

HAURAKI DISTRICT COUNCIL

HEARINGS AND JUDICIAL COMMITTEE

MINUTES OF A MEETING OF THE HEARINGS AND JUDICIAL COMMITTEE HELD IN THE COUNCIL CHAMBERS, WILLIAM STREET, PAEROA ON MONDAY, 24 MAY 2021 and WEDNESDAY, 08 JUNE 2021 COMMENCING AT 9.00AM

PRESENT Cr P A Milner (Chairperson) and Mayor, D A Adams

IN ATTENDANCE P Thom (Group Manager – Community Growth), L Cowan (Senior Staff Planner), G Davies (Planner), E Kroukam (Engineer) and C Black (Council Secretary)

Karakia timatanga

Mayor Adams opened the meeting with a karakia.

APOLOGIES

RESOLVED

THAT the apology of Cr A Spicer and Cr P Buckthought be received and sustained.

HJC21/05

Milner/Adams

CARRIED

LATE ITEMS

There were no late items.

DECLARATIONS OF INTERESTS

There were no interests declared.

The Chairperson opened the hearing at 9.05am

RIVERBEND RANCH LIMITED, 22 KAIKAHU ROAD NORTH, KEREPEHI

Document: # 2951303
Appendix A: # 2636612 – Consent Application
Appendix B: # 2639865 – Engineering Report
Appendix C: # 2660549 – Initial Draft Conditions
Appendix D: # 2738327 – Agents Response to Draft Conditions
Appendix E: # 2839774 – Final Draft Conditions
Appendix F: # 2843563 – Approved Plans and Decision Letter
Appendix G: # 2863291 – Objection Application
Appendix H: # 2887235 – Engineering Report (Objection)
Appendix I: # 2631071 – Kerepehi Pumpstation Analysis Report

In attendance:

Applicants (River Ranch Ltd) – Peter W. Rogers, Leonie Rogers and Jessie Rogers – Waihi Land Surveyors

Summary of Application:

Waihi Land Surveyors Ltd., on behalf of Riverbend Ranch Ltd., have submitted an objection in accordance with section 357A of the Resource Management Act 1991 to Hauraki District Council in relation to condition 12 of subdivision consent SUBD-201.2019.00001084.001, being a controlled activity four lot subdivision of 22 Kaikahu Road North, Kerepehi, legally described as Section 20 Block VIII Township of Kerepehi (RT SA628/9).

Applicant's Summary of Evidence Presented

The Applicant, Mr Rogers, tabled and presented a summary of his written statement (MagiQ Doc #2971921) to Council staff and the Committee.

Mr Rogers explained the history of the subdivision application and, using Council's GIS map, detailed the location of the site and the relative wastewater network and pump station.

Mr Rogers proceeded to raise several issues with other Council infrastructure, in particular, the lack of fire hydrant markings and stormwater catchpit/manhole maintenance by Council. He also discussed the impact of both stormwater and inorganic material ingress into the wastewater network. Mr Rogers advised that the stormwater from many residences within the Kerepehi Township discharges to gully traps, which he believes to be an illegal practice. These statements were supported by images within his written evidence.

Mr Rogers discussed the two potential options presented in the Planners Report. The first option being that the objection is upheld and the development be allowed to connect to the Council wastewater network via a gravity connection, the second being that the objection is dismissed and that on-site storage and grinding pumps be required to be installed at the time of building consent. Mr Rogers advised that the first option is preferable.

Mr Rogers set out those reasons for why he considered the private pumpstations to be unnecessary in this case, namely that private pumpstations lack the technology of the Council pumpstations with regard to blockages or overflow, that there is potential for tenants of the future dwellings to flush inorganic materials down toilets leading to blockages and issues with the pumpstations, and that they do not have adequate storage in the event that there is a power outage/other issue.

The Committee queried how much storage Mr Rogers would consider to be adequate in the event of a power outage, Mr Rogers responded that he believed 5 days of storage may be necessary, particularly if a plumber is needed.

Overall, Mr Rogers remained of the opinion that the objection should be upheld, allowing the development to connect to the wastewater network via a gravity-fed connection. Mr Rogers also advised that they would agree to the payment of a financial contribution to go towards the upgrade of Council's wastewater network.

Questions from Hearings Panel:

Member asked how much storage would be available if there was a stoppage.

Applicants responded that there would be 5 days storage.

Staff Response

It was proposed that the hearing be adjourned until Tuesday, 8 June 2021 to allow further information in response to the engineering questions regarding the wastewater system.

The Senior Planner advised that a response would be sought from the Utilities Manager and would be provided to a reconvened hearing before a decision could be made.

The hearing adjourned at 9.40am to be reconvened on Tuesday, 8 June 2021 at 11.00am.

The meeting reconvened at 11.05am on Tuesday, 8 June 2021.

PRESENT

Cr P A Milner (Chairperson) and Mayor, D A Adams

IN ATTENDANCE

L Cowan (Senior Staff Planner), G Davies (Planner), E Kroukam (Engineer), E J Wentzel (Utilities Manager) and C Black (Council Secretary)

In attendance:

Applicants (River Ranch Ltd) – Peter W. Rogers, Leonie Rogers and Jessie Rogers – Waihi Land Surveyors.

The Senior Planner advised that a response was now available on engineering matters requiring further explanation in support of Condition 12.

Evidence Presented by Utilities Manager

Council's Utilities Manager (Wastewater), EJ Wentzel, was in attendance to provide expert evidence with regard to the engineering matters.

Mr Wentzel provided detail on the background of the Kerepehi wastewater network and the reason for the requirement of on-site wastewater storage and private pumpstations.

Mr Wentzel advised that private pumpstations have appropriate technology to address the concerns raised by the Applicant. They are fitted with audible alarms which sound in the event of a blockage, and contain a grinding mechanism to address the issue of wet wipes. He also stated that 24 hours of storage is considered to be sufficient storage in the event of a power outage, as during these events there is less wastewater entering the network. Mr Wentzel commented that inorganic materials being flushed down toilets is also a concern for Council which can only be addressed by education, which Council is pursuing.

Mr Wentzel advised that these private systems are not uncommon and have been used in other areas of the Hauraki District (Waitakaruru, Karangahake and Mackaytown).

Mr Wentzel noted that there are two projects in the Long Term Plan for the upgrade of the Kerepehi wastewater network infrastructure, including pipes and pumpstations, however, these are programmed for the years 2023-2024.

Mr Wentzel noted that a Tender has recently been advertised to fit Supervisory Control and Data Acquisition (SCADA) to the pump stations in Kerepehi to allow co-ordination of pumping between pump stations to reduce overloading of the network.

The Committee asked why the specific wastewater requirements are being imposed on this subdivision and not others. Resource Consents Team Leader, Louise Cowan, provided an example of another recent subdivision (201.2018.00000815.001) for which the same condition was imposed.

The Committee queried if the subdivision could be delayed until such time that the wastewater network is upgraded, Mr Rogers responded that he does not wish to wait another 2 to 3 years.

Ms Cowan clarified regarding a questions raised by the Committee in relation to the use of the sewer from the Ice Cream factory. Ms Cowan confirmed that she had been advised that the sewer from the Ice Cream Factory is a private sewer.

Applicants Right of Reply

Applicant reiterated his reasons for objecting, namely that he does not see any advantage of the pumpstations operating at off-peak hours (i.e. 1.00am), that stormwater ingress to the wastewater network is an issue that needs to be addressed, and that the installation of four individual pumpstations is an unnecessary cost.

Applicant again stated that he would agree to pay a financial contribution, equal to the cost of the installation of the pumpstations, to go towards the upgrade of Council's wastewater network in Kerepehi.

Mayor Adams questioned if one individual pumpstation could be installed to service the four proposed lots. Mr Wentzel responded that this could be done, however, there is then the issue of who owns and is responsible for the maintenance of the pumpstation. Council's approach in the past has been that individual property owners maintain the private pumpstations on their property.

The Chairperson closed the hearing at 11.22am and advised that Council's decision was reserved until it had considered all the evidence presented.

Deliberations were undertaken from 11.22am – 11.40am.

The meeting closed at 11.40am.

DECISION

RIVERBEND RANCH LIMITED, 22 KAIKAHU ROAD NORTH, KEREPEHI

RESOLVED

THAT pursuant to Section 357D of the Resource Management Act 1991, Council **dismisses** the objection, apart from a minor change to storage hours, to condition 12 of subdivision consent (SUBD-201.2019.00001084) being the subdivision of 22 Kaikahu Road North, Kerepehi, legally described as Section 20 Block VIII Township of Kerepeehi (RT SA628/9) into four residential lots, on the grounds that:

- The provision of on-site storage, small private grinder pumps and pressure system forms a significant part of the supporting infrastructure expected of a residential style subdivision.

- The implementation of a consent notice to notify future purchasers of the on-site storage, small private grinder pumps and pressure system requirements will allow the development to proceed while reducing the impact on the sewer network and not exacerbate overflow risk.
- Allowing the development to connect directly to the existing Council sewer via a gravity feed increases the potential risk to the environment and to public health through contamination of water or the ground.
- The inclusion and operation of the on-site storage, small private grinder pumps and pressure system will provide the necessary infrastructure and services to ensure that the land is able to be used for its intended residential purpose, the future needs and health and safety of people and communities are protected, and amenity values are maintained and enhanced, while avoiding, remedying and mitigating adverse effects on the environment.
- Condition 12, along with the other infrastructural conditions included within the decision underpin the reason for granting consent. The Committee agree that in this instance an absence of this infrastructure would be inconsistent with the objectives and policies of the Operative Hauraki District Plan (2014).

Condition 12 will now read as follows (track changes underlined, deletions identified with strikethrough):

12. That pursuant to section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lots 1, 2, 3 and 4, advising that connections to the wastewater network are pressurised with a non-return valve at each Lot connection. The design shall be certified by an approved professional and submitted to Hauraki District Council at the time of building consent. Each Lot shall have suitable on-site wastewater storage for ~~48~~ 24 hours' capacity, as a minimum.

The effluent disposal system for each of Lot is to be via a private "grinding" pump at the cost of each Lot owner. The on-going costs and maintenance, will be the responsibility of the Lot owner. Council shall determine the time when sewerage shall be accepted to the network at the Council's sole discretion.

Advice Note: Council may restrict access to the riser main to certain times (e.g. pumping to the Council Main between off-peak hours of 10.00pm and 4.00am.) Provision for restricted access will be at the owners cost.

Advice Note: All internal drainage is to be processed under a building consent.

The conditions are now as follows:

Plans

1. The development shall proceed in accordance with the information submitted with the application and the following scheme plan by Waihi Land Surveyors Ltd which has been stamped and signed approved:
 - a. 'RBR Subdn – Kaikahu Road North Section 20 Block VIII Kerepehi Township' dated 27 August 2019, drawing no. 3190.

In circumstances where there is any conflict between the documents listed in condition 1 with the conditions of consent, the conditions must prevail.

Easements

2. Prior to requesting approval under section 223 of the Act, the consent holder must provide a written statement by a professional surveyor to the effect that all services are confined to their respective lots or provision has been made for suitable easements to be granted and reserved and endorsed on the Land Transfer Plan.
3. That the following easements shall be created:

Shown	Purpose	Servient Tenement Burdened Land	Dominant Tenement Benefited Land
A	Right of Way	Lot 4	Lots 2 and 3
	Right to Convey Water		
	Right to Convey Electricity		
	Right to Convey Telecommunications		
C	Right to Drain Water	Lot 1	Lots 2, 3 and 4
D	Right to Drain Water	Lot 2	Lot 3 and 4
E	Right to Drain Water	Lot 3	Lot 4

4. That easements in gross in favour of Hauraki District Council must be created over any public drainage system located on private land.

Engineering General

5. That Engineering drawings and specifications covering all engineering works shall be prepared in accordance with the Hauraki District Council Engineering Manual 2010 - Version 1 and be submitted to the Hauraki District Council’s Group Manager - Engineering Services for certification prior to commencement of any on site works.
6. That the consent holder must appoint an official representative in respect of the engineering works, through whom all correspondence and communication relating to engineering matters will be undertaken. Council’s Development Engineer shall be notified in writing of the name and contact details of the representative prior to the commencement of any activities associated with this consent.
7. That the consent holder must make good any damage to the road infrastructure caused by construction machinery during the construction operations.
8. That “as built” plans detailing all new and existing water, sewer and stormwater connections shall be submitted to Council upon completion of construction. As-built drawings and related verification documentation of all works are to comply with the Hauraki District Council Engineering Manual 2010 - Version 1. One paper copy and electronic versions being Arcview Shapefile format (.dbf, .shp, .shx, and. prj files) and PDF format shall be provided.

Stormwater

9. That pursuant to section 221 of the Resource Management Act 1991 a consent notice is to be registered on the Record of Title for Lots 1 to 4 advising that stormwater shall either be disposed on site through soakage or the flow be detained on site and released into the stormwater network at a rate of flow not exceeding pre development runoff rates. The system should be designed by a suitably qualified person in accordance with the requirements of the New Zealand Building Code E1.

Advice Note: All internal drainage to be processed under a building consent.

10. Where stormwater is not disposed of on-site via soakage that each Lot shall be provided with a stormwater connection to the Council drain. These shall be constructed in accordance with standard 8.5.4 of the operative Hauraki District Plan.

Advice Note: Any stormwater outlet discharging to open drains shall be suitably armoured to avoid scour.

Wastewater

11. That the development shall be reticulated for wastewater disposal in accordance with standard 8.5.1 of the operative Hauraki District Plan. Each Lot shall be provided with a separate sewer connection. Any part of any sewer line passing through one Lot to serve another Lot is to be vested with Council as a public main and shall be constructed to that standard. The connection to the Council main is to be installed by HDC at the cost of the consent holder or by a registered drain layer approved by Council.
12. That pursuant to section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lots 1, 2, 3 and 4, advising that connections to the wastewater network are pressurised with a non-return valve at each Lot connection. The design shall be certified by an approved professional and submitted to Hauraki District Council at the time of building consent. Each Lot shall have suitable on-site wastewater storage for 24 hours' capacity, as a minimum.

The effluent disposal system for each of Lot is to be via a private "grinding" pump at the cost of each Lot owner. The on-going costs and maintenance, will be the responsibility of the Lot owner. Council shall determine the time when sewerage shall be accepted to the network at the Council's sole discretion.

Advice Note: Council may restrict access to the riser main to certain times (e.g. pumping to the Council Main between off-peak hours of 10.00pm and 4.00am.) Provision for restricted access will be at the owners cost.

Advice Note: All internal drainage is to be processed under a building consent.

Water

13. That the subdivision shall be reticulated for water supply in accordance with Section 8.5.3 of the operative Hauraki District Plan. Each Lot shall be provided with a separate metered water connection. The new water meters shall be placed in the road reserve, approximately 0.5m from the property boundary. The connections to the Council main are to be installed by Hauraki District Council at the cost of the consent holder. Testing and flushing of the water reticulation network shall be observed/undertaken by Hauraki District Council. The new water meters shall be placed at the ROW/Road boundary.

Access

14. That ROW A shall be constructed in accordance with the appropriate standard as specified in section 8.4.8.3 of the District Plan in relation to servicing 3 Lots.
15. That a Class E Standard Residential Vehicle Entrance with 665 mesh in an Urban Zone shall be constructed between the entrance to ROW A and Kaikahu Road North as specified in 8.4.3.3(1)(e) (i) of the operative Hauraki District Plan.

Power

16. That for Lots 1, 2, 3 and 4 a power connection must be provided to the reticulated power network for each lot and written confirmation of the connections shall be provided to the Council from the appropriate supply authority.

Telecommunications

17. That for Lots 1, 2, 3 and 4 a reticulated telecommunications connection (land line) must be provided to the reticulated landline phone network for each lot and written confirmation of the connections shall be provided to the Council from the appropriate supply authority.

Fees

18. That pursuant to Section 36(1)(b) of the Resource Management Act 1991, the applicant shall pay Hauraki District Council charges for receiving, processing and granting the Resource Consent.
19. That pursuant to Section 36(1)(c) of the Resource Management Act 1991 the applicant shall pay Hauraki District Council a fee of \$110.00 for the administration associated with monitoring the consent, and thereafter shall pay to Hauraki District Council, all costs that arise for monitoring this consent, including all costs associated with site visits, and the consideration and certification of plans and details associated with the consent, as appropriate. Note that the actual monitoring costs will be charged.

Advice Notes

- *48 Hours' notice must be given for any engineering inspection that is required to be undertaken during engineering works. All requests in this regard must be directed to the Development Engineer on 07-862 8609.*
- *Any work undertaken in the road reserve, including entrance construction, shall be processed under a Corridor Access Request. This must be submitted for approval 10 working days prior to the commencement of any works. All enquiries in this regard must be directed to the Technical Services Business Unit Support Officer on 07-862 8609.*
- *The vehicle crossings for Lot 1 is to be formed to a Class E entranceway standard in accordance with section in 8.4.3.3(1)(e)(i) of the operative Hauraki District Plan and the Hauraki District Council Engineering Manual 2010 - Version 1. The construction of these can be delayed until time of building consent as the exact position may vary depending on the building design.*
- *Please note that your street address may change as a result of the subdivision of your property. You will be advised at a later date if this is to be the case. Hauraki District*

Council follows the Standard New Zealand regulation governing the numbering of all rural and urban properties. This is to ensure the effective and efficient delivery of services and amongst them, emergency services such as fire, ambulance and police etc. Should you have any further queries regarding this matter, please contact the Hauraki District Council.

HJC21/06

Milner/Adams

CARRIED

CONFIRMED

P A Milner
Chairperson