



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Rosalind Squire, Consent Planner - Coastal

REFERENCE: RM071067

SUBJECT: **MOTUEKA PORT USERS LIMITED - REPORT EP08/03/12 -**
Report prepared for hearing of 26 March

1. APPLICATION BRIEF

Applicant: Motueka Port Users Limited

Application Number: NN071067

Address of Applicant: C/- Landmark Lile Limited
P O Box 343
Nelson 7040

Application Proposals: To undertake repair and ongoing maintenance work to and existing 380 metre long training wall structure

Location: Southern side of the entrance of the Moutere River (locally known as the entrance to Motueka Harbour)

Resource Consent Type: Coastal Permit – Full Discretionary Activity

2. INTRODUCTION

The Motueka Training Wall is located on the southern side of the channel entrance to Motueka Harbour and is approximately 380 metres long with a maximum height of 5.6 metres (Refer Diagram 1, Photograph 1 and Aerial 1 and 2 below).

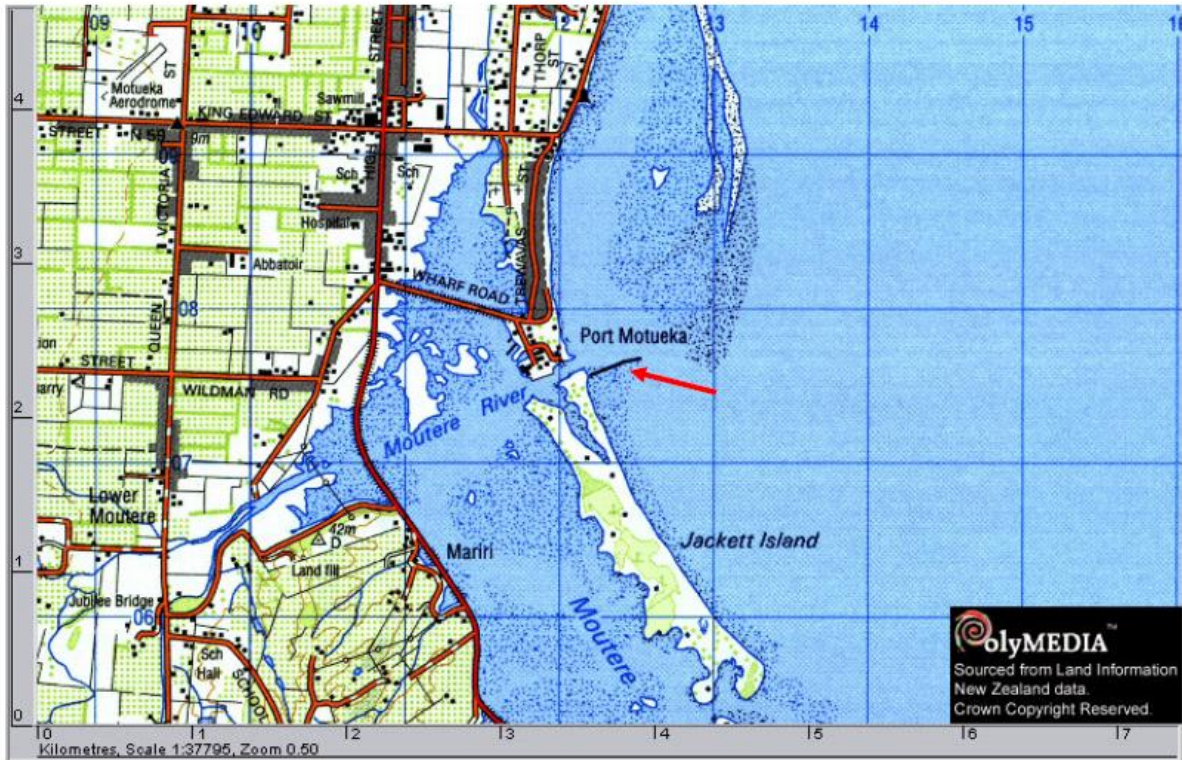


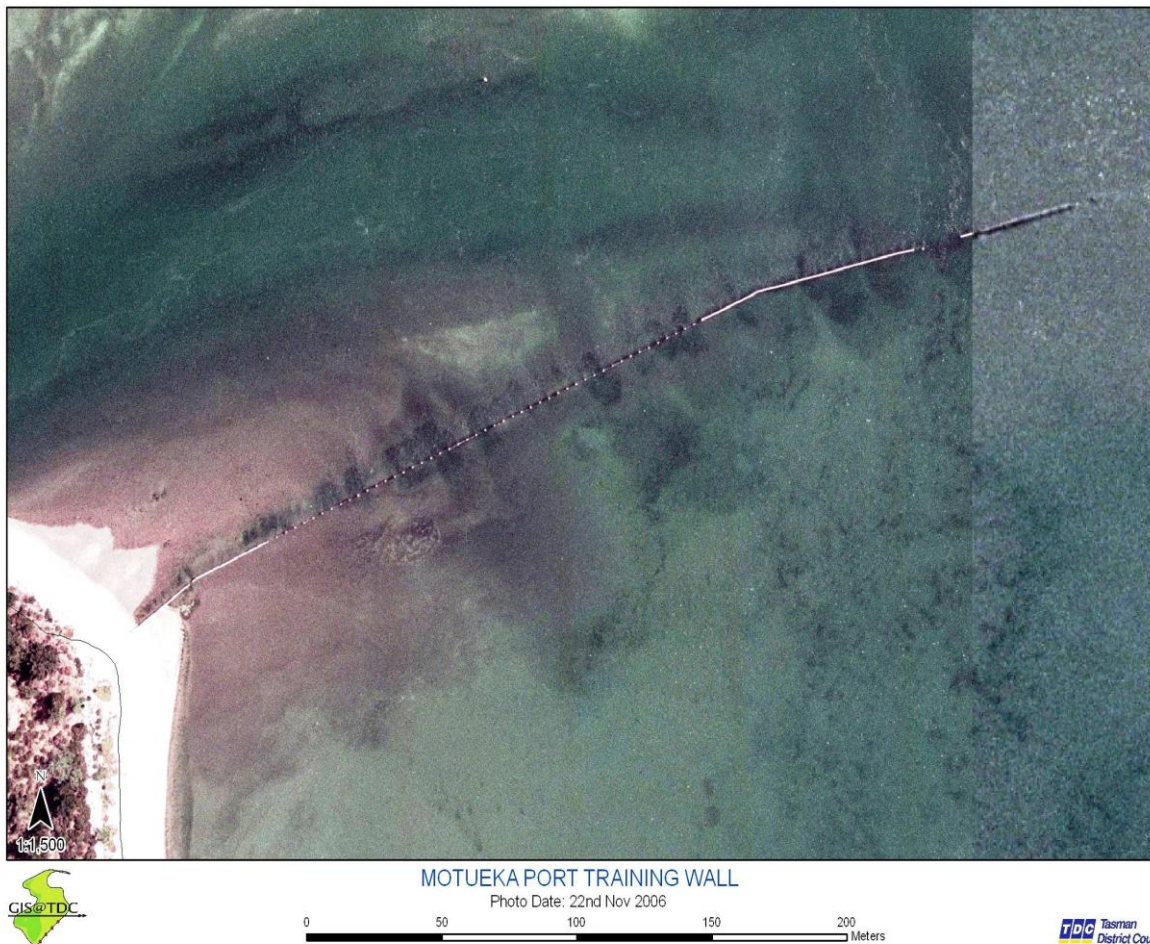
Diagram 1: Location of Training Wall (map sourced from application)



Photograph 1: Location of wall as viewed from Tasman Bay (photo sourced from application)



Aerial 1 and 2: Location of training wall



The training wall was constructed between 1930 and 1935 using pre-cast concrete piles and poured in situ panels. Its purpose was threefold:

- to direct water flow within the Moutere River entrance channel by deflecting tidal currents sweeping across Jackett Island;
- prevent or reduce shoaling of the channel by trapping material moving via littoral drift northward across the Jackett Island foreshore; and
- protect the entrance channel from wave action and cross currents.

Over time the training wall has deteriorated to a point where it is no longer functioning as originally intended (Refer Photograph 2 and Diagram 1 below). A large number of the concrete panels between the piles, five piles and a lot of the capping have been lost and a number of piles and concrete panels have been broken. This application seeks to repair the wall and provide for its ongoing maintenance for the duration of the consent.



Photograph 2: Existing state of repair of training wall viewed from Jackett Island



Photograph 2: Existing state of repair of training wall viewed from the channel

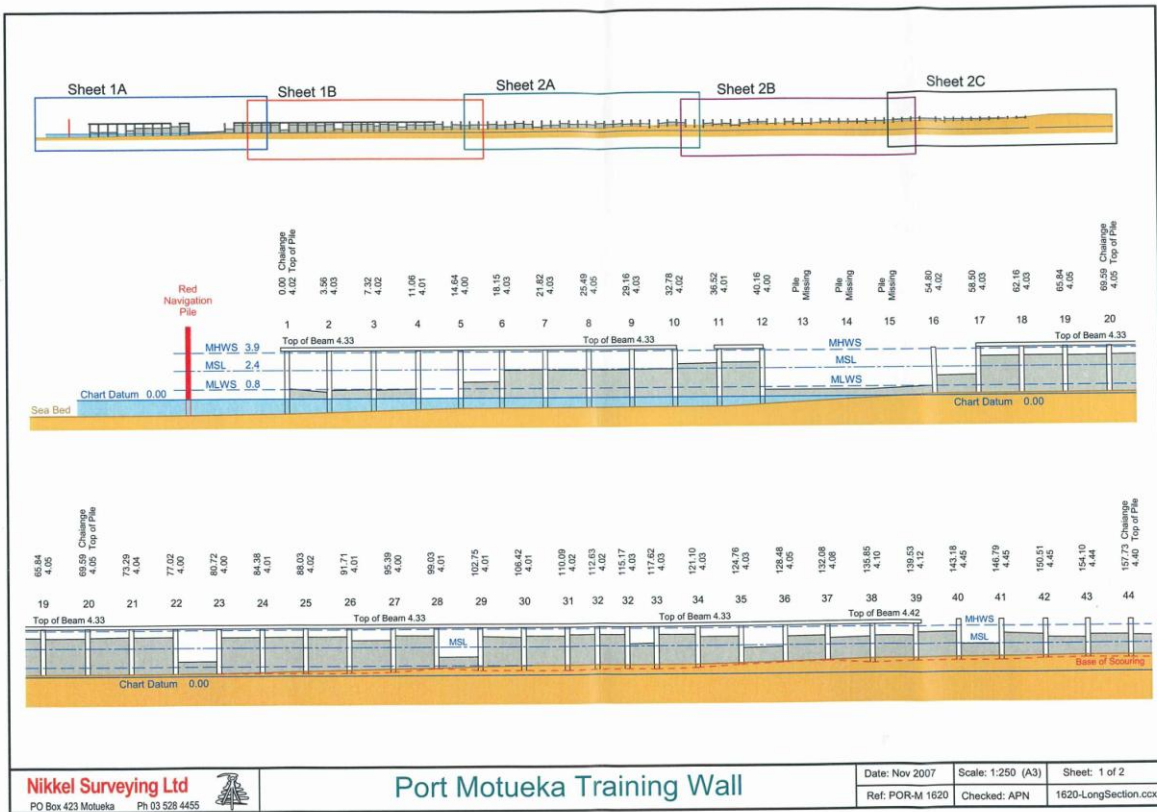


Diagram 1: Northern view of wall – eastern extent

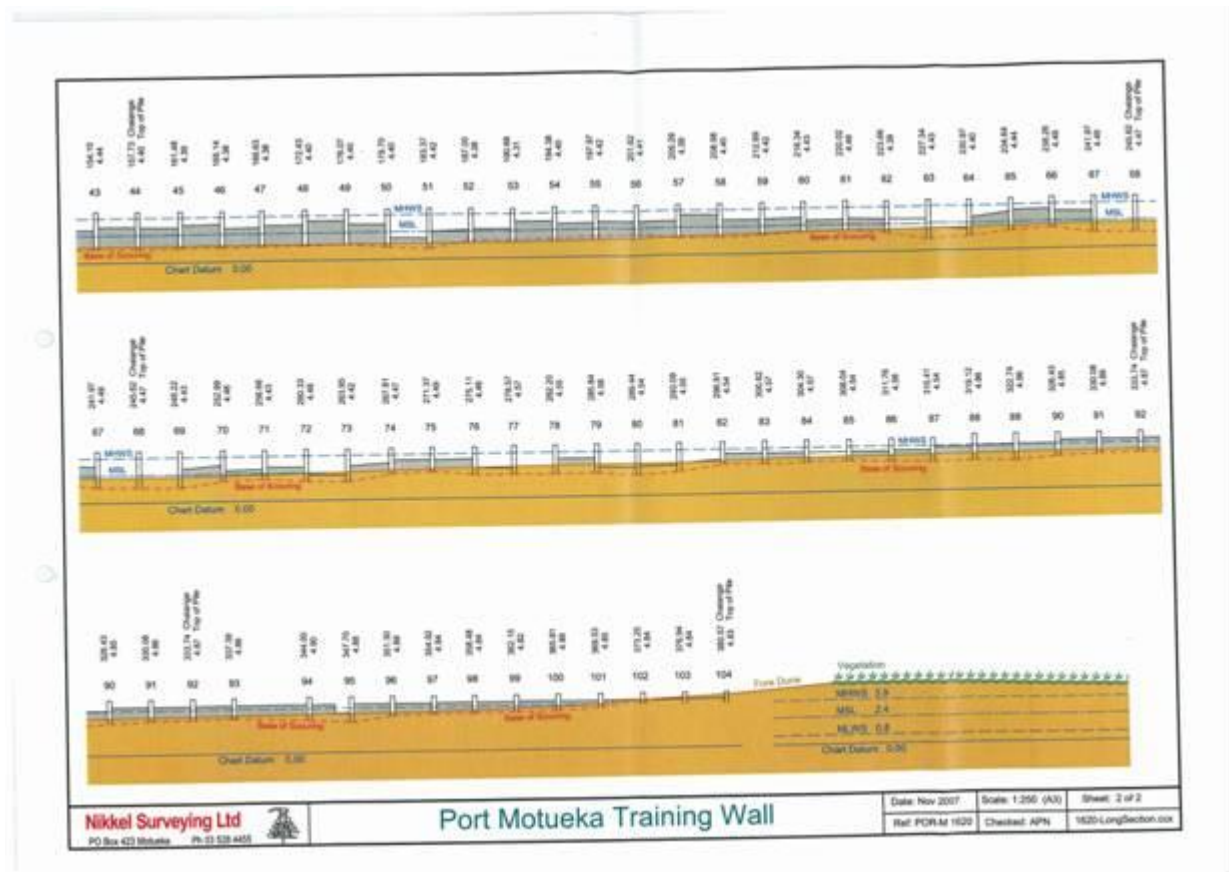


Diagram 2: Northern view of wall – western extent

The proposed repair work involves replacing five missing concrete piles and possibly a number of damaged piles, filling in the gaps between the piles using 200mm diameter H5 and H6 treated poles (Refer Diagrams 3 and 4 below) and replacing missing portions of capping. Missing and replaced piles are intended to be driven into the seabed using a pile driver mounted on a floating barge.

Confirmation is sought from the application that the capping is to be replaced. The text in the application states that it will be, however, diagrams 3 and 4 below do not indicate that. Clarification is also sought whether work will be undertaken at all states of the tide and how the barge will be tethered while work is underway.

The proposed works also involve the placement of some rock protection adjoining both sides of the eastern most extent of the wall for a distance of 25 metres as shown on Diagram 4 below. The diameter of rock material is proposed to be from 150 – 500mm and is intended to be placed using the floating barge and involve up to 80 cubic metres of material.

The work site and accompanying disturbance will be limited to an area 10 metres on either side of the wall and the duration of the initial repair work is expected to be in the order of 12 months. Construction is proposed to occur from Monday to Saturday between the hours of 7.00 am to 6.00 pm (Monday to Friday) and 8.00 am to 1.00 pm (Saturdays).

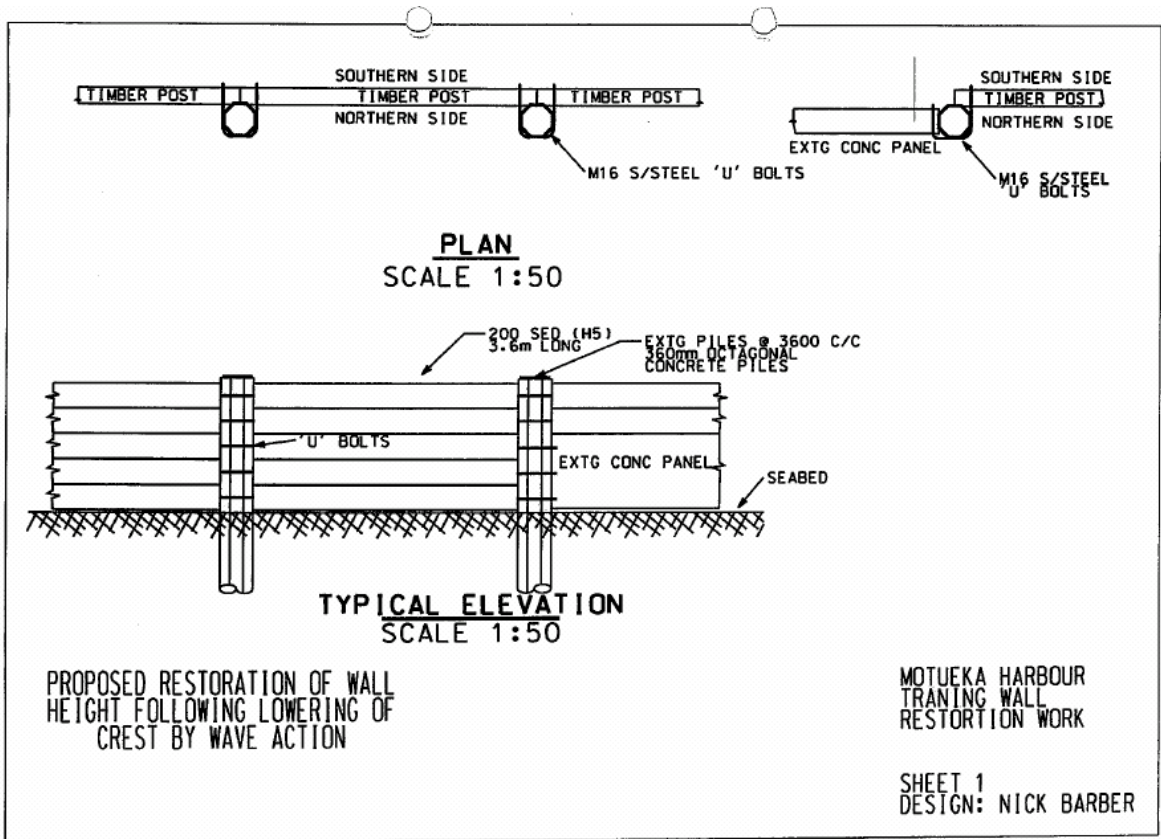


Diagram 3: Details of repair work

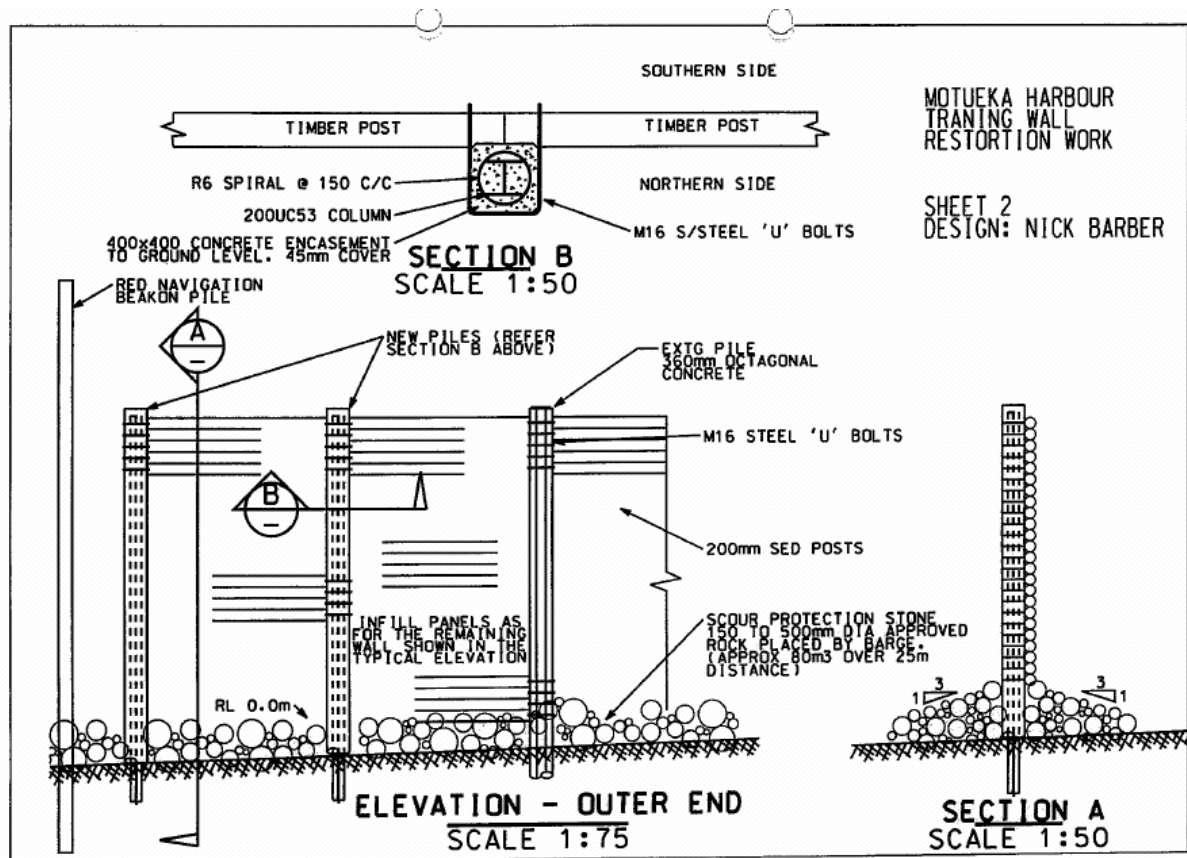


Diagram 4 : Details of rock protection work

3. NOTIFICATION

On 9 November 2007 an application was lodged by Talley's Fisheries. This was assessed as a discretionary activity pursuant to Section 12 (1) (b) of the RMA and Rule 25.2.4 of the TRMP (TRMP). Further information was sought on 23 November 2007, this was received in two parts in February and May 2008. Talley's Fisheries was then advised that the application would be publicly notified. In preparation for public notification a new company (Motueka Port Users Limited) was formed and a second application was lodged under the new name in November 2007. The second application stated that that the activity should be assessed as a restricted coastal activity (RCA). Council staff considered the matter and discussed the status of the activity with staff from the Department of Conservation who concurred with the applicant. The application was notified on Saturday, 17 November 2007 as both a Restricted Coastal Activity and a full discretionary activity. Fifty four submissions were received within the statutory time period (there were three late submissions).

3.1 Submissions

There were no submitters in opposition to the application, 48 submitters (three late) expressed support, nine submitters (Including a submission from the Department of Conservation) were either neutral or supported the application, provided consent was subject to specified conditions.

The Department of Conservation has subsequently received a legal opinion with regard to the status of the activity and have amended their original submission. Their legal advice stated that, although the Restricted Coastal Activity provisions in the Ministers direction under section 372 (1) of the RMA are open to interpretation, in their opinion the activity should not be considered a Restricted Coastal Activity.

Council staff accept this advice, accordingly the application is to be assessed as a (fully) discretionary activity under Section 12 (1) (b) of the RMA 1991 and Rule 25.2.4 of the TRMP.

A decision has been made not to re-notify the application as the threshold for a Restricted Coastal Activity is higher than that for a discretionary activity. It is considered that no one is disadvantaged by this decision and it does not change the nature of the activity.

The following is a summary of the submissions.

Submitter	Support/Oppose (Conditions requested)	Comments/Conditions from submitters
Ben Van Dyke	Support with conditions	Reasons for submission <ul style="list-style-type: none">- Concerned about the efficacy of the proposed works- Erosion/replenishment of sand on Jackett Island foreshore Conditions sought <ul style="list-style-type: none">- Responsibility is taken for erosion

Peter Watkins	Neutral, but would like to see conditions imposed	<p>Reasons for submission</p> <ul style="list-style-type: none"> - Lack of consultation with Jackett Island residents <p><i>Note: The application was publicly notified which provides the opportunity for interested and affected parties to be involved in the decision making process.</i></p> <ul style="list-style-type: none"> - Effects of dredging on Jackett Island - Wants clarification of further work <p><i>Note: This application is for this activity alone and Council cannot clarify what further work may be applied for at some future date by the Motueka Port Users Group. Each application is dealt with on its merits.</i></p> <ul style="list-style-type: none"> - Preference for use of concrete rather than timber - No study undertaken on erosion/deposition <p>Reasons for submission</p> <ul style="list-style-type: none"> - Introduction of a regime to regularly and comprehensively measure the erosion/deposition effects of the training wall repair on the north end of Jacketts Island, with the possibility of redress if effects are adverse
Paul Coradine	Support conditions with	<p>Reasons for submission</p> <ul style="list-style-type: none"> - Concern over use of treated timber and the leaching of toxins to environment - Concern over erosion/deposition of Jackett Island foreshore - Monitoring <p>Conditions sought</p> <ul style="list-style-type: none"> - Infill material must not leach toxins, require benign material (suggests use of pre cast concrete) - Monitoring of shellfish toxins along foreshore of Jackett Island and other areas with a nil effect guaranteed

		<ul style="list-style-type: none"> - Survey benchmark at his south eastern boundary - Monitoring of erosion/deposition
Rudy Zondag	Support conditions with	<p>Reasons for submission</p> <ul style="list-style-type: none"> - Submits that the spit strongly influences the mid section of Jackett Island by deflecting the flow causing erosion. Repairing the training wall may improve this but to be effective he submits that it should be extended. <p>Conditions sought</p> <ul style="list-style-type: none"> - Monitor the coastline annually for any changes - Keep submitter informed of monitoring results
Brain Rhoads	Neutral, but would like to see conditions imposed	<p>Reasons for submission</p> <ul style="list-style-type: none"> - Concerned that the analysis in the application is too simplistic and doubts that a northwest drift under south easterly conditions is a significant factor in beach erosion. Would like to see more analysis. Submit that an eddy formed by the training wall on the outgoing tide is what leads to northerly littoral drift along the Motueka end of Jackett Island foreshore. - Question who would be responsible for remedial works if the repair of the wall leads to erosion of the beach. <p>Conditions sought</p> <ul style="list-style-type: none"> - That all construction rubbish, including broken concrete is removed - That this consent is not used to justify any further works without separate notified consent
Michael Rea	Support conditions with	<p>Reasons for submission</p> <ul style="list-style-type: none"> - Has concerns that the design of the repairs will modify the existing littoral drift. - Questions whether or not the

		<p>training wall will be able to withstand the forces acting upon it from sand build up on the southern side.</p> <ul style="list-style-type: none"> - Questions the height of the intended repair and the efficacy of the works on enhancing Jakkett Island foreshore sedimentation, principally because any tide above MHWS will breach the training wall. - Discusses the effects of offshore sand bar movements and the proposed works on the erosion/sedimentation of the Jakkett Island foreshore. He notes that the proposed wall will improve the damming of sand and the accumulation of sand further south. <p>Conditions sought</p> <ul style="list-style-type: none"> - That the height of the wall be increased from the beach to pile number 90 using concrete. - That the gap in the wall between piles 79 and 82 be left to prevent material from building up against the southern side. - That the increased height of the wall be covered with shingle dredged from the channel and deposited on the southern side of the wall. - That additional material be placed on the northern side of the wall. - Place loose panels adjacent to the southern side of the wall at pile 90 to protect the manmade beach
Department of Conservation	Neutral	<p>Reasons for submission</p> <ul style="list-style-type: none"> - Requests that particular regard be given to specific matters when determining the application: <p>(i) The site is located in proximity to the Motueka and spit which forms part of the Motueka Delta identified in Schedule 25.1F of the TRMP which has nationally</p>

		<p>important natural ecosystem values. Care should be taken during the construction works to avoid disturbing seabirds, especially at high tides and whilst birds are nesting in the vicinity;</p> <p>(ii) Council should have particular regard to Part II of the RMA, specified policies of the New Zealand Coastal Policy Statement (NZCPS), Tasman Policy Statement and the TRMP;</p> <p>(iii) Effects of reconstruction on coastal processes, natural character and natural functioning of the environment.</p> <ul style="list-style-type: none"> - Consent should not be granted unless Council is satisfied that the proposal is consistent with the statutory provisions listed in the submission and any additional or cumulative effects of the proposed activity are not more than minor, or can be avoided, mitigated or remedied.
<p>Nelson Marlborough District Health Board</p>	<p>Not specified</p>	<p>Reasons for submission</p> <ul style="list-style-type: none"> - Raise issues relevant to the health and safety of people and communities - To assist Council in its duty to improve, protect and promote public health <p>Conditions sought</p> <ul style="list-style-type: none"> - Ensure that there are adequate mitigation measures in place to prevent or reduce the actual or potential effects on the local community. - The imposition of a Management Plan that identifies potential effects (including but not limited to noise, vibration and dust) and sets of mitigation measures to ensure the best practical options are employed to ensure effects are reasonable.

McDonald and Brown Limited	Support conditions with	<p>Conditions sought</p> <ul style="list-style-type: none"> - That Council contract one of the local commercial fisherman to maintain lighting and buoyage systems <p><i>Note: Council cannot impose this condition as it requires a third party to undertake the works</i></p>
<ul style="list-style-type: none"> - Talleys Fisheries - Motueka Grey Power - Golden Bay /Motueka Fishermans Association - NgatiTama Manawhena Ki Te Tau Ihu Trust - Douglas Saunders-Loder - John Krammer - Karl Stevens - Philip Coppins - Matthew Hinton - Gaitan Franklin - Michael Compton - Andrew Lock - Bruce Manson - Peter Besier - Nathan Lunn - Graham Wilson - Sharon Smith - Grant Stevens - Lex Bloomfield - Linda Bloomfield - Robin Bloomfield - Tom Trewavas - Winston Rountree - Allen Reid - Arlyn Wells - Nicky Hanson - Kerry Snowdon - Lisa Watkins - Jud Kenning - Douglas Roberts - David Gilbertson - Angela Kenning - Duncan Miller - Peter Jensen - Dion Iorns - Eldred Iorns 	Support the application and request that Council grant the application	<ul style="list-style-type: none"> - Improve safety of port entrance and access - benefit local community/Improve wellbeing - Essential for the redevelopment of the port - Tidy up existing structure and stop deterioration - Wall needs repair and continued maintenance - Other attempts to improve entrance have failed - Encourage coastal shipping - Will maximise commercial use of the existing wharf and eliminate road transport of product

<ul style="list-style-type: none"> - Pamela Iorns - Ivan Thompson - Heather Thompson - Robert Darragh - David Ryder - Fred Te Miha - Melissa Lightfoot - Edward Coppins - Hugh Cropp - Jarrad Peychers (Late) - Tony Young (Late) - Sarah Blick (Late) 		
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4. STATUTORY PLANNING CONSIDERATIONS

4.1 Status of the Application

The activity requires resource consent for a full discretionary activity to disturb the foreshore and seabed under Rule 25.2.4 of the Tasman Resource Management Plan (TRMP). The reconstruction of a structure that is fixed in, on or over the foreshore or seabed also requires a consent under Section 12 1(b) of the RMA as a full discretionary activity.

4.2 Section 104 RMA 1991 Matters

Under Section 104 of the Resource Management Act 1991 (RMA), subject to Part II of the Act, when considering the application and submissions received, Council shall have regard to:

- (i) any actual and potential effects on the environment of allowing the activity; and
- (ii) the New Zealand Coastal Policy Statement (NZCPS) gazetted on 5 May 1994; and
- (iii) Council's Proposed Regional Policy Statement (RPS), operative 1 July 2001; and
- (iv) any relevant objectives, policies, rules or other provisions of Council's Proposed Tasman Resource Management Plan, notified on 25 May 1996; and
- (v) Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

4.3 Assessment of the Effects on the Environment

It is understood that the purpose of the wall when it was originally constructed was to direct water flow, prevent or reduce shoaling of the channel and protect the estuary and port entrance from wave action and cross currents. Over the decades since its construction the wall has failed significantly and in many places to a level where it no longer functions as intended.

The works will have a range of effects on the environment, these are addressed below.

4.3.1 Effects on the visual and general amenity of the site and surrounding area

Effects on land and seascape values

The application is accompanied by an assessment of the proposed works on the visual amenity of the coastal marine area by Tasman Carter Landscape Architects. The report concludes that when considered in the wider and local coastal context, the filling in of the gaps in the training wall will not significantly reduce the amenity of the coastal environment associated with the Port Motueka area.

The assessment states that although Jakkett Island has high natural character values due to the low levels of development, the natural character of the coastline diminishes near the port. It also notes that the Jakkett Island coastline cannot be considered a pristine landscape due to modified vegetation patterns and existing residential development. The report notes that the training wall has been part of the environment since the 1930s and as a consequence is integrated with the cultural and natural landscape of the area. It is acknowledged that the existing “transparent” quality of the wall will be lost but is noted that this effect will be reduced the further away the wall is viewed and that the timber will weather and become increasingly encrusted over time and may become progressively buried on the southern side as sediments accumulate.

The submission from Brian Rhodes who owns a property on Jakkett Island states that the reconstruction is likely to have minimal visual or construction impact on most residents of Jakkett Island, but that views may differ depending on residents closeness to the work. The submission from Talley’s Fisheries Limited states that the proposed works will “tidy up” the area.

Submissions from Mr Watkins and Mr Coradine highlight a preference for concrete rather than treated timber poles to fill the gaps in the wall. From an aesthetic point of view it is considered that the treated timber will weather quite rapidly and blend with the existing structure. Mr Rhoades submission requests that the consent holder should remove construction rubbish from the site, including broken concrete, a condition to this effect is recommended.

The assessment made by Tasman Carter Landscape Architects is considered to be balanced and I agree with his conclusion that the repair of the training wall will not significantly reduce the amenity of the coastal environment in the vicinity of the site. Obviously the effect of the wall on the visual amenity of the area depends on each individual’s perceptions, some may see the existing dilapidated wall as having a degree of charm and would consider it preferable to a reconstructed wall, others may see it as a dilapidated structure in need of repair.

Obviously the repair of the wall will reduce its existing “transparency” and block some of the views visible at low tide, particularly from the north as this side of the wall is less likely to be buried by accumulating material. However, the loss of this amenity in the context of the potential benefits to be gained from the repair of the wall needs to

be put in perspective. The wall was originally solid and it is only over time that the view shafts have been restored. The wall is obscured for part of each tide cycle and will weather over time, become encrusted with marine life and be partly obscured by the build up of sediments.

Effects on amenity of the area during construction

The proposed works are expected to take approximately 12 months to complete, the hours of operation will be between 7am to 6pm Monday to Friday and 8.00 am to 1.00 pm Saturdays. The fixing of timber poles between the existing concrete piles will involve the use of ladders, manual hoists and jacks and battery operated drills and grinders rather than heavy machinery. This will ensure that the noise levels associated with the activity will be minimal. In order to replace the missing piles a pile driver able to drive piles of up to 3 tonnes will be mounted on a floating barge. The rock protection adjoining the eastern most 25 metres of the wall will be put in place from the barge.

The submission from the Nelson Marlborough District health Board states that a Management Plan identifying potential effects and setting out mitigation measures to ensure that the best practical options are employed would reduce the actual or potential effects of the activity on the local community. A condition to this effect is recommended.

It is acknowledged that some noise will inevitably be generated at the site. This cannot be avoided, even if hand tools are used. A condition requiring that noise generated by the activity shall not exceed the recommended upper noise limits as described in the NZ Construction Noise Standard NZS6803:1999 Acoustics – Construction Noise is recommended. The effects of noise on amenity values can also be mitigated by constraining the hours of work to reasonable daylight hours during the week and limiting hours during the weekend (except for Saturday mornings) and statutory holidays when visitors and residents may wish to enjoy some solitude. A condition to this effect is recommended. The duration of the repair works will also be comparatively short lived with the full scope of work expected to be completed within 12 months.

4.3.2 Hydrodynamics

A separate report will be forwarded from Eric Verstappen (Coastal Engineer) addressing the implications of the repair of the wall on the hydrodynamics at the site, the spit and foreshore of Jackett Island.

In his submission Mr Rea requests that the height of the wall be increased to the height of the top of the piles from pile number 90 to where the top of the wall meets the beach. I understand from the application that the proposal involves filling in the gaps in the wall to the top of the piles and replacing the capping where it is missing. This will involve matching the existing height of the wall as it increases in increments at Pile 40 and 87, but not increasing the overall height of the wall over and above replacing the missing capping. Regardless of the merits of the suggestion to increase the height of the wall, a condition to that effect would be increasing the scope of the application and unless the resulting effect is de-minimus cannot be supported as a condition of consent.

Mr Rea also requests that the current gap between piles 79 and 82 be left to prevent material from building up against the south side of the wall seawards of the break. I will leave this matter to be commented on by Mr Verstappen.

A number of submitters request that the consent holder undertake a comprehensive monitoring programme to investigate the effects of the repair on the foreshore of Jackett Island and be responsible for any resulting changes or damage. The difficulty with this is the ability of any monitoring programme to isolate the effects of the repairs to the wall from other influences. Mr Verstappen will comment on any monitoring requirements relating to the structural integrity of the wall and any changes to the foreshore of Jackett Island.

4.3.3 Marine ecosystems

The site of the proposed works and the eastern foreshore of Jackett Island are not identified in the Tasman Resource Management Plan as areas with nationally or internationally important natural ecosystem values. Although the Moutere Inlet is noted for the presence of white heron and royal spoonbill and as a habitat for the banded rail, the training wall and any effects on the hydrodynamics of the area are expected to be felt on the coastal foreshore of Jackett Island rather than the estuary. The intertidal flats and sand spit are very mobile, do not provide a stable environment for colonisation and are relatively devoid of marine life of special or representative significance in Tasman Bay.

It is considered that there are no ecosystems which will be affected to more than a minor degree and that any birds feeding in the area will be able to adapt to any changes and do so daily as they retreat to higher levels as the incoming tide covers their feeding grounds. It is anticipated that with time the foreshore will establish a new stable beach equilibrium.

Mr Coradine requests that any infill material should not leach toxins into the environment. He also requests that monitoring of the build up of toxins in shellfish along the foreshore of Jackett Island is undertaken. The issue of leaching of copper, chrome and arsenic into the environment has been discussed with staff and it is considered that although some leaching will occur (predominantly from the cut ends of the treated timber poles) the amount would be minimal and diluted too rapidly to measure and would not be able to be detected in any measurable amounts in shellfish in the vicinity of the site.

The submission from the Department of Conservation notes that provided the reconstruction of the seawall is undertaken in accordance with the application and assessment of environmental effects, it is not considered to be contrary to the purpose of the RMA. However, it notes that care should be taken during the construction works to avoid disturbing sea birds, especially at high tides and whilst birds are nesting in the vicinity.

4.3.4 Navigation

The applicant and the majority of submitters have emphasised the significant navigation safety issues associated with the channel into Port Motueka. The channel has become shallower and longer over time and now runs parallel to the coast for

much of its length, it also lies across the line of the prevailing waves and swell which presents a hazard to vessels.

The objectives of the proposed works are to direct more of the river and spring tide flows into a more confined pathway, directing the ebb tide flow out of the Moutere Inlet onto the offshore bar to scour it and flush sand out of the navigation channel. The OCEL report states that the work will have little immediate impact on the navigation channel out beyond the end of the existing wall because the sand spit is currently too far out from the end. However, it is expected that there will be a non quantifiable benefit in helping to promote the inevitable break through of the offshore spit. The report emphasises that the proposed works can be viewed as an incremental first step towards establishing a navigation channel through the offshore sand bar. It also notes that the repaired wall will act as a groyne and stop the movement of sediment north from the jacket Island foreshore thus helping to reduce erosion.

It is considered that there will be no adverse effects of the proposed works on the navigation safety of the area, in fact it is anticipated that any effects will be positive.

The submission from Mr Brown requests that Council contract one of the local fisherman to maintain navigation aids for the port. This is outside the scope of this application, Council (via the Harbourmaster) has responsibility for the provision and maintenance of navigation aids and any concerns the submitter has need to be directed to him.

It is acknowledged that this application may be the first step in an iterative process to improve navigation to and from the port. Mr Rhoades submission requests that this consent should not be used to justify any further works without a separate notified consent being obtained for those works, including any lengthening or raising the height of the wall. However, Council's assessment is confined to this activity alone and cannot make any prejudgements on or limit any future application or make a decision regarding the notification or otherwise of any future application, each application has to be considered on its merits.

4.3.5 Social and economic wellbeing

Any improvement to navigation safety is seen as a positive effect which will enable the Motueka community to provide for its social, economic, and cultural wellbeing and for their health and safety. Although it is acknowledged that there will be some minor inconveniences to nearby residents during the construction period, they are expected to be short lived and have no more than a minor effect on their social and economic wellbeing.

4.3.6 Archaeological sites

Jackett Island contains a number of identified archaeological sites. However, none are recorded in the immediate vicinity of the training wall. As such it is considered that the proposed works will not have any effect on archaeological sites.

4.4 Part 2 Resource Management Act 1991

Part 2 of the Resource Management Act 1991 (RMA) outlines its purpose and principles. The purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while sustaining the potential of resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects of activities on the environment.

Section 6 (a) of the RMA requires that the preservation of the natural character of the coastal environment (including the coastal environment area) from inappropriate use and development shall be recognised and provided for as a matter of national importance.

Section 6 (d) requires that the maintenance and enhancement of public access to and along the coastal marine area shall be recognised and provided for as a matter of national importance.

Section 7 (c) requires that particular regard be given to the maintenance and enhancement of amenity values.

4.4.1 New Zealand Coastal Policy Statement

Pursuant to Section 104(1)(c) of the Resource Management Act (1991) regard must be had to any New Zealand Coastal Policy Statement (NZCPS). The Policy Statement provides national guidance to local authorities in the management of the coastal environment.

The policy directives of the NZCPS which are considered to be particularly relevant to this application are:

The preservation of the natural character of the coastal environment;

The protection of landscapes, seascapes and landforms, characteristics of special significance to Maori and significant places or areas of historical or cultural significance;

The preservation of the natural character of the coastal environment to protect the integrity, functioning and resilience of the coastal environment in terms of dynamic processes and features arising from the natural movement of sediments, water and air;

4.4.2 Tasman Regional Policy Statement

The objectives and policies in Sections 9 and 12 of the Regional Policy Statement are considered to be most relevant to this application are:

Objective 9.3 aims to ensure that the adverse effects from activities, including structures, physical modification, or occupation, are avoided, remedied or mitigated;

Objective 9.5 – aims to preserve the natural character of the coastal environment, including the functioning of natural processes;

Policy 9.3 – The Council will provide for activities in the coastal marine area, while avoiding, remedying or mitigating their effects;

Policy 9.6 – The Council will preserve the natural character of the coastal environment by protecting natural features and landscapes, habitats, ecosystems, natural processes ... ;

Objective 12.5 aims to maintain and enhance a safe and efficient maritime transport system while avoiding, remedying or mitigating the adverse effects on human health, public amenity and water, soil, air and ecosystems;

Policy 12.6 states that Council will seek to avoid, remedy or mitigate adverse environmental effects of activities at the District's ports and on adjoining land.

4.4.3 Proposed Tasman Resource Management Plan

The objectives and policies in Chapters 20 and 21 of the Proposed Tasman Resource Management Plan (PTRMP) are considered to be most relevant to this application are:

Objective 20.1.0 aims to provide for 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.

Policy 20.1.2 aims to avoid, remedy or mitigate adverse effects on safe navigation from structures, occupation or other uses of the coastal marine area, especially in established fishing areas, ports or their approaches, or in other intensively used coastal marine space.

Objective 21.1.0 aims to preserve the natural character of the coastal marine area, particularly its margins, including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.

Policy 21.1.1 aims to avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:

- (a) Physical modification to foreshore or seabed, including reclamation, dredging, removal or deposition of material, or other disturbance;*
- (b) Disturbance of plants, animals, or their habitats;*
- (c) Structures, including impediments to natural coastal processes;*
- (d) The use of vessels or vehicles; and*
- (f) The discharge of any contaminant or waste.*

Policy 21.1.2 aims to avoid, remedy or mitigate adverse effects on outstanding or other significant natural features and seascapes arising from modification other than through natural processes.

Policy 21.1.3 aims to restrict the placement of structures in or along the coastal marine area to those for which a coastal location is necessary and whose presence does not detract from the natural character of the locality, including the natural character of adjoining land.

Objective 21.2.0 aims to avoid, remedy, or mitigate adverse effects on marine habitats and ecosystems caused by:

- (c) Disturbance of the foreshore or seabed;*
- (d) the placement and use of structures for port, berthage, aquaculture, network utilities, roads, mineral extraction or any other purpose;*

Policy 21.2.2 provides for navigational aids necessary for the efficient achievement of safe navigation throughout the coastal marine area, and to protect them from adverse effects of other activities.

Policy 21.2.3 aims to avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area, for any purpose, on:

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

Policy 21.2.5 aims to avoid, remedy or mitigate adverse effects from the maintenance, replacement or protection of utility structures or facilities, including roading structures, wharves, or jetties, in the coastal marine area.

Policy 21.2.6 aims to require the removal of disused or obsolete structures except where removal would have adverse effects on the environment or where the structure is registered under the Historic Places Act 1993.

Policy 21.2.16 aims to confine port activities and facilities to existing port locations, unless sites with less adverse environmental effects from such activities can be demonstrated.

Policy 21.2.21 aims to restrict structures and disturbance such as port developments, jetties, moorings or aquaculture from locating in areas where they would adversely affect nationally or internationally significant natural ecosystem values or significant habitats such as estuaries and intertidal areas.

Objective 21.3.0 aims to maintain the natural character and landscape of the coastal marine area.

Policy 21.3.1 aims to allow structures or physical modifications in the coastal marine area only where the effect on the natural components of landscape and seascape values of the area including any contribution to any likely cumulative effect, is limited in extent and is consistent with the existing degree of landscape and seascape modification.

Objective 21.4.0 aims to maintain natural coastal processes free from disturbance or impediments.

Policy 21.4.1 aims to avoid impediments to natural coastal processes except where a community need (such as the need to protect a physical resource of significance to the community) outweighs adverse effects on the natural environment.

Policy 21.4.3 requires that the likely effects of disturbance, including excavation, deposition or removal of material, or structures, on natural coastal processes, to be avoided or mitigated.

Objective 21.6.0 aims to maintain and enhance public access in the coastal marine area, including public passage or navigation:

- (a) while preserving natural character, and maintaining ecosystems, heritage, and amenity values; and*
- (b) without undue hazard or loss of enjoyment as a result of private occupation or use of coastal marine space.*

Objective 21.7.0 aims to maintain and enhance the amenity value derived from the natural character of the coastal marine area.

Policy 21.7.1 aims to avoid, remedy or mitigate the adverse effects of activities in the coastal marine area, including structures for its use and enjoyment, on the amenity values of any part of the coastal marine area or coastal land, particularly on those values dependent on natural character, such as in areas adjacent to national parks, estuaries and open beaches, and taking into account:

- (a) location*
- (b) permanence*
- (c) size and number*
- (d) frequency and duration of use*

(e) *need to exclude other activities or people.*

4.5 Assessment against Part 2 Resource Management Act 1991, New Zealand Coastal Policy Statement, Regional Policy Statement and Proposed Tasman Resource Management Plan

Port Motueka is a highly valued and important economic and social resource for the Motueka community. The proposed activity intends to restore the function of the training wall and in doing so help improve access to the port so that it can continue to provide for the social and economic wellbeing of the community. It is also anticipated that the wall will have the additional benefit of facilitating the accretion of sand and gravel along the foreshore of Jackett Island. Any adverse effects on the environment resulting from the works are expected to be no more than minor. In summary the activity is considered to be consistent with the purpose and principles of the Resource Management Act 1991.

The proposed activity is not considered to be contrary to the policies in the NZCPS. The repairs are being made to an existing structure which has deteriorated over the past 70 years to a point where it is no longer functioning as it was originally intended. The coastal environment in the vicinity of the site retains little of its original natural character. It is considered that the repair of the wall will not further compromise natural character and landscape values to any degree. The expectation is that the repairs will restore the original functioning of the wall which will have implications for the natural movement of sediments and water but these are not expected to compromise the integrity, functioning and resilience of the coastal environment.

The objectives and policies in the RPS and TRMP reflect those in the NZCPS. The objectives emphasise the need to preserve the natural character of the coastal environment and ensure that adverse effects from activities are avoided, remedied or mitigated. However, they also recognise the need to maintain and enhance a safe and efficient maritime transport system.

The activity is not considered to be contrary to the objectives and policies in the RPS and the TRMP. As already stated it is considered that the repairs to the training wall will not further compromise the natural character of the coastal environment. The repairs will restore an existing structure and the additions will weather over time so that they blend with the remnants of the existing structure. It is also anticipated that, apart from restoring the original functioning of the wall, the works will facilitate the accretion of sand and gravel along the foreshore of Jackett Island and will over time help provide a safer and more efficient means of accessing Motueka Port.

The objectives and policies aim to avoid, remedy, or mitigate adverse effects on marine habitats and ecosystems caused by the disturbance of the foreshore or seabed and the placement and use of structures. It is anticipated that the degree of disturbance resulting from the works will be minimal and the permanence and significance of the ecosystems which are likely to be affected by the proposal are not locally or regionally significant.

The policies aim to require the removal of disused or obsolete structures. In this instance the structure is not considered to be obsolete or disused. The policies also aim to allow structures or physical modifications in the coastal marine area only where the effect on the natural components of landscape and seascape values of the area, is limited in extent and is consistent with the existing degree of landscape and seascape modification. It is considered that the effects of the works on the natural components of the landscape and seascape values of the area is limited in extent given in the context given the existing landscape values and the proximity of existing urban development.

The policies also aim to maintain and enhance public access in the coastal marine area, including public passage or navigation. It is expected that the repair of the retaining wall will ultimately improve public access to and from the port and will not further hinder access along the foreshore of Jackett Island.

In summary it is considered that the proposed activity will have no more than a minor adverse effect on the environment and will not be contrary to the relevant objectives, policies and rules of the NZCPS, RPS and the TRMP, and do not conflict with any relevant matters under Part II of the RMA.

6. RECOMMENDATION

It is recommended that the application be granted to expire on 15th April 2043, subject to the following conditions:

7. CONDITIONS

1. The activity shall be undertaken in general accordance with the application submitted by Port Motueka Users Group and with the plans attached to this consent marked Plan A to D dated 25 March 2008. Notwithstanding this, if there are any inconsistencies between this information and the conditions of consent, the conditions of consent shall prevail.

In particular, these works include:

- (a) Replacing five missing concrete piles and replacing and/or realigning other damaged piles as required;
 - (b) Infilling the gaps between the existing concrete piles with 200mm diameter H5 and H6 treated poles using M16 stainless steel U bolts;
 - (c) Replacing any missing or damaged capping;
 - (d) Placing up to 80 cubic metres of rock protection adjoining either side of the eastern most 25 metres of the wall;
2. The Consent Holder shall advise Council's Co-ordinator, Compliance Monitoring (Carl Cheeseman (03) 5438 436) at least two working days prior to undertaking the works authorised by this consent so that monitoring of conditions can be programmed.

3. The Consent Holder shall ensure that any contractors undertaking the works are made aware of the conditions of this consent and shall ensure compliance with the conditions.
4. The hours of operation shall be limited to between 7.00 am to 6.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturdays, excluding public holidays.
5. A Management Plan identifying potential effects and setting out mitigation measures to ensure that the best practical options are employed to minimise the effects shall be prepared and submitted to Council prior to any works commencing. The Management Plan shall include a requirement that the Consent Holder shall not exceed the recommended upper noise limits as described in the NZ Construction Noise Standard NZS6803:1999 Acoustics – Construction Noise. Such noise shall be measured and reported in accordance with this standard.
6. All works shall be undertaken in a manner that limits to a minor level any adverse effects of this activity on the foreshore beyond the immediate site of the works, water quality, natural estuary beach profile, prevailing coastal processes, noise generation, and other disturbances to adjacent residents, and the reasonable continuation of public access to and along the beach.
7. The rock protection material used to prevent scouring adjacent to the eastern end of the wall shall be comprised of competent, regularly shaped angular material with an appropriate grading for the prevailing conditions and shall be sufficiently clean prior to placement so as to not leach contaminants into the coastal marine area.
8. The Consent Holder shall ensure that all excess concrete, timber and other material is removed from the site on completion of the works, disposed of to an approved land-based disposal site, and that the site is left in a tidy condition.
9. 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 water run-off 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.
10. The conditions of the consent may be reviewed in accordance with Sections 127 to 133 of the RMA at any time during the exercise of this consent for the purposes of:
 - (a) dealing with 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 and discharge;
- (c) requiring the applicant to adopt the best practicable option to remove or reduce any adverse effect on the environment;
- (d) 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

Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, shell, midden, burials, taonga, etc) you are required under the Historic Places Act, 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the TRMP or the RMA.

The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Monitoring of the consent is required under Section 35 of the RMA 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 the conditions of consent and thereby reducing the frequency of Council visits.



Rosalind squire
Consent Planner, Coastal