

# RESOURCE CONSENT APPLICATION

May 2023

Waka Kotahi NZ Transport Agency

State Highway 2 – Waikare Gorge Realignment Project

# Application for Resource Consent Under Section 88 of the Resource Management Act 1991

To: Hawke's Bay Regional Council  
Private Bag 6006  
Napier 4142

From: Waka Kotahi NZ Transport Agency  
PO Box 740  
Napier 4140

**Waka Kotahi NZ Transport Agency (Waka Kotahi) applies for the following type[s] of resource consent[s]:**

Hawke's Bay Regional Resource Management Plan

ACTIVITY	RELEVANT REGIONAL RULE	ACTIVITY STATUS	CONSENT DURATION
Vegetation clearance and soil disturbance associated with earthworks to construct the proposed Waikare Gorge bridge, stormwater discharge structures and stormwater treatment facilities where vegetation clearance is within 5 metres of a permanently flowing river, or any other river with a bed width in excess of 2 metres.	Rule 8	Restricted Discretionary	10 years
Discharge of contaminants to land, including clean fill, and earth, that will not enter water, associated with the construction, operation and maintenance of the State Highway 2 Waikare Gorge Realignment Project, including all structures (i.e. bridges, culverts and underpasses) where discharges are within 20 metres of a surface water body (Kings Creek and various unnamed watercourses).	Rule 52	Discretionary	10 years
Discharges to land that may enter water associated with vegetation clearance and soil disturbance associated with earthworks and construction of stormwater treatment facilities where surface ponding will occur in the area of discharge and dewatering activities as required.	Rule 52	Discretionary	10 years

Construction of all structures over the bed of a river and the construction of all stormwater treatment facilities, stormwater outfall structures where the catchment size is greater than 150 hectares, or the structure occupies an area exceeding 10m <sup>2</sup> .	Rule 69	Discretionary	10 years
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National Environmental Standards Freshwater Management Regulations (NES-F)

ACTIVITY	RELEVANT RULES	ACTIVITY STATUS	CONSENT DURATION
Vegetation clearance in, or within a 10m setback from wetlands, for the purpose of constructing a wetland utility structure.	NES-F Reg 42 (1)	Restricted discretionary	10 years
Earthworks or land disturbance within, or within a 10 m setback from, a natural wetland for the purpose of constructing a wetland utility structure.	NES-F Reg 42 (2)	Restricted discretionary	10 years
The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it—  (a) is for the purpose of constructing a wetland utility structure; and  (b) complies with the conditions.	NES-F Reg 42 (3)	Restricted discretionary	10 years

**Consent Lapse Sought:**

A consent lapse period of 10 years is requested.

**Consent Duration Sought:**

A consent duration of 35 years is requested for operational activities.

For temporary activities during construction, a consent duration of 10 years is sought.

**The proposed activity to which the application relates is as follows:**

The proposed activities are associated with the construction, operation and maintenance of the State Highway 2 Waikare Gorge Realignment Project ('Project'). The activities include:

- Earthworks - cut to fill, cut to waste and imported fill (if any)
- Stream bed disturbance and temporary stream diversion (including dewatering), during construction
- Permanent watercourse diversions
- Installation and extension of culverts and associated headwalls and rock rip rap aprons
- Installation of stock underpasses
- Installation of retaining walls
- Bridge construction, use and maintenance – Waikare<sup>1</sup> Gorge Bridge and Kings Creek road bridge and stock bridge
- Temporary and permanent discharge and diversion of stormwater to land surface water
- Stormwater treatment facilities, including forebay, wetland and pond installation.

Further details are contained in the accompanying Volume 1 Assessment of Effects on the Environment Report (AEE), Volume 2 Technical Assessment Reports and Supporting Information, and Volume 3 Drawing Set, which are submitted in support of this resource consent application.

The following effects relating to the resource consent application are identified with cross references to where details are provided in the supporting documentation.

<b>Effect</b>	<b>Reference to AEE (Vol 1)</b>	<b>Reference to Appendix (Vol 2)</b>	<b>Effects Status in Table 6 (Vol 1)</b>
Positive effects	Section 8.2	N/A	Positive
Effects on aquatic ecology and water quality	Section 8.3	Appendix B	Minor
Effects of increased stormwater, including flood risk and hydrology	Section 8.4	Appendix C	No more than minor
Effects of earthworks	Section 8.5	Appendix C	No more than minor
Effects on vegetation and terrestrial ecology	Section 8.6	Appendix B	No more than minor
Effects on landscape and visual, including natural character	Section 8.7	Appendix G and H	Less than minor

<sup>1</sup> For clarification purposes, the name of the gorge is "Waikare" and the name of the river is "Waikari"

Effects on cultural values, heritage and archaeology	Section 8.8	N/A	No more than minor
Transport effects	Section 8.9	Appendix F	No more than minor
Effects from noise and vibration	Section 8.10	Appendix I	No more than minor
Effects on contaminated land	Section 8.11	Appendix E	Less than minor
Effects on utilities	Section 8.12	N/A	No more than minor
Effects of dust	Section 8.13	N/A	No more than minor
Effects on highly productive land	Section 8.14	N/A	No more than minor

**The site at which the proposed activity is to occur is as follows:**

The Project site is located on State Highway 2, midway between Napier and Wairoa, a road distance of approximately 58 kilometres. The surrounding area is predominantly agricultural farmland, coupled with farm dwelling and ancillary farming and dairy buildings, fences, stock gates and accessways.

In a general sense, the site is set within low lying, moderate rolling hill country.

Kings Creek (also called Pohatanui Stream) partially traverses the site along with several unnamed watercourses.

The site is located adjacent to Putorino Station Road and runs partially parallel to the Palmerston North to Gisborne Rail Line.

Waikare Gorge bisects the Project site with the Waikari River being the main river separating the boundaries between the Hastings District Council and the Wairoa District Council.

Site locations are shown in Volume 3 – Drawing Set.

The full name[s] and address[es] of the owner[s] and occupier[s] of the site[s] is /are as follows:

ID on Plan	Record of Title	Legal description	Ownership
10	HBW2/409	Lot 1 DP 26609	Stephen Alexander Greer, Stephen Hugh Orr Reaney, Christopher Morris Torr, Dianne Elleanor Torr
11	HBP4/388	Lot 1 DP 23291	David Stuart Wallace
12	HBV4/130	Lot 1 DP 25330	Benjamin Mackintosh, Kristin Daniele Rachel Mackintosh
13	HBP2/890	Section 41 SO 6201	Stephen Alexander Greer, Stephen Hugh Orr Reaney, Christopher Morris Torr, Dianne Elleanor Torr
14		Part Awaototara B Block	Her Majesty the Queen
15	HBF4/1448	Part Lot 1 DP 13713	Spring Valley Holdings Limited
16	HBV4/132	Lot 3 DP 25330	Stephen Alexander Greer, Stephen Hugh Orr Reaney, Christopher Morris Torr, Dianne Elleanor Torr
17	HBP2/890  HBA1/1250	Part Section 34 SO 2516  Section 34 Block II Moeangaiangi	Stephen Alexander Greer, Stephen Hugh Orr Reaney, Christopher Morris Torr, Dianne Elleanor Torr  Her Majesty the Queen Deed of easement under section 60 Land Act 1948
18	HBG3/1433	Part Lot 1 DP 13541	Richard Lee Land Holdings Limited
19			Railway
20			Railway

ID on Plan	Record of Title	Legal description	Ownership
21			Road
22			Road
23			Road
24			Road
25			Road
26			Hydro

**Other activities:**

The other activities that are part of the proposed activity to which this application relates are separate Notices of Requirement and supporting information submitted to the Hastings District Council and Wairoa District Council.

**Other resource consents:**

No additional resource consents are needed for the proposed activity to which this application relates.

**Supporting Information:**

Waka Kotahi attaches the following information in support of this Application, as required by items 7 – 14 of Form 9 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

**The nature of the proposed conditions that would apply are:**

The proposed conditions that would apply are included in **Attachment A** of this Application.

Accompanying Information

**Volume 1** Assessment of Effects on the Environment Report

**Volume 2** Technical Assessment Reports and Supporting Information

**Volume 3** Drawing Set

Signed by:



Belinda Petersen  
Principal Planner - Poutiaki Taiao Environmental Planning, System Design, Transport Services

Pursuant to authority delegated by Waka Kotahi NZ Transport Agency

Dated: 5 May 2023

**Address for Service:**

Stantec New Zealand  
PO Box 13 052  
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Attention: Caroline van Halderen

Senior Principal Planner

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**Copy to:**

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Attention: Belinda Petersen

Principal Planner - Poutiaki Taiao Environmental Planning, System Design, Transport Services

Email: [Belinda.Petersen@nzta.govt.nz](mailto:Belinda.Petersen@nzta.govt.nz)



**Attachment A**

**Proposed Conditions**

## SH2-Waikare Gorge Realignment - Proposed Resource Consent Conditions

The table below defines the acronyms and terms used in the conditions.

<b>Abbreviation/Term</b>	<b>Meaning/Definition</b>
CEMP	Construction and Environmental Management Plan
Consent Holder	Waka Kotahi NZ Transport Agency
Construction Works	Activities undertaken to construct the Project
Council	Hawke's Bay Regional Council
EMP	Ecology Management Plan
ESCP	Erosion and Sediment Control Plan
Manager Compliance	Hawke's Bay Regional Council Manager Compliance
Project	The construction, operation, maintenance and improvement of the state highway and associated infrastructure of State Highway 2
Project Representative	The person or persons appointed by the Requiring Authority to be the main and readily accessible point of contact for persons wanting information about the Project or affected by the Construction Works
RMA	Resource Management Act 1991
SMP	Stormwater Management Plan
Waka Kotahi	Waka Kotahi NZ Transport Agency

No.	Proposed conditions
	<b>General</b>
1	<p>Except as provided for in the conditions below and subject to final design, the Project shall be undertaken in general accordance with the following plans and information submitted with the application in March 2023:</p> <ul style="list-style-type: none"> <li>• General Arrangement Plans - WGR-PLA-GEM-00-DRG Sheet Nos 0001-0010 (Rev F)</li> <li>• Stormwater Drawings - Culverts, swales and stormwater treatment facilities - WGR-DES-DNG-00-DRG Sheet Nos 0001 - 0031 (Rev D).</li> <li>• Structure Drawings - Bridges and underpasses (excluding Waikare Gorge Bridge) - Structures WGR-PLA-STR-00-DRG Sheet Nos 00046-00060.</li> </ul> <p>Where there may be contradiction or inconsistencies between the application and any further information provided by the applicant, the most recent information applies. Where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.</p>
	<b>Notification</b>
2	<p>The consent holder shall provide the Manager Compliance a minimum of at least ten working days' notice prior to Construction Works commencing.</p> <p><b>Advice Note:</b></p> <p>Notifications shall be emailed to [insert email] and include the Authorisation Number and the name and phone number of a Project Representative responsible for the proposed works.</p>
	<b>Pre-construction site meeting</b>
3	<p>The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite, with a minimum of 5 working days' notice, the Manager Compliance and iwi (Ngāti Pāhauwera and Maungahururu Tangitū Trust). Attendees on behalf of the consent holder shall include the Project Representative and appropriate representation from the contractor undertaking the works.</p> <p><b>Advice Note:</b></p> <p>In the case that any of the invited parties, other than the Project Representative and contractor, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.</p>
	<b>Management Plan Certification and Amendments</b>
4	<p>(a) The following management plans shall be prepared prior to the start of Construction Works.</p> <ul style="list-style-type: none"> <li>• Construction and Environmental Management Plan (CEMP)</li> <li>• Erosion and Sediment Control Plan (ESCP)</li> <li>• Ecology Management Plan (EMP)</li> <li>• Stormwater Management Plan (SMP).</li> </ul>

No.	Proposed conditions
	<p>(b) The listed management plans shall be provided to the Council for certification that they meet the relevant requirement of this resource consent, at least 20 days prior to the start of Construction Works. If 20 working days have passed since the Management Plan has been provided to the Council and no response has been received, the Management Plan shall be deemed to be certified.</p> <p>(c) The management plans listed above shall be appropriately aligned and linked, including to the Landscape Management Plan prepared in accordance with conditions of the designation, so that collectively the management plans support integrated management and mitigation of effects of the Project.</p>
5	<p>If any material changes are proposed to the certified management plans, the consent holder may request amendments to the certified management plans by submitting the amendments in writing for the certification of the Manager. If no comments are received on an amended management plan within 5 working days, then the amendment is deemed to have been certified and the consent holder may implement the plan or the amendments. The amendments sought shall not be implemented until the amended management plan has been certified.</p> <p>Minor administrative amendments to the certified management plans may be made without further submission to the Manager.</p>
<b>Construction and Environmental Management Plan</b>	
6	<p>A Construction and Environmental Management Plan (CEMP) shall be prepared prior to the start of Construction Works.</p> <p>The purpose of the CEMP is to set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate any adverse effects associated with Construction Works as far as practicable.</p> <p>The CEMP shall include details of the following:</p> <ul style="list-style-type: none"> <li>(a) Roles and responsibilities of key personnel responsible for compliance with consent conditions</li> <li>(b) Proposed construction methodology and programme</li> <li>(c) Proposed location and layout of main construction yards, including location of hazardous materials storage and refuelling activities</li> <li>(d) Dust control</li> <li>(e) Construction traffic management</li> <li>(f) Spill response and other incident management procedures</li> <li>(g) Procedures for unexpected discovery of contaminated material.</li> </ul>
<b>Erosion and Sediment Control Plan</b>	
7	<p>An Erosion and Sediment Control Plan (ESCP) shall be prepared prior to the start of Construction Works in accordance with the Hawke's Bay Waterway Guidelines – Erosion and Sediment Control<sup>1</sup></p>

<sup>1</sup> Hawke's Bay Waterway Guidelines – Erosion and Sediment Control. HBRC Plan Number 4109. April 2009. Hawke's Bay Regional Council. 101 pp.

No.	Proposed conditions
	<p>The purpose of the ESCP is to set out the design and management principles that will be adopted to minimise sediment discharge from earthworks associated with the Construction Work and to protect waterbodies.</p> <p>The ESCP shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) The design criteria and dimensions of erosion and sediment control measures.</li> <li>(b) Final Plan(s) identifying: <ul style="list-style-type: none"> <li>i) The locations of waterways.</li> <li>ii) Staging sequence of erosion and sediment control measures.</li> <li>iii) The boundaries and area of catchments contributing to stormwater treatment facilities.</li> <li>iv) The locations of all specific points of discharge to the environment.</li> </ul> </li> <li>(c) Methods for treatment of sediment-laden stormwater run-off prior to any discharge off-site.</li> <li>(d) Rainfall response and contingency measures including procedures to minimise adverse effects in the event of heavy rainfall events and/or the failure of any key erosion and sediment control structures.</li> <li>(e) Maintenance, monitoring and reporting procedures and frequency.</li> <li>(f) Procedures for removal of erosion and sediment control measures upon completion of the Construction Works.</li> <li>(g) Timing and frequency to review the effectiveness of the ESCP, and to amend it as required.</li> </ul>
8	<p>All key erosion and sediment control measures, including diversion channels shall be in place prior to any in stream works (excavation and construction) commencing within the stream channel.</p>
<b>Stormwater Management Plan</b>	
9	<p>A Stormwater Management Plan (SMP) for the permanent stormwater management system shall be prepared prior to the start of Construction Works in accordance with the Hawke's Bay Waterway Guidelines - Stormwater Management<sup>2</sup></p> <p>The purpose of the SMP is to set out the design elements to avoid, remedy or mitigate adverse stormwater discharge effects as far as practicable.</p> <p>The SMP shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) Attenuation design for the stormwater treatment facilities.</li> <li>(b) Final cross-drainage culvert design, including erosion protection and debris capture.</li> <li>(c) Fish passage provision.</li> <li>(d) Plant species for swales and stormwater treatment facilities which take into account a range of climate conditions.</li> <li>(e) Accessibility for inspection and maintenance.</li> </ul>

<sup>2</sup> Hawke's Bay Waterway Guidelines - Stormwater Management. HBRC Plan Number 4104. May 2009. Hawke's Bay Regional Council. 202 pp.

No.	Proposed conditions
	<b>Ecological Management</b>
	<b>Pre-construction baseline surveys</b>
10	<p><b><u>Bats</u></b></p> <p>An acoustic survey for long-tailed bats shall be undertaken prior to the start of Construction Works.</p> <p>The purpose of the survey is to confirm the presence (or otherwise) of long-tailed bats. The findings will inform the development of measures to be undertaken during construction to mitigate the effect of construction activities and permanent works on long-tailed bats.</p> <p>The survey area shall include potential bat habitat in Waikare Gorge, Pohatanui Stream/King's Creek and the exotic trees at the northern extent of the Project.</p>
11	<p><b><u>Lizards</u></b></p> <p>A survey for indigenous geckos and skinks shall be undertaken prior to the start of Construction Works.</p> <p>The purpose of the survey is to confirm the presence (or otherwise) of lizards. The findings will inform the development of measures to be undertaken during construction to mitigate the effect of construction activities and permanent works on lizards.</p> <p>The survey area shall include potential lizard habitat in the kanuka shrubland of Waikare Gorge and tributaries, and areas of weedfield.</p>
	<b>Design</b>
12	Measures shall be considered during detailed design to further minimise direct impact on natural wetlands e.g. opportunities to refine fill slopes or incorporate retaining walls.
13	Permanent culverts shall incorporate fish passage to ensure that the upstream or downstream passage of fish is not constrained.
14	If the survey referred to in Condition x above confirms the presence and habitat for bats, lighting shall be designed to minimise effects on bats through the use of shields or other measures that assist to prevent attracting bats and nocturnal birds.
	<b>Ecological Management Plan</b>
15	<p>An Ecological Management Plan (EMP) shall be prepared prior to the start of Construction Works.</p> <p>The purpose of the EMP is to set out the management procedures and construction methods to be undertaken to avoid, remedy, mitigate and offset adverse effects associated with Construction Works on the terrestrial and aquatic ecology as far as practicable.</p> <p>The EMP shall include details of the following:</p> <ol style="list-style-type: none"> <li>1. Findings of the pre-construction baseline surveys</li> <li>2. Methods for the management of effects on fauna</li> </ol>

No.	Proposed conditions
	<ul style="list-style-type: none"> <li>a. Bats</li> <li>b. Birds</li> <li>c. Lizards</li> <li>d. Fish</li> </ul> <ul style="list-style-type: none"> <li>3. Methods to mitigate the loss of indigenous terrestrial vegetation</li> <li>4. Methods to mitigate or offset the loss of water courses and riparian vegetation</li> <li>5. Methods to mitigate or offset the loss of natural wetlands</li> <li>6. Proposed planting zones and layouts, species, sizing</li> <li>7. Proposed pest plant and animal management.</li> </ul> <p>The EMP shall be appropriately aligned and linked to the Landscape Management Plan prepared in accordance with conditions of the designation, and the Stormwater Management Plan prepared in accordance with Condition 9, so that collectively the management plans support integrated management and mitigation of effects of the Project.</p> <p>The specific methods for the management of effects on fauna may be included within the overarching EMP, or as separate management plans for certification.</p>
	<b>Fauna</b>
16	<p><b><u>Bats</u></b></p> <p>If the survey referred to in Condition x above confirms the presence and habitat for bats, the EMP (or specific plan) shall include proposed approaches to the management of potential effects on bats and habitat type including:</p> <ul style="list-style-type: none"> <li>a. Identifying roost trees; and</li> <li>b. Methods for discouraging bats to settle prior to felling of trees.</li> </ul>
17	<p><b><u>Birds</u></b></p> <p>The EMP (or specific plan) shall include proposed approaches to the management of potential effects on indigenous birds specific to species and habitat type including constraints on vegetation clearance during nesting, particularly during spring.</p>
18	<p><b><u>Lizards</u></b></p> <p>If the survey referred to in Condition x above confirms the presence and habitat for indigenous lizards, the EMP (or specific plan) shall include a description of the proposed methodology for pre-construction salvage and release, or other methods to manage potential effects on indigenous lizards. If a wildlife authority has been granted under the Wildlife Act 1953 with respect to lizards, this condition shall no longer apply.</p>
19	<p><b><u>Fish</u></b></p> <p>The EMP (or specific plan) shall include proposed methods for the capture and relocation of indigenous fish from areas where works will be undertaken within a watercourse, and construction methodologies including:</p>

No.	Proposed conditions
	<ul style="list-style-type: none"> <li>a. The location and extent of the stream area to be fished;</li> <li>b. The methods to be used for fish capture and release;</li> <li>c. Timing restrictions for new culvert installation to occur outside of spawning season; and</li> <li>d. Construction methods to allow fish passage upstream and downstream during the construction period.</li> </ul>
<b>Freshwater and terrestrial vegetation</b>	
20	<p><b><u>Riparian and terrestrial vegetation</u></b></p> <p>The EMP shall include a description of the proposed freshwater and terrestrial vegetation, including confirmation of:</p> <ul style="list-style-type: none"> <li>a. The location and extent of the planting areas and stream restoration sites;</li> <li>b. The type of planting and planting ratios. Plants are to be indigenous and where possible, locally sourced.</li> </ul>
21	<p><b><u>Wetlands</u></b></p> <p>The EMP shall include a description of</p> <ul style="list-style-type: none"> <li>(a) Construction methods to minimise potential effects on wetlands</li> <li>(b) Design details including: <ul style="list-style-type: none"> <li>a. Planting type and location; and</li> <li>b. Proposed fencing requirement.</li> </ul> </li> </ul>
22	<p><b><u>Integrated planting plan</u></b></p> <p>The EMP shall include a detailed planting plan. This plan shall include:</p> <ul style="list-style-type: none"> <li>a. Maps showing the proposed areas for wetland and terrestrial planting;</li> <li>b. A list of suitable eco-sourced indigenous plant species for each area;</li> <li>c. Details of the size, spacing and total number of species to be planted in each area;</li> <li>d. Details of site preparation and ongoing maintenance works to support a high survivability rate for plantings.</li> </ul>
23	<p><b><u>Pest plant and animal management</u></b></p> <p>The EMP shall include methods to control pest plants and animals during establishment of the proposed wetland and terrestrial planting areas. This shall include:</p> <ul style="list-style-type: none"> <li>a. Methods to control pest animals to minimise potential damage to planting areas for a five year duration following completion of construction ; and</li> <li>b. Methods and a proposed schedule to control specified pest plant species within the Project area (e.g. cleaning construction equipment coming on to site, replanting exposed areas, weed</li> </ul>



No.	Proposed conditions
	control for a five year duration following completion of construction).

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