

COVID-19 Recovery (Fast-track Consenting Act) 2020

LP 14 Waitohi Picton Ferry Precinct Redevelopment Consent Application by Kiwirail Holdings Limited, Marlborough District Council and Port Marlborough New Zealand

M-3 Minute of the Waitohi Picton Ferry Precinct Redevelopment Expert Consenting Panel – 30 March 2021

1. In accordance with Clause 37(2) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), the Waitohi Picton Ferry Precinct Redevelopment Expert Consenting Panel (the panel) must issue its final decision, no later than 25 working days after the date specified for receiving comments under clause 18 of Schedule 6 of the Act.

Decision of the Waitohi Picton Ferry Precinct Redevelopment Expert Consenting Panel extending the timeframe to issue final decision

2. The panel has been compelled to extend the 25-working day period provided under clause 37(2). That period is due to end on Friday 1 April 2021, being 25 working days after close of the comments period specified under clause 18, being 25 February 2021.
3. Clause 37(3) provides that if the scale or nature of the proposal is such that the panel is unable to complete its decision within that timeframe, it may extend the period by (in the case of a listed project such as this), up to a further 25 working days.
4. The extended period will end on **7 May 2021**.
5. The panel will endeavour to release its final decision before that date if it can. It must be remembered that prior to doing so it must have sought comments on its draft of conditions of consent from the applicant and all those who earlier provided comments, a step yet to be taken after the applicant recently lodged new draft conditions.
6. The extension has come about on account of both scale and complexity of the proposal. The proposal involves very significant expansion of port, railway and roading infrastructure in the Coastal Marine Area (CMA), and on land in Waitohi/Picton by three major entities (Port Marlborough New Zealand, KiwiRail Holdings Limited and Marlborough District Council); interactions with separate works proposed by Waka Kotahi New Zealand Transport Authority and the council; in a geographically confined area of urban flat land and some rural hinterland; and adjacent to or near many urban activities and ecologically important parts of the existing environment.
7. Despite the application being the subject of a determination of the Environmental Protection Authority (EPA), under clause 3 of the of Schedule 6, that it contained all the information required by clauses 9 to 13 (in a technical sense), the panel considered after reading the application, and deliberating, that it lacked sufficient substantive information proportionate to its scale and complexity and potential effects on the environment, such that it needed to send requests through the EPA for further information to both the applicants and the council under clause 25 of Schedule 6.
8. On the 23 February 2021, requests went to the applicants (50 questions, including on major topics including concerning complex and unstructured management plan consenting proposals), and the council; on 2 March 2021, to both concerning complex engineering and legal questions about the

Waitohi Culverts and flooding issues in Waitohi/Picton; on 3 March to the applicants about effects on seabirds; on 3 March to both the applicants MDC about temporary work areas and spoil drying.

9. The requests were variously for information to be supplied to the EPA by 9, 16 and 17 March, and responses came in timely fashion but were necessarily voluminous and complex. The applicants offered re-drafted conditions which were accepted and received in light of the considerable additional and changed information in the responses. Our deliberations essentially commenced anew on many topics as from those dates.



Judge Laurence Newhook

Chairperson

On behalf of the Waitohi Picton Ferry Precinct Redevelopment Expert Consenting Panel