

BEFORE

Two independent commissioners appointed
by Hurunui District Council

AND

IN THE MATTER OF

Publicly notified resource consent
applications RC220060 and RC220072 for
subdivision and land use consent for Stages
3-6 of a multi-staged residential
development known as “The Clearing”,
located at 64 Amberley Beach Road and
187 Carters Road, Amberley

BETWEEN

UWC LIMITED

The Applicant

AND

HURUNUI DISTRICT COUNCIL

Consent Authority

SUPPLEMENTARY SECTION 42A OFFICERS REPORT PREPARED BY H BENNETT

4 JULY 2023

Introduction

1. This supplementary report has been prepared further to my section 42A officers report dated 5th May 2023 with respect to resource consent applications RC220060 and RC220072 for subdivision and land use consent for Stages 3-6 of a multi-staged residential development known as “The Clearing”, located at 64 Amberley Beach Road and 187 Carters Road, Amberley.
2. In response to the Commissioners Minute 3 dated 31 May 2023, the Applicant provided further information on 22 June 2023, including the following:
 - Representations in reply
 - Acoustic expert’s response
 - Supplementary statement of evidence of Gary Stevenson
 - Supplementary statement of evidence of Wayne Gallot
 - Updated masterplan
 - Scheme plan (Rev E) 310-304
 - Scheme plan showing potential staging (Rev E)
 - Restrictive covenant
 - Applicant’s reply conditions
3. This supplementary report addresses the additional information provided by the Applicant. It does not substitute my section 42A officers report dated 5 May 2023 and as such the two reports should be considered together.
4. This report is one of two supplementary reports prepared for the Council addressing the additional information provided by the Applicant on 22 June 2023. The other report has been prepared by Hayden Kent (attached as **Appendix A**) in relation to engineering matters. I have also received email correspondence from Nikki Smetham (attached as **Appendix B**) in relation to landscape matters and correspondence from Waka Kotahi New Zealand Transport Agency (attached as **Appendix C**) in relation to State Highway 1 and acoustic barrier. Draft conditions of consent are attached as **Appendix D**.

Amended proposal

5. The information provided by the Applicant includes a number of changes to the proposal including a reduction in the number of lots adjacent to State Highway 1 (“SH1”). There are

now proposed to be 13 lots adjacent to SH1, down from 21 (reduced yield of 8), with lot areas ranging in area from 700 – 891 m². As such, the proposed subdivision would now result in the creation of 191 lots (down from 201 lots) with an overall average lot area of 566 m². The amended proposal provides for 80 % of the lots or 153 lots to be less than 700 m² in area.

6. The Applicant also proposes to construct a 1.8 m high timber paling fence along the boundary of proposed Lots 167-176 to avoid reverse sensitivity effects and align with Stages 1-2 of the development.
7. The location of the proposed Filterra system and designated playground are identified on the amended Masterplan. In addition, the amended scheme plan (Rev E) indicates the location of the proposed first flush basin should this be required instead of the proposed Filterra system. If the first flush basin were required, this would result in the loss of proposed Lots 150-153, Lot 177 and potentially Lot 154.
8. A further change is the realignment of proposed Lots 175 and 176. These lots are now aligned predominantly north to south rather than east to west.

Discussion

Landscape character, visual and amenity effects

9. Ms Smetham notes that the decrease in lot number and increase in lot sizes along SH1 is a positive amendment. It is her opinion that these larger lots will achieve better flexibility for positioning a dwelling while providing some outdoor living where noise can be mitigated.
10. I concur with Ms Smetham's opinion in this regard noting that the amended size and shape of the proposed lots would provide greater flexibility to site a dwelling and provide for a north facing outdoor living area with a noise level below the NZTA guidelines. These changes would potentially result in an increased level of amenity over that originally proposed and would align more with the country town character that the District Plan seeks to protect.
11. In terms of the proposed landscaping along the acoustic barrier, Ms Smetham suggests that a timeframe be provided for the landscaping to be completed i.e. within the first growing season. She also suggests that the landscaping be maintained for a minimum period of two years in accordance with best horticultural practise i.e. all dead and dying plants to be replaced.

12. I am satisfied that the conditions as currently drafted capture Ms Smetham's concerns. Condition 64 requires that landscaping is established on the acoustic bund in accordance with the certified landscaping plans. As such, the section 224(c) certificate for Stage 4 would not issue until such time that the landscaping has been established. Furthermore, condition 64 requires that the Consent Holder be responsible for the maintenance of the acoustic bund and associated landscape planting for a period of two years following the issue of the section 224(c) certificate.
13. With regard to the updated Masterplan, and in particular the boundary treatment of proposed Lots 167 to 176, the Applicant proposes to establish a 1.8 m high timber paling fence along the southern boundary of these lots (rural / urban interface). Ms Smetham considers that the 1.8 m timber paling fence is not warranted despite being consistent with the previous stages of The Clearing. She notes that while the fence may mitigate potential reverse sensitivity effects for properties within the subdivision, it would reduce rural and natural character at the rural / urban boundary.
14. As noted in paragraphs 68-69 of my Section 42A, the type of fencing along the rural / urban interface has the potential to reflect an urban character that is detrimental to rural character and amenity if a standard 1.8 m paling fence is constructed.

Stormwater treatment

15. In his supplementary evidence, Mr Stevenson has reported on the lifetime cost of the proprietary Filterra system analysing maintenance cost differences against a first flush basin. Mr Stevenson's figures suggest an extra over cost of \$5,000 per annum (\$14,000 - \$9,000) for maintaining the Filterra system for 22 years with an extra over cost of \$48,000 in year 23. Mr Kent suggests that the proposed first flush basin maintenance cost is nearer to \$3,600 per annum under Council's protocols (3 hours mowing at \$100 per hour twelve times per year maximum). This suggests that the extra over annual maintenance cost is nearer to \$10,000 per annum.
16. Mr Kent notes that he is unable to comment on the Filterra maintenance costs and that it is also unclear as to the depreciated value of the Filterra structure versus the first flush basin. Irrespective of the additional monetary cost of the maintenance of the installation, Mr Kent reiterates his concern Council has in respect of resourcing and training staff to undertake this activity which would be unique in the district.

Carters Road / SH1 link

17. In paragraph 159 of my Section 42A report, I noted my concern regarding the constraint and timing of providing a link through to the proposed new road and the SH1 intersection which is to be constructed as part of the adjoining retirement village proposal. In his evidence dated 12 May 2023, Mr Gallot considered that based on the results of the SIDRA modelling undertaken, it was his opinion that it would not be necessary to impose controls on the scale of development allowed to proceed prior to establishment of the planned new road link to Carters Road (SH1).

18. Mr Gallot's supplementary evidence dated 14 June 2023 provides an assessment of the Carters Road (SH1) / Amberley Beach Road intersection in the morning peak period. To inform this assessment, base traffic volumes were manually recorded on the morning of Thursday 8 June 2023 between 7.30am and 9.30am. Based on the AM Peak modelling undertaken and the assessment of the PM peak period contained in his original statement of evidence, Mr Gallot is satisfied that the surrounding road network will continue to operate at acceptable levels of service during both the AM peak and the PM peak periods with full development of Stages 1-6 of The Clearing regardless of whether or not the planned new Carters Road (SH1) link road and intersection are in place and operational.

19. Correspondence received from Waka Kotahi NZ Transport Agency ("Waka Kotahi") on Monday 3 July 2023 (attached as **Appendix C**) notes that based on the recent modelling undertaken by Mr Gallot, their safety engineers (James Long and Jodi Enright) have advised that they are comfortable, from a safety perspective, with the proposed subdivision progressing without the intersection being constructed immediately. Waka Kotahi notes that the modelling indicates that the level of service of the existing intersection with Amberley Beach Road and Carters Road (SH1) would not significantly change in the AM and PM peak periods as shown in Mr Gallot's evidence. They consider that the form of the controlled intersection, with the give-way from Amberley Beach Road to Carters Road and the right turning bays, is considered to be satisfactory for the anticipated vehicle movements from the development.

20. Waka Kotahi note that if the Commissioners considered a staging approach was required in relation to Stages 5 and 6, they would be supportive of that approach. If the Commissioners were of a mind to defer the full development of the site until such time that the new link road to the SH1 is provided, the Applicant has provided a scheme plan showing potential staging

for Stages 5 and 6. This scheme plan results in additional lots being included in Stage 4 and as such, if the Commissioners were of a mind to proceed on the basis of this scheme plan, the conditions of consent would need to be altered to take into account the change in the lots within each stage.

21. Further to this, I have included a draft condition of consent (condition 67) requiring that the section 224(c) certificates for Lots 269-270, Lots 279–324, Lot 5000, and balance land shall not be issued until such time that a road link can be provided to the new intersection on State Highway 1. This condition can be omitted if the Commissioners consider that it is not necessary to defer development of proposed Stages 5 and 6. The lot numbers may also require amending depending of which scheme plan is to be implemented.

Acoustic barrier

22. In terms of the acoustic barrier, Waka Kotahi supports the use of the acoustic bund and fence as it will help to mitigate reverse sensitivity effects from highway noise on the proposed residential dwellings to be constructed close to the highway (within 1000 m). They consider that the proposed conditions of consent would ensure that acoustic barrier achieves the design noise level of 40 dB LAeq (24h).
23. Waka Kotahi note the addition of the bund in this location would not affect sightlines for vehicles travelling on the highway. For maintenance purposes, Waka Kotahi consider the bund should be constructed to have a gradient of between 4:1 and 3: 1 (H:V).
24. In paragraph 12 of his representations in reply, Mr Gardner-Hopkins notes that in terms of the acoustic fence and planting, the maintenance obligations are to be highlighted by consent notices on the lot owners. To this effect, I have included conditions of consent in Stages 4 and 5 requiring the lot owners to be responsible for the maintenance of the landscaping on the acoustic bund and that these conditions be secured by consent notice registered against the relevant records of title. Previously drafted conditions already require lot owners to ensure the acoustic fence remains continuous and maintained with no gaps or cracks.

Conditions of consent

25. In terms of the draft conditions of consent attached to the Applicant's representations in reply, I have accepted those changes agreed to by Council and track changed those conditions that

have not been agreed upon as attached in **Appendix D**. Please note that the advice note in relation to development contributions has also been amended as these were updated on 1 July 2023.

A handwritten signature in black ink, appearing to read 'H. Bennett', written in a cursive style.

Helga Bennett
Senior Planner
4 July 2023