

Invitation for Comment on the Waitohi Picton Ferry Precinct Redevelopment

The Waitohi Picton Ferry Precinct Redevelopment is a Listed Project under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Application Name:	Waitohi Picton Ferry Precinct Redevelopment.
EPA Reference:	FTC000014
Applicant:	KiwiRail Holdings Ltd, Port Marlborough, Marlborough District Council and New Zealand Transport Agency
Comments due by:	Thursday, 25 February 2021
Accessing the application:	The full application and supporting documents can be viewed on the EPA website, which can be accessed here: https://www.epa.govt.nz/fast-track-consenting/listed-projects/waitohi-picton-ferry-redevelopment/the-application/ .

An application for insert resource consents has been made by KiwiRail Holdings Ltd, Port Marlborough, Marlborough District Council and New Zealand Transport Agency Limited under the COVID-19 Recovery (Fast-track Consenting) Act 2020 for the Waitohi Picton Ferry Precinct Redevelopment.

To comment on the Waitohi Picton Ferry Precinct Redevelopment application using the form below, please fill in the details and:

- **Email** the form to waitohifasttrack@epa.govt.nz Please mark in the subject line: "Comments on Waitohi Picton Ferry Precinct Redevelopment" (Your name/organisation) by **Thursday, 25 February 2021**; or
- **Post** the form to Waitohi Picton Ferry Precinct Redevelopment, Environmental Protection Authority, Private Bag 63002, Waterloo Quay, Wellington 6140 in time for the form to be received by **Thursday, 25 February 2021**; or
- **Deliver in person** to Environmental Protection Authority, Grant Thornton House, Level 10, 215 Lambton Quay, Wellington by **Thursday, 25 February 2021**.
Please note that due to potential changes in COVID-19 Alert Levels our reception may not be open to the public. We suggest phoning ahead to check.

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.

Organisation name (if relevant)	Director General of Conservation		
*First name	Geoff		
*Last name	Deavoll		
Postal address	Private Bag 4715 Christchurch 8140		
*Home phone / Mobile phone		*Work phone	027 536 7020
*Email (a valid email address enables us to communicate efficiently with you)	gdeavoll@doc.govt.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

Acknowledgement

1. I would like to acknowledge the applicant groups' active engagement with DOC throughout the development of this resource consent application. The consultation and opportunity to input into the development of proposed consent conditions is greatly appreciated and provided an early opportunity to understand the application as it relates to matters of interest to DOC.

Marine Mammals

2. The application correctly identifies the key marine mammal species present near the site which could be adversely affected by the port redevelopment. New Zealand Fur Seal (not threatened) are regularly seen in the wider Picton-Waikawa area. Bottlenose dolphins (Threatened – Nationally Endangered) and Hector's dolphins (Threatened – Nationally Vulnerable) occur periodically/seasonally in the wider harbour area and beyond in inner

Queen Charlotte Sound. Killer whales (orca; Threatened – Nationally Critical) are occasional visitors to the inner Queen Charlotte and have been observed in the harbour.

3. Other dolphins and larger whales are much less likely to be found near the harbour, though it is possible.
4. Noise from pile driving is correctly assessed as the biggest issue for marine mammals. Water is an excellent medium for transmitting sound and cetaceans rely on sound for a host of important interrelated behaviours including: foraging/feeding; sensing predators and other dangers; social interactions; breeding; rearing young; and general communication. Other noise impacts (e.g. from dredging) or other risks (e.g. entanglement) should be comparatively small in effect relative to pile driving noise.
5. It also correctly identifies the three main risks/effects of pile driving noise on marine mammals: disturbance (including displacement), temporary threshold shift (TTS; temporary hearing loss) and permanent threshold shift (PTS; permanent hearing loss).
6. The threat status for the cetacean species noted above is relevant in terms of consistency with NZCPS Policy 11(1)(a) where adverse effects of activities must be avoided. This policy becomes highly relevant for considering impacts of pile driving noise on these species.
7. While disturbance/displacement is an effect, it is not “adverse” in the sense the harbour area is not known to be important marine mammal habitat and there is ample better habitat through the rest of Queen Charlotte Sound. Thus, disturbance/displacement should not have a biologically meaningful adverse effect.
8. TTS and PTS are the biggest concern because these effects directly affect the ability for cetaceans to hunt, sense their environment and carry out other essential biological functions. There is no question TTS and PTS would be adverse in terms of NZCPS Policy 11(1)(a) for those species listed as being threatened under the New Zealand threat classification system (i.e. in this case bottlenose dolphins, Hector’s dolphins and killer whales). These adverse effects need to be avoided under policy 11(1)(a). The New Zealand fur seal is not threatened so the avoidance test does not apply for this species.
9. The effects of noise on marine mammals and steps that can be taken to manage them are sufficiently well known for many of these matters to be addressed “up-front” as consent conditions, thus providing measurable and certain outcomes. Standard consent conditions used in New Zealand for marine pile driving include:
 - Marine mammal monitoring.
 - Setting maximum noise thresholds; e.g. at the outer edge of mitigation zone/s.
 - Operating during daylight hours and not during poor visibility conditions where marine mammals may be difficult to detect.
 - Delayed starts and shut-downs should marine mammals be detected within mitigation zone/s.
 - “Soft starts”, where power/noise is gradually increased during start-up procedures. Theoretically, soft starts allow marine mammals to detect and subsequently move away from the noise before full power levels are reached.
 - Noise monitoring and validation of sound modelling, and subsequent refining of mitigation zones.

10. DOC is largely supportive of the applicants' proposed approach to managing and avoiding the potential adverse effects of pile driving on marine mammals as outlined in the draft consent conditions and the associated draft Construction Noise and Vibration Management Plan (CNVMP) and appendices.
11. However, some improvements to the proposed conditions would still be desirable to improve certainty and enforceability. In particular, a number of mitigations or actions currently in draft consent condition 2.14.1 should be mandatory and there would be benefit in having these as specific conditions rather than matters for inclusion in the CNVMP (and its Appendix E). These include conditions relating to the hours of operation of piling equipment, soft starts, shutdowns and re-starts, piling methods to limit underwater noise effects, marine mammal observation zones, and the TTS thresholds. Including these matters as mandatory requirements in the consent conditions will provide greater certainty and enforceability of the approach than if they were included amongst other methods in the CNVMP.
12. Condition 2.14, which refers to and sets out the objectives for the CNVMP, includes the requirement that the "CNVMP must be implemented throughout the Project". DOC's preference is that this wording be amended to ensure that the CNVMP be "adhered to" rather than implemented only.
13. Within Appendix E of the CVNMP, more direct terminology is required for actions that are considered to be mandatory. There are many instances where "should" is used when it would be more appropriate to state the actions "shall" be undertaken to ensure they are framed as a requirement.

Avifauna

14. The seabird assessment within the application addresses the seabirds expected at this site and estimates on numbers of birds for at-risk species near the site seem reasonable. The species most likely to be disturbed are little blue penguins and one or two pairs of variable oystercatcher.
15. DOC is comfortable with the approach to managing the effects of construction activities and longer term on seabirds at the site through the proposed resource consent conditions and the associated Avian Management Plan. Suggestions to improve the proposed conditions made by DOC to improve management of effects on these species have been taken up in the application and this satisfies any concerns from a conservation perspective.

New Zealand Coastal Policy Statement 2010

16. DOC is in agreement with the applicant's assessment that the proposal is consistent with the New Zealand Coastal Policy Statement 2010 (NZCPS).
17. With a particular focus on the requirements in Policy 11(a) of the NZCPS, DOC is comfortable that the approach proposed to manage adverse effects on marine mammals and avifauna is not inconsistent with this policy.

