

APPENDIX 29

PROPOSED CHANGES TO REGIONAL PLANS

AMENDMENTS TO REGIONAL COASTAL ENVIRONMENT PLAN

NEW Chapter 10: Lyttelton Port of Christchurch

Insert the following Introduction, Objectives, Policies and Explanation

Introduction

Lyttelton Port suffered extensive damage from the earthquakes in 2010 and 2011. The insertion of this chapter and the associated amendments to the provisions in the other chapters of the Canterbury Regional Coastal Environment Plan form part of the Lyttelton Port Recovery Plan, which was prepared in response to this damage. The Lyttelton Port Recovery Plan was directed by the Minister for Canterbury Earthquake Recovery.

The provisions contained in Chapter 10 and the associated amendments to the provisions in the other chapters are consistent with the Recovery Strategy for Greater Christchurch, the Land the Land Use Recovery Plan for Greater Christchurch.

Chapter 10 provides a resource management framework for the Recovery of Lyttelton Port. The rules applying to activities and discharges within the Operational Area of Lyttelton Port, and to dredging and associated discharges and deposition carried out within the Operational Area of Lyttelton Port and from the Port's Navigation Channel, are contained only in this chapter. The issues, objectives and policies in the remainder of the Regional Coastal Environment Plan continue to apply.

Objective 10: Outcomes for Lyttelton Port of Christchurch

- 10.1 The recovery of Lyttelton Port, including its repair, rebuild and reconfiguration in a timely manner, so that its operation is restored and enhanced.
- 10.2 The efficient use and development of Lyttelton Port in recognition of the Port's strategic role in providing a sustainable transport system for Greater Christchurch, Canterbury and the South Island.

Policy 10.1: Recovery Strategy

- 10.1A Recognise that the repair, rebuild and reconfiguration of Lyttelton Port entails the moving east of port operations in a timely manner, which results in:
 - (a) The container terminal being established on up to a 37ha of reclaimed land in Te Awaparahi Bay;
 - (b) The shifting of some general cargo from the Inner Harbour to Cashin Quay; and

- (c) The development of Dampier Bay to provide a commercial marina and associated activities, with public access and connectivity between Lyttelton and other parts of Naval Point.

Policy 10.2: Recovery Process

10.2A Ensure a focused and expedited decision making process for Lyttelton Port by requiring resource consent applications to be processed and considered without public or limited notification. In addition, ensure the cultural and environmental well-being of communities is met by requiring adverse effects from the repair, rebuild and reconfiguration of the Port to be mitigated through conditions of resource consent.

Policy 10.3: Structures and Activities within the Operational Area

10.3A To identify within the coastal marine area an operational area for Lyttelton Port, and within the operational area provide for Port Activities through enabling:

- (a) The erection, maintenance, alteration or removal of Wharf Structures in the Inner Harbour and Cashin Quay;
- (b) The erection of new wharf structures adjoining reclaimed land in Te Awaparahi Bay, or adjoining the Naval Point reclamation outside the Inner Harbour, while ensuring the design and construction of the wharf structures avoids or mitigates adverse effects on the environment;
- (c) The maintenance, alteration or removal of established wharf structures adjoining reclaimed land in Te Awaparahi Bay or adjoining the Naval Point reclamation outside the Inner Harbour;
- (d) The erection, maintenance, alteration or removal of a range of other specified structures, and anticipating any other structures providing the design and construction of the structures avoid or mitigate adverse effects on the environment.
- (e) The reclaiming of up to 37ha of the foreshore or seabed in Te Awaparahi Bay while ensuring the design and construction of the reclamation avoids or mitigates adverse effects on the environment;
- (f) The disturbance or deposition that is directly associated with the erection, maintenance, alteration or removal of a structure anticipated in clauses (a)-(d) or the construction of a reclamation anticipated in clause (e) above;
- (g) The disturbance or deposition that is directly associated with the excavation and removal of reclaimed land; and
- (h) Dredging that is directly associated with the erection, maintenance, alteration or removal of a structure anticipated in clauses (a)-(d) of Policy 10.1A or the construction of a reclamation anticipated in clause (e) above.

- 10.3B Anticipate the dumping of dredge spoil associated with the erection, maintenance, alteration or removal of a structure in clauses (a)-(d) of Policy 10.1A at the existing spoil grounds shown on Map 5.5 provided that adequate monitoring is performed so that any unforeseen adverse effects are avoided, remedied or mitigated.
- 10.3C Anticipate structures or activities not otherwise provided for in Policy 10.1A within the Operational Area of Lyttelton Port providing adverse effects are avoided, remediated or mitigated.
- 10.3D Enable Port Activities to be carried out on any structures located within the Operational Area of Lyttelton Port.
- 10.3E Recognise that any effects of noise on sensitive activities on land, generated from activities in the Operational Area of Lyttelton Port, would be addressed in the relevant District Plan.
- 10.3F Manage the effects of piling in the Operational Area of Lyttelton Port through the preparation of an environmental management plan which is designed to avoid or mitigate any effects on Hectors dolphins.

Policy 10.4: Occupation

- 10.4A Recognise that the occupation of the coastal marine area for Port Activities within the Operational Area of Lyttelton Port is fundamental for Lyttelton Port to operate in an efficient manner; while recognising that the occupation within the Operational Area by other activities not related to the commercial operation of Lyttelton Port are to be avoided.
- 10.4B Recognise that the occupation of the coastal marine area within the vicinity of the Operational Area of Lyttelton Port by activities other than Port Activities should be avoided where they have the potential to adversely affect the efficient operation or development of the Port.

Policy 10.5: Provision of Vessel Access to the Port

- 10.5A To recognise that Port Recovery includes the need for the navigation channel, ship-turning basin, and berth pockets to be deepened and extended so Lyttelton Port can serve larger vessels with deeper draughts, while at the same time ensuring any actual or potential adverse effects on the environment are avoided, remedied or mitigated.
- 10.5B Enable Lyttelton Port to maintain the depths of its navigation channel, ship-turning basin and berth pockets provided that adequate monitoring of the spoil grounds is performed so that any unforeseen adverse effects are avoided, remedied or mitigated.

Policy 10.6: Discharges of Point Source Discharge within the Operational Area

10.6A Any point source discharge within the Operational Area of Lyttelton Port that after reasonable mixing:

- (a) fails to observe the water quality standards for Class Coastal AE;
 - (b) gives rise to the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (c) gives rise to a conspicuous change in the colour or visual clarity water in the coastal marine area;
 - (d) gives rise to an emission of objectionable odour;
- : is not anticipated unless
- the discharge is for an exceptional circumstance that justifies the granting of consent;
 - The discharge is of a temporary nature; or
 - The discharge is associated with maintenance work.

Advice Note:

All other policies associated with point source discharges are contained in Chapter 7: Coastal Water Quality.

Policy 10.7: Provision of Public Access

10.7A Recognition that the Port operator needs to have its own controls over access to the Operational Area of Lyttelton Port, while recognising that public access to Dampier Bay is to be facilitated.

Explanation

Lyttelton Port of Christchurch is New Zealand's third-largest deep-water Port, behind the Ports of Auckland and Tauranga. It provides a vital link for international trade and plays a key role in the global transport network for the South Island. Lyttelton Port is nationally and regionally significant infrastructure and part of the Region's strategic transport network.

Following the major earthquakes of 2010 and 2011 the Port suffered extensive damage and it will take many years to complete the recovery of the Port. The term "Recovery" under Objective 10.1 means both the restoration and enhancement of the Port, and includes those repair, rebuild and reconfiguration works needed to be expedited without unnecessary delay.

Part of the Port's recovery involves being able to service larger container vessels. The global trend is for larger container vessels, driven by economies of scale and improvements in fuel efficiency. It is logical for Lyttelton Port to become bigger ship capable because it is the largest container port in the South Island in terms of both

import and export volumes and is therefore the principal port serving greater Christchurch and beyond. This means the navigation channel and berth pockets need to be deepened and the wharves at Te Awaparahi Bay and at Cashin Quay designed to handle larger cargo ships.

Objective 10.2 recognises that once recovery has been completed the Port needs to be able to continue to operate and develop in an efficient manner given its strategic role in providing a sustainable transport system for greater Christchurch, Canterbury and the South Island.

Policy 10.1A recognises that the overall strategy of the Port's recovery is for the operations to move eastward. This will involve an integrated programme of works, ultimately resulting in the container handling operation being located on up to a 37ha of reclaimed land in Te Awaparahi Bay, a shift of general cargo onto Cashin Quay and Damper Bay being developed to provide a commercial marina and associated activities, with public access and connectivity between Lyttelton and other parts of Naval Point.

Policy 10.2A seeks to achieve the objective for port recovery, by requiring a focused and expedited decision making process for Lyttelton Port through permitting activities or requiring resource consent applications to be processed and considered without public or limited notification. However, the social, economic, cultural and environmental well-being of communities is also being met by the appropriate mitigation of adverse effects through conditions of consent on major reconfiguration activities.

Policies 10.3A-E anticipate the establishment of structures and reclamation within the construction envelopes shown on the Planning Maps 5.1A and 5.1B. There are no controls on the erection, alteration or removal of structures in the Inner Harbour or along Cashin Quay, where wharf structures exist. However, it is recognised that further design and construction details for the reclamation in Te Awaparahi Bay and for the new wharf structures to the south of Naval Point or in Te Awaparahi Bay would be required through a consenting process. Works in the coastal marine area that are directly associated with the construction, alteration or removal of structures and reclamation is anticipated provided a construction environmental management plan is in place. Likewise works directly associated with the excavation and removal of material from reclaimed land is anticipated provided construction environmental management plans is in place.

Policy 10.3F is in recognition of the importance of Hector's Dolphin and the need to be able to mitigate the effects of piling in the Operational Area of Lyttelton Port through the preparation of the construction environmental management plan.

While Policy 10.3B anticipates the dumping of spoil generated by the construction, alteration or removal of structures and reclamation at the existing spoil dumping grounds, it is also recognised that controls need to be in place to monitor any unforeseen adverse effects of spoil dumping. The same applies to the dumping of spoil associated with on-going maintenance dredging under Policy 10.5B. Procedures that monitor dredge spoil taken from areas identified as containing potentially contaminated sediment are also to be put in place.

Policy 105A anticipates that the navigation channel, ship-turning basin and the berth pockets will be deepened and spoil dumped at selected spoil grounds as part of the overall recovery of the Port, provided that any adverse effects on the receiving environment are avoided, remedied or mitigated.

Policy 10.4C recognises that the Lyttelton Port Company must be able to occupy the coastal marine area to serve port-related commercial undertakings. Occupation within the Operational Area of Lyttelton Port by other activities is to be avoided.

Policy 10.6A does not anticipate any point source discharges that fail to observe those relevant water quality standards listed in Schedule 4 of the Plan, or give rise to those adverse effects described in the policy, unless justified in defined and specific circumstances.

Policy 10.7A recognises that public access to Operational Area of Lyttelton Port in many areas is inappropriate for reasons of security and public safety. However, the redevelopment of Damper Bay will facilitate public access to the Inner Harbour and promote connectivity between Lyttelton and other parts of Naval Point.

Chapter 10: Rules

Insert the following new Rules

The rules in Chapter 10 apply to the following:

- (a) Activities, including dredging and discharges within the Operational Area of Lyttelton Port;
- (b) Dredging and associated discharges within the Main Navigation Channel shown on Map 5.3;
- (c) The discharge and deposition of Dredge Spoil at the Spoil Deposition Grounds shown on Map 5.5, provided that the Dredge Spoil is from dredging carried out within the Operational Area of Lyttelton Port or from the Navigation Channel shown on Map 5.3.

The rules set out in Chapter 7 and 8 do not apply.

Coastal Water Quality

Rule 10.1 – Permitted Activities

- (a) The discharge of sediment from the foreshore or seabed into the coastal marine area is a Permitted Activity provided that the following conditions are met:
 - (i) The discharge is the result of disturbance which is directly associated with the erection, placement, reconstruction, alteration or extension, removal or demolition of a Structure within the Operational Area of Lyttelton Port which is classified as a Permitted Activity under Rules 10.5, 10.7, 10.8 or 10.12; or
 - (ii) The discharge is the result of disturbance which is directly associated with the erection, placement, reconstruction, alteration or extension, removal or demolition of a Structure that has been authorised by a resource consent under Rules 10.6, 10.9, 10.10, 10.11, 10.13 or 10.14; or
 - (iii) The discharge is the result of disturbance which is directly associated with dredging of the Main Navigation Channel or the Operational Area of Lyttelton Port shown on Map 5.3.
- (b) The discharge of stormwater, generated from Area A shown on Map 5.1, into the coastal marine area is a Permitted Activity, provided that:
 - (i) There is no scouring or erosion of the foreshore or seabed not erased by wind, tidal or wave action within 24 hours;
 - (ii) 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;

- (iii) Any stormwater network to be upgraded or replaced as part of the formation or renewal of impervious surfaces shall be incorporated hydrocarbon interceptors and/or gross pollutant interceptors;
 - (iv) Any discharge will not, after reasonable mixing, give rise to any or all of the following effects:
 - 1 The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - 2 Any conspicuous change in the colour or visual clarity water in the coastal marine area;
 - 3 Any emission of objectionable odour;
 - 4 Any significant adverse effects on aquatic life or significant loss of indigenous biodiversity.
- (c) The discharge of stormwater into the coastal marine area, generated from Earthworks located in Area B shown on Map 5.5 is a Permitted Activity, provided that:
- (i) Any Earthworks do not exceed 10m³ per annum where loess is present or otherwise 500 m² per annum;
 - (ii) There is no scouring or erosion of the foreshore or seabed not erased by wind, tidal or wave action within 24 hours.
 - (iii) Any discharge will not, after reasonable mixing, give rise to any or all of the following effects:
 - 1 The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- (d) The discharge of dye or tracer material into the coastal marine area within Operational Area of Lyttelton Port for investigative purposes is a Permitted Activity, provided that
- (i) A notice of the intended discharge shall be given to Environment Canterbury at least 24 hours prior to the discharge occurring;
 - (ii) The dye or tracer shall be of a type that is designed to be used in the natural environment and shall be used in accordance with manufacturer's recommendations and any relevant and recognised standards and practices.
- (e) The discharge of any contaminant into the coastal marine area within Operational Area of Lyttelton Port resulting from the cleaning, anti-fouling, painting of vessels or Authorised Structures within the Operational Area of Lyttelton Port provided that:

- (i) The discharge or escape of contaminant materials or debris onto the foreshore, seabed or into the water shall be collected as far as practicable and removed from the coastal marine area;
 - (ii) Any discharge will not, after reasonable mixing, give rise to any or all of the following effects:
 - 1 The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - 2 Any conspicuous change in the colour or visual clarity water in the coastal marine area;
 - 3 Any emission of objectionable odour;
 - 4 Any significant adverse effects on aquatic life or loss of significant indigenous biodiversity.
 - (iii) No vessel is located within the dry dock or Patent Slip.
- (f) The discharge of fresh water (other than stormwater covered by Rule 10.1 (b)), or coastal water, into the coastal marine area is a Permitted Activity, provided that any discharge will not, after reasonable mixing, give rise to any or all of the following effects:
- (i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (ii) Any conspicuous change in the colour or visual clarity;
 - (iii) Any emission of objectionable odour;
 - (iv) Any significant adverse effects on aquatic life or loss of significant indigenous biodiversity;
 - (v) Any discernible change in temperature.

Rule 10.2 – Controlled Activity

- (a) The discharge of stormwater into the coastal marine area, generated from Earthworks located in Area B shown on Map 5.5, and which does not comply with Clause (c) (i) of Rule 10.1, is a Controlled Activity. The Council has reserved control over the following matters:
- (i) The introduction of erosion and sediment control measures;
 - (ii) The preparation of an erosion and control sediment plan;
 - (iii) Methods to monitor stormwater;

- (iv) Methods to avoid spillages.
- (b) The discharge of any contaminants into the coastal marine area arising from the deposition of material, or the associated decanting of seawater, during the construction of the reclamation located in Area A shown on Map 5.1A, and the discharge of stormwater into the coastal marine area during the construction of the reclamation, is a Controlled Activity. The Council shall reserve control over the following matters:
- (i) The preparation of a construction environmental management plan;
 - (ii) The introduction sediment control measures and methods to control the propagation of sediment plumes;
 - (iii) Methods to manage the discharge of contaminants including stormwater;
 - (iv) Where necessary, any methods to screen reclamation material;
 - (v) Methods to avoid spillages and measures to contain spillages.

Notification

An application for controlled activity resource consent under this rule will be processed and considered without public or limited notification.

Rule 10.2A – Standard and Terms for Rule 10.2

- (a) The discharge of contaminants shall not after reasonable mixing give rise any of the following effects:
- (i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (ii) Any conspicuous change in the colour or visual clarity water in the coastal marine area.

Rule 10.3 – Restricted Discretionary Activity

- (a) The discharge of contaminants into the coastal marine area within the Operational Area of Lyttelton Port not provided for by Rule 10.1 or 10.2 is a Restricted Discretionary Activity. The Council shall restrict its discretion over the following matters:
- (i) The effects of any contaminants on aquatic ecology;
 - (ii) The effects of any contaminants on cultural values;
 - (iii) The effects of contaminants on recreational users;
 - (iv) Methods to monitor the discharge.

Rule 10.3A – Standard and Terms for Rule 10.3

- (a) The Water Quality Standards for Class Coastal AE Water shall after reasonable mixing be observed.
- (b) The discharge of contaminants shall not after reasonable mixing give rise any of the following effects:
 - (i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (ii) Any conspicuous change in the colour or visual clarity water in the coastal marine area;
 - (iii) Any emission of objectionable odour.

Rule 10.4 –Discretionary Activity

- (a) The discharge of Dredge Spoil derived from the Main Navigation Channel or the Operational Area of Lyttelton Port shown on Map 5.3 is a Discretionary Activity.
- (b) The discharge of contaminants that do not comply with Rule 10.1 (b) (iv), (c) (ii) or (iii), (d) (i) or (ii), (e) (i) or (ii), or (f) or Rule 10.2A or Rule 10.3A is a Discretionary Activity.

Structures

Rule 10.5 – Permitted Activities (Wharf Structures - Area A)

- (a) The reconstruction, alteration, extension of any Wharf Structure that is fixed on, under or over any foreshore or seabed is Permitted Activity in Area A shown on Map 5.1B provided that the reconstruction, alteration or extension of any Wharf Structure adds no more than 10% to any plan area of the Wharf Structure within any twelve month period.
- (b) The removal or demolition of any Wharf Structure, or any part of a Wharf Structure, that is fixed on, under or over any foreshore or seabed is Permitted Activity in Area A shown on Map 5.1B.

Rule 10.6 – Controlled Activity (Wharf Structure - Area A)

- (a) The placement and erection of any Wharf Structure that is fixed on, under or over any foreshore or seabed is Controlled Activity in Area A shown on Map 5.1B. The Council has reserved control over those matters of the following matters:
 - (i) The preparation of a construction environmental management plan;
 - (ii) The design, construction and maintenance of the Wharf Structure, including the stability and integrity of the Wharf Structure in terms of expected weather and seastate conditions;

- (iii) 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 and measures to contain spillages;
- (iv) Management of hazardous substances associated with machinery during construction, maintenance or use of the Wharf Structure;
- (v) Methods to manage the effects of construction noise on marine mammals.

Notification

An application for controlled activity resource consent under this rule will be processed and considered without public or limited notification.

Rule 10.6A – Standard and Terms for Rule 10.9

- (a) No Wharf Structure presents a significant barrier to water or sediment movement.

Rule 10.7 – Permitted Activities (Wharf Structures - Area B)

- (a) The placement or erection of any Wharf Structure that is fixed on, under or over any foreshore or seabed is Permitted Activity in Area B shown on Map 5.1B.
- (b) The reconstruction, alteration or extension of any Wharf Structure that is fixed on, under or over any foreshore or seabed is Permitted Activity in Area B shown on Map 5.1B.
- (c) Subject to Clause 10.7 (d), the removal or demolition of any Wharf Structure that is fixed on, under or over any foreshore or seabed is Permitted Activity in Area B shown on Map 5.1B.
- (d) The removal or demolition of the “Screw Piles” (1850) beneath Number 2 Wharf (Map Reference 033:356) is a permitted activity provided that the following conditions are met:
 - (i) Environment Canterbury and the Heritage New Zealand shall be advised in writing at least twenty working days prior to work commencing;
 - (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 Heritage New Zealand;
 - (iii) In relation to the “Screw Piles”, a screw pile, or a number of screw piles, shall be provided to the Heritage New Zealand on request.

Rule 10.8 – Permitted Activities (Wharf Structures - Area C)

- (a) The reconstruction, alteration or extension of any Wharf Structure that is fixed on, under or over any foreshore or seabed is Permitted Activity in Area C shown on Map 5.1B provided that the reconstruction, alteration or extension adds no more than 10% to any plan area of any Wharf Structure within any twelve month period.
- (b) The removal or demolition of any Wharf Structure, or any part of a Wharf Structure, that is fixed on, under or over any foreshore or seabed is Permitted Activity in Area C shown on Map 5.1B.

Rule 10.9 – Controlled Activity (Wharf Structures - Area C)

- (a) The placement and erection of any Wharf Structure that is fixed on, under or over any foreshore or seabed is Controlled Activity in Area C shown on Map 5.1B. The Consent Authority has reserved control over the matters set out in Rule 10.6 (a)

Notification

An application for controlled activity resource consent under this rule will be processed and considered without public or limited notification.

Rule 10.9A – Standard and Terms for Rule 10.9

- (a) The Wharf Structure shall be designed to serve no more than one vessel at a time.
- (b) The Wharf structure shall only be used to serve a vessel whose primary purpose is the transportation of passengers.
- (c) No Wharf Structure shall present a significant barrier to water or sediment movement.

Rule 10.10 – Restricted Discretionary Activity (Wharf Structures)

- (a) The reconstruction, alteration, extension of any Wharf Structure that is fixed on, under or over any foreshore or seabed located in the Operational Area of Lyttelton Port and does not comply with Rules 10.5 (a) and 10.8 (a) is a Restricted Discretionary Activity.

The Council reserves its discretion over the following matters:

- (i) The design, construction and maintenance of the Wharf Structure, including the stability and integrity of the structure in terms of expected weather and sea state conditions;
- (ii) 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;
- (iii) The design, construction and maintenance of the Wharf Structure in terms of any adverse effects on the aquatic ecosystems;

- (iv) The design, construction and maintenance of the Wharf Structure in terms of adverse effects on navigation or recreational activities generally;
 - (v) The effects of the structure on cultural values; and
 - (vi) Methods to manage the effects of construction noise on marine mammals.
- (b) The removal or demolition of any Wharf Structure that is fixed on, under or over any foreshore or seabed and which does not comply with Rule 10.7 (d) (i), (ii) or (iii) is Restricted Discretionary Activity and the Council reserves its discretion over the loss of any heritage values.

Rule 10.11 – Discretionary Activities (Wharf Structures)

- (a) The placement and erection of any Wharf Structure that is fixed on, under or over any foreshore or seabed located in the Operational Area of Lyttelton Port and is located outside Areas A, B and C shown on Map 5.1B or does not comply with Rule 10.6A (a) or Rule 10.9A (a), (b) or (c) is a Discretionary Activity.

Rule 10.12 – Permitted Activities (Other Structures – Port Operational Area)

- (a) The placement, erection reconstruction, alteration, extension, removal or demolition of any buoy, navigational aid, Structure associated with a Network Utility System, or any radiocommunication or telecommunication Structure that is fixed on, under or over any foreshore or seabed is a Permitted Activity within the Operational Area of Lyttelton Port shown on Map 5.1B.
- (b) The placement, erection reconstruction, alteration, extension, removal or demolition of any sign that is fixed on, under or over any foreshore or seabed is a Permitted Activity within the Operational Area of Lyttelton Port shown on Map 5.1B provided that the sign is erected by the Lyttelton Port Company or Environment Canterbury for the purposes of informing the public of safe behaviour or of threats to their health and safety.
- (c) The removal or demolition of the “Patent Slip (1883) (Map Reference 034:866-712) is a Permitted Activity provided that conditions (i) and (ii) specified in Rule 10.7 (d) are complied with.

Rule 10.13 – Controlled Activities (Other Structures)

- (a) The placement or erection of any Structure in the Operational Area of Lyttelton Port, other than a Wharf Structure identified in Rules 10.5 – 10.11 or a Structure provided for in Rule 10.12 is a Controlled Activity. The Council has reserved control over those matters:
 - (i) The preparation of a construction environmental management plan;

- (ii) The design, construction and maintenance of the Structure, including the stability and integrity of the Structure in terms of expected weather and sea-state conditions;
- (iii) If the Structure is used for the conveyance of any bulk hazardous substances from a vessel to land, the methods to avoid any potential spillages;
- (iv) Management of hazardous substances associated with machinery during construction, maintenance or use of the Structure;
- (v) The design, construction and maintenance of the Wharf Structure in terms of mitigating any adverse effects on navigation;
- (vi) Methods to manage the effects of construction noise on marine mammals.

Rule 10.14 – Restricted Discretionary Activities (Other Structures)

- (a) The placement or erection of any sign fixed on, under or over any foreshore or seabed which does not comply with Rule 10.12 (b) is a Restricted Discretionary Activity within the Operational Area of Lyttelton Port shown on Map 5.1B. The Council shall reserve its discretion over the following matters:
 - (i) The purpose for which the sign is being erected;
 - (ii) The size and visibility of the sign;
 - (iii) The effects of the sign on navigation.
- (b) The removal or demolition of the “Patent Slip (Structure Number 11 in Schedule 5.12) does not comply with Conditions (i) and (ii) specified in Rule 10.7 (d) and the Council reserves its discretion over the loss of any heritage values.

Disturbance

Rule 10.15 – Permitted Activities

- (a) The destruction, damage or disturbance of the foreshore or seabed (including by excavating, drilling or tunnelling) is a Permitted Activity, provided that:
 - (i) The destruction, damage or disturbance is within the Operational Area of Lyttelton Port and is directly associated with the erection, placement, reconstruction, alteration or extension, removal or demolition of a Structure which is classified as a Permitted Activity under Rules 10.5, 10.7, 10.8 or 10.12 and the works are carried out in accordance with a Construction Environmental Management Plan (dated 1st March 2015); or
 - (ii) The destruction, damage or disturbance is directly associated with the erection, placement, reconstruction, alteration or extension, removal or demolition of a Structure that has been authorised by a resource consent under Rules 10.6, 10.9, 10.10, 10.11, 10.13 or 10.14 and the works are

carried out in accordance with a Construction Environmental Management Plan (dated 1st March 2015).

- (iii) The destruction, damage or disturbance is directly associated with the excavation and removal from the coastal marine area of material used in reclaimed land and the works are carried out in accordance with a Construction Environmental Management Plan (dated 1st March 2015).
- (b) The disturbance of the foreshore or seabed (including by excavating, drilling or tunnelling) from the Dredging of the Main Navigation Channel or the Operational Area of Lyttelton Port shown on Map 5.3 is a permitted activity providing that:
 - (i) Dredging is carried out in accordance with a Construction Environmental Management Plan (dated 1st March 2015), which, for Inner Harbour shown on Map 5.1C, also includes procedures to prepare a pre-characterisation survey of seabed, the preparation of a sediment analysis report, and the preparation of an Inner Harbour sediment analysis plan.

Rule 10.16 – Restricted Discretionary Activities

- (a) The destruction, damage or disturbance of the seabed directly associated with the erection, placement, reconstruction, alteration or extension, removal or demolition of a Structure within the Operational Area of Lyttelton Port not provided for by Rules 10.15 (a) and (b) is a Restricted Discretionary Activity. The Council shall restrict its discretion over the following matters:
 - (i) The effects on aquatic and benthic ecology;
 - (ii) The effects on cultural values.

Deposition

Rule 10.17 – Permitted Activities

- (a) The deposition of any seabed material in, on or under any foreshore or seabed is a Permitted Activity, provided that:
 - (i) The deposition is directly associated with the erection, placement, reconstruction, alteration or extension, removal or demolition of a Structure within the Operational Area of Lyttelton Port which is classified as a Permitted Activity under Rules 10.5, 10.7, 10.8 or 10.12;
 - (ii) The deposition is directly associated with the erection, placement, reconstruction, alteration or extension, removal or demolition of a Structure that has been authorised by a resource consent lodged under Rules 10.6, 10.9, 10.10, 10.11, 10.13 or 10.14.
 - (iii) The deposition is directly associated with the excavation and removal from the coastal marine area of material used in reclaimed land within the Operational Area of Lyttelton Port.

Rule 10.18 – Controlled Activity

- (a) The deposition of Dredge Spoil in, on or under the seabed within the Lyttelton Harbour/Whakaruapo Spoil Dumping Grounds shown on Map 5.5 is a Controlled Activity. The Council shall reserve control over the following matters:
- (i) The preparation of a dredging operation environmental management plan (that may be part of the construction environmental management plan);
 - (ii) The establishment of a monitoring programme.

Notification

An application for controlled activity resource consent under this rule will be processed and considered without public or limited notification.

Rule 10.18A – Standard and Terms for Rule 10.18

- (a) The Dredge Spoil has been generated by works associated with the erection, placement, reconstruction, alteration, extension, demolition or removal of a Structure within the Operational Area of Lyttelton Port which is classified as a Permitted Activity under Rules 10.5, 10.7, 10.8 or 10.12; other than works carried out in Area C on Map 5.1B;
- (b) The Dredge Spoil has been generated by works associated with the erection, placement, reconstruction, alteration, extension, demolition or removal of a Structure that has been authorised by a resource consent lodged under Rules 10.6, 10.9, 10.10, 10.11, 10.13 or 10.14; other than works carried out in Area C on Map 5.1B;
- (c) The Dredge Spoil has been generated by works associated with construction or repair of the reclamation shown on Map 5.1A or is the result of construction or repair work associated with any seawall within the Operational Area of Lyttelton Port.

Rule 10.19 – Restricted Discretionary Activities

- (a) The deposition of seabed material that is:
 - (i) Within the Operational Area of the Port but is not provided for under Rule 10.17 (a) (i), (ii) or (iii); or
 - (ii) Within the Operational Area of the Port but does not comply with Rule 10.18A (a), (b), or (c); or
 - (iii) Is from the Dredge Spoil that has been generated from Maintenance Dredging of the Main Navigation Channel or Operational Area of Lyttelton Port;
- : is a Restricted Discretionary Activity.

The Council has reserved its discretion over the following matters:

- (i) The preparation of an environmental management plan;
- (ii) Methods to control the propagation of sediment plumes;
- (iii) The effects on aquatic and benthic ecology, including any potential effects from contaminated sediment;
- (iv) The effects on cultural values;
- (v) In relation to the deposition of Dredge Spoil that has been dredged from Area A of the Inner Harbour shown on Map 5.1C:
 - The preparation of a Sediment Management Plan which sets out the practices and procedures to manage Dredge Spoil from this location;
 - 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.

Introduction or Planting of Exotic Plant Species

Rule 10.20 – Discretionary Activities

The introduction or planting of any Exotic Plant Species within the Operation Area of the Port of Lyttelton is a Discretionary Activity.

Occupation

Rule 10.21 – Permitted Activities

The following are permitted activities:

- (a) The occupation of the Coastal Marine Area undertaken by Port Activities as shown on Map 5.1D is a Permitted Activity;
- (b) The occupation of the Coastal Marine Area for the purposes of carrying out the erection, placement, reconstruction, alteration, extension, removal or demolition of any Structure, or Wharf Structure or any construction or repair, reclamation or seawall authorised by the Rules 10.5, 10.7, 10.8; or 10.12 or authorised by a resource consent under Rules 10.6, 10.9, 10.10, 10.11, 10.13, 10.14, 10.24 or 10.25.

Rule 10.22 – Restricted Discretionary Activities

- (a) The occupation of the Coastal Marine Area by Port Activities outside the area shown on Map 5.1D but within Operational Area of Lyttelton Port, by the Lyttelton Port Company or any successor thereof, is a Restricted Discretionary Activity

provided it is for Port Activities. The Council has reserved its discretion over the following matters:

- (i) The effects of occupation on other recreational activities;
- (ii) The effects of occupation on navigation;
- (iii) The effects of occupation on cultural values.

Rule 10.23 – Non-Complying Activity

- (a) The occupation of the Coastal Marine Area within the Operational Area of Lyttelton Port for any activity, other than for Port Activities, is a Non-Complying Activity.

Reclamation

Rule 10.24 – Controlled Activities

- (a) Reclamation or drainage of the foreshore or seabed shown on Map 5.1A is a Controlled Activity. The Council shall reserve control over the following matters:
 - (i) The design of the reclamation and the methods of reclamation construction;
 - (ii) The preparation of a construction and environmental management plan;
 - (iii) Where necessary, methods to manage any biosecurity risks;
 - (iv) Methods to control the propagation of sediment plumes;
 - (v) Methods to control stormwater disposal;
 - (vi) The preparation of a Kaimoana Management Plan, in consultation with Te Hapū o Ngāti Wheke and Te Rūnanga o Koukourārata, that includes but is not limited to:
 - Details of methods to monitor the health of kaimoana in the vicinity of the reclamation, including surveys using Matauranga Maori-based techniques, such as the Marine Cultural Health Index (MCHI);
 - Assessment of whether the reclamation seawalls can be designed in a manner that creates new habitat space for desired kaimoana species;
 - Methods to mitigate the loss of kaimoana in the vicinity of the reclamation such as the establishment of kaimoana gardens or reseeding of chosen kaimoana species.

Notification

An application for controlled activity resource consent under this rule will be processed and considered without public notification but Te Rūnanga o Ngāi Tahu will be notified and considered under a limited notification process.

Rule 10.25 – Restricted Discretionary Activities

- (a) The reclamation or drainage of the foreshore or seabed outside the reclamation area shown on Map 5.1A but within the Operational Area of Lyttelton Port is a Discretionary Activity.

Amendments to Existing Chapters

Chapter 6: Natural Character and Appropriate Use of the Coastal Environment

Amend Policy 6.4 (a)

- (a) Within the Coastal Marine Area, ~~Environment Canterbury will protect network utility infrastructure and commercial ports, that are appropriately used for commercial activity, from other uses that preclude the proper uses of those areas, and in particular:~~
 - (i) ~~control avoid~~ activities that have or are likely to have an adverse effect on the appropriate efficient operation and development of the ports of Lyttelton or Timaru;
 - (ii) provide for the efficient operation and development of transport, including commercial ports, or network utility infrastructure where this is required to be adjacent to or within the coastal marine area.

Chapter 7: Coastal Water Quality (Rules only)

Amend Clause (b) (iii) (5.) of Rule 7.1 Permitted Activities

- 5. other than in the Operational Area of a Timaru Port, any increases in the concentrations of the dissolved fractions of the following metals in the receiving water, measured after filtering a sample through an acid washed 0.45 micron filter, to more than the following concentrations:.....

Amend Clause (b) (iii) (6.) of Rule 7.1 Permitted Activities

- 6. other than in the Operational Area of a Timaru Port, any increase in the BOD5 of the receiving water measured after filtration through a GF/C filter, to more than 2 g per cubic metre.

Amend Clause (b) (iii) (7.) of Rule 7.1 Permitted Activities

- 7. 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 Clause (d) of Rule 7.1 Permitted Activities

- (d) The discharge of anti-fouling material or marine organisms into water, or onto or into land, within the Operational Area of a Timaru Port, resulting from the washing down, scrubbing, scraping or cleaning of Authorised Structures or the external hulls or decks of vessels is a Permitted Activity, provided that the discharge, (either by itself or in combination with the same, similar or other

contaminants or water), shall not give rise to any of the following effects in the Coastal Marine Area further than 20 metres in any direction from the point of the discharge:.....

Chapter 8: Activities and Occupation in the Coastal Marine Area

Amend Objective 8.1 (2)

- (2) 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

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 from the recent earthquakes as well as its operation and development generally.

Amend Policy 8.8

- (2) 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 Policy 8.8

Enable the Ports of ~~Lyttelton~~ and Timaru to operate efficiently and effectively, by:

- (a)

Amend the Explanation to Policy 8.8

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 from the recent earthquakes as well as its operation and development generally.**

Amend the Policy 8.9

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~~ are is consistent with those of the adjacent territorial authorities.

Environment Canterbury will apply national port noise standards for the control of noise in the Operational Areas of the Ports, and apply other appropriate environmental Noise Standards elsewhere in the Coastal Marine Area, where appropriate.

Amend the explanation to Policy 8.9

The noise controls for the Ports of ~~Lyttelton and Timaru~~ will be matched, as far as practical, with those of the adjacent territorial authorityies. 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 the Principal Reason to Policy 8.9

The activities of the Ports extend across the boundary of the Coastal Marine Area and it is difficult to determine where the boundary is and which authority is responsible for noise control. In addition, the effects are experienced in the adjacent residential areas where there are other controls on noise that are being enforced by the Territorial local authorities. National Noise standards should be used where they are available and appropriate.

Delete Clause (g) of Rule 8.1 Permitted Activities

- (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

- (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 Clause (c) (ii) and (iii) of Rule 8.6 Permitted Activities

- (ii) for any disturbance outside the Operational Area of a **Timaru** Port, no more than five cubic metres of material shall be disturbed or removed from the foreshore or seabed in any twelve month period; and
- (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 Clause (d) of Rule 8.6 Permitted Activities

- (d) The disturbance of the foreshore or seabed, or the removal of material, that is directly associated with maintenance dredging ~~of the Main Navigational Channel and~~ 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 Clause (a) (ii) and (iii) of Rule 8.11 Permitted Activities

- (ii) outside the Operational Area of a **Timaru** Port, no more than five cubic metres of material shall be disturbed or removed from the foreshore or seabed in any twelve month period; and
- (iii) 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.....

Delete Clause (a) of Rule 8.21 as Discretionary Activities and renumber the rules accordingly

~~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.~~

Amend Clause (f) (v) of Rule 8.22 Discretionary Activities (now clause e)

(v) 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;

Amend Clause (g) of Rule 8.22 Discretionary Activities (now clause f)

For the purpose of paragraphs **(b), (c) and (d)** (a), (e), (d) and (e) of this Rule, noise shall be measured in accordance with the provisions of NZS 6801:1999 “Acoustics—Measurement of Sound”

Amend Clause (h) of Rule 8.22 Discretionary Activities	(now clause g)
---	-----------------------

For the purpose of paragraph ~~(ba)~~ of this Rule, noise shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of sound".

Delete Clause (i) of Rule 8.22 Discretionary Activities
--

~~(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"~~

Amend Clause (j) of Rule 8.22 Discretionary Activities	(now clause h)
---	-----------------------

For the purpose of paragraph ~~(ba)~~ of this Rule, noise shall be assessed in accordance with the provisions of NZS 6802:1991 "Assessment of environmental sound".

Amend Clause (k) of Rule 8.22 Discretionary Activities	(now clause i)
---	-----------------------

(k) For the purpose of paragraphs ~~(eb)~~ to ~~(ed)~~ of this Rule, noise shall be assessed in accordance with the provisions of NZS 6802:1999 "Acoustics—Assessment of environmental noise".

Amend Clause (m) of Rule 8.22 Discretionary Activities	(now clause k)
---	-----------------------

In paragraphs (a) ~~and (b)~~—"beyond" shall mean in a direction away from the Port Operational Area.

Insert new Clause (l) of Rule 8.22 Discretionary Activities
--

Rule (f) [now e] (iv) does not apply to activities carried out within the Operational Area of the Port of Lyttelton.

Amend the Principal Reason to Rule 8.22 Discretionary Activities

Principal Reason

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, if any, 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.**

Amended Schedule 5.11.1

S5.11 Operational Areas of the Ports

S5.11.1 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 to south 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.

New and Amended Definitions

Dredge Spoil means the material removed by Dredging from a particular location and which is to be deposited at another location.

Dredging means the use of a vessel or machine that removes material from the foreshore or seabed in order to deepen, or maintain the depth, 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.

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.

Port Activities

Activities and associated structures carried out or authorised by the Lyttelton Port Company, or its successor, within the coastal marine area that are part of the operation of a commercial port and which includes but is not limited to:

- (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 yachting and recreational boating;**
- (g) **port administration;**
- (h) **all buildings, infrastructure and associated plant and equipment and car parking to support those activities in clauses (a) to (h).**

Wharf Structure means any Structure or Structures to which a vessel may be moored alongside to load and unload or to lie at rest.

Structure

means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft, **seawall and any Wharf Structure.**

MAP 5.1 Operation Area of the Port of Lyttelton and Stormwater Discharges;

Boundary of the Operational Area of the Port of Lyttleton

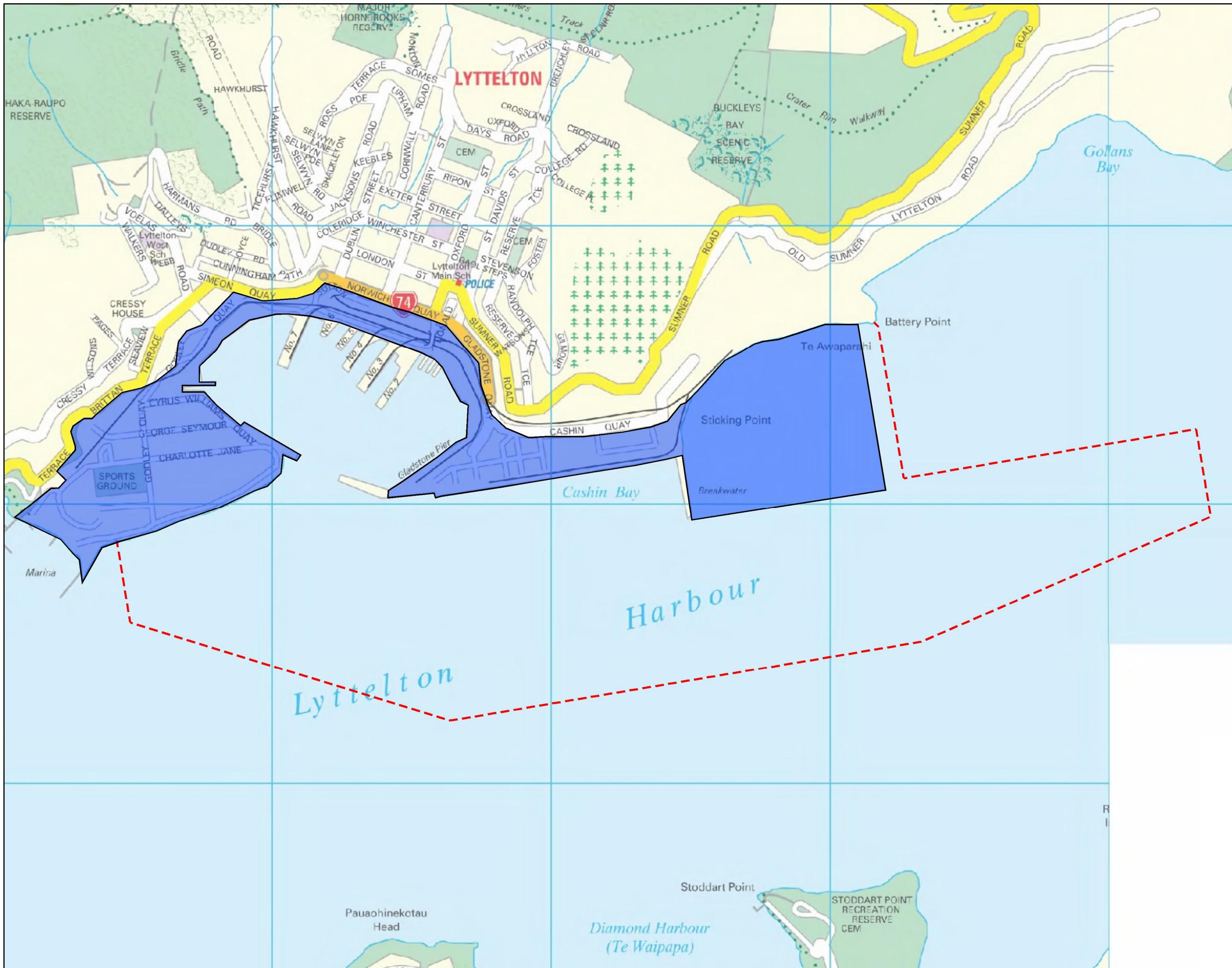
Area A (Stormwater Discharges)

SCALE 1: 12,500

6

000 700 800 (m)

Street map sourced from Terralink International (Copyright 2002-2005 Terralink International Limited and its licensors)



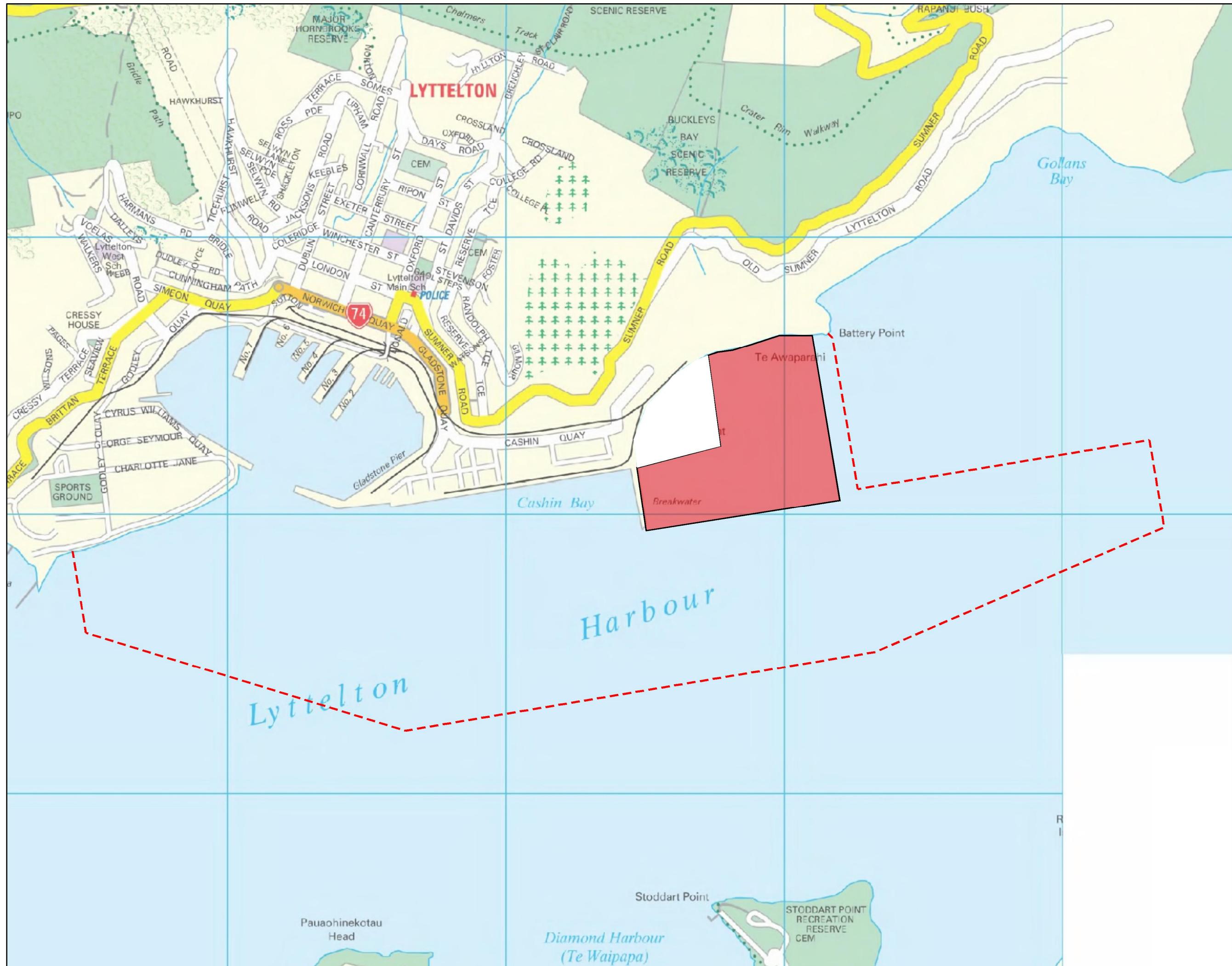
MAP 5.1A Operation Area of the Port of Lyttelton & Te Awaparahi Bay Reclamation



Boundary of the Operational Area of the Port of Lyttelton

Area A (Te Awaparahi Bay Reclamation)

0.1 0.2 0.3 0.4 0.5 (km)

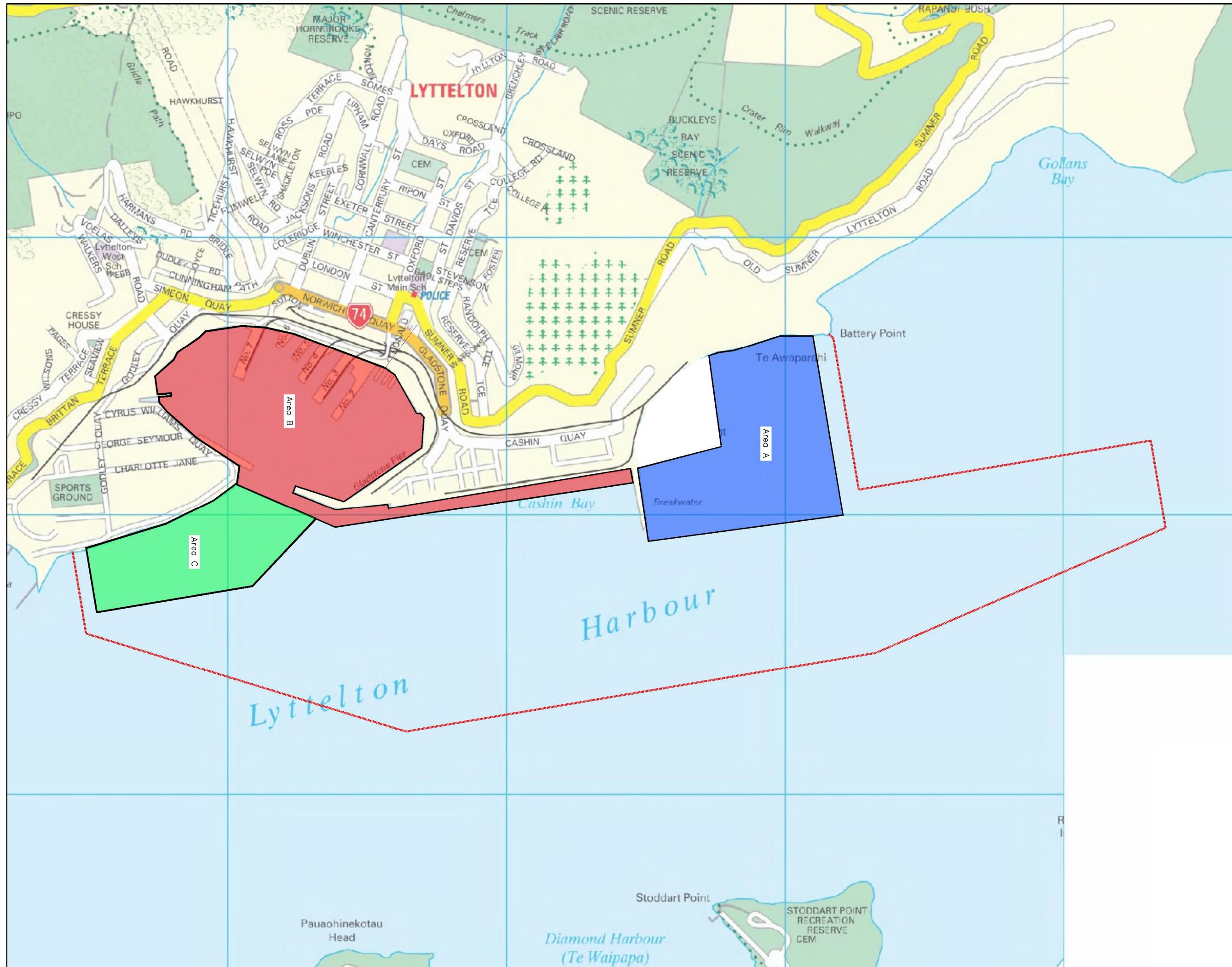
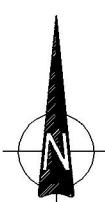


MAP 5.1B Operation Area of the Port of Lyttelton and Wharf Structure Areas

Boundary of the Operational Area of the Port of Lyttelton

SCALE 1: 12,500
0 100 200 300 400 500 600 700 800 (m)

Street map sourced from Terralink International (Copyright 2002-2005 Terralink International Limited and its licensors).



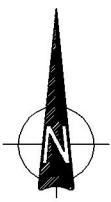
MAP 5.1C Inner Harbour - Port of Lyttelton



Dredging Area with
Additional Controls

0 50 100 150 200 250 (m)

A3 SCALE 1:5000
Street map sourced from Terralink International (Copyright
2002-2005 Terralink International Limited and its licensors).



MAP 5.1D Occupation & Operational Areas of the Port of Lyttelton

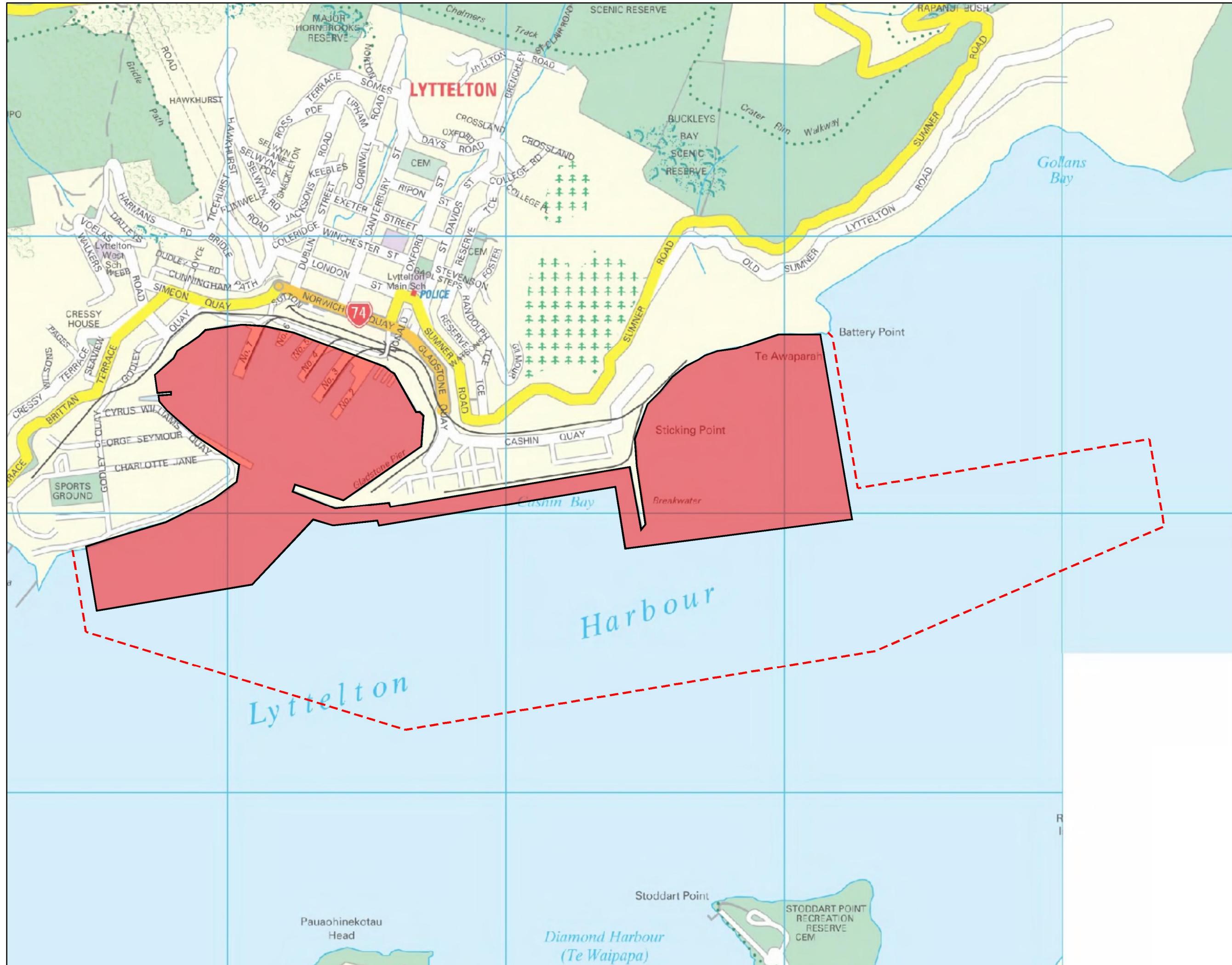


Boundary of the Operational Area of the Port of Lyttelton

Occupation by Port Activities

SCALE 1: 12,500

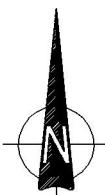
0
100
200
300
400
500
600
700
800 (m)



MAP 5.3 Main Navigation Channel of the Port of Lyttelton



Main Navigation Channel



Street map sourced from Terralink International (Copyright 2002-2005 Terralink International Limited and its licensors).



MAP 5.5 Stormwater Discharge & Dredge Spoil Dumping Areas



AMENDMENTS TO THE PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN

NEW Section 10A: Banks Peninsula - Lyttelton Port of Christchurch

Insert the following Introduction, Policy and Explanation

Introduction

Lyttelton Port suffered extensive damage from the earthquakes in 2010 and 2011. The insertion of this subsection forms part of the Lyttelton Port Recovery Plan, which was prepared in response to this damage. The Lyttelton Port Recovery Plan was directed by the Minister for Canterbury Earthquake Recovery.

The provisions contained in Section 10A are consistent with the Recovery Strategy for Greater Christchurch, the Land the Land Use Recovery Plan for Greater Christchurch.

Section 10A contains a policy and a number of rules. These rules replace a number of specific rules listed in Section 5. The other provisions of the Proposed Canterbury Land and Water Regional Plan continue to apply.

Objective 3.16A: Activities at Lyttelton Port

10A To expedite the recovery of Lyttelton Port, including its repair, rebuild and reconfiguration, so that its operation is restored and enhanced.

Policy 3.24: Recovery Process Lyttelton Port

10.2A Ensure a focused and expedited decision making process for Lyttelton Port by requiring resource consent applications relating to stormwater, vegetation clearance, earthworks including excavation, deposition and associated dewatering to be processed and considered without public or limited notification. In addition, ensure the social, economic, cultural and environmental well-being of communities is met by requiring adverse effects from the repair, rebuild and reconfiguration of the Port to be mitigated through conditions of resource consent.

Explanation

The policy recognises the need for a focused and expedited decision making process for Lyttelton Port by permitting activities or requiring resource consent applications to be processed and considered without public or limited notification. The social, economic, cultural and environmental well-being of communities is also being met by the appropriate mitigation of adverse effects through conditions of consent on certain activities involving:

- Earthwork and vegetation clearance and stormwater discharges on the hillslopes above the Port; and
- Excavation, deposition and dewatering of a site on reclaimed land.

Insert the following new Rules

The rules in Chapter 10A apply to the following:

For Area A on Map 10A:

Rule 10A.1: The taking, diverting and the discharging of clean stormwater;

Rules 10A.2 & 3: The discharge of dirty stormwater;

Rule 10A.4: Earthworks and vegetation clearance in beds of rivers or riparian areas;

For Area B on Map 10A:

Rule 10A.5: Site Dewatering

Rules 10A.6-10A.8 Earthworks carried out over an aquifer

Sub-regional Rule 10A.1 prevails over Rules 5.6, 5.95, 5.96 and 5.97 contained in Section 5

Sub-regional Rule 10A.2 & 3 Rules 5.95, 5.96, and 5.97 contained in Section 5

Sub-Regional Rule 10.4A prevails over Rules 5.6, 5.163, 5.167, 5.168, and 5.169 contained in Section 5

Sub-Regional Rule 10.5A Rules 5.119 and 5.120 contained in Section 5

Sub-regional Rules 10.6A – 10.8A prevail over Rules 5.175 to 5.178 contained in Section 5

All other rules contained in Section 5 apply.

Diversion and Discharge of Clean Stormwater – Permitted Activity

Rule 10A.1 The taking and diverting of stormwater around land used for Earthworks, within Area A shown on Map 10A, and to discharge clean stormwater into a water body or onto land is a permitted activity.

Stormwater Discharge – Permitted Activity

Rule 10A.2 The discharge of stormwater from land used for Earthworks, within Area A shown on Map 10A, onto or into land or onto or into land in circumstances where a contaminant may enter a water body, is a Permitted Activity, provided that volume any Earthworks do not exceed 10m³ per annum where loess is present or otherwise 500 m² per annum.

Stormwater Discharge - Controlled Activity

Rule 10A.3 The discharge of stormwater from land used for Earthworks, within Area B shown on Map 10A onto or into land or onto or into land in circumstances where a contaminant may enter a surface water body, and

which does not comply with Rule 10.A.2, is a Controlled Activity. The Council has reserved control over the following matters:

- (i) The introduction of erosion and sediment control measures;
- (ii) The preparation of an erosion and control sediment plan;
- (iii) Methods to monitor stormwater;
- (iv) Methods to avoid spillages and measures to contain any spillages.

Notification

An application for resource controlled activity resource consent under this rule will be processed and considered without public or limited notification.

Earthworks and Vegetation Clearance in Beds of Rivers and Riparian Areas – Controlled Activity

Rule 10A.4 The use of land for Earthworks and Vegetation Clearance or vegetation disturbance within a bed of a river, or within 5 m of a bed of a river within Area B shown on Map 10A is a Controlled Activity. The Council has reserved control over the following matters:

- (i) The preparation of a construction and environmental management plan;
- (ii) Management of the earthworks and vegetation clearance to minimise sediment entering the ephemeral streams during periods of flow;
- (iii) Methods to remove cleared vegetation from any streambed or riparian area;
- (iv) Methods to avoid spillages and measures to contain any spillages.

Notification

An application for resource controlled activity resource consent under this rule will be processed and considered without public or limited notification.

Site Dewatering – Controlled Activity

Rule 10A.5 The taking of water from groundwater within Area A shown on Map 10A for the purpose of de-watering for carrying out excavation, construction, maintenance and geotechnical testing and the associated use and discharge of that water that does not meet one or more of the conditions in Section 5, Rule 5.119 is controlled activity. The Council

has reserved control over the monitoring of any potential adverse effects on coastal water quality and the need for any mitigation measures.

Notification

An application for resource controlled activity resource consent under this rule will be processed and considered without public or limited notification.

Earthworks over Aquifers – Permitted Activity

Rule 10A.6 The use of land to excavate material within Area B shown on Map 10A is a Permitted Activity.

Earthworks over Aquifers – Permitted Activity

Rule 10A.7 The use of land for the deposition of material located over an unconfined or semi-confined aquifer is a permitted activity, provided that the following condition is met:

1. Any material deposited into the groundwater, or within 1 m of the groundwater, shall be only cleanfill.

Earthworks over Aquifers – Rule 10A.8 – Restricted Discretionary Activity

Rule 10A.8 The use of land for the deposition of material that does comply with condition 1 Rule 10A.7 is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The potential for adverse effects of the material and associated mitigation measures;
2. The amount of any material and its potential to cause contamination.

DRAFT AMENDMENTS TO The NATURAL RESOURCES REGIONAL PLAN - LYTTELTON PORT OF CHRISTCHURCH

Chapter 3: Air Quality

Insert the following Policy and Explanation

Policy AQL8A: Discharges to Air from Recovery Activities at Lyttelton Port

Policy AQL8A

To enable the discharge of dust associated with the repair, rebuild and reconfiguration activities at the Lyttelton Port while controlling any dust that is considered to have an objectionable or offensive effect on a Sensitive Activity.

Explanation

The policies reflect the need for a focused and expedited decision making process for Lyttelton Port by permitting recovery activities that may emit dust. However, the social, economic, cultural and environmental well-being of communities is also being met by controlling the emission of any dust that may be objectionable or offensive at a site containing a Sensitive Activity.

Insert the following Rule

New Rule AQL42D

Except as proved for in Rules AQL42, AQL42A, and Rule AQL42B, the discharge of contaminants into air from the extraction, handling, processing, conveying, or storage of bulk materials associated with the rebuild, repair or reconfiguration of the Port of Lyttelton shown on Map 5.2 in Schedule AQL7 is a controlled activity.

The Council has reserved control over the preparation of a dust management plan and associated methods to manage dust emissions.

Standard and Term on Rule AQL42D

1. The dispersal or deposition of particles shall not cause an objectionable or offensive effect beyond the boundary of the property where the discharge originates.

For the purposes of Rule AQL42D, rebuild, repair or reconfiguration includes but is not limited to:

1. Reclamation;
 2. Quarrying;
 3. Construction of new roads or tracks
- : And the rebuild, repair or reconfiguration of:

1. Wharf Structures and other buildings;
2. Seawalls;
3. Hard Standing Areas;
4. Existing roads or tracks:

But excludes;

1. The handling and storage of cargo that involves bulk materials.

Amend the following Rule AQL42C

Except as provided for in Rules AQL42, ~~and AQL42B, and AQL42D~~ the discharge of contaminants into air on industrial or trade premises or involving, or as part of, industrial or trade processes from the extraction, handling, conveying, or storage of bulk materials:

- (a) on land shown as 'LP' on the Maps S1, S2 and S3 in Schedule AQL7, and;
- (b) on land (excluding the Coastal Marine Area) within the Boundary of the Operational Area of the Port of Lyttelton as shown on Map 5.1 in Schedule AQL7, is a **restricted discretionary activity**.

Chapter 4: Water Quality

Insert the following Policy and Explanation

Policy WQL21: Activities at Lyttelton Port

To ensure the provisions in Chapter 4 expedite the recovery of Lyttelton Port, including its repair, rebuild and reconfiguration, so that its operation is restored and enhanced.

Explanation

The policy recognises the need for a focused and expedited decision making process for Lyttelton Port. It is an interim policy because the NRRP will be shortly superseded by the Proposed Land and Water Plan and this Plan addresses land-based water quality matters that are relevant at the port.

Insert the following new Rule

Rule WQL49: Lyttelton Port – Permitted Activities

Any activity listed under Rules WQL 1 to WQL 48 is a Permitted Activity provided that the activity is located within the Area A shown on the map contained in Figure WQL11.

Advice Note

This rule was implemented under the Lyttelton Port Recovery Plan. It was written after decisions have been made to the Proposed Canterbury Land and Water Regional Plan but some Appeals to the High Court remain unresolved. Nevertheless, the Appeals are on water quality matters that are of no relevance to port-related activities. Therefore the provisions on water quality set out Proposed Canterbury Land and Water Regional Plan, and amended by Lyttelton Port Recovery Plan, address this topic.

Chapter 6: Beds of Lakes and Rivers

Insert the following Policy and Explanation

Policy BRL3: Activities at Lyttelton Port

To ensure the provisions in Chapter 4 expedite the recovery of Lyttelton Port, including its repair, rebuild and reconfiguration, so that its operation is restored and enhanced.

Explanation

The policy recognises the need for a focused and expedited decision making process for Lyttelton Port. It is an interim policy because the NRRP will be shortly superseded by the Proposed Land and Water Plan and this Plan addresses activities on the beds of lakes and rivers which are relevant at the port.

Insert the following new Rule

Rule BLR9: Lyttelton Port – Permitted Activities

Any activity listed under Rules BLR 1 to BLR 9 is a Permitted Activity provided that the activity is located within Area A shown on the map contained in Figure BRL3.

Advice Note

This rule was implemented under the Lyttelton Port Recovery Plan. It was written after decisions have been made to the Proposed Canterbury Land and Water Regional Plan but some Appeals to the High Court remain unresolved. Nevertheless, the Appeals are on water quality matters of no relevance to this chapter. Therefore the provisions relating to the bed of a river set out Proposed Canterbury Land and Water Regional Plan, and amended by Lyttelton Port Recovery Plan, address this topic.

DRAFT AMENDMENTS ON THE LAND AND VEGETATION MANGAGEMENT REGIONAL PLAN

Part II: Earthworks and Vegetation Clearance – Port Hills

Insert the following Policy and Explanation

Policy 4: Activities at Lyttelton Port

To ensure the provisions in the Land and Vegetation Management Regional Plan expedite the recovery of Lyttelton Port, including its repair, rebuild and reconfiguration, so that its operation is restored and enhanced.

Explanation

The policy recognises the need for a focused and expedited decision making process for Lyttelton Port. It is an interim policy because the Regional Land and Vegetation Management Regional Plan will be shortly superseded by the Proposed Land and Water Plan and this plan addresses earthwork and vegetation clearance activities which are relevant at the port.

Insert the following new Rule

Rule 7: Lyttelton Port – Permitted Activities

Any activity listed under Rules 1 to 6 is a Permitted Activity provided that the activity is located within Area A shown on Sheet 14.

Advice Note

This rule was implemented under the Lyttelton Port Recovery Plan. It was written after decisions have been made to the Proposed Canterbury Land and Water Regional Plan but some Appeals to the High Court remain unresolved. Nevertheless, the Appeals are of no relevance to this Plan. Therefore the provisions relating earthworks and vegetation clearance set out Proposed Canterbury Land and Water Regional Plan, and amended by Lyttelton Port Recovery Plan, address this topic.

MAP 10A Stormwater Discharge Area

