

Hawke's Bay flood works and associated infrastructure

Proposed Order in Council

7-8 March 2024

Hui for Wairoa Stakeholder Group, WDC, TToTW



Agenda

- Welcome / Introductions
- The Government's 100-day plan
- The Severe Weather Emergency Recovery Legislation Act 2023 (SWERLA)
- Orders in Council under SWERLA
- Key features of the Order
- Overview of proposed flood works
- Timeline
- Questions / pātai

Relevant 100-day plan commitments

- Meet with Councils and communities to **establish regional requirements** for recovery from Cyclone Gabrielle and other recent major flooding events
- **Make any additional Orders in Council** needed to remove red tape to speed up cyclone and flood recovery efforts

Orders in Council

An overview

- Developed under the mechanism in the Severe Weather Emergency Recovery Legislation Act 2023
- Adds flexibility to the response, allowing quick regulatory changes to respond to issues as they arise
- Enables the Ministry for the Environment to amend legislation we are responsible for

Orders in Council under SWERLA

Requirements

Orders have clear legal parameters including:

- Must be necessary or desirable for the purposes of SWERLA
- No broader than necessary in extent

For RMA changes:
Minister has considered the effects on the environment and whether adverse effects could be avoided, remedied or mitigated.

Benefits

Can help speed things up by streamlining the resource consents process.

Ensures input from directly affected parties into the consenting process.

Gives certainty and provides regulatory relief to allow local-led recovery work done.

Engagement

Seeking your feedback on all aspects of the proposed Order in Council.

Feedback will be provided to the Severe Weather Events Recovery Review Panel considering this Order in Council under the Severe Weather Emergency Recovery Legislation Act 2023.

Orders in Council - helping communities continue their recovery

Why is this Order needed?

- The Hawke's Bay Regional Council has identified the need for flood works in Wairoa and 7 other locations.
- This Order would enable these works to take place sooner with a streamlined resource consent process.
- Without this Order, it's unlikely consents would be granted in time under standard RMA consenting processes.
- Enables Hawke's Bay Regional Council to reclassify ~627 properties in Wairoa from Category 2A or 2C to Category 1.

Key features of this proposed Order

- Limited to the flood works undertaken in Wairoa and 7 other locations
- Proposes adapting the consenting framework from the Waka Kotahi Order
- Proposes a streamlined consenting regime that:
 - classifies flood works activities that are not already classified as permitted, as **controlled activities**
 - provides a streamlined process for controlled activity resource consents
 - includes a list of conditions which will avoid, remedy or mitigate adverse environmental effects

Key features of this proposed Order

- Those directly affected have **input into the consenting process**.
 - HBRC must seek written comments on the consent applications from specified persons.
 - Consents would include conditions setting out **engagement with landowners, stakeholders, iwi, hapū and Māori** through to completion of works.
- Consent applications would be lodged by the Hawke's Bay Regional Council. The Order would not predetermine any engineering or design solutions – that work would be led by HBRC and other councils.
- We are proposing the councils appoint one set of **independent planning commissioners** to determine all the applications.

Other project locations

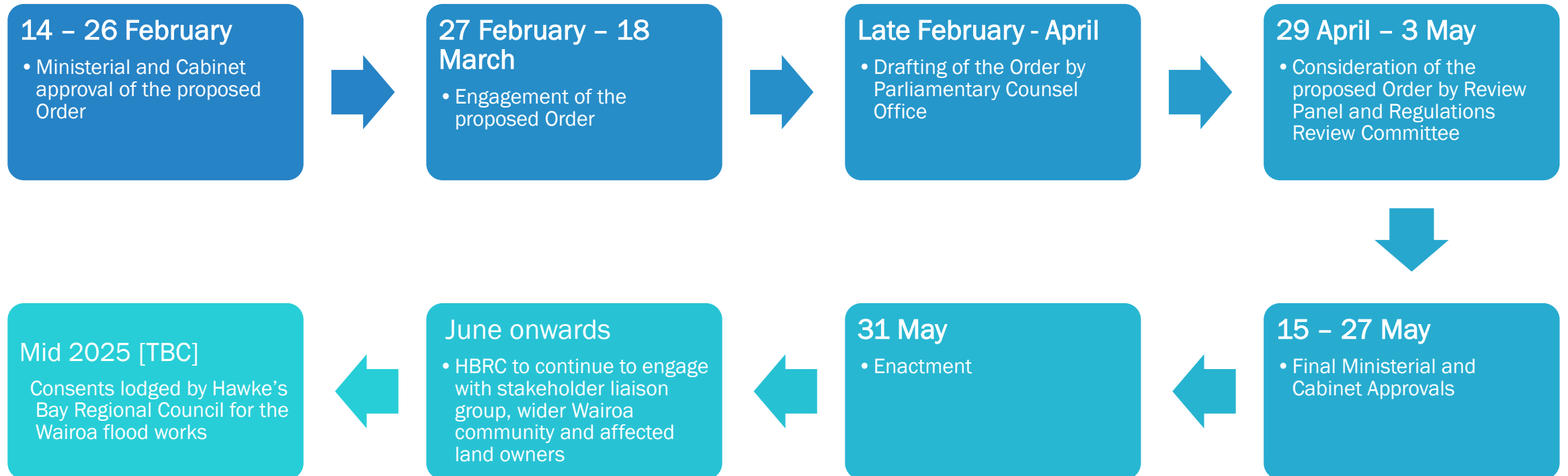


Site Locations:

1. Wairoa
2. Whirinaki
3. Awatoto
4. Waiohiki
5. Ohiti Road
(Omahu)
6. Pakowhai
7. Havelock North
8. Porongahau

Hawke's Bay flood works: Proposed Order in Council

Indicative key milestones and process steps for the proposed Order





Pātai | Questions?

Have your say – Your voice matters

We are accepting feedback until **5pm 18th March 2024**.

- 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 SevereWeatherResponse@mfe.govt.nz



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