

# LYTTTELTON PORT RECOVERY PLAN

TE MAHERE WHAKARAUORA I TE PŪAHA O ŌHINEHOU



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Canterbury Earthquake Recovery Authority  
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**Contact**

Canterbury Earthquake Recovery Authority  
Private Bag 4999, Christchurch 8140  
info@cera.govt.nz  
0800 7464 2372 toll-free  
www.cera.govt.nz

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# FOREWORD

## HE KUPU WHAKATAKI

The redevelopment of the Lyttelton Port is a vital step for the recovery of not just the Port Company and its operations, but also the Canterbury region. Since 1849, Lyttelton Port has supported the growth of Canterbury. It has grown from a collection of wharves and jetties to a thriving international port and crucial gateway to the South Island.

The strategic infrastructure of Lyttelton Port is an important economic and social asset to Canterbury. Despite continuing vital operations following the 2010 and 2011 earthquakes, the Port's infrastructure is in need of major repair. This is why I directed Canterbury Regional Council and Lyttelton Port Company Limited to develop this Recovery Plan.

A thriving Lyttelton Port is a vital component of long-term recovery and an investment that will continue to bring wealth to the region. This Recovery Plan will enable the Port to make an efficient and timely recovery and provide it with the capacity to accommodate future international freight demand – which is predicted to come from more and bigger vessels.

The Recovery Plan will achieve this by providing an appropriate framework for the Port's recovery and continued growth for the industry and wider region. It sets out a vision for the Port's future, implemented through five statutory actions that make necessary changes to related planning documents. It also records agreements and mutual understandings that set out the commitment of local government, Te Rūnanga o Ngāi Tahu and government agencies to the future wellbeing and development of Lyttelton Port and the surrounding community.

Importantly this Recovery Plan presents the opportunity to enhance mahinga kai, the health of the harbour, and community wellbeing. It also facilitates the return of cruise ships to Lyttelton and provides the Lyttelton community with improved access to the waterfront at Dampier Bay by connecting the township to Whakaraupō/Lyttelton Harbour.

I would like to thank everyone who contributed to the development of the Lyttelton Port Recovery Plan, particularly the Lyttelton community and our partners – Canterbury Regional Council, Te Rūnanga o Ngāi Tahu, Christchurch City Council, Selwyn District Council, Waimakariri District Council, New Zealand Transport Agency and the Department of Conservation. Consultation undertaken during the preparation of the Recovery Plan has been integral to its development and the high level of engagement shown by the community and other stakeholders has both shaped and improved the Recovery Plan.

I look forward to seeing the realisation of this Recovery Plan – a resilient and efficient Lyttelton Port that in turn contributes to the recovery of the Lyttelton community and the Canterbury region.



Hon Gerry Brownlee  
**Minister for Canterbury  
Earthquake Recovery**

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# EXECUTIVE SUMMARY

## TE WHAKARĀPOPOTONGA MATUA

The primary purpose of the Recovery Plan is to enable Lyttelton Port to recover from the extensive damage that it received during the series of earthquakes in greater Christchurch in 2010 and 2011. While Lyttelton Port has continued to provide vital services, much of its infrastructure needs to be repaired or rebuilt.

The Recovery Plan makes amendments to the following Resource Management Act 1991 planning documents (refer Appendices 1–5): the Canterbury Regional Policy Statement; Regional Coastal Environment Plan for the Canterbury Region; Christchurch Replacement District Plan; proposed Canterbury Land and Water Regional Plan; and proposed Canterbury Air Regional Plan.

The amendments facilitate port recovery and rebuild activities that:

- Provide for the reclamation of up to 24 hectares of land for a new container terminal within Te Awaparahi Bay adjacent to the existing consented 10-hectare reclamation for port operational land. The additional reclaimed land will enable Lyttelton Port to gradually move its operations east away from Lyttelton township
- Provide for the repair, rebuild and demolition of wharf structures in the inner harbour and Cashin Quay as a permitted activity



- Make provision for the ferry terminal to be moved to Dampier Bay if required, but a move is not directed as a part of the Recovery Plan
- Provide for the construction of a cruise ship berth for larger cruise ships as a permitted activity in the inner harbour and at Cashin Quay. Outside of these areas it will be a discretionary activity
- Provide for development of commercial activities in Dampier Bay
- Enable dredging to deepen berth pockets adjacent to the inner harbour and Cashin Quay, maintenance dredging to create a berth pocket adjacent to Te Awaparahi Bay; and dredging to deepen and widen the main navigational channel
- Provide controls on future resource consents that minimise disruption for Lyttelton Port's neighbours and the wider harbour community as far as possible and limit other negative effects on the environment during reclamation and other construction activities.

During the development of the Lyttelton Port Recovery Plan, parties reached agreements and commitments that are neither statutory requirements nor requirements directed by the Recovery Plan. For example:

- Canterbury Regional Council, Lyttelton Port Company Limited, Te Hapū o Ngāti Wheke, Christchurch City Council and Te Rūnanga o Ngāi Tahu with Tāngata Tiaki agreed to develop a catchment management plan for the Whakaraupō/Lyttelton Harbour in accordance with the philosophy of ki uta ki tai (from the mountains to the sea)
- Christchurch City Council, Canterbury Regional Council, the New Zealand Transport Agency, Lyttelton Port Company Limited and KiwiRail agreed to develop a Memorandum of Understanding that sets out the principles of working together to ensure a transport network that supports recovery while maintaining safe and efficient transport solutions for users
- New Zealand Transport Agency is upgrading pedestrian access across Norwich Quay
- Christchurch City Council and Lyttelton Port Company Limited have committed to looking at options for short-term and long-term solutions to providing a dedicated cruise ship berth facility at Lyttelton Port and at funding for these options.



# VISION AND GOALS

## TE MOEMOEĀ ME ŌNA WAWATA

### 1.1. VISION

The rebuilt Lyttelton Port is resilient and efficient, and contributes positively to the social, economic, cultural and environmental wellbeing of Lyttelton township, harbour-side communities and greater Christchurch.

### 1.2. GOALS

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 Lyttelton 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 Lyttelton Port
  - b. Provide safe routes and an 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 wellbeing of Whakaraupō/Lyttelton Harbour and the surrounding harbour communities.



# WHAT IS THE LYTTTELTON PORT RECOVERY PLAN?

HE AHA TE MAHERE WHAKARAUORA I TE PŪAHA O ŌHINEHOU?

## 2.1. WHY IS A RECOVERY PLAN NEEDED?

Lyttelton Port was extensively damaged during the series of earthquakes that affected greater Christchurch in 2010 and 2011. The Port's infrastructure was already under pressure before the earthquakes. Trends in international shipping and increasing freight demands mean that the pre-earthquake configuration is inadequate. Reconfiguration and improvement of port infrastructure will contribute to the long-term recovery of the Lyttelton community and greater Christchurch communities, and will address some of the detrimental effects of Lyttelton Port on surrounding communities and the natural environment.

Existing planning documents prepared under the Resource Management Act 1991, in particular, the Regional Coastal Environment Plan for the Canterbury Region, could not deal effectively with a port rebuild of this scale.

Because of Lyttelton Port's essential role in the recovery and economic productivity of greater Christchurch and the wider region, delays and inefficiency in its recovery are to be avoided.

## 2.2. STATUS AND EFFECT OF THE LYTTTELTON PORT RECOVERY PLAN

The Lyttelton Port Recovery Plan is a statutory document under the Canterbury Earthquake Recovery Act 2011 and gains its force and effect from sections 21 to 26 of the Act inclusive. These sections provide for the Recovery Plan's relationship with other instruments (such as conservation strategies and local government long terms plans) and Resource Management Act 1991 documents.

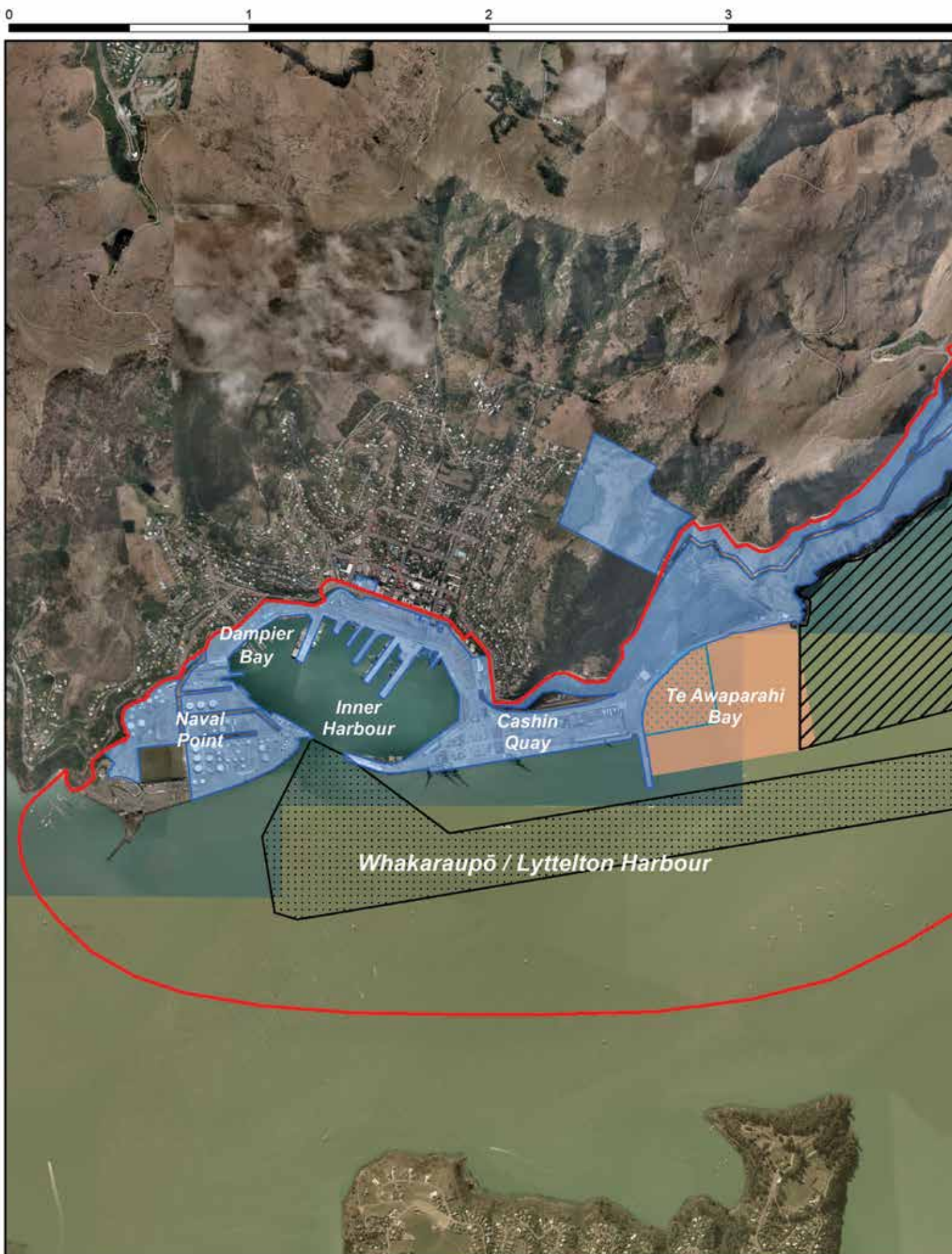
The Recovery Plan directs Canterbury Regional Council and Christchurch City Council to make amendments to Resource Management Act 1991 documents to give effect to the Recovery Plan (refer to Appendices 1–5).

## 2.3. SCOPE OF THE LYTTTELTON PORT RECOVERY PLAN

The Minister for Canterbury Earthquake Recovery's Direction to prepare a Recovery Plan included all land in the Lyttelton Port area owned, occupied or used by Lyttelton Port Company Limited at the date of the Minister's Direction, pockets of land within that geographic area under separate ownership, and the area of Norwich Quay (Figure 1). The Direction specifically excludes Sumner Road/Evans Pass. It is not a recovery plan for Lyttelton township or Whakaraupō/Lyttelton Harbour as a whole.

The Direction allowed Canterbury Regional Council to include other land or areas within the geographic extent of the Recovery Plan if it considered it necessary. During the development of the Recovery Plan, Canterbury Regional Council determined that it was necessary to extend the geographic scope to include the existing main navigational channel, existing spoil dumping grounds, and the area of Lyttelton Port Company Limited's proposed capital dredging.

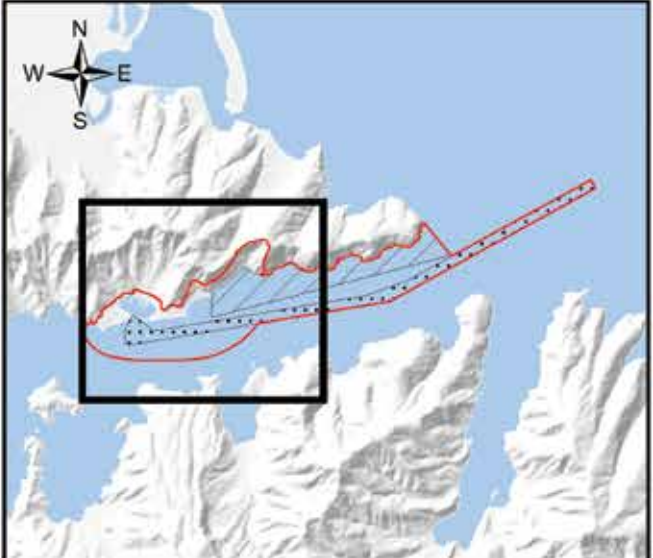
Figure 1: Geographic extent of the Lyttelton Port Recovery Plan







-  Geographic Extent of the Recovery Plan
-  Enlarged Main Navigation Channel
-  Dredging Spoil Dumping Grounds
-  Lyttelton Port Company - Site Boundary
-  Lyttelton Port Company Land
-  Consented reclamation
-  Reclamation Area (subject to consent)





## **2.4. THE PROCESS FOR DEVELOPING THE LYTTTELTON PORT RECOVERY PLAN**

The Direction of the Minister for Canterbury Earthquake Recovery in June 2014 placed duties on Canterbury Regional Council and Lyttelton Port Company Limited to develop a draft Lyttelton Port Recovery Plan. Lyttelton Port Company Limited undertook consultation to inform the development of its planned recovery works and assessment of effects. The information was then delivered to Canterbury Regional Council.

Canterbury Regional Council used the information from Lyttelton Port to develop the preliminary draft Lyttelton Port Recovery Plan. This process included expert review of Lyttelton Port Company Limited's technical reports, together with consideration of the recovery needs of Lyttelton Port and the wellbeing of surrounding communities.

Canterbury Regional Council then released the preliminary draft Lyttelton Port Recovery Plan for public submissions and convened an independent hearing panel. Hearings were held in early June 2015.

Canterbury Regional Council delivered the draft Lyttelton Port Recovery Plan to the Minister on 13 August 2015, who immediately notified the draft Recovery Plan and invited written comments. The Minister considered the comments in conjunction with the information provided by Canterbury Regional Council and other stakeholders, before making a final decision on the Lyttelton Port Recovery Plan in November 2015.

## **2.5. INTEGRATION WITH WIDER RECOVERY PLANNING**

The Recovery Plan has been developed under the built environment activity area of the Recovery Strategy for Greater Christchurch: Mahere Haumanutanga o Waitaha. It is also consistent with the other five areas of activity: leadership and integration, economic recovery, social recovery, cultural recovery and natural environment recovery.

The implementation of the Recovery Plan must be aligned with the implementation of the Land Use Recovery Plan – Te Mahere Whakahaumanu Tāone and Christchurch Central Recovery Plan – Te Mahere 'Maraka Ōtautahi'.

It has also been developed to give effect to the New Zealand Coastal Policy Statement 2010.

The following documents are relevant to the development and implementation of the Recovery Plan:

- Mahaanui Iwi Management Plan 2013
- Lyttelton Master Plan 2012
- Greater Christchurch Transport Statement 2012.

# KEY CONSIDERATIONS FOR LYTTTELTON PORT

## NGĀ TAKE MOTUHAKE O TE PŪAHA O ŌHINEHOU

The following is a summary of the key considerations for the Lyttelton Port Recovery Plan. Section 4 details how these considerations are addressed in the Recovery Plan. Section 5 describes the agreements and commitments reached by parties during the development of the Lyttelton Port Recovery Plan.

### 3.1. LIMITED FLAT LAND AVAILABLE FOR PORT ACTIVITIES

Lyttelton Port is operating beyond capacity and freight volumes are increasing. Without the ability to handle larger ships and freight volumes, 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 would be at a cost to the region.

Lyttelton Port is seeking an additional 24-hectare reclamation in Te Awaparahi Bay. This is in addition to the 10 hectares of reclamation that was provided for by way of an Order in Council made under the Canterbury Earthquake Recovery Act 2011 on 26 May 2011<sup>1</sup>.

### 3.2. EARTHQUAKE-DAMAGED INFRASTRUCTURE

Some of Lyttelton Port Company Limited's assets are up to 150 years old. The damage caused by the earthquakes significantly reduced the resilience of its infrastructure.

Lyttelton Port is seeking to repair and rebuild its infrastructure at Cashin Quay and to repair, replace or demolish its infrastructure within the inner harbour.

### 3.3. DEEPER AND LONGER SHIPPING CHANNEL AND TURNING BASIN NEEDED

To accommodate larger ships, Lyttelton Port requires deeper and longer shipping channels. If Lyttelton Port is only serviced by relatively small, old and costly ships, it could disadvantage Christchurch and Canterbury in terms of economic efficiency and growth.

Lyttelton Port Company Limited is seeking to deepen and widen the main navigational channel and to create and deepen ship-turning basins adjacent to Te Awaparahi and Cashin Quay reclamations.

### 3.4. DEMAND FOR A LARGER, MORE MODERN MARINA NEAR LYTTTELTON

In 2001, a newly built marina in Magazine Bay was destroyed by a storm, and a replacement has not been built since due to the cost of providing adequate protection from future storms. As a result, the only moorings available are small pile or swing moorings located around the harbour, limiting access for boating and related recreational activities.

<sup>1</sup> For more information, refer to the Canterbury Earthquake (Resource Management Act Port of Lyttelton Recovery) Order 2011 (SR 2011/148).

The first phase of the Dampier Bay redevelopment and expansion that the Lyttelton Port Company Limited is proposing will provide approximately 150–200 berths.

### **3.5. BERTHING OF CRUISE SHIPS AT LYTTELTON**

Due to damage to wharves and jetties, Lyttelton Port is currently only able to service smaller cruise ships. With the repair of Cashin Quay wharf, Lyttelton Port Company Limited will be able to accommodate larger ships as it did before the earthquakes. However, industry trends indicate the size of cruise ships is increasing. To accommodate even larger ships, Lyttelton Port Company Limited proposes it is desirable to have a new purpose-built facility located away from the port operational area, including a new wharf and landside infrastructure.

### **3.6. LOCATION OF BERTHS FOR THE FERRY SERVICE TO DIAMOND HARBOUR AND QUAIL ISLAND**

Lyttelton Port Company Limited currently provides berths within the operational port area for the ferry service.

Lyttelton Port Company is seeking to relocate the operation of the ferry terminal to a berth adjacent to Dampier Bay. The community has indicated a desire to ensure the terminal is located in close proximity and with direct and convenient access to Lyttelton town centre.

### **3.7. DEVELOPMENT OF DAMPIER BAY**

Once port operations are able to move east to the new container terminal at Te Awaparahi Bay, Lyttelton Port Company Limited proposes to develop its Dampier Bay land as a public open space and commercial development area, improving public access. The specific form of the redevelopment of Dampier Bay is dependent on factors such as its commercial viability.

### **3.8. POTENTIAL ADVERSE EFFECTS OF REPAIR, REBUILD AND RECONFIGURATION ACTIVITIES AND PORT OPERATIONS**

Lyttelton Port's repair, rebuild and reconfiguration activities, as well as its operations, can have adverse effects on surrounding communities and the natural environment, such as through discharges to air, land and water, and visual, light, traffic and noise effects.

- As Lyttelton Port operates 24 hours a day, a sufficient level of lighting is needed to ensure a safe working environment. These lights can be seen from the other settlements around the harbour.
- 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. This noise generated within the coastal marine area could affect nearby residents as well as harbour users and marine ecosystems.
- Development at Lyttelton Port, including the expansion of port areas and the use of land by port facilities such as cranes, will also have effects on the harbour landscape. The effects on landscape will be perceived, or seen, predominantly by those people who live in the surrounding harbour communities and people using the harbour and its surrounds for recreation.
- Environmental effects of port activities include contamination, both through historic port activity and through stormwater entering the harbour. There is potential for contaminants to be discharged as a result of rebuilding work, such as earthworks, piling and dredging.

The large scale of the project for repair, rebuild and reconfiguration means that works will take many years to complete. To address some of the above effects of construction activities, Lyttelton Port Company Limited must prepare and implement a Construction Environmental Management Plan in addition to methods to manage the effects of construction noise on marine mammals.



### 3.9. THE CULTURAL, SPIRITUAL AND TRADITIONAL IMPORTANCE OF WHAKARAUPŌ/LYTTELTON TO NGĀI TAHU

The harbour is part of the Te Tai o Mahaanui (Selwyn–Banks Peninsula Coastal Marine Area) Statutory Acknowledgement under the Ngāi Tahu Claims Settlement Act 1998.

Te Hapū o Ngāti Wheke are the Papatipu Rūnanga who have mana whenua and mana moana (customary authority in relation to land and sea respectively) over Whakaraupō/Lyttelton Harbour and its catchment. Te Rūnanga o Koukourārata, representing the hapū Ngāti Huikai, also have an interest in the Recovery Plan, as some port redevelopment activities may affect Koukourārata/Port Levy.

The Cultural Impact Assessment<sup>2</sup> for Lyttelton Port's proposed recovery activities outlines a number of specific concerns related to Lyttelton Port's recovery. These include the effects of the proposed reclamation in Te Awaparahi Bay, in particular effects on mahinga kai species. There are also concerns about visual effects; 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 mātaihai provisions.

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 values for Ngāi Tahu are recognised in the amendments to Resource Management Act 1991 documents and through the non-statutory commitments and agreements, including a catchment management plan that is to be developed for Whakaraupō/Lyttelton Harbour.

### 3.10. RECREATIONAL USE OF CHRISTCHURCH CITY COUNCIL OWNED LAND AT NAVAL POINT

Naval Point received some damage from the earthquakes, including through rockfall near the Naval Point Club at the southern end of the Point. Submissions from the community asked that the area be revitalised so it can continue to be used for recreational activities both on and off the water.

This issue is the responsibility of Christchurch City Council, which is addressing it.

### 3.11. POTENTIAL OFF-SITE HAZARD FROM BULK LIQUIDS STORAGE AT NAVAL POINT

Development near the bulk liquids storage facilities that increases the duration or level of people-oriented activity, such as through building a cruise ship berth facility, has the potential to increase the hazard.

Christchurch City Council, with support from Lyttelton Port Company Limited and lessees of the bulk liquids storage facilities, has committed to developing a quantitative risk assessment (refer section 5.8). This will be completed within nine months of gazettal of the Recovery Plan.

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<sup>2</sup> 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.

### **3.12. NORWICH QUAY (STATE HIGHWAY 74) AS AN IMPORTANT TRANSPORT LINK**

Projected increases in freight at Lyttelton Port will increase heavy traffic volumes along Norwich Quay. Lyttelton Port Company Limited, port users and the community have different interests and aspirations for Norwich Quay, with many in the community wanting trucks re-routed off Norwich Quay onto an alternative route.

The relevant parties have committed to addressing matters relating to Norwich Quay (refer sections 5.2 and 5.3).

### **3.13. GOLLANS BAY QUARRY REQUIRED FOR PORT RECOVERY**

Quarry activity within an identified footprint in Gollans Bay and work to repair, realign and extend the quarry haul road are 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 for rock for the wider port recovery, Lyttelton Port Company Limited needs to be able to use the Gollans Bay quarry material over a wider area within the Port and over a longer timeframe.

### **3.14. IMPACTS ON NAVIGATION SAFETY REQUIREMENTS**

Navigation safety is managed by Canterbury Regional Council's Navigation Safety Bylaws 2010, which are implemented by the Regional Harbourmaster. Canterbury Regional Council is satisfied that the existing mechanisms in place for dealing with navigation safety at Lyttelton Port are appropriate. However, as the bylaws must be consistent with Resource Management Act 1991 planning documents, they will need amending to reflect the enlarged main navigational channel in Schedule 5.10.1 of the Regional Coastal Environment Plan.

The Lyttelton Port Recovery Plan does not make amendments to the Navigation and Safety Bylaws. These bylaws are currently under review and will be changed under normal review processes.

### **3.15. ACCESS TO GODLEY QUAY AND SUTTON QUAY**

Godley Quay and Simeon Quay have a mix of activities, including traffic from Lyttelton Port, bulk liquids storage facilities (tank farm), and recreational users of Naval Point and Dampier Bay. With future redevelopment at Dampier Bay, there is potential for these activities to increase, particularly prior to the opening of Sutton Quay.

The redevelopment of public access to Dampier Bay requires consideration of the possible traffic effects, including pedestrian and cycle safety, public transport and effects on Norwich Quay, before access to Dampier Bay via Sutton Quay opens.

The relevant parties have committed to addressing matters including access to Godley Quay, Simeon Quay and Sutton Quay (refer section 5.2).

# STATUTORY DIRECTIONS

## NGĀ ARONGA Ā-TURE

To provide a planning framework that recognises the recovery needs of Lyttelton Port and enables the necessary activities to occur in an integrated, timely and efficient manner, amendments to existing Resource Management Act 1991 documents are considered reasonably necessary. The statutory amendments directed by this Recovery Plan are set out below and should be read in conjunction with the full amendments provided in the appendices.

### 4.1. CANTERBURY REGIONAL POLICY STATEMENT

*Chapter 8—The Coastal Environment* is amended to recognise the importance of the recovery of Lyttelton Port in the context of the coastal environment. This amendment adds a clause to explicitly include the recovery of Lyttelton Port as regionally significant infrastructure within the coastal environment, as well as recognising that the recovery of Lyttelton Port includes the development of a container terminal on up to 34 hectares of reclaimed land in Te Awaparahi Bay.

#### Action 1: Recovery framework—Canterbury Regional Policy Statement

**Canterbury Regional Council** is directed, pursuant to sections 24(1) (a) and (b) of the Canterbury Earthquake Recovery Act 2011, to amend the objectives, policies and methods of the **Canterbury Regional Policy Statement** in accordance with **Appendix 1**.

To be completed within **two weeks** of Gazettal of this Recovery Plan

Goals: 1, 4, 5, 6

### 4.2. REGIONAL COASTAL ENVIRONMENT PLAN FOR THE CANTERBURY REGION

#### NEW CHAPTER: LYTTELTON PORT OF CHRISTCHURCH

A new chapter is inserted into the Regional Coastal Environment Plan entitled *Part 2—Issue Resolution, Chapter 10—Lyttelton Port of Christchurch*. There are also amendments to the boundary of the operational area of Lyttelton Port, planning maps, definitions and some of the existing chapters of the Regional Coastal Environment Plan.

The objectives, policies and methods in the new chapter will deal with the erection, maintenance and/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. The provisions:

- Permit the repair of structures, including wharf structures in the inner harbour and Cashin Quay, and dredging to deepen berth pockets adjacent to those structures
- Make it a controlled activity to reclaim an additional 24 hectares of land in Te Awaparahi Bay for a new container terminal. This includes providing for 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 dredging to create berth pockets for ships
- Make it a restricted discretionary activity to conduct dredging to deepen the main navigational channel and ship-turning basins, for the purpose of allowing access for larger vessels with deeper draughts
- Permit maintenance dredging



- Make it a controlled activity to deposit seabed material, from construction activities and dredging, at the spoil dumping grounds
- Permit the development of a cruise ship berth in the inner harbour and at Cashin Quay. Outside of these areas, it will be a discretionary activity
- Permit the erection of a new floating marina in Dampier Bay.

The Recovery Plan further directs the following amendments to the Regional Coastal Environment Plan.

- The boundary of the operational area of Lyttelton Port is to be extended to enable access by larger vessels with deeper draughts. The map coordinates of the new boundary are outlined in the amendments to Schedule 5.11.1 and are shown on Planning Map 10.1 in Appendix 2.
- The main navigational channel defined in Schedule 5.10.1 is widened and lengthened to enable access by larger vessels with deeper draughts.
- The erection of new wharf structures in the inner harbour, which includes a new floating marina in Dampier Bay, is provided for as a permitted activity.
- The existing objectives, policies and rules in Chapter 7 continue to apply to Lyttelton Port unless explicitly excluded in Chapter 10 from applying within the operational area of the Port. Minor amendments to the rules in Chapter 7 are made so it is clear what does and does not apply to Lyttelton Port.
- Minor amendments are made 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 apply. The objectives and policies of this chapter are still applicable, unless specifically excluded.
- New definitions are inserted to provide clarity for interpretation, especially in regard to port activities, wharf structures, dredge spoil and dredging. Amendments are made to the existing definitions of pile mooring area and structure.

#### **Action 2: Recovery framework—Regional Coastal Environment Plan for the Canterbury Region**

**Canterbury Regional Council** is directed, pursuant to sections 24(1)(a) and (b) of the Canterbury Earthquake Recovery Act 2011, to amend the objectives, policies and methods of the **Regional Coastal Environment Plan for the Canterbury Region** in accordance with **Appendix 2**.

Goals: 1, 2, 3d, 4, 5, 8

To be completed within **two weeks** of Gazettal of this Recovery Plan

### **4.3. CHRISTCHURCH REPLACEMENT DISTRICT PLAN**

The Recovery Plan directs provisions to the Christchurch Replacement District Plan that enable recovery of Lyttelton Port 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 provisions retain the relatively enabling framework of the current Banks Peninsula District Plan, as far as appropriate. To that end, many port operational activities are permitted or controlled within the Specific Purpose (Lyttelton Port) Zone.

Controlled activity status has been applied to new public transport facilities and restricted discretionary status has been applied to the connection of Sutton Quay to the Dampier Bay development.

Two non-complying activities are established by these amendments: (non-emergency) helicopter activity during night-time hours and landing areas close to adjoining residential and commercial zones; and 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 connection to Sutton Quay for public pedestrian and vehicle access.

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 of mana whenua cultural values and similar considerations through rules and assessment matters applying to Dampier Bay development. This will allow consideration of matters such as the removal or treatment of stormwater runoff before it enters the coastal marine area.

### Action 3: Recovery framework—proposed Christchurch Replacement District Plan

<b>Christchurch City Council</b> is directed, pursuant to section 24(1)(a) and (b) of the Canterbury Earthquake Recovery Act 2011, to amend the objectives, policies and methods of the <b>proposed Christchurch Replacement District Plan</b> (whether proposed or operative) in accordance with <b>Appendix 3</b> .	To be completed within <b>two weeks</b> of Gazettal of this Recovery Plan
Goals: 1, 2, 3a, 3b, 3c, 5, 6, 7b, 8	

## 4.4. PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN

The Recovery Plan amends the proposed Canterbury Land and Water Regional Plan to provide for the operation of the existing Gollans Bay Quarry and for earthworks on Lyttelton Port Company Limited's flat operational land.

### Action 4: Recovery framework—proposed Canterbury Land and Water Regional Plan

<b>Canterbury Regional Council</b> is directed, pursuant to section 24(1)(a) and (b) of the Canterbury Earthquake Recovery Act 2011, to amend the objectives, policies and methods, of the <b>proposed Canterbury Land and Water Regional Plan</b> in accordance with <b>Appendix 4</b> .	To be completed within <b>two weeks</b> of Gazettal of this Recovery Plan
Goals: 1, 5, 8	

## 4.5. PROPOSED CANTERBURY AIR REGIONAL PLAN

The Recovery Plan amends the proposed Canterbury Air Regional Plan to provide for dust emissions associated with the recovery of Lyttelton Port. Without the amendments, the discharge of dust from industrial or trade premises would be a restricted discretionary activity, 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 a general rule. A new controlled activity rule deals specifically with the discharge of dust associated with the recovery of Lyttelton Port.

### Action 5: Recovery framework—proposed Canterbury Air Regional Plan

<b>Canterbury Regional Council</b> is directed, pursuant to section 24(1)(a) and (b) of the Canterbury Earthquake Recovery Act 2011, to amend methods in the <b>proposed Canterbury Air Regional Plan</b> in accordance with <b>Appendix 5</b> .	To be completed within <b>two weeks</b> of Gazettal of this Recovery Plan
Goals: 1, 3d, 5	

# SUPPORTING COMMITMENTS BY PARTIES

## NGĀ TAUTOKO Ā-RŌPŪ

This section describes the agreements and commitments reached by parties during the development of the Lyttelton Port Recovery Plan. They are neither statutory requirements, which are set out in section 4 of this Recovery Plan and in the appendices, nor requirements directed by the Recovery Plan.

### 5.1. DEVELOPMENT AND IMPLEMENTATION OF A CATCHMENT MANAGEMENT PLAN FOR WHAKARAUPŌ/LYTTELTON HARBOUR

Canterbury Regional Council, Lyttelton Port Company Limited, Te Hapū o Ngāti Wheke, Christchurch City Council and Te Rūnanga o Ngāi Tahu with Tāngata Tiaki have agreed to work together to develop a catchment management plan for the Whakaraupō/Lyttelton Harbour in accordance with the philosophy of ki uta ki tai (from the mountains to the sea). The group will consult with other stakeholders and agree on the organisational and governance structure and process for developing and implementing the catchment management plan. Canterbury Regional Council will facilitate the initial discussions on the structure and process but the longer-term leadership is to be agreed.

A key objective of the Whakaraupō/Lyttelton Harbour Catchment Management Plan is to restore the ecological and cultural health of Whakaraupō/Lyttelton Harbour 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.

Canterbury Regional Council has made funding available for the development of the Whakaraupō/Lyttelton Harbour Catchment Management Plan through its Long-Term Plan 2015–25. Lyttelton Port Company Limited has also committed to provide funding, and funding from other organisations will be identified.

It is proposed that the initial agreement on the organisational and governance structure, as well as on the process for developing and implementing a catchment management plan and funding, will be decided by December 2015. A stocktake of existing traditional and scientific knowledge will be completed by June 2016 and the Whakaraupō/Lyttelton Harbour Catchment Management Plan developed by December 2016.

This commitment is intended to support Goal 2.

### 5.2. TRANSPORT NETWORK – MEMORANDUM OF UNDERSTANDING

Christchurch City Council, Canterbury Regional Council, the New Zealand Transport Agency, Lyttelton Port Company Limited and KiwiRail have agreed to develop a Memorandum of Understanding to formally set out the principles of how they will work together to ensure the provision of a transport network that supports recovery while maintaining safe and efficient transport solutions for users.

The partners will use the context information in the integrated transport assessment supplied with Lyttelton Port Company Limited's 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.



Matters to be addressed include:

- Provision of quality connections from the redeveloped Dampier Bay to the road network while not compromising the function of the State Highway and freight access to Lyttelton Port
- Access to Dampier Bay
- Parking provision and network performance
- Provision of infrastructure to support freight optimisation by road and rail
- Requirements for parking and access in support of cruise ship 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
- Opportunities to improve the amenity of the streetscape and adjacent publicly accessible space.

The Memorandum of Understanding is intended to set out a clear scope, purpose and principles governing the relationship between the parties. It will also direct the parties in the development of an implementation plan, including supporting funding agreements, containing both short-term and longer-term actions to address transport issues in Lyttelton related to Lyttelton Port's recovery.

The Memorandum of Understanding 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.

A Memorandum of Understanding is intended to be signed within three months of Gazettal of the Recovery Plan, or sooner as agreed by the partners. Short-term actions will be confirmed by December 2016 and longer-term actions will be agreed as more detailed information becomes available.

This commitment is intended to support Goals 3a, 5, 7a and 7b.

### **5.3. TRANSPORT NETWORK—PEDESTRIAN ACCESS ACROSS NORWICH QUAY**

The New Zealand Transport Agency will upgrade pedestrian access across Norwich Quay, under its existing funded minor improvements (safety) programme. This upgrade is recognised as involving 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.

The work will be undertaken in consultation with Christchurch City Council and Lyttelton Port Company Limited. Further pedestrian improvements will be considered through the Memorandum of Understanding process. The New Zealand Transport Agency has indicated its intent to complete the pedestrian facility by December 2018.

This commitment is intended to support Goals 3a, 5, 7a and 7b.

### **5.4. DAMPIER BAY PUBLIC ACCESS**

Lyttelton Port Company Limited, Christchurch City Council and Canterbury Regional Council have agreed to enter into a legally binding agreement to:

- Provide safe, convenient, high-amenity public access in perpetuity to and along the waterfront at Dampier Bay
- Ensure access along the waterfront at Dampier Bay will connect to Norwich Quay at the north-eastern end and Godley Quay at the south-western end.

This agreement will ensure a legally binding instrument is provided, such as an esplanade strip, access strip or equivalent, with an easement, right-of-way or equivalent linking the waterfront to public roads.

This agreement will also cover:

- The likely staging of implementation of the public promenade
- Access to Norwich Quay from Dampier Bay
- The indicative location and dimensions of public access, including the promenade.

In addition, this agreement will provide for community input into the design process for the promenade.

The access agreement is intended to be signed by all parties within three months of Gazettal of the Recovery Plan. The legally binding instrument will be implemented by July 2021, unless the parties agree on a variation.

This commitment is intended to support Goals 3a, 3b, 3c and 7b.

## **5.5. DAMPIER BAY URBAN DESIGN GUIDE**

Lyttelton Port Company Limited has agreed to prepare design guidance on the development of new buildings and public space in the Dampier Bay area. This will complement the new rules to be introduced into the Christchurch Replacement District Plan, which require resource consents for new buildings and public amenity areas in Dampier Bay. The design guidance will address how the development of new buildings and public spaces will maintain and enhance the historic, maritime and industrial character of Lyttelton Port and will consider Ngāi Tahu cultural landscape values.

Lyttelton Port Company Limited intends that the preparation of the design guidance will be a collaborative process, including members of the community, local rūnanga and Christchurch City Council. It is proposed the urban design guide will be completed and provided to Christchurch City Council within six months of Gazettal of the Recovery Plan.

This commitment is intended to support Goals 2, 3a and 3c.

## **5.6. NAVAL POINT**

Naval Point recreation area is an important recreational asset for greater Christchurch for the sailing of dinghies, windsurfers, trailer yachts and keelboats, yacht racing, learn to sail courses, power boating, paddle boarding, sea kayaking, ocean swimming and waka ama. It provides the only convenient all tide boat launching facilities near to Christchurch City and the land area supports the recreational marine activities. It is important that Naval Point continues to provide for recreation users.

Christchurch City Council is preparing a development plan for the area. The development plan will provide for public boat ramp and launching facilities, recreation facilities, public facilities, boat parking and car parking. Christchurch City Council will provide the opportunity for community participation in the development plan process.

This commitment is intended to support Goals 2 and 3b.

## **5.7. CRUISE SHIP BERTH**

Christchurch City Council and Lyttelton Port Company Limited have committed to looking at options for short-term and long-term solutions to providing for a dedicated cruise ship berth facility at Lyttelton Port and funding for these options. They will consider the preferred location of the cruise ship berth facility, taking into account the landside and waterside requirements of the cruise ship industry and the needs of other users, and transport and servicing needs. This consideration will include assessment of risk in relation to hazardous facilities in the vicinity and the ability to meet future demands, including the results of a quantitative risk assessment of the bulk liquids storage facilities (discussed below).

Christchurch City Council and Lyttelton Port Company Limited will agree on a collaborative approach to progress a fit-for-purpose cruise ship berth facility in Lyttelton to achieve a timely return as a cruise destination. The process may involve other interested parties.

This commitment is intended to support Goals 1, 3c, 4 and 6.

## **5.8. BULK LIQUIDS STORAGE FACILITIES**

Christchurch City Council, with support from Lyttelton Port Company Limited and the lessees of the bulk liquids storage facilities, has committed to developing a quantitative risk assessment of the bulk liquids storage facilities at Naval Point within nine months of Gazettal of the Recovery Plan.

This commitment is intended to support Goals 1, 3a, 3b, 4 and 5.

# MONITORING

## TE 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 Canterbury Earthquake Recovery Act 2011, and to achieve the vision and goals of the Recovery Plan.

Under section 35 of the Resource Management Act 1991, 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 Resource Management Act 1991 documents by the Recovery Plan will be subject to these requirements. The exercise of any resource consents granted under these provisions will also be monitored.

Canterbury Regional Council will also liaise with the agencies with responsibilities for actions under the Recovery Plan. It will report every six months to the Urban Development Strategy Implementation Committee on progress with the implementation of the Recovery Plan.



# FUNDING

## TE PŪTEA

Any funding indicated by 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 Canterbury Regional Council and Christchurch City Council in support of projects will be determined through the Long Term Plan process under the Local Government Act 2002.

Lyttelton Port Company Limited is the source of the funding for all repair, rebuild and reconfiguration of Lyttelton Port's operational area and Dampier Bay, excluding the commercial development which it intends to progress with a private development partner. In addition, it has agreed to commit funding to the Whakaraupō/Lyttelton Harbour Catchment Management Plan.

# GLOSSARY OF TERMS AND ABBREVIATIONS

## HE PAPA KUPU

<b>hapū</b>	Sub-tribe, clan, section of a large tribe.
<b>mahinga kai</b>	Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources.
<b>mana moana</b>	Traditional authority over the sea and lakes.
<b>mana whenua</b>	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.
<b>mātaitai</b>	Traditional fishing area.
<b>Papatipu Rūnanga</b>	While Te Rūnanga o Ngāi Tahu is the legal representative of Ngāi Tahu Whānui (the extended tribe of Ngāi Tahu), Papatipu Rūnanga as the local hapū are kaitiaki (guardians) and rangatira (leaders) and have mana whenua (customary authority) of the natural resources within their takiwā boundaries.
<b>recovery</b>	As defined in the Canterbury Earthquake Recovery Act 2011, recovery includes restoration and enhancement.
<b>takiwā</b>	Tribal or hapū district, or area.
<b>tāngata whenua</b>	In relation to a particular area, the iwi or hapū that holds mana whenua over that area. Local people of the land.
<b>Urban Development Strategy Implementation Committee</b>	A joint committee of representatives from the Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Waimakariri District Council and Te Rūnanga o Ngāi Tahu, which manages the implementation of the Urban Development Strategy.





# APPENDICES TO THE LYTTTELTON PORT RECOVERY PLAN

HE ĀPITIHANGA

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## Understanding the changes

The changes to the Resource Management Act 1991 documents are varied. In some instances it has been necessary to replace entire provisions with new provisions, whereas in other cases it has been possible to change individual words or parts of existing provisions. In each instance the proposed deletions are shown in strike-through and bold, while the new provisions are underlined and in bold. Text before a changed provision and text after a changed provision is indicated by the use of '(...)'. Instructions to aid understanding of what is to be amended are included in a text box.

Every effort has been made to ensure that the changes specified in the Lyttelton Port Recovery Plan (including its appendices) give the reader a full and fair understanding of the exact change proposed. For this reason, substantive changes have generally been shown in context, whereas consequential changes have generally been summarised and grouped. It should be noted, however, that given the complexity of the changes proposed, readers are encouraged to view these amendments alongside the particular Resource Management Act 1991 instrument they apply to; the original documents are available on the websites of Canterbury Regional Council and Christchurch City Council.





# **APPENDIX 1:**

# **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) the integrated management of Whakaraupō/Lyttelton Harbour in the recovery and future development of the Lyttelton Port, including provision for the many ecological, cultural, recreational and amenity values and uses of that area.**
- ~~(a)~~**(b)** 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)~~**(c) that the recovery of the Lyttelton Port includes a container terminal being established in Te Awaparahi Bay on up to 34 hectares of reclaimed land.**
- ~~(b)~~**(d)** that regionally significant infrastructure may need to be further developed in response to commercial opportunities and community needs.
- ~~(c)~~**(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.
- ~~(d)~~**(f)** national port noise standards.
- ~~(e)~~**(g)** the effects of coastal erosion, climate change and sea level rise.



# **APPENDIX 2:**

# **AMENDMENTS TO THE REGIONAL COASTAL ENVIRONMENT PLAN FOR THE CANTERBURY REGION**

Insert new Chapter 10 as follows:

## **Part 2: Issue Resolution**

### **Chapter 10: Lyttelton Port of Christchurch**

#### **Method to explain the integration of Chapter 10 in the RCEP**

The policies and rules in this chapter implement not only the specific recovery objective 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 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 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 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 Lyttelton Port is 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 –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 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) 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 avoided, remedied or mitigated, where practicable.

**Policy 10.1.7 – Specific effects of piling on marine mammals**

Manage the adverse effects from piling activities on marine mammals, particularly Hector's dolphins, which will include the preparation and implementation of a Marine Piling Management Plan that outlines:

- 1) Procedures for identifying the presence of marine mammals during construction activities; and
- 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**

Enable maintenance dredging for the continued operation of Lyttelton Port, and dredging to create, or deepen and widen, the Main Navigational Channel, ship turning basins and berth pockets, provided that dredging is undertaken in accordance with best practice methods that minimise adverse effects on the environment.

**Policy 10.1.9 – Deposition of dredge spoil**

Subject to Policy 10.1.10, manage effects of the deposition of dredge spoil at the Spoil Dumping Grounds shown on Planning Map 10.5 by:

- 1) Enabling the deposition of dredge spoil removed during construction activities and the creation of berth pockets; and
- 2) Ensuring that any adverse effects of the deposition of dredge spoil removed during maintenance or capital dredging are avoided, remedied or mitigated; and
- 3) Requiring monitoring of the deposition area so that any adverse effects on the environment, including mahinga kai, can be identified and managed appropriately.

**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 10.8 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 10.10, 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) 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 10.10; and
- 6) An exclusion zone around Battery Point is established to protect mahinga kai values.

### **Policy 10.1.12 – Specific effects of noise from Coastal Marine Area**

Manage noise generated from the Coastal Marine Area within the Operational Area of Lyttelton Port 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 minimise as far as practicable the discharge of sediment into the Coastal Marine Area.

### **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 10.1.15 – Cruise ship berth at Naval Point**

Ensuring that the development of a cruise ship berth:

- 1) occurs at a location where people and property are not exposed to unacceptable risk from Port Activities or the hazardous facilities located within the bulk liquid storage area at Naval Point; and
- 2) does not hinder the efficient and safe operation of Port Activities or the hazardous facilities located within the bulk liquid storage area.

## Rules

### Method to explain the 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 10.1;
- 2) Dredging and associated discharges within the historic and enlarged Main Navigational Channels shown on Planning Map 10.3;
- 3) The discharge and deposition of Dredge Spoil at the Spoil Dumping Ground shown on Planning Map 10.5, provided that the Dredge Spoil is from dredging carried out within the Operational Area of Lyttelton Port or from the Navigational Channels shown on Planning Map 10.3;

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 or B shown on Planning Map 10.7 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 3 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, alteration, removal or demolition of any Wharf Structure, or part of any Wharf Structure, in Area A or B that was constructed after 4 September 2010;

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 Port Activities, 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 within the Te Awaparahi Bay Reclamation Area (Area A) shown on Planning Map 10.10, is a controlled activity, provided that:

- a) Any permanent Wharf Structure shall be located parallel to and within the southern edge of the Reclamation Area and designed to service cargo vessels; or
- b) Any temporary Wharf Structure used 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.

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 Wharf Structure, including its stability and integrity in terms of expected weather and seastate conditions, and materials used in its construction; and
- c) 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, 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 Wharf Structure is a barrier to water or sediment movement in Lyttelton Harbour; and
- g) The collection and treatment of stormwater captured from the Wharf Structure; and
- h) The matters set out in Rule 10.35.

### **Notification**

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule will be publicly notified.

### **Rule 10.3 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 10.7:

- a) The extension of any Wharf Structure, or part of any Wharf Structure, in Area A or B 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 or B 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 its stability and integrity 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 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 10.35.

#### **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 10.1, and is not provided for by Rule 10.1, 10.2 or 10.3, is a discretionary activity.

#### **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 10.1, 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 10.1 and that does not comply with Rule 10.5(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 10.35.

### **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 10.1, and is not provided for by Rule 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 Navigational Channels shown on Planning Map 10.3 or within the Operational Area of Lyttelton Port shown on Planning Map 10.1; or
- b) Dredging to deepen the berth pockets adjacent to Wharf Structures in Area B shown on Planning Map 10.7;

is a permitted activity, provided that for seabed material to be dredged from the Inner Harbour shown on Planning Map 10.8:

- a) An Inner Harbour Sediment Analysis Plan is prepared and implemented; and
- b) Pre-characterisation surveys are carried out; and

- c) 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 10.7, 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 10.35.

**Rule 10.11 Controlled Activities – Disturbance associated with 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 of the reclamation in Area A shown on Planning Map 10.10; or
- b) The maintenance or repair of the reclamation in Area A shown on Planning Map 10.10; or
- c) The erection or placement of Wharf Structures within Area A shown on Planning Map 10.10 for which resource consent is obtained under Rule 10.2; or
- d) Dredging to create and deepen the berth pocket(s) within Area C shown on Planning Map 10.7;

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 requirements; and
- e) The matters set out in Rule 10.35.

**Notification**

Pursuant to section 95A of the Resource Management Act, an application for resource consent under clauses (a) and (c) of this rule will be publicly notified.



### **Rule 10.12 Restricted Discretionary Activities – Disturbance associated with dredging within the Operational Area of Lyttelton Port and Main Navigational 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 10.1, including dredging to create or deepen a ship turning basin adjacent to the Te Awaparahi Bay and Cashin Quay reclamations, or to deepen and widen the Main Navigational Channels shown on Planning Map 10.3, 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 effects of the disturbance on sediment transport in Lyttelton Harbour; and
- c) The preparation and content of a Construction 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; and
- i) The matters set out in Rule 10.35.

### **Rule 10.13 Discretionary Activities**

The disturbance of the foreshore or seabed that 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 10.1 or the Main Navigational Channels shown on Planning Map 10.3, is a discretionary activity.

### **Deposition of any Substance in, on, or under any Foreshore or Seabed**

#### **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 in Area A shown on Planning Map 10.10, is a permitted activity.

#### **Rule 10.16 Controlled Activities – Deposition associated with the erection of Wharf Structures associated with the Te Awaparahi Bay Reclamation**

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 on Planning Map 10.10 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 10.35.

#### 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 10.5 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 10.10; or
- c) The material has been removed from the foreshore or seabed during dredging of a berth pocket 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 sediment; 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 10.8;
  - 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) The establishment of a monitoring programme at the Spoil Dumping Ground; and

- h) The matters set out in Rule 10.35.

### Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule that relates to the establishment Te Awaparahi Bay Reclamation and associated wharf located in Area A on Planning Map 10.10, will be publicly notified.

### **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 10.5, which is removed from the foreshore or seabed during maintenance dredging of the Main Navigational Channels 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 sediment; and
- b) The establishment of a monitoring programme 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 that has been dredged from the Inner Harbour, including from areas of known or potential contamination shown on Planning Map 10.8, 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
- g) The potential benefits of the activity to the applicant and community; and
- h) The matters set out in Rule 10.35.

### **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 10.5, that is removed from the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 10.1, or the Main Navigational Channels shown on Planning Map 10.3, 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 10.10 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 does not extend within the Battery Point Exclusion Zone shown on Map 10.11.

Control is reserved over the following matters:

- a) Design of the finished seaward faces, including visual treatment of the reclamation edge; and
- b) Methods of reclamation construction including the material used in the reclamation; and
- c) Preparation and content of a Construction Environmental Management Plan; and
- d) The management of any marine biosecurity risks; and
- e) Methods to control the propagation of sediment plumes during construction; and
- f) Stormwater management; and
- g) Methods to manage and offset visual changes; and
- h) Methods to address cultural matters, including the preparation of a Kaimoana Management Plan, in consultation with Te Hapū o Ngāti Wheke and Te Rūnanga o Ngāi Tahu, 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); and
  - ii) Assessment of whether the reclamation seawalls can be designed in a manner that creates new habitat space for desired kaimoana species; and
  - iii) Methods to mitigate the loss of kaimoana as a result of the reclamation such as the establishment of kaimoana gardens or reseedling of chosen kaimoana species; and
- i) Methods to implement any offset mitigation or environmental compensation package which has been offered by the applicant; and
- j) The matters set out in Rule 10.35.

#### 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 10.1 is a discretionary activity.

### Rule 10.22 Non complying Activities – Reclamation

The reclamation or drainage of the foreshore or seabed, or the disturbance or deposition of material in, on, under or over the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 10.1 but outside Area A on Planning Map 10.10:

- a) to extend or protect the Te Awaparahi Bay Reclamation and berthing facilities; or
- b) to extend the reclamation in Area A or to construct a batter slope, within the Battery Point Exclusion Zone shown on Map 5.11,

is a non-complying activity.

### **Occupation of the Coastal Marine Area**

#### **Rule 10.23 Permitted Activities**

The following activities in the Port of Lyttelton Occupation Area shown on Planning Map 10.9 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, 10.21 or 10.22; and
- c) The occupation of the Coastal Marine Area within the Battery Point Exclusion Zone identified on Planning Map 10.11 for harvesting and monitoring mahinga kai species.

#### **Rule 10.24 Restricted Discretionary Activities**

The occupation of the Coastal Marine Area for Port Activities outside the Port of Lyttelton Occupation Area shown on Planning Map 10.9 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; and
- b) The effects of occupation on navigation; and
- c) The effects of occupation on cultural values, particularly mahinga kai; and
- d) The potential benefits of the activity to the applicant and community; and
- e) The matters set out in Rule 10.35.

#### **Rule 10.25 Discretionary Activities**

The occupation of the Coastal Marine Area within the Operational Area of Lyttelton Port shown on Planning Map 10.1 for any Network Utility System or Network Utility Structure, other than a Network Utility System or Network Utility Structure ancillary to Port Activities, is a discretionary activity.

#### **Rule 10.26 Non-complying Activities**

The occupation of the Coastal Marine Area within the Operational Area of Lyttelton Port shown on Planning Map 10.1, for any activity not provided for by or that does not comply with Rule 10.23, 10.24 or 10.25 is a non-complying activity.



## Discharge of Contaminants for Specific Recovery Activities

### Rule 10.27 Permitted Activities – Discharge of stormwater within Operational Area of the Port

Except as provided for by Rule 10.31, the discharge of stormwater, generated from Area A shown on Planning Map 10.6 or from any new structure permitted or authorised under Rules 10.1 to 10.4, 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 whichever is the greater 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; or
  - iii) 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 percent 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 10.28 Permitted Activities – Discharge of stormwater from Lyttelton Port Company Quarry in Gollans Bay

Except as provided for by Rule 10.30, the discharge of stormwater, generated from Area B shown on Planning Map 10.6, 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 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 whichever is the greater 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; or
  - iii) Further than 100 times the average width of the open culvert or drain being used;in any direction from the point of the discharge; and
- 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 percent 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; and
- 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 10.29 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 Navigational 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 10.30 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, that is generated from earthworks in Area B on Planning Map 10.6, and that does not comply with Rule 10.28(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 10.35.

#### Notification

Pursuant to sections 95A and 95B of the Resource Management Act, an application for resource consent under this rule will be processed and considered without public or limited notification.

#### **Rule 10.31 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 10.10, 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 10.35.

#### Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule will be publicly notified.

#### **Rule 10.32 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 10.10, 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; 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 contaminants, including screening of reclamation material and methods to avoid and contain spillages; and
- d) Methods to monitor the discharge; and
- e) The matters set out in Rule 10.35.

### Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule will be publicly notified.

#### **Rule 10.33 Discretionary Activities**

The discharge at the Spoil Dumping Grounds shown on Planning Map 10.5 of dredge spoil derived from dredging the Main Navigational Channels shown on Planning Map 10.3 or dredging within the Operational Area of Lyttelton Port shown on Planning Map 10.1 is a discretionary activity.

#### **Rule 10.34 Discretionary Activities – Catch-all rule**

Except as provided for by Rule 10.27, 10.28, 10.29, 10.30, 10.31, 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 10.1 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 10.35**

In consideration of applications for controlled activities or restricted discretionary activities, the matters on which:

- 1) Control is reserved; or
- 2) 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.

## Chapter 7

Amend Clause (b)(iii)(7) of Rule 7.1 Permitted Activities, as follows:

- (iii) 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, **10.27, 10.28, 10.29, 10.30, 10.31 or 10.32** the discharge of any water or any contaminant, into water, or onto or into land, in ...

## Chapter 8

Amend Objective 8.1(2), as follows:

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 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 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 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 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 Navigational 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:

- (iii) 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 as follows:

~~(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 as follows:

**Rule 8.21(e) does not apply to activities carried out within the Operational Area of the Port of Lyttelton.**

## Appendix 1 Definition of Terms

Insert the following new 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 include:**

- (a) The surface navigation, berthing, manoeuvring, refuelling, storage, servicing, maintenance and repair of vessels; and**
- (b) Embarking and disembarking of passengers; and**
- (c) Loading, unloading, storage and distribution of cargo, including hazardous substances; and**

- (d) General storage areas and facilities; and
- (e) The establishment, maintenance and operation of navigation aids; and
- (f) Facilities for marine recreation, including boating and fishing, and a floating marina in Dampier Bay; and
- (g) Pipelines and wharflines; and
- (h) Port administration; and
- (i) 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.

### **Schedule 5.10.1**

Amend Schedule 5.10.1 Lyttelton as follows:

#### **Historic Main Navigational Channel**

The historic Main Navigational Channel for the Port of Lyttelton, current at August 2015, extends from abeam of the western end of Mechanics Bay, to abeam of the breakwater lights at the western end of Gladstone Pier, and includes the channel leading from there into the Inner harbour.

The Northern edge of the Main Navigational Channel is the line marked by the North Rear Beacon (pile; white triangle, point down at location 43° 36.9' S, 172° 42.1' E) close to the Northern part of Shag Reef; and the north Front Beacon, (pile; white triangle, point up at 43° 36.8' S 172° 42.8' E) approximately 0.5 nautical miles (about 926 metres) east of the North Rear Beacon; and thence to the western end of Mechanics Bay.

The Southern edge of the Main Navigational Channel is the line marked by the South Rear Beacon (pile; white triangle, point down at 43° 37.0' S 172° 42.1' E) close to the Southern Part of Shag Reef; and the South Front Beacon (pile; white triangle, point up at 43° 36.9' S 172° 42.8' E) approximately 0.5 nautical miles (about 926 metres) east of the South Rear Beacon; and thence to the western end of Mechanics Bay.

### Enlarged Main Navigational Channel

An enlarged Main Navigational Channel for the Port of Lyttelton includes a turning basin and wider navigational channel within the harbour basin with the channel extending beyond the heads to abeam with Beacon Rock as illustrated in Planning Map 10.3.

The Northern edge is to be bordered by the following coordinates: NZTM X-1588822.9383, Y-5175034.537 at its eastern most extent, sequentially connecting NZTM X-1584122.2917, Y-5172447.1067; NZTM X1583058.9384, Y-5172073.7567, and NZTMX1577657.0267, Y-5171166.3432 before reaching the turning basin.

The Southern edge is to be bordered by the following coordinates: NZTM X-1588943.6109, Y-5174816.0241 at the eastern most extent; NZTM X-1583696.1720, Y-5171927.9116 as it enters the harbour basin and sequentially NZTM X-1577022.7410, Y-5170806.2022 and NZTM X-1576928.2044, Y-5170835.2318 at its western most extent.

The indicative turning basin is bound by the western most point of the Southern edge and sequentially NZTM X-1576875.3813, Y-5171152.783 and NZTM X-1777081.9575, Y-5171559.3058 before connecting with the western most extent of the Northern edge.

## Schedule 5.11.1

Amend Schedule 5.11.1 Lyttelton as follows:
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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 ~~NXTM X-1579171.614~~ , Y-5172030.958, ~~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.~~



## Maps

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.
- 2) Delete Planning Map 5.3: Port of Lyttelton Main Navigational Channel, and replace with Planning Map 10.3.

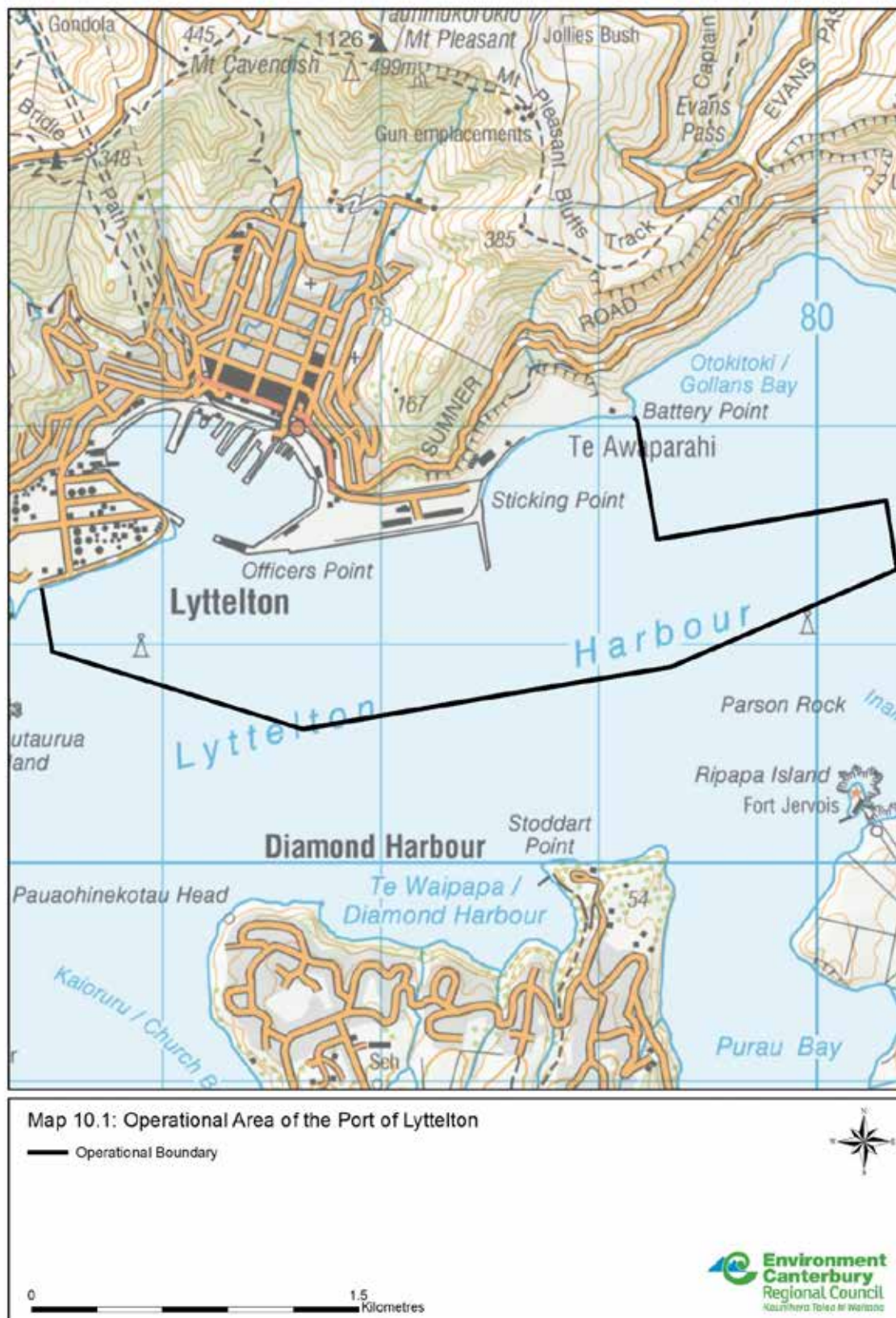
Leave the following existing Planning Map

- 1) Planning Map 5.5: Lyttelton Harbour/Whakaraupō Spoil Dumping Grounds and renumber as Planning Map 10.5

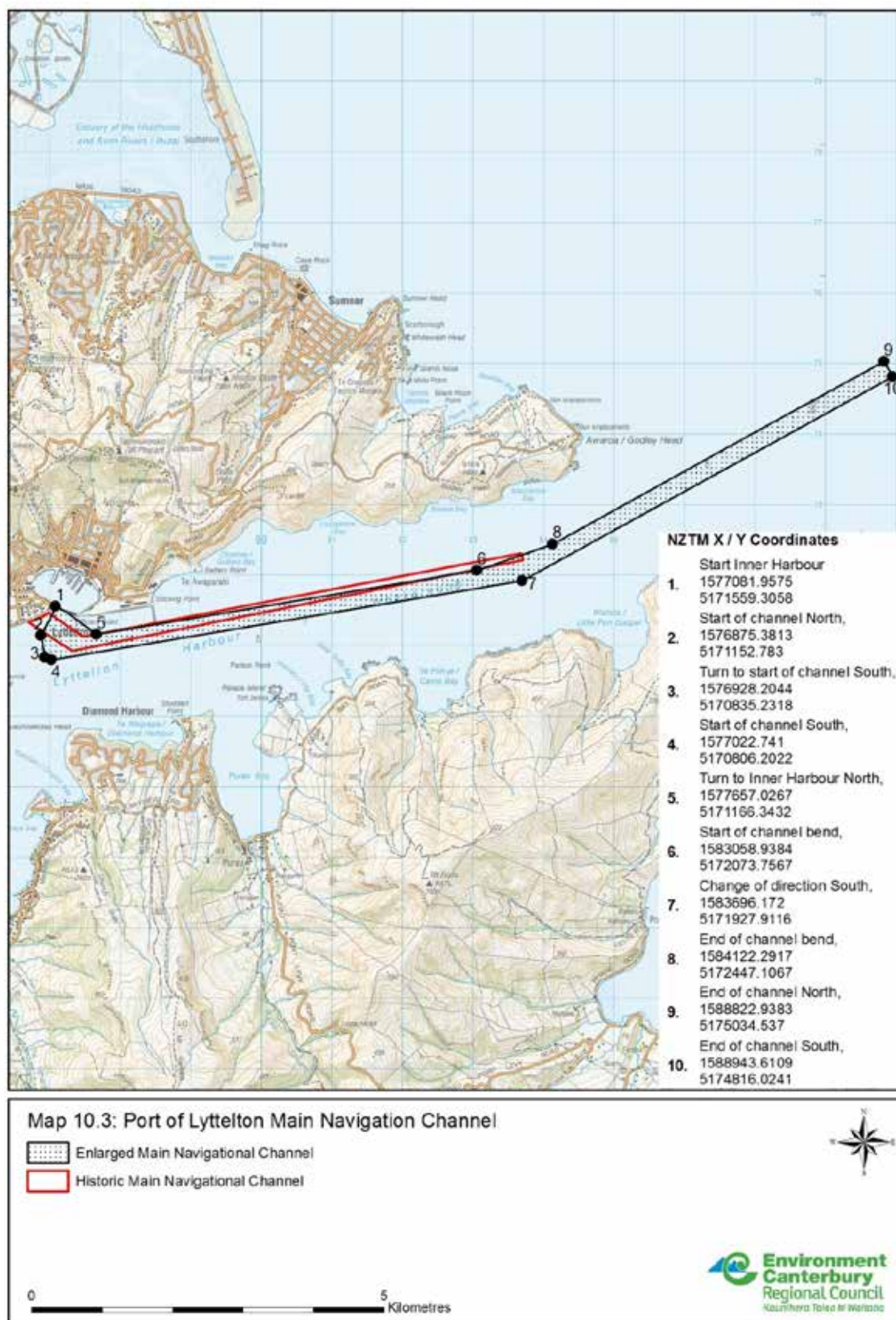
Insert the following new Planning Maps:

- 1) Planning Map 10.6: Port of Lyttelton Stormwater Discharge Areas
- 2) Planning Map 10.7: Port of Lyttelton Wharf Structure, Berth Pocket and Reclamation Areas
- 3) Planning Map 10.8: Port of Lyttelton Contamination Areas in the Inner Harbour
- 4) Planning Map 10.9: Port of Lyttelton Occupation Area
- 5) Planning Map 10.10: Te Awaparahi Bay Reclamation Area
- 6) Planning Map 10.11: Te Awaparahi Bay – Battery Point Exclusion Zone

Map 10.1 Operational Area of the Port of Lyttelton



Map 10.3 Port of Lyttelton Main Navigational Channel

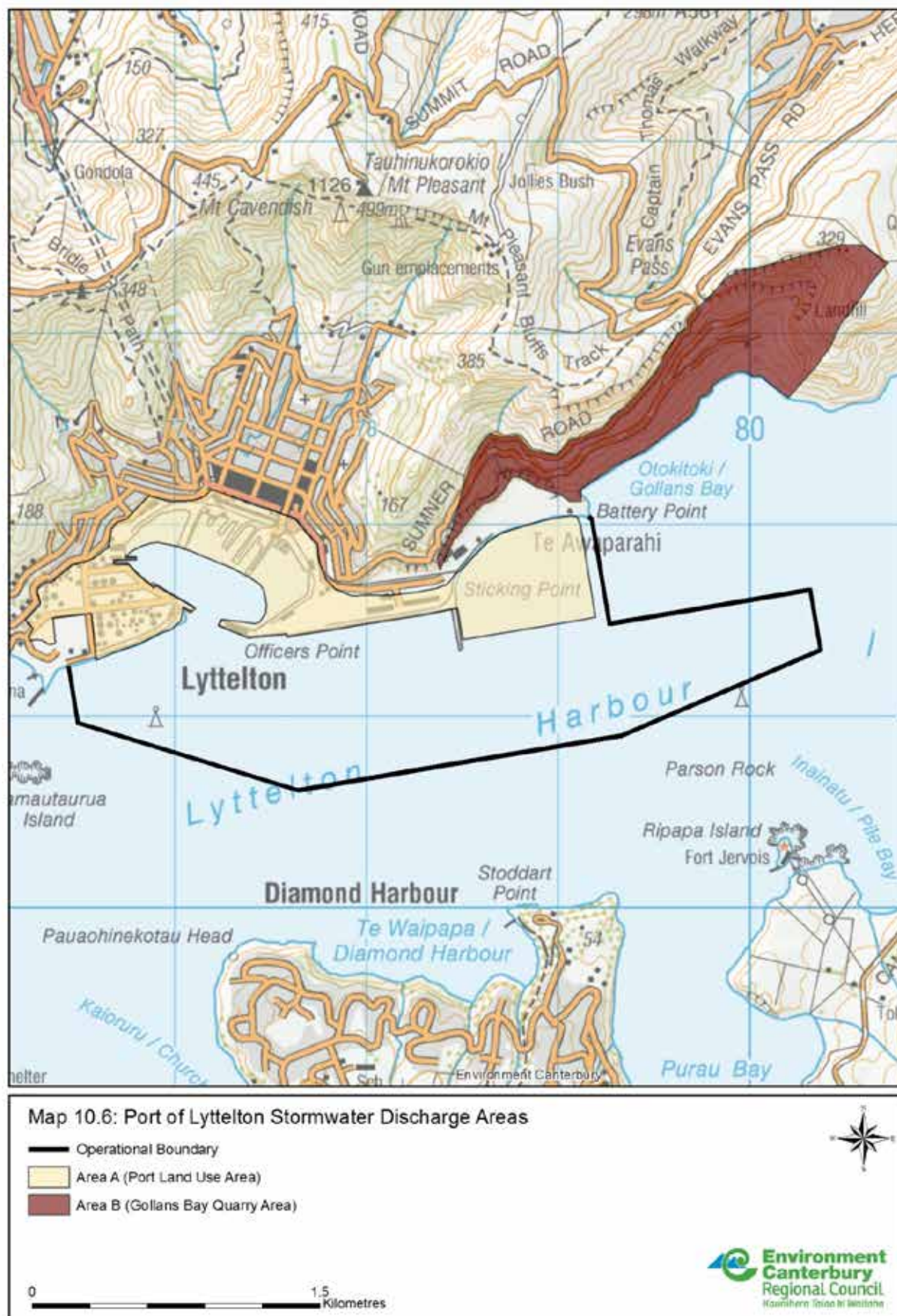








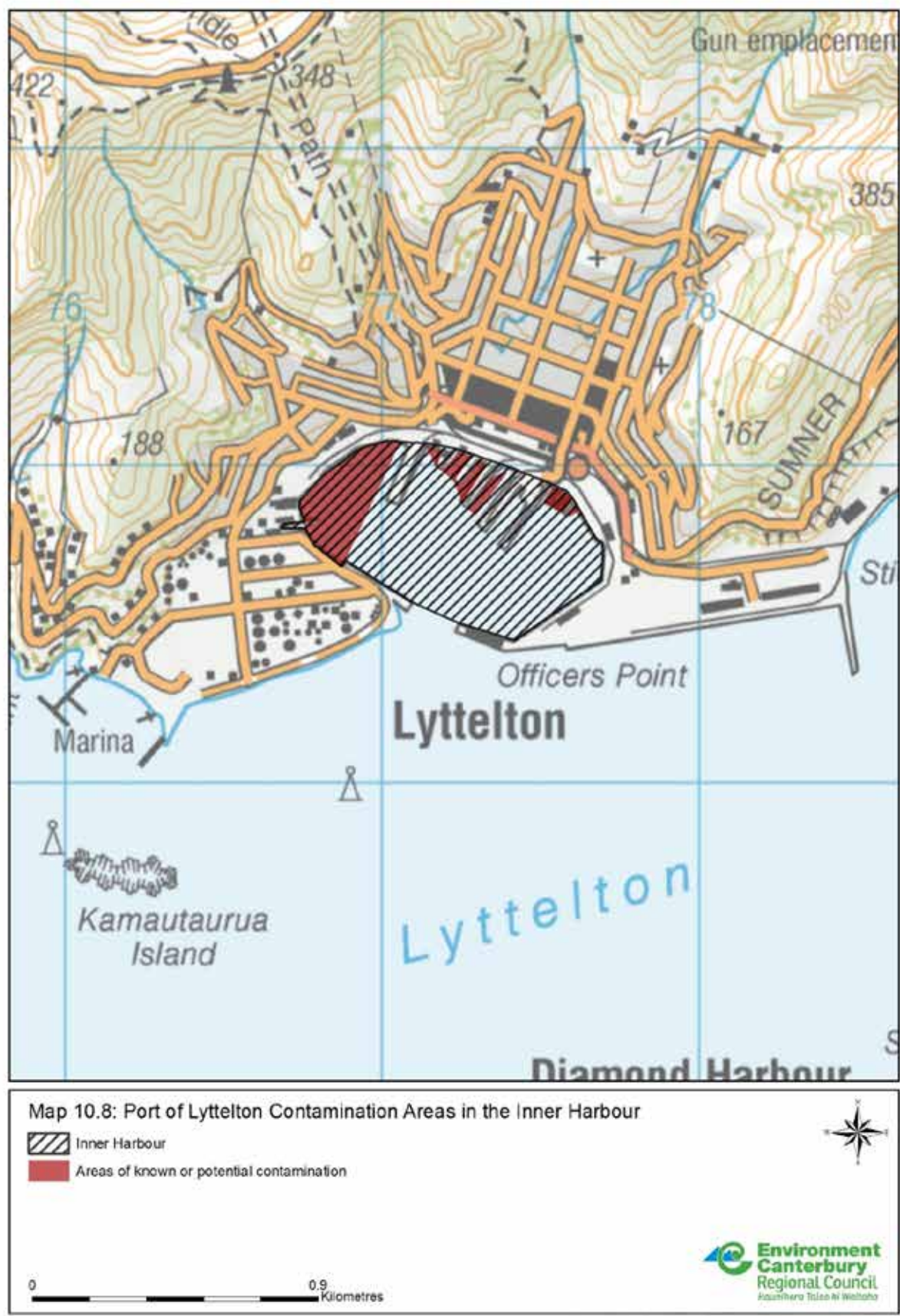
Map 10.6 Port of Lyttelton Stormwater Discharge Area



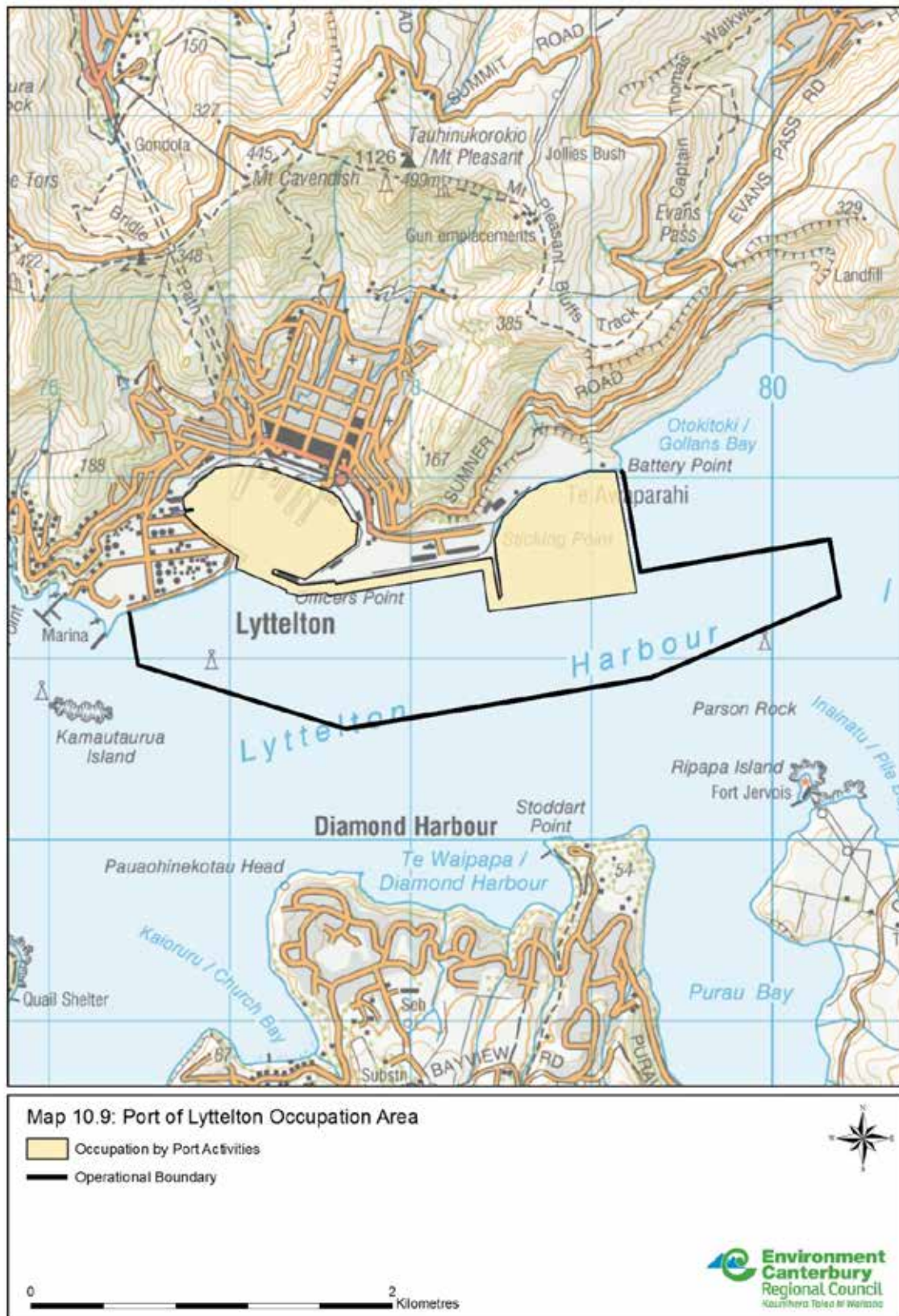




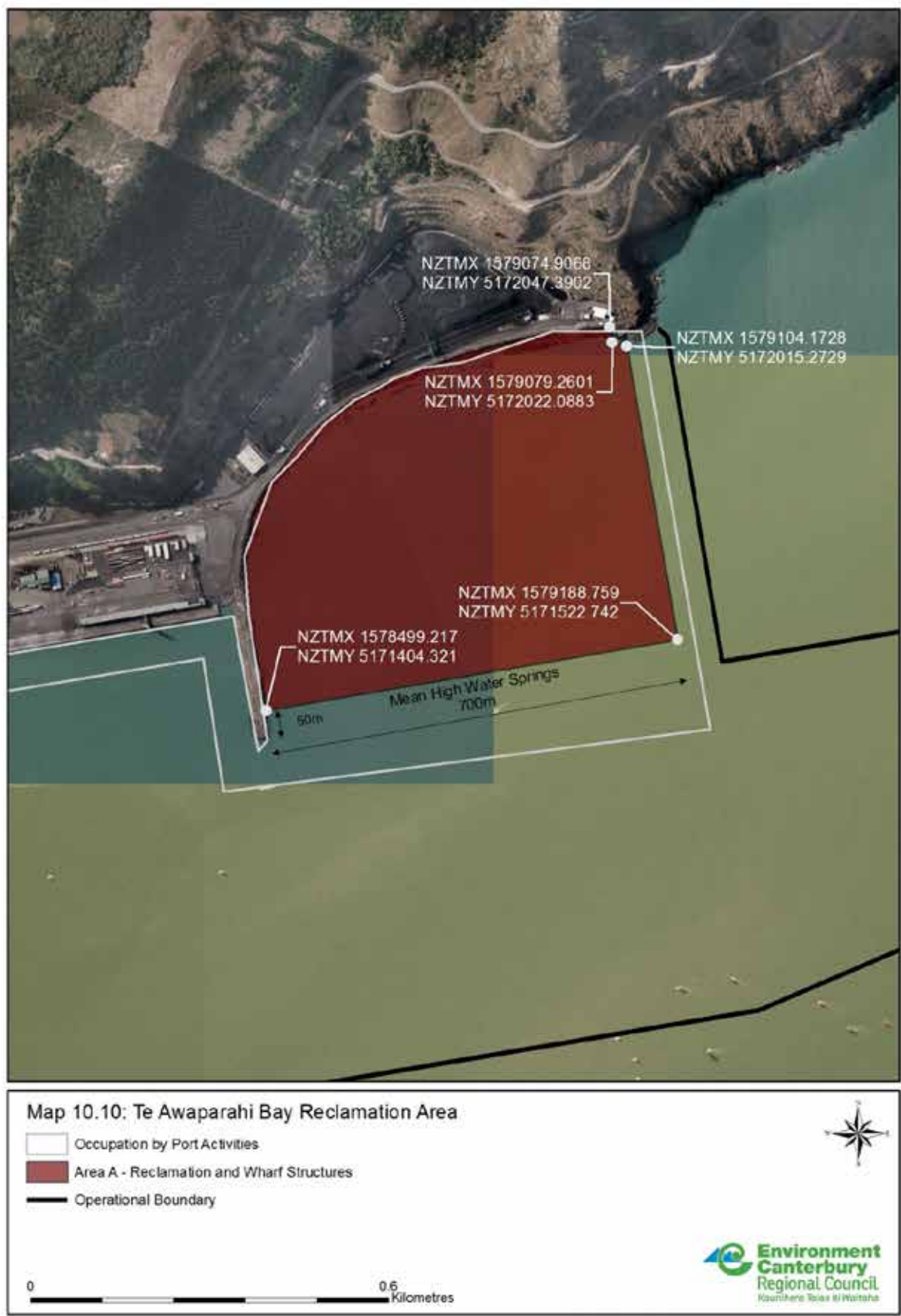
Map 10.8 Port of Lyttelton Contamination Areas in the Inner Harbour





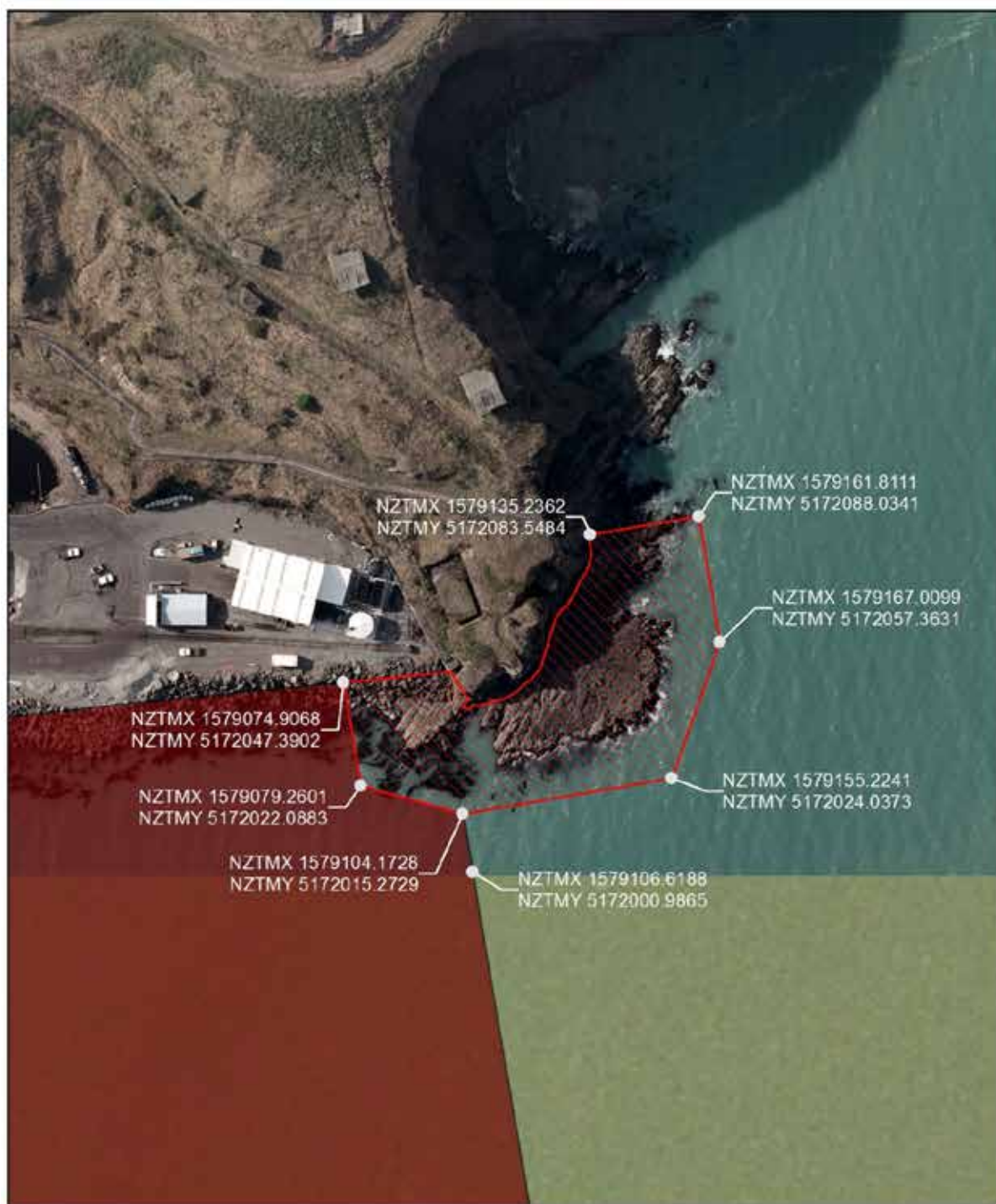


Map 10.10 Te Awaparahi Bay Reclamation Area







Map 10.11 Te Awaparahi Bay – Battery Point Exclusion Zone




Map 10.11: Te Awaparahi Bay – Battery Point Exclusion Zone

-  Battery Point Exclusion Zone
-  Area A - Reclamation and Wharf Structures



0 0.1 Kilometres





# **APPENDIX 3: AMENDMENTS TO THE PROPOSED CHRISTCHURCH REPLACEMENT DISTRICT PLAN**

Insert new Section 21.8 as follows:
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## **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;
  - 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, 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**

- a. Ensure access and movement networks provide for:
  - i. 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
  - ii. 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.

**21.8.1.1.5 Policy – Cruise berth at Naval Point**

- a. Ensure that the development of a cruise ship berth:
  - i. occurs at a location where cruise ship passengers and crew are not exposed to unacceptable risk from Port Activities, including the hazardous facilities located within the Bulk Liquids Storage Area; and
  - ii. does not hinder the efficient and safe operation of Port Activities, including the hazardous facilities located within the Bulk Liquids 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. 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**

- a. Ensure that:
  - i. 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
  - ii. 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; and
- 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, except as stated in Rule 21.8.2.2.2 C4 and C5, Rule 21.8.2.2.3 RD3 and Rule 21.8.2.2.4 D6.	<ol style="list-style-type: none"> <li>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.</li> <li>b. Port Activities within Area A in Appendix 21.8.4.6 shall be limited to:               <ol style="list-style-type: none"> <li>i. maintenance, storage and repair of recreational boating vessels and storage of materials associated with the repair of those vessels;</li> <li>ii. facilities for recreational boating and ancillary parking areas; and</li> <li>iii. marine-related industrial activities, including ship and boat building.</li> </ol> </li> </ol>



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 <sup>2</sup> per annum.
P5	Retail Activity	<p>Any Retail Activity (other than as provided for as Port Activities) shall:</p> <p>a. only be located within the Dampier Bay Area as shown in Appendix 21.8.4.1 or within buildings with a direct frontage to Norwich Quay;</p> <p>b. other than retailing of maritime or port related goods and services, be limited to:</p> <ol style="list-style-type: none"> <li>a maximum tenancy size for an individual tenancy of 450m<sup>2</sup> GLFA; and</li> <li>a maximum of 3 food and beverage outlets; and</li> <li>a total aggregated maximum GLFA of 1,000m<sup>2</sup> to 1 January 2026.</li> </ol>
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 2,000m<sup>2</sup> up to 1 January 2026; and</p> <p>b. no more than 500m<sup>2</sup> GLFA of the 2,000m<sup>2</sup> 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	a. Any Hazardous Facilities and Hazardous Substances shall be in quantities less than or equal to the permitted activity threshold values listed in

	under Rule 21.8.2.2.2 C3	Column A of Appendix 21.8.4.10. 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 21.8.4.10 shall not apply.
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### 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	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.	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 21.8.4.5	a. Hazardous substances – 21.8.3.2.7
C4	The erection of a new or relocated building in the Dampier Bay Area	a. Site layout and building design – 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	a. Site layout and building design – 21.8.3.1.1(e)

C6	Subdivision Activity	<ul style="list-style-type: none"> <li>a. Subdivision – 21.8.3.3.4</li> <li>b. Dampier Bay Area Outline Development Plan – 21.8.3.3.3</li> </ul>
C7	Public Amenities including public walkways and publicly accessible space located within the Dampier Bay Area and Port Operational Area, including any connections with Norwich Quay	<ul style="list-style-type: none"> <li>a. Site layout and building design– 21.8.3.1.1</li> <li>b. Dampier Bay Area public space/publicly accessible space – 21.8.3.1.2</li> </ul>
C8	<p>New Public Transport Facilities located within the Port Operational Area or Dampier Bay Area, except as stated in Rule 21.8.2.2.5</p> <p>Any application for a passenger ferry terminal arising from this rule will be publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Site layout and building design– 21.8.3.1.1</li> <li>b. Public transport facilities – 21.8.3.1.3</li> </ul>

### 21.8.2.2.3 Restricted Discretionary Activities

<p>The activities listed below are <i>Restricted Discretionary Activities</i>.</p> <p>Restricted Discretionary Activities RD2 to RD5 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:
RD1	<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"> <li>a. Maximum building height – 21.8.3.2.1</li> <li>b. Daylight recession plane at boundary with a Residential Zone – 21.8.3.2.2</li> <li>c. Landscaping in Dampier Bay Area – 21.8.3.2.3</li> <li>d. Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4</li> <li>e. Light and Glare – 21.8.3.2.5</li> <li>f. Access – 21.8.3.6</li> </ul>
RD2	<p>Activities that are not in accordance with the Dampier Bay Outline Development Plan in Appendix 21.8.4.2</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"> <li>a. Dampier Bay Outline Development Plan – 21.8.3.3.3</li> </ul>
RD3	Hazardous Facilities and Hazardous Substances that do not meet the Activity Specific Standards in Rule	<ul style="list-style-type: none"> <li>a. Hazardous Substances – 21.8.3.2.7</li> </ul>

	21.8.2.2.1 P10	
RD4	<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 via Sutton Quay 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 <i>Discretionary Activities</i> .
<b>Activity</b>
D1 Any Retail Activity (other than Port Activities) that does not comply with Activity Specific Standards in Rule 21.8.2.2.1 P5
D2 Any Office Activity (other than Port Activities) that does not comply with Activity Specific Standards in Rule 21.8.2.2.1 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 21.8.2.2.1 P1
D5 Any activity not provided for as a <i>Permitted, Controlled, Restricted Discretionary, or Non-complying Activity</i> .
D6 Any associated facilities or changes to facilities that serve a cruise ship berth at Naval Point.

#### 21.8.2.2.5 Non-complying Activities

The activities listed below are <i>Non-complying Activities</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 pedestrian and public vehicle access to the terminal via Sutton Quay

#### 21.8.2.2.6 Prohibited Activities

There are no Prohibited Activities.
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#### 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 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.	15m	Greater than 15m	
h.	Telecommunications utility structures	25m	Greater than 25m	
i.	Buildings not otherwise provided for under (a) that are	Does not project above the level of Norwich Quay	Height above the level of	Maximum building



	located in the Canterbury Street view shaft as shown in Appendix 21.8.4.4		Norwich Quay	height 21.8.3.2.1
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Note: See the permitted height exceptions contained within the definition of height. See also Rule 21.8.2.2.2 C5 Controlled 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) at the boundary of any site in a residential zone or Commercial Banks Peninsula Zone.  Light shall be measured on an instrument meeting the requirements of the New Zealand Standard C.P.22(1962) and Amendments.	Non-compliance with permitted standard	Light and glare – 21.8.3.2.5

**21.8.2.3.5 Vibration**

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	Port Quarrying Activity	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: i. 5mm/s ppv; and ii. 120 dB L <sub>Zpeak</sub>  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.	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**

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted Discretionary</b>	<b>Matters of discretion</b>
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 <math>L_{Aeq}</math></p> <p>At all other times, 40 dB <math>L_{Aeq}</math></p> <p>On any day between 10pm and the following 7am, 70 <math>L_{Amax}</math>.</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 (other than Port Activities) and from Port Quarrying Activities – 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*

	<b>Daytime (0700–2200)</b>		<b>Night-time (All other times)</b>	
<b>When measured at or within the boundary of any site zoned:</b>	<b>L<sub>Aeq</sub></b>	<b>L<sub>Amax</sub></b>	<b>L<sub>Aeq</sub></b>	<b>L<sub>Amax</sub></b>
Residential Zones	50dB	75dB	40dB	65dB
Commercial Banks Peninsula Zone	55dB	80dB	45dB	70dB
Industrial General Zone	60dB	80dB	50dB	70dB

#### **21.8.2.3.7 Lyttelton Port Noise Management and Noise Mitigation**

- 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 21.8.4.7.
- 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 21.8.4.7.
- 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 21.8.4.8.

#### **21.8.2.3.8 Lyttelton Port Construction Noise Management and Monitoring**

- 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 21.8.4.9.
- 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 21.8.4.9.

#### **21.8.2.3.9 Transport Standards**

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted Discretionary</b>	<b>Matters of discretion</b>
a.	High Trip Generators	<ol style="list-style-type: none"> <li>All traffic using the existing accesses as at June 2015 from the Special Purpose (Lyttelton Port) Zone onto State Highway 74.</li> <li>Traffic using any new or existing accesses from the Special Purpose (Lyttelton Port) Zone onto local roads.</li> </ol>	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	Access – 21.8.3.2.6(a)

			outside of the Specific Purpose (Lyttelton Port) Zone	
c.	Car parking	0.35 car parks per marina berth.	Non-compliance with permitted standard	Marina parking – 21.8.3.2.8

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 RD3.

#### 21.8.2.3.10 Subdivision Standards

	Applicable to	Controlled	Matters of control
	All subdivision activities	<ul style="list-style-type: none"> <li>i. All allotments shall have legal access that is able to accommodate a driveway to a formed road.</li> <li>ii. Any vehicle access shall be provided in accordance with Appendix 7.7.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>vi. An esplanade reserve or esplanade strip shall not be required, and section 230 of the Resource Management Act shall not apply.</li> <li>vii. No minimum allotment size shall apply.</li> </ul>	<ul style="list-style-type: none"> <li>a. Subdivision – 21.8.3.3.4</li> <li>b. Dampier Bay Area Outline Development Plan – 21.8.3.3.3</li> </ul>



### **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**

- a. The extent to which the layout of the site and design of the buildings:
  - i. create an active edge and provide for passive surveillance of the publicly accessible space adjoining the coastal marine area and other areas available for public use;
  - ii. reflect the area's maritime character and any natural, heritage and Ngāi Tahu cultural values, including through building form and materials;
  - iii. ensure adequate car parking, loading areas and cycle parking are provided for visitors and staff either 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;
  - iv. provide 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;
  - v. for buildings with frontage to Norwich Quay, achieve:
    - A. separation between buildings to provide view shafts to the harbour;
    - B. the matters set out in (i) and (ii);
  - vi. ensure areas to be used for waste management purposes are adequately screened;
  - vii. are laid out and designed in a manner that provides opportunities to minimise runoff of untreated stormwater to the coastal marine area;
  - viii. achieve a fine grained form and layout with high levels of articulation, glazing and architectural detailing;
  - ix. reflect the outcomes sought in the Lyttelton Port Design Guide;
  - x. provide for clusters of development in and around the activity nodes; and
  - xi. provide for building entrances and glazing facing the waterfront, to create an active edge and opportunities for passive surveillance of the publicly accessible space.

##### **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 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 Norwich Quay and to any public transport facility provided within the Inner Harbour; the primary pedestrian connection to any public transport facility should provide for universal access;
  - 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; and
  - ix. the outcomes sought in the Lyttelton Port Design Guide.

**21.8.3.1.3 Public transport facilities**

- a. The extent to which:
  - i. traffic generated will affect intersection form and safety on Godley Quay, Sutton Quay and Norwich Quay;
  - ii. 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;
  - iii. adequate vehicular and cycle parking is provided to meet anticipated demand from staff and visitors;
  - iv. provision is made for “park and ride” facilities;
  - v. a safe and efficient public transport interchange is provided for transfer between travel modes, where relevant; and
  - vi. for a passenger transport ferry terminal, safe and convenient pedestrian and cycle connections between the terminal and Norwich Quay and to any publicly accessible areas on the Inner Harbour waterfront are provided.

**21.8.3.2 Built Form Standards****21.8.3.2.1 Maximum building height**

- a. Whether the increased height would result in buildings that:
  - i. are compatible with the scale of other buildings anticipated in the area; or
  - ii. do not compromise the amenity of adjacent properties or public open spaces, taking into account:
    - A. the visual dominance of the proposed buildings on the outlook from other sites, roads and public open spaces in the surrounding area;
    - B. any loss of privacy through being overlooked by the proposed building;
    - C. overshadowing of adjoining sites, particularly onto public open spaces, resulting in reduced sunlight and daylight admission;
    - D. 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;
    - E. the extent to which there is separation provided between buildings to allow for view shafts from adjacent residential properties;
    - F. whether, and the extent to which, views to the harbour and the Port from public space remain intact;
    - G. in respect of Norwich Quay, the extent to which the building is compatible with the character of other commercial buildings on Norwich Quay;
    - H. 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; and
    - I. 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; and
  - v. reflect 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; and
  - 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; and
  - 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; and
- 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; and
  - 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; and
  - ii. emergency management plans, monitoring and maintenance schedules as well as training programmes.

#### **21.8.3.2.8 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**

- a. The extent to which non-compliance with the Outline Development Plan provides:
  - i. mitigation for reduced or altered landscaping provision, including other opportunities for planting and low impact design initiatives;
  - ii. convenient and universally accessible pedestrian access between the public ferry terminal and Lyttelton Town Centre;
  - iii. safe and convenient public pedestrian access between:
    - A. Voelas Road/Godley Quay and the waterfront promenade;
    - B. the promenade and Simeon Quay; and
    - C. the promenade and Sutton Quay, as relevant;
  - iv. 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; and
  - v. 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; and



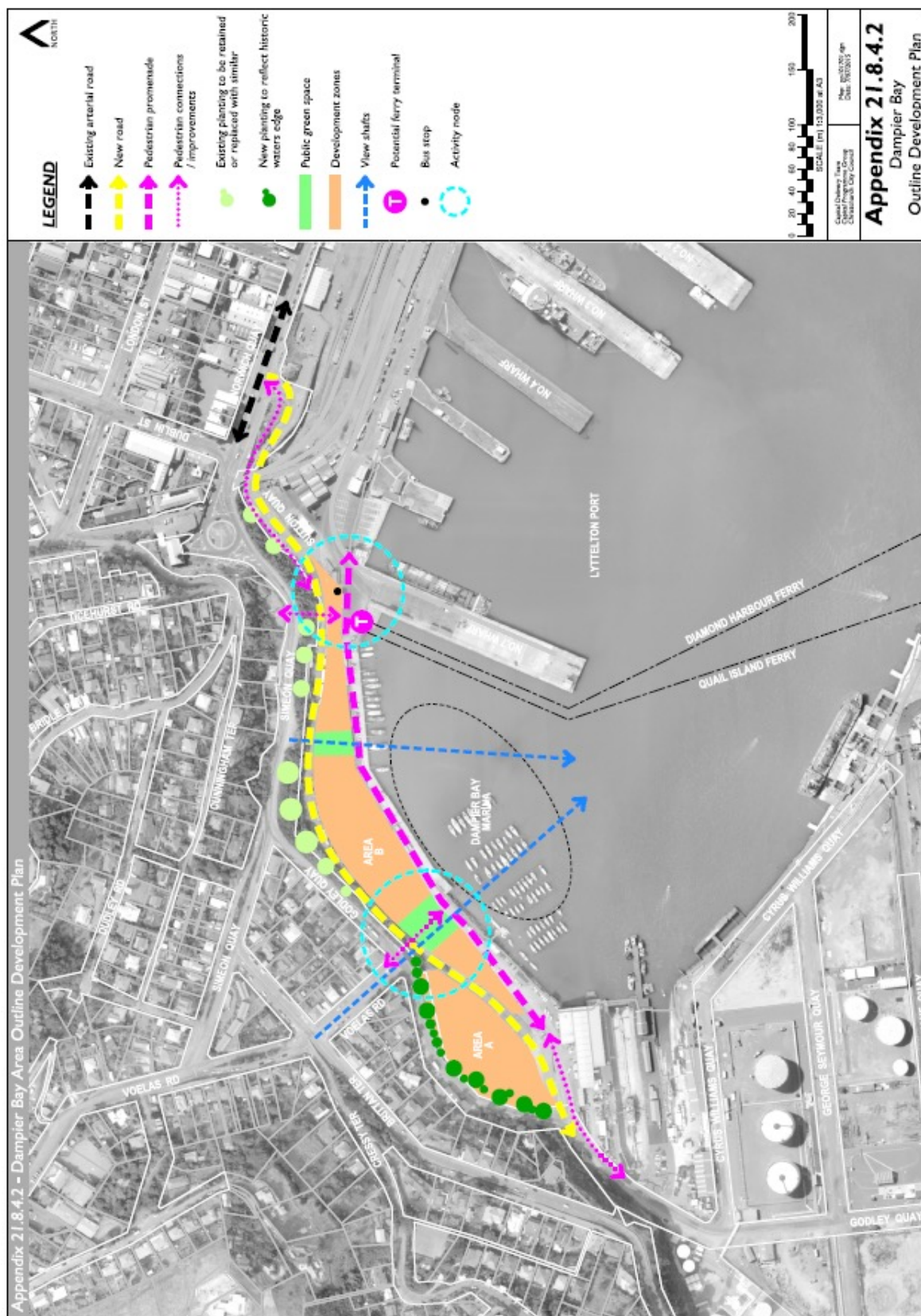
- v. whether all new allotments are provided with:
  - A. connections to safe potable water supply with an adequate capacity for the respective potential land uses;
  - B. sufficient water supply and access to water supplies for firefighting consistent with the New Zealand Fire Service Firefighting Water 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

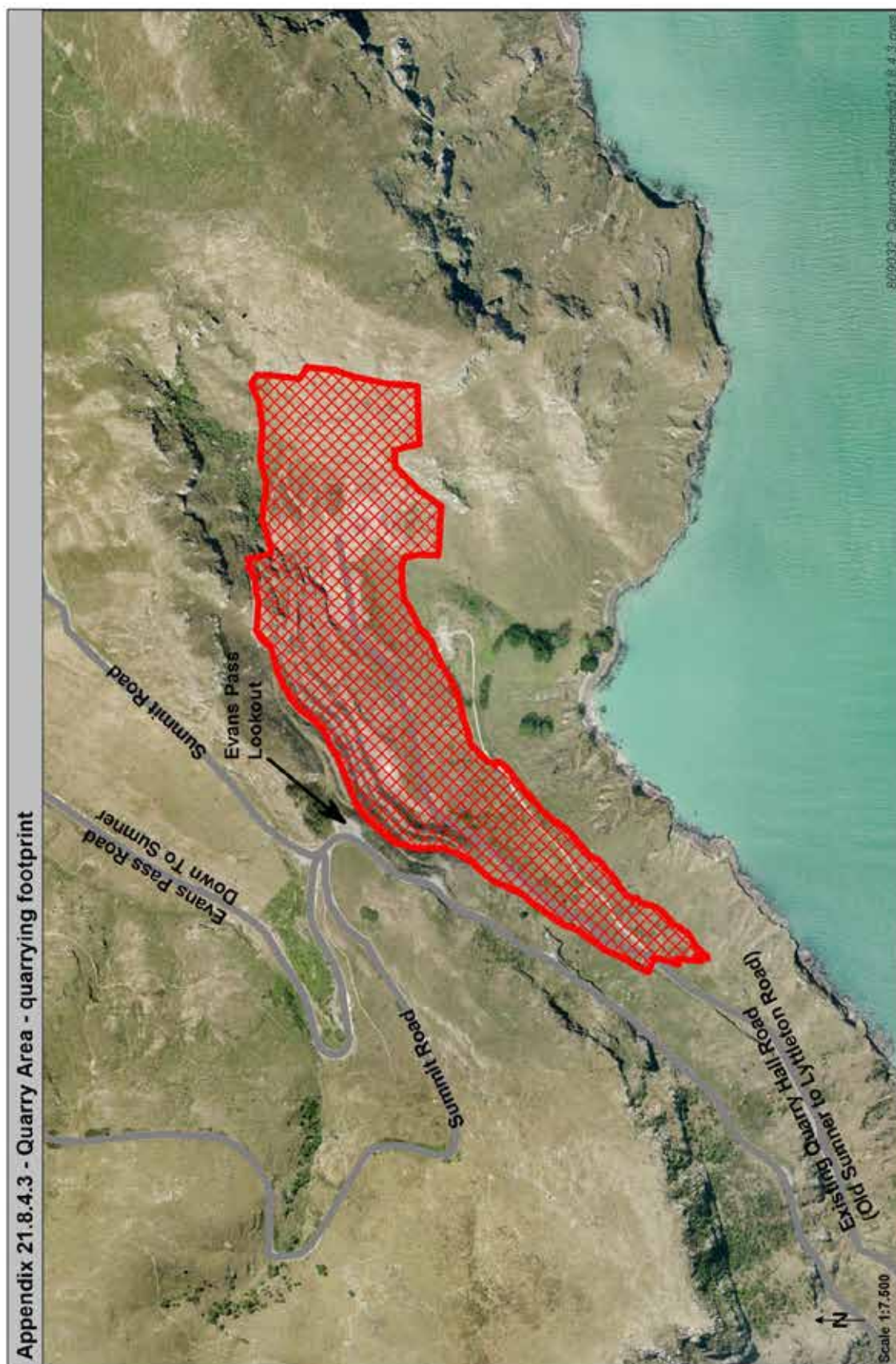


## Appendix 21.8.4.2 – Dampier Bay Area Outline Development Plan





Appendix 21.8.4.3 – Quarry Area quarrying footprint





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 Marine Industry and Recreational Boating Area





## Appendix 21.8.4.7 – 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 55dB Ldn to 70dB 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 operators' performance of their obligations with respect to noise issues, and 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 21.8.4.8 – 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 21.8.4.8(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 40dBA 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 65dB Ldn 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 21.8.4.9 – Construction Noise Management Plan

- a. Where the cumulative effect of construction noise and operational port noise (5-day busy period) falls within the 65dBA  $L_{dn}$  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) exceeds 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 operators' performance of their obligations with respect to construction noise issues, and 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.
- d. **Complaints**
  - i. Develop procedures to record complaints and steps to investigate such complaints.

e. **Review and alteration of the Plan**

- i. Develop procedures to alter, review and update the Construction Noise Management Plan.
- ii. Produce and append to the Construction Noise Management Plan annually a report on the implementation and, where relevant, alteration and update of that Plan.

f. **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 21.8.4.8(d) Acoustic Treatment;
  - an offer to purchase the property; and
  - 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 21.8.4.10 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 <sup>1</sup>	50kg
1.3 <sup>1</sup>	100kg
1.4, 1.5 <sup>1</sup>	200kg
2.1.1A	250kg
2.1.1A (LPG)	8,000kg
2.1.2A	250kg
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 including any consequential amendments to the inserted text arising as a result of the Christchurch City Council's decisions on Chapter 7 of the 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 including any consequential amendments to the inserted text arising as a result of the Christchurch City Council's decisions on Chapter 15 of the 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 a new provision as follows:

<b><u>P19</u></b>	<b><u>Port Activities, within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street</u></b>	<b><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.</u></b>
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#### Rule 15.5.2.4 Discretionary Activities

Insert a new provision as follows:

<b>D13</b>	<b><u>Port Activities, within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street, beyond 1 January 2026.</u></b>
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#### Rule 15.5.3.2 Maximum site coverage

Insert a new note below the table as follows:

**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 a new provision as follows:

**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 a new provision as follows:

**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 4:**

# **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. 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.

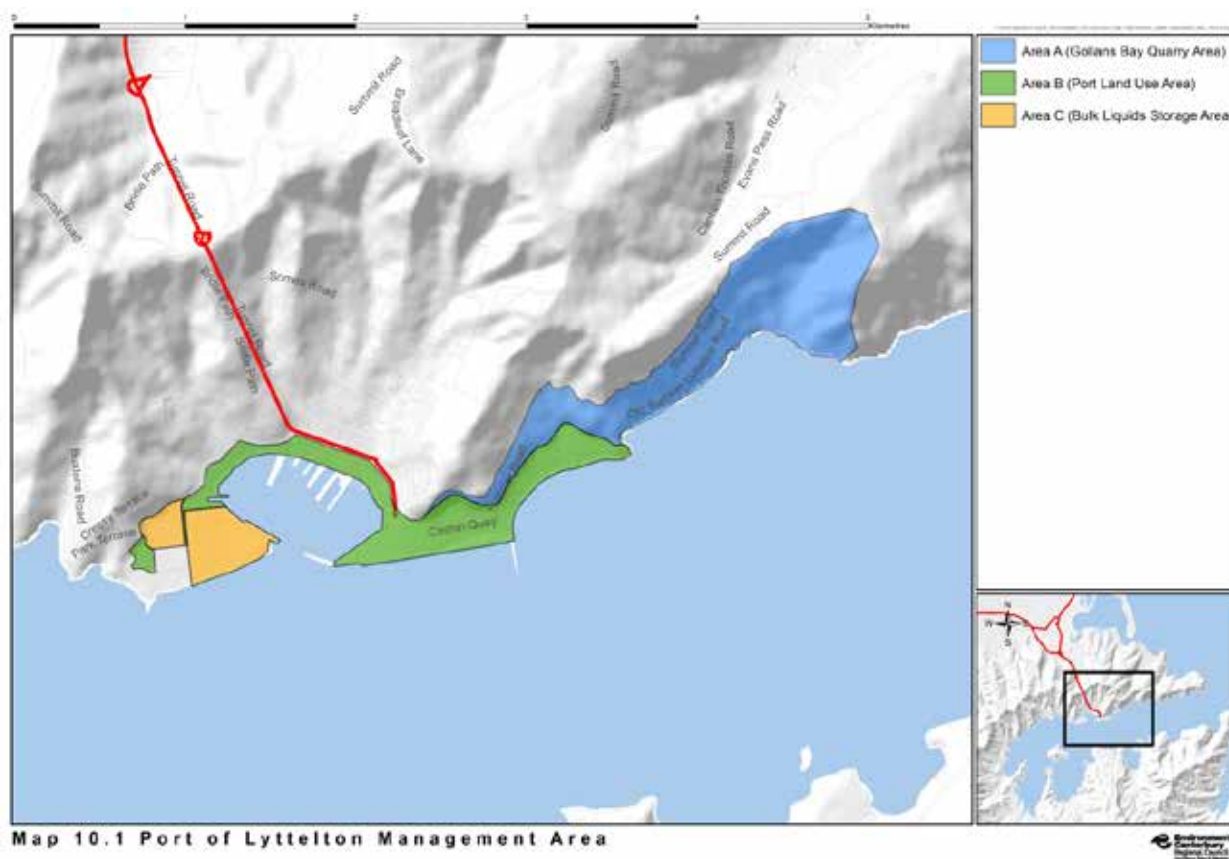
The exercise of discretion is limited to the following matters:


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 5:**

# **AMENDMENTS TO THE PROPOSED CANTERBURY AIR REGIONAL PLAN**

Insert a new policy into Section 6 as follows:

**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 as follows:

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 as follows:

**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 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.**



