

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.

Comments must be received by the EPA, on behalf of the Waitohi Picton Ferry Precinct Redevelopment Expert Consenting Panel, no later than Thursday, 25 February 2021.

If your comment is not received by the EPA by Thursday, 25 February 2021 the Panel is not required to consider your comment (although it may decide to). Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 there is no right to seek a waiver of the time limit.

If you are an iwi authority you may share the consent application with hapū whose rohe is in the project area in the application, and choose to include comments from the hapū with any comments you may wish to provide.

Important information

Your personal information will be held by the EPA and used in relation to the Waitohi Picton Ferry Precinct Redevelopment application. You have the right to access and correct personal information held by the EPA.

A copy of your comments, including all personal information, will be provided to the Expert Consenting Panel and the applicant.

All comments received on the application will be available on the EPA website.

If you are a corporate entity making comments on this application, your full contact details will be publicly available. For individuals, your name will be publicly available but your contact details (phone number, address, and email) will not be publicly available.

Please do not use copyright material without the permission of the copyright holder.

All information held by the EPA is subject to the Official Information Act 1982.

More information on the fast-track consenting process can be found at <https://www.epa.govt.nz/fast-track-consenting/about/>.

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)	Te Ātiawa o Te Waka-a-Māui Trust		
*First name		
*Last name		
Postal address	PO Box 340, Picton		
*Home phone / Mobile phone		*Work phone	(03) 573 5170
*Email (a valid email address enables us to communicate efficiently with you)	taiao@teatiawatrust.co.nz		

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

<input checked="" type="checkbox"/>	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

If you need more space, please attach additional pages. Please include your name, page numbers and [insert project name] Application on the additional pages

Please see attached.

Thank you for your comments

**TE ĀTIAWA MANAWHENUA KI TE TAU IHU TRUST'S RESPONSE TO ON AN APPLICATION FOR
RESOURCE CONSENTS MADE UNDER THE COVID-19 RECOVERY (FAST-TRACK CONSENTING) ACT
2020 (CRA) FOR THE REDEVELOPMENT OF THE WAITOHI FERRY PRECINCT, TŌTARANUI**

Dated: 25 February 2021

Preamble

Te Ātiawa Iwi members are the tāngata whenua, who hold mana over the whenua and moana of Tōtaranui (Queen Charlotte Sound), and Kura Te Au (Tory Channel) and environs, including the subject site - Te Ātiawa Rohe (the area that Te Ātiawa is responsible for). As such, the people of Te Ātiawa are not stakeholders, they are the kaitiaki within the rohe and carry a responsibility for ensuring that the mauri or essential life principle of the natural world is maintained.

Toitū Te Whenua, Toitū Te Moana, Toitū Te Tāngata

1. Decisions around the choice of ships

At the time that Te Ātiawa was consulted over resource consent matters, the two ships had already been decided upon without engagement with the Treaty Partner, and so all proposals offered relate to that already fixed decision. Te Ātiawa whānau are charged with kaitiaki responsibilities in Tōtaranui and Kura Te Au and have significant concerns that, among other things, their relationship to their culture and traditions with their ancestral lands, water, wāhi tapu sites and other taonga will be further compromised by the decision by KiwiRail, a State-Owned Enterprise, to increase the size and passenger capacity without collaboration with the Treaty Partner, Te Ātiawa, as Mana Whenua / Mana Moana of the Rohe. This is inconsistent with Section 8 of the Resource Management Act 1991 (RMA), inconsistent with Part 1 s6 of the CRA, and Part 1 s9 of the State-Owned Enterprises Act 1986.

2. Application

In this instance, the matter of a resource consent application involves kaitiaki and the exercise/implementation of kaitiakitanga of the freshwater, whenua and coastal waters within the rohe of Te Ātiawa for five resource consents sought under the RMA and the CRA to carry out the Project, including:

- For the works requiring land use consent and regional consent for the redevelopment of the ferry terminal area, the new terminal building, all works and structures within the CMA
- For a regional resource consent for a retaining wall along the bank of the Waitohi Awa
- For a regional resource consent for a bridge over the Waitohi Awa
- Land use consent for the construction of several new accessways.

3. Consultation

Despite early struggles with the fixed decision to increase the vessel capacity of KiwiRail's ship fleet and related implications, Te Ātiawa acknowledges there has been significant consultation, particularly by Port Marlborough, which has allowed Te Ātiawa to participate substantially in the drafting of the consent applications and associated recommended conditions that comprise this process.

While there were certainly difficulties, over an extended period of time, with the part Te Ātiawa played in assembling the Cultural Impact Assessment (CIA) for the Project, Te Ātiawa recognises that there has been deep involvement in editing and refinement of the CIA, which was lodged to support the applications. Consequently, the Te Ātiawa working group, Te Rōpū Manaaki, has given sign-off on the CIA which was lodged.

4. Key areas of support

Te Ātiawa supports the application as far as it:

- Recognises Te Ātiawa as holding mana whenua / mana moana
- Recognises Te Ātiawa as partner to the project team to assist understanding of values of Tāngata Whenua and how these can be protected and enhanced via the project
- Recognises the unique role of Te Ātiawa as the kaitiaki of the rohe hosting the site of the fast-track project
- Recognises the effects on te taiao as set out by Te Ātiawa
- Provides the historical context for Te Ātiawa within the project area
- Supports further investigation of subsurface wave effects, including further investigation with NIWA
- Supports practical involvement of Te Ātiawa in the works phase of the project (i.e., through iwi monitoring, cultural health monitoring and as a member of the Design Forum).

5. Further suggestions

Te Ātiawa seeks the inclusion of conditions as part of any consent granted, where practicable, to be consistent with the RMA, Part 2 Section 6 (e), (f), & (g):

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights:

What determines if Te Ātiawa will support any proposal is the ability of that project to contribute to **net enduring restorative outcomes** for the Rohe (see Appendix 1). The result is the enhancement of the health of te taiao (the natural world), including the people. Te Ātiawa considers that, where possible, the Fast-track Panel considers where the following can be addressed through conditions of consent to ensure the project is undertaken responsibly.

5.1 Design Elements

What is expected are design elements and developments within the site based on enhancing the āhuetanga, including the health of te taiao. This includes:

- The use of local sustainably grown timber, natural kōhatu (stone), and green walls and roof. These building materials, which are locally sourced and culturally significant to Te Ātiawa, as Mana Whenua, should be explored in the design process.
- Use of recessive colours that favour views of both landscape and seascape
- Idiosyncratic features
 - Features that speak of/to the Treaty Partnership - Māori and the Crown
 - Features that speak of/to the local community - Te Ātiawa (opportunities for obvious cultural expression) and the balance of the Waitohi community
 - Features that speak of/to both Te Waipounamu and Marlborough. This facility is both a gateway and a point of departure
- Water, energy and material resources are conserved, remediated and re-used
- In terms of manaaki, community wellbeing and resilience is enhanced
- Climate Change implications of developments are considered
- Daylighting, restoration and planting of waterways
- Rainwater collection systems, grey-water recycling systems and passive solar design opportunities are explored in the design process

Some suggestions for building design were presented to the architect early in the consultation process but Te Ātiawa did not receive a response and there are still some unknowns around how/if this information was used.

5.2 Regular updates on project development

If the consents are granted, Te Ātiawa expects regular reporting from the Project Team for the purpose of informing our whānau, both local and afar about the project. There is provision for this in the application which is understandably supported by Te Ātiawa.

5.3 Project oversight

The quality of wai, whenua, taru (plants) and air is actively monitored through both mātauranga and western scientific methods and frameworks, recognising their complementary nature. This also means oversight of dredging and other excavations by appropriately qualified engineer and marine scientist.

In terms of the dredging, Te Ātiawa seeks further information around expectations of volumes and frequency of ongoing dredging. Additionally, it should be considered how spoil can be disposed of without progressively increasing the area impacted near the dredging site, in line with best practice. Some suggestions include:

- Avoid double handling of spoil
- Avoid temporary spoil sites
- Avoid effects on wai through appropriate management of stockpiles to avoid mobilisation of fines to the water table
- Maximise excavations in the dry, controlling dust and dispose of sediments to land
- Coordinate dredging with beach renourishment, wetland restoration and creation of breeding habitat for coastal birds

In terms of the Waitohi Awa works, Te Ātiawa seeks the specific involvement of an appropriately qualified freshwater ecologist to ensure adequate fish passage through Waitohi Stream. Te Ātiawa had sought a condition of consent that would address this through consultation. However, this was not offered as a volunteered condition of consent as it was not deemed necessary.

5.4 Māori Cultural Interpretation

Te Ātiawa seeks, as part of signage in and around project area, designs, ara, including by any carvings, sculptures or pouwhenua. Additionally, Te Ātiawa wishes to be involved in the selection of and information on plant species and uses (rongoā). Several species are identified in Te Ātiawa Settlement documents.

Te Ātiawa acknowledges the proposed conditions of consent relating to the Design Forum which provides for up to two iwi representatives, including at least one nominated by Te Ātiawa. Te Ātiawa mandated representatives should fill both iwi positions, as Te Ātiawa is the only iwi with mana whenua in Waitohi.

5.5 Marine life relocation

If the Port Company decides to partake in any further 'marine life moves', as occurred with the Waikawa West Marina Extension Project¹, Te Ātiawa, as kaitiaki, expects to be notified and involved.

6. Conclusion

Despite Te Ātiawa not being consulted over the new ships and their relative implications, Te Ātiawa acknowledges there has been significant consultation which has allowed Te Ātiawa to participate substantially in the drafting of the applications and the Cultural Impact Assessment (CIA).

Te Ātiawa supports the application as far as it:

- Recognises Te Ātiawa as Mana Whenua / Mana Moana
- Recognises Te Ātiawa as partner to the project team to assist understanding of values of Tāngata Whenua and how these can be protected and enhanced via the project
- Recognises the unique role of Te Ātiawa as the kaitiaki of the rohe hosting the site of the fast-track project
- Recognises the effects on te taiao as set out by Te Ātiawa
- Provides the historical context for Te Ātiawa within the project area
- Supports further investigation of subsurface wave effects and further investigation with NIWA
- Supports practical involvement of Te Ātiawa in the works phase of the project (i.e., through iwi monitoring, cultural health monitoring and as a member of the Design Forum).

Some further areas where Te Ātiawa seeks conditions of consent include:

- Te Ātiawa seeks involvement from an appropriately qualified freshwater ecologist to ensure adequate fish passage through Waitohi Stream.
- Both places on the Design Forum should be filled by Te Ātiawa mandated representatives as Te Ātiawa is the only iwi with mana whenua in Waitohi.

Signed: 
 Ronald Riwaka,
 Chairman, Te Rōpū Manaaki
 Te Ātiawa Manawhenua Ki Te Tau Ihu Trust

Date: 25/02/2021

¹ See <https://www.stuff.co.nz/environment/119936621/hardy-sea-creatures-moved-to-nearby-bay-ahead-of-marina-work>

Appendix 1

Net Enduring Restorative Outcomes (NERO) defined

The Kaitiaki o te Taiao Team (the KT Team) for Te Ātiawa Manawhenua Ki Te Tau Ihu Trust understands/is advised, from the current findings of Mātauranga Māori and Western Science, that the natural world, which includes the socio-cultural world of the human species, is being progressively degraded by unwise human activity/behaviour. (Climate change impacts are an overt expression/symptom of this continuing process, as is the widening gap in wealth-equity between *Haves* and *Have-nots* in Aotearoa.).

This situation, which adversely confronts the exercise of kaitiakitanga (the role of the KT Team in supporting the cultural responsibilities of Te Ātiawa Whānau), has arisen as a consequence of a long sequence of human decisions/actions that have enabled collective, unsustainable change. We have reached a point at which it is clear that human survival is at stake (also noting that this outcome has meant the extinction of many other species).

To halt and attempt to reverse this unacceptable outcome, all decisions/actions that deliver change² must improve our current situation – be **restorative**. The changes must also **endure** if they are to be meaningfully contributory. Change is mostly multi-factorial in its implications. So, for the aggregated elements of any particular change, e.g., housing development, the **net outcome** of those collective elements of change must be positive/restorative.

Accordingly, the KT Team, in undertaking its day-to-day mahi, in evaluating and responding responsibly to proposals for change and their related implications for Te Taiao, is seeking that resulting change(s) delivers:

Net Enduring Restorative Outcomes – (elevating / strengthening Mauri).

Incremental Definitions

(Lexico on-line Dictionary: <https://www.lexico.com/>)

NET: Remaining after all factors have been taken into account; overall.

ENDURING: Lasting over a period of time; durable.

RESTORATIVE: Having the ability to restore health, strength, or well-being.

OUTCOME(S): The way a thing turns out; a consequence.

(KT Team – February 2021)

² A proposal for prospective *change* is not about *growth, development, progress* or any other inherently flawed and deceptively positive notion, it is simply about a proposal for 'change' and needs to be exhaustively evaluated and progressed in that context, with precaution consciously applied to decision-making, where there is inadequate information/doubt.

What sort of change might there be, negative, positive or no change at all? In today's known collapsing natural / social world, there is no defensible choice other than supporting action that enables 'Net Enduring Restorative Outcomes', with a view to ultimately achieving a *regenerative state*. (KT Team – 2020)