

Monday, 23 February 2026

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*  
**Hastings District Council**  
**Hearings Committee Meeting**

## *Kaupapataka*

# Private Plan Change 8 - HBRC Earthworks Exemption

## (Attachments H and J)

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*Te Rā Hui:*  
Meeting date: **Monday, 23 February 2026**

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*Te Wā:*  
Time: **9.30am**

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*Te Wāhi:*  
Venue: **Council Chamber  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

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| 2.   | <b>PLAN CHANGE 8 - HBRC EARTHWORKS EXEMPTION</b>   |              |
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Private Plan Change to Chapter 27.1 of the  
Hastings District Plan

## Section 32 evaluation report

June 2025

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**Prepared for:**

Hawkes Bay Regional Council

**Prepared by:**

AGP Consulting Ltd

**Project number:**

2403.01



Hawkes Bay Regional Council

Request for a Private Plan Change to the Hastings District Plan under  
clause 21, Schedule 1 of the Resource Management Act 1991

Section 32 evaluation report

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Version control:

| Private Plan Change to Chapter 27.1 of the Hastings District Plan |         |          |  |
|---|---------|----------|--|
| Project number  | Version | Date     | Description                                  |
| 2403.01   | 1       | 11.03.25 | Final for lodgement                          |
| 2403.01   | 2       | 4.06.25  | Update following further information request |
|   |         |          |  |
|   |         |          |  |

Applicability

This report has been prepared by AGP Consulting Limited at the specific instruction of our client Hawkes Bay Regional Council. It has been prepared for the exclusive use of our client for the purpose for which it is intended and in accordance with AGP Consulting Limited's (AGP) letter of engagement dated 11 April 2024 (AGP reference: 2403.01) and subsequent variations. It may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

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## 1 Introduction

Clause 22, of Schedule 1 of the Resource Management Act 1991 (RMA) requires an evaluation to be undertaken in accordance with section 32 ('s32') of the changes requested to the Hastings District Plan ('District Plan') by Hawkes Bay Regional Council (HBRC). The evaluation must be provided in a report which examines whether the objectives are the most appropriate in achieving the purpose of the RMA, and whether the provisions, taking into account their costs, benefits, efficiency, and effectiveness, are the most appropriate way to achieve the objectives. The report must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. The analysis set out in this report is to fulfil the obligations under s32 of the RMA.

### 1.1 Topic and provisions

This s32 report relates to a private plan change request by HBRC to *Chapter 27.1 - Earthworks, Mineral, Aggregate and Hydrocarbon Extraction* of the District Plan. The request proposes to include an exemption for earthworks that are undertaken by, or on behalf of, HBRC for river control and drainage purposes from needing to comply with the general performance standards and terms, an amended anticipated outcome EMAO5 and new associated policy EMP15, and a minor amendment to objective to EMO1 to link EMO1 to EMAO5. This will achieve the objective of the proposal, which is to enable earthworks (i.e. as a permitted activity) undertaken by, or on behalf of, the HBRC for river control and drainage purposes to facilitate the efficient delivery of flood protection improvements.



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## 2 Statutory context

Sections 74 and 75 of the RMA set out legal obligations when changing a District Plan. Consideration needs to be given to matters including whether the plan accords with the Council's functions under Section 31 of the RMA and the provisions of Part 2 of the RMA. They also direct how the plan is to be drafted/considered in relation to a range of other statutory documents. The following section sets out those matters addressed in sections 74 and 75 that are relevant to this topic.

### 2.1 Functions under s31

Section 31 sets out the functions given to territorial authorities for the purpose of giving effect to the RMA in their district. Of relevance to this topic, territorial authorities have the function of:

- Establishing, implementing, and reviewing objectives, policies, and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources in the district (s31(1)(a)); and
- Controlling the actual and potential effects of use, development, or protection of land (s31(1)(b)).

### 2.2 Part 2 of the RMA - Sections 5, 6, 7 and 8

As per section 74(1)(b) of the RMA, a District Plan must be in accordance with the provisions of Part 2. Section 5 sets out the purpose of the RMA as being to promote the sustainable management of natural and physical resources.

Sustainable management means '*managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In achieving this purpose, persons exercising functions and powers under the Act shall recognise and provide for the matters of national importance in section 6. The matters of national importance relevant to this plan change are:

Table 2.1: Relevant matters of national importance

| Matter  | Relevance   |
|---|---|
| <i>(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:</i> | Values associated with the natural character of the district's waterbodies and their margins are to be protected from inappropriate earthworks. |
| <i>(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:</i>  | Outstanding natural features and landscapes are to be protected from inappropriate earthworks.  |
| <i>(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:</i>   | Areas of significant indigenous vegetation and significant habitats of indigenous fauna are to  |



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| Matter  | Relevance   |
|---|---|
|   | be protected, which includes from the adverse effects of earthworks.  |
| <i>(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:</i> | Earthworks have the potential to affect sites of cultural significance. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga are to be provided for when considering earthworks activities. |
| <i>(f) the protection of historic heritage from inappropriate subdivision, use, and development:</i>  | Earthworks have the potential to affect historic heritage sites. Historic heritage values are to be protected from inappropriate earthworks activities.   |
| <i>(h) the management of significant risks from natural hazards.</i>  | Earthworks are required to manage hazard risks (e.g. build stopbanks). Significant natural hazard risks may also arise from earthworks, namely land stability and flooding risks, and this risk needs to be managed.  |

In achieving the purpose of the Act, persons exercising functions and powers under the Act shall also have particular regard to the section 7 other matters. The other matters relevant to this plan change are:

Table 2.2: Relevant other matters

| Matter  | Relevance  |
|---|--|
| <i>(a) kaitiakitanga:</i><br><i>(aa) the ethic of stewardship:</i>              | Kaitiakitanga and the ethic of stewardship in relation to the district's land resource are to be reflected in the District Plan provisions.  |
| <i>(b) the efficient use and development of natural and physical resources:</i> | Earthworks, including those associated with flood protection, are an essential part of the use and development of land. District Plan provisions are to provide for the efficient use and development of land. |
| <i>(c) the maintenance and enhancement of amenity values:</i>                   | Potential adverse effects on amenity, such as visual effects, noise and dust, are to be managed to ensure that amenity values in the district are maintained or enhanced.                                      |
| <i>(d) intrinsic values of ecosystems:</i>                                      | Plan provisions for earthworks activities are to recognise the intrinsic values of ecosystems.   |
| <i>(f) maintenance and enhancement of the quality of the environment:</i>       | Potential adverse effects from earthworks activities are to be managed to ensure that the quality of the district's environment is maintained and enhanced.  |

Section 8 requires that the principles of Te Tiriti o Waitangi / the Treaty of Waitangi shall be taken into account when exercising powers and functions under the RMA. These principals are considered to be relevant to this plan change and HBRC has undertaken engagement with mana whenua during the preparation of the plan change.

## 2.3 National planning standards

Section 75(3)(ba) of the RMA requires the District Plan to give effect to any National Planning Standard ('NPS'). As this is a private plan change request, the plan structure requirements of



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the National Planning Standards are not addressed and it is assumed that any changes to give effect to the National Planning Standards will be addressed by HDC in future. Notwithstanding this, we note that the District Plan contains an earthworks chapter under a district wide section as required by the National Planning Standards.

## 2.4 Other statutory documents

Table 2.3 sections below outline the other statutory documents that are relevant to the proposed plan change.

### 2.4.1 Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA)

Table 2.3: Heritage New Zealand Pouhere Taonga Act 2014

| Summary   | Relevance   |
|---|---|
| <i>A District Plan shall have regard to any relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014 (s74(2)(b)(iia)).</i>   |   |
| The HNZPTA makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. The HNZPTA applies regardless of whether the site has been previously identified, or what a District or Regional Plan permits, or whether a resource consent has been granted. | The HNZPTA promotes the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. The Hastings district has a long history of Māori occupation and there is significant colonial history in the district. The existing District Plan maps identify archaeological, wāhi tapu and heritage sites.<br><br>Also, there is potential for earthworks to uncover previously unidentified sensitive materials. If accidental discoveries occur, standard practice is for the earthworks to cease until the necessary Archaeological Authority is obtained under the HNZPTA. |

### 2.4.2 National Policy Statements

The following National Policy Statements are relevant to the proposed plan change.

Table 2.4: National Policy Statements

| Summary  | Relevance   |
|--|---|
| <i>A District Plan must give effect to any national policy statement (s75)(3)(a).</i>  |   |
| <i>National Policy Statement for Indigenous Biodiversity (NPSIB) 2023</i>  |   |
| The NPSIB recognises both the intrinsic values of indigenous biodiversity, as well as its value to people and communities. Its objective is to maintain indigenous biodiversity so there is no overall loss in indigenous biodiversity in accordance with Clause 1.7 and Objective 2.1.<br><br><b>Policy 7</b> provides direction to protect Significant Natural Areas (SNA) by avoiding or managing adverse effects from new subdivision, use and development.<br><br><b>Policy 8</b> provides direction to recognise and provide for the maintenance of indigenous biodiversity outside SNA's. | Indigenous biodiversity is predominantly managed in chapter 19.1 (riparian land management and public access) and 20.1 (indigenous vegetation and habitats of indigenous fauna) of the District Plan. The clearance of riparian vegetation or indigenous vegetation undertaken by HBRC for the purpose of flood control activities does not require resource consent under these chapters (i.e. it is permitted) and no changes are proposed to these chapters.<br><br>The District Plan has not been updated to give effect to the NPSIB and SNAs have |

| Summary   | Relevance  |
|---|--|
| <p><b>Policy 10</b> provides direction that activities that contribute to peoples social, economic and cultural well-being are to be recognised and provided for as set out in the NPSIB.</p> <p><b>Clause 3.5(1)(b)</b> requires local authorities to consider that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms.</p> <p><b>Clause 3.10</b> specifies the adverse effects on an SNA from new subdivision, use and development to be avoided (3.10(2)(b)) and that other adverse effects to be managed through application of the effects management hierarchy (3.10(3)).</p> <p><b>Clause 3.10(6)(a)</b> exempts developments that are required to address a high risk to public health and safety from avoiding the adverse effects set out in Clause 3.10(2) and from applying the effects management hierarchy under Clause 3.10(3).</p> <p><b>Clause 3.11(1)(a)(i)</b> exempts specified infrastructure, which includes flood control and drainage, from having to avoid the adverse effects specified in Clause (3.10(2)(b)).</p>   | <p>not yet been mapped. Chapter 19.1 and chapter 20.1 will need to be reviewed and brought in line with the NPSIB within the timeframe specified within the NPSIB.</p> <p>Notwithstanding this, flood control and associated earthworks meet the exemptions provided for in Clause 3.10(6)(a) and Clause 3.11(1)(a)(i) in relation to SNAs. Therefore, the District Plan will likely be able to retain provisions that permit vegetation clearance when associated with flood control and give effect to the NPSIB.</p>  |
| National Policy Statement for Highly Productive Land (NPSHPL) 2022 (updated 2024)   |  |
| <p>The NPSHPL's objective is to protect highly productive land (HPL) for use in land-based primary production.</p> <p><b>Policy 1</b> provides direction to recognise HPL as a resource with finite characteristics and long-term values for primary production.</p> <p><b>Policy 4</b> provides direction to prioritise and support the use of HPL for primary production.</p> <p><b>Policy 8</b> provides direction to protect highly productive land from inappropriate use and development.</p> <p><b>Clause 3.9.1(1)</b> directs that inappropriate land use and development that is not primary production must be avoided on HPL.</p> <p><b>Clause 3.9.1(2)</b> directs that land use and development other than primary production is 'inappropriate' except where, amongst other matters, it addresses a high risk to public health and safety (b), it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act (c), or it is associated with specified infrastructure, which includes flood control and drainage works, and there is a functional and operational need to be located on HPL (j).</p> <p><b>Clause 3.9.1(3)(a)</b> directs Territorial Authorities to take measures to minimise or mitigate the actual or potential cumulative loss of the availability and productive capacity of HPL.</p> | <p>The District Plan has not been updated to give effect to the NPSHPL and HPL has not yet been mapped in the District Plan. However, it is likely that large areas of the Heretaunga Plains will be considered HPL.</p> <p>Flood control and the associated earthworks are exempt from being 'inappropriate' under Clause 3.9.1(2)(b) and (j). Flood protection and the associated earthworks are also a key component in the management of significant risks from natural hazards under s6(h) of the Act, which are exempt from being 'inappropriate' under NPSHPL Clause 3.9.1(2)(c). Therefore, flood control activities do not need to be avoided on HPL.</p> <p>Earthworks associated with flood protection (e.g. stopbank construction and fill borrow areas) typically involve topsoil stripping, stockpiling and reinstatement over earthworks areas. As such, a cumulative loss of the availability and productive capacity of HPL is unlikely to occur.</p> <p>Also, one of the benefits of flood protection works is that the productivity of land is protected during flood events.</p> |



| Summary   | Relevance   |
|---|---|
| <i>National Policy Statement for Freshwater Management (NPSFM) 2020</i>   |   |
| <p>The objective of the NPSFM is to ensure that natural and physical resources are managed in a way that prioritises the health and wellbeing of freshwater first, the health needs of people second, and the ability of people and communities to provide for their economic, social and cultural well-being third.</p> <p><b>Policy 3</b> provides direction that freshwater must be managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis.</p>  | <p>The NPSFM is primarily relevant to Regional Councils and Regional Plans. However, it is relevant in so far as it provides direction for District Plans to consider how land use and development may affect freshwater.</p> <p>The District Plan provides for the integrated management of earthworks and freshwater within chapter 27.1. Earthworks associated with flood protection improvements are stabilised and rehabilitated with grass. They are also undertaken in accordance with an Erosion and Sediment Control Plan (ESCP) to manage erosion and sediment runoff. As such, enabling these earthworks is unlikely to adversely affect freshwater.</p>                   |
| <i>National Policy Statement on Electricity Transmission (NPSET) 2008</i>   |   |
| <p>The objective of the NPSET is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance, upgrade, and development of the network while managing the adverse environmental effects of the activity and other activities adverse effects on the network.</p> <p><b>Policy 10</b> requires activities in the vicinity of the transmission network to be managed to avoid reverse sensitivity effects on the network and not compromise its operation, maintenance, upgrading, and development.</p> <p><b>Policy 11</b> requires district councils to consult Transpower to identify appropriate corridors where sensitive activities will not be provided for in plans or resource consent granted.</p> | <p>The NPSET requires that activities in the vicinity of the electricity transmission network are to be managed so that they do not compromise its operation. This is relevant to earthworks activities in the vicinity of the network.</p> <p>The District Plan gives effect to the NPSET through the provisions within chapter 22.1. This includes provisions that manage all earthworks within the National Grid Yard, which are a permitted activity under rule NU7 subject to compliance with the permitted activity standards. National Grid structures are also identified on the planning maps.</p> <p>No changes are proposed to this chapter or the District Plan maps.</p> |
| <i>New Zealand Coastal Policy Statement (NZCPS) 2010</i>  |   |
| <p><b>Objective 1</b> seeks to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land.</p> <p><b>Objective 2</b> seeks to preserve the natural character of the coastal environment and protect natural features and landscape values.</p> <p><b>Objective 6</b> seeks to enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development. It recognises that protection of the values of the coastal environment does not preclude use and</p>   | <p>The NZCPS is relevant as earthworks within the coastal environment can alter coastal landforms and natural character and adversely affect indigenous biological diversity.</p> <p>The District Plan primarily gives effect to this direction through Chapters 17.1 (natural features and landscapes), 19.1 (riparian land management and public access), and 20.1 (indigenous vegetation and habitats of indigenous fauna). No changes are proposed to these chapters.</p> <p>The District Plan also gives effect to the NZCPS through managing earthworks within Chapter 27.1.</p>  |



| Summary   | Relevance  |
|---|--|
| <p>development in appropriate places and forms and within appropriate limits.</p> <p><b>Policy 11</b> provides direction to protect indigenous biological diversity in the coastal environment.</p> <p><b>Policy 13</b> provides direction to preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development.</p> <p><b>Policy 15</b> provides direction to preserve natural features and natural landscapes of the coastal environment from inappropriate subdivision, use and development.</p> <p><b>Policy 22</b> provides direction to reduce sediment loadings in runoff and stormwater systems through controls on land use activities.</p> | <p>The District Plan will need to continue to give effect to the direction in the NZCPS following the plan change.</p> |

#### 2.4.3 HBRC Regional Policy Statement (2006)

The following Regional Policy Statement provisions are relevant to the proposed plan change.

Table 2.5: HBRC Regional Policy Statement

| Summary   | Relevance  |
|---|--|
| A District Plan must give effect to any regional policy statement (s75)(3)(c).  |  |
| <p><b>Chapter 2.3, OBJ 3</b> seeks to avoid the imposition of unnecessary costs of regulation on people.</p> <p><b>Chapter 3.1A, OBJ LW1 and policy LW1</b> seek integrated management of freshwater and land use. This includes, amongst other matters, recognising and providing for river management and flood protection activities; and promoting the preservation of the natural character of the coastal environment, and rivers, lakes and wetlands, and their protection from inappropriate use and development.</p> <p><b>Chapter 3.1B, OBJ UD1</b> seeks an urban form that retains heritage values and values important to tangata whenua and avoids or mitigates increasing the frequency or severity of risk to people and property from natural hazards.</p> <p><b>Policy UD2</b> provides direction for district plans to provide for business activities in a manner that avoids or mitigates locational constraints due to flood control and drainage schemes that are at or over capacity.</p> <p><b>Chapter 3.2, OBJ4 and OBJ9</b> promote the preservation of the natural character of the coastal environment and protection from inappropriate use and development. Also seeks the maintenance and enhancement of infrastructure with the coastal environment.</p> <p><b>Chapter 3.3, OBJ11 and OBJ12</b> seek to reduce hill country erosion and avoid a loss in the productive capability of land as a result of</p> | <p>The RPS provides overarching direction to territorial authorities on the management of environmental values, resources and development within the Region.</p> <p>This direction is relevant as it guides the management of earthworks, and their potential adverse effects, within District Plans.</p> <p>The RPS also recognises that river management and flood protection activities need to be provided for to manage the risk from the flooding natural hazard.</p> <p>The District Plan will need to continue to give effect to the direction in the RPS following the plan change.</p> |



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| Summary  | Relevance |
|--|-----------|
| <p>inappropriate management practices hastening wind erosion.</p> <p><b>Chapter 3.4, OB15</b> seeks the preservation and enhancement of the remaining areas of significant indigenous vegetation, significant habitats of indigenous fauna and ecologically significant wetlands.</p> <p><b>Chapter 3.10, OBJ27A</b> seeks to maintain and enhance riparian vegetation.</p> <p><b>Chapter 3.12, OBJ31 and policy 55</b> seek to avoid or mitigate the adverse effects of natural hazards on people's safety, property, and economic livelihood. Provides direction that this includes through HBRC providing hazard mitigation measures.</p> <p><b>Chapter 3.13, OBJB 32</b> seeks the ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the regions people and communities and provides for their health and safety.</p> <p><b>Chapter 3.14, OBJ35, OBJ36, OBJ37 and policy 59, 64, 65, 66</b> provide direction to consult with tangata whenua, to protect wāhi tapu, Tauranga waka (landings for waka), mahinga kai, taonga raranga (plants for weaving) and taonga rongoa (medicinal plants) and to recognise the importance of coastal, lake, wetlands and river environments to Māori.</p> |           |

#### 2.4.4 Ngaruroro and Clive Rivers Water Conservation Order

Table 2.6: Ngaruroro and Clive Rivers Water Conservation Order

| Summary   | Relevance   |
|---|---|
| A District Plan must not be inconsistent with a water conservation order (s75)(4)(a).   |   |
| <p>A water conservation order (WCO) was sought over the entire length of the Ngaruroro River, its tributaries and hydraulically connected groundwater as well as 7 km of the Clive River.</p> <p>On 4 November 2022 the Environment Court released its findings including a draft WCO. The draft WCO recommends prohibitions and restrictions in relation to damming, altering the river flow and form via water takes, protecting water quality from contaminant discharges, and requires fish screens when taking or diverting water. The definition of "damming" in relation to the lower Ngaruroro River is currently under appeal.</p> | <p>The WCO relates to Regional Council functions, namely the take, damming and diversion of water; the discharge of contaminants; and requirements for structures in the bed of a river. As such, it has limited relevance to this plan change and the District Plan.</p> <p>The WCO and its restrictions and prohibitions will need to be considered by HBRC during the development of future flood protection projects.</p> |

#### 2.4.5 HBRC Regional Plans

The following Regional Plan provisions are relevant to the proposed plan change.



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Table 2.7: HBRC Regional Plans

| Summary   | Relevance  |
|---|--|
| <i>A District Plan must not be inconsistent with a regional plan (s75)(4)(b).</i>   |  |
| <i>Regional Resource Management Plan (RRMP) 2006</i>  |  |
| <p><b>Chapter 5.2, OBJ 38 and policy 67</b> seek the sustainable management of land resources to avoid compromising future use and water quality and provides direction to revegetate disturbed areas, avoid the degradation of the physical properties of soils and implement controls to mitigate or avoid sediment discharges.</p> <p><b>Chapter 5.4, OBJ 40 and policy 71</b> seek the maintenance of water quality and provide direction to manage activities in accordance with numerical environmental guidelines.</p> <p><b>Chapter 5.9, OBJ TT1</b> seeks to sustainably manage the use and development of land, the discharge of nutrients and the take, use, damming or diverting of freshwater in the Tukituki River catchment.</p>   | <p>The control of sediment discharges is primarily a Regional Council function, and the RRMP manages the discharge of sediment, as a contaminant, to water.</p> <p>However, the District Plan can support the RRMP through managing earthworks activities on land to control soil erosion.</p> <p>The District Plan can also manage the scale and location of earthworks to provide for amenity and landscape values not addressed by RRMP.</p>  |
| <i>Regional Coastal Environment Plan (RCEP) 2014</i>  |  |
| <p><b>Part B2, OBJ 2.1 and policy 2.9</b> seeks to preserve the natural character of the coastal environment and protect the coastal environment from inappropriate subdivision, use and development. Provides direction to have particular regard to the maintenance or enhancement of existing amenity and cultural values.</p> <p><b>Part B3, OBJ 3.1 and policy 3.1, 3.2, 3.3</b> seeks the protection of Outstanding Natural Features and Landscapes (ONFL) within the coastal environment. Provides direction to protect the visual coherence of the existing landscape and features; avoid, remedy and mitigate adverse effects on significant landforms; and maintain the visual quality and physical and ecological integrity of ONFL.</p> <p><b>Part B4, OBJ 4.1 and policy 4.1, 4.2, 4.3, 4.4</b> seeks the protection of regionally and nationally important ecosystems and significant indigenous vegetation and habitats within the coastal environment. Provides direction to avoid adverse effects on ecological systems, and where avoidance is not practicable, to remedy or mitigate. Provides direction to protect ecological values of wetlands, dunes, lagoons, estuaries and river mouths and avoid, remedy, mitigate the adverse effects on the values of Significant Conservation Areas.</p> <p><b>Part B6, OBJ 6.1 and policy 6.2, 6.4</b> seeks the protection of the spiritual, heritage, historical and characteristics of cultural significance to tangata whenua. Provides direction to recognise and provide for the protection of sites of significance and avoid, remedy, mitigate adverse effects.</p> | <p>The RCEP is relevant to earthworks adjacent to the coast within the mapped 'Coastal Environment Inland Boundary'. This includes river mouths and estuaries where existing flood protection may be present or may be required in future.</p> <p>Earthworks have the potential to result in adverse effects on the values of the coastal environment.</p> <p>The District Plan can support the RCEP through controlling the scale and location of earthworks to manage adverse effects on the ecological, landscape and amenity, tangata whenua and heritage values within the coastal environment.</p> |

| Summary  | Relevance |
|--|-----------|
| <b>Part B7, OBJ 7.1 and policy 7.4</b> seeks the protection of historic heritage. Provides direction to protect historic heritage of significance to coastal hapū. |           |

#### 2.4.6 National Environmental Standards

The following National Environmental Standards are relevant to the proposed plan change.

Table 2.8: National Environmental Standards

| Summary   | Relevance   |
|---|---|
| <i>A District Plan must not duplicate or conflict unless specified in the NES (Sections 43B and 44A of the RMA)).</i>   |   |
| <i>Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC)) Regulations 2011</i>                                |   |
| In the context of potential District Plan provisions for earthworks, the NESC establishes a regulatory framework for the sampling and disturbance (i.e., earthworks) of contaminated soils. | The NESC sets out that its regulations deal with territorial functions (Part 4). As such, it sits alongside the District Plan and its provisions should not be duplicated in the District Plan. The NESC and its regulations will need to be considered by HBRC during the development of future flood protection projects.   |
| <i>Resource Management (National Environmental Standards for Freshwater) Regulations 2020</i>   |   |
| The NESF contains regulations that restrict earthworks, vegetation clearance and the take, use, damming and diversion of water within and near natural inland wetlands.                     | The NESF only deals with Regional Council functions and does not deal with District Council functions. As such, it is not relevant to this plan change and the District Plan. However, it is included to note that earthworks and vegetation clearance in the vicinity of natural inland wetlands will continue to be managed by the NESF regulations and may require resource consent from HBRC. |

#### 2.4.7 Iwi management plans

As per section 74(2A) when changing a District Plan a territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

Table 2.9: Iwi management plans

| Summary   | Relevance  |
|---|--|
| <i>Hineuru Iwi Trust: Iwi Environmental Management Plan (IEMP) 2022</i>   |  |
| The IEMP outlines engagement protocols and a kaitiakitanga framework and emphasises that Hineuru wish to work with Councils in the development and revision of plans. The IEMP also includes desired outcomes. Themes include, but are not limited to, involvement in policy and consent processes, water quality and quantity, and the | The IEMP outlines that the Hineuru area of interest is inland, covering the hill country near Te Pohue and Tarawera and away from the Heretaunga Plains. As such, earthworks for flood protection improvements have a low likelihood of occurring within this area. Notwithstanding this, the desired outcomes relating to involvement in planning processes |



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|--|---|
| recognition, maintenance and enhancement of wāhi tapu and sites of significance.   | and maintenance of sites of significance are relevant to earthworks. HBRC have engaged with Hineuru during the preparation of the plan change (refer to section 5) and the wāhi tapu provisions within the District Plan will remain unchanged.   |
| <i>Ngāti Hori Freshwater Resources Management Plan (FRMP) 2012</i>   |   |
| Ngāti Hori are a hapū of Ngati Kahungunu ki Heretaunga and have a close relationship with the Karamu Stream and Ngaruroro River. The FRMP outlines four key priorities including achieving sufficient water flow, improving water quality, protection and restoration of traditional riparian vegetation, and protection and restoration of fish and fish habitat.   | This document focuses more on Regional Council issues.<br>The priority to protect and restore traditional riparian vegetation is relevant to flood protection improvements generally, as there may often be an element of vegetation modification as part of the works. However, vegetation modification, including within riparian areas, is managed under chapters 19.1 and 20.1 of the District Plan and these provisions will remain unchanged.   |
| <i>Mana Ake, An Expression of Kaitiakitanga, Ngā Hapū o Heretaunga 2015</i>  |   |
| The management plan was prepared by Te Taiwhenua o Heretaunga for the hapū of Heretaunga and includes desired outcomes and policies. In relation to earthworks these include the protection, restoration and enhancement of the life supporting capacity of mahinga kai, indigenous biodiversity and land, natural habitats and ecosystems; and the protection of cultural landmarks and sites of significance.<br>The management plan also outlines Ngāti Kahungunu ki Heretaunga's role as kaitiaki and wish to be involved in planning processes. | This document is relevant as earthworks have the potential to adversely effect mahinga kai, indigenous biodiversity, land, cultural landmarks and sites of significance.<br>This has been taken into account during the development of the provisions, which do not enable earthworks in ONFL and SAL and retaining the existing District Plan provisions relating to wāhi taonga and indigenous biodiversity. HBRC have engaged with Te Taiwhenua o Heretaunga and Ngāti Kahungunu during the preparation of the plan change (refer to section 5). |
| <i>Tūtaekurī Awa Management and Enhancement Plan, prepared by Ngā Hapū o Tūtaekurī 2014</i>  |   |
| This is a collective plan for the hapū of the Tūtaekurī River and sets out aspirations. Key themes relevant to earthworks include reducing erosion prone land; reducing sediment discharges through native planting; ensuring good environmental land management practices, which restore the ecological health and mauri of the Tūtaekurī awa, are adopted; and ensuring that Papatūānuku is able to support diverse ora and ecosystems within the greater Tūtaekurī awa catchment.   | The aspirations to reduce erosion and sediment discharges, ensure good environmental management practices are implemented, and to ensure Papatūānuku is able to support ecosystems have been taken into account during the development of the proposed provisions.<br>Earthworks associated with flood protection improvements are rehabilitated with topsoil and stabilised through establishing grass cover. The earthworks are also undertaken in accordance with an ESCP to manage erosion and sediment runoff.                                 |
| <i>Tangata whenua values to attributes and management priorities for the Ngaruroro River 2016</i>  |   |
| This document expresses tangata whenua values for freshwater within the Ngaruroro catchment. Values include mauri, ecosystem health, indigenous riparian margins, the rivers natural character, waimāori, wairua, mahinga  | This document primarily relates to freshwater values associated with water quality and quantity and the riverbed. The management of freshwater and the beds of rivers is a Regional Council function.   |



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| Summary   | Relevance  |
|---|--|
| kai, indigenous taonga/tohu species habitat and spawning, and waahi taonga/wāhi tapu.   | However, values associated with indigenous riparian margins, mahinga kai, indigenous taonga/tohu species habitat, and waahi taonga/wāhi tapu are relevant to earthworks and have been taken into account during the development of the proposed provisions. The existing District Plan provisions relating to wāhi taonga and indigenous biodiversity will be retained unchanged.                        |
| <i>Ngati Kahungunu Kaitiakitanga Mo Nga Taonga Tuku Iho 1992</i>  |  |
| This document outlines significant issues to Ngati Kahungunu and desired outcomes. The issues relate to the protection and preservation of mauri, implementing the principals of the Treaty of Waitangi, the reaffirmation of the Māori social fabric, managing the coastal environment, waste management, protecting water quality, the protection of waahi tapu and having regard to the Ngati Kahungunu ethic for sustainable resource management. | Key issues relevant to earthworks include the elimination of resource management practices that threaten the mauri of national species and the protection and preservation of waahi tapu. These have been taken into account during the development of the proposed provisions and the existing District Plan provisions relating to wāhi taonga and indigenous biodiversity will be retained unchanged. |

## 2.5 Adjacent territorial authorities

As per section 74(2)(c) when changing a District Plan a territorial authority shall have regard to the extent to which the District Plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

The Heretaunga Plains flood control and drainage scheme ('the scheme') includes stopbanks that are within Napier City Council's (NCC) district and therefore, the NCC operative and proposed District Plan is considered relevant.

### Proposed district plan

The NCC notified the proposed District Plan on the 21<sup>st</sup> September 2023. The *EW-Earthworks* chapter contains permitted activity rule EW-R2A, which permits river control and/or drainage works where:

1. *The removal, stockpiling, and processing of river berm silt, gravel, or other river control or drainage works carried out by a local authority exercising its powers, functions, and duties under any enabling legislation, including the Soil Conservation and Rivers Control Act 1941 or the Land Drainage Act 1908.*

There are no other permitted activity conditions or standards (e.g. volume limits) attached to the rule. This rule achieves the outcome that HBRC seek within the HDC District Plan.

### Operative district plan

*Chapter 52a - Earthworks* of the NCC operative District Plan contains permitted activity rule 52A.7, which permits river control or drainage works for:

1. *The removal of river berm silt, gravel or other river control or drainage works carried out by a local or regional authority, exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, or the Land Drainage Act 1908.*



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There are no other permitted activity conditions or standards (e.g. volume limits) attached to the rule. This rule achieves the outcome that HBRC seek within the HDC District Plan.



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### 3 Current approach

Chapter 27.1 - Earthworks, Mineral, Aggregate and Hydrocarbon Extraction of the District Plan includes objectives, policies and rules for earthworks. This includes permitted activity rule EM4 for river control and drainage activities which permits:

*"The removal of river berm silt, gravel or other river control or drainage works carried out by a local or regional authority, exercising its powers, functions and duties under The Soil Conservation and Rivers Controls Act 1941, or The Land Drainage Act 1908 and ancillary activities involved with the relocation of the extracted material."*

To comply with rule EM4, the general performance standards in section 27.1.6 must also be complied with. The performance standards include volume, cut/fill height and slope limits as well as conditions relating to site stabilisation, sediment runoff into Council's reticulated network, protecting flood protection and drainage patterns, noise, and providing information to Council for fill sites.

If all of the performance standards in section 27.1.6 cannot be complied with, resource consent is required as a restricted discretionary activity under rule EM6. Councils' discretion is restricted to:

- The effects of land disturbance and vegetation clearance on the life-supporting capacity of soils, soil erosion and stability, soil runoff and sedimentation, natural landforms and contours, flora and fauna, significant cultural, ecological and historic heritage sites, and the composition and characteristics of any fill used;
- Visual effects;
- Effects on other land uses and adjoining properties (e.g. drainage patterns and dust nuisance);
- Noise effects;
- Effects on access to and along watercourses and waterbodies;
- Effects on recreation, conservation or natural areas; and
- Visual effects on Outstanding Natural Features and Landscapes (ONFL).

#### 3.1 Exemptions

Section 27.1.5 lists a number of activities that are exempt from complying with the general performance standards and terms in section 27.1.6. This includes:

- Earthworks assessed with a subdivision consent and designations; or
- Earthworks associated with a building consent, forestry activities, network utility operations or the replacement and/or removal of fuel storage systems; or
- Earthworks associated with the creation of public walkways and cycleways, except within an ONFL.

Policy EMP6 provides direction on when an exemption may be appropriate, stating:

*'Allow for specific activities such as forestry to be exempt from the rules and standards for earthworks and mining, where large scale earthworks are known to be essential to the continued operation of the activity, and the effects on the environment are likely to be minor'.*

The explanation of policy EMP6 states that specific activities are known to require large scale earthmoving to ensure day to day operations of their activities. Where activities are likely to constantly breach the earthworks performance standards, but the activity is generally expected to occur by the public, an exemption may be afforded. Many of these activities are governed by their own industry Code of Practice.



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### 3.2 Other District Plan chapters

Other chapters of the District Plan relevant to river control and drainage works include:

- *Chapter 15.1 - Natural hazards:* Rule NH1 permits river control and drainage works within the River Hazard Overlay. There are no permitted activity performance standards to be complied with and a resource consent is not required;
- *Chapter 16.1 - Wāhi taonga:* River control and drainage works are not specifically provided for by a permitted activity rule or exempt from complying with the rules. If a Wāhi taonga is affected the permitted activity rules must be complied with or a resource consent obtained;
- *Chapter 17.1 - Natural features and landscapes:* River control drainage works (other than earthworks which are managed under Chapter 27.1) are permitted under rule LS1. Resource consent is not required;
- *Chapter 18.1 - Heritage items and notable trees:* River control and drainage works are not specifically provided for by a permitted activity rule or exempt from complying with the rules. If a heritage item or notable tree is affected the permitted activity rules must be complied with or a resource consent obtained;
- *Chapter 19.1 - Riparian land management and public access:* Section 19.1.6.1(x) states that riparian vegetation modification does not include actions undertaken or authorised by the HBRC for the purpose of flood control activities. The rules within this chapter do not restrict riparian vegetation modification associated with flood control activities;
- *Chapter 20.1 - Indigenous vegetation and habitats of indigenous fauna:* Performance standard 20.1.6B(h) permits all indigenous vegetation modification where it relates to actions undertaken for flood control purposes undertaken by or on behalf of the Hawke's Bay Regional Council. As such, indigenous vegetation modification is permitted under rule IN1 and IN2 and resource consent is not required;
- *Chapter 25.1 - Noise:* Construction noise from machinery is provided for as a permitted activity under rule NS1, provided it complies with NZS6803:1999 *Acoustics - Construction Noise* (performance standard 25.1.6I); and
- *Chapter 22.1 - Network Utilities:* Earthworks within the National Grid Yard are a permitted activity under rule NU7 subject to compliance with the permitted activity standards. Earthworks associated with flood control and drainage activities must comply with the permitted activity rule or obtain resource consent.



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## 4 Issues

As outlined in the Plan Change Overview Report, early in 2024 HBRC commissioned the Hawkes Bay Independent Flood Review<sup>1</sup> which looked at the impacts of Cyclone Gabrielle on the community. In July 2024 the findings were released, which included a number of recommendations related to structural flood management works.

As HBRC considers the findings of the review and looks to improve the scheme in the coming years, many of the existing stopbanks may require an upgrade. New flood management works may also be required and could include the construction of new stopbanks, spillways and detention dams. As such, HBRC anticipates a large future programme of works to improve the Heretaunga Plains flood control and drainage scheme.

Flood protection improvements can reasonably be expected to require a degree of vegetation clearance and earthworks. The works are also typically located near rivers and are often within the river hazard overlay identified in the District Plan maps.

Currently, the District Plan permits all vegetation clearance associated with flood control activities under Chapters 19.1 and 20.1. River control and drainage works within the river hazard overlay are also permitted under Chapter 15.1. No resource consents are required for these activities.

Earthworks for river control and drainage activities are provided for as a permitted activity under rule EM4 in Chapter 27.1. However, the general performance standards and terms for all earthworks apply (section 27.1.6). Earthworks for flood protection improvements (e.g. stopbank upgrades) require large volumes of earthworks and will often not comply with the permitted activity performance standards. Therefore, under the current District Plan provisions HBRC will require many individual resource consents for the earthworks component of flood protection improvements.

As such, river control and drainage works are not provided for (i.e. permitted) consistently throughout the District Plan and the resource consent requirement for the earthworks component of flood protection improvements creates a time and cost burden for HBRC.

<sup>1</sup> Hawkes Bay Independent Flood Review: <https://www.hbrc.govt.nz/assets/Document-Library/Cyclone-Gabrielle/Report-of-the-Hawkes-Bay-Independent-Flood-Review-Digital-Version.pdf>



## 5 Consultation

In accordance with Schedule 1, clause 3(1), consultation was undertaken with the Hastings District Council and tangata whenua. Consultation was also undertaken with a number of other parties. The consultation undertaken is outlined below and the feedback received and HBRC's response summarised in Table 5.1.

### ***Ngāti Hineuru***

On 4 September 2024 an initial letter was sent to the Hineuru Iwi Trust which provided background information on the proposed plan change and sought feedback. On 9 September further information was sought and provided by HBRC via email on 11 September 2024. Hineuru Iwi Trust advised on 11 September 2024 that they did not consider further consultation to be required (refer to Table 5.1).

### ***Tamatea Pōkai Whenua***

On 4 September 2024 an initial letter was sent which provided background information on the proposed plan change and sought feedback. No response was received and HBRC subsequently followed up via email on the 27<sup>th</sup> of September. On 6 November HBRC received a phone call from Tamatea Pōkai Whenua thanking HBRC for sending the background information. No other response was received prior to lodging the plan change.

### ***Mana Ahuriri***

On 4 September 2024 an initial letter was sent to the Mana Ahuriri Trust which provided background information on the proposed plan change and sought feedback. Mana Ahuriri provided initial feedback 5<sup>th</sup> September and requested a hui for the 13<sup>th</sup> of September, however, the hui did not go ahead due to HBRC staff availability. HBRC contacted Mana Ahuriri on the 13<sup>th</sup>, 18<sup>th</sup> and 26<sup>th</sup> of September via email to reschedule the hui. HBRC subsequently spoke with Mana Ahuriri via phone on the 29<sup>th</sup> October and provided the initial letter sent. Mana Ahuriri did not respond prior to lodging the plan change.

### ***Maungaharuru-Tangitū***

On 4 September 2024 an initial letter was sent to the Maungaharuru-Tangitū Trust which provided background information on the proposed plan change and sought feedback. HBRC subsequently attended a hui at the Maungaharuru-Tangitū Trust offices on 17 October 2024. Refer to Table 5.1 for the feedback.

### ***Te Taiwhenua ō Heretaunga***

On 4 September 2024 an initial letter was sent which provided background information on the proposed plan change and sought feedback. No response was received and HBRC subsequently followed up via email on the 27<sup>th</sup> of September. No response has been received prior to lodging the plan change.

### ***Ngāti Kahungunu***

On 4 September 2024 an initial letter was sent to Ngāti Kahungunu Iwi Incorporated which provided background information on the proposed plan change and sought feedback. HBRC subsequently attended a hui at the Ngāti Kahungunu offices on 25 November 2024. Refer to Table 5.1 for the feedback.

### ***Transpower Limited***

On 18 September 2024 an initial letter was sent to the manager of the RMA team. The letter provided background information on the proposed plan change and sought their feedback. Transpower subsequently spoke with HBRC on 27 September 2024 and provided written feedback via email (refer to Table 5.1).



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***New Zealand Transport Agency (NZTA)***

On 18 September 2024 an initial letter was sent to the Hawke's Bay & Gisborne system manager. The letter provided background information on the proposed plan change and sought their feedback. NZTA subsequently met (online) with HBRC on 9 October 2024. Refer to Table 5.1 for the feedback.

***KiwiRail Limited***

On 17 September 2024 an initial letter was sent to the manager of the RMA team. The letter provided background information on the proposed plan change and sought their feedback. KiwiRail subsequently met (online) with HBRC on 8 November 2024. Refer to Table 5.1 for the feedback.

***Hastings District Council Asset Management Group***

On 18 September 2024 an initial letter was sent to the Group Manager of the Asset Management Group. The letter provided background information on the proposed plan change and sought their feedback. HDC subsequently met with HBRC on 11 October 2024. Refer to Table 5.1 for the feedback.

***Hastings District Council Environment Policy Team***

Throughout the preparation of the plan change HBRC met with the HDC's Environmental Policy team to discuss the plan change and provide updates. HDC's policy team were also provided a draft of the plan change documents for review and comment.

***Hawkes Bay Regional Recovery Agency (RRA)***

On 18 September 2024 an initial letter was sent to the RRA. The letter provided background information on the proposed plan change and sought their feedback. The RRA subsequently met with HBRC on 16 October 2024. Refer to Table 5.1 for the feedback.

***Department of Conservation (DoC)***

On 19 August 2024 HBRC met with DoC Napier office to discuss current and future projects. HBRC raised the proposed plan change and outlined the reasons for the plan change and proposed changes to the earthworks chapter. DoC advised that HDC, Forest & Bird and Jet boaters may be interested in the plan change and could be contacted. DoC did not raise any concerns with the proposal or provide any specific feedback.

***Minister for the Environment***

On 12 November 2024 a letter was sent to the Minister for the Environment to inform them of the proposed plan change and advise that HBRC is available to discuss the plan change should they wish to provide feedback. No response has been received prior to lodging the plan change.

***Forest and Bird***

On 13 November 2024 a letter was sent to Forest and Bird to inform them of the proposed plan change and advise that HBRC is available to discuss the plan change should they require further information. Several points were raised via email on the 13<sup>th</sup> and 19<sup>th</sup> of November. Refer to Table 5.1 for the feedback.

***Fish and Game***

On 12 November 2024 a letter was sent to Fish and Game to inform them of the proposed plan change and advise that HBRC is available to discuss the plan change should they require further information. No response has been received prior to lodging the plan change.



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Table 5.1: Summary of feedback and response

| Matter raised/feedback  | Response   |
|---|--|
| <i>Ngāti Hineuru</i>  |  |
| Noted that the majority of the work was outside of their tribal area, that they see little need to comment and it would be appropriate for the neighbouring Post Settlement Governance Entities (PSGE's) to comment. Advised that Eskdale has some sites of significance and until project sites are determined in Eskdale no further feedback is required.   | Nil.   |
| <i>Tamatea Pōkai whenua</i>   |  |
| Nil.  | Nil.   |
| <i>Mana Ahuriri Trust</i>   |  |
| The initial response received on 5 <sup>th</sup> September noted that their team would review and respond to HBRC, and that, in principle, Mana Ahuriri support flood protection upgrades with the ability to uphold Te Mana o te Wai, mana whenua values and aspirations.  | Nil, as further feedback was not received the mana whenua values and aspirations mentioned are unknown and cannot be commented on.<br><br>Te Mana o te Wai is a concept within the NPSFM and the relevance of the NPSFM to this plan change is outlined in section 2.4.2 of this report. It is noted that discharges of sediment to water are managed by the Regional Council. Notwithstanding this, earthworks associated with flood protection improvements are stabilised and rehabilitated with grass and undertaken in accordance with an ESCP to manage erosion and sediment runoff.   |
| <i>Maungaharuru-Tangitū</i>   |  |
| The following questions and concerns were raised: <ul style="list-style-type: none"> <li>How would known wāhi taonga sites that are not mapped within the District Plan be protected.</li> <li>How would Maungaharuru-Tangitū have assurance, such as through a statutory requirement, that an engagement process would occur during the development of flood protection improvement projects.</li> </ul> | In terms of the protection of the unregistered wāhi taonga sites, there is no clear statutory mechanism that can be used as part of this private plan change process that would provide for this. The District Plan contains rules relating to wāhi taonga sites and the most certain planning pathway to protect known wāhi taonga sites is to have them registered in the District Plan.<br><br>In terms of continuing engagement, the HBRC Infrastructure Project Management Office (IPMO) has developed a 'Mana Whenua Engagement Framework' and a 'Mana Whenua Engagement Processes' document. These documents are attached in Appendix A and outline the procedures for engaging with mana whenua and will be followed during the development of flood protection improvement projects. While non-statutory documents, following these processes will ensure meaningful engagement throughout the lifecycle of a project and enable early identification of wāhi taonga sites and cultural values that can be incorporated into the project scoping and development. |
| <i>Te Taiwhenua o Heretaunga</i>  |  |

| Matter raised/feedback   | Response   |
|--|--|
| Nil.   | Nil.   |
| <i>Ngāti Kahungunu</i>   |  |
| Ngāti Kahungunu wish to be engaged with during the development and optioneering of projects as they have information and skills that they can contribute to these discussions.<br>Also noted that raising the height of stopbanks may not always be the best solution and 'making room for rivers' should be explored.<br>Overall, Ngāti Kahungunu advised that they could see the 'logic' of the plan change. | As outlined above the HBRC IPMO has developed a 'Mana Whenua Engagement Framework' and a 'Mana Whenua Engagement Processes' document and the engagement procedures within these documents will be followed for projects.<br>The development and design of flood protection improvement options is outside the scope of this plan change. |
| <i>Transpower Limited</i>  |  |
| Transpower do not have any concerns with the proposed plan changes to the earthworks chapter. Transpower's interest is ensuring the plan change does not alter the rules relating to earthworks with the National Grid Yard (chapter 22.1 of the District Plan).<br>Provided these rules are not changed Transpower does not foresee issues and will review the plan change once notified.                     | The rules in chapter 22.1 will not be changed.   |
| <i>New Zealand Transport Agency</i>  |  |
| NZTA have no concerns with the proposed plan change, noting that for specific projects that interact or affect the State Highway Network NZTA anticipates the same level of engagement that they have had on previous projects.  | If future flood protection improvements affect a State Highway HBRC will engage with NZTA during the project design phase. It is noted that all State Highways are designated in the Hastings District Plan and HBRC requires NZTA's approval to undertake works within their designation under RMA s176.                                |
| <i>KiwiRail Holdings Limited</i>   |  |
| KiwiRail have no concerns with the plan change, noting that KiwiRail would like to continue to work with Council to provide feedback on projects as and when required.   | If future flood protection improvements affect the rail corridor HBRC will engage with KiwiRail during the project design phase. It is noted that the rail corridor is designated in the Hastings District Plan and HBRC requires KiwiRail's approval to undertake works within their designation under RMA s176.                        |
| <i>HDC Asset Management Group</i>  |  |
| No concerns raised with the proposed plan change. Consideration should be given to avoiding significant landscapes such as Te Mata Peak and any possible restrictions under the NPSHL.   | Earthworks within ONFL and SAL will continue to be subject to the existing earthworks performance standards and terms. The NPSHL and its relevance to the plan change is addressed in section 2.4.2 and 9.1 of this report.  |
| <i>Hawkes Bay Regional Recovery Agency</i>   |  |

| Matter raised/feedback  | Response  |
|---|---|
| No concerns were raised or specific feedback provided in relation to the proposed plan change.  | Nil.  |
| Forest and Bird   |   |
| Queried whether the plan change wording could be updated to exclude earthworks in outstanding waterbodies in addition to ONFL and SAL. Also, queried whether there were any examples of when the rule will be used. | <p>The management of the beds of lakes and rivers is a Regional Council function and managed by the HBRC Regional Resource Management Plan. As such, bed disturbance within outstanding waterbodies is outside the scope of the plan change.</p> <p>Rule EM4 and the proposed exemption will apply to earthworks for river control and drainage activities when undertaken by HBRC. No decisions have been made on the method or location of flood protection improvements and these decisions are outside of the scope of the plan change.</p> |

## 6 Scale and significance

Section 32(1)(c) of the RMA requires that the s32 evaluation report contains a level of detail that corresponds with the scale and significance of the of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

The District Plan contains provisions for managing earthworks within a standalone earthworks chapter. This includes objectives, policies, rules and exemptions for specific activities from complying with the general performance standards and terms (section 27.1.6). The requested changes are minor and limited to the inclusion of river control and drainage earthworks undertaken by HBRC within the list of activities exempt from complying with the general performance standards and terms, an amended anticipated outcome EMAO5 and new associated policy EMP15, and a minor amendment to objective to EMO1 to link the EMO1 to EMAO5. The existing objectives and policies will remain unchanged and the existing rules and performance standards will continue to apply to other earthworks activities.

As outlined in section 2.3 of the Plan Change Overview Report, the earthworks involved in flood protection activities typically include the removal and stockpiling of topsoil; excavation of suitable fill from borrow areas to be used in construction; the placement and compaction of fill, such as to build, raise and widen stopbanks; and reinstating the topsoil and stabilising disturbed areas through establishing grass cover.

In terms of the scale and significance of the adverse effects anticipated, it is noted that:

- The change will only permit earthworks undertaken by, or on behalf of, HBRC, thereby limiting the scale and extent of potential effects;
- The general performance standards and terms will continue to apply to ONFL and SAL and there will be no change to the scale and significance of effects on these landscapes;
- River control and drainage activities within wāhi taonga and heritage sites or the National Grid yard will not be further enabled;
- The landscape and visual effects assessment prepared as part of this plan change has described the potential adverse effects as low;
- The ecological assessment prepared as part of this plan change has described the potential adverse effects on terrestrial ecology as no more than minor; and
- The earthworks consents currently required for river control and drainage works are typically of low complexity, and due to the hazard management benefits are unlikely to be declined. As such, the plan change is unlikely to enable earthworks that that would otherwise not occur. For example, a resource consent (RMA20230257) was granted in 2023 to undertake earthworks to upgrade 2.8 km of the Ngatarawa stopbank near Roys Hill with simple consent conditions predominantly related to erosion and sediment control, construction noise and an accidental discovery protocol.

Having considered the above matters, the scale and significance of the environmental effects from the proposed provisions is considered to be low. This reflects that the change is minor and will align the earthworks chapter with how other District Plan chapters (e.g. Chapter 15.1, 19.1 and 20.1) provide for river control and drainage activities.



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## 7 Evaluation of Objectives

Section 32(1)(a) requires an evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.

For the purpose of S32, objectives means:

*(a) for a proposal that contains or states objectives, those objectives:*

*(b) for all other proposals, the purpose of the proposal.*

The requested plan change does not include or state objectives to be included within the District Plan. Therefore, the 'objective' is the purpose of the proposal, which is to enable earthworks (i.e., as a permitted activity) undertaken by, or on behalf of, the HBRC for river control and drainage purposes to facilitate the efficient delivery of flood protection improvements.

The objective is considered the most appropriate way to achieve the purpose of the Act because:

- Earthworks for flood protection improvements will enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety (section 5);
- Overall, the potential adverse effects on the environment from the earthworks have been described as part of this plan change as no more than minor. As such, the objective is unlikely to prevent the life supporting capacity of air, water, soil and ecosystems from being safeguarded and is considered to be of low risk (section 5);
- It gives effect to the efficient management of the significant flood hazard risk (section 6(h) and section 7(b));
- The potential landscape and visual effects have been described as low. Therefore, the objective is unlikely to prevent the preservation of the natural character of the coastal environment and rivers (section 6(a)) and will maintain existing visual amenity values (section 7(c & f)). As such, the District Plan will continue to give effect to these Part 2 matters;
- The potential adverse effects on terrestrial ecology values have been described as no more than minor. Therefore, the objective is unlikely to prevent the protection of significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c) and section 7(d)). The District Plan will continue to give effect to these Part 2 matters;
- ONFL will continue to be protected by the existing earthworks provision (section 6(b)) and the District Plan will continue to give effect to this Part 2 matter;
- Wāhi taonga and heritage sites will continue to be protected by the existing District Plan provisions (section 6(e&f)) and the District Plan will continue to give effect to these Part 2 matters;
- The tangata whenua consulted with and that have provided feedback have generally provided support for the objective or not raised opposition to the objective (section 7(a)); and
- It will only enable earthworks undertaken by, or on behalf of, HBRC. Reducing costs to the community (as ratepayers), while retaining suitable controls within the District Plan to manage the potential adverse effects from earthworks more broadly.



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## 8 Evaluation of Proposed Provisions

### 8.1 Introduction

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

### 8.2 Proposed Provisions

The District Plan currently exempts earthworks associated with certain activities from needing to comply with the general performance standards and terms in Chapter 27.1. It is proposed to include earthworks for river control and drainage purposes undertaken by, on behalf of, HBRC within this list of exempt activities. A new policy, an amendment to anticipated outcome EMAO5 and a minor amendment to objective EMO1 are also proposed to provide direction that earthworks for river control and drainage purposes are to be enabled and link to the proposed exemption provision.

The following change is proposed to *Chapter 27.1 - Earthworks, Mineral, Aggregate and Hydrocarbon Extraction* of the HDC District Plan. Additions are shown in underline:

|   |  |
|---|--|
| <b>EMAO5</b>  | Flood protection of rivers <u>is able to be carried out efficiently and</u> is sustainably managed including the reduction of sedimentation into waterbodies, watercourses and riparian areas  |
| <b>Objective EMO1</b><br>Relates to Outcome<br>EMAO1, EMAO2,<br>EMAO3 <del>and</del> EMAO4<br>and EMAO5 | To enable earthworks within the Hastings District while ensuring that the life-supporting capacity of soils and ecosystems are safeguarded and adverse effects on landscapes and human health and safety are avoided, remedied or mitigated. |
| <b>Policy EMP15</b><br><u>Relates to Objective<br/>EMO1</u>   | <u>Enable earthworks activities associated with river control and drainage works to be carried out by, or on behalf of, the regional authority.</u>  |
| <b>Explanation</b>  | <u>River control and drainage works provide significant benefits to the community and it is important that earthworks associated with river control and drainage activities can be undertaken efficiently.</u>                               |

#### 27.1.5 RULES

The following table sets out the status of activities involving earthworks, and mineral, aggregate and hydrocarbon extraction:

When assessed under Rule table 27.1.5, earthworks will be considered a Permitted Activity and not have to comply with the Performance Standards and Terms in Section 27.1.6, provided they are:



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- (a) Earthworks assessed with any Subdivision Consent and Designations.
- (b) Earthworks in association with a Building Consent, where the area of earthworks includes no more than 150% of the area of the associated building footprint. Note that Rules and Standards are applied once the 150% threshold is exceeded.
- (c) Earthworks in association with Forestry Activities, Network Utility Operations; and the replacement and/or removal of a fuel storage system as defined by the Resource Management Regulations 2011 (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health)
- (d) Earthworks in association with the creation of public walk ways and cycleways, except when located within any ONFL area, where standards relating to ONFL's in 27.1.5 and 27.1.6 shall still apply.
- (e) Earthworks for river control and drainage purposes undertaken by or on behalf of a regional authority under rule EM4, except when located within any ONFL or SAL where the performance standards in 27.1.6 shall still apply.

### 8.3 Evaluation

The following table provides an assessment of the effectiveness and efficiency of the proposed provisions in achieving the objective. The assessment includes an identification and assessment of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions. It also examines whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options.

As per section 32(3), both the objective of the proposed plan change and the relevant existing objectives that will remain within the earthworks chapter of the District Plan have been evaluated.

Table 8.1: Evaluation of provisions

| Relevant objectives   |  |  |
|---|--|--|
| <p><i>Objective of the proposal:</i></p> <p><i>To enable earthworks undertaken by the HBRC for river control and drainage purposes to facilitate the efficient delivery of flood protection improvements.</i></p>   |  |  |
| <p><i>Relevant existing Chapter 27.1 objectives:</i></p> <p><i>EMO1: To enable earthworks within the Hastings District while ensuring that the life-supporting capacity of soils and ecosystems are safeguarded and adverse effects on landscapes and human health and safety are avoided, remedied or mitigated.</i></p> <p><i>EMO5: To ensure that earthworks and mineral extraction do not compromise outstanding natural features, historic heritage and cultural heritage features (including archaeological sites).</i></p> |  |  |
|   | Benefits   | Costs  |
| <b>Environmental</b>  | <ul style="list-style-type: none"> <li>Potential effects from earthworks on ONFL and SAL will continue to be managed by the existing District Plan earthworks limits. Where resource consent is required, potential adverse effects will be considered.</li> <li>The risk of the life-supporting capacity of soils being permanently affected is low as topsoil is typically replaced over disturbed sites.</li> </ul> | <ul style="list-style-type: none"> <li>Increases the potential for adverse effects on landscape, natural character and visual amenity values, noting that the landscape and visual effects assessment describes these potential effects as low.</li> <li>Increases the potential for the loss of soil and sedimentation, noting that HBRC's standard practice is to implement an ESCP and re-grass disturbed areas. Also, it is noted that the HBRC Regional Plan</li> </ul> |

|  |   |  |
|--|---|--|
|  | <ul style="list-style-type: none"> <li>The provisions will enable flood protection improvements that, in turn, will decrease the risk of uncontrolled flooding that can adversely affect terrestrial ecology.</li> </ul>  | <p>contains rules that manage the discharge of sediment to surface water.</p> <ul style="list-style-type: none"> <li>Increases the potential for adverse effects on indigenous flora and fauna, noting that the effects assessment describes the potential effects from earthworks beyond those currently permitted by the plan (under chapters 19.1 and 20.1) as no more than minor.</li> </ul> |
| <b>Social</b>  | <ul style="list-style-type: none"> <li>The provisions will enable flood protection improvements that, in turn, will decrease the vulnerability of people to the flood hazard and protect their health and safety.</li> <li>Potential effects from earthworks on heritage sites will continue to be managed by the existing heritage provisions (Chapter 18.1).</li> </ul>   | <ul style="list-style-type: none"> <li>Temporary loss of walking/cycling access to stopbanks during construction.</li> <li>Potential dust nuisance to adjoining properties during construction, noting that HBRC's standard practice is to implement an ESCP which would include dust controls.</li> </ul>   |
| <b>Economic</b>  | <ul style="list-style-type: none"> <li>The provisions will enable flood protection improvements that, in turn, will reduce the vulnerability of property and infrastructure to inundation, damage and the subsequent financial loss from flooding and the costs of repair and rebuild.</li> <li>The time and financial cost of obtaining an earthworks resource consent will be avoided for HBRC.</li> </ul>  | <ul style="list-style-type: none"> <li>No costs identified.</li> </ul>   |
| <b>Cultural</b>  | <ul style="list-style-type: none"> <li>Earthworks on cultural landscapes that are ONFL or SAL will continue to be managed by the existing District Plan earthworks limits for these areas. Where resource consent is required, potential adverse effects will be considered.</li> <li>Potential effects from earthworks on registered wāhi tapu sites will continue to be managed by the existing District Plan provisions (Chapter 16.1).</li> </ul> | <ul style="list-style-type: none"> <li>All earthworks have the potential to result in accidental archaeological discoveries and subsequent effects on cultural values.</li> </ul>  |
| <b>Efficiency</b>  |   |  |
| <p>The proposed provisions are an efficient way to achieve the objectives as they will remove the need for HBRC to obtain earthworks consent for flood protection improvement projects. As such, HBRC will avoid the time and financial cost of applying for resource consent, which will be required for the majority of the flood protection improvement projects under the status quo.</p> <p>The provisions provide clear and concise direction which will assist with efficient plan interpretation. In particular, the proposed policy provides clear direction that earthworks for river control and drainage works are to be enabled and will link anticipated environmental</p> |   |  |



|  |   |
|--|---|
| <p>outcomes EMAO1 and EMAO5, which relate to avoiding inundation and flood protection, and objective EMO1 to the proposed exemption.</p> <p>The provisions are considered to be efficient as the environmental, social, economic and cultural benefits outweigh the costs.</p>   |   |
| <b>Effectiveness</b>   |   |
| <p>The proposed provisions are considered to be the most effective means of achieving the objectives as they will permit earthworks for river control and drainage purposes which will facilitate the delivery of flood protection improvements and:</p> <ul style="list-style-type: none"> <li>• The potential adverse effects on areas of significant value (i.e. ONFL, SAL, wāhi tapu and heritage sites) will continue to be managed appropriately through the existing District Plan permitted activity rules/standards and an assessment of the potential effects as part of a resource consent process where the permitted activity standards are not met; and</li> <li>• The earthworks present a low risk to the life supporting capacity of soils and ecosystems; and</li> <li>• The provisions will only enable earthworks undertaken by, or on behalf of, HBRC, while retaining suitable controls within the District Plan to manage the potential adverse effects from other earthworks.</li> </ul>   |   |
| <b>Alternative approaches</b>  |   |
| 1  | Maintain the status quo of the current provisions;  |
| 2  | Exempt earthworks for flood control and drainage activities from performance standards 27.1.6A - <i>Extent of Earthworks</i> , 27.1.6D - <i>Excavation</i> and 27.1.6F.2 - <i>Flood Protection Works</i> , except when located within any ONFL and SAL; |
| 3  | Apply for a district wide 'global' earthworks consent for flood protection improvements; and  |
| 4  | Designate land for flood protection purposes.   |
| <b>Appropriateness assessment</b>  |   |
| <p><u>Alternative 1</u></p> <p>Retaining the current approach is not considered to be as effective at achieving the objectives. The current provisions will require numerous resource consent applications. These earthworks consent applications can reasonably be expected to be of low complexity, and due to the benefits that river control and drainage works provide to the community, are unlikely to be declined. As such, the current provisions create an unnecessary time and cost burden on HBRC and reduce HBRC's efficiency in delivering flood protection improvement projects. The current provisions also create a time burden to HDC in terms of processing the numerous resource consent applications.</p> <p><u>Alternative 2</u></p> <p>An exemption from performances standards 27.1.6A, 27.1.6D and 27.1.6F.2 is required as a minimum to enable earthworks and facilitate the efficient delivery of flood protection improvements. However, retaining the remaining performance standards is unnecessary to safeguard the life-supporting capacity of soils and ecosystems and manage adverse effects on human health and safety (and achieve EMO1) as:</p> <ul style="list-style-type: none"> <li>• The HBRC Environmental Code of Practice for River Control and Waterway Works requires disturbed areas to be reinstated. Therefore, the outcome required by performance standard 27.1.6B will be achieved;</li> <li>• The earthworks can reasonably be expected to occur in areas with flat topography that may be subject to the flood hazard. Therefore, the earthworks are unlikely to cause slope instability effects and the slope restrictions of performance standard 27.1.6C have limited value;</li> <li>• Performance standard 27.1.6E - <i>Noise</i> requires earthworks to comply with the provisions of the noise chapter 25.1. The noise chapter rules are District wide and permitted activity rule</li> </ul> |   |

NS1 applies to 'any activity'. Therefore, the noise chapter provisions will continue to apply to the earthworks without the application of performance standard 27.1.6E;

- Filling associated with flood protection improvements can reasonably be expected to relate to the construction of flood related infrastructure (e.g. stopbanks). It is unlikely that people will unknowingly build on flood management infrastructure. As such, the application of performance standard 27.1.6G is considered unnecessary to manage the safety of future development and avoid future building on land prone to slippage or subsidence;
- HBRC require all contractors to prepare an ESCP to manage sediment runoff. Therefore, the outcome of performance standard 27.1.6H will be achieved; and
- Performance standards 27.1.6I and 27.1.6J are not applicable to flood protection improvements and do not need to be retained.

A partial exemption from the performance standards also reduces a simple and efficient plan interpretation. For these reasons, it is not considered to be the most appropriate way of achieving the objectives.

#### Alternative 3

Preparing a global resource consent application for earthworks would require a clear consent scope to be developed. The earthworks locations and any earthworks limits are currently unknown as the flood protection improvement projects have not been confirmed. As such, some earthworks may inevitably be outside of any global resource consent scope and additional resource consents may be required. Therefore, reducing the efficient delivery of flood protection improvements. There would also be a time and cost burden to HBRC to prepare, hold and implement a resource consent and a time burden to HDC to undertake compliance monitoring. As such, a global resource consent is not considered to be as effective at achieving the objectives.

#### Alternative 4

The location of the flood protection improvements would need to be known to designate land. As the locations have not yet been confirmed some earthworks would likely be outside of designated areas and resource consents may also be required under the existing plan provisions. Therefore, reducing the efficient delivery of flood protection improvements. Also, an Outline Plan of works would need to be provided to HDC for review under section 176A of the RMA 1991 and this has a time and cost burden to HBRC. As such, a designation would not be as effective at achieving the objectives.

#### Proposed Plan Change

The proposed provisions will ensure that the District Plan provides for flood protection activities consistently throughout the plan and will enable the efficient delivery of flood protection improvements. The exemption is considered to be consistent with the existing policy direction of EMP6 on when an exemption may be appropriate as:

- Large scale earthworks are essential to the maintenance, operation and upgrade of the scheme and as the scheme is an established part of the existing environment, the earthworks can reasonably be expected to occur by the public; and
- The description of effects prepared as part of this plan change request concludes that, overall, the effects on the environment are likely to be no more than minor.

Also, the proposed provisions will better achieve the existing earthworks chapter objectives and implement the existing policy direction as they will enable earthworks and:

- The life supporting capacity of soils will be safeguarded (EMO1, EMP1, EMP3) and the adverse effects on the environment are likely to be no more than minor (EMO1, EMP4); and
- Potential adverse effects on ONFL and SAL and heritage features will be avoided (EMO1, EMO5, EMP13, EMP14).

#### 8.4 Risk of Acting or Not Acting

Section 32(2)(c) of the RMA requires that the efficiency and effectiveness assessment also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Council has sufficient information available to determine the appropriateness of the proposed provisions as there is a good understanding of the nature of earthworks activities and the potential effects on the environment.

The risk of not acting and retaining the status quo is that the time and cost burden of obtaining numerous earthworks consents delays the implementation of flood protection improvements that will provide for the health and safety of the community. The risk of acting in the manner proposed is that potential adverse effects on the environment occur, however, based on the description of effects prepared as part of this plan change request, this risk is considered low.

#### 8.5 Overall Evaluation of Appropriateness

Overall, the proposed provisions are considered to be the most appropriate means of achieving the objectives as they will facilitate the efficient delivery of flood protection improvements by HBRC through a permitted activity status, while continuing to manage the potential adverse effects on outstanding natural features, historic heritage and cultural heritage features through maintaining the existing plan provisions in relation to these matters. Also, a permitted activity status is unlikely to prevent the life-supporting capacity of soils and ecosystems from being safeguarded or result in unacceptable effects on human health and safety. The flood protection improvements, as an outcome of the earthworks, will have positive effects in terms of enabling people and communities to provide for their social, economic, and cultural well-being and health and safety.



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## 9 Evaluation of Higher Order Documents

As outlined in section 2.4 above there are a number of higher order documents relevant to the District Plan. The sections below consider the proposed provisions in the context of these documents.

### 9.1 National Policy Statements

A District Plan must give effect to any national policy statement (s75)(3)(a). It is considered that:

- The provisions will not prevent the District Plan from giving effect to the NPSIB (at such time that it is updated by Council to give effect to the NPSIB) as flood protection activities are enabled via the exemptions within the NPSIB;
- The provisions will not prevent the District Plan from giving effect to the NPSHPL (at such time that it is updated by Council to give effect to the NPSHPL) as flood control and drainage activities do not need to be avoided on HPL and the earthworks are unlikely to result in a cumulative loss of the availability and productive capacity of HPL;
- The District Plan will continue to give effect to the NPSFM by managing earthworks generally within chapter 27.1 and as earthworks associated with flood control and drainage activities are stabilised, rehabilitated and managed in accordance with an ESCP and unlikely to adversely affect freshwater quality;
- The District Plan will continue to give effect to the NPSET via the provisions with chapter 22.1 of the District Plan that remain unchanged;
- The District Plan will continue to give effect to the NZCPS as:
  - The limits and controls for earthworks within ONFL and SAL will continue to apply and preserve the natural character and protect the natural features and landscape values of the coastal environment.
  - The landscape and visual assessment has described the potential adverse effects from the earthworks as low. As such, the earthworks are unlikely to prevent the preservation of the natural character or protection of natural features and landscape values within the coastal environment;
  - The terrestrial ecology assessment has described the adverse effect from the earthworks as no more than minor. As such, they are unlikely to prevent indigenous biodiversity from being safeguarded and protected; and
  - Flood protection improvements, as the outcome of the earthworks, will increase the community's resilience and enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety.

### 9.2 Regional Policy Statement

A District Plan must give effect to any regional policy statement (s75)(3)(c). The District Plan will continue to give effect to the RPS as:

- Wāhi tapu sites and heritage sites and their values will continue to be managed via chapters 16.1 and 18.1 which remain unchanged;
- The proposed provisions will avoid unnecessary costs for HBRC from obtaining numerous earthworks consents, better achieving key objective OBJ3;
- The provisions will better provide for flood control and drainage activities and will facilitate flood control and drainage improvements that will:
  - Avoid or mitigate locational constraints for businesses due to an insufficient flood control and drainage scheme, implementing policy UD2; and



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- Avoid or mitigate the adverse effect of natural hazards on people's safety, property, and economic livelihood, achieving OBJ31;
- Earthworks more broadly, and their potential adverse effects, will continue to be managed by the existing provisions within Chapter 27.1;
- The landscape and visual effects assessment has described the potential adverse effects from the earthworks as low. As such, the earthworks are unlikely to prevent the preservation of the natural character of the coastal environment;
- Riparian vegetation modification will continue to be managed by the existing provisions within chapter 19.1 which remain unchanged; and
- Indigenous vegetation and habitats of indigenous fauna will continue to be managed by the existing provisions within chapter 20.1 which remain unchanged; and
- The provisions will better provide for the ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and cultural wellbeing of people and communities and provides for their health and safety, achieving OBJ32.

### 9.3 Regional Plans

A District Plan must not be inconsistent with a regional plan (s75)(4)(b).

The District Plan will not be inconsistent with the RRMP as the earthworks enabled by the plan change will be revegetated as required under the HBRC Code of Practice, topsoil is typically reinstated, and an ESCP prepared as a condition of contract. This is consistent with OBJ 38 and policy 67, and therefore, the earthworks to be enabled are unlikely to result in the environmental guidelines being exceeded (OBJ 40 and policy 71).

The District Plan will not be inconsistent with the RCEP as:

- The landscape and visual assessment has described the potential adverse effects from the earthworks as low. As such, the earthworks are unlikely to prevent the preservation of the natural character or maintenance of existing visual amenity values within the coastal environment;
- The limits and controls for earthworks within ONFL will continue to apply and ONFL will continue to be protected within the coastal environment;
- The terrestrial ecology assessment has described the adverse effect from the earthworks as no more than minor. As such, they are unlikely to prevent indigenous biodiversity within the coastal environment from being protected; and
- Wāhi tapu sites and heritage sites and their values will continue to be managed via chapters 16.1 and 18.1 which remain unchanged.



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## 10 Conclusion

This evaluation has been undertaken in accordance with Section 32 of the RMA. It has provided an assessment of whether the objectives are the most appropriate way to achieve the purpose of the Act. This has included a consideration of whether the provisions are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness relative to alternative options.

This evaluation demonstrates that the proposal is the most appropriate option as:

- The objective has been determined to be the most appropriate option to address the identified resource management issues and to achieve the purpose of the Act;
- The proposed provisions are considered to be the most efficient and effective method to achieve the objective, having identified why other reasonably practicable options are less appropriate to meet the objective; and
- The District Plan will continue to give effect to the higher order planning documents.

Overall, the proposed plan change will ensure the District Plan provides for river control and drainage activities consistently and facilitate the efficient delivery of flood protection improvement projects. In turn, the flood protection improvements will have health and safety, social and economic benefits for the community.



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## Appendix A HBRC mana whenua engagement documents

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Item 2

Attachment H



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4 June 2025







## Environmental Code of Practice For River Control and Waterway Works

February 2017  
HBRC Report No. 3256 – AM 04/15



**Asset Management Group**

ISSN 2324-4143 (PRINT)  
ISSN 2324-4151 (ONLINE)





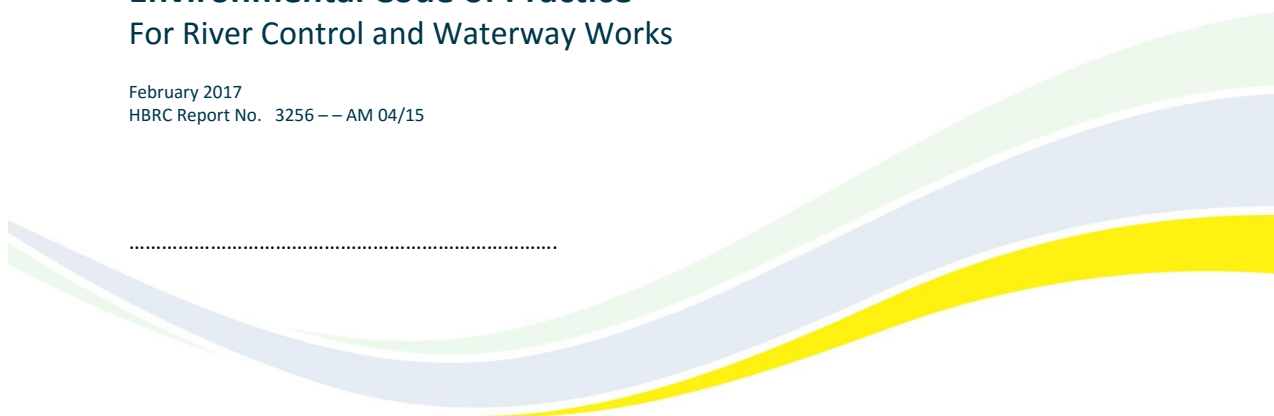
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Engineering

## Environmental Code of Practice For River Control and Waterway Works

February 2017  
HBRC Report No. 3256 -- AM 04/15



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### Asset Management Group

ISSN 2324-4143 (PRINT)  
ISSN 2324-4151 (ONLINE)

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Version 4

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## 1 Introduction

### 1.1 Purpose of the Environmental Code of Practice for River Control and Waterway Works.

The Hawke's Bay Regional HBRC (HBRC) Asset Management, Works Group and their subcontractors carry out most of their functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908 and the local Government Act 2002. In relation to river control and drainage these functions and duties are carried out, as a **permitted activity** in the Hawke's Bay Regional Resource Management Plan (RRMP) and the Hawke's Bay Regional Coastal Environment Plan (RCEP).

The purpose of this **Code of Practice (CoP)** is to define both the range of operational activities undertaken by HBRC and its contractors, and to describe best practice environmental standards that will apply to river control and drainage works, regardless of whether an activity requires a consent or not. Specifically, this CoP will:

- Identify a range of values for the region's waterways, to be considered as activities are designed, authorized and undertaken.
- Adopt best practice standards to avoid, mitigate and minimise an activity's effect on the environment.
- Define activities and reasons for activities.
- Specify methodologies for each activity.
- List the procedures for consultation and notification, monitoring and reporting;
- Ensure works undertaken under the Environmental Code of Practice will acknowledge water body values and work in a way that does not adversely impact on those values.

*Embedded in this Code of Practice are descriptions of the type of works carried out on riverbeds and waterways associated with these operations in order that there is a fuller explanation of the issues that arise and how these are managed as best practicable options.*

### 1.2 Hawke's Bay Regional HBRC Responsibility to Undertake River Control and Drainage Works

The Hawke's Bay Regional HBRC is committed to providing affordable flood control, erosion protection and drainage works that ensure community safety and well-being, and allow for sustainable economic development without compromising environmental values. The activities undertaken to achieve this are underpinned by the following statutory framework and principles:

- Local Government Act 2002.
- Resource Management Act 1991
- Civil Defence Act 1983.
- Public Works Act 1981.
- Soil Conservation and Rivers Control Act 1941.
- Land Drainage Act 1908.

It is important to note that the principles of the above Acts are subject to the purpose and principles of the Resource Management Act, Hawke's Bay Regional Coastal Environment Plan (RCEP) and Hawkes Bay Regional Resource Management Plan (RRMP).

### 1.3 Plans and Guidelines Directly Related to this Environmental Code of Practice

Since the development of the Environmental Code of Practice for River Control and Waterway Works (1999) there has been a number of environmental plans and waterway guidelines written and published by HBRC that are directly linked with activities carried out in our waterways. The waterway guidelines for example are to be used by both HBRC staff and private contractors as a minimum requirement for carrying out a particular activity. Compliance with these waterway guidelines implies automatic acceptance of the design for consenting purposes.

The following documents are considered to be a means of compliance with this environmental code of practice where applicable.

- a. Hawke's Bay Waterway Guidelines
  - Stormwater Management
  - Erosion and Sediment Control
  - Works in Waterways
  - Small Dam Design
  - Low Impact Design
  - Industrial Stormwater Design
  - Forestry Erosion and Sediment Control (Draft)
- b. Ngauroro River: Ecological Management and Enhancement Plan
- c. Tutaekuri River: Ecological Management and Enhancement Plan
- d. Tukituki River: Ecological Management and Enhancement Plan (in preparation)
- e. Riverbed Gravel Management Plan (in preparation)
- f. Hawke's Bay Fish Passage Guidelines, HBRC 2011

Each of the above documents is related to a specific activity or river; they are comprehensive and in some cases quite detailed, therefore they have been included in this environmental code of practice via reference rather than attempting to condense them.

The **ecological management and enhancement plans (EMEP)** have a two-fold purpose. Firstly, is the management of the waterways (within the flood protection scheme areas) focusing on the physical activities and associated ecological effects by relating them to the spatial arrangement and significance of ecological values. Where there is a conflict between scheme activities and notable ecological values, a range of specific management controls are recommended. Secondly EMEP's set out a strategy and prioritised plan for the enhancement of existing ecological values and the creation of new ecological sites. Where possible, enhancement activities are planned to achieve outcomes across multiple values, in particular to achieve ecological as well as cultural and/or recreational benefits.

### 1.4 River Control and Drainage Activity

The Hawkes Bay Regional HBRC (HBRC) undertakes a range of construction and maintenance works in rivers and waterways within the Region. For a description of these refer to **Table 2** River Works and Waterways Activities later in this document.

The majority of significant works occur within designated Scheme areas. There are two major schemes where significant flood control and drainage works occur and these are listed in Table 1 below. As well as the major schemes there are eleven smaller schemes and two general schemes that cover the Central and Southern Rivers and Streams and the Northern Rivers and Schemes.

Table 1:    Major Schemes

| Scheme   | Length | Main Waterways                                     |
|--|--------|--|
| <b>Heretaunga Plains Flood Control and Drainage Scheme</b> | 87 km  | Tutaekuri,    Ngaruroro,<br>Lower Tukituki         |
| <b>Upper Tukituki Flood Control Scheme</b>                 | 183 km | Tukituki, Waipawa, Tukipo,<br>Mangaonuku, Makaretu |

These two major Schemes cover around 350 km of rivers, or approximately 22% of the total 1600 km of significant rivers and streams located within the Hawke's Bay region. In addition to these, HBRC oversees flood control and drainage programmes for eleven areas, from Kopuawhara in the Wairoa district to Porangahau in Central Hawke's Bay. HBRC also manages 470 km of drainage network (open waterways) throughout the Heretaunga Plains.

Within the two large schemes, the HBRC owns and actively manages large tracts of river and waterway berm land. The river berm areas are popular recreational venues for a diverse range of groups and individuals. They also provide good habitat and biodiversity values. The land owned or administered by HBRC is shown in **Figure 1**.

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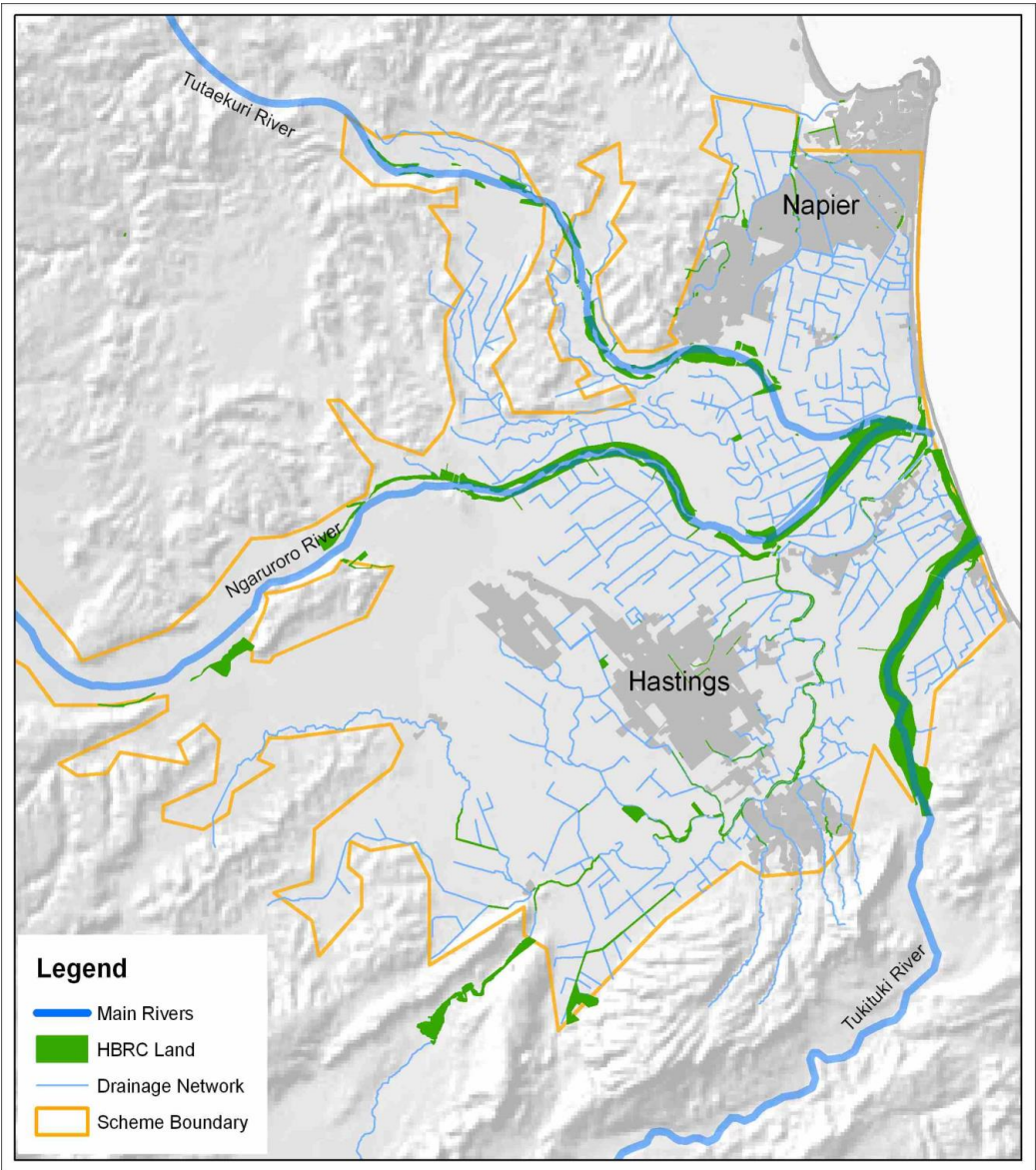
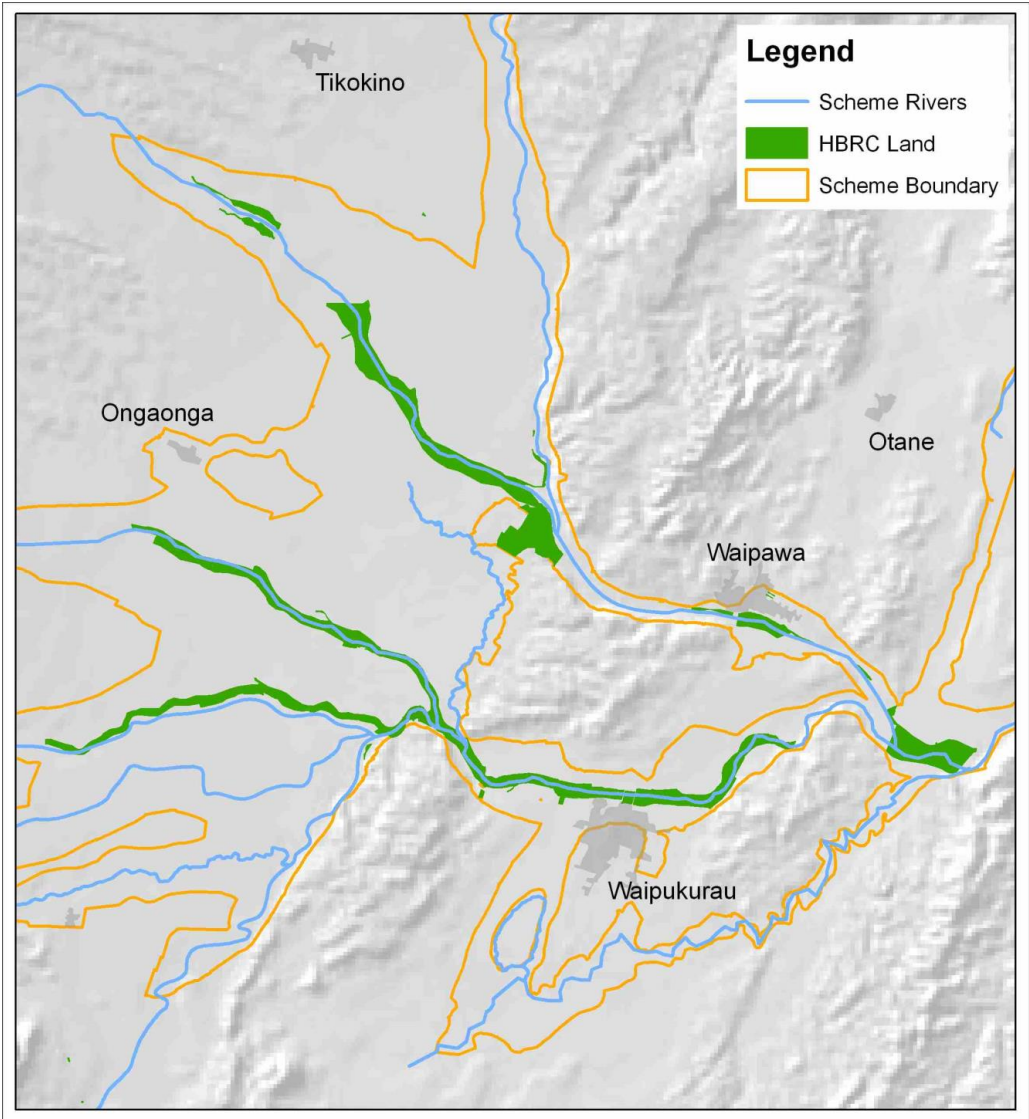


Figure 1: HBRC land within the Heretaunga Plains Flood Control and Drainage Scheme..



**Figure 2:    HBRC land within the Upper Tukituki Catchment Flood Control Scheme.**

The HBRC’s Regional Resource Management Plan<sup>1</sup> and Regional Coastal Environment Plan contains a permitted activity rule that encompasses the majority of river and drainage works undertaken within and near waterways, the active river channel, bed of the river and adjoining berm or riparian areas. Similar permitted activity rules have been adopted in the region’s District Plans for the adjoining berm areas, particularly for those areas between established stopbanks and the river channel.

<sup>1</sup> Regional Plans are produced under the Resource Management Act to authorise or establish standards for activities restricted under the Act such as works in riverbeds.



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## 1.5 Environmental Code of Practice

An Environmental Management Strategy for the Waterways of the Heretaunga Plains and Upper Tukituki Schemes, prepared for HBRC in 1998, recommended that HBRC produce an integrated “Rivers and Waterways Environmental Plan” for the development, management and enhancement of the waterways, and also an “Environmental Code of Practice” that would have input from the region’s iwi, the Department of Conservation and Fish and Game.

HBRC staff agreed that the production of these additional detailed documents would be beneficial. Given the diverse views, aspirations and priorities amongst all of the groups and individuals with an interest in the river and drainage areas, a process was required to:

- Clearly identify those divergent views through consultation;
- Analyse those views and document the areas of agreement and divergence; and,
- Prepare an *Environmental Code of Practice* (the *Code*) that would dictate the way in which river and drainage works are undertaken, and the way in which river berm and drainage areas are managed by HBRC.

The first version of the *Code* was prepared and adopted in 1999 to:

- Provide clear standards of practice for river control and waterway works;
- Document the environmental enhancement and preservation practices to be followed to protect conservation interests, and identify areas for future enhancement or protection;
- Document the locations to be made available for public vehicular access, and the restrictions on public vehicular access imposed in other locations; and,
- Clearly identify those works that were covered by the permitted activity Rule within the Regional Plan.

The *Code* also provides a future common point of reference for all parties with an interest in the river and drainage berm areas, and removes any uncertainty regarding the HBRC policies or practices being implemented in specific locations.

The “Rivers and Waterways Environmental Plan” has taken the form of a comprehensive **Ecological Management and Enhancement Plan (EMEP)**, which has been produced for each of the major scheme rivers and the recommendations are now being implemented.

The 1999 Environmental Code of Practice for River Control and Drainage Works is embedded in the RRMP. This version incorporates the Ecological Management and Enhancement Plans, recognising the importance of the multi values associated with waterways.

## 1.6 Code Development Process

In order to provide effective guidance for HBRC staff, while also being acceptable to the various interest groups, the development of the Code was based on a robust consultative process circa 1999 involving all known stakeholder organisations having an interest in the Rivers and waterway areas.

The consultation process undertaken and the results obtained are documented in a separate background report titled Environmental Code of Practice for River Works: Consultation Process and Results, 1999 (the Consultation Report). The Consultation Report sets out the parties identified for consultation, the consultation process adopted for each party and the views expressed by them. For the sake of brevity, the

contents of the Consultation Report are not repeated in the Code, but were utilised in its preparation. A similar consultation process will be undertaken for this Code.

1.7 Relationship with Other Relevant Documentation and HBRC Functions

The code of Practice is one of a suite of documents that provides guidance planning and standards for activities undertaken by Hawkes Bay Regional HBRC in rivers and waterways. The flowchart below shows how the Environmental Code of Practice for River and Waterways works fits into the planning framework. The links between Hawke’s Bay Regional HBRC’s activities and interests is described in Figure 4.

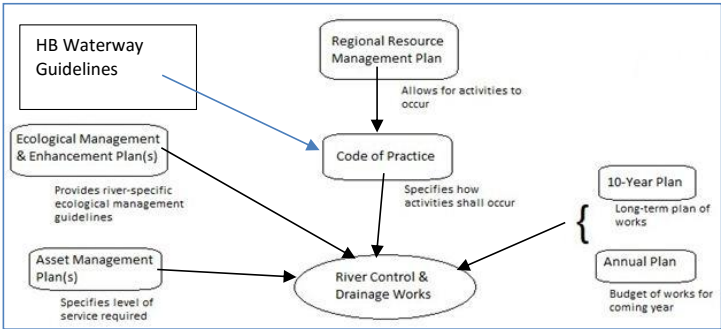


Figure 3: Relationship of Code of Practice with other HBRC plans..

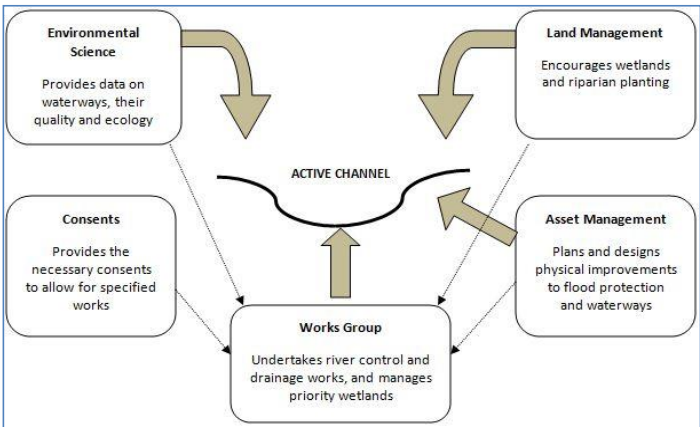


Figure 4: Relationship with other HBRC functions.



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## 1.8 Prioritised Objectives

There are a wide range of views and interest with regard to the use and management of the rivers and waterway areas within the region. Consequently, there is a need for HBRC to state its management priorities for the rivers, drains and associated riparian areas. Based on the range of views and HBRC's responsibilities under various Acts, a hierarchy of priorities has been developed.

These ranked priorities are set out below.

### HBRC's Hierarchy of River Management Priorities:

1. Protection of human life and property through the design and efficient operation of river and flood control works, and drainage systems.
2. Maintenance and protection of existing ecological values.
3. Acknowledgement of customary rights under the Treaty of Waitangi.
4. Enhancement of fishery (native and trout), wetland and riparian wildlife habitats.
5. Avoidance of health and safety risks posed by:
  - Grass and scrub fires;
  - General theft and stock rustling;
  - Vandalism;
  - Rubbish and car body dumping;
  - Public interaction with river works or gravel extraction operations.
6. Facilitation of vehicular and pedestrian public access to publicly owned river and drainage areas where such access does not conflict with the higher order management priorities (1) to (5) above.

## 2 Review

As well as setting general standards of practice for HBRC's river work activities, the Code also identifies other matters such as specific locations for public access for example. There are also plan changes and changes to river and drainage management practice. Consequently, it is preferable that the Code is reviewed from time to time so that the appropriateness of the standards and site specific information can be assessed over time.

The Code will be reviewed to align with Asset Management Plan reviews which are every six years. The review process will involve consultation with:

- Iwi of the Hawke's Bay region;
- Department of Conservation;
- Fish and Game;
- Royal Forest and Bird Protection Society.

In addition, other parties requesting a direct involvement in the review process will be consulted, together with any other parties that HBRC considers appropriate at the time.

### 3 Description of River work and Waterways Activities.

Hawke's Bay Regional HBRC undertakes a wide range of physical works in the rivers and waterways across the region. Most of these works are covered by a permitted activity Rule in the Regional Resource Management Plan and the Regional Coastal Environment Plan (see below for rule classifications).

A description of the works that can be undertaken as part of the permitted activity status is set out in Table 2 below. Also shown is work that requires a resource consent.

Figure 5 below shows a stylised representation of a river corridor with the berms, active channel and stopbanks shown to illustrate the descriptions in Table 2. The active channel is the area of gravel/sand/silt, non-vegetated riverbed between natural banks of the river. The active channels may or may not have flowing water in them from time to time.

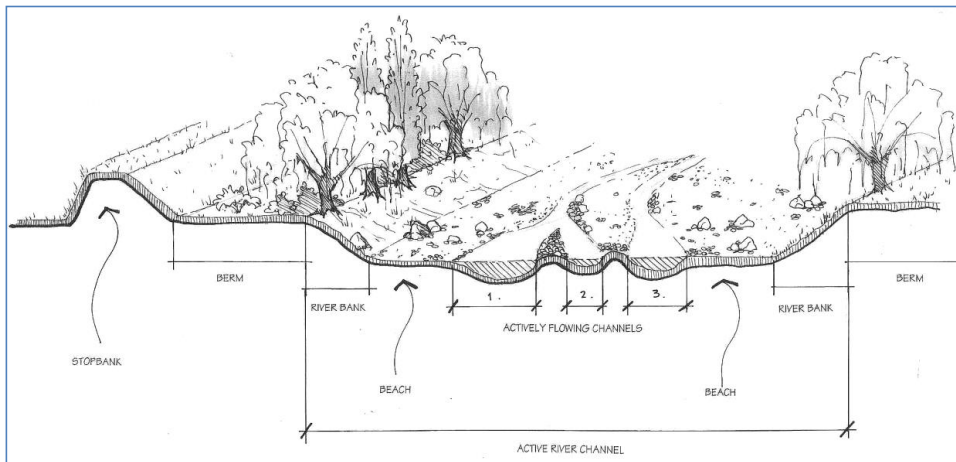


Figure 5: Active River Channel, Berms and Stopbanks Diagram.

Any work not covered by Permitted Activity rules in the Hawke's Bay Regional Resource Management Plan (RRMP) and Regional Coastal Management Plan (RCMP) will require resource consent from the Hawke's Bay Regional HBRC Environmental Regulation Section. In such cases, HBRC's Asset Management staff will consult with the following parties, where it is appropriate in accordance with the plan provisions and Resource Management Act requirements, prior to seeking resource consent:

- Iwi or hāpu;
- Department of Conservation;
- Fish and Game HBRC;
- Royal Forest and Bird Protection Society;
- Identified user groups, such as whitebaiters, remote-controlled airplane club, and others;
- Neighbouring landowners.

This consultation process shall attempt to inform, gather comments, concerns, and advice from these external parties, and help shape the proposed activity plans to the extent possible.

#### Rule Classifications

Rules in the RRMP and RCMP are classified as:

- (a) **Permitted**, it can be carried out without resource consent provided the conditions in the rule are met.

- (b) **Controlled**, a resource consent is required, HBRC must grant the consent, subject to conditions
- (c) **Restricted discretionary**, a resource consent is required, and HBRC will decide on whether or not to grant the consent, based on exercising its discretion on matters specified in the rule.
- (d) **Discretionary**, a resource consent is required and HBRC will decide on whether or not to grant the consent, based on how consistent the proposed activity is with the provisions of the RMA and the objectives and policies of the plan.
- (e) **Non-complying**, a resource consent is required and can only be granted if the adverse effects are minor and not contrary to the objectives and policies of the plan.
- (f) **Prohibited**, the activity is not allowed under any circumstances.

Table 2: River Work and Waterways Activities.

| <u>Activity</u>                   | <u>Covered by<br/>Permitted<br/>Activity Rule</u> | <u>Description</u>  |
|-----------------------------------|---|---|
| Live edge protection              | ✓   | Includes trees planted on the river berm adjacent to the active river channel and on the river bank. The trees reduce lateral scour and help confine high velocity flood flows to the main river channel. The species most commonly used are willows ( <i>Salix</i> spp.), due to their hardy nature and large fibrous root mass.   |
| Tree lopping and layering         | ✓   | The process of felling existing live edge protection trees on to the ground while maintaining an adequate connection with the stump such that vigorous regrowth is encouraged at bank level where it is most useful.  |
| Tree removal                      | ✓   | Live edge protection trees and unwanted trees on the berms etc. are physically removed for either reuse or disposal. The trees are usually stacked and burned, or reused as edge protection.  |
| Edge retreat                      | ✓   | The riverbank and adjacent berm is physically excavated and removed or allowed to erode during flood events. This technique is used to realign or develop the active river channel to its design width.   |
| Rockwork and hard edge protection | ✓   | Includes lining, revetments, groynes and riverbanks that consist mainly of rock other durable material to prevent erosion and stabilise the banks.  |
| Groynes and spur banks            | ✓   | Projections of rock or other durable material are constructed to protrude into the active river channel. They may be permeable or impermeable. These projections may also utilise gabions (wire mattresses filled with rocks), concrete shapes, steel cables or railway irons driven into the ground for extra stability. Groynes are used to deflect the active river channel away from vulnerable |

| <u>Activity</u>                                 | <u>Covered by<br/>Permitted<br/>Activity Rule</u> | <u>Description</u>  |
|---|---|---|
|   |   | river banks. Earth groynes or spur banks are also used adjacent to stopbanks for the same purpose.  |
| <b>Beach raking</b>                             | ✓   | Raking of exposed gravel beaches with a bulldozer or tractor towing large rippers to disturb the top armoured layer of stones and unwanted vegetation growth. Once the top layer of stones is disturbed, subsequent flood flows are able to erode the gravel within the beach and transport the material downstream. This is critical to prevent the formation of islands or beaches which deflect the flow and cause a lateral shift in the flow meander. This in turn puts pressure on the river banks. Beach raking also assists with weed control, especially species that colonise open gravel areas such as Lupin, suckering willows, gorse and <i>Buddleia</i> . |
| <b>Berm mowing</b>                              | ✓   | The mowing of weeds and grass on river and waterway banks and berms. This assists with flow conveyance and potential summer fire problems. It can also enhance open space values in high public profile areas.  |
| <b>Unwanted vegetation, plant pest spraying</b> | ✓   | The spraying of various weeds, plant pests and unwanted vegetation on river beds, berms and drains by approved applicators. Spraying operations are to be carried out using best practice described in Section 4.1 below.   |
| <b>Willow regrowth spraying</b>                 | ✓   | The spraying of unwanted willow regrowth within the active river channel. Spraying operations are to be carried out using best practice described in Section 4.1 below.   |
| <b>Weed boating</b>                             | ✓   | Cutting aquatic weeds within waterways and rivers with the HBRC weed boat. Where practicable the cut weeds are collected and removed from the river or waterway.  |
| <b>Pole planting</b>                            | ✓   | Planting of willow or poplar poles on river berm areas and banks.   |
| <b>Planting Native and Exotic plants</b>        | ✓   | Planting of native shrubs and trees. Planting of exotic shrubs and trees other than willows and poplars for biodiversity, enhancement and flood control purposes.   |
| <b>Bank reinstatement</b>                       | ✓   | The reinstatement of eroded river and waterway banks to their original (pre-flood) state and profile or improved profile. This may involve using gravel material from within the active river channel, combined with either live edge protection plantings, rock revetments or other structural means.  |

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| <u>Activity</u>                         | <u>Covered by<br/>Permitted<br/>Activity Rule</u> | <u>Description</u>  |
|---|---|---|
| <b>Irrigation intake maintenance</b>    | ✓   | Removing accumulated sediment from around irrigation intakes, or directing flowing water to those intakes if the active river channel has migrated away from them.  |
| <b>Waterway maintenance<sup>2</sup></b> | ✓   | Removing accumulated sediment, weed or other debris from waterways. Reinstating slumped or eroded waterway side batters to their design standards. Includes clearing blocked or impeded floodgates.   |
| <b>Waterway upgrading</b>               | ✓   | The widening or regrading of waterways to improve the level of service. The replacement of culverts and other channel and bank control structures. Minor waterway diversion and realignment.  |
| <b>Waterway mowing</b>                  | ✓   | Mowing the waterway banks and berms.  |
| <b>Waterway crossing</b>                | ✓   | Constructing vehicular and pedestrian crossings over waterways through the use of bridges or culverts or fords. Where no structure is proposed consideration shall be given and disturbance limited to the minimum necessary.   |
| <b>River mouth openings</b>             | ✓   | Physically breaching of river mouths that have become blocked with sediment (eg shingle) due to either low river flows or adverse sea conditions. River mouth openings are only undertaken when upstream flooding or degraded water quality is causing a problem, or where an agreed management regime exists such as at Whakaki. |
| <b>Fencing</b>                          | ✓   | Fencing river berms for the purpose of controlling stock or unauthorised vehicle access. Fencing of refuge areas, wetlands and whitebait habitat areas.   |
| <b>Pool creation</b>                    | ✓   | The creation of pools on the outside of river bends in order to provide fishery habitat. Pool creation for fishing purposes will occur in consultation with Fish and Game NZ. Pool creation for recreation purposes in consultation with hāpu / iwi.  |
| <b>Minor diversions</b>                 | ✓   | Diversions or redirection of the flowing river channel, where the diversion path is fully contained within the confines of the active river channels. This includes temporary diversions associated with the construction of structures, such as culverts and weirs, and the maintenance or irrigation intakes.                   |

<sup>2</sup> This does not include sediment or gravel removal from rivers or streams outside of drainage scheme areas.

<sup>3</sup> The active river channel is the area of gravelled, non-vegetated river bed between the natural banks of the river. The active river channel may or may not be covered with flowing water. Actively flowing channels are channels within the active river bed that have flowing water in them (see Figure 5)

| <u>Activity</u>                                      | <u>Covered by</u><br><u>Permitted</u><br><u>Activity Rule</u> | <u>Description</u>  |
|--|---|---|
| <b>Major diversions</b>                              | ×   | Diverting the active river channel from its present course by excavating a new channel through previous berm areas. |
| <b>Gravel Extraction (using a mechanical device)</b> | ×   | Used as a tool to manage riverbed levels at predetermined profiles. Separate consents are issued for this activity. |

*Some of the activities permitted in the Regional Resource Management Plan and the Regional Coastal Environment Plan have rules relating to the scale of the permitted activity. Where any activity to be carried out exceeds the permitted scale identified, resource consent must be obtained before that activity is undertaken.*

## 4 General Standards of Practice

The HBRC undertakes river and drainage works throughout the Hawke's Bay region. As noted many of these works are carried out as a 'permitted activity' by the Regional Resource Management Plan and the Regional Coastal Environmental Plan, subject to a number of conditions that must be met by the HBRC when it undertakes the work. There are also other standards of practice that HBRC voluntarily abides by. These standards<sup>4</sup> are detailed below.

- (1) Only Contractors approved through the approved contractor register or through the formal contractor tendering process, and with a track record of using well maintained machinery, shall be engaged in river and waterway work.
- (2) Machinery shall be kept out of water to the extent possible. Where this is unavoidable all measures shall be taken to minimise bed disturbance and release of sediment (e.g. use only one crossing point, typically upstream of riffles, sediment control or minimisation measures).
- (3) Appropriate machinery shall be used to ensure effective and efficient operations with minimal environmental impact.
- (4) Machine refuelling and fuel storage shall take place where no fuel can enter a water body in the event of spillage.
- (5) All machinery, equipment and material shall be stored above the anticipated flood level at the end of working day or when the site is unattended.
- (6) Machinery leaking fuel, lubricant, hydraulic fluids or solvents shall not work within a water body.
- (7) On completion of activity or in the event of anticipated extended suspension of works, all disturbed areas and access tracks, including public and recreational points, that have the potential to release sediment to water shall be reinstated.
- (8) All spray and fuel containers shall be safely disposed of at an authorised landfill site or re-used.
- (9) On the completion of works all surplus vegetative material shall be either removed from the site or disposed of either by burying or burning as soon as material and weather conditions allow.

<sup>4</sup> All terms used in the standards shall have the same definition as Section 2 of the Resource Management Act, or as commonly defined in the Oxford Dictionary if they are not defined in the Act.

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- (10) Burning on public land shall be supervised at all times and fire control equipment shall be available at the site.
- (11) On the completion of works all surplus construction material shall be removed from the site.
- (12) Debris that has the potential to increase the risk of flooding or erosion will be cleared as soon as conditions allow and if possible in conjunction with programmed activities.
- (13) On completion of the works all surplus excavated bed material shall be spread evenly leaving beaches well shaped and tapering uniformly from the water's edge to the river bank.
- (14) All stock animals shall be excluded from the works area until vegetation is well established and fenced.
- (15) Fish passage shall be maintained in rivers at all flows during the execution of in-channel works.
- (16) Risk management procedures shall be in place on all work sites to minimise the potential for damage arising from inclement weather and/or elevated river levels during the course of work.
- (17) Where the activity poses, or is likely to pose a risk to the public, the contractor shall erect warning signs adjacent to the site. These signs will be removed when the activities on the site are no longer a danger to the public.
- (18) Activities shall not use any material that has a potential to have a significant ecological effect on the environment.
- (19) Activities shall comply with New Zealand Electrical Code of Practice for Electrical Safe Distance (NZECP 34:2001).
- (20) Machinery and plant shall maintain a minimum clearance distance of 4 meters from the transmission line conductors at all times.
- (21) The objectionable effect from the disposition of dust on neighbouring properties when undertaking activities shall be minimised by water spraying.
- (22) Concrete shall only be poured in a bunded area to prevent fresh concrete or cement entering the watercourse.

#### 4.1 Weed Control by Spraying with Herbicides

**Activity:** This involves the application of approved herbicides from both ground-based operations and use of specialised spray boat. The purpose of the works is to control excessive weed growth on the banks, berm and active waterway channel so that the waterway is maintained, drain flow is not impeded and plant pests are restricted from spreading.

**Good Practice Guidelines:**

- a) All operations must comply with NZS 8409:2004 Management of Agrichemicals.
- b) In fish spawning areas, obtain from Fish and Game critical sites and timing of spawning prior to carrying out spraying in these areas.
- c) Avoid the discharge of herbicide spray onto the water surface.
- d) Use spot spraying techniques and avoid blanket spraying as far as practicable.
- e) Ensure correct calibration of spraying equipment.

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- f) Ensure that staff are fully trained and well versed in the use of the agrichemical.
- g) Use the correct chemicals and follow the manufacturers written instructions.
- h) Always mix sprays well away from a watercourse.
- i) Avoid spraying in adverse weather conditions.
- j) Use an effective surfactant to reduce spray drift and enhance the effectiveness of the herbicide.

## 4.2 Beach Raking

Beach raking will be undertaken in areas where gravel accumulation and excessive vegetation growth is evident and likely to pose a risk to edge protection works. It will also be undertaken in areas where commercial gravel extraction is not viable.

Beach spraying will be undertaken in other areas as a means of controlling unwanted vegetation.

**Figure 6** identifies areas where beach raking and/or spraying is carried out.

Beach raking and other riverbed disturbances will not be undertaken during the Black-billed gull, Banded dotterel, Black-fronted dotterel and Pied stilt critical nesting period of September to November. The critical nesting times and opportunities for beach raking are described in the river **Ecology Management and Enhancement Plans**. River workers have been made familiar with these requirements and arrange work schedules around them.

Machinery used for beach raking or beach spraying shall not enter the active flowing river channel(s), other than to gain access to the beach being raked or sprayed.

Beach raking will not be undertaken within 0.5 m of actively flowing channels.

The windrowing of beaches shall not prevent the passage of small 4WD vehicles over the river beaches, except where critical nesting, breeding or rearing habitat has been identified for native bird populations.



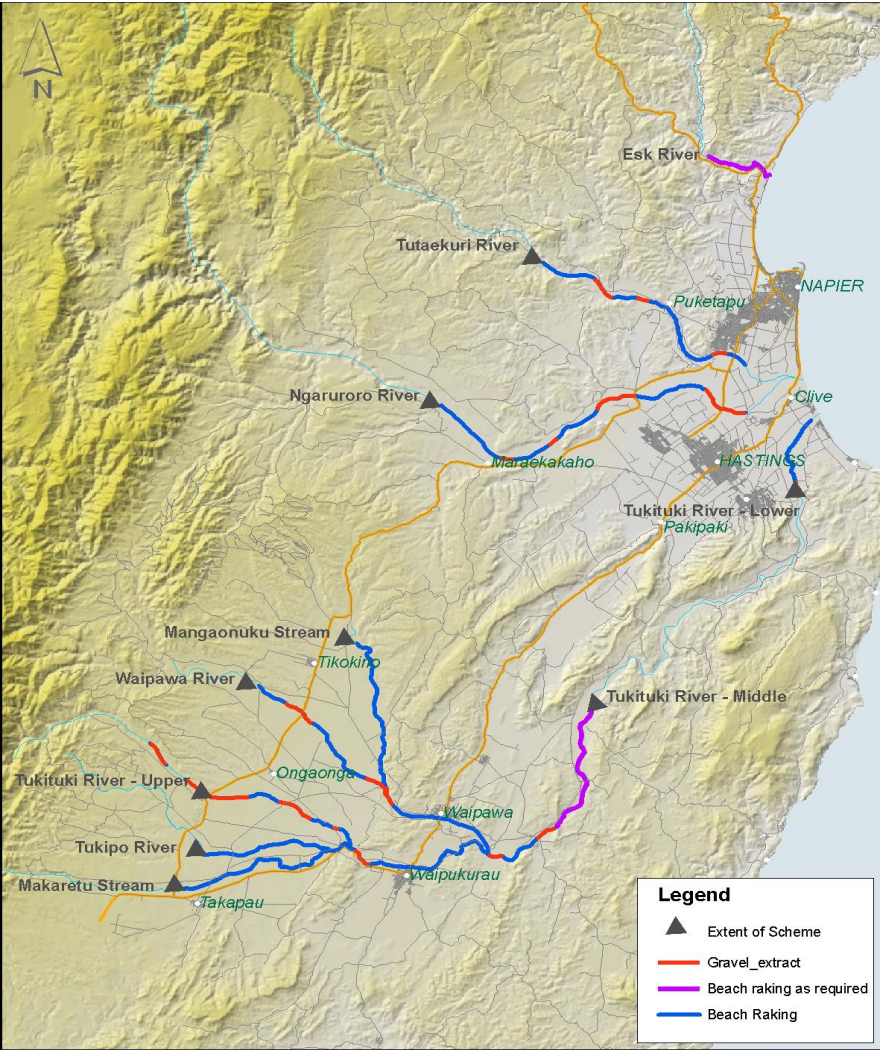


Figure 6: Beach Raking on HBRC managed land.

Existing vehicular tracks to the water’s edge shall be left undisturbed or shall be reinstated once beach raking is completed. To the fullest extent possible, existing vehicular tracks shall be used in lieu of creating a new track.

The respective lengths of beach raking, gravel extraction and beach spraying river reaches, as shown on Figure 6 are indicative only, and may vary from year to year.

4.3 Berm Mowing

Berm mowing can be used on areas to control rank grass, pasture grass, and weeds. This activity is primarily carried out in the public access area.

A dense sward of grass, free of plant pests, shall be retained once mowing is completed.

Those areas that are not mowed (or grazed) support a scrub or tree habitat ideal for wildlife and upland game birds in particular.

#### 4.4 Buffer Zone Plantings

Buffer zone plantings are established behind the live edge protection and do not usually directly adjoin the river's edge. Current buffer zone planting species include varieties of willows, poplars and other exotic species. Native species are also used in specific sections of the buffer zone where ground conditions are suitable, and the integrity of the flood control assets being protected will not be compromised if the native species do not survive or grow as expected.

#### 4.5 Channel Diversions

Any new channel shall be as similar to the natural shape of the river as practicable, both in cross-section and longitudinal slope, so as to maintain the physical habitat features occurring in the natural river channel (e.g. pools and riffles). In order to facilitate waterfowl access to drains and vegetative cover for nesting, drain sides shall not have a batter steeper than 1:1, unless steeper batters are necessary due to space restrictions. Steeper batters shall be evaluated for engineering options to reduce erosion and slip potential.

Channel diversion works shall avoid the primary fish spawning period of May to September unless suitable fish passage is provided past the works.

#### 4.6 Drain Maintenance, Upgrading and Mowing

Sediment or vegetation removed from a waterway shall be deposited where it is unable to flow back into the waterway, and does not create an impediment to overland flow into the channel. Where drain inverts are to be excavated over a significant reach for grade improvement or cleaning purposes, assessment shall be made for the presence of fish by an aquatic ecologist. Where required fish shall be temporarily removed from harm's way and replaced once the activity has been carried out or placed in another suitable reach of the stream.

In order to provide a filtering effect from overland flow, and to ensure the stability of the channel sides, a healthy, dense sward of grass cover shall be retained on the sides of all channels, berms and wherever possible, also on the maintenance access tracks. Ideally grass length shall be maintained in the range of 50 mm to 150 mm so that scour from flood flows is minimised and sediment deposition onto the berm is likewise minimised.

#### 4.7 Crossings

Any waterway crossing installed shall:

- Be able to pass the design flood flow for that particular drain;
- Incorporate downstream scour prevention measures, such as gabions or rockwork, if bed erosion is likely to occur as a result of high flow velocities through the structure; and,
- Not impede fish passage (see '*Hawke's Bay Fish Passage Guidelines*', HBRC 2011).

#### 4.8 Edge Retreat

Fish and Game NZ will be consulted on an annual basis regarding areas to be targeted for edge retreat.

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<sup>s</sup> Recognising that different design standards apply in different areas.

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River edge vegetation that is cleared shall be removed to a location where the likelihood of the material re-entering the active channel is minimised. No material (vegetation or aggregate) shall be pushed or placed into the active river channel.

#### 4.9 General Use of Machinery

Warning signs shall be erected adjacent to the site of machinery operations if the site is, or is likely to be, hazardous to the public.

Machinery shall be removed from the riverbed at the end of each working day.

No refuelling of machinery shall occur within 20m of the active river channel.

No fuel shall be stored within 30m of the edge of the active river channel.

In the event of a fuel spill or other chemical (oil, lubricant, hydraulic fluid) leak, the appropriate Works Group contact shall be notified immediately, and efforts shall be made to clean up the contaminant(s).

Crossing of the active river channel by machinery shall be avoided where practicable during the fish spawning months of May to September.

#### 4.10 Gravel Extraction

Gravel extraction requiring resource consents<sup>6</sup> shall only occur in areas specifically allocated by HBRC following its annual assessment of the sustainable gravel yield available from each river, and once the appropriate resource consents have been obtained.

No gravel extraction shall occur within one metre of the active river channel with flowing water, unless specifically authorised by HBRC.

No hāngī stones are to be removed from the Mohaka River without the prior permission of the affected Ngati Pahauwera hāpu.

Gravel stockpiling within the riverbed shall only occur temporarily while gravel extraction is being actively undertaken. All other stockpiles shall be located outside the river bed.

HBRC will provide designated access paths through any live edge protection plantings, and gravel extractors will not be permitted to cut their own access paths without prior HBRC authorisation.

The gravel extractor shall immediately repair any damage caused to river banks or river protection works, other than damage associated with authorised access paths through live edge protection plantings.

The gravel extraction site shall be restored upon the completion of extraction activities as follows:

- All gravel previously heaped up or stockpiled shall be spread out to conform with the general ground profile; and,
- Reject, surplus or unused gravel from a gravel processing plant shall not be deposited within the active river channel.

Gravel extractors shall minimise the generation of dust from access tracks and storage and processing sites, through measures such as water application.

Gravel extractors shall be allowed to temporarily exclude the general public from gravel extraction and processing sites if the general public's health and safety is likely to be adversely effected by specific gravel

<sup>6</sup> The Regional Resource Management Plan sets out the rules for river bed gravel extraction.

extraction activities. If the public is excluded, the gravel extractors shall erect appropriate warning signs<sup>7</sup>. However, at all other times gravel extraction activities shall be undertaken in such a manner that public access is not compromised.

#### 4.11 Groynes

Groynes will not protrude across more than 20% of the active river channel. Groynes will preferentially utilise local rock sources where possible. However, flow conditions in the larger rivers will dictate sizes and local rock sources are not usually available in sufficient quantities. In this case especially designed concrete shapes (ie Akmons) can be used. Demolition material (other than clean concrete with no protruding reinforcing steel<sup>8</sup>) and car bodies will not be used in the construction of groynes.

#### 4.12 Irrigation Intake Maintenance

Providing and maintaining water supply to irrigation intakes is generally undertaken within the active channel of the river. Any excavation works associated with this activity shall, wherever possible, be carried out in an area separate from the main river flow. Once this diversion work is complete the link between the river and the intake will be made.

Any necessary works within the flowing channel shall be undertaken as quickly as possible to minimise the disturbance to the waterway.

#### 4.13 Live Edge Protection (including pole planting)

Edge protection plantings generally consist of willow species. It is vital that edge protection plantings are able to survive the harsh river edge environment, and are able to quickly establish and maintain an effective edge protection zone. Willows meet these needs where most other species may not. Consequently, other species will not generally be considered for edge protection plantings.

Edge protection plantings shall be fenced on their landward side if the area adjacent to them is used for stock grazing.

Edge protection plantings shall not include invasive exotic species, including those willow species known to aggressively spread.

#### 4.14 River Mouth Openings

River mouth opening shall be undertaken if:

- The river mouth is blocked and river is in risk of flooding.
- The river mouth is located in an undesirable location due to it migrating too far from an ideal position.
- Poor mouth conditions are adversely affecting drainage within the lower sections of the river.

<sup>7</sup> Note that the general Health and Safety matters associated with gravel extraction activities are the responsibility of the gravel extractor.

<sup>8</sup> Any reinforcing material that is subsequently exposed will be removed.

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- Poor water quality in the impounded river is having a significant adverse effect on the aquatic ecosystem.

Excavated material shall be placed alongside the newly cut river channel<sup>9</sup> where it can be washed back into the tidal zone by the developing river mouth.

#### 4.15 Rock Revetments

Rock revetments will be:

- Used only where live edge protection is not a feasible alternative;
- Not generally constructed on slopes steeper than 2:1;
- Constructed of local rock sources where these are structurally suitable, and a cost effective supply of rock is available; and,
- Designed and constructed to preserve the natural character of the river berm area as far as is practicable.

#### 4.16 Tree Removal

Tree removal shall be carried out from the dry berm area, not the active river channel, unless the tree has become established in the active river channel and is likely to cause a problem.

Trees overhanging the active channel shall generally be removed in a manner that minimises the need to fell trees into the active river channel. Any trees felled into the active river channel shall be removed immediately once the felling work is completed.

The root systems of felled trees shall remain undisturbed (to avoid excess sediment generation) unless the area being cleared is targeted for edge retreat. Trees that are removed shall be stockpiled, and where possible, made available to the general public for removal as firewood. Otherwise, the stockpiles will be burnt in accordance with air discharge rules and good practice at an appropriate time, or physically removed off-site and disposed of at appropriate tree or stump dumps.

Where stump poisoning is deemed necessary to prevent further growth it shall be carried out generally in accordance with Section 4.1. good practice guidelines.

#### 4.17 Weed Cutting including Weed Boating

Wherever practicable cut weeds shall be removed from the river or waterway and disposed of on dry land. An exception to this involves weed clearance using the weed boat, as weed cuttings from the weed boating operation may be floated downstream rather than piled adjacent to the waterway. Weed cutting shall not be undertaken on the Clive River or Grange Creek during the whitebait season (15 August to 30 November). An exception to this is where whitebaiters have been notified and a defined time period is specified for the work.

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<sup>9</sup> River mouths are generally opened using excavators and bulldozers to excavate a new channel between the river and the sea. The excavated material tends to be relatively clean and well graded with minimal silt and suspended sediments.

## 5 Scheme Specific Standards of Practice

The general standards specified in Section 4 will apply to the majority of works undertaken within the Scheme areas. However, additional policies and standards are required for widespread grass control (grazing and mowing) as this only occurs within Scheme areas. In addition, there is the opportunity to undertake or facilitate environmental enhancement works on HBRC owned land. This matter is also addressed below.

### 5.1 Grazing

Due to the risk of grass and scrub fires during the dry summer months, and to minimise the excess siltation of river berm areas, it is essential that any open grass river berm areas within Scheme owned land are actively managed so that grass is generally kept below 300 mm in height. If this does not occur the Rural Fire Control Authorities are entitled to issue HBRC with legal notices requiring the grass to be cut.

There are only two practical options for grass management:

- Cattle grazing; and
- Mechanical mowing and associated weed spraying.

Approximately 55% of all HBRC owned river berm land on the Heretaunga Plains is grazed. This compares to 5% in the Upper Tukituki Scheme (Ruataniwha Plains).

Overall, approximately 35% of the HBRC owned and administered berm area within the major Schemes is grazed. The remaining berm area supports a grass, scrub and tree habitat ideal for wildlife, and upland game birds in particular.

Mechanical mowing and associated spraying is expensive. By comparison, stock grazing yields some annual revenue. Because of the high cost of mowing, grazing has continued to be used as the primary grass management option. Electric fencing has been installed and maintained to keep cattle grazing the berm land from entering the waterway. Other options are being considered for the future.

HBRC currently mows areas of high public use where grazing is either impractical or undesirable.

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## 5.2 Wetland Enhancement

Wetlands in the river berm areas provide valuable habitat for wildlife and waterfowl.

Wetland areas are generally identified for enhancement through the Ecological Management and Enhancement Plans (EMEPs) and their associated Programmes of Work. In general, wetland enhancement works follow some criteria that will help ensure the best outcome.

The criteria used to identify areas for wetland enhancement are set out below.

### Wetland Enhancement Criteria

Areas for wetland enhancement must be:

- Unlikely to compromise flood control or river management objectives\*;
- Able to be fenced from livestock;
- Remote from areas of high public use;
- Accessible to pedestrians;
- Designed so as to prevent excessive infill or siltation during floods;
- Preferably containing non-invasive exotic and/or indigenous vegetation suitable as a food source and for shelter for wildlife; and,
- Based around a reliable water source (such as springs, drains or streams) to ensure ponding or saturation for at least 9 months per annum.

Wetland areas to have:

- At least 30% of margins in full vegetative cover;
- Undulating margins of variable water depth;
- At least 50% open water;
- Vegetated islands where possible; and,
- Good water quality

\*Wetland areas established on river berms are at risk of destruction during major floods. Should this occur, the future of the site may be reconsidered jointly with the conservation interest groups. Any funding required for the reinstatement of the site may not be available from HBRC.

Once wetland areas have been established, all practical steps will be taken to ensure that future river control works and activities do not damage the wetland areas.

The identification of potential enhancement areas does not indicate a commitment from HBRC to fund the development of these areas. Clear lines of responsibility will need to be established between the interested parties; including establishment and long term maintenance costs. HBRC will assist where possible with these costs, but this will need to be determined on a case by case basis.



### 5.3 Terrestrial Wildlife Habitat Enhancement

Areas of rank grass and scrub on the river berm areas can provide valuable habitat for wild fowl and upland game bird species. These areas need to be carefully selected and managed to ensure that they are viable in the long term. HBRC envisages that user and interest groups such as Iwi, Fish and Game and the Royal Forest and Bird Protection Society will be actively involved in establishing, managing and maintaining these areas.

Terrestrial wildlife areas will generally be identified for enhancement works through the EMEPs. In areas where there is no established EMEP, enhancement works will be identified in consultation with the parties noted above. The criteria to be used to identify areas for terrestrial wildlife habitat enhancement are set out below.

#### Terrestrial Habitat Enhancement Criteria

Areas for terrestrial wildlife habitat enhancement must be:

- Unlikely to compromise flood control or river management objectives\*;
- Able to be fenced to exclude livestock;
- Remote from residential areas and areas of high public use;
- Accessible to pedestrians; and,
- Preferably containing vegetation, non-invasive exotic and/or indigenous, that provides suitable forage and/or shelter for wildlife.

If suitable vegetation is not already present, then HBRC will permit planting of approved plants by interest groups.

Grazing management for non-fenced wildlife habitat areas:

- Grazing is to be precluded during the August to December bird nesting period; and,
- A close grazed pasture effect is to be avoided by mob-stocking for short-term periods only.

Temporary inundation from floods is acceptable, provided silt deposits are minimised.

\*Any areas established are at risk of destruction during major floods. Should this occur, the future of the site may be reconsidered jointly with the interest groups. Any funding required for the reinstatement of the site may not be available from HBRC.



## 5.4 Biodiversity

Previous reports<sup>10</sup> have noted the predominance of willow species in the HBRC's live edge protection plantings. From a landscape perspective, some commentators cite this as beneficial and some do not. Bee Keepers for example value the willows for the early availability of nectar and pollen in early autumn. HBRC's Asset Management and Works Group departments are actively working to develop and implement a riparian protection scheme that includes significant biodiversity values.

From a biodiversity perspective, a greater variety of tree species would be beneficial for enhancing wildlife habitat. Unfortunately, the application of HBRC's first order management priority for the rivers requires species to be used that are fast growing, drought tolerant, able to easily withstand the erosive effects of floods, and able to survive heavy silt deposition. Some willow species meet these needs and are the preferred species, however, due to the impact of willow sawfly (*Nematus ogilospilus*), a range of alternative species are being established. These include exotic species such as birch (*Betula* spp.), alder (*Alnus* spp.) and acacia (*Acacia* sp.), in addition to selected plantings of native species, such as flax (*Phormium* spp.), cabbage tree (*Cordyline australis*), manuka (*Leptospermum scoparium*), lacebark (*Hoheria populnea*), ribbonwood (*Plagianthus regius*) and tree daisy (*Olearia solandri*). Alternative planting areas are generally complimented with permeable rope and rail groynes for additional strength and protection in this zone.

HBRC will continue to actively protect any native species that are naturally emerging within the willow plantings, and where possible will favour tree species that offer food and shelter qualities for wildlife.

Recommendations for strengthening biodiversity in river berm areas are set out in HBRC's EMEPs. Where there is no established EMEP, the following criteria will apply:

### Biodiversity Criteria

1. HBRC will actively protect significant native tree species growing within edge protection plantings (except that this will not preclude HBRC from removing silt deposited following a flood).
2. HBRC will plant alternative native and exotic species (such as cabbage trees, maples, alders, and oaks) on areas located away from the active river channel, if those areas are conducive to the long term survival of those alternative species.
3. Appropriate alternative species will be selected in consultation with Iwi, the Department of Conservation, the Fish and Game HBRC and the Royal Forest and Bird Protection Society.

<sup>10</sup> Boffa Miskell, Hawke's Bay Catchment Board, Hawke's Bay Regional Council.

## 5.5 Whitebait Spawning

Whitebait spawning occurs in rank grass and rushes at the saltwater interface on the banks of estuaries and rivers. These spawning areas are susceptible to damage from grazing stock, weed spraying and general public access. However, merely fencing these areas off can easily protect them from such damage.

Whitebait spawning in the Heretaunga Plains and Napier Hastings areas that have been identified and fenced off to date are shown in **Figure 8 and 9**. Any further whitebait spawning areas<sup>11</sup> identified in conjunction with the region's Iwi and the Department of Conservation will also be fenced off<sup>12</sup>.

The criteria to be used to identify areas for whitebait habitat enhancement are set out below.

### Whitebait Habitat Enhancement Criteria

Areas for whitebait habitat enhancement must be:

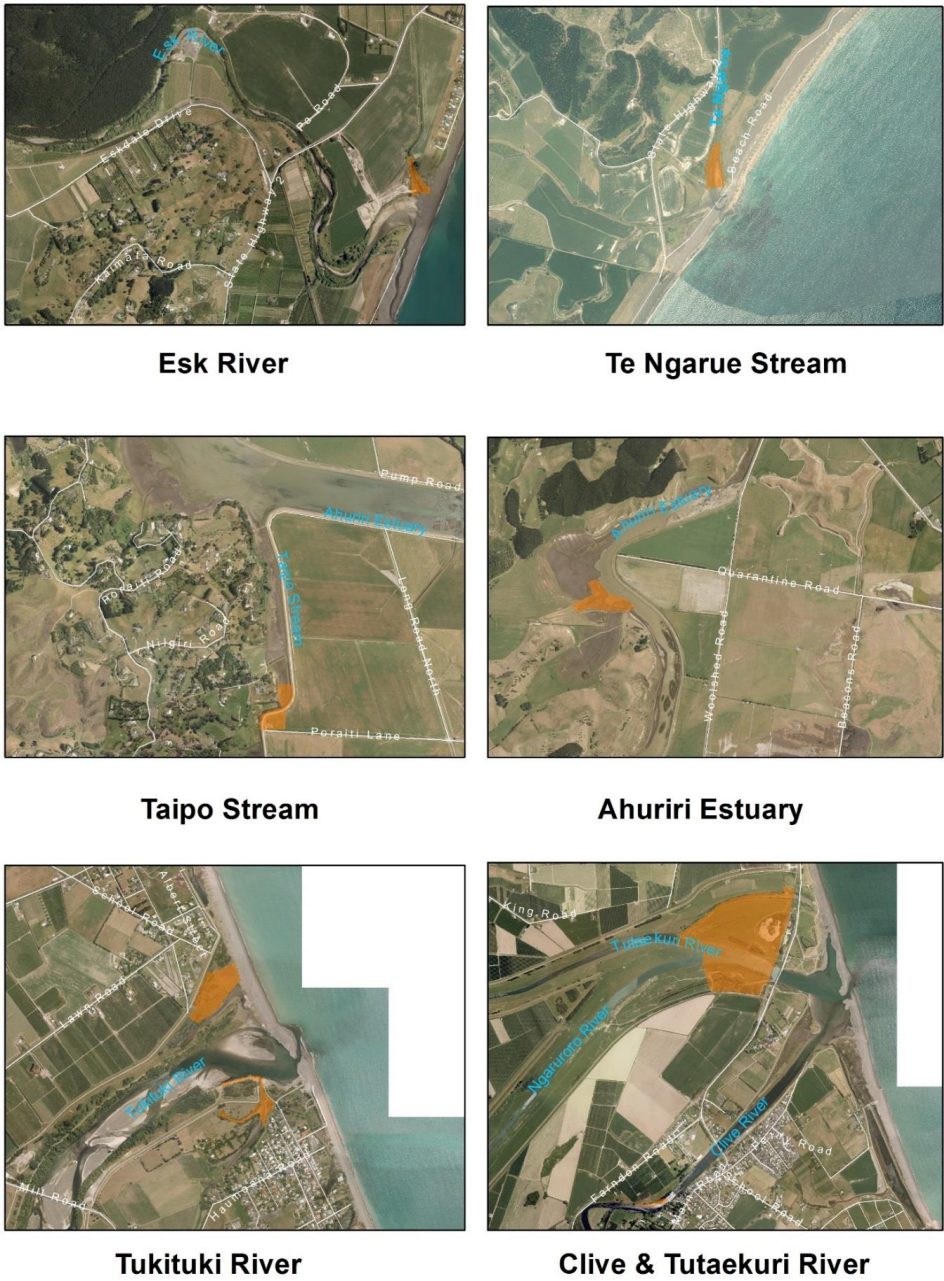
- Identified as supporting whitebait spawning;
- Able to be fenced from livestock;
- In locations where either river works are unlikely, or existing river works are not compromised; and,
- Containing natural, rank grasses with no willows (or willows are able to be removed).

<sup>11</sup> The Department of Conservation estimates that up to 90% of known whitebait spawning areas have already been fenced off.

<sup>12</sup> Generally, the Hawke's Bay Regional Council will provide for fencing materials and DOC will provide labour to erect the fence.

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Figure 7:    Protected Whitebait Spawning Areas.





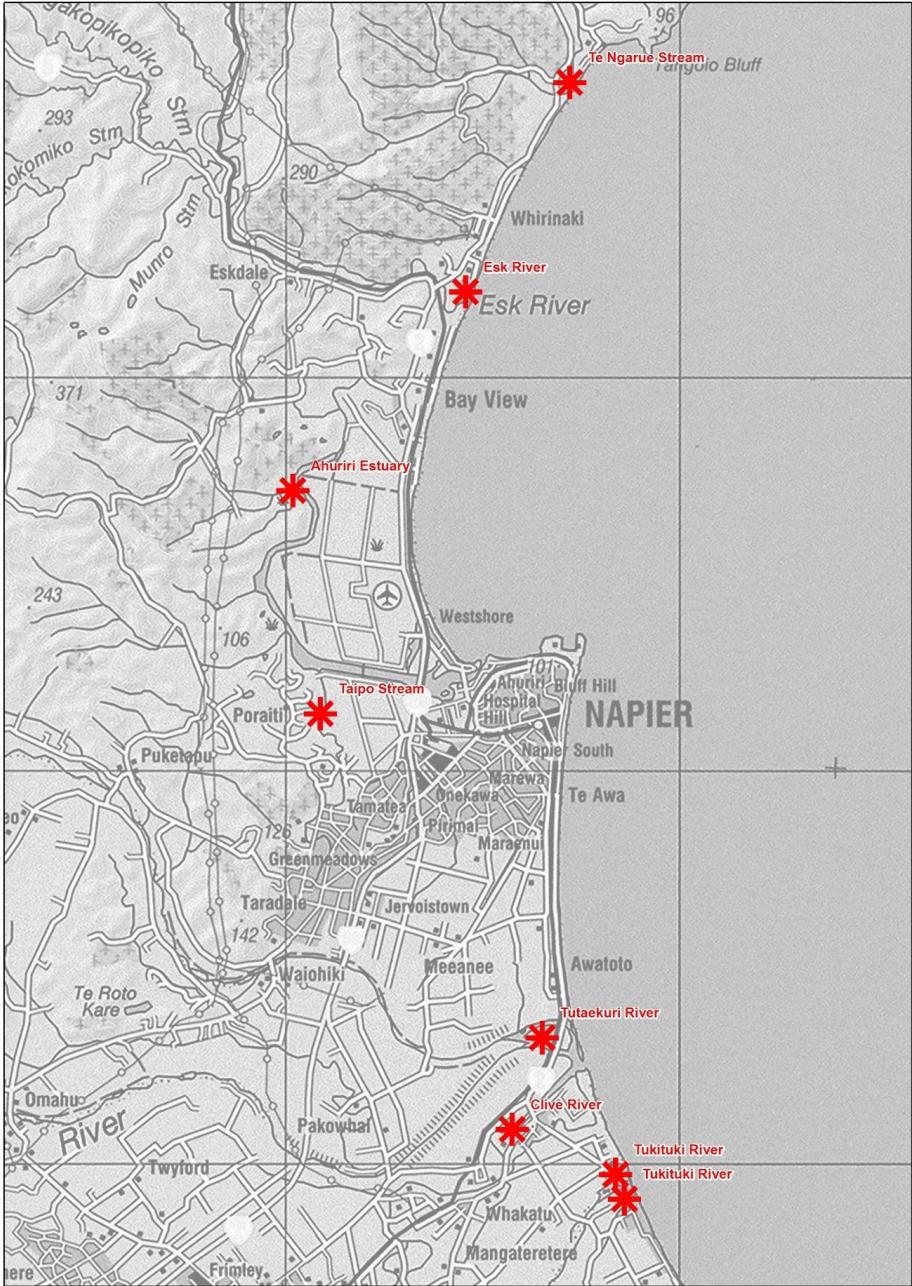


Figure 8:    Protected Whitebait Spawning Areas.

## 5.6 Waterway Wildlife Habitat

Specific areas of waterway that are suitable for waterfowl habitat enhancement will be identified in consultation with the Fish and Game HBRC. The criteria to be used to identify areas for drain habitat enhancement are set out below.

### Waterway Habitat Enhancement Criteria

Areas for waterfowl habitat enhancement must have:

- Been identified as a known breeding area for waterfowl;
- Moderate to low gradient side batters; and,
- Flowing or standing water at least nine months of the year.

Identified areas will be excluded from edge mowing or spraying during the waterfowl breeding months of August through to November.

## 5.7 Pool Creation

The maintenance of permanent deep pools in rivers is important for providing habitat for fisheries, particularly as refugia during low flows and warm summer temperatures. Pools and riffles naturally migrate over time within a river system. However, there is potential for some river work activities, such as beach raking and edge retreat, to contribute to or exacerbate the natural instability of pool and riffle systems.

Consequently, the creation of artificial deep pools can be highly beneficial. These can also have the added advantage of being able to be used as swimming holes by the public and as water supply sources by the Rural Fire Control authorities. River locations that are suitable for pool creation will be identified in consultation with Iwi and the Fish and Game HBRC.

The criteria to be used to identify river locations for pool creation are set out below.

### Pool Creation Criteria

Areas for pool creation must be:

- In locations that will not unduly interfere with Council river works or machinery movements; and,
- On the outside of river bends adjacent to existing tree cover able to shade the pool.
- Pools primarily created for swimming holes are to be selected based on first criteria above and tree cover need not be a requirement.

## 6 Public Access

### 6.1 HBRC Policy

Different interest groups have conflicting aspirations regarding access to the river berm areas. Some groups and individuals desire public access to all parts of the river system by both foot and vehicle, while other groups and individuals wish to see access restricted to certain areas or certain times of the year.

HBRC's present policy is to allow public pedestrian access to all river berm land owned or administered by HBRC. This policy is to be retained. The exception is the need to prevent access to areas where work is being carried out for health and safety reasons.

HBRC is aware that free and open public access can create problems in terms of:

- High management costs;
- Vandalism to Scheme works and other infrastructure;
- Rubbish and car body dumping;
- General theft from adjoining properties and stock rustling from the river berms;
- Increased risk of grass and scrub fires; and,
- Illegal practices such as cannabis cultivation.
- Wildlife disturbance (e.g. from dogs)

These problems are particularly prevalent in areas where vehicular access is provided. Consequently, there is a need to restrict free and open public vehicular access.

Vehicular access for the general public is provided at 16 points on the Heretaunga Plains and 16 points in the Upper Tukituki River Catchment, as shown **Figure 10** and listed in **Table 4**. These existing vehicular access points will be maintained and monitored. Depending on management requirements the number of access points may be increased or decreased.

The existing vehicular access points result in 30% of the HBRC owned or administered river berm area being open to vehicle access by the general public.

Following consultation with the NZ Police, all existing access points have been designed with only one entrance and exit, to avoid the use of the river areas as travel corridors by criminals. This practice will be maintained.

Other vehicular access points are maintained so that HBRC can undertake its river management activities. These access points have locked gates.

## 6.2 General Public Access

The following HBRC Policy has been adopted for the major Schemes where HBRC owns or administers the land adjoining the river system.

### Public Access Policy

1. Pedestrian access to the river berm and river channel areas owned or administered by Council will be generally unrestricted, other than where a potential risk to public health and safety arises from:
  - River management or gravel extraction activities; or
  - The risk of grass and scrub fires.
2. General vehicular access will be restricted to designated entry points and adjoining berm areas listed in *Table 3: Public Vehicular Access Points*. These vehicular access points may be closed at any time at Council's sole discretion.
3. HBRC will maintain controlled vehicular access points (with locked gates) at other locations, primarily for river management purposes.
4. Entry and use privileges may be provided through river management access points for special interest user groups on a case-by-case basis. However, no individual, group or sector of the community, will be provided with general vehicular access through all of the river management access points.
5. Hawke's Bay Regional Council security system keys shall not be given out to the general public, but may be for recognised special interest user groups.
6. No camping shall be permitted on river berms.
7. Dogs may be excluded from some areas or required to be on a lead.

HBRC actively promotes public use within the management areas, by constructing pathways along stopbanks and in other areas. Pathways have multiple use designations, including cycling, pedestrian use and dog walking, and equestrian. Different sections of pathway have specific designation, to both provide a variety of recreational formats while also avoiding conflict of use.

Policy 4 above is designed to cater for special interest user groups that require vehicular access to a particular part of the river berm system that is not open to general vehicular access. However, HBRC does not consider it appropriate to provide any group with general vehicular access to all parts of the river berm system, due to the problems identified above.

Individual members of the public are not granted access privileges through HBRC gates as the proliferation of the number of keys handed out to individuals would soon make the security gate system unworkable.



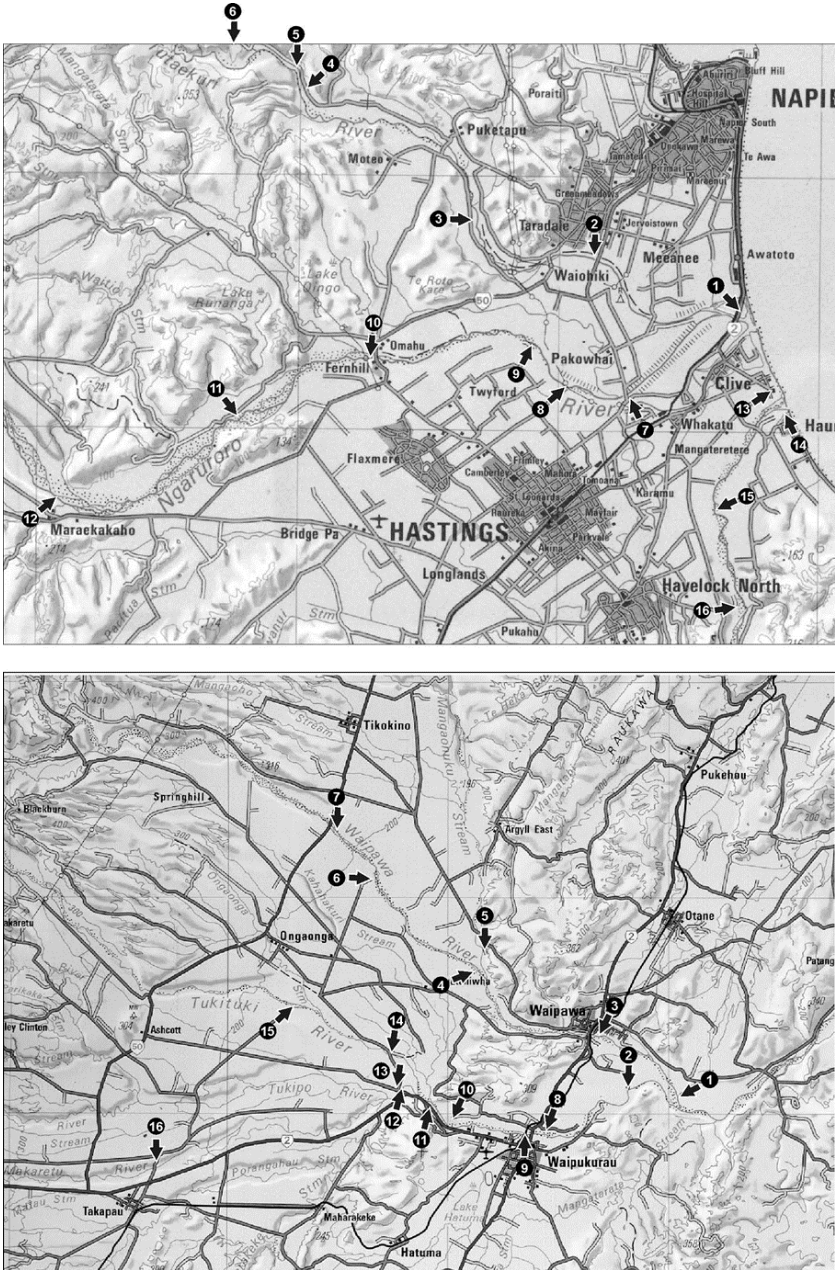


Figure 9: Public Access Points on the Heretaunga Plains (top) and Ruataniwha Plains (bottom).



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Table 3: Public Vehicular Access Points.

| River                    | Site Reference Number | Site Name       |
|--------------------------|-----------------------|-----------------|
| <b>Heretaunga Plains</b> |                       |                 |
| Tutaekuri/Ngaruroro      | 1                     | Waitangi        |
| Tutaekuri                | 2                     | Guppy Road      |
| Tutaekuri                | 3                     | Omarunui Road   |
| Tutaekuri                | 4                     | Hakowhai        |
| Tutaekuri                | 5                     | Dartmoor        |
| Tutaekuri                | 6                     | Mangaone        |
| Ngaruroro                | 7                     | Pakowhai        |
| Ngaruroro                | 8                     | Ormond Road     |
| Ngaruroro                | 9                     | Carrick Road    |
| Ngaruroro                | 10                    | Omahu           |
| Ngaruroro                | 11                    | Ohiti           |
| Ngaruroro                | 12                    | Maraekakako     |
| East Clive Sea           | 13                    | Richmond Road   |
| Lower Tukituki           | 14                    | Black Bridge    |
| Lower Tukituki           | 15                    | Tennants Road   |
| Lower Tukituki           | 16                    | River road      |
| <b>Ruataniwha Plains</b> |                       |                 |
| Upper Tukituki           | 1                     | Walker Road     |
| Upper Tukituki           | 2                     | Tapairu Road    |
| Waipawa                  | 3                     | Reserve         |
| Waipawa                  | 4                     | Stockade Road   |
| Mangaonuku Stream        | 5                     | Tikokino Road   |
| Waipawa                  | 6                     | Plantation Road |
| Waipawa                  | 7                     | SH 50           |
| Upper Tukituki           | 8                     | Ford Road       |
| Upper Tukituki           | 9                     | Waipukurau      |
| Upper Tukituki           | 10                    | Lindsay Road    |
| Upper Tukituki           | 11                    | Pukeora         |
| Tukipo                   | 12                    | Ashcott Road    |
| Tukipo                   | 13                    | Mabins          |
| Upper Tukituki           | 14                    | Ongaonga Road   |
| Upper Tukituki           | 15                    | Burnside Road   |
| Makaretu                 | 16                    | Burnside Bridge |

The public vehicle access points more fully described in a report titled *Public Access Development Programme, October 1996* (HBRC). That Report also details proposed recreational enhancement works at each public access point, including entrance ways, car parking, barbecue areas, rubbish bins and information maps. Proposed horse-riding trails along the Tutaekuri, Ngaruroro and Tukituki Rivers are also described. For the sake of brevity, that descriptive information is not repeated in this *Code*.

### 6.3 Special Interest User Group

A range of special interest user groups have been provided with access and entry privileges through river management access gates that are normally locked.

A special interest user group is recognised by the following characteristics:

- A demonstrated responsible attitude;
- A nominated contact person responsible for liaison with HBRC;
- A specific documented purpose, function or constitution;
- A documented membership list;
- A regular meeting or activity schedule;
- A demonstrated need to use river berm areas as opposed to other public open spaces provided by territorial authorities (such as general parks and reserves);
- A willingness to maintain the area of river berm designated for their use, including rubbish removal; and,
- It supplies its own locks and gate security system (where appropriate).

The *Public Access Development Programme* documents the current special interest user groups. These groups and their associated sites and designated access points are listed in the following Table.

**Table 4: Special Interest User Group.**

| User Group                  | River                              | Site Location and Access Point      | Access Arrangement |
|-----------------------------|------------------------------------|-------------------------------------|--------------------|
| Hawke's Bay Radio Flyers    | Tutaekuri                          | Waitangi                            | Own lock and key   |
| Hawke's Bay Motorcycle Club | Ngaruroro                          | Mere Road                           | Own lock and key   |
| Kennels Gun Club            | Tutaekuri                          | Allen's Road                        | Own lock and key   |
| Paintball Hawke's Bay       | Tutaekuri                          | Moteo                               | HBRC key           |
| Riding for the Disabled     | Tutaekuri                          | Powdrell Road Guppy Road Sandy Road | HBRC key           |
| Whitebaiters                | Tukituki<br>Ngaruroro<br>Tutaekuri |                                     | Own lock and key   |
| Rifle range users           | Ngaruroro                          | Higgins site, SH50                  | Open / HBRC Key    |

The Hawke's Bay Radio Flyers, Kennels Gun Club, Paintball Hawke's Bay and whitebaiters have specific land use agreements and licences to occupy with the HBRC.

The special interest groups may erect structures on the river berm areas, subject to the terms of their licences to occupy, and the normal restrictions set out in the District Plan and Building Act.

The access and entry privileges awarded to these special interest user groups requires them to act in a responsible manner, as the groups are allowed to put their own locks on HBRC gates and distribute keys to those locks amongst their members. This can result in the widespread distribution of keys to the locks, which in turn increases the potential risk of problems such as rubbish-dumping and vandalism occurring. Accordingly, HBRC has developed an Access Policy for these special interest user groups.

Version 4

**Special Interest User Group Access Policy**

1. Where appropriate, special interest user groups as listed in Table 4 will be allowed to place their own locks on the river management access point gate closest to their site of activity.
2. The special interest groups shall ensure that entry keys are only distributed to recognised members of their group. The special interest groups shall maintain a Register documenting the holders of entry keys, and shall provide copies of that Register to Council upon request.
3. HBRC will review the access arrangements for each special interest group annually and any significant occurrence of rubbish dumping, vandalism or other nuisance may lead to the termination of the access privileges granted to that specific special interest group.
4. HBRC may establish land use agreements or licences to occupy berm land with the special interest groups.

Item 2

Attachment J

## 7 Reference

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