

BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
TASMAN DISTRICT COUNCIL

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

Application for resource consent by
Māpua Community Boat Ramp Trust

STATEMENT OF EVIDENCE OF MARK DAVID MORRIS

PLANNING

Dated: 4 November 2024



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INTRODUCTION

1. My name is Mark David Morris. I am a Senior Planner at Davis Ogilvie and Partners Limited, a Nelson based survey, engineering and planning consulting company.
2. I hold a Bachelor in Planning degree from Auckland University and a Bachelor in Arts (Geography) Degree from Victoria University (Wellington).
3. I have 30 years Resource Management Planning experience including 21 years working as a resource management planner at Tasman District Council. My role at Davis Ogilvie is varied and includes preparation of a wide range of subdivision and land use and regional consent applications, as well as providing resource management advice to clients.
4. I have been involved with the Mapua Boat Ramp resource consent application since the project inception in 2021 and worked on the overall planning assessment for the proposal.
5. I have visited the site a number of times and I am familiar with the application site.

Code of Conduct

6. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with it in preparing this evidence and I will comply with it in presenting evidence at this hearing. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from the opinions I express.

SCOPE OF EVIDENCE

7. I have read the submissions lodged, as well as the s42A Officers Report prepared by Leif Pigott & Victoria Woodbridge (with input from others) on behalf of the Tasman District Council.
8. The structure of my evidence is set out as follows:
 - a) Assessment of Environmental Effects
 - b) Assessment of Relevant Policies and Objectives.
 - c) Assessment of Relevant Statutory Documents.

- d) Other Relevant Matters.
- e) Part 2 of the Act.
- f) Submissions
- g) Section 42A Report
- h) Conclusions.

THE APPLICATION SITE AND ITS CONTEXT

9. The application site and surrounding environment are detailed within the application document. For this reason, I will not provide a detailed description of the site or surrounding environment here.

THE PROPOSAL

10. The proposal is set out in detail in the application document and is summarised again in the Sec 42A report.
11. A brief description of the proposal is set out below:
- A 49m long and 11m wide two lane concrete boat ramp at 1:8 gradient with 5m long rock reno mattress off the end of the ramp.
 - 1.8m wide footpath across top of ramp and path down to the foreshore on the southern side of the boat ramp.
 - Access lane with barrier arm access to the top of boat ramp 7.2m wide at Tahi Street end widening to 11m with turn around area (R11.0m) just before the top of the ramp.
 - 4m wide landscape plantings between boat ramp access land and waterfront park.
 - Kerb cut outs and a 2m wide open vegetated swale to carry stormwater to existing SW outlet in south-eastern corner of the site.
 - Minor changes to existing carpark to allow for boat ramp access lane.
 - Relocation of Petanque court and outdoor table area on the northern side of Landscape strip.
 - New sealed access to the Trailer parking area on western side of Tahi Street.
 - 62 Trailer car parks on a grassed area with sports field marking to delineate parks and routes for trailers waiting to use ramp.

- Safety line of buoys between south-eastern corner of wharf and waterfront edge, to address drifting boats on an outgoing tide.

The Sea Scout/Community building which was part of the original application, together with the new parking area on the western side of Tahī Street has been completely removed from the application and so will not form part of the assessment of this evidence.

12. The background and history of the proposal is set out in Andrew Butler's evidence.

PLANNING CONTEXT AND ACTIVITY STATUS

13. The site is covered by the following zonings under the Tasman Resource Management Plan.

- Recreation zoning for the boat ramp access from Tahī Street through to the top of the boat ramp.
- Open space zoning for the portion of boat ramp above Mean High Water Springs(MHWS)
- Coastal Marine Area for the portion of the boat ramp that is below Mean High Water Springs.
- Residential zoning for the trailer parking area on the western side of Tahī Street.

The site also contains a commercial zoning along the Aranui Road frontage, but this is not affected by the proposal as none of the proposed activity is taking place within the commercial zoned area.

14. Victoria Woodbridge addresses the relevant Tasman Resource Management Plan rule non-compliances and consent requirements in Section 4.3 of the report so I will not repeat this in this evidence. I generally concur with the listed non-compliances, including the overall status of the activity being **Discretionary**.

I also acknowledge that a 2.0m high acoustic fence on the southern boundary of boat ramp site (with 13 Tahī Street) and this requires a consent as a building within 3m of the boundary and would be a Discretionary activity. This is a consent requirement caused

by conditions in order to mitigate noise effects of the proposal and I do not see that it changes the proposal in any way.

SUBMISSIONS

15. As stated in the officer's report, the proposal was publicly notified on 24 January 2024 with the submission period closing 26 February 2024.

A total of 328 submissions were received and according to the TDC website (Publicly notified Consents) two thirds of the submissions were in support and a third opposed.

The Council officer's Sec 42A report has summarised the submissions so I will not repeat that in this evidence but I will address submissions received later in my evidence.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

16. The application document contains an assessment of the actual and potential effects resulting from the proposal.

17. **Social & Economic Effects**

The development of this site as proposed will provide the following positive social effects:

- Facilitate and enable recreational boating in the Māpua and surrounding area.
- There is an economic (non-commercial) and social benefit from boat users being able to harvest kai moana from the sea within the sustainable limits set by government. The boat ramp will facilitate this.
- Boating is an important social activity for many local families and provides for social and mental wellbeing for an increasing number of people. The boat ramp will help facilitate this.
- Meet the boat launching ramp provisions under the Waimea – Moutere Reserves Management Plan (2022)

Landscape & Visual Amenity

The landscape and visual amenity was assessed by Rory Langbridge, Landscape Architect as part of the original application under **Appendix 5**. Mr Langbridge's conclusion on page 16 of his report states:

*“Due to the compromised nature of the natural character values of the subject site itself and the nature of the existing interface between the site and the Waimea Inlet, I consider the impact of the proposal on these values to be **low**.*

*Overall, following a short period of disruption, the proposal will have a **low** degree of adverse effects on the landscape values of the site and its receiving environment and would have **moderate /high** degree of positive impacts that would stem from the increase in the use and activities that would stem from the new development.”*

Boating use of the adjoining Mapua Channel has been part of the amenity of the District, and Mapua in particular, for over 100 years so boating use, including the launching and retrieval of boats is not a new or recent activity and should be expected as part of the recreational and open space zoning of the waterfront park area.

Motor Boat launching in the Mapua Wharf/waterfront area has been established since at least 1987 and is an established part of the waterfront environment.

The Mapua wharf area is a good example of where an operational wharf servicing recreational boat needs can successfully co-exist with public recreation amenity use, including wharf swimming and with recent wharf redevelopment and a boat ramp.

The location of the proposed boat ramp has been designed so that the recreational use of the bulk of the waterfront park can continue without interruption.

The establishment of the boat ramp access should be expected as part of the recreational zoning of the waterfront park area.

Overall, it is considered that the adverse effects of the proposed development on the landscape and visual amenity are less than minor.

18. Coastal Environment Amenity Effects

A boat ramp, by virtue of its purpose for launching sea going boats needs to be located partly in the Coastal Marine Area (CMA). In this case the amount of the CMA that will be occupied and disturbed will be kept to a practical minimum. Because of the potential contamination of the underlying remediated soil of the site and the need to avoid any damage to Council sewer and water lines, the boat ramp has been designed to keep the depth of earth works to a minimum and in the case of the boat ramp itself, the concrete boat ramp will be largely placed on top of the land surface area, as shown on the Design Detail Plans submitted with the application. This will significantly reduce the land disturbance and avoid any damage to the existing sewer lines that run across the boat ramp route.

Although there will be some change to the foreshore coastal amenity by the construction of the boat ramp itself, in the context of the wharf and waterfront modified landscape amenity and the long established boating use of Mapua channel, the adverse effects on coastal character and amenity, in my view, are less than minor.

19. Use of public space & public access to and along the coast

The proposed boat ramp has been designed to occupy a small area of coastal marine area located in the existing modified coastal area near the existing Māpua wharf area with the coastal character of the existing Waimea Inlet being maintained and the coastal character of Grossi Point area being enhanced by the potential reduction of motor boat launching from the Grossi Point and the associated trailer parking area, that at present adversely affects the natural character of the area. However, it is acknowledged that it is only Council that can control vehicle and boat access to Grossi Point.

The use of the boat ramp will tend to be concentrated in the early to mid morning, because of the sea breeze that tends to come up in the middle of the day. This means that for the rest of the day, after noon, there is likely to be little use of the ramp and it will be freely available for public pedestrian use with a formed walkway across the top of the ramp and down to the foreshore to allow for pedestrian access to and along the coastal marine area.

The proposal will at the same time, provide for public access to and along the Coast and will be provide for well controlled boat access to and from the coast with any vehicle use of the foreshore kept to a minimum.

20. **Effects on Indigenous Flora, Fauna & Habitat**

In terms of ecological effects, these have been assessed as part of Ben Robertson's Ecological expert evidence.

This evidence sets out the ecological impacts of the proposed activity and the proposed mitigation and management measures.

Dr Robertson concludes that the adverse effects on flora and fauna are less than minor.

I agree with Dr Robertson, and I consider given that the site is highly modified former industrial site with artificial rock protection along the coastal frontage, the adverse effects on indigenous flora and fauna habitat, are less than minor.

21. **Traffic**

Gary Clark- Traffic Engineer has assessed the traffic effects of the proposed boat ramp and associated access and trailer parking in his evidence and concludes:

The proposed boat-ramp and associated access and boat-trailer parking will operate both safely and with only minimal effects upon background road users in this area.

many of the associated vehicle movements already take place in this area, using the Grossi Point launching area and the volume of additional traffic activity is expected to be minor.

Good sightlines are available at the additional vehicular crossings on the Tahī Street frontage will ensure the safety of vehicle turning movements and effects upon the wider Māpua village environment and road network will be minor.

The proposal will be generally compliant with the relevant district plan requirements, with areas of non-compliance being minor in nature, mainly related to the surfacing of the trailer parking area.

Overall, in the light of the application and as amended, it is considered that the traffic effects of the proposed development are less than minor.

22. **Noise**

Noise effects generated by the proposed development will be limited to the construction phase and vehicles entering and exiting the Ramp.

The applicants will not allow the washing down of boats on the boat ramp or the access, which traditionally been a source of noise with motors being run for washing. Instead, boat users will have to wash down their boat on their own property, as no washdown facilities will be provided.

A Noise Assessment Report has been completed Marshall Day consultants (**Appendix 18 of the revised application 16.11.23**) and has found that that the proposed activity will breach the TRMP noise rules under rule 17.10.2.1 (b) in certain situations which are discussed in the report. The report recommends a Noise management Plan be prepared to manage the effects of noise from the boat ramp and vehicle entering and exiting the boat ramp. The applicants are happy to volunteer this as a condition of consent.

The manoeuvring of boats within the launching area will generate some noise but the inshore speed limit of 5 knots, the noise level is expected to be low and in keeping with what would normally be expected in a waterfront / wharf area where boats are part of the existing environment.

As I have said earlier in my evidence, boating use of the Mapua Wharf area and Mapua Channel is an established activity in this area and part of the amenity of this area so the noise effects of boating use and associated boat launching are already established in this area.

The closest neighbour to the proposed boat ramp site (13 Tahī Street) has given her written consent to the proposal, which means the effects on that owner cannot be taken into account in considering the effects of the application.

The evidence of Jon Farren (Marshall Day) put the matter of noise in perspective.

The applicants are not aware of any noise complaints to Council over the use of the Grossi Point boat launching area, which is also close to residential properties.

23. **Historic & Cultural Effects**

The site is part of the Grossi Point Peninsula which has had extensive pre-European occupation over many centuries, and that has been highlighted in the Cultural Effects Assessment (CEA) by Te Runanga o Ngāti Kuia Trust and Ngāti Apa ki te Ra To which provided a Cultural Effects Report which contains confidential information and so has not been included in the application. However, subject to agreement by the relevant iwi, these can be made available to Council staff as part of the cultural effects assessment process.

The extent of consultation for the boat ramp proposal which has been going on since 2017 was set out in Appendix 16 of the original application.

The applicant acknowledges the efforts that local iwi have taken in explaining the long history of iwi association with the Māpua area and the significance of the Grossi Point peninsula to various iwi and the number of significant archaeological sites in the Māpua area and the applicant does not intend to affect that.

The entire site of the proposed activity has been subject to extensive reworking down to 3 m depth as part of the FCC remediation which took part in the early 2000s. This means that the proposed earthworks for the development (which should be no more than 600 mm deep) should not affect any archaeological sites. The Archaeological Report by Archaeologist Deb Foster that was submitted as **Appendix 10** of the original application has confirmed this.

As part of the consultation, several recommended conditions that were put forward by both Ngāti Kuia and Ngāti Apa ki te Ra To. These are set out below and are volunteered by the Applicant:

That there is cultural safety induction prior to the commencement of works.

An Iwi Monitor is to be onsite for any earthworks on the site.

That the Te Runanga o Ngāti Kuia Accidental Discovery Protocol (Appendix 6.2 of Ngāti Kuia CEA) be strictly always followed during earthworks.

That any person operating under this consent is made aware of the presence of Pakohe and how to identify it during construction. Pakohe should be managed as per the Pakohe management plan.

Any future developments to include Ngāti Kuia and Ngāti Apa representation in the form of Pou whenua & or information panels.

It is acknowledged that there have been previous incidents in Māpua area, where the Accidental Discovery Protocol has not been followed when finds have been discovered and work has not stopped and the protocol has not been followed, which has been of great concern to the iwi concerned.

The Applicant will undertake to make sure that the Discovery Protocol is strictly always followed during the construction so that this is not repeated in this case.

In terms of the last recommendation for Pou/Information Board setting the iwi history and significance of the site, there has been included an information board as one of the signs being applied for as

part of the application and is located on the site plan as **S8 (Appendix 1)** of the original application. However, it is recognised that this is dependent of approval from the Council Reserves Department and dependent on co-operation from Iwi on the content of the information board.

24. **Recreational Effects**

The recreational effects are essentially positive which include the following:

- The benefit of an easily accessible boat ramp available for public use.
- Ample room for trailer parking near the boat ramp.
- The existing pétanque area will be relocated a short distance to the north to allow for the boat ramp access and should be unaffected.
- Walking is an important recreational activity in the area and the boat ramp will provide public access across the top of the boat ramp and via a ramp down to the foreshore as shown on the plans submitted with the application.
- An area for passive recreation in the bulk of the waterfront park will still be retained as shown on the Landscape Plan that was submitted with the application.
- Boating is an accepted recreational activity that can co-exist with other recreational uses, as has been shown already with the Mapua Wharf area.

25. **Signage Effects**

A total of 9 signs are being applied for as part of the original application.

The purposes of these signs are mainly for information purposes and health and safety for the safe and efficient of the boat ramp and associated access and parking.

While the general purpose of each of the signs, each up to 2 m² in size is set out in 2.7, it is requested that the actual wording not be confirmed until the Engineering Plan Stage.

Signs are consequential to the activity being applied for and are commonly used in recreational areas to ensure users are safer and public are safe while the boat ramp is being used.

26. **Natural Hazards & Coastal hydrological effects**

The proposed activity is part of an existing area that already has existing coastal rock wall in place. The proposal does not involve any habitable buildings and should not adversely affect the coastal hazard risk on adjoining properties.

The Coastal Engineering Assessment report by Gary Teear of OCEL in the original application (**Appendix 15**) & in the revised application 16.11.23 (**Appendix 15A**) outlined the assessment of the effects of tidal flows within the Mapua Channel on the proposed boat ramp and on boats using the ramp.

Gary Teear in his assessment of the tidal flow results on page 2 – para 3 of his report with the original application states:

“that the current close to the waterline is relatively slow, of the order of 0.2 – 0.3m/sec 5m out from the waterline the speed picks up to 0.5 – 0.6 m/sec, 1-1.2 knots. The slow flow area moves down the ramp with tide so that it is possible to put a boat trailer in the water without being subject to strong currents at all stages at the tide. The weaker currents in the shallow water close to the waterline as it drops down the ramp are the result of bottom friction effects at the shore.”

Mr Teear has further assessed the hydrological and tidal effects on the operation of the boat in his evidence for this hearing.

A section 128 review condition can be imposed to allow for future council review of conditions to allow for adaptive management to manage future sea level and/or increased coastal erosion.

27. **Hazardous Substances**

The site is a HAIL site, being the former site of the Fruit growers Chemical Company (FCC) pesticide factory, which is outlined in the Detailed Site Investigation (DSI) by Environmental Scientist Gareth Oddy which was attached as **Appendix 7** in the original application and is further set out in his evidence for this hearing.

The report assesses the contamination of the site and requires for consent under the National Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

The DSI reports sets out recommended conditions and includes a robust environmental management plan (EMP) that will be strictly followed to mitigate any contamination effects. The construction methodology of the boat ramp itself has been designed so that the depth of excavation is kept to a minimum and the concrete boat ramp itself will be constructed on top of the foreshore as shown in the Construction Detail Plan of the Boat Ramp submitted with the application to avoid deep excavation of the seabed. The resulting concrete boat ramp and concrete access will provide a highly effective and permanent “cap” to ensure any future contamination or infiltration of stormwater does not occur.

28. Land Disturbance Effects

Because of contamination hazard which has been set out in Gareth Oddy’s evidence, robust environment management plans will be required to intercept and manage any sedimentation runoff during earthworks. Special dust control has been included in the environment management plan (**RFI Response dated 20.11.23**). Environmental Scientist Gareth Oddy who authored the DSI report (**Appendix 7 of the application**) will oversee the Environmental Management Plans and their implementation of them, to ensure that any contamination is contained and does not get into Coastal Marine Area.

29. Discharge Effects

- The details of the stormwater disposal are set out in the Engineering Report by Gary Stevenson set out in **Appendix 12** with the original consent application which sets out the area that will be managed for stormwater runoff. This is further covered by his expert evidence for this hearing.

The change to the current application with the removal of the sea-scout/community building and the new formed car parks on the western side of Tahi Street, has significantly reduced the stormwater effects of the proposed activity.

The stormwater from the boat ramp access is proposed to discharge to the existing drain to Waimea Inlet after passing through a vegetated swale to the south of the site which will provide pre-treatment within the swale before it discharges into the Coastal Marine Area (CMA).

All stormwater eventually discharges into the Coastal Marine Area (CMA). As I have mentioned above, the stormwater runoff effects should be minor in that there will be no wash down of boats will be allowed on the boat ramp and vegetated stormwater swale along the southern boundary should provide for pre-treatment before it enters the CMA.

Final design of the swale will be confirmed at the Engineering Plan approval stage.

30. **Effects on the Coastal Marine Area covered by the Marine Coastal Area (Takutai Moana) Act 2011**

It is considered that the effect on the Coastal Marine Area covered by the customary marine title (CMT) claims under the MCA (Takutai Moana) Act 2011 is less than minor for the following reasons:

- The amount of area of the Coastal Marine Area being occupied by the boat ramp structure is extremely small being only 520 m².
- The location of the boat ramp is in an existing highly modified waterfront area, with the effects on ecological values being less than minor.
- The location of the boat ramp should not adversely affect the ability of CMT applicants to access their kai moana or food gathering grounds, in fact being a public access boat ramp it will make it easier for them to access.
- The proposed boat ramp will not adversely affect the existing natural character of the Waimea Inlet.
- The proposal will not adversely affect the water quality in the Waimea Inlet.
- An Accidental Discovery Protocol and the volunteered conditions that have been set out in 23.0 of this evidence.

Details of consultation with the applicant group was set out in **Appendix 14** of the original application.

31. **Hazards from the operation of the proposed boat ramp**

The applicants have provided a Navigation Safety Assessment Report by Captain Jim Dilley – Master Mariner and Dr VJ Muir and this was provided to Council.

The report assesses the navigation safety effects of the use of the boat ramp.

The issue of tidal flow hazards has been assessed by Gary Teear of OCEL in his report dated 7.11.23 which was attached as part of the revised application dated 16.11.23 (**Appendix 15A**).

Gary Teear in his assessment of the tidal flow results on page 1 – para 4 of his report states:

“The results of the current study, and personal experience with launching the current drogue chase boat, show that the current close to the waterline is relatively slow, of the order of 0.2-0.3m/sec 5m out from the waterline, and manageable when launching a boat. That will remain the case on the boat ramp even with the minor accelerated flow diversion across the ramp. 10m out from the waterline the speed picks up to 0.5-0.6m/sec – 1-1.2 knots. The slow flow area moves down the ramp with the tide so that is possible to put a trailer in the water without being subject to strong currents at all stages at the tide. The weaker currents in the shallow water close to the waterline as it drops down the ramp are the result of bottom friction effects at the shore.”

These findings do show that the tidal current effects are not significant at the proposed boat ramp location. The OCEL report does point out the hazard of strong flow conditions in the Mapua Channel just out from the end of the boat ramp structure, which is a feature of any boat launching in the Mapua Area. The use of the boat ramp will be controlled by the card entry at the gate accessing the boat ramp. The cards will be available from the Trust.

There will be signage advising of the Mapua Channel including a QR code link to information on the use of the boat ramp and any Channel hazards. The Mapua Boat Club website will provide information on any tidal hazards at the boat ramp site and the crossing of the Mapua Channel Bar. This allows for a more effective education of boat users than the current situation for Grossi Point boat launching where there is no control on access and no education for new boat users.

In terms of the Section 42A report and in particular 8.0 of the report by the TDC Harbour Master and the perceived contradictory evidence of Mr Teear and Captain Tilley in relation to floating pontoons. Both Mr Teear and Captain Dillely consider that a floating jetty or “pontoon” as suggested by the Harbour Master is inappropriate and unsafe.

32. **Assessment of Alternative Sites.**

As part of the early consultation that was undertaken by the Māpua Boat Club several sites were considered for a boat ramp site. These were not considered suitable for the following reasons:

- i) Existing Boat Ramp site at the wharf.
Increased retail activity and the closing off of the wharf area to vehicles and expansion of the Golden Bear Pub and Jelly Fish Cafe and lack of nearby trailer parking make this site impractical.
- ii) Grossi Point.
A site of high cultural significance with several significant sites that could be disturbed during earthworks.
Conflict with swimmers that use the reserve area. Not an all-tide access. Lack of trailer parking area and need 4-wheel drive for access. Exposed to south westerly wind.
- iii) Māpua leisure Park.
Privately owned with no public access. It is unlikely that TDC would want to purchase rights to gain access with a site so highly exposed to coastal erosion.
- iv) Broadsea Ave (Chaytor Reserve)
Extremely tidal and open to sea swell and breezes. Lack of area for trailer parking.
- v) Waterfront Park
Instead, the waterfront park was found to be the best options for the following reasons:
- The western side of Tahī Street provides easily accessible trailer parking area.
 - Takes pressure off the Grossi Point reserve area which can become a passive recreation area (subject to Council management).
 - Provides for an all-tide access and is sheltered by the Wharf structure from the high tide flows and winds.
 - Appropriate location in the Māpua Waterfront character area, but with enough separation from the Māpua Wharf / Shed 4 retail area so that it does not conflict with the use of this area.

33. Conclusion as to Environmental Effects

The proposed boat ramp is in an existing highly modified environment and the adverse effect on the coastal environment should be less than minor.

Boating and associated boat launching is an established activity in the Mapua Wharf/waterfront area and the Mapua Channel.

The proposal will still provide public access to and along the coast.

The applicant has provided a Detailed Site Investigation (DSI) and Environmental Management Plan showing how any contamination risk from the FCC site will be managed to ensure there is no contamination risk to the Coastal Marine Area.

The proposal will ensure that the ecology of the wider coastal marine area of the Waimea Inlet will not be adversely affected by the proposal.

The traffic effects of the proposed access and parking area can be managed so that they do not adversely affect the functioning of the Mapua road network.

The proposal will have positive effects in providing an important recreational boating asset to the Tasman community.

The significance of the area to local iwi is acknowledged and even though it is highly unlikely that any significant sites will be found, because of the previous extensive reworking of the soil, during the FCC remediation, an iwi monitor will be always on-site during earthworks and the accidental discovery protocol will be strictly followed.

Boating provides for the social well-being of many families in the surrounding Māpua area, and the proposal will provide and enable an important recreational activity in the district.

Gary Tear from Coastal Engineering firm OCEL in his expert evidence has confirmed that the boat ramp can be constructed safely in the specified location and used by boat users without being adversely affected by tidal flows in the Mapua Channel.

The location of the Boat ramp down the southern boundary should ensure that rest of the Waterfront park can be developed for the other uses set out in Moutere- Waimea Ward Reserves Management Plan for Waterfront park.

ASSESSMENT OF RELEVANT OBJECTIVES AND POLICIES

34. The application document sets out an assessment of the proposal against the relevant objectives and policies of the District Plan.
35. The relevant objectives and policies of the Tasman Resource Management Plan are the following:
 - Chapter 5 – Site Amenity Effects
 - Chapter 8 – Margins of Rivers, Lakes , Wetlands and the Coast.
 - Chapter 9 – Landscape

- Chapter 10 – Significant Natural Values and Historic Heritage.
- Chapter 11 – Land Transport Effects.
- Chapter 12 – Land Disturbance Effects
- Chapter 13 – Natural Hazards
- Chapter 14 – Reserves and Open Space
- Chapter 20- Effects of Craft using the surface of Coastal Waters.
- Chapter 21 – Effects of Disturbance, Structures and Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values.
- Chapter 24 – Noise Emissions
- Chapter 33 – Discharges to Land & Freshwater
- Chapter 35 – Discharges to Coastal Marine Area.

36. **Chapter 5: Site Amenity Effects**

Chapter 5 deals with the amenity effects of development and cross-boundary effects on other properties.

Objective 5.1.2 seeks to avoid, remedy, or mitigate the adverse effects of development on the use and enjoyment of other land and on the qualities of natural and physical resource.

The following policies are relevant to this proposal:

5.1.3.1 To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.

5.1.3.8 Development must ensure that the effects of land use or subdivision activities on stormwater flows and contamination risks are appropriately managed so that the adverse environmental effects are no more than minor.

5.1.3.9 To avoid, remedy, or mitigate effects of:

- (a) noise and vibration.
- (b) dust and other particulate emissions.
- (c) contaminant discharges.
- (d) odour and fumes.
- (e) glare.
- (f) electrical interference.
- (g) vehicles.
- (h) buildings and structures.
- (i) temporary activities.

Beyond the boundaries of the site generating the effect.

5.1.3.12 To protect the natural character of coastal land from adverse effects of further subdivision, use or development, including effects on:

- (a) natural features and landscapes, such as headlands, cliffs, and the margins of estuaries.
- (b) habitats such as estuaries and wetlands.
- (c) ecosystems, especially those including rare or endangered species or communities.
- (d) natural processes, such as spit formation.
- (e) water and air quality.

Having regard to the:

- (i) rarity or representativeness.
- (ii) vulnerability or resilience.
- (iii) coherence and intactness.
- (iv) interdependence.
- (v) scientific, cultural, historic or amenity value.

Of such features, landscapes, habitats, ecosystems, processes, and values.

Comment:

A landscape assessment and the assessment of the TRMP landscape policies has been set out in the expert evidence of Landscape Architect Rory Langbridge of RMMLA dated 18 October 2024. Mr Langbridge's evidence shows that the proposal will not adversely affect the natural character of the Waimea Estuary. He states in paragraph 107:

It is my opinion that due to the compromised edge to the estuary, a boat ramp located as proposed would not further compromise the natural character values of the estuary."

Mr Langbridge concludes the following in relation to the landscape amenity effects of the proposed development in paragraph 135 of his evidence :

"It is my opinion that Waterfront Park, has the ability to absorb the development as proposed and be fully restored such that the long term adverse impact on landscape values will be low and the facility will in fact contribute positively towards the amenity and recreational values of the park."

Overall, in terms of the landscape and amenity effects of the proposal in the context of the waterfront Māpua wharf location and the proposed landscaping of the site will ensure that the amenity/landscape effects are less than minor. The proposal does not involve any buildings, with landscape plantings on either side of the access lane to boat ramp to ensure visual effects are less than minor.

The boat ramp itself will have to occupy a small area of the CMA. However, this occupation of foreshore has been kept to minimum and in the context of the highly modified landscape of the wharf area and the former industrial area, the overall amenity effects will be minimal and will not adversely affect the natural character of the Waimea Inlet.

In terms of 5.1.3.1 & 5.1.3.8, and contaminations risks of carrying out works on the remediated FCC HAIL site will be well managed as part of the Site Management Plan (SMP) as set out in the Detailed Site Investigation (DSI) by Gareth Oddy as set out in his expert evidence.

In terms of 5.1.3.1 and natural hazard risks, the structure is in a position that is much less exposed to coastal hazards compared to most other open coastal locations on the Tasman coast and the resilience of the structure has been confirmed by Coastal Engineer, Gary Tear of OCEL in his report (7.11.23) in **Appendix 15A** of the revised application dated 16.11.23. The report assesses the effects of the tidal currents in Mapua Channel at the boat ramp site and their effect on the boat ramp itself. Gary Tear in his assessment of the tidal flow results on page 1 – para 4 of his report states: *"that the current close to the waterline is relatively slow, of the order of 0.2 – 0.3m/sec 5m out from the waterline the speed picks up to 0.5 – 0.6 m/sec, 1-1.2 knots. The slow flow area moves down the ramp with tide so that it is possible to put a boat trailer in the water without being subject to strong currents at all stages at the tide. The weaker currents in the shallow water close to the waterline as it drops down the ramp are the result of bottom friction effects at the shore."*

37. **Chapter 8: Margins of Rivers, Lakes, Wetlands, and the Coast**

Issue 8.1.3.1

To maintain and enhance public access to and along the margins of water bodies and the coast while avoiding, remedying, or mitigating adverse effects on other resources or values, including: indigenous vegetation and habitat; public health, safety, security, and infrastructure. cultural values; and use of adjoining private land.

8.2.2 Objective

Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems, and natural processes.

8.2.3.1 To maintain and enhance riparian vegetation, particularly indigenous vegetation, as an element of the natural character and functioning of lakes, rivers, the coast, and their margins.

8.2.3.2 To control the destruction or removal of indigenous vegetation on the margins of lakes, rivers, wetlands, and the coast.

8.2.3.3 To avoid, remedy or mitigate adverse effects of land management practices on the margins of water bodies, including wetlands.

8.2.3.4 To avoid, remedy or mitigate adverse effects of buildings or land disturbance on the natural character, landscape character and amenity values of the margins of lakes, rivers, wetlands, or the coast.

Comment:

The Waterfront park is a modified urban landscape that was formerly an industrial site being the site of a former pesticide factory and coastal edge that has been modified with reclamation during the previous industrial use. The remediation and reconstruction of the former pesticide factory site with rock protection frontage has meant that the coastal edge does not have the natural coastal edge that other unmodified areas around Mapua have.

Any effects on the natural character of the waterfront area need to be seen in the context of the already extremely modified landscape that has resulted from the former industrial use and the extensive reworking of the FCC site as part of the remediation process.

The Applicant has sought to ensure that apart from the access lane and the boat ramp itself, that the natural character of the water front park area will be retained.

The proposed development will provide for full public access to and along the coast by way of the access across the top of the boat ramp. The boat ramp access lane and boat ramp will still be retained in public ownership and open to public access. Because of the Mapua sea conditions with wind generally coming up in later in the morning most boat users will usually return by noon, meaning the ramp area is likely be free from traffic during most afternoons.

In terms of 8.2.3.1 the proposed landscape planting will incorporate indigenous vegetation plantings in the landscaping of the site together with the existing vegetation to be retained along the swale along the southern boundary.

Overall, in the context of the existing highly modified environment of the existing wharf and waterfront area, it is considered that the natural coastal character of the area will not be adversely affected.

38. Chapter 9: Landscape

9.1.2 Objective

Protection of the District's outstanding landscapes and features from the adverse effects of subdivision, use or development of land and management of other land, especially in the rural area and along the coast to mitigate adverse visual effects.

9.1.3.7 To ensure that land disturbance, including vegetation removal and earthworks, does not adversely affect landscape character and rural amenity value in the Coastal Environment Area in locations of public visibility, particularly where there are distinctive natural landforms.

Comment:

The landscape effects of the development and associated landscape policies have been covered by the expert evidence of Landscape Architect Rory Langbridge of RMML and he concludes the following in paragraph 133:

*"Due to the compromised nature of the natural character values of the subject site itself and the nature of the existing interface between site and the Waimea Inlet, I consider the landscape impact of the proposed development on these values to be **low**."*

39. Chapter 10: Significant Natural values and Historic Heritage

10.1.2 Objective

Protection and enhancement of indigenous biological diversity and integrity of terrestrial, freshwater, and coastal ecosystems, communities, and species.

10.1.3.2 To safeguard the life-supporting capacity of the district's indigenous ecosystems, including significant natural areas, from the adverse effects of subdivision, use and development of land.

Comment:

In terms of ecological effects, these have been assessed as part of Ben Robertson's expert evidence.

40. Chapter 11: Land Transport Effects

11.1.2 Objective

A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied, or mitigated.

11.1.3.2 To ensure that land uses generating significant traffic volume:

- (a) are located so that the traffic has access to classes of roads that can receive the increase in traffic volume without reducing safety or efficiency.
- (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.

Comment:

The effects of the traffic have been assessed by Traffic Engineer Gary Clark in his traffic evidence .

Mr Clark's evidence assesses the traffic effects of the proposal and sets out proposed access and parking layout conditions and mitigation measures to ensure that the traffic effects of the proposed activity will be minor.

41. Chapter 12: Land Disturbance Effects

12.1.2 Objective

The avoidance, remedying, or mitigation of adverse effects of land disturbance, including:

- (a) damage to soil.
- (b) acceleration of the loss of soil.
- (c) sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast.

- (d) damage to riverbeds, karst features, land, fisheries or wildlife habitats, or structures through deposition, erosion, or inundation.
- (e) adverse visual effects.
- (f) damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance.
- (g) adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.

12.1.3.2 To avoid, remedy, or mitigate the actual or potential soil erosion or damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the district, including consideration of:

- (a) natural erosion risk, and erosion risk upon disturbance.
- (b) scale, type, and likelihood of land disturbance.
- (c) sensitivity and significance of water bodies and other natural features in relation to sedimentation or movement of debris.
- (d) Coastal Risk Area.

Comment:

It is considered that the proposed site management plan (SMP) as set out in the expert evidence of Environmental Scientist Gareth Oddy that will be implemented for this development will ensure that sedimentation and contamination effects of the development on the coastal environment will be less than minor.

42. **Chapter 13: Natural Hazards**

13.1.3.1 To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, fault rupture, flooding, erosion, or inundation, or in areas with high groundwater levels.

13.1.3.2 When determining appropriate subdivision, use or development in the coastal environment to assess the likely need for coastal protection works and, where practicable, avoid those sites for which coastal protection works are likely to be required.

Comment:

The proposed activity is part of an existing area that already has existing coastal protection works in place. The proposal does not involve any habitable buildings and should not adversely affect the coastal hazard risk on adjoining properties.

A section 128 review condition or adaptive management condition can be imposed to allow for future council review of conditions to allow for adaptive management to handle future sea level and /or increased coastal erosion.

43. Chapter 14: Reserves and Open Space.

14.2.2 Objective

Efficient and effective use of open space and reserves to meet community needs for recreation and amenity.

14.2.3.1 To maintain and where necessary improve the quality of reserves, open space and public recreational facilities.

14.2.3.2 To identify and protect areas that are important for organised recreational pursuits.

14.2.3.3 To encourage multiple use of reserves and open space and recreational facilities where practical.

14.2.3.4 To identify and protect areas that are important for informal low key recreational facilities where practical.

Comment:

The proposed boat ramp will provide an important recreation facility to meet the boating recreation needs of the community while still allowing for open space and other recreational uses within the existing waterfront park area.

Policy 14.2.33 seek to allow multiple uses of reserves and open space and recreational facilities and this proposed development will still allow for open space enjoyment of the waterfront while allowing for the launching of boats which together would form the mix of multiple uses of the Mapua waterfront area.

In terms of policy 14.2.3.3 , the **Moutere- Waimea Reserves Management Plan (16 June 2022)** which covers the management of Waterfront Park, makes it clear that the definition of “open space” under the transfer deed from the Crown in 2204 which it defined as “*community , recreational, environmental, cultural or spiritual purposes and includes roads and carparks.*”.

Policy 6 of the waterfront park management plan under 5.7.29 states:

6. *Provided all relevant processes are completed and all required authorisations are obtained, allow for a community boat ramp to be constructed at Waterfront Park. Use of the boat*

ramp should be managed to be constructed at the Waterfront Park. Use of the boat ramp should be managed to ensure that:

- i) no contaminants from land are exposed or able to leach in to the coastal environment;*
- ii) vehicle movements to and from the boat ramp minimise impacts on the open space values of Waterfront Park and other users; and*
- iii) parking for vehicles with boat trailers does not encroach on the open space areas of Waterfront Park and is provided for elsewhere.*

This is clearly an enabling policy to allow for a community boat ramp, subject to getting the necessary consent requirements, which this application is seeking and the three management requirements (i - iii) which can be met by this proposal.

The Council policies under 5.7.29 clearly recognise that a community boat ramp can co-exist with the other recreation activities set out in Policies 1 -7 of the Waterfront Park management plan and contributes to the multiple uses of reserves and open spaces that are anticipated by Policy 14.2.3.3..

44. **Chapter 20: Effects of Craft Using the Surface of Coastal Waters.**

This chapter deals with the effects of the passage of craft and how they affect the navigational safety of other craft using coastal waters and the effects on Mooring Areas such as the Mapua Mooring Area.

Objective 20.1.2 states:

Safe navigation, amenity values and natural values are not compromised by the passage of craft, or by other activities on the surface of the water.

Comment:

The chapter contains various policies regarding the safety of coastal craft that are dealt with by the various coastal navigational bylaws set down by the Council.

Mapua is an established boating area where various types of coastal craft are able to use the Mapua Channel area without conflicts.

Boat Launching at the Mapua Waterfront area has been happening for many years and the evidence from Mr Teear and Captain Dilley show that the proposed boat ramp can be used safely to allow boat users access the Mapua Channel.

The challenges of the crossing the Mapua Bar are a reality for any Mapua boat user not matter where they launch. The Trust, though gate entry system will ensure that all boat users are well informed about the hazards of crossing the Mapua. This is an improvement over the existing situation at Grossi Point where there is very little education on the Mapua Bar.

The chapter has various policies in relation to mooring areas and the efficient use of the mooring areas. In this case the Trust will work with the Harbour Master to ensure that the operation of the boat ramp does affect moorings within the Mapua Area. The Mooring bylaw established under Plan Change 72 allows for Moorings to be moved within the mooring area without the need for resource consent.

45. **Chapter 21: Effects of Disturbance, Structures and Occupation on Coastal Marine Conservation, Heritage, Access, and Amenity Values**

21.1.2 Objective

Preservation of the natural character of the coastal marine area, particularly its margins, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.

21.1.3.1 To avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:

- (a) physical modification to foreshore or seabed, including reclamation, dredging, removal or deposition of material, or other disturbance.
- (b) disturbance of plants, animals, or their habitats.
- (c) structures, including impediments to natural coastal processes.
- (d) the use of vessels or vehicles.
- (e) stock grazing or trampling on coastal margins.
- (f) the discharge of any contaminant or waste.

21.1.3.2 To avoid, remedy or mitigate adverse effects on outstanding or other significant natural features and seascapes in the coastal marine area, including natural expanses of coastal water, arising from modification other than through natural processes.

21.1.3.3 To restrict the placement of structures in or along the coastal marine area to those for which coastal location is necessary and whose presence does not detract from the natural character of the locality, including the natural character of adjoining land.

Comment:

The proposed boat ramp in highly modified urban landscape and waterfront should not adversely affect the natural character of the adjoining coastal marine area.

21.2.2 Objective

Avoidance, remediation, or mitigation of adverse effects on marine habitats and ecosystems caused by:

- (a) access by vessels, vehicles, people, or animals.
- (b) the introduction of species non-indigenous to the district.
- (c) disturbance of the foreshore or seabed.
- (d) the placement and use of structures for port, berthage, aquaculture, network utilities, roads, mineral extraction or any other purpose.
- (e) the disposal of contaminants or waste, or accidental spillage of substances with priority for avoidance in those areas having nationally or internationally important natural ecosystem values.

21.2.3.3 To avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area, for any purpose, on:

- (a) natural character.
- (b) natural coastal processes and patterns.
- (c) coastal habitats and ecosystems, particularly those supporting rare or endangered indigenous or migratory species, or nationally or internationally significant natural ecosystems.
- (d) public access to coastal marine space.
- (e) visual amenity and landscapes or seascapes.
- (f) navigational safety.
- (g) historic and cultural values.

21.2.3.21 To restrict structures and disturbance such as port developments, jetties, moorings or aquaculture from locating in areas where they would adversely affect nationally or internationally significant natural ecosystem values or significant habitats such as estuaries and intertidal areas.

21.2.3.23 To provide for consistent protection for coastal habitats and ecosystems across the line of mean high-water springs, where the natural habitat of species crosses this line.

21.2.3.26 To avoid, remedy or mitigate adverse effects of vehicles in estuarine areas.

Comment:

The proposed boat ramp has been designed to occupy a small area of coastal marine area located in the existing modified coastal area next to the existing Māpua wharf area with the coastal character

of the existing Waimea Inlet being maintained and the coastal character of the Grossi Point area being enhanced by the likely reduction in motor boat launching from the Grossi Point and the associated trailer parking, that at present adversely affects the natural character of Grossi Point, though it is acknowledged that any control over the use of motor boat launching at Grossi Point rests entirely with Council.

Dr Ben Robertson has assessed the ecological effects of the proposal in his evidence.

Rory Langbridge has set out the landscape effects of the proposal in his evidence.

The proposal will provide for public access to and along the Coast and will provide for well controlled boat access to and from the Coast with any vehicle use of the foreshore will be restricted to the boat ramp itself.

46. **Chapter 24: Noise Emissions**

This chapter sets out the issues of the effects of noise from activities in the coastal marine area.

Objective 24.1.2 sets out the following objective:

A coastal marine area in which noise levels do not adversely affect natural character, amenity values or wildlife in the coastal environment.

Comment:

In terms of the proposed boat ramp, it does need to be seen in the context of the urban water front location where boat launching and boating use has been established for many years.

In terms of the use of the boat ramp the speed restriction of 5km/hr in the access lane and the restricted boat speed in the channel should ensure that the noise effects are minimised. Not allowing any wash down of boats and motors in the boat ramp area will significantly reduce the noise effects of the proposed activity.

47. **Chapter 33: Discharges to Land and Fresh Water**

33.1.2 Objectives

33.1.2.1 The discharge of contaminants in such a way that avoids, remedies, or mitigates adverse effects while:

- (a) maintaining existing water quality; and
- (b) enhancing water quality where existing quality is degraded for natural and human uses or values.

48. Chapter 35: Discharges to Coastal Marine Area

Objective 35.1.2

The discharge of contaminants into the coastal marine area in such a way that avoids, remedies, or mitigates adverse effects while:

- (a) maintaining existing water quality; and
- (b) enhancing water quality where existing quality is degraded for natural and human uses or values.

35.1.3.2 To control the effects of discharges of contaminants so that, in combination with other contaminant discharge effects, they enable the relevant water classification standards to be complied with.

35.1.3.5 Adverse effects of discharges into the coastal marine area, including adverse effects of:

- (a) point source discharges on their own or in combination with other point source discharges; and
- (b) non-point source contamination arising from land use activities and entering the coastal marine area; and
- (c) contaminants in urban and rural stormwater; and
- (d) discharges of contaminants from aquaculture activities should, as far as practicable, be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated, and provision made for remedying those effects, to the extent practicable.

Comment:

The proposed stormwater management system as set out in the Expert Evidence of Chartered Professional Engineer Gary Stevenson with vegetated swales (subject to final engineering plan design) at the eastern end of the accessway should ensure that stormwater runoff does not adversely water quality both within the site and in the Coastal Marine Area.

Conclusion

49. For the reasons stated, I consider that the proposal is consistent with the relevant objectives and policies of the District Plan.

ASSESSMENT OF OTHER RELEVANT STATUTORY DOCUMENTS

50. The application sets out a detailed assessment of the proposal against other relevant statutory documents, pursuant to s104(1)(b), including:
51. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).

A Detailed Site Investigation (DSI) dated 12 August 2022 was provided by Gareth Oddy of Davis Ogilvie & Partners which sets out the extent of contamination on the site and site management plan to ensure that earthworks can be carried out on the site, without adversely affecting the waterfront park itself and the and the Coastal Marine Area.

This is outlined in his Gareth Oddy's evidence.

52. **The New Zealand Coastal Policy Statement (NZCPS) (2010).**

Objective 6 of the NZCPS sets out the following objective:

To enable people and communities to provide for their social, economic, and cultural well being and their health and safety, through subdivision, use and development, recognising that:

- *The protection of values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits ;*
- *Some uses and developments which depend upon the use of natural and physical resource in the coastal environment are important to the social, economic and cultural wellbeing of people and communities.*
- *Functionally some uses and developments can only be located on the coast or in the coastal marine area;*

- *The coastal environment contains renewable energy resources of significant value;*
- *The protection of habitats of living marine resources contributes to the economic and cultural well being of people and communities;*
- *The potential to protect, use and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *The proportion of the coastal marine under any formal protection is small and therefore management under the Act is an important means by which natural resources of the coastal marine area can be protected; and*
- *Historic heritage in the coastal environment is extensive but not fully known' and vulnerable to loss or damage from inappropriate subdivision use and development.*

Comment:

Objective 6 clearly acknowledges that some development and functional uses can only be located on the coast and/or the coastal marine area and boat launching ramps are one such activity that by their very nature needs to be located on the coast and the coastal marine area. Recreational boating provides for the social, economic and cultural well being of the community and as with many recreational activities does not appeal to every one, but has been part of the Mapua Area for over a 100 years. The launching of boats and facilitating boat use has been part of the historical use of the Mapua Wharf area for over 100 years and motorised boat launching has been part of the wharf area since 1987, but unfortunately it's use has been highly restricted since the 2013 Shed 4 development. The proposed site allows for much more accessible boat launching site that is still part of Mapua Waterfront Area, while still allowing for recreational use of the Waterfront Park and access to and along the coast.

Policy 6 underpins Objective 6 and specifically refers to "*functional need*" for location of activities in the coastal marine area, requiring structures to be available for public use, and maintaining recreational qualities and values of the coastal marine area.

The other policies and objectives set out in NZCPS need to be seen in the context of Objective 6 which recognises that certain functional uses and developments (which would include a boat ramp) need to be located on the coastal and coastal marine area. Policy 6 (2) (c).

Outside the location of the boat ramp which virtue of its functional use of needing to be in the coastal marine area, the proposal has sought to be in accordance with the NZCPS in the following ways:

- Sought to keep the loss of foreshore to a minimum to allow for the practical functioning of the boat ramp and need to keep from damaging the clay cap of the contaminated soil, which has require the boat ramp to be laid on top of the foreshore, rather than cutting to the bank.
- Control and pre-treatment of stormwater from the proposed access way to ensure that coastal water quality is not adversely affected.
- Strict control and management of earthworks under site management plan (SMP) to ensure that there is no contamination of the Coastal Marine Environment.
- That out side the small area required for the boat ramp itself that the overall landscape and seascape qualities of the Waimea Inlet will not be adversely affected.
- Policy 20 set out the need to control of vehicle access to the coastal marine area (CMA) to ensure that ecological effects on the CMA are kept to minimum. At present with the Grossi Point launching area there is no controls on vehicle use on the foreshore which over time can result in damage to the coastal marine ecosystem and an area of high cultural significance. The proposed boat ramp will restrict the use of vehicles on the foreshore to the ramp itself, therefore keeping vehicles off the fragile marine sediments. However it is acknowledged that the control of vehicles at Grossi Point is beyond the scope of this application, and it would be up to Council to restrict vehicle access to the foreshore, if the Boat Ramp was approved.
- The applicants undertook early consultation with local iwi to get feedback on the proposal.

ASSESSMENT OF OTHER RELEVANT MATTERS

53. Sec 104(1)(c) of the Act allows for a consent authority to take into any other matters that are considered relevant and reasonably necessary to determine the application.

54. **Moutere- Waimea Ward Reserves Management Plan 16 June 2022**

The Moutere- Waimea Ward Reserves Management Plan (16 June 2022) which covers the management of Waterfront Park, makes it clear that the definition of "open space" under the transfer deed from the Crown in 2004 which it defined as "*community , recreational, environmental, cultural or spiritual purposes and includes roads and carparks.*".

Policy 6 of the waterfront park management plan under 5.7.29 states:

6. *Provided all relevant processes are completed and all required authorisations are obtained, allow for a community boat ramp to be constructed at Waterfront Park. Use of the boat ramp should be managed to be constructed at the Waterfront Park. Use of the boat ramp should managed to ensure that:*
- i) no contaminants from land are exposed or able to leach in to the coastal environment;*
 - ii) vehicle movements to and from the boat ramp minimise impacts on the open space values of Waterfront Park and other users; and*
 - iii) parking for vehicles with boat trailers does not encroach on the open space areas of Waterfront Park and is provided for elsewhere.*

This is clearly another matter under 104 (1) (c) to which the Commissioners can have regard.

The Council policies under 5.7.29 clearly recognise that a community boat ramp can co-exist with the other recreation activities set out in Policies 1 -7 of the Waterfront Park management plan.

PART 2 RESOURCE MANAGEMENT ACT 1991

55. Of the provisions contained in the RMA, Part 2 is the most significant. In this respect it defines the purpose and principles upon which the RMA is centred.

56. Section 5 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources

in a way, or at a rate that enables people and communities to provide for their social, cultural, and economic well-being, while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems and avoiding, remedying or mitigating adverse effects on the environment.

57. In applying Section 5, an overall broad judgement of whether the proposal will promote sustainable management is required. Often, a judgement and comparison of the relative significance of conflicting considerations needs to be made in order to reach a final conclusion. In the circumstances of this case, I consider that the proposal will result in no more than minor adverse effects on the environment and is not considered to be inconsistent with the relevant objectives and policies of the District Plan.

The effects of this proposal have been explored earlier in this report and it has been concluded that the overall effects will not be more than minor and can be adequately mitigated. The proposed development is therefore considered to meet the purpose and principles of the Act.

58. Section 6 sets out the matters of national importance that must be recognised and provided for.

- (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:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights.*
- (h) *the management of significant risks from natural hazards.*

59. Section 7 details matter to which regard must be had. Section 7 matters considered relevant to this proposal are:

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

Many of the Part II matters have already been dealt with in the AEE set out above, but in brief the proposal is in accordance with Part II of the Act for the following reasons:

- The proposal is in an existing highly modified environment and will not adversely affect the natural character and landscape of the coastal environment of the Waimea Inlet.
- The proposal will ensure public access is maintained to and along the coast.
- The proposal has been in an existing modified site that will ensure that no archaeological sites are disturbed and with iwi monitoring and an accidental discovery protocol to ensure culturally significant sites are not adversely affected.
- Boat ramps are an important physical resource for the boat community, and this will provide an important recreational resource for the Tasman District.
- The proposal will help maintain and enhance amenity values and quality of the environment of the site.
- Although the site is in a highly modified port environment, it is considered that overall, the intrinsic values of the Waimea Inlet will not be adversely affected.

60. Section 8 requires the Treaty of Waitangi to be considered when exercising functions, powers, or duties under the Act.

The applicant has sought to acknowledge the principles of Waitangi with consultation with all eight iwis from an early stage in development and has sought to implement the recommended condition resulting from the consultation.

61. On the basis of the above, it is my view that the proposal put forward is in accord with Part 2 matters within the RMA.

SUBMISSIONS

62. There are a number of submissions opposing the application, and I will not go in to detail responding to each of them. However there are a few common points that I will comment on.
63. A number of submissions have referred to the loss of open space and the Deed that Council entered in to in 2004 when the site was transferred by the Crown back to Council on the understanding that at least 40% of the site be retained in Council ownership for use as public space. Some of the submitters see that the public space should solely be a “green space” which mean that a boat ramp and access could not be constructed on the waterfront park. However see being carried through in to Council Policy. Council’s own Waimea- Moutere Ward Reserves Management Plan (2022) in 5.7.29 sets out the definition of the “open space” under this deed:

“The definition of public space under this deed is community, recreational, environmental cultural, or spiritual purposes an includes roads and carparks.”

The Waterfront Park Management has a specific policy (6) to allow for the construction of a community boat ramp plus a number of recreational activities, that a provide a mix of recreational that would make the waterfront park, of boat launching is part of . This boat ramp proposal and this consent application seeks to give effect to that policy.

64. Some of the submissions are concerned about the traffic effects of the proposal and congestion on Aranui Road and Tahī Street. Gary Clark’s traffic evidence addresses those issues to ensure the activity will not lead to congestion on the local roading network.
65. A number of submitters are concerned about the noise effects of the boat ramp. These matters are addressed in the evidence of Marshall Day – Acoustic Consultants and the proposed noise mitigation measures.
66. Some of the submitters were concerned about the safety issues with launching and retrieving boats at the ramp. These matters are addressed in the evidence of Gary Teear and Jim Dilley.
67. It should be noted that 210 submissions supported the proposal.

Section 42A Report.

68 The Section 42A report pointed out a number of issues relating to a lack of information to allow Council to fully assess the effects of the proposal. These have addressed by the following evidence:

- Marshall Day Acoustic consultants evidence on noise effects.
- Gary Clark's Traffic report on traffic effects and parking.
- Jim Dilley's evidence on boat safety.
- Gary Teear's evidence on effects of currents on the boat ramp.

68. It is surprising that Council staff give very little comment on Moutere- Waimea Reserve Management Plan (June 2022) and in particular the policy 6 of Waterfront Park management Plan (5.7.29) which specifically allows for the construction of a boat ramp on the Waterfront Park site. On page 43 of the Section 42A report the policy is quoted but no comment is made on it. Ros Squire, Council's Contract Reserves Planner in her memorandum report to the Section 42A report does acknowledge the Policy 6 of the Waterfront Park Management Plan but appears to down play the fact that it specifically envisages the construction of the boat ramp subject to the three provisions (i-iii), all of which are met by this proposal.

CONDITIONS

69. The Section 42A report contains a set of draft conditions that would be imposed should the application be approved. These are generally supported, but I make the following comments:

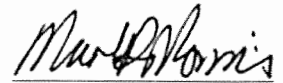
70. Condition 14. Although we accept the need for an acoustic fence for the southern boundary with 13 Tahi Street, in that it adjoins the main area where the launching and retrieval will occur, we don't see the need for the same for the southern boundary of the trailer parking area on Tahi Street. There will be a generous buffer of at least 20m between the trailer parking area and the nearest house and 5kmhr speed limit should ensure the noise levels are low.

71. Condition 23. We do not see the need for all the trailer parking area to be formed to an “all weather surface” which I assume is a metalled surface. This matter is dealt with Gary Clark’s evidence, who provides an alternative condition for a reduced all weather surface.
72. Conditions 32 & 33.
Although membership of the Mapua Boat Club will allow for access to the boat ramp, it was never the intention of the applicant to force people to join the club in order to use the ramp. Instead they would have a separate access card system, that boat ramp users can purchase without having to join the club. The application process for the access card would allow for the important safety information to be provided as set out in condition 33.
73. Condition 40 – Maintenance Schedule.
The application does not involve any pontoons, and reference to pontoons should be removed from the Maintenance Schedule and replaced with “safety buoys.”

CONCLUSIONS

74. The application requires resource consents for a discretionary activity and as such a decision on whether to grant or refuse the application is made pursuant to Section 104B of the RMA.
75. It is my opinion, having considered the proposal against the relevant assessment matters under s104(1) of the RMA, that the development will not give rise to any adverse effects on the environment that are more than minor and satisfies all limbs of Sec 104 (1) after full consideration.
76. The activity of the boat ramp itself is actually permitted as an activity in both the Recreation & Open Space zones (this is acknowledged in the rules assessment of the Section 42A report), but only becomes discretionary because of noise standards and stormwater discharge , both of which are addressed as part of this application
77. The proposal is considered to be consistent with the objectives and policies of the Tasman Resource Management Plan.

78. The proposal satisfies the relevant Part 2 matters.
79. It is my professional opinion that the application can be granted for resource consent subject to the conditions proposed in the Council's Section 42A report.

A handwritten signature in black ink, appearing to read 'Mark Morris', is written over a thin horizontal line.

**MARK
MORRIS**

4 November 2024