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

RESOURCE CONSENT

Land Use Consent, Water Permit, Discharge Permit

In accordance with the provisions of the Resource Management Act 1991(RMA), and subject to the attached conditions, the Hawke's Bay Regional Council (the Council) grants a resource consent for a controlled activity to:

KiwiRail Holdings Limited
PO Box 593
Wellington 6140

Authorisation No:	**Activity Description:**	**Activity Type:**
AUTH-132941-01	to erect a rip-rap rock armouring structure and crane pads in the bed of the Tutaekuri River within the CMA.	Land Use Consent
AUTH-132942-01	To carry out excavation works in the bed of the Tutaekuri River.	Land Use Consent
AUTH-132943-01	To clear vegetation and soil disturbance within 5m of the Tūtaekurī River, wetlands and within 20m of the CMA.	Land Use Consent
AUTH-132944-01	To take and use water for the purposes of dewatering during repair works to the Bridge 217 PNGL.	Water Permit
AUTH-132945-01	To discharge contaminants and water to land and water during the repair of Bridge 217 PNGL.	Discharge Permit
AUTH-133193-01	To undertake earthworks on a stopbank for access	Land Use Consent

LOCATION

Address of site: Rail Bridge 217, Tutaekuri River, Waitangi, Napier

Legal description (site of structure): Part Section 52 Block I Clive SD, Section 57 Block I Clive SD, Part Lot 2 DP 6287, Section 53 Block I Clive SD

Map reference (NZTM): At or about 1936839 E – 5613019 N

CONSENT DURATION

This consent is granted for a period expiring on 15 December 2030.

Paul Barrett
Manager Consents
POLICY AND REGULATION GROUP
Under authority delegated by Hawke's Bay Regional Council
15 December 2025

CONDITIONS

1A. Design Standards

(a) 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.

(b) The consent holder shall undertake all operations in accordance with the documents provided in support of the application.

(c) 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:

i. combustible, putrescible, degradable or leachable components;

ii. hazardous substances and materials;

iii. products and materials derived from hazardous waste treatment, stabilisation or disposal practices;

iv. medical and veterinary wastes, asbestos, and radioactive substances;

v. contaminated soil and other contaminated materials; and

vi. *liquid wastes.*

(d) For any material brought onto site from an offsite location, excluding mulch, concrete and metal aggregate (crushed stone), 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 1A(c) 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 1A(c).

1B. Wetland Conditions

(a) The consent holder shall make a financial contribution to Ngāti Pārau Hapū Trust to recognise:

i. The partial loss of Natural Inland Wetland 4, and

ii. The majority loss of Coastal Wetland 3, and

iii. The loss of planting not already accounted for in the wetland loss calculation on the southern side of the Tūtaekurī River, and

iv. Revegetation planting in and around Natural Inland Wetlands 6, 7 and 8.

(b) The financial contribution shall be used to implement (in full or part) wetland compensation as described in the Wetland Compensation Report required under condition b) below.

Advice Notes:

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

On that date, Ngāti Pārau Hapū Trust, receives the financial 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 financial 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 financial compensation, Ngāti Pārau Hapū Trust must undertake any offset planting within the next available planting season.

(c) 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 be consistent with the Ecological principles (as set out in condition 18), and shall include but not be limited to:

i. The financial cost of compensation equivalent to the financial contribution made in condition (a) above.

ii. Quantification of the actual area and type of wetland habitat lost as a result of the authorised works, including the percentage cover of indigenous and exotic species.

iii. Restoration objectives - clear goals for replacing lost wetland ecological function and biodiversity.

iv. Offset planting ratios.

v. Suitable plant species, planting density and any hydrological restoration required.

vi. Maintenance requirements.

vii. Cost of replacing the plants not within a wetland, but lost as a result of these works.

Advice Notes: *The Agency is deemed to have fulfilled this condition following the issue of the Wetland Compensation Report and financial contribution being transferred to Ngāti Pārau Hapū Trust.*

1C. Dewatering

(a) 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.

(b) The dewatering discharge shall not cause erosion or scour to the receiving environment.

(c) The dewatering discharge shall not cause or exacerbate flooding on properties outside the riverbed.

(d) 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.

1D. Cycleway Access

(a) 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 time public access is restricted.

(b) As soon as practicable after the completion of works, the cycle path is reinstated to no lesser state than it was prior to works commencing.

(c) Prior to commencement of works where the cycle path may be damaged or has previously been damaged by the temporary bridge works, the Agency shall provide a photographic survey of the site and provide it to Council (Manager Compliance), with a focus on recording the current state and condition of the cycleway before works commence.

Advice note: *It is understood the consent holder will enable Hawke's Bay Regional Council (HBRC) to coordinate the cycle path reinstatement. Cycle path reinstatement undertaken by HBRC (or HBRC nominated contractor) is deemed to satisfy the requirement of condition 1D(b).*

Advice note: *The cycle path shall be reinstated in accordance with the New Zealand Cycle Trail Design Guide standards for a Grade 1 design (Appendix 3A of the New Zealand Trail Design Guide) and to a minimum width not less than 2.5m.*

1E. Discovery Protocol

(a) The Construction Environmental Management Plan shall include the Transport Rebuild East Coast Discovery Protocol and Poster below (see Appendix 1). 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.

1F. Access over Awatoto Stopbank

(a) Plans requiring certification for works within Part Section 52 Block I Clive SD, Parcel ID: 4198071, shall be provided to the Council (Manager Compliance) at least ten (10) working days prior to the works to which the plan relates commence. The Agency shall submit the plans requiring certification to the Council (Manager Compliance) for technical certification that it meets the requirements of the relevant condition. The plan(s) shall be considered certified unless, within 10 working days of having received the plan, the Council advises in writing of reasons for withholding certification. All certified plans must be implemented.

Advice note: *The actual and reasonable costs associated with certification, including any expert technical review costs required to inform this process, will be charged to the applicant in accordance with s36 of the RMA and the HBRC Annual Plan at the time. The Regional Council will endeavour to certify compliance within ten (10) working days.*

Advice note: *In relation to a management plan required by conditions of this consent, 'certification', 'certify' and 'certified' means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the document or matter is technically consistent with the requirements contained within the relevant conditions of this consent. This may be informed by expert opinion provided by the consent holder or otherwise sought by the Council from internal or external experts, and any costs associated with this process shall be borne by the consent holder.*

(b) Prior to commencement of works in Part Section 52 Block I Clive SD, Parcel Id: 4198071, the Agency shall provide a photographic and topographic survey of the site where the access ramp over the Awatoto Stopbank is to occur to Council (Manager Compliance), with a focus on recording the current state and condition of the berm area and stopbank.

(c) No later than one (1) month following the completion of the Tūtaekurī River Bridge Berm Works and associated works, the consent holder shall, as far as practicable, reinstate the cycleway and stopbank to its pre-construction condition.

Advice note: *The cycle path shall be reinstated in accordance with the New Zealand Cycle Trail Design Guide standards for a Grade 1 design (Appendix 3A of the New Zealand Trail Design Guide) and to a minimum width not less than 2.5m.*

(d) At least ten (10) working days prior to works commencing within Part Section 52 Block I Clive SD, Parcel ID: 4198071, the Agency shall submit construction details for the use and interaction with the Awatoto Stopbank to the Council (Manager Compliance) for certification. The plans must:

i. Be prepared by a suitably qualified professional engineer.

ii. Clearly demonstrate the area of works, including changes in levels and modifications to the stopbank and measures taken to reduce any impact to the function of the stopbank in flood events.

iii. Include a statement from a suitably qualified geotechnical engineer with experience in stopbank design, of the design and methodology for the construction of the temporary alterations to the stopbanks and reinstatement in accordance with the Hawke's Bay Regional Council's stopbank standards. The stopbank shall be reinstated to pre-construction height and condition or to a condition agreed to in writing by Council (Manager Compliance).

iv. Be accompanied by an assessment from the suitably qualified geotechnical engineer with experience in stopbank design as to the impact of the works on the function of the stopbank, confirming that the works do not lessen the level of protection afforded against flooding.

The construction and remediation works shall be undertaken in accordance with the certified (or deemed certified) plans.

(e) No later than ten (10) working days after the completion of construction of the stopbank alterations, and again after reinstatement, the Agency shall provide to Council (Manager Compliance) certification from a suitably qualified geotechnical engineer that the works have been undertaken in accordance with the design and methodology previously provided to satisfy condition 1F(d) or otherwise agreed to in writing by Council (Manager Compliance).

1. Condition 1 omitted.

2. Ongoing application of conditions

(a) Except where expressly provided in these conditions, the conditions in this schedule relate to construction of a project and apply only to construction works.

(b) Once the construction of the recovery works are completed, the conditions no longer apply and may be removed from the resource consent.

3. Definitions

In this Schedule, –

Affected rail route – has the meaning given in clause 4 of the OIC-KR.

Agency – means KiwiRail Holdings Limited.

Construction works – means the authorised activities outlined in the resource consent application, excluding minor works and operational activities.

Council – means, the Hawke's Bay Regional Council (HBRC).

Project – means the recovery works outlined in the resource consent application.

4. Kaitiaki Advisor

(a) At least 20 working days before starting construction works, the consent holder must invite each of the relevant iwi or hapū or iwi and hapū (for the particular works) to appoint 1 kaitiaki adviser (collectively, the kaitiaki adviser) to undertake the roles and responsibilities as set out in these conditions.

(b) The kaitiaki adviser may be supported by a team of cultural monitors, mandated by the relevant iwi or hapū or iwi and hapū, who can provide on-site guidance to the consent holder to enable the effective management of cultural indicators.

(c) The consent holder must invite the kaitiaki adviser to provide cultural indicators covering traditional associations, such as mahinga kai, cultural stream health, wāhi tapu, wāhi tupuna, standing orders, protocols, and cultural heritage.

(d) The consent holder must, in the preparation of any plans required under these conditions,—

i. take into account any cultural indicators provided; and

ii. as soon as practicable, provide an explanation to the kaitiaki adviser of how the indicators have been taken into account.

5. Affected Area

(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 and hapū:

i. The construction programme schedule.

ii. Contact details of the Project Manager and Site Manager.

iii. Date and time for the pre-construction start meeting.

(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:

i. Scheduling and staging of the works;

ii. Responsibilities of all relevant parties, including confirmation that the persons implementing the relevant management plans on site are suitably trained and/or experienced;

iii. Contact details for all relevant parties;

iv. Expectations regarding communication between all relevant parties;

v. Procedures for implementing any amendments; and

vi. Site visit procedures

(c) The agency shall:

i. 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 purposes of compliance with Condition 5 'working days' includes the summer shutdown period from the 20th of December to the 10th of January but excludes weekends and public holidays.*

Advice Note: *it is the consent holder's responsibility to ensure that all necessary access and/or occupation arrangements are in place prior to the start of works. This may include obtaining a licence to occupy or other concession from HBRC or DoC for work in reserve land.*

6. Construction environmental management plan

(a) The consent holder must –

i. prepare a construction environmental management plan (CEMP) for the construction works; and

ii. not less than 5 working days before commencing the construction works, submit the CEMP to iwi and hapū and stakeholders identified in condition 5(a) for their information.

(b) The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the relevant construction works.

(c) The CEMP must include the following:

i. the roles and responsibilities of construction management staff, including the erosion and sediment control manager required by condition 8(d)(ix):

ii. a description of the training and education programme that will be implemented to ensure compliance with the conditions:

iii. procedures for hazard management, including fire hazard, identification, and control:

iv. procedures for managing dust from earthworks and related activities so that dust nuisance does not spread beyond the boundary of the project area:

v. procedures for managing dewatering (including avoiding to the extent practicable or minimising effects on adjacent buildings), groundwater or surface water takes, and diversions and discharges to land or water (including the coastal marine area):

vi. the details of at least 2 emergency contacts and responders, who must be contactable 24 hours a day 7 days a week during construction and have authority to authorise immediate response actions:

vii. the contact details of any construction staff living on site during the project construction:

viii. methods for responding to queries and complaints:

ix. methods for amending and updating the CEMP as required:

x. details of the process to be used to identify, record, and investigate incidents:

xi. details (including timing) of reporting to consent authorities of the outcomes of, and compliance with, the CEMP:

xii. details of how the ecological principles will guide environmental outcomes:

xiii. the erosion and sediment control plan set out in condition 8.

(d) At least 5 working days before finalising the CEMP or any amendment under sub condition (f) to the CEMP, the Agency must invite comments from iwi and hapū and stakeholders identified in condition 5(a) and must have regard to any such comments when finalising the CEMP, or the amendment, as the case requires.

(e) The consent holder must implement the CEMP for the duration of construction work.

(f) The CEMP may be amended by the consent holder, if necessary, to reflect any changes in design, construction methods, maintenance and operations methods, or procedures for managing effects.

(g) An amended CEMP must be supplied by the Agency to iwi and hapū and stakeholders identified in condition 5(a) for information within 10 working days of the amendments being completed.

7. Earthworks principles

(a) The consent holder must undertake all construction works in a manner that—

i. minimises the volume, area, and duration of the proposed earthworks required for the project through methodologies, including the design of batter slopes, appropriate to expected soil types and geology:

ii. maximises the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential for sediment generation and sediment yield:

iii. minimises, and takes all reasonable steps to avoid, adverse effects on freshwater and marine water environments within or beyond the project boundary, with particular regard to reducing opportunities for the project to generate sediment:

iv. minimises adverse effects on outstanding natural features, outstanding natural landscapes, and areas of outstanding natural character (as specified in a regional plan or policy statement for the relevant area):

v. minimises adverse effects on culturally significant land.

vi. The Earthworks must remain a minimum of 40m from Wetlands A, B, C, or D.

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

Advice Note: *Where possible any excavation at or lowering of the river berm at the waterline, shall be graded to a cut slope of at least 1V:3H.*

(b) The consent holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecological principles.

8. Erosion and sediment control plan

(a) The consent holder must prepare an erosion and sediment control plan or plans (ESCP) for the construction works to identify how the earthworks principles will be applied.

(b) The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant construction works.

(c) The ESCP must include a project-specific risk-based approach that allows for the ESCP to determine the level of information and design that must be provided for specific projects or activities or both.

(d) The ESCP must specify the following:

General

i. how the construction works will be carried out in accordance with the ecological principles:

ii. appropriate structural (including chemical treatment where necessary) and non-structural erosion and sediment control measures to be installed before and during all construction works for representative parts of the project, including earthworks, coastal works, and works within watercourses not limited to but including:

1. any grass seeding along the water's edge be completed as soon as practicable, this shall consist of a mixture of grass seeds including tall fescue (Festuca arundinacea) and creeping ben (Agrostis stolonifera) species in these locations.

iii. key environmental risks, particularly in relation to topography, soil type and form, and the receiving environment, including proximity to any sensitive receivers:

iv. the approach and procedures for ensuring advance warning of a rainfall event:

v. procedures for decommissioning the erosion and sediment control measures:

vi. procedures for determining the staging and sequencing of earthworks:

vii. which construction works are intended to be carried out under this resource consent, and which activities are carried out under section 330 of the RMA:

viii. methods for amending and updating the ESCP as required:

Erosion and sediment control manager

ix. an appropriately qualified and experienced erosion and sediment control manager, who must be responsible for—

1. ensuring compliance with the CEMP and ESCP; and

2. subject to paragraph (x), liaising with any erosion and sediment control manager or managers appointed in respect of any other recovery works; and

3. liaising with the Council in respect of the implementation of the ESCP, including in respect of any incident falling within their duties under paragraph (x):

x. that the erosion and sediment control manager appointed in respect of the project may also fulfil the same function in respect of any other recovery works:

Responsibilities

xi. the names of—

1. appropriately qualified and experienced staff to manage the erosion and sediment control devices, associated maintenance procedures, and monitoring requirements; and

2. staff directly responsible for supervising installation, maintenance, and decommissioning of erosion and sediment control devices and the associated works:

Incident management

xii. the process for identifying, recording, investigating, and notifying the Council of incidents that result in the release or accidental discharge of contaminants or material into any watercourse due to structural failure of any erosion and sediment control measures:

Monitoring

xiii. a procedure for ongoing visual appraisals, and where necessary quantitative monitoring, of all erosion and sediment control measures, including details of analysis of trends in erosion and sediment control effectiveness and performance and consequential erosion and sediment control amendments.

9. What happens if sediment control measures fail

(a) If any erosion and sediment control measure fails, the consent holder must engage a suitably qualified and experienced ecologist to undertake an ecological survey of any affected areas as soon as is reasonably practicable after the failure.

(b) If a survey identifies significant adverse effects, the consent holder, in consultation with the Council, must, as soon as practicable, develop and implement appropriate remedial measures (which may include offsets) commensurate to the scale of the effects.

(c) Not less than 5 working days before starting construction works, the consent holder must submit a hard copy of the ESCP to the Council for information. The ESCP must meet the design criteria of the relevant regional ESC Guideline.

(d) The consent holder must implement the ESCP submitted in accordance with condition 9(c) for the duration of the construction works.

Erosion and sediment control criteria

(e) The ESCP must include details (including timing) of reporting to consent authorities of the outcomes of, and compliance with, the ESCP.

Erosion and sediment control devices

(f) The consent holder must design, construct, and maintain all erosion and sediment control measures to comply with the guideline referred to in condition 9(c).

10. Dust management

(a) The consent holder must prevent, as far as practicable, dust that arises from construction activities from spreading beyond the boundary of the project area.

11. Condition 11 omitted

12. Requirements for works and structures in the beds of watercourses

(a) All construction works in the bed of a river must be carried out in accordance with—

i. the ESCP prepared in accordance with condition 8; and

ii. the ecological principles; and

iii. the earthworks principles; and

iv. any cultural indicators prepared by the kaitiaki adviser under condition 4(c).

(b) Condition 12 b) omitted.

(c) Condition 12 c) omitted.

(d) Condition 12 d) omitted.

(e) Condition 12 e) omitted.

13. Construction requirements

(a) This condition applies if condition 12 applies.

(b) Condition 13 b) omitted.

(c) Condition 13 c) omitted.

(d) Condition 13 d) omitted.

(e) Condition 13 e) omitted.

(f) The consent holder must ensure that –

i. no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within a watercourse or near a watercourse where runoff may enter water; and

ii. Condition 13 e) (ii) omitted.

iii. Condition 13 e) (iii) omitted.

iv. other fuels and lubricants, but excluding sediment, are not released into water in a watercourse; and

v. the Ministry for Primary Industries' requirements and clean dry protocols relating to didymo and freshwater pests are followed in relation to all equipment; and

vi. the use of wet concrete is avoided in flowing water.

(g) The consent holder must ensure that construction material, demolition material, and any subsequent materials from repair and maintenance activities that are authorised by the consent and that are no longer required as part of the construction works are—

i. removed on completion of the construction works; and

ii. disposed of in an appropriate manner and in a place where they will not affect floodwaters and watercourses.

(h) The consent holder must comply with all notices and guidelines issued by Biosecurity New Zealand that relate to preventing the spread of freshwater pests.

14. Condition 14 omitted.

15. Coastal Structures

(a) All works in the CMA and on land adjacent to the CMA must be carried out in accordance with an ESCP prepared in accordance with clause 8.

(b) Condition 15(b) omitted.

(c) The consent holder must maintain any construction site in good order and, where appropriate, remedy, as far as practicable, any damage to and disturbance of the foreshore or seabed caused by plant and equipment during construction.

(d) Condition 15(d) omitted.

(e) In this clause, land adjacent to the CMA means the area of land subject to storm surge and wave run up, including climate change effects for the relevant design life for the Shared Socioeconomic Pathway (SSP) 5.85 medium confidence projection.

16. Construction machinery and maintenance

(a) All vehicles and equipment entering the CMA associated with the exercise of the consent must be in a good state of repair and free of any fuel or oil leaks.

(b) No machinery may be left within the intertidal zone during high-tide periods in a position where it could come into contact with coastal water.

(c) The consent holder must ensure that an oil spill response kit is held on site, by the person who is to carry out the work, during the period of construction, repair, or maintenance works.

(d) Fuelling and maintenance of plant and equipment used during any construction, repair, or maintenance work must not be carried out in the CMA or in any other location near the site where fuel or oil could enter the CMA.

(e) The consent holder must, on becoming aware that any contaminant associated with the consent holder's operations has escaped otherwise than in conformity with the consent,—

i. immediately take any action or carry out any work that may be necessary to stop or contain the escape; and

ii. immediately notify the following, by telephone, of the escape:

1. the Council's monitoring manager; and

2. the Department of Conservation, if there is imminent risk from the escape of contaminant of adverse effects on any at-risk or threatened species, or on any marine mammals; and

iii. take all reasonable steps, having regard to the purpose of the Act, to remedy or mitigate any adverse effects on the environment resulting from the escape.

17. Construction noise

(a) Construction noise must comply, as far as practicable, with the long-term duration limits provided in Table 2 and Table 3 of NZS 6803:1999.

(b) The consent holder must take all practicable measures to reduce levels of noise from plant and equipment operating onsite during construction.

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.*

18. Ecology

(a) The consent holder must appoint a suitably qualified and experienced ecologist (a Project Ecologist) for the duration of the construction works to inform the design, management, and monitoring of all construction works.

Ecological principles

(b) The following ecological principles must be used to guide the project design and construction (temporary and permanent works):

i. to avoid as far as practicable, and minimise,—

1. permanent habitat loss (including in coastal, terrestrial, and freshwater habitats):

2. loss of naturally uncommon and highly depleted ecosystem types, significant indigenous vegetation, significant habitats of indigenous fauna, and habitats for at-risk or threatened species and taonga species:

3. habitat fragmentation or habitat barriers (including in coastal, terrestrial, and freshwater habitats):

4. impacts on habitat connectivity (including coastal, terrestrial, and freshwater habitats):

5. impacts on at-risk or threatened species and taonga species:

6. adverse effects on water quality (including on kaimoana and mauri) from sediment:

7. to the extent practicable, alteration of natural hydrology patterns:

8. the potential for the spread or establishment, or both, of pest plants or animals (including in coastal, terrestrial, and freshwater habitats):

9. impacts on habitats that play an important role in the life cycle and ecology of native species:

ii. as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species.

Ecological scoping survey

(c) Condition 18 (c) omitted.

(d) Subsequent ecological effects assessment must be carried out in general accordance with Appendix 1 of the National Policy Statement for Indigenous Biodiversity.

(e) The Agency must provide a copy of the final ecological scoping survey and subsequent ecological effects assessment to the iwi and hapū and stakeholders identified in condition 5(a) after completion.

(f) In this clause, **highly depleted** means less than 20% of indigenous cover remains in the land environment.

19. Minimising ecological loss

(a) 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.

(b) Condition 19(b) omitted.

(c) Condition 19(c) omitted.

(d) Condition 19(d) omitted.

(e) The consent holder must keep a record of any habitat identified in the ecological scoping survey carried out under the Ecological Report Summary (Appendix B to the application) that is lost as a result of the project.

20. Condition 20 omitted.

21. Condition 21 omitted.

22. Review

(a) For the purposes of section 128(1)(a) of the RMA, the Council may, at any permitted times, review the conditions in this schedule in order to—

i. deal with any adverse effect on the environment that may arise from the exercise of the consent and that it is appropriate to deal with at a later stage; and

ii. review the adequacy of any monitoring.

(b) In this condition, permitted times means—

i. within 6 months after the first anniversary of the date the construction work is commenced:

ii. within 6 months after the second anniversary of the date the construction work is commenced:

iii. within 6 months after the fifth anniversary of the date the construction work is commenced.

ADVICE NOTES

i. That where, for any cause (accidental or otherwise), contaminants associated with the consent holder's operations escape to water other than in conformity with the consent, the consent holder shall:

   (a) Immediately take all practicable steps to contain and then remove the contamination from the environment, and;

   (b) Immediately notify the Council of the escape, and;

   (c) Report to the Council, in writing and within 7 days, describing the manner and cause of the escape and steps taken to control it and prevent its reoccurrence.

ii. Sediment control measures shall take into account the principles and practices set out in the Hawke's Bay Regional Council Waterway Guidelines: Erosion and Sediment Control (April 2009) and any subsequent publications released in replacement of this document. If during the works it becomes evident that for an unforeseen reason the consent holder cannot operate in accordance with the methodology outlined in the Construction Methodology and Sediment Control Plan, the consent holder must advise the Council (Manager Compliance) of an alternative method that is to be used prior to continuing the works.

iii. All information required by the conditions of this consent can be provided to the council by email to ComplianceReturns@hbrc.govt.nz

iv. The Resource Management (National Environmental Standards for Freshwater) Regulations 2020(NES-F) came into force of 3 September 2020. The NES-F includes Regulations that relate to the protection of existing inland wetlands, to protect streams from infilling and to ensure that fish passage is maintained or improved. The consent holder should ensure they are familiar with these Regulations and any additional requirements that they may prescribe.

v. For the purposes of this consent:

vi. Agency – means KiwiRail Holdings Limited.

vii. The consent holder is advised site access onto the State Highway should be managed under an NZTA approved Traffic Management Plan.

viii. In the event that boreholes are required to be drilled within the SH51 road corridor, the Agency will submit a corridor access request to NZTA with information relating to borehole testing and the methodology to be used.

ix. The consent holder is responsible for sharing any borehole testing and methodology within the NZTA during the CAR application process.

REASONS FOR DECISION

The reasons for the decision are set out in the associated s42A report for application no. APP-131615

MONITORING NOTE

Routine monitoring

Routine monitoring inspections will be undertaken by Council officers on at least one occasion during construction and/or after the completion of works. The costs of **any** routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-Routine monitoring

"Non routine" monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with

conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA shown below.

Section 17(1) of the RMA states:

> *Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with*
>
> *a) any of sections 10, 10A, 10B, and 20A; or*
>
> *b) a national environmental standard, a rule, a resource consent, or a designation.*

DEBT RECOVERY

It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

CONSENT HISTORY

Authorisation No.	Date	Event	Relevant Rule	Relevant Plan
AUTH-132941-01	15/12/2025	Consent initially granted	46	Regional Resource Management Plan Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023
AUTH-132942-01	15/12/2025	Consent initially granted	61	Regional Resource Management Plan Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023
AUTH-132943-01	15/12/2025	Consent initially granted	46	Regional Resource Management Plan Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023
AUTH-132944-01	15/12/2025	Consent initially granted	35	Regional Resource Management Plan Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023
AUTH-132945-01	15/12/2025	Consent initially granted	9	Regional Resource Management Plan Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023
AUTH-133193-01	15/12/2025	Consent initially granted	62	Regional Resource Management Plan Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023

Appendix 1:

Archaeology | Our shared culture and heritage

Transport Rebuild East Coast

NZ Transport Agency Waka Kotahi | KiwiRail

What is archaeology?

An **archaeological site** is any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand, including pre-1900 buildings and other structures.

What is heritage?

Heritage items are "those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures".

Why does it matter?

Archaeological sites are important because they provide a unique window to the past. They are an important aspect of our social, cultural, environmental and economic wellbeing. Archaeological sites provide information vital to understanding our national identity. Many archaeological sites also have significance cultural values for Māori.

Damage or loss of archaeological sites needs to be avoided if possible. We are legally obliged to investigate and record all archaeological sites that our work may affect, under the terms of an archaeological authority issued by Heritage NZ under the Heritage New Zealand Pouhere Taonga Act 2014. Breaches of the Act can lead to fines of up to $300,000.

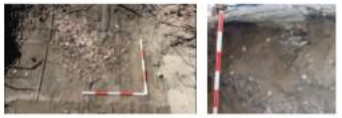
HERITAGE NEW ZEALAND POUHERE TAONGA

Māori Archaeology

The East Coast region has a long and rich history of Māori settlement. Many significant Māori archaeological sites are present within the project area, and by studying these objects and features we can learn about what life was like in this area hundreds of years ago. You can help us to do this!

What did you find?

Concentrated areas or layers of shell



Middens (rubbish heaps), characterized by large amounts of shell, bone, and charcoal.

Bones or stone tools

Carved bone fish hooks and spear points, flaked stone tools used for hunting and carving, and ground stone tools, used to grind, shape, and polish adze heads

Charcoal or charcoal-stained soil

What is a cultural layer?
Cultural layers are vital archaeological evidence of past human lives and activities. The pictures below show what cultural layers can look like. Indicated in red, these layers are made up of charcoal stained soil, intermixed or modified soils, shells, and occasionally fragments of bone.

In the East Coast region such evidence is most often an indication of Māori gardening activity.

By studying and recording these layers, we can learn a lot about where people lived, what they ate and what their lives may have been like.

Thin band of charcoal stained sand (difficult to spot), a Māori oven (basically a centuries old hāngi!), and soil colour changes which may indicate you are digging into a cultural layer.

European Archaeology

Settlers from Europe began to arrive in the East Coast region in the 1830s and left behind evidence of their lives. It is possible that project works could expose objects and structures that people made and used almost 200 years ago. This could also include features relating to the early transport network.

What did you find?

Bottles or pottery (even broken ones!)

A clay pipe in the shape of a skull, a cache of 19th century black beer bottles, a fragment of ceramic bowl, and a ceramic ginger beer bottle.

Leather or cloth (shoes & clothes)

A handmade leather shoe, an iron horseshoe, and a 19th century rubbish pit.

Structures (i.e brick, metal, timber)

A 19th century drain made out of bricks (brick-barrel) and a timber box drain, used to keep the streets clear of water in the 19th century.

Evidence of old buildings

Look out for construction materials like bricks, blocks or timber, which may indicate a structure used to stand on the site.

Archaeological Site Discovery Protocol

In the event of any discovery of a possible archaeological site:

1. Cease all works immediately within a 20m radius.
2. Immediately advise your site supervisor of the find.
3. The site supervisor will immediately contact the Environmental Advisor, who will contact the archaeologist.
4. Works are not to recommence without archaeologist approval.

Project Archaeologist:

Environmental Advisor: