

Appendix M

Recommended Designation Conditions

**Recommended conditions to apply to the Rotokauri Strategic Infrastructure
Designation A121**

May 2025

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1. Definitions of Terms and Abbreviations used in these Conditions

<u>Affected-in-Proximity Parties</u>	<u>Means owners and occupiers of properties up to 200m beyond the designation boundary</u>
<u>CCP</u>	<u>Communication and Consultation Plan</u>
<u>CEMP</u>	<u>Construction Environmental Management Plan</u>
<u>Certification</u>	<u>Means written confirmation by the Territorial Authority Chief Executive or nominee that the submitted Management Plan complies with the requirements of the relevant designation conditions.</u>
<u>CESCP</u>	<u>Construction Erosion and Sediment Control Plan</u>
<u>CLCSMP</u>	<u>Construction Level Crossing Safety Management Plan</u>
<u>Construction Works</u>	<u>Means the physical works and related activities necessary to construct the Project, but does not include Enabling Works as defined in these conditions, or site investigations</u>
<u>Contact Details</u>	<u>Means mobile phone number, land-line number (if any), postal address, and email address</u>
<u>CRP</u>	<u>Culture Recognition Plan</u>
<u>CTMP</u>	<u>Construction Traffic Management Plan</u>
<u>Designation</u>	<u>Means the designation for Rotokauri Strategic Infrastructure (Designation Number A121) included in the Hamilton City Operative District Plan to give effect to the NOR. It also refers to the area of land within the Designation boundary.</u>
<u>Directly Affected Parties</u>	<u>Means owners and occupiers of properties within the designation boundary</u>
<u>DMP</u>	<u>Dust Management Plan</u>
<u>EclA</u>	<u>Rotokauri Strategic Infrastructure Designation - Ecological Impact Assessment (Beca Limited, 24 April 2024). This is Appendix G to the NOR.</u>
<u>EMP</u>	<u>Ecological Management Plan</u>
<u>Enabling Works</u>	<u>Means 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, 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.</u>
<u>HCC</u>	<u>Hamilton City Council</u>
<u>HNZPT</u>	<u>Heritage New Zealand Pouhere Taonga</u>
<u>HSMP</u>	<u>Hazardous Substances Management Plan</u>
<u>LMP</u>	<u>Landscape Management Plan</u>
<u>Mana Whenua</u>	<u>Means Te Haa o te Whenua o Kirikiriroa and Ngaati Wairere</u>
<u>Management Plan</u>	<u>Means any plan required by Condition 9.1, regardless of whether it has the words "Management Plan" in its title.</u>
<u>NOR</u>	<u>Means the <i>Rotokauri Strategic Infrastructure Designation Notice of Requirement: Final Report 19 September 2024: Prepared by Beca Limited for Hamilton City Council</i></u>
<u>The Project</u>	<u>Means the Rotokauri Strategic Infrastructure project, the subject of the NOR, to be constructed and operated within the Rotokauri and Rotokauri North Structure Plan areas and their environs</u>
<u>Te Ture Whaimana</u>	<u>Means the Vision and Strategy for the Waikato River as set out in the Waikato-Tainui Raupatu (Waikato River) Settlement Act 2010</u>
<u>RMA</u>	<u>Resource Management Act 1991</u>
<u>Schedule</u>	<u>Means a schedule to the Construction Noise and Vibration Management Plan as described in Conditions 14.3k and 14.6.</u>
<u>TARP</u>	<u>Trigger Action Response Plan</u>

2. General Conditions

2.1 Except as modified by the conditions below and subject to detailed design, the Project must be undertaken in general accordance with the *Rotokauri Strategic ~~Transport and Three Waters~~ Infrastructure Designation Notice of Requirement: Final Report dated 24 April 2024 19 September 2024 Prepared by Beca Limited for Hamilton City Council (the **NOR**)*, including the *Assessment of Effects on the Environment and the NoRall its* appendices, except Appendices A and B, and the following:

a. The Requiring Authority's Part 1 response to Section 92 further information request. This is a letter dated 31 January 2024 signed by Melissa Slatter,

b. The Requiring Authority's Part 2 response to Section 92 further information requests. This is a letter dated 24 April 2024 signed by Tony Denton, and

c. Appendices A and B to these Conditions.

a. —

2.2 The Project must be undertaken in accordance with any:

a. Approved Outline Plan(s) ; and

b. Certified Management Plan(s) required by these conditions.

2.3 Where there is inconsistency between the **NOR** and these conditions, these conditions must prevail.

2.4 Any reference in these conditions to a New Zealand Standard or an International Standard includes any later Standard that amends or replaces it.

2.5 The detailed design of the Project must include, and be informed by, a site-specific geotechnical investigation, including assessment of seasonal variation in groundwater levels, to determine the potential effects related to liquefaction, lateral spreading, cyclic softening, settlement (from embankment loads, temporary or permanent dewatering, and excavations), and bearing capacity.

2.6 The Rotokauri Greenway (Designation A114) must be completed and operational before construction of the roading infrastructure in Designation A121, other than bulk filling, clean filling, and Enabling Works, begins, unless the construction of the roading infrastructure and its associated stormwater management infrastructure is authorised by resource consents.

2.7 The Requiring Authority must pay the Territorial Authority for the latter's actual and reasonable costs of review and Certification of Management Plans and monitoring the Construction Works' compliance with the designation conditions.

3. Land Subject to the Designation

3.1 The designation applies to all the land within the designation boundary shown and scheduled on the designation plans in **Appendix A** to these conditions.

Note: Appendix A to these conditions will be Appendix A to the NOR updated in accordance with the Commissioners' decisions on the Requirement.

4. Description of the Works

4.1 The works to give effect to the Designation must be generally in accordance with the concept design, roading and stormwater drawings included as **Appendix B** to these conditions.

Note: Appendix B to these conditions will be Appendix B to the NOR updated in accordance with the Commissioners' decisions on the Requirement.

3.5. Lapse

3.15.1 The Designation will lapse if not given effect to within 15 years from the date on which it is included in the Hamilton City Operative District Plan under section 175 of the Resource Management Act 1991 (RMA).

6. Communication, Consultation, and Property Liaison Manager

- 6.1** Within 3 months of inclusion of the designation in the Operative District Plan, the Requiring Authority must appoint a Communication, Consultation and Property Liaison Manager to implement the Communication and Consultation Plan (CCP)¹.
- 6.2** The Communication, Consultation and Property Liaison Manager (subject to Condition 6.3) must 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.
- 6.3** During stages of construction, the Requiring Authority must make a contact person available 24 hours per day, seven days per week for public enquiries about the Construction Works.
- 6.4** The name and Contact Details of the Communication, Consultation and Property Liaison Manager and, once appointed, the contact person required by Condition 6.3 must be listed in the CCP and HCC's website.
- 6.5** The Communication, Consultation and Property Liaison Manager and the contact person specified in Condition 6.3 must maintain a record of all direct contact received and any actions arising.²

4.7. Complaints Management

- 7.1** Upon receiving any complaint in relation to the Enabling Works or Construction Works, the Requiring Authority must instigate a process to address it. The Requiring Authority must:
- Identify the relevant details of the complaint.³
 - Acknowledge to the complainant receipt of the complaint within 24 hours of receipt, and
 - Respond to the complaint in accordance with any relevant Management Plan as soon as reasonably practicable, as appropriate to the urgency of the circumstances, and within 10 working days at the latest.

Note

- A response to a complaint may include, e.g., a suitably qualified and experienced person monitoring the activity that gave rise to the complaint, or implementation of measures to avoid, remedy, or mitigate the relevant adverse effect, if required.

4.17.2 At all times during ~~E~~enabling ~~W~~orks or ~~c~~Construction ~~W~~orks, the Requiring Authority must maintain a register of any complaints received in relation to ~~adverse effects of these activities. enabling or construction works for the Project.~~ The register must include:

- The name and ~~C~~contact ~~D~~etails of the complainant (if supplied).
- The nature and details of the complaint.

¹ See Conditions 10.1 to 10.4.

² See Condition 7.

³ See Condition 7.2.

- c. Location, date and time of the complaint and the alleged event giving rise to the complaint₁.
- d. ~~Where relevant, t~~The weather conditions at the time of the event (as far as practicable), including wind direction₁.
- e. ~~Project-related construction activities near the site, and at the time, of the incident that gave rise to the complaint.~~
- e.f. Other activities in the area, unrelated to the Project, ~~that~~which may have contributed to the complaint₁.
- f.g. The outcome of the Requiring Authority's investigation into the complaint₁; and
- h. A description of any measures taken to respond to the complaint⁴.~~The Requiring Authority must respond to the complainant as soon as reasonably practicable, as appropriate to the urgency of the circumstances, and within 10 working days at the latest.~~

7.3 This record must be maintained on site, be available for inspection by the Territorial Authority upon request.

~~5. Cultural Impact Assessment~~

~~5.1 Prior to the commencement of construction, the Requiring Authority, the hapuu of Te Haa, and Te Haa O Te Whenua O Kirikiriroa, will engage in discussions to progress the implementation of the recommendations in the Cultural Impact Assessment report, and to identify opportunities for hapuu members to undertake educational and environmental activities, such as environmental monitoring and movement of fish as part of ecological management during and after construction. The outcomes of this engagement will be reported to the Territorial Authority, prior to, or in conjunction with, the Outline Plan lodged pursuant to section 176A of the RMA.~~

~~6. Discovery of Archaeological or Culturally Significant Finds~~

~~6.1 Any earthworks in the areas of historical, cultural, and spiritual significance identified in the Archaeological Assessment (Sian Keith Archaeology Ltd dated June 2023 attached to the NoR as Appendix F, must be monitored by a suitably qualified archaeologist.~~

~~**Advice Note: Any archaeological monitoring will be undertaken in accordance with any authority/s obtained from Heritage New Zealand Pouhere Taonga (HNZPT) for the Project.**~~

~~6.2 The Requiring Authority must give at least 20 working days written notice of the date that the construction contractor intends to commence earthworks or construction activity to:~~

- a. ~~Te Haa O Te Whenua O Kirikiriroa and Ngaati Wairere to enable them to~~The Project archaeologist, ~~to establish with the contractor a working relationship that will comply with good practice during the earthworks stage of construction.~~

~~6.3 Condition 5.2 only applies if an HNZPT archaeological authority is not in place. If any archaeological sites, remains, artefacts, taonga (Maaori artefacts) or kooiwi are unearthed, dislodged, uncovered, or otherwise found or discovered during the earthworks (the discovery), the Requiring Authority must:~~

- a. ~~Notify Te Haa O Te Whenua O Kirikiriroa, Ngaati Wairere, the Project archaeologist and the Territorial Authority within one day of the discovery.~~
- b. ~~Cease works in any part of the Project site affected by the discovery.~~

⁴ See Conditions 10.6c and 13.3f ii

- ~~c. — Ensure that the Project archaeologist attends the site to confirm whether the material is archaeological in nature and to confirm if kooiwi is discovered.~~
 - ~~d. — Notify the NZ Police, Coroner and HNZPT, as appropriate.~~
 - ~~e. — Undertake specific preservation measures to address any discovery that includes water-logged or wet archaeological materials; and~~
 - ~~f. — Not recommence works in the parts of the Project site affected by the discovery until all necessary statutory authorisations or consents have been obtained.~~
- ~~6.4 — The conditions of any HNZPT authority that applies to a site within the Designation area prevail over any inconsistent Designation conditions.~~

8. Matters to be included in an Outline Plan

- 8.1 In addition to the matters listed in s176A (3) of the RMA, an outline plan of the works necessary to give effect to all or part of the NOR must include the following that are relevant to the parts or sections of the Project to which the outline plan relates:
- a. The following, based on modelling of the traffic that will be generated when the city is developed to the capacity permitted in the Operative District Plan that applies when the outline plan is submitted:
 - i. Evidence that the form and function of the following intersections maintain an acceptable level of service when the Rotokauri Structure Plan area is developed to its full capacity:
 - A. Te Kowhai Road East / Te Rapa Road / Church Road,
 - B. Minor Arterial North / Te Kowhai Road (including SH39) / Koura Drive (SH39),
 - C. Chalmers Road / Arthur Porter Drive, and
 - D. Minor Arterial North / Te Wetini Drive / Taiatea Drive.
 - ii. A description of any measures, and the proposed timing of their implementation, to maintain an acceptable level of service at the Te Kowhai East Road / Maahanga Drive / The Boulevard intersection.
 - b. Confirmation that the cross-section design for each transport corridor will provide unrestricted access for fire-trucks, ambulances, and other emergency vehicles, including after vehicle crashes and during the 1-in-100-year flood event or other anticipated emergencies.
 - c. Confirmation that the design of the tie-in to Burbush Road near 27 and 29 Burbush Road, including its horizontal and vertical alignments and cross-section and the relevant measures included in the CTMP, CNVMP (including the Schedule), and the LMP will adequately and appropriately mitigate the adverse effects of construction and operation of the Project on these properties.
 - d. Details of the permanent access to be provided to all properties whose existing access will be affected by the works described in the outline plan.
 - e. Evidence that bulk filling will not dam or divert existing drainage and overland flow paths, or evidence that any such damming or diversion is authorised by a resource consent.
 - f. An assessment of the effects of the works under the Representative Concentration Pathway 8.5 climate change scenario and identification of any measures that will be implemented to avoid, remedy, or mitigate those effects where they create significant flood risk or hazard.

- g. An assessment of the stormwater effects of any works in the Te Rapa and Managaheka catchments and identification of any measures that will be implemented to avoid, remedy, or mitigate those effects where they create significant flood risk or hazard.
- h. An assessment of alternative measures to achieve a consistent cross-section for the north-south minor arterial.
- i. An assessment of alternatives to overland flow over the north-south minor arterial transport corridor where it crosses the Rotokauri Greenway in events up to and including the 1 in 100-year event, while keeping a sag in the transport corridor's vertical alignment at this location.
- j. Details of connections between cycle and pedestrian paths in the Designation and the same types of paths in the Rotokauri Greenway designation.
- k. Details of any consultation undertaken in conjunction with preparing the detailed design of the works.⁵

6.5

7.9. Management Plans – General

7.19.1 Each of the following Management Plans must be prepared by a suitably qualified and experienced person and be submitted to the Territorial Authority Chief Executive or nominee for Ceertification that they are consistent with the conditions of the Designationeach satisfies the relevant requirements for that Management Plan:

- a. Communication and Consultation Plan,
- b. Culture Recognition Plan,
- a-c. Construction Environmental Management Plan,
- b. Construction Traffic Management Plan ~~with a Stakeholder and Engagement Plan,~~
- d.
- e-e. Construction Noise and Vibration Management Plan,
- d-f. Construction Erosion and Sediment Control Plan,
- g. Dust Management Plan,
- e-h. Construction Level Crossing Safety Management Plan,
- f-i. Ecological Management Plan, and
- j. Landscape Management Plan, and
- g-k. Hazardous Substances Management Plan.

9.2 Each Management Plan must identify the specific measures to be implemented and maintained to achieve its objectives.

9.3 Where a party is consulted in relation to the preparation of a Management Plan, an updated Management Plan required by Condition 9.5, or an amended Management Plan required by Condition 9.8, or the detailed design, then that Management Plan or the relevant outline plan must include details of:

- a. Who was consulted and when, where, and/or how the consultation was undertaken,

⁵ See Condition 9.3.

- b. The issues that those consulted raised, or responses that they made, that were relevant to that Management Plan or the detailed design.
 - c. How the Management Plan or detailed design responds to the matters described in Condition 9.3b, and
 - d. The reasons why any outcomes sought by those consulted have not been provided for in the Management Plan or detailed design.
- 9.4 The Management Plans are not required to include all details for every stage of work at the time the Management Plan is submitted to the Territorial Authority Chief Executive or nominee for Certification. If further details are to be provided for later stages of work, the Management Plan must specify which stages require further Certification later.
- 9.5 The Requiring Authority must submit updated Management Plans for later stages of work to the Territorial Authority Chief Executive or nominee for Certification at least 40 working days before Construction Works on the relevant stage start, and Conditions 9.7, 9.8, 9.10, and 9.11 apply accordingly.
- 9.6 An updated Management Plan must achieve the objectives of the relevant Management Plan that it updates.
- 9.7 Within 20 working days of receipt of any Management Plan for ~~C~~certification as required ~~under~~ by Condition 9.1, or any updated Management Plan required by Condition 9.56-4, or any amended Management Plan required by Condition 9.8, the Territorial Authority must notify the Requiring Authority as to whether the relevant Management Plan is certified or ~~whether-is incomplete and/or inconsistencies inconsistent~~ with the relevant designation ~~Designation~~ condition(s) ~~have been identified and what matters are required to be addressed~~.
- 9.8 If the Territorial Authority does not certify a Management Plan, updated Management Plan, or amended Management Plan, then the Requiring Authority must complete the Management Plan and resubmit the amended Management Plan to the Territorial Authority Chief Executive or nominee for Certification.
- ~~7.29.9~~ If nothing is received the Management Plan will be deemed to be certified.
- ~~7.39.10~~ Construction ~~W~~works, or activities (e.g., consultation or communication), that are subject to a Management Plan, updated Management Plan, or amended Management Plan ~~must not~~ commence until the Requiring Authority has received ~~the Territorial Authority's written or deemed C~~certification ~~for of~~ the relevant Management Plans.
- 9.11 Any changes proposed to a certified Management Plan must be confirmed in writing by the Requiring Authority and certified in writing by the Territorial Authority's Chief Executive Officer or nominee within 10 working days of receipt of written confirmation, prior to implementation of those changes. Any changes to Management Plans must remain consistent with the overall objective of the relevant Management Plan. In the event of any dispute, disagreement, or inaction arising in respect of the Certification of Management Plans, updated Management Plans, or amended Management Plans, that matter must 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 person, 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 person must be appointed within 10 working days of the Requiring Authority or Territorial Authority giving notice of their intention to seek determination. The appointed person must, as soon as possible, issue his or her decision on the matter. In making the decision, he or she may seek further information and hear from the parties as seen fit.

9.12 At all times during construction, the Requiring Authority must ensure that a copy of the latest certified version of all Management Plans is kept on site and all key personnel are made aware of their contents.

9.13 The Requiring Authority must implement, and comply with, all the certified Management Plans, including any updated Management Plans, during the stages of work to which they relate.

Note

1. It is likely that the resource consents granted by Waikato Regional Council for the Project will also require preparation of management plans. Where any of those management plans overlap with those required by the Designation Conditions, the Requiring Authority / consent holder may prepare a combined management plan that meets the relevant Designation Conditions and resource consent conditions.

10. Communication and Consultation Plan

10.1 Within 6 months of the Designation being confirmed, the Requiring Authority must submit a Communication and Consultation Plan (CCP) to the Territorial Authority Chief Executive or nominee for Certification.

10.2 Implementation of the CCP must commence within 9 months from the inclusion of the designation in the Operative District Plan and continue until construction of the Project is complete.

10.3 The objectives of the CCP are:

- a. To ensure that appropriate and timely communication or consultation about the Project is undertaken with Directly Affected Parties, Affected-in-Proximity Parties, relevant stakeholders and communities, and the public from 9 months after the Designation is included in the Operative District Plan until construction of the Project is complete, and
- b. In addition, during the detailed design of any stage of the Project, to help achieve the integrated management of the effects of the Project on natural and physical resources.

10.4 Notwithstanding Condition 10.3b, the Requiring Authority will, at its sole discretion, determine proposed design levels, Project design criteria, and any access provided to the Designation.

10.5 The CCP must set out how and when the Requiring Authority will:

- a. Inform the Directly Affected Parties, Affected-in-Proximity Parties, other parties, and the public of:
 - i. The Project programme,
 - ii. Any proposed staging of works,
 - iii. The likely commencement and duration of Construction Works or other Project activities,
 - iv. Any constraints that could affect people,
 - v. Any proposed hours of construction activities that are outside of normal working hours or on weekends and public holidays,
 - vi. The Project's progress, including any key Project milestones achieved, and
 - vii. Whom to contact in relation to any enquiries, concerns, or complaints.
- b. Provide general updates on property acquisition and management, while respecting the privacy and confidentiality of individual landowner negotiations,

- c. Engage with Directly Affected Parties, Affected-in-Proximity Parties, and other parties for identifying and implementing potential site-specific mitigation measures, and
- d. Provide opportunities for the community to learn about the Project.

10.6 In addition to the matters set out in Conditions 6.4 and 10.5, the CCP must also set out:

- a. The objectives of the CCP⁶.
- b. Condition 10.4.
- c. Accountabilities and timeframes for responding to enquiries and complaints⁷.
- d. Communication and consultation methods to be used.
- e. Any other relevant communication matters.
- f. Identification of Directly Affected Parties, Affected-in-Proximity Parties, and other parties with whom the Requiring Authority will consult and communicate, the timing of the communication or consultation, and its subject, including, but not exclusively:
 - i. Prior to detailed design, consultation with Waikato Regional Council regarding public transport infrastructure, including bus priority lanes, bus stop locations and design, and enabling safe and efficient public transport services, and road flooding safety and disruption issues.
 - ii. During detailed design, consultation in accordance with Table 1.

Table 1: Consultation required during detailed design

<u>No.</u>	<u>Parties to be consulted</u>	<u>Subject of consultation</u>
<u>A</u>	<u>Fire and Emergency NZ, New Zealand Police, and St John</u>	<u>Emergency access</u>
<u>B</u>	<u>KiwiRail</u>	<u>The level crossing safety measures to be incorporated into the Project</u>
<u>C1</u>	<u>Ministry of Education</u>	<u>Integrating Project planning with planning for existing and proposed educational facilities in the Rotokauri and Rotokauri North Structure Plan Areas that are confirmed at that time, Rotokauri School, Ngaa Taiaatea Wharekura, Te Koopuku High, Te Rapa School, and Pukete School.</u>
<u>C2</u>		<u>Mitigating adverse effects of the construction and operation of the Project on the facilities listed in C1 above and people movement to and from them</u>
<u>D</u>	<u>NZ Transport Agency</u>	<u>Construction detail and temporary works to protect the SH1C overbridge and cycle facilities.</u> <u>Temporary works impact on SH39.</u>
<u>E1</u>	<u>Waikato Regional Council</u>	<u>Bus servicing and public transport infrastructure provision</u>
<u>E2</u>		<u>Road flooding safety issues</u>
<u>E3</u>		<u>Measures to address any downstream effects on drains managed by Waikato Regional Council.</u>

⁶ See Condition 10.3.

⁷ See Condition 7.

<u>No.</u>	<u>Parties to be consulted</u>	<u>Subject of consultation</u>
<u>F</u>	<u>Hounsell Holdings Ltd, Rotokauri Farming No3 Ltd, Hamilton JV (N3) Ltd, Rotokauri Development Ltd, and Pragma Holdings Ltd</u>	<u>Proposed design levels, access to the Designation, and Project design criteria.</u>
<u>G</u>	<u>The owners of Lot 4004 DP 576817 and Lot 2 DP 12201</u>	<u>Culvert 2</u>
<u>H1</u>	<u>Directly Affected Parties</u>	<u>Maintaining vehicle access to properties during construction (see Condition 13).</u>
<u>H2</u>		<u>Permanent access provision after construction</u>
<u>I</u>	<u>The owners of 27 and 29 Burbush Road</u>	<u>Mitigating effects on those properties</u>
<u>J</u>	<u>Te Whakakitenga o Waikato Inc. and Mana Whenua</u>	<u>The CRP – See Conditions 11.641.5, Error! Reference source not found.11.6 The EMP – See Condition 18.11 The LMP - Conditions 19.5 and 19.10</u>
<u>K</u>	<u>Territorial Authority</u>	<u>The LMP - See Condition 19.5</u>
<u>L</u>	<u>Multiple landowners - see Condition 19.6.</u>	<u>Planting and screening</u>
<u>M</u>	<u>Residents affected by Proposed construction compounds</u>	<u>Proposed construction compounds – see Conditions 19.7a and 19.8.</u>
<u>N</u>	<u>Affected residents living near Te Kowhai Road between the Te Kowhai Road / Burbush Road / Koura Drive Intersection and Mangaharakeke Drive.</u>	<u>Visual effects - See Conditions 19.7b and 19.8.</u>

Note

1. See Condition 10.4.

iii. The owners of land adjacent to the designation for the purpose of sharing the
following information relevant to each landowner's interests to enable them to
integrate the design of their developments with the design of the Project:

A. Design levels of low points on roads within the designation where overland
flow paths will cross the designation and the corresponding design peak
flows and peak water levels during over-flow,

B. Design information for each culvert under roads within the designation,
including culvert type, size, and invert level at the inlet, design head-water
level at the inlet, and design flows, and

C. Hydraulic design information for any parts of the stormwater management
system within the designation that receives stormwater discharged from
outside the designation, including design flood flows and levels, and

iv. During construction:

A. Giving Waikato Regional Council at least 12 weeks written notice of any
disruption to public transport routes,

B. Giving Fire and Emergency NZ, NZ Police, and St John advanced notice of
the location, timing, and duration of Construction Works or activities, and

C. Consulting owners and occupiers of relevant properties in relation to the preparation of a Schedule – see Condition 14.6a

g. Procedures for receiving, recording, and responding (if necessary) to feedback.

Note

1. Table 2 lists other conditions that set out consultation and communication requirements.

Table 2: Other conditions setting out consultation or communication requirements

<u>Other Management Plans containing consultation or communication requirements</u>	<u>Relevant Conditions</u>
<u>Culture Recognition Plan</u>	<u>11.6</u>
<u>Construction Traffic Management Plan</u>	<u>13.3f, 13.4</u>
<u>Construction Noise and Vibration Management Plan</u>	<u>14.3g, 14.3j, 14.6a, 14.6b v</u>
<u>Construction Level Crossing Safety Management Plan</u>	<u>17.3a</u>
<u>Ecological Management Plan</u>	<u>18.3b, 18.11</u>
<u>Landscape Management Plan</u>	<u>19.5, 19.6, 19.8</u>

11. Culture Recognition Plan

11.1 At least 40 working days before Construction Works start, the Requiring Authority must submit a Culture Recognition Plan (CRP) to the Territorial Authority Chief Executive or nominee for Certification.

11.2 The purpose of the CRP is to give effect to the relevant requirements of:

- a. The Resource Management Act 1991,
- b. Te Ture Whaimana, and
- c. The National Policy Statement for Indigenous Biodiversity.

11.3 The objectives of the CRP are to:

- a. Recognise and provide for:
 - i. The relationship of Mana Whenua with their ancestral landscape, and
 - ii. Te Whakakitenga o Waikato Incorporated's and Mana Whenua's kaitiaki role.
- b. Identify the measures to be incorporated into the Project to implement the relevant recommendations of the *Project-Specific Cultural Impact Assessment - Rotokauri Arterial Designation* (Te Haa O Te Whenua O Kirikiriroa, 10 February 2021) and *Cultural Impact Assessment for Hamilton City Council Rotokauri Greenway Corridor* (Moko Tauariki, 28 November 2019).⁸

11.4 The CRP must include at least for the following:

- a. A list of the measures included in the Project to give effect to Te Ture Whaimana,
- b. Provisions for the capture of rare or endangered fish species from waterways that will be affected by the Project works, any proposed temporary relocation of the captured fish, and the release of the captured fish,
- c. The propagation of kiokio (palm leaf fern) for inclusion in planting of the road margins,
- d. A list of Te Reo Maaori names recommended by Mana Whenua for use for naming roads, waterways, and open spaces within the Designation for submission and consideration in accordance with Council's *Naming of Roads, Open Spaces, and Council*

⁸ See Appendix I of the NOR.

Facilities Policy. If required by Mana Whenua, the list of names may be supported by a statement of:

- i. The area's cultural significance, or a reference to the relevant parts of any Cultural Impact Assessment report that contains this information, and
 - ii. Any further feedback from Mana Whenua relating to the use of the names they have recommended.
- e. Provision of a storyboard close to the new roadway recording the Maaori history of the area in Te Reo Maaori and English. The content of the storyboard must be agreed with Mana Whenua.
- f. Mana Whenua input to Development of Maaori designs to be used wherever appropriate in the Project, including, e.g., on any sound-control fencing or other concrete or wooden structures within the Designation.
- g. A summary of the provisions to achieve the objectives of the CRP that are included in the following Management Plans:
- i. Ecological Management Plan (including the Bat Management Plan, Native Bird Management Plan, Lizard Management Plan, Fish Management Plan, and the Addendum to the Greenway Mudfish Management Plan), and
 - ii. Landscape Management Plan.
- h. The names and Contact Details of Mana Whenua representatives who are to be contacted for cultural advice and guidance if any archaeological or Maaori cultural materials or sites are discovered during construction of the Project. Should any of the listed Mana Whenua representatives become unavailable over the course of the Project, then the Requiring Authority must seek advice from the Territorial Authority Chief Executive or nominee about a replacement Mana Whenua representative.
- i. Provision of opportunities for Mana Whenua to:
- i. Brief the Project construction contractor and relevant staff regarding the accidental discovery protocol that will apply to the Project and the likely nature of cultural and historic artefacts in the area,
 - ii. Provide the cultural advice and guidance described in Condition 11.4 h above,
 - iii. Conduct cultural ceremonies, including karakia, at the following times:
 - A. Sod-turning ceremonies,
 - B. Discovery of koiwi, archaeological or cultural sites, or traditional Maaori artefacts,
 - C. When any tupuna trees are proposed to be cut down,
 - D. Road opening ceremonies, and
 - E. Naming ceremonies for roads or reserves, and
 - iv. Have up to 3 kaitiaki monitor stripping of the first 1m depth of soil.
- 11.5 The CRP must identify the extent of Mana Whenua involvement in the activities described in Condition 11.4b to 11.4i, and this must not exceed the extent of involvement that Mana Whenua wish to undertake.
- 11.6 The Requiring Authority must invite Te Whakakitenga o Waikato Incorporated and Mana Whenua to confirm in writing whether they wish to participate in the preparation of the CRP.

- 11.7 If Te Whakakitenga o Waikato Incorporated and Mana Whenua have confirmed in writing their willingness to participate in the preparation of the CRP, the Requiring Authority must:
- a. Arrange a hui to discuss the process for developing the CRP, prior to its development, and
 - b. Provide Te Whakakitenga o Waikato Incorporated and Mana Whenua an invitation to attend the hui no less than 30 working days ahead of the hui date.
- 11.8 If a CRP is developed with participation by Te Whakakitenga o Waikato Incorporated and/or Mana Whenua, the Requiring Authority must provide the final draft of the CRP to Te Whakakitenga o Waikato Incorporated and/or Mana Whenua for comment at least 40 working days prior to submitting the CRP to the Territorial Authority for certification.
- 11.9 The Requiring Authority must incorporate in the CRP any comments provided by Te Whakakitenga o Waikato Incorporated and/or Mana Whenua to the extent reasonably practicable.⁹
- 11.10 The Requiring Authority must give Mana Whenua 20 working days' notice of commencement of earthworks or construction.
- 11.11 During construction of the Project, and within 24 hours of any discovery of any archaeological or Maaori cultural materials or sites, the Requiring Authority must notify Mana Whenua of the discovery.

8.12. Construction Environmental Management Plan

- 8.12.1 At least 20-40 working days prior to the commencement of any earthworks or construction activity within the Designation boundaries (excluding site investigations and enabling works) before Construction Works start, the Requiring Authority must submit a Construction Environmental Management Plan (CEMP) to the Territorial Authority Chief Executive or nominee for Certification.
- 8.12.2 The objective of the CEMP is to set out measures that must be implemented to comply with the Designation conditions to avoid, remedy or mitigate potential adverse effects associated with enabling Enabling Works, and the construction of, the Project Construction Works to comply with the Designation Conditions.
- 8.12.3 The CEMP must include, as a minimum, the following details:
- a. A description of the scope of the CEMP and the scope of each of the other Management Plans, which manage specific types of environmental effects not covered by the CEMP.
 - b. The names, Contact Details, roles, and responsibilities of staff and contractors the following:-
 - i. The Requiring Authority's contact person required by Condition 6.3,
 - ii. The contractor's Site or Project Manager,
 - iii. The contractor's other key staff responsible for managing Enabling Works, Construction Works, and the effects of these works on the environment,
 - iv. People to be contacted in emergencies.
 - c. A detailed site layout plan showing, amongst other things, the locations of:
 - i. Construction compounds, including plant and material storage areas, workers' offices, toilets, and vehicle parking,

⁹ See Condition 9.3.

- ii. Large notice boards that clearly identify the name and Contact Details of the following:
- A. The Contractor's Site or Project Manager, and
- B. The Requiring Authority's contact person required by Condition 6.3,
- iii. Earthworks and spoil disposal areas,
- iv. Areas for which temporary lighting will be provided,
- a.d. A description of the Project, including:
- i. The programmes, staging, and methodologies for the eEnabling Works and Cconstruction Wworks programmes and staging approach.
- ii. The enabling and construction works methodologies.
- iii. A detailed site layout.
- ii. The design and management specifications for all earthworks on-site, including and spoil disposal sites, and their location
- iv. .
- v.iii. The design of temporary lighting for EEnabling Works, and cConstruction wWorks, and construction support areas.
- e. A ground-settlement-monitoring specification, including:
- i. The required spacing of settlement monitoring,
- ii. Methods for settlement monitoring,
- iii. Specific assets requiring settlement monitoring,
- iv. Duration of monitoring required,
- v. Reporting requirements, including when reports are to be prepared and to whom they are to be sent,
- f. A Trigger Action Response Plan (TARP) for management of excessive settlement detected during monitoring. This must include the timeframes in which response actions are to be taken, and requirements for reporting this to the Territorial Authority,
- b. Where existing fences are affected by Enabling Works or Construction Works, the provisions to be made to enable the continued operation of activities on the properties adjacent to the Designation. The approach to the management of enabling and construction works waste.
- g. .
- c. A description of training requirements for all site personnel (including employees, sub-contractors, and visitors).
- h. Measures to be employed to maintain the construction site in a tidy condition, including in relation to the management of waste from the Enabling Works and Construction Works, the storage of construction materials and equipment, and vegetation control,
- i. Site security arrangements,
- j. Measures to prevent vehicles travelling to, or leaving, the construction site from depositing soil or other debris on roads or public places, and the remedial measures to be taken should such deposition occur.

- ~~k. Environmental incident and emergency management procedures.~~
- ~~l. Procedures to be followed if archaeological or cultural sites or materials are discovered.¹⁰~~
- ~~d.m. Procedures for handling complaints in accordance with Condition 7.~~
- ~~e.n. Compliance monitoring, environmental reporting, and environmental auditing.~~
- ~~f. The details for emergency contact personnel.~~
- ~~g. Site security arrangements; and~~
- ~~o. A requirement for a copy of the CEMP to be held at all site offices, and A description of site induction training requirements for all site personnel (including employees, sub-contractors, and visitors) regarding construction procedures, management of environmental effects, and environmental effects monitoring.~~
- ~~h.~~
- ~~i.~~

9.13. Construction Traffic Management Plan

~~13.1~~ At least ~~20~~ 40 working days ~~prior to the commencement of construction works activities before Construction Works start~~, the Requiring Authority must submit a Construction Traffic Management Plan (CTMP) to the Territorial Authority Chief Executive or nominee for ~~certification~~ Certification.

~~9.1~~

~~13.2~~ The objectives ~~of the CTMP is are~~ to: ~~minimise adverse effects on property access, traffic safety and efficiency as a result of enabling or construction works activities, and effectively communicate those effects to stakeholders and the public. The CTMP forms part of the CEMP required by Condition 7.~~

- ~~a. Avoid or minimise the adverse effects of Project construction activities on:~~
 - ~~i. Road network traffic safety and efficiency, including on traffic flow and level of service.~~
 - ~~ii. Property access, and~~
 - ~~iii. Public transport services.~~
- ~~b. Maintain access for emergency vehicles.~~
- ~~c. Provide construction-related vehicles safe and efficient access to and from construction sites, including by considering queuing vehicle capacity, turning movement restrictions, and sight distances, and~~
- ~~d. Where practicable, during construction:~~
 - ~~i. Maintain:~~
 - ~~A. Vehicle access to property or private roads, or otherwise provide alternative access.~~
 - ~~B. Local access during Project construction, and~~
 - ~~C. Safety and access for pedestrians, cyclists, and micro-mobility users, and~~

¹⁰ See Condition 24.2.

- ii. Restrict temporary road closures to times when traffic will be lowest, including at night.

9.2

9.313.3 The CTMP must ~~include~~, as a minimum, identify:

- a. ~~Identification of traffic management activities and sequencing proposed for the Project, including staff travel, site access routes, hours of operation for service and Heavy Vehicles.~~
- b. ~~A Stakeholder and Engagement Plan which describes how stakeholders and the public will be communicated with and can register complaints during construction in relation to the following matters:~~
- c. ~~Methods for managing traffic effects, including through temporary traffic management activities, including:~~
 - i. ~~To communicate traffic management measures to affected road users.~~
 - ii. ~~To provide for safe and efficient access of construction vehicles to and from construction sites, including consideration of capacity for queuing vehicles, restrictions on turning movements and sight distances.~~
 - iii. ~~To maintain vehicle access to property and/or private roads where practicable, or to provide alternative access arrangements when it will not be.~~
 - iv. ~~To maintain local access during Project works, where practicable.~~
 - v. ~~For temporary road closures, with road closures to be conducted at times of lowest traffic, at night if practicable.~~
 - vi. ~~To identify how impacts on the road network from construction related light vehicle movements will be managed during peak traffic periods.~~
 - vii. ~~To identify how impacts from construction related light vehicle movements will be managed during peak traffic periods.~~
 - viii. ~~To identify how impacts from construction related Heavy Vehicle movements on traffic flow and level of service of the road network will be managed.~~
 - ix. ~~To ensure that any construction vehicles leaving the land on which works are being conducted do not deposit soil or other debris on local roads, and the remedial measures to be taken should this occur.~~
- d. ~~An explanation of how pedestrian and cycle access will be maintained.~~
- e. ~~An explanation of how emergency vehicle access is always provided; and~~
 - a. Methods to minimise disruption or delays to bus services. Traffic management methods, activities, and sequencing, including, but not exclusively, temporary traffic management, temporary road closures, alternative routes, and management of the movement of construction-related service vehicles and heavy-vehicles and other traffic to achieve the objectives of the CTMP.
 - b. Safe site access routes.
 - c. Hours of operation for service vehicles and heavy vehicles.
 - d. Provisions for staff travel to and from the construction site, including for parking.
 - e. Routes to be used for Project-related heavy commercial vehicles for shifting bulk materials (such as earth fill, pavement materials, or water), and routes these vehicles

must avoid, to avoid adverse effects on transport corridors, sites, and activities that are sensitive to this traffic.

f. A plan for:

- i. Communicating in advance to emergency service providers, affected parties, and the public: the timing, sequencing, and duration of works, road closures, alternative routes, traffic management measures, and temporary and permanent changes to road layouts and networks, and
- ii. Registering and responding to complaints about Project-related traffic and traffic management¹¹, and

13.4 During preparation of the CTMP, the Requiring Authority must undertake consultation in accordance with Table 3.¹²

Table 3: Consultation required during preparation of the CTMP

<u>No.</u>	<u>Parties to be consulted</u>	<u>Subject of the consultation</u>
<u>a</u>	<u>Fire and Emergency NZ, New Zealand Police, and St John</u>	<u>Provisions for emergency access during construction</u>
<u>b</u>	<u>KiwiRail</u>	<u>Measures to avoid the adverse effects of temporary traffic management and construction activities on the safety of the level crossing on Te Kowhai Road East</u>
<u>c</u>	<u>Ministry of Education</u>	<u>Measures to minimise the effects of construction-related traffic on the educational facilities listed in Condition 10.6f C1 that will be operating during the proposed construction period</u>
<u>d</u>	<u>NZ Transport Agency</u>	<u>Measures to minimise or appropriately mitigate the effects on the state highway network of constructing the Project</u>
<u>e</u>	<u>Waikato Regional Council</u>	<u>The effects of the Project's construction activities on bus services</u>
<u>f</u>	<u>Directly Affected Parties whose existing access will be affected during construction</u>	<u>Property access during construction</u>

10.14. Construction Noise and Vibration Management Plan

~~10.114.1~~ At least 20 40 working days prior to the commencement of anybefore Construction Worksearthworks or construction activity within the Designation boundaries (excluding site investigations and enabling works) start, the Requiring Authority must submit a Construction Noise and Vibration Management Plan (**CNVMP**) to the Territorial Authority Chief Executive or nominee for Certification.

~~10.2~~ A CNVMP shall be implemented during the Stage of Work to which it relates.

14.2 The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for the management of construction noise and vibration effects to achieve the construction noise and vibration standards set out in Conditions 14.49.4 and 14.59.5 to the extent practicable.

~~10.314.3~~ To achieve this purposeobjective, the CNVMP ~~shall~~must be prepared in accordance with Annex E2 of the New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise' (NZS6803:1999, and ~~shall~~must as a minimum, ~~address~~include the following:

¹¹ See Condition 6.

¹² See Condition 9.3.

- a. ~~D~~description of the works and anticipated equipment/processes₁₇;
- b. ~~H~~hours of operation, including times and days when construction activities would occur₁₇;
- c. ~~T~~he construction noise and vibration standards for the Project₁₇;
- d. ~~I~~dentification of receivers where noise and vibration standards apply₁₇;
- e. ~~M~~anagement and mitigation options, and identification of the Best Practicable Option₁₇;
- f. ~~M~~ethods and frequency for monitoring and reporting on construction noise and vibration₁₇;
- g. ~~P~~rocedures for communication and engagement with nearby residents and stakeholders, including notification of proposed construction activities, the period of construction activities, and management of noise and vibration complaints₁₇;
- h. ~~C~~ontact ~~D~~etails of the Project Liaison Person₁₇;
- i. ~~P~~rocedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers₁₇;
- j. ~~I~~dentification of areas where compliance with the noise ~~standard~~ [Condition ~~14.49.4~~] and/or vibration standards~~s~~ [Condition ~~14.59.5~~] ~~Category A or Category B~~ will not be practicable and the specific management controls to be implemented and consultation requirements with owners and occupiers of affected sites₁₇;
- k. ~~P~~rocedures and requirements for the preparation of a ~~s~~Schedule to the CNVMP (~~a~~ Schedule) for those areas where compliance with the noise ~~standard~~ [Condition ~~14.49.4~~] and/or vibration standards~~s~~ [Condition ~~14.59.5~~] will not be practicable and where sufficient information is not available at the time of the CNVMP to determine the area specific management controls [Condition ~~14.2 j9.3(x)~~]₁₇;
- l. ~~P~~rocedures and trigger levels for undertaking building condition surveys before and after works to determine whether any cosmetic or structural damage has occurred ~~as a result of~~~~because of~~ construction vibration, ~~and~~;
- m. ~~R~~equirements for review and update of the CNVMP.

10.414.4 Noise Criteria

- a. ~~Construction noise from the Project shall~~~~must~~ be measured and assessed in accordance with the NZS 6803:1999 and ~~shall~~~~must~~, as far as practicable, comply with the ~~following~~ criteria ~~in Table 4~~.

Table 4: Construction Noise Criteria

Type of Building	Day of week	Time	dB LAeq(15min)	dB LAmax
Buildings containing activities sensitive to noise	Weekdays	0630 – 0730	55	70
		0730 – 1800	70	85
		1800 – 2000	65	80
		2000 – 0630	45	75
	Saturdays	0630 – 0730	45	75
		0730 – 1800	70	85
		1800 – 2000	45	75
		2000 – 0630	45	75
	Sundays and Public Holidays	0630 – 0730	45	75
		0730 – 1800	55	85
		1800 – 2000	45	75
		2000 – 0630	45	75
Other occupied buildings	All days	0730 - 1800	70	n/a
		1800 - 0730	75	n/a

10.514.5 Vibration Criteria

- a. Construction vibration ~~shall~~must be measured and assessed in accordance with German Standard DIN 4150-3:2016 "Vibrations in buildings – Part 3: Effects of vibration on structures" and comply with the limits in Tables 1 and 4 unless otherwise provided for in the CNVMP.

10.614.6 A Schedule to the CNVMP

- a. Unless otherwise provided for in a CNVMP, a Schedule ~~to the CNVMP (Schedule)~~ ~~shall~~must be prepared, in consultation with the owners and occupiers of sites subject to the Schedule ~~to the CNVMP~~, when:
 - i. ~~C~~onstruction noise is either predicted or measured to exceed the noise standards in Condition ~~14.49.4, or;~~
 - ii. ~~C~~onstruction vibration is either predicted or measured to exceed the standard in Condition ~~14.59.5, or~~
 - ~~ii.iii.~~ Construction activities are undertaken within 100 metres of any boundary of the properties at 27 or 29 Burbush Road.
- b. The purpose of ~~the a~~ Schedule is to set out the Best Practicable Option for the management of noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP. ~~The A~~ Schedule ~~shall~~must include details such as:
 - i. construction activity location, start and finish times₁₇;
 - ii. the nearest neighbours to the construction activity₁₇;
 - iii. —the predicted noise and/or vibration level for all receivers where the levels are predicted or measured to exceed the applicable standards in Conditions ~~14.49.4~~ and ~~14.59.5~~₁₇;
 - iv. the proposed mitigation₁₇;
 - v. the proposed communication with neighbours₁₇; and
 - vi. location, times₁₇ and types of monitoring₁₇ ~~and~~.
- c. ~~The A~~ Schedule ~~shall~~must be submitted to the Territorial Authority Chief Executive or nominee ~~for information~~ at least 5 working days ~~, except in unforeseen circumstances,~~ in advance of Construction Works that are covered by the scope of the Schedule and ~~shall~~must form part of the CNVMP.
- d. The activities covered by the Schedule may be carried out only if the Territorial Authority certifies the Schedule.
- e. If the Territorial Authority advises the Requiring Authority of a 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 Requiring Authority to the satisfaction of the Territorial Authority.

11.15. Construction Erosion and Sediment Control Plan

~~11.115.1~~ At least ~~20-40~~ working days ~~prior to the commencement of any earthworks or construction activity within the Designation boundaries (excluding site investigations and enabling works) before Construction Works start~~, the Requiring Authority must submit a 'Construction Erosion and Sediment Control Plan' (CESCP) to the Territorial Authority Chief Executive or nominee for ~~C~~ertification.

~~11.215.2~~ The objective of the CESCP is to minimise sediment discharge from the site to roads, waterways, natural inland wetlands, or existing offset or enhancement wetlands to the greatest

extent practicable ~~and must also include methods to control dust and the impacts of dust on air quality.~~

~~11.3~~ 11.315.3 The CЕСCP must:

- a. Be based upon and incorporate the relevant principles and practices contained within the Waikato Regional Council document titled “Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009) and subsequent amendments or replacements of that document~~1.7~~.
- b. As a minimum, include, in general terms:
 - i. A description of the principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for ground disturbance and sediment discharge from the site, including flocculation if required~~1.7~~.
 - ii. The design criteria and dimensions of key erosion and sediment control structures~~1.7~~.
 - iii. A site plan of a suitable scale to identify, in general terms:~~1.7~~
 - A. The locations of waterways, natural inland wetlands, existing offset or enhancement wetlands, and proposed stormwater management wetlands~~1.7~~.
 - B. The likely extent of soil disturbance and vegetation removal~~1.7~~.
 - C. Any “no go” and/or buffer areas to be maintained undisturbed adjacent to watercourses, natural inland wetlands, or existing offset or enhancement wetlands~~1.7~~.
 - D. Areas of cut and fill~~1.7~~.
 - E. Locations of topsoil stockpiles~~1.7~~.
 - F. Key erosion and sediment control structures~~1.7~~.
 - G. The boundaries and area of catchments contributing to all stormwater impoundment structures~~1.7~~.
 - H. The locations of all specific points of discharge to the environment, and~~1.7~~.
 - I. Any other relevant site information~~1.7~~.
 - iv. Timetable and nature of progressive site rehabilitation and re-vegetation proposed~~1.7~~.
 - v. Maintenance, monitoring~~1.7~~ and reporting procedures~~1.7~~.
 - vi. Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures~~1.7~~.
 - vii. Procedures and timing for review and/or amendment to the erosion and sediment control measures listed in the CЕСCP~~1.7~~; and
 - viii. Identification, qualifications, and Ceontact Details of personnel responsible for the operation, and
 - ix. and maintenance of all key erosion and sediment control structures.

~~11.4~~ _____

16. Dust Management Plan

- 16.1 At least 40 working days before Construction Works start, the Requiring Authority must submit a Dust Management Plan (DMP) to the Territorial Authority Chief Executive or nominee for Certification.
- 16.2 The objective of the DMP is to prevent the discharge to air from the Construction Works of dust or other particulate matter that has an adverse effect beyond the Designation boundary on amenity values, wellbeing, potable water supplies, or property.
- 16.3 As a minimum the DMP must include the following details:
- a. Plans showing the locations of:
 - i. Activities near the Designation that are potentially sensitive to dust, e.g., residential activities,
 - ii. Properties collecting rainwater from their roofs,
 - iii. Potential sources of dust during separate phases of the Construction Works, and
 - iv. Sources of water to be used for dust suppression,
 - b. Mitigation measures to be implemented during construction to minimise dust emissions.
 - c. Methods for the daily visual monitoring of dust emissions and assessing the effectiveness of the mitigation measures implemented,
 - d. Procedures for responding to process malfunctions and accidental dust discharges,
 - e. Criteria, including consideration of weather conditions and procedures for the use of water sprays on stockpiles and construction areas,
 - f. Calculations showing daily water take requirements for dust control in extreme weather conditions,
 - g. Confirmation of authorisation from the relevant authorities to abstract the water required for dust control,
 - h. Procedures for continuous monitoring of meteorology, and
 - i. Procedures for monitoring of construction vehicle maintenance.

12.17. Construction Level Crossing Safety Management Plan

- 12.17.1 At least ~~20~~ 40 working days ~~prior to the commencement of~~ before any construction activity ~~(including site investigations, Enabling Works, or Construction Works) starts~~ within the Designation F1 (North Island Main Trunk Railway) or on Te Kowhai Road East between Te Rapa Road and the Te Kowhai East Road / Arthur Porter Drive / Earthmover Crescent Intersection, or on the proposed Major Arterial Transport Corridor between Te Rapa Road and Arthur Porter Drive, boundaries (including site investigations and enabling works), the Requiring Authority must submit a Construction Level Crossing Safety Management Plan (**CLCSMP**) to the Territorial Authority Chief Executive or nominee for Certification.
- 12.17.2 The objective of the **CLCSMP** is to ensure that no construction activities relating to the Project compromise the current level of safety at the Te Kowhai Road level crossing of the North Island Main Trunk Line.
- 12.17.3 The **CLCSMP** must be:
- a. Informed by consultation ~~undertaken between the Requiring Authority and~~ with KiwiRail,¹³ and

¹³ See Condition 9.3.

- b. Consistent with the relevant Deed of Grant and any relevant Level Crossing Safety Impact Assessment (LCSIA) prepared by the Requiring Authority, including, but not limited to, the SFAIRP Statement Report No. "Te Kowhai East Road Level Crossing 548.10km NIMT" dated 16/02/2024, which is included in Appendix 0 to the NOR.

17.4 The CLCSMP must include for, as a minimum, the following road/rail intersection layout and design details and other measures to maximise effectiveness of controls and reduce hazard likelihood at the site:

- a. Convert the following Intersections to traffic signals:
- i. Te Kowhai Road East / Tasman Road Intersection, and
 - ii. Te Kowhai Road East / The Boulevard / Mahanga Drive Intersection.
- b. Link the traffic signals listed in 17.4a above to the level crossing signals. The traffic signal controller at the intersection listed in 17.4a ii above must be set to give a green signal for traffic from the west, when triggered by an approaching train, to help clear any potential queues at the rail crossing.
- c. Provide an escape lane at the Te Kowhai Road East / Tasman Road Intersection.

Note: This condition needs to be refined to make clear the location and function of this escape lane.

- d. Provide median islands on the approaches to the level crossing to prevent impatient drivers driving around the controls.
- e. Investigate providing street lighting at the crossing to ensure approaching train drivers can see vehicles queuing or stacking across the crossing at night.
- f. Mark crosshatching at the level crossing.
- g. Mark "Rail X" on the eastbound approach to the level crossing.

Note

Following completion of construction of the major arterial transport corridor, and until the Te Kowhai Road East / Te Rapa Road / Church Road Intersection is signalised, the extent of any queueing on Te Kowhai Road East will need to be monitored and, if required, interim measures implemented to prevent queues extending over the level crossing.

b. —

13.18. Ecological Management Plan

13.118.1 At least 40 working days prior to the commencement of any earthworks or construction activity within the Designation boundaries (excluding site investigations and enabling works) before Construction Works start, the Requiring Authority must submit an Ecological Management Plan (EMP) to the Territorial Authority Chief Executive or nominee for Certification.

18.2 The objectives of the EMP is-are to:

- a. -address- Manage the potential adverse effects of construction and operation of the Project on ecological and biodiversity values_ and deliver the mitigations identified in Table 9 of Appendix G to the NoR. in accordance with the effects management hierarchy defined in the National Policy Statement for Indigenous Biodiversity.

Note

1. The extent and other details of the measures relating to aquatic habitat and natural inland wetlands will be determined through, and be subject to, resource consents obtained from Waikato Regional Council.
- b. Replant cleared terrestrial and riparian vegetation using suitable native species where practicable.
- c. Prevent weed invasion within the Designation.
- d. Avoid clearance of confirmed or potential bat-roost trees where possible.
- e. Minimise potential adverse effects of Construction Works on native skinks, and
- a.f. Recognise and provide for Waikato-Tainui's and Mana Whenua's kaitiaki roles with respect to managing the Project's effects on ecology and biodiversity, as identified in the Culture Recognition Plan.

13.218.3 The EMP must:

- a. Present a detailed methodology for the management of the Project's effects on ecology within the Project, in general accordance with the Rotokauri Strategic Infrastructure Designation - Ecological Impact Assessment (Beca Limited, 24 April 2024) (the EclA), which is Appendix G to the NoR dated July 2023 including the delivery of the mitigations identified in its Table 10, and the effects management hierarchy defined in the National Policy Statement for Indigenous Biodiversity.
- b. Take into account the outcomes of any consultation with Te Whakakitenga o Waikato Incorporated and Mānua Wāhenua and include a description of any activities Mana Whenua will assist with or undertake when the EMP is implemented, and:
- c. Include, as a minimum:
 - i. A summary of the terrestrial and aquatic ecology and biodiversity values and effects of the Project.
 - ii. Measures to avoid, minimise, remedy, mitigate, offset, or compensate for, adverse ecology effects of Construction Works and operation of the Project, including, but not limited to, effects on terrestrial vegetation and habitat, watercourses, natural wetlands, or existing offset or enhancement, wetlands, and black mudfish.
 - iii. Measures to be adopted to limit encroachment of the Project works into ecological sites.
 - iv. The location of, and measures and species for, restoration planting and habitat rehabilitation.
 - A. The location and measures for fauna and avifauna relocation; and
 - v. An explanation of any regional consents required.
 - v. A Bat Management Plan.
 - vi. A Native Bird Management Plan.
 - vii. A Lizard Management Plan.
 - viii. A Fish Management Plan.
 - ix. The management of mudfish shall be undertaken in accordance with Condition 39 of the Greenway Designation. An **Addendum to the Greenway Mudfish Management Plan** shall be prepared to address effects on mudfish arising from the Project.

Note

1. The Greenway Mudfish Management Plan is the plan prepared in accordance with Rotokauri Greenway (Designation A114) Condition 39,

x. ~~extent or adverse change in natural inland wetland function, composition, or values~~A list of any regional consents and other statutory approvals required prior to implementing the EMP.

18.4 The fauna management plans required by Conditions 18.3c v, vi, vii, viii, and ix must include as a minimum:

a. The location and measures for fauna salvage, relocation, and post-relocation monitoring (as appropriate), and

b. Description of measures that will be incorporated into the Project to manage the adverse effects of operation of the completed Project on the specified fauna.

Note: The objectives and content of the Management Plans required by Conditions 18.5, 18.6, 18.7, 18.8, and 18.9 need to be clarified.

18.5 The **Bat Management Plan** required by Condition 18.3c v must:

a. Be informed by a recent survey of the Designation to identify the presence of any bats or confirmed or potential bat roosts.

b. If confirmed or potential bat roost trees are identified within the Designation, include, as a minimum:

i. Bat roost management protocols, including:

A. Retention of confirmed or potential bat-roost trees where practicable, or

B. Tree-removal protocols, and

C. Provision of bat-roosting boxes as offset or compensation for loss of confirmed or potential bat-roosting habitat.

ii. Measures such as use of directional lighting to mitigate bat disturbance resulting from operation of the Project.

18.6 The **Native Bird Management Plan** required by Condition 18.3c vi will be required only if vegetation clearance will occur during the peak of the native bird-breeding season (August to January). It must provide for a suitably qualified ecologist to check for any active native bird nests within the vegetation clearance areas, immediately before the proposed clearance. An active native bird nest is a nest containing one or more viable native bird eggs or live chicks. If an active native bird nest is detected, vegetation clearance within a 10m radius of it must be delayed until a suitably qualified ecologist confirms that it is no longer active.

18.7 The **Lizard Management Plan** required by Condition 18.3c vii must:

a. Provide for a suitably qualified herpetologist to search for, and rescue, lizards in accordance with **the certified Lizard Management Plan and any Wildlife Act Authorisation** from the Department of Conservation in conjunction with vegetation removal from the Designation,

b. Identify:

i. Appropriate lizard relocation sites,

ii. Lizard-management measures to be put in place prior to relocating lizards to those sites,

iii. The monitoring of the relocated lizards that is to be undertaken, and

iv. How, when, and to whom the monitoring results will be reported.

18.8 The Fish Management Plan required by Condition 18.3c viii must:

a. Be informed by an ecological survey to confirm the presence or absence of at-risk native fish species in the aquatic habitat that the relevant stage of Construction Works could affect. This survey must be undertaken as late as practical before that stage of Construction Works begins, and

b. Identify, as a minimum:

i. The methods to be used to capture and relocate the species present,

ii. The methods to be used to humanely euthanise any captured fish species that Waikato Regional Council has declared to be pests,

iii. The locations to which the captured species will be relocated,

18.9 The purpose of the **Addendum to the Mudfish Management Plan** (the Addendum) required by Condition 18.3c v is to manage the Project's effects on mudfish. These effects must be managed in accordance with the Addendum and Rotokauri Greenway (Designation A114) Condition 39. This includes management of any mudfish relocated in accordance with the Fish Management Plan.

18.10 The Requiring Authority must consult Te Whakakitenga o Waikato Incorporated and Mana Whenua regarding preparation of the Ecological Management Plan.¹⁴

13.3 —

14.19. Landscape Management Plan

14.119.1 At least 20 40 working days prior to the commencement of any earthworks or construction activity within the Designation boundaries (excluding site investigations and enabling works) before Construction Works start, the Requiring Authority must submit a Landscape Management Plan (LMP) to the Territorial Authority Chief Executive or nominee for Certification.

19.2 The objectives of the LMP is to address the potential adverse effects of the Project on landscape, visual amenity, and natural character values by describing the integration of the Project's permanent works into the surrounding landscape and establishing the requirements for landscape mitigation works and to ensure that planting is completed as soon as is reasonably practicable following the completion of each stage of, or discrete location of, construction works are to:

a. Integrate the works authorized by this designation into the existing and future urban landscape,

b. Mitigate adverse visual and landscape effects of those works, or a particular stage of those works, that are more than minor on the amenity and natural character of the designated site, adjoining properties, and open spaces,

c. Enhance indigenous biodiversity and ecological corridors through planting with species appropriate to the natural ecosystem type where feasible,

d. Enhance habitat value for native fauna,

e. Achieve indigenous dominance of flora and fauna in the Designation,

¹⁴ See Condition 9.3.

- f. Avoid any net loss of lizard habitat,
 - g. Support development of safe and attractive paths and networks for pedestrians, cyclists, and micromobility users, including paths to and along waterways,
 - h. Integrate with the Construction Works relevant measures to be implemented in accordance with:
 - i. Condition 11 Culture Recognition Plan, and
 - ii. Condition 17 Ecological Management Plan,
 - i. Develop an urban landscape that is attractive and coherent and supports development of a sense of identity for the Rotokauri community, and
 - a-j. Establish landscape planting as soon as reasonably practicable following the completion of each stage, or discrete location, of the Construction Works.
- 19.3 The LMP must be consistent with the Urban and Landscape Design Framework 2022 which is **Appendix J** to the NQoR.
- 19.4 Wetlands must be consistent with best practice landscape design principles so that they appear natural and integrate with the landscape.
- 19.5 The LMP must be prepared, after consultation with Te Whakakitenga o Waikato Incorporated, Mana Whenua, and the Territorial Authority, by a suitably qualified and experienced landscape architect with appropriate urban design experience.¹⁵
- 19.6 Provided that the following stakeholders own land adjoining the designation at the time the LMP is prepared, the Requiring Authority must consult them in relation to the planting and screening measures to be incorporated into the LMP in relation to their property:¹⁶
 - a. Te Rapa Gateway Limited,
 - b. Steve Godley and Adam March,
 - c. Steve Nuich, Sophia Anne Nuich, Gibson Nominees Limited, and Ivan Selak,
 - d. Hounsell Holdings Ltd,
 - e. Rotokauri Farming No3 Ltd,
 - f. Hamilton JV (N3) Ltd,
 - g. Phillip Ross Laird and Franklaw Trust Ltd, and
 - h. The Ministry of Education.
- 19.7 During the detailed design of the Project, any potential adverse landscape and visual amenity effects of the following must be assessed, and measures identified to avoid, remedy, or mitigate them.
 - a. Proposed construction compounds, and
 - b. The Project on residents living near Te Kowhai Road between the Te Kowhai Road / Burbush Road / Koura Drive Intersection and Mangaharakeke Drive.
- 19.8 Each assessment made in accordance with Condition 19.7 must include consultation with the owners of properties that would be subject to those effects.¹⁷

¹⁵ See Condition 9.3.

¹⁶ See Condition 9.3

¹⁷ See Condition 9.3.

19.9 The LMP must include at least the following:

a. Introduction

i. Background

ii. Purpose and Scope

The purpose of the LMP is to achieve the Objectives of the LMP by identifying the landscape and urban design measures to be implemented and maintained, and to integrate the relevant measures recommended in the Culture Recognition Plan and Ecological Management Plan.

iii. Objectives

The objectives of the LMP are those set out in Condition 19.2.

iv. Scope

b. Consultation

i. Background

ii. Stakeholders

The stakeholders to be consulted in relation to the LMP are identified in Conditions 19.5, 19.6, and 19.8.

iii. The matters listed in Condition 9.3

c. Landscape Design

The proposed landscape and urban design theme to be adopted for the entire length of the Project, including for the:

i. Road Corridor

ii. Integration of the Project with the Rotokauri Greenway, including the provision of connections between the pedestrian and cycle paths in the Designation and the same types of paths within the Rotokauri Greenway designation

iii. Wetland and Stormwater Treatment Areas

iv. Roding Interfaces with adjoining residential, commercial, and recreational areas

v. Gateway Treatments.

d. Proposed Planting

i. Planting and Screening Plans

A. These must identify any vegetation to be retained and any areas of landscape mitigation and ecological enhancement planting (including that identified in the Ecological Management Plan required by Condition 18 and the Culture Recognition Plan required by Condition 11).

B. Planting and screening measures developed after the consultation with stakeholders required by Condition 19.6

ii. Planting Schedules

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

iii. Landscape Specification

This must include at least the following:

- A. Measures to integrate cut and fill batters with the existing topography.
- B. Integration of the landscape design with the design of any noise mitigation measures so that the combined measures can be implemented in a co-ordinated manner.
- C. Measures to ensure the appropriate disposal of any invasive or noxious weeds cleared from the site.
- D. Topsoil and sub-soil management to provide a viable growing medium for the areas to be planted with trees, shrubs, or grass.
- E. 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, and
- F. A planting specification, including planting and mulching techniques.

iv. Plant Supply (confirmation around eco sourcing / whakapapa sourcing)

v. Proposed Culture Recognition Measures

A plan showing the location of the measures to be incorporated in the Project to comply with Condition 11.

e. Landscaping Implementation, Maintenance, and Monitoring

i. Scope

ii. Timing and Staging

iii. An implementation programme for all remedial, mitigation, enhancement, and cultural recognition measures

iv. Site Preparation

v. Construction Compounds

- A. This must include the assessment made in accordance with Conditions 19.7a and 19.8.¹⁸

vi. Te Kowhai Road Residences

- A. This must include the assessment made in accordance with Conditions 19.7b and 19.8.

vii. Landscaping procurement: Confirmation that the proposed landscaping procurement methodology will achieve the supply of the necessary plants and their planting within the timeframes specified in Condition 20.

viii. Vegetation Maintenance

ix. Planting maintenance requirements over a five-year period following planting and reinstatement of road medians and berms, wetland treatment areas, and other areas

x. Post-construction Monitoring

¹⁸ See Condition 9.3.

xi. Reporting.

- 19.10 The Requiring Authority must provide the draft LMP to the Territorial Authority, Te Whakakitenga o Waikato Incorporated, Mana Whenua, and, if required by Condition 19.6, the relevant parties referred to in that condition, at least 30 working days before submitting it to the Territorial Authority Chief Executive or nominee for Certification.¹⁹
- 19.11 If the Requiring Authority has not received comment from any of the parties referred to in Condition 19.10 within 20 working days of providing them the draft LMP, the Requiring Authority may consider that the stakeholder concerned has no comment.
- 19.12 Following the consultation regarding the draft LMP, the Requiring Authority must finalise the LMP, including updating the consultation section with respect to consultation undertaken regarding the draft LMP²⁰, before submitting it the Territorial Authority Chief Executive or nominee for Certification.

20. Implementation of Landscape Management Plan(s)

- 20.1 The landscape and visual mitigation measures identified in the certified LMP(s) must 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, or
 - b. Within 12 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 must be completed no later than 24 months after the issue of the certificate.

21. Maintenance and Monitoring of Landscape Management Plan(s)

- 21.1 The Requiring Authority must undertake inspections at 1 year, 2 year, and 5 years after the implementation of the LMP(s) in accordance with Condition 20 to confirm that the planting has been completed and that significant areas and plants have established successfully.
- 21.2 A report from a suitably qualified and experienced landscape architect on the outcome of each inspection must be forwarded to the Territorial Authority Chief Executive or nominee within 1 month of completion.
- 21.3 Each report must identify any significant areas of planting that have not become established and recommend if and when any remedial works should be undertaken.
- 21.4 Any recommendations made in the report must be implemented.

22. Hazardous Substances Management Plan

- 22.1 At least 40 working days before Construction Works start, the Requiring Authority must submit a Hazardous Substances Management Plan (HSMP) to the Territorial Authority Chief Executive or nominee for Certification.
- 22.2 The objective of the HSMP is 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.
- 22.3 The HSMP must, as a minimum, include:

¹⁹ See Condition 9.3.

²⁰ See Condition 9.3.

- 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 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.

23. Pre-start Meetings

- 23.1 Not less than 5 working-days prior to the start of each stage of Construction Works (excluding Enabling Works and site investigations), the Requiring Authority must arrange for one or more pre-start meetings on site.
- 23.2 The objective of pre-start meetings is to ensure that the Contractor's key staff responsible for managing the works and their effects on the environment are aware of the measures that must be undertaken to comply with all the certified Management Plans.
- 23.3 The attendees must include at least the following:
 - a. A representative of the Requiring Authority,
 - b. The contractor's Site or Project Manager,
 - c. The contractor's other key staff responsible for managing Construction Works, and the effects of those works on the environment,
 - d. The Communication, Consultation and Property Liaison Manager, and
 - e. The Territorial Authority's monitoring person.

Note

- 1. To request a pre-start meeting, email planningcompliance@hcc.govt.nz with the designation reference (A121), a plan showing the extent of the stage of Construction Works that is about to start, the proposed start date for those works, and the details of the proposed meeting place and time.

24. Discovery of Archaeological or Culturally Significant Sites or Materials

- 24.1 If Heritage New Zealand Pouhere Taonga (HNZPT) has not issued an archaeological authority in relation to the Project, the Requiring Authority must give at least 20 working-days written notice of the date that the construction contractor intends to commence earthworks or construction activity to:
 - a. Mana Whenua to enable them to brief the contractor in relation to Conditions 11.4h41.3h and 11.4i41.3i i, and
 - b. The Project archaeologist, to enable him or her to establish with the contractor a working relationship, in accordance with good practice, in relation to the earthworks stage of construction.
- 24.2 This condition will apply only if a Heritage New Zealand Pouhere Taonga archaeological authority is not in place. If any archaeological sites, remains, artefacts, taonga (Maaori artefacts) or kooiwi are unearthed, dislodged, uncovered, or otherwise found or discovered during the earthworks (the discovery), the Requiring Authority must:

- a. Notify Mana Whenua, the Project archaeologist, and the Territorial Authority within one day of the discovery.
- b. Cease works in any part of the Project site affected by the discovery.
- c. Ensure that the Project archaeologist attends the site to confirm whether the material is archaeological in nature or koiwi.
- d. Notify the NZ Police, Coroner and HNZPT, as appropriate.
- e. Undertake specific preservation measures to address any discovery that includes water-logged or wet archaeological materials, and
- f. Not recommence works in the parts of the Project site affected by the discovery until all necessary statutory authorisations or consents have been obtained.

24.3 The conditions of any HNZPT authority that applies to a site within the Designation must prevail over any inconsistent Designation conditions.

Note

1. In accordance with the Heritage New Zealand Pouhere Taonga Act 2014, the Requiring Authority will need to obtain an authority from Heritage New Zealand Pouhere Taonga to destroy, damage, or modify any archaeological site.

25. Construction Traffic

25.1 There must be no Project-related heavy commercial vehicle traffic off-site:

- a. On Sundays, or
- b. On public holidays, or
- c. After 4pm on a working day immediately before a long weekend, or
- d. Between 7pm on any day and 7am on the following day.

26. Drainage

26.1 Unless authorised by a resource consent, the bulk-filling, construction and operation of the Project must not obstruct or divert any stormwater overland flow path, result in changed stormwater drainage patterns, or increase flooding risk on adjacent land or property in different ownership.

27. Network Utilities

27.1 The Requiring Authority must avoid interruptions to, or adverse effects on, operative network utility services, other than planned interruptions of reasonable duration, by:

- a. Protecting the network utilities, or
- b. Arranging for them to be relocated or replaced.

27.2 The Requiring Authority must arrange for the repair or replacement of any operative network utilities damaged during construction.

28. Construction Lighting

28.1 At all times during construction, the Requiring Authority must implement procedures to manage glare and light spill to any residential units from any night lighting that is required on the construction site.

29. Operational Lighting

- 29.1 Operational lighting must be designed and screened to minimise the amount of glare and light spill onto adjacent residential properties.
- 29.2 All carriageway lighting must be designed in accordance with Road Lighting Standard AS/NZS1158.
- 29.3 All other lighting must be designed in accordance with the relevant rules of the Hamilton City Operative District Plan.

Note

- 1. All necessary consents must be obtained from the Waikato Regional Council prior to commencement of Construction Works.

Appendix A to the Designation Conditions

Land Subject to the Designation

Appendix B to the Designation Conditions

Description of the Works