

**S42A REPORT FOR RESOURCE CONSENT APPLICATION APP-131281**

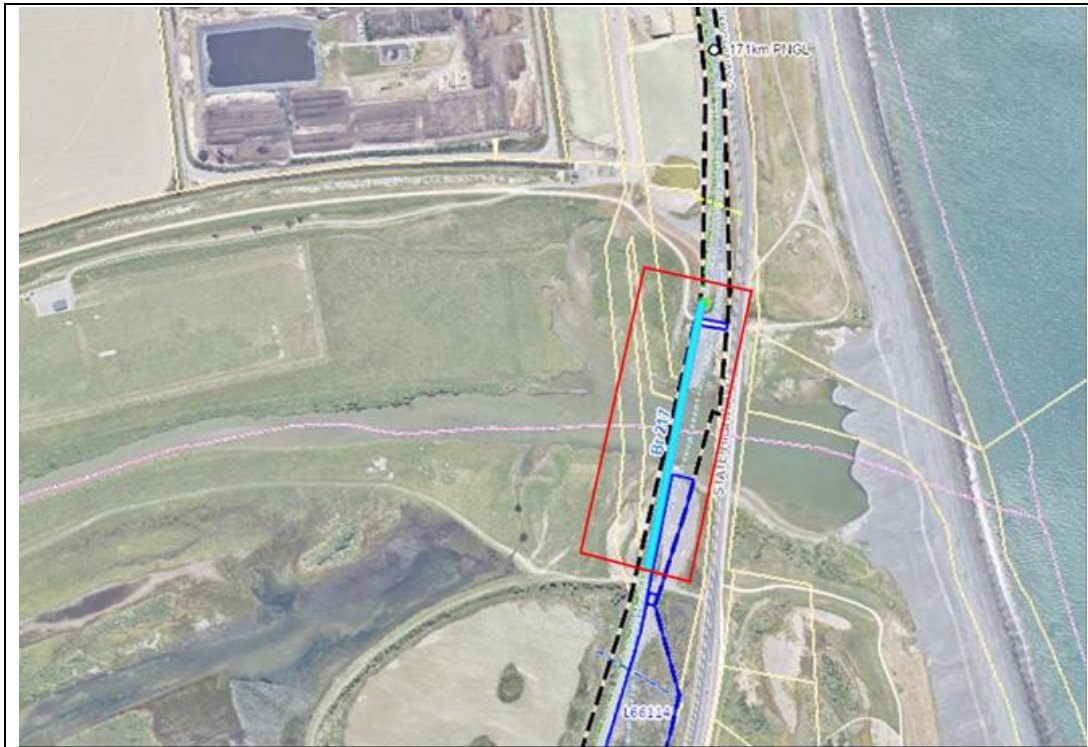
**Applicant:** KiwiRail Holdings Limited  
**Application Number:** APP-131281  
**Application Type:** Controlled and Non-Notified

<b>Authorisation No:</b>	<b>Activity Description</b>	<b>Activity Type:</b>	<b>Activity Location</b>
AUTH-132530-01	To discharge contaminants to water during recovery works at Bridge 217 on the Palmerston North-Gisborne Rail Line over the Tutaekuri River.	Discharge Permit	Rail Bridge 217, Tutaekuri River, Waitangi, Napier
AUTH-132735-01	To clear vegetation in an area within 5 metres of the Tutaekuri River during recovery works at Bridge 217 on the Palmerston North-Gisborne Rail Line.	Land Use Consent	Rail Bridge 217, Tutaekuri River, Waitangi, Napier
AUTH-132736-01	To temporarily divert the Tutaekuri River during recovery works at Bridge 217 on the Palmerston North-Gisborne Rail Line.	Water Permit	Rail Bridge 217, Tutaekuri River, Waitangi, Napier

**1. ACTIVITY**

KiwiRail Holdings Limited (hereafter referred to as ‘the applicant’) has applied for consent in accordance with the Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023, being the Order in Council for Kiwi Rail Holdings Limited (hereafter referred to as OIC-KR).

## 2. THE ACTIVITY



*Figure 1: Site of activity*

### **The Site**

The site in question is described in section 3 of the Applicant's Assessment of Environmental Effects (AEE) and in accordance with s42A(1B) that information is adopted and need not be repeated here.

### **Site Visit**

No inspection of the site was required for the processing of this application as sufficient information was provided by the applicant.

### **Background**

A background of the damage, legislation and immediate repairs is set out in sections 1 and 3.1.2 of the AEE, and in accordance with s42A(1B) of the RMA is adopted.

### **Nature Of Activity**

A description of the activity is set out in section 2 of the AEE, and this description is adopted in accordance with s42A(1B) of the RMA.

In summary, this application relates to the demolition of spans and piers at Bridge 217 on the Palmerston North-Gisborne Line (PNGL), located on the Tūtaekurī River at the boundary of Napier City and Hastings District. The works aim to restore the bridge's resilience following cyclone damage and address future flood risks. While previous emergency bridge replacement works and temporary structures were carried out under emergency RMA provisions, any ongoing effects from those activities will be addressed in a separate, future application. Additionally, abrasive blasting and painting of steel piers will proceed under an existing discharge consent and are not included in this application.

Key project aspects:

- Replace vulnerable bridge spans with 18m steel plate girders.
- Demolish redundant concrete piers (Pier 9 and Pier 15A) using excavator-mounted breakers or wire sawing with crane lifting.
- Use temporary river diversions and containment bunds/coffer dams to manage environmental impacts.
- Perform fish salvage operations before and after containment setup.
- Construction: Two weekend block-of-line closures; consent duration of two years for flexibility.

### 3. REQUIRED APPROVALS

#### Resource Consents

This application is a non-notified controlled activity made in accordance with clauses 6 and 8 of the Severe Weather Emergency Recovery (KiwiRail Holdings Limited) Order 2023, being the Order in Council for Kiwi Rail Holdings Limited (OIC-KR).

Consent is required from HBRC for the following Regional Coastal Environment Plan (RCEP) matters:

- Rule 8 of the RCEP for the clearance of vegetation within 5m of a flowing river as part of the pier demolition.
- Rule 9 of the RCEP for discharge of contaminants being discharge of concrete and dust to the Tūtaekurī River associated with the demolition of the piers.
- Rule 46 of the RCEP for the removal and demolition of structures (or part of a structure in this instance) the duration of river diversions and works within the fish spawning season.

#### Other Approvals

The applicant has set out in section 1.5 of the AEE that separate approval (resource consent) is required for the bridge replacement works that were completed under the emergency provisions of the RMA and that a future application will cover that work. As the applicant has mentioned (and despite clause 14 of the OIC-KR), this application does not cover that aspect as it is to be assessed under its own application.

### 4. COMMENTS

In accordance with clauses 8 and 9 of the OIC-KR, notice was sent to the listed parties (clause 9(1)(a)) and they were given the opportunity to comment on the application, with the comment period beginning 18 September 2025 and closing 3 October 2025.

During that comment window only one comment was received from an invited party.

The one comment supporting the application is summarised below.

	Issues Raised	Relief Sought	Response to comment
<b>Supporting</b>			
Comment #1 – Tamatea Pokai Whenua	<i>We have no concerns regarding this application and fully support it proceeding as proposed</i>	To proceed as proposed	No change to proposed conditions as a result of this comment.

## 5. MATTERS TO BE CONSIDERED

Clause 8(1) of the OIC-KR modifies sections 95 to 99A, 104, 104A, 105, 107(2) and 115 of the RMA. Clause 8(2)(b) states that an application for a resource consent for recovery work must otherwise be determined in accordance with Part 6 except that—

- (i) *the procedure set out in clause 10 concerning changes to conditions in Schedules 2 and 3 applies; and*
- (ii) *the consent authority need not have regard to the matters in section 104(1)(b) or 105 of the RMA when considering the application; and*
- (iii) *if the resource consent is a discharge permit, the consent authority is deemed to be satisfied of the matters in section 107(2) of the RMA; and*
- (iv) *the consent authority must consider comments received as part of the consultation process under clause 9 and make publicly available a summary of the comments, together with the Authority's response to the issues raised, before or at the same time as its decision on the application is notified under the RMA; and*
- (v) *for the purposes of section 115 of the RMA, notice of the consent authority's decision must be given within 30 working days after the date on which the application was lodged with the consent authority.*

In accordance with s104(1)(a) of the RMA, the actual and potential effects of the activity have been adequately considered (see section 6 of the applicants AEE).

In accordance with s104(2E) when considering an application, a consent authority may have regard to any previous or current enforcement action under the RMA received by the applicant. In this instances given the activity is for a controlled activity with predetermined conditions of consent, consideration of this matter is not necessary.

As per clause 8(2)(b) of the OIC-KR, the consent authority is deemed to be satisfied of the matters in section 107(2) of the RMA. Therefore, further consideration of 107(1) is unnecessary given s107(2) is deemed satisfied.

In accordance with s104(g) of the RMA, and considering the location of the proposed works being situated in a river mouth adjacent to the Coastal Margin and Coastal Marine Area, the activity is not anticipated to have any actual or potential effect on a registered drinking water supply.

The applicant has considered the activity against Part 2 of the RMA in s8.1 of their assessment, and in accordance with s42A(1B), this assessment is adopted and need not be repeated here.

The conditions of consent have been amended and these have been agreed to by the applicant.

## 6. ACTUAL AND POTENTIAL EFFECTS

The applicant has assessed the effects on the environment in section 6 of their AEE and in accordance with section 42A(1B) of the RMA, this assessment is adopted and need not be repeated here.

**7. MONITORING**

**Monitoring by Consent Holder**

Monitoring will be undertaken in accordance with the conditions of consent as set out in the OIC-KR Schedule 2 and as amended by the applicant, and as set out in the various management plans required by those conditions.

**Monitoring by Consent Authority**

It is recommended there be provision for Council to undertake monitoring during construction and/or after the completion of the works. Cost of this monitoring will be charged to the consent holder and shall be in accordance with the Annual Plan in place at that time.

**8. CONSENT DURATION**

A duration of 2 years is sought and is considered appropriate, with the consent expiring on 23 October 2027.

**9. RECOMMENDATION**

Clause 6(2) of the OIC-KR 2024 requires applications made in accordance with the OIC-KR 2024 be treated as a controlled activity. In accordance with the RMA 1991, resource consent applications for controlled activities must be granted.

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Recommending Planner



**Brandon Baillie**  
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POLICY AND REGULATION GROUP

21 October 2025

Reviewed By



**Paul Barrett**  
**Manager Consents**  
POLICY AND REGULATION GROUP

21 October 2025

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