



DECISION OF THE HURUNUI DISTRICT COUNCIL

SECTION 127 REPORT ON CHANGE OR CANCELLATION OF CONDITION(S)

RESOURCE MANAGEMENT ACT 1991

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| Consent Number: | RC220131 |
| Applicant: | UWC Limited |
| Site Address: | 64 Amberley Beach Road, Amberley |
| Legal Description: | Lot 3 Deposited Plan 559093 (RT: 983584) |
| Description of Application: | To change condition 23 of resource consent RC210185 with respect to the depth of sewer laterals |
| Activity status: | Discretionary activity |
| Zoning: | Residential 1A Zone |

Introduction

The applicant is seeking to change condition 23 of resource consent RC210185 which was granted on a non-notified basis by the Hurunui District Council on 28 April 2022. Consent was granted for subdivision consent to subdivide into 123 residential lots, two roads to vest, two access lots, four local purpose reserves and balance land in two stages. The resource consent was subject to a number of conditions with the wastewater conditions reading as follows:

Wastewater

21. *Each lot shall be connected to the Amberley wastewater network in accordance with the certified engineering plans.*
22. *Gravity connection shall be provided to each lot with the exception of Lots 29 – 34 (as detailed in **condition 38**).*
23. *Gravity connections shall be 100 mm diameter, laid to a point at least 1m inside the lot and at least 1.2m deep.*
24. *All wastewater infrastructure laid under proposed roads, vehicle crossings, or rights-of-way shall be hardfill backfilled to subgrade level (with GAP65, pit run or similar approved granular material).*
25. *A CCTV survey shall be carried out on all new wastewater lines to be vested in Hurunui District Council.*

The applicant has requested that condition 23 be amended as due to the existing site contours and development constraints along existing boundaries and connection to existing sewer infrastructure, the proposed design for the development limits the volume of earthworks proposed and the amount of fill material that will be imported onto the site. The applicant notes that for this reason, several of the proposed sewer laterals will not comply with consent condition 23 that requires all sewer laterals to be 1.2 m deep at 1 m within the proposed boundaries. To satisfy serviceability concern, the applicant has demonstrated that shallower sewer laterals will still service the proposed allotments at the proposed depths.

Statutory Requirements

Section 127 of the Resource Management Act states:

“127. Change or cancellation of consent condition on application by consent holder –

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent (other than any condition as to the duration of the consent).*

- (3) Sections 88 to 121 apply, with all necessary modifications, as if –
- (a) the application were an application for a resource consent for a discretionary activity; and
 - (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.
- (4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –
- (a) made a submission on the original application; and
 - (b) may be affected by the change or cancellation.”

Consideration

The Council considered that the application should be treated as a change of condition rather than a new application, as the activity is not materially different from what has previously been approved.

The applicant has provided a site plan with levels and indicative private sewer arrangement that ensures any dwellings on these lots can be adequately serviced by the depths proposed by their sewer laterals with a minimum cover level at the furthest point exceeding 0.35 m of cover. The applicant has assumed a pipe size of 100 mm at a grade of 1 in 80 as per G13 Acceptable Solution Table 2 of the New Zealand Building Code. Council’s Consultant Engineer has reviewed the plan and is satisfied that the proposal adequately provides service to the relevant lots.

Given these matters, I am satisfied that any adverse effects on the environment would be less than minor and any actual and potential effects on the environment would be adequately mitigated.

Has written approval been obtained from every person who may be adversely affected by the granting of the change or cancellation? [Section 127(4)]

Resource consent RC210185 was processed on a non-notified basis with two parties identified as being affected in relation to the proposed subdivision with respect to potential reverse sensitivity matters arising from mature pine trees located along the shared boundary of the two properties. The two affected parties provided written approval to the proposal and the trees along the boundary have since been removed.

I am satisfied that the proposed change of condition would still ensure that wastewater is adequately able to be disposed of without risk to the public or the environment. As such, I do not consider that any persons would be affected by the change of conditions.

Recommendation

That for the above reasons the application to change condition 23 of RC210185 granted on 28 April 2022 be **approved** pursuant to Section 127 of the Resource Management Act 1991.

Condition 23 shall now read:

Wastewater

21. Each lot shall be connected to the Amberley wastewater network in accordance with the certified engineering plans.
22. Gravity connection shall be provided to each lot with the exception of Lots 29 – 34 (as detailed in **condition 38**).
23. Gravity connections shall be 100 mm diameter, laid to a point at least 1 m inside the lot and at ~~least 1.2m deep~~ a depth to service the entirety of the lot at a minimum of 0.35 m cover.
24. All wastewater infrastructure laid under proposed roads, vehicle crossings, or rights-of-way shall be hardfill backfilled to subgrade level (with GAP65, pit run or similar approved granular material).

25. A CCTV survey shall be carried out on all new wastewater lines to be vested in Hurunui District Council.

Advice note:

All other conditions of the resource consent shall remain unchanged and in force.

Reported and Recommended by:




Helga Bennett, Senior Planner

Date: 23 November 2022

DECISION:

I have read and considered the above report and recommendation by the Council's officer, Helga Bennett and the information available to Council in respect of the application for consent to change condition 23 of resource consent RC210185. I agree with the recommendations made and decide that the Council officer's recommendations should be adopted.



Kelsey Bewley, Team Leader Planning

Date: 23 November 2022