

**REPORT TO THE STATUTORY
MANAGEMENT COMMITTEE**

**NOTICE OF REQUIREMENT LODGED BY
TRANSIT NEW ZEALAND FOR AN
ALTERATION TO THE STATE HIGHWAY
ONE DESIGNATION AT THE GREENWOOD
STREET AND KILLARNEY ROAD
INTERSECTION, HAMILTON**

JULY 2008

HAMILTON CITY COUNCIL

REPORT FOR STATUTORY MANGEMENT COMMITTEE

- REQUIRING AUTHORITY:** Transit New Zealand
- PROPOSAL:** Notice of Requirement for an Alternation to a Designation in respect of land required for the upgrade of the intersection of Greenwood Street and Killarney Road, Hamilton.
- LOCATION:** Alteration to the State Highway One Designation to include an additional 13,626m² of land to the west and east of the existing highway corridor.
- LEGAL DESCRIPTION:** The majority of the additional land to which the alteration applies is road reserve (Killarney Road) administered by Hamilton City Council. Thirteen private properties are also affected by the alteration. The legal descriptions of the thirteen properties affected by the designation are listed in the Notice of Requirement.
- ZONING:** The majority of the affected land is road reserve with the zoning being deemed that of the adjoining land under the Hamilton City Proposed District Plan. The road reserve to the east of Greenwood Street is therefore Industrial Zone, and the road reserve to the west of Greenwood Street is partially Industrial Zone and partially Residential Zone. Likewise the properties either side are predominantly Industrial Zone, but with some of the sites west of the intersection within the Residential Zone.
- RECOMMENDATION:** Confirm the Requirement to Alter the Designation subject to the imposition of conditions.

This report has been prepared by Craig Sharman, an Environmental Consultant with Environmental Management Services Limited, to provide an independent planning evaluation and recommendation to the Statutory Management Committee on the notice of requirement for an alteration of the designation.

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Appendix A – Notice of Requirement for an Alteration of a Designation

Appendix B – Further Information Received

Appendix C – Submissions Received and Summary of Submissions

Appendix D – Correspondence Received

1 Introduction

Background

- 1.1 This report provides an assessment of a notice of requirement for an alteration of a designation lodged by Transit New Zealand ('Transit') for a project to upgrade the existing State Highway 1 (Greenwood Street) and Killarney Road intersection. The notice of requirement was lodged with Hamilton City Council ('Council') on the 16th August 2007. The notice of requirement details the proposal to alter the existing State Highway 1 designation to include an additional 13,626m² of land, primarily road reserve within Killarney Road which is a local road controlled by Council, and also portions of thirteen privately owned properties. The total required land acquisition from private properties is 1,574m² in area.
- 1.2 The alteration of the designation is required to:
- provide for the upgrade of the intersection including works associated with road widening;
 - removal of the existing roundabout and installation of a signalised layout;
 - the inclusion of designated cycle lanes and pedestrian crossings;
 - provide for increased vehicle traffic capacity with additional traffic lanes; and
 - associated property boundary works and reconstruction of private access ways.
- 1.3 The extent of the alteration of the designation is to enable the intersection improvements to be undertaken in a holistic manner. The aim is to include within the state highway designation all of the land where works are required for the intersection upgrade. A full description of the proposed works and the nature of the restrictions that would apply are provided in Section 2 of this report.
- 1.4 A copy of the notice of requirement is attached to this report as Appendix A. The further information received from Transit in response to queries from Council staff is attached to this report as Appendix B. Copies of the public submissions received following the public notification of the notice of requirement are attached to this report as Appendix C. Appendix D to this report contains other correspondence received following the public notification of the notice of requirement.
- 1.5 This report considers the notice of requirement lodged by Transit (as revised by the further information lodged following public notification), the decisions sought in the submissions received, and the statutory provisions of the Resource Management Act 1991 ('the Act'). On the basis of that assessment, the report presents a recommendation to the committee.

Requiring Authority Status and Designations

- 1.6 Transit is a requiring authority approved under Section 167 of the Act. Approval of Transit as a requiring authority was advertised in the New Zealand Gazette in December 1992. A requiring authority can at any time give notice to a territorial authority (i.e. a Council) of its requirement to designate a site or route (Section 168

of the Act), and of its requirement to alter an existing designation that it is responsible for (Section 181 of the Act).

- 1.7 A designation is a provision made in a district plan which relates to a site or route and authorises a requiring authority to carry out its work without the need for resource consents from Council. Once a designation has been confirmed, the requiring authority can do anything within a designated area that is in accordance with the purpose of the designation without restriction from the district plan, subject to compliance with any conditions imposed on the designation.
- 1.8 The state highways within Hamilton City are all designated under the Hamilton City Proposed District Plan ('the Proposed Plan'), with the designations having been 'rolled over' from the Operative Hamilton City District Scheme (1992) now referred to as the Transitional District Plan. State Highway 1 is listed in the Proposed Plan as Designation 81 with the purpose of the designation listed as 'State Highway'. There are no conditions on this existing designation.

Statutory Matters

- 1.9 The notice of requirement has been lodged under Section 181 of the Act. Section 181 states that:
- (1) *A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.*
 - (2) *Subject to subsection (3), sections 168 to 179 shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.*
 - (3) *A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed plan if-*
 - (a) *The alteration-*
 - (i) *Involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned;*
or
 - (ii) *Involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
 - (b) *Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
 - (c) *Both the territorial authority and the requiring authority agree with the alteration-*

and sections 168 to 179 shall not apply to any such alteration.
 - (4) Not relevant
- 1.10 In considering the notice of requirement to alter the designation, the following conclusions were reached in terms of the tests of subsection (3). While it was agreed that the alteration involves no more than a minor change to the effects on the

environment associated with the use of the land, and while it could be considered as involving no more than a minor change to the boundary of the designation (given the size of Designation 81), and further that Council could agree with the alteration, all of the owners and occupiers of the land directly affected had not provided their agreement to the alteration. Therefore subsection (3) did not apply and the alteration has been treated as if it were a notice of requirement for a new designation and accordingly sections 168 to 179 apply. The notice of requirement was publicly notified and submissions called for according to that statutory process.

1.11 Given the above, the notice of requirement to alter the designation is before the committee for consideration under Section 171 of the Act. Section 171 states the statutory considerations that apply:

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to-*
 - (a) *any relevant provisions of-*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand Coastal Policy Statement*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if -*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement-*
- (2) *The territorial authority may recommend to the requiring authority that it-*
 - (a) *confirm the requirement;*
 - (b) *modify the requirement;*
 - (c) *impose conditions;*
 - (d) *withdraw the requirement.*
- (3) *The territorial authority must give reasons for its recommendation under subsection (2).*

1.12 Sections 3 and 4 of this report assess the application against the statutory requirements of section 171 of the Act. In particular the assessment includes:

- An assessment of environmental effects;
- Consideration of submissions received;
- Review of relevant policy documents and plans;
- Consideration against the purpose and principles of the Act (Part II);

- Review of the consideration of alternatives;
- Review of the consideration of the necessity of the works and the designation; and
- Other matters considered necessary in the assessment.

Other Consents Sought

1.13 Transit has considered whether any regional consents are required under the Waikato Regional Plan. No resource consents are required from the Waikato Regional Council for the project as detailed in Section 7.5 of the supporting report to the notice. This assessment is concurred with.

Consultation

1.14 Transit has engaged in an extensive consultation process over a number of years as part of this project. Consultation with directly affected landowners and submitters has continued since the notice of requirement was publicly notified and is ongoing. Section 8 of the supporting report to the notice details the consultation that has occurred and the issues raised by the various parties. The parties consulted with by Transit are:

- Landowners and occupiers within the vicinity of the works;
- Cycle Action Waikato;
- Duffill Watts and King Ltd. (state highway network managers on behalf of Transit)
- Hamilton City Buses;
- Hamilton City Council staff;
- Land Transport New Zealand;
- NZ Automobile Association;
- NZ Fire Service;
- NZ Police;
- Road Transport Association;
- St Johns Ambulance Association;
- Network utility operators;
- Nga Mana Toopu O Kirikiriroa;
- Te Kotuku Whenua; and
- Environment Waikato.

Notification

1.15 The notice of requirement for an alteration of a designation was publicly notified on Saturday 8th September 2007, with the submission period closing on the 8th October 2007. Notification was in the form of public notices in the Waikato Times and Hamilton Press, letters being sent to the owners and occupiers of properties considered to be potentially affected, and letters to the various statutory bodies

required by the Act. Five submissions were received in response and are attached to this report as Appendix C. The issues raised in submissions are discussed in Section 3 of this report.

2 The Proposal

Nature of the Proposed Public Work

- 2.1 The alteration is required to *“provide for the upgrade of the intersection including works associated with road widening, removal of the existing roundabout and installation of a signalised layout; the inclusion of dedicated cycle lanes; increased vehicle traffic capacity by providing additional traffic lanes; and associated property boundary works and reconstruction of private access ways”*.
- 2.2 The objective of the project is to improve the safety and capacity of the intersection with enhanced facilities for cyclists and pedestrians. The key problems currently experienced at the intersection are:
- The current layout of the roundabout being inefficient and with short entry and exit lanes creating congestion when traffic merges;
 - Limited facilities for pedestrians and cyclists; and
 - A significant number of access ways within close proximity to the intersection reducing the efficiency and safety of the intersection.
- 2.3 The above factors contribute to a relatively high level of crashes at the intersection. Crash data provided by Transit from Land Transport New Zealand’s CAS database indicates that for the five-year period between January 2003 and December 2007 there were 54 crashes. This compares to 21 crashes for the period January 1998 to December 2002, and therefore represents a doubling of crashes. The crash data details that 73% of the crashes were characterised by cross-turning and rear/end obstruction crashes which are typical of intersection incidents. The key issues with the existing dual lane roundabout layout appear to be the:
- Long queues and extended delays mean motorists are more willing to follow up too closely, which results in rear end/obstruction type incidents;
 - The size of the central island may confuse some motorists to the destination and spacing of the circulating flow;
 - Although there are two circulating lanes, quite frequently heavy vehicles enter the roundabout using both lanes, and other motorists attempt to enter at the same time; and
 - The approaches are not marked with directional arrows resulting in non-local motorists being not fully aware of which lane they need to take. This situation creates a weaving conflict at the approaches.
- 2.4 The proposed intersection upgrade aims to address the above issues and consists of the following key elements:
- Removal of the existing roundabout and installation of traffic signals;

- A left turn slip lane from Killarney Road (westbound) to Greenwood Street (southbound);
- All approaches having three lanes consisting of two through lanes plus a dedicated right turn lane;
- 1.5 metre wide cycle lanes and green painted advance stop line boxes on all approaches to the intersection;
- A 1.8 metre wide minimum footpath on all approaches with formalised pedestrian crossing points incorporated into the signal phasing; and
- Maintaining the existing berm width where possible. Where road widening is required and the berm needs to be reduced, the berm width will be a minimum of 2.5 metres.

2.5 The ancillary works required are detailed in Section 4 of the supporting report to the notice. These works include the relocation of utility services, signage and lighting, and stormwater works. The extent of earthworks required is estimated at 3,500m³ of excavations, and with fill of approximately 200m³. The total land acquisition required to undertake the intersection upgrade is 1,574m².

Nature of Proposed Restrictions

2.6 The notice of requirement lodged by Transit details the proposed restrictions that will apply to the project. These proposed restrictions deal with:

- Receiving funding and satisfying Transit's objectives;
- Project undertaken in general accordance with the notice of requirement;
- Construction effects;
- Noise emissions;
- Impacts on network utilities;
- Landscape and visual effects;
- Temporary traffic management during construction; and
- Protocol for accidental discovery of archaeological remains or artefacts.

2.7 Section 10 of the supporting report to the notice lists eleven conditions and one advice note to be imposed on the area covered by the notice of requirement. There are currently no conditions on Designation 81 (State Highway 1) as it has been designated for state highway purposes under different statutes for a number of decades and the designation was 'rolled over' to the Proposed Plan. As noted by Transit, any designation conditions imposed should only relate to the part of Designation 81 within the extent of the works for this project, and not the entirety of Designation 81.

Site to which the Notice of Requirement Applies

2.8 The site is the intersection of Greenwood Street and Killarney Road and extending a few hundred metres to the north and south along Greenwood Street, and west and east along Killarney Road. The extent of the works is as shown on the plans

submitted with the notice, entitled 'Designation Plan' drawing number 51-1951001-C122 Revision H prepared by GHD Limited. The total area of additional land to be included within the designation is 13,626m², the majority of which is existing road reserve controlled by Council (Killarney Road). The remaining 1,574m² of land is privately owned land as detailed on the plan entitled 'Designation Plan' drawing number 51-1951001-C123 Revision H prepared by GHD Limited. There are thirteen affected properties with required land acquisition varying between 12m² and 295m² per property.

- 2.9 There are also some minor tie-in works proposed outside of the area to be designated at the entrance of Killarney Lane and elsewhere. The Killarney Lane works involve 125m² of privately owned land and are necessary to link this access way effectively with the re-configured Killarney Road.
- 2.10 The Greenwood Street and Killarney Road intersection is a regionally significant element of the regional transportation network. Greenwood Street is part of Transit's 'western corridor' route and comprises part of State Highway 1. Within the Hamilton City roading hierarchy Greenwood Street is a major arterial route and Killarney Road is a minor arterial route. Higgins Road is a collector route, with all other streets in the vicinity being local roads in the city roading hierarchy. The location of the intersection is shown in Figure 1.

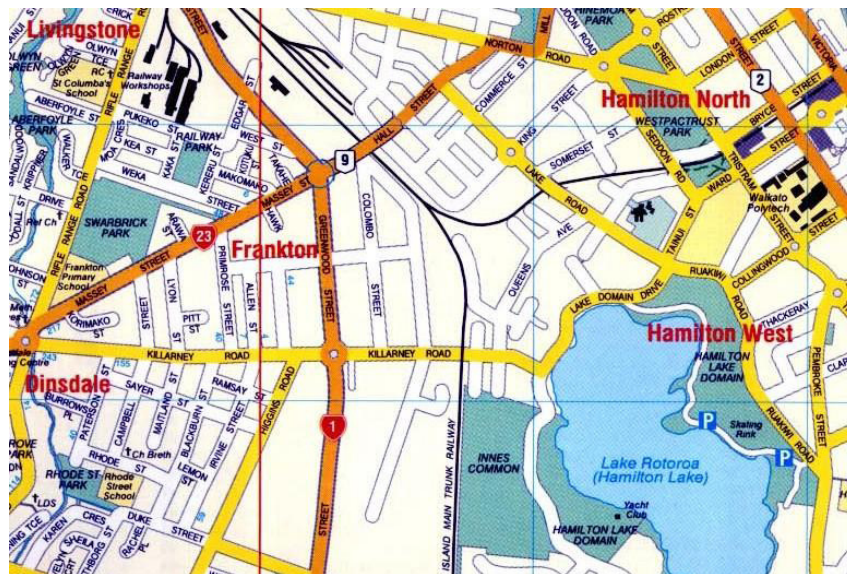


Figure 1: Location plan

- 2.11 Currently the intersection is a dual lane roundabout with two lanes entering the intersection from all four directions. Greenwood Street north of the intersection has four lanes and a flush median, with Greenwood Street south and Killarney Street west and east having two lanes each. Due to the wider road widths along Greenwood Street north and Killarney Road east, parallel parking exists along these legs. Kerbside parking is restricted along the other approaches to the intersection.
- 2.12 Provision for cyclists and pedestrians is currently poor although there are footpaths in the vicinity of the intersection. The proportion of heavy vehicles using the

intersection and the existing traffic volumes creates an uncomfortable environment for pedestrians and cyclists. Transit note there is a high level of pedestrian movement at the intersection as a result of the residential area to the west and commercial premises in the locality. For this reason provision for pedestrians and cyclists has been an important element of the intersection design.

- 2.13 The land is flat and the area is heavily urbanised and retains no original natural features. The roundabout itself has landscaping and there is some landscaping around the intersection, both within road reserve and on private property. Generally the location is characterised by high traffic volumes and the commercial nature of the surrounding land uses. There are overhead power and telephone lines north and west of the intersection. The lines have been undergrounded heading away from the intersection to the south and east.

Zoning and Adjoining Land Uses

- 2.14 The zoning of the area under the Proposed Plan is predominantly Industrial Zone. The only properties within the Residential Zone in the vicinity of the project are on Killarney Road west of the intersection beginning at 112 Killarney Road on the northern side and from west of Higgins Road on the southern side. All of the properties to the east of those locations are within the Industrial Zone. The road reserve itself is zoned according to the zoning that applies either side of the road. Therefore the road reserve is zoned Industrial, except for the portions adjoining land zoned Residential where the road reserve is zoned as Residential.
- 2.15 The land use pattern is described in detail in Section 2.4 of the supporting report to the notice of requirement. The *Proposed Layout Plan (Aerial Overlay)* (Revision C) lodged with the notice of requirement (refer Appendix C to the notice of requirement) displays the environment as it was in June 2007. However it should be noted that some of the residential dwellings have since been removed and a car sales yard established. These land use changes will be described at the hearing.
- 2.16 On the north-east corner of the intersection is the Mobil Service Station (10 Greenwood Street). On the south-east corner is a WEL Networks substation (91 Killarney Road) and a commercial building containing three commercial premises (85-89 Killarney Road). A car yard is located on the south-west corner (97-99 Killarney Road), and the former 'Video Ezy' premises are located on the north-west corner (1-5 Greenwood Street).
- 2.17 To the south along Greenwood Street are a church and other industrial properties although they have no vehicle access from Greenwood Street. To the north on Greenwood Street are various car yards, industrial and retail premises, all with access off Greenwood Street. To the east along Killarney Road is a mixture of industrial and retail premises with a single remaining dwelling at 88 Killarney Road. To the west along Killarney Road, there are dwellings at 101-109 Killarney Road (although they are within the Industrial Zone), and dwellings at 106, 110, 112, 116, 120, 122 and 124 Killarney Road. The properties at 106 and 110 Killarney Road are within the Industrial Zone with the others located within the Residential Zone.

3 Statutory Assessment

3.1 Section 171 of the Act sets out the relevant considerations a territorial authority shall have regard to in assessing a notice of requirement. In summary these are:

- submissions received;
- Part II of the Act (purpose and principles);
- the effects on the environment;
- the relevant statutory planning documents;
- consideration of alternative sites, routes or methods of undertaking the work;
- the necessity of the work and designation for achieving the objectives of the requiring authority; and
- any other matters considered relevant.

Submissions Received

3.2 Five submissions were received following the public notification of the notice of requirement. One of those submissions (RTD Tyres Limited) has subsequently been withdrawn. The remaining four submissions were received from the following parties:

- Cycle Action Waikato;
- King Family Trust;
- Linkup Paint Supplies Ltd; and
- Living Streets Hamilton.

3.3 In summary, the main points raised are as follows:

- The existing roundabout is dangerous for cyclists and pedestrians and the signalisation of the intersection will enhance safety;
- Killarney Road is an important route for recreational and commuter cyclists;
- Property access and the ability to develop 102-110 Killarney Road and 11-23 Greenwood Street are adversely affected by the upgrade project;
- Signage at the entrance to Killarney Lane needs to be relocated to a highly visible location;
- That the traffic light phasing should be long enough to enable pedestrians to safely cross the full road width; and
- That left-turning traffic should not be allowed to proceed at the same time as pedestrians.

3.4 All of the above issues are discussed in Section 4 of this report.

Part II Matters

3.5 Section 171 of the Act requires Council to consider the proposal against the matters set out in Part II (Purpose and Principles) of the Act.

Section 5 - Purpose of the RMA

- 3.6 The purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management is defined in Section 5 of the Act as:
- ‘managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while —*
- a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations; and*
 - b. Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - c. Avoiding, remedying, or mitigating any adverse effects of activities on the environment.’*
- 3.7 It is considered that the project accords with the enabling purpose of Section 5 in that it provides for the ongoing development of the state highway network through the city. Furthermore Transit has been able to demonstrate that any potential adverse environmental effects can be managed effectively to ensure the purpose of the Act is achieved.

Section 6 - Matters of National Importance

- 3.8 Section 6 identifies a number of matters of national importance. These are as follows:
- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes, and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.*
 - (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
 - (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
 - (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
 - (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
 - (f) The protection of historic heritage from inappropriate subdivision, use, and development;*
 - (g) The protection of recognised customary activities.*
- 3.9 There are not considered to be any matters of national importance relevant to this notice of requirement. The locality is part of an existing urban area and is in a highly modified state. Accordingly no matters of national importance are considered to be compromised by the notice of requirement.

Section 7 - Other Matters

- 3.10 Section 7 sets out a number of “other matters” to which persons exercising functions and powers under the Act shall have particular regard to. The most relevant of these to the notice of requirement are as follows:
- (b) *The efficient use and development of natural and physical resources;*
 - (c) *The maintenance and enhancement of amenity values;*
 - (f) *Maintenance and enhancement of the quality of the environment;*
 - (g) *Any finite characteristics of natural and physical resources”.*
- 3.11 The state highway network represents a physical resource that contributes strongly to the economic and social well-being of the region. The proposal represents an efficient use of that physical resource given the intersection upgrade is aimed at increasing the capacity, effectiveness and safety of the intersection, whilst seeking to maintain the existing amenity and environmental quality in the wider locality. This issue is considered in more detail in section 4 of this report but the proposal is considered to be consistent with the above matters.

Section 8 - Treaty of Waitangi

- 3.12 Section 8 requires all persons exercising functions and powers under the Act to take into account the principles of the Treaty of Waitangi. Both Nga Mana Toopu O Kirikiriroa and Te Kotuku Whenua have been involved in discussions regarding the proposal. Neither group has raised any issues in respect of the project. It is considered that the principles of the Treaty of Waitangi are not compromised by the notice of requirement in any respect.

Relevant Statutory Planning Documents

- 3.13 Pursuant to Section 171(1) of the Act particular regard should be had to any relevant provisions of any national policy statement, a New Zealand Coastal Policy Statement, a regional policy statement, regional and district plans.

National Policy Statements

- 3.14 In this regard clearly the New Zealand Coastal Policy Statement is not applicable, and there are no other national policy statements that have relevance to this notice of requirement.

Regional Planning Documents

- 3.15 The proposal is also considered to promote the outcomes sought by the **Regional Land Transport Strategy** as it enhances the safety and capacity of the intersection, and contributes to the continued growth and economic development of the city.
- 3.16 In respect of the **Waikato Regional Policy Statement**, the proposal is entirely consistent with the various approaches, objectives and policies promoted through this document. The site is located within an existing urban area and the intersection upgrade enables the effectiveness of a nationally significant transportation network to be enhanced. There is no aspect of the notice of requirement that challenges the regional policy statement in any way.

- 3.17 Likewise the **Waikato Regional Plan** will be complied with in all respects. The proposal will be a permitted activity and not require resource consents.

Hamilton City Proposed District Plan

- 3.18 The objectives and associated policies below are considered the most relevant to the notice of requirement.
- 3.19 **Objective 3.4.1 Air Quality** - *“To maintain the existing air quality of the city, and to mitigate adverse effects from land use activities in places and at times where the levels of pollutants are unacceptable to the community”.*

The associated policies (where relevant) are:

- a) *Control the establishment and location of activities which pose significant risks of major adverse effects on air quality to minimise adverse effects on the air quality amenity of those parts of the city where high air quality is expected.*
- b) Not relevant.
- c) Not relevant.
- d) *Encourage the reduction of discharges, particularly of CO₂ to air from vehicle emissions and heating sources.*

- 3.20 Comment: The locality is an industrial and commercial area and is bisected by a nationally significant transportation route. Therefore there is not an expectation of high air quality in this locality. There remains however a need to manage air quality issues, in this case in terms of vehicle emissions. Over time traffic volumes will increase and the intersection upgrade is seeking to manage this by increasing the capacity of the intersection and reduce congestion. The proposal will have a beneficial impact in terms of emissions by managing traffic more effectively and by reducing congestion.

- 3.21 **Objective 4.2.1 Transport Network** – *“To maintain a safe and efficient transport network that allows the city to function and develop with minimal conflicts between land uses, traffic and people”.*

The associated policies (where relevant) are:

- a) *Establish and maintain a transport network which accommodates a variety of traffic functions and which minimises conflicts between road users.*
- b) *Ensure that the roading system provides for property access requirements without compromising the safety and efficiency of the transport network.*
- c) *Ensure that local road networks provide an integrated road, pedestrian and cycle network which meets the needs of residents and road users and promotes the overall amenity and efficiency of the transport and land use environment.*
- d) *Facilitate the reticulation of network utilities within the transport network without adversely affecting access, traffic flow or local amenity values.*

- e) *Encourage design of the transport network which enhances visual amenity values and aids in protecting ecological values.*
- f) *Encourage the multi-functional use of the transport network which avoids adverse effects on the safe and efficient transport functioning of the network.*

3.22 **Comment:** The proposal is considered to be consistent with this objective and associated policies. The aim of the proposal is to create a safer and more effective intersection that better provides for motor vehicles, cyclists and pedestrians. Transit has worked with individual landowners to ensure property access is maintained. The proposal also integrates effectively with the local roading network (Killarney Road further to the west and east of the project area), network utilities will be relocated and undergrounded as necessary, and visual amenity is being maintained as far as possible given the space constraints.

3.23 **Objective 4.2.4 Impacts of the Transport Network** – *“To minimise the adverse effects generated by transport network uses on the natural and physical environment, amenity values and public safety”.*

The associated policies (where relevant) are:

- a) *Differentiate road functions to minimise adverse effects of through-traffic on safety, noise, cyclists, pedestrians and amenity values.*
- b) *Promote transport network, individual road and traffic management designs which minimise adverse effects on the safety, noise and amenity values of the local environment.*
- c) *Promote network and individual road designs which minimise the pollution of natural waterways from road stormwater run-off.*
- d) *Promote road construction and location which avoids or minimises disruption or modification of sites of ecological and cultural significance”.*

3.24 **Comment:** The proposal is considered to be consistent with this objective and associated policies. Greenwood Street is part of the state highway network through the city and is shown as a major arterial route on the city roading hierarchy. Accordingly the expectation is that the route will cater for high traffic volumes and that the through-route function will predominate. The improvement the project represents enables the route to continue to serve effectively as a major arterial route. There are no significant ecological or cultural features in the locality, and the amenity of the area reflects the high traffic volumes along the state highway. The project enhances the ability of the intersection to differentiate the through-route function with cyclist and pedestrian provision, without detrimentally impacting on the surrounding environment to a more than minor degree in terms of visual amenity, safety and noise.

3.25 **Objective 4.3.1 Provision for Network Utilities** - *“To accommodate network utilities throughout the city in a manner which enables the community to meet its needs while minimising adverse effects on the environment”.*

The associated policies (where relevant) are:

- a) *Control network utilities in a manner which matches the degree of control to the level of likely effect of the activity on the amenity values or environmental values of the surrounding area.*
- b) Not relevant.
- c) *Ensure that where technically and economically possible network utilities are placed underground.*
- d) Not relevant.
- e) Not relevant.
- f) Not relevant.

3.26 Comment: The objective both recognises the important role of infrastructure such as transportation networks, and the need to minimise adverse effects on the surrounding environment. The policies then address the issue of the extent to which network utilities are controlled, and the promotion of the undergrounding of network utility structures wherever possible (in this case this relates to surrounding existing electricity lines). The ongoing development of Greenwood Street to enable it to continue to function as effectively and safely is a key consideration. The surrounding built environment is of a commercial and industrial nature and is strongly shaped by the high traffic volumes along Greenwood Street. The sensitivity to visual impacts and noise are therefore lower. The residential properties on Killarney Road to the west do require higher levels of protection and mitigation measures have been incorporated into the proposal in consultation with individual landowners.

3.27 In summary, the proposal is considered to be consistent with the objectives and policies of the Proposed District Plan.

Section 171(1)(b) – Consideration of Alternatives

3.28 Council must have particular regard to whether adequate consideration has been given to alternative sites, routes and methods of undertaking the work, where the requiring authority does not have an interest in the land sufficient for undertaking the work (i.e. as in this case where Transit do not own all of the necessary land). Given the intersection is part of the state highway network which represents a substantial investment, Transit wish to develop and maximise efficiency of the existing network, rather than duplicating the network in a different location. The key considerations therefore relate to the method of upgrading the intersection, and the method for the process undertaken to progress the project.

3.29 The supporting report to the notice of requirement (section 3) details the alternatives that were considered. The options considered were as follows:

- Do minimum;
- Upgraded roundabout;
- Alternative Traffic Signals Option;
- Staged Option; and
- Preferred Option.

- 3.30 These options were considered against the objectives for the project. These are:
- To improve the long term sustainability of State Highway 1;
 - To be responsive to community needs;
 - To provide facilities for pedestrians and cyclists; and
 - Avoiding, remedying or mitigating adverse effects of roads and road use on the environment.
- 3.31 The 'do minimum' and 'upgraded roundabout' options involved retaining a roundabout layout. Neither addressed the pedestrian or cyclist safety concerns and the latter option involved a larger amount of land acquisition from adjoining properties than the notice of requirement lodged. The 'alternative traffic signals option' is similar to the option pursued in the notice of requirement but with an additional left-turn lane. This was not favoured due to the relatively low traffic volumes using this lane in the traffic modelling which presented a difficulty in terms of justifying the additional land acquisition.
- 3.32 The 'staged option' is undertaking an upgrade of the roundabout as a first stage with future signalisation as a second stage. This option was not favoured due to the time lag before the cyclist and pedestrian issue could be addressed and the uncertainty surrounding timeframes for the second stage given competing funding priorities.
- 3.33 The 'preferred option' is detailed in the plans and supporting information submitted with the notice of requirement. The option is considered to best address the cyclist and pedestrian safety issue, and optimises the improvement in intersection capacity and efficiency taking into account the extent of land acquisition required to implement it.
- 3.34 It is considered that Council can be satisfied Transit has given adequate consideration to alternative methods of upgrading the intersection. The design and consultation process has been undertaken over five years, and the evaluation of alternative upgrade options is based on logical and robust criteria. It is also apparent the project design has been refined through the consultation process undertaken.
- 3.35 In terms of the consideration of alternative methods for the process undertaken, Transit advise they considered seeking resource consents for the works outside the existing designation (they could undertake the works inside the existing designation without consent) as an alternative to lodging a notice of requirement to alter the existing designation. By altering the designation to include all of the works necessary for the upgrade the project can be undertaken with certainty and in a coordinated manner, particularly given that land acquisition is required. Altering the designation also enables the intersection to be managed in the long-term in a coherent manner, rather than having a portion of the intersection remaining outside of the state highway designation. This avoids the need for additional resource consents to be required from Council for minor works within the corridor in the future.
- 3.36 The resource consent process would have enabled the physical works required to complete the project. However following the completion of the upgrade works, a

portion of the intersection would have remained outside of the existing designation. This would have the affect of hampering the long-term management of this part of the state highway network and has clear disadvantages to Transit as the state highway manager. Furthermore the designation process is a key part of the land acquisition process under the Public Works Act.

- 3.37 For the above reasons, Council can be satisfied that Transit has fulfilled their obligations under this section of the Act.

Section 171(1)(c) – Necessity of the Works and the Designation

- 3.38 Council needs to have regard to whether the public work (i.e. the intersection upgrade) and the designation, are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought. The notice of requirement (clause f) states that Transit’s primary objective as defined under the Land Transport Management Act 2003 is to “*operate the state highway system in a way that contributes to an integrated, safe, responsive, and sustainable land transport system*”. In particular the objectives for this section of state highway are:

- To improve the long term sustainability of State Highway 1;
- To be responsive to community needs;
- To provide facilities for pedestrians and cyclists; and
- Avoiding, remedying or mitigating adverse effects of roads and road use on the environment.

- 3.39 The work is considered reasonably necessary for achieving the objectives of the requiring authority as an upgrade of the intersection will assist Transit in meeting its statutory objective. Furthermore the work will enable the objectives for this stretch of state highway as listed above to be met. Council can be satisfied that the intersection upgrade is reasonably necessary for achieving the objectives of the requiring authority.

- 3.40 Consideration is required in terms of the alteration of the designation being reasonably necessary as a planning technique for achieving the objectives of the requiring authority. In this regard, Transit state that the alteration to the existing designation enables the entirety of the upgrade works to be included within the designation and enables future maintenance of the state highway to be completed in an integrated manner without the need for additional consents from Council for minor works within the corridor. This view is concurred with, particularly given the extensive investment that the existing state highway corridor represents. Altering the designation to include the intersection in its entirety has clear advantages over other planning techniques available under the Act.

- 3.41 It is considered that Council can be satisfied that the designation process is reasonably necessary for achieving the objectives of the requiring authority.

Section 171(1)(d) – Other Matters

- 3.42 The Council can consider any other matter considered reasonably necessary in order to make a recommendation on the notice of requirement. There is considered to be one ‘other matter’ that should be considered in this instance.

Urban Design Matters

- 3.43 CityScope is the urban design strategy for Hamilton and reflects the aspirations of the community and Council for enhancements to the urban form of the city. CityScope articulates a city vision and a framework to guide the decision-making processes of Council, the private sector, and the community as a whole, and identifies a series of action points to achieve the vision.
- 3.44 Vista is the recently released Hamilton City Design Guide and has been developed as a tool to assist people involved in development projects to achieve better design outcomes. It identifies features of the city that are distinctive and should be reflected and enhanced through development, and defines good design elements under the headings design quality, sense of place, access, public space, lifestyle and sustainable environments.
- 3.45 Transit is working in conjunction with Council to develop a consistent theme for visual elements along the state highway network through the city. In this instance there are limited opportunities to incorporate landscaping and public art into the intersection upgrade given land acquisition is so constrained by existing buildings, and the need to justify that acquisition through the designation process. As a result it is difficult to incorporate design features at the intersection itself, apart from signage and other minor elements. However, the intersection will be better integrated into the city’s pedestrian and cycle networks, and opportunities do exist along Greenwood Street to the north and south of the intersection to incorporate additional landscaping and design elements. A recommended condition on the designation is included to maximise the extent of landscaping in the vicinity.
- 3.46 The proposal is considered to be neutral in terms of the principles and concepts promoted by CityScope and Vista. A condition on the designation has been recommended to ensure that opportunities to enhance the local environment are fully exploited.

4 Assessment of Environmental Effects

- 4.1 A key part of the evaluation under Section 171 of the Act is an assessment of the environmental effects of allowing the requirement. Section 6 of the supporting report to the notice of requirement details the potential adverse effects that could arise.
- 4.2 The potential adverse effects are considered to fall into the following categories:
- Positive effects;
 - Property effects;
 - Noise;
 - Visual and amenity effects;

- Air quality;
- Construction effects;
- Heritage/Cultural;
- Ecology; and
- Infrastructure.

Each is discussed separately below.

Positive Effects

- 4.3 The intersection is a key junction in the city's transportation network and the proposed upgrade will enhance both the capacity and safety of the intersection. The provision for cyclists and pedestrians is much improved, and traffic queuing lengths, congestion and safety will all be improved. The crash data provided by Transit indicates that the number of crashes is comparatively high and is getting worse. The project is aimed at enhancing the safety for all travel modes at the intersection. Reduction of the number and severity of accidents, and improvement of traffic congestion, are both considered to be a positive environmental effect.

Property Effects

- 4.4 There are thirteen properties directed affected through land acquisition. In addition there are wider effects in terms of modification of street parking and property access. The proposal is considered to represent a small improvement in local amenity given the improvements to traffic flows, queuing lengths, and pedestrian/cyclist movements. It is also apparent that Transit has undertaken substantial consultation with affected landowners over the past few years, and more recently through the land acquisition process. As a result of this consultation issues have been progressively identified and addressed. The very low level of submissions received on the notice of requirement indicates that the project is now well understood by landowners in the vicinity and that issues have been dealt with successfully. Individual property effects are discussed below.

South-western and South-eastern Corner

- 4.5 On the southern arm of Greenwood Street, land acquisition of 12m² is required at 91 Killarney Road (owned by WEL Networks Ltd) and 196m² from a property on the western side of Greenwood Street which has vehicle access from Higgins Road (owned by the Church of Latter-Day Saints Trust Board). This land acquisition is minor in extent and does not appear to have any impact on the use of the properties. Neither of the landowners has lodged a submission on the notice of requirement.
- 4.6 The submission from Linkup Paint Supplies Ltd expresses concern about the relocation of signage at the end of Killarney Lane. This issue appears to be easily resolved and Transit has been in consultation with the Killarney Lane businesses regarding this issue. The intersection design has also been revised to include a 'clear zone' at the entrance of Killarney Lane onto Killarney Road. This revision was made at the request of the Killarney Lane businesses during the consultation process. There is also some loss of on-street parking in this area due to the

additional lanes and the detrimental impact on traffic flows that car parking in close proximity to an intersection causes.

North-eastern Corner

- 4.7 Land acquisition is also necessary at the north-eastern corner with 84 (40m²), 86 (68m²) and 88 (74m²) Killarney Road and 10 Greenwood Street (273m²) being affected. The most seriously affected of these properties is the Mobil service station at 10 Greenwood Street, as the extent of land acquisition makes the continuation of the present service station use unlikely. It is understood that the existing landowner of the property plans to redevelop it in a manner that takes into account this land acquisition.

North-western Corner

- 4.8 The remaining seven properties affected by land acquisition are located on the north-western corner of the intersection. The property affects on these properties are as follows:

102-110 Killarney Road

- 4.9 The properties 102-110 Killarney Road are held in joint ownership by the King Family Trust in conjunction with the land north of the Video Ezy site (7-23 Greenwood Street). Land acquisition of 407m² from 102-110 Killarney Road is required by Transit for the project.
- 4.10 The King Family Trust has lodged a submission in general support of the designation but on the proviso that '*appropriate arrangements are made*' in respect of access to the property and of securing the ability to proceed with the re-development of the property.
- 4.11 The background to this issue is that resource consent was granted in June 2006 in respect of the properties 102 and 104 Killarney Road, "*to construct a building with a retail activity of 1,000m² and an industrial activity (vehicle workshop) of 554m² as two separate tenancies*". However the land acquisition associated with the designation now prevents this consent from being exercised. The reason for this is that the site boundaries are being altered, and the parking along the front boundary relied upon to meet the District Plan parking standard cannot now be provided in that location. The land acquisition therefore necessitates a revision to this existing consent.
- 4.12 The submission urges Council to consider the revision of the resource consent in conjunction with considering the notice of requirement. However the revision of the resource consent is a separate process and needs to be assessed on its merits through the regular consent processes. It is understood that Transit and the King Family Trust are currently in discussions to resolve these issues.
- 4.13 Consideration does need to be given to the extent of adverse effect that the land acquisition presents in terms of the ability to use or re-develop the properties (102, 104, 106 and 110 Killarney Road). In terms of 102 and 104 Killarney Road, since the lodgement of the notice of requirement the land use has changed from residential to commercial (a car yard). The resource consent represents the further intensification of the commercial use of these properties. While the land acquisition

will require a revision to the existing consent, the extent of land acquisition is not considered to be a significant impediment to either the continued use of the land as a car yard, or the re-development of the properties in a more intensive commercial manner. Accordingly, the extent of adverse effect is considered to be no more than minor.

- 4.14 In terms of effects on 106 and 110 Killarney Road, a portion of 106 Killarney Road has been incorporated as part of the car yard. The remainder of 106 and the entirety of 110 Killarney Road are currently used for residential purposes, although the land is within the Industrial Zone and commercial land use on the land appears more likely beyond the short term. The extent of adverse effect on 110 Killarney Road is minimal as the houses are at the rear of the property and only a short stretch of the accessway is affected.
- 4.15 The extent of land acquisition associated with the designation does make the continued residential use of the remainder of 106 Killarney Road unlikely as it necessitates the removal of the garage and options for car parking are constrained by the size of the site. There is clearly an adverse property effect in this regard, however the property is owned by the King family and there are property re-development options available given the land is part of a larger landholding held in single ownership. Furthermore the specific property issues are being resolved through the acquisition negotiations currently progressing.

Video Ezy

- 4.16 The site containing the former 'Video Ezy' premises (1-5 Greenwood Street) is subject to 295m² of land acquisition which also necessitates the vehicle access onto Killarney Road being removed and the access onto Greenwood Street being relocated. The previous commercial use of the site has now ceased and the property has recently been purchased by the King Family Trust as part of the re-development of their properties to the north and west of this site.
- 4.17 The former 'Video Ezy' store was established through a publicly notified consent in 1996. The extent of land acquisition and reduction in on-site car parking means that the 1996 consent can no longer be exercised however. Adequate on-site parking remains and satisfactory road access is also maintained, enabling the viable use of the building in some form. It is anticipated that commercial activity will be re-established on this site, either through an activity that is a permitted activity under the District Plan provisions, or through the resource consent process.
- 4.18 The existing building on the land will be three metres from the realigned road boundary following the completion of the project. This is within the five metre District Plan boundary setback standard from an arterial road (the building is currently five metres from the front boundary). The building itself was lawfully established and therefore is considered to have existing rights despite the change in the property boundary.
- 4.19 In terms of potential adverse visual effects from the building being three metres from the road boundary, these are considered minor for the following reasons. Despite the future close proximity of the building to the footpath and road, the façade of the building faces towards the street and the large windows enable activity within the

building to be seen by passing motorists and pedestrians. These factors contribute to a lesser visual impact than other buildings in the same context (for example a building with a large blank wall facing the intersection) and lessen the extent to which the building could be considered to dominate or be overly obtrusive in the immediate environment. While the proximity to the front boundary will contribute to a more intense urban environment at the intersection, this is not considered to generate an adverse environmental effect that is more than minor.

Other Residential Properties

- 4.20 The residential properties on the southern side of Killarney Road west of the intersection (101-109 Killarney Road) are not subject to land acquisition but the carriageway is being widened and the footpath will be relocated closer to the front boundaries. All of these properties are within the Industrial Zone and accordingly the levels of anticipated amenity are lower than for Residential Zone properties. The potential amenity and noise effects are discussed below.
- 4.21 The edge of the Industrial Zone is at the western property boundary of 110 Killarney Road on the northern side of Killarney Road, and Higgins Road on the southern side. The properties within the Residential Zone affected by land acquisition are 112 (120m²) and 116 (89m²) Killarney Road. Transit has reached agreement with both landowners through the land acquisition process and neither of the landowners has lodged a submission on the notice of requirement. The potential amenity and noise effects are discussed below.
- 4.22 Residential properties west of Smith Street and Higgins Road are considered to be largely unaffected by the project given the extent of works in this area consists of relatively minor tie-in works such as replacing road markings to ensure consistency with the remainder of Killarney Road heading west.

Noise Effects

- 4.23 Potential noise effects relate to traffic noise and construction noise. Construction noise is addressed in the section below addressing construction effects. While noise is not an issue that has been raised by submitters, it is a potential adverse effect that should be considered. It should also be noted that Greenwood Street is recognised as a 'High Noise Route' in the Proposed District Plan.
- 4.24 The acoustic report submitted with the notice of requirement provides an assessment of the existing and future noise levels measured at the façade of buildings. The assessment of future noise is based on both the existing alignment and the proposed upgraded alignment. The existing noise levels experienced at the façade of buildings on adjoining properties are in the vicinity of 69-72 decibels. Based on the existing intersection layout the noise levels are anticipated to increase by approximately one decibel by 2018 as a result of increased traffic flows. Based on the proposed intersection upgrade, the noise levels in the vicinity increase by between 1-5 decibels by 2018, as a result of the increased traffic flows and the carriageway moving closer to buildings. This is considered to be a minor increase in potential adverse effects given the low sensitivity of commercial properties to traffic noise.

- 4.25 The noise assessment with the notice of requirement has reviewed the applicable standards. As noted in that report the Proposed District Plan traffic noise provisions do not specifically relate to protecting commercial land use. The noise provisions of the Proposed District Plan relate to the construction of new arterial roads, and are not designed to be applied to the upgrade of existing arterial routes. For existing arterial routes the focus of the noise provisions is on requiring new residential dwellings or extensions to existing dwellings to ensure they are designed to meet a set internal noise standard. The standards are therefore of little relevance in this instance.

Transit Guidelines

- 4.26 The Transit guidelines for the '*Management of Road Traffic Noise – State Highway Improvements*' are also of limited relevance. While the alteration to the existing state highway designation extends east and west along Killarney Road, Transit do not intend to gazette this additional roadway as 'state highway' (i.e. it will remain as 'local road'). Rather the intention is to designate under the Resource Management Act all of the land where physical works are required to undertake the intersection upgrade project. Following the completion of the project Transit intend to 'shrink' the designation back to the extent necessary to manage the intersection on an on-going basis, but enabling Council to continue as the 'road controlling authority'.
- 4.27 Given Killarney Road will remain a local road and therefore the traffic noise generated by traffic using Killarney Road will not be state highway traffic, Transit and Council staff have agreed that the Transit guidelines are not applicable. Nevertheless there remains a general duty to avoid excessive traffic noise and maintain amenity to an acceptable standard.

Potentially Affected Properties - Noise

- 4.28 In this regard, the most potentially affected properties are the residential properties located on Killarney Road to the west of the intersection. The anticipated increase in noise levels for the properties on the southern side (101-109 Killarney Road) are between 1-2 decibels which is considered to be negligible. The footpath in this area will be realigned but the carriageway will remain in approximately the same location. Accordingly the effects are considered negligible.
- 4.29 On the northern side, the remaining dwelling at 106 Killarney Road will experience an increase in noise levels given the carriageway will be widened and will move closer to the front wall of this dwelling. The property is within the Industrial Zone however and is part of the site where the King Family Trust has consent to undertake a commercial development. The dwelling is unlikely to remain on-site beyond the short term and agreement on mitigation measures has been reached between the landowner and Transit through the land acquisition process.
- 4.30 The adjoining property (110 Killarney Road) is likewise within the Industrial Zone and part of the King Family Trust development site. Furthermore the dwellings are separated from Killarney Road by a long driveway and accordingly there will be a negligible impact on this property given.
- 4.31 The adjoining properties to the west (112 and 116 Killarney Road) are located within the Residential Zone. Transit has reached agreement on mitigation measures with

the landowners which is understood to be a fence to be constructed on the front boundary and other measures. The likely increase in noise levels resulting from the project and increasing traffic volumes is between 2-3 decibels. There will be a minor detrimental impact on the amenity of these properties, but that impact is being mitigated as far as practicable.

- 4.32 Properties to the west of Higgins Road and Smith Street are located within the Residential Zone. The project works in this area are simply tie-in works with the carriageway not being widened to a significant degree and the change in noise levels being negligible.
- 4.33 The remaining properties in close proximity to the intersection are commercial or industrial properties and are located within the Industrial Zone. The District Plan noise standard for noise generated by activities within the Industrial Zone is 65dBA (Rule 5.1.1d)) compared to between 40-50dBA for the Residential Zone, in recognition that activities within industrial areas have a much lower sensitivity to noise. Likewise the District Plan rules relating to road noise (Rule 5.1.1i) and 5.1.1j)) focus solely on residential activities in close proximity to arterial roads. The acoustic report details the anticipated changes in noise levels as measured on the adjoining properties. The increase for most properties is between 1-2 decibels, with the most affected being the former 'Video Ezy' site where it is potentially 5 decibels.

Summary

- 4.34 The absence of submissions on noise indicates that landowners in the area recognise that traffic noise is a part of the existing environment. Indeed many of the businesses in the area rely on the high traffic volumes for their trade. It is considered that the project design has sought to manage traffic noise as far as possible given the limited range of mitigation measures that could be employed. The adverse effects from traffic noise are considered to be localised and minor in degree, and primarily derived from the increase in traffic volumes over time rather than arising from the proposed designation itself.

Visual and Amenity Effects

- 4.35 Visual and amenity effects have not been raised by submitters as an issue. In general terms the intersection upgrade results in a wider carriageway at the approaches to the intersection, the removal of some existing landscaping, but an improvement to the intersection in terms of how pedestrians and cyclists are catered for. The opportunities for landscaping at the intersection are constrained given Transit has sought to limit land acquisition and avoid unduly restricting the ongoing use of the corner properties as commercial premises.
- 4.36 The existing amenity levels at the intersection are fairly poor given it is a traffic dominated environment. Noise levels experienced by pedestrians and nearby properties are high, and the limited separation between footpaths and road carriageway creates an uncomfortable environment for pedestrians and cyclists. By signalling the intersection the bulk of traffic movements will occur near the centre of the intersection, compared to the existing situation where vehicles negotiate the intersection by travelling around the roundabout near the perimeter of the intersection and therefore closer to the footpaths. While the footpaths remain

adjacent to the carriageway, the footpaths proposed provide a more consistent and understandable layout, and the cycle lanes provide a buffer from the traffic lanes. The pedestrian crossings will provide a much safer pedestrian environment than the existing situation, as noted in the submission by Living Streets Hamilton.

- 4.37 The amenity levels on adjoining properties are being detrimentally affected to a minor extent. Some of the dwellings on adjacent properties will be closer to the road carriageway as a result of the land acquisition and this will have some impact on the amenity of those properties. Transit has indicated that landscaping, fencing and other improvements will be undertaken within private properties where agreed with a landowner through the consultation process. In general, the intersection layout proposed will represent a change to the existing environment and there are some adverse visual and amenity effects as a result. However this needs to be considered against the improvements to the functioning of the intersection and the corresponding positive effects generated. Overall the extent of adverse effects in this regard is considered to be minor.
- 4.38 A landscaping condition is recommended to identify specific landscape measures and planting areas in the vicinity of the intersection. The condition is broadly based on the condition proposed by Transit and will ensure that the existing level of amenity is maintained or enhanced.
- 4.39 Subject to the above condition and Transit implementing the agreements with individual property owners, the extent of detrimental visual and amenity effects are considered minor.

Air Quality

- 4.40 Air quality effects relate to vehicle emissions. With traffic volumes anticipated to increase over time, options to improve air quality in a heavy traffic environment such as the intersection are limited. The notice of requirement states that as the intersection becomes more efficient and congestion improves, vehicle emissions will decrease. This statement is agreed with, although depending on the pace of traffic growth the project may simply maintain the existing levels rather than result in a decrease. The potential environmental effects in this regard are considered to be no more than minor.

Construction Effects

- 4.41 Construction effects relate to short-term traffic disruption while works are being carried out, dust generation, sediment run-off and construction noise. The notice of requirement includes recommended conditions relating to producing a construction management plan, managing construction noise, and the management of issues with network utility operators such as Telecom and WEL Networks. These conditions form part of the recommendation of this report and are designed to ensure that adverse effects arising from construction activity will be managed so that they are no more than minor.

Heritage/Cultural

- 4.42 Transit have consulted with Nga Mana Toopu O Kirikiriroa and Te Kotuku Whenua regarding the project. During consultation both groups have acknowledged that the environment is in a highly modified state and confirmed that there are no known sites of archaeological or cultural value in this vicinity. A recommended condition has been included to manage any situation where artefacts or bodily remains are discovered during construction. Subject to this condition there are not considered to be any adverse effects in this regard.

Ecology

- 4.43 The intersection is heavily modified and there are no ecological values in the location. Stormwater will continue to be discharged into the Council stormwater network. There are not considered to be any adverse effects in terms of ecology.

Infrastructure

- 4.44 Council has underground services within the vicinity of the intersection, some of which will need to be replaced or relocated. Council's Water and Waste Services Unit have reviewed the notice of requirement and have recommended a series of advice notes that have been included in the recommendation. These relate to alerting Transit to the presence of underground services in the area, and to communication between Council and Transit prior to works commencing. The Construction Management Plan will also address communication issues with network utility providers. There are not considered to be any adverse effects in this regard.

5 Staff Comments

- 5.1 The notice of requirement has been reviewed by all of the Council units with an interest in this project. A summary of the staff comments received is as follows:

Transportation Unit

- 5.2 Transportation Unit staff have reviewed the notice of requirement. This review has been both in terms of the traffic modelling used to develop the upgrade design, and the upgrade design itself. Further information has been provided by Transit in response to several queries (refer Appendix B). Based on the assessment the Transportation Unit advise they are satisfied that the proposal will be an effective solution to the current congestion issues. Furthermore that the provision for cyclists and pedestrians is much improved, that appropriate provision has been made for vehicles turning into and out of Killarney Lane, and that the project integrates effectively with the local roading network. Three conditions on the designation have been suggested regarding detailed design drawings, the Killarney Lane 'clear zone', and a temporary traffic management plan, which have been included in the recommendation.

Water and Waste Services Unit

- 5.3 Water and Waste Services Unit staff have reviewed the notice of requirement. Several advice notes are recommended alerting Transit to the presence of Council

underground services in the vicinity of the intersection, and noting some particular characteristics of these services. These advice notes have been included in the recommendation that follows this report.

Parks and Gardens Unit

- 5.4 Parks and Gardens Unit staff have reviewed the notice of requirement and have no comments.

Environmental Health Unit

- 5.5 Environmental Health Unit staff have reviewed the notice of requirement, predominantly in terms of noise issues. The primary concern was the potential effect of traffic noise on residential properties to the west of the intersection on Killarney Road.
- 5.6 In a meeting held between Council staff and Transit representatives, it was agreed that the Proposed Hamilton City District Plan traffic noise provisions did not apply in this instance given both Greenwood Street and Killarney Road are existing arterial routes. It was also agreed that the Transit guidelines for managing traffic noise had limited relevance for properties along Killarney Road given that Transit do not intend to gazette Killarney Road as state highway.
- 5.7 The Environmental Health Unit are satisfied that excessive or unreasonable noise effects are being avoided through the use of a low noise roading surface, and the mitigation measures agreed between individual landowners and Transit during the land acquisition process. Also taken account of is the existing high noise levels in the vicinity of the intersection. Having considered the above, the Environmental Health Unit have no concerns with the proposal.

6 Conclusion

- 6.1 Transit New Zealand has lodged a notice of requirement to alter the existing state highway designation to include an additional 13,626m² of land. The alteration to the designation enables the intersection to be upgraded to a signalised intersection with cycle lanes and footpaths incorporated and additional lanes approaching the intersection. The notice has been lodged under section 181 of the Act and is before the Statutory Management Committee for consideration under section 171 of the Act. Council may recommend to Transit that they:
- Confirm the requirement;
 - Modify the requirement;
 - Impose conditions;
 - Withdraw the requirement.
- 6.2 The notice of requirement has been assessed in light of the submissions received and against the relevant criteria stipulated in section 171 of the Act. It is considered that the proposal is consistent with Part II of the Act and the relevant policy statements and plans, and that the extent of adverse environmental effects as a result of the proposal are considered to be minor. It is considered that Transit has given appropriate consideration to alternative routes and methods for undertaking

the work, and it is considered that Council can be satisfied that the works and the designation are reasonably necessary for achieving the objectives of Transit.

7 Recommendation

That the Statutory Management Committee having had regard to the provisions of the Resource Management Act 1991 and in particular Part II and Part VIII; and having considered the effects on the environment of allowing the requirement; and having particular regard to the provisions of all the relevant planning instruments; the alternative sites and methods considered; whether the designation is reasonably necessary; and any other matter reasonably necessary in order to make a recommendation on the requirement; and having considered the evidence presented by the Requiring Authority; the submissions received and the evidence tendered at the hearing in support of those submissions; and the planning report, recommends that Transit New Zealand **confirms the notice of requirement** to alter the state highway designation notated as Designation 81 in the Hamilton City Proposed District Plan, subject to the conditions stated below:

Conditions

General Accordance

1. That the intersection shall be upgraded in general accordance with the information and drawings submitted with the Notice of Requirement lodged 16 August 2007, as amended by the further information submitted on 8 November 2007, 11 April 2008 and 23 May 2008 including the '*Proposed Layout Plan (Aerial Overlay)*' drawing number 51-19510-C101 Revision E prepared by GHD Ltd dated May 2008.

Land Affected

2. The land affected is all that is shown and scheduled on the Alteration of Designation Plan accompanying the Notice of Requirement entitled Designation Plan, drawing number 51-1951001-C122 Rev H and C123 Rev: H prepared by GHD Ltd dated June 2007.
3. The conditions below shall only relate to the land affected by this Notice of Requirement, and shall have no affect on the remainder of Designation 81 as it is shown in the Hamilton City Proposed District Plan.

Construction and Temporary Traffic Management Plans

4. Transit New Zealand shall submit all working drawings that relate to local roads administered by Hamilton City Council to the Manager of the Transportation Unit of Hamilton City Council. Work shall not commence on any local road until the plans are approved by the Manager of the Transportation Unit.
5. A Temporary Traffic Management Plan shall be submitted to the Manager of the Transportation Unit. The plan shall include making provision for

maintaining road and property access, and access to network utilities during construction. Work shall not commence on the site until the plan is approved by the Manager of the Transportation Unit.

6. Prior to the commencement of any earthworks or construction activity associated with the upgrade of the Greenwood and Killarney intersection (excluding site investigations), Transit New Zealand shall submit a Construction Management Plan to be approved by the Transportation Unit of Hamilton City Council. The Construction Management Plan shall be prepared by suitably qualified and experienced engineers and shall include the procedures, methods and measures to be applied to address the following:
 - i) Notification to Hamilton City Council, network utility operators, and the owners and occupiers of all properties with direct access off the portion of State Highway 1 (Greenwood Street) and Killarney Road affected by the proposed works, of the likely commencement date for the works and expected timeframe of the construction programme.
 - ii) Provision of a single point of contact to field general enquiries and complaints from the public and the maintenance of a complaints register. The liaison person's name and contact details shall be advised to Hamilton City Council and all owners and occupiers of properties with direct access off the area affected by the work.
 - iii) Management procedures to be implemented by Transit New Zealand and its contractors to minimise dust emissions, including monitoring, auditing and reporting procedures. Compliance shall be maintained with Rule 5.5.1a) of the Hamilton City Proposed District Plan relating to dust management, at all times. Any stockpiles of loose material shall be contained or maintained to prevent dispersal of material into the air.
 - iv) Provision of access for emergency vehicles.
 - v) Hours of operation of trucks and service vehicles.
 - vi) Methods to be employed to address the effects of construction traffic on local roads.
 - vii) Site Remediation Plan relating to any contaminated land

The Construction Management Plan may be submitted in stages in accordance with the construction programme.

7. Transit New Zealand shall implement the approved Temporary Traffic Management Plan and the Construction Management Plan throughout the intersection upgrade construction period.
8. The 'clear zone' at the entrance of Killarney Lane shall be installed to the satisfaction of the Manager of the Transportation Unit of Hamilton City Council.

Construction Effects

9. Prior to commencement of any construction activity (excluding site investigations), Transit New Zealand shall submit a Construction Noise Management Plan documenting how the effects of construction noise on surrounding areas will be mitigated, to be approved by the Environmental Health Unit of Hamilton City Council.

The plan shall be prepared by a suitably qualified and experienced acoustic engineer in accordance with NZS6803:1999 “*Acoustics - Construction Noise*”.

The Construction Noise Management Plan shall identify instances where the above limits might be exceeded and shall, in consultation with the property owners concerned, establish alternatives for protecting those property owners.

10. All construction work on the site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits in the following table. Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803:1999 “*Acoustics – Construction Noise*”.

Recommended upper limits for construction noise received in residential zones.

Time of Week	Time Period	Duration of Work					
		Typical Duration (dBA)		Short-term duration (dBA)		Long-term duration (dBA)	
		L _{eq}	L _{max}	L _{eq}	L _{max}	L _{eq}	L _{max}
Weekdays	0630-0730	60	75	65	75	55	75
	0730-1800	75	90	80	95	70	85
	1800-2000	70	85	75	90	65	80
	2000-0630	45	75	45	75	45	75
Saturdays	0630-0730	45	75	45	75	45	75
	0730-1800	75	90	80	95	70	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75
Sundays and Public holidays	0630-0730	45	75	45	75	45	75
	0730-1800	55	85	55	85	55	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75

Recommended upper limits for construction noise received in industrial or commercial areas for all days of the year.

Time Period	Duration of work		
	Typical duration L _{eq} (dBA)	Short-term duration L _{eq} (dBA)	Long-term duration L _{eq} (dBA)

0730 – 1800	75	80	70
1800 – 0730	80	85	75

Traffic Noise

11. In order to mitigate the impact of traffic noise on nearby properties as far as practicable, the road surface over the entire project length shall be constructed with a low noise road surface material such as (but not limited to) open graded porous asphalt, asphalted concrete or stone mastic asphalt. Acoustic mitigation measures agreed with landowners through the land acquisition process shall also be completed in accordance with those agreements.

Landscape Management Plan

12. Prior to the commencement of construction, Transit New Zealand shall submit a Landscape Management Plan for approval to the Planning Guidance Unit of Hamilton City Council. The Landscape Management Plan shall identify the specific landscape measures and planting areas to be implemented and maintained within the project area (including Greenwood Street to the north and south of the intersection) to mitigate the potential visual and landscape effects of the project. The Landscape Management Plan shall be prepared by a suitably qualified landscape architect and shall be designed in general accordance with Hamilton City Council's '*Road Reserve Planting Strategy*' (2007) and Transit's '*Guidelines for Highway Landscaping*' (2006).
13. The Landscape Management Plan shall be implemented:
- a) Wherever practicable prior to construction works commencing; or
 - b) As soon as areas become available for planting due to the progress of the works; and/or
 - c) Within twelve months of the road construction being issued a Certificate of Practical Completion in accordance with NZS 3910: 1998 *Conditions of Contract for Building and Civil Engineering Construction* unless the seasonal timing of works makes some planting impracticable, in which case such planting shall be completed no later than twenty four months after the issue of the certificate.
14. An inspection shall be undertaken by Transit New Zealand at 2 and 5 years after the implementation of the Landscape Management Plan in accordance with Condition 12 above, to confirm that the planting has been completed and plants have become established. A report on the outcomes of the inspection shall be forwarded to the Design Services Unit of Hamilton City Council within one month of completion. Provision shall be made for remedial works to be undertaken if such inspections identify that any significant areas of planting have not become established.

Management of Effects on Utilities

15. During the design of the project Transit New Zealand shall give reasonable notice and make all reasonable endeavours to:
- i) Liaise with all relevant network utility operators in relation to any part of the works within the designation where infrastructure may be affected.
 - ii) Make all reasonable changes requested by network utility operators to the relevant design plans and methodologies, to ensure that access to, maintenance and the operation of, all network utility infrastructure within the designated area is not adversely affected.

Archaeological Remains

16. In the event that any archaeological artefacts, features or remains are accidentally uncovered or are suspected to have been discovered, all works within the vicinity shall cease immediately. Evidence of archaeological sites can include oven stones, charcoal, shell middens, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

In cases other than suspected human remains, Transit shall immediately secure the area and advise Nga Mana Toopu O Kirikiriroa and the New Zealand Historic Places Trust of the occurrence. Transit must consult with Nga Mana Toopu O Kirikiriroa and the New Zealand Historic Places Trust to determine what further actions are appropriate to safeguard the site or its contents.

Where human remains are suspected, Transit must take steps immediately to secure the area in a way that ensures human remains are not further disturbed and notify the Police as soon as is practicably possible after the remains have been disturbed. Transit shall notify Nga Mana Toopu O Kirikiriroa and the New Zealand Historic Places Trust within 12 hours of the suspected human remains being disturbed or otherwise as soon as practicably possible. Excavation of the site shall not resume until the Police, New Zealand Historic Places Trust and kaumatua have each given the necessary approvals for excavation to proceed.

Advisory Notes

- a) All necessary resource consents must be obtained from Environment Waikato prior to commencement of construction works.
- b) An Outline Plan application may be required pursuant to Section 176A of the Resource Management Act 1991, if the intersection design changes significantly from the plans provided with the notice of requirement, or for any future works undertaken on the designated land. In these circumstances the Planning Guidance Unit should be contacted on (07) 838-6800 to discuss whether an Outline Plan need be submitted.

- c) Any work required on existing drainage, sewer or water supply infrastructure proposed as part of the contract works, requires the approval of the Operations Manager (Water and Waste Services Unit) prior to works commencing. Cost sharing shall be in accordance with Section 54 of the Transit New Zealand Act.
- d) All asbestos cement (AC) water mains within the works area are required to be upgraded. A concrete lined spiral steel 'bulk water supply' pipeline traverses the works area. Prior to working in the vicinity of the bulk water main the contractor shall advise the Water and Waste Services Unit.
- e) Some of the old storm sewers in the vicinity of the works are 'stevenage' pipes. They are old (circa 1925/30) and strong but are brittle. Special care is required when working in their vicinity.

Reasons

That pursuant to Section 171(3) of the Resource Management Act 1991, the reasons for the recommendation are as follows:

1. The notice of requirement has been assessed with consideration of the submissions received and against the criteria stipulated in section 171 of the Resource Management Act 1991. It is considered that the proposal is consistent with Part II of the Act.
2. It is considered that the Requiring Authority has given sufficient consideration to alternative routes and methods for undertaking the work, and Council is satisfied that the works and designation are reasonably necessary for achieving the objectives of the Requiring Authority.
3. The notice of requirement is consistent with the objectives and policies of the Hamilton City Proposed District Plan, and is not contrary to the relevant national and regional policy statements and plans.
4. The extent of adverse environmental effects are considered to be no more than minor and can be effectively avoided, remedied or mitigated through conditions on the designation.

Report prepared by:

Report authorised by:

Craig Sharman
Environmental Consultant
Environmental Management Services Limited

Gulab Bilimoria
Acting General Manager
Environmental Services