

1 July 2015

Plan Change 40 Hearing Committee
c/- Upper Hutt City Council
Private Bag 907
UPPER HUTT

Attention: Cr J Gwilliam (Chair)

Dear Cr Gwilliam

REPORT ON PRE-HEARING COMMUNICATIONS

HG REF: 1850 135652 01

INTRODUCTION

1. This letter sets out progress made by Wallaceville Developments Limited (WDL) in response to the Hearing Committee's Minute of 17 June 2015. Since the minute was received WDL or its consultants, has undertaken several meetings as a continuation of its consultation effort which began in early 2014. Progress and outcomes for each of these is set out below.

NEW ZEALAND TRANSPORT AGENCY (NZTA)

2. WDL's traffic consultant Traffic Design Group (TDG) met with NZTA (Angela Penfold) on 17 June to discuss TDG's traffic analysis and clarify queries. This meeting identified the SH2 / Fergusson Drive intersection as requiring our further assessment.
3. NZTA provided traffic signal data for that intersection on 24 June and TDG subsequently progressed refined traffic modelling for the intersection, and emailed a summary to NZTA on 29 June. Further correspondence with NZTA occurred on 30 June, regarding interpretation of the modelling data provided.
4. Based on these communications, NZTA has confirmed in writing to Council that it wishes to withdraw its submission. NZTA's letter withdrawing the submission states that *'this is because our assessment of the modelling information provided by Traffic Design Group on 29 June 2015 is that the impacts on the State Highway network, particularly the Silverstream and Whakatiki intersections, will be indiscernible within the existing operative environment'*.

MINISTRY OF PRIMARY INDUSTRIES (MPI)

5. On-going communications have occurred between WDL and MPI since 2014. In response to MPI's submission, WDL has sought from them clarity on the relief they are seeking. Following a phone conference on 29 May 2015, WDL understands that MPI's key issue relates to noise and reverse sensitivity issues arising from both its current and future activities.

6. Based on further information provided by MPI about its future laboratory building, WDL's noise expert Malcolm Hunt reviewed his recommendations in relation to the MPI boundary. Taking account of the potential height of the future noise source Mr Hunt now considers that the 2 m fence will have less benefit and recommends that the proposed ventilation requirements apply on all floors.
7. On 19 June 2015, MPI informed WDL by email that it expects to generate noise at the boundary of the MPI site at 55dB LAeq(15 min) (24 hour basis) and 75dB LAmax during the night (ie 10pm to 7am the following day). In the same email, MPI indicated that it expects that it is WDL's responsibility to mitigate effects arising from these noise levels.
8. On 30 June 2015 WDL advised MPI that it does not intend to alter its position (other than described above) from that proposed. This position is based on advice WDL has received from a Senior Mechanical Services Engineer which indicates that standard mechanical services design will enable MPI to achieve noise levels at a 45 dB standard at the boundary. This is the level that Mr Hunt has assumed in his recommendations. This position is also based on legal advice received by WDL.
9. WDL will continue communications with MPI up to the hearing. Should any agreement be reached between the parties prior to the Hearing, WDL will advise Council officers. In the interim, WDL's experts are preparing evidence, and WDL is preparing submissions, based on the current position.

KIWIRAIL

10. WDL and KiwiRail held a phone conference, involving both parties' noise experts on 29 June 2015. This followed an earlier meeting on 26 May 2015.
11. WDL's expert Malcolm Hunt, outlined a revised set of provisions at the 29 June meeting, which take into account the impact of double tracking. KiwiRail requested that Malcolm provide his detailed calculations as background to the rule. These were provided on 30 June 2015.
12. KiwiRail has subsequently indicated some agreement with the provisions presented by Mr Hunt (namely use of a design performance approach, proposed by WDL, rather than an internal noise approach sought by KiwiRail). However at time of writing further communications are on-going between the parties over the appropriate distance over which the mitigation needs to apply.
13. WDL will endeavour to resolve this matter, or at least narrow differences further, and will address the final outcome in its submissions to the Hearing Committee.

NEW ZEALAND DEFENCE FORCE (NZDF)

14. The concerns of the NZDF have been resolved through the registration of a 'reverse sensitivity covenant' on the Plan Change site title. NZDF has therefore withdrawn its submission, and notified Council of this on 30 June 2015.

HERETAUNGA PISTOL CLUB

15. Based on advice from our noise expert regarding the effects associated with the Heretaunga Pistol Club's activities, WDL has not approached this party. WDL

notes that this party is a further submitter to the NZDF submission, which has now been withdrawn.

WELHOM DEVELOPMENTS LIMITED

16. WDL has reached agreement with Welhom Developments and Welhom advised that it would provide a letter to Council advising of the agreement reached and that Welhom would not appear at the Hearing. Broadly this agreement involves:
- a requirement for the first line of houses adjoining the Summerset boundary to be limited to a single storey, which WDL agrees will be provided for by way of a covenant on WDL's land. The minimum 3m rear building setback is an existing requirement of the Residential Zone and the Plan Change does not vary this requirement.
 - Summerset has constructed a fence along the common boundary with the WDL site
 - WDL is to install a gate at the Summerset boundary on the basis that access to the Plan Change site will be for Summerset residents only and will not be reciprocal. Access will be controlled by way of a pin pad on the gate.
 - The proposed pedestrian connection is moved to a location which better connects with the development within the retirement village site. The new location will be back 20m from Summerset's boundary corner and is shown on the revised structure plan map attached.

MR PERSICO

17. WDL's contamination consultants contacted Mr Persico on 25 June to seek access to the documents he informed Council that he has access to.
18. Mr Persico briefly described the nature of the material he has, and it seems that much of it consists of Department of Agriculture reports that can be accessed via the National Library. WDL anticipates that at least some of these documents will be sources that Engeo reviewed as part of its background research.
19. Mr Persico undertook to provide these documents to WDL, but has not done so.
20. WDL notes that this communication with Mr Persico has followed earlier communications undertaken by Engeo as part of its response to Mr Persico's submission and in response to the Council commissioned peer review.
21. Expert response to the peer review and Mr Persico's submission will be provided in evidence to be exchanged on 3 July 2015.

UPPER HUTT CITY COUNCIL OFFICERS

22. In response to the Council Hearing Report WDL's experts have worked with Council officers to prepare a Joint Statement on the matters agreed and on those matters which remain unresolved. This has been finalised today and will be provided to the Hearing Committee by Council officers.
23. Communications with Upper Hutt City Council have also been ongoing regarding stormwater matters. Again, agreement has been reached on these matters and is outlined in the attached technical memo from Alan Blyde.

24. WDL also notes that its site contamination experts have been in communication with Council's contamination peer reviewers and are in agreement regarding associated matters. This will be detailed in the evidence presented to the Hearing Committee.

Yours sincerely



Brendan Hogan
For Wallaceville Developments Limited

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