

ANNEXURE A – TE RAPA BYPASS NOR CONDITIONS

Conditions

General

- 1 The works shall be undertaken in general accordance with the information contained within the Notice of Requirement (*NOR*) prepared by Opus International Consultants on behalf of Transit New Zealand and titled '*SHI Te Rapa Bypass Notice of Requirement (incorporating s92 responses)*'; and subject to any amendments required by:
 - 1.1 The conditions that follow;
 - 1.2 The conditions attached to the resource consents granted contemporaneously for the purpose of the works;
 - 1.3 The relevant requirements (if any) in any relevant outline plan of works; and
 - 1.4 The following updated plans which replace the equivalent plans submitted in the *NOR*):
 - (a) Sheet 601/R3;
 - (b) Sheet 602/R2; and
 - (c) Sheet 603/R2.
2. For the purposes of section 184(1)(c) Resource Management Act 1991, the term during which the Designation shall not lapse unless given effect to is fifteen (15) years commencing from the date that the designation is included in the District Plan.

Construction Management Plan

Construction Methodology

- 3 Prior to the commencement of any construction works, construction methodology peer review shall be carried out by a suitably qualified and experienced expert, addressing constructability, sequencing and programming to provide a cost effective project while minimising the construction effects, and disruption to the community. The outcome of the peer review shall be provided to Hamilton City Council and Waikato District Council, and shall be taken into account in the preparation of the management plans required by Condition 4.
- 4 A Construction Management Plan shall be developed, and relevant parts submitted to the Chief Executive Officers or nominees of both Hamilton City and Waikato District Councils for review and certification that it satisfies these

conditions; prior to the commencement of construction activities. Construction works shall be undertaken in accordance with the certified Construction Management Plan. The plan shall include, but not necessarily be limited to:

Dust Management Plan

4.1 The purpose of the Dust Management Plan is to provide a methodology for Dust suppression measures and how dust and debris from construction will be contained within the site and will, as a minimum, include the following;

- (a) Identification and implementation of dust suppression measures, which may include:
 - (i) Minimising exposed surfaces by only exposing surfaces to be actively earth-worked and by stabilising completed areas;
 - (ii) Rapidly stabilising areas of high traffic movements, such as entrance/ exit points;
 - (iii) Using compactors and rollers to seal the surface;
 - (iv) Using watercarts to apply water to areas generating dust;
 - (v) Reducing the speed of earthmoving plant in localised areas if appropriate;
 - (vi) Maintaining the surfaces of structures in a clean state free from material that could dry and become dust;
 - (vii) Install wheel washes as required;
 - (viii) Close high risk site accesses during wet weather;
 - (ix) Ensure access tracks are stabilised (aggregate/millings) and that vehicles remain on them; and
 - (x) Dust Screens and Dust Fences.
- (b) The identification of suitable trigger levels for dust deposition.
- (c) The development and implementation of a monitoring regime for dust sensitive receivers;
- (d) The identification of contingency measures in the event that the monitoring regime identifies that the identified trigger levels are

exceeded. These contingency measures may include options such as:

- (i) Cleaning of water tanks and replenishment of water supplies;
- (ii) Cleaning of houses;
- (iii) Provision of water filters.

Traffic Management Plan

4.2 The purpose of the Traffic Management Plan is to provide details of the methodology for managing external and internal traffic movements to and from, within and across the Project site during construction in a safe and efficient manner and to minimise, as far as practicable, adverse effects on road users. The Traffic Management Plan will, as a minimum, describe the following:

- (a) The arrival and departure and monitoring of heavy vehicles to the site;
- (b) Provision for parking of staff and visitor vehicles, and plant/vehicle storage and site compound arrangements;
- (c) Timing and sequencing of local road closures (including the management of internal haul roads where they cross local roads);
- (d) Measures to ensure that prior to the severance of Te Kowhai Road and Ruffell Road:
 - (i) The Te Kowhai Road diversion link through the Central Junction and onto Onion Road shall be constructed and operational;
 - (ii) The intersection with SH 1 and Ruffell Road will be upgraded with traffic signals in the event that at least one of the alternative routes provided by the Rotokauri Structure Plan transportation network is not in place; and
 - (iii) a sign / information board shall be established near the proposed severance point outlining the alternative route option and diversions available for vehicles travelling to the north, south and east.
- (e) Provisions for ensuring Emergency Service Providers will be regularly informed of the timing and sequencing of road closures and alternative routes.

Advice Note: In the development of the Traffic Management Plan, the Requiring Authority has recorded its commitment to consult with Fonterra NZ Limited, the Tasman/Foreman Road Businesses, Wintec, Environment Waikato and Emergency Service Providers regarding the timing and sequencing of road severances and the implications of this on movement of operational vehicles and public transport services affected by the closures.

Earthworks Management Plan

- 4.3 The purpose of the Earthworks Management Plan is to provide details of earthworks methodology that will be undertaken to manage earthworks activities efficiently, and shall, as a minimum, include;
- (a) Location, programming and sequencing of earthworks including undercuts, imported fill, cut to fill, cut to waste, landscape fill;
 - (b) Identify material sources, suitability for use/disposal and treatment; and
 - (c) Quality control and Testing of material.
- 4.4 Details of proposed locations for stockpiling of fill or topsoil/subsoil materials together with proposed dust suppression and sediment control measures. All storage stockpiles will be required to be grassed if stored on site for a period greater than 3 months.

Advice Note: The Erosion and Sediment Control Plan required by Environment Waikato will be included with the Earthworks Management Plan for completeness and information.

Contaminated Soil Contingency Plan

- 4.5 The purpose of the Contaminated Soil Contingency Plan shall be to provide the methodology for the identification, testing, management and suitable disposal of contaminated soil from within the Project boundaries in accordance with the guidelines of the Ministry for the Environment – Contaminated sites and soils.

Advice Note: The Requiring Authority has recorded its commitment to giving particular attention to Areas C and D on Plans 5204/312 and 313 as submitted with the Notice of Requirement.

Construction Noise Management Plan

- 4.6 The purpose of the Construction Noise Management Plan is to demonstrate how construction noise will be managed to satisfy the national construction noise standard NZS 6803:1999 'Acoustics – Construction Noise'. The plan shall, as a minimum:

- (a) Define the machinery and equipment to be used, including the use of non-percussive machinery where practicable;
- (b) Define hours of operation, including times and days when noisy construction work would likely occur. Construction hours will be limited to 7.30am to 6pm Monday to Saturday (excluding Public Holidays), but with provision for specific works outside of these hours to be approved by the Chief Executive Officers or Nominees of the HCC and WDC where necessary and appropriate;
- (c) Describe buffer zones, noise barriers and other mitigation measures;
- (d) Identify all sensitive receivers, these being defined as those properties that without noise mitigation will not, or may not meet the requirements of the national construction noise standard NZS 6803: 1999 'Acoustics – Construction Noise';
- (e) Develop a monitoring regime for sensitive receivers and explain how it will be implemented;
- (f) Identify contingency measures in the event the noise standards are exceeded at sensitive receivers;
- (g) Provide contact details of a senior manager associated with site construction works, for complaints and issues related to construction on a 24 hours seven day a week basis. These details to be advised to all residents and stakeholders within 200m of the designated corridor.

Stakeholder Consultation Management Plan

4.7 A Stakeholder Consultation Management Plan shall be prepared and, as a minimum, include:

- (a) Identification of key stakeholders to be consulted during project construction;
- (b) Methods of communication with key stakeholders throughout the project and for incorporating their feedback;
- (c) Contact details of a senior manager associated with site construction works, for complaints and issues related to construction on a 24 hours seven day a week basis. These details are to be advised to all residents and stakeholders within 200m of the designated corridor.

- (d) Identification of the impact the construction works will have on existing utilities within the area, together with how both existing and future utilities (including the ability to make sufficient provision for Hamilton City's wastewater, water & stormwater drainage infrastructure) will be managed within the corridor.
- (e) Details of how key stakeholders and landowners (including residents of the Te Kowhai Village) will be kept informed of the timing and sequencing of the road closures.

Advice Note: A Complaints Register shall form part of the Stakeholder Management Plan and be provided to Hamilton City Council, Waikato District Council and Waikato Regional Council as required.

Visual / Landscaping

- 5 A detailed Planting and Landscape Plan shall be prepared by a suitably qualified specialist for review and certification by the Chief Executive Officers or nominees of both Waikato District Council and Hamilton City Council, prior to the commencement of construction activities. The detail of the landscape and visual mitigation measures shall be based on the landscape mitigation measures documented in the report titled Transit New Zealand State Highway 1 Te Rapa Bypass: Notice of Requirement Landscape and Visual Assessment, the landscape mitigation measures included in the hearing evidence, the Indicative Landscape Mitigation Plans, Cross Sections and Mitigation Measures Plan and the requirements of Transit New Zealand's 'Guidelines for Highway Landscaping', Version 2, 2006.
- 6 The Planting Plan should include plant species, size, density, location and number at the time of planting. The Plan should place an emphasis on plants sourced from the Waikato ecological region where indigenous vegetation is used, should include specific reference to remedial planting of the waterway and gully areas, and should outline the measures to be adopted to provide for an attractive City Gateway along the Bypass.

Advice Note: For the purpose of Condition 5, the Requiring Authority has recorded its commitment to consult with Iwi representatives, Hamilton City Council and Waikato District Council regarding the planting plan and City Gateway (Urban Design) initiatives as described in the Cultural Impact Report.

- 7 The Landscaping Plan shall also include an earthworks drawing depicting details of the existing and proposed contour and finished treatment levels.
- 8 The design of acoustic barriers and their location (only where demonstrated to be necessary) shall be integrated with the landscape plan, so that combined measures can be implemented in a co-ordinated manner and submitted to the relevant local authorities for review and comment.

Advice Note: The Requiring Authority records its intention that representatives of both Hamilton City Council and Waikato District Council will be involved prior to the lodgement of the Planting and Landscape Plan.

Advice Note: All trees and vegetation planted on land associated with the designation area should comply with the Electricity (Hazards from Trees) Regulations 2003.

- 9 The Requiring Authority shall consult with those properties that abut the designation boundary for the purpose of tailoring site specific landscaping matters within the designation footprint (where practicable) in respect of the matters outlined in conditions 4 – 8 above. Those property owners shall include, but not be limited to, the Murrays, the Blackmores, the Gowers, Mr J Utting and Mr CL Tan who have expressed concerns in this respect and who need particular consideration.

Stormwater

- 10 That all culverts crossing waterways shall be hydraulically designed to pass the 1% Annual Exceedance Probability (AEP) peak flow, in accordance with the Hamilton City Development Manual and the Transit NZ Bridge Design Manual. That all culverts crossing waterways shall be designed and constructed in general accordance with the Hamilton City Development Manual and Environment Waikato Best Practice Guideline for Waterway Crossings.
- 11 That all swales shall manage stormwater run-off from a 2% AEP time of concentration event, without overtopping, and assuming blockage of the under swale drain.
- 12 That stormwater kerb and channels shall be designed and constructed to manage peak flows from 10% AEP 10 minute duration rainfall event.
- 13 Details and design calculations of all culvert crossings, and stormwater outlets; showing necessary works to avoid the discharge of litter and to manage potential adverse effects associated with scour and erosion of the bed of banks of the water bodies at or downstream of the outlets shall be submitted to the relevant local authorities for review and comment.
- 14 An assessment of the effects of discharges on the capacity of the drainage system at Exelby Road and details of any remedial measures proposed shall be submitted to the local authorities for review and comment.
- 15 Details of the proposed stormwater pond at Tasman Road and an assessment of the effect of the connection to HCC's reticulated network, shall be submitted to the Hamilton City Council for review and comment.

- 16 During the preparation of the final detailed stormwater design plans, the Requiring Authority is advised to consult with Hamilton City Council to review any proposed Rotokauri Structure Plan stormwater design details. Best endeavours shall be made between the parties to ensure the proposals are not inconsistent and that opportunities for refinement of stormwater design between the two projects is not lost.

Advice Note: Pre-existing flooding concerns have been identified by the landowners of the properties at 126, 212, 244, 246 and 248 Te Kowhai Road, RD8, Hamilton and 16 Bern Road, RD8, Hamilton. During the preparation of the final detailed stormwater design plans the Requiring Authority has confirmed that particular attention will be given to these residents' properties¹ to ensure that the risk of flooding at these properties¹ is not worsened by the Project and that, where practicable existing problems will be addressed in conjunction with the relevant Local Authority.

Walking / Cycling

- 17 A Cycling and Walking Strategy shall be developed in consultation with Hamilton City Council, Waikato District Council, Environment Waikato and cycle and walking advocacy groups. The purpose of the strategy shall be to ensure that the Bypass design does not preclude the possibility of cycle/walking facilities in a north/south/east/west direction and that as far as is practicable all cycle/pedestrian facilities within the Bypass corridor which satisfy the requirements of the "AUSTROADS Guide to Traffic Engineering Practice: Bicycles" (including New Zealand supplement). Particular attention will be given to the desirability of providing an offroad cycling and walking facility along the full length of the bypass.
- 18 In preparing the strategy, consideration will be given to:
- The extent of the geographical area to be covered by the Strategy.
 - Integration with the transport network between Horotiu and Rotokauri.
- 19 Any facilities provided as part of the Bypass development for sustainable modes such as walking, cycling and public transport should, where appropriate, integrate with transport networks contained in the structure plans for the surrounding area in consultation with the territorial local authority.

¹ 126 Te Kowhai Road, RD8 Hamilton, owned by Margaret and Mark Blackmore; 212 Te Kowhai Road, RD8, Hamilton owned by Louise Sullivan and Greg Rouse; 244 Te Kowhai Road, RD8, Hamilton owned by Rodger Murray; 246 Te Kowhai Road, RD8, Hamilton owned by Jean Murray; 248 Te Kowhai Road, RD8, Hamilton owned by Dean Murray; and 16 Bern Road, RD8, Hamilton owned by Brian Pryor. The later property is in Waikato District at Horotiu.

- 20 All the Bypass bridges should allow for the provision of pedestrian/cycle facilities on the local roads over which they cross, with provision made in the design of the Bypass for increased width of these local roads to enable cycle lanes to be located on them at the location of the Bypass.

Noise

Traffic Noise Design Limits

- 21 As a minimum standard, the Requiring Authority shall design the works so that in relation to dwellings existing at the time the NOR was publicly notified, the average Traffic Noise Design Levels set out in Transit New Zealand's Guidelines for Management of Road Traffic Noise – State Highway Improvements, effective at 1 December 1999 (the "Noise Guidelines"), are not exceeded. Noise levels shall comply with the Transit Noise Design Levels for at least ten years after the opening of the Project as provided for in the Noise Guidelines and shall be measured in accordance with NZS 6801:1999 'Acoustics Measurement of Environmental Sound'.
- 22 Prior to commencement of construction, the existing ambient noise levels for each of the dwellings identified in the Te Rapa Bypass Notice of Requirement Assessment of Noise Effects; September 2007 shall be determined by an appropriately qualified and experienced acoustic consultant. The existing ambient noise level results shall be provided to the Hamilton City Council and the Waikato District Council within one month following completion of the ambient noise survey.
- 23 Noise mitigation shall be implemented in the first instance by provision of low noise roading surfaces. Noise barriers will only be implemented if a low noise surface alone does not achieve requisite mitigation levels in terms of the Noise Guidelines. Noise barriers (if necessary) shall be constructed of durable materials and suitably maintained.
- 24 Measurements of ambient noise levels existing prior to construction shall be undertaken at no less than six (6) evenly distributed positions. The results of such measurements shall be forwarded to the Chief Executive Officers or nominees of both Hamilton City and Waikato District Council for review and certification.

Operational Noise Mitigation Plan

- 25 Prior to the commencement of any construction activity (excluding site investigations), the Requiring Authority shall submit an Operational Noise Mitigation Plan (*NMP*) to the Chief Executive Officers or nominees of both Hamilton City and Waikato District Council. The plan shall be prepared by a suitably qualified and experienced acoustical consultant and shall describe the noise design limits outlined in Condition 21, and shall include:

- 25.1 The size, type and location of all noise barriers and bunds including heights and lengths of the barriers;
 - 25.2 The road surface types to be employed to control noise emissions; and
 - 25.3 Any other measures to be employed to control noise emissions.
- 26 The mitigation measures to be employed shall be as far as practicable sympathetic to landscape and visual impacts principally as they may affect adjacent landowners and the surrounding areas but also for users of the Expressway.
- 27 As far as practicable, all noise mitigation measures identified by the NMP shall be implemented prior to the completion of construction of the project.

Noise Monitoring

- 28 Following completion of the work, the requiring authority shall undertake monitoring of traffic noise levels at sites where ambient noise levels were previously measured. Such monitoring shall be undertaken by an appropriately qualified person within 2 and 3 years following completion of the highway and the findings shall be reported to Council, within one month of the completion of the monitoring. Resulting monitoring levels shall be adjusted for projected increase in traffic flow for the ten year assessment period and both measured and projected levels provided to Council. In the event that the relevant standards outlined within condition 21 have not been achieved, further measures shall be adopted to the satisfaction of nominees from Hamilton City and Waikato District Councils to ensure compliance.

Utilities

- 29 During the design of the Project the Requiring Authority shall give reasonable notice and make all reasonable endeavours to:
- 29.1 Make provision within the designation for a dedicated network utility corridor for the placement of future network utility infrastructure;
 - (a) Liaise with all relevant network utility operators in relation to any part of the works within the designation where their infrastructure or operations may be affected directly or indirectly; and
 - (b) Make all reasonable changes requested by such network utility operators to the relevant design plans and methodologies, to ensure that access to, maintenance and the operation of, all network utility infrastructure within the designated area is not adversely affected.

- 30 Subject to Section 54 of the Transit New Zealand Act 1989, where during design or construction such infrastructure is found to be affected, subject only to reasonably planned interruption, the Requiring Authority shall:
- 30.1 Either protect the utility from any activity which may interfere with the proper functioning of the services, or seek to relocate it to the same or similar standard (including property rights) as the operator currently has; or
- 30.2 Repair or replace, at the Requiring Authority's expense, any infrastructure damaged during construction to the reasonable satisfaction of the affected network utility operator.

Advice Note: It is expected ongoing liaison will occur with the relevant Network Utility Authorities to ensure best endeavours are made to accommodate future network infrastructural requirements. The Requiring Authority is referred to the National Code of Practice for Utilities Access to the Road and Rail Corridors.

Property

- 31 Where a property is directly affected by the designation, the Road Controlling Authority, in consultation with each affected owner, shall provide suitable access to the local road network for those properties. Detail shall be provided to the relevant local authorities for review and comment as part of the Construction Management Plan, and shall specifically outline the following:
- 31.1 How access is to be obtained to each property affected by the Bypass (where existing access is affected); and
- 31.2 Measures to be employed to manage severed properties (including, where appropriate access across the Bypass where retained in single ownership).

Advice Note: Where access is impracticable, the provisions of the Public Works Act 1981 will address compensation issues arising from this severance. Transit advises that any severance land not transferred to adjoining owners will be retained and managed in an appropriate manner.

During Construction

Archaeological

- 32 In the event that any archaeological material, including human remains are unearthed, all works shall cease immediately at the place of discovery and the area will be secured to ensure that the archaeological material remains undisturbed. The requiring authority (Transit NZ) will notify Tangata Whenua representatives, the regional archaeologist at the NZ Historic Places Trust and

either Hamilton City Council or Waikato District Council (depending on which local authority governs the location of the find) within one working day of discovery. If human remains are found, then the New Zealand Police and Coroner will be contacted at the same time. Work shall not commence in the secured area until all necessary statutory authorisations and cultural requirements (in accordance with the protocols attached to the Cultural Impact Assessment Report July 2004) have been met.

Advice Note: An authority may need to be obtained from the New Zealand Historic Places Trust to destroy, damage or modify any archaeological site(s) in accordance with the Historic Places Act 1993.

Road Design

- 33 That any work undertaken on roads to be allocated for future management of either the Hamilton City or Waikato District Councils, shall be constructed in a manner that is in accordance with the relevant Council Code of Practice.

Advice Note: With the earth embankment relocated, the Bridge span over the NIMTR shown on Sheet 282 is of sufficient width to provide the necessary clearance over the proposed Onion Road extension.

Operational Vibration

- 34 The works will be designed in constructed to comply with the following Operational Vibration Standard:
- German Standard DIN4150-3 1999 Part 3, Effects of Vibration on Structures

Tangata Whenua Consultation

- 35 If requested by the Waikato Raupatu Trustee Company, or its successors, the Requiring Authority shall facilitate the forum of a Te Rapa Bypass Waikato-Tainui Te Rapa Bypass Consultation Group. If formed, the Consultation Group will:
- Provide a forum whereby the Requiring Authority can discuss construction plans with Waikato-Tainui and receive feedback on those;
 - Provide a forum for Waikato-Tainui to raise issues of concern relating to the Project with the Requiring Authority; and
 - Meet at six monthly intervals for the duration of construction activities, following which it can be dis-established.

For the avoidance of doubt, any existing consultative forum(s) will, with the agreement of the Requiring Authority and Waikato-Tainui, satisfy the requirements of this condition.

Road Closures

- 36 Further to Condition 4.2 (d) (i), no existing roads will be closed until such time as alternative access to all property not owned by the Requiring Authority has been made available and become operational, unless the owner of that property has confirmed in writing that this is not required.

Certification of Management/Mitigation Plans and Outline Plan Process

- 37 Where, in these conditions, there is provision for certification of a Management Plan or Mitigation Plan (in this condition, “the plan”), the process shall be as follows:

37.1 The relevant plan shall be submitted by the Requiring Authority to both the Hamilton City Council’s and the Waikato District Council’s Chief Executive Officers or Nominees;

37.2 The Hamilton City or Waikato District Council’s Chief Executive Officers or Nominees shall review the plan and, within a reasonable timeframe, either:

(a) Confirm in writing to the Requiring Authority that the plan is certified as being to the satisfaction of both the Hamilton City Council and the Waikato District Council’s Chief Executive Officers or Nominees; or

(b) Stipulate the changes that the Council requires be included.

Advice Note: It is noted that the provision and certification of management/mitigation plans required pursuant to these conditions does not release the Requiring Authority from the obligation under section 176A RMA to provide to the Council an outline plan of works in respect of matters not covered by those management/mitigation plans.

General Advice Notes

- 1 All necessary consents must be obtained from the Waikato Regional Council prior to the construction of the Project.
- 2 The Requiring Authority is advised that before revoking the State Highway status over any part of the existing designated State Highway that is intended to continue to be operated as a local road, it should consult with the Hamilton City Council and/or the Waikato District Council (as applicable).
- 3 In the event that the existing portion of SH1 near the Te Rapa Dairy Factory is transferred to the local authority, it is intended that the agreement that is in place between Fonterra and the Requiring Authority re the use of the underpass, shall also be transferred to that local authority.

- 4 The Requiring Authority is advised that land to the north of Ruffell Road is subject to the Strategic Agreement on Future Urban Boundaries (Hamilton City Council, Waikato District Council - March 2005). Hamilton City Council shall be given reasonable notice and all reasonable endeavours shall be made to consult with it prior to submitting detailed design information to Waikato District Council as part of the Outline Plan process, to ensure that Hamilton City Council's interest in this land be taken into account.
- 5 For the avoidance of any doubt, the project includes the signalisation of Avalon Drive (SH1)/Foreman Road intersection. The Project does not include the potential Foreman to Crawford Link Road. The Project does not alter the existing alignment of Tasman Road to the north of Avalon Drive Overbridge.
- 6 Access to WINTEC will be provided from Gilchrist Street as part of the Project. It is expected after completion of the Project, Gilchrist Street will transfer to Hamilton City Council to manage as part of its Rotokauri Transportation Network.
- 7 The Requiring Authority records its commitment to undertaking further consultation with Waikato-Tainui following the settlement of the tribe's claim to the Waikato River under the Treaty of Waitangi Act. The purpose of that consultation is to ensure that the implementation of the bypass project addresses, to the extent practicable, any resource management implications of that settlement that conflict with these conditions.
- 8 The Requiring Authority records its commitment to consideration of the recommendations included in the Cultural Investigations Report included with the Notice of Requirement details, that report being "Te Rapa Bypass Investigation – A Cultural Investigation by Nga Mana Toopu O Kirikiriroa".