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18 August 2023

Hastings District Council

Attention: Michelle Hart

Via email: michelleh@hdc.govt.nz

Dear Michelle

**Further information request under Section 92(1) of the Resource Management Act (1991) (RMA).
Notice of requirement - Waikare Gorge reference RMA20230126 – 5100 State Highway 2.**

Thank you for your letter dated 9 June 2023 requesting further information in relation to the Notice of Requirement for the proposed designation to construct, operate, maintain, and improve a state highway and associated infrastructure.

Your letter separated the information request into a number of headings. This further information letter responds to each of those headings, with the request in italics and the response in standard text. The attached response incorporates content provided by our technical advisors.

The information requested by Council under s92 of the RMA has now been provided. We ask that you please proceed with the public notification process as requested in our lodgement letter.

Ngā mihi,

A handwritten signature in black ink, appearing to be 'Amberley Gibson'.

Amberley Gibson
Principal Planner, Poutiaki Taiao | Environmental Planning
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Section 92 Response: RMA20230126

Cultural Matters

1. The proposal is situated over and adjacent to Ngāti Pāhauwera and Maungaharuru-Tangitū Hapū's statutory acknowledgement area (the Waikari River as set out in Ngāti Pāhauwera Treaty Claims Settlement Act 2012 and Maungaharuru-Tangitū Hapū Claims Settlement Act 2014). While the notice refers to these Iwi groups undertaking separate cultural impact assessments, the Council requires these in order to understand at the outset, those matters relevant to mana whenua. Please provide Cultural Impact Assessments which consider the potential effects on those values and matters relevant to Ngāti Pāhauwera and Maungaharuru-Tangitū Hapū.

Comment:

We note that submission of Cultural Impact Assessments are not a statutory requirement, and that the Council can continue to process the Notice of Requirement without them.

Our understanding of cultural effects associated with the proposed designation is set out in Section 8.8 and other places in the AEE (e.g. 4.5, 4.7, 5.2, Table 10 and 11.4.2 under Matters of National Importance). The engagement undertaken with iwi is set out in Section 10.4 of the AEE. A summary list of engagement discussions, information shared, and site visits is attached in Appendix B.

Waka Kotahi is continuing to engage with iwi and will forward CIAs if these are received.

Hastings District Plan Assessment

2. Please provide an assessment of the following District Plan Sections and demonstrate compliance with those provisions (including all relevant performance standards), or identify in the Assessment of Environmental Effects (AEE), including Appendices where effect associated with these matters have been assessed:
 - a) Section 19.1 - Riparian Land Management
 - b) Section 20.1 - Indigenous Vegetation and Habitats of Indigenous Fauna
 - c) Section 27.1 - Earthworks

Comment:

Given that this is a Notice of Requirement process, the District Plan rules do not apply to works in the designation.

s171(1) states that "When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

(a)

any relevant provisions of—

- (i) a national policy statement;
- (ii) a New Zealand coastal policy statement;
- (iii) a regional policy statement or proposed regional policy statement;
- (iv) a plan or proposed plan; and

(b)

whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—....."

The following is an assessment of s171(1):

SECTION	MATTER	ASSESSMENT
S171(1)(a)(i)	National policy statement	<p>National Policy Statement for Freshwater Management (NPS-FM) addresses, as a matter of national significance, the management of fresh water through a framework that considers and recognises Te Mana o te Wai as an integral part of freshwater management.</p> <p>The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into effect on 17 October 2022. It sets out the single objective and policies that direct local government to protect highly productive land from inappropriate use and development.</p> <p>Please refer to Appendix J Assessment of relevant planning documents</p>
S171(1)(a)(iii)	Regional policy statement or proposed regional policy statement	<p>The operative Hawke's Bay Regional Policy Statement (RPS) identifies the regionally significant issues relating to the management of the region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods).</p> <p>Please refer to Appendix J Assessment of relevant planning documents</p>
S171(1)(a)(iv)	Plan or proposed plan;	<p>The Hawke's Bay Regional Resource Management Plan (RRMP) became operative on 26 August 2006. The latest version of the republished RRMP, dated 14 August 2021, incorporates subsequent plan changes and minor amendments.</p> <p>Hastings District Plan and the Wairoa District Plan</p> <p>Please refer to Appendix J Assessment of relevant planning documents</p>
S171(1)(b)	Consideration of alternative sites, routes, or methods of undertaking the work	Please refer to section 5 in the AEE

Effects on Putorino Community

- The proposed new State Highway 2 alignment will bypass Putorino village. The AEE does not assess the impact on persons residing or working in this small village. Please address by providing a Social Impact Assessment addressing the social effects the realignment will have on this community.

Comment:

A memorandum attached to this letter (see Appendix A) sets out the feedback from the community, including media reports. The feedback to date has been largely positive and supportive of the project. The project itself has significant safety and resilience benefits compared to the current road location and alignment. Intersections at either end of the alignment and directional signage are incorporated in the project to maintain access to and visibility of Putorino village. The AEE includes an assessment of other social effect considerations such as noise, vibration, and land use impact. The information included within the NOR package and the attached memorandum is considered sufficient without the need to undertake a 'formal Social Impact Assessment' as requested by Council.

NPS-HPL/ Objectives and Policies of the District Plan relating to versatile land

4. The proposed designation crosses highly productive land, as defined in the National Policy Statement on Highly Productive Land, being LUC Class 3. The District Plan also places significant weight on protecting the versatile land resource. In order for Council to fully understand the impact of the loss of productive land can you please quantify the amount of LUC Class land that will be permanently taken out of production as a result of the new alignment, associated works areas and as a result of any setbacks of productive uses required from the new alignment.

Comment:

The total area of LUC Class 3 land that will be permanently taken out of production is estimated to be 32 hectares.

Effects on highly productive land is set out in section 8.14 of the AEE.

Future of Existing Infrastructure

5. Due to the road realignment, the current State Highway will eventually revert to a local road. While we understand this will be addressed under a different process, can you please advise what will happen to the existing bridge crossing and this section of road once the new bridge and state highway is operational. Has there been any consideration of the effect to landowners on the Wairoa side of what will be the old bridge in the future?

Comment:

The future of the existing infrastructure will need to follow the revocation process. The process associated with changing the form and function of the existing state highway is subject to separate procedures and discussions with HDC, WDC, landowners and other stakeholders. Please refer to section 6.10 of the AEE.

Traffic Impact Assessment

6. The Traffic Impact Assessment (TIA) has not been signed by Jamie Povall (the person who has reviewed and approved the report). For completeness, please submit an amended TIA that has been signed by all authors.

Comment:

A signed copy of the Traffic Impact Assessment was sent via email on 14 June 2023.

Consultation

7. The AEE refers to consultation undertaken with landowners and the relevant statutory organisations. Please provide a detailed log of those discussions and an update on consultation with landowners, including whether any written approvals have been obtained.

Comment:

To date, ten meetings have been held in total with directly affected landowners, and information shared as the project developed. There are five key landowners and meetings have occurred with multiple groups at a time.

A total of ten meetings have been held with the statutory organisations.

In summary, the concept design has been discussed and sought feedback. Other topics discussed at those meetings have included:

- Stormwater
- Wetlands and riparian planting

- Property negotiations
- Funding
- Property owners' operational needs such as access to paddocks and fencing.

A general summary of the consultation with landowners and relevant statutory organisations is outlined in Appendix B. As a separate land acquisition process will occur ahead of construction, it is not appropriate to provide details of individual discussions with private landowners. To date no affected party approvals have been sought as Waka Kotahi envisage that the NOR will be publicly notified.

Property and construction funding for this project has not yet been confirmed. This project is part of the proposed programme for the East Coast recovery following Cyclone Gabrielle. Funding decisions are yet to be made by Ministers. Until these decisions are made, property agreements cannot be finalised and written approvals relating to these obtained. However, there is broad support among landowners for the project (reference Appendix C).

Erosion and Sediment Control

8. The notice provides very limited information on the proposed erosion and sediment control (ESC) measures, aside from noting that controls will be consistent with the HBRC Guidelines, and the provision of corresponding conditions. Typically, as a minimum for projects of this scale, a draft / indicative ESCP and drawings at a high level would be provided, with details to follow on site specific ESCPs. That would also include discussion on specific higher risk areas such as stream works and bridges, and areas (if any) where Guideline compliant controls cannot be implemented. This will inform the assessment of effects. Please provide a draft ESC Plan that incorporates this information.

Comment:

A draft Erosion and Sediment Control Plan (ESCP) is attached as Appendix C of this letter response.

NESCS

9. The PSI in Appendix E identifies a HAIL activity has been undertaken on a specific site and while a Contaminated Land Management Plan has been provided, it is likely that a DSI will be required prior to works commencing in this area. It is however considered acceptable that consent not yet be applied for in relation to potential increase in concentration of contaminated substances on land but resource consent may be required the future.

Comment:

Noted. To confirm that the detailed design, when completed, will determine if resource consent is required in the future.

Ecological Assessment Report

10. The ecological assessment identifies that the proposal will potentially have 'moderate' adverse effects both before and after mitigation. It is understood that 'moderate' adverse effects would likely be considered more than minor. Additionally, the ecological assessment states potential losses may not be able to be avoided. Given this, at this stage Council consider that public notification may be required, but this will be confirmed after considering of the further information that has been requested.

Comment:

Noted that public notification has been requested.

Other

11. Subject to any additional information being provided it is likely that Council will seek peer reviews under section 92(2) of the RMA of the following reports;
 - Noise and Vibration Report
 - Landscape and Visual Assessment
 - Urban Landscape Design Framework

We are seeking agreement to undertake peer reviews of the above reports.

Comment:

We understand that the Council may not have in-house resources to review technical reports submitted with the NOR. If that is the case, we agree to the Council seeking external assistance to review the Noise and Vibration Report and the Landscape and Visual Assessment. This is subject to confirmation of scope and likely cost if this will be charged to Waka Kotahi. We would envisage any review to focus directly on the RMA issues, not a wider technical peer review. We do not agree that any external review should be needed for the Urban and Landscape Design Framework.

Our view is that the Council's review of those reports should not hold up notification of the NOR and can occur in parallel with the notification process.

Appendix A: Effects on Putorino Community

Appendix B: Consultation

Appendix C: Draft Erosion and Sediment Control Plan