

## Notice of Meeting:

I hereby give notice that an ordinary meeting of the Hearings Subcommittee will be held on:

**Date:** Wednesday 23 September 2015  
**Time:** 1:00pm  
**Meeting Room:** Committee Room 1  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Hearings Subcommittee OPEN AGENDA

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### Membership

Chairperson Cr M Forsyth  
Members Cr K Green  
Cr R Pascoe  
Cr L Tooman  
Cr E Wilson  
Cr P Yeung

**Quorum:** Three Members

**Meeting Frequency:** When required

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Ian Loiterton  
Committee Advisor

**17 September 2015**  
Telephone: 07 838 6439  
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**Terms of Reference:**

To hear and determine:

- Objections under the Dog Control Act 1996;
- Road names where resolution cannot be achieved under the Road, Reserve and Park Naming Policy;
- Development contribution (DC) appeals relating to DCs calculated under the Development and Financial Contributions Policy 2010; and
- Miscellaneous decisions not able to be delegated to management.

**Special Notes:**

- The sub-committee may request expert advice through the Chief Executive when necessary.
- Subject to those matters which Council has not delegated, all hearings under the Resource Management Act 1991 will be heard by hearings commissioners who are recorded on a list of hearings commissioners appointed by Council and given delegation to hear and decide matters under the Act.
- Elected members who obtain accreditation as hearings commissioners will be included on a list of hearings commissioners appointed by Council and given delegations to hear and decide matters under the Resource Management Act 1991. Staff can select hearings commissioners from this list.
- All licence applications under the Sale of Liquor Act 1989 will be heard by the District Licensing Agency.
- All licence applications under the Sale and Purchase of Alcohol Act 2012 will be heard by the District Licensing Committee.

**Power to act:**

- To hear and make determinations in accordance with the matters listed in the terms of reference of this sub-committee.

**Power to recommend:**

- The sub-committee may make recommendations to the Strategy and Policy Committee.

**Changes to the Traffic Bylaw Registers and Parking Restrictions:**

The following additional clauses are related to the additional responsibilities that will be undertaken by the Hearings Sub-committee in dealing with changes to the Traffic Bylaw Registers and Parking restrictions;

**Terms of Reference:**

1. To consider and determine changes to the Traffic Bylaw 2014 Registers including hearing any submissions relating to those proposed changes.
2. To consider and determine changes to Parking Restrictions including hearing any submissions relating to those proposed changes.

**Power to Act:**

Make decisions on changes to the Traffic Bylaw registers as outlined in Traffic Bylaw 2014 (or any subsequent amendments/versions) and this Terms of Reference.

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**1 Apologies**

**2 Confirmation of Agenda**

The Committee to confirm the agenda.

**3 Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

**Committee:** Hearings Subcommittee

**Date:** 23 September 2015

**Report Name:** Hearings Subcommittee  
Meeting - Open Minutes - 28  
April 2015 and 2 July 2015

**Author:** Ian Loiterton

<b>Status</b>	<i>Open</i>
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## Recommendation

That the Subcommittee confirm and adopt as a true and correct record the:

- a) Open Minutes of the Hearings Subcommittee Meeting held on 28 April 2015; and
- b) Open Minutes of the Hearings Subcommittee Meeting held on 2 July 2015.

## 1. Attachments

2. Attachment 1 - Hearings Subcommittee Meeting - Open Minutes - 28 April 2015
3. Attachment 2 - Hearings Subcommittee Meeting - Open Minutes - 2 July 2015

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## Hearings Subcommittee

### OPEN MINUTES

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Minutes of a meeting of the Hearings Subcommittee held in the Kauri Room, Municipal Building, Garden Place, Hamilton on Tuesday 28 April 2015 at 2:30pm.

#### PRESENT

Chairperson	Cr M Forsyth
Members	Cr L Tooman Cr E Wilson

In attendance	City Safe Unit Manager, Animal Education & Control Manager, Team Leader Animal Education & Control Officers, Animal Education & Control Officer
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Also in attendance	Charlotte Thompson and Alana Pringle
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Committee Advisor	Mr B Stringer
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#### 1. Apologies

There were no apologies.

#### 2. Confirmation of Agenda

The Chair noted the following changes to the circulated Agenda:

- a. The meeting was postponed from 18 March 2015 due to the unavailability of some Councillors on that date who were attending a funeral and to accommodate Charlotte Thompson's availability.
- b. Crs Tooman and Wilson replaced Crs Pascoe and Green.
- c. Items 4 (Hearings Subcommittee Open Minutes 8 December 2014) and 6 (Objection by John Taylor to the Classification of Chika as Menacing) in the 18 March Agenda had been heard at previous Subcommittee meetings.
- d. The Subcommittee minutes from the meeting of 9 April 2015 were circulated to members as a late report.

**Resolved:** (Crs Forsyth/Wilson)

The Subcommittee to confirm the Agenda, noting the above changes.

### 3. **Declarations of Interest**

No members of the Subcommittee declared a Conflict of Interest.

### 4. **Hearings Subcommittee Open Minutes 9 April 2015**

**Resolved:** (Crs Tooman/Forsyth)

That the Subcommittee adopt as a true and correct record the Open Minutes of the Hearings Subcommittee of 9 April 2015.

### 5. **Objection by Charlotte Thompson to the Classification of Hine as Menacing**

The Animal Education & Control Manager spoke to the staff Report and summarised the background to the case. The Manager was joined by the Team Leader Animal Education & Control Officers who provided an overview of his experience in training and dealing with dogs. His resume was tabled. The Team Leader confirmed that he had not seen Hine until he visited the kennels and his advice on the events leading to Hine being placed in the kennels was based on the statements of staff that were present at that time.

The Manager and Team Leader highlighted the following points in response to questions:

- **Aggressive behaviour**  
A dog could exhibit aggressive behaviour when in a pressured or stressed situation, or towards people other than its owners or family members, even if this did not reflect the behaviour it normally showed towards its owners.
- **Hine's behaviour in the kennels**  
The Team Leader stated that on visiting the kennels, Hine was fearful, hiding under the bed and not wanting to make contact with him. Hine did not exhibit any aggressive behaviour at that time. The Team Leader also confirmed it was not unusual for dogs to be scared in such situations.
- **Breed**  
Hine was a Pitbull-American Staffordshire cross. Council's classification system for dog registration was based on breed. Hine was not a menacing breed under the Dog Control Act.
- **Relationship of Hine and Kupe**  
Charlotte Thompson confirmed that both Hine and Kupe were 'rescue dogs' but were not related.

The Animal Education & Control Officer confirmed he was at the site when Hine was seized and outlined the circumstances leading up to this event. The Officer noted that the Animal Education & Control team were contacted by a member of the public that saw Hine and Kupe roaming at the front of their owner's property.

The Officer, supported by the Manager and Team Leader, responded to the following questions:

- **Arrival at scene**  
The Officer recounted that, on his arrival at the scene, he saw Hine rush towards a member of the public on the footpath before Hine returned to the front section of the Thompson residence. Both Hine and Kupe were off-lead on the unfenced front section of the owner's

property. The Officer was the first staff member that arrived and he took the photographs on page 12 of the Agenda. He offered food to both Hine and Kupe in an attempt to move them to the Council vehicle, to which only Kupe responded positively.

- **Other Council staff on scene**

It was noted two other officers then arrived and were unsuccessful at seizing Hine in the front of the section. At that time, the Officer was securing Kupe in the Council vehicle. The City Safe Unit Manager was also in attendance as an observer only. The Officer noted that no contact was made with the dogs' owner at that time as the focus was on protecting the public and removing the dogs from the scene.

The Officer, together with a colleague, caught Hine with poles in the rear of the Thompson's property after Hine had crawled under the house. The Officer estimated it took 20 minutes from his arrival to securely remove Hine from the property.

- **Hine's behaviour**

The Team Leader considered that in the situation that Hine was in, it would be typical for a dog to exhibit more defensive and territorial behaviour on its property. The Team Leader believed that Hine could have bitten someone in a similar situation.

- **'Menacing' classification**

It was confirmed that Hine already substantially satisfied the requirements once a dog was classified as 'menacing' – Hine had been neutered, was on a lead when in public places and had been micro-chipped. Hine's owners also had a muzzle if required.

Charlotte Thompson reiterated her objection to the menacing classification, noting Hine's background of abuse prior to Hine being rescued. Charlotte tabled recent photos of Hine in public settings and responded to the following questions:

- **Post-event remedial activities**

Charlotte noted that additional boarding had been attached to the bottom of her house to prevent the dogs burrowing under the property to reach the front of the section. Charlotte's landlord had yet to confirm whether they would provide concrete to secure that additional boarding. A kennel was already on the property, and the dogs slept inside at night. Charlotte was also working with a dog behaviourist.

- **Objection to Menacing Classification**

Charlotte agreed that her principal concern was the classification of Hine as 'menacing' itself, as she would be able to meet the requirements of the classification.

The Manager confirmed that a dog classified as menacing would need to be restrained on a lead at all times, even in non-lead areas catered for dogs. Staff did not believe the menacing classification could be reviewed or removed by a territorial authority once a territorial authority had determined the matter. The owner would have the option of appealing a decision to the District Court. After considering excerpts from the Dog Control Act, the Subcommittee requested staff obtain an opinion from Council's solicitor as to whether a menacing classification can be reviewed or removed once the classification has been determined by a territorial authority.

The Team Leader stated that based on his experience and research, while behavioural dog training may improve a dog's behaviour over time, the dog's genetic make-up would remain a strong indicator as to the dog's temperament.

**The Meeting adjourned during the discussion on this Item from 3:38 to 3:44pm to enable staff to provide Subcommittee members with excerpts from the Dog Control Act.**

**Resolved:** (Crs Tooman/Forsyth)

That:

- a) the Report be received;
- b) the classification of "Hine" as menacing is upheld; and
- c) staff seek Council solicitor's opinion as to whether, under the Dog Control Act 1996, a classification of a dog as 'menacing' or 'dangerous' (as those terms are defined under the Act) can be reassessed or reclassified after such classification has been determined by the Subcommittee (or other territorial authority).

The Subcommittee Members reflected on the facts of this matter and noted the following in support of the Resolution:

- Members of the public saw Hine acting aggressively;
- On his arrival to the scene, the Officer saw Hine rush towards a member of the public;
- Kupe co-operated with staff while Hine evaded attempts to place her in the Council vehicle;
- Protection of the public was the Subcommittee's key concern.

The Chair thanked Charlotte for presenting her objection and noted the decision was not made lightly.

**The Meeting closed at 4:00pm**

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## Hearings Subcommittee

### OPEN MINUTES

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Minutes of a meeting of the Hearings Subcommittee held in Kauri Room, Municipal Building, Garden Place, Hamilton on Thursday 2 July 2015 at 12:30.

#### PRESENT

Chairperson	Cr M Forsyth
Members	Cr K Green Cr R Pascoe
In attendance	Chris Allen - General Manager City Infrastructure Robyn Denton - Acting City Transportation Unit Manager Jason Wright - Senior Planner Jonathon Brooke - Engineering Officer
Also in attendance	Mrs Karen McCrae Mr Ron Wells Mr Leo Maddern Miss Jane Douglas Mr Ian Lowry Mr Clive Hamil
Committee Advisor	Mr B Stringer

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#### 1. Apologies

There were no apologies.

#### 2. Confirmation of Agenda

The Chairperson proposed a Public Forum was held directly after Item 3 (Declarations) to allow an opportunity for members of the public in attendance to speak.

**Resolved:** (Crs Forsyth/Pascoe)

The Committee to confirm the Agenda.

### 3. Declarations of Interest

The Chairperson advised that she knew Ian Lowry through a previous business arrangement that had no connection with the items on the Agenda. The Chairperson confirmed she was able to bring an open mind to the proceedings and make an independent decision on the information provided.

### 4. Public Forum

- **Karen McRae** spoke on the proposed changes to Queenwood Avenue and Constance Street, and circulated a letter to the Subcommittee Members. Mrs McRae referred to the road congestion in that area, particularly when the neighbouring swimming pool was used for lessons and expressed concerns in relation to safety of children. She requested that Council extend the proposed yellow line on Queenswood Avenue up to the entrance of the pool facility. Mrs McRae submitted there was adequate parking in the vicinity and additional parking bays were therefore not required.
- **Jane Douglas**, a Planning Consultant for Progressive Enterprises, spoke to the proposed changes to Poaka Avenue and noted the 'no stopping' recommendations included in the staff report were designed by a professional traffic consultancy group. Miss Douglas clarified that the proposed parking restrictions were intended to facilitate the exit of B-trains and trucks from the Countdown store as part of the planned store extension. It was estimated that trucks would travel through the site up to three times daily. Staff vehicles would be able to enter and exit via Poaka Avenue.
- **Ron Wells**, spoke on the proposed changes to Poaka Avenue and advised that he was representing a number of local residents who had collated questions on that matter, which were set out in a document circulated by Mr Wells to Subcommittee Members.
- **Les Maddern**, spoke on the proposed changes to Poaka Avenue. He expressed concerns that the parking restrictions would not prevent B-trains from crossing the white line in the centre of the road. This caused a risk to other traffic users, including children who cycled to school. Mr Maddern queried why Progressive Enterprises could not use an alternative exit and noted that the affected section of Poaka Avenue was particularly narrow.
- **Clive Hamil**, spoke on the proposed changes to Queenwood Avenue and a map of the area, which he circulated to Subcommittee Members.

### 5. Parking Restriction Changes

#### *Poaka Avenue*

At the request of staff, the Subcommittee considered the matter relating to Poaka Avenue first. The Acting City Transportation Unit Manager advised that the Subcommittee was only being asked to consider the no stopping restriction changes, which arose from Progressive Enterprise's planning application to extend its Countdown supermarket at the Dinsdale Shopping Centre.

By way of background, the Senior Planner summarised that application and provided diagrams to the Subcommittee Members to illustrate the planned development. It had yet to be determined whether a formal notification process would be followed in relation to the proposal. The Senior Planner stated that trucks accessed the supermarket via Tuhikaramea Road and left via Whatawhata Road. The application contemplated egress would change to be via 11 and 11a Poaka Avenue following a zoning change in the Proposed District Plan to those properties. The parking restrictions were one of the matters to be determined as part of the application.

The General Manager City Infrastructure suggested that the Subcommittee could pass a resolution to approve the parking restrictions subject to the planning application being granted.

The General Manager, Unit Manager, Senior Planner and Engineering Officer responded to the following questions:

- If the parking restrictions were not approved, B-trains and trucks would not be able to exit the supermarket site via Poaka Avenue. Mr Lowry, a Regional Manager for Countdown, noted that the existing passage of these vehicles traverses the location of the planned extension. Such vehicles would only be permitted to turn right into Poaka Avenue should the restrictions be approved.
- A time-restricted clearway had been considered as an alternative to no parking restrictions but staff believed that it would be difficult to enforce.
- An assessment as to the placement of new parking bays to reflect the loss of parking spaces as a result of the proposed restrictions was an option. That would have an impact on residents of properties adjoining the bays and incur additional costs. Progressive Enterprises had not agreed to meet such costs at that time.

### Resolution to Exclude the Public

**Resolved:** (Crs Forsyth/Pascoe)

#### Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely deliberations on Item 5 of the Agenda in relation to Poaka Avenue.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
5. Parking Restriction Changes (Poaka Avenue)	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item 5 (in part).	To enable the Council to deliberate in private on its decision or recommendation	Section 48 (1) (d) Section 48 (2)
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**The Meeting went into Public Excluded session from 1:15pm to 2:00pm**

## The Open session of the Meeting reconvened at 2:00pm

**Resolved:** (Crs Forsyth/Pascoe)

That the matter in relation to the proposed No Stopping Restrictions for Poaka Avenue is adjourned pending receipt of further information and that staff report back to the Subcommittee within three months.

### *Other Proposed No-Stopping Restriction Changes*

The Unit Manager spoke to the remaining matters in her report and responded to questions on them:

- **Moana Street**  
The area affected was currently used for all-day parking. The proposed restrictions would provide a safe turning bay for residents.
- **Akoranga Road/Gilchrist Street/Te Wetini**  
The No Stopping signs formalised the legal position in relation to the affected areas, which were not suitable for parking. Staff would, at the appropriate time, work with a developer who expressed concern with the restrictions in terms of his future development.
- **Queenwood Avenue/Constance Street**  
The proposed measures were an outcome of feedback from local residents and to reinforce the existing legal position. The Unit Manager confirmed that:
  - i. there were carparking spaces down the thoroughfare illustrated on the map circulated by Mr Hamil, as well as on the other side of the road;
  - ii. parking was also available on both sides of Queenwood Avenue adjoining the nearby shops;
  - iii. Council had no record of any traffic incident or crash on this section of road.

It was agreed that in addition to implementing the proposed changes, based on the public feedback received, staff would investigate whether further no-stopping restrictions were required in consultation with local residents and businesses prior to reporting back to the Subcommittee.
- **Palmer Street**  
Traffic islands were already in place to slow traffic. The proposed restrictions would enable a better traffic flow at the intersection with Te Aroha Street.
- **Ruakiwi Road**  
The proposed restriction was requested by the owner of a neighbouring property to facilitate ingress to and egress from his property.
- **Prescott Place**  
The changes would reinforce the legal position for the affected areas.
- **Lake Domain Drive**  
It was intended that the Subcommittee would formally approve the restrictions that had been in place for a number of years.

- **Cambridge Road**  
The no-stopping line was to reflect that there was insufficient room to park between two driveways.

*Parking Control Changes*

- **Von Tempsky Street**  
There was high-demand for parking in that part of Hamilton East.
- **High Street**  
Tenants of nearby businesses expressed dissatisfaction with the proposed restriction. Staff believed there was sufficient alternative parking facilities in that area. Consultation had taken place and the relevant section of road would be clearly marked with the parking restriction.
- **Tasman Road/Baverstock Road**  
There were changes to the location of bus stops that required an amendment to existing parking arrangements on these roads.

**Resolved:** (Crs Forsyth/Green)

That:

- a) the Report be received; and
- b) Council approves the changes to No Stopping restrictions and Parking controls as set out in the tables below, subject to the review and consultation to be undertaken by staff in relation to Queenwood Avenue and Constance Street only.

<b>Proposed Changes to No Stopping Restrictions</b>	
<b>Location</b>	<b>Proposed change</b>
Moana Street	<i>Installation of 25.5 metres of No Stopping Restriction outside #4 &amp; 9.</i>
Akoranga Road	<i>Installation of No Stopping signs along Akoranga Road on the south side for 370m</i>
Gilchrist Street	<i>Installation of No Stopping signs along the north side for 260m. Installation of No Stopping restrictions on the south side across the #29 driveways.</i>
Te Wetini	<i>Installation of No Stopping signs along both side of Te Wetini Road.</i>
Queenwood Ave & Constance Street	<i>Installation of 37.5, 40.5 &amp; 48 metres of No Stopping Restriction at intersection.</i>
Palmer Street	<i>Installation of 17 &amp; 23.5 metres of No Stopping Restriction at intersection.</i>
Ruakiwi Road	<i>Installation of 8.5 metres of No Stopping Restriction at #18a</i>
Prescott Place	<i>Installation of 23 &amp; 20 metres of No Stopping Restriction at intersection of Cambridge Road.</i>
Lake Domain Drive	<i>Installation of 49 &amp; 17 metres of No Stopping Restriction at intersection of Ruakiwi Road.</i>
Cambridge Road	<i>Installation of 15 metres of No Stopping Restriction at #109 and 113.</i>

<b>Proposed Changes to Parking Controls</b>	
<b>Location</b>	<b>Description of proposed change</b>
Von Tempsky Street	<i>Installation of P60 signs along the west side of Von Tempsky Street for 70m.</i>
High Street	<i>Installation of P60 signs along the west side of High Street for 25m outside #36</i>
Tasman Road	<i>Removal of the bus stop outside #17.</i>
Baverstock Road	<i>Installation of two new bus stops either side of Baverstock Road at #151.</i>

**The Meeting closed at 2:30pm**

**Committee:** Hearings Subcommittee

**Date:** 23 September 2015

**Report Name:** Parking Restriction Changes

**Author:** Robyn Denton

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Access Hamilton Strategy</i>
<b>Financial status</b>	<i>All costs associated with on-site changes are met by the Developer.</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

- The report sets out information on proposed installation of No Stopping restrictions associated with the extension of the Countdown supermarket in Poaka Ave, Dinsdale and seeks approval from the Subcommittee for those changes to proceed.

## 3. Executive Summary

- The Hamilton City Traffic Bylaw 2015 sets out the requirements for parking, establishing standards for activities within the road reserve and general control of vehicular or other traffic e.g. banning of turns, installation of no stopping restrictions, creation of cycle lanes and establishment of specific parking zones such as bus stops, taxi stands etc. A Council resolution is required to make changes to any of these restrictions.
- At the previous meeting of the Subcommittee on 2 July 2015, the item relating to installation of No Stopping Restrictions in Poaka Ave was adjourned pending the provision of further information to the Subcommittee.
- Since 2 July 2015, Council as consent authority has granted a resource consent to authorise the extension of the Countdown supermarket under the Resource Management Act 1991.
- A decision is now required under the Traffic Bylaw on the No Stopping Restrictions in Poaka Avenue recommended to enable truck movements to exit the Countdown site.

## 8. Recommendations from Management

That:

- the report be received; and
- Council approves the changes to No Stopping Restrictions as set out in the table below:

Proposed Changes to No Stopping Restrictions	
Location	Proposed change
Poaka Ave	<p><i>Installation of</i></p> <ul style="list-style-type: none"> <li>- 47 metres of No Stopping Restriction on the western side from #12 to #16 on Poaka Ave,</li> <li>- 27 metres of No Stopping Restriction on the eastern side from #9 to #11a on Poaka Ave.</li> </ul> <p><i>Subject to implementation of resource consent 7944/00.</i></p>

## 9. Attachments

10. Attachment 1 - Resource Consent for Countdown Dinsdale Extension
11. Attachment 2 - Peer Review of Transport Impact Assessment for Countdown Dinsdale Extension

## 12. Background

13. At the meeting of Council's Strategy and Policy Committee on 3 September 2014 (see [Strategy and Policy Committee, Item 15](#)), and subsequent Council meeting it was resolved to establish a new subcommittee to consider and approve Traffic Bylaw recommendations and to alter the delegations policy to reflect the role and responsibilities of the new subcommittee, with the membership and terms of reference to be confirmed at the subsequent Council meeting. This was aligned with one of the proposed changes in the Traffic Bylaw 2012 to allow information contained within the Bylaw schedules to be kept in separate registers that could be more simply updated by resolution rather than requiring a full bylaw review process.
14. The Council meeting on 25 September 2014 resolved to have these additional responsibilities delegated to the existing Hearings Subcommittee. The terms of reference for the Hearings Subcommittee have now been updated to enable them to consider changes to the Traffic Bylaw registers, parking controls and no stopping restrictions.

## 15. The Issue

16. At the previous meeting of the Hearings Subcommittee on 2 July 2015, one of the locations proposed for the introduction of No Stopping Restrictions was Poaka Avenue. These restrictions were being considered as a result of a proposed extension of the Dinsdale Countdown site which was going to result in light vehicles gaining entry and exit, and heavy vehicles gaining exit only, from the site via 11 and 11a Poaka Ave as an alternative to the main vehicle crossing onto Whatawhata Road.
17. The zoning of 11 and 11a Poaka Ave changed from residential in the Operative District Plan to Business Zone 5 (Suburban Centres) in the Proposed District Plan.
18. During consultation regarding the proposed No Stopping Restrictions under the Bylaw, most residents were concerned with the accessway being installed into Poaka Ave, rather than the No Stopping Restrictions themselves. Three residents came back with very strong negative responses on the proposed accessway, and indirectly the no stopping restrictions. The construction of the accessway is regulated under the District Plan and the Resource Management Act, not the Traffic Bylaw. The resource consent granted by Council on 2 September 2015 authorises the construction of the accessway.
19. Verbal submissions from three parties were heard at the previous Subcommittee meeting on 2 July 2015. These submissions were presented by:

- Jane Douglas – a Planning Consultant for Progressive Enterprises.
  - Ron Wells – representing a number of local residents.
  - Les Maddern – a local resident.
20. At the time of the previous Subcommittee meeting the resource consent application was on hold. It was felt that in order to provide best certainty for the applicant, the issue of No Stopping Restrictions under the Bylaw should be dealt with prior to Council (as consent authority) proceeding to the processing of the resource consent.
  21. Consultation in regard to the proposed No Stopping Restrictions was undertaken with the immediately affected residents and property owners in preparation for the previous meeting of this Subcommittee.
  22. The Subcommittee resolved at that meeting *‘That the matter in relation to the proposed No Stopping Restrictions for Poaka Avenue is adjourned pending receipt of further information and that staff report back to the Subcommittee within three months’.*
  23. Since that meeting an independent peer review of the Transport Impact Assessment (TIA) (which formed part of the resource consent application) has been undertaken to inform the resource consent process. The peer review considered the residents’ feedback and the verbal submissions presented at the 2 July 2015 Hearings Subcommittee meeting. The peer review concluded that while the change in access to the Countdown site would result in an increase in traffic movements, the safety effects were considered less than minor. This review was then used in the consideration process for the granting of the consent. Please refer to attachment 2 – Peer Review of Transport Impact Assessment for Countdown Dinsdale Extension.
  24. The proposal for no stopping restrictions was considered appropriate and is shown in Figure 1 below:

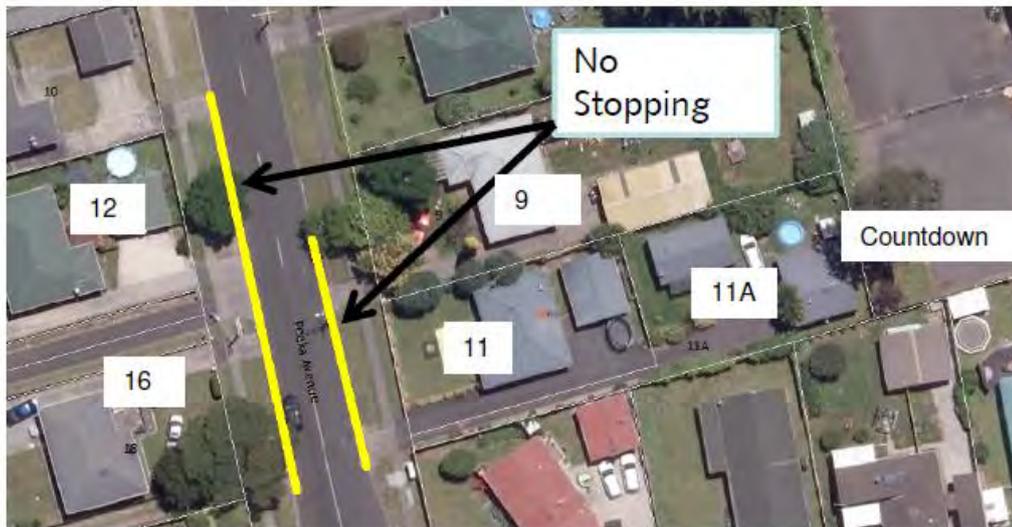


Figure 1: Extent of proposed No Stopping, Poaka Ave

25. Since 2 July 2015, Council as consent authority has granted a resource consent to authorise the extension of the Countdown supermarket under the Resource Management Act 1991. A copy of the resource consent is included in this report as Attachment 1. An objection period applies during which the consent holder can challenge the imposition of any consent condition. This objection period expires on or about Wednesday, 23 September 2015.

26. The consent has been granted subject to a number of conditions. Of particular interest to this Subcommittee is Condition 19 and its accompanying Advice Note which read as follows:  
Condition 19:

*'No stopping lines shall be installed along Poaka Ave in the locations shown on TDG plan 12598\_4N1A1, Rev A entitled Proposed Exit Layout Plan, to ensure service vehicles have enough maneuvering room to exit the site.'*

Advice Note:

*'The installation of no stopping lines in Poaka Avenue is regulated by Council's traffic Bylaw 2015 and requires a Council resolution under the Local Government Act 2002. The decision of whether or not to install no stopping lines is made by Council's Hearings Subcommittee.'*

27. A decision is now required by this Subcommittee in regard to the proposed No Stopping Restrictions under the Traffic Bylaw.

**28. Financial and Resourcing Implications**

29. Implementation of these changes will be paid for by the Developer.

**30. Risk**

31. Consultation regarding the proposed No Stopping Restrictions under the Bylaw indicated resident concerns with the accessway being installed in Poaka Ave, and indirect concerns about the No Stopping Restrictions themselves. The construction of the accessway is authorised by the resource consent granted on 2 September 2015.

**Signatory**

Authoriser	Chris Allen, General Manager City Infrastructure Group
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2 September 2015

Progressive Enterprises Limited  
C/- Zomac Planning Solutions  
PO Box 103  
WHANGAPARAOA 0943

Dear Sir/Madam

**RE: LAND USE RESOURCE CONSENT 010/2014/7944/001  
TO ESTABLISH A SUPERMARKET BUILDING EXTENSION  
LOCATED AT 47 WHATAWHATA ROAD, HAMILTON**

I wish to advise that consent for the abovementioned application was granted by an independent commissioner and subject to the following conditions being completed to the satisfaction of the Council:

*That pursuant to the provisions of sections 104 and 104C of the Resource Management Act 1991, the Hamilton City Operative District Plan and the Hamilton City Proposed District Plan (Appeals Version), Council **grants consent** to the Restricted Discretionary Activity resource consent application by Progressive Enterprises Limited, being Resource Consent number 010/2014/7944/001 to:*

- *establish a building extension to the existing supermarket in the Suburban Centre Zone under the Operative District Plan and in the Business 5 – Suburban Centre Zone under the Proposed District Plan (Appeals Version) on Lot 1 & Lot 2 DPS 87678, Lot 2 DPS 26655, Lot 1 & Lot 5 DPS 84445, located at 47 Whatawhata Road, subject to the following conditions:*
    1. *That the development be in general accordance with information and plans submitted with the application received on the 11<sup>th</sup> November 2014 and the information received on 5<sup>th</sup> May 2015 and amended elevation plan (ref: DIN RC02 3) received on the 11<sup>th</sup> May 2015.*
    2. *That the 3.0m high acoustic fence shall be setback a full 5.0m from the boundary adjoining 9 Poaka Avenue (Lot 4 DPS 6387) and 15 Poaka Avenue (Lot 92 DPS 17511) as illustrated on site plan DIN RC01 A dated the 20 August 2015.*
- Landscape Plan**
3. *That landscape planting shall be carried out in accordance with the landscape concept plan and information submitted with the application prepared by LA4 Landscape Architects Project #14283 Rev B dated 5 May 2015. All planting shall be implemented within the first planting season following completion of the site works.*

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1

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**Noise**

4. *The hours of operation of the consented activity (except for the operation of mechanical plant) shall be 7:00am to 10:00pm Monday to Sunday.*
5. *The cumulative noise emission from any and all sources on the subject site (excluding mechanical plant and construction noise) shall not exceed the following noise levels at any point within the boundary of any other site in the Residential Zone. Noise levels shall be measured in accordance with NZS6801:2008 'Acoustics - Measurement of Environmental Sound' and assessed in accordance with NZS6802:2008 'Acoustics - Environmental Noise' before comparison with these levels:-*
  - (a) *50dB LAeq(15-mins) between 07:00am and 8:00pm;*
  - (b) *45dB LAeq(15-mins) between 8:00pm and 11:00pm.*
6. *The cumulative noise emission from mechanical plant shall comply with the noise standards for the stated times in condition (4) and shall also not exceed 40dB LAeq(15-mins) and 75db LAFmax between 11:00pm and 7:00am.*
7. *Goods deliveries to the subject site and waste collection from the site shall occur between the hours of 7:00am and 8:00pm Monday to Saturday. No such deliveries or collection shall occur outside of these hours, or at any time during Sundays and public holidays.*
8. *All construction work on the site involving powered (by any means) equipment, machinery, plant or any other activity resulting in elevated levels of noise emission shall be restricted to between the hours of 7:30am and 6:00pm Monday to Saturday. No such construction work shall occur on Sundays or public holidays.*
9. *Subject to the previous condition, all construction work on the site shall be designed and conducted to ensure that construction noise from the site received at any other site in a residential zone or a commercial zone does not exceed an Leq level of 70dBA and an Lmax level of 85dBA. Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.*
10. *A Construction Noise Management Plan shall be provided to Council's Planning Guidance Manager for approval at least 1 month prior to construction work (including earthworks) commencing on site. The plan shall be prepared by a suitably qualified and experienced practitioner in environmental acoustics and shall describe the measures adopted to meet the noise performance standards in the previous condition. The Plan shall provide the following information as a minimum:-*
  - (a) *A complaint handling procedure;*
  - (b) *Identification of any construction activity that would likely exceed the noise performance standards in the previous condition;*
  - (c) *Consultation procedures for any activity identified in (b);*

- (d) *The name and contact details of personnel with overall responsibility for construction activity.*
11. *A fence, designed and constructed as an effective acoustic barrier, shall be erected to a maximum height of 3m from ground level, along:-*
- (a) *The southern site boundary adjoining the residential sites at 16 – 26 Jasmine Avenue and 15 Poaka Avenue and the northern site boundary (the access leg) adjoining the residential site at 9 Poaka Avenue; and*
- (b) *The surface mass of the fence should be no less than 10kg/m<sup>2</sup>*
- (c) *If using timber the boards should be 20mm or similar with boards butted and battened or overlapped to prevent gaps appearing when the timber dries.*
- The fence shall be constructed before construction of the extension to the building commences, and shall be maintained to continue its effectiveness as an acoustic barrier.*
12. *A weather resistant noise absorbent material shall be applied to the southern façade of the supermarket building from a point 3m above ground level up to and including the soffit along the whole length of the building.*
- Glare and lighting**
13. *That the spill of light onto any site in the Residential Zone does not exceed 3 lux (horizontal and vertical) when measured at or within the boundary of any adjoining site.*
- Parking and Access**
14. *The proposed vehicle crossing onto Poaka Ave shall be constructed to the commercial strength standard. The vehicle crossing shall be fully formed to the site boundary in the same material as the footpath.*
15. *The access, all vehicle manoeuvring areas and parking spaces shall be formed, drained and sealed, and thereafter maintained, in a permanent dust-free all-weather surface such as concrete, cobblestones, chip seal or asphalt.*
16. *A loading bay shall be provided, with manoeuvring areas, sufficient to accommodate those vehicles which will normally visit the site and that are adequate for the volume of goods involved.*
17. *The twelve vehicle parking spaces to be established along the southern boundary within the truck exit route area shall be delineated with white painted lines. Markings shall be regularly maintained.*
18. *All the above parking and access requirements being in accordance with the HCC Infrastructure Technical Specifications (available from the internet at*

*www.hcc.govt.nz) and/or to the satisfaction of the General Manager City Infrastructure.*

19. *No stopping lines shall be installed along Poaka Ave in the locations shown on TDG plan 12598\_4N1A1, Rev A entitled Proposed Exit Layout Plan, to ensure service vehicles have enough manoeuvring room to exit the site.*
20. *That a 2.0m high free standing sign (0.675m high by 0.675m wide) shall be positioned in front of the gates at the Poaka Street exit stating a right turn only for b-train/articulated heavy vehicles.*
21. *That a 2.0m high free standing stop sign (with the same dimensions to the example titled 'Through Truck Route Marker D3.7.17' of Council's Infrastructure Technical Specifications Manual) shall be positioned in front of the gates to Poaka Avenue, and internal ground road markings of the limit line and the word 'stop', shall be established at the Poaka Street exit.*
22. *That the security gates positioned at the Poaka Street exit as illustrated on the site plan (ref: DN RC01 A) shall be locked each night once all staff have left the site.*

**Flood Hazard**

23. *At final design stage flood levels are to be appropriately calculated to ensure the portion of medium flood hazard displaced by the extension is mitigated on site.*

**Engineering and Works**

24. *Engineering plans for the development shall be submitted to the Planning Guidance Unit for review by the City Development Unit, with works not commencing on site until final plans are stamped accepted. The plans shall detail the proposed stormwater systems and access leg.*
25. *Silt fences to Waikato Regional Council design requirements shall be erected and maintained on site for the duration of the works. Site works shall be strictly controlled so as to prevent contamination of neighbouring properties and to ensure no debris is carried onto public roads.*
26. *Immediately following the completion of earthworks on the site, the land shall be stabilised and/or re-vegetated as necessary. Dust control measures will be set in place for the duration of the earthworks and stabilisation period.*
27. *All the above engineering works be in accordance with the Hamilton City Council Infrastructure Technical Specifications (available from the internet at www.hcc.govt.nz) and/or to the satisfaction of the General Manager City Infrastructure.*

**Review Condition**

28. That the Hamilton City Council may give notice pursuant to Section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of this resource consent, for the following purposes:

- Council may review the conditions of consent at a time following 1 year (or less) from completion of site works to review the effectiveness of this resource consent in avoiding, remedying or mitigating any adverse effects on the environment. The review shall consider adverse effects to the roading network from site traffic movements along Poaka Avenue, and site noise levels to adjoining residential zoned sites.
- If necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to avoid, remedy or mitigate any adverse traffic effects on the roading network and /or noise effects to adjoining residential zoned sites.

**Reasons for the Decision**

- a. Subject to the above conditions, the proposal is not contrary to the relevant objectives and policies of the Hamilton City Operative District Plan and Hamilton City Proposed District Plan (Appeals Version).
- b. Having regard to section 104(1)(a) of the Act, the actual and potential adverse effects on the environment of granting consent will be able to be avoided, remedied, or mitigated by the imposition of the above conditions.
- c. Landscape planting will enhance the appearance of the development and will assist in maintaining residential amenity of adjoining sites along Poaka Avenue.
- d. The acoustic fence and noise level restrictions will serve to reduce adverse noise effects that may be generated from particular site activities to maintain residential amenity for neighbouring properties.
- e. The need for absorbent noise material (such as Woodtex) on the southern façade of the building is an industry standard method that will assist in adsorbing noise reflection from the supermarket building to adjoining residential sites.
- f. The exit stop sign will clearly identify and reinforce to heavy vehicle users that pedestrians have priority over the footpath.
- g. Examination of the engineering plans and auditing of the works will allow council to confirm that the engineering aspects of the work have been satisfactorily completed.
- h. Formation of the access allows for all-weather use and helps to protect the amenity values of neighbouring properties.

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- i. *The right turn directional sign will ensure that heavy site vehicles exiting onto Poaka Avenue do not endanger the safety of other road users.*
- j. *Compliance with the Infrastructure Technical Specifications will ensure that all infrastructure is to an appropriate standard and that the developments effects on Council's infrastructure are appropriate.*
- k. *The sedimentation controls will mitigate contamination of stormwater flows and to avoid dirt and dust nuisance beyond the site.*
- l. *The review condition will ensure if necessary further mitigation measures can be adopted in relation to noise and roading safety.*

#### **Advisory Notes**

- That compliance in all other respects with Council Bylaws, all relevant Acts, Regulations, and rules of law be met.

#### **Planning**

- **This is not a Building Consent.** A Building Consent will be required before giving effect to this Resource Consent. Please contact Council's Building Unit on 838 6677 for information on Building Consent matters.
- A fence designed as an effective acoustic barrier must be constructed of a material with sufficient mass to prevent noise transmission through the fence and be constructed in such a manner so as to have no gaps along its length and a maximum of 20mm at its base, including where it adjoins any building.
- The installation of no stopping lines in Poaka Avenue is regulated by Council's Traffic Bylaw 2015 and requires a Council resolution under the Local Government Act 2002. The decision of whether or not to install no stopping lines is made by Council's Hearings Subcommittee.
- Please find attached with this resource consent an example of signage from Council's Infrastructure Technical Specifications Manual for turning heavy vehicles.

#### **Development Contributions**

- Based on the details of this application, development contributions may be levied on the development. If contributions are applicable, an estimate of the development contributions due will be provided to you in a letter from the Development Contributions Officer. Council reserves the right to re-calculate this estimate taking into account any increase or reduction in demand created by this consent after this initial estimate. Please note, development contributions are not subject to any rights of appeal within the RMA 1991.

**Objections**

Pursuant to section 357(2) of the Resource Management Act 1991, if you disagree with this decision or any conditions of consent, you may lodge, in writing to Council an objection within **15 working days** after the receipt of this letter.

**Compliance & Monitoring**

Your resource consent permits the land use to be established at the site as long as the activity complies with the stated conditions on an ongoing basis.

Section 35 of the Act requires Council to monitor your consent and this process may involve site visits. Should Council discover any non-compliance with your resource consent appropriate enforcement action may follow.

**Lapsing of Your Consent**

This resource consent **lapses 5 years** after the commencement of the consent, unless the consent is given effect to by the end of that period.

The commencement date of a resource consent is determined by section 116 of the Resource Management Act 1991.

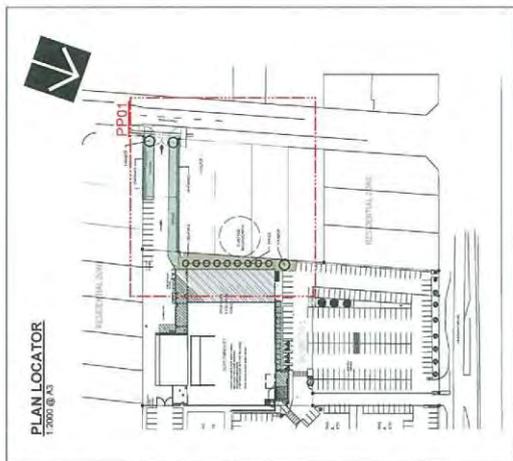
Yours faithfully



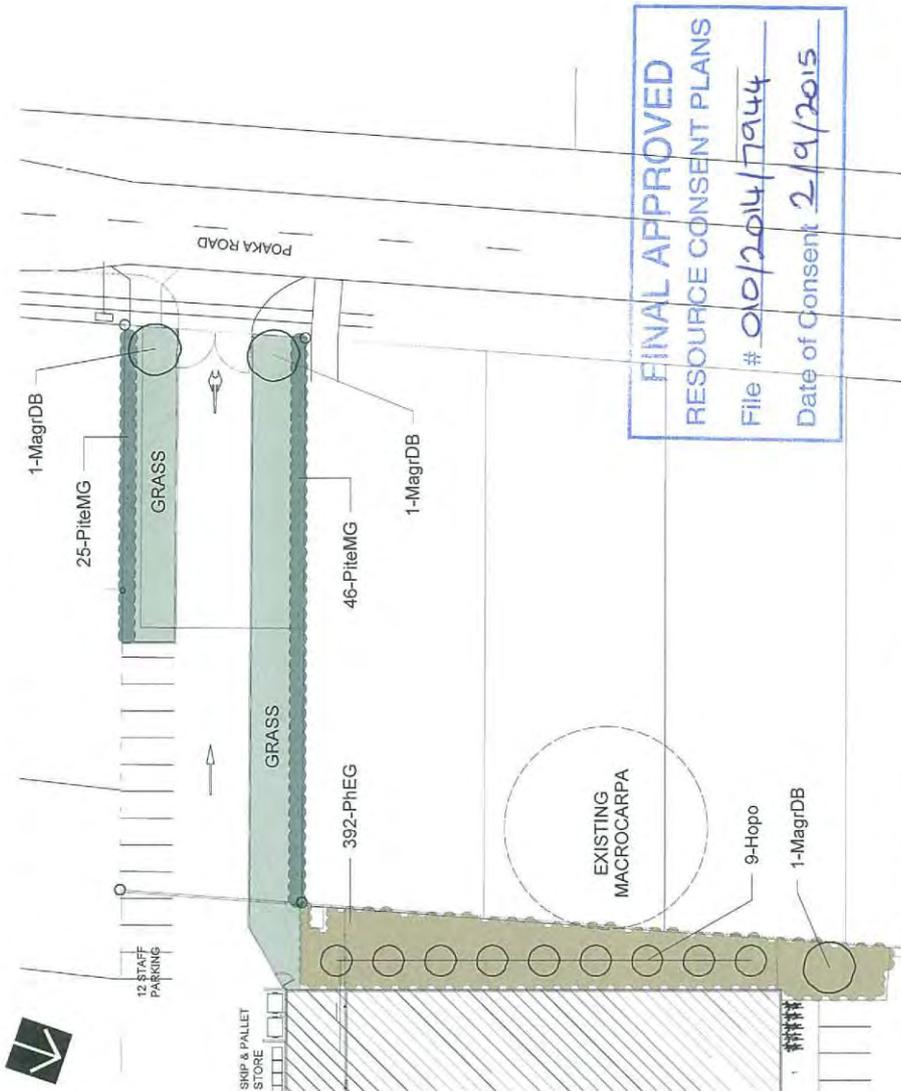
**MURRAY KIVELL**  
Independent Commissioner







PLANTING SCHEDULE	Plant Name	Quantity	Comments
Hopo	<i>Populus nigra</i>	1	Plant at 500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 1000mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 1500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 2000mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 2500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 3000mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 3500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 4000mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 4500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 5000mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 5500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 6000mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 6500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 7000mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 7500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 8000mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 8500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 9000mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 9500mm CWS
MagrDB	<i>Magnolia grandiflora</i>	1	Plant at 10000mm CWS



**FINAL APPROVED**  
**RESOURCE CONSENT PLANS**  
File # 010/2014/7944  
Date of Consent 2/9/2015

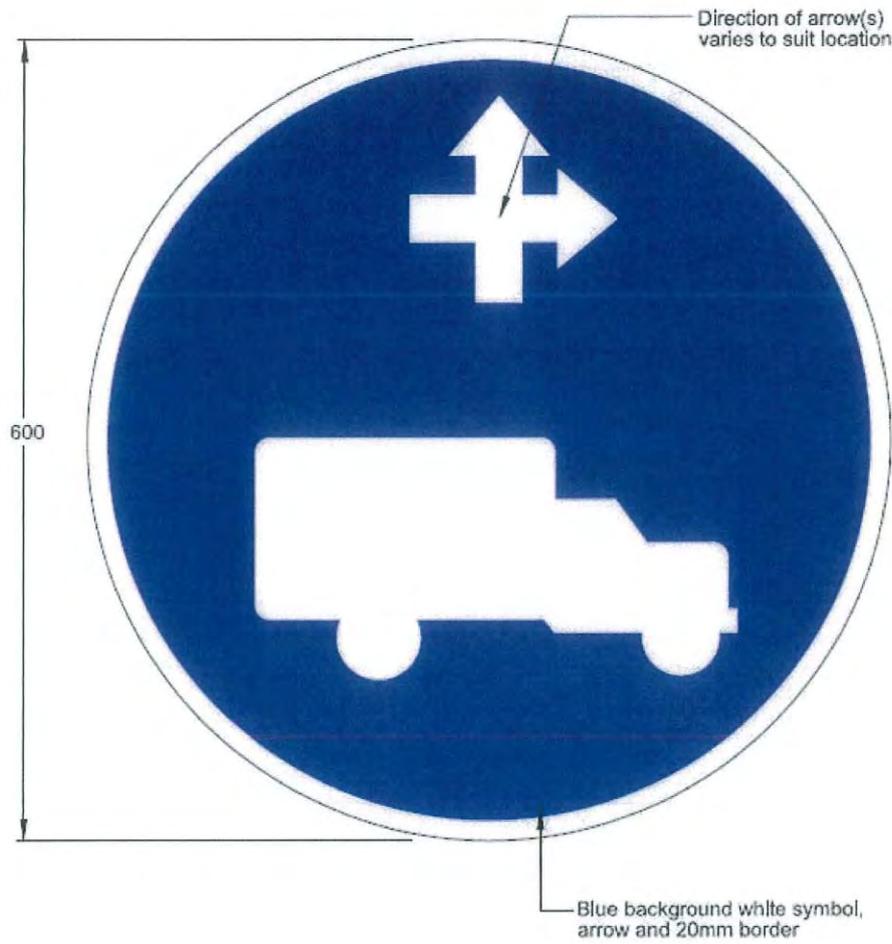


Item	Plant Name	Quantity	Planting Date	Planting Depth	Planting Spacing	Planting Notes
1	<i>Populus nigra</i>	1	2015	500mm		Plant at 500mm CWS
2	<i>Magnolia grandiflora</i>	1	2015	500mm		Plant at 500mm CWS
3	<i>Magnolia grandiflora</i>	1	2015	1000mm		Plant at 1000mm CWS
4	<i>Magnolia grandiflora</i>	1	2015	1500mm		Plant at 1500mm CWS
5	<i>Magnolia grandiflora</i>	1	2015	2000mm		Plant at 2000mm CWS
6	<i>Magnolia grandiflora</i>	1	2015	2500mm		Plant at 2500mm CWS
7	<i>Magnolia grandiflora</i>	1	2015	3000mm		Plant at 3000mm CWS
8	<i>Magnolia grandiflora</i>	1	2015	3500mm		Plant at 3500mm CWS
9	<i>Magnolia grandiflora</i>	1	2015	4000mm		Plant at 4000mm CWS
10	<i>Magnolia grandiflora</i>	1	2015	4500mm		Plant at 4500mm CWS
11	<i>Magnolia grandiflora</i>	1	2015	5000mm		Plant at 5000mm CWS
12	<i>Magnolia grandiflora</i>	1	2015	5500mm		Plant at 5500mm CWS
13	<i>Magnolia grandiflora</i>	1	2015	6000mm		Plant at 6000mm CWS
14	<i>Magnolia grandiflora</i>	1	2015	6500mm		Plant at 6500mm CWS
15	<i>Magnolia grandiflora</i>	1	2015	7000mm		Plant at 7000mm CWS
16	<i>Magnolia grandiflora</i>	1	2015	7500mm		Plant at 7500mm CWS
17	<i>Magnolia grandiflora</i>	1	2015	8000mm		Plant at 8000mm CWS
18	<i>Magnolia grandiflora</i>	1	2015	8500mm		Plant at 8500mm CWS
19	<i>Magnolia grandiflora</i>	1	2015	9000mm		Plant at 9000mm CWS
20	<i>Magnolia grandiflora</i>	1	2015	9500mm		Plant at 9500mm CWS
21	<i>Magnolia grandiflora</i>	1	2015	10000mm		Plant at 10000mm CWS

**Attachment 1**

**Item 5**





**NOTE:**

Signs to comply with Traffic Control Devices Manual

15 July 2015

Jonathon Brooke  
Hamilton City Council  
Private Bag 3010  
Hamilton 3240



Gray Matter Ltd  
2 Alfred Street,  
PO Box 14178  
Hamilton, 3252  
Tel: 07 853 8997

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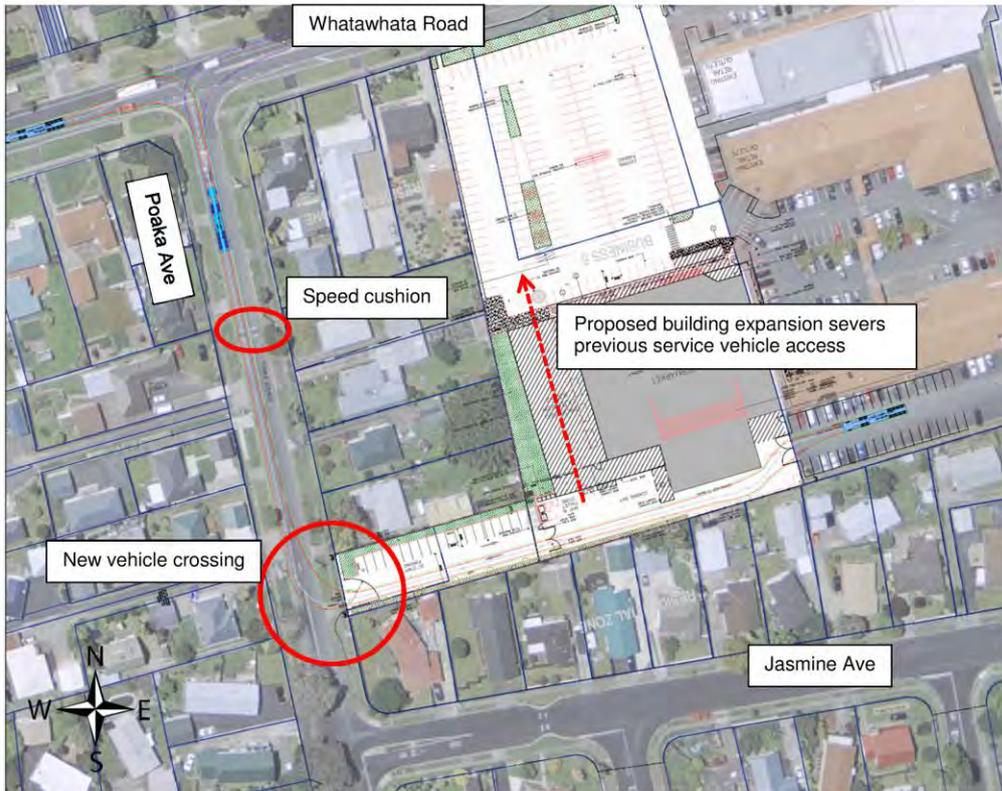
Dear Jonathon

**DINSDALE COUNTDOWN – ACCESS TO POAKA AVE**

**1. Project Understanding**

Progressive Enterprises have applied for an extension to their existing Countdown supermarket at Dinsdale. The proposal includes construction of a new vehicle crossing to Poaka Ave. This access will:

- = Provide right-turn exit movements for delivery and heavy vehicles. Expected to be used by 1-3 service vehicles per day;
- = Provide access to a 8 space staff car park. The car park has been reduced from 20 spaces due to relocation of the noise fence; and
- = Provide for all movements (both in and out) by light vehicles. Up to 80 light vehicle movements per day were expected from the 20 space car park.

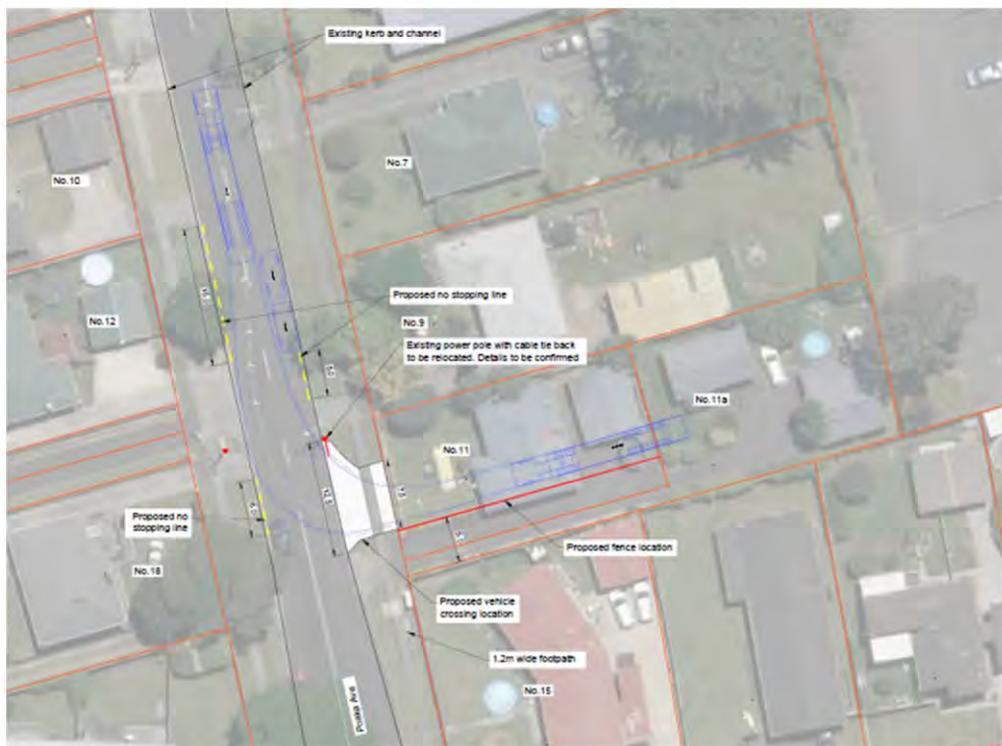


**Figure 1: Site Plan(layout of the proposed access has since changed due to relocation of the noise fence. Only 8 staff parking spaces are provided)**

Alasdair Gray 027 249 7648 alasdair.gray@graymatter.co.nz

Karen Hills 021 923 905 karen.hills@graymatter.co.nz

The applicant's ITA recommended no stopping lines be marked on Poaka Ave. Council's Hearings Subcommittee considered this proposal on 2 July 2015 and adjourned pending receipt of further information from staff on the consent application.



**Figure 2: Extent of proposed no stopping lines and vehicle tracking (semi-trailer vehicle)**

You have asked us (refer email 14 July 2015 Brooke/ Black) to consider the potential adverse safety effects from service vehicle movements at the proposed vehicle crossing and whether the effects require public notification.

We have not completed a full transportation review of the application and the potential transportation effects.

## 2. Surrounding Environment

Poaka Ave is a local road approximately 8m wide. TDG estimated the existing traffic volume as approximately 1,600veh/day to 1,900veh/day. There is a speed cushion located outside 3 Poaka Ave.

Poaka Ave is used by bus service '26 Bremworth Temple View'<sup>1</sup> with two services per hour each direction between 7am and 6.30pm. Bus stops are located outside 1 Poaka Ave and 15 Poaka Ave.

We understand that the affected properties (11 and 11A Poaka Ave) were rezoned from residential to Business 5 (Suburban Centre) through submissions to the Proposed District Plan. We understand that no transport specific assessment was prepared as part of this rezoning.

<sup>1</sup> <http://busit.co.nz/Hamilton-routes/BremworthTemple-View/>

### 3. Potential Effects

#### 3.1. Applicants Assessment

The application includes an Integrated Transportation Assessment Report (TDG, December 2014). This report recommends that:

- = The proposed new Poaka Ave vehicle crossing design should be submitted to HCC for engineering approval.
- = A condition of consent is recommended to restrict service vehicles to making only right turns out of this access, and out of Poaka Ave onto Whatawhata Road.
- = No stopping lines are marked on Poaka Ave to ensure that service vehicles can make the right-turn at all times.
- = The driveway treatment clearly identifies the footpath as it passes over the crossing and reinforces that pedestrians have priority.

#### 3.2. Resident Feedback and Concerns

Neighbouring residents were notified of the proposed no-stopping on Poaka Ave. Several residents provided feedback to Council with two speaking at the Hearings Subcommittee meeting (2 July 2015). You have provided us with the relevant feedback and comments from residents. Their comments are summarised in Table 1.

Resident Feedback and Concern	Covered in ITA?	Comment
Residents sought information on the size and frequency of service vehicle trips	1-3 service vehicles plus 80 light vehicles per day Earliest delivery is 7am. Store currently closes at 10pm	May understate service vehicles as it does not appear to include rubbish and recycling collection
The narrow width of Poaka Ave means that opposing traffic is required to slow if there are parked vehicles. This will get worse with large vehicles	Not discussed in ITA	Discussed below
Vehicle manoeuvring - some vehicles are required to reverse out of their property. The risk of a crash increases with increased traffic	Not discussed in ITA	Increase in traffic is approx. 5%. Risk of additional crashes considered low.
Pedestrian safety – will be unsafe of pedestrians particularly children travelling to and from school	Not discussed in ITA	Discussed below. Vehicle crossing meets maximum width (7.5m) at boundary but wider than previous residential crossing
Reduce number of on-street parking spaces may result in parking on berm	Not discussed in ITA	Proposed no stopping removes five on-street parking spaces Discussed below
Delays at the Poaka Ave intersection with Whatawhata Road (SH23)	Sidra modelling outputs provided. Average delays of 30s/veh expected in 2034	No significant increase in delay. Light vehicles may use alternative route to travel east (Jasmine Ave – Tuhikaramea Road to roundabout)
The need for a new vehicle access when there are existing accesses to Tuhikaramea Road and Whatawhata Road	Due to planned expansion of building access to Whatawhata Road is not possible	Use of existing vehicle crossings would require redesign of the site layout
Amenity effects including vibration, cracking of buildings, vehicle emissions/ pollution, loss of property value.	No, generally not transport related effects	We have not specifically considered these non-transport related effects.

**Table 1: Summary of feedback and concerns from residents**

### 3.3. Our Assessment

The increase in traffic at the proposed vehicle crossing, as stated in the ITA, is 1-3 service vehicles per day and up to 80 light vehicles per day. This traffic is a transfer of existing movements that are currently taking place at other vehicle crossings, rather than an increase in traffic from the site. 83 vehicles per day is a 5% increase to the existing Poaka Ave traffic (1,600 vehicles per day). The two residential dwellings (11 and 11A Poaka Ave) could have generated 16-20 vehicles per day<sup>2</sup>, but are unlikely to have generate regular heavy vehicle movements.

The potential adverse transport effects from the proposed vehicle crossing and increased traffic on Poaka Ave include:

- = Conflict at the vehicle crossing between manoeuvring vehicles, pedestrians and cyclists;
- = Conflict on Poaka Ave between manoeuvring vehicles and parked vehicles;
- = Increased delays and risk of crashes at the Poaka Ave intersection with Whatawhata Road (SH23); and
- = Removal of on-street parking.

#### 3.3.1. Conflict at the Vehicle Crossing

The vehicle crossing complies with the maximum width for a crossing in non-residential zones<sup>3</sup>, 7.5m at the transport corridor boundary. The maximum crossing width in the residential zone is 5.5m.

Pedestrians and cyclists using the footpath will be exposed to conflict with manoeuvring vehicles for an additional 2m, or 2 seconds per trip assuming a walking speed of 1m/s<sup>4</sup>. On-road cyclists will be exposed for an additional 7m or approximately 2 seconds per trip assuming a cycling speed of 15km/hr (or 4m/s).

The increased risk of conflict due to the proposed crossing is low. However should a crash occur the risk of death or serious injury to the pedestrian or cyclists is greater due to the increased likelihood of conflict with a heavy vehicle.

#### 3.3.2. Conflict on Poaka Ave

The proposal increases the risk of conflict between opposing large vehicles. There is insufficient space for opposing large vehicles (e.g. northbound truck and southbound bus) to pass if there is a vehicle parked on the street.

Poaka Ave is approximately 8m wide. A parked vehicle (2.5m + mirrors + clearance) reduces the available carriageway to 5m. This is insufficient for two large vehicles (each 2.5m + mirrors + clearance) to pass each other without conflict. This situation could arise without the proposed vehicle crossing. For example a rubbish truck, bus and parked vehicle will result in the same conflict.

If this situation was to arise it will be necessary for one vehicle to wait and let the other pass. The affected length of Poaka Ave is approximately 150m. At a travel speed of 35km/hr, the potential maximum delay is 15 seconds/vehicle if a vehicle waits for the other to travel the affected length of Poaka Ave. The proposal increases heavy vehicle movements by 1-3 movements per day. The increased frequency of conflict between opposing vehicles is considered low.

#### 3.3.3. Poaka Ave intersection with Whatawhata Road (SH23)

The increase in traffic will result in additional delays at the intersection of Poaka Ave with Whatawhata Road (SH23). Intersection modelling in the ITA concluded that the traffic would increase delays by 3-10s/veh. Alternative routes are available via Leong Ave for destinations to the west and Jasmine Ave/ Tuhikaramea Road for access to the Dinsdale roundabout and destinations to the north and east.

<sup>2</sup> Assuming 8 – 10 vehicles/ day/ dwelling

<sup>3</sup> Proposed Hamilton City District Plan, Table 15-1j Vehicle Crossing Widths

<sup>4</sup> NZ Transport Agency Pedestrian Planning and Design Guide (October 2009), gives typical pedestrian walking speeds as between 0.8m/s to 1.8m/s

Using the NZ Transport Agency crash prediction models<sup>5</sup> the addition of up to 83 vehicles/ day increases the risk of an injury crash by 4% to 0.1 injury crashes per year (or one injury crash every 9.7 years). In the past five years there has been one injury crash (a crash rate of 0.2 injury crashes/year).

We understand that the NZ Transport Agency have not raised concerns with the potential effects at the Poaka Ave intersection with Whatawhata Road (SH23).

#### **3.3.4. Removal of on-street parking**

We estimate that the proposed no stopping lines require the removal of five on-street parking spaces near the vehicle crossing. The removal of five parking spaces will result in displacement of parking to alternative locations on Poaka Ave. Assuming 6m per space, the displacement is approximately 30m.

The provision of on-street parking is limited by the narrow width of Poaka Ave. We have not visited the site, but expect that demand for parking is low throughout most of the day. Based on aerial photo available through Google Maps, three cars are parked on the affected length of Poaka Ave, including one parked on the grass berm

We note that the removal of parking and granting consent for the supermarket expansion are linked. Without removal of the parking it will not be possible implement the consent as currently proposed (heavy vehicle access would not be possible) and without the consent application there is no need for parking to be removed. It may be appropriate to seek legal or planning advice on this aspect.

We understand that HCC notified properties 9, 10, 10A, 12, 12A, 14, 14A, 16, 18, and 18A Poaka Ave about the proposed no stopping lines.

#### **4. Notification**

There are adverse safety effects from the proposed vehicle crossing on Poaka Ave that could be more than minor without conditions, e.g. conditions that restrict left-turn movements at the vehicle crossing and Whatawhata Road intersection. I consider that the safety effects on individual persons are less than minor. The effects on the environment from the increased crash risk are less than minor.

#### **5. Conclusion**

The proposed vehicle crossing provides a new access for existing supermarket traffic that previously used other vehicle crossings. The crossing is expected to be used by approximately 83 vehicles per day including 3 heavy (service) vehicles. The 5% increase in traffic on Poaka Ave will have adverse effects safety that could be more than minor without conditions. The ITA identifies some potential conditions relating to no-stopping lines and restrictions of some turns which appear appropriate.

I consider that the safety effects on individual persons are less than minor. The effects on the environment from the increased crash risk are less than minor.

Please contact me if you have any questions about this letter.

Yours sincerely



Alastair Black  
**Civil/ Transportation Engineer**

<sup>5</sup> NZ Transport Agency Economic Evaluation Manual, Appendix A6

## Resolution to Exclude the Public

### Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Hearings Subcommittee Meeting - Public Excluded Minutes - 2 July 2015	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987 ) ) ) )	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1. Refer to the Agenda of the Subcommittee Meeting on 2 July 2015 Section 7 (2) (g)