

RESOURCE CONSENT APPLICATION

U241183

Okiwi Bay Ratepayers Association Incorporated

Karepa Crescent, Okiwi Bay, Croisilles

Submissions Close

5.00 pm Thursday, 27 February 2025

Beth Bovey-8156

From: Mark Lile <mark@landmarklile.co.nz>
Sent: Monday, 16 December 2024 9:15 am
To: Beth Bovey-8156
Cc: Okiwi Bay Ratepayers; Peat Robbie
Subject: New Application for Resource Consent - Okiwi Bay Ratepayers Association Inc
Attachments: 241216 RC Application - OBRA - greenwaste and outdoor burning.pdf; U140864 - Decision Document.PDF; 742895_Title_Search_Copy.pdf; 10686823_3.pdf

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Please find attached a new application from Okiwi Bay Ratepayers Association.

I have also copied in the applicant for invoicing purposes, including for the deposit.

Regards
Mark Lile
Landmark Lile Limited
Resource Management Consultancy

Office: (03) 539-0330
Mobile: 027-244-3388



landmark life ^{ltd}
RESOURCE MANAGEMENT

Application for Resource Consent to the Marlborough District Council

Community Greenwaste Facility



Okiwi Bay Ratepayers Association

Application Form

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: Marlborough District Council
15 Selwyn Street
Blenheim 7201



From: Okiwi Bay Ratepayers Association Incorporated
Attn: Lisa M^cDonald
okiwibay200@gmail.com

(Please use the above contact details for invoicing purposes only)

1. *Okiwi Bay Ratepayers Association Incorporated* (OBRA) apply for the following type of resource consents:

RMA	Consent Type	Description
Section 88	Land Use & Discharge to Air	To operate a community greenwaste facility, including controlled burn offs.

2. A detailed description of the activities to which the application relates is provided within the application and attached Assessment of Environmental Effects.
3. The names and addresses of the owners of the land to which the application relates are as follows:

Okiwi Bay Ratepayers Association Incorporated (as above)	Marlborough District Council
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4. An assessment of the potential and / or actual effects the proposed variation may have on the environment, in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991, is attached.
5. There are no additional resource consents required in relation to this proposal.
6. An assessment of the proposed activity against the matters set out in Part 2 and against any relevant provisions of a document referred to in Section 104(1)(b) of the Resource Management Act 1991 is attached.
7. No other information is required to be included in the application by the regional plan, the Resource Management Act 1991 or any regulations made under the Act.



Mark Lile

Signed on behalf of the Applicant
Dated: 16 December 2024

Address for Service:

Okiwi Bay Ratepayers Association Incorporated
C/- Landmark Lile Limited
PO Box 343
Nelson 7040
Attn: Mark Lile

Tel: (03) 539-0330
Mob: 027-244-3388

Supporting Information

Attachment A: Certificates of Title:

- 742895 (Lot 1 Deposited Plan 499708); and
- Recreation Reserve

Attachment B: Current Consent: U140864

1.0 Introduction

This is an application from the Okiwi Bay Ratepayers Association Incorporated (OBRA) to operate a community greenwaste facility, including undertaking controlled burn-offs of dried waste. This application for resource consent will renew and replace the current resource consent U140864 which will expire on 1 January 2025.

The applicant has operated the current facility successfully for almost 10 years. Improvements to the management of the facility continue to be made as a part of avoiding and mitigating the adverse effects of the activities, such as restricting greenwaste material to that not exceeding 25mm-diameter and prohibiting waste such as flax and agapanthus root-balls and tree stumps. In conjunction with the wider management methods, the operation does not impact negatively on the use and enjoyment of the recreational values of the area, and has less than minor adverse effects on the residential amenity of the adjacent community.

This application is supported by an assessment of environmental effects, as well as the information required in accordance with Sections 88 and 104 of the Resource Management Act 1991.

It is considered that this application represents the sustainable management of this land resource, while supporting the wider community to provide a low impact way to dispose of greenwaste.

2.0 The Site

Okiwi Bay is a coastal settlement at the head of Croisilles Harbour, being approximately 17 km by road north of Rai Valley and 50 km north-west of Blenheim. This settlement has a mixture of both permanent residents and also holiday home accommodation.

The proposed (and current) greenwaste facility is located predominantly within Lot 1 Deposited Plan 499708 (as shown in **Figure 1 below**), with the northern edge located partially within the adjacent Recreation Reserve to the north.



Figure 1: The Proposed (and current) greenwaste facility

The subject site and the surrounding area is flat in topography. A wetland (W997) is located to the south, with the stream from this wetland also draining west and under Renata Road. This stream, and the direction of its flow, is also shown within the top aerial within **Figure 1** above.

The greenwaste area is located on the western side of the trailer park area, located west of the end of Karepa Crescent. The coastal marine area is located approximately 115m to the north.



Figure 2: Drone Photo (2020) showing location of established greenwaste facility

The current consent U140864 was issued 23 December 2014 and expires on 1 January 2025. Refer to **Attachment B**. Condition 3 of U140864.2 (land use) also requires:

3. *Only vegetative waste from Okiwi Bay properties shall be stock-piled on Lot 3 DP451097.*

Lot 3 referenced above is now Lot 1 DP499708 (being predominantly where the greenwaste operation continues to operate).

The Discharge Permit (U140864.2) also contains conditions over the nature of waste that may be burned, not allowing any objectionable or offensive smoke or particulate beyond the boundary, and the timing and management of burn-offs

3.0 Proposal

This is an application for resource consent to operate the community greenwaste facility within Okiwi Bay, including both stockpiling and also undertake controlled burn-offs up to 10 times per year.

An explanation as to the current consent (U140864) for this activity was provided in Section 2 above. This consent will expire on 1 January 2025, and as a part of preparing for this new application, appropriate consideration has been given to improving the management and operation of this facility to ensure the actual and potential adverse effects on the environment are avoided and mitigated, and to ensure this proposal is consistent with the relevant provisions of the planning documents. A full description of this proposal is provided below.

The site of the existing (consented) and proposed green waste facility was provided in Section 2 above. This includes a dedicated area of approximately 2200m² at the western side of the tailer park area where residents can dispose of greenwaste. This area is also shown in **Figure 3** below.



Access to the greenwaste area is from an unsealed section of Karepa Crescent. Residents typically reverse their vehicle/trailer into the green waste area from Karepa Crescent to unload.

Greenwaste received on the site is stockpiled into a number of manageable heaps. The height and volume of those heaps will vary given on the basis of the variable volumes being received.

Volumes received are naturally larger following periods of public holidays when the population with the Bay increases. Likewise, the volumes received also change over the year due to seasonal growth being greater away from the coolest winter period.

Over recent years the applicant has continued to review and improve its management and operation of the greenwaste facility with input from the wider community. That consultation and feedback has been sought using the monthly newsletter to residents and through the collation and consideration of feedback and/or infrequent complaints.

The following is a list of the methods used to ensure the efficient and low impact operation of the greenwaste facility:

1. The receipt of greenwaste is contained to the 2200m² area, bunded on north, west and south sides;
2. Access to the facility provided from the east only, and so also able to be closed off when required;
3. Dumping is encouraged to the back of the site to avoid access being blocked;
4. Nothing over 25mm-diameter is accepted;
5. No stumps, dirt, timber or other general refuse, punga, flax-rootballs, agapantha rootballs, or large volumes generated from complete section clearing permitted;
6. Greenwaste piles are managed to provide for efficient drying and new dumped greenwaste is kept separate, achieved through only ½ (one side of) the dumping area open at one time.
7. Piles for burning are sized to provide for efficient burn-offs, being completed as quickly and safely as possible.

Based on the operation of the greenwaste facility over recent years, waste is burnt in manageable piles approximately 6 times per year. These burn off only occur when weather conditions are suitable, and when a Fire Permit has been obtained (wind <15km/hour and within a restricted fire season). Out of courtesy, FENZ communications in Christchurch are also notified. The local Fire & Emergency representatives have also advised they are able to attend these burn-offs with a crew and fire appliance to ensure the risks are avoided and mitigated.

4.0 Activity Status

4.1 Marlborough Environment Plan

The zoning of the site is shown in **Figure 4** below.

- Coastal Living Zone
- Open Space 2 Zone
- Flood Hazard Area
- Marlborough Sounds High Amenity Landscape

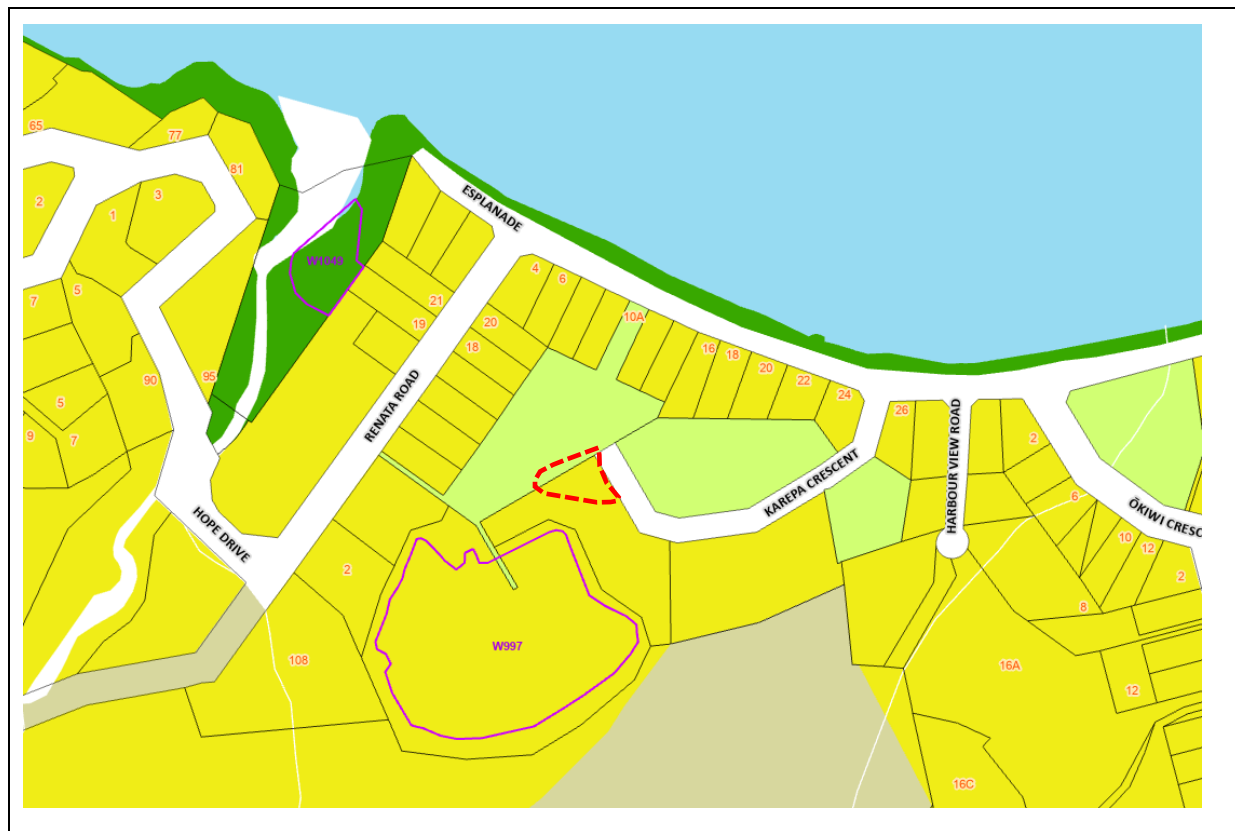


Figure 4: Zoning and Significant Wetland to the South. Site identified in red.

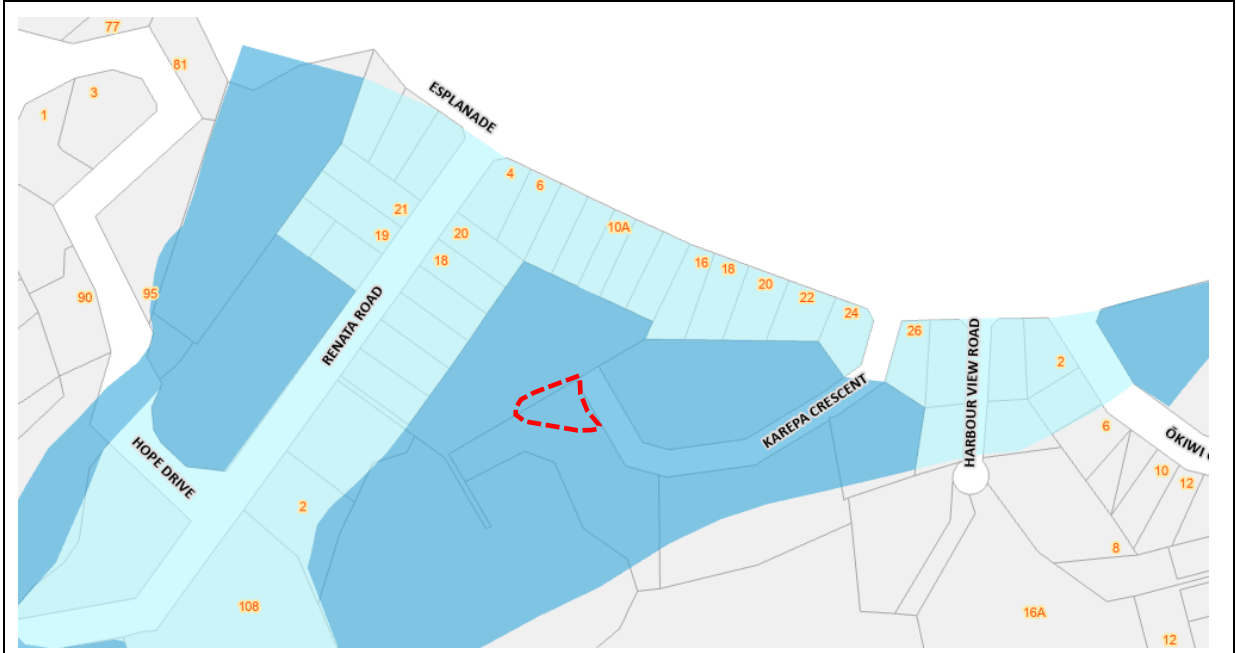


Figure 5: Flood Hazard Areas

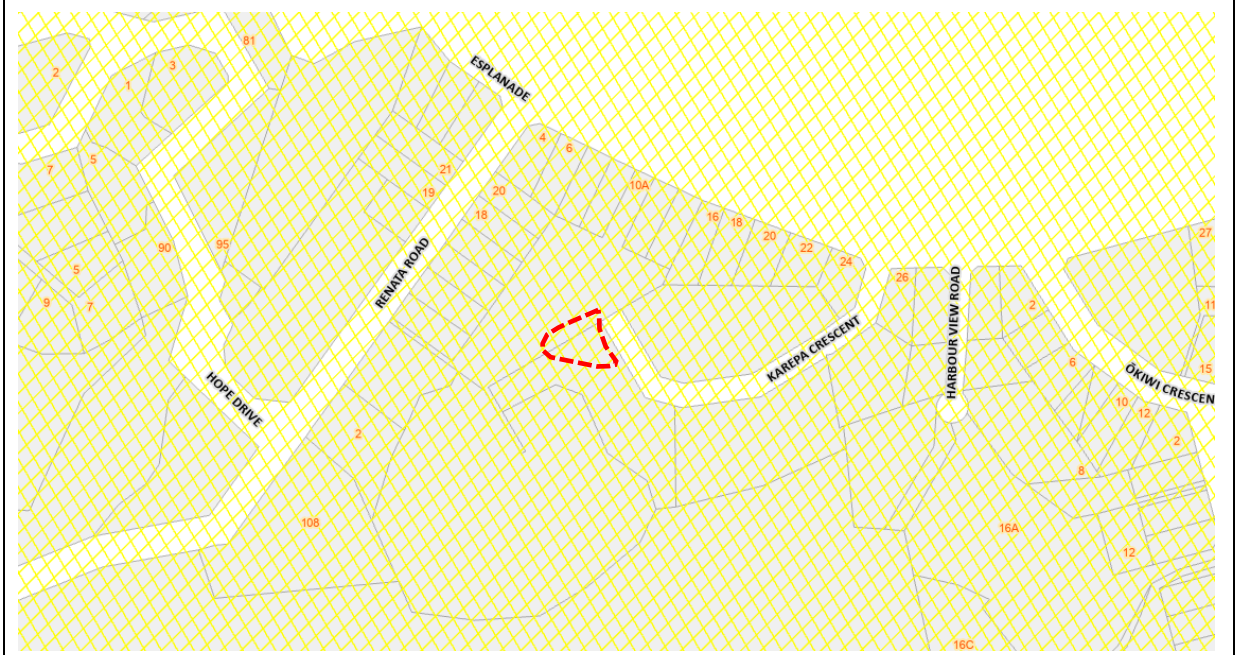


Figure 6: Marlborough Sounds High Amenity Landscape

4.3 Relevant Rules

Chapter 7: Coastal Living Zone

- 7.1 Permitted activities
 - 7.1.16 Discharge of contaminants into air arising from burning in the open.
- 7.2 Standards that apply to all permitted activities:
 - 7.2.5.1 The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.
- 7.3 Standards that apply to specific permitted activities:
 - 7.3.14. Discharge of contaminants to air arising from burning in the open.
 - 7.3.14.1. Only material generated on the same property or a property under the same ownership can be burned.
 - 7.3.14.2. The total volume of material being burned must not exceed 2m³
- 7.4 Discretionary Activities

It is considered that the operation of a community greenwaste facility required both a land use consent and discharge permit (to air), and that this is a **discretionary activity** under Chapter 7 of the pMEP. The same provisions are provided in Chapter 18 below.

Chapter 18: Open Space 2 Zone

- 18.1 Permitted activities
 - 18.1.11 Discharge of contaminants into air arising from burning in the open.
- 18.2 Standards that apply to all permitted activities:
 - 18.2.5.1 The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.
- 18.3 Standards that apply to specific permitted activities:
 - 18.3.8. Discharge of contaminants to air arising from burning in the open.
 - 18.3.8.1. Only material generated on the same property or a property under the same ownership can be burned.
 - 18.3.8.2. The total volume of material being burned must not exceed 2m³
- 18.4 Discretionary Activities

It is considered that the operation of a community greenwaste facility required both a land use consent and discharge permit (to air), and that this is a **discretionary activity** under Chapter 18 of the pMEP.

4.4 Summary

The proposal is a **Discretionary Activity** under Section 88 of the Resource Management Act 1991.

4.5 Required Consents

In summary, the following resource consents are required:

TABLE 3			
RMA	Consent Type	Activity	Status
Section 88	Land Use & Discharge Permit (to air)	To operate a community greenwaste facility, including controlled burn offs.	Discretionary Activity

5.0 Assessment of Environmental Effects

5.1 Introduction and Scope

The following assessment has been prepared after having regard to the scale and significance of the actual or potential effects (s88(2)(b)) and has been prepared in accordance with the Fourth Schedule to the Act.

5.2 Permitted Baseline

Pursuant to Section 95D(b) of the Resource Management Act 1991, the permitted baseline provides guidance as to the effects of the proposal, with three relevant considerations:

- The effects of activities that are permitted by the District Plan;
- The effects of existing lawfully established activities on the site;
- The effects of unimplemented resource consents.

As set out in section 4 above, the pMEP allows outdoor burning of up to 2m³ per property without limitation as to the number of burns, subject to not causing objectionable or offensive smoke effects, and not generating smoke detectable beyond the boundary. While the conditions may be difficult to comply with, the pMEP does nevertheless provide for outdoor burning across the entire Okiwi Bay settlement.

5.3 Visual Effects and Amenity Values

The greenwaste facility is located toward the back of the Karepa Crescent open space area. The topography is largely flat, with a gentle fall towards the north. When viewed from the reserve the stockpiles are not prominent in view as they are managed to a modest height, and are seen against the green backdrop of some trees and vegetation around the southern side and within the wetland.

The facility is also located away from the beachfront and behind the residential properties that line The Esplanade and Renata Road. Given this separation and buffering, the greenwaste cannot have any adverse effect on the coastal landscape values.

5.4 Air Quality

The primary methods used to ensure the effects of the burn-offs do not have negative effects on air quality include only burning well dried material and burning only during suitable weather conditions (wind under 15km/h).

To minimize the risk of adverse air quality affects, the applicant proposes to only undertake burns during calm periods. If there are any complaints during burn-offs, ie. excessive smoke or any falling ash, then burning will cease until conditions are more suitable.

5.5 Recreational Values and Access

The Okiwi Bay community is fortunate to have available a large area of open space for general recreation. There is space north of the greenwaste area (on the reserve) and also the large grassed area to the east – used mainly for trailer parking. There are numerous other areas also along the beachfront, at the eastern side of the Bay, not to mention the playground toward the centre of the settlement.

The greenwaste area is considered to occupy only a small percentage of the land available for recreational use, with the community very much in support of this land use given the wide-ranging benefits.

5.6 Water Quality

The current and proposed greenwaste facility is bunded around its sides, leaving it open to the vehicle entrance at the front. The site is managed whereby the greenwaste is not left to compost whereby leachate is generated. In the unlikely event that contaminated runoff discharges to land, that runoff is contained within the bunded area and would be visible at the frontage and access the entranceway for remediation.

As described in section 2, a wetland and stream is located south of the greenwaste area. Those freshwater areas are above the greenwaste area, with the valley area draining toward the north, and west to Renata Road. With the greenwaste being located below the wetland, there can be no adverse effects on water quality to that environment.

5.7 Ecological values

The proximity of this site to the wetland requires appropriate consideration to any actual or potential adverse effects on ecological values.

As discussed above, there are no cross-boundary water quality effects from the greenwaste facility on the freshwater wetland values to the south.

The only physical impact the greenwaste facility could have is from the burning of waste. The activity has been operational for more than 10 years without any apparent effects on the environment.

5.8 Fire Risk

The current and proposed new consent also involves undertaking controlled burning of dried greenwaste. Those burn-offs occur only when material is sufficiently dry for efficient burning, and also outside of periods of elevated fire risk. The controlled burn-offs are managed by experienced community members and with the support and supervision by the local FENZ representatives. OBRA is currently obtaining a fire hose and nozzle to have on site when burns are underway.

With the care and management by the consent holders, and space area around the site, the controlled burn-offs have proven to occur in a safe manner and without incident.

5.9 Traffic Effects

The greenwaste area is located off to the side of the gravelled access that links Karepa Crescent with The Esplanade (along the beachfront). This accessway is used frequently by residents and visitors given the trailer parking area on the grassed space to the east. See Figures 2 and 3 above.

Most users of the greenwaste area transfer their waste to the site using trailers or of the back of their utility. Most users reverse into the greenwaste area for ease of unloading to the edge of stockpiles. Either way, there is a high level of visibility to other others using the gravelled access through the reserve. There are no traffic safety risks generated by the operation of the greenwaste facility that could be described as more than minor.

5.10 Positive Effects

The greenwaste facility provides the opportunity for the community to dispose of vegetation without transporting this out of the Bay or attempting to burn on individual properties. This has proven to provide *significant positive benefits* to the community.

6.0 Relevant Planning Documents

6.1 National Documents (NPS)

Consideration is required to be given to the relevant provisions of the following National Policy Statements (NPS):

- New Zealand Coastal Policy Statement;
- NPS on Electricity Generation;
- NPS for Freshwater Management;
- NPS for Renewable Electricity Generation;
- NPS on Urban Development.
- NPS for Highly Productive Land.
- NPS for Indigenous Biodiversity

The NPS-FM is assessed in section 6.2 below.

6.2 National Policy Statement for Freshwater Management (December 2022)

The National Policy Statement for Freshwater Management 2020 (NPS-FM) came into force on 3 September 2020 and was then updated in December 2022. This new NPS replaced the former National Policy Statement for Freshwater Management 2014 (as amended 2017). The new NPS-FM further strengthens the fundamental concept of Te Mana o te Wai.

In terms of its Application, Section 1.5 states:

This National Policy Statement applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area).

As a fundamental concept, the NPS-FM clarifies that:

Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Section 1.3(4) lists the six principles of Te Mana o te Wai:

- Mana whakahaere:** the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.
- Kaitiakitanga:** the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.
- Manaakitanga:** the process by which tangata whenua show respect, generosity, and care for freshwater and for others.

- d. **Governance:** *the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.*
- e. **Stewardship:** *the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.*
- f. **Care and respect:** *the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.*

Section 1.3(5) of the NPS-FM states that there is a hierarchy of obligations in Te Mana o te Wai that prioritises:

- a. *first, the health and well-being of water bodies and freshwater ecosystems;*
- b. *second, the health needs of people (such as drinking water);*
- c. *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

This hierarchy is embedded in the objective and also the policies:

Objective

- (1) *The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
 - (a) *first, the health and well-being of water bodies and freshwater ecosystems*
 - (b) *second, the health needs of people (such as drinking water)*
 - (c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

Policies

- Policy 1:** *Freshwater is managed in a way that gives effect to Te Mana o te Wai.*
- Policy 2:** *Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.*
- Policy 3:** *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*
- Policy 4:** *Freshwater is managed as part of New Zealand's integrated response to climate change.*
- Policy 5:** *Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.*
- Policy 6:** *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*

- Policy 7:** *The loss of river extent and values is avoided to the extent practicable.*
- Policy 8:** *The significant values of outstanding water bodies are protected.*
- Policy 9:** *The habitats of indigenous freshwater species are protected.*
- Policy 10:** *The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.*
- Policy 11:** *Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.*
- Policy 12:** *The national target (as set out in Appendix 3) for water quality improvement is achieved.*
- Policy 13:** *The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.*
- Policy 14:** *Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.*
- Policy 15:** *Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.*

The greenwaste facility does not cause any adverse effects to freshwater values to the south, which is highly likely to be due to the greenwaste area being bunded and also to the north / lower.

6.3 Te Tau Ihu Statutory Acknowledgements

The subject site is not identified as having statutory acknowledgement in this location.

6.4 Marlborough Environment Plan

The MEP is considered to be the most relevant local planning document. It is acknowledged that there are some provisions that are the subject of appeal proceedings however, given the First Schedule process this has followed and that decisions have been released, it is considered that the former WARMP and Sounds Plan no longer have any meaningful weight.

Chapter 9 Public Access and Open Space

The relevant objective and policies are listed below:

Objective 9.1 – *The public are able to enjoy the amenity and recreational opportunities of Marlborough’s coastal environment, rivers, lakes, high country and areas of historic interest.*

Policy 9.1.9 – *Enhance public access through:*

- (a) *development of networks for cycling and walking in both rural and urban areas; and*

- (b) *facilitating public access and recreational use of Marlborough District Council owned or administered land.*

Policy 9.1.13 – *When considering resource consent applications for activities, subdivision or structures in or adjacent to the coastal marine area, lakes or rivers, the impact on public access shall be assessed against the following:*

- (a) *whether the application is in an area identified as having a high degree of importance for public access, as set out in Policy 9.1.1;*
- (b) *the need for the activity/structure to be located in the coastal marine area and why it cannot be located elsewhere;*
- (c) *the need for the activity/structure to be located in a river bed and why it cannot be located elsewhere;*
- (d) *the extent to which the activity/subdivision/structure would benefit or adversely affect public access, customary access and recreational use, irrespective of its intended purpose;*
- (e) *in the coastal marine area, whether exclusive rights of occupation are being sought as part of the application;*
- (f) *for the Marlborough Sounds, whether there is practical road access to the site of the application;*
- (g) *how public access around or over any structure sought as part of an application is to be provided for;*
- (h) *whether the impact on public access is temporary or permanent and whether there is any alternative public access available; and*
- (i) *whether public access is able to be restricted in accordance with Policies 9.2.1 and 9.2.2.*
- (j) *whether there are restrictions on activities or access imposed by other legislation including the Submarine Cables and Pipelines Protection Act 1996.*

For the reasons explained in section 3 of this application, it is considered that this proposal is entirely consistent with the relevant objective and policies of the pMEP. There is generous areas for recreational activities in Okiwi Bay. Whilst the greenwaste area is currently intruding on that area along its northern side, this is considered to be a very minor impact. If necessary, the greenwaste area could also be pulled back out of the recreational area.

Chapter 15 Resource Quality (Water, Air, Soil)

The potential effects of smoke on air quality is identified in Chapter 15 of the pMEP. It is noted that this can cause a nuisance and potentially hazardous, depending on what is being burnt.

Policy 15.3. seeks to Prohibit the discharge of contaminants to air that have give rise to concentration of contaminants likely to be dangerous or toxic. This application does not seek to enable the burning of materials that could lead to potentially dangerous or toxic discharges.

Policy 15.3.5 seeks to:

Manage discharges of contaminants to air not specifically provided for in Policies 15.2.1 to 15.2.3 or 15.3.1 to 15.3.4 by:

- (a) allowing, as permitted activities, discharges of contaminants into air from activities that have no more than minor adverse effects on the environment;*
- (b) avoiding or mitigating adverse effects of localized ground level concentrations of contaminants, including cumulative effects on:
 - i. human health; and*
 - ii. amenity values; and**
- (c) avoiding or mitigating adverse effects on any other values and other receiving environment.*

It is considered that through good management, the temporary and infrequent burning of dried greenwaste can be undertaken whereby the potential health and amenity effects are mitigated to the point of being less than minor. It is considered this policy provides for that consenting pathway, with each application considered on its merits.

7.0 Overall Assessment and Part 2 of the RMA

Section 5 defines the purpose and principles of the Act. For the reasons set out above, this application for resource consent to continue the operation of this community greenwaste facility is considered to achieve the *sustainable management* of natural and physical resources.

Section 6 sets out the matters of national importance. The following are relevant to this application:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

There are no risks to the adjacent wetland and the greenwaste facility is located below the wetland and also bunded.

Section 7 sets out other matters to which particular regard must be had:

- (c) the maintenance and enhancement of amenity values:*
- (f) maintenance and enhancement of the quality of the environment*

It is considered that this proposal has given appropriate consideration to these values. The applicant has built up considerable experience in operating the greenwaste facility, with ongoing improvement as to how it is managed and operated to ensure the facility can continue to serve the local community.

There are no inconsistencies with the Treaty of Waitangi principles as outlined in Section 8.

Overall, and as required by Section 5(1) of the Act, the proposal will promote the sustainable management of natural and physical resources.

View Instrument Details



Instrument No 10686823.3
Status Registered
Date & Time Lodged 18 August 2017 13:06
Lodged By Lane, Bronwyn Ruth
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers	Land District
742895	Nelson
742896	Nelson
742897	Nelson

Annexure Schedule: Contains 3 Pages.

Signature

Signed by Ross Hannay McKechnie as Territorial Authority Representative on 28/08/2017 04:01 PM

*** End of Report ***

MARLBOROUGH DISTRICT COUNCIL

CONSENT NOTICE

**Pursuant to Section 221
Resource Management Act 1991**

IN THE MATTER OF Computer Freehold Registers
742895, 742896 & 742897
(Marlborough Registry)

AND

IN THE MATTER OF Subdivision Consent U150701

Pursuant to Section 220(1) of the Resource Management Act 1991 the Marlborough District Council imposed the following conditions on the Subdivision Consent for the subdivision of those parcels of land comprised in Computer Freehold Registers 742895, 742896 & 742897 (Marlborough Registry).

The following conditions are to apply to **Lots 3 and 4 Deposited Plan 499708**:

1. The water supply hereon is to be either by connection to the community scheme authorised by a Water Permit, or by rainwater roof collection and storage only. If a connection to the community scheme is not available at time of building, a rainwater roof collection and storage for a domestic water supply for the property designed by a chartered professional engineer must be installed at time of building a dwelling. A water treatment system must also be installed to provide a potable domestic water supply in accordance with the relevant Ministry of Health Drinking Water Standards. The treatment system must thereafter be maintained.
2. Building development on each lot is restricted to the raised building area shown on the attached as-built plan and shall fully comply with all of the recommendations contained in either:
 - a) The Engineering Report prepared by Swanney dated 7 October 2015, and subsequent engineering certification of building areas, all held on Marlborough District Council file U150701, or
 - b) A subsequently updated geotechnical report and opinion provided to the satisfaction of Council, or
 - c) A new geotechnical report and opinion prepared by a chartered professional engineer to Marlborough District Council's satisfaction, covering building

foundations, site excavation or filling, and the disposal of stormwater and domestic wastewater.

3. The development has been engineer designed so that the surface water flows from Lot 3 will to drain to the north, and surface water flows from Lot 4 will drain to the south. The surface of these lots must not be modified to change these surface water flow paths.

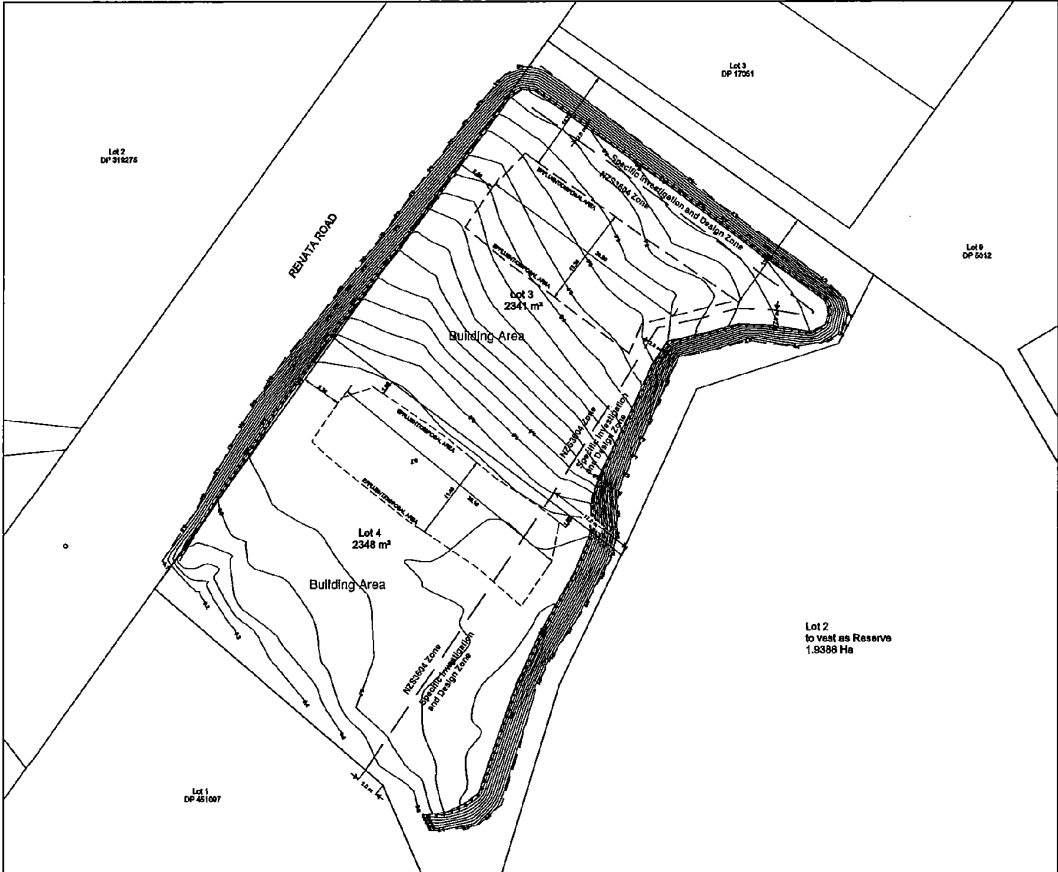
The following condition is to apply to **Lot 1 Deposited Plan 499708**:

4. As volunteered, no residential activity may be undertaken on Lot 1 hereon, and should the existing activities authorised under Resource Consents U080628 and U140864 cease, the property is to be maintained as open space only.

Dated at Blenheim this 2nd day of August 2017



.....
AUTHORISED OFFICER
For Marlborough District Council



Notes
(1) Verify all dimensions on site.
(2) Do not scale from drawing.
(3) Depth of Topsoil over ERLand Flat
Lot 3 = 0.8m
Lot 4 = 0.6m

NZS3604 Zone
Area suitable for standard building foundation design in accordance with NZS3604:2010

Specific Investigation and Design Zone
Development in this area requires specific investigation and design of foundations by a chartered professional engineer.

Job Approval	Date
	Surveying Design Management
LAND CONCEPTS 1106 Croydon Rd, Mt Cook 7540	Phone: (03) 656 9113 info@landconcepts.com
Author: _____	Drawn: JPM
Checked: _____	Approved: _____
Title: _____	Scale: 1:200
Job No: 1200	Sheet 1 of 1

RESOURCE MANAGEMENT ACT 1991**Decision of Marlborough District Council**

RESOURCE CONSENT: U140864
APPLICANT: Okiwi Bay Ratepayers Association
LOCATION: Okiwi Bay Reserve

THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:

DECISION: **Granted**

RESOURCE CONSENTS ISSUED:

Type of Consent	Number	Activity	Page
Land Use (Activity)	U140864.1	To temporarily stockpile green waste from the Okiwi Bay residents on Lot 3 DP 451097.	1
Discharge Permit (to Air)	U140864.2	To undertake burn-offs of dried green waste on Lot 3 DP 451097.	2

Certificate of Resource Consent

Consent Holder: Okiwi Bay Ratepayers Association

Consent Type: Land Use (Activity)

Consent Number: U140864.1

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and sections 104 and 104D of the Resource Management Act 1991, the Marlborough District Council **grants** consent to temporarily stockpile green waste from the Okiwi Bay residents on Lot 3 DP 451097, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

Conditions

1. The activity shall be in accordance with resource consent application U140864, received by the Council on 22 October 2014 and the revised application received on 18 December 2014.
2. This consent shall expire on 1 January 2025.
3. Only vegetative waste from Okiwi Bay properties shall be stock-piled on Lot 3 DP 451097.
4. The consent holder shall clearly mark the boundary of the Lot 3 DP 451097 to ensure the waste is only stock-piled on Lot 3 DP 451097.

Certificate of Resource Consent

Consent Holder: Okiwi Bay Ratepayers Association
Consent Type: Discharge Permit (to Air)
Consent Number: U140864.2

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and sections 104 and 104D of the Resource Management Act 1991, the Marlborough District Council **grants** consent to undertake burn-offs of dried green waste on Lot 3 DP 451097, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

Conditions

1. The activity shall be in accordance with resource consent application U140864, received by the Council on 22 October 2014 and the revised application received on 18 December 2014.
2. This consent shall expire on 1 January 2025.
3. Only dried vegetative waste from Okiwi Bay properties shall be burned at the site.
4. The burn-off shall not cause offensive or objectionable smoke or particulate deposition beyond the boundary of the property.
5. The burn-off shall only take place on a still day to ensure the smoke and fumes from the fire go straight upwards into the atmosphere or preferably away from the power lines north of the stock-pile. If the wind drift is towards the power lines, or predicted to change to this direction, the burn-off shall not occur.
6. No part of the fire shall be within 50 metres of power lines to the north of the property.

Advice Notes

1. A reminder to the consent holder, that in the event of relinquishing the discharge permit to a new owner, notification of the transfer must be lodged with the Council on the appropriate forms, containing signatures of both parties and with payment of the appropriate fee.
2. In accordance with section 36 of the Resource Management Act 1991, the consent holder shall be responsible for all actual and reasonable costs associated with the monitoring of this resource consent. The costs will be charged in accordance with the Marlborough District Council's Schedule of Fees and any updates to this schedule.

Reasons

Proposal

1. The applicants are proposing to store green waste from the residents' properties in Okiwi Bay on Lot 3 DP 451097 until it is dry and then burn the waste. Approximately six burn-offs will be undertaken each year to remove the waste.
2. Originally the applicants proposed to store and burn the wastes on Lot 3 DP 451097 and on the neighbouring Lot 9 DP 5012 (Council owned reserve land) but the proposal was changed on 18 December 2014 to only allow for use of Lot 3 DP 451097. This removed the requirement for Council approval to use Lot 9 DP 5012.

Background

3. The residents of Okiwi Bay have been collecting green waste on the Okiwi Bay Reserve and burning it for the past 18 years. The applicants estimate each burn-off would be approximately 200 cubic metres of dried waste. A tractor is used to lift and turn the stock-pile to ensure all of the waste dries before the burn-off.
4. The stock-piling and burn-off are managed by the Okiwi Bay Ratepayers Association who also obtain a fire permit for each burn-off. The local Rural Fire Force monitors each burn-off to ensure there is no risk to neighbouring properties or vegetation.
5. Council has had no complaints from any of the neighbouring residents about the burn-offs in the past, nor from any other properties in the Okiwi Bay area.

Description of Existing and Surrounding Environment

6. The Okiwi Bay Reserve is located on flat land just inland of the Esplanade at the head of Okiwi Bay. Residential properties line the western and northern sides of the Reserve, with regenerating bush and wetland on the southern boundary. On the eastern portion of the Reserve are buildings housing emergency facilities, community rooms and a boat storage area. Adjacent to the stock-pile area is a building owned by Sanford Limited which is used for storing floats, lines and equipment for mussel farms.

Planning Provisions

7. Section 9 of the Resource Management Act 1991 states that no person may use land in a manner that contravenes a district rule unless expressly allowed by a resource consent.
8. Section 15 of the Resource Management Act 1991 states that no person may discharge a contaminant to the air in a manner that contravenes a regional rule unless allowed by a resource consent.
9. Rule 30.5 of the Marlborough Sounds Resource Management Plan states that any activity not provided for as permitted, controlled, limited discretionary, discretionary or prohibited is a non-complying activity. The stock-piling of green wastes and the burning of the dried green waste falls in to this category. Burning of green waste is provided for as a permitted activity under Rule 30.1.9.6 but this proposal does not use an incinerator and the waste is collected from a number of properties in Okiwi Bay, not just from Lot 3 DP 451097.

Notification and Affected Parties

10. The application was publicly notified on 5 November 2014 and the notification period ended on 3 December 2014. Council received 78 submissions by the closing of the submission period, all in support of the proposal.
11. Given the proposal has been amended to only occur on the privately owned Lot 3 DP 451097, Council concerns can be addressed through conditions of the consent. Therefore, a hearing is deemed unnecessary.

Assessment of Effects

12. The possible adverse effects of the stock-piling of green waste include disruption of activities on the Reserve, degradation of the visual amenity in the area, increased fire risk, offensive odour and providing habitat to vermin.
13. The applicants state this area of the reserve is little used by the public so there should be minimal disruption to other activities undertaken at the Reserve. The Reserve is mostly hidden from roads through Okiwi Bay so there will be little degradation to the visual amenity of the area. Council has had no complaints about offensive odours or pests from the stock-pile in the past and no-one opposed the application during the public notification process.
14. In regard to the possible increased fire risk, the applicants will regularly monitor the stock-pile and conduct burn-offs to keep the volume of wastes down to manageable levels. The local fire appliance is located only 120 metres from the stock-pile so there should be a relatively quick response to any un-planned fire at the site.
15. The burn-off will produce contaminants such as particulates and gases, and probably considerable heat. These contaminants could cause damage to the neighbouring power lines and be objectionable to neighbouring properties if they are blown in the wrong direction. The carbon particulate in the smoke can cause power lines to "trip", which in this particular situation would see the loss of power to surrounding areas.
16. To minimise the risk of these adverse effects, the applicants have proposed to only undertake the burn-offs during calm periods when the smoke and gases will rise directly upwards and away from any of the neighbouring properties.
17. The nearest neighbouring dwellings are located within 50 metres of the stock-pile so there are potential risks to these properties. Provided the atmospheric conditions allow the smoke and gases to rise straight upwards and away from the dwellings, the effects on these neighbours will be no more than minor. There is no record of poor air quality in Okiwi Bay and Council has had no complaints about smoke from the burn-offs in the past.
18. No plastics, oil, car tyres or hazardous products are allowed to be included in the burn-off. These substances produce toxic by-products when burnt and could be a danger to neighbouring properties.

Relevant Statutory and Plan Provisions

19. Policy 10.2.2.1.1 seeks to enable a range of activities within residential areas provided these are compatible with residential amenity values. The stock-pile will be located next to a reserve on the southern margin of Okiwi Bay where it is unlikely to affect the visual amenity of the area. The neighbouring property to the site is used for semi-industrial purposes so the local area has a compromised value.

20. Policy 7.3.1.1.1 seeks to ensure that all persons discharging contaminants to the air, avoid, remedy or mitigate any adverse effects arising from the discharge. Provided the burn-off only occurs in appropriate weather conditions, there are unlikely to be any adverse effects of the discharge on neighbouring properties.

Section 104D - Particular Restrictions for Non-complying Activities

21. The effects of the discharge are likely to be no more than minor provided the applicants undertake the discharge in appropriate atmospheric conditions and the proposal is not contrary to the objectives and policies of the Marlborough Sounds Resource Management Plan. Therefore, this proposal passes both tests of section 104D of the Resource Management Act 1991.

Part 2 Resource Management Act 1991

22. The purpose of the Resource Management Act 1991 is to promote sustainable management of natural and physical resources. Council is satisfied that this proposal is sustainable in terms of Part 2 of the Resource Management Act 1991 and is also in accordance with the policies and objectives of the Marlborough Sounds Resource Management Plan.

Consent Duration and Lapse Date

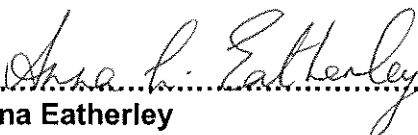
23. A ten year consent is considered appropriate for this proposal as it provides some degree of certainty to the applicants while allowing Council to monitor the effects of discharge.

Recommended for approval:



.....
Glen Parker
Resource Management Officer

Approved:



.....
Anna Eatherley
Marlborough District Council Manager Resource Consents

23rd December 2014
.....
Date

Additional Important Information for Resource Consent Holders

The following information provided in this information sheet is a guide to the legal rights of applicants and submitters.

If you want to discuss matters raised in this information sheet you are welcome to contact Council. However, if you require specific advice you should contact an independent professional and refer to the relevant sections of the Resource Management Act 1991.

Commencement of a Resource Consent

Refer to section 116 of the Resource Management Act 1991

- Where no submissions were lodged or any submissions were withdrawn, a resource consent commences, (and may be actioned) on the date of the receipt of the decision.
- Where submissions were lodged to the application, and not withdrawn, the resource consent commences once the time for lodging an appeal has passed, provided no appeals have been received, or when all appeals have been resolved or withdrawn.
- If the resource consent was for activities controlled by the district plan on reclaimed land or land in the coastal marine area, or a restricted activity; then there are specific provisions regarding the commencement of resource consent. These provisions are outlined in section 116 of the Resource Management Act 1991.

Lapsing

Refer to section 125 of the Resource Management Act 1991

- If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to).

Conditions of Resource Consent

Refer to section 108 of the Resource Management Act 1991

- If conditions are imposed these will be set out in the decision document.
- Please read your consent and ensure that you fully understand any conditions.
- If you have concerns with any condition(s), in the first instance you should discuss your concerns with Council, although an option may be to lodge an appeal or objection.
- It is a legal requirement that there be **compliance with** all conditions.
- If any conditions are contravened it may be that the Council or members of the public will initiate enforcement action (outlined in Part XII of the Resource Management Act 1991).

Change or Cancellation of Conditions of Resource Consent

Refer to section 127 of the Resource Management Act 1991

- The consent holder may apply to the Council to change or cancel conditions of the consent, except a condition specifying duration.

Monitoring Fees

Refer to section 36 of the Resource Management Act 1991 and the Council's Schedule of Fees

- The consent holder will be charged for actual and reasonable costs associated with the monitoring of this consent.

Objections

Refer to section 357 of the Resource Management Act 1991

- In certain circumstances the applicant has the right to object to the Council's decision.
- Any objection shall be made in **writing** and will need to outline the reasons for the objection.
- An objection needs to be lodged with the Council within **15 working days** of the Council's decision being received by you or your agent.

Appeals

Refer to Form 16 and sections 120 and 121 of the Resource Management Act 1991

- The applicant and any submitters have the right to appeal the whole or any part of the Council's decision.
- A notice of appeal must be lodged with the Environment Court and the Council, within **15 working days** of the Council's decision being received (or received by your agent on your behalf). A copy also needs to be served on the applicant and submitters to the application within 5 working days of the notice being lodged with the Environment Court.

Before lodging an objection or an appeal it is recommended that you seek professional advice.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier 742895
Land Registration District Nelson
Date Issued 18 August 2017

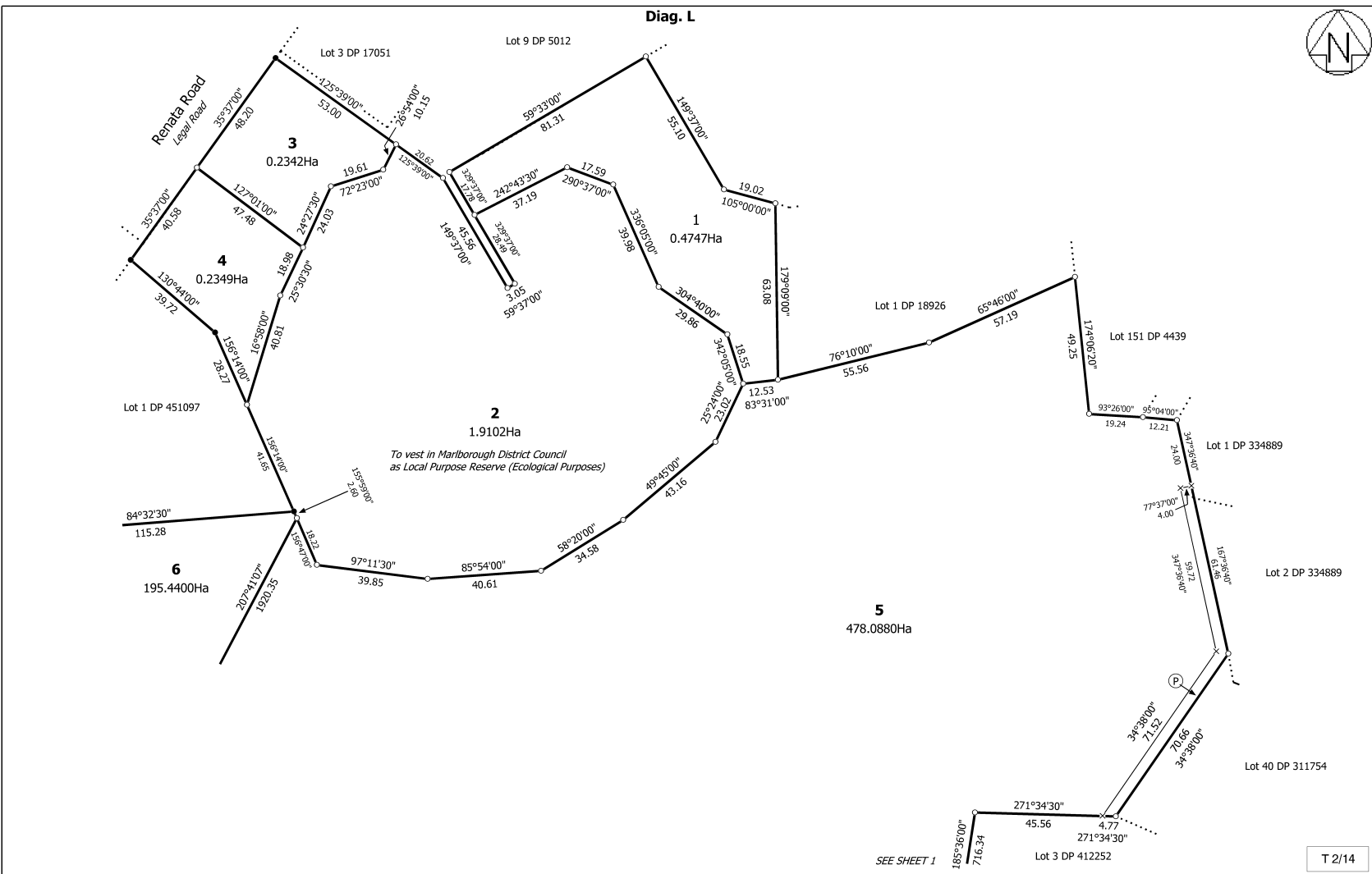
Prior References
574544

Estate Fee Simple
Area 4747 square metres more or less
Legal Description Lot 1 Deposited Plan 499708

Registered Owners
Okiwi Bay Ratepayers Association Incorporated

Interests

Appurtenant hereto is a right of way specified in Easement Certificate 340898.3 - 12.8.1994 at 10:40 am
The easement specified in Easement Certificate 340898.3 is subject to Section 309 (1) (a) Local Government Act 1974
Land Covenant in Transfer 5330973.8 - 3.9.2002 at 9:00 am
8902430.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 31.10.2011 at 4:47 pm
10686823.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.8.2017 at 1:06 pm
Fencing Covenant in Transfer 10895370.1 - 18.9.2017 at 3:46 pm



Land District: Nelson	Lots 1 - 6 being a Subdivision of Lots 2 & 3 DP 451097	Surveyor: Christopher Ian Walker	Title Plan
Digitally Generated Plan Generated on: 14/09/2016 3:03pm Page 5 of 17		Firm: Land Dimensions Limited (Nelson)	LT 499708 Approved on: 14/09/2016

To: Marlborough District Council
PO Box 443
Blenheim 7240



ISO 9001:2008
Document Number:
RAF0010-C11921

SUBMISSION ON APPLICATION FOR A RESOURCE CONSENT

1. Submitter Details

Name of Submitter(s) in full _____

Electronic Address for Service (*email address*) _____

Postal Address for Service (*or alternative method of service under section 352 of the Act*) _____

Primary Address for Service (*must tick one*)

Electronic Address (*email, as above*) or, Postal Address (*as above*)

Telephone (*day*) _____ Mobile _____ Facsimile _____

Contact Person (*name and designation, if applicable*) _____

2. Application Details

Application Number _____ U _____

Name of Applicant (*state full name*) _____

Application Site Address _____

Description of Proposal _____

3. Submission Details (*please tick one*)

I/we support all or part of the application

I/we oppose all or part of the application

I/we are neutral to all or part of the application

- I am a trade competitor for the purposes of section 308B of the Resource Management Act 1991
- I am directly affected by an effect of the subject matter of the submission that:
 - a) adversely affects the environment; and
 - b) does not to relate to trade competition or the effects of trade competition
- I am NOT directly affected by an effect of the subject matter of the submission that:
 - a) adversely affects the environment; and
 - b) does not to relate to trade competition or the effects of trade competition
- I am NOT a trade competitor for the purposes of section 308B of the Resource Management Act 1991

The specific parts of the application that my/our submission relates to are *(give details, using additional pages if required)*

The reasons for my/our submission are *(use additional pages if required)*

The decision I/we would like the Council to make is *(give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought. Use additional pages if required)*

4. Heard in Support of Submission at the Hearing

I/we wish to speak in support of my/our submission

I/we do not wish to speak in support of my/our submission

OPTIONAL: Pursuant to section 100A of the Resource Management Act 1991 I/we request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)*

5. Signature

Signature _____ Date _____

Signature _____ Date _____

6. Important Information

- Council must receive this completed submission before the closing date and time for receiving submissions for this application. The completed submission may be emailed to mdc@marlborough.govt.nz.
- The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.
- You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
- Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the section 42A hearing report.
- If you are making a submission to the Environmental Protection Authority, you should use form 16B.
- If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
- If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.
- Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

7. Privacy Information

The information you have provided on this form is required so that your submission can be processed under the Resource Management Act 1991. The information will be stored on a public file held by Council. The details may also be available to the public on Council's website. If you wish to request access to, or correction of, your details, please contact Council.