

**BEFORE INDEPENDENT COMMISSIONERS  
AT PALMERSTON NORTH**

**UNDER THE** Resource Management Act 1991 ("**RMA**")

**AND**

**IN THE MATTER** of an application by KiwiRail Holdings Limited ("**KiwiRail**") under section 168 of the RMA for a Notice of Requirement for the Palmerston North Regional Freight Hub ("**Freight Hub**")

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**MEMORANDUM OF COUNSEL ON BEHALF OF KIWIRAIL HOLDINGS LIMITED**

**5 NOVEMBER 2021**

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**MAY IT PLEASE THE PANEL:****Introduction**

1. As advised on the last day of the hearing on 15 October 2021, KiwiRail has prepared, and encloses for filing, a final set of proposed conditions and an updated concept plan.

**Proposed conditions**

2. KiwiRail's proposed conditions have been amended to:
  - (a) update the definitions to refer to the updated concept plan and make consequential amendments, where appropriate, for clarity and to reflect the updated definitions;
  - (b) respond to matters raised by the Panel at the final day of the hearing, including an amendment to the title of the mana whenua engagement framework to more appropriately reflect its intent and a new condition to clarify KiwiRail's role in relation to the stormwater systems; and
  - (c) include amendments which have been agreed through further discussions with Powerco.
3. A marked-up version of the conditions with commentary to explain the amendments is included as **Appendix A** and a clean set is included as **Appendix B** in a word format (as requested by the Panel).

**Concept plan**

4. KiwiRail has prepared an updated concept plan for definitional purposes which is included as **Appendix C**. This plan combines the key features of the concept plans lodged with the Notice of Requirement and presented through the evidence of Mr Skelton and Ms Rimmer in a form that captures the main activities that form part of the Freight Hub, and in a level of detail that is appropriate for the conditions.

**DATE:** 5 November 2021



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A A Arthur-Young / L J Rapley  
**Counsel for KiwiRail Holdings Limited**

## Appendix A

### KIWIRAIL PROPOSED CONDITIONS AS AT ~~13 OCTOBER~~ 5 NOVEMBER 2021

#### Definitions

Term	Definition
Completion	Completion of construction of the Freight Hub.
Designation Extent	The land within the designation boundary shown in black outline on the Concept Plan ( <del>Figure 120</del> ) prepared by <a href="#">StanteelIsthmus</a> , dated <del>29</del> 29 October 2021 <del>0</del> .
Existing Dwelling	As at 23 October 2020, any building: (a) that was constructed as a lawful dwelling; or (b) for which resource consent was granted for construction of a dwelling.
Freight Hub	All activities and structures shown on the Concept Plan ( <del>Figure 142</del> ) dated <del>12 February</del> 29 October 2021, prepared by <a href="#">StanteelIsthmus</a> , except that for the purposes of Conditions 107 – 122 it excludes the North Island Main Trunk Line and the Perimeter Road.
Habitable space	Any room in a dwelling which is used or which can be used as a sitting room, a living room, a bedroom, a dining room, or a family room.
Noise Mitigation Structures	The earth bunds and vertical noise barriers to mitigate noise effects.
Perimeter Road	The physical works required to provide: (a) a new section of road south of Maple Street between Railway Road and Roberts Line; and (b) improvements to Roberts Line north west of the intersection at Roberts Line and Railway Road.
Works	All physical works and activities (including all site establishment activities but excluding site investigations) that are required to construct the activities and all supporting infrastructure shown on the Concept Plan ( <del>Figure 120</del> ) prepared by <a href="#">StanteelIsthmus</a> , dated <del>29</del> 29 October 2021 <del>0</del> .

**Commented [RMcV1]:** Definitions amended to refer to the updated concept plan that combines the previous plans in a form that captures all of the core activities and structures that are required to enable the development of the Freight Hub.

#### General Conditions

1. Except as modified by the conditions below and accompanying outline plan(s), the works authorised by this ~~cl~~ Designation must be undertaken in general accordance with the following information provided by the Requiring Authority:
  - (a) the Notice of Requirement for the Freight Hub dated 23 October 2020 and the further information provided by the Requiring Authority dated 15 February 2021, 24 May 2021 and 28 May 2021;
  - (b) Concept Plan (~~Figure 120~~) dated ~~29~~ 29 October 2021~~0~~, prepared by [StanteelIsthmus](#);
  - (c) Draft indicative Landscape plan dated 6 July 2021 prepared by Isthmus Group (rev B); and
  - (d) evidence provided by the Requiring Authority dated 9 July 2021 and at the hearing in August / September 2021.
2. Where there is any inconsistency between the Notice of Requirement documentation listed in Condition 1 above and the designation conditions, the designation conditions will prevail.

**Commented [RMcV2]:** Amendments to refer to the updated concept plan.

#### Lapse Period

3. The designation will lapse if not given effect to within 15 years from the date on which it is included in the District Plan.

#### Management Plans

4. At least 20 working days prior to the Works commencing or unless otherwise specified in the conditions below, the management plan(s) specified in Condition 8 (excluding the Road Network Integration Plan) must be submitted to the Head of Planning Services at Palmerston North City Council for certification that the management plan(s) meets the requirements of the relevant condition(s).
5. Management plan(s) may be prepared and submitted for one or more stages, aspects, sections, or locations of works.
6. The management plan must be certified by the Palmerston North City Council Head of Planning Services, in accordance with the following process:
  - (a) If the Requiring Authority has not received a response from the Head of Planning Services within 20 working days of the date of submission of the response under Condition 4, the management plan is deemed to be certified.

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- (b) If the Head of Planning Services response is that the management plan does not meet the requirements of the relevant condition(s), the Requiring Authority must consider any reasons and recommendations of the Head of Planning Services and resubmit an amended management plan for certification.
- (c) If the Requiring Authority has not received a response from the Head of Planning Services within 5 working days of the date of resubmission under Condition 6(b) above, the management plan is deemed to be certified.

#### Outline Plan(s)

7. The outline plan(s) may be submitted for the Freight Hub or for one or more stages, aspects, sections, or locations of works.
8. The outline plan(s) must include any relevant plan for the particular design or construction or operational matters being addressed in the outline plan and any updates of any plans. The following must be included in an outline plan or plans (as relevant to the particular stage, aspect, section or location of the design or construction matters being addressed):
  - (a) Construction Management Plan
  - (b) Construction Traffic Management Plan
  - (c) Construction Noise and Vibration Management Plan
  - (d) Landscape and Design Plan
  - (e) Construction Engagement Plan
  - (f) Stormwater Management Report
  - (g) Stormwater Monitoring and Maintenance Plan
  - (h) Road Network Integration Plan
  - (i) Operational Noise and Vibration Management Plan
  - (j) Operational Traffic Management Plan
  - (k) Operational Lighting Design Plan
  - (l) Operational Dust Management Plan
  - (m) Geotechnical Report
  - (n) [Construction Lighting Management Plan](#)

#### Amendments to management plans

9. The Requiring Authority may make material amendments to any documents or plans listed in Condition 8 (excluding the Road Network Integration Plan) by following the process set out in Conditions 4 and 6, unless the amendment is a minor amendment under Condition 10.
10. The documents and plans referred to in Condition 8 (excluding the Road Network Integration Plan) may be amended to provide updated information or reflect changes in design, construction methods or the management of effects without the need for re-certification or a further outline plan, where:
  - (a) the amendment is in general accordance with the original document, plan, or outline plan and the relevant conditions under which that document or plan was prepared; or
  - (b) the amendment is to give effect to an amendment required under another statutory approval; and
  - (c) the amendment proposed is provided in writing to Palmerston North City Council at least 10 working days prior to the relevant works being undertaken; and
  - (d) Palmerston North City Council confirms in writing that the amendments meet the requirements of Condition 10(a) or (b). If a response is not received from the Head of Planning Services at the Council within 5 working days of the date that it is provided in Condition 10(c), the amendments are deemed to be approved.

#### Mana Whenua [Partnership Framework](#)

##### [Mana Whenua Values](#)

11. [Within 12 months of \[the date the NoR is confirmed\], the Requiring Authority must \[engage with Mana Whenua to\]\(#\)](#) prepare an [Engagement-Partnership](#) Framework in partnership with Mana Whenua for the Freight Hub in accordance with the principles of Te Tiriti o Waitangi.
12. The [Partnership Engagement](#) Framework will recognise Kaupapa based models such as Whānau Ora Outcomes, Te Whare Tapa Whā values and Te Pae Mahutonga Attributes.
13. The objective of the Mana Whenua [Partnership Engagement](#) Framework is to honour, recognize and provide for mana whenua values, and tikanga and kawa participation in the area affected by the Freight Hub, to develop mechanisms to avoid, mitigate, compensate or offset effects on mana whenua values and tikanga through the implementation of

**Commented [RMcV3]:** Amendment to capture all management plans referred to in the conditions.

**Commented [RMcV4]:** Amendments to the title reflect the intent of the conditions.

**Commented [RMcV5]:** Amendment to include a timeframe for preparation of the Partnership Framework which reflects KiwiRail's intent to engage with mana whenua to prepare this framework early on.

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agreed participation, monitoring and mitigation measures and provide opportunities for expression of those values and tikanga through design and development beyond completion of the overall project.

14. The [Partnership Engagement](#) Framework will include as a minimum:
- (a) key roles and responsibilities for Mana Whenua at the governance and operational levels, including in relation to design and development of the Freight Hub;
  - (b) involvement in cultural impact assessments, preparation and implementation of management plans as part of this designation and any management plans that are developed as part of regional resource consents;
  - (c) monitoring and exercise of kaitiakitanga and manākitanga activities to be undertaken including in particular, regular monitoring of ngā Puna and waterways to be carried out in partnership with Mana Whenua and implementation of adaptive management strategies to address water quality issues if agreed standards are not met;
  - (d) involvement in developing, approving and partaking in accidental discovery protocols and any archaeological authorities and wildlife permits required;
  - (e) overall site dedication and other tikanga protocols to be performed by Mana Whenua;
  - (f) opportunities for the expression of Mana Whenua values and tikanga in the design, development and operation of the Freight Hub;
  - (g) any employment, training scholarship, procurement and investment opportunities as part of the development of the Freight Hub; and
  - (h) any mahi toi to be developed as part of the project.

#### Communication and Engagement

##### Community Liaison Forum

15. Within 12 months of the [date the NoR is confirmed], the Requiring Authority must establish a Community Liaison Forum.
16. The Requiring Authority must maintain the Community Liaison Forum until at least 6 months after Completion ~~of the Freight Hub~~.
17. The purpose of the Community Liaison Forum is to provide an interactive forum through which the Requiring Authority can provide information to and receive feedback from the community on any matters relating to the design, construction and operation of the Freight Hub.
18. The Community Liaison Forum must be open to mana whenua and all interested residents and organisations within the vicinity of the Freight Hub.
19. The Requiring Authority must:
- (a) identify and invite parties that may be interested in participating in the Community Liaison Forum, including:
    - (i) local residents who submitted on the Notice of Requirement for the Designation;
    - (ii) Bunnythorpe School and any childcare facilities in the vicinity;
    - (iii) Community groups (including Bunnythorpe Community Centre, faith-based groups and residents organisations);
    - (iv) Businesses and landowners (including in Bunnythorpe village and the North East Industrial Zone);
    - (v) cycling and walking groups (including Te Araroa Manawatū Trust); and
  - (b) develop, in consultation with, the Community Liaison Forum participants, [terms of reference consistent with the purpose of the Community Liaison Forum as set out in Condition 17 including the methods and frequency of communication with those participants for the duration of the Community Liaison Forum as outlined in Conditions 15 and 16](#).
20. The Requiring Authority must:
- (a) provide the Community Liaison Forum with up-to-date information about the design, construction and operation of the Freight Hub, including updates on material changes in design or activity and complaints received in accordance with Condition 31;
  - (b) ensure that the Community Liaison Forum is provided with opportunities to provide feedback on matters, including:
    - (i) draft documents and plans set out in Condition 8 and material updates to any plans in accordance with Condition 9;
    - (ii) timing and nature of mitigation works proposed;

**Commented [RMcV6]:** Amendment to reflect the definitions.

**Commented [RMcV7]:** Amendments to include a requirement for terms of reference to be developed consistent with the purpose of the Community Liaison Forum.

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(iii)	any regional resource consent applications and any proposed mitigation measures associated with those consent applications; and
(c)	collate any feedback received and report back to the Community Liaison Forum as to how that feedback has been considered by the Requiring Authority.
<b>Community Liaison Person</b>	
21.	Within 12 months of the [date the NoR is confirmed] the Requiring Authority must appoint, in consultation with Palmerston North City Council, a Community Liaison Person with particular skills in community engagement.
22.	The Community Liaison Person role must be in place until at least 6 months after Completion of the Freight Hub.
23.	The role of the Community Liaison Person is to provide a point of contact for the community on behalf of the Requiring Authority for: <ul style="list-style-type: none"> <li>(a) all enquiries relating to the Freight Hub, including land acquisition, construction or operational matters;</li> <li>(b) administering the Community Liaison Forum, once established in accordance with Condition 15;</li> <li>(c) co-ordinating landowner engagement in relation to the implementation of plans listed in Condition 8 and any relevant conditions of this Designation.</li> </ul>
24.	The Requiring Authority must make the contact details of the Community Liaison Person available to the community.
<b>Construction Engagement Plan</b>	
25.	At least 20 working days prior to the Works commencing, the Requiring Authority must prepare a Construction Engagement Plan and implement the plan for the duration of construction.
26.	The objective of the Construction Engagement Plan is to ensure that parties that are affected by construction activities are informed of the timing and nature of those activities.
27.	The Construction Engagement Plan must include: <ul style="list-style-type: none"> <li>(a) Contact details of the Community Liaison Person appointed in accordance with Condition 21.</li> <li>(b) A process for identifying the parties that will be communicated with, and the methods of communication, including: <ul style="list-style-type: none"> <li>(i) the use of a project website for public information; and</li> <li>(ii) provision of an electronic and / or paper-based newsletter and its proposed delivery area for paper-based newsletters.</li> </ul> </li> <li>(c) Information on the following, as identified in the relevant management plan(s): <ul style="list-style-type: none"> <li>(i) likely construction works and programme;</li> <li>(ii) hours of construction where these are outside of normal working hours or on weekends or public holidays, including night-time heavy vehicle movements;</li> <li>(iii) routes for construction vehicles, including vehicle movements and types (ie light or heavy vehicles);</li> <li>(iv) any temporary traffic management measures, including changes to pedestrian and cycling routes, public transport and school bus routes and the reinstatement of those routes;</li> <li>(v) progress of any construction works against key project milestones; and</li> <li>(vi) any measures to manage construction effects as identified in the Construction Management Plan, Construction Traffic Management Plan, Construction Noise and Vibration Management Plan, Construction Lighting Management Plan, and Landscape and Design Plan.</li> </ul> </li> </ul>
<b>Complaints Register</b>	
28.	Within 12 months of [date the NoR is confirmed] the Requiring Authority must establish a register to record any complaints received and action undertaken by the Requiring Authority in response to the complaint, and maintain the register until at least 6 months after Completion.
29.	The complaints register must include: <ul style="list-style-type: none"> <li>(a) the nature and details of the complaint; and</li> <li>(b) measures taken by the Requiring Authority to respond to the complaint or where any measures have not been taken, the reasons why.</li> </ul>
30.	The complaints register must be made available to Palmerston North City Council upon request, subject to compliance with privacy obligations.
31.	The Requiring Authority must provide regular updates to the Community Liaison Forum on complaints received and any measures to address any complaints identified.
<b>Geotechnical report</b>	

**Commented [RMcV8]:** Amendment to reflect the definitions.

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32. Prior to commencement of ~~the any~~ Works, a geotechnical report must be prepared by a suitably qualified and experienced person and provided to the Palmerston North City Council (Head of Planning Services), to identify any risk of instability on land within the Designation Extent and confirm that any such risk can be avoided, remedied or mitigated.

**Commented [RMcV9]:** Amendment for consistency with condition 33.

#### Archaeology

33. Prior to the commencement of any Works, the Requiring Authority must prepare an accidental discovery protocol in accordance with Condition 34 and implement the accidental discovery protocol for the duration of the Works.

34. The accidental discovery protocol must be prepared in collaboration with mana whenua and in consultation with Heritage New Zealand Pouhere Taonga, and must include:

- (a) details of contractor training regarding the skills necessary to be aware of the possible presence of cultural or archaeological sites or material;
- (b) general procedures following the accidental discovery of possible archaeological sites, kōiwi tangata, wahi tapu or wahi taonga, including the requirement to immediately cease the Works in the vicinity of the discovery and the requirement to notify parties including, but not limited to, Heritage New Zealand Pouhere Taonga;
- (c) in the event that kōiwi tangata or taonga are discovered, work must cease immediately in the vicinity of the remains and mana whenua, Heritage New Zealand Pouhere Taonga, New Zealand Police and Palmerston North City Council must be contacted;
- (d) procedures for the custody of taonga (excluding kōiwi tangata) or material found at an archaeological site; and
- (e) activities that must be undertaken before construction activities in the vicinity of a discovery may recommence, including appropriate tikanga, recording, recovery of artifacts, and engagement.

#### Stormwater

##### Stormwater Management Report

35. The Requiring Authority must prepare and submit a Stormwater Management Report with the first outline plan to Palmerston North City Council.

36. The Stormwater Management Report must be prepared by a suitably qualified and experienced person.

37. The objective of the Stormwater Management Report is to confirm the design of the stormwater detention ponds is sufficient to mitigate the potential flooding effects as a result of any increased stormwater runoff from the Freight Hub and the loss of flood plain storage as a result of the site formation.

38. The Stormwater Management Report must:

- (a) achieve the objective in Condition 37;
- (b) outline the results of hydrologic and hydraulic modelling of the Mangaone Stream Catchment as affected by the Freight Hub; and
- (c) provide hydraulic details to confirm the appropriate size of the stormwater detention ponds;
- (d) identify potential effects of the Freight Hub site development on flood risk; and
- (e) identify methods for mitigation of any identified flooding effects.

##### Stormwater Management and Monitoring Plan

39. At least three months prior to the delivery of the relevant part of the stormwater system as outlined in the construction programme in Condition 66, the Requiring Authority must prepare and implement a Stormwater Management and Monitoring Plan.

40. The objective of the Stormwater Management and Monitoring Plan is to demonstrate that the stormwater system and the methods for the monitoring and maintenance of the stormwater system will be effective.

41. The Stormwater Management and Monitoring Plan must be prepared by a suitably qualified and experienced person.

42. The Stormwater Management and Monitoring Plan must include:

- (a) design measures to assist with achieving hydraulic neutrality and methods to assist with stormwater treatment and contaminant removal utilising natural systems including retention areas, permeable surfaces, wetlands/swales and appropriate vegetation;
- (b) the methods that will be used for the operation and maintenance of the stormwater management system to ensure its successful long-term performance, including sediment removal, clearance of debris, replacement of vegetation, training of operators, and separation or secondary containment of any high-risk contamination areas; and

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- (c) details of the location, operation and maintenance of any stormwater outlets from the site, including emergency spillway.

42A. The Requiring Authority must design, construct, operate and maintain on-site stormwater management devices and/or systems which have been installed to manage and treat stormwater generated within the Freight Hub

#### Level Crossings

- 43 At least 12 months prior to submission of the first outline plan, the Requiring Authority must commission Level Crossing Safety Impact Assessments or update any existing assessments to determine the impact of the Freight Hub on the following crossings:

- (a) the Campbell Road/Kairanga Bunnythorpe Road level crossing;
- (b) the Waughs Road/Campbell Road level crossing;
- (c) pedestrian level crossings in the vicinity of Aorangi Marae and Taonui School; and
- (d) Campbell Road crossing south of Feilding.

The Requiring Authority must provide copies of the Level Crossing Safety Impact Assessments or updates to any existing assessments to the Palmerston North City Council and / or Manawātū District Council.

44. The Requiring Authority must engage with Palmerston North City Council and Manawātū District Council in relation to the allocation and timing of the implementation of the recommendations in each Level Crossing Safety Impact Assessment.

45. Unless already closed by the Palmerston North City Council, the Requiring Authority must close the Roberts Line and Clevely Line Level Crossings prior to the closure of Railway Road.

#### Road Network Integration Plan

46. At least 12 months prior to submission of the first outline plan, the Requiring Authority must prepare a Road Network Integration Plan.

47. The objective of the Road Network Integration Plan is to ensure that the roading network ~~for within~~ the Freight Hub is appropriately managed and safely and efficiently integrated with the wider transport network.

48. The Requiring Authority must consult and share information with Palmerston North City Council, Horizons Regional Council, Manawātū District Council and Waka Kotahi NZ Transport Agency in preparing the Road Network Integration Plan (and any updates).

49. The Road Network Integration Plan must achieve the objective in Condition 47 and must include:

- (a) the timing for the closure of and/or the legal stopping of any relevant roads (or sections of roads, as the case may be), including Railway Road, Clevely Line, Te Ngaio Road and Richardsons Line;
- (b) the location, timing, form and design of any changes and upgrades to intersections and roads required for construction and operation of the Freight Hub that are to be delivered by the Requiring Authority including:
  - (i) changes as a result of the closure and / or legal stopping of relevant roads set out in Condition 49(a);
  - (ii) the Perimeter Road, including a safe separated shared path of at least 3.0 metres between Railway Road south of Maple Street and the intersection at Roberts Line and Railway Road;
  - (iii) a new intersection at Roberts Line with the Perimeter Road;
  - (iv) an upgraded intersection at Richardsons Line and Roberts Line that includes access to activities within the Freight Hub;
  - (v) ~~two a northern and western~~ accesses via from the Perimeter Road ~~on the northern and western boundaries of to activities within~~ the Freight Hub; and

- (c) the location, timing, form and design of any changes and upgrades to the following property accesses required to be delivered by the Requiring Authority as a result of the construction and operation of the Freight Hub:

- (i) 422 and 422A Railway Road (the legal descriptions being SEC 1480 BLK VII KAIRANGA SD and LOT 1 DP 74613);
- (ii) 684 Roberts Line (the legal description being Lots 3 ad 4 DP 74613); and
- (iii) the three existing vehicle accesses to Foodstuffs North Island Limited site at 703 Roberts Line (the legal description being Lot 1 DP 384898);

- (d) the timing, form and design of changes required to be delivered by the Requiring Authority and Palmerston North City at the intersections of Kairanga Bunnythorpe Road with each of Railway Road and Campbell Road;

- (e) the timing for the closure of any level crossings;

- (f) the proposed speed limits for any new roads and changes to speed limits for existing roads;

**Commented [RMcV10]:** New condition for clarity regarding responsibility for managing the stormwater systems.

**Commented [RMcV11]:** Amendment to reflect the definitions.

**Commented [RMcV12]:** Amendments for clarity and to reflect the definitions.



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- (g) the location and timing and form of any changes and upgrades to pedestrian walkways, cycleways and public transport facilities, including new or relocated bus stops;
- (h) the location and timing of confirmed and funded upgrades or additions to the wider transport network, including works that are part of the Palmerston North Integrated Transport Improvement (PNITI) project and the identification of potential alternative ways for that wider transport network being delivered by the region's road controlling authorities to integrate with any roading upgrades and connections required for construction and operation of the Freight Hub; and
- (i) details of the feedback provided by Palmerston North City Council, Horizons Regional Council, Manawātū District Council and Waka Kotahi NZ Transport Agency and how this has been incorporated into the Road Network Integration Plan, including any feedback regarding:
  - (i) the location and timing of a ring road and/or any bypasses of Bunnythorpe; and
  - (ii) how these connections integrate with the roading network required for the construction and the safe and efficient movement of freight as part of the operation of the Freight Hub; and
- (j) the timing of reviews and frequency of updates to the Road Network Integration Plan, based on the matters outlined in this Condition 49.

#### **Roading connections and upgrades**

50. Unless alternative access to the Freight Hub is provided that no longer requires the Perimeter Road (or a relevant part of it) to be constructed, the Requiring Authority must:
- (a) construct the Perimeter Road (or relevant part); and
  - (b) surface it with an asphaltic mix road surface; and
  - (c) enable public use of the Perimeter Road prior to the closure of the relevant section of Railway Road.
51. Unless otherwise provided by other road controlling authorities, the upgrades listed in Condition 49(b) must be delivered by the Requiring Authority according to the timing outlined in the Road Network Integration Plan.
52. In order to inform the timing, design and form of the upgrades listed in Condition 49(b), the Requiring Authority must undertake traffic modelling and safety audits to demonstrate that the designs will:
- (a) achieve an intersection Level of Service D or better (for sign-controlled intersections this is the Level of Service on the side road(s) approach(es)) or better, as modelled with SIDRA or similar; and
  - (b) not result in any serious or significant safety concerns, in accordance with the New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013.
- The Requiring Authority must provide copies of the traffic modeling and safety audits to the Palmerston North City Council.
53. The Requiring Authority must design and construct all new roads, intersections and vehicle crossings in accordance with the Palmerston North City Council's roading standards, or to such standards as otherwise agreed with Palmerston North City Council.
54. The Requiring Authority must design and construct a safe connection across the North Island Main Trunk Line for cyclists and pedestrians at a location south of, and as close as reasonably practicable to, the Roberts Line and Railway Road intersection in consultation with the Palmerston North City Council. The connection must be operational within 6 months after the relocation of the North Island Main Trunk Line.

#### **Landscape and Design**

55. The Requiring Authority must prepare and submit a Landscape and Design Plan with the first outline plan to Palmerston North City Council. The Requiring Authority must implement the Landscape and Design Plan.
56. The objective of the Landscape and Design Plan is to ensure that the design of the Freight Hub avoids, remedies or mitigates potential adverse effects of the Freight Hub on landscape, visual amenity and natural character in a way that ensures KiwiRail's operational requirements are met and the Freight Hub is appropriately integrated with the surrounding environment, including opportunities for enhancement.
57. The Landscape and Design Plan must be prepared by a suitably qualified and experienced person in consultation with other relevant qualified persons, as required.
58. The Requiring Authority must invite the mana whenua and the Community Liaison Forum to provide input and feedback on the development of the Landscape and Design Plan including participation in the development of design principles and outcomes set out in Condition 60.
59. The Landscape and Design Plan must achieve the objective in Condition 56 and must provide for:

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	(a)	KiwiRail's operational requirements; and
	(b)	any plans required under the conditions of this Designation,
60.		The Landscape and Design Plan must incorporate design principles and outcomes reflecting:
	(a)	mana whenua values;
	(b)	a context specific landscape approach to appropriately integrate the Freight Hub with its immediate and wider landscape setting;
	(c)	community identity and place;
	(d)	walking and cycling connectivity; and
	(e)	cultural or historic values.
61.		The Landscape and Design Plan must include:
	(a)	the location and types of proposed landscape and visual amenity plantings (including plant size, numbers and spacing), including planting of stormwater detention ponds, stream and riparian margins, cut faces, fill batters, and
	(b)	how the plantings in Condition 61 (a) and any other design measures (including but not limited to the final form, finish and articulation of the proposed buildings, Noise Mitigation Structures and batter heights and slopes):
	(i)	integrate the built forms including roof lines and walls of <a href="#">structures within</a> the Freight Hub and the related earthworks into the surrounding environment;
	(ii)	mitigate adverse visual amenity effects on affected residential properties;
	(iii)	contribute to the open watercourse and stormwater ponds appearing as natural features and enhancing local biodiversity;
	(iv)	comply with the Electricity (Hazards from Trees) Regulations 2003, including at full maturity; and
	(v)	comply with any regional consents.
	(c)	how the proposed planting will enhance natural character of waterbodies, including the Mangaone Stream surrounds and restore indigenous biodiversity;
	(d)	how sites of cultural and historical significance will be recognised;
	(e)	how any roads and walkways within the designation extent integrate into the character of the surrounding area and connect to paths and cycleways outside the designation and include opportunities for outlook(s) over the Freight Hub;
	(f)	In relation to proposed Noise Mitigation Structures:
	(i)	the location of the Noise Mitigation Structures as outlined in the Operational Noise and Vibration Plan;
	(ii)	the final form, finish, and planting of these Structures along Sangsters Road and Maple Street, including design treatment of vertical noise barriers, and landscaping of bunds (where planted to have a minimum depth of 5 m on the external face of those bunds);
	(iii)	details of how the Noise Mitigation Structures have been designed where practicable to avoid, remedy or mitigate their adverse effects on landscape character and visual amenity; and
	(iv)	details on how any changes to the existing drainage patterns, runoff characteristics and stormwater resulting from Noise Mitigation Structures will avoid adverse effects on the foundations of any National Grid support structure.
	(g)	how the lighting effects on the landscape and visual amenity are minimised;
	(h)	the proposed timing for establishing any landscape or visual amenity planting, including methods to maximise mitigation planting coverage prior to construction of the main buildings and/or operation of the Freight Hub where practicable; and
	(i)	the process and programme for maintaining any landscape or visual amenity planting and fencing.
62.		Planting within the designation must be designed to achieve:
	(a)	at least an 80% canopy cover within five years of being planted;
	(b)	at least 50% of tall tree species reach a height of 5 meters within five years of being planted; and
	(c)	a minimum depth of planting along the following roads:
	(i)	20 metres along the majority extent of Sangsters Road, excluding the tie in area at Roberts Line; and
	(ii)	30 metres <a href="#">along</a> the <a href="#">internal frontage of the</a> Perimeter Road excluding the tie in with Roberts Line (new intersection).

**Commented [RMcV13]:** Amendments for clarity to reflect the definitions.

**Commented [RMcV14]:** Amendment for clarity.

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### KIWIRAIL PROPOSED CONDITIONS AS AT ~~13-OCTOBER~~ 5 NOVEMBER 2021

63. All buildings within the Freight Hub must be designed and constructed to avoid potential roof glare to the south and particularly to the Palmerston North Airport Control Tower.

#### Construction Management Plan

64. At least 6 months prior to the Works commencing, the Requiring Authority must prepare a Construction Management Plan and implement the plan for the duration of the Works.

65. The objective of the Construction Management Plan is to ensure that management procedures and construction methods are adopted to avoid, remedy or mitigate adverse effects of the construction of the Freight Hub.

66. The Construction Management Plan must achieve the objective in Condition 65 and must include:

- (a) a construction programme, including identifying key stages of the Works (including the delivery of parts of the stormwater system), and any seasonal timings for works;
- (b) a detailed site layout;
- (c) the design and management specifications for all earthworks on-site, including disposal sites and their location and dust management;
- (d) measures to ensure that the Works and structures (including [the operation of any](#) mobile plant and machinery) are designed and undertaken to comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001);
- (e) the design of temporary lighting for the Works and construction support areas in accordance with the Construction Lighting Management Plan;
- (f) details on the timing of the installation of screening and planting and opportunities where this can be undertaken prior to works commencing;
- (g) the approach to the management of construction waste;
- (h) measures to avoid or minimise disturbance to burials being undertaken at Bunnythorpe cemetery during construction;
- (i) the accidental discovery protocol adopted by the Requiring Authority;
- (j) a description of training requirements for all site personnel (including employees, subcontractors and visitors) including details of briefings for employees and subcontractors about the accidental discovery protocol adopted by the Requiring Authority;
- (k) environmental incident and emergency management procedures; and
- (l) contact numbers for key construction staff, and staff responsible for any monitoring requirements.

**Commented [RMcV15]:** Amendments agreed with Powerco and Transpower.

#### Construction Lighting Management Plan

67. All lighting required for the [Freight Hub construction](#) Works must comply with AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting, Zone A2 limits.

68. At least 6 months prior to the Works commencing, the Requiring Authority must prepare a Construction Lighting Management Plan and implement the plan for the duration of the Works.

69. The Construction Lighting Management Plan must be prepared by a suitably qualified and experienced person.

70. The objective of the Construction Lighting Management Plan is to demonstrate compliance with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting, Zone A2 Limits, between 11:00pm and 6.00am during the Works.

71. The Construction Lighting Management Plan must specify the measures to:

- (a) minimise construction vehicle headlight sweep on adjacent dwellings identified in this plan;
- (b) minimise as far as practicable light spill and glare from construction lighting on adjacent dwellings identified in this plan dwellings; and
- (c) minimise as far as practicable light spill and glare from construction lighting to the Palmerston North Airport Control Tower.

**Commented [RMcV16]:** Amendments to reflect the definitions.

#### Network utilities

72. Prior to any land disturbing works, the Requiring Authority must:

- (a) identify the location of existing overhead or underground network utilities ([www.beforeudig.co.nz](http://www.beforeudig.co.nz));
- (b) identify these utilities relevant in any construction plans and place appropriate physical indicators on the ground showing specific surveyed locations or other marker for overhead lines; and
- (c) provide the information of the network utilities identified under Condition 72(a) and (b) and information on any restrictions in place in relation to those existing network utilities to all construction personnel, including contractors.

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73. Prior to any land disturbing works within 21m of the centreline of the National Grid line support structure, the Requiring Authority must obtain an electrical clearance report from a suitably qualified electrical engineer demonstrating compliance with the minimum safe distance requirements of the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).
74. The Requiring Authority must provide the electrical clearance report to Transpower New Zealand Limited for review, with the Requiring Authority recording any feedback provided and how it has been addressed to ensure compliance (NZECP 34:2001).
75. At least 20 working days prior to the commencement of the Works, the Requiring Authority must provide Transpower New Zealand Limited with details of the likely Works and programme in relation to works within 21m of the centreline of the National Grid line support structure, and provide relevant updates to Transpower New Zealand Limited in relation to those works.
76. The Requiring Authority must ensure that any proposed services, pipes or fences within 12m of the National Grid support structure are made of non-conductive material or alternative method of mitigating potential earth rise and ensuring electrical safety.
77. The Requiring Authority must ensure the continuity of existing Powerco owned services and existing Palmerston North City Council owned three water services and, where necessary, provide for the efficient relocation ~~within the Designation-Extent~~ of any of their infrastructure affected by the Works or operation of the Freight Hub to a location where operation, maintenance and upgrade activities associated with those services ~~access~~ can be safely and efficiently provided (such relocation to be planned and undertaken in consultation with the relevant infrastructure owner).

Commented [RMcV17]: Amendments agreed with Powerco.

#### Construction Traffic

78. At least six months prior to the Works commencing, the Requiring Authority must prepare a Construction Traffic Management Plan, and implement the plan for the duration of the Works.
79. The objective of the Construction Traffic Management Plan is to outline the methods that will be undertaken to avoid, remedy or mitigate adverse effects from traffic associated with the Works on property access, road user safety and efficiency of traffic movements.
80. The Construction Traffic Management Plan must be prepared by a suitably qualified and experienced person.
81. At least 20 working days prior to the Construction Traffic Management Plan being submitted to Palmerston North City Council for certification, the Requiring Authority must provide a draft of the Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, Manawatu District Council for feedback.
82. The Construction Traffic Management Plan must achieve the objective in Condition 79 and must:
- identify the numbers, frequencies, and timing of traffic movements for each phase of the construction programme in the Construction Management Plan, including any limitations on heavy vehicle movements through key areas (including local roads) during night and peak times, as required either in relation to traffic conditions or to mitigate potential noise and vibration effects;
  - identify safe site access routes, site access arrangements, and site access points for construction traffic, including heavy vehicles involved in constructing the Freight Hub in a manner consistent with Waka Kotahi NZ Transport Agency's Code of Practice for Temporary Traffic Management;
  - with reference to relevant Austroads Guidelines (or similar New Zealand Standards), identify any upgrades that are needed on the basis of departures from those standards, and the timing of upgrade works that the Requiring Authority must undertake, to ensure safe and fit for purpose site access routes and access points, including for possible night-time movement of construction vehicles;
  - outline temporary traffic management measures, such as traffic detours (including for public transport, walking and cycling, school bus routes, and infrastructure) and temporary speed limits;
  - describe measures to maintain safe pedestrian and cyclist movements in the vicinity of the site, including measures to ensure that any shared paths delivered by Palmerston North City Council and Te Araroa Trail between Palmerston North and Feilding are open to the public for use at all times (including any diversions) during construction of the Freight Hub;
  - outline measures to manage noise from construction traffic including any restrictions on routes, timing and engine braking;

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- (g) detail measures to ensure vehicle access to private properties is maintained, where current access is affected by construction, including ensuring that access to the Foodstuffs North Island Limited site at 703 Roberts Line (the legal description being Lot 1 DP 384898) is able to be provided for heavy vehicles at all times;
  - (h) identify opportunities to use the rail network to minimise effects on the roading network where practicable;
  - (i) provide measures for the management of fine material loads (e.g. covers) and the timely removal of any material deposited or spilled on public roads;
  - (j) detail the process for and locations of construction traffic movement monitoring and the frequency and times of monitoring relevant to the stage of construction set out in the programme in the Construction Management Plan;
  - (k) provide a process for ensuring that updated traffic information is included in the Construction Engagement Plan;
  - (l) identify any material construction activity being undertaken by other parties, including roading works occurring along access routes identified in Condition 82(b); and
  - (m) provide details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatū District Council and how it was incorporated.
83. The Construction Traffic Management Plan must be reviewed and updated as required to align with the key stages identified in the construction programme required in the Construction Management Plan.
84. The Requiring Authority must provide any updated draft Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatū District Council for review and feedback at least 20 working days prior to submitting the updated Construction Traffic Management Plan for recertification under Condition 9.
85. The Requiring Authority shall ensure that Maple Street is not used by construction traffic to access the Freight Hub.
- Construction Noise and Vibration Management Plan**
86. At least 20 working days prior to the Works commencing, the Requiring Authority must prepare a Construction Noise and Vibration Management Plan and implement the plan for the duration of the Works.
87. The objective of the Construction Noise and Vibration Management Plan is to demonstrate how compliance with the limits in Conditions 89 and 91 will be achieved for the duration of the Works.
88. The Construction Noise and Vibration Management Plan must be prepared by a suitably qualified and experienced person and in general accordance with the requirements of Annex E2 of NZS 6803:1999
89. All of the Works must be undertaken to ensure that, as far as practicable, construction noise does not exceed the limits in Table 1. Construction Noise limits. Noise levels must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction noise as follows (at occupied dwellings).

Table 1: Construction Noise limits

Time of Week	Time Period	LAeq	LAFmax
Weekdays	0630 – 0730	55 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	65 dB	80 dB
	2000 – 0630	45 dB	75 dB
Saturdays	0630 – 0730	45 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB

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Sundays and Public Holidays	0630 – 0730	45 dB	75 dB
	0730 – 1800	55 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB

N.B. Shading indicates *night-time* hours.

90. Night-time construction work that exceeds the noise limits specified in Table 1 in Condition 89 and Table 2 in Condition 90 must only take place if the Works cannot be practicably undertaken during day time hours.
91. Construction vibration must, as far as practicable, comply with the criteria in Table 2 Vibration Criteria, where:
- Measurement is in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures;
  - BS 5228-2 is British Standard BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration.

Table 2: Vibration Criteria

Receiver	Location	Details	Category A PPV	Category B PPV
Occupied dwellings and schools	Inside the building	2000 – 0630	0.3 mm/s	1 mm/s
		0630 – 2000	1 mm/s	5 mm/s
Other occupied buildings	Inside the building	0630 – 2000	2 mm/s	5 mm/s
Unoccupied buildings	Building foundation	Vibration transient	5 mm/s	BS 5228-2 <sup>2</sup> Table B.2
		Vibration continuous		50% of BS 5228-2 Table B.2 <sup>3</sup>

- The Category A construction vibration criteria in Table 2 above must be complied with as far as practicable. If measured or predicted vibration from the Works exceeds the Category A criteria, the Requiring Authority must engage an independent, suitably qualified and experienced person to assess and manage construction vibration during those activities.
- If prior to or during Works, measured or predicted vibration from the Works exceed the Category B criteria in Table 2:
  - the relevant Works must not commence or proceed until a suitably qualified and experienced person has undertaken a building condition survey at affected receivers (provided the owner(s) and/or occupier(s) has agreed to such a survey) and identified specific Best Practicable Option measures to manage the effects of vibration; and
  - the Requiring Authority must undertake vibration monitoring for the duration of the relevant Works.
- The findings of the building condition surveys and measures identified in Condition 91(d) must be included as a Schedule to the Construction Noise and Vibration Management Plan in Condition 92 and the Requiring Authority must implement the mitigation measures for the duration of the relevant Works.
- The Schedule must be provided to the Palmerston North City Council (Head of Planning Services) as soon as practicable before the relevant Works commence.
- As soon as practicable following completion of the relevant Works, the Requiring Authority must engage a suitably qualified and experienced person to undertake a building condition survey at affected receivers identified in Condition 91(d) to determine if any damage has occurred as a result of construction vibration.
- The Requiring Authority must repair any damage identified in condition 91(g) as soon as practicable.

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92. The Construction Noise and Vibration Management Plan must achieve the objective in Condition 87 and include:
- (a) the noise and vibration limits as set out in the Conditions 89 and 90;
  - (b) a description of the construction works and processes;
  - (c) a description of anticipated equipment and any noise or vibration suppression devices;
  - (d) the hours of operation, including times and days when activities causing noise and/or vibration would occur;
  - (e) identification of affected dwellings and other noise sensitive activities and projected noise and vibration levels for those activities;
  - (f) a description of alternative management strategies where compliance with the criteria in Conditions 89 or 90 may not be achieved;
  - (g) methods and frequency for monitoring and reporting on construction noise and vibration;
  - (h) details of the procedures and timing for notifying stakeholders and sensitive receivers of construction activities in relation to night time works, where the night time noise limits in Table 1 of Condition 89 and Table 2 of Condition 90 will be exceeded, notice to sensitive receivers must include the expected timing and duration of the works and be provided and copied to the Palmerston North City Council [Head of Planning Services](#) at least five working days before the works commence);
  - (i) procedures for handling noise and vibration complaints as set out in the Construction Engagement Plan and Complaints Register in Conditions 25-31;
  - (j) construction equipment operator training procedures and expected construction site behaviours; and
  - (k) contact numbers for key construction staff, staff responsible for noise assessment and the council compliance officer;
  - (l) whether the construction noise limits in Table 1 in Condition 89 will be exceeded and whether acoustic mitigation (such as temporary or permanent acoustic screens) is required to achieve compliance with those noise limits. Any such mitigation must be put in place prior to the [relevant](#) Works commencing and be maintained for the duration of those Works; and
  - (m) procedures and timing for a suitably qualified and experienced person to undertake a specific noise assessment of night-time construction works, which must include any recommended mitigation measures to minimise the noise impacts of any night-time construction work that exceeds the noise limits specified in Table 1 in Condition 89 and Table 2 in Condition 90.

**Commented [RMcV18]:** Amendment for consistency with the designation conditions.

**Commented [RMcV19]:** Amendment for clarity.

#### Water supply

93. The Requiring Authority must ensure that all new buildings within the Freight Hub are serviced with adequate water supply and access to that supply for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008.

#### Operational Lighting Design Plan

94. The Requiring Authority must prepare and submit an Operational Lighting Design Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Lighting Design Plan.
95. The Operational Lighting Design Plan must be prepared by a suitably qualified and experienced person.
96. The objective of the Operational Lighting Design Plan is to demonstrate how the lighting for the outdoor operational areas, access roads (including the Perimeter Road), and carparks of the Freight Hub will be designed to comply with *AS/NZS 4284:2019- Control of the obtrusive effects of outdoor lighting, Zone A2 limits* between 11.00pm and 6.00am to manage sky glow, glare, light spill and effects on road users from the operation of the Freight Hub, including at the Palmerston North Airport Control Tower.
97. The Operational Lighting Design Plan must achieve the objective in Condition 96 and must include:
- (a) the projected light spill and glare calculations;
  - (b) the proposed locations and design for lighting structures, including low-level security lighting and under carriage lighting;
  - (c) any measures to reduce potential adverse visual amenity effects including minimising where practicable, the number of lighting poles and the height of lighting towers;
  - (d) confirmation that a Civil Aviation Authority NZ Part 77 Determination has been obtained if required; and

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	(e)	identification of potential areas where headlight sweep onto the windows of a residential dwelling's bedroom is likely to occur because of night-time traffic movements within the site and when exiting the site. If so, provide details for measures to mitigate its effects; and
	(f)	the proposed exterior lighting colour, which must have a colour temperature of light emitted of 3000 Kelvin or lower.
<b>Operational Traffic Management Plan</b>		
98		The Requiring Authority must prepare and submit an Operational Traffic Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement an Operational Traffic Management Plan for the duration of the Freight Hub's operation.
99.		The objective of the Operational Traffic Management Plan is to avoid, remedy or mitigate any identified adverse transport effects of traffic generated by the operation of the Freight Hub.
100.		At least 20 working days prior to the Operational Traffic Management Plan being submitted to Palmerston North City Council for certification, the Requiring Authority must provide a draft of the Operational Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawātū District Council for feedback.
101.		The Operational Traffic Management Plan must achieve the objective in Condition 99 and include:
	(a)	the process for and frequency of operational traffic monitoring (at least every two years until completion, unless otherwise agreed with Palmerston North City Council, including when the monitoring commences, the location of monitoring points, the timing of monitoring (to avoid school or public holidays, and to be undertaken at a similar time each year) and the period of traffic count collection (which must be at least 7 consecutive days);
	(b)	a description of actual and forecasted traffic generation at each of the Freight Hub's <del>three</del> <u>access points from the Perimeter Road</u> , including light and heavy vehicles, as a result of activities within the Freight Hub;
	(c)	records of assessment and reporting on safety and performance of each of the Freight Hub's access points carried out in accordance with Condition 102, with allowance made for the interaction with rail crossings within the site) and any other access point onto the section of the Perimeter Road between Roberts Line and Maple Street;
	(d)	details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, and Manawātū District Council and how it has been incorporated; and
	(e)	the process for reviewing and updating the Operational Traffic Management Plan as outlined in Condition 104
102.		The Requiring Authority must assess the safety and performance of the accesses listed in Condition 101(c) to demonstrate that they achieve:
	(a)	a Level of Service of D or better (for sign-controlled intersections, this is the Level of Service on the side road(s) approach(es)), as modelled with SIDRA or similar intersection modelling software; and
	(b)	in the event that there have been any serious injury or fatal crashes (as reported in the Waka Kotahi Crash Analysis System (CAS) database) the road network at the accesses in Condition 101(c) since the previous review of the Operational Traffic Management Plan, road safety audits must be undertaken in accordance with the <i>New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013</i> .
103.		In the event that any of the accesses do not meet the standards in Condition 102(a) or 102(b), and in circumstances where the failure to meet those standards is attributable to operational traffic associated with the Freight Hub, the Requiring Authority must:
	(a)	develop designs for upgrades to that infrastructure in order to achieve these standards;
	(b)	submit the designs to the Chief Roading Engineer at Palmerston North District Council for certification that they meet the requirements of Condition 102(a) and / or 102(b); and
	(c)	implement at its cost the certified infrastructure upgrades within 12 months of receiving certification.
104.		The Requiring Authority must review and update the Operational Traffic Management Plan:
	(a)	with each relevant outline plan of works for buildings and development of the Freight Hub taking into account the outcomes of any monitoring and audits undertaken in accordance with Condition 101 and 102;
	(b)	when total vehicle movements across <del>all the three accesses</del> <u>access points for from the Perimeter Road to activities within</u> the Freight Hub exceed 4200 vehicles per day;

**Commented [RMcv20]:** Amendments to reflect the definitions.



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- (c) when total vehicle movements across the three access points from the Perimeter Road to activities within all accesses associated with the Freight Hub exceed 8000 vehicles per day.
- (d) when total traffic movements across the three access points from the Perimeter Road to activities within all accesses for the Freight Hub exceed 12000 vehicles per day; and
- (e) at least every 6 years.

Commented [RMcV21]: Amendments for clarity and to reflect the definitions.

105. The Requiring Authority must advise Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawātū District Council on the outcomes of any review undertaken in accordance with Condition 104 and provide any updated draft Operational Traffic Management Plan to those parties for review and feedback.

106. The Requiring Authority is not required to review and update the Operational Traffic Management Plan under Condition 104(b) or 104(c) or 104(d) within 12 months of the previous review and update of the Operational Traffic Management Plan.

**Operational Noise and Vibration**

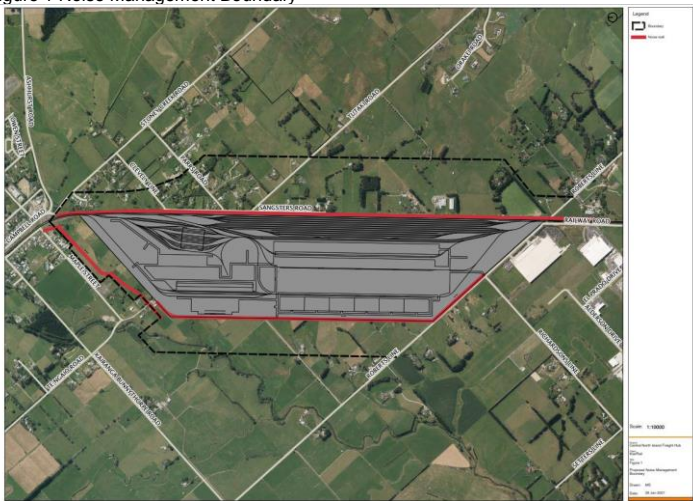
107. All operational activities at the Freight Hub must be undertaken to ensure that noise does not exceed the limits, as far as practicable, in Table 3 when measured at or beyond the Noise Management Boundary shown in Figure 1 -as far as practicable.

Commented [RMcV22]: Amendment to remove duplication.

Table 3: Noise limits

All times	55dB LAeq (1hr)
10pm-7am	85 dBLAmax

Figure 1 Noise Management Boundary



108. Sound levels of operational activities at the Freight Hub must be measured in accordance with NZS 6802:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6801:2008 Acoustics – Environmental noise, except that no corrections will be made for duration (6.4).

*Advice note: for the purposes of Condition 108, sound generated from normal rail activities which are undertaken in accordance with good site management practices, including the sound from containers being picked up and put down, is not classified as having special audible characteristics.*

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109.	The Freight Hub must be designed and operated to ensure that noise does not exceed 65 dB LAeq(1hr) within any site zoned Rural or Residential (as at 23 October 2020) outside the Designation Extent.
110.	At least 12 months prior to the commencement of operation of any noise generating component of the Freight Hub, the Requiring Authority must undertake noise modelling to predict at intervals of 45 dB LAeq (1hr), 55 LAeq (1hr) and 65 dB LAeq (1hr): (a) the projected noise levels from the operation of the Freight Hub for the following 12 months (" <b>Annual Noise Contours</b> "); and (b) the long term projected noise levels from future activities within the Freight Hub (" <b>Future Noise Contours</b> "). The Requiring Authority must thereafter undertake noise modelling annually, and update the Annual Noise Contours and Future Noise Contours (as required).
111.	Where the Annual Noise Contours identify that the noise levels are predicted to exceed 55 dB LAeq(1hr) at any time, or 45 dB LAeq (1hr) between the hours of 10pm and 7am, (either wholly or partly) at any Existing Dwelling in the following 12 months, the Requiring Authority must: (a) subject to property owner(s) approval and within three months of producing the Annual Noise Contours, engage a suitably qualified person to undertake investigations at those Existing Dwellings to determine if any acoustic treatment measures are necessary to achieve, based on the Future Noise Contours, an internal noise levels of 35 dB LAeq(1h) in bedrooms and 40 dB LAeq(1h) in other habitable spaces; (b) within three months of undertaking the investigations in Condition 111(a), make an offer to the property owner(s) to install, at the Requiring Authority's cost, acoustic treatment measures recommended by the suitably qualified person to achieve the noise levels in Condition 111(a) based on the Future Noise Contours and a reasonable future projection of noise from the operation of the North Island Main Trunk Line; and (c) if the offer in Condition 111(b) is accepted within six months, and provided that the property owner(s) enter into a covenant with the Requiring Authority which includes terms that the owner(s) and occupier(s) will ensure that the acoustic treatment measures are not removed or altered in a way that lessens their effectiveness, the Requiring Authority must install the acoustic treatment and use best endeavours to install that treatment before any Existing Dwelling falls within the 55 dB LAeq(1hr) Annual Noise Contour.
112.	Where any bedrooms within an Existing Dwelling contain openable windows, the acoustic treatment measures in Condition 111(a) must include a positive supplementary source of fresh air ducted from outside which must achieve a minimum of 7.5 litres per second per person
113.	When providing acoustic treatment measures in accordance with Condition 111, the Requiring Authority is not required to fund any measures required to: (a) bring a building up to the standard required in any building regulations, bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; or (b) remove any asbestos that is likely to be disturbed by the installation of the acoustic treatment.
114.	If requested by the property owner(s), the Requiring Authority may, at its discretion, install or contribute to the cost of installing alternative acoustic measures (which may result in a different acoustic internal environment), subject to the property owner(s) being granted any necessary building use resource consents (as may be required).
115.	The Requiring Authority is not required to achieve an internal design noise level of 35 dB LAeq(1h) in bedrooms and 40 dB LAeq(1h) in other habitable spaces, and will not be in breach of Condition 111, if: (a) the property owner(s) accepts a form or level of acoustic treatment that results in a different internal design sound level; or (b) it is not reasonably practicable to achieve the specified internal design noise level due to the type, structure, age or state of repair of the Existing Dwelling or the desirability to maintain heritage features of the Existing Dwelling. In the event that Condition 115(b) applies, the Requiring Authority must install measures to reduce the internal design sound level of the habitable spaces as far as practicable.
116.	All operational activities in the Freight Hub must be undertaken to ensure that vibration at any Existing Dwelling outside the <a href="#">Freight Hub Designation Extent</a> does not exceed 0.3 mm/s <sub>w</sub> ,95 as far as practicable.
117.	The Requiring Authority must prepare and submit an Operational Noise and Vibration Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Noise and Vibration Management Plan.

**Commented [RMcv23]:** Amendment to reflect the definitions.

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118.	The objective of the Operational Noise and Vibration Management Plan is to demonstrate how compliance with the noise and vibration limits for the operation of the Freight Hub set out in Conditions 107, 109 and 116 will be achieved.
119.	The Operational Noise and Vibration Management Plan must be prepared by a suitably qualified and experienced person.
120.	<p>The Operational Noise and Vibration Management Plan must outline:</p> <ul style="list-style-type: none"> <li>(a) the noise and vibration limits for both day and night time activities within the Freight Hub must operate as set out in Condition 107 and Condition 116;</li> <li>(b) the Annual Noise Contours and the Future Noise Contours produced in accordance with Condition 110;</li> <li>(c) any noise mitigation required to manage the noise effects including: <ul style="list-style-type: none"> <li>(i) a continuous barrier, including bunds and/or natural elevation on the eastern boundary <del>of</del> within the Designation Extent extending to at least 5 metres above the finished ground level;</li> <li>(ii) a barrier 3 metres above local ground level on the northern boundary <del>of</del> within the Designation Extent;</li> <li>(iii) a barrier 3 metres above finished ground level on the western boundary if dwellings are still within 500m of the Perimeter Road in that location when operation commences; and</li> <li>(iv) acoustic treatment of Existing Dwellings required by Conditions 110 to 115.</li> </ul> </li> <li>(d) the process for undertaking modelling and monitoring of operational noise and vibration;</li> <li>(e) the location of permanent noise monitors which must include: <ul style="list-style-type: none"> <li>(i) one in the northern area of the Freight Hub;</li> <li>(ii) one in the eastern area of the Freight Hub; and</li> <li>(iii) one in the western area of the Freight Hub, if dwellings are still within 500 metres of the Perimeter Road in that location,</li> </ul> </li> <li>(f) site noise management measures including operation of machinery and equipment in a manner to avoid unreasonable noise.</li> </ul>
121.	The Requiring Authority must make the current version of the Operational Noise and Vibration Management Plan publicly available on its website.
122.	<p>The Requiring Authority must review and update (including with any additional noise modelling as required) the Operational Noise and Vibration Management Plan:</p> <ul style="list-style-type: none"> <li>(a) annually; and</li> <li>(b) prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the noise and vibration levels generated from the Freight Hub.</li> </ul>
<b>Operational Dust Management</b>	
123.	The Requiring Authority must prepare and submit an Operational Noise and Vibration Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Dust Management Plan.
124.	The objective of the Operational Dust Management Plan is to avoid, remedy or mitigate the adverse effects of dust from the operation of the Freight Hub.
125.	The Operational Dust Management Plan must be prepared by a suitably qualified and experienced person.
126.	<p>The Operational Dust Management Plan must achieve the objective in Condition 124 and include:</p> <ul style="list-style-type: none"> <li>(a) the location and nature of dust generating activities <del>on the site</del> within the Freight Hub;</li> <li>(b) the location of any sensitive receptor within 100m of the Designation Extent;</li> <li>(c) a qualitative assessment of the risk of impacts of dust generation from dust generating activities <del>within the Freight Hub</del>, including the typical frequency and duration of exposure to dust for each activity;</li> <li>(d) the mitigation and management practices to minimise the potential for more than minor adverse dust emissions beyond the Designation Extent; and</li> <li>(e) the process for monitoring dust generation and dust generating activities.</li> </ul>
127.	The Requiring Authority must review and update the Operational Dust Management Plan prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the dust generated from the Freight Hub.
128.	At least three months prior to Works commencing, the Requiring Authority must:

**Commented [RMcV24]:** Amendments to reflect the definitions.

**Commented [RMcV25]:** Amendments to reflect the definitions.

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### KIWIRAIL PROPOSED CONDITIONS AS AT ~~13-OCTOBER~~ 5 NOVEMBER 2021

- (a) identify Existing Dwellings within 100m of the Designation Extent that will experience adverse dust effects arising from the operation of the Freight Hub and rely on roof top rain water supply systems for drinking water supply;
- (b) at each of the Existing Dwellings identified in Condition 128(a), offer to install a first-flush rainwater diversion system at the Requiring Authority's cost; and
- (c) subject to property owner(s) approval, install that system as soon as practicable.

#### Third Party restrictions

- 129. The Requiring Authority must enable access for maintenance utility works undertaken in road corridors in accordance with the National Code of Practice for Utility Operators Access to Transport Corridors (September 2016) or any approved update to the Code.
- 130. The Requiring Authority must ensure that access is maintained to [any Powerco infrastructure](#), the National Grid Transmission Line and support structures for maintenance at all reasonable times, and for emergency works at all times.

**Commented [RMcV26]:** Amendment agreed with Powerco and Transpower.

## Appendix B

### KIWIRAIL PROPOSED CONDITIONS AS AT 5 NOVEMBER 2021

#### Definitions

Term	Definition
Completion	Completion of construction of the Freight Hub.
Designation Extent	The land within the designation boundary shown in black outline on the Concept Plan prepared by Isthmus, dated 29 October 2021.
Existing Dwelling	As at 23 October 2020, any building: (a) that was constructed as a lawful dwelling; or (b) for which resource consent was granted for construction of a dwelling.
Freight Hub	All activities and structures shown on the Concept Plan dated 29 October 2021, prepared by Isthmus, except that for the purposes of Conditions 107 – 122 it excludes the North Island Main Trunk Line and the Perimeter Road.
Habitable space	Any room in a dwelling which is used or which can be used as a sitting room, a living room, a bedroom, a dining room, or a family room.
Noise Mitigation Structures	The earth bunds and vertical noise barriers to mitigate noise effects.
Perimeter Road	The physical works required to provide: (a) a new section of road south of Maple Street between Railway Road and Roberts Line; and (b) improvements to Roberts Line north west of the intersection at Roberts Line and Railway Road.
Works	All physical works and activities (including all site establishment activities but excluding site investigations) that are required to construct the activities and all supporting infrastructure shown on the Concept Plan prepared by Isthmus, dated 29 October 2021.

#### General Conditions

1. Except as modified by the conditions below and accompanying outline plan(s), the works authorised by this designation must be undertaken in general accordance with the following information provided by the Requiring Authority:
  - (a) the Notice of Requirement for the Freight Hub dated 23 October 2020 and the further information provided by the Requiring Authority dated 15 February 2021, 24 May 2021 and 28 May 2021;
  - (b) Concept Plan dated 29 October 2021, prepared by Isthmus;
  - (c) Draft indicative Landscape plan dated 6 July 2021 prepared by Isthmus Group (rev B); and
  - (d) evidence provided by the Requiring Authority dated 9 July 2021 and at the hearing in August / September 2021.
2. Where there is any inconsistency between the Notice of Requirement documentation listed in Condition 1 above and the designation conditions, the designation conditions will prevail.

#### Lapse Period

3. The designation will lapse if not given effect to within 15 years from the date on which it is included in the District Plan.

#### Management Plans

4. At least 20 working days prior to the Works commencing or unless otherwise specified in the conditions below, the management plan(s) specified in Condition 8 (excluding the Road Network Integration Plan) must be submitted to the Head of Planning Services at Palmerston North City Council for certification that the management plan(s) meets the requirements of the relevant condition(s).
5. Management plan(s) may be prepared and submitted for one or more stages, aspects, sections, or locations of works.
6. The management plan must be certified by the Palmerston North City Council Head of Planning Services, in accordance with the following process:
  - (a) If the Requiring Authority has not received a response from the Head of Planning Services within 20 working days of the date of submission of the response under Condition 4, the management plan is deemed to be certified.
  - (b) If the Head of Planning Services response is that the management plan does not meet the requirements of the relevant condition(s), the Requiring Authority must consider any reasons and recommendations of the Head of Planning Services and resubmit an amended management plan for certification.

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### KIWIRAIL PROPOSED CONDITIONS AS AT 5 NOVEMBER 2021

- (c) If the Requiring Authority has not received a response from the Head of Planning Services within 5 working days of the date of resubmission under Condition 6(b) above, the management plan is deemed to be certified.

#### Outline Plan(s)

7. The outline plan(s) may be submitted for the Freight Hub or for one or more stages, aspects, sections, or locations of works.
8. The outline plan(s) must include any relevant plan for the particular design or construction or operational matters being addressed in the outline plan and any updates of any plans. The following must be included in an outline plan or plans (as relevant to the particular stage, aspect, section or location of the design or construction matters being addressed):
- (a) Construction Management Plan
  - (b) Construction Traffic Management Plan
  - (c) Construction Noise and Vibration Management Plan
  - (d) Landscape and Design Plan
  - (e) Construction Engagement Plan
  - (f) Stormwater Management Report
  - (g) Stormwater Monitoring and Maintenance Plan
  - (h) Road Network Integration Plan
  - (i) Operational Noise and Vibration Management Plan
  - (j) Operational Traffic Management Plan
  - (k) Operational Lighting Design Plan
  - (l) Operational Dust Management Plan
  - (m) Geotechnical Report
  - (n) Construction Lighting Management Plan

#### Amendments to management plans

9. The Requiring Authority may make material amendments to any documents or plans listed in Condition 8 (excluding the Road Network Integration Plan) by following the process set out in Conditions 4 and 6, unless the amendment is a minor amendment under Condition 10.
10. The documents and plans referred to in Condition 8 (excluding the Road Network Integration Plan) may be amended to provide updated information or reflect changes in design, construction methods or the management of effects without the need for re-certification or a further outline plan, where:
- (a) the amendment is in general accordance with the original document, plan, or outline plan and the relevant conditions under which that document or plan was prepared; or
  - (b) the amendment is to give effect to an amendment required under another statutory approval; and
  - (c) the amendment proposed is provided in writing to Palmerston North City Council at least 10 working days prior to the relevant works being undertaken; and
  - (d) Palmerston North City Council confirms in writing that the amendments meet the requirements of Condition 10(a) or (b). If a response is not received from the Head of Planning Services at the Council within 5 working days of the date that it is provided in Condition 10(c), the amendments are deemed to be approved.

#### Mana Whenua Partnership Framework

11. Within 12 months of [the date the NoR is confirmed], the Requiring Authority must engage with Mana Whenua to prepare a Partnership Framework in partnership with Mana Whenua for the Freight Hub in accordance with the principles of Te Tiriti o Waitangi.
12. The Partnership Framework will recognise Kaupapa based models such as Whānau Ora Outcomes, Te Whare Tapa Whā values and Te Pae Mahutonga Attributes.
13. The objective of the Mana Whenua Partnership Framework is to honour, recognize and provide for mana whenua values, and tikanga and kawa participation in the area affected by the Freight Hub, to develop mechanisms to avoid, mitigate, compensate or offset effects on mana whenua values and tikanga through the implementation of agreed participation, monitoring and mitigation measures and provide opportunities for expression of those values and tikanga through design and development beyond completion of the overall project.
14. The Partnership Framework will include as a minimum:
- (a) key roles and responsibilities for Mana Whenua at the governance and operational levels, including in relation to design and development of the Freight Hub;

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### KIWIRAIL PROPOSED CONDITIONS AS AT 5 NOVEMBER 2021

- (b) involvement in cultural impact assessments, preparation and implementation of management plans as part of this designation and any management plans that are developed as part of regional resource consents;
- (c) monitoring and exercise of kaitiakitanga and manākitanga activities to be undertaken including in particular, regular monitoring of ngā Puna and waterways to be carried out in partnership with Mana Whenua and implementation of adaptive management strategies to address water quality issues if agreed standards are not met;
- (d) involvement in developing, approving and partaking in accidental discovery protocols and any archaeological authorities and wildlife permits required;
- (e) overall site dedication and other tikanga protocols to be performed by Mana Whenua;
- (f) opportunities for the expression of Mana Whenua values and tikanga in the design, development and operation of the Freight Hub;
- (g) any employment, training scholarship, procurement and investment opportunities as part of the development of the Freight Hub; and
- (h) any mahi toi to be developed as part of the project.

#### **Communication and Engagement**

##### Community Liaison Forum

15. Within 12 months of the [date the NoR is confirmed], the Requiring Authority must establish a Community Liaison Forum.
16. The Requiring Authority must maintain the Community Liaison Forum until at least 6 months after Completion.
17. The purpose of the Community Liaison Forum is to provide an interactive forum through which the Requiring Authority can provide information to and receive feedback from the community on any matters relating to the design, construction and operation of the Freight Hub.
18. The Community Liaison Forum must be open to mana whenua and all interested residents and organisations within the vicinity of the Freight Hub.
19. The Requiring Authority must:
  - (a) identify and invite parties that may be interested in participating in the Community Liaison Forum, including:
    - (i) local residents who submitted on the Notice of Requirement for the Designation;
    - (ii) Bunnythorpe School and any childcare facilities in the vicinity;
    - (iii) Community groups (including Bunnythorpe Community Centre, faith-based groups and residents organisations);
    - (iv) Businesses and landowners (including in Bunnythorpe village and the North East Industrial Zone);
    - (v) cycling and walking groups (including Te Araroa Manawatū Trust); and
  - (b) develop, in consultation with the Community Liaison Forum participants, terms of reference consistent with the purpose of the Community Liaison Forum as set out in Condition 17 including the methods and frequency of communication with those participants for the duration of the Community Liaison Forum as outlined in Conditions 15 and 16.
20. The Requiring Authority must:
  - (a) provide the Community Liaison Forum with up-to-date information about the design, construction and operation of the Freight Hub, including updates on material changes in design or activity and complaints received in accordance with Condition 31;
  - (b) ensure that the Community Liaison Forum is provided with opportunities to provide feedback on matters, including:
    - (i) draft documents and plans set out in Condition 8 and material updates to any plans in accordance with Condition 9;
    - (ii) timing and nature of mitigation works proposed;
    - (iii) any regional resource consent applications and any proposed mitigation measures associated with those consent applications; and
  - (c) collate any feedback received and report back to the Community Liaison Forum as to how that feedback has been considered by the Requiring Authority.

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<b>KIWIRAIL PROPOSED CONDITIONS AS AT 5 NOVEMBER 2021</b>	
<b>Community Liaison Person</b>	
21.	Within 12 months of the [date the NoR is confirmed] the Requiring Authority must appoint, in consultation with Palmerston North City Council, a Community Liaison Person with particular skills in community engagement.
22.	The Community Liaison Person role must be in place until at least 6 months after Completion.
23.	The role of the Community Liaison Person is to provide a point of contact for the community on behalf of the Requiring Authority for: <ul style="list-style-type: none"> <li>(a) all enquiries relating to the Freight Hub, including land acquisition, construction or operational matters;</li> <li>(b) administering the Community Liaison Forum, once established in accordance with Condition 15;</li> <li>(c) co-ordinating landowner engagement in relation to the implementation of plans listed in Condition 8 and any relevant conditions of this Designation.</li> </ul>
24.	The Requiring Authority must make the contact details of the Community Liaison Person available to the community.
<b>Construction Engagement Plan</b>	
25.	At least 20 working days prior to the Works commencing, the Requiring Authority must prepare a Construction Engagement Plan and implement the plan for the duration of construction.
26.	The objective of the Construction Engagement Plan is to ensure that parties that are affected by construction activities are informed of the timing and nature of those activities.
27.	The Construction Engagement Plan must include: <ul style="list-style-type: none"> <li>(a) Contact details of the Community Liaison Person appointed in accordance with Condition 21.</li> <li>(b) A process for identifying the parties that will be communicated with, and the methods of communication, including: <ul style="list-style-type: none"> <li>(i) the use of a project website for public information; and</li> <li>(ii) provision of an electronic and / or paper-based newsletter and its proposed delivery area for paper-based newsletters.</li> </ul> </li> <li>(c) Information on the following, as identified in the relevant management plan(s): <ul style="list-style-type: none"> <li>(i) likely construction works and programme;</li> <li>(ii) hours of construction where these are outside of normal working hours or on weekends or public holidays, including night-time heavy vehicle movements;</li> <li>(iii) routes for construction vehicles, including vehicle movements and types (ie light or heavy vehicles);</li> <li>(iv) any temporary traffic management measures, including changes to pedestrian and cycling routes, public transport and school bus routes and the reinstatement of those routes;</li> <li>(v) progress of any construction works against key project milestones; and</li> <li>(vi) any measures to manage construction effects as identified in the Construction Management Plan, Construction Traffic Management Plan, Construction Noise and Vibration Management Plan, Construction Lighting Management Plan, and Landscape and Design Plan.</li> </ul> </li> </ul>
<b>Complaints Register</b>	
28.	Within 12 months of [date the NoR is confirmed] the Requiring Authority must establish a register to record any complaints received and action undertaken by the Requiring Authority in response to the complaint, and maintain the register until at least 6 months after Completion.
29.	The complaints register must include: <ul style="list-style-type: none"> <li>(a) the nature and details of the complaint; and</li> <li>(b) measures taken by the Requiring Authority to respond to the complaint or where any measures have not been taken, the reasons why.</li> </ul>
30.	The complaints register must be made available to Palmerston North City Council upon request, subject to compliance with privacy obligations.
31.	The Requiring Authority must provide regular updates to the Community Liaison Forum on complaints received and any measures to address any complaints identified.
<b>Geotechnical report</b>	
32.	Prior to commencement of any Works, a geotechnical report must be prepared by a suitably qualified and experienced person and provided to the Palmerston North City Council (Head of Planning Services), to identify any risk of instability on land within the Designation Extent and confirm that any such risk can be avoided, remedied or mitigated.



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<b>Archaeology</b>	
33.	Prior to the commencement of any Works, the Requiring Authority must prepare an accidental discovery protocol in accordance with Condition 34 and implement the accidental discovery protocol for the duration of the Works.
34.	The accidental discovery protocol must be prepared in collaboration with mana whenua and in consultation with Heritage New Zealand Pouhere Taonga, and must include: <ol style="list-style-type: none"> <li>(a) details of contractor training regarding the skills necessary to be aware of the possible presence of cultural or archaeological sites or material;</li> <li>(b) general procedures following the accidental discovery of possible archaeological sites, kōiwi tangata, wahi tapu or wahi taonga, including the requirement to immediately cease the Works in the vicinity of the discovery and the requirement to notify parties including, but not limited to, Heritage New Zealand Pouhere Taonga;</li> <li>(c) in the event that kōiwi tangata or taonga are discovered, work must cease immediately in the vicinity of the remains and mana whenua, Heritage New Zealand Pouhere Taonga, New Zealand Police and Palmerston North City Council must be contacted;</li> <li>(d) procedures for the custody of taonga (excluding kōiwi tangata) or material found at an archaeological site; and</li> <li>(e) activities that must be undertaken before construction activities in the vicinity of a discovery may recommence, including appropriate tikanga, recording, recovery of artifacts, and engagement.</li> </ol>
<b>Stormwater</b>	
Stormwater Management Report	
35.	The Requiring Authority must prepare and submit a Stormwater Management Report with the first outline plan to Palmerston North City Council.
36.	The Stormwater Management Report must be prepared by a suitably qualified and experienced person.
37.	The objective of the Stormwater Management Report is to confirm the design of the stormwater detention ponds is sufficient to mitigate the potential flooding effects as a result of any increased stormwater runoff from the Freight Hub and the loss of flood plain storage as a result of the site formation.
38.	The Stormwater Management Report must: <ol style="list-style-type: none"> <li>(a) achieve the objective in Condition 37;</li> <li>(b) outline the results of hydrologic and hydraulic modelling of the Mangaone Stream Catchment as affected by the Freight Hub; and</li> <li>(c) provide hydraulic details to confirm the appropriate size of the stormwater detention ponds;</li> <li>(d) identify potential effects of the Freight Hub site development on flood risk; and</li> <li>(e) identify methods for mitigation of any identified flooding effects.</li> </ol>
Stormwater Management and Monitoring Plan	
39.	At least three months prior to the delivery of the relevant part of the stormwater system as outlined in the construction programme in Condition 66, the Requiring Authority must prepare and implement a Stormwater Management and Monitoring Plan.
40.	The objective of the Stormwater Management and Monitoring Plan is to demonstrate that the stormwater system and the methods for the monitoring and maintenance of the stormwater system will be effective.
41.	The Stormwater Management and Monitoring Plan must be prepared by a suitably qualified and experienced person.
42.	The Stormwater Management and Monitoring Plan must include: <ol style="list-style-type: none"> <li>(a) design measures to assist with achieving hydraulic neutrality and methods to assist with stormwater treatment and contaminant removal utilising natural systems including retention areas, permeable surfaces, wetlands/swales and appropriate vegetation;</li> <li>(b) the methods that will be used for the operation and maintenance of the stormwater management system to ensure its successful long-term performance, including sediment removal, clearance of debris, replacement of vegetation, training of operators, and separation or secondary containment of any high-risk contamination areas; and</li> <li>(c) details of the location, operation and maintenance of any stormwater outlets from the site, including emergency spillway.</li> </ol>
42A.	The Requiring Authority must design, construct, operate and maintain on-site stormwater management devices and/or systems which have been installed to manage and treat stormwater generated within the Freight Hub.

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<b>Level Crossings</b>	
43	<p>At least 12 months prior to submission of the first outline plan, the Requiring Authority must commission Level Crossing Safety Impact Assessments or update any existing assessments to determine the impact of the Freight Hub on the following crossings:</p> <ul style="list-style-type: none"> <li>(a) the Campbell Road/Kairanga Bunnythorpe Road level crossing;</li> <li>(b) the Waughs Road/Campbell Road level crossing;</li> <li>(c) pedestrian level crossings in the vicinity of Aorangi Marae and Taonui School; and</li> <li>(d) Campbell Road crossing south of Feilding.</li> </ul> <p>The Requiring Authority must provide copies of the Level Crossing Safety Impact Assessments or updates to any existing assessments to the Palmerston North City Council and / or Manawatū District Council.</p>
44.	The Requiring Authority must engage with Palmerston North City Council and Manawatū District Council in relation to the allocation and timing of the implementation of the recommendations in each Level Crossing Safety Impact Assessment.
45.	Unless already closed by the Palmerston North City Council, the Requiring Authority must close the Roberts Line and Clevely Line Level Crossings prior to the closure of Railway Road.
<b>Road Network Integration Plan</b>	
46.	At least 12 months prior to submission of the first outline plan, the Requiring Authority must prepare a Road Network Integration Plan.
47.	The objective of the Road Network Integration Plan is to ensure that the roading network within the Freight Hub is appropriately managed and safely and efficiently integrated with the wider transport network.
48.	The Requiring Authority must consult and share information with Palmerston North City Council, Horizons Regional Council, Manawatū District Council and Waka Kotahi NZ Transport Agency in preparing the Road Network Integration Plan (and any updates).
49.	<p>The Road Network Integration Plan must achieve the objective in Condition 47 and must include:</p> <ul style="list-style-type: none"> <li>(a) the timing for the closure of and/or the legal stopping of any relevant roads (or sections of roads, as the case may be), including Railway Road, Clevely Line, Te Ngaio Road and Richardsons Line;</li> <li>(b) the location, timing, form and design of any changes and upgrades to intersections and roads required for construction and operation of the Freight Hub that are to be delivered by the Requiring Authority including: <ul style="list-style-type: none"> <li>(i) changes as a result of the closure and / or legal stopping of relevant roads set out in Condition 49(a);</li> <li>(ii) the Perimeter Road, including a safe separated shared path of at least 3.0 metres between Railway Road south of Maple Street and the intersection at Roberts Line and Railway Road;</li> <li>(iii) a new intersection at Roberts Line with the Perimeter Road;</li> <li>(iv) an upgraded intersection at Richardsons Line and Roberts Line that includes access to activities within the Freight Hub;</li> <li>(v) a northern and western access from the Perimeter Road to activities within the Freight Hub; and</li> </ul> </li> <li>(c) the location, timing, form and design of any changes and upgrades to the following property accesses required to be delivered by the Requiring Authority as a result of the construction and operation of the Freight Hub: <ul style="list-style-type: none"> <li>(i) 422 and 422A Railway Road (the legal descriptions being SEC 1480 BLK VII KAIRANGA SD and LOT 1 DP 74613);</li> <li>(ii) 684 Roberts Line (the legal description being Lots 3 ad 4 DP 74613); and</li> <li>(iii) the three existing vehicle accesses to Foodstuffs North Island Limited site at 703 Roberts Line (the legal description being Lot 1 DP 384898);</li> </ul> </li> <li>(d) the timing, form and design of changes required to be delivered by the Requiring Authority and Palmerston North City at the intersections of Kairanga Bunnythorpe Road with each of Railway Road and Campbell Road;</li> <li>(e) the timing for the closure of any level crossings;</li> <li>(f) the proposed speed limits for any new roads and changes to speed limits for existing roads;</li> <li>(g) the location and timing and form of any changes and upgrades to pedestrian walkways, cycleways and public transport facilities, including new or relocated bus stops;</li> <li>(h) the location and timing of confirmed and funded upgrades or additions to the wider transport network, including works that are part of the Palmerston North Integrated Transport Improvement (PNITI) project and the identification of potential alternative ways for that wider transport network being delivered by the region's road</li> </ul>

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- controlling authorities to integrate with any roading upgrades and connections required for construction and operation of the Freight Hub; and
- (i) details of the feedback provided by Palmerston North City Council, Horizons Regional Council, Manawātū District Council and Waka Kotahi NZ Transport Agency and how this has been incorporated into the Road Network Integration Plan, including any feedback regarding:
    - (i) the location and timing of a ring road and/or any bypasses of Bunnythorpe; and
    - (ii) how these connections integrate with the roading network required for the construction and the safe and efficient movement of freight as part of the operation of the Freight Hub; and
  - (j) the timing of reviews and frequency of updates to the Road Network Integration Plan, based on the matters outlined in this Condition 49.

#### **Roading connections and upgrades**

50. Unless alternative access to the Freight Hub is provided that no longer requires the Perimeter Road (or a relevant part of it) to be constructed, the Requiring Authority must:
- (a) construct the Perimeter Road (or relevant part); and
  - (b) surface it with an asphaltic mix road surface; and
  - (c) enable public use of the Perimeter Road prior to the closure of the relevant section of Railway Road.
51. Unless otherwise provided by other road controlling authorities, the upgrades listed in Condition 49(b) must be delivered by the Requiring Authority according to the timing outlined in the Road Network Integration Plan.
52. In order to inform the timing, design and form of the upgrades listed in Condition 49(b), the Requiring Authority must undertake traffic modelling and safety audits to demonstrate that the designs will:
- (a) achieve an intersection Level of Service D or better (for sign-controlled intersections this is the Level of Service on the side road(s) approach(es)) or better, as modelled with SIDRA or similar; and
  - (b) not result in any serious or significant safety concerns, in accordance with the New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013.
- The Requiring Authority must provide copies of the traffic modeling and safety audits to the Palmerston North City Council.
53. The Requiring Authority must design and construct all new roads, intersections and vehicle crossings in accordance with the Palmerston North City Council's roading standards, or to such standards as otherwise agreed with Palmerston North City Council.
54. The Requiring Authority must design and construct a safe connection across the North Island Main Trunk Line for cyclists and pedestrians at a location south of, and as close as reasonably practicable to, the Roberts Line and Railway Road intersection in consultation with the Palmerston North City Council. The connection must be operational within 6 months after the relocation of the North Island Main Trunk Line.

#### **Landscape and Design**

55. The Requiring Authority must prepare and submit a Landscape and Design Plan with the first outline plan to Palmerston North City Council. The Requiring Authority must implement the Landscape and Design Plan.
56. The objective of the Landscape and Design Plan is to ensure that the design of the Freight Hub avoids, remedies or mitigates potential adverse effects of the Freight Hub on landscape, visual amenity and natural character in a way that ensures KiwiRail's operational requirements are met and the Freight Hub is appropriately integrated with the surrounding environment, including opportunities for enhancement.
57. The Landscape and Design Plan must be prepared by a suitably qualified and experienced person in consultation with other relevant qualified persons, as required.
58. The Requiring Authority must invite the mana whenua and the Community Liaison Forum to provide input and feedback on the development of the Landscape and Design Plan including participation in the development of design principles and outcomes set out in Condition 60.
59. The Landscape and Design Plan must achieve the objective in Condition 56 and must provide for:
- (a) KiwiRail's operational requirements; and
  - (b) any plans required under the conditions of this Designation,
60. The Landscape and Design Plan must incorporate design principles and outcomes reflecting:
- (a) mana whenua values;

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- (b) a context specific landscape approach to appropriately integrate the Freight Hub with its immediate and wider landscape setting;
- (c) community identity and place;
- (d) walking and cycling connectivity; and
- (e) cultural or historic values.

61. The Landscape and Design Plan must include:

- (a) the location and types of proposed landscape and visual amenity plantings (including plant size, numbers and spacing), including planting of stormwater detention ponds, stream and riparian margins, cut faces, fill batters, and
- (b) how the plantings in Condition 61(a) and any other design measures (including but not limited to the final form, finish and articulation of the proposed buildings, Noise Mitigation Structures and batter heights and slopes):
  - (i) integrate the built forms including roof lines and walls of structures within the Freight Hub and the related earthworks into the surrounding environment;
  - (ii) mitigate adverse visual amenity effects on affected residential properties;
  - (iii) contribute to the open watercourse and stormwater ponds appearing as natural features and enhancing local biodiversity;
  - (iv) comply with the Electricity (Hazards from Trees) Regulations 2003, including at full maturity; and
  - (v) comply with any regional consents.
- (c) how the proposed planting will enhance natural character of waterbodies, including the Mangaone Stream surrounds and restore indigenous biodiversity;
- (d) how sites of cultural and historical significance will be recognised;
- (e) how any roads and walkways within the designation extent integrate into the character of the surrounding area and connect to paths and cycleways outside the designation and include opportunities for outlook(s) over the Freight Hub;
- (f) In relation to proposed Noise Mitigation Structures:
  - (i) the location of the Noise Mitigation Structures as outlined in the Operational Noise and Vibration Plan;
  - (ii) the final form, finish, and planting of these Structures along Sangsters Road and Maple Street, including design treatment of vertical noise barriers, and landscaping of bunds (where planted to have a minimum depth of 5 m on the external face of those bunds);
  - (iii) details of how the Noise Mitigation Structures have been designed where practicable to avoid, remedy or mitigate their adverse effects on landscape character and visual amenity; and
  - (iv) details on how any changes to the existing drainage patterns, runoff characteristics and stormwater resulting from Noise Mitigation Structures will avoid adverse effects on the foundations of any National Grid support structure.
- (g) how the lighting effects on the landscape and visual amenity are minimised;
- (h) the proposed timing for establishing any landscape or visual amenity planting, including methods to maximise mitigation planting coverage prior to construction of the main buildings and/or operation of the Freight Hub where practicable; and
- (i) the process and programme for maintaining any landscape or visual amenity planting and fencing.

62. Planting within the designation must be designed to achieve:

- (a) at least an 80% canopy cover within five years of being planted;
- (b) at least 50% of tall tree species reach a height of 5 meters within five years of being planted; and
- (c) a minimum depth of planting along the following roads:
  - (i) 20 metres along the majority extent of Sangsters Road, excluding the tie in area at Roberts Line; and
  - (ii) 30 metres along the internal frontage of the Perimeter Road excluding the tie in with Roberts Line (new intersection).

63. All buildings within the Freight Hub must be designed and constructed to avoid potential roof glare to the south and particularly to the Palmerston North Airport Control Tower.

#### **Construction Management Plan**

64. At least 6 months prior to the Works commencing, the Requiring Authority must prepare a Construction Management Plan and implement the plan for the duration of the Works.

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65.	The objective of the Construction Management Plan is to ensure that management procedures and construction methods are adopted to avoid, remedy or mitigate adverse effects of the construction of the Freight Hub.
66.	<p>The Construction Management Plan must achieve the objective in Condition 65 and must include:</p> <ul style="list-style-type: none"> <li>(a) a construction programme, including identifying key stages of the Works (including the delivery of parts of the stormwater system), and any seasonal timings for works;</li> <li>(b) a detailed site layout;</li> <li>(c) the design and management specifications for all earthworks on-site, including disposal sites and their location and dust management;</li> <li>(d) measures to ensure that the Works and structures (including the operation of any mobile plant and machinery) are designed and undertaken to comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001);</li> <li>(e) the design of temporary lighting for the Works and construction support areas in accordance with the Construction Lighting Management Plan;</li> <li>(f) details on the timing of the installation of screening and planting and opportunities where this can be undertaken prior to works commencing;</li> <li>(g) the approach to the management of construction waste;</li> <li>(h) measures to avoid or minimise disturbance to burials being undertaken at Bunnythorpe cemetery during construction;</li> <li>(i) the accidental discovery protocol adopted by the Requiring Authority;</li> <li>(j) a description of training requirements for all site personnel (including employees, subcontractors and visitors) including details of briefings for employees and subcontractors about the accidental discovery protocol adopted by the Requiring Authority;</li> <li>(k) environmental incident and emergency management procedures; and</li> <li>(l) contact numbers for key construction staff, and staff responsible for any monitoring requirements.</li> </ul>
<b>Construction Lighting Management Plan</b>	
67.	All lighting required for the Works must comply with AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting, Zone A2 limits.
68.	At least 6 months prior to the Works commencing, the Requiring Authority must prepare a Construction Lighting Management Plan and implement the plan for the duration of the Works.
69.	The Construction Lighting Management Plan must be prepared by a suitably qualified and experienced person.
70.	The objective of the Construction Lighting Management Plan is to demonstrate compliance with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting, Zone A2 Limits, between 11:00pm and 6.00am during the Works.
71.	<p>The Construction Lighting Management Plan must specify the measures to:</p> <ul style="list-style-type: none"> <li>(a) minimise construction vehicle headlight sweep on adjacent dwellings identified in this plan;</li> <li>(b) minimise as far as practicable light spill and glare from construction lighting on adjacent dwellings identified in this plan dwellings; and</li> <li>(c) minimise as far as practicable light spill and glare from construction lighting to the Palmerston North Airport Control Tower.</li> </ul>
<b>Network utilities</b>	
72.	<p>Prior to any land disturbing works, the Requiring Authority must:</p> <ul style="list-style-type: none"> <li>(a) identify the location of existing overhead or underground network utilities (<a href="http://www.beforeudig.co.nz">www.beforeudig.co.nz</a>);</li> <li>(b) identify these utilities relevant in any construction plans and place appropriate physical indicators on the ground showing specific surveyed locations or other marker for overhead lines; and</li> <li>(c) provide the information of the network utilities identified under Condition 72(a) and (b) and information on any restrictions in place in relation to those existing network utilities to all construction personnel, including contractors.</li> </ul>
73.	Prior to any land disturbing works within 21m of the centreline of the National Grid line support structure, the Requiring Authority must obtain an electrical clearance report from a suitably qualified electrical engineer demonstrating compliance with the minimum safe distance requirements of the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).

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74.	The Requiring Authority must provide the electrical clearance report to Transpower New Zealand Limited for review, with the Requiring Authority recording any feedback provided and how it has been addressed to ensure compliance (NZECP 34:2001).
75.	At least 20 working days prior to the commencement of the Works, the Requiring Authority must provide Transpower New Zealand Limited with details of the likely Works and programme in relation to works within 21m of the centreline of the National Grid line support structure, and provide relevant updates to Transpower New Zealand Limited in relation to those works.
76.	The Requiring Authority must ensure that any proposed services, pipes or fences within 12m of the National Grid support structure are made of non-conductive material or alternative method of mitigating potential earth rise and ensuring electrical safety.
77.	The Requiring Authority must ensure the continuity of existing Powerco owned services and existing Palmerston North City Council owned three water services and, where necessary, provide for the efficient relocation of any of their infrastructure affected by the Works or operation of the Freight Hub to a location where operation, maintenance and upgrade activities associated with those services can be safely and efficiently provided (such relocation to be planned and undertaken in consultation with the relevant infrastructure owner).
<b>Construction Traffic</b>	
78.	At least six months prior to the Works commencing, the Requiring Authority must prepare a Construction Traffic Management Plan, and implement the plan for the duration of the Works.
79.	The objective of the Construction Traffic Management Plan is to outline the methods that will be undertaken to avoid, remedy or mitigate adverse effects from traffic associated with the Works on property access, road user safety and efficiency of traffic movements.
80.	The Construction Traffic Management Plan must be prepared by a suitably qualified and experienced person.
81.	At least 20 working days prior to the Construction Traffic Management Plan being submitted to Palmerston North City Council for certification, the Requiring Authority must provide a draft of the Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, Manawātū District Council for feedback.
82.	<p>The Construction Traffic Management Plan must achieve the objective in Condition 79 and must:</p> <ul style="list-style-type: none"> <li>(a) identify the numbers, frequencies, and timing of traffic movements for each phase of the construction programme in the Construction Management Plan, including any limitations on heavy vehicle movements through key areas (including local roads) during night and peak times, as required either in relation to traffic conditions or to mitigate potential noise and vibration effects;</li> <li>(b) identify safe site access routes, site access arrangements, and site access points for construction traffic, including heavy vehicles involved in constructing the Freight Hub in a manner consistent with Waka Kotahi NZ Transport Agency's Code of Practice for Temporary Traffic Management;</li> <li>(c) with reference to relevant Austroads Guidelines (or similar New Zealand Standards), identify any upgrades that are needed on the basis of departures from those standards, and the timing of upgrade works that the Requiring Authority must undertake, to ensure safe and fit for purpose site access routes and access points, including for possible night-time movement of construction vehicles;</li> <li>(d) outline temporary traffic management measures, such as traffic detours (including for public transport, walking and cycling, school bus routes, and infrastructure) and temporary speed limits;</li> <li>(e) describe measures to maintain safe pedestrian and cyclist movements in the vicinity of the site, including measures to ensure that any shared paths delivered by Palmerston North City Council and Te Araroa Trail between Palmerston North and Feilding are open to the public for use at all times (including any diversions) during construction of the Freight Hub;</li> <li>(f) outline measures to manage noise from construction traffic including any restrictions on routes, timing and engine braking;</li> <li>(g) detail measures to ensure vehicle access to private properties is maintained, where current access is affected by construction, including ensuring that access to the Foodstuffs North Island Limited site at 703 Roberts Line (the legal description being Lot 1 DP 384898) is able to be provided for heavy vehicles at all times;</li> <li>(h) identify opportunities to use the rail network to minimise effects on the roading network where practicable;</li> <li>(i) provide measures for the management of fine material loads (e.g. covers) and the timely removal of any material deposited or spilled on public roads;</li> </ul>

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- (j) detail the process for and locations of construction traffic movement monitoring and the frequency and times of monitoring relevant to the stage of construction set out in the programme in the Construction Management Plan;
  - (k) provide a process for ensuring that updated traffic information is included in the Construction Engagement Plan;
  - (l) identify any material construction activity being undertaken by other parties, including roading works occurring along access routes identified in Condition 82(b); and
  - (m) provide details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatū District Council and how it was incorporated.
83. The Construction Traffic Management Plan must be reviewed and updated as required to align with the key stages identified in the construction programme required in the Construction Management Plan.
84. The Requiring Authority must provide any updated draft Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatū District Council for review and feedback at least 20 working days prior to submitting the updated Construction Traffic Management Plan for recertification under Condition 9.
85. The Requiring Authority shall ensure that Maple Street is not used by construction traffic to access the Freight Hub.
- Construction Noise and Vibration Management Plan**
86. At least 20 working days prior to the Works commencing, the Requiring Authority must prepare a Construction Noise and Vibration Management Plan and implement the plan for the duration of the Works.
87. The objective of the Construction Noise and Vibration Management Plan is to demonstrate how compliance with the limits in Conditions 89 and 91 will be achieved for the duration of the Works.
88. The Construction Noise and Vibration Management Plan must be prepared by a suitably qualified and experienced person and in general accordance with the requirements of Annex E2 of NZS 6803:1999
89. All of the Works must be undertaken to ensure that, as far as practicable, construction noise does not exceed the limits in Table 1. Construction Noise limits. Noise levels must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction noise as follows (at occupied dwellings).

Table 1: Construction Noise limits

Time of Week	Time Period	LAeq	LAFmax
Weekdays	0630 – 0730	55 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	65 dB	80 dB
	2000 – 0630	45 dB	75 dB
Saturdays	0630 – 0730	45 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB
	0630 – 0730	45 dB	75 dB
	0730 – 1800	55 dB	85 dB
	1800 – 2000	45 dB	75 dB

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Sundays and Public Holidays			
	2000 – 0630	45 dB	75 dB

N.B. Shading indicates *night-time* hours.

90. Night-time construction work that exceeds the noise limits specified in Table 1 in Condition 89 and Table 2 in Condition 90 must only take place if the Works cannot be practicably undertaken during day time hours.
91. Construction vibration must, as far as practicable, comply with the criteria in Table 2 Vibration Criteria, where:
- (a) Measurement is in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures;
  - (b) BS 5228-2 is British Standard BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration.

Table 2: Vibration Criteria

<i>Receiver</i>	<i>Location</i>	<i>Details</i>	<i>Category A PPV</i>	<i>Category B PPV</i>
<i>Occupied dwellings and schools</i>	<i>Inside the building</i>	<i>2000 – 0630</i>	<i>0.3 mm/s</i>	<i>1 mm/s</i>
		<i>0630 – 2000</i>	<i>1 mm/s</i>	<i>5 mm/s</i>
<i>Other occupied buildings</i>	<i>Inside the building</i>	<i>0630 – 2000</i>	<i>2 mm/s</i>	<i>5 mm/s</i>
<i>Unoccupied buildings</i>	<i>Building foundation</i>	<i>Vibration transient</i>	<i>5 mm/s</i>	<i>BS 5228-2<sup>2</sup> Table B.2</i>
		<i>Vibration continuous</i>		<i>50% of BS 5228-2 Table B.2<sup>3</sup></i>

- (c) The Category A construction vibration criteria in Table 2 above must be complied with as far as practicable. If measured or predicted vibration from the Works exceeds the Category A criteria, the Requiring Authority must engage an independent, suitably qualified and experienced person to assess and manage construction vibration during those activities.
- (d) If prior to or during Works, measured or predicted vibration from the Works exceed the Category B criteria in Table 2:
  - (i) the relevant Works must not commence or proceed until a suitably qualified and experienced person has undertaken a building condition survey at affected receivers (provided the owner(s) and/or occupier(s) has agreed to such a survey) and identified specific Best Practicable Option measures to manage the effects of vibration; and
  - (ii) the Requiring Authority must undertake vibration monitoring for the duration of the relevant Works.
- (e) The findings of the building condition surveys and measures identified in Condition 91(d) must be included as a Schedule to the Construction Noise and Vibration Management Plan in Condition 92 and the Requiring Authority must implement the mitigation measures for the duration of the relevant Works.
- (f) The Schedule must be provided to the Palmerston North City Council (Head of Planning Services) as soon as practicable before the relevant Works commence.
- (g) As soon as practicable following completion of the relevant Works, the Requiring Authority must engage a suitably qualified and experienced person to undertake a building condition survey at affected receivers identified in Condition 91(d) to determine if any damage has occurred as a result of construction vibration.
- (h) The Requiring Authority must repair any damage identified in condition 91(g) as soon as practicable.



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92. The Construction Noise and Vibration Management Plan must achieve the objective in Condition 87 and include:
- (a) the noise and vibration limits as set out in the Conditions 89 and 90;
  - (b) a description of the construction works and processes;
  - (c) a description of anticipated equipment and any noise or vibration suppression devices;
  - (d) the hours of operation, including times and days when activities causing noise and/or vibration would occur;
  - (e) identification of affected dwellings and other noise sensitive activities and projected noise and vibration levels for those activities;
  - (f) a description of alternative management strategies where compliance with the criteria in Conditions 89 or 90 may not be achieved;
  - (g) methods and frequency for monitoring and reporting on construction noise and vibration;
  - (h) details of the procedures and timing for notifying stakeholders and sensitive receivers of construction activities in relation to night time works, where the night time noise limits in Table 1 of Condition 89 and Table 2 of Condition 90 will be exceeded, notice to sensitive receivers must include the expected timing and duration of the works and be provided and copied to the Palmerston North City Council Head of Planning Services at least five working days before the works commence);
  - (i) procedures for handling noise and vibration complaints as set out in the Construction Engagement Plan and Complaints Register in Conditions 25-31;
  - (j) construction equipment operator training procedures and expected construction site behaviours; and
  - (k) contact numbers for key construction staff, staff responsible for noise assessment and the council compliance officer;
  - (l) whether the construction noise limits in Table 1 in Condition 89 will be exceeded and whether acoustic mitigation (such as temporary or permanent acoustic screens) is required to achieve compliance with those noise limits. Any such mitigation must be put in place prior to the relevant Works commencing and be maintained for the duration of those Works; and
  - (m) procedures and timing for a suitably qualified and experienced person to undertake a specific noise assessment of night-time construction works, which must include any recommended mitigation measures to minimise the noise impacts of any night-time construction work that exceeds the noise limits specified in Table 1 in Condition 89 and Table 2 in Condition 90.

#### **Water supply**

93. The Requiring Authority must ensure that all new buildings within the Freight Hub are serviced with adequate water supply and access to that supply for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008.

#### **Operational Lighting Design Plan**

94. The Requiring Authority must prepare and submit and Operational Lighting Design Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Lighting Design Plan.
95. The Operational Lighting Design Plan must be prepared by a suitably qualified and experienced person.
96. The objective of the Operational Lighting Design Plan is to demonstrate how the lighting for the outdoor operational areas, access roads (including the Perimeter Road), and carparks of the Freight Hub will be designed to comply with *AS/NZS 4284:2019- Control of the obtrusive effects of outdoor lighting, Zone A2 limits* between 11.00pm and 6.00am to manage sky glow, glare, light spill and effects on road users from the operation of the Freight Hub, including at the Palmerston North Airport Control Tower.
97. The Operational Lighting Design Plan must achieve the objective in Condition 96 and must include:
- (a) the projected light spill and glare calculations;
  - (b) the proposed locations and design for lighting structures, including low-level security lighting and under carriage lighting;
  - (c) any measures to reduce potential adverse visual amenity effects including minimising where practicable, the number of lighting poles and the height of lighting towers;
  - (d) confirmation that a Civil Aviation Authority NZ Part 77 Determination has been obtained if required; and

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- (e) identification of potential areas where headlight sweep onto the windows of a residential dwelling's bedroom is likely to occur because of night-time traffic movements within the site and when exiting the site. If so, provide details for measures to mitigate its effects; and
- (f) the proposed exterior lighting colour, which must have a colour temperature of light emitted of 3000 Kelvin or lower.

#### **Operational Traffic Management Plan**

98. The Requiring Authority must prepare and submit an Operational Traffic Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement an Operational Traffic Management Plan for the duration of the Freight Hub's operation.
99. The objective of the Operational Traffic Management Plan is to avoid, remedy or mitigate any identified adverse transport effects of traffic generated by the operation of the Freight Hub.
100. At least 20 working days prior to the Operational Traffic Management Plan being submitted to Palmerston North City Council for certification, the Requiring Authority must provide a draft of the Operational Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatū District Council for feedback.
101. The Operational Traffic Management Plan must achieve the objective in Condition 99 and include:
- (a) the process for and frequency of operational traffic monitoring (at least every two years until completion, unless otherwise agreed with Palmerston North City Council, including when the monitoring commences, the location of monitoring points, the timing of monitoring (to avoid school or public holidays, and to be undertaken at a similar time each year) and the period of traffic count collection (which must be at least 7 consecutive days);
  - (b) a description of actual and forecasted traffic generation at each of the Freight Hub's three access points from the Perimeter Road, including light and heavy vehicles, as a result of activities within the Freight Hub;
  - (c) records of assessment and reporting on safety and performance of each of the Freight Hub's access points carried out in accordance with Condition 102, with allowance made for the interaction with rail crossings within the site) and any other access point onto the section of the Perimeter Road between Roberts Line and Maple Street;
  - (d) details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, and Manawatū District Council and how it has been incorporated; and
  - (e) the process for reviewing and updating the Operational Traffic Management Plan as outlined in Condition 104
102. The Requiring Authority must assess the safety and performance of the accesses listed in Condition 101(c) to demonstrate that they achieve:
- (a) a Level of Service of D or better (for sign-controlled intersections, this is the Level of Service on the side road(s) approach(es)), as modelled with SIDRA or similar intersection modelling software; and
  - (b) in the event that there have been any serious injury or fatal crashes (as reported in the Waka Kotahi Crash Analysis System (CAS) database) the road network at the accesses in Condition 101(c) since the previous review of the Operational Traffic Management Plan, road safety audits must be undertaken in accordance with the *New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013*.
103. In the event that any of the accesses do not meet the standards in Condition 102(a) or 102(b), and in circumstances where the failure to meet those standards is attributable to operational traffic associated with the Freight Hub, the Requiring Authority must:
- (a) develop designs for upgrades to that infrastructure in order to achieve these standards;
  - (b) submit the designs to the Chief Roading Engineer at Palmerston North District Council for certification that they meet the requirements of Condition 102(a) and / or 102(b); and
  - (c) implement at its cost the certified infrastructure upgrades within 12 months of receiving certification.
104. The Requiring Authority must review and update the Operational Traffic Management Plan:
- (a) with each relevant outline plan of works for buildings and development of the Freight Hub taking into account the outcomes of any monitoring and audits undertaken in accordance with Condition 101 and 102;
  - (b) when total vehicle movements across the three access points from the Perimeter Road to activities within the Freight Hub exceed 4200 vehicles per day;

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- (c) when total vehicle movements across the three access points from the Perimeter Road to activities within the Freight Hub exceed 8000 vehicles per day.
- (d) when total traffic movements across the three access points from the Perimeter Road to activities within the Freight Hub exceed 12000 vehicles per day; and
- (e) at least every 6 years.

105. The Requiring Authority must advise Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawātū District Council on the outcomes of any review undertaken in accordance with Condition 104 and provide any updated draft Operational Traffic Management Plan to those parties for review and feedback.

106. The Requiring Authority is not required to review and update the Operational Traffic Management Plan under Condition 104(b) or 104(c) or 104(d) within 12 months of the previous review and update of the Operational Traffic Management Plan.

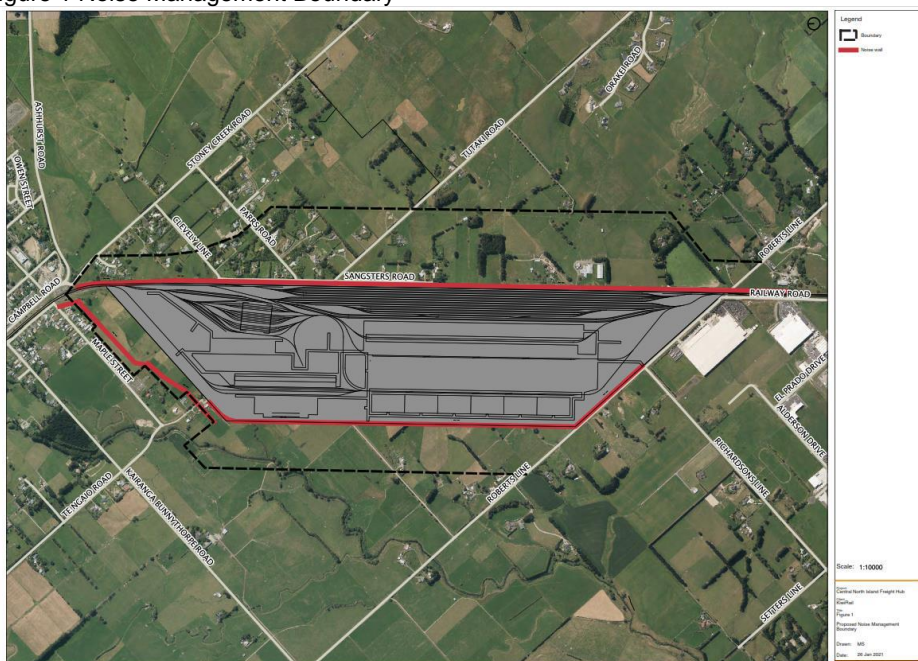
#### Operational Noise and Vibration

107. All operational activities at the Freight Hub must be undertaken to ensure that noise does not exceed the limits, as far as practicable, in Table 3 when measured at or beyond the Noise Management Boundary shown in Figure 1.

Table 3: Noise limits

All times	55dB LAeq (1hr)
10pm-7am	85 dBLAmax

Figure 1 Noise Management Boundary



108. Sound levels of operational activities at the Freight Hub must be measured in accordance with NZS 6802:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6801:2008 Acoustics – Environmental noise, except that no corrections will be made for duration (6.4).

*Advice note: for the purposes of Condition 108, sound generated from normal rail activities which are undertaken in accordance with good site management practices, including the sound from containers being picked up and put down, is not classified as having special audible characteristics.*

109. The Freight Hub must be designed and operated to ensure that noise does not exceed 65 dB LAeq(1hr) within any site zoned Rural or Residential (as at 23 October 2020) outside the Designation Extent.

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110. At least 12 months prior to the commencement of operation of any noise generating component of the Freight Hub, the Requiring Authority must undertake noise modelling to predict at intervals of 45 dB LAeq (1hr), 55 LAeq (1hr) and 65 dB LAeq (1hr):
- (a) the projected noise levels from the operation of the Freight Hub for the following 12 months ("**Annual Noise Contours**"); and
  - (b) the long term projected noise levels from future activities within the Freight Hub ("**Future Noise Contours**").
- The Requiring Authority must thereafter undertake noise modelling annually, and update the Annual Noise Contours and Future Noise Contours (as required).
111. Where the Annual Noise Contours identify that the noise levels are predicted to exceed 55 dB LAeq(1hr) at any time, or 45 dB LAeq (1hr) between the hours of 10pm and 7am, (either wholly or partly) at any Existing Dwelling in the following 12 months, the Requiring Authority must:
- (a) subject to property owner(s) approval and within three months of producing the Annual Noise Contours, engage a suitably qualified person to undertake investigations at those Existing Dwellings to determine if any acoustic treatment measures are necessary to achieve, based on the Future Noise Contours, an internal noise levels of 35 dB LAeq(1h) in bedrooms and 40 dB LAeq(1h) in other habitable spaces;
  - (b) within three months of undertaking the investigations in Condition 111(a), make an offer to the property owner(s) to install, at the Requiring Authority's cost, acoustic treatment measures recommended by the suitably qualified person to achieve the noise levels in Condition 111(a) based on the Future Noise Contours and a reasonable future projection of noise from the operation of the North Island Main Trunk Line; and
  - (c) if the offer in Condition 111(b) is accepted within six months, and provided that the property owner(s) enter into a covenant with the Requiring Authority which includes terms that the owner(s) and occupier(s) will ensure that the acoustic treatment measures are not removed or altered in a way that lessens their effectiveness, the Requiring Authority must install the acoustic treatment and use best endeavours to install that treatment before any Existing Dwelling falls within the 55 dB LAeq(1hr) Annual Noise Contour.
112. Where any bedrooms within an Existing Dwelling contain openable windows, the acoustic treatment measures in Condition 111(a) must include a positive supplementary source of fresh air ducted from outside which must achieve a minimum of 7.5 litres per second per person
113. When providing acoustic treatment measures in accordance with Condition 111, the Requiring Authority is not required to fund any measures required to:
- (a) bring a building up to the standard required in any building regulations, bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; or
  - (b) remove any asbestos that is likely to be disturbed by the installation of the acoustic treatment.
114. If requested by the property owner(s), the Requiring Authority may, at its discretion, install or contribute to the cost of installing alternative acoustic measures (which may result in a different acoustic internal environment), subject to the property owner(s) being granted any necessary building or resource consents (as may be required).
115. The Requiring Authority is not required to achieve an internal design noise level of 35 dB LAeq(1h) in bedrooms and 40 dB LAeq(1h) in other habitable spaces, and will not be in breach of Condition 111, if:
- (a) the property owner(s) accepts a form or level of acoustic treatment that results in a different internal design sound level; or
  - (b) it is not reasonably practicable to achieve the specified internal design noise level due to the type, structure, age or state of repair of the Existing Dwelling or the desirability to maintain heritage features of the Existing Dwelling.
- In the event that Condition 115(b) applies, the Requiring Authority must install measures to reduce the internal design sound level of the habitable spaces as far as practicable.
116. All operational activities in the Freight Hub must be undertaken to ensure that vibration at any Existing Dwelling outside the Designation Extent does not exceed 0.3 mm/s  $v_{w,95}$  as far as practicable.
117. The Requiring Authority must prepare and submit an Operational Noise and Vibration Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Noise and Vibration Management Plan.
118. The objective of the Operational Noise and Vibration Management Plan is to demonstrate how compliance with the noise and vibration limits for the operation of the Freight Hub set out in Conditions 107, 109 and 116 will be achieved.

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### KIWIRAIL PROPOSED CONDITIONS AS AT 5 NOVEMBER 2021

119.	The Operational Noise and Vibration Management Plan must be prepared by a suitably qualified and experienced person.
120.	<p>The Operational Noise and Vibration Management Plan must outline:</p> <ul style="list-style-type: none"> <li>(a) the noise and vibration limits for both day and night time activities within the Freight Hub must operate as set out in Condition 107 and Condition 116;</li> <li>(b) the Annual Noise Contours and the Future Noise Contours produced in accordance with Condition 110;</li> <li>(c) any noise mitigation required to manage the noise effects including: <ul style="list-style-type: none"> <li>(i) a continuous barrier, including bunds and/or natural elevation on the eastern boundary within the Designation Extent extending to at least 5 metres above the finished ground level;</li> <li>(ii) a barrier 3 metres above local ground level on the northern boundary within the Designation Extent;</li> <li>(iii) a barrier 3 metres above finished ground level on the western boundary if dwellings are still within 500m of the Perimeter Road in that location when operation commences; and</li> <li>(iv) acoustic treatment of Existing Dwellings required by Conditions 110 to 115.</li> </ul> </li> <li>(d) the process for undertaking modelling and monitoring of operational noise and vibration;</li> <li>(e) the location of permanent noise monitors which must include: <ul style="list-style-type: none"> <li>(i) one in the northern area of the Freight Hub;</li> <li>(ii) one in the eastern area of the Freight Hub; and</li> <li>(iii) one in the western area of the Freight Hub, if dwellings are still within 500 metres of the Perimeter Road in that location,</li> </ul> </li> <li>(f) site noise management measures including operation of machinery and equipment in a manner to avoid unreasonable noise.</li> </ul>
121.	The Requiring Authority must make the current version of the Operational Noise and Vibration Management Plan publicly available on its website.
122.	<p>The Requiring Authority must review and update (including with any additional noise modelling as required) the Operational Noise and Vibration Management Plan:</p> <ul style="list-style-type: none"> <li>(a) annually; and</li> <li>(b) prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the noise and vibration levels generated from the Freight Hub.</li> </ul>
<b>Operational Dust Management</b>	
123.	The Requiring Authority must prepare and submit an Operational Noise and Vibration Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Dust Management Plan.
124.	The objective of the Operational Dust Management Plan is to avoid, remedy or mitigate the adverse effects of dust from the operation of the Freight Hub.
125.	The Operational Dust Management Plan must be prepared by a suitably qualified and experienced person.
126.	<p>The Operational Dust Management Plan must achieve the objective in Condition 124 and include:</p> <ul style="list-style-type: none"> <li>(a) the location and nature of dust generating activities within the Freight Hub;</li> <li>(b) the location of any sensitive receptor within 100m of the Designation Extent;</li> <li>(c) a qualitative assessment of the risk of impacts of dust generation from dust generating activities within the Freight Hub, including the typical frequency and duration of exposure to dust for each activity;</li> <li>(d) the mitigation and management practices to minimise the potential for more than minor adverse dust emissions beyond the Designation Extent; and</li> <li>(e) the process for monitoring dust generation and dust generating activities.</li> </ul>
127.	The Requiring Authority must review and update the Operational Dust Management Plan prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the dust generated from the Freight Hub.
128.	<p>At least three months prior to Works commencing, the Requiring Authority must:</p> <ul style="list-style-type: none"> <li>(a) identify Existing Dwellings within 100m of the Designation Extent that will experience adverse dust effects arising from the operation of the Freight Hub and rely on roof top rain water supply systems for drinking water supply;</li> </ul>

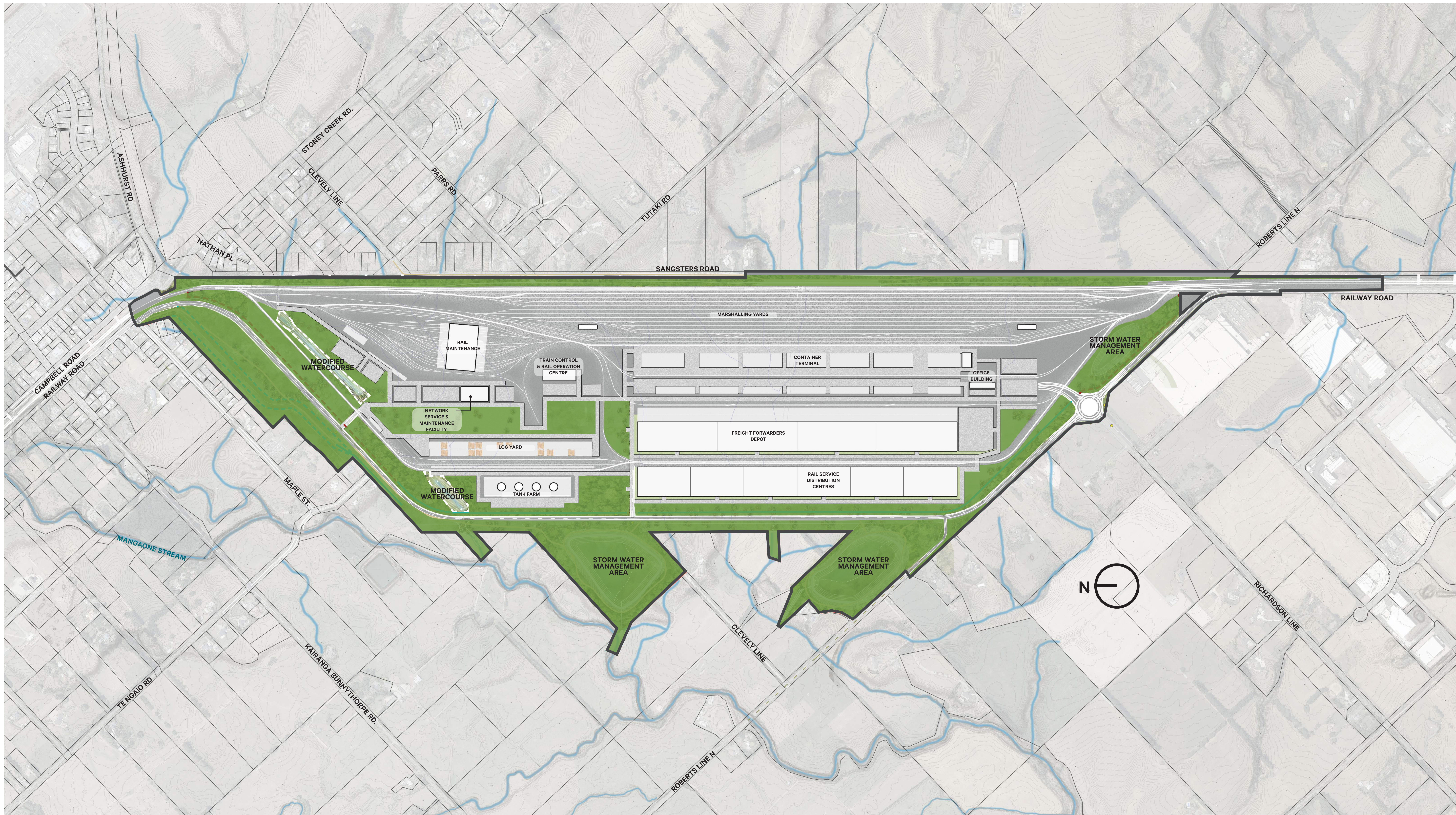
## Appendix B

### KIWIRAIL PROPOSED CONDITIONS AS AT 5 NOVEMBER 2021

- (b) at each of the Existing Dwellings identified in Condition 128(a), offer to install a first-flush rainwater diversion system at the Requiring Authority's cost; and
- (c) subject to property owner(s) approval, install that system as soon as practicable.

#### **Third Party restrictions**

- 129. The Requiring Authority must enable access for maintenance utility works undertaken in road corridors in accordance with the National Code of Practice for Utility Operators Access to Transport Corridors (September 2016) or any approved update to the Code.
- 130. The Requiring Authority must ensure that access is maintained to any Powerco infrastructure, the National Grid Transmission Line and support structure for maintenance at all reasonable times, and for emergency works at all times.



**Legend.**

- Planting
- Designation extent

**KiwiRail Regional Freight Hub.**  
Indicative Concept Plan.

**Isthmus.**

N   
Scale: 1:3500@A0