

Memo

To: David Wren, Reporting Planner Kennedy Point Marina Application
From: Waiheke Local Board
Date: March 6th, 2017
Subject: Further feedback on the proposed Kennedy Point Marina after community consultation (as an attachment to the initial feedback report dated 20.1.17)

Purpose

The purpose of this report is to provide additional feedback on the Kennedy Point Marina proposal in the light of a series of consultation meetings with the Waiheke community.

Background

At its business meeting on Feb 23rd, 2017, the Waiheke Local Board made the following resolution:

That the Waiheke Local Board:

- a) receive the board's submission on the proposed Kennedy Point Marina, noting the submission had to be finalised urgently due to timeframes, and there will be a follow up submission following consultation with community.**

- b) approve the sum of up to \$7,500 from the board's locally driven initiatives (LDI) Waiheke Local Board opex budget (Community Response Fund) to carry out community consultation on the Kennedy Point Marina proposal with the view to informing further the submission.**

The Waiheke Local Board arranged a series of four public meetings during the week commencing 27th February, 2017 to provide opportunities for interested parties, particularly residents and boat-owners of Waiheke, to have a say on the marina proposal. Promotion of the meetings was undertaken at short notice through social media, limited newspaper advertising, direct emails to approximately 300 organisations and letterbox leaflets delivered to the residents of Kennedy Point Road. Approximately 140 people attended the sessions. Additionally the board received more than 90 written comments received via email. Efforts were made to ensure that the board promoted the message to a broad range of interested parties, however it cannot be assumed that the views expressed in this document are representative of Waiheke opinion in a statistical sense.

Using a professional facilitator, the sessions canvassed participants' views on the benefits and negative impacts of the proposal and, in the event the marina goes ahead, mitigations which could address those impacts. The sessions opened with a summary of the process to date and

participants were given a copy of the Board's feedback to the reporting planner and the recently revised proposal from the applicant. The facilitator was used to ensure that the process was conducted in an unbiased and neutral manner.

The Local Board has not engaged with Mana Whenua or local Maori through this process.

This feedback document will be noted on a public agenda at the March Board's business meeting.

The board has identified themes in the feedback as follows.

1. Essentially Waiheke and Loss of Commons
2. Community Infrastructure
3. Safety
4. Environmental impacts
5. Economic impacts
6. Planning Process
7. Traffic and Congestion
8. Suggested mitigation measures
9. Other matters

1. Essentially Waiheke/ Character and Loss of Commons

Perceived Benefits

Waiheke is surrounded by water, has a strong legacy of boating, and should therefore have adequate boating facilities. Participants maintained:

- That Waiheke has changed now and infrastructure such as a marina needs to follow.
- A marina would add to the character of the island and is perceived by some to be attractive by design, and the noise generated akin to normal sounds of living by the sea or in any area that is not isolated.
- A new marina at Kennedy Point, if well designed could enhance the island.

Perceived Negative Impacts

People spoke about the value of community and maintained the essence of being a Waihekean is about valuing the island and preserving the untouched rural character and natural environment. A marina situated at the island's second gateway would compromise the quintessentially charming rural/coastal character of Waiheke that attracts so many people to reside and visit (*as described in the Essentially Waiheke document*). Participants stated that:

- A marina would destroy the very thing that makes Waiheke unique and that this will drive locals away.

- It is largely an off-island initiative prioritising the needs of off-island boaties.
- Commercial interests are taking precedence over the wishes of islanders.
- In the context of a median island income of \$27,000/year, marina berths costing \$125,000 - \$350,000 exacerbate a sense of inequality.
- Loss of the public commons to a private concern is of critical importance. The large area taken from the community for the marina is perceived to benefit a few at the expense of the whole community.
- It will preclude other current users of the beach particularly local residents from quiet enjoyment of the bay. Even if the public has continued access to the beach, it will no longer be a conducive place for picnics, fishing, swimming, and other leisure activities with a marina in close proximity.
- The bay is an existing visitor destination – some people take the ferry from Half Moon Bay to fish off the rocks and picnic in the Bay.

2. Community Infrastructure

Perceived Benefits

Participants stated that facilities for boat-owners on Waiheke are inadequate and that a marina is an essential component of the infrastructure of a residential island in the Hauraki Gulf. The following comments were made:

- There is no pump-out facility for boats on Waiheke but there are hundreds of boats in the peak season.
- A marina is required for the growth of the island over next 20 years.
- Boating facilities on Waiheke are poor compared with other coastal locations around New Zealand. The large number of Sealegs vessels on the island is testament to the limited number of boat-ramps on Waiheke.
- A marina is needed as it is difficult to transport and launch boats larger than 20ft on the island.
- Demand for the proposed marina has been demonstrated given the 500 expressions of interest for berths communicated by the developer.
- The proposed marina could form a central hub for boaties, which at present does not exist.
- The supply of swing moorings is fully taken up at present, so a marina will assist with meeting demand.

- An additional benefit could accrue to members of the community if a system was established to allow temporary-use berths when owners are not using them.
- A marina would present an opportunity to keep residents' boats on the island enabling more frequent use.
- A marina would provide the opportunity to maintain boats in a more controlled environment and with potentially better access to marine services.
- Provision of public space for a worthy minority interest is typical in our society eg. not all people play golf but most towns and cities make public space available for such activity. In the case of a marina, the berth owners will be bearing the large cost of the development.
- Waiheke has marine education in its curriculum offering and a marina will be an opportunity for local students to extend their learnings and practical skills.

Perceived Negative Impacts

The establishment of a marina at Kennedy Point for recreational purposes could preclude the expansion of the port for more critical infrastructure needs, such as expanding freight volumes, a second foot-passenger entry point and a marina could compromise access to the island during emergencies and civil disasters.

- Some challenged the claim that the marina would meet the demand for accommodation of boats, as it is catering for a different market from those waiting for moorings.
- The island does not need to have a marina to get pump-out facilities. These could be provided independently of a marina.
- The potential increase in property values could further affect housing affordability on Waiheke.
- The council should be providing more adequate facilities to meet boating needs e.g. another boat-launching pontoon or one that can be accessed from both sides - instead of consenting a marina.
- Some boaties observed that they manage well with the existing infrastructure and see no need for a marina.
- There is some belief that the lack of marina moorings has been driven by people buying them to generate a perceived need for a marina.
- The need for a marina to promote education was challenged.
- The beach has been historically used as a starting line for yacht races and this will be lost with the new marina.

3. Safety

Perceived Benefits

Participants talked about the difficulties of transferring to boats on swing moorings and the safety issues for passengers:

- It can be hazardous for boaties and their passengers transferring from dinghies to boats in any seas especially for older adults, children and those with physical disabilities/limitations, and in rough seas even for able-bodied sailors.
- A marina would mean that senior boaties could more easily and safely get on board and extend their boating careers. Waiheke has a significant population of seniors.
- A marina would provide a safer transfer point for both berth holders and visiting boats.
- A marina would provide a safe haven for boaties during severe storm events.
- The marina will make it easier for boat owners to safely work on their boats.
- The Coastguard could moor its boat at the marina, which would be easily accessible in all weather conditions.
- Swing moorings cause congestion and restrict others from enjoying the area. A marina will accommodate boats in a confined area making the bay more navigable for others.
- The shelter provided by the marina would help with safe launching of small boats in the bay eg. kayaks and dinghies
- A lit environment would be a safer environment.

Perceived Negative Impacts

- Culture in marinas at times can lead to unsafe and anti-social behaviour. Incidents of unruly behaviour and a drowning were cited.
- Restricted navigation and tacking room in and out of the bay presents a new safety risk when coupled with growth in vehicular ferry and freight traffic.
- On land, additional traffic could cause delays and safety issues around drop-off and pick-up areas for ferries passengers.

4. Environmental Impacts

Perceived Benefits

Participants gave a number of examples where the proposed marina would provide environmental benefits to the marine and local environments:

- The provision of pump-out facilities and toilets for marina users will reduce black-water discharge into the Gulf.
- With the removal of a number of swing moorings to make way for the marina, there is a potential reduction in benthic damage in Kennedy Bay and other bays, eg. Matiatia, where boats are currently moored.
- In terms of noise, Kennedy Point is already a relatively noisy port with trucks and cars coming and going and ferries arriving every hour. Boats coming in at 5 knots will not add significantly to vessel noise in the bay.
- The beach could become less cluttered with dinghies, as the swing moorings will have been removed and dinghies therefore not required.
- Anecdotal accounts suggest that marinas can give rise to large populations of marine life such as snapper, kingfish, whitebait and even seals. If the piers are open to the public and become “No Fishing Zones” the public could enjoy close access to the water and fish life.
- The developer states that the proposed design is sensitive to the environment as there is no dredging required and no reclamation necessary. It is claimed that the floating carpark and associated facilities will have no effect on the intertidal area.
- Antifouling pollution will not increase from the marina. There are a lot of boats in the area already and very large vessels like the vehicular ferry are likely to shed more anti-fouling in a few days than a marina will in a year.
- The ferry wake is eroding parts of the coastline in Putiki Bay and the marina breakwater or attenuators will help to deflect the wake away from the coastline.

Perceived Negative Impacts

A number of participants raised concerns regarding potential environmental impacts of the proposed marina:

- A beautiful bay and sandy beach at Waiheke’s second gateway would be lost both aesthetically and practically if the marina goes ahead.
- The proposed marina would become a polluter of the seabed and foreshore with increased levels of heavy metals in the seabed from leachates, rubbish on the shore, contamination from pumped bilge contents, sewerage from non-compliant boats etc. The pollution of the seabed could not feasibly be restored.
- There will be light pollution from marina lights, with the possibility of further lighting expansion once the marina is established.
- Noise pollution will increase with the advent of the marina, both from the boats, masts, halyards and from those using and staying on the vessels. Noise from the marina is likely

to impact on the houses above in Kennedy Point Road.

- As with other marinas that have started out open to public access, participants suggested that fencing and locked gates are likely to be introduced at a later stage, which would further decrease the visual amenity of the bay and prevent public access.
- The proposed marina may have a negative impact on the penguin colony in the rock breakwater at Kennedy Point with birds put at physical risk from powered vessels and potentially from other environmental risk factors.
- Marine life on the seabed below the floating pontoon may be negatively affected by the blocking of sunlight.
- There is a risk of major environmental damage from the failure of attenuators or the floating pontoon. Such an event could see oil, petrol and other vehicular contaminants polluting the bay and harming marine life.
- The Coastal Management Area (CMA) covers provision for boats, not land-based activity such as cars and offices. The Matiatia judgement stated these ancillary facilities were inappropriately located in the CMA.
- Marinas require large amounts of fresh water (typically 5500 l/day) which is likely to come from an underground aquifer, a limited resource.
- With no wastewater system proposed, disposing of sewerage will be a resource intensive environmental challenge.
- The risk of spills from pump-outs is high due to human error in using the systems.
- Sedimentation of the estuarine location - this is currently flushed by wave movement but attenuation or breakwaters will interfere with this. The future cost of dredging should be borne by the applicant, however there is a fear that ratepayers would have to meet the cost.

5. Economic Impacts

Perceived Benefits

A number of participants suggested that there would be economic benefits for the island from the establishment of a marina in terms of:

- Providing jobs, trade contracts and sale of materials during construction.
- Possibly providing jobs and servicing opportunities for the marina such as boat-repair and maintenance services, proedoring and provisioning, café, security, onsite manager, and security services, and so on.
- Providing flow-on business for island restaurants, accommodation and tourist ventures from visiting boaties and tourists.

- Kennedy Point is an ideal location because there is already commercial activity in the area from the car ferries which will be complemented by the marina activity.
- Marinas add value to nearby properties.
- A marina could contribute to the development of Waiheke-based marine tourism, and be a hub for marine safety eg Coastguard.
- A marina berth can reduce boat insurance premiums considerably

Perceived Negative Impacts

- Potential catastrophes such as Lyttleton marina with potential exposure for ratepayers.
- More low value jobs created with no high value-add.
- The cost to business through delays caused by congestion in accessing freight and the wharf.
- Marina traffic would add to congestion on the water which could result in ferry delays and in problems accessing the Bay.

6. Planning Process

Note: the statements below have no corresponding benefits

There is concern about the recent updating of the application and the limited time the public will have to research the impacts of these changes before the hearings. Participants stated that the:

- The planning process was flawed, in that public submissions were open over the Christmas break when people were on holiday and they will again be limited to respond to the revised proposal.
- The applicant should follow the Resource Management Act private plan change process, as a more rigorous way of assessing the current proposal.
- A marina could act as a forerunner to potential future zone changes, and/or pressure to build marinas in other bays, further eroding Waiheke's untouched nature.
- If a new Marina Zone at Kennedy Bay was approved (and this would be appear more likely if this proposal goes forward) – this could provide opportunities for expansion and potentially activities which might otherwise require more extensive consents.
- This marina would shift the permitted baseline. Once a development such as this is constructed, it cannot be reversed, and opens the door to ongoing larger commercial development.

- The developer appears to be promoting an accelerated programme which is difficult for the community to respond to effectively, after so much effort and cost over the battle to oppose the marina at Matiatia.

7. Parking and Traffic Congestion

Perceived Benefits

As a result of the development, it is understood there will be an additional traffic lane created down to the main ramp and additional car-spaces on the wharf. The development would therefore support the:

- Development of a wider road access to and from the ferry.
- Provision of extra parking, as boaties occupy parking space in the public park presently.
- Ability of cars provisioning boats, picking up and dropping off people at the boats and not further congesting the roadway and carpark.

Perceived Negative Impacts

Participants were concerned about increased traffic congestion for ferry users and staff in the Kennedy Point port area due to the arrival and departure of marina users:

- Vehicular traffic is already busy, especially at the start and finish of school, kindergarten and the Community Childcare Centre, which would be a major problem during the two-year construction period. There will be an increase in trucks moving supplies/rubbish/machinery etc.
- Vehicular traffic has markedly increased with the growing tourism on the island and additional traffic from the proposed marina could interfere with other ways of generating island revenue.
- The area is already a transportation hub and has issues with manoeuvrability during ferry loading.
- The carpark is usually at capacity before 9.00 am with vehicles overflowing onto verges and numerous car & boat trailer-units up adjacent streets in peak season.
- Parking places on the floating marina carpark might be subleased to island residents who commute, so would be filled but not available to berth holders.

8. Mitigation Measures

In the case that a marina was to go ahead, the following were suggested mitigation measures. However many of those speaking of negative impacts, did not feel their concerns could be mitigated.

The following measures were recommended:

- A significant bond should be held by council to ensure that the marina remains compliant with the conditions of the approved resource consent.
- Any costs for remediation of the Putiki Bay environment, which is attributable to the marina including possible future dredging, should be borne by the owners of the marina (either during or for end-of-life restitution).
- The Trust proposed, as part of the application, must be independent of the marina interest, and be a Waiheke-based and managed environmental trust established with a substantial seed fund, of at least \$2m, to support island-wide environmental projects.
- A community liaison group should be set up of local residents, and members of the local board, to work with the marina management team to resolve matters as they arise affecting the direct community.
- There should be independent monitoring of water quality at the developer's cost - if levels of e coli and other toxins surpass safe swimming water standards, fines should be tendered or the bond retained.
- The time limit for residing on boats, noise and light controls must be strictly defined and enforced, with penalties applying to the marina company if these standards are breached.
- There should be more smaller berths available, which would be more likely to be taken up locally.
- A constraint is required that prohibits future growth of the marina in excess of any proposal approved as a result of the current application.
- There must be open public access to the marina at all times, and any cost of maintaining this into the future must be born in full by the applicant.
- There should be publicly accessible temporary landing facilities, free of charge for passenger loading/unloading, and reasonable access and affordable charges for temporary berths, refuelling and pump-out facilities.
- The marina should have a fishing prohibition to offset potential detrimental environmental impacts and to capitalise on the potential habitat structures provided.
- Boat-owners should make their own provision for security alarms on their boats to enable public access to the piers.

- A mechanism is required to ensure that berths are not on-sold off-island and car parks are not sub-leased or leased separately from berths.
- An ownership structure was suggested which specifies that berths be sold back to the developer for the original price paid, less depreciation, as per a typical Retirement Village model, with any sale incurring a surcharge which would fund the community trust.
- An urban design panel needs to review the marina design and its built structures to ensure any successful application complements the environment in the bay and the prevailing low impact scale of the built environment on Waiheke.

9. Other Matters

- A comprehensive needs analysis, island-wide environmental impact assessment and options report should be commissioned before the current proposal is approved, to ensure that Kennedy Point is the best location for a marina on Waiheke Island. There needs to be a clear understanding of where other public wharf facilities could be provided on the island, rather than Kennedy Point becoming the default location because of this single application.
- There should be no development until there is a community-consulted Auckland Transport Masterplan for the Kennedy Point wharf area and an associated Waiheke ferry strategy, one that factors in the current and future wharf needs at KP and that ensures the marina doesn't interfere with these.
- Appropriate visuals of the marina in situ should be provided rather than an artists' rendition that fails to accurately visualise the marina from various vantage points in the vicinity and across the bay.
- Lack of engagement by the applicant with the community meant that some were not confident that mitigation measures would be followed if the application was successful.
- Examples of details of end-of-life processes from other marinas which have reached the end of their economic life, should also be researched and circulated. And similarly any restoration plans or environmental impact reports for marinas currently operating in the Auckland area should be available.