



5 December 2014

Hamilton City Council  
Private Bag 3010  
Hamilton 3240

Attn: Luke O'Dwyer

**SOUTHERN LINKS: NOTICE OF DECISION OF THE NZ TRANSPORT AGENCY UNDER SECTION 172 OF THE RESOURCE MANAGEMENT ACT 1991**

1 Thank you for your letter dated 28 October 2014 advising the Waipa and Waikato District Councils and Hamilton City Councils (collectively, the *Councils*) recommendations on the Notices of Requirement for designations and an alteration to designation for the Southern Links project (*Project*).

**Introduction**

2 The Transport Agency is the requiring authority for all State highway projects, including the Project.

3 Pursuant to sections 168 and 181 of the Resource Management Act 1991 (*RMA*), the NZ Transport Agency (*Transport Agency*) gave notice to the Councils of its requirements for designations and an alteration to designation for the Project within the Councils' respective District Plans.

4 The Councils appointed Independent Hearing Commissioners to hear the matter and to make recommendations as to whether the requirements should be withdrawn, confirmed with or without modification, or confirmed subject to conditions.

5 The Hearing Commissioners' recommendations (as reported in the attachment to your letter) were that the requirements should be **confirmed**, subject to conditions as set out in Volumes 2 through 5 of the recommendations.

**The Transport Agency's decision in relation to the recommendation**

6 In accordance with section 172 of the RMA, the Transport Agency is pleased to **accept in substantial part** the Hearing Commissioners' recommendations in relation to its notice of requirement in Hamilton City. Some modifications have been made to the recommended conditions.

7 A complete set of the final conditions, incorporating modifications made as a result of the Transport Agency's decision, and correcting a number of minor typographical and formatting errors, is **attached** to this letter as **Annexure A**.

8 The Transport Agency has also made decisions on related designations for the Project in Waipa District, Waikato District and an alteration to designation in Hamilton City, which are being served on Waipa District Council and Waikato District Council, as required under the RMA.

***Those conditions accepted in part only***

- 9 There are a number of the recommended conditions that are only partly accepted by the Transport Agency. The manner of amendment to these conditions and the reasons for the Transport Agency's decision in respect of these conditions are set out below.

*Condition 2.5*

- 10 The Hearing Commissioners recommended that the Transport Agency accept Condition 2.5 as proposed in the Transport Agency's reply submissions at the hearing,<sup>1</sup> but with the inclusion of the phrase "Unless inconsistencies are identified that require addressing" at the beginning of condition 2.5. No explanation was provided to support the inclusion of these words.

- 11 The Transport Agency's decision is to amend the recommended condition to read as follows (deletions shown in ~~strike through~~, additions in underline):

~~Unless inconsistencies are identified that require addressing, a~~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.

- 12 The reason for this amendment is that the deleted text is not considered to be necessary. If there are inconsistencies between the proposed changes to the Management Plan and the relevant designation condition, the Territorial Authority would advise the Transport Agency and not certify the Plan. The Transport Agency would either rectify the inconsistency or invoke the dispute resolution process set out in condition 2.6.

*Condition 2.6*

- 13 The Hearing Commissioners recommended that the Transport Agency accept the wording of condition 2.6 as put forward in the Transport Agency's reply submissions, but with the removal of the reference to the "NZ Transport Agency State Highway Manager." No reason was given for that removal.

- 14 The Transport Agency's decision is to amend the recommended condition 2.6 to read as follows:

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 ~~person~~, agreeable to both parties,...
- b) The independent appropriately qualified expert ~~person~~ 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 ~~person~~ shall, as soon as possible, issue his or

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<sup>1</sup> Reply submissions dated 29 August 2014.

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 ~~seen~~ fit.

- 15 The reasons for the amendments are:
- 15.1 A Transport Agency representative should be involved in determining the process for resolution of a dispute, along with the Territorial Authority Chief Executive.
  - 15.2 The addition of the word “independent” in condition 2.6(b) clarifies that a third party will become involved to make an independent determination on a dispute under this condition.
  - 15.3 The third party should be an “appropriately qualified expert” rather than an “appropriately qualified person”. The use of the term “expert” was agreed upon during expert planning conferencing. The Commissioners replaced “expert” with “person” throughout the conditions but without explanation in the Hearings Report, and the Transport Agency considers that “expert” is a more precise and appropriate term.
  - 15.4 The amendments in the final line of the condition (2.6(b)) confirm that the independent third party should be the person to decide if any further information or hearing from the parties is considered necessary.

*Condition 4.4*

- 16 The Hearing Commissioners have recommended amendments to the timeframes in conditions 4.1 and 4.5 to start from “inclusion of the designation in the district plan”.
- 17 The Transport Agency accepts that recommendation, but has decided that condition 4.4 should also be amended in the same way as follows:

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

- 18 The reason for the amendment is to provide consistency in the timeframes across the Pre-construction liaison conditions.
- 19 The person to prepare the PCCP should be a “suitably qualified and experienced expert” rather than a “suitable qualified and experienced person”. The term “expert” was agreed upon during expert planning conferencing. The Commissioners replaced “expert” with “person” without explanation in the Hearings Report, and the Transport Agency considers that “expert” is a more precise and appropriate term.

*Condition 4.16*

- 20 The Hearing Commissioners’ recommended condition 4.16, which sets out the membership of the Taangata Whenua Working Group (TTWG) is consistent with that put forward by the Transport Agency in its reply submissions.
- 21 The Transport Agency’s decision is to delete condition 4.16(f), which lists “The Territorial Authority” as a member.

22 The reason for this amendment is that the Transport Agency no longer considers it appropriate to include the Territorial Authority in the TWWG. The purpose of the TWWG is to allow for ongoing consultation and collaboration between taangata whenua and the Transport Agency for the life of the Project, including to provide a means for receiving regular updates on Project progress and staging, and to discuss the mitigation measures set out in the Taangata Whenua Effects Assessment Report (dated January 2014).

23 The inclusion of the Territorial Authority and the other relevant territorial authorities (Waikato District Council and Waipa District Council) in the TWWG may make administration of the TWWG more difficult. Other conditions require the Transport Agency to consult with the Territorial Authority regarding the preparation of some Management Plans (eg Landscape Management Plan, Construction Traffic Management Plan and Transport Network Management Plan). The Transport Agency will therefore still need to undertake consultation with the Territorial Authority in a number of areas, despite it not being a member of the TWWG.

*Condition 7.1*

24 The Hearing Commissioners' recommended condition 7.1 includes a requirement for the Agency to make a contact person available for enquiries about the Construction Works 24 hours a day, seven days a week.

25 The Transport Agency's decision is to amend this condition so that it is clear that the person available to be contacted after-hours, is available for emergencies. The condition is amended as follows:

The NZ Transport Agency shall make a contact person available ~~24 hours, seven days a week~~ for the duration of construction for public enquiries about the Construction Works, and an after-hours contact person available.

26 The reason for this amendment is that it is unreasonable to expect that there be a single contact person to be available 24 hours a day, seven days a week. The amendment enables there to be a person available after-hours, which may be a separate person to the person available during working hours.

27 Minor consequential changes to conditions 8.3(b) and (c) are necessary to clarify that there may be more than one contact person.

*Condition 9.4*

28 The Hearing Commissioners' recommended condition 9.4 closely aligns with that proposed by the Transport Agency in its reply submissions, subject to some minor amendments. No explanation is given in the Hearings Report for the Commissioners' amendments.

29 The Transport Agency's decision is to make some minor amendments to this condition, as follows:

- a) a resolution cannot be agreed, then the matter may be referred to an independent appropriately qualified expert person, agreeable to both parties,...
- b) The independent appropriately qualified ~~person~~ 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 seems fit.

30 The reason for the amendment is that it clarifies that it is the independent expert appointed to make a determination regarding a complaint or dispute who should decide if any further information or hearing from the parties is considered necessary.

31 The person to resolve the complaint should be an “appropriately qualified expert” rather than an “appropriately qualified person”. The term “expert” was agreed upon during expert planning conferencing. The Commissioners replaced “expert” with “person” without explanation in the Hearings Report, and the Transport Agency considers that “expert” is a more precise and appropriate term.

*Condition 10.8*

32 The Hearing Commissioners have recommended that the Transport Agency accept a new condition 10.8 that addresses the situation if the Territorial Authority identifies a concern with the Schedule.

33 The Transport Agency’s decision is to amend condition 10.8 as follows:

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.

34 The reasons for these amendments are that:

34.1 There should be a threshold of reasonableness that applies to the Council’s concern; and

34.2 The requirement for the Council to be satisfied that this matter has been addressed should be qualified by an element of reasonableness.

35 This is important to avoid any unreasonable delays that may otherwise result while activities are stopped to address the Territorial Authority’s concern.

*Condition 13.1*

36 The Hearing Commissioners have recommended timeframes for the submission of the Landscape Management Plan in condition 13.1 that apply once earthworks have commenced, which is different from what the Transport Agency put forward in its reply submissions. The Hearings Report contains no explanation of why this change was made by the Commissioners.

37 The Transport Agency’s decision is to amend condition 13.1 as follows:

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 earth Works if those earthworks 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.

38 The reason for the amendment is that Construction Works is a defined term, which provides greater certainty as to when the submission of the Landscape Management Plan is required to be submitted for certification.

*Condition 13.3(b)*

39 The Hearings Commissioners recommended that condition 13.3(b) be amended, by adding a reference to ecological enhancement planting, without giving any reason for the re-wording in the Hearings Report. The Transport Agency's decision is that condition 13.3(b) should be amended as follows:

Landscape plans that identify any vegetation to be retained and areas of landscape mitigation and ecological enhancement planting, and the type and density of planting to be undertaken;

40 The reason for this amendment is that the Project designation is located in an industrial area of Hamilton City and therefore in this part of the Southern Links project ecological enhancement planting is not feasible.

*Condition 13.3(e)*

41 As part of the preparation of the Landscape Management Plan, the Transport Agency proposed that this should include the outcomes of consultation with the Territorial Authority regarding landscaping proposals for local roads. This requirement was deleted by the Hearing Commissioners in their recommended condition 13.3, without any explanation in the Hearings Report.

42 The Transport Agency's decision is that condition 13.3 should be amended to reinstate this sub-clause as condition 13.3(e) as follows:

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

43 The reason for this amendment is to provide a specific requirement for the Landscape Management Plan to identify the outcomes of consultation regarding landscaping of local roads. The Transport Agency considers that this is an appropriate feature to include in that Plan.

*Condition 13.3(q) and Annexure 1*

44 The Hearing Commissioner's recommended conditions include condition 13.3(q) which requires the Landscape Management Plan to include planting and screening measures developed in consultation with the landowners shown in Annexure 1.

45 In the Transport Agency's reply submissions, it included the same set of plans for Annexure 1 for each of the Project designations (Waipa, Waikato and Hamilton City), and the alteration to designation.

46 The Transport Agency's decision is to delete condition 13.3(q) and delete Annexure 1 in its entirety. The reason for these amendments is that the consultation plans that were appended to the reply submissions only show landowners in the Waikato and Waipa districts to be consulted under condition 13.3(q). The land within the designation boundaries in Hamilton City is industrial zoned land, and the nature of land uses in this area is far less sensitive in terms of visual amenity than the rural and rural-residential land uses within the land surrounding the Waipa and Waikato designations for the Project. As such it is not considered that consultation with land owners in Hamilton City is warranted.

Consequential changes are made to delete references to condition 13.3(q) in conditions 13.4, 13.5 and 13.6.

*Condition 14.2*

47 The Hearing Commissioners' recommended condition 14.2 for the most part aligns with that proposed by the Transport Agency in its reply submissions, but some words have been deleted, with no explanation for these deletions given in the Hearings Report.

48 The Transport Agency's decision is to amend condition 14.2 as follows:

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.

49 The reason for the amendment is to provide greater clarity that archaeological authorities are to be obtained from Heritage New Zealand, and recognition that there may be circumstances where such archaeological authorities are not required.

*Condition 14.4*

50 The Hearing Commissioners' recommended condition 14.4 aligns with the conditions proposed by the Transport Agency, except that the reference to effects on heritage in condition 14.4 has been deleted, without any explanation in the Hearings Report.

51 The Transport Agency's decision is to amend conditions 14.4 as follows:

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.

52 The reason for this amendment is that the effects to be avoided or mitigated by the HASMP relate to both heritage and archaeological sites.

*Condition 14.4(a)*

53 The Hearing Commissioners' recommended condition 14.4(a) requires the HASMP to include measures that will be taken to "protect or avoid" archaeological sites from damage. No reason was given by the Hearing Commissioners for including the avoidance word.

54 The Transport Agency's decision to amend this condition as follows:

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

55 The reason for the deletion of the words "or avoid" is that these words are not necessary. The term "protect" is broad enough to incorporate avoidance.

*Condition 21.0 – Operational Noise*

56 The Hearing Commissioners' recommended conditions for operational noise include those conditions proposed in the Transport Agency's reply submissions, but also include those proposed by Mr Styles at the reconvened hearing on 1 September 2014.

- 57 The Transport Agency's decision is to amend the conditions as follows:
- 57.1 Deletion of the definition of "Original Noise Report" in condition 21.1(g); and
  - 57.2 Deletion of conditions 21.7, 21.8 and 21.9, with consequential numbering changes.
- 58 The reasons for the amendments are:
- 58.1 The Commissioners' findings were that it would be "untenable to turn our backs on a recently promulgated technical standard, specifically designed for this very purpose" and they accepted the use of the New Zealand Standard NZS 6806: 2010 "Acoustics – road-traffic noise – new and altered roads" (NZS 6806), finding that it "...provides sufficiently for the future noise assessment". NZS 6806 is specifically proposed in the Transport Agency's conditions.
  - 58.2 The Commissioners also found that they could not accept Mr Styles' proposed conditions as "...they clearly restrict the matters over which the standard speaks" (Hearings Report, section 6.3 (3), page 33). It would appear therefore that the inclusion of Mr Styles' conditions in the Hearing Commissioners' recommended conditions is an error.
  - 58.3 As explained in detail in the evidence of Mr Dravitzki and Dr Chiles, the Transport Agency considers that Mr Styles' proposed conditions, which attempt to impose noise level limits into the Transport Agency's conditions, are unsound, impracticable and unworkable, and inconsistent with NZS 6806.
  - 58.4 The Transport Agency considers that the conditions proposed in its reply submissions will adequately mitigate the operational noise effects of the Project, by requiring a future noise assessment to be undertaken in accordance with NZS 6806, to determine the Best Practicable Option for mitigation measures, and requiring those measures to be implemented.
  - 58.5 The Hearing Commissioners found that they preferred Dr Chiles' alternate conditions requiring a post-construction noise review, and agreed with the Transport Agency's evidence (namely Dr Chiles and Mr Dravitzki) that Mr Styles' proposed conditions requiring measurements of operational road noise for the purpose of establishing benchmarks would be an unreliable method (Hearings Report, section 6.3 (3), page 33).

*Condition 22.1*

- 59 The Hearing Commissioners' recommended condition 22.1, while similar in many respects to that put forward in the Transport Agency's reply submissions, is missing some specific provisions regarding pedestrian and cyclist connectivity. No reasons are given for the amendments in the Hearings Report.
- 60 The NZ Transport Agency's decision is to amend condition 22.1 as follows:

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. ...



61 The reason for this amendment is that as for all Management Plans, the TNMP should be prepared by a suitably qualified and experienced expert.

*Condition 24.1*

62 The Hearing Commissioners' recommended condition 24.1 aligns with that proposed by the Transport Agency, except that the final sentence of that condition has been deleted, without any explanation in the Hearings Report.

63 The Transport Agency's decision is to reinstate that final sentence as follows:

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 23.1 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.

64 The reason for the amendment is that it provides greater clarity as to the timing of any remedial planting that may be required.

**Minor amendments to other conditions**

65 The Transport Agency's decision is to make some further minor amendments to other conditions, as follows:

65.1 Inclusion of a new definition of "Territorial Authority", meaning Hamilton City Council, so that it is clear throughout the conditions which territorial authority is referred to.

65.2 Insert a cross-reference in condition 2.2(m) so that it is clear that the Conservation Plan is that prepared under conditions 14.5 and 14.6.

65.3 In condition 4.12, the second reference to "Construction Works" should be replaced with the term "Project", so that the Community Liaison Groups meet until six months after completion of the Project. The Transport Agency considers it will be easier to determine when construction of the Project is completed, rather than when the Construction Works have been completed.

65.4 Replace the reference to the "NZ Transport Agency" in the second to last line of condition 5.1 with "Territorial Authority", as this is the party that the Transport Agency should consult with.

65.5 Insert a lowercase "p" for the "Project" in condition 5.2(b). The Concept Landscape Management Plan should outline the landscape and urban design themes to be adopted for the entire Southern Links project, and not just that part that is located within Hamilton City (which is the "Project" contained in the Definitions).

65.6 Replace all references to "person" with "expert" in conditions 5.1, 7.2, 8.1, 9.1(c), 10.4, 11.1, 14.5, 17.1 and 19.1. The term "expert" was agreed upon during expert planning conferencing. The Commissioners replaced "expert" with "person" without

explanation in the Hearings Report, and the Transport Agency considers that “expert” is a more precise and appropriate term.

- 65.7 Insert a lowercase “p” for the “Project” in condition 13.3(a). The Landscape Management Plan should outline the landscape and urban design themes to be adopted for the entire Southern Links project, and not just that part that is located within Hamilton City (which is the “Project” contained in the Definitions).
- 65.8 In condition 23.1(b), the correct reference to the relevant NZ Standard is “NZS 3910: 2013 Conditions of Contract for Building and Civil Engineering Construction”, rather than the 1998 version.
- 66 In all other respects, the Transport Agency accepts the conditions recommended to be imposed by the Hearing Commissioners, subject to the minor corrections listed below.

**Minor corrections**

- 67 A number of typographical and grammatical errors have been corrected as follows:
- 67.1 The words “construction works” in the definition of “Construction Works” should be capitalised in the second sentence.
- 67.2 The term “construction works” should be capitalised in condition 4.6(a), as this is a defined term.
- 67.3 Deletion of the word “Environmental” and insertion of “Ecological” in condition 4.11(c) to correct the reference to the EMMP.
- 67.4 Insertion of “(s)” to the word “Group”, in conditions 4.8(a), the heading above condition 4.9, conditions 4.12 and 4.13, as there may be more than one Community Liaison Group.
- 67.5 Amend the reference to “the meeting” in condition 4.14 so that it refers to “meetings”, as there will be more than one.
- 67.6 Amend the heading above condition 4.15 by replacing “Waikato-Tainui” with Taangata Whenua, to be consistent with the opening sentence of condition 4.15.
- 67.7 Amend all references to “tangata whenua” in the conditions by adding an extra “a”, so that it reads read “taangata whenua”.
- 67.8 Insert an “s” to the word “measure” in condition 4.17, as there will be more than one mitigation measure.
- 67.9 Insert lower-case “d” to the word “Designation” in the fourth line of condition 6.1.
- 67.10 Capitalise the word “Project” in condition 7.5(c) as it is a defined term.
- 67.11 In condition 7.6 (b) replace the cross-reference to “condition 4.2”, with the correct cross-reference, being “condition 4.1”.
- 67.12 Capitalise the word “State” in condition 11.5(g) and lowercase the word “highway” in the final line.

- 67.13 Correct cross-referencing in conditions 13.4, 13.5 and 13.6.
- 67.14 Insert “Chief Executive or nominee” to condition 14.1(b) for consistency with all other conditions;
- 67.15 Insert “Agency” to condition 20.1.
- 67.16 Replace reference to the “Council” in the second line of condition 21.2 with “Territorial Authority”, for consistency with other conditions.
- 67.17 The amendment of punctuation (i.e. insertion of full-stops and commas or deletions of commas) in Conditions 4.7, 4.18(a) and 11.4.

**Conclusion**

- 68 A complete set of the final conditions, incorporating modifications made as a result of the Transport Agency’s decision, and correcting the minor typographical and formatting errors, is **attached** to this letter as **Annexure A**.

Yours faithfully



**Kaye Clark**  
**Highway Manager – Hamilton**

**Annexure A** (attached) – Final conditions to apply to Notice of Requirement in Hamilton City.

**ANNEXURE A  
NZ Transport Agency**

**Conditions to apply to Notice of Requirement in Hamilton City  
(NZTA 168 Hamilton)**

<b>Definitions</b>	
The Project	Shall mean the Southern Links network project subject to the NZ Transport Agency's Notice of Requirement (Designation 112) to be constructed and operated immediately adjacent to the Kahikatea Drive/Greenwood Street corner of Hamilton City
Local road	Means a road that is not a State highway or private road
Directly affected parties	Means owners and occupiers of properties within the designation boundary
Affected in proximity parties	Means owners and occupiers of properties up to 200m beyond the designation boundary
Construction Works	Means when the contractor is established on site and starting earthworks. Construction Works do not include Enabling Works as defined in these conditions.
Enabling Works	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.
Territorial Authority	Means Hamilton City Council
NoR	Notice of Requirement
PCCP	Pre-construction Communication and Consultation Plan
CMP	Construction Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
CCCP	Construction Communication and Consultation Plan
CLMP	Concept Landscape Management Plan
LMP	Landscape Management Plan
HASMP	Heritage and Archaeological Site Management Plan
TNMP	Transport Network Management Plan
DMP	Dust Management Plan
CSMP	Contaminated Soil Management Plan
HSMP	Hazardous Substances Management Plan
TWEAR	Means the Southern Links Taangata Whenua Effects Assessment Report, January 2014, prepared by the Taangata Whenua Working Group representatives from: Ngaati Wairere, Ngaati Mahanga, Ngaati Koroki Kahukura, Ngaati Haua, Waikato Tainui.

# 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 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; and
  - g) *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.
- 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 Hamilton City 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) Dust Management Plan;
  - j) Contaminated Soil Management Plan;
  - k) Hazardous Substances Management Plan;
  - l) Transport Network Management Plan; and
  - m) Conservation Plan (prepared under conditions 14.5 and 14.6).
- 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 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.
- 2.10 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 4.7) and Construction Communication and Consultation Plan (Condition 7.2 to 7.7). The Communication, Consultation and Property Liaison Manager (subject to Condition 7.1) 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 HCC 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 13), 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 the locality of Kahikatea Drive/Greenwood Street corner.
- 4.10 The membership of the Community Liaison Group shall include representative(s) of the NZ Transport Agency and be open to all affected parties. Any other party that expresses an interest in the Project to the NZ Transport Agency may join the 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 to by the NZ Transport Agency, including access requirements that need to be addressed as part of the Construction Traffic Management Plan (Condition 11.5(a));
  - c) Enable the Requiring Authority 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 within the designated area is not adversely affected.

## **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); and
  - b) 'Bridging the Gap', NZTA Urban Design Guidelines (2013).
- 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) 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 Archaeological Investigation**

- 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).

# CONSTRUCTION CONDITIONS

## 7.0 Construction Communication and Consultation

### Contact Person

- 7.1 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

- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 The CCCP shall set out how the Requiring Authority 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.
- 7.6 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.

7.7 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.*

## **8.0 Construction Management Plan**

8.1 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.

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

8.3 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 7.1 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 7.1;
- 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 koiwi 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.

## **9.0 Complaints Management**

9.1 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.

9.2 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.
- 9.3 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.
- 9.4 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.

## 10.0 Construction Noise and Vibration

### Construction Noise and Vibration Management Plan

- 10.1 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 10.3 and 10.4.

- 10.2 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.
- 10.3 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:

Day	Time	L <sub>Aeq(15min)</sub>	L <sub>AFmax</sub>
Occupied PPFs (as defined in NZS 6806.2010)			
Weekdays	0630h – 0730h	60 dB	75 dB
	0730h – 1800h	75 dB	90 dB
	1800h – 2000h	70 dB	85 dB
	2000h – 0630h	45 dB	75 dB

Day	Time	L <sub>Aeq(15min)</sub>	L <sub>AFmax</sub>
Saturday	0630h – 0730h	60 dB	75 dB
	0730h – 1800h	75 dB	90 dB
	1800h – 2000h	45 dB	75 dB
	2000h – 0630h	45 dB	75 dB
Sundays and public holidays	0630h – 0730h	45 dB	75 dB
	0730h – 1800h	55 dB	85 dB
	1800h – 2000h	45 dB	75 dB
	2000h – 0630h	45 dB	75 dB
Commercial and industrial receivers			
All	0730h – 1800h	75 dB	
	1800h – 0730h	80 dB	

**Table A: Construction Noise Criteria**

10.4 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 practicably 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.

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

**Table B: Construction Vibration Criteria**

10.5 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;
- 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.

10.6 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 10.3 and/or 10.4, 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.

10.7 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.

10.8 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.

## 11.0 Construction Traffic Management Plan

- 11.1 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 Requiring Authority has received the Chief Executive's or nominee's written certification of the CTMP for that stage of works.
- 11.2 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.
- 11.3 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 11.5(i) and any effects on that Territorial Authority's road network and included adequate measures to manage such effects.
- 11.4 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).
- 11.5 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.

## **12.0 General Construction Traffic**

12.1 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.

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

## **13.0 Landscape Management Plan**

13.1 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.

13.2 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.

13.3 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 and areas of landscape mitigation 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 Hamilton City District Plan.

13.4 The NZ Transport Agency shall provide the LMP to the parties referred to in Condition 13.3(p) and the Department of Conservation at least thirty (30) working days prior to submitting it to the Territorial Authority Chief Executive or nominee.

13.5 If the NZ Transport Agency has not received any comments from the parties referred to in Condition 13.3(p) and the Department of Conservation within twenty (20) working days of providing them the LMP the NZ Transport Agency may consider that the stakeholder concerned has no comments.

13.6 The NZ Transport Agency shall include any comments from the parties referred to in Condition 13.3(p) and the Department of Conservation 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.

## 14.0 Heritage and Archaeological Site Management Plan

14.1 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.

14.2 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.

14.3 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 to the Territorial Authority Chief Executive or nominee for certification.

14.4 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.

14.5 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.

14.6 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.

## **15.0 Drainage**

15.1 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.

## **16.0 Network Infrastructure**

16.1 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.

## **17.0 Dust Management Plan**

17.1 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.

17.2 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.

17.3 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.

## **18.0 Contaminated Soil Management Plan**

18.1 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.

18.2 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.

18.3 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 runoff 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.

18.4 A Suitably Qualified and Experienced Practitioner shall supervise the implementation of the measures required in Condition 18.3 above.



18.5 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).

## 19.0 Hazardous Substances Management Plan

19.1 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.

19.2 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.

19.3 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.

## 20.0 Construction Lighting

20.1 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

## 21.0 Operational Noise

21.1 For the purposes of Conditions 21.2 - 21.15 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 21.2.
- c) **NZS 6806:2010** – means New Zealand Standard NZS 6806:2010 Acoustics – Road-traffic noise – New and altered roads.
- 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.
- f) **Structural Mitigation** – has the same meaning as in NZS 6806:2010.

### Noise Assessment Report (prior to construction)

21.2 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 21.4–21.13 below.

21.3 The Noise Assessment shall only consider those PPFs existing on the date the Notice of Requirement was publicly notified (29 January 2014).

21.4 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 21.5, 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**

21.5 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.

21.6 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**

21.7 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').

21.8 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.

21.9 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 21.8), 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.

21.10 Where a Category C Building is identified, the NZ Transport Agency shall be deemed to have complied with Conditions 21.8 or 21.9 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 21.9 (including

where the owner(s) did not respond to the NZ Transport Agency letter (sent pursuant to Condition 21.8 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.

21.11 Subject to Condition 21.10, within six (6) months of the assessment required under Condition 21.8, 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.

21.12 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.

21.13 Subject to Condition 21.10, where Building-Modification Mitigation is required, the NZ Transport Agency shall be deemed to have complied with Condition 21.12 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 21.11(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**

21.14 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.

21.15 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 21.2 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 21.5, 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 21.15(a), (b) and (c) above.

## **22.0 Transport Network Management Plan**

22.1 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 and the design of cycle features and whether they are consistent with current best practice guidelines;
- d) The provision of pedestrian infrastructure and whether the design of pedestrian infrastructure is consistent with current best practice guidelines;
- e) Consideration of staged bus service infrastructure features such as, but not limited to:
  - i) Bus priority detection equipment at all signalised intersections along the route;
  - ii) Bus stopping lay-bys at appropriate locations along the route;
  - iii) Passenger waiting facilities and shelters with bus information as part of the final road design; and
  - iv) Bus priority measures at all non signalised, controlled intersections.

22.2 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.

22.3 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.

## **23.0 Implementation of Landscape Management Plan(s)**

23.1 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.

## **24.0 Maintenance and Monitoring of Landscape Management Plan(s)**

24.1 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 23.1 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.

## **25.0 Operational Lighting**

25.1 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 Hamilton City District Plan.

## **26.0 Administration**

- 26.1 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 Waipa 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.