

Review of Outcomes

KCSRA's Submission and Marlborough District Council's Decision on Rewa Rewa Developments Limited Consent Application

Executive Summary

The Kenepuru Central Sounds Residents Association (**KCSRA**) submitted at the hearing (7 August 2024) to express concerns over the proposed subdivision by Rewa Rewa Developments Limited, which aimed to create 13 allotments adjacent to the KCSRA boat ramp.

KCSRA had been identified as an affected party by the Marlborough District Council (**MDC**).

Key Concerns Raised by KCSRA:

1. Impact on the Boat Ramp:

- The proximity of the subdivision to the boat ramp and the potential for increased use and wear were noted.
- At the time, the Kenepuru Road was significantly damaged, making the boat ramp the only feasible access point for construction materials and machinery.

2. Stormwater and Sediment Issues:

- Highlighted the exacerbation of existing stormwater problems caused by previous site work.
- Emphasized the deficiencies in the proposed stormwater management design and the associated risks to the surrounding environment.

Actions Taken:

- Significant research and analysis were conducted by KCSRA members (Alistar and Richard) to support KCSRA's concerns and demonstrate the need for stricter conditions.

Outcomes Influenced by KCSRA:

- **Amendments to Conditions:**
 - Planners made changes to clarify and enforce conditions related to stormwater control and sediment management.

- The inclusion of detailed requirements for an Erosion and Sediment Control Plan (ESCP) and stormwater discharge designs was recognized as critical for mitigating adverse effects.

This application underscored the role of KCSRA in ensuring the environmental and infrastructural impacts of the development were thoroughly assessed and addressed in the consent conditions.

More Detailed Discussion of the Outcomes

Boat Ramp and Stormwater Conditions

A. Boat Ramp

The proposed conditions do not directly impose obligations concerning the boat ramp. The council concluded there was no legal basis to require Rewa Rewa Developments Ltd to address potential impacts on the boat ramp due to several factors:

1. **Jurisdictional Limitations:** The boat ramp is a public facility, and there is no mechanism in the consent process to impose conditions regarding its maintenance or upgrade on the applicant.
2. **Use Impacts:** Evidence did not conclusively show that the subdivision would significantly increase boat ramp usage or associated wear and tear. The expectation is that most construction materials and traffic will use the road instead of the ramp.
3. **Responsibility for Maintenance:** KCSRA is responsible for maintaining the boat ramp, but no conditions in the consent relate to transferring this burden or imposing mitigation measures on the developer.

B. Stormwater

The stormwater conditions focus on minimizing sedimentation and environmental impacts while ensuring effective drainage systems.

Below are the main conditions relevant to stormwater control:

Design and Implementation

1. **Stormwater Discharge Design:**
 - Lots 1, 2, 3, 4, 5, 6, 7, 9, and 11 will have stormwater piped directly to streams.
 - Lots 8, 10, and 12 will route stormwater to the right-of-way before reaching streams.
 - The final stormwater discharge plan must comply with design drawing 26126/R4/'F'.
2. **Erosion and Sediment Control Plan (ESCP):**
 - An ESCP must be included as part of the Site Management Strategy (SMS) to manage all open surfaces during and after construction. The plan must utilize techniques like hydroseeding or matting and be approved by a supervising chartered engineer.

Maintenance and Monitoring

3. **Sediment Trap Maintenance:**
 - The sediment trap must be regularly inspected and maintained to ensure its effectiveness. Repairs or structural maintenance must be carried out as needed.
4. **Right-of-Way Maintenance:**
 - Annual and post-storm inspections of the right-of-way are required, focusing on cleaning sumps and removing silt or debris.
5. **Annual Reporting:**
 - **Maintenance activities, including photographic evidence, must be reported to the Marlborough District Council by May 31 each year.**

Environmental Safeguards

6. **Adverse Effects Prevention:**
 - Discharge of stormwater must not cause oil films, foam, colour changes, or adverse effects on aquatic life.
7. **Timing and Weather Conditions:**
 - Construction and maintenance activities should only occur during dry weather with no less than a five-day dry forecast.

Services Company Responsibilities

8. **Stormwater Management:**
 - **A services company, comprising subdivision lot owners, will be responsible for maintaining the stormwater system and ensuring compliance with the consent conditions.**

These conditions collectively aim to manage stormwater effectively, protect waterways, and ensure ongoing compliance with environmental standards. They reflect KCSRA's involvement in the process bearing in mind that it was the sole public entity notified.

Tania Croucher

KCSRA Committee member

8 January 2025.

Summary of Marlborough District Council's Decision

Key Approvals:

- The application to subdivide land into 13 allotments was approved, with identified building platforms for residential development and provisions for environmental management.
- Several resource consents were granted, including permissions for:
 - Subdivision and associated earthworks.
 - Indigenous vegetation clearance.
 - Stormwater discharge into nearby waterways.

Main Considerations:

1. **Environmental Impact:**
 - Concerns about sedimentation and stormwater runoff affecting the Kenepuru Sound and surrounding areas.
 - Conditions were imposed to manage these impacts, including sediment traps, ongoing site maintenance, and monitoring.
2. **Community and Infrastructure:**
 - The impact on local facilities, such as a public boat ramp, was a key concern.
 - The council noted that while increased use might result, there was no legal basis to impose mitigation responsibilities on the applicant.
3. **Land Use Compliance:**
 - The application was assessed against the Marlborough Sounds Resource Management Plan (MSRMP) and the Proposed Marlborough Environment Plan (PMEP).
 - Despite challenges with non-complying activity status under the MSRMP, the subdivision aligns with the PMEPE's zoning and policy framework for residential development.
4. **Stormwater Management:**
 - Existing challenges in the area necessitated detailed assessments and conditions to minimize the subdivision's contribution to runoff and sedimentation issues.
 - Engineers proposed specific upgrades and controls to manage stormwater effectively.
5. **Biodiversity:**
 - Vegetation clearance was limited and assessed as having minor ecological effects.
6. **Traffic and Access:**
 - The subdivision included improvements to access roads, with traffic and parking concerns deemed manageable under the proposed conditions.

Decision Outcome:

- The consent was granted with detailed conditions aimed at mitigating environmental and community impacts, ensuring sustainable development practices.

The conditions that require monitoring include the following key areas:

A. Environmental and Sediment Management:

1. **Environmental Management Plan (EMP):**
 - The consent holder must develop an EMP detailing erosion and sediment control measures. This plan must be approved by the Marlborough District Council Compliance Manager before work begins.
2. **Stormwater and Sediment Control:**
 - All stormwater infrastructure must be designed and certified by a chartered professional engineer following New Zealand standards. Post-construction, the works must be inspected, and compliance documents provided to the council.
 - Measures must prevent sediment-laden water or debris from entering waterways during land disturbance.

B. Vegetation and Land Use:

3. **Vegetation Clearance:**
 - Limited to specific areas (1,200 m²), with controls in place to prevent vegetation or sediment entering waterways.
 - Cleared vegetation must be disposed of securely to avoid environmental damage.
4. **Archaeological Discoveries:**
 - If historical or cultural artefacts are discovered, work must cease, and the relevant authorities (including local iwi) must be notified within 48 hours. Work cannot resume until approvals are obtained.

C. Structural and Development Restrictions:

5. **Building and Lot Restrictions:**
 - Buildings must remain within identified platforms and adhere to height restrictions based on proximity to Kenepuru Road.
 - Lot-specific conditions such as footprint limits and curtilage clearing restrictions apply.

D. Ongoing Monitoring and Reporting:

6. **Maintenance and Annual Reporting:**

- Maintenance of stormwater systems and sediment control measures must be documented and reported to the council annually, with photographic evidence if required.

7. **Condition Reviews:**

- The council reserves the right to review and amend conditions annually or if credible evidence suggests adverse environmental impacts.

8. **Engineering Certification:**

- All land-filling operations and infrastructure work must be certified by professional engineers, with detailed plans and reports submitted to the council.