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 JAMES VEERE DILLEY

NAVIGATION

Dated: 31 October 2024

McFADDEN McMEEKEN PHILLIPS
LAWYERS

Level 2, 241 Hardy Street
Nelson
P O Box: 656
DX: WC 70016
Phone: +64 3 548 2154

Solicitor: Nigel McFadden
(nm@mmp.co.nz)

1. QUALIFICATIONS AND EXPERIENCE

1.1 My full name is James Veere Dilley.

1.2 I am a Harbourmaster and maritime consultant. I hold a Certificate of Competence Class 1. (Deck) (Master Mariner) qualifying me to be master on a vessel of any size and within any trading area. I continue to keep this certification current, undertaking voyages on commercial vessels and revalidating my certificate of competency with the UK Maritime and Coastguard Agency. In addition I hold a Square Rig Masters Certificate, issued by the Nautical Institute, UK; Certificate of Achievement (Higher National Diploma), Nautical Science, UK; Commercial Launch Master, issued by Maritime New Zealand; NZ;Marine Engineer Class 6, issued by Maritime New Zealand, NZ; and an Ocean Yachtmaster, issued by the Royal Yachting Association, UK.

1.3 Following a 21 year career at sea, including 8 years as master, I was then a harbourmaster in New Zealand for 21 years and am currently a Regional Harbourmaster for Environment Canterbury managing the NZ Subantarctic and Kermadec Islands (under contract to the Department of Conservation).

1.4 I implemented the New Zealand Port and Harbour Safety Code for the Auckland and Canterbury regional councils, Chatham Islands Council and the NZ Subantarctic and Kermadec Islands for the Department of Conservation. This Code sets out requirements for the review of maritime activities, including the assessment and highlighting of risk and provides a robust system of safety management.

1.5 I have provided expert advice and services to Maritime New Zealand, the Department of Internal Affairs, Whakatane District Council, Environment Bay of Plenty, Tasman District Council, Whanganui District Council, Auckland Council and Otago Regional Council. I have provided expert advice on navigation safety for various projects including the possible development of the Queens Wharf cruise ship terminal (Panuku Development); a proposed new marina development at Waiheke (Waiheke Marina Ltd); Whanganui Port redevelopment (Whanganui District Council); Waitangi Wharf, Chatham Island, redevelopment (Department of Internal Affairs and Chatham Islands Council); assessment of the effects of leaving the wreck of the MV Rena on Astrolabe reef, Tauranga (Bay of

Plenty Regional Council); development of the Coastal Plan for the Subantarctic and Kermadec Islands. (Department of Conservation); redevelopment of the Lyttelton pile mooring area with a floating marina. (Environment Canterbury); and assessment of the harbourmaster function (Tasman District Council).

1.6 For all these projects, it was my role to assess the existing environment and the effects on navigation safety, detail and examine all proposed changes or activities and outline the implications of those changes or activities and make any recommendations that I have concluded as being necessary to maintain safe navigation.

1.7 I am involved in recreational boating, owning and using a variety of vessels, including a sailing yacht, sailing and rowing dinghy and small RHIB for diving.

1.8 I was engaged by the Māpua Community Boat Ramp Trust in late August 2024 to provide a high-level assessment of navigation safety issues raised in the public consultation for the resource consent application for a boat ramp at Māpua.

1.9 I advise that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and to the extent that I am giving expert evidence, have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

2. SCOPE OF EVIDENCE

2.1 I have been asked to provide evidence in relation to navigation safety.

2.2 My evidence will cover the following matters, real or perceived, that were raised during the submission process for the proposed boat ramp that could actually or potentially relate to navigation safety:

a) Effect of the tidal nature of the waters in the vicinity of the boat ramp on users during launching and retrieval.

b) Interaction of users of the boat ramp with vessels moored in the Māpua river.

c) Effect of debris washed down the river on the boat ramp.

d) Interaction of vessels approaching or departing the boat ramp.

e) Effect of users of the boat ramp on other users in the general area, such as other boaters and small craft operators, kayakers and swimmers.

f) Effect of users of the boat ramp on swimmers and wharf jumpers at Māpua Wharf.

g) Effect of the operation of the boat ramp on the risks associated with crossing the Māpua Bar.

h) A response to points raised in the Section 42A Hearing Report, with particular reference to Attachment 7 – Harbourmaster Report.

i) Conclusions.

3. SUMMARY OF EVIDENCE

3.1 The Application addresses providing a means of practicable access to the Māpua channel. There are many similar boat ramps in operation around New Zealand.

3.2 Once a vessel has been launched, there are many issues that may occur as a vessel undertakes a voyage, e.g., risk of collision and sinking, but these are outside of the scope of the consent for a boat ramp. There are many navigation safely rules and bylaws already in place to mitigate risks and manage situations on the water.

3.3 The presence of the proposed boat ramp should have no greater effect on navigation or public safety than an increase in traffic from any other reason, such as that may currently observed on a calm sunny summer day.

3.4 The new boat ramp can provide signage and other increased opportunities for the promulgation of information on the relevant rules and bylaws and regarding hazards, such as crossing the Māpua bar and tidal hazards, than are currently available.

4. RELEVANT FACTS AND CONTEXT

4.1 In this statement of evidence, I do not repeat the project description and refer to the amended Application[1].

4.2 The term navigation safety refers to the safety of a vessel or vessels interacting with: another vessel or vessels; the seabed; a structure; a natural object, such as a rock or the foreshore; an object or person in the water; or any combination of the above. As such, as soon as one vessel is operating in an area, there will be effects on navigation safety. Navigation safety issues may be minimized or reduced to an acceptable level but cannot be completely resolved if vessels are operating in an area.

5. EFFECT OF THE TIDAL NATURE OF THE WATERS IN THE VICINITY OF THE BOAT RAMP ON USERS DURING LAUNCHING AND RETRIEVAL

5.1 OCEL – Offshore & Coastal Engineering Limited have provided a report that assessed the potential effects of the tidal flow on vessels using the boat ramp[2].

"…the current close to the waterline is relatively slow, of the order of 0.2–0.3 m/sec 5 m out from the water line, and manageable when launching a boat. 10 m 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 the tide so that it is possible to put a boat trailer in the water without being subject to really strong currents at all stages at the tide."

5.2 The tidal flow does not appear to be significant at the site where a vessel will be launched/retrieved, i.e., the point just seaward of where the boat ramp meets the water (which will vary depending on the tide) so that vessels should be able to be launched/retrieved without appreciably any more issues than occur at other boat ramp sites around New Zealand.

5.3 Further out into the channel, a stronger tidal flow can be present, so that at times, particularly during spring ebb tidal conditions, there is the potential that once a vessel is launched and in the tidal stream, an inexperienced operator losing situational awareness or an operator experiencing technical (mechanical, electrical or fuel-related) issues may

[1] B03 Application for Resource Consents for Māpua Boat Ramp & Sea Scout/Community Building
[2] A17 OCEL Coastal Engineering Report
https://tasmandc-publicdocs.azurewebsites.net/api/doc/C8F82D29/34984

be swept downstream. Thus, in times of strong tidal conditions, there is a risk that when something goes wrong, either through the inexperience or negligence of the vessel operator or through technical difficulties, that a vessel may come into conflict with a moored vessel or buoy or the Māpua Wharf. That said, vessels launching from ramps in any location have the potential to come in conflict with other vessels, buoys, structures and natural features in the event of a problem occurring. This situation is found, to a greater or lesser extent, at many other boat ramps around New Zealand. For example, on the Tasman District Council website[3], 15 boat ramps are listed that are "are subject to significant tidal effects and may be usable only on a high tide with local knowledge".

5.4 Two examples of boat ramps that are situated close to wharves are the boat ramps at Half Moon Bay and Whitianga. These ramps are both situated in river channels where once launched, vessels can be subject to tidal flows with the potential for vessels to come into conflict with the wharves. The distances from these ramps to the nearest wharves are approximately 15 and 32 m, respectively. In contrast, the distance from the proposed Māpua boat ramp to the wharf is approximately 57 m. It should be noted that while pontoons are provided for convenience at these sites, these pontoons are floating on the surface of the water and do not provide any appreciable protection from tidal effects.

5.5 The risk of interaction between vessels using the boat ramp and the Māpua Wharf and users of the wharf will be mitigated by the use of a floating barrier. This barrier will consist of a rope line of safety buoys that will be attached to stainless steel pole at the southernmost point of the Māpua Wharf and extend west to a pole on shore set in to a movable concrete base[4]. The barrier will be able to rise and fall with the tide. Such barriers are used successfully in other areas of New Zealand to prevent conflict between different user groups. For example, such barriers are used in hydro lakes to prevent lake users (e.g., boaters, swimmers and kayakers) from being swept onto hydro intakes. A similar barrier is also used at Whakatāne to prevent conflict between vessels using the boat ramp and swimmers. Note, I am not recommending a floating pontoon (jetty or dock) as suggested in the Harbourmaster Report and my reasons are discussed elsewhere in my evidence.

---

[3] https://www.tasman.govt.nz/my-region/recreation/maritime/water-safety/boat-ramps/
[4] FO5 Amendment to include floating barrier
https://www.tasman.govt.nz/document/serve/F05%20Amendment%20to%20include%20floating%20barrier.pdf?DocID=35751

5.6 In the two examples cited above (Whitianga and Half Moon Bay), floating pontoons are provided for convenience when launching a vessel. Note that these pontoons are floating on the surface of the water and do not provide any appreciable protection from tidal effects. At Māpua, there is a considerable tidal flow sheer (a steep increase in tidal flow that occurs moving from the shore to the centre of the channel) that is not experienced to the same extent at Whitianga and Half Moon Bay. Thus, a floating pontoon is not appropriate at Māpua without suitable protection (setting the structure back into the bank or use of a solid breakwater) and this is discussed elsewhere in my evidence.

5.7 The effect of this sheer means that a pontoon placed adjacent to the proposed boat ramp (perpendicular to the tide) would have the outermost part, the section used at low tide, within the maximum tidal flow. Having a pontoon in this position would create a significant safety issue as, at times, vessels would be side on to a strong tidal flow. I agree with the OCEL report[5], which recommends against using a plastic pontoon in this situation.

"The Anchorage plastic pontoons work very well in sheltered locations set back into the bank of the channel, or protected by a groyne that could deflect the logs and debris coming down the river."

5.9 The OCEL report also states that setting the ramp back into the bank is not possible because of the presence of contaminated land at Māpua.

5.10 To position a pontoon so that it was parallel to the tide and able to be used at low tide would require a structure to position the pontoon out from the shore and allow access to the pontoon. This would place the pontoon so that at times it would be in an area of stronger tide than that experienced at the boat ramp. This would be less than ideal and users of the existing pontoon at Māpua Wharf are known to experience difficulties with the tidal effects on the Māpua Wharf pontoon. The tide has been a contributing factor to the sinking of multiple vessels at the Māpua Wharf pontoon[6].

5.11 Overall, at the point of launching and recovery at the proposed boat ramp, the tidal flow is reasonable for operation. However, further out in the channel, the tidal flow is stronger and may create issues. These issues will be mitigated by the use of a floating barrier to

[5] A17 OCEL Coastal Engineering Report
https://tasmandc-publicdocs.azurewebsites.net/api/doc/C8F82D29/34984
[6] H07 Harbourmaster Report
https://www.tasman.govt.nz/document/serve/H07%20Attachment%207%20-%20Harbourmaster%20Report.pdf?DocID=35902

prevent vessels experiencing difficulties that have launched from the boat ramp from being swept onto the wharf.

5.12 The use of the boat ramp will be controlled by card entry at the gate accessing the boat ramp. This controlled entry will provide a mechanism for all users to be provided with information regarding any issues, including the tidal issues, associated with using the boat ramp. This will allow users to make informed decisions regarding their use of the boat ramp. Note that this is not the case for many other boat ramps in the Tasman District.

6. INTERACTION OF USERS OF THE BOAT RAMP WITH VESSELS MOORED IN THE MĀPUA RIVER

6.1 The Applicant has indicated that they will work with nearby mooring owners to ensure that currently moored boats do not interfere with the operation of the boat ramp. I believe this may involve the moving of two boat moorings.

6.2 Any other interactions will be the same for any vessels navigating the channel that have launched from any other site (such as Grossi Point), and in any channel in New Zealand, and are addressed by the navigation safety rules and bylaws already in place.

7. EFFECT OF DEBRIS WASHED DOWN THE RIVER ON THE BOAT RAMP

7.1 The Māpua Boat Club will be responsible for checking on the boat ramp regularly and ensuring that any debris e.g., from a major storm or spring tide, is removed.

7.2 However, it should be standard practice for any mariner wishing to use a facility to check the safety of any operation that they wish to perform. This would include not launching a vessel when the ramp is obstructed by debris or when there is debris present in the channel.

8. INTERACTION OF VESSELS APPROACHING OR DEPARTING THE BOAT RAMP

8.1 The area in the immediate vicinity of the ramp will experience increased traffic density as vessels that use the boat ramp, which may have previously navigated up and down the channel to access Grossi Point, will now navigate in the immediate area to approach

or depart from the boat ramp. I am not aware as to whether the Grossi Point site will remain available as a launching site for vessels.

8.2 The number of vessels in the area will be limited in part by the time taken to launch vessels, i.e., ten vessels will not immediately be launched at once, allowing time for vessels to navigate clear of the area. The proposed ramp has only two lanes and will therefore accommodate a lesser density of vessel traffic than many other launching ramps across NZ, which operate with few issues.

8.3 The potential interactions of these vessels will be the same as for any vessels navigating in the area that have launched from any other site, which are also the same for vessels in any similar channel throughout New Zealand. These interactions are adequately addressed by the navigation safety rules and bylaws already in place.

9. EFFECT OF USERS OF THE BOAT RAMP ON OTHER USERS IN THE AREA, SUCH AS OTHER BOATERS AND SMALL CRAFT OPERATORS, KAYAKERS AND SWIMMERS

9.1 Except in the immediate vicinity of the ramp, the effect on other users, such as other boaters and small craft operators, kayakers and swimmers, will be the same as for vessels launched at sites other than the proposed boat ramp (e.g., Grossi Point).

9.2 The users in the area in the immediate vicinity of the ramp will mainly be those operating vessels that are using the ramp, so they should be well aware of the possible presence of other vessels.

9.3 The construction and presence of the new ramp will be well promulgated and signage will be in place near the ramp so that any other users in the immediate vicinity, such as kayakers passing close to the boat ramp side of the channel, are likely to be well aware of the possibility of vessels operating from the boat ramp.

9.4 Because of the improved facilities, vessel operators may choose to launch at the proposed boat ramp, rather than at distant sites (Motueka or Nelson), resulting in an increase in the overall volume of traffic. A greater overall volume of traffic may increase the risk of conflict with other users, similar to the situation on a calm sunny summer day when a lot of people have decided to go out on the water. The overall volume of vessel traffic will be, to some extent, restricted by the available parking.

9.5 However, any conflict between users should be effectively managed, as in other New Zealand waters, by the existing navigation safety laws and bylaws. For example, vessels within 200 m of the shore must not exceed a speed of 5 knots; thus, the speed of vessels in the Māpua channel will be <5 knots, except when in the designated transit lane.

10. EFFECT OF USERS OF THE BOAT RAMP ON SWIMMERS AND WHARF JUMPERS AT MĀPUA WHARF

10.1 Several submissions to the Application express concern that the operation of the boat ramp would interfere with the current practise of swimming and jumping from Māpua Wharf. There appeared concern that the new boat ramp would make this activity unsafe and potentially result in this activity being banned.

10.2 The proposed boat ramp is > 50 m away from the wharf. The launching and recovery of vessels at the ramp will not prevent people from swimming and jumping from Māpua Wharf.

10.3 Most vessels that will use the proposed boat ramp are likely to make use of a designated transit lane[7], located generally within 50 m of the eastern shore of the Māpua Channel, i.e., the opposite side to the wharf, where the 5 knot speed limit has been uplifted to 15 knots, and thus will leave the ramp at right angles to the channel to access the transit lane so that the vessel can travel more quickly out to sea. This will mean that most vessels will be navigating away from the Māpua Wharf.

10.4 According to the Tasman District Council Navigation Safety Bylaw 2024[8], no person shall jump, dive, swim or undertake related activities from, or within 50 m of a landing place while it is in use for berthing and/or unberthing of vessels or when a vessel is approaching to berth, or manoeuvring alongside, or departing. Thus, when a vessel is using the Māpua wharf, whether launched from the proposed boat ramp or elsewhere, there should be no persons in the water near the wharf.

---

[7] Tasman District Council Navigation Safety Bylaw 2024
https://www.tasman.govt.nz/document/serve/FINAL%20Navigation%20Safety%20Bylaw%202024%20-%20adopted%2024%20October%202024.pdf?DocID=35907

[8] Tasman District Council Navigation Safety Bylaw 2024
https://www.tasman.govt.nz/document/serve/FINAL%20Navigation%20Safety%20Bylaw%202024%20-%20adopted%2024%20October%202024.pdf?DocID=35907

10.5 Vessels that choose to navigate within 200 m of the wharf must travel at a speed <5 knots according to Maritime Rule 91. This speed restriction is designed to provide vessel operators time to avoid collision with other vessels, structures and swimmers. This slow speed should also provide adequate time for swimmers and jumpers to exit, or not enter, the water prior to a vessel approaching close to the wharf.

10.6 There is no reason to suggest that vessels that launch at the proposed boat ramp will come into more conflict with swimmers and jumpers, compared with vessels that have launched from Grossi Point, i.e., the current situation.

11. EFFECT OF THE OPERATION OF THE BOAT RAMP ON THE RISKS ASSOCIATED WITH CROSSING THE MĀPUA BAR

11.1 The risks associated with crossing bars have been well promulgated by agencies, including the Tasman District Harbourmaster Office, Maritime New Zealand and the NZ Coastguard.

11.2 The risk for a particular vessel crossing the Māpua bar is the same for a vessel that was launched at the proposed boat ramp as for a vessel launched elsewhere. The risk associated with crossing the bar is not caused by the presence of a particular boat ramp and should be managed, as at other locations in New Zealand, by appropriate education and signage.

11.3 The Applicant intends to put appropriate signage regarding the risks of the bar crossing at the site and the Māpua Boat Club website will provide information on the crossing of the Māpua channel bar. Users of the boat ramp can be provided with information sheets regarding the bar crossing, as are provided for the Motueka Bar. This information should allow for a more effective education of vessel users than the current situation.

12. RESPONSE TO POINTS RAISED IN THE SECTION 42A HEARING REPORT, WITH PARTICULAR REFERENCE TO ATTACHMENT 7 – HARBOURMASTER REPORT

13. HARBOURMASTER REPORT

13.1 I will first respond to points raised in the Harbourmasters Report as the Harbourmaster is the person employed by the TDC that is responsible for navigation safety. The Harbourmaster Report[9] lists nine concerns and six recommendations related to navigation safety.

14 Tidal Effects on Launching and Retrieval

14.1 The Harbourmaster Report states that "The Navigation safety assessment uses a few examples of ramps in locations with similar current, however they all have some form of current defector creating a safe eddy in which to approach the ramp this is not evident in the application." This is not quite the situation that is described in the Navigation Safety Assessment.

14.2 In the Navigation Safety Assessment, reference is made to two other boat ramps at Whitianga and Half Moon Bay as examples of boat ramps in operation that are situated near areas of strong tidal flow that are close to wharves. While these two boat ramps have floating pontoons provided for the convenience of users, these are floating structures that will provide little, if any, protection from the effects of the tide and are not intended to function as breakwaters. A "safe eddy" is not created by these structures. At the proposed Māpua boat ramp, the point at which a vessel is launched or retrieved at the ramp is in an area of reduced tidal flow that is able to be managed by a vessel operator (see the OCEL report[10]).

14.3 Any issues with the tidal flow arise after a vessel has been launched and is in the area of stronger tidal flow further towards the middle of the channel. At Māpua, the Applicant intends to mitigate any issues that may arise from vessels that experience difficulties once launched and in the tidal flow by the use of a floating barrier[11].

14.4 The Harbourmaster Report recommends the inclusion of a small floating structure or pontoon (variously referred to in the Harbourmaster Report as a dock or jetty) running parallel to the current and close to the shore.

---

[9] H07 Harbourmaster Report
https://www.tasman.govt.nz/document/serve/H07%20Attachment%207%20-%20Harbourmaster%20Report.pdf?DocID=35902
[10] A17 OCEL Coastal Engineering Report
https://tasmandc-publicdocs.azurewebsites.net/api/doc/C8F82D29/34984
[11] FO5 Amendment to include floating barrier
https://www.tasman.govt.nz/document/serve/F05%20Amendment%20to%20include%20floating%20barrier.pdf?DocID=35751

14.5 At Māpua, there is a considerable tidal flow sheer (a steep increase in tidal flow that occurs moving from the shore to the centre of the channel). The effect of this sheer means that a pontoon placed close to shore would need to be adjacent to the proposed boat ramp (perpendicular to the tide). This pontoon would have the outermost part, the section used at low tide, within the maximum tidal flow. Having a pontoon in this position would create a significant safety issue as, at times, vessels would be side on to a strong tidal flow.

14.6 The OCEL report[12] recommends against using a plastic pontoon in this situation, stating that:

"The Anchorage plastic pontoons work very well in sheltered locations set back into the bank of the channel, or protected by a groyne that could deflect the logs and debris coming down the river."

14.7 The OCEL report also states that setting the ramp back into the bank is not possible because of the presence of contaminated land at Māpua.

14.8 The Harbourmaster Report recommends a floating dock that is parallel to the tide. While this is a more desirable scenario than one positioned perpendicular to the tide, to position a pontoon at Māpua so that it was parallel to the tide would require a structure that placed the pontoon further out from the shore to enable the pontoon to be used at low tide. This would place the pontoon so that at times it would be in an area of stronger tide than that experienced at the boat ramp. This would be less than ideal and create a safety hazard.

14.9 Users of the existing pontoon at Māpua Wharf are known to experience difficulties with the tidal effects while using the Māpua Wharf pontoon. The Harbourmaster Report states that the tide has been a contributing factor to the sinking of multiple vessels at the Māpua Wharf pontoon.

14.10 It is my opinion that provision of a floating pontoon does not assist in the actual launching or retrieval of boat from a trailer. Therefore, a floating pontoon is not a safety requirement and could create a safety issue at Māpua.

[12] A17 OCEL Coastal Engineering Report
https://tasmandc-publicdocs.azurewebsites.net/api/doc/C8F82D29/34984

14.11 It is possible that, as mentioned in the OCEL Report, that the use of a groyne or other type of solid breakwater could be used to create a safe area for a pontoon. This scenario would need to be investigated by experts in marine infrastructure construction and hydrology and, as such, is outside my area of expertise, and I am advised is outside the scope of the Application.

15. Interaction with Moored Vessels

15.1 The Harbourmaster Report agrees with the Navigation Safety Assessment that potential conflicts with moored vessels can be minimized by relocating moorings and providing clear signage. The Harbourmaster Report recommends working closely with mooring owners to relocate moorings as necessary to avoid conflicts with boat ramp operations. This is intended by the Applicant and clearly the Harbourmaster, as the Authority, does not foresee any issues with these relocations.

16. Debris Impact

16.1 The Harbourmaster Report agrees with the Navigation Safety Assessment that regular checks and maintenance by the Māpua Boat Club could ensure debris does not obstruct the ramp. The Harbourmaster Report recommends regular inspection and maintenance of the boat ramp to remove debris and address any new hazards, which is the intention of the Applicant.

17. Increased Vessel Traffic Density

17.1 The Harbourmaster Report agrees with the Navigation Safety Assessment that increased traffic near the ramp will be managed by existing/proposed navigation safety laws and bylaws.

18. Effect on Other Users

18.1 The Harbourmaster Report states that the presence of the ramp will be well-publicized, and signage will inform other users of potential hazards. Therefore, any potential effects on other users will be mitigated.

19. Impact on Swimmers and Wharf Jumpers

19.1 The Harbourmaster Report states that vessels must adhere to speed limits near the wharf, and agrees with the Navigation Safety Assessment that the proposed ramp will not interfere with current swimming and jumping activities.

20. Risks of Crossing the Māpua Bar

20.1 The Harbourmaster Report[13] agrees with the Navigation Safety Assessment and states that "'It is well known that there are risks associated with crossing bars, and this is no different for the Māpua bar'. People already launch boats at Grossi Point and Rought Island [and cross the Māpua bar to access Tasman Bay], the addition of one more ramp is unlikely to change the risk …Risks associated with bar crossings will be managed through education, signage, and information provided by the Māpua Boat Club, in conjunction with the TDC Harbourmaster office."

21. Absence of a Floating Jetty

21.1 The Harbourmaster Report quotes the OCEL report which recommends against using plastic pontoons because boats can be pinned against the pontoons and find it difficult to get off and the pontoons represent an obstruction to the flow. The Harbourmaster Report goes on to state that this statement contradicts the Navigation Safety Assessment. This is not the case.

21.2 The Navigation Safety Assessment provides examples, as described above, of other boat ramps in New Zealand that are adjacent to areas of strong tidal flow and situated close to wharves. While it is true that these boat ramps are situated in locations where it is possible to provide pontoons for the convenience of users of the boat ramp, these pontoons do not provide a breakwater effect. At Māpua, it is not practical, nor desirable from a safety viewpoint, to provide a floating pontoon.

21.3 It is stated in the conclusion of the Harbourmaster Report[14]

"The risk assessment conducted by Jim Dily [sic] highlights the critical need for a breakwater and a floating dock, as all comparable ramps referenced in the assessment include such facilities."

---

[13] H07 Harbourmaster Report
https://www.tasman.govt.nz/document/serve/H07%20Attachment%207%20-%20Harbourmaster%20Report.pdf?DocID=35902
[14] H07 Harbourmaster Report
https://www.tasman.govt.nz/document/serve/H07%20Attachment%207%20-%20Harbourmaster%20Report.pdf?DocID=35902

21.2 I (James Dilley) prepared a high-level report (the Navigation Safety Assessment) to respond to points raised in public submissions regarding the navigation safety effects of the proposed boat ramp, and this was not a risk assessment of the proposed boat ramp.

21.3 The examples of comparable ramps cited in the Navigation Safety Assessment do all incidentally include floating pontoons but neither example has a breakwater, and the pontoons are in place for ease of use at these particular facilities and not as essential safety features.

21.4 A discussion of the use of a floating pontoon was not included in the Navigation Safety Assessment but I agree with the recommendations of the OCEL report. The difficulties and safety issues with providing a pontoon at the proposed Māpua boat ramp have already been discussed elsewhere in my evidence.

22. Floating Barrier Design

22.1 The Harbourmaster Report states that a floating barrier could be considered to prevent conflicts between vessels and other users, such as swimmers and kayakers. "The barriers should be swim-safe, using foam floats and large-sized lines to prevent propeller entanglement and provide a secure hold for swimmers". The Harbourmaster Report does not specify where this barrier should be positioned and how it would operate in an area of tidal flow.

22.2 The Applicant does propose to put in place a floating barrier to prevent conflict between vessels and the Māpua Wharf. This barrier will consist of a rope line of safety buoys that will be attached to stainless steel pole at the southernmost point of the Māpua Wharf and extend west to a pole on shore set in to a movable concrete base[15] and contends that position to be the appropriate one.

23. Recommendations in the Harbourmaster Report

[15] FO5 Amendment to include floating barrier
https://www.tasman.govt.nz/document/serve/F05%20Amendment%20to%20include%20floating%20barrier.pdf?DocID=35751

23.1 The recommendations for regular maintenance, coordination with mooring owners, consideration of a floating barrier and inclusion of a floating jetty and breakwater have been discussed above. The other two recommendations in the Harbourmaster Report are:

23.2 **Enhanced Signage** The Harbourmaster Report agrees with the proposal to install informative signage at the boat ramp, including QR codes linked to detailed safety information and

23.3 **User Education** The Harbourmaster Report agrees with the proposal, which will enable educational material regarding safe navigational practices, particularly regarding tidal conditions and bar crossings, to be provided to all boat ramp users. The Harbourmaster also recommends sessions for boat ramp users on safe navigational practices. Such sessions are provided by other boat clubs and organisations around New Zealand and could be implemented by the Māpua Boat Club.

24. POINTS RAISED IN THE SECTION 42A HEARING REPORT

25. Sections 8.6 to 8.9 relating to the potential for the boat ramp to interfere with the mooring area

25.1 The Applicant has identified that the boat ramp could potentially interfere with two moorings and that the Applicant will work with the owners of the moorings to address that.

25.2 The Harbourmaster Report recommends working closely with mooring owners to relocate moorings as necessary and makes no mention of any possible problems with this process. Thus, it can be concluded that the relevant TDC Authority does not foresee any issues with relocating these moorings.

26. Sections 11.0 to 11.3 relating to the Tasman Resource Management Plan Chapter 20 'Effect of Craft using the Surface of Coastal Waters' and the objectives and policies contained within

26.1 Objective 20.1.2 aims to achieve safe navigation, amenity values and natural values that are not compromised by the passage of craft, or by other activities on the surface of the water and Policy 20.1.3.1 requires that the TDC will ensure that movements of craft or other activities on the surface of coastal waters do not create or aggravate risks to safe navigation, particularly in areas of intensive seasonal use of craft and in relation to the scale, intensity, frequency, duration and mix of activities.

26.2 As stated in the Harbourmaster Report, increased traffic near the ramp will be managed by existing/proposed navigation safety laws and bylaws and the presence of the boat ramp will be well publicized and signage will inform users and the public of potential hazards.

26.3 In addition, the boat ramp will be controlled by card entry at the gate accessing the boat ramp. This controlled entry will provide a mechanism for all users to be provided with information regarding any issues, including the tidal issues, associated with using the boat ramp. This will allow users to make informed decisions regarding their use of the boat ramp. Note that this is not the case for many other boat ramps in the Tasman District. The TDC website lists 15 boat ramps that "are subject to significant tidal effects and may be usable only on a high tide with local knowledge".

27. Section 11.4 relating to perceived health and safety concerns raised by submitters

27.1 Most of these points have been already addressed in my evidence. One submitter considered that launching at the boat ramp is safer than at Grossi Point. This statement appears to have been queried by an author of the Section 42a Hearing Report, suggesting that vessels at Grossi Point can be launched on an angle to reduce tidal effects.

27.2 Tidal effects on a vessel will remain unchanged by the angling of a vessel. However, angling a vessel will enable the operator of the vessel to more easily manage the effects of the tide when launching and retrieving a vessel. Such a manoeuvre will still be possible at the proposed boat ramp when vessels are being launched or retrieved one at a time.

28. Sections 11.20 to 11.22 Assessment and Conclusions for Health and Safety Effects

28.1 The Section 42a Hearing Report states that the proposed launching ramp could be used as an all tide launching ramp for experienced boat operators. I agree that the ramp can be used as an all tide launching ramp as the tidal effects at the ramp will not generally be appreciable[1]. However, there will be conditions, including tidal conditions, when this boat ramp should only be used by competent vessel operators and there will also be times when the boat ramp should not be used even by competent vessel operators. This is the situation at all boats ramps in the Tasman District and in New Zealand where adverse tidal and/or weather conditions may make the ramps unsafe for any use or unsafe for users without a particular level of expertise. It is inappropriate for the authors of the Section 42A Report to imply that less experienced vessel operators could not use this specific ramp.

28.2 The use of the proposed boat ramp at Māpua will be controlled by card entry at the gate accessing the boat ramp. This controlled entry will provide a mechanism for all users to be directly provided with information regarding any issues, including the tidal issues, associated with using the boat ramp. Information can also be provided to enable users to assess whether their level of expertise and experience is suitable for using the boat ramp and/or using the boat ramp at a particular state of tide. This will allow users to make informed decisions regarding their use of the boat ramp. Note that this is not the case for many other boat ramps in the Tasman District, which rely on signage and the ability of people to search out information alone.

28.3 There are many examples of local and central government facilities where users must make decisions as to whether the activity at a particular location on a particular day is safe for the experience of a particular party. Examples include many other boat ramps, marinas and moorings, mountain bike tracks and walking/tramping tracks.

28.4 The Section 42a Hearing Report recommends that the design be revised to include a breakwater and a floating dock assuming this can be safely designed, installed and operated in this location. As discussed above, it is my opinion that the inclusion of a floating dock will create more safety issues than exist with using the proposed boat ramp without a floating pontoon.

28.5 It is possible that, as mentioned in the OCEL Report, that the use of a groyne or other type of solid breakwater could be used to create a safe area for a pontoon. This scenario would need to be investigated by experts in marine infrastructure construction and hydrology and, as such, is outside my area of expertise, and outside the scope of the Application.

29. Sections 22.0, 22.7 and 22.8 Summary of key issues and recommendations

29.1 Point 22.0d states that there are gaps in the information and assessments provided by the Applicant relating to how the safety of users of the boat ramp and other areas of the CMA can be managed. I believe these matters have been adequately addressed.

29.2 As per the Harbourmasters Report and the Navigation Safety Assessment, traffic near the ramp will be managed by existing/proposed navigation safety laws and bylaws and the presence of the ramp will be well-publicized, and signage will inform other users of potential hazards. Therefore, any potential effects on other users will be mitigated and the Harbourmaster is satisfied with these measures.

29.3 Regarding users of the boat ramp, I see nothing in the evidence of the Council's expert witnesses that the proposed boat ramp would create any more safety concerns than those found at other boat ramps in New Zealand.

29.4 In my opinion, the inclusion of a floating pontoon would create rather than alleviate safety concerns. The inclusion of a solid breakwater, if feasible, might increase the convenience of operation of the boat ramp, but I believe this is not required for safety purposes.

30. CONCLUSION

30.1 The Application addresses providing a means of practicable access to the Māpua channel. The presence of the proposed boat ramp should have no greater effect on navigation safety than an increase in traffic from any other reason, such as that may currently observed on a calm sunny summer day.

30.2 In general, navigation safety effects may be minimized or reduced to an acceptable level but cannot be completely resolved if vessels are operating in an area.

30.3 There are many navigation safely rules and bylaws that are already in place to mitigate risk and manage situations on the water.

30.4 A floating barrier is to be put in place to mitigate the potential for vessels that experience difficulties once launched from the boat ramp from coming into conflict with the Māpua Wharf and users of the wharf.

30.5 The new boat ramp will provide signage and other increased opportunities for the promulgation of information, including the relevant rules and bylaws and hazards, such as the bar crossing, than are currently available.

30.6 While submitters have raised some matters, it is my opinion that these were either only perceived navigation safety risks that are managed by the existing navigation safety rules and bylaws or have been addressed within the amended Application to an acceptable level.

James Veere Dilley
31 October 2024