

Hawke's Bay Flood Works
Submission on the Proposed Order in Council
[Between the Two Rivers Community Catchment Collective](#)
[March 18 2024](#)

Background

Between the Two Rivers Community Catchment Collective is a partnership between Te Piringa Hapū (Ngāti Hinemanu, Ngāi te Upokoiri, Ngāti Honomōkai, Ngāti Mahuika) and landholders between the Ngaruroro and Tūtaekurī rivers. It is governed by an 8-person committee co-chaired by Meihana Watson, chair of Ōmahu Marae and Piringa Hapū, and Andrew Russell of Tunanui Station.

We were formally constituted days after Cyclone Gabrielle and due to the scale of impact, have been focused on issues that catchment collectives do not typically have to deal with. The impacts of flooding are spread throughout the B2R area, but remain most enduring and fundamental for the whānau of Ōmahu, Korokipo Road, Moteo and Waiohiki, where many are still not in the homes, as well as farmers and orchardists who have experienced devastating impacts to their farms and businesses.

One of the proposed flood works that would fall under the OIC (Ōhiti Road, Ōmahu) is in our area. Eleven homes in the area are currently Land Category 2A or Category 2C and the whānau understandably need certainty and a reasonable timeframe, after a year of uncertainty and anxiety. The houses are adjacent to the Taihape Road - the sole access for residents in the hinterland - and upstream from Omahu village which was devastated by flooding during cyclone Gabrielle.

This submission concerns the overall process to provide flood protection, the checks and balances and questions the community can reasonably expect to see addressed.

Principles

B2R supports protecting people, their homes and livelihoods from flooding, provided that any flood works are based on:

- Sound and thorough analysis at the appropriate scale
- Technical integrity
- Transparency with the wider community over the process.

Order in Council

- The timeframe for commenting on the proposal to provide a fast-track process for consenting flood protection measures is unnecessarily short.
- The process appears hasty and does not give the community confidence - when it should - given that OIC reduces community participation in decision-making and reduces checks and balances that the standard consenting route require.

- This is principally because there is no meaningful detail provided that would reassure the community about the standard of analysis - the evidence base – the process, and the types of environmental conditions that would be placed on the activities.
- We understand, and support, that the Severe Weather Events Recovery Legislation Act typically sets much shorter periods for consulting on such measures. Nevertheless, detail on the checks and balances for such provisions could and should have been provided to the wider community.

Why Between the Two Rivers is submitting on this proposal

There are high-levels of anxiety - often hidden - across our community following the Cyclone. This includes anxieties about more frequent flooding in the subcatchment - above Ohiti Road - that has flooded out the road and isolated the community as well as damaging crops and farming infrastructure.

A truncated consenting process would be of less concern if Hawke's Bay Regional Council had been more open and transparent with the wider community at the start of the process to develop stopbanks at Ohiti:

- The council has consulted with a very small part of the community - primarily those homes that would be afforded flood protection - and has not released to the wider community the detailed technical analysis that supports its preferred flood protection option. Others in the community are likely to be affected by the proposed stop banks if/when the Ohiwia Stream floods. The stop bank, by diverting flood water away from the 11 houses, may 'funnel' those flood waters towards Omahu village, flood and close the Taihape and Ohiti roads and inundate adjacent farmland.
- Although Council has been working on this flood protection scheme since the end of 2023, members of the wider community first heard about the proposed stopbanks:
 - When they saw geotech investigations underway in the last weeks
 - When the media reported the OIC and flood protection measures (March 6)
 - When we contacted them (March 7)
- The design of the stopbanks and the analysis that sits behind it may indeed justify the proposed stopbanks and may not have serious impacts on neighbouring roads, farms or downstream in Ōmahu. However, members of the community up and downstream are understandably concerned about the potential for flooding of the single road in and out of the area between the two rivers. Those concerns could - and still can - be alleviated if there had been greater transparency from the outset and if Council now released the technical analysis.
- The Council's decision to rule out a wider subcatchment analysis - apparently because it was too expensive and/or too lengthy - is also frustrating in that since November 2023, B2R has been talking with other parts of council about flow modelling the entire sub-catchment to address flooding frequency upstream and how to mitigate this - options that if actioned earlier could also reduce the flooding pressure downstream. We have yet to see detailed analysis as to how unworkable this option was.

Details of the Order in Council

Critical checks and balances include:

- The consent conditions and what environmental protections must be met
- Decision-making process

These have not been drafted for consultation, which is not ideal as it places the onus on the community to draw these out.

We believe that the consent conditions should be set out in advance for consultation and that there should be an Independent Hearings Panel appointed to review the consents. We recommend this arms-length approach to give the community confidence and to provide credibility to the final decisions on the consents, which will be important for the whānau whose homes are to be protected as well as the communities up and downstream of the proposed floodbanks.

How these concerns about the Council process to date could be addressed

The following expectations may sit outside what the Order In Council can require, however we are communicating them because they are the basis on which a fast-track consenting process could be supported.

A commitment from councils in the **pre-consenting phase** to:

- Conduct an open analysis and design phase that involves the wider community in the eight areas in the region that is transparent about:
 - The scope of analysis (such as the watershed) that will underpin the design of flood protection measures
 - The scenarios that are investigated to determine the impacts of any flood protection measures (including in extreme weather events)
 - Who will be affected by the proposed flood protection measures in extreme events
 - Options available to protect vulnerable whānau, communities, infrastructure and businesses and how the best practicable option is chosen.

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