



Whakatu Arterial Link

Proposed Conditions

June 2014

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Proposed Conditions

The Hastings District Council has proposed a suite of conditions to be attached to the designation and resource consents to manage the effects of the Whakatu Arterial Link (WAL) project. These proposed conditions are provided in three parts, as follows:

- 1) General conditions that relate to both the designation and the resource consents.
- 2) Conditions that relate specifically to the designation;
- 3) Conditions that relate specifically to the resource consents; and

The table below provides explanation to a number of the acronyms and terms used in the conditions:

Definitions	
AEE	Means the WAL Assessment of Effects on the Environment, dated February 2014 (HDC 2014(c))
CEMP	Means the Construction Environmental Management Plan
CLG	Means the Community Liaison Group
CNVMP	Mean the Construction Noise and Vibration Management Plan
Consent Holder	Means the Hastings District Council
Council	Means the Hastings District Council or the Hawke's Bay Regional Council
DCMP	Means the Dust Control Management Plan
Manager	Means the Regulatory Manager of the Hastings District Council or the Manager (Resource Use) of the Hawke's Bay Regional Council. For the avoidance of doubt, where reference is in relation to Designation Conditions, Manager shall refer to the Regulatory Manager of the Hastings District Council; where reference is in relation to Resource Consent Conditions, Manager shall refer to the Manager (Resource Use) of the Hawke's Bay Regional Council; where reference is in relation to the General Conditions, Manager shall refer to both positions.
Project	Means the construction, operation and maintenance of the Whakatu Arterial Link to provide a strategic roading link between State Highway 2 North and Pakowhai Road in order to improve connections into and out of the Whakatu Industrial Area and through to the Hawke's Bay Expressway and Port of Napier, including all associated works, structures and ancillary activities.
Project Description	Means the WAL Project Description, dated October 2013 (GHD 2014a)
Requiring Authority	Means the Hastings District Council
RMA	Means the Resource Management Act 1991
SMP	Means the Spill Management Plan

WAL	Means the Whakatu Arterial Link
Work	Means any activity or activities undertaken in relation to the construction and operation of the Project.

GENERAL CONDITIONS (RELATING TO BOTH THE DESIGNATION AND RESOURCE CONSENTS)

Communications and Public Liaison - Construction

- G1. The Requiring Authority/consent holder shall appoint a Community Liaison Officer for the duration of the construction phase of the Project to be the main and readily accessible point of contact for persons affected by the construction work. The Requiring Authority/consent holder shall take appropriate steps to advise all affected parties of the officer's name and contact details. The Community Liaison Officer shall be reasonably available by telephone during the construction phase of the Project. If the officer will not be available for any reason, an alternative liaison officer shall be nominated.
- G2. Prior to the commencement of construction works, the Requiring Authority/consent holder shall prepare and implement a Communications Plan that sets out procedures detailing how the public and stakeholders will be communicated with throughout the construction period. As a minimum the Communications Plan shall include:
- (a) Details of a public liaison person available at all times during the works. Contact details shall be prominently displayed at the site office so that they are clearly visible to the public at all times;
 - (b) Methods to consult on and to communicate details of the proposed construction activities to surrounding landowners, occupiers, Ruahapia Marae, Kohupatiki Marae, Waipatu Marae Matahiwi Marae, the Mangateretere School, and the local residential, business and industrial community, and methods to deal with any concerns raised, which may include:
 - i. Publication of a newsletter, or similar, and its proposed delivery area
 - ii. Newspaper advertising
 - iii. Website
 - iv. Notification of the owners and occupiers of properties within 200 metres of the construction activities.
 - (c) Methods to record feedback on construction activities;
 - (d) Any stakeholder specific communication plans; and
 - (e) Monitoring and review procedures for the Communication Plan.

The Communications Plan shall include linkages and cross-references to methods set out in other management plans where relevant.

- G3. The Requiring Authority/consent holder shall provide the Communications Plan to the Manager at least 15 working days prior to the commencement of construction works.
- G4. The Requiring Authority/consent holder shall, at least 30 working days prior to construction commencing, establish a Community Liaison Group (CLG). The purpose of the CLG shall be to provide a regular forum to facilitate the flow of information between the Requiring

Authority and the community about the Project, identify any issues of concern that arise during the construction period of the Project, identify and discuss appropriate measures to address issues raised, and make recommendations for the Requiring Authority to consider in relation to any issues or concerns raised.

- G5. As a minimum, the Requiring Authority/consent holder shall invite the following interested parties to participate in the CLG:
- (a) HDC in its capacity as consent authority (1 nominated representative);
 - (b) HBRC (1 nominated representative);
 - (c) Whakatu Community (1 nominated representatives)
 - (d) Mana whenua (2 nominated representatives);
 - (e) Businesses and industry in the Whakatu industrial area (2 nominated representatives);
 - (f) New Zealand Transport Agency (1 nominated representative); and
 - (g) KiwiRail (1 nominated representative).
- G6. The Requiring Authority/consent holder shall assist the CLG to fulfil its purpose, including by:
- (a) Arranging an appropriate venue in the local area for the meetings of the CLG and meeting any other reasonable administrative costs of the meetings;
 - (b) Ensuring the Community Liaison Officer (appointed under Condition G1) attends all of the formal meetings of the CLG;
 - (c) Ensuring that a representative of the Requiring Authority attends all meetings;
 - (d) Providing information to the CLG about progress in relation to the Project, including the environmental effects of the Project and compliance with designation and consent conditions and the development of management plans; and
 - (e) Being prepared to discuss the environmental effects of the Project, any concerns in relation to human health and safety, and any complaints from the local community, including provision of further information and identification of appropriate measures to address issues raised.
- G7. The Requiring Authority/consent holder shall use its best endeavours to ensure that meetings of the CLG are held at least once every three calendar months throughout the construction period, or more or less frequently, as requested by the CLG.

Finalisation of Draft Management Plans

- G8. The management plans listed below and lodged with the Notice of Requirement and resource consent applications shall be updated and finalised by an independent, suitably qualified and experienced person(s):
- (a) Construction Environmental Management Plan (CEMP);

- (b) Stormwater Management Plan;
- (c) Erosion and Sediment Control Plan; and
- (d) Traffic Management Plan.

G9. The final plans listed at G8 shall be submitted to the Manager at least 20 working days prior to the commencement of any construction activities for certification that the plans are generally in accordance with the draft plans, including their objectives and environmental performance standards.

Advice Note:

For the avoidance of doubt, the certification required from the Manager of each Consent Authority under this condition relates to matters affecting works and activities within its jurisdiction.

G10. Where a management plan(s) is to be submitted in a staged manner as a result of the staging of construction works, information about the proposed staging shall be submitted as part of the CEMP.

G11. Construction activities shall not commence until the management plans have been certified by the Manager as described in Conditions G8 to G10 and written confirmation of certification from the Manager has been received. If a written response is not provided by the Manager of one or both Consent Authorities within 20 working days of the Requiring Authority/consent holder submitting the management plans for certification the certification shall be deemed to be confirmed.

G12. The Requiring Authority/consent holder may amend the management plans at any time. Any changes shall remain consistent with the overall intent of the relevant management plan and shall be submitted to the Manager for certification, following the same process outlined in Conditions G8 to G11 above. Construction activities subject to the amendment shall not commence until the amendment has been certified by the Manager.

G13. All construction works shall be carried out in general accordance with the CEMP and all supporting management plans required by these conditions.

Dust Control Management Plan (DCMP)

G14. The Requiring Authority shall, no less than 20 working days prior to any construction activities commencing, submit a Dust Control Management Plan (DCMP) for certification by the Manager that the DCMP meets the purpose and objectives set out in Conditions G15 and G16 below.

The DCMP shall be prepared by an independent, suitably qualified and experienced person(s) and shall be provided in conjunction with the final CEMP and management plans that are to be submitted to the Manager for certification under Conditions G8 and G9.

G15. The purpose of the DCMP shall be to identify the measures that will be adopted, so far as practicable, to minimise dust arising as a result of construction of the Project at any point beyond the designation boundary, particularly where it borders a sensitive land use.

- G16. The DCMP shall include, but need not be limited to, the following:
- (a) Description of the construction works and potential sources of dust;
 - (b) Periods of time when emissions of dust might arise from construction activities;
 - (c) Identification of any sensitive land uses (including ENZA and orchard areas) that may potentially be adversely affected by emissions of dust from construction activities;
 - (d) Measures for minimising and managing dust emissions;
 - (e) Methods for monitoring dust during construction, including visual inspections of dust sources and dust generating activities, visual inspections of management measures, checking weather forecasts and observing weather conditions;
 - (f) Methods for undertaking and reporting on the results of daily inspections of construction activities that might give rise to dust; and
 - (g) Methods for receiving and responding to complaints about dust emissions.

The Requiring Authority shall ensure that the DCMP is complied with.

Certified Management Plans to be Held On-Site

- G17. A copy of the certified versions of the management plans shall be kept on each construction site to which the plan relates at all times and the Requiring Authority/consent holder shall ensure that the contractors and all key personnel are aware of each plan's contents.

Cultural/Archaeological Discovery Protocol

- G18. The Requiring Authority/consent holder shall, in consultation with representatives of mana whenua, finalise the draft Archaeological Discovery Protocol lodged with the Notice of Requirement and resource consent applications prior to the commencement of any activities authorised by this designation/consent. The Protocol shall clearly set out the steps to be taken (in accordance with Condition G19), including any site inspections or ceremonies that may be carried out by representatives of mana whenua prior to construction of the Project commencing and in the event of any archaeological sites, waahi tapu, taonga (treasured or prized possessions, including Maori artefacts) or koiwi (human remains) being discovered at any time during works authorised by this designation/consent.
- G19. In the event of any archaeological site, waahi tapu, taonga or koiwi being discovered during the works authorised by this designation/consent, the Requiring Authority/consent holder shall immediately cease work at the affected site and secure the area. The Requiring Authority/consent holder shall contact the Council to obtain contact details of the relevant hapu and/or marae. The consent holder shall then consult with the appropriate tribal entities and Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and appropriate tribal entity approvals (including associated affected party approvals) to damage, destroy or modify such sites have been obtained.

- G20. Earthworks shall, where practicable, avoid the area on the eastern bank of the Karamu Stream that is within 100 metres south of the Rangitane Road crossing, in order to reduce the risk of adversely affecting any remains of the 19th century Whakatu Village.

Advice Note:

No archaeological sites or waahi tapu may be damaged, destroyed or modified unless the necessary approvals pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 have been obtained first.

Feedback and Incidents – Construction

- G21. At all times during construction work, the Requiring Authority/consent holder shall maintain a register of any public or stakeholder feedback received and any incidents or non-compliance noted by the Requiring Authority/consent holder's contractor, in relation to the construction of the Project. The register shall include:
- (a) The name and contact details (as far as practicable) of the person providing feedback or contractor observing the incident/non-compliance;
 - (b) Identification of the nature and details of the feedback/incident; and
 - (c) Location, date and time of the feedback/incident.
- G22. The Requiring Authority/consent holder shall promptly investigate any adverse feedback, incident or non-compliance. This shall include, but need not be limited to:
- (a) Recording weather conditions at the time of the event (as far as practicable), and including wind direction and approximate wind speed if the adverse feedback or incident relates to dust;
 - (b) Recording any other activities in the area, unrelated to the Project that may have contributed to the adverse feedback/incident/non-compliance, such as non-Project construction, fires, traffic accidents or unusually dusty conditions generally (if applicable); and
 - (c) Investigating other circumstances surrounding the incident.
- G23. In relation to Condition G22, the Requiring Authority/consent holder shall:
- (a) Record the outcome of the investigation in the register;
 - (b) Record any remedial actions or measures undertaken to address or respond to the matter in the register;
 - (c) Respond to the initiator, in closing the feedback loop, if practicable; and
 - (d) Where adverse feedback or incident was in relation to non-compliance with a condition of designation or resource consent, the Manager shall be notified in writing of the matter within 5 working days of the non-compliance, and informed of the remedial actions undertaken.

PROPOSED DESIGNATION CONDITIONS

General and Administration

- D1. Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated June 2014 and supporting documents being:
- (a) The Assessment of Environmental Effects report, dated June 2014; and
 - (b) The plan set contained in Appendix A of the Project Description report, dated June 2014.

If a conflict arises between any conditions of this designation and the Notice of Requirement, the conditions of this designation will prevail.

Advice Notes:

The supporting documentation contains all of the information that would be required to be provided with an Outline Plan under section 176A of the RMA, therefore no separate Outline Plan for construction of the works shown in the said support documentation will be submitted. An Outline Plan may be prepared and submitted for any works not included within Designation Condition D1 in accordance with the requirements of section 176A of the RMA.

- D2. Pursuant to section 184(1)(c) of the RMA, this designation shall lapse 10 years after the date on which it is included in the District Plan unless it has been given effect to at an earlier date.
- D3. As soon as practicable following completion of the construction of the Project, the Requiring Authority shall:
- (a) Review the width of the area designated for the Project;
 - (b) Identify any areas of designated land that are no longer necessary for the ongoing operation or maintenance of the Project or for ongoing mitigation measures, including the sediment retention ponds established as part of the erosion and sediment control measures installed for construction of the Project; and
 - (c) Give notice to the Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified in Designation Condition D3(b) above.

Construction Noise and Vibration

- D4. All noise from construction activities shall meet the requirements of the long duration noise limits in Table 3 of the New Zealand Standard NZS6803:1999 Acoustics - Construction Noise.
- D5. All vibration from construction activities shall comply with the following construction vibration criteria in DIB 4150-3:1999 "Structure Vibration Part 3: Effects of vibration on structures":

Receiver	Details	Category A	Category B
Occupied dwellings	Night-time 2000h – 0630h	0.3 mm/s PPV	1 mm/s PPV
	Daytime 0630h – 2000h	1 mm/s PPV	5 mm/s PPV
Other occupied buildings*	Daytime 0630h – 2000h	2 mm/s PPV	5 mm/s PPV
All other buildings	Vibration – transient	5 mm/s PPV	BS 5228 – 2:2009, Table B.2
	Vibration - continuous		BS 5228 – 2:2009, 50% of Table B.2

*'Other occupied buildings' is intended to include daytime workplaces such as offices, community centres, etc. and not industrial buildings. Schools, hospitals, rest homes etc. would fall under the 'occupied dwellings' category.

Construction Noise and Vibration Management Plan (CNVMP)

- D6. The Requiring Authority shall, no less than 20 working days prior to any construction activities commencing, submit a Construction Noise and Vibration Management Plan (CNVMP) for certification by the Manager that the CNVMP meets the objectives set out in Condition D7 below and implements the noise and vibration related recommendations contained in the Noise Assessment Report filed with the Notice of Requirement (Hegley 2014).

The CNVMP shall be prepared by an independent, suitably qualified and experienced Acoustic Consultant and shall be provided in conjunction with the final CEMP and management plans that are to be submitted to the Manager for certification under General Conditions G8 and G9.

- D7. The purpose of the CNVMP shall be to identify the noise and vibration performance standards that will, where practicable, be complied with and sets the framework for the development and implementation of particular noise and vibration management and control methodologies to minimise adverse effects on the health and safety of nearby owners / occupiers. The CNVMP shall describe the measures that will be adopted to, as far as practicable, meet:

- (a) The noise limits set out in Condition D4;
- (b) The Category A vibration criteria set out in Condition D5.

- D8. The CNVMP shall include, but need not be limited to, the following:

- (a) Description of the construction works and anticipated machinery, equipment and processes that have potential to generate significant noise and vibration, and their scheduled timing and durations of use;
- (b) Hours of operation, including times and days when construction activities causing noise and/or vibration would occur;

- (c) The construction noise and vibration limits and criteria applying to particular areas of the Project;
 - (d) Identification of affected dwellings and other sensitive locations where noise and vibration criteria apply;
 - (e) Noise mitigation measures, ;
 - (f) Methods and frequency for monitoring and reporting on construction noise and vibration levels at critical locations;
 - (g) Procedures and methods for maintaining contact with stakeholders, notifying of proposed construction activities and handling noise and vibration complaints;
 - (h) Construction equipment operator training procedures and expected construction site behaviours; and
 - (i) Methods for receiving and responding to complaints about construction noise and vibration.
- D9. Construction activities shall not commence until written confirmation of certification of the CNVMP from the Manager has been received. If a written response is not provided from the Manager within 20 working days of the Requiring Authority submitting the CNVMP for certification, the certification shall be deemed to be confirmed.
- D10. The Requiring Authority/consent holder may amend the CNVMP at any time. Any changes shall remain consistent with the overall intent of the CNVMP and shall be submitted to the Manager for certification, following the same process outlined in Condition D9 above. Construction activities subject to the amendment shall not commence until the amendment has been certified by the Manager.
- D11. All works shall be carried out in general accordance with the CNVMP.

Landscape Mitigation within the Project Alignment

- D12. The Requiring Authority shall, no less than 20 working days prior to any construction activities commencing, submit a final Landscape Mitigation Plan for certification by the Manager that the Landscape Mitigation Plan:
- (a) Is generally consistent with the draft Landscape Mitigation Plan appended to the Landscape and Visual Assessment Report submitted with the Notice of Requirement; and
 - (b) Addresses all the matters listed in Condition D13 below.
- D13. The Landscape Mitigation Plan shall:
- (a) Define the type, size, density and location of planting to be provided within the designated Project alignment and outline the maintenance and monitoring requirements;

- (b) Include a planting programme (the staging and timing of planting in relation to the construction programme); and
- (c) Include a monitoring and maintenance programme, including weed control, pest control and replacement of unhealthy plants.

The Landscape Mitigation Plan shall be finalised by an independent, suitably qualified and experienced Landscape Architect and shall be provided in conjunction with the final CEMP and managements plans that are to be submitted to the Manager for certification under General Conditions G8 and G9.

The Requiring Authority shall ensure that the Landscape Mitigation Plan is complied with.

Landscape Mitigation on Private Land

- D14. At least 60 working days prior to the commencement of construction activities the Requiring Authority shall write to the owners of the following dwellings to advise them that they may request the Requiring Authority to undertake landscape planting and/or fencing along the boundaries of their properties that adjoin the Project to mitigate the visual effects of the Project on views from their dwellings:

Address	Owner	Legal Description
555 Napier Road, Mangateretere, Hastings	Margaret Ruth Wedd & Dianne Rebecca Ward & Robin Joseph Bell	Part Lot 1 DP 432
Pilcher Road, Mangateretere, Hastings	Margaret Ruth Wedd & Dianne Rebecca Ward & Robin Joseph Bell	Part Lot 2 DP 14513
297 State Highway 2, Mangateretere, Hastings	Margaret Ruth Wedd & Dianne Rebecca Ward & Robin Joseph Bell	Part Lot 1 DP 14513
582 Napier Road, Mangateretere, Hastings	Margaret Ruth Wedd & Dianne Rebecca Ward & Robin Joseph Bell	Lot 3 DP 14513
280 State Highway 2, Mangateretere, Hastings	Omahuri Orchards Limited	Part Lot 2 DP 13109
296 State Highway 2, Mangateretere, Hastings	Michael Joseph Haley, Gabrielle Maureen Haley and Independent Trust Company (2006) Limited	Lot 1 DP 334708
238 Ruahapia Road, Whakatu, Hastings	Andrew Bryan Dillon and CDT 11 Limited	Lot 3 DP 22545
228 Ruahapia Road, Whakatu, Hastings	Marie Zena Edwards & James Brian Edwards & Jodi-Anne Edwards.	Part Lot 26A Karamu Reserve

- D15. Within 40 working days of commissioning of the WAL the Requiring Authority shall repeat the offer required by Condition D14 for all landowners who have not accepted the offer.

The Requiring Authority shall expressly state that the offer shall remain valid for 12 months following commissioning of the WAL. The Requiring Authority shall provide the Manager with a copy of all letters sent in accordance with this condition.

- D16. Subject to the prior written consent of the landowners being given, the Requiring Authority shall undertake on-site planting and/or fencing on those properties to mitigate the effects of the WAL on views from dwellings. The mitigation techniques shall be set out in a property specific concept plan prepared by an independent, suitably qualified and experienced Landscape Architect. The Requiring Authority shall provide the Manager with a copy of all concept plans prepared in agreement with the landowners prior to the commencement of planting and/or erection of fences.
- D17. The Requiring Authority shall implement the concept plan required under Condition D16 at a practicable time agreed between the Requiring Authority and the landowner, but preferably within the first planting season following approval of the concept plan.
- D18. Subject to Condition D17, the Requiring Authority shall maintain the planting for 12 months after completing of planting.
- D19. In the event that landowners advise the Requiring Authority that they wish to maintain the planting themselves, the Requiring Authority shall pay the landowner a sum of money allocated in the cost estimate for maintenance set out in the approved concept plan on the agreement that the landowner shall carry out the maintenance themselves.
- D20. Conditions D15 to D19 shall not apply if alternative arrangements have been agreed between the Requiring Authority and the property owner.

Riparian Planting – Karamu Stream

- D21. The Requiring Authority shall consult with the Hawke's Bay Regional Council and representatives of mana whenua on the development of a riparian planting plan for the Project. The purpose of the planting plan shall be to enhance the ecological and cultural values of the Karamu Stream. On or before the date of commencement of construction of the Project, the Requiring Authority shall contribute \$10,000 to fund the implementation of the planting plan.

Advice Note:

There are a number of restoration projects associated with the Karamu Stream, including those implemented by the Hawke's Bay Regional Council and initiatives associated with Operation Patiki. The planting plan and associated funding required by Condition D22 may compliment these existing initiatives, or may be stand-alone.

Enhancement of the Pakiaka/Pakowhai Area

- D22. The Requiring Authority shall consult with the Hawke's Bay Regional Council on measures to support initiatives relating to the enhancement and beautification of the Pakiaka/Pakowhai area proposed as part of the Pakowhai Regional Park Development Plan. This support shall include, but need not be limited to:

- (a) Participating in and supporting consultation led by the Hawke’s Bay Regional Council with mana whenua, including the Pakiaka Urupa Trust, to develop a concept plan for the enhancement and beautification of the Pakiaka/Pakowhai area; and
- (b) On or before the date of commencement of construction of the WAL, the Requiring Authority shall contribute \$15,000 to the Hawke’s Bay Regional Council to support the implementation of the concept plan.

Pakowhai Country Park

D23. The Requiring Authority shall integrate the WAL with the Pakowhai Regional Park generally in accordance with the concept plan attached as Schedule One to these conditions, including the following specific items:

- Closure and removal of the existing park access road off Pakowhai Road;
- Construction of a new access road off the WAL roundabout on Pakowhai Road;
- All necessary modifications to the existing car park to accommodate the realigned access, including maintaining the existing number of car parks as currently provided;
- Realignment of existing paths as required;
- Contouring and landscaping to the old bridge approach to manage any impacts on safety, amenity and bridge structural integrity;
- A planted earth bund to separate the carpark from the new roundabout.

All works shall be completed to an agreed standard with the Hawke’s Bay Regional Council.

D24. The Requiring Authority shall contribute an additional \$5,000 to the Hawke’s Bay Regional Council for additional planting, landscaping or other works to enhance the new park entrance area.

Advice note: *The concept plan attached as Schedule One has been developed by the Hawke’s Bay Regional Council at the Requiring Authority’s cost. Some of the elements identified on the plan are beyond the scope of mitigation required for the Project and represent further works planned by Hawke’s Bay Regional Council.*

Operational Street Lighting

D25. Street lighting for the WAL shall be designed to comply with AS/NZS1158 “Lighting for Roads and Public Places”. This shall include limiting the amount of light spill, glare and upward waste light into the neighbouring environment via the selection of appropriate luminaires. These effects shall not exceed the technical parameters indicated within the Standard.

Management of Potential Soil Contaminants

D26 Prior to any earth disturbance activities occurring on the following properties, samples of soil from the area surrounding and underneath the spray sheds located on those properties shall be analysed and certified by an independent, Suitably Qualified Environmental

Practitioner (SQEP) to confirm compliance with, and /or any resource consent requirements under, the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011:

Address	Owner	Legal Description
280 State Highway 2, Mangateretere, Hastings	Omahuri Orchards Limited	Part Lot 2 DP 13109
262 Ruahapia Road, Whakatu, Hastings	Lucknow Holdings Limited	Pt Lot 1 DP 22545

- D27. Prior to the removal of any soils from the construction site to land located outside the designation footprint, samples of the soil to be removed shall be analysed and certified by an independent, Suitably Qualified Environmental Practitioner (SQEP) that the contaminant levels in the soil for Arsenic, Copper, lead and Organo-Chlorine Pesticides are suitable for the soil's intended use at the new location with regard to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 land use scenarios.
- D28. The Requiring Authority shall keep a record of the volume of soils removed from the construction site, the results of analyses of the soils sampled under Condition D27, and the address and legal description of the land where the soils have been relocated to. This record shall be made available to the Manager on request.

Advice Note:

Any resource consents identified as being required under Condition D27 shall be obtained prior to earth disturbance work commencing in the affected area. If sampling undertaken in accordance with Condition D28 shows elevated levels of contaminants, the disposal of soil removed from the construction site may require a resource consent from the Hawke's Bay Regional Council for discharges to land and/or consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Reinstatement of Privately Owned Horticultural Infrastructure

- D29. Prior to construction commencing, the Requiring Authority shall consult with owners of horticultural infrastructure affected by the Project, for the purpose of developing an Infrastructure Reinstatement Plan.
- D30. The Infrastructure Reinstatement Plan shall include:
- (a) The identification of properties affected;
 - (b) The identification of infrastructure that requires reinstatement; and
 - (c) The reinstatement programme (the staging and timing of reinstatement in relation to the construction programme).
- D31. The Infrastructure Reinstatement Plan shall be submitted to the Manager prior to construction commencing.

Advice Note:

The Project will affect horticultural infrastructure that is critical to existing orchard operations. The intention of this condition is to ensure that this infrastructure is restored to working order in time to avoid any adverse effects on orchard performance.

Effects on Horticultural Operations

- D32. At least 60 working days prior to the commencement of construction activities the Requiring Authority shall write to the owners of the following horticultural properties adjacent to the Project to advise them that the owners may request the Requiring Authority to undertake shelter belt planting or similar measures to manage reverse sensitivity effects associated with spray drift and install security fencing along the boundary of the Project.

Address	Owner	Legal Description
555 Napier Road, Mangateretere, Hastings	Margaret Ruth Wedd & Dianne Rebecca Ward & Robin Joseph Bell	Part Lot 1 DP 432
Pilcher Road, Mangateretere, Hastings	Margaret Ruth Wedd & Dianne Rebecca Ward & Robin Joseph Bell	Part Lot 2 DP 14513
297 State Highway 2, Mangateretere, Hastings	Margaret Ruth Wedd & Dianne Rebecca Ward & Robin Joseph Bell	Part Lot 1 DP 14513
582 Napier Road, Mangateretere, Hastings	Margaret Ruth Wedd & Dianne Rebecca Ward & Robin Joseph Bell	Lot 3 DP 14513
280 State Highway 2, Mangateretere, Hastings	Omahuri Orchards Limited	Part Lot 2 DP 13109
324 State Highway 2, Mangateretere, Hastings	Mr Apple New Zealand Limited	Lot 2 DP 334708 and Lot 1 DP 18946
324 State Highway 2, Mangateretere, Hastings	Mr Apple New Zealand Limited	Lot 1 DP 407877
2 Anderson Road, Whakatu, Hastings	ENZA Group Services Limited	Pt Lot 2 DP 5370
238 Ruahapia Road, Whakatu, Hastings	Andrew Bryan Dillon and CDT 11 Limited	Lot 3 DP 22545
262 Ruahapia Road, Whakatu, Hastings	Lucknow Holdings Limited	Pt Lot 1 DP 22545

Advice Note:

*For the avoidance of doubt, “security fencing” means a post and wire “deer fence” at 1.8 – 2.0m in height with deer netting wire. Shelter belt planting shall be *Alnus cordata* (Italian Alder) or similar suitable species, planted at 1.5 – 1.6 m spacing.*

- D33. The Requiring Authority shall provide the Manager with a copy of all letters sent in accordance with this condition on request.
- D34. Conditions D32 and D33 shall not apply if alternative arrangements have been agreed by contractual obligation between the Requiring Authority and the property owner.

- D35. Within 40 working days of commissioning of the WAL the Requiring Authority shall repeat the offer required by Condition D32 for all landowners who have not accepted the offer. The Requiring Authority shall expressly state that the offer shall remain valid for 12 months following commissioning of the WAL. The Requiring Authority shall provide the Manager with a copy of all letters sent in accordance with this condition on request.
- D36. If the owners listed at D32 accepts the offer made under D32 or D35, and the landowner provides the Requiring Authority all necessary approvals to enter the land, the Requiring Authority shall implement the agreed measures on those properties at a practicable time to be agreed between the Requiring Authority and the landowner.
- D37. Subject to Condition D36, the Requiring Authority shall maintain the agreed measures for 12 months after installation.

Operational Noise Mitigation

- D38. The following sections of the WAL and existing road shall be constructed with an asphalt road surface to mitigate the effects of operational noise:
- (a) WAL between station 2550 and the State Highway 2 North / WAL roundabout;
 - (b) State Highway 2 North between station 125 and the State Highway 2 North / WAL roundabout; and
 - (c) State Highway 2 North between the State Highway 2 North /WAL roundabout and station 800.

Advice Note:

In response to feedback from community consultation on the Project, the Requiring authority has indicated that it will, if requested by the owners of the Protected Premises and Facilities (PPFs) identified in the report 'Whakatu Arterial Project Assessment of Noise Effects' submitted with the Notice of Requirement, investigate, and if practicable implement, additional noise mitigation options for their properties over and above those required to achieve compliance with NZS6806.

PROPOSED RESOURCE CONSENT CONDITIONS

General

- RC1. All works and structures relating to this resource consent shall be designed and constructed to conform to the best practicable engineering practices and at all times shall be maintained to a safe and serviceable standard.
- RC2. Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided in support of the application dated February 2014 and supporting documents being:
- (a) The Assessment of Environmental Effects report, dated June 2014; and
 - (b) The plan set contained in Appendix A of the Project Description report, dated June 2014.

If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.

- RC3. The consent holder shall ensure that any consultants and/or contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. A copy of this consent shall be present on all work sites at all times while the work is being undertaken.
- RC4. The consent holder shall give the Manager at least two working days' notice of the intention to commence any works authorised by this consent, and shall advise the Council of having finished the works within two working days following their completion.
- RC5. Pursuant to section 125(1) of the RMA, this consent shall lapse 10 years from the date of its commencement (pursuant to section 116(5) of the RMA) unless it has been given effect to at an earlier date.
- RC6. Pursuant to section 123(d) of the RMA, this consent shall expire 10 years from the date of its commencement (pursuant to section 116(5) of the RMA).

Advice Note:

For the avoidance of doubt this condition only applies to discharge permits. The activities to which these consents relate are related to construction and are therefore temporary in nature (i.e. discharges to sediment retention ponds). A consent duration of 10 years is therefore considered sufficient.

- RC7. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. The person responsible for the work on site shall be familiar with the consent conditions and a copy of this consent shall be present on site at all times while the work is being undertaken.

Discharge of Cleanfill

- RC8. No cleanfill shall be discharged onto or into land outside the land designated for the WAL.

- RC9. The discharge of cleanfill to land shall not:
- (a) Cause any increase in the concentration of any hazardous substances or pathogenic organisms on or in any land;
 - (b) Cause any increase in the risk of human or animal disease; or
 - (c) Have any acid producing potential.

Water Quality

- RC10. The consent holder shall take all practicable measures to limit the amount of sediment and prevent contaminants from entering any water bodies during the construction works. Such measures shall include, but need not be limited to:
- (a) Any surplus soil or cleared vegetation or debris shall be removed and deposited at an appropriate disposal site;
 - (b) The wash water from containers and tools shall not be discharged into any water bodies and the washing of equipment shall not occur in any water bodies;
 - (c) Refuelling and carrying out of machinery maintenance away from water bodies; and
 - (d) The installation of erosion and sediment control measures in accordance with the certified Erosion and Sediment Control Plan, as required by Condition G8.
- RC11. The consent holder shall, no less than 20 working days prior to any construction activities commencing, submit a Spill Management Plan (SMP) for certification by the Manager that it meets the purpose and objectives set out in Condition RC11. The SMP shall be prepared by an independent, suitably qualified and experienced person(s) and shall be provided in conjunction with the final CEMP that is to be submitted to the Manager for certification under General Conditions G8 and G9.
- RC12. The purpose of the SMP shall be to identify the management procedures and controls that will be used during construction of the Project to prevent contaminants, such as diesel and oil, entering any water bodies in the event of a spill. The SMP shall be generally consistent with the Hawke's Bay Regional Council's generic Spill Management Plan, dated August 2011, and appended to the Project Description submitted with the resource consent applications.
- RC13. Where, by any cause (accidental or otherwise), contaminants associated with the consent holder's operations escape to water other than in conformity with the consent, the consent holder shall:
- (a) Immediately take all practicable steps to contain and then remove the contamination from the environment;
 - (b) Immediately notify the Council of the escape; and
 - (c) Report to the Council in writing within 7 days, describing the manner and cause of the escape, steps taken to control it and prevent its occurrence and steps taken to prevent a reoccurrence.

- RC14. The consent holder shall ensure that at the completion of the works, any newly established surfaces and any grassed slopes or vegetated areas that were cleared or damaged as a result of the activity, are revegetated in order to prevent sediment from entering any water courses.
- RC15. Any wet concrete cast on site shall be fully contained during casting and cast in a dry work area.
- RC16. No concrete shall be dumped into the bed of any waterbody.
- RC17. The consent holder shall construct all structures using methods and materials non-toxic to aquatic life.

Stormwater Discharge Outlets

- RC18. The design and installation of the stormwater discharge outlet structures shall be such that they do not cause any long-term scour or erosion of the bed or bank of the Karamu Stream.

Work Affecting Stopbanks

- RC19. The consent holder shall undertake any work affecting stopbanks in accordance with the Council's guideline report titled "Specification and Conditions for Work Affecting Stopbanks" attached as Schedule Two to this consent. If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.
- RC20. Prior to works commencing, detailed design and work specifications will be submitted to the HBRC engineering manager for all work affecting stop banks, including stormwater outlet penetrations. The HBRC engineering manager will be informed at least 48 hours ahead of any work commencing.
- RC21. A Council Engineering Staff Member authorised to supervise work which will affect the integrity of the stopbank must be present to supervise such work at all times unless that Council Engineering Staff Member deems otherwise by giving verbal or written authorisation.

Schedule One

Pakowhai Regional Park Concept Plan



Schedule Two

Hawke's Bay Regional Council Specification and Conditions for Work Affecting Stopbanks



SPECIFICATION AND CONDITIONS FOR WORK AFFECTING STOPBANKS

This specification and conditions is for any work affecting stopbanks under the control of the Hawke's Bay Regional Council (HBRC) and includes all work on, under, through and over stopbanks and within 6 metres of the toe of any stopbank.

Notification

No work is to proceed without the written permission of the Manager Engineering; Hawke's Bay Regional Council or his/her representative. At least 48 hours notice of intention to carry out works must be given to the Hawke's Bay Regional Council's Engineering Section (159 Dalton Street, Napier, phone 835 9200).

Indemnity

The Contractor or organisation requesting the permission for the work (here after called the Contractor) shall be liable for, and shall at all times keep the Hawke's Bay Regional Council indemnified against all actions, claims and demands in respect of any loss, accident, injury or damage caused by the Contractor, any of his/her workers, or any other persons employed or acting under the Contractors direction, to persons, property or things, as a result of the execution of the specified works including the conveyance of persons or materials to or from the site.

Reinstatement

The Contractor shall be responsible for the reinstatement of all structures, fences and grounds on completion of the work, to at least their original condition prior to the commencement of the contract, to the approval of the Manager Engineering, Hawke's Bay Regional Council.

Unfavourable Weather and Other Conditions

During unfavourable weather and conditions of above normal river levels or forecast high river levels, no work is to be started until such conditions have ceased. This will be determined by the Manager Engineering, HBRC and based on the Council's flood warning system. No portions of the work whose satisfactory quality or efficiency will be affected by any unfavourable conditions shall be constructed while these conditions continue unless, by special means or precautions approved by the Manager Engineering, the Contractor will be able to overcome them.

If work has already started and adverse river levels are forecast, the Contractor shall be prepared to rebuild the stopbank back to it's original levels and compaction standard in the case of an excavation through the stopbank; or carry out whatever works are necessary to reinstate the structural integrity of the stopbank and its foundations in the case of any thrusting operation. The Contractor shall keep on site all such equipment and materials and have the manpower available to carry out the rebuilding when required.

Technique

Any excavation or thrusting through or into the stopbank or its foundations affects the continuity of the earth filling or foundations and it is important to employ construction techniques that do not leave the stopbank in a weakened condition. It may therefore be necessary to excavate benches to allow proper compaction and sufficient binding to adjacent sections of stopbank. It is important therefore that the Contractor provides to the Manager Engineering, HBRC written details of the work and how any stopbank reinstatement and/or thrusting will be carried out. Approval of these details will be required before work commences.

Topsoil Stripping

When excavating through a stopbank all topsoil and vegetation matter shall be completely stripped from the existing stopbank before any earthworks are commenced. Such stripping shall be confined to the bare minimum required to execute the works.

Filling

The placement of fill material in the reconstruction/construction of the stopbank shall be as indicated below using material excavated from the works. Where this material is insufficient or spoiled, then clean river silt ($d_{50} = 0.02\text{mm}$) shall be used as fill material.

Formation

The earthworks shall be constructed true to batter slopes, grade, line and level to align with the adjacent sections of stopbank.

Compaction: Granular Fill

For stopbanks with granular fill material, compaction of each layer, over the whole width of the stopbank, shall continue until the whole layer has attained a dense condition not less than the adjacent section of stopbank. Water shall be added as necessary to aid compaction. Any backfilling using existing granular fill shall be mixed with clean river silt to 30% by volume to aid in compaction and binding the backfill. The depth of each layer to be compacted shall not exceed 150 mm. All loose material spilt over the batters during the placing and compacting of the granular fill material shall be removed leaving only the compacted core material in the batters.

Compaction: Non-Granular Fill

For compaction of material other than granular, compaction equipment suitable to the type of material being compacted, shall be used to achieve the required density, being 95% of the maximum density determined in accordance with NZS4402 Part 2P: 1981 Test 14. In situ Density shall be determined by Nuclear Densometer or Test 15 of BS 1377. All loose material spilt over the batters during the placing and compacting of the non granular fill material shall be removed leaving only compacted core material in the batters.

Composite Granular/Non-Granular Fill

Where the ratio of silt to gravel is equal to or greater than 40% silt to 60% gravel the compaction shall be that stated for non-granular fill. Where it is less, the compaction shall comply with that for granular fill.

Wetting and Drying of Fill

Wetting or drying may be necessary to make the material suitable for use in the particular layer of fill. Wetting of material which has become too dry for use in the fill shall be carried out with sprinkling equipment of a type which ensures uniform and controlled distribution of water.

When drying is necessary, it shall be carried out to allow the full depth of the layer to dry uniformly. Drying and compaction shall be carried out under favourable weather conditions. Compaction shall not continue if the material shows signs of excessive heaving or weaving. In this situation the material shall either be left to dry naturally or, where job progress would be affected by a delay, the material shall be dried to a suitable moisture content to allow the job to continue.

Compaction Thickness Layers

The maximum thickness of each layer of fill before compaction shall be 150mm unless field trials show, to the satisfaction of the Manager Engineering, that the specified compaction can be obtained with thicker layers. Extensive testing will be required to satisfy use of thicker layers. This clause does not prevent the use of loose layer thicknesses being less than 150mm to achieve the desired compaction.

Harrowing and Shaping

Prior to harrowing, the stopbank shall be trimmed and shaped to conform to the batter slopes and levels generally as indicated on adjacent sections of stopbank.

Tolerances:

- (i) From top design level of Stopbank: -0 mm to +50 mm
- (ii) Top width about centre line: -0 mm to +150 mm
- (iii) Toe position about centre line: -0 mm to +300 mm
- (iv) Any point to be within 30 mm from a 3 metre straight edge in any direction.

Harrowing and Grassing

The outer layer shall be levelled and harrowed to reduce the surface to a tilth, free from clods. The top 20 mm of outer layer shall be free and open in preparation for the application of the seed mixture, while the remaining portion shall be firmly compacted.

On completion of the outer layer preparation, the total area shall be sown with the seed mixture and fertiliser at the following rates:

<i>Fertiliser:</i>	30% potassium super	500 kg/ha
<i>Grass Seed:</i>	Rye Clover mix	100 kg/ha

The sowing operation shall include the broadcasting or direct drilling of the seed and fertiliser mixture, and the embedding of the mixture within the surface layer of the topsoil by light harrowing.