ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Order in Council Resource Consent Application – Palmerston North Gisborne Line Bridge 217 Bed Disturbance

Prepared for KiwiRail Holdings Limited

Prepared by TREC

31 OCTOBER 2025

REVISION 1

Transport Rebuild East Coast

WAKA KOTAHI NZ TRANSPORT AGENCY | KiwiRail

Te Kāwanatanga o Aotearoa
New Zealand Government

Contents

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QUALITY REVIEW AND APPROVAL RECORD

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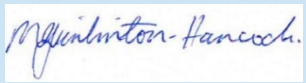
Approved for issue by:	Michelle Grinlinton-Hancock, Manager RMA Team, KiwiRail Holdings Limited		31/10/2025

1 INTRODUCTION

1.1 Report Purpose

This report forms a resource consent application lodged on behalf of KiwiRail Holdings Limited (KiwiRail) to undertake earthworks/disturbance and vegetation clearance works within the dry bed of the Tūtaekurī River below Bridge 217 on the Palmerston North to Gisborne Line (Bridge 217 PNGL) and State Highway 51 Tūtaekurī (Waitangi) Bridge (SH51 Bridge) to improve flood carrying capacity under the Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023 (OIC-KR) and Resource Management Act 1991 (RMA).

This Assessment of Effects on the Environment (AEE) report includes retrospective consent for the temporary laydown areas (crane pads) constructed immediately after the severe weather event, in accordance with Section 88 of the RMA, as amended by the OIC-KR.

1.2 KiwiRail Holdings Limited

KiwiRail is a state-owned enterprise which owns and operates New Zealand's rail transportation network and the between-island ferry service. KiwiRail's vision is "Stronger Connections Better New Zealand". KiwiRail's aim is to be the natural choice for our customers in the markets we operate in. KiwiRail moves freight and people throughout New Zealand.

KiwiRail is required under the New Zealand Railways Corporation Act 1981 and Land Transport Management Act 2003 to contribute to an effective, efficient and safe railway system in the public interest. This has previously been mandated through other legislation (i.e. the Land Transport Act 1998, Land Transport Act 1993 and Government Railways Act 1949, Railways Act 1873). KiwiRail must maintain their rail infrastructure. Railways form an essential transport network, providing freight and passenger transport to multiple locations throughout New Zealand. This means that the rail network has necessitated being constructed through varied environments where they are subject to the extremities of that environment.

KiwiRail is also a Network Utility Operator approved as a Requiring Authority under Section 167 of the RMA.

1.2.1 Transport Rebuild East Coast (TREC) Alliance

The Transport Rebuild East Coast (TREC) Alliance was formed in July 2023 with Waka Kotahi, KiwiRail, Downer, Fulton Hogan and Higgins forming the main alliance to recover and restore key transport networks. A professional services sub-alliance was also established made up of Aurecon, Tonkin & Taylor, and WSP to deliver the design components to support the recovery efforts.

TREC is responsible for:

- Short term recovery to keep state highways and rail open and running.
- Longer-term investigation, design and rebuild of affected parts of the state highway and rail network to build back infrastructure to restore connections to the community.
- Maintenance and operations of the state highway and rail network day to day.

This report has been prepared by TREC.

1.3 Ex Tropical Cyclone Gabrielle response and recovery

Between the 12th and 16th of February 2023, ex Tropical Cyclone Gabrielle devastated parts of the Hawke's Bay and Gisborne regions. Much of the damage resulted from severe flooding, which caused extensive damage to property, bridges, roads and railway lines.

With specific regard to rail infrastructure, the damage inflicted was most apparent in the Manawatu-Whanganui, Hawke's Bay and Gisborne regions in on and around the PNGL. This covers a span of almost 300km of railway line. Critical damage to bridges, washouts, failure of embankments and drainage infrastructure, landslips and several other faults resulted in the closure or significant disruption / constraint to sections of the rail corridor.

Since this time, works have been underway to repair and reinstate the damaged sections of railway line, and this recovery work is ongoing. In response the Government passed specific legislation to support recovery and rebuild work.

1.4 Scope of this application

This application covers Bridge 217 PNGL river berm and rock rip-rap armouring works within the Napier City Council, Hastings District Council, and Hawke's Bay Region. The repair works to Bridge 217 PNGL is to reinstate the resilience of the temporary infill bridge to a pre-cyclone level for the next 25 years until funding can be secured for a permanent bridge. The scope of the river berm works and rock armouring also includes the removal of the temporary laydown areas within the bed of the river that was established as part of the emergency works to construct the temporary infill bridge.

The site is referred to by its ancestral waterbody name:

- Tūtaekurī River - Bridge 217 PNGL – Runs through the Tūtaekurī River herein referred to as 'Tūtaekurī'

The works undertaken meet the definition of 'recovery work' and are therefore subject to the amended process set out in OIC-KR.

As required by Section 330A(2), a resource consent is required where the adverse effects of such an activity are ongoing. The temporary laydown areas installed in the bed of the river to support the construction of the temporary infill bridge are considered to have an ongoing adverse effect associated with the continued occupation of the bed of the river and alteration to river hydraulics. To mitigate these effects, the laydown areas will be removed and the extent of the riverbed restored.

For further details on the recovery and emergency works legislation please refer to **Appendix A**.

The works require a resource consent from Hawke's Bay Regional Council (HBRC) under the Hawke's Bay Regional Coastal Environment Plan (HBRCEP) and National Environment Standard for Freshwater 2020 (NES-F 2020) through the amended OIC-KR process. Table 1 below summarises the resource consents required. This is described and analysed further in Section 4 of this application.

Table 1: Resource consents sought for bridge remediation works and resource consents sought retrospectively

Activities	Activity status	Consent authority	Duration sought
Bridge Repair Works			
Section 9 – Recovery works involving land disturbance and vegetation clearance that contravenes a regional rule	Controlled	HBRC	5 years
Section 12 – Recovery works in, on or under the bed of a river within the coastal margins that contravenes a regional coastal plan rule	Controlled	HBRC	5 years
Section 12 – Recovery works to undertake large scale gravel bed extraction	Controlled	HBRC	5 years
Emergency works – Temporary Crane Pads			
Section 9 – Recovery works involving land disturbance and vegetation clearance that contravenes a regional rule	Controlled	HBRC	5 years

Section 12 – Recovery works in, on or under the bed of a river within the coastal margins that contravenes a regional coastal plan rule	Controlled	HBRC	5 years

1.4.1 Other approvals required

Concessions will be required from HBRC and the Department of Conservation (DoC) under Clause 34(1) and Clause 30(1)(a) of the OIC-KR to temporarily occupy and use the following pieces of land:

- DoC
  - Conservation land being 450 State Highway 51, Awatoto and CL Block I Clive SD under the modified version of the Conservation Act 1947.
- HBRC
  - Local purpose reserve (Soil Conservation and River Control) being Section 53 Block I Clive SD, Section 57 Block I Clive SD and Part Section 52 Block I Clive SD under the modified version of the Reserves Act 1977. Parts of the Tūtaekurī River, Waitangi Regional Park and Hawke Bay coastline being Lot 1 and Part Lot 2 DP 6287, Part Suburban Section 2 Waitangi and Parcel ID: 4254226.

The authorisation to undertake these activities is subject to compliance with Clauses 30(4), 30(5) and 34(4) of the OIC-KR. TREC is in the process of acquiring the concessions from HBRC and DoC and this can be provided to the reporting officer once received if required.

A Wildlife Permit has been secured from DoC to incidentally kill, capture, and translocate native lizards. The permit was issued on the 29th of September 2025 – 122522-FAU, and a copy can be found in **Appendix B**.

A portion of the river berm works as detailed in **Section 2** and in **Appendix C** will be undertaken within NZ Transport Agency Waka Kotahi (NZTA) legal road reserve and designation, specifically Designation NZTA-7 (Hastings District Plan (HDP)), D76 (Napier City Plan (NCP)) and NZTA-4 (proposed Napier City Plan) which applies to SH51. In accordance with s95E and s176(1)(b) of the RMA, written consent to authorise these works has been sought and obtained from NZTA (**Appendix L**).

In providing the written consent from NZTA, Council could consider the obligations under Clause 9(1)(a)(vii), (viii), and (ix), to notify the Network Utility Operator of works proposed in, under and around their designation and land in their ownership as having been met. If, Council determines, otherwise, we ask if the application could be sent to the NZTA Senior Network Manager, Hawke's Bay - Stephen Martin at Stephen.martin@nzta.govt.nz, so as to avoid delays and allow NZTA time to respond to the proposal.

2 GENERAL DESCRIPTION OF THE RECOVERY WORK PROPOSED

2.1 Flood Restoration Works

Whilst a temporary bridge has enabled the reinstatement of this section of the PNGL, the bridge remains vulnerable to scour, debris buildup during future flood events and, structural deterioration and consequential capacity restrictions. The repairs undertaken by KiwiRail to reduce residual risk until a replacement bridge can be constructed has meant the existing laydown areas have been retained to enable works, such as the bridge span replacement to be completed in an efficient, timely and safe manner.

The build-up of sediment within the Tūtaekurī Riverbed since the construction of Bridge 217 PNGL, a significant portion of which occurred following Cyclone Gabrielle, has reduced the flood carrying capacity, increased raised flood level and flow velocities and vulnerability to debris build-ups, which collectively increases the risk of bridge failure during flooding events. KiwiRail have chosen to undertake bed disturbance activities, lowering the riverbed in and around the Bridge 217 PNGL and SH51 Bridge to prolong the design life of the temporary infill bridge. This will include the removal of the temporary laydown areas to return the bed to its original pre-cyclone form. Rock rip-rap will be installed around the at risk piers on Bridge 217 PNGL and the northern abutment.

It is noted that existing wooden piles have been driven into the bed of the river in order to stabilise the temporary laydown pads as part of emergency works. These timber piles will remain in-situ and where necessary cut down to enable the installation of the rock rip-rap armouring.

This construction methodology will generally involve the following:

- Site establishment works
    - Formation of access haul routes on the northern and southern sides of the Tūtaekurī River,
    - Formation of a temporary laydown area for site offices, plant equipment and staff parking,
    - Formation of temporary stockpile, load-out areas, and accessways onto and off SH51,
    - Establishment of erosion and sediment control measures,
    - Implementation of traffic management measures on SH51, the PNGL and public cycleways and walkways within the Waitangi Regional Park, and
    - Confirmation of disposal location for excavated material.
- Earthworks
    - Removal of material from the riverbed in the areas outlined in the design drawings,
    - Removal of temporary laydown area,
    - Landscaping, and
    - Stockpiling.
- Disposal of riverbed sediment offsite.
- Installation of rock rip-rap armouring adjacent to the northern bridge abutment and on the pier embankments, to mitigate scour from increase flow velocity around the abutment during flood events.
- Landscaping – Mainly hydroseeding either across the entire site, or by completed section, and only where it is practicable to do so.
- Site de-mobilisation
    - Removal of site laydown area,
    - Removal of haul access routes,
    - Stabilisation of disturbed land, and
    - Removal of traffic management measures.

Further description of the works is described in the following sections and in the attached design drawings (**Appendix C**).

2.1.1 Earthworks

The works will disturb a ~17,000m^2 area of the Tūtaekurī Riverbed and extents, with a total volume of earthworks in the order of 24,000m^3 which is broken down by activity in Table 2. Additional earthworks may be required for cultural wetland offsetting measures. The extent of earthworks required will be confirmed once KiwiRail and/or iwi agree to an offsetting approach. The depth of excavation undertaken will be down to ~RL 1.2m or 0.5m above the mean high-water springs point. This will be undertaken in dry bed and outside of the permanently flowing parts of the river. Figure 1 shows the extent and depths of earthworks proposed. The sequencing of earthworks will be confirmed by the contractor once appointed, however it is anticipated earthworks will be done progressively on one side and one direction and then moving to the other side of the river applying the same methodology.

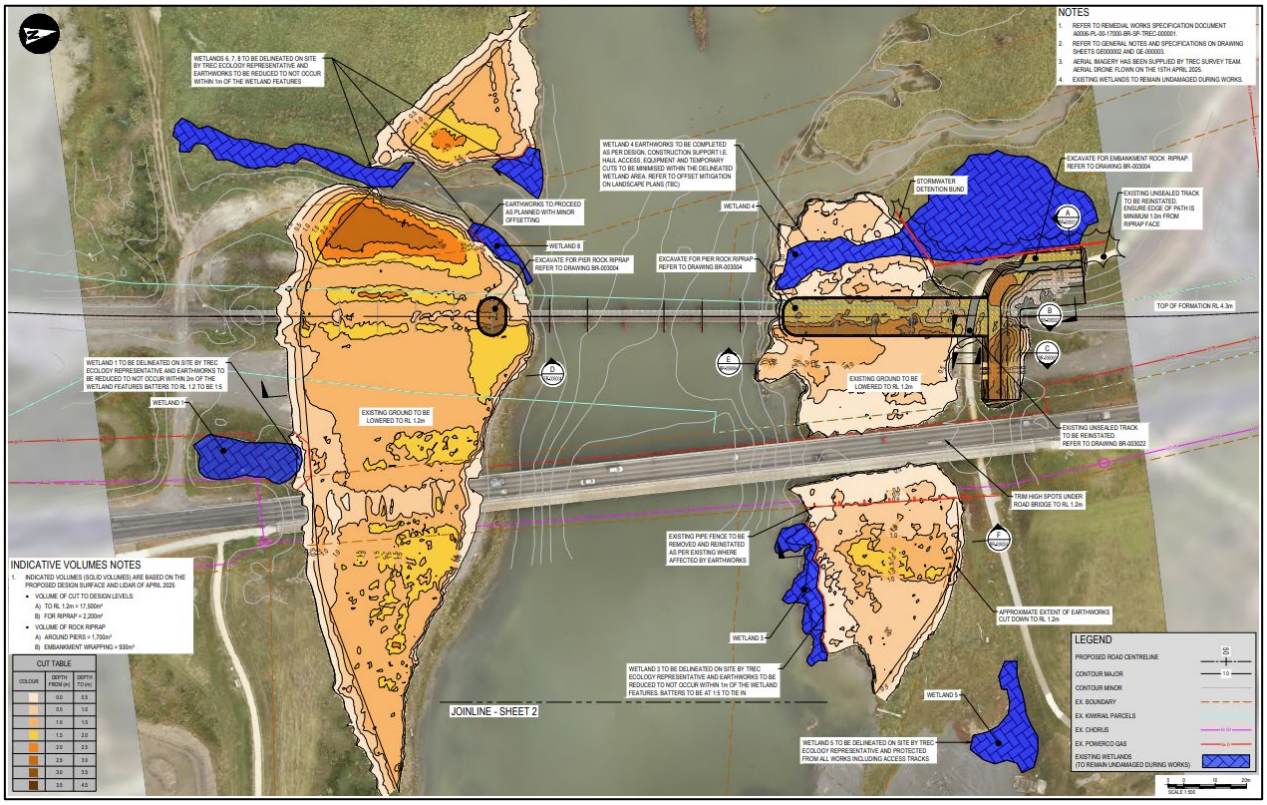


Figure 1: Earthworks extent (Source: TREC)

Table 2: Earthwork volumes

Earthworks activity	Volume
River berm excavations	~19,700m^3
Temporary laydown area removal	~1,610m^3
Rock rip-rap armouring installation	~2,590m^3
All works	~23,900m^3

Where earthworks are undertaken in association with cultural offsetting, these volumes will be outlined in the concluding ecological reports for the project as part of the ecological management measures.

All earthworks will be subject to stringent erosion and sediment control measures informed by ecological and cultural inputs. Based on best practice guidelines and previous experience undertaking works of this nature, the following erosion and sediment control measures are considered most appropriate and anticipated to be implemented as part of the site-specific erosion and sediment control plan (ESCP) and Construction Environmental Management Plan (CEMP):

- The operation of machinery within flowing water shall be avoided where possible to minimise the release of sediment to water,

- Any soil or riverbed disturbance required to undertake the activity will be minimised where practical,
- Any vegetation disturbance or removal required to undertake the activity will be minimised where possible,
- Where possible, works will be undertaken during low river flows to minimise the possibility of having to work in flowing water and any discharges generated during works,
- Bunding will be installed around the works area where possible to prevent any sediment laden runoff from being discharged into the river and to temporarily divert any flowing water away from the site. Embankments/bunds will typically be 1-2m to block the existing channel entrance and divert flows away from the construction site. The water will then be allowed to drain away from the site via infiltration due to the permeable nature of the gravels.
- On completion of works or in the event of extended suspension of works, all disturbed areas will be stabilised, and
- No diversion outside either the Tūtaekurī riverbanks will be required.

In addition, to manage the potential for accidental release of fuels or other chemicals from construction vehicles to the river, the following measures will be undertaken:

- Park all vehicles when not in use out of the riverbed,
- Require that all re-fuelling or storage of fuel tanks to occur outside of the riverbed,
- Spill kits are to be on site and readily available including detail on how to deal with any accidental spills, both from the fuel tankers and large equipment, and
- Staff are to be trained in using spill kits and know what to do in the unlikely event that a spill was to occur onsite.

For further information please refer to the CEMP that has been prepared at **Appendix C**.

2.1.2 Pier and Abutment Scour Protection

The placement of rip-rap around piers 8’ and 16’ to 22’ and around the northern rail abutment will involve temporary earth bunds as required to form a dry works site.

D_{50}=900 rock rip-rap (this refers to the sizing of the rock which needs to be 900mm in diameter for 50% of the rocks) specified to a depth of 1.8m from finished berm and embankment levels. Rock rip-rap shall be transported and handled using typical earthworks plant & equipment.

Rock rip rap shall be integrated with the riverbed profile to minimise impediment of the surface waterbody flow path.

The existing cycleway on the northern berm shall be temporarily closed during earthworks and rip-rap placement and reinstated to HBRC specifications as detailed in the design plan (**Appendix C** – see Sheet 22). A proposed condition has also been added to manage this temporary cycleway closure (see Section 6).

2.1.3 Dewatering

Based on geotechnical investigations undertaken within the site, as outlined in Section 3.1.7 of the application, groundwater is expected to be encountered between 1.3m-1.5m below ground level (bgl). The proposed maximum depth of excavations will be up to 1.8m to:

- install the rip-rap rock armouring around the piers and northern abutment to stabilise the structure to accommodate the river action, and
- to place and secure filter cloth/geofabric material at the base of rip-rap excavations.

It is therefore likely that groundwater will be encountered, and dewatering required on a temporary basis to maintain a dry works site. The dewatering methodology will be confirmed by the appointed contractor, however it is anticipated a pumping system will be used with discharges directed to a soakaway point within the site. This will allow for filtration and recharging of groundwater that is interconnected with the Tūtaekurī River and will allow for effective management of sedimentation arising from the dewatering.

2.1.4 State Highway 51 Tūtaekurī River (Waitangi) Bridge Protection

The primary interaction with the Tūtaekurī River (Waitangi) Bridge associated with the river berm works is on the southern bank, to excavate and remove sediment and bed material that has aggraded underneath the bridge to achieve a lowered ground level of RL 1.2m. Similarly, excavations are also proposed on the northern bank underneath the bridge, however this is to a lesser extent with only trimming of elevated ground sections required to achieve an RL of 1.2m.

None of the excavations proposed will alter the condition of the SH51 Bridge's abutment foundations or piles. Engagement with service providers Chorus and Powerco has been undertaken to confirm the location and position (below ground and attached to the bridges) of telecommunication and gas utility lines. All works will be managed to avoid any interaction or disturbance to these utility lines where possible, and if any disturbance or alteration is required, this will be coordinated with the service provider and in accordance with the applicable industry standard.

The clearance height available under the bridge is variable. All plant equipment required to undertake the earthworks underneath the bridge will be managed to avoid any health and safety or infrastructure risk whilst operating through a Safe Operating Procedure Plan. Additional protection measures such as exclusion zones and setback areas will also be in place to protect the bridge and utility infrastructure.

2.1.5 Transport Management

Access to the site will be via SH51. Access haul routes by plant and equipment will be confirmed by the contractor once appointed, however a copy of the indicative access routes are shown below in Figure 2. Sections of public cycleways and footpaths will be temporarily closed off during the works and subject to a diversion for health and safety reasons.

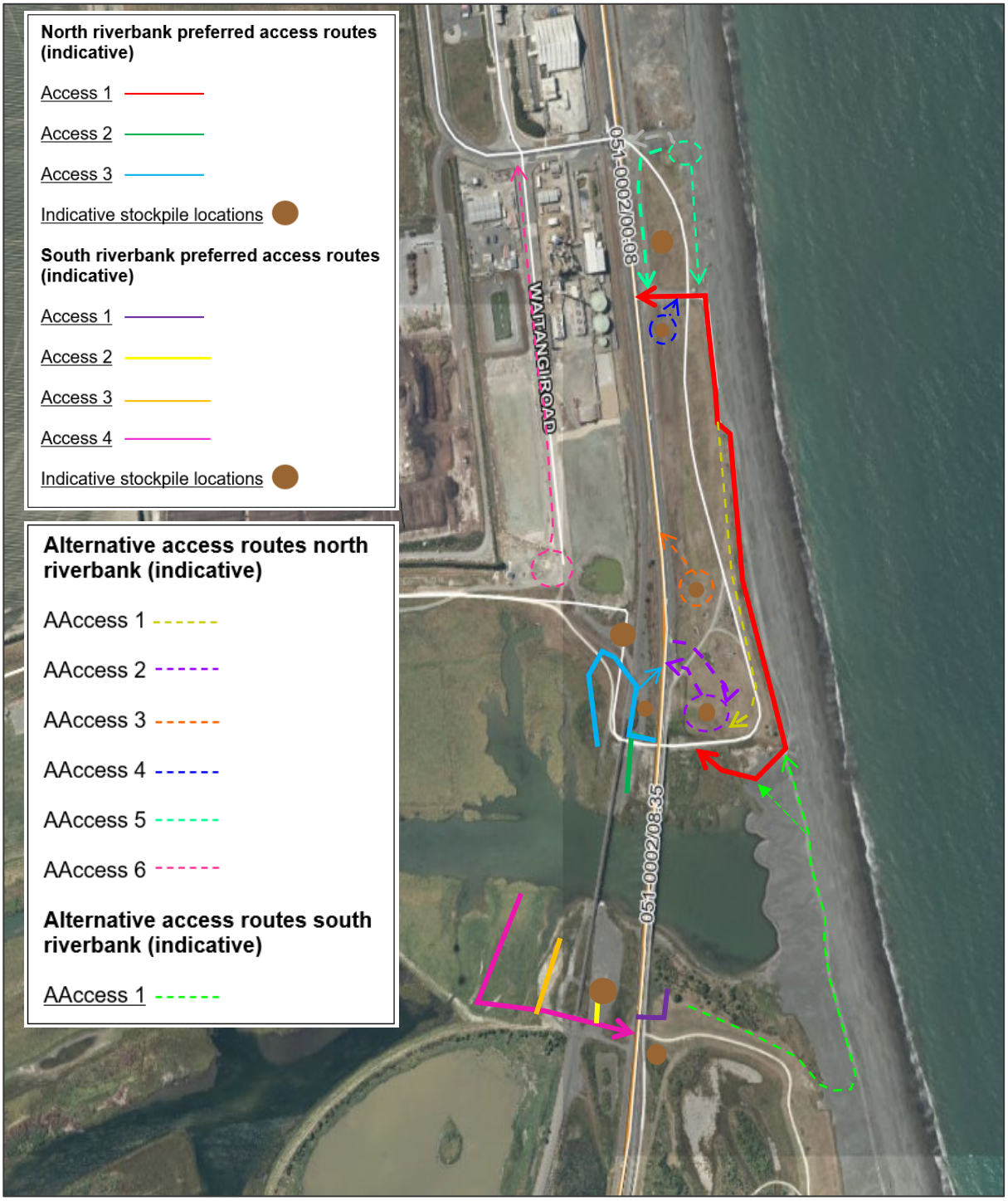


Figure 2: Proposed site access and stockpile locations (Source: TREC)

A temporary traffic management plan (TTMP) will be prepared and implemented during construction, in accordance with the NZTA contract requirements. This will ensure that the construction works will be undertaken in a manner that enables the road and active networks to continue to function effectively. The TTMP will be prepared in accordance with the NZTA New Zealand guide to temporary traffic management.

2.1.6 Material disposal

All material excavated will be disposed of to an approved facility or site. Temporary stockpiling of this material will be undertaken and confined to specific locations. The stockpiles will be isolated and contained with erosion and sediment control fences to prevent mobilisation of sediment. Covering of

stockpiles and open ground with appropriate material when exposed for a length of time and/or where these areas will be prone to wind erosion will also be undertaken.

The transport of material to the disposal sites will form part of the TTMP to ensure additional traffic movements generated on the road network can be accommodated thereby minimising disruption.

2.1.7 Vegetation clearance and landscaping

The area subject to excavation works will involve the clearance of vegetation (some purposely planted as well as self-established) within the works area and around the Tūtaekurī River margins. The vegetation clearance area will include planting that was undertaken along the southeastern banks as part of the Waitangi Regional Park enhancement plan.

Following the completion of excavations, these areas will be hydroseeded rather than replanted. This will avoid the creation of debris/silt catches that would encourage ongoing aggrading of silt and slash which in time will raise the riverbed level. This will also maintain river flows and avoiding further damage and scouring to the bridge and surrounding area. In accordance with the recommendations from Ngāti Pārau Hapū Trust, a mixture of the grass seeds tall fescue (Festuca arundinacea) and creeping bent (Agrostis stolonifera) will be used in the hydroseed mix to support colonisation of the river edges to support future Īnanga spawning in the area.

KiwiRail have agreed to provide funding to Ngāti Pārau to undertake offset planting in more suitable locations. This is to ensure that plants and vegetation can readily establish and flourish. KiwiRail will provide support to Ngāti Pārau as and where required to inform the landscaping approach.

2.1.8 Ecological management

The area where works are proposed is ecologically sensitive, as such specific management plans for birds, fish and lizards will be implemented to inform how construction works are carried out (**Appendix B**). These plans outline measures in accordance with best management practice to control the impacts on these species. A summary of the key measures taken for these species is outlined below and will be adapted based on site conditions.

Birds

A bird management plan (BiMP) has been developed to minimise the potential for harm or loss of life to native bird species. The following measures are proposed to be implemented:

- Definition and delineation of the zone of influence (ZOI) where construction activities are to occur (e.g. laydown areas, site accesses, earthworks area, machinery storage and operation areas) via site walkover.
- Undertake pre-start nest surveys around nesting habitat by a SQEP within the ZOI to confirm the presence of nests and management measures to be applied, based on the type of nests uncovered (i.e. no nests, inactive nest or active nest).
- Passive exclusion methods (e.g. bird netting and anti-perching devices).
- Active exclusion methods (e.g. operation of acoustic devices and installation of visual deterrents).
- Discovery protocols.
- Routine reporting through the bird management undertaken throughout the life of the project.

Lizard

A lizard management plan (LMP) has been developed to manage the risk of damage, disturbance and/or death or serious injury. The following measures are proposed to be implemented:

- Avoidance, where practical, of undertaking works during the lizard brumation period – 1st May – August 31st.
- Site demarcation and lizard habitat suitability assessment to confirm presence of suitable lizard habitat and required lizard management.
- Lizard salvage prior to and during clearance of lizard habitat (e.g. trapping, spotlighting, manual habitat searches, destructive habitat searches, vegetation removal protocols, supervised habitat clearance and lizard exclusion fencing).
- Site remediation through establishment of replacement lizard habitat areas.
- Management of lizard release areas (e.g. enhancement via vegetation planting and placement of
- Discovery protocols.

Fish

A fish management plan (FMP) has been developed to mitigate the risk to marine and freshwater fish species from being injured or killed during works. The following measures will be implemented:

- Worksite isolation through the implementation of fish barriers to prevent fish from entering the site (e.g. silt curtains).
- Fish salvage through de-fishing techniques (e.g. electric fishing, fyke nets, gee minnow traps).
- Construction supervision by a suitably qualified ecologist.
- Reporting of the fish management undertaken throughout the duration of the project works.
- Remediation of the area by allowing the Tūtaekurī River to naturally realign following completion of the works. To support this, if considered necessary by the ecologist, redistribution of gravel earth bunds may be required to support the river's re-naturalisation.
- Discovery protocol.

2.1.9 Duration of works

The works are anticipated to be completed over the period between January and July 2026. The works will last approximately six months but may be spread over an 18-24 month period subject to funding availability.

2.2 Consent duration sought

Both the river remediation and pier protection works are a medium-term solution to improve the robustness of the temporary infill bridge. To account for variability in funding security and/or reprioritisation of work programmes a consent duration of 5 years is requested. It is noted that following the installation of the rock armouring they will become a permitted activity under Rule 48 – use of any lawfully established structure in, on, under or over the bed of a river, lake or artificial watercourse in the Coastal Margin of the HBRCEP. The rock armouring will be subject to routine inspections and maintenance to ensure the structures are performing throughout their design life.

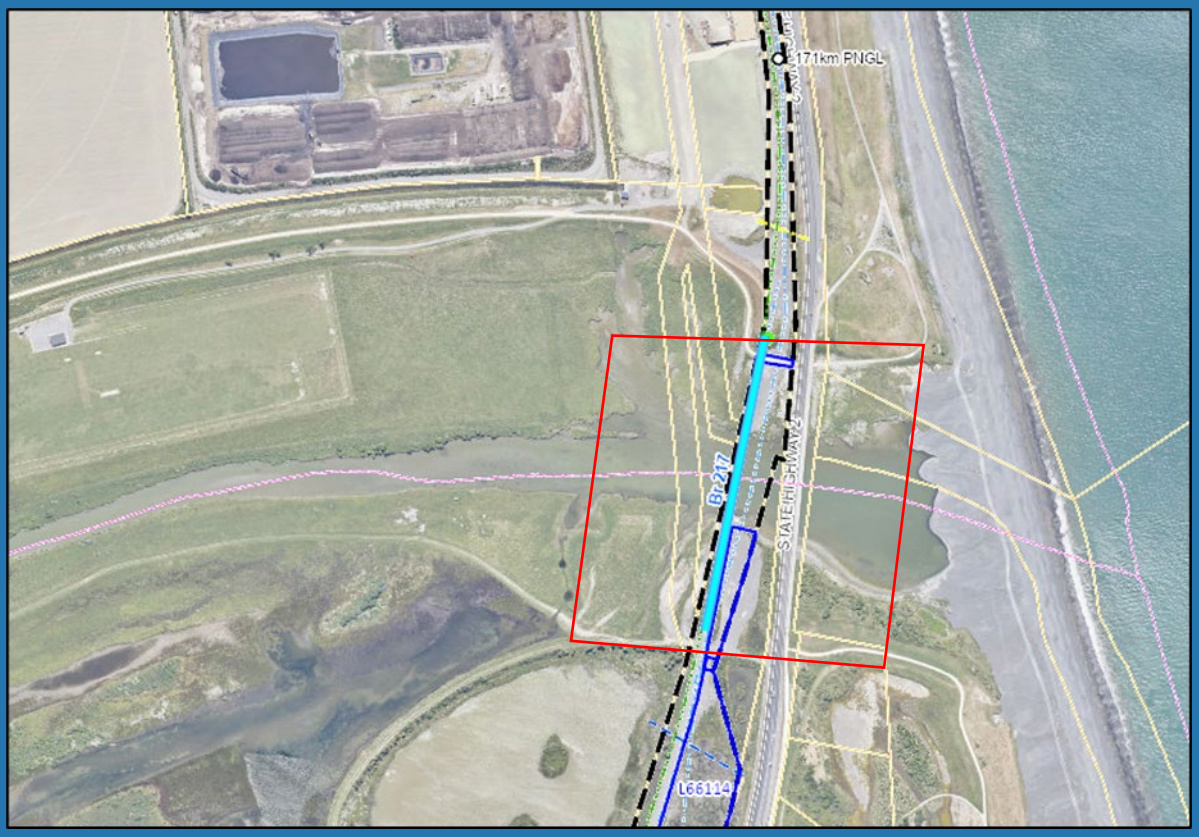
3 SITE OVERVIEW

3.1 Tūtaekurī

Bridge 217 PNGL is a cast-in-situ concrete reinforced structure comprising 21 steel spans on 22 concrete piled piers measuring 247m long and approximately 7.32m wide. The bridge crosses the Tūtaekurī River and caters for both passenger and freight rail services.

Table 3: Site Location and Details

Aerial Photograph of Tūtaekurī (refer to red area for site extent) (Source: Grip KiwiRail Property View Maps)



Legal Description	Parcel ID: 4242840 (KiwiRail owned); Parcel ID: 4253749 (NZTA owned); Part Section 52 Block I Clive SD, Section 53 Block I Clive SD; Section 57 Block I Clive SD (HBRC owned) (Local Purpose Reserve (Soil Conservation and River Control)), Lot 1 and Part Lot 2 DP 6287 (HB105/280), Part Suburban Section 2 Waitangi (HBRC owned) (HB74/55); Parcel ID: 4254226 (Crown owned hydro parcel); 450 State Highway 51, Awatoto, Napier, Crown Land and CL Block I Clive SD (DoC owned) (Conservation Purposes Section 62(1), Conservation Act 1987)
NZTM Coordinates	E: 1937008.03 N: 5613636.09

3.1.1 Description of the site and surrounding environment

Located approximately 10km south of Napier in Awatoto, near Ravensdown and adjacent to SH51 (RP 2/8.34) as shown below in Figure 3, the site and immediate surrounding area are located within the coastal inland environment. The Tūtaekurī River mouth and coast are located to the east and the Waitangi Regional Park, Waitangi Wetland, Waitangi Estuary and Ngaruroro River and its associated margins to the south forming part of the coastal marine area. Land to the west is owned by the Hawkes Bay Regional Council and land to the northeast is owned by DoC. These areas comprise open space reserves used for recreation as well as for coastal restoration planting and naturalisation initiatives. To the north is Awatoto, which is dominated by industrial activities and rural land uses. Further south is the Te Awa o Mokotūāraro River and the township of Clive.

3.1.2 Cyclone Gabrielle Flood Damage

On February 13 -14 2023, significant flood damage occurred to Bridge 217 PNGL during Cyclone Gabrielle. This included significant damage to piles on several piers likely to have been caused in part, by debris and scour from flood flows combined with upstream flood flows leading to the structural failure. Figures 3 to 4 show the extent of damage inflicted on the bridge. Given the spans lost on the upstream rail bridge, there existed a notable risk of concealed damage to the bridge piles. This damage stemming from the impact of the upstream bridge structure was likely to have caused concrete damage (such as loss of cover), and consequently future deterioration of the piles to be accelerated. The extent of damage and deterioration to the bridge structure which remains concealed is difficult to investigate, this raised concern regarding the piles' capacity to withstand both vertical and lateral loads into the future.

Consequently, due to the critical nature of this section of line forming a key link between Napier and Hastings, the need to restore access to the PNGL at the time was imperative. A temporary infill bridge to replace the piers/spans destroyed in the cyclone was constructed between July and September 2023 to reinstate access as shown below in Figures 5 and 6.

Figure 3: Aerial image of Bridge 217 PNGL post Cyclone Gabrielle (Source: TREC)

Figure 4: Bridge 217 PNGL damage post Cyclone Gabrielle (Source: TREC)

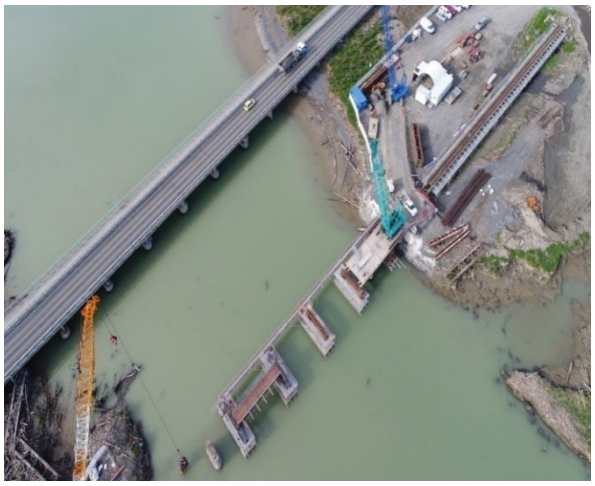


Figure 5: Construction of temporary bridge for Bridge 217 PNGL (Source: TREC)

Figure 6: Completion of temporary bridge for Bridge 217 PNGL September 2023 (Source: TREC)

A stopbank has also been constructed to the north of Bridge 217 PNGL by the Hawke's Bay Regional Council which ties into the bridge abutment as shown below in Figure 7.

Figure 7: View of stopbank tie-in to Bridge 217 PNGL looking south (Source: Tonkin and Taylor – September 2023)

3.1.3 Tūtaekurī River

The Tūtaekurī River commences in the Kaweka Ranges, approximately 50km northwest of Napier. The river reaches around 100km in length and flows over the Heretaunga Plains where it joins the Ngaruroro River and flows out to sea through the Waitangi Estuary[1]. The Tūtaekurī River catchment covers an area of approximately 840 square km[2]. The lower reaches of the river are understood to contain eels, inanga, brown trout, redfin bully, bluegill bully, lamprey, torrentfish and koarao.[3] Several water quality and ecology monitoring sites have been installed at various points along the river by HBRC, including the lower reaches of the Tūtaekurī River at Brookfields Bridge. This is located approximately 3.5km upstream of the Site. Current results show the river in the lower reaches contains high concentrations of phosphorous and a degrading trend for macroinvertebrates, comparatively *E.coli*, suspended sediment and nitrogen are shown to be at acceptable concentrations[4]. Approximately 88 bird species have been recorded or anticipated to be present within the Tūtaekurī River Management Area comprising a mix of exotic, native and endemic species[5]. Investigations undertaken to date have found common skink to be present around the middle reaches of the Tūtaekurī River and likely to have colonised areas of suitable habitat downstream of towards the Site[6].

3.1.4 Coastal Marine Area

The coastal marine area is defined under the RMA as "the foreshore, seabed, and coastal water, and the air space above the water—

(a) of which the seaward boundary is the outer limits of the territorial sea:
(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—
  i. 1 kilometre upstream from the mouth of the river; or
  ii. the point upstream that is calculated by multiplying the width of the river mouth by 5

The Coastal Marine Area boundary is defined under the HBRCEP GIS maps as shown below in Figures 8 and 9. A portion of the project works is located within the Coastal Marine Area as shown in Figure 1, with the remaining portion of the works area contained within the broader coastal environment / margin.

[1] HBRC. (n.d.) *Tūtaekurī River*. Retrieved from https://www.hbrc.govt.nz/assets/Document-Library/Projects/Outstanding-Water-Body/Tutaekuri-River-Report-pdf.pdf
[2] Land Air Water Aotearoa (LAWA) (n.d.). *Hawke's Bay Region – Surface Water Zone: Tutaekuri (TANK).* Retrieved from https://www.lawa.org.nz/explore-data/hawkes-bay-region/water-quantity/surface-water-zones/tutaekuri-tank
[3] Hughey, K. F. D., Clapcott, J., Goodwin, E., Jonas, H., Cheyne, J., Rook, H., ... & Sharp, T. (2019). Native fish in Hawke's Bay: Development and application of the river values assessment system (RiVAS and RiVAS+)[LEaP Research Paper No. 18]. Christchurch, New Zealand: Lincoln University. Retrieved January 12th.
[4] LAWA. (n.d.). *Tūtaekurī at Brookfields Bridge*. Retrieved from https://www.lawa.org.nz/explore-data/hawkes-bay-region/river-quality/tutaekuri-river/tutaekuri-rv-at-brookfields-br
[5] Forbes, A., & Whitesell, P. (2015). *Tūtaekurī River ecological management and enhancement plan*. Retrieved from https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/4748-AM15-13-Tutaekuri-River-Ecological-Management-and-Enhancement-Plan.pdf
[6] Forbes, A., & Whitesell, P. (2015). *Tūtaekurī River ecological management and enhancement plan*. Retrieved from https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/4748-AM15-13-Tutaekuri-River-Ecological-Management-and-Enhancement-Plan.pdf

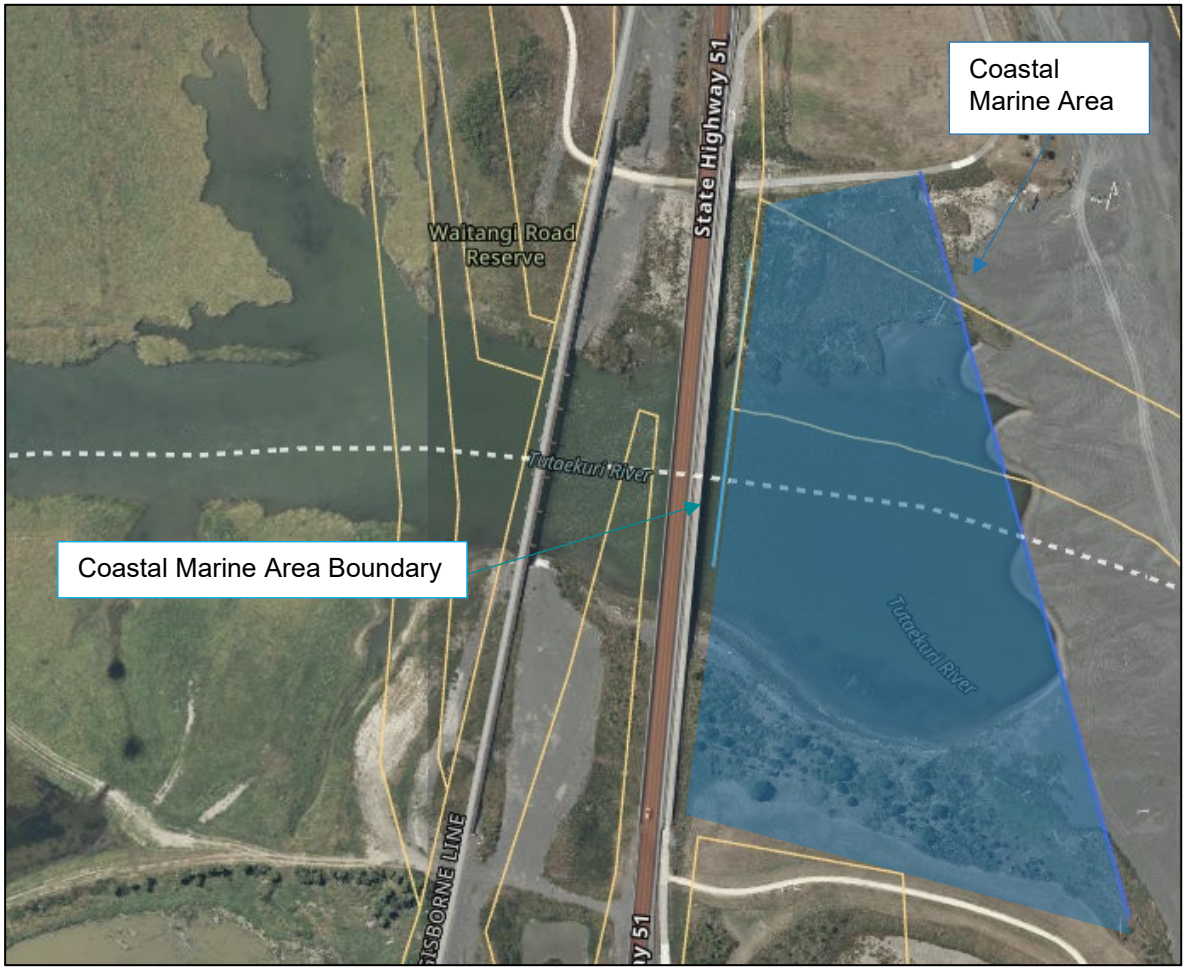


Figure 8: Coastal Marine Boundary within the site (Source: Hawke's Bay GIS Maps)

Figure 9: Coastal Margins within the site (Source: Hawke's Bay GIS Maps)

3.1.5 Ecological context

An ecological report has been undertaken by TREC to confirm flora, fauna and wetlands present on site (**Appendix B**). The report found the following ecological features present:

3.1.5.1 Vegetation

The vegetation present within the site was found to be a mixture of native and exotic species. None of the vegetation identified is classified as threatened or at risk under the Department of Conservation's New Zealand Threat Classification System. On this basis, the ecological value assigned to vegetation is classed as **low**.

3.1.5.2 Wetlands

TREC ecologists identified thirteen wetland areas, this included 7 within the work area and 6 within 100m buffer of the works area as part of a site visit undertaken (Figure 10). These consisted of Raupo Reedland, Carex Sedgeland, Bolboschoenus Sedgeland, Rushland, Flax swamp and Willow Treeland type wetlands. The wetlands within the work area are of variable size, typically comprising of common native and exotic species. The wetlands are divided into two categories, 'natural inland wetlands', coastal wetlands (as defined by the coastal marine boundary), there was also an area of vegetation that did not meet the threshold to be considered a 'natural inland wetland' (wetland 2). The extent of each wetland is detailed in Table 4 below.

Figure 10: Ecological identification of wetlands within the site extent and its surrounds

Table 4: Classification and extent of wetlands identified

Wetland Number	Classification	Wetland Extent (m^2)
A	Natural Inland Wetland	136,675
B	Natural Inland Wetland	62,230

C	Natural Inland Wetland	2,386
D	Coastal Wetland	47,347
1	Natural Inland Wetland	386
2	Does not meet wetland threshold	14
3	Coastal Wetland	302
4	Natural Inland Wetland	1,853
4.5	Natural Inland Wetland	135
5	Coastal Wetland	344
6	Natural Inland Wetland	481
7	Natural Inland Wetland	137
8	Natural Inland Wetland	98

Based on the EIANZ guidelines the wetlands within the work area have been assessed as having a **low to moderate** ecological value.

3.1.5.3 Freshwater Fish

The Tūtaekurī river system and Waitangi basin contain a variety of freshwater fish species. Based on the work area and information sourced from the HBRC freshwater fish data base, it is anticipated that several fish species will be present within the zone of influence, this includes five at risk species (Longfin eel, Torrent Fish, Inanga, Blue Gill Bully and Giant Bully) and one threatened species (Lamprey). During site investigations, Inanga eggs were found in close proximity to the works area. As a result, the value attached to freshwater fauna is deemed to be **high**.

3.1.5.4 Marine Fish

Based on publicly available information and previous reporting undertaken by NIWA and HBRC, the immediate coastal area has been recognised as a key area of spawning for 25 marine species, with a total of 39 fin-fish species identified as present within the Hawke's Bay Coastal Marine Area. Eight of these species are at risk, with two of these species vulnerable (Porbeagle shark and Lig) and three species that are near threatened (Blue shark, Japanese horse mackerel and Grouper). In addition, the Waitangi Estuary which forms part of the work area is an established Significant Conservation Area. Collectively, this assigns the marine fauna with a **high** ecological value.

3.1.5.5 Birds

Similar to marine fauna, based on site investigations and publicly available information, the area impacted by the proposed works contains habitat for multiple bird species, two of which are nationally endangered (White Heron, Falcoln and Black Fronted Turn), another six threatened species (Grey Duck, Caspian Tern, Spotted Shag, Brown Teal, Wrybill, and New Zealand Dabchick) and with 16 species at risk. Collectively, this has meant the ecological value assigned to avifauna is **very high**.

3.1.5.6 Lizards

A desktop assessment review to assess the potential presence of lizards in the area has been undertaken involving the use of aerial imagery, DoC databases and lizard distribution mapping. This identified the site as falling within the geographic range of three gecko and six skink species. Only four of these lizard species were considered to be potentially present. Of the four species only one was assessed as 'At Risk Declining', the northern spotted skink.

A lizard survey was also undertaken on site on the 25th March 2025, this involved the review of habitat present and visual presence of lizards at the site. The habitat assessed was generally dominated by dense rank grass with scattered cover objects (e.g. drift wood, rubbish etc) as well as disturbed areas comprising gravel and weeds. The presence of rank grass, native shrubs and scattered cover objects on the northern and southern banks of the Tūtaekurī River provides habitat which is suitable for lizards, specifically northern grass skinks, northern spotted skink and raukawa geckos as shown in Figure 11. At the time of the survey no lizards or evidence of lizards were observed.

Figure 11: Site assessment of habitat quality for lizards - Green = unsuitable to low quality; Yellow = low to moderate quality; Orange = moderate to high quality (Source: TREC)

Based on the desktop assessment and lizard survey undertaken, the ecological value attached to lizards is **high**.

3.1.6 Cultural context

For more information on the cultural context, please see the Cultural Impact Assessment (CIA) prepared for this project in **Appendix D**.

The CIA was prepared by representatives of Ngāti Pārau. This CIA has been prepared on behalf of all those with cultural interests in the Tūtaekurī River. Ngāti Pārau takiwa interests and historical connection to the river and wider environment extend far and wide, as the hapū has maintained an unbroken connection with the area for over 600 years.

Ahuriri Hapū and Tamatea Pōkai Whenua hold Treaty Settlement Statutory Acknowledgement over the Tūtaekurī River and its tributaries, within their respective rohe. The river also flows through the interest areas of Te Taiwhenua O Heretaunga and Te Taiwhenua O Te Whanganui-a-Orotū.

The CIA recognises several hapū as having an interest and historical connection to the site, and the area which includes Ngāti Pārau, Ngāti Hinepare, Ngāti Māhu, and Ngāi Tāwhao to the north and northwest, Ngāi Te Upokoiri to the west, and Ngāti Hāwea, Ngāti Hōri, and Ngāti Hinemoa to the south.

The CIA describes that at one time, *"the Tūtaekurī River connected to Te Whanganui-a-Orotū,(Ahuriri Estuary), and the interconnections from the Kaweka Ranges to Te Whanganui-a-Orotū and the sea were*

central to the prosperity and survival of mana whenua who dwelled and still dwell in its vicinity." This interconnection intertwines with their whakapapa and connects them to the whenua, the awa, and the sea.

The CIA includes a description of how the river was named. *"Some 400 years ago, a party of Ngati Kahungunu from north of Napier had heard over-optimistic reports of the abundance of food at Porangahau. They trekked to the coast but found that the reports were false and had to make their way back. They reached the hills between Waiohiki and Omahu in a famished condition. Hikawera II, a son of Te Whatuiapiti and Te Huhuti, was occupying the lands of his grandfather, Te Rangitaumaha, which included the old pa Oueroa on the hills above Crissogh, and another pa nearer Waiohiki. Hikawera ordered seventy dogs to be killed to help feed the travellers. Near the site of the old mill on the Waiohiki — Omahu road is a spot called Te Umukuri, the ovens where the dogs were cooked. The offal from this slaughter was thrown into the river."*

This incident is where the name of the river came from. The key cultural values identified in the CIA include *"maintaining the mana and the mauri of the whenua (land), wai (water), taiao (natural resources), tāngata (people), and tīpuna (ancestors). These cultural values are intricately woven into the principles of kaitiakitanga, manaakitanga, whakapapa, wairuatanga, and rangatiratanga."*

Detailed information on the cultural values is included in the CIA and will not be repeated here. The CIA notes that "More information can be found in the Ngāti Pārau Hapū Strategic Plan and the Ngāti Pārau Hapū Trust Cultural Values Assessment".

3.1.7 Geological and Soil Conditions

Based on published literature and information available, the site's geology is underlain by Holocene river deposits, consisting of poorly consolidated alluvial gravel, sand and mud. The historic modification of the site to construct Bridge 217 PNGL and the Awatoto Bridge for SH51, suggests that fill placement has occurred through reworking of the area.

Several geotechnical investigations have been undertaken in the area, the most recent by Tonkin & Taylor following Cyclone Gabrielle to inform remedial works for the damaged railway embankment. Thirteen test pits to a depth of 2.1m and seventeen scala penetrometer tests to a depth of 2m were undertaken from the existing ground level. The results from investigations showed fill material up to 1.6m deep consisting of sandy gravel and sandy silt, with alluvium containing silty sand present between 1.1m and 2.1m in depth.

Groundwater was measured at up to 1.5m below ground level (bgl) on 2 February 2023, just south of the existing temporary southern laydown area by Tonkin & Taylor as part of their geotechnical investigations. Recent hand auger investigations were completed in September 2025 around wetland 1 which observed groundwater levels at -0.045m RL and -0.3m RL. These results correlate with HBRC's upstream monitoring Well 15022 which recorded the highest groundwater level over the last 5 years to be between 1.3m-1.4m bgl (well is located approximately 1km upstream of the site)[7].

3.1.8 Contaminated Land

Desktop investigations indicated the potential presence of contaminated material generated by discharges from the Waitangi Drain. The drain collects water from the Awatoto area which contains several historic industrial activities (e.g. Ravensdown Napier Works, BioRich Compost, Firth Concrete Plant and other manufacturing facilities). Therefore, it was considered possible that an aggradation of discharges and accidental discharges to the air, from these activities, has left legacy contaminants in the bed material within the site footprint.

Site investigations by suitably qualified and experienced TREC staff were undertaken involving test pitting for samples around the site (**Appendix E**). Four test pits were taken at depths of 1m and 30cm in diameter. The samples were analysed by a laboratory for heavy metals, hydrocarbons and organic material contaminants. The results identified that none of the samples contained contaminants which posed a risk to human or ecological health, and on this basis the sediment would be suitable for acceptance as class 5 cleanfill material.

[7] https://www.hbrc.govt.nz/environment/environmental-data/groundwater/

3.1.9 Archaeology and Heritage

A high-level desktop archaeological memo was prepared for work site and the wider area (**Appendix F**). The memo confirms there is no recorded archaeological, historic or heritage sites of significance within 50m of the proposed works area.

Two sites have been identified within the broader surrounding environment. To the east and near the sea, the Napier City Plan references V21/258, see Figure 12. It is understood that this comprises a historic coastal defence box or pill box constructed during World War II in the defence of Napier and its port. The New Zealand Topological Mapping details the William Colenso Memorial and early missionary settler area 300m to the south of the site (Figure 13). Protections will be in place to ensure any access routes and associated plant equipment avoid these areas.

Figure 12: Napier City Plan Map of Archaeological Sites (Source: Napier E-Plan)

Figure 13: Topographical Map of Waitangi Regional Park (Source: www.topomap.co.nz)

There are no other heritage or historic features shown in statutory planning documents or records in the broader surrounding environment.

Overall, the archaeological risk associated with these works is low; nonetheless as a precaution, KiwiRail will proceed with the TREC Discovery Protocol in place (see **Appendix G**).

4 RESOURCE CONSENTS REQUIRED

The works proposed to be undertaken is 'recovery work' and requires resource consent under Sections 9(1) and 12(1) of the RMA, as they are not permitted by a rule in a plan or national environmental standard.

The works undertaken have been assessed against the following:

- Hawke's Bay Regional Coastal Environment Plan (HBRCEP)
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F 2020)

For completeness, the works are considered permitted activities within the Napier City Council and Hastings District Council jurisdictions as these works relate to the remediation of an existing network utility and for flood protection works (Rules 53.5 and 62.10 of the Napier City Plan (NCP) and Rules 15.1.5 NU1 and 22.1.5.1 NU5 of the Hastings District Plan (HDP)).

4.1 HBRCEP rule assessment

Table 5: HBRCEP rule assessment.

Rule	Activity Status	Assessment
Rule 9 – Discharges of dewatering water into the Waitangi Estuary	Discretionary	The dewatering discharge is not specifically provided for under any other discharge rules under the HBRECP, therefore it is a Discretionary Activity under Rule 9.
Rule 35 – Taking and use of surface water and groundwater not regulated by, or not complying with, other rules	Discretionary	Dewatering, associated with the rock rip-rap installation, will be temporary and periodic required, however there is a possibility that the groundwater takes would exceed 20m^3/d at a rate of greater than 10 L/s which breaches the permitted standards a and b under Rule 35 of the HBRCEP.
Rule 46 – River & lake bed activities not regulated by, or not complying with, other rules	Discretionary	The installation of a structure (rock revetment) within the bed of river in the coastal margins and associated disturbance and excavation of bed material is not provided for under the HBRCEP.
Rule 61 – Large scale gravel extraction	Restricted Discretionary	Extraction of bed material will exceed the permitted volumes under Rule 55 of the HBRCEP. The area where extraction of bed material is to occur is shown in Figure 1 and **Appendix C**. This will occur over a four to five month period with the material disposed of at an appropriate facility. Dust management measures will be in place as part of the erosion and sediment control. All works will be in general accordance with the HBRC Code of Practice for River Control and Waterway Works.
Rule 7 – Vegetation and soil disturbance	Restricted Discretionary	Vegetation and soil disturbance will be undertaken within 5m of the Tūtaekurī River, wetlands and within 20m of the Coastal Marine Area.

4.2 NES-F 2020 assessment

The works involve the partial drainage and disturbance of 'natural inland wetlands' as defined under the National Policy Statement for Freshwater Management 2020 (NPS-FM 2020). There are also coastal wetlands within the Coastal Marine Area that will be impacted by the works, however these are excluded from consideration under the NPS-FM 2020. The National Environmental Standard for Freshwater 2020 (NES-F 2020) does apply to the recovery works outside of the coastal marine area. An assessment against the relevant Regulations of the NES-F 2020 is provided in Table 6.

Table 6: NES-F 2020 assessment

Regulation	Activity Status	Assessment
Regulation 52 – Drainage of natural inland wetlands	Non-Complying Activity	The excavation of river berm material to address natural hazard risks posed from aggraded sediment materials does not adhere to Condition 5(c) of Regulation 51. Works will be undertaken within 100m of a wetland which will result in complete drainage of 'natural inland wetlands'.

4.3 Emergency Works (s330aa RMA)

The ongoing use and associated removal of the temporary laydown areas trigger the following activities under the HBRCEP as detailed in Table 7.

Table 7: HBRCEP rule assessment.

Rule	Activity Status	Assessment
Rule 46 – River & lake bed activities not regulated by, or not complying with, other rules	Discretionary	The installation of a structure (temporary laydown area) within the bed of river in the coastal margins and associated disturbance and excavation of bed material is not provided for under the HBRCEP.
Rule 61 – Large scale gravel extraction	Restricted Discretionary	In removing the temporary laydown area, the extraction of this bed material will exceed the permitted volumes under Rule 55 of the HBRCEP. The area where extraction of bed material is to be undertaken is shown in Figure 1 and **Appendix C**. This will occur as part of the river berm works over a four to five month period with the material disposed offsite at an appropriate facility or location. Dust management measures will be in place as part of the erosion and sediment control. All works will be in general accordance with the HBRC Code of Practice for River Control and Waterway Works.
Rule 7 – Vegetation and soil disturbance	Restricted Discretionary	Vegetation and soil disturbance will be undertaken within 5m of the Tūtaekurī River, wetlands and within 20m of the Coastal Marine Area.

4.4 Summary of consents required and activity status

As discussed in Section 1.4 of this application, the activities are recovery works as defined under the OIC-KR. The OIC-KR modified the consenting pathway for resource consents and retrospective consents for Emergency Works.

> ***OIC-KR Part 1- Modifications to Resource Management Act 1991***
>
> ***Clause 6 Classification of recovery work***
>
> *(1) This clause modifies sections 87A(2) to (5) and 104A(b) of the RMA.*
>
> *(2) Recovery work done by or on behalf of the Agency is a controlled activity for the purposes of section 87A(2) of the RMA.*

As the works are within the scope of the OIC-KR, in accordance with clause 6(2), the works are a **Controlled Activity**.

5 ASSESSMENT OF THE POTENTIAL EFFECTS OF THE WORKS ON THE ENVIRONMENT AND PROPOSALS TO AVOID, REMEDY OR MITIGATE EFFECTS

This assessment of the potential environmental effects is prepared in accordance with Clause 7 of the OIC-KR. Included is an assessment of measures to avoid, remedy or mitigate the effects to meet the requirements of Clause 7(c) and (d) of the OIC-KR. The detail provided is consistent with the scale and significance of the effects that the completed works may have on the environment.

The actual or potential effects assessed below are:

- Positive Effects
- Hydraulic and scour effects
- Ecology
- Geohydrological processes
- Construction effects
- Effects on cultural values
- Effects on amenity and natural values

5.1 Positive effects

The river berm excavations are necessary to remove the aggraded sediment and material that has amassed to avoid a washout of the 2023 temporary infill Bridge 217 PNGL in future stormwater events. The removal of this sediment will lower the current flood level immediately adjacent to the bridge to protect the adjacent stopbanks, rail embankment and provide sufficient freeboard to the bridge girders, allowing debris and material to flow underneath the bridge with less impediment. In addition, the application of rip-rap material around piers 8, 16 to 22 and the northern abutment will reduce the adverse effects from scour and debris on the piers and pile foundations during high flood flows. Through taking these actions, it will reinstate the resilience of this bridge to pre–Cyclone Gabrielle levels to ensure this section of the PNGL, a regionally significant piece of transport infrastructure, can continue to provide access, connection and resources to the region, and its local communities, and connections to other regions. This has wide-reaching positive effects for the economic and social wellbeing of the region.

5.2 Potential ongoing hydraulic and scour effects

The removal of river material if not designed correctly can create unintended effects, such as increased erosion and scour in downstream locations. Such adverse effects can be caused by the alteration to the riverbed and introduction or removal of structures resulting in changes in river flows and velocities, particularly in high flow events.

The removal of aggraded sediment within the riverbed along with the temporary laydown pads has been designed to avoid changes to the river hydraulics (i.e. the velocity, flow and movement of water), avoiding that adverse scour and erosion effect on downstream environments from, and in particular the SH51 Waitangi Bridge. The modelling undertaken confirms that there will generally be a reduction in water velocities and water levels around the bridges in storm events consistent with what existed pre-cyclone (**Appendix H**).

The modelling also confirmed that there would be negligible change to scour occurring upstream and downstream of the bridge (**Appendix H**). To mitigate scour risk to Bridge 217 PNGL in future flood events rip-rap rock armouring is to be installed around the most at-risk piers (i.e. piers 8’ and 16’ to 22’) and the northern abutment. The placement of rock rip-rap into the riverbed will armour the structure to stabilise and secure the piers and abutment and protect them from further scour, effectively acting as an energy dissipation structure. Information relating to the hydraulic characteristics of Tūtaekurī River was taken into account in relation to the rock sizing, thickness, and elevation/positioning to manage potential changes in hydraulics.

Overall, the proposed river berm and rock rip-rap works will have a less than minor effect on river hydraulics and scour. The works will help to restore the river's hydraulic dynamics to pre-cyclone conditions and will support the ongoing resilience of Bridge 217 PNGL to future flooding events.

5.3 Effects on ecology

The receiving environment where works are to take place is ecologically sensitive considering the estuarine environment and potential bird, fish and lizard species present on site. It is therefore important to manage the effects on these species to minimise the potential for injury or loss of life.

5.3.1 Wetlands

TREC has prepared a Wetland Ecological Impact Assessment for this project (**Appendix B**). The assessment noted that the river berm works will result in the partial loss/drainage to wetlands, 3, 4, 6, 7 and 8 as further detailed in Section 5.4 below. The extent of loss is variable for each of these wetlands as outlined in Table 8.

Table 8 : Extent of wetland loss

Wetland	Type	Extent of loss	Mitigation measure
3	Coastal	~70% of the wetland	Compensation
4	Natural Inland	~385m^2 of the wetland	Compensation
6	Natural Inland	~120m^2 of the wetland	Revegetation
7	Natural Inland	~21m^2 of the wetland	Revegetation
8	Natural Inland	~8m^2 of the wetland	Revegetation

Wetlands 3 and 4 will require a form of compensation to offset their respective losses. The value of compensation is currently being assessed. The compensation will be given to the Ngāti Pārau Hapū Trust to undertake planting and/or wetland habitat creation in the catchment area. KiwiRail have volunteered that this forms a condition of consent as outlined in Section 6 to ensure this offsetting is delivered.

In-situ planting is recommended to be undertaken to mitigate the minor loss of wetland extent for wetlands 6, 7 and 8. The Wetland Ecological Impact Assessment has also recommended species that are expected to successfully establish around these wetlands. Similarly, KiwiRail has also volunteered that this forms a condition of the consent as part of the mitigation measures included in Section 6.

The wetlands which will not be impacted (i.e. 1, 4.5, and 5) will be delineated prior to works commencing, to avoid encroachment or disturbance by plant equipment. These waterbodies will be supported by erosion and sediment control measures to help preserve their extent and health.

Recognising the existing ecological value of these wetlands as low to moderate, it is considered that through the implementation of these mitigation and offsetting measures the effects of the works on wetlands will be acceptable and appropriately managed.

5.3.2 Terrestrial ecology

As mentioned in Section 3.1.5, lizards and birds in the project area were assessed as having high to very high ecological value. To manage the effects on these species, specific management plans have been prepared which outline particular measures that can be adapted as and where required based on the context as summarised in Section 2.1.8 and detailed in **Appendix B** (e.g. pre-construction surveys, habitat suitability assessments, acoustic and visual devices, lizard salvage and habitat creation). Implementation of these measures will be informed by the project ecologist. In the case of lizards, a Wildlife Permit (122522-FAU) has been secured which allows for trapping, salvage, incidental death and sampling amongst other actions subject to compliance with the conditions of consent. It is considered that these measures are sufficient for managing the potential effects generated by the works on birds and lizards.

5.3.3 Freshwater and marine ecology

Both freshwater and marine fish species have been identified as potentially present on site and within the project area and is therefore, considered to have high ecological value. Due to the dynamic nature of the estuarine environment fish spawning and migration of different species is occurring throughout the year. Interactions with fish species is therefore inevitable during the works. A fish management plan has been prepared to put in place measures as outlined in Section 2.1.8 to manage effects on fish (e.g. de-fishing and work exclusion zones). This will be used in concert with the CEMP and ESCP to maintain water quality and fish ecosystem health and to minimise the discharge of sediments and contaminants on fish habitat within the Tūtaekurī River.

In the case of structures, the rip-rap rock armouring has been designed to minimise occupation in the wetted bed as much as is practicable, acknowledging their function to protect the select piers and northern abutment from scour in high river flows. It is also noted that a bridge structure has occupied parts of the riverbed since the late 1800's, so it is considered that both freshwater and marine fish species have adapted to and inhabit an environment with these types of structures. Furthermore, the rock rip-rap armouring is designed to integrate with the bed profile to minimise any restriction to the surface waterbody flow path. The rock and its sizing have been selected to integrate with the environment. The works also do not impede fish passage with river flows maintained during and after works. It is noted that the removal of the temporary laydown areas in the bed of the river will restore potential fish habitat. On this basis the effects on fish will be negligible.

The measures discussed above and earlier in Section 2 of this application will ensure that any adverse effects on wetlands, lizards, nesting birds, and fish are temporary and ensures that the health and wellbeing of the river environment and ecology will be maintained in the long term. The adverse effects on Ecological Values are therefore considered to be less than minor.

5.4 Geohydrological processes

For more information on the interconnection between wetlands, groundwater and the riverbed, please see the Hydrological Memorandum attached at **Appendix I**.

Concerns raised by TREC Ecologist and mana whenua, regarding the interrelationship between the wetlands and works within the riverbed, triggered the need to obtain a geohydrology memorandum. Geohydrology focuses to the flow of water in and out of a wetland, as well as its quantities influenced by its hydrological setting. Water levels are critical for wetland and catchment health. Disturbance such as excavation in and around a wetland can impact on its water levels through drainage and/or seepage.

The geohydrology assessment concluded that for wetlands A, B, C and D, water levels within the wetland will be maintained provided that:

- All riverbed excavation works are setback at least 40m from the mapped boundaries of each of wetland
    - This buffer will help to minimise the potential for groundwater interception during earthworks and associated drainage of these wetlands.
    - Earthworks associated with cultural rehabilitation of inanga spawning areas will be exempt from this setback.
        - Site specific investigations will be undertaken to avoid draining the established wetlands to the south of the site.
- Batters of 45 degrees on the southern side of the riverbed are included in the design and construction of the finished riverbed.
    - It is noted that it is possible, groundwater surge from the wetlands water levels are elevated during and after high rainfall events may push through the face of the finished batter.
    - Breaches of the batter face may result in scour and erosion of the cut surface.
    - Batters of 45 degrees or less will allow groundwater to push through the face, while avoiding adverse erosion and scour effects.

These recommendations will be included as conditions of consent as outlined in Section 6.

In the case of wetlands 1 to 8 which lie within the works area, the design and extent of earthworks has been adjusted to reduce the extent of effects afflicted to the wetlands to the following:

- Wetlands 1, 2, 4.5, and 5 are not expected to be affected by the dry riverbed modification,
    - A buffer around wetland 1 is proposed to avoid draining the wetland, and
- No other mitigation is needed for the remaining wetlands.
- Wetlands 4, 6, 7 and 8 will experience drainage and subsequent loss of wetland extents by varying degrees.
- The most pronounced impact will be faced by wetland 3, noting that this is a 'coastal wetland' rather than a 'natural inland wetland' which will effectively be removed as part of the works.

The combination of mitigation and compensation measures to address the effects on wetlands has been outlined in Section 5.3.1 and will be adopted as volunteered conditions of consent detailed in Section 6.

The installation of rip-rap armouring could potentially influence tidal fluctuations and water levels experienced for wetland 8, however these effects are considered negligible.

Overall, it is considered that through design alterations, compensation, and the application of mitigation measures, it is considered that the effects on wetlands will be appropriately managed.

5.5 Construction effects

Earthworks, dewatering, noise and vibration, traffic generation and river diversions are all inevitable components of construction in this particular location, setting and project scope. These activities have the potential to adversely impact on the receiving physical environment and its sensitive receptors if not managed appropriately.

As detailed in Section 2 of this application, implementation of best management practices will be in place to ensure effects on the environment from construction related activities are minimised or avoided as much as practicable, throughout the project. A comprehensive CEMP, used in combination with the ESCP and TTMP will be in place to manage the construction activities. It is noted that these plans in addition to the conditions for works near a watercourse and within the coastal environment must be complied with as part of the suite of conditions under the OIC-KR to appropriately manage the construction effects (Schedule 2).

In the case of dewatering, as mentioned in Section 2.1.3, this is expected to be limited to the installation of the rock rip-rap armouring around the piers and northern abutment. The nature of dewatering will be temporary and confined to a discrete area, lasting no more than seven days at a time and on an intermittent basis. The volume of groundwater taken will be minor in the context of the catchment area and will not compromise the availability or access to water supply for commercial, agricultural, domestic or other uses in the surrounding area. Following the take of water, it will be discharged in close proximity to where dewatering is undertaken to ensure the recharge of groundwater levels occurs and volume of available is maintained under current conditions in that location. All discharges of dewatering water will be managed so the discharge maintains current groundwater quality levels. Additional conditions have been proposed as outlined in Section 6 to ensure dewatering is appropriately managed with regard to volumes taken and discharge quality.

With regards to sensitive noise receptors, the nearest residential dwelling is approximately 1000m to the south, and an office is 500m north of the site. Considering the separation distance, the works are expected to comply with the noise and vibration limits outlined in the conditions in Schedule 2 of the OIC-KR which requires construction activities to comply with the noise limits in NZS 6803:1999 Acoustics – Construction Noise as far as practicable. KiwiRail requests that any construction noise clause exclude bird-scaring devices, including gas cannons. These devices will be used to manage birds nesting in the construction area. Air/gas cannons for bird management are common activities in rural environments and are managed under District Council rules, standards, and terms. Any devices used in the management of birds on site will comply with the requirements in the relevant District Plan. The adverse effects are therefore considered to be less than minor, and an advisory note in the decision, excepting these devices from the noise standards, would avoid conflict and confusion in the future.

Overall, it is considered that construction activities required as part of the works will be managed so the effects are less than minor.

5.6 Effects on cultural values and culturally significant land

Please refer to the Cultural Impact Assessment (CIA) in **Appendix D** for detailed information on the effects on cultural values. The CIA is a single assessment, for all hapū with mana whenua over the Tūtaekurī River mentioned in Section 3.1.6 of this AEE. This CIA has been prepared for the berm works only, as agreed and requested in the earlier CIA referred to as Part 1 in this CIA.

The CIA emphasises the adverse impact from Cyclone Gabrielle on mahinga kai and the resources they provide for ecological communities, mana whenua, hapū and the wider community. As a consequence, a rahui was applied by the Mana Ahuriri Trust and the Heretaunga-Tamatea Settlement Trust for the collection of whitebait which was in place until Setember 2024. Other adverse effects includes the siltation of bird, lizard and fish specieis habitat in the area with a corresponding reduction in their abundance. This has restricted mana whenua and hapū from being able to exercise cultural practices and the application of overarching cultural values such as whakawhanaungatanga and kaitiakitanga.

The CIA recognises the importance of reinstating the resilience of Bridge 217 PNGL through the river berm excavations and rock rip-rap installation so it can withstand future flood events. It acknowledges that the excavation design approach has minimised the impacts on wetlands as much as is practicable, and accepts there will be a necessary impact on wetlands 3, 4, 6, 7, and 8 which will have an adverse cultural effect. The CIA notes KiwiRail's proposed mitigation measures, and is supportive of the compensatory approach, allowing mana whenua and hapū to enact their Matauranga Māori knowledge of Tūtaekurī Awa and their understanding between Īnanga and local wetlands.

To offset this effect, the CIA has put forward several options for KiwiRail, mana whenua and hapū to consider. KiwiRail are generally supportive of the proposals and will continue to work with mana whenua to find an agreed solution and compensation value. KiwiRail are also supportive, in principle, of ongoing cultural monitoring of inanga populations and habitat in the area. Ongoing cultural monitoring during the works is also welcomed.

KiwiRail and Ngāti Pārau will confirm with HBRC on the value of compensation when an agreement has been reached. Ngāti Pārau supports KiwiRail's proposed river berm and rock armouring works to maintain the resilience of Bridge 217 PNGL subject to the following:

- flood resiliency being prioritised in design, construction and maintenance;
- a form of offsetting as agreed by KiwiRail and Ngāti Pārau is undertaken as part of the project;
- a cultural monitoring program of the works and offsetting measures taken be funded by KiwiRail and led by Ngāti Pārau hapū; and
- utilising tall fescue (Festuca arundinacea) and creeping bent (Agrostis stolonifera) seeds in the hydroseeding mixture to support future Īnanga spawning in the Waitangi Washout area.

All of these matters outlined above will be accounted for and included as part of the project scope. On this basis it is considered that any cultural effects caused by the works will be appropriately managed.

5.7 Effects on amenity and natural values

The reshaping, removal and installation of material in and around a surface water body can result in an impact on its amenity and natural values (e.g. ecosystems; natural form and character; mahinga kai; water supply for domestic, agricultural, commercial and industrial use; and recreational use).

The removal of the aggraded sediment is restoring the Tūtaekurī River back to its pre-cyclone levels. Whilst the change will result in the removal of vegetation and reductions in the extent of existing coastal and inland wetlands, as outlined Section 3.1.5, these hold low to moderate value. Change in this area is constant due to the dynamic nature of an estuarine environment influenced by climatic, coastal, recreation, transport and cultural factors. Therefore, the alterations to this area can be readily accommodated. These losses are further softened by the proposed hydroseeding to encourage inanga spawning areas and reinstatement of the wetland catchment extents where practicable in addition to the compensation and future offset planting to be undertaken by Ngāti Pārau. Collectively, this means that this significant ecological environment, its characteristics and intrinsic qualities will generally be maintained following the completion of works.

The installation of the rock rip-rap armouring is for the purpose of protecting the northern abutment and piers from scour to help maintain the resilience of Bridge 217 PNGL in future flood events. It is acknowledged that the natural character and form will change with the rip-rap extending the footprint of the existing structure. Context is important to highlight in this situation, the area where the rock rip-rap armouring has

been placed is in an already modified natural environment, considering bridges and their piers and abutments have existed for over 100 years. Man-made induced changes to the flow and direction of rivers within the area have also led to the loss of the original mudflats that existed in the area. This location is considered highly modified, the materials are consistent with other bridge protection structures, reinforced to protect regionally significant infrastructure or adjacent property in the region. In time, floods will deposit silt over the rip-rap and the existing visual amenity will return. It is, from a visual and aesthetic standpoint, considered that the rip-rap armouring can be readily accommodated and absorbed by the existing environment and landscape.

The use of rock as a natural material instead of a man-made material (e.g. concrete or metal retaining) for the revetment will maintain a sense of the natural environment. In addition, the rock will be sourced locally further supporting the integration with the existing environment. The rock rip-rap revetments will not prevent mahinga kai practices or recreational activities being undertaken on the Tūtaekurī River. The cycleway path that runs below the bridge will be reinstated above the rip-rap, as detailed in the Design Drawings in **Appendix C**. The revetments do not require a take of surface water or would impair the flow and accessibility of water supply.

Overall, the effects on amenity and natural values are considered to be less than minor.

5.8 Overall conclusion on effects

Overall, the works will restore the resilience of Bridge 217 PNGL in future flooding and severe weather events, with the adverse effects either avoided, remedied, mitigated or offset. The following conclusions on effects for the works have been reached:

- The excavation and lowering of the river berm to RL 1.2m associated with the river berm excavation works will reinstate river hydraulics to a pre-cyclone level and allow for a reduction in water level and water velocity in future flood events around Bridge 217 PNGL. Consequently, the effects are considered less than minor and of benefit to the area.
- The methodology to manage lizard, bird, and fish within the work site will ensure the adverse effects on ecological values will be less than minor.
- The design approach, earthworks methodology and offsetting measures will ensure that any effects on wetlands will be less than minor.
- Any adverse effects on cultural values are capable of being managed through adopting the recommendations in the CIA.
- The methodology to manage construction effects during the works within and around the site will ensure adverse effects are less than minor.
- The design, context and mitigation measures are considered to manage the effects on amenity and natural values attached to the area such that the effects will be less than minor.

6 PROPOSED CONDITIONS FOR THE CONSENTS

Under the OIC-KR, consent granted for recovery work must be on the conditions set out in Schedule 2 and 3 that relate to the recovery work, as modified by the process provided in the OIC-KR. Clause 7(e) requires that an application for resource consent for recovery work include any conditions that KiwiRail proposed for the consent.

In respect to this application:

- The relevant schedule of conditions to consider is Schedule 2 as the activities requiring consent relate to Section 9 and 12 of the RMA for the Project.
- As detailed in Clause 2 of Schedule 2 the conditions relate to construction activities and on completion of construction would no longer apply.
- Clause 10 of the OIC-KR allows the Council to consider and recommend amendments to the Schedule 2 conditions and any additional recommended conditions.
- Clause 7(2)(e) of the OIC-KR allows KiwiRail to propose conditions for the consent.

KiwiRail requests that when considering conditions under the OIC-KR, the following clauses and subclauses be either altered so they remain relevant to the proposed activities or deleted as they are not relevant or required as part of any decision associated with this project.

Clause 5 - Affected area recovery liaison group

On behalf of KiwiRail, TREC asks the Council to consider and approve the proposed alteration to the Affected Area Recovery Liaison Group subclause, as described below, and in **Appendix J**. This alteration is generally consistent with the Stage 2 decision **APP-131281,** approved and issued on the 24 October 2025.

Proposed Subclause Change:

> *Condition 5 Affected area*
>
> *Condition 5(a) At least 20 working days before starting construction works, the agency shall notify* ***and provide the following information to the Hawke's Bay Regional Council, Napier City Council, Hastings District Council, Heritage New Zealand Pouhere Taonga, the Department of Conservation, iwi, hapu or both:***
>
> ***a. The construction programme schedule.***
>
> ***b. Contact details of the Project Manager and Site Manager.***
>
> ***c. Date and time for the pre-construction start meeting.***
>
> ***Condition 5(b) The agency shall undertake a pre-construction start meeting with iwi and hapū and stakeholders identified in condition 5(a), 10 working days prior to works commencing, which shall at a minimum cover the following:***
>
> ***a. Scheduling and staging of the works;***
>
> ***b. Responsibilities of all relevant parties, including confirmation that the persons implementing the relevant management plans on site are suitably trained and/or experienced;***
>
> ***c. Contact details for all relevant parties;***
>
> ***d. Expectations regarding communication between all relevant parties;***
>
> ***e. Procedures for implementing any amendments; and***
>
> ***f. Site visit procedures***
>
> ***Condition 5(c) The agency shall:***
>
> *(a) keep a record of any comments provided by* ***iwi and hapu, and stakeholders with respect to the management and monitoring of the construction works.***

Advice note:

> *For the purpose of compliance with Condition 5 'working days' includes the summer shutdown period from the 20th of December to the 10th of January.*

The Liaison Group subclauses were included in the OIC-KR to inform the design, management, and monitoring of all rebuild projects in the region. This project had been presented to the now disestablished Southern Liaison Group (See Section 7.7 of the AEE) for design consideration. The remaining components of subclause 5 are the management and monitoring of the project, which KiwiRail believes can be delivered more effectively through the abovementioned revised subclause.

Seeking to remove the need to establish a formal and structured liaison group, TREC proposes conditions requiring the continued sharing of relevant information and pre-construction meetings before works commence on-site. These changes allow information to continue to flow through existing, well-established communication channels, built on the relationships established over the last 18 months as part of the cyclone rebuild and recovery. Included is a requirement for KiwiRail to record any comments received from iwi and hapū partners and stakeholders. TREC considers that the altered condition will retain the intent of Clause 5 by continuing to ensure information is readily available and shared with iwi, hapū, and stakeholders, along with the opportunity for them to freely engage and interact, ask questions, and receive responses before and during the construction phase. This condition will ensure that the management and monitoring aspect of Clause 5 is retained and addressed.

Removal of a formalized structure and engagement regime provides the flexibility needed to adapt the form and function of engagement to what is required for projects of this scale and extent. The altered condition will promote efficiency in resources for all involved in the project to support positive project outcomes. This is a common theme raised when discussing the proposal with mana whenua and stakeholders.

To assist the decision-making process, TREC has met with mana whenua and stakeholder representatives to discuss this altered condition (see the record of engagement in **Appendix K**). Through these discussions, it was noted that the flexibility proposed would allow iwi and hapū and stakeholders to receive information, raise questions, and engage with KiwiRail when necessary. This flexibility was welcomed as many of our iwi and hapū partners and stakeholders noted that they would struggle to resource a formal group given their current workloads. This alternative subclause is seen by our partners and stakeholders as an adaptive and flexible approach to engagement.

Whilst the condition does put in place 'working day' timeframes to provide information and undertake a pre-construction meeting with iwi and hapū and stakeholders, this should not preclude TREC from undertaking these actions outside of the working day timeframes during the RMA summer shutdown period (20th December to the 10th of January) to avoid undue delays to the construction programme. This change is not considered to restrict the ability for iwi and hapū and stakeholders to engage in the construction process, rather it builds greater flexibility and lead in time for when the meeting can be held, and information shared. TREC is agreeable to discussing this approach with Council and other alternative measures should any concern be raised.

TREC believes that the management and monitoring components can be delivered through the altered condition. This change is not less onerous than was intended by the original clause and will continue to allow for the sharing of information, collaboration, and engagement, based on well-established and ongoing relationships, and pre-construction meetings. The alternative condition will still achieve the intent of Clause 5, will be generally consistent with the decision for **APP-131281** and therefore, it can be approved by the Council.

Clause 6 - Construction environmental management plan

TREC requests that this subclause be changed for consistency, to reflect the changes proposed to Clause 5. The change requested is to replace the reference to the liaison group with *"iwi and hapū and stakeholders identified in condition 5(a)."* This change will not alter the intent of this subclause. Conditions 6(a)(ii), 6(d), 6(e) and 6(h) will need to be modified.

Clause 7 - Earthwork principles

TREC requests the following additions to Condition 7(1) of the earthwork principles:

(f) Earthworks must remain a minimum of 40m from Wetlands A, B, C, or D

> *(i). this excludes works to provide inanga spawning areas, where further geohydrology comments confirm that there would be no more than a negligible loss of water levels within Wetlands A, B, C, or D.*

(g) The batter slope of the finished cut on the southern side of the river must be 45 degrees or less.

The proposed additions are to reduce the occurrence of groundwater seepage flows at the toe of the cut during and after heavy rainfall events, mobilising sediment and impacting water quality within the river. This is the adoption of the recommended mitigation measures by the hydrogeologist as outlined in Section 5.4 and memorandum in **Appendix I**.

Clause 11 - Contaminated land

The subclause in Clause 11 is not required, as testing of the silts within the riverbed confirmed that the material can be disposed of as cleanfill. These conditions are therefore not relevant to the work proposed in this resource consent application.

Clause 12 - Requirements for works and structures in the beds of watercourses

TREC requests the deletion of subclauses 12(2) to 12(5) as it would be impractical from a construction and design standpoint to comply with these conditions. The events described in the conditions are large-scale floods, likely to wipe out any controls KiwiRail may have within the river. TREC Ecologists advised that Fish spawning and migration activities are also ongoing year-round within this estuarine environment, and for

this reason, KiwiRail would be unable to comply with this subclause. No culverts are proposed as part of this project, and for this reason, subclause (5) is not required.

TREC therefore requests that these subclauses be deleted from any decision associated with this project, as KiwiRail would be unable to comply with them.

No changes are proposed to subclause 12(1).

Clause 13 Construction requirements if clause 12 applies

TREC requests the deletion of subclauses 13(1) to (5) and (6) (b) and (c). Subclauses 13(1) to 13(4) are not relevant to this application, as no culverts are proposed in this application. Deletion of subclause 13(5) is also requested, as machinery will be stored in the temporary crane laydown areas as part of the river berm earthworks and installation of rock rip-rap armouring. As the laydown areas are within the bed of the river, KiwiRail cannot comply with this condition. It is noted that the laydown area is temporary and will be removed as part of the proposed river berm excavation activities. The crane laydown areas will not support storage activities for an extended period of time beyond the bridge remediation works program.

Deletion of subclause 13(6)(b) and (c) is also requested. As discussed, KiwiRail's site office and laydown yard are also located within the riverbed, where fuel storage, refuelling, and maintenance activities will, from a practical perspective, need to take place. KiwiRail would be unable to comply with these conditions. Measures to avoid spills, including spill management kits, will be in place on-site to ensure that contaminants do not enter the wet part of the river or any other sensitive water bodies and environments.

Subclauses 13(6)(a) and (d) to (f), 13(7) and 13(8) will be retained.

Clause 14 Stormwater Discharge

The subclause in Clause 14 is not relevant to this project as no new drains are proposed as part of this application. The subclause can therefore be deleted.

Clause 15 Coastal Structures

TREC requests the deletion of subclauses 15(2) and 15(4) as no structures are proposed to be established within the Coastal Marine Area.

Subclauses 15(1), 15(3), 15(5) and 15(6) will be retained.

Clause 17 Construction Noise

KiwiRail requests that a note be included in this Clause stating that bird-scaring devices, including air/gas cannons, are excluded from compliance with the construction noise requirements in this Clause. To prevent nesting within the work site and reduce the risk of bird mortality during construction, KiwiRail intends to implement bird-scaring measures. These devices will be operated in accordance with all relevant provisions of the HDC and NCC District Plans.

The Bridge 217 PNGL site is located in a rural area where bird-scaring devices are commonly used and accepted. The nearest sensitive residential property is situated a considerable distance from the site, further mitigating potential noise-related impacts. Given this context, the use of such devices is considered both appropriate and reasonable.

KiwiRail seeks assurance that its bird management plan will not be constrained by any OIC-KR Clause or construction-related restrictions. The potential adverse effects associated with bird-scaring devices are assessed as less than minor and are subject to existing regulatory oversight. Accordingly, KiwiRail considers it appropriate that these devices be excluded from the construction noise compliance requirements specified in this Clause.

The draft Advice note is provided below:

> ***Advice Note:***
>
> *Audible Bird Scaring Device, meaning any device that generates audible sound waves used for the scaring of birds and other animals, and includes any percussive, electronic or explosive device, airhorn, alarm, amplified signal, gas gun, screech, siren or warbler, are excluded from and do not need to comply with the noise limits in condition 17.*

Clause 18 Ecology

TREC requests the deletion of subclause 18(3) and removal of the reference to the Ecology Scoping Report in subclause (4), as an Ecology Scoping Report has already been completed and is included in this application (**Appendix B**). No further action is required.

TREC requests that subclause 18(5) be changed for consistency, to reflect the changes to Condition 5. The change requested is to replace the reference to the liaison group with "the iwi and hapū and stakeholders identified in subclause 5(1)." This change will not alter the intent of the subclause.

Subclauses 18(1), (2), (4), and (6) will be retained.

19 Minimising ecological loss

TREC requests that deletion of subclause 19(1) to (4) given ecological management plans have already been prepared to manage adverse effects on flora and fauna. It is proposed the subclause 19(1) be replaced with the following – *"Prior to, during, and post works, the project ecologist shall ensure the relevant bird, fish, and lizard management plans are implemented and adhered to, as necessary to minimise ecological loss".*19(2)(b). Condition 19(5) will be retained to report on any ecological loss with a minor amendment to reflect the removal of subclause 18(3).

Clauses 20 and 21 Reclamation

TREC requests that those subclauses under Clauses 20 and 21 be deleted, as reclamation and structures within the CMA or adjacent to the CMA are not proposed as part of this project. Therefore, the subclauses are not relevant to this application and can be omitted.

Proposed additions

KiwiRail requests that the following conditions be included to support the management of effects during construction:

Cycleway access

TREC requests the following conditions be added to ensure that the cycleway present within the site extent is appropriately managed.

1. *Not less than 10 working days prior to commencement of any works that require a closure of the cycle pathway at the northern end of the site, the consent holder shall give notice to the Council (Cycle Network Coordinator) of the intention to close the cycle pathway and include a duration the closure is to be in place for. A suitable detour shall be available at any other time public access is restricted.*

Dewatering

TREC requests the following conditions be added to manage the volume of groundwater taken and quality of water discharged into land:

1. *Monitoring of the volume and rate of take during dewatering shall be undertaken, recorded and provided to HBRC following the completion of all dewatering required for the works.*
2. *The dewatering discharge shall not cause erosion or scour to the receiving environment.*
3. *The dewatering discharge shall not cause or exacerbate flooding on properties outside the riverbed.*
4. *The discharge shall be treated so that it does not give rise to any change in the colour or clarity within the river, after reasonable mixing. Reasonable mixing is defined as 50m from the point of discharge.*

Wetlands

TREC requests that the following conditions be added to manage the effects of disturbance, drainage and reduction to wetlands within the project works area:

1. *The consent holder shall make a financial contribution to Ngāti Pārau Hapū Trust to recognise:*
    a. *the partial loss of Natural Inland Wetland 4, and*
    b. *the majority loss of Coastal Wetland 3, and*
    c. *the loss of planting not already accounted for in the wetland loss calculation on the southern side of the Tūtaekurī River, and*
    d. *Revegetation planting in and around Natural Inland Wetlands 6, 7 and 8.*

Advice Notes:

KiwiRail shall direct the financial compensation to Ngāti Pārau Hapū Trust only.

On that date, Ngāti Pārau Hapū Trust, receives the wetland compensation, Ngāti Pārau Hapū Trust is responsible for completing any offset replanting required as part of this resource consent.

From that date, Ngāti Pārau Hapū Trust, receives the wetland compensation, Ngāti Pārau Hapū Trust will lead the design, implementation and monitoring of any required wetland offsetting.

From that date, Ngāti Pārau Hapū Trust, receives the wetland compensation, Ngāti Pārau Hapū Trust must undertake any offset planting within the next available planting season, unless two months prior to the planting season, Hawke's Bay Regional Council agree to the delay.

2. *A Wetland Compensation Report detailing the area affected, method of compensation, and ecological outcomes must be submitted to the consent authority within 30 working days of completing the riverbed works. The compensation report shall include cost of replacing the plants not within a wetland, but lost as a result of these works.*

Design standards

TREC requests that the following design standards be included as conditions of consent to ensure that structures and the importation and disposal of material is managed so that a high-quality project delivery and outcome is achieved.

1. *All works and structures relating to this resource consent shall be designed, constructed, and maintained to conform to the best engineering practices and at all times maintained to a safe and serviceable standard.*
2. *The consent holder shall undertake all operations in accordance with the documents provided in support of the application.*
3. *The consent holder shall only discharge cleanfill material as per the definition of the Ministry for the Environment 'National Planning Standards' (dated November 2019) to the site and is defined as:*

   [Cleanfill] material means virgin excavated natural materials including clay, gravel, sand, soil and rock that are free of:
   a. *combustible, putrescible, degradable or leachable components;*
   b. *hazardous substances and materials;*
   c. *products and materials derived from hazardous waste treatment, stabilisation or disposal practices;*
   d. *medical and veterinary wastes, asbestos, and radioactive substances;*
   e. *contaminated soil and other contaminated materials; and*
   f. *liquid wastes.*
4. *For any material brought onto site from an offsite location, excluding mulch, concrete and metal aggregate (crushed stone) and rock rip-rap, a desk-based assessment shall be prepared, and/or verified by a Suitably Qualified and Experienced Contaminated Soils Professional (SQEP) to confirm the material will meet the requirements of Condition 3 and provided to the Hawke's Bay Regional Council (Manager Compliance) at least five (5) working days prior to the material being brought onto site. Where necessary, the SQEP may choose to undertake sampling to ensure the material meets the definition of cleanfill required by Condition 3.*

Discovery protocol

Whilst the archaeological and heritage risks are considered low, as a precautionary measure in line with the recommendations from the TREC archaeologist and TREC construction standards, the TREC Discovery Protocol is to be adopted and in place during works. TREC requests that the following condition be added:

1. *The Construction Environmental Management Plan shall include the Transport Rebuild East Coast Discovery Protocol and Poster below. All contractors must be familiar with the protocol before works commence onsite, and any new staff starting onsite must be made aware and become familiar with the protocol.*

7 CONSULTATION AND ENGAGEMENT

Clause 7(2)(f) of the OIC-KR requires a description of any consultation undertaken in relation to the work, including with relevant Māori entities. Outlined below is a description of the consultation undertaken to date. A summary of consultation undertaken is also attached at **Appendix K**.

7.1 Māori entities

Engagement with iwi, hapu and applicable entities has been and will continue as and where required.

Through an iterative and learning process over the lifespan of TREC, an agreed approach and format to engagement has been developed with the respective iwi and hapū for the various types of projects TREC has been tasked with delivering, including for recovery works.

Consultation with mana whenua began with ecology site visits in March 2025. Following this, iwi and hapū were invited to and attended a project presentation at TREC on 8 May 2025. A follow-up meeting on the engagement of the CIA author was undertaken on 26 June 2025, and a site visit on 27 June 2025. Regular discussions were undertaken with the CIA author to answer any questions or queries. Recommendations from this proactive consultation process have influenced the design of the project to date. Engagement with iwi, hapū, and applicable entities is ongoing.

7.2 Hawke's Bay Regional Council

The Council was engaged early in the design process. Partners in the TREC Southern Liaison Group, the Council was made aware of this project in 2024 and early 2025. A pre-application meeting was held with Paul Barrett, Simon Moffitt, Bart Leslie, and David Okros on 1 July 2025 to discuss this project and the works proposed. Meetings were also held with Jonathan Smith, on 2 July 2025 to discuss the detailed engineering design matters. Discussions with the Council were also held on 1 September 2025, regarding amendments to Clause 5, in Schedule 2 – Affected Area Recovery Liaison Group. A further meeting with Brandon Bailie on the 14 October 2025, included a briefing on the project and when it was likely to be lodged.

The Council will continue to be consulted as and when required.

7.3 Department of Conservation

DoC were engaged with following the confirmation of the extent of works required and ecological surveys undertaken at the concept design stage. Correspondence with DoC began in August 2025 to outline the project, its interaction with the Upoko Public Conservation Land and associated concession and wildlife permit required. Several meetings have occurred with the DoC staff including Darcy Lidall, Concessions Officer on 2 September 2025 and Kev Carter and Lindsay Tallman, Hawke's Bay Rangers on 4 September 2025 to further discuss the use and temporary occupation of the Upoko Public Conservation Land and the approach to the concession and wildlife permits required. These meetings also included discussion on the proposed amendments to Clause 5, in Schedule 2 – Affected Area Recovery Liaison Group.

Since this point TREC have lodged a concession with DoC to undertake works, access and drive across land, temporarily stockpile and load out excavated material within the Upoko Public Conservation Land. The concession was lodged with DoC on the 7 October 2025, (Permission Number: 122781-OTH). TREC will continue to liaise with DoC over the aforementioned matters. Engagement with DoC will continue through the life of the project in accordance with the conditions of the concession and wildlife permit.

7.4 NZ Transport Agency Waka Kotahi

NZTA were consulted with on the project initially at a high level as part of the SLG as further detailed in Section 7.7. This was followed by direct engagement with the NZTA structures and operations representatives for the Hawke's Bay Region which occurred in September 2025.

A meeting on the 8th of September 2025 occurred with Stephen Martin, NZTA's Acting Senior Network Manager for the Hawke's Bay Region along with NZTA's structural engineer representatives. The purpose

of the meeting was to provide an overview of the Bridge 217 PNGL remedial works, and to discuss the river berm works and their interaction with the SH51 Bridge. TREC confirmed that none of the excavations proposed will result in any additional exposure of the SH51 Bridge's abutment foundations or piles beyond the original design. The works will also support the restoration to the SH51 Bridge's existing resilience pre-cyclone, along with other indirect benefits such as reduced water velocity experienced in storm events.

A memorandum providing an overview of the project and specific works required around the SH51 Bridge was issued to NZTA on 10 October 2025 as requested to review and provide their approval for the works to be undertaken along with any other bridge protection measures required. Approval was given on 21 October 2025 and is attached at **Appendix L**.

A meeting with Michael Kehoe, TREC's Alliance Traffic Management Coordinator was held on the 9th of September to discuss the project, access requirements and traffic management for SH51. He confirmed on the 10th of September that a TMP can be prepared to address any impacts on the operation and/or function of the road network.

Correspondence with NZTA has and will continue over the life of the project works.

7.5 Heritage New Zealand Pohere Taonga

Heritage New Zealand Pohere Taonga (HNZ) were engaged with to discuss the project, including the archaeological context, OIC-KR processes and to seek their position on a proposed amendment to Clause 5, in Schedule 2 – Affected Area Recovery Liaison Group. Engagement with HNZ began in late August with a meeting held on 3 September 2025 with Dean Raymond, Central Area Manager and Emma Clifford, Manager of HNZ to cover the above topics. A copy of the archaeological memo prepared for the project works was sent through to HNZ confirming the archaeological risk was low on 12 September 2025.

Engagement with HNZ will be undertaken as and when required for the project.

7.6 The Rotary Pathway Trust

The river berm excavation and rock rip-rap armouring works will require the temporary closure of the Waitangi Regional Park section of the cycle trail. TREC, on behalf of KiwiRail, is working with Vicky Butterworth at the Council to coordinate this closure and provide an alternative cycle route where practicable.

7.7 Southern Liaison Group

In 2023, TREC established the Affected Area Southern Liaison Group (SLG) to help inform the design, management, and monitoring of all construction works associated with the NZTA and KiwiRail recovery in Hawke's Bay (Schedule 2, Conditions, Clause 5 in the OIC-KR). Representatives from HDC and NCC, the Council, HNZ, DoC, and iwi, hapū were invited and participated in the Group.

KiwiRail presented the proposed bridge remediation works to the SLG. The recommendations from the group were received and taken into consideration when progressing the design of these works.

The SLG has since been formally disestablished at the end of March 2025, as there were no future large scale projects proposed within Hawke's Bay that would justify stakeholders committing time and resources to maintaining the formal structure and terms of reference for the liaison group. The decision was made to disestablish the group, and there are no plans to re-establish the SLG.

8 STATUTORY ASSESSMENT

Clause 8(2)(b) of the OIC-KR states that resource consents are to be determined in accordance with Part 6 of the RMA, except that:

(i) the procedure set out in clause 10 concerning changes to conditions in Schedules 2 applies; and

(ii) the consent authority need not have regard to the matters in section 104(1)(b) or 105 of the RMA when considering the application; and

(iii) if the resource consent is a discharge permit, the consent authority is deemed to be satisfied of the matters in section 107(2) of the RMA; and

(iv) the consent authority must consider comments received as part of the consultation process under clause 9 and make publicly available a summary of the comments, together with the Authority's response to the issues raised, before or at the same time as its decision on the application is notified under the RMA; and

(v) for the purposes of section 115 of the RMA, notice of the consent authority's decision must be given within 30 working days after the date on which the application was lodged with the consent authority.

The OIC-KR states that this resource consent is to be determined in accordance with those relevant matters in Part 6 of the RMA. With respect to Section 104 of the RMA, the relevant matters for consideration, subject to Part 2 are:

- Section 104 (1)(a) requires HBRC to have regards to actual and potential effects on the environment from allowing the activities detailed above in Section 2 of the application. An assessment of effects has been provided at Section 5 of the application and this concludes that the effects from undertaking these activities in conjunction with the proposed conditions of consent results in the effects being less than minor.
- Section 104(1)(ab) relates to measures for offsetting or compensating to address adverse effects, no offset or compensation measures are required for these recovery works.
- Section 104(1)(c) requires that the consent authority considers any other matters that are relevant to determine the application. There are no other matters considered relevant for the determination of this application.

8.1 Part 2 RMA Assessment

The works undertaken are considered in accord with the sustainable management purpose of the RMA as set out in Part 2 as the works:

- Will not compromise the life-supporting capacity of water or the ability for natural and physical resources to meet the needs of future generations.
- The works have recognised the relationship Māori have with the Tūtaekurī River and have managed the design and construction works to minimise any potential or perceived impacts to the existing cultural and intrinsic values attached to this waterbody. In addition to this, engagement with and representation by Kaitiaki in the works means the exercise of kaitikaitanga has been enabled and exercised. Overall, KiwiRail has provided for the principles of the Treaty of Waitangi during these recovery works.
- The recovery works are for the purpose of managing the risks posed by natural hazards.
- The works will be undertaken in a manner that avoids, remedies, or mitigates adverse effects on the environment.

8.2 Importance of proposed works

As outlined in **Appendix A**, the Recovery Act was developed for the purpose of assisting communities and local authorities affected by severe weather events to respond to and recover from the impacts of the severe weather events. The proposed recovery works will directly contribute to the planning, rebuilding, and recovery of affected communities and persons.

Furthermore, the works need to be completed under urgency to minimise the actual and potential economic, environmental, social, and cultural adverse effects to communities. This urgency is recognised by the OIC-KR, which provides for a streamlined resource consent process, where resource consents must be granted, and a standard set of conditions has been developed to manage adverse environmental effects.

8.3 Other Matters

A consideration of section 104(1)(c) and 'any other matters' is not precluded under the OIC-KR. We are not aware of any other matters that may be relevant and reasonably necessary for the Council to consider to determine the application, noting that the resource consents must be granted.

9 CONCLUSION

This AEE report has been prepared on behalf of KiwiRail Holdings Limited to accompany the resource consent application to the HBRC to authorise works to undertake the river berm and rock rip-rap armouring works at Bridge 217 PNGL to restore bridge resilience in future flood events. The AEE has been prepared to fulfil the requirements set out in the OIC-KR, which provides a modified RMA process for recovery work.