



Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024

Cindy Kiro, Governor-General

Order in Council

At Wellington this 27th day of May 2024

Present:

Her Excellency the Governor-General in Council

This order is made under section 7 of the Severe Weather Emergency Recovery Legislation Act 2023—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made in accordance with section 8(1) and (2) of that Act.

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Order

- 1 Title**
 This order is the Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024.
- 2 Commencement**
 This order comes into force on 7 June 2024.
- 3 Revocation**
 This order is revoked on the close of 31 March 2028.

Part 1 Preliminary provisions

- 4 Interpretation**
- (1) In this order, unless the context otherwise requires,—
Act means the Severe Weather Emergency Recovery Legislation Act 2023

biodiversity compensation has the meaning given in clause 1.6(1) of the National Policy Statement for Indigenous Biodiversity 2023 approved by the Governor-General in Council under section 52(2) of the RMA on 31 May 2023

biodiversity offset has the meaning given in clause 1.6(1) of the National Policy Statement for Indigenous Biodiversity 2023 approved by the Governor-General in Council under section 52(2) of the RMA on 31 May 2023

CMA means the coastal marine area as defined in section 2(1) of the RMA

culturally significant land means land that—

- (a) is on, or adjoins, a wāhi tapu (or a site of cultural significance); or
- (b) is on, or adjoins, land that has an area that is subject to a statutory acknowledgement; or
- (c) is within, is adjacent to, or directly affects the statutory overlay of ngā rohe moana and ngā rohe moana o ngā hapū o Ngāti Porou, as described in section 11 and Schedule 3 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

effects management hierarchy means a hierarchical approach to managing the adverse effects of any activity that is part of flood protection works, that requires the following:

- (a) that adverse effects are avoided if practicable (by avoiding the activity that causes them):
- (b) if it is not practicable to avoid adverse effects, that they are minimised so far as practicable:
- (c) so far as it is not practicable to minimise adverse effects, that they are remedied if possible:
- (d) if there are any adverse effects that are not minor and cannot practicably be avoided, minimised, or remedied, that biodiversity offset is provided for them if possible:
- (e) if it is not possible to provide biodiversity offset for those residual adverse effects, that biodiversity compensation is provided in relation to them

flood protection works has the meaning set out in clause 6

Hawke's Bay local authority means any of the following local authorities:

- (a) Hawke's Bay Regional Council:
- (b) Central Hawke's Bay District Council:
- (c) Hastings District Council:
- (d) Napier City Council:
- (e) Wairoa District Council

Māori entity has the meaning given in section 13(5) of the Act

plan has the meaning given in section 43AA of the RMA

proposed plan has the meaning given in section 43AAC of the RMA

public notice has the meaning given in section 2AB of the RMA

RMA means the Resource Management Act 1991

wāhi tapu or **site of cultural significance** includes those identified in any of the following:

- (a) a relevant plan or proposed plan:
- (b) the New Zealand Archaeological Association's site recording scheme:
- (c) a list maintained under section 65 or 81 of the Heritage New Zealand Pouhere Taonga Act 2014:
- (d) section 11 and Schedule 3 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019:
- (e) the records of the Māori Land Court as a site set apart as a Māori reservation under Part 17 of Te Ture Whenua Maori Act 1993

working day has the meaning given in section 2(1) of the RMA.

- (2) A term used in this order that is defined in the RMA, but not in this order, has the meaning given in that Act.
- (3) The modification of the RMA by this order does not affect the text of that Act, but requires that Act to be read as if it had been modified in the manner indicated by this order.

5 Application of order

This order applies only in relation to—

- (a) flood protection works (as defined in clause 6)—
 - (i) that are taken to be a controlled activity under clause 8; and
 - (ii) in relation to which a resource consent is granted under the RMA as modified by this order; and
- (b) the carrying out of those flood protection works.

6 Meaning of flood protection works

- (1) In this order, **flood protection works** means works that—
 - (a) are of a kind described in subclause (2); and
 - (b) are carried out—
 - (i) by or on behalf of any 1 or more Hawke's Bay local authorities; and
 - (ii) in any part of the severe weather events affected area that is at a location specified in subclause (3); and
 - (c) for the purposes of the RMA,—

- (i) would ordinarily require a resource consent; and
 - (ii) are not described in any plan or national environmental standard as a permitted activity; and
 - (iii) are not a prohibited activity.
- (2) Works of the kind referred to in subclause (1)(a) are—
 - (a) activities that involve or are concerned with the construction or reinstatement of, making safety enhancements to, or improving the resilience of land and flood protection infrastructure, including stopbanks, spillways, retaining walls, bridges, pump stations, stream realignments, and earthworks; and
 - (b) any incidental or subsidiary activity.
- (3) For the purpose of subclause (1)(b)(ii), the locations are the following, as described in Schedule 1:
 - (a) Awatoto:
 - (b) Havelock North:
 - (c) Omahu:
 - (d) Pakowhai:
 - (e) Pōrangahau:
 - (f) Waiohiki:
 - (g) Wairoa:
 - (h) Whirinaki.

Part 2

Modifications to Resource Management Act 1991

7 This Part modifies Resource Management Act 1991

- (1) This Part modifies provisions of the RMA.
- (2) The RMA (including Part 6 of that Act), as modified by this Part, applies to any flood protection works taken to be a controlled activity under clause 8.

8 Flood protection works taken to be controlled activity

- (1) This clause modifies sections 87A(2) and 104A of the RMA.
- (2) Flood protection works are taken to be a controlled activity for the purposes of the RMA, including sections 87A(2) and 104A.

9 Who may apply for resource consent for flood protection works

- (1) This clause modifies section 88 of the RMA.
- (2) Only a Hawke's Bay local authority may apply for a resource consent for any flood protection works taken to be a controlled activity under clause 8.

- (3) A Hawke's Bay local authority may apply for resource consent for flood protection works only if it is proposed that the flood protection works will be carried out by that authority or on its behalf.

10 Functions, etc, delegated to hearings commissioner

- (1) A consent authority must delegate the functions, duties, and powers specified in subclause (2) to a hearings commissioner—
 - (a) to whom the authority has already delegated functions, duties, and powers under section 34A of the RMA; and
 - (b) who is not a member of the authority.
- (2) The functions, duties, and powers that must be delegated are the following functions, duties, and powers of the authority in relation to a resource consent for flood protection works:
 - (a) consideration of an application under section 104 of the RMA (*see* clause 16):
 - (b) decision to grant a resource consent under section 104A(a) of the RMA:
 - (c) imposition of conditions on a resource consent in accordance with clause 17:
 - (d) giving of notice of its decision under section 114 of the RMA in accordance with clause 18.
- (3) This clause applies despite section 34A of the RMA, but that section is not otherwise affected by this order.

11 More than 1 consent authority

- (1) This clause applies if the proposed flood protection works require resource consent from more than 1 consent authority.
- (2) The applicant must apply to every relevant consent authority at the same time.
- (3) The consent authorities must act jointly in performing all their functions, duties, and powers in relation to the application.
- (4) For the purposes of subclause (3), a reference to a consent authority in clauses 14 to 18 is to be read as a reference to all relevant consent authorities acting jointly.

12 Application

- (1) This clause further modifies section 88 of the RMA.
- (2) Instead of complying with section 88(2)(b) of the RMA, an application for a resource consent for flood protection works must include the following information and other matters:
 - (a) a detailed description of the flood protection works, including all activities of the kind described in clause 6(2)(a):

- (b) a map that shows—
 - (i) the area, at the relevant location specified in clause 6(3), in which flood protection works are to be carried out; and
 - (ii) every proposed work site in that area:
- (c) a general description of the area referred to in paragraph (b)(i):
- (d) a description of—
 - (i) any identified natural and physical resources in that area that have cultural value identified by a relevant iwi authority or hapū as significant for present or future generations; and
 - (ii) any culturally significant land in the area (including a description of the nature of the cultural significance):
- (e) an assessment of all potential effects of the works with input from appropriate experts, including consideration of—
 - (i) all information reasonably available to the applicant; and
 - (ii) the potential effects on any cultural values identified by a relevant iwi authority or hapū; and
 - (iii) the potential effects on any culturally significant land within or adjoining the area where the works are to be carried out:
- (f) proposals to avoid, remedy, or mitigate potential adverse effects identified by the assessment described in paragraph (e):
- (g) any conditions that the applicant proposes for the resource consent that are a variation of, or additional to, a condition set out in Schedule 2:
- (h) a description of any consultation undertaken in relation to the works (including with relevant Māori entities) and the names and contact details of all persons consulted:
 - (i) a list of all relevant Māori entities:
 - (j) a list of the names and contact details of all persons the consent authority is required to notify under clause 15(2)(a).
- (3) If the applicant has not carried out any consultation (*see* subclause (2)(h)), the application must explain why.

13 Replacement application

- (1) This clause further modifies section 88 (by replacing section 88(3) to (5)), and replaces sections 91 and 92, of the RMA.
- (2) A consent authority may, after an application is lodged in accordance with clause 12, determine that the application is incomplete because—
 - (a) the application does not contain all the information and other matters required by clause 12(2); or

- (b) other resource consents are also required in relation to the proposed flood protection works.
- (3) If the consent authority makes a determination under subclause (2), it must, within 3 working days after receiving the application, return the application to the applicant and inform the applicant of—
 - (a) the required information that was not included in the initial application; or
 - (b) the activities for which the other resource consents are required.
- (4) The applicant may lodge the application again and—
 - (a) include the information referred to in subclause (3)(a); or
 - (b) incorporate an application for the other resource consents referred to in subclause (3)(b).
- (5) An application under subclause (4) must be treated as a new application, including for the purposes of clause 18.
- (6) Subclauses (7) and (8) apply if—
 - (a) more than 1 consent authority receives an application; and
 - (b) 1 or more, but not all, of those consent authorities make a determination under subclause (2).
- (7) All consent authorities must return the application they have received, so the applicant can make a new application to all consent authorities.
- (8) If the consent authorities to whom a new application is made include an authority that did not receive the initial application, subclauses (2) to (5) apply to that authority in relation to that application.
- (9) The process described in subclauses (7) and (8) may be repeated until all relevant consent authorities that need a new application have received one.

14 Application processed on non-notified basis

- (1) This clause applies instead of section 95 of the RMA.
- (2) A consent authority that receives an application for resource consent for flood protection works—
 - (a) must not give public notification or limited notification of the application under section 95 of the RMA (so that the RMA processes involving submissions, pre-hearings, mediation, and hearings will not apply); and
 - (b) must instead carry out consultation in accordance with clause 15.

15 Consultation

- (1) This clause applies if a consent authority receives an application for resource consent that contains all the information required by clause 12(2).
- (2) The consent authority must, within 5 working days,—

- (a) notify the following persons that an application has been lodged and advise them where they can find a copy of the application:
 - (i) all relevant Māori entities;
 - (ii) each local authority (other than the consent authority) in whose district or region the flood protection works are to be carried out;
 - (iii) if the works are to be carried out within the CMA, Maritime New Zealand;
 - (iv) the Minister for the Environment and every other Minister of the Crown responsible for a portfolio to which the works relate;
 - (v) the Director-General of Conservation;
 - (vi) any network utility operator that undertakes a network utility operation in, on, or under the land where the works are to be carried out;
 - (vii) the owners and occupiers of land on which the work is to be undertaken or of land whose boundary adjoins the land where the works are to be carried out;
 - (viii) any requiring authority that holds a designation over the land where the works are to be carried out;
 - (ix) if the works are to be carried out within the CMA, any holder of, and any applicant for, customary marine title of any area of the CMA;
 - (x) any other person the consent authority considers appropriate, if the consent authority is satisfied that the person has an interest in the application that is greater than the interest of the general public; and
 - (b) invite those persons to make written comments on the application; and
 - (c) state in the invitation that written comments must be received by the authority within 10 working days after the date on which the invitation is given.
- (3) An invitation under this clause must be treated as a document to be served for the purposes of the RMA, and section 352 of that Act applies accordingly.
- (4) The consent authority must—
- (a) consider all comments received under this clause; and
 - (b) prepare a summary of those comments (set out by the person commenting, by topic, or in any other way the authority considers appropriate) and its responses to those comments; and
 - (c) make that summary publicly available no later than the date on which it gives notice of its decision under clause 18.
- (5) A person invited to make written comments on an application may not—

- (a) appeal under Part 6 of the RMA against the consent authority's decision on the application; or
 - (b) object to the decision under Part 14 of the RMA.
- (6) A person who makes written comments to a consent authority under this clause is not to be treated under the RMA as a person making a submission on the application.

16 Consideration

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

17 Conditions of consent

- (1) This clause applies instead of sections 87A(2)(b) and (c), 104A(b), and 108 of the RMA.
- (2) The consent authority may impose any 1 or more of the conditions set out in Schedule 2 on a consent granted for flood protection works.
- (3) The consent authority may amend any condition it imposes under subclause (2) (other than the condition in clause 1 of Schedule 2) if it considers the amendment necessary for the purposes of the authority's responsibility for a matter of control.
- (4) The consent authority may impose any 1 or more additional conditions it considers necessary for the purposes of the authority's responsibility for a matter of control.
- (5) This clause applies despite anything to the contrary in—
 - (a) any requirements in a national environmental standard or a national policy statement;
 - (b) any rules or assessment criteria in any plan or proposed plan.
- (6) In this clause, **matter of control** means any of the matters specified in Schedule 3, which are matters over which the consent authority is taken to have reserved control.

18 Notice of decision

- (1) Instead of complying with section 115 of the RMA, the consent authority must give notice of its decision on the application under section 114 of that Act within 30 working days after the date on which the application contains all the information the consent authority requires to make a decision on an application (*see* clause 13).
- (2) The deadline specified in subclause (1) may not be extended, deferred, or altered in any way, including by section 37, 88B, 88C, or 88E of the RMA.

19 Commencement of resource consent

- (1) This clause modifies section 116 of the RMA.

- (2) A resource consent granted on application under the RMA as modified by this order commences—
 - (a) on the date on which the decision on the application is notified under section 114 of the RMA (*see* clause 18); or
 - (b) on a later date specified in the notification.

20 Duration of resource consent

- (1) This clause modifies section 123 of the RMA.
- (2) Section 123(a) and (b) applies according to its terms to a consent granted under the RMA as modified by this order.
- (3) However, the period for which a consent or permit to which section 123(c) or (d) applies is granted is the period specified in the conditions imposed on the consent or permit, which must not be more than 5 years after the commencement of the consent under section 116 of the RMA.

21 Lapse of resource consent

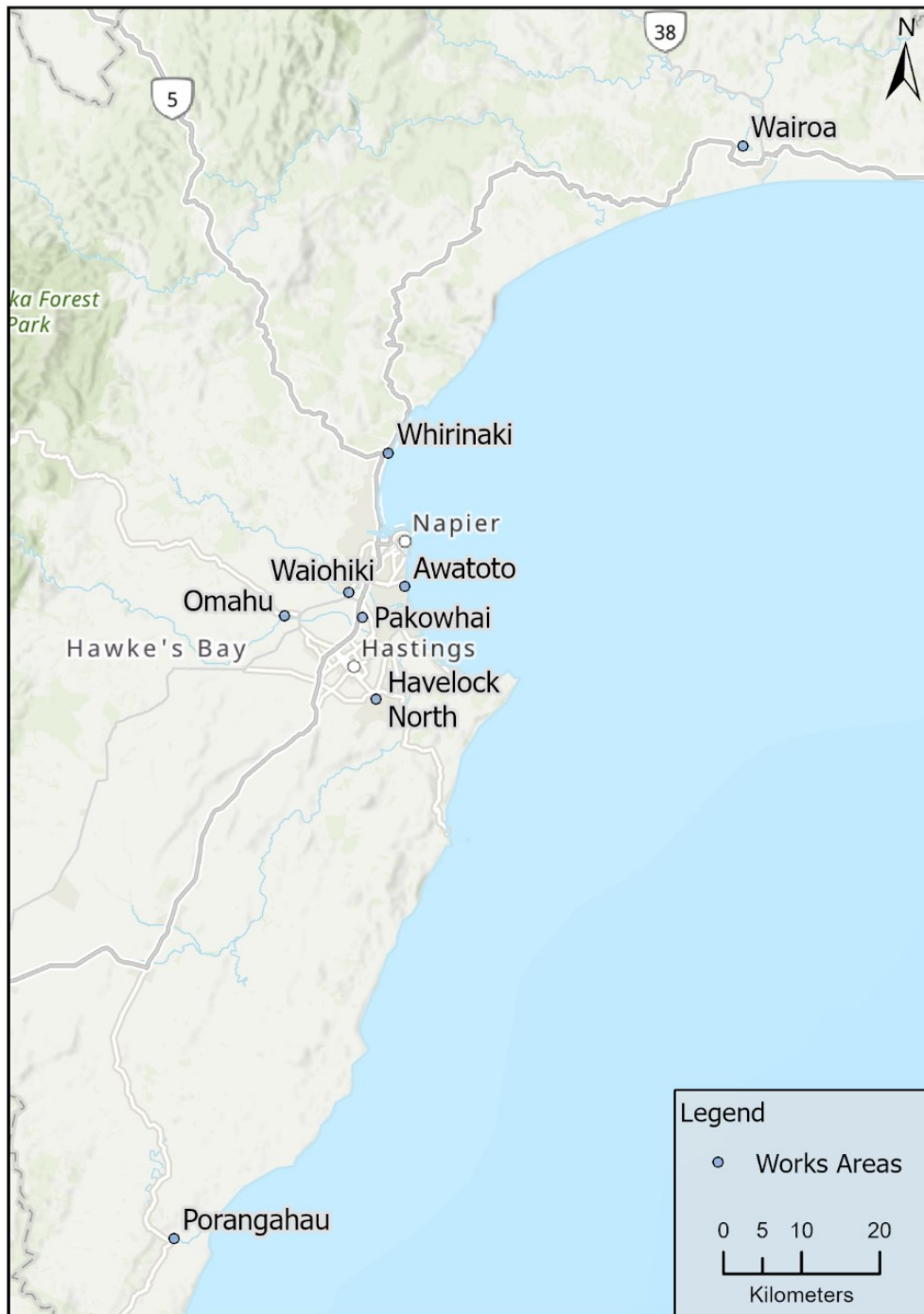
- (1) This clause modifies section 125 of the RMA.
- (2) Despite section 125(1) of the RMA, a consent granted under the RMA, as modified by this order, lapses on the date specified in the conditions imposed on the consent, which must be no later than 2 years after the date of commencement of the consent under section 116 of the RMA (as modified by clause 19).
- (3) Section 125(1A) of the RMA applies, but in relation to subclause (2) rather than section 125(1) of the RMA.
- (4) Section 125(1B) does not apply.

Schedule 1

Locations of flood protection works

cl 6(3)

Map of broader area



Description of Awatoto location

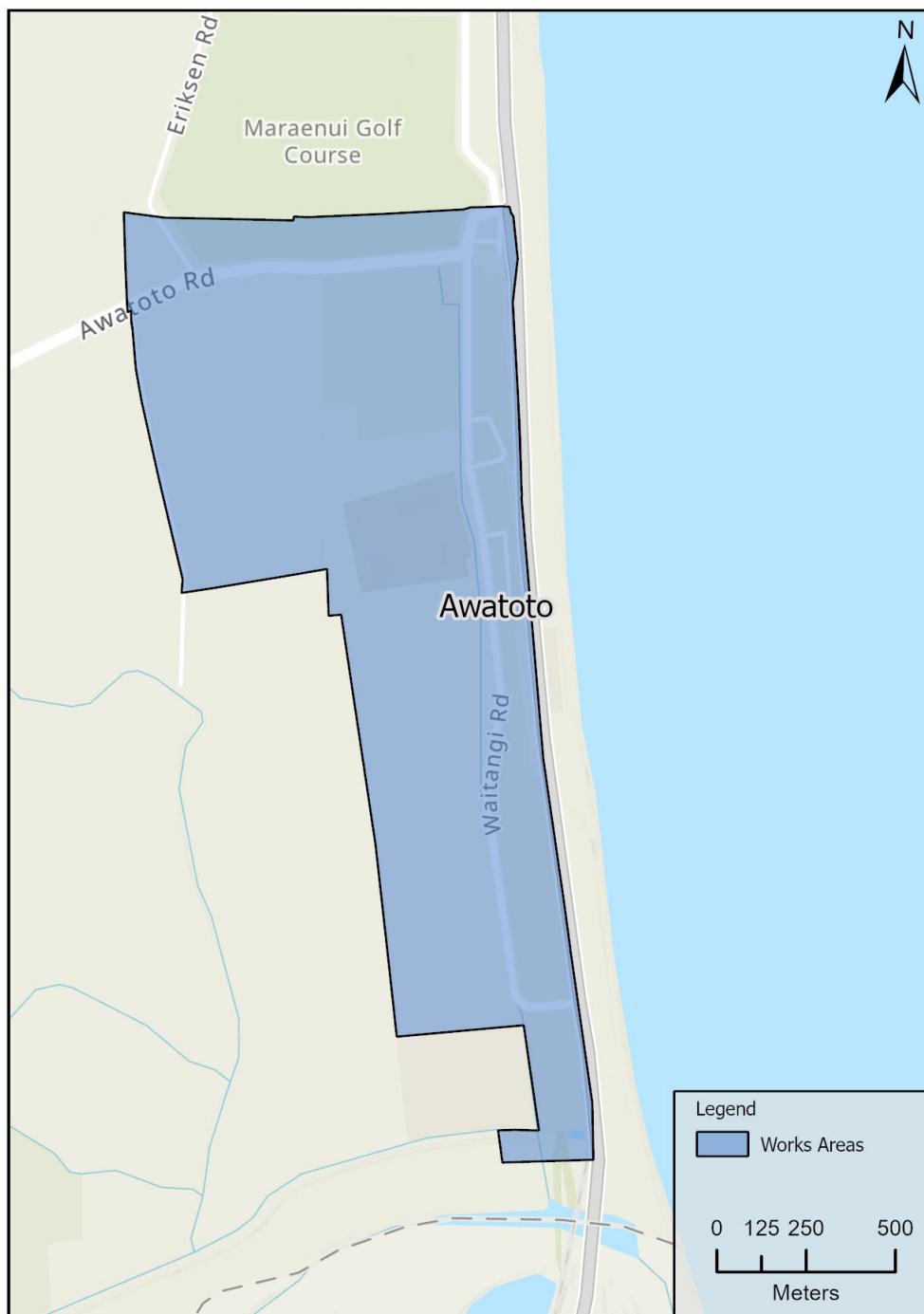
The Awatoto location is the area enclosed by a line that—

- (1) commences along the southern boundary of 201 Waitangi Road (at 39°33.530'S, 176°55.186'E); then
- (2) proceeds in an easterly direction along the southern boundary of 201 Waitangi Road, intersecting each of the following points: 39°33.528'S, 176°55.219'E; 39°33.528'S, 176°55.257'E; 39°33.528'S, 176°55.266'E; then
- (3) proceeds in a northerly direction along the eastern boundary of 201 Waitangi Road (at 39°33.370'S, 176°55.228'E); then
- (4) proceeds in a westerly direction to the north-westernmost point of 201 Waitangi Road (at 39°33.396'S, 176°54.981'E); then
- (5) proceeds in a northerly direction along the boundary of 195 Waitangi Road, intersecting each of the following points: 39°33.260'S, 176°54.953'E; 39°33.106'S, 176°54.922'E; 39°32.761'S, 176°54.836'E; then
- (6) proceeds in a westerly direction to the south-westernmost corner of 55 Waitangi Road (at 39°32.764'S, 176°54.812'E); then
- (7) proceeds in a northerly direction to the south-easternmost corner of 80 McLeod Road (at 39°32.693'S, 176°54.805'E); then
- (8) proceeds in a westerly direction along the southern boundary of 80 McLeod Road, intersecting each of the following points: 39°32.707'S, 176°54.720'E; 39°32.730'S, 176°54.585'E; 39°32.733'S, 176°54.565'E; 39°32.739'S, 176°54.523'E; then
- (9) proceeds in a northerly direction to the south-easternmost corner of 63 McLeod Road (at 39°32.719'S, 176°54.523'E); then
- (10) proceeds in a northerly direction along the western side of McLeod Road, intersecting each of the following points: 39°32.567'S, 176°54.469'E; 39°32.450'S, 176°54.428'E; 39°32.403'S, 176°54.414'E; 39°32.344'S, 176°54.404'E; 39°32.334'S, 176°54.402'E; then
- (11) proceeds to the south-western side of the intersection of McLeod Road and Awatoto Road (at 39°32.316'S, 176°54.400'E); then
- (12) proceeds in a south-westerly direction to the north-western corner of 115 Awatoto Road (at 39°32.318'S, 176°54.394'E); then
- (13) proceeds in a northerly direction across Awatoto Road (at 39°32.307'S, 176°54.392'E); then
- (14) proceeds in a northerly direction to 39°32.249'S, 176°54.386'E; and continuing to the north-eastern corner of 201 Eriksen Road (at 39°32.168'S, 176°54.378'E); then
- (15) proceeds in an easterly direction across Eriksen Road to the south-western corner of 206 Eriksen Road (at 39°32.173'S, 176°54.459'E); then

- (16) proceeds in an easterly direction along the southern boundaries of 206 Eriksen Road and 285 Te Awa Avenue, intersecting each of the following points: 39°32.171'S, 176°54.569'E; 39°32.169'S, 176°54.709'E; then
- (17) proceeds in a northerly direction along the boundary of 285 Te Awa Avenue to 39°32.163'S, 176°54.709'E; then
- (18) proceeds in an easterly direction, intersecting each of the following points: 39°32.163'S, 176°54.739'E; 39°32.153'S, 176°54.885'E; 39°32.142'S, 176°55.036'E; 39°32.141'S, 176°55.040'E; 39°32.137'S, 176°55.054'E; 39°32.135'S, 176°55.093'E; 39°32.134'S, 176°55.112'E; 39°32.134'S, 176°55.130'E; and continuing to the north-western side of the intersection of State Highway 51 and Awatoto Road (at 39°32.134'S, 176°55.130'E); then
- (19) proceeds in a southerly direction across Awatoto Road to the south-western side of the intersection of Awatoto Road and State Highway 51 (at 39°32.144'S, 176°55.133'E); then
- (20) proceeds in a south-easterly direction along the boundary of the railway reserve (Parcel ID 6950060) to 39°32.147'S, 176°55.138'E; then
- (21) proceeds in a southerly direction generally along State Highway 51, intersecting each of the following points: 39°32.212'S, 176°55.150'E; 39°32.278'S, 176°55.144'E; 39°32.426'S, 176°55.164'E; 39°32.532'S, 176°55.175'E; 39°32.560'S, 176°55.178'E; 39°32.567'S, 176°55.178'E; 39°32.573'S, 176°55.178'E; 39°32.681'S, 176°55.196'E; 39°32.966'S, 176°55.243'E; 39°33.176'S, 176°55.293'E; 39°33.247'S, 176°55.311'E; 39°33.255'S, 176°55.313'E; 39°33.283'S, 176°55.319'E; 39°33.340'S, 176°55.333'E; 39°33.483'S, 176°55.367'E; 39°33.568'S, 176°55.375'E; then
- (22) proceeds in a westerly direction across the Waitangi Road Reserve to 39°33.579'S, 176°55.197'E within the River Conservation zone (Parcel ID 4176051); then
- (23) proceeds in a northerly direction to the point described in paragraph (1).

Map of Awatoto location

The following map is indicative only and, if there is any inconsistency between the map and the above description, the above description prevails.



Description of Havelock North location

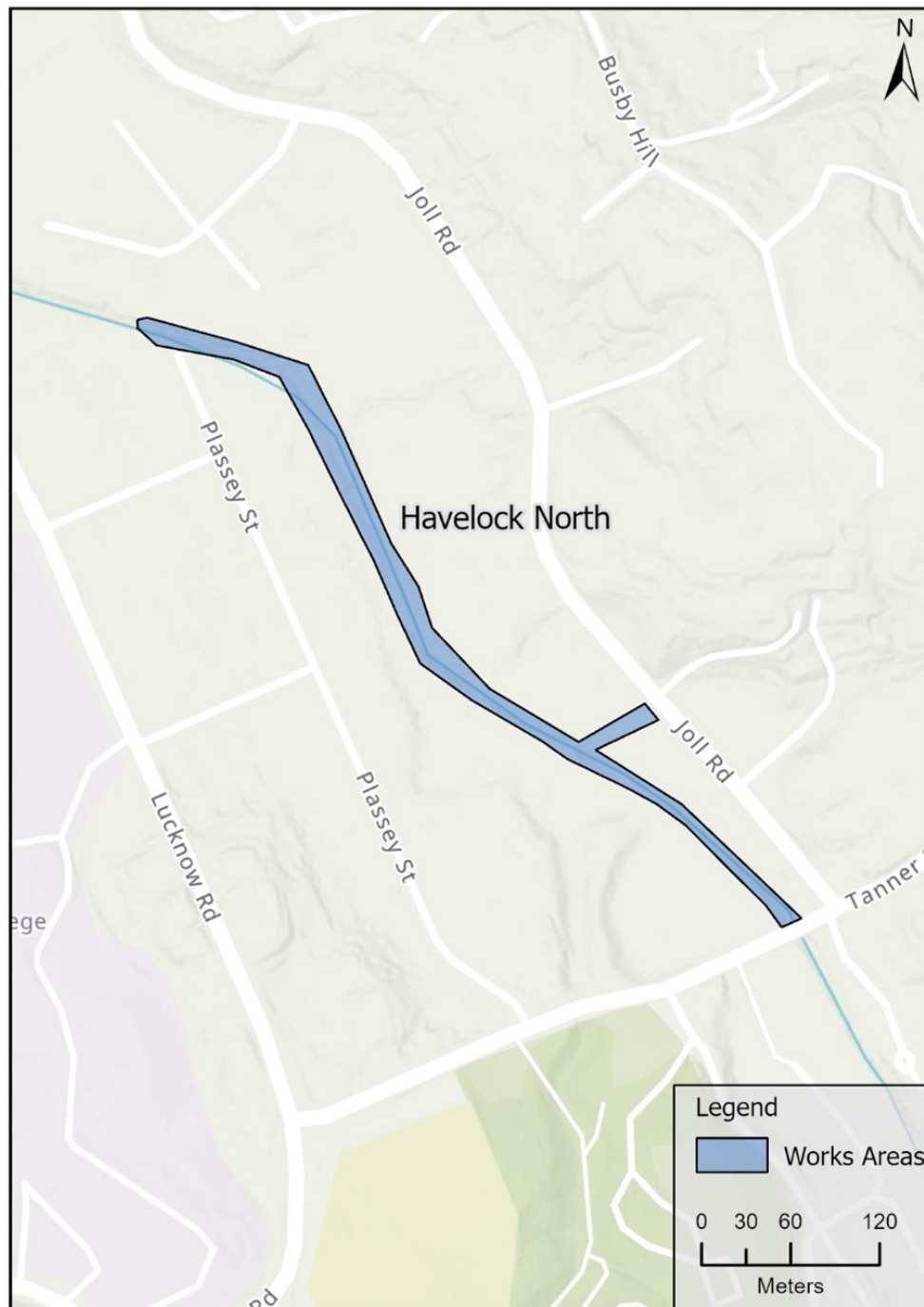
The Havelock North location is the area enclosed by a line that—

- (1) commences at the north-eastern corner of 2A Plassey Street (at 39°40.448'S, 176°52.719'E); then
- (2) proceeds in a northerly direction to the south of 11 Christie Crescent (at 39°40.445'S, 176°52.719'E); then
- (3) proceeds in an easterly direction to the south of 11 Christie Crescent (at 39°40.444'S, 176°52.723'E); then
- (4) proceeds in an easterly direction to the south-western corner of 3 Phillips Place (at 39°40.452'S, 176°52.766'E); then
- (5) proceeds in an easterly direction to the south of 4 Phillips Place (at 39°40.459'S, 176°52.800'E); then
- (6) proceeds in a south-easterly direction to the north of 58 Joll Road (at 39°40.482'S, 176°52.817'E); then
- (7) proceeds in a south-easterly direction to the west of 58 Joll Road (at 39°40.523'S, 176°52.843'E); then
- (8) proceeds in a south-easterly direction to the west of 64 Joll Road (at 39°40.538'S, 176°52.857'E); then
- (9) proceeds in a southerly direction to the north of 70B Joll Road (at 39°40.553'S, 176°52.864'E); then
- (10) proceeds in a south-easterly direction to the north-west of 72B Joll Road (at 39°40.574'S, 176°52.892'E); then
- (11) proceeds in a south-easterly direction to the north-west of 74A Joll Road (at 39°40.592'S, 176°52.935'E); then
- (12) proceeds in a north-easterly direction to the south of 1/78 Joll Road (at 39°40.577'S, 176°52.966'E); then
- (13) proceeds in a south-easterly direction to 78 Joll Road (at 39°40.583'S, 176°52.972'E); then
- (14) proceeds in a south-westerly direction to 80 Joll Road (at 39°40.595'S, 176°52.943'E); then
- (15) proceeds in a south-easterly direction to the west of 80 Joll Road (at 39°40.613'S, 176°52.985'E); then
- (16) proceeds in a south-easterly direction to the west of 84 Joll Road (at 39°40.653'S, 176°53.044'E); then
- (17) proceeds in a south-westerly direction to Tanner Street (at 39°40.656'S, 176°53.035'E); then
- (18) proceeds in a north-westerly direction to Tanner Street (at 39°40.648'S, 176°53.026'E); then

- (19) proceeds in a north-westerly direction along the western side of Mangarau Stream, intersecting each of the following points: 39°40.637'S, 176°53.010'E; 39°40.621'S, 176°52.988'E; 39°40.614'S, 176°52.973'E; 39°40.608'S, 176°52.960'E; 39°40.598'S, 176°52.930'E; 39°40.592'S, 176°52.918'E; 39°40.578'S, 176°52.884'E; 39°40.566'S, 176°52.859'E; then
- (20) proceeds in a north-westerly direction to the east of 27 Plassey Street (at 39°40.549'S, 176°52.847'E); then
- (21) proceeds in a north-westerly direction to the east of 23 Plassey Street (at 39°40.530'S, 176°52.835'E); then
- (22) proceeds in a north-westerly direction to the east of 19 Plassey Street (at 39°40.506'S, 176°52.818'E); then
- (23) proceeds in a north-westerly direction to the east of 15 Plassey Street (at 39°40.483'S, 176°52.802'E); then
- (24) proceeds in a north-westerly direction to the east of 15 Plassey Street (at 39°40.464'S, 176°52.787'E); then
- (25) proceeds in a westerly direction to the east of 15 Plassey Street (at 39°40.458'S, 176°52.765'E); then
- (26) proceeds in a westerly direction to the north of 3 Plassey Street (at 39°40.454'S, 176°52.729'E); then
- (27) proceeds in a north-westerly direction to 2 Plassey Street (at 39°40.448'S, 176°52.719'E); then
- (28) proceeds in an easterly direction to the point described in paragraph (1).

Map of Havelock North location

The following map is indicative only and, if there is any inconsistency between the map and the above description, the above description prevails.



Description of Omaha location

The Omaha location is the area enclosed by a line that—

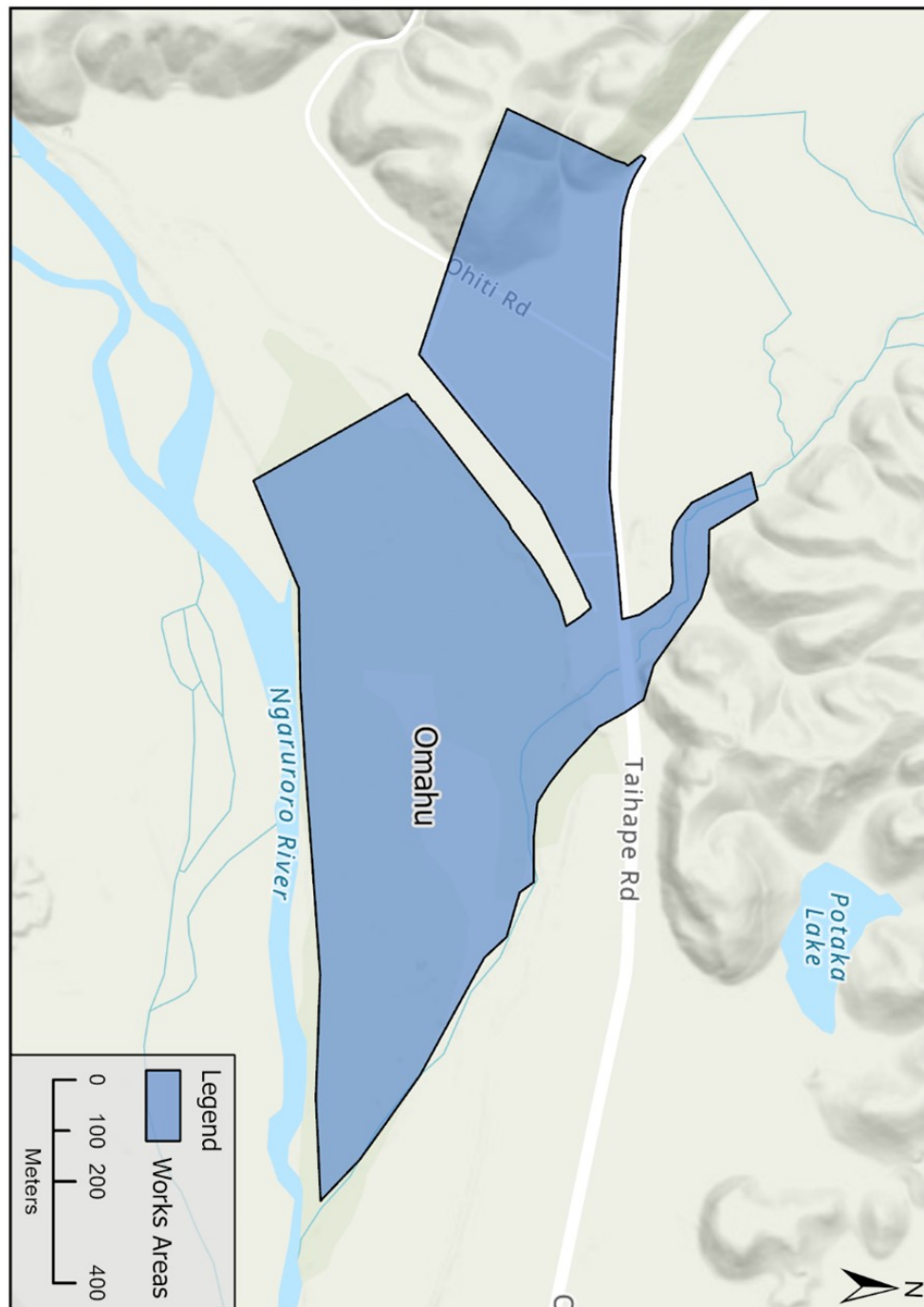
- (1) commences on the true left bank of the Ohiwa Stream, adjacent to the western boundary of 174 Taihape Road (at 39°34.796'S, 176°44.375'E); then
- (2) proceeds in a south-easterly direction towards the northern side of Taihape Road (at 39°34.834'S, 176°44.451'E); then
- (3) proceeds in an easterly direction towards the northern side of Taihape Road (at 39°34.843'S, 176°44.499'E); then
- (4) proceeds in a south-easterly direction to the southern side of Taihape Road, intersecting each of the following points: 39°34.862'S, 176°44.517'E; 39°34.890'S, 176°44.539'E; 39°34.920'S, 176°44.585'E; 39°34.939'S, 176°44.619'E; then
- (5) proceeds in a south-easterly direction to the true left bank of the Ohiwa Stream (at 39°34.951'S, 176°44.647'E); then
- (6) proceeds in an easterly direction to the midway point of the Ohiwa Stream (at 39°34.953'S, 176°44.693'E); then
- (7) proceeds in an easterly direction along the true right bank of the Ohiwa Stream (at 39°34.951'S, 176°44.755'E); then
- (8) proceeds in a south-easterly direction along the true right bank of the Ohiwa Stream (at 39°34.966'S, 176°44.771'E); then
- (9) proceeds generally parallel to the true right bank of the Ohiwa Stream in a south-easterly direction, intersecting each of the following points: 39°34.978'S, 176°44.832'E; 39°35.001'S, 176°44.862'E; 39°35.064'S, 176°45.028'E; 39°35.124'S, 176°45.146'E; 39°35.163'S, 176°45.205'E); then
- (10) proceeds generally parallel to the true left bank of the Ngaruroro River in a westerly direction, intersecting each of the following points: 39°35.173'S, 176°45.065'E; 39°35.174'S, 176°44.895'E; 39°35.185'S, 176°44.766'E; 39°35.199'S, 176°44.612'E); 39°35.208'S, 176°44.504'E; 39°35.214'S, 176°44.366'E; then
- (11) proceeds generally parallel to the true left bank of the Ngaruroro River in a south-westerly direction (at 39°35.267'S, 176°44.221'E); then
- (12) proceeds in a north-westerly direction to the southernmost point of the boundary of 37A Ohiti Road (at 39°35.107'S, 176°44.093'E); then
- (13) proceeds in a north-easterly direction along the south-eastern boundary of 37A Ohiti Road (at 39°35.101'S, 176°44.103'E); then
- (14) proceeds in a northerly direction towards the southern boundary of 37A Ohiti Road (at 39°35.099'S, 176°44.103'E); then
- (15) proceeds in a north-easterly direction along the south-eastern boundary of 37 Ohiti Road (at 39°35.097'S, 176°44.107'E); then

- (16) proceeds in a north-easterly direction along the south-eastern boundary of 37 Ohiti Road (at 39°35.088'S, 176°44.119'E); then
- (17) proceeds in a north-easterly direction to the southernmost boundary of 33 Ohiti Road (at 39°35.071'S, 176°44.145'E); then
- (18) proceeds in a north-easterly direction to the easternmost point of 31 Ohiti Road and the southernmost point of 29 Ohiti Road (at 39°35.045'S, 176°44.185'E); then
- (19) proceeds in a north-easterly direction to the south-eastern boundary of 23 Ohiti Road (at 39°34.994'S, 176°44.264'E); then
- (20) proceeds in an easterly direction to a point generally in line with the eastern end of the northern boundary of 23 Ohiti Road (at 39°34.991'S, 176°44.272'E); then
- (21) proceeds in a north-easterly direction to the south-eastern boundary of 209 Taihape Road (at 39°34.980'S, 176°44.289'E); then
- (22) proceeds in a north-easterly direction along the south-eastern boundary of 209 Taihape Road to the westernmost boundary point (at 39°34.970'S, 176°44.304'E); then
- (23) proceeds in a north-easterly direction along the south-eastern boundary of 207 Taihape Road (at 39°34.959'S, 176°44.322'E); then
- (24) proceeds in a north-easterly direction along the boundary of 205 Taihape Road (at 39°34.941'S, 176°44.362'E); then
- (25) proceeds in a north-easterly direction along the south-eastern boundary of 205 & 203 Taihape Road (at 39°34.938'S, 176°44.369'E); then
- (26) proceeds in an easterly direction along the boundary of 203 Taihape Road (at 39°34.933'S, 176°44.384'E); then
- (27) proceeds in an easterly direction along the boundary of 203 Taihape Road to the easternmost point (at 39°34.929'S, 176°44.403'E); then
- (28) proceeds in a north-westerly direction along the north-eastern boundary of 203 Taihape Road (at 39°34.914'S, 176°44.389'E); then
- (29) proceeds in a north-westerly direction along the north-eastern boundary of 203 Taihape Road (at 39°34.903'S, 176°44.376'E); then
- (30) proceeds in a westerly direction along the north-western boundary of 203 Taihape Road (at 39°34.905'S, 176°44.369'E); then
- (31) proceeds in a south-westerly direction along the north-western boundary of 203 Taihape Road (at 39°34.908'S, 176°44.364'E); then
- (32) proceeds in a westerly direction along the north-western boundary of 203 Taihape Road (at 39°34.913'S, 176°44.350'E); then
- (33) proceeds in a south-westerly direction towards the northernmost point of the boundary of 23 Ohiti Road (at 39°34.961'S, 176°44.238'E); then

- (34) proceeds in a south-westerly direction to the westernmost point of the boundary of 37A Ohiti Road (at 39°35.096'S, 176°44.039'E); then
- (35) proceeds in a westerly direction to the northernmost point of 39 Ohiti Road (at 39°35.072'S, 176°43.925'E); then
- (36) proceeds in a westerly direction across Ohiti Road, to 39°35.050'S, 176°43.830'E; then
- (37) proceeds in a westerly direction to 39°35.014'S, 176°43.696'E; then
- (38) proceeds in a north-easterly direction towards Taihape Road to 39°34.898'S, 176°43.760'E; then
- (39) proceeds in a northerly direction towards Taihape Road to 39°34.886'S, 176°43.765'E; then
- (40) proceeds in a north-easterly direction towards Taihape Road to 39°34.883'S, 176°43.767'E; then
- (41) proceeds in a north-westerly direction, generally parallel to Taihape Road, to 39°34.870'S, 176°43.752'E; then
- (42) proceeds in a generally easterly direction along Taihape Road, intersecting each of the following points: 39°34.865'S, 176°43.756'E; 39°34.873'S, 176°43.775'E; 39°34.877'S, 176°43.784'E; 39°34.881'S, 176°43.801'E; 39°34.886'S, 176°43.828'E; 39°34.887'S, 176°43.858'E; 39°34.888'S, 176°43.915'E; 39°34.889'S, 176°44.021'E; 39°34.889'S, 176°44.058'E; 39°34.890'S, 176°44.119'E; 39°34.889'S, 176°44.209'E; 39°34.878'S, 176°44.300'E; 39°34.869'S, 176°44.390'E; then
- (43) proceeds in a northerly direction across Taihape Road to 222 Taihape Road (at 39°34.851'S, 176°44.382'E); then
- (44) proceeds in a north-westerly direction within 222 Taihape Road, generally parallel to the true right bank of the Ohiwa Stream, intersecting each of the following points: 39°34.837'S, 176°44.369'E; 39°34.820'S, 176°44.350'E; 39°34.817'S, 176°44.336'E; 39°34.818'S, 176°44.322'E; 39°34.820'S, 176°44.306'E; 39°34.820'S, 176°44.290'E; 39°34.820'S, 176°44.266'E; 39°34.815'S, 176°44.252'E; 39°34.807'S, 176°44.238'E; at 39°34.800'S, 176°44.226'E; 39°34.789'S, 176°44.218'E; 39°34.739'S, 176°44.181'E; then
- (45) proceeds in an easterly direction generally parallel to the true left bank of the Ohiwa Stream, intersecting each of the following points: 39°34.731'S, 176°44.218'E; 39°34.781'S, 176°44.262'E; 39°34.780'S, 176°44.321'E; 39°34.787'S, 176°44.357'E; then
- (46) proceeds in a south-easterly direction to the point described in paragraph (1).

Map of Omahu location

The following map is indicative only and, if there is any inconsistency between the map and the above description, the above description prevails.



Description of Pakowhai—Area A location

The Pakowhai—Area A location is the area enclosed by a line that—

- (1) commences at the north-eastern corner of 1110 and 1112 Links Road (at 39°33.607'S, 176°50.293'E); then
- (2) proceeds in a south-westerly direction to the north-eastern corner of 1131 Links Road (at 39°33.741'S, 176°50.189'E); then
- (3) proceeds in a westerly direction to the north-eastern corner of 1131 Links Road (at 39°33.734'S, 176°50.138'E); then
- (4) proceeds in a westerly direction to the north of 1135 Links Road (at 39°33.737'S, 176°49.956'E); then
- (5) proceeds in a south-westerly direction to the western corner of 1135 Links Road (at 39°33.820'S, 176°49.833'E); then
- (6) proceeds in a south-easterly direction to the south-western corner of 1135 Links Road (at 39°33.876'S, 176°49.890'E); then
- (7) proceeds in a north-easterly direction to the south of 1135 Links Road (at 39°33.807'S, 176°49.971'E); then
- (8) proceeds in a south-easterly direction to the centre of 1131 Links Road (at 39°33.882'S, 176°50.083'E); then
- (9) proceeds in a south-easterly direction to the centre of 56 Franklin Road (at 39°34.008'S, 176°50.176'E); then
- (10) proceeds in a south-easterly direction to 71 Franklin Road (at 39°34.120'S, 176°50.404'E); then
- (11) proceeds in a south-easterly direction along the Tutaekuri–Waimate Stream (at 39°34.247'S, 176°50.588'E); then
- (12) proceeds in an easterly direction along the Tutaekuri–Waimate Stream (at 39°34.267'S, 176°50.742'E); then
- (13) proceeds in a north-easterly direction to the north-east of State Highway 2 (at 39°34.148'S, 176°50.976'E); then
- (14) proceeds in an easterly direction to 2080 Pakowhai Road (at 39°34.161'S, 176°51.250'E); then
- (15) proceeds in a south-easterly direction to the north of 2046 Pakowhai Road (at 39°34.269'S, 176°51.368'E); then
- (16) proceeds in a south-easterly direction to the north of 2046 Pakowhai Road (at 39°34.306'S, 176°51.416'E); then
- (17) proceeds in a south-easterly direction to 2036 Pakowhai Road (at 39°34.364'S, 176°51.468'E); then
- (18) proceeds in a south-easterly direction to 2026 Pakowhai Road (at 39°34.417'S, 176°51.500'E); then

- (19) proceeds in a southerly direction to 2008 Pakowhai Road (at 39°34.537'S, 176°51.515'E); then
- (20) proceeds in a south-easterly direction to 1972 Pakowhai Road (at 39°34.648'S, 176°51.729'E); then
- (21) proceeds in an easterly direction to the centre of 1972 Pakowhai Road (at 39°34.645'S, 176°51.794'E); then
- (22) proceeds in a southerly direction to 1950 Pakowhai Road (at 39°34.722'S, 176°51.813'E); then
- (23) proceeds in a southerly direction to 22 Chesterhope Road (at 39°34.806'S, 176°51.779'E); then
- (24) proceeds in a south-westerly direction to 32 Chesterhope Road (at 39°34.838'S, 176°51.736'E); then
- (25) proceeds in a westerly direction to the centre of 32 Chesterhope Road (at 39°34.858'S, 176°51.643'E); then
- (26) proceeds in a north-westerly direction to 64 Chesterhope Road (at 39°34.828'S, 176°51.566'E); then
- (27) proceeds in a westerly direction to the centre of 64 Chesterhope Road (at 39°34.826'S, 176°51.458'E); then
- (28) proceeds in a south-westerly direction to the north-western corner of 64 Chesterhope Road (at 39°34.862'S, 176°51.426'E); then
- (29) proceeds in a south-easterly direction to the south-western corner of 64 Chesterhope Road (at 39°34.972'S, 176°51.584'E); then
- (30) proceeds in a south-easterly direction along the Tutaekuri–Waimate Stream, intersecting each of the following points: 39°35.017'S, 176°51.707'E; 39°35.002'S, 176°51.777'E; 39°34.967'S, 176°51.831'E; then
- (31) proceeds in a north-westerly direction along the Tutaekuri–Waimate Stream (at 39°34.937'S, 176°51.810'E); then
- (32) proceeds in a north-easterly direction to the south-western corner of 1920 Pakowhai Road (at 39°34.889'S, 176°51.919'E); then
- (33) proceeds in an easterly direction to the south of 1920 Pakowhai Road (at 39°34.890'S, 176°51.964'E); then
- (34) proceeds in an easterly direction to 1912 Pakowhai Road (at 39°34.885'S, 176°52.014'E); then
- (35) proceeds in a south-easterly direction to 1882 Pakowhai Road (at 39°34.979'S, 176°52.078'E); then
- (36) proceeds in a southerly direction to 1856 Pakowhai Road (at 39°35.067'S, 176°52.110'E); then
- (37) proceeds in a south-westerly direction towards the centre of 1844 Pakowhai Road (at 39°35.261'S, 176°52.017'E); then

- (38) proceeds in a westerly direction to the west of 1844 Pakowhai Road (at 39°35.310'S, 176°51.807'E); then
- (39) proceeds in a westerly direction to the west of 1844 Pakowhai Road (at 39°35.297'S, 176°51.627'E); then
- (40) proceeds in a southerly direction to the south-west of 1844 Pakowhai Road (at 39°35.457'S, 176°51.679'E); then
- (41) proceeds in a south-easterly direction to the north of 74 Hodgson Road (at 39°35.603'S, 176°51.774'E); then
- (42) proceeds in an easterly direction to the north-east of 74 Hodgson Road (at 39°35.589'S, 176°51.840'E); then
- (43) proceeds in a southerly direction to the west of 1762 Pakowhai Road (at 39°35.768'S, 176°51.933'E); then
- (44) proceeds in an easterly direction to the east of 1762 Pakowhai Road (at 39°35.678'S, 176°52.339'E); then
- (45) proceeds in a southerly direction to the centre of the Ngaruroro River (at 39°35.802'S, 176°52.383'E); then
- (46) proceeds in a south-westerly direction along the northern bank of the Ngaruroro River (at 39°35.860'S, 176°52.244'E); then
- (47) proceeds in a westerly direction along the northern bank of the Ngaruroro River (at 39°35.878'S, 176°52.057'E); then
- (48) proceeds in a westerly direction along the northern bank of the Ngaruroro River (at 39°35.851'S, 176°51.784'E); then
- (49) proceeds in a northerly direction to the Ngaruroro stopbank (at 39°35.816'S, 176°51.788'E); then
- (50) proceeds in a north-westerly direction along the Ngaruroro stopbank to State Highway 2 (at 39°35.566'S, 176°50.940'E); then
- (51) proceeds in a northerly direction along State Highway 2 (at 39°35.402'S, 176°50.960'E); then
- (52) proceeds in a north-easterly direction across Lot 2 DP 543135 (at 39°35.284'S, 176°51.135'E); then
- (53) proceeds in an easterly direction across Lot 2 DP 543135, intersecting each of the following points: 39°35.232'S, 176°51.362'E; 39°35.244'S, 176°51.459'E; 39°35.247'S, 176°51.514'E; 39°35.233'S, 176°51.584'E; then
- (54) proceeds along the true right bank of the Tutae-kuri–Waimate Stream, intersecting each of the following points: 39°35.025'S, 176°51.563'E; 39°34.956'S, 176°51.439'E; 39°34.870'S, 176°51.315'E; 39°34.827'S, 176°51.293'E; 39°34.781'S, 176°51.349'E; 39°34.482'S, 176°50.967'E; 39°34.280'S, 176°50.995'E; then
- (55) proceeds in a north-westerly direction across State Highway 2 to the Tutae-kuri–Waimate Stream (at 39°34.268'S, 176°50.960'E); then

- (56) proceeds along the true right bank of the Tutaekuri–Waimate Stream, intersecting each of the following points: 39°34.267'S, 176°50.911'E; 39°34.308'S, 176°50.766'E; 39°34.308'S, 176°50.715'E; 39°34.272'S, 176°50.531'E; 39°34.148'S, 176°50.352'E; 39°34.149'S, 176°50.260'E; 39°34.175'S, 176°50.204'E; then
- (57) proceeds along the true right bank of the Waiohiki Stream, intersecting each of the following points: 39°34.013'S, 176°50.047'E; 39°33.939'S, 176°50.002'E; 39°33.910'S, 176°49.965'E; 39°33.921'S, 176°49.858'E; 39°33.856'S, 176°49.780'E; then
- (58) proceeds in a northerly direction to the western side of the Waiohiki Stream (at 39°33.800'S, 176°49.754'E); then
- (59) proceeds in a north-easterly direction to the south of 1225 Korokipo Road, intersecting each of the following points: 39°33.722'S, 176°49.793'E; 39°33.639'S, 176°49.976'E; then
- (60) proceeds in a north-easterly direction to the south of 1225 Korokipo Road, intersecting each of the following points: 39°33.722'S, 176°49.793'E; 39°33.639'S, 176°49.976'E; then
- (61) proceeds in a north-easterly direction to the east of Links Road (at 39°33.585'S, 176°50.088'E); then
- (62) proceeds in an easterly direction to the point described in paragraph (1).

Description of Pakowhai—Area B location

The Pakowhai—Area B location is the area enclosed by a line that—

- (1) commences at 175 King Road (at 39°33.828'S, 176°54.157'E); then
- (2) proceeds in a southerly direction along the eastern side of King Road to the southern end of King Road (at 39°33.886'S, 176°54.171'E); then
- (3) proceeds in a north-easterly direction along the northern side of an unnamed service road to the north of the Mission Stream (at 39°33.862'S, 176°54.239'E); then
- (4) proceeds in a south-easterly direction to the Tutaekuri River (at 39°33.916'S, 176°54.288'E); then
- (5) proceeds in a south-westerly direction along the northern side of the Tutaekuri River embankment (at 39°33.968'S, 176°54.153'E); then
- (6) proceeds in a northerly direction to the northern side of the Mission drain (at 39°33.906'S, 176°54.116'E); then
- (7) proceeds in an easterly direction to the northern side of the Mission drain (at 39°33.892'S, 176°54.155'E); then
- (8) proceeds in a northerly direction to the western side of 175 King Road (at 39°33.829'S, 176°54.143'E); then
- (9) proceeds in an easterly direction to the point described in paragraph (1).

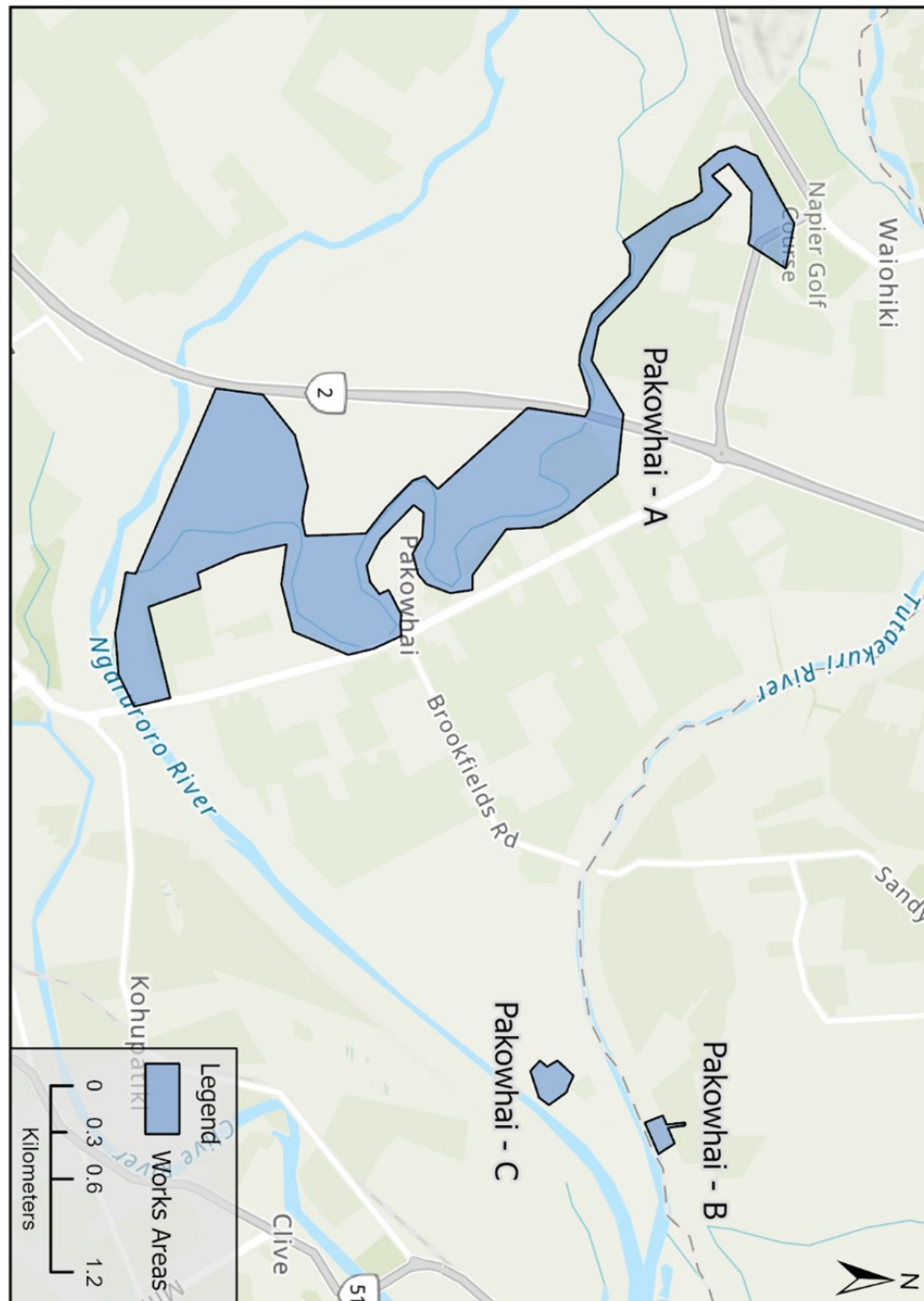
Description of Pakowhai—Area C location

The Pakowhai—Area C location is the area enclosed by a line that—

- (1) commences at the southern side of the Ngaruroro stopbank in Part Puninga 4A4 Block (at 39°34.244'S, 176°54.030'E); then
- (2) proceeds in a south-easterly direction towards the Ngaruroro River (at 39°34.303'S, 176°54.090'E); then
- (3) proceeds in a south-westerly direction along the Ngaruroro River (at 39°34.339'S, 176°54.059'E); then
- (4) proceeds in a westerly direction to the Ngaruroro stopbank (at 39°34.372'S, 176°53.941'E); then
- (5) proceeds in a north-westerly direction to the northern side of the Pakowhai drain (at 39°34.341'S, 176°53.894'E); then
- (6) proceeds in a north-easterly direction along the northern side of the Pakowhai drain (at 39°34.315'S, 176°53.920'E); then
- (7) proceeds in a north-westerly direction to the western side of Farndon Road (at 39°34.279'S, 176°53.890'E); then
- (8) proceeds in a north-easterly direction to the southern corner of Part Puninga 4A4 Block (at 39°34.252'S, 176°53.920'E); then
- (9) proceeds in a north-easterly direction from the southern corner of Part Puninga 4A4 Block (at 39°34.222'S, 176°53.954'E); then
- (10) proceeds in a south-easterly direction to the fence line of Part Puninga 4A4 Block (at 39°34.236'S, 176°54.003'E); then
- (11) proceeds in an easterly direction to the point described in paragraph (1).

Map of Pakowhai—Areas A, B, and C locations

The following map is indicative only and, if there is any inconsistency between the map and any of the above descriptions, the above descriptions prevail.



Description of Pōrangahau location

The Pōrangahau location is the area enclosed by a line that—

- (1) commences at the south-western corner of 2A Abercromby Street (at 40°18.278'S, 176°36.712'E); then
- (2) proceeds in an easterly direction along the southern boundary of 2A Abercromby Street (at 40°18.290'S, 176°36.767'E); then
- (3) proceeds in a north-easterly direction to 40°18.265'S, 176°36.793'E; then
- (4) proceeds in a northerly direction to the northern side of Keppel Street, adjacent to the corner of 25 and 27 Keppel Street (at 40°18.167'S, 176°36.831'E); then
- (5) proceeds in an easterly direction to the north-eastern corner of the intersection of Keppel Street and Jones Street, adjacent to the north-western corner of 8 Jones Street (at 40°18.222'S, 176°37.076'E); then
- (6) proceeds in a southerly direction adjacent to Jones Street, to 40°18.255'S, 176°37.063'E; then
- (7) proceeds in an easterly direction along the southern edge of the access road between 2 Jones Street and 4 Jones Street (at 40°18.264'S, 176°37.102'E); then
- (8) proceeds in a south-easterly direction along the southern edge of the access road between 2 Jones Street and 4 Jones Street (at 40°18.292'S, 176°37.141'E); then
- (9) proceeds in a southerly direction along the southern edge of the access road between 2 Jones Street and 4 Jones Street (at 40°18.320'S, 176°37.147'E); then
- (10) proceeds in a south-easterly direction to 40°18.343'S, 176°37.169'E; then
- (11) proceeds in an easterly direction to 40°18.351'S, 176°37.204'E; then
- (12) proceeds in a southerly direction to the true left bank of the Pōrangahau River (at 40°18.392'S, 176°37.189'E); then
- (13) proceeds in an easterly direction to 40°18.406'S, 176°37.255'E; then
- (14) proceeds in an easterly direction to 40°18.398'S, 176°37.329'E; then
- (15) proceeds in an easterly direction to 40°18.399'S, 176°37.377'E; then
- (16) proceeds in an easterly direction to 40°18.404'S, 176°37.400'E; then
- (17) proceeds in a southerly direction towards the true left bank of the Pōrangahau River (at 40°18.410'S, 176°37.401'E); then
- (18) proceeds in a south-easterly direction to the Pōrangahau River (at 40°18.433'S, 176°37.431'E); then
- (19) proceeds in a southerly direction across to the true right bank of the Pōrangahau River (at 40°18.457'S, 176°37.421'E); then
- (20) proceeds in a westerly direction parallel to the true right bank of the Pōrangahau River (at 40°18.474'S, 176°37.309'E); then

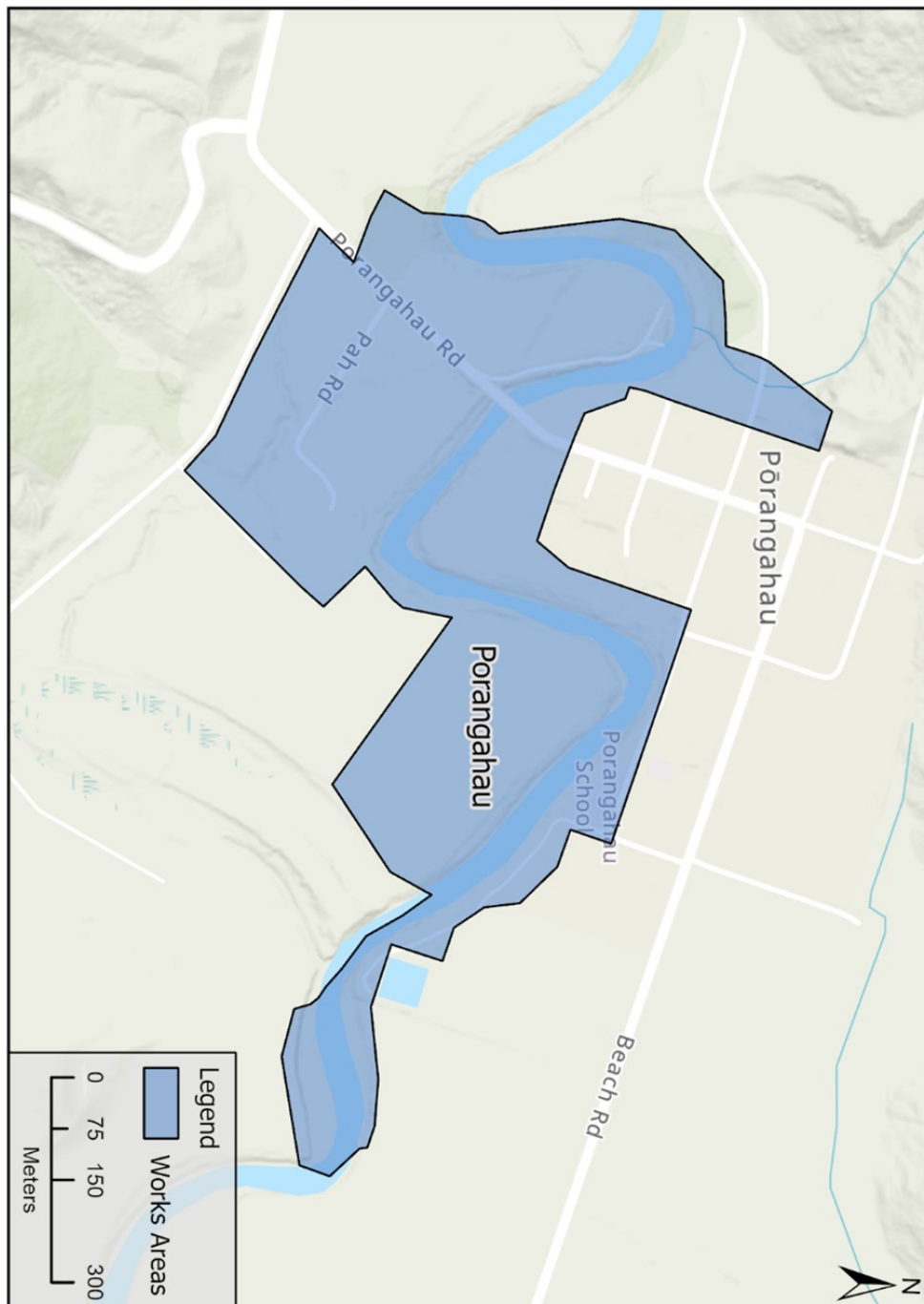
- (21) proceeds in a westerly direction parallel to the true right bank of the Pōrangahau River (at 40°18.466'S, 176°37.260'E); then
- (22) proceeds in a northerly direction to the Pōrongahau River (at 40°18.454'S, 176°37.254'E); then
- (23) proceeds in a north-westerly direction towards the true left bank of the Pōrangahau River (at 40°18.448'S, 176°37.248'E); then
- (24) proceeds in a north-westerly direction generally along the midline of the Pōrongahau River channel (at 40°18.442'S, 176°37.236'E); then
- (25) proceeds in a north-westerly direction generally along the midline of the Pōrongahau River channel (at 40°18.430'S, 176°37.217'E); then
- (26) proceeds in a north-westerly direction generally along the midline of the Pōrongahau River channel (at 40°18.412'S, 176°37.181'E); then
- (27) proceeds in a north-westerly direction generally along the midline of the Pōrongahau River channel (at 40°18.384'S, 176°37.159'E); then
- (28) proceeds in a north-westerly direction generally along the midline of the Pōrongahau River channel (at 40°18.362'S, 176°37.136'E); then
- (29) proceeds in a south-westerly direction to 40°18.395'S, 176°37.114'E; then
- (30) proceeds in a south-westerly direction to 40°18.444'S, 176°37.027'E; then
- (31) proceeds in a north-westerly direction to 40°18.391'S, 176°36.922'E; then
- (32) proceeds in a north-westerly direction to 40°18.355'S, 176°36.849'E; then
- (33) proceeds in a southerly direction parallel to the Pōrongahau River to 40°18.394'S, 176°36.841'E; then
- (34) proceeds in a south-westerly direction parallel to the Pōrongahau River to 40°18.402'S, 176°36.833'E; then
- (35) proceeds in a south-westerly direction parallel to the Pōrongahau River to 40°18.425'S, 176°36.800'E; then
- (36) proceeds in a south-easterly direction from the Pōrangahau River to 40°18.456'S, 176°36.843'E; then
- (37) proceeds in a south-westerly direction to 40°18.476'S, 176°36.823'E; then
- (38) proceeds in a south-westerly direction to Cooks Tooth Road (at 40°18.570'S, 176°36.709'E); then
- (39) proceeds in a north-westerly direction parallel to Cooks Tooth Road (at 40°18.547'S, 176°36.672'E); then
- (40) proceeds in a north-westerly direction parallel to Cooks Tooth Road (at 40°18.519'S, 176°36.587'E); then
- (41) proceeds in a north-westerly direction parallel to Cooks Tooth Road to the north-eastern corner of Pōrangahau Road and Cooks Tooth Road (at 40°18.472'S, 176°36.454'E); then

- (42) proceeds in a north-easterly direction along Pōrangahau Road (at 40°18.444'S, 176°36.487'E); then
- (43) proceeds in a westerly direction across Pōrangahau Road (at 40°18.432'S, 176°36.439'E); then
- (44) proceeds in a north-westerly direction to 40°18.421'S, 176°36.411'E; then
- (45) proceeds in a north-easterly direction to the southern edge of the unnamed road that runs adjacent to the southern side of the Pōrangahau River (at 40°18.391'S, 176°36.433'E); then
- (46) proceeds in a northerly direction across the Pōrangahau River (at 40°18.355'S, 176°36.435'E); then
- (47) proceeds in a northerly direction to the boundary of 109 Keppel Street (at 40°18.342'S, 176°36.440'E); then
- (48) proceeds in a north-easterly direction along the boundary of 109 Keppel Street (at 40°18.330'S, 176°36.451'E); then
- (49) proceeds in a northerly direction along the boundary of 109 Keppel Street (at 40°18.257'S, 176°36.436'E); then
- (50) proceeds in a northerly direction along the boundary of 109 Keppel Street (at 40°18.236'S, 176°36.431'E); then
- (51) proceeds in a northerly direction along the boundary of 109 Keppel Street (at 40°18.214'S, 176°36.435'E); then
- (52) proceeds in a northerly direction along the boundary of 109 Keppel Street (at 40°18.191'S, 176°36.441'E); then
- (53) proceeds in a north-easterly direction parallel to the Pōrangahau River (at 40°18.152'S, 176°36.490'E); then
- (54) proceeds in an easterly direction parallel to the Pōrangahau River (at 40°18.149'S, 176°36.530'E); then
- (55) proceeds in an easterly direction parallel to the Pōrangahau River (at 40°18.147'S, 176°36.558'E); then
- (56) proceeds in a northerly direction towards Keppel Street (at 40°18.130'S, 176°36.564'E); then
- (57) proceeds in a northerly direction to the southern road boundary of Keppel Street (at 40°18.120'S, 176°36.568'E); then
- (58) proceeds in a north-easterly direction across Keppel Street to the northern road boundary (at 40°18.113'S, 176°36.572'E); then
- (59) proceeds in a north-easterly direction to a point generally aligned with the southern road boundary of Dundas Street (at 40°18.062'S, 176°36.621'E); then
- (60) proceeds in an easterly direction along the southern road boundary of Dundas Street to the north-western corner of 2 Dundas Street (at 40°18.071'S, 176°36.662'E); then

- (61) proceeds in a southerly direction along the western boundaries of 2 Dundas Street, 1 Keppel Street, and 2 Keppel Street to the south-western corner of 1 Franklin Street (at 40°18.186'S, 176°36.617'E); then
- (62) proceeds in a southerly direction along the western boundary of 6 Franklin Street (at 40°18.209'S, 176°36.607'E); then
- (63) proceeds in a southerly direction to the south-western corner of 6 Franklin Street (at 40°18.222'S, 176°36.604'E); then
- (64) proceeds in an easterly direction to the approximate centre of the southern boundary of 6 Franklin Street (at 40°18.225'S, 176°36.617'E); then
- (65) proceeds in a southerly direction to the southernmost boundary point of 9 Abercromby Street (at 40°18.257'S, 176°36.633'E); then
- (66) proceeds in a south-easterly direction along the southern boundary of 3 and 5 Abercromby Street (at 40°18.264'S, 176°36.658'E); then
- (67) proceeds in an easterly direction across Abercromby Street to the point described in paragraph (1).

Map of Pōrangahau location

The following map is indicative only and, if there is any inconsistency between the map and the above description, the above description prevails.



Description of Waiohiki location

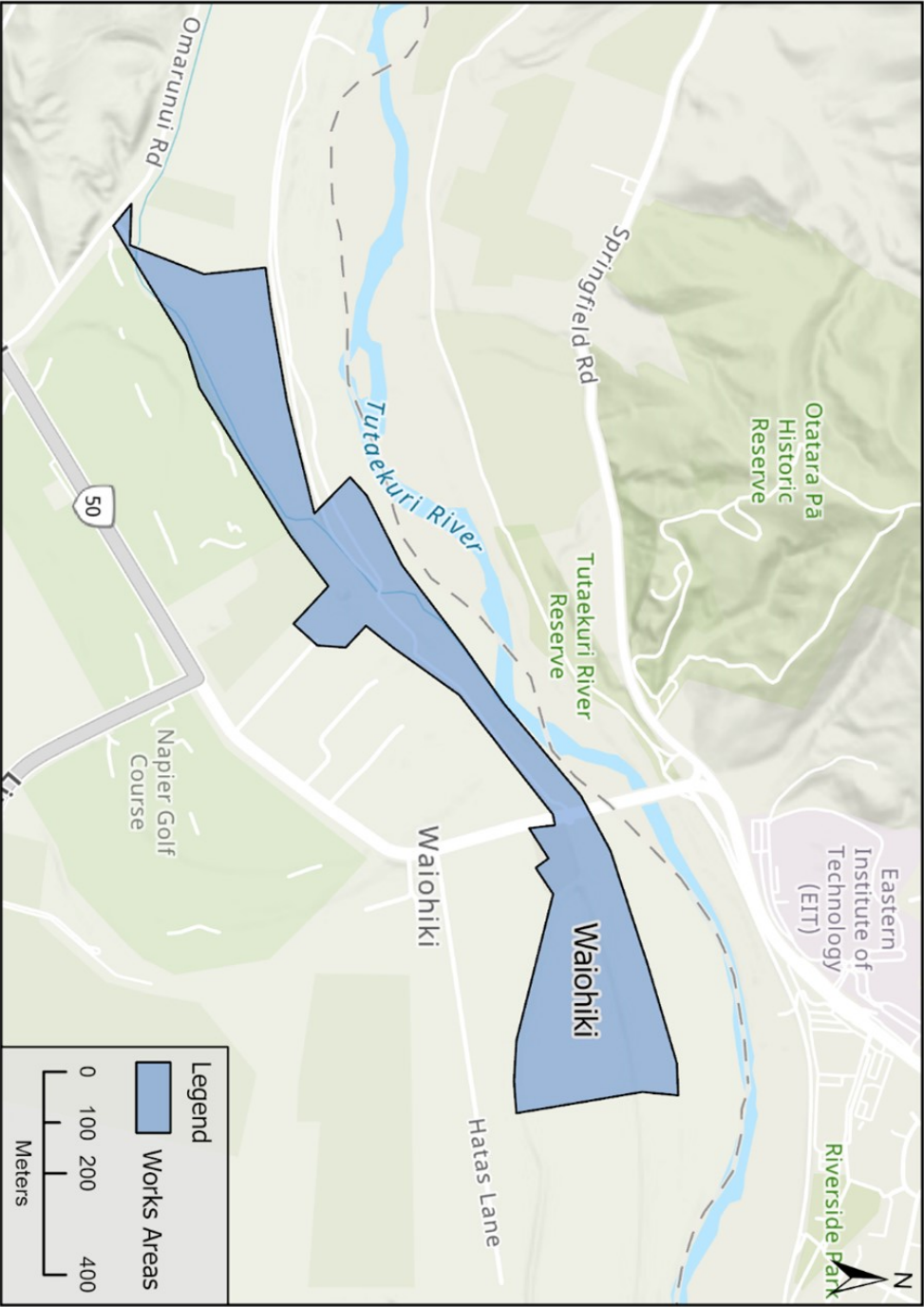
The Waiohiki location is the area enclosed by a line that—

- (1) commences at the westernmost point of 96 Waiohiki Road (at 39°33.327'S, 176°49.939'E); then
- (2) proceeds in a south-easterly direction along the boundary line to the northernmost point of 106 Waiohiki Road (at 39°33.348'S, 176°49.970'E); then
- (3) proceeds in a southerly direction to the south-eastern boundary of 106 Waiohiki Road (at 39°33.378'S, 176°49.969'E); then
- (4) proceeds in a south-westerly direction across Victoria Lane to the south-western boundary of 114 Waiohiki Road (at 39°33.404'S, 176°49.941'E); then
- (5) proceeds in a north-westerly direction along the boundary of 1176 Korokipo Road (at 39°33.369'S, 176°49.887'E); then
- (6) proceeds in a south-westerly direction to 39°33.412'S, 176°49.818'E; then
- (7) proceeds in a south-westerly direction to 39°33.515'S, 176°49.622'E; then
- (8) proceeds in a westerly direction to 39°33.531'S, 176°49.564'E; then
- (9) proceeds in a south-westerly direction to the northern side of Omarunui Road (at 39°33.614'S, 176°49.405'E); then
- (10) proceeds in a north-westerly direction parallel to Omarunui Road (at 39°33.595'S, 176°49.373'E); then
- (11) proceeds in an easterly direction along the boundary of 46 Omarunui Road (at 39°33.595'S, 176°49.430'E); then
- (12) proceeds in a northerly direction along the boundary of 46 Omarunui Road (at 39°33.515'S, 176°49.466'E); then
- (13) proceeds in a northerly direction along the boundary of 46 Omarunui Road to the stopbank on the true right bank of the Tutaekuri River (at 39°33.450'S, 176°49.453'E); then
- (14) proceeds in an easterly direction along the stopbank on the true right bank of the Tutaekuri River, intersecting each of the following points: 39°33.443'S, 176°49.506'E; 39°33.421'S, 176°49.636'E; 39°33.387'S, 176°49.788'E; then
- (15) proceeds in a north-westerly direction across the stopbank to the true right bank of the Tutaekuri River (at 39°33.351'S, 176°49.736'E); then
- (16) proceeds in a north-easterly direction generally parallel to the alignment of the Tutaekuri River channel, intersecting each of the following points: 39°33.332'S, 176°49.761'E; 39°33.292'S, 176°49.853'E; 39°33.223'S, 176°49.962'E; 39°33.178'S, 176°50.037'E; 39°33.092'S, 176°50.159'E; then
- (17) proceeds in a north-easterly direction across Waiohiki Road to 39°33.058'S, 176°50.233'E; then

- (18) proceeds in an easterly direction generally parallel with the Tutaekuri River channel, intersecting each of the following points: 39°33.012'S, 176°50.390'E; 39°32.978'S, 176°50.521'E; 39°32.974'S, 176°50.565'E; then
- (19) proceeds in a southerly direction to 39°33.013'S, 176°50.563'E; then
- (20) proceeds in a southerly direction to the north-western corner of 59C Waiohiki Road (at 39°33.146'S, 176°50.599'E); then
- (21) proceeds in a westerly direction to the north-western corner of 59A Waiohiki Road (at 39°33.150'S, 176°50.555'E); then
- (22) proceeds in a westerly direction to 39°33.149'S, 176°50.500'E; then
- (23) proceeds in a westerly direction to the easternmost corner of 35 Waiohiki Road (at 39°33.117'S, 176°50.296'E); then
- (24) proceeds in a south-westerly direction along the boundary of 35 Waiohiki Road (at 39°33.136'S, 176°50.261'E); then
- (25) proceeds in a north-westerly direction along the boundary of 35 Waiohiki Road (at 39°33.123'S, 176°50.248'E); then
- (26) proceeds in a south-westerly direction to the south-western corner of 37 Waiohiki Road (at 39°33.145'S, 176°50.207'E); then
- (27) proceeds in a northerly direction to 33 Waiohiki Road (at 39°33.117'S, 176°50.202'E); then
- (28) proceeds in a westerly direction across Waiohiki Road to 39°33.120'S, 176°50.187'E; then
- (29) proceeds in a south-westerly direction along the stopbank to the northern boundary of 18 Ngati Hinewera Lane (at 39°33.225'S, 176°50.028'E); then
- (30) proceeds in a south-westerly direction to the northern corner of 96 Waiohiki Road (at 39°33.297'S, 176°49.967'E); then
- (31) proceeds in a south-westerly direction to the point described in paragraph (1).

Map of Waiohiki location

The following map is indicative only and, if there is any inconsistency between the map and the above description, the above description prevails.



Description of Wairoa—Area A location

The Wairoa—Area A location is the area enclosed by a line that—

- (1) commences at 68 Pakowhai Road, Frasertown (at 38°57.874'S, 177°23.927'E); then
- (2) proceeds in a southerly direction to the southern boundary of 68 Pakowhai Road (at 38°57.907'S, 177°23.923'E); then
- (3) proceeds in an easterly direction along Pakowhai Road to the southern boundary of 36 Pakowhai Road (at 38°57.893'S, 177°24.148'E); then
- (4) proceeds in a northerly direction to the northern boundary of 36 Pakowhai Road (at 38°57.840'S, 177°24.146'E); then
- (5) proceeds in an easterly direction to the eastern boundary of 34 Pakowhai Road (at 38°57.840'S, 177°24.188'E); then
- (6) proceeds in a southerly direction to the southern boundary of 34 Pakowhai Road (at 38°57.891'S, 177°24.190'E); then
- (7) proceeds in an easterly direction to the intersection of Pakowhai Road and Lake Road (at 38°57.879'S, 177°24.339'E); then
- (8) proceeds in a south-easterly direction to the true right bank of the Wairoa River (at 38°57.910'S, 177°24.358'E); then
- (9) proceeds in a westerly direction along the true right bank of the Wairoa River (at 38°57.931'S, 177°24.294'E); then
- (10) proceeds in a westerly direction along the true right bank of the Wairoa River (at 38°57.953'S, 177°24.162'E); then
- (11) proceeds in a westerly direction along the true right bank of the Wairoa River (at 38°57.960'S, 177°24.060'E); then
- (12) proceeds in a westerly direction along the true right bank of the Wairoa River (at 38°57.956'S, 177°23.838'E); then
- (13) proceeds in a northerly direction to the southern side of Pakowhai Road (at 38°57.908'S, 177°23.842'E); then
- (14) proceeds in a north-westerly direction to the western boundary of 94 Pakowhai Road (at 38°57.858'S, 177°23.801'E); then
- (15) proceeds in a northerly direction to the north-western corner of 94 Pakowhai Road (at 38°57.798'S, 177°23.769'E); then
- (16) proceeds in an easterly direction to the northern boundary of 94 Pakowhai Road (at 38°57.796'S, 177°23.855'E); then
- (17) proceeds in an easterly direction to the western boundary of 68 Pakowhai Road (Pakowhai 8B Block) (at 38°57.797'S, 177°23.881'E); then
- (18) proceeds in a southerly direction to the western boundary of 68 Pakowhai Road (at 38°57.843'S, 177°23.881'E); then

- (19) proceeds in an easterly direction to 68 Pakowhai Road (at 38°57.842'S, 177°23.950'E); then
- (20) proceeds in a southerly direction to 68 Pakowhai Road (at 38°57.871'S, 177°23.950'E); then
- (21) proceeds in a westerly direction to the point described in paragraph (1).

Description of Wairoa—Area B location

The Wairoa—Area B location is the area enclosed by a line that—

- (1) commences at 210 Railway Road between the Wairoa Aerodrome and the Palmerston North–Gisborne Railway Line (at 39°0.613'S, 177°23.935'E); then
- (2) proceeds in a southerly direction to the eastern side of 78 Airport Road (at 39°1.209'S, 177°24.288'E); then
- (3) proceeds in a southerly direction to the eastern side of Railway Road (at 39°1.323'S, 177°24.332'E); then
- (4) proceeds in a south-easterly direction to 13 Railway Road (at 39°1.401'S, 177°24.394'E); then
- (5) proceeds in a south-easterly direction to 45 Ormond Road (at 39°1.460'S, 177°24.520'E); then
- (6) proceeds in an easterly direction to the north-western corner of 13A Ruataniwha Road (at 39°1.470'S, 177°24.676'E); then
- (7) proceeds in an easterly direction to the northern boundary of 6 Ruataniwha Road (Lot 2 DP 23601) (at 39°1.468'S, 177°24.711'E); then
- (8) proceeds in an easterly direction to the north-eastern boundary of 6 Ruataniwha Road (Lot 2 DP 23601) (at 39°1.471'S, 177°24.744'E); then
- (9) proceeds in a southerly direction to the centre of 6 Ruataniwha Road (Tauma-taoteo 28C1C Block) (at 39°1.531'S, 177°24.746'E); then
- (10) proceeds in a southerly direction to the centre of 4 Ruataniwha Road (at 39°1.556'S, 177°24.757'E); then
- (11) proceeds in a south-easterly direction to 2 Crarer Street (at 39°1.648'S, 177°24.853'E); then
- (12) proceeds in a south-easterly direction to the north-eastern corner of 3 Carroll Street (at 39°1.751'S, 177°24.999'E); then
- (13) proceeds in a southerly direction to the south-eastern corner of 3 Carroll Street (at 39°1.827'S, 177°24.997'E); then
- (14) proceeds in a south-easterly direction to the Wairoa State Highway 2 Bridge (at 39°1.926'S, 177°25.111'E); then
- (15) proceeds in a southerly direction to the north-western corner of State Highway 2 and Marine Parade (at 39°1.971'S, 177°25.1'E); then

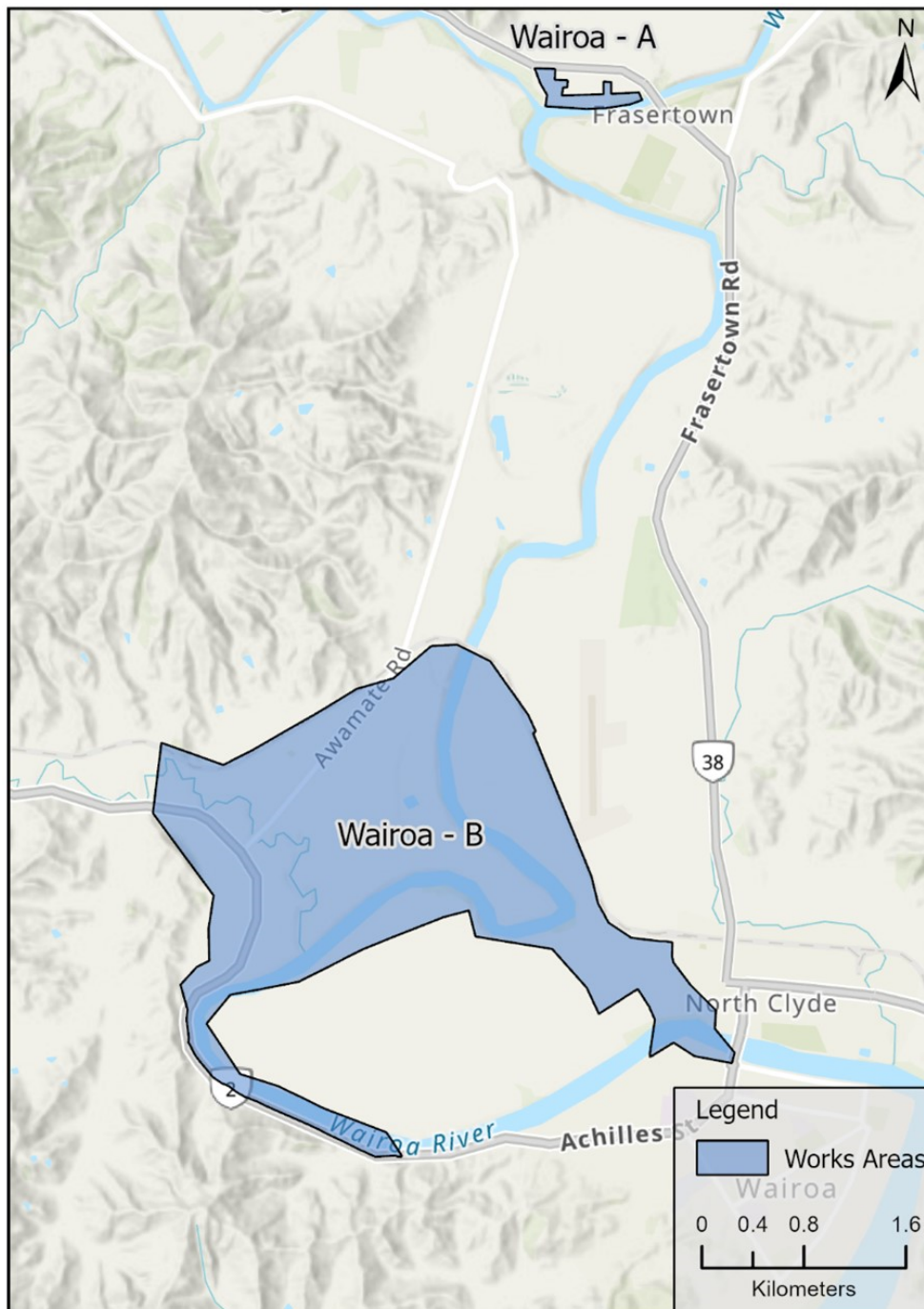
- (16) proceeds in a westerly direction to Alexandra Park, on the corner of King Street and Marine Parade (at 39°1.950'S, 177°24.895'E); then
- (17) proceeds in a north-westerly direction to the western boundary of Alexandra Park (at 39°1.895'S, 177°24.777'E); then
- (18) proceeds in a south-westerly direction to the north-western end of Churchill Avenue (at 39°1.962'S, 177°24.655'E); then
- (19) proceeds in a northerly direction to the true right bank of the Wairoa River next to Churchill Avenue (at 39°1.949'S, 177°24.652'E); then
- (20) proceeds in a northerly direction to the southern end of 13 Waihirere Road (Taumataoteo 26A Block) (at 39°1.803'S, 177°24.670'E); then
- (21) proceeds in a north-westerly direction to the centre of 13 Waihirere Road (Taumataoteo 26A Block) (at 39°1.748'S, 177°24.636'E); then
- (22) proceeds in a north-westerly direction to the northern side of Waihirere Road (at 39°1.676'S, 177°24.569'E); then
- (23) proceeds in a south-westerly direction along the northern side of Waihirere Road to 39°1.703'S, 177°24.520'E; then
- (24) proceeds in a south-westerly direction to the southern boundary of 70 Waihirere Road (Taumataoteo 20A Block) (at 39°1.789'S, 177°24.364'E); then
- (25) proceeds in a north-westerly direction to the northern boundary of 70 Waihirere Road (Part Taumataoteo 20A Block) (at 39°1.682'S, 177°24.293'E); then
- (26) proceeds in a north-westerly direction to the north-western corner of 75 Ruataniwha Road (at 39°1.525'S, 177°24.094'E); then
- (27) proceeds in a westerly direction to the south-western corner of 144 Ruataniwha Road (at 39°1.487'S, 177°23.676'E); then
- (28) proceeds in a northerly direction to the centre of 144 Ruataniwha Road (Te Rato 3D3C2C2A Block) (at 39°1.378'S, 177°23.632'E); then
- (29) proceeds in a westerly direction to the western side of 158 Ruataniwha Road (Te Rato 3B3D Block) (at 39°1.412'S, 177°23.497'E); then
- (30) proceeds in a westerly direction to the eastern side of 198 Ruataniwha Road (Te Rato 3A2D Block) (at 39°1.503'S, 177°23.234'E); then
- (31) proceeds in a westerly direction to the centre of 232 Ruataniwha Road (at 39°1.564'S, 177°23.067'E); then
- (32) proceeds in a south-westerly direction to the western side of 274 Ruataniwha Road (at 39°1.715'S, 177°22.732'E); then
- (33) proceeds in a westerly direction to the true left bank of the Wairoa River, intersecting each of the following points: 39°1.753'S, 177°22.532'E; 39°1.785'S, 177°22.362'E; then
- (34) proceeds in a south-westerly direction to the true left bank of the Waiora River (at 39°1.911'S, 177°22.241'E); then

- (35) proceeds in a south-easterly direction to the true left bank of the Waiora River, intersecting each of the following points: 39°2.118'S, 177°22.436'E; 39°2.161'S, 177°22.647'E; 39°2.247'S, 177°22.904'E; 39°2.335'S, 177°23.244'E; then
- (36) proceeds in a south-easterly direction across the Waiora River to 39°2.428'S, 177°23.332'E; then
- (37) proceeds in a southerly direction to the north-eastern corner of 287 State Highway 2 (Lot 3 DP 1484) (at 39°2.435'S, 177°23.332'E); then
- (38) proceeds in a westerly direction to the north-eastern corner of 287 State Highway 2 (Lot 3 DP 1484) (at 39°2.434'S, 177°23.304'E); then
- (39) proceeds in a northerly direction to the north-eastern corner of 287 State Highway 2 (Lot 3 DP 1484) (at 39°2.431'S, 177°23.304'E); then
- (40) proceeds in a westerly direction to the southern side of State Highway 2 (at 39°2.441'S, 177°23.189'E); then
- (41) proceeds in a north-westerly direction along the southern side of State Highway 2, intersecting each of the following points: 39°2.420'S, 177°23.125'E; 39°2.411'S, 177°23.096'E; 39°2.401'S, 177°23.064'E; 39°2.377'S, 177°22.996'E; 39°2.350'S, 177°22.915'E; 39°2.336'S, 177°22.874'E; 39°2.323'S, 177°22.833'E; 39°2.254'S, 177°22.603'E; 39°2.231'S, 177°22.535'E; 39°2.212'S, 177°22.466'E; 39°2.195'S, 177°22.420'E; 39°2.172'S, 177°22.379'E; 39°2.159'S, 177°22.336'E; 39°2.136'S, 177°22.289'E; 39°2.106'S, 177°22.253'E; 39°2.074'S, 177°22.216'E; 39°2.042'S, 177°22.184'E; 39°2.002'S, 177°22.154'E; 39°1.995'S, 177°22.147'E; 39°1.975'S, 177°22.149'E; 39°1.948'S, 177°22.143'E; 39°1.903'S, 177°22.134'E; 39°1.892'S, 177°22.132'E; 39°1.856'S, 177°22.134'E; 39°1.751'S, 177°22.091'E; 39°1.673'S, 177°22.174'E; 39°1.644'S, 177°22.241'E; 39°1.509'S, 177°22.228'E; 39°1.366'S, 177°22.247'E; then
- (42) proceeds in a north-westerly direction to the northern boundary of 591 State Highway 2 (at 39°1.030'S, 177°21.895'E); then
- (43) proceeds in a northerly direction to the bottom half of 103 Huramua Road West (north of the Palmerston North–Gisborne Railway Line) (at 39°0.730'S, 177°21.923'E); then
- (44) proceeds in an easterly direction along the southern boundary of 103 Huramua Road West (at 39°0.812'S, 177°22.264'E); then
- (45) proceeds in a north-easterly direction along the south-eastern boundary of 103 Huramua Road West (at 39°0.745'S, 177°22.415'E); then
- (46) proceeds in a north-easterly direction to the eastern boundary of 103 Huramua Road West (at 39°0.655'S, 177°22.596'E); then
- (47) proceeds in a north-easterly direction along the south-eastern boundary 44 Huramua Road West (at 39°0.574'S, 177°22.756'E); then

- (48) proceeds in a north-easterly direction to the eastern boundary of 44 Huramua Road West (at 39°0.462'S, 177°22.969'E); then
- (49) proceeds in an easterly direction to the western boundary of 194 Awamate Road (at 39°0.411'S, 177°23.164'E); then
- (50) proceeds in a north-easterly direction to the northern boundary of 198 Awamate Road (at 39°0.265'S, 177°23.360'E); then
- (51) proceeds in an easterly direction to the north-eastern boundary of 198 Awamate Road (at 39°0.255'S, 177°23.499'E); then
- (52) proceeds in a south-easterly direction to the northern boundary of 177 Railway Road (at 39°0.318'S, 177°23.684'E); then
- (53) proceeds in a south-easterly direction to the north-western boundary of 85 Airport Road (Lot 3 DP 16115) (at 39°0.538'S, 177°23.905'E); then
- (54) proceeds in a southerly direction to the north-western boundary of 85 Airport Road (at 39°0.607'S, 177°23.948'E); then
- (55) proceeds in a south-westerly direction to the point described in paragraph (1).

Map of Wairoa—Areas A and B locations

The following map is indicative only and, if there is any inconsistency between the map and any of the above descriptions, the above descriptions prevail.



Description of Whirinaki location

The Whirinaki location is the area enclosed by a line that—

- (1) commences at the property boundary near the south-western corner of 1161 State Highway 2, Eskdale, Napier (at 39°22.815'S, 176°53.178'E); then
- (2) proceeds in a south-westerly direction parallel to the Whirinaki Stream to 39°22.848'S, 176°53.161'E; then
- (3) proceeds in a north-westerly direction towards the Whirinaki Stream (at 39°22.847'S, 176°53.156'E); then
- (4) proceeds in a south-westerly direction to the southern boundary of 1161 State Highway 2, Eskdale, Napier (at 39°22.856'S, 176°53.151'E); then
- (5) proceeds in a south-easterly direction to the bank on the southern side of the culvert, intersecting each of the following points: 39°22.861'S, 176°53.158'E; 39°22.877'S, 176°53.149'E; 39°23.051'S, 176°53.068'E; 39°23.103'S, 176°53.081'E; 39°23.173'S, 176°53.106'E; 39°23.066'S, 176°53.242'E; then
- (6) proceeds in a north-easterly direction to 39°23.028'S, 176°53.291'E; then
- (7) proceeds in a south-easterly direction, across to the eastern side of State Highway 2 to 1078 State Highway 2, intersecting each of the following points: 39°23.053'S, 176°53.319'E; 39°23.079'S, 176°53.281'E; 39°23.111'S, 176°53.239'E; 39°23.171'S, 176°53.161'E; then
- (8) proceeds in a southerly direction to 39°23.192'S, 176°53.155'E; then
- (9) proceeds in a southerly direction to the boundary of 1078 State Highway 2, bordering North Shore Road (at 39°23.214'S, 176°53.160'E); then
- (10) proceeds in a south-easterly direction along the property boundary to 39°23.220'S, 176°53.180'E; then
- (11) proceeds in a south-westerly direction, across North Shore Road to 39°23.231'S, 176°53.175'E; then
- (12) proceeds in a south-easterly direction to the south-western corner of North Shore Road and Pohutukawa Drive (at 39°23.257'S, 176°53.261'E); then
- (13) proceeds in a southerly direction, adjacent to Pohutukawa Drive, to a point opposite 19 Pohutukawa Drive (at 39°23.395'S, 176°53.207'E); then
- (14) proceeds in a southerly direction adjacent to Pohutukawa Drive, to a point opposite the eastern boundary of 41 Pohutakawa Drive (at 39°23.573'S, 176°53.137'E); then
- (15) proceeds in a southerly direction, adjacent to Pohutukawa Drive, to the south-western corner of Pohutukawa Drive (at 39°23.591'S, 176°53.129'E); then
- (16) proceeds in a south-easterly direction, adjacent to Pohutukawa Drive, to 39°23.598'S, 176°53.148'E; then
- (17) proceeds in a south-westerly direction, away from Pohutukawa Drive, along the inside of the property boundary to 39°23.626'S, 176°53.130'E; then

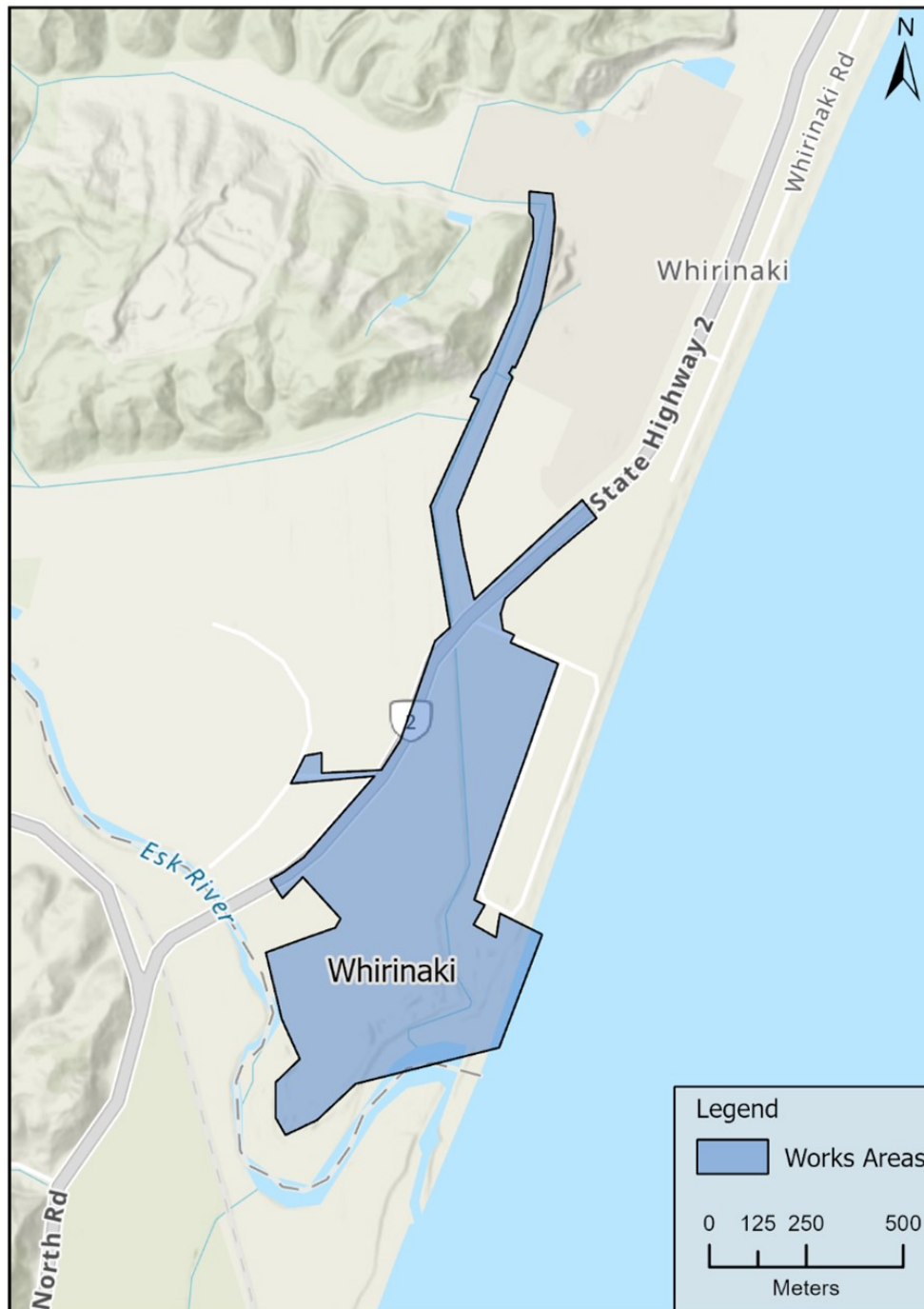
- (18) proceeds in a south-easterly direction to 39°23.642'S, 176°53.171'E; then
- (19) proceeds in a northerly direction towards the southern side of Pohutukawa Drive (at 39°23.608'S, 176°53.177'E); then
- (20) proceeds in a south-easterly direction to 39°23.622'S, 176°53.213'E; then
- (21) proceeds in a south-easterly direction to the low-tide mark of Whirinaki Beach (at 39°23.636'S, 176°53.253'E); then
- (22) proceeds in a southerly direction along the low-tide mark (at 39°23.795'S, 176°53.186'E); then
- (23) proceeds in a westerly direction towards the true left bank of the Esk River (at 39°23.855'S, 176°52.930'E); then
- (24) proceeds in a south-westerly direction to 39°23.907'S, 176°52.865'E; then
- (25) proceeds in a south-westerly direction to 39°23.931'S, 176°52.809'E; then
- (26) proceeds in a north-westerly direction to 39°23.907'S, 176°52.790'E; then
- (27) proceeds in a northerly direction to 996 State Highway 2 (at 39°23.858'S, 176°52.787'E); then
- (28) proceeds in a north-easterly direction along the boundary of 996 State Highway 2, (at 39°23.824'S, 176°52.829'E); then
- (29) proceeds in a north-westerly direction along the boundary of 996 State Highway 2 (at 39°23.769'S, 176°52.793'E); then
- (30) proceeds in a northerly direction, adjacent to the Esk River, to 39°23.678'S, 176°52.760'E; then
- (31) proceeds in an easterly direction across 996 State Highway 2 (at 39°23.656'S, 176°52.825'E); then
- (32) proceeds in an easterly direction across 996 State Highway 2 (at 39°23.639'S, 176°52.882'E); then
- (33) proceeds in a north-easterly direction across 996 State Highway 2 (at 39°23.625'S, 176°52.891'E); then
- (34) proceeds in a north-westerly direction towards the eastern side of State Highway 2 (at 39°23.570'S, 176°52.820'E); then
- (35) proceeds in a south-westerly direction generally parallel to State Highway 2 (at 39°23.601'S, 176°52.785'E); then
- (36) proceeds in a north-westerly direction to the northern side of State Highway 2 (at 39°23.575'S, 176°52.762'E); then
- (37) proceeds in a north-easterly direction adjacent to State Highway 2 (at 39°23.564'S, 176°52.786'E); then
- (38) proceeds in a north-easterly direction adjacent to State Highway 2 (at 39°23.554'S, 176°52.802'E); then

- (39) proceeds in a north-easterly direction adjacent to State Highway 2 (at 39°23.542'S, 176°52.820'E); then
- (40) proceeds in a north-easterly direction adjacent to State Highway 2, to the south-western corner of Taits Road (at 39°23.425'S, 176°52.941'E); then
- (41) proceeds in a westerly direction parallel to Taits Road, to the south-east corner of Taits Road and Pa Road (at 39°23.440'S, 176°52.791'E); then
- (42) proceeds in a north-easterly direction across the Taits Road and Pa Road intersection to 39°23.401'S, 176°52.815'E; then
- (43) proceeds in an easterly direction to 39°23.396'S, 176°52.845'E; then
- (44) proceeds in a southerly direction to the northern side of Taits Road (at 39°23.424'S, 176°52.846'E); then
- (45) proceeds in an easterly direction adjacent to Taits Road to the north-western corner of Taits Road and State Highway 2 (at 39°23.416'S, 176°52.953'E); then
- (46) proceeds in a north-easterly direction through the eastern and northern boundaries of 1001 State Highway 2 (at 39°23.375'S, 176°52.984'E); then
- (47) proceeds in a northerly direction to the northern side of the driveway access to 1023 State Highway 2, Eskdale, Napier (at 39°23.304'S, 176°53.012'E); then
- (48) proceeds in a northerly direction parallel to State Highway 2 (at 39°23.233'S, 176°53.039'E); then
- (49) proceeds in a north-easterly direction parallel to State Highway 2 (at 39°23.214'S, 176°53.065'E); then
- (50) proceeds in a northerly direction away from State Highway 2 along the Whirinaki Stream (at 39°23.099'S, 176°53.034'E); then
- (51) proceeds in a northerly direction along the Whirinaki Stream (at 39°23.046'S, 176°53.02'E); then
- (52) proceeds in a north-easterly direction along the Whirinaki Stream (at 39°22.895'S, 176°53.099'E); then
- (53) proceeds in a westerly direction to 39°22.891'S, 176°53.084'E; then
- (54) proceeds in a north-easterly direction along the generally north-south-running unnamed road, intersecting each of the following points: 39°22.870'S, 176°53.096'E; 39°22.859'S, 176°53.102'E; 39°22.851'S, 176°53.111'E; 39°22.814'S, 176°53.131'E; 39°22.757'S, 176°53.158'E; 39°22.741'S, 176°53.162'E; 39°22.669'S, 176°53.184'E; 39°22.640'S, 176°53.182'E; then
- (55) proceeds in a north-westerly direction towards the east-west-running unnamed road (at 39°22.631'S, 176°53.174'E); then
- (56) proceeds in a northerly direction across the east-west-running unnamed road (at 39°22.602'S, 176°53.173'E); then
- (57) proceeds in an easterly direction to 39°22.604'S, 176°53.215'E; then
- (58) proceeds in a southerly direction to 39°22.636'S, 176°53.221'E; then

- (59) proceeds in a southerly direction generally parallel to the eastern side of the Whirinaki Stream, intersecting each of the following points: 39°22.689'S, 176°53.218'E; 39°22.744'S, 176°53.207'E; 39°22.763'S, 176°53.203'E; 39°22.784'S, 176°53.192'E; then
- (60) proceeds in a southerly direction generally parallel to the eastern side of the Whirinaki stream to the point described in paragraph (1).

Map of Whirinaki location

The following map is indicative only and, if there is any inconsistency between the map and the above description, the above description prevails.



Schedule 2

Conditions of resource consents

cl 17(2)

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Preliminary matters

1 Compliance with specified documents accompanying consent application

- (1) The consent holder must carry out all activities included in the flood protection works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent:
 - (a) [*consent authority to complete*]:
 - (b) [*consent authority to complete*]:
 - (c) [*consent authority to complete*]:
 - (d) [*consent authority to complete*].
- (2) However, if there is a conflict between a condition imposed on the resource consent and a requirement in any document referred to in subclause (1), the imposed condition prevails.

2 Duration of resource consent

- (1) The period for which this resource consent has been granted is [*consent authority to insert period that is not more than 5 years*] after the date of commencement of the consent.
- (2) This resource consent lapses on [*consent authority to insert date that is no later than 2 years after date of commencement of consent*].

3 Definitions

In this schedule,—

CEMP means the Construction Environment Management Plan required by clause 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 clause 5 of this schedule

cultural monitors means the cultural monitors appointed by relevant Māori entities under clause 4(3) of this schedule

earthworks principles means the principles set out in clause 12 of this schedule

ecology principles means the principles set out in clause 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 clause 13(1) of this schedule

ESCP means an erosion and sediment control plan prepared under clause 14 of this schedule

HBRC means Hawke's Bay Regional Council

HBRC Erosion and Sediment Guidelines means the *Hawke's Bay Regional Council Waterway Guidelines: Erosion and Sediment Control*, published by HBRC in April 2009

HBRC Pest Management Plan means the *Hawke's Bay Regional Council Regional Pest Management Plan 2018-2038*, published by HBRC in February 2023

HBRC River Control Code means the *Hawke's Bay Regional Council Environmental Code of Practice for River Control and Waterway Works*, published by HBRC in February 2017

HBRC Stormwater Management Guidelines means the *Hawke's Bay Regional Council Waterway Guidelines: Stormwater Management*, published by HBRC in May 2009

Manager Compliance means the person employed by HBRC as manager of compliance

Māori entity representative means a person appointed as a representative under clause 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

Project Ecologist means a suitably qualified and experienced ecologist appointed by the consent holder.

Engagement and communications

4 Māori entities representatives

- (1) 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.
- (2) The consent holder must issue the invitations at least 20 days before the flood protection works begin.
- (3) The relevant Māori entities may appoint a team of cultural monitors to—
 - (a) support the Māori entities representatives; and
 - (b) 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.
- (4) 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:
 - (a) the scope of the representatives' role and responsibilities;
 - (b) time frames for decisions, advice, and actions;
 - (c) support for the representatives;
 - (d) remuneration for the representatives.
- (5) In developing the terms of reference, the consent holder must—
 - (a) convene discussions with all relevant Māori entities; and
 - (b) use its best endeavours to achieve consensus on all matters.
- (6) If consensus on all matters is not achieved, the remaining matters must be determined—
 - (a) by a majority vote; or
 - (b) if votes are tied, by the casting vote of the consent holder.

5 Guidance on cultural indicators

- (1) The guidance provided under clause 4(3)(b) of this schedule must focus on indicators covering all identified traditional associations,—

- (a) including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and
- (b) derived from identified cultural values and any cultural assessment conducted by the cultural monitors.
- (2) The consent holder must, in preparing all plans required by these conditions,—
 - (a) take all applicable cultural indicators into account; and
 - (b) report to the Māori entities representatives how those indicators have been taken into account.

6 Stakeholder advisory group

- (1) The representatives appointed under subclauses (2) and (4) and the Māori entities representatives form the **stakeholder advisory group**.
- (2) The consent holder must invite the following persons to appoint representatives to be members of the stakeholder advisory group:
 - (a) the owners and occupiers of land on which the flood protection works are carried out and all adjoining land;
 - (b) all persons who made comments under clause 15;
 - (c) 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;
 - (d) the Manager Compliance;
 - (e) Heritage New Zealand Pouhere Taonga;
 - (f) the Department of Conservation;
 - (g) the Māori entities representatives.
- (3) The consent holder must issue the invitations at least 20 days before the flood protection works begin.
- (4) After the flood protection works begin, the consent holder may invite further persons or bodies to appoint representatives to the stakeholder advisory group.
- (5) 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.
- (6) The consent holder must develop terms of reference for the role of the stakeholder advisory group, including in relation to the following:
 - (a) frequency of meetings;
 - (b) processes and methods for the performance of the group's role.
- (7) In developing the terms of reference, the consent holder must—
 - (a) convene discussions with all members of the group; and

- (b) use its best endeavours to achieve consensus on all matters at the group's first meeting.
- (8) If consensus on all matters is not achieved at the first meeting, the remaining matters must be determined—
 - (a) by a majority vote; or
 - (b) if votes are tied, by the casting vote of the consent holder.

7 Operation of stakeholder advisory group

- (1) The role of the stakeholder advisory group is to inform and advise the consent holder about managing and monitoring the flood protection works.
- (2) The consent holder must—
 - (a) record all information and advice provided by the stakeholder advisory group; and
 - (b) report to the group how the information and advice have been taken into account in the carrying out of the flood protection works.

8 Project Engagement Lead

- (1) The consent holder must appoint a person as Project Engagement Lead to act as the consent holder's main point of contact with—
 - (a) the Māori entities representatives; and
 - (b) the stakeholder advisory group.
- (2) The consent holder must ensure that the Project Engagement Lead is reasonably available to perform their role under this clause.
- (3) 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 Communications plan

- (1) The consent holder must develop and implement a communications plan for the duration of construction works.
- (2) The communication plan must contain detailed processes for communications, throughout the construction works, with the following:
 - (a) the general public;
 - (b) local residents and businesses;
 - (c) the Māori entities representatives;
 - (d) the persons and bodies represented by the stakeholder advisory group;
 - (e) all other persons potentially affected by the construction works.
- (3) The communications plan must include the following:

- (a) 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;
 - (b) the contact details of the Project Engagement Lead;
 - (c) a list of all persons and bodies who will be communicated with under the plan;
 - (d) how any comments or concerns about the construction works should be communicated by those persons and bodies;
 - (e) details of proposed communication activities by the Project Engagement Lead, including notifications and other communications with any persons and bodies referred to in paragraph (c);
 - (f) information about when the communications plan will be reviewed (and amended, if necessary).
- (4) The consent holder must give to the Manager Compliance—
- (a) the initial communications plan at least 20 working days before construction works begin; and
 - (b) any amended plan, as soon as practicable after the amendment.

Construction environmental management plan

10 Construction environmental management plan

- (1) The consent holder must—
- (a) prepare a construction environmental management plan for the flood protection works; and
 - (b) not less than 5 working days before the works begin, submit the CEMP to the consent authority and the stakeholder advisory group.
- (2) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the flood protection works.
- (3) The CEMP must include the following information:
- (a) the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager;
 - (b) 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;
 - (c) procedures for—
 - (i) obtaining guidance on cultural indicators provided by cultural monitors; and
 - (ii) reporting to the Māori entities representatives under clause 5(2)(b) of this schedule:

- (d) indicative timing of all stages of the flood protection works:
- (e) procedures for the management of hazards, including—
 - (i) any risk of flood; and
 - (ii) the discharge of any contaminant (for example, chemicals or hydrocarbons):
- (f) arrangements for site access and on-site traffic management:
- (g) procedures for managing public health and safety, including restrictions on public access to work sites and the river:
- (h) dust management measures (*see* clause 16 of this schedule):
- (i) 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):
- (j) contact details of at least 2 persons or bodies who respond to emergencies and who—
 - (i) are contactable 24 hours a day, 7 days a week, throughout the flood protection works; and
 - (ii) have authority to authorise immediate response actions:
- (k) a detailed process for detecting, investigating, and recording incidents:
- (l) details (including timing) of arrangements for reporting to the consent authority on the outcomes of, and compliance with, the CEMP:
- (m) any ESCP (*see* clause 14 of this schedule):
- (n) how works in or adjacent to water bodies will be managed:
- (o) how any river gravel extraction or land-based borrow sites will be managed:
- (p) how noise and vibration generated by the works will be managed:
- (q) the landscaping plan (if any) prepared under clause 24 of this schedule:
- (r) an outline of—
 - (i) how potential adverse ecological effects of those works will be avoided, remedied, mitigated, or offset (using biodiversity offset); or
 - (ii) the ecology management plan prepared under clause 28 of this schedule:
- (s) details of how the ecology principles will guide environmental outcomes:
- (t) cultural and archaeological artefact discovery protocols:
- (u) methods for responding to queries and complaints:
- (v) procedures for amending the CEMP under clause 11 of this schedule.

- (4) The CEMP must, so far as is practicable, be consistent with the HBRC River Control Code.

11 Developing and amending CEMP

- (1) Before finalising the CEMP, or any amendment to the CEMP under subclause (5), 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.
- (2) The consent holder must have take account of any comments received by the persons invited when finalising the CEMP or the amendment.
- (3) 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.
- (4) The consent holder must act in accordance with the CEMP for the duration of the flood protection works.
- (5) 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.
- (6) After amending the CEMP, the consent holder must give a copy of the amended CEMP (indicating the amendments) to the consent authority and the stakeholder advisory group within 10 working days.

Earthworks

12 Earthworks principles

- (1) The consent holder must carry out all works in a manner that—
 - (a) 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
 - (b) maximises the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential for sediment generation and sediment yield; and
 - (c) 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
 - (d) 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
 - (e) avoids if practicable, or minimises so far as practicable, adverse effects on culturally significant land; and

- (f) stabilises disturbed land as soon as reasonably practicable in accordance with an ESCP.
- (2) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.

13 Erosion and Sediment Control Manager and staff

- (1) 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.
- (2) The role of the Erosion and Sediment Control Manager is to—
 - (a) ensure compliance with the CEMP and ESCP; and
 - (b) subject to any amendments made to the ESCP under clause 14(3)(j) of this schedule, liaise with any Erosion and Sediment Control Manager appointed in respect of any other flood protection works; and
 - (c) 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.
- (3) An Erosion and Sediment Control Manager appointed under this clause may perform the same role in relation to any flood protection works at any other location specified in clause 6(3) if the relevant consent holder considers it appropriate.
- (4) The consent holder must also appoint suitably qualified and experienced staff to assist in erosion and sediment control, including—
 - (a) managing the operation, maintenance, and monitoring of erosion and sediment control devices; and
 - (b) supervising the installation and decommissioning of those devices and associated equipment and arrangements.

14 Erosion and sediment control plan

- (1) 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.
- (2) The consent holder must engage a suitably qualified and experienced person to prepare an ESCP.
- (3) An ESCP must specify the following matters:

General

- (a) how the works will be carried out in accordance with the ecology principles;
- (b) 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:

- (c) 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):
- (d) procedures for ensuring advance warning of a rainfall event:
- (e) procedures for decommissioning the erosion and sediment control measures:
- (f) procedures for determining the staging and sequencing of earthworks:
- (g) methods adopted, for the purpose of reducing sediment loss and erosion, to stabilise—
 - (i) any excavated area; and
 - (ii) any watercourse bed; and
 - (iii) any banks of a watercourse that have been disturbed by the works:
- (h) details of maintenance, including actions and frequency:
- (i) supporting information about the size of erosion and sediment control devices:
- (j) methods for amending and updating the ESCP as required:
Erosion and Sediment Control Manager and staff
- (k) the name and contact details of the Erosion and Sediment Control Manager:
- (l) the names and contact details of other staff appointed to assist with the management of erosion and sediment control (*see* clause 13(4) of this schedule):

Incident management

- (m) 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

- (n) procedures for—
 - (i) ongoing visual inspection, and where necessary quantitative monitoring, of all erosion and sediment control measures; and
 - (ii) detailed analysis of trends in erosion and sediment control effectiveness and performance; and
 - (iii) amendments to any ESCP resulting from the activities under subparagraphs (i) and (ii):

Reporting to consent authority

- (o) details (including timing) of reporting to the consent authority on the outcomes of, and compliance with, the ESCP.
- (4) The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant works.
- (5) 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.
- (6) 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.
- (7) The consent holder must implement an ESCP for the duration of the flood protection works.
- (8) The consent holder must, for the duration of the construction works,—
 - (a) keep an ESCP; and
 - (b) make it readily available to the consent authority.

15 Failure of erosion and sediment control measure

- (1) 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—
 - (a) as soon as reasonably practicable, engage the Project Ecologist to investigate the affected area; and
 - (b) immediately notify—
 - (i) the HBRC pollution officer (with responsibility for works in or near any affected water bodies); or
 - (ii) the territorial authority pollution officer (with responsibility for land-based borrow sites); and
 - (c) within 7 days, report the incident to the Manager Compliance.
- (2) The Project Ecologist must investigate the affected area as soon as practicable.
- (3) 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.
- (4) The report to the Manager Compliance under subclause (1)(c) must—
 - (a) describe the control failure and its cause; and
 - (b) specify the steps that have so far been taken to—
 - (i) control the released sediment and any resulting erosion; and
 - (ii) prevent any recurrence of the control failure.

16 Dust management

The consent holder must, as far as practicable, ensure that dust arising from construction works (including earthworks and related activities) does not spread beyond the boundary of the work sites.

17 Works on contaminated land

- (1) This clause applies if the consent holder undertakes earthworks or any other soil disturbance on contaminated land.
- (2) 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.
- (3) The consent holder must take all practicable measures to—
 - (a) prevent the discharge of soil and stormwater from contaminated land to watercourses; and
 - (b) maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials; and
 - (c) replace the soil to an erosion-resistant state at the completion of the relevant works.

Watercourses

18 Works and structures in beds of rivers

- (1) This clause and clauses 19 and 20 of this schedule apply to all construction works carried out in, or adjacent to, the bed of a river.
- (2) The consent holder must ensure that construction works are, so far as practicable, carried out in accordance with—
 - (a) an applicable ESCP; and
 - (b) the ecology principles; and
 - (c) the earthworks principles; and
 - (d) any guidance provided under clause 4(3)(b) of this schedule (*see* clause 5 of this schedule) relating to relevant cultural indicators.
- (3) 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 clause 27 of this schedule, as being present in the river.
- (4) Permanent works in or adjacent to the bed of a river that are completed as a part of the construction phase of the flood protection works (for example, sediment and debris removal, bank protection, and capacity increase) must—
 - (a) be designed and installed in a way that is, so far as practicable, consistent with the ecology principles; and

- (b) 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
 - (c) manage stream loss, where threatened or at-risk species are present, in accordance with the effects management hierarchy; and
 - (d) provide for the maintenance of the river for flood management purposes.
- (5) The design of a permanent culvert in the bed of a river must—
 - (a) allow for the relevant design flood flow event; and
 - (b) address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris.
- (6) A permanent spillway or weir must ensure that—
 - (a) a secondary flow path is available in the event of a blockage of the watercourse; and
 - (b) discharge from the secondary flow path does not exacerbate flooding of neighbouring or downstream properties.
- (7) 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 Further requirements at watercourses

- (1) This clause applies if clause 18 of this schedule applies.
- (2) Despite clause 18(4)(b) 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.
- (3) Instead, the consent holder must—
 - (a) give the consent authority appropriate data and reasons (supported by relevant design drawings) for not complying with clause 18(4)(b) of this schedule; and
 - (b) if culverts that do not provide fish passage are necessary, notify the Department of Conservation.
- (4) For the purposes of clause 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—
 - (a) hard copies of the design drawings for permanent culverts (including fish passage), bridges, and permanent stream diversions; and
 - (b) a statement of how those designs comply with clause 18 of this schedule.
- (5) All permanent works in the bed of a river must be carried out in accordance with the designs given to the consent authority under subclause (4).

- (6) 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.
- (7) The consent holder must ensure all of the following:
 - (a) no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within or near a watercourse in circumstances where run-off might enter water:
 - (b) no vehicles, machinery, or equipment are refuelled within the bed of a watercourse or in any other location where spills might enter water:
 - (c) the storage of fuel or contaminants adjacent to a watercourse does not result in any fuel or contaminants entering water:
 - (d) other fuels and lubricants are not released into water:
 - (e) the Ministry for Primary Industries' requirements and clean dry protocols relating to didymo and freshwater pests are followed in relation to all equipment:
 - (f) machinery is operated in a way that minimises the transfer of organisms or pest plants from one catchment to another:
 - (g) the use of wet concrete is avoided in flowing water.
- (8) 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—
 - (a) take all necessary steps to stop or contain the discharge; and
 - (b) notify—
 - (i) the Manager Compliance; and
 - (ii) the Department of Conservation, if there is imminent risk of the discharge adversely affecting any at-risk or threatened species; and
 - (c) take all practicable steps to remedy or mitigate any ongoing adverse effects of the discharge on the environment.
- (9) The consent holder must take the actions set out in subclause (10) in relation to construction material, demolition material, and any materials from repair and maintenance activities that are—
 - (a) authorised by the consent; and
 - (b) no longer required as part of the construction works.
- (10) The consent holder must ensure that the materials are—
 - (a) removed on completion of the construction works; and
 - (b) reused, repurposed, or disposed of in an appropriate manner and in a place where they will not affect surface water levels and watercourses.

- (11) 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 Extraction activities and river gravel

- (1) The consent holder must ensure that, during construction works, extraction does not take place—
- (a) within any actively flowing channel; or
 - (b) within 6 metres of any river bank.
- (2) In addition, the consent holder must ensure that extraction activities are carried out in accordance with the HBRC River Control Code.

Stormwater discharge

21 Stormwater discharge

- (1) The consent holder must, not later than 3 months after the completion of the construction works,—
- (a) document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and
 - (b) submit the documents to the consent authority.
- (2) 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.
- (3) 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.
- (4) The consent holder must ensure that the design of culverts and stormwater detention devices is, so far as practicable, in accordance with the HBRC Stormwater Management Guidelines.

Land-based borrow sites

22 Design and management of land-based borrow sites

- (1) This clause applies to excavation of soil or other materials at land-based borrow sites to support construction works.
- (2) The consent holder must ensure that excavation does not take place below the groundwater table.
- (3) 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—
- (a) operationally necessary; or

- (b) unavoidable as a matter of practicability.
- (4) 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.
- (5) 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—
 - (a) as soon as practicable; but
 - (b) within 6 months.

Construction noise and vibration

23 Control of construction noise and vibration

- (1) 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.
- (2) The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction.

Landscaping

24 Landscape assessment and plan

- (1) 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.
- (2) 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.

Ecology

25 Project Ecologist

- (1) The consent holder must appoint a suitably qualified and experienced ecologist as the Project Ecologist for the duration of the flood protection works.
- (2) 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 Ecology principles

- (1) The consent holder must apply the ecology principles set out in subclause (2) in—

- (a) designing all aspects of the flood protection works; and
 - (b) carrying out all aspects of construction works.
- (2) The ecology principles are as follows:
 - (a) to apply the effects management hierarchy to the following potential adverse effects:
 - (i) permanent habitat loss (including in coastal, terrestrial, and freshwater habitats):
 - (ii) 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:
 - (iii) habitat fragmentation or habitat barriers (including in coastal, terrestrial, and freshwater habitats):
 - (iv) impacts on habitat connectivity (including coastal, terrestrial, and freshwater habitats):
 - (v) impacts on at-risk or threatened species and taonga species:
 - (vi) effects on water quality (including on kaimoana and mauri) from sediment:
 - (vii) alteration of natural hydrology patterns, except as necessary to facilitate the flood protection works:
 - (viii) spread or establishment, or both, of pest plants or animals:
 - (ix) impacts on habitats that play an important role in the life cycle and ecology of native species:
 - (b) as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species:
 - (c) 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:
 - (d) 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

- (1) The consent holder must ensure that the Project Ecologist and a suitably qualified and experienced person nominated by the Māori entities representatives work together—
 - (a) to prepare an ecological scoping survey before construction works begin; and
 - (b) as soon as practicable after construction works are completed, to prepare an ecological effects assessment.

- (2) 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:
 - (a) all naturally uncommon ecosystems:
 - (b) all at-risk or threatened species:
 - (c) all taonga species that may be significantly adversely affected during or as a result of construction:
 - (d) significant natural inland wetland values:
 - (e) 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:
 - (f) any fish, bird nesting areas, bat habitats, or habitats of species protected under the Wildlife Act 1953.
- (3) 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 Managing ecological loss

- (1) If any indigenous ecosystems, flora, or fauna (including taonga species) are identified by the ecological scoping survey under clause 27 of this schedule, the consent holder must ensure that the Project Ecologist, in association with the Māori entities representatives,—
 - (a) 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
 - (b) prepares an ecology management plan.
- (2) The consent holder must,—
 - (a) at regular intervals throughout construction, record all measures taken under subclause (1)(a); and
 - (b) report to the stakeholder advisory group every 2 months—
 - (i) the measures taken; and
 - (ii) any recommendations made by the Project Ecologist, working with the Māori entities representatives, to change those measures.
- (3) The consent holder must implement the ecology management plan prepared under subclause (1)(b) throughout the construction works.
- (4) 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.

- (5) When the construction works and any ecological mitigation works carried out under subclause (1)(a) are both completed, the consent holder must give the stakeholder advisory group—
 - (a) a copy of the ecological effects assessment prepared under clause 27 of this schedule; and
 - (b) a report that describes the ecological mitigation works to be carried out by the consent holder.
- (6) 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).
- (7) The Ecological Enhancement Fund—
 - (a) applies throughout the Hawke's Bay region; and
 - (b) must be used by the consent holder to provide compensation in relation to—
 - (i) making space available for a river (for example, by acquiring adjacent land); and
 - (ii) rehabilitating or enhancing areas of vegetation in the river corridor with high biodiversity values (for example, by planting appropriate species); and
 - (iii) in-stream ecological values; and
 - (iv) any other area of important in-river or riparian habitat.

Archaeological values

29 Archaeological discovery protocol

- (1) The consent authority must prepare an accidental archaeological discovery protocol—
 - (a) at least 10 working days before construction works begin; and
 - (b) in collaboration with the Māori entities representatives; and
 - (c) in consultation with Heritage New Zealand Pouhere Taonga.
- (2) The protocol applies if—
 - (a) a worker or any other person associated with flood protection works discovers any cultural or archaeological artefacts or features on a work site; and
 - (b) an authority in relation to the location is not required under the Heritage New Zealand Pouhere Taonga Act 2014.
- (3) The consent authority must—
 - (a) follow the protocol; and

- (b) ensure that workers and other persons on site are aware of the protocol.
- (4) In subclause (2)(b), **authority** has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Schedule 3

Matters of control

cl 17(6)

General

- (a) The risk (likelihood and severity) of flooding upstream or downstream of the proposed flood protection works as a result of the works, and measures to avoid or minimise that risk.
- (b) The risk (likelihood and severity) of erosion resulting from the proposed works, and measures to avoid or minimise that risk.
- (c) Potential adverse effects on fisheries, and measures to avoid or minimise that risk.
- (d) Potential adverse effects on wildlife, habitat and ecosystems, and the application of the effects management hierarchy.
- (e) The management of construction works to avoid, remedy, or mitigate potential adverse effects on receiving environments, including adverse effects of hazardous substances, spills, and stormwater run-off.

Cultural values

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

Freshwater

- (a) Potential adverse effects on the values of any natural inland wetland and hydrological regime.
- (b) Provision for the passage of fish.
- (c) Application of the effects management hierarchy to works affecting any natural inland wetland.
- (d) The use of reclamation and diversion to facilitate flood protection works.
- (e) The management of flood protection works to avoid, remedy, or mitigate potential sedimentation or contamination effects on any receiving environment.

Coastal environment

- (a) The methods to be used to avoid, remedy, or mitigate the effects of any identified coastal hazard on the flood protection works.

- (b) Potential adverse effects of the flood protection works on landscape values of the coastal environment, and measures to avoid, remedy, or mitigate those effects.

Stormwater

- (a) The quality of stormwater discharged from the area where flood protection works are carried out, including the concentration of any hazardous substances in the stormwater, and measures to avoid, remedy, or mitigate contamination and the sediment loading.
- (b) Potential adverse effects (including potential cumulative effects) on water quality in any receiving freshwater or coastal environment, and measures to avoid, remedy, or mitigate those effects.

Soil, land, and ecology

- (a) Potential soil erosion and other adverse effects on soil stability, and measures to avoid, remedy, or mitigate those effects.
- (b) Potential soil run-off and sedimentation, and measures to avoid, remedy, or mitigate those effects.
- (c) Potential adverse effects on natural landforms and contours, and measures to avoid, remedy, or mitigate those effects.
- (d) Potential adverse effects on terrestrial ecology, and measures to avoid, remedy, or mitigate those effects.

Visual effects and amenity

- (a) Potential adverse visual effects on the following:
 - (i) the residential or recreational (including tourism) use of land in the vicinity of the flood protection works:
 - (ii) the existing character of the locality and amenity values:
 - (iii) outstanding or significant landscape areas.
- (b) Potential adverse amenity effects on adjoining land.
- (c) Construction noise, vibration, and dust generation, including having regard to the noise sensitivity of the receiving environment.
- (d) Potential adverse effects of the hours of operation of flood protection works.
- (e) Potential adverse effects on identified recreation areas.
- (f) Potential adverse effects on public health and safety during works.
- (g) Measures to avoid, remedy, or mitigate the effects described in paragraphs (a) to (f), including post-completion reinstatement and landscaping in relation to the effects described in paragraph (a).

Adjoining land uses

- (a) Potential adverse effects on the use of land on which works are carried out and adjoining land, and measures to avoid, remedy, or mitigate those effects.
- (b) Potential adverse effects on infrastructure assets and facilities (including those of network utility operators), and measures to avoid, remedy, or mitigate those effects.

Heritage and archaeology

- (a) Potential adverse effects on identified heritage values, and measures to avoid, remedy, or mitigate adverse effects.
- (b) Accidental discovery protocols to reduce risk to unidentified archeological sites.

Access and transport

- (a) Potential adverse effects on access to and along or around watercourses and water bodies, and measures to avoid, remedy, or mitigate those effects.
- (b) Potential adverse effects on the safe and efficient operation of the transport network during flood protection works, and measures to avoid, remedy, or mitigate those effects.

Contaminated land (human health)

- (a) Potential adverse effects on human health from disturbance or use of contaminated soil.
- (b) Measures to avoid, remedy, or mitigate those effects, including—
 - (i) remediation or management methods proposed to reduce risk posed by contaminants; and
 - (ii) timing of remediation; and
 - (iii) standard of remediation on completion of works.

Nicola Purvis,
Acting Clerk of the Executive Council.

Explanatory note

This note is not part of the order but is intended to indicate its general effect.

This order, which comes into force on 7 June 2024 and is revoked on the close of 31 March 2028, is made under the Severe Weather Emergency Recovery Legislation Act 2023 (the **SWERLA**). It modifies the Resource Management Act 1991 (the **RMA**) for the purposes of the SWERLA, to facilitate the carrying out of flood protection works at specified locations in the Hawke's Bay region.

Clauses 1 to 3 give the order's Title and the dates of its commencement and revocation.

Part 1 contains the following preliminary provisions:

- *clause 4* contains definitions, including definitions of culturally significant land, effects management hierarchy, Hawke's Bay local authority, and Māori entity, and *clause 4(3)* describes the effect of modifications this order makes to the RMA:
- *clause 5* describes the scope of the order:
- *clause 6* defines flood protection works, describing the kind of works, the local authorities by or for which the works are carried out, where in the Hawke's Bay region they are carried out, and their ordinary status (apart from this order) under the RMA.

Part 2 (clauses 7 to 21) contains the modifications this order makes to the RMA.

Clause 7 provides that *Part 2* modifies the RMA and provides that the RMA applies as modified to flood protection works.

Clause 8 provides that flood protection works (*see clause 6* for meaning) are taken to be a controlled activity for the purposes of the RMA, including sections 87A(2) and 104A.

Clause 9 provides that the only persons who may apply for a resource consent for proposed flood protection works are the specified local authorities in the Hawke's Bay region, by which, or on whose behalf, the works are to be carried out. This clause modifies section 88 of the RMA.

Clause 10 requires a consent authority to delegate the performance of specified functions, duties, and powers to a hearings commissioner to whom functions, duties, and powers are delegated under section 34A of the RMA. The functions to be performed by a hearings commissioner are consideration of an application for resource consent, the decision to grant a resource consent, the imposition of conditions, and the giving of notice of the decision.

Clause 11 provides for situations in which flood protection works require resource consent from more than 1 consent authority.

Clause 12 further modifies section 88 of the RMA by providing an abbreviated process for applying for resource consent for flood protection works. This clause sets out what the application must contain.

Clause 13 further modifies section 88, and replaces sections 91 and 92, of the RMA by providing a process for when the consent authority determines that further information or further resource consents are needed before making a determination on a resource consent application. The new application that emerges from this process is treated as a new application, which is significant to the operation of *clause 18*, which provides that the processing time of 30 working days runs from when an application contains all necessary information. *Clause 13(6) to (9)* provide for how multiple consent authorities manage the replacement application process.

Clause 14 provides that, instead of complying with section 95 of the RMA, the consent authority must not give public or limited notification of an application (as usually required) but must carry out the consultation process set out in *clause 15*.

Clause 15 requires the consent authority to notify specified persons and bodies about a resource consent application and invite written comments. The consent authority must consider all comments, prepare a summary of comments and its responses and make that summary publicly available. Persons who comment are not entitled to lodge an appeal or an objection in relation to the consent authority's decision.

Clause 16 disapplies section 104(5) of the RMA to the consent authority's consideration of an application: that provision applies to a range of activity categories under the RMA, while this order is focused on activities taken to be controlled activities (see *clause 8*).

Clause 17 provides for conditions of consent and applies instead of sections 87A(2)(b) and (c) and 104A(b) of the RMA. A consent authority may impose on a resource consent it grants conditions taken from those set out in *Schedule 2*. However, the authority may amend those conditions, or impose additional conditions, if necessary for the purposes of the authority's responsibility for the matters over which it is taken to have reserved control.

Clause 18 provides that notice of a decision on an application must be given within 30 working days after the consent authority receives all the information required to make the decision. This will include any new application received under *clause 13*.

Clauses 19 to 21 provide for when a resource consent commences, its normal duration (no more than 5 years), and the period after which it lapses if not acted on (no more than 2 years).

Schedule 1 contains a detailed description of the locations at which flood protection works are to be carried out (see *clause 6(3)*). That description is supported by indicative maps. There is also an indicative map of the wider area that contains those locations.

Schedule 2 sets out the conditions of consent which a consent authority may impose on a resource consent it grants (see *clause 17(2)*). Those conditions relate to the following matters:

- compliance with documents specified in each resource consent that were provided with the application (*clause 1*):
- the duration of a specific resource consent before expiry or lapse (*clause 2*):
- definitions, including definitions of construction works, cultural indicator, earthworks principles, ecology principles, Manager Compliance, Māori entity representative, and several plans and codes of the Hawke's Bay Regional Council (*clause 3*):
- engagement and communications, including with Māori entities representatives (for example, in relation to culturally significant land and other cultural values

via cultural indicators and the work of cultural monitors) and the stakeholder advisory group (*clauses 4 to 9*):

- the consent holder's construction environmental management plan (*clauses 10 and 11*):
- earthworks, including compliance with earthworks principles, preparation of erosion and sediment control, and dust management (*clauses 12 to 17*):
- watercourses, including fish passage and water contamination (*clauses 18 to 20*):
- stormwater discharge (*clause 21*):
- land-based borrow sites (*clause 22*):
- construction noise and vibration (*clause 23*):
- landscaping (*clause 24*):
- ecology, including ecology principles, a pre-works survey, and a post-works assessment (*clauses 25 to 28*):
- archaeological discovery protocol (*clause 29*).

Schedule 3 sets out the matters over which a consent authority is taken to have reserved control (*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).

Statement of reasons

This statement of the Minister's reasons for recommending the making of this order is published in accordance with section 10 of the SWERLA.

The Minister for the Environment is the Minister responsible for the administration of this order and is also the Minister responsible for the RMA. The Minister is satisfied that the order—

- is necessary or desirable for 1 or more purposes of the SWERLA;
- is not broader than is reasonably necessary to address the matters that gave rise to the order;
- does not breach section 11 of the SWERLA;
- does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990.

Order necessary or desirable for 1 or more purposes of SWERLA and is appropriate

The Minister is satisfied, for the reasons set out below, that the order is—

- necessary or desirable for 1 or more purposes of the SWERLA; and
- appropriate.

In relation to section 8(1)(a)(i) of the SWERLA, the order provides for—

- the planning, rebuilding, and recovery of affected communities and persons (section 3(1)(a) of the SWERLA), in particular—
 - the rebuilding of land, infrastructure, and other property of affected communities or of any affected persons (section 3(1)(a)(i)); and
 - safety enhancements to, and improvements to the resilience of, that land, infrastructure, or other property (section 3(1)(a)(iii)); and
 - facilitating co-ordinated efforts and processes for short-term, medium-term, and long-term recovery (section 3(1)(a)(iv)); and
 - facilitating the restoration and improvement of the economic, social, and cultural well-being, and enhancing the resilience, of affected communities or of any affected persons (section 3(1)(a)(v)); and
- economic recovery (section 3(1)(b)).

The order seeks to ensure that people and communities in Hawke's Bay can recover from the effects of Cyclone Gabrielle and are protected against future events through the construction of flood protection works at specified locations in the region.

The order will support the implementation of the Hawke's Bay Regional Recovery Plan in most of these locations by enabling Category 2A or 2C residential land to be reclassified to Category 1 sooner than under standard processes. The order also supports ongoing work at Awatoto to protect Napier's wastewater treatment plant and nearby industrial area from flooding. The wastewater facility was significantly affected by flood damage in February 2023.

It is necessary to reclassify those flood protection works under the RMA and create a bespoke streamlined consent process.

Unless modified by this order, the activities associated with those works would otherwise be classified as discretionary or non-complying activities under the relevant district and regional plans with the potential for the consent applications to be publicly notified. If public notification occurred, the consent applications would

be subject to lengthy public notification, submissions, and hearings requirements in accordance with Part 6 of the RMA. The RMA also provides for a right of appeal to the Environment Court. Using those existing processes to consent the flood protection works could threaten their effectiveness by generating significant delay. Streamlining the process is necessary to ensure that the works can progress by restoring land, safeguarding property, and building resilience in affected communities.

Similarly, the streamlined consent process also makes it possible to complete necessary flood protection works in an expedient way, allowing work to begin quickly on long-term safety improvements. This approach reflects the purposes of the SWERLA as the flood protection works are necessary safety enhancements to address dangers posed by flooding in future severe weather events.

Modifications to RMA

This order makes the following modifications to the RMA:

- *clause 5* restricts application of the order to flood protection works as defined in *clause 6* of the order and the carrying out of those flood protection works:
- *clause 6* defines the activities and locations of the flood protection works and limits the parties who may seek consent to the Hawke's Bay local authorities (as defined in *clause 4*):
- *clause 7* states that the RMA is modified in relation to applications for resource consents for flood protection works. It is necessary to exempt those applications from the usual operation of the RMA as the time taken to prepare applications under the existing process would cause undue delay to the start of flood protection works for recovery and mitigation:
- *clause 8* modifies the RMA to reclassify flood protection works as a controlled activity, allowing those activities to use a more expedited consenting process. Under existing district and regional plans, necessary flood protection works would be classified as discretionary or non-complying. The time taken to obtain consents through normal RMA processes would significantly delay necessary recovery works. It would also involve an unacceptable level of risk that applications may be declined or subject to appeal, resulting in further delay:
- *clause 9* states who may apply for resource consent for flood protection works. This is limited to the Hawke's Bay local authorities and only for works that will be carried out by one of those authorities or on its behalf. This is necessary to ensure that any works consented under this order remain clearly related to the geographic impacts of the SWERLA weather events:
- *clause 10* requires a consent authority to delegate to a hearings commissioner certain functions, duties, and powers in relation to a resource consent application for flood protection works. Those functions, duties, and powers include the consideration of the application, the decision granting consent, and the conditions imposed on the consent. *Clause 10* will ensure that those functions,

duties, and powers are carried out by a hearings commissioner who is independent of the consent authority:

- *clause 11* sets out the process where there is more than 1 consent authority. This is likely to occur as the flood protection works will require both regional and land use consents and these are usually determined by Hawke's Bay Regional Council and the relevant territorial local authority under their respective regional and district plans. To ensure efficient consenting processes, *clause 11* requires the local authorities to act jointly when processing and determining the consent applications:
- *clause 12* provides information and assessment requirements for applications under this order that are sufficient and appropriate for managing adverse effects. *Clause 12* requires site descriptions that include culturally significant land, impact assessments that include cultural values and land, and proposals to avoid, prevent, or mitigate adverse effects:
- *clause 13* enables a consent authority to return a consent application to the applicant if the matters and requirements under *clause 12* are not met, or other consents are required in relation to the flood protection works. *Clause 13* ensures the timely and efficient processing of consent applications by enabling the consent authority to return applications that are deficient or incomplete:
- *clause 14* states that applications must not be publicly notified or given limited notification under section 95 of the RMA and must instead proceed in accordance with *clause 15*. This is to ensure that the consent applications for the flood protection works can be processed and determined quickly and efficiently. The time frames associated with the submission process (including notification, public submissions, and hearings) would prevent consents from being obtained in time to complete the works in an effective time frame:
- *clause 15* addresses the limitations on public participation imposed by *clause 14* by providing a consultation process for applications under this order. Consent authorities must notify certain persons within 5 working days of receiving a consent application, including relevant Māori entities, local authorities, national agencies, Ministers, network utility operators, landowners and occupiers, coastal marine area customary title holders and applicants, and any other person the consent authority considers appropriate. Notifications must invite written comments from those persons on the application, and comments must be received within 10 working days of the invitation date. These time frames are necessarily short to avoid delay in the commencement of flood protection works:
- *clause 16* states that section 104(5) of the RMA does not apply in relation to the consent authority's consideration of an application referred to in *clause 12*. This is to ensure that consent authorities must grant consent on the basis of the flood protection works being classified as a controlled activity and not as classified in a regional plan, district plan, or national environmental standard:

- *clause 17* provides for the consent authority to impose conditions of consent on the flood protection works. A schedule of consent conditions is attached to the order (*see Schedule 2*). The consent authority may impose those conditions, and may amend those conditions or impose additional conditions. This ensures that the conditions of consents are tailored to each location and flood protection works being carried out there:
- *clause 18* requires the consent authority to notify its decision on the consent application within 30 working days after the date of application (that is, the date on which the application contains all necessary information). This is to ensure that the flood protection works can commence within a minimum length of time and to avoid the delays that would otherwise occur if the standard processing time frames under the RMA were followed:
- *clause 19* modifies section 116 of the RMA (commencement of resource consent) to reflect the 30 working days processing time frame set in *clause 18*:
- *clause 20* limits the duration of consents where section 123(c) or (d) of the RMA applies to a maximum of 5 years. Those consents could otherwise be granted for a term not exceeding 35 years, well beyond the expiry of the order and the SWERLA on 31 March 2028. The granting of such terms is not consistent with the purpose of the SWERLA to respond to and recover from the impacts of the 2023 severe weather events:
- *clause 21* restricts the lapse date for a consent to 2 years. This requires the consent holder to start the works within 2 years of receiving consent. Section 125(1A) of the RMA continues to apply. This means the consents for the flood protection works will not lapse if they are given effect within 2 years of the date of commencement of the consent notified under *clause 18*, or if the consent authority decides to grant an extension after taking into account the matters outlined in section 125(1A)(b):
- *Schedule 1* sets out the permitted geographical locations for the flood protection works, further ensuring that they are focused on severe weather recovery and are not broader than is reasonably necessary to address the matters that gave rise to the order. The precision of those locations is intentional to ensure the scope of the order is no wider than is reasonably necessary for the purposes of section 8(1)(a)(ii) of the SWERLA:
- *Schedules 2 and 3* of the order set out consenting conditions for activities classified as controlled activities under *clause 8* and matters of control for consent authorities making decisions under the order. Under *clause 17*, the consent authority may impose any 1 or more of the conditions set out in *Schedule 2*. The consent authority may also amend the *Schedule 2* conditions (with the exception of *clause 1* in *Schedule 2*), or impose additional conditions, where it considers this is necessary for the purposes of the authority's responsibility for a matter over which the authority is taken to have reserved control. The matters of control are set out in *Schedule 3*. The conditions and matters of control

are designed to ensure that consenting is expedited and clearly limited to the overall goals and purposes of the SWERLA.

Order not broader than reasonably necessary

The Minister is satisfied that the order is not broader than is reasonably necessary for the reasons set out below.

In relation to section 8(1)(a)(ii) of the SWERLA, the order is limited geographically to the proposed flood protection works at the following locations in the Hawke's Bay region (*see clause 6(3) and Schedule 1*):

- Awatoto:
- Havelock North:
- Omahu:
- Pakowhai:
- Pōrangahau:
- Waiohiki:
- Wairoa:
- Whirinaki.

In addition, application of the order is restricted to only the following local authorities:

- Hawke's Bay Regional Council:
- Central Hawke's Bay District Council:
- Hastings District Council:
- Napier City Council:
- Wairoa District Council.

To ensure that the scope of the order is limited, the definition of flood protection works in *clause 6* serves to limit the kinds of activities for which resource consents can be granted under the order. The modifications to the RMA under this order—

- apply only to those activities directly related to a severe weather event and where existing emergency provisions are not sufficient to enable recovery and rebuild; and
- avoid adverse effects where practicable and otherwise manage (remedy, mitigate, etc) adverse effects through conditions on resource consents; and
- are as close to the status quo for consenting under Part 6 of the RMA as is feasible (and within the purposes of the SWERLA) by disapplying only those aspects of the RMA consenting processes that are likely to be a barrier to the quick and efficient consenting of the flood protection works or are inconsistent with the purposes of the SWERLA.

The order is temporary in nature, reflecting the nature of the works involved. *Clause 3* of the order provides for revocation of the order on the close of 31 March 2028. This is also the repeal date of the SWERLA.

Consideration of effects on environment

Section 8(1)(e) of the SWERLA requires the relevant Minister, if the order relates to the RMA, to consider the effects on the environment that could occur as a result of the order, and whether the controls imposed by the order (as resource consent conditions) can avoid, remedy, or mitigate any adverse effects on the environment. The flood protection works to be carried out under the order will have an impact on the environment. However,—

- this order sets up a process for resource consents. The process has in-built environmental checks and balances, including—
 - the requirement for any resource consent application to include a high-level consideration of the potential effects; and
 - the consent conditions in *Schedule 2* include an obligation for the consent holder to engage with certain parties to gain an understanding of the impacts of the proposed works on those parties and to appropriately respond through design, construction, or condition changes; and
 - consent conditions that will avoid, remedy, or mitigate any adverse effects:
- in relation to applications lodged in accordance with *clause 12*, the consent conditions listed in *Schedule 2* are intended to avoid, remedy, or mitigate adverse effects of the flood protection works. *Schedule 2* includes conditions requiring a construction environmental management plan, the involvement of a stakeholder advisory group (including representation from the Heritage New Zealand Pouhere Taonga, the Department of Conservation, and relevant Māori entities) to help inform the design, management, and monitoring of all construction work, and the involvement of Māori entities representatives to advise on cultural values and effects, as well as effects on the physical environment. Those consent conditions reflect consent conditions for similar infrastructure works that are enabled under SWERLA orders:
- *clause 17* of the order will enable consent authorities to impose amended or additional conditions on resource consents if this is necessary for the purposes of the authority's responsibility for a matter of control:
- the matters of control in *Schedule 3* include all of the key environmental considerations appropriate to flood protection works. Environmental effects will be avoided, remedied, or mitigated through the conditions imposed by the consent authorities. The process will enable specified parties to make comments and therefore will enable more informed consideration of the range of environmental effects in making decisions.

Other preconditions

The following preconditions for recommending the making of an order have also been satisfied:

- the draft order has been reviewed by the Severe Weather Events Recovery Review Panel;
- the draft order has been provided to the Regulations Review Committee;
- the relevant Minister has had regard to the recommendations and comments provided by those bodies and the order and this statement of reasons have been amended. In particular, the relevant Minister has agreed to include a requirement that consideration and decisions on consent applications under this order are delegated to a hearings commissioner;
- the engagement process under section 9 of the SWERLA has been carried out;
- the relevant Minister has considered—
 - the effects on the environment that could occur as a result of the order; and
 - whether any adverse effects can be avoided, remedied, or mitigated.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 30 May 2024.

This order is administered by the Ministry for the Environment.