

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT 1991

AND

**IN THE MATTER OF UWC LIMITED - 64 AMBERLEY BEACH ROAD AND 187 CARTERS ROAD
(SH1)**

SUBDIVISION CONSENT (RC220060) AND LAND USE CONSENT (RC220072)

LOCAL AUTHORITY HURUNUI DISTRICT COUNCIL

MINUTE 3

MEMORANDUM RELATING TO ACOUSTIC QUESTIONS AND OTHER MATTERS

- 1 The Hurunui District Council has pursuant to section 34A of the Resource Management Act 1991 (RMA), appointed a Panel (Dean Chrystal (Chair) and David Smith) to hear and make a decision on the above proposal.
- 2 This is our third minute in relation to the above application and addresses, as signalled, a series of questions we have for the author of the Acoustic Report Mr Robin Chen dated 21st March 2022.
- 3 We have also addressed some other matters which arose during the hearing on the 29th of May.

Questions for Mr Chen

- 4 The following are a series of questions we have for Mr Chen regarding the proposal. We would expect a response in writing but reserve the right to subsequently question Mr Chen based on his answers should we consider that necessary at a reconvened hearing:
 - i. Have the noise and vibration assessments been undertaken based on the current speed environment on State Highway 1 (SH1)?
 - ii. Does planting on the bund further aid in the performance of the proposed acoustic barrier?
 - iii. With reference to 4.1.1 of the acoustic report – given the noise levels for a two-storey building are well in excess of the 57 dB L_{Aeq} (24hr) limit for these lots (lots 257 – 279) – should the restriction on building two storey houses extend much further into the site assuming they have line of site with the State Highway?
 - iv. Under 4.1 reference is made to “*a ventilation and cooling system is expected to be required for the dwellings on Lots 257-279*”. Is this considered to be a necessary condition of consent?
 - v. Outdoor living areas are referred to in 4.1.2. What level of noise might be expected on the west side of a dwelling i.e. between the dwelling and the bund? Are there further mitigation measures that might reduce that noise level in this area?
 - vi. In 4.2 reference is made to two-storey buildings potentially requiring “*increased acoustic construction upgrades, more in line with those outlined in table 1*”. Which are the lots potentially impacted by this?

- vii. To what extent would noise and vibration from SH1 reduce if the speed environment were reduced to 50 kph along the SH1 site frontage as is proposed if the retirement village intersection were constructed.
- viii. Are there implications here of a lower speed limit on the acoustic barrier requirements (i.e. would it still be necessary) and offset of dwellings from SH1? Would other recommendations e.g. vibration mitigation still be required?
- ix. Please explain the reference to “*no vegetation buffer*” for lots 265-267 and 276 – 278 i.e. what is the relevance of this?
- x. With reference to table 5.1 of the noise report – noting that there will be over 2m of fill to the Dry Gully area near SH1 are the vibration reports likely to be different to that tested where fill has been used?

Waka Kotahi

- 5 We were remiss at the hearing on the 29th May in not asking Ms Bennett as to whether there had been any response from Waka Kotahi to the questions in our second minute as to whether they have any concerns regarding the potential for all traffic from the proposed subdivision to utilise the SH1/Amberley Beach Road intersection rather than a new access to SH 1 given this was raised as a potential option in Mr Gallot’s evidence and, whether Waka Kotahi had any concerns with the proposed acoustic bund/fence proposal. We understand that Waka Kotahi are considering this matter and we therefore ask that Ms Bennett keep all parties informed of progress.

Issues from the Hearing

- 6 During the Hearing we raised a number of questions which were unable to be answered and/or sought further information. We have set these out below as we recall them:
 - Mr Gallot was to confirm the date of the traffic surveys.
 - The Applicant was to provide a potential mechanism for the Carters Road SH 1 link.
 - Mr Stevenson was to provide information regarding the frequency with which the attenuation ponds would have at least 1m of water.
 - The Applicant was to provide a revised Master Plan, which addressed:
 - a. The location of the lower (2m) acoustic bund for lots 253-256 and 279, 280, 285 and 286
 - b. The location of the playground and Filterra stormwater system
 - c. The location of the public fencing of the stormwater system
 - d. Where the single storey dwelling restriction applied
 - The Applicant was to consider whether development could occur on Lot 175 without the need for further resource consent.
 - The Applicant was to provide a revised set of conditions. On this issue we would expect that any revision was based on discussions with the Council and that matters that remained in dispute were identified and the various reasoning provided in that regard. We reiterate for

submitters that while we are asking for conditions to be provided, that is to help us should we be of a mind to grant consent. At this stage we have made no decision in that regard.

7 There were two further matters that we have since identified that we would like the Applicant to consider:

- i. An assessment of the Amberley Beach Road / Carters Road intersection in the morning peak period, and
- ii. An assessment of the lifetime costs of the Filterra system.

8 We accept that there are likely to be a number of other matters the Applicant seeks to address based on our questioning at the hearing and the response from the Council officers.

Expert Witnesses

9 Finally, while we did not raise it at the hearing, we want to remind all expert witnesses of their role in this process in that they have agreed to comply with the Environments Court's code of conduct and that as an expert witness they have an overriding duty to assist the Hearing Panel impartially on relevant matters within the expert's expertise. The use of words like "we're" and "we" is generally not appropriate in this context.

Hearing

10 At this point in time the Hearing remains adjourned.



Dean Chrystal

Hearings Commissioner (Chair)

31th May 2023