

18 March 2024

Ministry for the Environment

via email to: severeweather@mfe.govt.nz

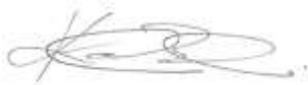
Submission on proposals for Orders in Council for flood works in Hawke's Bay

1. Thank you for the opportunity to provide feedback on the Order in Council ('OIC') proposal for Hawke's Bay flood works.
2. The Hawke's Bay Regional Council ('HBRC') strongly supports the proposal.
3. We support the OIC proposal as it would assist in crucial flood mitigation works getting underway as soon as possible. This will help a number of our severely flood-impacted communities get on with their lives quicker and with greater certainty than if the works needed to obtain approvals through regular statutory processes.
4. We understand that this OIC proposal is broadly similar to two OICs already in effect for rebuild works by KiwiRail and Waka Kotahi, albeit this OIC proposal would tailor consent conditions to be more applicable to flood mitigation works than rebuilding state highways and parts of the rail network. Tailoring consent conditions for the respective flood work designs and locations is essential for ensuring adverse effects of the planned works are appropriately avoided, remedied or mitigated.
5. In recent months, key members of our staff have worked closely with the Hawke's Bay Recovery Agency and government officials up to this point of a proposed OIC.
6. Our Consents Team has been involved in a series of discussions about the OIC's draft consent conditions for the flood works being proposed at various locations across the region. Drafting consent conditions requires care and diligence to ensure the conditions (as a package) are coherent, implementable for the consent holder, and also measurable and enforceable by the consent authority (or consent authorities).
7. We consider it is vital that we have the opportunity to provide meaningful feedback on the draft Order to confirm it is clear and workable in practice, particularly for our Consenting and Compliance teams.
8. There has been discussion of including a clause directing the appointment of a panel to consider each application. HBRC are neutral on this. Given that they are to proceed as non-notified applications, HBRC already has the capability, the separation and the delegations in place to decide on these applications individually or jointly with the City or District Councils. We have experiences both in dealing with joint decision-making processes with other councils and in separation of HBRC's Consent Authority role and as an applicant.

Closing comment

9. Hawke's Bay Regional Council again, thanks the Ministry for the opportunity to provide feedback on this proposal. Please contact Gavin Ide in the first instance (refer address for service below) if you have any questions or require clarification regarding this submission. Gavin can make arrangements if necessary for MFE officials to meet and discuss the above comments further with relevant experienced HBRC staff.
10. We look forward to the opportunity to view the draft Order and request that as much time as possible be given for that.

Yours sincerely



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