Resource Consent Application For Flood Protection Works

Awatoto Pump Station

Signed by – James Park
IPMO (Programme) Director

HAWKE'S BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

IRP Infrastructure Resilience Programme
NGĀ MAHI TŪROA

STRADEGY
Urban, Environmental & Strategic Planning

Resource Consent Application for Flood Protection Works

Awatoto Pump Station

Hawke's Bay Regional Council

26058AP1
2 July 2026

APPLICATION DETAILS

Consent Authority:	Hawke's Bay Regional Council Napier City Council
The Applicant:	Hawke's Bay Regional Council
Address for Service:	Stradegy Planning Limited, PO Box 239, Napier 4140
Address for Invoice:	Hawke's Bay Regional Council c/- Mike Smith, Senior Project Manager, Mike.Smith@hbrc.govt.nz
Site Details:	Lot 1 and Part Lot 2 Deposited Plan 6287

Activity for which Consent is sought:

Resource consent to undertake **flood protection works** under the Severe Weather Emergency Recovery (Hawke's Bay Flood Protection Works) Order 2024 ("**OiC**") is sought as a **Controlled Activity**. The works involve a range of activities otherwise regulated under section 9, 13, 14 and 15 of the Resource Management Act 1991.

Prepared by:

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Consultant Planner

Reviewed and Approved for Release by:

Cameron Drury BRP(HONS) MNZPI
Principal Planner, Director

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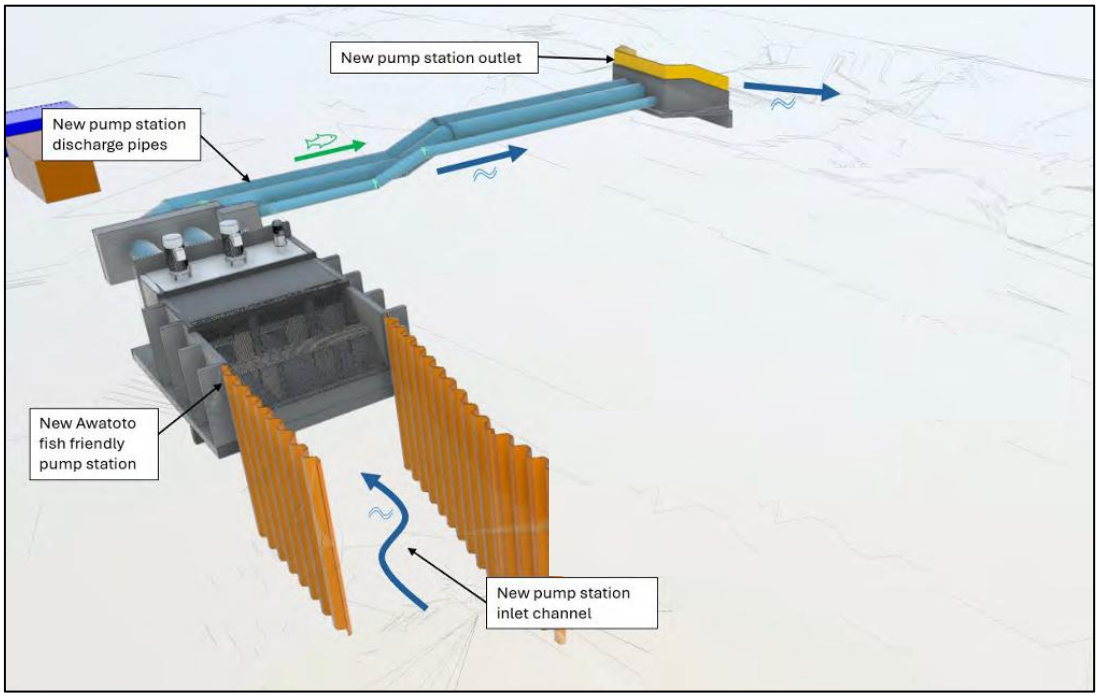
1. INTRODUCTION

The Awatoto Pump Station flood protection project ("**Project**") is an initiative by Hawke's Bay Regional Council to upgrade the Awatoto Pump Station[1] which was inundated during Cyclone Gabrielle. While the pump station has been repaired and operational since the cyclone, the project involves significant upgrades to the pump station that will provide enhanced flood resilience to the Awatoto area.

The pump station is located where the Mission and Awatoto Drains meet, between Ravensdown Limited (Ravensdown) and BioRich Limited (BioRich) in Awatoto, Napier. The pump station moves water from the Awatoto Catchment, through the stop bank and discharges into the lower Tūtaekurī River, in the vicinity of the Waitangi Estuary.

A schematic of the project is provided in **Figure 1.** It involves the construction of a new pump station which will house three variable speed drive Bosman fish-friendly pumps (two 90 MC pumps and one 45 MC pump), which will connect to new discharge pipelines (2 x DN1200 and 1 x DN600 PE discharge pipelines). The new discharge pipes will be laid through the existing stopbank, and discharge over a new outlet headwall with scour protection, into the Tūtaekuri River. When the new pump station is fully commissioned, the old pump station will be demolished, and once that has been removed, work will also be undertaken to improve the alignment of the inlet channel.

Figure 1: Overview of Project



[1] Also sometimes referred to as the Mission Pump Station.

The key drivers for the Project are:

- To improve the seismic resilience of the pump station. It is located on poor to very poor founding material which presents a risk of lateral spread at the site.
- Improved performance of the pump station. Flow rate requirements (both minimum and maximum) will be meet with lower maximum discharge velocities than the current pumps which will limit downstream scour.
- Greater protection for fish through the use of fish-friendly pump technology.
- A simple, reliable, cost effective design that has lower ongoing maintenance costs.
- Ongoing flood risk management during construction. The existing pump station will remain operable throughout the construction period, ensuring the availability of flood pumping capacity until the new pump station is commissioned.

Funding for the project comes from the integrated package agreed between all five Hawke's Bay Councils and Central Government. Regulatory approval for the project is being sought under the Severe Weather Emergency Recovery Legislation (Hawke's Bay Flood Protection Works) Order 2024 ("**the OiC**") – developed to facilitate the timely provision of flood protection works following the severe weather events of February 2023 (Cyclone Gabrielle).

Expert assessments have been provided to support this resource consent application. These are detailed below in **Table 1** and included as appendices to this application.

Table 1: Expert Reports

Expert Report	Author	Purpose
Cultural Impact Assessment	Ngāti Pārau Trust **(provided confidentially)**	To advise on cultural context and cultural values associated with the area.
Awatoto Drainage Pump Station Upgrade – Addendum to the Cultural Impact Assessment Report	Cameron Ormsby **(provided confidentially)**	To provide specific commentary on the recommendations of the CIA and the Ecological Assessment
Archaeological Screening	Archaeology Hawke's Bay	To determine the risk of encountering archaeology and advise on the appropriate response in regard to progressing the works.
Ecological Impact Assessment	Stradegy	To determine ecological values and methods to manage ecological effects.
Landscaping Scoping Assessment	Narrative Landscape	To determine the need for landscape mitigation.
Preliminary & Detailed Site Investigation	PDP	To determine the potential for soil contamination and the nature of any management procedures.
Preliminary Design Report and Plans	GHD	To provide details of the proposal.
Noise and Vibration Assessment	Style Group	To determine the need for any acoustic mitigation

Consequential Flooding Effects Assessment	PDP	To determine any changes in flood impacts as a result of the proposal and the need for mitigation.
Stopbank Stability Assessment	GHD	To assess the stability of the stopbank affected by the laying of the new discharge pipes
Geotechnical Design Philosophy Statement	GHD	To provide details of geotechnical considerations in design
Traffic Impact Assessment	East Cape Consulting	To assess the transport-related effects of the project, and identify appropriate management measures

The application meets the requirements of Section 12 of the OiC. The standardised conditions of the OiC have generally been adopted to avoid, remedy or mitigate the actual or potential adverse effects of the proposal, although these have been tailored where necessary to reflect the nature of the Project proposed at Awatoto.

2. BACKGROUND AND STATUTORY CONTEXT

2.1 Impacts of Cyclone Gabrielle

Cyclone Gabrielle bought intense rainfall that caused the stopbanks of the Tutaekuri River to fail, severely impacting a number of areas along the river, including the Awatoto industrial area. Flood depths in the area reached around 2 metres, inundating buildings and critical infrastructure such as the Napier City Council (NCC) Wastewater Treatment Plant, as well as businesses, homes and properties. Inundation was prolonged because of the limited capacity of the pump station. The damage to the NCC Wastewater Treatment Plant rendered it inoperable for over a month, and only partly operational for another couple of months, which had significant public health and environmental impacts.

Floodwaters in the area were particularly hazardous due to the presence of raw sewage (due to the wastewater treatment plant failure), and toxic liquids and chemicals used by industries in the area. This complicated clean-up efforts in the area due to the need to carefully remove contaminated sediment to manage health risks. Given the number of people employed by the industries in the area, the prolonged business closures were particularly keenly felt by the community.

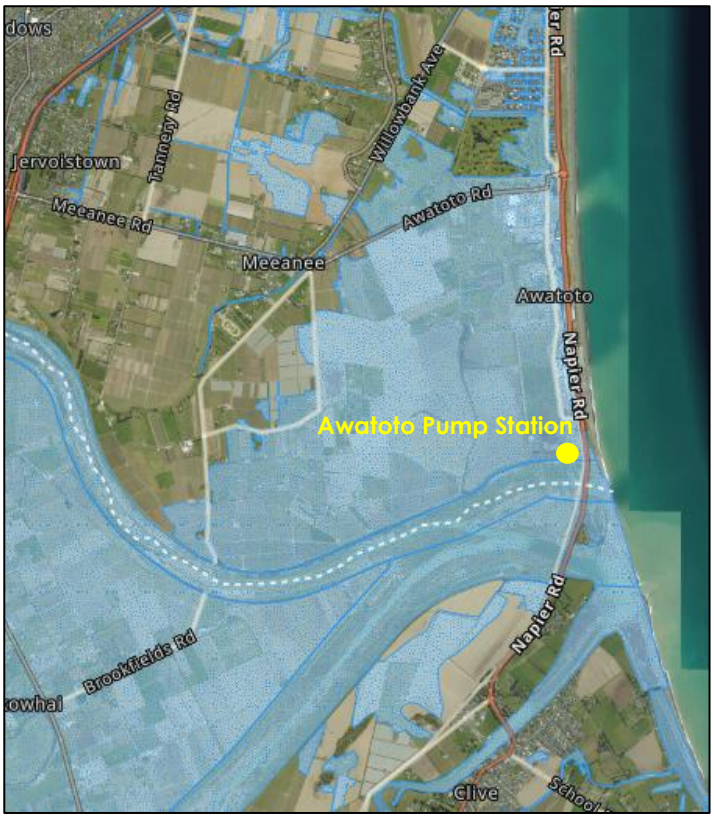
There is believed to have been a pump station at Awatoto since the 1950s, when the Tutaekuri River was diverted, and one river mouth created for the Tutaekuri and Ngaruroro Rivers. While the pump station has been modified over the years it has always operated as a flood drainage pump station; its primary purpose being to keep the landside channel from flooding during rain events by pumping against the riverside water level. The pump station was overwhelmed in Cyclone Gabrielle – power was lost, it was submerged and flows far exceeded the pump stations design capacity.

2.2 Project Purpose

The purpose of the Project is to improve the reliability and resilience of the Awatoto Pump Station. Cyclone Gabrielle highlighted a lack of capacity at the pump station in extreme events, a vulnerability to power loss, and a limited ability to be monitored/controlled during emergencies. The new pump station will have greater pumping capacity and modern telemetry and remote monitoring systems, which will allow the regional council to control pumps during emergencies, respond faster to system failures, and maintain drainage even during power/communication outages.

The upgraded pump station has a peak design flow of 6,500 L/s, compared to the existing peak of 2,050 L/S. This is a roughly threefold increase in pumping capacity. Three fish-friendly Bosman Vision pumps replace the existing pumps, one 45MC "lead" (jockey) pump (290–500 L/s range) and two 90MC "main" pumps (1,000–3,000 L/s each), all with Variable Speed Drives (VSDs). The use of fish-friendly pumps means no fish screen infrastructure is needed. The upgraded pump station will operate via a remote telemetry unit with water level sensors controlling which pumps run and at what speed. The lead/jockey pump will handle lower flows, with the main pumps brought on automatically as water levels rise.

Figure 2: Extent of flooding in Awatoto area as a result of Cyclone Gabrielle[2]



[2] Source: Cyclone Gabrielle Flooding | Hawke's Bay Regional Council

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

The Severe Weather Emergency Recovery Legislation (Hawke's Bay Flood Protection Works) Order 2024 (the OiC) was established to facilitate the timely provision of flood protection works following the severe weather events of February 2023 (Cyclone Gabrielle). In short:

- Clause 6 sets out the meaning of 'flood protection works', which is

  '*activities that involve or are concerned with the construction or reinstatement of, making safety enhancements to, or improving the resilience of land and flood protection infrastructure, including stopbanks, floodways, retaining walls, bridges, pump stations, stream realignments, and earthworks; and any incidental or subsidiary activity*'.
- The OiC applies to such works when they are carried out within the affected areas identified in Schedule 2 of the Order (refer **Figure 3** below).

Figure 3: OiC Footprint

- The OiC sets out that all flood protection works subject to the Order (in Clauses 5 and 6) are to be assessed as a Controlled Activity (Clauses 7 and 8). Under Section 104A of the RMA an application for a Controlled Activity must be granted, and any conditions imposed must be limited to those over which control has been reserved.
- Only a Hawke's Bay local authority may apply for a resource consent under the Order (Clause 9).
- Clause 10 essentially requires an application made under the order to be considered and decided upon by a hearing's commissioner.
- Where the proposed flood protection works require resource consent from more than 1 consent authority, Clause 11 requires the applicant to apply to every relevant consent authority at the same time and for those consent authorities to act jointly in performing all their functions, duties, and powers in relation to the application.
- Instead of complying with section 88(2)(b) of the RMA, Clause 12 sets out what is required to be included in an application under the Order. In short, this includes:
    - a detailed description of the works,
    - a map showing the area of the works and description of that area,
    - identification of the cultural values associated with the area and where applicable any culturally significant land within the area,
    - an assessment of all potential effects of the works – including any potential effects on any cultural values / culturally significant land identified – recognising the limitations in Section 104A,
    - proposals to avoid, remedy, or mitigate potential adverse effects identified,
    - any conditions proposed that are a variation of, or additional to the standard conditions set out in Schedule 2 of the Order (refer Clause 17 below),
    - a description of any consultation undertaken in relation to the works and the names and contact details of all persons consulted – or an explanation as to why consultation has not been carried out,
    - a list of all relevant Māori entities,
    - a list of the names and contact details of all persons the consent authority is required to notify under clause 15(2)(a) of the Order.
- Clause 14 requires the application to be assessed on a non-notified basis. Clause 15 nevertheless sets out the parties from whom the consent authority must invite written comment. The consent authority must consider all comments received. A person invited to make written comments on an application may not:
    - appeal under Part 6 of the RMA against the consent authority's decision on the application; or
    - object to the decision under Part 14 of the RMA.
- While the direction in Section 104A(a) to grant consent remains, Clause 17 of the Order amends Section 104A(b) in respect to its directions around and references to matters of control and states:
    - The consent authority may impose any 1 or more of the conditions set out in Schedule 2,
    - The consent authority may amend any condition it imposes under subclause (2) (other than the condition in clause 1 of Schedule 2) if it considers the amendment necessary for the purposes of the authority's responsibility for a matter of control.

- The consent authority may impose any 1 or more additional conditions it considers necessary for the purposes of the authority's responsibility for a matter of control. Of note:
    - This clause applies despite anything to the contrary in:
        a) any requirements in a national environmental standard or a national policy statement:
        b) any rules or assessment criteria in any plan or proposed plan.
    - Matter of control means any of the matters specified in Schedule 3, which are matters over which the consent authority is taken to have reserved control. These include matters associated with:
        - General matters –
            - Flooding
            - Construction management
            - Effects on ecology
        - Cultural values
        - Freshwater
        - The coastal environment
        - Stormwater management
        - Visual effects and amenity
        - Adjoining land uses
        - Heritage and archaeology
        - Access and transport
        - Contaminated land
- Once an application is accepted as meeting all the information requirements in Clause 12(2) and all necessary resource consents have been lodged (activities included), Clause 18 requires the consent authority to give notice of its decision on the application within 30 working days. There is no provision to request further information, and the deadline may not be extended, deferred, or altered in any way.

Central to the OiC's approach is that an application can be lodged on the basis of only concept level project design information – with the standardised conditions containing earthworks and ecology principals in particular, and other directions, to develop mitigation of effects through further design development/refinement post granting of the resource consent. This approach is quite different to the standard RMA process which typically requires these matters to be resolved at the application stage.

Where a greater degree of assessment and design has occurred as part of preparing the application than what the OiC may have anticipated, it follows that components of the standardised conditions to require and guide mitigation post granting may not be necessary. Amendments to the standardised conditions are discussed in various sections of this report in response.

3. SITE DESCRIPTION

The following sets out:

- Site location and neighbouring community,
- The subject properties,
- Planning context:
    - Napier District Plan (Proposed and Partially Operative where relevant),
    - Hawke's Bay Regional Council Regional Planning Documents,
- Site values and environmental context:
    - Cultural context,
    - Archaeology,
    - Water bodies and ecological values,
    - Flood hazard management,
    - Landscape and amenity values,
    - Land contamination,
    - Productive capacity of land,
    - Network Utility Operators and other infrastructure and services.

3.1 Site Location and Neighbouring Community

The general location of works is shown in respect to the OiC Footprint in **Figure 4**. Of particular note:

- The works are located within the broader coastal environment (although set back from the active beachfront), and in the vicinity of the Tūtaekuri River.
- The area of works is located within a highly modified environment – a pump station already exists on the site (it will be demolished when the new pump station has been fully commissioned), there are established stopbanks, and the neighbouring properties are used for industrial type purposes.
- The railway corridor, and State Highway 51 are located to the east of the work site.
- The area is used recreationally which is utilised by cyclists, walkers and runners using the limestone trail that runs along the top of the Tūtaekuri Stopbank (through which the pump station discharges). The Hawke's Bay Model Aeroplane Club also utilises land located to the west of the area of works.
- The closest registered drinking water supply is located around 2.5km northwest of the pump station. It is Well 5913, near the corner of Mcleod and Awatoto Roads, which is part of Napier City Council's Awatoto Bore Field, which contributes to the city's public water supply.

These and other key features are discussed below.

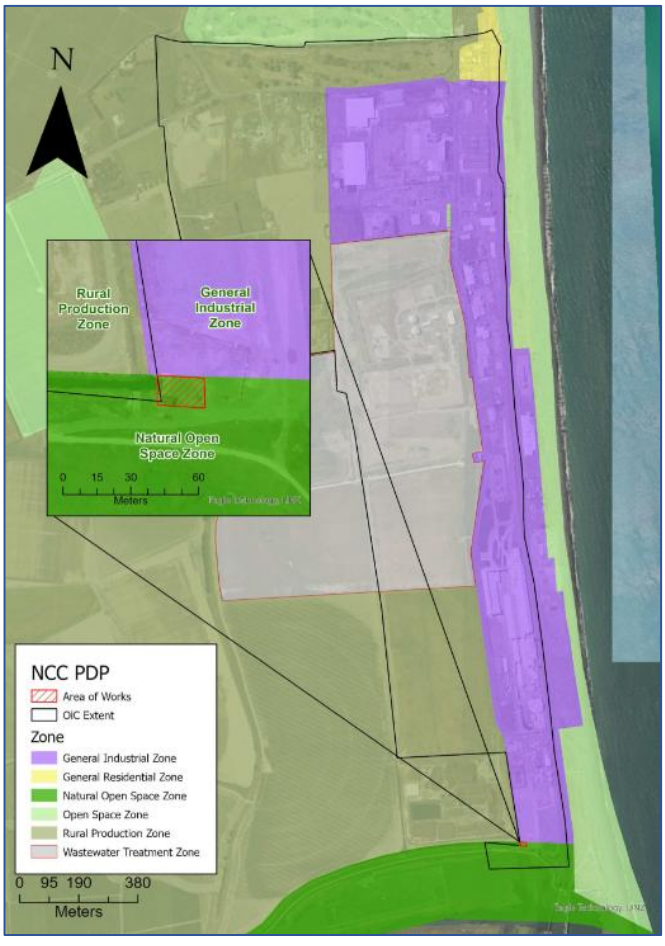
Figure 4: Works location

3.2 Subject Properties

The proposed works are to be carried out within Lot 1 and Part Lot 2 DP 6287, which is a 533,540 m^2 property owned by the Hawke's Bay Regional Council, the extent of which is shown in **Figure 5** below.

Figure 5: Property on which the works will be undertaken

Figure 6: Napier District Plan Zones



3.3 Planning Context

The works will be undertaken within the Napier City District of the Hawke's Bay Region. The following provides an outline of the planning context in regard to:

- The Proposed Napier District Plan (Appeals Version 2026), and where relevant the Operative Napier District Plan; and
- The Hawke's Bay Regional Council Regional Planning documents.

At the time of writing the Proposed Napier District Plan remains subject to Environment Court appeals. As a result, any provisions under appeal are identified and assessed alongside the corresponding provisions of the Operative Napier District Plan (2011). In addition, provisions relating to Natural Hazards and Sites of Significance to Māori are taken from the Operative District Plan, as plan changes for those chapters have not yet been notified.

3.3.1 Napier District Plan

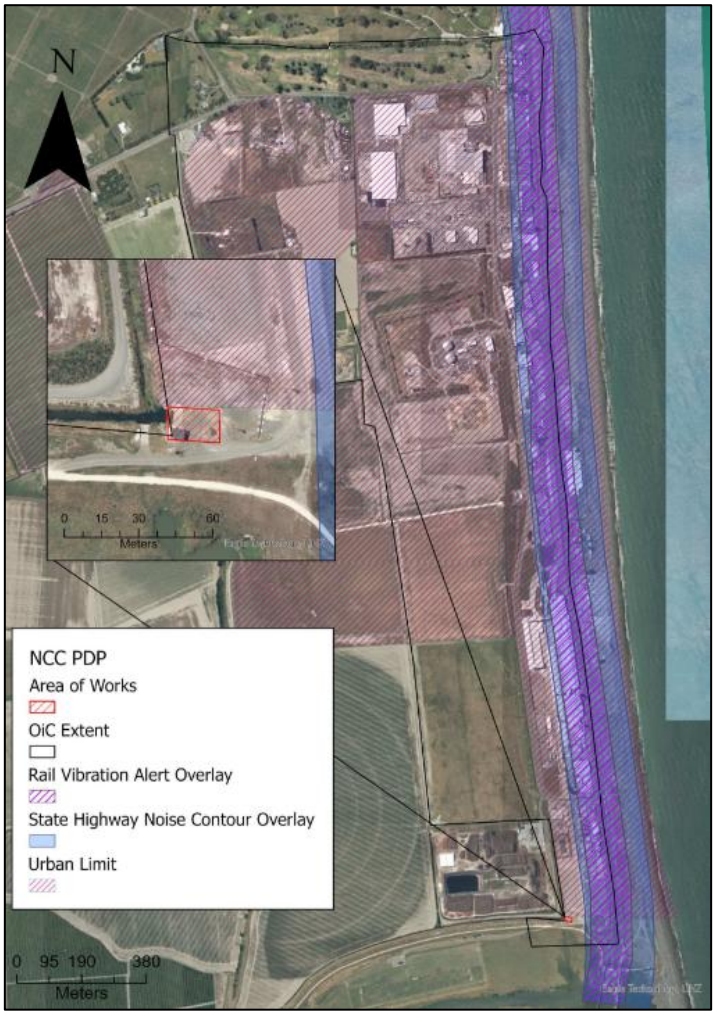
The flood mitigation works will be undertaken on land zoned Natural Open Space in the Proposed Napier District Plan (Appeals Version 2026) as generally shown in **Figure 6** (indicative extent of flood mitigation work shown in red). There are appeals related to this zone, therefore the zone of the Operative District Plan is also relevant, which is the River Conservation Zone. The location of zone boundaries remains the same in the Operative and Proposed plans in the vicinity of the proposed work site.

Other notations on the planning maps include:

- Adjacent land is located Rural Production and General Industrial, with an Open Space Zone running along the coast (in the Proposed DP).
- A number of transport related overlays are located to the east of the proposed pump station and are shown in **Figure 7**. These are:
    - A Rail Vibration Alert Overlay. This overlay remains under appeal (by KiwiRail Holdings Ltd, ENV-2025-AKL-000268).
    - The High Land Transport Noise Boundary. This overlay is also currently under appeal (by KiwiRail Holdings Ltd, ENV-2025-AKL-000268).
    - The State Highway Noise Contour Overlay.
- The site is located within a high probability liquefaction zone, where liquefaction damage is possible.
- The presence of the Coastal Environment Overlay.
- The site of proposed works is located within Mana Ahuriri's Area of Interest.
- There is an archaeological site (V21/258, Military (non-Maori)) located on the beach crest, approximately 0.4km south east of the pump station site (Operative DP).
- There is an archaeological site (V21/299) located on/adjacent to Waitangi Road which will be used to access the work site, approximately 0.25km north east of the pump station site (Operative DP). This is understood to be the approximate site of the Te Awapuni pa, chapel and burial ground associated with William Colenso's mission station. No above ground remains exist.

- There is a designation (D76) associated with State Highway 51, that runs along the coast to the east of the proposed area of works; and also a designation associated with the railway line (D1), that runs along the landward side of the state highway.
- A River Hazard (namely the Tutaekuri River Hazard) is identified in the southern part of the proposed works area (Operative DP).

Figure 7: Napier District Plan Overlays



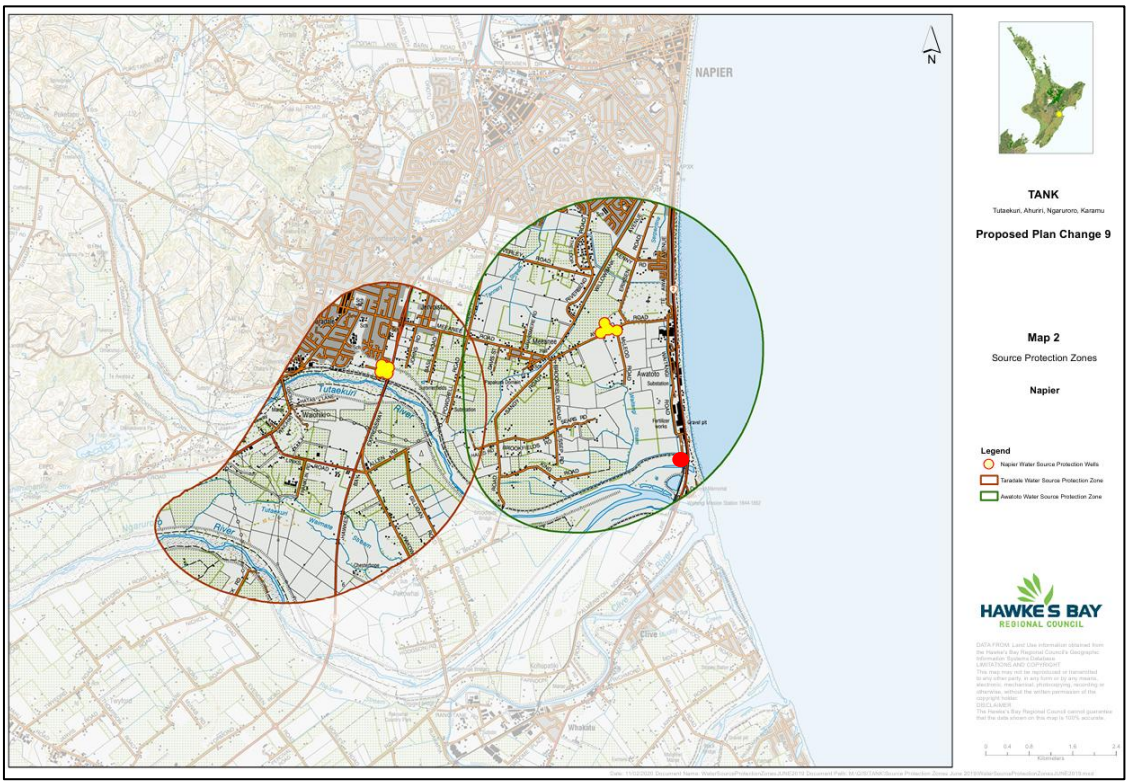
3.3.3 Hawke's Bay Regional Council Regional Planning Documents

The Project is located within the coastal environment, so is subject to the provisions of the Regional Coastal Environment Plan (RCEP). Of particular relevance:

- While in the coastal environment, the works are not located within the coastal marine area (the Tutaekuri Rivermouth is located downstream of the works area),
- Works associated with the construction of the new headwall discharge structure will be located within Coastal Hazard Zone 1,
- A portion of the works will be located within a Vegetation Clearance Management Area,
- Significant Conservation Area 11 is located around the mouth of the Tutaekuri River, to the southeast of the works.

Although the location of the proposed works is within the coastal environment, and therefore not subject to the provisions of the TANK Plan Change (which is only a change to the Regional Resource Management Plan), it is relevant to note that the works are located within the Source Protection Zone for the Napier Public Water supplies, as shown in **Figure 8** (the location of the area of works is indicated by the red dot).

Figure 8: Napier Source Protection Zones



3.4 Site Values and Environmental Context

The following provides an outline of the site values and environmental context in regard to:

- The cultural context,
- Archaeology,
- Water bodies and ecological values,
- Flood hazard management,
- Landscape and amenity values,
- Land contamination,
- Productive capacity of land,
- Network Utility Operators and other infrastructure and services.

3.4.1 Cultural Context

Overview

According to the HBRC Pataka GIS and the records of Statutory Acknowledgments in the Regional Coastal Environment Plan, the area of works is:

1. Within the rohe of Ngāti Kahungunu,
2. Within the Areas of Interest of Ahuriri Hapū and Heretaunga Tamatea,
3. Within/adjacent to Heretaunga Tamatea's 'Tutaekuri River and Tributaries (OTS110-25)' Statutory Acknowledgement Area, and Ahuriri Hapū's 'Tutaekuri River and Tributaries (OTS-206-19)' Statutory Acknowledge Area.
4. Within the Heretaunga Taiwhenua.

Customary Marine Title Groups

Te Takutai Moana Act 2011 provides for recognition of customary interests of iwi, hapū and whānau in the common marine and coastal area of Aotearoa New Zealand and its offshore islands and allows iwi, hapū or whānau groups to make applications for a Customary marine title.

With the works occurring outside the Coastal Marine Area there are no affected holders of, or any applicants for, customary marine title.

Relevant Māori Entities

Section 12(2)(i) requires an applicant to identity all relevant Māori entities. A Māori Entity is defined in the OiC as having the same meaning in Section 13(5) of the Severe Weather Emergency Recovery Legislation Act 2023, which is as follows:

> ***Māori entity***—
> *(a) has the same meaning as in section 9 of the Urban Development Act 2020; and*
> *(b) includes any entity or other body, incorporated or unincorporated, comprising or representing a collective group whose members are 1 or more of the Māori entities.*

In respect to (a), a Māori Entity is defined in the Urban Development Act 2020 as:

> *meaning any of the following persons or entities:*
> *(a) a post-settlement governance entity:*
> *(b) an iwi authority:*
> *(c) a hapū:*
> *(d) an urban Māori authority:*

(e) a Māori Trust Board:
(f) a Māori association:
(g) the Māori Trustee:
(h) a board, committee, authority, or other body, incorporated or unincorporated, recognised in, or established under, iwi participation legislation:
(i) a body corporate, the trustees of a trust, or any other entity or persons who have an ownership interest in Māori land:
(j) a body corporate or the trustees of a trust appointed to administer a Māori reservation:
(k) a customary marine title group or protected customary rights group:
(l) the entity that is authorised to act for a natural resource with legal personhood

HBRC has identified the following parties in respect to Section 12(2)(i):

- Ngāti Kahungunu,
- Mana Ahuriri Trust,
- Tamatea Pōkai Whenua[3],
- Ngāti Parau Hapu Trust,
- Waiohiki Marae – being the local marae.

Culturally Significant Land

Section 12(2)(d)(ii) requires an applicant to provide a description of any culturally significant land, which is defined in the OiC as land that:

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

In terms of (a), there are no wāhi tapu or sites of cultural significance within or adjoining the area of works.

In terms of (b), and as outlined above, the construction area is within Heretaunga Tamatea and Ahuriri Hapū's 'Tutaekuri River and Tributaries' Statutory Acknowledgement Areas.

Subclause (c) is not applicable.

Cultural Impact Assessment

A Cultural Impact Assessment has been prepared by Ngāti Pārau Hapū Trust to support the application. This is provided confidentially to the consent authorities as **Appendix A**. The following summary has been reviewed and approved by the CIA's author as suitable for inclusion within this application document. The Awatoto area is significant to the Hapū for historical, spiritual and cultural, kaitiakitanga and environmental stewardship reasons, as well as from a cultural resilience and identity perspective. More specifically:

[3] Tamatea Pōkai Whenua are a relevant Māori entity, although are not shown in Appendix K.

- Historically significant
    - Awatoto was historically a site of Māori settlement, with Kāinga (settlements) established nearby,
    - A number of important historical events occurred in the area, including battles and strategic decisions, including the regaining of mana by Te Whatuiāpiti,
    - Many Kahungunu hapū found unity in the Awatoto area.
- Spiritual and cultural values
    - The wider Awatoto area contains spiritually significant sites such as wāhi tapū and urupā,
    - Linkages of the Awatoto area to atua through stories and traditions.
- Kaitiakitanga and environmental stewardship
    - The area receives the Tūtaekurī and Ngaruroro rivers, and historically the Tukituki River. These rivers, along with the wetlands and coastal areas, are rich in resources that have sustained the Hapū and are integral to their way of life,
    - The area's biodiversity and ecosystems underscore the ongoing responsibility of the Hapū to protect and restore its natural heritage.
- Cultural resilience and identity
    - The area represents the enduring resilience of the Hapū - serving as a testament to their ability to preserve their identity, traditions, and connection to the land despite historical challenges.

The CIA concluded that while the proposed works themselves were unlikely to directly impact the cultural values or sites of significance to the Hapū, the pump station's proximity and discharge into the Tūtaekurī River impact its mauri, which the hapū wish to enhance.

3.4.2 Archaeology

An Archaeological Risk Assessment has been undertaken by Archaeology Hawke's Bay and is provided in **Appendix B.**

The assessment considered the risks of the disturbances and excavations associated with the Project and involved:

- Analysis of ArchSite to understand known site distribution in the vicinity of the project area,
- Review of historic aerial photographs (Retrolens), together with historic maps (Premise) and LiDAR models (LINZ), to identify the extent of known sites and to determine the presence or absence of unrecorded archaeological features on the property,
- Review of other documentary sources such as the Napier District Plan.

The assessment determined there are two currently recorded archaeological sites within 300m of the proposed works. These are:

- V21/258 which is a WWII Pill box. This is observable from the surface and has a clearly defined footprint. It will not be impacted by the proposed work.
- V21/299 which is Te Awapuni Pā, chapel and burial ground associated with William Colenso's mission station. This site is recorded from historic documents only – there is no physical evidence on the surface (or subsurface), and aside from anecdotal records of human remains being uncovered during work at the Ravensdown factory, no archaeological evidence of the pā, chapel or burial ground has been recovered to date.

While the proposed works will not directly impact any currently recorded archaeology, nor is there any evidence to suggest a high risk of encountering currently unrecorded archaeology within the proposed area of works, there is an unquantified 'moderate' risk that archaeological features associated with V21/299, or unrelated activities occurring at the river mouth, may be encountered during construction works. Such an encounter, without an approved Archaeological Authority in place, could result in significant delays to the project. The assessment's author encouraged HBRC to consider the risk associated with undertaking the work relying on an accidental discovery protocol. The regional council subsequently sought, and were granted, an archaeological authority by Heritage New Zealand Pouhere Taonga. A copy of this is provided in **Appendix C**.

3.4.3 Water Bodies and Ecological Values

An Ecological Scoping Assessment has been undertaken by Stradegy and provides an assessment of the ecological values that are likely to be present within the area of works, and surrounding area. A copy of the report is provided in **Appendix D.**

Key points include:

- The project footprint is located within a highly modified floodplain environment.
- The majority of the terrestrial habitat was assessed as having low to negligible ecological value because it is dominated by exotic vegetation, engineered landforms, and ongoing disturbance that provides limited habitat for indigenous species.
- Higher ecological values were associated with the tidally influenced receiving environment which is connected to the Waitangi Estuary. These values are locally important but occur within a system that is already modified and influenced by the existing pump station.
- There are no potential roosting trees that would be removed as part of the project, therefore there is no risk to any bats that may or may not be present in the area.
- Native lizards are considered unlikely to occur within the project site due to the limited availability of suitable habitat. However, where areas of rank grass are present, or if any piles of debris remain on site for an extended period (e.g. weeks), there is a small potential for transient individuals to occur. As a precautionary measure, the implementation of 'soft clearing' techniques is recommended which encourages any lizards present to disperse from the works area prior to ground disturbance.
- Birds are known to utilise the wider estuarine environment; however, within the works footprint, habitats are limited. The primary ecological risk to birds would be disturbance from any major construction noise and vibration during construction,

rather than habitat loss. These effects are expected to be temporary and can be managed through standard construction practices, including timing of vegetation clearance where practicable.

- No significant natural inland wetlands were identified within the works footprint. A small swale feature exhibiting wetland characteristics was however identified although it is highly modified, dominated by exotic vegetation, and does not independently support significant wetland values. The proposal is not expected to result in significant adverse effects on natural inland wetlands.

3.4.4 Flood Hazard Management

The Awatoto Pump Station is part of the Heretaunga Plains Flood Control Scheme, managed by the Hawke's Bay Regional Council. It serves the Awatoto (Mission) Drainage Catchment, draining (via the Awatoto and Mission Drains) the low-lying Awatoto industrial area and surrounding production land, by pumping water through the Tūtaekuri Stopbank and into the lower Tūtaekuri River. The location of the pump station and the drains is shown in **Figure 9.**

The pump station does not operate continuously in dry conditions (i.e. it does not have a low-flow gravity bypass, the only way that water passes from the landside of the stopbank to the riverside is if the pump station is operating). Pump operation is triggered by water levels upstream of the pump station. The lead pump operates reasonably regularly during wet periods to handle normal catchment drainage, while the main/bigger pumps only engage during significant rain events.

Figure 9: Existing flood mitigation scheme features

3.4.5 Landscape and Amenity Values

A Landscape Scoping Assessment has been prepared by Narrative Landscape to identify the potential visual landscape effects of the Project, including effects on any adjoining residential properties. A copy of the assessment is provided in **Appendix E**.

Key points in terms of the existing landscape character include:

- The area is a highly modified environment, characterised by flood control infrastructure, engineered waterways, pastoral/industrial interfaces, and major transport corridors.
- The functional and infrastructure-dominated nature of the environment, with low inherent landscape sensitivity.
- While there is an increase in landscape and ecological value within the river corridor and coastal environments to the south and east, these areas are physically and visually separated from the site by the stopbank and transport infrastructure. As a result, the site itself is considered to have low landscape sensitivity, with a high capacity to absorb the upgraded infrastructure without giving rise to significant adverse landscape or visual effects.

The nearest dwelling is located approximately 1.7km away, which means there are not private views orientated toward the site for amenity or outlook. Views of the proposed work area are primarily available from the adjacent stopbank pathway. The proposal does not introduce a new or unfamiliar landscape element and is considered to sit comfortably within the established pattern of infrastructure in the area. The assessment concludes that potential adverse visual effects, and effects on the coastal environment, are low, and no effects approach a significant threshold.

3.4.6 Land Contamination

Contaminated land is defined in the OiC as:

> *land to which the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply (see regulation 5(1) of those regulations).*

In the same manner as the potential for soil contamination would be investigated and assessed under the NESCS, a Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) have been prepared by PDP and are provided in **Appendix F**. The work undertaken in regard to each involved:

PSI stage:

- Review of historical aerial imagery available from Retrolens and Google Earth,
- Review of information provided by HBRC, and HBRC online Selected Land Use Register (SLUR),
- A review of Napier City Council information,
- Review of geological information for the site and wider area,
- Site walkover,

DSI stage:

- Collection and laboratory analysis of soil samples (from three test pits, at the surface, 0.3 m, 0.5 m and 1.1 m bgl).

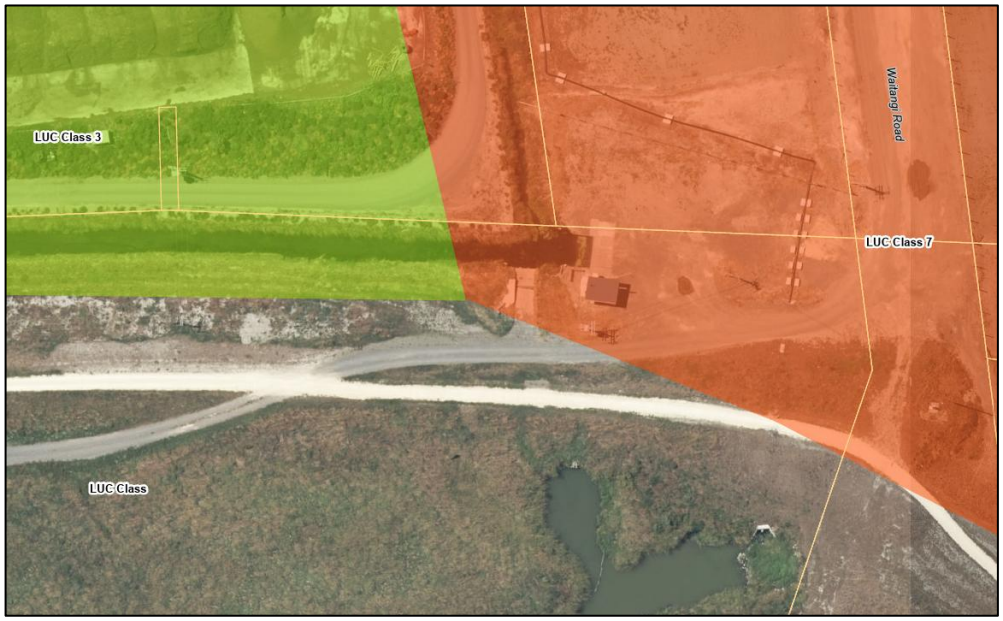
PDP found:

- Cadmium, zinc and or ΣDDT concentrations exceeded local background concentrations at a range of depths over the site.
- All heavy metal and OCP compound concentrations recorded were below the relevant health assessment criteria for the current and proposed use (commercial/industrial).
- The results indicate widespread impacts primarily associated with fertilizer manufacturing/application activities, as evidence by elevated concentrations in the fertilizer suite of analytes – rather than contamination resulting from Cyclone Gabrielle.
- If surplus soils is removed offsite, it would be suitable for disposal as managed fill, or to a Class 1 landfill. It would not be suitable for disposal as cleanfill.
- Specialist health and safety controls should be implemented through the Site Management Plan (referred to in the OiC as a Construction Environmental Management Plan) to address any risk resulting from contaminant concentrations exceeding background levels.
- Changes were not needed to the standardised conditions of the OiC.

3.4.7 Productive Capacity of land

As shown in **Figure 10** below, land within the project extent is primarily classified in the Land Use Classification maps as LUC 7. Land within HBRC flood schemes (i.e. between stopbanks) has not historically had its land use capability assessed (because it has not been used for productive purposes), which is why the southernmost extent of the works area is not assigned an LUC class.

Figure 10: Land Use Classification Maps



3.4.8 Network Utility Operators and Other Infrastructure and Services

The Construction Methodology (**Appendix G**) identifies the presence of overhead electrical line utilities in the area. Any lines that conflict with the works will be relocated underground by Hawke's Bay Regional Council prior to the Contractor establishing on site.

4. DESCRIPTION OF PROPOSAL

The Awatoto Pump Station Upgrade Project involves the following:

- The construction of a new pump station, with the following features:
  - Additional pumping capacity;
  - Fish friendly pumps;
  - Realigned inlet channel.
- Installation of new discharge pipes through the stopbank;
- Construction of a new outlet headwall with scour protection;
- Demolition of the existing pump station once the new pump station has been commissioned; and
- Capping of existing discharge pipe (to Tutaekuri), and removal of outlet.

The OiC sets out "standardised conditions" developed to provide consistency in how the flood protection works enabled by this process will avoid, mitigate or remedy potential environmental effects. As outlined above, the OiC provides the opportunity for applicants to seek variations to the standardised conditions where appropriate for each individual project. The decision maker may also amend the standardised conditions to address specific environmental effects associated with each proposal.

The applicant proposes to largely adopt the standardised conditions of the OiC, with some variations to account for the specific characteristics of this Project. The standardised conditions have guided the development of the proposal, including the effects management that is proposed. A full suite of proposed conditions, based on a template of the standardised conditions (in the OiC) provided by the HBRC Consents Team[4], is included at **Appendix H**.

The following sets out details of the proposal with reference to proposed conditions in respect to:

- The proposed pump station upgrade and associated activities,
- Ecological management,
- Landscaping,
- Archaeology,
- Construction (including dewatering),
- Pump Station Operation,
- Communication and engagement.

4.1 Proposed Pump Station Upgrade and Associated Activities

Drawing on the details of the preliminary design drawings and report prepared by GHD, the following provides an overview of the proposed pump station upgrade and associated activities in respect to:

- Design considerations,
- The pump station upgrade,
- Fish passage,
- Associated works,
- Earthworks and vegetation clearance,
- Managing the detailed design process.

4.1.1 Design Considerations

The pump station upgrade will provide a resilient, simplified, fish friendly and cost effective solution and has followed a design philosophy of "the best part is no part" to provide a pump station that is easy to operate and maintain. The new pump station will have improved seismic resilience and pump station performance, while better providing for fish welfare, utilising a design that is simple to construct and maintain. The new pump station will be constructed behind/downstream of the existing pump station to maintain flood pumping capacity during construction.

[4] Text highlighted yellow are minor amendments made by HBRC. With exception of number references, we are assured that no other changes have been made to the text in Schedule 3 of the OiC.

4.1.2 Pump Station Upgrade

To facilitate construction, a temporary hardstand area will be established to the north of the pump station on Ravensdown-owned land, inside the Order in Council (OIC) footprint. The hardstand will be used for construction-related purposes such as site amenities, vehicle car parking and storage of materials and equipment.

Construction will be undertaken using a staged approach. The first stage comprises installation of sheet piles to form a cofferdam around the pump station footprint. The excavation is expected to be approximately 18 m × 16 m with sufficient internal working room around the perimeter of the proposed base slab. 15 m-long sheet piles will be installed to enable construction of the new pump station within a controlled and dewatered environment. Once the cofferdam is established, excavation will proceed within the sheet-pile enclosure from existing ground level down to the ground-improvement founding level (expected to be around 6 m below existing ground level). The upper ~1.0 m of material is anticipated to be contaminated. This material will be excavated using excavators and transported by truck to covered on-site stockpiles prior to being transported to approved off-site fill locations or licensed facilities suitable for contaminated material. Handling and management controls will be implemented in accordance with the CEMP.

Dewatering is expected to be required to remove inflows estimated to be ~10L/s -12L/s. Given the permeable soil conditions anticipated, dewatering will be managed via sumps located at the corners of the excavation, with drainage channels formed to direct inflows to sump locations to support a semi-dry working environment to construct. The dewatering activity is expected to be around ~864 m³/day-1000 m³/day (continuous over 24 hrs).

To manage discharge quantity and quality a combination of sediment control measures will be implemented. These measures may include on-site filter media around dewatering sumps, sediment ponds located either on site or off site, turkey nest, sediment traps, and lamella clarification where required, but will be confirmed during the CEMP development process.

Following completion of ground improvement works and preparation of a hardfill layer, construction of the new pump station foundation slab will commence. The pump station walls and roof structure will be constructed using precast concrete panels, which will be lifted and installed by crane onto the completed foundation slab. Following completion of the structural works, the excavation will be progressively backfilled using approved on-site stockpiled material up to finished ground level. Upon completion of backfilling, the temporary sheet piles will either be extracted and removed off site or repositioned to form part of the permanent inlet channel works. The control room is a small building – separate from the pump station. It has a floor area of around 25m^2, and a maximum height of approximately 3.8 m.

Prior to final commissioning, the existing intake channel immediately upstream of the existing pump station will be isolated using temporary sheet piling to enable dewatering and safe demolition activities. Demolition of the existing pump station will then be undertaken using a staged, top-down approach to enhance safety, maintain environmental compliance, and

minimise impacts on adjacent infrastructure and the new pump station. All demolition works will be incorporated within the works CEMP and Erosion and Sediment Control Plan.

The pump station intake is also proposed to be widened as part of the works, which is expected to necessitate a retention structure on both the north and south side of the channel. It is envisaged that the retaining wall on the north side will be approximately 10.5 m long, and the south side approximately 16.3 m long.

Specific details of the design together with plans are provided in the Preliminary Design Report prepared by GHD provided in **Appendix I**.

4.1.3 Fish Passage

The proposal introduces fish-friendly pump technology that is expected to reduce downstream mortality risk. While existing constraints on upstream fish passage will remain i.e. provision for upstream fish passage is not proposed[5], this has been assessed and is proposed to be addressed by improving the availability and quality of accessible aquatic habitat within the wider estuarine system. This is expanded upon below.

4.1.4 Associated works

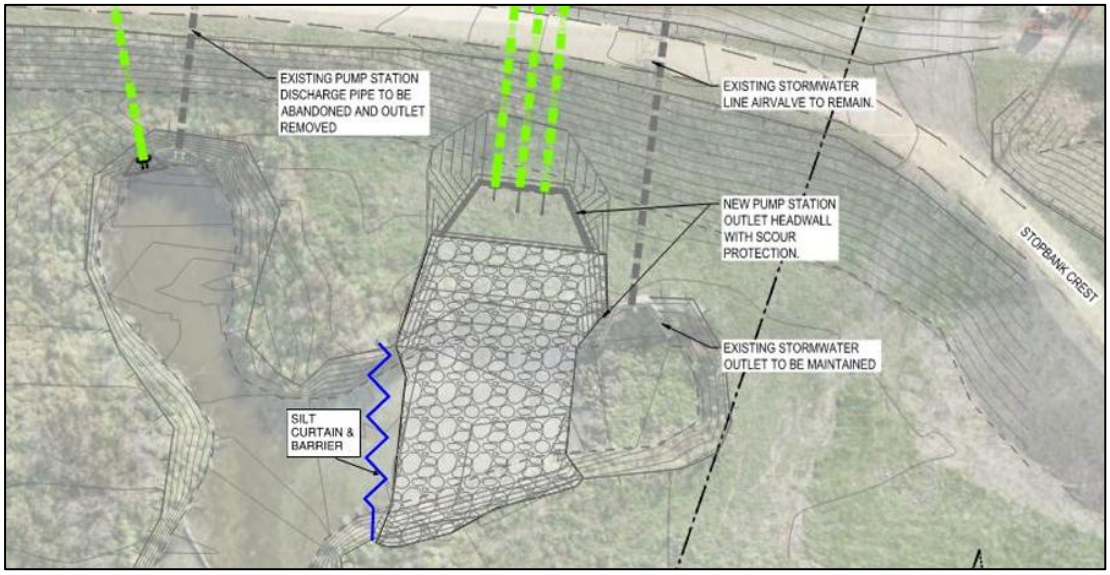
In addition to the construction of the new pump station itself, the project involves replacement of the associated piping and outfall structures.

Three new outfall pipes will connect to the new Bosman pumps and extend through the existing stopbank to a new outlet structure with scour protection. Pipe installation will commence at the southern end. During construction through the stopbank, pipeline ends will be temporarily sealed to prevent ingress of water and sediment. Full reinstatement of the stopbank will be completed to its original design profile immediately following pipe installation. Groundwater ingress into the pipeline excavation is anticipated during sections of the pipeline installation at low flows of around 1500 m³/day. Temporary vehicle and pedestrian access diversions and/or closures over the stopbank will be implemented as required. All traffic and access movements will be managed in accordance with the Construction Environmental Management Plan (CEMP).

To enable the construction of the outfall headwall, an earth-bunded cofferdam will be established. If required, additional damming techniques may be implemented, including the use of steel plates, sheet piles, or a purpose-designed earth-filled dam, to allow the work area to be adequately dewatered. A 1.0-metre-thick riprap-protected erosion zone will also be constructed adjacent to the headwall. Before this work commences, a silt curtain will be installed upstream along the perimeter of the designed works area, as shown in **Figure 11**. This will help limit the migration of suspended sediments during construction activities. Riprap will then be placed underwater using an excavator to minimise turbidity and reduce environmental disturbance.

[5] While the design plans include an 'optional' upstream fish passage solution, this is not proposed.

Figure 11. Proposed Sediment Control Measures



Once the new pump station has been fully decommissioned, the existing outfall pipe will also be decommissioned and permanently capped. Final reinstatement works on banks and disturbed areas will include placement of topsoil, mulching, hydroseeding, and landscaping. All areas disturbed by the works will be restored to a condition consistent with, or better than, the pre-construction state.

4.1.5 Earthworks and Vegetation Clearance

The total excavated cut volume on site is estimated to be ~1000 m³(solid), of which at least 300 m³ (solid) is anticipated to comprise contaminated material. Ongoing inspection and monitoring will be undertaken during excavation to confirm the extent of any contaminated material, particularly within the upper 1.0 metre below existing ground level. This will ensure that contaminated and uncontaminated materials are appropriately identified, segregated, and managed in accordance with approved disposal and reuse. While there is no large vegetation within the proposed work area (e.g. trees or shrubs), some vegetation clearance will be necessary as part of the proposed works.

Standard OiC Condition 12 sets out earthworks principles that will apply to all construction earthworks. These include minimising the scope of earthworks, maximising the effectiveness of erosion and sediment control measures, avoiding or otherwise minimising potential adverse effects on receiving environments and ecology, landscape values and culturally significant land, and stabilisation of land as soon as reasonably practicable. The preliminary design incorporates these principles. Further consideration will be given to these matters in developing the detailed design, construction methodology and response that will form the part of the ESCP and CEMP as outlined below.

The contractor will be required to prepare an erosion and sediment control plan that addresses specific requirements (outlined in Condition 14), and this will form part of the overall CEMP for the project.

4.1.6 Managing the Detailed Design Process

The OiC framework envisages that further refinements to the flood protection works design and the associated documentation will continue to occur post-consenting. It is important that the conditions of consent do not pose barriers to implementation where such design changes are not substantial or likely to result in a change to the activity or the expected scale of adverse effects. The following condition is proposed as Condition 1B:

> **Tracking changes in the design process**
>
> Changes that occur between preliminary concept and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall include the final design plans and record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with documents referred to in Condition 1.
>
> In this context, "in accordance with" means changes that do not introduce a new activity, do not introduce a substantial change in design, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material increase in consequential flooding effects to other properties.
>
> The Final Design Report and final design plans shall be provided to the Managers Compliance (HBRC & NCC) at least 5 working days prior to construction commencing.

4.2 Ecological Management

As noted in Section 3.4.5, an Ecological Scoping Assessment has been undertaken for the project, that has confirmed that the works are confined to an existing, highly modified pump station site and do not involve significant effects on terrestrial ecosystems, naturally uncommon ecosystems, or significant wetland values. Potential effects on protected terrestrial fauna are limited, with no felling of trees and low likelihood of lizards or bats being present. Some management of vegetation clearance timing may be required to avoid disturbance to nesting birds. The primary ecological consideration from this proposal is the effect on fish passage.

The proposal introduces changes to pump design that are expected to reduce the risk of injury to downstream-migrating fish, especially eels. However, the existing barrier to upstream fish movement remains. To address this, a mitigation package is proposed that focuses on the creation of new aquatic habitat downstream of any barriers to fish passage, within the broader Waitangi Estuary environment. Details of this mitigation package will be worked through and detailed in an Ecological Offsetting Plan that must be finalised before construction works are completed.

In this regard, it is proposed to retain Condition 28, with some amendments, that:

- Require the preparation of an Ecology Management Plan (which must be completed as part of the Construction Environmental Management Plan) which must include:

- An accidental discovery protocol to provide guidance if unexpected lizard species are discovered,
- Procedures for managing native bird species prior to vegetation removal,
- Management of any surface water take including intakes and fish screens,
- Details of how the effects management hierarchy is applied to the management of all direct or indirect adverse effects on those ecological values, taking the ecology principles into account.

- Requires the preparation of an Ecological Offsetting Plan (which must be prepared before works are completed) that includes:
  - Details of the location and final design of aquatic habitat to be created/enhanced to offset the ongoing absence of upstream fish passage. The new habitat should improve aquatic connectivity, habitat diversity and proximity to the coastal environment, and achieve, as far as practicable, a net positive ecological outcome; and
  - Preparation of a planting plan to offset any loss of extent of natural inland wetland that occurs if construction work is not able to avoid it, including the approach to offsetting to achieve, as far as practicable, a net positive ecological outcome.

The Project Ecologist will work with the Māori Entities representatives to prepare both the Ecology Management Plan and the Ecological Offsetting Plan.

As outlined above, central to the OiC's approach is that an application can be lodged on the basis of only concept level project design information – with the standardised conditions containing ecology principals in particular, and other directions, to define exactly how effects will be mitigated post granting of the resource consent – as is set down through conditions 25, 26 and 28 of the OiC.

4.3 Landscaping

The Landscape Scoping Assessment concluded that the proposed works will not result in 'significant' potential adverse effects. On this basis it is proposed that Condition 24 is deleted in its entirety because the landscape scoping assessment required by subclause a) has already been completed, and subclause b) only required the preparation and implementation of a landscaping plan if significant potential adverse effects are identified, which is not the case for this Project.

4.4 Archaeology

Archaeology Hawke's Bay concluded that there was an unquantified 'moderate' risk of encountering archaeological features or materials associated with V21/299, or unrelated activities occurring at the river mouth, during the proposed works. HBRC were encouraged to consider the risk of undertaking the works relying on an accidental discovery approach and chose to apply for a pre-emptive archaeological authority. This was granted on 17 February 2025 and is valid for five years, expiring on 17 February 2030.

As a result of an Archaeological Authority already been in place, it is proposed that Condition 29 (requiring an Archaeological discovery protocol) is deleted in its entirety, and archaeological matters managed in accordance with the conditions of the authority.

4.5 Construction

The following outlines the works involved in establishing the construction site and general construction management matters.

4.5.1 Establishment of Construction Site Works

The OiC recognises that the consent holder will need to commence site establishment works as soon as possible. It is for this reason that works associated with the 'establishment of the construction site' are excluded from the definition of 'construction works' (refer Condition 3 of the OiC). This has the effect of allowing such works to occur ahead of a number of 'pre-commencement' requirements embedded in the standardised conditions, including preparation of the Construction Environmental Management Plan (CEMP) required under Condition 10.

Provision to undertake the following 'construction site establishment works' is proposed:

- Installation of construction temporary security fencing,
- Establishment of laydown area/contractor site and storage areas (on Ravensdown site, within OiC footprint), including silt management and erosion and sediment controls (where applicable),
- Preparation of stockpile sites,
- Stockpiling of procured materials for construction,
- Delivery and positioning of site offices and associated buildings,
- Installation of site accessways and hardstands to support vehicle and plant movements,
- Installation of temporary site services, including power supply and water connections,
- Installation of health and safety controls,
- Power diversions,
- Pre-construction investigations and surveys,
- Office and site drainage setup,
- Vegetation clearance required to enable the above activities.

4.5.2 Construction Management

Standard OiC Condition 10 requires a detailed Construction Environmental Management Plan (CEMP) to be prepared prior to construction works commencing. The purpose of the CEMP is to ensure mechanisms are in place to avoid, mitigate or otherwise minimise potential effects on the environment, cultural values and adjoining properties for the duration of the project construction works. Aspects of the CEMP will be informed by mana whenua, the consent holder, contractor and Project Ecologist.

The process for the CEMP is for a draft to be prepared in accordance with the specified requirements, and for this draft to be circulated to a number of parties for feedback prior to being finalised and works commencing on the site. This provides an opportunity for mana whenua (who would have already been involved in the preparation of aspects of the CEMP), consenting authorities and stakeholders to provide input. While the CEMP is far reaching, the following considers:

- Additional laydown and stockpile areas,
- Erosion and sediment control,
- Contaminated soil,
- Dust management a proposed water take,
- Construction noise and vibration.

Additional laydown and Stockpile Areas

Details regarding any additional laydown and stockpile areas will be confirmed as part of preparing the CEMP.

Erosion and Sediment Control

Erosion and sediment controls will be confirmed by the contractor prior to works commencing, as per the standardised conditions of consent. The type of controls/measures that are likely to be involved include:

- filter media around dewatering sumps,
- Sediment ponds,
- Sediment traps,
- Scour protection.

Final solutions and associated detail will be provided within the Erosion and Sediment Control Plan which is required to be prepared under Condition 14 of the standardised conditions and included in the CEMP prepared under Condition 10.

Contaminated Soil

The PSI completed for the site (attached as **Appendix F**) identified two potential contamination sources from past and present land use – namely the deposition of uncharacterised fill associated with filling the flood channel(s) after Cyclone Gabrielle; and adjacent land, from which hazardous substances may have migrated. The PSI also noted that given the age of the pump station building, it may contain asbestos, and/or lead paint. A detailed site investigation was therefore recommended and undertaken.

The DSI (attached as **Appendix F**) found heavy metal and OCP concentrations did exceed local background soil concentrations but were relatively low, however concentrations of fertiliser related compounds were notably elevated compared with what would be expected in typical background concentrations. This may be as a result of the historical application of pesticides, or fertilizer manufacture and/or use (noting the location of the Ravensdown fertiliser factory on the adjacent site, which had been there since at least the

1960s). Elevated concentrations were detected through the soil profile[6]. The DSI also noted that migration of stormwater over the site soils could potentially mobilise contaminants offsite, and site soils could also be mobilised offsite as airborne dust.

The DSI concluded that any risk to excavation workers could be managed by adherence to appropriate health and safety measures (under the Health and Safety at Work Act 2015), and preparation of a site-specific site management plan. All heavy metal and OCP compound concentrations were below the relevant health assessment criteria for the current and proposed site use (commercial/industrial), however it is considered prudent to have specific onsite management in place to address the elevated fertilizer related compounds.

If contaminated soils remain exposed at the site, specialist health and safety measures may need to be implemented. The DSI notes that current contaminated site soils will likely be capped as part of the proposed works – either with an impervious cover (such as concrete or asphalt), or with a layer of imported fill. Covers of this type would provide an effective barrier to underlying soil.

The DSI concludes that the conditions set out in the OiC can appropriately manage the activity. To ensure that the matters identified in the DSI are specifically addressed, it is proposed to amend Condition 10 (which sets out the requirements for the CEMP) by adding a specific subclause (Subclause viii) that requires the CEMP to include a contamination site management plan that responds to the matters identified in the PSI and DSI, including:

- Appropriate management of earthworks
- Hygiene controls
- PPE (Personal Protective Equipment)
- Dust management
- Stormwater controls
- Offsite disposal of soils
- Archaeological authority
- Protocols associated with the disturbance and remediation of contaminated soil

Condition 17 also relates to works on contaminated land. It is proposed to retain this condition, with minor amendments to specifically tailor the condition to the nature of the works being undertaken at Awatoto.

Dust Management and Proposed Water Take

Due to the presence of some contaminated soil on the site, it is particularly important that any dust generated during construction works is well managed. Water is often used to suppress dust, and it is proposed to seek approval to take surface water from the Tūtaekuri River to facilitate this.

The maximum rate of abstraction would be 25 L/s, and abstraction would be limited to the reach 2km upstream from the existing pump station. The maximum daily abstraction volume would be limited to 540 m^3. Conditions have been added to the standard OiC conditions

[6] Samples were collected at depths of 0.3 m, 0.5 m and 1.0 m.

(Condition 30, Surface Water Take; and Condition 31, Surface Water Measurement) to govern any surface water take that may occur as part of the proposed works.

Construction Noise and Vibration

In line with standard condition 23 of the OiC, construction activity is to be undertaken in accordance with the New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise" to the extent practicable. To this end, the construction works will be limited to daytime/working hours, being 6.00am – 7.00pm Monday-Saturday.

4.6 Pump Station Operation

Consents granted under the OiC can have a duration of up to 5 years from the commencement of the consent. Pump stations such as the Awatoto Pump Station require resource consent under the regional planning framework to operate. The need for these consents has only been recognised in recent years, and while HBRC commenced a project prior to Cyclone Gabrielle seeking to obtain these resource consents, in the aftermath of the cyclone that project was put on hold and remains so while cyclone recovery work is prioritised by HBRC.

Consequently, this proposal seeks to authorise the operation of the Awatoto Pump Station for 5 years from the date of commencement of the consent. The resource consents that would be required to authorise ongoing operation are a discharge consent, and a diversion consent. Further detail about these are provided in Section 5.1 of this report.

The noise and vibration that may result from the operation of the pump station has been assessed by Styles Group (**Appendix J**). They concluded that predicted operational noise should comply with the permitted noise limits of both the Operative Napier District Plan and the Proposed Napier District Plan, and operational noise was considered unlikely to be audible at the closest existing noise-sensitive receivers, which are located more than 1km from the site.

4.7 Communication and Engagement

The OiC standardised conditions provide mechanisms to minimise or mitigate effects of the project via ongoing engagement with Māori entities and stakeholders throughout project construction. Standard conditions 4-11 of the OiC are proposed to be adopted with some minor amendments, which largely reflect changes made to the standard OiC conditions by the consent authorities in the latest decisions they have issued under the OiC[7]. These require the consent holder to:

- Invite each relevant Māori entity to appoint a representative to a Stakeholder Advisory Group (STAG),

[7] The amendments proposed to Condition 10 are discussed in more detail in Section 4.5.2, as these tailor the content of the construction environmental management plan more appropriately to the nature of the proposed works.

- Take identified cultural indicators into account in preparing plans and reporting to the Māori entities representatives on how those indicators have been taken into account,
- Invite identified parties to form a STAG to inform and advise the consent holder about managing and monitoring the flood protection works,
- Appoint a person as a Project Engagement Lead to act as the consent holder's main point of contact with the Māori entity's representatives and the Stakeholder Advisory Group,
- Record all information and advice provided by the STAG and report to the group how the information and advice have been taken into account in the carrying out of the flood protection works,
- Develop and implement a Communication Plan containing processes for communications, throughout the construction works, with:
    - the general public,
    - local residents and businesses,
    - the Māori entities representatives,
    - the persons and bodies represented by the stakeholder advisory group,
    - all other persons potentially affected by the construction works,
- Invite the STAG to comment on the proposed CEMP.
- Take into account any comments received on the CEMP.

OiC Standard Condition 9(4)(a) requires the Communications Plan to be provided to the Manager Compliance at least 20 working days before construction works begin. With such a long timeline risking commencement, it is proposed that the Communications Plan instead be provided alongside the CEMP not less than 5 working days before commencement of the construction works according to the timeline in Condition 10(1)(b). Amendments to Condition 9(4)(a) are made to this effect.

5. STATUTORY CONSIDERATIONS

Section 5.1 sets the activities associated with the flood mitigation works for which resource consent would ordinarily be required. Section 5.2 demonstrates how this application meets the requirements of the OiC for this application to be accepted for processing.

5.1 Consents Required

As outlined in Section 6 of the OiC, flood protection works means works that:

(a) are of a kind described in subclause (2); and

(b) are carried out—

(i) by or on behalf of any 1 or more Hawke's Bay local authorities; and

(ii) in any part of the severe weather events affected area that is at a location specified in subclause (3); and

(c) for the purposes of the RMA,—

(i) would ordinarily require a resource consent; and

(ii) are not described in any plan or national environmental standard as a permitted activity; and

(iii) are not a prohibited activity.

All of the proposed works will be carried out by HBRC and are of a kind described in subclause 6(2), being activities that involve or are concerned with the construction or reinstatement of, making safety enhancements to, or improving the resilience of land and flood protection infrastructure; or any incidental or subsidiary activity.

The activities involved in the works that would ordinarily require a resource consent in respect to c(i) have been identified having worked through the analysis below – taking c(ii) into account - and are outlined in **Table 3**. None of the proposed works are classified as a prohibited activity under any relevant NES or plan.

Rule Analysis

Key points in regard to the Proposed Napier District Plan include:

District Wide Matters:

- NCC advised (pers. comm McCool, 13/05/2026) that they consider pump stations to be a network utility as they form part of the stormwater drainage network, therefore the network utilities chapter is relevant. The proposal complies with all relevant rules in that chapter.
- The proposal complies with all relevant rules in the Stormwater Chapter.
- There are no rules in the Coastal Environment Chapter.
- Earthworks: The proposed earthworks will likely result in a cut/fill face that exceeds 2.5 metres vertically and cut/fill may be within 50 m of a flood protection or river control structure (EW-S2). More than 100m^3 of earth materials (contaminated soil) may also be removed offsite within 12 months (EW-S4) therefore resource consent is required as a Restricted Discretionary Activity under Rule EW-R5.2.
- Noise: Noise associated with both the construction of the pump station, and its operation, will comply with all relevant rules of the PNDP.

Area-specific matters:

- Natural Open Space Zone: Stormwater and drainage activities are permitted within the zone if they are undertaken by Council (NCC) or its contractor. As the Hawke's Bay Regional Council is undertaking the proposed works (not NCC), this condition cannot be complied with, and consent is required for a Non-Complying Activity.

The (Partially) Operative District Plan is also relevant because the Natural Hazards Chapter was not included in the Proposed District Plan and will be considered through a future plan change process. Works related to the construction of the new headwall and associated scour protection, as well as work required to install new discharge pipes through the stopbank is located within a River Hazard Overlay. Flood and river-related and network utility works within the River Hazard Area are permitted by Rule 62.10. Natural hazard mitigation activities are defined as activities that are carried out by a Network Utility Operator to reduce the risks posed by natural hazards to human life, property or the environment (includes stop banks,

seawalls and vegetation plantings). The construction of a new pump station is considered to be a natural hazard mitigation activity, and such activities are permitted if they comply with all conditions in the relevant Activity and Condition Table for the underlying zoning, or in the case of network utilities, Chapter 53 applies, can also be complied with.

While the proposal complies with all conditions of the Network Utility Chapter of the Proposed Napier District Plan, the construction of new[8] above ground network utility operations within the River Conservation Zone is classified as a controlled activity. For the avoidance of doubt, consent it therefore sought under the (Partially) Operative Napier District Plan, under both Rule 53.13 (Network Utility Operations), and Rule 62.12 (Natural Hazards).

With regards to the Regional Coastal Environment Plan, key points to note are:

- A Discretionary resource consent is required under Rule 9 for the following reasons:
    - Contaminated soil will be excavated and stockpiled on site, before being removed off-site. The discharge of that contaminated soil to land (for the purposes of creating a stockpile) will not comply with Condition c) of Rule 18. There may also be discharges within 20 m of a surface water body.
    - The details of discharges associated with the sediment and erosion control measures to be installed at the site are not yet known. Discharges to land, or water, may exceed 50 m^3/d, which would mean that Rules 17 and 19 may not be complied with. Conditions e) and g) or Rule 19 may also not be complied with.
- Dewatering is expected to be required as part of the proposed works. This water will be pumped and discharged to appropriate sediment control measures. Such discharges within the coastal margin are classified as Controlled Activities under Rule 24.
- We understand that Council considers dewatering to be the 'abstraction' of groundwater. Consequently, resource consent will be required under Rule 35 as dewatering volumes may exceed 1000 m^3/d.
- Water may also be required for dust suppression on site, therefore resource consent for a surface water abstraction is also sought.
- Two resource consents are required to authorise the operation of the pump station during flood events:
    - Discussions in relation to broader pump station consent project (pers. comm. M Miller, 2021) concluded that the discharge from the Awatoto Pump Station would be best considered a discharge of contaminants to water because the discharge may contain contaminants from industrial or trade processes/premises located within the Awatoto Catchment (i.e. not be solely stormwater). During a flood event, discharge rates would exceed 50 m^3/d, and other Conditions of Rule 17 may not be complied with (such as f), g) and i), therefore consent is required under Rule 9.

[8] While the proposal is to replace an existing pump station, the proposed works are considered to exceed what would be contemplated as minor upgrading, or maintenance, therefore, it has been considered to be a new structure.

- Upstream fish passage is not provided for in the design of the pump station, therefore Condition f) of Rule 40 cannot be complied with, and the diversion needs to be authorised as a Discretionary Activity under Rule 39.

These, together with the relevant consent triggers under the applicable rule relating to the proposed activity are summarised in respect to each consenting authority in the table below.

Table 3: Rules Otherwise Applying

Activity	Rule	Rule Description	Status	Consent Authority
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011				
Disturbance of soil	9	Removing or disturbing soil	Controlled	NCC
(Partially) Operative Napier District Plan				
Network Utility Operations	53.13	An above ground network utility operation not in existence as at 11th November 2000 within the Estuary, Foreshore Reserve, Reserve, and/or River Conservation zones	Controlled	NCC
Natural Hazards	62.12	Any activity referred to in Rules 62.7 to 62.11 that does not comply with all of the relevant conditions in the Natural Hazards activity table and condition table	Restricted Discretionary	NCC
Proposed Napier District Plan[9]				
Natural Open Space Zone – Stormwater and drainage activities	NOSZ-R9.2	Stormwater or drainage activity within Natural Open Space Zone not undertaken by Council (or its contractors)	Non-complying	`NCC
Earthworks or land disturbance for network utilities by a network utility operator	EW-R5.2	Earthworks which do not comply with standards EW-S2 and EW-S5-EW-S8.	Restricted Discretionary	NCC
Regional Coastal Environment Plan				
Vegetation clearance and soil disturbance	8	Vegetation clearance or soil disturbance activities which do not meet the conditions in Rule 7.	Restricted Discretionary	HBRC

[9] Appeals Version 2026.

Take and use of surface water and groundwater not regulated by, or not complying with other rules	35	Except as provided for in Rule 36, Rule 37 or Rule 38, the take and use of surface water or ground water in the Coastal Margin.	Discretionary	HBRC
River and lakebed activities note regulated by, or not complying with, other rules	46	Any activity in, on, or under the bed of any river or lake in the Coastal Margin that: 1. Is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity; or 2. Does not comply with all relevant conditions on a permitted activity rule; or 3. Does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary rule.	Discretionary	HBRC
Removal of sediment and other earthworks in CHZ1	109	Except as provided for in Rule 89, Rule 105, Rule 106, Rule 107 or Rule 108, removal of in-situ gravel and other earthworks within Coastal Hazard Zone 1 in volumes greater than $5m^3$ per property in any six consecutive month period.	Non-complying	HBRC
Discharge of contaminants not specifically regulated	9	The discharge of contaminants onto or into land, or into water; or water into water in the Coastal Margin that is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity.	Discretionary	HBRC
Diversion not complying with other rules	39	Any diversion of water in the Coastal Margin that does not comply with all relevant conditions on a permitted activity rule	Discretionary	HBRC
Discharge of drainage water (pumped systems)	24	The diversion and discharge of water into water or onto or into land in the Coastal Margin, from a pumped drainage system.	Controlled	HBRC

5.2 Application Requirements of the Order in Council

As outlined above, Section 88 of the RMA has been amended by the OiC – with Section 12(2) of the OiC setting out the information that is required to be included in an application under the Order. **Table 4** confirms compliance with these requirements. The application can therefore be accepted for processing without the need to invoke Section 13(3).

Table 4: Section 12(2) Application Requirements

S88 requirements (modified by clause 12(2) of Oic)	AEE section reference
(a) A detailed description of the flood protection works	Refer Section 4 – Description of Proposal
(b) A map that shows – i. The area in which flood protection works are to be carried out; and ii. Every proposed work site in that area	Refer to Figure4 and Appendix I
(c) A general description of the area	Refer Section 3 – Site Description
(d) A description of – i. Any identified natural and physical resources at the site that have cultural value identified by a relevant iwi authority or hapū as significant for present or future generations; and ii. Any culturally significant land in the area (including a description of the nature of the cultural significance).	Refer Section 3.4.1 – Cultural Context
(e) An assessment of all potential effects of the work with input from appropriate experts, including consideration of: i. All information reasonably available to the applicant; and ii. The potential effects on any cultural values identified by a relevant iwi authority or hapū; and iii. The potential effects on any culturally significant land that is within or adjoining the area where the works are to be carried out	Refer Section 7 - Assessment of Environmental Effects, and Section 7.2 – Cultural Values
(f) Proposal to avoid, remedy, or mitigate potential adverse effects identified by the assessment described in paragraph (e)	Refer Section 7 – Assessment of Environmental Effects
(g) Any conditions that the applicant proposes for the resource consent that are a variation of, or additional to, a condition set out in Schedule 2	Refer Sections 4 – Description of Proposal and 7 – Assessment of Environmental Effects, and **Appendix H** – Proposed Resource Consent Conditions
(h) A description of any consultation undertaken in relation to the proposed work, including with relevant Māori entities.	Refer Section 6 – Summary of Consultation
(i) A list of all relevant Māori entities	Refer Section 3.4.1 – Cultural Context and **Appendix K** containing a list of Māori Entities and stakeholder contact details,

		noting that Tamatea Pōkai Whenua is not included in Appendix K, but has been confirmed by HBRC as a relevant Māori entity
(j)	A list of the names and contact details of all persons the consent authority is required to notify under clause 15(2)(a)	Refer **Appendix K**

The statutory process for assessing an application is outlined in Section 2.3 above.

6. SUMMARY OF CONSULTATION

Section 12(2)(h)-(j) of the OiC requires the applicant to provide:

(h) a description of any consultation undertaken in relation to the works (including with relevant Māori entities) and the names and contact details of all persons consulted:

(i) a list of all relevant Māori entities:

(j) a list of the names and contact details of all persons the consent authority is required to notify under clause 15(2)(a).

Where consultation has not been carried out in respect to Section 12(2)(h), the application must explain why.

The applicant has engaged with landowners, industry located within the Awatoto area, and mana whenua. This has been done primarily through public meetings, where members of HBRC's project team have provided updates on the project, and been available to answer questions. Information has also been available on the HBRC website, with FAQs, and project updates regularly reviewed and updated. Regular newsletters have also been sent to those who registered interest in receiving them.

Some direct engagement has also been undertaken with:

- Mana whenua (at PSGE and hapu level). A decision on who should author the CIA was a feature of early discussions, and agreed between the parties.
- Napier City Council, in an effort to develop a collaborative approach to stormwater management in the Awatoto area.
- Ravensdown, who own property adjoining the works site, to keep them up to date with the project, and discuss logistics associated with the shared use of the vehicle access from Waitangi Road.

7. ASSESSMENT OF ENVIRONMENTAL EFFECTS

Being a Controlled Activity, and according to the requirements of the OiC, the purpose of the following assessment of environmental effects is to:

(1) Determine, and if necessary, refine the standardised conditions in Schedule 2 of the OiC to avoid, remedy, or mitigate potential adverse effects i.e. link the established/ standardised conditions embedded in the OiC (to avoid, remedy, or mitigate potential adverse effects) with the identified matters/effects, and
(2) Determine the need for any additional conditions to avoid, remedy, or mitigate potential adverse effects (within the scope of the matters of control in Schedule 3 of the Order).

This analysis is structured through Section 7.1 – 7.12 according to the topics under which various matters of control are grouped in Schedule 3 of the OiC – these being:

- General matters
- Cultural values
- Freshwater
- The coastal environment
- Stormwater management
- Soil, land and ecology
- Visual effects and amenity
- Adjoining land uses
- Heritage and archaeology
- Access and transport
- Contaminated land (human health)

Identified amendments to the standardised conditions are track changed in **Appendix H.**

7.1 General Matters (as referenced in Schedule 3 of the OiC)

The following matters of control are listed under 'General':

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

Matter (a) is considered in Section 7.1.1 below, but with matters (b), (c) and (d) relating more to the matters grouped under 'Soil, Land and Ecology', these are considered in Section 7.7 Although not a specific topic listed in Schedule 3 of the OiC, matter (e) pertaining to construction is considered in Section 7.13.

7.1.1 Consequential Flooding

(a) The risk (likelihood and severity) of flooding upstream or downstream of the proposed flood protection works as a result of the works, and measures to avoid or minimise that risk.

A consequential flood effects assessment of the proposal was undertaken by PDP and is provided in **Appendix L.** PDP assessed the effect that the proposed pump station upgrade would have on flood levels both upstream and downstream of the pump station (i.e. within the Awatoto Catchment and the Tūtaekuri River). Modelling assessed peak flood levels in a 1% AEP RCP8.5 2081-2100 event.

The upgraded pump station achieves a reduction in flood levels upstream of the pump station (i.e. within the Awatoto Catchment) of approximately 150mm. The extent of flooding is not expected to change significantly.

In terms of downstream flooding effects, PDP determined that due to the location of the Awatoto Pump Station so close to the Tūtaekuri Rivermouth, flood levels during a significant event are governed by the coastal/tidal backwater boundary condition, rather than by inflows from the Awatoto Pump Station. Under a flood scenario, the pump station's maximum output of 6.5 m^3/s was estimated to constitute only 0.5% of the 100yr Tūtaekuri Catchment flow. PDP considered this to be a negligible influence on downstream flood levels. While the influence of the pump station in smaller and more frequent events was not modelled by PDP, they indicated that any increase in flood levels resulting from the pump station discharge would be expected to remain within the river channel.

The proposed upgrade will reduce the risk of flooding upstream, and have a negligible impact on downstream flooding risk, therefore no measures/conditions are considered necessary.

7.2 Cultural Values

The following matters of control are listed under 'Cultural Values':

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

Section 12(2)(e) also requires consideration of:

(ii) the potential effects on any cultural values identified by a relevant iwi authority or hapū; and
(iii) the potential effects on any culturally significant land within or adjoining the area where the works are to be carried out:

It is HBRC's understanding that the location of the physical works will avoid identified sites of significance, wāhi tapu and wāhi taonga. The CIA prepared for the project indicated that the construction works themselves were unlikely to directly impact the cultural values or sites

of significance to Ngāti Pārau, although the pump station's proximity and discharge into the Tūtaekuri River had a potential effect on cultural values, as restoring the mauri of the River is of vital importance to the Hapū.

The CIA set out 11 recommendations about how the cultural integrity of the project could be preserved and enhanced. An addendum to the CIA (attached as **Appendix M**) provided further commentary in relation to a number of those recommendations, and also two of the recommendations from the Ecological Scoping Assessment. Those were the field testing of the new fish friendly pumps (the Bosman Pumps to be installed), and the creation of new accessible aquatic habitat downstream of the pump station, to offset the ongoing restriction on upstream fish passage that the pump station (both existing and upgraded) presents.

In terms of the testing of the new fish friendly pumps (Bosman Pumps), the CIA addendum requests a field study at a pump station to assess actual fish kill rates, given the current absence of any New Zealand testing data for the Bosman pumps. The same type of pump will be installed at the Pakowhai Pump Station (also to be upgraded under the OiC), and testing is requested at one site as a minimum. Based on advice contained in the Ecological Scoping Assessment that testing at the Awatoto Pump Station is unlikely to produce insightful information, HBRC proposes to consider this matter as part of the consenting process associated with the Pakowhai site (rather than Awatoto), therefore no conditions are necessary in this regard.

With regards to the creation of new aquatic habitat to mitigate the ongoing barrier to fish passage, conditions of consent are proposed that require the preparation of an Ecological Offsetting Plan (in addition to an Ecology Management Plan) that details the location and final design of aquatic habitat to be created/enhanced to offset the ongoing absence of upstream fish passage. The new habitat should improve aquatic connectivity, habitat diversity and proximity to the coastal environment, and achieve, as far as practicable, a net positive ecological outcome. This design must be prepared by the Project Ecologist and a suitably qualified person nominated by the Māori entity's representatives working in partnership and taking account of the advice of cultural monitors.

Other standard OiC consent conditions are proposed to be retained that require:

- Maori Entities to be invited to appoint representatives to the Stakeholder Advisory Group, the purpose of which is to inform and advise the consent holder about managing and monitoring the flood protection works, and appoint cultural monitors to:
    - Support the Māori entities representatives in their role on the Stakeholder Advisory Group,
    - Provide advice to those preparing the Communications Plan, aspects of the CEMP referred to in condition 10(c)(iii) and Ecology Management Plan,
    - Provide the consent holder with on-site guidance to enable effective management of impact on culturally significant land and other natural and physical resources that have cultural value,
- Māori Entities representatives to have the opportunity to provide comment on the CEMP,

- Māori Entities representatives to have the opportunity to nominate a suitably qualified and experienced person to work in partnership with the consent holders Project Ecologist to prepare the Ecology Management Plan (and Ecological Offsetting Plan).

7.3 Freshwater

The following matters of control are listed under 'Freshwater':

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

Matters (a) and (c) relate to natural inland wetlands and are considered in Section 7.3.1. Matter (d) relating to the reclamation/diversion of the bed of water bodies is considered in Section 7.3.2 and fish passage in Section 7.3.3.

Matter (e) relating to the management of potential sedimentation and contamination is considered in regard to construction in Section 7.12.

7.3.1 Natural Inland Wetlands

(a) Potential adverse effects on the values of any natural inland wetland and hydrological regime.
(c) Application of the effects management hierarchy to works affecting any natural inland wetland.

The Ecological Assessment identified a swale habitat unit that appeared to be an induced wetland, albeit dominated by exotic pastures species and weeds. In isolation, the swale was not considered to support significant wetland values on its own, however in the broader wetland and estuarine complex of the Waitangi Estuary (which is highly significant) it may experience some visitation from wetland birds associated with the broader complex, and therefore it was concluded that any loss of its extent should be mitigated.

It is not yet known whether or not the swale/natural inland wetland will be impacted by the proposed works. However, an amendment to Condition 28 is proposed that requires any loss of natural inland wetland habitat (if it cannot be avoided by construction works) to be offset, and that offsetting should, as far as possible, achieve a net positive ecological outcome.

7.3.2 Reclamation/Diversion of the Bed of a Water Body

(d) The use of reclamation and diversion to facilitate flood protection works.

No reclamation or diversion (beyond works associated with construction) is proposed to be undertaken as part of the proposed construction works. However, the physical structure of the pump station itself creates a diversion, which requires consent under the RCEP.

The diversion created by the pump station has existed since the pump station was constructed, decades ago. The diversion effectively creates a barrier to upstream fish passage, which the proposed upgrade will maintain. However, as discussed in Section 4.2, and below in relation to fish passage, as part of this Project it is proposed to offset this loss and amendments to the standardised OiC conditions are proposed to require this.

7.3.3 Fish Passage

(b) Provision for the passage of fish.

The existing pump station presents a barrier to upstream fish passage, and the upgraded pump station will maintain this barrier. However, the existing pumps are to be upgraded to fish friendly Bosman pumps as part of the proposal. The installation of these pumps is expected to improve downstream fish passage conditions, particularly for large-bodied migratory species such as longfin and shortfin eels.

Given that the proposal will maintain an existing barrier to upstream fish passage which prevents access to approximately 1.3ha of aquatic habitat, it is proposed to offset this through habitat creation downstream of the pump station. The final location and detailed design of this habitat is to be confirmed post consent; however, it is anticipated that the constructed habitat will provide higher-quality aquatic conditions than those currently present upstream, including improved aquatic connectivity, habitat diversity, and proximity to the coastal environment. Importantly, the habitat will be fully accessible to fish, including migratory species, and is expected to support a range of aquatic fauna including aquatic birds. The creation of new, accessible aquatic habitat is expected to provide a clear net positive outcome for aquatic ecological values at the site.

As discussed above in relation to cultural values, an amendment to Condition 28 is proposed that requires the preparation of an Ecological Offsetting Plan (in addition to an Ecology Management Plan) that includes a planting plan that shows how the ongoing absence of upstream fish passage will be offset to achieve, and as far as practicable, a net positive ecological offset. This plan must be prepared by the Project Ecologist and a suitably qualified person nominated by the Māori entity's representatives working in partnership and taking account of the advice of cultural monitors.

Given the absence of upstream fish passage, it is proposed to delete standardised condition 18(c), as it is not necessary.

7.3.4 Discharge from Pump Station

(e) The management of flood protection works to avoid, remedy, or mitigate potential sedimentation or contamination effects on any receiving environment.

Standard OiC conditions require construction works to be managed in accordance with a CEMP and an ESCP. Any potential sedimentation or contamination that may occur as a result of the construction works will be identified and avoided, remedied or mitigated as part of these plan development processes. No additional conditions are required in this regard.

The ongoing operation of the pump station may result in some sedimentation occurring immediately downstream of the pump station as a result of the resuspension of sediment, and then subsequent deposition. In this context, it is noted that the quality of water received at the pump station is not something that can be controlled by the Hawke's Bay Regional Council as operator of the pump station, and any issues with regards to the quality of that water need to be addressed at a catchment scale.

7.4 Coastal Environment

The following matters of control are listed under 'Coastal Environment':

(a) *The methods to be used to avoid, remedy, or mitigate the effects of any identified coastal hazard on the flood protection works.*
(b) *Potential adverse effects of the flood protection works on landscape values of the coastal environment, and measures to avoid, remedy, or mitigate those effects*

Works on the riverside of the stopbank construction of the new headwall are located within Coastal Hazard Zone 1. Coastal Hazard Zone 1 (CHZ1) is land assessed as being subject to storm erosion, short-term fluctuations and dune instability and includes rivermouth and stream mouth areas susceptible to both erosion and inundation due to additional hydraulic forcing of river or estuary systems. For the purposes of the RCEP, it extends a distance of 200m seaward from its inland boundary. Newer coastal erosion risk mapping[10] does not indicate the location of the proposed works as being at risk of coastal erosion. The works proposed seek to upgrade an existing pump station, which has a functional need to be located in the same location, to facilitate drainage of the Awatoto Catchment through the stopbank. As such, the coastal hazard cannot be avoided. Given the setback of the pump station from the active beach, coastal erosion is unlikely to affect the pump station.

The HB Hazards Portal indicates that the pump station could also be inundated in a 2% AEP event. One of the key drivers for this project is to improve the resilience and structural robustness of the Awatoto Pump Station. Consequently, the pump station has a durability design life of 100 years. This focus on resilient design will mitigate effects of the coastal hazards that may affect the pump station as far as possible.

With regards to (b), the Landscape Assessment noted that while the site is located within the broader coastal margin, the immediate environment is already heavily modified, with the character being influence by the adjacent industrial activity and transportation corridor. The proposal was not considered to alter the underlying patterns (abiotic or biotic) that define the coastal environment, any change in the experiential qualities of the area is localised and contained within an already developed setting, and the pump station will not be visually prominent in wider views associated with the estuary, wetland, or coastal edge. Effects on the coastal environment were assessed as being low (and well below any threshold of significance).

[10] That available on the HB Hazard Portal, accessed 23 June 2026. Modelling and mapping done to inform the extent of the RCEP Coastal hazard zones was done in the early 2000s.

No additional conditions or amendments to conditions are considered necessary to address either of the coastal environment matters of control.

7.5 Stormwater Management

The following matters of control are listed under 'Stormwater Management':

(a) *The quality of stormwater discharged from the area where flood protection works are carried out, including the concentration of any hazardous substances in the stormwater, and measures to avoid, remedy, or mitigate contamination and the sediment loading.*

(b) *Potential adverse effects (including potential cumulative effects) on water quality in any receiving freshwater or coastal environment, and measures to avoid, remedy, or mitigate those effects.*

With regards to (a) PDPs DSI indicated that migration of stormwater over the site soils will potentially mobilise contaminants offsite, and therefore migration of stormwater offsite (via groundwater and stormwater overland runoff) may need to be managed. The primary means of doing this is through the installation of appropriate erosion and sediment control measures. Once detailed design is completed, the nature of the erosion and sediment control measures that will be required will be known. Standard Condition 14 requires the preparation of 1 or more erosion and sediment control plans, which must set out how the earthworks principles set out in Standard Condition 12 will be applied.

Standard Condition 21 in the OiC also specifically requires the avoidance, remediation or mitigation of effects related to any stormwater discharge associated with construction works. Some amendments are proposed to this standard condition to better align it with the nature of the construction works to be undertaken at Awatoto, and also to reflect recent OiC conditions. The following wording is proposed:

(a) *If in the event the works involve permanent stormwater treatment devices, the consent holder must, not later than 3 months after the completion of the construction works,*

  (i) *document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and*

  (ii) *submit the documents to the Manager Compliance (HBRC).*

(c) *The consent holder must ensure that stormwater discharge from construction works does not cause erosion or scouring of the bed or any bank of any downstream watercourse or receiving drain.*

(d) *The consent holder must ensure that the design of stormwater detention devices is, so far as practicable, in accordance with the HBRC Stormwater Management Guidelines.*

With respect to (b), any potential adverse effects on water quality in the receiving environment resulting from the operation of the pump station must be considered. In this context, it is important to note that any effects are limited to those resulting from the act of pumping water received at the Awatoto Pump Station from the landward side of the Tūtaekuri Stopbank, to the riverside. The quality of water received at the pump station is not something that can be controlled by HBRC as operator of the pump station, and any issues with regards to the quality of that water need to be addressed at a catchment scale.

Notwithstanding that, the action of pumping water can affect water quality. The turbulence created by the action of the pumps can mix water more thoroughly and aerate (add oxygen to) water. Sediment can also be resuspended as a result of the increased velocity, and this can increase turbidity temporarily. This can also result in the release of contaminants attached to sediments, which can be deposited downstream of the pump station. Water temperature can also be increased slightly as a result of pumping. Given that the pump station will only operate during/after rain events, water quality in the receiving environment is likely to be poorer in any event, limiting any adverse effects of the discharge.

As part of the proposal, consent to operate the upgraded pump station is being sought for five years (the maximum duration of consent that can be granted under the OiC). Given that the pump station only operates during/after rainfall events, meaningful monitoring would need to be targeted to such events. The increased capacity of the upgraded pump station mean that its hours of operation are unknown. For the five-year duration of the consent being sought, it is proposed that information is gathered about the operation of the upgraded pump station, in terms of runtime hours etc. This information can then be used to inform a decision about whether or not monitoring of the discharge will be practical, and if deemed appropriate, monitoring conditions can be proposed as part the replacement application that will need to be lodged when this consent expires. In addition to the points already raised, this approach is considered appropriate where the primary drivers for the project, and the funds awarded by central government, are for cyclone recovery.

No changes to standard OiC conditions, or further conditions are warranted in relation to stormwater.

7.6 Soil, Land and Ecology

The following matters of control are listed under 'Soil, Land and Ecology':

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

Matter (a) relating to potential erosion and stability is considered in 7.6.1 together with matter (b) from 'General'.

Matter (b) is similar to matter (e) from 'Freshwater' and is considered in Section 7.3.4 pertaining to construction.

Matters (c) and (d) are considered in Section 7.7, where (c) and (d) from 'General' are also considered.

The effects of the proposed water take are considered in regard to (d) from 'General' in Section 7.6.4.

7.6.1 Erosion and Stability

(a) Potential soil erosion and other adverse effects on soil stability, and measures to avoid, remedy, or mitigate those effects.

With respect to soil stability, and the potential effect that the proposed stopbank penetration and reinstatement works may have on this, this has been assessed by GHD (**Appendix N**). They concluded that the works are localised in nature, and do not alter the governing assumptions or performance objectives of the existing stopbank systems or upgrade works. Reinstatement will be undertaken in accordance with established design parameters and applicable construction guidelines, and consequently the works are not expected to adversely affect stopbank stability.

GHD have also prepared a detailed Geotechnical Design Philosophy Statement (**Appendix O**), which documents the governing geotechnical design principles, performance objectives, acceptance criteria, and analytical approaches for the Project. One of the objectives of the project is the construction of upgraded pump stations and associated flood protection infrastructure that does not increase flood risk or geotechnical hazard to the site or surrounding assets. The works are required to remain functional during the 1% AEP flood event, maintain the integrity and level of service of existing stopbanks, and achieve defined seismic performance outcomes. The geotechnical design will manage geotechnical hazards – including settlement, liquefaction, lateral spreading, slope instability, and groundwater effects, such that serviceability and recoverability objectives of the project are met.

In respect to soil erosion, this will be managed during construction under the CEMP and ESCP, while specific scour protection is included in the design of the new headwall. No additional conditions are considered necessary in this regard to this matter of control.

7.6.2 Natural Landform and Contour

c) Potential adverse effects on natural landforms and contours, and measures to avoid, remedy, or mitigate those effects.

The proposed works have considered the natural landform and provided for drainage features. No additional conditions are considered necessary in this regard.

7.6.3 Ecology

(d) Potential adverse effects on terrestrial ecology, and measures to avoid, remedy, or mitigate those effects.
(c) Potential adverse effects on fisheries, and measures to avoid or minimise that risk.
(d) Potential adverse effects on wildlife, habitat and ecosystems, and the application of the effects management hierarchy.

Condition 26 of the standardised conditions set out the following ecology principles to be applied to the design of the flood mitigation works and in carrying out the works:

(a) *to apply the effects management hierarchy to the following potential adverse effects:*
    (i) *permanent habitat loss (including in coastal, terrestrial, and freshwater habitats):*
    (ii) *loss of naturally uncommon and highly depleted ecosystem types, significant indigenous vegetation, significant habitats of indigenous fauna, and habitats for at-risk or threatened species and taonga species:*
    (iii) *habitat fragmentation or habitat barriers (including in coastal, terrestrial, and freshwater habitats):*
    (iv) *impacts on habitat connectivity (including coastal, terrestrial, and freshwater habitats):*
    (v) *impacts on at-risk or threatened species and taonga species:*
    (vi) *effects on water quality (including on kaimoana and mauri) from sediment:*
    (vii) *alteration of natural hydrology patterns, except as necessary to facilitate the flood protection works:*
    (viii) *spread or establishment, or both, of pest plants or animals:*
    (ix) *impacts on habitats that play an important role in the life cycle and ecology of native species:*
(b) *as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species:*
(c) *to avoid, remedy, mitigate, or offset (using biodiversity offset) adverse ecological effects in order to achieve, as far as practicable, a net positive ecological outcome:*
(d) *to enhance the positive ecological role of the works area in the wider ecological context, including its role as a buffer that protects or enhances other areas with ecological significance.*

Condition 28 requires the preparation of an Ecology Management Plan, which requires ongoing recording and reporting in anticipation of the design of the works occurring on a progressive basis.

The Ecological Scoping Survey confirmed that potential effects on protected terrestrial fauna are limited, with no felling of trees and low likelihood of lizards or bats being present. Some management of vegetation clearance timing may be required to avoid disturbance to nesting birds. No significant natural inland wetlands are present within the works footprint, although there is a swale are that is a natural inland wetland, and any loss of its extent should be offset. The primary effect is on fish passage, with the existing barrier to upstream fish passage being maintained. Mitigation is proposed to offset that effect, which has already been discussed.

Amendments to a number of the ecological conditions are recommended including:

- The deletion of Condition 27, as the ecological survey and assessment has already been completed.
- Changes to Condition 28 to require the preparation of an Ecological Offsetting Plan in addition to an Ecology Management Plan, as already discussed.

As outlined above, this is consistent with the approach embedded in the OiC and focuses the Ecological Management Plan on matters of relevance to this project.

It is also noted that:

- The Project Ecologist must still work with the Māori Entities representatives to prepare the Ecology Management Plan,
- The consent holder must still report to the Stakeholder Advisory Group every 2 months on work undertaken according to the Ecology Management Plan and on any other works deemed necessary by the Project Ecologist, working with the Māori Entities representatives,
- A report must still be provided at the completion of works that describes the ecological mitigation works carried out by the consent holder.

7.6.4 Water Take

(d) Potential adverse effects on wildlife, habitat and ecosystems, and the application of the effects management hierarchy.

The use of water during construction may be required to manage dust. The presence of some contaminated soil on the construction site means that effective dust management is particularly important to safeguard the health of all those working on the Project. Abstracting surface water from the Tūtaekuri River close to the construction site represents an efficient use of water on the basis that municipal supplies will not be affected and transport associated effects and costs significantly reduced.

The applicable matter of control relates to effects on wildlife, habitat and ecosystems rather than effects on other users. In this regard:

- The volume identified is based on contractor inputs and expectations around the likely needs,
- Taking will be temporary and limited to the duration of the construction works (expected to be approximately a 12 month period),
- Conditions are proposed to manage effects on fish,
- The Tūtaekuri River is subject to a minimum flow, and the proposed condition related to the surface water take, places restrictions on the limitations if that minimum flow is breeched. Given abstraction location is at the downstream extremity of the catchment (over 15 km downstream of the Puketapu low flow site), where the river is tidally influenced, requiring changes to the take regime reflects a precautionary approach, and will ensure that effects on aquatic ecosystems as a result of any potential take in low flow conditions are less than minor.

7.7 Visual Effects, Landscape and Amenity

The following matters of control are listed under 'Visual Effects, Landscape and Amenity':

(a) Potential adverse visual effects on the following:
  (i) the residential or recreational (including tourism) use of land in the vicinity of the flood protection works:
  (ii) the existing character of the locality and amenity values:
  (iii) outstanding or significant landscape areas.
(b) Potential adverse amenity effects on adjoining land.
(c) Construction noise, vibration, and dust generation, including having regard to the noise sensitivity of the receiving environment.

(d) *Potential adverse effects of the hours of operation of flood protection works.*
(e) *Potential adverse effects on identified recreation areas.*
(f) *Potential adverse effects on public health and safety during works.*
(g) *Measures to avoid, remedy, or mitigate the effects described in paragraphs (a) to (f), including post-completion reinstatement and landscaping in relation to the effects described in paragraph (a).*

Matters (a), (b), (d) and (g) are considered below. Matters (c), (e) and (f) relate more to construction and are considered in Section 7.12.

In terms of (a), the area of works is not within an outstanding or significant landscape area. In terms of (i) and (ii), potential adverse visual effects have been considered in the Landscape Scoping Assessment. The nearest dwelling is approximately 1.7km away and there are not private views oriented toward the site for amenity or outlook. The pathway that runs along the top of the stopbank is used for recreational purposes, but views of the pump station (where available) were considered to be read as a relatively minor component within an already modified landscape. Any change in visual amenity was considered limited, and in a location where a pump station already exists. Potential adverse visual effects were assessed as being low.

The effects of the operation of the pump station must be considered under both (b) and (d). It is considered relevant to note that the proposal is to replace an existing pump station, that has some impact on the surrounding environment. It is also noted that operation of the pump station will be intermittent, occurring only during/after rainfall events.

In this regard the industrial nature of immediately adjoining land is noted, as is the presence of the transportation corridor. In addition, the noise and vibration assessment undertaken by Styles Group (**Appendix J**) concluded that predicted operational noise should comply with the permitted noise limits of both the Operative Napier District Plan and the Proposed Napier District Plan. Operational noise was considered unlikely to be audible at the closest existing noise-sensitive receivers, which are located more than 1km from the site.

Noting the existing requirement of the CEMP and conditions pertaining to noise, vibration and dust, which the applicant has adopted, there is no need for any further conditions to mitigate potential effects on visual effects, landscape or amenity.

7.8 Adjoining Land Uses

The following matters of control are listed under 'Adjoining Land Uses':

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

Matter (a) relating to effects on the subject and adjoining land is considered in Section 7.9.1 with effects on infrastructure assets and facilities in Section 7.9.2.

7.8.1 Effects on the Subject Land and Adjoining Land

(a) Potential adverse effects on the use of land on which works are carried out and adjoining land, and measures to avoid, remedy, or mitigate those effects.

The proposed works are located within a single land parcel, that is owned by the Hawke's Bay Regional Council. The Model Flying Club utilises a small area of the land parcel, and access to that area will be impacted during project construction. As required by OiC Condition 6, the Model Flying Club will be invited to appoint a representative to the stakeholder advisory group, who have a role in developing the construction environmental management plan for the works (Condition 11). This ensures that the matter of access to the Flying Club is considered and addressed as part of the construction management process.

There are seven other adjoining land parcels, owned by four landowners (one of whom is the Hawke's Bay Regional Council). Other than some temporary construction effects (likely to be limited to noise and traffic) the use of adjoining land is not expected to be affected by the proposal.

As noted above, noise associated with both construction and the operation of the pump station has been assessed by Style Group, who concluded the following:

- The predicted operational noise levels will comply with the permitted noise limits under both the operative and proposed Napier District Plans, at all assessed receivers. Operational noise is unlikely to be audible at the closest existing noise-sensitive receivers, which are more than 1km from the site.
- The assessment used sheet piling as the highest-noise construction activity (this does form part of the proposal). The predicted sheet piling noise levels comply with the relevant construction noise limits at all assessed receivers, including night-time limits, which are the controlling construction noise criteria.
- The construction and operation of the pump station are not expected to cause adverse noise effects. No specific noise mitigations or noise consent conditions are considered necessary because the predicted noise levels are low and readily comply with the relevant noise limits.

7.8.2 Effects on Infrastructure Assets

(b) Potential adverse effects on infrastructure assets and facilities (including those of network utility operators), and measures to avoid, remedy, or mitigate those effects.

As outlined above, the area of works is occupied by the existing pump station, and as such, there is no need to move significant infrastructure assets to facilitate the proposed works, other than overhead electrical line utilities that conflict with the preliminary designed works which will be relocated underground - removing any potential safety risks, and avoiding disruption during construction.

In terms of the nearby rail corridor, the proposal will not impact its functioning. Effects on local roading infrastructure have been considered in the Traffic Impact Assessment (**Appendix P**). East Cape Consulting conclude that while construction of the replacement pump station will temporarily alter the operation of the road network in the area surrounding

the site, potentially affecting both State Highways and roads managed by NCC, the appropriate tool for managing and mitigating the potential construction-related traffic effects is a Construction Traffic Management Plan (CTMP). It is noted that particular attention should be made to the following matters:

- Clear communication of construction traffic routes and the one-way westbound restriction on Waitangi Road (meaning there is only a left turn exit from the site)
- Management of site access controls and scheduling of deliveries to minimise the potential for queuing on Waitangi Road back towards the railway crossing.
- Provision of adequate on-site parking for the construction workforce to avoid any overspill onto Waitangi Road.
- Identification of any other users of the site access and management of interactions between construction traffic and these users, including clear definition of priority, access arrangements and protocols where required.

Amendments are proposed to subclause c) vi) of Standardised OiC Condition 10 which sets out the traffic matters to be address in the construction environmental management plan, to ensure that the matters identified by East Cape Consulting are all addressed. No further conditions/amendments are considered necessary to address effects on infrastructure assets.

7.9 Heritage and Archaeology

The following matters of control are listed under 'Heritage and Archaeology':

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

The Archaeological Screening Assessment identified an unquantified moderate risk of encountering archaeological features or materials during the proposed works. Consequentially an Archaeological Authority has been obtained for the project. It is therefore proposed that Condition 29 is deleted, because an accidental discovery protocol is not needed for the project.

7.10 Access and Transport

The following matters of control are listed under 'Access and Transport':

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

Matter (a) is considered below, with matter (b) being considered in relation to construction in Section 7.12.

Once completed, the pump station is not expected to have adverse effects on access to and along or around watercourse and water bodies. The replacement pump station will be

located on the landward side of the Tūtaekuri Stopbank, and the public pathway that runs along the top of the stopbank will be reinstated and remain open to the public when construction work is completed.

In terms of access during construction, Condition 10(3)(g) requires the CEMP to include procedures for managing public health and safety - including restrictions on public access to work sites and the river. Further, the Communications Plan required under Condition 9 requires a description of the construction works, which will include such procedures.

These standardised conditions are proposed to manage potential adverse effects on access to and along or around watercourses and water bodies during construction. No further measures/conditions are considered necessary.

7.11 Contaminated Land

The following matters of control are listed under 'Contaminated Land':

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

In their DSI report PDP concluded that while concentrations of heavy metals and DDT comply with adopted human health assessment criteria for the current and proposed site use, these contaminants exceeded local background soil concentrations. In addition, concentrations of fertilizer related compounds were recorded at notably elevated concentrations compared what would be expected to be typical background concentrations. PDP considered that any risk to excavation workers would be managed by appropriate health and safety measures under the Health and Safety at Work Act 2015, and the preparation of a site-specific management plan. On that basis, PDP considered the risk to site workers from those contaminants to be acceptably low. PDP further indicated that exposure risks can be appropriately mitigated by contractors wearing appropriate PPE and minimising direct and indirect contact with soil and undertaking the earthworks in accordance with a site-specific management plan.

To ensure the Construction Environmental Management Plan (CEMP) for the proposed works explicitly addresses these matters, an amendment is proposed to Condition 10 that requires a Contamination Site Management Plan to form part of the CEMP, that responds to the matters identified in PDPs PSI and DSI, including (but not limited to):

- Appropriate management of earthworks,
- Hygiene controls
- PPE
- Dust management
- Stormwater controls
- Offsite disposal of soils

- Archaeological authority
- Protocols associated with disturbance and remediation of contaminated soil.

This approach is considered a reasonable response to managing potential effects on human health in respect to contaminated soil.

7.12 Construction

Although not a specific topic noted in Schedule 3, many of the matters of control listed under other topics relate to construction. These include:

General:

(e) The management of construction works to avoid, remedy, or mitigate potential adverse effects on receiving environments, including adverse effects of hazardous substances, spills, and stormwater run-off.

Freshwater:

(e) The management of flood protection works to avoid, remedy, or mitigate potential sedimentation or contamination effects on any receiving environment.

Soil, Land and Ecology:

(b) Potential soil run-off and sedimentation, and measures to avoid, remedy, or mitigate those effects.

Visal Effects, Landscape and Amenity:

(c) Construction noise, vibration, and dust generation, including having regard to the noise sensitivity of the receiving environment.
(d) Potential adverse effects of the hours of operation of flood protection works.
f) Potential adverse effects on public health and safety during works.

Access and Transport:

(b) Potential adverse effects on the safe and efficient operation of the transport network during flood protection works, and measures to avoid, remedy, or mitigate those effects.

These matters essentially cover:

- Stormwater management and erosion and sediment control
- Nuisance effects i.e. noise, vibration and dust
- Hours of operation
- Public health and safety
- Construction traffic

Each is considered below:

Stormwater Management and Erosion and Sediment Control:

- An Erosion and Sediment Control Plan is required to be prepared under Condition 14 and will be circulated to key stakeholders for feedback as part of preparing the CEMP prior to works commencing,

- Condition 13 requires an Erosion and Sediment Control Manager to be appointed for the duration. This will ensure a focused approach to erosion and sediment control and managing the potential for sedimentation of waterbodies,
- Condition 15 outlines the process for managing/responding to any failures,
- Condition 19 sets out specific requirements particularly in regard to managing the potential for spills when working within, or adjacent to, the bed of a river,

Nuisance Effects (Noise, Vibration and Dust):

- Condition 16 states the consent holder must, as far as practicable, ensure that dust arising from construction works (including earthworks and related activities) does not spread beyond the boundary of the work sites,
- Condition 23 states:
    1. The consent holder must ensure that noise from construction, maintenance, and demolition work complies, so far as practicable, with the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999.
    2. The consent holder must take all practicable steps to reduce levels of noise and vibration from plant and equipment operating on site during construction.
- Dust, noise and vibration are all matters to be considered in preparing the CEMP, which must be circulated to key stakeholders for feedback,

Hours of Operation:

- Hours of operation will generally be 6.00am to 7.00pm each day, Monday to Saturday,
- The start time is to allow for erosion and sediment control measures to be implemented, monitored and checked. The use of dust suppressants is far more effective if they are first used in the early morning,
- The broader working hours will enable the works to be completed as soon as possible,
- As outlined above, noise will be managed according to the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999,

Construction Traffic:

- Site access and on-site traffic management is a matter to be considered in preparing the CEMP under Condition 10, which is required to be prepared by the contractor and circulated to key stakeholders for feedback prior to works commencing.

Public Health and Safety:

- In addition to the matters already discussed, public health and safety is a matter to be considered in developing the CEMP,
- The CEMP is also required to consider procedures for managing hazards, including any risk of flooding and restrictions on public access to work sites and the river.
- Noting the location of the works within the Napier Drinking Water Source Protection Area, it is proposed to mirror the approach taken in the NES Sources of Human Drinking Water and adopt the type of condition outlined in Regulation 12(3) of the NES.

The requirements of Conditions 10 and 14 pertaining to the preparation of a CEMP and an Erosion and Sediment Control Plan are comprehensive and considered sufficient to ensure that overall, effects with regard to construction can be suitably managed. Some amendments are suggested to tailor the conditions to the Awatoto project, however no other conditions are considered necessary.

7.13 Summary

In summary, with the benefit of a greater degree of design and assessment being undertaken as part of preparing the application than necessarily anticipated by the context of the OiC, many of the outcomes provided for in the standardised conditions have already been met and components of them are not required as conditions of consent. Amendments to the standardised conditions are proposed to enable more effective implementation of the works.

Other than the new conditions already proposed by the applicant, no additional conditions are required to avoid, remedy or mitigate the effects of the proposal in relation to the matters over which control has been reserved.

8. CONCLUSION

The works are a controlled activity, and the application for these works must be granted and processed on a non-notified basis. The OiC does, however, require engagement with mana whenua, local authorities and key stakeholders, together with technical assessments, which collectively ensures that a robust flood mitigation works consent is confirmed that will enable the Awatoto Pump Station to be replaced, while managing potential adverse environmental effects of the project to the extent practicable.

Key issues arising from the proposed works that are relevant to the matters of control have been identified and worked through in this report, with the standardised conditions being largely adopted to avoid, remedy or mitigate any actual or potential adverse effects of the proposal. Where a sufficient degree of design and assessment has been undertaken such that effects and mitigation are clear, amendments have been made to the standardised conditions to enable efficient implementation of the recovery works.

Appendix A

Cultural Impact Assessment

To be provided confidentially

Appendix B

Archaeological Risk Assessment

Appendix C

Archaeological Authority

Appendix D

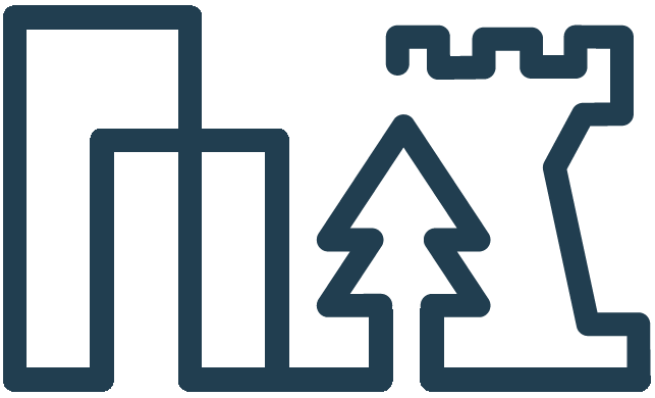
Ecological Scoping Assessment

Appendix E

Landscape Scoping Assessment

Appendix F

PSI and DSI



Appendix G

Construction Methodology

Appendix H

Proposed Consent Conditions

Appendix I

Preliminary Design Report and Plans

Appendix J

Noise and Vibration Assessment

Appendix K

List of Māori Entities and Section 15(2)(a) Parties

To be provided confidentially

Appendix L

Consequential Flood Effects Assessment

Appendix M

CIA Addendum

To be provided confidentially

Appendix N

Stopbank Stability Assessment

Appendix O

Geotechnical Design Philosophy Statement

Appendix P

Traffic Impact Assessment