

Notice of Meeting:

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

Date: Tuesday 27 October 2015
Time: 1.00pm
Meeting Room: Committee Room 1
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Hearings Subcommittee OPEN AGENDA

Membership

Chairperson Cr R Pascoe
Members Cr K Green
Cr P Yeung

Quorum: Three Members

Meeting Frequency: When required

Ian Loiterton
Committee Advisor

21 October 2015
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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: 27 October 2015

Report Name: Hearings Subcommittee
Meeting - Open Minutes - 23
September 2015

Author: Ian Loiterton

Status	<i>Open</i>
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Recommendation

That the Subcommittee confirm and adopt as a true and correct record the Open Minutes of the Hearings Subcommittee Meeting held on 23 September 2015.

1. Attachments

- Attachment 1 - Hearings Subcommittee Meeting - Open Minutes - 23 September 2015

Hearings Subcommittee

OPEN MINUTES

Minutes of a meeting of the Hearings Subcommittee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Wednesday 23 September 2015 at 1:00pm.

PRESENT

Chairperson	Cr M Forsyth
Members	Cr K Green Cr R Pascoe Cr P Yeung

In Attendance	Debra Stan-Barton – Planning Guidance Manager Robyn Denton – Network Operations Team Leader Jonathon Brooke – Engineering Officer Nigel Ward – Communications Advisor Jason Wright – Senior Planner Alana Wells – representing the submission from Poaka Avenue residents Ron Wells - representing the submission from Ron and Ann Wells David Ivory - Progressive Enterprises Limited Jane Douglas - Zomac Consulting Alistair Black – Grey Matter Limited
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Committee Advisor	Ian Loiterton – Committee Advisor
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1. Apologies

There were no apologies.

2. Confirmation of Agenda

The Chair noted that the Meeting of the Hearings Subcommittee was reconvened to consider Item 5, namely the proposed No Stopping Restrictions for Poaka Avenue.

This followed the adjournment of that item at a Meeting of the Subcommittee on 2 July 2015, as per the following resolution:

‘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.’

Resolved: (Cr Forsyth/Pascoe)

That the Subcommittee confirm the agenda.

3. **Declarations of Interest**

The Chair noted that she had declared a Conflict of Interest at the Hearings Subcommittee Meeting held on 2 July 2015 in respect of a business relationship with Ian Lowry.

The Chair stated that the business relationship was still current, and that while she felt she was able to perform her role without any bias, she would stand aside from Item 5 onwards in the interest of managing perceptions.

4. **Hearings Subcommittee Meeting - Open Minutes - 28 April 2015 and 2 July 2015**

Resolved: (Cr Pascoe/Green)

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

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

5. Parking Restriction Changes

The Chair restated her Conflict of Interest and stood aside from the Subcommittee, due to a business relationship with Ian Lowry.

Resolved: (Cr Green/ Yeung)

That Councillor Pascoe act as the Chair of the Hearings Subcommittee for the remainder of the meeting.

The Acting Chair noted that this item was adjourned at a Meeting of the Subcommittee on 2 July 2015 and spoke to the following points:

- **Submissions:** Public submissions were received and heard at the Meeting on 2 July 2015.
- **Late Submission:** The Subcommittee acknowledged a letter from Poaka Avenue residents (dated 19 July 2015) and a letter from Ron and Ann Wells (dated 20 July 2015), both of which were received when hand delivered to Council on 22 September 2015.
- **Conditions of accepting late submission:** It was stated that the Subcommittee would accept the late submission in the interests of providing natural justice to residents, on the following conditions:
 - Residents would need to nominate a spokesperson, as the letter was signed by all residents as part of a group submission.
 - Ron or Ann Wells would be able to be heard as the authors of the second letter.
 - Speakers would be given three minutes, followed by a three minute question and answer session.
 - Speakers should restrict their address to the issue of Traffic considerations only – which was the Terms of Reference of the Subcommittee.
 - Other interested parties would be given a right of reply to the late submission. This included the Applicant and Council staff.
 - Given the lateness of the submission, it was planned that the forum for other parties to respond would be at a meeting of the Subcommittee at 1.00pm, Tuesday 10 November 2015.
 - As a result, it was expected that the Item would be adjourned after the question and answer session.

The Acting Chair then invited Mrs. Alana Wells, spokesperson for the submission from Poaka Avenue residents to speak.

Mrs. Wells thanked the Subcommittee for the opportunity of being heard and talked to the following points:

- **Residents' Stance:** Residents were not objecting to the Countdown expansion, only that they felt there were other alternatives to a vehicle crossover on Poaka Avenue.
- **Residents' Concern:** Of greatest concern was that there would not be enough space for trucks to pass when cars were parked on both sides of the road beyond the proposed no parking zone, as per point 6 of the residents' letter.
- **Whatawhata Road:** Turning into Whatawhata Road would create problems especially during peak times, as buses already used two lanes when turning into the road.
- **Safety:** Young and elderly people who lived on Poaka Avenue would be at risk due to the proposed new vehicle crossover. Mrs. Wells stated that there were other options that should be considered, as noted in point 10 of the residents' letter dated 19 July 2015.

Mrs. Wells responded to questions from Subcommittee Members on the following:

- **Extension of proposed no stopping lines**

It was stated that parking would become an issue if the no stopping lines were extended from the proposed vehicle crossover to Whatawhata Road, but that the addition of parking bays along that section of Poaka Avenue could overcome the problem.

- **Alternative options**

- That a vehicle crossing be installed on Whatawhata Road;
- Poaka Avenue be widened, or have parking bays installed; or
- That trucks exit by a left hand turn into Jasmine Avenue.

- **Issues associated with the alternative options**

- A vehicle crossing off Whatawhata Road would require the current bus shelter to be moved.
- Cost impact on existing services, such as telephone cabling, could be prohibitive to widening of Poaka Avenue or the creation of parking bays.
- Access via Jasmine Avenue required two tight left hand turns.

The Acting Chair then invited Mr. Ron Wells to speak.

Mr. Wells stated that he was speaking as a concerned grandfather, and spoke to the following points:

- **Main objective:** Mr. Wells stated that his main aim was to ensure children in the street were not put at risk due to increased heavy traffic.
- **Property value:** Property value would be negatively affected due to the increased traffic.
- **Services:** That there would be major costs as a result of development on Poaka Avenue, including the impact on such services as power and network cabling.

There were no questions put to Mr. Wells.

Resolved: (Cr Green/ Yeung)

That:

- a) the item be adjourned to a Meeting of the Hearings Subcommittee at 1.00pm Tuesday 10 November 2015; and
- b) Councillor Pascoe continue to act as the Chair of the Subcommittee for the 10 November 2015 meeting.

Minute Note: the nominated date to reconvene the Meeting on the 10 November 2015 was subsequently changed to the 27 October 2015.

Councillor Forsyth withdrew from the Subcommittee during the above item and did not vote on the motion, but remained as an observer for the duration of the Meeting.

6. Resolution to Exclude the Public

Resolved: (Cr Yeung/Green)

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. to maintain legal professional privilege Section 7 (2) (g)

The Meeting went into Public Excluded session from 1.32pm until 1.38pm.

The Meeting was declared closed at 1.38pm.

Committee: Hearings Subcommittee **Date:** 27 October 2015
Report Name: Parking Restriction Changes - Poaka Ave **Author:** Robyn Denton

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Access Hamilton Strategy</i>
Financial status	<i>All costs associated with on-site changes will be met by the Developer for this site.</i>
Assessment of significance	<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

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

3. Executive Summary

- The Subcommittee first considered the installation of No Stopping Restrictions on Poaka Avenue to allow for the safe use of a new crossing place servicing the Dinsdale Countdown Supermarket at its 2 July 2015 meeting.
- Progressive Enterprises (the Applicant) had submitted a resource consent application to undertake modifications to the existing supermarket site and the new crossing place is part of that application. Subcommittee were advised that the authorisation of the crossing place was a matter for the resource consent process under the District Plan and the Resource Management Act and the scope of this Subcommittee was to only consider the issue of whether to approve the installation of No Stopping Restrictions under the Local Government Act and in particular the City Traffic Bylaw.
- A number of residents attended the 2 July meeting and spoke against the proposal. Subcommittee considered that they did not have enough information to make a decision on the No Stopping Restrictions and resolved to adjourn the matter pending receipt of further information and requested that staff report back within 3 months.
- Following the meeting council as consent authority, at the request of the Applicant, progressed the resource consent application and granted a non-notified resource consent authorising the extension of the Countdown supermarket including the construction of a new accessway to the site via Poaka Avenue. These decisions were made in accordance with the provisions of the District Plan and the Resource Management Act, and are not subject to consideration under the Traffic Bylaw or by this Subcommittee.

Item 5

8. Immediately prior to the reconvened meeting of the Subcommittee to consider the No Stopping Restrictions on 23 September 2015, two letters were received from residents in Poaka Ave setting out their concerns in regard to the supermarket proposal. Refer Attachment 1.
9. At the 23 September meeting of the Subcommittee it was decided to accept these late submissions and to allow a representative for each of the letters to speak to the Subcommittee. The speakers were reminded to restrict their address to the issue of Traffic considerations related to the safe use of the proposed crossing onto Poaka Avenue as these were the only matters in scope for this Subcommittee, as the authorisation of the crossing place had already been resolved through the resource consent process.
10. In allowing this to occur Subcommittee noted that the meeting would then be adjourned to allow the Applicant and council staff time to have an equitable opportunity to consider and respond to the issues raised, given the late receipt of the resident submissions.
11. Discussions with the Applicant since the 23 September 2015 meeting have resulted in an offer by the Applicant at their cost to mitigate some of the residents concerns through installation of two recessed parking bays on the western side of Poaka Avenue in the vicinity of the proposed No Stopping Restrictions which would also reduce the extent of restrictions required.
12. In order to provide advice to Subcommittee, staff informed the directly affected property owners/occupiers (#12, #12A and #18) about the Applicants offer and sought feedback on the proposal.
13. This request for feedback has resulted in a further written submission on the broader issues. Subcommittee had previously indicated that it would only allow the Applicant and staff to respond at this meeting and had not anticipated receiving any further submissions from any other party. While the further submission is attached to this report, staff consider that there are no further matters raised that are either in scope for this Subcommittee or not already addressed by staff in this report responding to the submissions from the 2 July and 25 September meetings.
14. Many of the matters raised are out of scope for this Subcommittee and relate to the resource consent process which is now complete. The one matter of relevance to this Subcommittee is in response to staff request for feedback relating to the provision of recessed parking bays. The residents latest submission says that if consent is given to the crossing place onto Poaka Avenue, which it has, it would like to see as a minimum the provision of recessed parking bays for 11 vehicles on the western side of Poaka Avenue.
15. Staff recommend that the two recessed parking bays offered by the Applicant be constructed and that the need for any further bays be considered by Council following a period of monitoring.
16. A decision is now required under the Traffic Bylaw on the No Stopping Restrictions in Poaka Avenue recommended to enable truck movements to safely exit the Countdown site.

17. Recommendations from Management

That:

- a) the report be received; and
- b) Council approves the changes to No Stopping Restrictions as set out in the table below, subject to resource consent O10/2014/7944/001 being amended to include a condition to provide 2 recessed bays generally in accordance with paragraph 40 of this report:

Proposed Changes to No Stopping Restrictions	
Location	Proposed change
Poaka Ave	<p><i>Installation of</i></p> <ul style="list-style-type: none"> - <i>18.0 metres of No Stopping Restriction on the western side outside #12, #14, #16 and #18 Poaka Ave,</i> - <i>23.0 metres of No Stopping Restriction on the eastern side outside #9, #11 and #11A Poaka Ave.</i> <p><i>Subject to implementation of Resource Consent 7944/001.</i></p>

18. Attachments

19. Attachment 1 - Letters from residents received 22 September 2015
20. Attachment 2 - Peer Review of Transport Impact Assessment for Countdown Dinsdale extension
21. Attachment 3 - Resource Consent for extension of Countdown Supermarket Dinsdale
22. Attachment 4 - Letter and attachments from residents received 19 October 2015

23. Background

24. 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.
25. 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.
26. 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.

27. The Issue

28. At the meeting of the Hearings Subcommittee on 2 July 2015, one of the locations proposed for the introduction of No Stopping Restrictions was Poaka Ave. 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.
29. Progressive Enterprises (the Applicant) was seeking resource consent for the site extensions as a separate process and had asked staff to progress No Stopping Restrictions under the Bylaw process. 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.
30. Consultation in regard to the proposed No Stopping Restrictions under the Bylaw process was undertaken with the immediately affected residents and property owners in preparation for the 2 July meeting of this Subcommittee.
31. Verbal submissions from three parties were heard at the 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.
32. The Subcommittee resolved at the 2 July 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’.*
33. An independent peer review of the Transport Impact Assessment (TIA) (which formed part of the resource consent application) was commissioned by Council to inform the resource consent process. The peer review had the opportunity to consider 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.
34. On 2 September 2015 Council, as consent authority, granted resource consent authorising the extension of the Countdown supermarket under the Resource Management Act 1991. Consent was granted on a non-notified basis, all environmental effects were deemed to be no more than minor and no persons were considered to be affected. The authorisation and construction of the accessway onto Poaka Avenue via properties 11 and 11A Poaka Avenue is an integral part of the Supermarket extension and was therefore also regulated under the District Plan and the Resource Management Act, not the Traffic Bylaw. A copy of the resource consent is included in this report as Attachment 3.
35. The consent was granted subject to a number of conditions which includes the provision of No Stopping Restrictions in Poaka Avenue. The decision regarding the proposed No Stopping Restrictions needs to be made by this Subcommittee under the provisions of the Land Transport Act 1998 and the Local Government Act 2002 (and 1974) and is a separate decision making function.
36. The Hearing Subcommittee was reconvened on 23 September to further consider the proposed No Stopping Restrictions – see [Hearing Subcommittee Committee meeting, Item 5](#).

37. A letter from Poaka Avenue residents (dated 19 July 2015) and a letter from Ron and Ann Wells (dated 20 July 2015), were received when hand delivered to Council on 22 September 2015 and were acknowledged by the Subcommittee as late submissions at this meeting.
38. The Subcommittee decided it would accept the late submission in the interests of providing natural justice to residents, but subject to a number of conditions which included:
- Other interested parties would be given a right of reply to the late submission. This included the Applicant and Council staff.
 - Given the lateness of the submission, it was planned that the forum for other parties to respond would be at a meeting of the Subcommittee at a later date.
39. As a result, the 23 September meeting was adjourned after the question and answer session for the submitters.
40. Staff have considered the issues raised in the two submissions and address these below. The issues have been divided into those which relate to the No Stopping Restrictions proposal and are therefore in scope for this Subcommittee and those which are outside the scope.

Issues raised that relate to the scope of the decision to be made by this Subcommittee:

- *Classification of service vehicle used in the assessment*

There are likely to be variety of sizes of vehicles using the exit onto Poaka Ave but a quad axle semi-trailer is recognised as the most demanding vehicle in terms of room required to manoeuvre in and out of driveways. The NZ Transport guideline '*RTS 18 NZ On-Road Tracking Curves*' has specifically noted that this vehicle is the most critical long combination in terms of its swept path.

The turning circles and lengths of No Stopping Restrictions for this site have been determined using this vehicle.

- *Light vehicle movements*

Light vehicle movements in the initial application were assessed as 80 vehicles per day. This was based on the provision of 20 carparks and four vehicle movements per carpark. The application also noted an additional 1-3 service vehicles per day. It was considered that this was likely to be an underestimate in the Independent Peer Review.

The proposed parking provisions have now been finalized as 12 parks, so an expected 48 vehicle movements in and out of the site would be expected by staff vehicles based on the information provided by the applicant in their transport Impact Assessment.

The consent condition 7 states '*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.*' This clause does not specify the size of the vehicle and would therefore be applicable to both light and heavy service vehicles which are being used for the delivery or collection of goods and waste.

- *Length of No Stopping Restrictions*

There was an error resolution wording proposed in the 2 July and 23 September reports in regard to the extent of No Stopping Restrictions and this did not accurately reflect the intended extent of No Stopping Restrictions as set out in the picture. The extents have been amended to reflect the proposal for recessed parking bays which is discussed in paragraph 34 of this report.

- *Impact of No Stopping Restrictions*

A review has been undertaken by Gray Matter in regard to the information provided in their Independent Peer Review in regard to the impact that the proposed No Stopping Restrictions would have and inclusion of the lost parks outside 11 and 11a Poaka Avenue which had not been taken into account. The revised impact is assessed as being a loss of 7 carpark spaces.

- *Insufficient room for truck to move along street*

While it is possible that there may be two cars parked directly opposite each other within this section of road, observations made by staff over recent months indicate a low demand for on-street parking.

The width of parking spaces that are typically marked on-street is 2.5m and at times this can be reduced to 2.0m where the carriageway width is tight. In Poaka Avenue, the carriageway width is considered sufficient therefore for 2 vehicles to park and to allow a third vehicle to pass centrally between them. This movement may need to be undertaken at lower speeds, but it is possible for all vehicle sizes, and the alignment of the road is such that there would be good visibility for the vehicle throughout the passing process.

It is also noted that this section of Poaka Avenue is on the public transport schedule (Bus Route 26 Bremworth Templeview) and has bus stops at 1 Poaka Ave, 15 Poaka Ave and 23 Poaka Ave. The bus runs regularly up and down this road and the Waikato Regional staff have confirmed that they are happy with this route and have not had any problems with getting the buses through.

- *Safety impact of the changes – for vehicles and pedestrians*

The addition of the low number of vehicles is not expected to result in any adverse safety impacts for pedestrians or vehicles using this section of Poaka Avenue. The street has traffic calming in place to encourage lower speeds and good footpaths for pedestrians to use.

Changes are proposed in Whatawhata Road (including at the intersection of Poaka Ave) to improve pedestrian safety for those crossing to the bus stop following the fatality there last year. Relocation of the bus stop to be closer to the Dinsdale shops and provision of a pedestrian refuge island and right turn bay at this location will also be included.

Issues raised by residents, but which are considered outside the scope of this Subcommittee:

- *Approval of consent prior to roading issue being sorted*

The consideration of the consent application for extension of the Countdown supermarket and associated creation of access to Poaka Avenue has been completed under the Resource Management Act.

The effects from this proposal were assessed as being 'no more than minor' and as such, there was not a requirement to consult with the residents in regard to this project. The assessment of effects and notification requirements were independently assessed and determined by an RMA Commissioner engaged by the Hamilton City Planning team.

- *Compliance with truck delivery requirements*

In the Subcommittee report of 2 July the proposed truck delivery times and numbers were provided as an indication of the types and quantities of deliveries which were expected to occur based on information provided by the applicant.

In granting the consent for the extension of the supermarket, Council has now stipulated via Consent Condition 7 the times at which deliveries or waste collection can occur. There

is no requirement for the applicant to comply with the times and numbers that they initially provided in their application.

Therefore, the delivery observed on Saturday at 5.03pm on a Saturday would be considered to be in accordance with the consent requirements

While trucks may have previously delivered goods outside of these hours, once use is made of Poaka Avenue for deliveries, there will be a requirement to meet the requirements of consent clause 7.

- *Opportunity to oppose zoning changes*

The rezoning of the land at 11 and 11a Poaka Avenue was undertaken as part of the proposed District Plan process and beyond the scope of this Subcommittee's Terms of Reference.

- *Consideration of resident feedback in the Resource Consent process*

Consideration of the initial resident feedback provided at the 2 July Subcommittee meeting was included in the Independent Peer Review of the Applicants Transport Impact Assessment and at this time the effects were considered to be no more than minor. The Commissioner was aware of the residents feedback at the section 95 notification assessment stage, but still came to the conclusion no persons would be adversely affected by the proposal. The application was then processed as a non-notified consent. The Resource Management Act is very specific in terms of what is considered to be an effect from such a proposal, and the assessment methodology in regard to whether those effects are considered to be more than minor.

The peer reviewer was in agreement with the residents in regard to the trip generation data provided by the applicant, but as noted earlier in this report, there was a subsequent change in the number of staff carparks being provided at the Poaka Ave entrance and as a result the vehicle movement numbers included in previous reports are expected to be a maximum.

- *Graffiti protection for new fences*

Council provides a free of charge graffiti removal service that is available for anyone to use. As the fences will be within the Applicants property, it will be their decision as to how best handle any graffiti that does occur.

- *Effects from emissions, loss of property value, noise etc*

Given the low number of vehicles expected as part of this proposal, the adverse impacts from emissions, noise, vibration etc are considered unlikely to present a significant adverse effect and would have been considered as part of the resource consent process.

41. Following discussions with the Applicant on alternatives to No Stopping Restrictions they have now indicated that they are prepared to include the installation of two recessed parking bays (each accommodating 1 vehicle) on the western side of the road only, and clear of all services as shown in Figure 1 below.

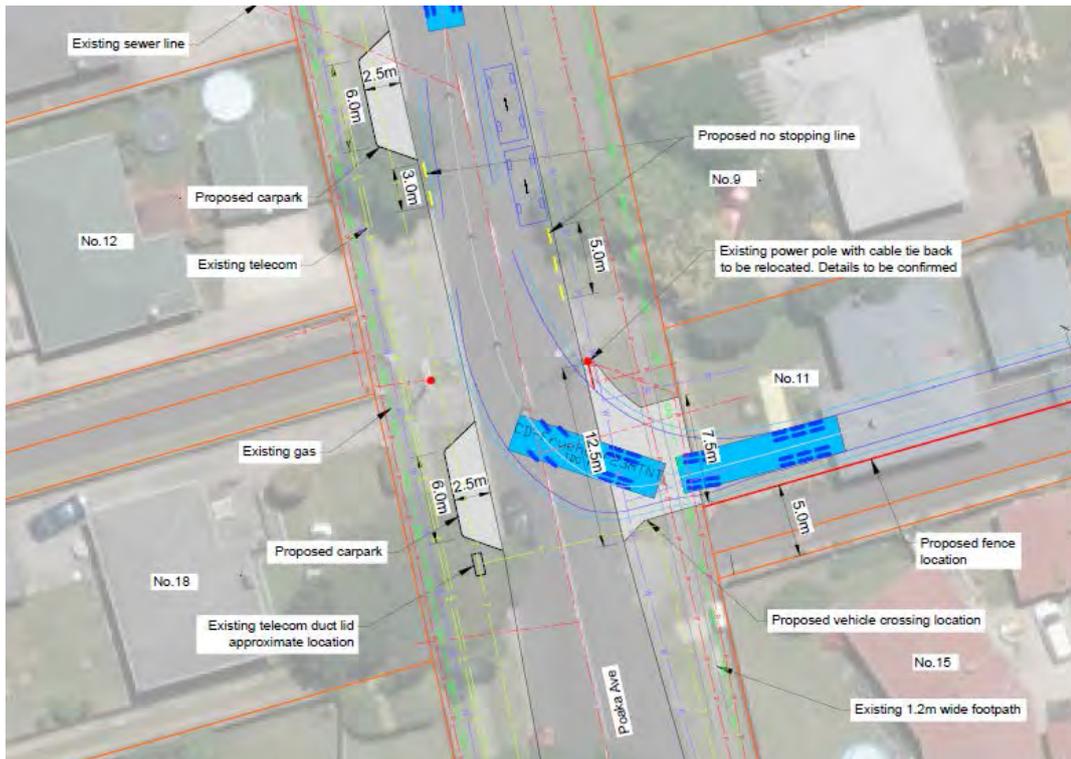


Figure 1: Proposed recessed parking bays, Poaka Ave

42. Staff have contacted the owners of the properties immediately adjacent to the two proposed recessed parking bays (#18 and #12 & #12A) and informed them of this offer. Feedback in regard to their preference between the two options of all No Stopping Restrictions or a combination of recessed parking bays and reduced No Stopping Restrictions was requested. We have received a detailed response signed by the owners of #12A, #18 and #18A – refer Attachment 4. The property owner of #12 lives in Auckland, and we have yet to receive a response.
43. Many of the issues raised reiterate those in the previous letters presented to the 23 September meeting of this Subcommittee. Responses for these are covered in this report under paragraph 39 above. The letter also has a number of alternative access/exit ways drawn up for delivery vehicles but these are outside the scope of this Subcommittee as the resource consent for the extension for the supermarket and the associated accessway on Poaka Avenue has already been granted.
44. Proposal 4 is noted by the residents as the ‘minimum requirements’ if service exit at Poaka Avenue proceeds and traffic is required to turn right towards Whatawhata Rd (which is as per the granted consent conditions) includes recessed parking bays provided for the full length of Poaka Avenue between Whatawhata Road and #18 Poaka Avenue. This option includes the 2 recessed parking bay locations offered by Progressive although one is a different size. It would therefore appear to staff that the residents are not so much opposed to the recessed parking bays, but more in regard to the extent of such bays being offered by the Applicant.
45. Periodic monitoring of parking demand on this section of road has been undertaken by staff and there is no evidence of strong demand for on-street parking to justify in staffs opinion requesting the Applicant to consider this wider extent of work, however, it is considered reasonable to accept their offer to construct the two recessed parking bays as shown in Figure 1 above. This is considered a suitable compromise position.

46. The extents of No Stopping Restrictions required will be able to be reduced but staff recommend that the restrictions be extended across the vehicle entrances as shown in Figure 2 below:



Figure 2: Extent of proposed No Stopping Restrictions with recessed parking bays installed, Poaka Ave

47. Removal or narrowing of the speed humps outside #3 and #4 Poaka Avenue has also been suggested and this is something that could be considered at a later stage if there is a significant increase in noise as a result of the increased number of heavy vehicles on this section of road.
48. Staff have considered how certainty could be given to the Applicants offer to construct the recessed parking bays. An objection period applies for the Applicant during which the consent holder could challenge the imposition of any consent condition. This objection period has been extended by mutual agreement such that it will expire following the outcome of this Subcommittee process. This will allow the condition within the consent relating to the installation of No Stopping Restrictions to be amended to accommodate the construction of recessed parking bays as an alternative mitigation measure.
49. There is also a review condition (28) within the Resource Consent which states:

That the Hamilton City Council may give notice pursuant to Section 120(1) if the Resource Management Act 1991 of its intention to review the condition of this resource consent, for the following purposes:

- *Council may review the conditions of consent at a time following 1 year (or less) form completion of site works to review the effectiveness of this resource consent in avoiding, remedying and 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.*

- 50. This provides Council with the opportunity to monitor the impacts of the traffic associated with the new development and the installation of the recessed parking bays and No Stopping Restrictions. If necessary, construction of additional recessed parking bays could also be prioritized along with other projects for installation via the Discretionary Transport Programme by Council in future years.
- 51. A decision is now required by this Subcommittee in regard to the proposed No Stopping Restrictions only under the Traffic Bylaw.

52. Financial and Resourcing Implications

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

54. Risk

- 55. 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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19 July 2015

Hearing Subcommittee
C/- Jonathon Brooke
Hamilton City Council
Private Bag 3010
Hamilton 3240

Dear Jonathon and the Hearing Subcommittee

Letter of Objection for the Proposed No Stopping Restrictions on Poaka Ave

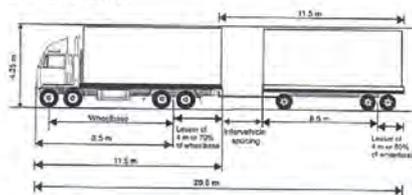
We, the residents of Poaka Ave, would like to formally oppose the proposed No Stopping Restrictions outside 12-16 and 9-11A Poaka Ave. This opposition is based on the following issues that have arisen from the Hearings Subcommittee Agenda and Minutes from the council meeting on 2nd July 2015, the Agenda and Minutes from the Hearings Subcommittee meeting to be held on 23rd September 2015, the Letter of Resource Consent from the Hamilton City Council to Progressive Enterprises Ltd dated 2nd September 2015, and the Peer Review Report from Gray Matter dated 15th July 2015.

1. Incorrect clarification of service vehicles

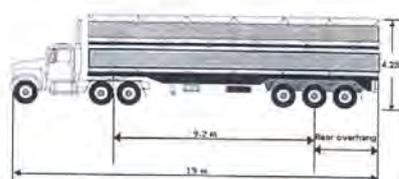
In the initial email from yourself to Alana Wells and the Agenda and Minutes from the 2nd July Hearings Subcommittee meeting, service vehicles were classified as "rigid trucks or up to 18m semi-trailer". At this stage there was no talk of B-train trucks needing to use the proposed exit nor there being up to 80 light vehicle movements.

The first mention of this was by Jane Douglas, Progressive Enterprises Ltd, in the meeting itself from which all documentation was then changed to include B-trains in the wording when discussing heavy service vehicles. The proposal is only for 'up to 18m' vehicles. According to the New Zealand Transport Association Heavy Vehicle Road Code a B-train truck is 20m in length and a rigid heavy truck is 19m in length both exceeding the proposed length of truck suggested. This will create larger turning circles needed and greater distances for these vehicles to manoeuvre safely into the street.

B-Train Unit



Semi-Trailer Unit



<http://www.nzta.govt.nz/resources/roadcode/heavy-vehicle-road-code/information-for-heavy-vehicle-drivers/heavy-combination-vehicle-types/>

2. Incorrect clarification of light vehicle movements

It was also suggested that 80 light vehicle movements would occur in and out of this access way. Initially it was suggested that this was only to be an exit, however it is actually proposed as both an entrance and exit to these up to 80 vehicles. It was also suggested that these vehicles would just be

staff cars having access to the new staff parking spaces. In the letter dated 15th July from Progressive Enterprises to the Council it states that there are now only to be 8 parking spaces – not the 20 originally proposed. This would suggest that only up to 24 cars should enter/exit the service access way to use the carparks. Unfortunately, the number of light vehicles have not reduced from 80 and Ian Lowry, a Regional Manager for Countdown, suggests that these vehicles already exist however it would just change the pathway to the new exit. This is because the light vehicles also include delivery vans and single axle trucks up to 35 tonne, which are wider than normal cars. These trucks will also add to the increased traffic and congestion which will occur due to the narrow road leading to Whatawhata Rd. As there are currently restrictions on heavy vehicle usage, we would also like to question what the restrictions would be on delivery vehicles in the form of small trucks.

3. Resource Consent given prior to Roding approval (point 20 Hearing Subcommittee Minutes)

In the original minutes for the 2nd July meeting, Point 34. and Point 20. of the 23rd September meeting it has been raised by the ITA (Integrated Transportation Assessment) 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 . . . proceeding to the processing of the resource consent”*.

This suggests that the Resource Consent was to be put on hold until a decision has been made regarding the roading. Since the 2nd July meeting the council has now approved the Resource Consent for Countdown pending conditions, even though the Subcommittee has not had their meeting, nor made a decision. This consent has been done without residents’ knowledge and has provided no opportunity for residents to oppose or submit alternative suggestions for this project. Residents have only had the opportunity to object to the No Stopping Restrictions, not the access way itself.

4. Insufficient length of No Stopping Restrictions.

Under ‘Recommendations from Management’, Point 8. of the Hearing Subcommittee minutes, the proposed change is for the installation of 47m No Stopping Restriction on the western side from #12 to #16 Poaka Ave.

This suggests that there will be no yellow lines outside #18 Poaka Ave, which is the most directly affected property as it is directly opposite #11 and #11A Poaka Ave. It is the house which is in the main turning area for trucks however this suggests that cars can park outside #18. This contradicts the ITA as they need to provide safe passage for all vehicles and pedestrians as required by the No Stopping Restrictions. Cars parked on the road outside #18 directly affect crossing vehicles and will not allow enough room for heavy vehicles to manoeuvre onto the road at all.

5. No Stopping Restrictions is a major concern

Point 18. of the 23rd September Hearing Subcommittee agenda states that residents were most concerned about the access way installed onto Poaka Ave rather than the No Stopping Restrictions.

While this is true, we still oppose the parking restrictions as the affected area is greater than proposed in the IPR (Independent Peer Review). In this report it suggests that the No Stopping

Restrictions “will only affect 5 parking spaces and will result in displacement of parking to alternative locations on Poaka Ave”. The report suggested that the displacement of parking would only be 30m.

In actual fact the street will be losing 7 parking spaces as the report has not counted the spaces in front of #11/11A. The ‘5’ parking spaces are privy to 11 houses as there is a long driveway at #14/16 and most sections have 2+ houses on them. They are all houses that have multiple visitors on very regular occasions. The report suggested that during the day there are minimal cars parked on the road as per the Google Maps picture. This picture was taken up to 4 years ago and is not a true reflection of the daily activity of the area. 5+ of the affected 11 houses have people that are home during the day including elderly people, mums with young children and semi-retired home executives. The IPR suggested at the end of their report that they had not in fact visited the site so they do not have a true time lapsed understanding of the daily routines/activities of the area.

For this reason we would definitely require alternative parking spaces, should this Bylaw go ahead, in the form of parking bays as the number of houses affected is significantly larger than what is being suggested. These parking bays would need to be paid for by the developers as per Point 29. of the 23rd September Hearing Subcommittee Agenda which states that “implementation of these changes will be paid for by the developer”.

6. Insufficient area for trucks to pass if cars are parked BOTH sides.

As previously mentioned, IF the No Stopping Restrictions were to go ahead there would need to be provisions for parking bays along Poaka Ave to allow for residents and visitors to park their cars. These parking bays may be necessary for all houses from #18 on the western side and #11 on the eastern side right to the end of Poaka Ave. This area of road is very narrow and does not really allow for large vehicles to travel down it.

As explained in the IPR under point 3.3.2, it states that “there is insufficient space for opposing large vehicles . . . to pass if there is a vehicle parked on the side of the street”. What is does not point out is that the area from #10/#7 to the end of Poaka Ave can have cars parked on both sides of the road. If this were to happen there would be insufficient area for even one large vehicle to pass through. As stated in the report the road is approximately 8m wide. A parked car (2.5m width + mirrors + clearance) would contribute to 3m. If there were 2 cars parked either side this would take the total road usage up to 6m. That means **there would only be a 2m area for any vehicle to pass through.** Small cars can manoeuvre this slowly and would incur waiting times as suggested, however any form of trucks whether they be large vehicles such as B-trains, Refrigerated units, rubbish trucks or recycling trucks, or smaller trucks such Milk or Bread delivery trucks, would not be able to pass through this area. Since the requirements of the driveway state that all of these vehicles must turn right toward Whatawhata Rd, there **would be no passage through for these vehicles.** They would then have to wait until one of the cars moved which the time frame would be undetermined.



The report states that this was considered low risk based on the movements of 1-3 truck movements per day. This does not include light vehicle trucks which are included in the 80 light vehicle movements per day which are also wider than a standard car width.

In addition to this #18 Poaka Ave does an annual Christmas Lights Display for the month of December which attracts a lot of extra cars onto the street. Many people stop on both sides of the road to take photos of the lights which will be greatly affected by the No Stopping Restrictions during this time of the year.

7. Specifications of Truck Deliveries are not adhered to.

In Attachment 1 (the letter to Progressive Enterprises Ltd from the Hamilton City Council regarding Resource Consent) Point 7. it states that:

“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 shall occur outside of these hours, or at any time during Sundays and public holidays.”

In the initial Hearing Subcommittee Minutes from 2nd July it states under Point 35. that the details of truck movements are as follows:

- One ambient goods delivery between 7:30-10:00am on Monday, Tuesday, Wednesday and Friday;
- One produce delivery between 7:00-10:30am every day except Tuesday; and
- One temperature-controlled goods delivery between 4:00-7:30pm every day except Mondays and Wednesdays.

These two statements contradict each other as the latter report suggests that there will be both a produce delivery and a temperature-controlled goods delivery on a Sunday which is against the specifications laid out by the Council themselves.

We also know that the deliveries stated above by Progressive Enterprises Ltd of 1-3 large vehicles per day are not adhered to as there are trucks delivering goods outside these hours. For example on Saturday 19th September at 4:09pm there was a 19m Semi-Trailer refrigerated truck that did his delivery as per the times above. However at 5:03pm there was a B-Train ambient goods truck which did a delivery on a Saturday. This is outside of the suggested times above and the suggested days of the week.



Fig 1: 4.09pm Temperature-controlled goods delivery



Fig 2: Temperature-controlled goods delivery leaving



Fig 3: 5.03pm Ambient goods delivery outside of suggested times



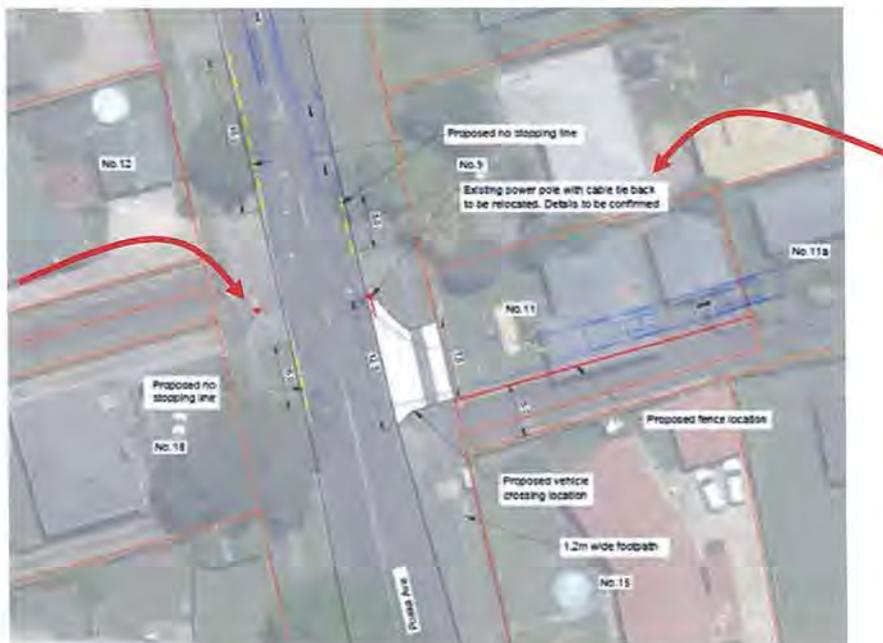
Fig 4: Ambient goods leaving

The delivery hours also state that there are no trucks delivering after 7:30pm, however we have been in the store when trucks have been doing deliveries as late as 9:00pm at night. These trucks will now need to drive through a quiet residential area at these times of the evenings.

8. No indication of removal of power poles outside #18 or #11

In Attachment 2 (the IPR from Gray Matter) under section 1. Project Understanding, there are 2 figures used to support their findings. Figure 2 shows that there are 2 existing power poles identified in Red outside #18 and #11 Poaka Ave. The pole outside #11 also has a support line which tracks to the south and goes part way across the property front at #11. In Figure 2 is shows this power pole is currently in the proposed access way for the service exit. On the plan it also states in a label that *"existing power pole with cable tie back to be relocated. Details to be confirmed"*.

There is nowhere in any of the reports or meeting minutes which discusses where these power poles will be relocated to, nor any discussion as to who will be paying for the relocation. As per the document and discussion in point 6 above this should be arranged and paid for by the developer, however there are no stipulations as to where they will go. This MUST be identified as it is a major factor into the safe exit of delivery vehicles from this site.



9. No opportunity to oppose the Zoning change

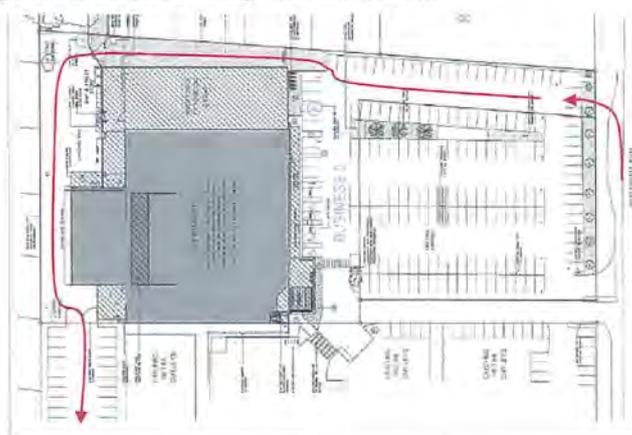
In the report under Section 2. Surrounding Environment, the Peer Review has stated that there was no transport specific assessment prepared as part of the rezoning of #11 and #11A. At the time none of the residents were privy to the reason behind the rezoning hence they did not oppose the change. If this transport specific assessment was done then they would have seen that the times of delivery

hours in the morning and the afternoon includes peak hours of traffic movement. Particularly in the morning, executing a right hand turn out of Poaka Ave onto Whatawhata Rd is almost impossible at certain times due to the traffic coming in from the Raglan direction and the thoroughfare from Newcastle Rd. The IPR suggests that the increased wait time of 3-10s/veh. This is definitely not a true reflection of the increased wait time for a truck which will be considerably longer and will in fact have an impact on traffic turning to the left or right. The report suggested that there are alternative routes available along Leong Ave and Jasmine place, however these are not available to trucks as per the right turn specifications out of the service exit.

10. No real consideration given to residents feedback

In the report under Section 3. Potential Effects, the paragraph at 3.2 discusses in table form the feedback and concerns from residents. Some great concerns have been considerably overlooked and we would like further discussion/resolution to be had surrounding these concerns.

- The first line of the table states in the ITA (Integrated Transportation Assessment Report) that there will be 1-3 service vehicles plus 80 light vehicles per day. They have admitted that this may **understate the number of service vehicles** as they have not included many of the light vehicle delivery trucks, or the rubbish and recycling trucks in these figures. As pointed out earlier, deliveries do not stick to the suggested times for ambient goods deliveries, nor the correct days of the week. So in fact the number of goods vehicles using this exit may be potentially a lot higher and not be a 'low risk' as suggested. Who will monitor the correct amount of service vehicles using this access way?
- The seventh line of the table suggests that there are already access roads so why add more. We have seen trucks in action trying to get out of the current exit onto Whatawhata Rd and agree that this is not an ideal exit. In fact it would be **impossible for trucks to exit if all carparks were taken at present**. We are in agreeance that this is not the best scenario, however we feel there are alternative routes that could be available with the proposed expansion which would mean entering off Whatawhata Rd and exiting onto Tuhikaramea Rd. This would mean that trucks would stay with the flow of traffic and would not be crossing any main routes or using residential streets.



New entrance proposal

The report agrees that the use of existing exits with the expansion would require re-designing of the site, however we feel there may be other options such as the one above which have not been explored. If this were to be explored the loss of staff carparks could be accounted for by turning the sections of #11 and #11A into 20-30 parks as there would now be no need for the sound deadening fences and yellow lines.

In addition to this the carparks along the western boundary of the supermarket are rarely used by patrons or staff. There are approximately 25 parks in question that would be affected however these parks are not used on a regular basis and there are plenty of other parks available around the carpark should some be displaced.



Fig 5: Only 5 cars parked along the western boundary
5:38pm Sat 19/9/15



Fig 6: Some available parks 4:42pm Sat 19/9/15



Fig 7: Only 3 parks being used 6:26pm Fri 18/9/15



Fig 8: Only 5 cars parked 12:42pm on Sat 19/9/15

- The final line of the table discussed the amenity effects on the surrounding houses including loss of property value and long term progressive damage to properties. The IPR suggests that this is not directly related to transport, however it most certainly is. It will be the extra vibrations caused from trucks accelerating and turning tightly onto Poaka Ave which will cause these effects. This area is built on peat land which will transfer these vibrations into the houses. Also the increased pollution will mean increased soot and grime going onto houses resulting in them needing to be cleaned on a regular basis.

House values will definitely drop as there will now be a truck service exit in the road. This detracts from the saleability of the home being in a quiet neighbourhood and the aesthetic value of the street. This would limit the target audience, in turn dropping the re-sale value. The question to pose – Would YOU buy a house opposite a truck exit for a supermarket?

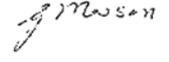
We wish for the Hearings Subcommittee to take our points of objection into serious consideration. We are the residents who will have to live with your decision and have children living in these areas whose lives we would hate to put at risk. We will all be attending the meeting on 23rd September to show our objection as well.

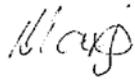
We thank you for your time.

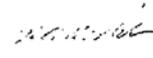
Kind Regards, the residents of Poaka Ave:

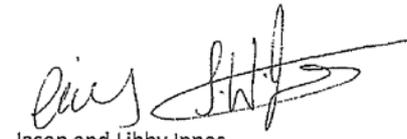

Sam and Alana Wells
18 Poaka Ave


Malcom Trott
18A Poaka Ave


Gladys Merson
14A Poaka Ave


Nicole Hardy
14 Poaka Ave

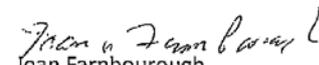

Marg Maddern
12A Poaka Ave

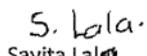

Jason and Libby Innes
10 Poaka Ave



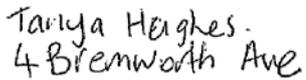
Anita Callan
8 Poaka Ave


Kerry Ludlow
6 Poaka Ave


Joan Farnbourough
6A Poaka Ave


Savita Lal
5 Poaka Ave


Lyn Griffiths
1 Poaka Ave


Tanya Heighes
4 Bremworth Ave


Heighes.

20 July 2015

Hearing sub committee
c/- Johnathon Brooke
Hamilton city council
Private bag 3010
Hamilton

Dear Jonathon and the hearing committee

Letter of objection for the proposal of no stopping restriction on Poaka Ave

We would like formally oppose the proposed No stopping restrictions outside 12-16 and 9-11a Poaka Ave this opposition is based on the following issues

1. Little or no information has been given as to the repositioning of the power poles that are partially obstructing the proposed exit at #11A Poaka Ave or any indication whether the alternative of placing it underground has been considered. (refer photos 6 & 8)

2. The consultants from Gray Matter (Independent Peer Review - IPR) have failed to make you aware of the telecom/chorus manhole joint box situated in the area beside the proposed exit site of Countdown. (see attached photos 1 & 2)

This manhole will have to be strengthened to support the weight of any parked cars should any vehicles pass over this point.

Also there is no indication as to what circuits are contained within this box whether they be part residential national or fibre grid. Any disruption would be an expensive exercise. It is actually a plastic box called a joint box inserted into the ground sealed with a metal lid. It has no weight bearing properties substantial enough to support any vehicles.

3. The upstanding grey whitish cabinet positioned on the left hand side of number 13 Poaka Ave is another chorus/telecom/spark infrastructure that contains fibre and cables.

Again there is no indication is given as to whether they be part of the national residential or fibre grid, one will certainly be a fibre junction cable feedback to Frankton exchange and there may be further junction cables and residential cables feeding west to southwest.

This will have to be shifted or strongly protected

4. No information is given to the effect of the weight of the 8-trains and 18m semi-trailer units causing tension and stress on said cables which run directly under the proposed site of the service exit. This could cause them to stretch - bearing in mind a lot of the ground substructure is peat.

This above telecommunications information given by a friend with four decades of experience with outside plant with telecom with a quick consultation by him with an area manager still currently employed with in the industry. His suggestion is you contact someone within Chorus, and have an onsite discussion. This would go a long way to mitigate your costs for any liquidated damages that may be incurred should any form of disruption occur.

5. Protection of all power and telecommunications substructure is paramount. (refer photos 3, 4, 5 & 7)

Who's paying all costs to ensure the integrity of same remains; also who bears the cost post installation of exit road if any or all is compromised.

Of note on page 12 of the 2nd July Hearings Subcommittee Minutes Progressive Enterprises had not agreed to meet any of these costs.

6. It is noted that all drive ways on both sides of Poaka Ave and most properties contain no turning bays. Therefore most all drive in and back out, or vice versa.

Performing both actions against an increased traffic flow of 80 plus vehicles places extra stress and increased chances of an incidence occurring. Yet again the consultants (IPR) have failed to take this in consideration. The health and safety effects on the residents, while all are competent drivers, does place additional concerns especially for those with young children

7. Should the access way happen, your information supplied is that the fence being built on #11 and #11A will be of such type as to have acoustic qualities. No mention is given with relation to the fence re graffiti protection.

The new wall will present an irresistible temptation to local miscreants to place their mark. To curb this at the outset and prevent an untidy display wall which will impact on the house values to the neighbourhood, we request the wall be graffiti proofed.

8. The increase in traffic volumes presents increased risks from pollution in terms of increased exhaust emissions. What studies have been presented as the effect on the health and safety of the residents?

9. However of most concern, there is no indication of any planning with regards to the health and safety with relation to all the residents in the area especially their children.

You by proceeding with proposal have turned a residential area into an industrial area with attendant issues of increased traffic and increased size of said traffic.

Of note there is no indication or consideration for the number of children whom use this portion of Poaka Ave to walk to school. Nor is there an appreciation of children who, being children, will use this exit as a shortcut putting them further at risk.

10. Attached is a series of photos showing our concerns regarding traffic flows, hazards and the plant and infrastructure. These were taken by myself between 8am and 9am on the morning of 21/09/2015.

These are in support of my concerns refer all other photos

Special; attention should be considered to photos 14 15 16 18 20 27 32 with particular reference to photo 16. The tanker is unable back out of the garage after filling tanks as he would be backing onto a roundabout. As observed it proceed along Whatawhata road, turned left into Poaka Ave, left again down Jasmine Pl. and left into Tuhikaramea Rd toward the Dinsdale roundabout. As I understand it that is an illegal move with regards to petrol tankers being in residential areas and would further suggest that Poaka Ave would not accommodate a B-train and petrol tanker at the same time.

To be frank the Independent Peer Review made a mockery of some of the assertions re traffic flow and suggested time delays made in the proposal. For instance they suggested that it would only be a 30s delay at Whatawhata Rd.

The information becomes a lot more factual when you go onsite rather than relying on a google map taken up to 4 years ago.

It is my suggestion the consultants perform an onsite detailed survey for a period of seven days with regard to traffic flows, delay times and the number of children using said environments to make their way to school between the hours of 7.00am to 5.30pm. (refer photo 25)

11. While doing said survey I suggest you contemplate the possibility of interviewing individuals who either work or live in the area, parking on opposite sides of the road closer to Whatawhata Road, and consider perhaps the unintended consequences of that particular action.

The consultants have failed to appreciate the effect of such action and have taken things of face value rather than considering the daily impact on the lives of the residents.

Therefore I strongly suggest the alternative of ingress via Whatawhata Rd and egress onto Tuhikaramea Rd with the land area of #11 and #11a made available for staff parking only with no through access to Poaka Rd.

Kind regards



Ron and Ann Wells

Concerned Grandparents.

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

14_140

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'¹ 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.

¹ <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 day², 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 zones³, 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/s⁴. 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.

² Assuming 8 – 10 vehicles/ day/ dwelling

³ Proposed Hamilton City District Plan, Table 15-1j Vehicle Crossing Widths

⁴ 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 models⁵ 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

⁵ NZ Transport Agency Economic Evaluation Manual, Appendix A6

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 11th November 2014 and the information received on 5th May 2015 and amended elevation plan (ref: DIN RC02 3) received on the 11th 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.*

Your Ref: DIN RC01 A

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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/m²*
- (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.

Your Ref: DIN RC01 A

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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

Your Ref: DIN RC01 A

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File: 010/2014/7944/001

MATERIAL LEGEND	
1	GLASS CURTAIN WALL SYSTEM
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FINAL APPROVED

RESOURCE CONSULTANT PLANS

File # **010-1018-17944**

Date of Completion **19/12/2015**

COUNTDOWN
DUNEDIN
HAMILTON

PROPOSED
ELEVATIONS

DATE: 19/12/2015
SCALE: AS SHOWN
DRAWN BY: [Name]
CHECKED BY: [Name]

Hearings Subcommittee Agenda 27 October 2015- OPEN

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Attachment 3

Item 5



FINAL APPROVED
 RESOURCE CONSENT PLANS
 File # O10/2014/7944
 Date of Consent 2/9/2015

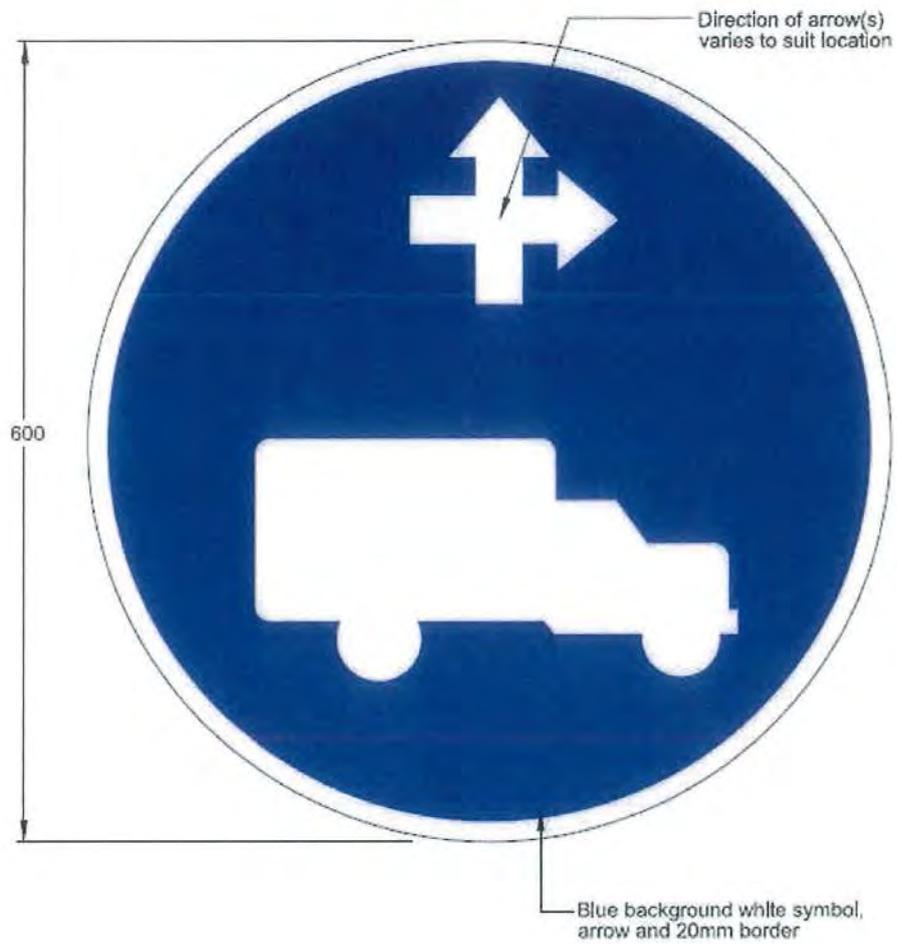
NOT FOR
 CONSTRUCTION

PROGRESSIVE COUNTDOWN
 DINSDALE
 Proposed Est. Layout Plan
 05 MAY 2015
 TIME AM/PM

TDG

PROGRESSIVE
 COUNTDOWN DINSDALE
 Proposed Est. Layout Plan

AS SCALE 1:650
 AT SCALE 1:250
 0 10 20 30 (m)



NOTE:

Signs to comply with Traffic Control Devices Manual

18 October 2015

Hearing Subcommittee
C/- Kirsty Horridge
Hamilton City Council
Private Bag 3010
Hamilton 3240

Dear Kirsty and the Hearing Subcommittee

We have read the new proposal for the Recessed Parking Bays submitted by Countdown dated 16th October 2015 and would like to oppose this new proposal.

First, we would like to point out that this is not even close to a fair attempt by Progressive Enterprises to address the main issues outlined in our previous letter dated 19th July. We as residents of Poaka Ave still do not want to have trucks of this nature driving down our street as it is a quiet residential area. We will outline below the major concerns which have not been addressed and we will outline 4 options which we feel would best address the needs of all parties.

Issue 1 – Insufficient area for trucks to exit toward Whatawhata Rd if cars are parked BOTH sides of Poaka Ave.

As outlined in Point 6 of our previous letter, we identified that trucks would be unable to exit Right out of the proposed service exit and head toward Whatawhata Rd IF two cars were parked either side of the road as they can legally do. This issue **HAS NOT** been addressed by Progressive Enterprises as there has been no attempt to deal with the width of Poaka Ave. The road is only 8m wide and is too narrow to allow a Truck to either fit through the gap or straighten up before the parked cars in the turning area provided.



The new proposal only looks at the parking bay for 2 of the affected houses and does not look to widen the road. It still only looks to have no stopping areas outside #12 to # 18 and #9 Poaka Ave. This does not address the issue which still arises for the rest of the street from Whatawhata Rd to #10 and #7. We have ideas on this further down this letter in our proposals under Attachment 1-4.

Issue 2 – Loss of Parking

As outlined in Point 5 of our previous letter, the IPR (Independent Peer Review) suggested that the no parking restrictions would cause the loss of 5 carparks. We identified that this was in fact 7 car parking spaces, and that these 7 spaces service a total of 11 houses. In the new proposal, Progressive Enterprises has **only looked to add a total of 2 spaces to make up for the total 7 lost**. They have attempted to reduce the impact here, however it does not cater for the needs of all residents. Again we have looked to address this further down this letter.



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Objection to New Proposal at Poaka Ave

Issue 3 – Length of vehicle exiting onto Poaka Ave

As noted in Point 1 of our previous letter, Progressive Enterprises had only applied to the council for 18m trucks to exit from this service way. While they have changed the type of truck that is pictured in the new proposal, we would like to know if they have now applied to have trucks up to a 21m length exiting onto Poaka Ave. If they have not then this will restrict the types of trucks who can use this exit and where will these vehicles go? Who will police these vehicles to ensure they are using the exit correctly? Again the turning circle of different types of trucks will need to be addressed for them to be able to exit safely and manoeuvre down the street around parked cars etc. We would also like to point out that the picture in the new proposal *still* has the truck driving down the middle of the road which we deem to be unsafe to other road users.



Issue 4 – Use of Service way as an entrance and an exit to light vehicles is not ok

As outlined in Point 2 of the previous letter, Progressive Enterprises initially only applied for this service way to be an EXIT for their service vehicles. Then further down the discussion and application it came out that they intended for all light vehicles to use this as both an ENTRANCE AND an EXIT. This includes staff cars, vans, small trucks (i.e. egg trucks, milk trucks) and trucks up to 35 tonne. For us this will increase the road usage considerably and there has been no proposal for the upkeep of the roading or future proofing of roading due to the increased volume of traffic. **We would therefore like to propose** that if this driveway were to go ahead that there are conditions that it is an **EXIT ONLY** and that all traffic **MUST** travel in a clockwise direction, entering from Tuhikaramea Rd and exiting onto Poaka Ave. This would reduce the volume of traffic by half and would half the increased risk to residents and road users.

Issue 5 - No indication of removal of power poles outside #18 or #11

As mentioned in Point 8 of the previous letter, Progressive Enterprises has identified in both the old and the new proposal that they will need to remove or relocate the existing power pole with cable tie back. In both reports the text say "Details to be confirmed". **We would like to know where these poles will be going.** Are the poles going to be shifted to different road fronts? Are these poles going to be removed and the cables shifted underground? The pole outside #11 is directly linked to the pole outside #18 so will this pole also be relocated? We see this as an important factor to answer as this could also impact the road front parking if they are to be relocated to other positions. We have also addressed this further down in our proposals,



Issue 6 - Delivery times are still not adhered to

As identified in point 7 of the previous letter, Progressive Enterprises had applied to the council with specific delivery times that delivery vehicles could enter the service area. As we pointed out, the trucks were not following these times and Countdown were allowing delivery outside of these hours. Even now, we went to the supermarket at **8.15pm on Saturday 17/10/2015** and there was a Countdown truck doing a delivery to the **FRONT DOOR** of the supermarket. This truck was also blocking the whole traffic flow of the carpark and restricted access to half the shopping complex (shown on the pic below).



While we acknowledge that it is the truck drivers that turn up outside the specified delivery times for numerous reasons, we as residents will still be the ones affected by trucks coming down our road outside these times. If this proposal was to go ahead then we would like consideration to be made that we would need to accept that this will be happening as this is most definitely the case. Therefore we would like our needs to be met as best as possible through the proposals below.

Issue 7 – Loss of property value

As identified as the end of the previous letter under Point 10, we as residents are concerned about the loss of property value that will occur due to having a truck exit on our street. We have had a number of houses sell recently (# 6 and #10) and these owners would have felt differently if there was a service exit present. They also feel that due to the nature of the market this would have had a huge impact on the prices that they in fact paid for their houses. We still feel that there is an alternative solution which will not impact any of the houses in the area and will instead make better use of what is currently in place. This will involve staying with the flow of traffic and will help the truck drivers as well. This is outlined below.

NEW PROPOSALS FOR COUNCIL TO CONSIDER

These proposals have been put together by the residents of #18, #18A and #12A Poaka Ave. We are the owners of these houses who also live in these houses. They are not rentals. **We are the only houses that have been notified directly about the new proposal put forward by Progressive Enterprises.**

These following four proposals suggest alternatives to what has been submitted so far, or suggest the minimum requirements that need to happen to make the new proposal a viable option.

PROPOSAL ONE – Refer to Attachment One

The particulars of this proposal are:

1. Add a new truck entrance to Countdown on the western boundary of the carpark.
2. Remove approximately 7 carparks in the North Western corner of the carpark to allow for this entrance.
3. Remove approximately 5 carparks along the Western boundary closest to the building extension to allow for trucks to drive between the building and the fence.
4. Remove the houses at #11 and #11A Poaka Ave and transform this into 20+ staff carparks and the Skip and Pallet Store.
5. Relocate the current bus stop on Whatawhata Rd. Potential positions could be between the two driveways into Countdown OR just past the shopping complex outside #67 or #69 Whatawhata Rd.
6. Trucks will be able to enter this driveway from the roundabout, do deliveries in the same place as current, and exit via the existing Tuhikaramea Rd driveway.

Pros to this Proposal:

1. This proposal would make better use of the layout which is **currently in place**.
2. This has **minimal to no effect** on any residents of Poaka Ave or Jasmine Pl as the trucks currently travel along this route in the opposite direction.
3. Trucks will stay with the flow of traffic (turning to the left) not needing to cross any main roads including Whatawhata Rd or Tuhikaramea Rd.
4. This driveway could also be used as a public entrance to alleviate traffic congestion which occurs at the current entry/exit onto Whatawhata Rd. This congestion occurs throughout the day but is particularly bad at peak times.

Cons to this Proposal:

1. Countdown will lose approximately 12 public carparks from the existing proposal. However they will gain 20+ staff carparks compared to 12 in the current proposal.
2. The bus stop will need relocating.
3. The trucks will travel through a public carpark, however this is what they currently do and have always done.

PROPOSAL TWO – Refer to Attachment 2 – Exiting onto Jasmine Pl

The particulars of this proposal are:

1. Purchasing a property on Jasmine Pl (specifically #22 or #24 Jasmine Pl).
2. Remove the house on this section and build a truck exit as per the dimensions of the current proposal.
3. Build 5m sound deafening fences on this section as per the current proposal.
4. Remove the houses on #11 and #11A and turn this area into 20+ staff carparks OR resell/rent this property out.
5. Trucks will enter through the current driveway on Tuhikaramea Rd and exit through this new driveway onto Jasmine Pl.
6. Trucks will turn left down Jasmine Pl and left onto Tuhikaramea Rd heading back to the roundabout.

Pros of this proposal:

1. Trucks will be staying with the flow of traffic (turning left) when exiting onto Jasmine Pl and Tuhikaramea Rd.
2. Jasmine Pl is a wider road which allows a greater ease of access when turning onto the road.
3. This will avoid the issues of trucks passing buses as buses do not use Jasmine Pl at all.
4. This will avoid the congestion or hold up of trucks attempting to exit from Poaka Ave onto Whatawhata Rd.
5. This reduces the number of main roads which will be crossed as they only have to cross Tuhikaramea Rd.

Cons of this proposal:

1. Trucks will still be driving down a residential road.
2. This may slow traffic getting out of Jasmine Pl onto Tuhikaramea Rd as many residents from Bremworth hill area use Jasmine Pl as one of the main routes to get to the roundabout.
3. Countdown may need to purchase a house on Jasmine Pl.
4. Residents of Jasmine Pl will be directly affected by the truck exit.

PROPOSAL THREE – Refer to Attachment 3 – Left Turning Traffic Option

Particulars of this proposal are:

1. Widening the road from 8m to 11m between #20 to #12 Poaka Ave and between #15 to #9 Poaka Ave. This would follow the contour of the wide part of the road outside #20/#15 and make it go a further 1-2 sections.
2. Removing the houses at #11 and #11A.
3. Putting in a truck driveway at #11 which has the natural slant toward the left.
4. Strengthening of underground cabling which goes under the driveway to the main Chorus box situated to the left of the driveway.
5. Putting in 5m sound deafening fences and staff carparks as per the current proposal.
6. Removing the two power poles outside #11 and #18 Poaka Ave and putting these lines underground.
7. Putting in a narrow median strip barrier or island which would stop traffic from turning right toward Whatawhata Rd.
8. Moving the Telecom box located on the front verge of #18 to the west by approx. 0.5-1m. This means taking it closer to the edge of the footpath.
9. Putting in No Stopping Lines outside #15 Poaka Ave
10. Relocating the bus stop from #15 Poaka Ave to #19 Poaka Ave (on the other side of Jasmine Pl). This would just mean moving a pole.
11. Trucks would enter from Tuhikaramea Rd and would exit left onto Poaka Ave then left into Jasmine Pl then left to the roundabout on Tuhikaramea Rd.

Pros of this proposal:

1. Traffic exiting onto Poaka Ave would stay with the flow of traffic (turning left).
2. This would eliminate widening the whole width of road from #18 Poaka Ave to Whatawhata Rd.
3. This would keep the trucks on areas of road which are wide enough that it would not impact on parked cars.
4. This would limit interaction with buses as no buses travel down Jasmine Pl.
5. This would limit the amount of No Stopping Restrictions and the placement of those present limit the impact on residents.
6. The placement of the median barrier or island would stop the chances of trucks turning right and travel toward Whatwhata Rd where most of the roading issues are.
7. It would resolve the issue of relocation of power poles as they would now be underground.

Cons of this proposal:

1. There will still be a truck exit into a residential street.
2. The telecom box on the road frontage of #18 will need to be shifted which will require consultation with Telecom/Chorus regarding the specific requirements of this.
3. The driveway coming out of #11 is not simple as it will require structural reinforcement for the major telecom cabling which runs underneath it. This is due to the telecom box situated to the left of the driveway and will be required due to the amount of heavy traffic driving over this area since it is peat land.

PROPOSAL FOUR – Refer to Attachment 4 – Turning Right Minimum Criteria

This proposal would be the **minimum requirements** that we would suggest need to happen **IF** the council were to grant final approval for the Service Exit at Poaka Ave specifying that the traffic would be turning **RIGHT** toward Whatawhata Rd.

Particulars of this Proposal:

1. There would need to be No Stopping Restrictions running the entire western side of Poaka Ave from #18 to #2.
2. There would need to be parking bays put in on all grass verges on the western side of Poaka Ave to meet the specific requirements as out laid by the NZTA. This would be 5.4m for each end park and 6.0m for each middle park. This would make a total of 11 parks.
3. The power pole and cable tie back at #11 Poaka Ave would need to be removed and the power lines would need to go underground. We would also request that this happens to the power pole outside #18 as the two poles are linked.
4. The speed humps outside #3 and #4 Poaka Ave would need to be removed or narrowed to ensure trucks would not need to slow to go over them. This would reduce extra structural damage that would be done due to the heavy vehicle movement on peat land.
5. All the houses to the end of the road would need to be informed of the No Stopping Restrictions.

Pros of this Proposal:

1. This would be a compromise which would address the issue of the width of Poaka Ave being too narrow. It means cars, buses and trucks would need to give way should there be a car parked on the eastern side of the road.
2. This would still give the maximum option of parking on the western side of the road.

Cons of this Proposal:

1. There would still be a truck exit onto a residential road.
2. There would be a net loss of car parking spaces as residents can currently park on grass verges plus on the road side.
3. Trucks will still be crossing **TWO MAIN** roads including Tuhikaramea Rd and Whatawhata Rd which will result in delays in traffic, as well as crossing Poaka Ave.
4. Buses will have issues entering Poaka Ave if there is a truck parked waiting to get onto Whatawhata Rd. This is due to the bus turning circle which takes the front of the bus across the centreline (see the photo to the right – Bus 26 3.38pm 19/10/15)
5. This would still cause delays to traffic attempting to exit onto Whatawhata Rd.
6. There would still be a general decrease in safety of residents, both elderly and young, due to the increased volume of traffic and type of traffic.
7. There would still be a decrease to house prices on Poaka Ave.



We thank you for your consideration with this objection to the new proposal submitted by Progressive Enterprises. We also thank you for your consideration with the 4 proposals that we submit when making your decision. We hope we have given you more options and ideas that are potentially feasible which would better suit the needs of all parties.

This document has been made on behalf of the residents and owners at #18, #18A and #12A Poaka Ave.

Yours Sincerely

Sam and Alana Wells
18 Poaka Ave

Malcom Trott
18 A Poaka Ave

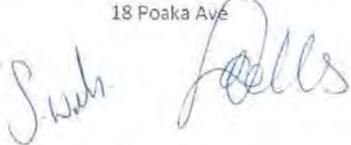
Marg Maddern
12 A Poaka Ave

We thank you for your consideration with this objection to the new proposal submitted by Progressive Enterprises. We also thank you for your consideration with the 4 proposals that we submit when making your decision. We hope we have given you more options and ideas that are potentially feasible which would better suit the needs of all parties.

This document has been made on behalf of the residents and owners at #18, #18A and #12A Poaka Ave.

Yours Sincerely

Sam and Alana Wells
18 Poaka Ave



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18 A Poaka Ave



Marg Maddern
12 A Poaka Ave



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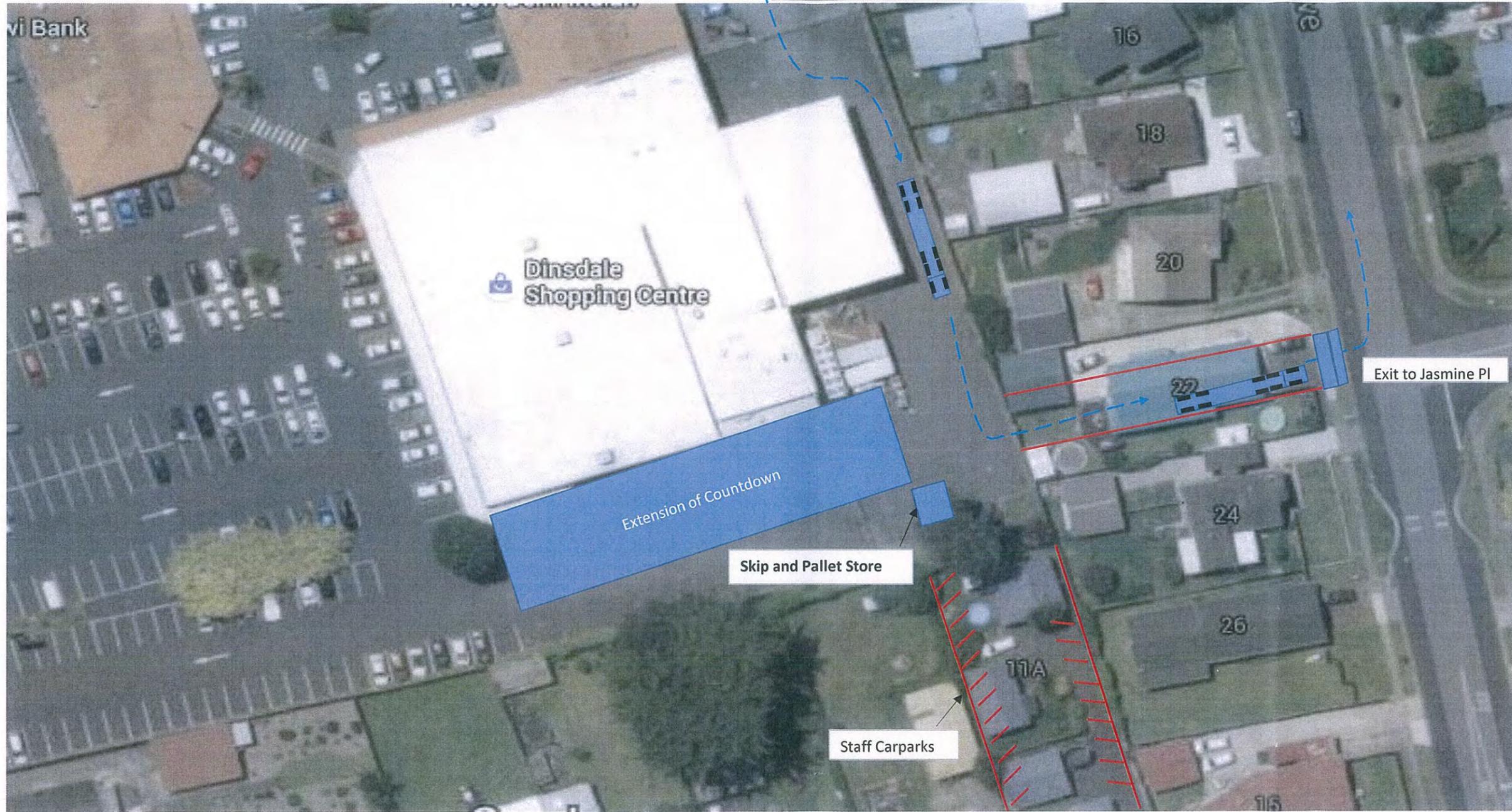
Attachment 1 - Countdown Carpark Option

Scale  5m



Attachment 2 - Exit onto Jasmine Pl Option

Scale 5m

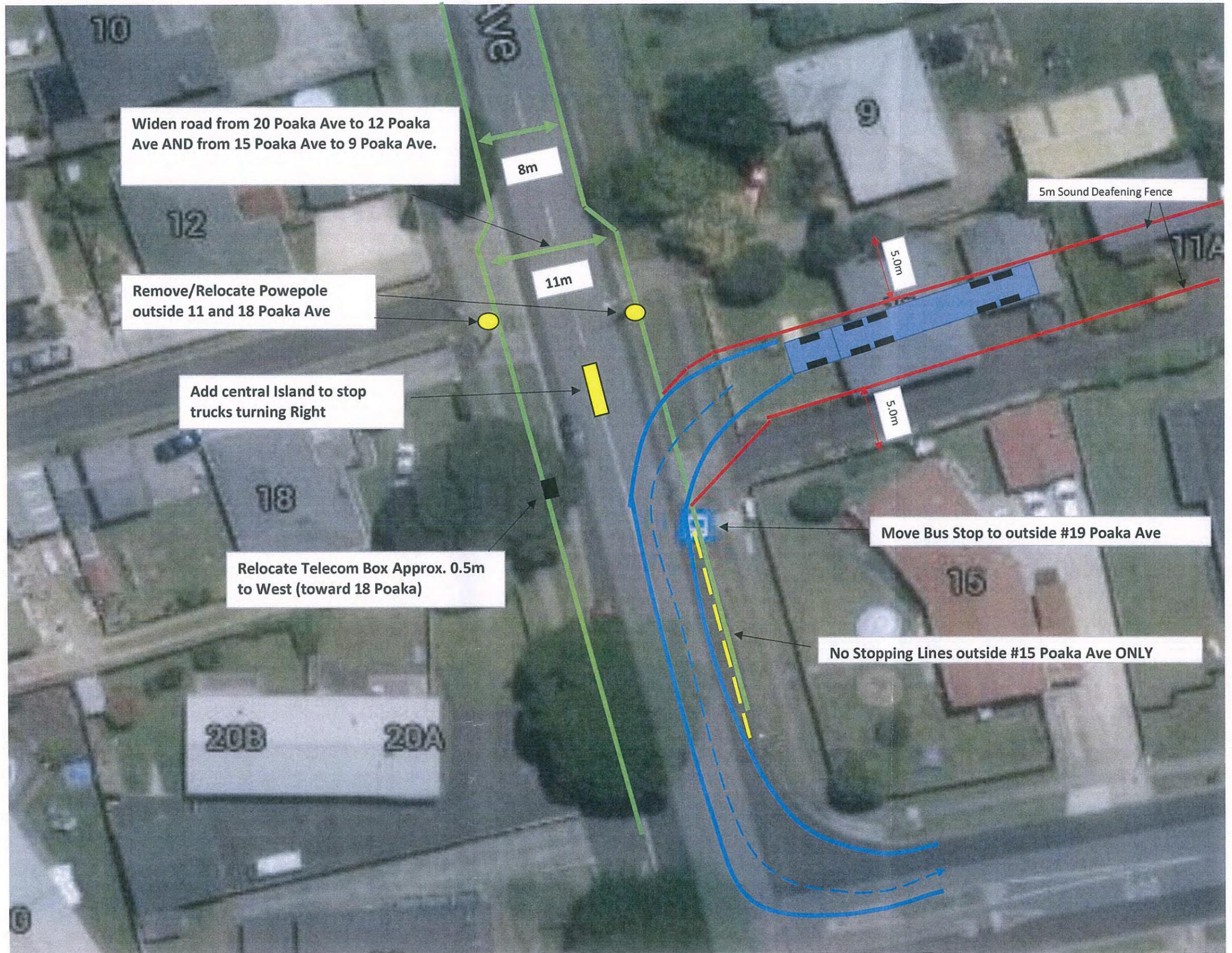


Attachment 2 - Left Turning Traffic Option

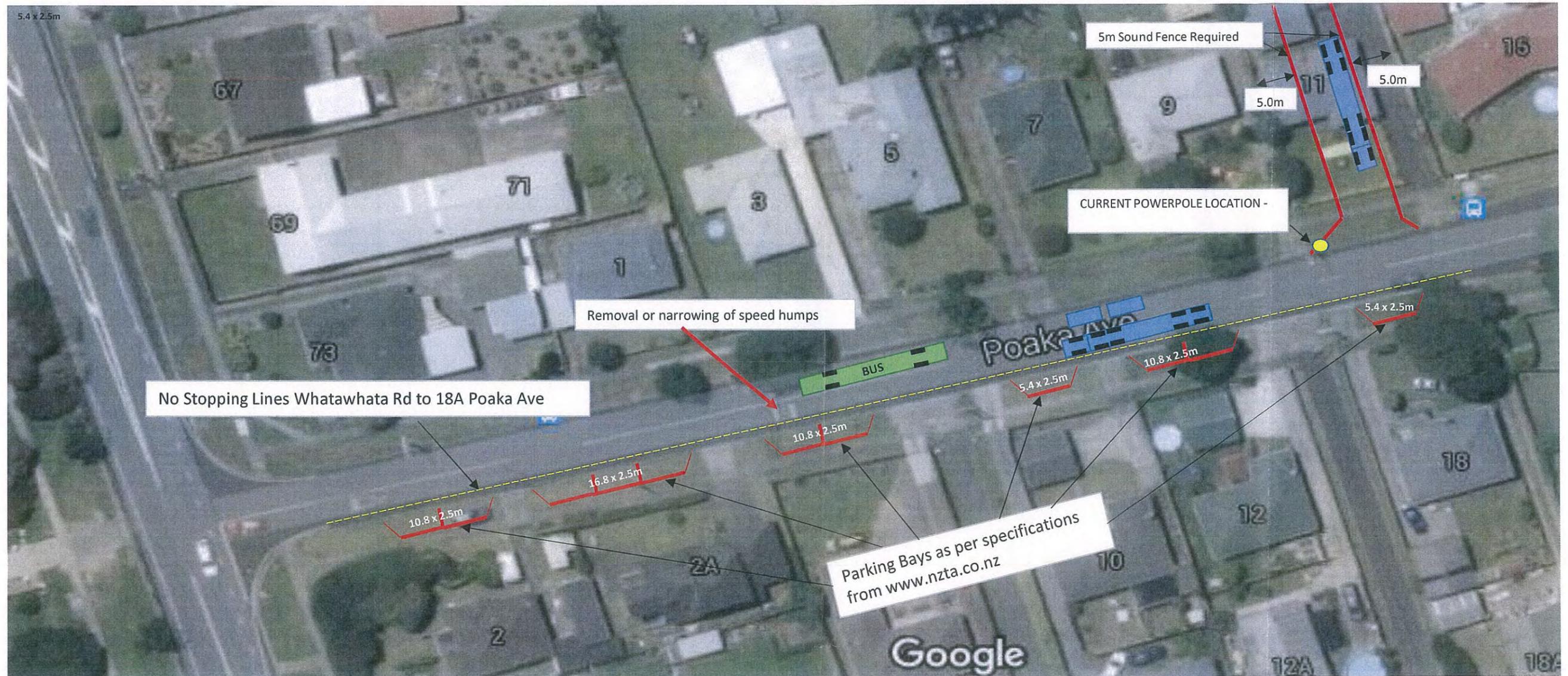
Key

-  Widening of road to match with further up Poaka Ave
-  Service exit to countdown as per the proposal
-  New proposed no stopping lines
-  Pathway of vehicle
-  Existing power poles
-  Central island to be

Scale  5m



Attachment 2 - Right Turning Traffic Option



Please note: Dimensions for Parking Bays was obtained from NZTA website.

<https://www.nzta.govt.nz/assets/resources/traffic-control-devices-manual/part-13-parking-control/docs/13-parking-control.pdf>