



Resource Consent Application for Flood Protection Works

Pākōwhai Pump Station

Hawke's Bay Regional Council

25075 AP1
16 July 2026



APPLICATION DETAILS

Consent Authority:	Hawke's Bay Regional Council Hastings District 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:	Part Puninga 4A3 Block

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:

Dr Charlotte Drury
Consultant Planner

**Reviewed and
Approved for
Release by:**

Cameron Drury BRP(HONS) MNZPI
Principal Planner | Director



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1. INTRODUCTION

The Pākōwhai Pump Station flood protection project ("**Project**") is an initiative by Hawke's Bay Regional Council (**HBRC**) to upgrade the Pākōwhai Pump Station 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 Pākōwhai area.

The Project involves the construction of a new pump station with two variable speed drive (**VSD**) Bosman fish-friendly pumps (two 90 MC pumps) connected to new discharge pipelines (2 x DN1200 PE discharge pipelines). The new discharge pipes will be laid through the existing stopbank, and discharge over a new outlet headwall with scour protection. Works will also be undertaken to regrade and slightly realign the inlet channel and upgrade the existing flap gate on the existing DN1500 pipeline that provides upstream fish passage. Key elements of the Project are shown in **Figure 1**.

Figure 1: Overview of Project



The key drivers for the Project are:

- To improve the seismic resilience of the pump station.
- Improved performance of the pump station - Flow rate requirements (both minimum and maximum) will be met 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 - Downstream fish passage is provided through the utilisation of fish friendly pumps.
- 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 Severe Weather Emergency Recovery Legislation (Hawke's Bay Flood Protection Works) Order 2024 ("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	Operation Pātiki Charitable Trust	To advise on cultural context and cultural values associated with the area. Provided confidentially to the consent authorities
Archaeological Risk Assessment	Archaeology Hawke's Bay	To determine the risk of encountering archaeology and advise on the appropriate response in regard to progressing the works.
Ecological Scoping Assessment	Strategy	To determine ecological values and methods to manage ecological effects.
Landscaping Scoping Assessment	Narrative Landscape	To determine the need for landscape mitigation.
Preliminary 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.
Construction Methodology	BPC	To provide details of the proposal.
Statement regarding use of Contaminated Soil	Strategy	To consider the feasibility of using contaminated soil from the Awatoto pumpstation construction site as fill at the Pākōwhai site.
Acoustic & Vibration	Styles Group	To determine the need for any acoustic mitigation.
Consequential Flooding Effects Assessment	T&T	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.



Geotechnical Design Philosophy Report	GHD	To assess and inform geotechnical matters.
Traffic Impact Assessment	East Cape Consulting	To assess potential construction traffic effects and inform construction traffic management.

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 Pākōwhai.

2. BACKGROUND AND STATUTORY CONTEXT

2.1 Impacts of Cyclone Gabrielle

In February 2023, Cyclone Gabrielle caused both the Tūtaekurī and Ngaruroro Rivers to breach their stopbanks, leading to rapid and widespread flooding across Pākōwhai.

Floodwaters rose swiftly, reaching ceiling height in some homes and submerging vehicles. Many residents were forced to evacuate, some scrambling onto rooftops to escape the rising waters, with many being rescued by jetboats.

The weather event caused loss of life, significant ecological damage, including sedimentation, riparian vegetation loss, and degraded freshwater habitats.

2.2 Project Purpose

The purpose of the Project is to improve the reliability and resilience of the Pākōwhai 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, thus 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 maximum flow of 4,520 L/s, which is substantially higher than the existing. This is a roughly threefold increase in pumping capacity. Two fish-friendly Bosman Vision pumps replace the existing pumps with two 90MC pumps (1,000–2,260 L/s each), both with 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 pump runs and at what speed.

Figure 2: Extent of flooding in Pākōwhai area as a result of Cyclone Gabrielle¹



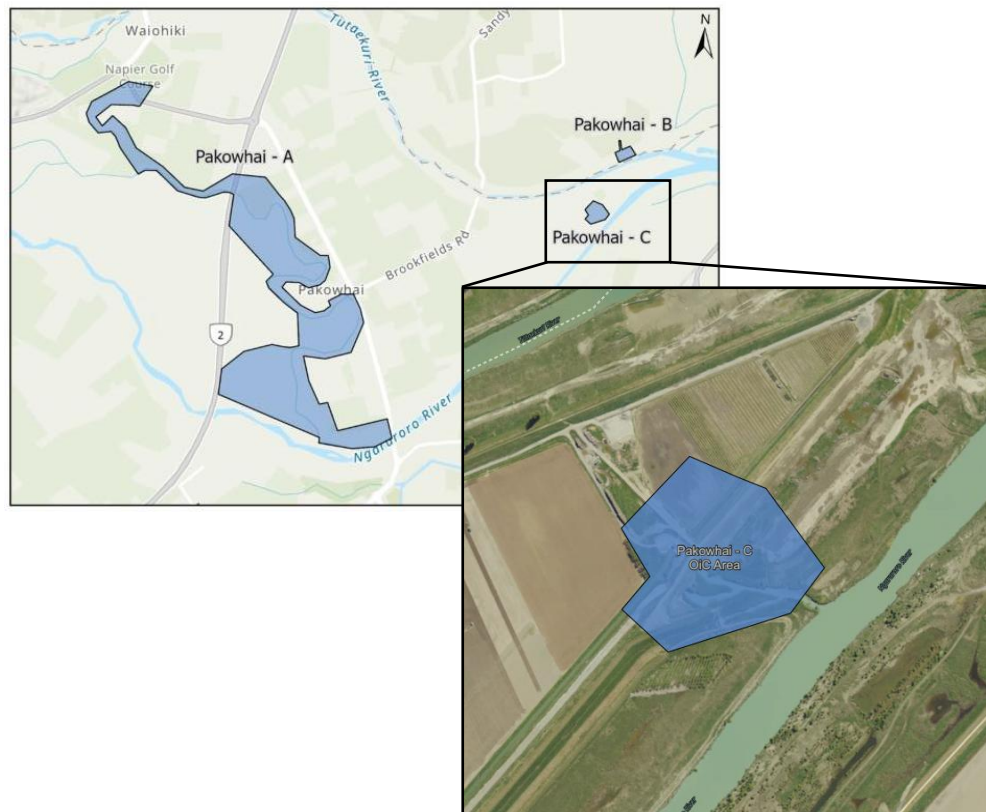
2.3 Severe Weather Emergency Recovery Legislation (Hawke's Bay Flood Protection Works) Order 2024

The Severe Weather Emergency Recovery Legislation (Hawke's Bay Flood Protection Works) Order 2024 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. The Pākōwhai Pump Station is located within the Pākōwhai C area, shown in **Figure 3** below.

¹ Source: [Cyclone Gabrielle Flooding | Hawke's Bay Regional Council](#)

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 hearings 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 entities²,
 - 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

² Reference to 'Māori entities' as opposed to mana whenua is used in this application to maintain consistency with the terms used in the OIC.



- 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

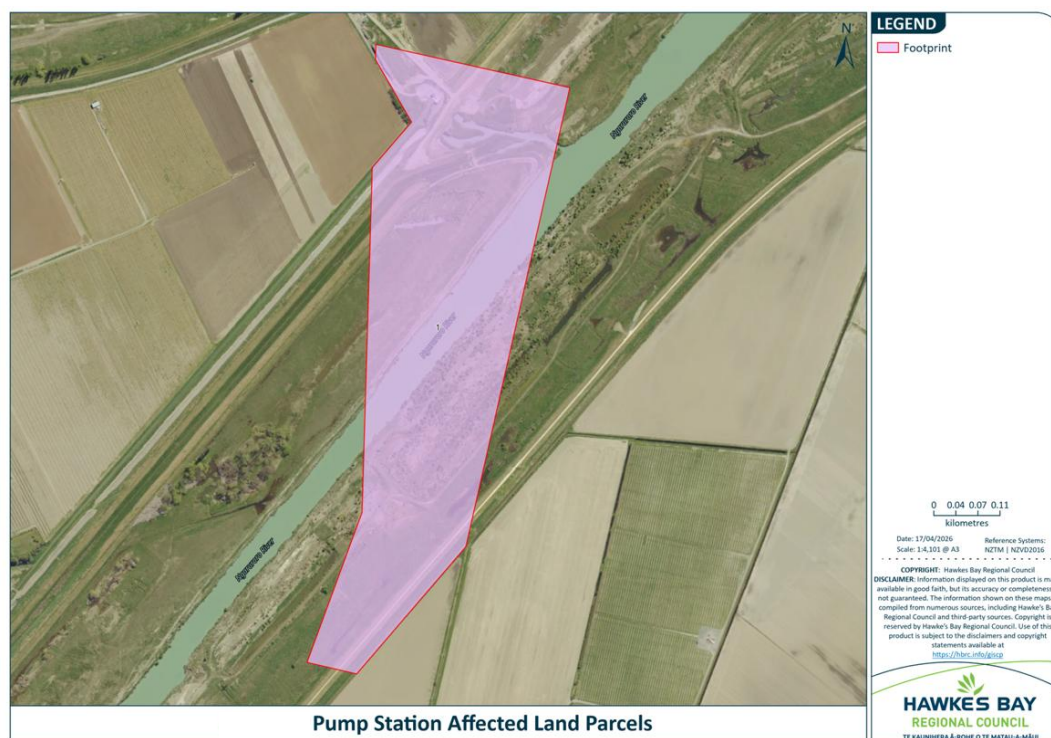
The following sets out:

- The subject property,
- Site location and neighbouring community,
- Planning context:
 - Hastings District Plan,
 - Designations,
 - 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 Subject Property

The proposed works are to be carried out within the northern extent of Part Puninga 4A3 Block, which is a 1.58ha property owned by the Estate of Ngaumutane Moana Howell.

Figure 4: Land on which the works will be undertaken



3.2 Site Location and Neighbouring Community

The site is accessed from the end of Sessions Road, off Brookfields Road which, comes of Pakowhai Road. Located within the northern extent of the site, the Pākōwhai Pump Station moves water from the Pākōwhai Drain into the Ngaruroro Drain, which is around 180 m in length, and discharges into the Ngaruroro River. The Tūtaekuri-Waimate Overflow also discharges into the Ngaruroro Drain, about two thirds of the way along its length.

The area of works is located within a highly modified environment between the Tutaekuri and Ngaruroro Rivers. 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 a series of drainage channels. Neighbouring properties comprise rural landuse. These and other key features are discussed below.

Figure 5: Site location and wider environment



3.3 Planning Context

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

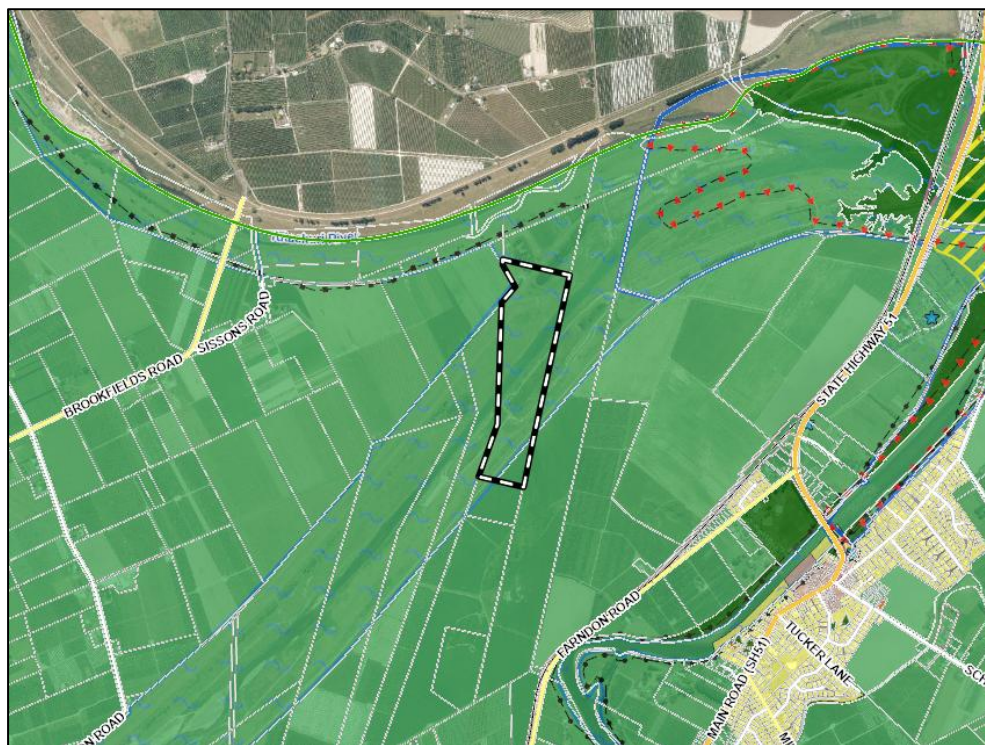
- The Hastings District Plan,
- The Hawke's Bay Regional Council Regional Planning documents.

3.3.1 Hastings District Plan

The flood mitigation works will be undertaken on land zoned Plains Production in the Hastings District Plan. Other notations on the planning map include:

- The site is entirely located within a River Hazard Overlay,
- The site is located within a high/very high probability liquefaction zone (Appendix 57),
- The site is located within a tsunami inundation zone (Appendix 58),
- There are currently no recorded archaeological sites within 1km of the Pākōwhai Pump Station. The nearest recorded site lies >1.5km southeast of the works area (V21/467 and V21/503).

Figure 6: Hastings District Plan Planning Map Features



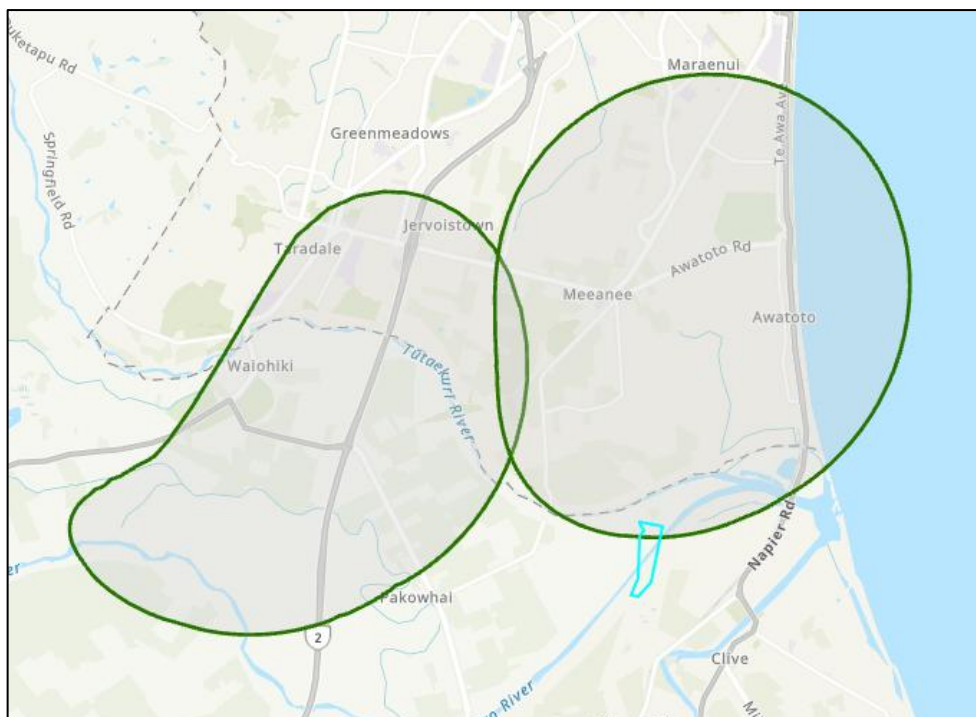
3.3.3 Hawke's Bay Regional Council Regional Planning Documents

The flood protection works are within an area subject to various planning map overlays within the Regional Resource Management Plan and Plan Change 9. Of particular relevance:

- The area is within the Heretaunga – Ruataniwha Aquifer System (a Productive Aquifer System) in respect to the Operative Plan,
- The area of works is within an area of low contaminated vulnerability,
- Part of the area of works is within an area excluded from consideration under condition (c) of Rule 7 pertaining to vegetation clearance and soil disturbance,
- The area is within the Ngaruroro Surface Water Quality Area and the Ahuriri and Waitangi estuary Ngaruroro Area of Plan Change 9, and within:
 - a High and Long Term priority area for managing sediment,
 - a low priority area for managing Phosphorus,
 - a Medium / High priority area for managing Nitrogen,
 - a priority area for managing Dissolved Oxygen,
- The area is within the Heretaunga Plains Groundwater Quantity Area and Ngaruroro Water Quantity Area and the Tūtaekurī-Waimate Sub area,
- The Tūtaekurī River is subject to a minimum flow of 2,500l/s at Puketapu the Ngaruroro River 2,400l/s at Fernhill in both the operative Regional Plan and PC9,
- The Heretaunga Plains Aquifer System is identified as an Outstanding Water Body,
- The northern extent of the site and area of works is within a Napier Source Protection Zone as shown in **Figure 7** below.

Land use capability is considered in Section 5.4.7 below.

Figure 7: 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 Resource Management Plan, the area of works is:

1. Within the rohe of Ngāti Kahungunu,
2. Within the Areas of Interest of Ahuriri Hapū and Tamatea Pōkai whenua,
3. Within/adjacent to Ahuriri Hapū's 'Ngaruroro River and Tributaries (OTS-206-14)' and Tamatea Pōkai Whenua's 'Ngaruroro River and Tributaries (OTS110-19)' Statutory Acknowledgement Areas,
4. Within the Heretaunga Taiwhenua,
5. Within the vicinity of Kohupātiki and Waipatu Marae.



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 holders of, or any applicants for, customary marine title.

Relevant Māori Entities

Section 12(2)(i) requires an applicant to identify 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,
- Tamatea Pōkai Whenua,
- Mana Ahuriri Trust,
- Kohupātiki Marae,
- Waipatu 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 known 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 located within both Tamatea Pōkai Whenua and Ahuriri Hapū's Areas of Interest, and the Ngaruroro River and tributaries Statutory Acknowledgement Area for both entities (identified as OTS-110-19 for Tamatea Pōkai Whenua, and OTS-206-14 for Mana Ahuriri Trust).

Subclause (c) is not applicable.

Cultural Impact Assessment

A Cultural Impact Assessment (**CIA**) has been prepared on behalf of Operation Pātiki Charitable Trust to support the application – understood to represent the mana whenua of the area, particularly Ngāti Hori and Ngāti Hinemoa. 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 proposed works are located on land that was previously in Māori Freehold Title. The Te Punga Māori Land Block was initially 622 acres but has been reduced to 81 acres over time. The land was originally raupō wetlands, but has been modified and drained overtime, now used predominantly for horticultural purposes.
- The name Te Punga means "to block up" and also refers to a campsite, reflecting its traditional use as an important seasonal food-gathering and harvesting area.
- The Ngaruroro Awa is central to the cultural identity of mana whenua. Traditionally it provided:
 - Food resources (mahinga kai),
 - Travel and communication routes,
 - Spiritual connection to ancestors,
 - Sites for settlement and occupation,
- The Pākōwhai area was traversed by a network of rivers, streams, wetlands and waterways that linked important settlements and major pā sites along the old Ngaruroro River with Te Whanganui-a-Orotū (Ahuriri Estuary) and the Tūtaekurī River.

The CIA notes that the mauri of the Pākōwhai drainage network and the receiving Ngaruroro Awa are considered to be depressed due to habitat loss, sediment discharge, and barriers to fish passage. The CIA emphasizes the need for restorative action that enhances mauri. Specifically riparian planting is sought, as is improved fish passage to facilitate the passage



of fish returning upstream. Concerns are also raised about the discharge potentially introducing sediment and associated contaminants into the Ngaruroro Awa. The CIA also concludes that an accidental discovery protocol approach is appropriate to manage potential effects on cultural values.

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 proposed pump station upgrade work. The assessment 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 Hastings District Plan.

The assessment determined there are currently no recorded archaeological sites within 1 km of the Pākōwhai Pump Station. The nearest recorded sites are located >1.5km southeast.

The report noted that prior to the mid-20th Century, the Pākōwhai Pump Station sat near a small stream, and potentially within an environment of high archaeological resources. However, the realignment of the Tutaekuri and Ngaruroro Rivers through this area would have likely destroyed any archaeology (including at depth).

The report concluded that while the wider landscape carries an unquantified risk of flood buried archaeological horizons being encountered, the 20th Century modifications in the area reduce the archaeological risk to low or very low; and consequently, the Project can be undertaken under an Accidental Discovery Protocol.

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. A copy of the report is provided in **Appendix C**.

Key points include:

- The project footprint is located within a highly modified floodplain environment,
- Broadscale habitat mapping confirms that most terrestrial habitats within the proposed works footprint are of negligible to low ecological value, reflecting extensive modification, dominance of exotic vegetation, ongoing maintenance, and limited habitat complexity,



- Habitat suitable for protected terrestrial fauna is scarce and highly fragmented with terrestrial ecological values at the site being limited,
- No bat roosting habitat is present – as no mature trees will be removed as part of the proposal there is no need for any specific responses in regard to bats,
- Lizard surveys and habitat assessments indicate a low likelihood of resident lizard populations occurring within the area of works - as a precautionary measure, any low risk to lizards be further reduced through the implementation of 'soft clearing' techniques, whereby rank grass is progressively mown or trimmed and debris piles are carefully moved out of the way in advance of any more impactful construction works,
- While native bird species are known to utilise the wider Ngaruroro River corridor, opportunities for regular nesting or roosting within the immediate project footprint are limited – if the September to January period cannot be avoided, standard site establishment works can be undertaken to help avoid occupation of the work site and ensure suitable buffer zones,
- The receiving environment is connected to the lower Ngaruroro River, which supports a diverse indigenous fish community including taonga species and nationally threatened or at-risk species such as īnanga, longfin eel and lamprey. Existing information indicates that at least 16 native fish species utilise the lower Ngaruroro River system and that the drainage network upstream of the pump station provides a substantial extent of potentially accessible habitat,
- No inland wetland features were observed.

Maintaining and improving fish passage was identified as the primary ecological consideration associated with the project.

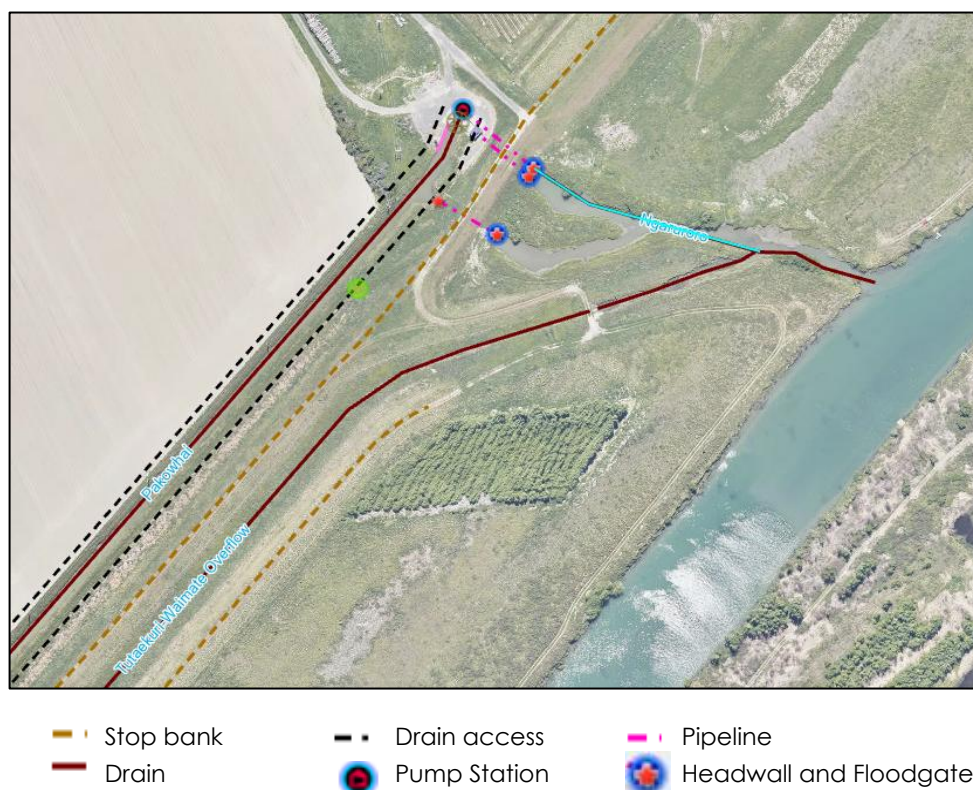
3.4.4 Flood Hazard Management

The Pākōwhai Pump Station that is the subject of this application is part of the Heretaunga Plains Flood Control Scheme, managed by the Hawke's Bay Regional Council. It serves the Pākōwhai Drainage Catchment, draining (via the Pākōwhai Drain) the surrounding production land, by pumping water through the Pākōwhai Stopbank and into the lower Ngaruroro River via the Ngaruroro Drain. The Tutaekuri-Waimate Overflow also flows into the Ngaruroro Drain, around two thirds of the way along its length. Its location is shown in **Figure 8**.

The existing pump station has an existing low-flow gravity bypass (a DN1500 pipe), which will be retained. It is this pipe that provides the upstream fish passage, and as part of the upgrade the existing non-return flap gate on the downstream end of the pipe will be replaced with a fish-friendly flap gate.

The presence of this low-flow pipe means that there is an almost continuous flow from the Pakowhai Drain into the Ngaruroro River. Flood pump operation is triggered by rising water levels upstream of the pump station. One pump commences operation during wet periods to handle normal catchment drainage, with the second pump engaging when water levels upstream of the pump station increase during more significant events.

Figure 8: 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 proposed works, including effects on any adjoining residential properties. A copy of the assessment is provided in **Appendix D**.

Key points in terms of the existing landscape character include:

- The surrounding environment is characterised by stopbanks associated with both river systems (which define the edges of the landform and provide strong physical containment) and productive rural land uses,
- The site itself is located within an established infrastructure setting, with an existing pump station already present,
- It is a modified and functional landscape, with very limited amenity or experiential values. The combination of physical separation, restricted access, and enclosing stopbanks results in a low sensitivity receiving environment with a high capacity to absorb change,
- The site is isolated, with no meaningful viewing audience - there are no nearby residential properties with views toward the site, no public roads providing passing views, or sensitive recreational use or visual audience,
- While the site is located between two river systems and within the broader coastal catchment, the immediate environment is highly modified and managed for flood control purposes.



The assessment concludes that potential adverse visual effects, and effects on the coastal environment, are very low. No landscaping plan or the alike was deemed to be necessary.

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 soil contamination would be investigated and assessed under the NESCS, a Preliminary Site Investigation (**PSI**) has been undertaken by PDP, a copy of which is provided in **Appendix E**. This involved:

- Review of historical aerial photographs and imagery,
- Review of information provided by HBRC including bore logs, the online Selected Land Use Register (**SLUR**), resource consents and the Archaeological Screening Report,
- A review of information provided by Hastings District Council (**HDC**) including, information on contamination/hazardous activities and pollution responses, landfill records and the property file,
- Site walkover.

Through the process of the review, the following potential HAIL activities were identified:

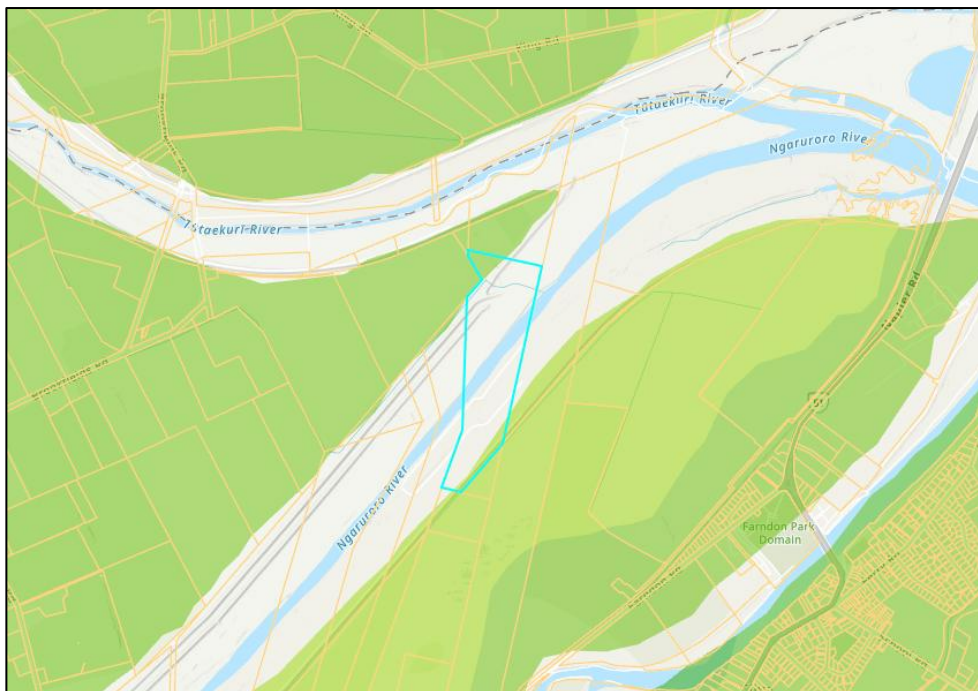
- HAIL reference G3 – for the presence of either imported fill or deposition as a result of Cyclone Gabrielle,
- HAIL reference H – associated with the movement of materials from adjacent agricultural/horticultural/viticultural sites by flood waters and/or wind (spray drift).

Due to this, it was identified that a potential risk to human health exists and that a soil sampling investigation may be required to characterise the soils to be excavated to inform offsite disposal requirements and health and safety management measures for site contractors and future site occupiers.

3.4.7 Productive Capacity of Land

As shown in **Figure 9** below, the northern extent of the site, where some of the works will occur has been mapped as Land Use Classification (**LUC**) 2. With the exception of the southernmost area, the remaining area of the site, being land within an HBRC flood scheme (between stopbanks), has not been assigned a LUC class.

Figure 9: Land Use Classification Maps



3.4.7 Network Utility Operators and Other Infrastructure and Services

The Construction Methodology (**Appendix H**) identifies the presence of an overhead electrical line utility that supplies the pump station transformer. This will be decommissioned and relocated underground to avoid any interference with construction activities.

4. DESCRIPTION OF PROPOSAL

The Pākōwhai 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,
- Replacement of the non-return flap gate on the existing gravity discharge pipe with a fish-friendly flap gate,
- 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 Ngaruroro), and removal of outlet.

Project details are contained in the Preliminary Design Report, Preliminary Design Plans and Construction Methodology provided in **Appendices F, G, H** respectively. 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 Team³, is included at **Appendix I**.

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 and the Construction Methodology, 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

³ 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.



constructed behind/downstream of the existing pump station to maintain flood pumping capacity during construction.

4.1.2 Pump Station Upgrade

To facilitate construction, a temporary hardstand area will be established in a greenfield area adjacent to the site, with bunting flagged post erected under powerlines for safety. The hardstand area will be used solely for construction related purposes including site amenities, operational activities, vehicle car parking, and storage of materials and equipment. Given the long, unsealed track between the site and Sissons Road, dust suppression measures will be implemented. This may include limiting traffic volumes and speed, and water application from a water cart to keep dust levels under control. Details will be provided in the Construction Environmental Management Plan (**CEMP**).

The new pump station will be constructed in front of the existing pump station. To enable the ongoing operation of the existing pump station during construction, a stream diversion will be constructed. This stream diversion will ensure that flow can continue to reach the existing pump station for the duration of construction⁴. To minimise work within the active waterbody, as much sheet piling as possible will be installed outside of the drain. A 'livening day' will be scheduled to transition the stream diversion into operation, either by constructing a bund across the live waterway to isolate the construction footprint or by installing sheet piles inside the canal in stages, creating a controlled barrier between the active water flow and the construction zone. As far as practicable, this process will be timed for dry conditions, to facilitate a smooth transition with minimal environmental impact.

Once the stream diversion is 'live' (or alongside those works), sheet piles will be installed to form a cofferdam around the pump station footprint 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 (approximately 6.5 m below existing ground level).

Following the findings of the PSI, site soil sampling is proposed to be undertaken to inform a Contaminated Site Management Plan, which will set out procedures for disturbance, site stockpiling, re-use, and if necessary, off-site disposal.

Dewatering is expected to be required to remove inflows to the cofferdam. This is 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).

⁴ This was not needed at the Awatoto site because the new pump station is to be constructed behind the old pump station here.



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.

At the founding level within the cofferdam, aggregate raft and timber piles will be installed (8 m long, at approximately 900 mm centres) to provide ground improvement. Following that a hardfill layer will be prepared before construction of the new pump station foundation slab commences. 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 pump station inlet channel will be realigned and regraded as part of the works.

Once backfilling is complete the wider civil works will be undertaken. These will include activities such as construction of the control room. This is a small building – separate from the pump station, which has a floor area of around 23m² and a maximum height of approximately 3.6 m.

Once the new pumpstation is commissioned, the stream diversion around the construction area that had enabled ongoing operation of the existing pump station will be disestablished. This will facilitate the dry and safe demolition of the existing pumpstation. This will 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 CEMP and Erosion and Sediment Control Plan (ESCP).

4.1.3 Fish Passage

The proposal introduces fish-friendly pump technology that is expected to reduce downstream mortality risk. A new fish friendly flap gate is to be installed on the existing DN1500 pipe that provides upstream fish passage. This will replace the existing flap gate to improve upstream fish passage.

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.

Two new outfall pipes will connect to the new Bosman pumps and extend through the existing stopbank to a new wingwall with riprap scour protection. Excavation will proceed progressively along the pipeline alignment. Stopbank material will be stockpiled within a designated area adjacent to the works to enable efficient and rapid backfilling during construction or in the event of an emergency. Stockpiled material will be sealed and/or covered to maintain material integrity prior to reinstatement and compaction. During

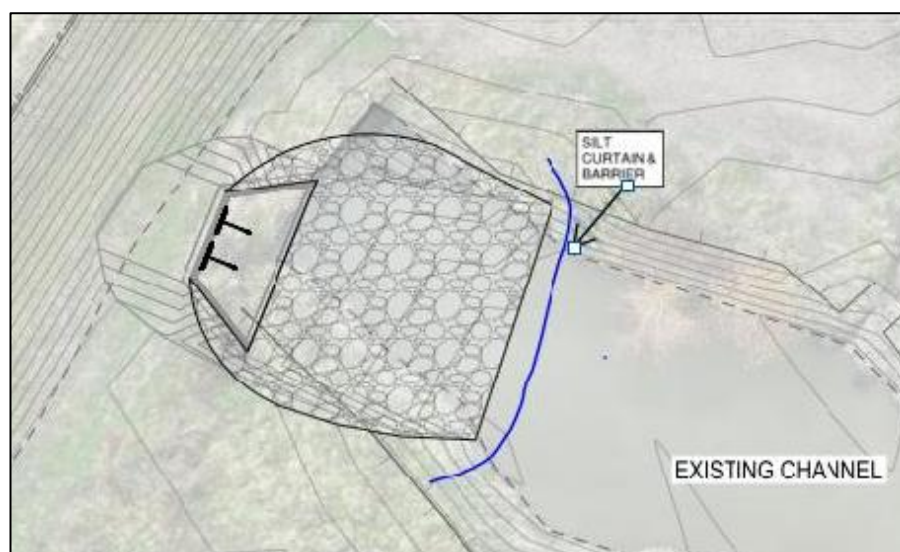
construction through the stopbank, pipeline ends will be temporarily sealed to prevent ingress of water and sediment. Full reinstatement of the stopbank will be completed to its original design profile immediately following pipe installation. Groundwater ingress into the pipeline excavation is anticipated during sections of the pipeline installation at low flows of around 1200 m³/day.

A temporary construction access route over the stopbank will be established prior to, or following pipeline installation, to facilitate headwall construction and ground improvement works.

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. The temporary bunding will not be opened until the wingwall construction is complete and riprap placement is ready to commence.

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 10**. 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.

Figure 10: Rip rap erosion work with silt curtain



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.



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 CEMP.

Provision is also sought for any culverts or drain realignments, bank disturbances or bank protection works that may be required within the inlet or outlet channels in association with the works that are not already expressly described in the preliminary design report and plans. Such works are to be managed in accordance with the conditions 18 and 19 of the OiC.

4.1.5 Earthworks and Vegetation Clearance

The total cut volume is expected to be in the order of 290m³, with the anticipated fill requirement being 1,163m³. Assuming the cut material can be used as fill, cut to waste will be minimal. Where reuse of on-site material is not suitable, it will be disposed of at suitability authorised facility. Where there is a deficit of fill material, this is proposed to be met by either:

- Importing cleanfill from an off-site location, and/or,
- Importing a minimum estimated 400m³ (solid) of material from the Awatoto pumpstation construction site, including the contaminated fill that will be excavated there.

Authorisation to discharge contaminated fill at the Pākōwhai site is therefore sought as part of this application. This is expanded upon in Section 4.5 under contaminated soil.

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 responses that will form the part of the ESCP and CEMP as outlined below.

The contractor will be required to prepare an ESCP 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 and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall 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 alignment, 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 shall be provided to the Managers Compliance (HBRC & HDC) at least 5 working days prior to construction commencing.

4.2 Ecological Management

As noted, an Ecological Scoping Assessment has been undertaken. While the assessment 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, a number of responses are nevertheless proposed. In particular:

- While lizard surveys and habitat assessments indicate a low likelihood of resident lizard populations occurring within the area of works, 'soft clearing' techniques, whereby rank grass is progressively mown or trimmed and debris piles are carefully moved in advance of any more impactful construction works will be undertaken, and an accidental discovery protocol developed to provide guidance if unexpected lizard species are discovered,
- If works are to be undertaken during September-January, procedures for managing native bird species prior to vegetation removal to facilitate natural abandonment and reduced occupation during the period of works will be prepared.

These matters, together with the management of any surface water take including intakes and fish screens are proposed to be included in the Ecology Management Plan required under Condition 28.

The Ecological Assessment also recommended:

1. Riparian planting along 50-100m lengths of the inlet and outlet channels – with the location and design of planting being subject to operational requirements of the Flood Protection Scheme,
2. Monitoring to help verify pump performance in respect to fish passage objectives and enable appropriate responses as part of ongoing management of the asset.

In terms of the riparian planting, this was recommended as part of addressing broader construction and bank disturbance effects and to achieve net positive outcomes. The exact extent of planting will depend on the extent of disturbance and is best determined and developed towards the end of the construction exercise. It is therefore proposed that a planting plan for this be prepared separate to the EMP. This will need to consider the



operational requirements of the flood protection scheme, thus an alternative approach to an equivalent degree of planning being undertaken elsewhere in the catchment is also proposed.

Likewise, and as monitoring of the pumps to verify fish passage objectives can only commence following commissioning, it is proposed that the preparation of this monitoring plan also sits separate to the EMP so as to not pose a barrier to timely commencement of the works. As outlined in the Ecological Assessment, the monitoring programme may include a combination of fish surveys, fish passage assessments, operational inspections, or other appropriate methods. The proposal is that the results will be reviewed by the Project Ecologist and the Māori Entities representatives so that recommendations can be made and considered as part of the long-term management of the site and asset post the term of the initial consent under the OiC.

In this regard, it is proposed to retain Condition 28, with minor amendments to accommodate these responses and initiatives.

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. The proposal in this regard is consistent with his approach.

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 requires 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 while the wider landscape carries an unquantified risk of flood buried archaeological horizons being encountered, the 20th Century modifications in the area reduce the archaeological risk to low or very low, and consequently, the Project can be undertaken under an Accidental Discovery Protocol. As such, the proposal is to adopt the standardised requirements out in condition 29 of the OiC.

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 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 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 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 ESCP which is required to be prepared under Condition 14 of the standardised conditions and included in the CEMP prepared under Condition 10.

Contaminated Soil

As noted above, site soil sampling will be undertaken to inform a Contaminated Site Management Plan (**CSMP**), which will set out procedures for disturbance, site stockpiling, re-use, and if necessary, off-site disposal. Sampling will be undertaken by a Suitably Qualified and Experienced Practitioner (**SQEP**) in accordance with the MfE No. 5 – Site Investigation and Analysis of Soils.

The CSMP is anticipated to cover matters such as:

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

As also noted above, this proposal includes provision for contaminated soil from the Awatoto pumpstation construction site to be used as fill. The feasibility of this has been considered by Strategy as outlined in **Appendix J**, where the levels of contaminants are considered and potential re-use options at the Pākōwhai site outlined.

In short, the soils are considered suitable for use at the Pakowhai site as the land use is considered the same, provided they are placed in areas where they can be sealed (capped) with concrete/asphalt and are not buried at a depth below the water level of nearby drains. To manage this option, it is proposed that the CSMP also includes:

Methods and protocols associated with the use of contaminated soil sourced from the Awatoto pump station construction site. The Statement Regarding Use of Contaminated Soil dated 13 July



2026 prepared by Strategy must be taken into account and such methods must include all practicable measures to:

- *prevent the discharge of soil and stormwater from contaminated land to watercourses; and*
- *place the soil to an erosion-resistant state at the completion of the relevant works*

The CSMP will be prepared by a SQEP.

Dust Management and Proposed Water Take

The need for proactive dust suppression measures has been identified due to the long, unsealed track that provides access to the site from Sissons Road. The application of water will likely be used to suppress dust, and it is proposed to seek approval to take surface water from either the Ngaruroro or Tutaekuri River to facilitate this. Authorisation to abstract from both rivers is sought, to ensure that abstraction can occur in the most practical and efficient location, as the site access track actually runs alongside the Tutaekuri River.

The maximum rate of abstraction would be 25 L/s, and abstraction would be limited to points established between a distance 2km up and downstream of the pump station along each river. The maximum daily abstraction volume would be limited to 1080 m³.

Conditions have been added to the standard OiC conditions (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. These provide for taking to occur below the minimum flows of each river under a Water Demand Reduction Plan to recognise the cruciality of the take. This is consistent with the approach taken to water allocation with other flood protection projects.

Construction Noise and Vibration

In line with standardised 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 Pākōwhai 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 Pākōwhai 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 K**). They concluded that predicted operational noise will comply with the permitted noise limits of the Hastings 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. Standardised 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. These require the consent holder to:

- Invite each relevant Māori entity to appoint a representative to a Stakeholder Advisory Group (**STAG**) – noting the period to give invites before the flood protection works begin is proposed to be reduced from 20 to 10 days. This recognises the minor scale and more confined nature of the activity and enables the timelier delivery of the 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 – noting the period to give invites before the flood protection works begin is proposed to be reduced from 20 to 10 days. This recognises the minor scale and more confined nature of the activity and enables the timelier delivery of the works. It is also proposed that although the subject site extends across the Ngaruroro River, properties adjoining the site on that side of the river (Nos 6, 7 and 9) are not included on the basis they do not necessarily 'adjoin' the area of works i.e. they are some distance away and separated by the Ngaruroro River,
- 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 Communications 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 – noting the period to give comment is proposed to be reduced from 10 days to 5 days. This recognises the



minor scale and more confined nature of the activity and enables the timelier delivery of the works,

- 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.

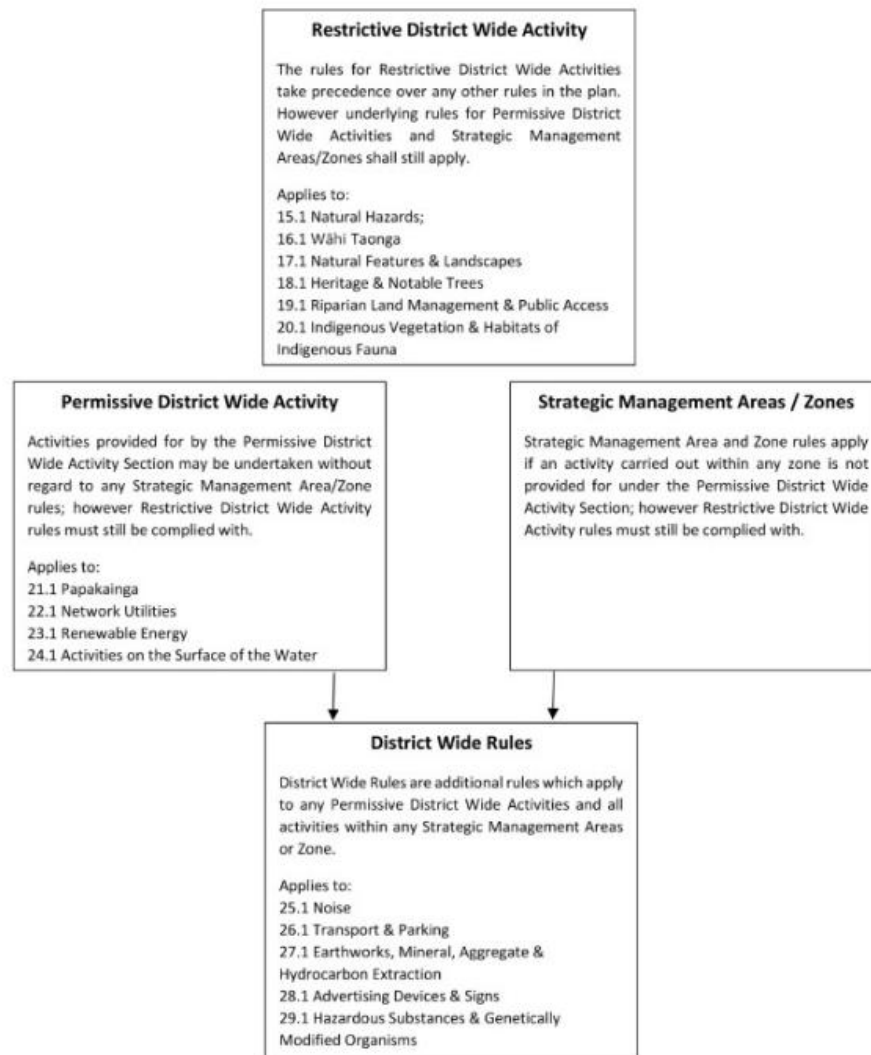
The activities involved in the works that would ordinarily require a resource consent in respect to c(i) have been identified having worked through the analysis below – taking c(ii) into account - and are outlined in **Table 3**. None of the proposed works are classified as a prohibited activity under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

Rule Analysis

In terms of (c)(ii), and the Hastings District Plan in particular, the following hierarchy applies (refer 1.1.5.3 of the Plan).



Figure 11: Hastings District Plan Hierarchy



Key points include:

Restrictive District Wide Activities:

- The works are located within a River Hazard Overlay. As HDC has advised that they do not consider pump stations to be a network utility, nor HBRC to be a network utility operator, the proposed works, which include permanent buildings and structures within the River Hazard Overlay, fall to be considered as a Non-Complying Activity under Rule NH12,
- The proposal does not trigger Rules in Chapters 17.1 or 18.1,
- It is stated in 19.1.6.1 that riparian vegetation modification does not include actions undertaken or authorised by the HBRC for the purpose of flood control activities. Riparian vegetation modification associated with this proposal is therefore Permitted under Rule RM1 / not regulated,
- Similarly, it is stated in 20.1.6B(h) that Indigenous Vegetation Modification in association with actions undertaken for flood control purposes by or on behalf of the



HBRC shall be permitted. Indigenous Vegetation Modification associated with this proposal is therefore Permitted under Rule IN1 / not regulated.

Permissive District Wide Activities:

- The proposal does not trigger Rules in Chapters 21.1, 22.1, 23.1 or 24.1.

Strategic Management Areas / Zones:

- Recognising that underlying rules for Strategic Management Areas / Zones still apply, and that the proposed activity is not provided within the Plains Production Zone as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity, the proposal falls to be assessed as a Non-complying Activity under Rule PP39.

District Wide Rules:

- The rules in Chapters 25.1 and 27.1 pertaining to noise and earthworks are relevant,
- Regarding noise, the Styles Group assessment provided in **Appendix K** confirms compliance with the construction noise limits in 25.1.6I as well as the noise limits in 25.1.6C and D pertaining to the Clive / Whakatu Zone and rural environments in respect to ongoing operational noise.
- In respect to earthworks, the removal of river berm silt, gravel or other river control or drainage works carried out by a local or regional authority, exercising its powers, functions and duties under The Soil Conservation and Rivers Controls Act 1941, or The Land Drainage Act 1908 and ancillary activities involved with any relocation of the extracted material is provided for as a Permitted Activity under Rule EM4. In the event that the earthworks associated with the construction of the pumpstation are not confined to fall within this rule, resource consent would be required:
 - To undertake earthworks as a Restricted Discretionary Activity under Rule EM6,
 - To remove more than 25m³ of material from a site within the Plains Production zone as a Discretionary Activity under Rule EM11 (assuming some material is removed and that the volume exceeds the 25m³ limit).

Resource consent would also ordinarily be required under the NES-CS for the disturbance of contaminated land on an identified HALL site.

With regards to the Regional Resource Management Plan, key points to note are:

- A Discretionary resource consent is required under Rule 52 for the following reasons:
 - Contaminated soil will potentially be brought onto the site to be used as fill to achieve the required design levels. The discharge of that contaminated soil to land will not comply with Condition c) of Rule 48. 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 m³/d, which would mean that Rules 47 and 49 may 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 are classified as Controlled Activities under Rule 33.
- We understand that Council has previously considered dewatering to be the 'abstraction' of groundwater. Consequently, resource consent will be required under Rule 55 if this interpretation is taken as dewatering volumes may exceed 1000 m³/d.
- Water may also be required for dust suppression on site, therefore resource consent for a surface water abstraction is sought under Rule 55.
- 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 Pākōwhai Pump Station would be best considered a discharge of drainage water, which is classified as a controlled activity under Rule 33.
 - The diversion needs to be authorised as a Discretionary Activity under Rule 59.

Resource consent may also be required under the NES-F for works associated with the proposed diversion/realignments and installation of the new flap gate.

These consent requirements, together with the relevant consent triggers under the NESs are summarised in respect to each consenting authority in **Table 2** below.

The activities in **Table 2** that are within the OiC Footprint will require resource consent as a controlled activity, with the relevant matters of control being those in Schedule 3 of the OiC.



Table 2: 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	11	Disturbance of soil.	Discretionary	HDC
Hastings District Plan				
Permanent buildings and structures within the River Hazard Overlay	NH12	Permanent buildings, structures and habitable buildings (excluding National Grid lines and associated structure) within the River Hazard Overlay, except sites zoned Coastal Settlement Zone at Tangoio and Waipatiki.	Non-complying	HDC
Construction and operation of a pump station	PP39	Activity not provided for within the Plains Production Zone	Non-complying	HDC
Earthworks	EM6	Permitted Activities not meeting the General Performance Standards and Terms in Section 27.1.6.	Restricted Discretionary	HDC
Removal of material from the Plains Production Zone	EM11	The removal offsite of more than 25m ³ topsoil, sand, gravel, metal or earth from any site in the Plains Production Zone.	Discretionary	HDC
Resource Management (National Environmental Standards for Freshwater) Regulations 2020				
Works associated with diversions/realignments	57	Reclamation of a River.	Discretionary	HBRC
The placement, use, alteration, extension, or reconstruction of a passive flap gate	74	Passive flap gates.	Non-complying	HBRC



Regional Resource Management 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
Discharge of dust	30	The discharge of contaminants into the air that: • is from an industrial and trade premises and is not specifically classified by any other rule in this Plan as a discretionary, noncomplying or prohibited activity, or • does not comply with all relevant conditions on a permitted activity rule, or • does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary activity rule.	Restricted Discretionary	HBRC
Discharge of drainage water (during construction, and for subsequent operation of the pump station)	33	The diversion and discharge of drainage water into water or onto or into land, from a pumped system.	Controlled	HBRC
Other takes & uses of surface & ground (relating to the 'take' of groundwater associated with dewatering activities; and the taking and use of surface water from the Tutaekuri and/or Ngaruroro River for construction and dust suppression purposes)	55	The take and use of surface water or groundwater, including takes and uses associated with, or ancillary to Community Irrigation Schemes, except as provided for by Rules 53, 54 TT3, TT3A, TT3B and TT4.	Discretionary	HBRC
The take and use of surface or groundwater (relating to the 'take' of drainage water if required as part of construction and the taking and use of water from the Tutaekuri and/or	TANK 10	Temporary take of water.	Discretionary	HBRC



Ngaruroro River for construction and dust suppression purposes)				
Discharge of solid contaminants within 20 m of a surface water body (not meeting Rule 48); and discharge of sediment laden water to land or water	52	The discharge of: - contaminants onto or into land, or into water, or - water into water which does not comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary, noncomplying or prohibited activity.	Discretionary	HBRC
Diversion not complying with other Rules	59	Any diversion of water which cannot comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary or non-complying activity.	Discretionary	HBRC
Planting and other activities not deemed to comply with Permitted Activity rules in Section 6.8	69	Any activity which cannot comply with any of the rules in section 6.8 of this Plan and which is not expressly regulated by other rules in this Plan.	Discretionary	HBRC
River & lake bed activities not regulated by, or complying with, other rules	69	Any activity which cannot comply with any of the rules in section 6.8 of this Plan and which is not expressly regulated by other rules in this Plan.	Discretionary	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 3** confirms compliance with these requirements. The application can therefore be accepted for processing without the need to invoke Section 13(3).

Table 3: 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 Figure 4 and Appendix G
(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 I – 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 L containing a list of Māori Entities and stakeholder contact details
(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 L



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, mana whenua and other stakeholders as part of a broader project involving the upgrade of the Awatoto pump station as well. 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 the area of works being very confined relative to other flood protection projects, much of the consultation has entered mana whenua and ecological matters as introduced above and discussed further below.

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

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

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 7.12.

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 has been undertaken by T+T and is provided in **Appendix M**. The purpose of this assessment was multifaceted (1), to inform HBRC in setting the height of electrical works, control rooms and standby generators at the pumpstation, (2), to assess if access to the pumpstation is feasible in modelled flood events, and (3), to consider the likelihood of any upstream or downstream flooding.

Key points in respect to likelihood of any upstream or downstream flooding include:

- The hydraulic flood model previously developed by T+T for the Heretaunga Scheme review was used as a basis for this assessment,
- Rainfall depths for the 50-year and 100-year events with climate change (RCP8.5 for the period 2081-2100) were sourced from HIRDSv4 at the rainfall gauge site located near the pumpstation (Tutaekuri at Awatoto, HBRC gauge 965910).



- Longer duration storms (24, 48 and 72 hours) were used as these storms are likely to result in the higher flooding given the characteristics of the catchment, which is effectively a “bathtub”,
- The gravity pipe outlet to the Ngaruroro River was not included in the model.
- The local drainage scheme network within the Pakowhai area was not included in the model as it was assumed that the network provides minimal attenuation on flood levels during significant flood events, i.e. a 50-year and greater,
- In terms of upstream flooding, implementation of a pumpstation with increased capacity as is proposed will provide benefits to the upstream drainage scheme,
- Regarding the potential for downstream flooding, discharge from the pump station discharge represents less than 0.5% of the river flows in the modelled events. Downstream effects are considered negligible and are not expected to result in any adverse downstream impacts.

Based on the T+T assessment, 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. However, the pump station’s proximity in respect to the riparian margin and discharge into the Ngaruroro River raised concern in regard to improving water flow, improving water quality, restoring riparian vegetation, and protecting fish and fish habitat.

The CIA set out 5 recommendations to integrate mana whenua values effectively. Although this resource consent process does not provide scope for all to be realised, HBRC has considered and responded to each recommendation as summarised in **Appendix N** - provided on a confidential basis. Comment is provided in the right-hand column in regard to how the recommendations/responses have been considered in the assessment of the proposal and conditions of the OiC.



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

- Maori Entities to be invited to appoint representatives to the STAG, 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.

It is our understanding that the responses and view that the standardised and proposed conditions give effect to the applicable recommendations in the CIA and address the applicable matter of control is accepted by Operation Pātiki Charitable Trust.

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 area of works is not characterised by any natural inland wetlands.

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 of a water body (beyond works associated with construction) is proposed as part of the project. Where temporary diversions are used during construction, these will be temporary with effects and dewatering being managed under the CEMP and erosion and sediment control under the ESCP.

7.3.3 Fish Passage

(b) Provision for the passage of fish.

The proposal introduces fish-friendly pump technology, and a new fish friendly flap gate is to be installed on the existing DN1500 pipe that provides upstream fish passage. This will replace the existing flap gate to improve upstream fish passage. The Ecological assessment concludes that collectively, these measures are expected to improve both upstream and downstream fish passage outcomes relative to the current situation and improve access to upstream aquatic habitat.

With maintaining and improving fish passage being the primary ecological consideration however, a monitoring plan is proposed to be prepared to verify pump performance in respect to fish passage objectives, with a view that this will contribute to performance data in respect to the use of these pumps in the local setting as a whole, as well as the long-term management of the pumpstation asset. This is expanded upon on Section 7.6.3 pertaining to ecology.

In terms of managing fish passage during construction, the existing situation will remain albeit with the temporary diversions discussed above. In the circumstance of this pump station and associated upgrade works, condition 18(c) is not practical and is proposed to be deleted.

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.

Potential adverse effects on water quality (in the receiving environment), resulting from the ongoing operation of the pump station must also 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 pump station from the landward side of the Ngaruroro 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 means 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.

7.4 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.*
- (a) Potential adverse effects of the flood protection works on landscape values of the coastal environment, and measures to avoid, remedy, or mitigate those effects*

Being located some distance inland and outside the coastal margin, the location of the proposed works does not raise any matters in relation to on or of effects on the coastal environment.

Minor amendments have been made to the standardised conditions to remove reference to the coastal environment or CMA.



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.*

The standard condition in the OiC to avoid, remedy or mitigate effects in relation to stormwater is Condition 21, which states:

- (1) *The consent holder must, not later than 3 months after the completion of the construction works,*
 - (a) *document the requirements for the effective operation and maintenance of all stormwater treatment devices (including sediment traps, if practicable); and*
 - (b) *submit the documents to the consent authority.*
- (2) *The consent holder must design any new permanent culvert to ensure that any headwater ponding upstream in the relevant design event does not have any significant adverse effect in that area.*
- (3) *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.*
- (4) *The consent holder must ensure that the design of culverts and stormwater detention devices is, so far as practicable, in accordance with the HBRC Stormwater Management Guidelines.*

These conditions are proposed to be retained to suitably manage effects on water quality – with minor amendments to (1) noting that the final design is unlikely to involve permanent 'treatment' devices.

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 7.12 pertaining to construction.

Matter (c) is considered in Section 7.6.2 and matter (d) in Section 7.6.3, 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 O**). 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 P**), 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 27 of Schedule 2 requires preparation of an Ecological Scoping Survey to:

- Identify all ecological values relevant to applying the ecology principles to the places where construction works, and,
- To assess the adverse effects the construction works have had on the ecological values identified by the ecological scoping survey.

Condition 28 relates to 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 standardised OiC conditions anticipate a lesser degree of design and assessment than has been provided in this application. Here, there is already a high degree of clarity over the proposal and mitigation required and proposed. The scoping study that would have been



required by Condition 27 has already been undertaken and has enabled ecological values to be identified and considered as part of developing the design.

Indeed, that assessment confirmed that the works are confined to an existing, highly modified environment do not involve significant effects on terrestrial ecosystems, naturally uncommon ecosystems or significant wetland values. While a number of precautionary responses were recommended in regard to lizards and birds, maintaining and improving fish passage was identified as the primary ecological consideration associated with the project, which has already been discussed.

It is therefore not considered necessary to impose Conditions 27 and 28 in their standardised form. Amendments are proposed to provide for the specific mitigation/management already developed and assessed by the applicant. Key points include:

- The requirements for an ecological scoping survey to be prepared under Condition 27 has been removed on the basis that this work and the outcomes anticipated to inform design, ecological management/mitigation and implementation have already been achieved through the Ecological Assessment.
- Condition 28 has been amended to focus on the preparation and delivery of an Ecology Management Plan that responds to the findings and recommendations of the Ecological Assessment - with the key matters being:
 - 'Soft clearing' procedures to reduce the likelihood of encountering lizards
 - An accidental discovery protocol to provide guidance if unexpected lizard species are discovered,
 - Procedures for managing native bird species to facilitate natural abandonment and reduced occupation,
 - Management of any surface water take including intakes and fish screens,
- A planting plan for riparian planting along 50-100m lengths of the inlet and outlet channels of the pump station (with the location and design of planting taking account of the operational requirements of the Flood Protection Scheme), or to an equivalent degree elsewhere in the catchment, will be prepared to achieve, as far as practicable, a net positive ecological outcome,
- A monitoring plan to verify fish passage objectives will be prepared and commenced following commissioning, with results being reviewed by the Project Ecologist and the Māori Entities representatives so that recommendations can be made and considered as part of the long-term management of the site and asset (post the term of the initial consent under the OiC).

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.



These amendments and initiates are considered to address the relevant matters of control.

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 is likely to be required to manage dust. Abstracting surface water from either the Tūtaekuri or Ngaruroro Rivers 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,
- Taking will be subject to minimum flows and a Water Reduction Management Plan.

The proposed conditions reflecting the location, rate and volume of take, together with the temporary and infrequent nature of the take and approach to managing the take during low flows, while recognising the cruciality of the take, is considered to suitably address the matter of control.

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



In terms of (a), potential adverse visual effects have been considered in the Landscape Scoping Assessment. The area of works is not within an outstanding or significant landscape area, the site is isolated, with no meaningful viewing audience - there are no nearby residential properties with views toward the site, no public roads providing passing views, or sensitive recreational use or visual audience. The assessment concludes that potential adverse visual effects are very 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 already forms part of the existing environment. It is also noted that operation of the pump station will be intermittent, occurring only during/after rainfall events.

In this regard, the rural nature of immediately adjoining land is noted. In addition, the noise and vibration assessment undertaken by Styles Group (**Appendix K**) concluded that predicted operational noise will comply with the permitted noise limits in the Hastings District Plan. Key points include:

- The predicted operational noise levels will comply with the permitted noise limits under Hastings District Plan at all assessed receivers. Operational noise is unlikely to be audible at the closest existing noise-sensitive receivers,
- The assessment used sheet piling as the highest-noise construction activity. 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.

Noting the existing requirement of the CEMP and conditions pertaining to noise, vibration and dust, which the applicant has adopted, there is no need in respect to (g) 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 7.8.1 with effects on infrastructure assets and facilities in Section 7.8.2.



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 will be located within a single land parcel – the owners of which have been involved in the developing the solution. Nevertheless, the proposed works will essentially occupy the same area of the site as the existing pump station infrastructure. In this regard to there will be no change in effect.

In terms of the adjoining land, noting effects in relation to flooding and visual outlook/amenity have been considered in Sections 7.1.1 and 7.7 above respectively:

- The works will accommodate the existing drainage pattern,
- Noise associated with both construction and the operation of the pump station will comply with District Plan standards,
- The pump station itself is not anticipated to compromise existing or potential landuse activities.

No additional conditions are considered necessary.

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.

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.*

Archaeology Hawke's Bay concluded that while the wider landscape carries an unquantified risk of flood buried archaeological horizons being encountered, the 20th Century modifications in the area reduce the archaeological risk to low or very low, and consequently, the Project can be undertaken under an Accidental Discovery Protocol.

As such, the proposal is to adopt the standardised requirements out in condition 29 of the OiC. This is considered suitable to address the matters of control.



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.

Although use of the area of work by the public is limited owing to the site being privately owned, once completed, the pump station and the associated works are not expected to impact access to and along or around watercourses and water bodies.

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.*

The standardised condition in the OiC in regard to these matters of control is condition 17, which states:

17 Works on contaminated land

- (1) *This clause applies if the consent holder undertakes earthworks or any other soil disturbance on contaminated land.*
- (2) *The consent holder must ensure that any soil and other materials that are removed from the site and identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind.*
- (3) *The consent holder must take all practicable measures to—*
 - (a) *prevent the discharge of soil and stormwater from contaminated land to watercourses; and*



- (b) *maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials; and*
- (c) *replace the soil to an erosion-resistant state at the completion of the relevant works.*

As outlined above, further site sampling will be undertaken to inform a CSMP. This will:

- Determine if (in fact) earthworks or any other soil disturbance will occur on contaminated land and whether subclauses (2) and (3) of condition 17 will be triggered,
- Address matters (a) and (b) in respect to site soils.

Regardless of the CSMP, it is proposed to retain condition 17, with minor amendments to tailor it to the Pākōwhai project, to set out how any site contamination is to be managed.

Turning to the opportunity to import contaminated soil from the Awatoto pump station construction site, subclauses 3(a) and (c) of condition 17 provide guidance as to how this aspect of the proposal could be managed in the context of the OIC. As noted above, the CSMP is proposed to include:

Methods and protocols associated with the use of contaminated soil sourced from the Awatoto pump station construction site. The Statement Regarding Use of Contaminated Soil dated 13 July 2026 prepared by Strategy must be taken into account and such methods must include all practicable measures to:

- *prevent the discharge of soil and stormwater from contaminated land to watercourses; and*
- *replace the soil to an erosion-resistant state at the completion of the relevant works*

Including these requirements in the CSMP will address the matters of control in regard to the potential use of contaminated soil from the Awatoto pump station construction site.

Amendments to condition 17 are proposed to facilitate the site soil sampling followed by preparation of the CSMP, and to condition 10 pertaining to the CEMP.

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.*

Visual 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 ESCP 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:

- Effects on local roading infrastructure have been considered in the Traffic Impact Assessment (**Appendix Q**). 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 HDC, 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:
 - Management of construction traffic along the narrower sections of Sissons Road and the private access road, including provision of temporary passing opportunities or pull-over areas where required,
 - Clear communication of approved haul routes, site access procedures, and driver expectations through site inductions, delivery instructions and on-site signage,
 - Provision of adequate on-site parking for the construction workforce,
- Amendments are proposed to subclause c)vi) of Standardised OiC Condition 10 which sets out the traffic matters to be addressed in the CEMP to ensure that the matters identified by East Cape Consulting are all addressed. The CEMP is to be prepared by the contractor and circulated to key stakeholders for feedback prior to works commencing. No further conditions/amendments are considered necessary to address effects on infrastructure assets.

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 ESCP 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 Pākōwhai 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 Pākōwhai 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

Ecological Scoping Assessment



Appendix D

Landscape Scoping Study



Appendix E

Preliminary Site Investigation



Appendix F

Preliminary Design Report



Appendix G

Preliminary Design Plans



Appendix H

Construction Methodology



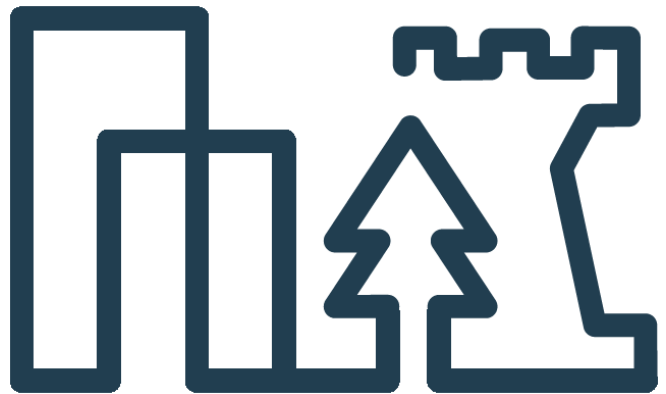
Appendix I

Proposed Consent Conditions



Appendix J

Statement Regarding Use of Contaminated Soil



Appendix K

Noise and Vibration Assessment



Appendix L

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

(To be provided confidentially)



Appendix M

Consequential Flooding Assessment



Appendix N

Responses to CIA Recommendations

(To be provided confidentially)



Appendix O

Stopbank Stability Assessment



Appendix P

Geotechnical Design Philosophy Statement



Appendix Q

Traffic Impact Assessment

