

Hon Damien O'Connor

MP for West Coast-Tasman

Minister of Agriculture

Minister for Biosecurity

Minister for Land Information

Minister for Rural Communities

Minister for Trade and Export Growth



23 February 2021

Judge Laurence Newhook
Chairperson
Waitohi Picton Ferry Precinct Redevelopment Expert Consenting Panel

Ref: BRF 21-329

Tēnā koe Judge Newhook,

Comment on resource consent application for Waitohi Picton Ferry Precinct Redevelopment (LP14) under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Thank you for your 3 February 2021 invitation under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (**the Act**) to comment on the Waitohi Picton Ferry Precinct Redevelopment consent application (**the application**).

I **support** KiwiRail Holdings Ltd, Port Marlborough New Zealand Ltd, and Marlborough District Council's (**the Applicants**) application for the following reasons:

Purpose of the Act

The Redevelopment will urgently promote employment and provide substantive economic benefit for Marlborough and New Zealand. The proposal is for high-quality port infrastructure that will support the certainty of ongoing investment across New Zealand and make a difference in New Zealanders' lives.

The scale of the activity within the coastal environment suggests that potential adverse effects could be significant. However, given the project's overall design and the Applicants' proposed mitigation measures, the expected effects will be considerably less. In this respect, the Redevelopment should promote sustainable management of natural and physical resources.

Grounds on which the Application may be declined

The Application does not appear inconsistent with any of the applicable national policy statements. Given its nature and location in the coastal environment, the Application is in accordance with key areas of the New Zealand Coastal Policy Statement 2010 (**NZCPS**). In particular, it is aligned with NZCPS Policy 9 *Ports* that recognises New Zealand's requirements for an efficient national network of safe ports.

To the extent that the Applicants have proactively engaged Te Tau Ihu iwi and that the application reflects mana whenua input (and in some detail by Te Ātiawa iwi), the Redevelopment is also consistent with section 6 (Treaty of Waitangi) and Treaty settlements.

Applicants' proposed conditions

The prevalence of conditions relating to management plans is a consequence of the proposal's complexity and that some of the design remains in the concept phase. However, although the Applicants' conditions are thorough, not all conditions relating to management plans appear connected to clear objectives or performance criteria / standards which operate as bottom lines that a plan must achieve.

For example, in Package 2A proposed condition 1.11 *Dredge Spoil Management* is concerned mainly with suitability of dredge soil for use as cleanfill and safeguards on containment sites and processing areas. Except for requiring the 'Construction Management Plan' to implement water quality monitoring, 1.11 does not set performance criteria / standards to avoid, remedy or mitigate any potential for bio-availability of contaminants through sediment re-suspension and contaminant release (arising from dredging itself).

This is a concern because contaminants such as DDT and PCBs are not uncommon in sediments in the vicinity of port berths in New Zealand (for example, Aotea Quay and Thorndon Container wharves within Wellington Harbour).

The Redevelopment requires 60,000m³ - 70,000 m³ capital dredging. The application describes the surficial sediment in the area where dredging is proposed as 65 to 75 percent silt or finer [clays]. These unconsolidated fine lithologies with total organic carbon (in samples) in the range 1.6 to 2.1 g/100g are amenable to sequestration of DDT and other organochlorines.

Contaminants in surficial sediments

To identify contaminant levels in surficial sediments within the area for dredging, the application relies on sampling of 8 sea-bed tubes and 1 bore hole (core sites at roughly 50m spacings). The sampling numbers and density are useful but may be insufficient to delineate potential contaminant 'warm spots' including any DDT anomalous zones.

Moreover, although the core samples were tested for DDT (Appendix O, *WSP Detailed Site Investigation and Marine Sediment Contamination Investigation*), the detection level of 0.2 – 0.3 mg/kg is well above (close to an order of magnitude) the *ISQG-High* value (interim sediment quality guideline) of 0.046 mg/kg for DDT in ANZECC (2018)¹. The *ISQG-High* value is the concentration of a substance at which toxic effects on organisms are probable.

Based on the sampling information provided in the application, a precautionary approach in keeping with Policy 3 NZCPS is warranted for the dredging methodology. One way of limiting the extent of turbidity and confining re-suspended material would be by using a silt curtain (refer to the recent listed project, Ngā Ūranga ki Pito-One Shared Path Project). As an alternative to silt curtains, Port Marlborough could use a dredge bucket specifically designed to close around sediment and minimise turbidity and overspill (i.e. watertight clamshell dredge bucket).

Condition suggested to limit release of contaminants during dredging

A performance criteria condition that would provide an appropriate level of mitigation and underpin the relevant part of the Construction Management Plan is:

¹ Australian and New Zealand Guidelines for Fresh and Marine Water Quality, 2018 revision

At the Waitohi Picton Ferry Precinct Redevelopment, the Consent holder must:

Either

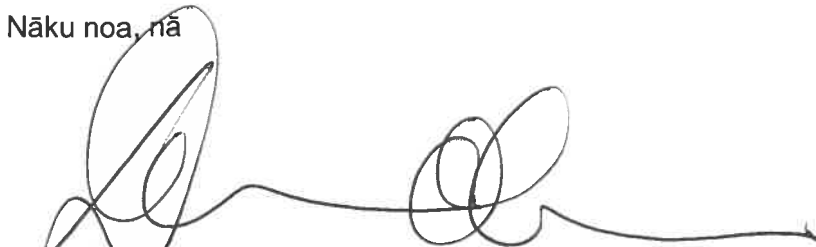
Deploy silt curtain(s) at all times during dredging activities and in such a manner that shall confine turbid or silted water to the area of the dredging unless specifically agreed with the Chief Executive Officer of the relevant Council or their nominee (**the Responsible Officer**);

Or (alternatively)

Use an environmental bucket for dredging which shall be a gasketed clamshell or similar design with proven field performance record and which shall preclude loss of material between the point of excavation and placement in the dredge hopper. The Consent Holder must, no later than 10 working days prior to commencement of dredging at the site, supply in writing to the Responsible Officer the operating procedures for such an environmental bucket and obtain the Responsible Officer's certification that the proposed bucket meets the requirements of this condition.

Thank you for the opportunity to comment.

Nāku noa, nā

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke ending in a small arrowhead.

Hon Damien O'Connor
Minister for Land Information