

Appendix 1 – Table of outstanding issues

(Corrected 21 November 2024 - Additional text in red)

Issue identified in Section 42A report	Applicant’s Evidence
Section 2 Operation of Boat Ramp	
Unclear what criteria for boat club membership is and how this relates to casual users (paragraph 2.13)	At paragraph 72 of Mr Morris’ evidence he advises that Boat Club membership is not required to obtain an access card, and it appears there is no criteria for obtaining an access card as the boat ramp is for public use. However, Mr Morris has confirmed that application process for the access card will allow for important safety information to be provided in accordance with draft condition 33 for RM230253 & RM230388 (page 112 of s42A report).
Section 8 Effects of Coastal Marine Area Occupation	
Relocation of moorings – third party approval which could frustrate the consent if granted (paragraph 8.9)	At paragraph 44 Mr Morris has confirmed the Trust will work with the Harbourmaster to ensure moorings are not affected by the boat ramp and notes that moorings can be moved within the mooring area within the need for resource consent. However, there remains a potential point of conflict between the use of the boat ramp and existing moorings if these were not relocated. Policy 20.1.3.2C has an avoid direction for activities within Mooring Areas which will interfere with the use or management of moorings within the Area.
Section 9 Effects on Natural Character and Amenity Values of the Coastal Environment	
Consideration of effects of the proposal on the natural character values of the CMA (paragraphs 9.22 & 9.23)	In considering the proposal against Part 2 and the NZCPS Mr Langbridge has assessed the effects on the natural character values of the CMA, however, he defers to Dr Robertson for ecological impacts on the CMA which is appropriate given Dr Robertson’s expertise.
The Landscape Assessment has not considered the NZCPS (paragraphs 9.8)	In his evidence Mr Langbridge has assessed the proposal against the NZCPS.

Mooring Piles	At paragraph 17 of his evidence and in the attached photographs for Viewpoint 2A, 4A and 5A Mr Langridge identifies mooring piles which, due to their height, are relatively visually prominent. Although not specifically mentioned it is assumed that Mr Langbridge’s assessment considered the visual impact of these mooring piles, however, in the application Landscape Assessment and Graphic Attachment these piles were not highlighted. We also note that other experts, such as Mr Tear, Cpt Dilley and Mr Morris have not commented on the function, purpose and effects of these piles.
Section 10 Alternatives	
More in depth analysis of alternatives (paragraph 10.0 and 10.6)) including detailed engineering design to be provided at a future date (paragraph 10.5)	Mr Morris has commented on the limited alternative assessment in section 32 in his statement of evidence. The assessment remains of a high level.
Section 11 Health and Safety	
No consideration of Chapter 20 (paragraph 11.1)	At paragraph 44 of his evidence Mr Morris has provided a high level comment on the policies within chapter 20.
Can adverse effects be mitigated (paragraph 11.10)	In his evidence at paragraph 5.1 Mr Tear advises that the boat ramp is suitable for use “ <i>as an all tide ramp for experienced boat operators aware of the strong flow conditions once the boat is off the trailer</i> ”.
Use of breakwater and a floating deck may ensure safety of all users, assuming this can be safely designed, installed and operated in the location (paragraph 11.11)	However, Cpt Dilley (at paragraphs 5.2 - 5.3) states that tidal flow does not appear to be significant at the site where a vessel will be launched / retrieved so there will be no appreciably greater issues than occur at other boat ramps around New Zealand. However, further into the channel a stronger tidal flow can be present and an inexperienced operator losing situational awareness or an experienced operator experiencing technical issues may be swept downstream
How will ramp be controlled to limit use by experienced people – can this practically be managed (paragraphs 11.11 to 11.13)	
Impracticality of relying on Māpua Wharf pontoon (paragraph 11.16)	At paragraph 21.2 Cpt Dilley notes that his Navigation Safety Assessment (F06 Safety Report for Māpua Boat Ramp) was not a risk assessment of the proposed boat ramp. We consider a risk assessment would be valuable to

	<p>understanding the level of risk associated with use of the boat ramp and whether the mitigation measures proposed by the applicant reduce those risks. We acknowledge that the applicant provided a 'risk assessment' from Mr Leydon & Mr Robinson (refer to C06 Māpua Boat Ramp Risk Assessment), however, no further evidence has been provided in relation this assessment nor has any expert commented on this assessment in their evidence.</p> <p>Overall, we remain uncertain how the boat ramp and be used for safe retrieval without a floating pontoon which was recommended by the Harbourmaster. Cpt Dilley highlights known difficulties with the Māpua Wharf pontoon (at paragraphs 5.10 & 14.9).</p> <p>Further, we remain uncertain whether the boat ramp is suitable for those who are not 'experienced boat operators'.</p>
<p>Safeguarding of other users of non-powered crafts or swimmers (for example people who swim or kayak from Grossi Point) (paragraph 11.17)</p>	<p>At paragraph 5.5. and sections 9 and 10 of his evidence Cpt Dilley has responded to these concerns.</p>
<p>Section 12 Cultural Values</p>	
<p>Council requested a copy of the Cultural Effects Assessment, however, it was not provided (paragraph 12.4) Correction: We acknowledge that Cultural Effects Assessments (CEAs) prepared by Ngāti Kuia and Ngāti Apa ki te Rā Tō were provided to Council staff in May 2023. Due to an oversight this was not identified previously, however, as noted in the application, the CEAs were identified as including confidential information and so would not have been made available for viewing when the application was publicly notified.</p>	<p>In his evidence Mr Morris advises the Cultural Effects Assessment could be provided with agreement from iwi. It may be helpful to be able to review this assessment although it is acknowledged that several iwi have made submissions which they will speak to at the hearing.</p> <p>We have now reviewed the CEAs from Ngāti Kuia and Ngāti Apa ki te Rā Tō (neither of whom are a submitter) and provided copies to the Commissioners. This issue is therefore not outstanding.</p>
<p>We have not required an iwi monitor for all the earthworks in the draft conditions because a lot of the site has previously been rehabilitated.</p>	<p>We acknowledge that Ngāti Rārua have provided a statement seeking the condition volunteered by the applicant in relation to the requirement for the iwi monitor be imposed and that condition 11 (RM230254 et al, page 99 of s42A</p>

	report) be amended to require that the cultural induction must be undertaken by a person mandated by Ngāti Rārua.
Section 13 Visual Amenity Effects	
Mitigation of headlight glare (paragraph 13.4 to 13.6)	These matters do not appear to have been considered in the applicant's evidence and so remain outstanding.
Clarification around lighting of the boat ramp (paragraph 13.6)	
Section 13 Noise Effects	
Predicted noise levels at the following properties – 15/17A Tahī Street, 18, 20, 20B Tahī Street (paragraphs 13.22 & 13.23)	Mr Farren has provided noise modelling data to address these issues. However, Mr Winter who has provided us with expert noise advice suggests that noise contours for 3 or 4 launches per minute would be useful and representative of a realistic rate of launch during the summer period. Mr Winter also considers a table of predicted noise levels would be useful.
Predicted noise levels from the car and trailer car park (paragraph 13.20)	
Noise modelling based on a more realistic launch rate (paragraph 13.21)	
Noise measurement of the existing noise environment to understand background noise levels (paragraph 13.19)	Mr Farren has not undertaken any actual measurements but generally agrees with Mr Winter's assumptions and it is assumed these have been used in his noise assessment.
Mitigation options other than signage (paragraph 13.19, 13.28 & 13.32)	It's unclear if the applicant is volunteering a fence along with boundary with 20B Tahī Street and northern & western boundary closest to 27E Aranui Road as recommended in Mr Farren's evidence. However, this matter would be covered by draft condition 14 and the condition could be amended to allow for upgrades to existing fences.
Section 14 Traffic Effects	
Clarity on actual traffic demand (paragraph 14.4 & 14.30)	Mr Clark has not provided any new data; however, he provides comment around validity of data used and has justified the approach to a level which is considered satisfactory.

<p>Formation of car and trailer carpark including surface & marking maintenance, swept paths to ensure all spaces are capable of being used (paragraphs 14.9 to 14.12)</p>	<p>The layout of the car park needs to be clarified in relation to the following:</p> <ul style="list-style-type: none"> • Plan does not make area of hard surface clear. • Unclear which option the applicant proposes in relation to space marking. • At paragraph 83 Mr Clark’s evidence refers to a ‘new entrance’ however, it’s not clear from the plan provided where this is. • Swept paths haven’t been demonstrated. <p>These matters could potentially be managed through conditions of consent, although some certainty at this stage could be beneficial to understand how driver’s recovering boats interact with drivers waiting to launch to avoid a bottleneck or extended delays.</p>
<p>Management of car and trailer carparking to ensure sufficient capacity (paragraph 14.15)</p>	<p>In his evidence at paragraphs 69 – 80 Mr Clark proposes an Operational Plan and use of an App based system which in principle would appear to address concerns around queueing and management of the ramp and associated parking.</p> <p>High level details have been provided for the approach and whilst this is accepted in principle, more details will be required and on going monitoring undertaken. Conditions could be included to require this information. However, in order to assess potential effects and be satisfied that the approach will be effective it may be beneficial to have a greater understanding of the approach at this stage.</p> <p>Furthermore, some signage in advance of the Tahi Street entrance would be beneficial to avoid people attempting to access the ramp without having made a booking prior to avoid blocking the boat ramp access.</p> <p>It appears that the queueing will still block access to some spaces which could delay people retrieving their boats also subject to final layout and details of Operational Plan / app management. However, this may be resolved through final car parking layout which has been signalled above as being required.</p>

Management of queueing, including blocking of car parking spaces and worst case scenario queue lengths (paragraphs 14.16 to 14.22)	It appears that the queueing will still block access to some spaces which could delay people retrieving their boats, however, this may be resolved through final car park layout design, however, as efficient retrieval of car & trailers is an important consideration for the safe and efficient operation of the boat ramp it would be useful to have certainty on this matter.
Tracking curves for car and trailer to manoeuvre into the existing car park (paragraph 14.23)	This appears to have been addressed by the revised layout which moves the barrier closer to Tahī Street and so avoids a situation where drivers pull into the boat ramp access and are required to manoeuvre through the car park if they're unable to proceed through the barrier.
Tracking curves to demonstrate sufficient space for manoeuvring within the boat ramp to allow for reversing down ramp (paragraph 14.24)	Mr Clark has provided these tracking curves which indicate sufficient room within the boat ramp for manoeuvring, noting that other drivers will need to be patient given some movements cross onto the other side of the ramp temporarily blocking access for other users.
Section 15 Reserve land and public access	
Measures to ensure footpath crossing the ramp is kept free of obstruction to allow safe pedestrian crossing (paragraph 15.10)	The applicant's evidence does not appear to have considered any alternatives to the footpath / crossing design or how the crossing area might be kept free of obstructions. The loss of the indicative walkway has also not been considered.
Amended footpath / crossing design (paragraph 15.11)	
Loss of indicative walkway area as a result of car and trailer parking (paragraphs 15.13 to 15.15)	
Section 16 Construction and ongoing effects	
Construction methodology detail (paragraph 16.13 to 16.14)	This issue remains outstanding
Risk of potentially contaminated material being released into the environment (paragraph 16.15)	This issue has been considered in Mr Oddy's evidence.

Detail of rock armouring required (paragraph 16.17) and final size of the structure.	At paragraph 6.3 of his evidence Mr Teear acknowledges that the sides of the ramp will have rock armouring to prevent erosion due to current effects. The details remain outstanding.
Details on the ongoing maintenance	At paragraph 30 of his evidence Mr Stevenson accepts the maintenance schedule proposed in draft conditions
Section 17 Contaminated Land	
Updated volume of soil disturbance and confirmation if soil will be disposed of offsite (paragraph 17.2)	These issues have been addressed in Mr Oddy's evidence at paragraphs 42-44.
Sediment control within the marine environment (paragraph 17.12 and 17.14 to 17.17)	
Details of who is responsible for implementing & monitoring the controls detailed in the SMP (paragraph 17.13)	Some information has been provided in Mr Oddy's evidence, however, further clarification is sought on this matter.
Section 18 Ecological Effects	
Information missing in relation to effects on birds (paragraphs 18.15 to 18.18)	At paragraphs 45-47 of his evidence Dr Robertsons has considered the effects on birds in more detail although this is still at a high level. We note also that expert evidence has been received from David Melville which further considers the effects of the proposal on birds and the relevant policies of the NZCPS and NPSIB.
Section 19 Infrastructure and Discharges	
Design of stormwater channels / swales to a 1% AEP and ephemeral swale cope with additional stormwater without eroding (paragraph 19.8 & 19.11)	A paragraph 32 of his Evidence Mr Stevenson has accepted our position.
Detailed engineering plans required (paragraph 19.11)	These issues remain outstanding
Adequate armouring to avoid erosion (paragraph 19.11)	

Policy Assessment	
<p>In our s42A report we highlighted the wide range of policies which are directly relevant to the proposal. We identified that many of the policies contain an avoid, remedy or mitigate direction which in our view allows for adverse effects to be remedied or mitigated but if this is not possible or not proposed then avoid is likely to be the relevant direction. We also highlighted various specific policies which were more directive as they seek to protect, restrict, avoid or only allow where certain matters were met.</p>	<p>The application included a high level policy assessment with no evaluation of the Chapter 20 objectives and policies provided. Whilst Mr Morris has sought to provide comment on some objectives and policies within his evidence his assessment remains of a high level and does not consider policy hierarchy in any detail.</p> <p>Paragraph 44 of Mr Morris' evidence refers to Chapter 20 and Objective 20.1.2 but does not work though the relevant policies.</p> <p>Paragraph 52 of Mr Morris' evidence examines Objective 6 of the NZCPS and mentions polices 6 and 20.</p> <p>In our view a more in-depth assessment should be undertaken to resolve any tensions between policies and fully consider whether the proposal is consistent with the relevant policies taking account of the level of mitigation measures proposed.</p>