### Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>The Project</td>
<td>Shall mean the Southern Links network project subject to the Transport Agency’s Notice of Requirement (Designation DN/156) to be constructed and operated in the Collins Road, Houchens Road, Ohaupo Road, Raynes Road, Central, SH3/21, and Airport Road interchange areas and environs.</td>
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<tr>
<td>Local road</td>
<td>Means a road that is not a State highway or private road</td>
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<tr>
<td>Directly affected parties</td>
<td>Means owners and occupiers of properties within the designation boundary</td>
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<tr>
<td>Affected in proximity parties</td>
<td>Means owners and occupiers of properties up to 200m beyond the designation boundary</td>
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<tr>
<td>Construction Works</td>
<td>Means when the contractor is established on site and starting earthworks. Construction Works do not include Enabling Works as defined in these conditions.</td>
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<tr>
<td>Enabling Works</td>
<td>Shall include the following and similar activities: demolition and removal of buildings and structures and existing vehicle entrances, construction of site entrances and minor access tracking, fencing, tree felling and removal and other necessary vegetation clearance (of trees and/or vegetation that are not required to be retained by the ecological management conditions of this designation or any resource consent), relocation of underground and overhead services, geotechnical investigations, surveying, archaeological investigations, and establishment of erosion and sediment controls.</td>
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<tr>
<td>Territorial Authority</td>
<td>Means Waipa District Council</td>
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<tr>
<td>NoR</td>
<td>Notice of Requirement</td>
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<tr>
<td>PCCP</td>
<td>Pre-construction Communication and Consultation Plan</td>
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<tr>
<td>CMP</td>
<td>Construction Management Plan</td>
</tr>
<tr>
<td>CNVMP</td>
<td>Construction Noise and Vibration Management Plan</td>
</tr>
<tr>
<td>CTMP</td>
<td>Construction Traffic Management Plan</td>
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<td>CCCP</td>
<td>Construction Communication and Consultation Plan</td>
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<tr>
<td>CLMP</td>
<td>Concept Landscape Management Plan</td>
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<td>EMMMP</td>
<td>Ecological Management and Monitoring Plan</td>
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<tr>
<td>LMP</td>
<td>Landscape Management Plan</td>
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<tr>
<td>HASMP</td>
<td>Heritage and Archaeological Site Management Plan</td>
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<td>TNMP</td>
<td>Transport Network Management Plan</td>
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<td>DMP</td>
<td>Dust Management Plan</td>
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<td>CSMP</td>
<td>Contaminated Soil Management Plan</td>
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<tr>
<td>HSMP</td>
<td>Hazardous Substances Management Plan</td>
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GENERAL CONDITIONS

1.0 General Conditions

1.1 Except as modified by the Conditions below and subject to final design, the Project works shall be undertaken generally in accordance with the information provided by the NZ Transport Agency in its Notice of Requirement (NoR), its evidence and supporting documentation, including:

a) Southern Links: Notice of Requirement by the NZ Transport Agency and Hamilton City Council dated 09 August 2013;

b) Southern Links: Assessment of Environmental Effects (AEE) and Supporting Information (including technical appendices), prepared for the NZ Transport Agency and Hamilton City Council by AECOM New Zealand Limited and others, dated 05 August 2013;

c) Southern Links – Scheme Assessment Report Drawings 1000-8000 series, prepared for the NZ Transport Agency and Hamilton City Council by AECOM New Zealand Limited and Opus;

d) The Requiring Authorities’ response dated 18 December 2013 to the Territorial Authorities’ s92 request for further information;

e) Hamilton Southern Links Concept Drainage Design, prepared for the NZ Transport Agency and Hamilton City Council by AECOM New Zealand Ltd, dated 22 June 2012 and any subsequent changes;

f) Southern Links Preliminary Design Philosophy Statement, prepared for the NZ Transport Agency and Hamilton City Council by AECOM New Zealand Ltd, dated 19 June 2014;

g) Southern Links North/South State High Concept Landscape Plan, prepared by AECOM New Zealand Ltd and Opus, drawing number 23165305-E-20-2002 Revision C, updated 07/07/14;

h) Southern Links Ohaupo Road Designation and Land Requirements Plan, prepared by AECOM New Zealand Ltd and Opus, drawing number 60164546-C-20-2513 Revision C, updated 03/07/14;

i) Southern Links North/South State Highway 3 Designation and Land Requirements Plan, prepared by AECOM New Zealand Ltd and Opus, drawing number 60164546-C-20-2507 Revision C, updated 11/06/14;

j) Southern Links – Taangata Whenua Effects Assessment Report, prepared for the NZ Transport Agency and Hamilton City Council by the Taangata Whenua Working Group, dated 28 January 2014; and

k) Southern Links Peacockes North/South Designation and Land Requirements Plans, prepared by AECOM New Zealand Ltd and Opus, drawing numbers 60164546-C-20-3516 Revision C and 60164546-C-20-3517 Revision C, updated 26/05/14.

1.2 Where there is any inconsistency between the NoR documentation and the designation conditions, the designation conditions shall prevail.

1.3 Pursuant to Section 184(1)(c) of the RMA, the designation shall not lapse for a period of twenty (20) years after it is included in the Operative and Proposed Waipa District Plans.
1.4 Any reference in these Conditions to legislation or a Standard includes any later legislation or standard that amends or replaces it.

2.0 Management Plans General

2.1 All works shall be carried out in accordance with the applicable Management Plan(s) and other plans required by these Conditions.

2.2 The following Management Plans must be submitted to the Territorial Authority Chief Executive or nominee for certification that they are consistent with the conditions of the designation:
   a) Pre-Construction Communication and Consultation Plan;
   b) Construction Management Plan;
   c) Construction Noise and Vibration Management Plan;
   d) Construction Traffic Management Plan;
   e) Construction Communication and Consultation Plan;
   f) Concept Landscape Management Plan;
   g) Landscape Management Plan;
   h) Heritage and Archaeological Site Management Plan;
   i) Ecological Management and Monitoring Plan;
   j) Dust Management Plan;
   k) Contaminated Soil Management Plan;
   l) Hazardous Substances Management Plan;
   m) Transport Network Management Plan; and
   n) Conservation Plan (prepared under conditions 22.6 to 22.8).

2.3 Within twenty (20) working days of receipt of any Management Plan for certification as required under Condition 2.2, the Territorial Authority shall notify the NZ Transport Agency as to whether the Management Plan is certified or whether inconsistencies with the relevant designation condition(s) have been identified and what matters are required to be addressed.

2.4 Construction Works shall not commence until the NZ Transport Agency has received the Territorial Authority Chief Executive or nominee’s written certification for the relevant Management Plans.

2.5 Any changes proposed to a certified Management Plan shall be confirmed in writing by the NZ Transport Agency and certified in writing by the Territorial Authority’s Chief Executive or nominee within ten (10) working days of receipt of written confirmation, prior to implementation of those changes. Any changes to Management Plans shall remain consistent with the overall intent of the relevant Management Plan.

2.6 In the event of any dispute, disagreement or inaction arising in respect of the certification of Management Plans or certification of changes to Management Plans, that matter shall be referred in the first instance to the NZ Transport Agency Highway Manager and the Territorial Authority Chief Executive to determine a process for resolution.
a) If a resolution cannot be agreed, then the matter may be referred to an independent appropriately qualified expert, agreeable to both parties, setting out the details of the matter to be referred for determination and the reasons the parties do not agree.

b) The independent appropriately qualified expert shall be appointed within ten (10) working days of the NZ Transport Agency or Territorial Authority giving notice of their intention to seek independent determination. The appointed expert shall, as soon as possible, issue his or her decision on the matter. In making the decision, he or she shall be entitled to seek further information and hear from the parties as he or she sees fit.

2.7 At all times during construction, the NZ Transport Agency shall ensure that a copy of the latest certified version of the Management Plans identified in Condition 2.2 is kept on site and all key personnel are made aware of each Plan’s contents.

2.8 A copy of the latest certified version of each Management Plan identified in Condition 2.2 shall be available on the NZ Transport Agency’s website at all times.

2.9 The Property Acquisition and Management Engagement Practice shall be provided to the Territorial Authority Chief Executive or nominee for information only.

2.10 The Management Plans are not required to include all details for every stage of work at the time the plan is submitted for certification to the Territorial Authority Chief Executive or nominee. If further details are to be provided for later stages of work, the Management Plan shall specify which stages require further certification at a later date. Management Plans for later stages of work shall be submitted to the Territorial Authority Chief Executive or nominee for certification prior to construction commencing in the relevant stage, and conditions 2.3 and 2.4 apply accordingly.

2.11 Where conditions require consultation with third parties in the development of Management Plans, these plans shall demonstrate how the views of that party (or parties) have been incorporated, and, where they have not, the reasons why.

3.0 Outline Plan

3.1 Where an outline plan or plans are required by section 176A of the RMA for works in any particular location(s) and the Territorial Authority agrees that a Management Plan(s) listed in Condition 2.2 or relevant part(s) of the Management Plan(s) contains adequate details to satisfy section 176A of the RMA, then the Management Plan(s) or relevant part(s) of the Management Plan(s) shall be deemed to be a waiver of the requirement for an outline plan in respect of the works in the particular location(s), as provided for in section 176A(2)(c) RMA.
PRE-CONSTRUCTION CONDITIONS

4.0 Communication, Consultation and Property Liaison

4.1 Within three (3) months of inclusion of the designation in the district plan, the NZ Transport Agency shall appoint a Communication, Consultation and Property Liaison Manager to implement the Pre-construction Communication and Consultation Plan (PCCP) (Condition 4.4 to 4.8) and Construction Communication and Consultation Plan (Condition 14.2 to 14.7). The Communication, Consultation and Property Liaison Manager (subject to Condition 14.1) shall be the main and readily accessible point of contact for the community, stakeholders, directly affected parties, and affected in proximity parties for the duration of the Project.

4.2 The Communication, Consultation and Property Liaison Manager’s contact details shall be listed in the PCCP and on the Territorial Authority’s website.

4.3 The Communication, Consultation and Property Liaison Manager shall maintain a record of all contact received and any actions arising. These records shall be considered in the same manner as if they were a minute produced from a Community Liaison Group meeting.

Pre-Construction Communication and Consultation Plan

4.4 The PCCP shall be submitted to the Territorial Authority Chief Executive or nominee, within six (6) months of the inclusion of the designation in the district plan, for certification. The PCCP shall be prepared by a suitably qualified and experienced expert.

4.5 Implementation of the PCCP shall commence within nine (9) months from the inclusion of the designation in the district plan, until the commencement of the Construction Works.

4.6 The objective of the PCCP is to set out a framework to:

   a) Inform the community of Project progress and likely commencement of Construction Works and any proposed staging of works;
   b) Provide general updates on property acquisition and management, while respecting the privacy and confidentiality of individual landowner negotiations; and
   c) Determine how to engage with affected parties for identifying and implementing potential site specific mitigation measures.

4.7 The PCCP shall set out how the NZ Transport Agency will:

   a) Inform the community of Project progress and likely commencement of Construction Works and programme;
   b) Engage with the community with an aim to fostering good relationships, and provide opportunities for learning about the Project; and
   c) Provide general updates on the property acquisition process.

4.8 In addition to the matters set out in Condition 4.7 the PCCP shall also include:

   a) A communications framework that details the NZ Transport Agency’s communication strategies, the accountabilities and timeframes for responding to inquiries and complaints, frequency of communications and consultation, the range of communication and consultation methods to be used (particularly with
regards to communicating and consulting with taangata whenua (refer to Conditions 4.15 to 4.17) the Community Liaison Group(s) (refer to Conditions 4.9 to 4.14), and the Landscape Management Plan (refer to Condition 20), and any other relevant communication matters;

b) Details of the Communication, Consultation and Property Liaison Manager for the pre-construction period (Conditions 4.1 and 4.2) including their contact details (phone, email and postal address);

c) Identification of directly affected or affected in proximity parties and stakeholders who will be consulted and communicated with; and

d) Measures to receive, record and respond (if necessary) to feedback.

Community Liaison Groups

4.9 Within twelve (12) months of inclusion of the designation in the district plan, the NZ Transport Agency shall, after consultation with the Territorial Authority, establish one Community Liaison Group for each of the following localities:

a) Southern Sector Airport/Rukuhia; and

b) Western Sector Collins/Houchens Road.

4.10 The membership of the Community Liaison Group(s) shall include representative(s) of the NZ Transport Agency and be open to all affected parties in the localities listed in Condition 4.9 including, but not limited to the following:

a) A representative of Narrows Park Camp;

Any other party that expresses an interest in the Project to the NZ Transport Agency may join the relevant established Community Liaison Group

4.11 The purpose of the Group shall be to:

a) Provide a means for receiving regular updates on Project progress including updates on the programme and staging;

b) Enable opportunities for individual and/or community concerns and issues to be reported to and responded by the NZ Transport Agency, including access requirements that need to be addressed as part of the Construction Traffic Management Plan (Condition 18.5(a));

c) Enable the NZ Transport Agency to be informed of any existing or proposed ecological enhancement or restoration on private property to inform the development of any Concept Landscape Management Plan, Landscape Management Plan and/or Ecological Management and Monitoring Plan; and

d) Provide an opportunity for the NZ Transport Agency to receive requests from individual landowners to establish planting, including on private property, in advance of construction which may enable the early establishment of screening and landscaping to assist in addressing adverse effects on amenity.

4.12 The NZ Transport Agency shall invite the Group(s) to meet at least annually until the commencement of construction and then at least once every three (3) months once Construction Works have commenced until six (6) months after completion of the Project, or as otherwise agreed. Should a majority of Group members decline or not respond to an invitation to meet, the NZ Transport Agency is not required to hold that meeting.
4.13 Once the Construction Works have commenced the NZ Transport Agency will provide an update to the Group(s) on Project progression at least every three (3) months (or as otherwise agreed).

4.14 The NZ Transport Agency shall provide a venue for meetings of the Community Liaison Group, invite all Group members to meetings, and take and disseminate meeting minutes.

**Consultation with Taangata Whenua**

4.15 When required to consult with Taangata Whenua by the Conditions of this designation the NZ Transport Agency shall, through its Chief Executive or nominee, contact the Waikato Tainui Environment Manager, or successor, to convene a Taangata Whenua Working Group or TWWG. Waikato Tainui shall be invited to appoint a nominated representative to administer the liaison/coordination of this group/representatives to ensure:

a) Each hapu is represented by the recognised/appointed person or persons;
b) Administration of liaison/coordination occurs in a timely manner; and
c) Any actions/direction or information from the TWWG representatives has a common voice for Iwi on all liaison/coordination matters.

4.16 The TWWG shall comprise at least one representative from each of the following:

a) Ngati Hauaa;
b) Ngati Koroki Kahukura;
c) Ngati Wairere;
d) Ngati Maahanga; and
e) The NZ Transport Agency.

4.17 The NZ Transport Agency shall invite the TWWG to meet at least annually until the commencement of Construction Works to provide a means for receiving regular updates on project progress, including updates on programme and staging and to discuss the consideration of mitigation measures set out in the TWEAR dated January 2014.

**Consultation with providers of infrastructure service networks**

4.18 The NZ Transport Agency shall liaise with the providers of infrastructure service networks including, but not limited to: water, gas, stormwater, wastewater, power and telecommunications, to develop methodologies and timing to ensure:

a) Interruptions to supply, or adverse effects on network utility infrastructure during construction, are appropriately avoided, remedied or mitigated; and

b) Any services requiring relocation are relocated with the minimum disruption to the operation of these networks during construction of the Project.

4.19 During the design phase of the Project the NZ Transport Agency shall give reasonable notice and make all reasonable endeavours to:

a) Liaise with all relevant network operators in relation to any part of the works within the designation where their infrastructure may be affected; and

b) Make reasonable and relevant changes requested by such network utility operators, to the relevant design plans and methodologies, to ensure that access
to, maintenance and the operation of all network utility infrastructure with the designated area is not adversely affected.

**Property Acquisition and Management Engagement Practice**

4.20 Within six (6) months of inclusion of the designation in the district plan, the NZ Transport Agency shall provide to the Territorial Authority Chief Executive or nominee and directly affected landowners access to a document outlining the NZ Transport Agency’s property acquisition and management engagement practice (PAMEP). The objective of the PAMEP is to provide clarity for directly affected landowners on how they can engage with the NZ Transport Agency on matters regarding property acquisition and management. The PAMEP shall, as a minimum:

a) Include contact details (phone, email and postal address) for the Communication, Consultation and Property Liaison Manager (Condition 4.2).

b) Identify timeframes within which the NZ Transport Agency will respond to enquiries.

c) Describe the process which the NZ Transport Agency will follow for responding to specific:

i) Requests from landowners to purchase properties, including under s185 RMA, and for compassionate or hardship grounds;

ii) Requests from landowners to use land that is within the designation footprint but not yet acquired by the NZ Transport Agency; and

iii) Complaints regarding the maintenance of properties acquired by the NZ Transport Agency.

**5.0 Concept Landscape Management Plan**

5.1 Prior to lodgement of any outline plans of works, the NZ Transport Agency shall submit a Concept Landscape Management Plan (CLMP) to the Territorial Authority Chief Executive or nominee for certification. The CLMP shall be prepared by a suitably qualified and experienced expert and shall be developed after consultation with the Territorial Authority and the Southern Links Taangata Whenua Working Group (TWWG).

5.2 The objective of the CLMP is to provide the overview of the landscape and urban approach, which will subsequently be developed into the detailed LMP as the Project design progresses. The CLMP shall include:

a) A vision statement;

b) An outline of the landscape and urban design themes to be adopted for the entire length of the project, including for overbridges, underbridges and noise barriers.

c) An outline of the landscape design elements, including hard and soft landscape materials, planting types, sizes and spaces.

d) Concept landscape plans showing the design scheme; and

e) Planting management and maintenance requirements.

5.3 The CLMP shall be in general accordance with the indicative landscape mitigation measures and urban design proposals outlined in the report titled Southern Links Network Urban Design and Landscape Framework, prepared by Opus, dated 05 August 2013.

5.4 The CLMP shall be prepared in accordance with:
a) The NZ Transport Agency’s 'P39 Standard Specification for Highway Landscape Treatments' (2013);

b) 'Bridging the Gap', NZTA Urban Design Guidelines (2013); and

c) The Southern Links Mitigation Plan and Cross Sections, prepared by Opus International Consultants Limited, dated 18 August 2015, Reference 2-31653.16, as attached at Annexure 5, or such other landscape mitigation planting as may be agreed between the NZ Transport Agency and Peter John Findlay and Donna Margaret Findlay or their nominees.  

5.5 The CLMP shall have regard to the natural character policies of the Waikato Regional Policy Statement.

5.6 The NZ Transport Agency shall provide the CLMP to the following stakeholders at least thirty (30) working days prior to submitting it to the Territorial Authority Chief Executive or nominee:

a) Waikato Regional Airport Limited; and

b) Department of Conservation.

5.7 If the NZ Transport Agency has not received any comments from the stakeholders noted in Condition 5.6 within twenty (20) working days of providing them the CLMP, the NZ Transport Agency may consider that the stakeholder concerned has no comments.

5.8 The NZ Transport Agency shall include any comments from the stakeholders noted in Condition 5.6 along with an explanation of where and why any comments have not been incorporated into the CLMP(s) prior to submitting the CLMP to the Territorial Authority.

6.0 Heritage and Archaeological Site Management Plan

6.1 Prior to the commencement of detailed design, sufficient site-specific archaeological investigation, as set out in the recommendations in the Southern Links Designation Corridor Notice of Requirement Archaeological Assessment, prepared by Opus, dated 02 December 2013 in relation to the NZ Transport Agency’s designation, must be undertaken to determine the full extent of each archaeological site affected in part or whole by the designation footprint and to locate any intact archaeological features or deposits in order to take into account avoidance of archaeological remains during the development of detailed design plans. (Note: This may require permission from landowners adjacent to the designation and an authority from Heritage New Zealand for any in-ground investigation work).

7.0 Airport Aviation Infrastructure

7.1 During the design phase of the Project the NZ Transport Agency shall liaise with Waikato Regional Airport Ltd (or its successor) in relation to any part of the works within the designation where existing and/or future airport aviation infrastructure may be affected, and make reasonable and relevant changes requested by Waikato Regional Airport Ltd to the relevant design plans and construction methodologies to ensure that such aviation infrastructure is not adversely affected.

7.2 The final design of the Project shall incorporate, but not be limited to, the following measures:

1 Contact must be provided by the Findlays for this to apply.
a) Signage at appropriate locations adjacent to airport flight paths cautioning drivers about low flying aircraft;

b) Location of the east-west State highway route as far to the north (within the designation) as practicable from the main airport runway;

c) Consideration of the extent of highway lighting with regards to airport approach paths. Where highway lighting is required within approach paths the highway lighting must be shielded to avoid the lighting creating a distraction to the pilots of aircraft on approach to runways at the airport. In this regard the NZ Transport Agency shall liaise with the New Zealand Civil Aviation Authority (or its successor) at the time of detailed design to ensure relevant compliance standards for light shielding at the time are complied with;

d) Provision of vehicular access for maintenance and emergency purposes to the part of the airport high intensity lighting bank north of the east-west State highway route from the local road network;

e) Avoidance of stormwater ponds that create a continuous area of standing water (i.e. not drained within 48 hours) in the airport locality that could attract birds into aircraft flight paths of a number that will create an aviation hazard;

f) For planting located within any part of the network subject to the Hamilton Airport Obstacle Limitation Surface as set out in the Waipa District Plan, the use of species (developed as part of the Landscape Management Plan required by Condition 20.3(q)) that at their full mature height will not protrude through the height restrictions imposed by the Obstacle Limitation Surface, and that are not recognised as having characteristics that are highly attractive to birds;

g) Procedures (developed as part of the Construction Management Plan required by Condition 15.1) to be followed during the construction and management of all works associated with the Project to address adverse effects on aviation safety. These procedures shall include, but not be limited to:
   i) Ensuring the maximum height above ground level of any construction related equipment does not protrude through the Hamilton Airport Obstacle Limitation Surface height restrictions as set out in the Waipa District Plan;
   ii) Measures to ensure construction related equipment does not produce glare into the eyes of aircraft pilots;
   iii) Control of dust emissions including the use of suppressants as required;
   iv) The orientation, intensity, location and times of use of any temporary floodlighting and construction lighting;
   v) Temporary traffic management to ensure that airport access is maintained for passengers and emergency vehicles at all times; and
   vi) Methods for communicating construction matters relevant to aviation activities to the airport operator.

7.3 Prior to any physical works commencing on the part of the Southern Links network that potentially affects airport aviation infrastructure:

a) The NZ Transport Agency shall provide to Waikato Regional Airport Ltd (or its successor) an Aviation Safety Review report based on the detailed design of the Project, prepared by a suitably qualified and experienced practitioner agreed to by the Transport Agency and Waikato Regional Airport Ltd; and

b) The NZ Transport Agency shall obtain a letter from Waikato Regional Airport Ltd (or its successor) that confirms that the works have been designed to the satisfaction of Waikato Regional Airport Ltd (or its successor).
8.0 Roading Improvement at SH3/21 Intersection

8.1 The NZ Transport Agency shall develop and construct a roundabout generally in accordance with the design shown in Annexure 1 (SH3/21 intersection – Interim Arrangement) (attached) of Mr Lion-Cachet’s rebuttal evidence dated 8 July 2014 or equivalent access solution (hereafter, ‘roading improvement’) in the vicinity of the SH3/21 intersection, which shall include approaches and connections to the existing State highways and a connection into the Titanium Park Western Precinct. The design of the roading improvement shall be finalised after consultation with Titanium Park Joint Venture. The roading improvement shall be constructed as soon as reasonably practicable once full funding for its design and construction has been obtained via the National Land Transport Programme (NLTP) or external funding sources or a combination of both, and the NZ Transport Agency shall use its best endeavours to construct it by 31 July 2017. The roading improvement shall include an access leg into the Western Precinct that is consistent with full provision of the Project’s SH3/21 interchange.

8.2 The roading improvement shall be subject only to the following conditions, modified to match the scale of the work:
   a) 15 - Construction Management Plan;
   b) 16 - Complaints Management;
   c) 17 - Construction Noise and Vibration;
   d) 18 – Construction Traffic Management Plan;
   e) 19 - General Construction Traffic;
   f) 20 - Landscape Management Plans;
   g) 24 - Network Infrastructure;
   h) 25 - Dust Management Plan;
   i) 26 - Contaminated Soil Management Plan;
   j) 27 - Hazardous Substances Management Plan;
   k) 28/33 - Road Lighting; and
   l) 29 - Operational Noise.

9.0 Underpasses

9.1 Underpasses (or suitable alternative facilities) will be provided by the NZ Transport Agency at the following locations unless future land acquisitions or lot amalgamations obviate the need:
   a) Under the east-west State highway route to connect 217 Collins Road with the severance area adjoining the North Island Main Trunk Rail Line to the east of the State Highway route; and
   b) Under the north-south State Highway route to connect 2/3400 Ohaupo Road with the severance area between the Penniket Road re-alignment and the north-south State Highway route, unless that severance area is identified for use for another Project purpose and the underpass cannot otherwise be located.

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2 At the time of the NZ Transport Agency’s decision to confirm the designation, 217 Collins Road was owned by Shanghai Pengxin New Zealand Limited.
The final design of the infrastructure shall be consulted on with the relevant property owners.

9.2 The NZ Transport Agency shall provide pedestrian and cycle connectivity through the Central Interchange, with a minimum of at-grade crossings at the roundabout ramp ends. A dedicated path shall be provided under the proposed bridge, which could ultimately connect to the paths alongside the north-south arterial route as well as the local network.

10.0 Te Awa Cycleway

10.1 The NZ Transport Agency shall ensure that the design of the final network in the vicinity of the Waikato River recognises and provides for the ongoing operation of the Te Awa pedestrian/cycleway.

11.0 Railway Crossing Design

11.1 Prior to detailed design being commenced, the NZ Transport Agency shall enter into discussions with KiwiRail (or its successor, if any) in relation to developing a Project Agreement covering the final design and construction of the Project in the vicinity of the Collins Road level crossing and the bridge over the railway corridor to the south of Collins Road.

12.0 Chinaman’s Hill Designation

12.1 Within six (6) months of the Southern Links designation being included in the district plan, the NZ Transport Agency shall, pursuant to s182(1) of the RMA, give notice of those parts of the Chinaman’s Hill Designation shaded yellow on the attached plan (Annexure 2 to these conditions) that will be uplifted.

13.0 Detailed Drainage Design

13.1 During the preparation of the detailed stormwater design plans for the Project, the NZ Transport Agency shall pay particular attention to the design of stormwater devices and methods on 99 Raynes Road\footnote{At the time of the NZ Transport Agency’s decision to confirm the designation, 99 Raynes Road was owned by John and Heather Healy.} to ensure that existing drainage issues on the property are not made worse by the Project, and that the health of the covenanted kahikatea stand on the property is not adversely affected. In consultation with the owners of 99 Raynes Road, the detailed drainage design shall, where practicable, incorporate or complement existing field drainage works on the property.

13.2 Subject to the requirements of future resource consents required to authorise stormwater discharges, diversions and associated structures, the NZ Transport Agency shall ensure that the detailed stormwater design for the part of the Project located within the Nukuhau, Nukuhau East and Nukuhau North Drainage Areas shall be independently peer reviewed. Specific attention shall be paid to the capacity of the designed drainage network to cater for existing stormwater flows and those from the Project without worsening drainage issues on properties within the drainage areas, and on the property at 131 Raynes Road\footnote{At the time of the NZ Transport Agency’s decision to confirm the designation, 131 Raynes Road was owned by Diane Sharpe and RK Sharpe Estate.}. 

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\footnote{At the time of the NZ Transport Agency’s decision to confirm the designation, 99 Raynes Road was owned by John and Heather Healy.}

\footnote{At the time of the NZ Transport Agency’s decision to confirm the designation, 131 Raynes Road was owned by Diane Sharpe and RK Sharpe Estate.}
CONSTRUCTION CONDITIONS

14.0 Construction Communication and Consultation

Contact Person

14.1 The NZ Transport Agency shall make a contact person available for the duration of construction for public enquiries about the Construction Works, and an after-hours contact person available.

Construction Communication and Consultation Plan

14.2 The NZ Transport Agency shall submit to the Territorial Authority Chief Executive or nominee a Construction Communication and Consultation Plan (CCCP) prepared by a suitably qualified and experienced expert, which shall be implemented and complied with for the duration of the construction of the Project.

14.3 The CCCP shall be submitted to the Territorial Authority Chief Executive or nominee, no later than forty (40) working days prior to the commencement of any stage of Construction Works for certification.

14.4 The objective of the Construction Communication and Consultation Plan is to set out a framework to ensure appropriate communication and consultation is undertaken with the relevant community, stakeholders, directly affected parties, and affected parties in proximity during the construction of the Project.

14.5 The CCCP shall set out how the NZ Transport Agency will:
   a) Inform the community of construction progress and future construction activities and constraints that could affect them;
   b) Receive and respond to feedback on construction related matters; and
   c) Provide information on key Project milestones.

14.6 The CCCP shall, as a minimum, include:
   a) A communications framework that details the NZ Transport Agency’s communication strategies, the accountabilities and timeframes for responding to inquiries and complaints, frequency of communications and consultation, the range of communication and consultation methods to be used (including any modern and relevant communication methods, newsletters or similar, advertising), and any other relevant communication matters;
   b) The Communication, Consultation and Property Liaison Manager for the Project (required by Condition 4.1) including their contact details (phone, email and postal address);
   c) How the community, stakeholders, directly affected, and affected in proximity parties will be notified of the commencement of construction activities and works, the expected duration of the activities and works, and who to contact for any queries, concerns and complaints;
   d) Methods for communicating in advance any temporary traffic management measures, and permanent changes to road networks and layouts to the community, stakeholders, directly affected, and affected in proximity parties;
e) Methods for communicating in advance proposed hours of construction activities outside of normal working hours and on weekends and public holidays, to surrounding communities, and methods to record and deal with any concerns raised about such hours; and

f) Methods for communicating and consulting in advance of construction works with emergency services (Police, Fire, Ambulance) on the location, timing and duration of Construction Works.

14.7 The CCCP shall have regard to, and where appropriate implement, any relevant actions identified in the minutes arising from the Community Liaison Group meetings (Conditions 4.3 and 4.14).

Advice Note:
Because parts of the Project may be constructed ahead of other parts the Pre-Construction and Communication and Consultation Plan (required by Conditions 4.4 to 4.8) will continue to be implemented in conjunction with the Communication and Consultation Plan required under this Condition.

15.0 Construction Management Plan

15.1 No later than forty (40) working days prior to the commencement of any stage of Construction Works, the NZ Transport Agency shall submit for certification a Construction Management Plan (CMP) to the Territorial Authority Chief Executive or nominee. The CMP shall be prepared by a suitably qualified and experienced expert. The objective of the CMP is to avoid, remedy or mitigate any adverse effects of construction, through methods identified in the CMP. For the avoidance of doubt, the NZ Transport Agency may prepare a CMP in relation to each individual stage of its programme of works, provided that in each case it shall submit a CMP for certification in accordance with this Condition prior to any Construction Works commencing on a particular stage.

15.2 The CMP shall have regard to and where appropriate implement any relevant actions identified in the minutes arising from Community Liaison Group meetings (Conditions 4.3 and 4.14).

15.3 The CMP(s) shall include specific details relating to the construction and management of all works associated with the Project, including the following:

a) Details of the site or Project manager, including their contact details (phone, facsimile (if any), postal address, email address);

b) Details of the contact person(s) required by Condition 14.1 including name, phone number, email and postal address;

c) The location of large notice boards that clearly identify the name, phone number and address for service of the site or Project manager and the contact person(s) required by Conditions 4.1 and 4.14;

d) Training requirements for employees, sub-contractors and visitors on construction procedures, environmental management and monitoring;

e) An outline construction programme of the works indicating, in particular, construction hours, likely time periods for partial or complete road closures, and anticipated traffic diversion effects;

f) Environmental incident and emergency management procedures;
g) Measures to be adopted to maintain the land affected by the works in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;

h) Location of workers’ offices, conveniences (e.g. portaloos) and vehicle parking;

i) Procedures for controlling sediment runoff, dust and the removal of soil, debris and demolition and construction materials from public roads or places, including wheel wash for construction vehicles. Dust mitigation measures should include use of water sprays to control dust nuisance on dry or windy days;

j) Methods for earthworks management for earthworks adjacent to buildings and structures, including temporary and permanent stabilisation measures and monitoring of ground movement;

k) Procedures for ensuring that residents in the immediate vicinity of construction areas are given prior notice of the commencement of Construction Works and are informed about the expected duration of the works;

l) Procedures to be followed to ensure that iwi representatives are notified of the proposed commencement of Construction Works and of the discovery of any kōwai or other artefacts;

m) Procedures to be followed in the event that any historic artefacts are disturbed, being in accordance with any Authority obtained under the Heritage New Zealand Pouhere Taonga Act 2014;

n) Means of ensuring the safety of the general public; and

o) Procedures for receiving and responding to complaints.

16.0 Complaints Management

16.1 Upon receiving a complaint during construction, the NZ Transport Agency shall instigate a process to address concerns or complaints received about adverse effects. This shall:

   a) Identify the nature of the complaint, and the location, date and time of the alleged incident / event(s);
   b) Acknowledge receipt of the complaint within 24 hours of receipt; and
   c) Respond to the complaint in accordance with any relevant Management Plan, which may include monitoring of the activity by a suitably qualified and experienced expert and implementation of mitigation measures.

16.2 A record of all complaints received shall be kept by the NZ Transport Agency. This record shall include:

   a) The name and address of the person(s) who raised the complaint (unless they elect not to provide this) and details of the complaint;
   b) Where practicable, weather conditions at the time of the concern or complaint, including wind direction and cloud cover if the complaint relates to noise or air quality;
   c) Known construction activities at the time and in the vicinity of the concern or complaint;
   d) Any other activities in the area unrelated to the Project construction that may have contributed to the complaint such as non-Project construction, fires, traffic accidents or unusually dusty conditions generally; and
e) Remedial actions undertaken (if any) and the outcome of these, including monitoring of the activity.

16.3 This record shall be maintained on site, be available for inspection upon request, and shall be provided every three (3) months (or as otherwise agreed) to the Territorial Authority Chief Executive or nominee.

16.4 Where a complaint remains unresolved or a dispute arises, that matter shall be referred in the first instance to the Territorial Authority Chief Executive to determine a process for resolution.

a) If a resolution cannot be agreed, then the matter may be referred to an independent appropriately qualified expert, agreeable to both parties, setting out the details of the matter to be referred for determination and the reasons the parties do not agree.

b) The independent appropriately qualified expert shall be appointed within ten (10) working days of the NZ Transport Agency or Territorial Authority giving notice of their intention to seek expert determination. That person shall, as soon as possible (and in any event no later than ten (10) working days of receiving the record of the complaint), issue his or her decision on the matter. In making the decision, he or she shall be entitled to seek further information and hear from the parties as he or she sees fit.

17.0 Construction Noise and Vibration

Construction Noise and Vibration Management Plan

17.1 No later than forty (40) working days prior to the commencement of any stage of Construction Works, the NZ Transport Agency shall submit a Construction Noise and Vibration Management Plan (CNVMP) to the Territorial Authority Chief Executive Officer or nominee for certification. The CNVMP shall be prepared by a suitably qualified and experienced expert.

The objective of the CNVMP is to provide a framework for the development and implementation of identified Best Practicable Options to avoid, remedy or mitigate the adverse effects of noise and vibration during construction and to minimise the frequency, duration and degree of exceedance of the noise and vibration standards set out in Conditions 17.3 and 17.4.

17.2 The CNVMP shall be prepared in accordance with the State Highway Construction and Maintenance Noise and Vibration Guide (NZTA, 2013), and include the procedures, methods and measures for the control of noise and vibration associated with all relevant Project Construction Works.

17.3 Construction noise must be measured and assessed in accordance with NZS 6803:1999 ‘Acoustics Construction Noise’ (NZS 6803:1999). The construction noise limits for the purposes of the CNVMP that are to be complied with, as far as practicable, are as given in Table A below:

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>$L_{Aeq(15min)}$</th>
<th>$L_{AFmax}$</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupied PPFs (as defined in NZS 6806.2010)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekdays</td>
<td>0630h – 0730h</td>
<td>60 dB</td>
<td>75 dB</td>
</tr>
<tr>
<td></td>
<td>0730h – 1800h</td>
<td>75 dB</td>
<td>90 dB</td>
</tr>
<tr>
<td></td>
<td>1800h – 2000h</td>
<td>70 dB</td>
<td>85 dB</td>
</tr>
<tr>
<td></td>
<td>2000h – 0630h</td>
<td>45 dB</td>
<td>75 dB</td>
</tr>
<tr>
<td>Saturday</td>
<td>0630h – 0730h</td>
<td>60 dB</td>
<td>75 dB</td>
</tr>
</tbody>
</table>
### Table A: Construction Noise Criteria

17.4 The CNVMP must describe the measures adopted to seek to meet the Category A vibration criteria set out in Table B below, where practicable. If measured or predicted vibration levels exceed the Category A criteria, then a suitably qualified and experienced expert shall be engaged to assess and manage construction vibration to comply with the Category A criteria. If the Category A criteria cannot be practically achieved, the Category B criteria in Table B below shall be applied. If measured or predicted construction vibration levels exceed the Category B criteria, then construction activity shall only proceed if vibration effects on those buildings at risk of exceeding the Category B criteria are assessed, monitored and mitigated by suitably qualified experts. The criteria are to be applied to either predicted ground vibrations, or measured in accordance with ISO 4866: 2010 and AS 2187-2: 2006.

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>( L_{Aeq(15min)} )</th>
<th>( L_{AFmax} )</th>
</tr>
</thead>
<tbody>
<tr>
<td>0730h – 1800h</td>
<td>75 dB</td>
<td>90 dB</td>
<td></td>
</tr>
<tr>
<td>1800h – 2000h</td>
<td>45 dB</td>
<td>75 dB</td>
<td></td>
</tr>
<tr>
<td>2000h – 0630h</td>
<td>45 dB</td>
<td>75 dB</td>
<td></td>
</tr>
<tr>
<td>Sundays and public holidays</td>
<td>0630h – 0730h</td>
<td>45 dB</td>
<td>75 dB</td>
</tr>
<tr>
<td></td>
<td>0730h – 1800h</td>
<td>55 dB</td>
<td>85 dB</td>
</tr>
<tr>
<td></td>
<td>1800h – 2000h</td>
<td>45 dB</td>
<td>75 dB</td>
</tr>
<tr>
<td></td>
<td>2000h – 0630h</td>
<td>45 dB</td>
<td>75 dB</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial and industrial receivers</th>
<th>All</th>
<th>0730h – 1800h</th>
<th>75 dB</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1800h – 0730h</td>
<td>80 dB</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Receiver</th>
<th>Details</th>
<th>Category A</th>
<th>Category B</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupied dwellings</td>
<td>Monday to Friday 6:30 am to 8:00 pm</td>
<td>1.0 mm/s ppv</td>
<td>5.0 mm/s ppv</td>
<td>Inside the building</td>
</tr>
<tr>
<td></td>
<td>All hours Sunday and Monday to Saturday 8:00 pm to 6:30 am</td>
<td>0.3 mm/s ppv</td>
<td>1.0 mm/s ppv</td>
<td></td>
</tr>
<tr>
<td>Other occupied buildings</td>
<td>At all times</td>
<td>2.0 mm/s ppv</td>
<td>10.0 mm/s ppv</td>
<td></td>
</tr>
<tr>
<td>All buildings</td>
<td>Transient vibration</td>
<td>5.0 mm/s ppv</td>
<td>BS 5228.2 Table B2 values</td>
<td>Building foundation</td>
</tr>
<tr>
<td></td>
<td>Continuous vibration</td>
<td>50% of BS 5228.2 Table B2 values</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underground services</td>
<td>Transient vibration</td>
<td>20.0 mm/s ppv</td>
<td>30.0 mm/s ppv</td>
<td>On pipework</td>
</tr>
<tr>
<td></td>
<td>Continuous vibration</td>
<td>10.0 mm/s ppv</td>
<td>15.0 mm/s ppv</td>
<td></td>
</tr>
</tbody>
</table>
Table B: Construction Vibration Criteria

17.5 In addition to those matters detailed in the State Highway Construction and Maintenance Noise and Vibration Guide, the CNVMP shall address the following aspects with regard to managing the adverse effects of construction noise and vibration:

a) Identification of affected dwellings and other sensitive locations where vibration criteria apply, which shall include all houses located within 50 metres of general road construction activities, and 100 metres of piling, where those activities are undertaken on peat. It shall also include the dwelling at 194 Houchens Road;

b) Predicted noise levels set out as minimum compliance distances for key activities and items of plant and identification of any dwellings or other sensitive locations where works will be required within those minimum compliance distances;

c) Mitigation options, including alternative strategies where full compliance with the noise criteria in Table A above and/or the vibration criteria in Table B above cannot practicably be achieved;

d) Requirements for building condition surveys of critical dwellings, prior to and after completion of construction works and during the works if required (including all buildings measured or predicted to exceed the Category B vibration criteria contained in Table B above) and processes for repair of any damage caused by the works. Critical dwellings shall include but not be limited to the dwelling at 194 Houchens Road.

17.6 Where noise or vibration predictions made in accordance with the CNVMP show that levels from a particular activity or at a specific location might exceed the limits set out in Condition 17.3 and/or 17.4, or where measurements show that compliance is not being achieved, the NZ Transport Agency shall prepare Schedules to the CNVMP. These Schedules shall:

a) be prepared in accordance with the State Highway Construction Noise and Vibration Guide and include the relevant details specified in the Guide, including activity specific and/or location specific noise and vibration predictions and mitigation;

b) include noise limits for the activity and an overview of mitigation options that have been considered, identifying which of those options are practicable; and

c) be provided to the Territorial Authority Chief Executive or nominee at least five (5) working days in advance of the relevant works being carried out and implemented, for certification.

17.7 In the event that either:

a) the Territorial Authority certifies the Schedule, or
b) fails to advise the NZ Transport Agency of any concerns it has with the Schedule, within the five (5) working days period following receipt, then the activities covered by the Schedule may be carried out.

17.8 If the Territorial Authority advises NZ Transport Agency of a reasonable concern it has with the Schedule, then no activity related to that concern shall be carried out until the matter has been addressed by the NZ Transport Agency to the reasonable satisfaction of the Territorial Authority.

18.0 Construction Traffic Management Plan
18.1 A Construction Traffic Management Plan (CTMP), shall be prepared by a suitably qualified and experienced expert in accordance with the NZ Transport Agency’s Code of Practice for Temporary Traffic Management and after consultation with the Territorial Authority Chief Executive or nominee. The CTMP shall be submitted to the Territorial Authority Chief Executive or nominee, for certification that the plan satisfies this condition no later than forty (40) working days prior to the commencement of any stage during Construction Works. Construction of any relevant stage of the Project shall not commence until the NZ Transport Agency has received the Chief Executive’s or nominee’s written certification of the CTMP for that stage of works.

18.2 The objective of the CTMP is to provide a framework to be adopted by NZ Transport Agency to ensure that the adverse traffic and access related effects of the construction of the Project will be avoided, remedied or mitigated.

18.3 When requesting certification of a CTMP, the NZ Transport Agency shall provide the certifying Territorial Authority with a letter from each other Territorial Authority whose roads are affected by the Project’s construction traffic confirming that the NZ Transport Agency has adequately consulted with that Territorial Authority in relation to Condition 18.5(i) and any effects on that Territorial Authority’s road network and included adequate measures to manage such effects.

18.4 The CTMP shall have regard to and, where appropriate, implement any relevant actions identified in the minutes arising from Community Liaison Group meetings (Conditions 4.3 and 4.14).

18.5 The CTMP shall describe the measures that will be undertaken to avoid, remedy or mitigate the local and network wide construction traffic effects of construction of the Project. In particular (but not limited to), the CTMP shall describe:

a) Measures to maintain vehicle access to roads and property to defined and approved levels of service. The CTMP shall identify notification thresholds and processes for communicating with affected parties and shall consider whether there are specific user needs that require specific responses.

b) Measures to maintain access for emergency vehicles, and methods to ensure that emergency service providers are regularly informed of the timing and sequencing of works, road closures and alternative routes.

c) The manner in which service providers are regularly informed of the timing and sequencing of works, road closures and alternative routes.

d) The timing and sequencing of any road closures that will be required and the nature and duration of any traffic management measures that will result, including any temporary restrictions, detours or diversions;

e) Measures to ensure safe interaction between Project-related construction traffic and local road traffic where any temporary or existing local roads cross the Southern Links corridor.

f) Measures to ensure safe access to the Project site.

g) Measures to monitor the performance against agreed levels of service of all access points to the Project site, and all key State highway and arterial local road intersections used by Project-related construction traffic, and the procedures to be followed where intervention is deemed necessary in order to maintain acceptable and reasonable operating conditions on local roads and on the State highway network.

h) Measures to ensure that any staging of Construction Works will adequately avoid, remedy or mitigate traffic-related adverse effects.
i) Measures to be adopted to identify routes to be used (and roads to be specifically avoided) for Project-related Heavy Commercial Vehicles (HCVs) for shifting bulk materials (such as earth fill or pavement materials or water) (Bulk HCVs) and implement temporary traffic management controls in accordance with the Code of Practice for Temporary Traffic Management (COPTTM).

j) Measures to ensure the use and reinstatement (to a mutually agreed standard) of local roads to be used as haul roads. The CTMP shall also describe the assessment and monitoring of road conditions and implementation of mitigation works.

19.0 General Construction Traffic

19.1 The NZ Transport Agency shall ensure there is no off-site Project-related Bulk HCV traffic:
   a) on Sundays; or
   b) on public holidays or after 4.00 pm on working days prior to long weekends.

19.2 The maximum hours of work for off-site Project-related Bulk HCVs shall be 7.00am – 7.00pm.

20.0 Landscape Management Plan

20.1 The NZ Transport Agency shall develop the certified CLMP (required by Condition 5.1) into a Landscape Management Plan (LMP). No later than twelve (12) months after commencement of Construction Works (or twenty four (24) months after commencement of Construction Works if those Construction Works are for pre-loading or other ground preparation purposes), the NZ Transport Agency shall submit for certification the LMP, to the Territorial Authority Chief Executive or nominee for certification. For the avoidance of doubt, the NZ Transport Agency may prepare a LMP in relation to each stage of its programme of works, provided that for each stage it shall submit a LMP for certification prior to any construction activity commencing on a particular stage of work.

20.2 The objective of the LMP is to maintain and enhance landscape, amenity and ecological values along the route and to mitigate any adverse visual, landscape, urban design and ecological effects of the Project or a particular stage of the Project. The LMP will identify the specific urban design and landscape measures to be implemented and maintained to achieve this objective.

20.3 The LMP(s) shall be prepared, after consultation with TWWG and the Territorial Authority, by a suitably qualified and experienced landscape architect with appropriate urban design experience and shall include at least the following:
   a) The proposed landscape and urban design theme to be adopted for the entire length of the project, including for overbridges, underbridges and noise barriers;
   b) Landscape plans that identify any vegetation to be retained, areas of landscape mitigation and ecological enhancement planting (taking into account the Ecological Management and Monitoring Plan required by Condition 21), and the type and density of planting to be undertaken;
   c) Provision where practicable for the use of earth bunding with gently undulating forms for noise barriers and measures to integrate the design of noise mitigation measures;
d) Integration of the landscape design with the design of noise mitigation measures so that the combined measures can be implemented in a co-ordinated manner;

e) The outcomes of consultation with the Territorial Authority regarding landscaping proposals along local roads;

f) Measures to minimise clearing work to conserve soil and protect any existing vegetation to be retained;

g) Measures to ensure the appropriate disposal of any invasive or noxious weeds cleared from the site;

h) Measures to integrate cut and fill batters with the existing topography;

i) Measures to be undertaken for topsoil and subsoil management so as to provide a viable growing medium for the areas to be planted with trees, shrubs and grass;

j) The nature, programme and methods of rehabilitation to be implemented within borrow and spoil disposal areas and any areas identified as being required for the treatment of otherwise unsuitable earth material;

k) A schedule of the species to be planted including botanical name, average plant height at time of planting and at maturity, and planting density;

l) A planting specification, including planting and mulching techniques;

m) Planting maintenance requirements over a five year period following planting and reinstatement of road verges and gullies;

n) An implementation programme for all remedial and mitigation measures;

o) Post-construction monitoring measures;

p) Site specific planting and screening measures developed in consultation with directly affected property owners;

q) All plant species used in the LMP shall be selected to ensure that at their full maturity they do not protrude through the Hamilton Airport Obstacle Limitation Surface height restrictions as set out in the Waipa District Plan;

r) Evidence of consultation with the Titanium Park Joint Venture Limited (TPJV) with regard to landscape and urban design treatments at the State Highway 3/21 intersection. The objective of the consultation shall be to achieve consistency, as far as practicable, between the design treatments of the State highway works and the adjacent TPJV Western Precinct development;

s) Replacement of the existing hedge that runs along the boundary of 2/3400 Ohaupo Road and Ohaupo Road that provides screening of the road from the dwelling on 1/3400 Ohaupo Road. The hedge replacement shall be of suitable species to ensure the visual screening is reinstated to at least the extent that existed prior to removal of the hedge. The owners of 1/3400 Ohaupo Road\(^5\) shall be consulted during the design of the replacement hedge;

t) Planting and screening measures developed in consultation with landowners on the map within Annexure 3; and

u) The Southern Links Mitigation Plan and Cross Sections, prepared by Opus International Consultants Limited, dated 18 August 2015, Reference: 2-31653.16, as attached at Annexure 5, or such other landscape mitigation planting as may be agreed between the NZ Transport Agency and Peter John Findlay and Donna Margaret Findlay or their nominees.\(^6\)

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\(^5\) As at the time of the NZ Transport Agency’s decision to confirm the designation, 1/3400 Ohaupo Road was owned by Ronald and Carol Ingram.

\(^6\) Contact must be provided by the Findlays for this to apply.
20.4 The NZ Transport Agency shall provide the LMP to the parties referred to in Condition 20.3(p), 20.3(t) and 20.3(u) and the following stakeholders at least thirty (30) working days prior to submitting it to the Territorial Authority Chief Executive or nominee:

a) Waikato Regional Airport Limited;
b) Department of Conservation;
c) The owners of 1/3400 Ohaupo Road; and
d) Peter and Donna Findlay or their nominees.

20.5 If the NZ Transport Agency has not received any comments from the parties referred to in Condition 20.3(p) and 20.3(t) and the stakeholders noted in Condition 20.4 within twenty (20) working days of providing them the LMP the NZ Transport Agency may consider that the party/stakeholder concerned has no comments.

20.6 The NZ Transport Agency shall include any comments from the parties referred to in Condition 20.3(p) and 20.3(t) and the stakeholders noted in Condition 20.4 along with an explanation of where and why any comments have not been incorporated into the LMP prior to submitting the LMP to the Territorial Authority.

21.0 Ecological Management and Monitoring Plan

21.1 The NZ Transport Agency shall, after consultation with the TWWG, Waikato Regional Council, the Director-General of Conservation and the Territorial Authority develop an Ecological Management and Monitoring Plan (EMMP). The EMMP shall be prepared by an appropriately qualified and experienced ecologist/s.

21.2 The EMMP shall be submitted to the Territorial Authority's Chief Executive or nominee, for certification. The EMMP must be submitted for certification within ten (10) years after the date on which the designation is included in the Operative or Proposed Waipa District Plan or at least forty (40) working days prior to the commencement of Construction Works, whichever event occurs earlier in time.

The EMMP shall include performance measures, actions, methods, trigger levels and monitoring programmes designed to achieve the objectives specified below.

The objectives of the EMMP shall be to demonstrate how the NZ Transport Agency intends to achieve no net loss of terrestrial, wetland and stream biodiversity values. It shall provide details on how monitoring, management and mitigation of the significant adverse effects of construction activities and Project operation is to be undertaken, including but not limited to effects on:

a) Long-Tailed Bats, with the aim of enhancing long-tailed bat habitat;
b) Avifauna, with the aim of enhancing the extent and quality of habitat for native species;
c) Lizards, with the aim of enhancing the extent and quality of habitat for native species; and
d) Indigenous vegetation, aquatic and wetland values, with the aim of restoring indigenous vegetation to the gullies and margins of the Waikato River in accordance with the objectives and policies of the Hamilton Gully Reserves Management Plan: 2007 (or its successor) as these relate to biodiversity, with the species and composition of vegetation restored reflecting as far as possible the natural ecosystems that were likely to be originally representative of gully systems
and riparian margins of the Waikato River as defined in Clarkson & Clarkson (1997).  

21.3 The EMMP shall set out the methodologies and processes that will be used to achieve these objectives and shall include, but will not be limited to:

a) Ecological management;
   i) Vegetation and habitat management;
   ii) Management of effects on long-tailed bats, avifauna, and lizards;

b) Ecological monitoring; and

c) Habitat restoration/offset mitigation on the following basis:
   (i) A minimum 1:1 restoration ratio for areas of gully, bat habitat and river margin affected by the designation (including habitat dominated by exotic vegetation).
   (ii) a minimum 3:1 restoration ratio for significant indigenous habitats (including indigenous forests, wetlands, seeps and springs) affected by the designation.

The total area to be restored based on the ratio in (i) and (ii) above shall be a minimum of 4.98 hectares.

(iii) Gully habitat restoration proposed by the EMMP shall generally align with Wall, K and B.D. Clarkson 2006: Gully restoration guide: a guide to assist in the ecological restoration of Hamilton’s gully system. Third Revised Edition. Hamilton City Council (or an updated version). Options for habitat restoration shall include consideration of Sites 8, 10 and 11 identified in Annexure 2 of Mr John Turner’s evidence in chief.

(iv) Animal Pest Control, undertaken for a period of twenty (20) years, at known significant roost sites (significant roost sites being maternity roost sites or others roost sites used by multiple bats on a regular basis). Any measures implemented must be determined by an Animal Pest Control specialist as having a reasonable prospect of being effective. The duration or nature of Animal Pest Control in accordance with this condition can be altered should monitoring of the Animal Pest Control demonstrate that it is ineffective, or to allow alternative Animal Pest Control approaches to be trialled. Any alteration to the duration or nature of Animal Pest Control shall necessitate a review of the EMMP in accordance with condition 21.7.

21.4 The EMMP shall include:

a) Identification of areas and timeframes for establishment of advance restoration / mitigation planting, as far as practicable ahead of construction activities taking into account land ownership, accessibility and the timing of available funding;

b) Consideration of opportunities to integrate existing restoration planting on public or private land with the restoration/mitigation planting to be undertaken as part of this designation in order to enhance ecological benefit;

c) Identification of areas and timeframes for establishment of incremental restoration / mitigation planting to be undertaken as property is acquired by or vested in the

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Territorial Authority through the Public Works Act or the Resource Management Act;

d) Provision for the coordination of construction works and environmental protection and restoration programmes;

e) Provision for the engagement of suitably qualified and experienced ecologists to develop appropriate procedures to manage effects on long-tailed bats, avifauna, and lizards, where habitats are affected;

f) The nature of any weed and / or pest control considered appropriate (timing, extent and location) in restoration / mitigation planting areas;

g) The nature and extent of stock proof fencing (if required) that is to be established around the boundaries of restoration / mitigation planting areas;

h) Provisions, where practicable, for the salvage of elements of indigenous flora and fauna that is being destroyed as a result of the construction of the Project and its translocation to appropriate restoration areas; and

i) Provisions to ensure all restored areas are legally protected in perpetuity, where practicable.

21.5 The EMMP provisions for Long-Tailed Bat Management shall include, but not be limited to, the following:

a) Details of measures to avoid, minimise and monitor roost removal and habitat loss (including specific minimum standards determined by a recognised bat ecologist for roost tree identification and monitoring of roost trees before their removal, recognising the limitations for determining roost tree occupancy in some situations), as well as habitat replacement and enhancement;

b) Details of the provision of alternative roosting sites (including suitable indigenous or exotic trees for roost habitat, their ongoing management to enhance their roosting potential (for example, encouraging cavity formation or providing artificial bat houses), with artificial roosts installed as far in advance of construction as possible;

c) Details of measures to minimise habitat fragmentation and alteration to bat movement (e.g. creating possible bat crossing points such as a bridge/ tunnels/ culverts; reducing the effect of road lighting by creating ‘dark zones’ at key bat habitats, aligning streetlights in certain ways or installing baffles on lighting columns to reduce the ‘spill’ of light away from the road);

d) The establishment of buffer zones and hop overs along the Project route in advance of construction (where feasible), during and after construction to encourage bat avoidance of the road and maintaining important bat flyway navigational references, if deemed appropriate by a recognised bat ecologist;

e) Details of measures to minimise disturbance from construction activities within the vicinity of any active roosts that are discovered until such roosts are confirmed to be vacant of bats, as determined by a recognised bat ecologist using current best practice;

f) Details of ongoing monitoring and reporting of bat activity, including the establishment of adequate baseline survey and post construction monitoring to identify and assess changes in bat activity and behavioural patterns that may occur as a result of construction and operation of the Project network at all locations where bats are detected. The specific priority objectives of monitoring shall include:

i) Determining the effects of lighting and roads on the movement of bats and what other key potential barriers (e.g. bridges, embankments) are to movement;
ii) Monitoring to gauge the effectiveness of the Animal Pest Control required by condition 21.3(c) (iv); and

iii) Identification, protection and ongoing monitoring of key habitats (e.g. maternal roosting sites and foraging sites).

g) Specific minimum standards as determined by a suitably qualified bat ecologist for minimising disturbance associated with construction activities around active roosts within the footprint of the Project or its vicinity that do not require removal. This includes the preparation of a pre tree-felling protocol following consultation with the Department of Conservation. The purpose of the pre-tree felling protocol shall be to avoid the injury or mortality of roosting long-tailed bats; and

h) Monitoring shall be carried out over the long-tailed bat breeding season and peak activity period (beginning of November to the end of April), first commencing two (2) years prior to Construction Works starting, and continuing during construction and five (5) years post construction for the first stage of the Project, and shall ensure adequate site coverage incorporating all potential roosting and foraging habitats as well as suitable control sites. The timeframes for the monitoring in accordance with this condition shall only be triggered with respect to the first stage of Construction Works for any part of the Project. The pre-construction monitoring can be carried out without a certified EMMP being in place.

21.6 The EMMP shall outline the aquatic surveys to be undertaken by a suitably qualified and experienced ecologist/s prior to lodgement of resource consent applications with the Regional Council. These shall include, but will not be limited to:

a) Fish surveys of waterways (including drains and wetlands) using a recognised protocol prior to stream crossing design to determine the fish community and therefore likely fish passage and fish recovery requirements where culverts are to be installed; and times when instream works are to be avoided so as not to adversely impact on peak periods of fish migration and spawning; and

b) Surveys to determine aquatic quality and character of habitats impacted by stream crossings where instream habitats will be impacted (e.g. culverts) so that an appropriate methodology can be used to mitigate loss of ecological value that has not already been accounted for by advanced mitigation restoration (e.g. presence of mudfish).

21.7 The NZ Transport Agency may review the EMMP at any time to make provision for the future grant of resource consents required to authorise components of the Project, and any staging of construction of the Project network, within Waipa District. The NZ Transport Agency shall consult with the TWWG, Waikato Regional Council, Hamilton City Council, the Director-General of Conservation, and the Territorial Authority in preparing any review to the EMMP. The NZ Transport Agency shall submit any review of the EMMP to the Territorial Authority Chief Executive for certification.

Advice Note:
The outcomes of the EMMP will be relevant in the development of the LMP (Condition 20.3(b)).

Advice Note:
The NZ Transport Agency has undertaken to work with the Department of Conservation to develop a research project to investigate the influence of roading projects on the population viability of bats.

22.0 Heritage and Archaeological Site Management Plan
22.1 The NZ Transport Agency shall give at least twenty (20) working days written notice of the date that construction is intended to commence to:

a) The Project archaeologist to establish with the contractor a working relationship that will comply with good practice during the earthworks stage of the construction; and

b) The Territorial Authority Chief Executive or nominee;

c) The TWWG to enable it to:
   i) Allocate a representative to liaise with the Project archaeologist, and who will be actively involved in the archaeological work associated with the Project;
   ii) Clarify with the contractor the location of the archaeological sites and the procedures that will be observed;
   iii) Provide the names of their representatives who are to be contacted for cultural advice and guidance in the event of a discovery of any buried archaeological deposits found during the Project;
   iv) Undertake any appropriate cultural ceremonies on the archaeological sites; and
   v) Arrange for the inspection of the earthworks in the vicinity of the archaeological sites.

22.2 Prior to the commencement of Construction Works the NZ Transport Agency shall provide to the Territorial Authority evidence that Archaeological Authorities have been obtained from Heritage New Zealand, as appropriate, to modify, damage or destroy any of the known archaeological sites likely to be affected during the construction works. Alternatively, the NZ Transport Agency shall provide evidence that Archaeological Authorities are not necessary.

22.3 No later than forty (40) working days prior to the commencement of any earthworks or construction works, the NZ Transport Agency shall submit a Heritage and Archaeological Site Management Plan (HASMP) prepared by a suitably qualified and experienced archaeologist and conservation architect to the Territorial Authority Chief Executive or nominee for certification.

22.4 The HASMP shall be prepared after consultation with the TWWG and with Heritage New Zealand. The objective of the HASMP is to describe the measures that will be taken to avoid or mitigate effects on heritage and archaeological sites within the designation. As a minimum the HASMP shall include the following:

a) Measures that will be taken to protect archaeological sites (or insitu archaeological remains) from damage during construction;

b) Roles and responsibilities associated with managing the archaeological aspects of the Project;

c) Provision for training for staff and contractors in the archaeological aspects of the Project;

d) Provision for any revisions required to the HASMP during the course of the Project;

e) An Accidental Discovery Protocol (ADP) (noting that in the event of any conflicting provisions where any part of the site is operating under an Authority from Heritage New Zealand, the ADP contained within that Authority shall take precedence) so that in the event that any archaeological sites, remains, artefacts, taonga (Maori artefacts) or koiwi are unearthed, dislodged, uncovered or otherwise found or encountered during Construction Works (“the Discovery”), the NZ Transport Agency shall:
i) Advise taangata whenua, the Project archaeologist, and the Territorial Authority as appropriate, within one day of the Discovery;
ii) Cease works in any part of the Project site affected by the Discovery;
iii) Contact the NZ Police, the Coroner and Heritage New Zealand as appropriate;
iv) Undertake specific preservation measures to address any Discovery that includes water-logged or wet archaeological materials; and
v) Not recommence works in the parts of the Project site affected by the Discovery until all necessary statutory authorisations or consents have been obtained;
f) Twenty (20) working days prior to the NZ Transport Agency providing the HASMP or any revisions in accordance with Condition 2.5 to the Territorial Authority, a draft version of the plan will be provided to the TWWG and to Heritage New Zealand for their review. The NZ Transport Agency shall consider any feedback provided and provide a written response within the finalised HASMP detailing:
   i) Whether any feedback has been provided by the TWWG and Heritage New Zealand;
   ii) Where feedback has been provided, how it has been incorporated into the HASMP; and
   iii) Where feedback has been provided but not been incorporated into the HASMP, the reasons why not; and

g) Provisions for providing any new information on archaeological sites to the New Zealand Archaeological Association for the purpose of updating the national archaeological site record database.

22.5 Specifically with regards to the Glenhope Homestead, the HASMP shall include requirements for:
   a) The preparation of a pre-relocation comprehensive photographic record of the interior and exterior of the building with a floor plan of the building identifying the location and viewpoint of photographs identified; and the wider setting of the building, including the associated outhouses, garden and trees, and the adjacent woolshed and two worker’s cottages. A detailed site plan detailing these elements as well as paths, the road entrance, driveways and any other built objects should also be drawn up with the location and viewpoint of photographs identified.
   b) Copies of all relevant records to be given to Heritage New Zealand and the Territorial Authority.
   c) The preparation of a detailed dwelling condition report prior to the start and conclusion of any relocation works.
   d) Identification of the alternative site within the bounds of the original 350 acre farm to which the dwelling and associated outhouses adjacent to the dwelling will be relocated and the works that will be undertaken at that site to recreate the setting (as far as practicable) of the original Glenhope site.

22.6 In addition to the relevant provisions of the HASMP, a Dwelling Conservation Plan shall be prepared for Glenhope Homestead by a suitably qualified and experienced conservation architect to identify and rank individual heritage spaces and fabric of the dwelling, describe appropriate policies to ensure heritage values of the dwelling are maintained throughout construction and operation of the Project and provide a dwelling relocation methodology, including treatment of brickwork chimneys. A copy of the Dwelling Conservation Plan shall be provided to Heritage New Zealand.

22.7 Conservation Plans shall be prepared for the long-term management of those significant archaeological sites (part or whole) within the area of the designation that
remain unaffected by the construction of the Project once construction is completed. Conservation Plans shall be prepared by a suitably qualified and experienced expert. The Historic and Cultural Heritage Assessment Criteria employed in the Waikato Regional Policy Statement shall be used to determine if a site has sufficient significance to warrant the preparation of a Conservation Plan. All sites partly or wholly within the designation will be tested against these criteria. These Conservation Plans shall:

a) Not be limited to the surface visible remains but recognise the importance of sub-surface deposits;
b) Be prepared by a suitably qualified archaeologist; and

c) Be submitted to the Territorial Authority Chief Executive or nominee for certification.

22.8 No later than twenty (20) working days prior to the NZ Transport Agency providing any Conservation Plan to the Territorial Authority Chief Executive or nominee, a draft version of the plan shall be provided to the TWWG and to Heritage New Zealand for their review. The NZ Transport Agency shall consider any feedback provided and provide a written response within the finalised Conservation Plans detailing:

a) Whether any feedback has been provided by the TWWG and Heritage New Zealand;
b) Where feedback has been provided, how it has been incorporated into the Conservation Plans; and

c) Where feedback has been provided but not been incorporated into the Conservation Plans, the reasons why not.

23.0 Drainage

23.1 Subject to the requirement of any resource consent, the construction and operation of the Project shall not increase flooding risk to surrounding land and/or property.

24.0 Network Infrastructure

24.1 To ensure that there are no interruptions to supply, or adverse effects on network utility infrastructure, the NZ Transport Agency shall, subject to reasonable planned interruption, either:

a) Protect the utility from any activity which may interfere with the proper functioning of the services; or

b) Seek to relocate it to the same or a similar standard (including property rights) as the operator currently has; or

 c) Seek to repair or replace, at the NZ Transport Agency’s expense, any infrastructure damaged during construction to the reasonable satisfaction of the affected network utility operator.

25.0 Dust Management Plan

25.1 Prior to the commencement of Construction Works, the NZ Transport Agency shall prepare a Dust Management Plan (DMP). The DMP shall be prepared by a suitably qualified and experienced expert. The NZ Transport Agency shall implement the DMP at all times during the Project. The objective of the DMP shall be to ensure that Construction Works are undertaken in a manner to ensure that no discharge of airborne particulate matter (dust) causes an adverse effect on the amenity value of any person beyond the designation boundary.
25.2 The DMP shall be provided to the Territorial Authority Chief Executive or nominee for certification at least forty (40) working days prior to the commencement of Construction Works.

25.3 As a minimum the DMP shall include the following details:
   a) Mitigation measures to be implemented during construction to minimise dust emissions;
   b) Methods for the daily visual monitoring of dust emissions and assessing the effectiveness of the mitigation measures implemented;
   c) Procedures for responding to process malfunctions and accidental dust discharges;
   d) Criteria, including consideration of weather conditions and procedures, for the use of water sprays on stockpiles and operational areas of the Project;
   e) Continuous monitoring of meteorology;
   f) Monitoring of construction vehicle maintenance;
   g) Complaints investigation, monitoring and reporting;
   h) The identification of staff and contractors’ responsibilities; and
   i) Appropriate DMP review procedures.

26.0 Contaminated Soil Management Plan

26.1 Prior to the commencement of Construction Works, the NZ Transport Agency shall engage a Suitably Qualified and Experienced Practitioner to prepare a Contaminated Soil Management Plan (CSMP). The NZ Transport Agency shall implement the CSMP at all times during the Project. The objective of the CSMP shall be to avoid, remedy or mitigate the adverse effects of Construction Works on human health and the environment which may result from the disturbance of contaminated soil/material.

26.2 The CSMP shall be provided to the Territorial Authority Chief Executive or nominee for certification at least forty (40) working days prior to the commencement of Construction Works.

26.3 As a minimum the CSMP shall include the following details:
   a) Details of any investigation, assessment, reporting and management of contaminated land or potentially contaminated land that has been carried out;
   b) The measures to be undertaken in the handling, storage and disposal of all contaminated material excavated during the construction works;
   c) The soil validation testing that will be undertaken;
   d) The soil verification testing that will be undertaken to determine the nature of any contamination in excavated spoil and the potential reuse or disposal options for that spoil;
   e) How the placement of any re-used contaminated soil / material will be recorded and tracked;
   f) Measures to be undertaken in the event of unexpected contamination being identified during construction activities, including measures to:
      i) Assist with identification of unknown contaminated material; and
      ii) Stop work or isolate the area once any such material is identified;
g) The measures to be undertaken to:
   i) Protect the health and safety of workers and the public;
   ii) Control stormwater runon and runoff;
   iii) Remove or manage any contaminated soil; and
   iv) Remediate any required sites;

h) The measures to be undertaken to:
   i) Identify any suspected asbestos;
   ii) Identify the type of asbestos and confirm the appropriate means by which it
       shall be removed; and
   iii) Handle any asbestos containing material.

26.4 A Suitably Qualified and Experienced Practitioner shall supervise the implementation of
       the measures required in Condition 26.3 above.

26.5 At the completion of the construction of the Project, a validation report shall be
       prepared by a Suitably Qualified and Experienced Practitioner in accordance with any
       Ministry for the Environment guideline and the National Environmental Standard for
       Assessing and Managing Contaminants in Soil to Protect Human Health, and be
       submitted to the Territorial Authority Chief Executive or nominee documenting the
       management of contaminated soil and evidence of appropriate disposal. The validation
       report shall include a record of all analytical results, volumes, tip receipts, and any
       incidents or complaints and how these were addressed. The validation report shall also
       identify any areas which need on-going monitoring and management by the NZ
       Transport Agency.

Advice Note:
A Suitably Qualified and Experienced Practitioner has the same meaning as described in the
Users’ Guide for the National Environmental Standard for Assessing and Managing
Contaminants in Soil to Protect Human Health (Ministry for the Environment, April 2012).

27.0 Hazardous Substances Management Plan

27.1 Prior to the commencement of Construction Works, the NZ Transport Agency shall
       prepare a Hazardous Substances Management Plan (HSMP). The HSMP shall be
       prepared by a suitable qualified and experienced expert. The NZ Transport Agency
       shall implement the HSMP at all times during the Project. The objective of the HSMP
       shall be to avoid, remedy or mitigate the adverse effects of Construction Works on
       human health and the environment which may result from the use of hazardous
       substances.

27.2 The HSMP shall be provided to the Territorial Authority Chief Executive Officer or
       nominee for certification at least forty (40) working days prior to the commencement of
       Construction Works.

27.3 As a minimum the HSMP shall include the following details:
       a) Details of the type and volumes of hazardous substances to be used and stored
          during the construction phase of the Project;
       b) Procedures for the proper storage, handling, transport and disposal of hazardous
          substances in accordance with best practice and national standards and
          regulations;
c) The equipment, systems and procedures to be used to minimise the risk of spills or leaks of hazardous substances;
d) Procedures to notify and report to the Territorial Authority within 24 hours of a spill or leak involving 10 litres or more of a hazardous substance occurring; and
e) Procedures to be followed to identify causes of spills or leaks of a hazardous substance and to avoid their recurrence.

28.0 Construction Lighting

28.1 The NZ Transport Agency shall implement procedures at all times during construction to manage light spill (if any) to residences from any night lighting that is required on the site.

OPERATIONAL CONDITIONS

29.0 Operational Noise

29.1 For the purposes of Conditions 29.2 - 29.15 the following terms will have the following meanings:
a) BPO – means the Best Practicable Option.
b) Noise Assessment – means the Noise Assessment prepared in accordance with Condition 29.2.
d) Noise Criteria Categories – means the groups of preference for time-averaged sound levels established in accordance with NZS 6806:2010 when determining the BPO mitigation option; i.e. Category A – primary noise criterion, Category B, secondary noise criterion and Category C – internal noise criterion.
e) PPF – means only the premises and facilities identified in green, orange or red in the Noise Assessment and as specified in Annexure 4.
f) Structural Mitigation – has the same meaning as in NZS 6806:2010.

Noise Assessment Report (prior to construction)

29.2 The NZ Transport Agency shall appoint a suitably qualified acoustics specialist, a suitably qualified planner approved by the Territorial Authority, and other designers, to determine the BPO for road-traffic noise mitigation in accordance with NZS 6806:2010. No later than six (6) months prior to Construction Works starting, the NZ Transport Agency shall submit to the Territorial Authority Chief Executive or nominee a Road-traffic Noise Assessment Report (‘Noise Assessment’) detailing the assessment process, ‘Selected Options’ for noise mitigation, and the Noise Criteria Categories for all PPFs (‘Identified Categories’). The NZ Transport Agency shall implement the Selected Options for noise mitigation identified in the Noise Assessment as part of the Project, in order to achieve the Identified Categories where practicable, subject to Conditions 29.4–29.13 below.

29.3 The Noise Assessment shall only consider:
29.4 The detailed design of the Structural Mitigation measures of the Selected Options (the “Detailed Mitigation Options”) shall be undertaken by a suitably qualified acoustics specialist prior to Construction Works commencing and, subject to Condition 29.5, shall include, as a minimum, the following:

a) Noise barriers with the location, length and height in general accordance with the Noise Assessment; and
b) Low-noise road surfaces in general accordance with the Noise Assessment.

Amendments to Noise Assessment Report

29.5 Where the design of the Detailed Mitigation Options identifies that it is not practicable to implement a particular Structural Mitigation measure in the location or of the length or height included in the Selected Options then either:

a) if the design of the Structural Mitigation measure could be changed so that it would still achieve the same Identified Category A or Category B at all relevant PPFs, and a suitably qualified planner approved by the Territorial Authority certifies to the Council that the changed Structural Mitigation is consistent with adopting the BPO in accordance with NZS 6806:2010, the Detailed Mitigation Options may include the changed mitigation measure; or, if that is not practicable:

b) if the changed design of the Structural Mitigation measure would change the Noise Criteria Category at any relevant PPF from Category A or B to Category C but a suitably qualified planner approved by the Territorial Authority certifies to the Council that the changed Structural Mitigation is consistent with adopting the BPO in accordance with NZS 6806:2010, the Detailed Mitigation Options may include the changed mitigation measure.

29.6 The Detailed Mitigation Options shall be implemented prior to completion of construction of the Project, with the exception of any low-noise road surfaces, which shall be implemented within twelve (12) months of completion of construction.

Category C PPFs

29.7 Prior to construction of the Project, a suitably qualified acoustics specialist shall identify those PPFs which, following implementation of all the Structural Mitigation included in the Detailed Mitigation Options, are not in Noise Categories A or B and where Building-Modification Mitigation may be required to achieve 40dB LAeq (24h) inside habitable spaces (‘Category C Buildings’).

29.8 Prior to commencement of Construction Works in the vicinity of a Category C Building, the NZ Transport Agency shall write to the owner of each Category C Building seeking access to such building for the purpose of measuring internal noise levels and assessing the existing building envelope in relation to noise reduction performance.

29.9 If the owner(s) of the Category C Building allows the NZ Transport Agency access to the property within twelve (12) months of the date of the NZ Transport Agency’s letter (sent pursuant to Condition 29.8), then no more than twelve (12) months prior to commencement of construction of the Project, the NZ Transport Agency shall instruct a
suitably qualified acoustics specialist to visit the building to measure internal noise levels and assess the existing building envelope in relation to noise reduction performance.

29.10 Where a Category C Building is identified, the NZ Transport Agency shall be deemed to have complied with Conditions 29.8 or 29.9 above where:

a) The NZ Transport Agency (through its acoustics specialist) has visited the building; or

b) The owner of the Category C Building allows the NZ Transport Agency’s access, but the NZ Transport Agency could not gain entry for some relevant reason (such as entry denied by a tenant); or

c) The owner of the Category C Building did not allow the NZ Transport Agency access to the property within the time period set out in Condition 29.14 (including where the owner(s) did not respond to the NZ Transport Agency letter (sent pursuant to Condition 29.8 within that period)); or

d) The owner of the Category C Building cannot, after reasonable enquiry, be found prior to completion of construction of the Project.

If any of (b) to (d) above apply to a particular Category C Building, the NZ Transport Agency shall not be required to implement any Building-Modification Mitigation at that Category C Building.

29.11 Subject to Condition 29.10, within six (6) months of the assessment required under Condition 29.8, the NZ Transport Agency shall give written notice to the owner of each Category C Building:

a) Advising of the options available for Building-Modification Mitigation to the building; and

b) Advising that the owner has six (6) months within which to decide whether to accept Building-Modification Mitigation for the building, and if the NZ Transport Agency has advised the owner that more than one option for Building-Modification Mitigation is available, to advise which of those options the owner prefers.

29.12 Once an agreement on Building-Modification Mitigation is reached between the NZ Transport Agency and the owner of an affected building, the mitigation shall be implemented (including the NZ Transport Agency obtaining any third party authorisations required to implement the mitigation) in a reasonable and practical timeframe agreed between the NZ Transport Agency and the owner.

29.13 Subject to Condition 29.10, where Building-Modification Mitigation is required, the NZ Transport Agency shall be deemed to have complied with Condition 29.12 above where:

a) The NZ Transport Agency has completed Building-Modification Mitigation to the Category C Building; or

b) The owner of the Category C Building did not accept the NZ Transport Agency offer to implement Building-Modification Mitigation prior to the expiry of the timeframe stated in Condition 29.11(b) above (including where the owner did not respond to the NZ Transport Agency within that period); or

c) The owner of the Category C Building cannot, after reasonable enquiry, be found prior to completion of construction of the Project.
Maintenance of Detailed Mitigation Measures

29.14 The NZ Transport Agency shall manage and maintain the Detailed Mitigation Options to ensure that, to the extent practicable, those mitigation works retain their noise reduction performance for at least ten (10) years after the opening of the Project to the public.

29.15 Within twelve (12) months of opening any new section of road to the public, the NZ Transport Agency shall submit a post-construction noise review report to the Territorial Authority Chief Executive or nominee. The report shall include details of the following post-construction verification checks and actions:

   a) The noise model used for the assessment required by condition 29.2 shall be rerun using the as-built positions of roads, earthworks and barriers. Any differences from the Identified Categories, not previously assessed in accordance with condition 29.5, shall be reported.
   
   b) A visual inspection of each noise barrier shall be made from the far edge of the road corridor at the closest point to each PPF or cluster of PPFs. The relationship of the PPFs and barrier shall be compared with that shown in the noise model. The height above local ground level of each noise wall shall be physically measured and noise walls shall be inspected to check for any gaps.
   
   c) Road surfaces shall be visually inspected to confirm they are of the type assumed in the noise model.
   
   d) Any remedial actions to address issues identified in checks required by conditions 29.15(a), (b) and (c) above.

30.0 Transport Network Management Plan

30.1 As part of the outline plan, the NZ Transport Agency shall submit a Transport Network Management Plan (TNMP), to be certified by the Territorial Authority Chief Executive or nominee. The TNMP shall be prepared by a suitably qualified and experienced expert. The objective of the TNMP is to provide a framework to ensure that any adverse effects associated with the operation of the Project can be avoided, remedied or mitigated. The TNMP shall describe proposed procedures, requirements and standards necessary for achieving the objective of the TNMP and shall include (but not be limited to):

   a) An updated Design Philosophy Statement that establishes the standards, philosophies and references for construction final design outcomes required to achieve the objective of the TNMP. This shall include the intersection design philosophy as a part of a whole-route approach to road and intersection management and operation.
   
   b) The localised traffic impacts together with accompanying mitigation measures required as a direct or indirect result of road closures, diversions, new intersection arrangements and other measures needed to accommodate the Project;
   
   c) The provision of cycle infrastructure connectivity where planned and designed, and whether the design of cycle features is consistent with current best practice guidelines;
   
   d) The provision of pedestrian infrastructure connectivity where planned and designed, and whether the design of pedestrian infrastructure is consistent with current best practice guidelines;
   
   e) Consideration of bus service infrastructure integrated with the local transport network.
30.2 In managing traffic safety effects across the whole of the Project (or staged Project) at the detailed design stage, the NZ Transport Agency shall undertake a Road Safety Audit for the relevant stage of the Project in accordance with NZ Transport Agency’s Road Safety Audit (RSA) for Projects. A copy of the RSA shall be provided to the Territorial Authority Chief Executive or nominee.

30.3 In managing traffic effects of the completed Works (or staged completed Works) at their implementation as operational measures, the NZ Transport Agency shall undertake a Post Implementation Review (PIR) in accordance with NZ Transport Agency’s PIR policy, having regard to the Project objectives and the objectives of the TNMP. A copy of the PIR shall be provided to the Territorial Authority Chief Executive or nominee.

31.0 Implementation of Landscape Management Plan(s)

31.1 The landscape and visual mitigation measures identified in the approved LMP(s) shall be implemented:
   a) As soon as areas become available for planting due to the progress of the works (having regard to the relevant planting season); and/or
   b) Within twelve months of the road construction being issued a Certificate of Practical Completion in accordance with NZS 3910: 2013 Conditions of Contract for Building and Civil Engineering Construction, unless the seasonal timing of works makes some planting impracticable, in which case such planting shall be completed no later than twenty four (24) months after the issue of the Certificate.

32.0 Maintenance and Monitoring of Landscape Management Plan(s)

32.1 The NZ Transport Agency shall undertake inspections at one (1) year, two (2) years and five (5) years after the implementation of the LMP(s) in accordance with Condition 31.1 to confirm that the planting has been completed and that significant areas and plants have established successfully. A report from a suitably qualified and experienced landscape architect on the outcome of each inspection shall be forwarded to the Territorial Authority Chief Executive or nominee within one month of completion. Each report shall identify any significant areas of planting that have not become established and shall recommend if and when any remedial works should be undertaken. Any recommendations made in the report for remedial works shall be implemented. Provision is to be made for remedial works to be undertaken when planting becomes practicable, if the inspections identify that any significant areas of planting have not become established.

33.0 Operational Lighting

33.1 Lighting shall be designed and screened to minimise the amount of lighting overspill and illumination of existing dwelling, and shall ensure that:
   a) All carriageway lighting is designed in accordance with “Road Lighting Standard AS/NZS1158”; and
   b) All other lighting is designed in accordance with the relevant rules of the Operative Waipa District Plan.

34.0 Administration
34.1 The NZ Transport Agency shall pay to the Territorial Authority any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act 1991.
ADVISORY NOTES

A Regional Consents
All necessary consents must be obtained from the Waikato Regional Council prior to commencement of construction works.

B Authority under the Heritage New Zealand Pouhere Taonga Act 2014
The NZ Transport Agency will need to obtain an authority from Heritage New Zealand to destroy, damage or modify any archaeological sites in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.

C Consultation and Liaison with Regional and Local Agencies
The NZ Transport Agency should carry out adequate and timely consultation with regional and local agencies such as the Waikato Regional Council, Hamilton City Council and Waikato District Council (or their successors) with regard to programming and planning commencement of Construction Works and provide a timetabled construction plan.

D Taangata Whenua Contact Details
Contact details for the hapu listed in the conditions above can be obtained through the office of Waikato-Tainui.

E Wildlife Act 1953
The requirements of condition 21.5 are in addition to any obligations of the NZ Transport Agency in respect of absolutely protecting wildlife under the Wildlife Act 1953.

Annexures
Annexure 1 – SH3/21 intersection – Interim Arrangement (Condition 8.1)
Annexure 2 – Uplift of Chinaman’s Hill Designation Plan (Condition 12.1)
Annexure 3 – Plan of landowners to be consulted on – Landscape Management Plan (Condition 20.3(t))
Annexure 4 – PPF List (Condition 29.3)
Annexure 5 – Southern Links Mitigation Plan and Cross Sections
## Table 1

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| West-East    | 4560-4970      | Lot 1 DPS 84715 (SA60C/336) | In the southernmost corner of this lot, at the point:  
(a) 10 metres from the boundary of Lot 1 DPS 84715 with Lot 1 DPS 33205 (SA29C/638); and  
(b) 10 metres from the boundary of Lot 1 DPS 84715 with Lot 1 DPS 29779 (SA27B/739).  
as identified by reference to Point A in Figure 1 below, at a height equivalent to a single storey dwelling (five metres). |
| West-East    | 4970 to 5430   | Lot 1 DPS 29779 (SA27B/739) | On the boundary of Lot 1 DPS 29779 and Lot 4 DPS 59241, 15 metres to the northeast of, the northern designation boundary as identified by reference to Point B in Figure 1 below, at a height equivalent to a single storey dwelling (five metres). |
Figure 1: Location of Nominal dwellings
Annexure 5 – Southern Links Mitigation Plan and Cross Sections