

File No: 42454

15 November 2023

Tasman District Council

189 Queen Street

Richmond 7050

**Attention: Victoria Woodbridge –Consultant Planner**

Email: [vwoodbridge@propertygroup.co.nz](mailto:vwoodbridge@propertygroup.co.nz)

Cc: [Leif.Pigott@tasman.govt.nz](mailto:Leif.Pigott@tasman.govt.nz)

Dear Victoria

**RESPONSE TO FURTHER INFORMATION REQUEST FOR RESOURCE CONSENT APPLICATION  
No. RM230253 – RM230259 & RM230388 - MAPUA BOAT RAMP.**

Thank you for your RFI Sec 92 request dated 31 August 2023.

### **Scope of Activity Clarifications**

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1. Please clarify the proposed hours of operation for the boat ramp and how this will be controlled on an ongoing basis. The application states that the boat ramp will only be open during 'daylight hours' however these hours are not specified and will vary throughout the year. There are varying technical terms associated with 'daylight' including astronomical, nautical and civil twilight and these change every day and include transition periods. Boat users routinely launch pre-dawn and return after dusk in order to be on the water during the best fishing times, so it is unclear how realistic the control on daylight hours will be, what the term 'daylight' actually means in this context, and how this will be controlled on a daily basis given daylight times change throughout the year?

***Opening hours:***

***Initially with the application we had daylight hours only for the boat ramp, however, we do accept that some boaties will want to start earlier and come in later to make use of favourable tide conditions. It is likely that the vast majority of ramp users will use the ramp during daylight, particularly with the lack of overhead lighting.***

***Due to daylight hours being variable, and possible confusion, the easiest for boaties is to have fixed hours, which in this case will be 4.30am to 10pm (Summer- Daylight Saving Time) and 5.30-9pm (Winter- Non-Daylight-Saving Time) This gives surety to the boaties using the ramp at night.***

2. The application states that the boat ramp will be open to the public but will also be controlled by a control arm for which users will require a card (to be obtained from the Community Boat Ramp Trust). Please confirm that 'public' usage of the ramp is intended to be available to those who obtain a card only and no casual public usage is proposed to be allowed for? Is there a limit on the number of cards that will be issued? How will applications for cards and use of the cards be managed and how will the 'induction' process work? Will the ramp be available for short-term visitor use and any members of the public for one-off usage or will membership of the Mapua Boat Club be required?

***Every user will need either a RFID card or a credit card. All card users will need to be registered and discounts for members will be possible. Our aim is to make it as easy to use without undue complication. There may be other payment methods available in the future so we remain flexible as to the actual operating system. We intend to monitor the usage, and restrictions may be imposed if necessary. The card may have several payment options depending on their usage. Cards will be available through the Boat Ramp Trust or the club, and information will be on the Mapua Boat Ramp Website. Casual users will need to register prior to obtaining access, There will not be an induction process, but signs stating the hazards and risks will be prominently displayed as well as information on the MBC website. All boating is at the user's risk.***

***Membership of the boat club will be required, which in itself will reduce casual use. Prices will be in line with other local ramps such as Motueka.***

3. Please provide further detail on the type of control arm proposed – is it a vertical arm or sliding gate? How will the timing and sensor system operate to allow for a range of vehicle and trailer sizes entering and exiting without allowing non-card holders to enter?  
***Two vertical opening barrier arms will enforce this. 1 inbound, 1 outbound. If someone arrives from the sea after this time, an emergency callout number is available (printed on the signage.) There will be timing of arms and/or sensors to operate so that only one trailer at a time can enter.***
4. The application refers to the “removal of motorboat launching from the Grossi Point and the associated trailer parking, that at present adversely affects the natural character of Grossi

*Point.* Please clarify what is intended/proposed here as it is not apparent that a private applicant can close another launching area that is not under private ownership? Please provide any information or detail on discussions with other parties that has occurred already in relation to this point.

***The RC application acknowledges that it is only TDC that can close Grossi Point to power boats.***

***Closing of Grossi Point is a decision TDC needs to make. Refer to the WAG (Waterfront Action Group) recommendations, and correspondence by WWAG group to TDC (Appendix 6). We expect non-powered vessels such as rowing boats and canoes will be able to use Grossi Point. Iwi have stated their desire to see power boats removed from GP. There have been many references to the closing of Grossi Point over the last 6 years, see attached.***

5. Please confirm that the “Future Development Area” shown on the plans including the landscaping, rotunda and pathways shown on Page 2 of the Landscape Master Plan, do not form part of this application? If so, please remove these features from the plans to avoid confusion at notification stage and add a notation with red line surrounding this area stating, “Future Development Area – Not part of this consent application”.

***The “Future Development Area” has been removed from the plans. Amended Landscape Master Plan is attached (Appendix 1)***

6. Please clarify whether the proposed cycle parking bay includes a structure/building and if so whether this is within 3m of Tahiti Street and triggers an additional requirement for consent?

***There is no building/structure proposed in the cycle parking bay.***

7. Please clarify what areas of the proposed parking area are exclusively for boat parking and how the use of this area will be controlled to prevent long term parking of boats or trailers and which areas will be available for recreational use and what areas are proposed to be open to the public for other activities and general use?

***TDC already has controls on overnight parking in the proposed parking area, which is enforced, so this is anticipated to continue. It will not be for exclusive trailer parking, but available for public use.***

***Signage is provided by TDC to explain the normal TDC parking rules, i.e., no overnight parking.***

***Boaties mainly use the area in the mornings which will free up afternoon or evening parking. TDC can enforce these rules as per normal.***

8. Please provide an updated assessment of alternatives in the context of the Tasman Boat Ramp Study and Indicative Business Case (October 2021) findings which are not addressed in the application.

*The above matters are required to fully understand the scope of the activity and provide clarity around key details prior to the applications being notified.*

***The study did not conclude the best option, rather it suggested Waterfront Park was an option. We are uncertain as to what the boat ramp study has to do with this application.***

***The application includes an assessment of alternative sites under 4.18 of the application.***

#### **TRMP Land Use Consent Assessment Clarifications**

9. Please provide an assessment of Permitted Activity Rule 17.10.3.1(a)(i) and 17.10.3.1(b) of the TRMP noting the following:
- It appears the activity does not comply with Permitted Activity Rule 17.10.3.1(a)(i) as the activity includes the construction of buildings within an indicative reserve. 3, 5 & 11 Tahi Street are classified as an indicative reserve (Mapua Waterfront Park) and the Sea Scout building is proposed in this area.
  - It appears the activity does not comply with Permitted Activity Rule 17.10.3.1(b) as buildings will not be located within 3 metres of any boundary. The Sea Scout building is located across the internal boundary between 5 Tahi Street (Record of Title NL6C/850) and 11 Tahi Street (Record of Title NL7B/371).
  - There is no specified rule or activity status for non-compliance under Permitted Activity Rule 17.10.3.1(a) and (b) above therefore consent appears to be required as a Discretionary Activity for these aspects per Section 87B of the RMA.
10. The application includes an application for signage under Controlled Activity Rule 16.1.5.2 but this rule no longer applies to the Recreation Zone (Plan Change 73 decisions changed this). Resource consent instead appears to be required for a Restricted Discretionary Activity under Rule 16.1.5.4. Please review and confirm.
11. Please update the assessment of Permitted Activity Rules 17.10.2.1(b), 17.1.2.1(b), and 17.9.2.1(b) in relation to noise and associated cascading rules depending on the outcomes of the noise assessment requested below.

*The above matters are required to clarify and confirm what consents are required under the TRMP.*

***The application has been amended to include the above PA rules assessment. It does not change the overall assessment of the proposal as a Discretionary Activity and does not change the overall assessment of the proposal.***

#### **Noise**

12. Please provide a noise assessment from a suitably qualified noise specialist in relation to all aspects of the proposed activity including (but not restricted to) vehicle usage and engine noise, boat engine noise, boat trailer noise, people noise. Please include assessment of noise levels at adjoining residential properties including properties adjoining both the ramp and carpark area. Please also take into consideration the questions in relation to scope of the activity including operating hours also raised in this RFI when preparing the noise assessment to ensure there is alignment in the assessments.

***A noise assessment report by consultants Marshall Day is appended as Appendix 2. It should be noted that the boat ramp and boat launching activity and use of the sea-scout community building are expected recreational activities that can be expected in recreational zone.***

13. In relation to the functions proposed to be allowed for in the “Sea Scouts” building, please clarify what functions are intended to be provided for, including whether there will be functions with amplified music (such as weddings and birthdays), and please clarify what time functions will finish or be restricted to (if at all)? Please also address usage of the Sea Scouts building for functions in the noise report.

*The above matters are required as no noise assessment has been provided with the application and Council’s Team Leader – Environmental Health has reviewed the application and noted that there are likely to be noise effects which have not been assessed, and the claim in the application that the activity will comply with the TRMP noise limits is unsubstantiated.*

***A noise assessment report by consultants Marshall Day is appended as Appendix 2.***

#### **Lighting**

14. If usage of the ramp is proposed outside of daylight hours (refer queries above regarding whether it is realistic that the ramp will be operational during daylight hours only, what is meant by daylight hours, and how this will be controlled), please provide an assessment of light spill and lighting effects from the activity including headlight sweep on adjoining residential properties from vehicles using the ramp and carpark.

*This information is required as there is no assessment of lighting effects in the application, and it is unclear exactly when the ramp will be open for usage and whether vehicle and other lighting will be required.*

***As with question 1, we will not be restricting hours to daylight hours, instead the hours will be 4.30am to 10:00pm (Summer daylight saving time) and 5.30pm – 9pm – Winter Daylight –Non- Daylight-Saving time) However, we will not be providing overhead lighting. There is already good screening of the neighbouring area on the proposed ramp by trees and fencing. It is not envisaged to have lighting, as vehicles will have their own lights. We note that there isn't lighting at Grossi Point.***

**Transport, access and parking**

*Please note that Council is arranging a peer-review of the transport report by an external suitably qualified expert which will be undertaken at the applicant's cost, and there are likely to be additional further information matters which arise from this review. The matters below have been raised by other Council staff in relation to transport and are raised now for clarity.*

15. Please provide an assessment of queuing effects associated with boats queuing prior to the boat ramp control arm being opened, noting that there will be a desire to launch as soon as the ramp is open in the morning to be on the water for the best fishing times (refer clarifications sought in RFI Point 1).

***As the opening hours have been extended to allow use between 4.30am to 10pm (Summer –Daylight Saving time) and 5.30-9pm (Winter – Non-Daylight-saving time), the possibility of queuing will be significantly reduced so that it is highly unlikely that any queuing will extend back to Tahi street.***

16. Will the carpark allow for boat parking associated with launching at Grossi Point?  
**Yes, but as per WAG (Waterfront Action Group) recommendations and subject to TDC control over launching over launching of motorised boats (See appendix 6)**
17. Please provide further assessment of the lack of formal surfacing and marking of the carpark areas. Boat parking is proposed for 78 vehicles and trailers, but no layout is shown supporting this, and there is no detail on how parking is going to be managed without any markings. Additionally, the lack of surfacing of the area is likely to lead to damage and disturbance of the soil and grassed area and vehicles may get stuck, particularly when it is wet.  
**The grass will have parking lines painted on in much like sports field markings. It is envisaged that only 20 trailer parks be delineated first, and patronage monitored. If more parks are needed, then these can be painted.**  
**The main boating fishing season is the months from October to April when the ground conditions are drier and hard packed and as the soils are quite free drawing, it is not expected damage will occur.**  
**It is noted that the area on the eastern side of Tahi Street is currently used for overflow parking without any problems and without any damage to the grass surface.**  
**The council will need to monitor the area and further surface protection may possibly be necessary. A Sec 128 review condition can be imposed that allows for Council to require resurfacing if required.**
18. Please provide comment on whether any implications for a future proposal for a pedestrian/cycle/bridge across the channel to Rabbit Island have been considered as part of this proposal. This is currently in the Council's Transportation Activity Management Plan in the 2031-41 timeframe. Council's Transportation Manager has noted that the bridge could affect the use of a new boat ramp, and vice versa, in terms of where the bridge can be positioned and operational issues if boat users need to pass under the bridge to access Tasman Bay.  
**Until we see plans of any future cycle bridge, we cannot comment on it. Our application is based on the existing environment.**
19. Please provide further assessment of the design and safety implications for the walkway along the waterfront which is proposed to cross the ramp. Drivers will be reversing their trailers at this point, which will limit their visibility, and there are some potential safety issues associated with that. Additionally, what stops vehicles driving over and or parking temporarily on the footpaths adjacent to and crossing the ramp?

*The above information is required to fully understand and assess the transport effects of the development in addition to Council's external peer review of the transport assessment which may raise further matters.*

***Pedestrians will need to give way, there will be signage.***

***The footpath on the southern side beside the boat ramp access has been removed as the accessway is a low-speed shared space. Yellow lines can paint along the exit lane to prevent parking. There is new footpath to the north of boat ramp access that will provide pedestrian access.***

### **Wastewater**

20. Please review the comments below from Council's Wastewater Engineer and confirm whether these matters are acceptable and volunteered as part of the application:

*Council does not want ducts installed for the replacement pipework. The reason why is that if a duct is left Council, then has to excavate up large sections of foreshore to provide enough trench to allow the installation of a new pipework access with an excavator would be almost impossible. The preference is to install new pipework in anticipation of only needing to join the old to new pipework at the ends as follows:*

*HDPE Pressure main.*

- 1. The existing 200mm diameter HDPE Pumping main must be located on both sides of the proposed boat ramp.*
- 2. If the boat ramp is to be built over the existing 200mm diameter pressure main, a new 355 OD PE 80 PN12.5 pressure main is to be laid to the west of the existing pressure main.*
  - a. Commencing 10m generally north of the rock base of the proposed boat ramp to a point*
  - b. 5m from generally south of the proposed rock base.*
  - c. An PE bend is to be installed to generally follow the existing radius of the pressure pipe as it heads towards the estuary.*
  - d. Both ends of the PE pipe is to be fitted with flanges and stainless-steel backing rings.*



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- e. Stainless steel blank flanges are to be install at both ends of the PE pipework.*
- f. A 25 mm dia stainless steel valve is to be installed on the stainless-steel blank flange. This will allow the new HDPE pipe to be filled with water to 50% of the 355mm dia pressure pipes pressure rating. The stainless valve is to be capped off and wrapped in dense tape in accordance with the LDM drawings 707 and 708.*
- g. All stainless-steel bolts and fittings are to be wrapped with dense in accordance with the LDM drawings 707 and 708.*

*150mm Diameter gravity sewer.*

- 1. The existing 150mm diameter u PVC Gravity reticulation must be located on both sides of the proposed boat ramp.*
- 2. A new 150mm dia Heavy walled PVC gravity pipe is to be laid parallel to the existing gravity sewer from:*
  - a. Commencing 10m generally north of the rock base of the proposed boat ramp to a point*
  - b. Adjacent to the existing wastewater manhole and clear of the proposed rock base.*
  - c. The new gravity sewer is to be laid at the same single grade as the existing.*
  - d. The ends of the new gravity sewer are to have the ends blanked off.*

*All new pipework is to be CCTV'd on completion, the video film is to be provided to Council. All new and existing pipework is the GPS surveyed and the as built information provided to Council.*

*Steel plate (600x600) is to be located approximately 300mm above the ends of all new pipework so that the pipe ends could if required be located with a metal detector.*

*The above information is required to fully understand and assess the effects of the proposal on existing wastewater infrastructure.*

***The Trust agrees to the proposal with exception of the proposed 355 OD PE 80 PN12.5 main location. Due to concerns with potential undermining of both existing gravity and pressure sewer during installation we recommend that the PE pipe is installed to the east.***

***We note that PE pressure pipe is not normally CCTV'd and believe that this should not form part of the conditions.***

***We don't recommend a steel plate be installed due to concerns with recreational metal detectors.***

**Boat activity and navigational safety**

***A response to questions 21-22 is appended as Appendix 5:***

21. Please provide a detailed operational and navigation safety assessment and plan from a suitably qualified and experienced person that addresses the operation of the proposed boat ramp and the proposed mitigation measures that form part of the application. The application currently contains various references to how the ramp will operate and potential safety measures, but it is not clearly detailed what is actually being proposed and how the boat ramp will safely function, and what the effects conclusions are in relation to the boat ramp usage. In preparing the operational and navigation safety assessment and plan, please ensure the following matters are addressed:
- Launching and retrieving procedures, including for sole operators. As there is no pontoon or space to load/unload passengers, how will boats be launched and held stationary while vehicles and trailers are being parked particularly for sole operators?
  - An assessment of issues and the risks of 'side-sweeping' boats when launching and retrieving onto trailers due to the current (i.e., swinging around while fixed to the front of the boat trailer while trying to load and unload).
  - Procedures and usage of the existing wharf pontoon for loading and unloading including available space both on the wharf and on the water.
  - Usage of the two-lane ramp in tidal current and whether two trailers can safely unload/load at the same time, and whether angled launching and retrieving will be necessary and/or achievable due to the currents in this location.
  - Boat queuing in the channel.
  - How boats will be managed from drifting into/underneath the wharf in the event of being caught out in tidal current or engine failure when launching/retrieving. If specific measures are proposed (e.g., safety ropes or similar) please provide exact details on these, how effectively they will function and any residual risks.
  - Interaction with swimmers and other water users particularly at the wharf.
  - Details of any additional safety signage not already specified in the application.
  - An assessment of risks associated with increased crossings of the Mapua Bar and how this will be managed.
  - How education and provision of information on hazards associated with the tidal currents and crossing the Mapua Bar will be managed and provided.
  - How the "induction process" associated with the use of key cards will work, the extent to which the ramp will be open to the public, and how the club will measure and manage how experienced boat operators are and whether they will be able to use the boat ramp, and whether card sharing will be allowed or limited to specific boat skippers.
  - Whether the ramp can safely function as proposed without additional hard engineering safety measures such as rock groynes noted in the harbourmaster comments below.
  - An overall assessment of risks and consequential adverse effects conclusions in relation to effects on boat users and other water users in the area including members of the public.

Please also ensure that the assessment takes into consideration the summarised comments outlined below from Council's Harbourmaster.

- *Objectively from a navigation safety perspective the Waterfront Park site carries more safety issues (due to structure hazards, and conflicting user groups) than other nearby sites.*
- *In the resource consent application, Section 4.17 (page 50) regarding "debris from floods getting caught up on the boat ramp", debris and logs will accumulate against the wharf structure with outgoing (ebb) tides, it is important to note that it will be necessary to have on-going removal of these debris to ensure that these debris don't become a safety issue for the users of the adjacent ramp.*
- *Regarding "Tidal flow hazards to boats using the boat ramp" it is important to note that the OCEL report quoted that "the proposed launching ramp can be used as an all tide launching ramp for "experienced boat operators" aware of the strong current flow once their boat is off the trailer".*
- *The Davis Ogilvie report states that the ramp is to be called the "Mapua Community Boat Ramp" and that it is to be run by the "Mapua Boat Ramp Trust", but it is not clear how open to the public the boat ramp will be, although in page 17 it states that the ramp "will be available for public use". It is those without local knowledge that are the most likely to get into trouble in this environment, and the application needs to be clear on who has responsibility to educate ramp users to the local hazards. The Davis Ogilvie report states*

*that there will be an induction for new card holders "including instruction of any tidal hazards at the boat ramp".*

- *Regarding nighttime use of the ramp it is stated that "the boat ramp will be only available for use during daylight/ entry barrier will not open at nighttime". On the longest day (22 December) evening civil daylight will be at ~05:51, most fishers want to get on the water before daylight to set their gear. Boat ramp use increases considerably during the summer snapper fishing season, and it can be expected that people will be queuing to gain access to the closed ramp. Another issue with having time restricted use of the ramp will be when boaties have been delayed and won't be able to access their vehicle and trailer during the hours of darkness. Again (as with debris removal from the Wharf structure) this will require an ongoing commitment from members of the Mapua Boat Ramp Community Trust to be available to lift the barrier arm when necessary. It is not an option for unattended trailer boats to be tied alongside the existing floating pontoon or wharf at night as they are likely to sink if the tide changes and they are held stern on to the tidal current.*
- *Regarding the "Assessment of alternative sites" it is stated that the site "provides for an all-tide access and is sheltered by the wharf structure from the high tide flows (and winds)". Although this is the case during flood tides, during ebb (outgoing) tides the wharf structure will create a hazard to the users of the boat ramp as they may drift into it and as the tide pushes against the upstream side of the boat it is likely to flood and capsize. Also, the wharf is used by swimmers during summer (signage does not stop the swimmers) and increased boating activity upstream*

*of the wharf (during ebb outgoing tides) will create an increased safety risks between these conflicting user groups.*

- *In the “Conclusion” to 4.17 it is reported that Gary Tear from Coastal Engineering firm OCEL in his report (Appendix 15) has confirmed that the boat ramp can be constructed safely in the specified location and used by boats users without being adversely affected by tidal flows in the Mapua Channel”. This was conditional on the boat operators being “experienced boat operators” aware of the strong current flow once their boat is off the trailer (conclusions, page 3).*
  - *We also may have conflict between the position of the ramp and our designated mooring licencing area, the ramp looks to in part overlay the moorings area, and it looks like we will need to move two moorings to allow safe boat access to the ramp. Moored vessels and other obstructions may cause significant issues for boat skippers who are unfamiliar with navigating in tidal current. It needs to be clarified clearly how this is all proposed to be dealt with.*
22. The application notes that two moorings “will probably need to be removed” to enable functioning of the ramp. Please specify the moorings that will need to be removed, who they are owned by, how they will be removed, and any consent obligations or separate ownership matters that will need to be addressed in order to enable their removal?

*The above information is required to fully understand and assess the navigational and operational effects of the proposed boat ramp on water users.*

#### **Property ownership**

23. Council’s property team have advised that a deed of lease would be required to enable this activity prior to it being able to commence, however this would only be considered and/or entered into upon the completion of the resource consent application if resource consent is granted. Please confirm that the applicant understands these obligations which are separate to the RMA consenting process?

***The applicant has had a meeting with the Council’s Engineering Manager Richard Kirby, and he advised that lease/license to occupy would be required for the facilities.***

24. Please provide comment on any implications of the proposal for the proportion of remediated land that will be retained in public ownership and usage, noting that as part of the remediation agreements Council committed to retaining at least 40% of the remediation land in public ownership (refer Page 26 of Ministry for the Environment Review Report <https://environment.govt.nz/publications/remediation-of-the-fcc-mapua-site/>).

*This information is required to understand the intended property/ownership structure associated with the proposal.*

***The only part of the proposal that needs exclusive occupation is the Sea-Scout/Community Building, which will need a lease agreement.***

**Reserves and public access**

25. Staff support the walkway (and swale) on the south side of the access road and ramp which connects the coastal walkway with Tahī Street and the indicative walkway on the opposite side of the road (which will ultimately provide a connection to Langford Drive in the future). However, Chapter 10 of the NTLDM specifies a minimum width of 2m for pedestrian pathways and that they should be paved. The application is only showing an exposed aggregate pathway with a width of 1m on the plans. Please amend this detail or provide reasons and justification for allowing the reduced width? Please also show this pathway on the indicative cross sections, it is not currently shown.

***We have removed the walkway as it is not required as this is a low-speed shared space typically for boat users. Other pedestrians are able to access other walkways from near the foreshore and ramp crossing. There is new 2m wide footpath to north of the proposed boat ramp access.***

26. The landscape plans show an indicative walkway adjoining the south side of the boat parking area in the general location of the indicative walkway in the TRMP. Please confirm this will be landscaped and formed in accordance with the specifications in the NTLDM and provide specific detail in relation to this?

***This walkway has been removed as it is outside of the scope of the proposed development. The landscape along the southern boundary will remain and will be subject to Final Landscape Design Approval.***

27. Reserves staff are comfortable with the relocation and amended design of the pétanque area. They recommend that the BBQ/picnic tables/seating adjoining the pétanque area are removed from the plans prior to notification, but they support the seating near the open space area for the sea scouts or other functions. Please consider and address these comments and provide updated plans.

***The amended Landscape Master Plans (Appendix 1) have included the changes above.***

28. Please clarify if the existing seating (some of which was donated by community members) and three existing tables are proposed to be reused elsewhere in the Park? Note it is recommended that the applicant discusses the relocation of the existing seating and tables with Council's reserve staff prior to amending the plans and confirming this detail.

***The following condition is volunteered to cover question 28:***

***“The existing seating and three existing tables, that will need to be relocated to other areas of waterfront park. The relocated seating and three tables shall be shown on Final Landscape Design plans for approval prior to any works commencing.***

***The applicants shall liaise with Council’s reserve staff prior to the submitting the Final Landscape Design Plans, in order to find the best location for these seats and tables.***

29. Please provide assessment from your landscape architect on whether the ramp will obstruct the views from the existing waterfront viewing platform and an assessment of any effects. This platform currently provides expansive views up the estuary to the eastern hills, and the Reserves Team consider it important that this is preserved.

***Rory Langbridge- Landscape Architect RMM has provided an assessment on the effects of the proposed boat ramp on the existing waterfront view platform. This is attached as Appendix 4.***

30. Please provide further detail on how rubbish and recycling is proposed to be dealt with, including associated odour effects (from fish carcasses etc)? Please note that reserves staff don’t support additional bins near the boat ramp or building because of the maintenance required and issues associated with the holding and disposal of fish waste. They note that there are existing facilities in the service area adjoining the north side of the park.

***Yes, agree no additional bins to be provided and signage to advise boat users that they do not disposal of any fish waste at the boat ramp. Boaties are required to carry their own rubbish including fish products (signage)***

31. Please clarify how many toilets are proposed within the buildings?

***Up to 6 unisex 1 men’s urinal, 2 unisex showers.***

32. Please provide further detail on how access to the park be managed and staged during construction?

*This information is required to understand and assess the effects of the proposal on reserves and public space.*

***The construction site is to be fenced off during construction. Construction Management Plan (CMP), Erosion and Sediment Control Plan (ESCP) to be provided at Engineering Approval. Please see the attached draft ESCP plan.***

**Washdown and water supply**

33. The application outlines that no washdown facilities will be provided for. Please clarify whether this is in relation to the boat ramp only, and whether any washdown facilities will be available for the Sea Scouts building and how this will occur and where it will discharge to?

*This information is required to clarify the statements in the application in relation to non-provision of washdown facilities.*

***Wash down water will be provided for the Sea Scouts use only at the south of building. The tap will be located inside the building and discharge to the stormwater system via the proposed dish channel drain. Final details are to be confirmed at engineering approval or building consent.***

#### **Coastal processes and natural hazards**

34. Please provide an assessment from a suitably qualified and experienced person of the effects of the boat ramp structure on the processes and morphology of the inlet channel. This assessment should address (a) the potential for scour of the inlet channel through interaction between the ramp structure(s) and tidal currents, and (b) the potential for scour of the channel to undermine the clay bund and rock armouring that lines the edge of the inlet channel to protect the former fruit grower's site.

Please note a peer review of this assessment and the OCEL report of the tidal current survey may be referred for peer-review by a coastal engineer with expertise on the interaction between coastal processes and engineered structures.

*This information is required to allow for a more in-depth assessment of effects by Council's Coastal and Natural Hazards team.*

***Gary Tear of OCEL has provided an Addendum Report assessing effects of the boat ramp structure on the processes and morphology of the inlet channel. His report is attached as Appendix 3***

#### **Stormwater**

35. Please provide details on the planting proposed for the treatment swale.

***We propose native planting in accordance with TDC requirements that is to be confirmed at Engineering Approval.***

36. Please clarify how the private stormwater lines are proposed to be provided for and intended future maintenance arrangements, noting that it appears the proposal includes a private stormwater line under Tahī Street which will need a LTO or similar as it will not be a Council asset.

*This information is required to understand and assess the effects of the stormwater discharges prior to notification.*

***It is intended that all assets except the Sea Scout- Community building will be vested with Council.***

**Contaminated Land and Earthworks**

37. Please clarify if material at a depth greater than 0.5m will be encountered during the proposed works and how this soil will be managed. Please explain the location of soil to be disturbed and the finished contours showing where the contaminated material disturbed will be placed.  
***Yes, soil below 0.5m will be required to be excavated within the proposed stormwater trench. The volume of soil expected to be generated from below 0.5 metres below existing ground level as part of the stormwater pipe installation is approximately 180 m<sup>3</sup>. This soil will be tested and handled as per the SMP to determine re-use or disposal route. Further smaller volumes (12m<sup>3</sup> and 5m<sup>3</sup>) of soil will be generated by excavating below 0.5m for the installation of the proposed potable supply and wastewater line. Please note the potable supply is to be constructed of a material that meets the UKWIR guidance criteria for a contaminated site. Please see attached Site Management Plan (SMP) and associated ESCP drawings.***
38. Please clarify if any groundwater will be intercepted as part of the earthworks for foundation/services and if dewatering is anticipated.  
***Groundwater is not anticipated to be encountered by foundation or service excavations and dewatering is therefore not expected. Groundwater is reported to be at a depth of approximately 1.3m in the east of the site and 2.15m in the west of the site. The sewer and potable line in the west of the site are proposed to be at a depth of approximately 1.4 – 1.5m below finished ground levels. Refer to the attached SMP.***
39. Please clarify what measures are proposed along Tahi Street. This area was not remediated, and contamination may remain. As part of the management of soils from beneath the road, a testing regime will be required to determine disposal options for surplus soils.  
***If possible, we will test prior to earthworks within Tahi Street to avoid temporary stockpiling. Earthworks within Tahi Street will include the excavation of a stormwater trench. Soil to be disturbed by earthworks would be tested prior to earthworks commencing. Soil samples would be submitted for heavy metals and OCP analysis and potentially synthetic precipitation leaching potential (SPLP) for OCPs. Soil excavated will be held within a quarantine area while we await laboratory results.***  
  
***Refer to the attached SMP and ESCP Plans.***
40. Please provide a detailed dust, erosion and sediment management plan which should explain where the waste material will be taken to and how it will be handled and contained. If site soils



are not suitable for foundations, the report will need to show where the surplus soil will be stockpiled and the dust, erosion and sediment controls which will be in place once the final designs are produced. A plan should also be in place if the cap is inadvertently disturbed and contaminated soils encountered. Appropriate controls will need to be in place during the works and information on the final placement of soils will be required and evidence that the cap is appropriately reinstated.

***Please refer to the supplied SMP for the site controls relating to the dust, erosion and sediment management at the site.***

***Waste material below the 0.5m capping layer is anticipated to be encountered and require excavation to allow the installation of the site services. A topographical survey together with a site completion report following excavation and reinstatement of the capping layers and finished surfaces will be completed to demonstrate that the site cap has been replaced and the site is appropriately managed.***

***Refer to the attached SMP and ESCP Plans.***

41. If excess soil requires removal from the site, please provide details of the licensed facility which can accept the contaminant concentrations of up to 200mg/kg DDT, 60mg/kg dieldrin and 5000mg/kg copper. Please also clarify the obligations under HSNO and the proposed disposal of persistent organic pollutants notice. Currently there is a lack of detail on managing hazardous waste and disposal in this regard.

***Nelson City Councils York Valley Landfill can only accept up to 0.4 mg/kg of DDT in the soil screening assessment but can accept soil with higher concentrations if TCLP leachate concentrations meet their acceptance limits of 0.02 mg/L. If excess soil requires removal, we will evaluate the leachate concentrations of surplus soil and dispose of it to York Valley Landfill. Should the concentrations exceed York Valley Landfill criteria we would look to utilise Burwood Landfill in Christchurch.***

***Currently Burwood Landfill which is owned and operated by Christchurch City Council has the following acceptance criteria for DDT 400mg/kg, dieldrin 70 mg/kg and for copper >10,000mg/kg. It is our preference for sustainability, financial and safety reasons to not cart soil to Christchurch for a project in Tasman District and to use local disposal facilities first, if possible. Given the very low solubility of DDT and dieldrin in water, it is envisaged that TCLP results may meet the York Valley Landfill leachate acceptance criteria. This will be confirmed during the early works and site establishment stage.***

***It is our opinion that the HSNO obligations do not apply to soil contamination. The term hazardous substance is often applied to trace amounts of chemicals and elements that present a hazard. However, the term hazardous substance replaced the dangerous goods when the latter regulation was phased out. It applies to manufactured goods and their waste products.***

***The General duty of the Hazardous Substances and New Organisms Act (1996) as detailed in 13(1) is that ‘Every person who imports, possesses, or uses a hazardous substance or new organism shall ensure that.***

***(a) any adverse effect caused by an act or omission of that person in relation to that substance or organism on any other person or the environment is avoided, remedied, or mitigated; and***

***(b) no action or omission by that person will contravene any requirement or control on that substance or organism imposed by this Act.***

***The HSNO Act is often applied to contaminated soil but as the Act was created to manage imported manufactured hazardous substances it is not well aligned to be applied to trace amounts of hazardous compounds present in soil. For example, the chronic toxicity and ecotoxicity guideline values and assessments completed during land contamination assessments are not the same as the acute toxicity and ecotoxicity tests needed for hazardous substance assessments.***

***Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Notice 2004 which came into force in December 2004 during the start of the remediation at Mapua FCC (2004 – 2008). The 2004 Notice states that persistent organic pollutants shall either be treated so that that the compound is no longer a POP and hazardous substance or by exporting from New Zealand to be disposed of overseas. Clause 2 specifically states treatment does not include depositing the substance in a landfill. The POPs disposed of in the landfill in the east and west of the site were not destroyed by the treatment process and were not exported overseas for destruction and disposal. Therefore, the HSNO Act and 2004 Notice were not applied previously to the site or soil contamination, presumably as it was considered to not relate to soil contamination at that time.***

***The Environmental Protection Authority proposed new notice on POPs: the Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Notice 2023 to replace the 2004 Notice. The notice proposes that higher risk persistent organic pollutants including pesticides DDT and dieldrin at a level equal to or above the low POP threshold (50 mg/kg) are disposed of via export from New Zealand or destroyed via physio-chemical treatment or high temperature incineration. If the proposed 2023 Notice is approved, then we will seek clarification from the EPA whether it applies to soil and at what point the Notice is required to be applied***

***Refer to the attached SMP and ESCP Plans.***

42. Please clarify how the cap integrity will be maintained during the works.

***The cap over the landfilled soil will be excavated within a trench during construction to install the stormwater drain. Granular imported fill around the stormwater line would be progressively backfilled into the trench and capping soil placed over the top to maintain the cap. The cap will be returned to 0.5m of soil that meets the residential standards. Refer to the attached SMP and ESCP Plans.***

43. As parts of the proposed boat ramp will include disturbance of marine sediments, please provide an assessment of the effects of disturbing the contaminants which are on the marine foreshore. The preliminary engineering report states that up to 600mm of excavated material is required in the foreshore to install the ramp and will be left to disperse with tidal action. The vertical and lateral extent of sediments impacted by pesticide residues has not been provided. ***Previous assessments summarised in the Davis Ogilvie DSI and provided on the TDC website document the concentrations of pesticide contaminants within the marine sediments. The previous assessments objectives or responsibilities were not to determine the vertical or lateral extents of pesticide contamination. The assessment objective was to evaluate if pesticide residues were present to determine health and safety requirements. The latest monitoring report of sediments and shellfish available (Davidson Environmental, 2019) identified that DDT, aldrin, dieldrin and lindane were still present in shallow sediment within the proposed boat ramp area. The soil acceptance criteria (SAC) utilised by Davidson Environmental consists of 0.01 mg/kg for aldrin, dieldrin and lindane and a separate SAC of 0.01 mg/kg for DDT.***
44. As the contaminants on the site are enclosed in engineered designed cells with clay bund and rock armouring along the sea wall, please provide an engineering assessment to confirm that the integrity of the structure designed to contain the contaminants will not be compromised by the proposed boat ramp. This must include the potential effects of scour from the completed ramp.  
***Refer to the attached SMP and ESCP Plans.***
45. It is noted that an existing groundwater monitoring well, BH1a (bore ID WWD23445 on Council's bores database) is shown on plans to be capped as part of the preliminary boat ramp design. This is a long-term groundwater monitoring bore which is needed for ongoing groundwater monitoring purposes. This will need to remain accessible. It may be possible to alter the location slightly, however the new bore would need to be installed and sufficient paired data obtained from both wells to demonstrate its suitability as a replacement. A number of other bores may be impacted by the proposed car park, building and boat ramp. Similarly, practical access needs to be maintained to these monitoring bores. Please address these matters.  
***All groundwater monitoring wells will be identified and protected and remain accessible during and post construction.***

*Piezometers will be retained and if required a trafficable lid constructed if impacted by vehicle traffic. Referring the letter report 'Groundwater Monitoring at Former FCC Site, Mapua – March 2013 Sampling Update, PDP'. We note other bores BH 107, BH H, BH2a, and BH1a are likely to be affected by the ramp and access, and Old BH1, BH 105 and BH 106 may be affected by the proposed new car park to the west of Tahi Street. Where required, these piezometers will be protected.*

**Appendices:**

**Appendix 1: Amended OBD Landscape Master Plans 13.11.23**

**Appendix 2: Marshall Day Noise Assessment Report 10.11.23**

**Appendix 3: OCEL Gary Teear Addendum Coastal Hazard Report 7.11.23**

**Appendix 4: RMM assessment of effects of Boat Ramp on existing Waterfront Viewing Platform 13.11.23**

**Appendix 5: A response to Questions 21 & 22 -**

**Appendix 6: WAG (Waterfront Action Group) - Further Information**

**Appendix 7: Amended Engineering Site Plans**

Yours faithfully

**DAVIS OGILVIE & PARTNERS LTD**



**Mark Morris**

Senior Planner

BPlan BA (Geog)

Email: [markm@do.nz](mailto:markm@do.nz)

Phone: 022-469-5367