

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Rosalind Squire, Consent Planner, Coastal

REFERENCE: RM080915 (Occupation) and RM080892 (Disturbance)

SUBJECT: **CAMDEN PROPERTIES - REPORT EP09/07/18** - Report prepared for hearing of 20 July 2009

1. INTRODUCTION

The purpose of this report is to consider the coastal permit applications to disturb and occupy the coastal marine area in conjunction with the construction of a boardwalk, interpretation structures and cobble launching area and works associated with the formation of a new intertidal inlet. The merits of the wider application are not considered, the recommendations are made subject to a positive decision on the principle land use and subdivision applications.

2. APPLICATION BRIEF

2.1 Proposal

The application as lodged and notified sought to construct a bridge across the entrance of the proposed intertidal inlet, a timber boardwalk and interpretation structures and cobble launching areas as part of the proposed riparian/public access enhancement works.

The application also sought to undertake land disturbance activities above MHWS to create a new intertidal inlet and extend the existing bund. Once the works are complete the applicant will construct the inlet entrance enabling inundation of the inlet by Spring Tides. The works also involve the removal of the existing maintenance road adjoining MHWS and the re-establishment of natural habitat. The extent of the proposed works is shown in Figures 1, 2, 3, 4, 5 and 6.



Figure 1: Proposed Earthworks within the Coastal Marine Area

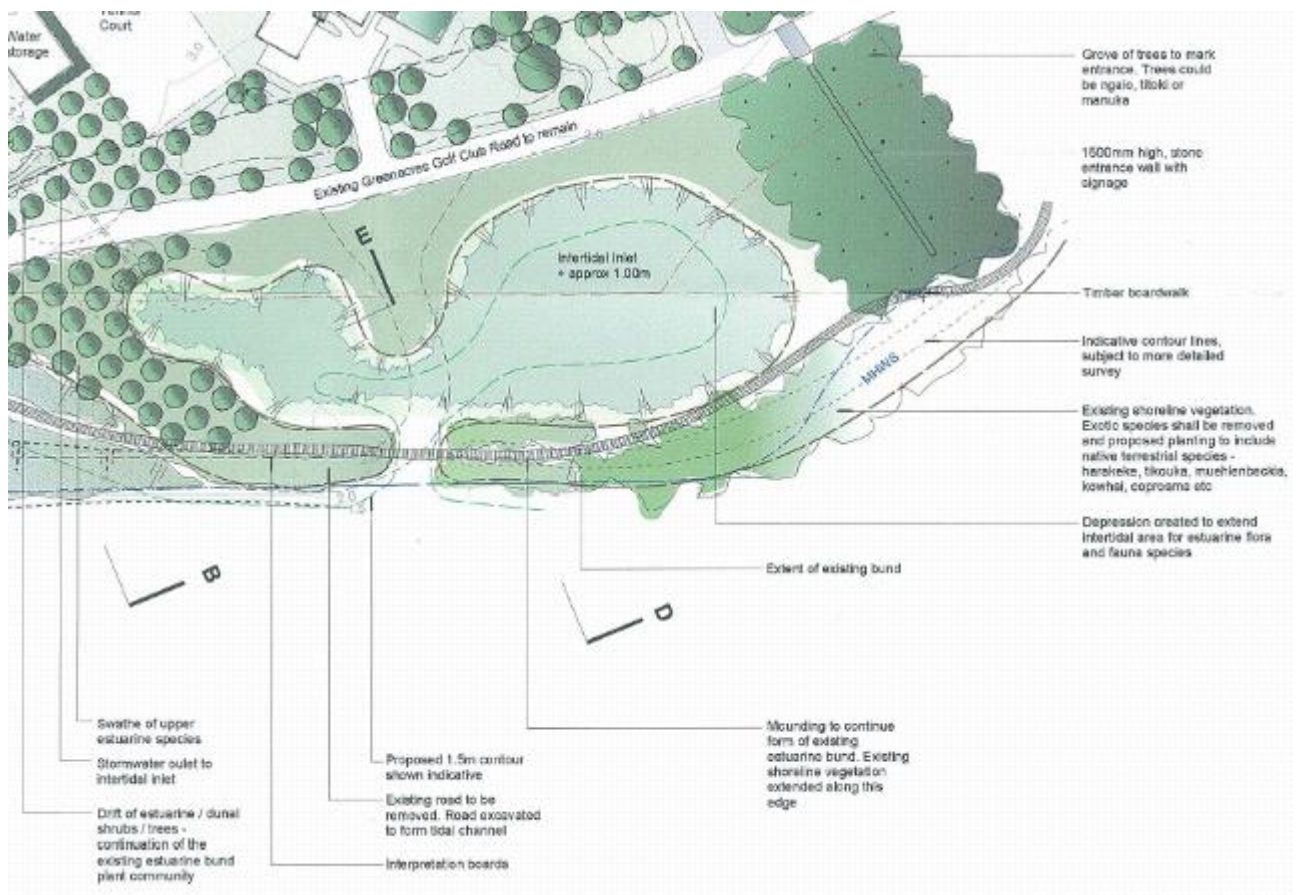


Figure 2: Details of Proposed New Intertidal Inlet

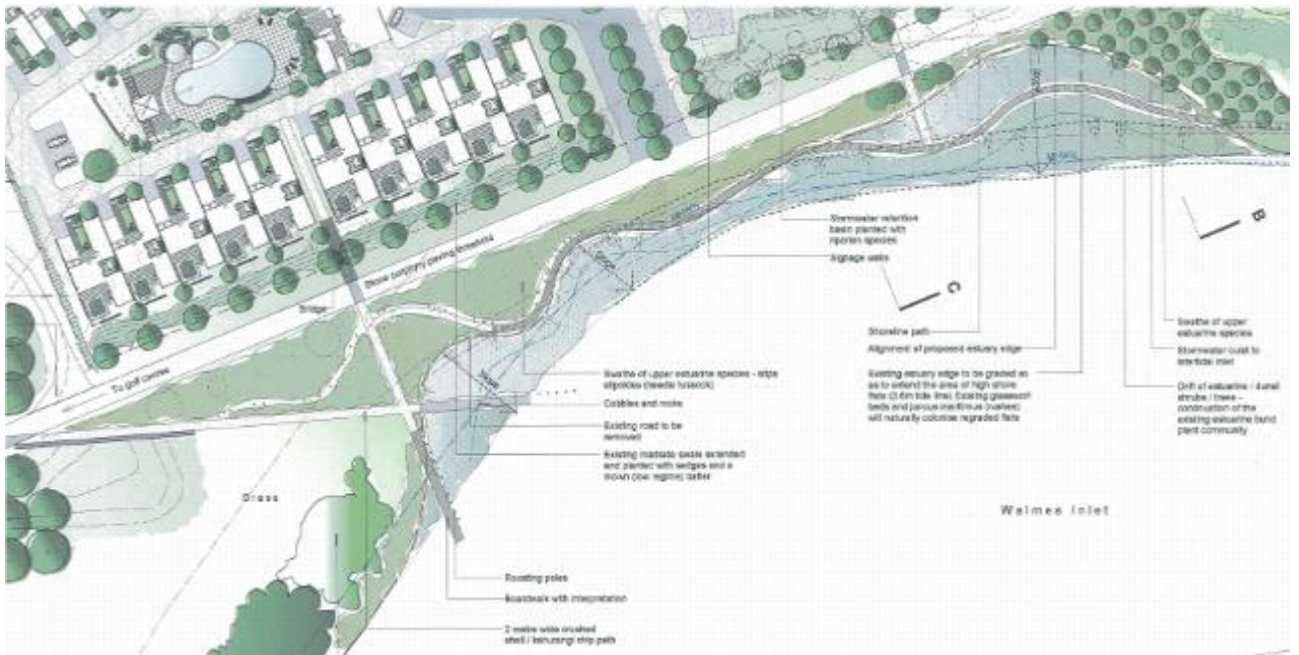


Figure 3: Details of Proposed Estuary Edge Rehabilitation

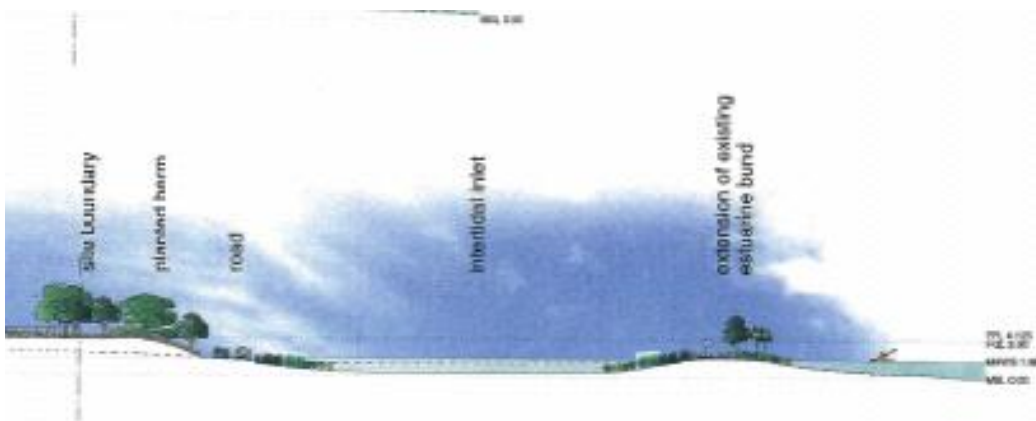


Figure 4: Details of New Intertidal Inlet

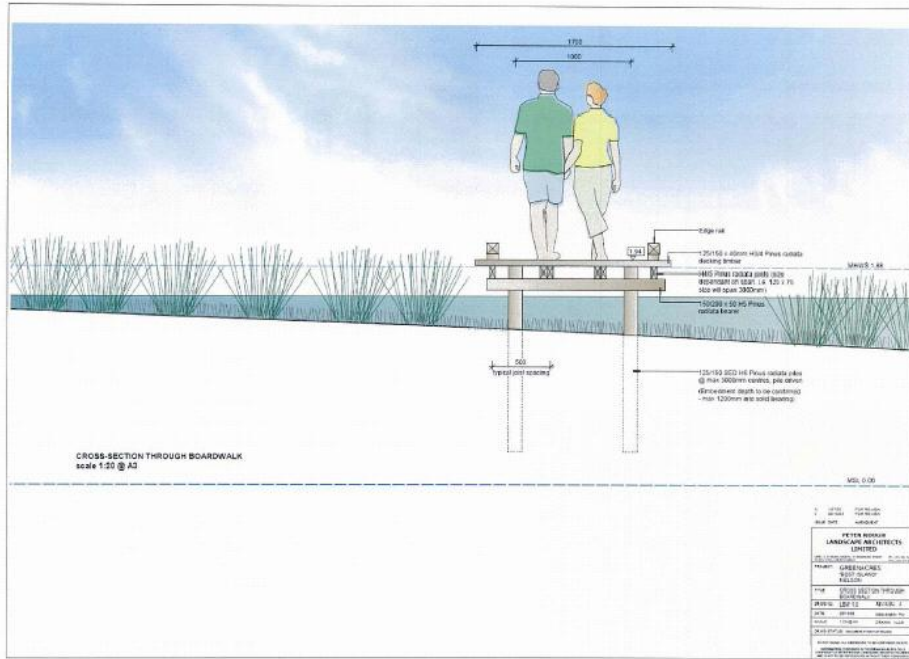


Figure 5: Details of Proposed Boardwalk



Photos showing boardwalk under construction, Waimea Inlet



Photo showing DOC boardwalk over salt marsh, Aramoana, Otago Peninsula

Figure 6: Construction of Boardwalk Location

The site lies within the Waimea Estuary on the south western coastline of Best Island and is predominantly orientated in a NW/SE direction. The coastline comprises a wide flat foreshore backed by an existing coastal bund in the south (See photograph 1) and a maintenance access road to the north (See photograph 2).



Photograph 1: Existing estuarine margin at the southern end of the site



Photograph 2: Existing estuarine margin at the northern end of the site

2.2 Zoning and Consent Requirements

The site lies within the Coastal Marine Area, Recreation Zone, Coastal Environment Area and Land Disturbance Area 1 under the Tasman Resource Management Plan.

The applications under consideration in this report are as follows:

Discretionary Activity (Occupation of the coastal marine area) - Rule 25.1.7 - Construct a timber boardwalk and cobble launching areas as part of the proposed riparian/public access enhancement works.

Non-Complying Activity (Disturbance of the coastal marine area) – Rule 25.2.4 – Disturbance of the coastal marine area in association with the rehabilitation of the coastal margins construction of the boardwalk, cobble launching areas and intertidal inlet entrance.

3. APPLICATION BRIEF

3.1 Notification

The application was notified on 28 February 2009. There were 12 submissions to the application. The following is a summary of the submission issues with respect to the disturbance and occupation of the coastal marine area:

William McKenna supports the application, specifically the re-establishment of the natural plantings of foreshore vegetation which he submits will enhance the sustainability of the native birds [sic]. He also supports the increased size of the reserve and foreshore access features which will in his opinion make the area more accessible and appealing.

Rodney Hayes supports the application, specifically the development of the walkway which, whilst intruding during the building process, will serve to encourage people to experience the estuary edge and at the same time protect it to a degree by keeping pedestrians off the mud-flat ecosystem. He submits that the associated estuarine margin plantings will enhance the area.

The Greenacres Golf Course supports the application. They make no specific mention of the works requiring coastal permits.

Forest and Bird oppose the application as a whole. However, with respect to the coastal margin issues they see some environmental merit in the removal of the road from the intertidal area and the restoration and rehabilitation of the coastal edge – albeit with minor ecological gains. They submit that the proposed creation of the intertidal inlet may go some way towards enhancing aquatic habitats for some birds, but they note that the application focuses predominantly on the intertidal area being a sink for stormwater in heavy rainfall events. They express concern that the use of the boardwalk would actively discourage birds and other coastal edge/aquatic inhabitants. They also submit that the walkway structures have the potential to disrupt the natural flow of water and sediments.

The Director General of Conservation is neutral with respect to the development as a whole, but supports the rehabilitation and enhancement of estuarine and coastal habitats and the creation of an esplanade reserve adjacent to the Waimea Inlet, including provision of a public walkway and interpretive signage.

4. Assessment

Annexure F of the application provides a description of the Waimea Inlet and the estuary margin in the vicinity of the site. The report emphasises the level of human modification and the loss of estuary margin ecosystems including high tide herb-fields and fringe vegetation. Despite this the Inlet retains numerous biological values and is included in Schedule 25.1F of the Tasman Resource Management Plan as a site with nationally important natural ecosystem values. It is described in the Schedule as the largest barrier enclosed estuary in the South Island and one of only two sites where the endangered peppergrass plant has been recorded. Also present are endangered grey salt brush, white heron, royal spoonbill, Australasian bittern and banded rail. The estuary is also considered to be of outstanding importance to waders.

The site of the proposed works lies above the low tide channel between Bests and Deadmans Island. The foreshore between the channel and MHWS is described as being dominated by mud with little or no salt marsh or herb-field vegetation. An area of salt marsh vegetation dominated by sea rush is located at the south eastern end of the site. The existing maintenance road adjoins MHWS which has left the estuarine margins almost devoid of vegetation (See photograph 2).

The applicant is proposing to rehabilitate the estuarine margin, the proposed rehabilitation includes the following:

- Removal of the tidal road;
- Creation of a new intertidal inlet at 3.6 metres above chart datum with margins at a low gradient to facilitate maximum area for vegetation;
- The continuation of the low gradient estuary margin along the length of the coast adjacent to the proposed development to enable the recolonisation of herb-field estuary plants;
- Planting of terrestrial fringe vegetation including salt marsh ribbon wood, *muehlenbeckia*, flax, cabbage tree, kowhai, ngaio, manuka and totara; and
- The establishment of bird roosting stations using untreated upright wooden features in the tidal area.

The applicant proposes to construct an estuary walkway adjacent to the development. It is proposed to locate the walkway behind the plantings of ribbon wood in order to minimise the impact of its use on wading birds. The report concludes that the rehabilitation and enhancement of the estuary edge would result in an improvement to the estuary edge habitat which is a positive step in returning some of the habitats lost by historic infilling. It notes that the establishment of an estuary walkway, if positioned correctly, should facilitate public access and allow for interpretation and appreciation of the estuary environment.

4.1 Effects on Community, Public Access and Recreation

Discussions with the Community Services Department confirm that although the benefits to the estuary edge rehabilitation are acknowledged as are the proposal to enhance public access to and along the coastal marine area there is only limited support for any alienation of the existing esplanade reserve. Plan A attached to this report recommends some amendments to the plan submitted with the application.

4.2 Disturbance of the Coastal Marine Area

The restoration of the coastal margins including the removal of the existing road, placement of fine substrata (<3mm size), construction of boardwalk, interpretation structures and cobble launching areas will involve the short term disturbance of the foreshore and seabed. However, once the works are complete and the margins of the estuary have been replanted with terrestrial fringe vegetation any ongoing disturbance should be minimal.

The short term effects of the works will be minor and can be weighed against the benefits to be gained from the removal of the road and rehabilitation of the estuarine edge with herb-field plants and other terrestrial vegetation. The rehabilitation measures outlined will restore the natural sequence of plants from the estuarine salt marsh zone through to the terrestrial zone and create new habitat areas.

The new intertidal inlet will be formed above MHWs prior to the construction of the inlet entrance which will minimise siltation of the Waimea Estuary. Once the entrance is created this will enable inundation of the inlet near the top of all but neap tidal cycles. As noted in the application it is important that the entrance is kept clear and the inlet is flushed in order to prevent stagnation. It is also suggested that retaining a small layer of water within the inlet will establish a feeding habitat for pied stilt and also inhibit the growth of rushes that could eventually fill the inlet.

The disturbance of the coastal marine area resulting from the formation of the inlet entrance and inundation of the newly created inlet will be short lived. The level of the invert will be such that tidal exchange will be limited to a maximum of 2,000 cubic metres at Spring Tide conditions and none at Neap Tides. At Spring Tides it is anticipated that the basin will exchange tidal flow for about four hours per tide, two hours each of inflow and outflow, the exchange velocities through the entrance should not exceed 0.4 metres /sec (less than 1 knot). At these velocities it is anticipated that there may be a minor degree of scouring in the short term until a new equilibrium is achieved. However, once this is achieved the velocity of water entering and exiting the inlet will be low and should not create any ongoing scouring.

Staff note that whilst the formation of a tidal wetland can be viewed as apposite step, its small size and location beside the noisy roadway is likely to reduce its effectiveness for restoring any quality habitat to the area.

The amenity of the coastal margins is already compromised by the presence of the adjoining road, the amenity will be further compromised during the construction works. However, this should be relatively short lived and will be progressively enhanced as the rehabilitation of the coastal margin occurs.

4.3 Occupation of the Coastal Marine Area

The occupation of the coastal marine area by small sections of boardwalk and the provision of launching areas and interpretation structures will impact on the immediately adjoining environment and on the visual amenity of the area. The impact of the structures will be mitigated to a degree by the rehabilitation of the estuary margins and the planting of taller terrestrial species. However, staff consider that the boardwalk has the potential to impact negatively on the flora and fauna if not designed correctly. It is considered preferable for the boardwalk and walkway to meander through the esplanade reserve behind coastal shrub plantings and connect with the estuarine margin for only short lengths at strategic locations. An amended plan is attached to the recommended conditions of consent which shows an alternative layout for the coastal margin walkway and boardwalk sections. The amended design provides for specific views to enhance the interest of the walkway and attempts to minimise intrusion into estuary margins as walkers and dogs have the potential to be disruptive to the quiet intertidal inhabitants.

Although the structures alienate small areas of the coastal marine area its construction will enhance access to and along the coastal marine area and the public's appreciation of its values. The cobble launching areas are designed to improve access to the coastal marine area.

The boardwalks and interpretation structures will be constructed using H6, H4/5 and H3/4 treated pinus radiata. This exposes the estuary to the risk of some contamination. As the application states, this needs to be weighed against the benefits of improving the status of estuarine areas through education. There are other alternative options which Council could require to be used including concrete and steel support structures and decking composed of recycled plastic.

4.4 Effects on Coastal Processes

The proposed works are unlikely to have significant adverse effects on coastal processes operating within Waimea Estuary. There will be no significant effect on sediment transport along the coast. The numbers of piles driven into the coastal marine area in conjunction with the boardwalk and interpretation structures are limited and will not disrupt long shore movement of water or sediment.

4.5 Effects on Natural Character, Landscape and Land Use

The effects of the structures are assessed in the Landscape Report submitted with the application which has been peer reviewed by Council.

4.6 Effects on Heritage and Cultural Values

No archaeological or historical sites are identified in the immediate vicinity of the site. The applicant provided an assessment of the archaeological significance of the site with the application. No archaeological sites were found, the report concludes that it is unlikely that any archaeological sites will be adversely affected by the development and no archaeological monitoring was believed to be necessary. It is noted that there were no submission from iwi with respect to this development.

5. RELEVANT STATUTORY PROVISIONS

In considering this application, staff have had regard to the matters outlined in Section 104 B and D of the Resource Management Act 1991 and the relevant provisions of the following planning documents:

- (a) the New Zealand Coastal Policy Statement;
- (b) the Tasman Regional Policy Statement (TRPS);
- (c) the Proposed Tasman Resource Management Plan (PTRMP).

New Zealand Coastal Policy Statement

The general policy direction of the New Zealand Coastal Policy Statement seeks:

- (a) To protect characteristics of the coastal environment of special value to the tangata whenua, in accordance with tikanga Maori.
- (b) Adverse effects of use or development in the coastal environment 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 fullest extent practicable.

Policy 1.1.4 states that it is a national priority to preserve the natural character of the coastal environment to protect the integrity, functioning and resilience of the coastal environment in terms of several features, including the dynamic processes and features arising from the natural movements of sediments, water and air, and the intrinsic values of the ecosystem.

The natural character of the area has already been extensively modified and as a result retains little of its original natural character. The proposed works have been designed to rehabilitate the coastal margin and return it to a more natural state.

Policy 3.2.2 states that the adverse effects of use or development in the coastal environment should as far as practicable be avoided, and where complete avoidance is not practical, effects should be mitigated or remedied.

The amended location of the proposed structures has been designed to avoid adverse effects on the coastal environment.

Section 3.5 contains an inherent requirement to maintain and enhance public access to and along the coastal marine area.

The proposed works will enhance public access to and along the foreshore.

Tasman Regional Policy Statement/Tasman Resource Management Plan

The objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapter 21 (Effects of Disturbance, Structures and Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values).

Policy 14.2.2 seeks to maintain and where necessary improve, the quality of reserves, open spaces and public recreational facilities.

Policy 21.2.3 seeks to avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities.

Policy 21.2.3 seeks to avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area.

The proposed activity is not considered to be contrary to the thrust of these objectives and policies in the PTRMP. The works have been designed in a manner that will maintain and enhance public access to and along the coastal marine area and will significantly improve the quality of the reserve and associated walkway.

While it is acknowledged that solid structures would not naturally be found in this coastal environment, they are comparatively low profile and their effects will be mitigated to a degree by estuarine and coastal plantings. The enhancement of public access and provision of interpretation structures will benefit both the community and the long term appreciation of the values found in this estuary location.

Part II Matters

The relevant principles outlined in Sections 6, 7 and 8 of the Act and been taken into consideration and it is concluded that granting these resource consents will achieve the purpose of the Act as presented in Section 5. The proposed activities are consistent with ensuring the sustainable management of the shoreline by rehabilitating the estuarine margin. The effects of the work have been mitigated by the location and design of the structures and walkway and the rehabilitation programme.

Sections 6 and 7 require that the consent authority recognises and provides for matters of national importance and a number of other matters. It is considered that these will be provided for by the proposed development. The proposed works will enhance public access along the coastal marine area and will not compromise any outstanding natural features, landscape, significant indigenous vegetation or habitat.

6. RECOMMENDATION

If Council approves the land use and subdivision applications it is recommended that the RM080915 (Occupation) and RM080892 (disturbance) be approved subject to the following conditions:

1. The consent to occupy the coastal marine area shall expire on 10 August 2044.
2. The consent to disturb the coastal marine area shall lapse on 10 August 2014 unless substantial progress has been made towards giving effect to the consent before that date.
3. The consent to disturb the coastal marine area shall expire 12 months after the consent is given effect to.

4. The boardwalk and works above the existing line of MHWS shall be limited to those areas and notations (Walkway Notes and Re-Vegetate Estuary Margin) shown on the amended Plan A attached to this consent.
5. The Consent Holder shall ensure that all the other works are undertaken in accordance with the application submitted by Camden Properties Limited and with Plan B and C attached to this consent and dated 20 July 2009. Notwithstanding this, if there are any inconsistencies between this information and the conditions of consent, the conditions of consent shall prevail.
6. The design and construction of the new intertidal inlet shall be carried prior to the opening of the inlet entrance and under the supervision of a chartered professional engineer with appropriate experience in coastal engineering and in accordance with condition 5 and 6 of this consent. This work shall be included in the Earthworks Construction Plan required under RM080890.
7. The design and construction of the inter tidal inlet shall be undertaken so as to ensure that the inlet receives some salt water at the top of all but neap tidal cycles (approximately 1.0 metre above mean sea level) and retains a small layer of salt water (<4cms depth) in central area of the inlet without the water becoming stagnant (i.e. the entrance to the inlet shall be approximately 1.04m above mean sea level).
8. The entrance to the inlet shall be 7 – 10 metres wide with cobble scour protection around the cut ends of the existing foreshore scarp.
9. Tidal flow during the initial planting period shall be controlled as required in order to facilitate the establishment of estuary margin plantings.
10. The boardwalk and interpretation structures shall be constructed in accordance with Plan D attached to this consent and dated 20 July 2009.
11. The minimum height of the decking timber shall be 300mm above MHWS or 2.24 above mean sea level (assumed at 2.31 - Nelson).
12. All works shall be undertaken in a manner that limits to a minor level any adverse effects of the activity on the foreshore beyond the immediate site of the works, water quality, natural beach profile, prevailing costal processes, noise generation, and other disturbances to nearby residents, and the reasonable continuation of public access along the foreshore.
13. The Consent Holder shall ensure that any fill material used in the rehabilitation of the coastal margin is suitable for the purpose and sufficiently clean prior to placement so as to not leach contaminants into the coastal marine area.
14. Vegetation shall be removed from the foreshore only to the extent necessary to facilitate the rehabilitation of the foreshore and the construction of the boardwalk.
15. All vegetative material and refuse shall be disposed of to an approved land-based disposal site or disposed of by other approved means.

16. The Consent Holder shall ensure that the site is left in a neat and tidy condition.
17. No soil material or vegetation shall be left where it may enter water or result in the contamination of the coastal marine area.
18. Construction shall occur at such stages of the tide so as to not occur within, or be impacted or affected by, the ebb and flow of seawater.
19. All vehicle movements along the foreshore shall be restricted to the smallest area practicable.
20. The Consent Holder shall inform Council's Co-ordinator Compliance Monitoring (Carl Cheeseman, (03) 543 8436) and the Reserves Manager (Beryl Wilkes (03) 543 8391) at least five working days prior to commencing the works so that monitoring of conditions can be programmed.
21. The Consent Holder shall ensure that any contractors undertaking the works are made aware of the conditions of these resource consents and shall ensure compliance with all conditions.
22. The Consent Holder shall erect advice notices at both ends of the works within the existing esplanade reserve. These notices shall provide warning of the construction activities noting any precautions that should be taken, as well as advising the period(s) during which these activities will be occurring and when public access shall be restricted. The notices shall be erected at least 2 working days prior to the commencement of the works and shall remain in place for the duration of the works before being removed on completion of the works.
23. Construction works associated with the activities shall not take place between the hours of 1730 and 0730. No works shall be undertaken on Sundays or public holidays.
24. The Consent Holder shall not exceed the recommended upper noise limits as described in the New Zealand Construction Noise Standard NZS 6803:1999 Acoustics – Construction Noise.
25. The Consent Holder shall ensure that all machinery is maintained and operated in such a manner so as to minimise to the greatest extent practicable any spillage of fuel, oil and similar contaminants to water or land, particularly during machinery refuelling, servicing and maintenance. Maintenance, refuelling and lubrication of machinery shall not be carried out within 20 metres of the coastal marine area or any surface water body. Spillage of contaminants into any watercourse or onto land shall be remediated so that no residual potential for contamination of land and surface or sea water occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform Council's Co-ordinator Compliance Monitoring. The Consent Holder shall ensure that all contractors working under this consent are informed of this requirement.

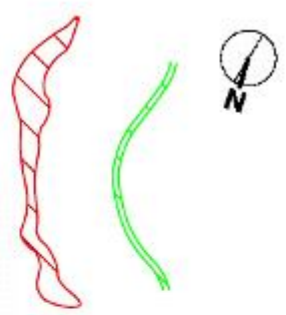
26. The Consent Holder shall undertake and maintain the works and plantings in a competent state for a period of 2 years following construction and shall comply at their own expense with any directions given by the Environment & Planning or Reserves Manager of Council with respect to the operation and maintenance of the works.
27. The conditions of the consents may be reviewed in accordance with Sections 127 to 133 of the Resource Management Act at any time during the exercise of this consent for the purposes of:
 - a) dealing with, or requiring the applicant to adopt the best practicable option to remove or reduce any adverse effect on the environment arising from the exercise of the consents;
 - b) taking into account uncertainties such as predicted sea level rise, climatic changes and beach accretion or erosion, all of which may influence the operation or sustainability of the structures;
 - c) to deal with any other adverse effect on the environment on which the exercise of these consents may have an influence; and/or
 - e) requiring compliance with the requirements of any relevant operative regional plan, national environmental standard, or Act of Parliament.

ADVICE NOTES

1. Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the Tasman Resource Management Plan or the Resource Management Act 1991.
2. The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the Consent Holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.
4. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by separate resource consent.

Rosalind Squire
Consent Planner, Coastal

PLAN A Amended Earthwork/Boardwalk/Walkway Location Plan



Date: 7/7/09
Scale: 1:750 @ A3
Drawn: Stephen Richards
Contacts: Rus Square
Beryl Wilkes

Re-Vegetate Estuarine Margin
1. Create a more natural margin with the formation of soft curves which will improve bio diversity values of the transitional zone.
2. Existing gravel road area to be re-vegetated with appropriate estuarine and shrubland plant sequence.
3. Priority to protect existing estuarine marshland communities
4. Remove 150 mm of existing gravel road, deep rip to reduce compaction, import 200mm of soil from the surrounding area.

Walkway Notes
1. Walkway path to be 2.5 metres wide with timber board walk 2 metres wide.
2. Walkway path surface to be formed with 40mm ap40 base course over topped with 100mm of crusher dust both layers compacted. Pathway to be finished with 2% cross fall from centre.
3. Timber boardwalk to use H5 treated piles with H5 treated bearer and joist timbers, all spacings and dimensions to comply with the building code.
4. Finished boardwalk surface to be 300mm above MHWS or 2.24 above msL assumed at 2.31.



Esplanade Reserve
Walkway Details

Greenacres
Best Island Development

PLAN C

Cross Section Details of Estuarine Margin Restoration

