

# Comment on the Waitohi Picton Ferry Precinct Redevelopment Fast Track Application

All sections of this form with an asterisk (\*) are mandatory.

## 1. Contact Details

Please ensure that you have authority to comment on the application on behalf of those named on this form.

<b>Organisation name (if relevant)</b>	<b>Royal Forest and Bird Protection Society of New Zealand Inc.</b>		
<b>*First name</b>	Debs		
<b>*Last name</b>	Martin		
<b>Postal address</b>	PO Box 266 / Nelson 7040		
<b>*Home phone / Mobile phone</b>	027 6840599	<b>*Work phone</b>	027 6840599
<b>*Email (a valid email address enables us to communicate efficiently with you)</b>	d.martin@forestandbird.org.nz		

## 2. \*We will email you draft conditions of consent for your comment about this application

yes	I can receive emails and my email address is correct	<input type="checkbox"/>	I cannot receive emails and my postal address is correct
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## 3. Please provide your comments on the Waitohi Picton Ferry Precinct Redevelopment Application

### INTRODUCTION

1. Forest & Bird is New Zealand's largest and longest-serving independent conservation organisation, with many members and supporters. Its mission is to be a voice for nature, on land, in fresh water, and at sea, on behalf of its members and supporters. Volunteers in 50 branches carry out community conservation projects around New Zealand. Forest & Bird's Marlborough branch is very active in the region.
2. In support of the Society's objectives, it has been involved in resource management processes around New Zealand for many years, at the national, regional, and district level. It routinely submits on regional and district plan provisions, and advocates in the Environment Court in relation to plan provisions relating to biodiversity, landscape and natural character and on some resource consents. It is particularly interested to ensure that the environmental bottom lines established in national policy statements in order to give substance to the "protective" element of Part 2 of the RMA are given effect to in regional and district plans and achieved through decisions on resource consents.
3. Forest & Bird provided a submission on the COVID19 Bill and is recognised as a party that must be consulted with for listed projects.

## **BACKGROUND**

4. Forest & Bird participated in a stakeholder meeting, and several email exchanges with Kiwi Rail on the proposal prior to it being listed as a referred project. There are a number of aspects to the proposal which Forest & Bird is supportive of, including:
  - a. The expected reductions in greenhouse gas emissions of 40% for the Interislander line, and around 16% for Kiwirail in general as a result of the upgrade providing for improved vessels able to dock; and
  - b. The aspects of the proposal which provide enhancement and protection to indigenous biodiversity.
5. However, Forest & Bird still has outstanding concerns regarding the potential adverse environmental impacts of this proposal on Kororā/little blue penguins and other seabirds. Forest & Bird seeks clear and measurable conditions for the avoidance, mitigation and where appropriate enhancement of seabirds and their habitat. This is particularly necessary where there is potential for adverse effects which would be inconsistent with the avoidance directives in Policy 11 of the New Zealand Coastal Policy Statement (NZCPS). Forest & Bird considers such conditions are reasonably practicable and fit within the scope of the proposal.
6. A decision to grant the proposal on the basis of current proposed conditions could result in adverse effects that are inconsistent with the directive provisions of the NZCPS.
7. Forest & Bird would support the grant of this proposal on the basis of improved conditions as set out below.

## **IMPACT OF THE PROPOSED PROJECT**

8. The proposal includes potential for adverse effects on Kororā (little blue penguins). The mitigation proposed for this is to check for penguins and to block access to breeding burrows. While we accept that the blocking of burrows is likely to assist in deterring penguins from nesting in the construction area, it will also result in a loss of breeding habitat.
9. The expanded ferry precinct and its construction area will result in a loss of habitat to a variety of coastal seabirds. While this may not result in a loss of significant habitat it is a loss nonetheless which has implications for available habitat in the local area. Any loss of habitat of indigenous species also has implications in terms of the maintenance of indigenous biodiversity.

## **CONSISTENCY WITH THE NZCPS**

10. The Kororā is identified as an At Risk-Declining species. As such policy 11 of the NZCPS is relevant. This requires the avoidance of adverse effects on Kororā.
11. Forest & Bird is concerned that blocking breeding burrows without providing an alternative for breeding in the vicinity will result in an adverse effect of Kororā.
12. Policy 11 of the NZCPS also includes many habitat values where adverse effects or significant adverse effects need to be avoided and where other adverse effects are to be remedied or mitigated.

13. In our view, in terms of adverse effects relating to the matters and values set out in Policy 11 of the NZCPS, offsetting is not available, and adverse effects must be avoided, remedied or mitigated consistent with that policy direction. For other biodiversity values an offset may be considered to ensure a no net loss and the maintenance of indigenous biodiversity and where this is consistent with the RPS and plan provisions.

## PROPOSED CONDITIONS

14. General condition 1.5 sets out the purpose of the Avian management plan as “to ensure the project construction activities avoid adverse effects (other than minor or transitory adverse effects) on kororā (little blue penguin), Caspian tern, and torea tai (variable oystercatcher) from project construction works”. However the effectiveness of the management plan is uncertain as the following condition 1.5.1 (a) only requires “measures to manage adverse effects” under clause a), rather than requiring avoidance of adverse effects.
15. Forest & Bird suggest rewording condition 1.5.1 to ensure it is clear and consistent with the purpose of the management plan,
- a. (a) Measures to manage avoid adverse effects on Caspian tern, torea tai and kororā populations during construction.
16. Forest & Bird also recommend the inclusion of a new condition to ensure that breeding habitat for kororā is not lost due to the project construction:
- a. Add a new condition to provide for the establishment of alternative nest box sites for kororā/little blue penguins without having to "move them on".
17. The wording of the draft Construction Management Plan is not certain for the avoidance of adverse effects on wetland 991 or ecologically significant marine site 4.10. The key mitigation measures (page 13 and 14) for effects on marine ecology and water quality **may include**: “No disturbance of wetland 991 or ecologically significant marine site 4.10 (listed in the Proposed Marlborough Environment Plan) located at the head of Shakespeare Bay can occur. The ecological values of these areas must be suitably protected from any discharge into these areas by appropriate filtering and or diversion of discharges.” This wording is not directive and allows key measures to be excluded at the discretion of the consent holder.
18. This should not be an optional mitigation. Forest & Bird seeks that a specific condition be included in the general conditions of ESCSMP conditions as follows (or similar):
- a. New condition to condition 2.11: (d) the consent holder shall ensure activities will avoid the disturbance of wetland 991 and of ecologically significant marine site 4.10 (listed in the Proposed Marlborough Environment Plan) located at the head of Shakespeare Bay. Include measure in the ESCSMP to protect the ecological values of these areas from any discharge into these areas by appropriate filtering and/or diversion of all discharges containing contaminants (even after filtering).”
19. Forest & Bird would also support clear measures for enhancement of indigenous biodiversity in response to the loss of habitat which result from the proposal generally. This could include supporting the existing predator control work in the area (Kaipupu Wildlife Sanctuary and Picton Dawn Chorus).

Thank you for receiving these comments on the proposal.

A handwritten signature in blue ink, appearing to read 'Debs Martin', with a stylized flourish at the end.

Debs Martin  
Regional Conservation Manager (Top of the South/Te Tau Ihu)  
Forest & Bird