

Under the Resource Management Act 1991

In the matter of Resource consent applications by the Māpua Community Boat Ramp Trust made to the Tasman District Council to construct and operate a boat ramp and associated facilities.

MINUTE 2: DIRECTIONS OF HEARING COMMISSIONERS

Introduction

1. We have been appointed by the Tasman District Council (TDC) under section 34A of the Resource Management Act (RMA) to hear and decide resource consent applications by the Māpua Community Boat Ramp Trust to construct and operate a boat ramp and associated facilities. The application details and reports can be found on TDC's website at <https://www.tasman.govt.nz/my-property/resource-consents-and-subdivision/current-publicly-notified-resource-consent-applications/applications-awaiting-hearings/mapua-community-boat-ramp-trust/>.
2. The hearing for the above applications commenced on Monday 25 November in the Tasman District Council's Council Chamber. The hearing was adjourned on Wednesday 27 November after hearing from the applicant and submitters.
3. The hearing will recommence on Monday 9 December, with the details provided below.
4. As we indicated at the conclusion of the hearing on Wednesday 27 November, we consider that there are differences between experts that would benefit from caucusing. We issue directions for this below along with directions for the Council officers. At this stage we may require further information in order to make a decision, however we wish to hear from the Council officers before we make any such directions.

Directions

Traffic caucusing

5. The traffic experts shall undertake conferencing and provide a Joint Witness Statement recording their opinions and areas of agreement / disagreement on the effects of the revised trailer park layout. Included in this should be comment on the surface requirements of the proposed Kite Park boat trailer queuing and parking areas, and on the operation of the proposed access and barrier arm controls, including the effect of vehicles traversing Tahi Street.
6. We consider that traffic caucusing should include Mr Gary Clark for the Applicant, Mr Damian Ford for the Council, and submitter Mr Ari Fon (submitter number 166). We acknowledge that Mr Fon's position as a submitter in opposition means that he is not completely independent, however we also acknowledge Mr Fon's expertise as a traffic expert and that his statement was restricted to traffic matters.

7. The traffic Joint Witness Statement is to be provided to the Council's Principal Planner, Mr Phil Doole, by 12 noon on Friday 6 December 2024 to enable it to be circulated to the parties by 5 pm that same day.

Status of the Māpua Community Boat Ramp Trust

8. We request an initial response from the applicant by 5 pm on Wednesday 4 December 2024 as to the ability of the Māpua Community Boat Ramp Trust to hold the resource consents sought. We are particularly interested in whether given the Trust purpose, it is able to be deemed a person under the RMA that is able to hold and exercise the resource consents, and against which any conditions could be enforced on an ongoing basis, should these resource consent applications be granted. This matter can then be addressed further in the applicant's right-of-reply if needed.

Matters for the Council officers to consider.

9. We request that the Council's reporting officers include the following matters in their response:
 - a. The basis for compliance with the Fruitgrowers Chemical Company Site Management Plan being considered as mandatory.
 - b. Consideration of the location of mean high water springs.
 - c. Whether there is sufficient information to determine the effects of construction of the proposed ramp in the coastal marine area. This may include comment on whether there is sufficient detail of the construction methodology and/or characterisation of the marine sediments.
 - d. Comment as to whether consent is required for a reclamation and, if so, consideration of relevant planning provisions.
 - e. Whether a floating pontoon would improve safety for users of the proposed boat ramp.
 - f. The impacts on neighbouring properties of the amendments to the vehicle queuing, parking and boat ramp operation, including effects on noise and traffic.
 - g. Identification of any key information that is outstanding that the officers consider is required for us to be able to make a decision.
 - h. Any updates to the planning assessment and recommendation.

Hearing recommencement

10. The hearing will recommence on Monday 9 December 2024 at 12 noon at the Headingly Centre (Elm Room), 452 Lower Queen Street, Richmond
11. The order of appearance will be:
 - a) Any procedural matters or requests for direction arising from the matters contained in this minute.
 - b) Joint witness statement presentation from the traffic experts.
 - c) Presentations from Council officers.
 - d) Applicant to address their right-of-reply, which we note may be a request to provide this in writing.

Site visit

12. We visited the site at high tide on the evening of Monday 25 November. We intend to undertake a further site visit now that we have heard from submitters. We intend to time this visit to coincide with low tide.

Council contact details

13. All communications addressed by this Minute are to be made through the Principal Planner Resource Consents, email phil.doole@tasman.govt.nz or phone 03 543 8487.

29 November 2024.



Bianca Sullivan for and on behalf of the Panel

Bianca Sullivan (Chair)
Graham Taylor
Independent Hearing Commissioners