ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Order in Council resource consent application – Palmerston North Gisborne Line Bridge 217 Span Replacement and Pier Removal

Prepared by TREC

11 SEPTEMBER 2025

REVISION 6

Transport Rebuild East Coast

WAKA KOTAHI NZ TRANSPORT AGENCY | KiwiRail

Te Kāwanatanga o Aotearoa
New Zealand Government

Contents

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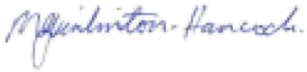
QUALITY REVIEW AND APPROVAL RECORD

Item	Name	Signature	Date
Prepared by:	Sean Crocker, Senior Planner, TREC		18.07.2025
Reviewed by:	Nick Beattie, Consent Planner, TREC		21.07.2025
Project Manager Reviewer	Ben Ryder, Design Manager-Rail, TREC		23.07.2025
Approved for issue by:	Michelle Grinlinton-Hancock, KiwiRail Manager RMA Team – KiwiRail		09.09.2025

1 INTRODUCTION

1.1 Report Purpose

This report forms a resource consent application submitted on behalf of KiwiRail Holdings Limited (KiwiRail) to the Hawke's Bay Regional Council ('the Council') for resource consent associated with works at Bridge 217 on the Palmerston North to Gisborne Line (Br 217 PNGL). The works include replacing sections of bridge span, demolishing two redundant concrete piers, and ancillary earthworks and vegetation clearance within the margins of the Tūtaekurī River. Resource Consent is sought under the Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023 (OIC-KR).

This Assessment of Effects on the Environment (AEE) report has been prepared in accordance with Section 88 of the RMA, as amended by the Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023.

1.2 KiwiRail Holdings Limited

KiwiRail Holdings Limited (KiwiRail) is a state-owned enterprise that 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 aims 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 the 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 2005). KiwiRail must maintain its 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 been constructed through varied environments where it is subject to the extremes 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 on the East Coast of the North Island. A professional services sub-alliance with Aurecon, Tonkin + Taylor, and WSP was also established 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 on a day-to-day basis.

1.3 Cyclone Gabrielle response and recovery

Between the 12th and 16th of February 2023, 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 the Palmerston North Gisborne railway line (PNGL).

With specific regard to rail infrastructure, the damage inflicted was most apparent in the Manawatu-Whanganui and Hawke's Bay regions, 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, work has been underway to repair and reinstate these sections of the railway line, and this recovery work is ongoing. In response, the Government has passed specific legislation to support this recovery and rebuild work.

1.4 Severe Weather Emergency Recovery Legislation Act 2023 (SWERLA)

The Severe Weather Emergency Recovery Legislation Act 2023 (**SWERLA**) amends several other statutes for the purposes of removing some of the "red tape" which could otherwise frustrate the very early stages of a recovery. These statutes include the Civil Defence Emergency Management Act 2002, the Local Government Act 2002, and the RMA 1991.

With respect to the RMA amendments, the Emergency Act applies to the following areas and severe weather events (emphasis added):

> ***area*** *means any of the following regions or districts:*
>
> *(a) the regions of Northland, Auckland, Waikato, Bay of Plenty, Gisborne, and Hawke's Bay:*
>
> *(b) the districts of Tararua, Masterton, Carterton, and South Wairarapa*
>
> ***severe weather events affected area*** *means—*
>
> *(a) the districts or regions of the local authorities affected (whether directly or indirectly) by 1 or more severe weather events; and*
>
> ***severe weather event*** *means any of the following weather events:*
>
> *(a) Cyclone Hale, which crossed the North Island during the period commencing on 8 January 2023 and ending on 12 January 2023:*
>
> *(b) heavy rainfall commencing on 26 January 2023 and ending on 3 February 2023 in the Northland, Auckland, Waikato, and Bay of Plenty regions:*
>
> *(c) Cyclone Gabrielle, which crossed the North Island during the period commencing on 12 February 2023 and ending on 16 February 2023.*
>
> *(4) For the purposes of paragraph (a) of the definition of severe weather events affected area, an effect on an affected area includes circumstances where subsequent events exacerbate the damage or other effects in that area caused by 1 or more serious weather events.*

1.4.1 Order in Council for recovery works

SWERLA provides for Orders in Council to be established to exempt, modify or extend legislation in connection with the response to severe weather events. The Order in Council relevant to this application - Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023 (OIC-KR) – came into force on 6 October 2023. Part 1 modifies sections of the RMA and several other instruments to streamline various consenting processes for recovery work on affected rail routes. Of particular interest to this application are the changes to resource consent applications for recovery work[1] undertaken by or on behalf of KiwiRail. The OIC-KR establishes a streamlined consenting process for applications as summarised below:

- Recovery works are a Controlled Activity.
- Resource consent must be granted by a consent authority on the conditions set out in Schedules 2 and 3 of the Order in Council (except as modified via the process set out in the OIC-KR) with restrictions on the additional matters to which conditions can be recommended.
- Section 88 of the RMA is modified and Section 88(3) to (5) do not apply.
- Applications must be determined on a non-notified basis, however, there are specified parties who must be consulted, and comments received as part of the consultation process under clause 9 must be considered by the consent authority.
- When considering an application, the consent authority need not have regard to the matters in Section 104(1)(b) or 105 of the RMA.
- If a resource consent is a discharge permit, the consent authority is deemed to be satisfied of the matters in Section 107(2) of the RMA.
- The amended process applies to an application for a resource consent for recovery work undertaken under the emergency works provisions of the RMA.

[1] As defined in clause 4 and clause 5 of Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023.

The following timeframes apply:

- Within **5 working days** after an application is lodged, the consent authority must notify the listed persons that an application has been lodged, where they can find a copy of the application and invite written comments which must be received **10 working days** from the date of the invitation;
- Within **5 working days** of written comments being due, the consent authority must notify KiwiRail of any recommended amendments to Schedule 2 and 3 conditions and any additional recommended conditions (with reasons).
- Within **5 working days** of the notification above, KiwiRail must notify the consent authority of their decision on the recommendations.
- Notice of the consent authority's decision might be given within **30 working days** after the date on which the application was lodged.
- Time limits cannot be extended or deferred in any way.

KiwiRail makes this application in accordance with clause 7 of the OIC-KR. In accordance with clause 8(2), the application must not be publicly notified or given limited notification.

1.5 Scope of this application

This application covers the span and pier demolition at Br 217 PNGL. Located on the Tūtaekurī River and Coastal Inland Environment, Br 217 PNGL is within the Hawke's Bay Region and on the boundary between the Napier City Council (NCC) and the Hastings District Council (HDC). The works seek to maintain the resilience of the bridge as existed before the cyclone, to manage the impacts from future flood events, as further detailed in Section 2 and the Design Drawings in **Appendix A** of this application.

The bridge replacement works were completed under the emergency works provisions of the RMA, including the installation of temporary crane pads. The ongoing adverse effects associated with these emergency works will be covered in a future resource consent application.

Activities, including abrasive blasting and painting of the steel piers, will be undertaken before the commencement of the proposed span and pier works. These activities will be carried out under the contractor's current discharge consent DP110153A, approved on 14 February 2013. As these activities will be undertaken under an existing consent, they fall outside the scope of this application.

This site is within an 'affected rail route,' meets the definition of 'recovery work' and is therefore subject to the amended process set out in OIC-KR because:

- The works are required in response to Cyclone Gabrielle (which meets the definition of a severe weather event).
- The site is within the area identified as an affected rail route in Schedule 1, Part 2, of the OIC-KR.
- It is both necessary and desirable to undertake the works in order to remediate the rail infrastructure, to enable this section of the PNGL to be used safely.
- The works require a resource consent.

1.5.1 Resource consents sought

The works to be undertaken as 'recovery works' require resource consent from the Council because:

Demolition of a structure (piers), within the Coastal Inland Environment, necessitates:

- vegetation clearance within 5m of any permanently flowing river (Rule 7(c))
- the discharge of contaminants to the river (Rule 51 (a))
- likely requires river diversions for more than 5 consecutive days, (Rule 51 (g)) and
- may be undertaken during fish spawning season 1 May to 30 September (Rule 51 (k)),

requiring resource consent under Rules 8, 9, and 46 of the Hawke's Bay Regional Coastal Environment Plan (HBRCEP).

The works are subject to the OIC-KR. Table 1 below summarises the resource consents required.

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

Activities	Activity status	Consent authority
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	Hawke's Bay Regional Council

TREC will obtain any required concessions from HBRC under Clause 30(1)(b) of the OIC-KR for activities within a Local Purpose Reserve (Soil Conservation and River Control) before the works commence.

2 GENERAL DESCRIPTION OF THE RECOVERY WORK PROPOSED

Whilst the bridge has been repaired to temporarily reopen this section of the PNGL, it is vulnerable to future flooding events.

Observations, following Cyclone Gabrielle, identified debris mats[2] likely formed between the existing concrete bridge piers, due to the narrow spacing between the piers, which resulted in the central section of the bridge being washed away. The mats acted like dams, causing accelerated bed scour around the piers and leading to the loss of pile embedment and eventually the piers themselves. There is a risk that the remaining 6.0m spans between the existing concrete piers and replacement steel piers, at either end of the bridge, are susceptible to debris matting in future flood events.

Consequentially, KiwiRail has chosen to undertake span replacement works, to remove the at-risk piers, and return the resilience of the bridge to a standard that existed prior to the cyclone.

The span replacement will involve the following:

- Fabrication of bespoke 18m, shallow profile Steel Plate Girder (SPG) spans.
- Replacement of the current (12m and 6m) spans on either side of the steel replacement bridge with a new 18m span at each end.
- Temporary river diversions to allow the redundant concrete piers to be removed.

2.1 Description of the works

The following methodology will be undertaken to replace the spans and remove the piers. It is expected that the pier and span replacement will take two weekend Block of Lines (BoL) to complete, with one weekend BoL dedicated to the southern end and another to the northern end of the bridge.

Pre-Block of Line

- New 18m spans delivered to the site and track, walkway, and hand rail installed;
- Install silt curtain ahead of installing containment bunds/coffer dam and hardfill platforms;
- Construct containment bunds/coffer dam and level area/create hardfill platform for access around concrete piers (Pier 9 and Pier 15A);
- Line exposed ground within containment bunds/coffer dams with polyethylene sheeting and/or geotextile to capture any concrete debris or slurry generated during the removal of the concrete piers; and
- Install scaffold access to Pier 10 and Pier 15.

[2] These mats comprise of slash, sediment, waste and rocks that amass in a heavy storm event.

Block of Lines

- Close PNGL to all traffic;
- Cut track to facilitate removal of the existing 12m and 6m spans;
- Disconnect the communications cable that runs within the duct on the bridge;
- Remove existing 6m and 12m spans;
- Concrete Pier Removal

The final methodology is subject to the procurement process and will follow one of the following methods, with environmental controls to be implemented for both options as mentioned above:

- Concrete piers to be demolished using an excavator-mounted breaker and concrete debris loaded into trucks for off-site disposal
- Concrete piers to be wire sawn into manageable pieces with holes core drilled through the concrete pieces to create lifting points. Concrete pieces are to be lifted out by crane and either directly loaded into trucks or placed out of the work zone and broken down further by breaker or wire saw to enable loading into trucks for off-site disposal

Redundant concrete piers (Pier 9 and 15A) to be removed and loaded into trucks for off-site disposal at a licensed and registered facility with the following measures in place:

- Concrete dust to be suppressed by water sprinkler/mist and/or direct application to the tool;
- Water to be captured within containment bunds/coffer dams and pumped to tanks for treatment or removal by vacuum truck for disposal at a licensed and registered facility; and
- Geotextile, along with any concrete debris, to be removed.
- Scrape the surface within the bund/coffer dam to collect any concrete escaping the collection sheets.

- Existing hold down bolts on the concrete piers (Piers 8' and Pier 16') to be removed where clashing with new spans, and new hold down bolts and bed plates installed where required;
- Install new 18m spans and fix them into position; and
- Weld/reconnect track

Fish salvage will be required when the silt curtain is installed, as well as before and after the containment bunds/coffer dams are constructed. A Fish Management Plan will be prepared, and TREC Ecologists will be on-site to complete this work, alongside Kaitiaki observers. It is expected to take 2 to 3 days to establish the containment bunds/coffer dam and one day to demolish a pier. In total, two separate weeks and two separate weekend BoLs will be required to remove the piers

2.2 Consent duration sought

Recognising that the span replacement and pier removal activities can be completed within a month, we request a consent duration of 2 years. This acknowledges the need to provide some flexibility as the PNGL must be closed to carry out these works. On completion of these works, the new spans will become a Permitted Activity under Rule 48 Use of (lawfully established) structures of the HBRCEP.

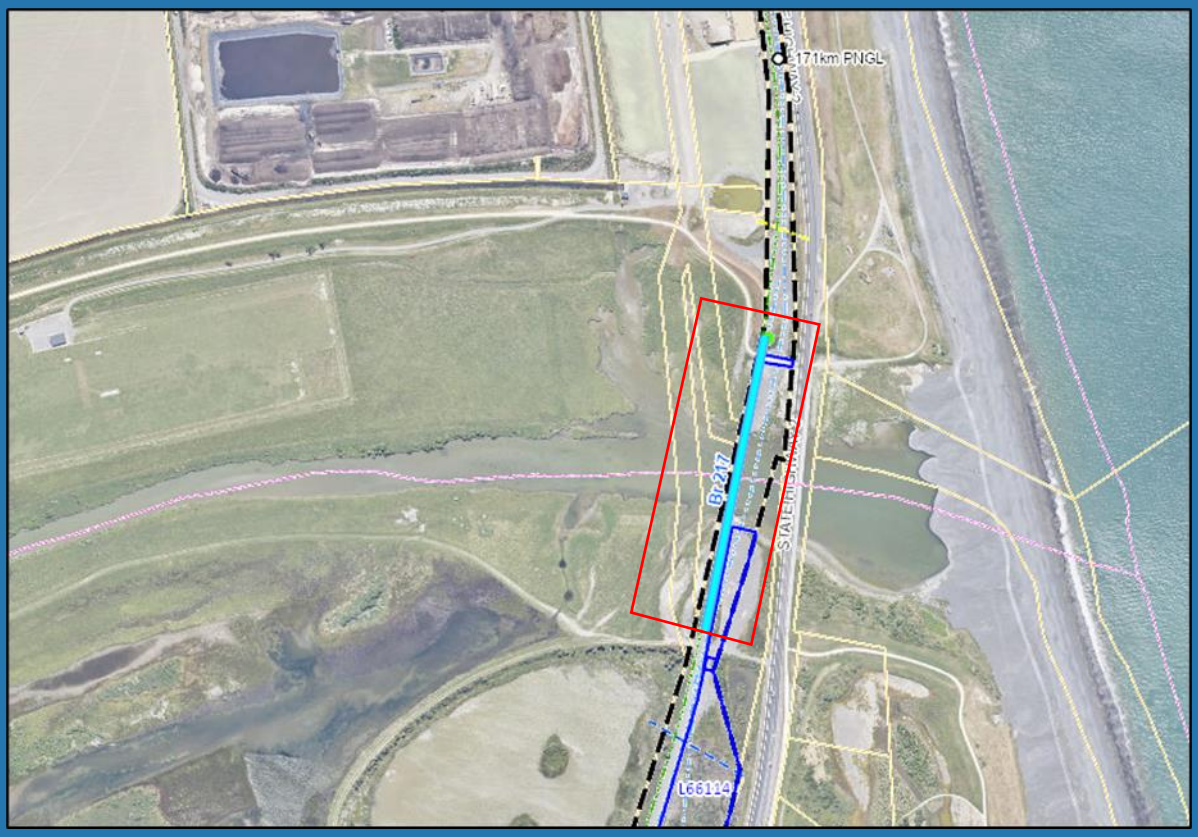
3 GENERAL DESCRIPTION OF THE SITE

3.1 Tūtaekurī

Bridge 217 PNGL was 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 to both passenger and freight rail services, see images in **Appendix H**.

Table 2: Site Location and Details

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



Legal Description	Parcel ID: 4242840 (KiwiRail owned); Part Section 52 Block I Clive SD, Section 57 Block I Clive SD, Part Lot 2 DP 6287, Section 53 Block I Clive SD (HBRC owned)
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 Waitangi, near Ravensdown and adjacent to State Highway 51 (SH51), as shown in Table 2, the site and immediate surrounding area are located within the coastal inland environment as defined by the HBRCEP. 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 are located to the south and form part of the Coastal Marine Area. These areas comprise

open space reserves used for recreation as well as for coastal restoration, planting, and naturalisation initiatives.

The inland Coastal Marine Area boundary ends at the mouth of the river, east of the SH51 Tūtaekurī (Waitangi) River Bridge, as shown in Figure 3 below. The site is therefore not within the Coastal Marine Area.

Land to the west and immediately east of the bridge is mostly riverbed owned or administered by the Council. Within these areas are interlinking Local Purpose (Soil Conservation and River Control) Reserves, administered by the Council. Further east is the SH51 legal road and boundaries. The SH51 legal road extends to the north and south, and a Local Purpose Reserve is located northwest of the site. Further north is the Awatoto Industrial area, and productive rural land uses are located to the northwest and south. Further south is the Clive River and the township of Clive.

Figure 1: Br 217 PNGL damage post Cyclone Gabrielle (Source: TREC)

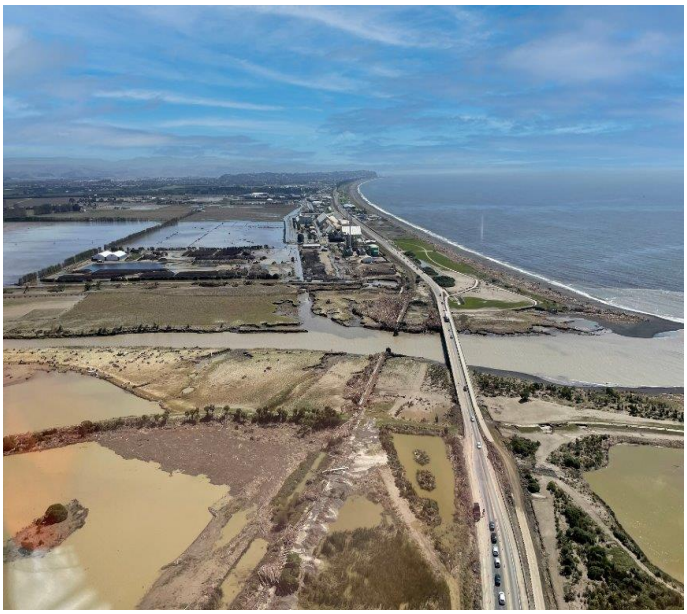


Figure 2: Aerial image of Br 217 PNGL post Cyclone Gabrielle (Source: TREC)

Figure 3: Coastal Marine Area River Mouth Boundary (Source: HBRC GIS)

3.1.2 Cyclone Gabrielle Flood Damage

Floodwaters during Cyclone Gabrielle damaged Br 217 PNGL, leading to the loss of several piers and spans. Due to the critical nature of this section of the PNGL, a key transport link between Napier and Hastings, the need to restore access was imperative, and the current bridge and replacement piers were constructed between July and September 2023, as shown below in Figures 4 and 5.

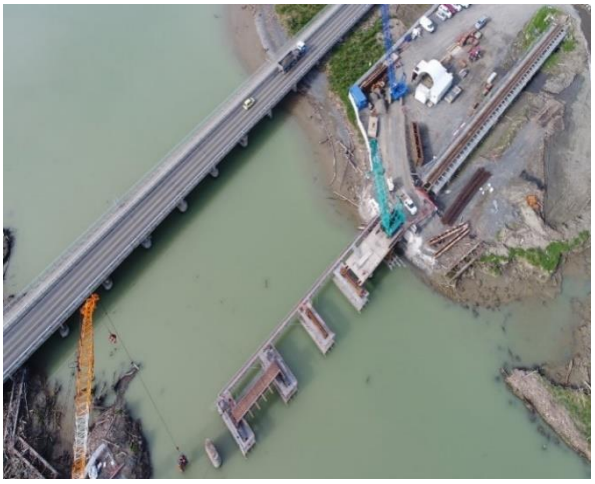


Figure 4: Construction of temporary bridge for Br 217 PNGL (Source: TREC)

Figure 5: Completion of temporary bridge for Br 217 PNGL (Source: TREC)

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[3]. The Tūtaekurī River catchment covers an area of approximately 840 square km[4]. The lower reaches of the river are understood to contain eels, inanga, brown trout, redfin bully, bluegill bully, lamprey, torrentfish, and koarao.[5]. Several water quality and ecology monitoring sites have been installed at various points along the river by the Council, 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 phosphorus and a degrading trend for macroinvertebrates. Comparatively, *E.coli*, suspended sediment, and nitrogen are shown to be at acceptable concentrations[6]. 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[7]. Investigations undertaken to date have found the common skink to be present around the middle reaches of the Tūtaekurī River, and they are likely to have colonised areas of suitable habitat downstream of the Site[8].

[3] HBRC. (n.d.) *Tūtaekurī River*. Retrieved from https://www.hbrc.govt.nz/assets/Document-Library/Projects/Outstanding-Water-Body/Tutaekuri-River-Report-pdf.pdf
[4] 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
[5] 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.
[6] 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
[7] 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
[8] 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

3.1.4 Ecological context

For more information on the ecological context onsite and in the wider project area, please see the Ecological Impact Assessment (EcIA) prepared by TREC in **Appendix B**.

The area is known for its abundance of freshwater and marine fish species, nesting bird species, and an introduced colony of native lizards. The vegetation found is a mixture of native and exotic species, with no threatened or at-risk species identified. The vegetation value is classed as Low. The Tūtaekurī River and Waitangi Estuary provide significant habitat for marine and freshwater fish species for breeding and feeding. At-risk species are likely present, and therefore a High value has been applied to the river and estuarine environment.

Fourteen wetlands have been identified in and around the site and wider project area. The Ministry for the Environment wetland extent GIS system identified no wetlands within the proposed work area. The wetlands are all dominated by common native or exotic species. A Low-Moderate value has been applied to the wetlands.

The site is within the habitat of a number of native nesting bird species. Several “Threatened – Nationally Critical” or “Nationally Endangered” species are located in the wider work area. A value of Very High has been applied to the wider work area.

There is limited available habitat for bats in the area, and therefore, it is unlikely that bats reside in the project area.

The site falls within the geographic range of 3 gecko and 6 skink species. At-risk or declining species may be present within the wider work area. The span and pier removal work areas are located in unsuitable/low to moderate lizard habitat. A high value has been assigned for lizards.

Overall, the project is located within an area of high ecological value.

3.1.5 Contaminated Land

For more information on the contaminated silts, please see the soil testing results in **Appendix C**.

Inundated with contaminated floodwaters and the presence of industrial land-use activities nearby raised questions about the potential for riverbed silts to be contaminated above background levels, potentially affecting human health and the disposal of any waste material during these works.

The industrial activities could have accidentally discharged contaminants in the air, in the form of dust and stormwater, onto the bed of the river, contaminating the silts. Floodwaters contaminated with debris and chemicals, and bacteria from upstream agricultural and horticultural activities, and private and public sewage disposal systems, may have also contributed to the contamination of silt deposits within the bed.

To understand the adverse effects of these contamination sources, sampling and testing were undertaken. It was concluded that the silt was *“well within the guidelines stipulated under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS), those published as median values under the background soil concentrations and soil guideline values for the protection of ecological receptors (Eco-SGVs), as well as being considered “clean fill”.”* Any waste silt material from these works can therefore be reused off-site as clean fill. If silt or gravel onsite is used in the construction of the containment bunds/coffer dam, these works would not spread contaminated material across the site.

Overall, the soil disturbance activities will be a permitted activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.

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, who hold mana whenua over the low reaches of the Tūtaekurī River, although their interests extend to the Kaweka Ranges. 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 won't 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 Archaeology and Heritage

A high-level archaeological memo was prepared for works in the wider area (**Appendix E**). The memo notes the presence of no known archaeological features in the immediate works area.

To the east and near the sea, the Napier City Plan references V21/258, see Figure 6. 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 Hastings District Plan identifies no known heritage or historic features on the southern bank of the river or any other location near the site. The New Zealand Topological Mapping details the William Colenso Memorial and early missionary settler area 400m to the south of the site (Figure 7). It is accepted that the archaeological risk associated with these works is low; nonetheless, KiwiRail will proceed with a discovery protocol in place (see **Appendix F**).

Figure 6: Napier City Plan Map of Archaeological Sites (Source: Napier E-Plan)

Figure 7: Topographical Map of Waitangi Regional Park (Source: www.topomap.co.nz)

4 RESOURCE CONSENTS REQUIRED

The works have been assessed under the Hawke's Bay Regional Coastal Environment Plan (HBRCEP). Table 3 outlines the resource consents required for the current proposal. All applications have a Controlled Activity status under Clause 7 of the OIC-KR (see Section 2.3 of this AEE). Under section 87A(2) of the RMA, applications for Controlled Activities must be granted.

Table 3: HBRCEP rule assessment.

RMA	Rule	Activity Status	Assessment
S13(1)	7 Vegetation clearance	Controlled	The bed disturbance activities to demolish the piers include the clearance of vegetation within 5m of a flowing river, which is unable to comply with condition c of Rule 7.
S13(1)	49 Maintenance of structures	Permitted	Replacement of the spans over the Tūtaekurī River is considered a Permitted Maintenance Activity associated with a lawfully established structure within the Coastal Margin.
S13(1)	51 Removal and demolition of structures	Controlled	Due to the discharge of concrete and dust to the bed of the Tūtaekurī River, duration of river diversions, and works within the fish spawning season, the pier demolition activity cannot comply with the conditions in Rule 51 of the HBECEP.

4.1 NES-F assessment

These works are not considered to be regulated by the NES-F 2020, considering that the works are being undertaken within the coastal margin and measures will be in place to avoid sediment entering any wetlands near the worksite.

4.2 Summary of consents required and activity status

As the works are within the scope of the OIC-KR, Clause 6(2) applies, and the works are a **Controlled Activity**.

5 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:

5.1 Māori entities

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 will be ongoing.

5.2 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.

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

5.3 The Rotary Pathway Trust

Works to replace the spans and demolish the piers 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.

5.4 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, Heritage New Zealand Pouhere Taonga (HNZ), the Department of Conservation (DOC), and iwi, hapū were invited and participated in the Group.

KiwiRail presented the proposed span replacement works to the SLG, along with other proposed works, to the group for comment. 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.

6 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 works may have on the environment.

The actual or potential effects relevant to the proposed works, assessed below are:

- Positive Effects
- Effects on Ecology
- Cultural Values Effects
- Archaeological Effects
- Contaminated Land Effects
- Construction noise and vibration

6.1 Positive Effects

Br 217 PNGL was severely damaged during Cyclone Gabrielle, and a repair to the bridge was completed soon after to temporarily reopen PNGL through to Napier Port. The proposed works will maintain the resilience of the PNGL as it existed prior to the cyclone. This will minimise disruptions to the PNGL in future flood events, maintaining a safe and reliable transport route.

Overall, the proposal will maintain the resilience and safety of the PNGL. This will have broad positive economic, social, and health and safety effects for the Hawke's Bay community.

6.2 Effects on Ecology

For more information on the ecological context onsite and in the wider project area, please see the Ecological Impact Assessment (EcIA) prepared by TREC in **Appendix B**.

Risks associated with these works relate to:

- threats to threatened nesting bird species,
- threats to the native lizard population,
- threats to concrete discharges diminishing water quality (raising the pH levels in the river), affecting fish, and aquatic ecosystems within the Tūtaekurī River.

The impacts on lizards and nesting birds can be minimised through the preparation and implementation of surveying, surveillance, and relocation management plans. Pre-construction surveys will be undertaken to identify the presence of lizards and to ensure the works avoid any threatened birds nesting in the area. Any threatened or at-risk lizards found within the work area will be relocated offsite to an appropriate alternative location. KiwiRail recently lodged a Wildlife Permit Application with DOC to complete this work.

Impacts on nearby coastal wetlands will be low as the works are unlikely to encounter groundwater. Groundwater is likely connected to surface water levels within the wetlands. If groundwater is encountered, this will be for a matter of days, rather than weeks, so any effects on the surrounding coastal wetlands will be temporary.

To maintain water quality and associated fish ecosystem health, discharges of concrete and dust to the wetted part of the Tūtaekurī River will be avoided as far as practicable. The methodology discussed in Section 3.1 of the AEE outlines how this will be achieved, using temporary diversions, containment, and dust suppression measures. On completion, the work area will be scraped to remove any concrete escaping

the containment. These measures are standard practice to minimise any potential concrete mobilisation entering the river.

Other measures, including fish salvage (defishing and relocation of fish) and returning the disturbed bed to a condition similar to what existed before commencing the demolition works, will assist in minimising the adverse effects on water quality and fish ecosystem health.

Erosion and sediment controls will avoid, as much as practicable, sediment and gravel mobilisation and entering the nearby wetland.

Subject to weather and river flows, the diversions and containment measures will be in place for a matter of days rather than weeks. These measures will be included in a Construction Environmental Management Plan (CEMP) for the works.

The measures proposed will mitigate the adverse effects of these temporary activities and ensure that the health of the river, wetlands, lizards, threatened nesting birds, and fish are maintained in the long term. The adverse effects on Ecological Values are therefore considered to be less than minor.

6.3 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 4.1.6 of this AEE.

The CIA acknowledges the importance of the Tūtaekurī River, the river mouth, coastal wetlands, and Waitangi Regional Park to mana whenua and why this area needs to be appropriately managed, guided by hapū practices and principles. It also acknowledges the importance of the PNGL and Br 217 PNGL to the economic, environmental and social prosperity of the region.

The CIA notes that span replacement and pier removal works have no material adverse cultural effects. The demolition methodology would ensure that the mauri of the awa is maintained, and taonga - fish, birds, lizard species, and their habitat will be maintained. The CIA recommends conditions, including a request that Construction Environmental Management Plans are shared with mana whenua before construction starts. Where further bed disturbance is proposed, a separate CIA is to be prepared before any consents are lodged with Council, and the work proceed in accordance with an approved Discovery Protocol. The requested conditions have been accepted by KiwiRail.

Provided that the requested conditions are included in the decision, the proposed methodology is followed, and ecological management plans are prepared and implemented, the adverse cultural effects are assessed as being less than minor.

6.4 Archaeological Effects

The archaeological environment is discussed in section 4.1.7 of this AEE, and is informed by an assessment completed for the wider site in **Appendix E**. The presence of historical and cultural heritage within the worksite is low. However, KiwiRail and its contractors will operate under a Discovery Protocol to protect any items accidentally discovered during the works. The condition is included in **Appendix F**. Operating under a Discovery Protocol will ensure that the adverse effects on historical and cultural heritage are less than minor.

6.5 Contaminated Land

For more information on testing the silt for contamination, please see the memo in **Appendix C.** As discussed in Section 4.1.5, silts within the riverbed met the parameters to be considered clean fill. The adverse effects on human health from the bed disturbance activities are therefore less than minor and low risk. All handling and disposal of any waste silts and gravel offsite will be undertaken as per best practice and will be incorporated into the CEMP.

6.6 Construction noise and vibration

Construction activities have the potential to generate noise and vibration that may disturb nearby receivers, such as dwellings and businesses. Or, in terms of vibration, it may affect the structural integrity of buildings and structures.

The OIC-KR conditions of consent (Schedule 2, condition 17) require construction activities to comply with the noise limits in NZS 6803:1999 Acoustics – Construction Noise as far as practicable. 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.

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 onsite 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.

As there are no sensitive structures in the immediate vicinity of the site, and the bird-scaring devices can comply with the relevant District Plan rules, standards, and terms, the adverse noise and vibration effects are less than minor.

6.7 Summary of effects

To conclude, the works will maintain the resilience of Br 217 PNGL in future flood events, while the adverse effects of the proposal will be avoided, remedied, or mitigated. The following conclusions regarding adverse effects have been reached:

- 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;
- Any adverse effects on cultural values are capable of being managed through adopting the recommendations in the CIA;
- Including a Discovery Protocol in the CEMP ensures that the adverse effects on heritage values will be less than minor;
- The adverse effects from the disturbance and handling of contaminated land will be less than minor; and
- The adverse effects from construction noise and vibration will be less than minor.

7 PROPOSED CONDITIONS FOR THE CONSENTS

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

With respect to this application:

- The relevant schedule of conditions to consider is Schedule 2, as the activities requiring consent relate to Section 13 of the RMA.
- As detailed in Clause 2 of Schedule 2, the conditions relate to construction activities and, on completion of the works, 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.

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 F**.

Proposed Subclause Change:

> ***Subclause 5 Affected area***
>
> *Subclause 5(1) 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 hapu:***
>
> ***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.***
>
> ***Subclause 5(2) The agency shall undertake a pre-construction start meeting with iwi and hapū and stakeholders identified in Subclause 5(1), 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***
>
> ***Subclause 5(3) 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.***

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 6.4 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 subclauses 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 subclause 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 subclause 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 subclause (see the record of engagement in **Appendix G**). 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.

TREC believes that the management and monitoring components can be delivered through the altered subclause. This clause 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 subclause will still achieve the intent of Clause 5 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 Clause 5(1)."* This change will not alter the intent of this subclause.

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 pier demolition. 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

future silt removal activities. The crane pad 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, refueling, 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

The subclause in Clause 15 can be deleted as this resource consent application does not include any work or structures within the Coastal Marine Area.

The boundary of the CMA ends adjacent to and east of SH51 Tūtaekurī (Waitangi) River Bridge. This divides the KiwiRail property from the CMA. It is therefore considered that the PNGL is not located within the CMA or adjacent to the CMA.

The subclauses can therefore be deleted.

16 Construction machinery and maintenance

The subclauses in Clause 16 are not required as the works proposed in this resource consent application do not extend into the CMA or are adjacent to the CMA. These subclauses are therefore not relevant to this application.

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 Br217 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 Order in Council (OIC) 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.

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 Clause 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 subclause 19(2)(b) and 19(4) be changed for consistency, to reflect the changes to Clause 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.

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 deleted.

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

(iv) 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 the Council to have regard 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 in Section 6 of the application and this concludes that the effects from undertaking these activities in conjunction with the proposed conditions of consent result 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 consider 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 accordance 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 work

As outlined in Section 1.4, 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 Council to authorise works to replace the spans and remove piers at Br 217 PNGL and maintain 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.

This AEE report draws the following conclusions:

- The application is for a Controlled Activity and must be granted;
- The application must be processed on a non-notified basis, but subject to the written comment process from specified persons outlined in the OIC-KR;
- The construction works will have a less than minor adverse effect on the environment; and
- Consent conditions consistent with those required by Schedule 2 of the OIC-KR, and any amendments consistent with Clauses 6(4) and 13, are provided in **Appendix F**.

This application has been prepared and is considered to fulfil the requirements set out in OIC-KR.

APPENDIX A Design Drawings

APPENDIX B Ecological Impact Assessment

APPENDIX C Contaminated Land Memorandum

APPENDIX D Cultural Impact Assessment

APPENDIX E Archaeological Memorandum

APPENDIX F Modified Conditions and Schedule 2 Clauses

APPENDIX G Consultation Record

APPENDIX H Site Images