

File ref – FTC000014

02 March 2021

Louise Taylor

Director

Mitchell Daysh

Via email: louise.taylor@mitchelldaysh.co.nz

Private Bag 63002
Wellington 6140, New Zealand

Level 10, Grant Thornton House
215 Lambton Quay
Wellington 6011, New Zealand

epa.govt.nz
+64 4 916 2426

Tēnā koe Louise

Request for information in relation to LP-14 Waitohi Picton Ferry Precinct Redevelopment under COVID-19 Recovery (Fast-track Consenting) Act 2020

The Waitohi Picton Ferry Precinct Redevelopment Expert Consenting Panel (the panel), has directed the Environmental Protection Authority (EPA), to request further information from you under clause 25 of Schedule 6 of the COVID-19 Recovery Act 2020 (the Act), relating to the Waitohi Picton Ferry Precinct Redevelopment consent application.

Background

Application 2A, Part B, p25, identifies that the resource consent application seeks to enable an upgrade of the Waitohi Culvert both within the terminal area and through the Kiwirail designated area. There is commentary on such work being undertaken “*within the wider programme of redevelopment...*”. Two concept design drawings are referenced in Appendix C to the Application.

The council has helpfully provided comments in recent days, attaching 2 WSP reports, on hydrology in the 1970 culvert and flooding in Picton.

There is a paucity of draft consent conditions from the applicants that could be said to relate to this information.

The panel is bound by the Supreme Court decision in Estate Homes Ltd, to ensure conditions logically connect to the proposal, are not unrelated to the proposal, but do not need to have a causal link to the proposal. It can, in the alternative impose a condition volunteered by consent applicants (*Augier basis*).

Information Requested

The EPA is requesting, on behalf of the Expert Consenting Panel, the following information:

1. Are the culvert works agreed to be within the Estate Homes principle; or are they instead connected to adequacy of the 1970 (and any later) water drainage infrastructural works together with concerns about climate change effects, sea level rise, storm surges, and expansion of urban developments in Picton since 1970?
2. If the applicants are expected to have any financial responsibility for the culvert expansion, sole or shared with Marlborough District Council, is that put forward by them on an Augier basis?
3. If the works are instead to be undertaken solely by the council or its water company (or both), is the most that is required of the applicants, is that they co-operate with the infrastructure proponents subject to not jeopardising their own project? Is more detail required for conditions than that? If so, what do the parties propose?

4. Do the conditions need to spell out what infrastructure upgrade is intended? If so, is the suggested 500mm raising of the culvert heights sufficient? Why not the 750mm that was considered? Would even that be sufficient? What would be the impacts on the above-ground rail and transport infrastructure be? Would features of the concept plans change above-ground?

The panel also advises that the parties need to be aware that because these issues have been landed on the panel with little guidance, and it feels the need to understand the extent of the current problems, it has commissioned independent expert water engineering advice under clause 10(3) of Schedule 5 of the Act.

Timeframes

It is considered that this information is necessary and relevant to the Waitohi Picton Ferry Precinct Redevelopment consent application.

In accordance with clause 25 of Schedule 6 of the Act applicant must:

- a) Provide electronic copies of the information or report requested; or
- b) Advise the EPA, with reasons that you decline to provide the information or report requested.

Please provide the further information to the EPA by **Tuesday 16 March 2021**.

Please note, the information will be provided to the panel, the application and every person who provided comments on the application. The information will also be made available on the EPA website.

If you have any questions or further queries please don't hesitate to contact Alex Erceg (project lead) at waitohifasttrack@epa.govt.nz, or on 027 293 6728.

Nāku noā, na



Sandra Balcombe
Manager Land and Oceans Applications