

Recommended Conditions

That pursuant to Sections 104, 104B, and 104D of the Resource Management Act 1991, the Hamilton City Operative District Plan and Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, Council **grants consent** to the subdivision and land use consent applications (11.2018.6695.01 & 10.2018.9853.01) by Weston Lea Limited to:

1. Undertake a fee-simple subdivision; and
2. Undertake the following land use activities associated with a Master Plan development for urban purposes:
 - Walkways and cycleways
 - Earthworks and utility infrastructure within the Waikato Riverbank and Gully Hazard Area
 - Bulk earthworks
 - Fences and wall exceeding permitted height (proposed retaining walls)
 - Construction of subsoil drain outlet within a Significant Natural Area (SNA 54)
 - Pump Stations
 - Stormwater detention, treatment and/or soakage facilities
 - New transport corridors
 - New works not in accordance with the function of Peacocke Road as defined in the District Plan Transport Corridor Hierarchy Plan

Except that, the land use consent does not authorise any land use activities associated with a master plan development for the land within proposed Lots 864 and 865, being the super lots created by the subdivision consent (11.2018.6695.01).

Advice Note:

The superlots, that will contain part of a future suburban centre will require further land use consents as part of the master plan development of the balance of Neighbourhood 6 as shown in the Peacocke Structure Plan Figure 2-3.

The land subject of these consents is legally described as Lots 1 and 2 DPS 81210 (SA66A/99), Lots 3 and 4 DPS 81210 (SA66A/100), Lot 1 DP 36935 (SA5D/1211), Part Lot 6 and Lot 8 DP 34164 (SA4B/788), Lot 5 DP 17475 (SA718/181), Allotment 87, Part Allotments 93 and 94 Te Rapa Parish (SA528/20), Lot 1 DPS 78023 (SA60A/826), and Pt Lot 10 DPS 7724 (SA7D/254) located at 337 – 461 Peacockes Road, Hamilton.

The subdivision and land use consents shall be subject to the following conditions being met at the consent holder's expense.

SUBDIVISION CONDITIONS FOR ALL STAGES

FEES AND CHARGES

1. Pursuant to section 36 Resource Management Act 1991, the following fees and charges be paid:
 - (a) Payment of an additional Development Group Fee for auditing the conditions set out in this consent. The fee will be charged on a time-cost recovery basis in accordance with Hamilton

City Council's Schedule of Fees and Charges, with adjustments coming into effect at the beginning of each financial year.

- (b) All GST requirements with regard to the transferring of assets to Council (e.g. reserves, roads, sewers) being complied with by the completion of the form titled 'GST Requirement/Asset Register and Tax Invoice'.
- (c) Payment of additional Environmental Health Unit fees for assessing consented reporting will be charged on a time-cost recovery basis in accordance with Hamilton City Council's Schedule of Fees and Charges, with adjustments coming into effect at the beginning of each financial year. The fees will be levied at the completion of the consent review process and will be payable to the Environmental Health Unit upon notification that compliance has been achieved.
- (d) Payment of Planning Guidance overhead charges on a time – cost recovery basis for auditing and confirming compliance with the conditions of each stage of the consent.

REQUIRING AUTHORITY APPROVAL

- 2. No activities authorised by the subdivision consent within the Southern Links Designation (A106), shall commence unless and until unconditional approval has been obtained from the requiring authority (HCC as road controlling authority) for activities within the Southern Links Designation (A106).

Advice note: Condition 2 addresses section 176(1)(b)(ii) of the RMA which restricts subdivision of land, in relation to land that is subject to a designation, that would prevent or hinder a public work or project or work to which the designation relates.

WAIKATO REGIONAL COUNCIL CONSENTS

- 3. No activities authorised by this consent may commence unless and until all relevant Waikato Regional Council consents have been obtained. Copies of these consents shall be provided to the Planning Guidance Unit Manager at least one month prior to construction activities commencing.

APPLICATION INFORMATION AND PLANS

- 4. The subdivision shall be in general accordance with the information submitted with the application on 18 May 2018, except as amended by the further information and plans received on 17 August 2018, and the additional information and plans received 22 February 2019 and 27 March 2019, and updated subdivision plans and further information received on 12 August 2019, and the following conditions.

STAGING OF DEVELOPMENT

- 5. Each stage shall be established in an independent manner, addressing the consequences of land subdivision works without detriment to the environment, and adequately addressing the following network utility demands in a stand-alone and self-sustaining manner, including:
 - (a) Provision of a transport network (which is identified as part of the Transport Network Management Plan) that provides for the safe, efficient movement of all modes of transportation and connects to an existing legal formed road;
 - (b) Provision of a water supply system that meets public health standards for potable water and provides sufficient capacity for fire-fighting purposes;
 - (c) Provision of a stormwater system which will mitigate, remedy, or avoiding any adverse effects from stormwater runoff or changes to groundwater levels which may cause

stormwater runoff effects; and

- (d) Provision of a wastewater system which will meet public health standards and will avoid, or appropriately mitigate, any adverse effects associated with wastewater discharge.
- (e) Provisions of reserves that provide for the amenity of the local population within the stages shown on Harrison Grierson Drawing 14182-1046 Rev 10.

6. The matters set out above shall be satisfied if the development is implemented in the sequence required by the plan and schedule on Harrison Grierson Drawing 141842 – 1046 Rev 10 including the servicing requirements shown in the schedule on the Drawing or equivalent infrastructure is operational. Combined and out of sequence staging is permitted provided that the matters set out in Condition 5 are met, and all applicable conditions for the relevant stage(s) are met.

Advice note: Out of sequence staging will need to comply with the requirements of the lot deferred staging condition 86 should the consent holder intend to proceed with the stages listed in this condition out of sequence.

PEACOCKE ROAD UPGRADE

7. Prior to s224(c) approval for the first stage the consent holder shall provide a shared path between the development and the existing urban area on Peacocke Road, in general accordance with Figure 20 in the Integrated Traffic Assessment dated May 2018.
8. Condition 7 above shall be satisfied if an equivalent shared path facility is provided by the road controlling authority.
9. The consent holder shall upgrade the length of Peacockes Road adjacent to the site to collector road standard with transitions at either end of the site to tie into the existing road over the lengths shown on the drawing prepared by Traffic Design Group reference 13646_C11B Rev 0 dated 9 May 2018. The collector road upgrades may be staged and shall be in accordance with the following requirements:
- (a) The upgrade of Peacockes Road for Stages 1 - 6 shall be in general accordance with the 'Initial Access Intersection – Peacockes Road' shown on the drawing prepared by Traffic Design Group reference 13646N5B dated 9 May 2018 and included in the Integrated Transport Assessment submitted in Appendix I of the application.
 - (b) For subsequent stages, Peacockes Road must be upgraded to collector road standard from the Entrance for each stage (as shown on Harrison Grierson Drawing 141842-1046 Rev 10) to the north as far as the nearest section of Peacockes Road that has been previously upgraded, including the intersection on Peacockes Road for each Entrance and a transition to the south of the Entrance to tie into the existing road.
 - (c) The collector road upgrade shall include a 9m wide carriageway with kerb and channel, stormwater facilities, bus stops (if required) and lighting on both sides and with kerbside parking and a 3m wide shared path within a 7m wide berm on the eastern side and undergrounding of the existing overhead electricity lines. Stormwater infrastructure on the western side may include a temporary swale rather than permanent stormwater infrastructure.
 - (d) The Consent Holder shall consult HCC to ensure that the collector road is constructed with the eastern kerb line and adjacent parking and shared path having appropriate vertical and horizontal alignment as the future minor arterial road design.
10. Condition 9 shall be satisfied in regard to any sections of Peacockes Road where:

- (a) HCC has previously upgraded the same length of Peacockes Road to either a collector road or minor arterial road standard; or
- (b) HCC and the consent holder both agree that the consent holder will upgrade the same length of Peacockes Road to a minor arterial standard.

TRAFFIC MONITORING

11. Prior to the implementation of this consent, the consent holder shall, in consultation with HCC, NZTA and Waipa District Council (as road controlling authorities), prepare a Traffic Monitoring Plan, except that a Traffic Monitoring Plan shall not be required if the consent is implemented after the Hamilton Ring Road extension and the bridge from Wairere Drive across the Waikato River to Peacocke are open to traffic.
12. The purpose of the Traffic Monitoring Plan is to set out a methodology for measurement of road safety, accessibility and efficiency effects as they relate to sensitive sections of the road network. The results of the monitoring will be used to determine whether the effects of the development on network level of service remain acceptable (as defined in condition 13(g)) or trigger intervention.
13. The Traffic Monitoring Plan shall include but not be limited to:
 - (a) Conditions for road safety and traffic flows including turning movements for:
 - (i) SH3 Normandy Avenue/Bader Street/Lorne Street intersections (NZTA and HCC as road controlling authorities);
 - (ii) Bader Street corridor, comprising Bader Street, Norrie Street and Peacockes Road (HCC as road controlling authority);
 - (iii) SH3 Ohaupo Road/Raynes Road/Peacockes Road intersection combination (NZTA, HCC and Waipa DC as road controlling authorities).
 - (iv) Normandy Avenue / Odette Street Intersection.
 - (b) Baseline conditions for accessibility for SH3 Normandy Avenue/Bader Street/Lorne Street intersections (NZTA and HCC as road controlling authorities) and the Bader Street corridor (HCC as road controlling authority);
 - (c) Baseline conditions for efficiency for SH3 Normandy Avenue/Bader Street/Lorne Street intersections (NZTA and HCC as road controlling authorities);
 - (d) For each year, land development and infrastructure progress and timing for the Amberfield Development, including number of lots serviced.
 - (e) For each year, the number of 224c certificates issued, building consents issued, building code of compliance certificates for Amberfield and for Peacocke Structure Plan Area (information to be made available by HCC).
 - (f) Methodologies for traffic monitoring and reporting:
 - (i) The results of baseline and annual traffic monitoring shall be reported to HCC Planning Guidance Manager within two weeks of their completion.
 - (ii) The efficiency monitoring shall measure the average delay per vehicle during the worst 30 minute period on the:
 - A. Normandy Ave northern approach to the Lorne Street intersection
 - B. Normandy Ave southern approach to the Bader Street intersection
 - C. Lorne Street approach to the Normandy Avenue intersection
 - D. Bader Street approach to the Normandy Avenue intersection
 - (iii) The days and periods for monitoring efficiency shall include:

- A. The period from 7am - 9am
- B. At least two mid-week days excluding holidays and school holiday periods.
- (iv) The safety monitoring shall cover all of the intersections tabulated in (13(g) below) for all day.

(g) Safety, accessibility and efficiency criteria for the relevant intersections and road corridor as set out in Table 1 below. The levels of service for those intersections and road corridor must not exceed the minimum performance criteria in the table unless otherwise agreed in writing between the consent holder and the relevant road controlling authorities.

Table 1: Minimum Performance Criteria for safety, accessibility and efficiency

<i>Criterion and measure</i>	<i>Bader/ Normandy/ Lorne</i>	<i>Bader Street Corridor</i>	<i>Peacockes/ Raynes /SH3 Intersection</i>	<i>Normandy / Odette Intersection</i>
Safety				
<i>Collective Risk (High Risk Intersection and High Risk Road Manual)</i>	<i>Low</i>	<i>N / A</i>	<i>High (currently 4 serious crashes in the last 5 years, no fatal)</i>	<i>Low</i>
<i>Injury crash rate (NZTA EEM Crash Prediction)</i>	<i>No Increase from baseline, specific crash rate 0.36, expected crash rate 3.22</i>	<i>No Increase from baseline, specific crash rate 0.93, expected crash rate 3.61</i>	<i>No Increase from baseline, specific crash rate 1.76, expected crash rate 1.80</i>	<i>No Increase from baseline, specific crash rate 0.18, expected crash rate 0.83</i>
<i>Pedestrian and or cyclist crashes</i>	<i>Zero DSI</i>	<i>Zero DSI</i>	<i>Zero DSI</i>	<i>Zero DSI</i>
Accessibility				
<i>Pedestrian crossing (Ave Delay per pedestrian)</i>	<i>One traffic signal cycle</i>	<i>30sec</i>	<i>N/A</i>	<i>N/A</i>
<i>Pedestrian Crossing Facilities</i>	<i>Pedestrian phase</i>	<i>400m intervals</i>	<i>N/A</i>	<i>N/A</i>
Efficiency				
<i>Average Delay/vehicle</i>				
<i>State Highway</i>	<i>80 seconds</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<i>Local Roads</i>	<i>80 seconds</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>

14. The Traffic Monitoring Plan be submitted for certification to the HCC Planning Guidance Unit Manager or nominee and shall include all relevant matters required by condition 13 and demonstrate how the requirements of the relevant road controlling authorities have been addressed. No earthworks or construction activities shall commence until the Traffic Monitoring Plan has been certified by the HCC Planning Guidance Unit Manager or nominee.
15. The consent holder shall carry out traffic monitoring as detailed in the certified Traffic Monitoring Plan and provide the results to the HCC Planning Guidance Unit Manager prior to the commencement of any earthworks or construction activities to establish baseline traffic conditions in accordance with the certified Traffic Monitoring Plan.
16. Development beyond 350 lots (s224c certificate issued) may only proceed if:
 - (a) Monitoring by the consent holder or relevant road controlling authority in accordance with the certified Traffic Monitoring Plan shows that minimum performance level of service criteria (in Condition 13(g)) have not been exceeded; or
 - (b) A solution has been implemented to mitigate the adverse effects of development to the satisfaction of the relevant road controlling authorities on the intersection or corridor where the minimum performance level of service criteria (in Condition 13(g)) has been exceeded; or
 - (c) Approved in writing by the relevant road controlling authorities where mitigation is committed (design commenced and implementation funding certain) for completion within 12 months of issue of s224c certificates (nominal period for subdivision to be occupied and generate traffic); or the Hamilton Ring Road extension and the bridge from Wairere Drive across the Waikato River to Peacocke are open to traffic.
17. Within three months of 224c certificates being issued for 350 lots, the consent-holder shall undertake monitoring in accordance with the certified monitoring plan and report the results of the monitoring to the Planning Guidance Unit Manager or nominee. The consent holder shall thereafter undertake and report the monitoring in accordance with the certified monitoring plan, on an annual basis until all subdivision stages are completed, or until the Hamilton Ring Road extension and the bridge from Wairere Drive across the Waikato River to Peacocke are open to traffic (whichever comes first).
18. Development beyond 500 lots for residential development (application for s224c certificates issued) may not proceed prior to a solution being implemented and operational to mitigate the adverse effects of development to the satisfaction of the relevant road controlling authorities on the SH3 Normandy Avenue/Bader Street/Lorne Street intersections (NZTA and HCC as road controlling authorities).
19. Development beyond 500 lots may proceed irrespective of condition 18 above once the Hamilton Ring Road extension and the bridge from Wairere Drive across the Waikato River to Peacocke are open to traffic.
20. Monitoring will no longer be required once the subdivision has been completed or the bridge from Wairere Drive across the river to Peacocke is open to traffic.

TRANSPORT NETWORK MANAGEMENT PLAN

21. As part of the detailed design for each subdivision stage, the consent holder shall prepare and submit a Transport Network Management Plan (TNMP), to be certified by the HCC General Manager Development or nominee. TNMPs may be submitted for individual or multiple subdivision stages.

22. The purpose of the TNMP is to describe proposed procedures, requirements and standards necessary for achieving the objective of the TNMP as it relates to the effects of and opportunities for connectivity related to the development and to ensure adverse effects on the transport network, including the roads within the Peacocke Structure Plan area and connecting intersections with State Highway 3 and Raynes Road, associated with the subdivision development shall be avoided or otherwise remedied or mitigated.
23. The TMP shall include (but not be limited to):
- (a) A 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 an intersection design philosophy for Peacockes Road that considers consistency of intersection design taking into account road and intersection management and operation.
 - (b) The localised traffic impacts on Peacockes Road 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 development, including options for an emergency/alternative access;
 - (c) The provision of cycle infrastructure on Peacockes Road and the design of cycle features and whether they are consistent with Austroads Guide to Road Design, Part 6a: Pedestrian and Cycle Paths and the NZTA Pedestrian Planning and Design Guide (2009);
 - (d) The provision of pedestrian infrastructure on Peacockes Road and whether the design of pedestrian infrastructure is consistent with Austroads Guide to Road Design, Part 6a: Pedestrian and Cycle Paths and the NZTA Pedestrian Planning and Design Guide (2009);
 - (e) Consideration of staged bus service infrastructure features on Peacockes Road such as, but not limited to:
 - (i) Bus stopping facilities;
 - (ii) Passenger waiting facilities and shelters with bus information as part of the final road design; and
 - (iii) Bus priority measures at all non-signalised, controlled intersections
 - (f) Pedestrian and cyclist connections on Peacockes Road linking to pedestrian and cycle networks within the Amberfield site.
24. The detailed engineering design plans for each subdivision stage shall give effect to the requirements of the certified TNMP.

CONSTRUCTION MANAGEMENT

25. Earthworks, enabling works and any other construction activities shall be actively managed to avoid or otherwise remedy or mitigate any off-site nuisance effects, any adverse effects caused by dust, debris, silt laden runoff, noise and vibration matters.
26. Earthworks, enabling works and any other construction activities shall be carried out in a manner which is consistent with the Ecological Management and Monitoring conditions of this consent (including matters specified in the Ecological Management and Monitoring Plans (refer to conditions 87 to 119).
27. To demonstrate compliance with conditions 25 and 26 above, prior to the commencement of earthworks or construction activities onsite (excluding site investigations and enabling works) the Consent Holder shall submit a Construction Management Plan (CMP) to the Strategic Development

Unit Manager or nominee for certification. CMPs may be submitted for individual or multiple stages of construction works. The objective of the CMP is to establish procedures to manage and control any potential off- site nuisance or adverse effects as described in conditions 25 and 26 above.

28. The Construction Management Plan (CMP) shall include but not be limited to:
- (a) Details of the works, intended construction timetable (including construction staging) and hours of operation (refer to conditions 51 and 52);
 - (b) Quality assurance/quality control including but not limited to;
 - (i) Contact details of the person in charge of construction works or other person responsible for implementing this Plan;
 - (ii) staff and contractors' responsibilities;
 - (iii) training requirements for employees, sub-contractors and visitors;
 - (iv) environmental incident and emergency management (including the procedures required under regional consent conditions);
 - (v) communication procedures;
 - (vi) complaints management;
 - (vii) compliance monitoring;
 - (viii) environmental reporting;
 - (ix) corrective action;
 - (x) construction lighting;
 - (c) Methods to control dust, debris on roads and silt laden runoff during construction;
 - (d) Erosion and sediment control measures to avoid adverse offsite effects arising from the subdivision construction works (refer condition 25);
 - (e) Methods to clean and inspect all machinery to be used to reduce the risk of the spread of weeds and diseases (such as Myrtle Rust), and ensure all seed and/or plant matter has been removed from all machinery and documented in accordance with the document titled 'KEEP IT CLEAN – Machinery hygiene guidelines and logbook to prevent the spread of pests and weeds' (June 2013);
 - (f) Measures for the protection of treatment and soakage systems during earthworks periods to ensure sedimentation does not reduce device effectiveness;
 - (g) Existing network utilities;
 - (h) Traffic Management;
 - (i) General methods to mitigate and manage construction noise in order to comply with the noise limits set out in condition 50 below;
 - (j) Identification of any special construction activities (including any pile driving and concrete pours) that may require specific mitigation measures in order to comply with the noise limits;
 - (k) the methods to engage with stakeholders, including:
 - (i) how the community will be kept informed of progress with Works, including
 - (ii) proposed hours of operation outside normal working hours;
 - (iii) construction personnel contact details;
 - (iv) identifying stakeholders such as landowners, road users, local community, iwi (including the Tangata Whenua Working Group (being the Group described in the Amberfield Cultural Impact Assessment dated 10 May 2018), regulatory authorities, industry, network utility operators, road maintenance contractors, emergency services;

- (v) Invitations to the Tangata Whenua Working Group (being the Group that is described in the Amberfield Cultural Impact Assessment dated 10 May 2018) to attend hui to provide an update on construction not less than once every six months during any phase of construction.
 - (vi) responding to queries and complaints;
- (l) any necessary health and safety requirements
29. The consent holder shall implement the certified Construction Management Plan until the completion of construction works.

Advice Note: Any changes to the Construction Management Plan shall be confirmed in writing by the Consent Holder following consultation with Hamilton City Strategic Development Unit Manager (or nominee) before implementation.

'Earthworks' means the disturbance of the land surface by moving, removing, placing or replacing soil or earth, by excavation, cutting or filling, but excludes cultivation of land for farming purposes.

'Enabling Works' means the following and similar activities; demolition and/or removal of existing buildings and structures, fencing, tree felling (except as subject to specific conditions of this consent) and removal of any associated underground or above ground services.

'Construction staging' refers to the extent of works undertaken at any one time and may differ from the subdivision staging shown in the approved subdivision plans.

30. Prior to the commencement of each subsequent stage of construction that is not covered by an earlier CMP, the Consent Holder shall provide an updated CMP that meets the requirements of conditions 26 to 28 above for certification by the Strategic Development Unit Manager (or nominee).

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

31. A Construction Traffic Management Plan (CTMP), shall be prepared by a suitably qualified and experienced person in accordance with the NZTA Code of Practice for Temporary Traffic Management. CTMPs may be submitted for individual or multiple stages of construction works. The CTMP shall be submitted to the HCC General Manager Development or nominee, for certification that the CTMP satisfies the requirements of condition 34 no later than twenty (20) working days prior to the commencement of any stage of Construction Works. Construction of any relevant stage of the development shall not commence until the Consent Holder has received the HCC General Manager Development or nominee's written certification of the CTMP for that stage of works.
32. When requesting certification of a CTMP, the Consent Holder shall provide the HCC General Manager Development or nominee with evidence that consultation has been undertaken with the New Zealand Transport Agency and Hamilton City Council and Waipa District Council as road controlling authorities whose roads are affected by the development's construction traffic, including details of the outcomes of the consultation in relation to any effects on their road network and measures proposed to manage such effects.
33. Where the HCC General Manager Development or nominee has implemented processes and/or convened a group to coordinate construction traffic management planning, monitoring of road conditions and implementation of mitigation works, the Consent Holder shall:
- (a) Participate in the construction traffic management planning coordination processes.
 - (b) Arrange for a suitably qualified and experienced person to attend meetings when convened.

- (c) Take all reasonable measures in response to the consultation outcomes with the relevant road controlling authority.

34. The CTMP shall describe the measures which must be carried out to avoid, remedy or mitigate the local and network wide construction traffic effects of the development. In particular (but not limited to), the CTMP shall describe the following as they are applicable to each construction stage for the subdivision and/or the upgrade of Peacockes Road:

- (a) Measures to maintain pedestrian, cycling and 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) How service providers are to be regularly informed of the timing and sequencing of works, any 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 access to the development site.
- (f) Measures to monitor the performance of the intersections and road corridor listed in condition 13(g) against the thresholds for safety, accessibility and efficiency used by development-related construction traffic, and the procedures to be followed where intervention is necessary in order to remain within the minimum performance criteria.
- (g) Management and sequencing of construction works to avoid, remedy or mitigate traffic-related adverse effects.
- (h) Routes to be used and times for heavy haulage (and roads and times to be specifically avoided) for development-related Heavy Commercial Vehicles (HCVs) for shifting bulk materials (such as earth fill or pavement materials or water) (Bulk HCVs) and temporary traffic management controls in accordance with the Code of Practice for Temporary Traffic Management.
- (i) Assessment and monitoring of road conditions and response should severe and sudden deficiencies arise directly associated with development-related HCVs.

35. The certified CTMP shall be implemented throughout the period of the construction works.

EARTHWORKS

36. Sediment and erosion control measures shall be implemented to avoid where practicable, or otherwise minimise any sediment leaving the site and entering any waterway. Measures may include: the erection of silt fences, stabilisation of entranceways, cut off drains as necessary. These sediment control measures should be erected and maintained on site for the duration of the works. Note: refer to Waikato Regional Council's "Erosion & Sediment Control, Guidelines for Soil Disturbing Activities" refer to <http://www.waikatoregion.govt.nz>

37. Earthworks shall not obstruct or divert any stormwater overland flow path or result in changed stormwater drainage patterns on adjacent land in different ownership.

38. Construction activity shall be conducted in such a manner which will not create a dust nuisance. A dust nuisance will occur if:
 - (a) There is visible evidence of suspended solids in the air beyond the site boundary; and/or
 - (b) There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure of a neighbouring site or water.
39. A water sprinkler cart or similar must be available on-site during earthworks to mitigate any dust nuisance (when necessary).
40. The Consent holder shall engage a Chartered Professional Engineer, experienced in the field of geotechnical engineering, to observe and examine the earthworks required for the development to certify that the testing and works have been completed in accordance with the recommendations of the Engeo Technical Investigation Report dated 16 May 2018 submitted with the application and the further information prepared by Engeo dated 17 August 2018.
41. The consent holder shall provide an assessment of available measures for the preservation of soil capacity in accordance with Section 8.5.11 - Compacted soil remediation, in the Waikato Regional Stormwater Guideline. Upon the completion of bulk earthworks final curve numbers are to be estimated taking into account compaction on the site and remediation techniques to confirm the sizing of soakage devices.
42. On completion of earthworks for each stage the geo-professional shall submit a report to the developer and HCC attesting to compliance with the earthworks specifications, inspections carried out, documentation on the testing of the soils for compaction and an assessment of the results. The report shall be accompanied a statement of professional opinion as set in schedule 2A of NZS 4404.
43. The earthworks, excavation and backfill, are to provide lots suitable for residential development. The standard of compaction of fill material is to meet the specification set out in NZS4431. A method to confirm the compaction achieved is also detailed in NZS4431.
44. Earthworks specification and associated standard detail drawings shall be provided as part of detailed engineering design.
45. The "Specific Design Zone" shall be reviewed and revised at detailed engineering design stage.
46. Any building within the "Specific Design Zone" shall address the Key Geotechnical Constraints as detailed in section 14.2 of the Subdivision Geotechnical Report.
47. All vehicle entrances shall be stabilised and a clean dust free surface created to ensure that silt and sediment is not tracked on to public roads. Where appropriate wheel wash or wash down facilities shall be provided at all proposed vehicle entrances.
48. All areas of bare earth shall be re-vegetated or re-grassed as soon as practicably possible and within three calendar months following the completion of earthworks. If this cannot be achieved the area shall be temporarily covered by a surface suitable to protect against soil erosion until such time as re-vegetation or re-grassing can occur.
49. Any disturbance of SNA 54 will be confined to construction of one subsoil drain and outlet structure as shown in Harrison Grierson Drawing 141842-9052. All works will be confined to the minimum extent required to install the drain. Immediately after the drain and outlet structure has been installed, any vegetation disturbance shall be revegetated with a variety of suitable, locally sourced indigenous plant

species, as specified in the Vegetation Management Plan (refer condition 107). Maintenance of the revegetated area, including replacement plantings and weed control, shall be undertaken for a period of no less than three years after planting or until such time that a minimum indigenous plant species ground cover of no less than 80% is achieved. Confirmation that this percentage of ground cover has been met shall be determined by a suitably qualified ecologist who shall provide written confirmation of the same to the HCC Planning Guidance Unit Manager or nominee.

CONSTRUCTION NOISE

- 50. All construction work (including earthworks), shall be designed and conducted to ensure that construction noise received at any other site in a residential zone does not exceed the noise limits in Table 2. In the event that any sound level measurements are required they shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.

TABLE 2: CONSTRUCTION NOISE LIMITS

Time period	Monday to Friday		Saturdays		Sundays and Public Holidays	
	Leq (dBA)	Lmax (dBA)	Leq (dBA)	Lmax (dBA)	Leq (dBA)	Lmax (dBA)
06:30am to	55	75	45	75	45	75
07:30am to	70	85	70	85	55	85
06:00pm to	65	80	45	75	45	75
08:00pm to	45	75				

Note: Lower noise limits (shaded) mean that some construction work may not be able to take place during the corresponding time frames, which includes all times on Sundays and public holidays.

CONSTRUCTION TRAFFIC

- 51. No construction-related Bulk HCV traffic may enter or leave the site on Sundays; or on public holidays or after 4.00 pm on working days prior to long weekends.
- 52. Construction-related Bulk HCVs may only enter or leave the site between 7.00am – 7.00pm.

CONTAMINATED SOILS

- 53. All construction and other land development activities authorised by this consent shall be carried out in a manner which is consistent with and/or complies with the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) Regulations 2011.
- 54. A suitably qualified and experienced practitioner (SQEP) with contaminated land expertise shall investigate the suitability of the land/piece(s) of land (POL(s)) for the proposed development in accordance with the requirements of the RMA ((NESCS) Regulations 2011. The purpose of the investigation is to ensure that development works satisfy the requirements of the NESCS.

55. Prior to any soil disturbance works commencing, the consent holder shall arrange a pre-commencement meeting in relation to the soil contamination investigation. In attendance shall be: A SQEP, HCC Contaminated Land Officer and Compliance Monitoring Officer, the relevant contractors, sub-contractors and works site supervisory staff who are carrying out any works associated with the NESCS part of the project.
56. A Detailed Site Investigation (DSI) shall be completed in accordance with the recommendations of the Preliminary Site Investigation (PSI) Report prepared by Engeo, dated 14 May 2018. The DSI objectives and subsequent design strategy shall ensure adequate soil quality data is collected so the information is appropriate, and representative of any exposure risk posed by activities or industries described in the HAIL. The investigation shall define and delineate the extent of contamination, with an acceptable level of confidence, to determine the applicable standards in the NESCS Regulations. The investigation shall be reported on in accordance with the current edition of Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment. The Report shall be provided to Council's Environmental Health Manager (or nominee) for approval in a certification capacity prior to any earthworks associated with each stage of the subdivision being carried out.
57. If the results of the DSI indicate that the soil contamination exceeds the applicable standards a Remedial Action Plan (RAP) shall be prepared and implemented. The RAP shall be prepared in accordance with the current edition of the Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment. The Plan shall be provided to Council's Environmental Health Manager (or nominee) for approval in a certification capacity prior to any remediation works associated with each stage of the subdivision being carried out.
58. If any remediation is required, validation sampling shall be undertaken and a Site Validation Report (SVR) shall be prepared after the remediation has been completed to demonstrate that the site is suitable for the intended land use. The report shall be prepared in accordance with the current edition of the Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand, Wellington. The report shall be provided to Council's Environmental Health Manager (or nominee) as soon as practicable after remediation of the site has been completed. Council must be notified of any proposed variations to the RAP and any alternative methods or measures shall be proven to be consistent with the objective of the approved RAP prior to their implementation.
59. In the event remedial works are carried out, a Site Validation Report (SVR) shall be prepared that confirms the remediation targets stated in the approved RAP have been achieved. The SVR must adequately demonstrate that no unacceptable risk to human health or the environment remains at the completion of any remedial works and that the piece of land is suitable for the intended use. The report shall include confirmation that all the consenting requirements have been met and compliance approved before development of any POL(s) can occur. A copy of the SVR must be provided to Council's Environmental Health Manager (or nominee) for approval in a certification capacity as soon as practicable after remediation of the POL(s) is completed.
60. Any soil exceeding the applicable NESCS standard shall be removed under controlled conditions to a licensed waste facility or landfill for disposal in accordance with the requirements of the RAP, the disposal site and the relevant authority. Receipts of transport and disposal shall be included in the Site Validation Report.
61. If the results of the DSI indicates soil disturbance is required to be managed, a Site Management Plan

(SMP) shall be prepared that targets the actual onsite conditions relating to human health exposure, and the actual offsite removal issues relating to appropriate transport and disposal. The SMP shall include the relevant human health-related controls to ensure minimal exposure via the applicable pathways for the duration of the soil disturbance works. The SMP shall include appropriate contingency measures for any previously unidentified contamination being discovered, and an acceptable method and timing for works completion reporting. A copy of the SMP shall be provided to Council's Environmental Health Manager. Any alternative methods or measures shall be proven to be consistent with the objective of the approved SMP prior to their implementation.

Advice Note:

The DSI and any RAP, SVR or SMP that may be required as an outcome of the findings of the DSI may either be prepared for the entire site or for specific stages of the subdivision, provided that the reports must be completed and certified in accordance with the requirements of these conditions for each stage.

ARCHAEOLOGICAL MANAGEMENT AND MONITORING

62. The Consent Holder shall ensure that representatives of the Tangata Whenua Working Group (being the Group described in the Amberfield Cultural Impact Assessment dated 10 May 2018), Nga Mana Toopu o Kirikiriroa, Te Ha o Te Whenua o Kirikiriroa and Waikato Tainui are notified within one month of the proposed commencement of construction works.
63. At least one month prior to the commencement of construction works the Consent Holder shall provide the Archaeological Sites Management Plan and Research Strategy prepared in compliance with Heritage NZ Authority 2019/069 to the Manager, Planning Guidance Unit.
64. The Consent Holder shall submit a copy of the Annual Archaeological Report required under Heritage NZ Authority 2019/069 annually to the Manager, Planning Guidance Unit in order to assist Council in monitoring effects.
65. The Consent Holder shall upon completion submit a digital copy of the Final Archaeological Report required under Heritage NZ Authority 2019/069 to the Manager, Planning Guidance Unit.
66. Earthworks shall be carried out in accordance with the Archaeological Site Management Plan prepared by W Gumbley Ltd dated 2 July 2018, or any updated Archaeological Site Management Plan which has been approved by Heritage New Zealand Pouhere Taonga. A copy of any updated Archaeological Site Management Plan shall be provided to the Manager, Planning Guidance Unit within 10 working days of approval of the change by Heritage New Zealand Pouhere Taonga.

ECOLOGICAL MANAGEMENT AND MONITORING

67. Measures to avoid, remedy, mitigate and offset the adverse effects of construction and development activities on terrestrial ecology shall be implemented, as prescribed below, for the purpose of restoring indigenous vegetation and enhancing the extent and quality of the habitat for native species within the site.
68. The Consent Holder shall implement the measures in Conditions 69-86 and prepare the Management Plans referred to in Condition 87 to demonstrate compliance with Condition 67.

Planting

69. An area of no less than 18.65 hectares shall be planted for the purpose of mitigating adverse ecological

effects of the development and shall be carried out and established in general accordance with:

- (a) Boffa Miskell Drawing A17134 054 Revision H Gully and Esplanade Reserve Vegetation Strategy 14 February 2019;
- (b) Boffa Miskell Drawing A17134 083a Shelterbelt Planting Strategy Rev E 9 April 2019;
- (c) the species list in Annexure A of the evidence-in-reply of Andrew Blayney dated 1 May 2019;
- (d) the relevant requirements in Conditions 70 to 76, where for the purpose of conditions 71-74 the term 'Commencement Notice' means a notice provided in writing from the consent holder to the HCC Planning Guidance Unit Manager (or nominee) confirming the consent holder's intention to exercise the consent by way of commencing construction works.

70. For indigenous plants, all plantings shall be eco-sourced (Hamilton Ecological District) plant species appropriate to the locality, and the ecosystem type being restored (i.e. the ecosystem type would have occurred at the locality under natural conditions). These indigenous species shall be represented in appropriate diversity, proportions, cover, and configuration as would be expected for natural examples of the same ecosystem types within the Hamilton Ecological District.
71. The extent of bat habitat shown on Boffa Miskell Drawing A17134 Proposed Early Planting Outside of Earthworks Extent Rev 7 dated 12 August 2019 along the North-East Terrace within Lots 1502 and 1503 shall be established prior to construction works commencing and no later than the first planting season following the provision of a Commencement Notice in accordance with Condition 69(d) and in general accordance with Boffa Miskell Drawings A17134 081 Addendum Figure 3 North East Terrace Concept Plan Rev B dated 8 August 2019 and A17134 078 Addendum Figure 4 North East Terrace Sections Rev B dated 19 February 2019.
72. The East-West Shelterbelt within Lots 1506 and 1510 shall be retained and enhanced as bat habitat with buffer planting so as to maintain a movement corridor that shelters the bats from the light and wind prior to construction works commencing and no later than the first planting season following the provision of a Commencement Notice in accordance with Condition 69(d) and in general accordance with Boffa Miskell Drawings A17134 083a and 083b & 083c Cross Sections Shelterbelt Planting Strategy Rev E 9 April 2019.
73. A 10m width of early planting shall be planted along the Waikato River margin and along the top of the gully to minimise light spill into the river corridor, Hammond Bush and the gully prior to construction works commencing and no later than the first planting season following the provision of a Commencement Notice in accordance with Condition 69(d) and in general accordance with Boffa Miskell Drawing A17134 Proposed Early Planting Outside of Earthworks Extent Rev 7 dated 12 August 2019.
74. The remaining planting within the gully within Lots 1507, 1509 and 1516 outside of the earthworks extent shall be completed to address the requirements in conditions 69 and 70 and in accordance with the certified Vegetation Management Plan required by Condition 104 no later than the third planting season following the provision of a Commencement Notice in accordance with Condition 69(d), excluding the stormwater management devices and subject to any requirements of the Aquatic Habitat Enhancement Plan (which is a requirement of the Waikato Regional Council resource consent AUTH139498.03.01).
75. The remaining planting required by condition 69 within the earthworks extent shall be completed by the first planting season after the earthworks is completed.
76. Detailed planting plans and planting and maintenance specifications to address the requirements in

Conditions 71-73 and 75 shall be prepared and submitted to the HCC Planning Guidance Unit Manager or nominee for certification prior to planting commencing within each respective area. Maintenance specifications shall include weed control and pest plant control necessary to ensure the successful establishment of the plants.

77. The Consent Holder shall maintain the completed ecological mitigation planting required by condition 69 until the following requirements have been met. Confirmation that the requirements have been met shall be determined by a suitably qualified ecologist who shall provide written confirmation of the same to the HCC Planning Guidance Unit Manager or nominee:
- (a) 4 m height and 80% canopy closure in the vertical plane for the planting comprising the “Buffer planting area located in natural ground not dependent on earthworks” as shown on Boffa Miskell Drawings A17134 081 Addendum Figure 3 North East Terrace Concept Plan Rev B dated 8 August 2019 and the “10m Width of Early Planting” as shown on Boffa Miskell Drawing A17134;
 - (b) 4 m height and 90% canopy closure in the vertical plane for the planting comprising the “Tall stature buffer planting” as shown on Boffa Miskell Drawings A17134 083a and 083b & 083c Cross Sections Shelterbelt Planting Strategy Rev E 9 April 2019;
 - (c) For the remaining planting, after 5 years achieving a density and diversity of species in accordance with the Vegetation Management Plan. If monitoring shows this has not been achieved, then the maintenance period shall be extended until such time as it is achieved;
 - (d) For the planting required to be undertaken in (c) above, the Consent Holder shall provide advice in writing to the HCC Planning Guidance Unit Manager or nominee from a suitably qualified ecologist to confirm when each stage of planting has been undertaken in accordance with the certified planting plans.
78. The Consent Holder shall submit a Planting Monitoring Report to the Planning Guidance Unit Manager from the first stage of planting and annually thereafter for the duration of the respective maintenance periods described in Condition 77. The report shall include the following information:
- (a) Success rates, number and location of plants lost and replacement of dead plants;
 - (b) Vertical canopy closure for the North-East Terrace and East-West Shelterbelt buffers and species density and diversity;
 - (c) Animal and weed pest control; and
 - (d) Recommendations for changes to the Vegetation Management Plan (if any).

Lighting

79. A bat-sensitive lighting regime shall be designed and implemented along the riverside roads, the roads adjacent to and crossing the southern gully, and the roads crossing the East-West Shelterbelt of the site.
80. The luminaires for the purpose of the bat-sensitive lighting regimes shall be LED type, and lighting subcategory P5 of Table 2.6 of AS/NZS 1158.3.1:2005.
81. Detailed design of the bat-sensitive lighting regime shall be prepared by a suitably qualified expert in collaboration with a suitably experienced bat ecologist. This detailed design shall be submitted to the HCC Planning Guidance Unit Manager or nominee for certification prior to implementation.
82. For all the residential lots within Stages 19, 20, 21, 29 and 30, and Lots 831 – 835 in Stage 25, and Lots 141, 149 – 152, 166, 169 and 170 within Stage 4, and Lot 182 within Stage 15, to minimise the spill of

bat-sensitive lighting on known and potential bat habitat, permanent outdoor lighting arrays, including external feature lights, security lights and access wall lights associated with future building platforms must achieve zero upward light spill. Compliance with this condition shall be demonstrated at the building consent stage by a suitably qualified expert and shall be complied with on an ongoing basis to minimize the spill of bat-sensitive lighting on known and potential bat habitat.

83. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered against the Record of Title for all the lots referred to in Condition 82 requiring that permanent outdoor lighting arrays, including external feature lights, security lights and access wall lights must achieve zero upward light spill and that compliance shall be demonstrated at the building consent stage by a suitably qualified expert.

Building Development Deferral

84. Building on Lot 166 shall not occur unless and until a suitably qualified ecologist confirms in a report to the HCC Planning Guidance Manager (or nominee) that the planting comprising the "Tall stature buffer planting" as shown on Boffa Miskell Drawings A17134 083a Plan and 083b & 083c Cross Sections Shelterbelt Planting Strategy Rev E dated 9 April 2019 has reached 4 m in height and has achieved a 90% canopy closure in the vertical plane.
85. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered against the Record of Title of Lot 166 advising that construction of any proposed buildings may not occur unless and until the vegetation height and canopy closure requirements set out in condition 84 above have been confirmed in accordance with that condition. If the height and canopy closure requirements set out in condition 84 above are confirmed prior to a certificate being issued for the relevant subdivision stage pursuant to s224(c), a consent notice will not be required.

Lot Staging Deferral

86. Approval of s224(c) for the stages referred to in (a) and (b) below, will not be provided unless and until a suitably qualified ecologist has confirmed in a report to the HCC Planning Guidance Manager (or nominee) that the planting locations specified in (a) and (b) have met the following height and canopy closure performance criteria.
- (a) For Stages 19 and 20, that the vegetation shown on the certified detailed planting plans and comprising the "Buffer planting area located in natural ground not dependent on earthworks" as shown on Boffa Miskell Drawings A17134 081 Addendum Figure 3 North East Terrace Concept Plan Rev B dated 8 August 2019 which adjoins the respective stage has reached 4 m in height and has achieved a 80% canopy closure in the vertical plane.
- (b) For Stages 21, 29 and 30 and Lots 831 – 835 in Stage 25, that the vegetation shown on the certified detailed planting plans and comprising the "10m Width of Early Planting" as shown on Boffa Miskell Drawing A17134 040 which adjoins the respective stage has reached 4 m in height and has achieved an 80% canopy closure in the vertical plane.

Objective and Content of Management Plans

87. The objective of each Management Plan shall be to demonstrate how, in addition to the planting, lighting, building and lot deferral and offset contribution requirements (in Conditions 69-84 and Condition 105), the Consent Holder will avoid, remedy, mitigate and/or offset adverse effects of construction and development works on each of the terrestrial biodiversity values within the Amberfield site as follows:
- (a) Avifauna, as set out in the Avifauna Management Plan;

- (b) Lizards, as set out in the Lizard Management Plan;
- (c) Indigenous vegetation, as set out in the Vegetation Management Plan; and
- (d) Long-tailed bat, as set out in the Bat Management Plan.

Advice Note: Wetland and freshwater values are addressed in conditions of consent AUTH139498.04.01 from Waikato Regional Council.

88. Each Management Plan shall be prepared by appropriately qualified and experienced ecologists and submitted to the HCC Planning Guidance Manager (or nominee) for certification at least forty (40) working days prior to the commencement of construction works.
89. The Management Plans shall be prepared in collaboration with Hamilton City Council, the Department of Conservation, the Tangata Whenua Working Group (being the Group described in the Amberfield Cultural Impact Assessment dated 10 May 2018) and the Riverlea Environment Society Incorporated. Collaboration with these parties shall take the following form:
- (a) the Consent Holder shall prepare the draft Management Plans for discussion with the parties who shall be given twenty (20) working days to consider and provide written comments on the draft plan(s);
 - (b) following receipt of written comments the Consent Holder may amend the draft Management Plans in response to those comments.
 - (c) the consent holder shall submit the finalised Management Plans to the HCC Planning Guidance Unit Manager (or nominee), together with the written comments received from the relevant parties.
 - (d) The HCC Planning Guidance Unit Manager (or nominee) shall arrange an independent peer review of the Management Plans by a suitably qualified and experienced ecologist at the Consent Holder's cost, prior to certifying the Management Plans.
 - (e) If the peer review in (d) above proposes changes to the Management Plans, the HCC Planning Guidance Unit Manager (or nominee) will advise the consent holder of the proposed changes. The consent holder may amend the Management Plans in response to the peer review. The amended Management Plans shall be treated as final Management Plans for the purpose of certification by the HCC Planning Guidance Unit Manager (or nominee).
 - (f) Certification of the Management Plans will consider whether the matters prescribed in the specific management plan conditions below have been addressed.

Changes to Certified Management Plans

90. The Management Plan(s) shall be updated, if necessary, to be consistent with any authorisation from the Director- General of the Department of Conservation under section 53 of the Wildlife Act 1953.
91. Any changes to the Management Plan(s) shall be prepared by appropriately qualified and experienced ecologists and submitted to the HCC Planning Guidance Manager (or nominee) for certification at least ten (10) working days prior to the changes being given effect to.
92. Any changes to the Management Plan(s) shall be prepared after consultation with Hamilton City Council, the Department of Conservation, the Tangata Whenua Working Group (being the Group described in the Amberfield Cultural Impact Assessment dated 10 May 2018) and the Riverlea Environment Society Incorporated. This consultation shall take the following form:

- (a) the Consent Holder shall prepare a draft updated Management Plan(s) for consultation with the parties who shall be given ten (10) working days to consider and provide written comments on the draft updates;
- (b) following this consultation period the Consent Holder may amend the draft updated Management Plan(s) and shall provide the Management Plan(s) to be considered for certification, together with the written comments of the consulted parties to the HCC Planning Guidance Unit Manager. The HCC Planning Guidance Unit Manager may arrange an independent peer review of the updates to the Management Plan(s) by a suitably qualified and experienced ecologist at the Consent Holder's cost prior to determining certification of the updated Management Plan(s).

Lizard Management Plan

- 93. Vegetated areas of the site to be removed which are potential lizard habitat shall be identified and incidental capture and translocation measures shall be implemented within these areas in accordance with best practice.
- 94. Lizard habitat within the gully reserve is to be created and/or enhanced by retaining woody debris and natural refugia salvaged from the vegetated areas to be removed from other parts of the site.
- 95. The consent holder shall prepare a Lizard Management Plan which demonstrates how conditions 93 and 94 above will be satisfied by including the following:
 - (a) a description of lizard habitat, lizard species present, legal requirements, disease management, survey timing and recovery and translocation methods, reporting requirements, mitigation commensurate with the number and species of lizards rescued, and incidental kill and harm minimisation protocols;
 - (b) a description of the methodology for incidental capture of native lizard species including: handling protocols, relocation protocols, reporting protocols, potential relocation sites, and protocols for dealing with injured or dead lizards encountered during the works;
 - (c) a description of the lizard habitat creation and improvement methodology within the gully reserve; including discussion of:
 - i. appropriate plant species to be planted;
 - ii. appropriate location/s for habitat creation or improvement;
 - iii. methods for provision of providing additional refugia, e.g. depositing salvaged logs, wood or debris; and
 - iv. any protection mechanisms (if required) to ensure the relocation site is maintained (e.g. covenants, consent notices etc).
- 96. The Lizard Management Plan submitted to the HCC Planning Guidance Unit Manager (or nominee) for certification shall include all relevant matters addressed in condition 95 above.
- 97. The certified Lizard Management Plan shall be implemented for the duration of earthworks for each stage of construction.

Avifauna Management Plan

- 98. Vegetated areas of the site to be removed shall be inspected for nesting of native birds. If nesting birds are detected, exclusion zones shall be implemented until fledging of chicks is completed.

99. The consent holder shall prepare an Avifauna Management Plan which demonstrates how condition 98 above will be satisfied by including the following:
- (a) a description of the methodology for pre-vegetation clearance nesting bird surveys including consideration of:
 - i. the nesting periods of native birds present onsite; and
 - ii. appropriate timing of vegetation clearance and surveys;
 - (b) the details for exclusion zones around nesting birds until fledging of chicks if detected within proposed vegetation clearance areas; and
 - (c) protocols for dealing with injured or dead birds encountered during the works.
100. The Avifauna Management Plan shall also provide a description of appropriate plant species and other avifauna habitat enhancement measures for planting of the gully reserve.
101. The Avifauna Management Plan submitted to the HCC Planning Guidance Unit Manager (or nominee) for certification shall include all relevant matters addressed in condition 99 above.
102. The certified Avifauna Management Plan shall be implemented for the duration of earthworks for each stage of construction.

Vegetation Management Plan

103. Vegetated areas of the site to be retained shall be clearly demarcated by a suitably qualified and experienced project ecologist and landscape architect prior to construction works within each construction stage.
104. All large stature trees which are ≥ 15 cm diameter and breast height and that provide or potentially provide roost habitat and buffering of light for long-tailed-bats shall be retained within the within the gully and esplanade reserve areas shown in the Boffa Miskell Drawings A17134 054 Revision H Gully and Esplanade Reserve Vegetation Strategy 14 February 2019, unless any such trees are recommended for removal by a suitably qualified and experienced arborist due to poor health or presenting danger to the public.
105. The gully reserve shall be planted in accordance with the requirements of condition 74.
106. Vegetation that is planted within the North-Eastern Terrace, East-West Shelterbelt, gully and esplanade reserves shown on the Boffa Miskell Drawing A17134 054 Revision H Gully and Esplanade Reserve Vegetation Strategy 14 February 2019 and the Boffa Miskell Drawing A17134 083a Shelterbelt Planting Strategy Rev E 9 April 2019 shall be maintained to meet the maintenance requirements of Condition 77.
107. The consent holder shall prepare Vegetation Management Plan which demonstrates how conditions 103 to 105 will be satisfied by including the following:
- (a) processes across the entire site for vegetated areas to be retained being clearly demarcated by a suitably qualified and experienced project ecologist and landscape architect prior to construction works within each construction stage;
 - (b) identification and management of all large stature trees that are ≥ 15 cm diameter and breast height and that provide or potentially provide roost habitat and buffering of light for long-tailed-bats and identification of any such trees that are recommended for removal by a suitably qualified and experienced arborist due to poor health or presenting danger to the public;

- (c) detailed planting plans and planting and maintenance specifications for the gully reserve, including plant species, densities and habitat design for avifauna, lizards and long-tailed bats which shall be developed in collaboration with ecologists with suitable expertise and experience in these areas and in consideration of the Gully restoration guide: a guide to assist in the ecological restoration of Hamilton's gully system. Wall, K and B.D. Clarkson 2006: Third Revised Edition, Hamilton City Council. Specific planting design measures shall be incorporated into the detailed planting plans to facilitate bat movement over or under the culvert and bridge crossings of the gully reserve;
- (d) how any planting related requirements of resource consent AUTH139498.04.01 issued by Waikato Regional Council will be met;
- (e) a vegetation maintenance plan for the North-Eastern Terrace, East-West Shelterbelt, gully and esplanade reserves. The maintenance plan shall include weed control and pest plant and animal control necessary to ensure the successful establishment of the plants and the ongoing replacement of plants that do not survive during the maintenance period.

108. The Vegetation Management Plan submitted to the HCC Planning Guidance Unit Manager (or nominee) for certification shall include all relevant matters addressed in condition 107 above.

109. The certified Vegetation Management Plan shall be implemented for the duration of earthworks for each stage of construction and for the maintenance period described in Condition 77.

Bat Management Plan

Site Development

110. Any actual or potential roost trees shall be identified and monitored for the presence of long-tailed bats prior to removal. The monitoring and removal of such trees shall be undertaken in accordance with a best practice pre-tree felling protocol.
111. Disturbance associated with land development activities shall be minimised around any active roosts within the site that are discovered where the tree is identified to be removed until such roosts are confirmed to be vacant of bats, as determined by a suitably qualified and experienced bat ecologist using current best practice.
112. 240 artificial roost boxes shall be installed within the site and/or (where prior approval granted from Council), within Hamilton City Council reserves where known high activity of bats occurs and must be maintained by the consent holder for a period of 10 years from the date of their installation.
113. A record of the procedures and actions required by the above Site Development conditions shall be kept by the consent holder and be made available to HCC on request.

Bat Monitoring

114. The consent holder shall carry out ongoing monitoring and reporting of bat activity annually over the long-tailed bat breeding season and peak activity period (1 November to 30 April) for a minimum period of 10 years, comprising:
- (a) a minimum one season of monitoring prior to construction works commencing;
 - (b) monitoring annually for the duration of the construction works;
 - (c) One season of monitoring following the completion of construction works on the final subdivision stage and additional post-construction monitoring if/as required to ensure that a total of 10 years of monitoring is completed.

115. Monitoring shall be undertaken in accordance with condition 114 for the purposes of providing information on long-tailed bat activity through the site. The key parameters to be monitored shall be light and bat activity which shall be co-ordinated to enable cross-referencing, including:

- (a) acoustic monitors shall be installed to monitor relative bat activity across the site, targeting retained and restored habitats (East-West Shelterbelt, North-East Terrace, Waikato River margin, gully reserve). Light monitoring shall be undertaken concurrently at these sites by a suitably qualified and experienced lighting specialist to detect any changes in bat activity relative to light levels; and
- (b) artificial bat roosts shall be inspected for signs of occupancy.

Advice Note: For the avoidance of doubt, the outcomes of the monitoring is not for the purpose of further management interventions.

116. The outcomes of the annual monitoring shall be provided to Council within two months of completion.

Management Plan

117. The consent holder shall prepare a Bat Management Plan which demonstrates how conditions 110 to and 115 above will be satisfied and shall include the following:

Long-tailed bat management procedures and actions for:

- (a) the identification of any actual or potential roost trees and their monitoring before their removal and the preparation of a pre-tree felling protocol following consultation with the Department of Conservation;
- (b) minimising disturbance associated with land development activities around any active roosts within the site that are discovered that do not require removal;
- (c) minimising disturbance associated with land development activities around any active roosts within the site that are discovered that require removal until such roosts are confirmed to be vacant of bats, as determined by a suitably qualified and experienced bat ecologist using current best practice.
- (d) the location, design and timing of installation of 240 artificial roost boxes and their maintenance for a period of 10 years.
- (e) ongoing monitoring and reporting of bat activity annually over the long-tailed bat breeding season and peak activity period (1 November to 30 April) for a minimum period of 10 years.

118. The Bat Management Plan submitted to the HCC Planning Guidance Unit Manager (or nominee) for certification shall include all relevant matters addressed in condition 117 above.

119. The certified Bat Management Plan shall be implemented for the duration of earthworks for each stage of construction, for the maintenance periods specified in Condition 77 and the monitoring periods specified in condition 114.

Long-tailed bat population enhancement

120. To address any short-term adverse effects (or risk of such effects) of the proposed development on the long-tailed bat population during the time lag between mitigation actions commencing and becoming established, the consent holder ("Weston Lea Limited") shall make a monetary payment of **\$200,000.00 plus GST (if any)**, ("Amberfield long-tailed bat population Enhancement Fund" or "ABF").

121. The consent holder will deposit the ABF into the Hamilton City Council's solicitor's trust account to be used by Hamilton City Council, in its sole discretion, for the purpose of funding direct actions that are designed to manage, protect and/or enhance the resilience of the long-tailed bat population across the known extent of the home range of long-tailed bats affected by the Amberfield development ("home range area"), including, without limitation, co-ordinated pest control in high-value habitat including roosting sites and high activity areas identified across the home range area.
122. The consent holder will pay the ABF in the following minimum instalments:
- (a) 25% within 5 working days of the commencement of the consent;
 - (b) 25% within the first 5 years of the commencement of the consent; and
 - (c) the balance within the first 10 years of the commencement of the consent or prior to the issue of the final s224 stage certificate whichever is the earlier.
123. Once a trust associated with the proposed Waikato Regional Local Indigenous Biodiversity Strategy ("WRLIB trust") has been settled, any part of the ABF which remains unspent or uncommitted under any pre-existing contractual arrangements may be re-directed and paid to WRLIB Trust, to be distributed for the purpose described in condition 121 above.

Advice note:

- (a) *High value habitat means an area where there is evidence of roosting sites, including communal or solitary roosts, which may also include adjacent foraging and commuting habitat.*
- (b) *A request for proposal is anticipated to set out the requirements for the contractor and the criteria for the proposed programme and would include:*
 - (i) *evidence of relevant experience in carrying out animal pest control or bat habitat protection and restoration;*
 - (ii) *provision of detailed design of animal pest control, bat habitat protection and restoration measures and implementation methods;*
 - (iii) *provision of cost breakdown for completion animal pest control, bat habitat protection and restoration measures and their implementation;*
 - (iv) *estimated timing for completion of animal pest control, bat habitat protection and restoration measures; and*
 - (v) *anticipated ecological enhancement outcomes following implementation of the animal pest control, bat habitat protection and restoration measures.*

LANDSCAPING TREATMENT OF RECREATION AND AMENITY RESERVE

124. Final detailed landscape plans for open space reserves 1 to 7 and 11 in "Amberfield Open Space Framework Peacocke, Hamilton" by Boffa Miskell Ltd dated 28 February 2019 shall be submitted for approval in a technical certification capacity by the Manager Parks and Recreation Unit (or nominee) at the same time as the application for Detailed Engineering Design Plan certification for the relevant subdivision stage. The Plans shall be generally consistent with the content of Amberfield Open Space Framework Peacocke, Hamilton" by Boffa Miskell Ltd dated 11 May 2018, except that the detailed landscape plan for the Archaeological Reserve (open space reserve 11) shall not be inconsistent with the certified Archaeological Heritage Reserve Management Plan (refer to specific staging condition Stage 25 - (25)(e) below), and shall be amended as required until stamped 'Accepted' by the Manager Parks and Recreation (or nominee). No hard or hard or soft landscaping works shall commence on site until the plans are accepted.

125. The landscaping works shall be implemented in accordance with the Accepted Reserve Plans as part of the subdivision works for the applicable subdivision stage.
126. The design, construction and maintenance of all landscaping and planting shall be in accordance with Section 7 of the Waikato Regional Infrastructure Technical Specifications

ACTIVE RECREATION RESERVE

127. The residential lots and area of roading shown on the attached plan, comprising an area of approximately 7 hectares, shall be shown on the survey plan as a single lot to vest in Council as recreation reserve. Compensation will be calculated and paid in accordance with the Public Works Act 1981.
128. If prior to Council and the consent holder agreeing the amount of compensation, or Council referring the matter of the amount of compensation payable to the Land Valuation Tribunal to determine, Council advises the consent holder that it is satisfied that a suitable alternative location for the sports park has been identified, condition 127 above shall not apply and the survey plan for lodgment at section 223 for the stage(s) within which the land is contained shall be in general accordance with Harrison Grierson Drawing 141842 – 1046 Rev 10.

ENGINEERING DESIGN / WORKS

129. All engineering works associated with all stages of the subdivision shall satisfy the standards and requirements as specified in the following conditions.
130. All engineering works shall be subject to a works clearance process and must be approved by Council prior to section 224c certification and prior to vesting in Council of any relevant infrastructure assets.

SERVICES

131. Telecommunications reticulation (including ducting for computer media), and underground electrical supply reticulation, shall be provided to all lots.
132. Reticulated gas services shall be provided to all lots, where this service is available.
133. The Consent Holder shall obtain a works clearance from each network operator for electricity, telephone and, where applicable, gas services. All network connections to all lots shall occur prior to the issue of certification under Section 224c of the RMA.
134. The Consent Holder shall provide a works clearance (for network connections), as obtained from each network Utility Operator, at the time of submitting its Works Clearance application.
135. The Consent Holder shall procure the relocation and place underground the existing overhead 11kV electricity distribution line located within the site within each stage so that they are contained within road reserve, with the exception of the existing overhead 11kV electricity distribution line servicing the Riverlea area which may remain above ground from the road reserve/esplanade reserve (Lot 1502) and across the Waikato River.
136. The location and design of the proposed WEL Networks Ltd 11kv terminal structure shall be submitted with the engineering design plans for certification, together with the outcomes of consultation with WEL Networks and HCC. Any required easements shall be shown on the survey plan and duly granted and reserved.

Advice Note:

Any cost and/or work associated with connecting to the network utility service shall be a matter that is to be negotiated and completed between the Consent Holder and the relevant service providers. The consent authority has no direct or indirect involvement in the assessment or approval of any of the works or costs associated with connecting to a network utility service, in particular, electricity, telecommunications reticulation and where applicable, gas.

ROAD CONSTRUCTION

137. All works within the public road corridor shall be managed by a contractor operating under a current CAR (Corridor Access Request), made through the www.beforeudig.co.nz website and appropriate traffic management.
138. On completion of site works any roadside damage shall be repaired and the kerb, berm and footpath be reinstated to match the surroundings. The reinstatement work shall not be carried out until all service trenching in the footpath has been completed and shall include the reinstatement of all trenches.

STREET LIGHTING

139. Overhead lighting shall be installed along all public roads constructed as part of the development. Overhead lighting shall be designed to comply with AS/NZS 1158 and the Waikato Regional Infrastructure Technical Specifications (RITS). Luminaires shall be of the LED type, and lighting subcategory P5 of Table 2.6 of AS/NZS 1158.3.1:2005 shall be adopted for the localities referenced in Condition 79 in relation to bat sensitive lighting. The consent holder shall carry out at no cost to Council an energy audit of the design as prescribed in AS/NZS 1158.

ROAD SAFETY AUDITS

140. The Consent Holder shall arrange, at no cost to Council, for an independent detailed design road safety audit (in accordance with the NZTA Road Safety Audit Procedures for Projects Guideline May 2013) to be carried out on the proposed roading design and submitted to the General Manager, HCC Development (or nominee) for approval in a technical certification capacity. The audit team shall not be appointed without certification by the General Manager, HCC Development (or nominee) in relation to the audit team suitability and relevant experience. The audit decision tracking shall clearly distinguish between the developer "client" role and the Council's final decision-making role as the road controlling authority.
141. Any serious and significant audit findings arising from the detailed design road safety audit shall be resolved to the agreement of the General Manager, HCC Development (or nominee) prior to changes being implemented (as determined by the outcomes of the road safety audit) and construction commencing.
142. The Consent Holder shall arrange, at no cost to Council, for an independent post-construction road safety audit (in accordance with the NZTA Road Safety Audit Procedures for Projects Guideline May 2013) to be carried out on the roading. The safety audit shall be submitted to the General Manager, HCC Development (or nominee) for approval in a technical certification capacity. The audit team shall not be appointed without certification by the General Manager, HCC Development (or nominee) in relation to the audit team suitability and relevant experience. The audit decision tracking shall clearly distinguish between the developer "client" role and the Council's final decision-making role as the road

controlling authority. Any serious and significant audit findings arising from the post construction road safety audit shall be resolved to the agreement of the General Manager, HCC Development (or nominee) prior to changes being implemented and Council accepting responsibility for this facility and issuing of S224c certification.

STRUCTURES

143. Specific Engineer Design of the bridge and culvert crossing of the north-south gully shall be peer reviewed prior to engineering design plan lodgment.
144. The footing and walls of proposed retaining walls supporting the road corridor shall be within the road corridor.
145. The footing and walls of proposed retaining walls supporting lots adjoining road corridor, shall be within the lot boundary.
146. The consent holder shall consult with utility operators prior to detailed design to ensure that adequate space is provided for above ground utility structures without compromising access functions.

STREET LANDSCAPING

147. Landscape plans for the road reserves shall be prepared in general accordance with the "*Amberfield Open Space Framework Peacocke, Hamilton*" by Boffa Miskell Ltd dated 28 February 2019, except that light screen planting shall be established within the road reserve (lots 2019 and 2020) as shown on Boffa Miskell Drawings A17134 081 Addendum Figure 3 North East Terrace Concept Plan Rev B dated 8 August 2019 and A17134 078 Addendum Figure 4 North East Terrace Sections Rev B dated 19 February 2019, and be submitted for approval in a technical certification capacity by the Manager Parks and Recreation Unit (or nominee) at the same time as the application for Engineering Works Approval. The landscape plans shall be amended as required until stamped 'Accepted' by the Manager Parks and Recreation Unit (or nominee). No hard or hard or soft landscaping works shall commence on site until the plans are certified.
148. The landscaping shall be implemented in accordance with the certified landscape plans and to the satisfaction of the Manager Parks and Recreation (or nominee) prior to vesting.
149. The design, construction and maintenance of all landscaping and planting shall be in accordance with Section 7 of the Waikato Regional Infrastructure Technical Specifications.

VEHICLE CROSSINGS

150. A vehicle crossing location for the adjacent lot shall be shown on the engineering plan and constructed to the applicable standard in accordance with the Regional Infrastructure Technical Specifications, Drawing D3.3.5.

Advice Note:

When identifying the location of the vehicle crossings consideration should be given to the future position of the dwelling to maximise solar orientation.

SHARED PATHS

151. All shared walking and cycling paths within the site shall have a minimum width of 3 metres.

152. Fencing shall be provided along the length of the Pedestrian Access Lots 1504 & 1505 and limited to a height of 1.2m high for approximately 10m from each end of the accessway in accordance with the Regional Infrastructure Technical Specifications, Drawing D3.8.10.

WATER SUPPLY

153. A 250mmØ and a 150mmØ water main shall be extended along Peacockes Road from the existing reticulation supply to the northern entrance to the site to service the site in accordance with the "Water Supply Report" by Jacobs dated 7th May 2018.

154. A 250mmØ water main shall be extended along the section of Peacockes Road from the northern entrance to the site to the southern end of the site.

155. Conditions 153 and 154 shall be satisfied if the relevant section of water main has been constructed by HCC as part of HCC's Peacockes Road arterial and minor arterial roading upgrade works.

156. Each residential lot must be provided with a separate water supply connection, with no private water supply pipes passing between one lot and another (except where provided for by way of an easement).

157. The development shall be provided a fire hydrant system to ensure that sufficient water supply is available for fire-fighting and fire protection. The design of the water network shall conform to the Code of Practice for Fire Fighting Water Supplies (SNZ PAS4509)

WASTEWATER

158. The consent holder must discharge wastewater from the site into the Far Eastern Interceptor at Crosby Road. Connections to Hamilton City Council's wastewater network for the purpose of discharging wastewater from the site may not occur unless and until the reticulated wastewater network has been extended from the Far Eastern Interceptor to the site.

ADVICE NOTE: OTHER APPROVALS FOR WORKS

The installation of network infrastructure within land which is not owned by the consent holder will necessarily require agreement from the relevant landowner. While resource consent may be obtained for certain activities to occur on a particular site, where there is need for specified infrastructure connections to be provided as part of the development which affects land not owned by the consent holder and/or applicant, approval from the relevant land owner must be obtained to complete the works and/or connections.

159. The wastewater rising main described in condition 158 above shall be in place and operational prior to s224c RMA approval for the first subdivision stage.

160. Each residential lot shall be provided with a separate wastewater connection, with no private wastewater pipes passing between one lot and another (except where provided for by way of an easement).

161. If the consent holder has used an interim pipeline beneath the Waikato River as part of meeting condition 158, the interim pipeline is to be disconnected, purged, cleaned and abandoned as soon as practicably possible after the HCC full Transfer pumping station and Transfer pipeline are operational.

STORMWATER

162. Stormwater secondary flow paths and ponding areas shall be shown on the engineering plans. The flow paths shall provide for a storm having a 100 year ARI.
163. Flow paths are to be clear of any identified or anticipated building platform and shall accommodate the rainfall runoff in excess of the stormwater reticulation design capacity.
164. Stormwater runoff from the site shall be treated and managed in accordance with the Waikato Regional Infrastructure Technical Specifications and the Sub-Catchment Management Plan submitted application, except insofar as the information in the Sub-Catchment Management Plan is superseded by the further information dated 17 August 2018, 7 December 2018, 15 October 2019, and the updated preliminary engineering drawings by Harrison Grierson, February 2019).
165. The location for the proposed stormwater communal devices for each stage shall be in general accordance with the Harrison Grierson plan 141842-1046 Rev 10. The sizing of the stormwater communal devices shall be confirmed at the time of Detailed Engineering Design Plan certification taking into account the required stormwater treatment, attenuation, velocities, maintenance and vehicle access.
166. The Raingardens for pre-treatment located within the road reserve will require specific consideration of the following matters at the detailed engineering design stage so that the risks of bypass and operational issues with such small devices are managed:
- (a) Ensuring sufficient space remains within the corridor without compromising access, transport, parking, utility services, property and asset servicing and landscape functions
 - (b) operation and maintenance requirements
 - (c) suitable sampling points for monitoring
 - (d) appropriate media specification and permeability rates
 - (e) suitable mulch and plant design
167. The consent holder shall demonstrate that all centralised stormwater devices are designed to treat public road runoff and private pervious areas during engineering plan certification stage. Where it is impractical to provide adequate capacity within centralised devices, additional at source public raingardens disposing to soakage where possible, are to be provided to treat the equivalent remainder of road and run on catchment. Any changes to the post development flow assessment will need to be addressed by further mitigation.
168. The consent holder shall undertake soakage testing at the location of proposed public soakage devices at the proposed design depths, with results provided with the detailed engineering design plans to confirm sizing of devices.
169. The consent holder shall undertake an assessment of flows that will be discharged to the outfalls and design erosion protection to suit with results provided with the detailed engineering design plans.
170. The consent holder shall provide infrastructure to convey primary flows from the existing development scenario from all adjacent sub-catchments currently draining through the site boundaries. The consent holder shall provide infrastructure to convey secondary flows from the maximum probable development scenario from all adjacent sub-catchments currently draining through the site boundaries. This information must be detailed at engineering plan approval stage, with relevant easements in gross demarcated.

171. Prior to 223 survey plan certification for the first stage, the consent holder shall undertake consultation with land owners of 71 & 84 Weston Lea Drive in order to determine existing conveyance of primary and secondary flows upstream of proposed site boundaries. Where applicable, private easements or easements in gross as a right to convey stormwater shall be provided for existing upstream flows beyond the site boundaries.
172. The consent holder shall provide private easement boundaries for all down slope properties in order to convey secondary stormwater flows from upstream properties to the relevant road reserve or Jointly Owned Access Lots (JOALs). Any necessary easements shall be shown on the survey plan for the relevant subdivision stage.
173. The consent holder shall undertake an assessment of post-development overland flow paths at detailed engineering design plan certification stage. Calculations detailing flow depths and velocity are required. Any overland flow depths exceeding the attributes associated with the low risk hazard category in HCC's citywide flood hazard report dated 29 October 2012 will require modified flowpaths to be provided.
174. A landscaping plan for all the stormwater management systems prepared in accordance with the requirements of the Waikato Regional Infrastructure Technical Specifications shall be submitted (at the time of detailed engineering design plans) with gardening and five-year maintenance specifications for review and acceptance in a technical certification capacity by the HCC General Manager Development (or nominee).
175. The Consent holder shall submit an updated "Water Efficiency Measures" component of the Sub-Catchment Integrated Catchment Management Plan, to the satisfaction of HCC General Manager Development (or nominee), to reflect any changes to outcomes identified through the detailed engineering design plan acceptance stage. The final stamped accepted specific Water Efficiency Measure Plan is to inform the owner of each residential lot of the accepted Water Efficiency Measure appropriate for this area.
176. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered against the Computer Freehold Register of all residential lots advising that the on-lot stormwater system and water efficiency measure certified as part of the detailed engineering design stage shall be installed at the building consent stage and maintained on an ongoing basis.
177. An Operations and Maintenance Plan (OMP) for the stormwater management system, which demonstrates how the standards/outcomes/conditions set out above shall be achieved, shall be prepared by a suitably qualified expert in urban stormwater management and submitted with the engineering plans for approval in a technical certification capacity by the HCC General Manager Development (or nominee).
178. The OMP shall provide for the operational, maintenance, planting and monitoring measures associated with the stormwater discharge and shall include (but not be limited to) the following:
- (a) Design parameters
 - (b) A monitoring programme and any adaptive management required to address downstream water quality
 - (c) Measures to minimise public safety risks
 - (d) Measures to minimise operational and maintenance safety risks
 - (e) Measures to minimise operational expenses

- (f) The information to be provided on as built plans for the device(s) at the completion of construction
- (g) Asset operation details and likely operational costs
- (h) Detail how the stormwater management system will be successfully transitioned and established during the Land Development Phase until the end of the defects liability period at the final stage of the development.
- (i) Transition /Phasing Plan detailing:
 - (i) The construction phase and the staging of the development and how the Planted Stormwater System will be constructed to ensure that the plants will be able to thrive based on the various volume of stormwater generated by the various stages.
 - (ii) The inspection and associated cleaning regime for the Planted Stormwater System, and associated sediment control.
 - (iii) Provide details on how the Temporary stormwater controls will be integrated with the Planted Stormwater System to ensure the Planted Stormwater System is not affected by sediment generated from the various stages of development.

179. The OMP approved in a technical certification capacity at engineering plan approval stage shall be updated and submitted for approval in a technical certification capacity by HCC General Manager Development (or nominee), at the time of works clearance. The plan shall include (but not be limited to) the following: As built plans and data sheets for the devices in accordance with HCC Specifications and inspections and monitoring results and any adaptive management.

180. The maintenance and operation of the stormwater management system shall be carried out in accordance with the Waikato Regional Infrastructure Technical Specifications and the certified OMP.

GENERAL ENGINEERING REQUIREMENTS

181. All engineering works shall be designed and built in accordance with the Waikato Regional Infrastructure Technical Specifications and current best practice. Innovative engineering solutions reflecting the special characteristics of the development will be considered.

182. The consent holder shall consult with utility operators prior to detailed design to ensure that adequate space is provided for above ground utility structures without compromising road access functions.

183. Plans for the engineering works, including the works required within the site for each subdivision stage and for public road upgrades (including shared path) along Peacockes Road, the rising main to the Far Eastern Interceptor, and the bulk water main shall be submitted to the Strategic Development Unit Manager (or nominee) for certification, and shall include plans, cross-sections, long-sections and associated details for roading, pavement, water, wastewater and stormwater infrastructure, updated water efficiency measures, right of way formations, vehicles crossing locations, the TNMP, and other relevant items. The plans shall be amended as required until stamped 'accepted' by Strategic Development Unit. The plans may be submitted for stages of construction. No work shall commence on site until plans are accepted, with stamped copies being held on site during the works. All works shall be carried in accordance with the certified plans.

184. The consent holder shall retain the services of a suitably qualified person (generally a professional land surveyor, engineer or planner) to oversee the construction of any infrastructure required for the development. This person shall be responsible for ensuring adherence to approved construction plans, quality systems, and project completion requirements. The name and contact details of this person shall be nominated on all engineering plans.

185. Full as-built plans and asset data for all roading and water and drainage reticulation works shall be submitted for 224c clearance.

DEFECT LIABILITY

186. The Consent Holder shall comply with the following defects liability periods for the construction, operation and maintenance of infrastructure assets which are to be vested in Council. During the Defects Liability Period, maintenance of the Infrastructure Assets shall be the responsibility of the consent holder.

187. A defect liability period of 24 months for all planted treatment and detention devices (on-road rain gardens, centralised planted stormwater device and stormwater storage) and 12 months for all other infrastructure assets vested in Council as per the Waikato Regional Infrastructure Technical Specifications from the date of issue of the section 224(c) Certificate (“Defects Liability Period”).

188. If during the Defects Liability Period Council considers that any remedial works need to be carried out in respect of the Infrastructure Assets, the consent holder shall undertake at its own cost such remedial works to the satisfaction of Council. Engineering plans for remedial works shall be submitted to and accepted by Council prior to construction.

REVIEW

189. Under section 128 of the RMA the conditions of this consent may be reviewed by the Manager, Planning Guidance Unit at the consent holder’s cost two years after the commencement of the consent and thereafter at annual intervals to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on the long-tailed bat.

SURVEY PLAN APPROVAL (S223) CONDITIONS – ALL STAGES

BEFORE THE COUNCIL WILL APPROVE A SURVEY PLAN PURSUANT TO S223 OF THE RMA FOR THE STAGES SHOWN ON HARRISON GRIERSON DRAWING 141842 – 1046 SCHEME PLAN STAGING PLAN REV 10 AND THE ACCOMPANYING SCHEME PLANS RECEIVED ON 15 AUGUST 2019, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

190. The stage survey plan shall be in general accordance with the respective stage shown on Harrison Grierson Drawing 141842 – 1046 Scheme Plan Staging Plan Rev 10 and the specific s223 conditions set out below for the respective stage in addition to any relevant general conditions for all stages that are required to be met prior to the s223 survey plan certification, except where required to be amended to comply with condition 127 to provide for the recreation reserve.

191. The consent holder shall undertake consultation with the Tangata Whenua Working Group (being the Group that is described in the Amberfield Cultural Impact Assessment dated 10 May 2018) and Te Ha o Te Whenua o Kirikiriroa on the names of the roads and reserves to vest in Council prior to seeking Council approval for the road and reserve name(s) in accordance with the Hamilton City Council Naming of Roads, Open Spaces and Council Facilities Policy. The approved road names are to be shown on the stage survey plan.

192. Easements in favour of HCC shall be created where any public wastewater, water supply and stormwater infrastructure are required to be constructed outside of vested public roads or reserves

for a temporary period due to the staging of the subdivision. In those situations, the services shall be laid and easements created in locations where public roads or reserves are intended to be vested as part of the subsequent subdivision stages.

Advice Note:

When subsequent subdivision stages are completed and these temporary easements are longer required due to the vesting of public roads or reserves, the consent holder will need to apply to HCC for the revocation of the temporary easements.

193. Lots 2014 and 2037 shall be shown on the Survey Plans to vest in Hamilton City Council as road at the relevant subdivision stage based on the timing of the Peacockes Road upgrade requirements set out in condition 9. This condition will not apply if HCC has previously upgraded and vested the same or greater length of Peacockes Road.
194. Lots 1100, 1101, 1102 and 1103 shall be shown on the Survey Plans to vest in Hamilton City Council as utility lots at the relevant subdivision stage based on the timing of the pump station requirements set out in condition 6.
195. Each stormwater communal device shall be shown on the Survey Plans as a separate allotment to vest in Hamilton City Council as Stormwater Reserve at the relevant subdivision stage based on the timing of the basin requirements set out in condition 6 and condition 165.

SURVEY PLAN APPROVAL (S223) CONDITIONS – INDIVIDUAL STAGES

196. Before the Council will issue a certificate pursuant to s223 of the RMA for the respective stage below, the following requirements for the applicable stage shall be shown on the survey plan.

Advice Note:

Some stages do not have any specific requirements.

SECTION 224(C) COMPLIANCE CONDITIONS

197. Before the Council will issue a certificate pursuant to s224(c) of the RMA for the respective stage below, the consent holder shall demonstrate compliance with the general conditions above as they are applicable to the stage being developed.

STAGE 1

Survey Plan Approval (s223) Conditions:

- (1)(a) Lot 2000 shall vest in the Hamilton City Council as road.
- (1)(b) Lots 1500 and 1501 shall vest in in the Hamilton City Council as Local Purpose (Amenity) Reserve.
- (1)(c) Lot 1502 shall vest in Hamilton City Council as Local Purpose (Esplanade) Reserve.
- (1)(d) Lot 1506 shall vest in in the Hamilton City Council as Recreation Reserve.
- (1)(e) Lot 1505 shall vest in the Hamilton City Council as Local Purpose Reserve (Pedestrian Accessway)
- (1)(f) Lot 1100 shall vest in Hamilton City Council as Utility Lot.

- (1)(g) Lot 1250 (legal access) be held as to eight undivided one eighth shares by the owners of Lots 31 to 38 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (1)(h) The right of way and services easement 'A' be shown on the survey plan and be duly granted and reserved.
- (1)(i) An encumbrance in favour of Hamilton City Council shall be registered on the title for Lot 25 that records that Lot 25 will not be further subdivided or used for residential purposes. The encumbrance shall be prepared by the Council's lawyers at cost of the consent holder.
- (1)(j) The existing drainage right easement on RT SA528/20 be cancelled pursuant to s243(e) of the RMA as authorised under this subdivision consent.

STAGE 2

Survey Plan Approval (s223) Conditions:

- (2)(a) Lot 2001 shall vest in Hamilton City Council as road.

STAGE 4

Survey Plan Approval (s223) Conditions:

- (4)(a) Lot 2002 shall vest in Hamilton City Council as road.
- (4)(b) Lot 1503 shall vest in Hamilton City Council as Local Purpose (Esplanade) Reserve.
- (4)(c) Lot 1510 shall in Hamilton City Council as Local Purpose (Ecological) Reserve.
- (4)(d) Lot 1251 hereon (legal access) be held as to four undivided one quarter shares by the owners of Lots 149 to 152 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (4)(e) Lot 1252 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 174 and 175 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (4)(f) Lot 1253 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 170 and 171 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (4)(g) The right of way and services easements 'B', 'C' & 'D' be shown on the survey plan and be duly granted and reserved.
- (4)(h) All future buildings on Lot 149 shall not exceed a height of RL 47.13 metres for the purpose of maintaining the public view and river outlook to the south from the adjacent recreation reserve.
- (4)(i) Pursuant to Section 221 of the Resource Management act 1991, a consent notice shall be registered against the Computer Freehold Register of proposed Lot 149 advising that all buildings on the lot shall not exceed a height of RL 47.13 metres for the purpose of maintaining the public view and river outlook to the south from the adjacent recreation reserve.

Advice Note: At the time of granting of this consent this height limit is approximately 9 metres above finished ground level enabling a two-storey dwelling with a pitched roof.

STAGE 5

Survey Plan Approval (s223) Conditions:

- (5)(a) Lot 2003 shall vest in Hamilton City Council as road.

STAGE 6

Survey Plan Approval (s223) Conditions:

- (6)(a) Lots 2004 and 2016 shall vest in Hamilton City Council as road.
- (6)(b) Lots 1508 and 1509 shall vest in Hamilton City Council as Recreation Reserve.
- (6)(c) Lot 1518 shall vest in Hamilton City Council as Local Purpose (Esplanade) Reserve.

STAGE 7

Survey Plan Approval (s223) Conditions **except as modified by condition 127:**

- (7)(a) Lot 2005 shall vest in Hamilton City Council as road.
- (7)(b) Lot 1103 shall vest in Hamilton City Council as Utility Lot.
- (7)(c) Lot 1255 hereon (legal access) be held as to three undivided one third shares by the owners of Lots 806 to 808 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (7)(d) Lot 1256 hereon (legal access) be held as to three undivided one third shares by the owners of Lots 818 to 820 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (7)(e) Lot 1257 hereon (legal access) be held as to nine undivided one ninth shares by the owners of Lots 821 to 824 and 831 to 835 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (7)(f) The right of way and services easements 'F', 'G' & 'H' be shown on the survey plan and be duly granted and reserved.

STAGE 8

Survey Plan Approval (s223) Conditions **except as modified by condition 127:**

- (8)(a) Lots 2006 and 2007 shall vest in Hamilton City Council as road.
- (8)(b) Lots 1507 shall vest in in the Hamilton City Council as Recreation Reserve.

STAGE 9

Survey Plan Approval (s223) Conditions **except as modified by condition 127:**

- (9)(a) Lot 2008 shall vest in Hamilton City Council as road.

STAGE 10

Survey Plan Approval (s223) Conditions except as modified by condition 127:

- (10)(a) Lots 2009 and 2010 shall vest in Hamilton City Council as road.
- (10)(b) Lot 1102 shall vest in Hamilton City Council as Utility Lot.

STAGE 11

Survey Plan Approval (s223) Conditions except as modified by condition 127:

- (11)(a) Lot 2011 shall vest in Hamilton City Council as road.

STAGE 12

Survey Plan Approval (s223) Conditions except as modified by condition 127:

- (12)(a) Lot 2012 shall vest in Hamilton City Council as road.

STAGE 13

Survey Plan Approval (s223) Conditions:

- (13)(a) Lot 2013 shall vest in Hamilton City Council as road.

STAGE 14

Survey Plan Approval (s223) Conditions:

- (14)(a) Lot 2014 shall vest in Hamilton City Council as road.

STAGE 15

Survey Plan Approval (s223) Conditions:

- (15)(a) Lot 2015 shall vest in Hamilton City Council as road.

STAGE 17

Survey Plan Approval (s223) Conditions:

- (17)(a) Lot 2016 shall vest in Hamilton City Council as road.

STAGE 18

Survey Plan Approval (s223) Conditions:

- (18)(1) Lots 2016 and 2017 shall vest in Hamilton City Council as road.

STAGE 19

Survey Plan Approval (s223) Conditions:

- (19)(a) Lot 2019 shall vest in the Hamilton City Council as road.
- (19)(b) Lot 1504 shall be vested in Hamilton City Council as Local Purpose Reserve (Pedestrian Accessway).

- (19)(c) Lot 1258 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 73 and 74 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (19)(d) Lot 1259 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 69 and 70 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (19)(e) Lot 1260 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 65 and 66 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (19)(f) Lot 1261 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 59 and 60 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (19)(g) Lot 1262 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 55 and 56 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (19)(h) Lot 1263 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 51 and 52 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (19)(i) Lot 1264 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 47 and 48 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (19)(j) Lot 1265 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 43 and 44 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (19)(k) The right of way and services easements 'I', 'J', 'K', 'L', 'M', 'N', 'O' & 'P' be shown on the survey plan and be duly granted and reserved.

STAGE 20

Survey Plan Approval (s223) Conditions:

- (20)(a) Lot 2020 shall vest in the Hamilton City Council as road.

STAGE 21

Survey Plan Approval (s223) Conditions:

- (21)(a) Lots 2021 and 2022 shall vest in the Hamilton City Council as road.

STAGE 22

Survey Plan Approval (s223) Conditions:

- (22)(a) Lots 2023, 2024 and 2038 shall vest in the Hamilton City Council as road.

STAGE 23

Survey Plan Approval (s223) Conditions:

- (23)(a) Lot 2025 shall vest in the Hamilton City Council as road.

STAGE 24

Survey Plan Approval (s223) Conditions:

- (24)(a) Lots 2026, 2027, 2028 and 2029 shall vest in the Hamilton City Council as road.
- (24)(b) Lot 1516 shall vest in in the Hamilton City Council as Recreation Reserve.

STAGE 25

Survey Plan Approval (s223) Conditions:

- (25)(a) Lot 2030 shall vest in the Hamilton City Council as road.
- (25)(b) Lot 1512 shall vest in Hamilton City Council as Local Purpose (Esplanade) Reserve.
- (25)(c) Lot 1101 shall vest in Hamilton City Council as Utility Lot.
- (25)(d) Lot 1513 shall vest in in the Hamilton City Council as Historic Reserve.
- (25)(e) Prior to vesting Lot 1513 (Historic Reserve), the consent holder shall submit to the Manager, Planning Guidance Unit an Archaeological Heritage Reserve Management Plan (AHRMP) for certification. The objective of the AHRMP is to set out how the archaeological site in the reserve will be managed in the future using ICOMOS conservation principles so that the Heritage Reserve does not suffer damage due to landscape works and use. The AHRMP shall include, but not be limited, to:
- (i) The history of the site and its context within the Amberfield subdivision and the larger Hamilton environs from a cultural, archaeological and historic perspective and identification of the values that are to be conserved;
 - (ii) The management and maintenance goals, policies and actions identified to protect the site in perpetuity;
 - (iii) What controls will be put in place to manage access to the site;
 - (iv) Site interpretation and cultural recognition; and
 - (v) Who will be notified and the remedial action undertaken in the event of damage.
- (25)(f) The Consent Holder shall consult and obtain feedback from Hamilton City Council Parks and Recreation Unit Manager (or nominee), Nga Mana Toopu o Kirikiriroa, Te Ha o Te Whenua o Kirikiriroa, Waikato Tainui, The Tangata Whenua Working Group (being the Group described in the Amberfield Cultural Impact Assessment dated 10 May 2018) and Heritage New Zealand Pouhere Taonga on the detail in the AHRMP prior to submitting the document to the Manager, Planning Guidance Unit. Evidence of the outcomes of this consultation and all feedback received shall be provided within the AHRMP.

STAGE 26

Survey Plan Approval (s223) Conditions:

- (26)(a) Lot 2031 shall vest in the Hamilton City Council as road.
- (26)(b) Lot 1511 shall vest in in the Hamilton City Council as Recreation Reserve.
- (26)(b) Lot 1254 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 390 to 391 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (26)(c) The right of way and services easement 'E' be shown on the survey plan and be duly granted and reserved.

STAGE 27

Survey Plan Approval (s223) Conditions:

- (27)(a) Lot 2032 shall vest in the Hamilton City Council as road.
- (27)(b) Lot 1515 shall vest in in the Hamilton City Council as Recreation Reserve.

STAGE 28

Survey Plan Approval (s223) Conditions:

- (28)(a) Lots 2033 and 2034 shall vest in the Hamilton City Council as road.

STAGE 29

Survey Plan Approval (s223) Conditions:

- (29)(a) Lot 2035 shall vest in the Hamilton City Council as road.

STAGE 30

Survey Plan Approval (s223) Conditions:

- (30)(a) Lot 2036 shall vest in the Hamilton City Council as road.

LAPSING OF SUBDIVISION CONSENT

Under section 125 of the RMA, the subdivision consent lapses eight years after the commencement of the consent unless:

- a) A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA. For the avoidance of doubt, the survey plan for the final stage must be submitted to Council for approval under section 223 of the RMA prior to the lapse of consent and the subsequent section 224 RMA certification for the final and all stages must be deposited within three years of that approval date; or an application under section 125 of the RMA is made to the council before the consent lapses (eight years) to extend the period after which the consent lapses and the council grants an extension.

Advice Note: The commencement date of the consent is determined in accordance with s116 of the RMA.

REVOCACTION OF COVENANT

That pursuant to sections 240(5) and 241(3) of the Resource Management Act 1991, Hamilton City Council hereby cancels Covenant Instrument B416556 as it relates to Lot 1 DPS 78023 (SA60A/826) and Allotment 87 and Part Allotments 93-94 of the Parish of Te Rapa (SA528/20).

Note: A request at the time of s223 certification for the first stage of the subdivision is required to be made at the Consent Holders expense to Council's Solicitors, Tompkins Wake to have Covenant Instrument B416556 removed from Record of Titles SA60A/826 and SA528/20 in accordance with the requirements of section 240(5) of the Resource Management Act 1991.

REVOCACTION OF AMALGAMATION OF ALLOTMENTS

Record of Title SA66A/99

That pursuant to Section 241(3), Resource Management Act 1991, Council cancels the amalgamation conditions holding Lots 1-2 DPS 81210 as held within Record of Title SA66A/99.

Record of Title SA66A/100

That pursuant to Section 241(3), Resource Management Act 1991, Council cancels the amalgamation conditions holding Lots 3-4 DPS 81210 as held within Record of Title SA66A/100.

REVOCACTION OF EASEMENTS

Pursuant to section 243(e) Resource Management Act 1991, Hamilton City Council, the local authority hereby consents to the surrender of the drainage rights easement created by conveyance 236231 (R235/556) insofar as it affects the land contained in Part Allotment 93 – 94 Parish of Te Rapa (Record of Title SA 528/20).

LAND USE CONDITIONS

REQUIRING AUTHORITY APPROVAL

1. No activities authorised by this land use consent within the Southern Links Designation (A106), may commence unless and until unconditional approval has been obtained from the requiring authority (HCC as road controlling authority) for activities within the Southern Links Designation (A106).

Advice note: Condition 1 addresses section 176(1)(b)(i) of the RMA which restricts the use of land that is subject to a designation, that would prevent or hinder a public work or project or work to which the designation relates.

ADVISORY NOTES

PLANNING GUIDANCE - GENERAL

- ☐ Compliance with the conditions of this resource consent does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.
- ☐ In particular the potential need for archaeological authority pursuant to the Heritage New Zealand Pouhere Taonga Act for works within the proposed Historic Reserve
- ☐ Any reports or plans to be submitted, in fulfilment of conditions of this consent, must be addressed to the Manager, Planning Guidance Unit.
- ☐ Street numbering will be determined at time of 223 Certification approval and will be in accordance with the Australian/New Zealand Standard AS/NZS 4819:2011 Rural and urban addressing and **must be adhered to.**
- ☐ If this property is on-sold to a new owner(s) please ensure that a copy of this resource consent is forwarded to the new owner(s).

BUILDING

- ☐ All building works should be in compliance with the Building Act 2004.

STRATEGIC DEVELOPMENT UNIT

- ☐ The onus rests with the consent holder to demonstrate that completed works meet Council requirements and accepted engineering standards. Therefore, developers should employ suitably qualified and experienced contractors and maintain records of the quality control process.
- ☐ All operations affecting in-service Hamilton City Council water, wastewater or stormwater pipelines are to be carried out by Hamilton City Council staff (City Delivery Unit (CDU)) unless specific approval is given as outlined in the Waikato Regional Infrastructure Technical Specifications.
- ☐ Undertaking of any works resulting in storm water discharge, earthworks and site development will need to comply with the relevant requirements of the Waikato Regional Council and any associated resource consents.
- ☐ That Consent Holder is required to obtain and arrange for any easements required to accommodate and maintain the proposed Stormwater and Waste Water solutions.
- ☐ That the Consent Holder shall obtain all Building Consents required constructing all proposed retaining walls and structures.
- ☐ A full set of asbuilt plans and a register of all assets to be transferred to Council (reserves, roads, water, wastewater and stormwater infrastructure) shall be submitted to Strategic Development Unit at the completion of works (ref Hamilton City Council form GST Requirement/Asset Register and Tax Invoice and Data Spreadsheets).

