

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Wednesday 29 October 2008
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

PRESENT: Cr Bryant (Chair), Crs Edgar and Glover

IN ATTENDANCE: Principal Consents Coordinator (J Butler), Coordinator Land Use Consents (J R Andrew), Development Engineer (D Ley), Administration Officer (B D Moore)

1. NEW ZEALAND TRANSPORT AGENCY (GLADSTONE ROAD OXFORD STREET INTERSECTION, STATE HIGHWAY 6, RICHMOND – APPLICATION RM080495

1.1 Proposal

The notice of requirement for a public work by New Zealand Transport Agency (NZTA) is for a designation for State Highway 6 (Gladstone Road/Oxford Street) intersection. The proposed work involves improving the capacity of this intersection and will provide for four approaching lanes, additional slip lanes for turning vehicles and traffic lights. Additional pedestrian crossing facilities will be provided and the footpath adjacent to the State Highway will be extended. An additional 55 m² of land from the Oxford Court Motels, is required to enable safer heavy vehicle movements turning left onto State Highway 6 from Oxford Street.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Bryant / Glover
EP08/10/26

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

New Zealand Transport Agency

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
New Zealand Transport Agency	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Glover / Edgar
EP08/10/27**

THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.

CARRIED

2. NEW ZEALAND TRANSPORT AGENCY (GLADSTONE ROAD OXFORD STREET INTERSECTION, STATE HIGHWAY 6, RICHMOND – APPLICATION RM080495

**Moved Crs Bryant / Edgar
EP08/10/28**

THAT pursuant to Section 171(2)(a) of the Act, the Committee recommends to the requiring authority that it CONFIRM the requirement to alter Designation D120 subject to following condition.

- 1. The final design of the proposed road shall be in general accordance with the outline plans submitted with the requirement and with Plan A dated 5 August 2008 (attached) being the plan agreed to by the New Zealand Transport Agency and Shell New Zealand Limited.**

CARRIED

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Tasman Room, Richmond

on Wednesday, 29 October 2008, commencing at 9.30 am

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the Notice of Requirement (“NOR”) lodged by the New Zealand Transport Agency (“the Applicant”), to alter Designation D120 to allow the upgrading of the Oxford Street – Gladstone Road intersection. The NOR, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM080495.

- PRESENT:** **Hearings Committee**
Cr S Bryant, Chairperson
Cr G Glover
Cr J Edgar
- APPLICANT:** Mr S Blackmore (NZ Transport Agency, Wellington Regional Planning Manager)
Mr A Lawson (traffic engineer)
- CONSENT AUTHORITY:** **Tasman District Council**
Mr J Andrew (Co-ordinator Land Use Consents)
Mr D Ley (Development Engineer)
- SUBMITTERS:** Ms C Hunter (69A Oxford Street)
Mr K Mitchell (Oxford Court Motel, Corner Oxford Street and Gladstone Road)
- IN ATTENDANCE:** Mr J Butler (Principal Resource Consents Adviser – assisting the Committee)
Mr B Moore (Committee Secretary)

1. DESCRIPTION OF THE PROPOSED ACTIVITY

A NOR and Outline Plan for a public work by Transit New Zealand (now New Zealand Transport Agency and hereafter referred to as the NZTA) pursuant to Sections 168 and 176A of the Act for a designation and outline plan for State Highway 6 (Gladstone Road) – Oxford Street intersection in Richmond was submitted to the Council on 5 June 2008. The NOR documentation included a statement explaining the need for the alteration, an assessment of environmental effects and requirement plans. The NOR provides details of the proposed work so no additional Outline Plan is needed.

The NOR relates to Designation D120 which covers the whole of the existing State Highway 6 legal road reserve. The proposed work involves improving the capacity of the Gladstone Road intersection with Oxford Street. The proposed improvements will provide four approach lanes, additional slip lanes for turning vehicles, and traffic lights. Pedestrians and cycle crossings will be allied to the traffic lights.

The proposed activity goes beyond the legal road reserve as an additional 55 square metres of land is required to provide for the works. The land is to be taken from Oxford Court Motel at 73 Oxford Street. The NZTA advised that written consent to the requirement alteration has not been obtained from that landowner. As a result, Section 181(3)(b) was not fulfilled and the NOR had to be notified with Sections 168 to 179 applying with necessary modifications as if the NOR were for a new designation.

2. NOTIFICATION AND SUBMISSIONS RECEIVED

The application was notified on 19 July 2008 pursuant to Section 168A of the Act. A total of five submissions were received, and one of whom who wished to be heard. The following is a summary of the written submissions received and the main issues raised:

Carol Suzanne Hunter, made a conditional submission seeking that additional works in the form of “keep clear” markings be included on Oxford Street at her 69A Oxford Street access to prevent traffic queues backing up and blocking access. Ms Hunter advised that she wanted to be heard.

Mr Withers, as legal counsel for the Mitchells who own the Oxford Court Motel, submitted in opposition with grounds relating to financial compensation and a lack of consideration of alternatives by the NZTA. The Requirement results in 55 square metres of the Oxford Court Motel property becoming part of the State Highway 6 Road Reserve. Mr Withers did not want to be heard.

Andreas Gull stated that the new lane layout will make it harder for PGG Wrightson customers to turn right into Gladstone Road, but did not wish to be heard.

Dayson Nominees Limited, who own the Shell service station and the adjacent The Chicken Place, and Shell Oil New Zealand submitted in opposition on the basis of access to the Shell service station. Both these parties and Andreas Gull subsequently withdrew their submissions on the basis of negotiations with the NZTA and amendments to the proposed road layout.

3. PROCEDURAL MATTERS

Although Mr Withers had stated that his client (Mr Mitchell) did not wish to be heard in support of his submission, Mr Mitchell was present at the hearing and stated that he did wish to be heard. The Chair allowed Mr Mitchell to do so.

The Chair made it clear that the scope of this hearing was to be limited to resource management issues and that these did not include financial matters of compensation, trade competition or deals or negotiations that may have been entered into.

4. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council’s reporting officers. The following is a summary of the evidence heard at the hearing.

5.1 Applicant’s Evidence

Mr S Blackmore (Wellington Regional Planning Manager, NZTA)

Mr Blackmore introduced himself as the regional planning manager for the NZTA’s Wellington Region, which includes the Tasman District.

Mr Blackmore described the performance of the Gladstone Road – Oxford Street intersection as substandard. He said that it does not meet the NZTA’s or the Council’s required level of service. He said that the problems are principally derived from the existing two lane system and that the crash statistics for this section are substantially higher than the national average for crashes causing injury per year. He considered the works to be necessary to achieve the objectives of the NZTA.

Mr Blackmore considered that the NOR is not inconsistent with the relevant provisions of the statutory planning documents, and that the proposed works will not have significant adverse effects on the environment. Alternative sites, routes and methods have been adequately considered. He also considered the NOR to be necessary to achieve the NZTA's objectives and that it is therefore consistent with the sustainable management required by the Act.

Mr Blackmore agreed with the reporting officer's assessment of the relevant statutory documents, issues, objectives and policies. He also agreed with the officer that the improvements will not compromise the thrust of the objectives and policies of those documents.

With regard to alternatives, Mr Blackmore rejected the suggestion by Mr Withers (counsel for Mr Mitchell) that a roundabout should be pursued rather than the current proposal as it would require more private land to be taken and would not function as well.

Mr Blackmore considered the adverse effects of the works to be temporary in nature and no more than minor. He considered that the works will be consistent with Part 2 of the Act.

Mr Blackmore reinforced that the matter of a lack of compensation to the Oxford Court Motel was not a resource management issue and that this needed to be dealt with separately under the Public Works Act 1981. With regard to Ms Hunter's submission, he did not consider that there is any safety or efficiency reason why the NZTA or the Council should provide a "keep clear" zone for her driveway.

Mr A Lawson (Traffic and Road Safety Engineer)

Mr Lawson stated that 69A Oxford Street ("69A") is currently about 55 metres from the intersection with Gladstone Road and that this allows about 10 cars to queue before 69A is affected.

Mr Lawson reported on a survey undertaken during evening rush-hour which showed that on average there were 4.3 vehicles queued at the Oxford Street approach. The maximum queue length was 14 vehicles and for about 5% of the time the queues extended back as far as 69A.

Modelling, including an estimated 80 vehicles per hour increase in usage of the intersection, showed that only in the evening peak period would the traffic extend back to 69A. At these times, the queue may be shorter, but at other times it may be considerably longer. In these instances, access to the property would be temporarily blocked but that this situation is not uncommon in urban environments and will be resolved when the phase changes to green. He did not consider delays to be significant.

Mr Lawson considered the "keep clear" markings to be unnecessary and probably ineffective as the public would not see their purpose and would often ignore them. He considered that keep clear markings were generally only used in very specific circumstances where driveway traffic flows are high and there would be significant delays to these vehicles or where any blockage in driveway movement is likely to involve either safety or public health concerns, for example at ambulance stations.

He concluded that the adverse effects of the proposed traffic signals on 69A are likely to be minor and a high level of access will be maintained. He stated that there is no particular reason why “keep clear” markings should be installed at this location.

Cr Edgar asked whether it is appropriate that heavy vehicles be encouraged onto Oxford Street. Mr Blackmore did not consider that the improvements would encourage more heavy vehicles to use the street. Mr Lawson said that the periods of school pickup and drop-off were not taken into account but that he did not consider the effects to be significant.

Cr Edgar asked about the statement that “dual approach lanes may be provided in the longer term”. Mr Lawson said that there would have to be a compromise in the width of the lanes. He said that the single width lane may be used as two lanes anyway.

Cr Glover asked whether there is any danger for pedestrians resulting from leaving a gap in the traffic by painting a “keep clear” area. Mr Lawson did not consider this to be an issue and that there would be no additional risk to pedestrians.

Cr Glover also asked about the changes in pattern that will result from the improvements. Mr Lawson said that the patterns will change in that there will be a greater variation in queue length. Therefore the queues will be longer but not constant.

Cr Bryant put it to Mr Lawson that if Ms Hunter is trying to get into 69A she will be blocking the eastbound lane of Oxford Street. Mr Lawson agreed but stated that other cars will be able to pass on her left.

5.2 Submitters' Evidence

Ms C Hunter (69A Oxford Street)

Ms Hunter stated that she has no problem with the proposed improvements but that the queues will reach her boundary more often. At the moment the problem occurs infrequently and that it is helped by people generally turning left out of Oxford Street which is an easy turn and keeps traffic flowing.

Ms Hunter requested that yellow cross hatching lines be painted opposite her entrance. She stated that in England the yellow line solution is used where this occurs to keep entrances free of stationary traffic. She stated that she would like the Council to take the English examples into account, and that it is time for roading experts in New Zealand to incorporate the experiences of other countries.

Mr Mitchell (Oxford Court Motel, Corner Oxford Street and Gladstone Road)

The evidence of Mr Mitchell was read to the Committee by Mr Butler.

The written evidence stated that the submitter's request that the resource consent be declined, but that if it is granted that certain conditions be placed on the consent.

The written evidence stated that the submitter is concerned that due consideration has not been given to alternatives. It considered that other proposed options will better achieve the outcomes sought. It was submitted that a roundabout is the best alternative for traffic flow.

Mr Mitchell considered that unwarranted weight has been placed on the commercial considerations of the owners and operators of the Shell service station.

The written evidence considered that the Council should not “rubber stamp” something because it is suggested by an organisation such as Transit.

The written evidence requested that a traffic management plan be prepared to allow cars to turn into the submitter’s property, and that the submitter’s legal costs be met by the Council or the NZTA.

Finally, the written evidence stated that the improvements should not be allowed to proceed until the issues of compensation have been appropriately and adequately dealt with between the submitter and the NZTA.

Mr Mitchell stated that there are problems with the current situation but that they will be worse under the proposed plans. Contrary to the written evidence, he also considered that a roundabout wouldn’t work as well as the NZTA’s evidence suggested.

Cr Bryant made it clear that any issues of compensation and any negotiations or “deals” done between parties are not relevant to resource management hearings.

5.3 Council’s Reporting Officers’ Report and Evidence

Mr J Andrew (Co-ordinator Land Use Consents)

Mr Andrew reminded all parties that this is not a resource consent hearing but is a Notice of Requirement hearing to change a designation and that the Council does not have the power to approve or decline but only has the power to make a recommendation to the NZTA which is responsible for the designation. It is the NZTA which will make a final decision.

Mr Andrew stated that there is a parallel process under the Public Works Act 1981 and that that is where all financial matters must be addressed.

Mr Andrew agreed that the proposal is appropriate and sustainable under the provisions of the Act.

Mr D Ley (Development Engineer)

Mr Ley stated that the Council’s staff tried to encourage the NZTA to make the Oxford Street approach to the intersection a two lane road. This wasn’t acceptable to the NZTA and that one lane will be implemented for safety reasons.

Mr Ley considered that courtesy normally allows people to get access to driveways when they are indicating their intentions.

Mr Ley confirmed that there are some heavy vehicles do exit out of Oxford Mews and will enter the intersection.

He also stated that traffic lights are more appropriate than a round-about in this location as they deal better with unbalanced traffic volumes.

Cr Edgar asked whether Mr Ley would prefer that the second lane be implemented now. Mr Ley stated that he would prefer that it be done now so that the area does not have to be excavated again. However, Mr Andrew considered that the onus was on the Council to purchase the land covered by Designation D224 to allow the two lanes to be constructed but that this has not yet be programmed into the Long Term Council Community Plan.

5.4 Applicant's Right of Reply

Mr Blackmore answered an earlier query about crash statistics. He said that there have been five minor crashes at the intersection in the last five years as well as a number of near misses.

Mr Lawson addressed the issue of overseas experience with regard to "keep clear" markings. Mr Lawson had looked up Council examples on the internet from England and Australia. In both cases they are only allowed for major developments or in other exceptional cases. They would not be permitted for residential situations.

Mr Lawson also stated that the improvements would make truck access onto Oxford Street easier as the phasing would provide periods when there are no queues blocking access onto the Street.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) Are the changes to traffic flow patterns resulting from the implementation of the changed road layout and signalling such that painting a "keep clear" area outside 69A Oxford Street is necessary?
- b) Is it appropriate that a "keep clear" area be used to service a private residential driveway?
- c) Should a recommendation be made to the NZTA that a two lane Oxford Street approach be considered?
- d) Has adequate consideration been gives to alternative designs?

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

- a) The Committee accepts the evidence presented by Mr Lawson that the length of queues is at times likely to increase as a result of the changes to the intersection. However, the Committee also considers that, with this lengthening, comes the certainty that the queue will discharge quickly.

The lengthening of the queue may cause some inconvenience to the owners or occupiers of 69A Oxford Street, however, between the regular discharging of the queue and driver consideration and courtesy in allowing drivers to pass through the queue, the Committee does not consider that the adverse effect will be more than minor.

- b) It is not appropriate that a “keep clear” area be painted in this location due to the lack of adverse effect to be mitigated and due to the precedent that would be set by such a move. Other residents living a similar distance from a major intersection could equally request such a measure. While precedent, in itself, is not an adverse effect, serious cumulative adverse effects on the roading network would result from widespread adoption of such a practice. The Committee does not accept that it is a widespread practice overseas.
- c) The Committee does not consider that it is justified in recommending that two lanes be constructed as they would be undersized and potentially dangerous. The Committee considers that it is more appropriate to leave the NZTA to design the intersection in accordance with the current specification and, if necessary, to modify the intersection once the land subject to designation D224 (between Oxford Street and the Mobil service station) has been acquired and the road width is available.
- d) Beyond basic maintenance to the intersection, three options were put out for wide public consultation with a modified fourth option eventually being selected. The committee considered that the NZTA has adequately assessed alternative sites, routes and methods for the proposed works including detailed analysis of the advantages and disadvantages of each option.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 171 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Proposed Tasman Resource Management Plan (PTRMP).

8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 171(2)(a) of the Act, the Committee recommends to the requiring authority that it **CONFIRM** the requirement to alter Designation D120 subject to following condition.

1. The final design of the proposed road shall be in general accordance with the outline plans submitted with the requirement and with Plan A dated 5 August 2008 (attached) being the plan agreed to by the New Zealand Transport Agency and Shell New Zealand Limited.

10. REASONS FOR THE DECISION

Effects on the Environment

The Committee does not consider that there will be any adverse effects on the environment from the intersection improvements that will be more than minor, and that there will be many positive effects resulting. The Committee does not consider it appropriate that a "keep clear" area be painted on Oxford Street due to the relatively minor likely effect on the owners of 69A and the precedent that would be created by such a move. The Committee is satisfied that the users of the 69A entrance way will only experience a blocked entranceway on a small minority of occasions and at these times common driver courtesy will prevail and access will be permitted.

The safety and design concerns relating to creating double lanes on Oxford Street mean that this is not an appropriate option until more land becomes available.

Objectives and Policies of the PTRMP

The Committee considers that, as the proposed PTRMP reflects the TRPS, the objectives and policies of the PTRMP are the principal matters to be considered.

The Committee agrees with Mr Andrew's assessment of the relevant objectives and policies and finds the following:

Objective 11.1.0

A safe and efficient transport system, protected from the adverse effects of land use and development.

Policy 11.1.2B

To avoid, remedy or mitigate adverse effects of traffic on amenity values.

Policy 11.1.4A

To avoid, remedy or mitigate adverse effects from the location, design and operation of intersections.

The proposed improvements will not significantly adversely affect amenity values and will satisfy the requirements of Policy 11.1.4A. The improvements will promote the outcome envisaged by Objective 11.1.0.

Objective 11.2.0

The avoidance, remedying, or mitigation of adverse effects on the environment from the location, construction, and operation of the land transport system, including effects on:

- a) *the amenity of residential areas, workplaces and recreational opportunities;*
- b) *air and water quality;*
- c) *natural habitats and ecosystems;*
- d) *landscape and natural features;*

- e) *aggregate and energy resources;*
- f) *the productivity of land.*

Policy 11.2.3

To promote transport routes, and approaches and methods of design, construction and operation which avoid, remedy or mitigate adverse effects on:

- aa) *the health and safety of people and communities; in particular, cyclists and pedestrians:*
 - a) *amenity values of neighbourhoods and areas of special character;*
 - b) *air and water quality;*
 - c) *natural habitats and ecosystems;*
 - d) *landscapes and natural features;*
 - e) *aggregate and energy resources;*
 - f) *the productivity of the land.”*

Policy 11.2.5

To protect future road alignments that ensures that roads can be connected where appropriate.

Policy 11.2.6

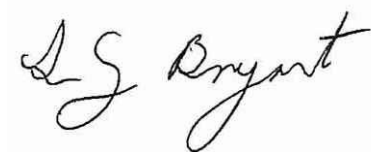
To promote choice between using roads, walkways or cycleways for walking or biking.

The proposed improvements will avoid the adverse effects set out in Policy 11.2.3. The improvements will also allow greater connectivity of traffic through the ring road system and will be safer for cyclists and pedestrians.

Purpose and Principles of the Act

The Committee does consider that this proposal achieves the purpose of sustainable management of natural and physical resources, being the purpose of the Act (Section 5).

Issued this 19th day of November 2008



Cr Stuart Bryant
Chair of Hearings Committee

