

Minutes of a meeting of the  
**Statutory Management Committee – OPEN**

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- Time and Date: 9:45am, Wednesday, 6 August 2008.
- Venue: Council Chamber, Council Building, Garden Place, Hamilton.
- Committee Members: Councillors J R Gower (Chairperson)  
P A Bos  
K L H Gregory  
A R O'Leary  
G M Saunders (Part only)  
M J Westphal (Part only)
- Committee Advisors: Mr A J Dick and Miss E Holliday  
  
Planning Guidance Manager, Environmental Health Manager,  
Development Engineer, CitySafe Unit Manager, Building Control  
Manager, Development Contributions Officer, Deputy CEO.
- In Attendance: Craig Sharman – Environmental Management Services Limited.  
  
Bryce Carter (NZTA), Kumaran Nair (GHD Limited), Siiri Wilkening  
(Marshall Day), Melaina Voss (GHD Limited).
- Apologies: Councillor Mahood
- Resolved: (Crs Saunders/Gregory)  
That the apology be accepted

**SECTION A: DECISIONS MADE UNDER DELEGATED AUTHORITY FOR NOTING BY THE COUNCIL**

1. **Confirming the Agenda**  
The Committee to confirm the agenda.
- Resolved: (Crs O'Leary/Saunders)  
That the agenda be confirmed.

2. **123/3/134. Notice of Requirement of an Alteration to SH1 – New Zealand Transport Agency**

The Committee to receive a report from the Acting General Manager Environmental Services.

Prior to the commencement of the Hearing, the Committee undertook a site visit from 9.00am to 9.45am.

The Chairperson welcomed those in attendance and outlined the meeting procedure.

The Chairperson ascertained that no member of the Committee had any conflict of interest.

**PLANNER'S REPORT**

At the invitation of the Chairperson, the Environmental Consultant, Mr Craig Sharman, presented an overview of the report, the location of the subject site detailing plans, photographs and the issues to be considered.

**EVIDENCE BY THE APPLICANT**

Appearances: **Bryce Carter**, Regional Manager (NZTA) (formerly Transit NZ)  
**Kumaran Nair**, Senior Project Manager (GHD Limited)  
**Siiri Wilkening**, Acoustical Consultant (Marshall Day)  
**Melaina Voss**, Environmental Planner (GHD Limited)

Mr Bryce Carter presented an overview of his statement of evidence to the Committee, noting that the Waikato Regional Land Transport Strategy would be taken as read.

Mr Kumaran Nair presented an overview of his statement of evidence and his role in the project in relation to design and construction noting the key problems currently experienced at the Greenwood Street (SH1) and Killarney Road intersection in Hamilton, that the Project Description, site constraints, the Proposed Retail Development on Northwestern Corner all be taken as read.

Mr Nair also advised the Committee that RDT Tyres Limited (trading as Hamilton Wholesale Tyres) and King Family Trust have withdrawn their submissions after consultation with NZTA.

Ms Siiri Wilkening presented an overview of her statement of evidence and delivered a detailed report on her role in the project to assess the potential noise effects on nearby residents from the proposed upgrades to the SH1 network at the Greenwood Street and Killarney Road Intersection in Hamilton.

She suggested that the wording in Condition 11 of the Report be amended as follows:

*"Traffic Noise*

- (a) Prior to commencement of any construction activity (excluding site investigations), the Requiring Authority shall submit a Traffic Noise Management Plan prepared by a suitably qualified acoustic expert.*
- (b) The Traffic Noise Management Plan shall include mitigation measures to achieve, at minimum, compliance with the 'Guidelines for the Management of Road Traffic Noise. – State Highway Improvements' (December 1999)."*

It was confirmed that discussions with both affected residents (112 & 116 Killarney Road) were in relation to property purchase and erection of 1.8m high fences (barriers). Residents in 101 – 115 Killarney Road were also in consultation with regards to mitigation.

Ms Melaina Voss gave a summary of her evidence to the Committee and her role in the project by providing advice since 2006 for the project and the preparation of the Notice of Requirement (NoR) for alteration to the designation, preparation of the Assessment of

Environment Effects that accompanied the NoR and consultation throughout the duration of the project.

**Submitter:**

Mr Rob Davidson, spoke to the submission lodged by Cycle Action Waikato (CAW) concerning cycling issues on the intersection.

**The Committee Adjourned (12.10 – 1.00pm) for lunch.**

Mr Carter exercised his right of reply and advised that NZTA would continue discussions with CAW in relation to the Greenwood Street/Killarney Road Intersection in Hamilton.

**Motion:** (Crs Saunders/Gregory)  
That the deliberations taken place in public.

**The Motion was declared carried on the voices as the Committee's decision for noting by the Council.**

**Motion:** (Crs Saunders/Gregory)

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 the New Zealand Transport Agency ('NZTA') 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. NZTA shall submit all construction 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 construction drawings 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 Street and Killarney Road intersection (excluding site investigations), NZTA 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 NZTA 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. NZTA shall implement the approved Temporary Traffic Management Plan and the Construction Management Plan throughout the intersection upgrade construction period.
8. The 'clear zone' on Killarney Road, located at the entrance of Killarney Lane, shall be installed to the satisfaction of the Manager of the Transportation Unit of Hamilton City Council.

**Construction Noise Effects**

9. Prior to commencement of any construction activity (excluding site investigations), NZTA 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 <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>
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 <sub>eq</sub> (dBA)	Short-term duration L <sub>eq</sub> (dBA)	Long-term duration L <sub>eq</sub> (dBA)
0730 – 1800	75	80	70
1800 – 0730	80	85	75

**Traffic Noise Effects**

11. Prior to commencement of any construction activity (excluding site investigations), NZTA shall submit a Traffic Noise Management Plan prepared by a suitably qualified acoustic expert to the Environmental Health Unit of Hamilton City Council.
12. The Traffic Noise Management Plan shall include mitigation measures to achieve, at a minimum, compliance with the 'Guidelines for the Management of Road Traffic Noise – State Highway Improvements' (December 1999).

**Landscape Plan**

13. Prior to the commencement of construction, NZTA shall develop a Landscape Plan in consultation with the Design Services Unit of Hamilton City Council. The Landscape 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 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 NZTA's 'Guidelines for Highway Landscaping' (2006).
14. The Landscape Plan shall be implemented:
  - a) Wherever practicable prior to construction works commencing; or
  - b) As soon as areas become available for planting during construction 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 of Practical Completion.

**Management of Effects on Utilities**

15. During the design of the project NZTA 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, NZTA shall immediately secure the area and advise Nga Mana Toopu O Kirikiriroa and the New Zealand Historic Places Trust of the occurrence. NZTA 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, NZTA 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. NZTA 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 1989.
- 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.
- f) NZTA will continue discussion with Cycle Action Waikato and Hamilton City Council to address the design issues raised by CAW in their submission dated 6 August 2008.

### **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.

**The Motion was declared carried on the voices as the Committee's decision for noting by the Council.**

**Councillor Westphal retired (1.20pm) from the meeting after consideration of the above item. She was present when the matter was voted on.**

**The Committee Adjourned from 1.20 – 2.00pm.**

**3. 13/16/4-2. Hood Street Al Fresco Trial**

The Committee to receive a report from the Acting General Manager Environmental Services.

The Chairperson ascertained that Councillor O'Leary had no conflict of interest concerning the item as her establishment was not on street level.

**Motion:** (Crs Bos/Gregory)  
**That:**

- a) the report as circulated be received, and
- b) the Committee approve the trading hours of 7.00am to 1.00am the following day for both dining and/or consuming liquor on the footpath subject to the operational conditions as identified in paragraph 3.1.2. and in accordance with the Sale of Liquor Act as a trial for six months.

**The Motion was declared carried on the voices as the Committee's decision for noting by the Council.**

**4. 38/1/4001R & 38/1/3782R Request for Remission of Development Contributions (Transport)**

The Committee to receive a report from the Deputy Chief Executive.

Prior to consideration of this item, Councillor Saunders declared a conflict of interested and retired (2.20pm) from the meeting.

**Motion:** (Crs Bos/Gregory)  
**That:**

- a) the report as circulated be received,
- b) in regards to \$22,500.00 (incl. GST) and (\$10,000) (4.3 of the report before the Committee be removed from the calculation and held against future roading by Transit NZ as originally agreed. It is further submitted that any future dealings concerning these monies be between the parties concerned namely Gallagher Group Ltd and Transit New Zealand,
- c) in regards to \$13,342.40 (stormwater held by Council since 1981) this be withdrawn from the application and be considered as a 'stand alone' matter independent of this hearing,
- d) a total refund be granted of \$54,212.84 (incl. GST) be issued to Gallagher Group, as full and final settlement of this application for remission for consent references 38/1/400R. and 38/1/3782, and
- e) the Development Contributions Officer be thanked for his work concerning the Gallagher Group applications.

**The Motion was declared carried on the voices as the Committee's decision for noting by the Council.**

**Councillor Saunders rejoined the meeting (2.25pm) at the conclusion of the above item. She was not present when the above matter was voted on.**

5. **9/0 Adoption of Building (Infringement Fees, and Forms) Regulations 2007**  
The Committee to receive a report from the Acting General Manager Environmental Services.

**Resolved:** (Crs Saunders/O'Leary)  
That the report as circulated be received.

**The meeting was declared closed at 2.30pm.**

