

BEFORE THE INDEPENDENT COMMISSIONERS

UNDER the Resource Management Act
1991

IN THE MATTER of the Public Hearings on the
Proposed Canterbury Air Regional
Plan

**MEMORANDUM OF COUNSEL IN RELATION TO THE
APPROVAL OF THE LYTTELTON PORT RECOVERY PLAN**

22 November 2015

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MAY IT PLEASE THE PANEL

- 1 This Memorandum is filed for the purposes of updating the Panel with respect to the Lyttelton Port Recovery Plan.
- 2 On 19 November 2015, the Minister for Canterbury Earthquake Recovery approved the Lyttelton Port Recovery Plan (the "Recovery Plan") under section 21 of the Canterbury Earthquake Recovery Act 2011 ("CER Act").
- 3 Attached as **Attachment 1** is a copy of the public notice issued in the New Zealand Gazette.
- 4 Actions 1 to 5 of the Recovery Plan require the Council, pursuant to section 24(1)(a) and (b) of the CER Act, to amend the objectives, policies and methods of the following planning documents:
 - (a) Canterbury Regional Policy Statement ("CRPS");
 - (b) Regional Coastal Environment Plan for the Canterbury Region;
 - (c) Christchurch Replacement District Plan;
 - (d) Canterbury Land and Water Regional Plan; and
 - (e) Proposed Canterbury Air Regional Plan ("pCARP")
 in accordance with Appendix 1 to 5 of the Recovery Plan respectively.
- 5 These amendments have legal effect from 19 November 2015. Under section 23 of the CER Act, the Panel cannot make a decision or recommendation on the pCARP that is inconsistent with the Recovery Plan.
- 6 The amendments to the CRPS and the pCARP are attached to this Memorandum as **Attachment 2** and **Attachment 3**. These amendments have not changed from the draft Lyttelton Port Recovery Plan that was provided to the Minister and attached to the Council's section 42A Report as Appendix 3. However, it is noted that the amendment shown to the Principal Reasons and Explanation of Policy 8.3.6 of the CRPS that was shown in grey highlighting in Appendix 3 of the section 42A, has not been made by the Minister under section 27 of the CER Act.

- 7 The Recovery Plan can be viewed on the following website:
www.cera.govt.nz. The Council will also provide hard copies to the
Hearing Panel if requested.

Dated this 22nd day of November 2015



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P A C Maw / M A Mehlhopt
Counsel for Canterbury Regional Council

ATTACHMENT 1 - Gazette Notice
NEW ZEALAND GAZETTE, No. 126 — 19 NOVEMBER
2015

Lyttelton Port Recovery Plan Commencement Notice

Pursuant to section 21(4) of the Canterbury Earthquake Recovery Act 2011, the Minister for Canterbury Earthquake Recovery gives the following notice.

N o t i c e

- 1. Title**—This notice is the Lyttelton Port Recovery Plan Commencement Notice.
- 2. Commencement**—The Lyttelton Port Recovery Plan is issued and comes into effect on 19 November 2015.
- 3. Inspection**—The Lyttelton Port Recovery Plan is available on the Canterbury Earthquake Recovery Authority's website

www.cera.govt.nz

Reference copies of the Lyttelton Port Recovery Plan will be available at the Canterbury Earthquake Recovery Authority's Office at Level 8, HSBC Tower, 62 Worcester Boulevard, Christchurch, and at Christchurch City, Selwyn District and Waimakariri District Councils offices, main service centres and libraries.

Dated at Wellington this 19th day of November 2015.

Hon GERRY BROWNLEE, Minister for Canterbury Earthquake Recovery.

2015-go6780

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.

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.**

