

Wairoa flood protection works

Proposed amendment Order

28 May 2025

Agenda

- Welcome
- The request
- *Option 1C+ - Hawke's Bay Regional Council*
- The Severe Weather Emergency Recovery Legislation Act 2023
- Hawke's Bay Flood Protection Works Order 2024
- Proposed amendment Order
- Timeline
- Discussion and pātai

The request

- The Regional Council is seeking an amendment to the Hawke's Bay Flood Protection Works Order 2024
- The request is for the Government to update the map and description for the Wairoa flood protection works, so the streamlined consenting process in the 2024 Order could be used

Option 1C+ - Hawke's Bay Regional Council

Orders in Council

- Developed under the Severe Weather Emergency Recovery Legislation Act 2023 (SWERLA)
- Enable temporary regulatory changes to support recovery, including to the Resource Management Act 1991 (RMA)

Hawke's Bay Flood Protection Works Order 2024

- Enacted in May 2024
- Covers eight locations across Hawke's Bay including Wairoa
- Sets out a streamlined resource consent process to speed up flood works
- Intended to help enable councils to reclassify around 975 properties in Hawke's Bay as low risk
- The 2024 Order can only be used if works fall within the areas defined in the Order

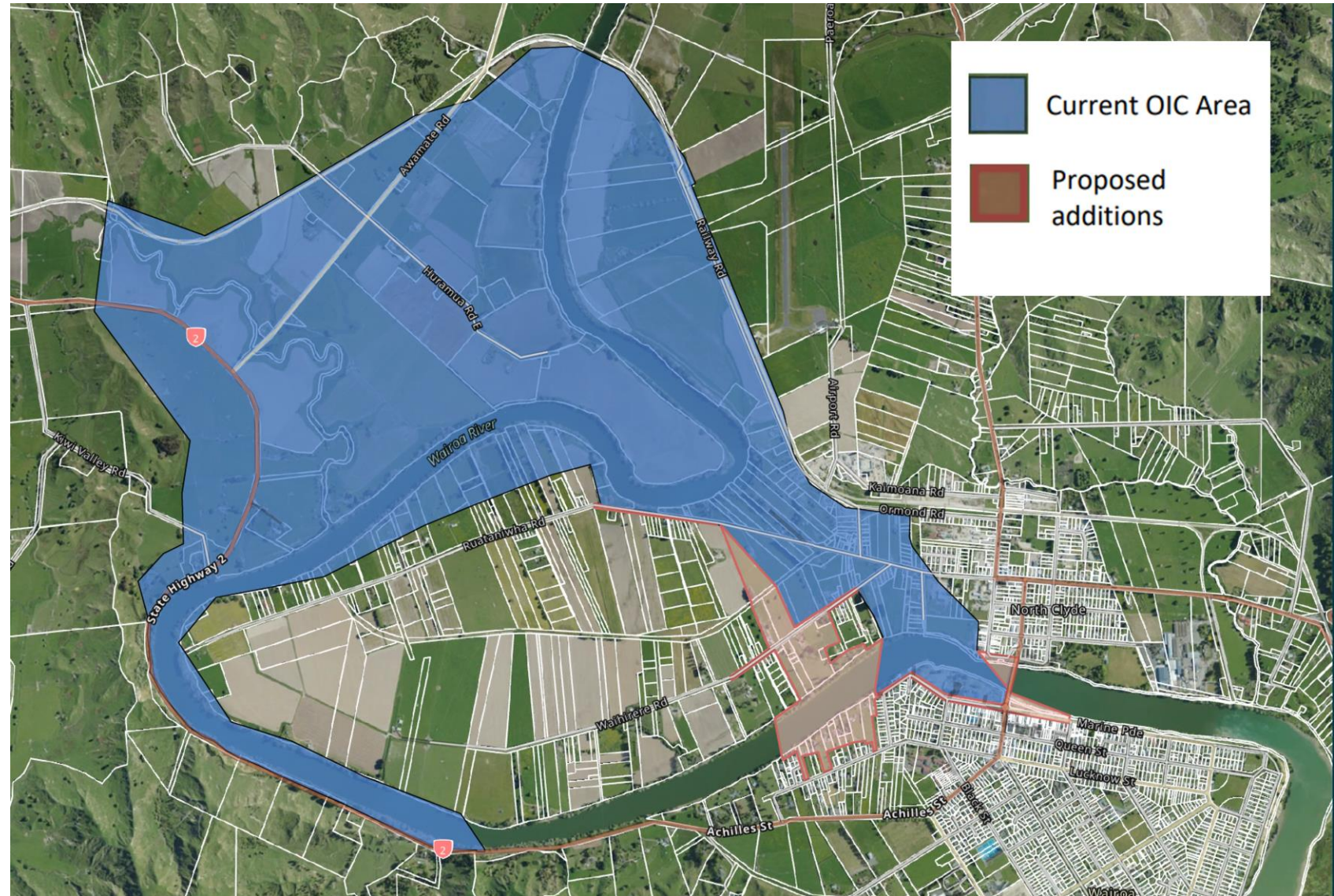
Requirements to amend Order

Orders (and amendment Orders) must meet legal requirements, including:

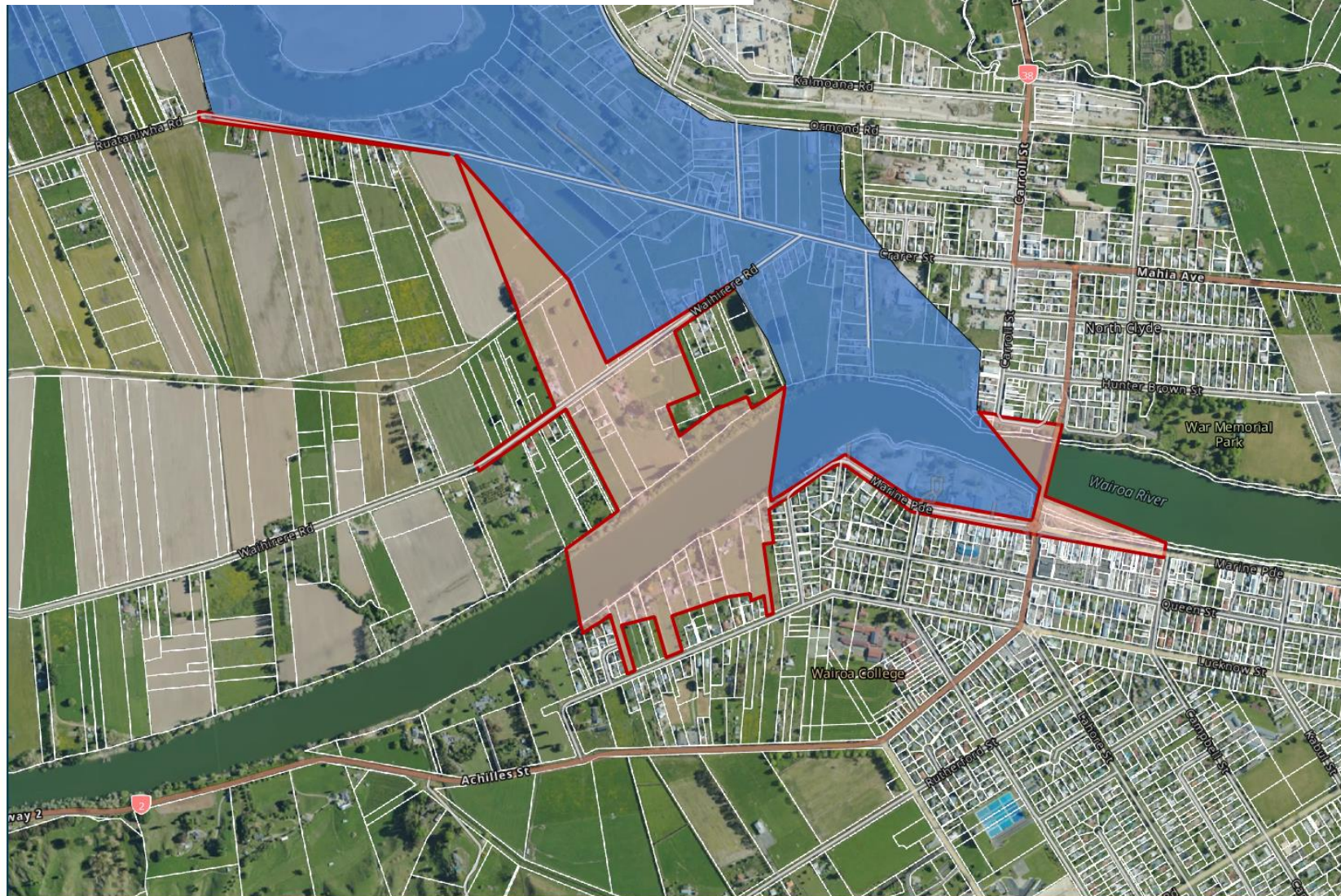
- must be necessary or desirable
- no broader than necessary
- engagement must be undertaken
- environmental impact must be considered if amending RMA

The proposal

- The proposal is to add the area in red to the existing area (in blue) for Wairoa
- This red area would be needed to consent Option 1C+ under the 2024 Order
- This proposed amendment would not commit Wairoa to a particular solution





The proposal



OIC Proposed Amendment - Additions

LEGEND

-  Current OIC Area
-  Proposed additions

0 0.1 0.19 0.29
kilometres

Date: 5/23/2025

Reference Systems:

Scale: 1:10,000 @ A3

NZTM | NZVD2016

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The streamlined consenting process in the 2024 Order

The streamlined consenting process:

- Flood works classified as controlled activities
- An independent hearings commissioner will make decisions on the application
- All relevant Māori entities and owners and occupiers of affected land will be notified and have 10 working days to make written comments
- Notice of the decision must be given within 30 working days of receiving a full and final application
- Consent conditions may be imposed for a range of matters including ongoing engagement and to manage potential risks and adverse effects
- no rights of objection or appeal

Note, judicial review retained and no changes to land access or acquisition laws.

Consent conditions in the 2024 Order

- The hearings commissioner may impose 1 or more of the conditions in Schedule 2 of the 2024 Order
- Schedule 2 includes engagement conditions, as well as conditions to manage potential risks or adverse effects
- If conditions are imposed, flood works will need to comply with those conditions

Next steps

The Ministry will gather feedback and provide this to:

- the Minister
- the Severe Weather Events Recovery Review Panel
- Parliament's Regulations Review Committee.

Indicative timeline

26 May	Cabinet approval to engage
27-30 May	Engagement
June	Parliamentary Counsel prepare a draft amendment Order
End June	Draft amendment Order considered by Review Panel and Regulations Review Committee
August	Cabinet approval of amendment Order and enactment



Ministry for the
Environment
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Discussion | Pātai

Have your say

We are accepting feedback until **5pm 30 May 2025**.

- You can find more information online here:
<https://environment.govt.nz/acts-and-regulations/orders-in-council/hawkes-bay-flood-works/>
- Or contact us via SevereWeather@mfe.govt.nz



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