

Attachment B

REPORT ON DECISIONS MADE IN APPROVING THE LYTTTELTON PORT RECOVERY PLAN – TE HUKIHUKI MAHERE O WHAKAORA TE PUAHA O ONINEHOU

1. INTRODUCTION

On 18 June 2014 I directed the Lyttelton Port Company Limited and Canterbury Regional Council to prepare a draft Lyttelton Port Recovery Plan. The direction, made under section 16 of the Canterbury Earthquake Recovery Act 2011 (CER Act), set out the matters that were to be dealt with and those that were specifically not to be addressed, was published in the *Gazette* on 19 June 2014. The direction identified the Recovery Plan must focus on Lyttelton Port and the surrounding coastal marine area. This includes all land in the Lyttelton Port area owned, occupied or used by Lyttelton Port Company Limited at the date of the direction, pockets of land within that geographic area under separate ownership and the area of Norwich Quay.

My direction required the draft Lyttelton Port Recovery Plan to address the following matters:

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

In accordance with my direction, Canterbury Regional Council provided me with the draft Lyttelton Port Recovery Plan ("the draft Recovery Plan") on 13 August 2015. I wish to record my appreciation of the efforts of the Canterbury Regional Council Commissioners, the hearings panel and staff, and the Councillors, staff and consultants of all the strategic partners in preparing this draft document. I also wish to thank the Lyttelton Port Company and the people of greater Christchurch who provided input to the preliminary draft Lyttelton Port Recovery Plan and those who responded to my invitation to make written comments on the draft Recovery Plan.

I have considered the draft Recovery Plan, the written comments, further input from the strategic partners and other officials, and the requirements of the CER Act. I have now decided to approve the draft Recovery Plan with amendments. This report records the decisions I have made and the reasons for any changes from the draft provided to me, as required under section 21(3) of the CER Act.

2. LEGAL REQUIREMENTS AND PROCESS

In accordance with section 20 of the CER Act, I publicly notified the draft Lyttelton Port Recovery plan inviting written comments on 15 August 2015. The period for public written comments closed on Monday 31 August 2015 and 13 written comments were received.

From 1 September to 11 September 2015 the written comments were summarised. The summary and the full written comments were provided to me. The summary, with advice received, is attached as Appendix 1.

There was support provided for the vision, goals, the Plan and the overall recovery framework of the draft Recovery Plan. No written comments expressed opposition to the Lyttelton Port Recovery Plan as a matter of principle; the majority expressed support for key aspects and the process. Most commented on specific wording changes to the actions and the planning provisions.

The written comments in support of the draft Recovery Plan addressed the following matters:

- The draft Recovery Plan provides recognition of the recovery needs of the Port as well as the needs and desired outcomes of the various stakeholders.
- Consultation and engagement process with the community was collaborative, robust and thorough.
- The draft Recovery Plan generally provides a sufficiently enabling regulatory framework to allow for the rebuild, repair, reconfiguration and enhancement of the Port in an expeditious manner.
- Regional Coastal Environment Plan provisions in the draft Recovery Plan are comprehensive, address issues and provide for the complex and interrelated recovery needs of the Port.
- Christchurch Replacement District Plan provisions in the draft Recovery Plan provide for the recovery and on-going operation of the Port.

There was also overall support for the non-statutory actions contained within the draft Recovery Plan for example the Dampier Bay public access action.

Several of the written comments sought changes to the planning provisions in the Regional Coastal Environment Plan and the Christchurch Replacement District Plan. The Lyttelton Port Company sought some minor changes to the planning provisions.

Key concerns raised in the written comments were:

- The location of cruise ship berths, including opposition to any provision for a berth at Naval Point and the potential impact on recreational boating.
- The Lyttelton Port Company has requested an increase in retail and office space for the future development at Dampier Bay.
- A request to limit the volume of spoil being deposited at the existing consented spoil dumping grounds.
- The future location and provision of a high quality ferry terminal.
- The continued use of Norwich Quay for port traffic and potential traffic conflicts between the Port and the town centre.

In finalising the Land Use Recovery Plan my officials liaised with the strategic partners (at both management and governance levels), sought advice from the Community Forum and also obtained feedback from other officials of central government agencies.¹

The CER Act requires that, in approving a recovery plan:

- a. I must ensure that I exercise my power in accordance with the purposes of the Act, which are set out in section 3 of the Act (section 10(1) CER Act)
- b. I exercise that power only when I reasonably consider it is necessary (section 10(2) CER Act)
- c. I must have regard to any information or advice from the Community Forum (section 6(4) CER Act)
- d. the Recovery Plan must be consistent with the Recovery Strategy (section 18(1) CER Act)
- e. other Recovery Plans are to be considered due to a need to ensure consistency (section 19(2)(f) CER Act)
- f. I must have regard to the impact, effect, and funding implications of the Recovery Plan (section 21(2) CER Act).

Under section 21(1) of the CER Act I am able to make changes or not as I think fit or withdraw all or part of the draft document.

Further, in the coastal marine area that is within the jurisdiction of greater Christchurch under the CER Act I am required to ensure that any amendments made to RMA documents must give effect to the NZCPS 2010 (by virtue of s 62(3), 67(3) and 75(3) of the Resource Management Act 1991).

I have considered the written comments and the advice received against the CER Act requirements, the Recovery Strategy and the scope and intent of my direction to develop the Lyttelton Port Recovery Plan.

No written comments sought the complete withdrawal of the draft Recovery Plan and the Community Forum did not advise me that it considered complete withdrawal was necessary. The draft Recovery Plan was apt to achieve the purposes of the CER Act relating to rebuild and recovery, was in accordance with my direction and was consistent with the Recovery Strategy and the Land Use Recovery Plan and the Christchurch Central Recovery Plan. I did not, therefore, consider it necessary to withdraw the Recovery Plan.

I did, however, consider that making some changes to the draft Recovery Plan would improve it and so, better ensure the purposes of the CER Act and some of these changes were made because the proposed provisions were unnecessary.

I also note the existing Canterbury Earthquake (Resource Management Act Port of Lyttelton Recovery) Order 2011 made under section 71 of the CER Act established the resource consent process for the current 10 hectare reclamation in Te Awaparahi Bay. The resource consent for this reclamation was approved by Environment Canterbury in 2011 (following the Order). I note that over 8.5 hectares of land had been reclaimed to date. As a consequence of amendments to Regional Coastal Environment Plan directed by the Lyttelton Port Recovery Plan there are some differences in the way the existing reclamation was consented and how the additional 24 hectare reclamation will be consented. I note the existing Order will expire on the lapse of the CER Act but the existing resource consent will continue to have legal effect. I am not the relevant Minister for the purpose of recommending

¹ Agencies involved were: Treasury, the Ministry of Business, Innovation and Employment, the Department of Internal Affairs, the Ministry for the Environment, Department of Conservation, Te Puni Kokiri, New Zealand Customs, the Ministry of Transport and the Department of the Prime Minister and Cabinet.

the revocation of the Canterbury Earthquake (Resource Management Act Port of Lyttelton Recovery) Order 2011, but will lend support to the relevant Minister process-wise if he decides that the Order is no longer necessary.

The final Lyttelton Port Recovery Plan (with amendments) was provided to me by CERA on 30 October 2015 for my further consideration and my approval under section 21 of the CER Act. I also sought comment from my Cabinet colleagues. I have made the decision to approve the amended Lyttelton Port Recovery Plan and changes made to the draft Lyttelton Port Recovery Plan for the reasons described below. I am satisfied that my amendments together with all of those parts of the Lyttelton Port Recovery Plan that remain unchanged from the draft prepared by Canterbury Regional Council are in accordance with the relevant CER Act provisions, consistent with the Recovery Strategy and other Recovery Plans, give effect to the New Zealand Coastal Policy Statement 2010 and reflects and the scope and intent of my direction to develop the Lyttelton Port Recovery Plan.

3. ACTIONS IN THE LYTTTELTON PORT RECOVERY PLAN

The Lyttelton Port Recovery Plan identifies Actions that direct specific amendments to Resource Management Act documents, as defined in s 4 of the CER Act, which includes any regional or district plan and any regional policy statement under the Resource Management Act.

Under section 24(1)(a) and (b) of the CER Act, a council must amend its Resource Management Act documents if the Recovery Plan directs that specific objectives, policies and methods be included or removed from those documents. To do this, the exact words must be included in the Recovery Plan. Changes of this kind in the Lyttelton Port Recovery Plan are set out in the appendices to the Recovery Plan. These changes to the Regional Policy Statement, Regional Coastal Environment Plan, proposed Canterbury Land and Water Regional Plan, proposed Canterbury Air Regional Plan and proposed Christchurch Replacement District Plan, are to take effect on gazettal of the Lyttelton Port Recovery Plan.

The Lyttelton Port Recovery Plan further records commitments and agreements that do not direct changes to any planning instruments but have been agreed to parties during the development of the Recovery Plan. These are commitments and agreements by parties including Environment Canterbury, Lyttelton Port Company and Christchurch City Council. Many of these commitments and agreements reflect the concerns of the Resource Management Act documents but are not strictly necessary in terms of the CER Act in the sense that some of these matters such as the water quality and biosecurity issues in Lyttelton Harbour needed to be addressed even before the earthquakes. For this reason these matters are recorded in the Recovery Plan but are not provided for as actions.

I have distinguished the actions which are statutory directions under section 24 of the CER Act from the commitments and agreements by separating them out into a different chapter of the Recovery Plan.

4. CONTENT OF THE LYTTTELTON PORT RECOVERY PLAN

The following sets out the changes I have made to the draft Lyttelton Port Recovery Plan.

4.1 General changes

The general editorial changes include removal of unnecessary background material. This includes removing:

- details of development of the draft Recovery Plan;
- historic information on the Lyttelton Port and surrounding community;
- detailed evidence such as port operational requirements, future freight volumes and container ship sizes;

- detailed descriptions of the Mahaanui Iwi Management Plan and Cultural Impact Assessment prepared by Lyttelton Port Company; and
- detailed descriptions of the damage to the port and the repair work needed.

This information was required to be taken into account in relation to the purposes of the CER Act during the recovery plans development. The background of the development of the Recovery Plan also provided useful context, in the preliminary and draft Recovery Plan, for people considering whether or not to make written comment and to inform their evidence to the Hearings Panel. However, I consider that the information does not need to be retained in the final Lyttelton Port Recovery Plan as explanatory material may confuse those decision-makers bound to act consistently with a Recovery Plan, under section 26 of the CER Act. The information, if required, can be obtained from the Hearings Panel decision paper, Environment Canterbury's Decision Report and the preliminary and draft Lyttelton Port Recovery Plans.

The Recovery Plan has also been reformatted as a result of the removal of background material. Chapter 3 (Key issues for the recovery of Lyttelton Port), Chapter 4 (The Plan) and Chapter 5 (Implementation) were reworked to create new chapters Chapter 3 (Key considerations for Lyttelton Port), Chapter 4 (Statutory directions) and Chapter 5 (Supporting commitments by parties). The information provided in Sections 2.4, 2.5 and 2.6 of the draft Recovery Plan have also been reworked into the new format.

These editorial changes have also resulted in consequential amendments to the glossary of terms and abbreviations.

4.2 Specific changes to the draft Lyttelton Port Recovery Plan

Main document

In addition to removing background information from the draft that I notified as discussed in Section 6.1 above other changes are:

- Removing the "Purpose of this Document". This information is captured in Chapter 2.
- Replacing the "Foreword" which, in the draft Recovery Plan, is by Environment Canterbury Chair of Commissioners, Dame Margaret Bazley, and Environment Canterbury Chief Executive, Bill Bayfield.
- Replacing the comprehensive text in the "Executive Summary" with a more succinct summary of the document. This reflects the general changes to remove information no longer required to set the context of the document and inform users on whether or not to make a written comment.
- Amending Goal 7.2(b) to remove the words "a more attractive" to read "provide safe routes and an attractive environment for pedestrians, cyclists and users of public transport in Lyttelton". This better reflects general concerns raised in the written comments that local transport network routes, particularly Norwich Quay are currently not attractive, particularly to pedestrians.
- Retaining only Figure 1 which shows the area covered by the Lyttelton Port Recovery Plan. Figures 2 – 9 provided useful context in the preparation and consideration of the Recovery Plan but are no longer necessary to give effect to the Recovery Plan.
- Amending Chapter 6 to change it from a table format to a brief text description of funding sources for the recovery of Lyttelton Port. The table provided a useful breakdown to draft Recovery Plan users of how particular activities would be funded but is unnecessary for the final document.

- g) Amending the timeframe for qualitative risk assessment of bulk liquids storage from being prepared within 6 months to 9 months. This change was requested by the agencies to reflect their decision that a longer timeframe is needed to prepare the assessment.
- h) Removing the abbreviations including CCC, CEMP, LPC, NZCPS, RCEP, RMA and TEU from the "Glossary of Terms and Abbreviations. These terms are used infrequently within the document and therefore appropriate to use the full form within the document.

Appendix 1: Amendments to the Canterbury Regional Policy Statement

Appendix 1 details the statutory amendments to the Canterbury Regional Policy Statement to adequately recognise the importance of the recovery of the Lyttelton Port in the context of the coastal environment. I have not made any changes to Appendix 1.

Appendix 2: Amendments to the Regional Coastal Environment Plan

Appendix 2 details the statutory amendments to the Regional Coastal Plan for the Canterbury Region. It creates a new chapter specific to the Lyttelton Port and provides amendments to other chapters of the Regional Coastal Environment Plan to enable recovery of the Port. I have made the following amendments to this Appendix:

- a) I have amended Policy 10.1.13(5) to read "any earthworks carried out during the construction and repair works are appropriately managed to minimise as far as practicable the discharge of sediments into the Coastal Marine Area". This change recognises that it is not possible in all circumstances to avoid the discharge of sediment. The policy as amended ensures that a high standard of sediment management will be achieved.
- b) I have amended Rule 10.1(e) to read "the reconstruction, maintenance, alteration, removal or demolition of any Wharf Structure, or part of any Wharf Structure..." This amendment provides greater clarity between Rule 10.1(e) which provides for a range of activities, including alterations and 10.3(a) which is to focus solely on extensions.
- c) I have removed the term "alteration" from Rule 10.3(a) to reflect the change made to Rule 10.1(e) above.
- d) I have split Rule 10.11(a) into two parts by moving "maintenance or repair" to a separate new matter of discretion (b) and subsequently renumbered clauses (b) – (d) and made matters for public notification only in relation to the construction of new infrastructure. I consider it is unnecessary to publicly notify maintenance or repair work.
- e) I have amended Rule 10.17 to read "Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule that relates to the establishment of Te Awaparahi Bay Reclamation and associated wharf located in Area A on Planning Map 10.10, will be publicly notified." This means that the establishment of the reclamation and associated wharf structure itself will be notified publicly but I do not consider it is necessary to include small or subsequent repair works within the scope of this rule.
- f) I have amended Rule 10.27(b) and Rule 10.28(c) to reflect that the location where any change in colour of a discharge after reasonable mixing is to be measured is at whichever distance is the greater. The draft Recovery Plan requires measurement at three points following reasonable mixing. This change will ensure that the rule is capable of being effectively implemented.
- g) I have removed the word 'indicative' as it relates to Schedule 5.10.1. The use of the term 'indicative' is unnecessary and rather vague for describing a map reference. The Regional Plan already defines how map co-ordinates are to be referenced and used.

Appendix 3: Amendments to the Proposed Christchurch Replacement District Plan

Appendix 3 sets out the statutory directions necessary to enable the Port's operations, as well as providing opportunities to enhance public access to the waterfront in particular the Dampier Bay area. I have made the following amendments to this Appendix.

- a) I have made any application for new public transport facilities located within the Port operational area or Dampier Bay area a controlled activity. The controlled activity status provides the Lyttelton Port Company with certainty that a new facility will be granted resource consent. New Rule C8 works in tandem with Rule NC2. This ensures that the provision of pedestrian and public vehicle access to the terminal via Sutton Quay must be provided before any activity could be considered as a controlled activity. The matters over which control is reserved over remain unchanged, enabling consideration of site layout and design and public transport facilities. As a consequence of inserting new Rule C8 I have deleted RD3. All other restricted discretionary rules have been renumbered.
- b) I have amended restricted discretionary rule 21.8.2.2.3(RD5) to clarify that this relates to public vehicle access to and from the area of Dampier Bay via Sutton Quay. This rule now identifies the location of the important public vehicle link as being via Sutton Quay.
- c) I have amended 21.7.3.2.1(a)(ii)(d) to correct a drafting error where two matters of control relating to building separation and view shafts are merged into a single matter of control. Consequential renumbering of conditions follows.
- d) I have amended the Map Appendix 21.8.4.4 so that the gap between the two areas marked as "C" are refined to reflect that the width view shaft is to be the same width as Canterbury Street. This change will ensure consistency between the Map and the subsequent rules that control the height of activities in the areas marked as "C".

Appendix 4: Amendments to the Banks Peninsula District Plan

I have deleted Appendix 4. Amendments to the Banks Peninsula District Plan are unnecessary because the Specific Purpose (Lyttelton Port) Zone becomes operative from the time it is incorporated into the proposed Christchurch Replacement District Plan. The amendments were identified as being required to provide consistency with the new provisions.

Appendix 5: Amendments to the proposed Canterbury Land and Water Regional Plan

This Appendix provides for the operation of existing Gollans Bay Quarry and for earthworks on the Port's flat operational land. I have not made any changes to this Appendix except to renumber it as Appendix 4, as a consequential amendment.

Appendix 6: Amendments to the proposed Canterbury Air Regional Plan

This Appendix provides for dust emissions associated with the recovery of the Lyttelton Port. I have not made any changes to this Appendix except to renumber it as Appendix 5, as a consequential amendment.

5 CONSIDERATIONS

I have considered the Canterbury Regional Council Decision Report prepared by Environment Canterbury that accompanied the draft Lyttelton Port Recovery Plan:

- a) the community engagement meetings held in February 2015 and the public meetings held during the submission period on the preliminary draft Lyttelton Port Recovery Plan in April 2015;
- b) the recommendations of the hearings panel who heard from submitters on the preliminary draft Lyttelton Port Recovery Plan in June 2015; and

- c) the method for reviewing and incorporating Lyttelton Port Company's Technical Information.

In testing the Recovery Plan against the CER Act, I am confident it is in accordance with the purposes under section 3 of the CER Act and is consistent with the other existing Recovery Plans – the Land Use Recovery Plan and the Christchurch Central Recovery Plan.

I consider the Recovery Plan is a necessary intervention to enable the timely and expedited recovery of greater Christchurch given that:

- a) Lyttelton Port is the main deep-water Port in the South Island providing a vital link for international trade routes and transport. It plays a critical role in the functioning of greater Christchurch and the South Island.
- b) Lyttelton harbour is valued by Iwi, residents and visitors, for its environmental and recreational amenity, and is habitat for a range of species including the endangered Hector's dolphin, penguins and a variety of bird and fish species.
- c) The Recovery Plan gives the port the confidence to plan and invest in phased redevelopment, reconfiguration and expansion of its facilities in order to maintain efficient operations.
- d) The available Resource Management Act processes will not provide the overall relative certainty in the timeframe that the Port desires, nor would it provide for a comprehensive overview for the wider community and businesses to understand future plans, which influence investment decisions and lead to a timely and coordinated recovery.
- e) Businesses associated with the Port, such as tourism and retail, can have greater confidence about re-investing in Lyttelton.
- f) The Recovery Plan gives the Lyttelton community greater certainty about amenity outcomes, connectivity to the water and long term plans for the Port.
- g) The process to develop the Recovery Plan enabled community engagement in developing the preliminary draft while also providing an independent consideration of points raised by the community.

I consider the Recovery Plan is consistent with the Recovery Strategy. The Recovery Strategy has six areas of activity. The Lyttelton Port Recovery Plan fits within the Built Environment Recovery component which sets out to "develop resilient, cost effective, accessible and integrated infrastructure, buildings, housing and transport networks". It also fits with Economic Recovery which seeks to "revitalise greater Christchurch as the heart of a prosperous region for business, work, education, and increased investment in new activities.

Attachment 1 to this decision provides more detail on the relevant tests.

The New Zealand Coastal Policy Statement 2010 provides a high level decision-making framework for considering relevant coastal issues including policies of particular relevance to the Lyttelton Port works programme I consider that the amendments made by the Recovery Plan to the Resource Management Act documents will give effect to the New Zealand Coastal Policy Statement 2010. **Attachment 2** to this decision provides detail of the analysis being the regional rules for reclamation and dredging, the development of Dampier Bay for public access and commercial activity and the decision-making framework for the location of various activities, such as the ferry terminal and cruise ship facilities.

I have also considered comments from the Community Forum. The Community Forum, on 3 September 2015, was broadly happy with the Recovery Plan but sought clarification on matters relating to:

- a) heritage values of pre-1900s wharfs and how these were being addressed and if solutions were provided in written comments,
- b) changing the location of cruise ship berths and whether or not resource consent will be required if this occurs,
- c) concern regarding traffic on Norwich Quay,
- d) evidence that the people of Lyttelton are happy with the proposed draft Recovery Plan.

The views of the Community Forum have been taken into account. I consider that the process for consideration of heritage values of pre-1900s wharfs and the changing of the location of cruise ship berths will follow and be considered through Resource Management Act processes established by the Recovery Plan. I further consider that Norwich Quay can handle the amount of traffic it currently receives, and acknowledge the commitment by the NZ Transport Agency to provide a safe non-signalised pedestrian facility across Norwich Quay and the wider commitment of NZ Transport Agency, Environment Canterbury, Christchurch City Council, Kiwi Rail and Lyttelton Port Company Limited to work together to ensure the provision of a transport network that supports the recovery while maintaining a safe and efficient transport solutions for all users. I also consider the consultation and engagement process with the community was collaborative, robust and thorough.

6 CONCLUSION

I am happy to be able to approve the Lyttelton Port Recovery Plan in the knowledge that the changes from the draft Recovery Plan have resulted in a stronger document and one that will provide for a focused, timely and expedited recovery for the Lyttelton Port and its surrounding area.



Hon Gerry Brownlee

Minister for Canterbury Earthquake Recovery

Date: 16 / 11 / 2015

Attachment 1

Recommendations on changes to the draft Lyttelton Port Recovery Plan as a result of written comments

Issue	Considerations			Appropriateness for Lyttelton Port Recovery Plan (LPRP)	Discussion written comments received	Recommendations to the Minister for Canterbury Earthquake Recovery as a result of written comments	Necessity to use Canterbury Earthquake Recovery Act Powers to make changes to the draft Lyttelton Port Recovery Plan
	CER Act	Recovery Strategy	Other Recovery Plans				
1. CRUISE SHIPS Should there be provisions for a Cruise Ship Berth in the Recovery Plan and if so, where should it be located?	Section 3(g)	Goals 2.4, 5.1.	Consistent with other recovery plans	Clauses 4.3, 5.1.2 and 5.1.4	<p>The need for cruise ships to dock at Lyttelton Port is identified as a requirement for the LPRP under the Minister's direction.</p> <p>Five written comments were received relating to cruise ships.</p> <p>Three comments provided general support for the non-statutory action that Christchurch City Council and Lyttelton Port Company agree on a collaborative approach to advancing cruise ship berth facilities in Lyttelton.</p> <p>Other comment points addressed the specific location for a cruise ship within Lyttelton Port. Specific support was provided for a cruise ship berth inside the inner harbour. The same parties supported the Plan not identifying a dedicated cruise ship berth at Naval Point and seek that such an activity is excluded from this area.</p> <p>The draft LPRP does not determine a location for cruise ship berths. While it retains the option for a facility at Naval Point this can only be established if a resource consent is obtained. The establishment of a lift for purpose cruise ship berth in other parts of the harbour is a permitted activity. As is the ability to use existing infrastructure to berth cruise ships.</p>	No changes are made to the draft LPRP as a result of the written comments received.	There is no need to use CER Act powers to make changes to the draft LPRP.
2. DAMPIER BAY 2.1. Public Access	Section 3(b) and (g)	Goal 6.4	Consistent with other recovery plans	Clauses 5.1.2 and 5.1.3	<p>The social recovery of surrounding communities is provided under the Minister's direction. Dampier Bay is appropriate in that it provides greater amenity to the Lyttelton community.</p> <p>The written comments received supported providing recognition in the draft Recovery Plan for public access to Dampier Bay. In particular, the comments supported the non-statutory commitment that the Lyttelton Port Company will enter into a binding agreement with Christchurch City Council and Environment Canterbury to provide public access in perpetuity.</p>	No changes are made to the draft LPRP as a result of the written comments received.	There is no need to use CER Act powers to make changes to the draft LPRP.
2.2. Commercial activities and Urban Design Guide	Section 3(f)	Goals 2.4, 2.8, 3.1 and 5.2	Consistent with other recovery plans	Clauses 5.1.2 and 5.1.4	<p>The written comments received provided general support for the development of some commercial activities in Dampier Bay.</p> <p>A number of parties also supported the non-statutory action that the Lyttelton Port Company will prepare an Urban Design Guide addressing how the development of new buildings and public spaces will maintain and enhance the character of the area.</p> <p>One written comment requested an increase in the extent of office and retail development at Dampier Bay.</p> <p>The increase in the quantum of office and retail development to be provided at Dampier Bay was subject to specific evidence and consideration at the hearing on the preliminary draft Plan and for a number of reasons, including ensuring a consistent approach with the overall centres approach taken in the City Plan where the Central City has primary followed by Key Activity Centres, neighbourhood centres and local centres, the Commissioners did not support increasing the level of office or retail activities provided for. Although one party sought increased size of commercial space, this will not be changed.</p> <p>It is considered that provisions for public access are acceptable as already written into the draft Recovery Plan.</p>	No changes are made to the draft LPRP as a result of the written comments received.	There is no need to use CER Act powers to make changes to the draft LPRP.
2.3 Marina	Section 3(f)	Goals 2.4 and 6.4	Consistent with other recovery plans	Clause 5.1.2	<p>Two written comments were received both supporting providing for a marina. Both sought a minor increase in the car parking.</p> <p>CERA officials consider it is unnecessary to increase the car parking requirements as they relate to the Marina. The amount of carparking to be provided in Dampier Bay was subject to specific evidence and consideration at the hearing on the preliminary draft LPRP. Based on the evidence presented the Hearings Commissioners considered that 0.35 car parks per marina berth was appropriate. The draft LPRP also includes discretion to allow consideration of whether sufficient carparking is provided to cater for anticipated demand from marina users/visitors in circumstances where a resource consent is required.</p>	No changes are made to the draft LPRP as a result of the written comments received.	There is no need to use CER Act powers to make changes to the draft LPRP.

Issue	Considerations			Appropriateness for Lytleton Port Recovery Plan	Discussion	Recommendation to the Minister for CER	Necessity to exercise CER Act Powers to make changes to the draft Lytleton Port Recovery Plan
	CER Act	Recovery Strategy	Recovery Plans				
<p>3. DREDGING</p> <p>To enable deeper and longer shipping channels to accommodate larger ships.</p>	Section 3(f) and (g)	Goals 2.4, 2.7 and 5.3	Consistent with other recovery plans	Clauses 4.3, 5.1.1, 5.1.2 and 5.1.4	<p>Two written comments were received on dredging activities in the Regional Coastal Environment Plan including policies and rules.</p> <p>One expressed concern with the lack of a specified volume of spoil that will be deposited and sought a volume is inserted into the rule, or alternatively the activity status be changed from being a controlled activity.</p> <p>Environment Canterbury in providing the draft Lytleton Port Recovery Plan did not agree with recommendation of the hearings Commissioners that a limitation on dredging spoil be imposed. The reason for this was that the consenting requirements were adequate to deal with the environmental effects resulting from the dredging and that the best time to determine a volume of dredging spoil is at the time a resource consent for the dredging activity was obtained. CER officials agree with the decision of Environment Canterbury.</p> <p>Furthermore, parties will be able to make submissions on dredging, including the volume of dredging, during the consent application process, as dredging for certain purposes is a controlled activity with notification.</p>	<p>No changes are made to the draft LPRP as a result of the written comments received.</p>	<p>There is no need to use CER Act powers to make changes to the draft LPRP.</p>
<p>4. TRANSPORT</p> <p>4.1 Ferry Terminal location</p>	Section 3(f)	Goal 5.4	Consistent with other recovery plans	Clauses 4.3, 5.1.1, 5.1.2 and 5.1.3	<p>Written comments expressed concern that the draft LPRP did not provide certainty about where or when a new ferry terminal will be developed. While expressing concerns some did acknowledge the reasons i.e. hearings panel gave for not providing greater certainty.</p> <p>The draft LPRP states that the new ferry terminal facility requires resource consent as a restricted discretionary activity and it at any consent is to be publicly notified.</p> <p>CERA officials consider that given the need for a ferry terminal the consent should be a controlled activity (which provide certainty that consent will be granted), but be publicly notified to provide the ability for the community to have input into matters of detail associated with the provision of the facility. This will provide certainty to Lytleton Port Company, private investors in the ferry service and also the community.</p>	<p>Remove Rule 21.8.2.2.3 (RD2) and create a new Rule 21.8.2.2.2 (RD3) from Appendix 3 of the draft LPRP so the location of the new ferry terminal is a controlled activity, with public notification in the Lytleton Port Recovery Plan.</p>	<p>It is considered necessary for the Minister to use powers provided under section 21(1)(a) of the CER Act to make amendments to the draft LPRP to change the provisions for consent status of the ferry terminal location to a controlled activity that is publicly notified.</p>
<p>4.2 Traffic Matters</p> <p>Traffic and pedestrian safety on Norwich Quay</p>	Section 3(f)	Goal 5.4	Consistent with other recovery plans	Clauses 4.3, 5.1.1, 5.1.2 and 5.1.3	<p>Written comments were received expressing disappointment that the draft Recovery Plan did not address community aspirations to reconnect the township to the waterfront by removing Port freight traffic off Norwich Quay.</p> <p>Written comments were however largely supportive of the non-statutory commitments in relation to the transport network and pedestrian access across Norwich Quay.</p> <p>Other written comments signalled disappointment that the non-statutory commitments do not go far enough in removing freight traffic from Norwich Quay.</p> <p>CERA officials consider that traffic evidence provided at the hearing on the preliminary draft LPRP showed that the amount of traffic, including freight, using Norwich Quay is well within its design capabilities. There is no justification, at this time, for requiring alternative route for freight to the Port to be utilised.</p>	<p>No changes are made to the draft LPRP as a result of the written comments received.</p>	<p>There is no need to use CER Act powers to make changes to the draft LPRP.</p>
<p>4.3 Traffic Matters</p> <p>Sutton Quay</p>	Section 3(f)	Goal 5.4	Consistent with other recovery plans	Clauses 4.3, 5.1.1, 5.1.2 and 5.1.3	<p>One written comment was received which identified that the restricted discretionary rule relating to access to and from the area of Dampier Bay via Sutton Quay did not recognise this area as an important vehicle link.</p> <p>CERA officials agree that making a minor change will make it clear public vehicle access via Sutton Quay is important.</p>	<p>Amend restricted discretionary rule 21.8.2.2.3(RD5) in Appendix 3 of the draft LPRP to clarify that it relates to public vehicle access to and from the area of Dampier Bay via Sutton Quay.</p>	<p>It is considered necessary for the Minister to use powers provided under section 21(1)(a) of the CER Act to amend the draft LPRP make minor amendments to clarify a provision relating to Sutton Quay.</p>
<p>5. RECLAMATION</p> <p>Consent status</p>	Section 3(f) and (g)	Goals 2.2, 5.2	Consistent with other recovery plans	Clauses 4.3, 5.1.1, 5.1.2 and 5.1.4	<p>Five written comments were received on the reclamation. The comments generally supported the provisions including the activity status is a controlled activity.</p> <p>Some of the written comments sought amendments to specific provisions to either provide greater clarity or to ensure all relevant matters are able to be considered through any consent process. One written comment sought the deletion of the specific requirement for public notification and this is left to normal Resource Management Act processes to decide whether to notify or not, or alternatively that the notification clause not apply to maintenance or repair works.</p> <p>CERA officials agree that amending the provision requiring public notification could be more enabling where it is for maintenance and repair activities. Resource consent notification should however still apply to the activity of constructing the reclamation itself and with the erection or placement of Wharf Structures in this area.</p>	<p>Amend Rule 10.11 in Appendix 2 of the draft LPRP so that the requirement to notify a resource consent application does not apply to the maintenance or repair of the reclamation.</p>	<p>It is considered necessary for the Minister to use powers provided under section 21(1)(a) of the CER Act to make amendments to the draft LPRP to amend the notification provisions for the maintenance and repair of the reclamation.</p>

Issue	Considerations		Appropriateness for Lyttelton Port Recovery Plan	Discussion	Recommendation to the Minister for CER	Necessity to exercise CER Act Powers to make changes to the draft Lyttelton Port Recovery Plan
	Recovery Strategy	Recovery Plans				
	CER Act	Direction				
6. ZONING ISSUES AT NAVAL POINT	Section 3(b) and (g) Goal 6.4	Consistent with other recovery plans	Clauses 5.1.2 and 5.1.3	The land within recovery of the damaged port, including the repair, rebuild and reconfiguration needs of the port is provided for under the Minister's direction. A particular concern was the lack of emphasis in the new zone in providing for recreational boating activities. CERA officials agree with the approach in the draft Recovery Plan that a range of marine related industrial activities provided for includes marine-related industrial activities and the provisions do not need to be changed.	No changes are made to the draft LPRP as a result of the written comments received.	There is no need to use CER Act powers to make changes to the draft LPRP.
7. WHOLE OF HARBOUR	Section 3(g) Goals 4.1 and 6.3	Consistent with other recovery plans	Clause 5.1.2	The majority of the Lyttelton Harbour is outside of the geographic extent of the area identified in the Minister's direction. However, the Minister's direction does provide for the consideration of effects on the environment and coastal marine area as it relates to surrounding communities and greater Christchurch.	Five written comments were received supporting the provision of a non-statutory commitment to develop a whole of harbour Lyttelton Harbour Catchment Management Plan. The support for the non-statutory action addressing the catchment management plan is noted.	There is no need to use CER Act powers to make changes to the draft LPRP.
8. BULK LIQUID STORAGE <i>Quantitative risk assessment to be undertaken of Naval Point Bulk Fuel Storage tank farm.</i>	Section 3(e) Goals 1.8, 2.4 and 2.10	Consistent with other recovery plans	Clause 5.1.2	Health and safety are a key consideration in the Minister's direction and therefore appropriate to include in the Recovery Plan.	One written comment expressed concern that six months would not be long enough to prepare a qualitative risk assessment of Naval Point and sought this to be changed to nine months. CERA officials consider this change is reasonable as it will allow the parties to complete the requirements.	It is considered necessary for the Minister to use powers provided under section 21(1)(a) of the CER Act to amend the draft LPRP to allow for nine months to complete a qualitative risk assessment of the bulk liquid storage facilities at Naval Point.
9. REPAIR, REPLACEMENT AND DEMOLITION OF PORT INFRASTRUCTURE	Section 3(f) and (g) Goals 1.1, 2.2, 2.3, 2.4, 5.1, 5.2, 6.4 and 6.6.	Consistent with other recovery plans	Clauses 5.1.1 and 5.1.2	Repair, replacement, alteration and demolition of port infrastructure is a necessary activity to enable the recovery and enhancement of Lyttelton Port.	One written comment was received addressing the way alterations to wharfs had been addressed in the draft LPRP. The draft LPRP seeks to distinguish between alterations and extensions to structures, but the rules addressing these activities confuse these matters. CERA officials agree that provisions applying to alterations and extensions to structures required clarification. Amendments to Rules 10.1e and 10.3a will provide greater clarity.	It is considered necessary for the Minister to use powers provided under section 21(1)(a) of the CER Act to amend the draft LPRP to clarify provisions relating to alterations and extension of port infrastructure.
10. STATUTORY PROVISIONS <i>Relating to Port operational rules and statutory planning matters</i>	Section 3(f) and (g) Goals 1.1, 2.2, 2.3, 2.4 and 6.6.	Consistent with other recovery plans	Clauses 5.1.1 and 5.1.2	It is appropriate to improve the final Recovery Plan to ensure its efficiency and effectiveness.	Written comments sought a number of specific changes to provisions that are to be inserted into affected statutory plans and policy statements by the Lyttelton Port Company. In particular an issue with the width of the view shaft from Canterbury Street. The view shaft was intended to be the same width as Canterbury Street, but is shown as wider on the Maps attached to the draft Plan. CERA officials consider this amendment is minor in detail but will ensure that the provisions will work appropriately.	It is considered necessary for the Minister to exercise powers provided under section 21(1)(e) of the CER Act to amend the draft LPRP to correct the view shaft and the rule that control the height of buildings at the Port.
11. GOLLANS BAY	Section 3(f) and (g) Goals 1.1, 2.2, 2.3 and 2.4.	Consistent with other recovery plans	Clauses 5.1.1 and 5.1.2	The activities at Gollans Bay are necessary to enable the recovery and enhancement of Lyttelton Port.	A written comment sought a minor amendment to one of the rules relating to the discharge of stormwater. The written comment sought to clarify provisions in the Regional Coastal Environment Plan to allow the ability to implement provisions for discharges. In particular it was noted the rules required the colour of the discharge after reasonable mixing was required to be measured at three points not at the greatest distance. It also required that the discharge of sediment is avoided. CERA officials consider it is not reasonable to implement reasonable mixing at three points nor is it possible in all circumstances to avoid sediment discharge.	It is considered necessary for the Minister to exercise powers provided under section 21(1)(e) of the CER Act to amend the draft LPRP to clarify provisions relating to stormwater discharges.
12. SEAFARERS	Section 3(g) Goal 3.1	Not consistent with other recovery plans	Clause 5.1.2	While consideration of social wellbeing is a part of the Minister's direction the matters identified in the written comments fall outside of the directions intent.	A written comment sought that the LPRP identify the needs of all uses of Lyttelton Port including seafarers who visit the Port. The Seafarers Centre in Lyttelton was, and still is, located within the Lyttelton Township which is outside of the Specific Purpose (Lyttelton Port) Zone. The written comment further sought specific recognition is provided for a possible future Lyttelton Seafarers Centre within the Port. CERA officials note that the draft LPRP does not preclude the Lyttelton Port Company providing for such activity on its land, but it is not necessary or appropriate to identify 'possible' locations on a Planning Map that is a statutory document.	This is not within the scope of the draft LPRP.

Issue	Considerations			Appropriateness for Lyttelton Port Recovery Plan	Discussion	Recommendation to the Minister for CER	Necessity to exercise CER Act Powers to make changes to the draft Lyttelton Port Recovery Plan
	CER Act	Recovery Strategy	Recovery Plans				
13. GENERAL MATTERS 13.1 Compensation	Section 3(g)				<p>One written comment was received seeking compensation for effects on the environment or the community from Lyttelton Port.</p> <p>Consideration has been given to matters raised in the comment to ensure that any actual or potential effects on the environment of activities that will be enabled through the LPRP, particularly with and the statutory provisions are adequately addressed.</p> <p>It is not necessary for compensation to be required through the LPRP, however it is noted that Lyttelton Port Company has indicated it will provide funding for three years for the development Harbour Management Plan.</p> <p>CERA officials recognised during review that maps coordinates in Appendix 2 were marked as indicative. This does not provide certainty to plan users as to where these boundaries are despite them being clear map co-ordinates.</p>	<p>No changes are made to the draft LPRP as a result of the written comments received. Compensation is not necessary through the LPRP.</p>	<p>There is no need to use CER Act powers to make changes to the draft LPRP.</p>
13.2 General matters identified	Section 3(g)	Goals 4.1 and 6.3	Consistent with other recovery plans	<p>It is appropriate to improve the final Recovery Plan by clarifying uncertain provisions in order to ensure its efficiency and effectiveness.</p>	<p>Amend the draft LPRP to remove the word 'indicative' as it relates to map co-ordinates in Schedule 5.10.1.</p>	<p>It is considered necessary for the Minister to exercise powers provided under section 2(1)(a) of the CER Act to amend the draft LPRP to clarify provisions.</p>	

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Attachment 2

Overview of the Lyttelton Port Recovery Plan with respect to the New Zealand Coastal Policy Statement 2010

This table provides an overview of the Lyttelton Port Recovery Plan (LPRP) with respect to the New Zealand Coastal Policy Statement 2010.

The provisions addressed are those statutory provisions that are to be inserted into the relevant Regional Policy Statement, Regional Plans and the Christchurch Replacement District Plan that relate to either new activities or activities in new locations beyond those currently occurring at the Lyttelton Port and its environs. The activities particularly considered are, the reclamation, capital dredging, and the Dampier Bay development area.

NZCPS Provision	Potential for expanded activities under Lyttelton Port Recovery Plan (LPRP)	Give effect to NZCPS
Objective 1	<p>Based on the evaluation of the policies that implement this objective (below) the integrity, form, functioning and resilience of the coastal environment and its ecosystems are safeguarded and sustained.</p> <p>In particular coastal water quality has been a key consideration in developing provisions for new activities to the Port, including the reclamation and capital dredging. This is reflected in the new provisions introduced into the Regional Coastal Environment Plan, particularly Policies 10.1.10, 10.1.11 and 10.1.13 and the rules that implement these policies.</p>	Yes
Objective 2	<p>The Regional Policy Statement provides direction in its objectives and policies as to the natural character and natural features and landscapes that are important and unsuitable for further development. The area around the Port of Lyttelton is not recognised as one of these areas. These provisions are not being changed as a result of the LPRP.</p> <p>Based on the evaluation of the policies that implement this objective (below) the objective is achieved. The development provided for in LPRP is not within a location identified as inappropriate for use or development.</p>	Yes
Objective 3	<p>The principles of the Treaty of Waitangi have been taken into account. In particular, cultural values and matters are specifically identified in the provisions to be inserted into the LPRP: policy 8.3.6 in the Regional Policy Statement and Objective 10.1 and Policy 10.1.4 of the Canterbury Coastal Environment Plan and in the rules that implement these provisions</p> <p>In addition the existing provisions in the Regional Policy Statement, Coastal Environment Plan and the Replacement Christchurch District Plan all contain provisions that recognise the relationship of tāngata whenua with the coastal environment. The LPRP does not change these provisions.</p>	Yes
Objective 4	<p>Based on the evaluation of the policies (below) that implement the objective the public open space qualities are maintained and where appropriate in the context of an operational port enhanced.</p> <p>Provision has been made for enhanced public access at Dampier Bay through the provisions of the LPRP. Policies 10.1.1 and 10.1.3 introduced into the Regional Coastal Environment Plan and Policies 21.8.1.3.1 and 21.8.1.3.2 introduced into the Proposed Christchurch Replacement District Plan and the rules that implement these will over time enable enhanced public access and public open space.</p>	Yes
Objective 5	<p>Based on the evaluation of the policies that implement the Objective 5 coastal hazard risk has been managed to the extent necessary.</p> <p>Managing hazard risk and maintaining and managing operations that increase the Ports resilience to natural hazards during and after natural hazard events is specifically</p>	Yes

	<p>recognised in policy 21.8.1.1.3 in the Replacement Christchurch District Plan.</p> <p>In addition, the Regional Policy Statement and the Regional Coastal Environment Plan already contain provisions that address coastal hazards and these provisions are not changed by the LPRP.</p>	
Objective 6	<p>Based on the evaluation of the policies that implement Objective 6 the statutory provisions of the LPRP enable people and communities to provide for their social, economic and cultural wellbeing.</p> <p>Lyttelton Port's recovery is necessary to ensure the efficient and safe operation of the Port and to enable the Port to develop its capacity for shipping. This is important for providing a sustainable national transport system. The Lyttelton Port is identified as being regionally significant infrastructure.</p> <p>The provisions introduced into planning documents by the LPRP, particularly the, particularly the Christchurch Replacement District Plan, provide for recovery of the Port and associated activities in appropriate places and of an appropriate form within the identified areas. Appropriate limits on these activities have been described and provided through the rules that apply to these activities.</p> <p>The activities provided for are dependent on the natural and physical resources of the coastal environment and the already established facilities and infrastructure of the Port of Lyttelton.</p>	Yes
Objective 7	<p>The development of the LPRP recognises New Zealand's international obligations regarding the coastal environment.</p> <p>For example, the consideration of aquatic ecosystems, including marine based mammals through the provisions that apply to the reclamation. This includes the LPRP introducing rules into the Regional Coastal Environment Plan including the deposition of material and the development of wharf structures as provided for in Rules 10.3 and 10.16.</p> <p>Furthermore provisions there are existing provisions in the Regional Policy Statement and Regional Coastal Environment Plan assist in giving recognition to New Zealand's international obligations with respect to the Coastal Environment. The LPRP does not change these provisions.</p>	Yes
Policy 1 - Extent and characteristics of the coastal environment	<p>This policy establishes what the coastal environment includes and seeks specific recognition be provided that the extent and characteristics vary between different locations and localities.</p> <p>The particular circumstances of the Lyttelton Port, Lyttelton Harbour and wider environments have been considered in the Preparation of the statutory provisions within the LPRP. The provisions developed address the particular locality and the issues and effects are addressed as relevant in the particular circumstances.</p> <p>The key focus of the statutory provisions in the LPRP is on recognising the physical resources and built facilities that have modified the coastal environment, in this case the Port of Lyttelton.</p>	Yes
Policy 2 - The Treaty of Waitangi, tāngata whenua and Maori heritage	<p>The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) and kaitiakitanga have been taken into account in the in the preparation of the draft LPRP and final LPRP.</p> <p>A Cultural Impact Assessment was prepared and considered in the development of the draft LPRP, along with submissions and evidence received from Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu.</p>	Yes
Policy 3 - Precautionary approach	<p>A precautionary approach has been considered and adopted in the statutory provisions within the LPRP. Where the effects of activities are uncertain, unknown or little understood activities are not provided for as permitted activities.</p> <p>Activities not provided for as permitted activities will require a resource consent to be obtained before they can be established. Relevant matters to address effects on the coastal environment will be considered at that time, with the ability to impose conditions of consent to address these effects.</p>	Yes
Policy 4 - Integration	<p>The statutory provisions in the LPRP do address integration as they provide a co-ordinated</p>	Yes

	<p>management approach to activities within a number of statutory documents, including the Regional Policy Statement, Regional Coastal Environment Plan and the Christchurch Replacement District Plan.</p> <p>This will provide co-ordinated management and control of activities within both the coastal environment and land between agencies with resource management responsibilities and functions.</p> <p>In the preparation of the draft LPRP it is evident that particular consideration was given to the matters in Policy 4(c). Actual and potential adverse effects of activities are to be managed through the plan process for managing activities, including dredging activities that may result in actual or potential adverse effects on the environment.</p>	
Policy 5 - Land or waters managed or held under other Acts	<p>The statutory provisions in the LPRP do not disturb or affect the existing provisions in the Regional Policy Statement, Regional Coastal Environment Plan or Replacement Christchurch City Plan that already address these matters.</p>	Yes
Policy 6 - Activities in the coastal environment	<p>This policy provides for a number of matters to be recognised, taken into account or considered. Of particular relevance to the statutory provisions in the LPRP is that the provision of infrastructure is important to the social, economic and cultural well-being of people and communities.</p> <p>In the preparation of the draft LPRP activities within the coastal environment were considered, including activities associated with the repair and operation of the Port of Lyttelton which is regionally significant infrastructure. Evident that particular consideration was given to the matters in Policy 6(1) to the extent they are relevant.</p> <p>Actual and potential adverse effects of activities have been considered and are managed through the statutory provisions, with activities being provided for as permitted (subject to meeting standards) or others require resource consent (controlled, restricted discretionary and non-complying) that enable the adverse effects of particular activities and proposals to be considered.</p>	Yes
Policy 7 - Strategic planning	<p>The statutory provisions in the LPRP recognise, consider, identify and promote (as and where relevant) areas for activities, including port activities and community activities.</p> <p>In the preparation of the draft LPRP it is evident that particular consideration was given to the matters in Policy 7(1) and (2). Actual and potential adverse effects of activities on resources of value are managed through the statutory provisions, with activities being provided for as permitted (subject to meeting standards) or others require resource consent (controlled, restricted discretionary and non-complying) that enable the adverse effects of particular activities and proposals to be considered.</p>	Yes
Policy 9 - Ports	<p>The matters in Policy 9 have been recognised through the preparation of the draft LPRP and the LPRP which introduces provisions into the Regional Coastal Environment Plan and the Proposed Christchurch Replacement District Plan to recognise and provide for the efficient and safe operation of the Port of Lyttelton.</p> <p>The draft LPRP and the LPRP addresses matters set out in the Sections 5.1.1, 5.1.2, 5.1.3 and 5.1.4 of the Direction to develop a Lyttelton Port Recovery Plan.</p> <p>The draft LPRP, the submissions and evidence received on that Plan and the provisions of the LPRP and a number of comments received on that recognised that Port recovery is necessary to ensure the efficient and safe operation of the Port and to enable the Port to develop its capacity for shipping which is important for providing a sustainable national transport system and the important of Ports in achieving this.</p>	Yes
Policy 10 - Reclamation and de-reclamation	<p>The LPRP provides for new reclamation activities in accordance with provisions to be inserted into the Regional Coastal Environment Plan.</p> <p>The policy is to avoid reclamation unless the matters in (a)-(d) occur. These matters are addressed below.</p> <p>The reclamation of up to 24 hectares of land (in addition to an already consented 10 hectares) is to provide for a new container terminal associated with the Port of Lyttelton. There is no land outside of the coastal marine area immediately adjacent to the Port that is</p>	Yes

	<p>suitable or available for the proposed activity. Matter (a) is met.</p> <p>The reclamation is to provide for a new container terminal associated with the Port of Lyttelton. Port activities have a locational requirement to occur in or adjacent to the coastal marine area. Matter (b) is met.</p> <p>As described when addressing matters (a) and (b) above there is a locational requirement for the Port Activities to be located in or adjacent to the coastal marine area, and there is no other land available that would enable the development of a new container terminal. Any development of this type associated with the Port of Lyttelton would require reclamation. There are no practicable alternative methods of providing the activity. Matter (c) is met.</p> <p>The Port of Lyttelton is Regionally Significant Infrastructure. The development of the new container terminal that the reclamation will provide significant regional benefit. Matter (d) is met.</p> <p>As items (a)-(d) are met Policy 10(1) does not require reclamation be avoided.</p> <p>The matters in Policy 10(2) and (3) were considered in the preparation of the draft LPRP, as matters necessary to mitigate actual or potential adverse effects on the environment will be addressed in the consent process that will be required to establish the reclamation. Particular regard has been had to the matters in Policy 10(2) and (3).</p> <p>The matters in Policy (4) were considered irrelevant land as there is no redundant land.</p>	
Policy 11 - Indigenous biological diversity (biodiversity)	<p>These matters were considered and addressed, including in evidence and supporting information presented, through the preparation of the draft LPRP.</p> <p>The matters in Policy 11(a) and (b) were considered in the preparation of the draft LPRP. Matters necessary to avoid (where necessary) and avoid, remedy or mitigated (in other circumstances) actual or potential adverse effects on the environment have be addressed in the provisions.</p> <p>Activities that have the potential to adversely affect matters in Policy 11 are not provided as permitted activities, and will need to obtain resource consent to establish enabling consideration of relevant matters.</p>	Yes
Policy 12 - Harmful aquatic organisms	<p>These matters were considered and addressed through the preparation of the draft LPRP including marine biosecurity risks associated with construction activities and future port operations relating to the Lyttelton Port.</p> <p>These are also matters that are addressed in the operation of the existing Port of Lyttelton operations and are already addressed in the existing Regional Coastal Environment Plan and Regional Policy Statement provisions (that are not being changed by the LPRP) to the extent that was considered necessary when these were prepared.</p>	Yes
Policy 13 - Preservation of natural character	<p>This policy has matters that are to be avoided in Policy 13(1)(a) and 13(1)(b). The Lyttelton Harbour is not provided for in the RPS as an area of outstanding natural character so Policy 13(1)(a) does not apply.</p> <p>Policy (b) is to avoid significant adverse effects of activities on natural character.</p> <p>The Regional Policy Statement and Regional Coastal Environment Plan contain provisions, not being changed by the LPRP, that describe areas of Banks Peninsula to be maintained in their present natural states, free of additional structures. No areas within the Lyttelton Harbour are identified as being areas to be maintained in its present natural state.</p> <p>In considering the statutory provisions to be changed in the LPRP there are no activities provided for in areas identified as having outstanding natural character or natural character that should remain unchanged. On this basis it is considered that significant adverse effects will not result from the provisions in the LPRP. As such the adverse effects are to be avoided, remedied or mitigated, rather than only avoided.</p> <p>When considering the key activity methods to manage and offset visual changes is a matter that must be addressed through the resource consent process. This enables</p>	Yes

	adverse effects to be remedied or mitigated consistent with the policy.	
Policy 14 - Restoration of natural character	The area where the statutory provisions of the LRPR have effect is an operational port this is not an area of natural character where restoration or rehabilitation would be promoted. This is a promotion policy, not one requiring a statutory response.	Yes
Policy 15 - Natural features and natural landscapes	This policy has matters that are to be avoided in Policy 15(1)(a) and 15(1)(b). Which clause is relevant depends on whether the area under consideration is an outstanding natural landscape. The area where additional activities are provided for in the LRPR is not an area of outstanding natural landscape so Policy 13(1)(a) is not relevant. Policy 15(1) (b) is to avoid significant adverse effects and avoid, remedy or mitigate adverse effects of activities on natural landscapes and natural features. The LRPR introduces new planning provisions that do not enable activities with significant adverse effects on natural landscapes and that manage the effects of other activities. As a result, the statutory provisions in the LRPR avoid inappropriate subdivision, use and development.	Yes
Policy 17 - Historic heritage Identification and protection	Matters relating to the protection of historic heritage from inappropriate subdivision use and development was considered and addressed, including in evidence presented, through the preparation of the draft LRPR. This included consideration of archaeological sites and historic sites within the Port, including the swing moorings in Dampier bay and the historic wharves. As addressed when evaluating other provisions of the New Zealand Coastal Policy Statement the statutory provisions in the LRPR are not considered to provide for inappropriate subdivision, use and development.	Yes
Policy 18 - Public open space	Recognising the need for public open space within and adjacent to the coastal marine area was considered and addressed through the preparation of the draft LRPR. The LRPR that inserts provisions into the Proposed Christchurch Replacement Plan for public access and public open space in appropriate locations, particularly in Dampier Bay. Policies that address this matter include Policies 10.1.1 and 10.1.3.	Yes
Policy 19 - Walking access	Recognising the need for public walking access within and adjacent to the coastal marine area was considered and addressed through the preparation of the draft LRPR, in so far as public access is practical and safe within an operational port area. The LRPR inserts provisions into the Proposed Christchurch Replacement District Plan containing policies related to public access, and rules addressing both public access and walking access, in appropriate locations, particularly Dampier Bay. This includes (Rule 21.8.2.2.2 C7) and assessment matters for subdivision (21.8.3.3.4(d)).	Yes
Policy 21 - Enhancement of water quality	Water quality in the coastal environment was considered and addressed, including in evidence presented, through the preparation of the draft LRPR. New activities that have the potential to adversely affect water quality that are included in the LRPR are not provided as permitted activities, and will need to obtain resource consent to establish enabling consideration of relevant matters. The management of contaminated sediment is addressed through Policy 10.1.10 of the Regional Coastal Environment Plan. The management of water quality from sedimentation associated with the reclamation is addressed in Rule 10.11. Matters relating to water quality, sedimentation and discharges of contaminants are specifically addressed in Policy 10.1.10, Policy 10.1.11 and Policy 10.1.13 of the Regional Coastal Environment Plan.	Yes
Policy 22 - Sedimentation	Sedimentation in the coastal marine area and coastal water was considered and addressed, including in evidence presented, through the preparation of the draft LRPR. Matters necessary to avoid (where necessary), and avoid, remedy or mitigate actual or potential adverse effects of sedimentation on the environment have been addressed in the planning provisions introduced by the LRPR. Activities that have the potential to adversely affect matters in Policy 22 are not provided	Yes

	<p>as permitted activities, and will need to obtain resource consent to establish enabling consideration of relevant matters.</p> <p>Matters relating to water quality, sedimentation and discharges of contaminants are specifically addressed in Policy 10.1.10, Policy 10.1.11 and Policy 10.1.13 of the Regional Coastal Environment Plan.</p>	
Policy 23 - Discharge of contaminants	<p>The discharge of contaminants in the coastal environment was given particular regard to, including in evidence presented, through the preparation of the draft LPRP.</p> <p>Matters necessary to avoid, remedy or mitigate actual or potential adverse effects of discharges on the environment have been addressed in the planning provisions introduced by the LPRP.</p> <p>Activities that have the potential to adversely affect matters in policy 23 are not provided as permitted activities, and will need to obtain resource consent to establish enabling consideration of relevant matters.</p> <p>Matters relating to water quality, sedimentation and discharges of contaminants are specifically addressed in policy 10.1.10 (contaminated sediment), policy 10.1.11 (development of the container terminal) and policy 10.1.13 (stormwater) of the Regional Coastal Plan.</p>	Yes
Policy 24 - Identification of coastal hazards	<p>Coastal hazards were considered and addressed, throughout the preparation of the draft LPRP. The provisions introduced into planning documents by the LPRP do not result in the identification of additional coastal hazards.</p>	Yes
Policy 25 - Subdivision, use, and development in areas of coastal hazard risk	<p>Policy 25(a) is to avoid increasing the risk of social, environmental and economic harm from coastal hazards. Policy 25(b) is to avoid redevelopment, or change in land use what would increase the risk of adverse effects from coastal hazards.</p> <p>Coastal hazard risk was a matter considered through the preparation of the draft LRPP. The provisions into planning documents in the LPRP will not increase the risk from coastal hazards and as such the avoid aspects of the policy are met.</p> <p>The policy approach in (c)-(f) are consider, encourage, or discourage policies and as such they do not require any specific statutory action.</p>	Yes
Policy 26 - Natural defences against coastal hazards	<p>Lyttelton Port is an operating port area and providing limited opportunities to provide for restoration or enhancement of natural defences.</p>	Yes
Policy 27 - Strategies for protecting significant existing development from coastal hazard risk	<p>Coastal hazard risk was a matter considered in the development of the draft LRPP.</p> <p>The LPRP does not introduce additional provisions over and above the provisions already in the Canterbury Regional Policy Statement and Regional Coastal Plan.</p>	Yes