

August 2015

DEVELOPMENT OF THE DRAFT LYTTTELTON PORT RECOVERY PLAN

Canterbury Regional
Council Decision Report

Contents

1	Introduction	4
2	The need for the Lyttelton Port Recovery Plan.....	5
3	The Direction.....	7
3.1	Geographic Extent.....	7
3.2	Matters to be dealt with	7
3.3	Recovery Plan Development Process.....	7
4	Legal Considerations	9
4.1	Section 10 of the CER Act.....	9
4.2	Purposes of CER Act and "Recovery"	9
4.3	Reasonably considers it necessary.....	10
4.4	Approval of Recovery Plans	11
5	Community Participation Processes	13
5.1	Consultation undertaken by LPC.....	13
5.2	Consultation undertaken by Environment Canterbury	13
6	Preliminary Draft Lyttelton Port Recovery Plan.....	15
6.1	Development of the Preliminary Draft	15
6.2	Framework of the Preliminary Draft.....	17
6.3	Key Decisions on the Content of the Preliminary Draft.....	19
6.4	Submissions on the Preliminary Draft.....	31
7	Hearing on the Preliminary Draft.....	32
7.1	Hearing Panel.....	32
7.2	Officers' Reports	32
7.3	Recommendations of the Hearing Panel	38
8	Decisions on the Recommendations of the Hearing Panel.....	43
8.1	Whakaraupō Harbour Management.....	43
8.2	The Te Awaparahi Bay Reclamation	44
8.3	Dredging and Spoil Deposition.....	44
8.4	The Dampier Bay Development	45
8.5	Norwich Quay	45
8.6	The Ferry Terminal	45
8.7	A Cruise Ship Berth	45
8.8	The Naval Point Redevelopment	46
8.9	Other Matters	46
8.10	Appendix D.....	46
9	The Draft Lyttelton Port Recovery Plan	47
9.1	The framework of the draft Lyttelton Port Recovery Plan	47

9.2	Assessment against the Direction.....	48
9.3	Recovery Strategy for Greater Christchurch.....	52
9.4	Assessment against the CER Act	55
9.5	Request to use section 27 of the CER Act.....	59
10	Decisions to be made by the Minister for Canterbury Earthquake Recovery	61

List of Attachments

Attachment 1: Method for Reviewing and Incorporating LPC’s Technical Information

Attachment 2: Preliminary Draft LPRP Summary of Submissions

Attachment 3: Recommendations of the Hearing Panel

Attachment 4: Environment Canterbury Officers’ Report to the Hearing Panel

Attachment 5: Environment Canterbury Supplementary Officers’ Report

Attachment 6: Addendum Report from the Hearing Panel

Attachment 7: Submissions and Hearing Plan

List of Tables

Table 1:	Development Milestones for the draft LPRP	4
Table 2:	Community Engagement Meetings.....	17
Table 3:	Public Meetings Held During Submission Period	31
Table 4:	Report Summary - Officers' Recommendations on Amendments in Response to Submissions ..	33
Table 5:	Report Summary - Supplementary Officers' Report	36

1 Introduction

On 18 June 2014 the Minister for Canterbury Earthquake Recovery, Hon. Gerry Brownlee (the Minister), directed the Lyttelton Port Company Limited (LPC) and Canterbury Regional Council (CRC) to develop a Lyttelton Port Recovery Plan (LPRP). The Direction to Develop a Lyttelton Port Recovery Plan (the Direction) was in response to a request from Environment Canterbury to the Minister for consideration of the recovery of the Port, which was badly damaged in the Canterbury earthquakes. The recovery of the Port was considered critical as it provides vital economic and community functions. The recovery of the Port from the effects of the Canterbury earthquakes is therefore critical for the wider recovery of greater Christchurch.

This report accompanies the draft LPRP, which has been provided to the Minister in accordance with the requirements of the Canterbury Earthquake Recovery Act 2011 (CER Act) and the Direction. Clause 6.11 of the Direction requires that the CRC provide a report to the Minister on how it informed its decision making on the content of the draft LPRP and the reasons for reaching its decisions. This report has been prepared to satisfy that requirement. The report sets out how the draft LPRP was developed including decisions made throughout the process. This includes the need for a recovery plan, outlining the requirements of the Direction, and the legal considerations. The report also describes the consultation and hearing process undertaken to provide for community participation in relation to the preliminary draft LPRP.

The draft LPRP was formally adopted by the CRC on 13 August 2015 and is outlined in section 9 of this report. This report includes how the recommendations of the Hearing Panel have been incorporated, how the draft LPRP responds to the matters to be addressed set out in the Direction, and an assessment of the Recovery Plan against the relevant provisions of the CER Act, the Direction, and the Recovery Strategy for Greater Christchurch.

The process of developing of the draft LPRP is explained throughout this document. A timeline of the major milestones of this process is set out in Table 1 below:

Table 1: Development Milestones for the draft LPRP

Date	Milestone
18 June 2014	Minister makes Direction to develop a LPRP
June 2014	LPC begins consultation on the Port Lyttelton Plan
13 November 2014	Delivery of LPC information package to CRC
2 April 2015	CRC approves preliminary draft LPRP for consultation
11 April 2015	Public notification of preliminary draft LPRP
13 April – 11 May 2015	Submission period on preliminary draft LPRP
2 – 12 June 2015	Hearing on the preliminary draft LPRP
13 July 2015	Hearing Panel Recommendations Report publicly available
28 July 2015	Addendum Report of the Hearing Panel publicly available
13 August 2015	CRC approves draft LPRP
14 August 2015	Draft LPRP delivered to the Minister

The Minister is required under the CER Act to publicly notify the draft LPRP and receive written comments before making decisions on the approval, with or without changes, or withdrawal of the draft Recovery Plan.

2 The need for the Lyttelton Port Recovery Plan

The purpose of the LPRP is to provide for and ensure the recovery of Lyttelton Port from the effects of the Canterbury earthquakes, and in doing so support wider earthquake recovery in greater Christchurch.

Lyttelton Port provides vital services for greater Christchurch and the wider Canterbury region through the movement of goods, both exporting products grown, processed or manufactured in Canterbury, and importing materials needed for production, construction, transport and other activities. These services are required for much of the economic activity in greater Christchurch, and must be maintained and enhanced in order to ensure continued economic recovery, and support for the wider recovery of greater Christchurch from the Canterbury earthquakes.

Prior to the Canterbury earthquakes the Port had been experiencing growth and had initiated planning for future development. Comprehensive planning for expected future requirements is very important because the required infrastructure and facilities for new or expanded operations can take significant periods of time from conception to functionality. The development of any new infrastructure or facilities therefore needs to be undertaken well in advance of when it may be fully utilised. If this is not achieved, constraints on operations may occur, leading to reduced efficiency and effectiveness.

The Canterbury earthquakes caused significant damage to the Port. As stated by the Lyttelton Port Company:

Every part of the Port was damaged in some way with most of the significant infrastructure effectively destroyed or requiring extensive repairs.¹

While the Port's initial response to the earthquakes, including damage assessments and temporary repairs, have allowed the Port to continue functioning, this has not addressed the underlying problem of widespread earthquake damage to port infrastructure. Added to this is the loss of time since the earthquakes for planning for the future of the Port, as the focus has been on the current operational challenges and settling the Port's insurance claims. There are continuing challenges for the efficient and effective operation of Lyttelton Port now, and there are likely to be increasingly difficult challenges in the future under a business as usual approach to the recovery work required.

These "status quo" processes affect the timeliness of recovery activities for the Port. These processes are predominantly determined by the Resource Management Act 1991 (RMA), and the documents and instruments prepared under that legislation.

The RMA documents and instruments that apply to Lyttelton Port were largely prepared prior to the Canterbury earthquakes. The planning framework therefore does not anticipate or provide for the level of activity required for recovery projects. Consequently, the relevant RMA documents and instruments do not include provisions that facilitate recovery from the effects of the Canterbury earthquakes. For example, an application for the rebuild of part of the Cashin Quay wharf area was processed as a discretionary activity under the Regional Coastal Environment Plan for the Canterbury Region (RCEP), where multiple aspects of the application triggered this activity status.² While the appropriate control of the effects of activities on the environment is very important, this type of project will need to be carried out in various parts of the Port and produce similar effects. Provisions in the RCEP could better enable these types of projects, as the effects, and the required mitigation methods, would be well understood.

An additional complication is that the operations of the Port cross jurisdictional boundaries, specifically that of Mean High Water Springs (MHWS), which delineates the boundary between land and the coastal marine area (CMA). This means that the Port must take into account both the relevant district plan which applies landward of MHWS administered by the territorial authority, and the regional coastal plan which applies seaward of

¹ Lyttelton Port Company Limited, 2014, Lyttelton Port Company's Information Package, pg 11.

² Consent No. CRC143285, CRC 143287.

MHWS and is administered by the regional council, as well as any other relevant regional plans. As an example, a wharf structure to which boats moor and load and unload cargo is generally within the CMA, but the land (above MHWS) to which it is attached and where that cargo is likely to be stored and transported is within the district.

LPC estimates that its recovery projects would require approximately 100 resource consents. Under the current RMA planning documents many of these applications would probably be processed with public notification, each requiring individual consultation and decision making processes. Even if the required resource consent were granted, these recovery projects could be delayed for significant periods of time through appeal processes. With multiple interdependent projects, where decisions on one project may have implications for others, this fragmented and uncertain process would not be efficient or effective for the recovery of the Port.

Therefore there is a significant issue for the recovery of the Port in being subject to the existing planning documents and processes. They are generally not sufficiently enabling of recovery in the post-earthquake environment.

Although RMA documents are subject to periodic reviews, this only occurs every 10 years. While the review of the RCEP will be initiated in 2015, it will take a number of years for the resulting reviewed plan to be notified and have any effect. The Christchurch City Council (CCC) is currently undertaking a review of the Banks Peninsula and Christchurch City District Plans, with the resulting combined plan applying to Lyttelton Port.³ However, decisions are unlikely before early 2016. Relying on the separate reviews of these two plans would mean that decisions on provisions for land based activities would be made independently of those that will occur in the CMA. This would create a fragmented decision making process, and a more difficult and uncertain regulatory environment for the Port during an important phase of its recovery.

A recovery plan is a tool provided by the CER Act. The CER Act provides for the Minister to direct the development of recovery plans. Recovery plans approved by the Minister are able to direct amendments to RMA documents and instruments. These amendments are operative on approval of the Recovery Plan, and are not subject to appeal to the Environment Court. Instruments prepared under other legislation such as the Local Government Act 2002, Land Transport Management Act 2003 and the Conservation Act 1987, must not be inconsistent with an approved recovery plan.

The preparation of a recovery plan therefore allows a holistic approach to be taken to the recovery of Lyttelton Port, and once approved the Plan can provide a clear and certain regulatory environment through amendments to RMA document and instruments. A recovery plan can look at the recovery needs of the whole of the Port, rather than considering matters on a project-by-project basis, and can include both land based activities and those that occur in the CMA. The views of surrounding communities and effects on the environment can also be taken into account. This provides significant benefits for the focused, timely and expedited recovery of the Port, and consequently for the economic recovery of greater Christchurch.

³ The current district plan that applies is the Banks Peninsula District Plan.

3 The Direction

The Direction to Develop a Lyttelton Port Recovery Plan was published in the New Zealand Gazette on the 19th June 2014 pursuant to section 16(4) of the CER Act. The Direction set out that LPC and CRC were to develop a LPRP in accordance with the prescribed process. The Direction includes clauses setting out the general geographic extent on which the LPRP must focus, the matters to be dealt with, and the general process that must be followed.

3.1 Geographic Extent

The geographic extent of the LPRP is set out in clause 4 of the Direction. This states at clause 4.1:

The Recovery Plan must focus on the Lyttelton Port and the surrounding coastal marine area as illustrated generally on Map A. [...] This area includes all land in the Lyttelton Port area owned, occupied or used by Lyttelton Port Company Limited at the date of this direction, pockets of land within that geographic area under separate ownership and the area of Norwich Quay.

Clause 4.2 provides that the CRC may include other land or areas within the geographic extent of the Recovery Plan, if the CRC considers it necessary after consultation with specified agencies. Clause 4.3 sets out that in developing the draft Recovery Plan the CRC must consider issues and effects that may occur outside of the geographic extent of the Recovery Plan, “including matters relating to land use and transport associated with the recovery of Lyttelton Port, the social, economic, cultural and environmental well-being and effects on surrounding communities and Lyttelton harbour, and wider transportation issues across greater Christchurch.”

3.2 Matters to be dealt with

Clause 5 of the Direction sets out the matters to be dealt with by the Recovery Plan. Under clause 5.1, these must include, but are not limited to:

- 5.1.1 The recovery of the damaged port, including the repair, rebuild and reconfiguration needs of the port, and its restoration and enhancement, to ensure the safe, efficient and effective operation of Lyttelton Port and supporting transport networks;
- 5.1.2 The social, economic, cultural and environmental well-being of surrounding communities and greater Christchurch, and any potential effects with regard to health, safety, noise, amenity, traffic, the coastal marine area, economic sustainability of Lyttelton town centre and the resilience and well-being of people and communities including the facilitation of a focused, timely and expedited recovery;
- 5.1.3 Implications for transport, supporting infrastructure and connectivity to the Lyttelton town centre, including, but not limited to, freight access to the port, public access to the inner harbour and the location of passenger ferry terminals and public transport stops;
- 5.1.4 The needs of users of Lyttelton Port and its environs, including, but not limited to, iwi, importers and exporters, cruise ship passengers and crew, tourism operators and customers, commercial fishers, recreational users and public enjoyment of the harbour and well-being of communities.

Clause 5.2 provides for any amendments to documents and instruments prepared under other legislation. Clause 5.3 requires that the LPRP be consistent with other recovery plans. Clause 5.4 requires a statement of funding implications. Clause 5.5 lists specific matters which the Recovery Plan cannot address though amendments to documents or instruments, these being:

- The re-opening of Sumner Road/Evans Pass
- Lyttelton Town Centre and the Lyttelton Suburban Centre Masterplan
- The provision of Christchurch City Council community facilities within Lyttelton town centre

3.3 Recovery Plan Development Process

The Direction sets out in clause 6 the process for the development of the LPRP. The process involved a number of significant stages, including development of an information package by LPC, the preparation of a preliminary draft LPRP by Environment Canterbury, receiving submissions and holding a hearing, recommendations from the Hearing Panel, and the finalisation of the draft LPRP to be provided to the Minister.

The first stage of the development of the draft LPRP under the Direction was for LPC to develop a package of information to be provided to the CRC to enable the preparation of a preliminary draft LPRP. The information had to address those matters listed in clauses 6.5.1 to 6.5.8, and be provided to the CRC within four months after the date of the Direction. This stage required LPC to undertake consultation with relevant communities and interested persons on the long-term vision of the Port, and the scope and matters to be addressed in technical reports to explain and justify that vision.

Following the receipt of the information from LPC, the Direction required CRC to prepare a draft LPRP within nine months, in consultation with specified agencies and organisations which are:

- Christchurch City Council
- Selwyn and Waimakariri District Councils
- Te Rūnanga o Ngāi Tahu
- New Zealand Transport Agency
- Department of Conservation
- Canterbury Earthquake Recovery Authority

The CRC was required to consult on a preliminary draft LPRP before providing the draft LPRP to the Minister, including calling for written submissions and providing for an appropriate hearing. Clause 6.10.5 directs the hearing panel to make recommendations to the CRC, and states that the CRC is not bound by those recommendations.

After considering the recommendations of the hearing panel, the CRC is required to finalise the draft LPRP and provide this to the Minister. In doing so it also needs to provide a report on how it informed its decision making on the content of the draft LPRP, and the reasons for reaching its decisions.

4 Legal Considerations

Throughout the development of the LPRP the CRC has been cognisant of the provisions of the CER Act and the tests in the CER Act that must be met by the LPRP.

In particular, when exercising powers under section 21 to approve the LPRP, or in making other statutory directions, the Minister must act in accordance with section 10 of the CER Act.

4.1 Section 10 of the CER Act

Section 10 of the CER Act requires that the Minister must ensure that any powers, rights and privileges under the Act are exercised in accordance with the purposes of the CER Act. It also specifies that any power, right or privilege may be exercised where the Minister reasonably considers it necessary. Sections 10 (1) and (2) provide:

10 Powers to be exercised for purposes of this Act

(1) The Minister and the chief executive must ensure that when they each exercise or claim their powers, rights, and privileges under this Act they do so in accordance with the purposes of the Act.

(2) The Minister and the chief executive may each exercise or claim a power, right, or privilege under this Act where he or she reasonably considers it necessary.

Therefore under section 10 (1) the decisions of the Minister on the LPRP must be made in accordance with the purposes of the CER Act set out below. The Minister must consider the exercise of the power to be needed or required in the circumstances.

4.2 Purposes of CER Act and "Recovery"

The purposes of the CER Act referred to in section 10(1) are contained in section 3, and are stated as:

- (a) to provide appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes:
- (b) to enable community participation in the planning of the recovery of affected communities without impeding a focused, timely, and expedited recovery:
- (c) to provide for the Minister and CERA to ensure that recovery:
- (d) to enable a focused, timely, and expedited recovery:
- (e) to enable information to be gathered about any land, structure, or infrastructure affected by the Canterbury earthquakes:
- (f) to facilitate, co-ordinate, and direct the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property:
- (g) to restore the social, economic, cultural, and environmental well-being of greater Christchurch communities:
- (h) to provide adequate statutory power for the purposes stated in paragraphs (a) to (g):
- (i) to repeal and replace the Canterbury Earthquake Response and Recovery Act 2010.

A number of expressions in section 3 of the CER Act are separately defined in section 4 (1) of the Act.

The most basic consideration for the preparation of the draft LPRP is the meaning of the term "recovery".

"Recovery" is defined in the CER Act as including restoration and enhancement. Also important is the definition of "rebuilding" which is:

"rebuilding includes—

- (a) extending, repairing, improving, subdividing, or converting any land, infrastructure, or other property;
- and
- (b) rebuilding communities"

These definitions and the concept of recovery were discussed by White J in the Court of Appeal decision on *Canterbury Regional Council v Independent Fisheries Limited* (“Independent Fisheries”).⁴ The court stated that:

[27] The expression “recovery”, which features in the title to the Act and in several of the Act’s prescribed purposes, therefore means here “the fact of returning to an improved economic condition”, including restoration and enhancement, the latter clearly incorporating the concept of improvement. The scope of the Act is therefore not limited merely to restoring greater Christchurch to its previous state but extends to enhancing or improving it.

[28] At the same time we accept Mr Cooke’s submission that the concept of “recovery” is not, as Mr Goddard submitted, so open ended that almost anything is covered. As the references to “recovery”, “restoration”, “rebuilding” and “repairing” make clear, the starting point must be to focus on the damage that was done by the earthquakes and then to determine what is needed to “respond” to that damage. But, as the purposes and definitions also make clear, the response is not limited to the earthquake damaged areas. Recovery encompasses the restoration and enhancement of greater Christchurch in all respects. Within the confines of the Act, all action designed, directly or indirectly, to achieve that objective is contemplated.

[29] The expression “rebuilding” is to be given a broad meaning extending well beyond merely restoring physical structures, to cover not only “improving” land, infrastructure and other property, but also rebuilding “communities”. The reference to “improving” both links to and reinforces the reference to “enhancement” in the definition of “recovery”, and the reference to rebuilding “communities” confirms that the scope of the Act is intended to reach beyond physical restoration and to encompass the people in the communities of greater Christchurch.

Therefore, in considering the definitions of “recovery” and “rebuilding” in the CER Act, and the decision of the Court of Appeal in *Independent Fisheries*, it is clear that the recovery of the Port encompasses much more than just repairing direct damage to the Port from the earthquakes – restoration to a previous state - but also includes enhancements and improvements. However, there are limitations, with the focus being first on the damage caused and the required response.

In developing the draft LPRP the CRC has considered the meaning of “recovery” and the existing case law on this topic. The CRC began by looking at the damage caused by the earthquakes, the issues that have arisen relating to port recovery as a result of that damage, and what is needed to respond to that damage taking into account that Lyttelton Port must be built back in a way that enables it to operate effectively and efficiently and remain “fit for purpose”.

4.3 Reasonably considers it necessary

The second part of the legal test under section 10 requires that the Minister must reasonably consider the exercise of his powers in relation to the LPRP and its contents necessary.

The Court of Appeal in *Independent Fisheries* considered the application of section 10 (2) to decisions of the Minister, and stated that:

In our view, the meaning of the provision is clear when the focus is on its text and purpose in the context of this Act. In short, two elements are involved:

- (a) The Minister must consider the exercise of the power “necessary”, that is, it is needed or required in the circumstances, rather than merely desirable or expedient, for the purposes of the Act.
- (b) The Minister must consider that to be so “reasonably”, when viewed objectively, if necessary by the Court in judicial review proceedings such as these. The Minister must therefore ask and answer the question of necessity for the specific power that he intends to use. This means that where he could

⁴ *Canterbury Regional Council v Independent Fisheries Limited* COA CA438/2012 20 December 2012.

achieve the same result in another way, including under another power in the Act, he must take that alternative into account.

The CRC has given careful consideration to these requirements to ensure that the LPRP enables the Minister to be satisfied (on an objective basis and reasonably) that the exercise of the Minister's powers under the CER Act are necessary. Particular consideration has also been given to whether or not the same result could be achieved in another way. The reasons supporting the necessity of the LPRP and the particular directions given within it are set out throughout this report.

4.4 Approval of Recovery Plans

The CRC has been tasked with the preparation of the draft LPRP. Once the draft LPRP has been prepared, in accordance with the process set out in the Direction, it must be provided to the Minister. At that point the process no longer involves the CRC, however an understanding of the process to be undertaken by the Minister is important to inform the development of the draft.

The provisions for Recovery Plans are generally contained in sections 16 to 26 of the CER Act. Section 20 sets out the requirement for the Minister to notify a draft Recovery Plan and states:

20 Public notification of draft Recovery Plans

...

- (2) The Minister must ensure that all other draft Recovery Plans are publicly notified.
- (3) The notification must—
 - (a) advise where the document can be viewed; and
 - (b) invite members of the public to make written comments on the document in the manner and by the date specified in the notice

Section 21 sets out the power for the Minister to approve Recovery Plans,

21 Approval of Recovery Plans

- (1) Following the development and consideration of a draft Recovery Plan, the Minister may—
 - (a) make any changes, or no changes, to the draft Recovery Plan as he or she thinks fit; or
 - (b) withdraw all or part of the draft Recovery Plan.
- (2) The Minister may approve a Recovery Plan having regard to the impact, effect, and funding implications of the Recovery Plan.
- (3) The Minister must give reasons for any action taken under subsection (1) or (2).
- (4) The Minister must, as soon as practicable after deciding to approve a Recovery Plan under subsection (2),—
 - (a) give notice in the Gazette of the issuing of the Recovery Plan and where it can be inspected; and
 - (b) publicly notify the Recovery Plan in whatever form he or she thinks appropriate; and
 - (c) present a copy of the Recovery Plan to the House of Representatives.

The Minister therefore must publicly notify the draft Recovery Plan and invite written comments, pursuant to section 20. The required timeframe for written comments is not specified. Following this the Minister can make decisions on a draft Recovery Plan under section 21. The written comments received under section 20 provide information to be included in consideration of the approval of the draft Recovery Plan under section 21.

Section 21 (1) provides for the Minister to make changes to or withdraw a draft Recovery Plan. Section 21 (2) provides for the approval of a draft Recovery Plan. This section therefore gives broad powers to the Minister in relation to the draft LPRP. However, these powers are not unfettered. The decisions of the Minister under section 21 are subject to the tests of section 10 outlined above. In addition to this, section 21 (3) requires that the Minister give reasons for action taken under 21 (1) or 21 (2).

The Minister may also be limited by the Direction given under section 16. In the decision of the High Court in *Independent Fisheries Limited v Minister for Canterbury Earthquake Recovery*, Gendall J considered the extent of changes able to be made by the Minister in exercising section 21 powers, in particular whether these

powers could be used to introduce aspects not contemplated by the relevant direction for a Recovery Plan under section 16, and states that:

While I acknowledge that the powers in s 21 CER Act confer a very broad discretion, the more fundamental objection regarding s 16 is that an argument exists here that the Minister is unable to deploy those powers to approve something that should have never been developed. Section 16 provides for a direction to be given to prepare a Recovery Plan. It may well be ultra vires for the Canterbury Regional Council to prepare, and logically also for the Minister to approve, something which by the s 16 direction ought never to have been in existence.⁵

This then reinforces the importance of the Direction, and its interpretation, in setting the scope and constraints on the Recovery Plan. The CRC has been cognisant throughout, that as the responsible entity approving the draft LPRP to be provided to the Minister, it must ensure that the Direction is complied with.

⁵ Independent Fisheries Limited v Minister for Canterbury Earthquake Recovery [2014] NZHC 2810 [12 November 2014].

5 Community Participation Processes

One of the purposes of the CER Act is:

to enable community participation in the planning of the recovery of affected communities without impeding a focused, timely and expedited recovery.⁶

It is therefore very important that the community is able to participate in the development of the draft LPRP, while also ensuring that the participation processes do not impede a focused, timely and expedited recovery plan development process.

The Direction included requirements for consultation with communities. This consultation was undertaken by LPC and Environment Canterbury at different stages of the recovery plan development process.

5.1 Consultation undertaken by LPC

In accordance with the Direction, LPC undertook consultation with relevant communities and interested persons during the development of the package of information, between June and September 2014.

The package of information, provided by LPC to Environment Canterbury in November 2014, included a Consultation Report, prepared by Mene Solutions Ltd, as required by clause 6.5.7 of the Direction. This report sets out the engagement and consultation process undertaken by LPC.

LPC prepared a document outlining the long-term vision for the efficient, timely and effective repair, rebuild and restoration and enhancement of Lyttelton Port, the 'Port Lyttelton Plan', which was released publicly for consultation, in accordance with clause 6.2.1 of the Direction, in June 2014.

LPC used various engagement mechanisms, including the production and distribution of the Port Lyttelton Plan through both physical and online mediums. Its consultation report states that "over 500 stakeholders were sent information and/or provided with briefings with a request to provide feedback".⁷ Information was also available at the "Port Talk" information centre located in the Lyttelton town centre, advertising for the Port Lyttelton Plan was placed in newspapers, links were created to the Port Lyttelton Plan website from other relevant websites, and briefings were provided to the media.

The consultation methods used by LPC included receiving submissions and holding targeted stakeholder workshops. Submissions were received both in hard copy and online, with 211 submissions received by LPC. 167 people were invited to stakeholder workshops where feedback was received on the Port Lyttelton Plan, with more than 70 people attending.⁸

Pursuant to clause 6.5.5 of the Direction, a workshop was conducted by LPC and the Canterbury District Health Board to formulate a First Phase Impact Assessment. This workshop was attended by 40 people with attendees including staff of partner organisations and government agencies, and representatives from various community organisations. The resulting report was attached to LPC's information package as Appendix 5.

5.2 Consultation undertaken by Environment Canterbury

The development of the draft LPRP has included significant consultation with the community, strategic partners and stakeholders. This consultation included five community engagement meetings held in various locations from 9 – 23 February 2015 during the development of the preliminary draft LPRP. The submissions and hearing process undertaken following the public release of the preliminary draft LPRP has been a significant consultation process. In addition to receiving submissions, Environment Canterbury held three

⁶ Canterbury Earthquake Recovery Act 2011 section 3 (b).

⁷ LPC, 2014, Lyttelton Port Company's Information Package Appendix 3: Consultation Report, pg 15.

⁸ LPC, 2014, Lyttelton Port Company's Information Package Appendix 3: Consultation Report, pg 17.

public meetings and one meeting with manawhenua,⁹ between 14 and 29 April 2015, and staffed a public drop-in office two days a week, in order to inform people of the submission process. These consultation processes and the influence they had on the draft LPRP are discussed in more detail below, specifically in section 6.

⁹ Throughout the development of the draft LPRP consultation with iwi was managed through Te Rūnanga o Ngāi Tahu, the legal representative of Ngāi Tahu Whānui, who coordinated the input of relevant Papatipu Rūnanga, Te Hapū o Ngāti Wheke (who have mana whenua and mana moana over Whakaraupō/Lyttelton Harbour), and Te Rūnanga o Koukourārata. In this document these groups are referred to collectively as “Te Rūnanga and ngā Rūnanga”.

6 Preliminary Draft Lyttelton Port Recovery Plan

6.1 Development of the Preliminary Draft

The Direction required the preparation of a preliminary draft LPRP for consultation. The preliminary draft LPRP was prepared by Environment Canterbury following the receipt of the information package from LPC and publicly notified on 11 April 2015.

6.1.1 LPC Information Package

LPC advised in a letter to Environment Canterbury dated 8 October 2014 that it would not be able to provide the information by the directed deadline of 19 October, but would provide it by 18 November. On 13 November 2014 LPC provided Environment Canterbury with "Lyttelton Port Company's Information Package". This package included an overview and summary document, and 30 appendices. The appendices included technical reports, impact assessments, assessments of the effects of proposals, and proposed amendments to RMA documents and instruments. The package of information has been publicly available on the Environment Canterbury website since December 2014.

Environment Canterbury officers undertook an initial assessment of the information package to provide advice to the Canterbury Regional Council on whether the information package contained the necessary information to prepare a preliminary draft LPRP. This included consideration of the requirements of the Direction, including clauses 5 and 6.5, and input from Environment Canterbury technical experts, legal advisors, and staff of partner agencies.

It was considered that overall the package of information was sufficient to develop a preliminary draft LPRP. The requirements of clause 6.5 of the Direction, including the matters in 6.5.1 to 6.5.8, were considered to be met.

On 11 December 2015 the CRC confirmed that it had received the necessary information from LPC to prepare the preliminary draft LPRP. In accordance with clause 6.7 of the Direction, the draft LPRP had to be provided to the Minister by mid-August, nine months after LPC had provided the information.

A request was made to LPC for some additional technical information, specifically: an assessment of the Dampier Bay commercial development; further hydrodynamics modelling of specific scenarios for the reclamation and capital dredging proposal; and an assessment of effects on seabirds. It was considered that while the information package provided was comprehensive, met the requirements of the Direction, and was sufficient for the preparation of the preliminary draft LPRP, the provision of this additional information would be beneficial to the process of developing the preliminary draft LPRP.

6.1.2 Technical Review of LPC Information Package

Environment Canterbury undertook a technical review of specific reports provided by LPC to provide additional reassurance that the technical information supplied was based on sound methodology and that the conclusions derived objectively represented the work undertaken. The method for reviewing and incorporating LPC's technical information is outlined in Attachment 1.

These reviews informed technical discussions during the development of the preliminary draft LPRP. In some cases, such as hydrodynamics, transport and noise, workshops were held between the technical experts to clarify outstanding matters.

The technical reviews were made publicly available on the Environment Canterbury website prior to the release of the preliminary draft LPRP. Members of the public were therefore able to access these reviews and refer to them in submissions.

6.1.3 Consultation with Specified Agencies

The Direction states at clause 6.8 that:

Canterbury Regional Council must develop the draft Lyttelton Port Recovery Plan in consultation with Christchurch City Council, Selwyn and Waimakariri District Councils, Te Rūnanga o Ngāi Tahu, New Zealand Transport Agency, Department of Conservation and Canterbury Earthquake Recovery Authority.

It further states at clause 6.9 that:

Canterbury Regional Council may consult to the extent it considers necessary with Lyttelton Port Company Limited and any central government department.

In accordance with these clauses of the Direction, Environment Canterbury held regular meetings with officers from the “partner agencies”: Christchurch City Council, Te Rūnanga o Ngāi Tahu, New Zealand Transport Agency, Department of Conservation and Canterbury Earthquake Recovery Authority; officials from Selwyn and Waimakariri District Councils were invited to these meetings and received agendas and minutes, but did not attend. In addition to this, to the extent considered necessary, Environment Canterbury consulted with representatives of LPC and central government.

In addition to regular meetings, technical experts from the partner agencies attended the technical workshops outlined in the section above and additional workshops were held to develop planning provisions. A workshop including partner organisations and the CDHB was also held to evaluate the preliminary draft LPRP against the criteria developed in the First Phase Impact Assessment. The resulting report was made available on Environment Canterbury’s website to inform consultation on the preliminary draft LPRP.

The partner agency officers were provided with drafts of the preliminary draft LPRP documents twice during the development period in early 2015 and provided feedback. Formal comments on the preliminary draft LPRP prior to notification were also sought from partner agencies and central government agencies. No central government agencies (other than the Department of Conservation as a partner agency) chose to make formal comments through this process.

The partner agencies were specifically consulted on the inclusion of the existing and proposed Main Navigational Channel within the geographic extent of the preliminary draft LPRP, in accordance with clause 4.2 of the Direction.

The Recovery Strategy governance framework meetings were also used to provide updates to partner agencies at managerial and governance levels. These monthly meetings include representatives from Christchurch City Council, Te Rūnanga o Ngāi Tahu, New Zealand Transport Agency, Canterbury Earthquake Recovery Authority and Selwyn and Waimakariri District Councils.

Commissioner Peter Skelton and Environment Canterbury project team members attended several meetings of the Christchurch City Council’s Lyttelton Working Party to discuss the Recovery Plan. Officials from central government agencies were provided briefings from Environment Canterbury explaining the development of the preliminary draft on 17 September 2014 and 3 February 2015. Other updates to central government agencies were provided by the Canterbury Earthquake Recovery Authority. The Community Forum¹⁰ was updated on the Recovery Plan development on 19 March 2015 and 17 July 2015.

The views expressed through consultation with the partner agencies were considered carefully in the formulation of the final preliminary draft LPRP document.

6.1.4 Discussions with Community Groups

In addition to the consultation with specified agencies, Environment Canterbury officers also attended or organised meetings with relevant community groups based in the Whakaraupō / Lyttelton Harbour area during

¹⁰ Established in accordance with the Canterbury Earthquake Recovery Act 2011 section 6.

the development of the preliminary draft LPRP. The groups met with, dates of meetings, and number of attendees are shown in Table 2 below.

Table 2: Community Engagement Meetings

Group	Date	Attendance
Diamond Harbour Community Association	9 February 2015	15
Te Rūnanga and ngā Rūnanga	16 February 2015	9
Lyttelton Community Association	16 February 2015	7
Lyttelton / Mt Herbert Community Board	17 February 2015	4
Governors Bay Community Board	23 February 2015	10

During these meetings Environment Canterbury officers were provided with information on the views of the community and the issues which they considered important to be addressed in the Recovery Plan.

6.1.5 Approval and Notification of the Preliminary Draft

Following the meetings and discussion noted above, and taking into consideration the views expressed, Environment Canterbury officers finalised the preliminary draft LPRP documents for formal consideration by the CRC.

The CRC resolved at its meeting on 2 April 2015 to:

- a) Approve the inclusion of the existing Main Navigational Channel, as well as the extension to the channel, within the geographic extent of the LPRP.
- b) Approve the preliminary draft LPRP for public consultation and submissions from 13 April 2015.
- c) Agree that public submissions on the preliminary draft LPRP would be received by Environment Canterbury until 5pm on 11 May 2015.

Following the approval of the CRC, the preliminary draft LPRP documents were finalised for public release. A public notice was placed in The Press on Saturday 11 April inviting submissions on the preliminary draft LPRP. Letters were sent to stakeholders, local businesses and interest groups, and residents of the Harbour Basin and Southshore, informing them of the release of the preliminary draft LPRP.

Hard copies of the preliminary draft LPRP documents were available to be viewed at civic offices, libraries, and council service centres throughout Christchurch. The documents were also available to be viewed and downloaded online from the Environment Canterbury website.

6.2 Framework of the Preliminary Draft

The preliminary draft LPRP consisted of the main document and the appendices. The main document set out the recovery issues, recovery proposals, explanation, and resulting Actions, while the appendices contained the proposed amendments to RMA documents (implemented by statutory directions in the main document).

The preliminary draft LPRP set out a vision for the recovery of Lyttelton Port:

The rebuilt Lyttelton Port is resilient, efficient, and contributes positively to the environmental, social, cultural and economic well-being of Lyttelton township and greater Christchurch.

The preliminary draft LPRP also included 7 goals supporting the vision.

1. Lyttelton Port infrastructure is rebuilt and repaired in a timely, efficient and economical manner
2. Ngāi Tahu values and aspirations for Whakaraupō/Lyttelton Harbour and in particular for mahinga kai are recognised and advanced through port recovery activities
3. The recovery of the Port makes a positive contribution to the recovery of the Lyttelton township and community, by:
 - a. Providing safe, convenient and high quality public access to the waterfront
 - b. Improving recreational facilities and opportunities

- c. Complementing the redevelopment of the Lyttelton town centre
- d. Reducing adverse environmental effects of port operations on the township
- 4. The repair and rebuild of Lyttelton Port's infrastructure enable it to meet current and predicted future demand and increase its resilience
- 5. Lyttelton Port is able to continue to operate safely, efficiently and effectively during recovery and into the future
- 6. Lyttelton Port contributes positively to local economic recovery, and regional and national economic growth
- 7. The local and wider transport network is managed to:
 - a. Ensure the safe and efficient transport of freight to and from the Port
 - b. Provide safe routes and a more attractive environment for pedestrians, cyclists and users of public transport in Lyttelton

The key issues for the recovery of the Port were outlined as being:

- Earthquake damage to Port facilities
- Increasing freight volumes
- Larger container ships
- Cruise ships
- Port operational requirements
- Transport network
- Effects of Port activities and rebuilding on the natural environment and Ngāi Tahu values
- Community aspirations for the Port area
- Management of construction effects
- Need for a timely recovery

The preliminary draft LPRP set out a plan to respond to these issues and achieve the vision and goals. This included the following aspects:

- Lyttelton Port rebuild, repair and reconfiguration
 - A new container terminal on existing and new land to be reclaimed in Te Awaparahi Bay
 - Repair and rebuilding of existing structures at Cashin Quay and some in the Inner Harbour
 - Extending the availability of rock sourced from Gollans Bay Quarry to be used for Port recovery activities
 - Dredging for berth pockets, ship turning basins, and the extension and deepening of the Main Navigational Channel
- Providing for a cruise ship berth at either Naval Point or Gladstone Pier
- Providing for development of the Dampier Bay area including:
 - A new, larger, more modern marina
 - Landside redevelopment to support the marina and provide public access to the waterfront
 - Some limited commercial development
 - Recognition of Ngāi Tahu values
- Providing for, but not directing, a relocated ferry terminal at Dampier Bay
- Improving pedestrian and cycle routes on Norwich Quay to provide access to Dampier Bay
- Ensuring construction effects are managed appropriately through Construction and Environmental Management Plans (CEMP)
- Recording a commitment of organisations to develop an integrated management plan for Whakaraupō / Lyttelton Harbour

To achieve that plan, the preliminary draft LPRP included 10 Actions. Actions 1 to 6 were statutory directions directing changes to RMA documents. These Actions direct the changes as set out in the Appendices to the main document, which provide a generally more enabling framework for the recovery activities of Lyttelton Port and reflect the knowledge of effects from these activities based on the information provided by LPC. The documents to which the Recovery Plan proposed amendments were:

- Canterbury Regional Policy Statement
- Regional Coastal Environment Plan for the Canterbury Region
- proposed Christchurch Replacement District Plan
- Banks Peninsula District Plan
- proposed Canterbury Land and Water Regional Plan

- proposed Canterbury Air Regional Plan

Action 7 recorded a commitment to develop and implement a Whakaraupō/Lyttelton Harbour Management Plan. This reflected the desire for such a plan to be developed for some time, while also not stepping outside of the limitations of the Recovery Plan in terms of geographic extent and scope.

Actions 8 – 10 recorded agreements between agencies to deal with issues that were not considered able to be addressed by amendments to statutory documents. These agreed Actions were in relation to:

- Transport Network – Memorandum of Understanding
- Transport Network – Norwich Quay
- Dampier Bay Public Access

6.3 Key Decisions on the Content of the Preliminary Draft

There were a number of key decisions made through the development of the preliminary draft LPRP that had significant bearing on the framework and content of the document. These decisions and the reasoning behind them are set out below.

6.3.1 Scope of the Recovery Plan

The scope of the Recovery Plan is set in the Direction, with the relevant parts contained in clause 4 (Geographic Extent) and clause 5 (Matters to be Dealt With).

As noted above, the Direction states at 4.1 that the Recovery Plan “must focus on the Lyttelton Port and the surrounding coastal marine area as illustrated generally on Map A”, and explains that, “this area includes all land in the Lyttelton Port area owned, occupied or used by Lyttelton Port Company Limited at the date of this Direction, pockets of land within that geographic area under separate ownership and the area of Norwich Quay”. This was considered as quite clearly defining the scope of the Recovery Plan as being the area of the Port, and although it includes “the surrounding coastal marine area”, this refers to that area seaward of Mean High Water Springs within the ‘Geographic Extent’ shown on Map A, not the wider Whakaraupō/Lyttelton Harbour area.

However, clause 4.3 of the Direction also states that:

In developing the draft Lyttelton Port Recovery Plan, Canterbury Regional Council must consider issues and effects that may occur outside of the geographic extent of the Recovery Plan, including matters relating to land use and transport associated with the recovery of Lyttelton Port, the social, economic, cultural and environmental well-being and effects on surrounding communities and Lyttelton harbour, and wider transportation issues across greater Christchurch.

Environment Canterbury carefully considered this clause in relation to the wider harbour, but determined that it did not affect the interpretation of the Recovery Plan scope. If the Minister had intended for the whole of the harbour to be the subject of the Recovery Plan, this would have been made explicit. Instead, clause 4.1 clearly defined the geographic extent, and this was focused on the Port.

The interpretation of clause 4.3 taken by Environment Canterbury was that it referred to the consideration of issues or effects arising or linked to recovery activities within the geographic extent of the Recovery Plan. This was also considered to be consistent with the interpretation of “recovery” taken by the courts, in that the starting point is the damage caused by the earthquakes, rather than long-standing environmental issues that existed prior to the earthquakes. The environmental well-being of Lyttelton Harbour can be considered in the formulation of the Recovery Plan, but only in so much as it relates to the recovery of the Port.

The preliminary draft LPRP was therefore focused on the Port area, and did not include the entire harbour as within scope. However, the preliminary draft did acknowledge the concerns of the community for the health of the harbour and recorded an agreement between Environment Canterbury, LPC, Te Hapū o Ngāti Wheke and Te Rūnanga o Ngāi Tahu, to help address these issues. This is described in more detail below.

Within the constraints discussed above, clause 4.2 does allow Environment Canterbury to expand the geographic extent of the Recovery Plan if it considers it necessary, after consultation with specified parties.

In considering the requirements for the recovery of the Port it was determined that there is a need to provide for the likely increase in the size of ships servicing the Port in the future. Larger ships would require a longer and deeper Main Navigational Channel in order to safely access the Port, which in turn would require capital dredging of the harbour floor (discussed in more detail below).

In order to accommodate any provisions relation to the deepening and extension of the Main Navigational Channel, the geographic extent of the LPRP needed to be expanded to incorporate the expected area within which this may take place. Environment Canterbury considered that this was necessary to ensure the recovery of the Port. The parties specified in clause 4.2 were consulted on this matter through discussion on the development of the preliminary draft as outlined above. No objections were raised and the geographic extent of the LPRP was expanded to include the expected area required to deepen and lengthen the Main Navigational Channel to provide for larger ships at the Port. This was shown in Figure 1 of the preliminary draft LPRP.

6.3.2 Reclamation

The proposed reclamation at Te Awaparahi Bay is a key part of the LPRP. The reclamation would allow the Port to meet expected future freight growth enabling economic recovery, reconfiguration of the wider port operational area to be efficient and effective, and social benefits through the opening up of parts of the inner harbour. Because of the importance of this significant project, a detailed explanation of the decisions made about it is provided below.

6.3.2.1 Recovery Need

The information provided by LPC to CRC showed that there are significant constraints on the availability of usable flat land for port operations at Lyttelton Port. This has been intensified by the earthquakes due to damage to infrastructure and rebuilding project requirements, and is particularly evident for the current container terminal which is operating above efficient capacity due to constraints on the available landside space for container storage.

Container-based trade is projected to increase significantly out to 2041. Planning for these future volumes must occur well in advance so that the required infrastructure is available prior to the demand being reached.

It is considered that the development of a new, larger, more modern container terminal is necessary for the recovery of the Lyttelton Port. Lyttelton Port's existing container terminal is already above capacity. The reclamation is necessary to ensure that in rebuilding its infrastructure, the Port will be able to meet the projected demand for container-based trade. An effective and efficient port is necessary to ensure the wider recovery of greater Christchurch through allowing the Port to support and enable economic recovery, rather than constraining it. The need to rebuild the container terminal is a direct result of the damage that has occurred. Environment Canterbury considers that given the need to rebuild and reconfigure the Port as a result of the damage caused by the Canterbury earthquakes, it is critical that this is done in a way that ensures the Port is able to meet existing and future demands.

The development of a new container terminal outside of the existing footprint of the Port also enables the repurposing of the existing terminal and enables part of the inner harbour to be opened up for mixed-use commercial activity and some public access, supporting the long term recovery of the community.

To achieve these recovery needs the reclamation of land is required. This allows a new container terminal sufficient to meet future demands and therefore support economic recovery, to be designed and constructed without significantly adversely affecting the operation of the rest of the Port. It also allows for the shifting east of the Port outlined above and subsequent potential for community reconnection with the inner harbour and

reducing the effects of port operation on the Lyttelton township. Other detailed reasons outlining the need for the reclamation are contained within the LPRP itself and the report from the Hearing Panel.

The reclamation proposal is considered to be consistent with the definition of recovery and the Direction, and in accordance with purposes of the CER Act. As stated above, the CER Act defines "recovery" as including enhancement, and "rebuilding" as including extending, repairing and improving land and infrastructure. It is considered that the development of a new, larger container terminal on reclaimed land falls within the meaning of "recovery" and "rebuilding" as set out in the CER Act.

In relation to the reclamation of land for a new container terminal at the Port, the purposes of the CER Act include:

- (f) to facilitate, co-ordinate, and direct the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property:
- (g) to restore the social, economic, cultural, and environmental well-being of greater Christchurch communities:

It is considered that the inclusion in the preliminary draft LPRP of provisions for the reclamation of land to allow the development of a new, larger container terminal is in accordance with these purposes. The provisions facilitate the rebuilding and recovery of the Port, and assist the restoration of the social well-being of the Lyttelton community, and the economic well-being of greater Christchurch.

The reclamation for the development of a new container terminal is also considered to be consistent with the Direction. In particular, the reclamation relates to clause 5.1.1 through addressing the rebuild and reconfiguration needs, restoration and enhancement, and efficient and effective operation of the Port. Clause 5.1.2 is relevant in relation to the economic well-being of greater Christchurch, which is supported by the provision of a new larger container terminal, as well as the potential effects which have been assessed as acceptable, as discussed below.

There were not considered to be any realistic alternatives to the reclamation of land for the siting of the new container terminal. Whakaraupō / Lyttelton Harbour is surrounded by relatively steep terrain, and most of the flat land at Lyttelton Port has been provided by past reclamation activity. With this in mind it was considered that providing for a new, larger container terminal on reclaimed land is necessary for recovery of the Port, and therefore was to be included in the preliminary draft LPRP, following further consideration of the more detailed proposal and planning provisions outlined below.

6.3.2.2 Location, Size and Shape

Having considered the inclusion of reclamation activity as necessary for the recovery of the Port by providing for a new, larger container terminal and other flow-on benefits, further consideration was given to the location, size and shape of that reclamation.

LPC proposed the reclamation to occur within a geographic envelope which was located in Te Awaparahi Bay, directly to the east of the current container terminal, and which effectively formed an extension of the current port footprint and included the existing consented 10 hectare reclamation. The size was determined by the required landside space for the container terminal, and the expected operation of that facility. The shape was also determined to a degree by landside operational requirements, as well as the need to berth ships in line with the prevailing wave direction to reduce disturbance, and the cultural values at Battery Point.

The result of these considerations was a proposal for the southern edge of the reclamation envelope to extend from the end of the Cashin Quay breakwater for approximately 700m, following the east-west orientation of Cashin Quay. The eastern edge was perpendicular to the southern edge, and intersected Battery Point. This formed a 27 hectare area in addition to the consented 10 hectare reclamation.

Environment Canterbury considered all of the information provided by LPC in support of this proposal, including, relevantly, the technical reports assessing effects related to:

- Landscape character and visual effects
- Effects on waves and tidal currents
- Effects on sedimentation and turbidity
- Effects on marine ecology
- Effects on mahinga kai
- Effects on navigational safety
- Lighting effects

The technical information was also reviewed by experts engaged by Environment Canterbury.

Environment Canterbury considered that the proposed location is appropriate as it has a number of benefits:

- It allows integration of the reclamation into the existing port infrastructure, such as transport connections
- It avoids adverse effects on recreational areas to the west of the Port
- It is situated in an area of the coast which already includes port land uses
- It builds upon and incorporates the existing consented reclamation
- Effects of container terminal operation on the Lyttelton township will be reduced because of separation distances and topographic features

The determination of the size and shape of the reclamation was based on the operational requirements of the Port for an effective and efficient container terminal, and the anticipated environmental effects.

Environment Canterbury considered that the need for the full reclamation of up to 37 hectares as proposed by LPC was reasonable in terms of operational requirements in light of the information provided.

After consideration of the technical reports and the reviews of these documents, it was determined that reclamation within the area proposed by LPC would have some adverse effects, but that these were acceptable in the circumstances or could be appropriately managed. In particular, sedimentation in the upper harbour would not be worsened.

However, the preliminary draft LPRP did not include the exact proposal as put forward by LPC. An amendment was made to the eastern boundary to provide a setback from Battery Point in response to the concerns of ngā Rūnanga and Te Rūnanga about effects on mahinga kai.

6.3.2.3 Activity Status

The Recovery Plan is able to provide for the reclamation described above through amendments to RMA documents, in particular the Regional Coastal Environment Plan for the Canterbury Region. RMA documents categorise activities with an “activity status”, which has implications for the requirement for a resource consent for that activity, and the certainty of gaining that resource consent.

The reclamation of the foreshore or seabed is a discretionary activity under the current planning provisions. A discretionary activity status means that a resource consent is required and the consent authority may grant or decline the consent, and if granting the consent can impose conditions. Under section 104 of the RMA the consent authority can consider any actual and potential effects on the environment, any relevant provisions of regulations, policy statements and plans, any other matter the consent authority considers relevant and reasonably necessary to determine the application. The implication of the discretionary activity status is that there would be uncertainty for the Port that a resource consent would be granted for the required reclamation.

LPC proposed that the reclamation be a controlled activity, with no conditions, and matters for control limited to reclamation design and construction, preparation of a construction and environmental management plan, biosecurity risk, sediment plumes, stormwater, and a Kaimoana Management Plan.

The key determinant in deciding on the appropriate activity status for the reclamation was ensuring that the Direction was complied with and that the purposes of the CER Act would be fulfilled so that the Port is able to recover from the damage caused by the earthquakes in a focussed, timely and expedited manner. Careful consideration was given to the sufficiency of information provided on the effects of the proposal to ensure the well-being of the community.

A discretionary activity status was not considered appropriate as this would not be consistent with the Direction, specifically clause 5.1.1, or in accordance with the CER Act purposes, in particular those contained in section 3(d), (f) and (g). A discretionary activity status for the reclamation would not, because of the uncertainty in the consenting process and potential for appeals, enable a focused, timely and expedited recovery, nor would it facilitate the recovery of the Port, or restore social, economic, cultural or environmental well-being of greater Christchurch. In addition, a discretionary activity status would not recognise the significant amount of analysis already undertaken by LPC and reviewed by Environment Canterbury in relation to the reclamation proposal. For these reasons too the more stringent non-complying status option was discounted.

Environment Canterbury considered the alternatives to the LPC proposal as including the reclamation as a permitted activity, controlled activity as proposed by LPC, or a restricted discretionary activity. A permitted activity status was not considered appropriate as this would allow the reclamation to proceed with no further assessment or resource consent application. While LPC had provided a comprehensive package of information, Environment Canterbury staff determined that there were still areas where more specific detail needed to be provided. This view is also reflected in the LPC proposal for a controlled activity status.

The options, when narrowed, are therefore to provide for the reclamation as a controlled activity or a restricted discretionary activity. Both options require a resource consent application to be made to the regional council for the reclamation. Under a controlled activity status conditions on consents and the matters for control are set out in the plan. A restricted discretionary activity is similar, with conditions for consents and matters of discretion. The key difference between these two options is the ability for the regional council to decline an application under a restricted discretionary activity, whereas a controlled activity consent must be granted but conditions on the consent can be imposed.

It was considered that a controlled activity status would be more in accordance with the purposes of the CER Act and have greater consistency with the Direction due to the certainty that this option would provide to LPC in being able to undertake the activity in a timely and expeditious manner, and consequently the certainty in the recovery of the Port. LPC would still need to comply with any conditions of consent imposed through the resource consenting process.

Extensive consideration of the information provided and the technical review process led to the determination that there was sufficient knowledge about the effects of the proposed reclamation that a controlled activity status could be applied, with additional matters for control and conditions of consent. This resulted in a controlled activity rule for reclamation in the defined Te Awaparahi Bay area being included in the amendments to the RCEP proposed by the preliminary draft LPRP.

6.3.2.4 Notification

Resource consents may be processed fully publicly notified, limited notified or non-notified. This is a decision of the consent authority processing the consent application based on the effects of the proposal. However, RMA plans may state whether a resource consent application for a particular activity must be notified, on a full or limited basis, or whether an application must be processed on a non-notified basis. A consent authority may still notify a consent application if special circumstances exist, despite any statements in the plan to the contrary.

LPC proposed that an application for reclamation be processed on a limited notified basis to Te Rūnanga o Ngāi Tahu only.

Environment Canterbury considered that there would be significant community interest in an application for reclamation at Te Awaparahi Bay, and that it would be more appropriate to include a statement in the RCEP

requiring full public notification of a consent application for this activity. This was considered to be in accordance with the purpose of the CER Act set out in section 3(b) as it provides for community participation while, in conjunction with the controlled activity status, not impeding a timely, focused and expedited recovery of the Port.

6.3.3 Dredging

Dredging is essential for the continued operation of Lyttelton Port to maintain the Main Navigational Channel, turning basins and berth pockets to enable vessel access to the Port. LPC proposed in its initial information package that dredging of the Main Navigational Channel or within the operational area of Lyttelton Port should be a permitted activity under the RCEP. In considering the information provided by LPC, it was clear that dredging at Lyttelton Port could be separated into three different categories.

1. Dredging associated with construction activities; that is, any dredging of seabed material required during repair, replacement or construction of wharf structures and seawalls, and the associated berth pockets.
2. Maintenance dredging, which is required to maintain the depth of the Main Navigational Channel, turning basins and berth pockets.
3. Capital dredging to deepen and widen the Main Navigational Channel.

It was clear that the effects of dredging will be different depending on the location of dredging activities, the volume of seabed material removed, and the dredging methods used. For this reason, it was determined that it was not appropriate to treat all dredging as a permitted activity and therefore different activity status classifications were considered for the different dredging activities to reflect knowledge about the effects of dredging on the environment, in particular the wider Lyttelton Harbour.

Under the existing planning framework, maintenance dredging is a permitted activity. It was considered appropriate that maintenance dredging remain as a permitted activity. In addition, it was considered that dredging associated with construction activities in the Inner Harbour and alongside Cashin Quay, should also be a permitted activity.

It was not considered appropriate that dredging associated with construction of the Te Awaparahi Bay reclamation, including the adjacent berth pocket and turning basin, be a permitted activity. Dredging outside the Inner Harbour has a wider range of effects, and a larger volume of material will be dredged. A discretionary activity status was considered but a controlled activity status was determined to be more appropriate. This is because the effects of dredging are widely known, the location of this dredging is restricted, and certainty is provided for LPC that a functional reclamation can be constructed. It was considered appropriate that any application to dredge the foreshore or seabed associated with the construction of the reclamation and berthing facilities should be publicly notified.

It was determined that dredging associated with LPC's capital dredging programme, to deepen and widen the Main Navigational Channel, should not be a permitted activity as proposed by LPC. The review of LPC technical information highlighted uncertainty in the effects of the capital dredging programme relating to sediment movement in Lyttelton Harbour and the effects on harbour hydrodynamics and the flow on effects on marine ecology and mahinga kai. For this reason, a restricted discretionary activity status was considered appropriate.

Of particular concern is dredging in the Inner Harbour where there are known contaminants that have historically accumulated in the seabed sediments from port activities. The permitted activity rule authorising dredging in the Inner Harbour therefore includes specific restrictions on how seabed material dredged in this area is assessed and disposed of.

Regarding the deposition of dredged spoil in the CMA, LPC proposed that seabed material dredged from within the operational area of the Port be deposited at the existing Spoil Dumping Grounds along the northern side of Lyttelton Harbour toward the harbour entrance. LPC proposed that seabed material removed during construction activities should be deposited as a controlled activity, without any public or limited notification. A restricted discretionary activity status was proposed for deposition of seabed material removed during maintenance dredging of the Main Navigational Channel or within the operational area of the Port.

Environment Canterbury's review of LPC's information identified several concerns relating to effects that had not been addressed in the matters for control or discretion as proposed by LPC. While the activity status included in the preliminary draft LPRP for the deposition of seabed material at the Spoil Dumping Grounds reflects that proposed by LPC, additional matters for discretion and control were included. In addition, it was determined that any application that relates to the Te Awaparahi Bay reclamation should be publicly notified, with the plan staying silent regarding notification of applications to deposit dredged spoil removed from other areas within the Lyttelton Port Operational Area, meaning that the decision on whether to notify, on a full or limited basis, would be at the discretion of the consent authority at the time of processing a resource consent application. More detail was also included on managing contaminated seabed material dredged from the Inner Harbour.

6.3.4 Rebuilding Existing Structures

The LPC information package provided for the reconstruction, alteration, extension, removal or demolition of existing wharf structures within the Inner Harbour and Cashin Quay as a permitted activity. Environment Canterbury, in its review of the information was satisfied that a permitted activity status is appropriate, with additional restrictions relating to the effects of piling on marine mammals, the removal of material from the CMA and ensuring that these rules relate only to wharf structures that were used for Port Activities at or before 4 September 2010.

6.3.5 Cruise Ships

In its information package, LPC proposed two possible locations for a cruise ship berth. These were a berthing facility alongside Gladstone Pier in the Inner Harbour, and one alongside Naval Point outside the Inner Harbour. The Naval Point location included an envelope within which the berthing facilities (wharf structure, berth pocket and ship turning basin) could be constructed. In addition, in order to accommodate the Naval Point location, the Operational Boundary of Lyttelton Port would need to move west, so that the berthing facilities would be within the Operational Area of Lyttelton Port. LPC proposed that the construction of the Naval Point cruise ship berth wharf structure be a controlled activity with no public or limited notification. The construction of a cruise ship berth wharf structure in the Inner Harbour at Gladstone Pier would be a permitted activity.

In its review of the information provided, Environment Canterbury was satisfied that a controlled activity status is appropriate for the Naval Point location with additional restrictions on the size and location of the berthing facilities within LPC proposed envelope, and on the matters for control. However given the proximity of the cruise ship berth at this location to recreational boating activities and the Naval Point Club, the notification requirement as proposed by LPC would not be appropriate. For this reason, Environment Canterbury settled on a controlled activity status with public notification to provide for public input into any future consenting requirements. In the absence of any such issues, it was considered appropriate to provide for a cruise ship berth at Gladstone Pier as a permitted activity.

6.3.6 Whole of Harbour Management

As discussed above, consideration of the Direction determined that overall health of the whole of Whakaraupō/Lyttelton Harbour was not within scope of the LPRP. The LPRP was to focus on the area of the Port, and any issues and effects that may arise from the recovery of the Port. However, it was evident from previous planning exercises and through the community engagement meetings held during the development of the preliminary draft LPRP, that the health of the harbour as a whole was very important to many people in the community, in particular Te Hapū o Ngāti Wheke.

In recognition of this, Environment Canterbury considered it appropriate that the LPRP record a commitment of the various interested organisations to agree on an organisational and governance structure, and process, for developing an integrated management plan for Whakaraupō / Lyttelton Harbour. The preliminary draft LPRP therefore included a non-statutory agreed action (Action 7) that set out this agreement.

6.3.7 Norwich Quay and Other Transport Issues

Transport, and in particular Norwich Quay, is identified in the Direction as a matter to be dealt with by the LPRP. Norwich Quay is specifically identified as being within the geographic extent of the LPRP at clause 4.1. Transport in general is an important consideration for the LPRP through clause 5.1.3, under which the Recovery Plan must deal with:

Implications for transport, supporting infrastructure and connectivity to the Lyttelton town centre, including but not limited to, freight access to the port, public access to the inner harbour and the location of passenger ferry terminals and public transport stops.

Through the development of the preliminary draft LPRP important decisions were made on issues related to transport and Norwich Quay, including the use of the road as a freight route, and access to the inner harbour, and the ferry terminal.

6.3.7.1 Freight Route

Norwich Quay is a part of the State Highway network (SH74) and the main freight route to the Port, with multiple access points from Port land to the Quay. Norwich Quay also provides access to the Lyttelton township, and runs between the town and Port. This can cause competing requirements for the road. The desire of the community to have an alternate freight route for heavy vehicles is expressed clearly in the Lyttelton Master Plan, and the diversion of trucks off Norwich Quay was a topic in submissions to LPC on its Port Lyttelton Plan. Community concerns regarding heavy vehicles on Norwich Quay include noise, vibration, effects on business and tourism, safety of other road users, and spillage. The Lyttelton Master Plan also notes amenity issues including severance from the waterfront.

The transportation network, including Norwich Quay, was assessed as part of the information package provided to Environment Canterbury, specifically in Appendix 12: Transportation Effects. This information, prepared by Abley Transportation Consultants Limited, assessed the anticipated effects of the recovery proposals put forward by LPC, and concluded that the current road network would operate effectively until at least 2026, and that Norwich Quay will be able to continue as the road transport access to the Port. Operational improvements would allow this to continue to 2041 assuming the lower freight growth scenario, but the road would be approaching capacity by that time under the upper growth scenario, with the Dampier Bay development, and Port employment growth. This information was reviewed by a technical expert contracted by Environment Canterbury.

The assessment specifically considered an alternative Port freight route, including the work already done in the scoping report for the Lyttelton Access Project, but concluded that the benefits of an alternative route would likely only be realised closer to 2041, and would not assist in recovery for the Port in the next 10-15 years.

Environment Canterbury considered the necessary responses required in the LPRP in light of the information provided. Due to the ability of Norwich Quay to handle the expected increases in freight volumes and still generally provide adequate levels of service for an appropriate period of time for recovery planning purposes, it was considered that it would not be appropriate to include provisions in the Recovery Plan to direct an alternative freight route to the Port, as this would likely not pass the “necessity” test under section 10 of the CER Act.

The preliminary draft LPRP therefore did not include any provisions to direct the development of an alternative freight route to the Port. However, it also did not rule out this possibility in the future. This was considered to be in accordance with the purposes of the CER Act, particularly that contained in section 3(d), as this recognises that directing the development of a new freight route would add significant demands on resources of interested agencies, most notably the Port and the New Zealand Transport Agency, which may impede a focused, timely and expedited recovery for the Port. While a new freight route may have some benefits for social well-being, and therefore be consistent with purpose 3(g) of the CER Act, it is considered that this does not outweigh the economic considerations, and that these benefits can be achieved through other methods.

6.3.7.2 Connection between Dampier Bay and Lyttelton Town Centre

The recovery activity proposal put forward by LPC included the development of part of the Inner Harbour at Dampier Bay, including some public access. Decisions on this aspect of the proposals are discussed below. However, this has implications for Norwich Quay in terms of the access to that area from the town centre. This is referred to in the Direction at clause 5.1.3.

As noted above, the transport assessment provided in the Port's information package included assessment of Norwich Quay. This included demand from development at Dampier Bay. The recommendations of the transport assessment included improvements to pedestrian and cycle access between the Lyttelton town centre and Dampier Bay, and that this be provided before 2020.

Discussions with the partner agencies, in particular the New Zealand Transport Agency, indicated that while it was accepted that there needed to be improvements to Norwich Quay to facilitate this access, there needed to be further investigation into what those improvements should be and this was unlikely to be able to be completed before the completion of the draft LPRP.

Environment Canterbury considered the most suitable way to ensure that the appropriate actions were to take place in relation to the pedestrian and cycle access on Norwich Quay was for a non-statutory agreed action. Because of uncertainties around the specific actions required and the funding sources for these, a detailed statutory direction, such as through requirements for Local Government Act 2002 or Land Transport Management Act 2003 instruments to give effect to provisions of the Recovery Plan under section 26(4) of the CER Act, was not considered to be appropriate.

The preliminary draft LPRP therefore included Action 9: Transport Network – Norwich Quay. This set out that the New Zealand Transport Agency, Christchurch City Council and LPC would work together through the Memorandum of Understanding put forward in Action 8 (discussed below), in order to establish the appropriate upgrades required for Norwich Quay to provide for freight, pedestrian and cycling access, with timeframes for the confirmation of the required upgrades and the pedestrian facility on Norwich Quay specifically identified in the Action.

6.3.7.3 Ferry Terminal

The Direction, at clause 5.1.3, includes as a matter to be dealt with, “the location of passenger ferry terminals and public transport stops”. The proposals put forward by LPC included the potential to relocate the ferry terminal to the Dampier Bay area adjacent to the No. 7 Wharf. The information provided by LPC included assessments of the transport and urban design effects of the relocation of the ferry terminal. The community engagement meetings attended by Environment Canterbury officers made it clear that the location and facilities of the ferry terminal were important to Whakaraupō / Lyttelton harbour communities.

Environment Canterbury officers considered the requirements of the Direction, the views of the public, and the information provided in the technical assessments carefully. However, it was determined that the location of the ferry terminal is a commercial and operational decision for LPC. While planning provisions could be imposed, and were considered, to require the ferry terminal to either remain in its current location, or be moved to a new location, it was determined that there was not a clear recovery purpose to do so, as there were positive and negative aspects to both options in terms of recovery of the Port and community well-being.

In light of this, Environment Canterbury officers determined that the best option was not to pre-determine the future location of the ferry terminal, but to ensure that if a new public transport facility was to be developed by the LPC, the planning framework ensures that the following are appropriately considered: traffic generation, parking, and public transport, pedestrian and cycle network connections. Planning provisions were therefore included in the amendments to the proposed Christchurch Replacement District Plan that addressed these aspects. This was considered to adequately address the requirements of the Direction, and be in accordance with the purposes of the CER Act in enabling a focused, timely, and expedited recovery.

6.3.7.4 Wider Transport Network

Action 8 of the preliminary draft LPRP was developed in response to a recommendation in the Integrated Transport Assessment report provided by LPC. It was considered that an agreement between the relevant agencies to develop a Memorandum of Understanding was an appropriate way to ensure that any transport issues arising from Port recovery activities would be able to be dealt with in a collaborative way, without adversely affecting the enabling aim of the LPRP. This action was considered to appropriately deal with the implications for transport as required under clause 5.1.3 of the Minister's Direction, particularly as the assessment information provided by LPC and reviewed by Environment Canterbury had shown that the current main route for vehicular transport, Norwich Quay, would be able to provide adequate service levels until at least 2026. As such, the agreed action was considered to be in accordance with the purposes of the CER Act under section 3(d), (f) and (g).

The alternative to an agreed action would have been to include more prescriptive statutory directions through the Recovery Plan, such as through requirements for Local Government Act 2002 or Land Transport Management Act 2003 instruments to give effect to provisions of the Recovery Plan under section 26(4). The issue with these mechanisms was uncertainty about exactly what would be required in the future, particularly in regards to funding arrangements. These uncertainties meant that prescriptive statutory actions would not be practicable, and were not considered to be in accordance with purpose 3(g) of the CER Act as they would not appropriately facilitate, co-ordinate or direct the planning, rebuilding and recovery of affected communities.

6.3.8 Lyttelton Town Centre Zone

The current Lyttelton Town Centre Zone includes an area on the south side of Norwich Quay. Prior to the earthquakes much of this area was built on, with some historic buildings providing amenity value to the area. Due to damage from the earthquakes, many of the buildings in this area have been demolished. LPC owns much, but not all, of this land.

LPC proposed that the area to the south of Norwich Quay, with the exception of one small parcel of land not owned by LPC, be zoned as Specific Purpose (Lyttelton Port) Zone. This was to provide for Port operations on that land in recognition that the Port is constrained in terms of available flat operational space during the recovery period.

However, the Lyttelton Master Plan indicates that the existing Town Centre zoning applying to this area is to be retained and provide for improved level of amenity and commercial redevelopment on both sides of Norwich Quay. This presented Environment Canterbury with a conflict over the appropriate zoning for that land.

Environment Canterbury considered that it was necessary to enable the recovery of the Port by providing for Port operations on the available flat, usable and accessible Port land, but that the need for Port operational land along Norwich Quay may diminish in the longer term, as recovery projects, notably the reclamation, are completed.

The preliminary draft LPRP therefore did not change the zoning of the land along the southern side of Norwich Quay to Specific Purpose (Lyttelton Port) Zone, but proposed an amendment to the Commercial chapter of the proposed Christchurch Replacement District Plan to allow for Port activities to occur on the land until 2026.

This compromise solution was considered to sufficiently provide for Port recovery, but also recognise the long term desire of the community for commercial usage of the land, and to be in accordance with CER Act purposes 3(d) and (g), as it enables a focused, timely and expedited recovery of the Port, while also in the longer term helping to restore the social and economic well-being of the Lyttelton community.

6.3.9 Dampier Bay

The proposals put forward by the LPC included the redevelopment of the western end of the inner harbour, in a phased progressive manner, to provide for commercial development and some public access. The LPC proposed amendments to the district plan framework to provide for this development within a geographically defined Dampier Bay area in which retail, office, and other visitor activities would be permitted, where otherwise they would not be permitted in operational areas of the Port. Public open space and walkways were also provided for. In a general sense, this was considered to go some way towards addressing matters in the Direction, including clause 5.1.2 related to social well-being of surrounding communities and greater Christchurch, and clause 5.1.4 in relation to recreational users and public enjoyment of the harbour and well-being of communities, as it would provide for some public access to the waterfront. It was also, generally, considered to be in accordance with the purposes of the CER Act, in particular 3(d), (f) and (g).

The development of Dampier Bay also links with the provisions for rebuilding existing structures discussed above for the development of a new marina. The amendments to the RCEP allowed for the existing pile moorings to be replaced with a new, larger marina between Wharf No.7 and the Dry Dock as a permitted activity. This was considered to also address in part clauses 5.1.2 and 5.1.4 of the Direction, and be in accordance with purposes 3(d), (f) and (g) of the CER Act.

However, there were also particular aspects of the landside proposals that needed further consideration in order to be assured that the desired benefits would result from the proposals. These aspects were the scale and design of the commercial development, and securing public access to the area.

6.3.9.1 Commercial Development

Limitations on the commercial development provided for through the amendments to the district planning framework proposed by LPC were based on information set out in the Economic Effects assessment report included in the package of information provided by the LPC.¹¹ Environment Canterbury considered that additional assessment of the level of commercial activity to be provided for through the district planning controls needed to be undertaken. This was in order to be assured that commercial development at Dampier Bay would not adversely affect the economic sustainability of the Lyttelton Town centre, in accordance with the Direction at clause 5.1.2. Consequently, LPC agreed to obtain an additional independent report on the proposed district plan provisions provided by an appropriately qualified expert.

The additional report was provided by Property Economics in early February 2015, and set out recommendations for the appropriate controls to be incorporated into the district plan for retail and office activity at Dampier Bay in order to not undermine the recovery of the Lyttelton town centre. These recommendations were that lower thresholds for retail and office activities should be provided for as permitted activities than were proposed by LPC. Environment Canterbury therefore effectively had three options: the LPC proposals, the Property Economics recommendations, and not providing for commercial development at Dampier Bay. Having no controls on commercial development was not considered to be an option.

In light of this additional information, and the requirement of the Direction at clause 5.1.2, Environment Canterbury decided to adopt the recommendations provided in the Property Economics report. The resulting controls on commercial development within the Dampier Bay area included within the preliminary draft LPRP were considered to most appropriately address the matters set out in the Direction at clause 5.1.2 by ensuring that the economic sustainability of the Lyttelton town centre and its focused, timely and expedited recovery is not undermined, while still providing an enabling and clear district plan framework. This was considered to be in accordance with the purposes of the CER Act at sections 3(d), (f) and (g).

¹¹ Lyttelton Port Company Ltd, 2014, Lyttelton Port Company's Information Package Appendix 6: Economic Effects.

6.3.9.2 *Legally Binding Access*

The proposals from LPC for Dampier Bay include the district plan provisions which enabled some public facilities, including walkways. The Outline Development Plan developed for the area and included in the proposed planning framework included connection to Norwich Quay and Godley Quay, and a waterfront promenade. Environment Canterbury considered the public access to the waterfront at Dampier Bay would address in part the matters in clause 5.1.2 of the Direction in terms of social and cultural well-being of communities, and address and support the recreational users and public enjoyment of the harbour (clause 5.1.4). However, Environment Canterbury officers remained concerned that there appeared to be no clear legal mechanism to ensure that the access to the waterfront at Dampier Bay would be provided, with the consequence that these benefits may not materialise.

It was considered that the Recovery Plan needed to ensure that the public access to the waterfront at Dampier Bay would occur in the future, even if the commercial development did not proceed. Environment Canterbury officers considered the mechanisms by which this could be achieved through the Recovery Plan. Options were limited, and were complicated by the need of LPC to utilise the area in the medium term for port operations, with access for the public being dependent on the port operations shifting east, which in turn depended on the reclamation proposal. Mechanisms to create a legal instrument over the relevant land area on approval of the Recovery Plan may adversely affect the operation of the Port and its recovery, and therefore not be in accordance with the purposes of the CER Act, in particular 3(d).

After discussions with LPC it was agreed that an action could be included in the preliminary draft LPRP setting out that a legal agreement would be signed by LPC, Environment Canterbury and the CCC within three months of the approval of the Recovery Plan, which would require, through a legally binding instrument, public access to and along the waterfront at Dampier Bay, and connection to Norwich Quay and Godley Quay. The legally binding instrument had to be in place by 2021, unless a variation is agreed between the parties, as this was expected to coincide with the development of the new container terminal at the Te Awaparahi Bay reclamation.

This action therefore ensured that the public would be provided access to the waterfront at Dampier Bay, without adversely affecting the focused, timely and expedited recovery of the Port. It was therefore considered to appropriately address in part the matters in the Direction at clauses 5.1.2 and 5.1.4 in relation to social and cultural well-being and recreational use and public enjoyment of the harbour. It was also considered to be in accordance with the purposes of the CER Act in sections 3(d), (f) and (g).

6.3.10 Gollans Bay Quarry

The proposals put forward by LPC included amendments to the district planning framework and proposed Canterbury Land and Water Regional Plan (LWRP) to provide for the use of rock from an expanded Gollans Bay Quarry. LPC holds consents for the quarrying of rock from the expanded quarry area, and the required upgrade of the haul road. However, these consents were granted under the Canterbury Earthquake (Resource Management Act Port of Lyttelton) Order 2011, and specifically relate to providing material for the 10 hectare reclamation also consented under that Order. The use of the material from the expanded quarry for anything other than that reclamation was not provided for under the consent. The LPC proposals reflect the conditions and limits on the existing resource consents, except that the use of the material quarried is not restricted.

Environment Canterbury officers considered that it was appropriate to make the proposed amendments, with some changes, as the effects of the quarry and haul road realignment are already authorised, and the quarry material is needed in other recovery projects. The alternative, to not amend the district plan and proposed LWRP, would require the Port to go through further consenting processes. This was considered not to be in accordance with the purposes of the CER Act, in particular sections 3(d) and (f).

6.4 Submissions on the Preliminary Draft

The Direction required in clause 6.10.1 that there be a call for written submissions on the preliminary draft LPRP.

Submissions on the preliminary draft LPRP were received by Environment Canterbury from 13 April to 11 May 2015. Submissions were able to be received via post, email, or via an online form. In total, 277 submissions were received.

During the submission period Environment Canterbury officers manned a small drop-in office in Lyttelton on Thursdays (10am till 2pm) and Saturdays (10am till 12.30pm). During this time they provided information on the Recovery Plan process, information on the Plan, both technical and general, and offered advice about how to prepare a submission. In addition to this officers also held community meetings discuss the preliminary draft LPRP and provide information on the submission process. Information on these meetings is presented in Table 3 below:

Table 3: Public Meetings Held During Submission Period

Location	Date	Attendance
Lyttelton	14 April 2015	~ 50
Christchurch	16 April 2015	~ 40
Diamond Harbour	20 April 2015	~ 30
Te Wheke Marae, Rāpaki (invitation only)	29 April 2015	~ 15

Submissions on the preliminary draft LPRP were received from a wide range of submitters and expressed a variety of views on the content of the document.

The submissions were made available to the public on the Environment Canterbury website on 15 May 2015. A summary of submissions (Attachment 2) was produced and placed on the Environment Canterbury website on 19 May. The summary of submissions outlined the main submission points made by submitters and grouped these into the following categories: reclamation, dredging, transport, Dampier Bay, cruise ships, Naval Point, construction, Gollans Bay, whole of harbour issues, and general.

The main topics on which the submissions focused were the reclamation, cruise berth location, the marina in Dampier Bay, and port traffic on Norwich Quay. Regarding the reclamation, some submissions questioned the need for this as a “recovery” project, the size required and the shape, and effects of this reclamation in relation to construction, hydrodynamics and sedimentation in the harbour, mahinga kai, and amenity effects - noise, lighting and landscape.

7 Hearing on the Preliminary Draft

In accordance with clause 6.10 of the Direction, Environment Canterbury held a hearing providing an opportunity for those who made a submission on the preliminary draft LPRP to be heard in support of their submission.

The hearing was scheduled for 2 – 12 June 2015, and held primarily at the Naval Point Club. The hearing was held at Te Wheke Marae (Rāpaki) on 5 June 2015. A pre-hearing meeting was held on 21 May at the Naval Point Club in order to allow submitters who wished to be heard to discuss scheduling. A minute of this meeting was issued on 22 May 2015 and made available on the Environment Canterbury website.

Out of those who made a submission, 79 indicated that they wanted to be heard. After contact with those people, some decided not to speak at the hearing. As a result, 61 submitters (including individuals and organisations) attended the hearing and spoke in support of their submissions. In many cases more than one person spoke on behalf of individual submitters, such as Te Rūnanga and ngā Rūnanga.

7.1 Hearing Panel

The members of the Panel were selected based on their extensive and complementary experience in their various areas of expertise. The members of the Hearing Panel appointed by Environment Canterbury on 19 March were:

- The Honourable Sir Graham Panckhurst (Chair)
- Peter Atkinson
- Tim Vial

Short descriptions of the experience of the panel members can be found attached as Appendix “B” of the Recommendations of the Hearing Panel report (Attachment 3).

7.2 Officers’ Reports

7.2.1 Recommendations on Amendments in Response to Submissions

On 27 May 2015 the report “Preliminary Draft Lyttelton Port Recovery Plan - Officer recommendations on amendments in response to submissions” (Attachment 4) was provided to the Hearing Panel by Environment Canterbury and made publicly available on the Environment Canterbury website.

This officers' report examined the submissions on the preliminary draft LPRP and provided recommendations to the Hearing Panel in response to these submissions. This report did not attempt to examine or provide a response on every submission point, but rather did this in a more general manner.

A revised LPRP document and appendices were provided as attachments to this document. These incorporated the amendments recommended by Environment Canterbury officers.

The officers' report grouped the responses to submission into topics. An overview of the submissions received was provided, a discussion on the merits of the issues raised and proposed changes to the Recovery Plan, and recommended amendments to the preliminary draft LPRP. The report therefore provides a record of Environment Canterbury’s assessment of the views of the public – as expressed through submissions – and how these informed decision making, in accordance with clause 6.11 of the Direction. A table summarising this report is provided below:

Table 4: Report Summary - Officers' Recommendations on Amendments in Response to Submissions

Note: 'pCRDP' refers to the proposed Christchurch Replacement District Plan, 'pCARP' refers to the proposed Canterbury Air Regional Plan

Submission Topic (General)	Submission Sub-topics	Summary of Amendments Recommended by Environment Canterbury Officers
General submissions	Matters in the Direction, reclamation and definition of "recovery", New Zealand Coastal Policy Statement, Regional Policy Statement, other regional plans, boundary of Operational Area of the Port	Retaining provision for reclamation. Better explain relationship with Marine and Coastal Area (Takutai Moana) Act 2011. That the eastern boundary of reclamation be addressed at hearing.
Wider Harbour Issues	Mātaítai, Integrated Management Plan	Include reference to existing and proposed mātaítai. Clarification of Action 7 and include Environment Canterbury budgeted funding.
Reclamation	The need for the reclamation, Reclamation Effects, Reclamation Construction Effects, Visual and Landscape Effects	Amend relevant documents to ensure reclamation area is "up to 34ha". Amend Policy 10.1.1 of the RCEP - maximum size of reclamation 34 hectares. Amend Policy 10.1.11 and insert a new rule 10.22 into the RCEP - reclamation to extend or protect the reclamation or berthing facilities, outside reclamation area shown on RCEP Map 10.10, is a non-complying activity. Insert a new RCEP Map 10.10 which shows in detail the reclamation area - the Hearing Panel determine where the eastern boundary of the reclamation should be located. Amend RCEP Map 10.7 to include the reclamation area and reclamation berthing area. Minor amendments as a result of the outcomes of the above recommendations, to RCEP Maps. Amend Policy 10.1.12 of the RCEP - noise generated in the CMA - to ensure that it is clear that port noise will be managed through the provisions in the Christchurch Replacement District Plan. Insert reference to potential cumulative landscape effects - Section 3.7 of the LPRP.
Transport	-	Amend Sections 3.6, 4.5, and 4.6 to address clarifications requested by the New Zealand Transport Agency and KiwiRail, and to explain that no further provision needs to be made through the Recovery Plan for an increase in rail freight. Amend Section 5.2.2 (Actions 8 and 9) to reflect the further discussion between the named parties to clarify these actions. Seek comment from KiwiRail and LPC about the ability to provide for passenger rail services. Amend Policy 21.8.1.3.1(a)(iv) to replace the word "efficient" with "effective". Amend the rule relating to New Public Transport Facilities to provide for public notification of a new passenger ferry terminal. Amend Built Form Standard 21.8.2.3.9 Transport Standards to specify a parking rate for marina berths, with restricted discretionary status for non-compliance with that standard, and associated matters of discretion. Amend Regional Coastal Plan Policy 10.1.1 to include reference to the need for car parking to be located within the adjoining district.
Cruise Ships	Naval Point Cruise Ship Location, Alternative Cruise Ship Locations, New Action to Progress Provision of Cruise Ship Berth	Amend Rule 10.2 of the RCEP to remove the cruise berth at Naval Point. Amend Rule 10.4 (discretionary activity) of the RCEP to clarify that any wharf structure for a cruise ship berth at Naval Point would be discretionary under this rule. Amend Rule 10.11 to reflect this change.
Dampier Bay	Seaward Marina	Amend Rule 10.1 of the RCEP to include the construction of stage 2 of the marina

Submission Topic (General)	Submission Sub-topics	Summary of Amendments Recommended by Environment Canterbury Officers
	Facilities, Retail and Office Floor Space Limits, Urban Design, Public Access, Dampier Bay Other	<p>as a permitted activity.</p> <p>Amend Rule 10.1 to ensure that LPC provides for the safe and accessible berthing of vessels within the Inner Harbour during the construction of a new marina.</p> <p>Amend other relevant parts LPRP where appropriate to give effect to the above recommended changes.</p> <p>Amend Section 21.8.3 Matters of Discretion and Control in the proposed District Plan provisions.</p> <p>Introduce a new non-statutory Action, requiring the preparation of an urban design guide for the Dampier Bay area and new assessment matters referencing a design guide.</p> <p>Amend Section 21.8.3.1.2(viii) of the proposed District Plan provisions to insert reference to cultural landscape values.</p> <p>Delete Rule 21.8.2.2.3 RD2 Public Amenities and insert a new rule 21.8.2.2.2 C7 for public amenities as a controlled activity.</p> <p>Amend Action 10 to elaborate no provisions to be addressed and provide for a form of community engagement.</p> <p>Insert a new Section 4.3.5 Future Public Access in to the LPRP, recognising LPC's long term intentions for the land adjoining Norwich Quay.</p>
Ferry Terminal	-	Inclusion of connections to the public transport network in Action 8 Memorandum of Understanding.
Dredging	-	<p>Amend Rules 10.9, 10.11, 10.12 and 10.13 which deal with the disturbance of the foreshore or seabed including the removal of seabed material associated with dredging to provide clearer rules that deal more appropriately with best practice dredging methods and the dredging of known or potentially contaminated seabed material from the Inner Harbour.</p> <p>Amend Rules 10.17, 10.18 and 10.33 which deal with the deposition and discharge of dredged material on the seabed or foreshore in the Spoil Dumping Grounds to provide clearer rules that more appropriately deal with the deposition of material dredged from areas of known or potentially contaminated seabed material.</p> <p>Amend Rule 10.18 to include the volume of dredge spoil as a matter for discretion.</p> <p>Amend Policy 10.1.8 to better reflect the dredging activities that will occur and to ensure that best practice dredging methods are used to minimise the adverse effect on the environment.</p> <p>Amend the definition of dredging in the RCEP to better reflect the dredging activities that will occur.</p>
Construction Effects	-	<p>Insert the policy proposed by LPC into the pCARP, to reflect the recovery needs of Lyttelton Port.</p> <p>Amend the wording of Rule 7.29A of the pCARP, to include the discharges from unsealed or unconsolidated surfaces, as proposed by LPC, but do not amend this rule to exclude any form of notification.</p> <p>Amend Policy 10.1.4 of the RCEP to ensure that best practice methods are used during construction.</p>
Gollans Bay	-	<p>Amend Policy 21.8.1.2.3 of the CRDP provisions to indicate progressive rehabilitation is desirable where practicable.</p> <p>Amend Policy 10.41 of the LWRP as requested by Te Rūnanga and ngā Rūnanga, but with amended wording.</p> <p>Replace Appendix 21.8.4.3 of the CRDP provisions with a clearer image and amend wording to achieve consistency with the relevant Port Quarrying Activity rules.</p>
Naval Point Recreation Area	-	Retain Lot 1 DP 80599 as Boat Harbour Zone under the Banks Peninsula District Plan. Rezone to Metropolitan Open Space as per the adjoining Naval Point recreational boating land in the proposed CRDP (or alternative zoning if that zoning changes through the pCRDP process).
Shore Based	-	No amendments.

Submission Topic (General)	Submission Sub-topics	Summary of Amendments Recommended by Environment Canterbury Officers
Heritage		
Norwich Quay Commercial Banks Peninsula Zone	-	Amend the provisions of Chapter 15 Commercial in the proposed Christchurch Replacement District Plan so that Port Activities are not permitted south east of the intersection of Norwich Quay and Oxford Street.
Lighting	-	Amend Built Form Standard 21.8.2.3.4 Light Spill to require fixed exterior lighting to be directed away from properties in adjacent zones and the Transport Zone, and to provide for some activities to be exempt from the Standard.
Noise	-	No amendments.
Miscellaneous	Miscellaneous, Lyttelton Master Plan, Other Harbour Communities	<p>Introduce new Built Form Standard to Section 21.8.2.3 of the pCRDP and associated assessment matter, addressing water supplies for firefighting purposes.</p> <p>Introduce new Built Form Standard to Section 21.8.2.3 of the PRCDP and associated assessment matter, addressing building setbacks from the rail corridor.</p> <p>Amend Objective 21.8.1.2(iii) of the pCRDP to remove the words “consider opportunities to”.</p> <p>Include additional text in Section 2.5 of the LRP to better explain the relationship of the Recovery Plan with the Lyttelton Master Plan, as set out in Attachment 3.</p> <p>Amend the title of Section 2.5 of the document to “Relationship between the Port and Lyttelton Harbour communities”.</p>
Minor Amendments, Errors and Clarifications	Document Wide Revisions, Vision and Goals, Section 3.6 Transport Network, Freight Volumes, Section 2.4.1 Sedimentation in the Upper Harbour, Section 3 Key Issues for the Recovery of Lyttelton Port, Section 4 The Plan	<p>That the Hearing Panel recognise that some document wide revisions may be required in relation to the transition from the “preliminary draft” to the “draft” document, and consequential renumbering.</p> <p>Amend the Vision to read: “The rebuilt Lyttelton Port is resilient, efficient, and contributes positively to the environmental, social, cultural and economic wellbeing of Lyttelton township, harbour side communities, and greater Christchurch”.</p> <p>Amend Goal 3(a) to: “(a) providing safe, convenient and high quality public access and connections to the waterfront and surrounding areas”.</p> <p>Include a new Goal 8 to read “Port recovery activities are managed as far as practicable to safeguard the well-being of Whakaraupō/Lyttelton Harbour and the surrounding harbour communities”.</p> <p>Amend Chapter 3.6 Transport Network as requested by KiwiRail.</p> <p>Amend Chapter 3.6 Transport Network as requested by CCC.</p> <p>Amend Section 2.4.1 Sedimentation in the Upper Harbour to better express the environmental concerns for Whakaraupō/Lyttelton Harbour for a wider range of people and communities.</p> <p>Amend 3.4 to include reference to temporary or transitional cruise ship facilities as set out in Attachment 3.</p> <p>Amend Section 3.7 to address landscape issues as set out in Attachment 3.</p> <p>Amend Section 3.8.5 to include additional Naval Point development plan objective: “Safe access to and on the water” as set out in Attachment 3.</p> <p>Amend Section 3.8.6 to include: “Marina and boating facilities at Naval Point are complementary to any development at Dampier Bay and provide for different needs, including boat ramp facilities” as set out in Attachment 3.</p> <p>Amend Section 4.7 to include a wider description of the effects of noise as set out in Attachment 3.</p> <p>Amend Section 4.3 to clarify phasing of Dampier Bay development.</p>
Other Amendments	Various, Errors, Clarification	<p>Amend the Foreword to state that the Port and town evolved together.</p> <p>Amend the Executive Summary to note the existing public access to the waterfront at the existing ferry terminal.</p> <p>Amend Section 6 to clarify that agencies’ funding commitments will be subject to their respective funding processes.</p>

For the discussion and reasoning for the recommendations outlined in the table above please refer to the full report at Attachment 4.

7.2.2 Supplementary Officers' Report

Following a request made by the Hearing Panel a supplementary officers' report was provided on 12 June 2015 (Attachment 5). This covered additional matters raised through the course of the hearing, and provided recommendations to the Hearing Panel. A table summarising this report is provided below:

Table 5: Report Summary - Supplementary Officers' Report

Topic	Matters Raised	Summary of Amendments Recommended by Environment Canterbury Officers
Consultation Preceding Public Notification	The panel requested that a summary of the consultation undertaken prior to notification of the preliminary draft be provided.	No further amendments proposed in supplementary officers' report.
CER Act Overview	Status of the first volume of the Recovery Plan, broader issues about the scope and enforceability of the Recovery Plan and Ministerial powers under the CER Act.	No amendments. Various sections of the CER Act and implications discussed.
Whole of Harbour Issues	Whether the Recovery Plan should be stronger in addressing whole-of-harbour issues. Direction pursuant to s49 of the CER Act to establish a joint committee under the Local Government Act 2002.	Changes to the wording of Action 7 to provide more clarity and note the funding to be provided by Environment Canterbury. Timetable for agreement on structure and funding, stocktake of knowledge, and development of the harbour catchment management plan.
Section 69 of the CER Act	Appeal rights and application of section 69 of the CER Act.	No further amendments proposed in supplementary officers' report.
Oil Companies' Submission	Changes to the proposed CRDP and RCEP provisions to address risk in association with the tank farm,	Amend CRDP provisions 21.8.1.1.3 Policy – Port operation, use and development (a) (ii) to avoid public access in port operational areas, to remove exception of Naval Point. Insert new CRDP Policy 21.8.1.1.5 to address Bulk Liquid Storage Area. Insert new RCEP Policy 10.1.16 Cruise ship berth at Naval Point. Amend the definition of Port Activities in the RCEP to include reference to hazardous substances, pipelines and wharf lines.
Existing Spoil Dumping Grounds	Deposition of material at Spoil Dumping Grounds is outside scope of LPRP	Amend Policy 10.1.9 to remove reference to the Spoil Dumping Grounds and refer to deposition of dredge spoil in general. Amend the heading before Rule 10.14 to delete reference to deposition "within the Operational Area of the Port" as some of the activities occur outside of that area (at the Spoil Dumping Grounds).
Reclamation	<i>Battery Point</i> LPC proposed Battery Point Exclusion Zone in response to TRoNT concerns regarding mahinga kai values at this location. <i>Dredging and the deposition of material at the Existing Spoil Dumping Grounds</i> LPC clarified that swing basins adjacent to Te Awaparahi Bay and Cashin Quay	<i>Battery Point</i> Identify Battery Point exclusion zone. Insert condition (b) into Rule 10.20 and condition (b) into Rule 10.22 to ensure reclamation does not extend into Exclusion Zone, and amend Policy 10.1.11 to recognise exclusion zone and support the rules. Amend Map to clarify southern extent of reclamation is 700m long, mapped area is reclamation at MHWS. <i>Dredging and the deposition of material at the Existing Spoil Dumping Grounds.</i> Amend Rule 10.11 to remove ship turning basin from

Topic	Matters Raised	Summary of Amendments Recommended by Environment Canterbury Officers
	<p>reclamations will be dredged as part of capital dredging programme so should be a restricted discretionary activity, not controlled activity.</p> <p><i>Activity Status</i> Whether the controlled activity status is appropriate.</p> <p><i>Disturbance and Deposition</i> Rules in relation to disturbance and deposition for reclamation omitted, may mean reclamation processed as discretionary if consents required and bundled.</p>	<p>condition (c) and insert into Rule 10.12.</p> <p>Amend Rule 10.17 to remove swing basin from condition (c).</p> <p>Minor amendments to Rules 10.17 and 10.18 matters for control and discretion to include deposition of sediment in (a).</p> <p>Minor amendments to Rules 10.11 and 10.12 matters for control and discretion to include monitoring requirements.</p> <p><i>Activity Status</i> Retain controlled activity status.</p> <p><i>Disturbance and Deposition</i> Amend RCEP Rules 10.11 and 10.16 to provide for disturbance of foreshore and seabed, and deposition of material during construction of reclamation.</p>
Adaptive Management Plans	Te Rūnanga and ngā Rūnanga advocated an adaptive management approach to reclamation.	Not supported by Environment Canterbury officers, therefore no further amendments proposed in supplementary officers' report.
Naval Point Recreational Boating Area	<p><i>Council owned land</i> The Naval Pint Club wishes for its recovery activities to be enabled in the LPRP.</p> <p><i>LPC 'Triangle' of Land</i> Zoning of land at Naval Pint owned by LPC.</p>	<p><i>Council owned land</i> No amendments.</p> <p><i>LPC 'Triangle' of Land</i> Either rezone to port zone with restrictions on use to recreational boating, or zone with the same zone as the adjoining recreational land.</p>
Actions 8 and 9	Questions as to how various transport matters will be addressed by transport actions.	No further amendments proposed in supplementary officers' report.
Cruise Berth Action	CCC proposed amended wording to the action it sought to be included.	Insert new Action as proposed on 10 June by CCC.
Norwich Quay Commercial Zone	Lyttelton Town Centre Zoning on south side of Norwich Quay.	The area of land east of the Signal Box on Norwich Quay be zoned Specific Purpose (Lyttelton Port) Zone.
Dampier Bay Planning Framework	Limits on commercial development at Dampier Bay.	No further amendments proposed in supplementary officers' report.
Requests for a Comprehensive Mitigation / Compensation Package	Some submitters requested need for comprehensive mitigation package.	Nothing proposed in supplementary officers' report.
Evans Pass / Sumner Road	Addressing the re-opening of Sumner Rd / Evans pass in relation to processes and consents.	No further amendments proposed in supplementary officers' report.
District Plan Miscellaneous	<p><i>Ferry Terminal</i> Location of ferry terminal and notification requirements.</p> <p><i>Urban Design</i> Various changes to urban design provisions.</p> <p><i>Miscellaneous</i></p>	<p><i>Ferry Terminal</i> No further amendments proposed in supplementary officers' report.</p> <p><i>Urban Design</i> Amendments to address building entrances, activity nodes, passive surveillance, universally accessible pedestrian connection, activity nodes into the Dampier Bay ODP, width of view shaft adjoining Canterbury St.</p> <p><i>Miscellaneous</i></p>

Topic	Matters Raised	Summary of Amendments Recommended by Environment Canterbury Officers
	Rail building setback, building height, concerns of NZ Fire Service, light spill.	Delete rule for building rail setback, accept clarification of height assessment matter, adopt wording provided in DPR to provide for NZ Fire Service, delete changes proposed to light spill rule.
Regional Plans Miscellaneous	A number of minor changes to the RCEP.	Amend Rule 10.11 to address dredging in CEMP and monitoring requirement. Amend Rule 10.12 to address sediment transport in the harbour, change CEMP to Dredging Operations EMP, and monitoring requirements.

For the discussion and reasoning for the recommendations outlined in the table above please refer to the full report at Attachment 5.

7.3 Recommendations of the Hearing Panel

The Hearing Panel for the preliminary draft LPRP provided its recommendations to Environment Canterbury on 6 July 2015. This report is attached at Attachment 3. The Hearing Panel recommendations were made available to the public on the Environment Canterbury website on 13 July 2015. On 27 July 2015 an addendum to the recommendations report to address questions from Environment Canterbury officers was provided (included at Attachment 6). The recommendations of the Hearing Panel are summarised below.

7.3.1 Whakaraupō Harbour Management

The Hearing Panel considered in detail the “substantial number of submissions” concerning the health of Whakaraupō / Lyttelton Harbour, and in particular the submission from Te Rūnanga and ngā Rūnanga, and the agreed action for the development of an Integrated Management Plan (Action 7).

The Panel noted the themes of submissions heard in relation to the health of the harbour, and that it considered that “the community desire to protect and enhance the health of the harbour is widespread and undeniable”.

The Panel did not accept that the geographical scope of the Recovery Plan could be extended to the whole of the harbour, but considered that “there is merit in Ngāi Tahu’s submission seeking a Ministerial direction to initiate the establishment of a committee”. This related to Ngāi Tahu’s submission that section 49 of the CER Act could be used to direct the CCC and ECan to establish a committee under Schedule 7 of the Local Government Act 2002. The Panel did not accept Environment Canterbury’s analysis that section 49 was not legally able to be utilised within the Recovery Plan framework. The Panel considered that section 49 could be utilised as it related to the purposes of the CER Act under section 3(g), and it was satisfied that a direction was the best way forward.

The Panel consequently recommended adoption of proposed changes as set out in the officers’ report (27 May) to sections 2.4, 2.4.1, 4.8, 5.2 and 5.2.1 that related to harbour health, and the incorporation of an amended Action 7 which includes a direction under section 49 of the CER Act for Environment Canterbury to establish a Harbour Management Plan Committee under clause 30 of Schedule 7 of the Local Government Act 2002.

7.3.2 The Te Awaparahi Bay Reclamation

It was noted that the reclamation size sought by LPC in addition to that already consented had been reduced to 24 ha. The Hearing Panel acknowledged the “significant number of submitters” that supported the reclamation as well as those that had concerns about this aspect of the Recovery Plan in terms of need, size, impacts and effects, controlled activity status and the scope and adequacy of the proposed controls.

In relation to whether the reclamation could be considered “recovery”, the Panel considered the Court of Appeal decision in Independent Fisheries, and relevant sections and definitions of the CER Act, and concluded

that “the Panel is not persuaded that the reclamation development is beyond the confines of recovery”, and added that:

Cashin Quay was extensively damaged in the earthquakes. Wharves must be repaired or rebuilt. It is prudent in responding to such infrastructure damage to have regard to future needs and rebuild to modernise and expand the port’s capacity to meet likely freight demand for the economic lifetime of any new container facility, perhaps 40 years.

The Panel acknowledged the challenge of forecasting freight demands but noted that “a wait and see approach is not, in our view, an available option”, that the reclamation was a key component of the Plan as it provides for the Port’s shift east, and LPC must have assurance for the reclamation for the Plan to be workable. In light of this the Panel concluded that:

...we consider that the expert assessments, and the peer-review of them, provide sufficient assurance that a controlled activity status is appropriate when coupled with the range of matters over which control is reserved. Notification of the resource consent application, and a hearing, should serve to provide added assurance. By contrast substitution of restricted discretionary activity status, for example, would engender debilitating uncertainty in relation to this key component of the recovery plan. For these reasons the Panel agrees that controlled activity status should be retained for the Te Awaparahi Bay reclamation, with public notification of the resource consent application.

Further to this the Panel added at para 5.24 in discussing the controlled activity status that:

We are satisfied that the likely effects of the reclamation are sufficiently well understood to justify a controlled activity status, with mitigation of effects achieved through the consenting process and the monitoring of a Construction and Environmental Management Plan, as presently proposed in the preliminary draft.

The Panel further considered other matters relating to the concerns about a breakwater, an exclusion zone around Battery Point, the configuration and shape and resulting effects, and an adaptive management approach. The Panel did not make any recommendations on these matters. However, a recommendation was made to pay particular attention to the effectiveness of containing debris from reclamation activities in heavy sea states in the Construction and Environmental Management Plan for the reclamation, at the consenting process and during construction monitoring, as the current floating boom method has proved ineffective at times.

7.3.3 Dredging and Spoil Deposition

The Panel noted that dredging is an “important, necessary and fundamental activity and an inseparable part of the recovery of Lyttelton Port”. The Panel stated that few submissions were made in relation to dredging, and that these were mostly focused on: notification, limitations on spoil dumping in the harbour, best practice methods, and volume limits on spoil deposition in the harbour dumping grounds.

The Panel recommended that the question of whether the western end of the Main Navigation Channel lies within the Port Operational Area should be resolved by appropriately modifying the boundaries so that the Main Navigation Channel falls within the Operational Area.

In relation to notification in Rules 10.11, 10.16 and 10.17 which relate to activities associated with the reclamation, the Panel accepted Environment Canterbury’s recommendation that the requirement for public notification be retained. It also recommended that the restricted discretionary activity status for capital dredging to create or deepen new turning basins at the reclamation (under Rule 10.12) be adopted.

The Panel also noted the concern of some submitters, particularly Te Rūnanga o Ngāi Tahu and Te Hapū o Ngāti Wheke, about the total deposition volumes from the various sources of dredge spoil. It recommended that Environment Canterbury determine a volume limit for the Spoil Dumping Grounds and write this into the rules, and an action was proposed to enable this in the Recovery Plan.

The Panel recommended that the geographic scope of the Recovery Plan be extended to incorporate the existing Spoil Dumping Grounds. This was because of the rules included in the proposed amendments to the

RCEP that refer to the existing Spoil Dumping Grounds, and which link to and complement various recovery activities. The Hearing Panel considered it unwise to leave a geographic oversight in place.

7.3.4 The Dampier Bay Development

The Panel noted that the submissions had focused on five key areas: seaward marina facilities, retail and office floor space, urban design, car parking, and public access.

The Panel noted the “strong support for the development for a modern purpose-built marina within Dampier Bay from recreational boat users and LPC”. The Panel recommended that Rule 10.1(c) be amended as sought by LPC to provide for Stage 2 of the Marina between Wharves 7 and 3 as a permitted activity. The Panel also agreed with Environment Canterbury that the decisions on the removal of existing pile moorings was a decision of the developer of the marina, and supported the inclusion of Rule 10.1 condition (f) to provide for temporary berthing of displaced existing berth holders.

The Panel agreed with Environment Canterbury that no amendments should be made to the provisions in relation to commercial development in Dampier Bay.

The Panel supported the addition of an action to require an Urban Design Guide for Dampier Bay, providing for public amenities as controlled activities, deleting the word “substantial” in the Matter for Discretion or Control 21.8.3.2.1 b. iv. Maximum Building Height, provision for assessment of Ngāi Tahu cultural landscapes in Dampier Bay, and additional changes proposed by Environment Canterbury in the officers’ report. The Panel did not support the amendments sought by LPC in relation to Objective 21.8.1.3. The recommendations were for: incorporating the Action relating to the Urban Design Guide, public amenities as a controlled activity, and consequential amendments to achieve outcomes sought by submitters.

The Panel supported the amendment to provide for 0.35 parks per marina berth, for car parking at the rear or side of buildings or in a shared parking area. The Panel did not support the CCC submission on general parking requirements for Dampier Bay. The recommendations were therefore for amendments to the RCEP Policy 10.1.1(1)(c) to include parking and access facilities for the marina, and to the proposed Christchurch Replacement District Plan to specify a parking rate for marina berths and the location of parking in areas as noted.

The Panel supported amendments to Action 10 to provide greater certainty on the staging and design of public access to Dampier Bay, provide for universal access to Dampier Bay for pedestrians and cyclists, and make reference to the primary access for Dampier Bay should be Norwich Quay, and made recommendations to that effect.

7.3.5 Transport matters including Norwich Quay

The Panel supported Actions 8 and 9 with the amendments as proposed in the officers’ report, and the consequential proposed drafting changes.

The Panel supported the approach of Environment Canterbury for a “compromise” solution for the commercial zoning on the southern side of Norwich Quay, maintaining the current zoning for most of the area with provision for Port Activities until 2026.

7.3.6 The Ferry Terminal

The Panel acknowledged the “substantial number of submissions on the location of the ferry terminal”, the various issues raised in submissions, and that the location of the ferry terminal is a long-standing and contentious issue.

The Panel were of the opinion that “there is currently insufficient certainty to enable a direction as to the location of the passenger ferry terminal”. The Panel supported the amendment to Action 8 to include “access to the new passenger terminal and links to the public transport network” as a matter to be addressed by the Memorandum of Understanding, and recommended that this be incorporated. The Panel also recommended

the retention of a restricted discretionary activity status for new public transport facilities for reasons of uncertainties, and amendment of the relevant rule to provide for public notification.

7.3.7 A Cruise Ship Berth

The Panel acknowledged the large number of submissions on this topic. In particular, the Panel provided significant discussion on the submission of the Oil Companies, including the “clarifying submission” provided on June 15.

The Panel stated that the Oil Companies’ submission “creates considerable uncertainty in regard to a broad range of land and water activities based at Naval Point” and that “[t]his uncertainty is antithetical to the objective of expeditious recovery of the Port”. The Panel goes on to say that a review of the planning frameworks of the RCEP and CRDP that provide for a cruise ship berth and landward facilities at Naval Point is required and that this needs to be informed by a Quantitative Risk Assessment (QRA), and that “[i]n our opinion, this review is beyond the scope of an expeditious recovery plan and should be progressed through separate plan changes under the Resource Management Act.”

The Panel therefore recommended that the Recovery Plan be amended to remove the planning framework that provides for the development of a cruise ship berth at Naval Point, and that Action 11, as proposed to be included in the draft LPRP by the CCC in its submission, be expanded to provide that the CCC, as a matter of urgency, takes the lead in defining the scope of and commissioning a QRA of the Oil Companies’ storage facility at Naval Point as a precursor to an urgent review of land use planning controls for the Naval Point area. The Panel also recommended that the commissioning of the QRA include a requirement for consultation with all affected parties to ensure that all interests are reflected in the study’s outcomes.

Addendum:

The Hearing Panel readdressed the cruise ship berth recommendations in the addendum report provided on 27 July 2015. This report looked at three aspects: removal of the planning framework, the Quantitative Risk Assessment, and Action 11.

The Panel considered that the removal of the planning framework may have unintended consequences, and instead recommended amendments to the cruise ship policies and rules in the RCEP and the proposed CRDP, as well as changed text for the draft LPRP main document. The amended policies and rules are intended to be neutral on the location of a cruise ship berth and propose a discretionary activity status.

The recommendation on the Quantitative Risk Assessment was further explained in that the Panel considered that the CCC should have a lead role in commissioning the QRA, but did not intend to imply that the costs should fall to the CCC, stating that the majority or entirety of the costs may lie with the Oil Companies.

The Panel noted that it was in favour of Action 11 as revised by the CCC in its presentation at the hearing, and stated that while it considers that “the initiative is likely to benefit from the support and involvement of the entities named in the previous version” they also consider that “whether entities need to be members of the action group, or simply be consulted by the group is something best left to the CCC and LPC”.

7.3.8 The Naval Point Redevelopment

The Panel considered the zoning of an area of land at naval Point that was proposed to be rezoned from Boat Harbour Zone to Specific Purpose (Lyttelton Port) Zone in the preliminary draft LPRP. Three options were presented to the Panel during the hearing, which included: retaining the Specific Purpose zone and restricting the use of the land to boating activities, CCC notifying zoning of the land through the CRDP process, or adopting the proposed zoning of the adjoining Naval Point land (Open Space Metropolitan Facilities).

The Panel did not consider that it could direct the CCC to notify a new zoning, and therefore recommended that the Specific Purpose zone be retained with restrictions to limit use to recreational boating or marine-based industrial activity. Specific wording was recommended to implement this.

7.3.9 Other Matters

The Panel considered other matters raised through the hearing, including appeal rights, and a mitigation package.

The Panel considered the submission of Te Rūnanga and ngā Rūnanga requesting that a right of appeal be specified under section 69(1)(c) of the CER Act, but did not recommend a s69(1)(c) specification.

The Panel considered the request for the development of a comprehensive mitigation package in recognition of gains being accrued by the Port at the expense of the public, particularly in relation to the reclamation. The Panel considered that “it is desirable that the door is left open for further mitigation to be considered, if considered appropriate, during the consent process”, and therefore recommended that Rule 10.20 should be amended to make provision for the power to impose a mitigation package.

7.3.10 Appendix D

The Hearing Panel’s report included an Appendix D which contains wording changes to RMA documents. This includes a small number of minor wording changes in addition to those associated with the matters discussed above. Appendix D identifies the relevant provisions, makes recommendations, and provides reasoning.

8 Decisions on the Recommendations of the Hearing Panel

The Direction states that the CRC must consider the recommendations of the Hearing Panel, but is not bound by those recommendations. In formulating the draft LPRP to be delivered to the Minister, Environment Canterbury has considered the entirety of the Hearing Panel's recommendations, as well as the relevant legal and practical considerations. The approach of Environment Canterbury has been to accept and incorporate the recommendations of the Hearing Panel in the draft LPRP, unless there is a significant legal or practical reason why this should not be the case.

Environment Canterbury also undertook additional consultation on the proposed responses to the recommendations of the Hearing Panel with those agencies specified in clause 6.8 of the Direction, to be assured of having acted in accordance with that clause.

The sections below provide a discussion on the recommendations of the Hearing Panel, including stating how these recommendations have been incorporated into the draft LPRP and any reasoning for divergence from those recommendations, in accordance with clause 6.11 of the Direction.

8.1 Whakaraupō Harbour Management

The proposed changes as set out in the officers' report (27 May) to sections 2.4, 2.4.1, 4.8, 5.2 and 5.2.1 that related to harbour health have been incorporated into the draft LPRP as recommended by the Hearing Panel.

The CRC has decided that it cannot accept the recommendation of the Hearing Panel to include a Ministerial direction under section 49 of the CER Act in a redrafted Action 7.

Environment Canterbury expressed its concerns with requests for a direction under section 49 of the CER Act to establish a committee for the development and implementation of a catchment management plan in both the initial and supplementary officers' reports. These concerns covered a range of issues in relation to this request, and the detail can be read in those reports at Attachments 4 and 5.

However, the main concern with including a direction as recommended by the Hearing Panel is the application of section 10(2) by the Minister in making decisions on the Recovery Plan. The LPRP is required to focus on what is necessary to achieve the recovery of Lyttelton Port. As described above, when exercising CER Act powers the Minister must do so in accordance with the purposes of the CER Act (section 10(1)) and reasonably consider it necessary (section 10(2)). The test for section 10(2) must consider alternatives. The Minister can make changes, including withdrawing all or part of the draft Recovery Plan, before approving a draft recovery plan.

The concern is therefore that on application of section 10(2) to a direction to Environment Canterbury to establish a committee under section 49, the Minister will consider alternatives, including the fact that Environment Canterbury has already agreed to progress the development of a harbour catchment management plan with the involvement of iwi and allocated funding in the Long Term Plan, and that LPC has also committed to funding subject to conditions, and come to the conclusion that it is not "necessary" in light of this. It would also prevent other legitimate organisational and governance structures from being adopted which might provide a superior response to the concerns raised.

It is acknowledged that the Hearing Panel considered the application of section 10 at paras. 4.11 and 4.12 of its recommendations report, noting that the "thinking behind proposed Action 7" was supported by purpose 3(g) of the CER Act, and that "given the range of recovery and rebuild activities authorised by the plan, and the potential effects of these activities upon the harbour in particular, the need for the Action 7 initiative is self-evident. For these reasons we consider that use of the directive power in section 49(1) would be justified." The Panel also considered the alternative to the direction, being the "commitment from Environment Canterbury to broker an agreement with interested parties" as proposed in the preliminary draft LPRP.

However, the fact remains that, viewed objectively, with the commitment of Environment Canterbury, LPC and other parties, and the funding secured from Environment Canterbury and LPC, the direction cannot reasonably be considered necessary. Environment Canterbury consider that this failure to meet the necessity test would be likely to result in the removal of the direction from an approved LPRP.

8.2 The Te Awaparahi Bay Reclamation

Environment Canterbury agrees with and accepts the findings of the Hearing Panel in relation to the Te Awaparahi Reclamation. The draft LPRP reflects the new southern boundary to reduce the size of the additional reclamation area to 24 hectares as noted by the Panel, and includes an exclusion zone around Battery Point which is shown on Planning Map 10.11 of the RCEP.

Environment Canterbury notes that the provisions proposed in the RCEP in the preliminary draft LPRP address the recommendation to pay particular attention to the effectiveness of containing debris from reclamation activities in heavy sea states. The matters for control ((b) and (c)) in Rule 10.20 include reclamation construction methods, including the material used in the reclamation, and the preparation and content of a Construction Environment Management Plan, respectively. Environment Canterbury considers that these matters for control will provide the reassurance desired in the Hearing Panel's recommendation.

Environment Canterbury has included an additional matter for control (Rule 10.20(ii)) to enable the power to impose a mitigation package as recommended by the Hearing Panel. This matter for control provides for the ability of Environment Canterbury to implement, via conditions, any offset or compensation package that is offered by LPC. It does not allow Environment Canterbury the ability to impose such a package where it has not been offered, as it is considered that this would fail to meet the tests for imposition of a valid resource consent condition.

Minor changes are also made to Rule 10.23 to ensure that the occupation of the coastal marine area within the Battery Point Exclusion Zone where it falls within the Operational Area of Lyttelton Port, for the monitoring or harvesting of mahinga kai species, is a permitted activity.

8.3 Dredging and Spoil Deposition

Environment Canterbury agrees with and accepts the recommendations of the Hearing Panel in relation to the planning provisions for dredging and spoil deposition, except the recommendation of amendments to rules in the RCEP to include volume limits for the deposition of seabed material at the Spoil Dumping Grounds.

Environment Canterbury considers that it is not practical to determine the limits on the volume of spoil able to be deposited at the Spoil Dumping Grounds within the planning framework of the RCEP, and that this is better determined through consenting processes. Therefore the inclusion of Action 13, as recommended by the Hearing Panel, is not supported. However, amendments are made to the RCEP provisions to ensure that the effects of depositing spoil at the Spoil Dumping Grounds are managed appropriately and Policy 10.1.9 which deals with the deposition of dredge spoil, is amended to provide clearer policy support for the rules.

The draft LPRP responds to the Hearing Panel report by including on Map 10.3 of the RCEP, the New Zealand Transverse Mercator (NZTM) coordinates for the enlarged Main Navigational Channel.¹² Schedule 5.10.1 which defines the Main Navigational Channel is also included in the draft LPRP and is amended to include both the existing and enlarged Main Navigational Channels.

As recommended by the Panel, the western end of the Main Navigational Channel as shown in the draft LPRP has been amended to be within the operational boundary of the Port. Other recommendations, to retain public notification in relation to rules 10.11, 10.16 and 10.17 as well as ensuring that capital dredging authorised by rule 10.12 includes the creation and deepening of turning basins adjacent to the Te Awaparahi Bay and Cashin Quay reclamations as a restricted discretionary activity, are adopted in the draft LPRP.

¹² See Attachment 1: Recommendation Report from the Hearing Panel, para 6.5.

The geographic extent of the draft LPRP is expanded to include the existing Spoil Dumping Grounds as recommended by the Hearing Panel. Consultation with the agencies required under the Direction has been undertaken.

8.4 The Dampier Bay Development

Environment Canterbury agrees with and accepts the findings of the Hearing Panel in relation to development at Dampier Bay. All relevant recommendations of the Hearing Panel have been incorporated into the draft LPRP.

8.5 Norwich Quay

Environment Canterbury agrees with and accepts the findings of the Hearing Panel in relation to Norwich Quay. All relevant recommendations of the Hearing Panel have been incorporated into the draft LPRP.

8.6 The Ferry Terminal

Environment Canterbury agrees with and accepts the findings of the Hearing Panel in relation to the ferry terminal. The recommended amendment to Action 8 to include “access to the new passenger terminal and links to the public transport network” as a matter to be addressed by the Memorandum of Understanding has been incorporated into the draft LPRP.

8.7 A Cruise Ship Berth

Environment Canterbury agrees with and accepts the findings of the Hearing Panel in relation to cruise berth development at Naval Point. However, the wording of the policies and rules provided in the Addendum report is not considered to work quite as intended. In relation to the proposed Christchurch Replacement District Plan, the wording as recommended makes it appear that the hazardous facilities at Naval Point are not Port activities, when in fact they are.

The Hearing Panel’s recommended changes to Rule 10.4 of the RCEP to provide for the erection of a wharf structure for a cruise berth or other use at Naval Point as a discretionary activity. The recommended wording could also be interpreted to provide for a wharf structure for a cruise berth at any location as a discretionary activity. Wharf structures within the Inner Harbour and Cashin Quay were provided for as a permitted activity in the preliminary draft LPRP, and this was not challenged at the hearing. Similarly, the Hearing Panel recommend that reference to Naval Point be removed from Rule 21.8.2.2.4 D6 of the proposed Christchurch Replacement District Plan, with the effect that cruise ship berth facilities become a discretionary activity regardless of location. Environment Canterbury considers that it was not the intention of the Hearing Panel when drafting these recommended changes, nor is it appropriate, to require a consent for a cruise berth structure and facilities in the Inner Harbour or Cashin Quay due to uncertainties at Naval Point. The wording in the planning documents has therefore been amended to account for these matters, while remaining consistent with the intent of the Hearing Panel.

A new Action is included in the draft LPRP for the CCC and LPC to work collaboratively on progressing a cruise ship berth facility, including considering the preferred location of a cruise berth, options for berths in the short term, and funding, taking into account the risk posed by the bulk liquids storage at the port. While the intention of the Action is maintained, the wording in the draft LPRP is not exactly as recommended by the Hearing Panel. Some changes were required to reflect the key issues to be addressed and the respective roles of the parties to the Action.

A new Action is included in the draft LPRP to address the Quantitative Risk Assessment of the Bulk Liquid Storage Facilities. This sets out that the CCC, LPC and the lessees of the bulk liquid storage facilities will define the scope and commission a QRA for the storage facility at Naval Point.

8.8 The Naval Point Redevelopment

Environment Canterbury agrees with and accepts the findings of the Hearing Panel in relation to the zoning of the Port-owned land at Naval Point. All relevant recommendations of the Hearing Panel have been incorporated into the draft LPRP.

8.9 Other Matters

Environment Canterbury agrees with and accepts the findings of the Hearing Panel in relation to the request for appeal rights under section 69(1)(c).

Environment Canterbury agrees with and accepts the findings of the Hearing Panel in relation to providing for further mitigation to be considered. The draft LPRP includes in the proposed RCEP provisions at Rule 10.20 a matter for control that specifically deals with the implementation of any offered offset mitigation or environmental compensation. It was not considered that this matter for control could legally be worded in a way that could be interpreted to require a mitigation package.

8.10 Appendix D

Except where discussed in the relevant sections above, Environment Canterbury agrees with and accepts the findings of the Hearing Panel in relation to the recommendations set out in Appendix D of the Panel's report. However, there is an additional matter where Environment Canterbury diverges from the recommendations of the Hearing Panel in Appendix D, which relates to Policy 8.3.6(a) in the Canterbury Regional Policy Statement.

The Hearing Panel recommend inserting a new Policy 8.3.6(a) in the Canterbury Regional Policy Statement as follows: "that the ecological, cultural, recreational and amenity features of Whakaraupō/Lyttelton Harbour are highly valued by the harbour communities, and recreational users, and therefore require protection". The recommendation, in response to an amendment proposed by Te Rūnanga o Ngāi Tahu and Te Hapū o Ngāti Wheke, is not discussed in the main body of the Hearing Panel's report and no reasons are provided. Environment Canterbury considers that the Hearing Panel's proposed wording is unclear and that the interpretation would be problematic. The features that "require protection" are not defined and it is unclear what level of protection is anticipated. Environment Canterbury has instead adopted the additional wording proposed by Te Rūnanga o Ngāi Tahu and Te Hapū o Ngāti Wheke.

9 The Draft Lyttelton Port Recovery Plan

The draft LPRP was approved by the Canterbury Regional Council at its meeting held on 13 August 2015.

The following sections outline the draft LPRP and provide assessments of the Recovery Plan against the relevant considerations, these being the Ministerial Direction, the Recovery Strategy for Greater Christchurch and the CER Act.

9.1 The framework of the draft Lyttelton Port Recovery Plan

The draft LPRP in general retains the framework developed in the preliminary draft LPRP (as set out in section 6.2).

The Recovery Plan provides for the recovery of the Port through enabling the repair, rebuild and reconfiguration, the key to this being the reclamation provided for at Te Awaparahi Bay. The reclamation also allows for the shifting east of port operations and the opening up of part of the inner harbour for commercial activity and some public access.

The draft LPRP framework utilises amendments to RMA documents to provide for the repair, rebuild and reconfiguration of Lyttelton Port, and aspects of community well-being. These are included as appendices to the main Recovery Plan document, which includes the statutory directions in Actions 1 - 6 to implement the amendments. A range of revisions to these amendments have been made in response to the public submissions and Hearing Panel recommendations, as set out above.

The draft LPRP also retains the other actions set out in the preliminary draft, and adds some additional actions (Actions 11, 12, and 13). These actions in the draft LPRP are:

- Action 7: Whakaraupō / Lyttelton Harbour Catchment Management Plan
- Action 8: Transport Network – Memorandum of Understanding
- Action 9: Transport Network – Pedestrian Access Across Norwich Quay
- Action 10: Dampier Bay Public Access
- Action 11: Dampier Bay Urban Design Guide
- Action 12: Cruise Berth
- Action 13: Quantitative Risk Assessment of Bulk Liquids Storage Facilities

Actions 7 and 8 have been amended from the preliminary draft LPRP to clarify the intent of the actions and include timeframes for certain milestones to be achieved through the actions. Action 9 has been amended to specify that the pedestrian facility will be non-signalised and clarify how it will be implemented. Action 10 has been amended to add requirements on the specifics of the binding agreement, and the provision for public input into the design process.

Action 11: Dampier Bay Urban Design Guide has been added to the draft LPRP, and links with the amendments to the proposed Christchurch Replacement District Plan, which includes reference to the Urban Design Guide. The development of the Design Guide is intended to include a collaborative process. The action has been added as it was proposed by LPC, and generally supported by submitters and the Panel, and it is considered that it is likely to lead to better overall design outcomes for the area.

Action 12: Cruise Berth has been included in the draft LPRP in order to recognise the potential benefits of cruise ships being able to berth at Lyttelton, and the challenges associated in achieving this, requiring a collaborative approach between LPC and CCC.

Action 13: Quantitative Risk Assessment of Bulk Liquids Storage Facilities is a new action added to the draft LPRP in response to the Oil Companies' submission and Hearing Panel recommendation, and sets out that the CCC, LPC and lessees of the bulk liquids storage facilities will work together to commission a Quantitative Risk Assessment of the Naval Point bulk liquids storage facilities.

9.2 Assessment against the Direction

9.2.1 Geographic Extent

9.2.1.1 Inclusion of areas within the geographic extent

Clause 4.2 of the Direction allows the inclusion of other land or areas with the geographic extent of the LPRP if this is considered necessary after consultation with specified agencies.

The geographic extent of the draft LPRP has been extended from that set out in the Direction. This has occurred at two stages of the development of the draft LPRP: the inclusion of the Main Navigational Channel during the preparation of the preliminary draft LPRP, and the inclusion of the Spoil Dumping Grounds following the hearing.

The extension to include the Main Navigational Channel was considered necessary in order to provide for larger ships expected to visit the Port in the future. The provision for these larger ships is an essential part of the draft LPRP as a whole, including the provision for and design of the reclamation. Without a longer and deeper navigation channel these ships would not have sufficient access to the Port, and the plan as a whole would be compromised.

The inclusion of the existing Spoil Dumping Grounds within the geographic extent was considered necessary in order to ensure that the rules providing for the deposition of seabed material from recovery activity work in the Operational Area of the Port and the Main Navigational Channel are legally robust. This extension was supported by the recommendations of the Hearing Panel.

Consultation with the agencies specified in clause 4.2 of the Direction has been undertaken at the appropriate stages for both extensions to the geographic extent. No agencies responded with any concerns in relation to the inclusion of the areas with the geographic extent of the Recovery Plan.

The inclusion of the additional areas within the geographic extent of the LPRP has therefore been undertaken in accordance with the Direction and was considered necessary for the development of the draft LPRP.

9.2.1.2 Consideration of Issues and Effects

Clause 4.3 of the Direction states that the Canterbury Regional Council must consider issues and effects that may occur outside of the geographic extent of the Recovery Plan.

The effects of the recovery proposals, including those that occur outside of the geographic extent of the LPRP, were considered in the technical information provided by LPC and reviewed by Environment Canterbury. The assessments in the technical information were not limited to the geographic extent of the LPRP, but considered the issues and effects outside of this area. For example, the hydrodynamic modelling for the proposed reclamation included in its consideration the whole of Whakaraupō / Lyttelton Harbour, as this was appropriate to the scale of the proposal. The Environment Canterbury reviews included consideration of whether there were any issues or effects that were not appropriately addressed by the technical information. Further to this, the issues and effects of the proposals raised by the submissions received on the preliminary draft LPRP were also considered.

Environment Canterbury therefore believes it has appropriately considered all relevant issues and effects, as far as they relate to the recovery of Lyttelton Port, through the development of the draft LPRP.

9.2.2 Matters to be dealt with

9.2.2.1 *Matters to be addressed*

The Direction outlined the matters that the Recovery Plan was to deal with. These matters were contained in clause 5.1 of the Direction. An assessment of the draft LPRP against these matters is provided below.

Clause 5.1.1 of the Direction specifies that the LPRP must address:

5.1.1 The recovery of the damaged port, including the repair, rebuild and reconfiguration needs of the port, and its restoration and enhancement, to ensure the safe, efficient and effective operation of Lyttelton Port and supporting transport networks.

Section 3 of the draft LPRP sets out the key recovery issues for the Port. The repair, rebuild and reconfiguration of the Port, including its restoration and enhancement, is set out in section 4.1 of the draft LPRP. This includes provision for the development of a new container terminal on reclaimed land at Te Awaparahi Bay and the associated shifting east of port operations and opening-up of space in the inner harbour for other uses (section 4.1.1), the repair and rebuild of existing structures at Cashin Quay and in the Inner Harbour (section 4.1.2), the use of material from and upgrade of the haul road to the Gollans Bay Quarry (section 4.1.3), and the dredging and disposition of seabed material (section 4.1.4). The statutory actions directing amendments to RMA documents and instruments (Actions 1-6) ensure the regulatory planning framework implements the plan for the Port set out in the draft LPRP. The repair, rebuild and reconfiguration of the damaged port provided for in the draft LPRP will ensure its safe, efficient and effective operation into the future.

The supporting transport networks are addressed in sections 3.6 (Transport network), 4.5 (Norwich Quay) and 4.6 (Wider Transport Network) of the draft LPRP. The transport network matters are implemented by agreed Actions 8 and 9.

Therefore it is considered that the draft LPRP appropriately deals with those matters set out in clause 5.1.1 of the Direction.

Clause 5.1.2 of the Direction specifies that the LPRP must address:

5.1.2 The social, economic, cultural and environmental well-being of surrounding communities and greater Christchurch, and any potential effects with regard to health, safety, noise, amenity, traffic, the coastal marine area, economic sustainability of Lyttelton town centre and the resilience and well-being of people and communities including the facilitation of a focused, timely and expedited recovery.

The social, economic, cultural and environmental well-being of surrounding communities and greater Christchurch, and any potential effects, as listed, are dealt with throughout the draft LPRP. These were considered holistically through the development of the document. This consideration is reflected in the proposed amendments to the RMA documents.

Specific sections of the draft LPRP that relate to this clause include 3.7 (Effects of port activities and rebuilding on the natural environment and on Ngāi Tahu values), 3.9 (Management of construction effects), 4.7 (Management of construction effects) and 4.8 (Health of Whakaraupō / Lyttelton Harbour). These are implemented by provisions in the relevant RMA documents and Action 7.

The consideration required under clause 5.1.2 has been incorporated throughout the Recovery Plan, including into the relevant RMA documents, for example in the proposed reclamation at Te Awaparahi Bay, the proposed commercial development of and public access to Dampier Bay, retention of an area of Town Centre zoning south of Norwich Quay, new or strengthened provisions for the management of Port construction and operational noise and the exclusion of enabling provisions for the Naval Point cruise berth option.

In a particular example, the limitations on commercial development at Dampier Bay were specifically assessed in relation to the economic sustainability of the Lyttelton town centre.

Therefore it is considered that the draft LPRP appropriately deals with those matters set out in clause 5.1.2 of the Direction.

Clause 5.1.3 of the Direction specifies that the LPRP must address:

5.1.3 Implications for transport, supporting infrastructure and connectivity to the Lyttelton town centre, including, but not limited to, freight access to the port, public access to the inner harbour and the location of passenger ferry terminals and public transport stops.

Transport matters, including the ferry terminal and public transport, freight access to the Port, and connectivity to the Lyttelton town centre, are addressed in sections 4.4 (Public transport and ferry links), 4.5 (Norwich Quay) and 4.6 (Wider Transport Network) of the draft LPRP. The transport network matters are implemented by agreed Actions 8 and 9, and the provisions contained in the amendments to the proposed Christchurch Replacement District Plan.

Public access to the inner harbour is addressed by 4.3 (Dampier Bay) of the draft LPRP. This is implemented through the proposed amendments to the proposed Christchurch Replacement District Plan (Action 3) and Action 10.

Specifically, the district plan provisions include:

- Connections between public amenities in the Dampier Bay Area and Norwich Quay as a controlled activity
- New Public Transport Facilities located within the Port Operational Area or Dampier Bay Area as a restricted discretionary activity that will be publicly notified
- Provision of public vehicle access to and from Dampier Bay or from a Public Transport Facility associated with a passenger ferry terminal, via Sutton Quay, as a restricted discretionary activity
- A ferry terminal west of Canterbury Street prior to pedestrian and public vehicle access to the terminal via Sutton Quay as a non-complying activity

Therefore it is considered that the draft LPRP appropriately deals with those matters set out in clause 5.1.3 of the Direction.

Clause 5.1.4 of the Direction specifies that the LPRP must address:

5.1.4 The needs of users of Lyttelton Port and its environs, including, but not limited to, iwi, importers and exporters, cruise ship passengers and crew, tourism operators and customers, commercial fishers, recreational users and public enjoyment of the harbour and well-being of communities.

The needs of users of Lyttelton Port and its environs are dealt with throughout the draft LPRP.

The needs of iwi were considered at all stages of the development of the draft LPRP. LPC provided a Cultural Impact Assessment with the package of information provided to Environment Canterbury. Te Rūnanga o Ngāi Tahu were involved in discussions with Environment Canterbury throughout the development of the preliminary draft and draft LPRP, including specific community engagement meetings. The draft LPRP addresses Ngāi Tahu cultural matters relating to Whakaraupō / Lyttelton Harbour in section 2.4 (Tangata whenua association with and aspirations for Whakaraupō / Lyttelton Harbour). This is reflected in the incorporation of specific provisions in the proposed amendments to the RMA documents that Environment Canterbury considers appropriately address the needs and concerns of Ngāi Tahu, as well as through Action 7 which addresses the health of the harbour.

It is considered that the needs of importers and exporters, tourism operators and customers, and commercial fishers have been appropriately considered and dealt with through the repair, rebuild and reconfiguration of the Port (section 4.1).

The needs of cruise ship passengers and crew are dealt with in section 4.2 (Cruise ship berth) and associated Action 12 – Cruise Ship Berth.

The needs of recreational users and public enjoyment of the harbour and well-being of communities is addressed in section 4.3 (Dampier Bay) and associated proposed amendments to the RMA documents. This is also addressed by the discretionary activity status for a cruise ship berth at Naval Point.

Therefore it is considered that the draft LPRP appropriately deals with those matters set out in clause 5.1.4 of the Direction.

9.2.2.2 Amendments to documents and instruments

Clause 5.2 of the Direction reiterates the ability of the Recovery Plan to make amendments to documents and instruments through the CER Act. Environment Canterbury considered that amendments to documents and instruments under the RMA were required to implement the LPRP. These amendments are stated in the appendices to the draft LPRP, and described in Section 5 – Implementation. The draft LPRP is therefore consistent with this part of the Direction.

9.2.2.3 Consistency with other Recovery Plans

Clause 5.3 relates to other recovery plans. Environment Canterbury considers that the draft LPRP is not inconsistent with the Land Use Recovery Plan and Christchurch Central Recovery Plan, as set out in section 2.7.1 of the draft LPRP. Regard has also been given to the draft Transition Recovery Plan. The Canterbury Earthquake Recovery Authority has been provided the opportunity to comment on the draft LPRP, including on the consistency with other recovery plans. The draft LPRP is therefore consistent with this part of the Direction.

9.2.2.4 Statement of Funding Implications

Clause 5.4 requires a statement of possible funding implications of the LPRP's implementation and the possible source of funding. This statement is provided in Section 6 – Funding of the draft LPRP. The draft LPRP is therefore consistent with this part of the Direction.

9.2.2.5 Restrictions on Scope of the LPRP

Clause 5.5 states matters in relation to which the LPRP may not direct or implement changes to documents or instruments. The draft LPRP does not direct or implement any changes in relation to these matters. The draft LPRP is therefore consistent with this part of the Direction.

9.2.3 Lyttelton Port Company

Clauses 6.2 to 6.6 of the Direction relate to the requirements on LPC to consult and the provision of information to the CRC.

The consultation undertaken by LPC was documented in Lyttelton Port Company's Information Package Appendix 3: Consultation Report. Environment Canterbury was satisfied that the consultation process undertaken by LPC was consistent with the Direction, specifically clauses 6.2 and 6.4, and that no further consultation was required to be requested under clause 6.3.

LPC requested an extension to the four month timeframe specified in clause 6.6. The package of information was subsequently delivered on 13 November 2014.

The package of information was considered by the Canterbury Regional Council on 11 December 2014. It was determined that the package of information contained the necessary information to prepare a preliminary draft LPRP. Some specific further information was requested, but this did not affect the timeframe for the preparation of the preliminary draft LPRP.

9.2.4 Canterbury Regional Council

Clauses 6.6 to 6.8 relate to the requirements on the CRC to develop a draft LPRP and consult with specified agencies. The draft LPRP has been developed and provided to the Minister within nine months of the delivery of the information required from LPC. The specified agencies were consulted throughout the development process (as discussed in section 6.1.3 above). The process for the development of the draft LPRP was therefore consistent with this part of the Direction.

9.2.5 Hearing on preliminary draft LPRP

The preparation of the preliminary draft, public notification and hearing process are described in sections 6 and 7 above. The Submissions and Hearing Plan developed for the hearing is attached at Attachment 7.

Relevantly, the Hearing Panel for the preliminary draft LPRP noted in its recommendations report that “[t]he number, coverage and content of the submissions received indicated to the Panel that consultation in relation to the recovery plan had been effective”.

The process for the hearing on the preliminary draft LPRP is therefore considered to be consistent with this part of the Direction.

9.2.6 Making Information Available

Environment Canterbury maintained a webpage on the Environment Canterbury website throughout the development of the draft LPRP. All relevant information was able to be accessed from this webpage, and it was updated regularly. Environment Canterbury also:

- Made staff available for phone enquiries
- Attended various community engagement meetings at two stages of the development process
- Staffed a drop-in “PORTacabin” in Lyttelton two days a week during the submission period to provide information and answer questions from the public
- Made the preliminary draft available in hard copies in libraries and council service centres

The process for the development of the draft LPRP is therefore considered to have been consistent with this part of the Direction.

9.3 Recovery Strategy for Greater Christchurch

Section 11 of the CER Act requires that a Recovery Strategy be developed for Ministerial approval, and states that this document is “an overarching, long-term strategy for the reconstruction, rebuilding, and recovery of greater Christchurch”.¹³ Section 18 (1) of the CER Act states that a recovery plan must be consistent with the Recovery Strategy.

The Recovery Strategy for Greater Christchurch / Mahere Haumanutanga o Waitaha (Recovery Strategy) was published in May 2012. Relevantly, under section 1.2, it states that “This Recovery Strategy is the key reference document that guides and coordinates the programmes of work, including Recovery Plans, under the CER Act.”

The Recovery Strategy sets out a vision and supporting goals for the recovery of greater Christchurch. The vision is that:

Greater Christchurch recovers and progresses as a place to be proud of – an attractive and vibrant place to live, work, visit and invest, mō tātou, ā, mō kā uri ā muri ake nei – for us and our children after us.

¹³ CER Act, section 11(3).

The supporting goals relate to the six “components” of recovery: leadership and integration, economic recovery, social recovery, cultural recovery, built environment recovery, and natural environment recovery.

An assessment of the draft LPRP against the Recovery Strategy vision and goals is provided below:

9.3.1 Vision

It is considered that the draft LPRP as a whole supports the vision of the Recovery Strategy. The achievement of the vision and goals in the draft LPRP would contribute to the recovery and progress of greater Christchurch, as a place to live, work, visit and invest.

9.3.2 Leadership and Integration

The draft LPRP is consistent with the main goal for the Leadership and Integration component of recovery. The draft LPRP is a direct reflection of the public and private sectors working together to contribute to recovery. The draft LPRP is also considered to be consistent with goals 1.1, 1.2, 1.4 1.7, and 1.8.

Goal 1.1: the draft LPRP facilitates a timely and efficient recovery for the Port, including through removing impediments created by regulatory planning documents, and provides certainty for the recovery of the Port particularly through the controlled activity status for the reclamation, and for surrounding communities in terms of access to the inner harbour through an action to establish a legally binding agreement.

Goal 1.2: the draft LPRP considers the effects of ongoing seismic activity through ensuring that the Port is able to rebuild damaged infrastructure in a timely manner, and to improve and upgrade this infrastructure to increase resilience against any future seismic activity.

Goal 1.4: the process for the development of the draft LPRP has involved engagement with local government bodies, community groups, and the general public. Specifically the transport action for a Memorandum of Understanding will ensure a constructive partnership and relationships to address transport matters relating to the recovery of the Port.

Goal 1.7: the draft LPRP leverages the investment needed to rebuild damaged infrastructure at the Port to ensure that the Port is fit for purpose now and in the future and will contribute positively to the economic functioning of greater Christchurch in the long term, as well as providing positive benefits for social, cultural and environmental benefits.

Goal 1.8: the draft LPRP has been developed based on significant research and assessment undertaken by technical experts to ensure the Recovery Plan is well-informed and robust.

9.3.3 Economic Recovery

The draft LPRP is consistent with the main goal for economic recovery as it ensures the Port, which is vitally important to the economy of greater Christchurch, is repaired, rebuilt and reconfigured so that it is resilient and efficient. The draft LPRP is also considered to be consistent with goals 2.1, 2.3, and 2.7.

Goal 2.1: the draft LPRP supports the planning of a productive rural sector through ensuring efficient facilities for the export of agricultural products and import of agricultural inputs.

Goal 2.3: the draft LPRP helps to restore confidence of the business sector through facilitating the rebuild of the Port to be resilient and efficient, to enable economic recovery.

Goal 2.7: the process for the development of the draft LPRP has included collaborative work between various agencies, and puts in place agreements for further collaboration to address issues in relation to transport matters and a cruise ship berth, to address obstacles to economic recovery.

9.3.4 Social Recovery

The draft LPRP is consistent with the main goal for social recovery as overall it provides positive benefits for community well-being and quality of life, particularly through ensuring access to the inner harbour, and in the long term reducing adverse effects from port operations on the Lyttelton community. The draft LPRP is also considered to be consistent with goal 3.1 and 3.2.

Goal 3.1: the process for the development of the draft LPRP has included significant public engagement and participation, including a formal submission and hearing process.

Goal 3.2: the draft LPRP includes Action 7 which will facilitate the development of capacity and knowledge within the community in relation to improving the health of Whakaraupō / Lyttelton Harbour.

9.3.5 Cultural Recovery

The draft LPRP is consistent with the main goal for cultural recovery as it includes provisions that will help to renew Christchurch's identity, specifically through provisions relating to expression of cultural heritage within the Dampier Bay development implemented through district plan amendments. This is also consistent with goal 4.1.

9.3.6 Built Environment Recovery

The draft LPRP is consistent with the main goal for built environment recovery as the repaired, rebuilt and reconfigured Lyttelton Port will be more resilient, will provide greater accessibility for people to the inner harbour waterfront, and will integrate with the transport network. The draft LPRP is also considered to be consistent with goals 5.1, 5.3, 5.4, and 5.7.

Goal 5.1: the draft LPRP coordinates and prioritises the rebuild, repair and reconfiguration of Lyttelton Port, so that the Port can continue to contribute effectively to the economic recovery of greater Christchurch, and the well-being of the Lyttelton and other harbour communities, now and in the future.

Goal 5.3: the LPRP facilitates the rebuild and repair of infrastructure at Lyttelton Port so that is more resilient, and makes appropriate amendments to RMA documents to ensure that this can be achieved in a cost-effective manner in terms of regulatory approvals.

Goal 5.4: the development of the draft LPRP has included assessment and consideration of the transport network that connects the Lyttelton Port, and puts in place appropriate mechanisms to ensure that any issues arising from the recovery of the Port are addressed. Specifically, the draft LPRP addresses the safe access of pedestrians from Lyttelton town centre to the future Dampier Bay development.

Goal 5.7: the process for the development of the draft LPRP and the amendments to RMA documents has included consideration of ongoing seismic activity, natural hazards and climate change.

9.3.7 Natural Environment Recovery

The draft LPRP is considered not to be inconsistent with the main goal for the natural environment recovery. It is considered to be consistent with goals 6.2, 6.4 and 6.5.

Goal 6.2: the process for the development of the draft LPRP has included significant assessment of the effects of recovery activities on the Whakaraupō / Lyttelton Harbour environment and ecosystems, and includes provisions in the relevant amendments to the RMA documents to ensure any effects are appropriate.

Goal 6.4: the draft LPRP ensures public access to the inner harbour waterfront, which will include opportunities for outdoor recreation, and social and economic activities.

Goal 6.5: the draft LPRP includes provisions in the relevant amendments to RMA plans to require Construction and Environmental Management Plans, including management of effects on air quality.

9.4 Assessment against the CER Act

As noted in section 4 above, the legal tests for decisions of the Minister are set out in section 10 of the CER Act, and have been reinforced through case law.

9.4.1 Purposes of the CER Act

Section 10 (1) of the CER Act states that when the Minister exercises a power under the CER Act this must be done in accordance with the purposes of the Act. The sections below therefore provide an assessment of the draft LPRP as a whole against the purposes of the CER Act. Specific decisions made on the content of the draft LPRP have been assessed against the purposes in other sections of this document where relevant, so the assessment below takes a broad, holistic view of the Plan.

The purpose of the CER Act set out in section 3 (i) is not considered relevant to the Recovery Plan and area therefore not discussed further. The purposes set out in section 3 (c), (e), and (h), are provided for through the provision of the Recovery Plan and the information associated with the decisions made in relation to the LPRP and its content, as well as the reasons provided as to why the exercise of the statutory powers available are necessary. We expand further on the purposes set out in sections 3 (a), (b), (d), (f), and (g) below.

9.4.1.1 Section 3(a)

The purpose under section 3(a) of the CER Act is:

- (a) to provide appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes.

The Port is vitally important to the economic recovery of greater Christchurch, and was directly affected by the earthquakes. Damage was caused to all parts of the Port. The CER Act provides for the development of recovery plans to address earthquake recovery issues. The draft LPRP focuses on the recovery of the Port, addresses the matters to be dealt with in the Direction, and proposes amendments to RMA planning documents to appropriately enable a focused, timely and expedited recovery. The draft LPRP is therefore a necessary measure to ensure the recovery of the Port, and consequently positively benefit the recovery of greater Christchurch, and is considered to be in accordance with this purpose of the CER Act.

9.4.1.2 Section 3(b)

The purpose under section 3(b) of the CER Act is:

- (b) to enable community participation in the planning of the recovery of affected communities without impeding a focused, timely, and expedited recovery.

The Direction sets out the process for the development of the draft LPRP, including the provision of opportunities to enable community participation. This process has been described in detail in other parts of this document. Of particular note is the written submission and hearing process undertaken in relation to the preliminary draft LPRP. The required process has been completed within the timeframe set in the Direction. The development of the draft LPRP has therefore enabled community participation in the planning of the recovery of the Port, without impeding a focused, timely and expedited recovery, and is considered to be in accordance with this purpose of the CER Act. Indeed the provisions for community participation are seen as providing a far superior consultation process to that set out under a normal RMA approach because of the scale of the work and the disjointed approach that would otherwise be taken.

9.4.1.3 Section 3(d)

The purpose under section 3(d) of the CER Act is:

- (d) to enable a focused, timely, and expedited recovery.

The draft LPRP proposes amendments to RMA documents that reduce the regulatory barriers to recovery for the Port, while appropriately reflecting knowledge of and controlling the adverse effects of recovery activities. The draft LPRP therefore appropriately enables the focused, timely, and expedited recovery of the Port, and is considered to be in accordance with this purpose of the CER Act.

9.4.1.4 Section 3(f)

The purpose under section 3(f) of the CER Act is:

- (f) to facilitate, co-ordinate, and direct the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property.

The draft LPRP facilitates the planning, rebuilding and recovery of the infrastructure at Lyttelton Port. It does this by appropriately enabling the necessary recovery activities, including activities to enhance the operation of the Port, through amendments to RMA documents, while ensuring that adverse effects are appropriately managed. The draft LPRP also sets out how the management of Port recovery issues in relation to the connecting transport infrastructure will occur. It records how other long-standing issues in relation to the health of the wider harbour, are to be addressed. The draft LPRP is considered to be in accordance with this purpose of the CER Act.

9.4.1.5 Section 3(g)

The purpose under section 3(g) of the CER Act is:

- (g) to restore the social, economic, cultural, and environmental well-being of greater Christchurch communities.

The Port is vitally important to the economy of greater Christchurch. The efficient repair, rebuild and reconfiguration of the Port as enabled by the draft LPRP will ensure that the Port is able to continue to support the economic recovery of greater Christchurch. The reconfiguration of the Port as enabled by the draft LPRP also supports the restoration of social well-being through allowing the social benefits related to the reconnection of the community with the inner harbour at Lyttelton to be realised. Cultural and environmental well-being is protected through appropriate provisions in the amendments to the RMA documents. Environmental well-being, and consequently also cultural well-being, is specifically advanced through the commitment recorded in the draft LPRP to undertake a process to develop a Harbour Management Plan for Whakaraupō / Lyttelton Harbour. The draft LPRP is therefore considered to be in accordance with this purpose of the CER Act

9.4.2 Necessity

Section 10(2) states that the Minister may exercise a power when it is “reasonably considered necessary”. The case law in relation to this test is discussed in section 4.2 above. The section below assesses the draft LPRP in light of section 10(2), including setting out possible alternatives and the necessity of the LPRP. The alternatives assessed take a broad view, with the alternative processes to a recovery plan assessed first, and then alternative approaches within the recovery plan process.

9.4.2.1 Process Alternatives

9.4.2.1.1 Alternative: Status Quo

As discussed above in section 2, Lyttelton Port is facing significant challenges in its recovery from the effects of the Canterbury earthquakes. The efficient and effective operation of the Port underpins key drivers of the economy of greater Christchurch, and therefore significantly influences the economic recovery in the area.

The retention of the status quo would require the Port to assess the required recovery projects against the existing RMA planning documents. These were generally prepared prior to the earthquakes and do not anticipate or provide for the level of activity required for the recovery of the Port. LPC has estimated that it

would be required to apply for over 100 resource consents. While some of these may be “bundled” for individual projects, numerous notification and public consultation process would likely need to be undertaken.

It is considered that this alternative process would not ensure that the councils and their communities respond to and recover from the earthquakes as effectively there is no response to the recovery needs of the Port, and therefore it would not be in accordance with purpose 3(a) of the CER Act. While the existing planning documents would allow for public participation through consent notification decisions, the number and fragmented nature of these process, and the potential for appeals to add further delays, is considered likely to impede a focused, timely and expedited recovery, and therefore not to be in accordance with purpose 3(b) of the CER Act. The significant time required to progress the planning and consenting processes under the status quo is also not considered to enable a focused, timely or expedited recovery, and would therefore not be in accordance with purpose 3(d) of the CER Act. Accepting the status quo would also not facilitate, co-ordinate or direct the planning, rebuilding, and recovery of the Port, and therefore not be in accordance with purpose 3(f) of the CER Act. The status quo would not be in accordance with purpose 3(g) of the CER Act as the potential for significant delays in the recovery of the Port would have adverse effects on the economic well-being of greater Christchurch.

The status quo therefore is clearly not in accordance with the purposes of the CER Act, and it can be considered necessary under section 10(2) for a different process to be undertaken.

9.4.2.1.2 Alternative: RMA Schedule 1 Plan Change

An alternative to the status quo would be for the Port to progress private plan changes to relevant RMA documents under section 21(1) of Schedule 1 of the RMA.

While this would allow for changes to the relevant plans to be made, these would be assessed within the legislative framework of the RMA, and therefore may not appropriately consider the effects of and pressing need for recovery from the effects of the earthquake. Any proposed changes would also be subject to potential lengthy public consultation processes, and would risk being delayed through appeal processes.

This alternative is therefore considered to fail to be in accordance with the purposes of the CER Act for similar reasons as the “status quo” alternative, in particular purpose 3(d), as it would likely not enable a focused, timely or expedited recovery, and it can therefore be considered necessary under section 10(2) for a different process to be undertaken.

9.4.2.1.3 Alternative: Section 27 of the CER Act

Under section 27 of the CER Act the Minister may make changes to RMA documents through a public notice.

The use of section 27 alone is not likely to be in accordance with purpose 3(b) of the CER Act as it would not have provided for community participation in the planning for the recovery of the port. In addition, it also may not have been considered an “appropriate measure” under purpose 3(a), due to the complexity and public interest in the recovery of the Port, and the fact that the appropriate amendments to documents and instruments were not yet understood. The Courts have specified that section 27 is an “ancillary” power designed to accompany the development of the recovery strategy or recovery plans.

It is considered that this alternative would not be possible or satisfy the requirements of the CER Act.

9.4.2.1.4 Alternative: Recovery Plan

A recovery plan is able to address any social, economic, cultural or environmental matter, and any particular infrastructure, work or activity.¹⁴ The Minister may determine how recovery plans are to be developed.¹⁵ Recovery plans can direct changes to RMA documents and instruments, and prevail where there is inconsistency with instruments developed under certain other legislation¹⁶. A recovery plan can therefore

¹⁴ CER Act section 16.

¹⁵ CER Act section 19.

¹⁶ CER Act section 24 and 26.

provide appropriate measures to respond to the impacts of the earthquakes in accordance with purpose 3(a), enable community participation in accordance with purpose 3(b), and facilitate a focused, timely and expedited recovery in accordance with purpose 3(d). In terms of the recovery of the Port, the power to make amendments to RMA documents and instruments can be utilised to facilitate the repair and rebuilding of land, infrastructure and other property (purpose 3(f)). The ability to look holistically at the recovery of the Port through the recovery plan process also allows the comprehensive consideration of the social, economic, cultural and environmental well-being of communities in accordance with purpose 3(g).

It is therefore considered that the recovery plan process can be considered necessary under section 10(2) when taking into account the other alternative options as discussed above.

9.4.2.2 Recovery Plan Alternative Approaches

Having discussed the alternative processes and determined that the recovery plan process is necessary under section 10(2), alternative approaches to the recovery plan are considered below.

9.4.2.2.1 Alternative: A 'Repair and Rebuild Only' Recovery Plan

An option for the development of the LPRP was to go only so far as to enable the repair and rebuild of the existing port as it existed prior to the earthquakes. This approach would involve amendments to RMA documents and instruments to enable activities required for repairing and rebuilding Port land, infrastructure, and other property to restore the Port to a pre-earthquake level, but would not extend to providing for enhancement of the Port or a rebuild that provides for the immediate and future needs of the Port.

This alternative is not considered to be consistent with the meaning of "recovery" as defined in the CER Act and considered in case law (Independent Fisheries), as it does not reflect the concept of "enhancement" as part of recovery. It is also not considered to be in accordance with purposes 3(f) and (g) of the CER Act as it would not facilitate "rebuilding" of the Port as defined in the CER Act, which includes "extending, repairing, improving [...] any land, infrastructure, or other property".¹⁷ The social, economic, cultural and environmental well-being of communities would also not be restored as the ability to affect these matters would be extremely limited. This approach would in fact not enable recovery of the Port and would result in a Port that would be inefficient and significantly constrain the recovery of both the Port and greater Christchurch.

It is therefore not considered that this alternative would be reasonably considered necessary under section 10(2) of the CER Act.

9.4.2.2.2 Alternative: A Totally Permissive Recovery Plan

An option that could have been pursued through the development of the Recovery Plan included making amendments to the relevant documents and instruments to make all the activities considered "recovery", including enhancement projects, permitted activities, and therefore avoiding any further RMA processes being required.

This alternative option is not considered to be appropriate, as although it would enable community participation through the recovery plan development process, certainly enable a focused, timely and expedited recovery, and facilitate rebuilding, it may fail to restore the social, economic, cultural and environmental well-being of communities as the effects of these activities would not be further considered or managed, and it might therefore not be in accordance with purpose 3(g). It may also go beyond what is necessary in the circumstances. Some of the recovery projects facilitated through the draft LPRP are required to be notified through future consenting process in the proposed amendments to RMA documents, for reasons of public participation and interest, and consideration of relevant issues. This alternative would not allow for that to occur, and therefore not considered to be in accordance with purpose 3(b).

¹⁷ CER Act section 4.

As such it is not considered that this alternative would be reasonably considered necessary under section 10(2) of the CER Act.

9.4.2.2.3 The Draft LPRP

The draft LPRP as provided to the Minister reflects the meaning of “recovery” in the CER Act in that it provides for the restoration and enhancement of the Port. However it has also been developed through an approach that enables a focused, timely and expedited recovery by making amendments to RMA documents so that recovery project activities are as permissive as possible taking into account the level of knowledge of the activities and their effects, while still appropriately managing effects and requiring additional RMA resource consent processes to assess those effects.

This approach is therefore considered to be in accordance with the purposes of the CER Act and necessary for the reasons set out in this report.

As the other approaches described above are not considered to be in accordance with the CER Act, it is considered that this approach is reasonably considered necessary under section 10(2) of the CER Act.

9.5 Request to use section 27 of the CER Act

The draft LPRP sets out amendments to RMA documents and instruments in Appendices 1 – 6. This is provided for under the CER Act at section 24 which states:

- (1) Despite anything to the contrary in Part 5 of the Resource Management Act 1991, a council must amend an RMA document (to the extent that it relates to greater Christchurch), if a Recovery Plan directs so,—
 - (a) to include specific objectives, policies, and methods set out in the Recovery Plan; or
 - (b) to remove any objectives, policies, or methods in the document that the Recovery Plan identifies for deletion.

Section 24 only provides for recovery plans to direct amendments to RMA documents in relation to objectives, policies and methods. It does not provide for amendments to reasons and explanations, or explanatory notes.

In some cases issues, explanations, reasons, and other explanatory material were considered necessary to include within the amendments to, or to be removed from, the RMA documents amended by the draft LPRP as set out in Appendices. This includes amendments to existing issues, explanations, reasons, and other explanatory material in the operative RMA documents.

Section 27 of the CER Act states that:

- (1) The Minister may, by public notice, suspend, amend, or revoke the whole or any part of the following, so far as they relate to any area within greater Christchurch:
 - (a) an RMA document

Using this power, the Minister can make the required amendments to RMA documents to include, remove, or amend issues, explanations, reasons, and other explanatory material under section 27. However, section 27 must be exercised separately from the directions contained within the Recovery Plan. Therefore, Environment Canterbury requests that the Minister exercises section 27 powers to insert, remove, or amend the relevant issues, explanations, reasons, and other explanatory material as set out in the draft LPRP Appendices.

This request is similar to that made in relation to the Land Use Recovery Plan, where the Minister used section 27 powers to amend the Canterbury Regional Policy Statement.

It is considered that the use of section 27 is necessary and ancillary to any decision to approve the LPRP to ensure the intent of the provisions are carried through into their interpretation and application. Without the addition, removal, or amendment of these issues, explanations, reasons, and other explanatory material, any further process for the consenting of recovery activities may be confused through the lack of these

amendments, particularly those parts of the RMA documents which are being removed as a result of new provisions being inserted into other sections of the same document, or separate documents. For example, amendments to issues, explanations, reasons, or other explanatory material in the Banks Peninsula District Plan are required as a result of provisions relating to Lyttelton Port being inserted into the proposed Christchurch Replacement District Plan.

10 Decisions to be made by the Minister for Canterbury Earthquake Recovery

Having received the draft LPRP the Minister must now publicly notify the document, and invite written comments, in accordance with section 20 of the CER Act. The notice must specify the manner in which these are to be made, and the date by which they are to be received.

After the written comment process, the Minister can make a decision on the draft LPRP: under section 21(1)(a) the Minister may make changes, or no changes, and under 21(1)(b) he may withdraw the Recovery Plan. Under section 21(2) the Minister may approve the Recovery Plan “having regard to the impact, effect, and funding implications of the Recovery Plan”. Under section 21(3) the Minister must give reasons for any action made under 21(1) or 21(2).

As assessed above, it is considered that the draft LPRP is in accordance with the purposes of the CER Act, is necessary for the recovery of Lyttelton Port under section 10(2) of the CER Act, and is consistent with the Recovery Strategy for Greater Christchurch. It is also considered that the draft LPRP adequately deals with all of the matters required under the Direction.

Furthermore, and acknowledging that the Minister must undertake a further written comments process, the draft LPRP has undergone an extensive and robust public consultation process, including a public hearing, in accordance with the Direction.

Environment Canterbury therefore submits the draft LPRP to the Minister in accordance with the Minister's Direction, for the Minister to seek further written comments and to finalise and approve the Recovery Plan in accordance with section 21 of the CER Act.

Attachment 1: Method for Reviewing and Incorporating LPC's Technical Information

Attachment 2: Preliminary Draft LPRP Summary of Submissions

Attachment 3: Recommendations of the Hearing Panel

Attachment 4: Environment Canterbury Officers' Report to the Hearing Panel

Attachment 5: Environment Canterbury Supplementary Officers' Report

Attachment 6: Addendum Report from the Hearing Panel

Attachment 7: Submissions and Hearing Plan

August 2015

DEVELOPMENT OF THE DRAFT LYTTTELTON PORT RECOVERY PLAN

Canterbury Regional
Council Decision Report

Attachment 1

METHOD FOR REVIEWING AND INCORPORATING LPC'S TECHNICAL INFORMATION

Appendix 1: Method for reviewing and incorporating LPC’s technical information

A number of technical assessments were provided as part of LPC’s information package (for the full list see our website www.ecan.govt.nz/port). These have been reviewed as part of preparing the preliminary draft Lyttelton Port Recovery Plan. Varying levels of review were undertaken, reflecting the significance of the subject matter and type of planning provisions proposed for the relevant recovery project(s):

- All technical reports were reviewed by Environment Canterbury’s Lyttelton Port Recovery Plan Core Project Team, which includes the project planners;
- All technical reports were reviewed by our partners with feedback received from Canterbury Earthquake Recovery Authority, Te Rūnanga o Ngai Tahu, Christchurch City Council, Department of Conservation and New Zealand Transport Agency.
- Key technical assessments were reviewed by technical specialists, as shown in Table 1. Environment Canterbury’s specialist peer review reports are available on our website www.ecan.govt.nz/port.

Table 1: Key technical assessments reviewed by Environment Canterbury

Lyttelton Port Company Information	Reviewed By
Economic Effects	Simon Harris , Harris Consulting
Landscape Character and Visual Effects	Graham Densem , Landscape Architect
Transportation Effects	Andrew Metherell , Traffic Design Group Limited
Effects on Waves and Tidal Currents	Connon Andrews , Beca (review report author) Justin Cope , Environment Canterbury Bruce Gabites , Environment Canterbury
Effects on Sedimentation and Turbidity Effects on Marine Ecology Effects on Marine Mammals Effects on Biosecurity Effects on Stormwater Quality	Dr Lesley Bolton-Ritchie , Environment Canterbury
Effects on Navigational Safety Effects on Marine Spill Risk	Jim Dilley , Environment Canterbury
Operational Noise Effects Construction Noise Effects	Dr Stephen Chiles , Chiles Ltd
Effects on Air Quality	Myles McCauley , Environment Canterbury

The initial reviews highlighted some gaps and uncertainties in the information provided by LPC. Where this occurred, workshops were held with relevant technical representatives from LPC, Environment Canterbury and partner organisations to determine a way forward. In the following instances further assessment or clarification was provided by LPC:

- An assessment of the recovery proposals on seabirds and coastal avifauna
- A review of the commercial framework for Dampier Bay
- A summary of the effects of capital dredging
- Additional information on wave and tidal currents, and sedimentation
- An assessment of rail noise and vibration resulting from increased rail usage

This recovery plan does not remove all consent requirements for the Port's recovery activities. For activities where a resource consent is required, further assessment will be undertaken by LPC as part of their consent application and Environment Canterbury can place conditions on any resource consent that is granted in line with the requirements of the plan rule.

The effects of some aspects of the Port's rebuild cannot be determined with certainty at this stage, because detailed design work has not yet been done. The amendments to plan provisions reflect this uncertainty, providing for these issues to be considered as part of future consent processes.

An example of this is LPC's mahinga kai assessment report, which assessed the effects of the reclamation on mahinga kai in the vicinity of the reclamation. This report does not address the effects of the reclamation on mahinga kai in the whole harbour, and is limited because the detailed design work for the reclamation is not yet done. Effects on cultural values, particularly mahinga kai, are a matter for control in the consent process. These matters will be fully addressed through the consent process.

August 2015

DEVELOPMENT OF THE DRAFT LYTTTELTON PORT RECOVERY PLAN

Canterbury Regional
Council Decision Report

Attachment 2

SUMMARY OF SUBMISSIONS

RECLAMATION

Full Name	Issue	Reasons	Decision sought
Diamond Harbour Community Association	Consent Process	4.1.1 - Support the consent being publicly notified. This gives the opportunity for residents to influence its design and construction.	Public Notification
Governors Bay Amenity Preservation Society	Consent Process	Is the area being reclaimed being rightfully reclaimed? If the land belongs to the public then what rights do LPC have to reclaim it?	We understand that the reclamation has restricted notification and consider it should follow the proper protocol for public notification.
Lyttelton/Mt Herbert Community Board	Consent Process	p8 We fully support public notification of the reclamation consent application.	No change
Lyttelton/Mt Herbert Community Board	Consent Process	p53 (Section 4.1.1) We support public notification of the resource consent application for Te Awaparahi Bay reclamation.	No change
Lyttelton/Mt Herbert Community Board	Consent Process	p53 (Section 4.1.1 - Sidebar) Matters for Control - Development of a container terminal capable of servicing larger ships on the enlarged reclamation will have significant adverse effects on the Lyttelton Harbour landscape. There is also considerable community concern about the effects of the reclamation on harbour circulation and sediment transport. Both these issues should be included in the list of matters for control.	Add Landscape/visual effects on harbour circulation and sediment transport to the list of matters for control for Te Awaparahi Bay reclamation.
Matthew Ross	Consent Process	I support consideration of the detailed proposals for Te Awaparahi Bay Reclamation under the Resource Management Act however I do not support Controlled Activity Status in section 4.1.1. The preliminary draft Recovery Strategy states that the location is "necessary" because Te Awaparahi Bay is separated geographically from Lyttelton Township by a headland and therefore relocation of the container terminal will reduce the adverse effects on that community. However LPC's information package provides evidence that the Te Awaparahi Bay Reclamation will have effects on the wider harbour environment and associated amenity impacts (e.g. visual and light pollution) for Diamond Harbour. Controlled Activity Status for Te Awaparahi Bay would fast-track LPC's preferred approach and effectively foreclose the development of alternative options that could benefit both Lyttelton and Diamond Harbour.	Te Awaparahi Bay Reclamation should have Controlled Activity Status only if: It is assessed to have a positive contribution to the environmental, social, cultural and economic well-being of Diamond Harbour, and; ECan, LPC, TRONT have signed off the completed integrated management. The addition of a breakwater to the Te Awaparahi Bay Reclamation is made a prohibited activity. Map 5.7 is amended to provide flexibility for reclamation to be orientated to allow for configurations that minimise environmental effects.
Pete Simpson	Consent Process	4.1.1 - Support the consent being publicly notified. This gives the opportunity for residents to influence its design and construction.	N/A
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Consent Process	Activity status should be Discretionary. Public notification is required.	Activity status should be Discretionary. Public notification is required.
Southshore Residents Association	Construction	Earthquake rubble has been used for reclamation at Port, including plastics and timber which has entered marine environment and washed up on Southshore beach, this poses a risk to recreational users and marine wildlife. Future reclamations should use solid perimeter wall of clean quarried material, other material should then be placed on the landward side of this wall so that contaminants are stopped from escaping.	Recognise that the use of earthquake rubble in reclamation to-date has led to adverse deposition of building materials on Southshore beach; tighten controls on the amount of debris that can be used in reclamation (no more than 10% of the volume) and how it is placed in future.
Ms Wendy Everingham	Construction	I object to all the fill that will be needed to create the reclamation. This will come from the nearby hills and believe the Sumner Road project overkill is purely to create the fill for this project. The destruction of the local environment is a travesty. You are going to destroy a very ecologically sensitive area purely for fill to develop a large reclamation.	This project should be reduced in size.
Mrs Ann Thorpe	Construction	I agree with the reclamation of Te Awaparahi Bay, if it is subject to the highest stringent controls on leakage of materials from the area.	To be subject to the highest stringent controls on leakage of materials.

RECLAMATION

Full Name	Issue	Reasons	Decision sought
Capt Jan Eveleens	Design	There is no consideration in the plan for nautical operational aspects like protection from ocean swell coming up the harbour. Easterly swells already cause problems with ships surging along Cashin Quay, even behind the Sticking Point breakwater, earning it the nickname Crashin Quay. The new container berths are totally exposed to swell coming in. This makes it very likely the surging problem will be worse. This will have the following effects: Slowing down cargo operations, as it is difficult to land a container or spreader on a moving ship. In some cases cargo work may have to be stopped. In very worst cases it may be impossible to keep a ship alongside. It will create a hazard for wharfies working cargo, so it is certainly a safety issue.	This could be achieved by a new breakwater further East. Or having the new berths in berth pockets laying in a North/South direction. The reclamation may have to extend further east to create enough space. I would like to see the reclamation extend less to the South, to have less impact on the harbour in general, and more shelter from the strong NW winds, that can also disrupt cargo work. I propose the layout of the reclamation and the new container terminal to be designed by an expert (likely from overseas). I propose a new provision in the plan to consider these nautical aspect of this plan.
Te Waka Pounamu	Effects on Harbour	Reservations are held on the ecological impacts and longer term effects on the harbour marine life which the club has no expertise in. On this matter we expect others to submit.	None - I support the proposed reclamation to allow for a marina and limited recreation activities to go in to the inner harbour.
Lyttelton Community Association Inc.	Effects on Harbour	We are concerned about the potential impact on the health of our harbour from any reclamation.	We request that the further reclamation issues be deferred until these matters are clarified.
Mark Watson	Effects on Harbour	Guarantee reclamation and dredging will not contribute to further modification of harbour circulation patterns and sedimentation problems. LPC says the reclamation will make no difference and Ecan's experts agree but there is plenty of anecdotal evidence that port activities have contributed to changes in the past. I want to be certain that what is proposed will make things better not worse.	N/A
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Effects on Harbour	A detailed assessment of the effects on mahinga kai is carried out prior to the application for the proposed reclamation. A technical assessment should be required which demonstrates why a further breakwater will not be required.	A detailed assessment of the effects on mahinga kai is carried out prior to the application for the proposed reclamation. A technical assessment should be required which demonstrates why a further breakwater will not be required.
Green Party	Effects on Harbour	ECan's audit of the sedimentation and current movement studies by LPC is superficial and provides no reassurance that the effects of the reclamation will be minor as claimed, Controlled activity status for the reclamation and the limited range of matters to which ECan's consideration is restricted is strongly opposed. This provides no incentive for LPC to minimise its adverse effects.	Amend the plan so that it provides only for the port's rebuild and repair, not further expansion of the container terminal. Stage the proposed reclamation so that only a portion (e.g. 5 ha) is provided for in the plan. Require LPC to use the Resource Management Act processes for further stages (22 ha) of the reclamation.
NZ Labour Party, Port Hills	Effects on Harbour	The reclamation at Te Awaparahi Bay has been part of the 30 year plan as a component of moving the Port operations eastward. I understand that this reclamation will still have further processes to go through, but I cannot emphasise strongly enough how important it is to get this right, in terms of the impact of this reclamation on the harbour. Issues of water quality, the impact on tidal flow, marine life and activities on the water must be of paramount consideration.	N/A

RECLAMATION

Full Name	Issue	Reasons	Decision sought
Governors Bay Community Association	Legal	The Plan makes no reference to any obligations under the Marine and Coastal Area /Takutai Moana Act 2011. This Act also states that, (2) Neither the Crown nor any other person owns, or is capable of owning, the common marine and coastal area, as in existence from time to time after the commencement of this Act (Part 2, Section 11, Common marine and coastal area). This alone should indicate that the community, and in particular, the interests of those holding mana moana over the area, are paramount. It seems that the Port Company are acting as though they have a freehold interest in the Port Operational Area, when in fact the area cannot be owned. The LPRP is unclear on the present and future status and ownership of the reclamation which appears to be an essential part of the Port's future.	That the LPRP acknowledges the primacy of the Marine and Coastal Area /Takutai Moana Act 2011 in any decisions involving the use and development of the common marine and coastal area as defined in the Act.
Helen Chambers	Legal	Is the area being reclaimed being rightfully reclaimed? Who actually owns this land? If it belongs to the public then maybe it is not for the LPC to reclaim without following the proper protocol for public notification. We understand this is not the case.	I request that the proper notification processes are followed
Melanie Dixon	Lighting	There is no serious consideration of the effects of light pollution in the LPRP. Ecan has not conducted a separate technical review of LPC's Appendix 24 lighting effects. The serious negative impacts of light pollution on ecology and human health have been well documented in the scientific literature and yet seen to have been ignored in Ecan's LPRP.	I request that Ecan prepares a full environmental impact assessment on the effects of increased light pollution as a result of the reclamation and circulates this report widely. I also request that LPC takes on board all steps recommended to mitigate the effects of light pollution both in current and future operations.
Governors Bay Amenity Preservation Society	Lighting	There is insufficient evidence in the Plan to indicate how the spread of lighting from the port will be contained. This should not be harmful to human health or affect biodiversity. The exclusion of height restrictions from the plan is of concern to us.	More research is required into the affect of lighting on humans and marine animals. Container height restrictions should be in place.

RECLAMATION

Full Name	Issue	Reasons	Decision sought
Naval Point Club Lyttelton; J Allott; A Duncan; A Ludlow; A Carter; A Bowater; A Herriott; A Lealand; A Taylor; A Farqyharson; A Graham ; Ballingers Hunting & Fishing Ltd; B Gordon; B Moore; B Cowan; B Frederikson; B Godwin; B Robinson; B Armstrong; B Keen; B Parker; B Anderson; B Lang; B Hawkins; C Gibbons; Canterbury Maritime Training; Canterbury Yachting Association; C Dodds; C Cameron; C Guy; B Carrell; B Frederikson; C Lock; C McCulloch; D Atkinson; D Lake; D Bastin; D Munro; D Vile; D Haylock; D Miller; D Paterson; D Southwick; D Main; D Petrache; D Taylor; Des Crosbie; E Riley; F Bowater; F McLachlan; G Dixon; G Suckling; G Mentink; G Savage; G Irwin; G Anderson; G Burney; G Perrem; G Armstrong; G Bowater; G Ronald; Groundswell Sports Ltd; H Sylvester; H Anderson; H Walls; H Wilkinson; I Scott; I Armstrong; I Atkinson; J Riddoch; J Hopkins; J Mann; J Vilsbek; J Hern; J Davis; J Hawtin; K Selway; Ka Beatson; K Cowan; K Oborn; Ke Beatson; K Duncan; K Guy; L Hern; L Falconer; L Boyd; L Crawford; L Lilburne; L Duke; M Guy; M Ramsay; Martin Wellby; Matt Oborn; Matthew Shove; M Ferrar; M Hore; M Moore; M Anderson; M Hitchings; S Knight; N Wilde; M Griffiths; N Blain; O Corboy; P Beckett; P Lang; P Moore; P Savage; P Tocker; P Auger; P Folter; P Prendegast; R Atkinson; R O'Sullivan; N Grant; N Matthews; Oborn's Nautical; R Lascelles; Rob Wellesley; R Gibb; R Norris; R Lee; R Hale; R Hofmans; R Eveleens; R Rodgers; R Connolly; R Miller; S Jones; Samarah; S Chisnall; S Riddoch; S Hinman; S Oborn; S Moore; S Pierce S	Need for it	Reclamation will impact on recreational harbour users in terms of water space, however this reclamation will enable a shift of some port activities out of the inner harbour and allow development of a marina and associated commercial activities and public access in Dampier Bay. It will also relieve pressure on flat land resource in Naval Point to ensure continued availability of space for recreational activities for the benefit of the wider Canterbury community.	None - I support the proposed reclamation to allow for a marina to go in to the inner harbour.
Andrew Stark	Need for it	We support this reclamation and the proposed new container terminal facility.	None
Governors Bay Amenity Preservation Society	Need for it	Based on what evidence are freight volumes increasing? Is there a business plan that supports and documents these projections for increased freight volumes? It seems the media are reporting quite the opposite. With these dwindling exports is the reclamation of this large area going to be an economically viable project?	Would like more information
Green Party	Need for it	The 10 ha. reclamation under construction, more efficient use of the coal storage area and reduced coal volumes requiring storage should provide LPC with sufficient additional areas to reconfigure its operations as Cashin Quay and wharves are repaired.	Amend the plan so that it provides only for the port's rebuild and repair, not further expansion of the container terminal. Stage the proposed reclamation so that only a portion (e.g. 5 ha) is provided for in the plan. Require LPC to use the Resource Management Act processes for further stages (22 ha) of the reclamation.
Herbie Mues	Need for it	I oppose the reclamation of an additional 27ha. I don't believe the expert assessments.	No extensions beyond the consented 10 ha at Te Awaparahi Bay.
Jill Morrison	Need for it	I totally oppose further reclamation in the Cashin Quay area. LPC must not be allowed to put the environment at risk.	If the harbour is not suitable for monster ships so be it. Timaru is not another country!
Juliet Neill	Need for it	37ha of reclamation is a huge area to reclaim, and is likely to have huge consequences for the harbour. Exactly how this will be used is not mentioned in the plan. Surely, now that the coal industry is suffering and being downscaled, the area set aside for coal will not be needed as much, and this could offset the need for such vast reclamation?	Consider whether 37 a of reclamation is necessary, and whether this plan could be offset by altered use of the coal storage area.

RECLAMATION

Full Name	Issue	Reasons	Decision sought
Lyttelton Community Association Inc	Need for it	LPC want to reclaim a further 27ha of harbour to provide additional wharf space. Is it necessary? Given the large area allocated to coal, and prospect of the coal business being seriously curtailed, the decision to allow reclamation should be deferred until (a) the demand can be more reliably forecast, and (b) the status of coal mining is clarified.	We request that the further reclamation issues be deferred until these matters are clarified.
Lyttelton Harbour / Whakaraupo Issues Group	Need for it	Uncertain commercial environment. In 2009 resource consent application for reclamation for coal stockpiling. Circumstances changed. Acknowledge high financial cost of investing in large scale port infrastructure and cost on; on natural environment. Concerned with: justification of scale, dimensions, configuration of reclamation. Meeting foreseeable requirements for next 10 years more appropriate.	
Ms Wendy Everingham	Need for it	I do not believe the economy will grow so strongly and believe with a whole of country port strategy you would receive a better outcomes.	The Port of Timaru could be used more effectively.
Ravensdown Fertiliser Co-operative Limited	Need for it	Agree that to ensure the Port remains as efficient as possible during the recovery, additional land is first made available through reclamation of Te Awaparahi Bay first. The current 10ha reclamation needs to be completed as soon as possible to allow port operations to commence migration to the east with the additional 27ha required to future proof the Ports operational requirements.	N/A
Tasman Young	Need for it	One must seriously challenge the Lyttelton Port Company application for another 27 hectares of water for reclamation especially as there is no great detail of how it will be formed and the wharf profile. I really think it is a straight out land -water grab for the sake of it. True once it is built it will get used but I think it should be subject to an Environment Court decision.	I oppose further reclamation at Cashin Quay.
Thomas Kulpe	Need for it	Projecting compound annual growth rates of the past into the next 25+ years is both misleading and flawed. The expansion component of LPRP is portrayed without any alternatives.	Reduce port expansion to what is necessary and appropriate for the recovery.
Wayne Nolan	Need for it	I fully support the proposed extension of the reclamation to the East.	N/A
Young 88 Association of New Zealand Inc.	Need for it	The Association supports the proposed reclamation to enable expansion of port operation out of the inner harbour. This will enable areas in the inner harbour to become available for the development of a marina which is desperately needed in Canterbury. We accept that there will be a loss of potential space on the harbour for Young 88 racing events and activities. However on balance we believe this is well worth forgoing as it will enable the development of a marina which is a much more pressing need.	The Young 88 Association supports the proposed Te Awaparahi Bay reclamation and does not seek any changes to the Plan on this issue.
Boat Safety Association	Need for it	We support the proposed reclamation plan for this Bay provided all commercial activity is removed from around the reclamation grounds at Naval Point. The planned 37 hectare reclamation in Awaparahi Bay extra land becomes available to the Port Company. The commercial activities near the Naval Point recreational area could be moved and the land that is vacated could be used for recreation. We do not suggest the commercial activities should be moved to Awaparahi Bay but nearer to the other heavy industry sites or out of the Lyttelton area. The activities we refer to are; the Stark Brothers Transport garages, the storage area, the boat sales yard and the new Pegasus fish company building. The area occupied by the commercial activities is approximately 2.2 hectares and is badly organised and not used to its greatest advantage. The whole operation could be moved to another site based (not necessarily in Lyttelton) on a logical plan occupying considerably less land than 2.2 hectares. A new site or sites would be more convenient and efficient for the commercial enterprises.	All commercial activity is removed from around the reclamation grounds at Naval Point.

RECLAMATION

Full Name	Issue	Reasons	Decision sought
David and Heather Bundy	Need for it	This will mean a huge area of the public estate will be transferred into the ownership of LPC. This amounts to a huge transfer of wealth from the public domain to a private company. The value of LPC could double. No independent study has been undertaken and we deserve to be informed before this reclamation is permitted.	Make sure an independent and comprehensive study is undertaken and its findings made public.
Canterbury Trailer Yacht Squadron	Need for it	Support the proposed extension of the reclamation.	None
William Hall	Need for it	4.1.1 - Support	None
Alastair Brown and Frances Young	Noise	Reclaimed land for container storage Te Awaparahi Bay to be engineered as soon as is possible to ensure that noise levels associate with storage and loading of containers on and off ships are reduced ASAP for the Lyttelton community's home-based wellbeing.	Sound carriage to be carefully considered in the meantime and superior sound modifications of equipment used within container.
Helen Chambers	Noise	The initial noise from the construction of the reclamation area and the ongoing noise from cranes, vehicles will affect the people of the Harbour Basin depending on wind direction. More importantly the noise may affect fish and dolphins and they may not return.	Reducing the size of the reclamation may help
Alastair Suren	Noise	Operational Noise does not take the noise contours out towards Diamond Harbour so no conclusion can be drawn on the potential for adverse effects on residents. A noise contour plan and appropriate mitigation process was determined after many years through the District Plan. If needed similar provisions should be made for Diamond Harbour but this is not possible to determine. The ECan noise peer review notes significant gaps in the information provided (memo 23/12/14).	Provide appropriate acoustic modelling to include areas over in Diamond Harbour and Purau to assess the effects of the proposed activities.
Alastair Suren	Operation	There is no mention of the existing Port lighting and any required replacement/upgrading. Currently the light spill and noise is significant on adjacent land.	Implement more focussed lighting for existing Port Infrastructure, and for any new developments. Minimise any skyward spill of light and focus lights in a downward direction.
Belinda Durney	Operation	I oppose the Lyttelton Port Company's proposal to reclaim a further 27 ha at Te Awaparahi Bay and to re-site the container terminal there. I live directly opposite the proposed terminal, along with many other Diamond Harbour residents. Lyttelton Harbour acts as a natural amphitheatre and noise from the Port is projected straight across the bay. There is already a considerable noise issue in our area coming from the activities of the container terminal on its current site at the Port. The distance across is approximately 1.8-2km. I believe that the impacts of noise from the proposed terminal at Te Awaparahi Bay (24/7) would be untenable for residents in our area. This seems to be a case of moving the 'adverse effects' from one community to another without redress. There is completely inadequate research around the impacts of noise, air and night time light pollution on Diamond Harbour residents. There is nothing about the visual impact of the proposed terminal from Diamond Harbour.	I do not support the further reclamation of land at Te Awaparahi Bay, the resitting of the container terminal, or the move of the port activities further east. I would like to see these removed from the Plan.
Frances Therese James	Operation	I would like more research done to investigate how the different wavelengths of light interact with both physical and biological environment.	That more research be done into lighting that is suitable for human and animal health.

RECLAMATION

Full Name	Issue	Reasons	Decision sought
Helen Chambers	Operation	There is insufficient evidence in the Plan to indicate how the spread of lighting from the port will be contained. This lighting should not be harmful to human health or affect biodiversity. Where is the evidence that the effect of the lighting will not be harmful to animals and human on land and in the marine environment? The exclusion of height restrictions from the plan of the reclamation area is a concern to us. The visual effect of these cranes and containers will be an eye-sore to tourists arriving, people using the harbour, the residents of the Harbour Basin, and in particular the people who live in Governors Bay.	More research is required and reduce the area of the reclamation
Learn2Sail	Operation	LPC and ECan proposals make no consideration for light and noise pollution on the reclaimed land.	More detail is required.
Frances Therese James	Operation	Currently I have uninterrupted views of the heads. My concern is that I will loose this view if the containers can be stacked five high.	I think the visual impact is an important consideration, container height should be restricted.
Lyttelton Harbour / Whakaraupo Issues Group	Other	The Group opposes, has serous concerns, and seeks amendments on many aspects of the pdLPRP, including: 4) Environment and other Lyttelton Harbour Communities - LHWIG considers the pdLPRP is flawed or fails to assess the proposal on the well-being and effects on other harbour basin communities and Lyttelton Harbour. Disagree with conclusion that reclamation effects will not be significant or can be appropriately managed. Concern for changes in coastal/marine environment. Do not support proposed scale and configuration - would welcome explanation on what may be encompassed by the term 'can be appropriately managed'.	
Michael Sandridge	Size	Accepting LPC's assessment that the port need more space, I support expansion through reclamation as proposed to the east of Cashin Quay. Expansion to the east will have the least impact on Lyttelton township and recreational activities in the area.	N/A
Diamond Harbour Community Association	Size	Support the size of consent being up to 27 hectares (so that the size can be consented as less)	N/A
Frances Therese James	Size	The Port should not be able to claim this land without proper public notification.	It should seek to follow the correct processes, consider a smaller reclamation area. Reclaim to the east no the south. Gollans Bay could be renamed Gollans Cove.
Lucy Rayner; Aleksandra Turp; Michael Turp	Size	I strongly believe the Port should not extend further south into the harbour at the cost of other harbour residents, wildlife and harbour users	The proposed container terminal should not extend south of the existing wharf line. If it must expand it should be east only towards Gollans Bay. There is plenty of space available in this direction. This would minimise the visual impact and noise pollution of the extension and it would have less of an effect on the water flow in the harbour whilst still gaining the port the same amount of reclaimed land.
Ms Wendy Everingham	Size	I am in support of a Port Recovery Plan BUT I do not think it should support such a huge reclamation project. The reclamation is too large and too bulky. It will really detract harbour views for residents of Diamond Harbour and Governors Bay. I don't think a reclamation project of this size should form part of the recovery plan. This is a project that needs more thought and more public input.	The reclamation should not extend further into the sea than the current 10 hectare addition. The coal area should be explored as another container storage area to increase capacity. The 27ha s should be removed from this process and become part of the normal RMA process.

RECLAMATION

Full Name	Issue	Reasons	Decision sought
Nick Rayner	Size	The harbour itself is a precious resource. Its our job to look after it for our kids, so they can enjoy it as we have. The word Reclamation suggests we have a right to fill in even more of the harbour, but this should be a last resort, and if considered then should be minimized as far as possible. I would prefer there was no further reclamation of the harbour. If there must be, it should be done within the existing wharf line. I strongly object to the proposed Te Awaparahi Bay container terminal being allowed to push out to the end of the breakwater, meaning ships will sit well into the main harbour, impacting water currents, view, and wind for other harbour users.	If there must be further reclamation it should be done within the existing wharf line, i.e.: the proposed Te Awaparahi Bay container terminal should not extend south of the existing wharfs. If further reclamation is required, I would prefer it extended East and to avoid reducing the width of the harbour.
Pete Simpson	Size	4.1.1 - Support the size of consent being up to 27 hectares so that the size can be consented as less	N/A
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Size	The proposed reclamation is undertaken in a phased manner as follows: (1) There should 4 phases of no more than 10 ha each (to a total maximum of 37 ha), including the current consented 10 ha as phase 1; (2) Phasing must occur in accordance with an Adaptive Environmental Management Plan that is prepared by a Joint Committee under the Local Government Act on advice from a technical advisory committee; (3) A minimum of 1 year of baseline monitoring data is necessary before the 2nd phase can be consented; (4) Phasing needs to be linked to a market viability assessment to demonstrate the need for each phase of reclamation. Assessment criteria should include reasonable consideration of alternatives.	The proposed reclamation is undertaken in a phased manner as follows: (1) There should 4 phases of no more than 10 ha each (to a total maximum of 37 ha), including the current consented 10 ha as phase 1; (2) Phasing must occur in accordance with an Adaptive Environmental Management Plan that is prepared by a Joint Committee under the Local Government Act on advice from a technical advisory committee; (3) A minimum of 1 year of baseline monitoring data is necessary before the 2nd phase can be consented; (4) Phasing needs to be linked to a market viability assessment to demonstrate the need for each phase of reclamation. Assessment criteria should include reasonable consideration of alternatives.
Vanessa Ross	Size	I strongly believe the Port should not extend further south into the harbour at the cost of other harbour residents and harbour users; then provide a Change e.g.: The proposed container terminal should not extend south of the existing wharf line. If it must expand it should be East only towards Gollans Bay.	The proposed container terminal should not extend south of the existing wharf line. If it must expand it should be East only towards Gollans Bay
Lyttelton Port Company Limited	Size	The consequence of notified map 5.7 is that the reclamation area includes the berth pockets. The entirety of the berth pockets will not fit into this area.	Amend rule 10.11 and map 5.7 to reflect this.
Governors Bay Community Association; P Ensor	Visual Effects	Concern about visual impact that expansion of reclamation would have on lighting and view of the harbour as seen from Governors Bay. LPC did not supply visual impression of development on view from Governors Bay, GBCA member produced mock-up of possible view. It appears to us that the development as seen from Governors Bay would extend halfway across the harbour. This would be a gross visual effect on townships on both sides of the harbour as well as to those visiting.	That ECan and LPC consider an alternative configuration for expansion of container handling facilities that would see the reclamation extending further along the natural shoreline beyond Te Awaparahi Bay, instead of across the harbour along the Cashin Quay breakwater. This would minimise the visual impacts of the development as seen from townships around the harbour.
Green Party	Visual Effects	The landscape assessment by Graeme Densem for ECan concludes that the proposed container reclamation will create visual discordance with its natural setting due to its alignment and symmetrical shape. The reclamation will be visible from the Port Hills, Mt Herbert and parts of the Summit Road including public walking tracks and recreational areas as an obvious and unnatural protrusion into the harbour. No attempt has been made to align or shape the reclamation, particularly its eastern and western edges so that it is more in keeping with the natural character and contours of the harbour basin and coastline.	Require the reclamation to be shaped and aligned so that it is more in keeping with the natural character of the harbour and a less intrusive and discordant element of the harbour landscape and seascape.

RECLAMATION

Full Name	Issue	Reasons	Decision sought
Learn2Sail	Visual Effects	The reclamation in a SE direction has huge visual impacts too all visitors and residents. The view from our home will be depreciate, will we receive compensation? The relocation has no consideration for visual impact, just a square blob, no curves, water flow thoughts, it is a number efficient solution to land expansion. If it were bare land then this may impact less but 5 containers high, ships at birth and cranes will block views from Lyttelton West Corsair Bay, Rāpaki, Cass bay, Governors bay, Diamond Harbour and the crater rim walkways. This is a disaster for the residents of the Harbour, tourists and local operators and all water users.	The additional reclamation southwards (SE) should not be allowed but investigate reclamation further eastwards (NE) and land making better use of the coal berth and quarry
Lyttelton/Mt Herbert Community Board	Visual Effects	P39 (Section 3.7) Landscape Change - In the Recovery Plan's summary of key issues for the recovery of Lyttelton Port, the omission of landscape effects surprises us given the scale of changes and visual impact of combined rebuild / enhancement / redevelopment projects. Avoiding the issue of landscape effects does not make it go away, nor help communities come to terms with the changes that are coming, but only makes people feel angry and powerless.	Add Section 3.7(a) Landscape Change, which acknowledges the landscape and visual effects of development proposals.
Melanie Dixon	Visual Effects	With regard to Effects on Landscape Character and Visual Effects, there are significant grounds to oppose ECan's finding that the effects will not be significant or can be appropriately managed. The proposed reclamation at Te Awaparahi Bay will have expansive adverse, irrecoverable visual impact on the open-sea horizon as viewed from Governors Bay. The southward expansion of the reclamation outwards to the end of the existing breakwater (and beyond with the addition of wharves and ships) will forever destroy the visual landscape and the stunning, unique views towards the Outer Harbour and the open sea from Governors Bay, where hundreds of houses and residents enjoy the outstanding views as do thousands of visitors per year. As a result of the reclamation is that the open sea horizon will be impacted and shut down by up to 50% if the proposed works go ahead.	Modifying the reclamation alignment would lessen the sense of discordance. This could be achieved by realigning the south (berthage) edge to run parallel to the shoreline of Te Awaparahi Bay. Aligning the berth with Cashin Quay, as currently proposed, is the source of the discordance with the natural surrounds. In such a realigned scenario the eastern face of the reclamation would need to extend further into Gollans Bay, to maintain the required 30ha. However such a reclamation would be significantly less intrusive in the harbour form and would not impact significantly on the naturalness of Gollans Bay. I request that the southern edge of the proposed reclamation extends only to the same southern extent as the existing Cashin Quay wharf i.e. only as far as the landward end of the breakwater, not extending to the southern end of the breakwater.

DREDGING

Full Name	Issue	Reasons	Decision sought
Pete Simpson	Capital Dredging	4.1.4 - Dredging to deepen and widen the Main Navigation Channel should be publicly notified at the same time as consents for dumping the dredge material. There are still public concerns that the dredging and dumping will have significant effects on turbidity, sedimentation and marine life generally.	Add that the consent to deepen and widen the Main Navigation Channel will be publicly notified, and that additional dumping zones outside of the Harbour entrance will be investigated to mitigate potential effects within the Harbour area.
Green Party	Contaminated Material	The impacts of spoil dumping have only been cursorily investigated. Dredging and dumping on this scale risk significant adverse effects on turbidity, sedimentation and marine life in and beyond the harbour. The plan provides inadequate information on contaminated sediments, the contaminants involved, their toxicity to marine life and how they are dealt with. LPC should not be able to dump contaminated material at sea because of potential effects on marine life and marine ecosystems. This should be discouraged through non-complying activity status. The plan should include limits on the level of contaminants which ECan determines as acceptable in material to be dumped in the spoil dumping grounds.	Make the offshore dumping of contaminated material a non-complying activity. Amend the plan to ensure that capital dredging to deepen and widen the Main Navigation Channel should be publicly notified at the same time as consents for dumping the dredge material are.
Lyttelton Port Company Limited	Contaminated Material	Agree with Rule 10.17 other than clause e). The red area on map 5.8 needs to be treated differently, they are areas known to contain significantly contaminated sediment.	Deposition of dredge spoil from the red area shown on the planning maps should be restricted discretionary dealt with under rule 10.18. Clause f) needs to be replaced with the reference to the monitoring of disposal ground.
Lyttelton/Mt Herbert Community Board	Disposal sites	p10 Dredging - Accept that dredging is an integral part of port operations. Current dumpsite is ecologically vulnerable. Precautionary approach needed. When the existing maintenance dredging consent comes up for renewal, we will seek a change to the current dumpsite location as it is in the least modified part of the harbour where there is still high marine biodiversity, good ecological health and a largely intact ecosystem. Terrestrial ecological communities on the adjacent hillsides above are also intact. Ki uta ki tai. Natural values of the marine area surrounding Godley Head are high enough for consideration as a future marine reserve. We support this concept, as it is consistent with our plan to complete a coastal walkway. We oppose any increase in the volume of dredge tailings dumped in this location associated with deepening existing berth pockets to accommodate larger vessels or deposition of any potentially toxic dredging from the inner harbour. A precautionary approach is needed and no inner harbour dredging should be dumped back into Lyttelton Harbour. A better dumpsite with fewer potential adverse effects on harbour ecology or other disposal solutions must be found for all new dredging associated with the re-development of the port. All port dredging, including existing maintenance dredging, should be dumped at the new site.	Amend to prohibit dredging from the inner harbour to be deposited anywhere in the harbour. Amend to prohibit dredging associated with new development to be deposited anywhere in the harbour. Include a direction that maintenance dredging covered by the existing consent be deposited along with other dredging outside the harbour.
Lyttelton/Mt Herbert Community Board	Disposal sites	p56 (Section 4.1.4) We are opposed to extra dredging, from deepening berth pockets and swing ship turning basins, deposited at the Spoil Dumping Grounds in the Outer Lyttelton Harbour. We are opposed to any dredging from the inner harbour deposited back into Lyttelton Harbour	Amend to prohibit dredging from the inner harbour to be deposited anywhere in the harbour. Amend to prohibit dredging associated with new development to be deposited anywhere in the harbour. Include a direction that maintenance dredging covered by the existing consent be deposited along with other dredging outside the harbour.
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Disposal Sites	Limits must be set on the volume of dredge spoil that can continue to be dumped at the existing spoil grounds (which is no greater than the volumes currently being dumped), and a direction should be included requiring an assessment of alternative locations for spoil dumping to be undertaken. A plan should be agreed, by a fixed date, to eventually cease dumping of dredge spoil at the existing spoil grounds.	A plan should be agreed, by a fixed date, to eventually cease dumping of dredge spoil at the existing spoil grounds.
Tasman Young	Disposal Sites	Dredge is to be dumped only about 6 km off the heads, it should be at least 20 km off the heads to prevent Sumner Beach becoming a silt beach even though the predominant tide is south heading. Once this project proceeds I visualise the people of Sumner will go to war with the Port Company.	All future dredging in Lyttelton should be dumped 20 km offshore. I oppose dredging until full consultation and the above or similar conditions are met.

DREDGING

Full Name	Issue	Reasons	Decision sought
Juliet Neill	Environmental Effects	Dredging - who is monitoring the environmental effects, and if they are proved to be unsatisfactory, then what?	Include information on who is monitoring the effects of dredging, and what action will be taken should the effects be damaging to the marine environment.
Mark Watson	Environmental Effects	Guarantee reclamation and dredging will not contribute to further modification of harbour circulation patterns and sedimentation problems. LPC says the reclamation will make no difference and Ecan's experts agree but there is plenty of anecdotal evidence that port activities have contributed to changes in the past. I want to be certain that what is proposed will make things better not worse.	N/A
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	General	Best practice dredging methods that result in the least suspension and distribution of sediment plumes should be a requirement.	Best practice dredging methods that result in the least suspension and distribution of sediment plumes should be a requirement.
Jill Morrison	General	I totally oppose further dredging. LPC must not be allowed to put the environment at risk.	If the harbour is not suitable for monster ships so be it. Timaru is not another country!
Diamond Harbour Community Association	Maintenance Dredging	Dredging to deepen and widen the Main Navigation Channel should be publicly notified at the same time as consents for dumping the dredge material. There are still public concerns that the dredging and dumping will have significant effects on turbidity, sedimentation and marine life generally.	Add that the consent to deepen and widen the Main Navigation Channel will be publicly notified
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Maintenance Dredging	Confirmation needs to be provided of the existing and proposed volume of maintenance dredging spoil to be dumped.	Confirmation needs to be provided of the existing and proposed volume of maintenance dredging spoil to be dumped.
Mrs Ann Thorpe	Maintenance Dredging	I support dredging if highest stringent environmental controls on the dredging of Lyttelton Harbour are applied, in terms of protecting life on the harbour floor and disposing of removed material.	Highest stringent environmental controls on the dredging of Lyttelton Harbour are to be applied, in terms of protecting life on the harbour floor and disposing of removed material.
Herbie Mues	Water quality	I want to be able to swim in clean water	No further dredging

TRANSPORT

Full Name	Issue	Reasons	Decision sought
Finn McLachlan	Cycling	4.5 - I would like Norwich Quay to be more safe for riding bikes. When I ride to the market with my mum and dad on Saturday mornings the parked cars are scary because people can open their doors. The big trucks are also scary. I would like it to be safer so that I can ride to the market. I would also like it to be safer so I can ride to the Rec ground on my bike when I go to Lyttel Soccer on Sundays. I wanted to take a video of the street with my GoPro but ran out of time, so you will have to bike there to see what it is like. I am 11.	None
Pete Simpson	Ferry Terminal	Add other potential locations e.g. adjacent to No4 wharf and the current location also. The current No1 wharf is the best location and No4 wharf the best alternative. Oppose the non-notification of the ferry terminal facilities. These should be discretionary and publicly notified. There has been strong public interest in the ferry terminal location for many years and it is the biggest issue for Southern Bays residents. Failure to consult at application time for consent to move the terminal would be insulting to this concern.	Add other potential locations - the existing No2 wharf site and adjacent to No4 wharf. Amend to any consent required under the proposed Christchurch Replacement District Plan for ferry terminal facilities will be discretionary and publicly notified.
Sarah van der Burch	Ferry Terminal	I would like to see the DH ferry terminal kept where it is and have the area upgraded for other local boat terminals	
Alastair Brown and Frances Young	Ferry Terminal	to have one instated within 5 minutes walking distance of London Street in Lyttelton Centre.	to have one instated within 5 minutes walking distance of London Street in Lyttelton Centre.
Black Cat Cruises	Ferry Terminal	Support the proposed relocation of the Ferry Terminal as part of the LPRP. It seems illogical to have a planned public space/access in the Dampier Bay area and yet keep the public transport terminal in a totally different location. These days, even finding the ferry terminal for someone who is not familiar with the area can be a challenge with a maze of fences and walkways. We believe it is also important to consider the current users of the ferry and ensure their needs will be met when considering any relocations / redevelopments. Around 90% of the users of the ferry service would benefit from moving the ferry from its current location. We also believe that the increased walking distance specified in the proposal is minimal and would not have a great impact on those using the ferry. From an operational point of view, the current location is a dirty and industrial location. There are often large ships manoeuvring near the ferry terminal restricting the ferry movements and creating additional hazards.	The only change we would like considered with regards to the Public Transport and Ferry Links would be the time line. The sooner the better.
Chief Planning Officer Christchurch City Council	Ferry Terminal	The Council remains concerned about the distance from the Lyttelton Town Centre to the proposed new location at Dampier Bay and the accessibility of this for users of this essential service and the potential impact on local businesses it may have. Easy access to the Town Centre is important for the recovery of the Town Centre. The Plan and the recovery framework does not mention whether there could be improvements to amenities in the current ferry location, particularly if any relocation is still up to 10 years away	If the ferry terminal is relocated then it requires careful consideration in relation to its physical and visual connections to the town centre. In this regard, Sutton Quay is of great importance and the District Plan provision that requires non-complying consent if the ferry terminal is relocated without opening of Sutton Quay to public vehicle access is supported.
Diamond Harbour Community Association	Ferry Terminal	Add other potential locations e.g. adjacent to No4 wharf and the current location also. The current No1 wharf is the best location and No4 wharf the best alternative. Oppose the non-notification of the ferry terminal facilities. These should be discretionary and publicly notified. There has been strong public interest in the ferry terminal location for many years and it is the biggest issue for Southern Bays residents. Failure to consult at application time for consent to move the terminal would be insulting to this concern.	Add other potential locations - the existing No1 wharf site and adjacent to No4 wharf. Amend to any consent required under the proposed Christchurch Replacement District Plan for ferry terminal facilities will be discretionary and publicly notified.
Green Party	Ferry terminal	The plan commentary recognises the need for a ferry terminal for the Lyttelton-Diamond Harbour ferry which is within easy walking distance of and well connected to Lyttelton town centre to encourage the use of public transport but the plan provisions do not adequately support this. The ferry caters for residents and visitors. The Mt Herbert Walkway appears to be being used more by recreational walkers including tourists and Christchurch residents. The summertime concerts at Stoddart Point have attracted many day visitors.	Amend the plan to provide for the future location of a rail passenger terminal and a walkable ferry jetty and bus terminal for the Diamond Harbour ferry service.

TRANSPORT

Full Name	Issue	Reasons	Decision sought
Green Party	Ferry Terminal	The proposal (p61) that any resource consent required for ferry terminal facilities not be publicly notified is opposed as failing to recognise the significant public interest in the ferry terminal location and the time community representatives have spent in agency processes about this. The Plan is ambiguous about to the future location of the ferry terminal talking of it remaining at the present site for seven years. The wharf is used by local tourist and day-trip traffic, and visitors approach the boats through a prison camp maze which needs to be improved.	Amend the Plan to provide for public notification of any resource consent application for the ferry terminal.
Lyttelton Environment Group	Ferry Terminal	The LEG believes the ferry terminal should be moved to the west end within the inner harbour in Dampier Bay as a matter of urgency and it is imperative that such a development be included in the proposed port recovery plan, not some vague reassurance it will be considered in the future. It (the move to the west end) is integral to the development of Dampier Bay as no integrated planning for appropriate development of the Bay can proceed without the inclusion of planning for a ferry terminal on the site.	The development and building of the terminal at the west end of the inner harbour must be included in the proposed port recovery plan and be an integral part of the plan.
Lyttelton Harbour Business Association	Ferry Terminal	We note that the proposed ferry terminal location is further from London Street than the existing location. We support the development of a ferry terminal as close as possible to, and with direct and safe pedestrian access to, the town centre (London Street between Canterbury and Oxford Streets).	
Lyttelton/Mt Herbert Community Board	Ferry Terminal	p8 Diamond Harbour Ferry Berth - Strong community opposition to moving ferry berth - a succession of consultation processes. Dampier Bay is NOT the best location for a public transport connection. There are many good reasons why the ferry berth should either remain where it is or, if it must be moved, relocated to a place which is just as close or closer to the town centre. Deferring decision means ferry users will have unacceptable standard of facilities at the ferry berth for the foreseeable future, does not support recovery. It does not support community wellbeing. It provides no certainty for residents or for business owners or for owners of commercial property in Lyttelton who need to make decisions about their future. It is also unfair to Black Cat who are trying to develop their visitor product as well as provide the public transport service.	Amend Recovery Plan to include a direction fixing location of the ferry berth at the best location for community wellbeing, which is either at or near the current location with improved facilities. Direct agencies to work together to make this happen within a set timeframe.
Lyttelton/Mt Herbert Community Board	Ferry Terminal	P41 3.8.4 Ferry terminal Diamond Harbour Ferry Berth - Strong opposition from ferry users who have made it clear they want the ferry berth to stay where it is, or, if it must be moved, to a new location which is just as close. If the ferry berth is too far away from the town centre people will stop using it to go to Lyttelton. Growing population on southern side of harbour - need direct access to the range of goods and services in Lyttelton. Moving the ferry - significant risk to the social, economic, and cultural wellbeing and resilience of communities on both sides of the harbour. Seems likely no decision will be made for at least seven years. Looks as if ferry users will have to put up with substandard interchange facilities for the foreseeable future. A recovery plan which provides no certainty does not help any of the communities.	Amend Recovery Plan to include a direction fixing the location of the ferry berth at the best location for community wellbeing, which is either at or near the current location with improved facilities or even closer to the town centre. Direct agencies to work together to make the above happen within a set timeframe.
Lyttelton/Mt Herbert Community Board	Ferry terminal	p61 (Section 4.4) Public Transport and Ferry Links - We do not support delaying the decision about the best location for the Diamond Harbour ferry. If LPC need resource consent to move the ferry berth, we support public notification of the application.	Amend Recovery Plan to include a direction fixing the location of the ferry berth at the best location for community wellbeing, which is either at or near the current location with improved facilities or even closer to the town centre. Direct agencies to work together to make the above happen within a set timeframe. Amend Recovery Plan to require public notification of any application to move the ferry berth.
New Zealand Transport Agency	Ferry terminal	Section 4.4, page 61, second paragraph. This paragraph notes that relocation of the ferry terminal would require changes to the bus service route. A potentially more significant issue which should be recognised is the need to ensure adequate bus access is provided into Dampier Bay. The Transport Agency considers that bus access close to the ferry terminal would be preferable to access being provided on Norwich Quay.	Amend section 4.4, second paragraph, final sentence as follows: Relocation would also require changes to the current bus service route and possibly access improvements to link with the ferry terminal .

TRANSPORT

Full Name	Issue	Reasons	Decision sought
New Zealand Transport Agency	Ferry terminal	Section 4.4, page 61. This section discusses the potential relocation of the ferry terminal. Movement of the ferry terminal will have a number of effects on the transport network. It is difficult to efficiently plan transportation improvements without certainty about whether the ferry terminal will be relocated or not. It would be beneficial for this issue to be determined prior to the opening of Sutton Quay, as the effects of relocation could then be considered as part of the ITA required before the opening of Sutton Quay. Mr Blyleven's evidence explains some of the transport effects associated with moving the Ferry Terminal (para 49).	Amend the LPRP to include an Action for LPC to confirm a ferry terminal location by 2020 or prior to the opening of Sutton Quay, whichever occurs first.
Norwich Quay Historic Precinct Society	Ferry Terminal	It goes without saying where the Diamond Harbour Ferry goes so to does the Tug Lyttelton. Our submission is that the Ferry remains where it is. The measurement of time and distance to London St as alluded to in Section 4.4 is greeted with some mirth. Further, moving the tug Lyttelton will create dust nuisance problems the closer it gets to the dock where smoke would end up trapped as it did in earlier times. Hang the washing out at 10 - black by 12.	Any changes to incorporate the above.
NZ Labour Party, Port Hills	Ferry Terminal	Maintaining a connection between the ferry, other public transport and access to parking in this area, as well as amenities for those using these services in vital.	N/A
Ravensdown Fertiliser Co-operative Limited	Ferry Terminal	I agree that a relocated ferry terminal should be included within the proposed Dampier Bay changes. I think this is a wonderful opportunity to develop the Lyttelton community in conjunction with an improved port facility.	N/A
Ms Wendy Everingham	Ferry terminal	I support the retention of the ferry in the current location unless it can be relocated with 400 metres of the township from the Dampier Bay area.	The ferry location would be within 400m of the township.
Pat Pritchett	Ferry Terminal	3.8.4 - Regarding the ferry. The Port says it is physically restricted by the current ferry terminal and wants it moved to Dampier Bay despite surveys and submissions in favour of retention of the current site. I absolutely support the retention of the current position and strongly oppose any suggestions that it may be moved. The present position is the most suitable, accessible and convenient for elderly and those with young families. The distance is the shortest making it manageable. LPC removed the pedestrian stairs for commercial and safety reason and I do not trust their statements about what they will do in the future to secure easy access. ECan overseas transport routes in Canterbury and I would ask them to take the lead in this matter. It is good planning practice to come to an agreement with the community, not to propose shifting the terminal every few years. If the area is needed for Port activities there could be a purpose built pedestrian over bridge built from the terminal across to Oxford St (presuming the over bridge is not kept) which would allow LPC to use the majority of the land. One of the proposed possible cruise ship terminals is nearer the ferry terminal than Dampier Bay (which would need shuttle) and would allow passengers to walk to the terminal. If the ferry terminal is moved to Dampier Bay it would necessitate a shuttle to and from London Street which would be a waste of money and create more environmental issues as well as inconvenience with timetables to adhere to.	Delete "...for now, makes provision for it to be moved to Dampier Bay if required, button directed." pg.8 Delete any suggestions that the ferry terminal be moved to Damper Bay and instead state that Ecan will ensure that the ferry terminal will remain at its current location near Oxford Street. 3.8.4
Marcia Bryant	Ferry Terminal	Access to the waterfront and to the Diamond Harbour ferry has deteriorated over the years, and despite a lot of plans and meetings and submissions over the last 10 years, there has been no progress. I do not support the fast-tracking of consents for what would clearly be a major expansion program for LPC, without rapid progress on the ferry terminal and easy access to the waterfront. I do not support any possibility of the ferry terminal being shifted to Dampier Bay. It is too far from the business centre of Lyttelton. I support the following options for the future location of the ferry terminal: 1. Stay where it is; 2. Move to directly below Canterbury St (near wharf 4)	Easy public access to a comfortable terminal for the Diamond harbour ferry. This must be walkable from the Lyttelton Farmers' Market, and also have a decent amount of car parking. This needs to happen in the next 5 years, not 10 years or longer. We have waited long enough.
Dr Peter Kempthorne	Ferry Terminal	Moving the ferry terminal closer to Lyttelton Township by placing it at the site of No 4 wharf would shorten the walk and help link the two commercial developments. This would also provide a suitable buffer between the recreation area and the ships. It could be accessed by a pedestrian or vehicular over bridge that would later become a major link from the town to the public area of the wharves.	That the Ferry terminal be at the site of No 4 wharf. That an over bridge be built to provide access to the Ferry terminal at the site of No 4 wharf.
Mike Pearson	Ferry Terminal	LPC is distorting and minimising the impact of moving the DHB ferry terminus - there will be a longer walk which will be beyond that of the harbour's senior residents.	Retain location of ferry terminus

TRANSPORT

Full Name	Issue	Reasons	Decision sought
Nancy Vance	Ferry Terminal	1.4.13 Ferry and other Tourist Vessels - As the Diamond Harbour Ferry serves as a commuter connection, there needs to be good connection to the bus network as well as good pedestrian access to Lyttelton Township. The new facility proposed at Dampier Bay will have sufficient space to enable these to be provided. 1.4.13, has firstly, not adequately identified the requirements of this public transport node for residents of the southern bays and secondly has given judgment that there is certainty of a new ferry facility at Dampier Bay. If the current site is retained, planning needs to consider how to mitigate restrictions such as access to convenient parking, toilets and a suitable terminal. Priorities for the ferry location include proximity to town, accessibility, heritage and linkages with parking and other forms of transport.	New facilities, with short timeframe
Jeremy Agar	Ferry Terminal	Retention of the ferry service at or near its present location has long been an agreed item between CCC, Ecan and LPC.	Retention of the ferry service at or near its present location has long been an agreed item between CCC, Ecan and LPC.
Maike Fichtner	Ferry Terminal	That the ferry terminal shall remain in its current position and be developed to a user friendlier and safe facility asap rather than a 6 year old very unfriendly and ugly access. Oppose the Dampier Bay option, as it too far removed to the Lyttelton Centre and should not more than 500 m away from the centre.	I would like to see the ferry terminal stay in its current location or to be shifted to a similarly close quay near the town centre. Pedestrian access should be aesthetically pleasing and the stairs could be re build, as they were very practical.
Henry French; Carolyn Nicol; John Hannam	Ferry Terminal	It has come to my attention that the preferred option is to shift the Diamond Harbour ferry berth over to Dampier Bay. As a Diamond Harbour resident and regular user of the ferry, I STRONGLY disagree and oppose this option. We need to reconnect Lyttelton CBD to the waterfront and allows people direct access to the water edge from the Lyttelton CBD. The Dampier Bay option would discourage this as it is too far away from the CBD. I question whether you have considered or even discussed any of the concerns of residence who will be affected by such a ridiculous option not to mention the detriment to Littleton Businesses.	Here are two options I am happy with. Option 1: keeps the ferry berth close to where it is at present; reinstates the stairs and incorporates a lift up to the existing Oxford Street over bridge, has the bus stop near the old railway station, and car parking nearby. Option 2: involves a new pedestrian over bridge connecting the bottom of Canterbury Street with Number 4 Wharf has a new passenger interchange combined with Black Cat Office, cafe etc. in a new building at the waters edge, Adaptive re-use of pre-1900 finger wharves, has bus turning and car parking nearby, creates a public open space/maritime area.
John and Anna Holmes	Ferry Terminal	I support the Ferry Terminal remaining in its current position. The situation of the ferry terminal is a matter for public importance and there must be input from users of the ferry (residents of Diamond Harbour and wider Christchurch) if changes are proposed. I request that any resource consent under the CRDP relating to the ferry terminal is publicly notified. I request that if estimated walking times are used to quantify the additional time to get from the proposed new Ferry Terminal at Dampier Bay to London Street they should make reference to the average walking speed of older persons as well as fit young people.	I seek removal of the possibility for removal of the terminal 'if required.' I request there is public notification and input on any proposal to move the ferry terminal if the site is required for port operations. I request the retention of the ferry terminal in its present position be given priority over the possible wishes of LPC to redevelop the area.
Anders Peter Gillies	Ferry Terminal	That the ferry should at no time be moved to Dampier Bay. The operation is currently unsafe and unlawful.	Don't move the ferry terminal
Linda Goodwin	Ferry Terminal	I fully support the relocation of Diamond Harbour Ferries to be based in Dampier, to enable the main wharfs to be used for commercial/industrial usage and Dampier Bay for light commercial/tourism.	Appropriate public transport linkages to be included.
Juliet Neill	Ferry Terminal	The positioning of the Ferry Terminal at Dampier Bay will adversely affect access to the main commercial area of Lyttelton, compromising the businesses.	The existing placement of the ferry terminal should remain but be upgraded to make it more easily accessible, and less unattractive.
A J Wilson	Ferry Terminal	I oppose the reduction in car parks available to ferry users	I would seek an increase in the number of parks available to Diamond Harbour ferry users for whom the bus link to the city is impractical - specifically overnight parking.
John McCaskey	Ferry Terminal	The re-instatement of an inter-island ferry wharf (approx tug jetty) to have commuter rail connection that also services cruise ships - eastern end Cashin Quay.	Commuter rail connection that also services cruise ships
Herbie Mues	Ferry Terminal	Dampier Bay is too far away	Ferry terminal in inner harbour at either existing place or wharves 4-6.
Mark Watson	Ferry Terminal	A plan which settles on the location of the ferry berth now so better passenger facilities can be provided immediately, not seven or more years into the future. The location must support communities on both sides of the harbour by providing for the most direct access between the ferry and the town centre so that public transport becomes the mode of choice for the future.	The best possible location in my opinion is directly opposite Canterbury St, next to the historic wharves 4,5, and 6, connected to the town by a pedestrian bridge over from Norwich Quay, and by a road via the Oxford St overbridge for buses and cars.

TRANSPORT

Full Name	Issue	Reasons	Decision sought
Dr Peter Kempthorne	Freight Route	That the time until the moving of heavy vehicles from Norwich Quay down onto the wharf be shortened. It is vital to an integrated approach to the development of the waterfront and the recovery of Lyttelton township. If not done early there will be a complete split between the proposed new commercial development on Dampier Bay and the existing Lyttelton township.	That the road below Norwich Quay be developed as early as possible.
Canterbury Maritime Developments Limited	Freight Route	LPRP is fundamentally flawed by failing to address the significant traffic and transport issues (Norwich Quay in particular) which the ports current and expanding activities impose upon the Lyttelton township. While the Plan does not preclude an alternative route to the Port in the future, it has accepted Becas Integrated Transport Assessment advice and analysis that Norwich Quay can handle the projected traffic increase until 2026. The Plan is equally silent on the role of Kiwi Rail in the recovery of the Port with no apparent consideration given to how much of the fill required for the Te Awaparahi Bay might be brought in by rail reducing heavy vehicles. 2.2 explicitly acknowledges that there are serious traffic issues.	It is this submissions contention that an alternative route to the Port should be very much part of this Plan if Lyttelton Port is to become a major export/import hub and reinforce its role as one of NZs principal ports (as per the Vision and Goals, p. 11). In that regard, a new tunnel, dedicated for mainly port activities running from the Heathcote Valley to Te Awaparahi Bay would largely remove heavy vehicle movements from the existing tunnel as well as Norwich Quay with the Quay reverting to a much preferred role as an urban street overlooking the port. It seems remiss not to have specifically identified alternative port access even though it maybe something not considered within the next 10 years.
Christchurch City Council	Freight Route	Norwich Quay is an essential connection for the Port and for Lyttelton township. The Council accepts that freight will continue to increase, along with construction traffic, and that Norwich Quay will retain its freight function, with the assessment concluding that it can function effectively for recovery purposes. The return of Norwich Quay as a town street has been a long-held desire of the community and is included as a priority outcome and action in the Lyttelton Master Plan.	The Council is supportive of Actions 8 and 9 which seek to deal with recovery related matters for the transport network and provide for appropriate upgrades for various users on Norwich Quay. The Council would like to see these actions take into account the Lyttelton Master Plan and the Lyttelton Access Project, both of which have matters that are recovery related and relate to the matters in the Direction. The Council also seeks that both actions provide for amenity improvements, which contribute to a safe and convenient environment for pedestrian and cyclists
Diamond Harbour Community Association	Freight Route	Oppose the 10-15 year time frame for consideration of any alternative route for heavy traffic off Norwich Quay. Within 10 years traffic on that road will have significantly increased providing increased hazard and loss of amenity. Downsizing of the coal handling area and better use of the inland ports will provide greater flexibility for the Port Company to shift the log storage elsewhere.	Change the paragraphs in this section to make provision for a heavy traffic route to be built between Norwich Quay and the railway line, within the next five years.
Green Party	Freight route	Heavy traffic on Norwich Quay has significant adverse effects on amenity values; noise, fumes, barrier for access to waterfront. Extra space for port from reducing coal storage and consented reclamation. Defies belief that LPC cannot provide for alternative access road between Norwich Quay and railway lines. Port unwillingness to use space more efficiently does not justify repeated blocking of community wish to remove heavy traffic from Norwich Quay.	Amend Plan provisions to provide a policy base and a timelines to require LPC to work with NZTA and CCC to divert heavy vehicle traffic off Norwich Quay.
Lyttelton Community Association Inc	Freight Route	In 4.5, ECAN say that they have accepted the conclusions of the Integrated Transport Assessment and that they will not require port traffic to be removed from Norwich Quay. The assessment was done on the basis of the traffic carrying capacity of the roads and tunnel. We believe a proper assessment would also include the amenity values of the area. When Banks Peninsula District was absorbed into Christchurch City, \$10 million was set aside to get industrial traffic off Norwich Quay. This money could be used to offset the costs of planning for the removal of this traffic, and the port recovery plan should mandate this.	We request that LPC be directed to move its traffic from Norwich Quay.
Lyttelton Environment Group	Freight Route	The LEG continues to support Norwich Quay as an essential conduit for port operations as it (the LEG) has done many times in the past. Small numbers of individuals who oppose the continued use of the Quay as an essential industrial conduit have a mistaken view that Lyttelton is essentially a residential suburb of greater Christchurch. It is not. It is and must remain a working port essential for the export/import commerce on which the financial well-being of the whole of Canterbury depends.	Include an unqualified statement of intent that Norwich Quay will be the permanent conduit to port operations.
Lyttelton Harbour Business Association	Freight route	Strongly support the long-term plan for an alternative port access, that reduces heavy traffic use of Norwich Quay, but submit that this needs to be prioritised into medium-term to facilitate business redevelopment along the street. In the short-term, safety of road users is a primary concern, and we submit that forms of traffic calming are essential, particularly given the escalating volume of heavy traffic.	

TRANSPORT

Full Name	Issue	Reasons	Decision sought
Lyttelton/Mt Herbert Community Board	Freight route	The MoU does not help to recover, doesn't provide certainty to commercial property owners in Lyttelton particularly those along Norwich Quay.	
Lyttelton/Mt Herbert Community Board	Freight Route	p9 Traffic/Norwich Quay - We have been seeking the removal of port freight traffic from Norwich Quay for many years to support revitalisation of Lyttelton's original main street. Even though many of the heritage buildings have now been demolished, some still remain. Since the earthquakes it has become even more important that the street environment improves to support recovery on vacant lots, especially those which front onto Norwich Quay. We need the trucks to go down onto a new freight only road beside the railway line, so that we have a safe, pleasant pedestrian-friendly street environment to encourage new businesses. Delaying the decision prolongs uncertainty for commercial property owners in Lyttelton town centre and works against Lyttelton's timely recovery.	Include a direction which requires all parties to work together to fund and build the alternative freight route Option C in the Lyttelton Access Project Scoping Report. Add a deadline on when the new road is to be completed.
Lyttelton/Mt Herbert Community Board	Freight route	p36 (Section 3.6) Norwich Quay - Getting certainty about when port freight traffic will be moved off Norwich Quay is as important to the recovery of Lyttelton town centre as the extension of the reclamation is to port recovery. The port may place high importance on Norwich Quay to continue to provide efficient road freight access in the future, but the community places high importance on getting freight traffic off Norwich Quay to support the town's recovery and ongoing economic viability. This shared community vision includes return of pedestrian-friendly commercial activity along Norwich Quay. The ever-growing river of freight flowing both ways along a wide carriageway presents a significant barrier, with the physical bulk of trucks, their noise, vibrations and diesel exhaust fumes making the street environment unpleasant. For anyone trying to cross the road to get to a bus stop, Norwich Quay feels dangerous. Attachment 2 (Option 2 Plan - Alternative Public Access to Inner Harbour Waterfront) supports rebuilding on commercial properties along Norwich Quay by re-directing trucks down onto a new freight only road beside the railway line. The alternative freight road need not happen immediately but we will be asking for a deadline to be set, not too far into the future, by which the decision will be made in order to give commercial landowners certainty.	Delete: many in the community would like to see trucks re-routed off Norwich Quay onto an alternative route. Replace with: an alternative route for port road freight is needed to support recovery and ongoing economic viability of Lyttelton town centre.
Lyttelton/Mt Herbert Community Board	Freight route	p66 (Section 4.5) Norwich Quay - The Recovery Plan states, environment Canterbury has accepted the conclusions of the Integrated Transport Assessment that an alternative port access may have merit in the long term but would not assist in recovery of the port in the next 10-15 years.... It is our view that continued uncertainty about alternative port access undermines the recovery of Lyttelton town centre. While the port access route does not need to change immediately, the Recovery Plan should set a date by which this will happen. The Recovery Plan states Norwich Quay will be able to cope operationally with increasing freight traffic until about 2026. It directs parties enter into an MOU (Memorandum of Understanding), which is all well and good but does not help our community recover nor provide any certainty to commercial property owners in Lyttelton, particularly those along Norwich Quay.	Include a direction which requires all parties to work together to fund and build the alternative freight route Option C in the Lyttelton Access Project Scoping Report. Add a deadline on when the new road is to be completed.
New Zealand Transport Agency	Freight route	NZTA has specific interest in role of Norwich Quay, local road network connection into the state highway network and freight access to the port. Lyttelton is a key freight hub on the state highway network. NZTA is responsible for the state highway network. NZTA supports the LPRP's focus on the local transport network as links between the Port and the local network are key to achieving the recovery of the Port, considers that recovery of the wider network is addressed appropriately through other channels. NZTA has confidence that; there is no need for the LPRP to direct that specific upgrades are made to the transport network to cater for increasing freight volumes as a result of port activities, that the state highway network in Lyttelton can cater for this growth within the next 10 years, that the LPC information has been adequate to support the development of the LPRP some of the information will need further investigation and testing over time.	NA

TRANSPORT

Full Name	Issue	Reasons	Decision sought
New Zealand Transport Agency	Freight route	Section 3.6, page 37 sixth paragraph. The Transport Agency supports reference to the draft Scoping Report, Lyttelton Access Project and agrees with ECan (as stated in section 4.6, page 66) that changing the freight route would not assist with recovery of the Port. For clarity, amendments are necessary to ensure the findings in this Report are accurately conveyed.	Amend section 3.6 page 37 paragraphs 6, 7 as follows: the Scoping Report for the Lyttelton Access Project considered a range of options suggests two viable options for freight access to the Port, including: Retaining Norwich Quay as the freight route with improvements. An alternative access road between Norwich Quay and the railway lines."
Norwich Quay Historic Precinct Society	Freight Route	Our submission is that in 2026 when projected traffic increases exceed the capacity of the roadway that the alternative - beside the railway- be given priority consideration. This would reflect the views of not many (as quoted) but most in the community.	We seek change to the draft: To include in strong language that a formal review of the road way ieSH74 and use of Norwich Quay be undertaken by 2020 with a view to finding alternative corridors to Cashin Quay in particular.
NZ Labour Party, Port Hills	Freight Route	Pursuing alternative routes from the City to the Port rather than using Norwich Quay is a consistently raised safety message from the community and while enabled in this draft Plan, is not progressed and should be progressed. Continued shift of mode of transport from trucking to rail should be emphasised. LPC has done a good job on this over recent years but it should be a priority.	N/A
Ravensdown Fertiliser Co-operative Limited	Freight Route	Ideally would like to see commercial traffic diverted from Norwich Quay, however understand that this will be problematic in the initial stages of the Recovery Plan due to restrictions of available space in-between Norwich Quay and the railway line	Once additional land is opened up through reclamation, long term consideration should be given to putting in place a more efficient commercial traffic flow plan within the LPC boundary that address current issues of commercial operations 'crossing paths,' e.g.. logging and bulk product discharges, and the current positioning of the weighbridge.
Mr John Mckenna	Freight route	Support port traffic directed from Norwich Quay along harbour wharf area so that Norwich Quay can be developed	None specified
Mrs Ann Thorpe	Freight route	I strongly disagree with Norwich Quay remaining the freight route to the Port. I propose that trucks arriving in Lyttelton from the tunnel are detoured off at the first exit right on Norwich Quay, with the return journey to the tunnel via the same route.	That a trucking route be separated from other traffic routes with a route in front of Norwich Quay away from pedestrians and residential/visitor traffic. This would be an incentive for the public development of Norwich Quay.
Marcia Bryant	Freight Route	I also request that the plan be changed to take port traffic off Norwich Quay. This road is getting increasingly dangerous for pedestrians wanting to cross, and the quantity and noise of heavy traffic is a deterrent to businesses wanting to move back into that area. It also deters tourists and local pedestrians from venturing into this part of the town.	Take port traffic off Norwich Quay.
Pete Simpson	Freight Route	4.5 - Oppose the 10-15 year time frame for consideration of any alternative route for heavy traffic off Norwich Quay. Within 10 years traffic on that road will have significantly increased providing increased hazard and loss of amenity. Downsizing of the coal handling area and better use of the inland ports will provide greater flexibility for the Port Company to shift the log storage elsewhere. Likewise improved storage and inventory optimisation practices will enable the Port Company to minimise stockpiles held within the Port areas.	Change the paragraphs in this section to make provision for a heavy traffic route to be built between Norwich Quay and the railway line, within the next five years. Add provisions that require the Port Company to undertake research specifically focused on optimisation of cargo and log storage inventory optimisation, making use of experts in Operations Research field.
Mike Pearson	Freight Route	All changes to the port should be as part of an integrated transport policy (regional and national.) Better use of rail would reduce the amount of truck movements through the port. Port productivity should not be measured by TEU throughput - from an economic standpoint this presents an incorrect view of any improvement and is not consistent with international best practice.	Reduce truck movements by better design and use of rail
Dr Chris Bathurst	Freight Route	The opportunity should be taken to improve the transportation for the overall Lyttelton port operational risk and safety. A second road tunnel should be constructed between the vicinity of the new Te Awaparahi Bay port extension and the city at Ferrymead. This construction will provide the rock spoil needed for the extended container storage area and improve the traffic problem facing the port operations. Also having two road tunnels could enable one way traffic flow as well as lessening the congestion in the Norwich Quay route.	A second road tunnel should be constructed between the vicinity of the new Te Awaparahi Bay port extension and the city at Ferrymead.
Jeremy Agar	Freight Route	Removal of heavy traffic from Norwich Quay has long been an agreed item in the CCC plan.	Removal of heavy traffic from Norwich Quay has long been an agreed item in the CCC plan.

TRANSPORT

Full Name	Issue	Reasons	Decision sought
David and Heather Bundy	Freight Route	Norwich Quay is the Heavy traffic road into the Port. The use of this road whilst is quite legal causes a huge reduction in the amenity value of the lower township. There is a substantial nuisance from the large trucks of noise, dust, vibration, fumes and traffic danger. A corridor below Norwich Quay was set aside 25 years ago, this is partially formed and should be used.	The Lyttelton people want the trucks off Norwich Quay.
Maike Fichtner	Freight Route	Norwich Quay commercial traffic is directed through a tunnel and local traffic guided so it is compatible with pedestrian access to the water front.	Norwich Quay commercial traffic is directed through a tunnel and local traffic guided so it is compatible with pedestrian access to the water front.
Alastair Suren	Freight Route	Identify location(s) where future internal port road can go (alternative to Norwich Quay for heavy vehicles post 2026) so the area is not developed to the extent that it precludes development of an internal road, that is, don't allow significant, expensive infrastructure that would never be removed.	Include Figure 2.4 from Appendix 12 in the Integrated Transport Assessment in the Recovery Plan.
Juliet Neill	Freight Route	Norwich Quay is dangerous to pedestrians, cyclists and cars. It is already polluted and dusty, meaning that it is unlikely to be able to be resorted as a commercial area. A plan to monitor pollution levels has been announced. By the plan's own admission, traffic volumes are going to increase significantly, compounding existing problems. Rebuild is a misnomer. This is clearly a plan for expansion, being hurried through under earthquake regulations. The separation of Te Awaparahi Bay from Lyttelton township will not reduce the adverse affects on the community unless traffic is removed from Norwich Quay. Clarify what is meant by Norwich Quay continuing to function "effectively, despite the increase in traffic. What does this mean. It certainly will not be effective for the residents of Lyttelton, and already pollution levels are high and being monitored.	Truck access to the wharves is already available for loading and unloading, and has to be retained. It would make environmental and economic sense to upgrade this now and divert traffic from Norwich Quay. Remove port traffic from Norwich Quay. In 4.5 it states that no action is required. I dispute that.
A J Wilson	Freight Route	I oppose continued use of Norwich Quay until 2026 and delay of an alternative access road until 2041. Current truck traffic is dangerous for residents and unconscionable environmentally. I personally have had several near fatal close calls with trucks at excessive speeds ignoring cross-walks on Norwich Quay.	I seek limitation of truck traffic volume by construction of an alternative road and increase in use of rail transport. In the meantime I propose reduction of the speed limit on Norwich Quay for trucks to 40km/h 7am-9pm (ferry operation house) with rigorous enforcement. I support investment in rail infrastructure to facilitate improved rail service to replace truck service to the port.
Jill Morrison	Freight Route	The plan declares that Norwich Quay can accommodate traffic flow safely for years to come. Turning right onto Norwich Quay from Oxford St is extremely dangerous. At busy times there are lots of heavy trucks travelling from Cashin Quay.	Traffic lights at the Oxford St/Norwich Quay intersection
Sarah van der Burch	Freight Route	There is no expectation of getting the large trucks of Norwich Quay - which I would like to see happen.	Even if we simply reduced the volume by 50 % for the next 5 years and then got the large truck traffic off altogether after that.
Mark Watson	Freight Route	Heavy port traffic off Norwich Quay	Trucks go down onto a new freight-only road beside the railway line so that the public have a safe pleasant pedestrian-friendly street environment to encourage new businesses.
Tasman Young	Freight Route	LPC has openly stated in their Port Lyttelton Plan of 2014 that freight will increase by about 400% in the next 30 years and your ECAN draft still defers the issue of Port related traffic on Norwich Quay. Why would you suggest deferring this for at least 10 years when the sheer volume of traffic would make this a logistics nightmare.	I oppose deferring the removal of Port traffic from Norwich Quay predominantly on safety grounds.
KiwiRail	Freight Route	KiwiRail submits that it is important that the PDLPRP identify and protect existing and future transport corridors and associated access, provides for future rail freight growth requirements, and hubs and yards to service the increase in freight to the Port.	
KiwiRail	Freight Route	KiwiRail operates network 24/7. Critical to maintain present operating parameters - noise, dust, times of operation, activities, restrictions of at-grade crossings, public access. Reverse sensitivity significant concern - potential to adversely affect safe, efficient and effective operation. Unclear whether changes to pRDP capture existing an future rail operation and activities - noise and other reverse sensitivity issues. KiwiRail considers the long established existing rail operation and activities should be recognised and accommodated accordingly as an existing activity with known noise parameters. Difficult to establish whether the concept of 'Lyttelton Port' captures rail activity in the rail corridor and adjoining yards - noise and other reverse sensitivity matters. Changes to pRDP chapter 2 Definitions - port activities - does not define rail corridor and freight marshalling yard - do fall within Port Operational Area.	Clarification as to whether noise associated with the existing rail operation and activities within the geographical area covered by the PDLPRP are addressed.

TRANSPORT

Full Name	Issue	Reasons	Decision sought
KiwiRail	Freight Route	The amendment corrects the reference to rail spur which is incorrect. The Main South Line is a continuous Line starting at the Lyttelton Port. The amendment provides a more accurate description.	Amend Chapter 3.6 Insert: "Lyttelton Port is defined as the start point of KiwiRail's Main South Line, which runs to Invercargill. On departing Lyttelton, trains pass under the Port Hills via the Lyttelton rail tunnel. At Addington, 12.6 km from Lyttelton, the Main North Line (to Picton) branches off the Main South Line." Delete: "The Port is connected to the rail network by a 12.6km rail spur from the Main South Line, which runs under the Port Hills through a dedicated tunnel."
K L Henderson	Freight Route	No mention is made of the transport of freight by rail	Adequate provision should be made for the ability to transport freight in and out of the port by rail. Road transport is not environmentally friendly.
New Zealand Transport Agency	General	NZTA supports the MoU to provide a non-regulatory approach for partners to provide for transport network outcomes in Lyttelton. MoU enables; coordinated, holistic and flexible approach at appropriate times which could not be achieved solely through regulatory approach, NZTA as road controlling authority for state highway network to be involved in a support any analysis and identification of appropriate mitigation to ensure safe and efficient freight access to port. Benefits relate to; parking provisions and network performance, freight optimisation by road and rail, scope and content of future ITA for Dampier Bay, pedestrian and cycle connectivity. Working group already established as identified in Action 8. NZTA suggests both short term and longer term work programme is needed relating to Dampier Bay - more time needed to develop long term work programme; certainty on Dampier Bay development, further ITA, funding plan. NZTA supports Action for new pedestrian facility on Norwich Quay in short term.	
New Zealand Transport Agency	General	Section 3.6, page 37 third and fourth paragraphs. The fourth paragraph notes that increasing freight volumes will place additional pressure on the wider transport network. The Transport Agency, in conjunction with its Greater Christchurch Transport Statement (GCTS) Partners including LPC have completed a freight study and are now working through an action plan to manage the wider network. This process will provide for recovery consistent with the LURP. Further direction through the LPRP is not required.	Amend section 3.6 page 37 fourth paragraph as follows: The projected increase in freight volumes through the Port will place additional pressure on the wider transport network providing freight access to the Port. This has been recognised through the Greater Christchurch Transport Statement and a freight action plan is being developed in that forum to address issues for the wider network.
New Zealand Transport Agency	General	Section 4.6, page 66. While the Agency generally agrees with the conclusions of LPC's ITA regarding the capacity of the network until 2026, the LPRP is not the appropriate forum to address the ITA's recommendations outside of Lyttelton. These recommendations should be considered in light of the GCTS partners work on ensuring efficient freight access, which will be consistent with the actions of the LURP.	Amend the third paragraph in Section 4.6 The Integrated Transport Assessment concluded that the wider transport network will operate within acceptable levels of service until 2026, except for the Port Hills Road / Chapmans Road intersection. This The wider transport network will be is being addressed through the Greater Christchurch Transport Statement partnership, consistent with the Land Use Recovery Plan and other transport planning processes (in particular the three-yearly Regional Land Transport Plan)." Retain the last paragraph in Section 4.6

TRANSPORT

Full Name	Issue	Reasons	Decision sought
New Zealand Transport Agency	General	Section 5.2.2, page 85, Actions 8 and 9. The Transport Agency agrees with the intent of Actions 8 and 9. However, it suggests amendments to ensure the purpose of the MoU, and the focus of each Action is clear. In particular, this includes capturing the intent to provide for an investigation of any short term works as well as a long term programme of works. Short term is envisaged to be over the next 1-4 years and will ensure partners consider what works may be provided early in the recovery of the port (prior to phase 4 development in Dampier Bay). A primary focus in the short term will be pedestrian access and connectivity with the new pedestrian facility proposed in Action 9, as well as the local road network and Norwich Quay. The longer term programme would be developed once more certainty on Dampier Bay development was available and using the information to be provided as part of the future ITA. Action 9 can then be simplified to focus on the provision of a new pedestrian facility on Norwich Quay. It is also important for the MoU partners to agree the scope of the MoU and their respective roles at the outset. (See Mr Blyleven's evidence, paras 78 - 80. See also paras 63 and 67 - 74 for background on the uncertainties surrounding the Dampier Bay development and potential impacts.)	New Zealand Transport Agency, Environment Canterbury, Christchurch City Council, KiwiRail and Lyttelton Port Company Ltd will sign a Memorandum of Understanding stating how the parties will work together to ensure the provision of a transport network that supports recovery while maintaining safe and efficient transport solutions for users. The MoU will: clarify the scope and relationship of the MoU partners. Set out the principles and framework to guide partners in the development of an implementation plan including supporting funding agreements. Set out a process to ensure the implementation plan captures short term and longer term responses, This MoU will be reviewed and amended annually as agreed by parties to ensure it remains relevant for the next 10 years or longer as required. A schedule of upgrades will be developed and how costs are to be met will be agreed. The Schedule shall include confirmation of the appropriate interim upgrades to Norwich Quay, as set out in Action 9 . Memorandum of Understanding to be signed within three months of the approval of the Lyttelton Port Recovery Plan or sooner as agreed by the partners. Short term implementation plan to be confirmed by December 2016 . Longer term implementation plan to be agreed as more comprehensive information is available. Lead agency: New Zealand Transport Agency Goals: 3a, 5, 7a, 7b
New Zealand Transport Agency	General	21.8.2.3.9 (b). The Transport Agency supports the inclusion of transport standards for access points. However, it is unclear what rule this standard relates to. Further, given potential impact of new accesses onto the state highway, the Transport Agency submits it should be considered an affected party for any resource consent for the formation of a new access point onto State Highway 74. (See Mr Blyleven's evidence, para 74).	Amend the proposed rules to provide that the Transport Agency is notified of any application for a new access point onto State Highway 74.
Canterbury Maritime Developments Limited	Other	Despite discussions and references to the local and wider transport network, there is no evidence suggesting that rail is recognised as a legitimate part of the potential public transport system such as a railcar facility from Lyttelton into the city. We consider this to be an oversight if we are looking to develop a much more integrated approach to the recovery of the port.	Railcar facility running between Lyttelton and the city.
Christchurch City Council	Other	One concern that is not acknowledged in the Recovery Plan is the potential effect that increased traffic volumes on Norwich Quay will have on the ability of commercial sites currently empty (with buildings having been demolished) to redevelop successfully.	The Council considers in its approach to Norwich Quay that the Recovery Plan does not adequately address matters 5.1.2 and 5.1.3 in the Direction, nor the vision and goals of the Plan as they relate to the Lyttelton Town Centre.
KiwiRail	Other	Kiwi Rail anticipates and is planning on the basis that all of the existing land capacity presently used for operations at Norwich Quay for bulk storage and handling will continue to be required. Consequently Kiwi Rail submits that its operational and maintenance requirements for freight handling and storage, and its operations and assets, are not compromised. Shifting Port activities eastward over time does not necessarily mean there will be a reducing need for capacity in the Norwich Quay shunting yard. Capacity at the Port remains a concern - expected increases in freight volumes. Kiwi Rail will engage in discussions on alternative sites for freight storage and handling, alternative access to Norwich Quay in the future, provision of maintenance access for rail activities to the west end of the yard including Kiwi Rail vehicle access and circulation, and options for grade-separated crossings over the rail corridor. Kiwi Rail acknowledges that these matters will be addressed in the MoU as provided in the PDLPRP in section 5.2.2 Transport Network: Action 8 and 9 and supports that approach.	Include Kiwi Rail in list of agencies involved in Action 9. Kiwi Rail is identified as a party to Action 8 which addresses Action 9. As such Kiwi Rail should be identified accordingly as a party to Action 9. This comprises an integral part of the MOU and addresses matters of interest to Kiwi Rail's operations.

TRANSPORT

Full Name	Issue	Reasons	Decision sought
KiwiRail	Other	A setback applied from the designated rail corridor boundary ensures new buildings or structures can be constructed and maintained without the need to enter the rail corridor. This restriction is considered necessary as encroachment or unauthorised access to the corridor raises serious health and safety issues for Kiwi Rail (and adjacent landowners or occupiers). Trespass is a serious issue for Kiwi Rail and should not be encouraged by a need to maintain buildings or structures on, under or over, or close to the rail corridor where there is insufficient room or access to construct, clean, paint and otherwise maintain these buildings or structures wholly from within private property.	Appendix 4 proposed Christchurch Replacement District Plan Add a new Building Rule in the Built Form Standards for the relevant zones comprising Area C adjacent to Norwich Quay (Appendix 21.8.4.4 Dampier Bay Area and Norwich Quay maximum building height) to read: "Buildings, balconies and decks shall be set back at least 4 metres from the designated rail corridor boundary for the locations identified as Area C adjoining Norwich Quay in Appendix 21.8.4.4." Noncompliance with the permitted activity standard should be a restricted discretionary activity with the matters of discretion restricted to: "Whether the reduced setback from the rail corridor will enable buildings and structures to be constructed and maintained without requiring access above, over, on or under the rail corridor. Kiwi Rail shall be notified as an affected party."
New Zealand Transport Agency	Other	Section 4.5, page 66. The Transport Agency supports section 4.5 making reference to the discussion on Norwich Quay in section 3.6 to reduce duplication. However the word requirements is stronger than used in section 3.6 which acknowledges there are competing aspiration and interests.	Amend section 4.5 first paragraph by replacing "requirements" with considerations
New Zealand Transport Agency	Other	Section 4.5, page 66, last two bullet points. As discussed in the key issues discussion section of this submission (above) the uncertainty of development and effects in Dampier Bay means that attempting to identify a programme of works at this time would be premature. Therefore, the Transport Agency supports the MoU approach in the context of Recovery. Consistent with the Transport Agency's requested changes to the Action 8 and 9 of the LPRP, the Transport Agency suggests amendments to this section to clarify that the MoU will ensure identification of any short term works and a more comprehensive longer term programme to tie in with improved certainty and future ITA on Dampier Bay.	Amend the bullet points in Section 4.5 as follows: the Memorandum of Understanding will provide for: A working relationship between partners Guidance to develop a short term programme of works including an improved pedestrian facility on Norwich Quay; Guidance to develop a short term programme of works to address the change in land use in Dampier Bay when the necessary information is available Identify how funding / costs will be agreed between partners.
Christchurch City Council	Pedestrian Access	There needs to be a direct relationship between the waterfront and the town centre, linked with safe and convenient access. The Council supports the inclusion of the reference in the Plan to the possible development of an alternative port access road but notes that ECan does not consider that this assists recovery.	
New Zealand Transport Agency	Pedestrian Access	Section 4.5, page 66, fourth paragraph. The Transport Agency considers that upgrades to pedestrian and cycling access, safety and amenity along and across Norwich Quay need to be assessed as the development of Dampier Bay becomes more certain, regardless of the question of the alternative freight access route. In addition, this paragraph suggests that partners will work together to resolve transport issues in Lyttelton. This implies a wider scope than that intended under the LPRP.	Amend Section 4.5, fourth paragraph, from the third sentence as follows: this Recovery Plan therefore does not change Norwich Quays function as the freight route for the Port, while not precluding a change in this route in the future. Town centre zoning has been retained on the south side of Norwich Quay, although there is provision for port activities to occur there for the next 10 years. Upgrades to improve pedestrian and cycling access, safety and amenity along and across Norwich Quay, especially to access Dampier Bay, will need to be addressed appropriately as the development in Dampier Bay becomes more certain. This Recovery Plan includes a commitment from the New Zealand Transport Agency, Christchurch City Council, Environment Canterbury, LPC and Kiwi Rail to sign a Memorandum of Understanding setting out how they will work together to resolve transport issues relating to Port Recovery in Lyttelton"
Emily Riley	Pedestrian Access	I support the proposal to construct a pedestrian/cyclist facility across and along Norwich Quay to provide safe access to Dampier Bay. Safety measures are required with urgency due to the already large volume of heavy, fast moving vehicles. This is accentuated by the logging storage now being located close to the recreational/rugby ground at Naval Point. I submit that upgraded pedestrian facilities be fast tracked to be completed well in advance of December 2020 to mitigate these safety concerns.	I support the construction of a pedestrian facility across and along Norwich Quay to connect with Dampier Bay. I submit that this development should occur in Phase 1 (2016/2017) of the Dampier Bay development, due to the already inadequate provisions for pedestrian and cyclist safety.

TRANSPORT

Full Name	Issue	Reasons	Decision sought
Jillian Frater	Pedestrian Access	Section 4.5 - My preferred option is that this section is altered to provide for the enhancement of Norwich Quay for the benefit of the Lyttelton community. The safety of pedestrians is a particular concern given that children from West Lyttelton will have to cross Norwich Quay at the pedestrian crossing at the bottom of Oxford Street to get to the new school site. This crossing is currently extremely unsafe. There is sufficient space within the road corridor of Norwich Quay for a separated cycle path and walkway, particularly if on-street parking is removed. This pathway would ideally also link the town and Naval Point.	the addition of a separated pedestrian and cycle path through the removal of on-street parking and improved amenity of Norwich Quay and the creation of a pathway between Lyttelton Town centre and Naval Point by December 2018. These changes would be similar to those described in Te Ara Mua Future Streets in relation to the enhancement of streets in Mangere, Auckland ☒
David and Heather Bundy	Pedestrian Access	Children who formerly went to Lyttelton West School will need to find their way safely to the new school. This will be impossible on foot with the heavy traffic problem.	Divert traffic onto the waterfront to allow a safe crossing place for these children.
Ms Wendy Everingham	Pedestrian Access	I support a high quality pedestrian link from Dampier Bay to Lyttelton.	N/A
Linda Goodwin	Pedestrian Access	A key current issue is 'pedestrian' and 'road safety' in and around Dampier Bay (specifically entering into Godley Quay from Simeon Quay, and at the lower end of Godley Quay after Voelas Road). I have witnessed many 'near misses' by trucks (including articulated), cars and pedestrians along this strip of the road. I believe there is a high risk of human fatality in this area, if no action is taken by Lyttelton Port Company and NZ Transport Agency. Future planning would benefit from dedicated walkways (separate from the road) from Lyttelton to Dampier Bay, and through to Naval Point. Also, providing safe access for Lyttelton West residents. A good starting point would be to undertake a risk assessment of this area, and develop a plan based on the findings.	Include acknowledgment of current community concerns by pedestrians over the safety of Godley Quay, and for a risk assessment to be undertaken of this area and the findings to be incorporated into future road safety planning.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
A Duncan; A Herriott; A Ludlow; A Carter; A Bowater; A Herriott; A Lealand; A Taylor; A Farqyharson; A Graham; B Carrell; B Frederikson; B Gordon; B Moore; B Cowan; B Armstrong; B Keen; B Parker; B Anderson; B Lang; B Hawkins; C Gibbons; Canterbury Maritime Training; C Dodds; C Cameron; C Guy; C Lock; C McCulloch; D Atkinson; D Lindner; D Lake; D Bastin; D Munro; D Vile; D Haylock; D Miller; D Paterson; D Southwick; D Main; D Taylor; D Crosbie; E Riley; F Bowater; FitandAbel NZ Limited; F McLachlan; G Dixon; G Suckling; G Mentink; G Savage; G Irwin; G Perrem; G Armstrong; G Bowater; G Ronald; Groundswell Sports Ltd; H Sylvester; H Anderson; H Walls; H Wilkinson; I Scott; I Armstrong; I Atkinson; J Riddoch; J Hopkins; J Mann; J Vilsbek; J Hern; J Davis; J Hawtin; J Allott; K Selway; K Beatson; K Cowan; K Oborn; K Beatson; Kn Duncan; K Guy; L Hern; L Falconer; L Boyd; L Crawford; L Lilburne; L Duke; M Guy; M Ramsay; M Griffiths; M Wellby; M Oborn; M Shove; M Ferrar; M Hore; M Moore; M Brown; M Hitchings; S Knight; N Wilde; N Grant; N Matthews; O Corboy; P Beckett; P Lang; P Moore; P Savage; P Tocker; P Auger; P Folter; P Prendegast; R Atkinson; R O'Sullivan; R Lascelles; R Wellesley; R Gibb; R Norris; R Lee; R Hale; R Hofmans; R Eveleens; R Rodgers; R Connolly; R Miller; S Jones; Samarah; S Hinman; S Oborn; S Moore; S Pierce; S Cameron; S Chester; T Wooding; T George; V Sue-Tang; V Williams; V Newman; Waitaha Paddling Club; W Keen; W Taggart; X Bowater; Ballingers Hunting & Fishing Ltd; South Island Finn Association; S Page; S Schumacher	Commercial Development	Support the proposal that will allow some retail and commercial development in this area. There are controls in the Plan which are designed to ensure development is complimentary to the marina and does not inhibit the recovery of Lyttelton's commercial area. I believe these controls are sufficient to ensure this objective is achieve while allowing the Port Company some flexibility to ensure commercial development in the area is feasible and that there will be sufficient opportunity to accommodate the essential marina related commercial activities such as chandleries, marine services, boat brokerage, hospitality etc. I propose that additional controls are put on the commercial development to ensure sufficient car parking is provided to meet the needs of marina users.	I support the development of retail and office activities and provision should be made for adequate car parking to support the marina and retail/office areas.
Coastguard Canterbury Incorporated; Coastguard Southern Region	Commercial Development	Apart from the provision of the pontoon marina for the reasons as submitted above we have no particular view or submission on the commercial development in Dampier Bay. It is vital however for any commercial development to have adequate vehicle access and car parking so as to ensure that access roads are not subject of congestion and traffic jams. Such traffic problems could prevent or inhibit our volunteers from reaching our facility when responding to an urgent callout.	Development of Retail and Office activities should have a requirement for car parking in the area to meet the following standards: All activities shall make adequate provision for car parking and manoeuvring without causing congestion or detracting from the amenity of the surrounding area including the following parking requirements: Marina: 0.6 parks per marina berth
Juliet Neill	Commercial Development	Dampier Bay should genuinely be a recreational area. Green park space is seriously lacking in Lyttelton. Dampier Bay should be a greened picnic area, and Norwich Quay, if cleared of trucks could be restored into a pleasant commercial area.	Development of a commercial area in Dampier Bay will seriously compromise the main commercial area in London Street.
Ms Wendy Everingham	Commercial Development	I support plans for Dampier Bay to be a smaller development for retail etc. as I do believe that a large area has the potential to damage recovery of the other local businesses in London St.	N/A
Lisa Williams	Commercial Development	I support the development but would like more information to be presented to the public on the impact to the immediate area namely being Godley Quay. Godley Quay is a busy road with heavy traffic for port use and boaties. Access to Dampier Bay development using this road will be detrimental to safety as this is also a residential street. Facts and consideration needs to be given to the area in terms of traffic management, parking and noise. Godley Quay is a difficult road to navigate and without a proper proposal considering traffic and parking there will be an increase in accidents on this road. Also consultation should take place on the type of development as it is again bordering a residential street whose resident shall be concerned with noise and heights of buildings.	More information and further consultation
David Carter	Commercial Development	I support the development of retail and office activities and provision should be made for adequate car parking to support the marina and retail / office areas.	N/A

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Viki Moore; Glenda Anderson; Nick Rayner	Commercial Development	I support the proposal that will allow some retail and commercial development in this area. The marina would attract retail businesses such as a chandlery, sail maker, charter operators, and hospitality. This would not detract from the retail operations in Lyttelton town centre.	I support the development of retail and office activities and provision should be made for adequate car parking to support the marina and retail/office areas.
Oborn's Nautical	Commercial Development	I support the proposal that will allow some retail and commercial development in this area. There are controls in the Plan which are designed to ensure development is complimentary to the marina and does not inhibit the recovery of Lyttelton's commercial area. I believe these controls are sufficient to ensure this objective is achieved while allowing the Port Company some flexibility to ensure commercial development in the area is feasible and that there will be sufficient opportunity to accommodate the essential marina related commercial activities such as chandleries, marine services, boat brokerage, hospitality etc. I propose that additional controls are put on the commercial development to ensure sufficient car parking is provided to meet the needs of marina users.	I support the development of retail and office activities and provision should be made for adequate car parking to support the marina and retail/office areas.
Wayne Nolan	Commercial Development	I support the proposal that will enable Lyttelton Port Company (together with any partners) to develop some commercial and retail facilities in the area adjoining the new marina in Dampier Bay.	N/A
Canterbury Yachting Association	Commercial Development	I support the development of retail and office activities and provision should be made for adequate car parking to support the marina and retail/office areas.	N/A
Canterbury Maritime Developments Limited	Commercial Development	If development of Dampier Bay (Areas A and B) and ultimately land further east of Wharf 7 (identified in the LPCs Plan as Non-Operational Port land) is available for commercial development then it is our submission that the proposed District Plan retail and office activity restrictions of 1000m2 and 2000m2 respectively (up to 2026) rather than helping in the recovery of the Lyttelton township businesses will actually inhibit commercial interest in the inner harbour.	If and integrated complex is to be developed the floor space will need to be reviewed
Naval Point Club Lyttelton; Ben Godwin	Commercial Development	Naval Point Club Lyttelton supports the proposal that will enable Lyttelton Port Company (together with any partners) to develop some commercial and retail facilities in the area adjoining the new marina in Dampier Bay. We support this with our proposed amendments for the following reasons: Boat owners and marina users require access to facilities close to the marina for retail of boating and marine equipment, services and hospitality; It is our view that many of the businesses and activities that would be established in this area would do so because of the new marina and would most likely not occur elsewhere in Lyttelton without it, it would therefore mostly be new business activity. We also believe it is essential that sufficient car parking is provided to meet the needs of any new retail/commercial activity and the marina in accordance with industry standard. The Naval Point Club Lyttelton also supports development sensitive to and in recognition of historic recreational activities in the inner harbour and heritage features in the area such as the Dry Dock and buildings with heritage status.	Development of Retail and Office activities should have a requirement for car parking in the area to meet the following standards: All activities shall make adequate provision for car parking and manoeuvring without causing congestion or detracting from the amenity of the surrounding area including the following parking requirements: Marina: 0.6 parks per marina berth.
Lyttelton/Mt Herbert Community Board	Commercial development	p8 Development at Dampier Bay We also support provisions in the Recovery Plan which limit commercial development at Dampier Bay so this does not create an alternative town centre. Recovery in Lyttelton's existing town centre is delicately poised at present. We do not support ending commercial development limitations at Dampier Bay in 2026 because we think it is unlikely the Lyttelton town centre will have made a full recovery by then.	Review these provisions at the time of the next review of the Christchurch District Plan.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Te Waka Pounamu	Commercial Development	Recreational access for small paddle craft should also be from this area via a ramp or beach. I support the proposal that will allow some retail and commercial development in this area. There are controls in the Plan which are designed to ensure development is complimentary to the marina and does not inhibit the recovery of Lyttelton's commercial area. I believe these controls are sufficient to ensure this objective is achieved while allowing the Port Company some flexibility to ensure commercial development in the area is feasible and that there will be sufficient opportunity to accommodate the essential marina related commercial activities such as chandleries, marine services, boat brokerage, hospitality etc. I propose that additional controls are put on the commercial development to ensure sufficient car parking is provided to meet the needs of marina users.	I support the development of retail and office activities and provision should be made for adequate car parking to support the marina and retail/office areas. Open space and recreational access to be included.
New Zealand Transport Agency	Commercial development	Section 4.3.3, page 60, second paragraph. The Transport Agency supports providing certainty about the scope of commercial activity within Dampier Bay. However, the reference to within the next 10 years is potentially misleading as the District Plan could be amended before then, or the provisions could be carried over in the next District Plan review.	Amend section 4.3.4, second sentence as follows: the amendments to the proposed Christchurch Replacement District Plan will restrict the type and size of commercial space permitted to be developed at Dampier Bay.
Young 88 Association of New Zealand Inc.	Commercial Development	The Association supports the proposal in the Plan that will enable appropriate development in Dampier Bay to provide suitable facilities for marina users, visitors and the wider community. We believe some controls should be in the Plan to ensure sufficient car parking is provided to meet the needs of commercial activities and marina users. We believe this is important to ensure the success of the marina, retail & commercial development and the proposed public access to this area.	The Association supports the proposal to allow retail/commercial development in Dampier Bay but with a requirement to make adequate provision for car parking and manoeuvring without causing congestion or detracting from the amenity of the surrounding area including the provision for marina parking of at least .6 car parks per marina berth.
Alastair Brown and Frances Young	Commercial Development	The careful selection of hospitality businesses i.e. private traders only (not national or international franchises) to ensure a good quality of health promoting food and beverages are provided - not the standard pies, fries, lollies and ale. Also that the business development demands are reviewed every two years with consultation with the Lyttelton town business community to advise on possible variations required for diversity of competition.	The careful selection of hospitality businesses i.e. private traders only (not national or international franchises) to ensure a good quality of health promoting food and beverages are provided - not the standard pies, fries, lollies and ale. Also that the business development demands are reviewed every two years with consultation with the Lyttelton town business community to advise on possible variations required for diversity of competition.
David and Heather Bundy	Commercial Development	The development at Dampier Bay will not happen. It is a way of trying to satisfy the people. Other problems include the distance from the town centre and the adverse effect this will have on the recovery of the township.	None
Lyttelton Environment Group	Commercial Development	The Lyttelton Environment Group (LEG) fully supports the development of Dampier Bay as a public area with appropriate commercial development cafes, speciality food offerings and dairy etc. to expand the commercial operation of retail development, presently narrowly focussed around London Street as the present situation has created an extremely unbalanced urban, commercial reality. Far too much is being crowded into one small area to the detriment of the rest of Lyttelton, particularly in the west. Planning issues relating to the recovery plan should take a wider view than just the efficient running of the port operations as Lyttelton Port of Christchurch is an integral part of the whole of Lyttelton, not just that part which it has operational interest in. It is the LEGs view that Dampier Bay development must be complementary to the shifting of the ferry terminal to the west end of the inner harbour in an appropriately managed time frame.	Create a firm time line for development and a developed plan for commercial development which will benefit the public in conjunction with incorporating the development of the ferry terminal in the recovery plan along with concept planning images.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
New Zealand Fire Service Commission	Commercial Development	The NZFS Commission opposes the Built form standards in 21.8.2.3 insofar as they fail to recognise and provide for fire appliance access and fire fighting water supply via reference to the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008, as is the approach being taken throughout other chapters of the Christchurch Replacement District Plan. Access to a fire fighting water supply is critical to the mitigation of potential adverse effects as a result of fire hazards. It is also consistent with section 5 of the RMA through providing for the safety of people and communities, and with the decision on Objective 3.3.13 in the Strategic Directions chapter of the Replacement Plan. The NZFS Commission therefore seeks the addition of a further standard to align with the above provisions, in the interests of ensuring that all buildings located with the Specific Purpose (Lyttelton Port) Zone have access to an adequate firefighting water supply.	Amend the Built form standards in 21.8.2.3 to include the following additional standard: "21.8.2.3.X - Water supply for fire fighting Sufficient water supply and access to water supplies for fire fighting shall be made available to all buildings via Council's urban fully reticulated water supply system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008)" As a consequence, an amendment is also required to Rule 21.8.2.2.3 RD1 to include a further matter of discretion that is also added to 21.8.2.2.3. (see full submission)
Governors Bay Community Association	Commercial Development	The Plan provides imagery for the redevelopment of Dampier Bay but there is no guarantee that this redevelopment will benefit Lyttelton or local communities. There is also a risk that Dampier Bay may increase commercial activity to the detriment of local businesses. There is, therefore, a need to be clear about the scale, type and size of this development and how the commercial integrity of Lyttelton Town Centre will be protected.	The Plan ensures the type and size of design of Dampier Bay protects the Lyttelton town centre.
Mr Robin McCarthy	Commercial Development	The proposed restrictions to commercial activity to protect existing businesses and operators in Lyttelton would be contrary to the Commerce Act. The market is the ultimate determinant of commercial activity, not the artificial imposition by way of a Territorial Authority such as ECan. Restricting commercial activity prevents innovation and new product/services to be brought to the market by new business/operators. Will have detrimental effect on stall holders/commercial operators who wish to establish new businesses targeting cruise ships. LPC will be hampered to maximise its returns if restrictions are placed on what it can offer by way of space for third party commercial activity. LPC should be allowed to secure greater revenues.	Remove restrictions preventing businesses/operators wishing to establish new or expanded businesses. Make provision for dedicated area for tour operators and stall holders to offer products and services direct to cruise ship passengers.
Alastair Suren	Commercial Development	There is a significant potential for reverse sensitivity effects from the Dry Dock, Lyttelton Engineering, log storage, bulk goods handling, coal dust and general noise on any new marina development. Our yacht is currently moored in Dampier Bay, and is continually covered with a thin layer of dust (origins mixed) and this is likely to continue. New users of the marina development will need to recognise that this will not change. These comments also apply to potential onshore facilities and their users. Such desirable outcomes are unlikely when large ships are in the dry dock and undergoing maintenance activities such as sand blasting. The Air Quality assessment (Appendix 27) does not consider this aspect, it mainly focusses on construction activities.	State in the Recovery Plan an acknowledgement that any inner harbour marina and onshore facilities will need to be done in the context of being adjacent to current working facilities such as the Dry Dock and Lyttelton Engineering. (E.g., on p 62, we doubt that attractive, high quality and pleasant areas will always be possible.)
Andrew Stark	Commercial Development	We support the proposal that will allow some retail and commercial development in this area - as long as the existing and Long Term Historical Commercial Activities at the Dry Dock are not impeded in any way.	None

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Lyttelton Harbour Business Association	Commercial development	We would support the introduction of an initiative that ensures that the Dampier Bay development actually goes ahead, rather than simply ensuring that access is provided. We strongly support the premise that the Dampier Bay commercial development should complement Lyttelton township, and we support restrictions of size and type as a means to achieve this. It is critical to ensure that investment into, and recovery of, Lyttelton township is not compromised by the development of Dampier Bay, which needs to add to the whole. The township must continue to be the commercial hub, and retain amenities such as the information centre and museum which have traditionally been in the town centre. Appropriate access and facilities need to be provided for pedestrians, cyclists and vehicles, on a direct route to and from the town centre. We would support waterfront access being as close as possible to the town centre, rather than integrated with the Dampier Bay development, to encourage use of the town centre.	
Christchurch City Council	Commercial development	While certainty has been provided through Action 10 that public access to the waterfront is secured in perpetuity, what is not guaranteed is development at Dampier Bay. There is a risk that the Port will undertake its rebuild and reclamation without undertaking the Dampier Bay development or at least achieving a minimum level of development.	The Council strongly supports the limitations on the scale and type of commercial development enabled in Dampier Bay by the amendments to the proposed Christchurch Replacement District Plan (Appendix 4). This assists in reducing effects on the ability of the town centre to recover and function and will address matter 5.1.2 of the Direction.
Linda Goodwin	Commercial development	Support the use of Dampier Bay for light tourism	4.3 - include acknowledgement of creative a fun and dynamic area in and around Dampier Bay, including outdoor seating and tables, fun play activity structures, utilising the water in the landscaping. Identifying what has worked well and what hasn't with other ports that have been developed around NZ, and learning from this, i.e., Wellington Waterfront Development.
Governors Bay Community Association	Commercial development	It would be possible to rebuild Dampier Bay to protect local community activity and small businesses that utilise the Bay from the Southerly with careful attention to how the area is rebuilt. Development should consider the necessity of creating sheltered public space to ensure that such areas can be used in all weathers.	NA
New Zealand Transport Agency	Commercial development	Section 4.3, page 59; Figure 9, pages 64-65. Section 4.3 of the LPRP sets out, at a high level, the land use activities proposed within Dampier Bay. It would be helpful to clarify in which phase each land use is likely to be addressed and more clearly link this to the phases of development shown in Figure 9. It may also be helpful to explain types or areas of development that are not able to occur until after LPC has finished using the area to support reconfiguration of the operational port area.	Explain under each subsection of Section 4.3 in which phase(s) it is intended for the activity/development to occur. This will enable the reader to more clearly link the activities with the phases map shown in Figure 9.
New Zealand Transport Agency	Commercial development	Section 4.3.1, page 59, second and third paragraphs. This paragraph indicates that parking for the marina may not be provided until the redevelopment of Dampier Bay and possibly as late as phase 4, although the marina redevelopment is proposed for phase 1. This seems to be supported by the proposed amendments to the pRDP, which include marina activities within Port activities, which are permitted. The Transport Agency considers that the parking requirements of the marina should be provided contemporaneously with the marina development. The Transport Agency is concerned that if adequate parking is not provided, this could lead to parking being pushed outside of Dampier Bay onto local roads and the state highway, which can have adverse effects on the local transport network. See Mr Blyleven's evidence (para 71).	Amend Section 4.3.1, second paragraph to clarify that adequate parking facilities for the new marina will be provided contemporaneously with the marina development in phase 1 and within the Dampier Bay development area. This will require consequential amendment to the proposed amendments to the pRDP.
Dr Chris Bathurst	Commercial Development	There is concern that the area will not be the most attractive for the public as afternoon sunlight leaves at 3:00 pm in the winter and the environment cools rapidly. The area to the north-east on the other side of Wharf 7 would be far more desirable, as the sunlight hours are much greater and proximity to Lyttelton central and the ferries would assist trade.	The provision of the manager of the marina should not go directly to the LPC without proper legal agreement as it appears the waters of the Dampier Bay are not part of the designated port area. This is because the LPT may end up being owned by a private commercial concern. It is preferred that the Dampier Bay developments be organised as a public owned facility so that the income from the area be used to develop, improve and maintain the facility.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
New Zealand Fire Service Commission	Commercial Development	The NZFS Commission strongly supports Matter for Discretion and Control 21.8.3.3.4 in its recognition of the need for both fire appliances access and fire fighting water supply via reference to the New Zealand Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:4509:2008 where subdivision occurs within the Specific Purpose (Lyttelton Port) Zone, for the reasons stated above.	Retain Matter for Discretion and Control 21.8.3.3.4(b)(v)(b) as notified
Lyttelton Port Company Limited	Commercial Development	The regeneration of Dampier Bay will result in a significant improvement in amenity relatively. Operative District Plan does not permit retail or commercial activities. Proposed rules allow this along with community facilities and access. Timing and extent will be driven by market demand.	Provisions for such facilities and activities is necessary and supported.
Lyttelton Port Company Limited	Commercial Development	Floor limits ensure that Dampier Bay is unable to compete with the town centre allowing the town centre a further 10 years to rebuild. Floor limits also restrict the size ensuring that large format retail providers can not operate as a controlled activity.	Regeneration of Dampier Bay is dependent on commercial interest in order to deliver an attractive, vibrant waterfront area.
Lyttelton Port Company Limited	Commercial Development	LPRP proposes to control urban design outcomes in Dampier Bay and south of Norwich Quay. Dampier Bay is subject to an ODP that establishes the key locational elements in Dampier Bay. Non-compliance with the ODP is a restricted discretionary activity.	Action 11 is added requiring the production of the design guide prior to the commencement of the redevelopment of Dampier Bay.
	Commercial Development	LPRP proposes that most aspect of the ODP are restricted discretionary and proposals that do not conform with viewsharfts and waterfront promenade are fully discretionary.	Full discretionary is not considered justifiable. The matters that are not consistent are relatively discrete and proposed assessment matters appropriately address the relevant issues. Action 10 works in tandem with the ODP to provide certainty that public access is delivered.
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	General	The district plan rules need to require a Cultural Landscape Values assessment to identify the Ngai Tahu values and recommend how they should be acknowledged in the Dampier Bay redevelopment.	The district plan rules need to require a Cultural Landscape Values assessment to identify the Ngai Tahu values and recommend how they should be acknowledged in the Dampier Bay redevelopment.
Alastair Suren	Marina	The plans show a potential for 200+ berths, but there appears to be no provision for haul-out facilities for these boats. Boats currently haul out on the public slipway at Magazine Bay with significant restrictions due to time, tide and wind. Although we understand that CCC is preparing a development plan for Naval Point, we are concerned that there is not enough integration between this Recovery Plan and the plans for Naval Point. Need to have better integration with the concept plan that CCC is developing. Surely if LPC can afford to reclaim a further 27 ha of land, the creation of a breakwater occupying only a fraction of this area should be a priority, especially when considering the obvious economic benefits that this would provide in terms of follow-up developments.	Delay decision making on Dampier Bay until the CCC Naval Point development plan is progressed and the two developments are better are integrated. Provide a slipway, also suitable for haul out, that are suitable for use in all weathers. Amend the Recovery Plan and Coastal Plan to provide a wave attenuating structure to protect existing facilities at Naval Point.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
A Duncan; A Ludlow; A Carter; A Bowater; A Herriott; A Lealand; A Taylor; A Farqyharson; A Graham; B Carrell; B Frederikson; B Gordon; B Moore; B Cowan; B Armstrong; B Keen; B Parker; B Anderson; B Lang; B Hawkins; C Gibbons; Canterbury Maritime Training; C Dodds; C Cameron; C Guy; C Lock; C McCulloch; D Atkinson; D Lindner; D Lake; D Bastin; D Munro; D Vile; D Haylock; D Miller; D Paterson; D Southwick; D Main; D Taylor; D Crosbie; E Riley; F Bowater; FitandAbel NZ Limited; F McLachlan; G Dixon; G Suckling; G Mentink; G Savage; G Irwin; G Anderson; G Burney; G Perrem; G Armstrong; G Bowater; G Ronald; Groundswell Sports Ltd; H Sylvester; H Anderson; H Walls; H Wilkinson; I Scott; I Armstrong; I Atkinson; J Riddoch; J Hopkins; J Mann; J Vilsbek; J Hern; J Davis; J Hawtin; J Allott; K Selway; K Beatson; K Cowan; K Oborn; K Beatson; K Duncan; K Guy; L Hern; L Falconer; L Boyd; L Crawford; L Lilburne; L Duke; M Guy; M Ramsay; M Griffiths; M Wellby; M Oborn; M Shove; M Ferrar; M Hore; M Moore; M Brown; M Hitchings; S Knight; N Wilde; N Grant; N Matthews; O Corboy; P Beckett; P Lang; P Moore; P Savage; P Tocker; P Auger; P Folter; P Prendegast; R Atkinson; R O'Sullivan; R Lascelles; R Wellesley; R Gibb; R Norris; R Lee; R Hale; R Hofmans; R Eveleens; R Rodgers; R Connolly; R Miller; S Jones; Samarah; S Hinman; S Oborn; S Moore; S Pierce; S Cameron; S Chester; T Wooding; T George; V Sue-Tang; V Williams; V Newman; Waitaha Paddling Club; W Keen; W Taggart; X Bowater; South Island Finn Association; S Page; S Schumacher; S Coombe; M Anderson; G Bourne	Marina	4.1.2 & 4.3.1 - I support the proposal to allow development of a new marina for 180-200 boats. I believe there will be demand for significantly more berths than this and flexibility should be provided in the Plan to enable further extensions for up to 1,000 berths as a Permitted Activity. I propose that removal of the old piles be a Permitted Activity with a requirement that removal shall be for the purpose of the development of a new floating pontoon marina.	I support the proposal that will enable Lyttelton Port Company (together with any partners) to replace the Dampier Bay pile moorings with a pontoon marina of a minimum of approximately 180-200 berths. The existing pile moorings should be removed for the purpose of developing a new floating pontoon marina, and that additional marina berths should be added in between wharf 7 & 3
FitandAbel NZ Limited	Marina	The previous marina destroyed by a southerly at Naval point, will never be a viable marina unless a substantial solid breakwater is built right across outside the Marina and joining up with 100 m wide entrance to the present breakwater extended out.	
Brent Robinson	Marina	4.1.2 & 4.3.1 - I support this proposal	The existing pile moorings should be removed for the purpose of developing a new floating pontoon marina. Additional marina berths should be added in between wharf 7 & 3
Coastguard Canterbury Incorporated; Coastguard Southern Region	Marina	4.3.1 - Coastguard Canterbury supports the proposal that will enable Lyttelton Port Company (together with any partners) to provide a pontoon marina of a minimum of approximately 180-200 berths for the following reasons: safe and convenient marina would be of benefit to Lyttelton; The current pile berths in Dampier Bay provide safe mooring but provide no walk on access or services; In a modern pontoon marina people can walk to their boat, load and unload equipment, provisions etc. It is safer and much more convenient for people to be able to board a boat in this way particularly for anyone inexperienced, young children and the physically impaired.	We propose the following amendments to the Plan: A new rule should be included as follows: Removal of the existing Dampier Bay Pile Moorings shall be for the purposes of the development of a new floating pontoon marina. We also submit that the development of an additional 850 marina berths in the inner harbour between wharf 7 and wharf 3 should be a Permitted Activity.
Yachting New Zealand	Marina	Supports the proposal enabling LPC (together with any partners) to replace the Dampier Bay pile moorings with a minimum pontoon marina of approximately 180-200 berths for the following reasons: an acute shortage of marina berth / moorings available to recreational displacement boats in the area, boat owners are being forced to moor their boats at facilities outside the Canterbury region, the lack of modern marina facilities in Canterbury is a significant constraint on Yacht / Boating clubs in the area, their activities and membership. Comparable coastal areas around New Zealand such as Wellington having a similar sized population to Canterbury and also has marinas in the Marlborough Sounds available as an alternate and accessible location to moor a boat. A marina in Lyttelton will allow more people with a disability to take part in sailing and boating activities.	Yachting New Zealand proposes the following amendments to the Plan: A new rule should be included as follows: Removal of the existing Dampier Bay Pile Moorings shall be for the purposes of the development of a new floating pontoon marina. We also submit that the development of an additional 850 marina berths in the inner harbour between wharf 7 and wharf 3 should be a Permitted Activity.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
William Hall	Marina	4.3.1 and 4.1.2 - support. Recreational boating has been poorly served in the Christchurch area for decades. Compared to similar sized cities the facilities available are well below par.	None
Dampier Bay Moorings Association Inc	Marina	A better marina would provide safe moorings which are in demand, attracting our boats back from the Marlborough Sounds, provide port facilities for visiting boats and encourage shore based facilities and attractive environment. Support the walk on marina in addition to the existing pile moorings not in place of them. Pile moorings are of historic significance and have been part of Dampier Bay culture and history for 90 years. The existing boaties may not be priced out of the floating marina. Over spray and dust from the dry dock are an undesirable feature for all boats at Dampier Bay but less of a problem for older boats on the existing pile moorings than newer boats with expensive paintwork. Existing piles and boats have survived tug wash over many years, we suspect this is to be a serious issue for the proposed floating marina.	Make the removal of the pile moorings and the construction of a floating marina a discretionary activity.
Norwich Quay Historic Precinct Society	Marina	Both the Dampier Bay proposed marina and area designated for future development between wharves 3 and 2 can only be applauded as is the provision of public access which has been an issue of some magnitude for over 20 years.	This is supported and the logic of retaining No 4 becomes apparent! At some future time the old tug could be relocated here as part of the mooted heritage theme in the event of a relocation of the ferry at No4.
Alastair Suren	Marina	Dampier Bay has for decades provided cost effective pile moorings (with historic value) for private boats. While we support the potential future development there are a number of important issues that have not been considered in the Recovery Plan. These are: A. In the short term the existing piles need to be maintained (and proposed changes to the Coastal Plan do not permit this) and provision needs to be included to enable some or all of the piles to remain should this be the outcome of consultation. The piles are cost effective and not everyone will be able to afford a berth at the floating marina. The existing piles have historic value. This is not reflected in the Recovery Plan. This issue was also highlighted in the Greenaway Report	Amend the Recovery Plan to provide for maintenance and the potential retention of at least some of the pile moorings and recognise their existing historic value. Any subsequent changes to the Coastal Plan are to provide for the maintenance of at least some of the existing pile moorings.
Bruce Baldwin	Marina	Dampier Bay pile moorings should be retained to provide moorings at a reasonable cost to the boating community in addition to any marina development. This area is not suitable for redevelopment due to sandblasting dust and overspray from the dry dock. The sea floor in this area is polluted with heavy metals and should not be disturbed.	Dampier Bay pile moorings should be retained to provide moorings at a reasonable cost to the boating community in addition to any marina development.
Ms Victoria Murdoch	Marina	Executive summary, 1.2, 3.8.6, 4.3 - LPC propose 200 berth marina. I suggest this would not meet demand. 70 berths currently and 46 at Magazine Bay with a large waiting list. Marina could provide interface / transitional zone between commercial port activities and the public. Every major city in NZ except Chch has a marina. This would support the Lyttelton community and provide a transition between port activities and the public interface.	Suggest 200 berths would be too small. Long-term would need expansion.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Dr Chris Bathurst	Marina	I advocate for the retention of a significant number of the pile moorings in their present location for the following reasons: Practicality: the particular area on the South end of the existing pile moorings is subject to occasional wash from working vessels moving between the North of Dampier Bay and the slipways and fishing jetty to the South. The resulting waves can result in sudden large rocking of the moored lighter recreational vessels. We suspect this to be a serious issue for the proposed floating marina at the south-western end. Historical significance: The pile moorings and Godley Quay Rowing Club building have been part of Dampier Bay history and culture for 90 years. Community Well-Being: The existing boating community occupying the pile moorings include many who are of modest means. As the Dampier Bay area is still part of the City Council then it should not be automatically taken over by the LPC with lease fees being lost to the area. Car parking can become congested in the present area with vehicles of both berth holders and adjacent marine business employees, and there will not be much room for visiting members of the public.	That the LPRP direct changes to be made to the Regional Coastal Environment Plan (RCEP) for the following to be a discretionary activity to allow proper consultation with stakeholders for: Removal of pile moorings and Construction of a floating marina. That heritage issues are included in the LPRP and not left to the Canterbury Regional Coastal plan (for water issues) and the CCC district plan (for land issues). We believe that heritage issues are an integral part of the recovery for this part of the Inner Harbour and especially to take the opportunity to use existing heritage features as a focus for a heritage precinct concept.
Irene Hayward	Marina	I am absolutely in support of a planned marina and facilities at Dampier Bay. With a city the size of Christchurch not have a boating/marina facility is outrageous. There are places all round New Zealand and the world with far better access to recreational boating for a far lesser population.	The planned marina facilities are just what is needed
Gabriele Nyenhuis	Marina	I am in support of the development of a new marina and the rebuild and improvements to the port.	None - I support the proposed reclamation to allow for a marina to go in to the inner harbour
Nicci Blain	Marina	I support a marina for the inner harbour as Christchurch is severely lacking safe mooring facilities. A marina will also attract a small commercial industry of boat retail, and cafes. A purpose built marina area also creates an interface for public access to the harbour that will benefit all of Christchurch. Therefore I support the zoning change to allow these facilities to go ahead. I am very disappointed at the approach taken by a minority of boat owners on the current pile moorings who appear to be resisting the redevelopment of this area. Clearly this is motivated by self interest because these owners already have a berth and don't care about all the others who don't. Currently I am on a huge waiting list for a permanent mooring and know of many others who would love to moor there boats in Christchurch. Removing all the existing piles and building up to 1000 marina births should be a Permitted Activity under the Plan.	Allow up to 1000 marina berths in the inner harbour as a Permitted Activity.
Ms Wendy Everingham	Marina	I support a marina in Dampier Bay and would like to see the possibility of at least one of the older wharves staying so that the public can have access onto at least one wharf.	At least one of the older wharves should stay so the public have wharf access.
Nick Rayner	Marina	I support bringing recreational harbour users into the inner harbour and creating more of a connection with Lyttelton itself, and access for the people of Christchurch. I would like to see an enhanced marina, with business and potentially residential options, as you would expect to see in any modern port city.	I support the development of a more modern pontoon marina at Dampier Bay.
Mr Peter McBride	Marina	I support the marina proposal contained within the plan.	No change or speed it up.
Wayne Nolan	Marina	I support the proposal that will enable Lyttelton Port Company (together with any partners) to replace the Dampier Bay pile moorings with a pontoon marina of a minimum of approximately 180- 200 berths. The LPRP allows for a 180-200 boat marina in the inner harbour with a possible increase to 400 berths, but the projected demand is for in excess of 1000.(see attached Appendix. NZ Marina Fact Sheet).	I also submit that the development of an additional 850 marina berths in the inner harbour between wharf 7 and wharf 3 should be a Permitted Activity.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Ballingers Hunting & Fishing Ltd	Marina	I support the proposal to allow development of a new marina for 180-200 boats. I believe there will be demand for significantly more berths than this and flexibility should be provided in the Plan to enable further extensions for up to 1,000 berths as a Permitted Activity. I propose that removal of the old piles be a Permitted Activity with a requirement that removal shall be for the purpose of the development of a new floating pontoon marina. As a retail fishing business owner, I believe that the development of this marina will bring positive economic benefits to the Christchurch region.	I support the proposal that will enable Lyttelton Port Company (together with any partners) to replace the Dampier Bay pile moorings with a pontoon marina of a minimum of approximately 180-200 berths. The existing pile moorings should be removed for the purpose of developing a new floating pontoon marina, and that additional marina berths should be added in between wharf 7 & 3. This should absolutely be a PERMITTED activity to make this process as simple as possible so this development can happen sooner rather than later.
Simon Henry	Marina	I support the proposal to allow development of a new marina for 180-200 boats. I believe there will be demand for significantly more berths than this and flexibility should be provided in the Plan to enable further extensions for up to 1,000 berths as a Permitted Activity. I propose that removal of the old piles be a Permitted Activity with a requirement that removal shall be for the purpose of the development of a new floating pontoon marina. I would be happy to see something positive and productive for the people of Lyttelton to evolve out of this opportunity.	None
Dr Peter Kempthorne	Marina	In a southerly it is dangerous to launch and retrieve at Magazine Bay. There should be another public boat ramp within the inner harbour for such conditions. It is hard to refuel recreational boats at the moment and the Dampier Bay development should correct this.	That there be a public boat ramp within the Dampier Bay development. That there be a boat refuelling berth for public use at the Dampier Bay development.
Francis Valentine McClimont	Marina	LPC have assumed that they should be the builders and managers of any marina in Dampier Bay. LPC should have no part in developing and managing a marina. The only legal connection they have with the waters of the bay is by way of owning the piles that make up the current berths.	Remove all mention of LPC building and managing a marina in Dampier Bay. Invite the displaced boat owners and representatives of Lyttelton township and representatives of Ngai Tahu to build and manage a marina in Dampier Bay under the navigation and safety supervision of ECan harbourmaster.
Mike Pearson	Marina	Lyttelton has lost a substantial number of moored boats since the loss of the previous proposed marinas. A 200 boat capacity is too small and will not accommodate those wishing to return and those wishing to relocate from swing moorings. Lyttelton port is a disgrace and as a public amenity must be improved to match other NZ ports.	Increase size of marina and advance the time to completion
Naval Point Club Lyttelton; B Godwin	Marina	NPCL supports the proposal that will enable Lyttelton Port Company (together with any partners) to replace the Dampier Bay pile moorings with a pontoon marina of a minimum of approximately 180-200 berths for the following reasons: a safe and convenient marina is desperately needed in Lyttelton; current pile berths in Dampier Bay provide safe mooring but provide no walk on access or services; a modern, pontoon marina people can walk to their boat, load and unload equipment, provisions etc. is safer and much more convenient; lack of modern marina facilities in Canterbury is a significant constraint on Naval Point Club Lyttelton, its activities and membership marina users also have access to fresh water for cleaning, resupply and fire fighting; the increased number of boats in Lyttelton as a result of the new marina will increase the availability and accessibility of recreational boating activities to a much wider section of the Canterbury community	We support the proposal that will enable Lyttelton Port Company (together with any partners) to replace the Dampier Bay pile moorings with a pontoon marina of a minimum of approximately 180- 200 berths. We propose the following amendments to the Plan: A new rule should be included as follows: Removal of the existing Dampier Bay Pile Moorings shall be for the purposes of the development of a new floating pontoon marina. We also submit that the development of an additional 850 marina berths in the inner harbour between wharf 7 and wharf 3 should be a Permitted Activity.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Lyttelton/Mt Herbert Community Board	Marina	p8 Development at Dampier Bay - In general, we are not opposed to development plans for Dampier Bay. We welcome plans for the new marina. We support development of landside facilities, including car parking, to support marina activities. Concern; that plans do not provide for haul out facilities for maintenance of vessels from the marina, proposes existing swing moorings at Dampier Bay be removed. Members of the Dampier Bay Moorings Association concerned; loss of local yachting heritage, new berths at the marina will be unaffordable for their members. We have some sympathy with their position. It might be possible to both build the new marina AND retain some swing moorings. In a town which lost so much heritage fabric in the earthquakes, we need to make the most of what remains to maintain a collective sense of the community's past.	
David Carter	Marina	People interested in boats have been disadvantage by the lack of facilities In the region for many years. This is an opportunity to give Canterbury boaties a facility and a choice other than Port Marlborough. having been a berth holder at Waikawa for the last 15 years, I am obviously one of those who realise that such facilities are expensive to develop, but what Marlborough Port Company shows is that boaties are prepared to pay realistic Marina fees, provided good facilities are provided. Furthermore, and of extreme importance to the Lyttelton Port Company, good Marina facilities provide good financial returns to Marina owner. The Dampier Bay Marina development should be a permitted activity and I fully support the sentiments in the Naval Point Club Lyttelton submission.	I support the proposal that will enable Lyttelton Port Company (together with any partners) to replace the Dampier Bay pile moorings with a pontoon marina of a minimum of approximately 180-200 berths. The existing pile moorings should be removed for the purpose of developing a new floating pontoon marina, and that additional marina berths should be added in between wharf 7 & 3
Dave Munro	Marina	Please go ahead with marina berth as soon as possible	N/A
Ron Dards; G Johnson	Marina	Some of the existing pile moorings at Dampier Bay be retained for heritage, community well-being and industrial issues. A target of 150 - 200 berths with a mix of pile moorings and new floating berths within the marina area phase 1 shown in Fig 9 (p64) can still be achieved because the area covered is significantly larger than the existing pile moorings. The New Zealand Coastal Policy Statement 2010 (p19 Policy 17) charges ECAN to protect historic heritage in the coastal environment from inappropriate development. Heritage experts need to have a chance to consider the value of post 1900 structures i.e. the pile moorings for their 'seascape vista" and the Godley Quay Rowing Club and provide an appropriate mechanism for protection.	That the removal of pile moorings and the construction of a floating marina become a discretionary activity allowing ECan the discretion to decline consent, impose conditions and publically notify. That heritage issues are included in the LPRP and not left to the RCEP and the CCC District Plan.
Mr Daniel Petrache	Marina	That the LPRP direct that the removal of pile moorings and the construction of a floating marina be changed to a discretionary activity to allow proper consultation with Stakeholders. I note that for land based activities, any new public amenities are classified as restricted discretionary activities to allow developments to be considered for its design merits. I think that water based activities i.e. construction of floating marina, should have the same degree of protection under this plan. While I believe its necessary to develop a new floating marina I support keeping some of the existing pile moorings (2 double rows) at Dampier Bay for the reasons of heritage, community wellbeing and industrial issues.	That the LPRP direct that the removal of pile moorings and the construction of a floating marina be changed to a discretionary activity
Young 88 Association of New Zealand Inc.	Marina	The Association enthusiastically supports the proposal that will permit the development of a marina in Dampier Bay in the inner harbour. It has become increasingly difficult to attract entries to the South Island Championships when the event is hosted in Lyttelton. This is primarily because of the lack of safe moorings in Lyttelton for visiting boats. With a new marina it is expected that the membership of the Young 88 Class will grow significantly in Canterbury and enable larger events to be hosted.	A new rule should be included as follows: Removal of the existing Dampier Bay Pile Moorings shall be for the purposes of the development of a new floating pontoon marina. We also submit that the development of an additional 850 marina berths in the inner harbour between wharf 7 and wharf 3 should be a Permitted Activity.
Tasman Young	Marina	The development of a pontoon style Marina would be the first stage of a larger development. Until the first new piles are driven to guarantee the permanent recreational status of the area, some of us will not rest. ECAN are the ones standing in the way of that happening - incredible	I support the development of Dampier Bay as a Marina.
Alastair Brown and Frances Young	Marina	The development of an accessible and locally affordable marina.	The development of an accessible and locally affordable marina.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Green Party	Marina	The proposed removal of the inner harbour mooring when there is no certainty over what mooring marina and related facilities will be established to provide for recreational boaties is strongly opposed. Plan is naive to assume that no consideration is required by consent authority. Existing use rights do not justify as different nature and scale. Previous attempt at marina was environmental disaster. Permitted activity status for a new marina in the Inner Harbour is strongly opposed as: failing to recognise the potential for adverse environmental effects and the need to avoid, remedy and mitigate these, failing to recognise that the coastal marine area is a public resource, not providing for any public input, giving LPC and/or any private partners excessive powers to develop whatever type of marina facilities they like regardless of impacts, size, scale, standard and whether these meet the needs of the public, boaties and other recreational users.	Make the removal of the existing historic wooden moorings a discretionary activity and the construction of any new floating marina in the Inner Harbour a discretionary activity.
Te Waka Pounamu	Marina	The shift of the operational focus will allow the western end of harbour for sheltered water access for Waka Ama training for youth and sprint events again. I support the proposal to allow development of a new marina for 180-200 boats. I believe there will be demand for significantly more berths than this and flexibility should be provided in the Plan to enable further extensions for up to 1,000 berths as a Permitted Activity. I propose that removal of the old piles be a Permitted Activity with a requirement that removal shall be for the purpose of the development of a new floating pontoon marina.	I support the proposal that will enable Lyttelton Port Company (together with any partners) to replace the Dampier Bay pile moorings with a pontoon marina of a minimum of approximately 180-200 berths. The existing pile moorings should be removed for the purpose of developing a new floating pontoon marina, and that additional marina berths should be added in between wharf 7 & 3
Boat Safety Association	Marina	We support the concept of a marina at Dampier Bay. Christchurch the second largest city in New Zealand and does not have a marina as such. The facilities that exist for larger pleasure craft are very basic and are at best pile moorings. Greater Wellington has berths (pile moorings excluded) for at least 1000 vessels with support services. The proposed 500 berths is a start but hardly adequate.	NA
Andrew Stark	Marina	We support the proposal to allow development of a new marina for 180-200 boats. We believe that Lyttelton requires suitable marina facility, and that too much time has passed since the Marina Storm of 2000. We obviously believe that any development of a Marina at Dampier Bay must NOT negatively impact the Dry Dock Facilities as Commercial Activity MUST be allowed to continue at this very important facility.	None
Canterbury Yachting Association	Marina	We support the proposal to allow development of a new marina for the mooring of larger recreational craft in Dampier Bay. Christchurch, and the Canterbury Region, has been starved of the opportunity to provide facilities for mid to larger sized recreational craft. The waters of Banks Peninsula and Pegasus Bay are attractive to recreational boaties, but the development of the activity has been restricted by a lack of adequate moorings. Research into the provision of marina type moorings in New Zealand shows that Christchurch has a present ratio of 1 berth to 3750 pop. while the typical provision is 1 to 350 throughout the rest of the country. I believe there is a real potential for growth of this normal section of our sport.	I support the proposal that will enable Lyttelton Port Company to replace the Dampier Bay pile moorings with a pontoon marina of a minimum of approximately 180-200 berths. The existing pile moorings should be removed for the purpose of developing a new floating pontoon marina, and that additional marina berths should be added in between wharf 7 & 3
Secretary Historic Places Canterbury	Marina	We support the enhancement of Dampier Bay and the opportunity it provides for reconnection of the Lyttelton Community to the harbour front. As part of that enhancement, we support the redevelopment of the marina. However we do not believe that the proposed new floating marina should be built entirely at the expense of the existing pile marina. We believe that some of the pile moorings should be retained for heritage reasons. Retention of some pile moorings along with other heritage features such as the Godley Quay rowing club would create a heritage precinct which would enhance the aim of creating a vibrant waterfront which people can use and which has greater connectivity with Lyttelton. The Plan recognises and articulates the history and relationship between the local tangata whenua and Whakaraupō/Lyttelton Harbour. This recognition is welcomed by Historic Places Canterbury but a similar recognition is needed for European heritage.	Change the removal of the existing pile marina and construction of a new floating marina from a permitted activity to a discretionary activity so that stakeholders have an opportunity to be heard on the specific proposal for the marina when it is put forward.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Ben Godwin	Marina	I believe that unless the time scale for the plan provides an early alternative to the facilities provided by the Magazine Bay Marina; essential and urgent safety improvements to the Magazine Bay marina should be incorporated into the initial stages of the plan.	I believe that unless the time scale for the plan provides an early alternative to the facilities provided by the Magazine Bay Marina; essential and urgent safety improvements to the Magazine Bay marina should be incorporated into the initial stages of the plan.
Canterbury Trailer Yacht Squadron	Other	Support the Dampier Bay development proposals	None
John McKim	Other	I wish to make my submission orally	I wish to make my alternatives orally
Christchurch City Council	Public access	The area identified on Figure 6 of the Plan as potential future public access is not discussed in the Plan or the recovery framework. The Council is supportive of this area being identified for public access as highlighted above.	Additional discussion within the Plan on the timing and expectation around public access to this area.
Diamond Harbour Community Association	Public Access	4.3.2 - Amend the last paragraph to provide that the whole area (not covered by buildings or safety restricted structures) will be public open space. This provides a measure of compensation for the taking of seabed and surface water space by the reclamation.	Add additional wording that the whole of Dampier Bay not covered by building or above ground structures will have public access.
A Duncan; A Ludlow; A Carter; A Bowater; A Herriott; A Lealand; A Taylor; A Farqyharson; A Graham; B Carrell; B Frederikson; B Gordon; B Moore; B Cowan; B Robinson; B Armstrong; B Keen; B Parker; B Anderson; B Lang; B Hawkins; C Gibbons; Canterbury Maritime Training; C Dodds; C Cameron; C Guy; C Lock; C McCulloch; D Atkinson; D Lindner; D Lake; D Bastin; D Munro; D Vile; D Haylock; D Miller; D Paterson; D Southwick; D Main; D Taylor; D Crosbie; E Riley; F Bowater; FitandAbel NZ Limited; F McLachlan; G Dixon; G Suckling; G Mentink; G Savage; G Irwin; G Perrem; G Armstrong; G Bowater; G Ronald; Groundswell Sports Ltd; H Sylvester; H Anderson; H Walls; H Wilkinson; I Scott; I Armstrong; I Atkinson; J Riddoch; J Hopkins; J Mann; J Vilsbek; J Hern; J Davis; J Hawtin; J Allott; K Selway; K Beatson; K Cowan; K Oborn; K Beatson; Kn Duncan; K Guy; L Hern; L Falconer; L Boyd; L Crawford; L Lilburne; L Duke; M Guy; M Ramsay; M Griffiths; M Wellby; M Oborn; M Shove; M Ferrar; M Hore; M Moore; M Brown; M Hitchings; S Knight; N Wilde; N Grant; N Matthews; Oborn's Nautical; O Corboy; P Beckett; P Lang; P Moore; P Savage; P Tocker; P Auger; P Folter; P Prendegast; R Atkinson; R O'Sullivan; R Lascelles; R Wellesley; R Gibb; R Norris; R Lee; R Hale; R Hofmans; R Eveleens; R Rodgers; R Connolly; R Miller; S Jones; Samarah; S Chisnall; S Hinman; S Oborn; S Moore; S Pierce; S Cameron; S Chester; S Coombe; T Wooding; T George; V Sue-Tang; V Williams; V Newman; Waitaha Paddling Club; W Keen; W Taggart; X Bowater	Public Access	5.2.3 - I support the proposal to allow public access to areas in Dampier Bay. I believe this should be secured by way of a legal instrument in perpetuity	None - I support public access to Dampier Bay
Yachting New Zealand	Public Access	5.2.3 - Yachting New Zealand supports the proposal that will provide public access to and off areas in Dampier Bay. We support this for the following reasons: Yachting New Zealand believe that popular and attractive publicly accessible areas can be created in Dampier Bay in conjunction with a marina and associated retail and commercial activities. We believe this will be an attractive feature in Lyttelton Harbour and will be enjoyed by the boating community, visitors, local residents and the wider Canterbury community.	None. We support the proposal that will ensure a legally binding agreement with Christchurch City Council and Environment Canterbury that will provide legal public access in perpetuity.
NZ Labour Party, Port Hills	Public Access	A key consideration in the Plan should be the current disconnect between the town and the Port and the opportunity to remedy that disconnect.	A simple walkway from Norwich Quay to a viewing platform at the start of an area around # 5 and #6 wharf would be a solution.
Young 88 Association of New Zealand Inc.	Public Access	Action 10: The Association supports the proposal to allow public access to areas in Dampier Bay. This makes sense as part of the development of the marina and associated commercial activities for the public to have some assurances around pedestrian access to this area.	The Association supports public access to areas in Dampier Bay as proposed in the Plan.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Pete Simpson	Public access	Amend the last paragraph to provide that the whole area (not covered by buildings or safety restricted structures) will be public open space. This provides a measure of compensation for the taking of seabed and surface water space by the reclamation.	Add additional wording that the whole of Dampier Bay not covered by building or above ground structures will have public access.
Linda Goodwin	Public Access	As a Lyttelton West, Dampier Bay, resident - I fully support the opening up and enhancement of public access to the waterfront on the western side of the port, as proposed. This includes the proposed ferry relocation, new marina, commercial development that compliments Lyttelton Township and providing places for people to sit and enjoy the harbour view in and around Dampier Bay.	None
Director General of Conservation	Public Access	As part of the Lyttelton Port transformation, it is important to improve public access to the Port area. The quid pro quo for developing to the east of the current Port should be that citizens of Lyttelton and New Zealand receive public access to Dampier Bay. This should include the giving effect to NZCPS policies 18 (Public Open Space) and 19 (Walking Access).	That enduring public access is provided to Dampier Bay as outlined in section 4 and figure 8 of the draft preliminary plan.
Coastguard Southern Region; Coastguard Canterbury Inc	Public Access	Supports the proposal that will provide public access to areas in Dampier Bay. This will enhance the required access link between Lyttelton town centre and Naval Point recreational area and encourage public to utilise this access way and experience the amenity value of proximity to the water and the outstanding natural landscapes the harbour offers.	None. We support the proposal.
Dampier Bay Moorings Association Inc	Public Access	Communities expect free access to some of the waterfront of a port. Boardwalks, shops and other facilities connected to the main town would be a huge boost for the community who, over the last decade or so, have felt alienated.	N/A
Herbie Mues	Public Access	Dampier Bay does not provide 'direct and convenient access'	Lyttelton needs easy and direct access to waterfront. This fosters harbour-based visitor attractions.
Marcia Bryant	Public Access	Easy public access to a marina and walkable waterfront area at Dampier Bay, whether or not a commercial development also occurs in this area. This needs to have a decent amount of car parking.	This needs to happen in the next 5 years, not 10 years or longer. We have waited long enough.
Mr Daniel Petrache	Public Access	Great to include public access	I support the proposal to allow public access to areas in Dampier Bay. I believe this should be secured by way of a legal instrument in perpetuity.
Tasman Young	Public Access	However, the issue of public access to the waterfront for Lyttelton residents and residents in general has to be dealt with because with the Dampier Bay development will come high fences, razor wire and increased security and no way will people want to sit in a Cafe looking out at razor wire etc. This public access needs to be an area on one of the older central Lyttelton wharves, maybe No. 4 which is seldom used, this is directly below the main town and could also cater for Diamond Harbour ferry terminal and charter boats and fresh fish sales from the wharf. Mobile ice cream and coffee vehicles could also access this site. Easy access from Sutton Quay is already in place until a designated access is provided.	I seek public access to an open (not razor wired) waterfront.
Mrs Ann Thorpe	Public access	I agree with the development of Dampier Bay, but argue that the time frame of 2012 is too slow.	That public access to the wharves be an urgent priority and public be encourage to interact with the inner harbour. That development of Dampier Bay needs to be accelerated to make Lyttelton Harbour similar to the attractive and busy Wellington and Auckland Harbours.
Ravensdown Fertiliser Co-operative Limited	Public Access	I fully support enhanced public access to the waterfront through the proposed Dampier Bay changes. I think this is a wonderful opportunity to develop the Lyttelton community in conjunction with an improved port facility.	N/A
Michael Sandridge	Public Access	I support opening public access to Dampier bay and improving marina facilities. Lyttelton harbour is the unique feature here and public access to the water should be a corner stone to the townships re-development.	Public access should be the corner stone to redevelopment.
Jillian Frater	Public Access	I support the development of safe, convenient, high quality public access to the waterfront Dampier Bay.	I seek the retention of these provisions in the Lyttelton Port Recovery Plan.

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Mr Daniel Petrache	Public Access	I support the proposal that will allow retail and commercial development in this area. There are controls in the Plan which are designed to ensure development is complimentary to the marina and does not inhibit the recovery of Lyttelton's commercial area These controls are sufficient to ensure this objective is achieve while allowing the Port Company some flexibility to ensure commercial development in the area is feasible and that there will be sufficient opportunity to accommodate the essential marina related commercial activities such as chandleries, marine services, boat brokerage, hospitality etc. I propose that additional controls are put on the commercial development to ensure sufficient car parking is provided to meet the needs of marina users.	Public access is important with small commercial activities - short time frame
Wayne Nolan	Public Access	I support the proposal that will provide public access to and enhancement of areas in Dampier Bay. I also support the proposal that will ensure a legally binding agreement with Christchurch City Council and Environment Canterbury that will provide legal public access in perpetuity.	N/A
Lyttelton/Mt Herbert Community Board	Public Access	Lyttelton is a port town which owes its existence to shipping. The strong desire among Lytteltonians to reconnect with their waterfront is tied up with the character and identity of the town and its people. Older residents talk of days as kids when they could wander down to the water's edge, roam around the wharves and maybe drop in a fishing line for something to do. Others can see the potential for an attractive waterfront precinct or water based recreation opportunities. This is what lies behind calls to both get the trucks off Norwich Quay and to re-open at least some of the waterfront which has been locked away behind security fences since shortly after 9/11. With our submission we have included two alternative concepts for public access to the inner harbour waterfront.	
New Zealand Transport Agency	Public access	Norwich Quay plays a key role in strategic transport network, key route to move freight. NZTA considers the desire to improve amenity and access for pedestrians and cycle movement along Norwich Quay needs to be considered against providing for freight movement through the safe and efficient operation of the state highway, key requirement is providing a safe environment for pedestrians. NZTA supports LPRP approach of providing improved public access to waterfront through Dampier Bay, primary access from Sutton Quay. Pedestrian access will need to be considered in context of changing environment. NZTA supports new pedestrian facility in short term, reassessing pedestrian and cycle access in the longer term.	
Naval Point Club Lyttelton; B Godwin	Public Access	NPCL supports the proposal that will provide public access to and enhancement of areas in Dampier Bay. We support this for the following reasons: Naval Point Club Lyttelton believes that popular and attractive publicly accessible areas can be created in Dampier Bay in conjunction with a marina and associated retail and commercial activities. We believe this will be an attractive feature in Lyttelton Harbour and will be enjoyed by Naval Point Club Lyttelton members, visitors, local residents and the wider Canterbury community.	None. We support the proposal that will ensure a legally binding agreement with Christchurch City Council and Environment Canterbury that will provide legal public access in perpetuity.
New Zealand Transport Agency	Public Access	NZTA concerned that effects of Dampier Bay development on the transport network cannot be determined until later in Port's recovery. NZTA considers that ITA provided by LPC cannot be relied upon for investment decisions, further ITA required to ensure effects on transport network are appropriately identified and addressed.	1) An amendment to the pRDP requiring an ITA and notification to the Transport Agency prior to the opening of Sutton Quay for public vehicle access (Rule 21.8.2.2.5 (NC2)); and 2) Action of the LPRP to develop a MoU, as discussed further below
Lyttelton/Mt Herbert Community Board	Public Access	p59 (Section 4.3) Dampier Bay - We completely agree that reconnecting Lyttelton community to the inner harbour waterfront will have positive social benefits. While we support the development proposed at Dampier Bay, particularly the pedestrian connection through to Naval Point, this development does not provide inner harbour access at the location which will bring the greatest social benefits. Option 2 Plan - Alternative Public Access to Inner Harbour Waterfront provides greater social benefit and better supports local recovery	Amend the Recovery Plan to enable implementation of Option 2 Plan - Alternative Public Access to Inner Harbour Waterfront

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Lyttelton/Mt Herbert Community Board	Public Access	p8 Existing Inner Harbour Waterfront Access In addition to limited public access at Dampier Bay, public access to the inner harbour waterfront currently exists at B Jetty where the Tug Lyttelton, Diamond Harbour Ferry and several other small vessels are berthed. This location is accessible to pedestrians via the Oxford Street over bridge.	Add another paragraph stating: there is also existing public access to the inner harbour waterfront at B Jetty where the Tug Lyttelton, Diamond Harbour Ferry and several other small vessels are berthed. This location is accessible to pedestrians via the Oxford Street over bridge. As port operations move east, this public waterfront access will be closed off."
Lyttelton/Mt Herbert Community Board	Public Access	p9 Ensuring Public Access to Waterfront - Support the agreement and legal mechanisms to ensure that safe, convenient, high quality public waterfront access between Sutton Quay and Naval Point will be secured in perpetuity even if the Dampier Bay development does not eventuate for some reason. While we support the July 2021 deadline for implementation of this legal mechanism, physical access, which depends on progress elsewhere, may not occur until some time after 2021. It is uncertain how long it will be before the community can enjoy the benefits of the pedestrian link, if Dampier Bay is the only place where improved access to the inner harbour is provided and existing access at B Jetty is closed.	If provisions in the Recovery Plan regarding the ferry location remain unchanged, include a provision which prevents closure of the existing berth until after the Dampier Bay link is physically completed.
New Zealand Transport Agency	Public access	Section 5.2.2, page 85. The Transport Agency supports the development of a MoU. This is a critical element to the LPRP given the level of uncertainty that continues to exist regarding possible effects on the transport network. The Transport Agency suggests that some additional guidance on specific matters to be included in the MoU would provide certainty to the community and the MoU partners on the scope of matters to be addressed through the MOU. (See Mr Blyleven's evidence, paras 78 - 80).	Amend Section 5.2.2, third paragraph as follows: Particular priorities for the MoU will be: ensuring provision of quality connections from the redeveloped Dampier Bay onto the road network while not compromising the function of the state highway and freight access to the port; parking provisions and network performance; freight optimisation by road and rail; scope and content of the future ITA; and pedestrian and cycle connectivity. Action 8 provides for the identification of short term works ahead of a more comprehensive programme of works to be developed in the longer term, as more certainty of the Dampier Bay development and transportation effects becomes available.
New Zealand Transport Agency	Public access	Section 5.2.2, pages 85-86, Action 9 and explanation paragraphs on page 85. The Transport Agency supports the provision of a new pedestrian facility ahead of the development in Dampier Bay. The Transport Agency considers that Action 9 should be amended to focus on this immediate priority. (See Mr Blyleven's evidence, para 57).	Amend Action 9 to provide solely for the pedestrian facility to be completed by 2020: Amend the description above Action 9 as follows: A safe, convenient pedestrian facility across Norwich Quay will be needed in the short term to provide for the improved public access within Dampier Bay. Action 9 sets out a direction for various agencies to work together to achieve this upgrade. Consideration of a more comprehensive short term and longer term implementation programme will be developed through Action 8 above. Amend Action 9 as follows: new Zealand Transport Agency, Christchurch City Council and Lyttelton Port Company Ltd will follow the guidance of the Memorandum of Understanding required by Action 8, to confirm the works and how costs are to be met, to provide a new pedestrian facility across Norwich Quay. Pedestrian facility across Norwich Quay to be completed by December 2020 or prior to the opening of Sutton Quay for public access to Dampier Bay, whichever occurs first. Lead agency: New Zealand Transport Agency Goals: 3a, 5, 7a, 7b
Ms Victoria Murdoch	Public Access	Support providing safe and convenient access along with recreational facilities and opportunities.	N/A
Maike Fichtner	Public Access	That the area marked as potential future public access is opened up for public use to become a feature for mixed use	That the area marked as potential future public access is opened up for public use to become a feature for mixed use

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
Christchurch City Council	Public Access	The Council is pleased to see inclusion of reference to a safe, convenient, high amenity public access to and along the waterfront within Goal 3 and Action 10 of the recovery framework. This statement provides the three important criteria for a good outcome of public access. The Council supports Goal 3. The community expectation on public waterfront access has not been to Dampier Bay but to that area of the Inner Harbour directly in front of Norwich Quay. Options for such access were included in the Lyttelton Master Plan. In the Council's view these options illustrate better alignment with community expectations, align with the potential future public access area. The Council is supportive of Action 10 as it will secure this public access in perpetuity.	The Council is concerned with the timing and ensuring that the community will have quality public access. In response to this concern, amendments to Action 10 are sought to include more details around implementation in the agreement.
Mark Watson	Public Access	The Dampier bay development is all very well but it is too far away from the town centre to achieve the close functional relationship that the communities need.	Easy and direct access to the water's edge
Governors Bay Amenity Preservation Society	Public Access	The Governors Bay people have a Saturday bus service that commutes to the Lyttelton Farmers Market. It would enhance the Lyttelton experience if the township were reconnected with its waterfront. We support a working port - a busy port provides entertainment and draws people to it.	Need to be reconnected to waterfront
Nancy Vance	Public Access	The LPRP has mistaken the communities long held desires of access to the waterfront to mean at Dampier Bay. The communities (of both Lyttelton and the southern bays) have longed for access to the waterfront in front of the township, across Norwich Quay. As the movement east progresses, there is possibility, in the long term, for further eastward development and additional marina facilities in the area currently occupied by jetties 4, 5 and 6. The Dampier Bay Development is wholly dependent on the ability of the Port to move east. Refer to The Publics Preferred Waterfront & Public Transport Access.	Public access needs to be in front of the township
Te Waka Pounamu	Public Access	The sheltered access and public access for competitors and spectators to participate in traditional Waka, Canoe and dragon boat events. These are safe successful and popular events on the Wellington and Auckland waterfront. I support the proposal to allow public access to areas in Dampier Bay. I believe this should be secured by way of a legal instrument in perpetuity.	None - I support public access to Dampier Bay shoreline and water access
Sarah van der Burch	Public Access	We get no pedestrian access to the waterfront until 2021 which seems too long.	
Lyttelton Community Association Inc	Public Access	We note that Dampier Bay is identified as a place for public access. We support this as a location for a marina. One of the reasons for wanting pedestrian public access is to avoid the forbidding environment created by razor wire enclosures, which define much of Lyttelton Port. We note that the first phase will be a marina, with little, if any pedestrian access. There are also questions over car parking and convenience of access even for limited marina use. We request that some pedestrian public access be granted soon, and that alternatives to LPC's proposals be sought. The proposed date of 2021 is too far ahead. An ice-cream van, a coffee cart and some park benches would be an inexpensive addition.	Public access prior to 2021
Andrew Stark	Public Access	We support the proposal to allow public access to areas in Dampier Bay - noting our comments about continued Commercial Activity at the Dry Dock.	None
G Nyenhuis; N Rayner; G Anderson; S Page; S Riddoch; S Schmacher; M Anderson	Public Access	I support the proposal to allow public access to areas in Dampier Bay	N/A
Lyttelton/Mt Herbert Community Board	Public Access	Lyttelton is a port town which owes its existence to shipping. The strong desire among Lytteltonians to reconnect with their waterfront is tied up with the character and identity of the town and its people. Older residents talk of days as kids when they could wander down to the water's edge, roam around the wharves and maybe drop in a fishing line for something to do. Others can see the potential for an attractive waterfront precinct or water based recreation opportunities. This is what lies behind calls to both get the trucks off Norwich Quay and to re-open at least some of the waterfront which has been locked away behind security fences since shortly after 9/11. With our submission we have included two alternative concepts for public access to the inner harbour waterfront.	

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
New Zealand Transport Agency	Public access	Norwich Quay plays a key role in strategic transport network, key route to move freight. NZTA considers the desire to improve amenity and access for pedestrians and cycle movement along Norwich Quay needs to be considered against providing for freight movement through the safe and efficient operation of the state highway, key requirement is providing a safe environment for pedestrians. NZTA supports LPRP approach of providing improved public access to waterfront through Dampier Bay, primary access from Sutton Quay. Pedestrian access will need to be considered in context of changing environment. NZTA supports new pedestrian facility in short term, reassessing pedestrian and cycle access in the longer term.	
Naval Point Club Lyttelton; B Godwin	Public Access	NPCL supports the proposal that will provide public access to and enhancement of areas in Dampier Bay. We support this for the following reasons: Naval Point Club Lyttelton believes that popular and attractive publicly accessible areas can be created in Dampier Bay in conjunction with a marina and associated retail and commercial activities. We believe this will be an attractive feature in Lyttelton Harbour and will be enjoyed by Naval Point Club Lyttelton members, visitors, local residents and the wider Canterbury community.	None. We support the proposal that will ensure a legally binding agreement with Christchurch City Council and Environment Canterbury that will provide legal public access in perpetuity.
New Zealand Transport Agency	Public Access	NZTA concerned that effects of Dampier Bay development on the transport network cannot be determined until later in Port's recovery. NZTA considers that ITA provided by LPC cannot be relied upon for investment decisions, further ITA required to ensure effects on transport network are appropriately identified and addressed.	1) An amendment to the pRDP requiring an ITA and notification to the Transport Agency prior to the opening of Sutton Quay for public vehicle access (Rule 21.8.2.2.5 (NC2)); and 2) Action of the LPRP to develop a MoU, as discussed further below
Lyttelton/Mt Herbert Community Board	Public Access	p8 Existing Inner Harbour Waterfront Access In addition to limited public access at Dampier Bay, public access to the inner harbour waterfront currently exists at B Jetty where the Tug Lyttelton, Diamond Harbour Ferry and several other small vessels are berthed. This location is accessible to pedestrians via the Oxford Street over bridge.	Add another paragraph stating: There is also existing public access to the inner harbour waterfront at B Jetty where the Tug Lyttelton, Diamond Harbour Ferry and several other small vessels are berthed. This location is accessible to pedestrians via the Oxford Street over bridge. As port operations move east, this public waterfront access will be closed off."
Lyttelton/Mt Herbert Community Board	Public Access	p9 Ensuring Public Access to Waterfront - Support the agreement and legal mechanisms to ensure that safe, convenient, high quality public waterfront access between Sutton Quay and Naval Point will be secured in perpetuity even if the Dampier Bay development does not eventuate for some reason. While we support the July 2021 deadline for implementation of this legal mechanism, physical access, which depends on progress elsewhere, may not occur until some time after 2021. It is uncertain how long it will be before the community can enjoy the benefits of the pedestrian link, if Dampier Bay is the only place where improved access to the inner harbour is provided and existing access at B Jetty is closed.	If provisions in the Recovery Plan regarding the ferry location remain unchanged, include a provision which prevents closure of the existing berth until after the Dampier Bay link is physically completed.
Ms Victoria Murdoch	Public Access	Support providing safe and convenient access along with recreational facilities and opportunities.	N/A
Maike Fichtner	Public Access	That the area marked as potential future public access is opened up for public use to become a feature for mixed use	That the area marked as potential future public access is opened up for public use to become a feature for mixed use
Lyttelton/Mt Herbert Community Board	Public Access	p40 (Section 3.8.2) Public Access to Inner Harbour Waterfront - Proposed waterfront development associated with a new marina at Dampier Bay is too far from the town centre to achieve close functional relationship, or support recovery in Lyttelton's existing commercial area. Alternative plan proposed; reconnects Lyttelton to its inner harbour waterfront.	Amend the Recovery Plan to enable implementation of Option 2 Plan - Alternative Public Access to Inner Harbour Waterfront
Lyttelton Port Company Limited	Public access	The regeneration of Dampier Bay will result in a significant improvement in public access relatively.	
New Zealand Transport Agency	Transport Provisions	21.8.1.3.1. The Transport Agency supports the general intent of this Policy, However, as discusses in Mr Blyleven's evidence (para 70) "efficient" has a particular meaning in transport planning. The Transport Agency suggests it is more appropriate to refer to a safe and effective connection.	Amend 21.8.1.3.1 Policy - Dampier Bay Development clause a. iv. as follows: iv. integration with public transport, including a safe and effective connection between the Lyttelton Town Centre

DAMPIER BAY

Full Name	Issue	Reasons	Decision sought
New Zealand Transport Agency	Transport Provisions	21.8.2.2.3 RD2 and RD3. The Transport Agency supports these activities being restricted discretionary. However, as both activities could have effects on the State highway (particularly in terms of spill-over parking, see Mr Blyleven's evidence, para 71), the Transport Agency submits that it should be notified of any application for consent under these rules.	Amend to provide that the Transport Agency is a notified party for any application for consent under these Rules.
New Zealand Transport Agency	Transport Provisions	21.8.2.2.3 RD6. The Transport Agency supports this activity being restricted discretionary, with the Transport Agency being a notified party, and the matters of discretion listed in 21.8.3.2.6 (b)-(c). As discussed in Mr Blyleven's evidence (paras 50-58 and 73) an ITA is necessary to ensure that the full effects of development in the Dampier Bay area can be assessed when more certainty is available. It is therefore critical that these effects are properly assessed and considered in any application for consent for an activity of this kind.	Retain RD6 and matters for discretion 21.8.3.2.6 Access
New Zealand Transport Agency	Transport Provisions	21.8.2.2.5 NC2. The Transport Agency supports this rule. If a new public transport facility is provided with a new ferry terminal in a position west of Canterbury Street, prior to the provision of public vehicle access to the terminal via Sutton Quay, this will have significant effects on the local transport network, in particular Godley Quay and the roundabout.	Retain
New Zealand Transport Agency	Transport Provisions	21.8.2.3.9 (c). As discussed in relation to the Recovery Plan provisions (submission point 7 above), the Transport Agency submits that an adequate level of car parking should be provided in Dampier Bay as part of the marina development in phase 1 of the Dampier Bay development. LPC have included an assessment of car parking in their ITA and this indicates up to 150 parking spaces are required for the marinas expected growth up to 2041. This provides the starting point for consideration. (See Mr Blyleven's evidence, para 71).	Amend the transport standards to provide that adequate parking facilities are provided in Dampier Bay as part of the marina redevelopment in phase 1.
New Zealand Transport Agency	Transport Provisions	21.8.3.1.1 (c) and (d). The Transport Agency supports the matters of discretion and control for provision of adequate car parking as it is likely to be a primary mode of travel to the port. The Transport Agency notes that the approach of considering parking on a consent by consent basis for each new building does not ensure an integrated approach as a master planning approach would. There is also a risk that there will be a lack of general visitor parking for visitors to the open space areas of Dampier Bay. Given the context of enabling recovery the Transport Agency will work with partners through the MoU to provide coordination for car parking but maintains that the provisions included here are necessary to ensure a minimum level of parking and certainty. (See Mr Blyleven's evidence, paras 71-72, 79).	Retain Amend MoU explanation to identify car parking as one of the matters for partners to consider in relation to the Dampier Bay development.
New Zealand Transport Agency	Transport Provisions	21.8.3.2.6. The Agency supports the matters of discretion relating to access. In particular, the requirement under 21.8.3.2.6(c) for a new ITA.	Retain
New Zealand Transport Agency	Transport Provisions	21.8.1.1.4 (b) Terms re access vs freight. The Transport Agency supports the policy of ensuring that access and movement networks provide for provision of all transport modes, however, in respect of pedestrian/cycle access in particular, it will not always be possible to provide both safe and direct access. For example, the most direct route, may not meet safety concerns. The Transport Agency suggests direct should be amended to effective. This will provide for the intent of the original wording and will also enable safe and practicable options to be consistency with the policy. (See Mr Blyleven's evidence, para 70).	Amend 21.8.1.1.4 Policy - Access and movement network, clause b. as follows: .. safe effective and accessible..."
New Zealand Transport Agency	Transport Provisions	NZTA supports LPRP approach to enabling development within Dampier Bay. NZTA considers more certainty should be provided for; public parking - implications for surrounding roads including Norwich Quay, potential movement of ferry terminal - NZTA suggest that LPRP set timeframe by which LPC confirms location.	

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
Diamond Harbour Community Association	Consent Process	Support the development of a berth pocket and cruise ship wharf structure to be considered as an activity with public notification. Opportunity is provided for public to comment on its design features.	N/A
Green Party	Consent Process	I support public notification of the application for the development of a berth pocket and cruise ship wharf structure. The Plan needs to ensure that public recreational access and use is not compromised if the Naval Point site is chosen.	
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Consent Process	Change the activity status to the Regional Coastal Environment Plan rule to be a restricted discretionary activity.	Change the activity status to the Regional Coastal Environment Plan rule to be a restricted discretionary activity.
Pete Simpson	Consent Process	4.2 - Support the development of a berth pocket and cruise ship wharf structure to be considered as an activity with public notification. Opportunity is provided for public to comment on its design features.	N/A
Lyttelton Port Company Limited	Consent Process	The cruise berth envelope includes the berth pocket but does not need to be in the plan as it is restricted by the 175m distance.	Remove berth pocket restrictions
Canterbury Maritime Developments Limited	Economic	Given the significance of tourism to Canterbury's economy and the cruise industry to Lyttelton, we are surprised that the draft LPRP has not taken a more proactive position on this matter. Before the 2011 earthquakes, LPC had brokered a deal for a levy on cruise ship passengers to help pay for a terminal development and Cruise NZ's General Manager, Raewyn Tan has stated (June, 2014) that this conversation with LPC can be reopened. This would be helpful in investigating the timing of any new terminal facility and may not be necessarily be solely dependent upon LPC's funding capabilities.	Reopen discussion re funding
Mr Keith Nuttall	Economic	Cruise ships need to be brought back to Lyttelton as soon as possible as they are good for the economy	N/A
Christchurch City Council	Economic	The return of cruise ships to Lyttelton provides benefits for the recovery of Lyttelton and Christchurch, and economic benefits to the wider Canterbury Region and the South Island. Lyttelton is an important stop for the cruise ship industry. The Council is pleased to see recognition of cruise ships in the Plan and the identification of dedicated cruise berth options.	The Council would like to see stronger direction within the Plan to progress the cruise berth as we consider this a key contributor to the local and regional economy, and the wider South Island, and obviously the economic recovery of Christchurch. Council seeks that an additional action be included in the recovery framework to facilitate the timely return of Lyttelton as a cruise ship berth with the creation of a fit for purpose facility, including quality on-shore services. The timing around the action will need to meet with cruise industry schedules and planning, which are understood to be based around a three year window.
Governors Bay Community Association	Economic	The Plan states that if cruise ships are to return to Lyttelton a new purpose built facility is required. It does not state what LPC intends to do with regard to a cruise ship berth. The Plan is very clear about the port's regional economic significance for activities that directly affect the income of the Port Company. The LPRP discusses freely the need for the expansion of the port in relation to regional economic activity but appears to exclude or be noncommittal with regard to regional economic activity that does not directly benefit the port. Such activity will, however, benefit the local community. The Port is not taking into account the needs of Lyttelton businesses should cruise ships be lost.	That the Plan is clearer and more direct about how a cruise ship berth is included in the plan.
NZ Labour Party, Port Hills	Economic	With the continued shift by Air New Zealand of flights through Auckland rather than Christchurch, and the negative impact on South Island economic development, the need for Lyttelton to have an attractive and effective cruise ship facility is even more important than ever.	
Mr Dale Coulter	Economic	I do not support the spending of ECAN funds of the order \$30 M to \$40M to support the establishment of a cruise ship terminal. You need to stop trying to attract cruise ships like we did with building rugby stadiums for rugby world cup. It makes no difference to the overall NZ economy if the benefits go to another port.	Leave them at Akaroa. No changes required - don't build a cruise ship terminal.

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
Mr Stuart Beswick	Economic	Cruise ships first started calling at Lyttelton on a regular basis in the mid 1980s. The industry has grown significantly from this time, whereby today, if it had not been for the recent earthquakes, the number of per season port calls would be in the region of 90 calls, the passenger count has risen to approx. average of 1800 per vessel. No other part of the tourism industry has grown so much in such a time frame. Since the recent earthquakes the cruise ship port calls at Lyttelton have been approx 5 per season, and these have been small, low count, vessels, of between 150 and 1000 passengers. During the past season Akaroa had approx 80 vessel anchorages, this is traffic that was unable to utilise a facility at Port of Lyttelton. From a Port Company berth utilisation and revenue earning perspective, then it is probably marginal. But from a consideration for the net worth to the wider community (Christchurch catchment) then yes it does need some sort of facility. The potential approx net worth to the wider community would be: 60 - 90 vessels per season at approx 1800 passengers per vessel times \$143 per passenger (Australasian industry passenger spend per Port figures) equals \$15,444,000 to \$23,166,000 net worth to the Christchurch area per cruise season mid November to mid April. An established berth (structure) could earn revenue from "layups" and other non working vessels in the (cruise) off season.	Keep provisions for a cruise berth
Ms Victoria Andrews	Economic	I support the Port of Lyttelton constructing a purpose built facility to accommodate cruise ships as part of the Recovery Plan. New ships are now larger (5,000 passengers) and Akaroa will no longer be a suitable port of call. Lyttelton could presently accommodate cruise ship by constructing a pop up wharf facility with pontoons for tenders. Tourism operators must now drive roughly 300 kilometres a day, making two round trips to Akaroa, simply to pick up and return passengers visiting Christchurch and points beyond. The wider Canterbury region would benefit economically if cruise ships returned to Lyttelton because access is faster and easier for tourism operators and travel time would be reduced by many hours. Small ships of 80-200 passengers could continue to visit Akaroa since they have little impact on the streets, toilets and rubbish collection. Akaroa residents were promised that accommodating cruise ships would be a temporary measure while the Port of Lyttelton rebuilt facilities. Many residents do not want cruise ships to continuing using Akaroa as their main port of call. Christchurch Canterbury Tourism and the CCC should be actively working in association with the Lyttelton Mt Herbert Community Board and LPC to ensure the speedy return of cruise ships for the long term benefit and economic recovery of Christchurch and the wider Canterbury tourism industry. With regard to funding the estimated \$45-40 million to construct a new facility central government or a business partner should be sought to fund the cost as soon as possible.	The Port of Lyttelton construct a new cruise ship facility in conjunction with CCT, CCC, central government and a business partner as soon as possible. Cruise NZ and the cruise ship industry could assist financially towards the construction of a custom built facility by paying a passenger fee. I also wish to note that the cruise industry made \$37.1 US billion last year.
Amy Carter	Economic	I support the proposal for a cruise ship berth. It would be a valuable asset for the community and provide benefits for the local and wider economy.	N/A
Lyttelton/Mt Herbert Community Board	Location	p10 Cruise Ship Options - We generally support provisions in the plan which provide for return of cruise to Lyttelton, particularly if the facilities are located and designed to enable a contribution to the local economy. For this reason we do not support the Naval Point cruise berth location because it is too far from Lyttelton's town centre, although we can see how this location would support the business case for proposed Dampier Bay development. We have other reservations about the Naval Point cruise berth location (refer Submission Points 23, 27 and 30).	Delete provisions which enable development of a cruise berth at Naval Point.
Alastair Brown and Frances Young	Location	Gladstone Pier in the Inner Harbour for use as a cruise ship berth as a permitted activity. Gladstone Pier in the Inner Harbour for use as a cruise ship berth MUST become a priority for LPC. There is an ethical responsibility to reinstate tourism opportunities for Lyttelton township, Christchurch city, Canterbury and South Island wide back to the levels enjoyed prior to the EQs. Mooring the ships within the inner harbour will ensure there is an easily accessible relationship between the tourist visitor and the Lyttelton community. Also cruise ships are a quieter use of the inner harbour mooring facilities than the heavy container ships. This is better for our wellbeing at our home property as well as all our neighbours living on the Eastside of the township.	Gladstone Pier in the Inner Harbour for use as a cruise ship berth MUST become a priority for LPC.

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
Alastair Suren	Location	Support is provided for a cruise ship berth as it would be a valuable asset for the community and provide benefits for the local and wider community. A berth at Naval Point will have significant adverse impacts on recreational boating and shore fishing due to the loss of a valuable and frequently used area, both for race starts and for activities such as kayaking, which often stick relatively close to the shore to avoid easterly waves. The alternative location is the inner harbour at Gladstone Pier. We understand that if this were to occur it may be necessary to remove part of the Eastern Mole. This may have adverse effects on wave dynamics in the inner harbour and specifically on the moorings at Dampier Bay.	Any cruise ship berth activity at Naval Point should be a discretionary activity. If the Eastern Mole is removed, there is a need to provide wave attenuation to protect boats and the marina structure proposed for Dampier Bay, and in the inner harbour in general, especially during southerlies.
Andrew Stark	Location	We support the proposal for a cruise ship berth in Lyttelton at whatever location is deemed most suitable - we believe this is probably the Outer Harbour Option.	We are also strongly of the opinion that any berth should be a multi user berth.
Andy Cockburn	Location	I am strongly opposed to the Naval Point Cruise Berthing option. This proposal will have a severe negative impact on recreational use of a *key* part of the harbour. Today is Sunday 10th May, one day before termination of submissions. Looking from my home at Gilmour Terrace, Lyttelton, I can see ~30 yachts enjoying the exact piece of water that the proposal intends to use. I have windsurfed on the harbour for over 20 years. In the summer months (when cruise ships will be visiting), my friends and I use the Eastern Naval Point ramp (constructed by windsurfers for windsurfers) for access to the harbour. This ramp provides the only practical access to the harbour for windsurfing. We require a ramp that is exposed to the Easterly because we rely on a steady breeze for effective floatation. A cruise ship moored in the proposed area will block the NE and make this point of access substantially more risky than it is at present. Furthermore, safe access from the harbour to the ramp requires a substantially downwind approach to overcome the localised tidal flow and decrease in wind that occurs near the shore. The mooring of cruise ships will negate the possibility of this approach for two reasons: 1. we would need to enter the 200m exclusion zone; 2. The cruise ship will block the wind on which windsurfers depend for safe progress.	Rather than using the Naval Point Cruise ship mooring location, I support a Cruise mooring on either the inner- or outer-harbour location on Cashin Quay.
Boat Safety Association	Location	We support the concept of commercial development including a cruise ship berth but not off Naval Point to the west of the harbour entrance. The proposal to develop a cruise ship berth off Naval Point conflicts with the existing activities in the area and seems to be contrary to the intentions of point 2 (refers to pdLPRP p.52 reasons for location of reclamation second bullet point). Transport infrastructure at Naval Point is not adequate to support cruise ship berth, with potential hazards and safety concerns. Parking space for other users of the area would be compromised. Naval Point location would compromise Yacht Club activities and safety.	Cruise ship berth suggested either side of Gladstone Pier, preferably on seaward side of Cashin Quay
Caleb Te Kahu	Location	Support the wharf just not in an area used by so many different sports on nearly every night.	Move it further up the Harbour towards the heads
Canterbury Trailer Yacht Squadron	Location	Oppose the proposal for a Cruise Ship berth at Naval Point.	Limit the proposed berth for cruise ships to the inner harbour
Canterbury Trails	Location	As a tour operator in Christchurch I feel that the cruise ships should be linked to the port and the town. It means we can make use of the town facilities when picking up passengers from the ship. If cruise ships are berthed away from the inner harbour I feel the town would be bypassed as we would head directly through the tunnel both leaving and returning passengers to the ship. The proposed marina facilities would also be easily walked to from an inner harbour berth by passengers choosing to stay within the port itself, not unlike Akaroa at present.	Make a berth in the inner harbour specifically for visiting cruise ships.

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
Canterbury Yachting Association	Location	We strongly oppose the proposed cruise ship berth at Naval Point. This will have a significant adverse impact on all recreational harbour users due to the loss of a valuable and frequently used area of water. Development in this area would restrict access to the space on the harbour which is the regions best water for major competitive events. The Cruise Ship proposal would severely restrict the possible development of access for small craft at Naval Point. Naval Point provides the only Lyttelton Harbour access facilities suitable for larger events. Typically Lyttelton Harbour is the venue for four National events and 6 Regional events each year providing for up to 200 sailors in an event.	We support the cruise ship berth in the Inner Harbour. We strongly oppose the cruise ship berth at Naval Point as it will have a significant adverse impact on recreational boating and would like to submit the following changes to the plan: Either: Remove the Naval Point cruise berth option making such an activity in this area Non Complying and select the inner harbour cruise ship berth location or, Find an alternative cruise ship berth location not at Naval Point (For example Cashin Quay outside the Eastern Mole or Gollans Bay), Substantially modify the position and extent of the proposed cruise ship berth location to mitigate the detrimental impacts on recreational boating above and make such an activity Restricted Discretionary requiring any applicant for Resource Consent for a cruise ship berth to assist the Naval Point Club Lyttelton to provide an alternative shore based start/finish line and yacht racing area and provide such other assistance as reasonably required to mitigate the impact on Naval Point Club Lyttelton.
Coastguard Canterbury Incorporated; Coastguard Southern Region	Location	We support the proposed cruise ship berth location at Gladstone Pier inside the inner harbour for the following reasons: Locating the cruise ship berth in the proposed position inside the inner harbour would have minimal impact on Coastguard operations. We oppose the proposed cruise ship berth adjoining land at Naval Point for the following reasons: The proposed location and the area of water that would be affected by this proposal would have very significant detrimental impacts on recreational boating, Naval Point, Lyttelton and the general public access to the eastern waters of Lyttelton Harbour. It is important from a search and rescue perspective that line of sight to the East up Lyttelton Harbour be retained if at all possible so that the location of vessels in peril in that area can be quickly established. Concerns about the tourist buses impacting on travel to emergency callouts.	We support the proposed cruise ship berth location in the inner harbour. The following changes are necessary to avoid a very significant adverse impact on recreational boating and Naval Point Club Lyttelton; Either: Remove the Naval Point cruise berth option making such an activity in this area Non Complying and select the inner harbour cruise ship berth location or, Find an alternative cruise ship berth location not at Naval Point (For example Cashin Quay outside the Eastern Mole or Gollans Bay) or, Substantially modify the position and extent of the proposed cruise ship berth location to mitigate the detrimental impacts on recreational boating above and make such an activity Restricted Discretionary.
Frances Therese James	Location	I support the alternative option proposed allowing cruise ships in the inner harbour as a permitted activity. I think this is an integral part of the recovery.	None
Glenda Anderson	Location	I support the proposal for cruise ship berths in the inner harbour. It brings the ships closer to Lyttelton and a better connection between ship and the Lyttelton township and is much more scenic for the passengers. I strongly oppose the proposed berth at Naval Point! As a sailor and Yachting NZ Race Officer who uses the Naval Point Club Lyttelton start box, it would have huge implications for me. It is safety issue, I could not see most of my fleet with a ship in the way, with a massive area taken up by any structure built to berth a ship. We use this water all the time, dinghies, windsurfers, trailer boats and keelboats. This affects a large amount of the Canterbury recreational fleet. My kids learnt to sail here. I submit that any cruise ship berth activity at Naval Point be a Restricted Discretionary Activity requiring any adverse impact on Naval Point to be mitigated as condition of any consent.	I support the cruise berth in the inner harbour. I STRONGLY OPPOSE THE CRUISE SHIP BERTH AT NAVAL POINT. This would have a huge and significant adverse effect on all recreational boating in Canterbury. My alternative, either remove the Naval Point cruise berth making such an activity in this area as Non Complying and use the Inner harbour option or find another cruise ship berth possibly Cashin Quay, outside the Eastern mole or Gollans Bay. Or substantially modify the position and extent of the Naval Point berth to mitigate environmental impacts on recreational users. To make such an activity as Restricted Discretionary requiring the applicant for Resource Consent of the Cruise ship berth to assist Naval Point Club Lyttelton to provide an alternative shore based start/finish line and yacht racing area. Also a provision to provide any other assistance required to mitigate the impact on NPCL.
Governors Bay Amenity Preservation Society	Location	We support the inner harbour option	None

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
Groundswell Sports Ltd	Location	The western end of Naval Point is the sole entry point for windsurfing on the North side of the harbour, & is the only all tide deep water launch area in Canterbury for open water windsurfing. The restricted zone around a ship in berth will severely limit ALL recreational activities in this area, creating congestion & generate unsafe conditions for all recreational water users, on the water & on the land. The area in which the berth is located acts as a safe zone if sailors have issues or need to get to shore in an emergency. By having the berth in this position, will create enormous pressure on health & safety regulations around those activities & may cause some sailing & windsurfing classes not to participate in holding events in Canterbury. The cruise berth will also require a large area of land to service ships in port. I believe the cruise berth will be a commercial operation that will take up large areas of the public recreational area. From a passenger/tourist point of view on a cruise ship, the berth will be in a very unappealing area of the port, with no real connection to Lyttelton or the city of Christchurch. For the reasons above I submit that any cruise ship berth activity at Naval Point be a Restricted Discretionary Activity requiring any adverse impact on Naval Point to be mitigated as condition of any consent.	I support the cruise ship berth in the Inner Harbour. I strongly oppose the cruise ship berth at Naval Point as it will have a significant adverse impact on recreational boating and would like to submit the following changes to the plan: Either: Remove the Naval Point cruise berth option making such an activity in this area Non Complying and select the inner harbour cruise ship berth location or, Find an alternative cruise ship berth location not at Naval Point (For example Cashin Quay outside the Eastern Mole or Gollans Bay).
Julia Allott	Location	I support the cruise ship berth in the Inner Harbour. I strongly oppose the cruise ship berth at Naval Point as it will have a significant adverse impact on recreational boating.	I would like to submit the following changes to the plan: Either: Remove the Naval Point cruise berth option making such an activity in this area Non Complying and select the inner harbour cruise ship berth location or, Find an alternative cruise ship berth location not at Naval Point (For example Cashin Quay outside the Eastern Mole or Gollans Bay) or, Substantially modify the position and extent of the proposed cruise ship berth location to mitigate the detrimental impacts on recreational boating above and make such an activity Restricted Discretionary requiring any applicant for Resource Consent for a cruise ship berth to assist the Naval Point Club Lyttelton to provide an alternative shore based start/finish line and yacht racing area and provide such other assistance as reasonably required to mitigate the impact on Naval Point Club Lyttelton.
FitandAbel NZ Limited	Location	I support the cruise ship berth in the Inner Harbour. I strongly oppose the cruise ship berth at Naval Point as it will have a significant adverse impact on recreational boating.	I would like to submit the following changes to the plan: Remove the Naval Point cruise berth option making such an activity in this area Non Complying and select the inner harbour cruise ship berth location or, Find an alternative cruise ship berth location not at Naval Point (For example Cashin Quay outside the Eastern Mole or Gollans Bay) or, Substantially modify the position and extent of the proposed cruise ship berth location to mitigate the detrimental impacts on recreational boating above and make such an activity Restricted Discretionary requiring any applicant for Resource Consent for a cruise ship berth to assist the Naval Point Club Lyttelton to provide an alternative shore based start/finish line and yacht racing area and provide such other assistance as reasonably required to mitigate the impact on Naval Point Club Lyttelton.
Helen Chambers	Location	I support the alternative option proposed in the LPRP, that it could be constructed as a permitted activity in the Inner Harbour.	None
Jill Morrison	Location	LPC acknowledge that Lyttelton is the desired port of call for cruise ships, an important part of culture in Lyttelton, the visitors enjoy and the businesses benefit. I support the proposed berth for cruise ships at No.1 wharf. Unfortunately I have been told that this is not the favoured berth. I oppose the option at Naval Point. Having a marina in the same area will be a dismal failure - prevailing winds/currents; intervenes with recreational use; essentially bad.	None
Juliet Neill	Location	The option of berthing the cruise ships at Naval Point fails to take into account the amount of room necessary for security and turning around. This will result in lack of public access to the area	Retain cruise ship berthing at Cashin Quay.
K L Henderson	Location	It is vital that the location of a cruise ship berth is close to the centre of Lyttelton and that adequate provision is made for buses to pick up and drop off at ships side. A terminal building is not required as Lyttelton is only a transit port.	The Naval Point option will not meet cruise ship passengers needs and in any case a very expensive option for a facility that may only cater for 70 ship visits per year.

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
Kate Smeele	Location	I am general agreement with the Port Oliver Yacht Club.	I have some concerns about the cruise ships plans and that this will seriously affect the yacht club. Can it go somewhere else?
Learn2Sail	Location	Cruise ship berth needs a lot more consideration	The cruise berth effects the main sailing area for the Naval Point club, also for spectators viewing the racing for larger events. The proposal blocks the look out for the Coastguard too, this effects over 600 members activities.
Liquigas	Location	In general, the provisions of the draft Recovery Plan that provide for the construction of a cruise berth as a controlled activity at Naval Point and related passenger handling structures and activities are: contrary to, and will not achieve, the purpose and the principles of the RMA, inconsistent with the principles in Part 2 of the RMA, do not assist the Council to carry out its function of achieving the integrated management of the effect of the use, development or protection of land, contrary to good resource management practice.	The decision sought by Liquigas is: (a) That the provisions in the draft Recovery Plan that provide for the construction of a cruise ship berth and related passenger handling structures and activities at naval Point be withdrawn; and (b) Such consequential and/or other relief and amendments to the draft Recovery Plan as may be necessary to address Liquigas' concerns, as outlined above.
Liquigas	Location	Liquigas opposes those parts of the draft Recovery Plan which relate to and provide for the construction of a cruise ship berth at Naval Point (and related passenger handling structure and activities) including (without limitation) the amendments sought to the relevant Resource Management planning documents as detailed in the Appendices to the draft Recovery Plan and listed below; RCEP Rule 10.2(b) which provides for any new Wharf Structure located within the Naval Point Cruise Ship Berth Area as a controlled activity, RCEP Map 5.7 which provides for the Naval Point Cruise Ship Berth Area, pCRDP Rule 21.8.2.2.1 P1 which provides for Port Activities as a permitted activity - Port Activities defined to include the use of land, building and structures for passenger handling, including cruise ship terminals, pCRDP Chapter 2 Definitions - Port Activities.	The decision sought by Liquigas is: (a) That the provisions in the draft Recovery Plan that provide for the construction of a cruise ship berth and related passenger handling structures and activities at naval Point be withdrawn; and (b) Such consequential and/or other relief and amendments to the draft Recovery Plan as may be necessary to address Liquigas' concerns, as outlined above.
Liquigas	Location	The provisions that provide for cruise ship berth and related passenger handling structures and activities are not appropriate for the following reasons: (a) potential impact the location of a cruise ship terminal at Naval Point will have on continued operations, need to protect from reverse sensitivity risks (b) inappropriate and contrary to sound resource management practice and sound hazard management to locate sensitive high occupancy activities in close proximity to hazardous facilities (c) a cruise ship terminal in Naval Point will not provide a safe or welcoming location for tourists, health and safety of visitors and workers (d) the provisions (i) fail to adequately provide for assessment of potential adverse effects (ii) fail to adequately provide for consultation (iii) are inconsistent with the recognition elsewhere in the draft Recovery Plan of the storage and handling of hazardous substances in the identifies 'Bulk Liquid Storage Area' at Naval Point.	The decision sought by Liquigas is: (a) That the provisions in the draft Recovery Plan that provide for the construction of a cruise ship berth and related passenger handling structures and activities at naval Point be withdrawn; and (b) Such consequential and/or other relief and amendments to the draft Recovery Plan as may be necessary to address Liquigas' concerns, as outlined above.
Lyttelton Community Association Inc	Location	4.1 indicates alternative locations for a cruise ship berth, but gives the responsibility of deciding where, or whether it is provided at all to LPC. An issue such as this which has widespread implications for revenue from tourists throughout Canterbury should not be left to LPC. Past indications are that LPC considers cruise ships an irritation rather than a benefit.	We request that the requirement for the provision of cruise ship facilities be the responsibility of CCC and ECAN.
Lyttelton Harbour Business Association	Location	We support the inclusion of a new cruise ship facility to facilitate cruise ship activity through the port and Lyttelton, and feel that this needs more certainty and direction. We appreciate that economic drivers that will decide this outcome, and therefore encourage LPC to take a collaborative approach with key stakeholders that will provide more resource and certainty. We appreciate the logistic challenges surrounding a suitable location for the facility, but would support a location that encourages passengers to pass through Lyttelton and frequent its amenities and businesses	NA

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
<p>M Anderson; Canterbury Maritime Training; Oborn's Nautical; Waitaha Paddling Club; S Hinman; A Lealand; D Bastin; V Sue-Tang; P Folter; S Jones; M Oborn; T George; B Keen; A Herriott; F McLachlan; N Grant; R Hofmans; S Chester; H Walls; G Perrem; Ka Beatson; I Atkinson; M Brown; P Tocker; J Riddoch; M Moore; B Moore; S Cameron; Ke Beatson; C Cameron; K Oborn; H Anderson; T Wooding; O Corboy; G Bowater; G Dixon; J Hern; D Haylock; D Lake; I Armstrong; D Taylor; G Armstrong; A Ludlow; P Prendegast; N Wilde; M Guy; C Guy; G Burney; K Guy; K Duncan; M Hitchings; D Crosbie; W Taggart; J Vilsbek; M Hore; R Gibb; B Frederikson; J Hopkins; R Rodgers; E Riley; K Selway; A Graham; P Auger; R Miller; F Bowater; L Crawford; A Duncan; D Lindner; B Gordon; R O'Sullivan; D Southwick; L Boyd; R Norris; D Munro; J Hawtin; R Connolly; A Taylor; H Sylvester; J Mann; D Paterson; G Irwin; D Vile; V Newman; X Bowater; A Farqyharson; B Parker; D Main; L Falconer; B Hawkins; M Ramsay; B Cowan; K Cowan; R Eveleens; D Atkinson; R Atkinson; D Miller; P Beckett; V Williams; G Suckling; R Wellesley; G Mentink; M Ferrar; B Carrell; L Duke; C Dodds; R Lascelles; B Anderson; R Lee; L Lilburne; G Ronald; A Bowater; W Keen; I Scott; M Griffiths; P Savage; S Knight; S Chisnall; G Savage; B Armstrong; L Hern; Te Waka Pounamu; V Moore; R Hale; S Riddoch; S Moore; P Moore; S Pierce; C Lock; C Gibbons; S Oborn; B Lang; P Lang; M Wellby; S Page; S Schumacher; South Island Finn Association; Samarah; H Wilkinson; N Rayner; B Robinson; A Beaton; Ballingers Hunting & Fishing Ltd; Groundswell Sports Ltd; S Coombe</p>	<p>Location</p>	<p>Support the proposal for a cruise ship berth in the inner harbour as it would be a valuable asset for the community and provide benefits for the local and wider economy. Strongly oppose the proposed cruise ship berth at Naval Point as will have a significant adverse impact on all recreational harbour users due to the loss of a valuable and frequently used area of water and that includes the Naval Point Club Lyttelton shore based start/finish line. There are concerns regarding the impact of the berth on the safety of many smaller craft, waka ama, windsurfing and small boat navigation in the area due to altered sea and wind conditions plus the narrowing of the waterway. Cruise ship berth activity at Naval Point be a Restricted Discretionary Activity requiring any adverse impact on Naval Point to be mitigated as condition of any consent.</p>	<p>Support the cruise ship berth in the Inner Harbour. Strongly oppose the cruise ship berth at Naval Point as it will have a significant adverse impact on recreational boating. Either: Remove the Naval Point cruise berth option making such an activity in this area Non Complying and select the inner harbour cruise ship berth location or, find an alternative cruise ship berth location not at Naval Point (For example Cashin Quay outside the Eastern Mole or Gollans Bay) or, substantially modify the position and extent of the proposed cruise ship berth location to mitigate the detrimental impacts on recreational boating above and make such an activity Restricted Discretionary requiring any applicant for Resource Consent for a cruise ship berth to assist the Naval Point Club Lyttelton to provide an alternative shore based start/finish line and yacht racing area and provide such other assistance as reasonably required to mitigate the impact on Naval Point Club Lyttelton.</p>
<p>Matthew Shove</p>	<p>Location</p>	<p>Support the proposal for a cruise ship berth in the inner harbour as it would be a valuable asset for the community and provide benefits for the local and wider economy. I strongly oppose the proposed cruise ship berth at Naval Point as will have a significant adverse impact on all recreational harbour users due to the loss of a valuable and frequently used area of water and that includes the Naval Point Club Lyttelton shore based start/finish line. The area is used by many smaller craft and the possible impact on windsurfing and small boat navigation in the area due to altered sea and wind conditions plus the narrowing of the waterway. Cruise ship berth activity at Naval Point be a Restricted Discretionary Activity requiring any adverse impact on Naval Point to be mitigated as condition of any consent.</p>	<p>I support the cruise ship berth in the Inner Harbour. I strongly oppose the cruise ship berth at Naval Point as it will have a significant adverse impact on recreational boating.</p>
<p>Michael Sandridge</p>	<p>Location</p>	<p>I support the development of a cruise ship berth in the inner harbour at Gladstone Pier. I oppose a cruise ship berth on the south side of naval point. A dictated cruise ship pier should encourage tourist trade for Lyttelton and the greater Christchurch area but the without negative impact an outer berth at naval point would have on recreational activities.</p>	<p>Support the berth at Gladstone Pier.</p>
<p>Mr Daniel Petrache</p>	<p>Location</p>	<p>I support the proposal for a cruise ship berth in the inner harbour. It would be a valuable asset for the community and provide benefits for the local and wider economy. I strongly oppose the proposed cruise ship berth at Naval Point. This will have a significant adverse impact on all recreational harbour users due to the loss of a valuable and frequently used area of water and the Naval Point Club Lyttelton shore based start/finish line. I have concerns about the impact on windsurfing and small boat navigation in the area due to the impact on wind and sea conditions. I submit that any cruise ship berth activity at Naval Point be a Restricted Discretionary Activity requiring any adverse impact on Naval Point to be mitigated as condition of any consent.</p>	<p>Public notification and consultation</p>

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
Mr Stuart Beswick	Location	<p>Naval Point - has no land side facilities and would position vessels very close to "Parsons Rock". The proximity to such a hazard may preclude some of the larger vessels. Gladstone Pier - Demolish earthquake damaged western end of eastern mole (appendix A) at the entrance of the inner harbour. This will give a wider track for longer and wider cruise vessels. Cruise vessels require only minimal back up area landside, and will almost always be transit calls, thus there is no requirement for; bunkers, grey water or sludge disposal, husbandry stores, fresh water, embarkation or disembarkation of passengers, spare parts etc., as a result no hard stand wharf area is required alongside vessel. A simple and relatively cost effective option is to establish a pile and dolphin berthing structure on the seaward side of the present condemned Gladstone Pier, see attachments for examples. No cruise terminal (covered) is required for such an operation. There is already a roadway in place on the eastern side of Gladstone Pier and this can be used to accommodate coaches for passenger shore side tours. Gladstone Pier is within the Port Security Area, as required under International Ship Port and Safety requirements. Cruise ships have gangway port doors on most decks - to take into account the rise and fall of tides. Some ships will use their own gangways, but in the case of Lyttelton, with the height of the rise and fall of tide, a simple fore and aft type gangway could be constructed either side of the walkway. This could be a floating (barge type) option as noted in Appendix 4.</p>	<p>Naval Point is not a suitable location and provisions should be made so that cruise ships can berth at Gladstone pier.</p>
Ms Wendy Everingham	Location	<p>I support the plans for a cruise ship berth at Gladstone Quay. I think this will link to the township better. The other location will interfere with Naval Point activities and will also mean more public land is taken from the people of Lyttelton.</p>	<p>Cruise ship berth to be developed at Gladstone Quay.</p>
Naval Point Club Lyttelton	Location	<p>NPCL supports the proposed cruise ship berth location at Gladstone Pier inside the inner harbour for the following reasons, they oppose the proposed cruise ship berth adjoining land at Naval Point. The suggested location and size of the proposed facility would create a very significant restriction for small craft when the berth was not in use, additional dredging could alter wave and tidal movements, significant impact on windsurfing, loss of NPCL shore based yacht racing start/finish line. The club would not have the volunteer personnel or the financial resources to be able to run the events it does without the continued access to a good shore based start/finish.</p>	<p>We support the proposed cruise ship berth location in the inner harbour. The following changes are necessary to avoid a very significant adverse impact on recreational boating and Naval Point Club Lyttelton; Either: Remove the Naval Point cruise berth option making such an activity in this area Non Complying and select the inner harbour cruise ship berth location or, Find an alternative cruise ship berth location not at Naval Point (For example Cashin Quay outside the Eastern Mole or Gollans Bay) or, Substantially modify the position and extent of the proposed cruise ship berth location to mitigate the detrimental impacts on recreational boating above and make such an activity Restricted Discretionary requiring any applicant for Resource Consent for a cruise ship berth to assist the Naval Point Club Lyttelton to provide an alternative shore based start/finish line and yacht racing area and provide such other assistance as reasonably required to mitigate the impact on Naval Point Club Lyttelton.</p>
Nicci Blain	Location	<p>Although I am in support of enabling cruise ship activity, I cannot support the location for this activity at Naval Point. This level of infrastructure will severely effect boating in Canterbury by narrowing the harbour at the area where recreational power boats, dinghies, and yachts commonly congregate and pass through. It will also limit spectator access to the water and ruin the ability for voluntaries to start yacht races from the shore. Severely compromising sailing as a sport in Canterbury. Therefore I enthusiastically support the cruise ship berth within the inner harbour.</p>	<p>Make Cruise Ship berth a Non Complying Activity at Naval Point</p>

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
Peter Smeele	Location	I strongly oppose the cruise ship berth at Naval Point as it will have a significant adverse impact on recreational boating.	Either: Remove the Naval Point cruise berth option making such an activity in this area Non Complying and select the inner harbour cruise ship berth location or, Find an alternative cruise ship berth location not at Naval Point (For example Cashin Quay outside the Eastern Mole or Gollans Bay) or, Substantially modify the position and extent of the proposed cruise ship berth location to mitigate the detrimental impacts on recreational boating above and make such an activity Restricted Discretionary requiring any applicant for Resource Consent for a cruise ship berth to assist the Naval Point Club Lyttelton to provide an alternative shore based start/finish line and yacht racing area and provide such other assistance as reasonably required to mitigate the impact on Naval Point Club Lyttelton.
Ravensdown Fertiliser Co-operative Limited	Location	I agree that a cruise ship berth would be an asset for the Lyttelton and Canterbury communities	My preference is for a cruise ship berth to be placed to the southern side of Naval Point and linked to the Dampier Bay proposed development. This will ensure pedestrian traffic is kept separate from commercial operations at the port.
Simon Henry	Location	I strongly oppose the proposed cruise ship berth at Naval Point. This will have a significant adverse impact on all recreational harbour users due to the loss of a valuable and frequently used area of water and the Naval Point Club Lyttelton shore based start/finish line. I have concerns about the impact on windsurfing and small boat navigation in the area due to the impact on wind and sea conditions.	I submit that any cruise ship berth activity at Naval Point be a Restricted Discretionary Activity requiring any adverse impact on Naval Point to be mitigated as condition of any consent.
Tasman Young	Location	I wish to speak on the possibility of the return of cruise ships already past due date promised by LPC and it now seems it is time for the NZ Government to step in and proceed this issue, as the Christchurch City Council seems incapable of demanding this to happen. The simple job of removing about 100 metres from the Cashin Quay mole would allow all cruise ship sizes to enter the harbour firstly to No. 2 Wharf and then to Gladstone Pier after it is rebuilt. I oppose the site ECAN has on their plan (outside the Oil Wharf).	N/A
Timothy Hughes	Location	I am very concerned about the option shown in the plans of a cruise ship berth at Naval Point. I launch and race a trailer yacht near this location and it will have a significant adverse impact on my use of this area especially as this is the current location where races start and finish by the building established for this purpose.	Please remove the Naval Point cruise berth option, and give more consideration to alternatives.
Wayne Nolan	Location	I fully support the cruise ship berth being established in the inner harbour or on the outside of the eastern mole as an extension of Cashin Quay. I strongly opposed the cruise ship berth being built at Naval Point because of the safety issues for small sailboats, sail boards, trailer yachts dinghy and waka members of NPLC. Also the club would lose its onshore start/finish facilities and would be forced to sail the other side of the harbour (if they can get there) because of the wind shadow effect of a large cruising ship.	I support the cruise ship berth in the Inner Harbour. I strongly oppose the cruise ship berth at Naval Point as it will have a significant adverse impact on recreational boating and would like to submit the following changes to the plan: Either: Remove the Naval Point cruise berth option making such an activity in this area Non Complying and select the inner harbour cruise ship berth location or, Find an alternative cruise ship berth location not at Naval Point (For example Cashin Quay outside the Eastern Mole or Gollans Bay) or, Substantially modify the position and extent of the proposed cruise ship berth location to mitigate the detrimental impacts on recreational boating above and make such an activity Restricted Discretionary requiring any applicant for Resource Consent for a cruise ship berth to assist the Naval Point Club Lyttelton to provide an alternative shore based start/finish line and yacht racing area and provide such other assistance as reasonably required to mitigate the impact on Naval Point Club Lyttelton.
William Hall	Location	Support cruise berth in the inner harbour. Strongly opposed to Naval Point location.	Strongly oppose: Naval Point cruise berth but support inner harbour location or Cashin Quay.

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
Willie Newman	Location	The building of a wharf for cruise ships at Naval Point is going to totally interfere with the safe use of the water around the berth area. It will mean that all the water users are forced to go outside the reef which gives no sheltered water for dinghies, board sailors, paddle boarders, to sail in. It will also block the start box for the Naval Point Club which would mean no more land based starts for there races. It also will reduce the ability for the public to watch racing on Lyttelton Harbour.	None
Yachting New Zealand	Location	3.4 - Yachting New Zealand supports the proposed cruise ship berth location at Gladstone Pier inside the inner harbour for the following reasons: Locating the cruise ship berth in the proposed position inside the inner harbour would have minimal impact on recreational boating on the harbour. Yachting New Zealand opposes the proposed cruise ship berth adjoining land at Naval Point for the following reasons: The proposed location and the area of water that would be affected by this proposal would have a significant and detrimental impact on recreational boating, Sea Scouts, Naval Point Club Lyttelton and general public access to the eastern waters of Lyttelton Harbour. The suggested location and size of the proposed cruise ship facility would create a very significant restriction to small craft when the berth was not in use, and more so when the berth was occupied by a cruise ship and particularly during shipping movement. Additional dredging of this area could alter the wave and tidal effect on sea conditions. Currently tidal movement forces a considerable volume of water between the reef and the Naval Point breakwater which can cause a strong tidal current and a steep sea. On-water race starts and finishes are not appropriate or feasible for all activities.	We support the proposed cruise ship berth location in the inner harbour. The following changes are necessary to avoid a very significant and adverse impact on recreational boating and Naval Point Club Lyttelton; Either: Remove the Naval Point cruise berth option making such an activity in this area Non-Complying and select the inner harbour cruise ship berth location or, Find an alternative cruise ship berth location not at Naval Point (For example Cashin Quay outside the Eastern Mole or Gollans Bay) or, Substantially modify the position and extent of the proposed cruise ship berth location to mitigate the detrimental impacts on recreational boating above and make such an activity Restricted Discretionary requiring any applicant for Resource Consent for a cruise ship berth to assist the Naval Point Club Lyttelton to provide an alternative shore based start/finish line and yacht racing area and provide such other assistance as reasonably required to mitigate the impact on Naval Point Club Lyttelton.
Young 88 Association of New Zealand Inc.	Location	The Association shares the grave concerns expressed by Naval Point Club Lyttelton about the impact that the proposed cruise ship berth location at Naval Point would have on recreational boating in the area. The Young 88 Association and its members would be adversely impacted if this proposal were allowed to go ahead. The Association fully supports the proposed cruise ship berth location in the inner harbour.	The Association supports the proposed cruise ship berth location in the inner harbour. A proposed cruise ship berth at Naval Point should be a Non Complying, Discretionary or Restricted Discretionary Activity requiring any adverse impact on recreational harbour users and the Naval Point Club Lyttelton to be mitigated as a condition of any consent.
Z Energy Ltd, Mobil Oil NZ Ltd, BP Oil NZ Ltd	Location	Naval Point cruise ship option strongly opposed by Oil Companies. Appears to be clear intent to actively facilitate significant increases in numbers of people in area in close proximity to major hazardous facilities and where access constrained. Introduction of significant numbers of people will significantly changes the risk profile of the area, have implications on the operation, maintenance, upgrade and development of oil industry infrastructure. Cruise ship visits would have significant service requirements. Likely demands; cafe, buses, bus depot or queuing area. Significant numbers of people and congestion on the land side of the terminal berth can be expected and, once established, the pressure for further development will be there.	
Z Energy Ltd, Mobil Oil NZ Ltd, BP Oil NZ Ltd	Location	Only one access to Naval Point reclamation via Godley Quay. Further constrained as identified as subject to risk from Cliff Collapse in RDP. Naval Point recreational proposals potentially result in significant additional vehicles. Cruise ship terminal will significantly increase local recreational traffic. Existing recreational facilities already create parking and access issues. Increased traffic likely increase risk of incident with aboveground pipeline. Incident on Godley Quay - potential to 'lock up' Naval Point area. No secondary access for emergency services/evacuation. Woolston pipeline located under part of Godley Quay - constraints on access for maintenance or upgrades within road reserve.	

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
Z Energy Ltd, Mobil Oil NZ Ltd, BP Oil NZ Ltd	Location	Port area is dynamic. Storage facilities need to change to meet demand. Demand for products expected to grow - therefore more storage demand. Oil Companies do not want to be in a position where future development is likely to be opposed or inappropriately limited as a result of the risk profile arising from other users - no other location for fuel facilities. No risk assessment has been undertaken of whole area - considered necessary before any decisions on cruise ship terminal or adjacent recreational facilities. New regulations for major hazard facilities proposed - include need to develop safety cases for approval, will have to factor in sensitivity of receiving environment. Potentially improved and greater safety requirements as a result. CCC and ECan need to consider implications for decisions on developments in the area. Oil Companies accept appropriate to mitigate risk, remain opposed to having to mitigate risks resulting from planned introduction of more sensitive land uses / activities.	
Z Energy Ltd, Mobil Oil NZ Ltd, BP Oil NZ Ltd	Location	The consideration of risk is the most critical issue for us and it seems there is insufficient consideration of this matter in LPC's information. Risk is the combination of the consequences and likelihood of a particular event or combination of events occurring. Effects of a serious event occurring in tank farm area, while low probability, have potential for very high potential impact. Only provisions relating to risk assessment in PDLPRP are identified in hazardous substances provisions 21.8.3.2.7 - reasonable but only one way assessment of risk, no countervailing provisions to protect existing hazardous facilities. Without balance there is a risk oil industry infrastructure will be compromised in the short to medium term and unable to meet the fuel demands of the region. Controlled activity for new storage above permitted levels - concern that will ultimately result in a compromised bulk liquid storage area and compromised oil industry facilities. Oil Companies consider that a cruise ship terminal at Naval Point is more than likely to be incompatible with the operation of the Bulk Liquids Storage Area, that full risk assessment should be undertaken before potential introduction of significant numbers of people/activities sensitive to bulk hazardous facilities.	Recommends Quantitative Risk Assessment if Naval Point option pursued to ascertain risks, 250m separation from developments involving significant numbers of people.
Z Energy Ltd, Mobil Oil NZ Ltd, BP Oil NZ Ltd	Location	The principal issue for the Oil Companies is that part of the PDLPRP seeks to locate or enable a cruise ship berth/terminal in the Naval Point area as a controlled activity. A cruise ship terminal at Naval Point is considered to be contrary to the principle of avoiding avoidable risk as it introduces large numbers of people into an area of bulk liquid fuel facilities. Alternative location available. No consideration or assessment of risk issues; servicing facilities and infrastructure and whether level of risk is acceptable, potential adverse reverse sensitivity effects and constraints, implications for wider regional fuel supply chain from constraints, potential transport and servicing implications from single access point already subject to natural hazard risk, exposure of existing pipelines to increase risk of impact, emergency services access and capabilities and evacuation issues, changing regulations for bulk fuel storage. Proposal to locate or enable a cruise ship berth/terminal in the Naval Point area does not represent or promote sustainable management of the environment and is therefore contrary to the purposes of the RMA.	A. Ensure that before there is further development that is likely to increase the number of people within the Naval Point area that appropriate consideration is given to the full suite of issues of risk in relation to the hazardous facilities in the area and their ability to meet future demands. This should include an appropriate quantitative risk assessment in the first instance. No development should proceed if the risks from infrastructure are not deemed to be acceptable as defined by agreed risk acceptance criteria. B. Ensure that the operation, maintenance, upgrading and development of the oil industry and other bulk fuel and chemical and fuel storage facilities and associated infrastructure is not at risk of or constrained in any way. This should include an assessment of potential reverse sensitivity effects arising from increasing numbers of people or intensification (e.g. from cruise ships or recreational activities), and of the potential traffic impacts, including in respect of access, parking and the risk of accidents and emergency planning. C. Give effect to the relief sought in the other Schedules of this submission. D. Make any additions, deletions or consequential amendments necessary as a result of the matters raised in this submission. E. Adopt any other such relief as to give effect to this submission
Green Party	Other	The Plan fails to adequately consider the future of rail passenger services. The Tranz Alpine has picked up cruise ship passengers from the port in the past and could do so again.	Amend the plan to provide for the future location of a rail passenger terminal and a walkable ferry jetty and bus terminal for the Diamond Harbour ferry service.

CRUISE SHIPS

Full Name	Issue	Reasons	Decision sought
KiwiRail	Other	Rail excursions for cruise ship passengers are very popular - currently passengers coming ashore in Akaroa are bused to Rolleston to join excursions to Arthurs Pass. In Dunedin, cruise ship passengers can board rail excursions directly alongside their ships. Whether this would be desirable at Lyttelton could be considered through the MoU - Action 8. KiwiRail acknowledge that decisions on cruise ship berth and terminal is a matter for consideration at a later time.	
Lyttelton/Mt Herbert Community Board	Other	p35 (Section 3.4) Cruise Ships - Support inclusion of provisions for return of cruise ships to Lyttelton, except at the Naval Point location. Purpose built facility is desirable but important to get cruise ships back to Lyttelton as soon as possible - temporary or transitional arrangements. In the past cruise ships used Cashin Quay when available. Some cruise operators are unlikely to return to Lyttelton because the town is now so unattractive - we need to develop an inner harbour open space/ heritage precinct which makes a new attraction. Attachment 2 includes a visitor walking circuit which takes in many places of interest in the town. However none of this will be enough to attract people to Lyttelton if depressing empty lots and security fences continue to predominate. Undesirable to have a Recovery Plan which undermines the town's recovery by prolonging uncertainty; Norwich Quay freight traffic, Diamond Harbour ferry location.	Delete the sentence: A new purpose built facility will be needed if the larger cruise ships are to return to Lyttelton and replace with: While a new purpose-built cruise facility is desirable in the long term it may be necessary to consider temporary or transitional facilities to enable larger cruise ships to berth at Lyttelton in the short term.
Mr Peter McBride	Other	I support the cruise berth plan	No change or speed it up
Sarah van der Burch	Other	You are leaving the decision of building the cruise ship terminal up to LPC which does not seem appropriate on its own.	
Mark Watson	Other	A cruise ship berth designed to enable a contribution to the local economy and not put constraints on existing recreational use of the harbour.	N/A

NAVAL POINT

Full Name	Issue	Reasons	Decision sought
Ballingers Hunting & Fishing Ltd	Zoning	Figure 6 - I oppose the rezoning of Port Company owned land at Naval Point from Boat Harbour Zoned to Port Activities. This land, adjoining the Reserve and forming part of Charlotte Jane Quay, is approximately 1.4ha. We believe there is no justification in the Lyttelton Port Recovery Plan to rezone this land. Doing so would be a significant loss of land available to support recreational activities at a time when a considerable area has been lost from potential development due to rock fall hazard. The Christchurch City Council is also proposing to rezone the Boat Harbour area to Open Space Metropolitan Facilities in its just released Draft Replacement City Plan. I will oppose this and submit that the Boat Harbour Zoned land should all be included in the Lyttelton Port Recovery Plan with a zone similar to the existing Boat Harbour Zone but with Permitted Activities that include: Club, Coastguard and community building, boat storage and maintenance buildings, launching ramps, wave attenuation and associated structures and the removal of the old Lyttelton Marina piles.	Include all the Boat Harbour zoned area and adjoining coastal marina area in the Lyttelton Port Recovery Plan. I submit that all this land should retain its existing purpose in support of recreational boating within the Lyttelton Port Recovery Plan with Zoning and Rules similar to the existing Boat Harbour Zone.
Lyttelton/Mt Herbert Community Board	Other	p42 (Section 3.8.5) Naval Point Recreation Area - Local groups currently working with CCC staff on a development plan for all the Council-owned land in the Naval Point area. This whole area is a well used recreational asset which has been much neglected by successive councils since a public marina was destroyed in a southerly storm. It has become clear that improvements at Naval Point are greatly constrained by both the cliff collapse hazard and the amount of contaminated land.	
Alastair Suren	Other	We acknowledge that for the port to grow additional land is needed. It also allows other areas to be freed up for potential recreational development (e.g. Dampier bay). The reclamation is of a significant scale and will no doubt benefit the activities of the LPC. However, without adequate protection from southerly winds, the current existing public facilities at Naval Point cannot be safely used. This matter requires considerable further discussion between ECan, LPC and CCC, as the creation of a breakwater could be seen as a form of offset mitigation for a loss of port area to recreational activities from the actual reclamation and likely increased shipping activities in the harbour. We do not think that the proposed Dampier Bay Marina addresses all of the issues faced by boating in Lyttelton, and in particular the ability to safely launch and retrieve vessels during southerly weather. The proposed Dampier Bay facility will still not allow boats to be safely hauled out even in the lightest southerly wind. This situation needs to be addressed.	Strongly urge ECan, LPC and CCC to work together to develop a more focussed recovery strategy for boating facilities within the Naval Point Area. Amend the Recovery Plan to include ways that the public slipway can be used during southerlies e.g.. some form of wave attenuating structure, as this whole area will continue to languish as an apparent after-thought for recreational boat users throughout Canterbury.
Alastair Suren	Other	Public access to Naval Point needs to be identified and clarified. It is not clear from the descriptions and plans provided in the Port Recovery Plan whether the existing access is legal.	Amend the Plan to provide for legal public access to Naval Point. Without this certainty, there is little incentive for any future developments to occur.
Linda Goodwin	Other	We support the redevelopment of the 'old Mobil contaminated site' on Godley Quay, to include (i) native plantings appropriate for the area and to enhance native bird life, which includes fantails, kingfishers, kereru and bellbirds, (ii) a fun and inspiring play area for children and adults including utilising water in the landscaping, outdoor benches and seating, fun play activity structures. The Wellington Waterfront Development has been successful on this front. It would be worthwhile to consider what has worked well and what hasn't with the Wellington Waterfront Development and to incorporate these learnings within the future development plan for the Lyttelton Port.	Include the use of native plantings local to the area.
Z Energy Ltd, Mobil Oil NZ Ltd, BP Oil NZ Ltd	Other	Location of the coastguard/Naval Point Club and associated recreation development being addressed by CCC - occurring adjacent to Oil Companies' facilities, has potential implications for the oil industry infrastructure and merits consideration in terms of cumulative effects.	
Mrs Ann Thorpe	Other	That public use of Naval Point be urgently encouraged through landscaping, pathways and cycleway, seating, green areas and beautification of the coastline there.	That public use of Naval Point be urgently encouraged through landscaping, pathways and cycleway, seating, green areas and beautification of the coastline there.

NAVAL POINT

Full Name	Issue	Reasons	Decision sought
Christchurch City Council	Recreational Area Development	Council has identified a number of constraints on future site development, including cliff hazard, coastal erosion, restricted site access, limited land area available and contaminated land. As a result of these constraints, accommodating all users will be difficult. Should the cruise berth be developed at Naval Point there will be limited opportunity to provide for additional facilities for passengers within CCC owned land, which may have flow on effects to the efficiency of Godley Quay. It is also noted that the road reserve of Godley Quay does not extend to the coastal marine area edge and access is required across reserve land.	The proposed new action sought in relation to cruise ships as outlined above (paragraph 3.22) will accommodate discussions between the Council and LPC in relation to landside infrastructure requirements.
Willie Newman	Recreational Area Development	The area of land owned by the CCC must be kept for the use of recreational water users. This is the ONLY access for Christchurch residents to access the salt water. The facilities should be an embarrassment to the council. This area should be for the storage of boats, the parking for water users, clubs facilities, there should be NO port activities in this area.	
Boat Safety Association	Recreational Area Development	Outlines proposed development of Naval Point recreational area: a) breakwaters to protect slipways and ramps, b) segregated launch ramps for trolleys and road trailers to avoid collisions, beach concept proposed, c) development of road plan to improve efficiency, minimise planting and other vegetation d) parking for vehicles with and without trailers, segregates trolley launching traffic from trailer launched boats, e) short and long term storage for trailer-able vessels, f) haul out storage facilities for moored vessels so maintenance can be carried out by the owners on shore.	See above
Alastair Suren	Recreational Area Development	We acknowledge that for the port to grow additional land is needed. It also allows other areas to be freed up for potential recreational development (e.g.. Dampier bay). The reclamation is of a significant scale and will do doubt benefit the activities of the LPC. However, without adequate protection from southerly winds, the current existing public facilities at Naval Point cannot be safely used. This matter requires considerable further discussion between ECan, LPC and CCC, as the creation of a breakwater could be seen as a form of offset mitigation for a loss of port area to recreational activities from the actual reclamation and likely increased shipping activities in the harbour. We do not think that the proposed Dampier Bay Marina addresses all of the issues faced by boating in Lyttelton, and in particular the ability to safely launch and retrieve vessels during southerly weather. The proposed Dampier Bay facility will still not allow boats to be safely hauled out even in the lightest southerly wind. This situation needs to be addressed.	Strongly urge ECan, LPC and CCC to work together to develop a more focussed recovery strategy for boating facilities within the Naval Point Area. Amend the Recovery Plan to include ways that the public slipway can be used during southerlies e.g.. some form of wave attenuating structure, as this whole area will continue to languish as an apparent after-thought for recreational boat users throughout Canterbury.

NAVAL POINT

Full Name	Issue	Reasons	Decision sought
<p>N Blain; Coastguard Canterbury Incorporated; Coastguard Southern Region; Canterbury Trailer Yacht Squadron; W Hall; B Robinson; N Rayner; V Moore; Canterbury Maritime Training; A Herriott; M Shove; G Anderson; S Riddoch; Te Waka; D Petrache; Groundswell Sports Ltd; Oborn's Nautical; Samarah; Waitaha Paddling Club; A Lealand; D Bastin; P Folter; J Allott; FitandAbel NZ Limited; S Jones; R Hale; S Hinman; South Island Finn Association; M Oborn; T George; B Keen; G Perrem; K Beatson; I Atkinson; M Brown; P Tocker; J Riddoch; H Walls; S Chester; R Hofmans; N Grant; F McLachlan; S Moore; P Moore; M Moore; S Pierce; B Moore; C Lock; C Gibbons; S Cameron; K Beatson; C Cameron; K Oborn; S Oborn; B Lang; P Lang; M Wellby; S Schumacher; J Davis; H Wilkinson; H Anderson; S Coombe; T Wooding; O Corboy; G Bowater; G Dixon; J Hern; D Haylock; D Lake; I Armstrong; D Taylor; G Armstrong; A Ludlow; P Prendegast; N Wilde; M Guy; C Guy; G Burney; K Duncan; K Guy; M Hitchings; D Crosbie; W Taggart; J Vilsbek; M Hore; R Gibb; B Frederikson; J Hopkins; R Rodgers; E Riley; K Selway; A Graham; P Auger; R Miller; F Bowater; L Crawford; A Duncan; D Lindner; B Gordon; R O'Sullivan; D Southwick; L Boyd; R Norris; D Munro; J Hawtin; R Connolly; A Taylor; H Sylvester; J Mann; D Paterson; G Irwin; D Vile; V Newman; X Bowater; A Farqyharson; B Parker; D Main; L Falconer; B Hawkins; M Ramsay; B Cowan; K Cowan; R Eveleens; D Atkinson; R Atkinson; D Miller; P Beckett; V Williams; G Suckling; R Wellesley; G Mentink; M Ferrar; B Carrell; L Duke; C Dodds; R Lascelles; B Anderson; R Lee; L Lilburne; G Ronald; A Bowater; W Keen; I Scott; M Griffiths; P Savage; M Anderson; S Knight; S Chisnall; G Savage; B Armstrong; L Hern; S Page; A Beaton; Canterbury Trailer Yacht Squadron; W Hall; M Sandridge; W Nolan; P Smeele; Young 88 Association of New Zealand Inc.</p>	<p>Zoning</p>	<p>Boat Harbour Zone at Naval Point: I oppose the proposal to rezone land at Naval Point owned by the Port Company from Boat Harbour Zone to Port Activities. There is currently a shortage of land for the use of recreational boating activities. This is only going to get worse in the future. There has been no reason given why rezoning will assist in recovery of the port. The zone should remain available as current for recreational boating activities. As the Naval Point area is also in recovery along with the port I would prefer that this area was a part of the Lyttelton Port Recovery Plan, and not included in the City Council's Replacement City plan. It would seem that one of the reasons the City Council would like to rezone the boat harbour area to Metropolitan Facilities zone is so that it can develop cruise ship berth terminal facilities on this land. This would be a double blow to recreational boating as this would remove more land from the area available for the support of recreational boating.</p>	<p>Incorporate all of the Boat Harbour Zone area in the Port Recovery Plan. Retain Boat Harbour zoning for Port Company land at Naval Point. Modify Boat Harbour Zone rules to allow community buildings and associated activities (max height 15m) and new or modifications to launching ramps and break water structures as Permitted Activities.</p>
<p>Naval Point Club Lyttelton</p>	<p>Zoning</p>	<p>The Club submits the following: The area of land owned by Christchurch City Council zoned Boat Harbour under the existing Banks Peninsula District Plan should be included in the Lyttelton Port Recovery Plan and retain its Boat Harbour zone (with modifications as submitted below) and, the area of land owned by Lyttelton Port Company in the Naval Point area currently zoned Boat Harbour should retain its existing purpose in support of recreational boating and retain its Boat Harbour zone (with modifications as submitted below) or be excluded from the Lyttelton Port Recovery Plan and retain its existing Boat Harbour zone.</p>	<p>Include all the Boat Harbour zoned area and adjoining coastal marina area in the Lyttelton Port Recovery Plan. The Club submits that all this land should retain its existing purpose in support of recreational boating within the Lyttelton Port Recovery Plan with Zoning and Rules similar to the existing Boat Harbour Zone but with amendments specifically enabling a number of permitted activities (ref to submission) or If some of the existing Boat Harbour Zone area is not to be included in the LPRP then the Club submits that the Plan should exclude all of the existing Boat Harbour Zone land (including that owned by LPC) from the Lyttelton Port Recovery Plan.</p>
<p>Timothy Hughes</p>	<p>Zoning</p>	<p>The Plan reduces the land area available for recreational boating at Naval Point. All this land should retain its existing purpose in support of recreational boating, and if anything will need to be expanded</p>	<p>Provide more land for recreational use at Naval Point and don't take it for other port purposes.</p>
<p>Lyttelton Community Association Inc</p>	<p>Zoning</p>	<p>The Port Overlay Zone is a feature of the District Plan, though it is not clear whether the Port Recovery Plan will remove this. LPC currently have powers normally exercised by a local authority which enable them to grant or prohibit activities in the town, but which lie outside their land.</p>	<p>We request that such powers be removed and be re-vested in the local authority.</p>

NAVAL POINT

Full Name	Issue	Reasons	Decision sought
Alastair Suren	Zoning	The Recovery Plan has an appendix the changes to the regional and district plans. It was not clear that a rezoning was to occur I had to go online to the CCC District Plan maps to find this out. It was not in any of the Appendices. Oppose the rezoning of Port Company owned land at Naval Point from Boat Harbour Zone to Port Activities. This land adjoining the Reserve and forming part of Charlotte Jane Quay, is approximately 1.4ha. No justification was given in the Lyttelton Port Recovery Plan to rezone this land. Doing so would be a significant loss of land available to support recreational activities at a time when a considerable area has been lost from potential development due to rock fall hazard. The Christchurch City Council is also proposing to rezone the Boat Harbour area to Open Space Metropolitan Facilities in its recently released Draft Replacement City Plan. This is also opposed the Boat Harbour Zoned land should all be included in the Lyttelton Port Recovery Plan with a zone similar to the existing Boat Harbour Zone but with Permitted Activities that include: Club, Coastguard and community building, boat storage and maintenance buildings, haul out yards, launching ramps, wave attenuation and associated structures.	Delay decision making on Dampier Bay until the CCC Naval Point development plan is progressed and the two are integrated. Further investigation may show that development of Naval Point is more suitable than Dampier Bay. Remove the proposed rezoning. Provide a slipway, also suitable for haul out, that are suitable for use in all weathers. Amend the Recovery Plan and Coastal Plan to provide a wave attenuating structure to protect existing facilities at Naval Point.
Canterbury Yachting Association	Zoning	We support the inclusion of this land in the Lyttelton Port Recovery Plan with a zone similar to the existing Boat Harbour Zone but with Permitted Activities that include: Club, Coastguard and community building, boat storage and maintenance buildings, launching ramps, wave attenuation and associated structures and the removal of the old Lyttelton Marina piles.	Include all the Boat Harbour zoned area and adjoining coastal marina area in the Lyttelton Port Recovery Plan. I submit that all this land should retain its existing purpose in support of recreational boating within the Lyttelton Port Recovery Plan with Zoning and Rules similar to the existing Boat Harbour Zone.
Andrew Stark	Zoning	We support the rezoning of Port Company owned land at Naval Point from Boat Harbour Zoned to Port Activities.	None
Yachting New Zealand	Zoning	Yachting New Zealand submits the following: The area of land owned by Christchurch City Council zoned Boat Harbour under the existing Banks Peninsula District Plan should be included in the Lyttelton Port Recovery Plan and retain its Boat Harbour zone (with modifications as submitted below) and, the area of land owned by Lyttelton Port Company in the Naval Point area currently zoned Boat Harbour should retain its existing purpose in support of recreational boating and retain its Boat Harbour zone (with modifications as submitted below) or be excluded from the Lyttelton Port Recovery Plan and retain its existing Boat Harbour zone.	Include all the Boat Harbour zoned area and adjoining coastal marina area in the Lyttelton Port Recovery Plan. The Club submits that all this land should retain its existing purpose in support of recreational boating within the Lyttelton Port Recovery Plan with Zoning and Rules similar to the existing Boat Harbour Zone but with amendments or If all the Boat Harbour Zone area is not to be included in the LRP then the Plan should exclude all of the existing Boat Harbour Zone land (including that owned by LPC) from the Lyttelton Port Recovery Plan.

CONSTRUCTION

Full Name	Issue	Reasons	Decision sought
Southshore Residents	Compliance	SRA has complained to ECan about washed up material, ECan staff have inspected, LPC responded by explaining quality control regime. Members of association toured reclamation site. Clear that current regime is not fool proof.	Ensure monitoring and permitting regime for reclamation material is continued for future reclamation activity.
Governors Bay Amenity Preservation Society	Noise	The initial noise from the construction of the reclamation area and the ongoing noise from cranes and vehicles affect the people of the Harbour Basin depending on wind direction. The current LPRP plan seems to focus more on mahinga kai, but little consideration given to the other marine life occupying our harbour. There does not appear to be enough information regarding the effect of storm water, turbidity, dredging on the marine environment and how this will be managed.	Would like more information
Matthew Ross	Noise	I submit that the preliminary draft Recovery Plan is amended to preclude piling activities at the weekend. The noise associated with recent piling activities has been particularly noticeable in Diamond Harbour (please find attached video to illustrate the particularly intrusive nature of this activity) and is often audible indoors. It has disturbed pets and detracted from the amenity value of outside spaces including private gardens, reserves, cliff track, and beaches.	Providing for a weekend free of piling noise would positive contribute to the well-being of people in Diamond Harbour during the 10-15year construction period.
Maike Fichtner	Noise	The noise and water pollution from the current work is a substantial negative influence on the quiet and clean surroundings in Diamond Harbour and Purau. For it to carry in for a further 9 years is not acceptable.	N/A
Green Party	Other	The length of the plan period and the construction works means that LPC and ECan should consider establishing a Liaison committee where all the harbour basin communities are represented and construction impacts such as noise can be dealt with.	
Lyttelton/Mt Herbert Community Board	Other	p10 Management of Construction Effects - We note this paragraph contains no reference to communities of Diamond Harbour and the other southern bays. For residents and visitors, especially those enjoying coastal walking tracks, construction effects will be significant. In particular, noise effects are likely to be quite intrusive at times (they already are). Moreover adverse effects look likely to continue for many years.	Include a sentence which specifically acknowledges the significant and ongoing adverse effects of construction on southern bay communities.
New Zealand Transport Agency	Traffic	Section 3.9, page 44. There is no mention of Construction Traffic effects. LPC indicated in its Information Package, November 2014, Appendix 12, that peak construction traffic volumes in 2020 could reach similar levels to those predicted for heavy vehicle freight in 2026. The effects of this construction traffic will need to be managed.	Amend section 3.9, second paragraph, as follows: Construction activities affect the community mainly through noise, vibration, and discharges to air and disruption caused by construction traffic .
New Zealand Transport Agency	Traffic	21.8.1.2 (i). We support this policy and considers it is consistent with the Transport Agency's request that LPC provide a Construction Traffic Management Plan as part of its CEMP. (Refer submission point 15). (See Mr Blyleven's evidence, paras 52 and 65).	Amend the proposed amendments to the pdLPRP to include a requirement for Construction Traffic Management Plan as part of the CEMP.
New Zealand Transport Agency	Traffic	Section 4.7, page 67. The Transport Agency agrees that the effects of construction include effects on traffic movement. These effects will largely be generated by construction traffic and can be adequately controlled and mitigated. However the CEMP referred to in the LPRP does not include the requirement for construction temporary traffic management plan(s). The Transport Agency suggests that the proposed amendments to the pdLPRP should be amended to require the CEMP to include a construction traffic management plan. (Refer submission point 23).	No change to this clause. However, amendments are required to the proposed amendments to the pdLPRP to require the adoption of a construction traffic management plan as part of the CEMP.
Maike Fichtner	Water Quality	The noise and water pollution from the current work is a substantial negative influence on the quiet and clean surroundings in Diamond Harbour and Purau. For it to carry in for a further 9 years is not acceptable. I am especially concerned about plans for extension, as they do not fall under the term of recovery. The constant hammering and is very distracting and difficult to listen to, as it is very constant. Maintaining and improving water quality is very important to me, as a swimmer and bird watcher.	N/A

GOLLANS BAY

Full Name	Issue	Reasons	Decision sought
Lyttelton/Mt Herbert Community Board	Access	p42 (Section 3.8.5) Recreation Opportunities at Gollans Bay - Opportunity - make use of exiting public access rights to access the small sandy beach at Gollans Bay for recreation. When the Sumner Road Re-Opening Project is completed, it could be re-opened to pedestrians. Although it is a formed legal road it was always locked to vehicles, but was open to pedestrians outside quarry operating hours. The Recovery Plan appears to incorporate a length of Old Sumner Road into the new haul road between the quarry and reclamation. If existing public access rights are to be taken away by port recovery activity, we ask that replacement access rights be provided as compensation along	Amend Recovery Plan to include provisions which secure alternative public access to the foreshore at Gollans Bay beach.
Heritage New Zealand Pouhere Taonga	Heritage	Battery Point is entered on the NZ Heritage List and is the only site in Canterbury where coastal defence structures were set up to protect the country against three different threats of invasion, during the 1880s Russian scare, World War 1 and World War 2. Heritage NZ is uncertain whether this area will be impacted by quarrying activity or what environmental measures will be taken to ensure that adverse effects on development will be mitigated.	That the LPRP provides clarity regarding the future use and management of Battery Point Historic Area.
Green Party	Other	I oppose the provision that the quarrying application not be publicly notified. There is still too much uncertainty about the management of the quarry and the use of rock from the cliff faces above Evans Pass Road. How the road re-opening and rock blasting and benching is to occur will have a significant impact on the cliffs and harbour landscapes and natural character. Noise from blasting and quarrying, and its hours of operation will potentially affect harbour communities and harbour users.	Amend the plan so that an application for quarrying in Gollans Bay Quarry is a discretionary or restricted discretionary activity that will be publicly notified.
Lyttelton/Mt Herbert Community Board	Other	p56 (Section 4.1.3) - The operation of the Gollans Bay Quarry depends on other projects, including the Sumner Road Re-Opening Project.	At the end of the brown text entitled "Timing," add: ...including the Sumner Road Re-Opening Project
Lyttelton/Mt Herbert Community Board	Stormwater	p56 (Section 4.1.3) Gollans Bay Quarry Storm water Management - Extra care is needed to ensure storm water from the Gollans Bay Quarry area is not discharged to the stream running down to Gollans Bay beach. The stream runs under the former Lyttelton Borough Council rubbish dump, which could contain almost anything including substances toxic to living organisms. Increased storm water volumes passing through the landfill could scour out the contents and result in contaminants entering the stream's lower reaches and the coastal marine environment at Gollans Bay beach.	If not already accounted for, include specific provisions in the Gollans Bay Quarry storm water management plan to prevent storm water from the Gollans Bay Quarry area to be discharged to the stream running down to Gollans Bay beach.
Frances Therese James	Visual	Gollans Bay is an eye sore at the moment and further excavation is likely to worsen it.	The CCC comply with their responsibility to control matters such as slope stability, natural hazards, ecology and rehabilitation.
Juliet Neill	Visual	The potential visual pollution from quarrying is not mentioned. Also, beyond the use of quarry rock, and rock from the Sumner Road repair, no mention is made of what sort of additional fill will have to be trucked in.	Provide evidence of what can be done to mitigate visual pollution from quarrying, and what will be used to complete the vast area of reclamation.
Diamond Harbour Community Association; Pete Simpson	Visual	4.1.3 - Oppose the provision that the application not be publicly notified. There is still too much uncertainty about the management of the quarry and the use of rock from the cliff faces above Evans Pass Road. This has a significant landscape effect on the residents of Diamond Harbour.	An application for quarrying in Gollans Bay Quarry will be publicly notified.
Green Party	Visual	The Plan fails to consider the adverse impacts of blasting and quarrying of the bluffs on public conservation land above the Lyttelton Evans Pass - Sumner Road and the impacts this will have on biodiversity and landscape values. Rock from here will presumably be used to provide fill for the reclamation so it is a consequential effect of the plan. The bluffs are in two DOC scenic reserves. They are habitat for threatened species including lizards and plants such as the Canterbury forget-me not. The resource consent application to re-open the road was pushed through by the City Council under emergency legislation without proper public consultation. That application did not suggest that the rock would be used in the proposed new 27 ha reclamation. If the bluffs, and not just the Gollans Bay quarry, are to be used as a rock source for the reclamation, the effects of this should be addressed in this Plan. The bluffs are a strong remaining element of natural character in part of the harbour which has been modified by the port and deserve greater recognition and protection.	Amend the Plan to strengthen the protection which objectives, policies and methods provide for landscape features in the vicinity of the port. Amend the geographic area covered by the Plan to include the land to Evan Pass as being directly affected (as potential rock source) by the Port's reclamation plans. Require the City Council and LPC to apply for a publicly notified resource consent under the RMA if any rock from the bluffs above the Lyttelton-Evans Pass is to be taken and used in the proposed reclamation.

WHOLE OF HARBOUR ISSUES

Full Name	Issue	Reasons	Decision sought
Lesley Shand	Environments Effects	Over the years I have noticed ongoing port related developments and significant changes on the harbour's natural environment. The proposals identified in The Proposed Lyttelton Port Recovery Plan are the greatest in extent, beyond anything which has occurred before. I am concerned at these new proposals as the consequential impact will have very significant adverse effects on the Harbour's Natural Environment.	To say the effects are minor or able to be managed, indicates more assessment of effects Work should be done.
Diamond Harbour Community Association	Intergrated Management Plan	Support the Integrated Management Plan for the harbour. However there is no commitment by Environment Canterbury and the LPC to fund implementation of the plan. This is an important compensatory measure for the loss of natural amenity, public space and disturbance to the marine area and wildlife from the reclamation.	Add a provision that Environment Canterbury and LPC will commit funding to the implementation of the Integrated Management Plan for the harbour. The sum LPC to commit, to be tied a percentage of the value of increased container traffic from the reclamation.
Matthew Ross	Intergrated Management Plan	I support the commitment to develop an integrated management plan for Whakaraupō/Lyttelton Harbour - section 8.	I submit that Action 7 is amended to include a commitment that Environment Canterbury, LPC, Te Hapū o Ngāti Wheke and Te Rūnanga o Ngāi Tahu will sign off on the completed integrated management plan prior to any hearings process on the Te Awaparahi Bay Reclamation. This will help to ensure that the cultural, social, environmental and economic well-being of the wider harbour is addressed in parallel with the consideration of the effects of Te Awaparahi Reclamation.
Pete Simpson	Intergrated Management Plan	Support the Integrated Management Plan for the harbour. However there is no commitment by Environment Canterbury and the LPC to fund implementation of the plan. This is an important compensatory measure for the loss of natural amenity, public space and disturbance to the marine area and wildlife from the reclamation.	Add a provision that Environment Canterbury and LPC will commit funding to the implementation of the Integrated Management Plan for the harbour. The sum LPC to commit to be tied a percentage of the value of increased container traffic from the reclamation and also the total fees received from passenger shipping lines for their use of Port facilities.
Juliet Neill	Intergrated Management Plan	Claims about retaining the harbour health are vague. Who monitors this, and what action is taken if the health of the harbour is badly affected?	More information is needed on how the plan will protect the health of the harbour.
Rewi Couch	Intergrated Management Plan	I submit my support for a whole harbour approach as it was intended. The whole Harbour approach was intended to address concerns about too greater focus on localised environmental impact and that peripheral and accumulative effects were not being adequately addressed. It was intended that Environmental and Cultural Restoration opportunities be given consideration before the event not monitoring lost opportunity's after the event. It was intended that increased biosecurity risk be negated not monitored. In the past some significant Biosecurity breaches have been contained within the inner harbour, when shipping moves to outer harbour a biosecurity breach will rapidly contaminate the whole harbour .	The plan needs to provide Certainty, i.e.; Can LPC provide certainty around Bio security concerns?
Governors Bay Community Association	Intergrated Management Plan	The Plan states that it records an agreement between Environment Canterbury, Rāpaki and LPC to develop a whole of harbour management plan to improve the health of the Harbour and that interested parties will be invited to participate. It is not clear how it will do this. It is not considered satisfactory to merely refer to such a whole of harbour management plan without providing some details. Given that the CER Act allows widespread exemption from existing legislative requirements any such whole of harbour plan will have to be developed after the effects of the LPRP are a fait accompli. A whole of harbour management plan should be being developed as an integral part of the LPRP.	Environment Canterbury with support from the Lyttelton Port Company provides the financial and staff assistance to prepare a Catchment Management Plan with full engagement with the communities of the harbour. That the development and implementation of a Whakaraupō/Lyttelton Harbour Management Plan be driven by the community with financial and staff support from Environment Canterbury and LPC.
Lyttelton Harbour / Whakaraupo Issues Group	Other	The Group partially supports the Integrated Management Plan. LHWIG long promoted need for integrated approach - difficultly in getting ongoing party commitments in past. Note that CCC not a party in current proposal, they have significant role. Non-statutory undertakings often have high time and cost, but do not always provide effective long term benefits. CCC/ECan commitment in 2005/6 abandoned. LHWIG support and promote integrated approach but this should not be instead of parties meeting statutory responsibilities.	
Lyttelton/Mt Herbert Community Board	Other	p7 We fully support development of a Whakaraupō/Lyttelton Harbour Management Plan with wide community involvement.	No change

WHOLE OF HARBOUR ISSUES

Full Name	Issue	Reasons	Decision sought
Greg Clydesdale	Other	If the local runanga or any other community group want to restore water flows for the purpose of mahinga kai, traditional use, recreation or conservation, they will have to apply for a resource consent that could cost at least \$250,000. This represents such a formidable barrier that many worthy goals regarding the environment cannot be achieved. For example of future dredging needs might include the dredging between Quail Island and Moepuku peninsula. This is desirable for two reasons. First, this entrance is important for water to flush and maintain the health of the upper harbor. This in turn affects the quality of seafood. Secondly, rodents can run across the mud-flats from Moepuku Peninsula to Quail Island.	LPC should acquire resource consent to dredge areas of the harbor for community groups so that the dredging can be done as concern arises without the need for community groups to apply for a resource consent. However, there would be strict restrictions on this: The consent is for community groups not individuals. For example, it could include the runanga at Rapaki, Quail Island Restoration trust, Orton Bradley Park, etc; It will not be done for profit or solely commercial enterprises. The dredging must not exceed the depth of the soil that existed before human activity occurred in that particular area. In other words, the dredging can only restore the depth prior to the introduction of human activity on the harbor and hills.
Juliet Neill	Pollution	Natural Environment and Contamination. Contamination of the harbour through pollution and noise is unacceptable. There is insufficient evidence in the plan that these will be well monitored and that wildlife, recreation and fishing will not suffer. On Page 55 it mentions that dolphins will be monitored, but if they are found to be affected, no action is suggested.	Clear evidence should be provided to show that there will be no further water or noise contamination of the harbour. Regular monitoring should be engaged in, and the plan for a course of action in the event of pollution must be made. It is not enough to merely monitor wildlife, but a guarantee of action to mitigate negative effects, should they occur, must be made.
Governors Bay Amenity Preservation Society	Sedimentation	We see conflicting evidence of continued sedimentation in the upper harbour, especially on the northern side of the upper harbour. Conclusions reached by Environment Canterbury, Appendix 14 seem to dispute Hart etc. (2008). This is also supported by the anecdotal evidence obtained from interviewing local residents about changes they have observed in the harbour (a report commissioned by the Lyttelton Harbour/Whakaraupō Issues Group.	N/A
Governors Bay Community Association	Sedimentation	Concerns: continued sedimentation in the upper harbour, in particular accumulation on northern side. Notes ECan conclusion on reclamation effects. Notes Hart et al. (2008) conclusion - catchment erosion main source of sedimentation. While no hard evidence to dispute the conclusions, think it is relevant to note possible link between sediment accumulation asymmetry and construction of Cashin Quay and breakwater. Notes Hart (2004) figures for accretion and compares to Goff (2005). The asymmetry in deposition rates in upper harbour is probably related to the asymmetry in tidal circulation, likely that the quay and breakwater have further strengthened the asymmetry, notes Hart (2013). Anecdotal evidence from local residents documented in a report (Opinions Market Research Ltd 2013) is consistent with these comments. We therefore submit that while the proposed reclamation may have little further effect in worsening the continuing intertidal mudflat accumulation in Governors Bay, the present conditions and continuing trends represent a partial legacy from earlier port developments. Support commissioning of studies by LPC, provide contributions to understanding harbour. Improvements could be made in assessment of wind-driven circulation.	We seek as part of the Ports normal operation that the Port dredge the upper end of the harbour at regular intervals to provide a sink for sediments recognising the liquid nature of the sediments in the harbour. This would not only create a better water flow at the south end of the harbour but would also give an extra boost to potential use of a restored jetty given its poor condition was in part due to neglect when owned by the Harbour Board.
Lyttelton/Mt Herbert Community Board	Sedimentation	p20 (Section 2.4.1) Sedimentation In Harbour - The quantity of sediment entering the harbour with every rain event is a concern for everyone living here, not just tangata whenua - most pressing environmental problem. Concerned not just about infilling in the upper harbour but also the long term adverse effects of turbidity on marine ecology, particularly biodiversity, and water quality for recreation. This is why we support the Recovery Plan's statement that none of the port's activities should worsen existing problems such as sedimentation (refer Submission Point 2). In past written statements, the port has argued that most sedimentation is caused by land use (which is probably true) and consequently the small contribution made by port activities does not matter. This attitude does not help as only if every landowner works to reduce their input will the problem of sedimentation begin to improve.	Address sedimentation as a separate issue rather than a sub clause of 2.4 Tangata Whenua Association With and aspirations for Whakaraupō / Lyttelton Harbour.

WHOLE OF HARBOUR ISSUES

Full Name	Issue	Reasons	Decision sought
Lyttelton/Mt Herbert Community Board	Sedimentation	p39 (Section 3.7) We support the statement €œ... it is important to ensure that the port's rebuild and reconfiguration do not worsen sedimentation problems in the harbour€œOur community needs a Recovery Plan which guarantees reclamation and dredging will not contribute to further modification of harbour circulation patterns and sedimentation problems. LPC argues the reclamation will make no difference to the above and ECan's experts agree, but we know there is plenty of anecdotal evidence that port activities have contributed to changes in the past. We need to be certain what is proposed in the Recovery Plan will improve the harbour environment, not worsen it.	No change
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Sedimentation	Included should be a direction to explore the possibility of dredging in areas of the harbour that would benefit mahinga kai.	Included should be a direction to explore the possibility of dredging in areas of the harbour that would benefit mahinga kai.
Helen Chambers	Sedimentation	Opinions vary as to what has caused the build up of sediment in the upper harbour especially on the northern shore. Some evidence points to the building of the Cashin Quay breakwater as being the cause. (Conclusions reached by Ecan, Appendix 14 seem to dispute Hart et al(2008) If that is so then the building of the reclamation area to the extent of the breakwater with the added€œto angle of repose beyond could add to sedimentation. I am concerned that the effect on the cockle beds at Rāpaki, the effect on fish and other marine life in the harbour will be further effected. There is no management plan put forward as to how this will be dealt with.	Reduce the area of reclamation to ten hectares remove the outer extent of the breakwater and use it for fill in the new area.
Melanie Dixon	Sedimentation	There is a large amount of anecdotal evidence around the adverse effects of harbour reclamation on tidal patterns and sedimentation. The Lyttelton Harbour/Whakaraupō Issues Group study has documented many of the anecdotal historical records regarding the effects of the building of Cashin Quay and the Breakwater. The impacts of the reclamation have not been fully studied in light of this report.	I would like to see Ecan further its studies into potential changes in water flow and sedimentation, in light of the LHWIG report and to put in place remedial action for the damage done to the harbour environment to date.
Juliet Neill	Sedimentation	No evidence provided to show that the sedimentation patterns will not change.	Provide evidence to show that sedimentation patterns will not change.
Rewi Couch	Sedimentation	As a long term resident and mahinga kai (food gatherer) of Whakaraupō (Lyttelton Harbour) I can testify to some of the detrimental effects that have occurred in this harbour over the last 55 years, that I attribute to the construction of Cashin Quay. When Cashin Quay was built sediment appeared on our foreshore, smothering 90% of our Kai Moana, it has stayed that way ever since. Reclamation and breakwaters have dramatically changed the way water flows in and out of upper Lyttelton Harbour.	Uncertainties highlight the critical need for further research. Some research is still being completed and not yet available for consideration. The timeframe of this process has not allowed for the full attention permanent and irreversible require.
R M (Max) Manson	Sedimentation	I am eighty and have lived here a large part of my life. Because of silt build-up in the inner harbour and with removal and no replacement of shell from our beaches, all of this caused by tidal changes since Cashin Quay was built. Wearing away of clay banks e.g. between No.1 and No.8 Charteris Bay Road. The build up of silt and pollution in the harbour has severely restricted new shell growth.	I oppose further reclamation.
Green Party	Water Quality	LPCS storm water management is poor. The Plan notes that repair work provides an opportunity to upgrade storm water treatment but fails to require it.	Include new plan provisions or amend ones in existing statutory plans to require: Significant improvements in storm water management and quality through installation of sumps and storm water treatment. Require hard surfaces to be regularly swept and kept clean to minimise material being washed into the harbour. Greater monitoring and enforcement of management plans by ECan to ensure that consent conditions are adhered to.
Lyttelton/Mt Herbert Community Board	Water Quality	p68 (Section 4.8) Integrated Catchment Management Plan - We support the intention of the Recovery Plan to address water quality issues, especially sedimentation, in Lyttelton Harbour. We need a Recovery Plan which helps us restore and maintain ecological health of the harbour, not just for mahinga kai but also so dolphins, seals, penguins, crayfish and all sea life can thrive.	No change

WHOLE OF HARBOUR ISSUES

Full Name	Issue	Reasons	Decision sought
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Water Quality	Water quality of the wider Lyttelton Harbour is within the scope of the Recovery Plan. The water quality standard for Whakaraupō o excluding the Inner Harbour area, should be Mahinga Kai (Class Coastal SG). Environment Canterbury, shall as part of the work of the Joint Committee, be directed to consider the desirability of setting rules in the RCEP which provide for minimum standards of water quality, and the desirability of reviewing conditions of existing consents.	Action 7 be amended to direct Environment Canterbury and the Christchurch City Council to establish a Joint Committee, must provide funding for the Joint Committee in their Long Term Plans. Action 7 should be part of the statutory directions. The Committee should be directed to consider the desirability of setting rules in the RCEP to provide for minimum water quality standards, and the review of existing consents to meet those standards.
Mark Watson	Water quality	Restore and maintain the ecological health of the harbour not just for mahinga kai but also so dolphins, seals, penguins, crayfish, and all sea life can thrive.	N/A

GENERAL

Full Name	Issue	Reasons	Decision sought
Green Party	Air quality	LPC's consent conditions controlling the discharge of dust from bulk cargo handling appear to be breached regularly. Bulk handling operations regularly result in nuisance dust settling on cars left overnight in Lyttelton and obvious water contamination in the inner harbour. Bulk cargo unloading work is not always stopped when windy weather conditions cause dust movement despite recent ECan reports that state LPC staff are monitoring and controlling this issue closely. LPC management plans (accepted by ECan) allow bulk unloading at wind speeds that cause breaches of the consent conditions.	Include new plan provisions or amend ones in existing statutory plans to require: proper containment of bulk materials to ensure no air or water pollution.
Governors Bay Community Association	Air Quality	Plan skirts around important air quality issues, e.g. dust control and management of ships. Measures are not listed to mitigate many of known toxins in dust emissions from trucks, ships and coal trains. Health effects not discussed. Coal dust health effects not addressed. Only new action to reduce effects of emissions is moving activities, dependent on reclamation. This is not a true effort to mitigate. The CEMP chapter on dust management is missing. Meteorological effects not discussed, any increase in dust pollution will result in increased effects due to prevailing winds. Air quality monitoring referred to was short term and occurred in 2003, suggest monitoring to occur as baseline. Policies for air quality focus on environmental effects, LPRP must address potential effects for health, plan has not done that. Large ships contribute significantly to air pollution around ports, can observe this in Lyttelton, there needs to be a strategy to address emissions from large ships. Recommend LPC and ECan enforce engine and fuel standards. Health effects from diesel emissions have not been discussed. Recommend LPC enforce MARPOL Annex VI programme.	That LPC with policy support from Environment Canterbury enforce international engine and fuel standards for ships entering and berthing within the port and that the Port is designated as an Emission Control Area for air quality. A chapter on the management of dust and pollution is added to the Plan and is implemented.
Lyttelton Port Company Limited	Air quality	LPC generally supports the LPRP provisions to be contained in the proposed Canterbury Air Regional Plan, subject to amendments:	Amendments to pCARP: (a) including a new policy in section 6; (b) to Rule 7.29A; (c) to notification provisions; and (d) any other changes to give effect to the intent of this submission.
Mr James Crook	Economic Benefit	I support all the provisions of the plan. The economy of Canterbury (and NZ) is dependent upon the Port working to capacity.	Provisions for harbour dredging and wharves for longer ships should take priority if their is problems with funding the whole plan.
Mr Ernesto Henriod	General	I fully support the proposed improvements to the Port	N/A
Solid Energy New Zealand Limited	General	Solid Energy exports coal through Lyttelton Port, is a regular user of the Port and interested in its timely recovery, including expansion to cope with future freight demands. Solid Energy largely supports the framework that the LPRP provides for that recovery in relation to the Coastal Plan and District Plan. Solid Energy considers that the other amendments will result in LPRP that is in accordance with the Minister's Direction under the CER Act 2011 and the CER Act 2011 itself.	The amendments and relief sought by LPC, with the exception of those changes that relate to notification provisions.
Director General of Conservation	General	The Director-General is neutral on the preliminary draft LPRP.	
Lyttelton Harbour / Whakaraupo Issues Group	General	The Group supports: the concept of a LPRP, requirement of a robust and transparent process to achieve an approved plan as a basis for agreed outcomes and recovery; the principle that the LPRP should not be limited to only repairing the existing infrastructure damaged in the earthquake but within reason can consider the foreseeable needs and improvements for the port's operational activities.	
Lyttelton Port Company Limited	General	LPC seeks some amendments to the LPRP. Detailed information on the relief sought by LPC, notated as tracked changes to the LPRP provisions, is included as appendices to submission. LPC generally supports the addition of Chapter 10 to the Regional Coastal Environment Plan, subject to amendments.	
Lyttelton Port Company Limited	General	LPC supports the LPRP provisions to the proposed Canterbury Land and Water Regional Plan.	Retain the proposed LWRP provisions.
Lyttelton Port Company Limited	General	LPC considers that the Natural Resources Regional Plan and the Land and Vegetation Management Regional Plan apply and should be amended.	LPC also seeks amendments to the Natural Resources Regional Plan, to include Rules WQL106, WQL49, BLR9 and corresponding advice notes, and to the Land and Vegetation Management Regional Plan, to include Rule 7 and a corresponding advice note.
Lyttelton Port Company Limited	General	LPC generally supports the introduction of a standalone chapter providing for Port recovery (excepting with regard to natural hazards and heritage buildings), but seeks amendments as detailed.	

GENERAL

Full Name	Issue	Reasons	Decision sought
Lyttelton Port Company Limited	General	LPC seek amendments to maps included in LPRP to show full navigational channel	Map 5.7 - differs to maps provided to ECan in 2014, reclamation envelope 80m less in width than required, seek amendment to provide for dimensions included on Appendix D. Map 5.3 - LPC seeks amendment to include full length of navigation channel extension Map 5.6 - amendment to include all wharf structures
Lyttelton/Mt Herbert Community Board	General	We completely support Lyttelton Port Company (LPC) having the ability to "build back better" to make the structures stronger and more resilient, to build in modern storm water treatment systems, and reconfigure the layout so it works better. We accept the repairs need to happen and quickly, we accept a simplified process is justified, and we see many benefits, particularly for the Lyttelton community, in the "Port to the East" concept.	
Lyttelton/Mt Herbert Community Board	General	Community needs for recovery: heavy port traffic off Norwich Quay, public access to the inner harbour waterfront, make the most of what heritage remains then build anew, cruise ship terminal facilities designed to enable a contribution to the local economy.	
Lyttelton/Mt Herbert Community Board	General	p33 (Section 3.3) Larger Container Ships - We note the qualifier: "It is expected that more ships in the 5,000-7,000 TEU range will be visiting New Zealand ports in the future, although the actual size of future ships and likely timing of this deployment is difficult to forecast". All development comes at a cost to the community. It particularly concerns us that the scale of development enabled by the Recovery Plan will have significant environmental and social costs but may turn out to be unnecessary. This is one of the reasons we are uneasy about all the provisions in the Recovery Plan which facilitate larger ships. Given uncertainty around size of future ships and timing of deployment, we support a precautionary approach to providing infrastructure for larger ships.	Amend provisions to use a precautionary approach to providing infrastructure for larger ships, which considers environmental and social costs of development alongside uncertainty of size and deployment of future ships.
New Zealand Transport Agency	General	The Transport Agency has worked collaboratively with ECan in the development of the LPRP and supports its enabling approach as necessary for the recovery of the Port. The Transport Agency seeks a range of amendments to ensure readability and clarity for users and to address a number of technical issues.	Retain with the amendments detailed below and any consequential amendments required to give effect to those amendments specifically noted below.
New Zealand Transport Agency	General	Section 5.1.3, pages 76 to 81. There are a variety of key terms used in section 5.1.3 and the LPRP as a whole, however, there are no definitions of these terms in the Glossary and it is not clear how these relate to the defined terms set out in the proposed amendments to the pRDP. These terms include: non-port marine related Port related Port activities Port operational activities	Consider whether key terms should be defined in the Glossary, ensuring that definitions are consistent with defined terms in the proposed amendments to various plans.
New Zealand Transport Agency	General	Section 6, page 88. The Transport Agency agrees with the inclusion of the funding table and level of detail provided. The costs associated with the Transport Network upgrades cannot be clarified until more information is available (likely to be in more than five years' time).	Retain
New Zealand Transport Agency	General	The Transport Agency supports the enabling approach of the proposed amendments to the pRDP, and other planning documents. This approach is consistent with recovery.	Retain with the amendments detailed below and any consequential amendments required to give effect to those specifically noted below.
Z Energy Ltd, Mobil Oil NZ Ltd, BP Oil NZ Ltd	General	The Oil Companies' are generally supportive of the intent of the Preliminary Draft LPRP. Facilities affected by earthquake, proved resilient, some damage at the terminals. Mobil's Naval Point terminal has suffered from landslide - potential further cliff collapse risk to part of Z Energy diesel terminal and Godley Quay. Oil Companies support the upgrade of the dangerous goods wharf over which all fuels supplies pass.	
Mr Peter McBride	General	I support the plan overall	No change or speed it up
Christchurch City Holdings Limited	General	CCHL considers that the LPRP generally provides for the recovery of the Port.	CCHL seek the amendments and relief sought by LPC.
Lyttelton Port Company Limited	General	Too many controlled activity rules requiring public notification	Some of the controlled activiteis could be processed as non-notified.

GENERAL

Full Name	Issue	Reasons	Decision sought
Governors Bay Community Association	Geographic Scope	LPRP does not appear to adhere to the direction given by the Minister for Canterbury Earthquake Recovery. Geographic scope has been reduced to Lyttelton and the inner working harbour. The direction is clear - scope must consider the issues and effects outside of the geographic extent of the RP. Plan isolates port - produces 'bubble plan', does not take into account ongoing, long term effects on whole harbour. Not convinced that environmental effects of Port recovery are minor or can be managed, plan does not state how effects will be managed.	The Plan's geographic extent is broadened to include all the communities of the Lyttelton Harbour. And with this that something is offered to surrounding communities. We seek that the Lyttelton Port Company are directed to create an environmental fund using profits that are directed toward remediating and improving the effects, including historical effects of the development and operation of the Port on the harbour environs.
Lyttelton Harbour / Whakaraupo Issues Group	Geographic Scope	The Group opposes, has serious concerns, and seeks amendments on many aspects of the pdLPRP, including: 3) Scope of the Recovery Plan - note the pdLPRP limited to clauses 4.1 and 4.2, not addressed 4.3 of Minister's direction. Very significantly confines geographic extent of pdLPRP and ensures other aspects of plan not properly addressed - considered negligent, needs to be fully rectified.	
Lyttelton/Mt Herbert Community Board	Geographic Scope	p13 (Section 2.2) Sumner Road Re-Opening Project - Accept the Recovery Plan specifically excludes Sumner Road / Evans Pass due to the scope of the Minister's Direction. Do not think the effects of the Recovery Plan can be considered in isolation from works; Sumner Road, the crater rim, Gollans Bay - cumulative effect. Accept that receiving landscape modified pre-earthquakes, the Recovery Plan and Sumner Road Re-Opening Project - change in the landscape of Lyttelton Harbour and a significant reduction of landscape quality. Greatest effect on residents of Diamond Harbour and the other southern bays, recreationalists around the harbour, and for visitors arriving by cruise ship. Do not accept that the Recovery Plan should be completely silent on the Project	Amend to acknowledge there is a cumulative landscape effect from the Sumner Road Re-Opening Project and landscape changes proposed in the Recovery Plan.
New Zealand Transport Agency	Geographic Scope	Section 2.2, page 13; Figure 1, page 14-15. It is not clear from the discussion in Section 2.2 or Figure 1, that the LPRP has scope over Godley Quay and Simeon Quay. However, these roads have been included in transport discussions in developing the LPRP and are referred to in the proposed amendments to the pRDP (see Rule 21.8.3.2.6(b) and (c)). The Transport Agency considers these roads should fall within the scope of the LPRP because they are directly adjacent to and provide access to Dampier Bay, Naval Point and Norwich Quay.	Amend text in Section 2.2 and Figure 1 to clarify that the LPRP has scope over Godley Quay and Simeon Quay.
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Geographic Scope	The entire harbour is properly and legally included in the Recovery Plan. If this is not the case, then the proposed reclamation, the capital dredging and the main channel must also be excluded from the draft Recovery Plan.	The entire harbour is properly and legally included in the Recovery Plan. If this is not the case, then the proposed reclamation, the capital dredging and the main channel must also be excluded from the draft Recovery Plan.
Heritage New Zealand Pouhere Taonga	Heritage	The archaeological assessment recognises the commitment of the port to recognise and identify pre-1900 archaeological sites and structures within the operational area of the Port. Whilst some of the wharf structures are pre-1900, none are individually identified as items on the heritage list.	Heritage NZ notes that an application for archaeological authority for the modification of pre-1900 structures has been granted to LPC to enable earthquake recovery. No relief is sought in relation to this submission point.
Paul Ensor	Heritage	Heritage and evaluation of the relationship of the inner harbour to the Lyttelton Town Centre. It is imperative that any repair and development plan cherishes and enhances what heritage remains of the inner harbour of Lyttelton Port. Noting the proposed plan permits the demolition of the three inner harbour wharves 4, 5 and 6.	That the wharves 4, 5 and 6 be retained and repaired (in accord with heritage values). The surrounding area and the wharves because of direct access (walking distance and direct visual connection) be opened for public access, used for the Harbour ferry and charter boats and integrated into the proposed Dampier Bay development. This would enhance the development and commercial integrity of Lyttelton Town Centre.
Mark Watson	Heritage	A plan which makes the most of what heritage remains and build on it. Not a plan which permits the demolition of the three pre-1900 wharves 4, 5, and 6. These are part of our maritime heritage. They are not used much for port operations these days.	With a bit of investment public access to the waterfront could be provided here right now without having to wait for an unknown length of time for port operations to move east.
Heritage New Zealand Pouhere Taonga	Heritage	Supports policy 10.1.14	That policy 10.1.14 protection of historical structures is adopted into the plan.

GENERAL

Full Name	Issue	Reasons	Decision sought
Lyttelton/Mt Herbert Community Board	Heritage	p8 Pre-1900 Wharves We are opposed to demolition of pre-1900 finger wharves 4, 5, and 6 as these have heritage value. Even though the pre-1900 wharves may not be nationally or regionally significant they are crucial to a town where so much heritage has been lost. The pre-1900 wharves would add great value to a public open space/maritime precinct as shown in Attachment 1 - Option 1 Plan - Alternative Public Access to Inner Harbour Waterfront. Option 1 meets Recovery Plan Goal 3(c) (page 11), Complementing the re-development of the Lyttelton town centre, Better than the proposed Dampier Bay development.	Delete provisions which make demolition of pre-1900 wharves 4, 5 and 6 a permitted activity. Make their demolition a discretionary activity and include in the matters for assessment: "potential to add value to inner harbour public open space provisions."
Lyttelton/Mt Herbert Community Board	Heritage	p54 (Section 4.1.2) The Recovery Plan permits repair, rebuild and demolition of existing inner harbour port structures. We support this EXCEPT for the demolition of pre-1900 wharves 4, 5 and 6. We oppose provisions in the Recovery Plan which permit demolition of these three wharves.	Delete provisions which make demolition of pre-1900 wharves 4, 5 and 6 a permitted activity. Make their demolition a discretionary activity and include: "potential to add value to inner harbour public open space provisions" in the matters for assessment.
Heritage New Zealand Pouhere Taonga	Inner Harbour	We seek clarification on the permitted activity status for repairs or replacement of the Dry Dock. It is a Category 1 historic place. The executive summary makes reference to a suite of activities which can occur as permitted activities in the Inner Harbour. These documents do not contain provisions which explicitly allow 'replacement' of the Dry Dock as a permitted activity. The appendices do not contain provisions which explicitly allow 'replacement' of the Dry Dock.	That the LPRP clearly indicates the intended activity status for activities relating to the Lyttelton Graving Dock and site.
Norwich Quay Historic Precinct Society	Inner Harbour	Our submission is it would be difficult to argue for the retention of wharves 5 and the remains of 6. However a good case for the retention of No 4 , being as it is from London St -a straight line down from Canterbury St. This could be connected to by a pedestrian bridge over the roadway and railway lines and is a visual connection between the town and the waterfront- just as Oxford St is at present. It could be used as a maritime heritage area at some time in the future.	Any changes to incorporate the retention of No.4 wharf for potential future use.
Lyttelton Port Company Limited	Inner Harbour	Rule 10.1 requires wharves built in replacement of old wharves to be used for the same purpose as the old wharf. This is problematic for the Port as the Port is not a static organisation and the use of wharves changes depending on demand.	Remove 'must be used for the same purpose as the original'
Green Party	Light	The Plan fails to consider adequately the adverse effects of light spill from port lighting on the natural environment of the harbour, the night sky and harbour communities. Light spill may also be affecting marine life and seabirds yet there is no assessment of these effects. The lights at the container terminal spill light some distance beyond Cashin Quay and are very visible from Diamond Harbour. This is not efficient use of energy.	Require LPC to prepare and submit an assessment of the effects of light spill. Amend Plan provisions to limit maximum light spill onto residential properties to no more than 1 lux for port lighting that operates throughout the night, and that port operational lighting be required to have a 70 degree cut-off angle. Require all LPC lighting towers to be upgraded to a 70 degree light cut-off angle and <1 lux light-spill outside its operational areas.
Lyttelton Port Company Limited	Lighting	LPRP sets a height rule to facilitate recovery of port operations. Cranes are exempt from this.	Propose to amend the height limits of lighting as they have a clear functional need for health and safety requirements. Propose to exclude container stacks from this as well as they are not readily visible from the township.
Green Party	LPRP process	The limited time (four weeks) allowed for submissions is opposed as inadequate given the major impacts of the Plan proposal on the harbour basin, the hundreds of pages of technical documents and the considerable time which the Lyttelton Port Company Ltd (LPC) and the regional council have had to prepare the plan. The consultation appears somewhat cynical given the very limited time (two weeks) proposed to consider and analyse public submissions before the hearing and the likely absence of an officers' report on which submitters can comment in the hearing.	Ensure that the Minister provides at least six weeks for submissions on the draft Recovery Plan.
Green Party	LPRP structure	Plan format: The clear language and the use of aerial photos with overlays of the port infrastructure is supported. It makes the document accessible and easy to read. The effort that has gone into preparing a readable document in plain English with a minimum of planning waffle is appreciated.	
Director General of Conservation	Marine mammals	Lyttelton Port is within the Banks Peninsula Marine Mammal Sanctuary, established to protect the endangered Hector's Dolphin (see enclosed map 1).	That all reasonable and practicable steps are taken in the draft preliminary LPRP to address adverse effects of Lyttelton Port redevelopment and operation on marine mammals.
Green Party	Noise	The plan noise provisions appear to be a carryover of those agreed through Environment Court mediation to protect the amenity of Lyttelton residents. The expansion of the port to the east and the new container terminal is likely to have noise effects on southern bay communities.	Widen the application of the noise provisions to other harbour communities so that they can access funding for double glazing, sound insulation and are represented on the liaison committee.

GENERAL

Full Name	Issue	Reasons	Decision sought
Lyttelton/Mt Herbert Community Board	Noise	p68 (Section 4.7) Noise - Noise is dealt with under the existing Christchurch District Plan framework, which involves LPC working through a Port Liaison Committee. We do not support this approach as we have reservations about the effectiveness of the Committee. Owners of both commercial and residential properties within the Port Overlay Area who seek resource consent to build or alter their buildings have to obtain LPC approval and are required to sign a "no complaints" clause. Over time fewer and fewer residents are able to make complaints about noise and other port related nuisances.	Amend.
Lyttelton/Mt Herbert Community Board	Noise	p68 (Section 4.7) We do not agree with the statement. Noise that is generated in the coastal marine area is generally an issue only in landward residential areas. It is a significant issue for communities on the south side of Lyttelton Harbour. It is an issue for marine mammals.	Delete this statement.
Mrs Ann Thorpe	Noise	That noise monitoring and the noise insulation programme be extended above the lower level of Reserve Terrace, given the rapid and continued projected growth of Port activities.	That noise monitoring and the noise insulation programme be extended above the lower level of Reserve Terrace, given the rapid and continued projected growth of Port activities.
Matthew Ross	Noise	I submit that the hearings commissioners seek specific assurances that the LPC information package relating to operational noise and construction noise has adequately addressed reflection of sound towards Diamond Harbour from the cliff faces and hills to the east of Lyttelton Township.	N/A
Director General of Conservation	NZCPS	A large number of New Zealand Policy Statement (NZCPS) Objectives and Policies are relevant. The area covered by the LPRP is partly within the Canterbury coastal marine area, which is covered by the Canterbury Regional Coastal Plan. The Regional Coastal Plan must give effect to the NZCPS. Consideration should be given to any cross boundary issues between the area covered by the Port Recovery Plan and the rest of the Canterbury coastal marine area.	That all relevant New Zealand Policy Statement objectives and policies are carefully addressed in the draft preliminary plan.
Director General of Conservation	NZCPS	The preliminary draft LPRP should also facilitate and integrate the management of historic heritage as outlined in Policy 17 (Historic Heritage identification and protection) and as far as practicable, control harmful aquatic organisms Policy 12 (Harmful Aquatic Organisms).	
Green Party	Operational area	The Plan fails to provide adequate information to enable submitters and the panel to compare the size of the existing operational area and the new one. It fails to provide adequate explanation of the implications of the extension on public access and use rights. Nor does it provide accurate information or maps on the difference between the current and expanded operational area and how much sea space is involved. The extension is strongly opposed.	Not proceed with any extension of the port operational area and clearly map the extent of the existing operational area.
Jillian Frater	Operational area	Figure 5 - My reasons for seeking this change are that the proposed line for the ports operational area is significantly greater than the area currently within its operational area. The proposed extension will greatly enlarge the harbour area within which the Port can undertake its activities as permitted, controlled and restricted discretionary activities without the ability of the controlling authorities to decline consent.	That the area shown in figure 5 as the Operational area of the Port of Lyttelton be reduced to only include the inner harbour and an area that extends seaward to a distance of no more than 50m from land shown on this figure as being for Port land use.
Governors Bay Community Association	Other	Although the Port is run as an independent company, we would like to remind both Environment Canterbury and Christchurch City and that, under the Greater Christchurch Urban Development Strategy, to which both organisations are signatories there are specific actions that ensure such organisations work with and for their communities. The Greater Christchurch UDS is clear about the vision for the city and local communities and the role council owned organisations play in complementing the aspirations and goals of the community and not be in conflict with them.	
Governors Bay Community Association	Other	We welcome the excellent cultural assessment completed, however, there has been no attempt to assess or even reference the cultural significance of the harbour and surrounds to local or Canterbury communities outside of Ngai Tahu. We find this very disappointing.	The LPC carry out a cultural significance assessment of the Harbour for residents and the people of Christchurch.
Lyttelton/Mt Herbert Community Board	Other	p5 (Foreword) Please acknowledge the fact that the port and town evolved together, alongside each other and interdependently, since 1850.	At the end of first paragraph add the sentence: "During this time the port and town evolved together."
Lyttelton/Mt Herbert Community Board	Other	p7 (Executive Summary) We completely agree with the statement: "...it is important to ensure that the Port's recovery activities do not worsen existing problems.... "	No change

GENERAL

Full Name	Issue	Reasons	Decision sought
Lyttelton/Mt Herbert Community Board	Other	p8 We support repair / replacement of the following inner harbour structures: oil berth, dry dock, number 2, number 3, number 7 and the number 1 breastwork.	No change
Lyttelton/Mt Herbert Community Board	Other	p11 (Vision and Goals) Vision - We support the vision statement but would like to see it amended to incorporate wellbeing of other harbour side communities affected by the recovery / redevelopment.	Change the vision statement to read: "The rebuilt Lyttelton port is resilient, efficient, and contributes positively to the environmental, social, cultural and economic wellbeing of all harbour side communities and greater Christchurch."
Lyttelton/Mt Herbert Community Board	Other	p11 Goals We support the goals with amendments to acknowledge effects on harbour communities other than Lyttelton and on the ferry.	Amend Goal 3: "The recovery of the port makes a positive contribution to the recovery of Lyttelton township and the wellbeing of all affected harbour side communities, by: Amend Goal 3(d): Reducing adverse environmental effects of port operations on all harbour side settlements. Add Goal 3(e): Providing for a short, direct, and safe pedestrian link between Diamond Harbour Ferry and Lyttelton town centre together with improved public transport facilities. Amend Goal 7(b): Provide safe routes and a more attractive environment for pedestrians, cyclists and users of public transport in Lyttelton Harbour.
Lyttelton/Mt Herbert Community Board	Other	p19 (Section 2.4) Tangata Whenua Association With and Aspirations for Whakaraupō / Lyttelton Harbour - We support inclusion of this section.	No change
Lyttelton/Mt Herbert Community Board	Other	p21 (Section 2.5) Relationship Between Port and Town - We support inclusion of this section.	No change
Lyttelton/Mt Herbert Community Board	Other	p54 (Section 4.1.2 - Cashin Quay) - We support the repair or replacement of structures at Cashin Quay being a permitted activity.	No change
Lyttelton/Mt Herbert Community Board	Other	p55 (Section 4.1.2 - Inner Harbour) - We support repair or replacement of the inner harbour structures listed by bullet point as a permitted activity.	No change
Lyttelton/Mt Herbert Community Board	Other	p56 (Section 4.1.3) Old Sumner Road - If Old Sumner Road is used as the haul road, alternative public access to the beach at Gollans Bay is to be secured, preferably close to the foreshore and on a route including the gun emplacements at Battery Point	Amend Recovery Plan to include provisions which secure alternative public access to the foreshore at Gollans Bay beach.
NZ Labour Party, Port Hills	Other	Lyttelton was the first community, post-quake, to start developing a Master Plan. This document, now ratified by the Christchurch City Council, was the result of many very large meetings, with well facilitated contributions to the future of the town, including the Port. It is my view that the Master Plan should be considered as part of the deliberation in regard to the Lyttelton Port Recovery Plan. They are inter-linked.	Include the Master Plan in part of the deliberation.
Ravensdown Fertiliser Co-operative Limited	Other	Agree that health and safety needs to be a major focus of the recovery, and in particular the Recovery Plan should include provision to enable the full segregation of public and commercial interests within the Port area.	Enable full segregation of public and commercial interests
Ravensdown Fertiliser Co-operative Limited	Other	As an importer of bulk cargo, I agree that repairs to the inner harbour wharves need to be completed in a timely manner. We are economically disadvantaged with the current restrictions in place.	None
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Other	Any decision on an application for resource consent for an activity in the LPRP is subject to Section 69(1)(c) of the CER Act.	Amend relevant plans to specify that any decision on an application for resource consent is subject to Section 69(1)(c) of the CER Act.
William Hall	Other	Boat Harbour and Coastal Marina area included into the Lyttelton Port Recovery. Any plan revision needs to take into account the needs of all recreational users: fishermen; kayakers; windsurfers; dingy sailors; trailer yachts; keelers; power boats; jet skis and other actual or potential users. The current plan may assist keeler owners but limits the options available to other users.	
Nancy Vance	Other	The west end of the Dampier Bay site has always been referred to as the "Mobil Land" due to past use by the petroleum company. This report does not identify possible soil contamination to this site as an issue and, should contamination be present, how this would be remediated or removed for this land to be safely used by the public (with regard to recreation, soil quality, storm water management, planting success rates, etc.).	None
Peter Smeele	Other	I am in overall support of this Recovery Plan to Lyttelton Port excluding Naval Point cruise ship option and Boat Harbour Zone.	N/A

GENERAL

Full Name	Issue	Reasons	Decision sought
David and Heather Bundy	Other	The plan is supposed to address 5.1.2 of the Minister's Direction. The Port operation adversely affects the town at the interface between the two. For the last 25 years (at least) the interface has been troublesome.	Unless there is a separation of the Port and Town activities the existing problem will get worse with the increase in trade.
Mark Watson	Other	Some port operations continue in the inner harbour. If all the activity moves out to Cashin Quay, the inner harbour will be dead boring.	N/A
Christchurch City Council	Other	Section 2.5 of the Recovery Plan outlines the relationship between the Port and Lyttelton township, including a list of the goals of the Lyttelton Master Plan. The Recovery Plan fails to explain how this has been acknowledged in the Plan and recovery framework, and how ECan addressed the Master Plan goals as part of the Recovery Plan.	Council seeks the inclusion of a similar discussion to that contained in section 2.4 in relation to the cultural assessment and how ECan has taken the Master Plan into account, particularly the matters that are outlined in the Council submission.
FitandAbel NZ Limited	Other	My submission is made as the director of FitandAbel NZ Ltd - a swim coaching company. In the last few years we have been participating in and witnessing the significant growth in appreciation that Lyttelton Harbour provides to all users, recreational and business. The Harbour is currently developed well below its current potential and in my opinion is a jewel and key asset of Christchurch. Development of Lyttelton harbour is long overdue. However it is essential we get it right. The development needs to provide a balance for all users and ensure that Lyttelton rightly becomes a location that the Christchurch populace can direct visitors to with a sense of pride. Naval Point Club has become a key focal point for a large number of recreational groups. We want to see this encouraged and fostered in the Port Recovery plan. Because of this relationship we support the Naval Point club and their endeavours to ensure the harbour is developed in a well considered and visionary manner that not only provides for a place that visiting tourist ships berth and the Port Company operates but also a place that visiting tourists will actually want to spend time and enjoy along with the local populace.	N/A
Mrs Ann Thorpe	Other	That log storage is moved from in front of Norwich Quay, so that public views of the harbour are unimpeded.	That log storage is moved from in front of Norwich Quay, so that public views of the harbour are unimpeded.
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Port Operational Area	Move the Port Operational Area inward to exclude the area of existing rocky reef habitat at Battery Point.	Move the Port Operational Area inward to exclude the area of existing rocky reef habitat at Battery Point.
Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu	Review	Review all aspects of the LPRP in collaboration with the strategic partners by March 2016, or sooner if directed by the Minister for CER. The review will identify whether it's necessary to amend or add to the LPRP to enable recovery.	That a requirement be inserted that ECan will formally review all aspects of the LPRP in collaboration with the strategic partners by March 2016, or sooner if directed by the Minister for CER. The review will identify whether it's necessary to amend or add to the LPRP to enable recovery.
Lyttelton Port Company Limited	Scope of Recovery	LPC is supportive of the framework that the LPRP provides for the recovery of Lyttelton Port. Subject to the minor amendments requested below, LPC considers that the LPRP is: in accordance with the Minister's Direction, reasonably necessary for achieving the purposes of the CER Act.	Minor amendments as detailed.
Thomas Kulpe	Scope of Recovery	I have objections against the basic premise of the LPRP, that the increase in trade volume over the next 26 years necessitates the expansion component. The application of the CERA legislation and the suspension of the RMA must be constrained by two conditions. The activity covered by CERA legislation has to be in line with the purpose of the Act and that is recovery. The activity has to be necessary i.e. needed or required under the circumstances. Projecting compound annual growth rates of the past into the next 25+ years is both misleading and flawed. The expansion component of LPRP is portrayed without any alternatives.	Reduce port expansion to what is necessary and appropriate for the recovery.

GENERAL

Full Name	Issue	Reasons	Decision sought
Green Party	Scope of Recovery	Plan proposes expansion in port's operational area and the private commercial occupation of another 27ha of public space in CMA. Potentially significant impacts on amenity values in Lyttelton and harbour - traffic, noise, light, landscape from quarrying, ecological health from dredging and changes to current flows. Will prevent recreational use by boaties, permanently alienates and deprives public of access to area. No compensation for loss of public space from current reclamation, no compensation proposed by LPC or ECan for 27ha reclamation, not even rental for the occupation of CMA. No commitment to remove heavy traffic from Norwich Quay or improve pedestrian and cycle facilities. The access agreement is not available for public to consider and comment. No specific proposals to improve pedestrian/public access to waterfront, no policies and no implementation date. Plan maximises commercial opportunities for LPC. Plan does not adequately investigate alternative configurations which meet community needs. Need a Plan and port configuration which better recognise community needs and wider economic drivers including cruise ships returning, recognises heritage values, reconnects township with waterfront, provides public access, supports rebuilding commercial premises in town centre and Norwich Quay, retains parts of the inner harbour as active working port.	Amend plan to provide for the ports rebuild and repair and a recovery period of 5-10 years. Stage proposed reclamation so only a portion (10ha) is provided for in the plan. Require LPC to develop mitigation package to compensate for loss of public space and heavy traffic on Norwich Quay. Amend Plan and statutory documents to include objectives, policies and methods which provide detailed proposals and timelines for public access to waterfront around Wharf No.7, irrespective of any development that may or may not occur in Dampier Bay.
Lyttelton/Mt Herbert Community Board	Scope of Recovery	p34 (Section 3.8) Effects on Community Wellbeing - Surprised and disappointed the plan omits reference to community wellbeing - Minister's direction. No mention of landscape effects of port, only passing mention of construction noise for Lyttelton, no mention on southern communities. Argue that the Recovery Plan does not address [direction clause 5.1.2] - failure to provide certainty freight on Norwich Quay and ferry berth. Argue, except through marina and promenade, recovery plan does not adequately address [direction clause 5.1.4] - Naval Point cruise berth will reduce area for recreational users. Board has two alternative plans for public access to inner harbour which better support recovery,	Add Section 3.8(a) Community Wellbeing, which addresses the effects not only of inner harbour proposals but of all development proposed by the Recovery Plan, including the reclamation and development associated with larger ships.
Christchurch City Council	Scope of Recovery	The Council is concerned with how the Recovery Plan addresses matters 5.1.2, 5.1.3 and 5.1.4 of the Direction, relating to the wider social, economic and cultural well-being of the Lyttelton community and surrounds, transport implications and the needs of users of the Port and environs.	The plan does not strike the right balance between the four matters contained in the Direction with the balance strongly in favour of matter 5.1.1.
Green Party	Scope of Recovery	Use of CER Act to prepare a plan which provides for major expansion of the port, 27ha reclamation, increase in size of ships, is opposed as being contrary to the purposes and provisions of the CER Act. Appear to be using CER Act as convenient fast track process to avoid application of RMA, NZCPS, RCEP and public scrutiny and judicial oversight. Providing for port expansion for next 25 years is inconsistent with purposes of the CER Act, realistic recovery period is 5-10 years.	
Lyttelton Community Association Inc	Scope of Recovery	Many 'community aspirations' have been duly recorded in 3.8. We are disappointed to note that our main aspirations are excluded from the draft plan itself. The 'Executive Summary' mentions such issues as access to the waterfront, but introduces enough negative remarks for the reader to assume that nothing is going to happen. It seems to us that the thrust of the draft plan omits, or glosses over, some of the key issues which the Minister directed to be include.	We request that plan be reworked to give due prominence to the issues of wellbeing and amenity, just as the Minister directed.
Lyttelton Harbour / Whakaraupo Issues Group	Scope of Recovery	The Group opposes, has serious concerns, and seeks amendments on many aspects of the pdLPRP, including: 1) Scope of repair/recovery - many of plan's long term proposal in development/anticipated well before the earthquake. Preceded the scope of 'earthquake recovery'. LHWIG opposes the 'pushing through' of the full extent of pre-earthquake proposals under the guise of earthquake recovery. Opposition not against including more than repair work, more than process issue, it is out of concern for consequential effects. Seek plan to include more robust process for addressing concerns.	
Lyttelton/Mt Herbert Community Board	Scope of Recovery	p13 (Section 2.2) Capital Dredging / Bigger Ships - We are not entirely convinced that work to make the port capable of handling bigger ships is earthquake recovery, not just because LPC planned to do this work before the earthquakes and had already taken the reclamation proposal to the Environment Court, but also because we think the lines between enhancement, rebuilding and development are blurred. However we accept we are probably powerless to influence this.	No change

GENERAL

Full Name	Issue	Reasons	Decision sought
Jeremy Agar	Scope of Recovery	A port recovery plan should limit itself to port operations affected by quakes.	omit opportunistic items unconnected to earthquake recovery.
Mark Watson	Scope of Recovery	The plan fails to adequately address a number of Gerry Brownlee's official instructions to Ecan. It does not cover the social, economic, cultural, and environmental well-being of surrounding communities; the resilience and well-being of people and communities including the facilitation of a focused timely and expedited recovery; the needs of users of Lyttelton port and its environs including recreational users and public enjoyment of the harbour and well-being of communities.	A plan that integrates the recovery of the port with the recovery and well-being of our local community. I had hoped it might resolve some of the ongoing tensions such as the freight on Norwich Quay and the location of the Diamond Harbour ferry berth.
Helen Chambers	Scope of Recovery	Does research into the biodiversity in the marine environment encompass all Marine life? There does not appear to be enough information regarding the effect of storm water, turbidity, dredging on the marine environment and how this will be managed. How will the runoff from such a large industrial area be handled? No management plans are given.	Request -Provide management plans for dealing with run off involving oil, dust, discharge from vessels ,spill from unloading etc
Matthew Ross	Scope of Recovery	I do not support: 1. The Vision and 1.2. Goals because: They do not explicitly provide for or address the environmental, social, cultural, and economic well-being of Diamond Harbour. The preliminary draft Recovery Plan does not include an explicit assessment of how proposals will affect the environmental, social, cultural, and economic well-being of Diamond Harbour. In many instances the LPC information package fails to specifically consider or adequately evaluate the potential impacts on Diamond Harbour, with conclusions mostly being written from the perspective of impacts on Lyttelton Township. The vision and goals of the preliminary draft Recovery Plan however only make specific reference to Lyttelton Township. This establishes an unfair situation where the plan gives particular emphasis to the potential benefits for one community of interest over the potential impacts on another.	The finalised draft Recovery Plan should explicitly provide for and address the environmental, social, cultural, and economic well-being of Diamond Harbour. 1. Vision - The vision is amended to include specific reference to Diamond Harbour. 1.2. Goals - Goal 3 is amended to include specific reference to the recovery of Diamond Harbour with further explicit reference to reducing adverse environmental impacts of port operations on Diamond Harbour. A separate report is prepared as an annex to the draft Recovery Plan to provide dedicated analysis of the potential social, cultural, environmental and economic impacts of on Diamond Harbour. The report should recommend any necessary amendments to the preliminary draft Recovery Plan to ensure that there is a positive contribution to the environmental, social, cultural and economic well-being of Diamond Harbour. The report process should also provide an opportunity for the Diamond Harbour community to comment on the dedicated analysis.
Governors Bay Amenity Preservation Society	Sea level rise	We would like to see it documented how the LPRP plans for future sea-level rise associated with climate change.	N/A
Governors Bay Community Association	Sea level rise	Although the CER Act exempts the Plan from giving effect to National Policy Statements such as the New Zealand Coastal Policy Statement (NZCPS), the text of the Plan says that it does give effect to the NZCPS. In the opinion of the GBCA any congruence with the NZCPS isn't minor and there are clear matters, such as climate change and associated sea-level rise, which it would be advantageous to the long-term future of the Port to give effect to. There is no evidence that the Plan has considered such an important issue or how the Plan and the Port intends to take into account sea level rise on existing and new infrastructure.	That the LPRP incorporates reference to, and plans for, sea level rise associated with climate change.
Mr John Riminton	Sea level rise	"Science Alert," 27 November 2014 reports that 'Flooding and erosion from rising sea levels are likely to significantly impact on New Zealanders in our lifetimes, warns the latest Report from the Parliamentary Commissioner for the Environment' adding that sea levels are expected to rise by 30cm by 2050.' During the intervening years there will, of course, be incremental rises. The Key Topics listed on your presentation chart at the public meeting in Diamond Harbour on 20 April does not mention climate change effects though 'the whole project is due for completion by 2024.' Thus, enormous capital expenditure would appear to be at risk within two decades of the project completion unless planning includes provisions combating 'the intensified king tides, storm surges and coastal erosion across NZ' mentioned in the Commissioner of the Environment's Report.	Planning provisions need to be in place.
Helen Chambers	Sea level rise	I would like to see documentation as to how the Port plan is going to plan for sea level change.	None
Juliet Neill	Sea level rise	There is not plan for sea level rise which is now a fact, not just speculation.	Alter this plan to compensate for sea level rise.

GENERAL

Full Name	Issue	Reasons	Decision sought
Dr Chris Bathurst	Sea-level rise	Serious consideration should be given to the future resitting of the present oil terminal and tank farm. The tankage ground level will need to be raised in the medium future due to sea level rising caused by global warming. At the same time as raising the level of the storage reservoirs, the Tank farm and the oil wharf could be resited in the Naval Point area and the Naval Point Yacht Club resited on the present tank farm area.	N/A
Christchurch City Council	Zoning	Council does not support the interim use of the Port owned land fronting Norwich Quay (Commercial Banks Peninsula Zone) for port activities until 2026. The use of this commercially zoned land for port activities will provide longer term arguments against its use for a broader range of commercial activities and re-inclusion in the Lyttelton Town Centre.	
Lyttelton Harbour Business Association	Zoning	Strongly support the southern side of Norwich Quay retaining its Town Centre zoning. The ongoing, albeit temporary, use of the commercially-zoned land to the south of Norwich Quay for port operations is likely to inhibit the recovery and development of commercial activity along Norwich Quay. We support an early review of this to facilitate commercial redevelopment	
Ms Wendy Everingham	Zoning	I support Norwich Quay remaining as part of the town centre zone. I do not support LPC having the use of their town centre zone for a further 10 years.	I would like to see that area in public usage much sooner.
David and Heather Bundy	Zoning	There is a significant group of heritage buildings around the area of the intersection of Norwich Quay and Oxford St. Some have damage but are repairable. Due to heavy traffic roaring through the middle of this group owners are reluctant to repair due to the extreme loss of amenity value and nuisance that accompanies these trucks. The telegraph office is of most risk, it was built in 1865 and is where the first telegram in NZ was sent. If the use of the Town Centre Zone for port activities is confirmed this historic building may be lost. Pilgrims rock is incorrectly included in the Port Operational area.	Do not let LPC conduct port activities in the town centre zone
Lyttelton Port Company Limited	Zoning	With the exception of the proposed Commercial Zone for the Norwich Quay area, the approach to zoning set out in the LPRP is supported. Noted that LPRP does not address zoning of council-held recreation ground and yacht club area at Naval Point – to be considered through wider district plan review process.	If zoned through LPRP – support open space/ recreation zone that provides for sporting activities on recreation ground and continuation of recreational boating and associated ancillary activities.
Lyttelton Port Company Limited	Zoning	Main commercial street is London Street rather than Norwich Quay. No need for the south side of Norwich Quay to have commercial zoning in order to meet unmet need or provide for the retail needs of the community. Urban design – north side provides clear edge to commercial town centre with land below the terrace clearly differentiated and associated with Port Activities. Following earthquakes commercial buildings demolished and land acquired by LPC.	Considers proposed Commercial zoning is counter to enabling the recovery of the Port and does not reflect the existing use of the land. Availability of usable flat land is critical for recovery of the port. Port Zoning is more appropriate.

August 2015

DEVELOPMENT OF THE DRAFT LYTTTELTON PORT RECOVERY PLAN

Canterbury Regional
Council Decision Report

Attachment 3

**RECOMMENDATIONS
OF THE HEARING PANEL**

1. The Preliminary Draft Plan

The Minister's Direction

- 1.1 On 18 June 2014 the Honourable Gerry Brownlee, Minister for Canterbury Earthquake Recovery, directed the development of a Lyttelton Port Recovery Plan. A copy of the gazette notice is appendix "A" to this report. Pursuant to section 16 (4) of the Canterbury Earthquake Recovery Act 2011 (CER Act) the Minister set out a process for the development of the Plan. Such process envisaged a number of discrete steps:
- The provision by the Lyttelton Port Company Ltd (LPC) of all necessary information to the Canterbury Regional Council (hereafter ECan) to enable the preparation of a preliminary draft Plan.
 - Consultation by LPC with relevant communities and interested persons to obtain feedback on its recovery proposals, including with Te Rūnanga o Ngāi Tahu.
 - The preparation by ECan, following consultation with the Christchurch City Council (CCC), Selwyn and Waimakariri District Councils, Te Rūnanga o Ngāi Tahu, the New Zealand Transport Agency (NZTA), Department of Conservation (DOC) and Canterbury Earthquake Recovery Authority (CERA), of a *preliminary draft Plan*.
 - The appointment of a hearing Panel (the Panel) to conduct public hearings on the preliminary draft Plan and provide non-binding recommendations to ECan for its consideration.
 - The preparation and provision to the Minister by ECan of a *draft Plan*.
 - Public notification of the draft Plan and the receipt of written comments from the public before the Minister decides whether to approve and promulgate the Plan.
- 1.2 The initial steps in the development process were subject to time limits, being four months for LPC to provide all necessary information on its recovery proposals and nine months (from actual receipt of the necessary information) for ECan to prepare a preliminary draft Plan. ECan has resolved to provide the draft Plan to the Minister by 14 August 2015.

The Public Hearings

- 1.3 ECan appointed a three member panel to conduct the hearings on its behalf, being Sir Graham Panckhurst as chair, and members Peter Atkinson and Tim Vial. Brief biographies for the Panel members are contained in appendix "B."
- 1.4 The Panel members were independent in that they had no involvement in the preparation of the preliminary draft Plan prior to its notification on 11 April 2015.
- 1.5 Twenty working days were provided for the filing of written submission and evidence in response to the contents of the preliminary draft Plan. A total of 277 submissions were received. A list of the submitters is appendix "C" to this report.
- 1.6 The Panel issued a guidance notice entitled "Submissions and Hearing Plan" to assist intending submitters. The notice signalled the Panel's intention to convene a pre-hearing conference after the closure date for the receipt of submissions. The pre-hearing conference was held on 21 May 2015 at the Naval Point Club in Lyttelton.

Submitters provided availability details and a time estimate which enabled a hearing plan to be prepared and circulated.

- 1.7 The hearings commenced on 2 June and occupied six full days to 10 June 2015. The hearings were at the Naval Point Club, save for 5 June when the Panel sat at the Rāpaki Marae to hear evidence and submissions from Te Rūnanga o Ngāi Tahu, Te Hapū o Ngāti Wheke and Te Rūnanga o Koukourārata. In all a total of 61 submitters were heard in support of their earlier written submission. The submitters heard in person are identified as such in appendix “C.”
- 1.8 At the pre-hearing conference the Panel explained that reply or rebuttal evidence / submissions would not be permitted as of right. However, where the principles of natural justice required it the Panel would grant leave on application being made, and permit a right of reply in relation to specific items. In the event ECan and LPC were the only parties who sought leave. Both applications were granted. We note that the ECan officers responsible for preparing the preliminary draft Plan were the first party heard on 2 June, followed by LPC. An ECan officers report responded to many of the points raised in the submissions by signalling support for some suggestions while explaining why other suggestions were unworkable or not favoured. Likewise LPC addressed evidence which responded to a wide range of matters raised in the submission process. It was not unsurprising that ECan and LPC sought a right of reply to respond to further matters raised in the course of the hearings. The reply hearing on 12 June 2015 was limited to about a half day.
- 1.9 The Minister’s direction required that the public hearings not include cross-examination (rather that questioning was confined to Panel members), that unnecessary formality was avoided and that generally the hearings were to be conducted with an eye to the need for a focused, timely and expeditious recovery. Throughout we endeavoured to meet these requirements.

2. The Approach of the Hearing Panel

The Consultation Processes

- 2.1 The Minister’s Direction required LPC to consult with affected communities, interested parties, stakeholders (see paragraph 1.1, third bullet point) and Te Rūnanga o Ngāi Tahu. Both LPC and ECan were directed to ensure that public information relevant to the preparation of the recovery plan was, and remained, “freely and easily available.” ECan was likewise required to consult with the named stakeholders and with the public, particularly in the build-up to and context of the public hearings.
- 2.2 LPC engaged a consultant who organised a consultation programme during the information provision phase. The consultant provided a consultation report dated 13 November 2014. From this it is evident that a strategy was adopted to firstly identify interested or affected entities, groups and individuals. Different methods of consultation were then used to engage with those identified. The primary method was a website, but in addition workshops, meetings, paid media advertising, Port tours and “Port Talk” (an information centre in London St manned at designated times by

LPC over a three month period) were also used. The consultant's report summarised the responses/submissions received in relation to the various recovery proposals.

- 2.3 ECan similarly ran a consultation campaign which included a series of initial engagement meetings with organisations in the Harbour Basin in February 2015, followed by public meetings in April 2015 and general publicity and reporting using newspaper advertising, community newsletters and social media. After notification of the preliminary draft there were further public meetings and a PORTacabin in London St was manned on Thursdays (4 hours), and to coincide with the Saturday market (2 ½ hours), over the month while submissions were awaited. Throughout, ECan's principal point of contact with the public was a designated website containing a wide range of relevant information.
- 2.4 The number, coverage and content of the submissions received indicated to the Panel that consultation in relation to the recovery plan had been effective. We saw this as relevant in two respects to the approach we should adopt in making recommendations to ECan. Firstly, we considered it unnecessary to consider aspects of the preliminary draft Plan not raised in the course of the hearings, if indeed there was any aspect not covered in submissions. Secondly, we think it appropriate to proceed on the basis that a case for change should be made out before a change to an aspect of the plan was recommended. The detailed processes prescribed and followed in the development of the plan, including the consultation components, result in our being satisfied that a "case for change" approach is the proper course to adopt.

The Report Format

- 2.5 The report is divided into parts by reference to specific areas or topics of concern highlighted in the submissions. These are:
- Whakaraupō Harbour Management
 - The Te Awaparahi Bay reclamation
 - Dredging and spoil deposition
 - The Dampier Bay development
 - Norwich Quay
 - The ferry terminal
 - A cruise ship berth
 - The Naval Point redevelopment
 - Other matters

The report, as written, assumes that readers are familiar with the contents of the preliminary draft.

- 2.6 Within each part we seek to first identify the relevant aspects of the plan under challenge, then discuss any general issues relevant to that challenge and finally provide a recommendation for further consideration. Recommendations are highlighted in the narrative in which they appear. Likewise recommendations which are related to the drafting of actions, or the wording of the commentary in the preliminary draft, are highlighted in the narrative of the report.

- 2.7 Where, however, a recommendation concerns a change to a planning provision in the appendices to the preliminary draft, any recommendation is highlighted as a change to the particular plan provision in appendix “D” to the report.

3. Some Overarching Matters

Two Problem Areas

- 3.1 Many submissions raised issues of legitimate concern, but concerns of a nature that could not be addressed solely through the drafting of the terms of the recovery plan. The two particular problem areas were:
- Where a concern had been recognised, but dealt with by way of a matter of control or discretion in the planning provisions.
 - Where a concern, although recognised and understood, could not be addressed through resource management mechanisms alone.
- 3.2 The first problem area is largely an issue of understanding. The relevant matters of control or discretion are the means to an end. The application of the control or discretion will occur in the context of a subsequent consent process and ultimately by virtue of effective enforcement of the terms of the control or discretion itself. The Panel, of course, can only focus on the scope and adequacy of the particular control or discretion.
- 3.3 The second problem arises where an entity, or entities, exercise control over the area of concern. Norwich Quay is a good example. Numerous submissions raised understandable concerns arising as a result of the Quay being the main freight highway to the port now and into the future. Measures to address the traffic and amenity concerns raised by submitters are largely beyond the reach of the resource management regime through which the recovery plan will ultimately be implemented if approved by the Minister. Rather the key decisions concerning Norwich Quay are within the domain of the NZTA. In these circumstances the Panel accepts that the approach adopted in the preliminary draft, actions based on a memorandum of understanding between the NZTA, the CCC, ECan, KiwiRail and LPC, is probably the only way forward despite any limitations inherent in this approach.

The Oil Companies’ Submission

- 3.4 On the last day for the filing of submissions, 11 May 2015, a submission on behalf of three oil companies was received. The three companies, Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited, all have bulk hydrocarbon storage facilities in the Naval Point tank farm. So far as the hearing Panel can gauge the filing of this submission was the first substantive step taken by the companies in relation to the preparation of Lyttelton Port Recovery Plan. In fairness witnesses for the CCC indicated said that the project team working on the Christchurch Replacement District Plan were contacted by the Oil Companies sometime in April 2015.
- 3.5 A technical note prepared by an expert witness to accompany the Oil Companies’ submission included this:

Fuel Terminal Hazardous Incident Scenarios and the “Buncefield Event”

Historically, pool fires due to ignition of hydrocarbon spill, bund fires, tank top fires and internal explosions in storage tanks have been regarded as credible incident scenarios at fuel terminals. These events have relatively small impact areas due to radiant heat, and would not generally pose a high risk to surrounding land uses except those immediately adjacent to a site boundary.

Vapour cloud explosions (i.e. formation of large flammable clouds which could generate significant overpressure if delayed ignition occurred) were regarded as barely credible, largely due to the relatively open and uncongested layout of most terminal sites.

However, in 2005, an overflow of gasoline from a storage tank at the HOSL terminal in Buncefield, UK resulted in a large flammable vapour cloud and (an) extremely damaging explosion, followed by an extensive fire and emergency response effort that continued for several days. It destroyed the terminal and surrounding commercial buildings.¹

- 3.6 While the Panel recognises that the Buncefield disaster was a watershed event in terms of the perceived risks posed by tank farms, it also notes that the final report into the Buncefield disaster was released in 2008, although partially redacted on account of pending prosecutions. These were finalised in mid-2010.
- 3.7 The Oil Companies' submission sought changes to the Canterbury Regional Policy Statement and to all of the plans (both in force and proposed) in the appendices to the preliminary draft, save for the Banks Peninsula District Plan. Central to the changes sought was the potential need for a 250 metre hazard zone drawn from the perimeter of the tank farm following the preparation of a quantitative risk assessment. This assessment has yet to be commissioned.
- 3.8 A "Statement of Clarification and Position on behalf of the Oil Companies" was received a few days after the hearings concluded. This included a revised 100 metre zone, but again subject to the results of the risk assessment.
- 3.9 Whatever finally results the fact is that the lateness of the Oil Companies' submission impacts dramatically in relation to the preparation of a draft recovery plan. In particular the entire redevelopment of Naval Point, including the possible location of a cruise ship berth off the Point, may be imperilled. We shall return to these issues in the relevant subsequent parts of the report.

4. Whakaraupō Harbour Management

Present Provision

- 4.1 The preliminary draft contains a discussion concerning associations with, and aspirations for, Whakaraupō / Lyttelton Harbour with particular emphasis upon tangata whenua history and concerns (at 19-20). The plan / te mahere section of the draft records a commitment to assess and improve the health of the harbour (p. 68) while steps to implement this initiative are contained in Action 7.

¹ Polich, J. (2015) Technical Note Risk Issues, Lyttelton Port Recovery Plan

ACTION 7: WHAKARAUPŌ / LYTTTELTON HARBOUR MANAGEMENT PLAN

Environment Canterbury, LPC, Te Hapū o Ngāti Wheke and Te Rūnanga o Ngāi Tahu will agree on an organisational and governance structure, and process, for developing an integrated management plan for Whakaraupō /Lyttelton Harbour. Lead agency: Environment Canterbury	By December 2015
Goal: 2	

The commentary to the action records ECan's commitment to make funding available in its 2015-2018 long term plan, and notes the Port Company's commitment to match ECan's funding support (p84).

The Submissions

- 4.2 There were a substantial number of submissions concerning the health of the harbour. These were wide ranging and included:
- The need for dredging to provide sink holes to alleviate sedimentation and / or to improve mahinga kai in the inner harbour.
 - That biosecurity requires certainty and that Action 7 does not provide certainty.
 - That the health of the harbour is of such importance that it should not be left to a foreshadowed agreement.
 - That any harbour management initiative should be an integral part of the recovery, not a promised future commitment.
 - That effective enforcement of each of the recovery management plans provided for in the draft is essential to promoting the health of the harbour.
- 4.3 The submission on behalf of Te Rūnanga o Ngāi Tahu and Te Hapū o Ngāti Wheke was largely devoted to the imperative of enhancing the health of Whakaraupō harbour. Elders who addressed the Panel at the Rāpaki marae spoke of the harbour being taonga of paramount importance to Ngāi Tahu, the need to work together not in isolation and of their concern that mahinga kai had been in decline throughout their respective lifetimes. The existing state of mātaimai management and their aspirations to build upon the present base, were also explained. The sincerity, concern and emotion of the various speakers was persuasive, the more so perhaps on account of the surrounds in which they spoke.
- 4.4 Supporting legal submissions raised several point, including:
- That the Panel should extend the geographical scope of the recovery plan utilising the power to do so in clause 4.2 of the Minister's direction.
 - Alternatively, that the obligation upon ECan under clause 4.3 to consider "issues and effects that may occur outside the geographic extent of the Recovery Plan" relating to "the social, economic, cultural and environmental well-being and effects on surrounding communities and Lyttelton Harbour" put the harbour within scope anyway.
 - That Action 7 should be implemented by a Ministerial direction pursuant to section 49 of the CER Act requiring ECan and the CCC to exercise their statutory powers to establish an appropriately constituted joint committee

charged with developing a management plan for the harbour, as opposed to relying on an agreement.

- That both ECan and the CCC be directed to provide funding for development of the harbour management plan.

Discussion

4.5 During the hearing process a number of important themes became apparent during interchanges concerning the substance of the submissions. Some of the main themes were:

- The strength of feeling about the need to manage the health of the harbour is something shared by all of the harbour communities.
- There is a perception, or belief, that at least in part the present condition of the harbour is attributable to actions of the Port Company and past Harbour Boards extending back to the 1950-1960s.
- In the result, the activities and plans of LPC are viewed with a degree of concern and scepticism.
- Proposed Action 7 is well intentioned, but previous committees formed to safeguard the harbour have been ineffective because of inadequate funding, staff turnover within the lead agencies and an inability to sustain vitality over time.
- That it is essential that the recovery plan proceed in tandem with a serious, well-resourced and long term initiative to investigate and address the health of the harbour.
- That the Port is a key component of the harbour environment and enhancement of the harbour's health will only be achieved if LPC is a party to any management plan.

4.6 The Panel considers that the community desire to protect and enhance the health of the harbour is both widespread and undeniable. Interestingly, LPC provided evidence² on 12 June (the final day of the hearings) that it will "budget up to \$100k per year for three years (\$300k total) for investment in science and research to further our understanding and / or address the threats to the ecological health of the whole of harbour" provided a committee is formed, terms of reference are agreed, initiatives are scoped and the CCC and ECan, and Te Rūnanga o Ngāi Tahu also commit to joint funding.

4.7 The Panel does not accept the submission that the geographical scope of the plan should be extended to include the whole harbour. It doubts that there is justification to make this extension (for the reasons set out in the ECan officers' supplementary report and in LPC's closing submission), and in any event the power to extend is vested in ECan (not the Panel). Moreover it is too late to contemplate such a major extension as it would result in delay in delivery of a recovery plan. But more importantly, there is no need to contemplate an extension, as clause 4.3 of the direction is apt to capture Whakaraupō Harbour as an environmental issue outside the geographical recovery area, but nonetheless an issue which it is essential to address in the plan.

² Further statement of John O'Dea, 12 June 2015, at [26]

- 4.8 The Panel considers that there is merit in Ngāi Tahu’s submission seeking a Ministerial direction to initiate the establishment of a committee. Section 49(1) of the CER Act empowers the Minister to require a council to exercise a power possessed by it within a specified timeframe. Schedule 7 of the Local Government Act 2002, in a part entitled “Subordinate decision-making structures,” empowers local authorities to appoint committees. Clauses 30, 30A and 31 of the schedule provide a regime for the establishment, appointment of members to and the control of committees, including a joint committee (clause 30A) where two authorities agree to this course of action.
- 4.9 ECan’s supplementary officers report included reference to legal advice received to the effect that section 49 does not empower the Minister to make a direction of the kind suggested because it would be inconsistent with the scheme of the CER Act to use section 49, when sections 16 to 26 of the CER Act deal with recovery plan directions.
- 4.10 With respect, we do not accept this analysis. Sections 16 to 26 govern recovery plans, and in particular section 16(1) empowers the Minister to direct their development. Subsequent sections govern the development process and the status and effect of a recovery plan – including that a plan, once approved, is binding upon those exercising functions and powers under the Resource Management Act 1991 (RMA) (s23), and that a recovery plan also trumps other instruments in the event of inconsistency (s26(3)). By contrast sections 48 and 49 empower the Minister to give other directions, including a general power to require councils to “perform or exercise specified responsibilities, duties or powers” which they possess (s49(1)). We are not persuaded there is any need to read down the plain wording of the section, which we see as an ancillary power vested in the Minister for use in circumstances such as the present.
- 4.11 No doubt s49(1) is constrained by s10, so that any direction made by the Minister must be “in accordance with the purposes of the CER Act” and also considered by him to be reasonably necessary. One purpose of the Act is “to restore the social, economic, cultural, and environmental well-being of greater Christchurch communities,” (s3(g)). This purpose supports the thinking behind proposed Action 7. And, given the range of recovery and rebuild activities authorised in the plan, and the potential effects of these activities upon the harbour in particular, the need for the Action 7 initiative is self-evident. For these reasons we consider that use of the directive power in s49(1) would be justified.
- 4.12 Whether there are advantages in a Ministerial direction, as opposed to a commitment from ECan to broker an agreement with interested parties concerning an organisational and governance structure, and processes, (as presently proposed) is the key issue. In light of some of the sentiments expressed at the hearings, the Panel is satisfied that a direction is the best way forward. Several factors prompted this conclusion:
- Community concern, perhaps scepticism, that another committee formed to safeguard the harbour may not work indicates a need for decisiveness.
 - A direction of the Minister for Canterbury Earthquake Recovery carries his imprimatur and will be seen as having more teeth than reliance upon a brokered agreement.

- The model of a sub-ordinate decision-making body appointed under s30 or s30A of the Local Government Act 2002 has already been successfully used in relation to area specific environmental issues.
 - A clear linkage between the Port's recovery activities on the one hand and the development of a harbour management plan on the other, each approved or directed by the Minister, is both necessary and appropriate.
 - It is the sense of the Panel that long-term funding is more likely to eventuate if the local government committee model is adopted.
- 4.13 It is noted that although the CCC provided detailed submissions on many aspects of the recovery plan, the Council did not signify a financial commitment in relation to the harbour management plan initiative. CCC may consider that its financial interest in the LPC results in it indirectly providing funding to the initiative. In any event the Panel cannot direct entities to contribute funding (as sought in the Ngāi Tahu submission).
- 4.14 We do not favour a joint committee appointed by ECan and the CCC. ECan has already taken a lead role in relation to this initiative. This should continue. We note that clause 30(3) of schedule 7 to the Local Government Act provides:

“A committee or other subordinate decision-making body is subject in all things to the control of the (appointing) local authority, and must carry out all general and special directions of the local authority...”

This provision was not referred to at the hearings. We regard it as a positive, ECan will have the ability to exercise a controlling hand over the committee should the need arise.

Recommendations

- 4.15 The Panel recommends adoption of the proposed changes to the preliminary draft which arose from further negotiations with interested parties and as set out in the officers report (27 May 2015), namely to:
- a. Section 2.4 (concerning the Rāpaki and proposed Whakaraupō mātaimai)
 - b. Section 2.4.1 (to expand upon the communities concerned for the harbour)
 - c. Section 4.8 (to better define the focus of the whole of harbour initiative)
 - d. Section 5.2 and 5.2.1 (the commentary to Action 7)
- 4.16 However, the Panel recommends that the now proposed Harbour Catchment Management Plan be initiated by a Ministerial direction under s49 of the CER Act requiring ECan to establish a committee of interested parties. This would require an amendment to redrafted Action 7 as set out in the 27 May 2015 officers' report, as follows:

ACTION 7: WHAKARAUPŌ / LYTTTELTON HARBOUR MANAGEMENT PLAN

Environment Canterbury is directed, pursuant to s49 of the CER Act, to exercise its power to establish a Whakaraupō / Lyttelton Harbour Management Plan Committee under clause 30 of schedule 7 to the Local Government Act 2002. The Committee shall include ECan, LPC, Te Hapū o Ngāti Wheke, Te Rūnanga o Ngāi Tahu and CCC, with Tangata Tiaki representation, and will consult with other stakeholders to agree on a governance structure, and process, for developing and implementing a catchment management plan for Whakaraupō / Lyttelton Harbour.	By December 2015
Funding parties and their contribution are to be agreed.	By December 2015
Stocktake of existing traditional and scientific knowledge completed.	By June 2016
Development of Integrated Catchment Management Plan.	By December 2016
Lead Agency: Environment Canterbury.	

- 4.17 We note that a Ministerial direction would be made at the time of the approval of the recovery plan and this could push out the committee establishment date. One sentence in the Action 7 commentary would also require a consequential change (i.e. the last paragraph, first sentence).

5. The Te Awaparahi Bay Reclamation

Present Provision:

- 5.1 The preliminary draft provides for a 27 hectare reclamation as a controlled activity with public notification of the consent application. At the commencement of the public hearings LPC advised that further planning work had indicated a 23.5 hectare addition to the consented 10 hectare reclamation would be sufficient for future expansion. The revised total area has been rounded to “up to 34 hectares.”
- 5.2 Provision of a Cultural Impact Statement is a condition of a controlled activity application, and several matters of control are identified in the preliminary draft:
- Design of seaward faces
 - Methods and material for construction
 - A Construction Environmental Management Plan
 - Biosecurity risks
 - Sediment plumes
 - Stormwater
 - Cultural matters, including a Kaimoana Management Plan

The Submissions

- 5.3 The reclamation attracted numerous submissions. A significant number of submitters supported the development proposals and sought no change to the activity status or the proposed controls. Favourable comments included that:
- The easterly movement of port activities was advantageous to, and welcomed by, Lyttelton residents.

- Economic progress and future freight demands justified the terminal development.
- The shift to the east would free up space in the inner harbour, facilitate a marina development and enable improved public access to the waterfront.

5.4 However, a large number of submitters questioned the need for, size, and impacts and effects of such a large reclamation development. Others challenged the proposed controlled activity status, and the scope and adequacy of the proposed controls. It is convenient to consider the major themes raised by submitters under three sub-headings.

Is the reclamation “recovery” in terms of the CER Act?

5.5 Submitters characterised the CER Act as special, or emergency, legislation which on its terms may only be utilised in response to earthquake damage and where there was a genuine need to resort to the use of emergency powers. The reclamation development was not a response to earthquake damage; it was proposed before the earthquake sequence began. The asserted basis for the scale of the development was 25 year freight projections and this indicated an expansion project, not recovery. Therefore LPC should pursue its aspirations under the RMA, not via extraordinary powers conferred under the CER Act.

5.6 This is a respectable argument. A similar argument was considered by the Court of Appeal in 2012.³ Section 10 of the CER Act provides that the Minister’s powers (here the power to approve a recovery plan) must only be used “in accordance with the purposes of the Act” and if he “reasonably considers it necessary” to use the power. The purposes of the Act are widely defined. The first purpose is to “ensure” that Christchurch communities “respond to, and recover from, the impacts of the Canterbury earthquakes.” Another purpose is to “facilitate... and direct the... rebuilding and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property.”

5.7 Importantly, recovery is defined to include “enhancement”; while rebuilding includes “extending, ... improving, ... or converting any land, infrastructure, or other property.” After reference to these definitions the Court said this:

[28] ... As the references to “recovery”, “restoration”, “rebuilding” and “repairing” make clear, the starting point must be to focus on the damage that was done by the earthquakes and then to determine what is needed to “respond” to that damage. But, as the purpose and definitions also make clear, the response is not limited to the earthquake damaged areas. Recovery encompasses the restoration and enhancement of greater Christchurch in all respects. Within the confines of the Act, all action designed, directly or indirectly, to achieve that objective is contemplated.⁴

5.8 Ultimately it is for the Minister to decide whether approval of the recovery plan, in particular the reclamation, is within the purposes of the Act and that after consideration of the alternative processes under the RMA it is reasonably necessary

³ Canterbury Regional Council v Independent Fisheries Limited [2012] NZCA 601 (20 December 2012)

⁴ Canterbury Regional Council v Independent Fisheries Limited, paragraph 28

to grant approval. As Independent Fisheries confirms, a court may overturn the Minister's decision.

- 5.9 On balance, the Panel is not persuaded that the reclamation development is beyond the confines of recovery as that concept is defined in the CER Act. Cashin Quay was extensively damaged in the earthquakes. Wharves must be repaired or rebuilt. It is prudent in responding to such infrastructure damage to have regard to future needs and rebuild to modernise and expand the port's capacity to meet likely freight demand for the economic lifetime of any new container facility, perhaps 40 years. Viewed in this way the Minister could well conclude that the exercise of his power of approval is justified.

Should the reclamation be included in the recovery plan with a controlled activity status?

- 5.10 This variant of the "recovery" argument was raised by a number of submitters. In summary, and drawing together a number of threads, the argument was as follows. The 10 hectare reclamation consented under the CER Act has met difficulty particularly in relation to the control of debris from rubble used as reclamation fill. The need for an additional up to 34 hectare reclamation is based on long term (25 year) freight demand projections. Such projections are notoriously unreliable. Recent commodity trends illustrate one of the reasons for this.
- 5.11 LPC has managed demand through the Port since the earthquakes including a 40% rise in container through put, albeit the container terminal is now at full capacity. The reclamation is a long term project, likely to be developed in two stages to provide up to 27 hectares by 2026 and further increased capacity of up to 34 hectares at a later date. The CER Act is due to expire in April 2016. Given the issues that have arisen with the 10 hectare reclamation, the trade projection uncertainties and the timeframe of the reclamation project it would be unprincipled to include the reclamation in the recovery plan. It should be removed and subjected to the full rigour of a normal RMA consenting process.
- 5.12 LPC did not accept these contentions. Lyttelton is the fourth largest port in New Zealand and the dominant South Island port. It handles almost 50% of the South Island port exports, and imports, by volume. Freight projections are not an exact science, but LPC's projections are based on best industry practice. Treasury projects future growth in gross domestic product (GDP) and a multiplier of 2 was used to estimate freight growth and thereby T.E.U. (twenty-foot equivalent units) levels to 2041. LPC's figures fall within the T.E.U. range forecast in a July 2014 independent study for greater Christchurch (see preliminary draft, p.33).
- 5.13 The terminal is designed for larger ships up to 300 metres in length. This dictated the length of the berth face – 700 metres to accommodate two ships, with a third container berth at Cashin Quay. The reclamation size and shape reflects best practice for terminal design which must accommodate loaded and empty containers, container movement and stacking infrastructure, and transport corridors all in close proximity to the berth spaces. A projected change from straddle carriers to gantry cranes for moving and stacking containers enabled the terminal footprint to be reduced by 3.5 hectares because of the projected ability to stack containers up to six

high (as opposed to three high). The area reduction will also result in the southern edge of the reclamation retreating landward by 50 metres.

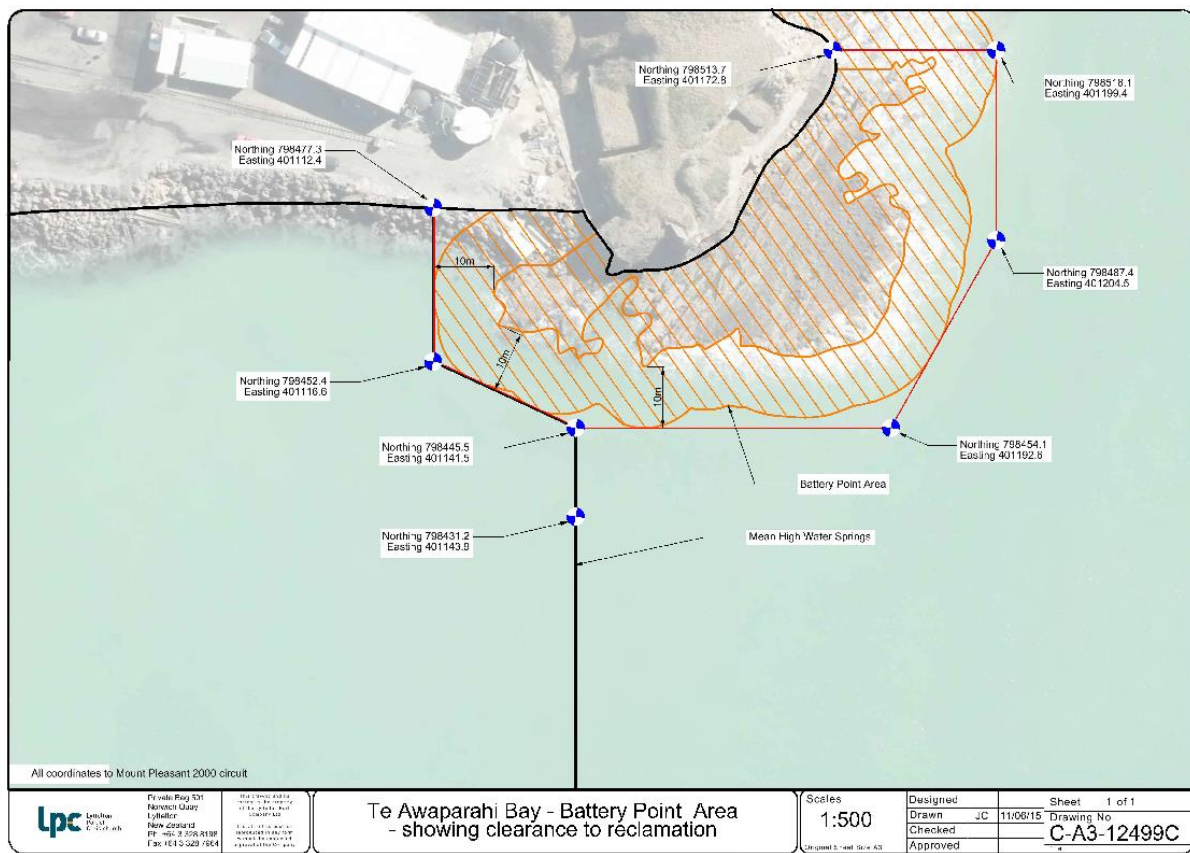
- 5.14 The Panel accepts that such long term freight projections are necessarily best estimates. It may well be that unforeseen changes will occur and skew the container demand upon Port Lyttelton. But a wait and see approach is not, in our view, an available option. The recovery plan has been under development for twelve months and adequate time remains for a draft plan to be publically notified, and approved, if accepted by the Minister.
- 5.15 The reclamation is the key component of that plan. It effects an eastward movement of a major part of LPC's operation. This, in the longer term, will free up space and facilitate much needed redevelopment of the inner harbour to the benefit of the Lyttelton, and wider, communities. The plan has been developed as a coherent whole. To remove the key component at this point would not be workable. Assurance must exist in relation to LPC's ability to develop the reclamation or the plan will falter.
- 5.16 However, the Panel agrees that the reclamation should not be approved as a controlled activity unless that status will satisfy the essential purpose of the RMA, sustainable management. As to this we consider that the expert assessments, and the peer-review of them, provide sufficient assurance that a controlled activity status is appropriate when coupled with the range of matters over which control is reserved. Notification of the resource consent application, and a hearing, should serve to provide added assurance. By contrast substitution of restricted discretionary activity status, for example, would engender debilitating uncertainty in relation to this key component of the recovery plan. For these reasons the Panel agrees that controlled activity status should be retained for the Te Awaparahi Bay reclamation, with public notification of the resource consent application.

Some further aspects

- 5.17 Some submitters questioned whether LPC will seek to construct a breakwater off the eastern end of the Te Awaparahi Bay reclamation, although this is not proposed at present. LPC considers that the larger ships using the terminal facility will not require the protection of a breakwater, whereas ships using Cashin Quay have required this form of protection.
- 5.18 In light of these submissions there have been further discussions with LPC resulting in the introduction of a new rule 10.22(a) whereby any extension to protect the reclamation itself, or the berthing facilities, is a non-complying activity. The Panel supports this amendment. It also notes the recent installation of an enhanced mooring system in at least one New Zealand port. This system improves the control of wave induced movement of ships at berth and is a more economic option than the construction of a breakwater. The availability of this and other mooring technologies provides further comfort that a new breakwater is not likely to be required.
- 5.19 Various submitters raised the concern that the Te Awaparahi Bay reclamation would endanger the Battery Point ecosystem. Te Rūnanga o Ngāi Tahu stressed the mahinga kai values of this area, including the need for these values to be better assessed and protected.

5.20 LPC accepts the need for protection of Battery Point. Discussions have culminated in agreement that the creation of an exclusion zone around the Point is appropriate. This will require a set back into the north-eastern corner of the reclamation. Map 5.11 (below) identifies the coordinates to establish a 10 metre zone around the Point. This map also confirms:

- That the eastern boundary of the reclamation represents mean high water springs (MHWS), i.e. the batter slope below low water will extend over the boundary line.
- Whereas the deviation lines to the landward end of the eastern boundary (which define the exclusion zone), include the batter slope so that MHWS lies inside these boundary lines or at this line if the reclamation edge is constructed vertically.



5.21 Submitters also raised concerns relating to the hard edged rectangular configuration of the reclamation and the visual and associated impacts, particularly for Diamond Harbour and Governors Bay residents. Such concerns extended to the infrastructure and container stack impacts, not just the impact of the reclamation itself.

5.22 The Panel accepts and recognises those impacts, and has particular sympathy for Diamond Harbour residents who will be most affected. But mitigation measures, other than those already contemplated in the rules for noise, and light and glare control, in the proposed Christchurch Replacement District Plan, do not seem to exist. A reconfiguration of the reclamation shape so that it followed the contour of the coastline and protruded less into the harbour was also mooted. The attractiveness of this suggestion, however, is incompatible with an exclusion zone around Battery Point. A zone, and reconfiguration, cannot coexist. Nor would a coastline

configuration represent best practice in terms of container terminal design (see paragraph 5.13).

- 5.23 Ngāi Tahu contended that an adaptive management approach should be adopted in relation to the reclamation (and associated capital dredging activities), given the uncertainty which surrounds these activities. This would entail a move to adaptive environmental management plans (AEMPs), and require the redrafting of certain rules. But adaptive management would have two major consequences:
- The status of the reclamation would have to be amended to restricted discretionary because adaptive management is antithetical to a controlled activity status, and
 - AEMPs entail stop provisions, meaning that reclamation development may need to cease to enable effects to be assessed as acceptable before development could resume.
- 5.24 The Panel does not support this proposal. A change in the activity status of the reclamation would hinder the recovery plan as a whole (see paragraph 5.16). Stop provisions would add further uncertainty. We are satisfied that the likely effects of the reclamation are sufficiently well understood to justify a controlled activity status, with mitigation of effects achieved through the consenting process and the monitoring of a Construction and Environmental Management Plan, as presently proposed in the preliminary draft.
- 5.25 Finally, two submitters (including the Southshore Residents Association) produced bags of debris uplifted from the inner harbour and the Southshore (New Brighton). Significantly, LPC accepted that this material came from earthquake rubble used in the construction of the 10 hectare reclamation. A floating boom intended to contain debris for subsequent removal has proven ineffective in demanding sea states. The Panel highlights this problem and recommends that it receive particular attention in the Construction and Environmental Management Plan for the reclamation, at the consenting process and during construction monitoring.

6. Dredging and Spoil Deposition

Introduction

- 6.1 Dredging is an important, necessary and fundamental activity and is an inseparable part of the recovery of Lyttelton Port. The activity falls into two categories: maintenance and capital dredging.

Maintenance dredging is the removal of sediments usually accumulated by natural hydrodynamic processes from within developed harbour features such as berth pockets, swinging basins and navigation channels. The removal maintains the dimensions of these features to ensure safe and efficient navigation of vessels.

Capital dredging is the removal for development purposes, usually involving the excavation of previously undisturbed seabed material to create pockets, basins and channels for the purposes of navigation by vessels into and out of the port.

- 6.2 Dredging involves two activities in the coastal marine area: (1) excavation and loading of the dredging plant and (2) the transport and deposition of the material to a designated receiving site usually described as a spoil ground. Within planning

documents these activities are separately characterised as Disturbance of the seabed and Deposition on the seabed.

- 6.3 The areas in which maintenance dredging is required include the existing approach channel, the basin off Cashin Quay and the inner harbour basin. Small areas of the inner harbour are characterised as being potentially contaminated. These areas lie in the Operational Boundary shown in planning Map 10.9.
- 6.4 The areas in which capital dredging is to occur are indicated in maps 5.3 and 5.7 of the pdLPRP. However, there is no drawing, to a reasonable scale, that sets out the boundaries of the proposed channel and swinging basin within the Operational Area of the Port of Lyttelton shown on Map 10.1. Map 10.3 indicates an expanded swinging basin adjacent to the entrance to the inner harbour but this is at a scale that provides little information about what is intended. For example, there is no drawing which shows the relationship between the broad basin indicated at the western end of the Main Navigation Channel on Map 10.3 and the Operational Area shown on Map 10.1. Inspection of these two drawings suggests that some part of the western end of the Main Navigation Channel will lie outside the Operational Area shown in Map 10.1.
- 6.5 It is acknowledged that of necessity until the design of the Main Navigation Channel is finalised, Map 10.10 is diagrammatic, only indicating its general location. There is no co-ordinate definition of the Main Channel Area in the plan, in the same way that the Operational Area is defined in Schedule 5.11.1 of the RCEP.
- 6.6 This creates uncertainty as to whether the western end of the Main Navigation Channel lies entirely within the Port Operational Area. The Panel recommends that this issue is resolved by appropriately modifying the boundaries so that the western end of the Main Navigation Channel falls within the Operational Area.
- 6.7 Proposed Chapter 10 of the RCEP includes policies relating to dredging:
- **Policy 10.1.1 – Elements of Recovery** identifies in clause 4 that dredging and deposition to form berth pockets, turning basins and navigation channels for large vessels is part of the elements of recovery.
 - **Policies 10.1.9, 10.1.10 and 10.1.11** enable both maintenance and capital dredging, the dumping of the resultant spoil and the assessment of contaminated spoil from the inner harbour.

Rules

- 6.8 The table below sets out the effect of the disturbance / deposition rules as the Panel understands them. This description of the rules is based on the ECan officers' current proposals (not the rules as notified in the preliminary draft). We note that the rules are intricate, and that our understanding of them may not be entirely accurate.

Rules as now Proposed by ECan officers

Disturbance				Deposition			
Rule	Place and Nature	Status	Notification	Rule	Where	Status	Notification
10.8	Seabed material disturbed by erection, repair or demolition of wharves / other structures.	Permitted	Silent	10.14	To settle within the Operational area	Permitted	Silent
10.9	Dredged material from: - Main Navigational Channel - Operational Area. Deepening of berth pockets in Inner Harbour / Cashin Quay	Permitted	Silent	10.18 10.18 10.17(c)	Spoil Dumping Grounds Spoil Dumping Grounds Spoil Dumping Grounds	Restricted Discretionary Controlled	Silent Public Notification
10.10	Seabed material or fill disturbed by removal / repair of Inner Harbour and Cashin Quay reclamation areas (including the Eastern mole)	Controlled	Silent	10.14 (if seabed material) 10.19 (If reclamation fill no applicable chapter 10 rule)	To settle within the Operational Area	Permitted	Silent
10.11	Te Awaparahi Bay seabed material disturbed by: - construction or repair of reclamation - erection of wharves - dredging to create berth pockets	Controlled	Public Notification	10.15 (construction disturbed seabed material) 10.16 (b) (reclamation fill placed in situ) 10.16 (a) (wharf fill placed in situ) 10.17 (c) (dredged material)	To settle in reclamation area Remain in situ Remain in situ Spoil Dumping Grounds	Permitted Controlled Controlled Controlled	Silent Public Notification Public Notification Public Notification
10.12	Dredged material: -from deepening within the Operational Area - to create / deepen turning basins at the Te Awaparahi and Cashin Quay reclamations - to deepen / widen the Main Navigational Channel	Restricted Discretionary	Silent	No applicable Chapter 10 rule covers capital dredging material.			
10.13	Seabed material not covered by previous five rules, whether within Operational Area or in the Main Navigational Channel	Discretionary	Notification	10.19	Spoil Dumping Grounds	Discretionary	Public Notification

- 6.9 LPC recently obtained a maintenance dredging consent for a period of 35 years (consent number CRC135318) which authorises deposition in the spoil dumping grounds. As can be seen from the Table, the rules cover both capital and maintenance dredging; and also provide for seabed disturbance associated with wharf construction, reclamation development and repair, including removal or repair of the Eastern Mole. With the exception of Berth Pockets⁵, where dredged material or reclamation fill has been removed, Chapter 10 does not contain rules relating to deposition. LPC witnesses indicated that removed reclamation fill will be deposited to land, while dredged material will be subject to the Resource Management (Marine Pollution) Rules 1998.
- 6.10 The Panel notes that Rule 10.19 which is intended to be a catch-all clause covering dredging not otherwise caught by the previous rules contains the word “or” in the fourth line after the words “Planning Map 10.3”. This “or” should be deleted.

Submissions

- 6.11 Comparatively few submissions were made in relation to dredging. These were mostly focused on the need for public notification, limiting (or prohibiting) spoil dumping in the Lyttelton Harbour, use of best practice dredging methods, and the need for volume limits upon spoil deposition in the harbour dumping grounds.

Changes to the Rules

- 6.12 The notification requirements relating to rules 10.11, 10.16, and 10.17 are contentious. LPC requested that these activities be either non-notified or the plan should be silent on the matter. ECan favours public notification of these activities.
- 6.13 LPC also sought the introduction of a new process policy (policy 10.1.2) recognising that an expeditious recovery would be enabled by minimising reliance on consent processes and public notification, using controlled activity status with targeted controls and ensuring matters of discretion are also carefully targeted.
- 6.14 ECan officers proposed that dredging to create turning basins at the Te Awaparahi Bay, and Cashin Quay, reclamations be reclassified from controlled to restricted discretionary (as shown in the table).
- 6.15 The Panel has considered the notification provisions separately and the criteria for public notification set out in section 95A of the RMA. Evidence presented by Dr Goring, Mr Tear, Shaun Ogilvie, Ross Sneddon and Stephen Dawson was to the effect that the adverse effects of the reclamation will be limited. However, in submissions there was strong interest in and concern about the degree to which the construction of the reclamation, berth and berth pockets will have adverse effects on the environment. Taken together, the degree of public interest, the policy position, the assessment of environmental effects, and the controls reserved for these rules, leads the Panel to recommend that the plan retain public notification in relation to rules 10.11, 10.16, and 10.17.
- 6.16 The Panel does not recommend inclusion of the new process policy sought by LPC. The reasons for this recommendation appear in paragraph 3.3 of appendix “D.”

⁵ Rules 10.9 and 10.11

- 6.17 The Panel recommends adoption of the change of status to restricted discretionary under rule 10.12 for capital dredging to create or deepen new turning basins at the reclamations. This is more in keeping with the approach to capital works as shown by the table.

Volume of Deposition in Spoil Dumping Grounds

- 6.18 The Plan currently provides for the dumping of capital dredging and maintenance dredging material in the Spoil Dumping Grounds as controlled activities (rules 10.11, 10.17), restricted discretionary activities (rules 10.12, 10.17, 10.18) and discretionary activities (rule 10.19). Rules 10.17 and 10.18 have in their list of controlled or discretionary matters, the volume of spoil to be deposited.
- 6.19 It is noted that LPC have advised in the information provided⁶ that the total expected volume of capital dredging is about 20 million m³. Further, they have advised that the offshore disposal ground for much of this material will be outside the harbour and the geographic extent of the Recovery Plan. A consent for this offshore disposal will be required under rule 8.13 of the RCEP. Nevertheless, the plan contemplates some capital dredging material being deposited in the inner harbour ground shown on planning map 10.5. As written, rules 10.17 and 10.18 place no limit on the volumes to be deposited.
- 6.20 This creates uncertainty as to the criteria by which the volume might be assessed to have reached a satisfactory limit, beyond which there may be adverse effects on the harbour. In any event, it seems likely that, in the absence of significant investigation, it can only be determined by measuring effects in relation to the volume of material deposited; i.e. the damage has to be done before a limit can be determined.
- 6.21 The material to be placed in the Spoil Dumping Ground will come from a variety of sources as follows:
- Maintenance dredging of the existing channel
 - Capital dredging from berth pockets only
 - New maintenance dredging from the enlarged berth pockets, turning basins and main navigation channel

The Panel notes that no evidence was presented on the total deposition volumes from these sources. This was a matter of some concern to submitters, particularly Te Rūnanga o Ngāi Tahu and Te Hapū o Ngāti Wheke.

- 6.22 The Panel strongly recommends that ECan determine a volume limit for the Spoil Dumping Grounds and write this into the rules. The determination of such a precautionary limit would be on the basis of volumes known to have been deposited with adverse effect. In this respect the maintenance dredging history provides a guide. The adoption of a volume limit would provide a degree of reassurance to Te Hapū o Ngāti Wheke and Te Rūnanga o Ngāi Tahu that mahinga kai along the northern shore are safeguarded.
- 6.23 It is noted that no evidence has yet been presented in regard to the long term maintenance dredging demand of the proposed navigation channel. Given its size in

⁶ Proposed Recovery Projects Lyttelton Port recovery Plan November 2014 p3

comparison with the existing channel, it would seem likely that the total maintenance demand will rise substantially.

- 6.24 Clearly, a great deal of investigation is required to provide the data necessary to determine a satisfactory limit to the volume of dredgings that may be deposited in the Spoil Dumping Ground without undue adverse effect. This will take some time to acquire and evaluate. The Panel recommends that this should be the subject of a further action as set out below and recommends that it be included in the Plan.

ACTION 13 DETERMINATION OF VOLUME LIMIT FOR THE LYTTELTON HARBOUR / WHAKARAUPŌ SPOIL DUMPING GROUND

<p>That LPC, in consultation with Environment Canterbury, Te Rūnanga o Ngāi Tahu and Te Hapū o Ngāti Wheke undertakes investigations to determine an upper limit for volumes placed in the in-shore Spoil Dumping Ground to ensure that deposition does not have significant adverse effects on mahinga kai and the environment. This volume limit is to be agreed between the parties.</p> <p>Lead Agency: Lyttelton Port Company Limited</p>	<p>Before the commencement of the capital dredging program</p>
--	--

The Geographical Extent of the Plan

- 6.25 Belatedly, during the hearing process, ECan officers realised that the dumping grounds were not within the geographical extent of the Plan as defined in 4.1 of the Ministers Direction. This oversight was flagged in the 12 June officers’ report as a matter for the Panel to consider. The officers noted that both the preliminary draft report and the rules refer to usage of the Spoil Dumping Grounds, and the obvious need for deposition provisions linked to, and to complement, the various recovery activities provided for in the Plan. They ultimately concluded that there was nothing to prevent a rule or provision in the recovery plan applying to a matter that fell outside the area shown in map “A” (the Minister’s map depicting the geographic area of the Plan). However, the officers asked whether the Panel shared this view or considered that an extension to include the dumping grounds pursuant to 4.2 of the Direction was required.
- 6.26 The Panel recommends a formal extension pursuant to clause 4.2 as the better course. The issue is whether rules which authorise deposition of spoil in the map 10.5 dumping grounds, when the grounds are not within the geographic extent of the Plan, may be vulnerable to legal challenge. The scheme of the CER Act is that, upon approval, a recovery plan becomes in effect an RMA instrument which trumps any other inconsistent instruments (see sections 23, 24 and 26). Given this scheme, and the manner in which the Minister’s Direction is drafted with clause 4 devoted to “geographic extent” we consider it would be unwise to leave a geographic oversight in place. Although a formal extension by ECan requires consultation, this will be something of a formality given the content of the preliminary draft, its notification and the fact that submitters have already made submissions on issues relating to the dumping grounds.

7. Dampier Bay / Ōhinehou Development

Present Provision

- 7.1 The preliminary draft discusses the community aspirations for safe and convenient public access to the waterfront from the Lyttelton town centre, for a waterfront that has a high level of amenity, and for the development of a larger, modern marina near Lyttelton.⁷ The Plan / Te mahere section of the draft provides for the construction of a floating walk-on marina within Dampier Bay and for the phased development of the adjacent waterfront area.⁸
- 7.2 Phases 1 and 2 of the Dampier Bay development provide for the construction of a floating pontoon marina with up to 200 berths and associated landside services. The marina could be further extended in future within the Inner Harbour between Wharf Number 7 and Wharf Number 3 as port operations move east.
- 7.3 The development of the waterfront during these phases will include car-parking, marina facilities, a pedestrian promenade along the waterfront and mixed-use commercial activities. Access to Dampier Bay is provided from Godley Quay during these phases of the development.⁹
- 7.4 The subsequent phases of the Dampier Bay development, subject to the reclamation within Te Awaparahi Bay and the movement of the Port to the east, will include:
- Further development of the waterfront with mixed use commercial activity.
 - Provision of public access to Dampier Bay from Godley Quay and Norwich Quay (via Sutton Quay).
 - Removal of heavy vehicle port access from Sutton Quay and the shifting of the port security fence to the east.
 - Extension of the pedestrian promenade along the waterfront and linking this with pedestrian access to Norwich Quay.
 - Creation of open space areas.¹⁰
- 7.5 The implementation of the Dampier Bay development is facilitated by the following actions:
- Action 2: Recovery Framework – Regional Coastal Environment Plan for the Canterbury Region
 - Action 3: Recovery Framework – Proposed Christchurch Replacement District Plan
 - Action 10: Dampier Bay Public Access
 - Proposed Action 12: Dampier Bay urban design guide (Non-statutory action proposed by LPC).

The Submissions

- 7.6 The submissions and evidence on the Dampier Bay development were focused on five key areas:
- Seaward marina facilities

⁷ LPRP, Sections 3.8.2 and 3.8.6

⁸ LPRP, Section 4.3

⁹ LPC Information Package, Appendix 11 – Urban Design Effects

¹⁰ LPC Information Package, Appendix 11 – Urban Design Effects, LPRP, Figures 8 and 9

- Retail and office floor space limits
- Urban design
- Car-parking
- Public access

Discussion

Seaward Marina Facilities

- 7.7 There is strong support for the development of a modern purpose-built marina within Dampier Bay from recreational boat users and LPC. The destruction of the Magazine Bay marina in 2001 and the urgent need for safe berths within the harbour were raised by submitters.
- 7.8 LPC sought changes to the RCEP to provide for Stage 2 of the marina development as a permitted activity. This amendment was also sought by other submitters to provide for the anticipated demand for berths within the marina. The Panel supports the amendment to Rule 10.1(c) to provide for an extension of the marina within the Inner Harbour between Wharf Number 7 and Wharf Number 3 as a permitted activity.
- 7.9 The Dampier Bay Mooring Association advocated for retention of two rows of pile moorings adjacent to the western edge of the Inner Harbour as part of the marina development. It was submitted that the existing pile moorings are an integral part of the history and culture of Dampier Bay and should be retained in part. Passionate support for the history and culture of Dampier Bay was evident to the Panel.



Dampier Bay Mooring Association, Presentation

Dampier Bay 1927

- 7.10 The Panel understands that the existing pile moorings are post-1900 structures and are not deemed to have heritage status under the *Heritage New Zealand Pouhere Taonga Act 2014*.¹¹ Mr O’Dea for LPC advised that decisions around the removal of the existing pile moorings are still to be made and will only become apparent as the marina design is progressed.¹²

¹¹ Refer to the discussion in the Officer’s report at Section 9.1.2.

¹² Summary and statement of evidence of John O’Dea (LPC) in response to issues raised in other submissions, Paragraph 36.1

7.11 While there is scope to incorporate the existing pile moorings into the design of the marina as a permitted activity, we concur with ECan that this is a matter for the developer of the marina to determine. The Panel supports the amendment to Rule 10.1 condition (f) to require the provision of temporary berthing for the existing berth holders displaced during the construction of the Dampier Bay marina.

Recommended Amendments

7.12 The amendments to RCEP Rule 10.1 proposed by ECan are supported by the Panel.

Retail and Office Floor Space Limits

7.13 The development of mixed-use commercial activity is proposed to service the marina and to create a vibrant waterfront at Dampier Bay.

7.14 The proposed Plan provides for retail activity and office activity as a permitted activity within Dampier Bay subject to the following restrictions:

<p>Retail Activity (other than as provided for as Port Activities) ¹³</p>	<p>Any Retail Activity, other than retailing of maritime or port related goods and services, be limited to:</p> <ul style="list-style-type: none"> i. a maximum tenancy size for an individual tenancy of 450m² GLFA;¹⁴ and ii. a maximum of 3 food and beverage outlets; and iii. a total aggregated maximum GLFA of 1,000m² to 1 January 2026.
<p>Office Activity (other than as provided for as Port Activities)</p>	<p>Any Office Activity shall be limited to:</p> <ul style="list-style-type: none"> a. a total aggregated maximum GLFA for all Office Activity of 2,000m² up to 1 January 2026; and b. no more than 500m² GLFA of the 2,000m² for general office activities that are not maritime or port-related; and c. the Dampier Bay Area as shown in Appendix 21.8.4.1 or on a site with direct frontage to Norwich Quay.

7.15 Mr Heath (Property Economics Ltd) was engaged by LPC to review the retail and commercial office activity proposed within Dampier Bay.¹⁵ This review concludes that the provision for retail and commercial office activity in Dampier Bay has the potential to impact significantly on the recovery of the Lyttelton Town Centre if not appropriately managed. This review shaped the floor-area limits in the Plan.

7.16 There was strong support in the submissions for the retailing of maritime goods and services to support the marina, provided that this did not impact on the recovery of the Lyttelton Town Centre. LPC submitted that the regeneration of Dampier Bay is

¹³ Rule 21.8.2.2.1 Permitted activities, P5

¹⁴ GLFA - Gross leasable floor area

¹⁵ Property Economics (2015) Dampier Bay, Lyttelton, Commercial Framework Review

dependent on commercial interest in order to deliver an attractive, vibrant waterfront area.

- 7.17 The evidence of Mr Simmers for LPC is that the restrictions on the scale of retail and office activity up to 2026 will inhibit commercial development and the regeneration of Dampier Bay.¹⁶ Mr Simmers is of the opinion that increased floor-area limits are required if development within Dampier Bay is to be commercially successful. Mr Copeland in oral evidence for LPC similarly disagreed with Mr Heath and supported the increased floor-area limits. CCC does not support the amendments proposed by LPC.
- 7.18 The Panel prefers the evidence of Mr Heath on the scale of retail and office activity that is appropriate in Dampier Bay. We concur with ECan that the notified floor-area limits enable commercial development in Dampier Bay without impacting on the recovery of the Lyttelton Town Centre.¹⁷ In our opinion, an increase in the floor-area limits within Dampier Bay would adversely impact on the economic sustainability of the Lyttelton Town Centre.

Recommended Amendments

- 7.19 No amendments to Rule 21.8.2.2.1 of the CDRP are recommended.

Urban Design

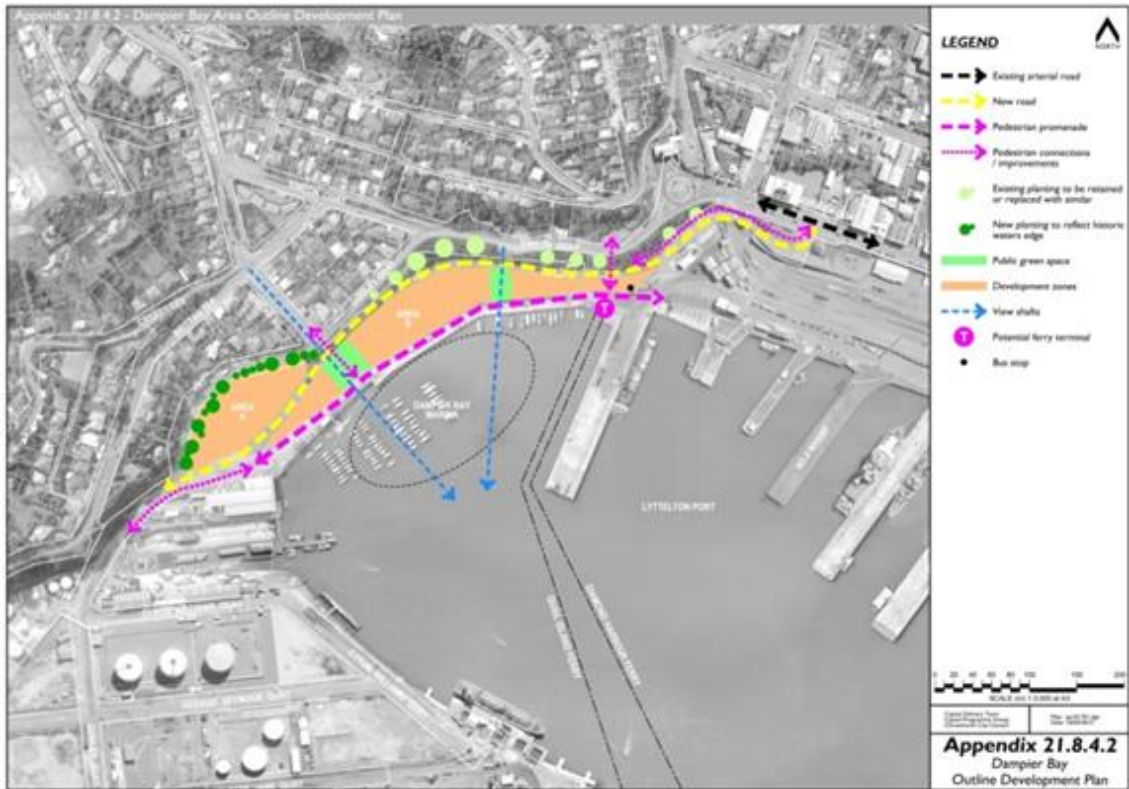
- 7.20 The LPC vision for Dampier Bay is to “create an engaging and vibrant waterfront with public access and connectivity between Lyttelton, the Inner Harbour and the recreational areas of Naval Point”.¹⁸ This vision is to be implemented through an Outline Development Plan for Dampier Bay.¹⁹

¹⁶ Statement of evidence of Mike Simmers (Dampier Bay), paragraphs 27 and 28.

¹⁷ Refer to the discussion in the Officer’s report at Section 9.2

¹⁸ Appendix 11 Urban Design Effects - the ‘Port Lyttelton Plan, Our Future (LPC, 2014)’

¹⁹ LPRP Figure 8; CRDP Appendix 21.8.4.2 – Dampier Bay Area Outline Development Plan



- 7.21 The submissions and evidence on urban design matters and the Outline Development Plan for Dampier Bay addressed the following issues:
- Control of the bulk, location and design of buildings to achieve the urban design outcomes sought in the regeneration of Dampier Bay.
 - Protection of views to the harbour from adjacent residential areas.
 - The status of public realm activities within Dampier Bay.
 - Addition of activity nodes to the Outline Development Plan as a means of focusing activity during the early stages of the development of Dampier Bay.
 - Recognition and provision for Ngāi Tahu values in the redevelopment of Dampier Bay.

7.22 LPC, supported by CCC, proposed the addition of a new “action” requiring LPC to prepare a design guide for Dampier Bay, in consultation with the community and relevant stakeholders.²⁰

PROPOSED ACTION 12: DAMPIER BAY URBAN DESIGN GUIDE

<p>Lyttelton Port Company Limited will prepare an urban design guide for the Dampier Bay area (Lyttelton Port Design Guide). The guide will address how the development of new buildings and public spaces will maintain and enhance the historic, maritime and industrial character of the Port and will include consideration of Ngai Tahu cultural landscape values.</p> <p>A copy of the urban design guide, and any future amendments to the guide, will be provided to the Christchurch City Council.</p> <p>Lead Agency: Lyttelton Port Company Limited</p>	<p>To be completed within six months of Gazettal of this Recovery Plan</p>
--	--

²⁰ Jane Rennie, evidence-in-chief for LPC, Paragraphs 50-53

- 7.23 The Panel supports the proposed addition of Action 12 to the Plan. We concur with ECan that this amendment provides for attractive, coherent and accessible development in Dampier Bay.
- 7.24 LPC sought the revision of Objective 21.8.1.3 to remove the words “limited” and “pleasant” and make reference to “viable commercial activities” and a “vibrant” waterfront. The amendments to this objective are not supported by ECan. The Panel concurs with ECan that the proposed amendments have the potential to justify additional floor space, regardless of the potential impact on the recovery of the Lyttelton town centre.
- 7.25 Ms Rennie for LPC supports “controlled activity” status for the development of public amenities in Dampier Bay, including public walkways, publicly accessible space, and connections with Sutton Quay and Norwich Quay. In Ms Rennie’s opinion, the Outline Development Plan for Dampier Bay provides clear direction on the location of key spaces and linkages and the design of the public realm will be guided by the Dampier Bay design guide.²¹ The Panel supports this amendment to the activity status of public amenities²² for the reasons outlined by Ms Rennie.
- 7.26 There was a difference of opinion between the parties on the wording of the maximum building height assessment matter.²³ The matter at issue is: “the extent to which there is a substantial degree of separation between the building and adjoining buildings or sites.”²⁴
- 7.27 LPC sought either the deletion of the word “substantial,” or alternative wording of this assessment matter, whereas ECan and CCC promoted alternative wording. The Panel supports the notified wording of this assessment matter with the deletion of the word “substantial.”
- 7.28 Te Rūnanga and ngā Rūnanga submitted that a cultural landscape values assessment should inform the design of public space in Dampier Bay. The Panel supports the amendment to the plan to provide for an assessment of the Ngāi Tahu cultural landscape values in Dampier Bay.²⁵
- 7.29 With regard to the other requested amendments to the urban design assessment matters, activity standards and appendices in the district plan, the Panel concurs with ECan that these requests are for the most part appropriate. The Panel supports additional changes to the urban design provisions, including provision for unobstructed views to the waterfront and inner harbour,²⁶ and the addition of activity nodes to the Outline Development Plan for Dampier Bay.²⁷

Recommended Amendments

- 7.30 The Panel recommends:

²¹ Jane Rennie, evidence-in-chief for LPC, Paragraphs 36 – 37.

²² CRDP, Rule 21.8.2.2.2 Controlled Activities: C7

²³ CRDP, Matter of Discretion and Control 21.8.3.2.1 b. iv. Maximum building height

²⁴ CRDP, 21.8.3.2.1 Maximum building height

²⁵ CRDP, Matter of Discretion and Control 21.8.3.1.2 viii. Dampier Bay Area public space/publicly accessible space

²⁶ CRDP, Built Form Standard 21.8.2.3.1 (i), Activity Specific Standard, 21.8.3.3.3(e), Appendix 21.8.4.2 and Appendix 21.8.4.4

²⁷ Appendix 21.8.4.2 – Dampier Bay Area Outline Development Plan

- Introducing a new non-statutory Action requiring the preparation of an urban design guide for Dampier Bay and new assessment matters referencing a design guide.
- Providing for the development of public amenities within Dampier Bay as a controlled activity.
- Consequential amendments to the assessment matters, activity standards and appendices of the District Plan to achieve the urban design outcomes sought by submitters.²⁸

Car parking

- 7.31 Submitters sought adequate provision for car-parking to support the marina and mixed use commercial development during each phase of the Dampier Bay development. The NZTA submission emphasised that there are implications for surrounding roads including Norwich Quay if adequate parking is not provided within Dampier Bay.
- 7.32 The Panel appreciated the synopsis of the car-parking requirements provided by Ms Head for LPC, namely:
- There are likely to be opportunities for shared parking as the Dampier Bay development progresses.
 - Parking is triggered as a matter of discretion whenever a new or relocated building is erected in the Dampier Bay area (Rule 21.8.2.2.2) or prior to the installation of public amenities (Rule 21.8.2.2.3).
 - The associated matters of discretion (Rule 21.8.3.1.1 Site layout and building design in Dampier Bay Area) require consideration of adequate car parking, loading areas, and cycle parking to cater for the anticipated demand.
 - The most appropriate location for car parking is identified as the western edge of Dampier Bay (Area A on the Outline Development Plan).
 - Parking is not automatically triggered as a matter of discretion for the marina development as the marina is defined as port activity.²⁹
- 7.33 The Panel considered a range of submissions and evidence on the quantity of car parks required for the marina development. We refer to the evidence of Mr Metherell for ECan who concludes that a rate of 0.25 – 0.35 parking spaces per berth is appropriate, and Mr Calvert for CCC who supports 0.35 parking spaces per berth. The Panel supports the proposed amendments to the District Plan that provide for parking associated with the marina, namely:

Built Form Standard 21.8.2.3.9 Transport Standards		
Permitted	Restricted Discretionary	Matters of Discretion
0.35 car parks per marina berth.	Non-compliance with permitted standard	Marina parking – 21.8.3.2.9
Matter of Discretion – 21.8.3.2.9		

²⁸ Refer to Section 17.2 of the Supplementary Officers' Report

²⁹ Summary and statement of evidence of Ann-Marie Head (for LPC) in response to issues raised in other submissions, Paragraphs 18 - 21

a. Whether sufficient car parking is provided to cater for anticipated demand from marina users/visitors, so as to avoid spill over parking on to the road network

- 7.34 Ms Rennie for LPC recommends the location of car parking at the “rear or side” of buildings to ensure that parking is located away from the water’s edge and to enable landscaping to minimise any visual impacts.³⁰ ECan notes the expressed intention of LPC to provide for car parking predominately in a single common area towards the western end of Dampier Bay. The Panel supports the provision of car parking at the “rear or side” of buildings or in a shared parking area.
- 7.35 The Panel has considered the evidence of Mr Calvert for CCC on the general parking requirements for Dampier Bay. In Mr Calvert’s opinion, the minimum District Plan parking requirements and parking reduction adjustment factors should apply to Dampier Bay. We do not support this recommendation. In our opinion, flexibility is required in the car parking requirements to achieve the full range of urban design outcomes sought in Dampier Bay.

Recommended amendments

- 7.36 The Panel recommends the following amendments to the RCEP:
- Consequential amendment to RCEP Policy 10.1.1(1)(c) (Elements of recovery) to include parking and access facilities for the marina.
- 7.37 The Panel recommends the following amendments to CRDP:
- Amend Built Form Standard 21.8.2.3.9 to specify a parking rate for marina berths.
 - Amend Assessment Matter 21.8.3.1.1 (Site layout and building design) to provide for parking at the side or rear of the building or in a shared parking area.

Public access

- 7.38 The provision of safe, convenient and high quality public access to the waterfront from the Lyttelton town centre is a goal of the Plan³¹ and was a key theme of the submissions and the evidence presented at the hearing. Submitters sought safe and convenient public access for vehicles, pedestrians and cyclists, with primary access to Dampier Bay being provided from Sutton Quay and Norwich Quay.
- 7.39 Ms Hogan for CCC was of the opinion that the Outline Development Plan for Dampier Bay required further detail on the key structural elements, including the public promenade and the location of public access.³² Ms Schroder for CCC, supported by Ms Hogan and Ms Rennie for LPC, proposed amendments to Action 10 of the Plan to provide greater certainty on the staging and design of public access, namely:

.....This arrangement (legally binding agreement) shall include the likely staging of implementation of the public promenade, access to Norwich Quay from

³⁰ Statement of evidence of Jane Maree Rennie (Urban Design), Paragraph 47.3

³¹ Section 1.2 Goals / Ngā Whāinga (3.a): The recovery of the Port makes a positive contribution to the recovery of the Lyttelton Township and community, by ... providing safe, convenient and high quality public access to the waterfront.

³² Statement of Evidence of Deborah Jane Hogan on Behalf of Christchurch City Council, Paragraphs 6.11 – 6.14

Dampier Bay and indicative location and minimum dimensions of public access, including for the promenade.

This arrangement shall also provide the opportunity for the community to engage in the design process for the promenade.³³

7.40 The Panel concurs with Ms Hogan’s interpretation of Action 10 that:

Action 10 is the key to obtaining and securing public access to the waterfront, regardless of where it is located. Without a legally binding agreement there is no guarantee to the community that the access will be provided ... with a level of amenity and accessibility that the community envisage.³⁴

7.41 Ms Schroder for CCC was of the opinion that Godley Quay in its current form does not provide a suitable primary access for pedestrians and cyclists, and sought amendments to the matters of discretion and control to provide for universal access from the Lyttelton Township. The Panel supports amendments to the Plan to provide for universal access to Dampier Bay for pedestrians and cyclists.

7.42 Ms Schroder in Paragraph 5.32 of her evidence notes that Rule 21.8.2.2.2 C7 (Public Amenities including public walkways and publicly accessible space located within the Dampier Bay Area and Port Operational Area) should also include reference to connections with the Lyttelton township. Ms Rennie for LPC was of the opinion, given the scope of the Recovery Plan, that the reference should be to ‘Norwich Quay’ rather than the Lyttelton township.³⁵

7.43 The Panel is of the opinion that primary access should be provided from Dampier Bay and the publicly accessible spaces within the Port Operational Area to Norwich Quay. We note that references to connections with Norwich Quay have been added to Rule 21.8.2.2.2 C7 and to Matter of Discretion 21.8.3.1.2(a). We recommend that Matter of Discretion 21.8.3.1.2(a)(vi) be similarly amended to reference ‘Norwich Quay’.

Recommended Amendments

7.44 The Panel supports the amendment of Action 10 to provide greater certainty on the staging and design of public access to Dampier Bay.

7.45 The Panel recommends the following amendments (~~struck through~~ or underlined in red) to Rule 21.8.2.2.2 and the Matters of Discretion and Control:

Rule 21.8.2.2.2 Controlled Activities		
C7	Public Amenities including public walkways and publicly accessible space located within the Dampier Bay Area and Port Operational Area, including any connections with	<u>a. Site layout and building design—21.8.3.1.1</u> <u>b. Dampier Bay Area public space/publicly accessible space – 21.8.3.1.2</u>

³³ Statement of Evidence of Josephine Frederika Jane Schroder on Behalf Of Christchurch City Council, Paragraph 5.16

³⁴ Statement of Evidence of Deborah Jane Hogan on Behalf of Christchurch City Council, Paragraph 6.12

³⁵ Jane Rennie, summary and statement of evidence for LPC, Paragraphs 25 and 26

Norwich Quay.	
---------------	--

21.8.3.1.2 Dampier Bay Area public space/publicly accessible space
a. Whether the design of public space and access routes achieves high-quality publicly accessible open spaces, public access and public connections along the waterfront in and connecting to Dampier Bay, <u>including from Norwich Quay.</u>
a. vi. establishment of safe and convenient pedestrian and cycle connections and a universally accessible pedestrian connection to the township <u>Norwich Quay</u> and to any public transport facility provided within the Inner Harbour; The primary pedestrian connection to any public transport facility shall provide for universal access.

7.46 The Panel supports the amendment to Matter of Discretion 21.8.3.2.3 (Landscaping in Dampier Bay) proposed by Ms Schroder for CCC.

8. Norwich Quay

Present Position

8.1 The principal provisions of the preliminary draft pertaining to Norwich Quay have been revised in the course of the hearing process. The provisions are:

ACTION 8: TRANSPORT NETWORK – MEMORANDUM OF UNDERSTANDING

<p>New Zealand Transport Agency, Environment Canterbury, Christchurch City Council, KiwiRail and Lyttelton Port Company Ltd will sign a Memorandum of Understanding stating how the parties will work together to ensure the provision of a transport network that supports recovery while maintaining safe and efficient transport solutions for users.</p> <p><u>The MoU will:</u></p> <ul style="list-style-type: none"> <u>Have a clear scope, purpose, and principles governing the relationship between the parties;</u> <u>Direct the parties in the development of an implementation plan, including supporting funding agreements, containing both short- and longer-term actions to address transport issues in Lyttelton related to Port recovery.</u> <p>A schedule of upgrades will be developed and how costs are to be met will be agreed.</p> <p>The Memorandum of Understanding shall include confirmation of the appropriate interim upgrades to Norwich Quay, as set out in Action 9.</p> <p><u>The MoU will be reviewed and amended annually as agreed by the parties to ensure it remains relevant for the next 10 years, or longer as required.</u></p>	<p>Memorandum of Understanding to be signed within three months of the approval of the Lyttelton Port Recovery Plan, <u>or sooner as agreed by the partners.</u></p> <p><u>Short-term actions to be confirmed by December 2016.</u></p> <p><u>Longer-term actions to be agreed as more detailed information becomes available.</u></p> <p>By December 2016</p>
---	---

Lead agency: New Zealand Transport Agency	
Goals: 3a, 5. 7a. 7b	

ACTION 9: TRANSPORT NETWORK – PEDESTRIAN ACCESS ACROSS NORWICH QUAY

<p>New Zealand Transport Agency, <u>in consultation with</u> Christchurch City Council and Lyttelton Port Company Ltd will confirm via the Memorandum of Understanding required by Action 8 provide, under the Agency’s minor improvements (safety) programme, the appropriate upgrades for the provision of freight, pedestrian and cyclist access along and across Norwich Quay. This will include the provision of a new <u>non-signalised</u> pedestrian facility across Norwich Quay.</p> <p>Lead agency: New Zealand Transport Agency</p> <p>Goals: 3a, 5. 7a. 7b</p>	<p>Required upgrades to be confirmed by December 2016</p> <p>Pedestrian facility across Norwich Quay to be completed by December 20<u>18</u>20 or prior to the opening of Sutton Quay for public access to Dampier Bay, whichever occurs first</p>
--	---

The surrounding narrative has been amended to achieve consistency with the actions.

8.2 Issues relating to the zoning of land immediately to the south of Norwich Quay and running both to the east and west of London Street have arisen. The land is zoned Commercial Banks Peninsula Zone in the proposed Christchurch Replacement District Plan, whereas LPC seeks a change to Specific Purpose (Lyttelton Port) Zone for most of the land. The land abuts the Port operational area to the south and the areas which LPC want rezoned are presently used by the company for log storage. The preliminary draft proposes a compromise whereby the land remains zoned Commercial but LPC’s usage of the land is provided for by rules authorising port activities on the land as a permitted activity to 2026 (rule 25.5.2.1), and as a discretionary activity post 1 January 2026 (rule 15.5.2.4). This would protect LPC’s operational use of the land during the recovery period, and respect the aim of the Lyttelton Master Plan for the land to be used for commercial purposes in a town centre zone in due course.

The Submissions

8.3 Norwich Quay issues attracted numerous heartfelt submissions from an extensive range of submitters. The main themes developed were:

- The Quay should not remain the main freight route to the Port, rather LPC should develop a freight corridor on its land to the south of the Quay.
- Planning to develop a second tunnel was essential.
- Pedestrian lights and crossings are required, together with better provision for cyclists.
- The amenity standard of Norwich Quay was low and required immediate attention.
- Without amenity improvement the commercial viability of the Quay was at risk, such that it could cease to be part of the town’s commercial centre.

Discussion

Traffic Issues

- 8.4 Although the submissions raised any number of understandable concerns, addressing these concerns in the present context is difficult for the reasons explained at paragraph 3.3. NZTA witnesses gave evidence at the marae hearing. A number of points were forcefully made:
- Norwich Quay has been part of SH74 since 1979.
 - The NZTA is bound by statutory controls in the Land Transport Management Act 2003, including the need to comply with a nationwide Government Policy Statement through which roading priorities are assessed on a national basis.
 - At present a business case cannot be made for any major changes to Norwich Quay.
 - Average traffic usage is about 8,000 vehicles per day, of which 17% comprises heavy commercial vehicles, and this usage is below that on many urban arterial routes, including a number of roads in Christchurch.
 - The capacity of Norwich Quay has been assessed as adequate until at least 2026, even after allowances made for construction and increased freight usage.
 - The level of pedestrian and cycle activity is assessed as “low.”
- 8.5 The NZTA accepted, however, that improvements are necessary to support walking and cycling access, safety and amenity along and across Norwich Quay. The Agency rejects the need for the development of a freight corridor on LPC land to the south of the Quay, and doubts that an effective connection onto the Quay proximate to the road tunnel could be constructed to achieve significant gains for Norwich Quay users. Hence, the Agency considers that Actions 8 and 9 represent the best way forward, with NZTA as the lead agency.
- 8.6 The Panel notes that NZTA’s preferred option for a new pedestrian crossing is the provision of kerb extensions, or shoulders, on each side of the road and a “pedestrian refuge” in the centre of the road as this design best fits the road characteristics – a high proportion of heavy traffic, a wide carriageway, on-street parking which may restrict visibility and the absence of traffic lights along the Quay to provide gaps in traffic flows.
- 8.7 The Panel can see no option but to recommend acceptance of Actions 8 and 9, as amended, together with the consequential proposed drafting changes.

Zoning Issues

- 8.8 It is common ground that the property on the south-eastern corner of Norwich Quay and Oxford St and the adjacent area on which the historic signal box is situated should retain a commercial zoning. LPC seeks that a triangular area to the east of the signal box presently used for log storage should be rezoned Specific Purpose (Port Lyttelton) Zone, together with the strip of land south of Norwich Quay and west of Oxford Street.
- 8.9 LPC contends that it is inappropriate to retain a Commercial zoning for the subject land in order to give effect to the Lyttelton Town Centre Master Plan which seeks to safeguard a commercial centre for the township. Such thinking was characterised as

“circular” whereas “considered through the lens of Port Recovery,” Specific Purpose Port Zone was more appropriate. This would recognise LPC’s ownership, and present operational use, of the land; avoid the need for a “long list of rule exceptions” to accompany a commercial zoning; and when the Christchurch District Plan is reviewed in 10 years’ time the issue could be revisited in light of developments.

- 8.10 The ECan officers accept that the log yard triangle area should become Specific Purpose Port Zone, but otherwise favour retention of the status quo, including Commercial Zoning for the land west of Oxford Street as this will preserve community aspirations for this area, while a permitted activity status until 2026 will protect LPC’s existing operational usage of the land. After a decade this compromise interim solution can be revisited by the CCC.
- 8.11 The Panel is not persuaded that a change to Specific Purpose Port Zone is appropriate. We favour the compromise solution because it is in keeping with the recovery strategy for the Port, in particular that there should be an operational movement to the east and also due consideration given to the “economic sustainability of Lyttelton Town Centre and the resilience and wellbeing of (its) people” (clause 5.1.2 of the Direction). The interim compromise, in our view, achieves an appropriate balance. We therefore recommend this approach.

9. Ferry Terminal

Present Provision

- 9.1 The preliminary plan discusses the ferry terminal in Sections 3.8.4 and 4.4. The ferry terminal is currently located at the end of the Oxford Street overbridge and links with a public bus stop. Public access to the terminal is provided by a fenced-in walkway through the operational port.³⁶
- 9.2 LPC proposes locating the ferry terminal adjacent to Dampier Bay to co-locate with other public transport facilities. The Outline Development Plan for Dampier Bay identifies a potential location for the ferry terminal adjacent to No.7 wharf. However, the Panel emphasises that the Recovery Plan does not direct the location of the ferry terminal at Dampier Bay.
- 9.3 The proposed amendments to the Christchurch Replacement District Plan provide for the location of the ferry terminal either within the Port Operational Area or at Dampier Bay, namely:

Rule 21.8.2.2.3 Restricted Discretionary Activities

RD2: New Public Transport Facilities located within the Port Operational Area or Dampier Bay Area, except as stated in Section 21.8.2.2.5.

Any application arising from this rule for a passenger ferry terminal shall be publicly notified.

Matters of Control or Discretion

- a. Site layout and building design– 21.8.3.1.1
- b. Public transport facilities – 21.8.3.1.3

³⁶ Preliminary Draft Lyttelton Port Recovery Plan, Section 3.8.4

Rule 21.8.2.2.5 Non-Complying Activities

NC2: New public transport facilities associated with a passenger ferry terminal located in a position west of Canterbury Street, Lyttelton, prior to the provision of pedestrian and public vehicle access to the terminal via Sutton Quay.

Submissions

- 9.4 There were a substantial number of submissions on the location of the ferry terminal. Issues raised by submitters included:
- Support either for the current location or an alternative location within the Inner Harbour.
 - Support for the relocation of the ferry terminal to Dampier Bay.
 - The need for physical and visual connections to the Lyttelton Town Centre.
 - The limited facilities provided for the public at the current terminal.
 - The strong public interest in the location of the ferry terminal.
 - The importance of the ferry to the well-being of the harbour side communities.

Discussion

- 9.5 The Panel understands that the location of the ferry terminal is a long-standing and contentious issue for the community.³⁷ We appreciated the synopsis provided by Ms Smith³⁸ of the community consultation on the location of the ferry terminal dating back to 2007.
- 9.6 The Officer's report notes that the location of the passenger ferry terminal was considered during the development of the preliminary draft LPRP. The ferry terminal and associated facilities must be well integrated into the transport network, and not adversely affect the operation of the port. It was concluded that this is a commercial and operational decision for LPC that is dependent on future decisions regarding the use of space in the inner harbour. Accordingly, there is currently insufficient certainty to include a direction in the LPRP for the location of the ferry terminal.³⁹
- 9.7 The Panel is sympathetic to the community's frustration over delays in decision-making regarding the location of the ferry terminal and the limited facilities provided in the current location. However, we have concluded that there is currently insufficient certainty to enable a direction as to the location of the passenger ferry terminal. The Panel supports the amendment to the narrative that adds 'access to the new passenger terminal and links to the public transport network' as a matter to be addressed by the Memorandum of Understanding partners.⁴⁰ We also welcome the commitment of LPC to providing ferry facilities in a location that is safe and does not prevent or disrupt the operations of the Port.⁴¹
- 9.8 LPC requested that Rule 21.8.2.2.3 RD3 which provides for new public transport facilities, including the passenger ferry terminal, should be deleted and the activity provided for as a controlled activity. We concur with ECan that the proposed rule framework reflects the uncertainties currently inherent in both the ferry terminal

³⁷ Refer to the evidence of Councillor Turner for the Christchurch City Council, Paragraph 2.2

³⁸ Chairperson of the Lyttelton Mt Herbert Community Board

³⁹ Refer to the discussion in the Officer's Report, Section 10.1.2

⁴⁰ Section 5.2.2 Transport Network

⁴¹ Summary and statement of evidence of John O'Dea, paragraphs 28 - 30

location and the development of Dampier Bay.⁴² Therefore, we support the current Restricted Discretionary activity status and recommend that this be retained.

- 9.9 A number of submitters sought public notification of any application for a new passenger ferry terminal. In contrast, LPC was of the opinion that the location of the ferry terminal was well canvassed through the LPRP process and that public notification is not required.⁴³ The degree of public interest in the location of the ferry terminal was evident through the hearing. Accordingly, the Panel recommends notification of any application for a new passenger ferry terminal.

Recommended Amendments

- 9.10 The Panel recommends the following amendments:
- Amend Section 5.2.2 to add 'access to the new passenger terminal and links to the public transport network' as a matter to be addressed by the Memorandum of Understanding partners.
 - Amend Rule 21.8.2.2.3 RD2 to provide for public notification.
- 9.9 No additional changes are recommended to the planning framework for public transport facilities.

10. A Cruise Ship Berth

Introduction

- 10.1 The pdLPRP contains options to establish a Cruise Ship berth within Lyttelton Port at two locations; outside the harbour at Naval Point and within the inner harbour at Gladstone Pier. LPC has identified Naval Point as being the preferred option because of the necessity to remove part of the eastern mole to create a sufficiently wide entrance to facilitate safe navigation of vessels into Gladstone Pier. This removal will have impacts on the wave climate of the inner harbour and may affect the use of the inner harbour berths.
- 10.2 The Naval point option requires dredging of a turning basin and berth pocket (see planning map 10.7 Area C) and the construction of a T-head pier as the berth for these vessels. These activities are provided for in the proposed new chapter 10 by way of Policy 10.1.1 – Elements of Recovery, which recognises that a new wharf for Cruise ships is such an element. An additional policy proposed by ECan which came about as a result of the Oil Companies' submission, seeks to ensure that the Cruise Ship Terminal does not result in unacceptable risk to people or a constraint on the operation of the hazardous storage facility.
- 10.3 Rule 10.3, an addition to the Restricted Discretionary Activities by LPC as a result of the Oil Companies' submission, has been inserted to define the general arrangement of the berth and to limit it to one vessel at a time. An additional item j) has been added to the list of matters of discretion to provide for consideration of risks to people and the impact on marine recreational activities.
- 10.4 The Christchurch Replacement District Plan contains policies and rules that deal with Hazardous Substances. The Amendments to the pCRDP rules for the Specific

⁴² Refer to the Officer's report, pages 36 - 37

⁴³ Summary and statement of evidence of Jonathan Cleave for LPC

Purpose (Lyttelton Port) Zone set the storage of hazardous substances as a Controlled Activity, subject to a comprehensive list of assessment matters relating to the extent to which an hazardous storage facility is designed and operated in regard to failure modes, risks to people and property, cumulative effects, controls and mitigations.

- 10.5 The land at Naval Point is used for a variety of purposes beyond the storage of dangerous goods. There are a number of businesses in the area, a sports field (the only one in Lyttelton), a ship dry dock, boat storage areas and club rooms associated with sailing, the Coastguard and other modes of marine recreation.
- 10.6 The site is characterised by a single roadway (Godley Quay) into the site. In places this is narrow and confined; particularly the section between the Dry Dock and the intersection of Cyrus Williams Quay.

Submissions

- 10.7 The Naval Point Cruise Ship facility attracted a very large number of submissions, some seventy one in total. This topic attracted strong interest in the community as attested by the number of submissions by many individuals.
- 10.8 The submissions can be broadly categorised as follows:
- those opposed to cruise ships in Lyttelton Port
 - those in favour, but opposed to Naval Point in preference to the inner harbour
 - those in favour but neutral on location.
- 10.9 The second category contained the bulk of submissions and their reasons varied widely. Importantly, there was strong objection from the recreational boating community (including the Coastguard), that saw the Naval Point Cruise site as having a significant adverse impact on the ability to use the body of water in which the proposed berth would be situated. In this regard, it was noted that the Naval Point reclamation is the only location in Lyttelton Harbour that provided safe access to and egress from harbour waters for the majority of the recreational boating population of the region. The Naval Point Club, which has a long and distinguished history in Canterbury marine recreation, is unique in that it offers services to a very wide range of marine recreational users (not just sailing) including, waka ama, power boats and wind and kite surfers.
- 10.10 The CCC submission, while supporting the recognition of the Cruise Ship berth in the pdLPRP, sought stronger direction in the Plan to progress the cruise berth options. It is seen by CCC as an important element in the local and regional economy and important to the recovery of Christchurch. Such is the importance of this topic that the Council sought to modify a proposed action in the Plan to advance the return of cruise ships to Lyttelton Port. Proposed Action 11 advocated a collaborative approach under the leadership of CCC and LPC to progress and create a fit for purpose cruise ship berth in Lyttelton to achieve a timely return of a cruise ship destination.
- 10.11 As noted earlier, the Oil Companies lodged a submission in regard to the risks associated with the Naval Point tank farm and
- its potential impact on the surrounding land use; and
 - the potential impact of the surrounding land use on the viability of the tank farm.

- 10.12 The thrust of the Oil Companies' submission, (that was supported by evidence from an Australian risk assessment consultancy, Sherpa), related to a 2005 event that occurred in Buncefield, UK. This event was an unconfined vapour explosion that devastated an entire facility and surrounding buildings. Importantly, by 2008, it had led to a change in the entire basis of risk evaluation for such facilities. In the past, the credible event, adopted as the basis of setting land use controls around fuel storage facilities, was based on the radiant heat from a tank fire that burned to the ground like a candle. As a result of the Buncefield incident, it has been necessary to take into account the effect of vapour cloud explosions and to establish exclusion zones based on the effects of overpressure waves.
- 10.13 The Oil Companies' expert evidence was that in the absence of any relevant New Zealand code, the application of the New South Wales Government Hazardous Industries Planning Advisory Paper 4, Risk Criteria for Land Use Planning was an appropriate guideline.
- 10.14 The application of this guideline results in a proposed overlay defining the inner limit of acceptable overpressure where damage to buildings would not be expected, i.e. inside this boundary structural damage will occur from an explosive event. The Oil Companies produced a drawing showing the distance to this boundary from the tank farm site boundary of 250m and the resultant rectangle covered an area which included residential properties to the northwest, a substantial part of the inner harbour basin and part of the eastern mole. It also covered a significant part of the land and water space in which the operations associated with the Cruise Ship berth would take place. Essentially, this is an exclusion zone for sensitive activities. However, it was noted that this boundary was conservative in that the 250 m distance had been determined from the Oil Companies' property boundaries, not the wall of the at risk fuel (gasoline) tanks.
- 10.15 The Oil Companies' position in regard to the Naval Point Cruise Ship facility was that the large numbers of people and associated activity in close proximity to the industries' facilities created unacceptable risks to people and posed a potential constraint on the safe and efficient operation of regionally strategic infrastructure.
- 10.16 On June 15 the Oil Companies submitted a clarifying submission. This advocated the use of a discretionary resource consent process and a requirement to assess risk through a QRA process plus the incorporation of the modified version of a new Action 11 as described above.
- 10.17 The submission then identified three remaining matters: emergency access and egress, residential activities and new port activities in close proximity to the storage facilities. In each case the issue was proposed to be dealt with by submissions to the pCRDP and its processes.
- 10.18 These submissions highlighted to the Panel that the Naval Point Cruise Ship berth raised serious planning issues in relation to the draft Christchurch Replacement District Plan and the Lyttelton Port Recovery Plan. Because of the public safety issues, the most serious of these conflicts (without wishing to diminish impacts on recreational boating) are those associated with the storage of fuels at the Oil Companies' Naval Point facility.

Discussion

10.19 The Oil Companies' submission, which arrived after preparation of the draft preliminary Plan, challenges the very possibility of a cruise ship berth being established at Naval Point in that:

- i. the risks of allowing a large number of people in close proximity to the dangerous goods storage facilities will be unacceptable; and
- ii. the presence of the berth and its associated activity will constrain the further development of bulk liquids storage facility which is an element of Significant Regional Infrastructure.

Further, their submission suggests that many other activities in the area may well be adversely affected by the application of the Buncefield risk criteria.

10.20 As a result, the submission creates considerable uncertainty in regard to a broad range of land and water based activities at Naval Point:

- the use of the area (both land and water) for marine related recreation
- the possible establishment of a Cruise Ship berth
- the continued operation of existing commercial activities
- access and egress in the event of a dangerous goods emergency
- development of the Dampier Bay area
- the safety of residential areas immediately adjacent to the site
- the safety of users of the only sports field in Lyttelton.

This uncertainty is antithetical to the objective of expeditious recovery of the Port.

10.21 The Panel considers that the current RCEP planning framework anticipates the development of a cruise ship berth at Naval Point, in preference to the Inner Harbour. The Plan identifies a cruise ship berthing area at Naval Point (Map 10.7 Area C) and provides for the construction of a new wharf within this area. We are of the opinion that the integrity of this planning framework is called into question by the submission of the Oil Companies.

10.22 In response to concerns raised by both the Oil Companies and recreational boating interests, LPC proposed changing the status of a cruise ship berth at Naval Point to restricted discretionary.⁴⁴ ECan proposed the addition of a new policy⁴⁵ to the RCEP, which was supported by LPC, and recommended that a cruise ship berth at Naval Point should be a discretionary activity.⁴⁶

10.23 It is the Panel's view that the new hazard criteria from the Buncefield incident creates a need to review the respective planning frameworks in both the RCEP and CRDP which provide for the establishment of a cruise ship berth and associated landward facilities at Naval Point. This review should be informed by a comprehensive Quantitative Risk Assessment (QRA) for the bulk storage terminal. In our opinion, this review is beyond the scope of an expeditious recovery plan and should be progressed through separate plan changes under the Resource Management Act.

⁴⁴ Proposed Rule 10.3(c) Restricted Discretionary Activities

⁴⁵ Proposed Policy 10.1.15 – Cruise ship berth at Naval Point

⁴⁶ Proposed amendment to Rule 10.4 Discretionary Activities

- 10.24 Without clarity on these matters, which can only be provided by a detailed QRA, the Panel does not have the necessary information to enable it to make recommendations in regard to the Policies and Rules that should apply to the establishment of a Cruise Ship Berth at Naval Point.
- 10.25 Further, in addition to the matters of risk, the marine recreational interests will also be severely impacted by the presence of the berth and attendant cruise ships. Whether this is fatal to recreational usage or whether some accommodation that will allow satisfactory continuance of these activities, is not entirely clear; - not least because of the Oil Company submission.
- 10.26 In consideration of the above, the Panel recommends:
- i. That the recovery plan is amended to remove the planning framework that provides for the development of a cruise ship berth at Naval Point.
 - ii. That Action 11 is expanded to provide:
The Christchurch City Council, as a matter of urgency, takes the lead in defining the scope of, and in commissioning, a Quantitative Risk Assessment of the Oil Companies' Storage facility at Naval Point as a precursor to an urgent review of land use planning controls for the Naval Point area.
- 10.27 Because of the wide ranging and diverse activities in the Naval Point area, the Panel also recommends that the commissioning of the QRA includes a requirement for consultation with all affected parties to ensure that all interests are reflected in the study's outcomes.

11. The Naval Point Redevelopment

Present Provision

- 11.1 The preliminary draft Recovery Plan proposes that an area of land at Naval Point that is owned by LPC⁴⁷ should be rezoned to Specific Purpose (Lyttelton Port) Zone. The current zoning of the land is Boat Harbour Zone in the Banks Peninsula District Plan.
- 11.2 The proposed provisions of the Specific Purpose (Lyttelton Port) Zone provide for the use of the land as an 'Operational Area' where Port Activities are permitted. The definition of Port Activities enables a range of activities on this land including:
- Maintenance and repair activities, including the maintenance and repair of vessels.
 - Marine-related industrial activities, including ship and boat building.
 - Facilities for recreational boating, including yachting.
 - Activities associated with the surface navigation, berthing, manoeuvring, refuelling, storage, servicing and providing of vessels.
- 11.3 The Panel understands that consideration was given to including the entire Naval Point Boat Harbour Zone in the Recovery Plan. Consultation with CCC identified that a master planning exercise for Naval Point was not sufficiently progressed to enable the insertion of provisions into the Recovery Plan. On 2 May 2015 CCC notified new provisions for the Naval Point Boat Harbour Zone, excluding this land owned by LPC, as part of Phase II of the proposed Christchurch Replacement District Plan.

⁴⁷ Lot 1 DP 80599

11.4 The Panel visited the site during the hearing. The site is currently used for marine related industrial activities, including storage for Stark Brothers Ltd and a boat brokerage.

Submissions

11.5 Submissions from the Naval Point Club, Coast Guard and A.Suren supported the current Boat Harbour zoning of the land. The rezoning to Specific Purpose (Lyttelton Port) Zone was supported by Stark Brothers Ltd.

Discussion

11.6 The Panel understands the concerns of the Naval Point Club, Coast Guard, and A.Suren. The land available for recreational boating activity is tightly constrained and the proposed zoning is inconsistent (in part) with the aspirations of submitters for the development of Naval Point.

11.7 During the hearing there were three options presented to the Panel, namely:

- To retain Specific Purpose (Lyttelton Port) zoning but to restrict the activities that can occur on this land to those relating generally to recreational boating; or
- To advise CCC that it needs to notify zoning for the land; or
- To adopt the proposed zoning of the adjoining land (Open Space Metropolitan Facilities).

11.8 Ms Hogan for CCC opposed Open Space Metropolitan Facilities zoning for this land. Ms Hogan advised that this zoning is generally applied to sites in public ownership and includes some private sites with large recreational facilities.⁴⁸ We defer to Ms Hogan’s knowledge of the proposed Christchurch Replacement District Plan.

11.9 The Panel is of the opinion that we cannot through this recovery plan direct the CCC to notify a new zoning for this land. Therefore, we recommend that:

- the land retain Specific Purpose (Lyttelton Port) zoning; and
- the port activities that can occur on this land should be restricted to those relating generally to recreational boating or marine-related industrial activities. We are of the opinion that provision must be made for the lawfully established industrial activities on this site.

Recommended Amendments

11.10 The Panel recommends the following amendments:

- a. That Lot 1 DP 80599 at Naval Point should retain Specific Purpose (Lyttelton Port) zoning;
- b. That Rule 21.8.2.2.1 (permitted activities) should be amended as follows (new amendments in red):

	Activity	Activity Specific Standards
P1	<u>Port Activities, except as stated in Rule 21.8.2.2.2 C4 and C5, and Rule 21.8.2.2.3</u>	a. No Port Activities, except navigational aids, and earthworks permitted under 21.8.2.2.1 P4, shall be undertaken within the Quarry

⁴⁸ Summary Statement of Evidence of Deborah Jane Hogan on behalf of CCC, Paragraph 2.6

	<u>RD3 and Rule 21.8.2.2.4 D6.</u>	<p>Area as shown in Appendix 21.8.4.1</p> <p><u>b. Port Activities within Area A in Appendix 21.8.4.6 shall be limited to:</u></p> <p><u>i. Maintenance, storage and repair of recreational boating vessels and storage of materials associated with the repair of those vessels.</u></p> <p><u>ii. Facilities for recreational boating and ancillary parking areas.</u></p> <p><u>iii. Marine-related industrial activities, including ship and boat building.</u></p>
--	------------------------------------	---

- c. That a new Appendix 21.8.4.6 is inserted into the CRDP showing Area A being the area of land owned by LPC (Lot 1 DP 80599) adjoining the sports field.
- d. That non-compliance with P1 should be a Discretionary Activity under proposed Rule 21.8.2.2.4 D4.

12. Other Matters

Appeal Rights

12.1 The legal submissions on behalf of Te Rūnanga o Ngāi Tahu included:

“it is appropriate that the Recovery Plan specifically provides for (a) right of appeal.”

This was a reference to s69(1)c, of the CER Act which provides:

69 Exceptions to exclusion of appeals

- (1) Any person referred to in subsection (2) may appeal to the High Court –
 - (c) against a decision on an application for a resource consent or a notice of requirement for an activity or use *that is specified in a Recovery Plan as being subject to this section*, and in respect of which a person would otherwise have a right of appeal or objection under the Resource Management Act 1991;

Counsel did not develop the argument to indicate whether all decisions, or only some decisions, of the kind defined in s69(1)(c), should be specified to carry a right of appeal. We therefore assume that all s69(1)(c) type decisions were intended.

12.2 Section 69 must be read in its statutory context. Section 68(1) provides:

- (1) There is no right of appeal against a decision of the Minister or the chief executive acting, or purporting to act, under this Act, except as provided in sections 69, 70, 79, and 80.

This subsection refers only to decisions of the Minister or the CER chief executive, yet s69(1)(c) is focused upon decisions of a local authority made in the context of a resource consent application, or the like. This mismatch between s68(1) and s69(1)(c) is perplexing to say the least. It appears to be a drafting error. We shall proceed on the basis that a remedial (and benevolent) approach is required – otherwise s69(1)(c) would be rendered meaningless. Hence we proceed on the

assumption that there is a power to specify in a Recovery Plan that resource consent, and like decisions, are exempted from the appeal prohibition.

- 12.3 For completeness we note that only persons who would normally have a right of appeal under the RMA may initiate an appeal under the exemption (see s69(2)(c)). Also, that sections 70, 79, and 80 concern second appeals from the High Court to the Court of Appeal (sections 70 and 80), or appeals to the High Court against compliance orders (S79); and are not therefore relevant.
- 12.4 Under the RMA there are two types of appeal:
- Under section 120, a general right of appeal to the Environment Court against “any part” of a consent authorities decision.
 - Under section 299, a second right of appeal to the High Court against a decision of the Environment Court but only “on a question of law.”

Section 69(1) of the CER Act contemplates only appeals to the High Court.

- 12.5 The Panel infers from this that only appeals on questions of law are permitted under s69(1)(c). This is in keeping with the purpose of the CER Act to provide for an expeditious recovery.
- 12.6 The question becomes, therefore: should the Recovery Plan specify that some, or all, resource consent and like decisions made with reference to the Plan rules, are subject to s69, thereby providing an appeal right on questions of law?
- 12.7 Only one submitter raised this issue. No reasons were advanced in support of the argument. The Panel sought submissions on the merits of a s69(1)(c) specification. The ECan officers noted that the CER Act is due to expire in April 2016 and submitted that triggering the s69(1)(c) appeal right would be contrary to the scheme of the Act. LPC’s submission was mostly directed to whether a specification under s69(1)(c), triggered a general appeal on the merits or a limited appeal on question of law. Counsel argued for the latter – with which the Panel agrees. LPC did not openly oppose a s69(1)(c) specification, but counsel pointed out the expiry date of the Act and stressed that before an appeal right could accrue any issues would have been through the recovery plan processes, public notification and a consent hearing.
- 12.8 The Panel sees merit in there being a limited right of appeal, at least in relation to the more significant aspects of the plan. But that said, the CER Act could have provided a right of appeal limited to questions of law as of right. That this is not the case suggests something more, something particularly warranting an appeal right should be identified before a s69(1)(c) specification is made. A case for specification was not developed before the Panel, either in general or in relation to some aspect(s) of the plan. We do not, therefore, recommend a s69(1)(c) specification.

A Mitigation Package

- 12.9 The submission on behalf of the Green Party sought a direction requiring LPC to consult with Ngāi Tahu, the CCC, ECan and DOC, as representatives of the public, concerning development of a comprehensive mitigation package in recognition of the considerable gains accruing to the Company at the expense of the public at large. In particular the loss of up to 34ha of sea space and destruction of the natural character of the coastline was emphasised. Other major developments, which consumed public

resources, resulted in mitigation packages typically requiring a significant resource and financial commitment to the preservation of a wildlife species, or perhaps the management of a river or wetland.

- 12.10 It was suggested that LPC's package could include providing public access to its land in the harbour basin, funding for weed and pest control, or for marine biosecurity, and/or a commitment to remove heavy traffic from Norwich Quay.
- 12.11 The ECan officers accepted that the submission raised important matters and that there may be scope to address this concern by way of conditions on resource consents. The officers doubted, however, that the Minister had power under the CER Act to direct a private entity to develop a mitigation package or take other compensating steps.
- 12.12 The Panel notes that LPC has made a commitment in relation to the development of Whakaraupō / Lyttelton Harbour integrated management plan (see 4.6 of the report). LPC has also agreed to provide public access to the waterfront via its Dampier Bay development plan (see Action 10 in the preliminary draft plan). The Panel is not well placed to comment on whether these commitments go far enough by comparison to other mitigation packages. The hearings did not provide evidence on this aspect.
- 12.13 Rule 10.20 confers controlled activity status on the reclamation subject to two conditions relating to a cultural impact assessment and the Battery Point exclusion zone. Neither condition, nor the controls, provide scope for the creation of a mitigation package. The Panel considers it is desirable that the door is open for further mitigation to be considered, if considered appropriate, during the consent process.
- 12.14 The Panel recommends: that preservation of the power to impose a mitigation package is warranted and rule 10.20 should be amended to make provision for this.
- 12.15 We note in passing that rule 10.20, control (d), reserves "the management of any marine biosecurity risks," and meets another concern in the Green Party submission, namely reservation of the ability to require mitigation measures to protect Hector's dolphins against pile driving noise. Further rule 10.2, which makes construction of the reclamation wharf a controlled activity, reserves "methods to manage the effects of construction noise on marine mammals" as a control (rule 10.2, control (e)).

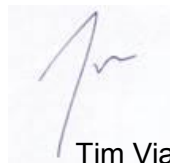
Dated at Christchurch this 6th day of July 2015



Sir Graham Panckhurst (Chair)



Peter Atkinson



Tim Vial

Canterbury Earthquake Recovery Act 2011

Direction to Develop a Lyttelton Port Recovery Plan

Pursuant to section 16(4) of the Canterbury Earthquake Recovery Act 2011, the Minister for Canterbury Earthquake Recovery gives the following notice.

Notice

1. **Title**—This notice is a direction to develop a Lyttelton Port Recovery Plan.
2. **Direction**—Pursuant to section 16(1) of the Act, I direct Lyttelton Port Company Limited and Canterbury Regional Council to develop a Lyttelton Port Recovery Plan in accordance with the process set out in this direction.
3. **Responsible Entities' Roles**
 - 3.1 Lyttelton Port Company Limited must provide Canterbury Regional Council with all necessary information to enable it to prepare a preliminary draft Lyttelton Port Recovery Plan.
 - 3.2 Canterbury Regional Council must develop a draft Lyttelton Port Recovery Plan for public notification by the Minister for Canterbury Earthquake Recovery.
4. **Geographic Extent**
 - 4.1 The Recovery Plan must focus on Lyttelton Port and the surrounding coastal marine area as illustrated generally on Map A. (Refer to the website cera.govt.nz/news for more detail and a copy of Map A). This area includes all land in the Lyttelton Port area owned, occupied or used by Lyttelton Port Company Limited at the date of this direction, pockets of land within that geographic area under separate ownership and the area of Norwich Quay.
 - 4.2 Canterbury Regional Council may include other land or areas within the geographic extent of the Lyttelton Port Recovery Plan, if it considers it necessary after consulting the following agencies: Christchurch City Council, Waimakariri District Council, Selwyn District Council, Department of Conservation, New Zealand Transport Agency and Te Runanga o Ngai Tahu.
 - 4.3 In developing the draft Lyttelton Port Recovery Plan, Canterbury Regional Council must consider issues and effects that may occur outside of the geographic extent of the Recovery Plan, including matters relating to land use and transport associated with the recovery of Lyttelton Port, the social, economic, cultural and environmental well-being and effects on surrounding communities and Lyttelton harbour, and wider transportation issues across greater Christchurch.
5. **Matters to be dealt with**
 - 5.1 The matters to be addressed by the Lyttelton Port Recovery Plan must include, but are not limited to:
 - 5.1.1 The recovery of the damaged port, including the repair, rebuild and reconfiguration needs of the port, and its restoration and enhancement, to ensure the safe, efficient and effective operation of Lyttelton Port and supporting transport networks;
 - 5.1.2 The social, economic, cultural and environmental well-being of surrounding communities and greater Christchurch, and any potential effects with regard to health, safety, noise, amenity, traffic, the coastal marine area, economic sustainability of Lyttelton town centre and the resilience and well-being of people and communities including the facilitation of a focused, timely and expedited recovery;
 - 5.1.3 Implications for transport, supporting infrastructure and connectivity to the Lyttelton town centre, including, but not limited to, freight access to the port, public access to the inner harbour and the location of passenger ferry terminals and public transport stops;
 - 5.1.4 The needs of users of Lyttelton Port and its environs, including, but not limited to, iwi, importers and exporters, cruise ship passengers and crew, tourism operators and customers, commercial fishers, recreational users and public enjoyment of the harbour and well-being of communities.
 - 5.2 If Canterbury Regional Council considers that amendments to documents and instruments prepared under other legislation, including the Resource Management Act 1991, Local Government Act 2002 and the Land Transport Management Act 2003, may be necessary for implementation of the Lyttelton Port Recovery Plan it must state and describe the nature of those amendments. The Lyttelton Port Recovery Plan may identify programmes of further work to be undertaken before specific amendments are proposed.
 - 5.3 Canterbury Regional Council must ensure provisions of the Lyttelton Port Recovery Plan are consistent with the Land Use Recovery Plan and the Christchurch Central Recovery Plan, and must have regard to any other recovery plans that are in force or being developed. It must consult with the Canterbury Earthquake Recovery Authority to ensure that the Lyttelton Port Recovery Plan is consistent with and supports existing or developing Recovery Plans.
 - 5.4 The Lyttelton Port Recovery Plan must include a statement of the possible funding implications of its implementation and indicate the possible sources of funding. This may include the identification of options of different funding sources.
 - 5.5 The Lyttelton Port Recovery Plan may not direct or implement changes to documents or instruments prepared under other legislation in relation to the re-opening of Sumner Road/Evans Pass; Lyttelton Town Centre and the Lyttelton Suburban Centre Masterplan; and the provision of Christchurch City Council community facilities (for example libraries) within Lyttelton town centre.
6. **Development of Lyttelton Port Recovery Plan**
 - 6.1 Pursuant to section 19(1) of the Canterbury Earthquake Recovery Act 2011, and having regard to the matters in section 19(2) of the Act, I direct that the Lyttelton Port Recovery Plan is to be developed in the following manner, including the following consultation requirements:

Lyttelton Port Company Limited

- 6.2 Lyttelton Port Company Limited must undertake appropriate consultation with relevant communities and interested persons to inform and seek feedback on its proposals, including but not limited to:
- 6.2.1 Lyttelton Port Company Limited's long-term vision for the efficient, timely and effective repair, rebuild and restoration and enhancement of Lyttelton Port; and
- 6.2.2 The scope of, and matters to be addressed in, technical reports necessary to explain and justify the long-term vision, proposed activities and any amendments to existing instruments and strategies for recovery purposes.
- 6.3 Canterbury Regional Council may require Lyttelton Port Company Limited to undertake further consultation or engagement if it considers the process to be inadequate to properly inform the preparation of the draft Lyttelton Port Recovery Plan.
- 6.4 Lyttelton Port Company Limited's consultation must include, as a minimum, targeted stakeholder workshops. It must also undertake consultation in an appropriate manner with Te Rununga o Ngāi Tahu. A consultation strategy should be prepared with advice from Canterbury Regional Council, Christchurch City Council, Department of Conservation, Te Rununga o Ngāi Tahu and New Zealand Transport Agency.
- 6.5 Lyttelton Port Company Limited must provide Canterbury Regional Council with all necessary information to enable preparation of a preliminary draft Lyttelton Port Recovery Plan, commensurate with the scale and significance of the recovery task and the complexity and interrelated nature of the recovery. This must include information to address the matters in clause 5 of this direction, and must also include, but is not limited to:
- 6.5.1 A port redevelopment plan, clearly illustrating and describing the necessary repair, rebuild, reconfiguration, restoration and enhancement proposals to facilitate recovery, including timing and sequencing of recovery activity;
- 6.5.2 Amendments to relevant instruments considered necessary to facilitate recovery;
- 6.5.3 All relevant technical reports to support proposed amendments to relevant instruments, to the satisfaction of Canterbury Regional Council;
- 6.5.4 A Cultural Impact Assessment;
- 6.5.5 The first phase of an "Impact Assessment", as required by section 7.1 of the Recovery Strategy for Greater Christchurch – Mahere Haumanatunga o Waitaha;
- 6.5.6 An assessment of the proposal against the Canterbury Earthquake Recovery Act 2011, relevant considerations of the Resource Management Act 1991, the New Zealand Coastal Policy Statement 2010, the Mahaanui Iwi Management Plan and other relevant statutory and non-statutory plans;
- 6.5.7 A report on consultation undertaken. That report must list the parties consulted, state how consultation was undertaken, and summarise the information received and how it influenced the preparation of information and redevelopment plans; and
- 6.5.8 A statement on staging and funding of the restoration and enhancement of Lyttelton Port, including implementation of relevant actions to effect recovery.
- 6.6 This information must be provided to Canterbury Regional Council within four months after the date of this direction. If the necessary and sufficient information is not provided in accordance with clause 6.5 of this direction to the satisfaction of Canterbury Regional Council within the specified time period, Canterbury Regional Council may request further information from Lyttelton Port Company Limited.

Canterbury Regional Council

- 6.7 Canterbury Regional Council must develop a draft Lyttelton Port Recovery Plan for public notification by the Minister for Canterbury Earthquake Recovery within nine months after receiving all necessary information from the Lyttelton Port Company Limited. This time period does not commence until all information required by Canterbury Regional Council is received from Lyttelton Port Company Limited.
- 6.8 Canterbury Regional Council must develop the draft Lyttelton Port Recovery Plan in consultation with Christchurch City Council, Selwyn and Waimakariri District Councils, Te Rununga o Ngāi Tahu, New Zealand Transport Agency, Department of Conservation and Canterbury Earthquake Recovery Authority.
- 6.9 Canterbury Regional Council may consult to the extent it considers necessary with Lyttelton Port Company Limited and any central government department.

Hearing on preliminary draft Lyttelton Port Recovery Plan

- 6.10 Canterbury Regional Council must consult on a preliminary draft Lyttelton Port Recovery Plan before providing the draft Lyttelton Port Recovery Plan to the Minister for Canterbury Earthquake Recovery. Canterbury Regional Council must provide for an appropriate hearing process to inform decision making before finalising the draft Lyttelton Port Recovery Plan. In particular:
- 6.10.1 Canterbury Regional Council must call for written submissions (such written submissions may include or attach expert opinion, technical information and any other relevant information) and must provide an opportunity to be heard in support of any submissions.
- 6.10.2 The composition of any hearing panel and any matters not prescribed by this direction shall be at the discretion of Canterbury Regional Council.
- 6.10.3 Any allocation of time to those parties being heard by a hearing panel (either personally or through representatives) on their written submissions shall be at the discretion of the hearing panel and must take into account the need for a focused, timely and expedited recovery.
- 6.10.4 In conducting a hearing, the hearing panel must:
- 6.10.4.1 Avoid unnecessary formality;
- 6.10.4.2 Not permit any person other than a member of the hearing panel to question any person being heard; and
- 6.10.4.3 Have regard to tikanga Māori and the New Zealand Disability Strategy.
- 6.10.5 The hearing panel shall not make a decision but must make a report and provide recommendations to Canterbury Regional Council on the matters heard and considered. Canterbury Regional Council must consider these

recommendations but is not bound by them.

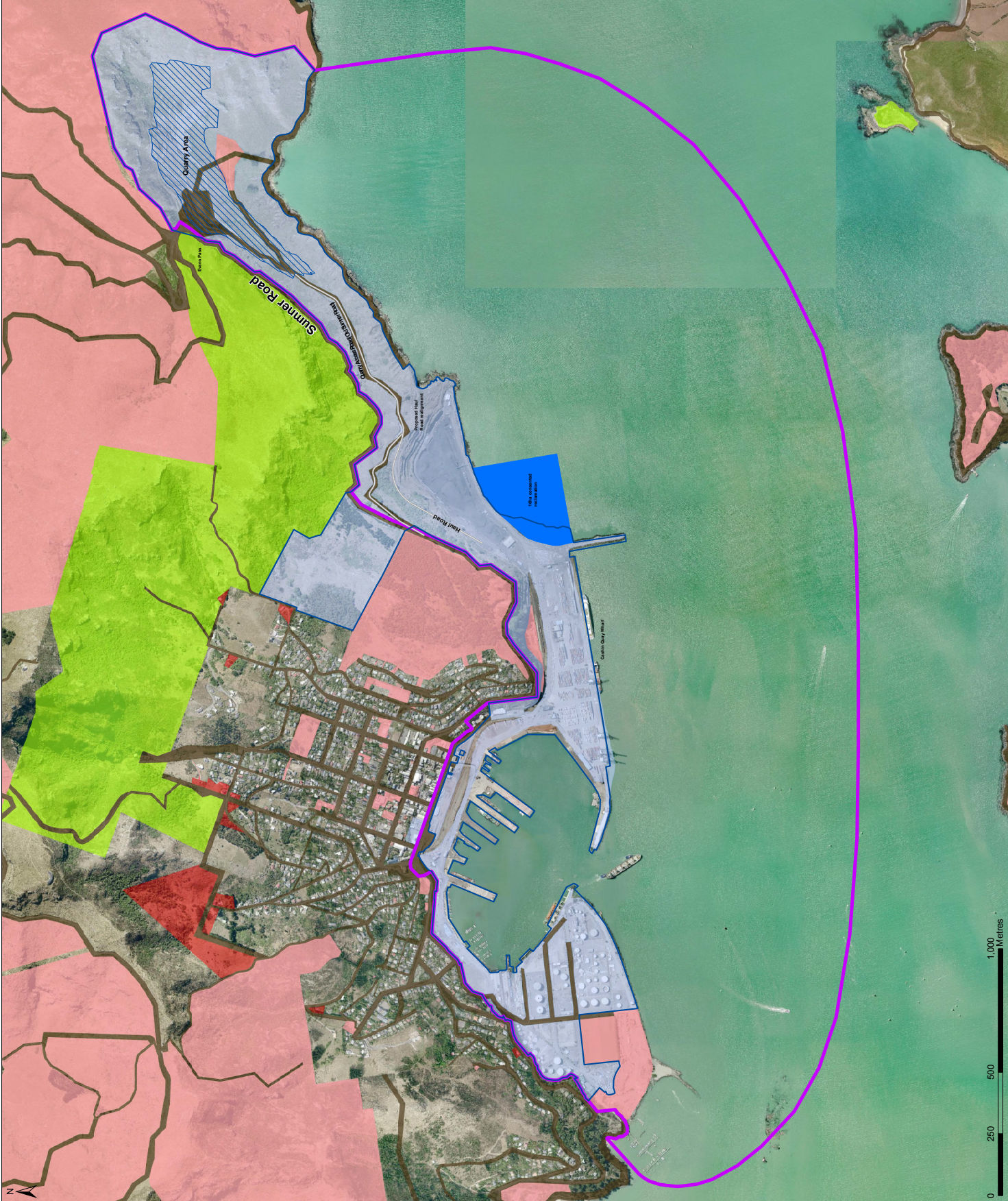
- 6.11 Canterbury Regional Council must satisfy itself that a sufficient assessment of technical information and the views of the public have been undertaken, and provide a report to the Minister on how it informed its decision making on the content of the draft Lyttelton Port Recovery Plan, and the reasons for reaching its decisions.
7. **Making Information available**
- 7.1 At all stages during the development of the preliminary and draft Lyttelton Port Recovery Plan, Lyttelton Port Company Limited and Canterbury Regional Council must ensure that public information relevant to the preparation of the draft Lyttelton Port Recovery Plan is freely and easily available.
8. **Other Recovery Plans**
- 8.1 The Christchurch Central Recovery Plan and the Land Use Recovery Plan are the other Recovery Plans in force.
9. **Minister for Canterbury Earthquake Recovery**
- 9.1 Upon receipt of the draft Lyttelton Port Recovery Plan from Canterbury Regional Council, the Minister for Canterbury Earthquake Recovery intends to publicly notify it, in accordance with section 20 of the Canterbury Earthquake Recovery Act 2011. Written comments will be invited from the public.

Dated at Wellington this 18th day of June 2014.

HON GERRY BROWNLEE, Minister for Canterbury Earthquake Recovery.

go3801

Geographic Extent of Lyttelton Port Recovery Plan



Legend

Lyttelton Port - Boundary Information

- Indicative Geographic Extent of Recovery Plan
- Note - Boundary falls downslope of Summer Road and includes Norwich Quay
- LPC - Site Boundary
- CERA - Residential Red Zone as of 04/12/2013

Lyttelton Port Company - Existing Infrastructure

- Existing Quarry
- 10 ha Consented Reclamation
- Existing Port Roads

Categorised Land Ownership

- Lyttelton Port Company
- DOC - Public Conservation Areas
- Local Government
- LINZ Primary Road Parcels

Map Purpose:
The purpose of this map is to illustrate the geographic scope of the Lyttelton Port Recovery Plan, in accordance with the Ministers Direction.

Publication Date:
11/06/2014

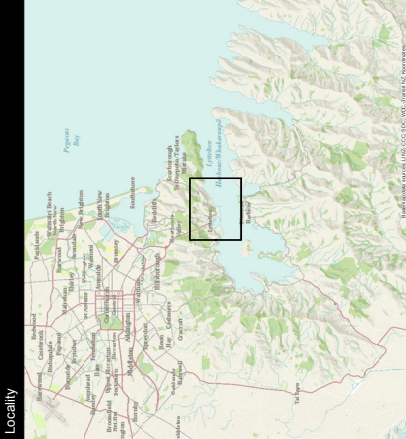
Scale:
1:5,250
(Original sheet size A0)

Disclaimer
This map is a static output of depicted layers and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Coordinate System:
NZGD 2000 New Zealand Transverse Mercator

Map Document:
6374 - LFC Future Planning Map A0.mxd

For re-prints and map production contact NorthSouth GIS
ServiceDesk@nsgrz.co.nz



Appendix “B”

Sir Graham Panckhurst until his retirement in 2014 was a High Court Judge based in Christchurch for eighteen years; and was previously the Crown Solicitor for Canterbury from 1985 to 1992, and a barrister to 1996 becoming Queen’s Counsel in 1994.

Peter Atkinson has spent 27 years as an Engineer in the ports industry in New Zealand holding the position of Chief Engineer and (after the introduction of the Port Companies Act) Technical Services Manager for the Port of Taranaki for a period of 18 years. From 2000 to 2013 Peter worked in New Zealand consultancies in the role of Port and Coastal Engineering. In late 2013 he returned to Port Taranaki where holds the Position of Port Planning Manager.

Tim Vial is the Principal Planner for Kāi Tahu ki Otago Ltd based in Dunedin. He has 13 years’ experience working in resource management roles in local government and for Kāi Tahu within Otago. Tim is a Full Member of the New Zealand Planning Institute and an Accredited Hearings Commissioner.

Appendix “C” List of Submitters

Heard	Large Businesses and Organisations
Yes	Canterbury Maritime Developments Limited
Yes	Christchurch City Council
Yes	Christchurch City Holdings Limited
No	Department of Conservation
Yes	Green Party
Yes	Heritage New Zealand Pouhere Taonga
No	KiwiRail
No	Liquigas
Yes	Lyttelton Port Company Limited
No	New Zealand Fire Service Commission
Yes	New Zealand Transport Agency
No	NZ Labour Party, Port Hills
No	Solid Energy New Zealand Limited
Yes	Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, and Te Rūnanga o Ngāi Tahu
Yes	Z Energy Ltd, Mobil Oil NZ Ltd, BP Oil NZ Ltd

Heard	Community Associations, Interest Groups and Small Businesses
No	Black Cat Cruises
No	Historic Places Canterbury
Yes	Lyttelton/Mt Herbert Community Board
No	Ballingers Hunting & Fishing Ltd
Yes	Boat Safety Association
No	Canterbury Maritime Training
Yes	Canterbury Trailer Yacht Squadron
No	Canterbury Trails
Yes	Canterbury Yachting Association
Yes	Coastguard Canterbury Incorporated
No	Coastguard Southern Region
Yes	Dampier Bay Moorings Association Inc
Yes	Diamond Harbour Community Association
No	FitandAbel NZ Limited
No	Governors Bay Amenity Preservation Society
Yes	Governors Bay Community Association
No	Groundswell Sports Ltd
No	Learn2Sail
Yes	Lyttelton Community Association Inc
No	Lyttelton Environment Group
Yes	Lyttelton Harbour / Whakaraupo Issues Group
No	Lyttelton Harbour Business Association
Yes	Naval Point Club Lyttelton
Yes	Norwich Quay Historic Precinct Society
No	Oborn's Nautical
No	Ravensdown Fertiliser Co-operative Limited
No	Samarah
No	South Island Finn Association
Yes	Southshore Residents Association
Yes	Te Waka Pounamu
No	Waitaha Paddling Club
Yes	Yachting New Zealand
Yes	Young 88 Association of New Zealand Inc.

Heard	Individual Submitters	Heard	Individual Submitters
No	A J Wilson	No	Daniel Petrache
No	Aaron Duncan	No	Danielle Lake
No	Aileen Ludlow	No	Dave Bastin
Yes	Alastair Brown and Frances Young	No	Dave Munro
No	Alastair Suren	No	Dave Vile
No	Aleksandra Turp	Yes	David and Heather Bundy
No	Alex Beaton	No	David Carter
No	Amy Carter	No	David Haylock
Yes	Anders Gillies	No	David Miller
No	Andrea Bowater	No	David Paterson
No	Andrew Herriott	No	David Southwick
No	Andrew Stark	No	Debbie Main
No	Andy Cockburn	No	Debby Taylor
No	Ann Thorpe	No	Des Crosbie
Yes	Anthony Lealand	Yes	Chris Bathurst
No	Anthony Taylor	No	Peter Kempthorne
No	Ashley Farqyharson	No	Emily Riley
No	Astrid Graham	No	Ernesto Henriod
No	Belinda Durney	No	Fenella Bowater
Yes	Ben Godwin	No	Finn McLachlan
Yes	Benjamin Carrell	Yes	Frances Therese James
No	Biff Frederikson	Yes	Francis Valentine McClimont
No	Bob Gordon	No	Fraser McLachlan
No	Brenda Moore	No	Gabriele Nyenhuis
No	Brent Cowan	No	Garrick Johnson
No	Brent Robinson	No	Garry Dixon
No	Brett Armstrong	No	Garry Suckling
No	Brian Keen	No	Geoffrey Mentink
No	Brian Parker	No	Geoffrey Savage
No	Bruce Anderson	No	Gerald Bourne
No	Bruce Baldwin	No	Gerald Irwin
No	Bruce Lang	No	Glenda Anderson
No	Bryce Hawkins	No	Graeme Burney
No	Caleb Te Kahu	No	Graham Perrem
No	Camilla Gibbons	No	Grant Armstrong
Yes	Jan Eveleens	Yes	Greg Bowater
No	Carla Dodds	No	Greg Clydesdale
No	Carolyn Nicol	No	Gregor Ronald
No	Chris Cameron	No	Hannah Sylvester
No	Christopher Guy	No	Hayley Anderson
Yes	Colin Lock	No	Heather Walls
No	Creag McCulloch	Yes	Helen Chambers
No	D Atkinson	No	Henry French
No	Dagmar Lindner	No	Henry Wilkinson
No	Dale Coulter	No	Herbie Mues

Heard	Individual Submitters	Heard	Individual Submitters
No	Ian Scott	No	Lucy Rayner
No	Irene Hayward	No	Maike Fichtner
No	Issac Armstrong	No	Malcolm Guy
No	Ivan Atkinson	No	Malcolm Ramsay
No	James Crook	No	Marcia Bryant
No	James Riddoch	Yes	Mark Watson
No	Jane Hopkins	No	Marsden Griffiths
No	Jeff Mann	No	Martin Wellby
Yes	Jeremy Agar	No	Matt Oborn
No	Jes Vilsbek	Yes	Matthew Ross
No	Jill Morrison	No	Matthew Shove
Yes	Jillian Frater	Yes	Melanie Dixon
No	Joanna Hern	No	Michael Ferrar
Yes	John and Anna Holmes	No	Michael Hore
No	John Davis	No	Michael Sandridge
No	John Hannam	No	Michael Turp
No	John Hawtin	No	Michelle Moore
Yes	John McCaskey	Yes	Mike Anderson
No	John Mckenna	No	Mike Brown
No	John McKim	No	Mike Pearson
No	John Riminton	No	Morris Hitchings
Yes	John Thacker	Yes	Nancy Vance
Yes	Joy McLeod	No	Naomi Wilde
No	Julia Allott	No	Nicci Blain
No	Juliet Neill	No	Nick Grant
No	K L Henderson	No	Nick Rayner
No	Karen Colyer	No	Norman Matthews
No	Karen Selway	No	Ollie Corboy
No	Karina Beatson	No	Pat Pritchett
No	Karlyne Cowan	No	Paul Ensor
No	Kate Smeele	Yes	Pete Simpson
No	Kay Oborn	No	Peter Beckett
No	Keith Nuttall	No	Peter Lang
Yes	Ken Beatson	No	Peter McBride
No	Kevin Duncan	No	Peter Moore
No	Kevin Guy	No	Peter Savage
Yes	Layton Hern	Yes	Peter Smeele
No	Leith Falconer	No	Peter Thornton
No	Lesley Shand	No	Peter Tocker
No	Libby Boyd	No	Philip Auger
No	Libby Crawford	No	Philip Folter
No	Linda Goodwin	No	Pierce Prendegast
No	Linda Lilburne	No	R Atkinson
No	Linden Duke	No	R M (Max) Manson
No	Lisa Williams	No	Rachael O'Sullivan

Heard	Individual Submitters	Heard	Individual Submitters
Yes	Rewi Couch	No	Steven Knight
No	Richard Lascelles	No	Stuart Beswick
No	Rob Wellesley	No	Sue Chester
No	Robbie Gibb	No	Sue Coombe
No	Robert Norris	No	Sutter Schumacher
Yes	Robin McCarthy	Yes	Tasman Young
No	Robyn Lee	Yes	Thomas Kulpe
No	Roddy Hale	No	Thomas Wooding
No	Roelant Hofmans	No	Timothy Hughes
No	Roland Eveleens	No	Trevor George
Yes	Ron Dards	No	Vanessa Ross
No	Ronald Rodgers	No	Victor Sue-Tang
No	Ross Connolly	No	Victoria Andrews
No	Rueben Miller	No	Victoria Murdoch
No	Sam Jones	Yes	Viki Moore
No	Sarah Chisnall	No	Vince Williams
No	Sarah Riddoch	No	Vonda Newman
No	Sarah van der Burch	No	Wayne Keen
No	Scott Hinman	Yes	Wayne Nolan
No	Scott Oborn	No	Wayne Taggart
No	Seth Moore	No	Wendy Everingham
No	Sharon Pierce	Yes	William Hall
No	Sharyn Cameron	No	Willie Newman
No	Simon Henry	No	Xanthe Bowater
No	Stephen Page		

Appendix “D”

1. The Panel’s Method:

- 1.1 Numerous amendments, some of them agreed amendments, have been made to the provisions of the regional policy statement, district plans and regional plans which comprise the appendices to the preliminary draft. Accordingly, Appendix “D” responds to the latest versions of these various instruments, being a version in which amendments proposed by LPC, the CCC and ECan officers are identified by tracked changes, with a series of highlighted comments in the right-hand margin. A second version contains tracked changes sought by Te Rūnanga o Ngāi Tahu and ngā Rūnanga.
- 1.2 The Panel’s recommendations focus on those changes which remain contentious; that is where there is disagreement concerning the drafting of an amendment or the need for a proposed addition. The following text:
- identifies the relevant objective, policy or rule in issue,
 - sets out the Panel’s recommendation, and
 - briefly explains the reasons for that recommendation, or in some instances refers back to a paragraph in the narrative report which contains relevant reasoning.

2. Canterbury Regional Policy Statement

2.1 Policy 8.3.6(5)(b)

TRoNT seeks a change to “may” include a container terminal. The Panel notes that the reference in this paragraph to ‘37 hectares of reclaimed land’ should be amended to ‘34 hectares of reclaimed land’ for consistency with RCEP Policy 10.1.1.

Recommendation: Amend the size of the reclamation only.

Reason: Development of a container terminal will happen, so the suggested change by TRoNT would serve no purpose.

2.2 Policy 8.3.6(5)(g)

TRoNT seeks an addition: “(g) the integrated management of Whakaraupō/Lyttelton Harbour in the recovery and future development of the Port Of Lyttelton, including provision for the many ecological, cultural, recreational and amenity values and uses of that area.”

Recommendation: Include a redrafted version as follows: (g) that the ecological, cultural, recreational and amenity features of Whakaraupō/Lyttelton Harbour are highly valued by the harbour communities, and recreational users, and therefore require protection. (And this matter should be the first (a) in the list).

2.3 Policy 8.3.6 Principal reasons and explanation

TRoNT seeks an addition: “...while recognising the integrated management of Whakaraupō/Lyttelton Harbour and the need to provide for the many values and uses

of this area...”

Recommendation: Not needed, provided the redraft in 2.2 is included.

3. Regional Coastal Environment Plan for the Canterbury Region - Policies

3.1 Objective 10.1 Recovery of Lyttelton Port and proposed 10.2

TRoNT seeks additional wording in 10.1 (avoiding, remedying and mitigating), and a new 10.2.

Recommendation: Changes not necessary.

Reason: Objective 10.1 as amended is adequate.

3.2 Policy 10.1.1(1)(a) Elements of Recovery

TRoNT seeks additional wording: “to an extent and in a manner that enables Te Hapū o Ngāti Wheke to exercise kaitiaki and mahinga kai;”

Recommendation: No change.

Reason: Suggested new wording is not in keeping with the policy as a whole.

3.3 New Policy 10.1.2 Process

LPC seeks a process paragraph encompassing points 1-4.

Recommendation: No change

Reasons: The proposed new policy mirrors one incorporated in the Christchurch Replacement District Plan, but that policy was included in response to a statement of expectation from the Minister contained in Schedule 4 to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014. There is no comparable statement in the Ministers direction to prepare this recovery plan.

3.4 Present 10.1.2 Role of Lyttelton Port

TRoNT seeks wording added to the end of the policy.

Recommendation: No change

Reason: The relationship between the Port and the Harbour is recognised in policy 10.1.

3.5 Policy 10.1.3 Occupation and Access

TRoNT seeks substitution of new blue wording for 4).

Recommendation: No change.

Reasons: 4) is unnecessary, and the wording is out of step with the focus of the policy.

3.6 Policy 10.1.4 Lyttelton Harbour Relationships

TRoNT seeks substitution of new blue wording throughout the policy.

Recommendation: No change.
Reason: The policy as drafted is adequate.

3.7 Policy 10.1.6 Structures and Activities
TRoNT seeks new wording.

Recommendation: Adopt “avoided, remedied or mitigated,” but retain “where practicable.”
Reason: Present word “minimised” is vague, whereas recommended formulation is well understood.

3.8 Policy 10.1.8 Dredging
TRoNT seeks new wording and deletions.

Recommendation: No change.
Reason: Reference to sedimentation minimisation is caught already by present wording.

3.9 Policy 10.1.9 Deposition of Dredge Spoil
ECan officers seek red amendments and TRoNT seeks expansion of the title.

Recommendation: Adopt red amendments for reasons outlined in the officer’s June report, but not the title change.
Reason: Title change is not necessary and would exclude existing maintenance dredging.

3.10 Policy 10.1.11 New Container Terminal in Te Awaparahi Bay
ECan seeks addition of 6) (an exclusion zone).
TRoNT seeks various changes to 3) and in addition of 7) and 8).

Recommendation: Adopt addition of 6), otherwise no change.
Reason: The exclusion zone is an agreed change. The suggested mahinga kai changes involve unproven assertions, and new 7) and 8) are redundant given that the need for the terminal has been established and adaptive monitoring is inappropriate (see narrative report at 5.23), respectively.

3.11 Policy 10.1.13 Specific Effects of Stormwater Discharges
TRoNT seeks changes, but these seem to be agreed already.

3.12 Proposed Policy 10.1.15 Cruise Ship Berth at Naval Point
ECan proposals seem to be accepted, but the Panel recommends that a) should commence: “People and property at...”

3.13 Policy 10.2.1 Integrated Catchment Management Plan
TRoNT seeks this new additional policy.

Recommendation: No change or addition.

Reason: An integrated Harbour Management Plan is better addressed through Action 7.

4. Regional Coastal Environment Plan for the Canterbury Region - Rules

4.1 Rule 10.1 – Permitted Activities

TRoNT seeks inclusion of “all” in provision e).

Recommendation: No change.

Reason: Unnecessary, the addition adds nothing.

4.2 Rule 10.2 Controlled Activities

TRoNT seeks inclusion of a new condition c).

Recommendation: No change.

Reason: The intended meaning of the condition is obscure, and perhaps impracticable.

LPC seeks a notification change from public notification to “without public or limited notification.”

Recommendation: No change.

Reason: Public interest justifies notification.

4.3 Rule 10.3 Restricted Discretionary Activities

LPC seeks that any cruise ship wharf at Naval Point be under this rule, and TRoNT also favours this approach (whereas ECan favours discretionary status under rule 10.4).

Recommendation: No change.

Reason: See discussion in narrative report at Paragraphs 10.19 – 10.27.

TRoNT seeks three additional discretionary matter identified as b), m) and n) concerning whether part of the Eastern mole may require removal, whether the wharf accords with the objectives of a Harbour Management Plan and whether the wharf has the approval of iwi, following consultation.

Recommendation: No change.

Reason: b) is covered in d), m) is covered by Action 7, and n) is not necessary.

LPC seeks the addition of a new discretionary matter identified as j), namely the risks posed by the Tank Farm, and the effects on recreational boats, if the cruise boat wharf is at Naval Point.

Recommendation: No change.

Reason: See the narrative report at Paragraphs 10.19 – 10.27.

4.4 Rule 10.4 Discretionary Activities

LPC seeks deletion of final sentence.

Recommendation: No change.

Reason: The suggested deletion is not appropriate given there is no recommendation for change in the activity status (see above 4.3).

4.5 Rule 10.9 Permitted Activities – Disturbance associated with maintenance dredging and deepening berth pockets

TRoNT seeks the addition of two conditions iv) and v) being the use of best practice dredging methods and the preparation / implementation of an adaptive management approach.

Recommendation: No change.

Reason: Covered in policy 10.1.8, and adaptive management is not favoured (see narrative report) respectively.

4.6 Rule 10.10 Controlled Activities – Disturbance associated with removal or repair of reclaimed land

TRoNT seeks changes to the conditions, namely adaptive management and to include mitigation of effects on water quality and mahinga kai, (i.e. in relation to disturbance of inner harbour and Cashin Quay areas).

Recommendation: No change.

Reason: As in 4.5, and addressed policies 10.1.4 and 10.1.9, respectively.

4.7 Rule 10.11 Controlled Activities – Disturbance associated with activities adjacent to and including the Te Awaparahi Bay Reclamation

ECan seeks an amendment to the title, the addition of condition a), and the addition of a control d).

Recommendation: approve changes as they are agreed responses to submissions.

TRoNT seeks adaptive management in control a), the addition of mahinga kai in control b) and a new control (whether best practice dredging is to be used).

Recommendation: No change.

Reason: See reasons given in relation to previous similar suggestions.

LPC seeks substitution of no public or limited notification (as opposed to public notification).

Recommendation: No change.

Reason: Public interest justifies notification.

- 4.8 Rule 10.12 Restricted Discretionary Activities – Disturbance associated with dredging within the Operational Area of Lyttelton Port and Main Navigational Channel
ECan seeks clarification of dredging activity description, and the addition of discretionary matters b) and h).

Recommendation: approve as they are agreed responses to submissions.

TRoNT seeks inclusion of “all of” in discretionary matters description, and a change to c) to require *adaptive* management.

Recommendation: No change.

Reason: The suggested inclusion adds nothing, and an adaptive approach is not considered appropriate.

- 4.9 Rule 10.14 Permitted Activities – Deposition associated with Structures
ECan changes are agreed and should be approved.

TRoNT seeks the introduction of a condition “provided... the seabed material is from with the Operational Area...”

Recommendation: No change.

Reason: The proposed condition is inherent to the rule anyway.

- 4.10 Rule 10.16 Controlled Activities – Deposition associated the erection of Wharf Structures associated with Te Awaparahi Bay container terminal
ECan changes are agreed and should be approved.

LPC seeks substitution of no public, or limited, notification (as opposed to public notification).

Recommendation: Retain notification.

Reason: Public interest justifies notification (and it is likely that bundling of activities will result in notification).

- 4.11 Rule 10.17 Controlled Activities – Deposition of seabed material at the Spoil Dumping Grounds generated from construction activities and dredging
LPC change to condition c), is agreed, and should be approved.

TRoNT seeks changes to control a) to require adaptive management, and to stipulate deposition to be in accordance with new rule 10.36.

Recommendation: no change to adaptive management, and therefore inclusion of rule 10.36 not required.

Reason: Adaptive management is not considered appropriate in the context of the recovery plan.

LPC seeks substitution of no public, or limited, notification (as opposed to public notification).

Recommendation: Retain Notification.

Reason: As in paragraph 4.10 above.

4.12 Rule 10.18 Restricted Discretionary Activities – Deposition of seabed material generated from maintenance dredging at the Spoil Dumping Ground

TRoNT seeks identical changes to discretionary matter a) (adaptive management and deposition in accordance with rule 10.36) as in previous paragraphs.

Recommendation: No change.

Reason: See previous paragraph for reasons.

4.13 Rule 10.19 Discretionary Activities – Deposition of seabed material

TRoNT seeks the inclusion of a condition requiring the use of an environment management plan in accordance with rule 10.36.

Recommendation: No change.

Reason: Same reasons as in previous two paragraphs, since rule 10.35 contemplates adaptive management.

4.14 Rule 10.20 Controlled Activity – Reclamation in Te Awaparahi Bay

ECan and LPC are agreed upon the addition of condition b) (batter slope / map 10.11) and changes should be adopted.

TRoNT seeks substitution of a new rule changing the reclamation to restricted discretionary status.

Recommendation: No change.

Reason: Assurance that LPC can develop the reclamation must exist and restricted discretionary would endanger this (see narrative report at 5.15).

4.15 Rule 10.22 Non-complying Activities – Reclamation

ECan changes are accepted by LPC, and should be approved.

4.16 Rule 10.27 Permitted Activities – Discharge of stormwater within Operational Area of the Port

LPC change agreed to by ECan and should be adopted.

4.17 Rule 10.28 Permitted Activities – Discharge of stormwater from Lyttelton Port Company Quarry in Gollans Bay

TRoNT seeks the inclusion of a new condition b) requiring the use of best practice methods in relation to the discharge of quarry stormwater onto land or into water at Gollans Bay.

Recommendation: No change.

Reason: Present conditions are comprehensive and adequate.

4.18 Rule 10.30 Controlled Activities – Discharge of stormwater from the Quarry at Gollans Bay

TRoNT seeks a change from controlled to restricted discretionary status for quarry stormwater which does not meet the conditions for permitted discharge under rule 10.28, and the inclusion of a new discretionary matter.

Recommendations: No change.

Reasons: Controlled activity status is appropriate, and contaminants are dealt with by new condition d).

4.19 Rule 10.31 Controlled Activities – Discharge of stormwater from the reclamation during construction

LPC seeks substitution of no public or limited notification (as opposed to public notification).

Recommendation: No change.

Reason: Same reasons as in paragraph 4.10.

4.20 Rule 10.32 Controlled Activities – Discharge of contaminants during construction of the reclamation

TRoNT seeks inclusion of a new control e).

Recommendation: No change.

Reason: Existing controls are robust anyway.

LPC seeks substitution of silence as opposed to public notification.

Recommendation: No change.

Reason: Same reasons as in paragraph 4.10.

4.21 Proposed Rule 10.36 Contents of Adaptive Management Plans

Recommendation: No change.

Reason: Adaptive management is not considered appropriate in the context of the recovery plan. Hence, the rule is not required.

5. Amendments to Definitions and Maps

5.1 The ECan proposed changes seem to be agreed to and should be adopted.

The Panel notes:

- that a planning map 10.11 depicting the Battery Point exclusion zone should be added to the list of maps.

- that the Main Navigational Channel as depicted in Map 10.3 indicates that the western end of the channel lies outside the Port Operational Area depicted in 10.1. See narrative report at Paragraphs 6.4 – 6.6.

6. Christchurch Replacement District Plan

- 6.1 The Panel notes that there are a number of ECan officers' amendments shown in the latest tracked version of the Plan. We have taken these amendments to be agreed to unless there is a marginal note to the contrary.

Policies / Objectives

6.2 Policy 21.8.1.1.5 Cruise Ship

ECan proposes this new policy as opposed to LPC's proposed objective at 21.8.1.3.2. The issues are which is to be preferred, and which categorisation is most appropriate.

Recommendation: Although the Panel inclines towards ECan's policy approach and wording it does not recommend inclusion of either option.

Reason: Until such time as a quantitative risk assessment (QRA) is available it would be foolhardy to settle the status of a cruise ship berth (see narrative report at Paragraphs 10.23 – 10.25).

Activity Status Tables

6.3 21.8.2.2.1 Permitted Activities

One of four exceptions to the P1 Port Activities which have permitted status relates to landward cruise ship facilities at Naval Point. LPC favours restricted discretionary (rule 21.8.2.2.3 – R6), whereas ECan seeks fully discretionary (rule 21.8.2.2.4 – D6) status.

Recommendations: The Panel inclines towards discretionary status, but makes no recommendation.

Reason: See reasons in paragraph 6.2.

6.4 P5 and P6 Retail / Office Activity

LPC seeks:

- a) an increase from 1000m² to 5000m² in the floor area allowance for retail activity at Dampier Bay and shops fronting Norwich Quay,
- b) an increase to 5000m² (from 2000m²) for the total office activity floor allowance,
- c) of which 2000m² (instead of 5000m²) may be general office, as opposed to maritime/port related office activity.

Recommendation: The Panel recommends retention of the notified limits (no increase).

Reasons: The notified limits were struck to permit some retail/office activity in the port area, but not at the expense of the town centre commercial recovery. The increases sought by LPC follow feedback from prospective development partners, but are not supported by an expert reassessment (see narrative report at paragraph 7.15 to 7.18).

6.5 C8 New Ferry Terminal

LPC wants the status of the terminal changed from restricted discretionary to controlled for reasons obtained in Mr Clease's supplementary evidence [24-30].

Recommendations: No change.

Reason: See paragraph 9.8 of the Panel's narrative report.

Building Form Standards

6.6 Noise Limits – Table 28.8.1

LPC seeks changes to the noise limit table which governs the Residential, Commercial, Banks Peninsula and Industrial General zones. The table imposes higher daytime, and lesser night time limits. Mr Hegley challenges:

- a) The use of L_{Amax} levels for the daytime limits;
- b) The imposition of a lesser night time limit for the Industrial zone; and
- c) The actual night time limit favouring 70 dB at all times.

Recommendation: ECan needs further expert input into these issues.

Reasons: Mr Hegley explains why LPC seeks changes a, b and c, but the CCC noise expert (Mr Camp) does not respond to these points, rather he simply supports a carryover of the approach developed in the Banks Peninsula District Plan without further comment.

6.7 Rule 21.8.2.3.11 – Water Supply for Fire Fighting

Although a LPC formulation of the rule is preferred by the CCC over an ECan formulation, Ms Ritchie considers that rule 6.10.1.2.1, a general rule in Chapter 6 of the Replacement Plan, is sufficient and a specific rule in the Specific Purpose Zone is unnecessary.

Recommendation: Delete rule 21.8.2.3.11.

Reason: The general rule in Chapter 6 is sufficient.

Matters of Discretion and Control

6.8 Rule 21.8.3.1.1 Site Layout and Building Design

Deletion of "more intensive" from matter j, and inclusion of new k, building entrances and glazing.

Recommendation: that the changes be adopted.

Reason: the changes respond to submissions and have general approval.

6.9 Rule 21.8.3.1.2 Dampier Bay public space

Changes to matter a) vi, sought by CCC and accepted by ECan.

Recommendation: adopt changes.

Reason: the changes respond to submitters and have general approval.

6.10 Rule 21.8.3.2.1 Max Building Height

Changes to matter b) iv, concerning separation and view shafts.

Recommendation: adopt reformulation whereby “substantial” separation is removed.

Reason: the changes respond to submitters and have general approval (see 7.26 – 7.27 of the narrative report).

6.11 Proposed rule 21.8.3.2.11 Cruise Berth

LPC proposed new matter pertaining to the risk of a tank farm accident / emergency.

Recommendation: None.

Reason: See reasons in paragraph 6.2.

6.12 Appendix 21.8.4.2 Dampier Bay Outline Development Plan

LPC seeks reinstatement of two activity nodes on the Outline Development Plan for Dampier Bay, one at the junction of Sutton Quay/No. 7 Wharf and the other where Voelas Road ‘extends’ through the site.

Recommendation: Add the two activity nodes to the Outline Development Plan.

Reason: The changes respond to the submission of LPC and have general approval. A new assessment matter has been inserted into 21.8.3.1.1 that references the activity nodes.

6.13 Chapter 15 Commercial

LPC seeks amendments to effect zoning changes from Commercial to Specific Purpose (Port Lyttelton) relating to land south of Norwich Quay and both east and west of Oxford Street.

Recommendation: Amend only the log storage triangle to Specific Purpose.

Reason: See narrative report at 8.10 and 8.11. The Panel favours the compromise solution, where the log yard triangle area becomes Specific Purpose Port Zone, but otherwise the status quo is retained, including Commercial Zoning for the land west of Oxford Street

7. Proposed Canterbury Air Regional Plan

7.1 New rule 7.29A Handling of bulk materials at the Lyttelton Port – Controlled Activity

LPC seeks the inclusion of a no notification / limited notification clause.

Recommendation: Remain silent as to notification.

Reason: The consenting authority will be best placed to determine notification in light of the contents of the application. The Panel notes that the rule relates to the discharge of containments “beyond the boundary of the property of origin.”

August 2015

DEVELOPMENT OF THE DRAFT LYTTTELTON PORT RECOVERY PLAN

Canterbury Regional
Council Decision Report

Attachment 4

OFFICER RECOMMENDATIONS ON AMENDMENTS IN RESPONSE TO SUBMISSIONS

1	Introduction	6
1.1	Purpose of the Report	6
1.2	Format of the Report	6
1.3	Consequential Amendments	6
2	Background.....	7
2.1	A Recovery Process	7
2.2	Process to Date	7
2.3	Submission Process	8
3	Overview of Submissions.....	9
4	General Submissions.....	9
4.1	Introduction	9
4.2	Matters in the Minister’s Direction	9
4.3	Inclusion of additional reclamation in the preliminary draft Recovery Plan and definition of “recovery” in the CER Act.....	12
4.4	New Zealand Coastal Policy Statement 2010	16
4.5	Regional Policy Statement (RPS)	20
4.6	Amendments to other regional plans.....	21
4.7	Boundary of Operational Area of Port	21
5	Wider Harbour Issues	23
5.1	Mātaitai	23
5.2	Integrated Management Plan for Whakaraupō/Lyttelton Harbour.....	23
6	Reclamation.....	25
6.1	Introduction	25
6.2	The need for the reclamation	25
6.3	Reclamation Effects	27

6.4	Reclamation Construction Effects	32
6.5	Visual and Landscape Effects.....	32
7	Transport	34
7.1	Amendments sought.....	34
7.2	Discussion	35
7.3	Recommended Amendments.....	39
8	Cruise Ships	39
8.1	Introduction	39
8.2	Naval Point Cruise Ship Location.....	39
8.3	Alternative Cruise Ship Locations	42
8.4	New Action to Progress Provision of Cruise Ship Berth	42
9	Dampier Bay	43
9.1	Seaward Marina Facilities	43
9.2	Retail and Office Floor Space Limits	45
9.3	Urban Design.....	46
9.4	Public Access	48
9.5	Dampier Bay Other	50
10	Ferry Terminal	51
11	Dredging.....	53
11.1	Amendments Sought	53
11.2	Discussion	54
11.3	Recommended Amendments.....	55
12	Construction Effects	56
12.1	Amendments Sought	56
12.2	Discussion	56
12.3	Recommended Amendments.....	57

13	Gollans Bay Quarry	57
13.1	Amendments Sought	57
13.2	Discussion	58
13.3	Recommended Amendments.....	59
14	Naval Point Recreational Area.....	59
14.1	Amendments Sought	59
14.2	Discussion	60
14.3	Recommended Amendments.....	61
15	Shore-based Heritage	61
15.1	Amendments Sought	61
15.2	Discussion	61
15.3	Recommended Amendments.....	62
16	Norwich Quay Commercial Banks Peninsula Zone.....	62
16.1	Amendments Sought	62
16.2	Discussion	62
16.3	Recommended Amendments.....	63
17	Lighting.....	63
17.1	Amendments Sought	63
17.2	Discussion	63
17.3	Recommended Amendments.....	64
18	Noise	64
18.1	Amendments Sought	64
18.2	Discussion	65
18.3	Recommended Amendments.....	66
19	Miscellaneous.....	66
19.1	Amendments Sought	66

19.2	Discussion	66
19.3	Recommended Amendments.....	67
19.4	Lyttelton Master Plan	68
19.5	Other Harbour Communities	68
20	Minor Amendments, Errors and Clarification	69
20.1	Document Wide Revisions	69
20.2	Vision and Goals.....	69
20.3	Section 3.6 Transport Network.....	70
20.4	Freight Volumes.....	71
20.5	Section 2.4.1 Sedimentation in the Upper Harbour	71
20.6	Section 3 Key Issues for the Recovery of Lyttelton Port.....	72
20.7	Section 4 The Plan.....	73
21	Other Amendments	74
21.1	Amendments sought.....	74
21.2	Discussion	74
21.3	Recommendations.....	75
21.4	Errors that Need to be Addressed.....	75
21.5	Areas that Need Clarification	75
21.6	Recommended Amendments.....	75

1 Introduction

1.1 Purpose of the Report

This report has been produced in accordance with the Hearing Plan published by the Canterbury Regional Council and as directed by the Hearing Panel at the Pre-Hearing Conference held on 21 May 2015. It is prepared by Environment Canterbury officers comprising the Core Project Team and provides analysis of the submissions received on the preliminary draft Lyttelton Port Recovery Plan (pdLPRP). It also makes recommendations on amendments following consideration of the submissions received. The report will be provided to the Hearing Panel prior to the hearing on the pdLPRP and will be made publicly available.

The report sets out at a high level the submissions received on, and changes sought to, the pdLPRP, including to the proposed amendments to Resource Management Act 1991 (RMA) documents, included as Appendices to the pdLPRP. The report discusses the amendments sought and the appropriateness or otherwise of those amendments. Changes to the pdLPRP considered to be appropriate in light of the submissions are provided as recommendations to the Hearing Panel.

The recommendations set out in the report aim to assist the Hearing Panel prepare their report and provide their recommendations to Canterbury Regional Council on matters heard and considered, in accordance with the Minister for Canterbury Earthquake Recovery's Direction.

1.2 Format of the Report

The report is structured with separate sections dealing with the general themes of the submissions received. A particular written submission from a person or organisation may be dealt with across various sections, depending on the breadth of the submission.

The report does not specify and respond to every submission point received, but rather responds to issues raised in a more general manner. This is intended to keep the report clear and concise, while still providing relevant information and recommendations. However, particular amendments sought by submitters may be referred to or specifically set out in the text for clarity.

The main pdLPRP document and its appendices are attached as attachments 3 and 4. So as not to cause confusion with the amendments proposed by the pdLPRP to RMA documents, all Environment Canterbury officers' recommended amendments appear as **red text** with **strikeout** indicating deletions and **underlining** indicating insertions to the pdLPRP text in these amendments.

1.3 Consequential Amendments

In some cases amendments to the Appendices of the pdLPRP, the proposed amendments to the RMA documents, will require consequential amendments to the main document for consistency. For example, changes to those sections which explain and provide rationale for

the proposed amendments. These consequential amendments will be referred to in recommendations, but will not be explicitly detailed.

2 Background

2.1 A Recovery Process

It is important to note that the development of the draft Lyttelton Port Recovery Plan is not being undertaken under the RMA or the Local Government Act 2002. A Recovery Plan is a planning tool provided for under the Canterbury Earthquake Recovery Act 2011 (CER Act). The CER Act sets out that the Minister for Canterbury Earthquake Recovery (the Minister) can direct the development of a Recovery Plan, and determine how a Recovery Plan is to be developed.¹

The Lyttelton Port Recovery Plan is therefore not subject to the same statutory tests as other planning documents and is being developed in accordance with the process set out in the Minister's Direction to Develop a Lyttelton Port Recovery Plan (the Direction) which was published in the New Zealand Gazette on 19 June 2014.²

The statutory tests to which the Lyttelton Port Recovery Plan will be subject to are contained in section 10(1) and (2) of the CER Act, which state:

10 Powers to be exercised for purposes of this Act

(1) The Minister and the chief executive must ensure that when they each exercise or claim their powers, rights, and privileges under this Act they do so in accordance with the purposes of the Act.

(2) The Minister and the chief executive may each exercise or claim a power, right, or privilege under this Act where he or she reasonably considers it necessary.

Therefore under section 10(1) the approval of a Recovery Plan by the Minister must be in accordance with the purposes of the CER Act, which are set out in section 3 of the Act, and under section 10(2) the Minister must also reasonably consider it necessary.

A more detailed discussion on the purposes of the CER Act and the definition of 'recovery' is contained in Section 4.3 of this report.

2.2 Process to Date

The Minister's Direction sets out the roles of organisations involved in the development of the Recovery Plan, matters to be addressed, and the process for the development of the draft Lyttelton Port Recovery Plan.

Table 1. Process undertaken to date

¹ CER Act s16 and s19

² New Zealand Gazette No. 65, 19 June 2014

19 June 2014	Direction to Develop a Lyttelton Port Recovery Plan published in the New Zealand Gazette
June – Sept 2014	Lyttelton Port Company's consultation on long-term vision
June – Nov 2014	Development of Lyttelton Port Company's Information
13 Nov 2014	Lyttelton Port Company delivered information to Environment Canterbury
Nov 2014 – April 2015	Development of preliminary draft Lyttelton Port Recovery Plan
13 April – 11 May 2015	Public consultation period on preliminary draft Lyttelton Port Recovery Plan and call for written submissions

Table 1 outlines the process undertaken by Environment Canterbury and the Lyttelton Port Company Limited, in accordance with the Minister's Direction.

2.3 Submission Process

The Minister's Direction states at clause 6.10 that the Canterbury Regional Council must provide for an appropriate hearing to inform decision making. The hearing process must call for written submissions and provide an opportunity for submitters to be heard in support of any submission. Environment Canterbury publicly released the pdLPRP on 13 April 2015, publically notifying the consultation period in The Press on 11 April 2015, with further advertising in local papers, community newsletters, social media and on the Environment Canterbury website. The submission period was open for 20 working days from 13 April to 11 May 2015.

The pdLPRP has been available for download throughout the consultation period on the Environment Canterbury website, and available for viewing in hard copy at Waimakariri, Selwyn, Christchurch and ECan Council offices, in libraries and Council service centres. This was supported by information on the Environment Canterbury website about the plan and development process. A submission form was available for use by submitters with submissions received by Environment Canterbury through post, email, and via an online form.

Following receipt of the written submissions, those people who submitted were sent an acknowledgement letter, noting whether the submitter had indicated that they wished to be heard at the hearing. Submission points were recorded electronically into a database and a summary of submissions produced. The intent of this is to provide a brief overview of the submissions received. While efforts were made to include all submissions points the overall volume of information and timeframe available meant that at times this was not practicable. Submitters were advised that this is only a summary and the aim was to help identify submissions of interest as opposed to provide full versions of the submissions.

The individual submissions were published on the Environment Canterbury website on 15 May 2015 and the summary of submissions was published on the website on 19 May 2015.

3 Overview of Submissions

In total, 277 submissions were received by Environment Canterbury. Of these, 79 people indicated that they wish to be heard in support of their submission. Of the submissions, 48 were from organisations, and the remaining 229 were from individual submitters.

In terms of geographic distribution, 152 submissions were received from Christchurch, 50 from the wider Lyttelton township, and 40 from around the Whakaraupō / Lyttelton Harbour basin area. Twenty-one submissions came from outside these areas but within Canterbury, and 14 submissions from outside the Canterbury region.

The aspects of the pdLPRP that drew particular attention in the submissions included the cruise berth location, ferry terminal location, the provision of a new marina, and current and future heavy port traffic on Norwich Quay. The reclamation at Te Awaparahi Bay was also widely submitted on, particularly in regards to the recovery justification, size and shape, marine hydrodynamics and sedimentation, mahinga kai, noise, lighting and landscape effects.

4 General Submissions

4.1 Introduction

Eighteen submissions seek some amendment to the scope of the pdLPRP. These submissions fall into two main themes, which are discussed separately below:

1. Submissions that the Canterbury Regional Council (CRC) has interpreted the Minister's Direction too narrowly, and that:
 - a. the scope of the Recovery Plan should include the whole harbour;
 - b. the Recovery Plan should address a wider range of environmental, social, cultural and economic issues in the harbour itself and for surrounding communities; and/or
 - c. the preliminary draft Recovery Plan is too focussed on the recovery needs of Lyttelton Port, and does not adequately assess the impact on, or address, the social, cultural, environmental and economic wellbeing of surrounding communities.
2. Submissions that the proposed additional reclamation is not "recovery" in terms of the CER Act.

4.2 Matters in the Minister's Direction

4.2.1 Amendments sought

A number of submissions express concern that the pdLPRP does not adequately address all the matters in the Minister's Direction: in particular that it does not adequately provide for the social, economic, cultural and environmental well-being of surrounding communities and

greater Christchurch (refer Clauses 4.3 and 5.1.2 of the Minister's Direction). Specific issues referenced include:

- inadequate assessment of effects of the proposals in the pdLPRP on the harbour as a whole, or on particular communities within the harbour basin;
- a lack of compensation for the community for Lyttelton Port Company (LPC) being able to reclaim a further 27 hectares of what is currently public space;
- recognition of the Lyttelton Master Plan;
- the pdLPRP's provision for LPC to use land it owns south of Norwich Quay for port activities for the next ten years, and the retention of Norwich Quay as the freight route to the Port in the short- to medium-term, which are seen as impeding the recovery of Lyttelton township;
- lack of recognition of the importance of historic heritage.

Some of these submissions, including those from the Governors Bay Community Association, the Lyttelton Harbour/Whakaraupō Issues Group, and the joint submission of Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu, specifically request that the geographical scope of the Recovery Plan be extended to include all of the harbour and/or the communities who live around it. They state that this is consistent with the Minister's Direction which requires the Plan to address the social, economic, cultural and environmental well-being of surrounding communities and greater Christchurch.

In particular, Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu jointly request that the entire harbour be "properly and legally included in the Recovery Plan", and that the Recovery Plan should address "the enhancement of water quality and the restoration of mahinga kai throughout the entire harbour" because:

- this is an issue which is affected by past, existing and proposed activities within the specific area identified in the Minister's Direction;
- water quality in the entire harbour cannot be separated from the activities and operations within the area identified in the Minister's Direction; and
- this issue affects the cultural and environmental wellbeing of surrounding communities and the harbour, which are matters that the Lyttelton Port Recovery Plan must address.

If the entire harbour is not included in the scope of the Recovery Plan, this submission requests that the reclamation, capital dredging and the main navigation channel be removed from the draft Recovery Plan.

4.2.2 Discussion

Clause 4.1 of the Minister's Direction provides that "the Recovery Plan must focus on Lyttelton Port and the surrounding coastal marine area as illustrated generally on Map A".

Map A shows a limited area that excludes the majority of Lyttelton township, and the wider harbour.

While the Direction permits the CRC to include other land or areas within the geographic extent of the Recovery Plan, it may only do so if it considers it necessary and after consulting with the Christchurch City Council, Waimakariri District Council, Selwyn District Council, Department of Conservation, New Zealand Transport Agency, and Te Rūnanga o Ngāi Tahu.

In determining whether or not it is necessary to include other land or areas within the geographic scope, the CRC may do so if it is necessary to achieve the purpose of the Direction which is to develop a Recovery Plan for the Lyttelton Port. A recovery plan may only provide for recovery related issues because of the requirements that must be satisfied by the Minister under section 10 of the CER Act 2011 in approving the recovery plan. It may not relate to long-standing non-recovery issues in the Harbour. The notice also makes it clear it was not intended to relate to the wider Lyttelton Harbour or Whakaraupō basin:

- The notice given is a direction to develop a "Lyttelton Port Recovery Plan".
- The Recovery Plan "must focus" on Lyttelton Port and the surrounding coastal marine area. It seems clear the "surrounding coastal marine area" was not intended to include the whole of the Harbour from Map A provided with the Direction.
- The geographic extent is defined as including land "owned, occupied, or used" by the Port Company, some "pockets" of land under separate ownership, and the area of Norwich Quay.

The Direction does require CRC to "consider issues and effects that may occur outside of the geographic extent of the Recovery Plan, including matters relating to [...] the social, economic, cultural and environmental well-being and effects on surrounding communities and Lyttelton Harbour" (Clause 4.3). Read in context, however, this clause refers to issues relating to, and effects of, the Port's activities within the geographical scope of the Plan. It does not require CRC to address or resolve, through the draft Plan, social, economic, cultural and environmental well-being issues for surrounding communities and Lyttelton Harbour that are of long standing and/or are not related to the recovery of the Port.

In the pdLPRP, and after consultation as required in the Direction, CRC has amended the geographical scope to include the main navigational channel; this is because it considered that capital dredging to allow larger ships to access the Port is integrally connected to the recovery needs of the Port including any proposed reclamation (see further discussion below).

Amending the geographical scope to include the whole harbour basin, catchment, or the whole of the harbour's coastal marine area, would not be consistent with the intent of the Direction. Amending the scope this substantially at this stage in the process would also require a very large amount of additional information to be produced and assessed so as to understand the earthquake recovery issues within the wider geographical scope of the Plan,

as well as a further round of consultation and submissions. This would not be consistent with the need for the expedited recovery of the Port.

Retaining the geographical scope as defined in the pdLPRP does not prevent the Recovery Plan from addressing the issues and effects of the Port's recovery activities on the wider harbour and surrounding communities. The Direction already requires this, and the information package provided by LPC as well as Environment Canterbury's review of this information have considered these issues and effects. The pdLPRP represented Environment Canterbury's assessment of how to achieve the matters identified in the Minister's Direction for the purposes of recovery. The proposals in the pdLPRP are considered necessary to enable these recovery purposes.

Where specific concerns have been raised through submissions about how well these issues and effects—such as traffic, water quality, noise, or the visual effects of the reclamation—have been addressed in the technical information and assessments, or in the proposals in the preliminary draft, we have responded to these specific concerns in the relevant sections of this Submissions Analysis. In some cases, it is considered that changes should be made to the pdLPRP to better address the matters required to be dealt with in the Minister's Direction.

4.2.3 Recommended Amendments

Amendments to specific proposals as discussed elsewhere in this Submissions Analysis.

No change to the geographic scope set out in section 2.2 of the preliminary draft Lyttelton Port Recovery Plan (see Section 2.2).

4.3 Inclusion of additional reclamation in the preliminary draft Recovery Plan and definition of “recovery” in the CER Act

4.3.1 Amendments sought

Approximately ten submissions question the inclusion of the additional reclamation as “recovery” as defined in the CER Act. Reasons given include:

1. that this is “expansion” rather than “recovery”;
2. that it was already planned by LPC before the earthquakes; and
3. that there is no recovery need or justification for it.

Some of these submissions do support a smaller area of additional reclamation as being legitimately “recovery” and therefore enabled through the Recovery Plan.

These submissions seek to have the reclamation removed from the Recovery Plan, or to significantly reduce its size.

Other submissions support the reclamation, as discussed further in Section 6 of this report. The reasons given range from the need to ensure the Port's ability to provide efficiently for

projected future freight volumes, to enabling the shift of some port activities out of the inner harbour, allowing the development of a marina and associated commercial activities, and relieving pressure on flat land at Naval Point and so ensuring continued availability of space for recreational activities.

These submissions seek no change with respect to the reclamation.

4.3.2 Discussion

In order for the elements of the Recovery Plan to be considered recovery for the purposes of the CER Act, there must be a link between these elements and the purposes set out in section 3 of the Act. The relevant purposes are:

- (a) to provide appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes:
- (b) to enable community participation in the planning of the recovery of affected communities without impeding a focused, timely, and expedited recovery:
- (c) to provide for the Minister and CERA to ensure that recovery:
- (d) to enable a focused, timely, and expedited recovery:
- (e) to enable information to be gathered about any land, structure, or infrastructure affected by the Canterbury earthquakes:
- (f) to facilitate, co-ordinate, and direct the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property:
- (g) to restore the social, economic, cultural, and environmental well-being of greater Christchurch communities:
- (h) to provide adequate statutory power for the purposes stated in (a) to (g).

The CER Act defines recovery as including “restoration and enhancement”, and defines rebuilding as including:

- (a) extending, repairing, improving, subdividing, or converting any land, infrastructure, or other property; and
- (b) rebuilding communities.

The Court of Appeal, in its decision in *Canterbury Regional Council v Independent Fisheries Ltd* stated³:

³ *Canterbury Regional Council v Independent Fisheries Limited* [2013] 2 NZLR 57; [2012] NZCA 601.

"...the starting point must be to focus on the damage that was done by the earthquakes and then to determine what is needed to "respond" to that damage. But, as the purposes and definitions also make clear, the response is not limited to the earthquake damaged areas. Recovery encompasses the restoration and enhancement of greater Christchurch in all respects...all action designed, directly or indirectly, to achieve that objective is contemplated...The expression "rebuilding" is to be given a broad meaning extending well beyond merely restoring physical structures, to cover not only "improving" land, infrastructure, and other property, but also rebuilding "communities"...

The definitions of recovery and rebuilding are intentionally broad. Recovery is not limited to restoring conditions to their pre-earthquake state. The starting point is to focus on the damage that was caused by the earthquakes and what is needed to respond to the damage, but restoration and enhancement are also contemplated.

The Court of Appeal judgement also supported a decision designed to achieve planning certainty, agreeing that the overarching purpose of the CER Act to achieve timely and expeditious recovery does envisage providing RMA planning certainty.

It is clear from the above decision that the fact that the reclamation involves a significant extension to the land area of the Port, and that it was contemplated by LPC before the earthquakes, does not preclude it comprising "recovery" for the purposes of the CER Act. The relevant question as far as recovery scope is concerned is whether or not enabling a reclamation as proposed through the pdLPRP is consistent with the purposes of the CER Act. In considering this, it is necessary to look not only at the need for the reclamation itself, but also at the benefits and costs of the whole package of proposals contained in the Recovery Plan.

The scope of the damage to the Port is extensively outlined in the pdLPRP. As a result of that damage to Port infrastructure both in the inner harbour, around Cashin Quay, and throughout the Port's facilities, the Port must consider how to rebuild and reconfigure the Port operations. As a consequence of the damage incurred the Port is not required to rebuild the Port as it existed prior to the Canterbury earthquakes. The circumstances are such that the Port should consider how it can achieve recovery from the damage and effects of the earthquakes and rebuild in a way that enhances the well-being of greater Christchurch and surrounding communities, as well as the operational requirements the Port will have once it has recovered. The pdLPRP outlines the existing and expected demands to be placed on the Port and the inability of the Port to meet these demands presently (or in its former configuration).

The removal of the reclamation from the Recovery Plan would require the Port to apply for consent for it under the existing RCEP provisions, causing significant uncertainty, delay, and a highly inefficient recovery for the Port. Other recovery benefits relevant to the community would also not be able to be attained including the development in Dampier Bay, improved public access to the waterfront, movement of port operations to the East, and improved recreational boating facilities.

The need for the reclamation as proposed is discussed further in Section 6.2 below.

4.3.3 Recommended Amendments

It is recommended that the reclamation be retained within the Recovery Plan, although slightly reduced in size as discussed in Section 6.2 of this report.

Specific changes are recommended to the provisions of the Regional Coastal Environment Plan for the Canterbury Region relating to the reclamation, as discussed in Section 6 of this report.

4.3.4 Marine and Coastal Area (Takutai Moana) Act 2011

4.3.4.1 Amendments Sought

The submission from the Governors Bay Community Association notes that the pdLPRP does not make reference to the obligations of the Marine and Coastal Area (Takutai Moana) Act 2011 (MCA Act). The submission states that, "It seems that the Port Company are acting as though they have a freehold interest in the Port Operational Area, when in fact the area cannot be owned" and that the pdLPRP is "unclear on the present and future status and ownership of the reclamation which appears to be an essential part of the Port's future." The submission requests that the LPRP acknowledges the primacy of the MCA Act in any decisions involving the use and development of the common marine area and coastal area.

4.3.4.2 Discussion

The submission from the Governors Bay Community Association notes section 11(2) of the MCA Act, which states that;

"Neither the Crown nor any other person owns, or is capable of owning, the common marine and coastal area, as in existence from time to time after the commencement of this Act."

However, section 11(5) of the MCA Act states that;

"The special status accorded by this section to the common marine and coastal area does not affect—

- (a) the recognition of customary interests in accordance with this Act; or
- (b) any lawful use of any part of the common marine and coastal area or the undertaking of any lawful activity in any part of the common marine and coastal area; or
- (c) any power to impose, by or under an enactment, a prohibition, limitation, or restriction in respect of a part of the common marine and coastal area; or
- (d) any power or duty, by or under an enactment, to grant resource consents or permits (including the power to impose charges) within any part of the common marine and coastal area; or
- (e) any power, by or under an enactment, to accord a status of any kind to a part of the common marine and coastal area, or to set aside a part of the common marine and coastal area for a specific purpose; or
- (f) any status that is, by or under an enactment, accorded to a part of the common marine and coastal area or a specific purpose for which a part of the common marine and coastal area is, by or under an enactment, set aside, or any rights or powers that may, by or under an enactment, be exercised in relation to that status or purpose."

Section 11(6) sets out that in section 5 enactment includes bylaws, regional plans and district plans.

As such, under section 11(5)(c), (d) and (e) of the MCA Act the Canterbury Regional Council can, through a regional plan, impose prohibitions, limitations or restrictions, grant resource consents or permits, and accord a status or set aside for a specific purpose a part of the common marine and coastal area.

In relation to the present and future status of the ownership of reclaimed land, the MCA Act sets out in Subpart 3 – Reclaimed Land, a process through which an interest in reclaimed land can be granted to an applicant.

The CER Act only provides for Recovery Plans to make direct amendments to RMA documents. The proposed amendments to the RCEP do not affect the process set out in the MCA Act in relation to the granting of interest in reclaimed land. This process would be additional to, and separate from, the resource consenting process under the RMA required for reclamation activities proposed to be undertaken by the Lyttelton Port Company Limited.

In addition to this, the proposed provisions in the pdLPRP are not novel. Currently a resource consent application could be made for reclamation as a discretionary activity. The relationship with the MCA Act would be the same.

However, it is acknowledged that the pdLPRP is potentially deficient in being silent on the matter of the MCA Act and the relationship with the proposed reclamation activity.

4.3.4.3 Recommended Amendments

Although there is not considered to be any conflict with the MCA Act, the LPRP could better explain the relationship between the processes under that Act. As such, it is recommended that the draft LPRP include a reference to the MCA Act and its requirements. See Section 4.1.1 of Attachment 3.

4.4 New Zealand Coastal Policy Statement 2010

4.4.1 Amendments sought

The New Zealand Coastal Policy Statement 2010 (NZCPS) was referred to by submitters, including the Director-General of Conservation, Green Party of Aotearoa New Zealand (Green Party), the Governors Bay Community Association, R. Dards and G. Johnson.

The Director-General of Conservation sought that all relevant NZCPS objectives and policies are carefully addressed in the plan, specifically noting Policies 9 (Ports), 10 (Reclamation and de-reclamation), 12 (Harmful Aquatic Organisms), 17 (Historic Heritage identification and protection), 18 (Public Open Space) and 19 (Walking Access). In addition, the Director-General of Conservation notes addressing effects on marine mammals, with relates to Policy 11, particularly at (a)(i).

The Green Party did not seek any specific amendment but submits that “LPC and ECan appear to be using the CER Act as a convenient fast track process for LPC to avoid the

application of the ...NZ Coastal Policy Statement...that normal RMA resource consent and plan processes provide”.

In discussing the NZCPS, the Governors Bay Community Association sought that “the LPRP incorporates reference to, and plans for, sea level rise associated with climate change”.

R. Dards and G. Johnson note Policy 17 of the NZCPS (Historic Heritage identification and protection) and sought that “the removal of pile moorings and the construction of a floating marina become a discretionary activity allowing ECan the discretion to decline consent, impose conditions and publically notify. That heritage issues are included in the LPRP and not left to the RCEP and the CCC District Plan”.

The submission from Te Rūnanga and ngā Rūnanga note NZCPS Policies in support of a “holistic whole of harbour management plan in Whakaraupō”. This is discussed in Section 12 Harbour Wide Issues, below.

4.4.2 Discussion

District and regional plans prepared under the RMA must give effect to a National Policy Statement, including the New Zealand Coastal Policy Statement (NZCPS).

As noted in 2.1 above, the preparation of the draft Lyttelton Port Recovery Plan is not being undertaken under the RMA, but rather the CER Act. For amendments to RMA documents through a Recovery Plan to be approved by the Minister for Canterbury Earthquake Recovery, the decision of the Minister must be in accordance with the purposes of the CER Act and the Minister must reasonably consider it necessary (the “section 10 test”).⁴

It is not considered that this provides a “convenient fast track process”, but rather different processes and legal tests to ensure that the Port, and greater Christchurch, are able to recover from the effects of the Canterbury earthquakes.

While acknowledging the different process and requirements under the CER Act, it is also acknowledged that the Minister’s Direction states at clause 6.5.6 that the Lyttelton Port Company was directed to provide to CRC with its package of information “An assessment of the proposal against...relevant considerations of...the New Zealand Coastal Policy Statement 2010”. It is therefore considered appropriate to provide a succinct assessment against provisions of the NZCPS considered particularly relevant, and principally those specifically mentioned in submissions.

4.4.2.1 NZCPS Policy 9 - Ports

Policy 9 – Ports recognises that an efficient network of safe ports is required for a sustainable national transport system. The pdLPRP specifically gives effect to clause (b) of Policy 9 as it provides for the efficient and safe operation, the development of the capacity

⁴ CER Act 2011 sections 10 (1) and (2)

for shipping, and connections with other transport modes, of Lyttelton Port, through amendments to the relevant district and regional plans.

4.4.2.2 NZCPS Policy 10 – Reclamation and de-reclamation

Policy 10 – Reclamation and de-reclamation, provides a framework for decisions on where reclamation may be appropriate, and considerations for the form and design of reclamations. It is considered that the proposed reclamation at Te Awaparahi Bay meets the conditions listed in Policy 10(1) as (a) the Whakaraupō / Lyttelton Harbour environment and land uses surrounding the port mean that land outside the coastal marine area is not available for the development of a new, larger container terminal, (b) the development of a container terminal can only occur adjacent to the coastal marina area, (c) alternative methods of providing for the container terminal are not practicable, and (d) the reclamation will provide significant regional benefit through enabling port recovery. It is considered that the provisions contained in the proposed amendments to the RCEP relating to the reclamation appropriately address those matters in Policy 10(2), except specific reference to the potential effects of climate change. However, there are matters of discretion and control in the proposed amendments to the RCEP that may adequately deal with this issue. In relation to Policy 10(3) the intended use of the proposed reclamation will have direct positive effects on the efficient operation of Lyttelton Port through providing the necessary additional flat land space.

4.4.2.3 NZCPS Policy 11 – Indigenous biological diversity

Policy 11 – Indigenous biological diversity is relevant as Lyttelton Port is within the Banks Peninsula Marine Mammal Sanctuary, which provides protection for Hector's Dolphin, a species specifically listed as threatened in relation to Policy 11(a)(i). The proposed amendments to the RCEP include Policy 10.1.7 – Specific effects of piling on marine mammals, which specifically refers to Hector's dolphin. This policy is supported by conditions and matters of control in the rules which include those to manage effects on marine mammals. It is therefore considered that the proposed amendments to the RCEP appropriately provide for effects on Hector's Dolphin from port recovery activities to be avoided.

4.4.2.4 NZCPS Policy 12 – Harmful Aquatic Organisms

Policy 12 – Harmful aquatic organisms is relevant as recovery activities proposed in the preliminary draft LPRP include those listed in Policy 12(2)(b) and (c), such as dredging and provision of moorings, marina berths and wharves. The proposed amendments to the RCEP includes rules for activities relevant to NZCPS Policy 12, matters for control or discretion that are considered to adequately manage the risk of effects occurring from the release or spread of harmful aquatic organisms.

4.4.2.5 NZCPS Policy 17 – Historic Heritage identification and protection

Policy 17 – Historic Heritage identification and protection is relevant as the geographic extent of the LPRP includes some historic heritage features. This is recognised in the proposed amendments to the RCEP which includes new Policy 10.1.14 – Protection of historical structures. This policy notes the Heritage New Zealand Pouhere Taonga Act 2014,

which provides protection for archaeological heritage listed sites. It is relevant to note that the Lyttelton Port Company has recently obtained archaeological authority under this Act in relation to a number of sites in the area.

Specifically in reference to the pile moorings in the inner harbour at Dampier Bay, while some submissions requested these be protected for their heritage value, the statement of evidence of the Lyttelton Port Company heritage expert, Katherine Watson, notes that these “are part of the fabric of the maritime cultural landscape that is the Port, but have no other known/specific heritage values”. As such it is not considered appropriate to provide heritage protection of these pile moorings through the RCEP.

4.4.2.6 NZCPS Policy 18 – Public Open Space

Policy 18 – Public Open Space includes recognising and providing for public open space within and adjacent to the coastal marine area. The pdLPRP recognises and provides for the need for public open space adjacent to the coastal marine area through providing for the redevelopment of port land which will include some public access, including a requirement to provide public access to and along the waterfront at Dampier Bay. This is reflected in the proposed amendments to the District Plan at 21.8.1.3.2 Policy – Access and connectivity (b). It is considered that pdLPRP provisions for Dampier Bay reflect NZCPS Policy 18 (a), (b), (c), and (e). Sub-clause (d) relates to the likely impact or coastal process and climate change on access to public open space. This is not specifically identified in the proposed amendments.

4.4.2.7 NZCPS Policy 19 – Walking Access

Policy 19 – Walking Access relates to recognising the public expectation and need, and maintaining and enhancing public walking access. The pdLPRP recognises the public expectation of and need for walking access to and along the coast, particularly at Section 3.8.2. This is reflected in the policies and rules in the proposed district plan amendments, particularly in relation to Dampier Bay and specifically at: 21.8.1.1.1 Policy - Elements of Recovery (iii), 21.8.1.1.2 Policy – Management areas and activities (iii), 21.8.1.3 Objective – Dampier Bay, 21.8.1.3.1 Policy – Dampier Bay Development, 21.8.1.3.2 Policy – Access and Connectivity.

Restrictions imposed on public walking access through the operation of Lyttelton Port are considered to be consistent with NZCPS Policy 19(3)(e) to protect public health and safety. This is reflected in 21.8.1.3.2 Policy – Access and connectivity (a) Ensure public safety and Port security are maintained through limiting public access to Port operational areas along and adjacent to the coastal marine area.

4.4.3 Recommendations

The proposed amendments to the district and regional plans have been prepared under the CER Act and therefore do not necessarily have to meet the requirements under the RMA to give effect to National Policy Statements. However, it is considered that the proposed amendments are broadly consistent with the relevant NZCPS Policies noted above.

It is recommended that the Hearing Panel consider examining, through questions of the Lyttelton Port Company, the potential effects of climate change, particularly sea level rise, and how these will be taken into account through design phases.

4.5 Regional Policy Statement (RPS)

4.5.1 Amendments Sought

Few submitters commented on the proposed amendment to Policy 8.3.6 of the Canterbury Regional Policy Statement (CRPS). Several submitters are in support of the proposed amendments, including the Oil Companies' submission (Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited) and LPC.

The submission by Te Rūnanga and ngā Rūnanga requests that this policy be amended as follows (in italics and strikethrough):

...Such provisions should avoid, remedy or mitigate the adverse effects on that environment and take into account:

(a) that the ports of Lyttelton and Timaru need to dredge and deposit spoil in the coastal marine area outside the port areas to remain operational.

(b) that the recovery of the Port of Lyttelton may include a container terminal being established in Te Awaparahi Bay on up to 37 hectares of reclaimed land.

(c) the integrated management of Whakaraupō/Lyttelton Harbour in the recovery and future development of the Port of Lyttelton, including provision for the many ecological, cultural, recreational and amenity values and uses of that area.

~~(b)-(c)-(d)~~ that regionally significant infrastructure may need to be further developed in response to commercial opportunities and community needs.

~~(c)-(d)~~ **(e)** that the operators of regionally significant infrastructure need to have their own controls over access to operational areas, and that public access to such areas is not always appropriate...

Te Rūnanga and ngā Rūnanga also request that the principal reasons and explanation to Policy 8.3.6 be amended to recognise the integrated management of Whakaraupō/Lyttelton Harbour.

4.5.2 Discussion

The amendment proposed to Policy 8.3.6 (b) of the CRPS by Te Rūnanga and ngā Rūnanga is opposed. The container terminal in Te Awaparahi Bay is pivotal to the Port's recovery and requires a level of certainty through planning provisions. The proposed amendment doesn't support this. Further discussion on the container terminal is provided in Section 5 of this report.

The insertion of a new Policy 8.3.6 (c) to the CRPS and associated amendment to the principal explanations and reasons, proposed by Te Rūnanga and ngā Rūnanga, is

opposed. As discussed in Section 5.2, while Action 7 of the pdLPRP records a commitment to an integrated management plan for Whakaraupō/Lyttelton Harbour, this is outside the scope of the LPRP.

4.5.3 Recommended Amendments

No changes.

4.6 Amendments to other regional plans

4.6.1 Amendments Sought

In its submission, the Lyttelton Port Company seek to amend Chapters 3 (Air Quality), 4 (Water Quality) and 6 (Beds of Lakes and Rivers) of the Canterbury Natural Resources Regional Plan (NRRP); and Part II of the Land and Vegetation Management Regional Plan (Earthworks and Vegetation Clearance – Port Hills) (LVMRP). LPC state that it is unclear whether the provisions in these “old” plans still apply. Given this doubt, they request that provisions enabling recovery activities be inserted into these plans, similar to those proposed for the Proposed Canterbury Land and Water Regional Plan (LWRP) and the Proposed Canterbury Air Regional Plan (CARP).

4.6.2 Discussion

Chapters 3, 4 and 6 of the NRRP, and the LVMRP, are currently operative plans. They will be replaced by the proposed LWRP and the proposed CARP when they become operative. While these plans are currently proposed, any amendments directed by the Lyttelton Port Recovery Plan must be treated as operative.

The practical effect of the amendments to the proposed plans being treated as operative is that the equivalent NRRP and LVMRP provisions would be treated as inoperative. For amendments to rules, activities covered by the Recovery Plan would need to be considered only under the proposed LWRP and proposed CARP. For this reason, changes were not proposed to the NRRP and LVMRP.

4.6.3 Recommended Amendments

No changes.

4.7 Boundary of Operational Area of Port

4.7.1 Amendments Sought

In their submission, Te Rūnanga and ngā Rūnanga support the protection of an area of mahinga kai habitat located at Battery Point and seek that the Operational Area of Lyttelton Port be moved west to protect this area of rocky reef. They do not propose an appropriate location in their submission. This is something that they may wish to address at the Hearing.

The Green Party submit that the notified pdLPRP fails to provide adequate information to enable submitters and the panel to compare the size of the existing operational area and that proposed in the pdLPRP. They strongly oppose any extension to the operational area.

Mrs Jillian Frater seeks that the operational boundary of Lyttelton Port be reduced to only include the inner harbour and an area that extends seaward to a distance of no more than 50 metres from land.

4.7.2 Discussion

Schedule 5.11.1 of the RCEP defines the boundary of the Operational Area of Lyttelton Port and this is graphically represented on RCEP Map 5.1. The Operational Area of Lyttelton Port is defined in Appendix 1 of the RCEP as an area within which vessel mooring and berthing and cargo handling activities generally take place. The operational area boundary also forms part of the occupation rules which limit the types of activities that can take place in the coastal marine area within the operational area of Lyttelton Port. Any activity occurring within this area, that is not a Port Activity, is a non-complying activity.

The omission of the existing operational area of Lyttelton Port from RCEP Map 5.1 was an error and has now been inserted into the map so that the proposed change to the operational area boundary can clearly be seen. The proposed changes generally include expanding the operational area around Naval Point and the Te Awaparahi Bay reclamation to enable the manoeuvring and berthing of large cruise ships and container vessels, respectively at these locations. It is important that the boundary of the operational area is expanded to ensure that these activities are within this area.

The relief sought by the Green Party not to extend the operational area is not supported because there is little point providing for the construction of a reclamation and cruise ship berth without providing space for adequate berthing and manoeuvring within the operational area.

The relief sought by Mrs Frater is not supported. Reducing the operational area of Lyttelton Port to within 50 metres of land would not allow for the creation and maintenance of turning basins at Naval Point, Cashin Quay and the container terminal within the operational area.

Te Rūnanga and ngā Rūnanga seek that the boundary of the operational area be moved west to ensure that an area of Battery Point is excluded from the operational area, but as mentioned above, they do not propose a location in their submission. Te Rūnanga and ngā Rūnanga also seek that the eastern edge of the reclamation is located to ensure that the rocky reef at Battery Point is protected from construction and port activities (see Section 6.3 of this report for further discussion on this). As discussed in Section 6.3, the location of the eastern edge of the reclamation is an outstanding matter and it is recommended that the Hearing Panel make a recommendation on the location of the eastern edge of the reclamation after hearing from submitters on that point. It is anticipated that the resulting outcome regarding the eastern boundary of the reclamation will also determine the final location of the boundary of the operational area around Battery Point. This is something that Te Rūnanga and ngā Rūnanga may wish to address at the Hearing.

4.7.3 Recommended Amendments

It is recommended that Te Rūnanga and ngā Rūnanga address the location of the eastern boundary of the Operational Area of Lyttelton Port at the Hearing and that the Hearing Panel make a recommendation on the location of the operational boundary around Battery Point with its recommendation regarding the location of the eastern edge of the reclamation.

5 Wider Harbour Issues

5.1 Mātaitai

5.1.1 Discussion

Although no specific changes were sought through submissions, it is considered important to note the discussion of Mātaitai provided in the submission from Te Rūnanga and ngā Rūnanga. Mātaitai are described in the submission as “a customary protection area which are used to manage fisheries using customary knowledge and practice...Mātaitai are an active form of kaitiakitanga within a contemporary framework”.

The submission noted the existing Rāpaki Mātaitai, which was approved in 1998 and was the first mātaitai in New Zealand, and the application for the Whakaraupō Mātaitai, which was lodged in 2011.

Although the LPRP cannot take into account the application for the Whakaraupō Mātaitai in any specific provisions because of the unknown outcome of that process, it is considered appropriate to acknowledge the statement in the submission that “the above mātaitai demonstrate Ngāti Wheke’s commitment to looking after Whakaraupō”.

5.1.2 Recommendations

Include reference to the existing and proposed mātaitai in the draft LPRP. See Section 2.4 of attachment 3.

5.2 Integrated Management Plan for Whakaraupō/Lyttelton Harbour

5.2.1 Amendments sought

All submissions that address this proposal support it at least in part. Submitters have requested, however, that:

- the Management Plan should be developed before the reclamation is allowed to proceed;
- more detail be provided about what is intended, including how the community will be involved, with some submitters requesting community leadership of the Plan;
- a clearer commitment, including a funding commitment, be made to the development and implementation of the Management Plan.

The joint submission from Te Rūnanga and ngā Rūnanga proposes completely new wording for Action 7 (Section 5.2.1), which would see CRC and Christchurch City Council directed to

establish a Joint Committee under Clause 30A of the Seventh Schedule to the Local Government Act 2002, the purpose of which is to prepare and oversee the implementation of an Integrated Management Plan for Whakaraupō/Lyttelton Harbour. This Committee would represent a full range of local views and harbour users and would be chaired by a representative of Te Hapū o Ngāti Wheke. Specific objectives are proposed, as are the functions of the Committee and a timeframe for development of the Management Plan.

5.2.2 Discussion

The development of a management plan for Whakaraupō/Lyttelton Harbour would provide an opportunity to consider some of the wider issues relating to the health of the harbour that are raised by submitters, such as dredging in the harbour to manage sedimentation, stormwater and wastewater management in the harbour catchment, and water quality issues more generally.

The level of detail provided in Action 7 of the pdLPRP reflected the extent of discussions, at the stage the pdLPRP was finalised for consultation and submissions, between Environment Canterbury, the partner organisations named in the Minister's Direction, and Te Hapū o Ngāti Wheke as manawhenua.

Since the pdLPRP was released for consultation and submissions the parties have had further discussions, and it is now possible to provide some more detail on what is intended.

We do not consider it appropriate that the draft Recovery Plan should be prescriptive about how this management plan will be progressed. This is for two reasons.

- Environment Canterbury has been advised that because an integrated management plan for the whole of Whakaraupō will deal with matters that are outside the scope of the Lyttelton Port Recovery Plan, and that are unrelated to earthquake recovery, the Minister for Canterbury Earthquake Recovery cannot, by approving the Plan, *direct* any parties to prepare a management plan. The Plan can, however, *record* an agreement between the parties to do so.
- Successful examples of such collaborative initiatives suggest that it is very important to take time at the outset to get the model right—at both the governance and the technical level—and to establish relationships. Discussions between the parties named in the pdLPRP, and with the Christchurch City Council which has a strong interest in the management of the catchment, are at a very early stage, and other organisations, including community organisations and research institutions, have not yet been involved.

The amount of Environment Canterbury's funding commitment will be able to be confirmed when its Long-Term Plan for 2015-25 is approved in late June. Confirming the structure and process for developing the Management Plan, and funding commitments from other parties, will be a priority in the coming months.

Submissions that decision-making on the reclamation should be delayed until after the Management Plan is completed are not supported. We anticipate that it could take two years to develop the Management Plan in a collaborative way, and delaying a decision on the reclamation for this length of time would not promote the recovery of the Port.

5.2.3 Recommended amendments

That Action 7 and the related discussion in the Executive Summary, Sections 4.8 and Section 6 of the pdLPRP be amended to provide further detail and clarification on this action.

That following the Canterbury Regional Council's approval of its Long-Term Plan for 2015-25, the amount of Environment Canterbury's funding for this action be inserted into the Draft Lyttelton Port Recovery Plan.

6 Reclamation

6.1 Introduction

A large number of submissions address the reclamation.

Many of these submissions oppose the reclamation. A wide range of matters were raised, including:

- the requirement or need for the reclamation;
- effects of the reclamation on for example, landscape and amenity values of the harbour, harbour hydrodynamics, and water quality;
- construction effects such as water quality, air quality and noise, and the method of construction and material used; and
- operational effects of the container terminal such as operational noise and light spill.

A number of other submissions support the construction of a reclamation in Te Awaparahi Bay for a container terminal and the move east of port operations. The reasons given include:

- the need to provide efficiently for future freight volumes,
- enabling the shift of some port activities out of the inner harbour,
- allowing the development of a marina and associated commercial activities, and
- relieving pressure on flat land at Naval Point and so ensuring continued availability of space for recreational activities.

There was also a lot of support for the requirement to publicly notify resource consent applications for and related to, the reclamation.

6.2 The need for the reclamation

6.2.1 Amendments Sought

As noted in Section 4.3 of this report, a number of submissions state that a reclamation of this size is not needed for recovery. Submitters request reducing the size of the reclamation provided for through the Recovery Plan or not providing for it at all. Repurposing the coal stockyard, and sending ships to the Port of Timaru, are proposed as alternatives.

Some submitters seek a phased approach to further reclamation. Te Rūnanga and ngā Rūnanga request that the planning framework is changed to enable the construction of the reclamation to be phased with direct links to a market viability assessment to demonstrate the need for each phase of the reclamation. The activity status for each phase would vary from restricted discretionary to discretionary.

In its submission LPC seeks to reduce the overall size of the reclamation from the original 37 hectares down to 33.5 hectares, which will include any wharf structures. The reduction is due to more detailed work having been done since November 2014 on how the new terminal would operate.

6.2.2 Discussion

LPC's information package, provided in November 2014, included information showing that the existing container terminal at Cashin Quay was already over capacity before the earthquakes, and projecting a significant increase in container freight volumes out to 2041. These projections were within the range projected in an independently authored study commissioned by the Greater Christchurch Transport Statement Partners and published in July 2014.⁵

Some submitters have suggested that an up to 26-year time period is outside the scope of recovery and therefore only a smaller reclamation should be permitted to provide for the needs of the port in the short to medium term. However, recovery timeframes must be viewed in the context of the nature of the recovery work being undertaken and the affected infrastructure. In this instance the matter under consideration is the rebuild and consequent reconfiguration of the Port following major damage throughout all of the Port's existing infrastructure.

LPC has provided information stating that there are design/operational considerations that mean that a much smaller reclamation would not be of practical use in addressing capacity constraints at the container terminal. These considerations are discussed in LPC's submission on the preliminary draft, especially in the evidence of Paul Williams.

The reduction in overall reclamation size from 37 hectares to 33.5 hectares as submitted by LPC is supported. The locations of the eastern and southern boundaries of the reclamation are discussed in the following section of this report which discusses the effects of the reclamation (Section 6.2). It is recommended that changes that are made to the reclamation size state "up to 34 hectares" rather than 33.5 hectares.

⁵ Aurecon, *Greater Christchurch Freight Study and Greater Christchurch Freight Demand Statement*.

It is considered that limiting the size of the reclamation further will not enable the Port's recovery or support the recovery of greater Christchurch. This is because not addressing the need for larger container terminal will lead to:

1. Inefficiencies leading to higher freight costs, putting greater Christchurch and the wider region at an economic disadvantage and compromising recovery of greater Christchurch's communities; and
2. Decreased resilience to possible future events affecting Port operations.

Furthermore, it will not enable the shifting of port operations to the east, enabling recovery benefits for surrounding communities.

We acknowledge that there are uncertainties about future freight demand. It cannot be assumed, however, that the current depressed international demand for coal will continue and therefore the existing coal storage area will not be needed in the future. Sending ships to the Port of Timaru is not a matter that can be dealt with in this process.

For the reasons outlined in the pdLPRP, and this report, the majority of relief sought regarding the reclamation size is not supported.

We also consider that a phased approach to the reclamation as sought by several submitters would not provide the necessary certainty for LPC as anticipated in the Minister's Direction, to enable the rebuild, reconfiguration, and repurposing of the Port and its infrastructure. In addition, the proposed changes to the reclamation rule sought by Te Rūnanga and ngā Rūnanga may not achieve the outcome sought, as there is nothing preventing LPC from applying for the full reclamation under its proposed discretionary rule, rather than using the phased approach anticipated by its proposed restricted discretionary rule. It is recommended that the Hearing Panel explore the sequencing of the additional reclamation further with LPC, however.

6.2.3 Recommended Amendments

Amend relevant parts of the pdLPRP and district and regional planning documents to ensure that the reclamation area is "up to 34 hectares".

The Hearing Panel may wish to:

- Seek an explanation from LPC of the sequencing of construction of the additional reclamation and when the new berths will be operational. This may affect whether the full extent of the reclamation can be considered recovery.
- Satisfy itself that a reduction in the footprint of the reclamation from approximately 37 hectares in total to 33.5 hectares, will not affect other aspects of the plan, especially the redevelopment of Dampier Bay, the proposed marina, and the possibility of opening up of other parts of the inner harbour for public access.

6.3 Reclamation Effects

6.3.1 Amendments Sought

LPC supports the RCEP rule proposed in the pdLPRP (Rule 10.20), but seeks the inclusion of a more detailed map which clearly shows the reclamation area and wharf structures within a now proposed 34 hectare envelope. LPC propose that the southern edge of the reclamation move north. A new map is included in the evidence of Mr Andrew Purves. Mr Purves also seeks changes to Planning Map 5.7 to ensure that the wharf structures are clearly within the reclamation envelope, and the berth pockets are outside the envelope.

Te Rūnanga and ngā Rūnanga express concern in their submission about a number of matters with regards to the reclamation, including the loss of kaimoana habitat where the reclamation is proposed, including around Battery Point, and the effects on water quality in Lyttelton Harbour resulting from changes to harbour hydrodynamics and consequential changes to sedimentation. Te Rūnanga and ngā Rūnanga seek changes to ensure there is certainty regarding the protection of an area of rocky reef at Battery Point and that any mahinga kai enhancements that are proposed as offsets will result in an overall net gain in mahinga kai. They seek that a detailed assessment of the effects on mahinga kai be undertaken prior to any resource consent application for the reclamation. Te Rūnanga and ngā Rūnanga also seek the objectives and policies of the RCEP to be amended to ensure that effects are “avoided, remedied or mitigated” rather than “managed” or “minimised”.

Te Rūnanga and ngā Rūnanga also questioned whether a breakwater would be required to protect the vessels and wharves at the container terminal. They request that LPC provide a technical assessment to demonstrate that a breakwater will not be required. Other submitters also raised this matter, for example, Mr Matthew Ross, who seeks that any breakwater to protect the reclamation be a prohibited activity.

There were also many other submitters who raised the matter of the size and shape of the reclamation as a concern, for various reasons, as well as the location of the southern edge of the reclamation and how far any ships berthed at the container terminal will protrude into the Harbour. Several submitters seek that any reclamation lines up with the existing Cashin Quay reclamation and consented 10 hectare reclamation, and does not protrude further south into the Harbour.

Many submitters identify concerns with the effects of the reclamation itself on harbour hydrodynamics and water quality. This includes the consequential effect of changes in harbour waves and currents on sedimentation in the upper harbour.

There were several submissions seeking the activity status of the reclamation rule in the RCEP be changed to either a restricted discretionary or discretionary activity, requiring public notification. These submissions include, but are not limited to submissions by Te Rūnanga and ngā Rūnanga and the Green Party.

6.3.2 Discussion

There is uncertainty about what relief LPC seek to the maps which show the reclamation envelope, the adjacent berth pockets and the occupation area surrounding the reclamation. The wharf structures are included within the reclamation envelope shown on RCEP Map 5.7,

so no change is required in that regard, however the location of the southern and eastern boundaries of the reclamation need to be resolved, especially in response to the submissions received on this matter from Te Rūnanga and ngā Rūnanga and LPC.

Mr Purves, on behalf of LPC, seeks that map Attachment D in his evidence is included in the RCEP provisions. This map appears to amend the location of the southern and eastern edges of the reclamation from that included in the pdLPRP. It was understood that LPC moved the eastern boundary of the reclamation further west than that proposed in their initial information package to address concerns from Te Rūnanga and ngā Rūnanga about effects on mahinga kai resources at Battery Point. This area and its values are discussed in the submission and evidence of Te Rūnanga and ngā Rūnanga. In Mr Purves' proposed map, the eastern boundary of the reclamation appears to be further east than the location identified in the pdLPRP (RCEP Map 5.7), with little explanation. This should be addressed by LPC and others at the hearing, to enable the Hearing Panel to make a recommendation on the final location of the eastern edge of the reclamation. Careful consideration should be given to the values of Battery Point.

The amendment proposed by LPC regarding moving the southern boundary north is supported as this will ensure that the wharf structures do not protrude south of the Cashin Quay Breakwater. Several submitters expressed concern about how far the southern edge of the reclamation and wharf structures extend into the Harbour, and LPC's amendment may address their concerns.

The amendments sought by other submitters, that the southern boundary be in line with the Cashin Quay reclamation, is not supported. It is considered that a reclamation of that reduced size would not provide for an efficient and effective container terminal, nor would it accommodate projected freight increases.

In light of the above, it is recommended that RCEP Map 5.7 be amended to include Mr Purves' new southern boundary of the reclamation, but retains the eastern boundary as included in the pdLPRP.

Mr Purves' evidence also discusses the berthing area for the container terminal. This area was not defined in the pdLPRP. Given the recommended changes to the dredging rules (see Section 11 of this report), and the evidence of Mr Purves, it is recommended that the draft LPRP define the area to be dredged to create a berth pocket and ship turning basin adjacent to the container terminal. An indicative reclamation berthing area (Area D) has been included in RCEP Map 5.7, however this has not been confirmed with LPC. It is recommended that the Hearing Panel request LPC to confirm or propose a defined area for the berth pockets and ship turning basin that can be included in RCEP Map 5.7 and which will form part of Rule 10.12.

To ensure there is no confusion around the location of the reclamation and wharf structures and the berthing facilities, it is recommended that the final maps in the RCEP which relate to the reclamation should include the following.

A new detailed map of the reclamation (RCEP Map 5.10) should include:

- the 34 hectare Reclamation Area which includes the reclamation and wharf structures (this will form part of Rule 10.21 which authorises the reclamation of land); and
- the eastern boundary of the operational area of Lyttelton Port (so as to see the location of this relative to the eastern boundary of the reclamation).

RCEP Map 5.7 should show the Port of Lyttelton Berthing Areas and include:

- the 34 hectare Reclamation Area shown on Planning Map 5.10 above, and
- a berthing area identified as Area D (Reclamation Berthing Area) which includes the area required for berth pockets and a ship turning basin adjacent to the reclamation area (this will form part of Rule 10.12 which authorises the dredging to create berth pockets and ship turning basin).

Regarding any future possible breakwater to protect the berthing facilities, the reclamation design provided by LPC in its November 2014 information package did not include a breakwater. LPC informed ECan officers during consultation that a breakwater is not likely to be required to protect vessels berthed at the container terminal because of the large vessel size. Technical information has not been provided to support this. This matter has been raised by several submitters who are concerned that protection may be required in the future for the container terminal berths.

There is concern that once the reclamation has been constructed, if it is found that protection of the berthing facilities is required, it may be difficult to decline an application for a breakwater that would be discretionary under RCEP Rule 10.21. It is considered that the relief sought by Te Rūnanga and ngā Rūnanga would not preclude a breakwater from being constructed in the future, and that it would be more appropriate to include a rule with a supporting policy in the RCEP to deal with this matter.

The prohibited activity status sought by Mr Ross is not supported as the technical information to support such a rule has not been provided in his submission and is not available at this time. While resource consent for a non-complying activity could be granted or declined, it sends a strong signal that an activity is not desirable and the threshold tests for deciding whether to grant or decline a resource consent for a non-complying activity are very strict. For this reason, it is considered that a non-complying rule would be appropriate. It is therefore recommended that changes be made to the RCEP policies and rules to include a non-complying rule to manage any future berthing facility protection and to signal that this should not extend beyond the proposed 34 hectare container terminal envelope.

Consideration has been given as to how the effects of a 34 hectare reclamation can be managed, and how best to deal with these effects in the RCEP provisions. In their submission, Te Rūnanga and ngā Rūnanga seek changes to the objectives and policies in the RCEP to ensure that the effects of all recovery activities are avoided, remedied or mitigated. It is considered that the effects of the reclamation on the environment cannot in all circumstances be avoided, remedied or mitigated, especially with regard to effects on landscape and amenity (refer to Section 6.5 Visual and Landscape Effects). This forms the

basis of why the pdLPRP objectives and policies seek to manage or minimise the effects, rather than avoid, remedy or mitigate them.

Mr Connon Andrews has undertaken a technical review of submissions that relate to waves, tidal currents and sediment transport. His report is included in Attachment 2. Mr Andrews accepts the conclusions in the evidence of Mr Goring and Mr Teear, for LPC. He emphasises that the effects of the reclamation and the capital dredging proposals are inherently linked, and that the construction sequencing needs to be considered further.

The reclamation of land in Te Awaparahi Bay is provided for in the pdLPRP as a controlled activity (RCEP Rule 10.20). A number of submitters seek that the activity status is changed to either a restricted discretionary or discretionary activity. This is not supported. It is considered that where there is not sufficient certainty over the effects that these matters are included as matters of control in the rule. Further assessment can then be provided through the resource consent process, and appropriate restrictions and ongoing monitoring can be imposed through conditions of consent. The extent of this uncertainty is not considered to be sufficient to warrant the discretion to decline a consent application for the reclamation. In addition, changing the activity status from controlled would not provide certainty for the Port's recovery. Therefore, such a change would not meet the objectives of the Minister's Direction or the purposes of the CER Act. If the reclamation is needed for the recovery of the Port and enables that recovery to occur as part of the overall repair, rebuild, and reconfiguration, and its effects can be adequately managed, then its status should be controlled.

6.3.3 Recommended Amendments

Amend Policy 10.1.1 of the RCEP to state that the maximum size of the Te Awaparahi Bay reclamation will be 34 hectares.

Amend Policy 10.1.11 and insert a new rule 10.22 into the RCEP that ensures that the reclamation of the foreshore or seabed to extend or protect the reclamation or berthing facilities, outside the 34 hectare reclamation area shown on RCEP Map 5.10, is a non-complying activity.

Insert a new RCEP Map 5.10 which shows in detail the reclamation area. It is recommended that the Hearing Panel determine where the eastern boundary of the reclamation should be located after hearing from submitters on this matter.

Amend RCEP Map 5.7 to include the reclamation area (as decided above) as well as a reclamation berthing area (Area D). It is recommended that the Hearing Panel request LPC to define this area for inclusion in this map and Rule 10.12.

Minor amendments as a result of the outcomes of the above recommendations, to RCEP Maps 5.7 (showing areas), 5.6 (stormwater discharge areas) and 5.9 (Occupation by Port Activities) may also be required.

Amend relevant parts of the LPRP and other RCEP provisions where appropriate to give effect to the above recommended changes.

As discussed in Section 6.5, below, the Hearing Panel may also wish to question LPC on the reasons why it considers an alternative shape for the reclamation that would be less visually intrusive would not be feasible.

6.4 Reclamation Construction Effects

6.4.1 Amendments Sought

Many submitters raised concerns regarding effects of the construction of the reclamation, and were particularly concerned about the type of material used, methods of reclamation construction and potential effects on water quality.

Te Rūnanga and ngā Rūnanga seek amendments to the provisions to require the preparation and implementation of an Adaptive Environmental Management Plan. This is discussed further in Section 12, Construction Effects.

Submissions were received regarding the discharge of contaminants during construction of the reclamation. These included submissions by the Southshore Residents Association, Wendy Everingham and Ann Thorpe. Relief sought includes tighter controls over the type of fill used, control over the escape of materials from the reclamation and the volume of fill needed.

6.4.2 Discussion

Regarding the potential effects on water quality during construction, it is considered that the provisions in the pdLPRP are appropriate to deal with the matters raised in the submissions and relief sought. Matters for control in the reclamation rule 10.20 in the RCEP include the methods of reclamation construction and material used as well as the propagation of sediment plumes during construction. Changes are proposed to the rules to ensure the discharge of contaminants during construction are managed appropriately. It is considered that no amendments are required to the pdLPRP provisions to give effect to the majority of relief sought by submitters.

Section 12 of this report deals with submissions received on construction effects generally and the Construction and Environmental Management Plan (CEMP). The discussion in that section is also relevant to effects of construction of the reclamation.

6.4.3 Recommended Amendments

Amend Policy 10.1.12 of the RCEP which deals with noise generated in the coastal marine area to ensure that it is clear that port noise will be managed through the provisions in the Christchurch Replacement District Plan.

6.5 Visual and Landscape Effects

6.5.1 Amendments Sought

A number of submitters were concerned about the effects of the reclamation on the landscape and visual values of Lyttelton Harbour. Submitters seek a range of relief to

address effects on landscape including, but not limited to, the size, shape and alignment of the reclamation. They request that it be more in keeping with the natural character of the Harbour and less intrusive, ensuring the reclamation doesn't extend out past the existing Cashin Quay breakwater, and extending the reclamation in an eastern direction rather than south into the Harbour.

Submissions, including by F. Willems and the Governors Bay Amenity Preservation Society, request restrictions on the height of container storage and cranes on the operational reclamation area.

The Lyttelton/Mt Herbert Community Board seeks an acknowledgement of the potential cumulative landscape effects of the proposed Recovery Plan projects and the Sumner Road Re-Opening Project.

6.5.2 Discussion

In terms of the effects of the reclamation on landscape or amenity values, these effects cannot be avoided unless the reclamation does not proceed. There will be changes to the landscape and amenity values in Lyttelton Harbour as a result of the reclamation. Mr Graham Densem has undertaken a technical review of submissions on visual and landscape matters and pays particular attention to the reclamation. His review is included in Attachment 2.

Mr Densem considers that the proposed form is "significantly intrusive to the natural character of Lyttelton Harbour". He proposes an alternative alignment of the berthage edge of the reclamation to follow harbour topography, rather than being parallel with the existing berths at Cashin Quay. He also recommends a more natural, curving eastern edge that is planted in tall trees. LPC have not commented on Mr Densem's recommendations. LPC may wish to comment on whether the alternative alignment of the berthage edge may result in increased exposure of berthed vessels to waves and currents.

It is considered that the inclusion as matters for control in Rule 10.20 of both methods to manage and offset visual change and the design of the finished seaward faces, including visual treatment of the reclamation edge, are appropriate to manage any landscape and amenity effects of the reclamation. For this reason the inclusion of landscape and amenity effects as matters for control are supported, but no additional changes are required to address the concerns of submitters with regard to effects on landscape.

Mr Densem in his evidence, has reiterated his opinion that visual effects from cranes, containers and moored vessels could not be readily mitigated. Mr Densem further notes that the extended container terminal will be a relatively small addition to the views from Diamond Harbour.

One potential form of mitigation would be to restrict the height of containers and cranes on the reclamation area, as requested by some submitters. It is understood from discussions with LPC that the stacking height of containers is effectively controlled at the Port by practicality (the higher the containers are stacked, the harder and more time consuming it becomes to access the containers at the bottom of the stack), the size of container carriers

and wind loading factors. As such it is unlikely containers would be stacked any higher than 3-4 high. It is not practical to control crane height, without potentially restricting the operational capabilities of the container terminal. Any restriction of operational capability in respect of the operation of cranes is not considered to be consistent with enabling the recovery of the Port or its effective operation as Strategic Infrastructure as defined in the Canterbury Regional Policy Statement 2013, p.204.

With regard to cumulative landscape effects, Mr Densem in his evidence on behalf of Environment Canterbury (see Attachment 2), acknowledges that there will be some cumulative effects arising from the Recovery Plan and Sumner Road re-opening projects. He further notes that mitigation of those effects would be challenging and possible mitigation options would involve the cooperation of landowners outside the geographic scope of the Recovery Plan area.

6.5.3 Recommended Amendments

Insert reference to potential cumulative landscape effects, in Section 3.7 of the LPRP.

7 Transport

7.1 Amendments sought

Norwich Quay as freight route

Several submitters have requested that heavy freight traffic be diverted off Norwich Quay and onto an alternative route within the Port and/or via a new tunnel. The New Zealand Transport Agency (NZTA) supports the retention of Norwich Quay as the principal freight route.

Rail

Some submitters have requested that the Plan should make provision for rail transport of both freight and passengers.

Relationship to other transport planning processes

NZTA has requested changes to Section 3.6 and 4.5 to clarify the relationship between the Lyttelton Port Recovery Plan and other transport planning processes.

Actions 8 and 9

While supporting these actions, the New Zealand Transport Agency seeks specific amendments to clarify the intent of Actions 8 and 9, and the relationship between them.

Christchurch City Council supports Actions 8 and 9 but wants to see them take into account the Lyttelton Master Plan and the Lyttelton Access Project, and that both actions provide for amenity improvements which contribute to a safe and consistent environment for pedestrians and cyclists.

KiwiRail also supports Actions 8 and 9 but has requested that it be included as a party to Action 9 to ensure that its interests in ensuring the ongoing capacity of the rail network, and of rail facilities within the Port, are represented.

District Plan provisions

In regard to proposed District Plan policies, NZTA have requested an amendment to Policy 21.8.1.1.4(b) to replace the reference to “direct” access between areas, with “effective”, as they consider it has the potential to conflict with the requirement for ‘safe’ access.

NZTA has requested an amendment to Policy 21.8.1.3.1(a)(iv) to replace ‘efficient’ with ‘effective’ in relation to connections between Lyttelton town centre and the ferry terminal, to ensure the wording does not conflict with requirements for freight efficiency or where efficiency may not be achievable for safety reasons.

Submitters including Christchurch City Council and A. Suren have requested that a possible future alternative heavy vehicle route adjoining Norwich Quay be protected from permanent structures or significant infrastructure.

LPC request that Rule 21.8.2.2.3 RD3 New Public Transport Facilities, be deleted and the activity be provided for as a Controlled Activity. Several submitters have sought that any new Public Transport Facility be publicly notified, with particular reference to any future passenger ferry terminal. NZTA have requested limited notification to themselves for the same provision.

Regarding Rule 21.8.2.3.9(c) of the proposed CRDP provisions, NZTA has requested limited notification of the rule to themselves.

Many submitters have requested that a specific requirement for parking for the new marina be introduced into the district plan provisions. Those concerns were raised both by potential users of the marina and by NZTA, the latter with reference to ensuring parking demand from the marina does not spill over onto the surrounding road network. Naval Point Club, the Young 88 Association, Coast Guard and others have requested a rate of 0.6 parking spaces per berth. NZTA have requested a flat rate of 150 parking spaces as a starting point.

The Naval Point Club, Te Waka Pounamu and other submitters have requested specific parking rates for office and retail uses at Dampier Bay be inserted into the proposed CRDP.

7.2 Discussion

Norwich Quay

With regard to provision of an alternative heavy vehicle route off Norwich Quay, Mr Metherell has addressed this issue in his evidence⁶. The issue has been given considerable attention through freight and transportation assessments feeding into the LPRP process⁷. Mr Metherell notes that the freight and transportation studies undertaken to date do not support the case for an alternative freight route prior to 2026 and he concludes that insufficient investigation has been carried out to confirm that an alternative route adjoining Norwich Quay could be delivered.

⁶ See evidence of Mr Andrew Metherell, Attachment 2.

⁷ See for example LPC Information Package, Appendix 12.

Rail

LPC has projected that by 2041 40% of container freight coming to the Port will be by rail.⁸ Environment Canterbury staff understand, from the information provided by LPC and from discussions with KiwiRail, that there is no capacity constraint on the wider rail network that would prevent this. This could be clarified in Section 3.6 of the Recovery Plan. As noted above, KiwiRail has expressed its interest in ensuring that rail capacity within the Port itself is adequate, and will be participating in the Transport Memorandum of Understanding. We do not consider that any further action is required through the Lyttelton Port Recovery Plan to provide for rail freight.

The wider rail infrastructure could presumably also be used for passengers if there is sufficient demand to make such a service viable. The Panel may wish to question KiwiRail on this matter if it speaks at the Hearing, and to question LPC on any constraints relating to providing passenger rail infrastructure within the Port.

Actions 8 and 9

The intent of the changes requested by NZTA and Christchurch City Council is accepted. Further discussions have occurred between the named parties to these actions since the pdLPRP was released for consultation and submission, and amendments to the wording of the actions that have been agreed between the parties are recommended.

District Plan provisions

In regard to Policy 21.8.1.1.4(b), NZTA's concerns are noted, however the retention of the word "direct" is preferred as it will ensure that where more than one access option is possible and all other things being equal in respect of safety, the most direct option will be chosen. The policy does not prioritise directness over safety or vice versa, rather both matters, together with accessibility, will need to be considered.

In regard to Policy 21.8.1.3.1(a)(iv), NZTA's preference for the word "effective" rather than "efficient", with reference to the particular meaning "efficient" has in transport planning, is accepted.

With regard to protection of a possible alternative heavy vehicle route off Norwich Quay, Mr Metherell has addressed this issue in his evidence⁹. As noted above, Mr Metherell states that the freight and transportation studies undertaken to date do not support the case for an alternative freight route prior to 2026 and he concludes that insufficient investigation has been carried out to confirm that the alternative route (adjoining Norwich Quay) could be delivered. Mr Metherell further concludes that from a transportation perspective, specific protection of the corridor between Norwich Quay and the railway is not necessary at this stage.

In regard to Rule 21.8.2.2.3 RD3 New Public Transport Facilities, it is acknowledged that there are multiple rules in the proposed district plan provisions, potentially addressing different aspects of a new passenger ferry terminal (the main focus of the new Public

⁸ See LPC Information Package, Appendix 12, p.43.

⁹ See evidence of Mr Andrew Metherell, Attachment 2.

Transport Facilities rule). The proposed rule framework to a large degree reflects the uncertainties currently inherent in both the ferry terminal relocation and the development of the Dampier Bay. Rule 21.8.2.2.2 C4 would address the design of any new ferry terminal building and parking, but only if that terminal is located on land (as opposed to a wharf structure) and within Dampier Bay (as opposed to the adjoining operational area). The Public Amenities rule (recommended to become Rule 21.8.2.2.2 C7) would consider any public pathways and open space associated with the terminal. Provided a new passenger ferry terminal is established after the opening of Sutton Quay to public access, consideration of the public transport interchange aspects of the terminal will only fall to be considered by Rule 21.8.2.2.3 RD3. If the terminal is established on a wharf structure, consideration of parking will similarly only occur under Rule 21.8.2.2.3 RD3. The adequacy of these aspects of a new ferry terminal are critical to its success. Further, it is possible that any inadequacies in proposed design could not be properly addressed through conditions of consent, as would be required if the facility were a controlled activity. For this reason, restricted discretionary status is considered to be appropriate.

Ms Rennie on behalf of LPC notes that if a ferry terminal were located in Dampier Bay other than where indicated on the ODP, this would trigger a restricted discretionary resource consent. However, the ferry terminal is noted as “indicative only” on the Dampier Bay ODP and as such it is unlikely that movement of the ferry terminal to another location in Dampier Bay would trigger a consenting requirement in relation to the ODP. Were the words ‘indicative only’ removed, then consent would be triggered if the terminal were located in a different part of Dampier Bay.

With regard to the notification of the new Public Transport Facilities, it would not be appropriate to require notification of all possible new Public Transport Facilities because even relatively small new facilities could get caught by the rule. The rule is primarily directed towards a new passenger ferry terminal or associated public transport interchange. While it is accepted that there is a high level of public interest in such a facility including how it would function, much of that public interest seems to be directed towards whether the location of the terminal is appropriate, and to a lesser degree how the public transport interchange or parking areas may function. The proposed assessment matters associated with the New Public Transport Facilities do not currently include consideration of the suitability of ferry terminal location per se, nor its suitability relative to other locations. It is accepted that the suitability of connections to the wider area (which is proposed to be a matter of discretion) will affect the wider community. For this reason, it is recommended that the request for public notification be accepted.

In regard to NZTA’s request that Rule 21.8.2.3.9(b) of the proposed CRDP provisions specify notification to NZTA only, the CRC Officers consider that this may have unintended consequences. It is possible an adjoining land owner to a new access to the State Highway may also be affected in terms of section 95 of the Resource Management Act. It would not be appropriate for the rule to discount this possibility. It is also not possible to hypothetically predict whether there may in fact be another affected party. The preference is therefore that the rule be non-specific as to notification, with the assessment to be made by the City Council under section 95 at such time as an application is made. It is noted that this rule is identical to a rule in the Operative Banks Peninsula District Plan, which is also non-specific

as to notification. It is further noted that this contrasts from the situation addressed in proposed Rule 21.8.2.2.3 RD5, where NZTA is identified as a potentially affected party for a resource consent to open Sutton Quay to public vehicle use. This situation differs in that it is an existing legal road link to the State Highway that is already in use by the Port.

With regard to marina parking, Mr Metherell has addressed this issue in his evidence, noting that the current proposed CRDP rules would not trigger consideration of parking in relation to the marina and that further certainty would be desirable. Mr Metherell comments that a requirement for 0.6 parks per berth (as submitted by several submitters) may be too high and recommends a rate of 0.25-0.35 spaces per berth would be appropriate. It is noted that similar rules in other resource management plans vary from 0.2 spaces per berth (for a swing mooring) to 0.6 spaces per berth¹⁰. NZTA have suggested an initial flat rate of 150 parking spaces for the marina, equating to a rate of 0.75 parks per berth for the initial 200 berth marina, but reducing to around 0.37 parks per berth if the marina is expanded to 400 berths as LPC has indicated may occur. To ensure integration between the Regional Coastal Plan and the CRDP provisions, a reference should also be inserted into the Regional Coastal Plan, which states the intention for marina car parking to be addressed in the CRDP.

Related to marina parking issues are the car parking provisions applicable to commercial and office development within Dampier Bay. Several submitters have requested specific parking requirements to ensure the success of the development, but also to ensure residents in adjoining areas are not impacted by spill-over parking.

The approach taken in the proposed CRDP provisions to date has been to require assessment of parking requirements and provision whenever new non-Port Activities development is proposed in Dampier Bay (noting that Port Activities are not subject to parking requirements in the operative Banks Peninsula District Plan). While it is acknowledged that there is a risk that parking will only be assessed on a piece-meal and ad hoc basis rather than a more comprehensive assessment across the Dampier Bay development as a whole, this risk has been balanced against the likelihood that constructing rules requiring specific parking ratios for commercial and office development in Dampier Bay will likely result in frequent consenting requirements for car parking non-compliance. As Mr Metherell has noted in his evidence, the requirement to consider car parking is proposed as an assessment matter for several rules. This includes consents required for individual buildings in Dampier Bay (Section 21.8.3.1.1(c)), for new public transport facilities (Section 21.8.3.1.1.3(c)) and the integrated traffic assessment required prior to the opening of Sutton Quay for public access (Section 21.8.3.2.6(c)(ii)). It is LPC's expressed intention to provide Dampier Bay car parking predominantly in a common single area towards the western end of Dampier Bay (where it might also act as a buffer to existing Port industrial activities). Requiring assessment of car parking provision as an assessment matter rather than as a specific requirement for every development is considered to be more compatible with this intention.

¹⁰ For example, proposed Auckland Unitary Plan – 0.35 spaces per berth, Tauranga District Plan – 0.6 spaces per berth, Marlborough Sounds Resource Management Plan 0.5 spaces per berth including 10% allowance for trailer parking.

7.3 Recommended Amendments

Amend Sections 3.6, 4.5, and 4.6 to address clarifications requested by the New Zealand Transport Agency and KiwiRail, and to explain that no further provision needs to be made through the Recovery Plan for an increase in rail freight.

Amend Section 5.2.2 (Actions 8 and 9) to reflect the further discussion between the named parties to clarify these actions since the pdLPRP was released for consultation and submission.

Seek comment from KiwiRail (if it appears at the Hearing) and LPC about the ability to provide for passenger rail services.

Amend Policy 21.8.1.3.1(a)(iv) to replace the word “efficient” with “effective”.

Amend the rule relating to New Public Transport Facilities to provide for public notification of a new passenger ferry terminal.

Amend Built Form Standard 21.8.2.3.9 Transport Standards to specify a parking rate for marina berths, with restricted discretionary status for non-compliance with that standard, and associated matters of discretion. Amend Regional Coastal Plan Policy 10.1.1 to include reference to the need for car parking to be located within the adjoining district.

8 Cruise Ships

8.1 Introduction

A substantial number of submissions were received from a wide range of Lyttelton Harbour users regarding the proposed cruise ship berth locations that are identified in the pdLPRP. The majority of submitters are in support of the construction of a berth for cruise ships at Lyttelton Port, with few submitters opposing the need for a cruise ship berth and the benefits that this will bring to the local and wider community.

Most submitters were in support of the proposed location of a cruise ship berth within the Inner Harbour at Gladstone Pier with no relief sought in the submissions. This option is not discussed further and no amendments are recommended regarding the cruise ship berth at this location. There was widespread opposition to the proposed cruise ship berth at Naval Point. This is discussed in detail below, with the merits of the opposing arguments prompting us to further consider how cruise ships are addressed under the LPRP.

8.2 Naval Point Cruise Ship Location

8.2.1 Amendments Sought

Most submitters oppose the proposed location of a cruise ship berth at Naval Point. The majority of submissions received in opposition to the proposed location at Naval Point were from members of the Naval Point Club, who use the harbour for boating, sailing, fishing and other aquatic activities. These submitters consider that there will be significant effects to recreational users of the Harbour as a result of the location of the cruise ship berth at Naval

Point. Some of these submitters seek the activity status be changed from controlled to discretionary, so that any consent application can be declined. Liquigas seeks that the cruise ship berth option at this location is removed from the LPRP altogether.

Many submitters seek that an alternative location for a cruise berth should be provided for, such as at Cashin Quay.

The Oil Companies in their submission oppose the proposed Naval Point location and seek that the rule which enables the construction of a wharf structure at this location be amended from a controlled to a non-complying activity. Their concerns relate to the close proximity of the proposed cruise berth to the fuel storage tanks, known as the 'tank farm'. The tank farm is a major hazardous substance storage facility with strict controls on access, operation and maintenance. They are concerned that a cruise ship berth in this location will limit the future development of oil industry infrastructure, restrict emergency response capabilities and result in an unacceptable risk to cruise ship passengers. These were not the only submitters who requested the proposed activity status be changed to non-complying.

Te Rūnanga and ngā rūnanga oppose the Naval Point location and seek that the activity status be changed to restricted discretionary activity, as recommended in the Cultural Impact Assessment. Other submitters requested the activity status be restricted discretionary as well.

Many submissions were received supporting the public notification of any resource consent application for a cruise ship berth at the Naval Point location.

Some submitters seek that any cruise ship berth should not be solely for cruise ships, but should also be used for the berthing of other vessels.

8.2.2 Discussion

The submissions received on the proposed location at Naval Point identify a number of effects on recreational users of Lyttelton Harbour, including recreational boat users such as yachtsmen, waka ama and windsurfers, as well as fishermen. LPC acknowledge in its evidence that the location of a cruise ship berth in the outer harbour at Naval Point will affect recreational boat users and that further discussion with the Naval Point Club is required to identify potential solutions should this site be preferred.¹¹

The submissions received relating to the Naval Point location raise a number of valid issues that were not adequately considered during preparation of the pdLPRP. It is evident that there will be effects of the cruise berth at this location on both recreational users of both the Naval Point recreational area and the harbour adjacent to Naval Point, as well as the adjacent industries. While the effects on recreational users may be able to be mitigated, they are many and varied, and this coupled with the relief sought in the Oil Companies' submission does not support a controlled activity status for the construction of a wharf

¹¹ LPC Statement of Evidence of Robert James Greenaway (Recreation and Tourism) page 99

structure at this location. The relief sought is therefore supported in part and it is recommended that the proposed activity status should not remain as controlled.

Consideration has been given to the submission by the Oil Companies seeking that the activity status be changed to non-complying. The information provided in its submission has not been reviewed by a technical expert on behalf of ECan, and the matters addressed in its submission have not been addressed by LPC in its information package provided in November 2014, nor in its submission. The Oil Companies' submission is discussed further in Sections 9 and 14 of this report in relation to Dampier Bay development and the Naval Point Zoning development. It is considered that the information provided in its submission does not support a non-complying activity status for this activity as sought and it is therefore recommended that the relief sought by the Oil Companies is not accepted. LPC may wish to respond to the matters raised in this submission at the Hearing.

Some submitters, including Liquigas, seek that the Naval Point cruise berth option is removed from the LPRP, but they are not clear in their reasoning for this. If the intention is to ensure that a cruise berth is never built at this location, then the removal of the cruise ship berth option from the LPRP will not provide certainty of the outcome sought. A resource consent could still be applied for under the RCEP as a discretionary activity. The only way to ensure that a cruise ship berth is not constructed at the Naval Point location is to make it a prohibited activity. The submissions do not provide the relevant information to support the development of a prohibited activity rule.

Consideration has been given as to whether it is appropriate to amend the activity status to be discretionary or restricted discretionary. Given that the matters raised in the Oil Companies' submission have not been explored further by either ECan or LPC, it would not be appropriate to restrict discretion to specific matters at the risk of omitting an effect that has been overlooked. It is therefore recommended that a cruise ship berth at Naval Point be a discretionary activity. This will allow full consideration of all the possible effects of the proposed cruise ship berth at this location to be considered should a resource consent application be made. The consenting authority should retain full discretion over notification.

While we recommend that the Hearing Panel amend the activity status in the RCEP to discretionary, a recommendation is not made as to whether the Naval Point cruise ship berth location should be removed from the LPRP altogether. LPC may wish to address this matter at the Hearing and it is suggested that the Hearing Panel explore this further with relevant submitters. The Hearing Panel would then be in a position to make an informed recommendation as to whether the Naval Point cruise ship berth location should be removed from the LPRP.

It should be noted that any land-side facilities associated with a cruise ship berth, wherever that berth might be located, would be permitted activities under the proposed CRDP provisions, as the definition of Port Activities includes cruise ship terminals, and ancillary transport infrastructure and parking areas for Port Activities.

8.2.3 Recommended Amendments

Amend Rule 10.2 of the RCEP to remove the cruise berth at Naval Point.

Amend Rule 10.4 (discretionary activity) of the RCEP to clarify that any wharf structure for a cruise ship berth at Naval Point would be discretionary under this rule. Amend Rule 10.11 to reflect this change.

It is recommended that the Hearing Panel make a recommendation as to whether the Naval Point cruise ship berth location should be removed from the draft LPRP.

Amend other relevant parts of the LPRP and RCEP provisions where appropriate to give effect to the above recommended changes.

8.3 Alternative Cruise Ship Locations

8.3.1 Amendments Sought

Many submitters, including the Naval Point Club, Yachting New Zealand, Groundswell Sports Limited and a number of individuals, seek that a cruise ship berth should be provided for at an alternative location such as Cashin Quay or Gollans Bay. These submitters do not propose any specific relief to the LPRP or the RCEP to enable this to occur.

8.3.2 Discussion

Significant issues relating to the Naval Point cruise berth have been raised through submissions, as discussed above. LPC have indicated that they prefer this location to the alternative proposed at the Gladstone Pier. Should the Naval Point cruise berth option not proceed, consideration should be given to possible alternative locations. LPC may wish to address the Hearing Panel regarding any landside and operational effects of locating a cruise ship berth at Cashin Quay, or a berth at Gollans Bay. No changes would need to be made to the RCEP to enable cruise ships to berth at Cashin Quay. Changes may need to be made to the RCEP to enable cruise ships to berth at other locations such as the new Container Terminal or Gollans Bay.

It is recommended that the Hearing Panel determine whether an alternative suitable location within the operational area of the port, such as Cashin Quay or the Container Terminal, could be included in the draft LPRP as a possible cruise ship berth location.

8.3.3 Recommended Amendments

No amendments are recommended.

It is recommended that the Hearing Panel examine whether there is an alternative suitable location within the operational area of Lyttelton Port for a cruise berth.

8.4 New Action to Progress Provision of Cruise Ship Berth

8.4.1 Amendments Sought

The Christchurch City Council (CCC) seeks the inclusion of a further action stating that CCC, LPC, Christchurch and Canterbury Tourism, the Canterbury Development Corporation, Christchurch International Airport, cruise industry representatives and the appropriate Crown

agency will agree on a collaborative approach to progress and create a fit-for-purpose dedicated cruise berth facility in Lyttelton.

8.4.2 Discussion

The CRC did not include in the pdLPRP an action requiring any parties to resolve the cruise berth issue because it considered that the building of a new cruise berth facility was a commercial decision for LPC to make, in discussion with stakeholders.

It is also noted that the other non-statutory actions were included in the pdLPRP after consultation with the parties named in those actions. If the parties named in the action were to agree that collaborative work to address this matter would be beneficial, this action could be included in the draft LPRP. The Hearing Panel may wish to question LPC and the CCC about the implications of the CCC's request regarding a new Action to address this matter, and consider what further consultation might be required with the named parties before such an action were included in the Recovery Plan.

8.4.3 Recommended Amendments

Discuss the CCC's proposal with the CCC and LPC and consider what further consultation might be required before an additional action is included in the Recovery Plan.

9 Dampier Bay

9.1 Seaward Marina Facilities

9.1.1 Amendments Sought

Many submissions were received from recreational boat users and boating associations and clubs in support of the proposed construction of a new, more modern floating marina with increased capacity. However, submitters also raised concerns about the size of a future marina, the cost to berth in the marina and the loss of heritage values of the existing marina. There were also concerns expressed about the temporary berthing of existing Dampier Bay Marina users during construction of a new marina. Several submissions received requested a delay in any decision regarding the Dampier Bay development until the CCC Naval Point Development Plan is progressed.

Several submitters requested the inclusion of provisions to enable the construction of an all-weather public slipway at Dampier Bay, while others requested the LPRP provide a wave attenuating structure to protect existing facilities at the Naval Point marina and provide for the essential and urgent safety improvements to the Magazine Bay marina.

LPC support the proposed provisions of the RCEP that relate to the Dampier Bay marina but seek changes to ensure that stage 2 of the marine development is provided for as a permitted activity. Many other submitters also seek this amendment.

Several submitters, including the Dampier Bay Moorings Association, seek that the removal of the existing marina and the erection of any new marina be a discretionary activity, not a permitted activity.

9.1.2 Discussion

Submissions were received regarding the heritage values of the existing marina, with submitters seeking more certainty regarding historic preservation of the existing marina and also seeking that some of the existing piles be retained and incorporated into any new marina. A discussion regarding the landside heritage values is contained in Section 15 of this report and it may be useful to read that discussion along with this. The original marina was constructed during the 1920s and it is understood that many of the piles have since been replaced. They are not deemed to have heritage status under the *Heritage New Zealand Pouhere Taonga Act 2014* because they are not pre-1900 structures and they are not listed.

As outlined in LPC's evidence of Katharine Watson, in February 2015 LPC was granted an archaeological authority to destroy or disturb structures with heritage value in the port operational area¹². A decision regarding whether any of the pile moorings are to be retained in any future marina is not a decision to be made here, but is a decision for the owner of the marina. It should be noted however that the reconstruction and alteration of the existing pile marina is provided for in the pdLPRP by RCEP Rule 10.1, so if it is decided to retain some of the existing structures and incorporate them in any new marina this would be permitted under RCEP Rule 10.1(a). For the above reasons, it is recommended that no changes need to be made to the pdLPRP to address heritage matters with regard to the Dampier Bay Marina.

In terms of the size of any future marina, there were many submissions seeking the inclusion of stage 2 in the permitted activity rule (Rule 10.1), which LPC has identified as a possible future expansion and would be located in the area between Wharf Number 3 and Wharf Number 7. Stage 2 of the marina was discussed in the pdLPRP, but omitted from the rules permitting the erection of wharf structures for the marina. This was an oversight and it should have been included. The change sought in this respect is therefore supported and it is recommended that Rule 10.1 of the RCEP is amended to include stage 2 of the marina as a permitted activity.

The Dampier Bay Mooring Association, among others, seek that the construction of a new marina be a discretionary activity allowing ECan the discretion to decline the consent, impose conditions and publicly notify any application. We recognise the concerns of the submitters regarding provision of an appropriate marina facility. However, many of the matters of concern to submitters are for the developer to determine, e.g. size and number of berths and cost of berthing. We hope that this would be done in consultation with existing and potential marina users. They are not appropriate matters to control through a resource consent, or through the LPRP. It is considered that the effects of constructing new wharf

¹² See LPC evidence of Katharine Watson dated 11 May 2015.

structures for a marina are similar to the effects of constructing wharf structures to replace LPC's damaged wharves. For these reasons, it is considered appropriate to retain the permitted activity status of Rule 10.1 as it applies to the construction of new wharf structures for the Dampier Bay marina, and the relief sought is not supported. It is therefore recommended that the marina remain as a permitted activity in the RCEP.

Several submissions were received regarding the berthing of vessels during the construction of a new marina and raise concern about where the vessels that currently use the marina will go during construction of a new marina. LPC have not provided detailed information regarding the construction process or phasing of a new marina, so the CRC is unsure how LPC will deal with this matter. It is considered appropriate to provide for alternative berthing during construction of the marina. We therefore recommend that a new condition be included to Rule 10.1 to require safe and accessible berthing for existing users of the marina during the new marina's construction.

The Magazine Bay marina is owned by CCC. As discussed in Section 14 of this report, the CCC is undertaking a master planning exercise for the Boat Harbour Zone at Naval Point. There is not considered to be enough information available regarding work to repair the Magazine Bay Marina to include provision for it as part of the LPRP. For example, the size and location of any breakwater and what the effects of that might be are unknown.

9.1.3 Recommended Amendments

- Amend Rule 10.1 of the RCEP to include the construction of stage 2 of the marina as a permitted activity.
- Amend Rule 10.1 to ensure that LPC provides for the safe and accessible berthing of vessels within the Inner Harbour during the construction of a new marina.
- Amend other relevant parts LPRP where appropriate to give effect to the above recommended changes.

9.2 Retail and Office Floor Space Limits

9.2.1 Amendments Sought

LPC has requested relaxing proposed floor space limits to allow more retail and office development. Canterbury Maritime Developments Ltd has similarly suggested the proposed limits will inhibit commercial interest in the Inner Harbour. Other submitters, including the Christchurch City Council and the Lyttelton Harbour Business Association, support the proposed limits.

9.2.2 Discussion

The proposed limits have been adopted directly from the recommendations of LPC's retail assessment¹³ prepared by Mr Tim Heath and reiterated in Mr Heath's evidence for LPC. Mr

¹³ See LPC Information Package, Additional Documents – Dampier Bay Review.

Heath identified the limits as an appropriate level of development that might occur, beyond which there is a risk that the Dampier Bay development may undermine the recovery of Lyttelton town centre. The points raised in Mr Simmer's evidence on behalf of LPC regarding the challenges LPC faces in creating a viable development in Dampier Bay are acknowledged. However, in the absence of any expert retail assessment evidence to the contrary, it is considered that the proposed floor limits strike an appropriate balance between the need to enable commercial development to occur in Dampier Bay, whilst also providing for the recovery of the town centre.

It is noted that it remains open to LPC to apply for a discretionary activity resource consent for additional retail or office space, over and above the limits proposed in the pdLPRP.

9.2.3 Recommended Amendments

No amendments recommended.

9.3 Urban Design

9.3.1 Amendments Sought

LPC seeks to amendments to Objective 21.8.1.3 as follows:

The redevelopment of Dampier Bay with public facilities and a ~~limited~~ range and scale of viable commercial activities, to create a safe, vibrant ~~pleasant~~ and accessible water front for the public...

LPC requests an amendment to the maximum building height assessment matter in 21.8.2.3.1(iv) to remove the word "substantial", as follows¹⁴:

(iv) the extent to which there is a ~~substantial~~ degree of separation between the building and adjoining buildings or sites;

LPC has requested the reinstatement of "activity nodes" into the Outline Development Plan for Dampier Bay¹⁵.

LPC has requested various amendments to urban design assessment matters contained within Section 21.8.3 Matters of Discretion and Control, of the proposed District Plan provisions¹⁶. Ms Schroder on behalf of Christchurch City Council generally supports the provisions, but has requested some minor amendments.

LPC has requested introduction of a new Action in the pdLPRP, requiring the preparation of an urban design guide for the Dampier Bay area.

9.3.2 Discussion

¹⁴ See Evidence of Ms Rennie on behalf of LPC, paragraph 48.

¹⁵ See Evidence of Ms Rennie on behalf of LPC, paragraphs 50-51.

¹⁶ See Evidence of Ms Rennie on behalf of LPC, paragraph 47.

With regard to Objective 21.8.1.3, the existing wording of that Objective was carefully considered, taking into account both the need to enable a certain level of development in Dampier Bay, whilst not providing any potential policy justification for applications for additional floor space where such floor space may undermine the recovery of the town centre. The word “limited” is considered necessary to make clear that limits have been imposed via the accompanying rules. Introduction of the word “viable” has the potential to justify additional floor space in favour of the viability of the wider commercial area, again regardless of impact on the town centre. Similarly, use of the word “vibrant” rather than “pleasant” has the potential to justify additional floor space in support of achieving a vibrant waterfront, where that might also undermine the town centre.

It is acknowledged that if the town centre recovers faster than currently anticipated and there is sufficient demand still for further development in Dampier Bay, then additional floor space may be entirely appropriate. At present however, Objective 21.8.1.3 is considered to strike an appropriate balance between support for development in Dampier Bay, but not so much as to significantly affect and therefore undermine the recovery of the town centre.

With regard to Maximum building height assessment matter 21.8.2.3.1(iv), it is noted that the assessment matter is very similar to that which was originally proposed by LPC in Appendix 30 of its information package, which included the word “substantial”. The assessment matter is understood to refer to a situation where a taller building than permitted might be proposed, and there may be a large gap between buildings to compensate for views to the harbour that might otherwise be lost. As such the word “substantial” seems appropriate in this context. If we have misunderstood the intention of this assessment matter, it would be helpful for LPC (Ms Rennie) to elaborate this for the Panel.

With regard to the reference to Activity Nodes in the Dampier Bay Outline Development Plan, there are no policies, rules or methods proposed in the CRDP provisions that relate to the Activity Nodes, nor were any proposed by LPC in their Information Package. As such, introducing Activity Nodes into the ODP, including with reference to Rule 21.8.2.2.3 RD3 that requires all development be in accordance with the ODP, has the potential to cause confusion. Ms Rennie has explained the function of the Activity Nodes in her evidence for LPC, and in light of that explanation it is considered that the purposes of the Activity Nodes are best addressed in the Urban Design Guide recommended by Ms Rennie¹⁷ and subject to new proposed Action 11.

With regard to the requested amendments to urban design assessment matters in the district plan, these requests are for the most part accepted as being appropriate, or otherwise already addressed in the assessment matters. During the drafting of the proposed assessment matters, attempts were made to consolidate assessment matters and reduce repetition. Ms Rennie’s comments on behalf of LPC indicate that the consolidation exercise was taken too far and that some additional assessment matters would be appropriate.

With regard to the urban design guide, given the likely incremental nature of the Dampier Bay development and the desire of all parties to see an attractive, coherent and universally

¹⁷ See Evidence of Ms Rennie on behalf of LPC, paragraphs 52 and 55.

accessible area develop, the requirement for a non-statutory design guide to support development in Dampier Bay would be appropriate. Insertion of reference to a design guide is warranted in the assessment matters for new buildings and public amenity areas in Dampier Bay, in the proposed CRDP.

9.3.3 Recommended Amendments

Amend Section 21.8.3 Matters of Discretion and Control in the proposed District Plan provisions¹⁸.

Introduce a new non-statutory Action, requiring the preparation of an urban design guide for the Dampier Bay area and new assessment matters referencing a design guide¹⁹.

9.4 Public Access

9.4.1 Amendments Sought

Several submitters, including the Lyttelton/Mt Herbert Community Board, have suggested an alternative plan for waterfront access off Norwich Quay, which to a large extent concentrates public access and waterfront activity centrally, adjoining wharves 3 and 4. Christchurch City Council have requested discussion be included in the LPRP text on the implications and timing of “potential future public access”, indicated on Figure 6 of the pdLPRP.

The Diamond Harbour Community Association seeks an amendment to Section 4.3.2 Landside Development of the pdLPRP to note that all areas not covered by buildings or safety restricted structures will be public open space.

Ngai Tahu seek reference be inserted to an assessment of cultural landscape values, in the proposed District Plan assessment matters for publicly accessible space.

The Christchurch City Council and LPC request that Rule 21.8.2.2.3 RD2 Public Amenities, be deleted and the activity be provided for as a Controlled Activity. The City Council request is tied to their request for modifications to proposed Action 10 of the pdLPRP.

Many submissions support the inclusion of Action 10: Dampier Bay Public Access. The Christchurch City Council supports Action 10 but seeks amendments to the Action.

9.4.2 Discussion

With regard to alternative options for waterfront access, the desire from the community to gain access to the waterfront in close proximity to the Lyttelton town centre is acknowledged. LPC in its Information Package has indicated that its long term intentions for the water front area is to eventually move most of its operational activities away from the Inner Harbour and concentrate them on Cashin Quay and within the new container terminal. The removal of most operational activities from the Inner Harbour will then enable development of land

¹⁸ See Attachment 4, Appendix 4, Sections 21.8.3.1.1 and 21.8.3.1.3.

¹⁹ See Attachment 3, Action 11 and Attachment 4, Appendix 4, Sections 21.8.3.1.1, 21.8.3.1.2, 21.8.3.2.1 and 21.8.3.2.3.

adjoining Norwich Quay for commercial-type uses, for example, that are compatible with the Lyttelton Master Plan and the wishes expressed by many in the community. However, LPC has also strongly expressed the necessity of retaining the Inner Harbour area (exclusive of the identified Dampier Bay land) for operational use for the next ten years.

LPC considers that the use of that land is critical for its recovery needs while the new reclamation is being built and other areas of the Port are being repaired. Whilst the Inner Harbour is still in use for operational activities, the Port has stated that it is necessary to exclude public access for safety and security reasons. For this reason, the alternative options for access to the waterfront that submitters have put forward are not considered to be consistent with providing for the recovery needs of the Port in the next ten years. Beyond that timeframe, we expect that the use of, and statutory framework for managing, the Inner Harbour will be reviewed (noting the life of the proposed Christchurch Replacement District Plan will be approximately 10 years). At that time, and subject to progress in removing Port operations eastward, enhanced public access to the waterfront area adjoining Norwich Quay may be possible.

With regard to Section 4.3.2 Landside Development, it is not necessarily the case that all areas not covered by buildings or safety restricted structures will be public open space. For example there will be areas of car parking, some of which will be open to the public and some of which may be dedicated for staff use. Similarly areas for waste management for businesses.

With regard to the reference to the assessment of cultural landscape values, the requested insertion is consistent with the Cultural Impact Assessment provided by LPC as part of its Information Package²⁰ and the amendment is therefore considered to be appropriate.

Regarding Rule 21.8.2.2.3 RD2 Public Amenities and the request that it be changed to controlled activity status, it is accepted that this issue is, in respect of the key waterfront public promenade, also addressed through proposed Action 10 of the pdLPRP. Subject to the amendments recommended in this report below to Action 10, it is accepted that controlled activity status is appropriate for Public Amenities.

With regard to Action 10, some elaboration to Action 10 is warranted to make clearer the outcomes that are sought for public access, including dimensions and location. This is particularly important in light of the recommendation noted above, to change the status of public amenities from restricted discretionary activity to controlled activity. In respect of requiring an opportunity for community engagement in the design process for the promenade, some form of engagement may be appropriate. This might occur either in support of Action 10 or possibly via the urban design guide preparation process established in Action 11. An amendment to Action 10 could be made, referencing community engagement in a sufficiently general manner as to enable various options to be considered by LPC.

9.4.3 Recommended Amendments

²⁰ See LPC Information Package, Appendix 4, Recommendation 15 pg 33.

Amend Section 21.8.3.1.2(viii) of the proposed District Plan provisions to insert reference to cultural landscape values.

Delete Rule 21.8.2.2.3 RD2 Public Amenities and insert a new rule 21.8.2.2.2 C7 for public amenities as a controlled activity.

Amend Action 10 to elaborate no provisions to be addressed and provide for a form of community engagement.

Insert a new Section 4.3.5 Future Public Access in to the LPRP, recognising LPC's long term intentions for the land adjoining Norwich Quay.

9.5 Dampier Bay Other

9.5.1 Amendments Sought

LPC have requested that non-compliance with the view shaft and promenade aspects of the Dampier Bay Outline Development Plan be a restricted discretionary activity, rather than the discretionary activity proposed in the pdLPRP.

Christchurch City Council has requested²¹ retention of the Canterbury Street view shaft, identified in the LPC Information Package Appendix 11 Urban Design Report.

A. Suren requests delaying decision making on Dampier Bay until Christchurch City Council plans for Naval Point are progressed, so that district plan provisions for the two areas can be considered together.

A. Suren and Stark Brothers Ltd have requested that potential reverse sensitivity effects from Dampier Bay development in respect of the Dry Dock operations be acknowledged and the Dry Dock operations be protected.

9.5.2 Discussion

With regard to the view shaft and promenade aspects of the Outline Development Plan, it is agreed that with the requirement for Action 10 (and including the amendments recommended in this report), the provision of a public promenade on the waterfront is adequately secured. It is also agreed that the effects associated with buildings within the view shaft will be relatively restricted. It is also noted that the now recommended Action 11, requiring an urban design guide be prepared for the Dampier Bay area, will further reinforce the value of the view shafts. On this basis, it is agreed that restricted discretionary status for non-compliance with these aspects of the ODP would be appropriate.

With regard to the Canterbury Street view shaft, CRC Officers agree that the urban design report provided by LPC in its Information Package, identified a view shaft for protection on the Norwich Quay frontage, located at Canterbury Street. This view shaft was not incorporated into the pdLPRP as it does not fall within the Dampier Bay Outline

²¹ See evidence of Ms Josie Schroder on behalf of Christchurch City Council, para 5.34.

Development Plan area. The view shaft does however warrant protection from permanent structures and its inclusion is therefore recommended²².

With regard to delaying Dampier Bay decision making, whilst it is acknowledged that the disjointed planning processes of the two areas is less than ideal, delaying the Dampier Bay decision making is not considered to be a viable option. The Dampier Bay development, and in particular the public access aspects of that development, are integral to the community well-being and benefit that will arise from the Recovery Plan process. If decision making on Dampier Bay is delayed, it would then need to be addressed through the district plan review process. This would reduce certainty of outcome for the community and integrated planning in regards to the Port recovery package.

In regards to the Dry Dock, proposed Policy 21.8.1.1.3(i) seeks to ensure 'non-port related activities or development do not compromise Port operations or development of port and maritime facilities' (clause a(i)). The Dry Dock and associated activity falls within the definition of Port Activities and the necessity to provide for the ongoing operation of these activities is provided for adequately in this policy. From a non-statutory perspective, it is LPC's expressed intention to establish a car parking area at the western extent of Dampier Bay, to provide a buffer from established adjoining industrial activities. The location of that car parking area is proposed to be a matter of assessment for built development in Dampier Bay, though not a strict requirement.

9.5.3 Recommended Amendments

Delete Rule D5 of the proposed District Plan provisions and provide for non-compliance with the view shafts and public promenade aspects of the Dampier Bay ODP is restricted discretionary activity. Amend associated assessment matters to address view shaft non-compliance²³.

10 Ferry Terminal

10.1.1 Amendments Sought

A number of submissions related to the ferry terminal at the port. The preliminary draft LPRP discusses the ferry terminal in sections 3.8.4 and 4.4. The document notes the potential relocation of the ferry terminal to Dampier Bay and that while this is provided for through amendments to RMA plans, the pdLPRP does not direct a location for the ferry berth, and any new berth would require resource consent without public notification.

Submissions on the ferry terminal were largely focused on the future location of the terminal. Many opposed the proposed relocation to Dampier Bay and requested changes to remove this possibility, while others supported the move. Other submissions proposed alternative locations such as the No.4 – 6 wharves, or as close to the Lyttelton town centre as possible. Linked with the submissions on location were those concerned with the linkages of the terminal to the Lyttelton town centre, with proposals for overbridges and reference to

²² See Attachment 4, Appendix 4, Built Form Standard 21.8.2.3.1 and Appendix 21.8.4.4.

²³ See Attachment 4, Appendix 4, Rule 21.8.2.2.3 RD3, Rule 21.8.2.2.4, and clause 21.8.3.3.3(e).

appropriate walking distances to the town centre. Some submissions requested provision for facilities, such as upgrades to the existing terminal, bus and passenger rail linkages, and car parking including overnight parking. The timeframe for decisions was also noted, with some expressing a need for certainty in relation to decision making and terminal location. Related to the decision making process, some submitters, such as the Diamond Harbour Community Association, requested discretionary activity status and public notification be applied to land use resource consents required for ferry terminals. NZTA has requested that the LPRP be amended to include an action for LPC to confirm a ferry terminal location by 2020 or prior to the opening of Sutton Quay, whichever occurs first.

Note, discussion of the Public Transport Facilities rule is included in Section 7 of this report, above.

10.1.2 Discussion

It is important to note that section 5 'Matters to be dealt with' of the Minister's Direction includes, at sub-clause 5.1.3, "Implications for transport, supporting infrastructure and connectivity to the Lyttelton town centre, including but not limited to... the location of passenger ferry terminals..." The location of the passenger ferry terminal was considered during the development of the preliminary draft LPRP, this is shown by the discussion addressing this issue in the document noted above.

However, through the pdLPRP development process it was considered that it was not appropriate for the LPRP to make a direction on the location of the ferry terminal. The Direction relates to dealing with implications for transport including the location of the passenger ferry terminal. It was determined that this is a commercial and operation decision to be made by the LPC. The ferry terminal and any associated facilities must be well integrated into and not adversely affect the safe, efficient and effective operation of the port. How this is to be sufficiently achieved is not yet known, and will rely upon both future decisions of the port in terms of use of space in the inner harbour, and detailed planning of any future ferry terminal. As such, any movement or development for the ferry terminal is some time away, and there is not sufficient certainty currently to include a direction in the LPRP for its location, or the timing of that location.

With regard to the impacts of the terminal on the transport network, rules are proposed in District Plan that require a new ferry terminal or public transport interchange to obtain resource consent prior to opening and for an integrated traffic assessment to be provided with a resource consent application prior to the opening of Sutton Quay for public access to Dampier Bay or the ferry terminal. These rules should enable consideration of the impacts of the ferry terminal on the transport network. For added certainty and to better enable forward planning of any transport network improvements that might be required, Action 8 of the pdLPRP could be amended to include reference to access to the ferry terminal, and its connections to the public transport network.

It is important that any future development to provide for a passenger ferry terminal takes into account the needs of the users, and integrates with the other transport networks including pedestrian networks and public passenger transport. To this end, the pdLPRP does include amendments to the District Plan to ensure appropriate consideration of any

proposed landward facilities for passenger transport services (see Discussion in Section 7 above).

The pdLPRP provides for a new ferry wharf in the inner harbour as a permitted activity under the RCEP. An issue could arise if a new ferry terminal was constructed on a wharf in the coastal marine area, as under the proposed RCEP provisions this could be undertaken as a permitted activity. The District Plan provisions controlling building design for a terminal facility would be bypassed, though any public transport interchange (such as bus services) and public pathways/connections would be addressed. It is difficult to know whether this scenario is fanciful, and this is something LPC may wish to comment on. It is unusual to find provisions in a coastal plan affecting landward services, but this should be given further consideration if this is a possible scenario. A rule could be included in the RCEP that applies to a ferry terminal and that has the same rule status and similar conditions to those included in the District Plan.

10.1.3 Recommended Amendments

No changes are recommended. NZTA's concerns about access to the ferry terminal and its connections to the public transport network can be addressed by the inclusion of this in the matters to be addressed under Action 8 (the Memorandum of Understanding).

11 Dredging

11.1 Amendments Sought

Many submissions were received relating to the dredging of material from within the operational area of Lyttelton Port and the disposal of dredged material into the coastal marine area. Some submitters seek that only best practice methods be used and that monitoring occurs so that if adverse effects are identified, appropriate mitigation can occur to reduce those effects.

Te Rūnanga and ngā Rūnanga raised many concerns not only with regard to the effects of dredging itself, but also the deposition of dredged material in the Spoil Dumping Grounds. They seek the inclusion of an Adaptive Environmental Management Plan as part of the dredging and deposition rules in the RCEP.

LPC seek amendments to the RCEP rules to recognise the existing procedures that deal with how potentially contaminated material from the Inner Harbour is dealt with during dredging operations.

Several submitters seek that rules dealing with dredging of the main navigation channel be amended to require public notification (Rule 10.12). LPC seek the removal of the requirement to notify an application to dredge adjacent to the reclamation (Rule 10.11).

Submitters also raised issues regarding the dumping of dredged material, including investigation of additional dumping zones outside the Harbour entrance, changing the activity status for the deposition of dredge spoil in the coastal marine area to non-complying

or prohibited, including provision to ensure that the deposition of spoil in the Harbour is eventually ceased, and only allowing the deposition of dredge spoil 20 km offshore.

11.2 Discussion

Dealing firstly with the dredging and deposition of seabed material dredged from the Inner Harbour, the amendments sought by LPC to the deposition rules to reflect the existing processes in place for dealing with known or potentially contaminated material is supported. This was the intention of the rules as drafted for the pdLPRP. These are minor changes to the rules, however it is considered more appropriate to ensure that the changes sought by LPC are included in the rule authorising the removal of seabed material from the Inner Harbour (RCEP Rule 10.9), rather than the rule that authorises the deposition of seabed material that has been removed from the Inner Harbour at the Spoil Dumping Grounds.

Te Rūnanga and ngā Rūnanga seek that the policies and rules that deal with dredging be amended to ensure that best practice dredging methods be used. This is supported in part and changes as sought are recommended for RCEP Policy 10.1.8 which deals with dredging. Not all changes to the rules are supported. It is considered that provisions requiring the use of best practice methods are not sufficiently certain for a permitted activity rule. Changes sought to the definition of 'dredging' and 'dredge spoil' are supported as these better reflect not only the deepening, but also the widening of the main navigation channel.

Some submitters seek that dredging of the main navigation channel be publicly notified. This is not supported as it is considered appropriate that the consent authority should retain its discretion to make a determination on this on a case-by-case basis.

The removal of the requirement to notify an application to dredge seabed material adjacent to the reclamation and to deposit the dredged material at the Spoil Dumping Grounds as sought by LPC, is not supported. It is considered that these activities should be classified the same as other activities relating to the reclamation.

Te Rūnanga and ngā Rūnanga seek that an Adaptive Environmental Management Plan be required for the deposition of seabed material at the Spoil Dumping Grounds. This is not supported for the reasons discussed in Section 12 Construction Effects.

In relation to submissions received regarding the dumping of dredged spoil in the coastal marine area, much of the concern relates to the volume of spoil that is to be deposited and the effects of that deposition on harbour health and water quality. Dredged material from the seabed is dealt with in the LPRP as follows:

- The deposition of seabed material at the Spoil Dumping Grounds from material removed during maintenance dredging is a restricted discretionary activity under RCEP Rule 10.18.
- The deposition of seabed material at the Spoil Dumping Grounds from material removed during dredging to deepen the main navigation channel is a discretionary activity under RCEP Rule 10.19.

- The deposition of seabed material at the Spoil Dumping Grounds from material removed during dredging to deepen or create berth pockets or ship turning basins in the Inner Harbour, adjacent to Cashin Quay and the Te Awaparahi Bay reclamation is a controlled activity under RCEP Rule 10.17
- The deposition of seabed material at the Spoil Dumping Grounds from material that has been removed during works associated with the construction and repair of structures or the reclamation is a controlled activity under RCEP Rule 10.17.

As outlined above, the deposition of any dredged seabed material at the Spoil Dumping Grounds that is removed during maintenance dredging or deepening the main navigation channel is either a restricted discretionary or discretionary activity. This will enable the consent authority to grant or decline any resource consent application for such an activity. It is recommended that the volume of spoil to be deposited is included in the restricted discretionary rule (RCEP Rule 10.18). No other changes are required to address the concerns raised in the submissions.

For material removed during dredging to deepen or create berth pockets and turning basins in the Inner Harbour, adjacent to Cashin Quay and the Te Awaparahi Bay reclamation, the deposition of this material at the Spoil Dumping Grounds, is a controlled activity. The matters for control and discretion in this rule, include the establishment of a monitoring programme at the Spoil Dumping Grounds and the surrounding area to monitor any adverse effects of the dumping of dredge spoil on the receiving environment, as well as methods to mitigate adverse effects on aquatic and benthic ecology and mahinga kai. It is considered that this rule, as drafted, is appropriate to address the concerns raised in the submissions and no changes are recommended.

11.3 Recommended Amendments

Amend Rules 10.9, 10.11, 10.12 and 10.13 which deal with the disturbance of the foreshore or seabed including the removal of seabed material associated with dredging to provide clearer rules that deal more appropriately with best practice dredging methods and the dredging of known or potentially contaminated seabed material from the Inner Harbour.

Amend Rules 10.17, 10.18 and 10.33 which deal with the deposition and discharge of dredged material on the seabed or foreshore in the Spoil Dumping Grounds to provide clearer rules that more appropriately deal with the deposition of material dredged from areas of known or potentially contaminated seabed material.

Amend Rule 10.18 to include the volume of dredge spoil as a matter for discretion.

Amend Policy 10.1.8 to better reflect the dredging activities that will occur and to ensure that best practice dredging methods are used to minimise the adverse effect on the environment.

Amend the definition of dredging in the RCEP to better reflect the dredging activities that will occur.

Amend other relevant parts LPRP and RCEP where appropriate to give effect to the above recommended changes.

12 Construction Effects

12.1 Amendments Sought

Te Rūnanga and ngā Rūnanga submit that an Adaptive Environmental Management Plan framework be used during all recovery activities, and seek changes the rules in the RCEP to reflect this.

There were many submissions received seeking more stringent controls to manage water quality during construction of the reclamation, as well as other construction activities such as wharf repair and replacement.

A number of submitters raised concerns about noise and vibration from construction activities, with noise from piling being of particular concern to residents in Diamond Harbour. Submissions relating to noise and vibration effects are summarised in the report prepared by Dr Stephen Chiles, included in Attachment 2, and discussed further in Section 18 below.

Submitters are also concerned about levels of dust emissions from the Port, while LPC seek further amendments to the provisions of the Proposed Canterbury Air Regional Plan. These submissions are addressed in the report of Myles McCauley, included in Attachment 2.

The New Zealand Transport Agency submit that the effects of construction include effects on traffic movement. They request that LPC provide a Construction Traffic Management Plan as part of the Construction and Environmental Management Plan (CEMP).

12.2 Discussion

Construction effects of the reclamation are discussed above in Section 6.4. Provisions are included in the RCEP to manage stormwater and the discharge of contaminants during recovery activities. No further amendments are considered necessary to these provisions.

Andrew Metherell has reviewed submissions made on transport matters and responds to the submission by the New Zealand Transport Agency. His analyses and recommendations are also included in Attachment 2. He notes that LPC's traffic assessments anticipate that construction traffic volumes will be modest compared to the overall traffic volumes on Norwich Quay. Mr Metherell concludes that a Construction Traffic Management Plan wouldn't address any notable effects on the State Highway network. He considers that the impact of construction traffic on Godley Quay and/or Sutton Quay during construction of Dampier Bay can be addressed through the Integrated Transport Assessment, though he does invite NZTA to elaborate on how they anticipate a Construction Traffic Management Plan provision should be implemented in the LPRP, and the approval framework.

Myles McCauley has reviewed and discussed submissions relating to air quality, including dust emissions, and recommends some amendments to provisions in response to those submissions. His report is included in Attachment 2.

With respect to the submission by Te Rūnanga and ngā Rūnanga, we acknowledge that an Adaptive Environmental Management Plan Framework would provide a more agile framework for managing effects. Adaptive management would involve LPC revisiting their work while undertaking it to reassess and re-evaluate the effects, particularly the cumulative effects, and potentially changing the mitigation or construction methods if needed.

The type of approach taken in a management plan is largely dependent on the level of certainty of effects. If the issues and effects are certain enough then a CEMP is fine; if they are not then a more adaptive approach has merit. While the construction activities proposed by LPC are on a larger scale than previously undertaken at the Port, the environmental management measures have been tested and the effects can be predicted with a considerable amount of certainty.

An adaptive approach would involve ceasing the activity to determine the effects. This could take considerable time and may involve leaving the site exposed, potentially exacerbating the effects and costs. As long as there is ongoing monitoring, reporting and checking of the CEMP, then these plans can also be adapted to take care of unforeseen issues. We have reviewed LPC's Construction and Environmental Management Plan and consider it to be comprehensive and up-to-date with regard to best practice management of effects.

12.3 Recommended Amendments

Insert the policy proposed by LPC into the PCARP, to reflect the recovery needs of Lyttelton Port.

Amend the wording of Rule 7.29A of the PCARP, to include the discharges from unsealed or unconsolidated surfaces, as proposed by LPC, but do not amend this rule to exclude any form of notification.

Amend Policy 10.1.4 of the RCEP to ensure that best practice methods are used during construction.

No amendments are recommended to the RCEP rules or the CEMP.

13 Gollans Bay Quarry

13.1 Amendments Sought

The Diamond Harbour Community Association seeks that applications for activities associated with the Gollans Bay Quarry be publicly notified.

A. Suren requests amendments to Objective 21.8.1.2.3(b) of the proposed district plan provisions to require rehabilitation if quarrying is not complete but ceases for two years.

Te Rūnanga and ngā Rūnanga seek an amendment to Policy 10.41 of the proposed Land and Water Regional Plan (LWRP) to ensure the integrated management of Whakaraupō/Lyttelton Harbour.

The Christchurch City Council has requested Appendix 21.8.4.3 Quarry Area be replaced with a clearer image and consistency in terms referenced.

The Lyttelton/Mt Herbert Community Board has requested that an alternative public footpath be opened at Gollans Bay.

The Green Party has requested strengthened provisions relating to landscape and visual impacts of the quarrying.

The Green Party has requested the geographic area of the Plan be amended to cover the land to Evan Pass, to address the effects of rock blasting relating to the re-opening of Sumner Road.

13.2 Discussion

Regarding public notification of the Gollans Bay Quarry, the proposed provisions for the CRDP directly reflect existing resource consents held by LPC for the quarrying at Gollans Bay. Those resource consents were granted independent of the LPRP process, under the Canterbury Earthquake (Resource Management Act Port of Lyttelton Recovery) Order 2011, in June 2011. They enable quarrying and the upgrading of the haul road within an identical area to that identified in Appendix 21.8.4.3 of the proposed District Plan provisions, subject to a range of conditions relating to matters including ecology, rehabilitation and slope stability. The effects of quarrying in the identified area are therefore already permitted.

What the consents granted in 2011 do not allow, is for the extracted material to be used for anything other than an initial 10ha reclamation area at Te Awaparahi Bay. By contrast, the proposed Gollans Bay Quarry rules in Appendix 4 of the pdLPRP will enable extracted material to be used without restriction, and includes the ability to use it in the larger reclamation area proposed at Te Awaparahi Bay. Given the environmental effects of quarrying at Gollans Bay Quarry within the specifically identified Quarry Area footprint are already consented and therefore form part of the existing environment, public notification of any future consents within the same area is not considered appropriate. It should be noted that should LPC seek to quarry outside of the identified Quarry Footprint, public notification may be appropriate and will be determined by the consenting authority(ies) through the normal section 95 of the Resource Management Act 1991 process.

Regarding the requirement to rehabilitate the quarry if quarry activity ceases for more than two years, the resource consents currently held by LPC for the Gollans Bay Quarry indicate that planting and rehabilitation is to some degree at least to occur in a staged or progressive manner. Port Quarrying Activity is proposed to require resource consent as a controlled activity under proposed Rule 21.8.2.2.2 C2 of the CRDP provisions. Matters for control include rehabilitation and it is expected that any resource consent will include conditions pertaining to rehabilitation requirements. This would likely include any potential staged or progressive rehabilitation. Nevertheless, Policy 21.8.1.2.3 as written could be taken to infer that rehabilitation need only occur when all quarrying ceases permanently, regardless of the period of time over which temporary cessation may occur. CRC Officers are reluctant to stipulate in the policy that progressive or staged rehabilitation *must* occur, as there may be practical reasons relating to topography, for example, why that is not possible. An

amendment to the policy is warranted however, to indicate that where practicable, rehabilitation should be undertaken progressively. The rehabilitation issue is related to the matters raised by the Green Party in their submission, regarding strengthening of provisions dealing with landscape effects. As discussed above, all landscape effects anticipated within the identified Gollans Bay Quarry Area footprint have already been consented to. Existing proposed rules in the LPRP requiring resource consent and consideration of ecological and rehabilitation matters, will enable landscape effects to be addressed, to the extent appropriate.

In response to the submission of Te Rūnanga and ngā Rūnanga, the LWRP only manages activities above mean high water springs. Landward activities that discharge into the Harbour, such as the Gollans Bay Quarry, are managed by the RCEP. While this delineation exists, it is important to acknowledge the effects that landward activities can have on the Harbour. The amendment proposed helps to achieve this, although we recommend that the wording be changed to provide more certainty.

In regard to the image in Appendix 21.8.4.3 Quarry Area, it is agreed that the quality of the image is lower than desirable and should be replaced. Similarly, the terminology used in that image is not entirely consistent with the related rules and should be amended so that it is consistent. For example, 'Quarry Area (shown hatched red)' should be reworded to 'Quarry Footprint (shown in hatched red)'.

With regard to the request for an alternative public pedestrian access route at Gollans Bay, we note that the requested access will pass through Port operational areas. As such we are unable to comment on the feasibility of the proposal, including whether it is achievable from a health and safety perspective. We invite LPC to provide comment on the request, at the hearing.

With regard to the extension of scope to include land to Evans Pass, the Minister's Direction to develop the LPRP specifically excludes changes to any documents or instruments in relation to the re-opening of Sumner Road/Evans Pass.

13.3 Recommended Amendments

Amend Policy 21.8.1.2.3 of the CRDP provisions to indicate progressive rehabilitation is desirable where practicable.

Amend Policy 10.41 of the LWRP as requested by Te Rūnanga and ngā Rūnanga, but with amended wording.

Replace Appendix 21.8.4.3 of the CRDP provisions with a clearer image and amend wording to achieve consistency with the relevant Port Quarrying Activity rules.

14 Naval Point Recreational Area

14.1 Amendments Sought

Several submissions, including Naval Point Club, Coast Guard and A. Suren, have stated that all land that is currently contained within the Banks Peninsula District Plan Boat Harbour Zone should remain in that zone. The preliminary draft Recovery Plan proposes that a portion of the Boat Harbour Zone that is owned by LPC be rezoned to Specific Purpose (Lyttelton Port) Zone (referenced here as Lot 1 DP 80599). That rezoning is supported in the submission by Stark Brothers Ltd.

Other submissions have requested that the LPRP specifically address the Boat Harbour Zone, including rules applicable within that Zone. At present the LPRP does not address the Boat Harbour Zone area.

The Oil Companies in their submission have outlined a 250m exclusion zone for sensitive activities, requested the insertion of a definition of sensitive activities and stated that there should be limits imposed on development in the Naval Point area with regard to that exclusion zone and the use of access to the Naval Point area, which passes through the area known as the Tank Farm.

14.2 Discussion

With regard to the rezoning of Boat Harbour Zone land to Specific Purpose (Lyttelton Port) Zone, the proposed provisions of the Specific Purpose (Lyttelton Port) Zone currently provide for the land as 'Operational Area' where Port Activities are permitted. The definition of Port Activities includes maintenance and repair activities, including the maintenance and repair of vessels, marine-related industrial activities, and facilities for recreational boating. A wide range of recreational boat related activities are therefore provided for on the land in question, consistent with the outcomes sought by many submitters. The provisions will however also provide for the use of the land for other Port operational and recovery-driven needs, including those that do not relate to recreational boating. It is these "other" potential Port uses that some submitters (generally representing users of the Naval Point recreational boating facilities) are concerned will undermine the recreational functions of Naval Point. Having considered the points raised in submissions with regard to the value of that land to support recreational boating, and the continued ability of the Port to undertake activities in support of recreational boating on that land as is currently the case, it is accepted that Lot 1 DP 80599 would be more appropriately zoned as Boat Harbour Zone (in the Banks Peninsula District Plan), or Metropolitan Open Space (proposed Christchurch Replacement District Plan).

During the drafting of the preliminary draft Recovery Plan, consideration was given to including provisions relating to the entire Naval Point Boat Harbour Zone, in the Recovery Plan. Consultation with the City Council revealed that while the Council were undertaking a master planning exercise for the Boat Harbour Zone, that exercise was not well progressed. It was considered that there was insufficient information as to demands and needs of both the City Council and other users of that Zone to effectively formulate new City Plan provisions that would apply to it. Further, the City Council advised that there were no particular changes to statutory documents or actions that might be inserted into the pdLPRP that would assist the redevelopment of the Naval Point recreational facilities. On 2 May 2015, the City Council notified new provisions for the Naval Point Boat Harbour Zone, excluding that area owned by LPC, as part of Phase II of its proposed Christchurch

Replacement District Plan. Though it is accepted that there would be benefits in integrating the planning for Naval Point into planning for the wider Port area and Dampier Bay in particular, it remains our opinion that the resource management issues affecting the Naval Point area are best addressed through the Replacement District Plan process, as is currently being undertaken.

In regard to the Oil Companies submission, we note that a definition of “sensitive activities” with regard to hazardous substance facilities, has been notified as part of Phase II of the draft Christchurch Replacement District Plan provisions and that that definition is not consistent with that sought by the Oil Companies in their LPRP submission. The definition proposed in the draft Christchurch Replacement District Plan for sensitive activities in relation to hazardous substances includes a much shorter list of sensitive receivers and is generally restricted to residential activities, education activities, guest accommodation, health care facilities and any elderly persons housing units. The more extensive definition of sensitive activities requested for the pdLPRP and the associated implications of the 250m exclusion zone would have far reaching consequences on activities within the Naval Point area, if adopted as requested by the Oil Companies. It is considered to be preferable that any definition for “sensitive activities” applicable within the Port be consistent with that applying to other hazardous substance facilities within the City. For this reason, it is recommended that decisions on the definition be left to the Christchurch Replacement District Plan hearing process. Similarly, other issues associated with the interface of the hazardous substance facilities and Naval Point are recommended to be addressed through the Replacement District Plan process and including the recently notified zone provisions for that area.

14.3 Recommended Amendments

Retain Lot 1 DP 80599 as Boat Harbour Zone under the Banks Peninsula District Plan. Rezone to Metropolitan Open Space as per the adjoining Naval Point recreational boating land in the proposed Christchurch Replacement District Plan (or alternative zoning if that zoning changes through the District Plan review process).

15 Shore-based Heritage

15.1 Amendments Sought

Heritage New Zealand has sought clarification of the future management of Battery Point Historic Area and Lyttelton Graving Dock.

The Dampier Bay Moorings Association has requested that the Recovery Plan provide for the protection of the Godley Quay Rowing Club.

A submission by D. & A. Bundy has noted that the Port Operational Area incorrectly includes Pilgrims Rock and should be amended. With regards to the Bundy’s submission on Telegraph Office, that submission is discussed in Section 16 Norwich Quay Commercial Zoning, of this report.

15.2 Discussion

In respect of the Heritage New Zealand submission points, the pdLPRP has not sought to amend any Resource Management Act statutory documents in respect of heritage. Rather, existing Banks Peninsula District Plan heritage provisions continue to apply. Those provisions are currently subject to review through the Christchurch Replacement District Plan process, with new heritage provisions scheduled to be publicly notified on 27 June 2015. Those provisions will have immediate legal effect and include Battery Point Battery and the Graving Dock and its setting. Any works proposed by LPC that have the potential to affect Battery Point, Graving Dock or any other identified heritage items will be subject to existing and proposed district plan rules, as is currently the case. As Heritage New Zealand will be aware, the provisions of the Recovery Plan similarly do not override any requirements for Archaeological Authority under the *Heritage New Zealand Pouhere Taonga Act 2014*, for works affecting sites pre-1900 sites.

In respect to the Godley Quay Rowing Club protection, this matter is similarly best addressed through the Christchurch Replacement District Plan review process. We note that the draft heritage provisions (available for view on the City Council website) do not include provision for the protection of Godley Quay Rowing Club.

In regards to Pilgrims Rock, as the submitters have correctly noted, it is located within legal road reserve. As such it cannot be utilised for any Port purposes without the authority of the Christchurch City Council.

15.3 Recommended Amendments

No amendments recommended.

16 Norwich Quay Commercial Banks Peninsula Zone

16.1 Amendments Sought

LPC seeks deletion of the proposed Commercial Banks Peninsula Zone provisions applicable to land south of Norwich Quay, in the general vicinity of Oxford Street, and rezoning of the land to Specific Purpose (Lyttelton Port) Zone. Several other submissions, including D. & A. Bundy and Christchurch City Council, request retention of the Commercial Banks Peninsula Zone and prevention of the Port from using that zone for Port Activities. The Lyttelton Harbour Business Association supports retention of Commercial zoning, but seeks early review of Port operations in that zone to ensure those activities are not inhibiting the recovery and development of commercial activity along Norwich Quay.

16.2 Discussion

The proposed method of retaining Commercial Banks Peninsula Zone on existing commercially zoned land south of Norwich Quay, with allowances for Port Activities until 2026, was proposed as on the basis of what is necessary to achieve recovery while allowing for conflicting community positions. The approach was identified in an effort to reconcile the conflicting aspirations of the community and LPC in regard to that land. There is a clearly expressed desire on the part of the community for that land to be retained and developed for town centre purposes, as expressed in the Lyttelton Master Plan. LPC on the other hand

has expressed a need to maximise the use of its available flat land during the recovery period, for recovery purposes. The proposed method seeks to signal that the land is intended to return to town centre commercial use in the longer term, but for the life of the Replacement District Plan, Port recovery needs must be provided for. In regard to Commercial Banks Peninsula Zone land west of Oxford Street and south of Norwich Quay, it is maintained that the solution is the appropriate one.

The majority of commercially zoned land south of Norwich Quay is owned by LPC, with the notable exception of property understood to be owned by D. & A. Bundy, at 5 Norwich Quay. The Bundys have outlined concerns in their submission about the viability of restoring their heritage building on their land at 5 Norwich Quay if Port Activities are allowed, and the potential for Port log storage to damage that building. We note that a second item identified in the Banks Peninsula District Plan as a Notable Building, Objective or Site and in the soon to be notified Replacement District Plan provisions as a Heritage Item, is located at 1 Norwich Quay (though the Banks Peninsula District Plan notes its location as Gladstone Quay and on a different site). This is an historic Signal Box. Given the location of two identified heritage items in the proposed Commercial Banks Peninsula Zone, south east of the intersection of Oxford Street and Norwich Quay, and the very limited extent of land otherwise “left over” and available for permitted Port Activities in that part of the Commercial Banks Peninsula Zone, it is agreed that Port Activities should not be provided for as a permitted activity in that area. It is noted that the provisions of the proposed Commercial Banks Peninsula Zone do allow for a range of commercial land uses that LPC could develop in accordance with if they choose. Equally, it remains open to LPC to apply for a resource consent to undertake any activity that is not permitted in the Commercial Banks Peninsula Zone.

16.3 Recommended Amendments

Amend the provisions of Chapter 15 Commercial in the proposed Christchurch Replacement District Plan so that Port Activities are not permitted south east of the intersection of Norwich Quay and Oxford Street.

17 Lighting

17.1 Amendments Sought

Some submissions, including by A. Suren and M. Watson, have sought to further restrict the level of lightspill and glare permitted within the Port and the direction of installed lighting. Christchurch City Council seek the addition of further wording to lighting rules in the District Plan provisions, including requiring fixed exterior lighting to be directed away from adjacent properties and the Transport Zone.

17.2 Discussion

The proposed lighting rules applicable to the Port are the same as those that exist in the operative Banks Peninsula District Plan, being a requirement that direct illumination not exceed 10.0 lux within the boundary of any residential or commercial zone. Technical information supplied by LPC in its information package, prepared by a lighting expert,

concluded that the existing rule was appropriate. The submitters contend that the 10.0 lux limit is too generous, that there is insufficient control over the direction of lighting and that this is resulting in adverse effects on adjoining zones. It is noted that the proposed new district-wide lighting rules, notified on 2 May 2015 as part of the Phase II of the Christchurch Replacement District Plan provisions, generally require that where an adjoining zone has a lower lux limit, the lower limit must be achieved. For example, some Industrial Zones are proposed to have a limit of 20.0 lux spill (horizontal and vertical) internally, but must achieve a limit of 4.0 lux within the boundary of any residential zone. The proposed lighting rules for the Port are not consistent with this approach, nor is the 10.0 lux limit proposed in the Recovery Plan rules consistent with the 4.0 lux limit proposed for the residential zone rules for the Replacement District Plan. It should be noted that the lighting rules in the Replacement District Plan have no legal effect at this stage and will be subject to submissions and a hearing.

In the absence of any expert advice to the contrary, we are reluctant to advise any change to the proposed lighting standards, other than to accept the changes requested by the City Council in regard to requiring fixed exterior lighting to be directed away from adjacent properties. We do note that LPC has indicated in appendix 24 of its information package that new lighting technology is expected to be available when the new container terminal becomes operative, that would reduce the impacts of light spill and light glow. Informal discussions with LPC have indicated that this technology may become available as soon as within the next two years, but that this could not be guaranteed. Nevertheless, the Panel may wish to consider an amendment to Built Form Standard 21.8.2.3.4 Light Spill, to require LED luminaries to be utilised within the new container terminal in Te Awaparahi Bay and for new development in Dampier Bay.

17.3 Recommended Amendments

Amend Built Form Standard 21.8.2.3.4 Light Spill to require fixed exterior lighting to be directed away from properties in adjacent zones and the Transport Zone, and to provide for some activities to be exempt from the Standard.

18 Noise

18.1 Amendments Sought

Several submitters have requested amendments to the noise provisions of the District Plan.

LPC seek to amend the noise limits applying to all activities other than Port Activities, Construction Activities or Port Quarrying Activities, within the Specific Purpose (Lyttelton Port) Zone.

A. Suren and the Diamond Harbour Community Association request that acoustic modelling be extended to include areas such as Diamond Harbour and Purau.

A. Thorpe has requested that acoustic treatment of houses by LPC be extended over a wider area than the existing programme.

M. Ross, a Diamond Harbour resident, requests that piling activities aren't undertaken during weekends, due to the long construction period and the excessive noise generated.

18.2 Discussion

Dr Stephen Chiles has addressed the relevant noise issues raised in his evidence in Attachment 2, including submissions that raise issues or seek clarification but have not sought specific amendments.

In respect of the changes requested by LPC in relation to "other" activities, Dr Chiles concludes that it would not be appropriate to amend the noise provisions as requested, as the proposed provisions are consistent with those of the proposed Christchurch Replacement District Plan.

In regard to the extension of the noise contours to the southern bays, Dr Chiles notes his understanding that the 55 dB L_{dn} port noise contour would not reach Diamond Harbour and that while he considers the framework for port noise control to be equally applicable for managing noise effects in Diamond Harbour as it is for managing noise effects in Lyttelton, the lower noise exposures in Diamond Harbour (and we assume other southern bays) is such that it is not necessary for houses to be acoustically treated. Dr Chiles further notes that there would be benefit in the residents of Diamond Harbour and a representative of KiwiRail being represented on the Port Liaison Committee. We agree with Dr Chiles that this may be beneficial. Appendix 21.8.4.6 of the proposed District Plan provisions requires a framework for the Port Liaison Committee to be established as part of the Port Noise Management Plan (clause 1(a)(ii)) and for that framework to include details on representation and administration of the committee (clause 1(d)(ii)). The clauses are non-specific as to the make-up of the committee, with representation essentially left to the decision of the LPC and the committee itself. We understand representation on the committee is to a large extent also influenced by the availability of parties willing to participate, and this factor is beyond the ability of LPC to influence. We therefore consider that while it would be beneficial to encourage LPC to include a representative from Diamond Harbour (and potentially KiwiRail) on the committee (if there is not currently), it would not be appropriate to require it in the District Plan provisions.

With regard to whether piling activities should be undertaken on weekends, Chapter 11 of the Construction and Environmental Management Plan details how LPC intend to manage construction noise. LPC have indicated that there is currently no piling on Sundays, although the Construction and Environmental Management Plan provides for piling on Sundays in some areas. It is not considered appropriate to limit piling to five days a week, given the large number of construction activities that are required for the Port's recovery and the need to undertake these expeditiously.

With regard to the treatment of houses and in response to submissions requesting funding for acoustic treatment of dwellings be extended, Dr Chiles has noted that the current noise management regime provides for LPC contributions for acoustic treatment of dwellings the 65dBA L_{dn} port noise contour. He further notes that examples can be found from other ports and airports where funding is provided similarly for dwellings within the 65dBA L_{dn} contour, but also is extending out to the 60 dBA L_{dn} contour. Dr Chiles suggests that the

Hearing Panel should consider whether the current requirement for LPC funding contributions within the 65dBA Ldn port noise contour should be extended further, potentially as far as the 55dBA Ldn noise contour. We have no particular recommendation on Dr Chiles' suggestion and seek only to bring it to the Panel's attention. LPC may also wish to comment on Dr Chiles' suggestion at the hearing.

We further note Dr Chiles' suggestion that the Lyttelton Port Influences Overlay Area may need to be extended out to the 55dBA Ldn noise contour, if the Panel is minded to extend the area of acoustic treatment funding. We note that the Overlay is outside the scope of the Recovery Plan geographic area and is the subject of the Christchurch Replacement District Plan review process.

18.3 Recommended Amendments

No amendments are recommended.

19 Miscellaneous

19.1 Amendments Sought

The New Zealand Fire Service seeks insertion of a new built form standard in the CRDP provisions, requiring that adequate water supplies are provided for firefighting purposes.

KiwiRail seeks insertion of a new built form standard in the CRDP provisions, requiring any buildings, balconies or decks adjoining the rail corridor at Norwich Quay to be setback a minimum of 4 metres from the designated rail corridor.

Ngai Tahu has amendments to the PRCDP provisions to better recognise manawhenua cultural values in the recovery of the Port.

The Oil Companies have requested changes to objectives, policies and rules that affect access to the Naval Point area, and activities within both the Port Operational area and the Dampier Bay.

A. Suren seeks various amendments to the operative Banks Peninsula District Plan.

19.2 Discussion

The new built form standard and accompanying assessment matter sought by the NZ Fire Service is consistent with new rules proposed to be introduced into the Christchurch Replacement District Plan (Phase 1), as supported by the NZ Fire Service. Though no decisions have been released on those provisions by the Replacement District Plan hearing panel as yet, the most recent version of the Industrial and Residential chapters (following rebuttal evidence, mediation and expert conferencing), contain an identical standard to that sought by the NZ Fire Service in its submission on the pdLPRP. The proposed provision is considered to be a reasonable and practical requirement for new buildings within the Port.

The built form standard for building setback from rail corridors, sought by KiwiRail, is also consistent with provisions being promoted through the Christchurch Replacement District

Plan process, including the Industrial chapter. The proposed provision is considered to be a reasonable and practical requirement for new buildings adjoining the Norwich Quay rail corridor. It is noted that KiwiRail has requested that the requirement apply to “Area C” of Norwich Quay only, which means that area between the rail corridor and Norwich Quay. It is unclear why the same requirement should not apply to any building adjoining the rail corridor within the Port zone. KiwiRail may assist the Panel by elaborating on this question should they speak to their evidence at the hearing.

With regard to the amendments proposed by Te Rūnanga and ngā Rūnanga to the PRCDP, the requirement in Objective 21.8.1.2 (Effects of Lyttelton Port recovery and operation) to minimise effects on manawhenua cultural values rather than the current wording of “considering opportunities to minimise” is appropriate in the context of the remainder of the objective, which is directive as to reducing, mitigating or avoiding significant adverse effects on other matters. Ngai Tahu seeks to include additional wording in the same objective regarding the integrated management of the harbour as a whole. As the objective is particular to the Specific Purpose (Lyttelton Port) Zone, whereas the requested inclusion applies to a much wider area than the Port alone, the requested wording is not appropriate and goes beyond what the provisions of the Port zone can be expected to achieve.

With regard to the Oil Companies submission, the Naval Point area is an existing recreational facility, zoned for that use and highly valued by the community. The Dampier Bay and associated marina development are critical to the community benefit aspects of the recovery package and includes an interim requirement for access (pedestrian, cycle and vehicular) via the buffer area that the Oil Companies submission seeks to impose restrictions within. The amendments proposed by the Oil Companies therefore have potentially far reaching consequences for the community. Equally, it is acknowledged that the issues raised in the Oil Companies submission are serious and need to be addressed, for the good of all parties. The Environment Canterbury Project Team for the LPRP was unaware of the extent of the Oil Companies concerns prior to the receipt of the Oil Companies submission. In the time available between the receipt of submissions and the production of this report, CRC Officers have not had either sufficient time or available expertise to give this submission the consideration it requires. CRC Officers have provided some comment on the submission in Sections 7 and 14 above, but are unable to provide a view on the appropriateness of the 250m buffer zone requested, or the majority of the accompanying statutory amendments requested.

With regard to the operative Banks Peninsula District Plan, the amendments proposed are intended primarily to address the potential for confusion arising from the changing boundaries of the Port zone. References to the Port Zone are generally therefore recommended to be removed, or amended only for clarity. The Banks Peninsula District Plan is currently being reviewed via the Christchurch Replacement District Plan process and this is the appropriate process for other aspects of the operative Plan to be considered under.

19.3 Recommended Amendments

Introduce new Built Form Standard to Section 21.8.2.3 of the PRCDP and associated assessment matter, addressing water supplies for firefighting purposes.

Introduce new Built Form Standard to Section 21.8.2.3 of the PRCDP and associated assessment matter, addressing building setbacks from the rail corridor.

Amend Objective 21.8.1.2(iii) of the PRCDP to remove the words 'consider opportunities to'.

19.4 Lyttelton Master Plan

19.4.1 Amendments Sought

The Christchurch City Council sought amendments to the preliminary draft LPRP in order to better explain how the Lyttelton Master Plan was taken into account during the development of the recovery plan. The link between the Lyttelton Master Plan and the LPRP was also noted in the submission from the Hon. Ruth Dyson.

19.4.2 Discussion

It is acknowledged that the discussion in Section 2.5 of the preliminary draft LPRP could better explain the relationship of the recovery plan with the Lyttelton Master Plan, and how it was taken into account.

19.4.3 Recommendations

Include additional text in Section 2.5 of the LPRP to better explain the relationship of the recovery plan with the Lyttelton Master Plan, as set out in Attachment 3.

19.5 Other Harbour Communities

19.5.1 Amendments Sought

A number of submissions noted the need for greater recognition of the other communities in Whakaraupō / Lyttelton Harbour, including the Lyttelton / Mt Herbert Community Board. The Lyttelton Harbour / Whakaraupō Issues Group requested a new section be added to address the effects on other communities. Mr M. Ross requested amendments to the vision and goals to incorporate reference to Diamond Harbour.

19.5.2 Discussion

It is acknowledged that there appears to be a focus within the preliminary draft LPRP on Lyttelton township, with little discussion on the other communities within the Harbour. The effects of the recovery of the port on the other communities were considered during the development of the preliminary draft, and it is considered that this should be better expressed in the document.

19.5.3 Recommendations

Amend the title of Section 2.5 of the document to "Relationship between the Port and Lyttelton Harbour communities".

Include additional text in Section 2.5 of the LPRP to better explain the relationship of Lyttelton Port with the other communities in Lyttelton Harbour.

20 Minor Amendments, Errors and Clarification

20.1 Document Wide Revisions

20.1.1 Discussion

While due care has been given to including all necessary amendments in Attachment 3: Track-changed Version of Preliminary Draft Lyttelton Port Recovery Plan Showing Officer Recommendations”, there are some document wide revisions that may need to be undertaken and have not been able to be included.

The pdLPRP document includes background material and supporting material on process, making written submissions, and next steps, and references to itself as the “preliminary draft”. This material and references will need to be amended to recognise the transition from the “preliminary draft” phase to the “draft Lyttelton Port Recovery Plan” phase, following the recommendations of the Hearing Panel and decisions by the Canterbury Regional Council.

Some consequential renumbering of sections or clauses may need to be undertaken as a result of recommended amendments.

20.1.2 Recommendations

That the Hearing Panel recognise that some document wide revisions may be required in relation to the transition from the “preliminary draft” to the “draft” document, and consequential renumbering.

20.2 Vision and Goals

20.2.1 Amendments Sought

Submissions on amendments to the Vision set out in the pdLPRP included that:

- The Vision should include specific reference to Diamond Harbour
- The well-being of other harbour side communities should be incorporated
- It should include “the surrounding communities and Whakaraupō/Lyttelton Harbour”

Submissions on amendments to the Goals of the pdLPRP included that:

- Goal 3 should be amended to; “The recovery of the port makes a positive contribution to the recovery of Lyttelton township and the wellbeing of all affected harbour side communities, by:”
- Goal 3(a) should be amended to; “(a) providing safe, convenient and high quality public access and connections to the waterfront and surrounding areas”
- Goal 3 should be amended to include new sub-clauses reading;
 - “Providing a dedicated cruise ship berth and facilities”

- “Providing for a short, direct, and safe pedestrian link between Diamond Harbour Ferry and Lyttelton town centre together with improved public transport facilities.”
- Goal 3(d) should be amended to: “Reducing adverse environmental effects of port operations on all harbour side settlements”
- Amend Goal 7(b): “Provide safe routes and a more attractive environment for pedestrians, cyclists and users of public transport in Lyttelton Harbour”
- Additional goals should be included relating to the environment or Whakaraupō / Lyttelton Harbour / and other communities

20.2.2 Discussion

The proposed amendments to the Vision of the pdLPRP seek to incorporate the interests of the other Whakaraupō / Lyttelton Harbour communities is supported. The Minister’s Direction does include reference to “surrounding communities”. It is therefore considered appropriate to incorporate reference to the surrounding harbour communities in the Vision.

The proposed amendment to Goal 3, 3(d) and 7(b) are not supported as these Goals have been worded to reflect port recovery activities within the geographic extent of the recovery plan, and it is considered more appropriate to include a separate Goal referring to the surrounding harbour communities, as proposed by other submissions.

The proposed amendment to Goal 3(a) is supported as this strengthens the intention of the Goal and the supporting provisions in the pdLPRP.

The proposed additional sub-clauses to Goal 3 are not supported as the proposed clauses focus on specific infrastructure that is the decision of Lyttelton Port Company, are not able to be resolved by the Recovery Plan, and are covered to a degree by other goals.

20.2.3 Recommendations

Amend the Vision to read: “The rebuilt Lyttelton Port is resilient, efficient, and contributes positively to the environmental, social, cultural and economic wellbeing of Lyttelton township, harbour side communities, and greater Christchurch”.

Amend Goal 3(a) to: “(a) providing safe, convenient and high quality public access and connections to the waterfront and surrounding areas”.

Include a new Goal 8 to read “Port recovery activities are managed as far as practicable to safeguard the well-being of Whakaraupō/Lyttelton Harbour and the surrounding harbour communities”.

20.3 Section 3.6 Transport Network

20.3.1 Amendments Sought

KiwiRail requested an amendment to Section 3.6 Transport Network of the pdLPRP to correct the reference to the part of the Main South Line that connects to the port as a “spur”, which KiwiRail says is incorrect.

Christchurch City Council requested an amendment to Chapter 3.6 Transport Network of the pdLPRP to include further discussion of Godley Quay, particularly in reference to potential increases in traffic and demands for safe pedestrian and cycle access to Dampier Bay.

The NZTA has requested clarification that the LPRP has jurisdiction over Godley and Simeon Quays, as these appear to be outside the geographical scope of the Recovery Plan.

20.3.2 Discussion

The KiwiRail amendment is supported. The proposed amendment provides a more accurate description of the rail connection to the port.

The Christchurch City Council amendment is supported as the discussion provides further information relevant to the proposals in the pdLPRP.

It is not considered necessary to amend the geographical scope of the LPRP to explicitly include Simeon and Godley Quays, as Clause 5.1.3 of the Minister’s Direction already provides for the Recovery Plan to address implications for transport and this matter is proposed to be addressed under Action 8.

20.3.3 Recommendations

Amend Chapter 3.6 Transport Network as requested by KiwiRail.

Amend Chapter 3.6 Transport Network as requested by Christchurch City Council.

20.4 Freight Volumes

20.4.1 Amendments sought

Christchurch City Council requested an amendment to remove the Lyttelton Port Company scenarios from the freight volume projection table (Section 3.2, Table 1) as they lead to confusion without adding anything.

20.4.2 Discussion

It is considered appropriate to outline the expectations of the Lyttelton Port Company and compare these to the expectations recorded in an independent study, with relevant information on how the figures were derived.

20.4.3 Recommendations

No change.

20.5 Section 2.4.1 Sedimentation in the Upper Harbour

20.5.1 Amendments Sought

The Lyttelton / Mt Herbert Community Board sought that Section 2.4.1 Sedimentation in the Upper Harbour is discussed within a separate section, rather than as part of Section 2.4 Tangata Whenua Association with and Aspirations for Whakaraupō/Lyttelton Harbour, noting that “The quantity of sediment entering the harbour with every rain event is a concern for everyone living here”. The Lyttelton Harbour/Whakaraupō Issues Group noted that sedimentation is “one of a number of coastal and marine environmental issues of major concern to other local communities”, and also sought a new sub-section, adding that this should cover sedimentation as well as other environmental concerns noted in the submission.

20.5.2 Discussion

It is acknowledged that sedimentation in Whakaraupō/Lyttelton Harbour is of concern for a wide range of people and communities. The pdLPRP should express these concerns in a way that reflects this.

20.5.3 Recommendations

Amend Section 2.4.1 Sedimentation in the Upper Harbour to better express the environmental concerns for Whakaraupō/Lyttelton Harbour for a wider range of people and communities.

20.6 Section 3 Key Issues for the Recovery of Lyttelton Port

20.6.1 Amendments Sought

Amendments requested to Section 3 of the pdLPRP included:

- Amend section to fully address key issues, including separate section on the environment and on other communities.
- Amend 3.4 to include: While a new purpose-built cruise facility is desirable in the long term it may be necessary to consider temporary or transitional facilities to enable larger cruise ships to berth at Lyttelton in the short term.
- Amend 3.6 as follows: ~~Many in the community would like to see trucks re-routed off Norwich Quay onto an alternative route~~ An alternative route for port road freight is needed to support recovery and ongoing economic viability of Lyttelton town centre.
- Add Section 3.7(a) Landscape Change which acknowledges the landscape and visual effects of development proposals.
- Amend 3.8.1 to include: This includes the community desire to an alternative freight route to see Norwich Quay as part of the town centre with an improved level of amenity and built form on both sides.
- Amend 3.8.5 to include additional Naval Point development plan objective: Safe access to and on the water.
- Amend 3.8.6 to include: Marina and boating facilities at Naval Point are complementary to any development at Dampier Bay and provide for different needs, including boat ramp facilities.

- Add Section 3.8(a) Community Well-being which addresses the effects of all development proposed by the recovery plan.

20.6.2 Discussion

The requests to include Section 3.8(a) Community Well-being and separate sections on the environment and on other communities is not supported as this is considered to be adequately addressed in other sections, would add considerably to the length of the document, and the effects on well-being of proposals is addressed in technical reports. The pdLPRP attempts to balance these issues and present a plan for recovery.

The proposed amendment to Section 3.4 in relation to temporary or transitional facilities for cruise ship is partially supported. It is considered that temporary or transitional facilities would support recovery of the port if this was able to be achieved.

The proposed amendment to 3.6 is not supported. The issues in relation to an alternative freight route are discussed above in Section 7.

The request to include a Section 3.7(a) Landscape Change is partially supported. This is an issue to be considered as a potential effect of recovery proposals. It is considered that this is better addressed within the current Section 3.7, rather than a separate section.

The proposed amendment to 3.8.1 is not supported. This desire is already noted in the section and discussed in more detail in other sections.

The proposed amendment to 3.8.5 to include additional Naval Point development plan objective is supported as this provides more accuracy in relation to the development plan.

The proposed amendment to 3.8.6 in relation to Naval Point boating facilities is supported as this provides greater clarity on the role of the area.

20.6.3 Recommendations

Amend 3.4 to include reference to temporary or transitional cruise ship facilities as set out in Attachment 3.

Amend Section 3.7 to address landscape issues as set out in Attachment 3.

Amend Section 3.8.5 to include additional Naval Point development plan objective: 'Safe access to and on the water.' as set out in Attachment 3.

Amend Section 3.8.6 to include: 'Marina and boating facilities at Naval Point are complementary to any development at Dampier Bay and provide for different needs, including boat ramp facilities' as set out in Attachment 3.

20.7 Section 4 The Plan

20.7.1 Amendments sought

The Lyttelton / Mt Herbert Community Board requested the sentence in Section 4.7, “Noise that is generated in the coastal marine area is generally an issue only in landward residential areas” be deleted, noting that noise can also affect marine mammals.

The Christchurch City Council requested that in relation to Figure 6:

- Figure 6 is amended to include likely timing or staging,
- A discussion is included in the text in relation to the ‘potential future public access’ area
- A figure is included showing the proposed reclamation in relation to Diamond Harbour

NZTA requested clarification of the phasing of the Dampier Bay development in Section 4.3.

20.7.2 Discussion

It is agreed that the statement on noise should be more descriptive of the wider potential effects of port noise.

It is not considered that Figure 6 should include timing and staging as this may over-complicate the figure, and the information is available in the following sections.

As discussed in Section 9.4 of this report, a discussion on the ‘potential future public access’ area is recommended to be included in the recovery plan.

It is considered that no additional maps of the reclamation are required. NZTA’s submission that the phasing of Dampier Bay development could be clarified is accepted.

20.7.3 Recommendations

Amend Section 4.7 to include a wider description of the effects of noise as set out in Attachment 3.

Amend Section 4.3 to clarify phasing of Dampier Bay development.

21 Other Amendments

21.1 Amendments sought

The Lyttelton/Mt Herbert Community Board sought that the Foreword acknowledge that the port and town at Lyttelton evolved together, that there is also public access to the waterfront at the existing ferry terminal, acknowledgement of construction effects on the southern bays, and noting that the timing of the Gollans Bay Quarry and Haul Road is dependent on the Sumner Road project. The Green Party sought that there is provision made for the future location of a rail passenger terminal and a walkable ferry jetty and bus terminal for the ferry service.

21.2 Discussion

It is considered appropriate to include the requested amendments in relation to the port and town evolving together, and existing public access to the waterfront at the existing ferry terminal.

Construction effects on southern bays in relation to noise are already included in other recommended amendments. The alignment of the Gollans Bay Quarry and Haul Road with the Sumner Road project is already mentioned in the recovery plan text. In relation to a rail passenger terminal, the proposed amendments to the district plan provisions provide for New Public Transport Facilities in the Port Operational Area or Dampier Bay Area as a Restricted Discretionary Activity.

21.3 Recommendations

Amend the pdLPRP Foreword to state that the port and town evolving together as set out in Attachment 3.

Amend the pdLPRP Executive Summary to note the existing public access to the waterfront at the existing ferry terminal as set out in Attachment 3.

21.4 Errors that Need to be Addressed

Chapter 35, Clause 2 Conditions for Permitted Activities in the Banks Peninsula District Plan provisions is amended to replace a reference to the 'Specific Purpose (Lyttelton Port) Zone' with 'Lyttelton Port Zone'. The latter is the correct reference for the Banks Peninsula District Plan.

The pdLPRP includes Maori translations of the headings. It was found after publication that some translations of the headings used were not completely accurate. These have now been amended to address this issue.

21.5 Areas that Need Clarification

Both the Christchurch City Council and the New Zealand Transport Agency have requested that reference to agencies' funding approval processes be included in Section 6. This is accepted.

It has been noted that the relationship between permitted Port Activities, the proposed Dampier Bay Outline Development Plan and buildings requiring resource consent in the CRDP provisions is potentially unclear. To improve clarity, a cross reference is recommended in Rule 21.8.2.2.1 P1 of the CRDP provisions.

It has further been noted that a definition of Port Activities is currently proposed in the CRDP (Phase 1). As a new definition is proposed through the Recovery Plan process for the CRDP, the former definition will need to be deleted.

21.6 Recommended Amendments

Amend Section 6 to clarify that agencies' funding commitments will be subject to their respective funding processes.

List of Attachments

Attachment 1: Qualifications and Experience of Reporting Officers and Technical Advisors

Attachment 2: Technical Experts Reports on Amendments Sought Through Submissions

Attachment 3: Track-changed Version of Preliminary Draft Lyttelton Port Recovery Plan showing officer recommendations

Attachment 4: Track-changed Version of Appendices of Preliminary Draft Lyttelton Port Recovery Plan showing officer recommendations

Attachment 1: Qualifications and Experience of Reporting Officers and Technical Advisors

Ingrid Gunby

Qualifications: PhD in English, University of Leeds, UK.

Experience: Ingrid is a policy consultant on contract to Environment Canterbury for the Lyttelton Port Recovery Plan project. She has 15 years' experience working in policy and strategic roles in central and local government. Since the Canterbury earthquakes she has specialised in earthquake recovery-related policy work, including management and senior advisory roles for the Canterbury Earthquake Recovery Authority.

Bianca Sullivan

Qualifications: Master of Applied Science in Environmental Management, Lincoln University, and Bachelor of Science in Microbiology and Ecology, University of Canterbury. Accredited Hearings Commissioner.

Experience: Bianca is a Principal Consents Advisor with Environment Canterbury, a position she has held for eight years. She has 20 years' experience in planning and environmental management, having worked for local government, central government and as a consultant, both in New Zealand and the United Kingdom. Bianca has particular expertise in freshwater and coastal management.

Gillian Ensor

Qualifications: Bachelor of Science with Honours in Geography, University of Canterbury.

Experience: Gillian is a senior planner contracting to Environment Canterbury to work on the Lyttelton Port Recovery Plan. She has 6 years' experience working as a resource management planner, working for central government and Environment Canterbury. Gillian has particular experience in regional land and water planning having worked for 4 years as a consents planner at Environment Canterbury.

Kim Seaton

Qualifications: Bachelor of Arts and Master of Regional and Resource Planning, University of Otago. Full Member of the New Zealand Planning Institute. Accredited Hearings Commissioner with endorsement as a chair.

Experience: Kim is a senior planner practising with Novo Group Limited in Christchurch. She has 20 years' experience working as a resource management planner, working for central government, a university and as a consultant, in New Zealand, Canada and the United Kingdom. The last 12 years of this experience is as a consultant based in Christchurch. Kim has particular experience in urban land use development planning, predominantly as a consultant to property owners, investors and developers, though also working on behalf of district and regional councils.

Rory Smeaton

Qualifications: Bachelor of Science and Postgraduate Diploma in Science (Distinction) in Geography, and Master of Planning Practice (Hons). Grad 4 member of the New Zealand Planning Institute.

Experience: Rory is seconded to Environment Canterbury from the Canterbury Earthquake Recovery Authority (CERA) where he has been employed for the last three years since graduating from his Master's degree. Rory works in the area of Recovery Plans and general urban planning.

Richard Purdon

Qualifications: Bachelor of Science and Master of Science Degrees in Geology, Victoria University.

Experience: Richard has 14 years' experience working with the Resource Management Act (1991) dealing with resource consenting matters and has managed teams which both process consents and ensure compliance with them. He is currently a Principal Advisor to the Monitoring and Compliance Section at Environment Canterbury. He also holds a Good Decision Makers qualification and is a warranted Regional On Scene Commander for marine oil spill response under the Maritime Transport Act.

Monique Eade

Qualifications: Bachelor of Arts in English and Political Science with Honours, University of Canterbury.

Experience: Monique is contracted to Environment Canterbury for the Lyttelton Port Recovery Plan project. She has four years' experience working on submission, hearing and appeal processes at the Environment Court and local government level.

Attachment 2: Technical Experts Reports on Amendments Sought Through Submissions

Date:	19 May 2015
From:	Connon Andrews
Subject:	Effects on Waves, Tidal Currents and Sediment Transport

Qualifications and experience:

1. My name is Connon James Andrews.
2. I graduated from the University of Waikato with the following degrees:
 - Bachelor of Science (Earth Science) and Resource and Environmental Planning (BSc & REP) in 1994/5; and
 - Master of Science with First class honours (Msc (Hons)) in Coastal Oceanography and Marine Geology in 1996/7.

I have worked nationally and internationally over the last 19 years for a series of engineering companies including the following roles:

- Tonkin & Taylor (1997 to 2004) Coastal Scientist
- WorleyParsons (2005 to 2013) Principal Coastal Scientist; Global Ports and Marine Manager and Latin America Infrastructure Manager.
- Beca (2014 to present) Ports and Marine Specialist and Civil Business Manager.

During my working career I have specialised in coastal processes and metocean engineering. I have led detailed coastal process and metocean studies for both greenfield and brownfield port developments for a range of clients, including port authorities and resource sector clients.

Summary of submissions:

3. A range of submissions have expressed concern about potential effects on coastal hydraulics and sedimentation processes from the proposed dredging and reclamation. The majority of the submitters have expressed concern about the existing sedimentation patterns in the upper harbour and suggest that the proposed Port expansion works may exacerbate sedimentation.
4. Representative parties (not all) that have expressed concern include: Green Party, Lyttelton/Mt Herbert Community Board, NZ Labour Party, Port Hills, Lyttelton Harbour / Whakaraupō Issues Group, Governors Bay Amenity Preservation Society, Governors Bay Community Association, Helen Chambers, Melanie Dixon, Juliet Neill, and Rewi Couch.
5. Several submissions have been made in support of the proposed reclamation and dredging. A detailed submission which summarises Appendix 13 and 14 of Lyttelton

Port Company's (LPC) information package was prepared by LPC consultants Mr Derek Goring and Garry Teear on behalf of LPC.

6. The LPC submissions conclude the following:
 - swell waves heights will be increased along the northern and southern shorelines of the middle and outer harbour;
 - less swell will penetrate into the upper harbour;
 - the sea wave climate will be essentially unaffected by the development;
 - changes in tidal currents that result from the reclamation will be largely offset by deepening of the shipping channel and swing basin; and
 - sediment transport will not be affected significantly by the development.
7. Several other submissions were received relating to water quality and ecological concerns which are addressed by other ECAN experts.

Technical discussion:

8. A peer review of Appendix 13 and 14 of LPC's information package was completed by the author and documented in the Technical Report titled "Review of LPC Information – Effects on Waves and Tidal Currents (Appendix 13) and Effects on Sedimentation and Turbidity (Appendix 14)" dated 22 December 2014. The following statements contained herein are made with reference to this document.
9. LPC is proposing to reclaim up to 33.5 Ha of seabed for additional port hardstand area and complete a Capital dredging programme of approximately 20 million m³ of material to allow for the next generation of ships. Due to the scale of the proposed works there is potential to affect physical coastal processes such as waves, currents and sediment transport (subject of this statement).
10. The information package and evidence presented by LPC only addresses potential physical changes to coastal processes and does not address Capital dredging construction effects which are subject to a separate consent process.
11. The scope of the proposed dredging and reclamation is not finalised so LPC has completed a numerical modelling scenario based assessment to assess hydrodynamic sensitivity from a range of potential options. The options are intended to demonstrate the range of potential development options that could be constructed (minimum to maximum options).

Effects on Waves

12. Based on the range of scenarios assessed by LPC the author is in general agreement with the findings in Section 12 of Derek Goring's submission; those being:
 - Along the dredged shipping channel, the wave heights are likely to be reduced because of extra depth;
 - The deeper channel causes refraction of waves, thus increasing the wave heights along the northern and southern bays (or the middle and outer harbour);
 - In the vicinity of the reclamation wave heights tend to be reduced (due to greater water depth) with localised increases around the breakwater;
 - In the upper harbour the changes to wave heights is small; and
 - In the situation where there is reclamation with no capital dredging there is not likely to be any discernible effects on wave climate.

Effects on Tidal Currents

13. Based on the range of scenarios assessed by LPC the author is in general agreement with the findings in Section 16 of Derek Goring's submission which state that the likely changes from proposed dredging and reclamation combinations (except for the reclamation only scenario) are likely to be minor. Potential changes in tidal currents that result from the reclamation will be largely offset by deepening of the shipping channel and swing basin.
14. For the reclamation only scenario (no capital dredging) as stated in Section 17 of Derek Goring's evidence there is potential for a marked increase in tidal currents throughout the upper harbour. This implies that construction sequencing of the reclamation and capital dredging projects is important and the sequence of construction needs to be further considered.

Effects on Sediment Transport

15. The proposed channel deepening has the potential to increase the wave climate along the northern and southern shorelines of the middle and outer harbour. As stated in Section 14 of Derek Goring's evidence increases in wave energy at Livingstone Bay (and similarly at Camp Bay) are likely to be in excess of 30%.
16. The author is in general agreement with the conclusions in Section 14 of Derek Goring's submission which state that due to the rocky coastline the increased wave energy is unlikely to result in increased erosion. While the rocky coastline is likely to have low erosion potential, finer sand material within the intertidal area is likely to become more mobile.
17. From the range of scenarios assessed (except for the reclamation only scenario) the effects on wave climate and tidal currents are likely to be minor. Accordingly, the effects on sediment transport processes are expected to be minor. The proposed development scenarios are not expected to alter the existing sediment transport or sedimentation trends.
18. As stated in paragraph 14 construction sequencing has the potential to increase tidal currents in the upper harbour. The effect of this potential change on sediment transport has only been assessed at a preliminary level and therefore needs to be considered prior to construction.

Technical recommendation / conclusion:

19. The LPC studies have demonstrated that the reclamation and dredging are inherently linked as the potential effects from the reclamation are largely offset by the dredging.
20. The LPC studies have demonstrated that the potential effects on waves, currents and sediment transport are likely to be minor with reference to the range of evaluated scenarios. However, the studies have shown that construction sequencing is important as relatively large changes to tidal currents and potentially sediment transport are possible if there is reclamation, but no dredging. In order to fully understand the effects on coastal processes the proposed project sequencing is required to be considered.
21. This statement has only considered physical effects on coastal processes. It is understood that the proposed dredging which may result in construction effects is subject to a separate application and Assessment of Environmental Effects (AEE).

Date:	26 May 2015
From:	Dr Lesley Bolton-Ritchie
Subject:	Coastal water quality and ecology

Qualifications and experience:

I am employed by the Canterbury Regional Council as a Senior Scientist - Coastal water quality and ecology. I have been employed by the Canterbury Regional Council for eleven and a half years. I hold a PhD degree in Marine Ecology from Victoria University of Wellington and a Bachelor of Science with Honours in Zoology from the University of Canterbury. I have over twenty years of work experience in coastal ecology and eleven and a half years of work experience in coastal water quality. I have worked for local government, universities and private consulting organisations in New Zealand and within the Pacific region.

Summary of submissions:

The following people or organisations have made submissions about impacts on marine ecology and water quality including the issue of sedimentation which is a significant issue for the ecological health of the harbour. I hope I have not missed anyone or group from this list. However, it is possible because I did not go through every submission but referred to the summary list of submissions.

Helen Chambers

Diamond Harbour Community Association

Melanie Dixon

Green Party of Aotearoa New Zealand (Eugenie Sage)

Ann Thorpe

Lyttelton Harbour/Whakaraupō Issues Group

Max Manson

Wendy Everingham

Joy Mcleod

Governors Bay Community Association Incorporated (Karen Banwell)

Governors Bay Amenity Preservation Society

Te Rūnanga and ngā rūnanga

Te Waka Pounamu Outrigger Canoe Club

Rewi Couch

Lyttelton Community Association Inc.

Mark Watson

Juliet Neill

Maike Fichtner

Many submitters have reservations on the longer term effects of an additional 27 ha of reclamation on the harbour marine life including cockle beds and fish and other marine life in the harbour. There is concern that the large shape and structure of the reclamation will create increased sedimentation and adverse effects on mahinga kai in the harbour and lead to further changes in erosion and deposition patterns on harbour beaches. For example 'We think it is relevant to note that sediment accumulation rates have been higher on northern side of the harbour, and that there is a possible link between this asymmetry and the construction (1958-64) of Cashin Quay and the Cashin Quay (or Sticking Point) breakwater. It is this breakwater that is now providing the framework for the proposed 27 ha reclamation in Te Awaparahi Bay.'

One submitter raised the issue of the impact of the larger ships coming into the harbour. The issue being that the larger ships could result in an increase in sediment movement. I take to mean the possible increase in the disturbance of the seabed by the larger ships. In regard to the channel another submitted stated: 'The expansion of the container terminal and the deepening of berths and the navigation channel to accommodate much larger ships will increased the volume of material requiring disposal and potential environmental effects. The impacts of spoil dumping have only been cursorily investigated. Dredging and dumping on this scale risk significant adverse effects on turbidity, sedimentation and marine life in and beyond the harbour'.

The following is copied from the evidence of Ross Sneddon (*I have highlighted points relating to marine ecology and water quality*)

In terms of wave energy, the Harbour shorelines represent a roughly continuous spectrum from high energy conditions at the heads to low energy shallow mud-flats in the upper reaches. Shoreline and shallow subtidal communities are inherently adapted to the conditions under which they are established. **Changes to these communities as a result of changes in significant wave height will manifest as horizontal shifts (generally up- or down-Harbour) in the pattern of species dominance along the existing continuum.**

Since the predicted changes in wave climate at the shorelines are generally not large, most of **these shifts will be relatively subtle. The results of hydrodynamic modelling suggest that such community shifts will occur - and may be discernible – at points in the outer Harbour (increased wave energy east of Battery Point) and the central Harbour (e.g. decreased wave energy at Stoddart Point, Diamond Harbour).** Relative changes in wave heights for the upper Harbour (which is dominated by wind waves) are predicted to be very small. Hence any corresponding changes in shoreline and shallow subtidal communities will be negligible.

Changes in tidal current velocities are predicted to occur mostly in the vicinity of the reclamation, shipping channel and associated swing basins. However, the net transport potential for resuspended sediments will be essentially unchanged. While lower water currents tend to favour deposit feeding organisms over filter feeders, the subtidal soft sediment communities of the central and outer Harbour areas already tend to be dominated by the former.

Changes in sediment texture will potentially occur at some sites in the central Harbour due to changes in wave and current climate, and these will affect the Harbour-bed communities supported. But based on the present range of soft sediment communities Harbour-wide, these changes are likely to be small and affect limited spatial areas.

Localised resuspension of benthic sediments and turbidity plumes will be the principal source of effects upon water quality from construction activities. The activities with the greatest potential to generate such plumes are those of dredging, excavation, and reclamation. These turbidity plumes may propagate over intermediate distances (hundreds of metres) before decreasing to near-background levels via settling and dispersion.

From the evidence of Gary Tear and Derek Goring

Current speeds

For all scenarios the current speeds at Cass Bay, Rāpaki and Governor's Bay will increase slightly. Speeds in Purau Bay, Diamond Harbour, Charteris Bay and the Head of the Bay and at Parson's Rock, Naval Point and Quail Island North will decrease. The largest change in current speed will be in Diamond Harbour where the speeds will decrease by almost 14%. Speeds in Port Levy and Little Port Cooper will not change significantly.

Changes to the Wave Energy Environment

The results of modelling waves with the 6 scenarios can be summarised as follows:

- Along the dredged shipping channel, the wave heights are reduced because of the extra depth.
- The deeper channel causes refraction of the waves, thus increasing the wave heights along the northern and southern bays.
- In the vicinity of the reclamation and deepened swinging basin, wave heights are generally reduced except for Scenario 3 where the breakwater causes an increase in wave heights upstream of the breakwater.
- In the upper Harbours of both Lyttelton and Port Levy, the change in wave heights is small (a few mm).

Under any of the proposed scenarios:

- Waves in the central Harbour will decrease by up to 39%;
- Waves at Livingstone and Camp Bays will increase by 13%;
- Waves in Little Port Cooper will increase by a small amount;
- Waves at Putiki in Port Levy will increase by 10%;
- At Purau Bay and Diamond Harbour the waves will decrease by up to 30%;
- At Rāpaki the waves will decrease by a small amount, except for Scenario 3 where waves will increase by 5%;
- For Scenario 4 – removal of the Inner Harbour eastern mole, removal of Z berth the wave heights in the Inner Harbour will more than double from 0.024 m to 0.062 m, though they will still be small; and

- The effect of the breakwater in Scenario 3 is to exaggerate the changes, whether positive or negative, but only in the immediate vicinity of the reclamation.

Beach Erosion

Under any of the scenarios, the waves on the southern and northern shorelines of the middle and outer Harbour will have increased height, and a question that arises is whether this will cause increased erosion along these shorelines. Erosion occurs under the highest waves and is related to wave energy, which is proportional to the square of the wave height. Therefore an increase of 10% in wave height will result in an increase of 21% in wave energy. An examination of the model results for Livingstone Bay (mid-way along the northern shoreline) shows that for Scenarios 1, 2, 4 and 5 there will be more than a 30% increase in wave energy (for Scenario 3 it is only 21% because of the complex effects of the breakwater). For a sandy beach, increases in wave energy of more than 30% would be expected to have a significant effect on the transport of sediment along the beach. However, for the rocky beaches along the northern and southern bays of the middle to outer Harbour, such an increase is unlikely to cause significant erosion, though finer sediment (sand) if there is any may become more mobile. Existing west-facing sandy beaches on the southern side of the Harbour (like those in Pile Bay and behind Ripapa Island) will not be directly affected by the increased wave energy because they are sheltered by headlands.

Copied from the evidence of Dr Daniel Pritchard

In my opinion, there are three key potential indirect effects that are not adequately addressed in the information package:

- (a) Potential reduction in transport of food to suspension feeders;
- (b) The long term consequences of hydrodynamic change in the deposition of sediment on rocky reef habitat; and
- (c) Reproductive isolation of viable breeding populations from viable habitat with aging populations.

In my opinion, the potential for indirect effects (however minimal) and tipping points in ecological systems mean that the proposed changes as a result of the Lyttelton Port Recovery Plan:

- (a) Cannot be considered in isolation from other processes within Whakaraupō / Lyttelton Harbour; and
- (b) Must include habitats and species beyond the immediate construction / reclamation footprint.

Copied from the evidence of Nigel Scott

The loss of Te Awaparahi Bay will add to the historic losses of fisheries habitat and sedentary fisheries resources from previous reclamation activities within the port area (e.g. the coal area, Cashin Quay, the inner port wharves area and Naval Point). Given the existing degraded state of fisheries habitat and fisheries resources in the harbour any further degradation is unacceptable.

Given the presence of key mahinga kai shellfish species and natural reef habitat, Battery Point must be excluded from the proposed reclamation area along with an appropriate setback or buffer area west of Battery Point. The appropriate setback will need to be determined based on the need to avoid indirect adverse impacts on Battery Point from the reclamation such as the alterations in tidal flow that are predicted to occur along the eastern side of the reclamation (Goring, 2014) and any subsequent impacts on the flow of nutrients and the settling-out of sediment from the water column – these may in turn have impacts on species such as pāua and their preferred habitat, in particular juvenile pāua and their habitat. A cautious, phased approach to reclamation development with appropriate monitoring (prior, during and after each phase), will greatly assist the identification of the appropriate setback distance.

Further net losses of customary fisheries habitat and fisheries resources inside the harbour may result from increased sediment loadings caused by the capital dredging and dumping operations to deepen berthing pockets and swing basins. Any such losses are significant and unacceptable.

Improvements to water quality:

- A 'Shellfish Gathering' standard must be applied to all harbour waters encompassed within the Mātaitai Reserves such that fishers have the ability to safely consume shellfish from Mātaitai waters and the existing outer harbour 'Shellfish Gathering' area.

Formal, ongoing scientific assessments of the health of key fisheries habitats (e.g. sediment accumulation/loading and light/turbidity monitoring of reef systems and habitat forming kelp forests prior to, during and after any major capital works) and abundance and distribution of key fisheries resources within the harbour (prior to, during and after major capital works that add to the existing surveys from Ngāi Tahu, LPC and University of Canterbury and that include shallow sub-tidal areas, key mahinga kai shellfish and finfish, key habitat forming kelps, invasive species as appropriate, the armoured shoreline of the reclamation area and Battery Point).

Technical discussion:

It is unfortunate that the ecological baseline for the impact of the LPRP is the present ecological state of the harbour. The ecological health of the harbour has been significantly reduced over time as a consequence of sedimentation, disturbance of the seabed by dredging and spoil dumping, disturbance of the seabed by shipping, loss of habitat through reclamation and the building of structures – wharves, jetties, boat ramps, moorings, wastewater and stormwater discharges, and coastal activities including recreational activities (boating, swimming, fishing, shellfish gathering), commercial (fishing) and cultural activities (gathering of kaimoana). I am sure there are more things that can be added to this list but these are the activities that are most obvious. In defence of the last item on the list I refer to the following statements by Henry Couch - 1. Sharks were fished using nets stretched across the harbour; and 2. The open waters of the inner harbour were extensively utilised for the gathering of pioke and pātiki, which were traditionally taken using nets stretched across the harbour.

All of these activities will have impacted the sediment environment, the presence and abundance of soft sediment intertidal and subtidal benthic species, the occurrence of seagrass, the presence and abundance of rocky shore plants and animals, the presence and abundance of fish, birds and marine mammals and there are a number of invasive marine species within the harbour. The following is a list of some of the observed impacts (my personal observations, results from monitoring, Bolton-Ritchie 2011 and 2013 and Woods *et al.*, 2013, Woods and Bolton, in progress):

- No seagrass beds in the upper harbour;
- extensive very muddy intertidal mudflats (the sediment grain size of the intertidal mudflat sediment does influence the presence and abundance of species);
- accumulation of mud on rocky reefs in the upper harbour;
- complete coverage of upper harbour rocky reefs by mud;
- the environment of upper Lyttelton Harbour/Whakaraupō is not conducive to the settlement and/or survival of cockle recruits and their growth to adult size;
- cockle density and biomass is low in the upper harbour of Lyttelton/Whakaraupō and the habitat supports few adult cockles of edible size.

In 2013 a report was completed for the LHWIG by Opinions Market Research Limited. This report is entitled 'Anecdotal Evidence of Changes to the Natural Environment of Lyttelton Harbour/Whakaraupō prior to 2000'. This report is referred to be a number of the submitters. The inclusion of this report in the Lyttelton Harbour/Whakaraupō Issues Working Group submission, has allowed me to read this report for the first time. Quoting from the report, specific findings included:

- Sedimentation, harbour in-filling and decreasing water depth were discussed in all the interviews. Anecdotal evidence suggests changes in sediment levels and water depths are known to have been occurring as far back as the late 1880s, however the nature and extent of these changes appears to have intensified after 1960. In each of these cases, accounts of change varied across the interviews on a timescale and spatial basis (e.g. whole harbour, specific locality), however, there was consistency in that all participants attributed these to changes in either port related operational activities (e.g. dredging, Cashin Quay etc.) or land-use changes, e.g. de-forestation for farming.
- Changes in the water currents were raised as a key issue for those participants with a particular interest in and experience of the harbours waters, e.g. sailors, fishermen. All believed the currents had changed significantly since the building of Cashin Quay and they described how prior to the 1960s the water currents had flowed straight up the harbour towards the Head of the Harbour and back down again, but after Cashin Quay was built the sea swells hit the new breakwater and deflected towards the southern side of Quail Island, in front of Charteris Bay and in and around Church Bay.

In the technical evidence of Gary Tear there is a statement 'The Cashin Quay breakwater acts as a local control feature on the tidal current flows.'

Clarity needs to be provided to submitters and other on what is the ecological baseline is against which to assess for the impacts of the activities covered by the LPRP. The ecological baseline is the current state of the harbour.

The information in the paragraphs above (starting from In 2013 ..) highlights the impact of existing port structures on the harbour ecosystem. Therefore the impacts of the proposed reclamation, capital dredging and other activities will be **cumulative** on top of the existing impacts. As stated in the evidence of Ross Sneddon, Gary Tear and Derek Goring there will be changes in the hydrodynamics including percentage changes to wave heights in different parts of the harbour, horizontal shifts in the pattern of species dominance, and changes in sediment texture and hence harbour bed communities. Are such changes acceptable in terms of the long term ecological health of the harbour? What will the cumulative effect of these be for the long term ecological health of the harbour? There are no quick and easy answers to these questions. However, to determine if these changes will occur, the size of the changes and any other ecological impacts a harbour-wide environmental monitoring programme is required. I note in my peer review of the report by Ross Sneddon I state 'I am of the opinion that detailed water quality, marine ecology, kaimoana monitoring programmes be established as soon as possible. The focus of the monitoring should be within the mid-harbour area but should also extend to sites throughout the harbour. The monitoring should begin as soon as possible so baseline data are collected.'

In September/October 2014 a technical group including marine ecology and hydrodynamics scientists, a DOC representative, Ngai Tahu representatives, LPC representatives, a marine aquaculture representative and I sat around the table to discuss a capital dredging monitoring plan. Following on from this meeting, Dr Graham Fenwick from NIWA prepared an Environmental monitoring plan for Lyttelton Port of Christchurch Limited. I only ever saw and commented on the draft report. The intention of LPC was to adaptively manage any environmental impacts during its dredging programme. To support this there was to be monitoring to collect data on key values (directly or indirectly) at appropriate timescales to support timely responses to any identified effects of the dredging. The monitoring plan included bathymetry, suspended sediment, sediment deposition, aquaculture, soft bottom communities, rocky bottom and shore biota, seabirds and mammals. In my opinion this draft plan was a very good starting point for the long term monitoring that should be carried out by LPC to assess if and what changes occur as a consequence of the large scale projects of the reclamation and capital dredging.

In the submission by Te rūnanga and ngā rūnanga they propose an Adaptive Environmental Management Plan. The process of Adaptive Management is:

1. Plan – define goals and objectives, set environmental limits.
2. Design – frame a management system around limits, goals and objectives.
3. Implement – implement actions as set out in the AEMP.
4. Monitor – monitor activities against limits set.
5. Evaluate and adapt – evaluate monitoring results and adapt actions or levels against ground truthing.

Te rūnanga and ngā rūnanga have also proposed a new rule 10.35 which details a monitoring framework for an Adaptive Environmental Management Plan. Points 1- 9 and 11

of new rule 10.35 relate to the monitoring of the marine environment including a proviso for management action depending on the results from monitoring. In my opinion this rule should be included but I have added some comments and track changes to this rule (See below).

For the proposed controlled or restricted discretionary activities there are listed points, i.e. control is reserved on the following matters or the exercise of discretion is limited to the following matters.

For Rule 10.12 I am of the opinion that other items needs to be added to the list of following matters. These are:

- The effects of the disturbance on water clarity, turbidity and total suspended solids.
- The effects on the wave climate in the harbour

I note that the lists of matters for control or discretion are all to do with the construction phase of planned activities. They do not consider the potential longer term impacts on the ecological health of the harbour. Including a long term environmental monitoring programme is vital to assess for both the impacts of developments as they occur and assess their impacts (or not) in the long term. It may take some years for changes to manifest themselves. For a long term environmental monitoring programme to be effective it needs to have at least a year of baseline data but preferably more, include numerous monitoring sites around the harbour, have a high level of replication to allow for rigorous statistical analysis and robust conclusions and monitor a wide range of parameters including but not limited to water quality, hydrodynamics (including wave heights, tidal currents, water circulation patterns), marine ecology (rocky shore and soft sediment), mahinga kai species and sedimentation.

I note that Nigel Scott has stated:

- A 'Shellfish Gathering' standard must be applied to all harbour waters encompassed within the Mātaitai Reserves such that fishers have the ability to safely consume shellfish from Mātaitai waters and the existing outer harbour 'Shellfish Gathering' area.

I understand the rationale for this statement, however, any change in the water quality classification of an area of water - in this case from a classification of Coastal CR (contact recreation) to Coastal SG (shellfish gathering) needs to go through a public process. Such a public process will occur when the Regional Coastal Environment Plan is reviewed.

<p>New Rule: 10.35</p>	<p>To provide details on the content of an Adaptive Environmental Management Plan.</p>	<p>Where the preparation and/or implementation of an Adaptive Environmental Management Plan is a requirement the following should be included in an Adaptive Environmental Management Plan:</p> <ol style="list-style-type: none"> 1. Monitoring of dredged material and dredging activities, including: <ol style="list-style-type: none"> a. Characterisation of the dredged material and dredging activities including the: <ol style="list-style-type: none"> i. Date and time of each dredge load; and ii. Make up of each load (e.g. sand, silt, clay, rock); and iii. Load volume; and iv. Location / area of dredge sites (e.g. GPS start / stop points); and v. Disposal location; and b. An assessment of whether any contaminated sediment is suitable for disposal 2. The effects of the disturbance and deposition on harbour hydrodynamics and bathymetry, including: <ol style="list-style-type: none"> a. Monitoring of tidal heights, currents and waves; and b. Comparison of measured changes with those predicted by hydrodynamic models; and c. Hydrographic surveys to document direct and indirect changes in harbour bathymetry; and 3. A water quality / environmental monitoring framework, including establishing environmental limits relevant to Whakaraupō / Lyttelton Harbour for: <ol style="list-style-type: none"> a. Sediment plume extent and intensity. The purpose of this is to monitor and track short term (≈ days) changes in suspended sediment concentration as a result of dredging activity. b. Harbour turbidity. The purpose of this is to monitoring long-term (> weeks) changes in suspended sediment concentration as a result of dredging activity, other construction activities and the reclamation. c. Water clarity d. Nutrients d. Contaminants e. Photosynthetically active radiation (Light) 4. A marine ecology monitoring framework, including: <ol style="list-style-type: none"> a. Status of key mahinga kai species (e.g. pāua, tuaki, kina) b. Status of key habitat-forming species (e.g. seaweed); and c. Status of key mahinga kai habitats (e.g. subtidal and intertidal rocky reef and soft sediment shellfish beds); and d. The establishment of baselines (before operations) relevant to the ecology of Whakaraupō / Lyttelton Harbour; and e. Pre-characterisation surveys of receiving environments and surrounding habitats; and f. Monitoring of baselines and habitats (during and after operations) 5. The use of best practice dredging and disposal methods that limit the impact of dredging activity on marine ecology and water quality; and 6. A communication plan for sharing monitoring results with stakeholders; and 7. Provisions to respond to specific conditions (e.g. storm events which may affect turbidity levels); and 8. The establishment of appropriate management / mitigation measures to be employed if environmental limits, or
-------------------------------	--	--

		<p>deviations from baselines are reached; and</p> <p>9. The ability to initiate management / mitigation actions if environmental limits are reached or baseline variability is exceeded; and</p> <p>10. Development of a whole-harbour / catchment management plan, including:</p> <ul style="list-style-type: none">a. The source, rates and fate of various sources of sedimentation in Whakaraupō / Lyttelton Harbour; andb. Preparation of an Inner Harbour Sediment Analysis Plan; andc. Preparation of Sediment Analysis Reports <p>11. 'Stop' provisions at identified stages to ensure that unacceptable effects do not arise.</p>
--	--	---

Technical recommendation / conclusion:

1. Provide clarity to the submitters and others that the baseline against which to assess for the impacts of the activities covered by the LPRP is the current ecological state of the harbour.
2. Include New Rule 10.35, but with a few tweaks, into the RCEP.
3. For Rule 10.12 these items need to be added to the list of following matters:
 - The effects of the disturbance on water clarity, turbidity and total suspended solids.
 - The effects on the wave climate in the harbour

Date:	25 May 2015
From:	Stephen Chiles
Subject:	Review of submissions relating to noise and vibration

Qualifications and experience:

1. My full name is Dr Stephen Gordon Chiles. I am an acoustics engineer and independent commissioner, self-employed by my company Chiles Ltd. I am separately employed half-time by the NZ Transport Agency as a Principal Environmental Specialist, responsible for state highway noise and vibration. I am a visiting academic at the University of Canterbury Acoustics Research Group.
2. I have degrees of Doctor of Philosophy in Acoustics from the University of Bath, and Bachelor of Engineering in Electroacoustics from the University of Salford, UK. I am a Chartered Professional Engineer (NZ), Chartered Engineer (UK), Fellow of the UK Institute of Acoustics and Member of the Resource Management Law Association.
3. I have been employed in acoustics since 1996, as a research officer at the University of Bath and as a consultant for the international firms Arup, WSP, and URS, and for the specialist firms Marshall Day Acoustics and Fleming & Barron. I have been responsible for acoustics assessments and design for numerous different activities including infrastructure, industrial, commercial, recreational and residential developments. I routinely work for central and local government, companies and individual residents.
4. I am convenor of the New Zealand industry reference group for the international standards committee ISO TC43 (acoustics) and its subcommittees SC1 (noise) and SC2 (building acoustics), which is responsible for 200 published "ISO" standards relating to acoustics. I was chair of the 2012 Standards New Zealand acoustics standards review group, chair for the 2010 wind farm noise standard revision (NZS 6808), and member for the 2008 general environmental noise standards revision (NZS 6801 and NZS 6802).

Summary of submissions:

5. I have read all submissions where Environment Canterbury staff have identified they contain issues relating to noise and vibration. The following paragraphs group the submissions relating to noise and vibration. This summary does not record the specific details of each individual submission, but I confirm I have read these submissions and have taken account of all matters raised relating to noise and vibration.
6. A number of submissions raise general issues about noise and vibration effects and mitigation. These include submissions by: Alastair Brown, Helen Chambers, Joy McLeod, Lucy Rayner, Lisa Williams, Learn2Sail, Governors Bay Amenity Preservation Society and Governors Bay Community Association.
7. The following submissions raise issues about noise received specifically in Diamond Harbour and the Southern Bays: Belinda Durney, Maike Fichtner, Matthew Ross, Pete Simpson, Alastair Suren, Mark Watson, Allan Wilson, Diamond Harbour Community Association, Green Party of Aotearoa New Zealand and the Lyttelton Mt Herbert

Community Board. Most of these submissions raise noise and mitigation as a concern in a general sense but specific points include: questions around noise contours and modelling with respect to Diamond Harbour, acoustic treatment of houses in Diamond Harbour, effects of moving the container terminal closer to Diamond Harbour, representation of residents from the Southern Bays on the Port Liaison Committee, noise from pile driving at weekends, and reduced noise limits.

8. Various submitters raise issues around traffic on Norwich Quay and amenity effects. The following submitters specifically mention noise or vibration from road-traffic as a concern: Marcia Bryant, David and Heather Bundy and the NZ Transport Agency.
9. In her submission Anna Thorpe requests that acoustic treatment of houses by the Lyttelton Port Company be extended over a wider area than the existing programme.
10. In his submission Alastair Suren raises the possibility of reverse sensitivity effects from new activities in Dampier Bay.
11. KiwiRail has made submissions questioning how rail noise and vibration is addressed in the port noise management framework and how reverse sensitivity effects are managed for rail activities.
12. I have also read the expert acoustics evidence included in the submissions of the Christchurch City Council and the Lyttelton Port Company. In general, these statements of evidence do not raise new issues or propose changes to the noise and vibration controls. The only exception is that Mr Hegley proposes changes to the noise limits that apply for activity not covered by provisions for port activity, construction and quarrying. These limits would apply to future activity in Dampier Bay.

Technical discussion:

Noise and vibration effects and controls

13. The proposed framework for controlling port noise and mitigating effects in the Lyttelton Port Recovery Plan is essentially the same as required by the existing rules in the Banks Peninsula District Plan. Those rules were previously determined through an extensive mediation process with the community (Environment Court decision C38/2007). The management regime appears to have operated successfully since 2007 with mitigation implemented, potential noise issues investigated, and complaints appropriately addressed. This noise management framework should address the general concerns raised by submitters regarding the adequacy of noise controls.

Diamond Harbour and the Southern Bays

14. Port and construction activity is audible at Diamond Harbour and the Southern Bays. However, due to the separation distance from the port the sound levels are lower than those experienced in Lyttelton. I understand the 55 dB L_{dn} port noise contour would not reach Diamond Harbour and the 65 dB L_{dn} contour would be a significant distance from Diamond Harbour. This would remain the case when accounting for reflections from the terrain.
15. The movement of the container terminal to Te Awaparahi Bay will reduce the distance from some ships and equipment to some locations in Diamond Harbour. However, this is a small percentage change in distance, which should only result in an increase in

sound levels of up to 1 dB. This is not a significant change and would generally not be noticed.

16. I consider the framework for port noise control to be equally applicable for managing noise effects in Diamond Harbour as it is for managing noise effects in Lyttelton. However, due to the lower noise exposures in Diamond Harbour it is not necessary for houses to be acoustically treated to achieve reasonable internal sound levels.
17. As the Port Liaison Committee has previously been focussed on the treatment of houses within the 65 dB L_{dn} contour, I understand it has only included representatives from Lyttelton. However, the role of the Port Liaison Committee should be broader than just acoustic treatment of houses, and in my opinion there would be benefit in residents of Diamond Harbour being represented on the committee so they have a regular forum where they can raise and discuss port and construction noise issues.
18. Submitters requested lower noise limits in Diamond Harbour and for there to be no piling on weekends. Under the proposed rules, port and construction noise are addressed through a management process rather than with noise limits. I do not consider it appropriate to add separate noise limits at Diamond Harbour as it would conflict with the management framework.
19. Currently there is no piling on Sundays, which provides a balance between giving residents respite and not prolonging the overall duration of piling noise exposure for residents. I consider this to be an appropriate restriction.

Norwich Quay

20. In the information package submitted by Lyttelton Port Company, Appendix 25 is an operational noise assessment. Section 7 of that report provides an assessment of noise from increased road-traffic on Norwich Quay, with existing and future noise contours shown in Figures 9 and 10. This information shows that while road-traffic volumes on Norwich Quay will increase the resulting increase in noise is in the order of 1 dB $L_{Aeq(24h)}$. This is not a significant increase and it is unlikely to be noticeable.

Treatment of houses

21. To achieve an appropriate internal sound level of 40 dB L_{dn} , all houses within the 55 dB L_{dn} port noise contour might need acoustic treatment, although in many cases it is likely the owners will already have implemented some treatment measures. Currently, the Lyttelton Port Company is only required to treat the most affected houses (those within the 65 dB L_{dn} contour) and not all houses that might need treatment (those within the 55 dB L_{dn} contour). A similar approach is taken at several other ports and airports in New Zealand, although in some instances the operator of the port or airport also provides funding or part-funding for treatment of houses within a wider 60 dB L_{dn} noise contour.

Dampier Bay reverse sensitivity

22. New activities in Dampier Bay might be noise sensitive. This could include activities with people onshore and people on boats in the marina. While most people would generally accept the existing port noise that is inherent in this location, some people might complain, causing a reverse sensitivity effect on the Lyttelton Port Company.

However, the Lyttelton Port Company owns the land at Dampier Bay and should therefore be able to address potential reverse sensitivity issues through commercial arrangements with any future occupiers.

Railway noise and vibration

23. Currently most rail activity is excluded from the port noise modelling and also appears to be largely excluded from the Port Noise Management Plan. I understand this is because the rail activity occurs in a designation and presumably as it is not under the direct control of the Lyttelton Port Company.
24. Rail activity in Lyttelton occurs in the same area as other port activity, and its noise effects are difficult to differentiate from other port activity. Therefore, from a technical perspective it would be preferable for all rail activity in Lyttelton to be subject to the Port Noise Management Plan and to be included in the port noise contours. In this case KiwiRail should also be represented on the Port Liaison Committee. While the addition of rail activity might not significantly alter the position of the noise contours, this approach would allow for better management of overall port noise effects.
25. The existing controls in the Banks Peninsula District Plan for new activities within the Lyttelton Port Influences Overlay Area will provide some protection for KiwiRail from reverse sensitivity effects. However, this overlay is only based on the 65 dB L_{dn} contour, whereas treatment of houses for all port noise may be required as far as the 55 dB L_{dn} contour. To provide more effective protection from reverse sensitivity effects the overlay could be extended to the 55 dB L_{dn} noise contour. However, I understand the overlay was limited to the 65 dB L_{dn} noise contour through the previous mediation process (Environment Court decision C38/2007), and I am not aware of any reasons for that outcome to be revisited.
26. The additional documents to the information provided by the Lyttelton Port Company included an assessment of railway noise and vibration, which showed an increase in adverse effects in areas such as Heathcote. The Proposed Christchurch Replacement District Plan includes a rule (6.1.5.2) that requires any new sensitive activity within 80 metres of a railway designation to be designed to achieve specified internal sound levels. This rule will address reverse sensitivity for the Main South Line. However, there is no mechanism to address adverse effects on existing houses.

Noise limits

27. In paragraph 39 of his evidence Mr Hegley recommends changes to the noise limits proposed for activities excluding port activity, construction and quarrying (Table 21.8.1 in the amendments to the Proposed Christchurch Replacement District Plan). These noise limits would apply to new developments in Dampier Bay. The noise limits in Table 21.8.1 have been copied directly from the noise limits for general residential, commercial and industrial zones in Section 6.1.4 of the Proposed Christchurch Replacement District Plan. Therefore, developments in Dampier Bay would have to comply with the general noise limits from the district plan, rather than the special management framework that has been developed for port activity. I consider this approach to be appropriate.

28. Mr Hegley sets out the reasons for his proposed changes to Table 21.8.1 in paragraphs 35, 37 and 38 of his evidence. I agree with the points Mr Hegley makes in these paragraphs. However, other district plans often set noise limits below recommended values, and this can be appropriate to provide for improved amenity in particular zones. In this instance the Proposed Christchurch Replacement District Plan has set noise limits to achieve a certain standard of amenity in different zones, and I consider it important for the noise limits in Table 21.8.1 to remain consistent with these standards.
29. In paragraph 40 of his evidence Mr Hegley discusses an apparent contradiction between port noise criteria and the residential zone noise limits. Port noise varies across the residential zone in Lyttelton, with decreasing levels when moving away from the port. Therefore, whatever noise limits are set for the residential zone they will only equate to one particular port noise contour line. Port noise will be higher than the zone noise limits on the seaward side of that contour line and lower on the landward side.

Technical recommendations / conclusions:

30. In general, the draft noise management and mitigation rules should not be altered. These rules are appropriate to manage port and construction noise effects in Lyttelton and the wider area.
31. Residents of Diamond Harbour should be represented on the Port Liaison Committee. Under the current and proposed rules the constitution of the Port Liaison Committee can be adjusted through the Port Noise Management Plan.
32. Piling should not occur on Sundays, but should be allowed on Saturdays. This should be addressed through the Construction Noise Management Plan.
33. The predicted increase in road-traffic noise from Norwich Quay of approximately 1 dB $L_{Aeq(24h)}$ is not significant.
34. All houses within the 55 dB L_{dn} port noise contour might require acoustic treatment, although many owners are likely to have already implemented appropriate measures. Under the current rules arising from the previous mediation process (Environment Court decision C38/2007), the Lyttelton Port Company provides acoustic treatment to houses within the 65 dB L_{dn} contour. In response to submissions, consideration should now be given as to whether the Lyttelton Port Company should also contribute to treatment of houses beyond the 65 dB L_{dn} port noise contour to the 60 dB L_{dn} or 55 dB L_{dn} contours. This consideration needs to balance factors beyond just acoustics matters. Acoustic treatment of houses is not required in Diamond Harbour.
35. From a technical perspective the Lyttelton Port Influences Overlay Area should extend to the 55 dB L_{dn} port noise contour, but this was restricted to the 65 dB L_{dn} contour through the previous mediation process (C38/2007). I am not aware of any reasons for that outcome to be revisited, and therefore the Lyttelton Port Influences Overlay Area should remain unchanged at the approximate position of the 65 dB L_{dn} contour. However, if the Lyttelton Port Company were required to contribute to treatment of any houses beyond the 65 dB L_{dn} contour, the Lyttelton Port Influences Overlay Area should be extended by the same extent to avoid the possibility of any future houses then needing treatment.

36. Potential reverse sensitivity effects arising from future occupiers of Dampier Bay should be managed by the Lyttelton Port Company.
37. A mechanism should be sought to include all rail noise in Lyttelton in the port noise contours and Port Noise Management Plan. KiwiRail should be represented on the Port Liaison Committee.
38. There are no controls for adverse rail noise and vibration effects that are predicted to occur for existing houses near the Main South Line beyond Lyttelton.
39. The Proposed Christchurch Replacement District Plan includes rail noise reverse sensitivity controls for new houses.
40. The noise limits in Table 21.8.1 should remain unchanged so they are consistent with the general noise limits in the Proposed Christchurch Replacement District Plan.

Date:	20 May 2015
From:	Myles McCauley
Subject:	Air quality

Qualifications and experience:

My name is Myles Patrick McCauley. I am a Principal Consents Planner at Environment Canterbury. I have a B.Sc. and Postgraduate Diploma in Science in geology, and a M.Sc. in Environmental Science specialising in climatology. I have been working in resource management with a particular focus on air quality, since 1997. Previous to my current position I have worked as an air quality consultant (most recently as a senior consultant with Golder Associates (New Zealand) Limited, a position I held for six years), an air quality scientist and a Consents Planner, the last two positions both being with Environment Canterbury. I have been involved with the preparation or review of numerous air discharge permits, many of which have involved dust impacts from sources including quarries, mining operations, construction/demolition, etc. I have also been involved with the drafting of both the operative Natural Resources Regional Plan (NRRP) Chapter 3 Air Quality, and the Proposed Canterbury Air Regional Plan (PCARP). I am familiar with resource management issues related the Port of Lyttelton, having worked on several discharge permit applications related to air and water at the port.

Summary of submissions:

I have reviewed the submissions made with regard to air quality and these are summarised below.

Lyttelton Port Company Limited (LPCL) has provided a technical submission from its expert, Jennifer Simpson of Tonkin and Taylor Limited which is largely consistent with LPCL's original assessment. LPCL's planning consultant, Andrew Purves has submitted regarding proposed plan changes. With regard to plan rules, LPCL requests the following:

- That a new policy, expediting recovery activities, be inserted into the PCARP;
- That Rule 7.29A of the PCARP as proposed in the Recovery Plan, be amended to include the discharges from unsealed or unconsolidated surfaces;
- That rule also be amended so that it must be considered without any form of notification; and
- With regard to the operative NRRP, Chapter 3, LPCL submits that a new Rule AQL106 be added, which makes any of the activities governed by the NRRP permitted as long as they occur within the operational area of the port.

The Governors Bay Community Association (GBCA) submits that:

- The assessment does not address the health effects of vehicle and shipping discharges.

- The “only new action proposed in the plan” which is aimed at reducing dust impacts is to shift activities further away from sensitive receptors, which is not considered adequate.
- The air quality chapter of the Construction Environmental Management Plan is missing.
- Any increase in dust emissions will result in an increase if dust effects, but this is not addressed.
- It is time that more air quality monitoring is undertaken in Lyttelton.
- The plan does not address health effects.
- Shipping emissions are significant pollutant sources.

GBCA requests that international standards for shipping emissions and fuels be enforced for shipping, that the port be “designated as an Emission Control Area for air quality” and that the plan include a chapter on dust management and pollution.

Eugenie Sage, Green MP, submits that the conditions of LPCL’s resource consents for discharges to air from bulk cargo handling “appear to be breached regularly”, and requests plan changes to ensure that air pollution does not occur as a result of this activity.

Alastair Suren submits that the air quality section of the plan does not account for potential reverse sensitivity issues arising as a result of the location of new sensitive activities in Dampier Bay alongside existing port activities, and requests that the plan account for this possibility.

Helen Chambers requests that dust be addressed via a management plan. This occurs in a section of her submission titled “storm water and dredging”.

The New Zealand Transport Agency makes passing mention of dust impacts in its submission, but does not make any specific requests. Given this, I will not discuss it further.

Norwich Quay Historic Precinct Society submits, in the context of requesting that the ferry terminal is not moved, that if this does occur then the Tug Lyttelton will also be moved to the same location, bringing air quality impacts from the tug closer to sensitive receptors. This submission requests no specific outcome and I will not discuss it further.

Technical discussion

I will discuss the submissions in the order they appear above.

With regard to the submissions of LPCL, I agree with the technical material and conclusions regarding conditions presented in the evidence of Jennifer Simpson. I also agree with the proposed additional policy and the change to the wording of Rule 7.29A to include unsealed surfaces presented by Andrew Purves.

LPCL’s planning evidence includes two other matters on which I consider additional discussion is necessary:

1. That resource consent applications made under Rule 7.29A shall not be notified.

The Recovery Plan proposes a substantial easing of consent requirements by allowing for recovery-related discharges as controlled activities, with specific control over the contents of the CEMP and the general matters already reserved under Rule 7.2 of the PCARP. I have reviewed the CEMP and it proposes a well set out and comprehensive management approach to dust mitigation, tiered according to separation distances. As I indicated in my initial review of the air discharge assessment and CEMP, I am not certain that the separation distances are appropriate at all locations in the port, although it is quite possible that they are adequate. Therefore, it could be argued that the proposed approach will be adequate to control dust impacts without notification – i.e. it is quite likely that the majority of resource consents applied for under this rule would be non-notified in any case. However, neither the proposed rule nor the PCARP's default Rule 7.2 for controlled activities allow the consent authority to consider adverse effects, so mandatory non-notification devolves effects onto the ability of the consent holder to adequately mitigate. In some cases, for example large works close to affected parties, this ability may not be clear cut.

2. That all activities covered by existing NRRP rules, if they occur within the mapped area of the port, become permitted.

The Draft Recovery Plan does not touch any existing NRRP provisions. The NRRP is the operative plan containing numerous rules some of which impact on non-recovery related port activities, for example bulk handling related to industrial or trade premises at the port which includes ship unloading (RuleAQL42C), abrasive blasting, spray painting etc. Most of the applicable activities in the NRRP are also governed by the PCARP, and it can be argued that the effect of the proposed change reduces ambiguity by shifting everyone's attention to the coming plan. However, in my opinion the proposed changes to the PCARP adequately cover LPCL for recovery purposes and there seems to be no reason to apply such a broad brush approach to the existing operative plan, particularly given that submissions on the PCARP have not been heard and its rules and policies are subject to change.

With particular regard to the unloading of bulk material from shipping, these are out of scope for the Recovery Plan as they are not *“associated with the rebuild, repair or reconfiguration of the Lyttelton Port...”*. Rules 7.37 and 7.38 (permitted activities) and Rule 7.29 (restricted discretionary activity) would apply to these discharges. This is important with regard to the submission of Eugenie Sage, Green MP.

With regard to the submission of the GBCA:

I consider that the plan adequately considers the potential health impacts from dust and vehicle emissions. Dust of the type to be managed under proposed Rule AQL29A generally contains a relatively low proportion of fine material that may cause health impacts, but this depends on the source, with the highest proportion likely to be found in roading and vehicle movement dust due to the continued mechanical action of vehicle wheels on unsealed surfaces. The proposed mitigation practices embedded in the CEMP should, if executed properly mean that this potential effect is very small. The original technical assessment also modelled vehicle emissions using an NZTA screening assessment method that I am familiar with, and I am satisfied that this effect has been assessed adequately.

Regarding shipping emissions, I agree with the submitter's point that this has not been assessed as well as it could have been, and in my initial review of the technical evidence I

noted this as an area where further work would have been useful in order to gain a full picture of the air quality impacts of the recovery, which includes adapting the port for increases in shipping volumes. However, none of the proposed rule changes relate to shipping impacts, which being transient mobile sources are not generally controlled by resource consents. While this does not mean that such discharges are exempt from assessment when considering developments in or by ports, an absence of such an assessment does not impact on the Recovery Plan in its essential context, being changes to plans in order to facilitate port recovery.

I do consider that given the context, dust effects have been assessed appropriately, and should be managed adequately through the CEMP. However, the submitter is probably correct in stating that dust in Lyttelton is likely to increase overall as a result of these activities. This submitter seems to state that the dust impacts chapter of the CEMP is missing, which was not the case when I reviewed the assessment documents.

GCMP refers to a need for additional air quality monitoring in Lyttelton. Dust monitoring is undertaken on an ongoing basis in relation to individual resource consents; however, ambient monitoring of respirable particulate (PM₁₀) has been undertaken only once to the best of my knowledge, and my understanding is that further monitoring is proposed.

GBCA requests that international standards for emissions and fuels be enforced for shipping at the port. It is difficult to disagree with that request in principle, but in practice its implementation is beyond the scope of this recovery plan. GBCA also requests that the port be “designated as an Emission Control Area for air quality”. Under current air quality management practice in Canterbury, this would occur be via making Lyttelton a Clean Air Zone in the PCARP, and/or assessing it as “polluted” after monitoring and gazetting it as a polluted airshed under the National Environmental Standards for Air Quality. At present, insufficient monitoring data are available to enable either of these approaches, but such an outcome may occur in future. Finally, it requests that the plan include a chapter on dust and pollution. I consider that this has been adequately implemented via the CEMP.

With regard to the submission of Eugenie Sage, Green MP:

This submission relates specifically to existing resource consents for the unloading of bulk materials from shipping, which is outside the scope of the recovery plan as discussed above.

With regard to the submission of Alastair Suren:

This submission specifically refers to reverse sensitivity effects resulting from the development of the Dampier Bay area with regard to air discharges from surrounding activities, and requests that the recovery plan accounts for it. The dust sources this submitter uses as examples of nearby activities are operational rather than recovery in nature and as such are out of scope. No changes to the air quality planning provisions are requested by this submitter.

With regard to the submission of Helen Chambers

This submitter requests that dust impacts be addressed via a management plan. In the context of the submission it seems that this refers specifically to stormwater and dredging,

both of which are relatively small sources of dust and unlikely to create significant offsite impacts.

Technical recommendation / conclusion:

I see no areas of significant technical disagreement raised in the submissions. While I agree with LPCL's proposed new policy and its change to the wording of Rule 7.29A of the PCARP, I am less confident with supporting the proposals to make all air discharge consents non-notified, and to overwrite the existing operative NRRP rules with a blanket permitted activity Rule.

Regarding non-notified consents, I consider it quite conceivable that the bulk of permit applications made under Rule 7.29A would be granted non-notified in any case, and this is likely to be straightforward given that the consents would be processed under and guided by the Recovery Plan. However, there may be circumstances where a proposal stretches the ability of mitigation and management to avoid adverse effects on sensitive receptors, and a notified consent process would be appropriate.

Regarding the NRRP, that plan is operative and includes rules that would govern consent requirements for a number of non-recovery activities at the port (for example, ship unloading or the installation of a large scale fuel burning device.) While the PCARP includes similar rules, these are subject to change as that plan moves through its process, and to use it as a proxy "operative" document appears reduce certainty for everyone in the short term, until the plan is decided. I recommend that this requested change to the NRRP is not granted.

Date:	25 May 2015
From:	Andrew Metherell
Subject:	Transportation Assessment

Qualifications and experience:

1. My name is Andrew Alan Metherell. I am a Chartered Professional Engineer, a Member of the Institute of Professional Engineers of New Zealand, and am included on the International Professional Engineers Register. I am also an Associate Member of the New Zealand Planning Institute. I hold a Bachelor of Engineering (Civil) with Honours degree from the University of Canterbury.
2. For the period of the last seventeen years I have practised as a traffic engineering and transportation planning consultant based in Christchurch, and primarily working on projects throughout the South Island. I currently hold the position of Senior Associate at Traffic Design Group Limited (TDG). In this role I am responsible for providing traffic engineering and transportation planning advice, assessment and design for a wide range of activities.
3. I was engaged by Environment Canterbury (ECan) to provide technical peer review of the transportation assessment undertaken by Abley Transportation Consultants (Abley). The Abley assessment formed part of the information package submitted by Lyttelton Port Company (LPC) to inform development of the preliminary draft Lyttelton Port Recovery Plan (LPRP). As part of that process I have visited the Lyttelton Port (Port) and surrounding transport network, and participated in various transport related workshops with LPC, their consultants, Christchurch City Council (CCC), New Zealand Transport Agency (NZTA) and ECan.
4. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (2014). I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Summary of submissions:

5. For simplicity, the many submissions made on transport matters have been aggregated into key issue areas. A brief summary of the submissions is provided below, and these are discussed in more detail in the following section of my evidence.

Heavy Vehicle / Freight Routes

- i. Improvements to Norwich Quay – short term safety improvements and traffic calming of Norwich Quay for all modes of traffic are sought by submitters.

- ii. Alternative Freight Route within Lyttelton – greater certainty around development of an alternative freight route for access to the Port which bypasses Norwich Quay.
- iii. Port Vehicular Circulation – need to improve on-site traffic controls and circulation within the Port area is identified to allow improved efficient movement.
- iv. Rail Freight – there is support for increased usage of rail to minimise the heavy truck volumes on the road network.
- v. Second Tunnel – This is suggested in some submissions as an option to improve transport access to the Port.
- vi. Construction Traffic Effects – greater recognition of construction traffic effects, and methods to manage construction traffic.

Commercial Development, Public Transport Facilities, Cruise Ships

- vii. Ferry Terminal Location –where the Ferry Terminal should be located, with reference to walking distances to other parts of the township, parking, bus connections.
- viii. Dampier Bay Access – safety and reliability of access via Godley Quay, and timing and form of access via Sutton Quay.
- ix. Dampier Bay Parking – the need for adequate car parking provision in Dampier Bay, to service the marina and commercial development
- x. Cruise Ships – adequacy of transport infrastructure to service cruise ships, including access routes, bus parking, railway connections, and walking distances. Effects on emergency access to Naval Point are also raised.

Response to Submissions

Port Vehicular Circulation

- 6. Ravensdown Fertiliser Co-operative Ltd highlights the need to plan on-site heavy vehicle circulation and control points for the Port once additional land is available. The information provided by LPC to ECan did not specifically provide for an on-site heavy vehicle circulation plan.
- 7. Based on discussions during the transport workshops, I understand this detailed information was not provided because site planning was still at an early stage, and circulation routes would be subject to on-going change throughout the recovery period. However, it was acknowledged by LPC during those discussions that many of the existing on-site bottlenecks will largely be addressed by the more efficient on-site freight handling that will be achievable with the expanded facilities. The Abley LPRP Additional Transport Information (Draft, 9 February 2015) noted that initial feasibility work on grade separation of the road and rail access was being undertaken to allow future freight growth to be accommodated.

8. I consider the provision of efficient and safe access routes will need to be addressed as a matter of course during development of the Port area to optimise Port efficiency. As the improved freight handling and expanded area achievable through the LPRP allow such matters to be addressed, I do not consider specific requirements regulating these provisions are necessary for recovery.
9. The proposed Transport Network Memorandum of Understanding¹ (MOU) between transport partners and LPC allows NZTA to LPC to identify, monitor, and address any potential concerns with access efficiency to and from the public road network.

Improvements to Norwich Quay

10. The LPRP identifies Norwich Quay as the primary route for freight accessing the Port during the recovery period. Some submitters support Norwich Quay as the historical and natural freight route. It is suggested by some that short term safety and traffic calming improvements (including speed limit reduction) on Norwich Quay are necessary, and specific provisions mentioned include traffic signals at Norwich Quay/Oxford Street, and provision of a shared pedestrian/cycle path. As outlined in other submissions supporting an alternative route, there is a concern that traffic volumes are becoming high, and will be excessive in the future.
11. The most recent 2014 traffic count² on Norwich Quay indicates an average daily traffic volume of 8,000 vehicles per day, with a heavy vehicle percentage of 19%. At this volume, I consider the road is operating well within its traffic carrying capacity. It is my opinion that there is not a pressing need to implement a solution in the short term that requires a significant increase in traffic carrying capacity.
12. By way of comparison, within greater Christchurch there are many two lane arterial roads carrying significantly higher traffic volumes, often greater than 15,000vpd through or adjacent to town centre areas. There are several centres with traffic volumes on two lane arterial roads of between 20,000vpd and 30,000vpd, including Woolston, Addington, Papanui, Riccarton, and Shirley. In many cases, higher volumes do lead to congestion, although localised traffic management provisions are implemented to provide access for the range of transport modes, and in most cases traffic signals are used to control key side roads accessing the arterial routes.
13. The traffic forecasting analysis by Abley's show that future hourly traffic volumes of up to about 1,100vph could be expected on Norwich Quay by 2026. By 2041 the upper level forecast is up to about 1,500 vph. A daily traffic volume equivalent for the upper level forecasts is about 13,000vpd by 2026, and 18,000vpd by 2041. In my opinion, and as discussed earlier such volumes can typically be carried by the transport network without requiring significant capacity improvements.
14. The Abley performance analysis shows that side road intersections on Norwich Quay can operate with acceptable levels of performance through to and beyond the year

¹ LPRP: Action 8: Transport Network – Memorandum of Understanding

² NZTA State Highway Traffic Data Booklet 2014

2026. With the long term forecast period of 2041, higher side road delays are expected to provide a low level of service if there are no infrastructure improvements (such as traffic signals).

15. The Abley assessment of intersection performance shows that if key intersections are improved with an upgraded traffic control, adequate long term operational performance could be achievable at those intersections. As the side road capacity improvements are not an immediate requirement, I agree that they can be addressed by NZTA through on-going monitoring processes, and planned with the transport partners through the Action 8 MOU process proposed by the LPRP. This allows further detailed investigation to be carried out on the options for improvement of Norwich Quay, funding requirements, and timeframes taking into consideration the recovery process.
16. Regardless of the vehicular capacity assessments, a key issue highlighted by submissions for Norwich Quay is the high proportion of heavy traffic creating amenity concerns, and safety related concerns (where the consequence of driver or other road user error is more severe). The Port recovery will contribute increasing heavy traffic volumes on Norwich Quay. The recovery will also lead to higher demand for pedestrians and cyclists to use and cross Norwich Quay, particularly relating to the Dampier Bay development.
17. I understand various schemes have previously been investigated to better provide for pedestrians and cyclists within the Norwich Quay corridor. I consider that workable solutions can be developed to improve the safety for road users. As changes are subject to NZTA approval processes, the timing and location of Port facilities, and shared funding requirements I consider that they are most appropriately addressed through the Action 8 and Action 9 MOU process in a holistic manner.
18. NZTA have suggested wording changes to the content of the MOU. It is my opinion that the MOU action should retain a commitment to providing in the short term an improved environment on Norwich Quay for pedestrians and cyclists along the corridor, as intended by the Lyttelton Master Plan. This is in recognition of increasing traffic volumes and changes in development, and should not be limited through the LPRP Actions to provision of a single crossing point to service Dampier Bay.

Alternative Freight Route within Lyttelton

19. The LPRP identifies that long term options for an alternative route that minimises traffic on Norwich Quay may still be considered. Submissions have highlighted that the issue of transport routes has been a matter of debate for some time. They want an alternative route more clearly provided for in the LPRP, generally located between Norwich Quay and the railway. I note that the alternative route is vertically separated from Norwich Quay by a retaining wall.
20. Related submission matters include bringing the timeframe forward, and making provision on the plan to highlight areas where the future route would most likely go to avoid incompatible permanent development. They see this will provide an integrated approach to the recovery of both the Port and Township, and allow Norwich Quay to

revert to a town centre street, with resulting amenity benefits. Concerns with the continued use of Norwich Quay as a freight route included safety (including for pedestrians, school children, cyclists and public transport users), severance, and amenity issues.

21. Based on my technical review of the information provided by LPC, I consider Norwich Quay can continue to provide adequate traffic carrying capacity to support the Port recovery, and other vehicular movement requirements for the township. As I discussed earlier, localised side road intersection capacity improvements will most likely be necessary in the longer term. Such improvements also offer the opportunity to provide improved ease and safety for pedestrians to cross the road at grade. Corridor improvements supportive of an improved environment for pedestrians and cyclists are proposed to be provided in the shorter term, as required by the LPRP Actions 8 and 9. Even with these improvements, I anticipate that the community will still have remaining amenity concerns about the proximity of the freight route to the town centre.
22. I have read the Beca Lyttelton Access Project Scoping report (Draft 24 June 2014) referenced by the Abley ITA. The scoping report is carried out at a high level. The study concluded that the most feasible alternative option would involve freight traffic entering a new road link near Sutton Quay, traversing within the Port area between Norwich Quay and the railway lines, travelling under the Oxford Street over-bridge before reconnecting to Gladstone Quay to access the Port. The project was not considered to align with the Port recovery plans for the next 10-15 years, and cost was categorised as a “very significant impediment”.
23. Within the scoping report, there is limited discussion how the new route will connect with Norwich Quay. Due to the likely traffic flow patterns and need to protect the freight through route, I would expect a change of priority to the new route may be necessary, with the eastern approach of Norwich Quay requiring control. This could be technically difficult to achieve in the limited space available where there is a significant vertical change in grade. The realigned route will still create severance between the township and Dampier Bay/ west Lyttelton. Based on the likely complexity of the Norwich Quay connection with the route, I would anticipate that the vehicular route to Dampier Bay would need to be via Godley Quay, rather than via Sutton Quay as currently intended.
24. I am not aware of whether the study participants made a final joint conclusion on whether to keep the alternative access option ‘live’. However, the evidence of Michael Blyleven for NZTA agrees with the preliminary draft LPRP comment that Norwich Quay will be retained as the freight route to the Port for the foreseeable future. Mike Calvert for Christchurch City Council notes the need to protect the long term potential for the route.
25. In my opinion, there has been insufficient investigation carried out to confirm that the alternative route could be delivered to achieve the desired levels of benefit for the community, whilst also retaining an efficient freight route commensurate with its regional and national importance that is supportive of Port recovery in the long term.

I would anticipate that the partnership approach between the transport partners and LPC will further refine their consideration of this option in the future as recovery progresses. For this reason I consider that from a transportation effects perspective, specific protection of the corridor between Norwich Quay and the railway is not necessary at this stage.

Second Tunnel

26. A second tunnel is also suggested in some submissions as an option to improve transport access to the Port. I understand the Greater Christchurch Freight Study evaluated tunnel capacity to accommodate future growth, and did not determine concerns in the recovery period. Similarly, the Abley ITA considered that there was sufficient capacity through to 2041. I consider that there is no need for specific mention of a second tunnel in the LPRP.

Rail Usage

27. The use of rail is addressed in some submissions, with support for increased usage to minimise the heavy truck volumes on the road network. The assessments undertaken have assessed substantial increases in this mode. KiwiRail will be a partner in the Action 8 MOU, and I anticipate that appropriate provision for rail handling facilities would be a matter addressed to ensure the transport network supports recovery.

Wider Transport Network

28. NZTA consider that the ability of the wide area transport network to accommodate freight movement to the Port can be addressed through methods other than the LPRP. As outlined in NZTA's submission, wider area operation of the state highway network to support freight movement to the Port is recognised through the Greater Christchurch Transport Statement. Although the Abley ITA has also investigated wide area issues, I agree with NZTA that the LPRP does not need to make specific recommendations to improve the highway network in the wider area.

Construction Traffic Effects

29. NZTA seeks the LPRP to recognise construction traffic effects, and require the CEMP to include a requirement for a Construction Traffic Management Plan to manage construction traffic effects. I agree that the preliminary draft LPRP does not comment on construction traffic effects.

30. I understand Mr Blyleven's concern to be related to changes in transport patterns associated with construction, rather than being associated with specific works on the highway network (which would require temporary traffic management plans in any case). In my experience, a Construction Traffic Management Plan could be used to limit the use of transport routes that are particularly sensitive to change in volumes.

31. Based on the scope of the recovery proposal, I anticipate that the majority of construction traffic during the busiest times of expansion will enter the Port via

Norwich Quay and Gladstone Quay. The Abley ITA shows that the level of construction traffic is relatively modest compared to overall traffic volumes on Norwich Quay. I am not convinced that the formal requirement for preparation of a Construction Traffic Management Plan would address any notable effects on the State Highway network. The impact of construction traffic on Godley Quay and / or Sutton Quay during construction of Dampier Bay can be considered further through the ITA requirement for development in that area. I recommend further clarification is sought from NZTA about how they anticipate a Construction Traffic Management Plan provision should be implemented in the LPRP, and the approval framework.

Ferry Terminal Location

32. The LPRP shows a potential location for the new ferry terminal if it is to be relocated. Many of the submissions have an opposing view of how the ferry terminal should be addressed in the LPRP.
33. Many of those supportive of Dampier Bay as a location have sought a more definitive statement that the ferry terminal will be relocated to that location, and some want the timing of decisions to be a requirement. They consider the existing ferry terminal location provides an unpleasant environment due to the adjacent operational Port requirements, and presents way finding issues. Supporting comments for Dampier Bay include the opportunity to have more direct public transport connections, availability of nearby parking, linking to the proposed Dampier bay facilities, provision of a higher amenity area, and negligible changes in walking distance to the town centre.
34. A higher proportion of submitters seek for the ferry terminal to be retained in its current location, citing proximity to the town centre as a key reason. There is a general preference that the existing location is upgraded to provide a more pleasant environment, with better access to the harbour. Public notification of any proposal to relocate the ferry terminal is sought by many submitters.
35. Some submitters have suggested that a terminal location at Wharf 4 should be considered, with a relatively direct connection to Canterbury Street. It is seen as a location that offers opportunity to have a good link to both Dampier Bay and the town centre.
36. The existing terminal is shown in the future 'general cargo' area, such that there would appear to be on-going restrictions in space during recovery, and into the long term. I consider that the Dampier Bay location offers the opportunity to provide improved transport facilities overall. The proposed rules require a range of transport matters to be considered and addressed for a relocated facility.
37. The Abley assessment of walking catchment shows that the relocation of the terminal will result in longer walk times to the town centre compared with existing. However, the existing location would not provide any integration with the proposed Dampier Bay development due to its isolation within the Port operational area. I understand that the No 4 wharf would have similar issues of isolation given the need for that area as operational space during the recovery period.

38. The Green Party seeks the ferry terminal to be integrated with a rail passenger service. To my knowledge, there has been no investigation of a regular passenger rail service into Lyttelton. The Abley ITA references ferry passenger demand of approximately 600 passengers per day on a 'busy' day. In my opinion this would appear to be insufficient demand to warrant consideration of a rail service in itself. The business case for introducing rail services to centres in greater Christchurch with much larger catchments than Lyttelton has also not been proven. Given the importance of the rail link to Lyttelton for freight, the provision of passenger services could instead cause an impediment to recovery by requiring greater use of road based freight transport.

Dampier Bay Access

39. Submitters have raised concerns about safe access into Dampier Bay, due to issues at Godley Quay / Simeon Quay and at the lower end of Godley Quay. They consider further detail of traffic management and parking plans on this access route are required to ensure a safe and uncongested route is available. CCC and NZTA also submit that access to Dampier Bay requires further consideration through an Integrated Transport Assessment process associated with the Dampier Bay development, taking account of the staged development requirements.

40. Abley assessed a development scenario for Dampier Bay, with matters of assessment focused on the wider area transport network. I agree that details of access requirements to the wider transport network need further consideration due to the level of uncertainty associated with the Dampier Bay development. This is addressed through the restricted discretion assessment requirements.

41. For example, further work³ undertaken by Abley's identified safety issues that require resolution at the Simeon Quay / Godley Quay intersection. I understand that some of the key recommendations of that work were adopted by the City Council as a short term solution, through low cost improvement measures. However, depending on the type and level of future activity further modifications may be necessary. As some matters are related to the existing environment, I consider there would be merit in having the MOU matters also address this intersection.

42. Similarly, safe and effective pedestrian and cycle links to Dampier Bay will need to be formalised and be appropriate for the pedestrian and cycle demands expected at each stage of development. These matters are also addressed by the future assessment requirements, as well as the specific MOU provisions for pedestrian and cycle access along and across Norwich Quay.

Dampier Bay Car Parking

43. Many submitters seek further certainty around the adequate provision of car parking to support the marina, the public space, and the Dampier Bay commercial development, and to minimise effects on surrounding residential areas. A minimum

³ Abley Transportation Consultants, Simeon Quay / Godley Quay Safety Audit, (Draft) 16 February 2015

parking requirement is sought for the marina, typically requested at 0.6 parking spaces per berth. NZTA note a concern that building by building parking assessments for the commercial development may lead to development that is poorly integrated.

44. I agree that parking provision will be an important aspect of a successful Dampier Bay development, and the LPRP needs to appropriately recognise that.
45. Although the Abley assessment anticipated a major change in parking demand that would be accommodated by an appropriate level of shared parking provision, the LPC information in Appendix 30 sought no parking requirement for Dampier Bay. I understand that one of the concerns was the potential for excessive consenting requirements and poor design outcomes that could result if each new building within the development had to implement a minimum parking requirement. The use of 'typical' parking requirement rates adopted in the City Plan may also be less appropriate for the type of development expected at Dampier Bay.
46. During development of the proposed rules package, the approach taken by ECan was that parking assessments were addressed as assessment matters. This is covered in site layout and design matters, the public transport facilities matters, and the ITA assessment matters. The intention is that this allows parking provision to be addressed in a more holistic manner.
47. As highlighted by submitters, the marina berths will generate parking demand, for which a parking assessment is not triggered by the rules. While sufficient land was anticipated to be available to cater for parking from initial development of the marina, some further certainty around provision would be desirable. Options to rectify this could include a similar trigger for restricted discretionary assessment of parking provision and layout, or the provision of a minimum parking rate. If the later method is adopted, I consider that the rate of 0.6 spaces per berth may be too high for typical peak parking demand.
48. Surveys carried out at marinas in the Auckland area indicated 'everyday' peak parking demand rates of 0.25-0.35 spaces per berth, and a highest recorded peak of 0.46 spaces per berth. With a desire to maximise shared use I would suggest that any 'permanent' parking requirement for the marina targets the 'everyday' peak. Any additional parking required can be considered for provision in a shared parking resource with the future Dampier Bay development where parking peaks for each activity will not always coincide. I note that if launching facilities are provided at Dampier Bay, additional assessment of parking demand and layout would be necessary due to trailer parking and increased short stay parking requirements.

Cruise Ships

49. Submitters commenting on the Naval Point location for a cruise ship berth are concerned that the transport infrastructure is not adequate to support a cruise ship berth. Parking concerns are mentioned, as are concerns with the increased reliance for access via Godley Quay and related concerns with emergency access. A submission seeks adequate provision for buses to pick up and drop off at ships side.

50. Given the public use of roads in this area, and the lower level of transport infrastructure compared with the Gladstone Quay berth, the development of a regular cruise ship berth in this area would warrant consideration of the wider transport requirements, including the ability of coaches to safely access the berth area, temporary parking provision, and the potential for a pedestrian route to Dampier Bay. These matters were not addressed in the Abley ITA.
51. I would have anticipated the ship-side provisions would be addressed as a matter of course during design and development of the berth. However, I consider there would be some benefit in having the scope of the MOU also address the transport network connections to a cruise ship berth at Naval Point.
52. The Green Party consider that connections should be made available for passenger rail services in Lyttelton and walkable linkages are provided to ferry and bus services. KiwiRail also suggest that passenger rail transfer is considered through the MOU. As I discussed earlier, I am not aware of any intention to develop permanent passenger rail services in Lyttelton.

Conclusion

53. I consider the preliminary draft LPRP largely addresses the relevant transport matters required to support recovery. These include:
- i. Retention of Norwich Quay as the primary freight route during the recovery period;
 - ii. MOU to develop a plan of short term improvements for the pedestrian and cycle environment along Norwich Quay, and monitor longer term improvement requirements; and
 - iii. Parking, access and transport assessment provisions for future commercial development of Dampier Bay and development of a relocated ferry terminal;
54. Following receipt of submissions, I consider there is some merit in having further provisions in the LPRP for:
- i. formalising a parking requirement or assessment methodology for the marina development; and
 - ii. expanding the MOU Action to encompass measures to safely accommodate the increased use of Godley Quay / Simeon Quay as result of Dampier Bay development, and the ability of the road network to accommodate a cruise ship berth at Naval Point.

Lyttelton Port Recovery Plan
TECHNICAL REVIEW OF SUBMISSIONS: VISUAL & LANDSCAPE MATTERS
GRAHAM DENSEM
FOR ENVIRONMENT CANTERBURY
SUBMISSIONS REVIEW FINAL GHD 26MAY2015

1. INTRODUCTION

- 1.1 This Review of Submissions updates my *Technical Review Landscape* of 22 February 2015, in light of the Lyttelton Port recovery Plan as publicly advertised, public submissions and evidence by LPC experts now received. The presentation below is issue-based, referring to submissions and evidence as related.
- 1.2 Attached at the end are plans which will be most effective if printed at A3 size.

2. RECLAMATION

- 2.1 My Review of 22 February 2015 referred to my view of a discordance between the eastern extension of the reclamation proposed by LPC and the natural landscape of Lyttelton Harbour (my paragraph 4.4(i)). My conclusion was that this could be mitigated if:
- (i) the berthage edge were realigned to follow the harbour topography rather than the existing berths at Cashin Quay;
 - (ii) the eastern edge were formed as a naturally curving alignment more sympathetic to the natural landscape; and
 - (iii) the proposed planting along the eastern edge were of taller trees that will be in scale with the stacked containers.
- 2.2 The evidence on behalf of Lyttelton Port Company does not refer to these potential mitigations. Therefore the recommended mitigations of Mr Field, in his evidence *Landscape Character and*

Visual Effects, dated 11 May 2015 (his paragraph 30.6), referring to a six metre wide native coastal planting strip along the eastern edge of the reclamation, currently stands in the LPRP. In 31.6, admittedly not referring to the eastern reclamation, Mr Field suggests amenity planting be designed in a way that is consistent with maintaining the industrial character of the site.

- 2.3 While I support the recommendations as far as they go, my view is that these measures give no consideration to the natural landscape the extended reclamation will encroach into. Nor will they effectively mitigate its effects on the natural landscape of the Harbour. In particular they do not consider the discordance of form between the linear reclamation and the natural Harbour. By Harbour is meant both the water body and surrounding landforms.
- 2.4 To illustrate this issue, nine drawings are appended to this Review. They contain simulations of the proposed LPRP reclamation and my suggested alternative, within the context of the Harbour landscape. These are based on Google Earth images and comprise impressions of the alternative reclamations, not surveyed or GPS-fixed views. None the less, my view is that they give a reasonable impression of the situation.
- 2.5 **Alignment:** Drawings 257301.1 - 257306.1 comprise three pairs of views of the reclamation, each comparing the proposed LPRP and my possible alternative alignment. In my view they illustrate that a realigned reclamation would fit more sympathetically into the natural form of the harbour than the LPRP one. In my opinion, in all three views the natural form of the Harbour (water body) flows better, aesthetically, past the realigned form than the LPRP form. Also, the realigned reclamation is more concordant with the north wall of the landforms behind.
- 2.6 The intention in preparing these alternatives was that any realignment should provide a similar amount of land to the 30ha

(approximately) currently proposed. This requires that the eastern edge extend further into Gollans Bay but not to an obtrusive extent, aesthetically. My conclusion is that in total, the landscape effects of the realigned reclamation would be lessened.

- 2.7 **Eastern Edge:** Drawings 257307.1 - 257309.1 illustrate three possible treatments of the eastern edge of the reclamation. They are intended to show that placing the rock armouring in a naturally-curving alignment would markedly decrease impacts on the natural landscapes of the harbour to the east (Gollans Bay). The linear alternative (257307.1) emphasises intrusion of the constructed form into the natural landscapes of Gollans Bay. The curved alternatives (257308.1 and 09.1) maintain natural character to a greater extent in my opinion.
- 2.8 In addition, in the curved alternatives the planting belt on the eastern edge can be more varied in width therefore allowing for greater tree heights in some parts. In my opinion, to effectively screen activity on the reclamation, at least 30% of the trees should, once grown, be of a height approaching that of the stacked containers.
- 2.9 Achieving the realignment would require amendment of the Port of Lyttelton Operational, Reclamation and Occupation Areas shown in Maps 5.1, 5.7 and 5.9 of the LPRP, in the Battery Point vicinity.
- 2.10 **Summary:** The proposed reclamation is well located to minimise the extent to which it is seen from most of Lyttelton town and the Port Hills, but at the given size of 30ha approximately, more could be done to mitigate its effects on the natural character of the Harbour.

Submissions (Reclamation):

- 2.11 **Matea Gillies** for Ngai Tahu refers (her paragraphs 22 - 26) to the concept of *Mauri*. This embodies for Maori the essential

characteristics, spirit or energies of places, beings and objects. In my opinion the *mana* or respect arising from this concept is akin to that arising from the Pakeha concept of landscape character, which also seeks to identify the essential features of a landscape. My interpretation is that seeking to enhance the natural character of Lyttelton Harbour by the suggested mitigations would be in keeping with that aspect of Ms Gillies submission.

- 2.12 **Matthew Ross** states the LPRP fails to adequately evaluate potential impacts on Diamond Harbour. Considering impacts on the visual environment and landscape character, my evaluation in paragraph 4.3 (bullet point on p.13) of my 22 February Review was that views of the reclamation from Diamond Harbour would mainly arise from the cranes, containers and moored vessels and could not readily be mitigated.
- 2.13 It remains my view that the extended container terminal will be a relatively small addition to the views from Diamond Harbour; that these cannot be readily mitigated; and that changes to the hillside behind (Evans Pass Road and LPC quarry) will be of much greater impact on the views and natural character seen from Diamond Harbour. Realignment and eastern edge treatment of the reclamation would be of little visual benefit to Diamond Harbour.
- 2.14 **Jillian Frater** seeks a reduction to the greatly enlarged area of Harbour to be occupied by Port operations. Concerning landscape effects of the reclamation, my view is that reductions in size would need to be considerable before significant reductions in landscape impacts were achieved.
- 2.15 **Lyttelton Harbour/Whakaraupo Issues Group**: This submitter disagrees with the conclusion of the LPRP that reclamation effects will not be significant or can be adequately managed. I partly agree with this view. In landscape terms the reclamation has significant effects due to its size and form, particularly concerning landscape character.

- 2.16 (i) My opinion in 2.14 above was that reductions in size would need to be considerable to achieve significant benefits to landscape character.
- (ii) At the given size of approximately 30ha, my view is that the currently-proposed form is significantly intrusive to the natural character of Lyttelton Harbour, but that realignment and eastern edge naturalising would adequately manage those effects.
- (iii) Regarding visual effects, my view is that these are significant from Evan Pass Road and the Crater Rim Walkway at Evans Pass and Livingstone Bay, but not from elsewhere. The mitigations above would effectively manage effects from these locations and maintain the sense of the natural landscape of the Harbour, albeit in altered form.

3. DAMPIER BAY

- 3.1 The Outline Development Plan in Appendix 21.8.4.2 of the LPRP is supported for its potential to improve the cultural landscape of Lyttelton. The main issue in my view is to maintain outlook to the Port from houses in the west of Lyttelton. This should be maintained generally, and not solely in the proposed View Shafts.
- 3.2 **Building Height:** The Built Form Standards in 21.8.2.3 of the PLRP Appendices show building height limits of 12m in Area A and 15m in Areas B, C & D of Dampier Bay (Plan 21.8.4.4). Assuming this means buildings up to 3 and 4 stories, this is likely to be achieved, although it remains for future planning to refine these limits.
- 3.3 **Building Alignment:** My view is that outlook also could be maintained by aligning any buildings end-on to the residential

areas. This would ensure they do not block views to the harbour but maintain them between buildings.

4. CRUISE SHIP TERMINALS & NAVAL POINT

- 4.1 My preference for a Cruise Ship Terminal at Naval Point was stated in 4.8 of my 22 February 2015 Review. This was to avoid removal of the z-berth as would be required by the Gladstone Quay Option. Such removal would in my view seriously weaken the sense of visual enclosure the z-berth brings to the Inner Port.
- 4.2 A consequence of the Naval Point location, if chosen, would be the need for generous access between Areas A & B of the Tank Farms (Appendix 21.8.4.5). As an effective link for Cruise Ship passengers, this corridor needs not just functional widths for buses and pedestrians, but also widths for amenity considerations such as an avenue of trees, walk- and cycle-ways. These need to be of sufficient dignity to welcome tourists as an entry to Christchurch. Such provisions would be compatible with recreational uses at Naval Point.
- 4.3 This matter, particularly the ensuring of sufficient widths, should be progressed in planning for Dampier Bay, the Cruise Ship Terminal, and yachting at Naval Point.

5. QUARRIES

- 5.1 The Lyttelton Mount Herbert Community Board submission refers to cumulative effects of the proposed LPC quarrying at Gollans Bay and the Sumner Road reconstruction (LMHCB submission point 17). It refers to permanent major change to the landscape of Lyttelton Harbour and significant reduction in landscape quality overall. It refers to effects on the outlook of Diamond Harbour and southern Bays residents in particular.

- 5.2 Cumulatively, the effects of the two projects are acknowledged as major and negative, as stated by the Board. This was discussed in my 22 February Review at 4.3 (final bullet points, pp. 13-14); at 4.4 (iii), (p. 14); 4.5 final bullet point, (p.15); and 6.4 (p.19). I concluded the effects were unavoidable if the proposed reclamation should go ahead, although uncertain of the precise contributions of already-consented quarrying, of new quarrying as a consequence of the LPRP, and of the Sumner Road project to the cumulative total.
- 5.3 My recommendation (6.4, p. 19) was to ensure the cumulative worked areas were surrounded by a managed frame of natural topography and plantings, to maintain as much natural dominance as possible in views of that hillside. This would comprise land on the spur above the Cashin Quay/Timeball site, on the spur between Gollans and Livingstone Bays, and along the upper slopes/skyline of the Port Hills/Mt Pleasant between these two spurs. I am aware not all this land is under LPC management but recommend the frame be established and maintained through an Area Management Plan, as a condition of consent.

Graham Densem

26 May 2015

Appended Maps: 257301.1 - 257309.1 (9 Maps).



LYTTELTON PORT RECOVERY PLAN
RECLAMATION ALIGNMENT
VIEW 1A - LPC PROPOSAL

NOTE: Reclamation estimated from LPC plan

DRAWING No: 257301.1
DATE: 18 MAY 2016
DESIGNED: GO
DRAWN: HK
SOURCE: GOOGLE EARTH



LYTTELTON PORT RECOVERY PLAN
RECLAMATION ALIGNMENT
VIEW 1B - PROPOSED ALTERNATIVE

NOTE: Reclamation estimated from LPC plan

DRAWING No: 257302.1
DATE: 18 MAY 2016
DESIGNED: GO
DRAWN: HK
SOURCE: GOOGLE EARTH



LYTTELTON PORT RECOVERY PLAN
RECLAMATION ALIGNMENT
VIEW 2A - LPC PROPOSAL

NOTE: Reclamation estimated from LPC plan

DRAWING No: 257303.1
DATE: 19 MAY 2015
DESIGNED: GD
DRAWN: HC
SOURCE: GOOGLE EARTH



LYTTELTON PORT RECOVERY PLAN
RECLAMATION ALIGNMENT
VIEW 2B - PROPOSED ALTERNATIVE

NOTE: Reclamation estimated from LPC plan

DRAWING No: 257304.1
DATE: 19 MAY 2015
DESIGNED: GD
DRAWN: HC
SOURCE: GOOGLE EARTH



LYTTELTON PORT RECOVERY PLAN
RECLAMATION ALIGNMENT
VIEW 3A - LPC PROPOSAL

NOTE: Reclamation extracted from LPC plan

DRAWING No: 257305.1
DATE: 19 MAY 2015
DESIGNED: CB
DRAWN: HB
SOURCE: GOOGLE EARTH



LYTTELTON PORT RECOVERY PLAN
RECLAMATION ALIGNMENT
VIEW 3B - PROPOSED ALTERNATIVE

NOTE: Reclamation extracted from LPC plan

DRAWING No: 257305.1
DATE: 19 MAY 2015
DESIGNED: CB
DRAWN: HB
SOURCE: GOOGLE EARTH



LYTTELTON PORT RECOVERY PLAN
RECLAMATION EASTERN END : 1
LPC ALIGNMENT AS PROPOSED

NOTE* Reclamation estimated from LPC plan

DRAWING No: 257307.1
DATE: 18 MAY 2015
DRAWN BY: MC
SOURCE: GOOGLE EARTH



LYTTELTON PORT RECOVERY PLAN
RECLAMATION EASTERN END : 2
LPC ALIGNMENT WITH NATURALISED EASTERN EDGE

NOTE* Reclamation estimated from LPC plan

DRAWING No: 257308.1
DATE: 19 MAY 2015
DRAWN BY: MC
SOURCE: GOOGLE EARTH



LYTTELTON PORT RECOVERY PLAN
RECLAMATION EASTERN END : 3
PROPOSED ALTERNATIVE ALIGNMENT WITH NATURALISED EDGE

NOTE* Reclamation estimated from LPC plan

DRAWING No: 257809 1
DATE: 19 MAY 2016
DRAWN BY: MS
SOURCE: GOOGLE EARTH

**Attachment 3: Track-changed Version of Preliminary Draft
Lyttelton Port Recovery Plan showing officer
recommendations**

Purpose of this document

This document is for public consultation to inform the development of a draft Lyttelton Port Recovery Plan to be delivered to the Minister for Canterbury Earthquake Recovery.

Submissions can now be made to Environment Canterbury. After submissions close, a hearing will be held to allow people who wish to be heard to speak on their submission.

- **13 April – 11 May 2015:** Submission period
- **2 June 2015:** Hearing begins on the preliminary draft Lyttelton Port Recovery Plan
- **14 August 2015:** Draft Lyttelton Port Recovery Plan to be delivered to the Minister for Canterbury Earthquake Recovery

If you make a submission and wish to be heard at the hearing, please state this in your submission.

Submissions can be made in the following ways:

- Online at www.ecan.govt.nz/port
- Lyttelton Port Recovery Plan Submission Form
- Email mailroom@ecan.govt.nz

Relationship between the Lyttelton Port Recovery Plan and the proposed Christchurch Replacement District Plan

Decisions on the Specific Purpose (Lyttelton Port) Zone provisions will be made through the Lyttelton Port Recovery Plan process. Any decision made in relation to the proposed Christchurch Replacement District Plan, and in any associated hearing process, cannot be inconsistent with the content of this recovery plan once it is approved by the Minister. If you wish your views on these provisions to be heard, you should submit on the Lyttelton Port Recovery Plan.

Contents / He rāraki upoko

Foreword / Kupu whakataka.....	8
Executive summary / Whakarāpopoto tumu whakarae.....	9
1. Vision and goals / Te moemoeā me ngā whāinga	14
1.1. Vision / Te moemoeā.....	14
1.2. Goals / Ngā whāinga	14
2. Background / Kōrero o mua.....	15
2.1. Why is a recovery plan needed? / He aha te take o te mahere whakarauora?	15
2.2. Scope of the Lyttelton Port Recovery Plan / Korahinga o te mahere whakaora i te Pūaha o Ōhinehou Te hōkaitanga o te mahere whakarauora i Te Pūaha Ōhinehou	16
2.3. What is recovery for the Port? / He aha tēnei mea te whakaoranga o te Pūaha.....	18
2.4. Tangata whenua association with and aspirations for Whakaraupō/Lyttelton Harbour / Te whai paanga me ngā wawata o te iwi mo Whakaraupō Te mana whenua me ō rātou wawata mō Whakaraupō.....	19
2.4.1. Sedimentation in the upper harbour	20
2.5. Environmental Concerns for Whakaraupō / Lyttelton Harbour	20
2.6. Relationship between the Port and Lyttelton township Surrounding Communities / Ngā hononga i te pūaha me ngā pā	20
2.6.1. Lyttelton	20
2.6.2. Other Harbour Communities	21
2.7. Consistency with other planning documents / Te ritenga o tēnei mahere ki etahi etahi atu mahere.....	22
2.7.1. Other recovery plans.....	22
2.7.2. New Zealand Coastal Policy Statement	22
2.7.3. Mahaanui Iwi Management Plan.....	22
2.8. The process for developing the Lyttelton Port Recovery Plan / Ngā tukanga me mō te whakawhanake i te mahere whakarauora o Ōhinehou Ōhinehou.....	23
2.8.1. Next steps	24
2.9. Effect of the Recovery Plan / Ngā hua o te mahere whakarauora	25
3. Key issues for the recovery of Lyttelton Port / Ngā take o te mahere whakaora i te Pūaha o Ōhinehou Ōhinehou.....	26
3.1. Earthquake damage to port facilities / Ngā ngau kino a ngā ratonga o te Pūaha o Ōhinehou 26	
3.1.1. Limited usability of infrastructure	27
3.1.2. Decreased resilience of infrastructure.....	27

3.1.3.	Interdependency of rebuild decisions	28
3.1.4.	Effect of rebuilding on availability of land for port activities.....	28
3.2.	Increasing freight volumes / Te whakapiki o te utanga a waka moana Te kaha haere o ngā tonono utanga.....	28
3.3.	Larger container ships / Ngā kaipuke ipu rahi	30
3.4.	Cruise ships / Ngā kaipuke tangata.....	30
3.5.	Port operational requirements / Ngā tikanga whakahaere o te Pūaha o Ōhinehou.....	31
3.5.1.	Land.....	31
3.5.2.	Security and safety requirements.....	32
3.5.3.	Navigation Safety	32
3.6.	Transport network / Ngā waka huarahi kōtui.....	32
3.7.	Effects of port activities and rebuilding on the natural environment and on Ngāi Tahu values / Ngā hua o ngā mahi o te Pūaha me te hanganga a te Pūaha ki te taiao me ngā uara o Ngāi Tahu whānui.....	34
3.8.	Community aspirations for the Port area / Ngā tūmanako a te hāpori mo te Pūaha	35
3.8.1.	Impact of port activities on Lyttelton township	35
3.8.2.	Access to the waterfront.....	35
3.8.3.	Recovery of Lyttelton township	35
3.8.4.	Ferry terminal	36
3.8.5.	Recreational users.....	36
3.8.6.	Marina facilities.....	37
3.9.	Management of construction effects / Te whakahaere o ngā hua o te waihangahanga.....	37
3.10.	Need for a timely recovery / Te hiahia kia tutuki i te wā i whakaritea Me tere te whakarauora	38
3.10.1.	Regulatory framework	38
4.	The Plan / Te mahere	40
4.1.	Lyttelton Port repair, rebuild and reconfiguration / Te hanganga hou o te Pūaha o Ōhinehou.....	41
4.1.1.	New container terminal – Te Awaparahi Bay reclamation	42
4.1.2.	Repair and rebuild of existing structures.....	46
4.1.3.	Gollans Bay Quarry and haul road	48
4.1.4.	Dredging.....	48
4.2.	Cruise ship berth / Ngā pūaha wātea	50
4.3.	Dampier Bay / Ōhinehou.....	50

4.3.1.	Marina.....	50
4.3.2.	Landside redevelopment	51
4.3.3.	Commercial activity.....	53
4.3.4.	Ngāi Tahu values / Ngā whai painga o Ngāi Tahu	53
4.3.5.	Potential Public Access to land adjoining Norwich Quay.....	53
4.4.	Public transport and ferry links / Ngā waka huarahi tangata me ngā tauhere waka tere....	53
4.5.	Norwich Quay / Ohinehou Ōhinehou	54
4.6.	Wider transport network / Ngā waka whānui	55
4.7.	Management of construction effects / Te whakahaere o ngā hua o te waihangahanga.....	55
4.8.	Health of Whakaraupō/Lyttelton Harbour natural environment / Te hauora o Whakaraupō/ Ohinehou Ōhinehou me te taiao	56
5.	Implementation / Whakamahinga.....	58
5.1.	Statutory directions / Ngā aronga ā-ture.....	58
5.1.1.	Canterbury Regional Policy Statement	59
5.1.2.	Regional Coastal Environment Plan for the Canterbury Region	59
5.1.3.	Proposed Christchurch Replacement District Plan	62
5.1.4.	Banks Peninsula District Plan	66
5.1.5.	Proposed Canterbury Land and Water Regional Plan.....	67
5.1.6.	Proposed Canterbury Air Regional Plan.....	67
5.2.	Other actions / Ētahi atu aronga Ētahi atu mahi	68
5.2.1.	Development and implementation of Integrated Harbour Catchment Management Plan for Whakaraupō/Lyttelton Harbour.....	68
5.2.2.	Transport network	69
5.2.3.	Dampier Bay public access.....	71
5.2.4.	Dampier Bay urban design guide	72
6.	Funding / Tahua	73
7.	Monitoring / Aroturuki	75
	Glossary of terms and abbreviations / Papakupu o ngā kupu kua whakarapopotia He rarangi	76
	Appendices / He āpiti hanga.....	77
	Appendix 1 - Environment Canterbury's review of LPC's technical information.....	77
	Appendix 2 – Amendments to the Canterbury Regional Policy Statement.....	77
	Appendix 3 – Amendments to Regional Coastal Environment Plan for the Canterbury Region	77
	Appendix 4 – Amendments to Proposed Christchurch Replacement District Plan	77
	Appendix 5 – Amendments to the Banks Peninsula District Plan.....	77

Appendix 6 – Amendments to the proposed Canterbury Land and Water Regional Plan 77
Appendix 7 – Amendments to the proposed Canterbury Air Regional Plan 77

List of figures

Figure 1: Area covered by the Lyttelton Port Recovery Plan	17
Figure 2: Timeline for the development of the draft Lyttelton Port Recovery Plan	24
Figure 3: Earthquake damage to Lyttelton Port	27
Figure 4: Lyttelton Port container volumes, 1994–2014 (TEU)	29
Figure 5: Outline of the Lyttelton Port Recovery Plan	40
Figure 6: Proposed rebuild, repair and reconfiguration of Lyttelton Port.....	41
Figure 7: Te Awaparahi Bay proposed reclamation area.....	43
Figure 8: Dampier Bay phases of development	Error! Bookmark not defined.
Figure 9: Dampier Bay Outline Development Plan	Error! Bookmark not defined.

Foreword / Kupu whakataka

Since its origins in 1850, Lyttelton Port has continued to develop and expand to meet the needs of a thriving Canterbury economy. Infrastructure such as breakwaters, jetties and wharves have been built in and around the Inner Harbour, dredging of the shipping channel has been ongoing, and large land reclamation projects such as Naval Point and Cashin Quay have been undertaken to meet the region's growing import and export trade. During this time the port and the Lyttelton township have evolved together.

Lyttelton is the country's second largest export port and the largest in Te Waipounamu/the South Island. It has become a significant strategic asset, enabling the movement of goods vital for the growth of Canterbury's economy, particularly the agriculture and manufacturing sectors. Lyttelton Port also brings important social benefits to the region, including employment for more than 500 people.

In the Canterbury earthquakes, the Port and adjacent town centre suffered major damage. The Port has remained operational due to significant temporary repairs, but this is not sustainable in the long term because much of its infrastructure needs permanent repair or reconstruction.

Any rebuild and improvement for the Port involves consenting through the Regional Coastal Environment Plan (RCEP) for the Canterbury Region, but the plan did not anticipate an earthquake series necessitating the large-scale activities needed to reinstate and rebuild the Port.

Because the current RCEP provisions do not enable a timely and efficient recovery, Environment Canterbury asked the Minister for Canterbury Earthquake Recovery, Hon. Gerry Brownlee, to consider the best approach to rebuilding the Port. We also asked for measures to ensure community participation and appropriate environmental safeguards in the planning of the recovery of the Port, without impeding the recovery.

The Minister directed the preparation of a Lyttelton Port Recovery Plan to enable the extensive damage to be repaired and the Port to support the recovery of greater Christchurch and the ongoing growth of the region.

In the preparation of this preliminary draft Recovery Plan, we are most grateful for the collaborative efforts of our partners: Canterbury Earthquake Recovery Authority, Te Rūnanga o Ngāi Tahu, Christchurch City Council, Selwyn District Council, Waimakariri District Council, New Zealand Transport Agency and the Department of Conservation.

We look forward to hearing your thoughts on this Plan, which is important for everyone in greater Christchurch.

Dame Margaret Bazley
Chair of Commissioners

Bill Bayfield
Chief Executive

Executive summary / Whakarāpopoto tumu whakarae

In developing this preliminary draft Lyttelton Port Recovery Plan Environment Canterbury has considered the need for the expedited long-term recovery and enhancement of earthquake-damaged Lyttelton Port alongside the wider recovery needs of the community and the ongoing health of the harbour.

The rebuild of the Port is a major programme of work that will cost around \$1 billion. Relying on existing Resource Management Act 1991 planning provisions, which do not anticipate the scale of the works required, especially in the Coastal Marine Area, would have led to a long and uncertain recovery process. In June 2014, therefore, the Minister for Canterbury Earthquake Recovery directed the Lyttelton Port Company Limited (LPC) and Environment Canterbury to prepare a Lyttelton Port Recovery Plan to facilitate, to the extent necessary, the Port's rebuild and recovery, in accordance with the statutory purposes and requirements of the Canterbury Earthquake Recovery Act 2011.

The first phase of developing this preliminary draft Recovery Plan involved LPC putting forward its recovery proposals and supporting technical information to Environment Canterbury in November 2014. In this information package (available on our website www.ecan.govt.nz/port) LPC outlines its plans to:

- Develop a new, larger container terminal on reclaimed land within Te Awaparahi Bay, incorporating the consented 10-hectare reclamation area and requiring an additional 2724 hectares of reclaimed land
- Move port operations to the east over time, away from Lyttelton township
- Undertake significant work to repair or replace existing port infrastructure
- Repurpose Cashin Quay for general cargo
- Redevelop Dampier Bay, with a new, larger marina, improved public access to the waterfront, and some commercial development.

In the second phase of this preliminary draft Recovery Plan's development, Environment Canterbury has considered and evaluated LPC's proposals and supporting information, including the actual and potential effects of the proposals (this evaluation is also available on our website www.ecan.govt.nz/port).

The primary purpose of this Recovery Plan is to enable recovery of the Port. The geographic scope of the Plan reflects this—it is not a recovery plan for Lyttelton township, or for the harbour as a whole. In evaluating how the Port's recovery should be enabled, however, we have given particular consideration to the impact of the Port's recovery plans on Lyttelton township, which was also badly damaged in the earthquakes, and on the wider harbour.

Rāpaki-based Te Hapū o Ngāti Wheke, manawhenua for Whakaraupō/Lyttelton Harbour, and the wider harbour community, have long had concerns about the effect of port structures and activities on the health of the harbour, and in particular on mahinga kai. Although the link between existing

port structures and sedimentation in the upper harbour has not been scientifically established, it is important to ensure that the Port's recovery activities do not worsen existing problems, and to take opportunities to improve the health of the harbour through the Port's recovery activities.

The preliminary draft Lyttelton Port Recovery Plan sets out amendments to the following documents that are intended to enable the Port's recovery:

- Canterbury Regional Policy Statement
- Regional Coastal Environment Plan for the Canterbury Region
- Proposed Christchurch Replacement District Plan
- Banks Peninsula District Plan
- Proposed Canterbury Land and Water Regional Plan
- Proposed Canterbury Air Regional Plan.

The Recovery Plan directs changes to the proposed Christchurch Replacement District Plan, so people wishing to comment on any aspect of the District Plan provisions relating to the Port should do so through the public consultation for the Recovery Plan.

The Recovery Plan directs changes to the Regional Coastal Environment Plan for the Canterbury Region to enable existing port structures such as wharves to be rebuilt as a permitted activity. LPC will need to apply for resource consent for rebuilding activities that cannot meet the conditions for permitted activities.

Whakaraupō/Lyttelton Harbour Catchment Management Plan

Although the geographical scope of this Recovery Plan is limited to the land and sea in the Port area owned, occupied or used by LPC, pockets of land in that area under separate ownerships, and the area of Norwich Quay, many of the issues that the community cares most about are harbour-wide. This ~~preliminary~~ draft Recovery Plan therefore records an agreement between Environment Canterbury, Te Hapū o Ngāti Wheke, Te Rūnanga o Ngāi Tahu, Christchurch City Council and LPC to develop a ~~whole-of-harbour~~ management plan to improve the health of Whakaraupō/Lyttelton Harbour and its catchment, with a particular focus on restoring the harbour as achieving a net gain in mahinga kai. Other organisations with an interest in the health of the harbour will also be invited to participate.

There are a number of key areas of public interest covered in this preliminary draft Recovery Plan:

Reclamation at Te Awaparahi Bay

Of particular importance is provision for the reclamation of up to 274 hectares of land for a new container terminal within Te Awaparahi Bay, adjacent to the existing, consented 10-hectare reclamation of port operational land. Expert assessments show that the effects of this additional reclamation, particularly on tidal flows and sedimentation, will be minor or manageable.

The additional 274 hectares of reclaimed land will enable the Port to gradually move its operations to the east, away from Lyttelton township. Providing certainty about LPC's ability to undertake the reclamation is a key element of this Recovery Plan, as it enables the Port to plan its other recovery works.

The regulatory framework included in this Recovery Plan therefore provides for the reclamation as a controlled activity, with public notification. A resource consent will be required, and Environment Canterbury must grant the consent, but it can impose conditions – for example, how the reclamation is constructed, what material is used, the management of sediment plumes and stormwater, and cultural matters, including mahinga kai. When LPC applies for the reclamation consent, it will be publicly notified and people will be able to make submissions.

The first stage of the proposed reclamation could commence mid-2016, with the earliest completion of the whole project by 2024.

Inner Harbour

The repair, rebuild and demolition of wharf structures in the Inner Harbour and Cashin Quay will be permitted in the RCEP. This means resource consent is not required, provided the Port Company complies with the relevant conditions. Structures needing repair or replacement include the oil berth, dry dock, No 2, No 3 and No 7 wharves, and the No. 1 Breastwork.

The ferry terminal will remain in its current position in the Inner Harbour for now. The preliminary draft Recovery Plan does make provision for it to be moved to Dampier Bay if required, but a move is not directed as part of this Plan.

Wherever it is located in future, LPC will need to gain resource consent for any shore-based facilities associated with a new ferry terminal, including any public transport interchange. This will enable thorough consideration of details such as site layout, pedestrian and cycle access, bus access and parking. Any resource consent required under the proposed Christchurch Replacement District Plan for a new public transport facility associated with a ferry terminal ~~facilities~~ will ~~not~~ be publicly notified.

Dampier Bay and public access to the waterfront

The Lyttelton community has sought improved public access to the waterfront for some time, but this is difficult to achieve due to operational safety and port security requirements. At present, there is limited public access to the waterfront at the western end of the Inner Harbour in Dampier Bay, and the eastern end at B Jetty where the Tug Lyttelton, Diamond Harbour Ferry and other small vessels are berthed. LPC proposes to redevelop the Dampier Bay ~~this~~ area as port operations move east.

In the first phase of this development, LPC has proposed to provide a modern floating-pontoon marina in Dampier Bay with up to 200 berths, and this could be further expanded after more of the Inner Harbour wharves are demolished during the Port's redevelopment. Stage One and Two of ~~t~~he marina development is are provided for as a permitted activity in this Plan.

Some commercial development is also provided for in Dampier Bay. This Plan, ensures, however, that any commercial development along the Dampier Bay waterfront will be limited in size and type up to 2026, so as not to compete with the Lyttelton town centre. This commercial development is dependent on LPC finding development partners, but better public access to the waterfront will be achieved whether or not this occurs.

This Recovery Plan ensures there will be safe, convenient, high-quality public access to the waterfront, in perpetuity, through an agreement between Environment Canterbury, the Christchurch City Council and LPC that will be signed within three months of the Recovery Plan receiving Ministerial approval. A legal mechanism to secure public waterfront access at Dampier Bay will be implemented by July 2021. Physical improvements to waterfront access will be progressive as Port operations move east and LPC develops the adjoining Dampier Bay commercial area.

Traffic/Norwich Quay

In this Plan, Norwich Quay will remain the freight route to the Port. This is because analysis shows it can handle the projected traffic increase until 2026 and the Port needs all available land for operations and construction activity during this time. However, the Plan does not preclude an alternative route to the Port in the future.

The Plan will see better access across Norwich Quay to the redeveloped Dampier Bay for pedestrians and cyclists. A new, non-signalised pedestrian facility across Norwich Quay in the vicinity of Sutton Quay will be completed by the end of 2018. 2020 or prior to the opening of Sutton Quay for public access to Dampier Bay, whichever happens first. The Plan also commits the New Zealand Transport Agency, Christchurch City Council, Environment Canterbury, KiwiRail and LPC to work together to resolve transport issues in Lyttelton relating to this Recovery Plan.

Cruise ship options

If large cruise ships are to return to Lyttelton, a new purpose-built facility will be needed and LPC has stated it would need to secure an external partner to help fund the \$35 to \$40 million required. The decision on developing a cruise ship berth and terminal and its location will be made by LPC. However, Environment Canterbury has made amendments to the Regional Coastal Environment Plan to allow for the construction of a cruise ship berth as a controlled activity with public notification discretionary activity at the Naval Point location, meaning consent would be granted but conditions could be imposed. Alternatively a cruise ship berth could be constructed as a permitted activity in the Inner Harbour.

Dredging

Larger container and other ships visiting the Port mean that parts of the harbour will need to be dredged more deeply than at present. This preliminary draft Recovery Plan recognises this and enables dredging, but the extent to which it does so depends on the location:

- deepening berths and ship-turning basins beside wharves in the Inner Harbour and Cashin Quay is permitted and does not require a resource consent;

- dredging adjacent to the Container Terminal ~~and to the possible cruise ship berth at Naval Point~~ will be a controlled activity, which means consent must be granted but Environment Canterbury can put specific conditions on it, such as how the dredged seabed material is managed, where it should be disposed and the effects on marine ecology;
- dredging to deepen and widen the main navigation channel (also called capital dredging) will be a restricted discretionary activity under this Plan, meaning consent may or may not be granted but matters for discretion are restricted to methods of dredging, effects on marine ecology and mahinga kai.

Dredge spoil will be assessed for contamination to ensure that it is suitable to be deposited either at the existing Spoil Dumping Grounds in the outer harbour or, in the case of the proposed capital dredging, out at sea.

Management of construction effects

LPC has produced a detailed Construction Environmental Management Plan guideline to ensure there is as little disruption as possible to its neighbours in Lyttelton township or other negative effects on the environment while the reclamation and other construction work occurs. Environment Canterbury has included controls on future resource consent applications to ensure these Management Plans are fit for purpose.

What do you think?

Please read this preliminary draft Lyttelton Port Recovery Plan and tell us what you think by making a submission. You can use the submission form in the back of this document or on our website www.ecan.govt.nz/port.

1. Vision and goals / Te moemoeā me ngā whāinga

1.1. Vision / Te moemoeā

The rebuilt Lyttelton Port is resilient, efficient, and contributes positively to the environmental, social, cultural and economic well-being of Lyttelton township, harbour side communities, and greater Christchurch.

1.2. Goals / Ngā whāinga

1. Lyttelton Port infrastructure is rebuilt and repaired in a timely, efficient and economical manner
2. Ngāi Tahu values and aspirations for Whakaraupō/Lyttelton Harbour and in particular for mahinga kai are recognised and advanced through port recovery activities
3. The recovery of the Port makes a positive contribution to the recovery of the Lyttelton township and community, by:
 - a. Providing safe, convenient and high quality public access and connections to the waterfront and surrounding areas
 - b. Improving recreational facilities and opportunities
 - c. Complementing the redevelopment of the Lyttelton town centre
 - d. Reducing adverse environmental effects of port operations on the township
4. The repair and rebuild of Lyttelton Port's infrastructure enable it to meet current and predicted future demand and increase its resilience
5. Lyttelton Port is able to continue to operate safely, efficiently and effectively during recovery and into the future
6. Lyttelton Port contributes positively to local economic recovery, and regional and national economic growth
7. The local and wider transport network is managed to:
 - a. Ensure the safe and efficient transport of freight to and from the Port
 - b. Provide safe routes and a more attractive environment for pedestrians, cyclists and users of public transport in Lyttelton
8. Port recovery activities are managed as far as practicable to safeguard the well-being of Whakaraupō/Lyttelton Harbour and the surrounding harbour communities

2. Background / Kōrero o mua

2.1. Why is a recovery plan needed? / He aha te take o te mahere whakarauora?

Lyttelton Port was extensively damaged during the series of earthquakes that affected greater Christchurch in 2010 and 2011. Although it was able to continue to provide vital services, much of its infrastructure needs to be repaired or rebuilt. For a summary of the damage, see Section 3.1.

Existing planning documents prepared under the Resource Management Act 1991 (RMA)—in particular, the Regional Coastal Environment Plan for the Canterbury Region—cannot deal efficiently with a rebuild programme of this scale. Under existing provisions in these plans, the Lyttelton Port Company Limited (LPC) would have to apply for approximately 100 separate consents, creating considerable uncertainty and delay.

Because of the Port's essential role in the recovery and economic productivity of greater Christchurch and of the wider region, delays and inefficiency in its recovery would compromise the recovery of greater Christchurch.

On 18 June 2014 the Minister for Canterbury Earthquake Recovery (Minister for CER) directed LPC and Environment Canterbury to develop a Lyttelton Port Recovery Plan. To read the Minister's Direction, visit the New Zealand Gazette website www.ecan.govt.nz/port.

What is a recovery plan?

A recovery plan is a tool provided by the Canterbury Earthquake Recovery Act 2011 (CER Act) to address earthquake recovery issues. The CER Act provides for recovery plans to be developed at the direction of the Minister for CER. A direction can include provision for any social, economic, cultural or environmental matter or any particular infrastructure, work or activity within greater Christchurch.

Recovery plans must be consistent with the *Recovery Strategy for Greater Christchurch: Mahere Haumanutanga o Waitaha*, which is the overarching, long-term strategy for the reconstruction, rebuilding and recovery of greater Christchurch. To read this document, visit the Canterbury Earthquake Recovery Authority website at: <http://cera.govt.nz/recovery-strategy/overview>

A recovery plan is an important recovery mechanism because of its primacy over other planning documents. It may direct specific amendments to RMA documents, including district and regional plans.¹ District and regional plans, which control land and natural resource use, have significant

¹ Canterbury Earthquake Recovery Act 2011, section 24.

influence on rebuilding and, consequently, on recovery. Amendments directed by a recovery plan are not subject to certain RMA processes and so can be made in a timely and efficient manner to facilitate recovery.

In addition, prior to the expiry of the CER Act in April 2016, certain decisions made through RMA processes cannot be inconsistent with the Recovery Plan, such as resource consent applications and the preparation, change, variation or review of an RMA document under Schedule 1 of that Act.

Similarly certain instruments developed under other legislation, such as the Local Government Act 2002, Land Transport Management Act 2003 and the Public Transport Management Act 2008, cannot be inconsistent with a Recovery Plan.² Where there are inconsistencies, the Recovery Plan will prevail.

2.2. Scope of the Lyttelton Port Recovery Plan / ~~Korahinga o te mahere whakaora i te Pūaha o Ohinehou~~ Te hōkaitanga o te mahere whakarauora i Te Pūaha Ōhinehou

Under the Minister's Direction, the scope of the Recovery Plan includes all land in the Lyttelton Port area owned, occupied or used by the LPC at the date of the Direction, pockets of land within that geographical area under separate ownership, and the area of Norwich Quay. The Direction specifically excludes Sumner Road/Evans Pass. It is not a recovery plan for Lyttelton township or for Whakaraupō/Lyttelton Harbour as a whole. In developing the preliminary draft Lyttelton Port Recovery Plan, the issues and effects that may occur outside the geographic extent of the Recovery Plan have been considered, and where necessary are referred to within it.

Environment Canterbury may include other land or areas if it considers this necessary after consulting with Christchurch City Council, Waimakariri District Council, Selwyn District Council, Department of Conservation, New Zealand Transport Agency and Te Rūnanga o Ngāi Tahu. In consultation with these organisations, Environment Canterbury has considered it necessary to amend the geographical scope of the Recovery Plan to include the existing main navigation channel and the area of LPC's proposed capital dredging. This is to allow the Recovery Plan to include policy support for widening, deepening and extending the main navigation channel to enable the Port to accommodate larger vessels (see Sections 3.3 and 4.1.4).

² Canterbury Earthquake Recovery Act 2011, section 26.

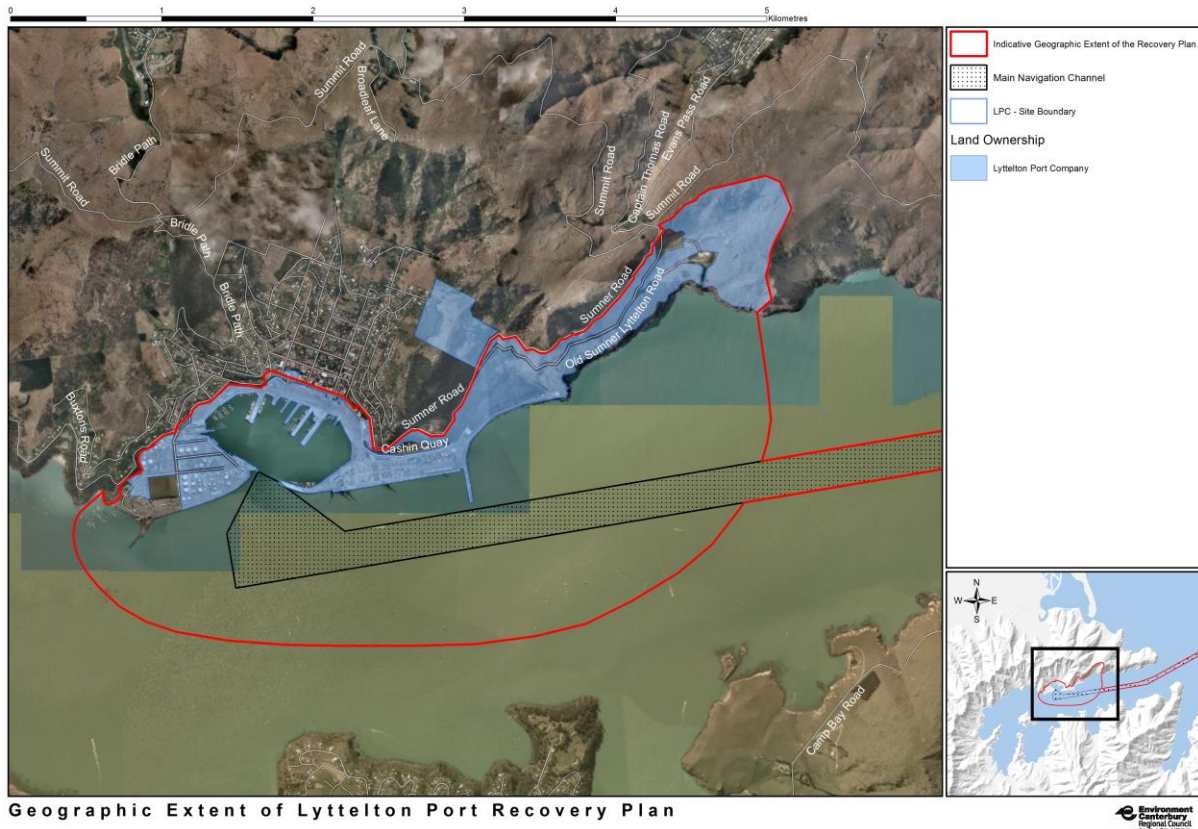


Figure 1: Area covered by the Lyttelton Port Recovery Plan

In his Direction, the Minister for CER stated that the Recovery Plan must address the following matters for the development of the Lyttelton Port Recovery Plan:

- *The recovery of the damaged Port, including the repair, rebuild and reconfiguration needs of the Port, and its restoration and enhancement, to ensure the safe, efficient and effective operation of Lyttelton Port and supporting transport networks;*
- *The social, economic, cultural and environmental well-being of surrounding communities and greater Christchurch, and any potential effects with regard to health, safety, noise, amenity, traffic, the coastal marine area, economic sustainability of Lyttelton town centre and the resilience and well-being of people and communities including the facilitation of a focused, timely and expedited recovery;*
- *Implications for transport, supporting infrastructure and connectivity to the Lyttelton town centre, including, but not limited to, freight access to the Port, public access to the Inner Harbour and the location of passenger ferry terminals and public transport stops;*
- *The needs of users of Lyttelton Port and its environs, including, but not limited to, iwi, importers and exporters, cruise ship passengers and crew, tourism operators and customers, commercial fishers, recreational users and public enjoyment of the harbour and well-being of communities.*

2.3. What is recovery for the Port? / He aha tēnei mea te whakaoranga o te Pūaha

Under the CER Act, ‘recovery’ does not mean simply replacing what was there before the earthquakes, but includes ‘enhancement’; likewise, the definition of ‘rebuilding’ includes improving land and infrastructure.³ These definitions are reflected in the objectives of the Recovery Strategy and in the Minister’s Direction to develop this Recovery Plan.

This means that the recovery of Lyttelton Port is not simply a matter of repairing the direct damage to infrastructure caused by the earthquakes. For Lyttelton Port, the process of reconstruction and repair of port infrastructure is a massive exercise in planning and engineering. Almost all parts of the Port will be repaired or rebuilt in some way. The scale of the project necessitates consideration of how port infrastructure and reconfiguration of the Port may enhance or enable the recovery of the Port, affected communities and greater Christchurch as a whole.

The current configuration of the Port has come about through development from the 1840s onwards. The Port’s infrastructure was already under pressure before the earthquakes, and trends in international shipping and increasing freight demands mean that the pre-earthquake configuration will not be adequate now or in the future. Current port use also has detrimental effects on the community. Reconfiguration and improvement of port infrastructure will restore essential social, cultural, economic and environmental well-being, and contribute more effectively to the long-term recovery of the Lyttelton and greater Christchurch communities.

Recovery for the Port, therefore, encompasses the efficient repair, rebuild and reconfiguration of port assets to meet future needs, while maintaining levels of service and operating in a safe, efficient and effective way.

In exercising powers under the CER Act to approve the Recovery Plan, the Minister for CER will need to reasonably consider that doing so is consistent with the purposes of the CER Act, set out in section 3 of the Act. These include:

(b) to enable community participation in the planning of the recovery of affected communities without impeding a focused, timely, and expedited recovery: ...

(d) to enable a focused, timely, and expedited recovery: ...

(f) to facilitate, co-ordinate, and direct the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property:

(g) to restore the social, economic, cultural, and environmental well-being of greater Christchurch communities.

³ Canterbury Earthquake Recovery Act 2011, section 4(1).

2.4. Tangata whenua association with and aspirations for Whakaraupō/Lyttelton Harbour / **Te whai paanga me ngā wawata o te iwi mō Whakaraupō Te mana whenua me ō rātou wawata mō Whakaraupō**

Whakaraupō /Lyttelton Harbour is within the takiwā of the iwi Ngāi Tahu. Whakaraupō has cultural, spiritual, historical and traditional importance for Ngāi Tahu; the harbour is part of the Te Tai o Mahaanui (Selwyn – Banks Peninsula Coastal Marine Area) Statutory Acknowledgement under the Ngai Tahu Claims Settlement Act 1998.

While Te Rūnanga o Ngai Tahu is the legal representative of Ngai Tahu Whānui (the extended tribe of Ngai Tahu), Papatipu Rūnanga are kaitiaki, rangatira (leaders) and have manawhenua (customary authority) of the natural resources within their takiwā boundaries. Te Hapū o Ngāti Wheke is the Papatipu Rūnanga who have manawhenua and mana moana (customary authority in relation to land and sea respectively) over Whakaraupō/Lyttelton Harbour and its catchment. Their takiwā centres on Rāpaki on the northern shore of Whakaraupō to the west of Lyttelton township, where their marae is located. Te Rūnanga o Koukourārata, representing the hapū Ngāti Huikai, also have an interest in the Lyttelton Port Recovery Plan, as some Port redevelopment activities may affect Koukourārata/Port Levy, the harbour directly to the southeast of Whakaraupō.

The Cultural Impact Assessment for the Port's proposed recovery activities, prepared for LPC, clearly states Ngāti Wheke and Ngāi Tahu aspirations for Whakaraupō.⁴ Of particular interest for Ngāti Wheke is the status of Whakaraupō as mahinga kai. Whakaraupō is a traditional fishing ground and a place of settlement, with a variety of shellfish and fish species gathered from the bays, coastlines and open water. The streams flowing into the harbour were also harvested for mahinga kai.

Ngāti Wheke require mahinga kai to be abundant and diverse so that they can sustain customary mahinga kai use, and to be safe and healthy for consumption. Their long-term vision is for:

The restoration of the cultural health of Whakaraupō, including harbour water quality, to support mahinga kai abundance and diversity at levels where it can sustain customary use mō tātou, ā, mō kā uri ā muri ake nei.

The commitment of Ngāti Wheke to Whakaraupō, particularly in terms of mahinga kai, is shown by the existing Rāpaki Mātaitai, and the application made in 2011 for the larger proposed Whakaraupō Mātaitai. Mātaitai are a customary protection area which are used to manage fisheries using customary knowledge and practice.

The Cultural Impact Assessment outlines a number of specific concerns related to the recovery of the Port. These include the effects of the proposed reclamation in Te Awaparahi Bay, in particular

⁴ Jolly, D., Te Rūnanga o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu, 2014, Cultural Impact Assessment: An assessment of potential effects of the Port Lyttelton Plan and Lyttelton Port Recovery Plan on Ngāi Tahu values and interests.

effects on mahinga kai species, visual effects, a reduced ability to contain fuel/oil spills from a bulk fuel berth outside the Inner Harbour, effects of the management of construction, increased traffic, biosecurity risks, effects of the removal of the eastern mole on containment of contaminants, and effects on mātaītai provisions. Many of these matters have been assessed by Environment Canterbury as part of preparing this Recovery Plan, or will be considered during future resource consent processes. Others will be addressed as part of the whole-of-harbour management approach that is proposed to follow from development of this Recovery Plan (see Action 7).

~~2.4.1. Sedimentation in the upper harbour~~

2.5. Environmental Concerns for Whakaraupō / Lyttelton Harbour

Many people and groups in the communities associated with Whakaraupō / Lyttelton Harbour have environmental concerns about the current state of the harbour, and past human influences that may have had adverse effects.

In particular, Te Hapū o Ngāti Wheke have major concerns about increased sedimentation in the upper harbour, especially in the last 50 years, and its impact on the health of the harbour and, in particular, of mahinga kai species. ~~Many in the wider community share these concerns about sedimentation.~~

Many have linked the increase in sedimentation in recent decades to the development of Cashin Quay and its breakwater between 1957 and 1964. Although the scientific evidence available to date is inconclusive, LPC's recovery proposals have been carefully assessed by Environment Canterbury to ensure that these works do not worsen sedimentation problems. See Section 4.1.1.

2.5.2.6. Relationship between the Port and Lyttelton township Surrounding Communities / Ngā hononga i te pūaha me ngā pā

Lyttelton Harbour has a number of settlements located around the edges of the harbour. The main settlement is the Lyttelton township, with the other significant settlements being Cass Bay, Rāpaki, Governors Bay, Chartis Bay, Diamond Harbour and Purau. These settlements are located in the middle and upper harbour areas.

2.5.1.2.6.1. Lyttelton

The Inner Harbour of Lyttelton Port is directly adjacent to the Lyttelton township, separated by Norwich Quay. Many people enjoy the visual interest that a working port provides. As a working area, however, the Port can have negative effects on amenity values for the township, such as light, dust and noise, particularly given the volumes of freight traffic on Norwich Quay. The Port's repair and reconstruction activities are likely to have additional effects on the amenity values of the township during recovery. Port operations and security requirements have also led over time to the loss of public access to the waterfront.

Lyttelton township was badly affected by the earthquakes, with its town centre extensively damaged. A large proportion of the commercial buildings within the town centre were consequently demolished, including buildings along much of the Norwich Quay frontage. Christchurch City Council adopted the Lyttelton Master Plan in 2012 to guide the redevelopment of Lyttelton's commercial area. Although the Master Plan does not have any statutory effect, under the Minister's Direction the Lyttelton Port Recovery Plan may not direct or implement changes to the Lyttelton Master Plan.

The goals of the Lyttelton Master Plan are:

1. A rebuilt and prosperous niche centre
2. Alternative Port access investigations and public access to the Inner Harbour waterfront
3. Well-managed access to the town centre
4. Route security
5. Accessible and social spaces
6. Tell the story of the place
7. Build the capacity of community facilities and services
8. Access to affordable business and creative spaces
9. Responsive planning and urban design

The Lyttelton Master Plan was part of the wider collection of documents that helped inform Environment Canterbury during the development of the recovery plan, particularly in relation to the needs and aspirations of the Lyttelton community, as the expression of these in the Master Plan were widely acknowledged.

Due to the limitations in geographic extent, not all the goals of the Lyttelton Master Plan could be addressed by the Lyttelton Port Recovery Plan. However, where the Master Plan and Recovery Plan converge, the goals of the Master Plan were given consideration. Particular regard was given throughout to not undermining the goals of the Master Plan through the recovery plan process.

This was specifically expressed in the proposed amendments to the proposed Replacement District Plan to provide for commercial development at Dampier Bay. The proposed amendments were reached in an effort to complement rather than compete with the Lyttelton town centre, and therefore advance the Master Plan goals.

2.5.2.2.6.2. Other Harbour Communities

The main effects of the Port on the other settlements around Lyttelton Harbour, are the visual and noise effects of the Port facilities and ships.

The visual effects can be perceived to be both positive and negative. While some people may see the industrial character of the Port as providing visual interest, others may feel it detracts from the naturalness of the surrounding landscape.

One of the main visual effects the port can have on these settlements is night-time light. As the Port operates 24 hours a day, a sufficient level of lighting is needed to ensure a safe working environment. These lights are able to be viewed from the other settlements around the harbour.

The noise created by port operations and recovery activities can travel significant distances over the harbour water, particularly construction noise from pile driving.

2.6.2.7. Consistency with other planning documents / Te ritenga o tēnei mahere ki etahi ētahi atu mahere

2.6.1-2.7.1. Other recovery plans

The Lyttelton Port Recovery Plan must be consistent with and support the other recovery plans already in effect.

The Christchurch Central Recovery Plan is the recovery plan for the central city and was approved by the Minister for CER in July 2012. Nothing in this Lyttelton Port Recovery Plan is inconsistent with the Christchurch Central Recovery Plan.

The Land Use Recovery Plan, which was approved by the Minister for CER in December 2013, provides direction for the recovery and rebuilding of residential and business land in greater Christchurch, and enables businesses in Lyttelton to rebuild in a cost effective manner. The Land Use Recovery Plan recognises Lyttelton Port as strategic infrastructure of national significance and its importance for earthquake recovery, stating that:

[The] ability to operate efficiently 24 hours a day and to expand over time is essential for the full social, economic, cultural and environmental recovery of metropolitan greater Christchurch. It is essential that the transport and handling of freight to, from and within the ... port are efficient and reliable so that unnecessary transport costs and delays are avoided.

The Lyttelton Port Recovery Plan recognises and seeks to achieve these goals.

2.6.2-2.7.2. New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement 2010 is a national policy statement that must be given effect to by regional policy statements, regional plans and district plans, although under section 24 of the CER Act changes may be made pursuant to a direction in a recovery plan without giving effect to the NZCPS. In this instance we consider the changes are consistent with the NZCPS. The Policy Statement sets out objectives and policies relating to the coastal environment of New Zealand.

Of particular importance for the Lyttelton Port Recovery Plan is Policy 9 – Ports. This policy recognises the requirement for efficient and safe ports, which have efficient connections with other transport modes, and the need to consider their development for shipping and transport connections.

2.6.3-2.7.3. Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan 2013 is a collaborative plan prepared by six Papatipu Rūnanga, including Te Hapū o Ngāti Wheke and Te Rūnanga o Koukourārata. It identifies important issues regarding the use of natural and physical resources within the takiwā (tribal area) of the six Papatipu

Rūnanga. It is an expression of rangatiratanga (leadership) to help iwi and hapū exercise their kaitiaki (guardianship) roles and responsibilities.

The following excerpt from the Mahaanui Iwi Management Plan summarises well the relationship of Ngāi Tahu with the harbour:

Whakaraupō has a rich history of Ngāi Tahu land use and occupancy, and strong tradition of mahinga kai. The harbour was named after the raupō reeds that were once plentiful at Ōhinetahi at the head of the harbour. Kaimoana such as pipi, tuaki, kutai, pāua, tio, kina and pūpū, and ika such as pātiki, pātiki rori, pīoki, hoka, aua, pāpaki, koiro and hokarari provided an abundant and reliable supply of mahinga kai for tāngata whenua and their manuhiri. The restoration of kaimoana values to the Whakaraupō is a key kaupapa for the kaitiaki Rūnanga in this catchment. (page 249)

The most relevant section of the Mahaanui Iwi Management Plan to the Lyttelton Port Recovery Plan is Section 6.6. Eleven issues of significance are identified for Whakaraupō/Lyttelton Harbour, which are each supported by a number of policies. Issues WH1 (cultural health of the harbour) and WH2 (Lyttelton Port Company) are the most relevant to the Lyttelton Port Recovery Plan.

The policies supporting Issue WH1 recognise the harbour as a working port while focussing on the restoration of the cultural health of Whakaraupō/Lyttelton Harbour. Policy WH1.2 requires that the harbour is managed for mahinga kai (customary fishery) first and foremost. Issue WH2 addresses LPC activities and their effects on the cultural health of the harbour. Policy WH2.4 requires “that LPC recognise and provide for the relationship of Ngāi Tahu to Whakaraupō, and aspirations to manage the harbour as mahinga kai.”

The cultural impact assessment prepared for LPC and provided as part of its information package assesses the effects of LPC’s recovery proposals against these policies. This has been a key consideration in preparing this Recovery Plan.

2.7.2.8. The process for developing the Lyttelton Port Recovery Plan / Ngā tukanga ~~mō~~ mō te whakawhanake i te mahere whakarauora o Ōhinehou Ōhinehou

The Minister’s Direction sets out the process for the development of the Lyttelton Port Recovery Plan. This includes a number of opportunities for community participation.

19 June 2014	Direction to Develop a Lyttelton Port Recovery Plan published in the New Zealand Gazette
June–Sept 2014	LPC's consultation on long-term vision
June–Nov 2014	Development of LPC’s Information
13 Nov 2014	LPC delivered information to Environment Canterbury <ul style="list-style-type: none"> - Information includes planned recovery works and assessment of their effects - To read the information package, visit the LPC’s ‘Port Lyttelton Plan’ website at:

	http://portlytteltonplan.co.nz/project-updates/document-library/
Nov 2014 – April 2015	<p>Development of preliminary draft Lyttelton Port Recovery Plan</p> <ul style="list-style-type: none"> - Reviews of the technical reports by Environment Canterbury experts - Consideration of the recovery needs of Lyttelton Port, the well-being of surrounding communities, transport implications, and the needs of users of Lyttelton Port and its environment - Inclusion of the necessary responses in the Recovery Plan with consideration of the requirements of sections 3 and 10 of the CER Act. - Consultation with recovery partners⁵ on the development of the preliminary draft Lyttelton Port Recovery Plan - To read the reviews of the technical reports visit our website at: www.ecan.govt.nz/port
13 April – 11 May 2015	<p>Public consultation period on preliminary draft Lyttelton Port Recovery Plan</p> <p>Call for written submissions</p>
2 June 2015	Hearing on preliminary draft Lyttelton Port Recovery Plan commences
Aug 2015	Environment Canterbury decision on draft Lyttelton Port Recovery Plan
14 August 2015	Delivery of draft Lyttelton Port Recovery Plan to Minister for CER
Post-14 Aug 2015	Minister for CER intends to publicly notify the draft Recovery Plan and invite written comments, before making a final decision on the Lyttelton Port Recovery Plan

Figure 2: Timeline for the development of the draft Lyttelton Port Recovery Plan

2.7.1-2.8.1. Next steps

Public consultation and hearing

Submissions and related information are now invited on the preliminary draft Lyttelton Port Recovery Plan. These must be made to Environment Canterbury before 5pm on 11 May 2015.

Environment Canterbury will then hold a public hearing from 2 June 2015. This will allow those persons who have made written submissions to be heard in support of their written submission.

Having considered submissions, the Hearing Panel will make recommendations to Environment Canterbury on the matters heard and considered including any possible changes to the preliminary draft Recovery Plan. These recommendations are not binding.

⁵ Christchurch City Council, Selwyn and Waimakariri District Councils, Te Rūnanga o Ngāi Tahu, New Zealand Transport Agency, Department of Conservation and Canterbury Earthquake Recovery Authority.

Environment Canterbury will consider the recommendations of the Hearing Panel and decide on a draft Lyttelton Port Recovery Plan to provide to the Minister for CER. Environment Canterbury will also provide a report to the Minister on the reasons for its decisions.

Minister for CER's decision on the draft Lyttelton Port Recovery Plan

When the draft Lyttelton Port Recovery Plan has been delivered to the Minister for CER, the Minister intends to publicly notify the document and invite written comments.

After considering the draft Lyttelton Port Recovery Plan and any written comments, the Minister for CER will make a final decision on whether to approve the Recovery Plan, with or without changes, under section 21 of the CER Act.

2.8.2.9. Effect of the Recovery Plan / Ngā hua o te mahere whakarauora

The final Lyttelton Port Recovery Plan, once approved by the Minister for CER, will be a statutory document with legal weight under the CER Act. All amendments to documents and instruments directed by the Recovery Plan will have immediate effect.

3. Key issues for the recovery of Lyttelton Port / Ngā take o te mahere whakaora i te Pūaha o Ōhinehou

Lyttelton Port faces the following key issues for its recovery:

- Earthquake damage to port facilities
- Increasing freight volumes
- Larger container ships
- Cruise ships
- Port operational requirements
- Transport network
- Effects of port activities and rebuilding on the natural environment and Ngāi Tahu values
- Community aspirations for the Port area
- Management of construction effects
- Need for a timely recovery

This section examines these issues in more detail, after clarifying what ‘recovery’ means for Lyttelton Port.

3.1. Earthquake damage to port facilities / Ngā ngau kino a ngā ratonga o te Pūaha o Ōhinehou

The 2010–2011 series of earthquakes, particularly the event of 22 February 2011, was hugely damaging to Lyttelton Port (Figure 3). This has important implications for the usability of Port infrastructure, its lifespan and resilience, and the impact of repair work on continuing Port operations.

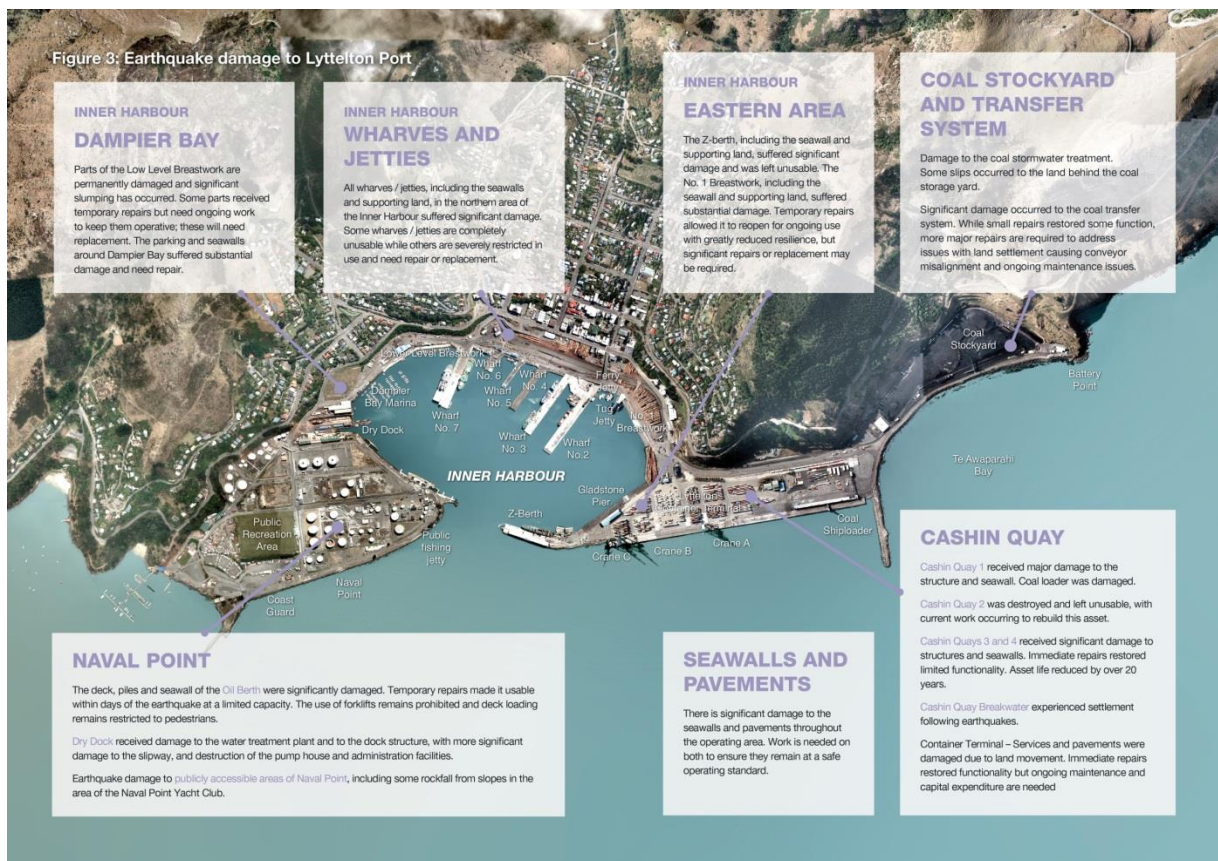


Figure 3: Earthquake damage to Lyttelton Port

3.1.1. Limited usability of infrastructure

Although much of the earthquake-damaged infrastructure at Lyttelton Port has continued to be used, there are restrictions on that use that significantly reduce the Port’s operational efficiency and capacity. These assets also now have a greatly reduced life. For example, Cashin Quay 3, which was damaged in the earthquakes, is currently usable as a container berth, but with restrictions. The earthquake damage has shortened the life of this asset by over 20 years.

3.1.2. Decreased resilience of infrastructure

Resilience is the ability to recover from or absorb a shock or event. In the case of the Port, it relates to the ability of the infrastructure to continue to operate effectively following an event that may damage structures or facilities.

Some of Lyttelton Port’s assets had limited resilience before the earthquakes because they were up to 150 years old. The resilience of much of the Port infrastructure is now significantly reduced due to damage caused by the earthquakes. If another major event were to occur, damage to the Port infrastructure would compound and the Port would be much less likely to resume operations as quickly as it did after the 2010–2011 earthquakes, if it could at all.

3.1.3. Interdependency of rebuild decisions

Decisions on the timing and engineering requirements of the repair or rebuild of port infrastructure are interdependent. Decisions to repair or rebuild one area or structure to provide for particular port needs or certain users may consequently affect the decisions on another area or structure. Some areas or structures will also need to be repaired or rebuilt before others.

Of particular importance to the Port's sequencing and timing of infrastructure repair and rebuild is to have certainty that additional land for the development of a new container terminal will be available through reclamation. This certainty will allow further decisions to be made on the repurposing of other structures and, consequently, on their engineering requirements and repair or rebuild sequencing. For example, with such certainty Cashin Quay, which is the current location for the container terminal, could be redeveloped for a different purpose.

3.1.4. Effect of rebuilding on availability of land for port activities

Operating a port is a space-intensive task. The available landward space needs to provide not only for storage of goods being loaded onto or unloaded off berthed ships, but also for circulation space for vehicles and staff, crane operation, workers' and office facilities, and transport links. The size of that space, its location and other attributes such as layout, shape and distances between facilities can affect operational efficiency.

Lyttelton Port has limited land available for port activities. Pressure on port space even before the earthquakes has meant that Lyttelton Port has been operating at over capacity, decreasing its efficiency (see section 3.5 below). Even with inland port facilities at Woolston and Rolleston, the Port needs significant space at its Lyttelton container terminal for short-term storage.

Repair and reconstruction activity will place additional demands on available space. It is therefore important that port operational space is protected through the rebuild process.

3.2. Increasing freight volumes / **Te whakapiki o te utanga-a-waka moana Te kaha haere o ngā tono utanga**

Freight volumes have been increasing globally, driven by population growth, international trade liberalisation, and the rise of the emerging markets such as China and India.⁶ Lyttelton Port is at the forefront of this trend, as the fourth-largest port in New Zealand in terms of total freight and the second-largest in terms of exports.

Container trade volumes through New Zealand ports have increased significantly in the last two decades. Lyttelton Port's container trade has increased markedly, growing from 76,000 twenty-foot equivalent units (TEU) moved through the Port in 1994, to 376,567 TEU in 2014 (see Figure 4).⁷

⁶ Lyttelton Port Company Limited, 2014, Lyttelton Port Company's Information Package.

⁷ Lyttelton Port Company Limited, 2014, Lyttelton Port Company's Information Package.

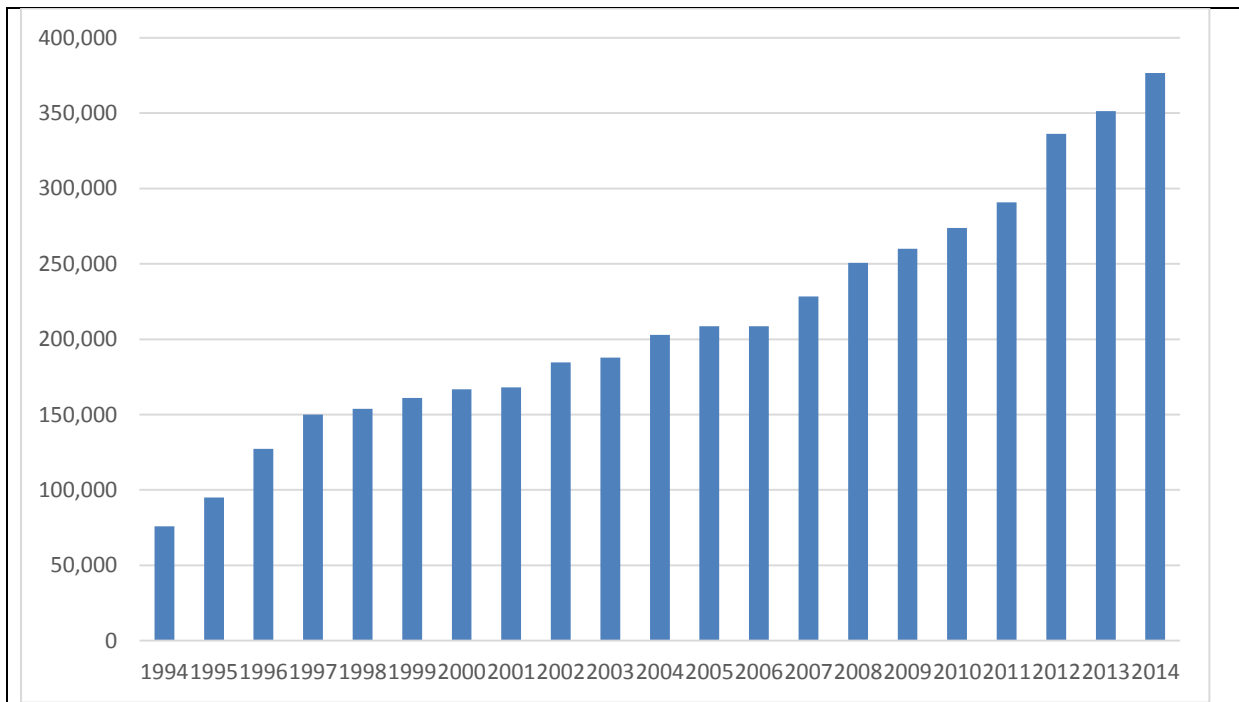


Figure 4: Lyttelton Port container volumes, 1994–2014 (TEU)

The rebuild of greater Christchurch has contributed to increases in freight volumes since 2010, particularly for cargo such as cement.

Freight volumes—and in particular, container trade volumes—through Lyttelton Port are projected to increase significantly in the next 25 years. A recent study on future freight demand estimates that container volumes will at least double, to 782,000 TEU, by 2041 and could reach 1,500,000 TEU (see Table 1).⁸

Bulk and break bulk trade is also expected to increase. LPC’s expectations are for dry bulk to grow overall by around 2% per year, and bulk fuels by 4% per year.⁹

Table 1: Container volume growth scenarios

Growth scenario		Forecast container volume in 2041
Linear growth	The Greater Christchurch Freight Demand Statement lower forecast is based on 5.5% linear growth.	782,000 TEU
Compound growth	LPC states that container volumes are expected to grow by 7–8% for the first three years, 6–7% for the following three years, then to around 4.5%. The resulting figures take the range into account	Lower
		Upper
		1,384,692 TEU
		1,464,559 TEU

⁸ Aurecon, 2014, Christchurch Freight Demand Statement.

⁹ Lyttelton Port Company Limited, 2014, Lyttelton Port Company’s Information Package.

	forming an upper and a lower scenario, with 2014 as the base year (376,567 TEU).		
	The Greater Christchurch Freight Demand Statement upper forecast is based on 5.3% compound growth.		1,500,000 TEU

3.3. Larger container ships / Ngā kaupuke ipu rahi

Internationally, shipping companies are using larger ships, which lower the cost of transportation by offering economies of scale.¹⁰ As larger ships are introduced to higher-volume routes in other parts of the world, there is a redeployment or ‘cascade’ of larger ships to routes servicing New Zealand.¹¹ In 2009 the median ship size was 1,900 TEU, increasing to 2,750 TEU in 2014.¹² At present, the largest ship to visit New Zealand regularly has a capacity of approximately 4,100 TEU.¹³ It is expected that more ships in the 5,000–7,000 TEU range will be visiting New Zealand ports in the future,¹⁴ although the actual size of future ships and likely timing of this deployment is difficult to forecast.¹⁵

Lyttelton Port can currently accommodate ‘Post Panamax’ class ships, which are approximately 285m long and 40m wide, and have a 13m draught and 4,000–5,000 TEU capacity. Providing the necessary infrastructure for larger ships would reduce the risk of Lyttelton Port only being serviced by relatively small, old and costly ships, which could disadvantage Christchurch and Canterbury in terms of economic efficiency and growth.

‘Post Panamax Plus’ class ships—the next size up—are approximately 300m long and 43m wide, and have a 14.5m draught and 6,000–8,000 TEU capacity.¹⁶ To accommodate these larger ships, Lyttelton Port would require deeper and longer shipping channels to be created by dredging and the associated dumping of spoil, longer wharves, deeper berths, and cranes big enough to reach and lift the containers.

3.4. Cruise ships / Ngā kaupuke tangata

Cruise ships berthed in Lyttelton Port before the earthquakes but since then, due to damage to the Cashin Quay 2 wharf which served the cruise ships prior to the earthquakes, only those ships small enough to berth within the Inner Harbour visit Lyttelton. The larger ships have been diverted to Akaroa Harbour, but it also has limits to the size of ships it can service. A new purpose-built facility will be needed if the larger cruise ships are to return to Lyttelton. [It may also be beneficial to](#)

¹⁰ Canterbury Development Corporation, 2014, Background Paper to the Christchurch Economic Development Strategy.

¹¹ Ministry of Transport, 2014, Future Freight Scenarios Study November 2014.

¹² Ministry of Transport, 2014, Report - Transport and Trade June 2014.

¹³ Brown, Copeland and Co Ltd, 2014, Lyttelton Port Recovery Plan Assessment of Economic Effects.

¹⁴ Brown, Copeland and Co Ltd, 2014, Lyttelton Port Recovery Plan Assessment of Economic Effects.

¹⁵ Ministry of Transport, 2014, Future Freight Scenarios Study November 2014.

¹⁶ Lyttelton Port Company Limited, 2014, Lyttelton Port Company’s Information Package, p 43.

consider temporary or transitional facilities to enable larger cruise ships to berth at Lyttelton in the short term.

A recent report from Christchurch and Canterbury Tourism finds that the provision of a cruise ship facility at Lyttelton has the potential to generate economic benefits for the region by increasing:

- The number of visiting cruise ships
- Visitor numbers and spending in Christchurch and Canterbury, compared with what is generated by arrivals through Akaroa¹⁷

The LPC has estimated that a new cruise ship facility would cost around \$35 million to \$40 million. It has also stated that it is not economic for it to spend this amount on the facility. No other funding sources have yet been identified.

3.5. Port operational requirements / Ngā tikanga whakahaere o te Pūaha o ~~Ohinehou~~

3.5.1. Land

One of the major requirements for the Port to operate efficiently and effectively is the availability of easily accessible and functional land. Its requirements for land relate not just to its size, but also to its shape, dimensions and location.

The container terminal on Cashin Quay is already running above efficient capacity because of the limitations on surrounding container storage areas. The existing terminal has an optimal efficient capacity of approximately 250,000 to 300,000 TEU per year.¹⁸ In the 2014 financial year it handled 376,576 TEU. While LPC has access to inland port space at the City Depot in Woolston, and at a new facility under development in Rolleston, the container terminal requires adjacent land sufficient to efficiently store containers being loaded onto ships for export and to provide empty space for containers from incoming ships.

Based on the projections for expected container volumes at the Port, and taking into account required minimum dimensions for efficiency, LPC estimates that a terminal of 21–27 hectares will be needed in 2026, and 34–52 hectares in 2041.¹⁹

Other general cargo also has significant land demands.²⁰ For example, the export of logs requires sufficient space at or near the Port to store an entire shipload so that this cargo can be loaded efficiently. Having the storage space too far away, or having to handle cargo multiple times, slows the loading or unloading process, reducing efficiency and adding cost.

¹⁷ Christchurch and Canterbury Tourism, 2014, Tourism Sector Case for Lyttelton Cruise Wharf Development.

¹⁸ Lyttelton Port Company Limited, 2014, Lyttelton Port Company's Information Package.

¹⁹ Lyttelton Port Company Limited, 2014, Lyttelton Port Company's Information Package.

²⁰ This includes logs, fuel, oil, gas, fish, steel, vehicles and cement.

3.5.2. Security and safety requirements

Although in the past the public has had access to port land, access has now been restricted because of security and safety requirements.

The operation of the Port includes hazards such as the movement of cargo and vehicles. This makes operational areas potentially unsafe for the public.

Security at the Port became particularly important after the terrorist attacks in the United States of America on 11 September 2001. Thereafter, the public was excluded from all port operational land to meet stricter requirements for ports linked to American ports.²¹

The Port therefore needs to be able to restrict access to its operational areas while also providing for other users of the Port or waterfront, such as ferry users.

3.5.3. Navigation Safety

Navigation safety is a key matter that needs to be considered as a result of the reconfigured layout of the port and during construction of the recovery projects. Navigation safety is managed by the Environment Canterbury Navigation Safety Bylaws 2010, which are implemented by the Regional Harbourmaster. We are satisfied that the existing mechanisms that are in place for dealing with navigation safety at the Port of Lyttelton are appropriate and no changes are required to the Navigation Safety Bylaws.

3.6. Transport network / Ngā waka huarahi kōtui

The Port must be able to safely and efficiently move the freight being handled to the wider transport network, including road and rail. This requires internal loading and movement areas, and efficient and reliable connections from the Port to the road and rail networks. For the Port to be effective, the wider land transport infrastructure also needs to operate reliably, efficiently and effectively.

Lyttelton Port is defined as the start point of KiwiRail's Main South Line, which runs to Invercargill. On Departing Lyttelton, trains pass under the Port Hills via the Lyttelton rail tunnel. At Addington, 12.6 km from Lyttelton, the Main North Line (to Picton) branches off the Main South Line. The Port is connected to the rail network by a 12.6km rail spur from the Main South Line, which runs under the Port Hills through a dedicated tunnel. Currently all of the coal, 20% of containers and 20% of the logs arriving at the Port do so by rail.²² The volume of freight coming to the Port by rail is projected to increase, and there is no capacity constraint on the rail network that would prevent this. LPC will need to ensure it has sufficient capacity for rail freight within the rebuild and reconfigured port, however.

²¹ Lyttelton Port Company Limited, 2014, Lyttelton Port Company's Information Package.

²² Abley Transportation Consultants, 2014, Lyttelton Port Recovery Plan Integrated Transport Assessment, p 43.

Norwich Quay (State Highway 74) is an important transport link for the Port and the Lyttelton community as it provides access to the road tunnel through to Christchurch and the state highway network beyond. The Port, port users and the Lyttelton community have competing interests and aspirations for Norwich Quay.

Norwich Quay provides road freight access to the Port, with multiple access points from Norwich Quay into the Port via the Gladstone Quay, Oxford Street overbridge and Sutton Quay gates. While the western area of the Port is accessible from Godley Quay via Simeon Quay, the main security gate is located at the eastern end of Norwich Quay as this provides effective access to the container terminal and the coal storage area. The Port therefore places a high importance on Norwich Quay to continue to provide efficient road freight access in the future.

The Lyttelton township is also accessed from the road tunnel via Norwich Quay. The main concerns for the community are the volume of traffic on this road and the generally poor amenity, which create an unattractive environment for businesses and discourage pedestrians, increasing the disconnection between the township and the water. There is one pedestrian crossing across Norwich Quay located at the Oxford Street intersection, which aligns with the pedestrian access route from the ferry terminal, located in the Inner Harbour, to the Lyttelton town centre. Many in the community would like to see trucks rerouted off Norwich Quay onto an alternative route.

Projected increases in freight throughput at the Port will increase heavy traffic volumes along Norwich Quay. During construction periods, more vehicles will need to access the Port. At the same time, the development at Dampier Bay will create greater demand from the community for safe pedestrian and cycle access across, and vehicle access on and off, this road.

The projected increase in freight volumes through the Port will place additional pressure on the wider transport network providing freight access to the Port. [This has been recognised through the Greater Christchurch Transport Statement and a freight action plan is being developed in that forum to address issues for the wider network.](#)

Christchurch City Council, New Zealand Transport Agency, LPC, and KiwiRail, have commissioned a joint study with two main areas of focus:

- How to achieve reliable and resilient access to the Port on a 24/7 basis that will meet the predicted growth in freight to 2040
- Appropriate public access to the waterfront.²³

The Scoping Report for the Lyttelton Access Project [considered a range of options suggests two viable options](#) for freight access to the Port, [including:](#)

- Retaining Norwich Quay as the freight route, with improvements

²³ Beca Ltd, 2014, Scoping Report Lyttelton Access Project. Environment Canterbury and the Canterbury Earthquake Recovery Authority are to be consulted as necessary.

- An alternative access road between Norwich Quay and the railway lines.²⁴

The report notes that the alternative access route has benefits in responding to the goal of the Lyttelton Master Plan to improve amenity on Norwich Quay, but notes the Port's need to use this land for port operations in the short to medium term (primarily for log storage and handling). It finds that the most cost-effective option for road freight access to the Port at present is to retain Norwich Quay. The Scoping Report notes that an overbridge for pedestrian and cycle access to the waterfront could be provided.

While the competing needs on Norwich Quay are long standing and well documented, Godley Quay has a lesser scale of competing needs with its mix of activities including Port and tank farm traffic, recreational users from Naval Point and Dampier Bay, with access adjacent to a Residential Conservation Zone. With development at Dampier Bay there is potential to add to traffic and demand for safe pedestrian and cycling access particularly prior to the opening of Sutton Quay.

3.7. Effects of port activities and rebuilding on the natural environment and on Ngāi Tahu values / Ngā hua o ngā mahi o te Pūaha me te hanganga a te Pūaha ki te taiao me ngā uara o Ngāi Tahu whānui whānui

Lyttelton Port sits within a coastal environment that has been modified by human influences, but still retains a high degree of natural value. As noted in Section 2.6, Whakaraupō/Lyttelton Harbour has significant cultural value to Ngāi Tahu.

The development of port structures can have permanent effects on the coastal environment, in particular by changing tidal flows and waves. As noted in section 2.3.2, concerns have been expressed for some decades about the impact of current port structures—in particular, Cashin Quay and its breakwater—and port activities such as dredging on the health of the harbour. Of specific concern has been sedimentation in the upper harbour and consequent effects on mahinga kai species. Although the link is not proven, it is important to ensure that the Port's rebuild and reconfiguration do not worsen sedimentation problems in the harbour.

Development at the Port can also have effects on landscape. This includes both any expansion of port areas and the use of land by port facilities, such as cranes. This will also include cumulative effects arising for example from the recovery plan proposals and the proposed Sumner Road reopening works. The effects on landscape would predominantly be experienced by those people who live in the surrounding harbour communities and people using the harbour and its surrounds for recreation.

²⁴ Beca Ltd, 2014, Scoping Report Lyttelton Access Project.

The other main environmental effect of port activities is contamination, both through historic port activity, and through stormwater entering the harbour. There is potential for contaminants to be released as a result of rebuilding work, such as piling and dredging.

Construction activities during the rebuild of the Port could have other negative environmental effects if not properly managed. Of particular concern are any potential effects on water quality through discharges to coastal water, rivers or streams, or on land where contaminants may enter water. Adverse effects on water quality can have consequent effects on natural organisms and human values for the coastal environment. Other effects could include noise or vibration, which can adversely affect wildlife, and discharges to air such as dust.

Upgrades to the Port's infrastructure as part of the recovery will have positive environmental effects. For example, repair work to paved surfaces provides the opportunity to upgrade to modern stormwater treatment, including the installation of gross pollutant and hydrocarbon interceptors, which would reduce the level of contaminants being discharged into the coastal environment.

3.8. Community aspirations for the Port area / Ngā tūmanako a te hāpori mo te Pūaha

3.8.1. Impact of port activities on Lyttelton township

Many people in Lyttelton would like the negative effects of port operations, such as noise, dust, and traffic on the township to be reduced. These aspirations are discussed in the Lyttelton Master Plan. The desire for trucks to be re-routed off Norwich Quay is discussed in Section 3.6. Other community concerns and aspirations related to the recovery of the Port are set out below.

3.8.2. Access to the waterfront

The Port operates within almost all of the Inner Harbour area, with only a small area of land in Dampier Bay open for public access to the existing marina. There is a strong desire from the community for safe and convenient public access to the waterfront from the Lyttelton town centre and a publicly accessible waterfront with a high level of amenity. Achieving such access would require some significant challenges to be addressed, including the operational safety and security requirements discussed in section 3.5.2 above, and the need to maintain an efficient freight route to the Port.

3.8.3. Recovery of Lyttelton township

As discussed in section 2.5, Lyttelton township was also severely damaged in the earthquakes and is still in the process of recovering. Many in Lyttelton are concerned that the Port's recovery plans, including the redevelopment of Dampier Bay to include some commercial development, could undermine the recovery of the town centre.

3.8.4. Ferry terminal

Lyttelton Port provides berths for the ferry service to Diamond Harbour and Quail Island. The ferry service is essential for Lyttelton town centre and the Diamond Harbour community and forms a part of the wider public transport network of Christchurch.

The ferry terminal is currently located at the end of the Oxford Street overbridge and links with a public bus stop, which provides public transport access to Christchurch. The operation of the ferry terminal in the current location requires public access through operational port land. Current access is by a fenced-in walkway, creating a poor pedestrian environment.

In consultation on LPC's Port Lyttelton Plan, the community has indicated a desire to ensure the terminal is located in close proximity to Lyttelton town centre, with direct and convenient access. The general preference is to retain the current berth location.²⁵ This preference is consistent with the results of research undertaken prior to the earthquakes. LPC has proposed to relocate the ferry terminal adjacent to Dampier Bay because of physical constraints on redeveloping and upgrading at the existing terminal location due to port operational activities nearby, ferry operator preference²⁶, and opportunities to improve functionality of the terminal.

3.8.5. Recreational users

Lyttelton Harbour is popular for recreational activities including swimming, sailing, fishing, waka ama and other boating activities. The area around the harbour also contains popular walking tracks and heritage features. Quail Island is accessible for visitors via a ferry service from Lyttelton Port.

Christchurch City Council owns land at Naval Point including a recreational reserve and boat slipway. The Naval Point Yacht Club is currently located at the southern end of Naval Point. Naval Point received some damage from the earthquakes, including rockfall near the Naval Point Yacht Club.

The Naval Point recreation area is managed by Christchurch City Council and is currently the subject of a development plan process. Christchurch City Council is still in the early stages of this process. The objectives of the development plan are likely to provide for:

- Better access to the water
- Public boat ramp and launching facilities
- Recreation facilities, including access to the water's edge for water sports users and the general public
- Sports fields
- Public facilities
- Vehicle access and improved car parking
- Safe pedestrian connections
- [Safe access to and on the water](#)

²⁵ Mene Solutions Ltd, 2014, Consultation Report for Lyttelton Port Company.

²⁶ Rob Greenway and Associates, 2014, Effects on Recreation and Tourism.

Christchurch City Council has identified a number of constraints on future site development, including cliff hazard, coastal erosion and contaminated land. It is working to address these issues as part of the Naval Point development plan process. The Council's intention is to provide the opportunity for community participation in the development plan process, with consultation to occur once a more detailed plan has been produced.

The recovery of the Port is needed so that it can continue to provide for recreational users, and potentially enhance access to and connectivity between recreational assets.

3.8.6. Marina facilities

There is demand for a larger, more modern marina near Lyttelton. A newly built marina in Magazine Bay was destroyed by a storm in 2001, and no replacement has been built due to the cost of providing adequate protection from future storms. As a result, people are only able to use small pile or swing moorings located around the harbour, limiting access to boating and related recreational activities. Recovery of the Port area could provide improved facilities for these users.

Reconfiguration of the Port in a more efficient way as a result of the damage that has occurred, will enable these community needs to be met. [Marina and boating facilities at Naval Point are complementary to any development at Dampier Bay and provide for different needs, including boat ramp facilities.](#)

3.9. Management of construction effects / Te whakahaere o ngā hua o te waihangahanga

Significant construction activities, possibly for the next 10–15 years, are needed for the recovery of the Port. Construction activities can have adverse effects on the natural environment and on the surrounding community.

Construction activities affect the community mainly through noise, vibration, ~~and~~ discharges to air [and disruption caused by construction traffic.](#) These effects are not easily contained on site and therefore can reduce amenity values of surrounding areas.

The Cultural Impact Assessment²⁷ outlined the potential effects of construction on manawhenua values and interests. It covered potential effects on archaeological values, water quality, fisheries and marine mammals, and incident management and communication.

For Lyttelton Port, the proximity of Lyttelton township, the location of construction activities in a coastal environment and the long timeframes for recovery activities amplify the importance of managing construction effects.

²⁷ Jolly, D., Te Rūnanga o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu, 2014, Cultural Impact Assessment: An assessment of potential effects of the Port Lyttelton Plan and Lyttelton Port Recovery Plan on Ngāi Tahu values and interests.

3.10. Need for a timely recovery / **Te hiahia kia tutuki i te wā i whakaritea Me tere te whakarauora**

The timely recovery of the Port is important to ensure that it can support the recovery of greater Christchurch and its longer-term economic growth.

LPC's repair and rebuilding programme was delayed by the need to reach a settlement with its insurer, which was only completed in December 2013. There is now some urgency in confirming how the Port will be able to rebuild—in particular, whether it will be able to undertake a further reclamation in Te Awaparahi Bay—and getting the recovery programme underway.

3.10.1. Regulatory framework

The Resource Management Act 1991 establishes the legislative framework for controlling resource use and development within New Zealand. It requires territorial authorities and regional councils to have regulatory documents that set out the policy framework and methods for managing resources at the local level. This requirement includes determining when resource consents are required.

The repair, rebuild and reconfiguration work required for the Port will involve activities in the coastal marine area and on port land that may affect the surrounding environment. These activities will be subject to the provisions of a number of RMA planning documents, including both regional and district plans, to control the adverse effects on the environment.

For Lyttelton Port, the relevant plans include the Banks Peninsula District Plan and the proposed Christchurch Replacement District Plan, which controls the use of land around Whakaraupō/Lyttelton Harbour, and the Regional Coastal Environment Plan for the Canterbury Region (RCEP), which manages the use of resources in the coastal marine area.²⁸ Other relevant RMA documents include the Regional Policy Statement and other regional plans.

These documents, in particular the RCEP, did not anticipate the scale of repair and rebuilding activity that is now required at the Port due to the effects of the earthquakes. Under the status quo, it is estimated that the LPC would potentially have to apply for approximately 100 individual resource consents in order to carry out its proposed programme of recovery works. This would result in a slow and complex recovery process, with projects considered in isolation and with the potential for multiple hearings. The nature of this process may also be detrimental to the community.

Relationship between the Lyttelton Port Recovery Plan and the proposed Christchurch Replacement District Plan

Decisions on the Specific Purpose (Lyttelton Port) Zone provisions will be made through the Lyttelton Port Recovery Plan process. Any decisions made in relation to the proposed Christchurch Replacement District Plan, and in any associated hearing process, cannot be inconsistent with the

²⁸ The coastal marine area is the foreshore, seabed, coastal water and the air space above the water between Mean High Water Springs (MHWS) and 12 nautical miles offshore.

content of this recovery plan once it is approved by the Minister. If you wish your views on these provisions to be heard, you should submit on the Lyttelton Port Recovery Plan.

4. The Plan / Te mahere

The Lyttelton Port Recovery Plan provides for the repair, rebuild and reconfiguration of Lyttelton Port and the redevelopment of Dampier Bay and establishes how transport issues and construction effects will be managed. It also includes a commitment from Environment Canterbury, Te Hapū o Ngāti Wheke, Te Rūnanga o Ngāi Tahu and LPC to work together to improve the wider health of Whakaraupō/Lyttelton Harbour. Figure 5 outlines the context and the content of the Recovery Plan.

The Plan will be implemented by statutory directions and non-statutory agreed actions set out in Section 5. The statutory directions include amendments to RMA documents and instruments to make changes to the regulatory framework for Lyttelton Port.

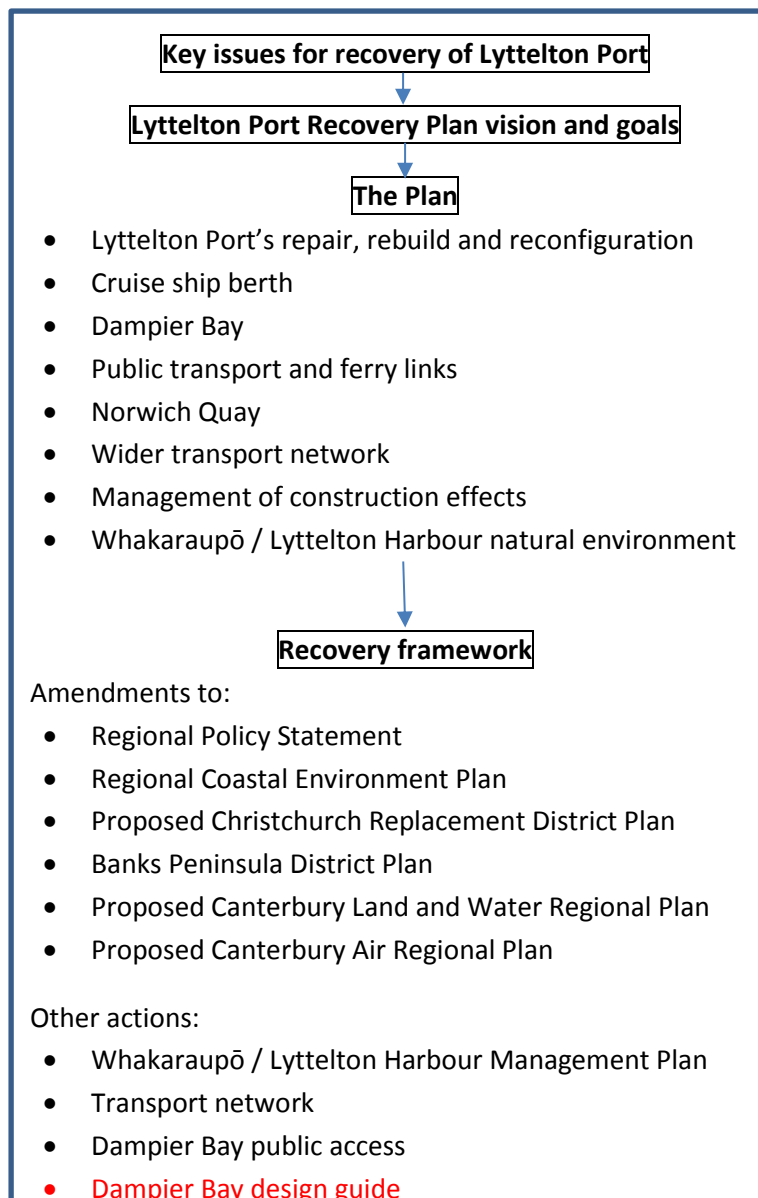


Figure 5: Outline of the Lyttelton Port Recovery Plan

The amendments to RMA documents directed through this Recovery Plan generally create a more enabling framework for the recovery of Lyttelton Port. This is possible because LPC has provided information to Environment Canterbury on its proposals and their effects. The RMA documents can therefore be amended to provide more certainty for the proposals where the effects are considered to be acceptable.

The Lyttelton Port Recovery Plan does not permit all of the recovery activities to be undertaken without further planning processes. While the amendments made to the existing RMA documents and instruments generally make these more enabling, and in some cases do allow certain activities to be undertaken without gaining any further approval, significant activities such as reclamation and capital dredging will still require resource consent applications to be assessed.

4.1. Lyttelton Port repair, rebuild and reconfiguration / Te hanganga hou ~~o~~ te Pūaha o ~~Ohinehou~~ Ohinehou

The recovery of the Port requires extensive repair, rebuild and reconfiguration activities to be undertaken (Figure 6). These activities will support the recovery of greater Christchurch by:

- Replacing damaged port assets with modern, fit-for-purpose infrastructure needed for the safe, efficient and effective operation of the Port
- Reconfiguring the Port to improve efficiency, ensure capacity to meet future freight demand and provide benefits for the amenity of the community
- Increasing the resilience of the Port and the greater Christchurch community more generally

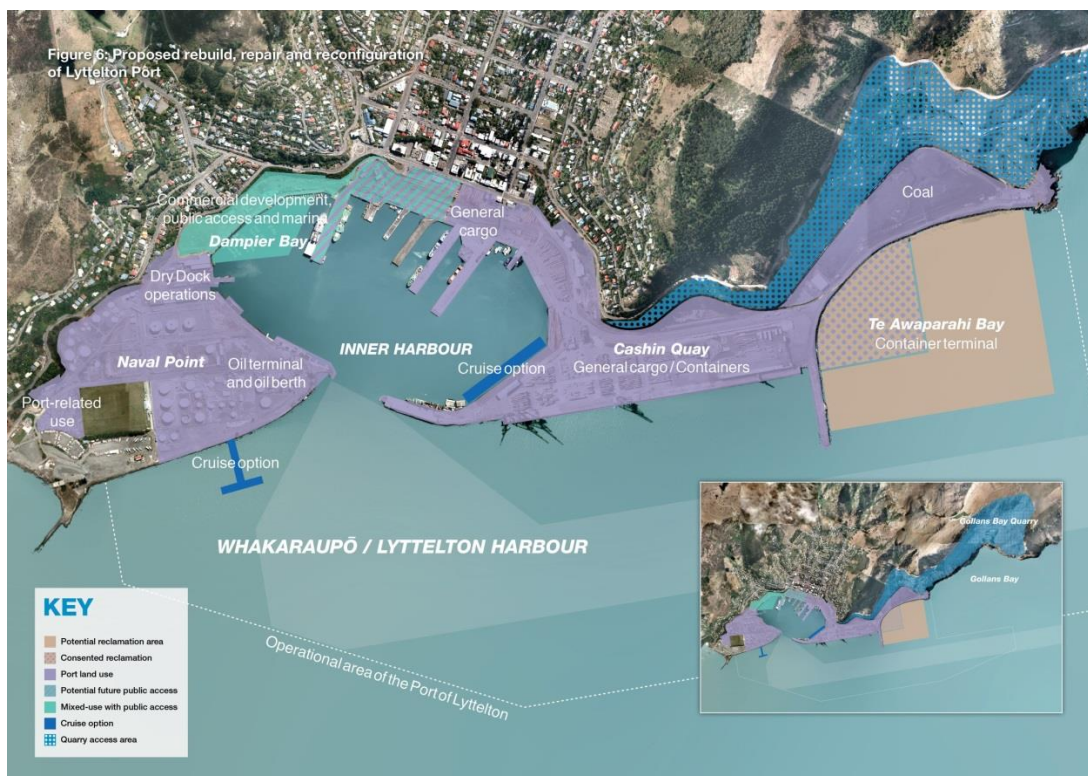


Figure 6: Proposed rebuild, repair and reconfiguration of Lyttelton Port

4.1.1. New container terminal – Te Awaparahi Bay reclamation

Timing: Stage 1 of the proposed reclamation could commence in mid 2016, with 2024 as the earliest date for completion of the terminal development.

In achieving a recovery programme that delivers infrastructure that will meet future needs, the main challenge for the Port is to get sufficient flat land that is accessible and functional. The Port's location within the steep-sided Whakaraupō/Lyttelton Harbour creates a barrier to its expansion landward. To overcome this issue in the past, the Port has reclaimed land within the harbour, including to the south of Norwich Quay, Naval Point and Cashin Quay. This process of reclamation has continued with the current development of an additional 10-hectare reclamation in Te Awaparahi Bay east of Cashin Quay, which was consented in 2011.

As discussed above, Lyttelton's existing container terminal is already above capacity. LPC proposes to develop a new container terminal on additional reclaimed land within Te Awaparahi Bay, which will be big enough to deal efficiently with forecast container volumes out to 2041. This will include the existing consented 10 hectares as well as an additional 274 hectare reclamation provided for by the Recovery Plan. The total 374 hectare reclamation ~~and area which includes the any~~ associated wharf structures, will be located within the area defined by the extent of the current Cashin Quay breakwater and Battery Point, as shown in Figure 7.

The reclamation will enable the Port to meet existing and future demands. It will enable the container terminal to be moved from the existing Cashin Quay, which has suffered significant damage, and allow the Port to move some general cargo operations out of the Inner Harbour onto Cashin Quay once repair work is undertaken. This will change the types of trades handled in the Inner Harbour, and allow the re-purposing of the western Inner Harbour for recreational use and public access, contributing significantly to recovery. It will also enable infrastructure to be built that is resilient to natural hazards and the future needs of the Port.

At present, the Port is only able to accommodate ships up to the 'Post Panamax' class, holding approximately 4,000–5,000 TEU. The present container terminal is operating over its optimal efficiency with existing demand.

An additional 274-hectare reclamation will enable a new container terminal to service and accommodate 'Post Panamax Plus' class ships holding 6,000-8,000 TEU. It will also enable other recovery outcomes that can only be achieved with reconfiguration of port operations.

Without the ability to handle larger ships, there is a risk that greater Christchurch will only be serviced by less efficient container ship fleets in the future. The flow-on effects to importers and exporters will be at a cost to the region. The capital cost required to achieve recovery at the Port is significant. The funds available to achieve recovery, which will include insurance funds derived from existing damaged infrastructure, will be limited and must be used in a way that enables repair of those damaged structures, as well as reconfiguration and development of the Port to meet its ongoing needs.

To accommodate larger ships, the Port needs to provide: a main navigation channel of sufficient width and depth; longer wharves designed with deeper berths; and container/freight handling

equipment that is sized to handle these larger ships and that is able to transfer cargo with high efficiency. With a smaller reclamation, the Port will be unable to accommodate two larger berths sufficient for larger ships and their cargo.

Based on the expected growth of the container trade and the need to provide for a larger class of ship, a reclamation of less than the additional 274 hectares may mean the container terminal is inefficient or unable to meet the increased demand when the rebuild is complete (or shortly afterwards). It would also not enable other recovery outcomes seen as necessary for the Port, community and greater Christchurch.

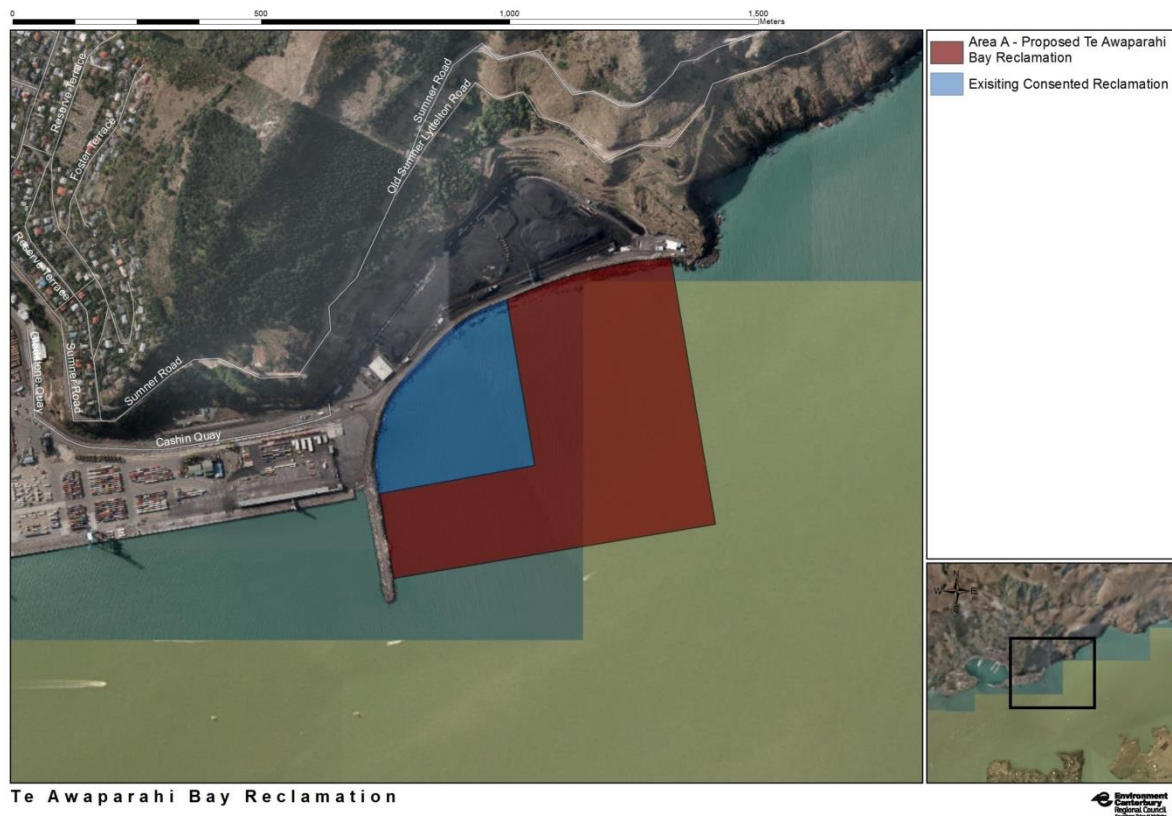


Figure 7: Te Awaparahi Bay proposed reclamation area

Environment Canterbury considers that the location of the proposed reclamation is necessary for the following reasons:

- The container terminal can be efficiently integrated into existing port infrastructure, particularly transportation links
- Locations to the west of the Port are not suitable as this would affect important community recreation spaces
- The landward side of Te Awaparahi Bay is already owned by LPC and is being used for port operations (coal storage)
- The current consented reclamation under development can be incorporated into the development of the new container terminal

- Te Awaparahi Bay is separated geographically from Lyttelton township by a headland and therefore relocation of the container terminal will reduce the adverse effects on that community

LPC has provided technical reports assessing the following environmental effects of the reclamation:

- Landscape character and visual effects
- Effects on waves and tidal currents
- Effects on sedimentation and turbidity
- Effects on marine ecology
- Effects on mahinga kai
- Effects on navigational safety
- Lighting effects

To read these reports and Environment Canterbury's reviews of them, visit the Environment Canterbury website at www.ecan.govt.nz/port.

Experts engaged by Environment Canterbury have peer reviewed the technical information. Overall, Environment Canterbury has concluded that the effects will not be significant or can be appropriately managed.

Environment Canterbury's peer review focused in particular on how the reclamation will change wave and current movements in the harbour. Such changes can increase sedimentation, which is a key concern to tangata whenua and the wider local community. Environment Canterbury's conclusions are that:

1. With deepening of the navigational channel, the wave and current increases will be so small that sedimentation patterns in the upper harbour will not change.
2. Without deepening of the navigational channel, the wave and current increases may result in a small increase in the amount of sediment flushing that occurs from the upper harbour. This is a positive effect.

The Lyttelton Port Recovery Plan therefore provides for the development of the additional ~~27~~⁴ hectare reclamation in Te Awaparahi Bay. The reclamation will require resource consent, but will be a controlled activity under the RCEP. Environment Canterbury must grant the consent, but will have control over a range of matters that are identified in the rule. Matters for control include the methods of construction and material used, as well as the effects in the coastal marine area during construction, such as the propagation of sediment plumes and risks to marine biosecurity. A Construction Environmental Management Plan must also be prepared. Control is also reserved over some of the longer-term effects of the reclamation itself, including effects on marine ecology and cultural values, such as mahinga kai.

The provision of controlled activity status will give LPC the certainty to proceed with other aspects of its proposed redevelopments that are dependent on the reclamation proceeding, before consent is granted for the proposed reclamation. A resource consent application to reclaim land in Te

Awaparahi Bay will be publicly notified, which will enable affected parties to submit and speak in support of their submission.

A number of other activities in the coastal marine area that will occur during the construction of the reclamation will also be controlled activities. These include the erection of wharf structures, the disturbance and deposition of material in, on, under or over the foreshore or seabed, and dredging required to create a berth pocket adjacent to wharf structures.

In drafting the provisions to enable the construction of the reclamation, consideration has been given to the extent to which the reclamation is required for recovery purposes. Also considered has been the technical information provided by LPC and peer reviewed by Environment Canterbury regarding the effects of the reclamation, and information provided by partner organisations, including Te Rūnanga o Ngāi Tahu and the Department of Conservation.

Consideration has been given to other activity status classifications, including whether the reclamation should be a restricted discretionary activity and whether public or limited notification should be required. It is considered that the recommended changes to the RCEP provisions are necessary to provide the required level of certainty for LPC to progress its recovery and achieve other essential recovery outcomes.

Te Awaparahi Bay reclamation

Location: Te Awaparahi Bay, Whakaraupō / Lyttelton Harbour

Size: Up to 274 hectares

Activity status: Controlled – a resource consent is required but cannot be declined

Notification: A resource consent application will be publicly notified

Summary of conditions for applications as a controlled activity:

- A cultural impact assessment accompanies the application

Summary of matters for control:

- Design of seaward faces
- Methods and material for construction
- A Construction Environmental Management Plan
- Biosecurity risks
- Sediment plumes
- Stormwater
- Cultural matters, including a Kaimoana Management Plan

The reclamation and associated terminal development will take a number of years to complete, with timeframes influenced by the completion of earlier projects, construction methodology and availability of material. It is expected that the final stage of terminal development will not be able to be started before 2022.

This timeframe has been considered in the context of whether it falls within the definition of recovery under the CER Act. Timing for the recovery of the Port needs to be considered in light of the extent of the damage to the Port, what is needed for the Port to properly recover and respond to the damage from the earthquakes, and the time required for a rebuild programme of this scale.

Therefore recovery for the Port needs to be viewed over a longer period than might be necessary in other circumstances.

The Marine and Coastal Area (Takutai Moana) Act 2011 sets out in Subpart 3 – Reclaimed Land a process through which interests in reclaimed land which has been vested in the Crown, can be granted. This process is in addition to the process required for the granting of resource consent for the formation of the reclaimed land. The Lyttelton Port Recovery Plan does not alter any requirements under the Marine and Coastal Area (Takutai Moana) Act 2011.

4.1.2. Repair and rebuild of existing structures

The Lyttelton Port Recovery Plan provides for the repair, rebuild or demolition of existing port structures in the operational area of Lyttelton Port through amendments to the RCEP. The repair, rebuild and demolition of wharf structures that were used for port activities at the time of the 2010 / 2011 earthquakes will be permitted. This means that resource consent is not required, provided that the activities comply with the relevant rules. The occupation of these structures for port activities is also permitted.

Lyttelton was officially gazetted as a port of entry in 1849.²⁹ A number of wharves in Lyttelton pre-date 1900. Such structures are considered to be archaeological sites and are protected by the Heritage New Zealand Pouhere Taonga Act 2014. This Act prohibits the modification or destruction of an archaeological site, unless an authority is obtained from Heritage New Zealand Pouhere Taonga.

The Recovery Plan does not affect the statutory requirements to gain authority under the Heritage New Zealand Pouhere Taonga Act in relation to archaeological sites during the repair, rebuild or demolition of historic wharf structures at Lyttelton Port. This Act provides an appropriate mechanism to consider the removal or repair of these structures. For this reason, the Recovery Plan does not further consider archaeological sites.

Cashin Quay / ~~Ohinehou~~ Ohinehou

Timing: The repair/rebuild of Cashin Quay 2 has commenced. The repair/rebuild of Cashin Quay 3 and 4 is expected to start in late 2015 and 2016 respectively, with each taking 18 months to complete. The repair/rebuild of Cashin Quay 1 is expected to start in 2015, with its duration unknown.

Following the development of the new container terminal, Cashin Quay will be repurposed for the handling of general cargo currently dealt with in the Inner Harbour.

Work on Cashin Quay has already started with the current rebuild of Cashin Quay 2. This includes the repair of adjacent land, demolition of the existing wharves, the removal of supporting piles,

²⁹ Carter, M., Underground Overground Archaeology Ltd, 2014, Lyttelton Port of Christchurch (LPC) Reconstruction: an Archaeological Assessment.

repairing of the batter slopes, and the replacement of the piles, wharves and services. The repair or rebuild of the adjacent Cashin Quay 1, 3 and 4 wharves will be determined by future requirements, but is likely to involve similar work to Cashin Quay 2. As mentioned above, the Lyttelton Port Recovery Plan provides for the repair or replacement of structures at Cashin Quay as a permitted activity in the RCEP. Also permitted is any associated disturbance or deposition on the foreshore or seabed during construction work.

Lyttelton Harbour is within the Banks Peninsula Marine Mammal Sanctuary; of particular concern are the effects of piling on the endangered Hector's dolphins. The Lyttelton Port Recovery Plan directs that changes to the rules relating to the erection, replacement or repair of wharf structures, where piling will occur, will require the preparation and implementation of a Marine Piling Management Plan that will ensure that the presence of marine mammals is monitored during piling activities, and appropriate methods are adopted to avoid any effects on marine mammals.

Additional work will occur to repair or replace the Cashin Quay Breakwater, maintenance building and container terminal administration building.

Inner Harbour

Timing: Work on port assets within the Inner Harbour will start at various times. Repair of No. 2 and 3 Wharves is expected to start in the third quarter of 2017 and take nine months. No. 7 Wharf could start after this and take nine months. In some cases the timing is unknown or dependent on other decisions, such as the No.1 Breastwork, Dry Dock Z-berth, and No. 4, 5 and 6 Wharves. Repair of landside pavements and storage has started and will be staged over a number of years.

A number of port assets will require repair or replacement within the Inner Harbour, including:

- No. 1 Breastwork
- Dry Dock pump house and wastewater treatment
- Oil berth
- No. 2, 3 and 7 Wharves
- Z-berth (Eastern Mole Breakwater)
- Landside pavements, storage and buildings

The Lyttelton Port Recovery Plan provides for the repair or replacement of structures in the Inner Harbour by giving them permitted activity status.

The construction of the reclamation for the new container terminal and shifting of general cargo to Cashin Quay allows for other port activities that occur within the Inner Harbour, such as fishing vessels, to shift away from Dampier Bay towards the east of the Inner Harbour.

Demolition of No. 4, 5 and 6 Wharves and Gladstone Pier is expected. These structures are no longer usable for the Port. Wharves 4, 5 and 6 can no longer sustain useful loads, while Gladstone Pier was not in use prior to the earthquakes.

While the Dampier Bay Marina did not suffer earthquake damage, the existing pile marina will be removed and LPC will construct a new, more modern, floating wharf marina [within the area between Wharf Number 3 and the Dry Dock](#). The Lyttelton Port Recovery Plan directs changes to be

made to the RCEP to allow the erection of new wharf structures in the Inner Harbour for a new marina as a permitted activity. The proposed amendments follow Environment Canterbury's consideration of the importance of a new floating wharf marina to the local community, as well as its consideration of the technical information provided by LPC and of any potential adverse effects.

4.1.3. Gollans Bay Quarry and haul road

Timing: Work on the lower haul road could start in mid- 2015, taking six months. The upper haul road could start in early 2016 and take five months. The operation of the quarry is dependent on other projects.

The Port requires the Gollans Bay Quarry to provide fill and seawall armouring rock for a range of projects for port recovery. Quarry activity within an identified footprint within Gollans Bay and work to repair, realign and extend the quarry haul road is already consented. However, the quarry consent contains a restriction on the use of the quarried material to the current 10-hectare Te Awaparahi Bay reclamation. To meet the demand of the wider port recovery for rock, the Port needs to be able to use the Gollans Bay Quarry material over a wider area within the Port. This work will be aligned with that being undertaken by the Christchurch City Council to reopen Sumner Road.

The Lyttelton Port Recovery Plan provides for the continued use of the Gollans Bay Quarry, the use of the quarry material for projects other than the current Te Awaparahi Bay reclamation (such as fill for the larger reclamation area and seawall rock armouring in other parts of the Port) and the repair, realignment and extension of the haul road. This is to be achieved by directing amendments to the relevant planning documents, in particular the proposed Christchurch Replacement District Plan and proposed Land and Water Regional Plan.

Excavations within the Gollans Bay Quarry to get material for recovery projects other than the 10-hectare Te Awaparahi Bay reclamation will be a controlled activity under the proposed Christchurch Replacement District Plan. The Christchurch City Council must grant consent, but will have control over matters such as slope stability, natural hazards, ecology and rehabilitation. An application for quarrying within the Gollans Bay Quarry will not be publicly notified.

The Gollans Bay Quarry and haul road are provided for as a permitted activity under the proposed Land and Water Regional Plan, subject to conditions managing effects on erosion and sediment discharges.

4.1.4. Dredging

Timing: Dependent on other processes.

Since 1876 dredging has occurred within Whakaraupō / Lyttelton Harbour to provide for safe navigation. LPC currently maintains the navigation channel and other areas within the operational area of the Port (ship-turning basins and berth pockets adjacent to wharf structures) to accommodate ships with draughts up to 12.4m. Maintenance dredging is currently enabled as a permitted activity and this will continue. The dredged seabed material from maintenance dredging is

currently deposited at the Spoil Dumping Grounds on the northern side of the outer harbour. This will also continue as a restricted discretionary activity.

Larger ships with deeper draughts will be accommodated at Lyttelton Port as part of the Port's recovery. The Lyttelton Port Recovery Plan directs changes to the RCEP to enable dredging, but the extent to which it is enabled depends on location:

- Dredging to deepen berth pockets and ship-turning basins adjacent to wharf structures in the Inner Harbour and Cashin Quay will be permitted.
- Dredging to establish berth pockets adjacent to ~~a possible cruise ship berth at Naval Point~~ and the container terminal will be controlled: consent must be granted, but control is reserved to matters including methods to manage the propagation of sediment and effects on marine ecology.
- Dredging to deepen and widen the Main Navigation Channel to a maximum depth of 16.1 metres and width of 220 metres (also called capital dredging) to accommodate larger vessels with deeper draughts will be provided for as a restricted discretionary activity. This means that consent can be granted or declined, and matters for discretion are restricted to methods of dredging in terms of their effects on marine ecology, particularly mahinga kai. This reflects the potential effects of capital dredging on the wider harbour environment.

To enable access by larger vessels, the boundary of the operational area of Lyttelton Port in the RCEP will be expanded to accommodate the larger ship-turning basins adjacent to the new container terminal berth and the cruise ship berth at Naval Point, and the widening of the main navigation channel.

Of particular concern is how seabed material dredged from the Inner Harbour is handled and where it is disposed. The Inner Harbour contains known areas of contaminated sediment. Contaminated sediment is currently dealt with by LPC in an appropriate manner, by undertaking pre-characterisation surveys, sediment analysis of material to determine a suitable method of disposal (land or sea disposal) and monitoring of water quality at the Spoil Dumping Grounds in Whakaraupō / Lyttelton Harbour.

The Lyttelton Port Recovery Plan addresses the disposal of contaminated material by requiring any seabed material removed from the Inner Harbour during maintenance dredging or the repair of structures to be assessed for contamination. An appropriate method of disposal is then determined, which may mean that disposal at the Spoil Dumping Grounds in Whakaraupō / Lyttelton Harbour is not appropriate. In addition, LPC will be required to monitor the receiving environment at the Spoil Dumping Grounds to ensure that the effects on marine ecology and cultural values, particularly mahinga kai, are managed appropriately.

The deposition of seabed material removed from within the operational area of the Port during the repair of structures, maintenance dredging, or dredging to deepen berth pockets and ~~swing~~ ship-turning basins is provided for by the Lyttelton Port Recovery Plan at the Spoil Dumping Grounds in the outer Lyttelton Harbour, provided that the material is suitable for open sea disposal.

The deposition of seabed material removed from the Main Navigation Channel to deepen and widen it (capital dredging) is not provided for by the Lyttelton Port Recovery Plan as LPC proposes to deposit this material further offshore out of Whakaraupō / Lyttelton Harbour, outside the geographical area covered by this Recovery Plan.

The dumping of dredge material is controlled under section 4 of the Resource Management (Marine Pollution) Regulations 1998. The Lyttelton Port Recovery Plan cannot make changes to these regulations. Any resource consent application to dump material from dredging operations to deepen and extend the shipping channel will therefore continue to be processed as a discretionary activity in accordance with these regulations.

4.2. Cruise ship berth / Ngā pūaha wātea

Timing: Unknown.

To provide adequately for cruise ships at Lyttelton Port, a new wharf and landside infrastructure will need to be constructed.

The southern side of Naval Point is one potential location for the development of a dedicated cruise ship berth. The other potential location is within the Inner Harbour along the current Gladstone Pier.

Amendments are directed to the RCEP to provide for the development of a berth pocket and cruise ship wharf structure as a ~~controlled discretionary~~ activity ~~with public notification~~ at the Naval Point location. Reconstruction of Gladstone Pier in the Inner Harbour for use as a cruise ship berth is a permitted activity. The Lyttelton Port Recovery Plan does not determine whether a cruise ship berth and terminal will be developed at Lyttelton Port, or which potential location is most appropriate. This is a decision to be made by LPC and will depend on the availability of funding.

4.3. Dampier Bay / ~~Ohinehou~~ Ohinehou

Timing: As shown in Figure 9, Phases 1 and 2 are to be completed by 2018. The timing of phases 3 and 4 is dependent on space being created in other areas of the Port through reclamation activity.

The reclamation within Te Awaparahi Bay and the shifting of port activities to the east enables reconfiguration of the Port, the expansion of the publicly accessible areas at Dampier Bay and the development of associated public amenities together with some commercial activity.

This expansion and enhancement of the Dampier Bay area will have positive social benefits through providing for the reconnection of the Lyttelton community to the harbour waterfront.

4.3.1. Marina

In the first phase of the Dampier Bay redevelopment and expansion, the existing Dampier Bay Marina is to be removed and a new, modern, floating pontoon marina will be erected. The initial development will provide approximately 150–200 berths, compared with 70 berths at the existing marina.

The new marina will allow upgraded facilities to be provided, such as access from land via floating pontoons, and power and water infrastructure. Associated landside infrastructure such as parking, a marina office, and toilets will be provided as part of [Phase 1 of](#) the redevelopment of Dampier Bay.

The marina could be expanded further following the demolition of Wharves 4, 5 and 6, providing up to 400 additional berths.

As outlined in Section 4.1.2, the Lyttelton Port Recovery Plan directs changes to the RCEP to enable the erection of new wharf structures and associated activities for the new marina as a permitted activity. [Changes are also directed to the proposed RCDP to require car parking in association with the new marina berths.](#)

4.3.2. Landside redevelopment

Currently Dampier Bay provides some limited access to Whakaraupō / Lyttelton Harbour, including the small Dampier Bay Marina which is accessed off Godley Quay. The publicly accessible area of Dampier Bay has poor amenity and is not well connected to Lyttelton township.

[In Phases 2, 3 and 4 of the Dampier Bay development](#) LPC will develop the landside area at Dampier Bay to provide an accessible and attractive commercial development with high quality public space. This space will provide much better public access to this part of the Whakaraupō / Lyttelton Harbour waterfront than is currently provided. Figure 8 shows its phases of development.

Figure 8: Dampier Bay Outline Development Plan
Source: Boffa Miskell, 2014, Lyttelton Port Recovery Plan Urban Design Assessment

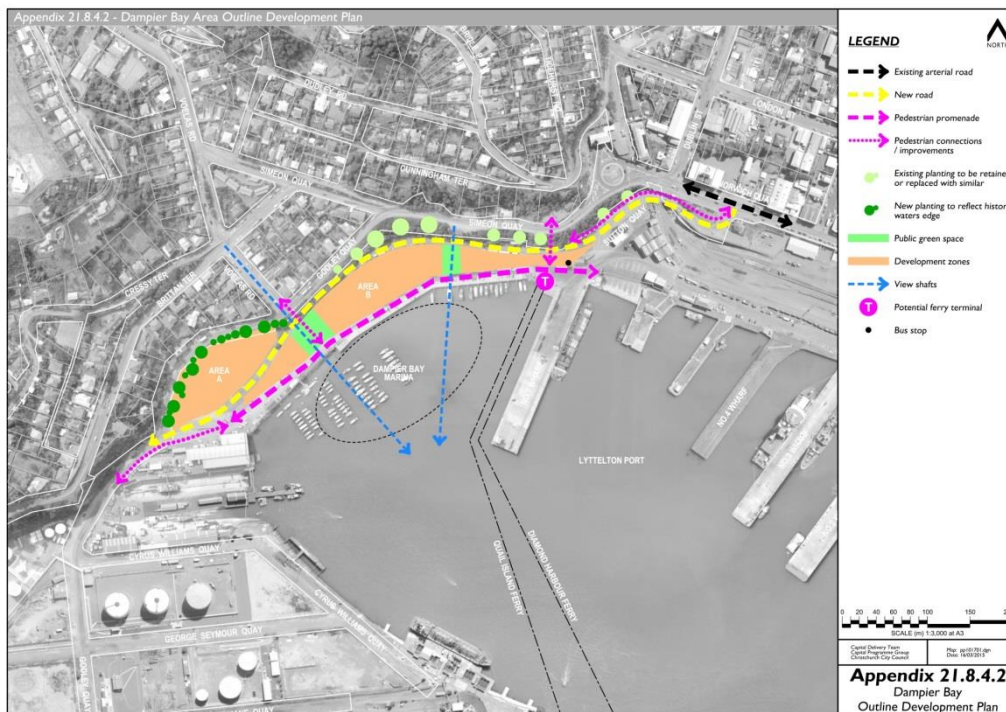


Figure 8: Dampier Bay Outline Development Plan
Source: Boffa Miskell, 2014, Lyttelton Port Recovery Plan Urban Design Assessment

4.3.3. Commercial activity

The future development of Dampier Bay is proposed to include some commercial activity, such as limited food and beverage, retail and office space. This is expected to attract people to the area and add to its vibrancy. However, there is also a risk that commercial development at Dampier Bay may compete with the Lyttelton town centre and undermine its recovery if appropriate controls are not in place.

The development at Dampier Bay therefore needs to complement and support the overall economic recovery of Lyttelton township. The District Plan will provide for restrictions on the type and size of commercial space permitted to be developed at Dampier Bay within the next 10 years.

4.3.4. Ngāi Tahu values / Ngā whai painga o Ngāi Tahu

The development of Dampier Bay, particularly the public open spaces and pedestrian promenade, will provide opportunities to recognise and articulate the history and relationship between the local tangata whenua and Whakaraupō/Lyttelton Harbour. These opportunities could be realised in a number of ways, including through displays of art or information signs, or in the overall design of the spaces or materials used. Ngāi Tahu values are recognised within the amendments to the proposed Christchurch Replacement District Plan at a policy level, and through rules and assessment matters for Dampier Bay development.

4.3.5. **Potential Public Access to land adjoining Norwich Quay**

The Inner Harbour land adjoining Norwich Quay is required in the short to medium term for Port general cargo activities. When the new container terminal at Te Awaparahi Bay is operational, general cargo activities have migrated east and repairs on other parts of the Port are completed, the land adjoining Norwich Quay is expected to become available for commercial activity and public access. This would exclude the rail corridor and sidings that are owned by KiwiRail.

LPC has indicated that the timing of the development of public access and non-Port activities on Port zoned land adjoining Norwich Quay is uncertain, but is not expected prior to 2031. As this timeframe is beyond the life of the proposed Christchurch Replacement District Plan, potential development of the future public access area will be addressed in the next District Plan review, in ten years' time.

4.4. Public transport and ferry links / Ngā waka huarahi tangata me ngā tauhere waka tere

LPC is proposing to move the harbour ferry terminal to within or immediately adjoining Dampier Bay to co-locate with other publicly accessible facilities. The potential new location is adjacent to No. 7 Wharf. This would provide the opportunity to develop higher-quality public amenities in association with the ferry terminal, as well as to provide more pleasant and safe pedestrian and cycle access, and park and ride facilities.

From LPC's consultation with users of the ferry terminal, it is clear that while some support the move of the terminal, others are concerned that the proposed location is further away from the Lyttelton

town centre than the current location. Relocation would also require changes to the current bus service route [and possibly access improvements](#) to link with the ferry [terminal](#).

Analysis of LPC's proposed location shows that it is approximately 630m from London Street in the Lyttelton town centre, compared with the current location which is approximately 500m. These distances correspond to a walk duration of approximately 8 minutes 20 seconds to the proposed location, compared with approximately 6 minutes 40 seconds to the current location.

The provisions inserted into the proposed Christchurch Replacement District Plan by the Lyttelton Port Recovery Plan provide for the potential relocation of the ferry terminal to Dampier Bay. However, the Recovery Plan does not direct this outcome. LPC will need to gain resource consent for any shore-based facilities associated with a new ferry terminal, including any public transport interchange. This will enable thorough consideration on details such as site layout, pedestrian and cycle access, bus access and parking. Any resource consent required under the proposed Christchurch Replacement District Plan for [a new public transport facility associated with a](#) ferry terminal [facilities](#) will ~~not~~ be publicly notified.

4.5. Norwich Quay / [Ohinehou Ohinehou](#)

Timing: Improved pedestrian and cycle access by December 2020 or prior to opening of Sutton Quay for public access to Dampier Bay

As discussed in Section 3.6, there are competing [requirements considerations](#) for Norwich Quay.

An Integrated Transport Assessment of these matters was provided as part of LPC's information and was reviewed by Environment Canterbury's independent expert.³⁰ While the effects of the Port's recovery and increasing freight volumes on the transport network will need to be monitored, it is anticipated that the network within Lyttelton, including Norwich Quay, will continue to function effectively, and provide adequate levels of service for freight transport up to 2026.

Environment Canterbury has accepted the conclusions of the Integrated Transport Assessment that an alternative port access may have merit in the long term, but would not assist in recovery of the Port in the next 10–15 years, when space for port operations and construction activity will be at a premium.

This Recovery Plan therefore does not change Norwich Quay's function as the freight route for the Port, while not precluding a change in this route in the future. Town centre zoning has been retained on the south side of Norwich Quay, although there is provision for port activities to occur there, [west of Oxford Street](#), for the next 10 years. ~~However, there will need to be u~~[Upgrades](#) to improve pedestrian and cycling access, safety and amenity along and across Norwich Quay, especially to access Dampier Bay, [will need to be addressed appropriately as the development in Dampier Bay](#)

³⁰ Abley Transportation Consultants Limited, 2014, Lyttelton Port Recovery Plan Integrated Transport Assessment.

becomes more certain. This Recovery Plan includes a commitment from the New Zealand Transport Agency, Christchurch City Council, Environment Canterbury, LPC and KiwiRail to sign a Memorandum of Understanding setting out how they will work together to resolve transport issues in Lyttelton relating to Port Recovery. The Memorandum of Understanding will guide the development of an initial staged programme of short- and longer-term actions, works and agreement on how these will be funded. A non-signalised pedestrian facility across Norwich Quay in the vicinity of Sutton Quay will be completed by the end of 2018. ~~on Norwich Quay, agreed between New Zealand Transport Agency, Christchurch City Council and LPC, to provide for pedestrian and cycling access to Dampier Bay.~~

- ~~• Identification of other upgrades required to provide for changed land use in Dampier Bay, and how the costs of these upgrades will be met. This will be informed by an integrated traffic assessment using the latest information on the Dampier Bay development~~

4.6. Wider transport network / Ngā waka whānui

The expected increases in freight demand, public access to Dampier Bay and other factors, such as the potential increase in employment at the Port, will all have effects on the wider transport network beyond Lyttelton.

The Integrated Transport Assessment considered the effect of the Port's recovery on the local network in Lyttelton and on the wider strategic road network.

The Integrated Transport Assessment concluded that the wider transport network will operate within acceptable levels of service until 2026, except for the Port Hills Road / Chapmans Road intersection. ~~This~~ The wider transport network is being ~~will be~~ addressed through the Greater Christchurch Transport Statement partnership, consistent with the Land Use Recovery Plan and other transport planning processes (in particular the three-yearly Regional Land Transport Plan).

Therefore, no action is required through the Lyttelton Port Recovery Plan.

4.7. Management of construction effects / Te whakahaere o ngā hua o te waihangahanga

The repair, rebuild and reconfiguration activities for the recovery of the Port will involve substantial construction activities to remove or repair damaged existing infrastructure, and build replacement or new facilities. Because of the large scale of the project, the construction of this infrastructure will take many years to complete.

Construction activities can have a range of adverse effects, both on surrounding communities and the natural environment. Construction effects commonly include discharges to air, land and water, and traffic and noise effects.

The information supplied by LPC has included assessment of the anticipated effects of construction activities at the Port. These include effects on heritage, traffic, sedimentation and turbidity, marine

ecology including tangata whenua values, marine mammals, marine biosecurity, stormwater, noise, and air quality.

Generally, it is anticipated that the effects of construction activities at the Port can be adequately controlled or mitigated. To assist in this, LPC has produced a detailed Construction Environmental Management Plan (CEMP) guideline. Contractors carrying out construction activity will use the guideline to produce a CEMP for their projects, in which they outline the work being undertaken, the environmental effects, and the way in which these effects will be controlled or mitigated. LPC approves and oversees implementation of these plans. The CEMPs will be valuable in planning, applying for resource consent and implementing the construction projects, and will promote good environmental practices.

Environment Canterbury wants to ensure that good-quality CEMPs are prepared and implemented for repair and rebuild construction activities at the Port. Provisions relating to Environment Management Plans are therefore included within the amendments to the RCEP directed by this Recovery Plan. These amendments specifically identify Environment Management Plans as a matter for control or discretion where resource consent applications are being made for controlled or restricted discretionary activities.

Another potential significant effect of the repair and rebuild of the Port is the effect of construction noise on the surrounding environment. Noise will be generated from within the coastal marine area during repair and rebuilding of wharf structures and the reclamation of land at Te Awaparahi Bay.

The Lyttelton Port Recovery Plan directs the removal of provisions in the RCEP dealing with the emission of noise from within the operational area of the Port. Noise that is generated within the coastal marine area is generally more of an issue only in for landward residential areas, but can also affect harbour users and marine ecosystems. Noise will be dealt with under the existing framework established by the Banks Peninsula District Plan, and continued through the Lyttelton Port Recovery Plan in the proposed Christchurch Replacement District Plan. This framework involves LPC working through a Port Liaison Committee to ensure noise is managed appropriately. Section 16 of the RMA can be used to manage excessive noise in the coastal marine area.

4.8. Health of Whakaraupō/Lyttelton Harbour natural environment / Te hauora o Whakaraupō/~~Ohinehou~~ Ōhinehou me te taiao

The protection and enhancement of the natural environment of Whakaraupō/Lyttelton Harbour is important to many people in the community: tangata whenua, residents, and visitors. Many of the environmental issues in the harbour require a whole-of-harbour approach, but as noted above, the geographical area covered by the Lyttelton Port Recovery Plan is limited to the Lyttelton Port and the surrounding coastal marine area including the main navigation channel. This means that this Recovery Plan cannot direct changes to RMA and other documents to change the way that Whakaraupō/Lyttelton Harbour and its catchment are managed.

This Recovery Plan does record the commitment of Environment Canterbury, Te Hapū o Ngāti Wheke, Te Rūnanga o Ngāi Tahu, the Christchurch City Council and LPC to work together to develop

~~an integrated~~ management plan for Whakaraupō/Lyttelton Harbour and its catchment. Other organisations with an interest in the health of the harbour will also be invited to participate. This initiative will focus on

- Bringing together existing knowledge—both traditional and scientific--about Whakaraupō/Lyttelton Harbour and its catchment~~and making it available to all through a comprehensive monitoring and reporting programme~~
- Coordinating monitoring, reporting and other work programmes
- Identifying critical gaps in knowledge and filling these through a coordinated research programme
- Prioritising and implementing actions to improve the health of the harbour and its catchment,~~with a particular focus on improving mahinga kai~~

A key objective will be the restoration of Whakaraupō/Lyttelton Harbour as mahinga kai.

See Action 7.

5. Implementation / Whakamahinga

5.1. Statutory directions / Ngā aronga ā-ture

To provide a planning framework that recognises the recovery needs of the Port and enables the necessary activities to occur in an integrated, timely and efficient manner, amendments to existing statutory documents are necessary.

The Lyttelton Port Recovery Plan addresses this through amendments to the following Resource Management Act 1991 documents:

- Canterbury Regional Policy Statement
- Regional Coastal Environment Plan for the Canterbury Region
- Proposed Christchurch Replacement District Plan
- Banks Peninsula District Plan
- Proposed Canterbury Land and Water Regional Plan
- Proposed Canterbury Air Regional Plan

In developing the amendments to these RMA documents, Environment Canterbury has focused on the Port's recovery in the immediate to medium term (up to 10 years, as the approximate life of an RMA plan). It is recognised that the Port's recovery will extend beyond this timeframe and further consideration of the Port's recovery needs is likely to be necessary during the preparation of the next generation of plans.

To the extent that any direction refers to amendments to the proposed Christchurch Replacement District Plan, that direction shall be deemed to apply to the operative Christchurch Replacement District Plan if the status of that document changes to become operative.

Request to Minister for CER to exercise powers under section 27 of the CER Act

Under Section 24 (1) (a) and (b) a recovery plan can only direct amendments to an RMA document to include or remove any objectives, policies and methods in a district plan. It may also amend an RMA document to change or vary any objectives, policies, or methods to give effect to provisions of the recovery plan but this must be done in accordance with a public process determined by the Minister under Section 24 (3).

In some of the RMA documents that are being amended there are existing explanations and reasons, or explanations and reasons are required. Where necessary, Appendices 2 to 7 include proposed amendments to explanations and reasons in addition to objectives, policies, and methods.

A request will therefore be made for the Minister for CER to exercise powers under section 27 of that Act to insert any explanations and reasons included in the appendices because these changes are necessary as a result of the other changes directed by the Recovery Plan.

5.1.1. Canterbury Regional Policy Statement

A Regional Policy Statement is the highest-order local planning document prepared under the RMA. District and regional plans must give effect to the relevant Regional Policy Statement. The Canterbury Regional Policy Statement became operative on 15 January 2013.

The Port of Lyttelton is recognised as strategic infrastructure under the Canterbury Regional Policy Statement.

In December 2013 the Minister for CER directed that Chapter 6 – Recovery and Rebuilding of Greater Christchurch, be inserted into the Canterbury Regional Policy Statement. Chapter 6 uses an RMA framework to enable recovery of greater Christchurch by providing a clear policy framework to guide the rebuilding and development of the area. This includes the integration of land use with infrastructure and recognises the strategic infrastructure role of Lyttelton Port in supporting greater Christchurch’s recovery and economy. No amendments are necessary to this chapter.

Chapter 8 – The Coastal Environment will be amended to adequately recognise the importance of the recovery of Lyttelton Port in the context of the coastal environment. This amendment adds a clause to Policy 8.3.6 to explicitly include the recovery of the Port as a consideration for regionally significant infrastructure in the coastal environment, as well as recognising that the recovery of Lyttelton Port includes the development of a container terminal on up to 347 hectares of reclaimed land in Te Awaparahi Bay. This is consistent with the New Zealand Coastal Policy Statement Policy 9.

Action 1: Recovery Framework – Canterbury Regional Policy Statement

Environment Canterbury is directed, pursuant to sections 24(1)(a) and 24(1)(b) of the CER Act, to amend the objectives, policies, and methods of the **Canterbury Regional Policy Statement** in accordance with **Appendix 2**.

To be completed within **two weeks** of Gazettal of this Recovery Plan

Goals: 1, 4, 5

5.1.2. Regional Coastal Environment Plan for the Canterbury Region

The use and development of land in the coastal marine area is managed by the provisions of the RCEP, prepared under the RMA. The coastal marine area is the foreshore, seabed and coastal water, and the air space above the water between the outer limits of the territorial sea (12 nautical miles) and the line of Mean High Water Springs (MHWS). Under section 24 of the CER Act 2011, this Recovery Plan may direct Environment Canterbury to make amendments to the RCEP (among other statutory documents).

The complete set of amendments to the RCEP that will be directed by this Recovery Plan is contained in Appendix 3.

New chapter: Lyttelton Port of Christchurch

To create a recovery framework that enables the repair, rebuild and reconfiguration of Lyttelton Port while appropriately managing adverse effects on the environment, a new chapter will be inserted into the RCEP entitled Chapter 10 – Lyttelton Port of Christchurch. Chapter 10 provides

certainty and clarity in the planning framework by addressing the recovery of Lyttelton Port in a single chapter. There will also be changes to the boundary of the operational area of Lyttelton Port, planning maps, definitions and some of the existing chapters of the RCEP.

The objectives, policies and methods in the new chapter will deal with the erection, maintenance or demolition of structures; the disturbance or deposition of sediment in, on or under the foreshore or seabed; the reclamation of land; occupation and use; and the discharge of contaminants during recovery activities. These provisions apply to the following specific recovery projects within the operational area of Lyttelton Port:

1. The repair of structures, including wharf structures in the Inner Harbour and Cashin Quay
2. The reclamation of land in Te Awaparahi Bay for a new container terminal, including the erection of wharf structures and any associated disturbance and deposition in, on, under or over the bed of the foreshore or seabed during construction, as well as berth pockets for ships
3. Dredging to deepen the Main Navigation Channel, berth pockets, and ship-turning basins to allow access for larger vessels with deeper draughts
4. Maintenance dredging and the deposition of dredged seabed material, associated with maintaining the Main Navigation Channel, berth pocket and ship-turning basins
5. A new cruise ship berth, associated wharf structure, berth pocket and ship-turning basin
6. The erection of a new floating wharf marina in Dampier Bay

Wharf structures in the Inner Harbour and Cashin Quay

The Lyttelton Port Recovery Plan directs amendments to the RCEP to retain the current enabling rule framework within the Inner Harbour and Cashin Quay with respect to the repair, rebuild, or demolition of wharf structures. These activities will be permitted activities. The construction of a new floating marina in Dampier Bay will also be permitted.

Reclamation

The construction of a reclamation of up to ~~274~~ hectares—in addition to the 10 hectares already being reclaimed - in Te Awaparahi Bay, will be enabled as a controlled activity, with public notification. Other activities associated with the reclamation, including the erection of wharf structures, dredging to create a berth pocket adjacent to any wharves and any disturbance of the foreshore or seabed during construction of the reclamation will also be controlled activities also with public notification.

Dredging

Maintenance dredging, undertaken to maintain the existing main navigation channel, and turning basins and berth pockets adjacent to wharf structures in the Inner Harbour and Cashin Quay, will continue to be a permitted activity.

Dredging to establish new berth pockets adjacent to ~~a possible cruise ship berth at Naval Point and adjacent to wharves at~~ the reclamation will be a controlled activity~~ies~~, with public notification.

Dredging to deepen and widen the main navigation channel to accommodate larger vessels with deeper draughts will be provided for as a restricted discretionary activity.

Of particular concern to the community is how and where dredged spoil is disposed. The Recovery Plan addresses the disposal of seabed material at the Spoil Dumping Grounds that is removed from the Inner Harbour and alongside Cashin Quay, or removed during maintenance dredging, as a Restricted Discretionary Activity. There is provision in the rules for material dredged from the Inner Harbour to be assessed to ensure that contaminated material is not disposed at the Spoil Dumping Grounds.

The deposition of material that is dredged from the Main Navigation Channel as part of the Capital Dredging Programme to deepen and widen the channel will continue to be a discretionary activity.

Cruise ship berth

The development of a cruise ship wharf structure either adjacent to Gladstone Pier or on the southern side of Naval Point is provided for as either a permitted (Gladstone Pier) or ~~controlled discretionary~~ (Naval Point) activity. At Naval Point, any disturbance to the foreshore or seabed to construct a wharf structure and to create an adjacent berth pocket and swing basin for cruise ships is also a ~~controlled discretionary~~ activity. ~~Without the proposed amendments to the RCEP, these activities and any associated works would be discretionary.~~

~~To enable access of larger vessels with deeper draughts to a possible cruise ship berth adjacent to Naval Point and the proposed Te Awaparahi Bay reclamation, the Lyttelton Port Recovery Plan directs that ~~the~~ boundary of the operational area of Lyttelton Port ~~is to~~ be amended to enlarged the operational area so that the berth pockets and ship turning basins adjacent to the cruise ship and container terminal wharf structures are included within the Lyttelton Port Operational Area. The map coordinates of the new boundary are outlined in the proposed amendments to Schedule 5.11.1 and are shown on Planning Map 5.1 in Appendix 3.~~

Dampier Bay Marina

The Lyttelton Port Recovery Plan directs that the erection of new wharf structures in the Inner Harbour, which includes a new floating wharf marina ~~for private vessels~~ in Dampier Bay, will be provided for as a permitted activity.

Amendments to Chapter 7

Chapter 7 deals with coastal water quality. While the Lyttelton Port Recovery Plan directs that the new Chapter 10 of the RCEP is to include rules that deal specifically with water quality during the construction phase of the Port's recovery, the existing objectives, policies and rules in Chapter 7 will continue to apply unless explicitly excluded from applying within the operational area of Lyttelton Port. Minor amendments to the rules in this chapter are proposed so that it is clear what does and does not apply to Lyttelton Port.

Amendments to Chapter 8

Chapter 8 deals with activities and occupation in the coastal marine area. The Lyttelton Port Recovery Plan directs changes to Chapter 8 as well as new rules in the proposed Chapter 10 that deal with the erection, placement, reconstruction, alteration, extension, removal or demolition of wharf structures on the foreshore or seabed, and any associated disturbance or deposition for activities required for the recovery of Lyttelton Port. Minor amendments are proposed to the existing rules in Chapter 8 to ensure that rules covering those activities do not apply within the operational area of

Lyttelton Port. For activities that are not for recovery purposes, the existing rules will apply. The objectives and policies of this chapter are still applicable, unless specifically excluded.

The Lyttelton Port Recovery Plan directs new definitions to be inserted into the RCEP that provide clarity for interpretation, especially in regard to port activities, wharf structures, dredge spoil and dredging. Amendments are proposed to the existing definitions of pile mooring area and structure.

Action 2: Recovery Framework – Regional Coastal Environment Plan for the Canterbury Region

Environment Canterbury is directed, pursuant to sections 24(1)(a) and 24(1)(b) of the CER Act, to amend the objectives, policies, and methods of the Regional Coastal Environment Plan for the Canterbury Region in accordance with Appendix 3 .	To be completed within two weeks of Gazettal of this Recovery Plan
---	---

Goals: 1, 2, 3d, 4, 5,

5.1.3. Proposed Christchurch Replacement District Plan

The use and development of land within and adjoining Lyttelton Port is currently managed by the provisions of Christchurch City Council’s Banks Peninsula District Plan, prepared under the Resource Management Act 1991. The Banks Peninsula District Plan is currently under review and in future the use and development of land within and adjoining the Port will be managed by the provisions of the proposed Christchurch Replacement District Plan. Under section 24 of the CER Act 2011, this Recovery Plan may direct Christchurch City Council to make amendments to both the existing Banks Peninsula and proposed Christchurch Replacement District Plans.

The complete set of amendments to be made operative is contained in Appendices 4 and 5.

Further consideration of the Port’s recovery needs is likely to be necessary during the preparation of the next District Plan, anticipated to occur around 2026.

The Recovery Plan sets out the statutory directions considered necessary to enable recovery of the Port’s operations, as well as the realisation of opportunities to enhance public access to the waterfront and to activate and vitalise the Dampier Bay area.

The intention in preparing these amendments has been to retain the relatively enabling rule framework of the current Banks Peninsula District Plan, as far as appropriate. To that end, many port operational activities are permitted within the Specific Purpose (Lyttelton Port) Zone. Permitted activities comply with the rules in the District Plan and do not require resource consents. A number of controlled activities are also provided for. Consent must be granted for these activities but Christchurch City Council is entitled to impose conditions.

A number of new restricted discretionary activities are also identified. These are activities that are considered desirable but require some assessment by the Christchurch City Council before it grants consent. In most instances that assessment is restricted to specific matters identified in the District Plan. Restricted discretionary status has been applied primarily to the development of non-port activities in the Dampier Bay area, including ~~provision of public open space~~, any new public transport

facilities and the opening of Sutton Quay to public vehicle access. Two non-complying activities are established by these amendments.

- The first relates to helicopter facilities activity during night time hours and landing areas close to adjoining zones. This provision is identical to the existing helicopter facilities rule in the Banks Peninsula District Plan and is transferred into the new Specific Purpose (Lyttelton Port) Zone provisions for consistency.
- The second activity is the location (or relocation) of any public transport facilities associated with a passenger ferry terminal in the western part of the Inner Harbour, prior to the opening of Sutton Quay for public pedestrian and vehicle access. This provision is neither enabling nor disabling of the ferry terminal's relocation, but seeks to discourage its relocation before an appropriate public access route is provided.

Enabling port operations during recovery

The Recovery Plan provides a framework for recovery of the Port, particularly to enable activities necessary to repair, rebuild and reconfigure its facilities. To provide for this, port activities are permitted across the entire Specific Purpose (Lyttelton Port) Zone, with the exception of an identified Quarry Area. This is consistent with the existing provisions of the Banks Peninsula District Plan and the approach is essential to support the Port's recovery. The area of the zone generally coincides with the existing Port Zone, except that the Gollans Bay Quarry Area owned by LPC is now included in the zone.

The definition of port activities provided is similar to that currently contained in the Banks Peninsula District Plan. Port activities are defined as including a wide range of cargo- and passenger-related matters, maintenance and repair, marine-related trade, industry, warehousing and distribution facilities. The definition also includes recreational boating and associated facilities, as well as ancillary administration, parking, landscaping etc. and provision for some ancillary food and beverage outlets (essentially staff cafes). Port activities must comply with a range of built form standards, which are discussed below. If they do not comply, they will require resource consent as a restricted discretionary activity.

In the Quarry Area, some earthworks are permitted to allow for minor sediment control and stabilisation works. Quarry activities themselves are a controlled activity, to provide the Port with certainty that it can obtain the material it needs for reclamation works, while ensuring that the Council can impose conditions in regard to slope stability, natural hazards, ecological management and site rehabilitation.

As outlined in the Recovery Plan, maximising available flat land within the Port for port operational activities is critical to recovery, particularly within the next 10 years as existing land and wharf areas are temporarily (for repair or rebuild) or permanently retired from use, in advance of reclamation areas becoming operational. An area of Commercial Banks Peninsula Zone is located on the south side of Norwich Quay, between Norwich Quay and the Specific Purpose (Lyttelton Port) Zone. The Lyttelton Master Plan indicates that this land is envisaged to remain as town centre zone, with provision for commercial land uses. In order to reflect the community's desire to retain town centre zoning over this land, as expressed in the Master Plan, while also acknowledging the Port's need to

maximise available flat land through the recovery period, the Recovery Plan retains the existing proposed Christchurch Replacement District Plan Commercial zoning south of Norwich Quay. However, it introduces new rules into the commercial zone, providing for port activities as a permitted activity until 2026, [west of Oxford Street](#). It is envisaged that the next district plan review will reconsider these provisions, including the Port's flat land needs and recovery progress, and the town centre's recovery.

With the scale of repair and rebuild activities anticipated in the Port over the next 10–20 years, one of the key effects on the community will be construction noise. The Recovery Plan acknowledges that construction noise is an inevitable and necessary effect if recovery is to occur. Rather than requiring resource consents for construction noise, the Recovery Plan seeks to manage it through a framework of Construction Noise Management and Noise Mitigation plans. These methods will involve the existing Port Liaison Committee structure.

[Managing adverse effects of the Port on the environment](#)

The Recovery Plan seeks to address this goal by continuing to implement built environment standards that manage environmental effects including operational noise and light spill. Existing light spill rules have been carried through into the Specific Purpose (Lyttelton Port) Zone. Existing noise management provisions have been strengthened so that noise management plans and mitigation plans are now required by a rule, and annual reporting requirements have been introduced to improve the transparency of noise management and mitigation processes. In respect of the Dampier Bay area, all non-port activities, including any bars and restaurants, will be subject to compliance with noise standards that are measured at residential and commercial zone boundaries.

Existing height limits across the zone have generally been retained as per existing Banks Peninsula District Plan rules, except that it has been clarified that height limits generally do not apply to container storage across much of the Port. A limit on container height has been applied for any containers fronting Norwich Quay, consistent with height limits applied to buildings in that location. Provision is also made for temporary container storage for construction or noise mitigation purposes or where containers are in transit. The stacking height for containers in other parts of the Port is otherwise constrained in practical terms by the height of machinery available for manoeuvring them, wind loadings and operational efficiency requirements.

The Port stores, uses and transports large amounts of hazardous substances as part of its day-to-day operations, including storage within the 'tank farm'. Some damage has occurred to the Port's oil berth, transfer infrastructure and some bulk storage that will require permanent repairs or replacement as part of the Port's recovery. These uses are governed by compliance with the Building Act 2004 and the Hazardous Substances and New Organisms Act 1996, in addition to any District Plan provisions. The Recovery Plan generally retains the existing enabling rule framework for hazardous substances. The storage and handling of fuels and bulk liquids within the 'tank farm' area, for example, is a controlled activity regardless of the scale of storage.

[Transport](#)

A new rule has been introduced requiring an integrated transport assessment to be provided as part of a resource consent process prior to the opening of Sutton Quay to public [pedestrian and](#) vehicle

use. Sutton Quay is intended to become the key access point for Dampier Bay when port operational constraints on public access are removed. The new rule, which will require written approval from the New Zealand Transport Agency, will allow full consideration of the possible traffic effects, including pedestrian and cycle safety, public transport and effects on Norwich Quay, before Sutton Quay opens.

A requirement has also been introduced for a resource consent, as a restricted discretionary activity, for any new public transport facilities. This rule is primarily aimed at capturing any new ferry terminal transport interchange, with discretion reserved for matters related to site layout, building design (if relevant) and transport. ~~The Any application for a new passenger ferry terminal would be processed without any requirements for written approvals, to expedite processing requires public notification.~~ If a new public transport facility is established in the western part of the Inner Harbour prior to the opening of Sutton Quay to public vehicular access, a resource consent for a non-complying activity is required. The purpose of this rule is to strongly discourage the relocation of the passenger ferry terminal before safe and direct public access (vehicular, cycle and pedestrian) via Sutton Quay is provided.

Dampier Bay

The key community benefit enabled by the Recovery Plan is provision of a framework to enable improved public access to the Dampier Bay area. A suite of new rules will govern the development of non-port activity in this area. Resource consents will be required as a controlled activity for every new or relocated building in the Dampier Bay area and ~~as a restricted discretionary activity~~ for any new public amenities such as public open space and walkways. These rules will enable incremental development in Dampier Bay to be considered for its design merit, adequacy of parking and quality of public space. The resource consents will not require written approvals and will be processed as non-notified applications, to expedite processing and in recognition of the analysis and assessments that have already been undertaken in support of the Dampier Bay development, through the Recovery Plan process.

The Recovery Plan provides a general framework for the development of Dampier Bay by introducing an Outline Development Plan for the Bay and requiring development to comply with it. It includes requirements for new or retained landscaping, location of key pedestrian and vehicle routes and identification of a pedestrian promenade on the waterfront and key view shafts. ~~While a Non-compliance with the Outline Development Plan is generally a restricted discretionary activity, non-compliance with the location of the pedestrian waterfront promenade and protection of the view shafts is a fully discretionary activity, in recognition of the particular importance of those elements of the Outline Development Plan.~~

In respect of new non-port commercial development, provision is made within the Dampier Bay area of the zone. Careful consideration has been given to how much of this development is necessary to enable recovery, in the sense of enhancing recovery effects for the whole community without undermining the recovery of Lyttelton town centre. The Recovery Plan enables some non-port commercial development to occur, but imposes limits on the type and scale of that development until 2026. At that point, the rules will need to be reconsidered in light of Dampier Bay development

and the pace of town centre recovery. Museum and visitor information facilities are permitted without restriction within the Dampier Bay area, as are port activities.

Recognition and advancement of Ngāi Tahu values

The Recovery Plan introduces specific recognition of Ngāi Tahu cultural values into the Specific Purpose (Lyttelton Port) Zone chapter. This includes a requirement for consideration at a policy level of manawhenua cultural values and similar considerations through rules and assessment matters applying to Dampier Bay development. This will allow consideration of matters such as whether sufficient land is provided within the Dampier Bay landscaping areas to treat stormwater runoff before it enters the coastal marine area.

Action 3: Recovery Framework – Proposed Christchurch Replacement District Plan

Christchurch City Council is directed, pursuant to section 24(1)(a) and 24(1)(b) of the CER Act, to amend the objectives, policies, and methods of the proposed Christchurch Replacement District Plan in accordance with Appendix 4 .	To be completed within two weeks of Gazettal of this Recovery Plan
---	---

Goals: 1, 2, 3a, 3b, 3c, 5, 6, 7b

5.1.4. Banks Peninsula District Plan

Amendments are required to the Banks Peninsula District Plan to provide consistency with the new Specific Purpose (Lyttelton Port) Zone provisions. This will include removing most existing rules applying to the Port Zone, except, for example, heritage rules which will continue to apply.

Rules that apply outside the Port Zone but that address reverse sensitivity effects on the Port Zone, such as the Port Influences Overlay Area, will remain operative in the Banks Peninsula District Plan as these rules are not being changed by the Specific Purpose (Lyttelton Port) Zone provisions.

Amendments will also be required to the Banks Peninsula District Plan maps to amend the Port Zone boundaries so that they are consistent with the boundaries of the Specific Purpose (Lyttelton Port) Zone.

The complete set of amendments to be made operative is contained in Appendix 5.

Action 4: Recovery Framework – Banks Peninsula District Plan

Christchurch City Council is directed, pursuant to section 24(1)(a) and 24(1)(b) of the CER Act, to amend the objectives, policies, and methods, of the Banks Peninsula District Plan in accordance with Appendix 5 .	To be completed within two weeks of Gazettal of this Recovery Plan
--	---

Goal: 1

5.1.5. Proposed Canterbury Land and Water Regional Plan

Amendments are required to the proposed Canterbury Land and Water Regional Plan to provide for the operation of the existing Gollans Bay Quarry and for earthworks on the Port’s flat operational land. The complete set of amendments to be made operative is contained in Appendix 6.

LPC has a current resource consent to extract rock from a larger area at the Gollans Bay Quarry for use in the existing 10-hectare reclamation. It intends to use this larger area for wider recovery projects, including the larger reclamation, and for the rebuilding of seawalls. The existing haul road from the Port’s operational area to the Gollans Bay Quarry requires minor realignment and widening so that rock can be carried from the quarry to the Te Awaparahi Bay reclamation.

Construction and repair projects in the Port’s operational area will often require excavation and/or deposition of material. Discharges of stormwater will result and dewatering may be required to complete some projects.

Resource consents are likely to be required under the proposed Land and Water Regional Plan for activities associated with these projects, as they are arguably considered as semi-confined or unconfined aquifers. The intent of these provisions in the proposed Land and Water Regional Plan is to protect potable groundwater supplies. These values are absent from groundwater in the vicinity of the Port.

This Recovery Plan provides for earthworks and associated discharges as permitted activities, with appropriate conditions, in all areas except the liquid fuel storage area at Naval Point. This latter area is known to have subsurface hydrocarbon contamination, and there is the potential for contaminants to be mobilised by earthworks or associated discharges. Earthworks and discharge activities in this area are therefore classified as restricted discretionary activities.

Action 5: Recovery Framework – proposed Canterbury Land and Water Regional Plan

Environment Canterbury is directed, pursuant to section 24(1)(a) and 24(1)(b) of the CER Act, to amend the objectives, policies, and methods, of the proposed Canterbury Land and Water Regional Plan in accordance with Appendix 6 .	To be completed within two weeks of Gazettal of this Recovery Plan
---	---

Goals: 1, 5

5.1.6. Proposed Canterbury Air Regional Plan

Amendments are required to the proposed Canterbury Air Regional Plan to provide for dust emissions associated with the recovery of Lyttelton Port. Without the proposed amendments, the discharge of dust from industrial or trade premises would be a restricted discretionary activity under Rule 7.29, with discretion limited to the contents of a dust management plan, the factors used to assess dust impacts, and the matters for control set out in General Rule 7.2. A new controlled activity rule is proposed to deal specifically with the discharge of dust associated with the recovery of Lyttelton Port. The complete set of amendments to be made operative is contained in Appendix 7.

Action 6: Recovery Framework – proposed Canterbury Air Regional Plan

Environment Canterbury is directed, pursuant to section 24(1)(a) and 24(1)(b) of the CER Act, to amend methods in the **proposed Canterbury Air Regional Plan** in accordance with **Appendix 7**.

To be completed within **two weeks** of Gazettal of this Recovery Plan

Goals: 1, 5

5.2. Other actions / **Etahi atu aronga Ētahi atu mahi**

These actions are not statutory directions, but record the commitment of the parties reached as part of the development of this Recovery Plan.

5.2.1. Development and implementation of **Integrated Harbour Catchment Management Plan for Whakaraupō/Lyttelton Harbour**

An integrated approach to the management of the Whakaraupō/Lyttelton Harbour catchment and marine area has been discussed for some years. It has been raised again during the development of this Recovery Plan as a way of addressing the wider issues relating to the health of the harbour that are beyond the geographical scope of this Recovery Plan.

Environment Canterbury, LPC, Te Hapū o Ngāti Wheke, ~~and~~ Te Rūnanga o Ngāi Tahu and the Christchurch City Council are committed to working together to develop an integrated management plan for the Whakaraupō/Lyttelton Harbour catchment in accordance with the philosophy of ki uta ki tai (from the mountains to the sea). ~~Other organisations with an interest in the health of the harbour will also be invited to participate, including community organisations.~~

A key objective of this Harbour Catchment Management Plan is to restore the ecological and cultural health of Whakaraupō as mahinga kai. It will also address other environmental, cultural, and social concerns, including the needs of recreational users, as well as the needs of a working port.

The Harbour Catchment Management Plan will be a long-term commitment. In its early stages it is envisaged that it ~~This initiative~~ will focus on:

- Bringing together existing knowledge ~~—both traditional and scientific—~~ about Whakaraupō/Lyttelton Harbour and its catchment to develop a common understanding of the ecological and cultural health of the harbour
- Coordinating monitoring, reporting and other work programmes and making it available to all through a comprehensive monitoring and report programme
- Identifying critical gaps in knowledge, and filling these through a coordinated research programme
- Prioritising and implementing actions to improve the health of the harbour and its catchment, with a particular focus on improving mahinga kai

The Management Plan will draw on work that has already been done, and priorities identified, in existing documents, including the Banks Peninsula Zone Implementation Programme and the Mahaanui Iwi Management Plan.

Te Hapū o Ngāti Wheke, as manawhenua and manamoana for Whakaraupō/Lyttelton Harbour, wish to lead the development and implementation of the Management Plan, supported by the other organisations. Details of the structure and process for developing and implementing the Management Plan need to be discussed and agreed. This process will continue in parallel with the finalisation of the Lyttelton Port Recovery Plan. It is envisaged that other organisations, including community and research organisations, with an interest in the health of the harbour will be involved.

In order to get this initiative underway, Environment Canterbury will facilitate agreement on the organisational and governance structure under which the management plan will be developed. ~~Manawhenua leadership of this initiative will be actively explored.~~ Environment Canterbury ~~has made~~will make funding available for the development of the Whakaraupō/Lyttelton Harbour ~~Catchment M~~management plan through its 2015-~~1825~~ Long-Term Plan. LPC has also committed to ~~match Environment Canterbury's funding support~~provide funding, and funding from other organisations will be identified.

Action 7: Whakaraupō/Lyttelton Harbour Management Plan

Environment Canterbury, LPC, Te Hapū o Ngāti Wheke, and <u>Te Rūnanga o Ngāi Tahu and Christchurch City Council, with Tangata Tiaki representation,</u> will <u>consult with other stakeholders and</u> agree on an organisational and governance structure, and process, for developing <u>and implementing a</u> integrated catchment management plan Whakaraupō /Lyttelton Harbour.	By December 2015
<u>Funding parties and their contributions are agreed.</u>	<u>By December 2015</u>
<u>Stocktake of existing traditional and scientific knowledge completed.</u>	<u>By June 2016</u>
<u>Development of Integrated Catchment Management Plan.</u>	<u>By December 2017</u>
Lead agency: Environment Canterbury <u>to facilitate initial discussions on structure and process. Longer-term leadership to be agreed.</u>	
Goal: 2	

5.2.2. Transport network

The agencies involved have agreed to the development of a Memorandum of Understanding to formally set out the principles of how Christchurch City Council, Environment Canterbury, the New Zealand Transport Agency, LPC and KiwiRail will work together to ensure the provision of a transport network that supports recovery while maintaining ~~high-quality,~~ safe and efficient transport solutions for users. ~~A particular focus will be on ensuring provision of quality connections from the redeveloped Dampier Bay onto the road network.~~

The primary focus purpose of the Memorandum of Understanding is managing transport issues in Lyttelton relating to the LPRP will be on the interactions between Lyttelton Port and the local transport network in Lyttelton. The partners will use the context information in the Integrated Transport Assessment supplied with the LPC information package, monitoring information on the

State Highway and local networks, and any new and relevant integrated traffic assessment, to identify issues that must be addressed. They will then work together to agree on solutions and to identify and secure the funding required.

~~A particular priority will be~~ Matters that will be addressed will include:

- ~~on-ensuring~~ provision of quality connections from the redeveloped Dampier Bay onto the road network while not compromising the function of the state highway and freight access to the port;
- access to Dampier Bay via Simeon and Godley Quays;
- parking provision and network performance;
- provision of infrastructure to support freight optimisation by road and rail;
- requirements for parking and access in support of any new cruise facilities;
- scope and content of the future Integrated Transport Assessment;
- access to the new passenger ferry terminal and links to the public transport network;
- pedestrian and cycle connectivity; and
- opportunities to improve the amenity of the streetscape and adjacent publicly accessible space.

Action 8 provides for the identification of short-term works ahead of a more comprehensive programme of works to be developed in the longer term, as the Dampier Bay development, and its transportation effects, become more certain.

Action 8: Transport Network – Memorandum of Understanding

New Zealand Transport Agency, Environment Canterbury, Christchurch City Council, KiwiRail and Lyttelton Port Company Ltd will sign a Memorandum of Understanding stating how the parties will work together to ensure the provision of a transport network that supports recovery while maintaining safe and efficient transport solutions for users.

The MoU will:

- have a clear scope, purpose, and principles governing the relationship between the parties;
- direct the parties in the development of an implementation plan, including supporting funding agreements, containing both short- and longer-term actions to address transport issues in Lyttelton related to Port recovery.

~~A schedule of upgrades will be developed and how costs are to be met will be agreed.~~

~~The Memorandum of Understanding shall include confirmation of the appropriate interim upgrades to Norwich Quay, as set out in Action 9.~~

The MoU will be reviewed and amended annually as agreed by the parties

Memorandum of Understanding to be signed within three months of the approval of the Lyttelton Port Recovery Plan, or sooner as agreed by the partners.

Short-term actions to be confirmed by December 2016.

Longer-term actions to be agreed as more detailed information becomes available.

to ensure it remains relevant for the next 10 years, or longer as required. By December 2016

Lead agency: New Zealand Transport Agency

Goals: 3a, 5, 7a, 7b

~~To provide for a safe, convenient non-signalised and direct access to Dampier Bay, the pedestrian facility and cycle facilities across and along Norwich Quay in the vicinity of Sutton Quay is needed to provide for school children to cross safely and for improved public access to Dampier Bay need to be upgraded.~~ Action 9 sets out how the New Zealand Transport Agency will provide this upgrade, under the Agency's minor improvements (safety) programme, in consultation with Christchurch City Council and LPC, the agreement for various agencies to work together to achieve this upgrade. This agreement will provide for any interim works ahead of the more comprehensive implementation programme developed through Action 8 above. Further pedestrian improvements will be considered through the MoU process.

Action 9: Transport Network – Pedestrian Access Across Norwich Quay

New Zealand Transport Agency, in consultation with Christchurch City Council and Lyttelton Port Company Ltd will ~~confirm via the Memorandum of Understanding required by Action 8~~ provide, under the Agency's minor improvements (safety) programme, the appropriate upgrades for the provision of freight, pedestrian and cyclist access along and across Norwich Quay. This will include the staging of works and how costs are to be met, and will include the provision of a new non-signalised pedestrian facility across Norwich Quay.

~~Required upgrades to be confirmed by December 2016~~

~~Pedestrian facility across Norwich Quay to be completed by December 2018²⁰ or prior to the opening of Sutton Quay for public access to Dampier Bay, whichever occurs first~~

Lead agency: New Zealand Transport Agency

Goals: 3a, 5, 7a, 7b

5.2.3. Dampier Bay public access

Improved public access to the waterfront at Dampier Bay is to be secured in perpetuity through an agreement between LPC, Christchurch City Council and Environment Canterbury.

Action 10: Dampier Bay public access

Lyttelton Port Company Limited will enter into a legally binding agreement with Christchurch City Council and Environment Canterbury to: (1) provide safe, convenient, high-amenity public access in perpetuity to and along the waterfront at Dampier Bay; and (2) ensure access along the waterfront at Dampier Bay will connect to Norwich Quay at the northeastern end and

Access agreement to be signed by all parties within three months of the approval of the

Godley Quay at the southwestern end.

Lyttelton Port
Recovery Plan

This arrangement shall ensure provision of a legally-binding instrument such as an esplanade strip, access strip or equivalent, with an easement, right-of-way or equivalent linking the waterfront to public roads.

The legally binding instrument shall be implemented by July 2021, unless a variation is agreed between the parties

This arrangement shall include the likely staging of implementation of the public promenade, access to Norwich Quay from Dampier Bay and the indicative location and dimensions of public access, including the promenade.

This arrangement shall also include provision for community input into the design process for the promenade.

Lead agency: Environment Canterbury

Goals: 3a, 3b, 3c

5.2.4. Dampier Bay urban design guide

Design guidance is to be prepared by LPC, to guide the development of new buildings and public space in the Dampier Bay area. The design guidance will be a non-statutory method to complement new rules to be introduced into the proposed Replacement Christchurch District Plan requiring resource consents for new buildings and public amenity areas in Dampier Bay. LPC intends that the preparation of the design guidance will be a collaborative process, including with members of the community, local runanga, LPC and the Christchurch City Council.

Action 11: Dampier Bay urban design guide

Lyttelton Port Company Limited will prepare an urban design guide for the Dampier Bay area (Lyttelton Port Design Guide). The guide will address how the development of new buildings and public spaces will maintain and enhance the historic, maritime and industrial character of the Port and will include consideration of Ngai Tahu cultural landscape values.

To be completed within **six months** of Gazetted of this Recovery Plan

A copy of the urban design guide, and any future amendments to the guide, will be provided to the Christchurch City Council.

Lead agency: Lyttelton Port Company Limited

Goals: 2, 3a, 3c.

6. Funding / Tahua

The Minister’s Direction for the development of the Lyttelton Port Recovery Plan requires that a statement on possible funding implications and sources of funding is provided. Table 2 below sets out the expected funding implications and indicative sources of funding for the Lyttelton Port Recovery Plan. It includes some potential projects that require further investigation before decisions are made.

Any funding indicated for the New Zealand Transport Agency in support of projects will be determined through the Regional Land Transport Plan and National Land Transport Fund.

Any funding indicated for Environment Canterbury and CCC in support of projects will be determined through the Long Term Plan process under the Local Government Act 2002.

Table 2: Expected funding implications and sources of funding

Activity requiring funding		Source of funding	Level of funding required, where known
1. The rebuild, repair and reconfiguration of Lyttelton Port within the operational area of LPC		LPC	Approximately \$900m
2. Dampier Bay	a. Dampier Bay Marina upgrade, potential expansion and associated onshore facilities	LPC	
	b. Publicly accessible waterfront promenade	LPC	
	c. Potential relocated ferry terminal	LPC	
	d. Potential relocated public transport infrastructure	LPC, Environment Canterbury and CCC	
	e. Commercial development	LPC and private development partner	
	f. Adequate parking	LPC	
3. Naval Point recreational assets		CCC	
4. Transport network upgrades	a. To ensure that pedestrians, cyclists, buses and private vehicles can easily and safely access the	NZTA, CCC, LPC	

(within Lyttelton)	redeveloped, publicly accessible area at Dampier Bay		
	b. To ensure that road and rail freight continues to have safe, effective and efficient access to Lyttelton Port	NZTA, CCC, LPC Kiwi Rail	
5. Cruise ship berth Infrastructure and facilities for cruise ships		LPC and development partners	Approximately \$40m total LPC seeking approximately half from third party
6. Integrated management plan for Whakaraupō/Lyttelton Harbour		Environment Canterbury, LPC and other parties to be confirmed	Environment Canterbury funding to support the development and implementation of the management plan will be confirmed in its Long-Term Plan for 2015-18. LPC has <u>also</u> committed to <u>providing matching Environment Canterbury's</u> funding Further funding will be sought from other parties

Note: CCC = Christchurch City Council; LPC = Lyttelton Port Company; NZTA = New Zealand Transport Agency

7. Monitoring / Aroturuki

The statutory directions in the Lyttelton Port Recovery Plan insert provisions into Resource Management Act 1991 documents necessary to ensure the recovery of Lyttelton Port, in accordance with the purposes of the CER Act, and to achieve the vision and goals of the Recovery Plan.

Under section 35 of the RMA, every local authority has a duty to monitor the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan, and the exercise of resource consents that have effect in its region or district.

The provisions inserted into the RMA documents by the Lyttelton Port Recovery Plan will be subject to these requirements, and therefore will be monitored for their efficiency and effectiveness in line with normal practice. The exercise of any resource consents granted under these provisions will also be monitored.

In addition, Environment Canterbury will liaise with the agencies with responsibilities for actions under this Recovery Plan, and report every six months to the Recovery Strategy Advisory Committee, or its successor, on progress with the implementation of the Lyttelton Port Recovery Plan.

A major focus of Action 7—the integrated management plan for [the Whakaraupō/Lyttelton Harbour catchment](#)—is monitoring and reporting on the health of the harbour. How this is to be done will be confirmed as the approach to the development of this plan is agreed.

Glossary of terms and abbreviations / ~~Papakupu o ngā kupu kua whakarapopotia~~ He rarangi

CCC	Christchurch City Council
CEMP	Construction Environmental Management Plan
CER Act	Canterbury Earthquake Recovery Act 2011
CERA	Canterbury Earthquake Recovery Authority
hapū	Sub tribe, clan, section of a large tribe
LPC	Lyttelton Port Company Limited
mahinga kai	Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources
mana moana	Traditional authority over the sea and lakes
manawhenua	Traditional/customary authority or title over land and the rights of ownership and control of usage on the land, forests rivers etc. Also the land area (and boundaries - rohe) within which such authority is held
mātaitai	Traditional fishing area
Minister for CER	Minister for Canterbury Earthquake Recovery
RCEP	Regional Coastal Environment Plan for the Canterbury Region
RMA	Resource Management Act 1991
takiwā	Tribal or hapū district, or area
tangata whenua	In relation to a particular area, means the iwi, or hapū that holds mana whenua over that area. Local people of the land
TEU	Twenty-foot Equivalent Units
waka ama	Outrigger canoe

Appendices / He āpitihanga

Appendix 1 - Environment Canterbury's review of LPC's technical information

Appendix 2 - Amendments to the Canterbury Regional Policy Statement

Appendix 3 - Amendments to Regional Coastal Environment Plan for the Canterbury Region

Appendix 4 - Amendments to Proposed Christchurch Replacement District Plan

Appendix 5 - Amendments to the Banks Peninsula District Plan

Appendix 6 - Amendments to the proposed Canterbury Land and Water Regional Plan

Appendix 7 - Amendments to the proposed Canterbury Air Regional Plan

Attachment 4: Track-changed Version of Appendices of Preliminary Draft Lyttelton Port Recovery Plan showing officer recommendations

Contents

Appendix 1: Method for reviewing and incorporating LPC's technical information	2
Appendix 2: Amendments to the Canterbury Regional Policy Statement	5
Appendix 3: Amendments to the Regional Coastal Environment Plan for the Canterbury Region	7
Appendix 4: Amendments to the proposed Christchurch Replacement District Plan	47
Appendix 5: Amendments to the Banks Peninsula District Plan	91
Appendix 6: Amendments to the proposed Canterbury Land and Water Regional Plan	108
Appendix 7: Amendments to the proposed Canterbury Air Regional Plan	113

Appendix 1: Method for reviewing and incorporating LPC's technical information

Appendix 1: Method for reviewing and incorporating LPC’s technical information

A number of technical assessments were provided as part of LPC’s information package (for the full list see our website www.ecan.govt.nz/port). These have been reviewed as part of preparing the preliminary draft Lyttelton Port Recovery Plan. Varying levels of review were undertaken, reflecting the significance of the subject matter and type of planning provisions proposed for the relevant recovery project(s):

- All technical reports were reviewed by Environment Canterbury’s Lyttelton Port Recovery Plan Core Project Team, which includes the project planners;
- All technical reports were reviewed by our partners with feedback received from Canterbury Earthquake Recovery Authority, Te Rūnanga o Ngai Tahu, Christchurch City Council, Department of Conservation and New Zealand Transport Agency.
- Key technical assessments were reviewed by technical specialists, as shown in Table 1. Environment Canterbury’s specialist peer review reports are available on our website www.ecan.govt.nz/port.

Table 1: Key technical assessments reviewed by Environment Canterbury

Lyttelton Port Company Information	Reviewed By
Economic Effects	Simon Harris , Harris Consulting
Landscape Character and Visual Effects	Graham Densem , Landscape Architect
Transportation Effects	Andrew Metherell , Traffic Design Group Limited
Effects on Waves and Tidal Currents	Connon Andrews , Beca (review report author) Justin Cope , Environment Canterbury Bruce Gabites , Environment Canterbury
Effects on Sedimentation and Turbidity Effects on Marine Ecology Effects on Marine Mammals Effects on Biosecurity Effects on Stormwater Quality	Dr Lesley Bolton-Ritchie , Environment Canterbury
Effects on Navigational Safety Effects on Marine Spill Risk	Jim Dilley , Environment Canterbury
Operational Noise Effects Construction Noise Effects	Dr Stephen Chiles , Chiles Ltd
Effects on Air Quality	Myles McCauley , Environment Canterbury
Construction and Environmental Management Plan	Richard Purdon , Environment Canterbury Greg Beck , Environment Canterbury

The initial reviews highlighted some gaps and uncertainties in the information provided by LPC. Where this occurred, workshops were held with relevant technical representatives from LPC, Environment Canterbury and partner organisations to determine a way forward. In the following instances further assessment or clarification was provided by LPC:

- An assessment of the recovery proposals on seabirds and coastal avifauna
- A review of the commercial framework for Dampier Bay
- A summary of the effects of capital dredging
- Additional information on wave and tidal currents, and sedimentation
- An assessment of rail noise and vibration resulting from increased rail usage

This recovery plan does not remove all consent requirements for the Port's recovery activities. For activities where a resource consent is required, further assessment will be undertaken by LPC as part of their consent application and Environment Canterbury can place conditions on any resource consent that is granted in line with the requirements of the plan rule.

The effects of some aspects of the Port's rebuild cannot be determined with certainty at this stage, because detailed design work has not yet been done. The amendments to plan provisions reflect this uncertainty, providing for these issues to be considered as part of future consent processes.

An example of this is LPC's mahinga kai assessment report, which assessed the effects of the reclamation on mahinga kai in the vicinity of the reclamation. This report does not address the effects of the reclamation on mahinga kai in the whole harbour, and is limited because the detailed design work for the reclamation is not yet done. Effects on cultural values, particularly mahinga kai, are a matter for control in the consent process. These matters will be fully addressed through the consent process.

Appendix 2: Amendments to the Canterbury Regional Policy Statement

Appendix 2: Amendments to the Canterbury Regional Policy Statement

Amend Policy 8.3.6 and renumber as follows

In relation to regionally significant infrastructure in the coastal environment:

- (1) provide for its efficient and effective development, operation, maintenance and upgrade;
- (2) provide for a range of associated activities that have an operational requirement to be located in that environment;
- (3) recognise the potential of renewable resources in the coastal environment, such as energy from wind, waves, current and tides; ~~and~~
- (4) avoid development that may result in reverse sensitivity effects that constrain the ability of the infrastructure to be developed and used (because of the imposition of time or other operational constraints); and
- (5) **provide for the expedited recovery of the Lyttelton Port, including its repair, rebuild and reconfiguration.**

Such provisions should avoid, remedy or mitigate the adverse effects on that environment and take into account:

- (a) that the ports of Lyttelton and Timaru need to dredge and deposit spoil in the coastal marine area outside the port areas to remain operational.
- ~~(b)~~ **that the recovery of the Lyttelton Port ~~of Lyttelton~~ includes a container terminal being established in Te Awaparahi Bay on up to 37 hectares of reclaimed land.**
- ~~(b)~~ (c) that regionally significant infrastructure may need to be further developed in response to commercial opportunities and community needs.
- ~~(c)~~ (d) that the operators of regionally significant infrastructure need to have their own controls over access to operational areas, and that public access to such areas is not always appropriate.
- ~~(d)~~ (e) national port noise standards.
- ~~(e)~~ (f) the effects of coastal erosion, climate change and sea level rise.

Amend Policy 8.3.6 Principal reasons and explanation by inserting the following paragraph

Following the major earthquakes of 2010 and 2011, the Lyttelton Port suffered extensive damage and it will take many years to complete its recovery. The recovery of the Lyttelton Port in a timely manner must be enabled while allowing the Lyttelton Port to continue to operate given its strategic importance for the region.

Appendix 3: Amendments to the Regional Coastal Environment Plan for the Canterbury Region

Appendix 3: Amendments to the Regional Coastal Environment Plan for the Canterbury Region

Table of Contents

New Chapter 10	9
Method to explain the integration of this new chapter in the RCEP	9
Objectives.....	9
Policies	9
Rules.....	14
Method— Application of rules in Chapter 10.....	14
Wharf Structures within the Operational Area of Lyttelton Port	14
Other Structures within the Operational Area of Lyttelton Port	18
Disturbance of any Foreshore or Seabed in the Operational Area of Lyttelton Port	19
Deposition of Any Substance in, on, or under, Any Foreshore or Seabed within the Operational Area of the Port	22
Reclamation or Drainage.....	25
Occupation of the Coastal Marine Area.....	26
Discharge of Contaminants for Specific Recovery Activities.....	27
General Rules	31
Amendments to Chapter 7.....	32
Amendments to Chapter 8.....	33
Amendments to Definitions.....	38
Amendments to Schedule 5.11.1.....	40
Amendments to Maps	41

New Chapter 10

Insert a new Chapter 10: Lyttelton Port of Christchurch, into the Regional Coastal Environment Plan for the Canterbury Region (RCEP).

Method to explain the integration of this new chapter in the RCEP

The policies and rules in this chapter implement not only the specific recovery objectives for the Lyttelton Port in this chapter, but also the region-wide objectives in the RCEP. Where the RCEP contains objectives, policies and rules in Chapter 10 that are on the same subject matter as in other chapters, the provisions of Chapter 10 will prevail.

In considering an application for a resource consent in accordance with the rules in this chapter, the consent authority is also obliged to have regard to relevant objectives and policies in other chapters of the plan.

Objectives

Objective 10.1 – Recovery of Lyttelton Port

The expedited recovery of ~~the~~ Lyttelton Port, including its repair, rebuild and reconfiguration, is provided for as a matter of priority, while recognising the relationship with and managing any adverse effects of recovery activities on the environment ecological, recreational, heritage, amenity and cultural values of Whakaraupō/Lyttelton Harbour.

Policies

Policy 10.1.1 – Elements of recovery

An expedited recovery of the Lyttelton Port is enabled by undertaking the following activities:

- 1) The progressive phased movement east of port operations including:
 - a) Establishing a container terminal on a maximum of ~~37~~34 hectares of reclaimed land in Te Awaparahi Bay; and
 - b) Shifting some general cargo from the Inner Harbour to Cashin Quay; and
 - c) Redeveloping Dampier Bay to provide for a marina and associated activities, commercial development, as well as enhanced public access and amenity in the coastal environment, including parking and access facilities for the marina activities and commercial development.
- 2) The erection, placement, reconstruction, alteration, demolition and removal of structures located in the Operational Area of Lyttelton Port, including new wharves to service the container terminal and a new wharf to service cruise vessels.
- 3) Quarrying at Gollans Bay and the construction of a new haul road, and works to widen and improve the existing haul road.

- 4) Increasing shipping capacity, including deepening berth pockets, ship turning basins and the Main Navigational Channel to allow for larger vessels.

Policy 10.1.2 – Role of Lyttelton Port

Recognise that ~~the~~ Lyttelton Port is ~~pivotal~~essential to the regional economy and that its continued operation is essential for the recovery of greater Christchurch.

Policy 10.1.3 – Occupation and access

Enable the efficient, timely and expedited recovery of the Lyttelton Port through:

- 1) The occupation of the Coastal Marine Area for Port Activities within the Operational Area of Lyttelton Port; and
- 2) Enabling Port Activities to be carried out on any structures within the Operational Area of Lyttelton Port; and
- 3) Ensuring non-port related activities do not compromise port recovery and are avoided within the Operational Area of Lyttelton Port; and
- 4) Recognising that public access to all areas within the Operational Area of Lyttelton Port is to be managed by the owner or operator of Lyttelton Port to ensure public safety, and the security of cargo and port operations is maintained.

Policy 10.1.4 – ~~Environmental responsibility~~Lyttelton Harbour Relationships

Recognise that the recovery of Lyttelton Port, including reconfiguration, will result in some adverse effects on the environment that cannot in all circumstances be avoided or mitigated, but that the owner or operator of Lyttelton Port will undertake recovery activities while ensuring that:

- 1) The relationship between Lyttelton Port and the values of Whakaraupō/Lyttelton Harbour are recognised; and
- 2) Any adverse effects on the ~~environment~~ecological, recreational, heritage, amenity and cultural values of Whakaraupō/Lyttelton Harbour are minimised as far as practicable; and
- 3) Best practice methods are used during construction; and
- 4) Effort is made to achieve a net gain in mahinga kai.

Policy 10.1.5 – Construction Environmental Management Plans

All recovery activities are undertaken in accordance with a Construction Environmental Management Plan that:

- 1) Identifies the receiving environment and its state, and contains an assessment of the effects of the construction activity on the receiving environment;
- 2) Identifies appropriate mitigation measures; and

- 3) Identifies monitoring and reporting processes and procedures; and
- 4) ~~and~~Ensures that management practices are adapted to address any adverse effects of an activity, where practicable.

Policy 10.1.6 - Structures and activities

Enable the erection, placement, reconstruction, alteration, demolition and removal of structures, provided the adverse effects on the environment are minimised where practicable.

Policy 10.1.7 – Specific effects of piling on marine mammals

~~Recognise that piling activities, excluding piling carried out in the Inner Harbour, has the potential to cause~~Manage the adverse effects from piling activities on marine mammals, particularly Hector's dolphins, which will include and requires the preparation and implementation of a Marine Piling Management Plan, ~~which will include that outlines:~~

- 1) Procedures for identifying the presence of marine mammals during construction activities;
- 2) Methods to mitigate effects on marine mammals, including a 300-metre marine life exclusion zone, and daylight hours of operation only; and
- 3) Preparation and Maintenance of a marine mammal sighting log.

Policy 10.1.8 – Dredging

~~Recognise that~~ Enable maintenance dredging ~~is necessary~~ for the continued operation of Lyttelton Port, and dredging to create, or deepen and widen, the Main Navigation Channel, ship turning basins and berth pockets, ~~is necessary to enable larger vessels with deeper draughts to access Lyttelton Port. These activities should be undertaken in a way that minimises adverse effects on the environment, where practicable,~~ provided that dredging is undertaken in accordance with best practice methods that minimise adverse effects on the environment.

Policy 10.1.9 – Dumping of dredge spoil

Subject to Policy 10.1.10, enable the dumping of dredge spoil at the Spoil Dumping Grounds shown on Planning Map 5.5, and require monitoring of the Spoil Dumping Grounds so that any adverse effects on the environment, including mahinga kai, are avoided, remedied or mitigated.

Policy 10.1.10 – Effects of contaminated sediment in potentially high risk areas of Inner Harbour

The quality of spoil dredged from areas of the Inner Harbour shown on Planning Map 5.8 that are known to be contaminated or potentially contaminated will be specifically assessed to ensure that it is suitable for sea disposal.

Policy 10.1.11 – New container terminal in Te Awaparahi Bay

Enable the development of a container terminal within Area A in Te Awaparahi Bay, as shown on Planning Map [5.75.10](#), which includes reclaimed land and wharf structures, while ensuring that:

- 1) The construction is carried out in a manner to minimise the propagation of sediment plumes and the risk of biosecurity incursions; [and](#)
- 2) Methods are employed to minimise effects on marine ecology; [and](#)
- 3) ~~Effort is made~~ [Measures are taken](#) to achieve a net gain in mahinga kai; and
- 4) Methods are employed, such as the design and treatment of the reclamation edge, to reduce visual changes associated with the reclamation; [and](#)
- 5) [The reclamation of land to protect berthing facilities does not extend beyond the 34 hectare area shown as Area A on Planning Map 5.10.](#)

Policy 10.1.12 – Specific effects of noise from Coastal Marine Area

~~Recognise that~~ [Manage](#) noise generated from the Coastal Marine Area within the Operational Area of Lyttelton Port ~~will be managed by~~ [through](#) provisions in the Christchurch Replacement District Plan.

Policy 10.1.13 – Specific effects of stormwater discharges

Manage the quality of stormwater generated within the Operational Area of Lyttelton Port and discharged into the Coastal Marine Area, by ensuring that:

- 1) The formation or renewal of impervious surfaces, including wharf areas, is designed to capture and direct rainfall to a stormwater network; and
- 2) Any stormwater network constructed or repaired during the formation or renewal of impervious surfaces shall include hydrocarbon interceptors and/or gross pollutant interceptors designed in accordance with best practice for the catchment it services; and
- 3) The hydrocarbon interceptors and/or gross pollutant interceptors are to follow best practice design to capture the contaminants likely to be present in the stormwater associated with the cargo types being handled in an area; and
- 4) As far as practicable, cargo is handled on wharves or hard standing areas that contain hydrocarbon interceptors and/or gross pollutant interceptors designed for that type of cargo; and
- 5) Any earthworks carried out during the construction and repair works are appropriately managed to [avoid the discharge of](#) ~~ensure~~ sediment ~~discharged~~ into the Coastal Marine Area ~~is avoided~~.

Policy 10.1.14 – Protection of historical structures

Manage effects of activities on structures with heritage values within the Coastal Marine Area in the Operational Area of Lyttelton Port in accordance with the provisions in the Heritage New Zealand Pouhere Taonga Act 2014.

Rules

Method – Application of rules in Chapter 10

The rules in Chapter 10 apply to the following:

1. Activities **in** and occupation **of the coastal marine area** required for the recovery of the Lyttelton Port, including dredging and discharges within the Operational Area shown on Planning Map 5.1;
2. Dredging and associated discharges within the Main Navigational Channel shown on Planning Map 5.3;
3. The discharge and deposition of Dredge Spoil at the Spoil Deposition Grounds shown on Planning Map 5.5, provided that the Dredge Spoil is from dredging carried out within the Operational Area of Lyttelton Port or from the Navigational Channel shown on Planning Map 5.3;

The rules in Chapter 7 do not apply to the discharge of contaminants into the Coastal Marine Area provided for in Rules 10.26 - 10.32.

Wharf Structures within the Operational Area of Lyttelton Port

Rule 10.1 Permitted Activities

The following activities in, on, under or over any foreshore or seabed in Area A, B or C shown on Planning Map 5.7, are permitted activities:

- a) The reconstruction, alteration, extension, removal or demolition of any Wharf Structure, or part of a Wharf Structure, in Area B that was used for Port Activities at or before 4 September 2010; or
- b) The erection or placement of any Wharf Structure in Area B that replaces a Wharf Structure that was used for Port Activities at or before 4 September 2010; or
- c) The erection or placement of any Wharf Structure in Area B, within the area between Wharf ~~Number 73~~ and the dry dock, for the purpose of providing a marina, public access or a ferry berth; or
- d) The erection or placement of any temporary Wharf Structure in Area B, required for the construction of Wharf Structures provided for by (a) – (c) above; or
- e) The reconstruction, maintenance, removal or demolition of any Wharf Structure, or part of any Wharf Structure, in Area A, B or C that was constructed after 4 September 2010; or

provided that the following conditions are met:

- a) Any materials deposited in the Coastal Marine Area as part of the erection, placement, reconstruction, alteration, extension, removal or demolition of a Wharf Structure, except for piles, shall be inert materials that are free from hazardous substances; and

- b) All material associated with the removal or demolition of a Wharf Structure or part of a Wharf Structure, other than piles within the seabed or foreshore, shall be removed from the Coastal Marine Area within three months of the wharf structure being removed or demolished; and
- c) Marine based piling shall be undertaken in accordance with a Marine Piling Management Plan and shall cease when marine mammals are within 300 metres of the pile driving unit and shall only occur during daylight hours; and
- d) Any Wharf Structure that has refuelling facilities shall provide infrastructure to facilitate the rapid deployment of marine oil spill boom equipment; and
- e) Any Wharf Structure erected or placed in Area B that replaces a Wharf Structure that was used for Port Activities at or before 4 September 2010 (activity (b) above), must be used for ~~the same purpose as the original Wharf Structure~~ Port Activities, and can be erected or placed at either the same or a different location, and can be a different size.; and
- f) ~~During the erection or placement of Wharf Structures in Area B for a new marina, provision must be made within the Inner Harbour for the safe and accessible temporary berthing of vessels that at the time of construction of a new marina, are users of the existing Dampier Bay Marina.~~

Rule 10.2 Controlled Activities

The placement or erection of any Wharf Structure located in, on, under or over the foreshore or seabed ~~in~~ within the Te Awaparahi Bay Reclamation Area (Area A) or C shown on Planning Map 5.710, is a controlled activity, provided ~~that the following conditions are met:~~

- ~~a) Any new Wharf Structure located within the Te Awaparahi Bay Reclamation Area (Area A) is:~~
 - a) Any permanent Wharf Structure shall be located parallel to and within the southern edge of the ~~Reclamation Area envelope (Area A, Planning Map 5.7)~~, and designed to service cargo vessels; or
 - b) Any temporary Wharf Structure ~~for use~~ by vessels during the construction of the reclamation shall be removed within three months from the time it is no longer required for reclamation construction or the reclamation is completed, whichever is the lesser.; and
- ~~c) Any new Wharf Structure located within the Naval Point Cruise Ship Berth Area (Area C):~~
 - i) ~~Is located parallel to the Naval Point reclamation; and~~
 - ii) ~~The main wharf deck (excluding associated mooring structures connected or unconnected to the main wharf deck) is no more than 150 metres in length; and~~
 - iii) ~~The finished edge of the deck for the main Wharf Structure is no more than 175 metres out from the Naval Point reclamation; and~~
 - iv) ~~Is designed to serve no more than one vessel at a time, whose primary purpose is the transportation of passengers; and~~
 - v) ~~Clauses (i), (ii) and (iii) do not apply to any structure running perpendicular to the Naval Point Reclamation for the purposes of joining the main Wharf Structure to the Naval Point Reclamation, and do not apply to any ancillary structures such as mooring structures.~~

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan; and

- b) The design, construction and maintenance of the ~~new~~ Wharf Structure, including ~~its the~~ stability and integrity ~~of the new Wharf Structure~~ in terms of expected weather and seastate conditions, and materials used in its construction; and
- c) If the ~~new~~ Wharf Structure is used for the conveyance of any bulk hazardous substances from a vessel to land, the methods to avoid any potential spillages and measures to contain spillages, including the installation of infrastructure to facilitate the rapid deployment of booms around a vessel; and
- d) Management of hazardous substances associated with machinery during construction, maintenance or use of the Wharf Structure; and
- e) Methods to manage the effects of construction noise on marine mammals; and
- f) The extent to which the ~~new~~ Wharf Structure is a barrier to water or sediment movement in Lyttelton Harbour; and
- ~~g) The size and number of new Wharf Structures for the floating marina, and their location in Area B; and~~
- h) The collection and treatment of stormwater captured from ~~new the~~ Wharf Structures; and
- i) The matters set out in Rule 10.3435.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent ~~in Areas A or C~~ under this rule will be publicly notified.

Rule 10.3 Restricted Discretionary Activities

The following activities, in, on, under or over any foreshore or seabed, are restricted discretionary activities in areas shown on Planning Map 5.7:

- a) The alteration or extension of any Wharf Structure, or part of any Wharf Structure, in Area A, B or C, that was constructed after 4 September 2010; or
- b) The reconstruction, removal or demolition of any Wharf Structure, or part of any Wharf Structure, in Area A, B or C that does not comply with Rule 10.1.

The exercise of discretion is restricted to the following matters:

- a) The design, construction and maintenance of the Wharf Structure reconstruction, alteration or extension, including ~~the its~~ stability and integrity ~~of the Wharf Structure~~ in terms of expected weather and seastate conditions; and
- b) If the Wharf Structure is used for the conveyance of any bulk hazardous substances from a vessel to land, the methods to avoid any potential spillages, including the installation of infrastructure to facilitate the rapid deployment of booms around a vessel; and
- c) The design, construction and maintenance of the Wharf Structure in terms of any adverse effects on the aquatic ecosystems, including marine based mammals, navigation or recreational activities generally; and
- d) The effects of the structure on cultural values, in particular mahinga kai; and
- e) Methods to manage the effects of construction noise on marine mammals; and
- f) The preparation and implementation of a Construction Environmental Management Plan; and
- g) The collection and treatment of stormwater captured from Wharf Structures; and

- h) Except in Area B, the extent to which the ~~proposed~~ Wharf Structure is a barrier to water or sediment movement in Lyttelton Harbour; and
- i) The removal of material from the foreshore or seabed; and
- j) The potential benefits of the proposed activity; and
- k) The matters set out in Rule 10.~~3435~~.

Rule 10.4 Discretionary Activities

The erection, placement, reconstruction, alteration, extension, removal or demolition of any Wharf Structure, or part of any Wharf Structure, in, on, under or over any foreshore or seabed and that is within the Operational Area of Lyttelton Port shown on Planning Map 5.1, and is not provided for by Rule 10.1, 10.2 or 10.3, is a discretionary activity. This includes any Wharf Structure within the Naval Point Cruise Ship Berth Area (Area C) shown on Planning Map 5.7.

Other Structures within the Operational Area of Lyttelton Port

Rule 10.5 Permitted Activities

The following activities in, on, under or over any foreshore or seabed, within the Operational Area of Lyttelton Port, shown on Planning Map 5.1, are permitted activities:

- a) The placement or erection of any seawall, buoy, navigational aid, or structure associated with a Network Utility System or Network Utility Structure; or
- b) The reconstruction, alteration, extension, removal or demolition of any existing seawall, buoy, navigational aid, and structure associated with a Network Utility System, or Network Utility Structure; or
- c) The placement, erection, reconstruction, alteration, extension, removal or demolition of any sign, provided that the sign is erected by the Lyttelton Port Company Limited, its successor, or Environment Canterbury for the purposes of informing the public of safe behaviour or health and safety risks.

Rule 10.6 Restricted Discretionary Activities

The placement, erection, reconstruction, alteration, extension, removal or demolition of any sign fixed in, on, under or over any foreshore or seabed that is within the Operational Area of Lyttelton Port shown on Planning Map 5.1 and that does not comply with Rule 10.65(c) is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The purpose for which the sign is being erected; and
- b) The size and visibility of the sign; and
- c) The effects of the sign on navigation; and
- d) Monitoring, reporting and review requirements; and
- e) The potential benefits of the proposed activity; and
- f) The matters set out in Rule 10.3435.

Rule 10.7 Discretionary Activities

The erection, placement, reconstruction, alteration, extension, removal or demolition of any Structure, or part of a Structure, other than a Wharf Structure, in, on, under or over the foreshore or seabed, that is within the Operational Area of Lyttelton Port shown on Planning Map 5.1, and is not provided for by Rules 10.5 or 10.6, is a discretionary activity.

Disturbance of any Foreshore or Seabed in the Operational Area of Lyttelton Port

Rule 10.8 Permitted Activities – Disturbance associated with Structures

The disturbance of the foreshore or seabed (including by excavating, drilling, or tunnelling), that is directly associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of any Wharf Structure or Structure permitted by Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.3 or 10.6, is a permitted activity.

Rule 10.9 Permitted Activities – Disturbance associated with maintenance dredging and deepening berth pockets

The disturbance of the foreshore or seabed, including the removal of material that is associated with:

- a) Maintenance dredging of the Main Navigation Channel shown on Planning Map 5.3 or within the Operational Area of Lyttelton Port shown on Planning Map 5.1; or
- b) Dredging to deepen the berth pockets adjacent to Wharf Structures in Area B shown on Planning Map 5.7;

is a permitted activity, provided that for seabed material to be dredged from the Inner Harbour shown on Planning Map 5.8:

- i) An Inner Harbour Sediment Analysis Plan is prepared and implemented; and
- ii) Pre-characterisation surveys are carried out; and
- iii) A Sediment Analysis Report is prepared and implemented.

Rule 10.10 Controlled Activities – Disturbance associated with removal or repair of reclaimed land

The disturbance of the foreshore or seabed (including by excavating, drilling or tunnelling) where the disturbance is directly associated with the excavation and removal of, or repair of, reclaimed land adjacent to Area B shown on Planning Map 5.7, including the Eastern Mole Breakwater, is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and content of a Construction Environmental Management Plan including methods of repair or removal of material from the foreshore or seabed; and
- b) Methods to mitigate adverse effects of the activity, including methods to manage the propagation of sediment; and
- c) The matters set out in Rule 10.3435.

Rule 10.11 Controlled Activities – Disturbance associated with ~~the erection of Wharf Structures or deepening berth pockets in Area A or C~~ activities adjacent to the Te Awaparahi Bay Reclamation

The disturbance of the foreshore or seabed (including by excavating, drilling or tunnelling), where the disturbance is directly associated with the following activities:

- a) ~~In Area A shown on Planning Map 5.7, t~~The erection or placement of Wharf Structures within Area A shown on Map 5.10 for which a resource consent is obtained under Rule 10.2;; or
- b) ~~or d~~Dredging ~~associated with~~to create and deepening the berth pocket(s) or ship turning basin within Area D shown on Planning Map 5.7. adjacent to the Wharf Structures; or
- c) ~~In Area C shown on Planning Map 5.7, the erection or placement of Wharf Structures for which a resource consent is obtained under Rule 10.2, or dredging associated with deepening the berth pocket or swing basin adjacent to the Wharf Structure;~~

is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and content of a Construction Environmental Management Plan that deals with the methods of construction and dredging; and
- b) Methods to mitigate adverse effects of the activity on water quality, including methods to manage the propagation of sediment; and
- c) Methods to manage effects on marine ecology; and
- d) The matters set out in Rule 10.3435.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule, will be publicly notified.

Rule 10.12 Restricted Discretionary Activities – Disturbance associated with dredging ~~to deepen other areas within~~ the Operational Area of Lyttelton Port and Main Navigation Channel

Except as provided for by Rules 10.9 and 10.11, the disturbance from dredging associated with the deepening of the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 5.1, or to deepen and widen the Main Navigation Channel shown on Planning Map 5.3, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The effects of the disturbance on harbour hydrodynamics; and
- b) The preparation and content of a Construction Environmental Management Plan; and
- c) Dredging methods; and
- d) The effects of the disturbance on marine ecology; and
- e) Effects on cultural values, particularly mahinga kai; and
- f) The potential benefits of the activity to the applicant or community; and
- g) The matters set out in Rule 10.3435.

Rule 10.13 Discretionary Activities

The disturbance of the foreshore or seabed that ~~is not provided for by or~~ does not comply with Rule 10.8, 10.9, 10.10, 10.11 or 10.12, and that is either within the Operational Area of Lyttelton Port shown on Planning Map 5.1 or the Main Navigation Channel shown on Planning Map 5.3, is a discretionary activity.

Deposition of Any Substance in, on, or under, Any Foreshore or Seabed within the Operational Area of the Port

Rule 10.14 Permitted Activities – Deposition associated with Structures

The deposition of seabed material in, on, or under the foreshore or seabed within the Operational Area of Lyttelton Port, that is directly associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of a structure that is permitted by Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.3 or 10.6, is a permitted activity.

Rule 10.15 Permitted Activities – Deposition associated with the reclamation

The deposition of any seabed material in, on or under the foreshore or seabed, where the deposition is directly associated with the construction of the reclamation ~~to be constructed~~ in Area A shown on Planning Map 5.7.10, is a permitted activity.

Rule 10.16 Controlled Activities – Deposition associated with the erection of Wharf Structures ~~in Area A or C~~ associated with the Te Awaparahi Bay container terminal

The deposition of any material in, on or under the foreshore or seabed where the deposition is directly associated with the erection or placement of Wharf Structures in Area A ~~or C~~ on Planning Map 5.7.5.10 and for which a resource consent is obtained under Rule 10.2, is a controlled activity.

Control is reserved over the following matters:

- a) The preparation of and content of a Construction Environmental Management Plan that deals with the methods of construction and mitigation to address the effects of the deposition of material on marine ecosystems; and
- b) The matters set out in Rule 10.~~34~~35.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule, will be publicly notified.

Rule 10.17 Controlled Activities – Deposition of seabed material at the Spoil Dumping Grounds generated from construction activities and dredging

The deposition of seabed material in, on or under the foreshore or seabed at the Spoil Dumping Grounds shown on Planning Map 5.5 is a controlled activity, provided the following conditions are met:

- a) The material has been removed from the foreshore or seabed during works associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of a Structure that is permitted under Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.2, 10.3, 10.4, 10.6 or 10.7; or
- b) The material has been removed from the foreshore or seabed during works associated with the construction or repair of the reclamation shown in Area A of Planning Map 5.710; or
- c) The material has been removed from the foreshore or seabed during dredging of the berth pockets or swing basins which is either permitted under Rule 10.9 or for which a resource consent is obtained under Rule 10.11.

Control is reserved over the following matters:

- a) The preparation of and content of a Construction Environmental Management Plan that deals specifically with dredging operations; and
- b) The establishment of a monitoring programme in the Spoil Dumping Ground and surrounding area to monitor any adverse effects of the dumping of dredge spoil on the receiving environment; and
- c) Methods to mitigate any adverse effects on aquatic and benthic ecology; and
- d) The effects on cultural values, particularly mahinga kai; and
- e) The volume of spoil to be deposited; and
- f) For seabed material to be dredged from the Inner Harbour shown on Planning Map 5.8;
 - i) Preparation of an Inner Harbour Sediment Analysis Plan; and
 - ii) Pre-characterisation surveys; and
 - iii) Preparation of Sediment Analysis Reports; and
 - iv) Monitoring of the relevant disposal areas; and
- ~~g) An assessment of whether any contaminated sediment is suitable for disposal, and if so what type of conditions, including monitoring conditions, are needed; and~~
- h) The establishment of a monitoring programme at the Spoil Dumping Ground; and
- i) The matters set out in Rule 10.3435.

Notification

Pursuant to section 95A of the Resource Management Act, any application for resource consent under this rule that relates to the Te Awaparahi Bay ~~container terminal~~Reclamation located in Area A ~~or C~~ on Planning Map 5.710, will be publicly notified.

~~Pursuant to sections 95A and 95B of the Resource Management Act, an application for resource consent in an area other than Area A and C, under this rule will be processed and considered without public or limited notification.~~

Rule 10.18 Restricted Discretionary Activities – Deposition of seabed material generated from maintenance dredging at the Spoil Dumping Grounds

The deposition of seabed material in, on or under the foreshore or seabed, at the Spoil Dumping Grounds shown on Planning Map 5.5, which is removed from the foreshore or seabed during maintenance dredging of

the Main Navigation Channel or within the Operational Area of Lyttelton Port, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The preparation of and content of a Construction Environmental Management Plan that deals specifically with dredging operations; and
- b) The establishment of a monitoring programme ~~in~~ at the Spoil Dumping Grounds and surrounding area to monitor any adverse effects of the dumping of dredge spoil on the receiving environment; and
- c) Methods to mitigate any adverse effects on aquatic and benthic ecology; and
- d) The volume of spoil to be deposited; and
- e) The effects on cultural values, particularly mahinga kai; and
- ~~f) For seabed material to be dredged from the Inner Harbour shown on Planning Map 5.8:
 - ~~i) The preparation of an Inner Harbour Sediment Analysis Plan; and~~
 - ~~ii) Carrying out pre-characterisation surveys; and~~
 - ~~iii) Preparation of Sediment Analysis Reports; and~~
 - ~~iv) An assessment of whether any contaminated sediment is suitable for disposal, and if so what type of conditions, including monitoring conditions, are needed~~Monitoring of the relevant disposal areas;
and~~
- g) For seabed material that has been dredged from the Inner Harbour, including from areas of known or potential contamination shown on Planning Map 5.8, the following is required:
 - i) The preparation of a Sediment Management Plan which sets out the practices and procedures to manage Dredge Spoil from this location; and
 - ii) An assessment of whether any contaminated sediment is suitable for unconfined open sea disposal, and if so what type of conditions, including monitoring conditions, are needed for unconfined open sea disposal; and
- h) The potential benefits of the activity to the applicant and community; and
- i) The matters set out in Rule 10.3435.

Rule 10.19 Discretionary Activities – Deposition of seabed material

The deposition of seabed material in, on, under or over the foreshore or seabed, at the Spoil Dumping Grounds shown on Planning Map 5.5, that is removed from the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 5.1, or the Main Navigation Channel shown on Planning Map 5.3, or that is not provided for or does not comply with Rules 10.14, 10.15, 10.16, 10.17 or 10.18 is a discretionary activity.

Reclamation or Drainage

Rule 10.20 Controlled Activity – Reclamation in Te Awaparahi Bay

The reclamation or drainage of the foreshore or seabed within Area A shown on Planning Map 5.710 is a controlled activity, provided that the following condition is met:

- a) A Ngāi Tahu Cultural Impact Assessment is prepared and submitted with the application.

Control is reserved over the following matters:

- a) Design of the finished seaward faces, including visual treatment of the reclamation edge;
- b) Methods of reclamation construction including the material used in the reclamation;
- c) Preparation and content of a Construction Environmental Management Plan;
- d) The management of any marine biosecurity risks;
- e) Methods to control the propagation of sediment plumes during construction;
- f) Stormwater management;
- g) Methods to manage and offset visual changes;
- h) Methods to address cultural matters, including the preparation of a Kaimoana Management Plan, in consultation with Te Hapū o Ngāti Wheke, that includes but is not limited to:
 - i) Details of methods to monitor the health of kaimoana in the vicinity of the reclamation, including surveys using Mātauranga Māori-based techniques, such as the Marine Cultural Health Index (MCHI);
 - ii) Assessment of whether the reclamation seawalls can be designed in a manner that creates new habitat space for desired kaimoana species;
 - iii) Methods to mitigate the loss of kaimoana as a result of the reclamation such as the establishment of kaimoana gardens or reseeded of chosen kaimoana species; and
- b) The matters set out in Rule 10.3435.

Notification

Pursuant to section 95A of the Resource Management Act, an application for a resource consent under this rule will be publicly notified.

Rule 10.21 Discretionary Activities - Reclamation

Except as provided for by Rule 10.20 or 10.22, any reclamation or drainage of the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 5.1 is a discretionary activity.

Rule 10.22 Non complying Activities – Reclamation

The reclamation of the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 5.1 but outside Area A on Planning Map 5.10 to extend or protect the Te Awaparahi Bay Reclamation and berthing facilities is a non-complying activity.

Occupation of the Coastal Marine Area

Rule 10.~~22~~23 Permitted Activities

The following activities in the Port of Lyttelton Occupation Areas shown on Planning Map 5.9 are permitted:

- a) The occupation of the Coastal Marine Area for Port Activities, including any Network Utility System or Network Utility Structure ancillary to Port Activities; and
- b) The occupation of the Coastal Marine Area for the purposes of carrying out activities permitted by Rule 10.1, 10.5, 10.8, 10.9, 10.14 or 10.15, or for which a resource consent is obtained under Rule 10.2, 10.3, 10.4, 10.6, 10.7, 10.10, 10.11, 10.12, 10.13, 10.16, 10.17, 10.18, 10.19, 10.20, ~~or 10.21~~, or 10.22.

Rule 10.~~23~~24 Restricted Discretionary Activities

The occupation of the Coastal Marine Area for Port Activities outside the Port of Lyttelton Occupation Area shown on Planning Map 5.9 but within the Operational Area of Lyttelton Port is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The effects of occupation on recreational activities;
- b) The effects of occupation on navigation;
- c) The effects of occupation on cultural values, particularly mahinga kai;
- d) The potential benefits of the activity to the applicant and community; and
- e) The matters set out in Rule 10.~~34~~35.

Rule 10.~~24~~25 Discretionary Activities

The occupation of the Coastal Marine Area within the Operational Area of Lyttelton Port shown on Planning Map 5.1 for any Network Utility System or Network Utility Structure, other than a Network ~~U~~Utility System or Network Utility Structure ancillary to Port Activities, is a discretionary activity.

Rule 10.~~25~~26 Non-complying Activities

The occupation of the Coastal Marine Area within the Operational Area of Lyttelton Port shown on Planning Map 5.1, for any activity not provided for by or that does not comply with Rule ~~10.22~~, 10.23, 10.24, or 10.25, is a non-complying activity.

Discharge of Contaminants for Specific Recovery Activities

Rule 10.~~2627~~ Permitted Activities – Discharge of stormwater within Operational Area of the Port

Except as provided for by Rule 10.~~3031~~, the discharge of stormwater, generated from Area A shown on Planning Map 5.6, into water, or into or onto land, in the Coastal Marine Area is a permitted activity, provided the following conditions are met:

- a) There is no scouring or erosion of the foreshore or seabed that is not erased by wind, tidal or wave action within 24 hours; and
- b) After reasonable mixing, the discharge shall not give rise to any change in colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 percent measured at all of the following locations:
 - i) Further than 100 metres; or
 - ii) Further than 100 times the average internal diameter of the outfall pipe being used;
 - iii) Or further than 100 times the average width of the open culvert or drain being used; in any direction from the point of the discharge.
- c) Any discharge shall not give rise to any or all of the following effects from the point of the discharge, and further than the greater of 20 metres, or 20 times the average internal diameter of the outfall pipe being used, or 20 times the average width of the open culvert or drain being used:
 - i) The production of conspicuous oil or grease films, scums or foams, or floatable material; or
 - ii) Any emissions of objectionable odour; or
 - iii) Any reduction in the concentration of dissolved oxygen in the receiving water to less than 80% of saturation; or
 - iv) Any change by more than 3 degrees Celsius in the natural temperature of the receiving water or any change that causes it to exceed 25 degrees Celsius; or
 - v) The capability of causing any significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity;
- d) Any material or debris contained in the stormwater shall be intercepted and as far as practicable removed before the stormwater enters the Coastal Marine Area; and
- e) Any stormwater network to be constructed or repaired as part of the formation or renewal of impervious surfaces shall incorporate hydrocarbon interceptors and/or gross pollutant interceptors.

Rule 10.~~2728~~ Permitted Activities – Discharge of stormwater from Lyttelton Port Company Quarry in Gollans Bay

Except as provided for by Rule 10.~~2930~~, the discharge of stormwater, generated from Area B shown on Planning Map 5.6, into water, or into or onto land, in the Coastal Marine Area is a permitted activity, provided the following conditions are met:

- a) Any earthworks do not exceed 10 cubic metres per annum where loess is present or otherwise 500 ~~cubic~~ square metres per annum; and
- b) There is no scouring or erosion of the foreshore or seabed that is not erased by wind, tidal or wave action within 24 hours; and
- c) After reasonable mixing, the discharge shall not give rise to any change in colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 percent measured at all of the following locations:
 - i) Further than 100 metres; or
 - ii) Further than 100 times the average internal diameter of the outfall pipe being used;
 - iii) Or further than 100 times the average width of the open culvert or drain being used; in any direction from the point of the discharge.
- d) Any discharge shall not give rise to any or all of the following effects from the point of the discharge, and further than the greater of 20 metres, or 20 times the average internal diameter of the outfall pipe being used, or 20 times the average width of the open culvert or drain being used:
 - i) The production of conspicuous oil or grease films, scums or foams, or floatable material; or
 - ii) Any emissions of objectionable odour; or
 - iii) Any reduction in the concentration of dissolved oxygen in the receiving water to less than 80% of saturation; or
 - iv) Any change by more than 3 degrees Celsius in the natural temperature of the receiving water or any change that causes it to exceed 25 degrees Celsius; or
 - v) Any significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity
- e) Any material or debris contained in the stormwater shall be intercepted and as far as practicable removed before the stormwater enters the Coastal Marine Area.

Rule 10. ~~2829~~ Permitted Activities – Discharge of sediment during the erection, placement, reconstruction, alteration, extension, removal or demolition of structures or maintenance dredging within the Operational Area of Lyttelton Port

The discharge into water, or onto or into land in the Coastal Marine Area of sediment already present in, on or under the foreshore or seabed is a permitted activity, provided the following conditions are met:

- a) The discharge is the result of disturbance that is directly associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of a structure that is permitted by Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.3 or 10.6; or
- b) The discharge is the result of disturbance that is directly associated with Dredging of the Main Navigation Channel or within the Operational Area of Lyttelton Port; or

- c) The discharge is the result of disturbance that is directly associated with the construction of a reclamation or the removal or repair of reclaimed land.

Rule 10.~~2930~~ Controlled Activities – Discharge of stormwater from the Quarry at Gollans Bay

The discharge of stormwater into water, or onto or into land, in the Coastal Marine Area, generated from earthworks in Area B on Planning Map 5.6, and that does not comply with (Rule 10.2~~78~~(a)), is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan that deals specifically with stormwater management and erosion and sediment control; and
- b) Methods to avoid spillages; and
- c) Methods to monitor stormwater; and
- d) Contaminants in the stormwater; and
- e) The matters set out in Rule 10.~~3435~~.

Notification

Pursuant to section 95A and 95B, an application for resource consent under this rule will be processed and considered without public or limited notification.

Rule 10.~~3031~~ Controlled Activities – Discharge of stormwater from the reclamation during construction

The discharge of stormwater into the Coastal Marine Area, during the construction of the reclamation shown in Area A on Planning Map ~~5.75.10~~, is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan that deals specifically with stormwater management and erosion and sediment control; and
- b) The introduction of sediment control measures and methods to control the propagation of sediment plumes; and
- c) Methods to manage the discharge of stormwater; and
- d) The matters set out in Rule 10.~~3435~~.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule will be publicly notified.

Rule 10.~~3132~~ Controlled Activities – Discharge of contaminants during construction of the reclamation

The discharge of any contaminant, into water, or onto or into land, in the Coastal Marine Area arising from the deposition of material, or the associated decanting of seawater, during the construction of the reclamation shown in Area A of Planning Map [5-75.10](#), is a controlled activity provided the following condition is met:

- a) The discharge of contaminants shall not after reasonable mixing give rise to the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials.

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan;
- b) The introduction of sediment control measures and methods to control the propagation of sediment plumes;
- c) Methods to manage the discharge of contaminants, including screening of reclamation material and methods to avoid and contain spillages;
- d) Methods to monitor the discharge;
- ~~e) Measures to avoid, remedy or mitigate the effects of the discharge on;
 - i) Erosion, scour or land stability;
 - ii) Water quality;
 - iii) Sediment;
 - iv) Spillages;
 - v) Aquatic ecosystems, and indigenous flora and fauna;
 - vi) Resources, areas or sites of spiritual, historical or cultural significance to tangata whenua;~~
- f) The matters set out in Rule 10. ~~3435~~.

Notification

Pursuant to section 95A of the RMA, an application for resource consent under this rule will be publicly notified.

Rule 10. ~~3233~~ Discretionary Activities

The discharge [at the Spoil Dumping Grounds shown on Planning Map 5.5](#) of dredge spoil derived from dredging the Main Navigational Channel shown on Planning Map 5.3 or [dredging within](#) the Operational Area of Lyttelton Port shown on Planning Map 5.1 is a discretionary activity.

Rule 10. ~~3334~~ Discretionary Activities – Catch-all rule

Except as provided for by Rules [10.26](#), [10.27](#), [10.28](#), [10.29](#), [10.30](#), [10.31](#), ~~and~~ [10.32](#), [or 10.33](#) the discharge of contaminants into water, or into or onto land, in the Coastal Marine Area, within the Operational Area of Lyttelton Port shown on Planning Map 5.1 [from](#):

- a) [Stormwater; or](#)
- b) [Deposition of material, or the associated decanting of seawater during the construction of the reclamation; or](#)

- c) Sediment that already resides on the seabed;

is a discretionary activity.

General Rules

Rule 10. ~~3435~~

In consideration of applications for controlled activities or restricted discretionary activities the matters on which:

- a) Control is reserved; or
 - b) Exercise of discretion is restricted;
- include the lapsing period, the term of the resource consent, the review of the conditions of resource consent, and the collection, recording, monitoring and provision of information concerning the exercise of a resource consent.

Amendments to Chapter 7

Amend Clause (b)(iii)(7.) of Rule 7.1 Permitted Activities, as follows:

- (i) in the Operational Area of a **Timaru** Port, the capability of causing significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity.

Amend Rule 7.2 Discretionary Activities, as follows:

Except as provided for by Rules 7.1, 7.3, 7.4, 7.5, 7.6, ~~10.26, 10.27~~, **10.28, 10.29, 10.30**, ~~or 10.31~~, or 10.32 the discharge of any water or any contaminant, into water, or onto or into land, in

Amendments to Chapter 8

Amend Objective 8.1(2), as follows:

- (1) To enable the efficient and effective operation and development of the Ports of ~~Lyttelton and~~ Timaru and network utilities while avoiding, remedying or mitigating adverse effects on the environment consistent with the normal requirements of commercial ports and network utilities.

Amend the Second Paragraph to Principal Reason of Objective 8.1, as follows:

The ports and network utilities play a significant role in the economy of the region. It is necessary to provide for the efficient and effective operation of the ports and network utilities and their associated facilities within this plan. **Chapter 10 contains objectives and policies that address the Recovery of the Port of Lyttelton, including its repair, rebuild, reconfiguration and operation from the 2010 and 2011 sequence of earthquakes.**

Amend Policy 8.4, as follows:

In considering applications for resource consents to reclaim the Coastal Marine Area, or for the removal of natural materials for commercial purposes, **except within the Operational Area of the Port of Lyttelton,** Environment Canterbury....

Amend Policy 8.5, as follows:

In considering applications for resource consents to occupy the Coastal Marine Area, **except within the Operational Area of the Port of Lyttelton,** Environment Canterbury....

Amend Policy 8.8, as follows:

Enable the Ports of ~~Lyttelton and~~ Timaru to operate efficiently and effectively, by:

Amend the Explanation to Policy 8.8, as follows:

The coastal environments of the Ports of ~~Lyttelton and~~ Timaru ~~are~~ **is** highly modified already through wharf structures, cargo handling equipment, storage tanks and buildings. Vessel access needs to be maintained through maintenance dredging of the main navigation channels.

The Policy provides recognition that the Ports of ~~Lyttelton and~~ Timaru should be enabled to operate efficiently and effectively. Activities that establish in ~~Lyttelton or~~ Timaru Harbours should be compatible with the operation of the Ports. It is recognised that port infrastructure will need to be changed to meet the requirements of the ports and their customers. **Chapter 10 contains objectives and policies that address the Recovery of the Port of Lyttelton, including its repair, rebuild, reconfiguration and operation from the 2010 and 2011 sequence of earthquakes.**

Amend Policy 8.9, as follows:

In controlling activities generating noise and enforcing noise controls in the Coastal Marine Area, Environment Canterbury should ensure that the noise control rules governing activities in the Operational Areas of the Ports of ~~Lyttelton and~~ Timaru....

....Environment Canterbury will apply national port noise standards for the control of noise in the Operational Areas of the Timaru Ports....

Amend the Explanation to Policy 8.9, as follows:

The noise controls for the Ports of ~~Lyttelton and~~ Timaru will be matched, as far as practical, with those of the adjacent territorial **authorities**. Efforts will also be made to integrate the enforcement of those common rules through a delegation or transfer of noise control functions. Appropriate environmental noise standards are applicable to construction activities and to vessels and aircraft that operate across regional boundaries.

Amend Clause (a) of Rule 8.1 Permitted Activities, as follows:

(a) The reconstruction, alteration or extension of an Authorised Structure, or any part of an Authorised Structure, within the Operational Area of a Timaru Port, provided that:

Delete Clause (g) of Rule 8.1 Permitted Activities, as follows:

~~**(g)** Notwithstanding condition (iii) of Rule 8.1 (f), the removal or demolition of the “Screw Piles”, beneath the No. 2 Wharf at the Port of Lyttelton, (Structure number 6 in Schedule 5.12) and the removal or demolition of the “Patent Slip” at the Port of Lyttelton (Structure number 11 in Schedule 5.12), provided that:~~

~~(i) Environment Canterbury and the Historic Places Trust shall be advised in writing at least twenty working days prior to work commencing; and,~~

~~(ii) A professional photographic record of the structure shall be made prior to the removal or demolition of these structures, and any other earlier photographs and plans held by the Lyttelton Port Company shall be collated and copies provided to the Historic Places Trust; and,~~

~~(iii) In relation to the “Screw Piles”, a screw pile, or a number of screw piles, shall be provided to the Historic Places Trust, on request.~~

Amend Clauses (h) and (i) of Rule 8.1 Permitted Activities, as follows:

(h) The reconstruction, replacement or alteration, by or on behalf of the owner, of a fixed pile mooring or a pontoon mooring that existed on 2 July 1994, or a fixed pile mooring or a pontoon mooring that has been authorised by a resource consent after 2 July 1994, provided that:

(i) the mooring is within the ~~Pile Mooring Area of Lyttelton Inner Harbour, Magazine Bay or Diamond Harbour~~ or within the Operational Area of a Timaru Port; and

(ii) no additional moorings shall be created.

(i) The placement of a mooring within the Operational Area of a Timaru Port by, or on behalf of, a Port Company having an occupation right for that purpose.

Amend Principal Reason to Rule 8.1, as follows:

Construction activity carried out within ~~the two port areas of Lyttelton and~~ Timaru **port area**,

Amend Rule 8.2 Discretionary Activities, as follows:

Except as provided for by Rules 8.1, 8.4, 8.5, 8.6, **10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7**; the erection, reconstruction.....

Amend Clauses (c)(iii) of Rule 8.6 Permitted Activities, as follows:

(iii) for any disturbance within the Operational Area of a **Timaru** Port, no more than 50 cubic metres of material shall be disturbed or removed from the foreshore or seabed in any twelve month period; and...

Amend Clauses (d) of Rule 8.6 Permitted Activities, as follows:

(d) The disturbance of the foreshore or seabed, or the removal of material, that is directly associated with maintenance dredging within the Operational Area of a **Timaru** Port, or with maintenance dredging of the Main Navigational Channels for the Ports of ~~Lyttelton~~ or Timaru, as shown on the planning maps.

Amend Rule 8.7 Discretionary Activities, as follows:

Except as provided for by Rules 8.6, 8.8, 8.9, ~~or~~ 8.10, **10.8, 10.9, 10.10, 10.11, 10.12 or 10.13**, or the disturbance....

Amend Rule 8.8 Discretionary Activities, as follows:

Other than within the Operational Area or the Main Navigation Channel of the Port of Lyttelton, any disturbance by any person of the foreshore or seabed.....

Amend Clauses (a)(iii) of Rule 8.11 Permitted Activities, as follows:

(i) within the Operational Areas of a **Timaru** Port, no more than 50 cubic metres of material shall be deposited by any person in any twelve month period; and

Delete Clause (a) of Rule 8.21 Discretionary Activities and renumber the rules, as follows:

Operational Area of the Port of Lyttelton

~~(a) Except as provided for by paragraph (f) of this Rule, any activity related to the operation of the Port of Lyttelton that is emitting noise at any point within the Operational Area of the Port of Lyttelton, is a Discretionary Activity if the noise generated by that activity exceeds any of the following noise limits within the areas and times stated:~~

~~65 dBA Ldn average sound level calculated on an energy basis over any five consecutive days, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~68 dBA Ldn day-night average sound level on any day when measured and assessed, at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~60 dBA Leq (9 hour) time average level over any 9 hour period from 10 p.m. on any day to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~65 dBA Leq (15 min) time average level for any 15 minute period between 10 p.m. to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~85 dBA Lmax maximum sound level on any night from 10 p.m to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

Renumber Clause (b) of Rule 8.21 to be Clause (a).

Renumber Clause (c) of Rule 8.21 to be Clause (b).

Renumber Clause (d) of Rule 8.21 to be Clause (c).

Renumber Clause (e) of Rule 8.21 to be Clause (d) and amend as follows:

Except as provided for by paragraphs (a), ~~(b)~~ or ~~(f)~~ **(e)** of this Rule....

Renumber clause (f) of Rule 8.21 to be Clause (e) and amend subclause (v) as follows:

motorised vessels that are in the course of transiting the Ports of ~~Lyttelton~~ or Timaru, or operating within the Operational Areas of ~~the~~ **Timaru** Ports; but not including the operation of a vessel when berthed; or

Renumber Clause (g) of Rule 8.21 to be Clause (f) and amend as follows:

For the purpose of paragraphs **(b), (c) and (d)** ~~(a), (c), (d) and (e)~~ of this Rule, noise shall be measured in accordance with the provisions of NZS 6801:1999 "Acoustics–Measurement of Sound"

Renumber Clause (h) of Rule 8.21 to be Clause (g) and amend as follows:

For the purpose of paragraph ~~(h)~~ **(a)** of this Rule, noise shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of sound".

Delete Clause (i) of Rule 8.21:

~~(i) For the purpose of paragraph (a) of this Rule, noise shall be assessed in accordance with the provisions of NZS 6809:1999 "Acoustics – Port noise: Management and land use planning"~~

Renumber Clause (j) of Rule 8.21 to be Clause (h) and amend as follows:

For the purpose of paragraph ~~(h)~~ **(a)** of this Rule, noise shall be assessed in accordance with the provisions of NZS 6802:1991 "Assessment of environmental sound".

Renumber Clause (k) of Rule 8.21 to be Clause (i) and amend as follows:

For the purpose of paragraphs (e ~~b~~) to (e ~~d~~) of this Rule, noise shall be assessed in accordance with the provisions of NZS 6802:1999 “Acoustics– Assessment of environmental noise”.

Renumber Clause (l) of Rule 8.21 to be Clause (j).

Renumber Clause (m) of Rule 8.21 to be Clause (k) and amend as follows:

In paragraphs (a) and ~~(b)~~ “beyond” shall mean in a direction away from the Port Operational Area.

Insert new Clause (l) of Rule 8.21:

Rule 8.21(e) does not apply to activities carried out within the Operational Area of the Port of Lyttelton.

Amend the Principal Reason to Rule 8.21 Discretionary Activities, as follows:

Noise in the Coastal Marine Area is to be expected, particularly from the operation of the two commercial ports and from the operation of vessels. However, high noise levels can have adverse effects on health and amenity values and on wildlife habitats in the coastal environment. Controls are therefore necessary to control the adverse effects of high noise levels. Noise above 65 dBA Ldn has the potential to have direct adverse health effects.

Noise limits should be compatible with those set inland of the Coastal Marine Area, particularly where there is a local agreement or a New Zealand Standard has been implemented to resolve potential conflicts, for example those between port activities and residences.

The measurement point applicable for noise sources outside the port areas is at the boundary of the Coastal Marine Area. These numerical noise limits have been set at higher levels than the noise limits typically applied by territorial local authorities. This is because the noise limits applied by territorial local authorities are generally applicable at the boundary of residential properties and are therefore further from the noise source.

~~The noise limits set for the Ports of Lyttelton are consistent with the numerical noise limits in NZS 6809:1999 “Acoustics– Port noise: Management and land use planning”.~~

For the Port of Timaru, the noise limits are those agreed locally through the District Council, and are more restrictive than those found in NZS 6809:1999 “Acoustics– Port noise: Management and land use planning”.

Chapter 10 addresses the management of noise at the Port of Lyttelton.

Amendments to Definitions

Insert the following definitions into Appendix 1 Definition of Terms

Dredge Spoil

means the seabed material removed by dredging from the foreshore or seabed in a particular location and that is to be deposited on the seabed at another location.

Dredging

means the use of a vessel or machine that removes seabed material from the foreshore or seabed in order to deepen or widen, or maintain the depth or width, of the seabed or foreshore.

Earthworks

means the disturbance of land surfaces by blasting, blading, contouring, ripping, moving, removing, placing or replacing soil and earth, or by excavation, or by cutting or filling operations.

Port Activities

Means activities and associated structures carried out or authorised by the owner or operator of Lyttelton Port, within the Coastal Marine Area that are either necessary for the operation of the Port of Lyttelton, or that are industrial or commercial activities that for operational purposes require location within the Coastal Marine Area, and that includes:

- (a) The surface navigation, berthing, manoeuvring, refuelling, storage, servicing, maintenance and repair of vessels;
- (b) Embarking and disembarking of passengers;
- (c) Loading, unloading and storage of cargo;
- (d) General storage areas and facilities;
- (e) The establishment, maintenance and operation of navigation aids;
- (f) Facilities for marine recreation, including boating and fishing, and a floating marina in Dampier Bay;
- (g) Port administration; and

all buildings, infrastructure and associated plant and equipment and car parking to support those activities in clauses (a) to (g).

Wharf Structure

means any piled structure used to moor vessels or used for any other activities ancillary to Port Activities.

Amend the following definitions in Appendix 1 Definition of Terms

Pile Mooring Area

means the areas for pile and pontoon moorings containing ~~the Lyttelton Inner Harbour Pile Moorings~~, the Magazine Bay Marina, and the Diamond Harbour Pile moorings. The Pile Mooring Areas are shown on the Planning Maps in Volume 2.

Structure

means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft, seawall and Wharf Structure.

Amendments to Schedule 5.11.1

Amend Schedule 5.11.1 Lyttelton

The Operational Area of the Port of Lyttelton is the Coastal Marine Area enclosed by the land boundary of the Coastal Marine Area and:

a line from Battery Point at map reference ~~M36:891-336~~ **NZTM X-1579156.054, Y-5172046.519** to south to **NZTM X-1579263.135, Y-5171486.601**, east to **NZTM X-1580311.406, Y-5171662.742**, south to **NZTM X-1580364.297, Y-5171347.976**, sequentially connecting three points to the west at map references **NZTM X-1579325.552, Y-5170901.317**, **NZTM X-1577637.07, Y-5170617.558**, and **NZTM X-1576489.129, Y-5170970.06**, a line from the point at map reference **NZTM X-1576489.129, Y-5170970.06** north to the western boundary of the Port's oil tank farm on the Naval Point Reclamation at map reference **NZTM X-1576441.036, Y-5171262.438**. of the main Navigational Channel at map reference ~~M36:892-328~~,

five lines bounding the ship turning basin from this point, sequentially connecting points at map references ~~M36:891-328, M36:886-324, M36:876-325, and M36:871-325~~, and

a line from the point at map reference ~~M36:871-325~~ to the western boundary of the Port's oil tank farm on the Naval Point Reclamation at map reference ~~M36:866-329~~.

Amendments to Maps

Replace ~~Amend Planning Maps 5.1 and 5.3 with~~ the following Planning Maps:

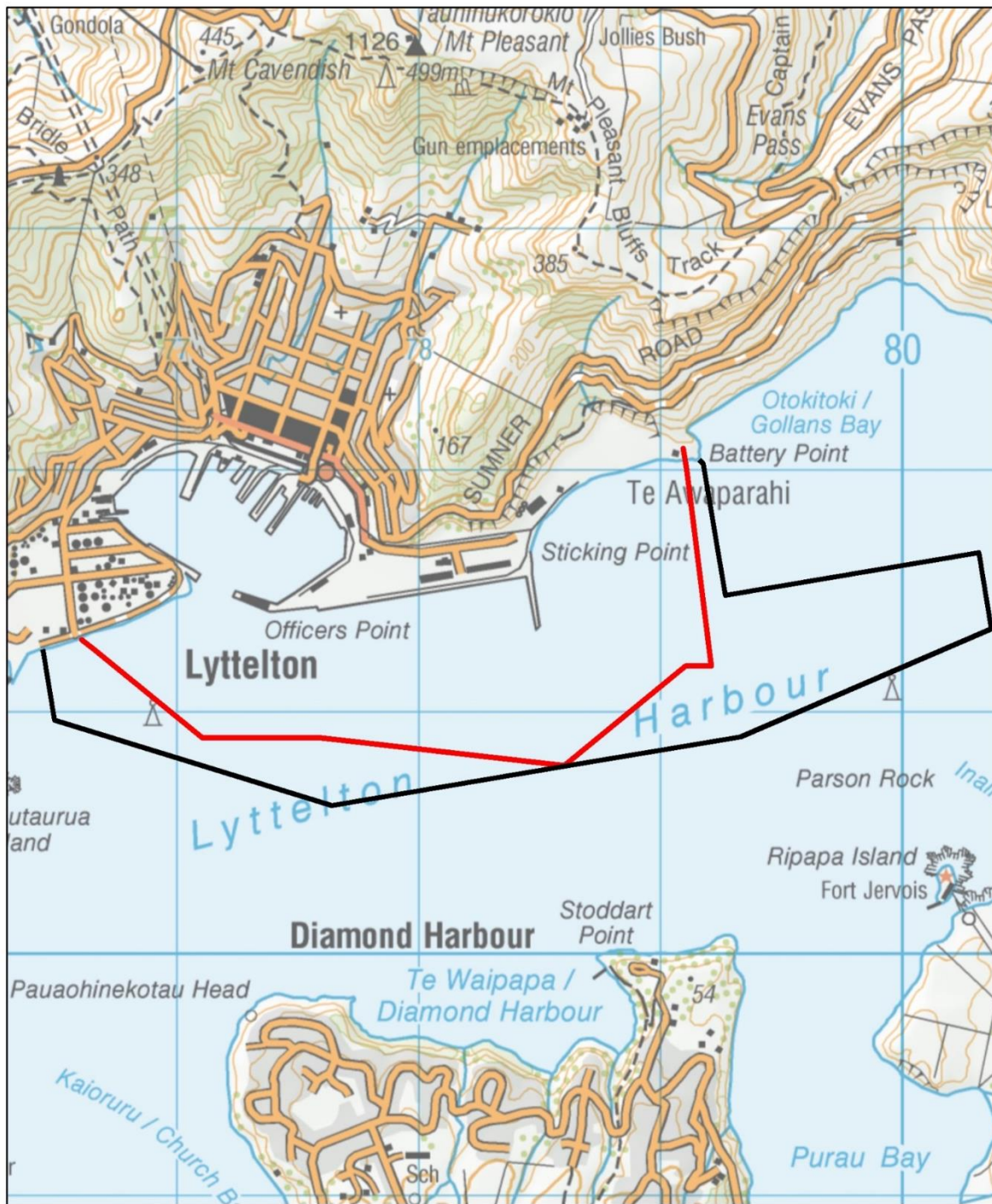
- 1) Planning Map 5.1: Operational Area of the Port of Lyttelton (~~delete existing operational boundary and insert new proposed operational boundary~~)
- 2) Planning Map 5.3: Port of Lyttelton Main Navigation Channel (~~delete existing main navigation channel and insert new proposed navigation channel~~)

Leave the following existing Planning Map

- 1) Planning Map 5.5: Lyttelton Harbour/Whakaraupō Spoil Dumping Grounds

Insert the following new Planning Maps:

- 1) Planning Map 5.6: Port of Lyttelton Stormwater Discharge Areas
- 2) Planning Map 5.7: Port of Lyttelton ~~Wharf Structure, Berth Pocket and Reclamation~~ Berthing Areas
- 3) Planning Map 5.8: Port of Lyttelton Contamination Areas in the Inner Harbour
- 4) Planning Map 5.9: Port of Lyttelton Occupation Area
- 5) Planning Map 5.10: Port of Lyttelton Te Awarapahi Bay Reclamation Area



Map 5.1 Operational Area of the Port of Lyttelton

- Existing Operational Boundary
- Proposed Operational Boundary



Topological information sourced from NZ Topo Database
 CROWN COPYRIGHT RESERVED.
 Approved for internal reproduction Environment Canterbury.





Map 5.3 Port of Lyttelton Main Navigation Channel

- Existing Main Navigation Channel
- Proposed Main Navigation Channel



Topological information sourced from NZ Topo Database
 CROWN COPYRIGHT RESERVED.
 Approved for internal reproduction Environment Canterbury.





Map 5.5 Lyttelton Harbour/Whakaraupō Spoil Dumping Grounds

 Dredging Spoil Dumping Grounds



Topological information sourced from NZ Topo Database
CROWN COPYRIGHT RESERVED.
Approved for internal reproduction Environment Canterbury.





Map 5.6 Port of Lyttelton Stormwater Discharge Areas

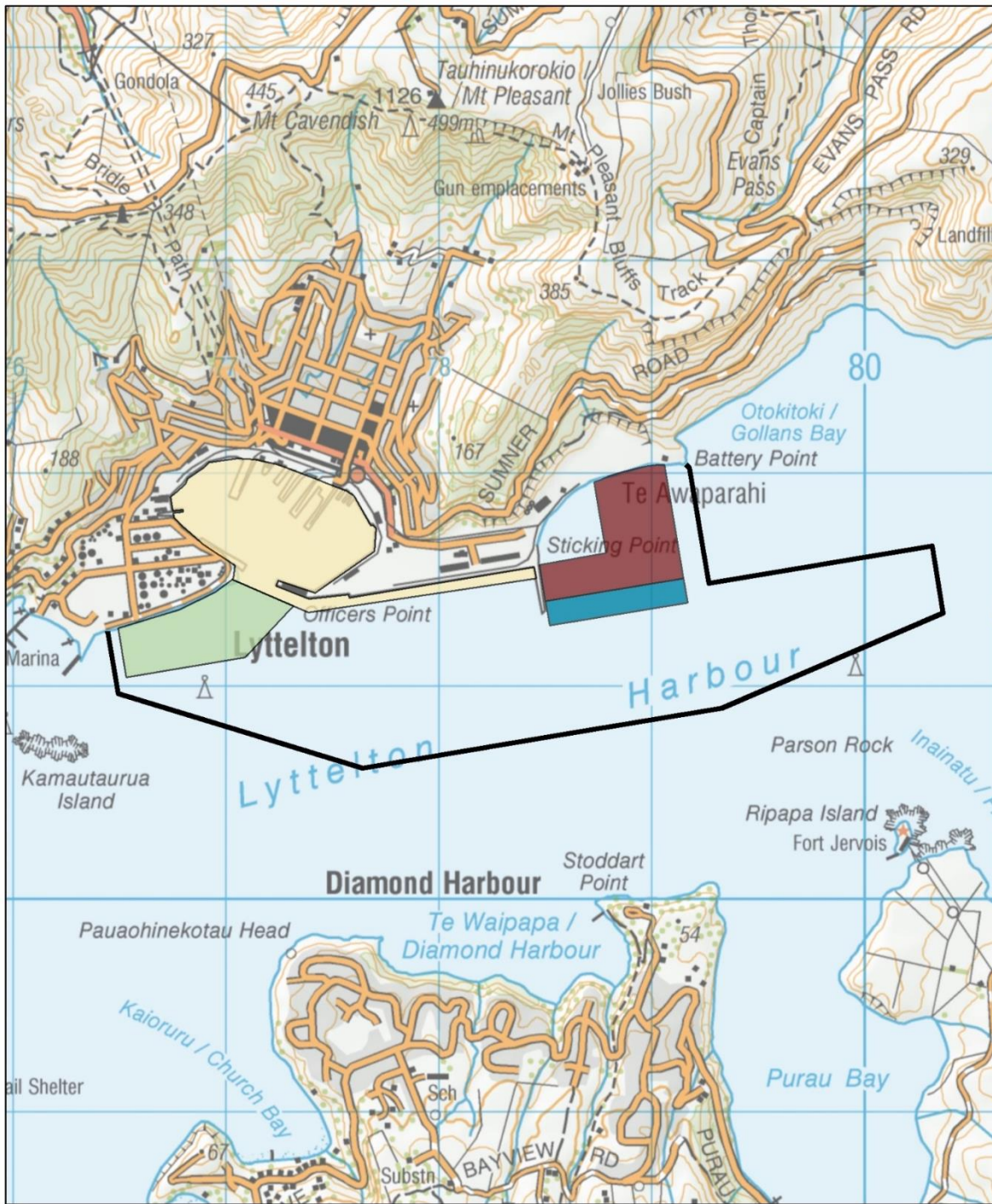
-  Operational Boundary
-  Area A (Port Land Use Area)
-  Area B (Gollans Bay Quarry Area)



Topological information sourced from NZ Topo Database
CROWN COPYRIGHT RESERVED.
Approved for internal reproduction Environment Canterbury.



12/02/2015 Map Series 5



Map 5.7 Port of Lyttelton Berthing Areas

-  Operational Boundary
-  Area A – Te Awaparahi Bay Reclamation Area
-  Area B – Inner Harbour and Cashin Quay Berthing Areas
-  Area C – Naval Point Cruise Ship Berthing Area
-  Area D - Reclamation Berthing Area

Topological information sourced from NZ Topo Database
 CROWN COPYRIGHT RESERVED.
 Approved for internal reproduction Environment Canterbury.





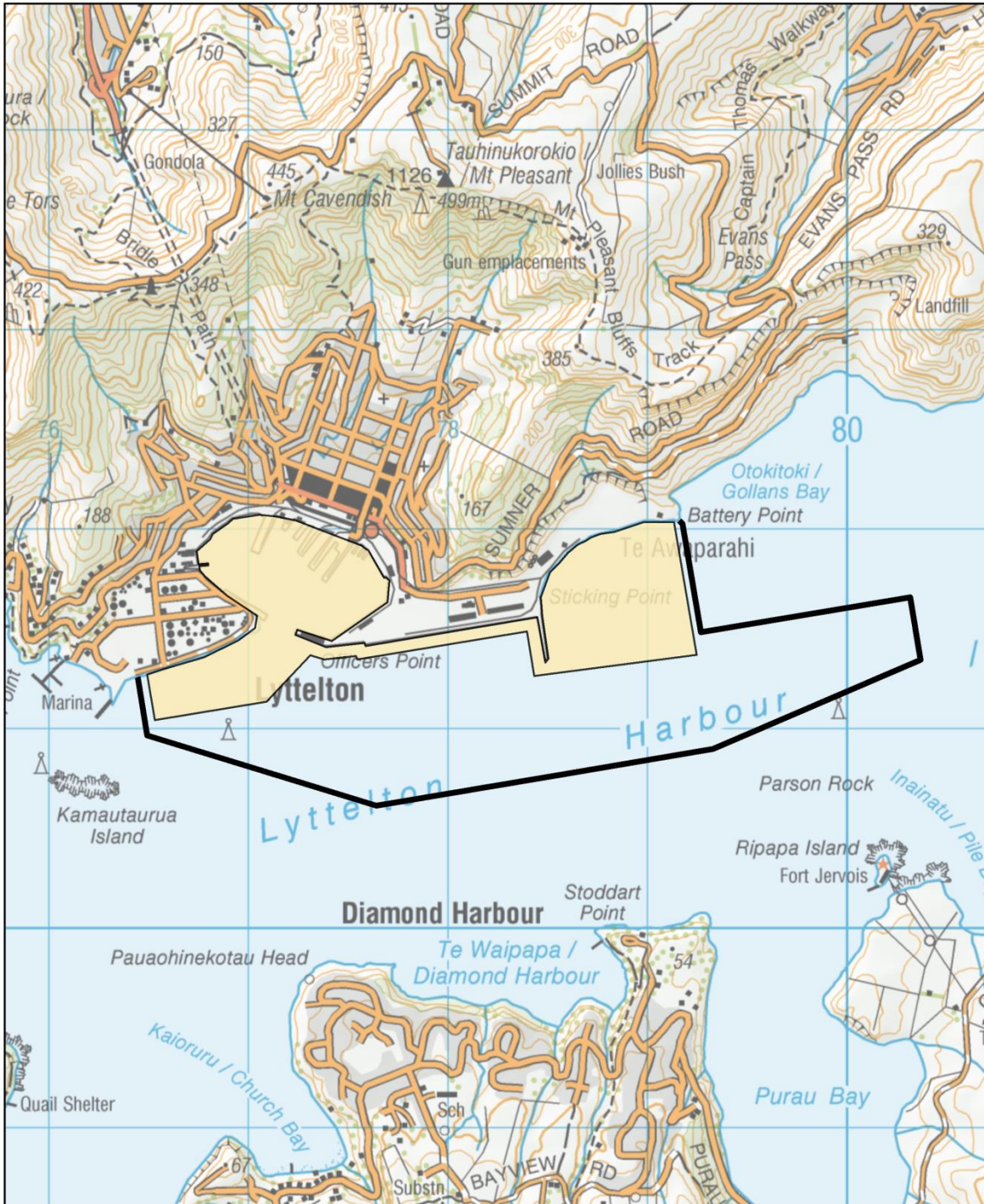
Map 5.8 Port of Lyttelton Contamination Areas in the Inner Harbour

- Areas of known or potential contamination
- Inner Harbour



Topological information sourced from NZ Topo Database
 CROWN COPYRIGHT RESERVED.
 Approved for internal reproduction Environment Canterbury.





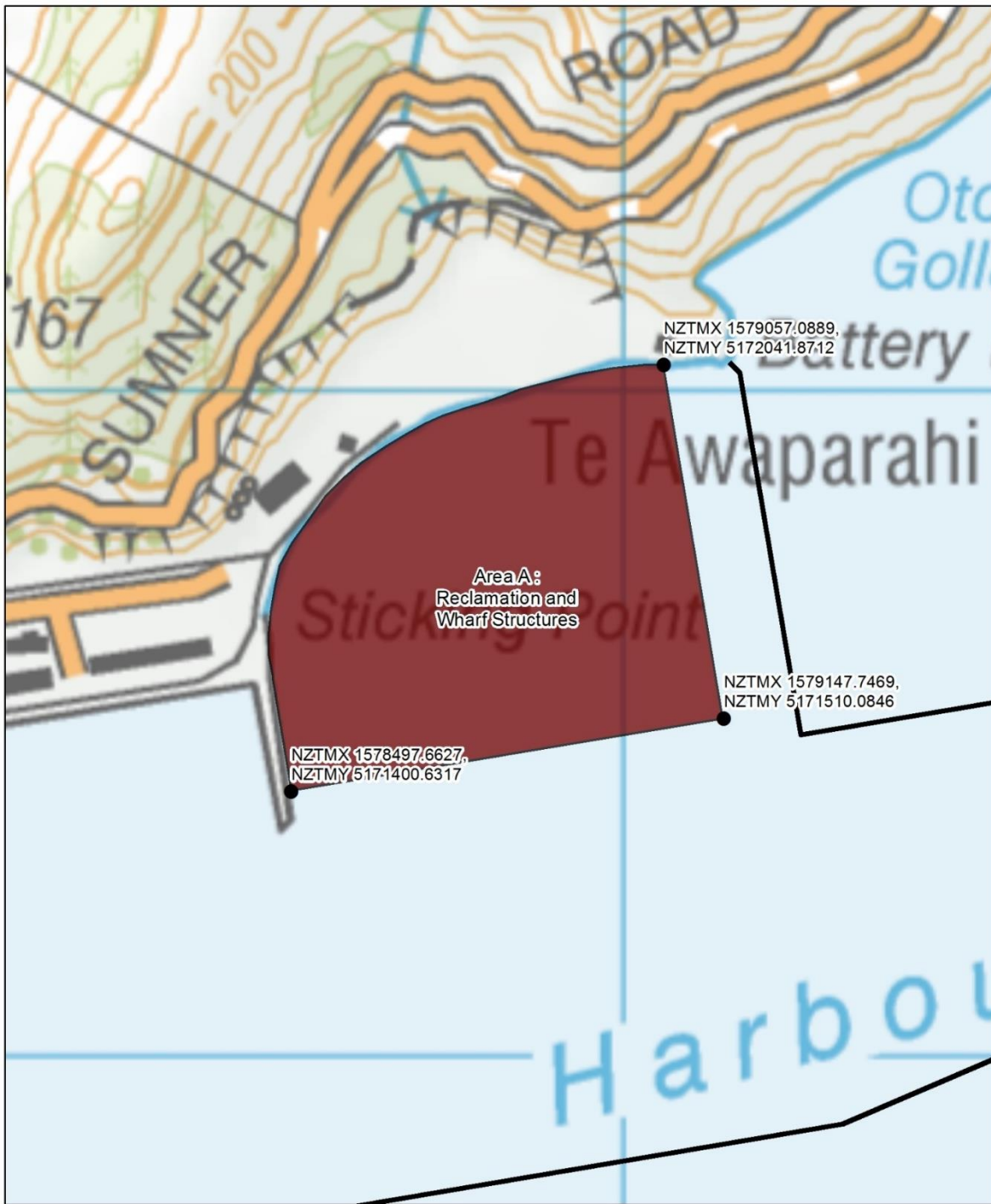
Map 5.9 Port of Lyttelton Occupation Area

- Operational Boundary
- Occupation by Port Activities



Topological information sourced from NZ Topo Database
 CROWN COPYRIGHT RESERVED.
 Approved for internal reproduction Environment Canterbury.





Map 5.10 Te Awaparahi Bay Reclamation Area

— Operational Boundary



Topological information sourced from NZ Topo Database
CROWN COPYRIGHT RESERVED.
Approved for internal reproduction Environment Canterbury.



Appendix 4: Amendments to the proposed Christchurch Replacement District Plan

Appendix 4: Amendments to the proposed Christchurch Replacement District Plan

21.8. Specific Purpose (Lyttelton Port) Zone

21.8.1 Objectives and Policies

21.8.1.1 Objective – Recovery and growth of Lyttelton Port

- a. The recovery of the Lyttelton Port is enabled in a timely manner:
 - i. to restore its efficient and effective operation, and enable growth and development to support its role as strategic infrastructure in the recovery of greater Christchurch; and
 - ii. to recognise its significance in the recovery of greater Christchurch, including economic growth within the township of Lyttelton, Christchurch District and the wider region.

21.8.1.1.1 Policy – Elements of recovery

- a. Recognise that the repair, rebuild and reconfiguration of Lyttelton Port entails the progressive phased movement east of port operations resulting in:
 - i. operational port activities being established on reclaimed land in Te Awaparahi Bay; and
 - ii. the shifting of some general cargo from the Inner Harbour to Cashin Quay; and
 - iii. redevelopment of land in Dampier Bay in a staged manner to provide for a commercial marina and associated land-side activities, including limited commercial activity, with enhanced public access and connectivity between the Lyttelton township, surrounding residential area and other parts of Naval Point.

21.8.1.1.2 Policy – Management areas and activities

- a. Identify functional areas within the Specific Purpose (Lyttelton Port) Zone that recognise the elements of recovery consisting of:
 - i. the port operational area to provide for a range of port and ancillary activities, including the tank farm area at Naval Point;
 - ii. the port quarry area at Otokitoki/Gollans Bay to enable continuation of port quarrying activities and maintenance of haul roads to support and facilitate Port maintenance and development, including reclamation; and
 - iii. the Dampier Bay area to provide for redevelopment of the area with activities that support a public waterfront area, marina and associated facilities.

21.8.1.1.3 Policy – Port operation, use and development

- a. Enable the efficient operation, use and development of Lyttelton Port by:

- i. ensuring non-port related activities or development do not compromise Port operations or development of port and maritime facilities;
- ii. avoiding public access in the port operational and quarry areas, except to Naval Point, to ensure public safety and the security of cargo and Port operations;
- iii. avoiding the creation of esplanade reserves or esplanade strips within the Specific Purpose (Lyttelton Port) Zone;
- iv. providing for expansion of the Port operational area onto reclaimed land in Te Awaparahi Bay; and
- v. providing flexibility to maintain and manage operations that increase the Port's resilience to natural hazards during and after natural hazard events and that appropriately manage hazard risk.

21.8.1.1.4 Policy – Access and movement network

Ensure access and movement networks provide for:

- a. efficient, safe and effective access along Norwich Quay to the Lyttelton Port, to meet the needs of the Port as a strategic transport and freight hub; and
- b. safe, direct and accessible provision for all transport modes between the Lyttelton Town Centre and surrounds to the ferry, cruise ships, marina and publicly accessible areas of Naval Point and the Dampier Bay/Inner Harbour waterfront.

21.8.1.2 Objective – Effects of Lyttelton Port recovery and operation

- a. The recovery of Lyttelton Port, including its operation is managed to:
 - i. reduce the potential for adverse effects on the amenity of the wider Lyttelton township during recovery and repair, while recognising the inherent nature of adverse effects associated with large scale construction projects;
 - ii. mitigate adverse effects on the wider Lyttelton township and environment generated from on-going port operations;
 - iii. ~~consider opportunities to~~ minimise adverse effects of development on manawhenua cultural values; and
 - iv. avoid significant adverse effects of commercial activities in the Specific Purpose (Lyttelton Port) Zone on the recovery and function of the Lyttelton Town Centre and on the operational efficiency and safety of port activities.

21.8.1.2.1 Policy – Recovery opportunities to reduce adverse effects

- a. Ensure activities undertaken within the Specific Purpose (Lyttelton Port) Zone, including to enhance and reconfigure Lyttelton Port infrastructure and operations, are designed to reduce existing and minimise new adverse effects generated within the Port operational areas.

21.8.1.2.2 Policy – Commercial activities

- a. Avoid retail and office activities in the Specific Purpose (Lyttelton Port) Zone except where they are:
 - i. ancillary to port activities; or
 - ii. located in the Dampier Bay Area, with limits on the range and scale of activities that may establish prior to 2026; or
 - iii. located in buildings that have direct pedestrian access and frontage onto Norwich Quay.

21.8.1.2.3 Policy – Port quarrying activities

Ensure that:

- a. port quarrying activities are carried out in a way that mitigates significant adverse effects arising from noise, vibration, or the risk of natural hazards caused by rockfall; and
- b. rehabilitation of quarried areas is undertaken progressively where practicable or otherwise once quarry operations cease.

21.8.1.2.4 Policy – Built form of development

- a. Provide for the development of Dampier Bay in a way that ensures the form, scale and height of the built form of development in the Dampier Bay Area and adjoining Norwich Quay:
 - i. are limited in height to reflect the relationship to the existing built form and to retain visual connections between the township and residential areas to the harbour and views of operational port activities; and
 - ii. enhance the amenity of the interface of the Port with the Lyttelton Town Centre, adjacent activities and public areas through good urban design, landscape and boundary treatment.

21.8.1.3 Objective – Dampier Bay

- a. The redevelopment of Dampier Bay with public facilities and a limited range and scale of commercial activities, to create a safe, pleasant and accessible waterfront for the public, that engages with and connects to the surrounding environment.

21.8.1.3.1 Policy – Dampier Bay development

- a. Provide for the subdivision, use and development of the Dampier Bay Area to achieve:
 - i. continuous permanent waterfront access for pedestrians and cyclists;
 - ii. enhanced recreational, open space, visual and amenity benefits to the public;
 - iii. land-side public facilities including car parking, public toilets, a high-quality pedestrian route along the waterfront and landscaping;

- iv. integration with public transport, including a safe and efficient connection between the Lyttelton Town Centre and any passenger ferry terminals and facilities for commuters and visitors;
- v. a built form of development that reflects the context and character of its industrial maritime surroundings;
- vi. activated frontages adjoining the waterfront and, where practical, publicly accessible spaces;
- vii. recognition of Ngāi Tahu/manawhenua cultural values through design of public spaces, use of low impact design and plantings and other opportunities identified through assessment of Ngāi Tahu cultural landscape values; and
- viii. protection of identified public view shafts between Lyttelton township to the Port and the Inner Harbour, aligning with Voelas Road and Simeon Quay viewing areas.

21.8.1.3.2 Policy – Access and connectivity

- a. Ensure public safety and Port security are maintained through limiting public access to Port operational areas; whilst
- b. Ensuring the provision of high-quality public open spaces and safe public access and public connections between Norwich Quay, Dampier Bay and the adjoining coastal marine area, Lyttelton Town Centre and Naval Point.

21.8.2 Rules – Specific Purpose (Lyttelton Port) Zone

21.8.2.1 How to use the rules

21.8.2.1.1 The rules that apply to activities in the Specific Purpose (Lyttelton Port) Zone are contained in the:

- a. Activity Status Tables (including Activity Specific Standards) in Rule 21.8.2.2; and
- b. Built Form Standards in 21.8.2.3.

21.8.2.1.2 The Activity Status Tables and standards in the following Chapters also apply to activities in all areas of the Specific Purpose (Lyttelton Port) Zone (where relevant):

5 Natural Hazards;

6 General Rules and Procedures [except 6.1 Noise and 6.3 Outdoor Lighting and Glare](#); and

9 Natural and Cultural Heritage.

[21.8.2.1.3 Any activity in the Specific Purpose \(Lyttelton Port\) Zone is exempt from the provisions in the following chapters:](#)

[6 General Rules and Provisions relating to 6.1 Noise and 6.3 Outdoor Lighting and Glare](#)

[7 Transport](#)

[8 Subdivision, Development and Earthworks](#)

[12 Hazardous Substances and Contaminated Land](#)

21.8.2.2 Activity Status Tables

21.8.2.2.1 Permitted activities

In the Specific Purpose (Lyttelton Port) Zone, the activities listed below shall comply with any Activity Specific Standards set out in this table and the Built Form Standards in Rule 21.8.2.3.

Activities may also be Controlled, Restricted Discretionary, Discretionary or Non-complying as specified in Rules 21.8.2.2.2, 21.8.2.2.3, 21.8.2.2.4 and 21.8.2.2.5 below.

	ACTIVITY	ACTIVITY SPECIFIC STANDARDS
P1	Port Activities, <u>except as stated in Rule 21.8.2.2.2 C4 and C5, and Rule 21.8.2.2.3 RD3.</u>	a. No Port Activities, except navigational aids, and earthworks permitted under 21.8.2.2.1 P4, shall be undertaken within the Quarry Area as shown in Appendix 21.8.4.1
P2	Ecological restoration and livestock grazing	a. Any ecological restoration and livestock grazing shall only be undertaken in the Quarry Area as shown in Appendix 21.8.4.1.
P3	Helicopter facilities, including the landing and taking off of helicopters and associated fuelling and service facilities	<p>a. Any landing and taking off shall only be undertaken between the hours of 0700 and 2200 hours.</p> <p>b. Any landing area shall be located more than 450m from any Residential Banks Peninsula, Residential Conservation, or Commercial Banks Peninsula Zone.</p> <p>c. The above standards do not apply to emergency flights that are responding to an incident within the Specific Purpose (Lyttelton Port) Zone.</p>
P4	Earthworks	Any earthworks within the Quarry Area as shown in Appendix 21.8.4.1 shall not exceed an area of 500m ² per annum.
P5	Retail Activity	Any Retail Activity (other than as provided for as Port Activities) shall: <p>a. only be located within the Dampier</p>

		<p>Bay Area as shown in Appendix 21.8.4.1 <u>or within buildings with a direct frontage to Norwich Quay</u>;</p> <p>b. other than retailing of maritime or port related goods and services, be limited to:</p> <p>i. a maximum tenancy size for an individual tenancy of 450m² GLFA; and</p> <p>ii. a maximum of 3 food and beverage outlets; and</p> <p>iii. a total aggregated maximum GLFA of 1,000m² to 1 January 2026.</p>
P6	Office Activity	<p>Any Office Activity, other than as provided for as Port Activities, shall be limited to:</p> <p>a. a total aggregated maximum GLFA for all Office Activity of 2,000m² up to 1 January 2026; and</p> <p>b. no more than 500m² GLFA of the 2,000m² for general office activities that are not maritime or port-related; and</p> <p>c. the Dampier Bay Area as shown in Appendix 21.8.4.1 or on a site with direct frontage to Norwich Quay.</p>
P7	Emergency Service Facilities, including Coastguard	a. NIL
P8	Public Artwork	a. NIL
P9	Museum and visitor information activities	a. Any museum and visitor information activities shall be located within the Dampier Bay Area as shown in Appendix 21.8.4.1.
P10	Hazardous Facilities and Hazardous Substances, except as specified under Rule 21.8.2.2.2 C3	<p>a. Any Hazardous Facilities and Hazardous Substances shall be in quantities less than or equal to the permitted activity threshold values listed in Column A of Appendix 21.8.4.9.</p> <p>b. Notwithstanding (a) above, the storage of Hazardous Substances in transit and/or in temporary storage as cargo (maximum 72 hours) is a permitted activity and Appendix 21.8.4.9 shall not apply.</p>

21.8.2.2.2 Controlled Activities

The activities listed below are <i>Controlled</i> Activities.	
Controlled Activities C1 - C5 and C7 shall also comply with the Built Form Standards set out in 21.8.2.3.	
Controlled Activity C6 shall also comply with Built Form Standard 21.8.2.3.10.	
The Council's control is reserved over the matters set out in 21.8.3 for each activity as set out in the following table.	
Any application arising from these rules will not require written approvals and shall not be publicly or limited notified.	
Activity	The Council's control shall be limited to the following matters:

C1	Earthworks that do not meet the Activity Specific Standards in Rule 21.8.2.2.1 P4.	<ul style="list-style-type: none"> a. Slope stability and natural hazard mitigation – 21.8.3.3.1 b. Management of terrestrial ecology and rehabilitation – 21.8.3.3.2
C2	Port Quarrying Activity within the quarry footprint of the Quarry Area as shown in Appendix 21.8.4.3. This excludes earthworks undertaken as part of Port Quarry Activities and that meet the Activity Specific Standards in Rule 21.8.2.2.1 P4.	<ul style="list-style-type: none"> a. Slope stability and natural hazard mitigation – 21.8.3.3.1 b. Management of terrestrial ecology and rehabilitation – 21.8.3.3.2
C3	Hazardous Facilities and Hazardous Substances involving the storage and handling of fuels and other bulk liquids within the boundary of the Bulk Liquids Storage Area identified in Appendix 21.8.4.9.	<ul style="list-style-type: none"> a. Hazardous substances – 21.8.3.2.7

C4	The erection of a new or relocated building in the Dampier Bay Area.	<ul style="list-style-type: none"> a. Site layout and building design in Dampier Bay Area – 21.8.3.1.1 b. Public transport facilities – 21.8.3.1.3 (a) to (c)
C5	Any building located within Height Area C as shown in Appendix 21.8.4.4, excluding containers, that is between 8m and 15m in height.	<ul style="list-style-type: none"> a. Site layout and building design in Dampier Bay Area – 21.8.3.1.1(e)
C6	Subdivision Activity	<ul style="list-style-type: none"> a. Subdivision – 21.8.3.3.4 b. Dampier Bay Area Outline Development Plan – 21.8.3.3.3
<u>C7</u>	<u>Public Amenities including public walkways and publicly accessible space located within the Dampier Bay Area and Port Operational Area, including any connections with Lyttelton township.</u>	<ul style="list-style-type: none"> <u>a. Site layout and building design in Dampier Bay Area – 21.8.3.1.1</u> <u>b. Dampier Bay Area public space – 21.8.3.1.2</u>

21.8.2.2.3 Restricted Discretionary Activities

<p>The activities listed below are <i>Restricted Discretionary</i> Activities.</p> <p>Restricted Discretionary Activities RD2 to RD65 shall also comply with the Built Form Standards set out in 21.8.2.3.</p> <p>The exercise of discretion is restricted to the matters of discretion set out in 21.8.3 for each activity, as set out in the following table.</p>	
Activity	The Council’s discretion shall be limited to the following matters:

RD 1	<p>Non-compliance with Built Form Standards in Rule 21.8.2.3.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<p>a. Maximum building height – 21.8.3.2.1</p> <p>b. Daylight recession plane at boundary with a Residential Zone – 21.8.3.2.2</p> <p>c. Landscaping in Dampier Bay Area – 21.8.3.2.3</p> <p>d. Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4</p> <p>e. Light and Glare – 21.8.3.2.5</p> <p>f. Access – 21.8.3.6</p>
RD 2	<p>Public Amenities including public walkways and publicly accessible space located within the Dampier Bay Area and Port Operational Area, including any connections with Sutton Quay.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<p>a. Site layout and building design in Dampier Bay Area – 21.8.3.1.1</p> <p>b. Dampier Bay Area public space – 21.8.3.1.2</p>
RD 32	<p>New Public Transport Facilities located within the Port Operational Area or Dampier Bay Area, except as stated in Section 21.8.2.2.5.</p> <p><u>Any application arising from this rule for a passenger ferry terminal shall be publicly notified.</u></p>	<p>a. Site layout and building design in Dampier Bay Area – 21.8.3.1.1</p> <p>b. Public transport facilities – 21.8.3.1.3</p>

RD 43	<p>Activities that are not in accordance with the Dampier Bay Outline Development Plan in Appendix 21.8.4.2, except for the view shafts and pedestrian promenade elements.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	a. Dampier Bay Outline Development Plan – 21.8.3.3.3
RD 54	Hazardous Facilities and Hazardous Substances that do not meet the Activity Specific Standards in Rule 21.8.2.2.1 P10.	a. Hazardous substances – 21.8.3.2.7
RD 65	<p>Provision of public vehicle access to and from the area covered by the Dampier Bay Outline Development Plan in Appendix 21.8.4.2 or from a Public Transport Facility associated with a passenger ferry terminal, via Sutton Quay.</p> <p>Any application arising from this rule will require the written approval of the New Zealand Transport Agency only and shall not be publicly notified.</p>	a. Access – 21.8.3.2.6 (b)–(c)

21.8.2.2.4 Discretionary Activities

The activities listed below are a <i>Discretionary Activities</i> .
Activity
D1 Any Retail Activity (other than Port Activities) that does not comply with Activity Specific Standards in Rule 21.8.2.12.1 P5

D2 Any Office Activity (other than Port Activities) that does not comply with Activity Specific Standards in Rule 21.8.2.12.1 P6
D3 Port Quarrying Activity within the Quarry Area but outside of the quarry footprint shown in Appendix 21.8.4.3
D4 Port Activities that do not comply with Activity Specific Standards in Rule 21.8.2.12.1 P1
D5 Activities that are not in accordance with the viewshafts and pedestrian promenade elements of the Dampier Bay Outline Development Plan in Appendix 21.8.4.2
D65 Any activity not provided for as a <i>Permitted, Controlled, Restricted Discretionary, or Non-Complying Activity</i> .

21.8.2.2.5 Non-complying Activities

The activities listed below are a <i>Non Complying Activity</i> .
NC1 Helicopter facilities that do not meet the Activity Specific Standards in Rule 21.8.2.2.1 P3
NC2 New public transport facilities associated with a passenger ferry terminal located in a position west of Canterbury Street, Lyttelton, prior to the provision of <u>pedestrian and</u> public vehicle access to the terminal via Sutton Quay.

21.8.2.2.6 Prohibited Activities

There are no <i>prohibited activities</i> .

21.8.2.3 Built Form Standards

21.8.2.3.1 Maximum building height

	Applicable to	Permitted	Restricted Discretionary	Matters of Discretion
a.	Quayside and container cranes, lighting towers and container storage (except containers located within Height Area C as shown in Appendix 21.8.4.4)	No limit	NA	NA
b.	Bulk liquids storage structures within Area A as shown in Appendix 21.8.4.5	20m	Greater than 20m	Maximum building height – 21.8.3.2.1
c.	Bulk liquids storage structures within Area B as shown in Appendix 21.8.4.5	23m	Greater than 23m	
d.	Buildings, except where specified in (e) below	15m	Greater than 15m	
e.	Buildings within Height Area A of the Dampier Bay Area as shown in Appendix 21.8.4.4	12m	Greater than 12m	
f.	Buildings within Height Area B of the Dampier Bay Area as shown in Appendix 21.8.4.4	15m	Greater than 15m	
g.	Buildings not otherwise provided for under (a) with frontage to Norwich Quay and containers located within Height	15m	Greater than 15m	

	Area C as shown in Appendix 21.8.4.4. This standard shall not apply to temporary structures erected for noise mitigation, construction activities or transiting containers that remain on site for less than 72 hours.			
h.	Telecommunications utility structures	25m	Greater than 25m	
i	<u>Buildings not otherwise provided for under (a) that are located in the Canterbury Street view shaft as shown in Appendix 21.8.4.4.</u>	<u>Does not project above the level of Norwich Quay</u>	<u>Height above the level of Norwich Quay</u>	<u>Maximum building height 21.8.3.2.1</u>

Note: See the permitted height exceptions contained within the definition of height. See also Rule 21.8.2.2. 32 C5 Controlled Restricted-Discretionary Activities for urban design considerations applying to buildings over 8m in height in Height Area C as shown in Appendix 21.8.4.4.

21.8.2.3.2 Daylight recession planes at boundary with a Residential Zone

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	All buildings.	Buildings shall not project beyond a building envelope constructed by a 45 degree recession plane measured at any point 2m above the nearest boundary abutting any site in a residential zone	Non-compliance with permitted standard	Daylight recession planes at boundary with a Residential Zone – 21.8.3.2.2

21.8.2.3.3 Landscaping within the Dampier Bay Area

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	Any buildings and/or car parking areas located in Area A of the Dampier Bay Area as shown in Appendix 21.8.4.2 with road frontage to Godley Quay	A Landscaping Strip shall be provided along the road frontage adjoining Godley Quay in accordance with the Outline Development Plan in Appendix 21.8.4.2 and comply with the following standards: a. minimum width – 3m (except over accessways; and b. all landscaping shall consist of densely planted native species indigenous to Canterbury.	Non-compliance with permitted standard	Landscaping in Dampier Bay Area – 21.8.3.2.3

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

21.8.2.3.4 Light spill

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	All activities	No operation or activity shall be conducted so that direct illumination exceeds 10 lux (lumens per square metre) within at the boundary of any site in a residential zone	Non-compliance with permitted standard	Light and glare – 21.8.3.2.5

		<p>or Commercial Banks Peninsula Zone.</p> <p>Light shall be measured on an instrument meeting the requirements of the New Zealand Standard C.P.22(1962) and Amendments.</p> <p><u>Fixed exterior lighting shall be directed away from properties in adjacent zones and the Transport Zone.</u></p>		
--	--	---	--	--

The following activities are exempt:

- a. lighting associated with emergency response or other public safety vehicles or equipment;
- b. reflected glare from structures or vehicles;
- c. glare from lights of vehicles; and
- d. lighting from navigational aids.

21.8.2.3.5 Vibration

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion

a.	Port Quarrying Activity	<p>Vibration and airblast overpressure from blasting associated with quarrying shall not exceed the following limits at any point within the notional boundary of any dwelling respectively:</p> <p>i. 5mm/s ppv;</p> <p>ii. 120 dB L_{zpeak}</p> <p>The notional boundary of a dwelling is defined as a line 20 metres from the exterior wall of any dwelling or the legal boundary where this is closer than 20m to the dwelling.</p>	Non-compliance with permitted standard	Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4
b.	Construction Activity	There are no vibration limits for construction activity.	NA	NA

21.8.2.3.6 Noise limits

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	Port Activities	No noise limits	NA	NA
b.	Construction Activities	No noise limits	NA	NA

c.	Port Quarrying Activities within the Quarry Area shown in Appendix 21.8.4.1	<p>Shall not exceed the following noise limits at any point within the notional boundary of any dwelling when measured in accordance with the requirements of NZS6801:2008 Acoustics – Environmental Noise</p> <p>Monday to Saturday 7am–10pm 50 dB L_{Aeq}</p> <p>At all other times 40 dB L_{Aeq}</p> <p>On any day between 10pm and the following 7am 70 L_{Amax}.</p> <p>The notional boundary of a dwelling is defined as a line 20 metres from the exterior wall of any dwelling or the legal boundary where this is closer than 20m to the dwelling.</p>	Non-compliance with the permitted standard	Noise from Dampier Bay Activities (<u>other than Port Activities</u>) and from <u>Port Quarrying Activities Quarry Noise and Blasting</u> – 21.8.3.2.4
d.	Any activities not listed in a–c above	Noise limits as shown in Table 21.8.1	Non-compliance with permitted standard	Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4

- i. Noise levels shall be measured in accordance with NZS6801:2008 *Acoustics – Measurement of Environmental Sound*, and assessed in accordance with NZS6802:2008 *Acoustics – Environmental Noise*, except that provisions in NZS 6802 referring to Special Audible Characteristics shall not be applied.

- ii. Noise level standards shall apply at any point on or beyond the boundary of the site producing the noise, except that noise standards shall not apply when received in a Transport Zone. Where a site is divided by a zone boundary, then each part of the site divided by the zone boundary shall be treated as a separate site for the purpose of these rules, except that no noise rules shall apply at the zone boundary where it is within the site.

Table 21.8.1 Noise limits

	Daytime (0700–2200)		Night-time (All other times)	
	L _{Aeq}	L _{Amax}	L _{Aeq}	L _{Amax}
When measured at or within the boundary of any site zoned:				
Residential Zones	50 dB	75 dB	40 dB	65 dB
Commercial Banks Peninsula Zone	55 dB	80 dB	45 dB	70 dB
Industrial General Zone	60 dB	80 dB	50 dB	70 dB

21.8.2.3.7 Lyttelton Port Noise Management and Noise Mitigation

- a. The owners or operators of Lyttelton Port shall prepare and implement a Port Noise Management Plan including, but not limited to, the matters set out in Appendix 21.8.4.6.
- b. The owners or operators of the Lyttelton Port shall establish, maintain and participate in a Port Liaison Committee with functions including, but not limited to, the matters set out in Appendix 21.8.4.6.
- c. The owners or operators of the Lyttelton Port shall prepare and implement, in conjunction with the Port Liaison Committee, a Plan for Acoustic Treatment and Purchase of Dwellings, including, but not limited to, the matters listed in Appendix 21.8.4.7.

21.8.2.3.8 Lyttelton Port Construction Noise Management and Monitoring

- a. The owners or operators of the Lyttelton Port shall prepare and implement a Construction Noise Management Plan including, but not limited to, the matters set out in Appendix 21.8.4.8.
- b. The owners or operators of the Lyttelton Port shall prepare and implement, in conjunction with the Port Liaison Committee, a Construction Noise Mitigation Plan including, but not limited to, the matters listed in Appendix 21.8.4.8.

21.8.2.3.9 Transport Standards

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	High Trip Generators	i. All traffic using the existing accesses as at June 2015 from the Special Purpose (Lyttelton Port) Zone onto State Highway 74. ii. Traffic using any new or existing accesses from the Special Purpose (Lyttelton Port) Zone onto local roads.	NA	NA
b.	Access Points	The formation of a new access point onto a road located within the Specific Purpose (Lyttelton Port) Zone.	The formation of a new access point from the Specific Purpose (Lyttelton Port) Zone onto State Highway 74 or local roads located outside of the Specific Purpose (Lyttelton Port) Zone	Access – 21.8.3.6(a)
c.	Car parking	No on-site car parking is required <u>0.35 car parks per marina berth.</u>	NA <u>Non-compliance with permitted standard</u>	NA <u>Marina parking – 21.8.3.2.10</u>

Note: Car parking is a matter for control or discretion for resource consents required under Rule 21.8.2.2.2 C4 and Rule 21.8.2.2.3 RD~~4~~3.

21.8.2.3.10 Subdivision Standards

	Applicable to	Controlled	Matters of control

All subdivision activities		<ul style="list-style-type: none"> i. All allotments shall have legal access that is able to accommodate a driveway to a formed road. ii. Any vehicle access shall be provided in accordance with Appendix 7.7. iii. Where land to be subdivided with frontage to a state highway has practical legal access to an alternative road, there shall be no access to the state highway. iv. In the event of multiple site subdivision where parking is provided as a common facility, the parking area shall have legal access to a formed road. v. Subdivision within Dampier Bay Area A or B is in accordance with the Outline Development Plan as shown in Appendix 21.8.4.2. vi. An esplanade reserve or esplanade strip shall not be required, and section 230 of the Resource Management Act shall not apply. vii. No minimum allotment size shall apply. 	<ul style="list-style-type: none"> a. Subdivision – 21.8.3.3.4 b. Dampier Bay Area Outline Development Plan – 21.8.3.3.3
----------------------------	--	--	--

21.8.2.3.11 Building Setbacks from Rail Corridor

	<u>Applicable to</u>	<u>Permitted</u>	<u>Restricted Discretionary</u>	<u>Matters of discretion</u>
a.	<u>Buildings, balconies and decks on sites adjacent to or abutting railway lines.</u>	<u>A minimum of 4 metres from the designated rail corridor boundary for sites located within Area C in Appendix 21.8.4.4.</u>	<u>Non-compliance with the permitted standard.</u> <u>Any application arising from this rule will require the written approval of the KiwiRail only and shall not be publicly notified.</u>	<u>Minimum Building Setback from Railway Corridor – 21.8.3.2.8</u>

21.8.2.3.12 Water Supply for Fire Fighting

	<u>Applicable to</u>	<u>Permitted</u>	<u>Restricted Discretionary</u>	<u>Matters of discretion</u>
a.	<u>All buildings</u>	<u>Sufficient water supply and access to water supplies for fire fighting shall be made available to all buildings via Council's urban fully reticulated water supply system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).</u>	<u>Non-compliance with the permitted standard.</u>	<u>Water Supply for Fire Fighting – 21.8.3.2.9</u>

21.8.3 Matters of Discretion and Control

21.8.3.1 Urban design and transport

21.8.3.1.1 Site layout and building design ~~in Dampier Bay Area~~

The extent to which the layout of the site and design of the buildings:

- a. creates an active edge and opportunities for passive surveillance of the publicly accessible space adjoining the coastal marine area and other areas available for public use;
- b. reflects the area's ~~coastal~~ maritime character and any natural, heritage and Ngāi Tahu cultural values, including through building form and materials;
- c. ensures adequate car parking, loading areas and cycle parking is provided for visitors and staff either adjoining to the side or rear of the building or in a shared parking facility elsewhere within the Dampier Bay Area, to cater for anticipated demand from non-Port activities in the Dampier Bay Area;
- d. provides for any car parking to be predominantly located within Area A on the Outline Development Plan (Appendix 21.8.4.2), given the ability for car parking in this area to act as a buffer to the industrial marine activities to the south;
- e. for buildings with frontage to Norwich Quay, achieves:
 - i. separation between buildings to provide view shafts to the harbour;
 - ii. the matters set out in (a) and (b);
- f. ensures areas to be used for waste management purposes are adequately screened;
- g. is designed and laid out in a manner that provides opportunities to minimise runoff of untreated stormwater to the coastal marine area;
- h. achieves a fine grained form and layout with high levels of articulation, glazing and architectural detailing;
- i. Reflects the outcomes sought in the Lyttelton Port Design Guide..

21.8.3.1.2 Dampier Bay Area public space/publicly accessible space

- a. Whether the design of public space and access routes achieves high-quality publicly accessible open spaces, public access and public connections along the waterfront in and connecting to Dampier Bay, including from Lyttelton township, taking into account:
 - i. the need for the width of the pedestrian promenade along the waterfront to be sufficient to enable easy, universal access and use of pedestrians, cyclists, and passive recreation, while incorporating seating and opportunities for planting and public art;
 - ii. the ability for a continuous waterfront route to be achieved;
 - iii. the implementation of Crime Prevention Through Environmental Design principles;
 - iv. the ability to achieve an industrial maritime character through the use of materials;
 - v. incorporation of public artwork, and the provision of interpretation and references to the area's heritage and culture;
 - vi. establishment of safe and convenient pedestrian connections to and from Sutton Quay and to any public transport facility provided within the Inner Harbour;
 - vii. where appropriate, the mechanisms to secure public access to and within publicly accessible spaces in perpetuity;

- viii. the historical and contemporary relationship between Ngāi Tahu and the Lyttelton area, including an assessment of the Ngāi Tahu cultural landscape values;
- ix. the outcomes sought in the Lyttelton Port Design Guide..

21.8.3.1.3 Public transport facilities

The extent to which:

- a. traffic generated will affect intersection form and safety on Godley Quay, Sutton Quay and Norwich Quay;
- b. Sutton Quay is upgraded to provide safe, direct, pleasant and convenient pedestrian linkages from Dampier Bay to Norwich Quay prior to the opening of Sutton Quay for public use;
- c. adequate vehicular and cycle parking is provided to meet anticipated demand from staff and visitors;
- d. provision is made for “park and ride” facilities;
- e. A safe and efficient public transport interchange is provided for ~~to~~ transfer between travel modes, where relevant;
- f. For a passenger transport ferry terminal, ~~provision of~~ safe and convenient pedestrian and cycle connections between the terminal and Norwich Quay and to any publicly accessible areas on the Inner Harbour waterfront is provided.

21.8.3.2 Built Form Standards

21.8.3.2.1 Maximum building height

Whether the increased height would result in buildings that:

- a. are compatible with the scale of other buildings anticipated in the area; or
- b. do not compromise the amenity of adjacent properties or public open spaces, taking into account:
 - i. the visual dominance of the proposed buildings on the outlook from other sites, roads and public open spaces in the surrounding area;
 - ii. any loss of privacy through being overlooked by the proposed building;
 - iii. overshadowing of adjoining sites, particularly onto public open spaces resulting in reduced sunlight and daylight admission;
 - iv. the extent to which there is a substantial degree of separation between the building and adjoining buildings or sites;
 - v. whether, and the extent to which, views to the harbour and the Port from public space remain intact;
 - vi. in respect of Norwich Quay, the extent to which the building is compatible with the character of other commercial buildings on Norwich Quay;
 - vii. whether the additional height would result in a built form that would improve the efficiency of Port Activities and is necessary for meeting the functional needs of Port Activities;
 - viii. the outcomes sought in the Lyttelton Port Design Guide.

21.8.3.2.2 Daylight recession planes at boundary with a Residential Zone

- a. The effect of the proximity or bulk of the proposed building on access to daylight or privacy on adjoining residential sites, taking into account the position of outdoor living spaces and main living areas within residential units.
- b. The provision of planting or screening within the setback to mitigate building dominance.
- c. Whether the proposed building location provides the ability to better utilise the site and improve the level of amenity elsewhere in the Special Purpose (Lyttelton Port) Zone.

21.8.3.2.3 Landscaping in Dampier Bay Area

- a. The extent to which the proposed landscaping area and any non-compliance:
 - i. achieve a high level of on-site amenity while minimising the adverse visual effects of buildings, taking account of their scale and appearance, outdoor storage areas, car parking or other activities;
 - ii. are mitigated through the nature or scale of planting proposed, the location of parking, manoeuvring or storage areas and site layout;
 - iii. ensure the terrace/level change between Godley Quay and Dampier Bay is visually apparent and is able to be recognised including through a reduced scale of planting and views from Godley Quay to the harbour are maintained;
 - iv. enable increased public access and connection to the waterfront or more efficient use and development of the Dampier Bay Area;
 - v. reflects the outcomes sought in the Lyttelton Port Design Guide.

21.8.3.2.4 Noise from Dampier Bay activities (other than port activities) and from Port Quarrying Activities

- a. The location of any nearby residential units, and the degree to which the amenities of residents may be adversely affected.
- b. The extent to which the noise or blast generating activity is compatible with the anticipated character and amenity of the Specific Purpose (Lyttelton Port) Zone.
- c. The nature of any adjoining zone and the extent to which the noise or blast generating activity is compatible with the anticipated character and amenity of the receiving environment.
- d. The extent to which the length of time for which specified noise levels will be exceeded, particularly at night, and the likely disturbance that may be caused.
- e. The extent to which the proposals made by the applicant mitigate noise generation, including:
 - i. reduction of noise at source;
 - ii. alternative techniques or machinery that may be available;
 - iii. insulation of machinery or cladding used in the building;
 - iv. mounding or screen fencing/walls;
 - v. hours of operation.
- f. The extent to which affected residents have been consulted and how their concerns have been addressed.

21.8.3.2.5 Light and glare

- a. The extent to which the light affects any properties in adjoining zones.
- b. Whether a reduction in the level of glare is reasonably practicable.
- c. Whether the direction in which the light is aimed, and the duration and hours of operation of the activity requiring the lighting, can be changed to avoid, remedy or mitigate any adverse effects.

21.8.3.2.6 Access

- a. The extent to which any new access to a state highway or local road provides for:
 - i. the safe and efficient functioning of the immediate road network;
 - ii. appropriate sight lines;
 - iii. appropriate separation distances from other intersections;
 - iv. safe and convenient pedestrian connections across the access.
- b. Whether Sutton Quay and the surrounding road network (including the tunnel roundabout intersection with Norwich Quay and Simeon Quay) will function safely and efficiently.
- c. Whether the following integrated transport assessment matters have been adequately addressed, provided or considered:
 - i. description of existing land use and transport environment;
 - ii. an outline of access, parking, loading and cycle facility arrangements within the Dampier Bay Area;
 - iii. estimated trip generation of all modes of traffic anticipated from the Dampier Bay development and likely impacts on Godley Quay, Simeon Quay, Sutton Quay and Norwich Quay, including the Godley Quay/Simeon Quay intersection, Sutton Quay/Norwich Quay intersection and the tunnel roundabout;
 - iv. an explanation of how accessible Sutton Quay will be for each mode with regard to access to facilities and safety;
 - v. an indication of any upgrades to the transport network on or near Sutton Quay that may have relevance to the proposal;
 - vi. consideration of the effects the use of Sutton Quay for general public access will have on the transport network for all modes including freight, and the effects the proposed transport infrastructure will have on the environment. This could include transport modelling;
 - vii. measures incorporated to mitigate adverse effects.

21.8.3.2.7 Hazardous substances

- a. The extent to which the proposed site design, construction and operation of the hazardous facilities are appropriate to prevent the accidental release, or loss of control, of hazardous substances, and whether adequate emergency management equipment and plans are provided.
- b. The extent to which the proposed site design, construction and operation of the hazardous facilities are appropriate to prevent and mitigate any adverse effects on people, property and environmentally sensitive areas, including the coastal environment.
- c. The extent to which natural hazards pose a risk to the hazardous facility that could in turn pose risks to people, property and the environment, including the coastal environment.
- d. Whether, and the extent to which, a risk assessment has been formulated in such detail as corresponds to the scale of the hazardous facility, to include:

- i. identification of potential hazards, failure modes and exposure pathways;
 - ii. assessment of the probability and potential consequences of an accident leading to a release of a hazardous substance or energy generated by hazardous substances, or other loss of control, including any cumulative or synergistic effects;
 - iii. acceptability of the assessed risks, including cumulative risks;
 - iv. residual risks after applying proposed risk control and mitigation measures;
 - v. the risk management process.
- e. Whether there is an aggregation of facilities containing hazardous substances in the area and the cumulative risk that poses to the environment.
- f. Whether, and the extent to which, the proposal identifies risk control and mitigation measures, including sensitive land use activities and environments, including:
- i. equipment, systems and engineered safety measures such as containment devices, fire safety apparatus and spill contingency/clean up equipment;
 - ii. emergency management plans, monitoring and maintenance schedules as well as training programmes.

21.8.3.2.8 Minimum Building Setback from Railway Corridor

- a. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over or on the rail corridor.

21.8.3.2.9 Water Supply for Fire Fighting

- a. Whether sufficient water supply and access to water supplies for fire fighting purposes is available to ensure the health and safety of the community, including neighbouring properties.

21.8.3.2.10 Marina Parking

- a. Whether sufficient car parking is provided to cater for anticipated demand from marina users/visitors,, so as to avoid spillover parking on to the road network.

21.8.3.3 Activity Specific Standards

21.8.3.3.1 Slope stability and natural hazard mitigation – Port Quarry Area

- a. The degree to which natural hazard risk to workers and infrastructure has been appropriately assessed and the adequacy of any proposed mitigation to manage hazard risk to an acceptable level.
- b. Whether the proposed quarrying will exacerbate natural hazard risk to land outside of the Specific Purpose (Lyttelton Port) Zone; and in particular the safe functioning of Sumner Road.

21.8.3.3.2 Management of terrestrial ecology and rehabilitation – Port Quarry Area

- a. Methods to manage adverse effects on existing terrestrial ecology, and in particular native lizard species, prior to and during quarrying and haul road formation, and to enhance indigenous habitats as part of site rehabilitation.
- b. Methods to stabilise disturbed ground including the application of aggregate, geotextile, mulch, hydroseeding or other methods to establish vegetation.
- c. Methods to ensure the geotechnical stability of rock faces for mitigating long-term natural hazard risk to land outside of the Specific Purpose (Lyttelton Port) Zone and in particular whether site rehabilitation will be effective in ensuring that Sumner Road is not prone to slips or undermining.
- d. Whether the plant species selected for rehabilitation works are native species that would naturally occur on the Port Hills and will enhance ecological and biodiversity values.
- e. The extent to which the type of methods selected will reduce the adverse visual effects of haul road formation, including minimising side casting of material down slope of the road and the revegetation of cuts and side cast material.

21.8.3.3.3 Dampier Bay Area Outline Development Plan

The extent to which non-compliance with the Outline Development Plan provides:

- a. mitigation for reduced or altered landscaping provision, including other opportunities for planting and low impact design initiatives;
- b. convenient and universally accessible pedestrian access between the public ferry terminal and Lyttelton Town Centre;
- c. safe and convenient public pedestrian access between:
 - i. Veolas Road/Godley Quay to the waterfront promenade;
 - ii. the promenade and Simeon Quay; and
 - iii. the promenade and Sutton Quay, as relevant;
- d. a primary internal access road that runs along the inland edge of the site and avoids creating a visual or physical barrier between activities and the waterfront.
- e. An unobstructed view through view shafts identified in Appendix 21.8.4.2 to the waterfront and inner Harbour, to enhance the visual connection between the inner Harbour and Lyttelton township.

21.8.3.3.4 Subdivision

- a. Access – the location and construction of any vehicle accessways, access lots or access strips.
- b. Servicing -
 - i. whether the requirements of the Infrastructure Design Standard and/or Construction Standard Specifications are met;
 - ii. whether the proposed servicing is adequate for the development, including the appropriate treatment of contaminants;
 - iii. the extent to which the proposed surface water management systems are consistent with the relevant Council Stormwater Management Plan or Integrated Management Plan;
 - iv. any adverse effects of the proposal on erosion, flooding, surface water, mahinga kai, on drainage to, or from, adjoining land, or on groundwater quality
 - v. whether all new allotments are provided with:
 - a. connections to safe potable water supply with an adequate capacity for the respective potential land uses;

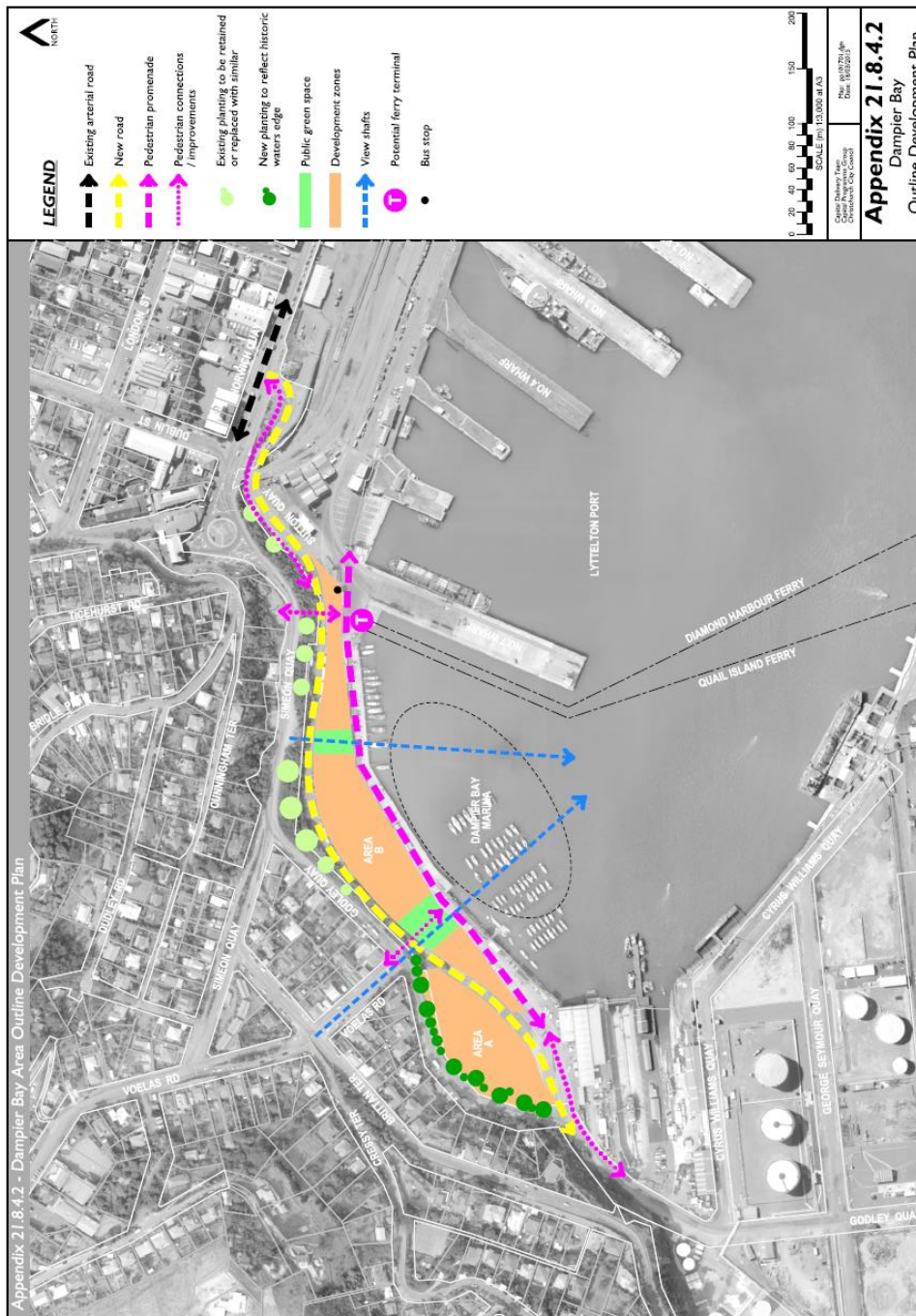
- b. sufficient water supply and access to water supplies for firefighting consistent with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008);
 - c. a means within their net site area for the effective management of collected surface water from all impervious surfaces;
 - d. a means of disposing of sanitary sewage within the net site area of the allotment;
 - e. the ability to connect to an electrical supply system, at the boundary of its net site area, except where the allotment is for a utility, road, reserve or for access purposes; and
 - f. the ability to connect to the telecommunications network at the boundary of its net site area, or by a duct installed from the boundary of the net site area of an allotment to an approved telecommunications system within 50m.
- c. Size, shape, and orientation of sites:
 - i. the location of sites and boundaries in relation to natural hazards, existing buildings and public open space; and
 - ii. whether the allotments (including any balance allotment) are of sufficient size and dimension to provide for the existing or proposed purpose or land use.
 - d. Publicly accessible space and connections – the location of walkways, including linkages between other areas, other walkways, and public open spaces.
 - e. Whether any easements are needed to meet network utility operator requirements.

21.8.4 Appendices

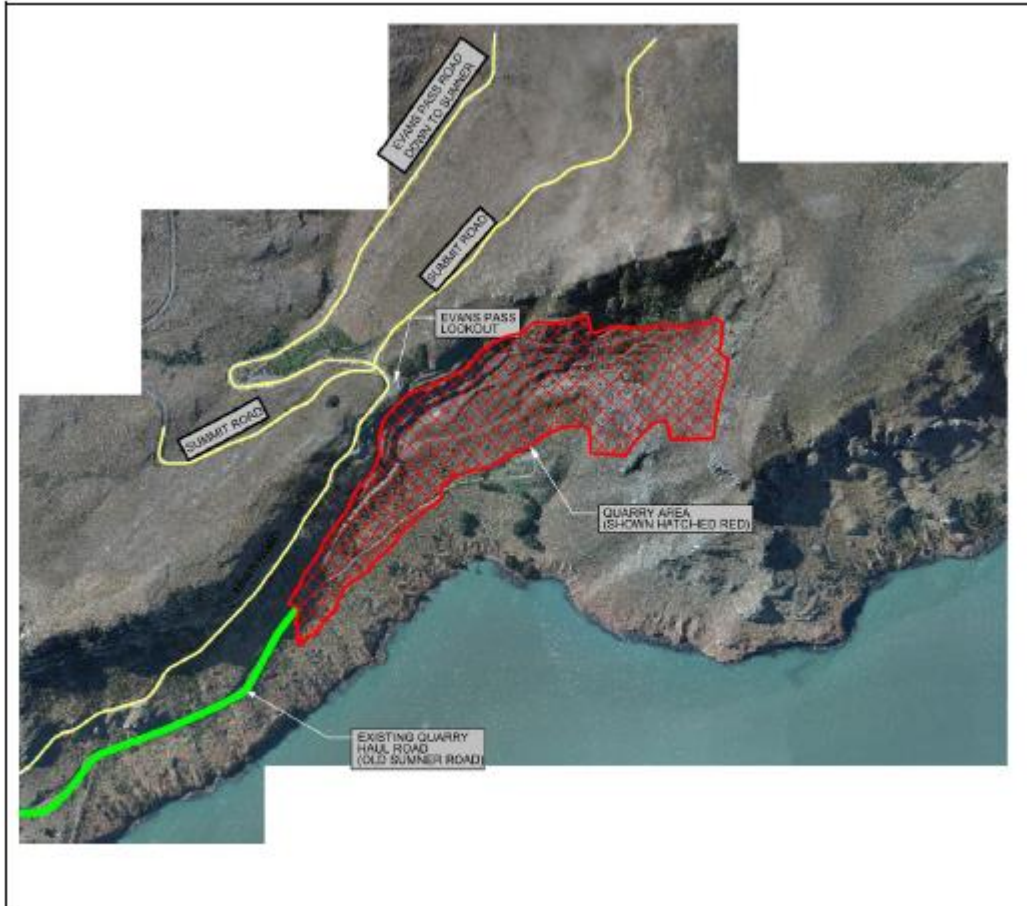
Appendix 21.8.4.1 – Specific Purpose (Lyttelton Port) Zone Management Areas (Map Amended)



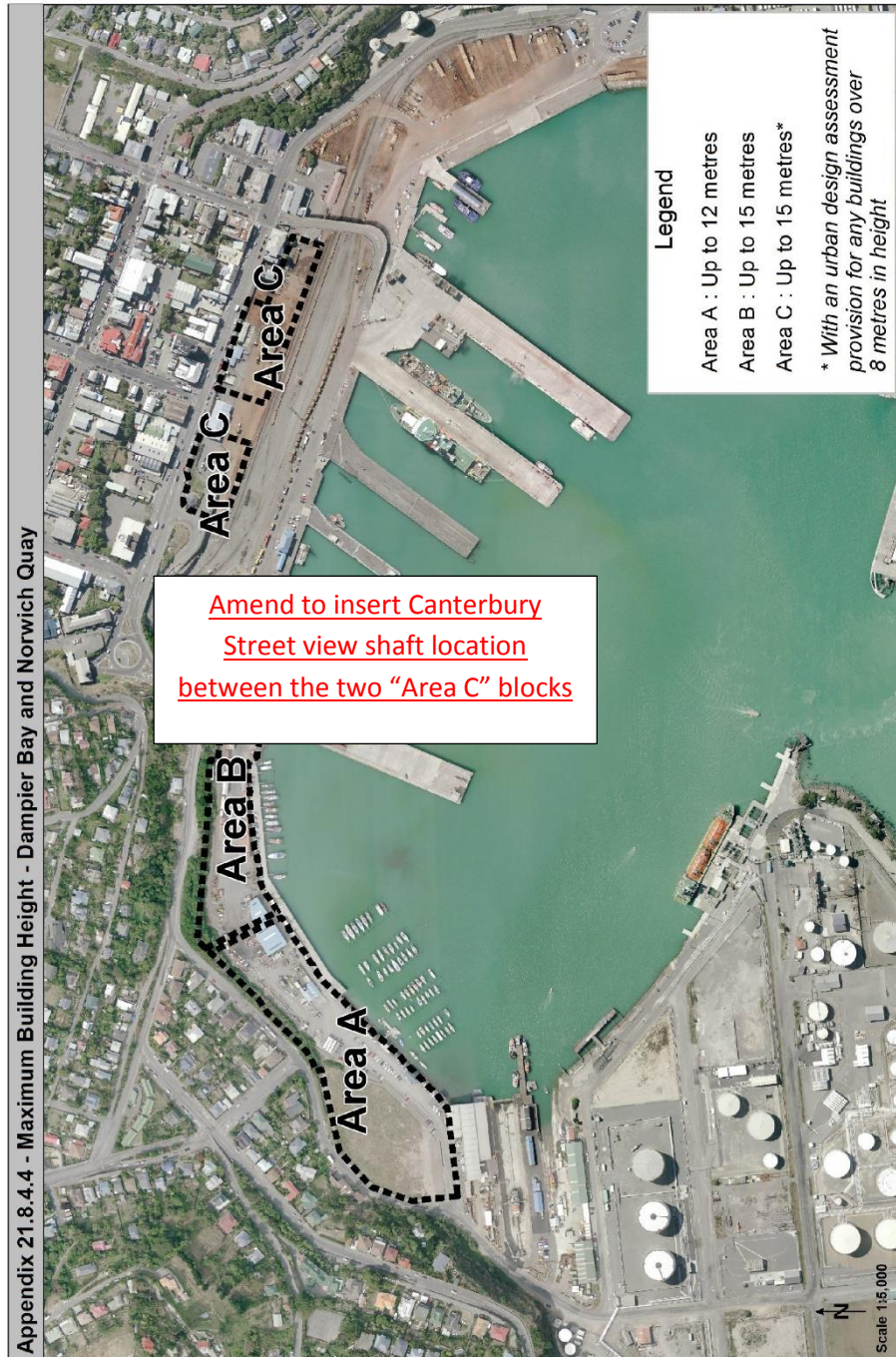
Appendix 21.8.4.2 – Dampier Bay Area Outline Development Plan



Appendix 21.8.4.3 – Quarry Area quarrying footprint [map to be amended to replace wording ‘quarry area (shown hatched red)’ with ‘quarry footprint (shown hatched red)’]



Appendix 21.8.4.4 – Dampier Bay Area and Norwich Quay maximum building height



Appendix 21.8.4.5 – Bulk liquids storage area



Appendix 21.8.4.6 – Port Noise Management Plan

1. Port Noise Management Plan

The Port Noise Management Plan required under Rule 21.8.2.3.7(a) will include but not be limited to the following:

a. Purpose of the Port Noise Management Plan

- i. State owners and operators of the Lyttelton Port's commitment to manage and to reduce/mitigate port noise.
- ii. Set a framework for the Port Liaison Committee.
- iii. Identify Port Activities that can give rise to noise.
- iv. Set a framework for monitoring, measuring and reporting on port noise.
- v. Set a framework for dealing with complaints.
- vi. Document noise management activities.

b. Obligations of the Owners and operators of Lyttelton Port

- i. Allocate an annual budget to the Port Liaison Committee for the preparation and implementation the Port Noise Management Plan and the Plan for Acoustic Treatment and Purchase of Dwellings.
- ii. Provide administrative and advisory support for the Port Liaison Committee.
- iii. Deal with noise complaints.

c. Owners and operators of the Port of Lyttelton in conjunction with the Port Liaison Committee

- i. Prepare and implement the Port Noise Management Plan and the Plan for Acoustic Treatment and Purchase of Dwellings.
- ii. Develop noise modelling, monitoring and measurement procedures that follow the concepts in NZS 6809: 1999 Acoustics – Port Noise management and land use planning, for the purpose of preparing a Port Noise Contour Map that shows contour lines in 1dB increments from 55 dB Ldn to 70 dB Ldn inland of the Special Purpose (Lyttelton Port) Zone. This Port Noise Contour Map is to be attached to the Port Noise Management Plan and is to be regularly updated as required by the Port Liaison Committee and at the expense of the owners and operators of the Port of Lyttelton. The model for the Port Noise Contour Map shall be reviewed at least once every two years to determine whether it needs to be updated.
- iii. Develop methods to monitor port noise, in order to verify the port noise contour lines.
- iv. In developing the Port Noise Contour Map, recognise that noise from water and grit blasting at the dry dock facilities is excluded and instead noise from the water and grit blasting operation is managed by controlling the hours of operation.

d. Port Liaison Committee framework

- i. Meet at least once a year.

- ii. Provide details on representation and administration of the committee.
- iii. Provide a list of functions, including but not limited to the administration of the Plan for Acoustic Treatment and Purchase of Dwellings and associated budget, consideration of complaints, monitoring port operator's performance of its obligations with respect to noise issues, reporting to residents affected by noise.
- iv. Keep within the annual budget provided by the owners or operators of the Port of Lyttelton.
- v. Advise any property owner in writing where the property is partly or wholly contained within an area seaward of the 70dBA Ldn contour or greater as shown by the Port Noise Contour Map following the preparation or the update of the Port Noise Contour Map.

e. Complaints

- i. Develop procedures to record complaints and steps to investigate such complaints.

f. Documentation

- i. Current version of the Port Noise Management Plan to be made available by the operators of the Port of Lyttelton to the public on a website.
- ii. Names and contact details for current staff of the operators of the Port of Lyttelton, Port Liaison Committee members and consultants involved in noise management.
- iii. Noise model and measurement details and procedures.
- iv. Summary of scenarios tested in the acoustics model.
- v. Summary noise monitoring conducted.
- vi. Summary of complaints annually and a description of actions taken to address a complaint.

g. Review and alteration of the Plan

- i. Develop procedures to alter, review and update the Port Noise Management Plan.
- ii. Produce and append to the Port Noise Management Plan annually a report on the implementation and, where relevant, alteration and update of that Plan.

Appendix 21.8.4.7 – Plan for Acoustic Treatment and Purchase of Dwellings

The Plan for Acoustic Treatment and Purchase of Dwellings required under Rule 21.8.2.3.7(c) will include but not be limited to the following:

a. Port Liaison Committee

- i. Include procedures for the Port Liaison Committee to consider research into noise mitigation, modifications to plant and equipment, and acoustic purchase.
- ii. Include reporting procedures on expenditure.

b. Application to the Port Liaison Committee for Acoustic Treatment (65+ dBA Ldn)

- i. Where any port noise affected property within a residential zone is partly or wholly contained within the area seaward of a contour line that is 65dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, an owner or occupier may apply to the Port Liaison Committee for acoustic treatment at any time.

c. Port Liaison Committee consideration of an application for acoustic treatment

- i. The Port Liaison Committee is to determine that the application made under 21.8.4.7(b) is attributable to on-going port noise.
- ii. The Port Liaison Committee needs to decide on the priority that the application has in terms of the annual budget for noise mitigation.
- iii. Should the Port Liaison Committee accept an application for acoustic treatment, it then makes a recommendation to the owners and operators of the Port of Lyttelton.
- iv. The Port Liaison Committee oversees the acoustic treatment projects and liaises with the owner receiving acoustic treatment and the owners and operators of the Port of Lyttelton as necessary.

d. Acoustic treatment

i. Owners and operators of the Port of Lyttelton obligations

- a. Provided the maximum cost of acoustic treatment is within the annual budget, then the owners and operators of the Port of Lyttelton shall, subject to the written agreement of the property owner to register a covenant against the certificate of title to the property, agree to the acoustic treatment in accordance with the following:
 - i. Proceed on the basis that all habitable rooms subject to acoustic treatment have an internal design sound level of 40 dBA Ldn (5-day) with windows and doors closed and mechanical ventilation installed and operating or with ventilating windows open, whichever is the more cost effective; except that the above internal design sound level does not need to be achieved in the following circumstances:

- A. the property owner seeks a form of or level of acoustic treatment or mitigation that results in a different internal design sound level; or
 - B. it is impracticable to achieve the specified internal design sound level due to the desirability of maintaining heritage features of a building. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable; or
 - C. it is impracticable to achieve the specified internal design sound level of the habitable rooms in the dwelling at a cost of \$60,000. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable while not exceeding the cost of \$60,000 (inclusive of GST and inflation adjusted from 2007 to the Consumer Price Index).
- b. Where necessary, seek the advice of an appropriately qualified acoustic consultant when considering the acoustic treatment required to achieve the internal design sound levels. When determining the appropriate internal design sound level, the external noise environment will be taken from nearest Ldn contour line shown on the Port Noise Contour Map that is to be attached to the Port Noise Management Plan.
 - c. Prepare a list of one or more appropriate builders for the acoustic treatment work, select a builder for the acoustic treatment work, and ensure the builder carries out work to the appropriate standard.
 - d. Where necessary, seek the advice of an appropriately qualified acoustic consultant to assist in the verification of the internal design sound level or to assist any noise measurement work generally.
 - e. Ensure all acoustic treatment work is carried out in a cost-effective manner but at the same time does not significantly compromise the character of the house.
 - f. Organise the payment of the necessary costs for acoustic treatment, provided the cost does not exceed a maximum of \$60,000 (inclusive of GST and inflation adjusted from 2007 to the Consumer Price Index).

ii. **Property owner obligations**

- a. Approve the acoustic treatment, including any construction details associated with the proposed acoustic treatment, and agree to treatment proceeding before any treatment commences.
- b. Notify the Port Liaison Committee and the owners and operators of the Port of Lyttelton that the work has been completed.
- c. Enter into a civil covenant with the owners and operators of the Port of Lyttelton. Such a covenant shall apply to existing and successive property owners and occupiers.

e. Offer of purchase (70dBA Ldn or greater)

- i. Where any port noise affected property within a residential zone is partly or wholly contained within the area seaward of a contour line that is 70dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, then at the written request of the property owner the Port Liaison Committee shall organise an offer of purchase for the property. The offer shall be made by the owners or operators of the Port of Lyttelton and the property owner has the right to accept or reject the offer.
- ii. A fair market value of the property shall be determined as if the property was situated in Lyttelton, not taking into account the effect of port noise.
- iii. Procedures shall be put in place so a fair valuation is reached.

f. Documentation

- i. Names and contact details for current Port of Lyttelton staff and consultants involved in acoustic treatment.
- ii. Summary details of work undertaken and specifications used for treatment and ventilation.
- iii. Schedule of properties in the 65 dB L_{dn} contour and status of acoustic treatment.
- iv. Schedule of acoustics assessments undertaken.

g. Review and alteration of the Plan

- i. Develop procedures to alter, review and update the Plan for Acoustic Treatment and Purchase of Dwellings.
- ii. Produce and append to the Plan for Acoustic Treatment and Purchase of Dwellings annually a report on the implementation and, where relevant, alteration and update of that Plan.

Appendix 21.8.4.8 – Construction Noise Management Plan

- a. Where the cumulative effect of construction noise and operational port noise [5-day busy period] fall within the 65 dBA L_{dn} contour, then no further assessment of the construction noise is required.
- b. Where the cumulative effect of construction noise and operational port noise [5-day busy period] exceed the 65dBA L_{dn} contour, then further assessment of the construction noise under a Construction Noise Management Plan is required.
- c. The Construction Noise Management Plan required under Rule 21.8.2.3.8(a) will include but not be limited to the following:

i. Purpose of the Construction Noise Management Plan

Owners and operators of the Port of Lyttelton commitment to manage construction noise.

- a. Identify construction activities that can give rise to construction noise.
- b. Set a framework for monitoring, measuring and reporting on construction noise.
- c. Set a framework for dealing with complaints.

ii. Owners and operators of the Port of Lyttelton obligations

- a. Allocate an annual budget to the Port Liaison Committee for the preparation and implementation of the Construction Noise Management Plan and the Construction Noise Mitigation Plan.
- b. Provide administrative and advisory support for the Port Liaison Committee for construction noise matters.

- c. Deal with construction noise complaints.

iii. Owners and operators of the Port of Lyttelton

- a. Prepare and implement the Construction Noise Management Plan and, in conjunction with the Port Liaison Committee, the Construction Noise Mitigation Plan, utilising the concepts in NZS 6803:1999 Acoustics – Construction Noise.

iv. Port Liaison Committee

- a. Provide details on representation and administration of the committee.
- b. Provide a list of functions, including but not limited to the administration of the Construction Noise Mitigation Plan and associated budget, consideration of complaints, monitoring port operator's performance of its obligations with respect to construction noise issues, reporting to residents affected by noise.
- c. Keep within the annual budget provided by the owners and operators of the Port of Lyttelton.

v. Certification

- a. Provide documentation confirming the Plan has been certified by the Christchurch City Council as meeting the requirements set out in (i) to (iv) above.

vi. Complaints

- a. Develop procedures to record complaints and steps to investigate such complaints.

vii. Review and alteration of the Plan

- a. Develop procedures to alter, review and update the Construction Noise Management Plan.
- b. Produce and append to the Construction Noise Management Plan annually a report on the implementation and, where relevant, alteration and update of that Plan.

d. Construction Noise Mitigation Plan

The Construction Noise Mitigation Plan required under Rule 21.8.2.3.7(b) will include but not be limited to the following:

- i. Setting out procedures on how affected property owners are to be contacted and the documentation of feedback and proposed mitigation measures discussed.
- ii. Criteria that specify mitigation measures, having regard to the length of time the construction affected property is to be exposed to construction noise and the levels of construction noise involved.
- iii. The mitigation measures determined under the criteria developed in (ii) will include but not be limited to:
 - provision of temporary accommodation;

- acoustic mitigation (such as upgrading the dwelling) in accordance with the criteria set out in the Plan for Acoustic Treatment and Purchase of Dwellings, Appendix 21.8.4.7(d) Acoustic Treatment;
 - an offer to purchase the property;
 - where an offer to purchase a property is made, a fair market value of the property shall be determined as if the property was situated in Lyttelton, not taking into account the effect of construction noise and also port noise. Procedures shall be put in place so a fair valuation is reached.
- iv. Documentation confirming the Plan has been certified by the Christchurch City Council as meeting the requirements set out in (i) to (iii) above.

g. Review and alteration of the Plan

- i. Develop procedures to alter, review and update the Construction Noise Mitigation Plan.
- ii. Produce and append to the Construction Noise Mitigation Plan annually a report on the implementation and, where relevant, alteration and update of that Plan.

Appendix 21.8.4.9 Hazardous Substances Permitted Activity Thresholds in the Special Purpose (Lyttelton Port) Zone (excluding the Bulk Liquids Storage area)

HSNO Class/Category	Column A (Permitted Activity Threshold)
1.1, 1.2 ¹	50kg
1.3 ¹	100kg
1.4, 1.5 ¹	200kg
2.1.1A	250kg
2.1.1A (LPG)	8,000kg
2.1.2A	250 kg
3.1A, 3.1B	Aboveground storage: 3,000 litres; Underground storage: 100,000 litres
3.1C	Aboveground storage: 10,000 litres Underground storage: –
3.1D	Aboveground storage: 50,000 litres Underground storage: –
3.2A, 3.2B, 3.2C	100 litres
All Class 4 except 4.2C and 4.3C	50kg
4.2C, 4.3C	500kg
5.1.1A	1,000kg/litres
5.1.1B, 5.1.1C	200kg/litres
5.1.2A	1,000kg
All Class 5.2	25kg
6.1A, 6.1B, 6.1C (gases only)	1,000kg
6.1A, 6.1B, 6.1C (liquids and solids)	–
8.2A, 8.2B	1,000kg
8.2C	5,000kg
9.1A, 9.1B, 9.1C, 9.1D	–

Notes

1. The use of high explosives is a permitted activity but is subject to the Hazardous Substances and New Organisms Act 1996 and any subsequent legislation.
2. The dash symbol (–) denotes no limit.

Chapter 7 Transport

Make the following amendments to Chapter 7:

- (a) Insert the following text shown in underlining into Chapter 7; and
- (b) Make any consequential amendments to the inserted text arising as a result of the Christchurch City Council's decisions on Chapter 7 of the proposed Christchurch Replacement District Plan.

Section 7.2.1 How to use the rules

7.2.1.1 The transport rules that apply to activities in all zones outside the Central City **and Specific Purpose (Lyttelton Port) Zone** are contained in:

- a. The Activity Status table in 7.2.2; and
- b. Rules in 7.2.3

Section 7.2.2 Activity Status tables – All zones outside the Central City **and Specific Purpose (Lyttelton Port) Zone**

Section 7.2.3 Rules – All zones outside the Central City **and Specific Purpose (Lyttelton Port) Zone**

Chapter 15 Commercial

Make the following amendments to Chapter 15:

- (a) Insert the following text shown in underlining into Chapter 15; and
- (b) Make any consequential amendments to the inserted text arising as a result of the Christchurch City Council's decisions on Chapter 15 of the proposed Christchurch Replacement District Plan.

Rule 15.5.1 How to use the rules

Amend as follows:

15.5.1.2 The Activity Status Tables and Standards in the following Chapters also apply to activities, other than Port Activities south of Norwich Quay, in all areas of the Commercial Banks Peninsula Zone (where relevant):

- 5 Natural Hazards;
- 6 General Rules and Procedures
- 7 Transport;
- 8 Subdivision, Development and Earthworks;
- 9 Heritage and Natural Environment;
- 11 Utilities, Energy and Infrastructure; and
- 12 Hazardous Substances and Contaminated Land.

15.5.1.3 The Activity Status Tables and Standards in the following Chapters also apply to Port Activities south of Norwich Quay (where relevant):

- 5 Natural Hazards;
- 8 Subdivision, Development and Earthworks;
- 9 Heritage and Natural Environment;

Rule 15.5.2.1 Permitted Activities

Insert new provision:

P19	Port Activities, within that part of Lyttelton south <u>west of the intersection of Norwich Quay and Oxford Street</u>	a. <u>Unless otherwise permitted by Rule 15.5.2.1, shall only occur within the period, or part of the period, up to 1 January 2026.</u>
-----	--	---

Rule 15.5.2.4 Discretionary Activities

Insert new provision:

D13	Port Activities, within that part of Lyttelton south <u>west of the intersection of Norwich Quay and Oxford Street</u> , beyond 1 January 2026.
-----	---

Rule 15.5.3.2 Maximum site coverage

Insert new note below table:

Within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street, this rule only applies to buildings.

Rule 15.5.3.6 Outdoor storage areas

Insert new provision:

This rule shall not apply to activities permitted in accordance with Rule 15.5.2.1 P19.

Rule 15.5.3.7 Waste management areas

Insert new provision:

This rule shall not apply to that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street.

Chapter 2 Definitions

Delete the following definition:

Port activities

means the use of land, wharves, plant, equipment, buildings and other port facilities and structures for:

- a. cargo handling and passengers;
- b. port administration;
- c. maintenance and repair facilities;
- d. ship and boat building activities;
- e. warehouses, storage areas and facilities;
- f. parking areas; and
- g. activities associated with:
 - i. berthing; and
 - ii. departure and surface movements of ships.

Insert the following definitions.

Port Activities

means the use of land, buildings and structures for:

- a. cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- b. passenger handling, including the loading, unloading and transit of passengers, and passenger or cruise ship terminals;
- c. maintenance and repair activities, including the maintenance and repair of vessels;
- d. port administration;
- e. marine-related trade and industry training facilities;
- f. marine-related industrial activities, including ship and boat building;
- g. warehousing in support of (a)–(f), (h) and (i), and distribution activities, including bulk fuel storage and ancillary pipeline networks;
- h. facilities for recreational boating, including yachting;
- i. activities associated with the surface navigation, berthing, manoeuvring, refuelling, storage, servicing and providing of vessels;
- j. ancillary transport infrastructure, buildings, structures, signs, utilities, parking areas, landscaping, hazardous facilities, offices and other facilities, and earthworks; and
- k. ancillary food and beverage outlets in support of the above.

Port Quarrying Activity, in relation to the Special Purpose (Lyttelton Port) Zone, means the use of land, buildings and plant for the extraction of rock and may include the associated processing, storage and transportation of the same material.

This may include:

- (a) earthworks associated with the removal and storage of over-burden or the creation of platforms for buildings and plant;
- (b) extraction of rock materials by excavation or blasting;
- (c) landscaping;
- (d) quarry site rehabilitation and ecological restoration;
- (e) hazard mitigation works; and
- (f) the maintenance, upgrading and realignment of a haul road.

Appendix 5: Amendments to the Banks Peninsula District Plan

Appendix 5: Amendments to the Banks Peninsula District Plan

In respect of the Banks Peninsula District Plan changes outlined below, text that is ~~struck through~~ is to be deleted, text that is underlined is to be inserted.

PLANNING MAPS

Amend maps to be consistent with the Special Purpose (Lyttelton Port) Zone boundaries, as relevant. Delete the Port Environs Overlay where it applies within the Lyttelton Port Zone boundary.

Chapter 18 Recreational Reserves

Amend as follows:

Policies 3A-3B – Explanation and Reasons

The generated effects of activities and development on land in the Recreational Reserves Zone can impact adversely on the use and enjoyment of surrounding land and activities. Activities and development should be carried out in a manner and at a rate, which does not detract from the amenity of surrounding land and activities.

The efficient functioning of Lyttelton Port is a significant resource management issue ~~and the importance of the Port to the local and regional economy is set out in Chapter 27 (Lyttelton Port).~~ Part of the Port Environs Overlay Area covers the eastern side up to the ridgeline of the land commonly referred to as 'Reserve 68', which overlooks the Cashin Quay berths to the south and the coal operations to the east. The Council considers that it would not be prudent for activities, which are sensitive to existing and future port activities, to establish in this area. For example, dwellings, healthcare facilities and visitor facilities would be sensitive to noise, vibration, dust and visual effects associated with the port.

Chapter 19 Rural Zone

Amend as follows:

ISSUE 9 The efficient functioning of Lyttelton Port may be compromised by nearby sensitive activities being established in that part of the Rural zone identified as Port Environs Overlay Area on Planning Maps S0 and S1.

OBJECTIVE 9 To enable the efficient operation, use and development of the Port of Lyttelton as a major sea link for New Zealand.

POLICIES

9A

To ensure that the efficient operation, use and development of Lyttelton Port is maintained or enhanced by avoiding reverse sensitivity effects arising from adjoining land use activities.

9B

To recognise that any future landward expansion of the Port would involve land in the coastal environment between Te Awaparahi Bay and Gollans Bay.

EXPLANATION AND REASONS

The efficient functioning of Lyttelton Port is a significant resource management issue ~~and the importance of the Port to the local and regional economy is set out in Chapter 27 (Lyttelton Port).~~ To this end a Port Environs Overlay Area has been identified within the Rural zone and the Council considers that it would not be prudent for activities, that are sensitive to existing or future port activities, to establish in this area. For example, dwellings, healthcare facilities and visitor facilities would be sensitive to noise, vibration, dust and visual effects associated with the Cashin Quay berths, the existing coal stockpile or the Gollans Bay Quarry, or would be sensitive to the future development of the Lyttelton Port into Te Awaparahi Bay and Gollans Bay.

Extension of the Port into Gollans Bay would result in substantial changes to the rural character and rural amenity of this area. However, the area is part of the coastal environment and is therefore included under Chapter 12 (The Coastal Environment). The land is also identified as a 'Rural Amenity Landscape' under this Chapter (the Rural Zone). This means there is a potential tension between Objective 9 and Policy 9B and these more general provisions. Objective 9 and Policy 9B must have priority however because:

- The Port cannot expand westwards due to existing residential settlement; and
- Gollans Bay is contiguous with the existing Port and has been subject to long established, periodic quarrying.

~~However, any such eastward extension of the Port would still have those general obligations to avoid, remedy or mitigate adverse effects on the environment~~

Chapter 27 – Lyttelton Port – delete chapter in its entirety.

Chapter 28 Boat Harbour Zone

Amend as follows:

Reference to Other Provisions

14 Cultural Heritage

~~27 Lyttelton Port~~

31 Subdivisions

Chapter 29 Industrial

Amend as follows:

Reference to Other Provisions

14 Cultural Heritage

~~27 Lyttelton Port~~

31 Subdivisions

Chapter 31 Subdivision

Amend as follows:

POLICIES

6A

Esplanade reserves or strips should be created where they will contribute to the protection of conservation values adjacent to the sea, rivers and lakes.

6B

Esplanade reserves or strips should also be created where they will enable public access and appropriate recreational use along the sea, rivers and lakes.

6C

Esplanade reserves or strips should not be created within the Lyttelton Port Zone for reasons of public safety and for the reasons of security of cargo and port operations.

6D

~~Esplanade reserves or strips should not be created within the Rural Port Policy Overlay of the Rural Zone where port related development is proposed for reasons of safety and security.~~

EXPLANATION AND REASONS

Under the Resource Management Act, conditions on which a subdivision consent can be granted may include the provision of an esplanade reserve or strip along the edge of rivers and lakes or the coastal environment. The purpose of esplanade reserves or strips is to maintain and enhance the conservation values and public access associated with the sea, rivers and lakes. The objective and policies intend to ensure that public access and recreational use of the coast, rivers and lakes is maintained and enhanced, provided they are compatible with conservation values.

~~The Port Environs Overlay Area in the Rural Zone has been introduced in order to recognise that any future major expansion of Lyttelton Port is likely to be eastwards into Gollans Bay. Esplanade reserves or strips will not be taken in circumstances where port related development is to occur, but can be taken should the land be subdivided for purposes not related to port use or development.~~

Rules

1. Controlled Activities

[Table]

Zone	Minimum Net Site Area	Minimum Average Net Site Area
...
Lyttelton Port	No minimum	

Section 11.3 Circumstances in which Esplanade Reserves or Esplanade Strips shall not be required

...

- ~~An esplanade reserve or esplanade strip shall not be required, and section 230 of the Act shall not apply, within the Lyttelton Port Zone.~~
- ~~An esplanade reserve or esplanade strip shall not be required and section 230 of the Act shall not apply within the Port Environs Overlay Area of the Rural Zone where the proposed subdivision is for the purposes of use and development of Lyttelton Port.~~

Chapter 33 Noise

Amend as follows:

OVERVIEW

...

The existing noise environment of any district is determined by the nature of activities which take place within it. Banks Peninsula has a unique noise environment. Ambient noise levels range from the tranquility experienced in parts of the Residential, Rural, Papakainga and Small Settlement Zones to the industrial levels existing at Lyttelton Port. The wide range of existing noise levels require methods, including noise controls, that recognise and allow for long established activities within the District while protecting public health, maintaining levels of amenity and, where practicable, enhancing those levels.

The proximity of Lyttelton Port to Lyttelton means that there is a potential for conflict between noise generating activities taking place within the Lyttelton Port Zone and noise sensitive activities within the township. To enable the Lyttelton Port to continue to operate and develop in an efficient and effective manner, ~~while managing the adverse effects of port noise on noise sensitive activities in the township, an approach to managing port noise has been developed. This involves the introduction of landuse controls for noise sensitive activities in close proximity to the port~~ **are introduced.** ~~and~~ **The** preparation and implementation of a port noise management plan and a port noise mitigation plan **is a requirement of the Lyttelton Port Recovery Plan.**

~~Noise generated from port activities at Lyttelton is addressed in Issue 2, Objective 2 and the associated policies and methods below.~~

ISSUE 2

The efficient and effective operation, use and development of Lyttelton Port may be compromised by the establishment of nearby noise sensitive activities; ~~while, noise generated by port activities has the potential to reduce amenity values desired by those carrying out other activities in Lyttelton.~~

OBJECTIVE 2 Avoid the potential for noise sensitive activities in Lyttelton township creating a reverse sensitivity issue for noise generating port activities ~~while at the same time managing the impact of noise emissions on noise affected properties through management and mitigation methods.~~

POLICIES

2A

Avoid the establishment of port noise sensitive activities within the Port Influences Overlay Area in Lyttelton Township in order to minimise the likelihood of reverse sensitivity effects occurring.

2B

Notwithstanding Policy 2A, enable noise affected property owners to replace or extend their existing dwellings within the Port Influences Overlay Area of the Residential Zone and the Residential Conservation Zone provided that such replacement or extension is of a similar character, intensity and scale and that any new or extended habitable room is acoustically insulated to the appropriate standard.

2C

Notwithstanding Policy 2A, recognise that a limited number of new apartments of a minimum floor area may, in appropriate circumstances, establish upstairs in existing heritage or notable buildings within the Town Centre Zone so as to give owners a further option that would assist in the conservation of these buildings, provided that it is demonstrated that the potential for reverse sensitivity effects are minimised.

2D

When considering any resource consent for a restricted discretionary activity to establish a port noise sensitive activity in the Port Influences Overlay Area considerable weight must be placed on whether:

- i) Acoustic insulation is to be provided to the appropriate standard,
- ii) Written approval has been obtained from the Lyttelton Port Company Limited,
- iii) A no-complaints covenant has been entered into, and
- iv) Any other relevant methods to minimise the potential for reverse sensitivity effects have been incorporated, including minimising the exposure of outdoor living to port noise.

2E

~~To manage the effects of port noise on noise affected properties by:~~

- ~~i) Minimising where practicable port noise at source,~~
- ~~ii) Establishing on going community liaison,~~
- ~~iii) Implementing a mitigation package for residential properties within the Residential and Residential Conservation Zones, through a Port Liaison Committee, where on going annoyance from port noise is being experienced.~~

EXPLANATION AND REASONS

The Council recognises that Lyttelton Port and the township of Lyttelton have co-existed for a long time and, as a result, residential housing is already located in close proximity to the Port. However, there is the potential for reverse sensitivity effects on noise generating port activities and hence the Lyttelton Port Company Limited, to arise. Because Lyttelton Port is infrastructure of regional significance, cannot locate elsewhere, and generally requires to operate 7 days a week, 24 hours a day, the Council considers it prudent to ensure the potential for reverse sensitivity effects are not increased by avoiding intensification of noise sensitivity activities in the Port Influences Overlay Area, as set out in Policy 2A. However, there are two exceptions to this policy direction. First, under Policy 2B, the replacement of an existing dwelling, or an extension to an existing dwelling, in a noise affected property is anticipated so that people can reasonably meet their residential living expectations provided that the character, intensity and scale of the building is similar. For example, an owner seeking an additional bedroom or extension to a lounge or dining room, or the complete replacement of a dwelling with a new one of a similar scale, is anticipated provided that the necessary acoustic insulation measures are completed. Any significant intensification of residential use would require resource consent.

Second, under Policy 2C, a limited number of apartments located in the upper storeys of the heritage or notable buildings in the Port Influences Overlay Area of the Town Centre Zone may be appropriate in certain circumstances if limited residential use facilitates the use, and hence the conservation, of these buildings. However, in assessing any resource consent all measures to minimise the potential for reverse sensitivity effects on port activities and the Lyttelton Port Company Limited should have been undertaken, including the necessary acoustic insulation of such apartments, written approval obtained from the Lyttelton Port Company Limited and the entering into a no-complaints covenant.

The Council considers a fundamental tool in managing the possible limited establishment of new habitable rooms under Policies 2B, 2C, and 2D is the employment of a no-complaints covenant in favour of the Lyttelton Port Company Limited. This is expected to be an important matter for it when considering whether to give its written approval. This covenant should apply to the title of the land so that it applies both to existing and future owners and occupiers.

~~In addition to the landuse controls sought in the Port Influences Overlay Area, a port noise management and a port noise mitigation plan will be prepared and implemented and administered by the Lyttelton Port Company in conjunction with a Port Liaison Committee, and is to be funded by the Lyttelton Port Company Limited. The purpose of this committee, which includes community representatives, is to assist in the management of port noise, which includes investigating methods to minimise noise at source and/or assist in the preparation and implementation of a mitigation package for those existing residents within the Residential and Residential Conservation Zones that are experiencing on-going annoyance from port noise and are located within a port noise environment that is greater than 65 dBA Ldn, and to offer to purchase a property within a port noise environment that is 70 dBA Ldn or greater. The details of the Port Noise Management and Mitigation Plans are outlined in the methods section after the noise rules.~~

~~It is expected that any acoustic treatment of dwellings recommended by the Port Liaison Committee under the Port Noise Mitigation Plan, or required by the rules in this district plan, would be performed by people competent in acoustic design, which involves using a port noise contour map that portrays the modelled external noise environment in accordance with the methodology in Port Noise Standard NZS 6809: 1999 Port Noise Management and Land Use Planning.~~

RULES

1. ~~Conditions for Permitted Activities~~

~~1.1 Within the Lyttelton Port Zone~~

~~No noise limits, except for construction noise which remains subject to Exception 1.7.b.~~

~~Note — Methods 2.0 — 2.2 in this chapter set out alternative methods for managing noise from activities in the Lyttelton Port Zone.~~

[and consequential re-numbering of the Permitted Activities rules, as necessary]

...

1.89 Determination of the Appropriate Internal Design Sound Level

For the purposes of Rule 3.9 (b) in Chapter 24, Rule 6.4 in Chapter 25, and Rule 5.12 (c) in Chapter 26, in determining an appropriate design to the achieve an internal design sound level of a habitable room, the external noise environment will be the modelled level of port noise taken from the predicted dBA Ldn (5 day) contour closest to the habitable room, in accordance with the methodology of NZS 6809:1999 Port Noise Management and Land Use Planning.

Note: There will be a port noise contour map attached to the Port Noise Management Plan, which is to be prepared and regularly updated in accordance with **the Lyttelton Port Recovery Plan Method 2.1 (c) (i)** in this Chapter. This map will show the dBA Ldn (5 day) contour lines, in 1 dBA increments, across Lyttelton Township and would be available for a property owner's acoustic design consultant to use.

2.0 Methods to Address Port Noise

- The Lyttelton Port Company Limited will ensure a Port Noise Management Plan is prepared and implemented and it will include but is not limited to the matters set out in Section 2.1.
- The Lyttelton Port Company Limited will establish, maintain and participate in a Port Liaison Committee. Its functions include but are not limited to the matters set out in Section 2.1.
- The Lyttelton Port Company Limited will, in conjunction with the Port Liaison Committee, ensure a Port Noise Mitigation Plan is prepared and implemented, and it will include but is not limited to the matters listed in Section 2.2.

Note: Also refer to the landuse and subdivision controls in the Residential, Residential Conservation, Town Centre, Recreational Reserve and Industrial Zones that apply to noise sensitive activities located within the Port Influences Overlay Area, which is shown on Planning Maps S1 and S2.

2.1 Port Noise Management Plan

The Port Noise Management Plan will include but not be limited to the following:

- Purpose of the Port Noise Management Plan
 - Lyttelton Port Company Limited's commitment to manage and to reduce/mitigate port noise.
 - Set a framework for the Port Liaison Committee.
 - Identify port activities that can give rise to noise.
 - Set a framework for monitoring, measuring and reporting on port noise.
 - Set a framework for dealing with complaints.
- Lyttelton Port Company Limited obligations
 - Allocate an annual budget to the Port Liaison Committee for the preparation and implementation the Port Noise Management Plan and the Port Noise Mitigation Plan.
 - Provide administrative and advisory support for the Port Liaison Committee.
 - Deal with noise complaints.
- Lyttelton Port Company Limited in conjunction with the Port Liaison Committee
 - Prepare and implement the Port Noise Management Plan and the Port Noise Mitigation Plan
 - Develop noise modelling, monitoring and measurement procedures that follow the concepts in NZS 6809: 1999, for the purpose of preparing a Port Noise Contour Map that shows each individual contour line above the 65 dBA Ldn contour inland of the Lyttelton

Port Zone (e.g. 65, 66, 67 dBA Ldn contours etc.). This Port Noise Contour Map is to be attached to the Port Noise Management Plan and is to be regularly updated as required by the Port Liaison Committee and at the expense of the Lyttelton Port Company Limited.

- Develop methods to monitor port noise, in order to verify the port noise contour lines.
- In developing the Port Noise Contour Map recognise that noise from water and grit blasting at the dry dock facilities is excluded and instead noise from the water and grit blasting operation is managed by controlling the hours of operation.
- Port Liaison Committee
 - Provide details on representation and administration of the committee.
 - Provide a list of functions, including but not limited to the administration of the Port Noise Mitigation Plan and associated budget, consideration of complaints, monitoring port operator's performance of its obligations with respect to noise issues, reporting to residents affected by noise.
 - Keep within the annual budget provided by the Lyttelton Port Company Limited.
 - Advise any property owner in writing where the property is partly or wholly contained within an area seaward of the 70 dBA Ldn contour or greater as shown by the Port Noise Contour Map following the preparation or the update of the Port Noise Contour Map.
- Complaints
 - Develop procedures to record complaints and steps to investigate such complaints.
- Alteration of the Plan
 - Develop procedures to alter/update the Port Noise Management Plan.

2.2 Port Noise Mitigation Plan

The Port Noise Mitigation Plan will include but not be limited to the following:

- Port Liaison Committee
 - Include procedures for the Port Liaison Committee to consider research into noise mitigation, modifications to plant and equipment, and acoustic purchase.
 - Include reporting procedures on expenditure.
- Application to the Port Liaison Committee for Acoustic Treatment (65+ dBA Ldn)
 - Where any port noise affected property within the Residential or Residential Conservation Zones is partly or wholly contained within the area seaward of a contour line that is 65 dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, an owner or occupier may apply to the Port Liaison Committee for acoustic treatment at any time.
- Port Liaison Committee Consideration of an Application for Acoustic Treatment
 - Port Liaison Committee is to determine that the application is attributable to on-going port noise.
 - Port Liaison Committee needs to decide on the priority that the application has in terms of the annual budget for noise mitigation.
 - Should the Port Liaison Committee accept an application for acoustic treatment, it then makes a recommendation to the Lyttelton Port Company Limited.
 - Oversee the acoustic treatment projects and liaise with the owner receiving acoustic treatment and the Lyttelton Port Company Limited as necessary.

• Acoustic Treatment

• Lyttelton Port Company Limited Obligations

Provided the maximum cost of acoustic treatment is within the annual budget then the Lyttelton Port Company Limited shall, subject to the written agreement of the property owner to register a covenant against the certificate of title to the property, agree to the acoustic treatment in accordance with the following:

– Proceed on the basis that all habitable rooms subject to acoustic treatment have an internal design sound level of 40 dBA Ldn (5 day) with windows and doors closed and mechanical ventilation installed and operating or with ventilating windows open whichever is the more cost effective; except that the above internal design sound level does not need to be achieved in the following circumstances:

- a) The property owner seeks a form of or level of acoustic treatment or mitigation that results in a different internal design sound level, or;
- b) It is impracticable to achieve the specified internal design sound level due to the desirability of maintaining heritage features of a building. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable; or,
- c) It is impracticable to achieve the specified internal design sound level of the habitable rooms in the dwelling at a cost of \$60,000. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable while not exceeding the cost of \$60,000 (inclusive of GST and inflation adjusted to the Consumer Price Index).

– Where necessary seek the advice of an appropriately qualified acoustic consultant when considering the acoustic treatment required to achieve the internal design sound levels. When determining the appropriate internal design sound level, the external noise environment will be taken from nearest Ldn contour line shown on the Port Noise Contour Map that is to be attached to the Port Noise Management Plan.

– Prepare a list of one or more appropriate builders for the acoustic treatment work, select a builder for the acoustic treatment work, and ensure the builder carries out work to the appropriate standard.

– Where necessary seek the advice of an appropriately qualified acoustic consultant to assist in the verification of the internal design sound level or to assist any noise measurement work generally.

– Ensure all acoustic treatment work is carried out in a cost effective manner but at the same time does not significantly compromise the character of the house.

– Organise the payment of the necessary costs for acoustic treatment providing the cost does not exceed a maximum of \$60,000 (inclusive of GST and inflation adjusted to the Consumer Price Index).

• Property Owner Obligations

~~–Approve the acoustic treatment, including any construction details associated with the proposed acoustic treatment, and agree to treatment proceeding before any treatment commences.~~

~~–Notify the Port Liaison Committee and the Lyttelton Port Company Limited that the work has been completed.~~

~~–Enter into a civil covenant with the Lyttelton Port Company Limited. Such a covenant shall apply to existing and successive property owners and occupiers.~~

• ~~Offer of Purchase (70dBA Ldn or greater)~~

• ~~Where any port noise affected property within the Residential or Residential Conservation Zones is partly or wholly contained within the area seaward of a contour line that is 70 dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, then at the written request of the property owner the Port Liaison Committee shall organise an offer of purchase for the property. The offer shall be made by the Lyttelton Port Company Limited and the property owner has the right to accept or reject an offer.~~

• ~~A fair market value of the property shall be determined as if the property was situated in Lyttelton, not taking into account the effect of port noise.~~

• ~~Procedures shall be put in place so a fair valuation is reached.~~

• ~~Alteration of the Plan~~

• ~~Develop procedures to alter/update the Port Noise Mitigation Plan.~~

Chapter 35 Access, Parking and Loading – amend as follows

POLICIES

...

3B

To enable Lyttelton Port to operate effectively and efficiently as a major sea link.

3CB

To recognise and protect the primary function of State Highway 74 to provide the road transport access route to the Port of Lyttelton while recognising that Norwich Quay also serves Lyttelton township and must be managed appropriately.

3DC

To require a standard and level of access onto the State Highways that avoids ribbon development, promotes road user safety and provides for the on-site parking, loading and manoeuvring of vehicle traffic generated by new activities or redevelopment of existing facilities.

3ED

In order to maintain a safe and efficient State Highway network, the provision of internal roading networks and the rationalisation of access onto the State Highway for development or redevelopment initiatives will, where practicable and reasonable, be promoted within the District.

EXPLANATION AND REASONS

In terms of transportation into and out of the District, high quality transport links are needed, particularly to Lyttelton Port. This requires an efficient, safe network appropriate to the types of vehicles and trains, which will be using the links. It is essential to maintain and further develop links that are both efficient and safe so as to support the viable operation of transport links for people and goods.

Given that rail and arterial road links are busy, it is important that new sensitive landuse activities do not encroach on these key transport corridors. Lyttelton Port is a vital sea link to the district, region and New Zealand, and for that reason is an important part of the strategic transportation infrastructure. It is important that it continues to provide an efficient and effective service through the protection of the port and the associated rail and arterial road corridors. **Protection of the Port is further addressed through the Lyttelton Port Recovery Plan.**

In order to maintain an efficient and safe State Highway network, it is recognised that developments or redevelopments with access onto a Highway will, where practicable and reasonable, need to rationalise any access points through internal roading networks or, where available, use alternative access onto the local roads. ~~It is recognised however that there may be exceptions to this policy because of the existing access configuration to the Port. This is because the existing access points onto Norwich Quay serve geographically different parts of the port and it will be difficult for them to be rationalised.~~

2. Conditions for Permitted Activities

The following standards shall be met by all permitted activities and shall be used as a guide for all other activities, **except that these standards do not apply in the ~~Specific Purpose (Lyttelton Port) Zone.~~** Any permitted activity which fails to comply with any of these standards shall be deemed to be a discretionary activity.

2.1 Access to State Highways and District Roads

The creation of a new property access, or the change in character, intensity and scale of the use of an existing access is a permitted activity provided the following conditions are met:

- The traffic generated by the property activity is less than 60 equivalent car movements per day for access to a State Highway, or 100 equivalent car movements per day for access to a district road, ~~except that the following is exempt from the rule:~~

↓

- ~~• Traffic using the existing accesses from the Lyttelton Port Zone onto State Highway 74; and~~
- ~~• Traffic using any new or existing accesses from the Lyttelton Port Zone onto district roads.~~

ANTICIPATED ENVIRONMENTAL RESULTS

...

- Safe and efficient operation of key transportation corridors and strategic transport infrastructure, ~~for example, Lyttelton Port.~~

CHAPTER 36 UTILITIES

RULE 2.2 Height and Size of Buildings and Structures

(a) Except for utilities in the Residential Conservation Zone and Town Centre Zone, the height conditions for permitted activities in the relevant Zone shall apply to all utility structures other than those utility structures listed in b) and c) below.

(b) For pole structures associated with utilities other than radiocommunication facilities (see (c) below), the maximum permitted height shall be 15 metres. Such pole structures are not required to comply with the Building Height in Relation to Boundary rule that may apply in the Various Zones.

(c) For support structures associated with radiocommunication facilities (e.g. Masts and poles but excluding buildings) the following heights above ground level shall not be exceeded in the Zones listed below in (i), (ii) and (iii). Such support structures are not required to comply with the Building Height in Relation to Boundary rule that may apply in the Various Zones.

(i) 20 metres for Small Settlement, Papakainga, Residential, Rural-Residential and Akaroa Hillslope Zones (excluding Town Centre and Residential Conservation Zones), providing that the support structure is not located within 30 metres of a residential unit sited within any of the aforementioned zones (including the Town Centre and Residential Conservation Zones) and the support structure and antennas do not have a diameter greater than 0.4m.

(ii) 25 metres for ~~Lyttelton Port~~, Boat Harbour, and Industrial Zones providing that the support structure is not located within 30 metres of a residential unit sited within any of the zones referred to in rule 2.2(c)(i) above and the support structure does not have a diameter greater than 0.5m from a point 6m above ground level.

CHAPTER 37 WASTE MANAGEMENT AND HAZARDOUS SUBSTANCES – amend as follows

Overview

...

The management of hazardous substances has not been an issue of major significance in most of the Banks Peninsula District. ~~Other than at the petroleum products bulk storage facility in the Lyttelton Port Zone,~~ **Relatively** small volumes are used and stored in the District. ~~But~~ in all cases, potential problems associated with hazardous substances are considerable. The main categories of hazardous substances are those associated with agriculture, commercial, industrial and household wastes and fuel tanks

...

(Note: these rules do not apply to **the Lyttelton Port Zone or to** the holder of an existing privilege under the Crown Minerals Act, provided that the holder is acting within the terms of the privilege.)

RULES

...

3.1 Exceptions

~~For the purposes of Rule 3, the storage of hazardous substances does not apply to the transit and/or temporary storage (maximum 72 hours) of any cargo at Lyttelton Port.~~

~~Any application for a resource consent for the use, storage or manufacture of hazardous substances in the Lyttelton Port Zone shall be processed non-notified and there is no requirement to obtain written approval of parties.~~

Appendix XV Hazardous Substances

Delete table headed "Lyttelton Port Zone" and otherwise amend as follows:

TOWN CENTRE, INDUSTRIAL (Lyttelton) and Boat Harbour Zones		
Schedule 1 Class	Column A	Column B

...
9.2 – Lyttelton Port only	1,000 litres	

Appendix XIX Maximum height areas for bulk oil storage structures in Lyttelton

Delete appendix in its entirety.

Part VII – Definitions

Amend as follows:

Delete the definition “Port Activities”.

Appendix 6: Amendments to the proposed Canterbury Land and Water Regional Plan

Appendix 6: Amendments to the proposed Canterbury Land and Water Regional Plan

Amend Section 10.4 Policies as follows:

~~No additional policies apply in the Banks Peninsula Sub-regional area, in addition to those set out in Section 4 of this Plan.~~

- 10.4.1 The recovery of Lyttelton Port is provided for by expediting activities associated with the repair, rebuild and reconfiguration of the Port, while managing the effects on the environment and ensuring the integrated management of Whakaraupō/Lyttelton Harbour.

Amend Section 10.5 Rules as follows:

~~No additional rules apply in the Banks Peninsula Sub-regional area, in addition to those set out in Section 5 of this Plan.~~

- 10.5.1 An activity within the areas shown on Map 10.1 as Area A or Area B, which involves any one or more of:**

- (a) the use of land for:**
 - i. the excavation of material;**
 - ii. the deposition of material onto or into land or into groundwater, and any associated discharge into groundwater;**
 - iii. vegetation clearance or earthworks within the riparian margin (defined for the purposes of this rule as any land within 10 metres of the bed of a river, lake or wetland boundary);**
 - iv. the installation and use of building foundations;**
- (b) the discharge of sediment-laden water generated from earthworks into a surface waterbody, or onto or into land where it may enter a surface waterbody; and**
- (c) the taking of water for the purposes of dewatering or land drainage, and the associated discharge of that water into a surface waterbody, or onto or into land where it may enter a surface waterbody;**

is a permitted activity, provided the following conditions, as applicable, are met:

Earthworks, deposition and excavation of material

1. Erosion and sediment control measures are implemented and maintained throughout the duration of the works to minimise erosion and the discharge of sediment laden water to surface water; or onto or into land where it may enter surface water.
2. Any material deposited into groundwater, or onto or into land within 1 metre of groundwater shall only be previous in situ material from the same location,

uncontaminated fill (soil, rocks, gravels, sand, silt, clay), concrete, cement, grout, steel or timber foundation piles, or inert building materials.

3. Earthworks involving below ground soil disturbance do not occur on any area which is identified as a landfill.
4. There is no discharge of any cement, concrete, grout, or water containing cement, grout, or concrete, into any surface waterbody, or beyond the property boundary.

Geotechnical investigations

5. The bore is used only for the purposes of geotechnical investigations and is decommissioned by filling with clean material and compacted or sealed at the surface to prevent contaminants entering the bore.
6. Information on location, bore logs and intended uses is submitted to the Canterbury Regional Council within 20 working days of drilling the bore.

Dewatering, sediment-laden water and land drainage

7. For Area A, the discharge is only sediment and water;
8. The taking and discharge of land drainage water and the site dewatering water onto or into land or into surface water does not result in river bed or river bank erosion.
9. The discharge shall not result in any of the following:
 - a. The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b. Any conspicuous change in colour or visual clarity;
 - c. Any emission of objectionable odour; or
 - d. ~~The capability of causing s~~Significant adverse effects on aquatic life.

10.5.2 Within the area shown on Map 10.1, an activity in Area A or Area B which does not comply with one or more of the conditions of Rule 10.5.1, or in Area C, which involves any one or more of:

- (a) the use of land for:**
 - i. the excavation of material;**
 - ii. the deposition of material onto or into land or into groundwater, and any associated discharge into groundwater;**
 - iii. vegetation clearance or earthworks within the riparian margin (defined for the purposes of this rule as any land within 10 metres of the bed of a river, lake or wetland boundary);**
 - iv. the installation and use of building foundations;**
- (b) the discharge of sediment-laden water generated from earthworks into a surface waterbody, or onto or into land where it may enter a surface waterbody; and**
- (c) the taking of water for the purposes of dewatering or land drainage, and the associated discharge of that water into a surface waterbody, or onto or into land where it may enter a surface waterbody;**

is a restricted discretionary activity.

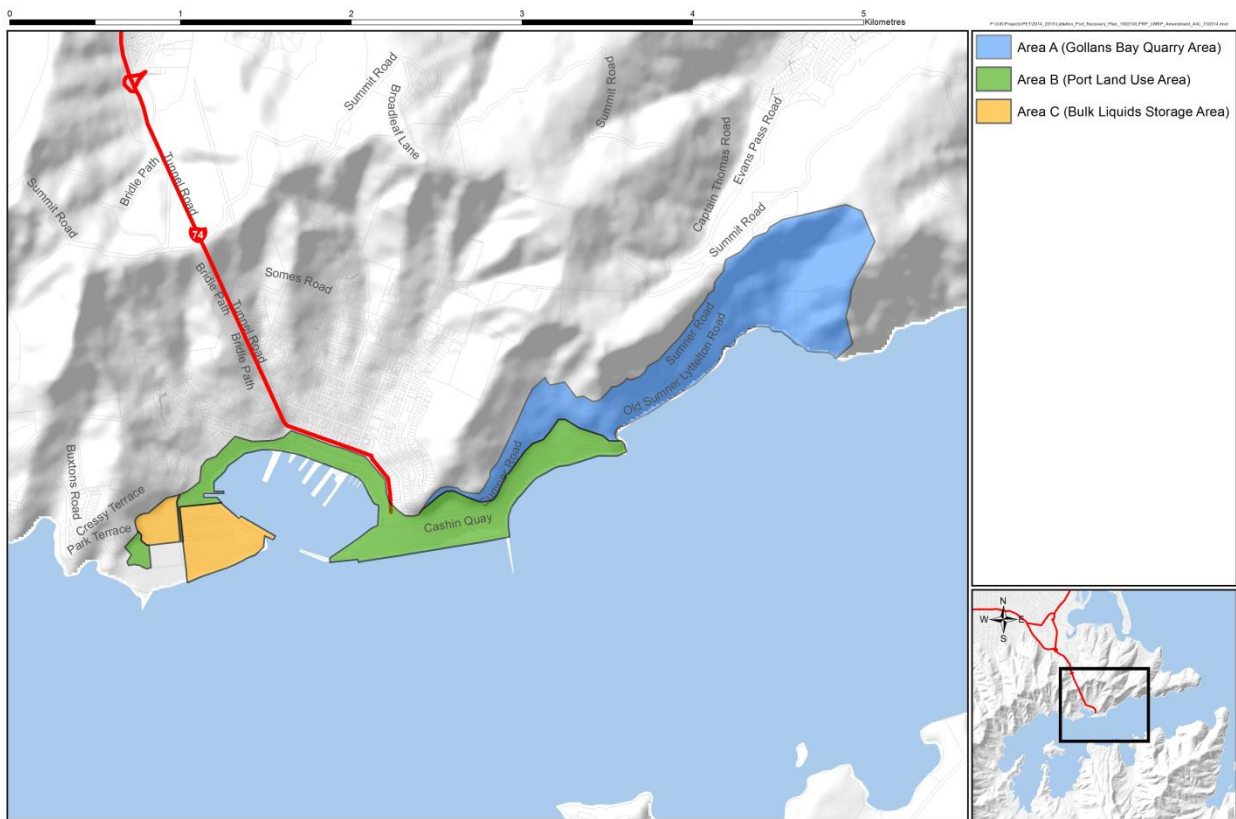
The exercise of discretion is limited to the following matters:

1. For Area A or Area B, the effect of not meeting the condition or conditions of Rule 10.5.1 and any mitigation measures to minimise that effect.
2. For Area C, the nature of any contaminants present, their effects on the receiving environment and any mitigation measures to minimise those effects.

Notification

Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.



Map 10.1 Port of Lyttelton Management Area



Appendix 7: Amendments to the proposed Canterbury Air Regional Plan

Appendix 7: Amendments to the proposed Canterbury Air Regional Plan

Insert new policy into Section 6

The recovery of Lyttelton Port is provided for by expediting activities associated with the repair, rebuild and reconfiguration of the Port, while managing the effects on the environment.

Amend Rule 7.29: Discharge of Dust from an Industrial or Trade premises – restricted discretionary activity

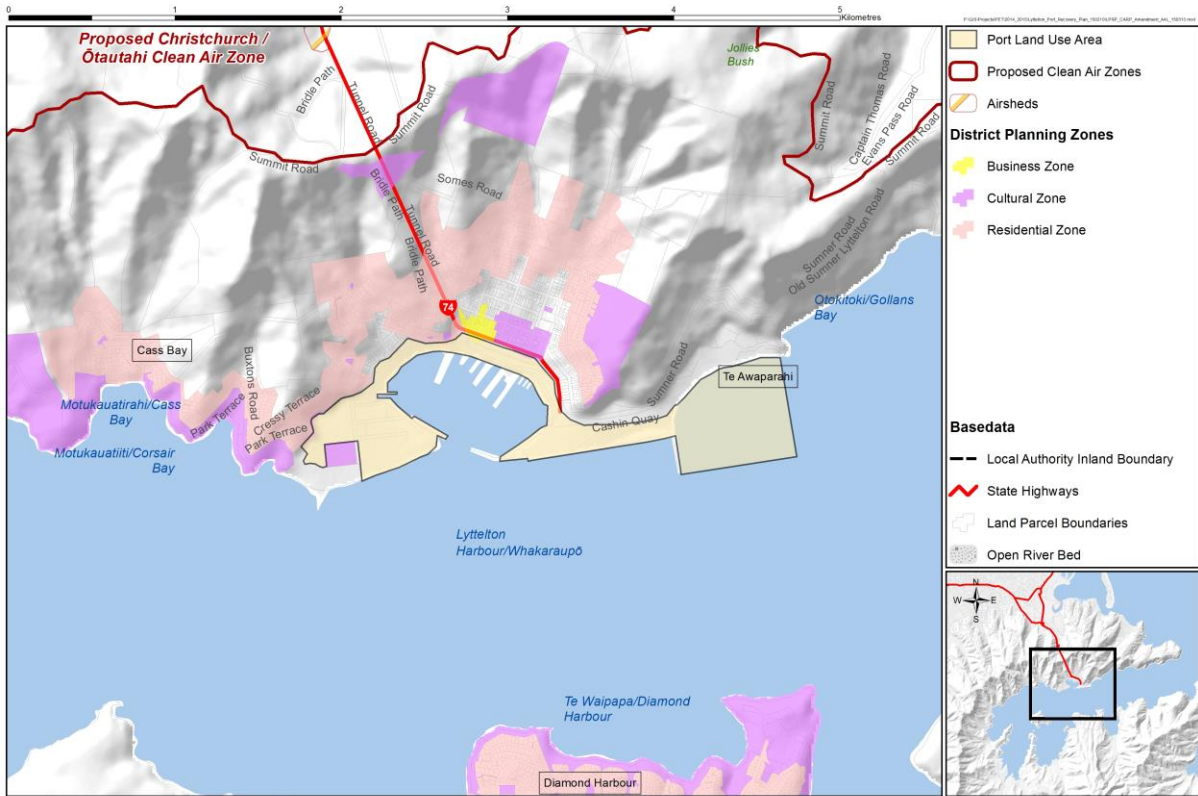
Except where otherwise permitted, **controlled**, or prohibited by rules 7.30 to 7.59 below, the discharge of dust, beyond the boundary of the property of origin, including from unsealed or unconsolidated surfaces, from an industrial or trade premise, including a construction, subdivision or development property is a restricted discretionary activity.

Insert new Rule 7.29A: Handling of bulk materials at the Lyttelton Port – controlled activity

The discharge of contaminants to air, beyond the boundary of the property of origin, resulting from the handling or storage of bulk materials or from unsealed or unconsolidated surfaces associated with the rebuild, repair or reconfiguration of the Lyttelton Port within the ~~shown as~~ Port Land Use Area shown on Canterbury Air Regional Plan Map Port of Lyttelton Land Use Area, that is not otherwise permitted by Rule 7.37 or Rule 7.38, is a controlled activity.

The CRC reserves control over the following matters:

- 1. The contents of a dust management plan prepared in accordance with Schedule 2, which shall form part of the site-wide Construction and Environmental Management Plan.**
- 2. The matters set out in Rule 7.2.**



Port of Lyttelton Land Use Area
Canterbury Air Regional Plan



August 2015

DEVELOPMENT OF THE DRAFT LYTTTELTON PORT RECOVERY PLAN

Canterbury Regional
Council Decision Report

Attachment 5

SUPPLEMENTARY OFFICERS' REPORT ON OUTSTANDING MATTERS

1	Introduction.....	3
2	Consultation Preceding Public Notification of the Preliminary Draft Lyttelton Port Recovery Plan.....	3
3	CER Act overview – scope and enforceability of Recovery Plan, including status of First Volume of Recovery Plan.....	5
4	Whole of Harbour Issues.....	6
5	Section 69 of the CER Act	11
6	Oil Companies’ Submission	12
7	Existing Spoil Dumping Grounds.....	14
8	Reclamation.....	15
9	Adaptive Management Plans	20
10	Naval Point Recreational Boating Area.....	20
11	Actions 8 and 9.....	23
12	Cruise Berth Action	24
13	Norwich Quay Commercial Zone	24
14	Dampier Bay Planning Framework	25
15	Requests for a Comprehensive Mitigation/Compensation Package.....	26
16	Evans Pass/Sumner Road.....	26
17	District Plan Miscellaneous.....	27
18	Regional Plans Miscellaneous.....	29

1 Introduction

During the hearing for the preliminary draft Lyttelton Port Recovery Plan (pdLPRP) a number of matters have been raised by various submitters where the Hearing Panel have indicated that assistance from Canterbury Regional Council (CRC), Lyttelton Port Company Limited (LPC) and other submitters, would be beneficial. A list of these matters was provided by the Hearing Panel.

On 9 June 2015 a Memorandum of Counsel for CRC was provided to the Hearing Panel outlining the matters raised where the officers considered clarification and assistance from the officers could be provided.

This supplementary officers' report on outstanding matters provides that clarification and assistance on the matters raised during the course of the hearing.

2 Consultation Preceding Public Notification of the Preliminary Draft Lyttelton Port Recovery Plan

2.1 Consultation with partner organisations, LPC and central government

As required by Clause 6.8 of the Direction issued by the Minister for Canterbury Earthquake Recovery, the Canterbury Regional Council developed the pdLPRP in consultation with Christchurch City Council, Selwyn and Waimakariri District Councils, Te Rūnanga o Ngāi Tahu, the New Zealand Transport Agency, Department of Conservation and the Canterbury Earthquake Recovery Authority. Regular fortnightly meetings were held with these organisations at the officer level, and additional technical workshops covering specific issues. Briefings were also provided to the Urban Development and Recovery Managers' Group, the Chief Executives Advisory Group, the Recovery Strategy Advisory Committee, and central government agencies.

CRC representatives attended meetings of the Christchurch City Council's Lyttelton Working Party, and presented to the Community Forum on 19 March 2015.

The CRC also consulted with LPC as necessary (refer Clause 6.9 of the Minister's Direction).

2.2 Pre-notification community engagement

Prior to the notification of the pdLPRP for consultation and submission, a series of community engagement meetings was conducted. The purpose of these meetings was to introduce our team to the groups, ensure they were aware of the development of the plan and to help groups understand the implications of the plan. They also allowed CRC to speak to the residents about the issues that were of the greatest concern to them. The details of these meetings and their attendance are shown in the table below.

Group	Date	Attendance
Diamond Harbour Community Association	9 February 2015	15
Te Rūnanga and ngā Rūnanga	16 February 2015	9
Lyttelton Community Association	16 February 2015	7
Lyttelton / Mt Herbert Community Board	17 February 2015	4
Governors Bay Community Association	23 February 2015	10

Table 1: Summary of Engagement Meetings

CRC also approached the Lyttelton Business Association, Project Lyttelton and the Lyttelton Information Centre. These parties informed CRC that they did not wish to meet at this time.

2.3 Post-notification

On 2 April 2015, the pdLPRP was approved by Council for notification. An email was sent to stakeholders after this meeting informing stakeholders of this decision and advising of the dates of the submission period, the public meetings and the PORTacabin hours. The pdLPRP was publicly notified in The Press on 11 April 2015, with further advertising in local papers, community newsletters, social media and on the Environment Canterbury website. Letters were posted to the partner organisations, stakeholders, and residents of the Harbour Basin and Southshore.

After notification there were two key mechanisms used for consultation: the PORTacabin and public meetings. The PORTacabin was open on Thursdays 10am – 2pm and on Saturdays 10am-12.30pm (1pm-3.30pm on ANZAC day) between 9 April 2015 and 9 May 2015. This was a drop-in venue located on the corner of Oxford and London Streets in Lyttelton where interested parties could attend and ask questions of the project team. Between two and ten people attend each session.

The other mechanism was the public meetings outlined in the table below. These meetings lasted approximately 2 hours each and commenced with a 45 minute presentation from CRC followed by an open forum for questions and some time at the end for one-on-one questions.

Where neither of the above worked for a particular interested party CRC offered to meet with parties separately. A meeting was held with the Naval Point Club and Young 88 on 30 April 2015.

Location	Date	Attendance
Lyttelton	14 April 2015	Approx. 50
Christchurch	16 April 2015	Approx. 40
Diamond Harbour	20 April 2015	Approx. 30
Te Wheke Marae, Rāpaki (invitation only)	29 April 2015	Approx. 15

Table 2: Summary of Public Meetings during Consultation Period

3 CER Act overview – scope and enforceability of Recovery Plan, including status of First Volume of Recovery Plan.

3.1 Matters Raised

The Hearing Panel has asked for assistance on the status of the first volume of the Recovery Plan.

This also raises a broader issue about the scope and enforceability of the Recovery Plan and the Minister's powers under the CER Act.

3.2 Discussion

The Recovery Plan is structured to include in volume one a narrative and a number of implementation actions, together with appendices setting out changes to RMA documents.

"Recovery Plan" is defined in s 4 of the CER Act as a "Recovery Plan approved under section 21(2)". CRC considers that it, therefore, includes the entire document that is approved by the Minister, i.e. all of the text, including Actions containing non-statutory directions. This view is also consistent with s 16 of the CER Act which empowers the Minister to direct the development of a Recovery Plan and the Minister's Direction to Develop a Lyttelton Port Recovery Plan, which sets out in section 5 matters which the plan must include, which are not limited to specific amendments proposed to RMA documents.

The first volume of the Recovery Plan includes a number of implementation Actions and even though this material all forms part of the Recovery Plan, it is not all enforceable by direction from the Minister under the CER Act, because not all of it falls within the powers of the Minister under the Act.

The Minister's functions under the CER are set out in s 8 of the Act and relevantly include:

- a. Approving Recovery Plans and changes to them (ss 21 and 22), including amendments to RMA documents and other instruments to give effect to a Recovery Plan (ss 24 and 26);
- b. Suspending, amending or revoking the whole or parts of RMA documents, resource consents, and other instruments applying in greater Christchurch (s 27);
- c. Giving directions to councils to take or stop taking any action or to make or not to make a decision (in relation to actions required, authorised or prevented by specified RMA documents); and
- d. Directing a council to carry out certain functions of the council within a specified timeframe and issuing a call-in notice and assuming certain responsibilities of the council if the timeframe has not been complied with (ss 49 and 50).

Beyond this, there is no power to direct local bodies or other parties to take any action. It is in this context that the implementation actions in volume one must be understood.

In the pdLPRP Actions 1 to 5 contain statutory directions and Actions 7 to 11 are non-statutory actions.

Actions containing statutory directions are actions that are to be implemented using CER Act powers. For example, Actions 1 to 5 direct immediate changes to be made to RMA documents pursuant to section 24(1)(a) and 24(1)(b) of the CER Act.

The non-statutory actions record the commitment of the parties reached as part of the development of the Recovery Plan. These actions are not implemented using CER Act powers. These actions are not directly enforceable, except to the extent that sections 23 and 26 of the CER Act apply.

Section 23 of the CER Act provides that any person exercising functions or powers under the RMA must not make a decision or recommendation that is inconsistent with a Recovery Plan on the following matters under the RMA:

- a. An application for a resource consent for a restricted discretionary, discretionary, or non-complying activity.
- b. A notice of requirement.
- c. An application for a transfer of a resource consent.
- d. An application to change or cancel the conditions of a resource consent.
- e. A review of a resource consent.
- f. The preparation, change, variation or review of an RMA document under Schedule

Therefore once this Recovery Plan is approved by the Minister and gazetted, while the CER Act remains in existence, a decision maker cannot make a decision on the matters listed in section 23 that is inconsistent with the Recovery Plan.

Section 26 of the CER Act deals with the relationship of a Recovery Plan to other instruments. The instruments listed in the section, so far as they relate to greater Christchurch, must not be inconsistent with a Recovery Plan approved by the Minister. These instruments include, among others, annual plans, long-term plans, and triennial agreements under the LGA 2002, regional public transport plans, general policies and conservation management strategies approved under the Conservation Act 1987 and the Reserves Act 1977, management plans approved under the Reserves Act 1977, conservation management plans approved under the Wildlife Act 1953 and any other management plan for a reserve under any other enactment.

In accordance with section 26, a Recovery Plan is to be read together with and forms part of any instruments listed in section 26, and prevails where there is any inconsistency between it and an instrument. If required by the Recovery Plan, the responsible entity must amend the instrument to give effect to the provisions of the Recovery Plan.

4 Whole of Harbour Issues

4.1 Matters Raised

A number of submitters heard at the hearing have questioned whether the pdLPRP should be redrafted to better address whole-of-harbour issues, particularly issues which some groups or individuals consider may be affected by port recovery activities such as the reclamation.

Action 7 of the pdLPRP as notified provides that:

Environment Canterbury, LPC, Te Hapū o Ngāti Wheke and Te Rūnanga o Ngāi Tahu will agree on an organisational and governance structure, and process, for developing an integrated management plan for Whakaraupō/Lyttelton Harbour.

In the ECan Officer's report, amendments were proposed to provide more clarity on what is envisaged for this Action, including a timetable for the development of the Harbour Catchment Management Plan.

Te Rūnanga and ngā Rūnanga have submitted that Action 7 is toothless and may not be enforceable. It has asked the Hearing Panel to recommend that the Minister direct the establishment of a joint committee under the LGA, pursuant to s 49 of the CER Act.

4.2 Discussion

The CRC shares the desire of Te Rūnanga and ngā Rūnanga to see the Harbour Catchment Management Plan developed and implemented as soon as possible, in a way that reflects the role of Te Hapū o Ngāti Wheke as manawhenua and manamoana, as well as the interests of the many organisations with a stake in the health of the harbour. The CRC's commitment is reflected in its inclusion of funding for the Harbour Management Plan in its Long-Term Plan for 2015-25.

We do not believe that the approach proposed by Te Rūnanga and ngā Rūnanga is feasible, however. The ECan Officers' report addresses these concerns at section 4.2 (Matters in the Minister's Direction) and section 5.2 (Integrated management Plan for Whakaraupō/Lyttelton Harbour). In summary that report notes:

- 1) In section 4.2, that:
 - a) the geographic extent of the LPRP is shown in Map A attached to the Minister's Direction, and although this can be extended at the discretion of the CRC this must include consultation with specified parties, and would need to relate to recovery issues.
 - b) while acknowledging Clause 4.3 of the Minister's direction, the LPRP is not required to "address or resolve, through the draft Plan, social, economic, cultural and environmental well-being issues for surrounding communities and Lyttelton Harbour that are of long standing and/or are not related to the recovery of the Port".¹

¹ Officer recommendations on amendments in response to submissions, page 11.

- c) extending the geographic scope to include the whole of the harbour at this stage would require additional processes and would not be consistent with the intent of the direction or the need to expedite recovery for the Port.
- 2) In section 5.2, advice received by Environment Canterbury that the Minister for CER cannot, through the approval of a Recovery Plan, direct the preparation of an integrated management plan for the whole of Whakaraupō / Lyttelton Harbour. This is due to an integrated management plan dealing with matters outside the scope of the recovery plan and that are unrelated to earthquake recovery. However, the recovery plan can record an agreement between parties to develop an integrated management plan.

Therefore there are constraints on how the LPRP can address whole-of-harbour issues, including:

- the geographic extent of the LPRP
- the intent of the Minister's direction
- the need to provide for an expedited recovery of the Port
- the need for the LPRP to focus on recovery matters

Specifically, the wider environmental issues in Whakaraupō / Lyttelton Harbour, are not considered to be within the scope of the LPRP:

- a. As the Court of Appeal acknowledged in *Canterbury Regional Council v Independent Fisheries Limited* [2013] 2 NZLR 57, the concept of recovery is not entirely unbounded. It could not have been intended to be so open ended that almost anything was covered. The starting point must be to focus on the damage that was done by the earthquakes and then to determine what is needed to "respond" to that damage. Against that background all action designed, directly or indirectly, to achieve the objectives of the Act, is contemplated;
- b. The starting point must be that the Minister did not consider it necessary to direct a recovery plan for the whole harbour. This suggests that he did not consider that dealing with the matters raised by Te Rūnanga and ngā Rūnanga relating to the whole harbour was necessary for the purposes of recovery; and
- c. Unlike the proposed reclamation and inclusion of the main channel and proposed capital dredging areas, the whole-of-harbour issues raised by Te Rūnanga and ngā Rūnanga are the result of a range of causes and, as Te Rūnanga and ngā Rūnanga acknowledge, have existed for decades. In this context, it is difficult to conceptualise them as being even indirectly related to damage caused by the earthquakes; and
- d. Ngai Tahu relies on clause 4.3 and 5.1.2 of the Minister's Direction to suggest that it envisaged a wider approach which would encompass whole of harbour issues. However, CRC considers that, when read in their full context, it is clear that those clauses do not go as far as Te Rūnanga and ngā Rūnanga suggest. The focus is clearly on those areas in which recovery related issues might either directly or indirectly impinge on the well-being of the Lyttelton township and community or where there are broader economic matters to consider (for instance, in relation to transport links).

4.2.1 Section 49 of the CER Act

Submitters have raised the possibility of other processes that may be used to address the whole-of-harbour issues, in particular Te Rūnanga and ngā Rūnanga submitted that section 49 of the CER Act could be used to direct ECan and CCC to establish a joint committee under the Local Government Act 2002.

It is considered that s 49 of the CER Act does not empower the Minister to make a direction as sought by Te Rūnanga and ngā Rūnanga:

- a. First, the provision anticipates written notice. A direction in a Recovery Plan is something of an entirely different nature and is separately dealt with in sections 16 to 26 of the CER Act. It would be inconsistent with the scheme of the CER Act for s 49 to be used in this way;
- b. Section 49 applies to "specified responsibilities, duties, or powers of the council or organisation", i.e. responsibilities, duties or powers given to the council or organisation by statute. The power to appoint a joint committee is not a specific responsibility, duty or power given to a local authority under statute. Instead, it is a discretionary decision as to an appropriate procedural mechanism for dealing with certain matters that require cross-organisation involvement, which can be made under the general powers in the LGA set out above. CRC does not consider that s 49 extends to the Minister being able to direct how discretionary decisions made under general powers of the council are exercised;
- c. The establishment of a joint committee requires agreement of all local authorities and/or public bodies involved. The effect of the LGA provisions is that joint committees are not bodies which may be set up on an ad hoc basis, but are bodies that are set up following the triennial elections and that exist until the next triennial election (unless the local bodies involved all agree to changes). This means that any written notice by the Minister pursuant to s 49 would need to include a direction to Christchurch City Council as well as to CRC and would need to entirely override the usual process for agreement as to membership, terms of reference and responsibilities between the local bodies. In essence, s 49 would be an inapt tool to achieve the effect sought by Te Rūnanga and ngā Rūnanga;
- d. CRC notes that s 26 of the CER Act provides that triennial agreements must not be inconsistent with the Recovery Plan and that the Recovery Plan prevails where there is an inconsistency. Section 26 also provides for amendment where required by a Recovery Plan. However, CRC considers that this is intended to capture situations in which triennial agreements or other instruments must be amended as a result of directions made pursuant to the CER Act, rather than allowing for interference with the general powers of a local authority by requiring the establishment of a new joint committee pursuant to s 49.

4.2.2 Review of Regional Coastal Environment Plan

The Regional Coastal Environment Plan for the Canterbury Region (RCEP) became operative in November 2005. Under section 79 of the Resource Management Act the Canterbury Regional Council must review the provisions of the RCEP that have not been a subject of a proposed policy statement or plan, a review, or a change by the regional council

during the previous 10 years. Therefore the RMA requires a review of the provisions of the RCEP to be initiated in 2015. It is understood that notification is unlikely to occur until 2017.

The RCEP addresses the sustainable management of the coastal marine area, and must give effect to the NZ Coastal Policy Statement. Importantly for Te Rūnanga and ngā Rūnanga, a regional council, when preparing or changing a regional plan, “must take into account any relevant planning document recognised by an iwi authority”.²

The forthcoming review of the RCEP provides a clear process to address wider Whakaraupō / Lyttelton Harbour water quality and other issues, making it even more difficult to justify using a CER Act mechanism to address these issues.

The Harbour Catchment Management Plan, to be progressed under Action 7 of the LPRP, could be an appropriate mechanism to provide input into the RCEP review process in terms of Whakaraupō / Lyttelton Harbour environmental sustainability and health.

4.3 Recommendations

The ECan Officers’ report recommends changes to the wording of Action 7 that provide more clarity on this action, and notes that once ECan’s Long-Term Plan is approved in late June 2015, the amount of ECan funding for this initiative will be able to be included in the draft Recovery Plan to be provided to the Minister. The amended wording provides a timetable for agreement on the structure and funding for the action, a stocktake of existing knowledge, and the development of the harbour catchment management plan. This timetable would enable the harbour catchment management plan process to feed into the review of the RCEP.

ECan and the other named parties can work together to continue to refine this action in the period leading up to the CRC’s approval of a draft Recovery Plan to be provided to the Minister.

² Resource Management Act 1991 s66(2A)(a).

5 Section 69 of the CER Act

5.1 Matters Raised

The submission of Te Rūnanga and ngā Rūnanga raised an issue in relation to appeal rights and the application of section 69 of the CER Act.

Te Rūnanga and ngā Rūnanga say that the Recovery Plan should specifically provide for a right of appeal pursuant to s 69(1)(c).

5.2 Discussion

The CER Act provides that there is generally no right of appeal against a decision of the Minister acting under the Act (s 68(1)), unless certain specified exceptions apply. One of these exceptions under s 69(1)(c) is:

against a decision on an application for a resource consent or a notice of requirement for an activity or use that is specified in a Recovery Plan as being subject to this section, and in respect of which a person would otherwise have a right of appeal or objection under the Resource Management Act 1991

CRC considers that it would be inconsistent with the scheme of the CER Act and inappropriate to specify that the Recovery Plan is subject to s69(1)(c):

- a. CRC does not consider that s 69(1)(c) or (2)(c) provide a full right of appeal to the High Court. The appeal rights are expressed to be in circumstances in which the person would otherwise have had a right of appeal under the RMA. This would be an appeal on a point of law, not a full appeal on the facts.
- b. The purpose behind the limiting of appeal rights in the CER Act is to ensure that appeals do not impede a focused, timely and efficient recovery, consistent with section 3(b) of the Act;
- c. Consideration of whether to invoke the power under s69(1)(c) to specify in a Recovery Plan that the Recovery Plan is subject to that section must be undertaken with reference to the recovery-related purposes of the CER Act;
- d. Here, Te Rūnanga and ngā Rūnanga do not articulate any "recovery" related reason for which general rights of appeal (or, in fact, even a more limited right of appeal on a point of law) would be necessary in relation to the Recovery Plan and CRC does not consider that specifying that the Recovery Plan is subject to s69(1)(c) in this way would be consistent with the purpose of the CER Act in relation to the Recovery Plan process, which was to achieve certainty in a timely manner.
- e. CRC does not consider that such appeal rights are necessary to achieve the recovery purposes in relation to the matters covered in the draft Recovery Plan;
- f. CRC also notes that under s 68(4) the limits on appeal rights in relation to s 69(1)(c) only apply while the CER Act is in force. Once the CER Act expires, appeal rights will be determined as they would in the usual course.

5.3 Recommendations

That no amendments are made to specify that the Recovery Plan is subject to s69(1)(c) of the CER Act.

6 Oil Companies' Submission

6.1 Matters Raised

The Oil Companies have also requested various changes to the proposed CRDP and RCEP provisions, to address risk in association with the tank farm.

6.2 Discussion

ECan Officers, in their report to the Hearing Panel, recommended that the changes sought by the Oil Companies to the CRDP provisions be dealt with through the CRDP process. We acknowledge that Mr le Marquand, in his summary statement, agreed that many of the provisions, including the definition of sensitive activities, would be more appropriately addressed through the district plan review process.

He has requested however that some changes nevertheless be made to the Specific Purpose (Lyttelton Port) Zone objectives and policies around risk, and a new rule inserted to address land-side cruise ship facilities at Naval Point.

ECan officers do not agree with all of the policy changes requested by Mr le Marquand, as we are concerned that they unbalance the policy by presupposing the outcomes of any risk analysis to a greater degree than officers are comfortable with. A minor change to Policy 21.8.1.1.3 in the CRDP is warranted, to clarify that policy, as follows:

21.8.1.1.3 Policy – Port operation, use and development

- a. Enable the efficient operation, use and development of Lyttelton Port by:
 - i. ensuring non-port related activities or development do not compromise Port operations or development of port and maritime facilities;
 - ii. avoiding public access in the port operational and quarry areas, ~~except to Naval Point~~, to ensure public safety and the security of cargo and Port operations;
 - iii. avoiding the creation of esplanade reserves or esplanade strips within the Specific Purpose (Lyttelton Port) Zone;
 - iv. providing for expansion of the Port operational area onto reclaimed land in Te Awaparahi Bay; and
 - v. providing flexibility to maintain and manage operations that increase the Port's resilience to natural hazards during and after natural hazard events and that appropriately manage hazard risk.

Existing objectives and policies otherwise reference safety requirements in relation to Port operations (which by definition includes hazardous facilities) in several places, and ECan officers consider this is adequate to allow consideration of risk associated with the tank farm.

ECan officers agree that a new rule requiring landside cruise ship berth facilities at Naval Point would be warranted, as suggested by Mr le Marquand. This is consistent with officer recommendations for discretionary activity status for a Naval Point cruise ship berth in the RCEP. With the insertion of that new rule, officers agree that a new policy specifically addressing cruise ship berth facilities at Naval Point is warranted. We recommend a modified version of the policies proposed by Mr le Marquand in paragraph 8.6 of his summary statement and Mr Purves (for LPC) on page 17 of his summary statement to be included in the CRDP as follows. It is recommended that a similar policy be inserted into the RCEP as Policy 10.1.16 (see tracked changes version of the RCEP provisions attached for exact wording).

Policy 21.8.1.1.5 (CRDP)

Ensure that:

cruise ship passengers and workers and land-based facilities serving a cruise ship berth at Naval Point are not exposed to unacceptable risk as a result of proximity to hazardous facilities located within the Bulk Liquid Storage Area; and

the establishment or extension of land-based cruise ship facilities at Naval Point does not limit the operation of hazardous facilities within the Bulk Liquid Storage Area.

In addition to requesting changes as discussed above to the policies in the RCEP, the Oil Companies also seek minor changes to the definition of Port Activities in the RCEP to include reference to hazardous substances, pipelines and wharf lines. These changes were supported by LPC in its evidence presented at the hearing, and we consider that it is appropriate to amend the definition of Port Activities as requested.

6.3 Recommendations

Amend CRDP provisions 21.8.1.1.3 Policy – Port operation, use and development as set out above.

Insert new CRDP Policy 21.8.1.1.5 as set out above.

Insert new RCEP Policy 10.1.16 Cruise ship berth at Naval Point.

Amend the definition of Port Activities in the RCEP to include reference to hazardous substances, pipelines and wharf lines.

7 Existing Spoil Dumping Grounds

7.1 Matters Raised

An issue has arisen as to whether the provisions relating to the deposition of seabed material at the Spoil Dumping Grounds shown on Planning Map 5.5, may be outside of the scope of this Recovery Plan. The Spoil Dumping Grounds are located along the northern side of Lyttelton Harbour and are shown on Planning Map 5.5 of the RCEP, which is outside the area in Map A attached to the Minister's Direction.

7.2 Discussion

Rules have been proposed to enable the deposition of seabed material that is generated from certain construction activities within the Operational Area of Lyttelton Port and dredging of the Main Navigation Channel or within the Operational Area of Lyttelton Port at the Spoil Dumping Grounds.

While the Spoil Dumping Grounds fall outside the area shown on Map A of the Minister's Direction, Officers consider that these fall within the geographic extent of the pdLPRP.

First, the geographic extent defined by Clause 4.1 of the Direction requires the Recovery Plan to focus on the Lyttelton Port and surrounding coastal marine area as illustrated generally on Map A. The focus of the Recovery Plan in this case is quite clearly on the area on Map A. The rules are simply to enable the deposition of seabed material associated with activities and works associated with the recovery of the Port undertaken in the Operational Area of the Port and the Main Navigation Channel.

Secondly, the Direction refers to the area as illustrated *generally* on Map A. The Direction does not prevent a rule or provision in the Recovery Plan applying to a matter that falls outside the area shown on Map A.

Without the recovery activities taking place, the need to deposit the seabed material would not arise. The deposition activities are inextricably linked to the recovery activities within the Map A area. The drafting of the rule providing for deposition in each case links to another rule providing for an activity resulting in spoil needing to be disposed of. The Spoil Dumping Ground referred to in Map 5.5 has not been added by the pdLPRP and this area is currently shown in the RCEP.

These provisions have been the subject of consultation with parties listed in Clause 6.8 (and Clause 4.2) of the Minister's direction and LPC as part of pre-notification consultation. The provisions were included in the notified version of the pdLPRP and have been the subject of submissions. The provisions have been quite explicit that material would be deposited in this location as shown by Method 3 in the pdLPRP. If the references were removed it would raise a significant question about where such material is to be deposited.

If the Panel disagrees that the rules relating to deposition in the Spoil Dumping Grounds falls outside the scope of the Minister's Direction then this is a matter that may require the

geographic extent of the Recovery Plan to be formally extended under Clause 4.2 of the Direction.

7.3 Recommendation

Amend Policy 10.1.9 to remove reference to the Spoil Dumping Grounds and to refer to dumping of dredge spoil associated with the recovery of Lyttelton Port.

Amend the heading before Rule 10.14 to delete reference to deposition "within the Operational Area of the Port" since some of the activities occur outside the Operational Area.

8 Reclamation

8.1 Boundary of the reclamation envelope

8.1.1 Matters Raised

The ECan Officers' Report identifies at section 6.3 that there are mahinga kai values at Battery Point as identified in the submission of Te Rūnanga and ngā Rūnanga that need to be taken into consideration when determining the location of the eastern boundary of the Te Awaparahi Bay reclamation, and it was recommended that this matter be addressed at the hearing by relevant parties so that the Hearing Panel can determine an appropriate location for the eastern boundary of the reclamation.

On another matter, the Hearing Panel has questioned LPC about whether the extent of the reclamation identified in the planning maps in the RCEP represents the reclamation at mean high water springs (MHWS) or at the toe of the batterslope on the seabed. Further discussion is provided on this matter below.

8.1.2 Discussion

Boundary of the reclamation area

The location of the eastern boundary of the reclamation was addressed at the Hearing by Te Rūnanga and ngā Rūnanga, in particular in the evidence of Nigel Scott (mahinga kai) and Tanya Stevens (planning). In its evidence presented at the hearing, Te Rūnanga and ngā Rūnanga could not provide certainty to the Hearing Panel in terms of the state and location of mahinga kai values at Battery Point, and could therefore not advise the Hearing Panel on a suitable location for the eastern boundary of the reclamation to protect those values. Instead, Te Rūnanga and ngā Rūnanga propose a staged adaptive approach to the reclamation to ensure that any effects of the reclamation and its construction on mahinga kai values can be monitored, enabling mitigation to be adapted throughout construction. This may include ceasing construction, and potentially finalising the full extent of the eastern boundary of the reclamation after construction has commenced.

Firstly, it is important to establish the boundary of the reclamation envelope in the LPRP to provide certainty to LPC as to the extent of the reclamation as a controlled activity. In our opinion, if the eastern boundary of the reclamation is not included in the LPRP, or is included in a way so that its location is determined at a later stage, it would not be possible to provide for the reclamation in the LPRP as a controlled activity. Such an outcome would not provide certainty to LPC for its recovery as anticipated by the Minister's Direction. This is discussed further in section 8.3 below.

Secondly, it is clear that the reason for the uncertainty surrounding the location of the eastern boundary of the reclamation is because of possible adverse effects of the construction of the reclamation, and the reclamation itself, on mahinga kai values at Battery Point. In our opinion, the best way to protect those values is by way of an exclusion zone around Battery Point. LPC have advised the Hearing Panel that it will provide such an exclusion zone in its response at the hearing, and a draft map showing the exclusion zone and amended eastern boundary of the reclamation, as well as draft amendments to Policy 10.1.11 and Rule 10.20 and 10.22 of the RCEP was provided to ECan officers around lunchtime on Thursday 11 June 2015. A technical assessment to support the exclusion zone was not provided to us.

In the time available, we have not been able to adequately assess the proposed exclusion zone at Battery Point and the proposed location of the eastern boundary of the reclamation. For this reason, Map 5.10 of the RCEP which shows the reclamation area, has not been amended to reflect the new information. Cannon Andrews has however had a preliminary look at the amended map and without any technical evidence to review, made the following preliminary comments:

- The map shows the MHWS line and not the toe of the reclamation. With side slopes the reclamation will encroach into the Battery Point Area; and
- The proposal will result in focusing wave energy in the created "pocket" potentially exacerbating erosion in this area.

The matters identified by Mr Andrews will hopefully be addressed by LPC in its supplementary evidence. While we cannot say at this time that the proposed exclusion zone is appropriate, we do consider that an exclusion zone incorporated into the reclamation rule is appropriate to protect the values at Battery Point. We therefore recommend amendments to Policy 10.1.11, Rule 10.20 and Rule 10.22 to allow for an appropriate exclusion zone to be determined and included in the draft LPRP by the Hearing Panel, if it determines that this is appropriate. It should be noted that the recommended amendments to the policy and rules differs from the information provided to us by LPC on 11 June 2015.

The extent of the reclamation at mean high water springs (MHWS) and at the seabed

The evidence of LPC presented at the Hearing by Andrew Purves (and others) states that the reclamation area shown on Planning Map 5.10 of the RCEP in the pdLPRP shows the boundary between the coastal marine area (CMA) and land, which is defined by MHWS (see paragraph 8.25 of his evidence dated 2 June 2015). Mr Purves then goes on to state that this does not include the batter slope of the reclamation located below MHWS and that the rules on occupation of the coastal marine area (CMA) provide for the batter slope (see

paragraph 8.25c of his evidence dated 2 June 2015). We agree with Mr Purves on this matter and recommend amending Planning Map 5.10 to include the Port Activity occupation area shown on Planning Map 5.9 (this is slightly larger than the reclamation area) so that it is clear to see where the batter slope of the reclamation may extend to on the seabed.

It should however be noted that while it is understood that the occupation area provides for the batter slope, around Battery Point there appears to be no provision for a batter slope. The draft information provided to ECan Officers on 11 June shows the reclamation area at MHWS directly adjacent to the proposed Battery Point exclusion zone. It is therefore assumed that to provide for a batter slope, either the reclamation at MHWS will not extent to the boundary shown on the map, or there will be no batter slope but instead an engineered vertical edge to the reclamation at this location.

8.1.3 Recommendations

The following amendments are recommended to the RCEP provisions to address the matters outlined above:

Identify an exclusion zone around Battery Point to protect mahinga kai values.

Amend RCEP Rule 10.20 to insert a new condition to ensure the reclamation or batter slope does not extend within the Battery Point Exclusion Zone

Amend RCEP Rule 10.22 (non-complying activity rule) to include the reclamation or drainage of the foreshore or seabed, and the disturbance and deposition of material within the Battery Point Exclusion Zone as a non-complying activity

Amend RCEP Planning Map 5.10 to make it clear that the southern boundary of the reclamation is 700 metres long, that the extent of the reclamation area represents the reclamation at MHWS, and to include the Port Activities Occupation Area from Planning Map 5.9.

Amend RCEP Policy 10.1.11 to recognise the Battery Point Exclusion Zone and support the non-complying activity rule outlined above.

8.2 Dredging rules for berth pockets and turning basins

8.2.1 Matters Raised

In the Officer's Report in Section 6.3.3 it was recommended that LPC confirm the dimensions and location of a berth pocket adjacent to the Te Awaparahi Bay reclamation which will form part of Rule 10.11 which is the rule that authorises dredging to create a berth pocket adjacent to the reclamation.

8.2.2 Discussion

In his evidence for LPC, John O’Dea includes the dimensions of the berth pocket at paragraph 37.7 of his evidence (2 June 2015). It is recommended that the berth pocket area in Planning Map 5.7 is amended to reflect Mr O’Dea’s evidence.

In the pdLPRP Rule 10.11 provides for the disturbance of the foreshore or seabed associated with dredging to create and deepen a berth pocket and ship turning basin adjacent to the Te Awaparahi Bay reclamation as a controlled activity.

Following the presentation of evidence on Wednesday 3rd June 2015, Andrew Purves, for LPC, advised that dredging to create a ship turning basin should not be provided for by Rule 10.11 as a controlled activity, but by Rule 10.12 as a restricted discretionary activity. We understand from LPC, that dredging to create a ship turning basin at this location and also at Cashin Quay will be undertaken at the same time as dredging to deepen and widen the main navigation channel and will form part of its Capital Dredging Programme. At the time of preparing the pdLPRP we did not appreciate that the ship turning basins as well as the main navigation channel were to be included in the Capital Dredging Programme which is why they were provided for by different rules in the pdLPRP. With this in mind, we support the inclusion of dredging to create a ship turning basin in Rule 10.12 instead of Rule 10.11.

8.2.3 Recommendations

Amend RCEP Rule 10.11 to remove dredging to create a ship turning basin adjacent to the Te Awaparahi Bay reclamation;

Amend RCEP Rule 10.12 to include dredging to create a ship turning basin adjacent to the Cashin Quay and Te Awaparahi Bay reclamations. This rule should stay silent regarding notification.

Amend RCEP Planning Map 5.7 to include the revised berth pocket area adjacent to the Te Awaparahi Bay Reclamation.

8.3 Activity status of the reclamation

8.3.1 Matters Raised

Several submitters consider that a controlled activity status is not appropriate for the reclamation, and request that the status be amended to restricted discretionary or discretionary.

8.3.2 Discussion

It is our view that a controlled activity status for the Te Awaparahi Bay container terminal (including reclamation and wharf structures) will best provide for rebuilding activities to take

place in a way that enables a focussed, timely and efficient recovery. In the circumstances, regulating the reclamation as a controlled activity allows the Council to set significant conditions on a resource consent but gives LPC certainty that consent will be granted. In contrast, a classification as a restricted discretionary activity will involve different decision making considerations in terms of whether the consent will be granted and will not provide certainty in terms of process and outcome. In such circumstances it is considered that allowing reclamation as a controlled activity best meets the purposes of the recovery, fulfils the Minister's direction (which the Minister considered necessary to direct under the CER Act), and is needed to enable the recovery of the Port from the damage caused by the earthquakes.

We also carefully considered the notification requirements of any consent application. While notification would lengthen the consenting process and introduce the risk of appeals to the Environment Court, we consider that the high public interest in the project and current lack of detailed information, particularly around design and construction, means that public notification would be desirable.

8.3.3 Recommendations

We consider that the reclamation should remain as a controlled activity.

8.4 Disturbance and Deposition associated with reclamation construction

8.4.1 Discussion

In drafting the reclamation rule included in the pdLPRP, it was considered by LPC and ECaN that any disturbance to the foreshore or seabed, or the deposition of material in, on, under or over the foreshore or seabed during construction of the reclamation would be considered as part of the activity to reclaim or drain the foreshore or seabed. Therefore rules dealing specifically with those activities during reclamation construction were not required to be included in the pdLPRP.

In omitting these rules from the pdLPRP, there is a risk that the Consent Authority may use Section 91 of the RMA to require such consents when an application to reclaim land under Rule 10.20 is lodged. If that did happen, and the resource consents were bundled, ie the toughest status were to apply to all applications, there is a risk that the reclamation would be considered as a discretionary activity. In order to remove this risk, it is considered appropriate to amend the controlled activity rules (Rules 10.11 and 10.16) to provide for these activities.

8.4.2 Recommendations

Amend RCEP Rules 10.11 and 10.16 to provide for any disturbance of the foreshore or seabed, and the deposition of material in, on, under or over the foreshore or seabed during construction of the Te Awaparahi Bay reclamation, as a controlled activity.

9 Adaptive Management Plans

9.1 Matters Raised

Te Rūnanga and Ngā Rūnanga advocate an adaptive management approach be taken to deal with uncertainty over effects for the reclamation and capital dredging proposals. This cannot be provided for through a controlled activity, and they request that the status of the reclamation be amended to restricted discretionary.

9.2 Discussion

In her summary statement of evidence, Tanya Stevens (Te Rūnanga) proposes a new RCEP rule 10.36 dealing with Adaptive Environmental Management Plans (AEMPs). The rule sets out the contents of an AEMP. This includes matters that cannot be considered under the existing controlled activity Rule 10.20, such as effects on harbour hydrodynamics and bathymetry.

Considering the discussion in section 8.3 above, we recommend that AEMP is not included as an approach for the reclamation and capital dredging activities:

1. We are satisfied that the effects of the reclamation structure and capital dredging are well understood and that mitigation measures are available.
2. There are a number of options available for the design and construction of the reclamation and the existing rule allows for these matters to be considered through the consenting process, along with a number of other matters.
3. AEMP requires consideration of “stop” provisions, whereby the activity would cease while it is determined whether the effects are acceptable to continue. This approach does not provide certainty to LPC over the timing or ability to complete the activity, and does not provide for expedited recovery.
4. A Construction Environmental Management Plan is provided for through the rules, which will include monitoring of the effects during construction. This will not, however, include monitoring of the long-term effects of the activity.

9.3 Recommendations

That AEMP is not included as a requirement for the reclamation and capital dredging activities.

10 Naval Point Recreational Boating Area

10.1 Naval Point Council-owned Land

10.1.1 Matters Raised

Naval Point Club has requested that its recovery activities be enabled through the Lyttelton Port Recovery Plan. This includes amending the plan to address the land owned by the Christchurch City Council at Naval Point.

10.1.2 Discussion

It is acknowledged that the Naval Point area is located within the geographic extent of the LPRP as identified in Map A attached to the Minister's direction.

The Christchurch City Council has proposed through the Replacement District Plan process to rezone the council-owned land at Naval Point to Open Space Metropolitan Facilities Zone. Provisions for the Open Space Metropolitan Facilities Zone were notified through the 'Phase 2' proposals. Submissions on these proposals close on Monday 15 June 2015.

As was stated in the Officer's Report, ECan officers' reason for not addressing the zoning of the Naval Point area in the preliminary draft was that insufficient information was available from the City Council, at the time of drafting, to enable new provisions to be developed. The requests of various submitters to address that zoning in the pdLPRP were reiterated at the hearing.

We maintain that it would not be appropriate to insert new zoning provisions now, in part because of the aforementioned lack of information from the City Council, but more particularly because it would not be possible for parties to submit and comment upon those provisions at this late stage of the process. ECan officers are concerned that the inability of parties to submit on the new provisions would not be consistent with the requirements of natural justice.

10.1.3 Recommendations

No change

10.2 Naval Point LPC 'Triangle' of land zoning

10.2.1 Matters Raised

Submitters, including the Naval Point Club, requested that the 'triangle' of land to the west of the recreation ground at Naval Point remain zoned to provide for recreational boating activities.

10.2.2 Discussion

LPC in evidence presented by Jonathan Clease suggested two options were open to the Panel to address the triangle of land owned by LPC within the current Boat Harbour Zone, being:

1. To retain Specific Purpose (Lyttelton Port) Zone, but to restrict the activities that can occur in this land to those relating generally to recreational boating; or
2. To advise the City Council that it needs to notify zoning for the land.

ECan officers consider there is a third option, as set out in the Officer’s Report, being to direct that the land adopt the zoning of the adjoining land (Metropolitan Open Space). The provisions of that zone would be addressed through the District Plan Review process.

ECan officers do not favour option 2 as it would be an unwieldy option.

Option 1, retaining Port zoning, has the advantage of certainty, in so far as being able to “decide” upon the appropriate planning provisions as part of the pdLPRP process.

Option 3 has the advantage of consistency, in that the LPC triangle would continue to have the same zoning as the recreational land it adjoins. Either option could be employed, with similar effect.

If option 3 is pursued, the following wording should be inserted into Appendix 4 of the preliminary draft LPRP:

Amend Map 52 of the proposed Replacement District Plan to rezone Lot 1 DP 80599 to:

- *Open Space Metropolitan Facilities as described in the proposed Christchurch Replacement District Plan; or*
- *The same zoning as the site adjoining the southern boundary of Lot 1 DP 80599 if that zoning has changed from Open Space Metropolitan Facilities to another zone through the Replacement District Plan process at the time of the gazettal of this Recovery Plan.*

If option 1 is pursued, Rule 21.8.2.2.1 (permitted activities) would need to be amended as follows (new amendments in blue):

	ACTIVITY	ACTIVITY SPECIFIC STANDARDS
P1	Port Activities, <u>except as stated in Rule 21.8.2.2.2 C4 and C5, and Rule 21.8.2.2.3 RD3.</u>	<p>a. No Port Activities, except navigational aids, and earthworks permitted under 21.8.2.2.1 P4, shall be undertaken within the Quarry Area as shown in Appendix 21.8.4.1</p> <p><u>b. Port Activities within Area A in Appendix 21.8.4.6 shall be limited to the maintenance, storage and repair of recreational boating vessels and storage of materials associated with the repair of</u></p>

		those vessels, facilities for recreational boating and ancillary parking areas.
--	--	---

A new Appendix 21.8.4.6 would need to be inserted, with Area A being the triangle of land owned by LPC adjoining the sports field. Non-compliance with P1 would be a Discretionary Activity under proposed Rule 21.8.2.2.4 D4.

10.2.3 Recommendations

That option 2 above is not progressed.

That the Hearing Panel decide on whether option 1 or 3 presented above provide the most appropriate method, and progress that option.

11 Actions 8 and 9

11.1 Matters Raised

A number of submitters have raised questions about how various transport matters, including cycling, pedestrian access, streetscape amenity, and consideration of an alternative freight route to the Port, will be dealt with under Actions 8 and 9 of the pdLPRP. The ECan Officers' Report to the Hearing Panel recommended a number of changes to the pdLPRP to clarify these actions.

ECan officers consider that it may be helpful to clarify further the intention and scope of these actions.

11.2 Discussion

Like Action 7, these implementation actions are non-statutory actions. They are agreements reached between the parties and commitments they have made, rather than matters which can be subject to the exercise of CER Act powers.

Officers recommended rewording Action 9 to deal only with the provision of a non-signalised pedestrian facility across Norwich Quay, by December 2018. This facility is not intended to be the only improvement to pedestrian facilities, but it was considered useful to signal this initiative clearly as a discrete action. Further improvements are envisaged to be addressed through the Memorandum of Understanding in Action 8, as more information becomes available on the Dampier Bay development and its transportation effects.

Changes to the wording of Action 8 were also recommended to make clearer what types of matters will be addressed through the MoU, and to clarify that both short-term actions and longer-term actions will need to be agreed. Amongst the matters in the list—which is not intended to be all-inclusive—are:

- Pedestrian and cycle connectivity

- Amenity of streetscapes and adjacent publicly accessible space

Investigation of an alternative freight access route to the Port is not specifically mentioned in this list, because assessments have shown that an alternative route is not required for recovery. Long-term freight access to the Port will be looked at by the Greater Christchurch Transport Statement partnership, however, of which all the parties to the MoU are members. The parties to the MoU will therefore be able to discuss this work and its implications for recovery.

11.3 Recommendations

No change to the wording of Actions 8 and 9 recommended in the ECan Officers' Report.

12 Cruise Berth Action

12.1 Matters Raised

CCC has proposed amended wording for the additional action it sought to be included in the Recovery Plan relating to resolution of the cruise berth issue.

12.2 Discussion

ECan officers consider that the new wording proposed by CCC for the cruise berth action addresses the concerns expressed in the Officers' Report about the previous wording, and note that the scoping and feasibility work proposed under this action will include assessment of risk in relation to the hazardous facilities in the vicinity and their ability to meet future demands.

12.3 Recommendations

Insert new action to progress resolution of cruise berth issue, with wording as proposed by CCC on 10 June 2015.

13 Norwich Quay Commercial Zone

13.1 Matters Raised

The extent of the Lyttelton Town Centre Zone along the south side of Norwich Quay on land owned by LPC.

13.2 Discussion

Jonathan Clease on behalf of LPC in his summary statement agreed that the land southeast of the intersection of Oxford Street and Norwich Quay would appropriately retain commercial

zoning, except that the area of land east of the Signal Box, that is currently used for log storage by LPC, be zoned Specific Purpose (Lyttelton Port). ECan officers agree with Mr Clease and recommend that the area of land noted by Mr Clease in his summary statement be zoned Specific Purpose (Lyttelton Port).

ECan officers' opinion as to the preferred zoning of the Norwich Quay commercial zone land south of Norwich Quay is otherwise unchanged.

13.3 Recommendations

The area of land east of the Signal Box on Norwich Quay be zoned Specific Purpose (Lyttelton Port) Zone.

14 Dampier Bay Planning Framework

14.1 Matters Raised

LPC, through evidence provided by Mr Simmers, raised an issue in relation to the limits on commercial development at Dampier Bay being too restrictive.

14.2 Discussion

ECan officers reiterate that the purpose of the proposed floor limits is solely to ensure that the recovery of the Lyttelton town centre is not undermined by development in Dampier Bay. In the opinion of officers, prioritising the recovery of the town centre is consistent with Section 5.1.2 of the Minister's Direction. The proposed limits were identified by Mr Heath for LPC as an appropriate threshold for office and commercial development, beyond which there is a risk of the Dampier Bay development undermining town centre recovery. We consider LPC has not produced adequate evidence to counter the views of Mr Heath.

With regard to the oral evidence of Mr Copeland for LPC presented at the hearing, where he noted that he disagreed with Mr Heath and felt the relaxed limits would be appropriate, ECan officer's requested a specific retail assessment by an experienced retail expert because the economic assessment prepared by Mr Copeland as part of the LPC Information Package did not specifically address the impacts of the Dampier Bay development on the town centre. LPC subsequently engaged Mr Heath. We have had no evidence to demonstrate that Mr Copeland has undertaken as comprehensive an assessment of the potential retail distribution effects as Mr Heath has and thus the views of ECan officers remain unchanged from those expressed in the Officers' Report.

14.3 Recommendations

Retain the commercial development provisions as in the pdLPRP.

15 Requests for a Comprehensive Mitigation/Compensation Package

15.1 Matters Raised

Ms Sage on behalf of the Green party has submitted that Lyttelton Port Company should be required to develop a mitigation package to compensate for the loss of public sea space in the coastal marine area and for continued and increased heavy traffic on Norwich Quay, if this continues.

15.2 Discussion

CRC understands that these are important matters and considers that there may be mechanisms for these issues to be addressed with LPC by way of conditions on resource consents.

However, CRC considers that such a direction from the Minister would be outside the scope of the powers of the Minister under the CER Act (as set out in Section 3 above).

There is no power under the CER Act to directly require private parties to take any sort of compensatory steps or develop a mitigation package. Instead, it is clear that the CER Act powers in a Recovery Plan context are directed at additions and changes are required to RMA instruments to give effect to a Recovery Plan. CRC considers that there is no power within the CER Act framework to require of LPC the sort of compensatory mitigation package sought by the Green Party in its submissions.

15.3 Recommendations

No change.

16 Evans Pass/Sumner Road

16.1 Matters Raised

Ms Sage on behalf of the Green Party has submitted that the Recovery Plan should address the re-opening of Sumner Road/Evans Pass, particularly in relation to a 'clearer process', and requiring a consent to use rock from the road re-opening work for reclamation as a 'quarrying' activity.

16.2 Discussion

Clause 5.5 of the Minister's direction makes it clear that this Recovery Plan may not direct or implement changes to documents or instruments prepared under other legislation in relation to the re-opening of Sumner Road/Evans Pass.

16.3 Recommendations

No change.

17 District Plan Miscellaneous

17.1 Ferry Terminal

Numerous submitters have reiterated their initial submission points in regard to the location of the ferry terminal and the planning provisions to apply to any relocated terminal. Those views are both for and against the relocation, the potential location, and for and against public notification. On balance, our views on those issues remain unchanged from those expressed in the Officer's Report.

17.2 Urban Design

17.2.1 Matters Raised

Additional changes to the urban design provisions in the district plan were requested by Ms Rennie for LPC and Ms Schroder for CCC.

17.2.2 Discussion

With regard to changes to the urban design provisions requested by Ms Rennie for LPC and Ms Schroder for CCC, most of the requested changes had already been made to the proposed CRDP provisions in the Officers' Report. Following the summary statements of Ms Rennie and Ms Schroder some further changes are recommended, being:

- A new clause 'j' addressing building entrances and a new clause 'k' addressing activity nodes, inserted into assessment matters 21.8.3.1.1, as per paragraph 4.5(b) of Ms Rennie's evidence.
- Amend 21.8.3.1.1(a) to replace 'opportunities for passive surveillance' with 'provide for passive surveillance';
- Insertion of reference to a universally accessible pedestrian connection in assessment matter 21.8.3.1.2a(vi).
- Insertion of two "activity nodes" into the Dampier Bay ODP, as per the LPC Information Package, Appendix 11, Graphic Supplement Figure 9, and related reference into assessment matters 21.8.3.1.1.
- Clarification that the recommended view shaft adjoining Canterbury Street be for the width of Canterbury Street only.

With regard to the addition of the further urban design assessment matters, the reason we did not adopt all assessment matters requested by LPC in the first instance was an effort to prevent the list of matters from getting excessively long. At the request of LPC and CCC we have extended that list slightly, but remain concerned that the list is not as succinct as it could be.

With regard to requested changes by Ms Rennie to the objectives and policies, ECan officers maintain that any further changes, beyond what we have already recommended, would not be appropriate.

17.2.3 Recommendations

A new clause 'j' addressing building entrances and a new clause 'k' addressing activity nodes, inserted into assessment matters 21.8.3.1.1, as per paragraph 4.5(b) of Ms Rennie's evidence.

Amend 21.8.3.1.1(a) to replace 'opportunities for passive surveillance' with 'provide for passive surveillance';

Insertion of reference to a universally accessible pedestrian connection in assessment matter 21.8.3.1.2a(vi).

Insertion of two "activity nodes" into the Dampier Bay ODP, as per the LPC Information Package, Appendix 11, Graphic Supplement Figure 9, and related reference into assessment matters 21.8.3.1.1.

Clarification that the recommended view shaft adjoining Canterbury Street be for the width of Canterbury Street only.

17.3 Miscellaneous Provisions

17.3.1 Matters Raised

A number of matters in the detailed district plan provisions were raised, including in relation to rail building setbacks, building height, concerns of the NZ Fire Service, and light spill.

17.3.2 Discussion

Jonathan Clease on behalf of LPC explained the presence of a legal Right of Way along the adjoining northern length of the rail corridor, in favour of KiwiRail. ECan officer's agree that this Right of Way effectively gives KiwiRail the ability to prevent that erection of a building that might impede access to the rail corridor. Rule 21.8.2.3.11 Building Setbacks from Rail Corridor, proposed in the Officer's Report, is therefore unnecessary and its deletion is recommended, as is the related assessment matter.

Mr Clease also suggested clarification of a height assessment matter (21.8.3.2.1(iv)). It is agreed that the assessment matter requires clarification and we recommend Mr Clease's suggested wording is accepted.

In regards to the new rule requested by the New Zealand Fire Service and consequently recommended in the Officer's Report, the wording provided in Phase II of the District Plan Review, as noted by Jonathan Clease, is preferred for the reasons set out in Mr Clease's summary statement and we recommend it be adopted.

John Forrester for LPC provided rebuttal evidence that the changes proposed to Rule 21.8.2.3.4 Light spill were impractical and would be difficult to administer. The proposed changes were initially made in response to the submission of the Christchurch City Council. Mr Forrester's comments were valid and in the absence of further comment from the Christchurch City Council in defence of the proposed changes, we recommend they be deleted. Mr Forrester additionally noted that the New Zealand Standard referenced in the Light spill rule was out of date, however the rule also refers to "and amendments", which adequately addresses Mr Forrester's point.

17.3.3 Recommendations

Delete Rule 21.8.2.3.11 Building Setbacks from Rail Corridor and associated assessment matter.

Accept the suggested clarification of a height assessment matter 21.8.3.2.1(iv).

Adopt the wording provided in Phase II of the District Plan Review in relation to providing for the NZ Fire Service.

Delete the changes proposed to Rule 21.8.2.3.4 Light spill.

18 Regional Plans Miscellaneous

There are a number of additional minor changes to the RCEP provisions that are recommended. Some of them are minor editing changes and are not discussed here. Where an explanation is required it is included as a footnote to the change, however where additional discussion may assist the Hearing Panel in understanding the reason for the minor change, it is provided in the following paragraphs.

18.1 Disturbance rules

Rule 10.11 deals with the disturbance to the foreshore or seabed associated with activities adjacent to and including the Te Awaparahi Bay reclamation as a controlled activity. In light of information presented at the Hearing by submitters on the matters of dredging, sedimentation and water quality, the following minor amendments are recommended to the matters over which control is reserved in Rule 10.11:

- the inclusion of 'dredging' in point (a), to ensure that it is clear that the Construction Environmental Management Plan should deal with not only methods of construction, but also dredging; and
- the inclusion of 'monitoring requirements' as point (d), to allow for consideration of any monitoring that may be required during construction activities.

Rule 10.12 deals with the disturbance to the foreshore or seabed associated with dredging to create or deepen ship turning basins, and to deepen and widen the main navigation channel as a restricted discretionary activity. The ECan technical advice provided by Connon

Andrews (hydrodynamics) and Leslie Bolton-Ritchie (marine ecology) identifies the effects of any disturbance on sediment transport as a matter that should be explicitly included as a matter for discretion in any disturbance rules. In light of this advice and the information presented at the Hearing by submitters on the matters of dredging and sedimentation in Lyttelton Harbour, the following minor amendments are recommended to the matters of discretion for Rule 10.12:

- the inclusion of 'the effects of the disturbance on sediment transport in Lyttelton Harbour' as point (b); and
- Amending 'Construction Environmental Management Plan' to be 'Dredging Operations Environmental Management Plan'; and
- Inserting 'monitoring requirements' as point (h).

18.2 Deposition rules

Rules 10.17 and 10.18 deal with the deposition of seabed material in, on, under or over the foreshore or seabed. It is recommended that the first matter for control or discretion on these rules (a) is amended to include 'and the deposition of sediment' for clarity purposes to ensure that it is clear that the Construction Environmental Management Plan must deal with the deposition of sediment.

18.3 RCEP Planning Maps

It is recommended that all the RCEP Planning Maps be renumbered to reflect the number of the new chapter to be inserted into the RCEP by the LPRP. They will form a new Planning Map Series 10. Therefore Planning Map 5.1 will become 10.1, 5.3 will be 10.3 etc.

Attachment 4: Track-changed Version of Appendices of Preliminary Draft Lyttelton Port Recovery Plan showing officer recommendations

Contents

Appendix 1: Method for reviewing and incorporating LPC's technical information	2
Appendix 2: Amendments to the Canterbury Regional Policy Statement	5
Appendix 3: Amendments to the Regional Coastal Environment Plan for the Canterbury Region	7
Appendix 4: Amendments to the proposed Christchurch Replacement District Plan	47
Appendix 5: Amendments to the Banks Peninsula District Plan	91
Appendix 6: Amendments to the proposed Canterbury Land and Water <u>Regional</u> Plan	108
Appendix 7: Amendments to the proposed Canterbury Air Regional Plan	113

Appendix 1: Method for reviewing and incorporating LPC's technical information

Appendix 1: Method for reviewing and incorporating LPC’s technical information

A number of technical assessments were provided as part of LPC’s information package (for the full list see our website www.ecan.govt.nz/port). These have been reviewed as part of preparing the preliminary draft Lyttelton Port Recovery Plan. Varying levels of review were undertaken, reflecting the significance of the subject matter and type of planning provisions proposed for the relevant recovery project(s):

- All technical reports were reviewed by Environment Canterbury’s Lyttelton Port Recovery Plan Core Project Team, which includes the project planners;
- All technical reports were reviewed by our partners with feedback received from Canterbury Earthquake Recovery Authority, Te Rūnanga o Ngai Tahu, Christchurch City Council, Department of Conservation and New Zealand Transport Agency.
- Key technical assessments were reviewed by technical specialists, as shown in Table 1. Environment Canterbury’s specialist peer review reports are available on our website www.ecan.govt.nz/port.

Table 1: Key technical assessments reviewed by Environment Canterbury

Lyttelton Port Company Information	Reviewed By
Economic Effects	Simon Harris , Harris Consulting
Landscape Character and Visual Effects	Graham Densem , Landscape Architect
Transportation Effects	Andrew Metherell , Traffic Design Group Limited
Effects on Waves and Tidal Currents	Connon Andrews , Beca (review report author) Justin Cope , Environment Canterbury Bruce Gabites , Environment Canterbury
Effects on Sedimentation and Turbidity Effects on Marine Ecology Effects on Marine Mammals Effects on Biosecurity Effects on Stormwater Quality	Dr Lesley Bolton-Ritchie , Environment Canterbury
Effects on Navigational Safety Effects on Marine Spill Risk	Jim Dilley , Environment Canterbury
Operational Noise Effects Construction Noise Effects	Dr Stephen Chiles , Chiles Ltd
Effects on Air Quality	Myles McCauley , Environment Canterbury
Construction and Environmental Management Plan	Richard Purdon , Environment Canterbury Greg Beck , Environment Canterbury

The initial reviews highlighted some gaps and uncertainties in the information provided by LPC. Where this occurred, workshops were held with relevant technical representatives from LPC, Environment Canterbury and partner organisations to determine a way forward. In the following instances further assessment or clarification was provided by LPC:

- An assessment of the recovery proposals on seabirds and coastal avifauna
- A review of the commercial framework for Dampier Bay
- A summary of the effects of capital dredging
- Additional information on wave and tidal currents, and sedimentation
- An assessment of rail noise and vibration resulting from increased rail usage

This recovery plan does not remove all consent requirements for the Port's recovery activities. For activities where a resource consent is required, further assessment will be undertaken by LPC as part of their consent application and Environment Canterbury can place conditions on any resource consent that is granted in line with the requirements of the plan rule.

The effects of some aspects of the Port's rebuild cannot be determined with certainty at this stage, because detailed design work has not yet been done. The amendments to plan provisions reflect this uncertainty, providing for these issues to be considered as part of future consent processes.

An example of this is LPC's mahinga kai assessment report, which assessed the effects of the reclamation on mahinga kai in the vicinity of the reclamation. This report does not address the effects of the reclamation on mahinga kai in the whole harbour, and is limited because the detailed design work for the reclamation is not yet done. Effects on cultural values, particularly mahinga kai, are a matter for control in the consent process. These matters will be fully addressed through the consent process.

Appendix 2: Amendments to the Canterbury Regional Policy Statement

Appendix 2: Amendments to the Canterbury Regional Policy Statement

Amend Policy 8.3.6 and renumber as follows

In relation to regionally significant infrastructure in the coastal environment:

- (1) provide for its efficient and effective development, operation, maintenance and upgrade;
- (2) provide for a range of associated activities that have an operational requirement to be located in that environment;
- (3) recognise the potential of renewable resources in the coastal environment, such as energy from wind, waves, current and tides; ~~and~~
- (4) avoid development that may result in reverse sensitivity effects that constrain the ability of the infrastructure to be developed and used (because of the imposition of time or other operational constraints); and
- (5) **provide for the expedited recovery of the Lyttelton Port, including its repair, rebuild and reconfiguration.**

Such provisions should avoid, remedy or mitigate the adverse effects on that environment and take into account:

- (a) that the ports of Lyttelton and Timaru need to dredge and deposit spoil in the coastal marine area outside the port areas to remain operational.
- ~~(b)~~ **that the recovery of the Lyttelton Port ~~of Lyttelton~~ includes a container terminal being established in Te Awaparahi Bay on up to 37 hectares of reclaimed land.**
- ~~(b)~~ (c) that regionally significant infrastructure may need to be further developed in response to commercial opportunities and community needs.
- ~~(c)~~ (d) that the operators of regionally significant infrastructure need to have their own controls over access to operational areas, and that public access to such areas is not always appropriate.
- ~~(d)~~ (e) national port noise standards.
- ~~(e)~~ (f) the effects of coastal erosion, climate change and sea level rise.

Amend Policy 8.3.6 Principal reasons and explanation by inserting the following paragraph

Following the major earthquakes of 2010 and 2011, the Lyttelton Port suffered extensive damage and it will take many years to complete its recovery. The recovery of the Lyttelton Port in a timely manner must be enabled while allowing the Lyttelton Port to continue to operate given its strategic importance for the region.

Appendix 3: Amendments to the Regional Coastal Environment Plan for the Canterbury Region

Appendix 3: Amendments to the Regional Coastal Environment Plan for the Canterbury Region

Table of Contents

Attachment 4: Track-changed Version of Appendices of Preliminary Draft Lyttelton Port Recovery Plan showing officer recommendations	1
Appendix 4: Amendments to the proposed Christchurch Replacement District Plan 47	1
Method to explain the integration of this new chapter in the RCEP.....	9
Objectives	9
Policies	9
Method – Application of rules in Chapter 10.....	14
Wharf Structures within the Operational Area of Lyttelton Port	14
Disturbance of any Foreshore or Seabed in the Operational Area of Lyttelton Port	19
Deposition of Any Substance in, on, or under, Any Foreshore or Seabed within the Operational Area of the Port.....	22
Discharge of Contaminants for Specific Recovery Activities.....	28
Amendments to Chapter 8	34
Amendments to Schedule 5.11.1	41
Amendments to Maps.....	42
Appendix 4: Amendments to the proposed Christchurch Replacement District Plan	52
Appendix 4: Amendments to the proposed Christchurch Replacement District Plan	53
21.8. Specific Purpose (Lyttelton Port) Zone	53

New Chapter 10

Insert a new Chapter 10: Lyttelton Port of Christchurch, into the Regional Coastal Environment Plan for the Canterbury Region (RCEP).

Method to explain the integration of this new chapter in the RCEP

The policies and rules in this chapter implement not only the specific recovery objectives for the Lyttelton Port in this chapter, but also the region-wide objectives in the RCEP. Where the RCEP contains objectives, policies and rules in Chapter 10 that are on the same subject matter as in other chapters, the provisions of Chapter 10 will prevail.

In considering an application for a resource consent in accordance with the rules in this chapter, the consent authority is also obliged to have regard to relevant objectives and policies in other chapters of the plan.

Objectives

Objective 10.1 – Recovery of Lyttelton Port

The expedited recovery of ~~the~~ Lyttelton Port, including its repair, rebuild and reconfiguration, is provided for as a matter of priority, while recognising the relationship with and managing any adverse effects of recovery activities on the environment ecological, recreational, heritage, amenity and cultural values of Whakaraupō/Lyttelton Harbour.

Policies

Policy 10.1.1 – Elements of recovery

An expedited recovery of the Lyttelton Port is enabled by undertaking the following activities:

- 1) The progressive phased movement east of port operations including:
 - a) Establishing a container terminal on a maximum of 3734 hectares of reclaimed land in Te Awaparahi Bay; and
 - b) Shifting some general cargo from the Inner Harbour to Cashin Quay; and
 - c) Redeveloping Dampier Bay to provide for a marina and associated activities, commercial development, as well as enhanced public access and amenity in the coastal environment, including parking and access facilities for the marina activities and commercial development.
- 2) The erection, placement, reconstruction, alteration, demolition and removal of structures located in the Operational Area of Lyttelton Port, including new wharves to service the container terminal and a new wharf to service cruise vessels.
- 3) Quarrying at Gollans Bay and the construction of a new haul road, and works to widen and improve the existing haul road.

- 4) Increasing shipping capacity, including deepening berth pockets, ship turning basins and the Main Navigational Channel to allow for larger vessels.

Policy 10.1.2 – Role of Lyttelton Port

Recognise that ~~the~~ Lyttelton Port is ~~pivotal~~essential to the regional economy and that its continued operation is essential for the recovery of greater Christchurch.

Policy 10.1.3 – Occupation and access

Enable the efficient, timely and expedited recovery of the Lyttelton Port through:

- 1) The occupation of the Coastal Marine Area for Port Activities within the Operational Area of Lyttelton Port; and
- 2) Enabling Port Activities to be carried out on any structures within the Operational Area of Lyttelton Port; and
- 3) Ensuring non-port related activities do not compromise port recovery and are avoided within the Operational Area of Lyttelton Port; and
- 4) Recognising that public access to all areas within the Operational Area of Lyttelton Port is to be managed by the owner or operator of Lyttelton Port to ensure public safety, and the security of cargo and port operations is maintained.

Policy 10.1.4 – ~~Environmental responsibility~~Lyttelton Harbour Relationships

Recognise that the recovery of Lyttelton Port, including reconfiguration, will result in some adverse effects on the environment that cannot in all circumstances be avoided or mitigated, but that the owner or operator of Lyttelton Port will undertake recovery activities while ensuring that:

- 1) The relationship between Lyttelton Port and the values of Whakaraupō/Lyttelton Harbour are recognised; and
- 2) Any adverse effects on the ~~environment~~ecological, recreational, heritage, amenity and cultural values of Whakaraupō/Lyttelton Harbour are minimised as far as practicable; and
- 3) Best practice methods are used during construction; and
- 4) Effort is made to achieve a net gain in mahinga kai.

Policy 10.1.5 – Construction Environmental Management Plans

All recovery activities are undertaken in accordance with a Construction Environmental Management Plan that:

- 1) Identifies the receiving environment and its state, and contains an assessment of the effects of the construction activity on the receiving environment;
- 2) Identifies appropriate mitigation measures; and

- 3) Identifies monitoring and reporting processes and procedures; **and**
- 4) **and Ensures that** management practices are adapted to address any adverse effects of an activity, where practicable.

Policy 10.1.6 - Structures and activities

Enable the erection, placement, reconstruction, alteration, demolition and removal of structures, provided the adverse effects on the environment are minimised where practicable.

Policy 10.1.7 – Specific effects of piling on marine mammals

~~Recognise that piling activities, excluding piling carried out in the Inner Harbour, has the potential to cause~~ **Manage the** adverse effects **from piling activities** on marine mammals, particularly Hector's dolphins, ~~which will include and requires~~ the preparation and implementation of a Marine Piling Management Plan, ~~which will include that outlines:~~

- 1) Procedures for identifying the presence of marine mammals during construction activities;
- 2) Methods to mitigate effects on marine mammals, including a 300-metre marine life exclusion zone, and daylight hours of operation only; and
- 3) **Preparation and M**aintenance of a marine mammal sighting log.

Policy 10.1.8 – Dredging

~~Recognise that Enable~~ maintenance dredging ~~is necessary~~ for the continued operation of Lyttelton Port, and dredging to **create, or deepen and widen,** the Main Navigation Channel, ship turning basins and berth pockets, ~~is necessary to enable larger vessels with deeper draughts to access Lyttelton Port. These activities should be undertaken in a way that minimises adverse effects on the environment, where practicable, provided that dredging is undertaken in accordance with best practice methods that minimise adverse effects on the environment.~~

Policy 10.1.9 – Dumping/Deposition of dredge spoil

Subject to Policy 10.1.10, enable the dumping/deposition of dredge spoil at the Spoil Dumping Grounds shown on Planning Map 510.5 and require monitoring of the Spoil Dumping Grounds/deposition area so that any adverse effects on the environment, **including mahinga kai**, are avoided, remedied or mitigated.

Policy 10.1.10 – Effects of contaminated sediment in potentially high risk areas of Inner Harbour

The quality of spoil dredged from areas of the Inner Harbour shown on Planning Map 510.8 that are known to be contaminated or potentially contaminated will be specifically assessed to ensure that it is suitable for sea disposal.

Policy 10.1.11 – New container terminal in Te Awaparahi Bay

Enable the development of a container terminal within Area A in Te Awaparahi Bay, as shown on Planning Map ~~5.7~~510.10, which includes reclaimed land and wharf structures, while ensuring that:

- 1) The construction is carried out in a manner to minimise the propagation of sediment plumes and the risk of biosecurity incursions; and
- 2) Methods are employed to minimise effects on marine ecology; and
- 3) ~~Effort is made~~Measures are taken to achieve a net gain in mahinga kai; and
- 4) Methods are employed, such as the design and treatment of the reclamation edge, to reduce visual changes associated with the reclamation; and
- 5) The reclamation of land to protect berthing facilities does not extend beyond the 34 hectare area shown as Area A on Planning Map 510.10; and
- 6) An exclusion zone around Battery Point is established to protect mahinga kai values¹.

Policy 10.1.12 – Specific effects of noise from Coastal Marine Area

~~Recognise that~~ Manage noise generated from the Coastal Marine Area within the Operational Area of Lyttelton Port ~~will be managed by~~through provisions in the Christchurch Replacement District Plan.

Policy 10.1.13 – Specific effects of stormwater discharges

Manage the quality of stormwater generated within the Operational Area of Lyttelton Port and discharged into the Coastal Marine Area, by ensuring that:

- 1) The formation or renewal of impervious surfaces, including wharf areas, is designed to capture and direct rainfall to a stormwater network; and
- 2) Any stormwater network constructed or repaired during the formation or renewal of impervious surfaces shall include hydrocarbon interceptors and/or gross pollutant interceptors designed in accordance with best practice for the catchment it services; and
- 3) The hydrocarbon interceptors and/or gross pollutant interceptors are to follow best practice design to capture the contaminants likely to be present in the stormwater associated with the cargo types being handled in an area; and
- 4) As far as practicable, cargo is handled on wharves or hard standing areas that contain hydrocarbon interceptors and/or gross pollutant interceptors designed for that type of cargo; and
- 5) Any earthworks carried out during the construction and repair works are appropriately managed to avoid the discharge of sediment discharged into the Coastal Marine Area ~~is avoided~~minimised as far as practicable².

¹ Recommended amendment inserted after further consideration of evidence of Te Runanga and Nga Runanga.

² Recommended amendment inserted after further consideration of the Oil Companies and LPC's submissions.

Policy 10.1.14 – Protection of historical structures

Manage effects of activities on structures with heritage values within the Coastal Marine Area in the Operational Area of Lyttelton Port in accordance with the provisions in the Heritage New Zealand Pouhere Taonga Act 2014.

Policy 10.1.16 – Cruise ship berth at Naval Point

Ensuring that:

- a) Cruise ship passengers and workers at Naval Point are not exposed to unacceptable risk as a result of proximity to hazardous facilities located within the bulk liquid storage area at Naval Point; and
- b) The establishment of a cruise ship berth at Naval Point does not limit the operation of hazardous facilities within the bulk liquid storage area at Naval Point³.

³ Recommended amendment inserted after further consideration of Oil Companies submission.

Rules

Method – Application of rules in Chapter 10

The rules in Chapter 10 apply to the following:

1. Activities in and occupation of the coastal marine area required for the recovery of the Lyttelton Port, including dredging and discharges within the Operational Area shown on Planning Map 510.1;
2. Dredging and associated discharges within the Main Navigational Channel shown on Planning Map 510.3;
3. The discharge and deposition of Dredge Spoil at the Spoil Deposition Grounds shown on Planning Map 510.5, provided that the Dredge Spoil is from dredging carried out within the Operational Area of Lyttelton Port or from the Navigational Channel shown on Planning Map 510.3;

The rules in Chapter 7 do not apply to the discharge of contaminants into the Coastal Marine Area provided for in Rules 10.26 - 10.32.

Wharf Structures within the Operational Area of Lyttelton Port

Rule 10.1 Permitted Activities

The following activities in, on, under or over any foreshore or seabed in Area A, B or C shown on Planning Map 510.7, are permitted activities:

- a) The reconstruction, maintenance, alteration, extension, removal or demolition of any Wharf Structure, or part of a Wharf Structure, in Area B that was used for Port Activities at or before 4 September 2010; or
- b) The erection or placement of any Wharf Structure in Area B that replaces a Wharf Structure that was used for Port Activities at or before 4 September 2010; or
- c) The erection or placement of any Wharf Structure in Area B, within the area between Wharf ~~Number 73~~ and the dry dock, for the purpose of providing a marina, public access or a ferry berth; or
- d) The erection or placement of any temporary Wharf Structure in Area B, required for the construction of Wharf Structures provided for by (a) – (c) above; or
- e) The reconstruction, maintenance, removal or demolition of any Wharf Structure, or part of any Wharf Structure, in Area A, B or C that was constructed after 4 September 2010; or

provided that the following conditions are met:

- a) Any materials deposited in the Coastal Marine Area as part of the erection, placement, reconstruction, alteration, extension, removal or demolition of a Wharf Structure, except for piles, shall be inert materials that are free from hazardous substances; and

- b) All material associated with the removal or demolition of a Wharf Structure or part of a Wharf Structure, other than piles within the seabed or foreshore, shall be removed from the Coastal Marine Area within three months of the wharf structure being removed or demolished; and
- c) Marine based piling shall be undertaken in accordance with a Marine Piling Management Plan and shall cease when marine mammals are within 300 metres of the pile driving unit and shall only occur during daylight hours; and
- d) Any Wharf Structure that has refuelling facilities shall provide infrastructure to facilitate the rapid deployment of marine oil spill boom equipment; and
- e) Any Wharf Structure erected or placed in Area B that replaces a Wharf Structure that was used for Port Activities at or before 4 September 2010 (activity (b) above), must be used for ~~the same purpose as the original Wharf Structure Port Activities~~, and can be erected or placed at either the same or a different location, and can be a different size; and
- f) ~~During the erection or placement of Wharf Structures in Area B for a new marina, provision must be made within the Inner Harbour for the safe and accessible temporary berthing of vessels that at the time of construction of a new marina, are users of the existing Dampier Bay Marina.~~

Rule 10.2 Controlled Activities

The placement or erection of any Wharf Structure located in, on, under or over the foreshore or seabed ~~in~~ within the Te Awaparahi Bay Reclamation Area (Area A) or C shown on Planning Map 510.710, is a controlled activity, provided that the following conditions are met:

- ~~a) Any new Wharf Structure located within the Te Awaparahi Bay Reclamation Area (Area A) is:~~
 - a) Any permanent Wharf Structure shall be located parallel to and within the southern edge of the ~~reclamation Area envelope (Area A, Planning Map 5.7)~~, and designed to service cargo vessels; or
 - b) Any temporary Wharf Structure ~~for use~~ d by vessels during the construction of the reclamation shall be removed within three months from the time it is no longer required for reclamation construction or the reclamation is completed, whichever is the lesser; and
- ~~) Any new Wharf Structure located within the Naval Point Cruise Ship Berth Area (Area C):~~
 - i) ~~Is located parallel to the Naval Point reclamation; and~~
 - ii) ~~The main wharf deck (excluding associated mooring structures connected or unconnected to the main wharf deck) is no more than 150 metres in length; and~~
 - iii) ~~The finished edge of the deck for the main Wharf Structure is no more than 175 metres out from the Naval Point reclamation; and~~
 - iv) ~~Is designed to serve no more than one vessel at a time, whose primary purpose is the transportation of passengers; and~~
 - v) ~~Clauses (i), (ii) and (iii) do not apply to any structure running perpendicular to the Naval Point Reclamation for the purposes of joining the main Wharf Structure to the Naval Point Reclamation, and do not apply to any ancillary structures such as mooring structures.~~

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan; and

- b) The design, construction and maintenance of the ~~new~~ Wharf Structure, including ~~its the~~ stability and integrity ~~of the new Wharf Structure~~ in terms of expected weather and seastate conditions, and materials used in its construction; and
- c) If the ~~new~~ Wharf Structure is used for the conveyance of any bulk hazardous substances from a vessel to land, the methods to avoid any potential spillages and measures to contain spillages, including the installation of infrastructure to facilitate the rapid deployment of booms around a vessel; and
- d) Management of hazardous substances associated with machinery during construction, maintenance or use of the Wharf Structure; and
- e) Methods to manage the effects of construction noise on marine mammals; and
- f) The extent to which the ~~new~~ Wharf Structure is a barrier to water or sediment movement in Lyttelton Harbour; and
- ~~g) The size and number of new Wharf Structures for the floating marina, and their location in Area B; and~~
- h) The collection and treatment of stormwater captured from ~~new the~~ Wharf Structures; and
- i) The matters set out in Rule 10.3435.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent ~~in Areas A or C~~ under this rule will be publicly notified.

Rule 10.3 Restricted Discretionary Activities

The following activities, in, on, under or over any foreshore or seabed, are restricted discretionary activities in areas shown on Planning Map [510.7](#):

- a) The alteration or extension of any Wharf Structure, or part of any Wharf Structure, in Area A, B or C, that was constructed after 4 September 2010; or
- b) The reconstruction, removal or demolition of any Wharf Structure, or part of any Wharf Structure, in Area A, B or C that does not comply with Rule 10.1.

The exercise of discretion is restricted to the following matters:

- a) The design, construction and maintenance of the Wharf Structure reconstruction, alteration or extension, including ~~the its~~ stability and integrity ~~of the Wharf Structure~~ in terms of expected weather and seastate conditions; and
- b) If the Wharf Structure is used for the conveyance of any bulk hazardous substances from a vessel to land, the methods to avoid any potential spillages, including the installation of infrastructure to facilitate the rapid deployment of booms around a vessel; and
- c) The design, construction and maintenance of the Wharf Structure in terms of any adverse effects on the aquatic ecosystems, including marine based mammals, navigation or recreational activities generally; and
- d) The effects of the structure on cultural values, in particular mahinga kai; and
- e) Methods to manage the effects of construction noise on marine mammals; and
- f) The preparation and implementation of a Construction Environmental Management Plan; and
- g) The collection and treatment of stormwater captured from Wharf Structures; and

- h) Except in Area B, the extent to which the **proposed** Wharf Structure is a barrier to water or sediment movement in Lyttelton Harbour; and
- i) **The removal of material from the foreshore or seabed; and**
- j) The potential benefits of the proposed activity; and
- k) The matters set out in Rule 10.3435.

Rule 10.4 Discretionary Activities

The erection, placement, reconstruction, alteration, extension, removal or demolition of any Wharf Structure, or part of any Wharf Structure, in, on, under or over any foreshore or seabed and that is within the Operational Area of Lyttelton Port shown on Planning Map [510.1](#), and is not provided for by Rule 10.1, 10.2 **or** 10.3, is a discretionary activity. **This includes any Wharf Structure within the Naval Point Cruise Ship Berth Area (Area C) shown on Planning Map [510.7](#).**

Other Structures within the Operational Area of Lyttelton Port

Rule 10.5 Permitted Activities

The following activities in, on, under or over any foreshore or seabed, within the Operational Area of Lyttelton Port, shown on Planning Map 510.1, are permitted activities:

- a) The placement or erection of any seawall, buoy, navigational aid, or structure associated with a Network Utility System or Network Utility Structure; or
- b) The reconstruction, alteration, extension, removal or demolition of any existing seawall, buoy, navigational aid, and structure associated with a Network Utility System, or Network Utility Structure; or
- c) The placement, erection, reconstruction, alteration, extension, removal or demolition of any sign, provided that the sign is erected by the Lyttelton Port Company Limited, its successor, or Environment Canterbury for the purposes of informing the public of safe behaviour or health and safety risks.

Rule 10.6 Restricted Discretionary Activities

The placement, erection, reconstruction, alteration, extension, removal or demolition of any sign fixed in, on, under or over any foreshore or seabed that is within the Operational Area of Lyttelton Port shown on Planning Map 510.1 and that does not comply with Rule 10.65(c) is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The purpose for which the sign is being erected; and
- b) The size and visibility of the sign; and
- c) The effects of the sign on navigation; and
- d) Monitoring, reporting and review requirements; and
- e) The potential benefits of the proposed activity; and
- f) The matters set out in Rule 10.3435.

Rule 10.7 Discretionary Activities

The erection, placement, reconstruction, alteration, extension, removal or demolition of any Structure, or part of a Structure, other than a Wharf Structure, in, on, under or over the foreshore or seabed, that is within the Operational Area of Lyttelton Port shown on Planning Map 510.1, and is not provided for by Rules 10.5 or 10.6, is a discretionary activity.

Disturbance of any Foreshore or Seabed in the Operational Area of Lyttelton Port

Rule 10.8 Permitted Activities – Disturbance associated with Structures

The disturbance of the foreshore or seabed (including by excavating, drilling, or tunnelling), that is directly associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of any Wharf Structure or Structure permitted by Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.3 or 10.6, is a permitted activity.

Rule 10.9 Permitted Activities – Disturbance associated with maintenance dredging and deepening berth pockets

The disturbance of the foreshore or seabed, including the removal of material that is associated with:

- a) Maintenance dredging of the Main Navigation Channel shown on Planning Map [510.3](#) or within the Operational Area of Lyttelton Port shown on Planning Map [510.1](#); or
- b) Dredging to deepen the berth pockets adjacent to Wharf Structures in Area B shown on Planning Map [510.7](#);

is a permitted activity, provided that for seabed material to be dredged from the Inner Harbour shown on Planning Map [510.8](#):

- i) An Inner Harbour Sediment Analysis Plan is prepared and implemented; and
- ii) Pre-characterisation surveys are carried out; and
- iii) A Sediment Analysis Report is prepared and implemented.

Rule 10.10 Controlled Activities – Disturbance associated with removal or repair of reclaimed land

The disturbance of the foreshore or seabed (including by excavating, drilling or tunnelling) where the disturbance is directly associated with the excavation and removal of, or repair of, reclaimed land adjacent to Area B shown on Planning Map [510.7](#), including the Eastern Mole Breakwater, is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and content of a Construction Environmental Management Plan including methods of repair or removal of material from the foreshore or seabed; and
- b) Methods to mitigate adverse effects of the activity, including methods to manage the propagation of sediment; and
- c) The matters set out in Rule 10.~~3435~~.

Rule 10.11 Controlled Activities – Disturbance associated with ~~the erection of Wharf Structures or deepening berth pockets in Area A or C~~ activities adjacent to and including the Te Awaparahi Bay Reclamation

The disturbance of the foreshore or seabed (including by excavating, drilling or tunnelling), where the disturbance is directly associated with the following activities:

- a) The construction, maintenance or repair of the reclamation in Area A shown on Planning Map 510.10⁴; or
- b) ~~In Area A shown on Planning Map 5.7, t~~The erection or placement of Wharf Structures within Area A shown on Planning Map 510.10 for which a resource consent is obtained under Rule 10.2; or
- c) ~~or d~~Dredging associated with to create and deepening the berth pocket(s) or ship turning basin⁵ within Area D shown on Planning Map 510.7, adjacent to the Wharf Structures; or
- d) ~~In Area C shown on Planning Map 5.7, the erection or placement of Wharf Structures for which a resource consent is obtained under Rule 10.2, or dredging associated with deepening the berth pocket or swing basin adjacent to the Wharf Structure;~~

is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and content of a Construction Environmental Management Plan that deals with the methods of construction and dredging; and
- b) Methods to mitigate adverse effects of the activity on water quality, including methods to manage the propagation of sediment; and
- c) Methods to manage effects on marine ecology; and
- d) Monitoring requirements⁶; and
- e) The matters set out in Rule 10.~~34~~35.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule, will be publicly notified.

Rule 10.12 Restricted Discretionary Activities – Disturbance associated with dredging ~~to deepen other areas~~ within the Operational Area of Lyttelton Port and Main Navigation Channel

Except as provided for by Rules 10.9 and 10.11, the disturbance from dredging associated with the deepening of the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 510.1, including dredging to create or deepen a ship turning basin adjacent to the Te Awaparahi Bay and Cashin Quay reclamations⁷, or to deepen and widen the Main Navigation Channel shown on Planning Map 510.3, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

⁴ Recommended change made following consideration of consent requirements during preparation of activity status table for Hearing Panel.

⁵ Recommended change includes berth pocket dimensions on RCEP Map 5.7 as outlined in LPC evidence of John O’Dea paragraph 37.7 (2 June 2015). Also recommended to remove ship turning basin from this rule and include in Rule 10.12 following discussion with LPC (Andrew Purves and Jared Pettersson).

⁶ Inserted following consideration of information presented at the Hearing by submitters.

⁷ Recommended change resulting from discussion with LPC on 3rd June 2015 (Andrew Purves and Jared Pettersson).

- a) The effects of the disturbance on harbour hydrodynamics; and
- b) [The effects of the disturbance on sediment transport in Lyttelton Harbour⁸](#); and
- c) The preparation and content of a ~~Construction~~ [Dredging Operations](#) Environmental Management Plan; and
- d) Dredging methods; and
- e) The effects of the disturbance on marine ecology; and
- f) Effects on cultural values, particularly mahinga kai; and
- g) The potential benefits of the activity to the applicant or community; and
- h) [Monitoring requirements](#); and⁹
- i) The matters set out in Rule 10.~~34~~[35](#).

Rule 10.13 Discretionary Activities

The disturbance of the foreshore or seabed that ~~is not provided for by or~~ does not comply with Rule 10.8, 10.9, 10.10, 10.11 or 10.12, and that is [either](#) within the Operational Area of Lyttelton Port shown on Planning Map [510.1](#) ~~or the Main Navigation Channel shown on Planning Map~~ [510.3](#), is a discretionary activity.

⁸ Recommended change in light of advice from ECan technical experts (Connon Andrews and Dr Leslie Bolton-Ritchie).

⁹ Inserted following consideration of information presented at Hearing by submitters.

Deposition of Any Substance in, on, or under, Any Foreshore or Seabed within the Operational Area of the Port

Rule 10.14 Permitted Activities – Deposition associated with Structures

The deposition of seabed material in, on, or under the foreshore or seabed within the Operational Area of Lyttelton Port, that is directly associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of a structure that is permitted by Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.3 or 10.6, is a permitted activity.

Rule 10.15 Permitted Activities – Deposition associated with the reclamation

The deposition of any seabed material in, on or under the foreshore or seabed, where the deposition is directly associated with the construction of the reclamation to be constructed in Area A shown on Planning Map 510.710, is a permitted activity.

Rule 10.16 Controlled Activities – Deposition associated with the erection of Wharf Structures in Area A or C associated with the Te Awaparahi Bay container terminal

The deposition of any material in, on or under the foreshore or seabed where the deposition is directly associated with:

- a) the erection or placement of Wharf Structures in Area A ~~or C~~ on Planning Map 5.7510.10 and for which a resource consent is obtained under Rule 10.2; or
- b) construction of a reclamation in Te Awaparahi Bay,

is a controlled activity.

Control is reserved over the following matters:

- a) The preparation of and content of a Construction Environmental Management Plan that deals with the methods of construction and mitigation to address the effects of the deposition of material on marine ecosystems; and
- b) The matters set out in Rule 10.~~34~~35.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule, will be publicly notified.

Rule 10.17 Controlled Activities – Deposition of seabed material at the Spoil Dumping Grounds generated from construction activities and dredging

The deposition of seabed material in, on or under the foreshore or seabed at the Spoil Dumping Grounds shown on Planning Map [510.5](#) is a controlled activity, provided the following conditions are met:

- a) The material has been removed from the foreshore or seabed during works associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of a Structure that is permitted under Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.2, 10.3, 10.4, 10.6 or 10.7; or
- b) The material has been removed from the foreshore or seabed during works associated with the construction or repair of the reclamation shown in Area A of Planning Map [510.710](#); or
- c) The material has been removed from the foreshore or seabed during dredging of the berth pockets ~~or swing basins~~ which is either permitted under Rule 10.9 or for which a resource consent is obtained under Rule 10.11.

Control is reserved over the following matters:

- a) The preparation of and content of a Construction Environmental Management Plan that deals specifically with dredging operations and the deposition of sediment¹⁰; and
- b) The establishment of a monitoring programme in the Spoil Dumping Ground and surrounding area to monitor any adverse effects of the dumping of dredge spoil on the receiving environment; and
- c) Methods to mitigate any adverse effects on aquatic and benthic ecology; and
- d) The effects on cultural values, particularly mahinga kai; and
- e) **The volume of spoil to be deposited; and**
- f) For seabed material **to be** dredged from the Inner Harbour shown on Planning Map [510.8](#);
 - i) Preparation of an Inner Harbour Sediment Analysis Plan; and
 - ii) Pre-characterisation surveys; and
 - iii) Preparation of Sediment Analysis Reports; and
 - iv) **Monitoring of the relevant disposal areas; and**
- ~~g) An assessment of whether any contaminated sediment is suitable for disposal, and if so what type of conditions, including monitoring conditions, are needed; and~~
- h) The establishment of a monitoring programme at the Spoil Dumping Ground; and
- i) The matters set out in Rule 10. ~~3435~~.

Notification

Pursuant to section 95A of the Resource Management Act, any application for resource consent under this rule that relates to the Te Awaparahi Bay ~~container terminal~~Reclamation located in Area A ~~or C~~ on Planning Map [510.710](#), will be publicly notified.

~~Pursuant to sections 95A and 95B of the Resource Management Act, an application for resource consent in an area other than Area A and C, under this rule will be processed and considered without public or limited notification.~~

¹⁰ Inserted following consideration of information presented at the Hearing from submitters.

Rule 10.18 Restricted Discretionary Activities – Deposition of seabed material generated from maintenance dredging at the Spoil Dumping Ground

The deposition of seabed material in, on or under the foreshore or seabed, at the Spoil Dumping Grounds shown on Planning Map [510.5](#), which is removed from the foreshore or seabed during maintenance dredging of the Main Navigation Channel or within the Operational Area of Lyttelton Port, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The preparation of and content of a Construction Environmental Management Plan that deals specifically with dredging operations and the deposition of sediment¹¹; and
- b) The establishment of a monitoring programme ~~in~~ at the Spoil Dumping Grounds and surrounding area to monitor any adverse effects of the dumping of dredge spoil on the receiving environment; and
- c) Methods to mitigate any adverse effects on aquatic and benthic ecology; and
- d) The volume of spoil to be deposited; and
- e) The effects on cultural values, particularly mahinga kai; and
- ~~f) For seabed material to be dredged from the Inner Harbour shown on Planning Map 5.8:
 - i) ~~The preparation of an Inner Harbour Sediment Analysis Plan; and~~
 - ii) ~~Carrying out pre-characterisation surveys; and~~
 - iii) ~~Preparation of Sediment Analysis Reports; and~~
 - iv) ~~An assessment of whether any contaminated sediment is suitable for disposal, and if so what type of conditions, including monitoring conditions, are needed~~Monitoring of the relevant disposal areas;
and~~
- g) For seabed material that has been dredged from the Inner Harbour, including from areas of known or potential contamination shown on Planning Map [510.8](#), the following is required:
 - i) The preparation of a Sediment Management Plan which sets out the practices and procedures to manage Dredge Spoil from this location; and
 - ii) An assessment of whether any contaminated sediment is suitable for unconfined open sea disposal, and if so what type of conditions, including monitoring conditions, are needed for unconfined open sea disposal; and
- h) The potential benefits of the activity to the applicant and community; and
- i) The matters set out in Rule 10.~~34~~35.

Rule 10.19 Discretionary Activities – Deposition of seabed material

The deposition of seabed material in, on, under or over the foreshore or seabed, at the Spoil Dumping Grounds shown on Planning Map 5.5, that is removed from the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map [510.1](#), or the Main Navigation Channel shown on Planning Map [510.3](#), or that is not provided for or does not comply with Rules 10.14, 10.15, 10.16, 10.17 or 10.18 is a discretionary activity.

¹¹ Inserted following presentation of information at Hearing by submitters.

Reclamation or Drainage

Rule 10.20 Controlled Activity – Reclamation in Te Awaparahi Bay

The reclamation or drainage of the foreshore or seabed within Area A shown on Planning Map [510.710](#) is a controlled activity, provided that the following condition is met:

- a) A Ngāi Tahu Cultural Impact Assessment is prepared and submitted with the application; and
- b) The reclamation or batter slope do not extend within the Battery Point Exclusion Zone¹².

Control is reserved over the following matters:

- a) Design of the finished seaward faces, including visual treatment of the reclamation edge;
- b) Methods of reclamation construction including the material used in the reclamation;
- c) Preparation and content of a Construction Environmental Management Plan;
- d) The management of any marine biosecurity risks;
- e) Methods to control the propagation of sediment plumes during construction;
- f) Stormwater management;
- g) Methods to manage and offset visual changes;
- h) Methods to address cultural matters, including the preparation of a Kaimoana Management Plan, in consultation with Te Hapū o Ngāti Wheke, that includes but is not limited to:
 - i) Details of methods to monitor the health of kaimoana in the vicinity of the reclamation, including surveys using Mātauranga Māori-based techniques, such as the Marine Cultural Health Index (MCHI);
 - ii) Assessment of whether the reclamation seawalls can be designed in a manner that creates new habitat space for desired kaimoana species;
 - iii) Methods to mitigate the loss of kaimoana as a result of the reclamation such as the establishment of kaimoana gardens or reseeded of chosen kaimoana species; and
- b) The matters set out in Rule 10.3435.

Notification

Pursuant to section 95A of the Resource Management Act, an application for a resource consent under this rule will be publicly notified.

Rule 10.21 Discretionary Activities - Reclamation

Except as provided for by Rule 10.20 or 10.22, any reclamation or drainage of the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map [510.1](#) is a discretionary activity.

Rule 10.22 Non complying Activities – Reclamation

¹² Recommended amendment including following consideration of evidence at hearing regarding values at Battery Point.

The reclamation or drainage of the foreshore or seabed, or the disturbance or deposition of material in, on, under or over ~~of the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 510.1 but outside Area A on Planning Map 510.10:~~

- a) to extend or protect the Te Awaparahi Bay Reclamation and berthing facilities ~~is a non-complying activity;~~ or
- b) to extend the reclamation in Area A or construct a batter slope, within the Battery Point Exclusion Zone¹³,

is a non-complying activity.

¹³ Recommended amendment including following consideration of evidence at hearing regarding values at Battery Point.

Occupation of the Coastal Marine Area

Rule 10.-~~2223~~ Permitted Activities

The following activities in the Port of Lyttelton Occupation Areas shown on Planning Map [510.9](#) are permitted:

- a) The occupation of the Coastal Marine Area for Port Activities, including any Network Utility System or Network Utility Structure ancillary to Port Activities; and
- b) The occupation of the Coastal Marine Area for the purposes of carrying out activities permitted by Rule 10.1, 10.5, 10.8, 10.9, 10.14 or 10.15, or for which a resource consent is obtained under Rule 10.2, 10.3, 10.4, 10.6, 10.7, 10.10, 10.11, 10.12, 10.13, 10.16, 10.17, 10.18, 10.19, 10.20, ~~or 10.21~~, or 10.22.

Rule 10.-~~2324~~ Restricted Discretionary Activities

The occupation of the Coastal Marine Area for Port Activities outside the Port of Lyttelton Occupation Area shown on Planning Map [510.9](#) but within the Operational Area of Lyttelton Port is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The effects of occupation on recreational activities;
- b) The effects of occupation on navigation;
- c) The effects of occupation on cultural values, particularly mahinga kai;
- d) The potential benefits of the activity to the applicant and community; and
- e) The matters set out in Rule 10.~~3435~~.

Rule 10.-~~2425~~ Discretionary Activities

The occupation of the Coastal Marine Area within the Operational Area of Lyttelton Port shown on Planning Map [510.1](#) for any Network Utility System or Network Utility Structure, other than a Network ~~U~~Utility System or Network Utility Structure ancillary to Port Activities, is a discretionary activity.

Rule 10.-~~2526~~ Non-complying Activities

The occupation of the Coastal Marine Area within the Operational Area of Lyttelton Port shown on Planning Map [510.1](#), for any activity not provided for by or that does not comply with Rule ~~10.22~~, 10.23, 10.24, or 10.25, is a non-complying activity.

Discharge of Contaminants for Specific Recovery Activities

Rule 10.~~2627~~ Permitted Activities – Discharge of stormwater within Operational Area of the Port

Except as provided for by Rule 10.~~3031~~, the discharge of stormwater, generated from Area A shown on Planning Map [510.6](#), into water, or into or onto land, in the Coastal Marine Area is a permitted activity, provided the following conditions are met:

- a) There is no scouring or erosion of the foreshore or seabed that is not erased by wind, tidal or wave action within 24 hours; and
- b) After reasonable mixing, the discharge shall not give rise to any change in colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 percent measured at all of the following locations:
 - i) Further than 100 metres; or
 - ii) Further than 100 times the average internal diameter of the outfall pipe being used;
 - iii) Or further than 100 times the average width of the open culvert or drain being used; in any direction from the point of the discharge.
- c) Any discharge shall not give rise to any or all of the following effects from the point of the discharge, and further than the greater of 20 metres, or 20 times the average internal diameter of the outfall pipe being used, or 20 times the average width of the open culvert or drain being used:
 - i) The production of conspicuous oil or grease films, scums or foams, or floatable material; or
 - ii) Any emissions of objectionable odour; or
 - iii) Any reduction in the concentration of dissolved oxygen in the receiving water to less than 80% of saturation; or
 - iv) Any change by more than 3 degrees Celsius in the natural temperature of the receiving water or any change that causes it to exceed 25 degrees Celsius; or
 - v) The capability of causing any significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity;
- d) Any material or debris contained in the stormwater shall be intercepted and as far as practicable removed before the stormwater enters the Coastal Marine Area; and
- e) Any stormwater network to be constructed or repaired as part of the formation or renewal of impervious surfaces shall incorporate hydrocarbon interceptors and/or gross pollutant interceptors.

Rule 10.~~2728~~ Permitted Activities – Discharge of stormwater from Lyttelton Port Company Quarry in Gollans Bay

Except as provided for by Rule 10.~~2930~~, the discharge of stormwater, generated from Area B shown on Planning Map [510.6](#), into water, or into or onto land, in the Coastal Marine Area is a permitted activity, provided the following conditions are met:

- a) Any earthworks do not exceed 10 cubic metres per annum where loess is present or otherwise 500 ~~cubic~~ square metres per annum; and
- b) There is no scouring or erosion of the foreshore or seabed that is not erased by wind, tidal or wave action within 24 hours; and
- c) After reasonable mixing, the discharge shall not give rise to any change in colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 percent measured at all of the following locations:
 - i) Further than 100 metres; or
 - ii) Further than 100 times the average internal diameter of the outfall pipe being used;
 - iii) Or further than 100 times the average width of the open culvert or drain being used; in any direction from the point of the discharge.
- d) Any discharge shall not give rise to any or all of the following effects from the point of the discharge, and further than the greater of 20 metres, or 20 times the average internal diameter of the outfall pipe being used, or 20 times the average width of the open culvert or drain being used:
 - i) The production of conspicuous oil or grease films, scums or foams, or floatable material; or
 - ii) Any emissions of objectionable odour; or
 - iii) Any reduction in the concentration of dissolved oxygen in the receiving water to less than 80% of saturation; or
 - iv) Any change by more than 3 degrees Celsius in the natural temperature of the receiving water or any change that causes it to exceed 25 degrees Celsius; or
 - v) Any significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity
- e) Any material or debris contained in the stormwater shall be intercepted and as far as practicable removed before the stormwater enters the Coastal Marine Area.

Rule 10. ~~2829~~ Permitted Activities – Discharge of sediment during the erection, placement, reconstruction, alteration, extension, removal or demolition of structures or maintenance dredging within the Operational Area of Lyttelton Port

The discharge into water, or onto or into land in the Coastal Marine Area of sediment already present in, on or under the foreshore or seabed is a permitted activity, provided the following conditions are met:

- a) The discharge is the result of disturbance that is directly associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of a structure that is permitted by Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.3 or 10.6; or
- b) The discharge is the result of disturbance that is directly associated with Dredging of the Main Navigation Channel or within the Operational Area of Lyttelton Port; or

- c) The discharge is the result of disturbance that is directly associated with the construction of a reclamation or the removal or repair of reclaimed land.

Rule 10.~~2930~~ Controlled Activities – Discharge of stormwater from the Quarry at Gollans Bay

The discharge of stormwater into water, or onto or into land, in the Coastal Marine Area, generated from earthworks in Area B on Planning Map [510.6](#), and that does not comply with (Rule 10.~~278~~(a)), is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan that deals specifically with stormwater management and erosion and sediment control; and
- b) Methods to avoid spillages; and
- c) Methods to monitor stormwater; and
- d) Contaminants in the stormwater; and
- e) The matters set out in Rule 10.~~3435~~.

Notification

Pursuant to section 95A and 95B, an application for resource consent under this rule will be processed and considered without public or limited notification.

Rule 10.~~3031~~ Controlled Activities – Discharge of stormwater from the reclamation during construction

The discharge of stormwater into the Coastal Marine Area, during the construction of the reclamation shown in Area A on Planning Map [5.7510.10](#), is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan that deals specifically with stormwater management and erosion and sediment control; and
- b) The introduction of sediment control measures and methods to control the propagation of sediment plumes; and
- c) Methods to manage the discharge of stormwater; and
- d) The matters set out in Rule 10.~~3435~~.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule will be publicly notified.

Rule 10.~~3132~~ Controlled Activities – Discharge of contaminants during construction of the reclamation

The discharge of any contaminant, into water, or onto or into land, in the Coastal Marine Area arising from the deposition of material, or the associated decanting of seawater, during the construction of the reclamation shown in Area A of Planning Map ~~5.7~~510.10, is a controlled activity provided the following condition is met:

- a) The discharge of contaminants shall not after reasonable mixing give rise to the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials.

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan;
- b) The introduction of sediment control measures and methods to control the propagation of sediment plumes;
- c) Methods to manage the discharge of contaminants, including screening of reclamation material and methods to avoid and contain spillages;
- d) Methods to monitor the discharge;
- ~~e) Measures to avoid, remedy or mitigate the effects of the discharge on;
 - i) Erosion, scour or land stability;
 - ii) Water quality;
 - iii) Sediment;
 - iv) Spillages;
 - v) Aquatic ecosystems, and indigenous flora and fauna;
 - vi) Resources, areas or sites of spiritual, historical or cultural significance to tangata whenua;~~
- f) The matters set out in Rule 10.~~34~~35.

Notification

Pursuant to section 95A of the RMA, an application for resource consent under this rule will be publicly notified.

Rule 10.~~32~~33 Discretionary Activities

The discharge at the Spoil Dumping Grounds shown on Planning Map 5.5 of dredge spoil derived from dredging the Main Navigational Channel shown on Planning Map 510.3 or dredging within the Operational Area of Lyttelton Port shown on Planning Map 510.1 is a discretionary activity.

Rule 10.~~33~~34 Discretionary Activities – Catch-all rule

Except as provided for by Rules ~~10.26, 10.27,~~10.28, 10.29, 10.30, 10.31, ~~and~~ 10.32, or 10.33 the discharge of contaminants into water, or into or onto land, in the Coastal Marine Area, within the Operational Area of Lyttelton Port shown on Planning Map 510.1 from:

- a) Stormwater; or
- b) Deposition of material, or the associated decanting of seawater during the construction of the reclamation; or

c) Sediment that already resides on the seabed;

is a discretionary activity.

General Rules

Rule 10. ~~3435~~

In consideration of applications for controlled activities or restricted discretionary activities the matters on which:

- a) Control is reserved; or
 - b) Exercise of discretion is restricted;
- include the lapsing period, the term of the resource consent, the review of the conditions of resource consent, and the collection, recording, monitoring and provision of information concerning the exercise of a resource consent.

Amendments to Chapter 7

Amend Clause (b)(iii)(7.) of Rule 7.1 Permitted Activities, as follows:

- (i) in the Operational Area of a **Timaru** Port, the capability of causing significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity.

Amend Rule 7.2 Discretionary Activities, as follows:

Except as provided for by Rules 7.1, 7.3, 7.4, 7.5, 7.6, ~~10.26, 10.27~~, 10.28, 10.29, 10.30, ~~or 10.31~~, or 10.32 the discharge of any water or any contaminant, into water, or onto or into land, in

Amendments to Chapter 8

Amend Objective 8.1(2), as follows:

- (1) To enable the efficient and effective operation and development of the Ports of ~~Lyttelton and Timaru~~ and network utilities while avoiding, remedying or mitigating adverse effects on the environment consistent with the normal requirements of commercial ports and network utilities.

Amend the Second Paragraph to Principal Reason of Objective 8.1, as follows:

The ports and network utilities play a significant role in the economy of the region. It is necessary to provide for the efficient and effective operation of the ports and network utilities and their associated facilities within this plan. **Chapter 10 contains objectives and policies that address the Recovery of the Port of Lyttelton, including its repair, rebuild, reconfiguration and operation from the 2010 and 2011 sequence of earthquakes.**

Amend Policy 8.4, as follows:

In considering applications for resource consents to reclaim the Coastal Marine Area, or for the removal of natural materials for commercial purposes, **except within the Operational Area of the Port of Lyttelton,** Environment Canterbury....

Amend Policy 8.5, as follows:

In considering applications for resource consents to occupy the Coastal Marine Area, **except within the Operational Area of the Port of Lyttelton,** Environment Canterbury....

Amend Policy 8.8, as follows:

Enable the Ports of ~~Lyttelton and Timaru~~ to operate efficiently and effectively, by:

Amend the Explanation to Policy 8.8, as follows:

The coastal environments of the Ports of ~~Lyttelton and Timaru~~ are ~~is~~ highly modified already through wharf structures, cargo handling equipment, storage tanks and buildings. Vessel access needs to be maintained through maintenance dredging of the main navigation channels.

The Policy provides recognition that the Ports of ~~Lyttelton and Timaru~~ should be enabled to operate efficiently and effectively. Activities that establish in ~~Lyttelton or Timaru~~ Harbours should be compatible with the operation of the Ports. It is recognised that port infrastructure will need to be changed to meet the requirements of the ports and their customers. **Chapter 10 contains objectives and policies that address the Recovery of the Port of Lyttelton, including its repair, rebuild, reconfiguration and operation from the 2010 and 2011 sequence of earthquakes.**

Amend Policy 8.9, as follows:

In controlling activities generating noise and enforcing noise controls in the Coastal Marine Area, Environment Canterbury should ensure that the noise control rules governing activities in the Operational Areas of the Ports of ~~Lyttelton and Timaru~~....

...Environment Canterbury will apply national port noise standards for the control of noise in the Operational Areas of the Timaru Ports....

Amend the Explanation to Policy 8.9, as follows:

The noise controls for the Ports of ~~Lyttelton and~~ Timaru will be matched, as far as practical, with those of the adjacent territorial authorities. Efforts will also be made to integrate the enforcement of those common rules through a delegation or transfer of noise control functions. Appropriate environmental noise standards are applicable to construction activities and to vessels and aircraft that operate across regional boundaries.

Amend Clause (a) of Rule 8.1 Permitted Activities, as follows:

(a) The reconstruction, alteration or extension of an Authorised Structure, or any part of an Authorised Structure, within the Operational Area of a Timaru Port, provided that:

~~Delete Clause (g) of Rule 8.1 Permitted Activities, as follows:~~

~~(g) Notwithstanding condition (iii) of Rule 8.1 (f), the removal or demolition of the "Screw Piles", beneath the No. 2 Wharf at the Port of Lyttelton, (Structure number 6 in Schedule 5.12) and the removal or demolition of the "Patent Slip" at the Port of Lyttelton (Structure number 11 in Schedule 5.12), provided that:~~

~~(i) Environment Canterbury and the Historic Places Trust shall be advised in writing at least twenty working days prior to work commencing; and,~~

~~(ii) A professional photographic record of the structure shall be made prior to the removal or demolition of these structures, and any other earlier photographs and plans held by the Lyttelton Port Company shall be collated and copies provided to the Historic Places Trust; and,~~

~~(iii) In relation to the "Screw Piles", a screw pile, or a number of screw piles, shall be provided to the Historic Places Trust, on request.~~

Amend Clauses (h) and (i) of Rule 8.1 Permitted Activities, as follows:

(h) The reconstruction, replacement or alteration, by or on behalf of the owner, of a fixed pile mooring or a pontoon mooring that existed on 2 July 1994, or a fixed pile mooring or a pontoon mooring that has been authorised by a resource consent after 2 July 1994, provided that:

(i) the mooring is within the ~~Pile Mooring Area of Lyttelton Inner Harbour~~, Magazine Bay or Diamond Harbour or within the Operational Area of a Timaru Port; and

(ii) no additional moorings shall be created.

(i) The placement of a mooring within the Operational Area of a Timaru Port by, or on behalf of, a Port Company having an occupation right for that purpose.

Amend Principal Reason to Rule 8.1, as follows:

Construction activity carried out within ~~the two port areas of Lyttelton and~~ Timaru port area,

Amend Rule 8.2 Discretionary Activities, as follows:

Except as provided for by Rules 8.1, 8.4, 8.5, 8.6, 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7; the erection, reconstruction.....

Amend Clauses (c)(iii) of Rule 8.6 Permitted Activities, as follows:

(iii) for any disturbance within the Operational Area of a **Timaru** Port, no more than 50 cubic metres of material shall be disturbed or removed from the foreshore or seabed in any twelve month period; and...

Amend Clauses (d) of Rule 8.6 Permitted Activities, as follows:

(d) The disturbance of the foreshore or seabed, or the removal of material, that is directly associated with maintenance dredging within the Operational Area of a **Timaru** Port, or with maintenance dredging of the Main Navigational Channels for the Ports of ~~Lyttelton~~ or **Timaru**, as shown on the planning maps.

Amend Rule 8.7 Discretionary Activities, as follows:

Except as provided for by Rules 8.6, 8.8, 8.9, ~~or~~ 8.10, **10.8, 10.9, 10.10, 10.11, 10.12 or 10.13**, or the disturbance....

Amend Rule 8.8 Discretionary Activities, as follows:

Other than within the Operational Area or the Main Navigation Channel of the Port of Lyttelton, any disturbance by any person of the foreshore or seabed.....

Amend Clauses (a)(iii) of Rule 8.11 Permitted Activities, as follows:

(i) within the Operational Areas of a **Timaru** Port, no more than 50 cubic metres of material shall be deposited by any person in any twelve month period; and

Delete Clause (a) of Rule 8.21 Discretionary Activities and renumber the rules, as follows:

Operational Area of the Port of Lyttelton

~~(a) Except as provided for by paragraph (f) of this Rule, any activity related to the operation of the Port of Lyttelton that is emitting noise at any point within the Operational Area of the Port of Lyttelton, is a Discretionary Activity if the noise generated by that activity exceeds any of the following noise limits within the areas and times stated:~~

~~65 dBA Ldn average sound level calculated on an energy basis over any five consecutive days, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~68 dBA Ldn day-night average sound level on any day when measured and assessed, at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~60 dBA Leq (9 hour) time average level over any 9 hour period from 10 p.m. on any day to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~65 dBA Leq (15 min) time average level for any 15 minute period between 10 p.m. to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~85 dBA Lmax maximum sound level on any night from 10 p.m to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

Renumber Clause (b) of Rule 8.21 to be Clause (a).

Renumber Clause (c) of Rule 8.21 to be Clause (b).

Renumber Clause (d) of Rule 8.21 to be Clause (c).

Renumber Clause (e) of Rule 8.21 to be Clause (d) and amend as follows:

Except as provided for by paragraphs (a), ~~(b)~~ or ~~(f)~~ **(e)** of this Rule....

Renumber clause (f) of Rule 8.21 to be Clause (e) and amend subclause (v) as follows:

motorised vessels that are in the course of transiting the Ports of ~~Lyttelton~~ or Timaru, or operating within the Operational Areas of ~~the~~ **Timaru** Ports; but not including the operation of a vessel when berthed; or

Renumber Clause (g) of Rule 8.21 to be Clause (f) and amend as follows:

For the purpose of paragraphs **(b), (c) and (d)** ~~(a), (c), (d) and (e)~~ of this Rule, noise shall be measured in accordance with the provisions of NZS 6801:1999 "Acoustics–Measurement of Sound"

Renumber Clause (h) of Rule 8.21 to be Clause (g) and amend as follows:

For the purpose of paragraph ~~(b)~~ **(a)** of this Rule, noise shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of sound".

Delete Clause (i) of Rule 8.21:

~~(i) For the purpose of paragraph (a) of this Rule, noise shall be assessed in accordance with the provisions of NZS 6809:1999 "Acoustics–Port noise: Management and land use planning"~~

Renumber Clause (j) of Rule 8.21 to be Clause (h) and amend as follows:

For the purpose of paragraph ~~(b)~~ **(a)** of this Rule, noise shall be assessed in accordance with the provisions of NZS 6802:1991 "Assessment of environmental sound".

Renumber Clause (k) of Rule 8.21 to be Clause (i) and amend as follows:

For the purpose of paragraphs (e ~~b~~) to (e ~~d~~) of this Rule, noise shall be assessed in accordance with the provisions of NZS 6802:1999 "Acoustics– Assessment of environmental noise".

Renumber Clause (l) of Rule 8.21 to be Clause (j).

Renumber Clause (m) of Rule 8.21 to be Clause (k) and amend as follows:

In paragraphs (a) and ~~(b)~~ "beyond" shall mean in a direction away from the Port Operational Area.

Insert new Clause (l) of Rule 8.21:

Rule 8.21(e) does not apply to activities carried out within the Operational Area of the Port of Lyttelton.

Amend the Principal Reason to Rule 8.21 Discretionary Activities, as follows:

Noise in the Coastal Marine Area is to be expected, particularly from the operation of the two commercial ports and from the operation of vessels. However, high noise levels can have adverse effects on health and amenity values and on wildlife habitats in the coastal environment. Controls are therefore necessary to control the adverse effects of high noise levels. Noise above 65 dBA Ldn has the potential to have direct adverse health effects.

Noise limits should be compatible with those set inland of the Coastal Marine Area, particularly where there is a local agreement or a New Zealand Standard has been implemented to resolve potential conflicts, for example those between port activities and residences.

The measurement point applicable for noise sources outside the port areas is at the boundary of the Coastal Marine Area. These numerical noise limits have been set at higher levels than the noise limits typically applied by territorial local authorities. This is because the noise limits applied by territorial local authorities are generally applicable at the boundary of residential properties and are therefore further from the noise source.

~~The noise limits set for the Ports of Lyttelton are consistent with the numerical noise limits in NZS 6809:1999 "Acoustics– Port noise: Management and land use planning".~~

For the Port of Timaru, the noise limits are those agreed locally through the District Council, and are more restrictive than those found in NZS 6809:1999 "Acoustics– Port noise: Management and land use planning".

Chapter 10 addresses the management of noise at the Port of Lyttelton.

Amendments to Definitions

Insert the following definitions into Appendix 1 Definition of Terms

Dredge Spoil

means the seabed material removed by dredging from the foreshore or seabed in a particular location and that is to be deposited on the seabed at another location.

Dredging

means the use of a vessel or machine that removes seabed material from the foreshore or seabed in order to deepen or widen, or maintain the depth or width, of the seabed or foreshore.

Earthworks

means the disturbance of land surfaces by blasting, blading, contouring, ripping, moving, removing, placing or replacing soil and earth, or by excavation, or by cutting or filling operations.

Port Activities

Means activities and associated structures carried out or authorised by the owner or operator of Lyttelton Port, within the Coastal Marine Area that are either necessary for the operation of the Port of Lyttelton, or that are industrial or commercial activities that for operational purposes require location within the Coastal Marine Area, and that includes:

- (a) The surface navigation, berthing, manoeuvring, refuelling, storage, servicing, maintenance and repair of vessels;
- (b) Embarking and disembarking of passengers;
- (c) Loading, unloading, ~~and~~ storage and distribution of cargo, including hazardous substances¹⁴;
- (d) General storage areas and facilities;
- (e) The establishment, maintenance and operation of navigation aids;
- (f) Facilities for marine recreation, including boating and fishing, and a floating marina in Dampier Bay;
- (g) Pipelines and wharflines
- (h) Port administration; and

all buildings, infrastructure and associated plant and equipment and car parking to support those activities in clauses (a) to (g).

Wharf Structure

means any piled structure used to moor vessels or used for any other activities ancillary to Port Activities.

¹⁴ Recommended amendment resulting from evidence of Oil Companies in its submission.

Amend the following definitions in Appendix 1 Definition of Terms

Pile Mooring Area

means the areas for pile and pontoon moorings containing the Lyttelton Inner Harbour Pile Moorings, the Magazine Bay Marina, and the Diamond Harbour Pile moorings. The Pile Mooring Areas are shown on the Planning Maps in Volume 2.

Structure

means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft, seawall and Wharf Structure.

Amendments to Schedule 5.11.1

Amend Schedule 5.11.1 Lyttelton

The Operational Area of the Port of Lyttelton is the Coastal Marine Area enclosed by the land boundary of the Coastal Marine Area and:

a line from Battery Point at map reference ~~M36:891-336~~ NZTM X-1579156.054, Y-5172046.519 ~~to south to NZTM X-1579263.135, Y-5171486.601, east to NZTM X-1580311.406, Y-5171662.742, south to NZTM X-1580364.297, Y-5171347.976, sequentially connecting three points to the west at map references NZTM X-1579325.552, Y-5170901.317, NZTM X-1577637.07, Y-5170617.558, and NZTM X-1576489.129, Y-5170970.06, a line from the point at map reference NZTM X-1576489.129, Y-5170970.06 north to the western boundary of the Port's oil tank farm on the Naval Point Reclamation at map reference NZTM X-1576441.036, Y-5171262.438.~~ of the main Navigational Channel at map reference ~~M36:892-328,~~

~~five lines bounding the ship turning basin from this point, sequentially connecting points at map references M36:891-328, M36:886-324, M36:876-325, and M36:871-325, and~~

~~a line from the point at map reference M36:871-325 to the western boundary of the Port's oil tank farm on the Naval Point Reclamation at map reference M36:866-329.~~

Amendments to Maps

Replace ~~Amend Planning Maps 5.1 and 5.3 with~~ Delete and replace the following Planning Maps:

- 1) ~~Delete~~ Planning Map 5.1: Operational Area of the Port of Lyttelton, and replace with Planning Map 10.1 ~~(delete existing operational boundary and insert new proposed operational boundary)~~
- 2) ~~Delete~~ Planning Map 5.3: Port of Lyttelton Main Navigation Channel, and replace with Planning Map 10.3 ~~(delete existing main navigation channel and insert new proposed navigation channel)~~
- 3) Planning Map 10.5: Lyttelton Harbour/ Whakaraupō Spoil Dumping Grounds

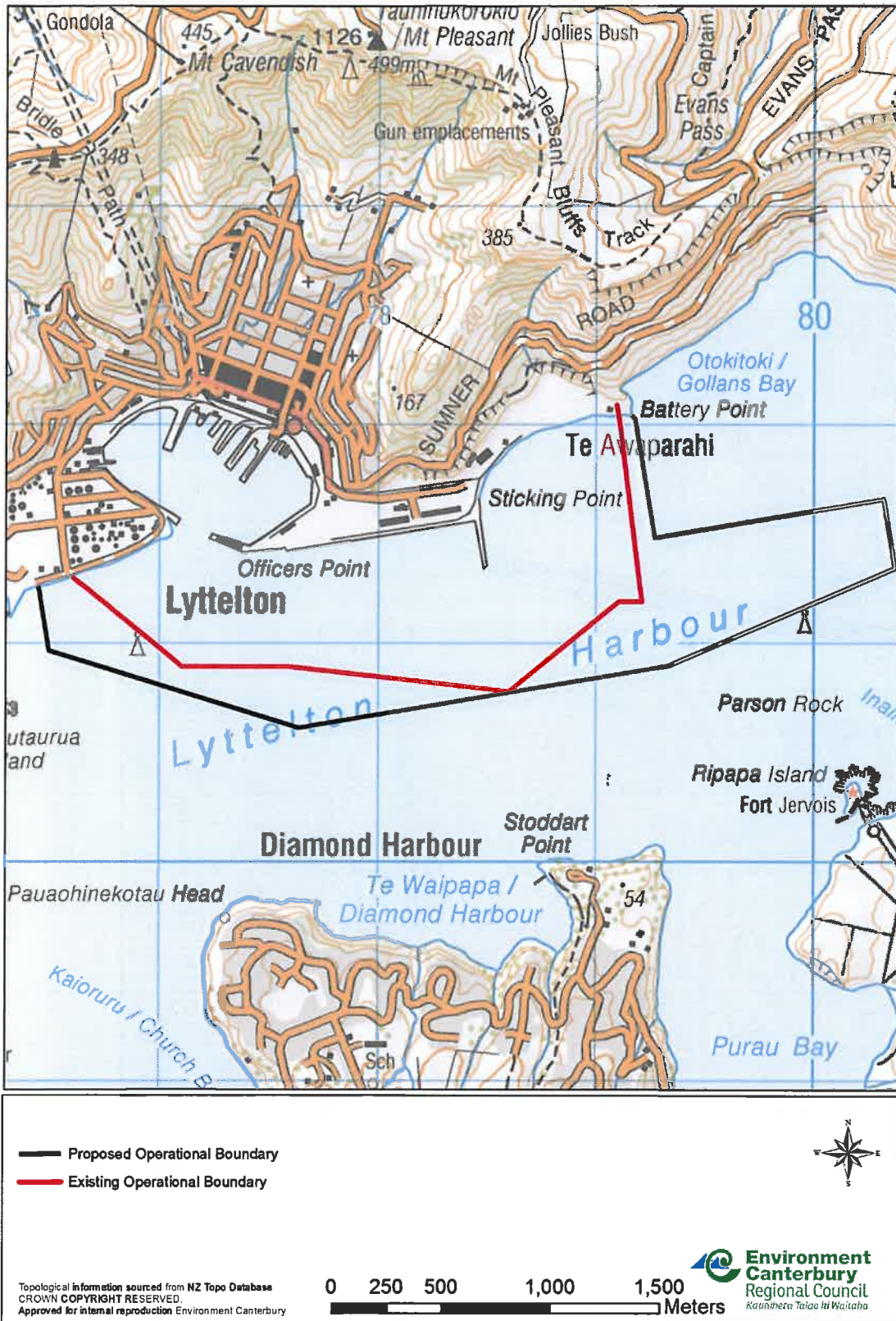
Leave the following existing Planning Map

- ~~1. Planning Map 5.5: Lyttelton Harbour/Whakaraupō Spoil Dumping Grounds~~

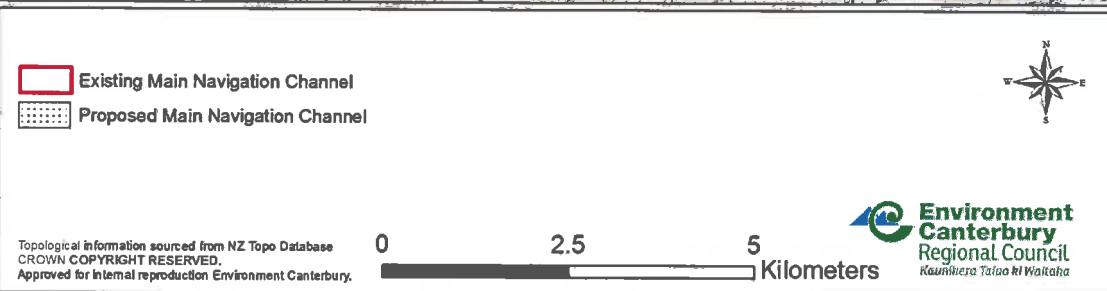
Insert the following new Planning Maps:

- 1) Planning Map 510.6: Port of Lyttelton Stormwater Discharge Areas
- 2) Planning Map 510.7: Port of Lyttelton ~~Wharf Structure, Berth Pocket and Reclamation~~ Berthing Areas
- 3) Planning Map 510.8: Port of Lyttelton Contamination Areas in the Inner Harbour
- 4) Planning Map 510.9: Port of Lyttelton Occupation Area
- 5) Planning Map 510.10: Port of Lyttelton Te Awarapahi Bay Reclamation Area

Map 10.1 Operational Area of the Port of Lyttelton

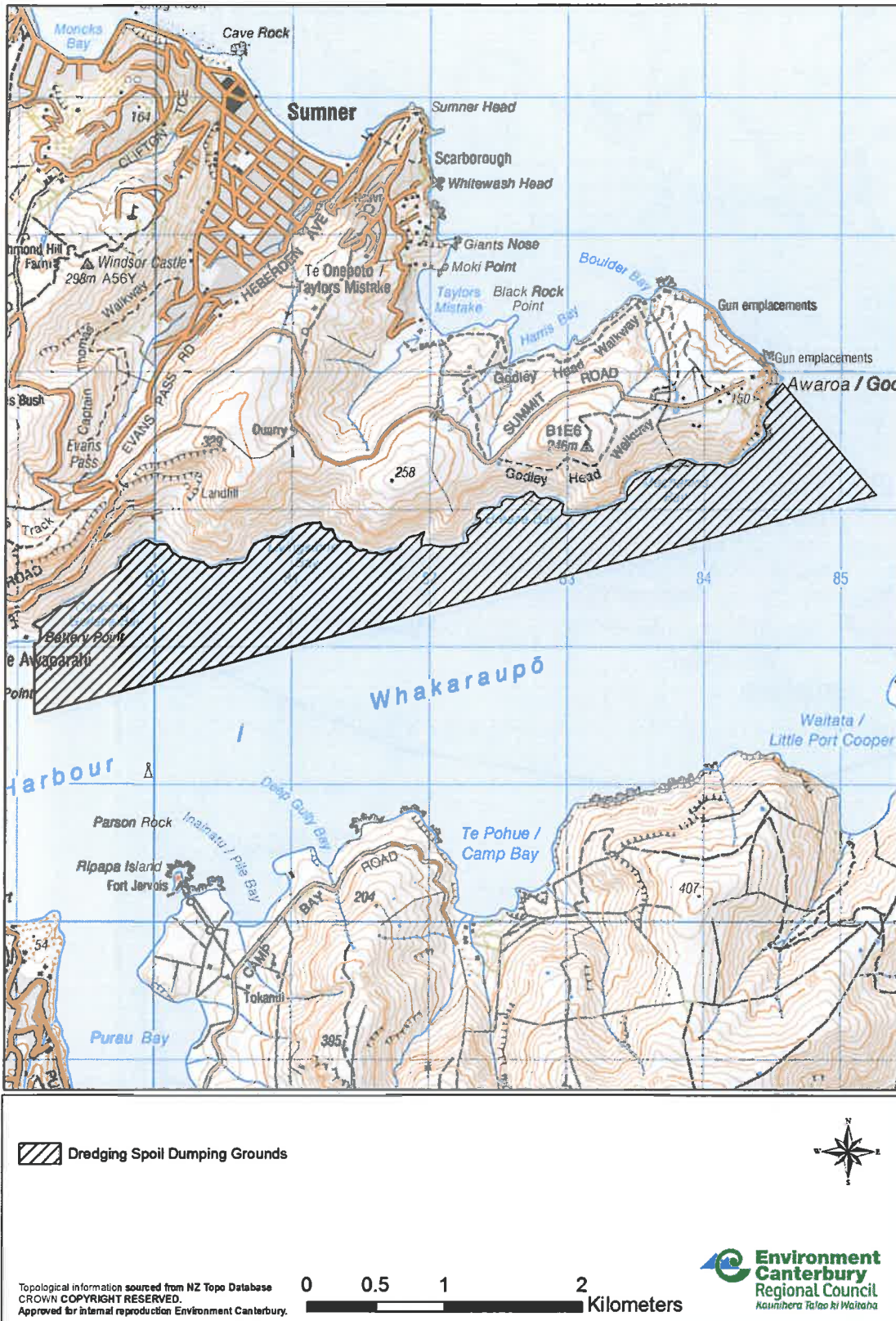


Map 10.3 Port of Lyttelton Main Navigation Channel

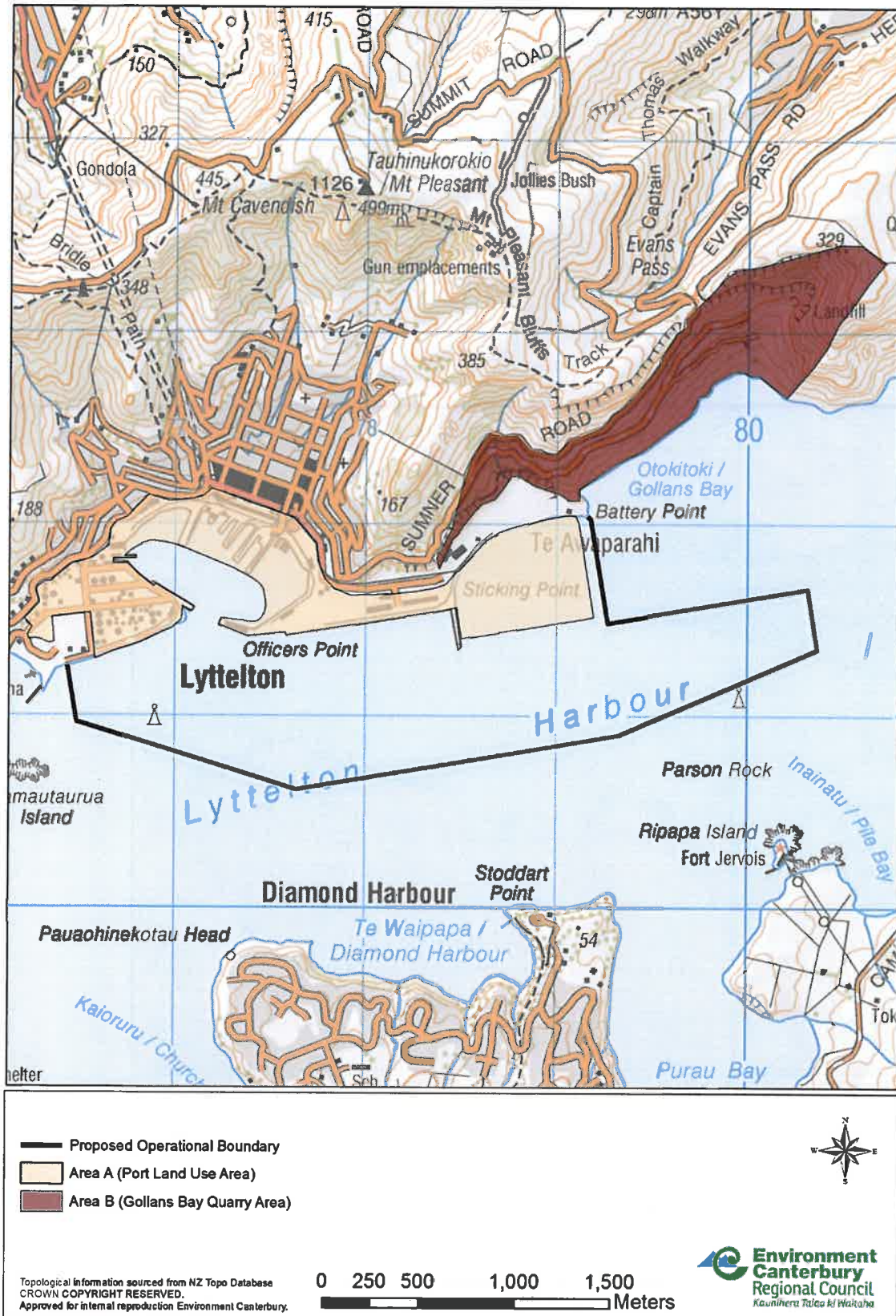


12/02/2015 Map Series 5

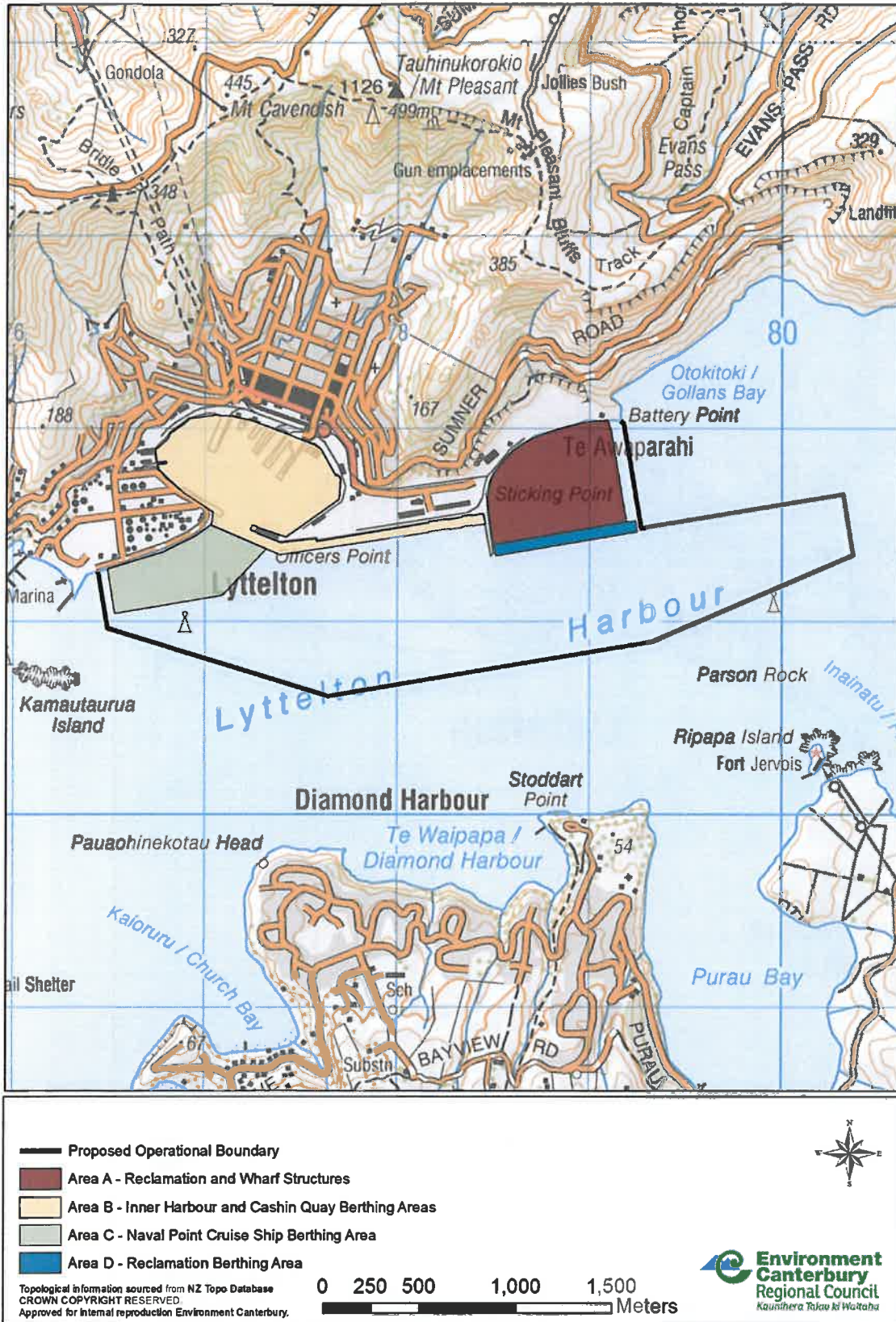
Planning Map 10.5 Lyttelton Harbour/Whakaraupō Spoil Dumping Grounds



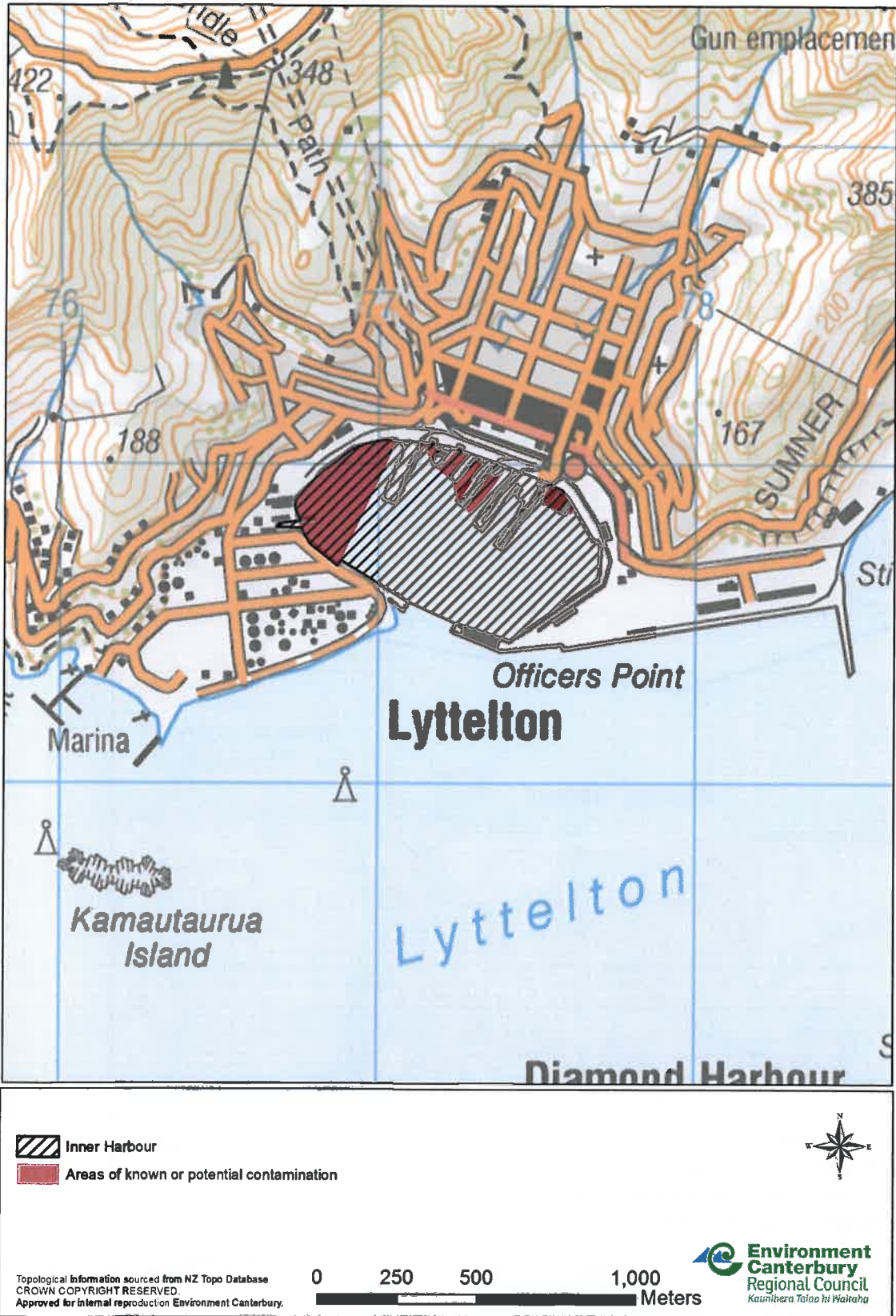
Map 10.6 Port of Lyttelton Stormwater Discharge Area



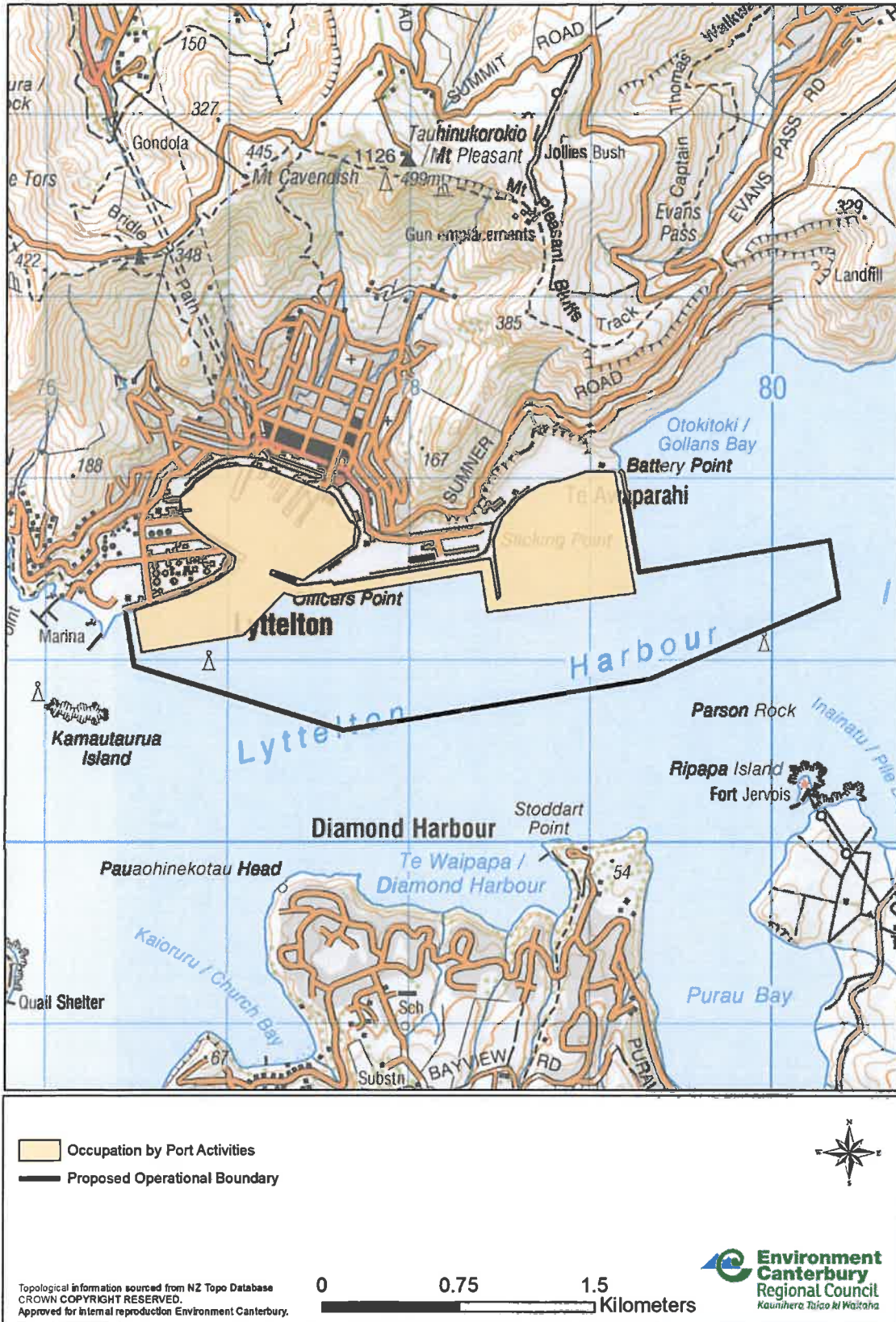
Map 10.7 Port of Lyttelton Berthing Area



Map 10.8 Port of Lyttelton Contamination Areas in the Inner Harbour



Map 10.9 Port of Lyttelton Occupation Area



Map 10.10 Te Awaparahi Bay Reclamation Area



Appendix 4: Amendments to the proposed Christchurch Replacement District Plan

Appendix 4: Amendments to the proposed Christchurch Replacement District Plan

21.8. Specific Purpose (Lyttelton Port) Zone

21.8.1 Objectives and Policies

21.8.1.1 Objective – Recovery and growth of Lyttelton Port

- a. The recovery of the Lyttelton Port is enabled in a timely manner:
 - i. to restore its efficient and effective operation, and enable growth and development to support its role as strategic infrastructure in the recovery of greater Christchurch; and
 - ii. to recognise its significance in the recovery of greater Christchurch, including economic growth within the township of Lyttelton, Christchurch District and the wider region.

21.8.1.1.1 Policy – Elements of recovery

- a. Recognise that the repair, rebuild and reconfiguration of Lyttelton Port entails the progressive phased movement east of port operations resulting in:
 - i. operational port activities being established on reclaimed land in Te Awaparahi Bay; and
 - ii. the shifting of some general cargo from the Inner Harbour to Cashin Quay; and
 - iii. redevelopment of land in Dampier Bay in a staged manner to provide for a commercial marina and associated land-side activities, including limited commercial activity, with enhanced public access and connectivity between the Lyttelton township, surrounding residential area and other parts of Naval Point.

21.8.1.1.2 Policy – Management areas and activities

- a. Identify functional areas within the Specific Purpose (Lyttelton Port) Zone that recognise the elements of recovery consisting of:
 - i. the port operational area to provide for a range of port and ancillary activities, including the tank farm area at Naval Point;
 - ii. the port quarry area at Otokitoki/Gollans Bay to enable continuation of port quarrying activities and maintenance of haul roads to support and facilitate Port maintenance and development, including reclamation; and
 - iii. the Dampier Bay area to provide for redevelopment of the area with activities that support a public waterfront area, marina and associated facilities.

21.8.1.1.3 Policy – Port operation, use and development

- a. Enable the efficient operation, use and development of Lyttelton Port by:

- i. ensuring non-port related activities or development do not compromise Port operations or development of port and maritime facilities;
- ii. avoiding public access in the port operational and quarry areas, ~~except to Naval Point~~, to ensure public safety and the security of cargo and Port operations;
- iii. avoiding the creation of esplanade reserves or esplanade strips within the Specific Purpose (Lyttelton Port) Zone;
- iv. providing for expansion of the Port operational area onto reclaimed land in Te Awaparahi Bay; and
- v. providing flexibility to maintain and manage operations that increase the Port's resilience to natural hazards during and after natural hazard events and that appropriately manage hazard risk.

21.8.1.1.4 Policy – Access and movement network

Ensure access and movement networks provide for:

- a. efficient, safe and effective access along Norwich Quay to the Lyttelton Port, to meet the needs of the Port as a strategic transport and freight hub; and
- b. safe, direct and accessible provision for all transport modes between the Lyttelton Town Centre and surrounds to the ferry, cruise ships, marina and publicly accessible areas of Naval Point and the Dampier Bay/Inner Harbour waterfront.

Policy 21.8.1.1.5

Ensure that:

- a. cruise ship passengers and workers and land-based facilities serving a cruise ship berth at Naval Point are not exposed to unacceptable risk as a result of proximity to hazardous facilities located within the Bulk Liquid Storage Area; and
- b. the establishment or extension of land-based cruise ship facilities at Naval Point does not limit the operation of hazardous facilities within the Bulk Liquid Storage Area.

21.8.1.2 Objective – Effects of Lyttelton Port recovery and operation

- a. The recovery of Lyttelton Port, including its operation is managed to:
 - i. reduce the potential for adverse effects on the amenity of the wider Lyttelton township during recovery and repair, while recognising the inherent nature of adverse effects associated with large scale construction projects;
 - ii. mitigate adverse effects on the wider Lyttelton township and environment generated from on-going port operations;
 - iii. ~~consider opportunities to~~ minimise adverse effects of development on manawhenua cultural values; and

- iv. avoid significant adverse effects of commercial activities in the Specific Purpose (Lyttelton Port) Zone on the recovery and function of the Lyttelton Town Centre and on the operational efficiency and safety of port activities.

21.8.1.2.1 Policy – Recovery opportunities to reduce adverse effects

- a. Ensure activities undertaken within the Specific Purpose (Lyttelton Port) Zone, including to enhance and reconfigure Lyttelton Port infrastructure and operations, are designed to reduce existing and minimise new adverse effects generated within the Port operational areas.

21.8.1.2.2 Policy – Commercial activities

- a. Avoid retail and office activities in the Specific Purpose (Lyttelton Port) Zone except where they are:
 - i. ancillary to port activities; or
 - ii. located in the Dampier Bay Area, with limits on the range and scale of activities that may establish prior to 2026; or
 - iii. located in buildings that have direct pedestrian access and frontage onto Norwich Quay.

21.8.1.2.3 Policy – Port quarrying activities

Ensure that:

- a. port quarrying activities are carried out in a way that mitigates significant adverse effects arising from noise, vibration, or the risk of natural hazards caused by rockfall; and
- b. rehabilitation of quarried areas is undertaken progressively where practicable or otherwise once quarry operations cease.

21.8.1.2.4 Policy – Built form of development

- a. Provide for the development of Dampier Bay in a way that ensures the form, scale and height of the built form of development in the Dampier Bay Area and adjoining Norwich Quay:
 - i. are limited in height to reflect the relationship to the existing built form and to retain visual connections between the township and residential areas to the harbour and views of operational port activities; and
 - ii. enhance the amenity of the interface of the Port with the Lyttelton Town Centre, adjacent activities and public areas through good urban design, landscape and boundary treatment.

21.8.1.3 Objective – Dampier Bay

- a. The redevelopment of Dampier Bay with public facilities and a limited range and scale of commercial activities, to create a safe, pleasant and accessible waterfront for the public, that engages with and connects to the surrounding environment.

21.8.1.3.1 Policy – Dampier Bay development

- a. Provide for the subdivision, use and development of the Dampier Bay Area to achieve:
 - i. continuous permanent waterfront access for pedestrians and cyclists;
 - ii. enhanced recreational, open space, visual and amenity benefits to the public;
 - iii. land-side public facilities including car parking, public toilets, a high-quality pedestrian route along the waterfront and landscaping;
 - iv. integration with public transport, including a safe and efficient connection between the Lyttelton Town Centre and any passenger ferry terminals and facilities for commuters and visitors;
 - v. a built form of development that reflects the context and character of its industrial maritime surroundings;
 - vi. activated frontages adjoining the waterfront and, where practical, publicly accessible spaces;
 - vii. recognition of Ngāi Tahu/manawhenua cultural values through design of public spaces, use of low impact design and plantings and other opportunities identified through assessment of Ngāi Tahu cultural landscape values; and
 - viii. protection of identified public view shafts between Lyttelton township to the Port and the Inner Harbour, aligning with Voelas Road and Simeon Quay viewing areas.

21.8.1.3.2 Policy – Access and connectivity

- a. Ensure public safety and Port security are maintained through limiting public access to Port operational areas; whilst
- b. Ensuring the provision of high-quality public open spaces and safe public access and public connections between Norwich Quay, Dampier Bay and the adjoining coastal marine area, Lyttelton Town Centre and Naval Point.

21.8.2 Rules – Specific Purpose (Lyttelton Port) Zone

21.8.2.1 How to use the rules

21.8.2.1.1 The rules that apply to activities in the Specific Purpose (Lyttelton Port) Zone are contained in the:

- a. Activity Status Tables (including Activity Specific Standards) in Rule 21.8.2.2; and
- b. Built Form Standards in 21.8.2.3.

21.8.2.1.2 The Activity Status Tables and standards in the following Chapters also apply to activities in all areas of the Specific Purpose (Lyttelton Port) Zone (where relevant):

5 Natural Hazards;

6 General Rules and Procedures except 6.1 Noise and 6.3 Outdoor Lighting and Glare; and

9 Natural and Cultural Heritage.

21.8.2.1.3 Any activity in the Specific Purpose (Lyttelton Port) Zone is exempt from the provisions in the following chapters:

6 General Rules and Provisions relating to 6.1 Noise and 6.3 Outdoor Lighting and Glare

7 Transport

8 Subdivision, Development and Earthworks

12 Hazardous Substances and Contaminated Land

21.8.2.2 Activity Status Tables

21.8.2.2.1 Permitted activities

In the Specific Purpose (Lyttelton Port) Zone, the activities listed below shall comply with any Activity Specific Standards set out in this table and the Built Form Standards in Rule 21.8.2.3.

Activities may also be Controlled, Restricted Discretionary, Discretionary or Non-complying as specified in Rules 21.8.2.2.2, 21.8.2.2.3, 21.8.2.2.4 and 21.8.2.2.5 below.

	ACTIVITY	ACTIVITY SPECIFIC STANDARDS
P1	Port Activities, <u>except as stated in Rule 21.8.2.2.2 C4 and C5, and Rule 21.8.2.2.3 RD3 and Rule 21.8.2.2.4 D6.</u>	a. No Port Activities, except navigational aids, and earthworks permitted under 21.8.2.2.1 P4, shall be undertaken within the Quarry Area as shown in Appendix 21.8.4.1
P2	Ecological restoration and livestock grazing	a. Any ecological restoration and livestock grazing shall only be undertaken in the Quarry Area as shown in Appendix 21.8.4.1.
P3	Helicopter facilities, including the landing and taking off of helicopters and associated fuelling and service facilities	<p>a. Any landing and taking off shall only be undertaken between the hours of 0700 and 2200 hours.</p> <p>b. Any landing area shall be located more than 450m from any Residential Banks Peninsula, Residential Conservation, or Commercial Banks Peninsula Zone.</p> <p>c. The above standards do not apply to emergency flights that are responding to an incident within the Specific Purpose (Lyttelton Port) Zone.</p>
P4	Earthworks	Any earthworks within the Quarry Area as shown in Appendix 21.8.4.1 shall not exceed an area of 500m ² per annum.
P5	Retail Activity	Any Retail Activity (other than as provided for

		<p>as Port Activities) shall:</p> <ul style="list-style-type: none"> a. only be located within the Dampier Bay Area as shown in Appendix 21.8.4.1 <u>or within buildings with a direct frontage to Norwich Quay;</u> b. other than retailing of maritime or port related goods and services, be limited to: <ul style="list-style-type: none"> i. a maximum tenancy size for an individual tenancy of 450m² GLFA; and ii. a maximum of 3 food and beverage outlets; and iii. a total aggregated maximum GLFA of 1,000m² to 1 January 2026.
P6	Office Activity	<p>Any Office Activity, other than as provided for as Port Activities, shall be limited to:</p> <ul style="list-style-type: none"> a. a total aggregated maximum GLFA for all Office Activity of 2,000m² up to 1 January 2026; and b. no more than 500m² GLFA of the 2,000m² for general office activities that are not maritime or port-related; and c. the Dampier Bay Area as shown in Appendix 21.8.4.1 or on a site with direct frontage to Norwich Quay.
P7	Emergency Service Facilities, including Coastguard	a. NIL
P8	Public Artwork	a. NIL
P9	Museum and visitor information activities	a. Any museum and visitor information activities shall be located within the Dampier Bay Area as shown in Appendix 21.8.4.1.
P10	Hazardous Facilities and Hazardous Substances, except as specified under Rule 21.8.2.2.2 C3	<ul style="list-style-type: none"> a. Any Hazardous Facilities and Hazardous Substances shall be in quantities less than or equal to the permitted activity threshold values listed in Column A of Appendix 21.8.4.9. b. Notwithstanding (a) above, the storage of Hazardous Substances in transit and/or in temporary storage as cargo (maximum 72 hours) is a permitted activity and Appendix 21.8.4.9 shall not apply.

21.8.2.2.2 Controlled Activities

The activities listed below are <i>Controlled Activities</i> .	
Controlled Activities C1 - C5 <u>and</u> C7 shall also comply with the Built Form Standards set out in 21.8.2.3.	
Controlled Activity C6 shall also comply with Built Form Standard 21.8.2.3.10.	
The Council’s control is reserved over the matters set out in 21.8.3 for each activity as set out in the following table.	
Any application arising from these rules will not require written approvals and shall not be publicly or limited notified.	
Activity	The Council’s control shall be limited to the following matters:

C1	Earthworks that do not meet the Activity Specific Standards in Rule 21.8.2.2.1 P4.	<ul style="list-style-type: none"> a. Slope stability and natural hazard mitigation – 21.8.3.3.1 b. Management of terrestrial ecology and rehabilitation – 21.8.3.3.2
C2	Port Quarrying Activity within the quarry footprint of the Quarry Area as shown in Appendix 21.8.4.3. This excludes earthworks undertaken as part of Port Quarry Activities and that meet the Activity Specific Standards in Rule 21.8.2.2.1 P4.	<ul style="list-style-type: none"> a. Slope stability and natural hazard mitigation – 21.8.3.3.1 b. Management of terrestrial ecology and rehabilitation – 21.8.3.3.2
C3	Hazardous Facilities and Hazardous Substances involving the storage and handling of fuels and other bulk liquids within the boundary of the Bulk Liquids Storage Area identified in Appendix	<ul style="list-style-type: none"> a. Hazardous substances – 21.8.3.2.7

	21.8.4.9.	
C4	The erection of a new or relocated building in the Dampier Bay Area.	<ul style="list-style-type: none"> a. Site layout and building design in Dampier Bay Area – 21.8.3.1.1 b. Public transport facilities – 21.8.3.1.3 (a) to (c)
C5	Any building located within Height Area C as shown in Appendix 21.8.4.4, excluding containers, that is between 8m and 15m in height.	<ul style="list-style-type: none"> a. Site layout and building design in Dampier Bay Area – 21.8.3.1.1(e)
C6	Subdivision Activity	<ul style="list-style-type: none"> a. Subdivision – 21.8.3.3.4 b. Dampier Bay Area Outline Development Plan – 21.8.3.3.3
<u>C7</u>	<u>Public Amenities including public walkways and publicly accessible space located within the Dampier Bay Area and Port Operational Area, including any connections with Lyttelton township Norwich Quay.</u>	<ul style="list-style-type: none"> <u>a. Site layout and building design in Dampier Bay Area – 21.8.3.1.1</u> <u>b. Dampier Bay Area public space – 21.8.3.1.2</u>

21.8.2.2.3 Restricted Discretionary Activities

The activities listed below are *Restricted Discretionary Activities*.

Restricted Discretionary Activities RD2 to RD~~6~~5 shall also comply with the Built Form Standards set out in 21.8.2.3.

The exercise of discretion is restricted to the matters of discretion set out in 21.8.3 for each activity, as set out in the following table.

Activity	The Council's discretion shall be limited to
----------	--

	the following matters:
--	-------------------------------

RD 1	<p>Non-compliance with Built Form Standards in Rule 21.8.2.3.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<ul style="list-style-type: none"> a. Maximum building height – 21.8.3.2.1 b. Daylight recession plane at boundary with a Residential Zone – 21.8.3.2.2 c. Landscaping in Dampier Bay Area – 21.8.3.2.3 d. Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4 e. Light and Glare – 21.8.3.2.5 f. Access – 21.8.3.6
RD 2	<p>Public Amenities including public walkways and publicly accessible space located within the Dampier Bay Area and Port Operational Area, including any connections with Sutton Quay.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<ul style="list-style-type: none"> a. Site layout and building design in Dampier Bay Area – 21.8.3.1.1 b. Dampier Bay Area public space – 21.8.3.1.2
RD 3 32	<p>New Public Transport Facilities located within the Port Operational Area or Dampier Bay Area, except as stated in Section 21.8.2.2.5.</p> <p><u>Any application arising from this rule for a passenger ferry terminal shall be publicly notified.</u></p>	<ul style="list-style-type: none"> a. Site layout and building design in Dampier Bay Area – 21.8.3.1.1 b. Public transport facilities – 21.8.3.1.3

RD <u>43</u>	<p>Activities that are not in accordance with the Dampier Bay Outline Development Plan in Appendix 21.8.4.2, except for the view shafts and pedestrian promenade elements.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	a. Dampier Bay Outline Development Plan – 21.8.3.3.3
RD <u>54</u>	Hazardous Facilities and Hazardous Substances that do not meet the Activity Specific Standards in Rule 21.8.2.2.1 P10.	a. Hazardous substances – 21.8.3.2.7
RD <u>65</u>	<p>Provision of public vehicle access to and from the area covered by the Dampier Bay Outline Development Plan in Appendix 21.8.4.2 or from a Public Transport Facility associated with a passenger ferry terminal, via Sutton Quay.</p> <p>Any application arising from this rule will require the written approval of the New Zealand Transport Agency only and shall not be publicly notified.</p>	a. Access – 21.8.3.2.6 (b)–(c)

21.8.2.2.4 Discretionary Activities

The activities listed below are a <i>Discretionary Activities</i> .
Activity
D1 Any Retail Activity (other than Port Activities) that does not comply with Activity Specific Standards in Rule 21.8.2.12.1 P5

D2 Any Office Activity (other than Port Activities) that does not comply with Activity Specific Standards in Rule 21.8.2.12.1 P6
D3 Port Quarrying Activity within the Quarry Area but outside of the quarry footprint shown in Appendix 21.8.4.3
D4 Port Activities that do not comply with Activity Specific Standards in Rule 21.8.2.12.1 P1
D5 Activities that are not in accordance with the viewshafts and pedestrian promenade elements of the Dampier Bay Outline Development Plan in Appendix 21.8.4.2
D65 Any activity not provided for as a <i>Permitted, <u>Controlled</u>, Restricted Discretionary, or Non-Complying Activity.</i>
<u>D6 Any associated facilities or changes to facilities that serve a cruise ship berth at Naval Point.</u>

21.8.2.2.5 Non-complying Activities

The activities listed below are a <i>Non Complying Activity.</i>
NC1 Helicopter facilities that do not meet the Activity Specific Standards in Rule 21.8.2.2.1 P3
NC2 New public transport facilities associated with a passenger ferry terminal located in a position west of Canterbury Street, Lyttelton, prior to the provision of <u>pedestrian and</u> public vehicle access to the terminal via Sutton Quay.

21.8.2.2.6 Prohibited Activities

There are no <i>prohibited activities.</i>
--

21.8.2.3 Built Form Standards

21.8.2.3.1 Maximum building height

	Applicable to	Permitted	Restricted Discretionary	Matters of Discretion
a.	Quayside and container cranes, lighting towers and container storage (except containers located within Height Area C as shown in Appendix 21.8.4.4)	No limit	NA	NA
b.	Bulk liquids storage structures within Area A as shown in Appendix 21.8.4.5	20m	Greater than 20m	Maximum building height – 21.8.3.2.1
c.	Bulk liquids storage structures within Area B as shown in Appendix 21.8.4.5	23m	Greater than 23m	
d.	Buildings, except where specified in (e) below	15m	Greater than 15m	
e.	Buildings within Height Area A of the Dampier Bay Area as shown in Appendix 21.8.4.4	12m	Greater than 12m	
f.	Buildings within Height Area B of the Dampier Bay Area as shown in Appendix 21.8.4.4	15m	Greater than 15m	
g.	Buildings not otherwise provided for under (a) with frontage to Norwich Quay and containers located within Height	15m	Greater than 15m	

	Area C as shown in Appendix 21.8.4.4. This standard shall not apply to temporary structures erected for noise mitigation, construction activities or transiting containers that remain on site for less than 72 hours.			
h.	Telecommunications utility structures	25m	Greater than 25m	
i	<u>Buildings not otherwise provided for under (a) that are located in the Canterbury Street view shaft as shown in Appendix 21.8.4.4.</u>	<u>Does not project above the level of Norwich Quay</u>	<u>Height above the level of Norwich Quay</u>	<u>Maximum building height 21.8.3.2.1</u>

Note: See the permitted height exceptions contained within the definition of height. See also Rule 21.8.2.2.32 C5 Controlled Restricted Discretionary Activities for urban design considerations applying to buildings over 8m in height in Height Area C as shown in Appendix 21.8.4.4.

21.8.2.3.2 Daylight recession planes at boundary with a Residential Zone

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	All buildings.	Buildings shall not project beyond a building envelope constructed by a 45 degree recession plane measured at any point 2m above the nearest boundary abutting any site in a residential zone	Non-compliance with permitted standard	Daylight recession planes at boundary with a Residential Zone – 21.8.3.2.2

21.8.2.3.3 Landscaping within the Dampier Bay Area

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	Any buildings and/or car parking areas located in Area A of the Dampier Bay Area as shown in Appendix 21.8.4.2 with road frontage to Godley Quay	A Landscaping Strip shall be provided along the road frontage adjoining Godley Quay in accordance with the Outline Development Plan in Appendix 21.8.4.2 and comply with the following standards: a. minimum width – 3m (except over accessways; and b. all landscaping shall consist of densely planted native species indigenous to Canterbury.	Non-compliance with permitted standard	Landscaping in Dampier Bay Area – 21.8.3.2.3

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

21.8.2.3.4 Light spill

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	All activities	No operation or activity shall be conducted so that direct illumination exceeds 10 lux (lumens per square metre) <u>within at</u> the boundary of any site in a residential zone	Non-compliance with permitted standard	Light and glare – 21.8.3.2.5

		<p>or Commercial Banks Peninsula Zone.</p> <p>Light shall be measured on an instrument meeting the requirements of the New Zealand Standard C.P.22(1962) and Amendments.</p> <p>Fixed exterior lighting shall be directed away from properties in adjacent zones and the Transport Zone.</p>		
--	--	---	--	--

~~The following activities are exempt:~~

- ~~a. lighting associated with emergency response or other public safety vehicles or equipment;~~
- ~~b. reflected glare from structures or vehicles;~~
- ~~c. glare from lights of vehicles; and~~
- ~~d. lighting from navigational aids.~~

21.8.2.3.5 Vibration

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion

a.	Port Quarrying Activity	<p>Vibration and airblast overpressure from blasting associated with quarrying shall not exceed the following limits at any point within the notional boundary of any dwelling respectively:</p> <p>i. 5mm/s ppv;</p> <p>ii. 120 dB L_{zpeak}</p> <p>The notional boundary of a dwelling is defined as a line 20 metres from the exterior wall of any dwelling or the legal boundary where this is closer than 20m to the dwelling.</p>	Non-compliance with permitted standard	Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4
b.	Construction Activity	There are no vibration limits for construction activity.	NA	NA

21.8.2.3.6 Noise limits

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	Port Activities	No noise limits	NA	NA
b.	Construction Activities	No noise limits	NA	NA

c.	Port Quarrying Activities within the Quarry Area shown in Appendix 21.8.4.1	<p>Shall not exceed the following noise limits at any point within the notional boundary of any dwelling when measured in accordance with the requirements of NZS6801:2008 Acoustics – Environmental Noise</p> <p>Monday to Saturday 7am–10pm 50 dB L_{Aeq}</p> <p>At all other times 40 dB L_{Aeq}</p> <p>On any day between 10pm and the following 7am 70 L_{Amax}.</p> <p>The notional boundary of a dwelling is defined as a line 20 metres from the exterior wall of any dwelling or the legal boundary where this is closer than 20m to the dwelling.</p>	Non-compliance with the permitted standard	Noise from Dampier Bay Activities (<u>other than Port Activities</u>) and from <u>Port Quarrying Activities Quarry Noise and Blasting</u> – 21.8.3.2.4
d.	Any activities not listed in a–c above	Noise limits as shown in Table 21.8.1	Non-compliance with permitted standard	Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4

- i. Noise levels shall be measured in accordance with NZS6801:2008 *Acoustics – Measurement of Environmental Sound*, and assessed in accordance with NZS6802:2008 *Acoustics – Environmental Noise*, except that provisions in NZS 6802 referring to Special Audible Characteristics shall not be applied.

- ii. Noise level standards shall apply at any point on or beyond the boundary of the site producing the noise, except that noise standards shall not apply when received in a Transport Zone. Where a site is divided by a zone boundary, then each part of the site divided by the zone boundary shall be treated as a separate site for the purpose of these rules, except that no noise rules shall apply at the zone boundary where it is within the site.

Table 21.8.1 Noise limits

	Daytime (0700–2200)		Night-time (All other times)	
	L _{Aeq}	L _{Amax}	L _{Aeq}	L _{Amax}
When measured at or within the boundary of any site zoned:				
Residential Zones	50 dB	75 dB	40 dB	65 dB
Commercial Banks Peninsula Zone	55 dB	80 dB	45 dB	70 dB
Industrial General Zone	60 dB	80 dB	50 dB	70 dB

21.8.2.3.7 Lyttelton Port Noise Management and Noise Mitigation

- a. The owners or operators of Lyttelton Port shall prepare and implement a Port Noise Management Plan including, but not limited to, the matters set out in Appendix 21.8.4.6.
- b. The owners or operators of the Lyttelton Port shall establish, maintain and participate in a Port Liaison Committee with functions including, but not limited to, the matters set out in Appendix 21.8.4.6.
- c. The owners or operators of the Lyttelton Port shall prepare and implement, in conjunction with the Port Liaison Committee, a Plan for Acoustic Treatment and Purchase of Dwellings, including, but not limited to, the matters listed in Appendix 21.8.4.7.

21.8.2.3.8 Lyttelton Port Construction Noise Management and Monitoring

- a. The owners or operators of the Lyttelton Port shall prepare and implement a Construction Noise Management Plan including, but not limited to, the matters set out in Appendix 21.8.4.8.
- b. The owners or operators of the Lyttelton Port shall prepare and implement, in conjunction with the Port Liaison Committee, a Construction Noise Mitigation Plan including, but not limited to, the matters listed in Appendix 21.8.4.8.

21.8.2.3.9 Transport Standards

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	High Trip Generators	i. All traffic using the existing accesses as at June 2015 from the Special Purpose (Lyttelton Port) Zone onto State Highway 74. ii. Traffic using any new or existing accesses from the Special Purpose (Lyttelton Port) Zone onto local roads.	NA	NA
b.	Access Points	The formation of a new access point onto a road located within the Specific Purpose (Lyttelton Port) Zone.	The formation of a new access point from the Specific Purpose (Lyttelton Port) Zone onto State Highway 74 or local roads located outside of the Specific Purpose (Lyttelton Port) Zone	Access – 21.8.3.2.6(a)
c.	Car parking	No on-site car parking is required <u>0.35 car parks per marina berth.</u>	NA <u>Non-compliance with permitted standard</u>	NA <u>Marina parking – 21.8.3.2.109</u>

Note: Car parking is a matter for control or discretion for resource consents required under Rule 21.8.2.2.2 C4 and Rule 21.8.2.2.3 RD43.

21.8.2.3.10 Subdivision Standards

	Applicable to	Controlled	Matters of control

All subdivision activities		<ul style="list-style-type: none"> i. All allotments shall have legal access that is able to accommodate a driveway to a formed road. ii. Any vehicle access shall be provided in accordance with Appendix 7.7. iii. Where land to be subdivided with frontage to a state highway has practical legal access to an alternative road, there shall be no access to the state highway. iv. In the event of multiple site subdivision where parking is provided as a common facility, the parking area shall have legal access to a formed road. v. Subdivision within Dampier Bay Area A or B is in accordance with the Outline Development Plan as shown in Appendix 21.8.4.2. vi. An esplanade reserve or esplanade strip shall not be required, and section 230 of the Resource Management Act shall not apply. vii. No minimum allotment size shall apply. 	<ul style="list-style-type: none"> a. Subdivision – 21.8.3.3.4 b. Dampier Bay Area Outline Development Plan – 21.8.3.3.3
----------------------------	--	--	--

21.8.2.3.11 Building Setbacks from Rail Corridor

	<u>Applicable to</u>	<u>Permitted</u>	<u>Restricted Discretionary</u>	<u>Matters of discretion</u>
a.	<u>Buildings, balconies and decks on sites adjacent to or abutting railway lines.</u>	<u>A minimum of 4 metres from the designated rail corridor boundary for sites located within Area C in Appendix 21.8.4.4.</u>	<u>Non-compliance with the permitted standard.</u> <u>Any application arising from this rule will require the written approval of the KiwiRail only and shall not be publicly notified.</u>	<u>Minimum Building Setback from Railway Corridor – 21.8.3.2.8</u>

21.8.2.3.121 Water Supply for Fire Fighting

	<u>Applicable to</u>	<u>Permitted</u>	<u>Restricted Discretionary</u>	<u>Matters of discretion</u>
a.	<u>All buildings</u>	<p><u>Sufficient water supply and access to water supplies for fire fighting shall be made available to all buildings via Council's urban fully reticulated water supply system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).</u></p> <p><u>Provide sufficient access for firefighting appliances and supply of water for firefighting consistent with the New Zealand Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).</u></p>	<u>Non-compliance with the permitted standard.</u>	<u>Water Supply for Fire Fighting – 21.8.3.2.98</u>

21.8.3 Matters of Discretion and Control

21.8.3.1 Urban design and transport

21.8.3.1.1 Site layout and building design ~~in Dampier Bay Area~~

The extent to which the layout of the site and design of the buildings:

- a. creates an active edge and [opportunities provides](#) for passive surveillance of the publicly accessible space adjoining the coastal marine area [and other areas available for public use](#);
- b. reflects the area's ~~coastal~~ [maritime](#) character and any natural, heritage and Ngāi Tahu cultural values, including through building form and materials;
- c. ensures adequate car parking, loading areas and cycle parking is provided for visitors and staff either [adjoining to the side or rear of](#) the building or [in a shared parking facility](#) elsewhere within the Dampier Bay Area, to cater for anticipated demand from non-Port activities in the Dampier Bay Area;
- d. provides for any car parking to be predominantly located within Area A on the Outline Development Plan (Appendix 21.8.4.2), given the ability for car parking in this area to act as a buffer to the industrial marine activities to the south;
- e. for buildings with frontage to Norwich Quay, achieves:
 - i. separation between buildings to provide view shafts to the harbour;
 - ii. the matters set out in (a) and (b);
- f. ensures areas to be used for waste management purposes are adequately screened;
- g. is designed and laid out in a manner that provides opportunities to minimise runoff of untreated stormwater to the coastal marine area;
- h. [achieves a fine grained form and layout with high levels of articulation, glazing and architectural detailing](#);
- i. [Reflects the outcomes sought in the Lyttelton Port Design Guide..](#)
- j. [provides for building entrances and glazing facing the waterfront, to create an active edge and opportunities for passive surveillance of the publically accessible space.](#)
- k. [provides for more intensive clusters of development in and around the activity nodes.](#)

21.8.3.1.2 Dampier Bay Area public space/publicly accessible space

- a. Whether the design of public space and access routes achieves high-quality publicly accessible open spaces, public access and public connections along the waterfront in and connecting to Dampier Bay, [including from Lyttelton township Norwich Quay](#), taking into account:
 - i. the need for the width of the pedestrian promenade along the waterfront to be sufficient to enable easy, universal access and use of pedestrians, cyclists, and passive recreation, while incorporating seating and opportunities for planting and public art;
 - ii. the ability for a continuous waterfront route to be achieved;
 - iii. the implementation of Crime Prevention Through Environmental Design principles;
 - iv. the ability to achieve an industrial maritime character through the use of materials;
 - v. incorporation of public artwork, and the provision of interpretation and references to the area's heritage and culture;

- vi. establishment of safe and convenient pedestrian and cycle connections and a universally accessible pedestrian connection to and from Sutton Quay and to any public transport facility provided within the Inner Harbour;
- vii. where appropriate, the mechanisms to secure public access to and within publicly accessible spaces in perpetuity;
- viii. the historical and contemporary relationship between Ngāi Tahu and the Lyttelton area, including an assessment of the Ngāi Tahu cultural landscape values;
- ix. the outcomes sought in the Lyttelton Port Design Guide.

21.8.3.1.3 Public transport facilities

The extent to which:

- a. traffic generated will affect intersection form and safety on Godley Quay, Sutton Quay and Norwich Quay;
- b. Sutton Quay is upgraded to provide safe, direct, pleasant and convenient pedestrian linkages from Dampier Bay to Norwich Quay prior to the opening of Sutton Quay for public use;
- c. adequate vehicular and cycle parking is provided to meet anticipated demand from staff and visitors;
- d. provision is made for “park and ride” facilities;
- e. A safe and efficient public transport interchange is provided for ~~to~~ transfer between travel modes, where relevant;
- f. For a passenger transport ferry terminal, ~~provision of~~ safe and convenient pedestrian and cycle connections between the terminal and Norwich Quay and to any publicly accessible areas on the Inner Harbour waterfront is provided.

21.8.3.2 Built Form Standards

21.8.3.2.1 Maximum building height

Whether the increased height would result in buildings that:

- a. are compatible with the scale of other buildings anticipated in the area; or
- b. do not compromise the amenity of adjacent properties or public open spaces, taking into account:
 - i. the visual dominance of the proposed buildings on the outlook from other sites, roads and public open spaces in the surrounding area;
 - ii. any loss of privacy through being overlooked by the proposed building;
 - iii. overshadowing of adjoining sites, particularly onto public open spaces resulting in reduced sunlight and daylight admission;
 - iv. the extent to which there is a substantial degree of separation between the building and adjoining buildings or sites the extent to which the proposed building is located well within the Port boundaries and is substantially separated from more sensitive residential, commercial, or recreational activities;
 - i. whether, and the extent to which, views to the harbour and the Port from public space remain intact;
 - ii. in respect of Norwich Quay, the extent to which the building is compatible with the character of other commercial buildings on Norwich Quay;

- iii. whether the additional height would result in a built form that would improve the efficiency of Port Activities and is necessary for meeting the functional needs of Port Activities;
- iv. [the outcomes sought in the Lyttelton Port Design Guide.](#)

21.8.3.2.2 Daylight recession planes at boundary with a Residential Zone

- a. The effect of the proximity or bulk of the proposed building on access to daylight or privacy on adjoining residential sites, taking into account the position of outdoor living spaces and main living areas within residential units.
- b. The provision of planting or screening within the setback to mitigate building dominance.
- c. Whether the proposed building location provides the ability to better utilise the site and improve the level of amenity elsewhere in the Special Purpose (Lyttelton Port) Zone.

1.8.3.2.3 Landscaping in Dampier Bay Area

- a. The extent to which the proposed landscaping area and any non-compliance:
 - i. achieve a high level of on-site amenity while minimising the adverse visual effects of buildings, taking account of their scale and appearance, outdoor storage areas, car parking or other activities;
 - ii. are mitigated through the nature or scale of planting proposed, the location of parking, manoeuvring or storage areas and site layout;
 - iii. ensure the terrace/level change between Godley Quay and Dampier Bay is visually apparent and is able to be recognised including through a reduced scale of planting [and views from Godley Quay to the harbour are maintained;](#)
 - iv. enable increased public access and connection to the waterfront or more efficient use and development of the Dampier Bay Area;
 - v. [reflects the outcomes sought in the Lyttelton Port Design Guide.](#)

1.8.3.2.4 Noise from Dampier Bay activities (other than port activities) and from Port Quarrying Activities

- a. The location of any nearby residential units, and the degree to which the amenities of residents may be adversely affected.
- b. The extent to which the noise or blast generating activity is compatible with the anticipated character and amenity of the Specific Purpose (Lyttelton Port) Zone.
- c. The nature of any adjoining zone and the extent to which the noise or blast generating activity is compatible with the anticipated character and amenity of the receiving environment.
- d. The extent to which the length of time for which specified noise levels will be exceeded, particularly at night, and the likely disturbance that may be caused.
- e. The extent to which the proposals made by the applicant mitigate noise generation, including:
 - i. reduction of noise at source;
 - ii. alternative techniques or machinery that may be available;
 - iii. insulation of machinery or cladding used in the building;

- iv. mounding or screen fencing/walls;
 - v. hours of operation.
- f. The extent to which affected residents have been consulted and how their concerns have been addressed.

21.8.3.2.5 Light and glare

- a. The extent to which the light affects any properties in adjoining zones.
- b. Whether a reduction in the level of glare is reasonably practicable.
- c. Whether the direction in which the light is aimed, and the duration and hours of operation of the activity requiring the lighting, can be changed to avoid, remedy or mitigate any adverse effects.

21.8.3.2.6 Access

- a. The extent to which any new access to a state highway or local road provides for:
 - i. the safe and efficient functioning of the immediate road network;
 - ii. appropriate sight lines;
 - iii. appropriate separation distances from other intersections;
 - iv. safe and convenient pedestrian connections across the access.
- b. Whether Sutton Quay and the surrounding road network (including the tunnel roundabout intersection with Norwich Quay and Simeon Quay) will function safely and efficiently.
- c. Whether the following integrated transport assessment matters have been adequately addressed, provided or considered:
 - i. description of existing land use and transport environment;
 - ii. an outline of access, parking, loading and cycle facility arrangements within the Dampier Bay Area;
 - iii. estimated trip generation of all modes of traffic anticipated from the Dampier Bay development and likely impacts on Godley Quay, Simeon Quay, Sutton Quay and Norwich Quay, including the Godley Quay/Simeon Quay intersection, Sutton Quay/Norwich Quay intersection and the tunnel roundabout;
 - iv. an explanation of how accessible Sutton Quay will be for each mode with regard to access to facilities and safety;
 - v. an indication of any upgrades to the transport network on or near Sutton Quay that may have relevance to the proposal;
 - vi. consideration of the effects the use of Sutton Quay for general public access will have on the transport network for all modes including freight, and the effects the proposed transport infrastructure will have on the environment. This could include transport modelling;
 - vii. measures incorporated to mitigate adverse effects.

21.8.3.2.7 Hazardous substances

- a. The extent to which the proposed site design, construction and operation of the hazardous facilities are appropriate to prevent the accidental release, or loss of control, of hazardous substances, and whether adequate emergency management equipment and plans are provided.
- b. The extent to which the proposed site design, construction and operation of the hazardous facilities are appropriate to prevent and mitigate any adverse effects on people, property and environmentally sensitive areas, including the coastal environment.
- c. The extent to which natural hazards pose a risk to the hazardous facility that could in turn pose risks to people, property and the environment, including the coastal environment.
- d. Whether, and the extent to which, a risk assessment has been formulated in such detail as corresponds to the scale of the hazardous facility, to include:
 - i. identification of potential hazards, failure modes and exposure pathways;
 - ii. assessment of the probability and potential consequences of an accident leading to a release of a hazardous substance or energy generated by hazardous substances, or other loss of control, including any cumulative or synergistic effects;
 - iii. acceptability of the assessed risks, including cumulative risks;
 - iv. residual risks after applying proposed risk control and mitigation measures;
 - v. the risk management process.
- e. Whether there is an aggregation of facilities containing hazardous substances in the area and the cumulative risk that poses to the environment.
- f. Whether, and the extent to which, the proposal identifies risk control and mitigation measures, including sensitive land use activities and environments, including:
 - i. equipment, systems and engineered safety measures such as containment devices, fire safety apparatus and spill contingency/clean up equipment;
 - ii. emergency management plans, monitoring and maintenance schedules as well as training programmes.

21.8.3.2.8 Minimum Building Setback from Railway Corridor

- ~~a. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over or on the rail corridor.~~

21.8.3.2.98 Water Supply for Fire Fighting

- a. Whether sufficient water supply and access to water supplies for fire fighting purposes is available to ensure the health and safety of the community, including neighbouring properties.

21.8.3.2.109 Marina Parking

- a. Whether sufficient car parking is provided to cater for anticipated demand from marina users/visitors,, so as to avoid spillover parking on to the road network.

21.8.3.3 Activity Specific Standards

21.8.3.3.1 Slope stability and natural hazard mitigation – Port Quarry Area

- a. The degree to which natural hazard risk to workers and infrastructure has been appropriately assessed and the adequacy of any proposed mitigation to manage hazard risk to an acceptable level.
- b. Whether the proposed quarrying will exacerbate natural hazard risk to land outside of the Specific Purpose (Lyttelton Port) Zone; and in particular the safe functioning of Sumner Road.

21.8.3.3.2 Management of terrestrial ecology and rehabilitation – Port Quarry Area

- a. Methods to manage adverse effects on existing terrestrial ecology, and in particular native lizard species, prior to and during quarrying and haul road formation, and to enhance indigenous habitats as part of site rehabilitation.
- b. Methods to stabilise disturbed ground including the application of aggregate, geotextile, mulch, hydroseeding or other methods to establish vegetation.
- c. Methods to ensure the geotechnical stability of rock faces for mitigating long-term natural hazard risk to land outside of the Specific Purpose (Lyttelton Port) Zone and in particular whether site rehabilitation will be effective in ensuring that Sumner Road is not prone to slips or undermining.
- d. Whether the plant species selected for rehabilitation works are native species that would naturally occur on the Port Hills and will enhance ecological and biodiversity values.
- e. The extent to which the type of methods selected will reduce the adverse visual effects of haul road formation, including minimising side casting of material down slope of the road and the revegetation of cuts and side cast material.

21.8.3.3.3 Dampier Bay Area Outline Development Plan

The extent to which non-compliance with the Outline Development Plan provides:

- a. mitigation for reduced or altered landscaping provision, including other opportunities for planting and low impact design initiatives;
- b. convenient and universally accessible pedestrian access between the public ferry terminal and Lyttelton Town Centre;
- c. safe and convenient public pedestrian access between:
 - i. Veolas Road/Godley Quay to the waterfront promenade;
 - ii. the promenade and Simeon Quay; and
 - iii. the promenade and Sutton Quay, as relevant;
- d. a primary internal access road that runs along the inland edge of the site and avoids creating a visual or physical barrier between activities and the waterfront.
- e. [An unobstructed view through view shafts identified in Appendix 21.8.4.2 to the waterfront and inner Harbour, to enhance the visual connection between the inner Harbour and Lyttelton township.](#)

21.8.3.3.4 Subdivision

- a. Access – the location and construction of any vehicle accessways, access lots or access strips.
- b. Servicing -

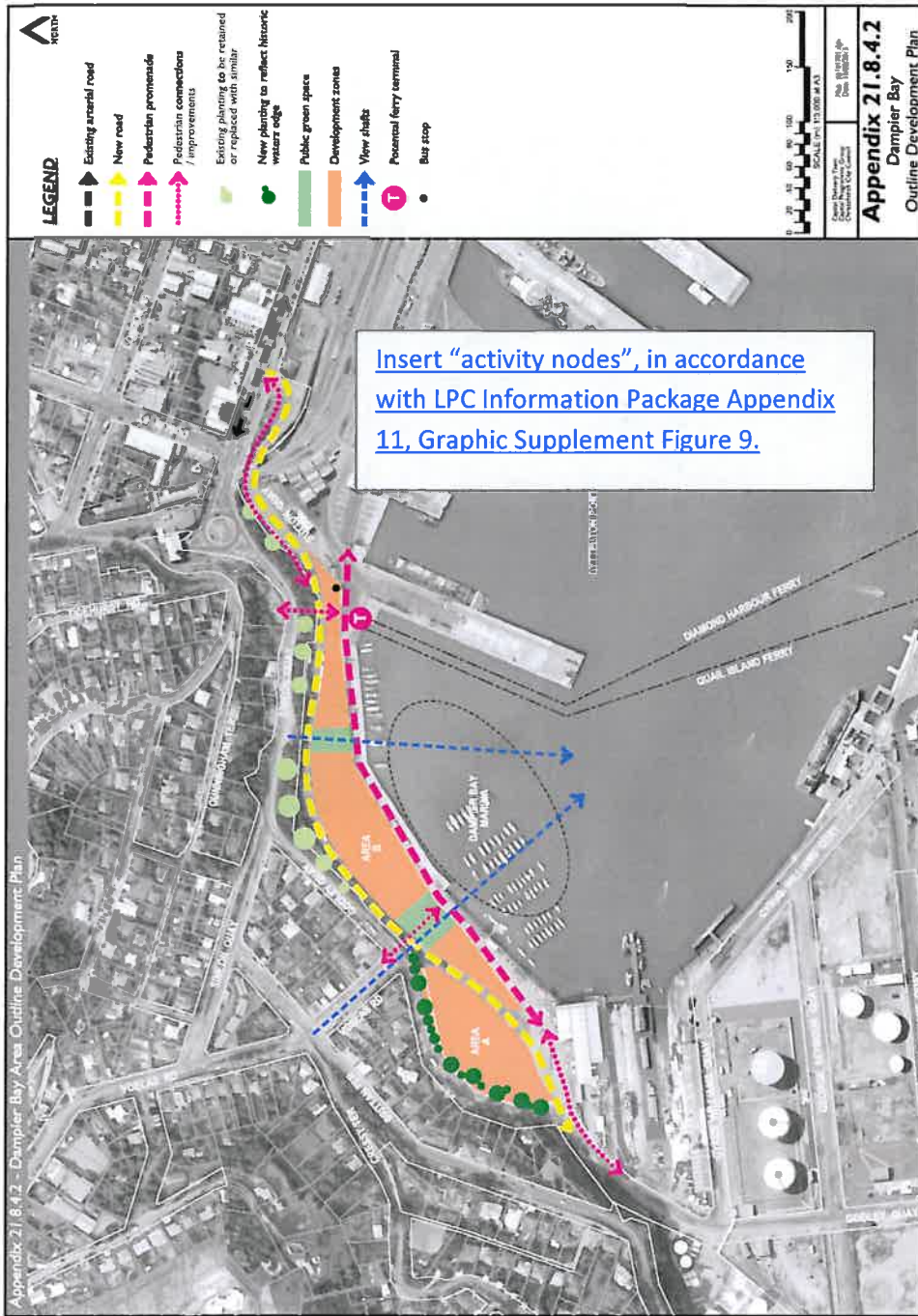
- i. whether the requirements of the Infrastructure Design Standard and/or Construction Standard Specifications are met;
- ii. whether the proposed servicing is adequate for the development, including the appropriate treatment of contaminants;
- iii. the extent to which the proposed surface water management systems are consistent with the relevant Council Stormwater Management Plan or Integrated Management Plan;
- iv. any adverse effects of the proposal on erosion, flooding, surface water, mahinga kai, on drainage to, or from, adjoining land, or on groundwater quality
- v. whether all new allotments are provided with:
 - a. connections to safe potable water supply with an adequate capacity for the respective potential land uses;
 - b. sufficient water supply and access to water supplies for firefighting consistent with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008);
 - c. a means within their net site area for the effective management of collected surface water from all impervious surfaces;
 - d. a means of disposing of sanitary sewage within the net site area of the allotment;
 - e. the ability to connect to an electrical supply system, at the boundary of its net site area, except where the allotment is for a utility, road, reserve or for access purposes; and
 - f. the ability to connect to the telecommunications network at the boundary of its net site area, or by a duct installed from the boundary of the net site area of an allotment to an approved telecommunications system within 50m.
- c. Size, shape, and orientation of sites:
 - i. the location of sites and boundaries in relation to natural hazards, existing buildings and public open space; and
 - ii. whether the allotments (including any balance allotment) are of sufficient size and dimension to provide for the existing or proposed purpose or land use.
- d. Publicly accessible space and connections – the location of walkways, including linkages between other areas, other walkways, and public open spaces.
- e. Whether any easements are needed to meet network utility operator requirements.

21.8.4 Appendices

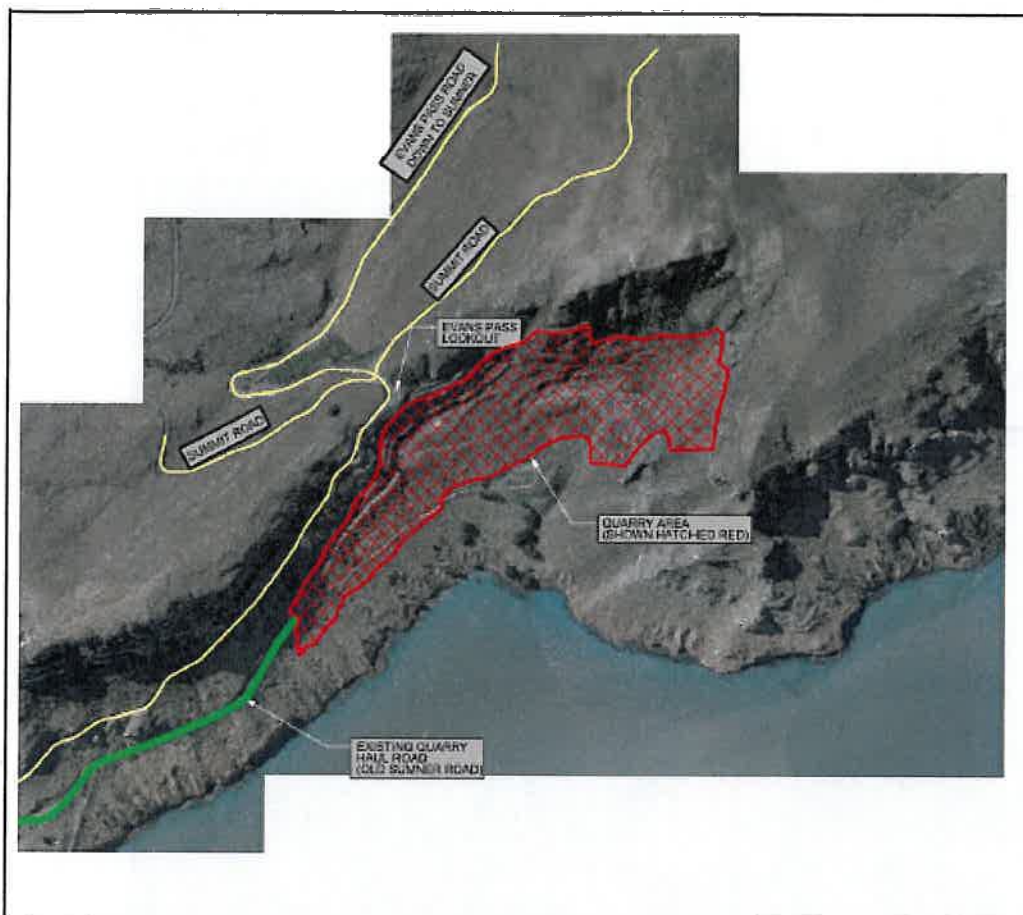
Appendix 21.8.4.1 – Specific Purpose (Lyttelton Port) Zone Management Areas (Map Amended)



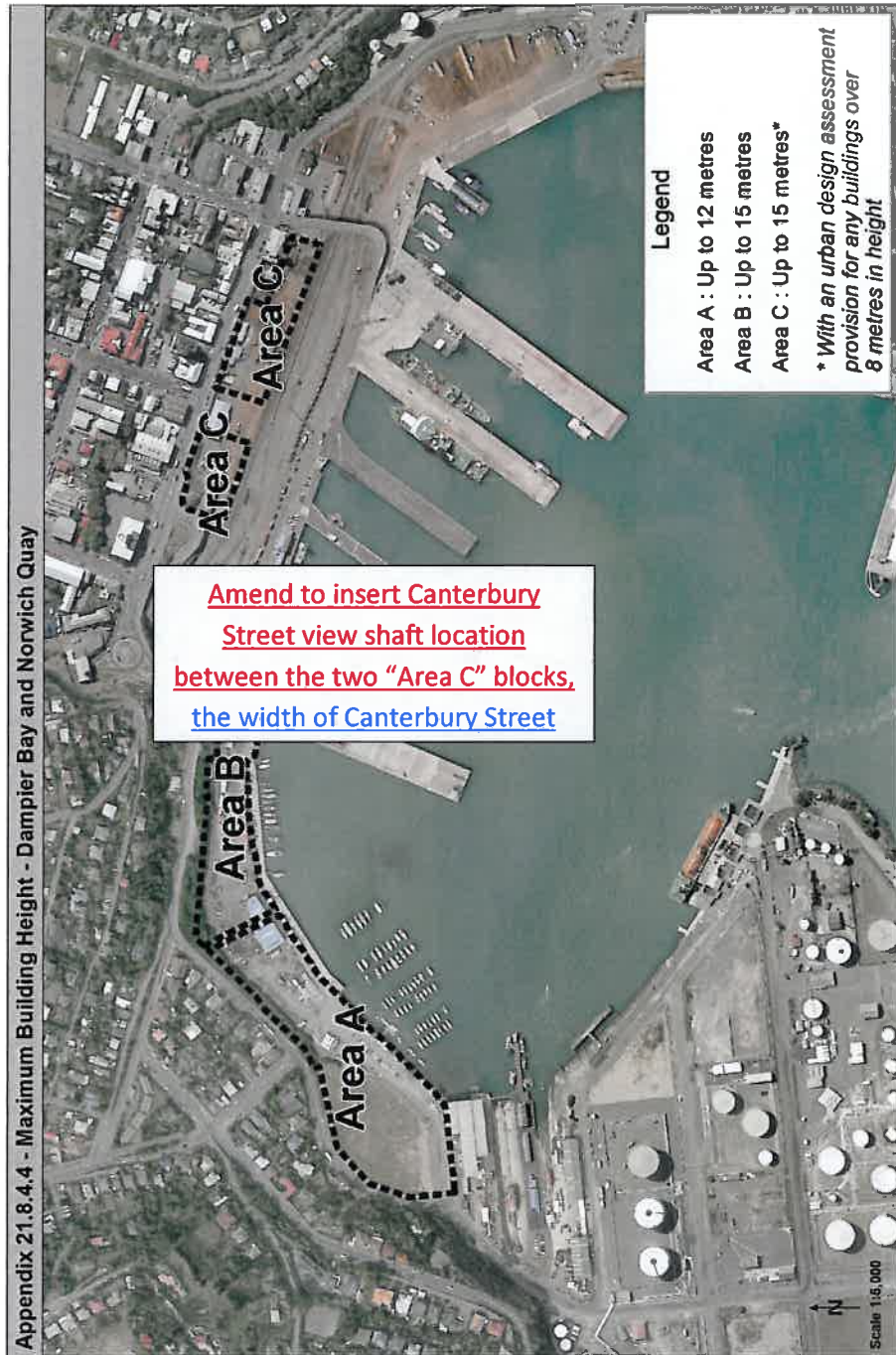
Appendix 21.8.4.2 – Dampier Bay Area Outline Development Plan



Appendix 21.8.4.3 – Quarry Area quarrying footprint [map to be amended to replace wording 'quarry area (shown hatched red)' with 'quarry footprint (shown hatched red)'].



Appendix 21.8.4.4 – Dampier Bay Area and Norwich Quay maximum building height



Appendix 21.8.4.5 – Bulk liquids storage area



Appendix 21.8.4.6 – Port Noise Management Plan

1. Port Noise Management Plan

The Port Noise Management Plan required under Rule 21.8.2.3.7(a) will include but not be limited to the following:

a. Purpose of the Port Noise Management Plan

- i. State owners and operators of the Lyttelton Port's commitment to manage and to reduce/mitigate port noise.
- ii. Set a framework for the Port Liaison Committee.
- iii. Identify Port Activities that can give rise to noise.
- iv. Set a framework for monitoring, measuring and reporting on port noise.
- v. Set a framework for dealing with complaints.
- vi. Document noise management activities.

b. Obligations of the Owners and operators of Lyttelton Port

- i. Allocate an annual budget to the Port Liaison Committee for the preparation and implementation the Port Noise Management Plan and the Plan for Acoustic Treatment and Purchase of Dwellings.
- ii. Provide administrative and advisory support for the Port Liaison Committee.
- iii. Deal with noise complaints.

c. Owners and operators of the Port of Lyttelton in conjunction with the Port Liaison Committee

- i. Prepare and implement the Port Noise Management Plan and the Plan for Acoustic Treatment and Purchase of Dwellings.
- ii. Develop noise modelling, monitoring and measurement procedures that follow the concepts in NZS 6809: 1999 Acoustics – Port Noise management and land use planning, for the purpose of preparing a Port Noise Contour Map that shows contour lines in 1dB increments from 55 dB Ldn to 70 dB Ldn inland of the Special Purpose (Lyttelton Port) Zone. This Port Noise Contour Map is to be attached to the Port Noise Management Plan and is to be regularly updated as required by the Port Liaison Committee and at the expense of the owners and operators of the Port of Lyttelton. The model for the Port Noise Contour Map shall be reviewed at least once every two years to determine whether it needs to be updated.
- iii. Develop methods to monitor port noise, in order to verify the port noise contour lines.
- iv. In developing the Port Noise Contour Map, recognise that noise from water and grit blasting at the dry dock facilities is excluded and instead noise from the water and grit blasting operation is managed by controlling the hours of operation.

d. Port Liaison Committee framework

- i. Meet at least once a year.

- ii. Provide details on representation and administration of the committee.
- iii. Provide a list of functions, including but not limited to the administration of the Plan for Acoustic Treatment and Purchase of Dwellings and associated budget, consideration of complaints, monitoring port operator's performance of its obligations with respect to noise issues, reporting to residents affected by noise.
- iv. Keep within the annual budget provided by the owners or operators of the Port of Lyttelton.
- v. Advise any property owner in writing where the property is partly or wholly contained within an area seaward of the 70dBA Ldn contour or greater as shown by the Port Noise Contour Map following the preparation or the update of the Port Noise Contour Map.

e. Complaints

- i. Develop procedures to record complaints and steps to investigate such complaints.

f. Documentation

- i. Current version of the Port Noise Management Plan to be made available by the operators of the Port of Lyttelton to the public on a website.
- ii. Names and contact details for current staff of the operators of the Port of Lyttelton, Port Liaison Committee members and consultants involved in noise management.
- iii. Noise model and measurement details and procedures.
- iv. Summary of scenarios tested in the acoustics model.
- v. Summary noise monitoring conducted.
- vi. Summary of complaints annually and a description of actions taken to address a complaint.

g. Review and alteration of the Plan

- i. Develop procedures to alter, review and update the Port Noise Management Plan.
- ii. Produce and append to the Port Noise Management Plan annually a report on the implementation and, where relevant, alteration and update of that Plan.

Appendix 21.8.4.7 – Plan for Acoustic Treatment and Purchase of Dwellings

The Plan for Acoustic Treatment and Purchase of Dwellings required under Rule 21.8.2.3.7(c) will include but not be limited to the following:

a. Port Liaison Committee

- i. Include procedures for the Port Liaison Committee to consider research into noise mitigation, modifications to plant and equipment, and acoustic purchase.
- ii. Include reporting procedures on expenditure.

b. Application to the Port Liaison Committee for Acoustic Treatment (65+ dBA Ldn)

- i. Where any port noise affected property within a residential zone is partly or wholly contained within the area seaward of a contour line that is 65dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, an owner or occupier may apply to the Port Liaison Committee for acoustic treatment at any time.

c. Port Liaison Committee consideration of an application for acoustic treatment

- i. The Port Liaison Committee is to determine that the application made under 21.8.4.7(b) is attributable to on-going port noise.
- ii. The Port Liaison Committee needs to decide on the priority that the application has in terms of the annual budget for noise mitigation.
- iii. Should the Port Liaison Committee accept an application for acoustic treatment, it then makes a recommendation to the owners and operators of the Port of Lyttelton.
- iv. The Port Liaison Committee oversees the acoustic treatment projects and liaises with the owner receiving acoustic treatment and the owners and operators of the Port of Lyttelton as necessary.

d. Acoustic treatment

- i. **Owners and operators of the Port of Lyttelton obligations**
 - a. Provided the maximum cost of acoustic treatment is within the annual budget, then the owners and operators of the Port of Lyttelton shall, subject to the written agreement of the property owner to register a covenant against the certificate of title to the property, agree to the acoustic treatment in accordance with the following:
 - i. Proceed on the basis that all habitable rooms subject to acoustic treatment have an internal design sound level of 40 dBA Ldn (5-day) with windows and doors closed and mechanical ventilation installed and operating or with ventilating windows open, whichever is the more cost effective; except that the above internal design sound level does not need to be achieved in the following circumstances:

- A. the property owner seeks a form of or level of acoustic treatment or mitigation that results in a different internal design sound level; or
 - B. it is impracticable to achieve the specified internal design sound level due to the desirability of maintaining heritage features of a building. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable; or
 - C. it is impracticable to achieve the specified internal design sound level of the habitable rooms in the dwelling at a cost of \$60,000. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable while not exceeding the cost of \$60,000 (inclusive of GST and inflation adjusted from 2007 to the Consumer Price Index).
- b. Where necessary, seek the advice of an appropriately qualified acoustic consultant when considering the acoustic treatment required to achieve the internal design sound levels. When determining the appropriate internal design sound level, the external noise environment will be taken from nearest Ldn contour line shown on the Port Noise Contour Map that is to be attached to the Port Noise Management Plan.
 - c. Prepare a list of one or more appropriate builders for the acoustic treatment work, select a builder for the acoustic treatment work, and ensure the builder carries out work to the appropriate standard.
 - d. Where necessary, seek the advice of an appropriately qualified acoustic consultant to assist in the verification of the internal design sound level or to assist any noise measurement work generally.
 - e. Ensure all acoustic treatment work is carried out in a cost-effective manner but at the same time does not significantly compromise the character of the house.
 - f. Organise the payment of the necessary costs for acoustic treatment, provided the cost does not exceed a maximum of \$60,000 (inclusive of GST and inflation adjusted from 2007 to the Consumer Price Index).

ii. **Property owner obligations**

- a. Approve the acoustic treatment, including any construction details associated with the proposed acoustic treatment, and agree to treatment proceeding before any treatment commences.
- b. Notify the Port Liaison Committee and the owners and operators of the Port of Lyttelton that the work has been completed.
- c. Enter into a civil covenant with the owners and operators of the Port of Lyttelton. Such a covenant shall apply to existing and successive property owners and occupiers.

e. **Offer of purchase (70dBA Ldn or greater)**

- i. Where any port noise affected property within a residential zone is partly or wholly contained within the area seaward of a contour line that is 70dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, then at the written request of the property owner the Port Liaison Committee shall organise an offer of purchase for the property. The offer shall be made by the owners or operators of the Port of Lyttelton and the property owner has the right to accept or reject the offer.
- ii. A fair market value of the property shall be determined as if the property was situated in Lyttelton, not taking into account the effect of port noise.
- iii. Procedures shall be put in place so a fair valuation is reached.

f. Documentation

- i. Names and contact details for current Port of Lyttelton staff and consultants involved in acoustic treatment.
- ii. Summary details of work undertaken and specifications used for treatment and ventilation.
- iii. Schedule of properties in the 65 dB L_{dn} contour and status of acoustic treatment.
- iv. Schedule of acoustics assessments undertaken.

g. Review and alteration of the Plan

- i. Develop procedures to alter, review and update the Plan for Acoustic Treatment and Purchase of Dwellings.
- ii. Produce and append to the Plan for Acoustic Treatment and Purchase of Dwellings annually a report on the implementation and, where relevant, alteration and update of that Plan.

Appendix 21.8.4.8 – Construction Noise Management Plan

- a. Where the cumulative effect of construction noise and operational port noise [5-day busy period] fall within the 65 dBA L_{dn} contour, then no further assessment of the construction noise is required.
- b. Where the cumulative effect of construction noise and operational port noise [5-day busy period] exceed the 65dBA L_{dn} contour, then further assessment of the construction noise under a Construction Noise Management Plan is required.
- c. The Construction Noise Management Plan required under Rule 21.8.2.3.8(a) will include but not be limited to the following:

i. Purpose of the Construction Noise Management Plan

Owners and operators of the Port of Lyttelton commitment to manage construction noise.

- a. Identify construction activities that can give rise to construction noise.
- b. Set a framework for monitoring, measuring and reporting on construction noise.
- c. Set a framework for dealing with complaints.

ii. Owners and operators of the Port of Lyttelton obligations

- a. Allocate an annual budget to the Port Liaison Committee for the preparation and implementation of the Construction Noise Management Plan and the Construction Noise Mitigation Plan.
- b. Provide administrative and advisory support for the Port Liaison Committee for construction noise matters.

- c. Deal with construction noise complaints.

iii. Owners and operators of the Port of Lyttelton

- a. Prepare and implement the Construction Noise Management Plan and, in conjunction with the Port Liaison Committee, the Construction Noise Mitigation Plan, utilising the concepts in NZS 6803:1999 Acoustics – Construction Noise.

iv. Port Liaison Committee

- a. Provide details on representation and administration of the committee.
- b. Provide a list of functions, including but not limited to the administration of the Construction Noise Mitigation Plan and associated budget, consideration of complaints, monitoring port operator's performance of its obligations with respect to construction noise issues, reporting to residents affected by noise.
- c. Keep within the annual budget provided by the owners and operators of the Port of Lyttelton.

v. Certification

- a. Provide documentation confirming the Plan has been certified by the Christchurch City Council as meeting the requirements set out in (i) to (iv) above.

vi. Complaints

- a. Develop procedures to record complaints and steps to investigate such complaints.

vii. Review and alteration of the Plan

- a. Develop procedures to alter, review and update the Construction Noise Management Plan.
- b. Produce and append to the Construction Noise Management Plan annually a report on the implementation and, where relevant, alteration and update of that Plan.

d. Construction Noise Mitigation Plan

The Construction Noise Mitigation Plan required under Rule 21.8.2.3.7(b) will include but not be limited to the following:

- i. Setting out procedures on how affected property owners are to be contacted and the documentation of feedback and proposed mitigation measures discussed.
- ii. Criteria that specify mitigation measures, having regard to the length of time the construction affected property is to be exposed to construction noise and the levels of construction noise involved.
- iii. The mitigation measures determined under the criteria developed in (ii) will include but not be limited to:
 - provision of temporary accommodation;

- acoustic mitigation (such as upgrading the dwelling) in accordance with the criteria set out in the Plan for Acoustic Treatment and Purchase of Dwellings, Appendix 21.8.4.7(d) Acoustic Treatment;
 - an offer to purchase the property;
 - where an offer to purchase a property is made, a fair market value of the property shall be determined as if the property was situated in Lyttelton, not taking into account the effect of construction noise and also port noise. Procedures shall be put in place so a fair valuation is reached.
- iv. Documentation confirming the Plan has been certified by the Christchurch City Council as meeting the requirements set out in (i) to (iii) above.

g. Review and alteration of the Plan

- i. Develop procedures to alter, review and update the Construction Noise Mitigation Plan.
- ii. Produce and append to the Construction Noise Mitigation Plan annually a report on the implementation and, where relevant, alteration and update of that Plan.

Appendix 21.8.4.9 Hazardous Substances Permitted Activity Thresholds in the Special Purpose (Lyttelton Port) Zone (excluding the Bulk Liquids Storage area)

HSNO Class/Category	Column A (Permitted Activity Threshold)
1.1, 1.2 ¹	50kg
1.3 ¹	100kg
1.4, 1.5 ¹	200kg
2.1.1A	250kg
2.1.1A (LPG)	8,000kg
2.1.2A	250 kg
3.1A, 3.1B	Aboveground storage: 3,000 litres; Underground storage: 100,000 litres
3.1C	Aboveground storage: 10,000 litres Underground storage: –
3.1D	Aboveground storage: 50,000 litres Underground storage: –
3.2A, 3.2B, 3.2C	100 litres
All Class 4 except 4.2C and 4.3C	50kg
4.2C, 4.3C	500kg
5.1.1A	1,000kg/litres
5.1.1B, 5.1.1C	200kg/litres
5.1.2A	1,000kg
All Class 5.2	25kg
6.1A, 6.1B, 6.1C (gases only)	1,000kg
6.1A, 6.1B, 6.1C (liquids and solids)	–
8.2A, 8.2B	1,000kg
8.2C	5,000kg
9.1A, 9.1B, 9.1C, 9.1D	–

Notes

1. The use of high explosives is a permitted activity but is subject to the Hazardous Substances and New Organisms Act 1996 and any subsequent legislation.
2. The dash symbol (–) denotes no limit.

Chapter 7 Transport

Make the following amendments to Chapter 7:

- (a) Insert the following text shown in underlining into Chapter 7; and
- (b) Make any consequential amendments to the inserted text arising as a result of the Christchurch City Council's decisions on Chapter 7 of the proposed Christchurch Replacement District Plan.

Section 7.2.1 How to use the rules

7.2.1.1 The transport rules that apply to activities in all zones outside the Central City and Specific Purpose (Lyttelton Port) Zone are contained in:

- a. The Activity Status table in 7.2.2; and
- b. Rules in 7.2.3

Section 7.2.2 Activity Status tables – All zones outside the Central City and Specific Purpose (Lyttelton Port) Zone

Section 7.2.3 Rules – All zones outside the Central City and Specific Purpose (Lyttelton Port) Zone

Chapter 15 Commercial

Make the following amendments to Chapter 15:

- (a) Insert the following text shown in underlining into Chapter 15; and
- (b) Make any consequential amendments to the inserted text arising as a result of the Christchurch City Council's decisions on Chapter 15 of the proposed Christchurch Replacement District Plan.

Rule 15.5.1 How to use the rules

Amend as follows:

15.5.1.2 The Activity Status Tables and Standards in the following Chapters also apply to activities, other than Port Activities south of Norwich Quay, in all areas of the Commercial Banks Peninsula Zone (where relevant):

- 5 Natural Hazards;
- 6 General Rules and Procedures
- 7 Transport;
- 8 Subdivision, Development and Earthworks;
- 9 Heritage and Natural Environment;
- 11 Utilities, Energy and Infrastructure; and
- 12 Hazardous Substances and Contaminated Land.

15.5.1.3 The Activity Status Tables and Standards in the following Chapters also apply to Port Activities south of Norwich Quay (where relevant):

- 5 Natural Hazards;
- 8 Subdivision, Development and Earthworks;
- 9 Heritage and Natural Environment;

Rule 15.5.2.1 Permitted Activities

Insert new provision:

P19	Port Activities, within that part of Lyttelton south <u>west of the intersection of Norwich Quay and Oxford Street</u>	a. Unless otherwise permitted by Rule 15.5.2.1, shall only occur within the period, or part of the period, up to 1 January 2026.
-----	--	--

Rule 15.5.2.4 Discretionary Activities

Insert new provision:

D13	Port Activities, within that part of Lyttelton south <u>west of the intersection of Norwich Quay and Oxford Street</u> , beyond 1 January 2026.
-----	---

Rule 15.5.3.2 Maximum site coverage

Insert new note below table:

Within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street, this rule only applies to buildings.

Rule 15.5.3.6 Outdoor storage areas

Insert new provision:

This rule shall not apply to activities permitted in accordance with Rule 15.5.2.1 P19.

Rule 15.5.3.7 Waste management areas

Insert new provision:

This rule shall not apply to that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street.

Chapter 2 Definitions

Delete the following definition:

Port activities

means the use of land, wharves, plant, equipment, buildings and other port facilities and structures for:

- a. cargo handling and passengers;
- b. port administration;
- c. maintenance and repair facilities;
- d. ship and boat building activities;
- e. warehouses, storage areas and facilities;
- f. parking areas; and
- g. activities associated with:
 - i. berthing; and
 - ii. departure and surface movements of ships.

Insert the following definitions.

Port Activities

means the use of land, buildings and structures for:

- a. cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- b. passenger handling, including the loading, unloading and transit of passengers, and passenger or cruise ship terminals;
- c. maintenance and repair activities, including the maintenance and repair of vessels;
- d. port administration;
- e. marine-related trade and industry training facilities;
- f. marine-related industrial activities, including ship and boat building;
- g. warehousing in support of (a)–(f), (h) and (i), and distribution activities, including bulk fuel storage and ancillary pipeline networks;
- h. facilities for recreational boating, including yachting;
- i. activities associated with the surface navigation, berthing, manoeuvring, refuelling, storage, servicing and providing of vessels;
- j. ancillary transport infrastructure, buildings, structures, signs, utilities, parking areas, landscaping, hazardous facilities, offices and other facilities, and earthworks; and
- k. ancillary food and beverage outlets in support of the above.

Port Quarrying Activity, in relation to the Special Purpose (Lyttelton Port) Zone, means the use of land, buildings and plant for the extraction of rock and may include the associated processing, storage and transportation of the same material.

This may include:

- (a) earthworks associated with the removal and storage of over-burden or the creation of platforms for buildings and plant;
- (b) extraction of rock materials by excavation or blasting;
- (c) landscaping;
- (d) quarry site rehabilitation and ecological restoration;
- (e) hazard mitigation works; and
- (f) the maintenance, upgrading and realignment of a haul road.

Appendix 5: Amendments to the Banks Peninsula District Plan

Appendix 5: Amendments to the Banks Peninsula District Plan

In respect of the Banks Peninsula District Plan changes outlined below, text that is ~~struck through~~ is to be deleted, text that is underlined is to be inserted.

PLANNING MAPS

Amend maps to be consistent with the Special Purpose (Lyttelton Port) Zone boundaries, as relevant. Delete the Port Environs Overlay where it applies within the Lyttelton Port Zone boundary.

Chapter 18 Recreational Reserves

Amend as follows:

Policies 3A-3B – Explanation and Reasons

The generated effects of activities and development on land in the Recreational Reserves Zone can impact adversely on the use and enjoyment of surrounding land and activities. Activities and development should be carried out in a manner and at a rate, which does not detract from the amenity of surrounding land and activities.

The efficient functioning of Lyttelton Port is a significant resource management issue ~~and the importance of the Port to the local and regional economy is set out in Chapter 27 (Lyttelton Port).~~ Part of the Port Environs Overlay Area covers the eastern side up to the ridgeline of the land commonly referred to as 'Reserve 68', which overlooks the Cashin Quay berths to the south and the coal operations to the east. The Council considers that it would not be prudent for activities, which are sensitive to existing and future port activities, to establish in this area. For example, dwellings, healthcare facilities and visitor facilities would be sensitive to noise, vibration, dust and visual effects associated with the port.

Chapter 19 Rural Zone

Amend as follows:

ISSUE 9 The efficient functioning of Lyttelton Port may be compromised by nearby sensitive activities being established in that part of the Rural zone identified as Port Environs Overlay Area on Planning Maps S0 and S1.

OBJECTIVE 9 To enable the efficient operation, use and development of the Port of Lyttelton as a major sea link for New Zealand.

POLICIES

9A

To ensure that the efficient operation, use and development of Lyttelton Port is maintained or enhanced by avoiding reverse sensitivity effects arising from adjoining land use activities.

9B

To recognise that any future landward expansion of the Port would involve land in the coastal environment between Te Awaparahi Bay and Gollans Bay.

EXPLANATION AND REASONS

The efficient functioning of Lyttelton Port is a significant resource management issue ~~and the importance of the Port to the local and regional economy is set out in Chapter 27 (Lyttelton Port).~~ To this end a Port Environs Overlay Area has been identified within the Rural zone and the Council considers that it would not be prudent for activities, that are sensitive to existing or future port activities, to establish in this area. For example, dwellings, healthcare facilities and visitor facilities would be sensitive to noise, vibration, dust and visual effects associated with the Cashin Quay berths, the existing coal stockpile or the Gollans Bay Quarry, or would be sensitive to the future development of the Lyttelton Port into Te Awaparahi Bay and Gollans Bay.

Extension of the Port into Gollans Bay would result in substantial changes to the rural character and rural amenity of this area. However, the area is part of the coastal environment and is therefore included under Chapter 12 (The Coastal Environment). The land is also identified as a 'Rural Amenity Landscape' under this Chapter (the Rural Zone). This means there is a potential tension between Objective 9 and Policy 9B and these more general provisions. Objective 9 and Policy 9B must have priority however because:

- The Port cannot expand westwards due to existing residential settlement; and
- Gollans Bay is contiguous with the existing Port and has been subject to long established, periodic quarrying.

~~However, any such eastward extension of the Port would still have those general obligations to avoid, remedy or mitigate adverse effects on the environment~~

Chapter 27 – Lyttelton Port – delete chapter in its entirety.

Chapter 28 Boat Harbour Zone

Amend as follows:

Reference to Other Provisions

14 Cultural Heritage

~~27 Lyttelton Port~~

31 Subdivisions

Chapter 29 Industrial

Amend as follows:

Reference to Other Provisions

14 Cultural Heritage

~~27 Lyttelton Port~~

31 Subdivisions

Chapter 31 Subdivision

Amend as follows:

POLICIES

6A

Esplanade reserves or strips should be created where they will contribute to the protection of conservation values adjacent to the sea, rivers and lakes.

6B

Esplanade reserves or strips should also be created where they will enable public access and appropriate recreational use along the sea, rivers and lakes.

6C

Esplanade reserves or strips should not be created within the Lyttelton Port Zone for reasons of public safety and for the reasons of security of cargo and port operations.

6D

~~Esplanade reserves or strips should not be created within the Rural Port Policy Overlay of the Rural Zone where port related development is proposed for reasons of safety and security.~~

EXPLANATION AND REASONS

Under the Resource Management Act, conditions on which a subdivision consent can be granted may include the provision of an esplanade reserve or strip along the edge of rivers and lakes or the coastal environment. The purpose of esplanade reserves or strips is to maintain and enhance the conservation values and public access associated with the sea, rivers and lakes. The objective and policies intend to ensure that public access and recreational use of the coast, rivers and lakes is maintained and enhanced, provided they are compatible with conservation values.

~~The Port Environs Overlay Area in the Rural Zone has been introduced in order to recognise that any future major expansion of Lyttelton Port is likely to be eastwards into Gollans Bay. Esplanade reserves or strips will not be taken in circumstances where port related development is to occur, but can be taken should the land be subdivided for purposes not related to port use or development.~~

Rules

1. Controlled Activities

[Table]

Zone	Minimum Net Site Area	Minimum Average Net Site Area
...
Lyttelton Port	No minimum	

Section 11.3 Circumstances in which Esplanade Reserves or Esplanade Strips shall not be required

...

- ~~An esplanade reserve or esplanade strip shall not be required, and section 230 of the Act shall not apply, within the Lyttelton Port Zone.~~
- ~~An esplanade reserve or esplanade strip shall not be required and section 230 of the Act shall not apply within the Port Environs Overlay Area of the Rural Zone where the proposed subdivision is for the purposes of use and development of Lyttelton Port.~~

Chapter 33 Noise

Amend as follows:

OVERVIEW

...

The existing noise environment of any district is determined by the nature of activities which take place within it. Banks Peninsula has a unique noise environment. Ambient noise levels range from the tranquility experienced in parts of the Residential, Rural, Papakainga and Small Settlement Zones to the industrial levels existing at Lyttelton Port. The wide range of existing noise levels require methods, including noise controls, that recognise and allow for long established activities within the District while protecting public health, maintaining levels of amenity and, where practicable, enhancing those levels.

The proximity of Lyttelton Port to Lyttelton means that there is a potential for conflict between noise generating activities taking place within the Lyttelton Port Zone and noise sensitive activities within the township. To enable the Lyttelton Port to continue to operate and develop in an efficient and effective manner, ~~while managing the adverse effects of port noise on noise sensitive activities in the township, an approach to managing port noise has been developed. This involves the introduction of~~ landuse controls for noise sensitive activities in close proximity to the port are introduced. ~~and~~ The preparation and implementation of a port noise management plan and a port noise mitigation plan is a requirement of the Lyttelton Port Recovery Plan.

~~Noise generated from port activities at Lyttelton is addressed in Issue 2, Objective 2 and the associated policies and methods below.~~

ISSUE 2

The efficient and effective operation, use and development of Lyttelton Port may be compromised by the establishment of nearby noise sensitive activities; ~~while, noise generated by port activities has the potential to reduce amenity values desired by those carrying out other activities in Lyttelton.~~

OBJECTIVE 2 Avoid the potential for noise sensitive activities in Lyttelton township creating a reverse sensitivity issue for noise generating port activities ~~while at the same time managing the impact of noise emissions on noise affected properties through management and mitigation methods.~~

POLICIES

2A

Avoid the establishment of port noise sensitive activities within the Port Influences Overlay Area in Lyttelton Township in order to minimise the likelihood of reverse sensitivity effects occurring.

2B

Notwithstanding Policy 2A, enable noise affected property owners to replace or extend their existing dwellings within the Port Influences Overlay Area of the Residential Zone and the Residential Conservation Zone provided that such replacement or extension is of a similar character, intensity and scale and that any new or extended habitable room is acoustically insulated to the appropriate standard.

2C

Notwithstanding Policy 2A, recognise that a limited number of new apartments of a minimum floor area may, in appropriate circumstances, establish upstairs in existing heritage or notable buildings within the Town Centre Zone so as to give owners a further option that would assist in the conservation of these buildings, provided that it is demonstrated that the potential for reverse sensitivity effects are minimised.

2D

When considering any resource consent for a restricted discretionary activity to establish a port noise sensitive activity in the Port Influences Overlay Area considerable weight must be placed on whether:

- i) Acoustic insulation is to be provided to the appropriate standard,
- ii) Written approval has been obtained from the Lyttelton Port Company Limited,
- iii) A no-complaints covenant has been entered into, and
- iv) Any other relevant methods to minimise the potential for reverse sensitivity effects have been incorporated, including minimising the exposure of outdoor living to port noise.

2E

~~To manage the effects of port noise on noise affected properties by:~~

- ~~i) Minimising where practicable port noise at source,~~
- ~~ii) Establishing on-going community liaison,~~
- ~~iii) Implementing a mitigation package for residential properties within the Residential and Residential Conservation Zones, through a Port Liaison Committee, where on-going annoyance from port noise is being experienced.~~

EXPLANATION AND REASONS

The Council recognises that Lyttelton Port and the township of Lyttelton have co-existed for a long time and, as a result, residential housing is already located in close proximity to the Port. However, there is the potential for reverse sensitivity effects on noise generating port activities and hence the Lyttelton Port Company Limited, to arise. Because Lyttelton Port is infrastructure of regional significance, cannot locate elsewhere, and generally requires to operate 7 days a week, 24 hours a day, the Council considers it prudent to ensure the potential for reverse sensitivity effects are not increased by avoiding intensification of noise sensitivity activities in the Port Influences Overlay Area, as set out in Policy 2A. However, there are two exceptions to this policy direction. First, under Policy 2B, the replacement of an existing dwelling, or an extension to an existing dwelling, in a noise affected property is anticipated so that people can reasonably meet their residential living expectations provided that the character, intensity and scale of the building is similar. For example, an owner seeking an additional bedroom or extension to a lounge or dining room, or the complete replacement of a dwelling with a new one of a similar scale, is anticipated provided that the necessary acoustic insulation measures are completed. Any significant intensification of residential use would require resource consent.

Second, under Policy 2C, a limited number of apartments located in the upper storeys of the heritage or notable buildings in the Port Influences Overlay Area of the Town Centre Zone may be appropriate in certain circumstances if limited residential use facilitates the use, and hence the conservation, of these buildings. However, in assessing any resource consent all measures to minimise the potential for reverse sensitivity effects on port activities and the Lyttelton Port Company Limited should have been undertaken, including the necessary acoustic insulation of such apartments, written approval obtained from the Lyttelton Port Company Limited and the entering into a no-complaints covenant.

The Council considers a fundamental tool in managing the possible limited establishment of new habitable rooms under Policies 2B, 2C, and 2D is the employment of a no-complaints covenant in favour of the Lyttelton Port Company Limited. This is expected to be an important matter for it when considering whether to give its written approval. This covenant should apply to the title of the land so that it applies both to existing and future owners and occupiers.

~~In addition to the landuse controls sought in the Port Influences Overlay Area, a port noise management and a port noise mitigation plan will be prepared and implemented and administered by the Lyttelton Port Company in conjunction with a Port Liaison Committee, and is to be funded by the Lyttelton Port Company Limited. The purpose of this committee, which includes community representatives, is to assist in the management of port noise, which includes investigating methods to minimise noise at source and/or assist in the preparation and implementation of a mitigation package for those existing residents within the Residential and Residential Conservation Zones that are experiencing on-going annoyance from port noise and are located within a port noise environment that is greater than 65 dBA Ldn, and to offer to purchase a property within a port noise environment that is 70 dBA Ldn or greater. The details of the Port Noise Management and Mitigation Plans are outlined in the methods section after the noise rules.~~

~~It is expected that any acoustic treatment of dwellings recommended by the Port Liaison Committee under the Port Noise Mitigation Plan, or required by the rules in this district plan, would be performed by people competent in acoustic design, which involves using a port noise contour map that portrays the modelled external noise environment in accordance with the methodology in Port Noise Standard NZS 6809: 1999 Port Noise Management and Land Use Planning.~~

RULES

1. ~~Conditions for Permitted Activities~~

1.1 ~~Within the Lyttelton Port Zone~~

~~No noise limits, except for construction noise which remains subject to Exception 1.7.b.~~

~~Note — Methods 2.0 — 2.2 in this chapter set out alternative methods for managing noise from activities in the Lyttelton Port Zone.~~

[and consequential re-numbering of the Permitted Activities rules, as necessary]

...

1.89 ~~Determination of the Appropriate Internal Design Sound Level~~

For the purposes of Rule 3.9 (b) in Chapter 24, Rule 6.4 in Chapter 25, and Rule 5.12 (c) in Chapter 26, in determining an appropriate design to the achieve an internal design sound level of a habitable room, the external noise environment will be the modelled level of port noise taken from the predicted dBA Ldn (5 day) contour closest to the habitable room, in accordance with the methodology of NZS 6809:1999 Port Noise Management and Land Use Planning.

Note: There will be a port noise contour map attached to the Port Noise Management Plan, which is to prepared and regularly updated in accordance with the Lyttelton Port Recovery Plan Method 2.1 (c) (i) in this Chapter. This map will show the dBA Ldn (5 day) contour lines, in 1 dBA increments, across Lyttelton Township and would be available for a property owner's acoustic design consultant to use.

2.0 Methods to Address Port Noise

- ~~The Lyttelton Port Company Limited will ensure a Port Noise Management Plan is prepared and implemented and it will include but is not limited to the matters set out in Section 2.1.~~
- ~~The Lyttelton Port Company Limited will establish, maintain and participate in a Port Liaison Committee. It's functions include but are not limited to the matters set out in Section 2.1.~~
- ~~The Lyttelton Port Company Limited will, in conjunction with the Port Liaison Committee, ensure a Port Noise Mitigation Plan is prepared and implemented, and it will include but is not limited to the matters listed in Section 2.2.~~

Note: Also refer to the landuse and subdivision controls in the Residential, Residential Conservation, Town Centre, Recreational Reserve and Industrial Zones that apply to noise sensitive activities located within the Port Influences Overlay Area, which is shown on Planning Maps S1 and S2.

2.1 Port Noise Management Plan

The Port Noise Management Plan will include but not be limited to the following:

- ~~Purpose of the Port Noise Management Plan
 - ~~Lyttelton Port Company Limited's commitment to manage and to reduce/mitigate port noise.~~
 - ~~Set a framework for the Port Liaison Committee.~~
 - ~~Identify port activities that can give rise to noise.~~
 - ~~Set a framework for monitoring, measuring and reporting on port noise.~~
 - ~~Set a framework for dealing with complaints.~~~~
- ~~Lyttelton Port Company Limited obligations
 - ~~Allocate an annual budget to the Port Liaison Committee for the preparation and implementation the Port Noise Management Plan and the Port Noise Mitigation Plan.~~
 - ~~Provide administrative and advisory support for the Port Liaison Committee.~~
 - ~~Deal with noise complaints.~~~~
- ~~Lyttelton Port Company Limited in conjunction with the Port Liaison Committee
 - ~~Prepare and implement the Port Noise Management Plan and the Port Noise Mitigation Plan~~
 - ~~Develop noise modelling, monitoring and measurement procedures that follow the concepts in NZS 6809: 1999, for the purpose of preparing a Port Noise Contour Map that shows each individual contour line above the 65 dBA Ldn contour inland of the Lyttelton~~~~

Port Zone (e.g. 65, 66, 67 dBA Ldn contours etc.). This Port Noise Contour Map is to be attached to the Port Noise Management Plan and is to be regularly updated as required by the Port Liaison Committee and at the expense of the Lyttelton Port Company Limited.

- Develop methods to monitor port noise, in order to verify the port noise contour lines.
- In developing the Port Noise Contour Map recognise that noise from water and grit blasting at the dry dock facilities is excluded and instead noise from the water and grit blasting operation is managed by controlling the hours of operation.

• Port Liaison Committee

- Provide details on representation and administration of the committee.
- Provide a list of functions, including but not limited to the administration of the Port Noise Mitigation Plan and associated budget, consideration of complaints, monitoring port operator's performance of its obligations with respect to noise issues, reporting to residents affected by noise.
- Keep within the annual budget provided by the Lyttelton Port Company Limited.
- Advise any property owner in writing where the property is partly or wholly contained within an area seaward of the 70 dBA Ldn contour or greater as shown by the Port Noise Contour Map following the preparation or the update of the Port Noise Contour Map.

• Complaints

- Develop procedures to record complaints and steps to investigate such complaints.

• Alteration of the Plan

- Develop procedures to alter/update the Port Noise Management Plan.

2.2 Port Noise Mitigation Plan

The Port Noise Mitigation Plan will include but not be limited to the following:

• Port Liaison Committee

- Include procedures for the Port Liaison Committee to consider research into noise mitigation, modifications to plant and equipment, and acoustic purchase.
- Include reporting procedures on expenditure.

• Application to the Port Liaison Committee for Acoustic Treatment (65+ dBA Ldn)

- Where any port noise affected property within the Residential or Residential Conservation Zones is partly or wholly contained within the area seaward of a contour line that is 65 dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, an owner or occupier may apply to the Port Liaison Committee for acoustic treatment at any time.

• Port Liaison Committee Consideration of an Application for Acoustic Treatment

- Port Liaison Committee is to determine that the application is attributable to on-going port noise.
- Port Liaison Committee needs to decide on the priority that the application has in terms of the annual budget for noise mitigation.
- Should the Port Liaison Committee accept an application for acoustic treatment, it then makes a recommendation to the Lyttelton Port Company Limited.
- Oversee the acoustic treatment projects and liaise with the owner receiving acoustic treatment and the Lyttelton Port Company Limited as necessary.

• Acoustic Treatment

• Lyttelton Port Company Limited Obligations

~~Provided the maximum cost of acoustic treatment is within the annual budget then the Lyttelton Port Company Limited shall, subject to the written agreement of the property owner to register a covenant against the certificate of title to the property, agree to the acoustic treatment in accordance with the following:~~

~~– Proceed on the basis that all habitable rooms subject to acoustic treatment have an internal design sound level of 40 dBA Ldn (5 day) with windows and doors closed and mechanical ventilation installed and operating or with ventilating windows open whichever is the more cost effective; except that the above internal design sound level does not need to be achieved in the following circumstances:~~

- ~~a) The property owner seeks a form of or level of acoustic treatment or mitigation that results in a different internal design sound level, or;~~
- ~~b) It is impracticable to achieve the specified internal design sound level due to the desirability of maintaining heritage features of a building. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable; or,~~
- ~~c) It is impracticable to achieve the specified internal design sound level of the habitable rooms in the dwelling at a cost of \$60,000. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable while not exceeding the cost of \$60,000 (inclusive of GST and inflation adjusted to the Consumer Price Index).~~

~~– Where necessary seek the advice of an appropriately qualified acoustic consultant when considering the acoustic treatment required to achieve the internal design sound levels. When determining the appropriate internal design sound level, the external noise environment will be taken from nearest Ldn contour line shown on the Port Noise Contour Map that is to be attached to the Port Noise Management Plan.~~

~~– Prepare a list of one or more appropriate builders for the acoustic treatment work, select a builder for the acoustic treatment work, and ensure the builder carries out work to the appropriate standard.~~

~~– Where necessary seek the advice of an appropriately qualified acoustic consultant to assist in the verification of the internal design sound level or to assist any noise measurement work generally.~~

~~– Ensure all acoustic treatment work is carried out in a cost effective manner but at the same time does not significantly compromise the character of the house.~~

~~– Organise the payment of the necessary costs for acoustic treatment providing the cost does not exceed a maximum of \$60,000 (inclusive of GST and inflation adjusted to the Consumer Price Index).~~

• Property Owner Obligations

~~–Approve the acoustic treatment, including any construction details associated with the proposed acoustic treatment, and agree to treatment proceeding before any treatment commences.~~

~~–Notify the Port Liaison Committee and the Lyttelton Port Company Limited that the work has been completed.~~

~~–Enter into a civil covenant with the Lyttelton Port Company Limited. Such a covenant shall apply to existing and successive property owners and occupiers.~~

~~• Offer of Purchase (70dBA Ldn or greater)~~

~~• Where any port noise affected property within the Residential or Residential Conservation Zones is partly or wholly contained within the area seaward of a contour line that is 70 dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, then at the written request of the property owner the Port Liaison Committee shall organise an offer of purchase for the property. The offer shall be made by the Lyttelton Port Company Limited and the property owner has the right to accept or reject an offer.~~

~~• A fair market value of the property shall be determined as if the property was situated in Lyttelton, not taking into account the effect of port noise.~~

~~• Procedures shall be put in place so a fair valuation is reached.~~

~~• Alteration of the Plan~~

~~• Develop procedures to alter/update the Port Noise Mitigation Plan.~~

Chapter 35 Access, Parking and Loading – amend as follows

POLICIES

...

3B

To enable Lyttelton Port to operate effectively and efficiently as a major sea link.

3CB

To recognise and protect the primary function of State Highway 74 to provide the road transport access route to the Port of Lyttelton while recognising that Norwich Quay also serves Lyttelton township and must be managed appropriately.

3DC

To require a standard and level of access onto the State Highways that avoids ribbon development, promotes road user safety and provides for the on-site parking, loading and manoeuvring of vehicle traffic generated by new activities or redevelopment of existing facilities.

3ED

In order to maintain a safe and efficient State Highway network, the provision of internal roading networks and the rationalisation of access onto the State Highway for development or redevelopment initiatives will, where practicable and reasonable, be promoted within the District.

EXPLANATION AND REASONS

In terms of transportation into and out of the District, high quality transport links are needed, particularly to Lyttelton Port. This requires an efficient, safe network appropriate to the types of vehicles and trains, which will be using the links. It is essential to maintain and further develop links that are both efficient and safe so as to support the viable operation of transport links for people and goods.

Given that rail and arterial road links are busy, it is important that new sensitive landuse activities do not encroach on these key transport corridors. Lyttelton Port is a vital sea link to the district, region and New Zealand, and for that reason is an important part of the strategic transportation infrastructure. It is important that it continues to provide an efficient and effective service through the protection of the port and the associated rail and arterial road corridors. **Protection of the Port is further addressed through the Lyttelton Port Recovery Plan.**

In order to maintain an efficient and safe State Highway network, it is recognised that developments or redevelopments with access onto a Highway will, where practicable and reasonable, need to rationalise any access points through internal roading networks or, where available, use alternative access onto the local roads. ~~It is recognised however that there may be exceptions to this policy because of the existing access configuration to the Port. This is because the existing access points onto Norwich Quay serve geographically different parts of the port and it will be difficult for them to be rationalised.~~

2. Conditions for Permitted Activities

The following standards shall be met by all permitted activities and shall be used as a guide for all other activities, **except that these standards do not apply in the ~~Specific Purpose (Lyttelton Port) Zone.~~** Any permitted activity which fails to comply with any of these standards shall be deemed to be a discretionary activity.

2.1 Access to State Highways and District Roads

The creation of a new property access, or the change in character, intensity and scale of the use of an existing access is a permitted activity provided the following conditions are met:

- The traffic generated by the property activity is less than 60 equivalent car movements per day for access to a State Highway, or 100 equivalent car movements per day for access to a district road, ~~except that the following is exempt from the rule:~~

+

- ~~• Traffic using the existing accesses from the Lyttelton Port Zone onto State Highway 74; and~~
- ~~• Traffic using any new or existing accesses from the Lyttelton Port Zone onto district roads.~~

ANTICIPATED ENVIRONMENTAL RESULTS

...

- Safe and efficient operation of key transportation corridors and strategic transport infrastructure, ~~for example, Lyttelton Port.~~

CHAPTER 36 UTILITIES

RULE 2.2 Height and Size of Buildings and Structures

(a) Except for utilities in the Residential Conservation Zone and Town Centre Zone, the height conditions for permitted activities in the relevant Zone shall apply to all utility structures other than those utility structures listed in b) and c) below.

(b) For pole structures associated with utilities other than radiocommunication facilities (see (c) below), the maximum permitted height shall be 15 metres. Such pole structures are not required to comply with the Building Height in Relation to Boundary rule that may apply in the Various Zones.

(c) For support structures associated with radiocommunication facilities (e.g. Masts and poles but excluding buildings) the following heights above ground level shall not be exceeded in the Zones listed below in (i), (ii) and (iii). Such support structures are not required to comply with the Building Height in Relation to Boundary rule that may apply in the Various Zones.

(i) 20 metres for Small Settlement, Papakainga, Residential, Rural-Residential and Akaroa Hillslope Zones (excluding Town Centre and Residential Conservation Zones), providing that the support structure is not located within 30 metres of a residential unit sited within any of the aforementioned zones (including the Town Centre and Residential Conservation Zones) and the support structure and antennas do not have a diameter greater than 0.4m.

(ii) 25 metres for ~~Lyttelton Port~~, Boat Harbour, and Industrial Zones providing that the support structure is not located within 30 metres of a residential unit sited within any of the zones referred to in rule 2.2(c)(i) above and the support structure does not have a diameter greater than 0.5m from a point 6m above ground level.

CHAPTER 37 WASTE MANAGEMENT AND HAZARDOUS SUBSTANCES – amend as follows

Overview

...

The management of hazardous substances has not been an issue of major significance in most of the Banks Peninsula District. ~~Other than at the petroleum products bulk storage facility in the Lyttelton Port Zone,~~ **Relatively** small volumes are used and stored in the District. ~~But in all cases,~~ potential problems associated with hazardous substances are considerable. The main categories of hazardous substances are those associated with agriculture, commercial, industrial and household wastes and fuel tanks

...

(Note: these rules do not apply to **the Lyttelton Port Zone or to** the holder of an existing privilege under the Crown Minerals Act, provided that the holder is acting within the terms of the privilege.)

RULES

...

~~3.1 Exceptions~~

~~For the purposes of Rule 3, the storage of hazardous substances does not apply to the transit and/or temporary storage (maximum 72 hours) of any cargo at Lyttelton Port.~~

~~Any application for a resource consent for the use, storage or manufacture of hazardous substances in the Lyttelton Port Zone shall be processed non-notified and there is no requirement to obtain written approval of parties.~~

Appendix XV Hazardous Substances

Delete table headed "Lyttelton Port Zone" and otherwise amend as follows:

TOWN CENTRE, INDUSTRIAL (Lyttelton) and Boat Harbour Zones		
Schedule 1 Class	Column A	Column B

...
9.2 – Lyttelton Port only	1,000 litres	

Appendix XIX Maximum height areas for bulk oil storage structures in Lyttelton

Delete appendix in its entirety.

Part VII – Definitions

Amend as follows:

Delete the definition “Port Activities”.

Appendix 6: Amendments to the proposed Canterbury Land and Water Regional Plan

Appendix 6: Amendments to the proposed Canterbury Land and Water Regional Plan

Amend Section 10.4 Policies as follows:

~~No additional policies apply in the Banks Peninsula Sub-regional area, in addition to those set out in Section 4 of this Plan.~~

- 10.4.1 The recovery of Lyttelton Port is provided for by expediting activities associated with the repair, rebuild and reconfiguration of the Port, while managing the effects on the environment and ensuring the integrated management of Whakaraupō/Lyttelton Harbour.

Amend Section 10.5 Rules as follows:

~~No additional rules apply in the Banks Peninsula Sub-regional area, in addition to those set out in Section 5 of this Plan.~~

- 10.5.1 An activity within the areas shown on Map 10.1 as Area A or Area B, which involves any one or more of:

- (a) the use of land for:
 - i. the excavation of material;
 - ii. the deposition of material onto or into land or into groundwater, and any associated discharge into groundwater;
 - iii. vegetation clearance or earthworks within the riparian margin (defined for the purposes of this rule as any land within 10 metres of the bed of a river, lake or wetland boundary);
 - iv. the installation and use of building foundations;
- (b) the discharge of sediment-laden water generated from earthworks into a surface waterbody, or onto or into land where it may enter a surface waterbody; and
- (c) the taking of water for the purposes of dewatering or land drainage, and the associated discharge of that water into a surface waterbody, or onto or into land where it may enter a surface waterbody;

is a permitted activity, provided the following conditions, as applicable, are met:

Earthworks, deposition and excavation of material

1. Erosion and sediment control measures are implemented and maintained throughout the duration of the works to minimise erosion and the discharge of sediment laden water to surface water; or onto or into land where it may enter surface water.
2. Any material deposited into groundwater, or onto or into land within 1 metre of groundwater shall only be previous in situ material from the same location,

uncontaminated fill (soil, rocks, gravels, sand, silt, clay), concrete, cement, grout, steel or timber foundation piles, or inert building materials.

3. Earthworks involving below ground soil disturbance do not occur on any area which is identified as a landfill.
4. There is no discharge of any cement, concrete, grout, or water containing cement, grout, or concrete, into any surface waterbody, or beyond the property boundary.

Geotechnical investigations

5. The bore is used only for the purposes of geotechnical investigations and is decommissioned by filling with clean material and compacted or sealed at the surface to prevent contaminants entering the bore.
6. Information on location, bore logs and intended uses is submitted to the Canterbury Regional Council within 20 working days of drilling the bore.

Dewatering, sediment-laden water and land drainage

7. For Area A, the discharge is only sediment and water;
8. The taking and discharge of land drainage water and the site dewatering water onto or into land or into surface water does not result in river bed or river bank erosion.
9. The discharge shall not result in any of the following:
 - a. The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b. Any conspicuous change in colour or visual clarity;
 - c. Any emission of objectionable odour; or
 - d. ~~The capability of causing s~~Significant adverse effects on aquatic life.

10.5.2 Within the area shown on Map 10.1, an activity in Area A or Area B which does not comply with one or more of the conditions of Rule 10.5.1, or in Area C, which involves any one or more of:

- (a) the use of land for:**
 - i. the excavation of material;**
 - ii. the deposition of material onto or into land or into groundwater, and any associated discharge into groundwater;**
 - iii. vegetation clearance or earthworks within the riparian margin (defined for the purposes of this rule as any land within 10 metres of the bed of a river, lake or wetland boundary);**
 - iv. the installation and use of building foundations;**
- (b) the discharge of sediment-laden water generated from earthworks into a surface waterbody, or onto or into land where it may enter a surface waterbody; and**
- (c) the taking of water for the purposes of dewatering or land drainage, and the associated discharge of that water into a surface waterbody, or onto or into land where it may enter a surface waterbody;**

is a restricted discretionary activity.

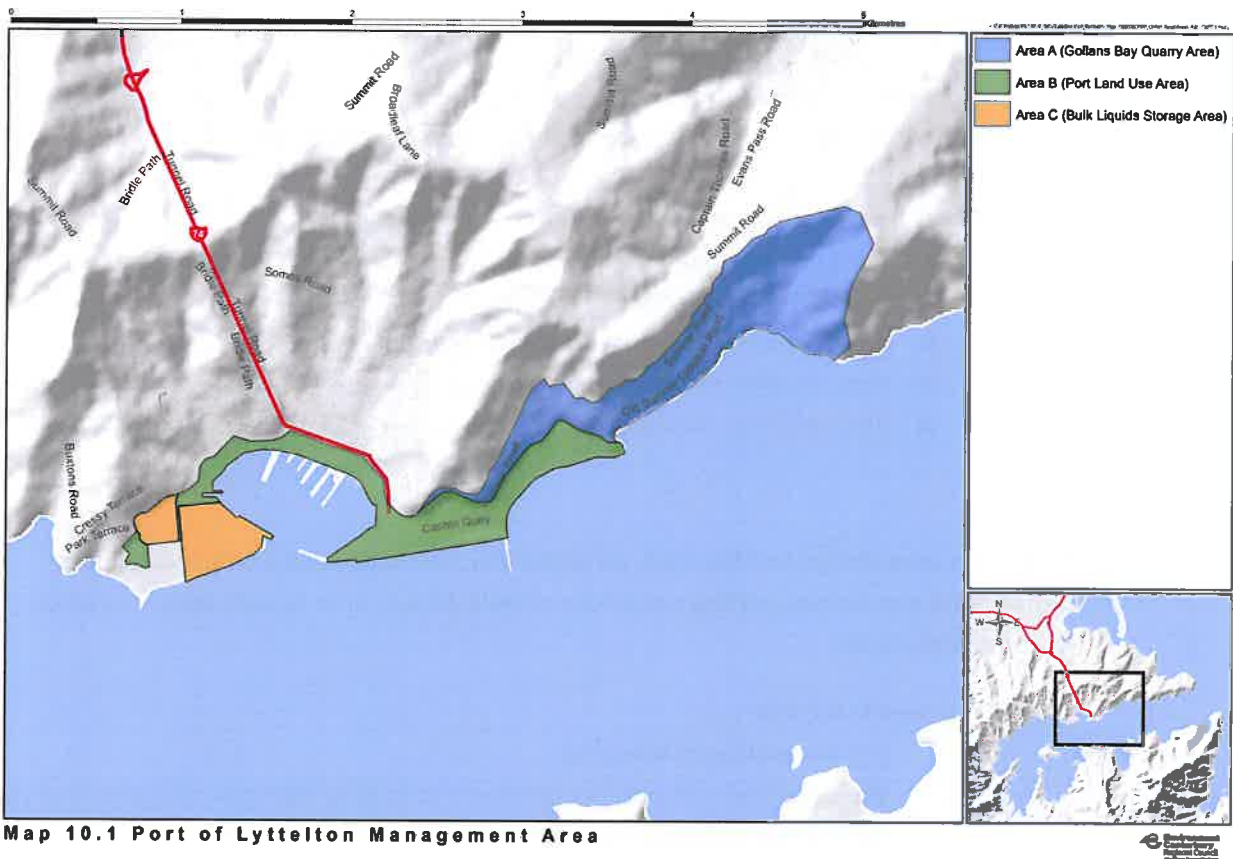
The exercise of discretion is limited to the following matters:

1. For Area A or Area B, the effect of not meeting the condition or conditions of Rule 10.5.1 and any mitigation measures to minimise that effect.
2. For Area C, the nature of any contaminants present, their effects on the receiving environment and any mitigation measures to minimise those effects.

Notification

Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.



Appendix 7: Amendments to the proposed Canterbury Air Regional Plan

Appendix 7: Amendments to the proposed Canterbury Air Regional Plan

Insert new policy into Section 6

The recovery of Lyttelton Port is provided for by expediting activities associated with the repair, rebuild and reconfiguration of the Port, while managing the effects on the environment.

Amend Rule 7.29: Discharge of Dust from an Industrial or Trade premises – restricted discretionary activity

Except where otherwise permitted, **controlled**, or prohibited by rules 7.30 to 7.59 below, the discharge of dust, beyond the boundary of the property of origin, including from unsealed or unconsolidated surfaces, from an industrial or trade premise, including a construction, subdivision or development property is a restricted discretionary activity.

Insert new Rule 7.29A: Handling of bulk materials at the Lyttelton Port – controlled activity

The discharge of contaminants to air, beyond the boundary of the property of origin, resulting from the handling or storage of bulk materials **or from unsealed or unconsolidated surfaces** associated with the rebuild, repair or reconfiguration of the Lyttelton Port **within the ~~shown as~~ Port Land Use Area shown on Canterbury Air Regional Plan Map Port of Lyttelton Land Use Area**, that is not otherwise permitted by Rule 7.37 or Rule 7.38, is a controlled activity.

The CRC reserves control over the following matters:

1. The contents of a dust management plan prepared in accordance with Schedule 2, which shall form part of the site-wide Construction and Environmental Management Plan.
2. The matters set out in Rule 7.2.

August 2015

DEVELOPMENT OF THE DRAFT LYTTTELTON PORT RECOVERY PLAN

Canterbury Regional
Council Decision Report

Attachment 6

**ADDENDUM REPORT
OF THE HEARING PANEL**

1. ECan requested that the Panel provide clarification in relation to three matters in section 10 of its recommendation report dated 6 July 2015. These matters concern a Cruise Ship Berth, and are:

- How the Panel proposes to implement removal of the planning framework from the RCEP and the proposed Christchurch Replacement District Plan,
- What the Panel had in mind in recommending that the CCC urgently take the lead role in defining, and commissioning, a quantitative risk assessment (QRA), and
- What view the Panel has in relation to proposed Action 11 as revised by the CCC in its submission to the Panel.

Removal of the Planning Framework

2. Following the request for clarification and further deliberation the Panel has concluded that removal of the planning framework may have unintended consequences and would not support the return of cruise ships to Lyttelton as an element of recovery. Instead, we propose amendment of the cruise ship policy in each proposed plan and rule changes as set out in the table below.

Regional Coastal Environment Plan

Policy 10.1.15	Amend Policy 10.1.15 – Cruise ship berth at Naval Point Ensuring that the development of a cruise ship berth: a) occurs at a location where cruise ship passengers and crew and workers at Naval Point are not exposed to unacceptable risk from Port activities or the as a result of proximity to hazardous facilities located within the Bulk Liquids Storage Area at Naval Point , and b) The establishment of a cruise ship berth at Naval Point does not limit hinder the efficient and safe operation of Port activities or the hazardous facilities <u>located</u> within the Bulk Liquids Storage Area at Naval Point .
Rule 10.1	Amend Rule 10.1 Permitted activities – remove all references to Area C
Rule 10.3	Amend Rule 10.3 Restricted Discretionary Activities – remove all references to Area C
Rule 10.4	Amend Rule 10.4 Discretionary Activities The erection, placement, reconstruction, alteration, extension, removal or demolition of any Wharf Structure, or part of any Wharf Structures, in, o, under or over any foreshore or seabed and that is within the Operational Area of Lyttelton Port shown on Planning Map 10.1, and is not provided for by Rule 10.1, Rule 10.2 or 10.3, is a discretionary activity. This includes any Wharf Structure within Area C within the Naval Point and any Wharf Structure for a Cruise Ship Berth Area (Area C) shown in Planning Map 5.7.
Map 10.7	Amend Map 10.7 Port of Lyttelton Berthing Area Area C – Naval Point Cruise Ship Berthing Area
Make any consequential amendments to the RCEP with like effect.	

Proposed Christchurch Replacement District Plan

Policy 21.8.1.1.5	Amend Policy 21.8.1.1.5 Ensure that: a) The development of a cruise ship berth occurs at a location where cruise ship passengers and crew workers and land-based facilities serving a cruise ship berth at Naval Point are not exposed to unacceptable risk from Port activities or the <u>as a result of proximity</u> to hazardous facilities located within the Bulk Liquids Storage Area, and b) The establishment or extension of land-based cruise ship facilities at Naval Point does not limit hinder <u>efficient and safe</u> operation of <u>Port activities or the</u> hazardous facilities <u>located</u> within the Bulk Liquids Storage Area.
Rule 21.8.2.2.4	Amend Rule 21.8.2.2.4 Discretionary Activities D6 Any associated facilities or changes to facilities that serve a cruise ship berth at Naval Point .
Make any consequential amendments to the pCRDP with the like effect.	

3. These changes are intended to accommodate a range of considerations discussed in our report. There is strong support for the return of cruise ships to Lyttelton. Location of a cruise ship berth at Naval Point may be excluded on public safety grounds. If it is not, the problem of accommodating recreational activity off Naval Point will remain. Hence the proposed changes are intended to be neutral as to location and propose a discretionary activity status on account of the present uncertainties.
4. We also see a need for changed wording to the “Cruise Ship Berth” commentary at p75 of the draft report. The first paragraph could be amended as follows:

The desirability and economic gains from the development of a cruise ship berth is recognised by the inclusion of a supportive policy in the RCEP and the inclusion of Action 11. Because the location of a cruise ship berth cannot be decided until a risk assessment is undertaken to determine if Naval Point remains an available site option, provision is made for a berth as a discretionary activity in light of the uncertainties.

The Commissioning of a QRA

5. At paragraph 10.26 ii, the Panel recommended:

That Action 11 is expanded to provide: The Christchurch City Council, as a matter of urgency, takes the lead in defining the scope of, and in commissioning, a Quantitative Risk Assessment of the Oil Companies’ Storage facility at Naval Point as a precursor to an urgent review of land use planning controls for the Naval Point area.

Paragraph 10.27 added a further recommendation that in commissioning the QRA there be “consultation with all affected parties to ensure that all interests (were) reflected in the study’s outcome.”

6. The Panel considered that given the wide range of activities undertaken at Naval Point and the potential impact of the assessment on the continuation of these activities, it was essential that the QRA was commissioned to reflect these diverse interests, not just the interests of the Oil Companies who have the storage facilities. And given that

the activities are essentially land based the Panel considered that the CCC should have the lead role in commissioning the QRA.

7. In so framing the recommendation the Panel did not intend to imply that the cost of the QRA should fall upon the CCC. Indeed, since the risk to be assessed arises directly as a result of the storage facility activities, it may be that the cost should lie with the Oil Companies alone, or at least that the Companies should accept a major share of the financial burden.

Proposed Action 11

8. This action, as revised by the CCC in its submission to the Panel reads as follows:

Action 11 Cruise Ship Berth

Christchurch City Council ~~and~~, Lyttelton Port Company, ~~Christchurch and Canterbury Tourism, Christchurch Development Corporation, Christchurch International Airport, cruise industry representatives and the appropriate Crown agency~~ will agree on a collaborative approach to progress and create a fit for purpose dedicated cruise ship berth facility in Lyttelton to achieve a timely return as a cruise destination. The parties may agree to involve other relevant agencies.

The agreement will include scoping and feasibility of options of the location of a dedicated cruise berth facility taking into account the landside and waterside requirements of the cruise industry and the needs of other users, and transport and servicing needs. The scoping and feasibility will include assessment of risk in relation to the hazardous facilities in the vicinity and their ability to meet future demands. Options should include short term solutions and permanent solutions, and funding options around these, with implementation of the solution within three years.

Agreement of all parties by February 2016 with scoping of options completed by August 2016.

The Panel notes that this wording was acceptable to the ECan officers whereas the initial version was not.

9. Despite the very real concerns and adamant opposition from recreational interests to the location of a cruise ship berth at naval Point, there was general and diverse support for development of a cruise ship facility as a component of the Port recovery. Strong support was expressed by the CCC, tourism entities, community organisations, Lyttelton business interests and Lyttelton residents. The economic benefits of a facility were emphasised by these submitters, while the visual attraction of cruise ships in the harbour was also mentioned by some.
10. The Panel is in favour of proposed Action 11 provided that the location of the cruise ship berth satisfies land use planning safety requirements. As presently drafted the action contemplates that other relevant agencies “may” be invited to participate. The Panel considers that this initiative is likely to benefit from the support and involvement of the entities named in the previous version of the action and perhaps others. For

example, the company, Canterbury Maritime Development Limited, made a helpful submission on the cruise ship issues. However, whether entities need to be members of the action group, or simply be consulted by the group is something best left to the CCC and LPC. The Panel also considers that should Naval Point remain a cruise ship option following receipt of the QRA, it will be essential that representatives of the various recreational groups including, the Naval Point Club, are consulted before any decision on location of the facilities is taken.

Dated at Christchurch this 27th day of July 2015



Sir Graham Panckhurst (Chair)



Peter Atkinson



Tim Vial

August 2015

DEVELOPMENT OF THE DRAFT LYTTTELTON PORT RECOVERY PLAN

Canterbury Regional
Council Decision Report

Attachment 7

**SUBMISSIONS AND
HEARING PLAN**

Submissions and Hearing Plan

1. Preamble

The Minister for Canterbury Earthquake Recovery (CER) has directed the Lyttelton Port Company Limited and the Canterbury Regional Council to prepare a draft Lyttelton Port Recovery Plan (LPRP). The direction was published in the New Zealand Gazette on 19 June 2014.

The Minister's direction sets out the process for the development of the draft LPRP. This process is to include the development of a preliminary draft LPRP for the purpose of public consultation, including receiving submissions. A hearing on the preliminary draft LPRP is to be held (as directed under clause 6.10) to inform the preparation of the draft LPRP.

The Minister's direction includes a number of matters that must be addressed in carrying out the hearing process, but this process is largely at the discretion of the Canterbury Regional Council. This Hearing Plan has therefore been prepared to set out how the hearing will be carried out in accordance with the Minister's direction.

2. Purpose

To set out the process to be adopted for the submissions and hearing on the preliminary draft Lyttelton Port Recovery Plan, and ensure that this process:

- complies with the requirements of the Minister's direction;
- adds value to the development of the draft Port Lyttelton Recovery Plan, and;
- follows the principles of natural justice.

3. Project Timing

The Canterbury Regional Council must provide the Minister for CER with a draft LPRP within nine months after receiving all necessary information from the Lyttelton Port Company Limited. This information was delivered on 13 November 2014 and deemed as complete by ECan on 11 December 2014. The final Draft LPRP would therefore be provided by 18 August 2015. The projected timings for the various parts of the development of the draft LPRP are show in Figure 1 Below.



Figure 1. Projected timing for the development of the draft LPRP

The notification of the preliminary draft LPRP is expected to be 13 April 2015, with the hearing to follow in early June 2015.

4. Written Submissions

Clause 6.10.1 of the Minister’s direction requires the Canterbury Regional Council to call for written submissions and provide an opportunity for those parties who made a submission to be heard in support of any submissions.

4.1. Notification

The preliminary draft LPRP is to be publicly notified on 13 April 2015 together with a call for written submissions to be provided within a period of 20 working days. The notification will occur through:

- A notice in The Press
- A notice on the Environment Canterbury website
- Local papers
- Lyttelton local newsletters
- ECan publications
- Direct notification via letter to affected stakeholders and the local community

The notification of the preliminary draft LPRP will include information on where the preliminary draft LPRP and any background information can be viewed, the period in which written submissions will be accepted by the Canterbury Regional Council, how to make a submission, what to include in a submission, and information on the hearing.

4.2. Submission Format

The LPRP hearings administrator will develop a submission form for the use of parties making a submission. The submission form will be included with the notification letter sent to stakeholders and the local community, will be provided with hard copies of the preliminary draft LPRP, and will be available from our Customer Services team or LPRP team at the Lyttelton PORTaCabin. The Environment Canterbury online submission portal will also be utilised for the submissions process.

Submissions will be received by Canterbury Regional Council through the following methods:

Mail	Freepost 1201 Lyttelton Port Recovery Plan Environment Canterbury PO Box 345 Christchurch 8140
Email	mailroom@ecan.govt.nz
Online	www.ecan.govt.nz/port

As stated in clause 6.10.1 of the Minister’s direction, written submissions may include or attach expert opinion, technical information and any other relevant information.

4.3. Submitters Who Wish to be Heard

Parties who make a written submission and wish to be heard will need to state this in their written submission. Submitters will also need to state whether they wish to present in te reo Maori, or whether they have any special requirements due to a disability, so that such needs may be accommodated. In analysing and summarising the written submissions, a list of all those who wish to be heard in support of their submission will be compiled.

Canterbury Regional Council staff will contact those that state they wish to be heard to provide further details of the hearing and to book a time to speak to their submission.

Submitters will need to provide additional copies of their submissions and evidence at the hearing.

A schedule for hearing presentations will be provided through the LPRP web pages and updated as required throughout the hearing.

5. The Hearing

The Minister's direction includes a number of matters to be followed in respect of the hearing. Clause 6.10.2 includes the statement that "any matters not prescribed by this direction shall be at the discretion of Canterbury Regional Council".

5.1. Hearing Panel

Clause 6.10.2 of the Minister's direction notes that the composition of the Hearing Panel is to be at the discretion of the Canterbury Regional Council.

The Canterbury Regional Council appointed the following hearing panel members at a meeting on 19 March 2015:

- The Honourable Sir Graham Panckhurst (Chair)
- Peter Atkinson
- Tim Vial

5.2. Location

The hearing on the preliminary draft LPRP is to be held at the Navel Point Yacht Club, Lyttelton and Te Wheke Marae (Rāpaki).

5.3. Date

The hearing on the preliminary draft LPRP is to be held from 2 June 2015. The hearing is expected to run for 5-10 working days, depending on the number of submitters who wish to be heard.

5.4. Information for Hearing Panel

The Hearing Panel will be provided with:

- all publicly available information in relation to the PLRP
- all submissions received on the preliminary draft PLRP
- a submissions summary and analysis report prepared by the LPRP Core Project Team

5.5. Hearing Format

The Minister's Direction at Clause 6.10.4.1 states that in conducting a hearing, the hearing panel must avoid unnecessary formality. At the hearings:

- Each submitter will be provided a set time within which to speak to their submission. If a longer time limit is sought this may be requested in writing, stating reasons.
- No new evidence may be presented at the hearing, only that which was included in the written submission.
- Only members of the hearing panel are to ask questions of the submitters.

- Submitters may have relevant experts explain technical information included in their submission and respond to questions.
- The hearings will be held at times set by the hearing panel, but will include at least one session from 6-8pm in order to provide for those people unable to attend during normal work hours.
- The hearing panel may amend or waive compliance with these rules of practice if satisfied that this is required to ensure that the hearing is informal and also fair, focussed and timely.
- The hearing panel will convene a pre-hearing conference following receipt and consideration of the submissions. This will provide an opportunity for submitters to be heard concerning any further rules and requirements for the hearings.

6. Outputs from the Hearing

6.1. Hearing Panel Recommendations Report

Clause 6.10.5 states that the hearing panel must prepare a report and provide recommendations to the Canterbury Regional Council on the matters heard and considered.

The hearing panel report including the preliminary draft LPRP with the hearing panel's changes will be made available to partners, LPC and central government agencies for comment prior to the draft being provided to the Canterbury Regional Commissioners for formalisation.

6.2. Notification of draft Lyttelton Port Recovery Plan

People who have submitted on the preliminary draft LPRP and have provided contact information will be directly notified of the public availability of the draft Lyttelton Port Recovery Plan.

7. Hearing Administration

7.1. Recording of Evidence Presented

The hearing will be digitally recorded to enable recall of information during preparation of the hearing panel's report.

7.2. Resourcing

The hearings administrator will:

- Explain the hearing process to submitters, both prior to and during the hearing
- Liaise with submitters to arrange the hearings schedule
- Arrange catering and equipment for the hearing
- Ensure that the venue is suitably set up each day
- Welcome submitters to the hearing and ensure they are adequately prepared
- Work with the hearing panel to ensure the hearing runs smoothly
- Arrange copying of submissions and evidence, and manage filing / record keeping
- Update website information

8. Specific Considerations

8.1. Tikanga Maori

Clause 6.10.4.3 of the Minister's direction states that, in conducting a hearing, the hearing panel must have regard to tikanga Maori. As such, submitters may present their submission in te reo Maori if they wish to do so. Canterbury Regional Council will provide the assistance of a translator to the hearing panel in these instances.

8.2. New Zealand Disability Strategy

Clause 6.10.4.3 of the Minister's direction states that, in conducting a hearing, the Hearing Panel must have regard to the New Zealand Disability Strategy (NZDS). It is considered that the following two objectives of the NZDS are relevant to the hearing:

6.5 - Make all information and communication methods offered to the general public available in formats appropriate to the different needs of disabled people

6.6 - Ensure the locations and buildings of all government agencies and public services are accessible

As such the information and communications on the notification of and hearing on the preliminary draft LPRP will need to be made available in formats appropriate to the different needs of people with disabilities.

In order to meet objective 6.6, a venue will be provided on request which is accessible to people with disabilities for all or part of the hearing.

Appendix 1

Relevant Gazette Notice Clauses

Hearing on preliminary draft Lyttelton Port Recovery Plan

6.10 Canterbury Regional Council must consult on a preliminary draft Lyttelton Port Recovery Plan before providing the draft Lyttelton Port Recovery Plan to the Minister for Canterbury Earthquake Recovery. Canterbury Regional Council must provide for an appropriate hearing process to inform decision making before finalising the draft Lyttelton Port Recovery Plan. In particular:

6.10.1 Canterbury Regional Council must call for written submissions (such written submissions may include or attach expert opinion, technical information and any other relevant information) and must provide an opportunity to be heard in support of any submissions.

6.10.2 The composition of any hearing panel and any matters not prescribed by this direction shall be at the discretion of Canterbury Regional Council.

6.10.3 Any allocation of time to those parties being heard by a hearing panel (either personally or through representatives) on their written submissions shall be at the discretion of the hearing panel and must take into account the need for a focused, timely and expedited recovery.

6.10.4 In conducting a hearing, the hearing panel must:

6.10.4.1 Avoid unnecessary formality;

6.10.4.2 Not permit any person other than a member of the hearing panel to question any person being heard; and

6.10.4.3 Have regard to tikanga Maori and the New Zealand Disability Strategy.

6.10.5 The hearing panel shall not make a decision but must make a report and provide recommendations to Canterbury Regional Council on the matters heard and considered. Canterbury Regional Council must consider these recommendations but is not bound by them.

6.11 Canterbury Regional Council must satisfy itself that a sufficient assessment of technical information and the views of the public have been undertaken, and provide a report to the Minister on how it informed its decision making on the content of the draft Lyttelton Port Recovery Plan, and the reasons for reaching its decisions.