heavy traffic to flick loose roading metal causing damage. Seeks a decreased speed limit from 50 km/hr to 30 km/hr with signage at appropriate points.	
		Amenity impacts	Concerned about general impacts of construction on quality of life, including noise, vibration and dust impacts. Seeks that specific working hours are set for the works and that notification is given to residents if works occur outside the stated hours.	
		Cultural effects	Acknowledgement and consideration to be given to the Pa site Oreorewai where the Wharenui Ariki Awatea stood.	

[18] Email from Catherine Raeburn (Stradegy), 'Re: Pōrangahau OIC comments [APP-131608]', dated 23 January 2026.

[19] Footprint area, map reference 22

			Seeks that the Pa site Oreorewai and the wharenui Awatea are included in the consent.	The applicant provided the following response on this matter: "*We understand that the pa and wharenui site referred to by Ms Wakefield is in the vicinity of the Porangahau War Memorial hall (see below excerpt from the CHBDP s42a report for the historic heritage chapter). The project footprint is in the vicinity of this site. An archaeological authority is being sought for the project. Ongoing cultural input in accordance with the standard OiC consent conditions will assist in minimising any potential effects, noting that complete avoidance of the site may not be possible due to the limited space available.* *"ORAL HISTORY OF THE PLACE : (ref Piri Sciascia. Appendix A.9) The site where the Porangahau War Memorial Hall stands has a connection to the past, pre-European in its beginnings. Máori people lived on both sides of the river, and farmed all the land to the beach. The North side of the river was occupied by Máori who owned land there. Behind the Hall site was a stream named 'Tauirikaitai'. One of many streams feeding the Porangahau river, Tauirikaitai is named after an ancestor. The site at the back of the present day hall was occupied by a Ngāti Kere pa "Oreorewai". The wharenui was named "Ariki Awatea". The area where the War Memorial Hall is, has long been inspired ground. 'Oreorewai' is a spiritually motivated name, 'oreore' means to move, shake, give life; 'wai' means water; so together it is rippling water, wind on water, giver of life. The Wharenui name "Ariki Awatea' means chief, dawn, when the light comes. The chief provided a great dawning and enlightenment. He represented achievement and realisation of intent. The names are inspiring. All the families lived by the river and*

				used to swim, bath and fish there. It was a way of living emanating from the power and gift of water.'". No changes to the proposed conditions are recommended.
2	**Russell Petuha (Porangahau Road)[20]**	Stop bank to provide protection to the Kaiwhitikitiki Urupa	Specially concerned about the stormwater culverts and outlets through the stopbanks and diversion of and discharge of stormwater. Questions why these are being installed through the stopbanks, and whether this creates weak points and if there is an issue with resultant flooding on the Kaiwhitikitiki side of the stopbank.	The stormwater outlets are engineered outlets specifically designed to provide for stormwater flows via culverts running though or under the stopbanks. Stormwater outlet locations and design details are shown in the PDP (2025) 'Pōrangahau Stopbanks Design Report' and a general explanation of these is provided in section 8.2.4. The applicant responded and confirmed that: *"In relation to stormwater through the stopbanks, these have been designed to prevent leaks and they are equipped with flapgates to prevent backflow from the river into the culverts. Without the culverts, stormwater would not be able to drain to the river and would cause localised flooding in smaller events. The structural design of the stopbanks takes the culverts into account."* The flood modelling provided (PDP (2025), 'Assessment of Effects on Flooding for Proposed Pōrangahau Stopbanks', Figure A3) indicates a reduced flood level at the Urupa site at up to the 1 in 100 year design event by an around 0.3 – 0.5 m. Flood velocity21 and flood hazard classification22 are also reduced at the urupa site (section 5.3.3).

[20] Footprint area, map reference 27

[21] PDP (2025), 'Assessment of Effects on Flooding for Proposed Pōrangahau Stopbanks, Figures C1 and C2, shows a reduction in velocity from 1 – 1.5 m/s to < 0.5 m/s.

[22] PDP (2025), 'Assessment of Effects on Flooding for Proposed Pōrangahau Stopbanks,, Figures B1 and B2.

				At other locations on the southern side of the river there is increased flood depth (up to 0.3 m) and to a limited extent, increases to velocity and hazard. The increases in flood levels are not related to the function of stormwater outlets, which will be installed with flap gates that will be closed when flood levels reach the design level (i.e. above the level of the stormwater outlets).
3	**Joe MacDonald (4388 Porangahau Road)[23]**	Effects on Kaiwhitikitiki Urapa	Over the years, Joe has buried over 100 people in the Urapa and has also found various unmarked graves. The Urapa is on a small section of the Section Map Ref 26 on page 20 in the Resource consent application. If the bund is built just next to the existing cemetery, in years to come there will be no available space for future burials. In section 4.4.5 of the application, it states that the "*land use has remained relatively similar over the years except for an increase in residential houses*". With the increase of future burial spaces required what plans will be put in place for this to occur?	This is an important consideration; one that should be carefully considered by the community and the landowners, but which is difficult to address through conditions of consent within the OIC framework. The applicant confirmed that: "*The bund for the urupa is included within the project scope as a result of engagement with marae representatives and Ngati Kere. Input will be ongoing as the project is finalised and constructed, as per the standard OiC consent conditions."*

[23] Invited to comment under Clause 15(x) due to modelled increase in flood levels on Lots 4 and 5 DP 28275

APPENDIX 2 – CONDITIONS PROPOSED BY APPLICANT AND COUNCIL RECOMMENDED CHANGES/ADDITIONS (FINAL)

Conditions			
Overarching Condition Number and the Consent Authority to manage compliance	**Proposed by Applicant (amendments underlined in blue proposed by applicant)**	**Suggested changes from applicant's proposed conditions or recommended additional conditions – final recommendation (red text)**	
	Preliminary Matters		**Council Comments**
1. HBRC CHBDC	a) The consent holder must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent: *i) Pōrangahau Stopbanks Preliminary Design Report, prepared by PDP dated June 2025.* 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.	a) The consent holder must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent: i) Pōrangahau Stopbanks Preliminary Design Report, prepared by PDP dated June 2025. ii) Resource Consent Application for Flood Mitigation Works – Pōrangahau Flood Protection and Flood Wall, prepared by Stradegy (24129AP1), 27 November 2025. 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 amendments to the condition in clause 1 of Schedule 2. Recommended changes agreed to by applicant
1B HBRC CHBDC	**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.	**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 include the final design plans, and shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1. 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), and Compliance Manager Central Hawke's Bay District Council at least 5 working	

	The Final Design Report shall be provided to the Hawke's Bay Regional Council (Manager Compliance) prior to construction commencing.	days prior to construction commencing on each stage. For the purpose of this condition, the project stages are: a) Stage 1: The Pōrangahau stopbank project, including the stopbank and walls on the true right bank of the Pōrangahau river, and the urupa bund; and b) Stage 2: The marae bund, and raising of the kaumatua flats (if proposed).	The 5 WD timeframe aligns with condition 10 (CEMP). The applicant's proposed addition of stages is considered appropriate.
1C HBRC CHBDC		**Confirmed design of (Stage 2) Rongomaraeroa Marae flood protection before works commence** a) Prior to commencement of Stage 2 construction works for the marae, the detailed engineering design for the Stage 2 bund option agreed with the Rongomaraeroa Marae committee shall be provided to the Hawke's Bay Regional Council (Manager Compliance) and Compliance Manager Central Hawke's Bay District Council. b) The Stage 2 detailed engineering design shall include but not be limited to: i. Confirmation that the bund is designed to protect the Marae from a 1:100 year event with an 8% climate change allowance and the design details of the bund, including levels, cross sections and plans; ii. Confirmation that the design of the bund will not affect or invalidate any previous flood risk assessment and presented in the report *'Porangahau Stopbanks Design Report'* prepared for HBRC by PDP dated 2 November 2025, including confirmation that there will be no increase in flood hazard risk classification to any building as a result of the Stage 2 works; iii. Earthworks, dust, noise and traffic management. This may be in the form of a supplementary CEMP, as required by condition 10; iv. An addendum to the *'Flood Resilience: Pōrangahau Landscape Scoping Assessment' prepared by Narrative Landscape dated 17/11/25* must be provided to ensure either no significant landscape visual effects arise from the proposed Stage 2 works, or where significant potential adverse effects are identified, a landscaping plan must be	The applicant has confirmed that an option has been agreed with the marae to achieve a 100 year level of protection, and while not yet designed, that consequential flood modelling has been undertaken[24]. Design details are not yet available and this condition will require them to be provided, and as some assessments have been completed for this application without incorporating or considering the marae flood bund, with updated assessments where applicable. The consequential effects on the Kaumatua flats is only one part of our consideration, the detailed design of the bund is needed to:

[24] Stradegy, 'APP-131608- Porangahau Flood Protection Works'. 16 January 2026.

		prepared and implemented for the use of planting and fencing as required to avoid, remedy or mitigate those effects.	- Ensure that the consequential effects of flooding on the marae can actually be managed in the manner that has been proposed by the applicant; - Effects arising from extra earthworks, traffic etc can be considered and assessed; - Landscaping and visual effects This condition has been worded to minimise the disruption on the overall project, while ensuring that a suitable flood protection solution is designed for the marae. Recommended condition (ii), (iii) and (iv) are accepted by the applicant with inclusion of reference to the CEMP process.
2. HBRC CHBDC	**Duration of resource consent** 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].*	a) The period for which this resource consent has been granted is 5 years after the date of commencement of the consent. b) This resource consent lapses on 5 February 2028 if not exercised before this date.	Recommended changes agreed to by applicant
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 **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(s) Compliance** means the person employed by HBRC and/or CHBDC 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 **Consent authorities** means Hawke's Bay Regional Council (HBRC) and Central Hawke's Bay District Council (CHBDC)		
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 a team of cultural monitors to i. support the Māori entities representatives; ~~and~~ ii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan, and iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value. d) The consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters: i. the appropriate number of representatives: ii. the scope of the representatives' role and responsibilities: ii. time frames for decisions, advice, and actions:	**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~~ consent in relation to the flood protection works for which the consent has been granted. b) The consent holder must issue the invitations at least 20 days before the flood protection works begin. c) The relevant Māori entities may appoint a team of cultural monitors to i. support the Māori entities representatives; ~~and~~ ii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan, and iii. provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value. d) The consent holder must develop terms of reference for the role and responsibilities of the Māori entities representatives, including in relation to the following matters: i. the appropriate number of representatives: ii. the scope of the representatives' role and responsibilities: iii. time frames for decisions, advice, and actions: iv. support for the representatives:	Recommended changes agreed to by applicant

	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.	v. remuneration for the representatives. e) In developing the terms of reference, the consent holder must— i. convene discussions with all relevant Māori entities; and 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— i. by a majority vote; or iii. if votes are tied, by the casting vote of the consent holder.	
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, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan ~~all plans~~ required by these conditions; i. take all applicable cultural indicators into account; and ii. report to the Māori entities representatives how those indicators have been taken into account.	**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, — i. 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, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan ~~all plans~~ required by these conditions; i. take all applicable cultural indicators into account; and ii. report to the Māori entities representatives how those indicators have been taken into account.	Recommended changes agreed to by applicant
6. HBRC CHBDC	**Stakeholder advisory group** a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the **stakeholder advisory group**. b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group: i. the owners and occupiers of land on which the flood protection works are carried out and all adjoining land. ii. all persons who made comments under clause 15 of the OiC: iii. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: iv. the Manager Compliance: v. Heritage New Zealand Pouhere Taonga:	**Stakeholder advisory group** a) The representatives appointed under subconditions (b) and (d) and the Māori entities representatives form the **stakeholder advisory group**. b) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group: i. the owners and occupiers of land on which the flood protection works are carried out and all adjoining land (referred to as 'Footprint' and 'Footprint Adjoining' in Appendix 11 of the document referred to in condition 1 a) ii)): iii. all persons who made comments under clause 15 of the OiC: iv. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land:	Recommended changes agreed to by applicant

	vi. the Department of Conservation: vii. the Māori entities representatives c) The consent holder must issue the invitations at least 20 days before the flood protection works begin. d) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group. e) Each representative appointed must be authorised by the person or body appointing them to make decisions on behalf of the person or body in the consultations taking place in relation to the flood protection works. f) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following: i. frequency of meetings: ii. processes and methods for the performance of the group's role. g) In developing the terms of reference, the consent holder must— i. convene discussions with all members of the group; and ii. use its best endeavours to achieve consensus on all matters at the group's first meeting. h) If consensus on all matters is not achieved at the first meeting, the remaining matters must be determined— i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder.	iv. the Managers Compliance of both consent authorities: v. Heritage New Zealand Pouhere Taonga: vi. the Department of Conservation: vii. the Māori entities representatives c) The consent holder must issue the invitations at least 20 days before the flood protection works begin. d) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group. e) Each representative appointed must be authorised by the person or body appointing them to make decisions on behalf of the person or body in the consultations taking place in relation to the flood protection works. f) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following: i. frequency of meetings: ii. processes and methods for the performance of the group's role. g) In developing the terms of reference, the consent holder must— i. convene discussions with all members of the group; and ii. use its best endeavours to achieve consensus on all matters at the group's first meeting. h) If consensus on all matters is not achieved at the first meeting, the remaining matters must be determined— i. by a majority vote; or ii. if votes are tied, by the casting vote of the consent holder.	
7. 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 CHBDC	**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).	**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, the Pōrangahau School 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).	It is recommended that the Pōrangahau School be explicitly including in condition 9, given the importance of clear communication with the school to ensure safe operations.

	d) The consent holder must give to the Manager Compliance— i. the initial communications plan at least 5~~20~~ **working days** before construction works begin; and ii. any amended plan, as soon as practicable after the amendment.	d) The consent holder must give to the Managers Compliance (Hawkes Bay Regional Council and Central Hawke's Bay District Council)— i. the initial communications plan at least 5~~20~~ 10 **working days** before construction works begin; and iii. any amended plan, as soon as practicable after the amendment.	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. Recommended changes agreed to by applicant.
10. HBRC and CHBDC	**Construction environmental management plan** a) The consent holder must— i. prepare a construction environmental management plan for the ~~flood protection~~ construction works and; ii. not less than **5 working days** before the construction works begin, submit the CEMP to the consent authority and the stakeholder advisory group. b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the ~~flood protection~~ construction works. c) The CEMP must include the following information i. the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager: ii. a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent: iii. procedures, developed in partnership with the Māori Entity Representatives, for— 1. obtaining ongoing guidance on cultural indicators provided by cultural monitors; and 2. ongoing reporting to the Māori entities representatives on how the indicators in condition 5(a) have been taken into account, or if not, why not. ~~under condition 5(b)(ii) of this schedule:~~ iv. indicative timing of all stages of the flood protection works: v. procedures for the management of hazards, including— 1. any risk of flood, including communications with Ngāti Kere Hapū; and	**Construction environmental management plan (CEMP)** a) The consent holder must— i. prepare a construction environmental management plan for each stage of the ~~flood protection~~ construction works (refer condition 1B) and; ii. not less than **5 working days** before the construction works begin, submit the CEMP and the final design report and plans required under condition 1B to the consent authorities (Hawkes Bay Regional Council and Central Hawke's Bay District Council) and the stakeholder advisory group. b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the ~~flood protection~~ construction works. c) The CEMP must include the following information i. the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager: ii. a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent: iii. procedures, developed in partnership with the Māori Entity Representatives, for— 1. obtaining ongoing guidance on cultural indicators provided by cultural monitors; and 2. ongoing reporting to the Māori entities representatives on how the indicators in condition 5(a) have been taken into account, or if not, why not. ~~under condition 5(b)(ii) of this schedule:~~ iv. indicative timing of all stages of the flood protection works: v. procedures for the management of hazards, including— 1. any risk of flood, including communications with Ngāti Kere Hapū; and	With reference to stages, recommended changes agreed to by applicant. This recommendation addition to ii) clarifies the recommended requirement to provide the CEMP and design report and plans to both councils at least 5 working days before works commence.

	2. the discharge of any contaminant (for example, chemicals or hydrocarbons). vi. arrangements for site access and ~~on-site~~ traffic management: vii. procedures for managing public health and safety, including restrictions on public access to work sites and the river: viii. dust management measures (see condition 16 of this schedule). ix. A Contamination Site Management Plan (see condition 17 of this schedule): 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 ~~1. how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or~~ 2. from the ecology management plan prepared under condition 28 of this schedule affecting construction: xix. details of how the ecology principles will guide environmental outcomes:	2. the discharge of any contaminant (for example, chemicals or hydrocarbons);: vi. arrangements for site access and ~~on-site~~ traffic management (refer condition 36): vii. procedures for managing public health and safety, including restrictions on public access to work sites and the river: viii. dust management measures (see condition 16 of this schedule). ix. A Contamination Site Management Plan (see condition 17 of this ~~schedule~~ consent): x. procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings), and for managing and measurement of groundwater or surface water takes, including fish screening requirements, 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 authorities on the outcomes of, and compliance with, the CEMP: xiv. any ESCP (*see* condition 14 of this ~~schedule~~ consent): xv. how works in or adjacent to water bodies will be managed: xvi. how any river gravel extraction, land-based borrow sites and or stockpile areas will be managed: xvii. how noise and vibration generated by the works will be managed (refer condition 23) ~~xviii. the landscaping plan (if any) prepared under condition 24 of this schedule:~~ xviii. an outline of key procedures ~~1. how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or~~ 2. from the ecology management plan prepared under condition 28 of this ~~schedule~~ consent affecting construction: xix. details of how the ecology principles will guide environmental outcomes:	The recommended additions to x) link to the requirements in conditions 28 and 30 for metering and data reporting and for adequate fish screening to be provided for the water takes. This change ensures it is included in the CEMP so that it is easily incorporated into the contractor's procedures. The addition of stockpiles to xvi) recognises that these may be used for imported material instead of borrow sites within the local area, and the effects of using these areas will need to be managed.

	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).	xx. cultural and archaeological artefact discovery protocols (see condition 29 of this ~~schedule~~ consent) or reference to an Authority where applicable: xxi. methods for responding to queries and complaints: xxii. procedures for amending the CEMP under condition 11 of this ~~schedule~~ consent, and reporting on any such amendments. 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 CHBDC	**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. 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.	**Developing and amending CEMP** a) Before finalising ~~the~~ each CEMP, or any amendment to ~~the~~ a CEMP under subcondition (e), the consent holder must invite the consent authorities (Hawke's Bay Regional Council and Central Hawke's Bay District Council) 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. f) After amending the CEMP, the consent holder must give a copy of the amended CEMP, and where applicable, the associated final design plans (indicating the amendments) to the consent	Allows for staged CEMP under condition 10 above as suggested by applicant.

		authorities and the stakeholder advisory group within 10 working days.	
12. HBRC CHBDC	**Earthworks principles** a) The consent holder must carry out all works in a manner that— i. minimises the volume, area, and duration of the proposed earthworks required through methodologies, including the design of batter slopes, appropriate to expected soil types and geology; and ii. maximises the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential for sediment generation and sediment yield; and iii. avoids if practicable, or minimises so far as practicable, adverse effects on freshwater and marine water environments within or beyond the works boundary, with particular regard to reducing opportunities for the works to generate sediment; and iv. avoids if practicable, or minimises so far as practicable, adverse effects on outstanding natural features, outstanding natural landscapes, and areas of outstanding natural character (as specified in a regional plan or policy statement for the relevant area); and v. avoids if practicable, or minimises so far as practicable, adverse effects on culturally significant land; and vi. stabilises disturbed land as soon as reasonably practicable in accordance with an ESCP. b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.	**Earthworks principles**	
13. HBRC CHBDC	**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 CHBDC	**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:	**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. a site specific ESCP for the borrow site (if to be utilised for source material for the project); iv. a site specific ESCP for any stockpile sites (if to be utilised for storage of source material for the project); 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, stormwater systems); iv. procedures for ensuring advance warning of a rainfall event;	The addition of iv) is recommend in light of the potential use of stockpiles and the need to manage sediment loss from these. Stockpile location is not yet known and is a recent

	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.	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. Methods and procedures to prevent the deposition of earthworks debris on any public road or footpath resulting from the earthworks activity, and to remediate any areas where deposition does occur. ix. 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~~ consent): *Incident management* xiii. the process for detecting, investigating, and recording, and for notifying the consent authorities 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 authorities*	change that has not been addressed in the application. Change to c)iii as per applicant's suggestion. Traffic may increase with the stopbank material coming in from a different location, will still need to meet the requirements of the TMP and also the effects will be temporary, but we probably need to understand where the stockpiles will be if they are not using the borrow pit – this is outstanding, but amendments made to this condition (addition of iv) above) condition 10 (CEMP), and 36 (Traffic Management Plan).

	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.	xv. details (including timing) of reporting to the consent authority (Hawkes Bay Regional Council and Central Hawke's Bay District Council) 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 ii. keep an ESCP; and iii. make it readily available to the consent authorities (Managers Compliance).	This addresses the potential for earth, gravel, silt, mud etc to be tracked onto roads and footpaths, causing amenity or use issues, as commented on, or resulting in sediment discharges via the stormwater system.
15. HBRC and CHBDC	**Failure of erosion and sediment control measure** a) If the failure of an erosion and sediment control measure during flood protection works results in an uncontrolled release of sediment to surface water, the consent holder must— i. as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and ii. immediately notify— 1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or 2. the territorial authority pollution officer (with responsibility for land-based borrow sites); and iii. within 7 days, report the incident to the Manager of Compliance. b) The Project Ecologist must investigate the affected area as soon as practicable. c) If the investigation identifies significant adverse effects, the consent holder, in consultation with the consent authority, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects. d) The report to the Manager Compliance under subcondition (a)(iii) must –	**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 (appointed pursuant to condition 25) to investigate the affected area; and iii. immediately notify— 1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or 2. the CHBDC ~~pollution officer~~ Compliance Manager (with responsibility for land-based borrow sites); and iv. within 7 days, report the incident to the Manager of Compliance (Hawkes Bay Regional Council and Central Hawke's Bay District Council). 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 authorities, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects.	Recommended changes accepted by the applicant

	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 an resulting erosion; and 2. prevent any recurrence of the control failure.	d) The report to the Manager Compliance (Hawkes Bay Regional Council and Central Hawke's Bay District Council) 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 an resulting erosion; and 2. prevent any recurrence of the control failure.	
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. CHBDC	**Works on contaminated land** a) This condition applies if the consent holder undertakes earthworks or any other soil disturbance on the identified fill site (contaminated land). b) The consent holder must ensure that any soil and other materials that are removed from the site and identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind. c) The consent holder must take all practicable measures to— i. prevent the discharge of soil and stormwater from contaminated land to watercourses; and ii. maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials; and ii. replace the soil to an erosion-resistant state at the completion of the relevant works.		
17A		**Contamination Site Management Plan** Prior to the commencement of any earthworks, excavation, or construction activities that may disturb contaminated soils, the consent holder shall develop and implement a Contamination Site Management Plan (CSMP). The CSMP shall be developed by a suitably qualified and experienced practitioner (SQEP). The CSMP shall be consistent with the recommendations of the Preliminary Site Investigation (PDP, 16 April 2025) shall be in accordance with the Ministry for the Environment's *Contaminated Land Management Guidelines No. 1 and Contaminated land management guidelines No 5: Site investigation and*	Condition accepted by the applicant noting DSI to be completed soon.

		analysis of soils (Ministry for the Environment, 2021), and shall include (but not limited to): a) A site characterisation, and identification of known and potential contamination areas. b) Details of the soil sampling programme to be undertaken prior to works occurring in potentially contaminated sites. c) Procedures and methods for soil sampling and testing and reporting, with reference to the soil contaminant standards set out in Appendix B of the *'User's Guide- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (MFE, April 2012)'*. d) Excavation and handling procedures: Methods for safe excavation, segregation, and stockpiling of contaminated material. e) Dust and odour control measures: Techniques to minimise nuisance and health risks. f) Measures to prevent contaminated stormwater runoff. g) Identification of authorised facilities for contaminated soil disposal. h) Monitoring and reporting requirements and how compliance will be demonstrated.	
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 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.	[…] 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,	Recommended changes accepted by applicant

	d) Permanent or other temporary works in or adjacent to the bed of a river that are completed as a part of the construction phase of the flood protection works (for example, sediment and debris removal, bank protection, and capacity increase) must— i. be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and ii. be designed by an engineer and an ecologist who are suitably qualified and experienced so as to provide for ongoing fish passage in the river; and iii. manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and iv. provide for the maintenance of the river for flood management purposes. e) The design of a permanent culvert in the bed of a river must— i. allow for the relevant design flood flow event; and ii. address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris. f) A permanent spillway or weir must ensure that— i. a secondary flow path is available in the event of a blockage of the watercourse; and 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.	in the ecological scoping survey conducted under condition 27 of this ~~schedule~~ consent, as being present in the river.	
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.	**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— ii. give the consent authority (Manager, Compliance, HBRC) appropriate data and reasons (supported by relevant design drawings) for not complying with condition 18(4)(b) of this schedule; and iii. if culverts that do not provide fish passage are necessary, notify the Department of Conservation.	Recommended changes accepted by applicant

	d) For the purposes of condition 18 of this schedule, the consent holder must, at least 10 working days before starting permanent works within a watercourse, give to the consent authority— i. hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and ii. a statement of how those designs comply condition 18 of this schedule. e) All permanent works in the bed of a river must be carried out in accordance with the designs given to the consent authority under subcondition (d). f) The consent holder must ensure that any machinery or equipment used in the activities authorised by the consent is not stored in or on the bed or banks of the watercourse. g) The consent holder must ensure all of the following: i. no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within or near a watercourse in circumstances where run-off might enter water: ii. no vehicles, machinery, or equipment are refuelled within the bed of a watercourse or in any other location where spills might enter water: iii. the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water: iv. other fuels and lubricants are not released into water: v. the Ministry for Primary Industries' requirements and clean dry protocols relating to didymo and freshwater pests are followed in relation to all equipment: vi. machinery is operated in a way that minimises the transfer of organisms or pest plants from one catchment to another: vii. the use of wet concrete is avoided in flowing water. h) The consent holder, on becoming aware that any contaminant has been discharged into a watercourse in a way that contravenes the conditions of the resource consent, must immediately— i. take all necessary steps to stop or contain the discharge; and ii. notify— 1. the Manager Compliance; and 2. the Department of Conservation, if there is imminent risk of the discharge adversely affecting any at-risk or threatened species; and	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 (Manager Compliance, HBRC) — 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. e) All permanent works in the bed of a river must be carried out in accordance with the designs given to the consent authority (HBRC) under subcondition (d). 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: 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— ii. take all necessary steps to stop or contain the discharge; and iii. notify— 1. the Manager Compliance (HBRC); and 2. the Department of Conservation, if there is imminent risk of the discharge adversely affecting any at-risk or threatened species; and iv. take all practicable steps to remedy or mitigate any ongoing adverse effects of the discharge on the environment.	

	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.	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.~~		
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	**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,— ii. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and iii. submit the documents to the consent authority (Manager Compliance, HBRC). 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.	Recommended changes accepted by applicant

	accordance with the HBRC Stormwater Management Guidelines.	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.	
22. CHBDC	**Design and management of land-based borrow sites** a) This condition applies to excavation of soil or other materials at land-based borrow sites to support construction works. b) The consent holder must ensure that excavation does not take place below the groundwater table. c) The consent holder must ensure that cut slopes do not exceed 45 degrees above the horizontal, unless a cut slope that exceeds that angle is— i. operationally necessary; or ii. unavoidable as a matter of practicability. d) The consent holder must ensure that a cut slope that exceeds 45 degrees above the horizontal is certified by a suitably qualified and experienced geotechnical engineer. e) The consent holder must ensure that, after excavation work is completed, all land disturbed by the excavation work is restored (for example, to pasture or vegetation) to its state before the flood protection works— i. as soon as practicable; but ii. within 6 months.		
23. CHBDC	**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) to the Compliance Manager (CHBDC) as part of the CEMP (refer conditions 10-11). d) The construction works must be carried out in accordance with the CNVMP and a copy of the CNVMP must be kept onsite during construction hours and must be made available to authorised Central Hawke's Bay District Council staff during monitoring inspections.	Recommended additions c) and d) respond to the comments raised around effects of construction noise and vibrations on residents on Keppell Street.

			Changes accepted by applicant with amendment to remove need for certification and instead refer to CEMP process.
24. CHBDC	~~***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 for the use of planting and fencing as required to avoid, remedy, or mitigate those effects.~~		
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.~~		
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. Management of risk to indigenous reptiles iv. Management of in-situ substrates and earthworks equipment to minimise the risk of spreading pest plants offsite or to new locations on site v. A restoration plan outlining the planting of indigenous species to be undertaken following the completion of the works to mitigate the effects of vegetation clearance, particularly the loss of wetland vegetation. vi. ~~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~~ vii. ~~prepares an ecology management plan.~~	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. Procedures for monitoring and managing for bats prior to felling trees that have potential bat roosting features, that have regard to the Bat Recovery Group Protocols. iii. Site preparation methodology to reduce the risk of lizards occupying the site during construction. iv. Management of risk to indigenous reptiles v. Management of in-situ substrates and earthworks equipment to minimise the risk of spreading pest plants offsite or to new locations on site vi. A restoration plan outlining the planting of indigenous species to be undertaken following the completion of the works to mitigate the effects of vegetation clearance, particularly the loss of wetland vegetation. vii. Management of water takes including intakes and fish screens required by condition 30; and must, viii. apply the effects management hierarchy to the management of all direct or indirect adverse effects on those ecological	The Ecological Impact Assessment[25] indicates a high chance that bats are present in the river corridor. It states in section 8.1.1.3 that it is critical to ensure that bats are not present in potential roost trees prior to felling. (ii) is accepted by applicant. The recommended addition of vii. Ensures that the screening requirements for the water intakes are

[25] PDP, 'Pōrangahau Flood Mitigation Ecological Impact Assessment', October 2025

	~~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 Plans, 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—~~	values ~~(including, where relevant, kauri dieback disease),~~ taking the ecology principles into account; and ix. ~~prepares an ecology management plan.~~ 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 Plans, 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— ii. ~~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—~~ iii. ~~applies throughout the Hawke's Bay region; and~~ iv. ~~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.~~	considered by the Project Ecologist and included in the Ecology Management Plan. vii) is accepted by applicant. The change recommended to viii) reinstates the effects management hierarchy and the need to take into account the ecology principles when developing the EMP. This change restores the wording as set out in OIC Schedule 2. This change better ensures the intent of the OIC conditions remain and that the EMP is developed with due regard to the ecology principles. This change is accepted by applicant but they note that the ecological principles apply the effects management hierarchy anyway (see Appendix 3).

	1. ~~making space available for a river (for example, by acquiring adjacent land); and~~ 2. ~~rehabilitating or enhancing areas of vegetation in the river corridor with high biodiversity values (for example, by planting appropriate species); and~~ 3. ~~in-stream ecological values; and~~ 4. ~~any other area of important in-river or riparian habitat.~~		
29. HBRC CHBDC	**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, 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. d) In subcondition (b)(ii), authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.	**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, 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. d) In subcondition (b)(ii), authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014. e) If works commence prior to an authority being obtained, in accordance with conditions a) to c) above, the consent holder shall demonstrate to the consent authorities, that consultation as required under a) has occurred, specific to the areas in which work will commence prior to an authority being obtained. f) The consent holder shall provide to the consent authorities, a copy of the authority once it is obtained.	Changes accepted by applicant The additions to condition 29 (e) and f)) are to ensure that if works proceed before the authority is issued it is for work sites where there has been clear engagement with Māori

			Entities representatives and Heritage NZ.
30. HBRC	**Surface Water Take** b) The consent holder may abstract water from the Porangahau River up to: i) Maximum instantaneous rate: 25 litres per second (L/s). ii) Maximum daily volume: 720 cubic metres (m^3). (b) Intake Structure i) Each point of take shall be installed to prevent fish, including eels, from entering the reticulation system. (c) Minimum Flow Restrictions i) When the river flow at the Porangahau River at Saleyards monitoring site falls below 80 l/s, abstraction shall not exceed a maximum instantaneous rate of 10 l/s ii) Abstraction shall cease when river flow at the Porangahau River at Saleyards monitoring site falls below 53 l/s. (d) Monitoring and Reporting i) The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.	**Surface Water Take** a) The consent holder may abstract water from the Porangahau River, as follows: i) The rate of take shall not exceed 25 litres per second (L/s). ii) The volume taken shall not exceed ~~720~~ 810 cubic metres (m^3) in any day. (b) Intake Structure i) Each point of take shall be installed to prevent fish, including eels, from entering the reticulation system. The fish screen design shall be confirmed by the Project Ecologist or other suitably qualified professional as being appropriate relative to the velocity of the intake(s) and the presence of fish species at the site(s) of take. (c) Minimum Flow Restrictions i) When the river flow at the Porangahau River at Saleyards HBRC flow monitoring site is at or below 80 L/s, abstraction shall not exceed a maximum instantaneous rate of 10 L/s; and, ii) Abstraction shall cease when river flow at the Porangahau River at Saleyards HBRC flow monitoring site is at or below 53 L/s. iii) All river flows shall be as determined by the Hawke's Bay Regional Council. (d) Monitoring and Reporting i) The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010. ii) A water meter with a data logger and telemetry unit(s) compatible with the Council's telemetry system shall be installed prior to the exercise of this consent and be operated and maintained to measure the volume of water taken (in cubic metres) to an accuracy of +/- 5%. iii) The water meter and telemetry device(s) required by Condition (d) i) shall be installed and maintained in accordance with *'The*	The change to the abstraction volume in a)ii) reflects the clarification provided by the applicant on 16 January 2026[26]. This provides for 9 hours of abstraction per day. While this is unlikely to occur in practice, with water trucks etc not likely to be filled continuously, it does provide for operational flexibility. The additions recommended in b) ensure that fish screening is adequately designed and considered by the project ecologist and is suitable for the fish species at the water take locations. Amendments to c) incorporate HBRC standard wording and approaches to managing minimum flow restrictions. Amendments to d) ensure that water metering and telemetry aligns with HBRC practices and procedures and provides data of suitable quality and frequency.

[26] Stradegy, 'APP-131608 – Porangahau Flood Protection Works'. 16 January 2026

		New Zealand Water Measurement Code of Practice' (January 2023). iv) A record of water meter installation shall be provided to the Council using the *'Water Information Services (WIS) Meter Installation Form'* prior to commencement of abstraction. v) The telemetry unit(s) shall record the volume (in cubic metres, m^3) of take every 15 minutes. Each 15 minute interval of data shall be date and time stamped with the New Zealand Standard Time at the end of the 15 minute interval. vi) Data shall be transmitted to the Council's telemetry system at least once per day. vii) The telemetry unit(s) shall be installed so as to provide an accurate record of the flow meter data by a suitably qualified person. A record of installation shall be provided to the Council (Manager Compliance) in writing using the Council's "Telemetry Installation Form" within one week of installation of the new or reinstalled unit(s) having occurred. viii) A manual water meter reading shall be taken during the month of June each year. The water meter reading and the date and time the reading was taken shall be provided in writing to the Council (Manager Compliance) prior to 10 July each year. ix) Where the telemetry equipment fails, the consent holder shall notify the Council (Manager Compliance) of the failure within 3 working days, shall read the water meter at daily intervals and shall provide the Council with a record of the following: A. The meter reading (in cubic metres); and, B. The daily volume of water taken (in cubic metres); and, C. The date and time of each reading; D. This information shall be supplied no later than 7 days after the end of each calendar month. Where the telemetry equipment is returned to full operation, the information shall instead be supplied within 7 days of this return to full operation occurring.	Recommended changes accepted by applicant
35. HBRC		**Drinking Water Supplies** If an event occurs on-site that may lead to contamination of groundwater, the Consent Holder shall notify Central Hawke's Bay District Council and the Hawke's Bay Regional Council (Manager	This condition is recommended as the works will occur upstream from the public water supply for Pōrangahau and Te Paerahi

		Compliance) of the event as soon as reasonably practicable after the event occurs.	(from well no. 4993). While the works is a significant distance upstream (3.5 km), they will occur within the modelled Source Protection Zone 3 for the supply. Condition recommended is accepted by applicant.
36. CHBDC		**Construction Traffic** The consent holder shall submit a Construction Traffic Management Plan (CTMP) which shall; a) be prepared by a suitably qualified traffic management practitioner and be provided to Central Hawke's Bay District Council prior to the commencement of the relevant phase of construction works as part of the CEMP (refer conditions 10-11) b) address those matters referred to in the TIA by CTD, Ref 25-01 dated April 2025, submitted with the application. c) be developed in consultation with CHBDC prior to the commencement of the relevant phases on the development d) be prepared in accordance with the Code of Practice for Temporary Traffic Management (CoPTIM); and/or the New Zealand Guide to Temporary Traffic Management (NZGTIM) e) shall address the necessity of reduced traffic speed along local roads for the duration of works, in particular the haulage to stockpile areas and also in particular to the area around Pōrangahau School.	This addition reflects the recommendations of the Transportation Impact Assessment[27] and concerns raised in comments about traffic using Keppell Street. Condition accepted by applicant with removal of certification and management through CEMP. It is noted that importing material to the area could increase or change traffic volumes and that stockpile areas are considered in this condition.
37. CHBDC and HBRC		**As Built Plans** Within three months of the completion of construction works, the consent holder shall provide the consent authorities (Managers Compliance) with as-built plans that include (but are not limited to), the following: i) plans of the completed works that clearly shows their location and layout.	This addition ensures that both councils receive full as built plans. This will be particularly important for understanding the location and design of key elements

[27] CTD/Traffic Concepts, 'Transportation Impact Assessment – Porangahau Stopbank'. April 2025.

		ii) The final contours of the stopbank, spillway and associated earthworks; iii) The depth and extent of any fill placed; and iv) The final overland flow paths, stormwater outlets and any re-directed local catchment flows.	of the works, including changes/additions to the stormwater network and enables compliance monitoring in the first instance, and then ongoing asset management/maintenance.
38. CHBDC and HBRC		**Notice of commencement** The consent holder shall provide the consent authorities (Managers Compliance) notice in writing of intention to commence works, at least 10 working days and not more than 20 working days prior to commencing the proposed works.	Ensures that consent authorities are advised when work will commence to assist with management of compliance resources and administration of the consent.

APPENDIX 3 – CONDITIONS PROPOSED BY APPLICANT, COUNCIL RECOMMENDED CHANGES AND APPLICANT RESPONSE

DRAFT 26/01/2026

Conditions				
Overarching Condition Number and the Consent Authority to manage compliance	**Proposed by Applicant (amendments underlined in blue proposed by applicant)**	**Suggested changes from applicant's proposed conditions or recommended additional conditions (red text)** **Applicant suggested amendments (purple text)**		
	Preliminary Matters		**Council Comments**	**Applicant Feedback 26.01.26**
1. HBRC CHBDC	c) 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: *j) Pōrangahau Stopbanks Preliminary Design Report, prepared by PDP dated June 2025.* d) 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.	c) 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: iii) Pōrangahau Stopbanks Preliminary Design Report, prepared by PDP dated June 2025. iv) Resource Consent Application for Flood Mitigation Works – Pōrangahau Flood Protection and Flood Wall, prepared by Stradegy (24129AP1), 27 November 2025. d) 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 amendments to the condition in clause 1 of Schedule 2.	OK
1B HBRC CHBDC	**Tracking changes in the design process** b) 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.	**Tracking changes in the design process** b) 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 include the final design plans, and shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1.		Plans may not be finalised for the marae bund, and/or the raising of the kaumatua flats raising, prior to the main stopbank project commencing. This is still being worked through with the landowners. It is noted that the hazard

	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.	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), and Compliance Manager Central Hawke's Bay District Council at least 5 working days prior to construction commencing on each stage. For the purpose of this condition, the project stages are: c) The Porangahau stopbank project, including the stopbank and walls on the true right bank of the Porangahau river, and the urupa bund; and d) The marae bund, and raising of the kaumatua flats (if proposed).	The 5 WD timeframe aligns with condition 10 (CEMP).	classification for the kaumatua flats will not be affected by the main project works nor the marae bund. For the marae, without mitigation, the stopbank project will have three buildings remain as either H2 or H3 under both the baseline and mitigation scenarios. Two buildings will move from H2 to H3. This minor increase in risk for the short duration between the stopbank project being constructed, and finalising and construction the mitigation bund, is not considered significant. Waiting for the bund design to be finalised may result in significant delays to the project for the Porangahau community.
1C HBRC CHBDC		**Confirmed design of Rongomaraeroa Marae flood protection before works commence** c) Prior to ~~any works commencing on the approved stopbanks and flood walls,~~ commencement of mitigation works for the marae, the detailed engineering design for the bund option agreed with the Rongomaraeroa Marae committee shall be provided to the Hawke's Bay Regional Council (Manager Compliance) and Compliance Manager Central Hawke's Bay District Council. d) The detailed engineering design shall include but not be limited to: v. Confirmation that the bund is designed to protect the Marae from a 1:100 year event	This additional condition reflects the potential impact of increased flooding in the marae if the Pōrangahau River stop bank/flood wall works are completed ahead of works to protects the marae with a flood protection bund or wall. (Also see: Beca, section 3.2.4. and section 4 (emphasis added): *"This*	As above. The design across the project is for 1%AEP with an 8% climate change allowance. The 10% allowance has been used for the consequential flood modelling. Do not support (ii) at this is very specific and gives a degree of certainty that modelling cannot provide.

		with a ~~10~~ 8% climate change allowance and the design details of the bund, including levels, cross sections and plans; ~~vi. Confirmation that the increase in flood levels on the Kaumatua flats is not more than 36mm and not more than 29mm at 14 Pah Road, and copies of supporting information that demonstrates how this was assessed;~~ vii. Confirmation that the design of the bund will not affect or invalidate any previous flood risk assessment and presented in the report *'Porangahau Stopbanks Design Report'* prepared for HBRC by PDP dated 2 November 2025, including confirmation that there will be no increase in flood hazard risk classification to any building as a result of the works; viii. Earthworks, dust, noise and traffic management. This may be in the form of a supplementary CEMP, as required by condition 10; ix. ~~Landscaping and final design is to be assessed as an~~ An addendum to the *'Flood Resilience: Pōrangahau Landscape Scoping Assessment' prepared by Narrative Landscape dated 17/11/25* must be provided to ensure either no significant landscape visual effects arise from the proposed bund, or where significant potential adverse effects are identified, a landscaping plan must be prepared and implemented for the use of planting and fencing as required to avoid, remedy or mitigate those effects. ~~and any mitigation measures can be incorporated into the final design.~~	*would indicate that, **subject to suitable mitigations being agreed for the marae properties,** and further consideration of floor-level impacts on a limited number of properties, the consequences of the proposed stopbank are considered acceptable".*[28] The applicant has confirmed that an option has been agreed with the marae to achieve a 100 year level of protection, and while not yet designed, that consequential flood modelling has been undertaken[29]. Design details are not yet available and these conditions will require them to be provided, and as some assessment have been completed for this application without incorporating or considering the marae flood bund, with updated assessments where applicable.	Further, an additional few millimetres subject to detailed design would have no consequence. The kaumatua flats are already flooded regardless of the marae bund. The key is whether the hazard risk classification changes. (iii) covers this. Suggest delete (ii). Accept (iv) and (v) with minor alterations to reflect standard OiC condition 24.

[28] BECA, 'Consequential Flood Assessment – Proposed Pōrangahau Scheme', 10 September 2025.
[29] Stradegy, 'APP-131608- Porangahau Flood Protection Works'. 16 January 2026.

2. HBRC CHBDC	**Duration of resource consent** c) 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. d) This resource consent lapses on *[consent authority to insert date that is no later than 2 years after date of commencement of consent].*	d) The period for which this resource consent has been granted is 5 years after the date of commencement of the consent. e) This resource consent lapses on 5 February 2028 if not exercised before this date.		OK
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 **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(s) Compliance** means the person employed by HBRC and/or CHBDC 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 **Consent authorities** means Hawke's Bay Regional Council (HBRC) and Central Hawke's Bay District Council (CHBDC)			
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 a team of cultural monitors to ii. support the Māori entities representatives; ~~and~~ iii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) 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: iii. the appropriate number of representatives: iv. the scope of the representatives' role and responsibilities: iv. time frames for decisions, advice, and actions: v. support for the representatives: vi. remuneration for the representatives. e) In developing the terms of reference, the consent holder must—	**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~~ consent in relation to the flood protection works for which the consent has been granted. b) The consent holder must issue the invitations at least 20 days before the flood protection works begin. c) The relevant Māori entities may appoint a team of cultural monitors to ii. support the Māori entities representatives; ~~and~~ iii. provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) 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: iii. the appropriate number of representatives: iv. the scope of the representatives' role and responsibilities: v. time frames for decisions, advice, and actions: vi. support for the representatives: vii. remuneration for the representatives. e) In developing the terms of reference, the consent holder must—		OK

	ii. convene discussions with all relevant Māori entities; and iv. 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 iv. if votes are tied, by the casting vote of the consent holder.	ii. convene discussions with all relevant Māori entities; and v. 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 v. if votes are tied, by the casting vote of the consent holder.		
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,— ii. including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and iv. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan ~~all plans~~ required by these conditions; ii. take all applicable cultural indicators into account; and iii. report to the Māori entities representatives how those indicators have been taken into account.	**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 v. derived from identified cultural values and any cultural assessment conducted by the cultural monitors. b) The consent holder must, in preparing the Communications Plan, aspects of the CEMP referred to in condition 10 (c)(iii) and Ecology Management Plan ~~all plans~~ required by these conditions; ii. take all applicable cultural indicators into account; and iii. report to the Māori entities representatives how those indicators have been taken into account.		OK
6. HBRC CHBDC	**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: ii. the owners and occupiers of land on which the flood protection works are carried out and all adjoining land. iii. all persons who made comments under clause 15 of the OiC:	**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: ii. the owners and occupiers of land on which the flood protection works are carried out and all adjoining land (referred to as 'Footprint' and 'Footprint Adjoining' in -Appendix 11 of the document referred to in condition 1 a) ii)):		OK

	iv. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: v. the Manager Compliance: vi. Heritage New Zealand Pouhere Taonga: vii. the Department of Conservation: viii. 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: ii. frequency of meetings: iii. processes and methods for the performance of the group's role. g) In developing the terms of reference, the consent holder must— ii. convene discussions with all members of the group; and iii. 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— ii. by a majority vote; or iii. if votes are tied, by the casting vote of the consent holder.	v. all persons who made comments under clause 15 of the OiC: vi. all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land: v. the Managers Compliance of both consent authorities: vi. Heritage New Zealand Pouhere Taonga: vii. the Department of Conservation: viii. 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: ii. frequency of meetings: iii. processes and methods for the performance of the group's role. g) In developing the terms of reference, the consent holder must— ii. convene discussions with all members of the group; and iii. 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— ii. by a majority vote; or iii. if votes are tied, by the casting vote of the consent holder.		
7.	**Operation of stakeholder advisory group**			

HBRC	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— ii. record all information and advice provided by the stakeholder advisory group; and iii. 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— ii. the Māori entities representatives; and iii. 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 CHBDC	**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:	**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: iii. local residents, the Pōrangahau School and businesses: iv. the Māori entities representatives: vi. the persons and bodies represented by the stakeholder advisory group: vii. all other persons potentially affected by the construction works. c) The communications plan must include the following:	It is recommended that the Pōrangahau School be explicitly including in condition 9, given the importance of clear communication with the school to ensure safe operations.	OK

	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 5~~2~~0 **working days** before construction works begin; and iv. any amended plan, as soon as practicable after the amendment.	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: iii. the contact details of the Project Engagement Lead: v. a list of all persons and bodies who will be communicated with under the plan: vi. 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 Managers Compliance (Hawkes Bay Regional Council and Central Hawke's Bay District Council)— ii. the initial communications plan at least 5~~2~~0 **10 working days** before construction works begin; and v. any amended plan, as soon as practicable after the amendment.	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	
10. HBRC and CHBDC	**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.	**Construction environmental management plan (CEMP)** a) The consent holder must— iii. prepare a construction environmental management plan for each stage of the ~~flood protection~~ construction works (refer condition 1B) and; iv. not less than **5 working days** before the construction works begin, submit the CEMP and the final design report and plans required under condition 1B to the consent authorities (Hawkes Bay Regional Council and Central Hawke's Bay District Council) and the stakeholder advisory group.	This recommendation addition to ii) clarifies the recommended requirement to provide the CEMP and design report and plans to both councils at least 5	Allow for staged CEMP Other suggested changes OK

	c) The CEMP must include the following information ii. the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager: iii. 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: iv. 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:~~ v. indicative timing of all stages of the flood protection works: vi. procedures for the management of hazards, including— 1. any risk of flood, including communications with Ngāte Kere Hapū; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons). x. arrangements for site access and on-site traffic management: xi. procedures for managing public health and safety, including restrictions on public access to work sites and the river: xii. dust management measures (see condition 16 of this schedule). xiii. A Contamination Site Management Plan (see condition 17 of this schedule): xi. 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):~~	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 xxiii. the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager: xxiv. 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: xxv. 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:~~ xxvi. indicative timing of all stages of the flood protection works: xxvii. procedures for the management of hazards, including— 1. any risk of flood, including communications with Ngāti Kere Hapū; and 2. the discharge of any contaminant (for example, chemicals or hydrocarbons);: xxviii. arrangements for site access and ~~on-site~~ traffic management (refer condition 36): xxix. procedures for managing public health and safety, including restrictions on public access to work sites and the river: xxx. dust management measures (see condition 16 of this schedule). xxxi. A Contamination Site Management Plan (see condition 17 of this ~~schedule~~ consent): xxxii. procedures for managing de-watering (including avoiding or minimising effects on adjacent buildings), and for managing and measurement of groundwater or surface water takes, including fish screening requirements,	working days before works commence. The recommended additions to x) link to the requirements in conditions	

	xii. 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: xiii. a detailed process for detecting, investigating, and recording incidents: xiv. details (including timing) of arrangements for reporting to the consent authority on the outcomes of, and compliance with, the CEMP: xv. any ESCP (*see* condition 14 of this schedule): xvi. how works in or adjacent to water bodies will be managed: xvii. how any river gravel extraction or land-based borrow sites will be managed: xviii. how noise and vibration generated by the works will be managed: ~~xix. the landscaping plan (if any) prepared under condition 24 of this schedule:~~ xviii. an outline of key procedures ~~1. how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or~~ 2. from the ecology management plan prepared under condition 28 of this schedule affecting construction: xxi. details of how the ecology principles will guide environmental outcomes: xxii. cultural and archaeological artefact discovery protocols (see clause 29 of this schedule) or reference to an Authority where applicable: xxii. methods for responding to queries and complaints: xxiii. 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).	and diversions and discharges to land or water ~~(including the CMA):~~ xxxiii. 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: xxxiv. a detailed process for detecting, investigating, and recording incidents: xxxv. details (including timing) of arrangements for reporting to the consent authorities on the outcomes of, and compliance with, the CEMP: xxxvi. any ESCP (*see* condition 14 of this ~~schedule~~ consent): xxxvii. how works in or adjacent to water bodies will be managed: xxxviii. how any river gravel extraction or land-based borrow sites will be managed: xxxix. how noise and vibration generated by the works will be managed (refer condition 23) ~~xl. the landscaping plan (if any) prepared under condition 24 of this schedule:~~ xviii. an outline of key procedures ~~1. how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or~~ 2. from the ecology management plan prepared under condition 28 of this ~~schedule~~ consent affecting construction: xli. details of how the ecology principles will guide environmental outcomes: xlii. cultural and archaeological artefact discovery protocols (see condition 29 of this ~~schedule~~ consent) or reference to an Authority where applicable: xliii. methods for responding to queries and complaints: xliv. procedures for amending the CEMP under condition 11 of this ~~schedule~~ consent, and reporting on any such amendments.	28 and 30 for metering and data reporting and for adequate fish screening to be provided for the water takes. This change ensures it is included in the CEMP so that it is easily incorporated into the contractor's procedures.	

		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 CHBDC	**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. 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.	**Developing and amending CEMP** a) Before finalising ~~the~~ each CEMP, or any amendment to ~~the~~ a CEMP under subcondition (e), the consent holder must invite the consent authorities (Hawke's Bay Regional Council and Central Hawke's Bay District Council) 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. f) After amending the CEMP, the consent holder must give a copy of the amended CEMP, and where applicable, the associated final design plans (indicating the amendments) to the consent authorities and the stakeholder advisory group within 10 working days.		Allowed for staged CEMP under condition 10 above
12. HBRC CHBDC	**Earthworks principles** a) The consent holder must carry out all works in a manner that— ii. minimises the volume, area, and duration of the proposed earthworks required through methodologies, including the design of batter	**Earthworks principles**		

	slopes, appropriate to expected soil types and geology; and iii. maximises the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential for sediment generation and sediment yield; and iv. 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 v. 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 vi. avoids if practicable, or minimises so far as practicable, adverse effects on culturally significant land; and vii. stabilises disturbed land as soon as reasonably practicable in accordance with an ESCP. b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.			
13. HBRC CHBDC	**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— ii. ensure compliance with the CEMP and ESCP; and iii. 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			

	iv. 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— ii. managing the operation, maintenance, and monitoring of erosion and sediment control devices; and iii. supervising the installation and decommissioning of those devices and associated equipment and arrangements.			
14. HBRC CHBDC	**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* ii. how the construction works will be carried out in accordance with the ecology principles: iii. 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: iv. key environmental risks, particularly in relation to topography, soil type and form, and the receiving environment, including	**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* ii. how the construction works will be carried out in accordance with the ecology principles; v. 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; vi. a site specific ESCP for the borrow site (if to be utilised for source material for the project) ; iv. 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, stormwater systems);		OK Borrow site option may now not be used – awaiting confirmation of structural integrity. If this borrow site not utilised, material will be imported from a quarry. Minor wording changing suggested.

	proximity to any sensitive receivers (for example, watercourses): v. procedures for ensuring advance warning of a rainfall event: vi. procedures for decommissioning the erosion and sediment control measures: vii. procedures for determining the staging and sequencing of earthworks: viii. 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: ix. details of maintenance, including actions and frequency: x. supporting information about the size of erosion and sediment control devices: xi. methods for amending and updating the ESCP as required: *Erosion and Sediment Control Manager and Staff* xii. the name and contact details of the Erosion and Sediment Control Manager: xiii. 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* xiv. 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* xv. procedures for— 1. ongoing visual inspection, and where necessary quantitative monitoring, of all erosion and sediment control measures; and	v. procedures for ensuring advance warning of a rainfall event; vi. procedures for decommissioning the erosion and sediment control measures; vii. procedures for determining the staging and sequencing of earthworks; viii. 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: x. Methods and procedures to prevent the deposition of earthworks debris on any public road or footpath resulting from the earthworks activity, and to remediate any areas where deposition does occur. xi. details of maintenance, including actions and frequency; x. supporting information about the size of erosion and sediment control devices; xi. methods for amending and updating the ESCP as required. *Erosion and Sediment Control Manager and Staff* xii. the name and contact details of the Erosion and Sediment Control Manager: xiii. the names and contact details of other staff appointed to assist with the management of erosion and sediment control (see condition 13(d) of this ~~schedule~~ consent): *Incident management* xiv. the process for detecting, investigating, and recording, and for notifying the consent authorities 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* xv. procedures for— 1. ongoing visual inspection, and where necessary quantitative monitoring, of all	This addresses the potential for earth, gravel, silt, mud etc to be tracked onto roads and footpaths, causing amenity or use issues, as commented on, or resulting in sediment discharges via the stormwater system.	

	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* xvi. 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 iii. keep an ESCP; and iv. make it readily available to the consent authority.	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 authorities* xvi. details (including timing) of reporting to the consent authority (Hawkes Bay Regional Council and Central Hawke's Bay District Council) 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 iv. keep an ESCP; and v. make it readily available to the consent authorities (Managers Compliance).		
15. HBRC and CHBDC	**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— iii. as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and iv. 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— iv. as soon as reasonably practicable, engage the Project Ecologist (appointed pursuant to condition 25) to investigate the affected area; and		OK

	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 v. 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 – iii. describe the control failure and its cause; and iv. specify the steps that have so far been taken to 1. control the released sediment and an resulting erosion; and 2. prevent any recurrence of the control failure.	v. immediately notify— 1. the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or 2. the CHBDC ~~pollution officer~~ Compliance Manager (with responsibility for land-based borrow sites); and vi. within 7 days, report the incident to the Manager of Compliance (Hawkes Bay Regional Council and Central Hawke's Bay District Council). 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 authorities, must, as soon as practicable, develop and implement appropriate remedial measures (which may include biodiversity offsets) appropriate to the scale of the adverse effects. d) The report to the Manager Compliance (Hawkes Bay Regional Council and Central Hawke's Bay District Council) under subcondition (a)(iii) must – iv. describe the control failure and its cause; and v. specify the steps that have so far been taken to 1. control the released sediment and an resulting erosion; and 2. prevent any recurrence of the control failure.		
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. CHBDC	**Works on contaminated land** a) This condition applies if the consent holder undertakes earthworks or any other soil disturbance on the identified fill site (contaminated land). b) The consent holder must ensure that any soil and other materials that are removed from the site and			

	identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind. c) The consent holder must take all practicable measures to— i. prevent the discharge of soil and stormwater from contaminated land to watercourses; and ii. maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials; and ii. replace the soil to an erosion-resistant state at the completion of the relevant works.			
17A		**Contamination Site Management Plan** Prior to the commencement of any earthworks, excavation, or construction activities that may disturb contaminated soils, the consent holder shall develop and implement a Contamination Site Management Plan (CSMP). The CSMP shall be developed by a suitably qualified and experienced practitioner (SQEP). The CSMP shall be consistent with the recommendations of the Preliminary Site Investigation (PDP, 16 April 2025) shall be in accordance with the Ministry for the Environment's *Contaminated Land Management Guidelines No. 1 and Contaminated land management guidelines No 5: Site investigation and analysis of soils (Ministry for the Environment, 2021),* and shall include (but not limited to): i) A site characterisation, and identification of known and potential contamination areas. j) Details of the soil sampling programme to be undertaken prior to works occurring in potentially contaminated sites. k) Procedures and methods for soil sampling and testing and reporting, with reference to the soil contaminant standards set out in Appendix B of the *'User's Guide- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (MFE, April 2012)'.* l) Excavation and handling procedures: Methods for safe excavation, segregation, and stockpiling of contaminated material.		DSI underway and should be complete soon. This condition is acceptable.

		m) Dust and odour control measures: Techniques to minimise nuisance and health risks. n) Measures to prevent contaminated stormwater runoff. o) Identification of authorised facilities for contaminated soil disposal. p) Monitoring and reporting requirements and how compliance will be demonstrated.		
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— ii. an applicable ESCP; and iii. the ecology principles; and iv. the earthworks principles; and v. 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. 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— ii. be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and iii. be designed by an engineer and an ecologist who are suitably qualified and experienced so as to provide for ongoing fish passage in the river; and	[…] f) 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~~ consent, as being present in the river.		OK

	iv. manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and v. provide for the maintenance of the river for flood management purposes. e) The design of a permanent culvert in the bed of a river must— ii. allow for the relevant design flood flow event; and iii. address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris. f) A permanent spillway or weir must ensure that— ii. a secondary flow path is available in the event of a blockage of the watercourse; and ii. discharge from the secondary flow path does not exacerbate flooding of neighbouring or downstream properties. g) All works and structures in, or adjacent to, rivers must, so far as practicable, incorporate energy dissipation measures and erosion and sediment control measures (for example, revegetation of worked sites) to minimise bed scouring and bank erosion in receiving environments.			
19. 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— iii. 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 iv. 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	**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— iv. give the consent authority (Manager, Compliance, HBRC) appropriate data and reasons (supported by relevant design drawings) for not complying with condition 18(4)(b) of this schedule; and v. if culverts that do not provide fish passage are necessary, notify the Department of Conservation.		OK

	starting permanent works within a watercourse, give to the consent authority— iii. hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and iv. 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: 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: ix. 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—	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 (Manager Compliance, HBRC) — iv. hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and v. 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 (HBRC) 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: vii. no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within or near a watercourse in circumstances where run-off might enter water: viii. no vehicles, machinery, or equipment are refuelled within the bed of a watercourse or in any other location where spills might enter water: ix. the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water: x. other fuels and lubricants are not released into water: xi. the Ministry for Primary Industries' requirements and clean dry protocols relating to didymo and freshwater pests are followed in relation to all equipment: xii. machinery is operated in a way that minimises the transfer of organisms or pest plants from one catchment to another: x. 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—		

	iii. take all necessary steps to stop or contain the discharge; and iv. 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 v. 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— iii. authorised by the consent; and iv. no longer required as part of the construction works. j) The consent holder must ensure that the materials are— iii. removed on completion of the construction works; and iv. 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.	iv. take all necessary steps to stop or contain the discharge; and v. notify— 1. the Manager Compliance (HBRC); and 2. the Department of Conservation, if there is imminent risk of the discharge adversely affecting any at-risk or threatened species; and vi. 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— iv. authorised by the consent; and v. no longer required as part of the construction works. j) The consent holder must ensure that the materials are— iv. removed on completion of the construction works; and v. 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—~~ ~~ii. within any actively flowing channel; or~~ ~~iii. 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.~~			

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,— iii. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and iv. 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.	**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,— iv. document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and v. submit the documents to the consent authority (Manager Compliance, HBRC). 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.		OK
22. CHBDC	**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— ii. operationally necessary; or iii. unavoidable as a matter of practicability. d) The consent holder must ensure that a cut slope that exceeds 45 degrees above the horizontal is certified by a suitably qualified and experienced geotechnical engineer. e) The consent holder must ensure that, after excavation work is completed, all land disturbed by			

	the excavation work is restored (for example, to pasture or vegetation) to its state before the flood protection works— ii. as soon as practicable; but iii. within 6 months.			
23. CHBDC	**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~~ to the Compliance Manager (CHBDC) as part of the CEMP (refer conditions 10-11) ~~minimum of 10 working days prior to commencement of works.~~ d) 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 made available to authorised Central Hawke's Bay District Council staff during monitoring inspections.	Recommended additions c) and d) respond to the comments raised around effects of construction noise and vibrations on residents on Keppell Street.	OK – this is underway – but instead of certification, this should be part of the CEMP review process.
24. CHBDC	~~***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 for the use of~~			

	~~planting and fencing as required to avoid, remedy, or mitigate those effects.~~			
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— ii. designing all aspects of the flood protection works; and iii. carrying out all aspects of construction works. b) The ecology principles are as follows: ii. 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; iii. as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species: iv. 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: v. 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.~~			
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, —~~ viii. 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, ix. Site preparation methodology to reduce the risk of lizards occupying the site during construction. x. Management of risk to indigenous reptiles	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, —~~ x. 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, xi. Procedures for monitoring and managing for bats prior to felling trees that have potential bat roosting features, that ~~are consistent with~~ have regard to the Bat Recovery Group Protocols.	The Ecological Impact Assessment[30] indicates a high chance that bats are present in the river corridor. It states in section 8.1.1.3	(ii) – ok in principle but strict adherence to the protocols may not be necessary/pragmatic so minor wording change recommended (vii) – ok (viii) – ok – although the ecological principles apply the effects management hierarchy anyway so this is duplicated. We assume that the consent will lock in the project and alignment so it's just applying the hierarchy to the effects generated – rather than looking to avoid them through changing the project.

[30] PDP, 'Pōrangahau Flood Mitigation Ecological Impact Assessment', October 2025

	xi. Management of in-situ substrates and earthworks equipment to minimise the risk of spreading pest plants offsite or to new locations on site xii. A restoration plan outlining the planting of indigenous species to be undertaken following the completion of the works to mitigate the effects of vegetation clearance, particularly the loss of wetland vegetation. xiii. ~~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~~ xiv. ~~prepares an ecology management plan.~~ ~~b) The consent holder must,—~~ iii. ~~at regular intervals throughout construction, record all measures taken under subcondition (a)(i); and~~ iv. ~~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:~~.~~ iii. work undertaken according to the Ecology Management Plans, iv. any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives.	xii. Site preparation methodology to reduce the risk of lizards occupying the site during construction. xiii. Management of risk to indigenous reptiles xiv. Management of in-situ substrates and earthworks equipment to minimise the risk of spreading pest plants offsite or to new locations on site xv. A restoration plan outlining the planting of indigenous species to be undertaken following the completion of the works to mitigate the effects of vegetation clearance, particularly the loss of wetland vegetation. xvi. Management of water takes including intakes and fish screens required by condition 30; and must, xvii. apply 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 xviii. ~~prepares an ecology management plan.~~ 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:~~.~~ iii. work undertaken according to the Ecology Management Plans, iv. 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— iv. ~~a copy of the ecological effects assessment prepared under condition 27 of this schedule;~~	that it is critical to ensure that bats are not present in potential roost trees prior to felling. The recommended addition of vii. Ensures that the screening requirements for the water intakes are considered by the Project Ecologist and included in the Ecology Management Plan. The change recommended to viii) reinstates the effects management hierarchy and the need to take into account the ecology principles when developing the EMP. This change restores the wording as set out in OIC Schedule 2. This change better ensures the intent of the OIC conditions remain and that the EMP is	

	~~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— iii. ~~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—~~ v. ~~applies throughout the Hawke's Bay region; and~~ vi. ~~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.~~	~~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—~~ vii. ~~applies throughout the Hawke's Bay region; and~~ viii. ~~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.~~	developed with due regard to the ecology principles.	
29. HBRC CHBDC	**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, the consent authority must	**Archaeological discovery protocol** a) Unless or until an Authority under the Heritage New Zealand Pouhere Taonga Act 2014 is in place for the		OK

	prepare an accidental archaeological discovery protocol— iv. at least **10 working days** before construction works begin; and v. in collaboration with the Māori entities representatives; and vi. in consultation with Heritage New Zealand Pouhere Taonga. b) The protocol applies if— iii. a worker or any other person associated with flood protection works discovers any cultural or archaeological artefacts or features on a work site; and iv. an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014 e) The consent holder must— iii. follow the protocol; and iv. ensure that workers and other persons on site are aware of the protocol. f) In subcondition (b)(ii), authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.	area of the works, the consent authority must prepare an accidental archaeological discovery protocol— iv. at least **10 working days** before construction works begin; and v. in collaboration with the Māori entities representatives; and vi. in consultation with Heritage New Zealand Pouhere Taonga. b) The protocol applies if— iii. a worker or any other person associated with flood protection works discovers any cultural or archaeological artefacts or features on a work site; and iv. an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014 g) The consent holder must— iii. follow the protocol; and iv. ensure that workers and other persons on site are aware of the protocol. h) In subcondition (b)(ii), authority has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014. i) If works commence prior to an authority being obtained, in accordance with conditions a) to c) above, the consent holder shall demonstrate to the consent authorities, that consultation as required under a) has occurred, specific to the areas in which work will commence prior to an authority being obtained. j) The consent holder shall provide to the consent authorities, a copy of the authority once it is obtained.	The additions to condition 29 (e) and f)) are to ensure that if works proceed before the authority is issued it is for work sites where there has been clear engagement with Māori Entities representatives and Heritage NZ.	
30. HBRC	**Surface Water Take**	**Surface Water Take**		OK

	b) The consent holder may abstract water from the Porangahau River up to: i) Maximum instantaneous rate: 25 litres per second (L/s). ii) Maximum daily volume: 720 cubic metres (m^3). (b) Intake Structure i) Each point of take shall be installed to prevent fish, including eels, from entering the reticulation system. (c) Minimum Flow Restrictions i) When the river flow at the Porangahau River at Saleyards monitoring site falls below 80 l/s, abstraction shall not exceed a maximum instantaneous rate of 10 l/s ii) Abstraction shall cease when river flow at the Porangahau River at Saleyards monitoring site falls below 53 l/s. (d) Monitoring and Reporting i) The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.	a) The consent holder may abstract water from the Porangahau River, as follows: iii) The rate of take shall not exceed 25 litres per second (L/s). iv) The volume taken shall not exceed ~~720~~ 810 cubic metres (m^3) in any day. (e) Intake Structure ii) Each point of take shall be installed to prevent fish, including eels, from entering the reticulation system. The fish screen design shall be confirmed by the Project Ecologist or other suitably qualified professional as being appropriate relative to the velocity of the intake(s) and the presence of fish species at the site(s) of take. (f) Minimum Flow Restrictions iv) When the river flow at the Porangahau River at Saleyards HBRC flow monitoring site is at or below 80 L/s, abstraction shall not exceed a maximum instantaneous rate of 10 L/s; and, v) Abstraction shall cease when river flow at the Porangahau River at Saleyards HBRC flow monitoring site is at or below 53 L/s. vi) All river flows shall be as determined by the Hawke's Bay Regional Council. (g) Monitoring and Reporting x) The measurement and reporting of water use shall be undertaken and provided to the Hawkes Bay Regional Council in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010. xi) A water meter with a data logger and telemetry unit(s) compatible with the Council's telemetry system shall be installed prior to the exercise of this consent and be operated and maintained to measure the volume of water taken (in cubic metres) to an accuracy of +/- 5%. xii) The water meter and telemetry device(s) required by Condition (d) i) shall be installed	The change to the abstraction volume in a)ii) reflects the clarification provided by the applicant on 16 January 2026[31]. This provides for 9 hours of abstraction per day. While this is unlikely to occur in practice, with water trucks etc not likely to be filled continuously, it does provide for operational flexibility. The additions recommended in b) ensure that fish screening is adequately designed and considered by the project ecologist and is suitable for the fish species at the water take locations. Amendments to c) incorporate HBRC standard wording and approaches to managing minimum flow restrictions.	

[31] Stradegy, 'APP-131608 – Porangahau Flood Protection Works'. 16 January 2026

		and maintained in accordance with *'The New Zealand Water Measurement Code of Practice'* (January 2023). xiii) A record of water meter installation shall be provided to the Council using the *'Water Information Services (WIS) Meter Installation Form'* prior to commencement of abstraction. xiv) The telemetry unit(s) shall record the volume (in cubic metres, m^3) of take every 15 minutes. Each 15 minute interval of data shall be date and time stamped with the New Zealand Standard Time at the end of the 15 minute interval. xv) Data shall be transmitted to the Council's telemetry system at least once per day. xvi) The telemetry unit(s) shall be installed so as to provide an accurate record of the flow meter data by a suitably qualified person. A record of installation shall be provided to the Council (Manager Compliance) in writing using the Council's "Telemetry Installation Form" within one week of installation of the new or reinstalled unit(s) having occurred. xvii) A manual water meter reading shall be taken during the month of June each year. The water meter reading and the date and time the reading was taken shall be provided in writing to the Council (Manager Compliance) prior to 10 July each year. xviii) Where the telemetry equipment fails, the consent holder shall notify the Council (Manager Compliance) of the failure within 3 working days, shall read the water meter at daily intervals and shall provide the Council with a record of the following: E. The meter reading (in cubic metres); and, F. The daily volume of water taken (in cubic metres); and, G. The date and time of each reading; H. This information shall be supplied no later than 7 days after the end of each calendar month. Where the	Amendments to d) ensure that water metering and telemetry aligns with HBRC practices and procedures and provides data of suitable quality and frequency.	

		telemetry equipment is returned to full operation, the information shall instead be supplied within 7 days of this return to full operation occurring.		
35. HBRC		**Drinking Water Supplies** If an event occurs on-site that may lead to contamination of groundwater, the Consent Holder shall notify Central Hawke's Bay District Council and the Hawke's Bay Regional Council (Manager Compliance) of the event as soon as reasonably practicable after the event occurs.	This condition is recommended as the works will occur upstream from the public water supply for Pōrangahau and Te Paerahi (from well no. 4993). While the works is a significant distance upstream (3.5 km), they will occur within the modelled Source Protection Zone 3 for the supply.	OK
36. CHBDC		**Construction Traffic** The consent holder shall submit a Construction Traffic Management Plan (CTMP) which shall; a) be prepared by a suitably qualified traffic management practitioner and be provided to ~~certified by~~ Central Hawke's Bay District Council prior to the commencement of the relevant phase of construction works as part of the CEMP (refer conditions 10-11) b) address those matters referred to in the TIA by CTD, Ref 25-01 dated April 2025, submitted with the application. c) be developed in consultation with CHBDC prior to the commencement of the relevant phases on the development d) be prepared in accordance with the Code of Practice for Temporary Traffic Management (CoPTIM); and/or the New Zealand Guide to Temporary Traffic Management (NZGTIM)	This addition reflects the recommendations of the Transportation Impact Assessment[32] and concerns raised in comments about traffic using Keppell Street.	OK – with minor changes – this will form part of the CEMP

[32] CTD/Traffic Concepts, 'Transportation Impact Assessment – Porangahau Stopbank'. April 2025.

		e) shall address the necessity of reduced traffic speed along local roads for the duration of works, in particular the haulage to stockpile areas and also in particular to the area around Porangahau School.		
37. CHBDC and HBRC		**As Built Plans** Within three months of the completion of construction works, the consent holder shall provide the consent authorities (Managers Compliance) with as-built plans that include (but are not limited to), the following: i) plans of the completed works that clearly shows their location and layout. ii) The final contours of the stopbank, spillway and associated earthworks; iii) The depth and extent of any fill placed; and iv) The final overland flow paths, stormwater outlets and any re-directed local catchment flows.	This addition ensures that both councils receive full as built plans. This will be particularly important for understanding the location and design of key elements of the works, including changes/additions to the stormwater network and enables compliance monitoring in the first instance, and then ongoing asset management/maintenance.	OK
38. CHBDC and HBRC		**Notice of commencement** The consent holder shall provide the consent authorities (Managers Compliance) notice in writing of intention to commence works, at least 10 working days and not more than 20 working days prior to commencing the proposed works.	Ensures that consent authorities are advised when work will commence to assist with management of compliance resources and administration of the consent.	OK