

Preliminary Draft Lyttelton Port Recovery Plan

Addendum Report of the Hearing Panel

27 July 2015

Hearing Panel:

Sir Graham Panckhurst (Chair)

Peter Atkinson

Tim Vial

1. ECan requested that the Panel provide clarification in relation to three matters in section 10 of its recommendation report dated 6 July 2015. These matters concern a Cruise Ship Berth, and are:

- How the Panel proposes to implement removal of the planning framework from the RCEP and the proposed Christchurch Replacement District Plan,
- What the Panel had in mind in recommending that the CCC urgently take the lead role in defining, and commissioning, a quantitative risk assessment (QRA), and
- What view the Panel has in relation to proposed Action 11 as revised by the CCC in its submission to the Panel.

Removal of the Planning Framework

2. Following the request for clarification and further deliberation the Panel has concluded that removal of the planning framework may have unintended consequences and would not support the return of cruise ships to Lyttelton as an element of recovery. Instead, we propose amendment of the cruise ship policy in each proposed plan and rule changes as set out in the table below.

Regional Coastal Environment Plan

Policy 10.1.15	Amend Policy 10.1.15 – Cruise ship berth at Naval Point Ensuring that the development of a cruise ship berth: a) occurs at a location where cruise ship passengers and crew and workers at Naval Point are not exposed to unacceptable risk from Port activities or the as a result of proximity to hazardous facilities located within the Bulk Liquids Storage Area at Naval Point , and b) The establishment of a cruise ship berth at Naval Point does not limit hinder the efficient and safe operation of Port activities or the hazardous facilities <u>located</u> within the Bulk Liquids Storage Area at Naval Point .
Rule 10.1	Amend Rule 10.1 Permitted activities – remove all references to Area C
Rule 10.3	Amend Rule 10.3 Restricted Discretionary Activities – remove all references to Area C
Rule 10.4	Amend Rule 10.4 Discretionary Activities The erection, placement, reconstruction, alteration, extension, removal or demolition of any Wharf Structure, or part of any Wharf Structures, in, o, under or over any foreshore or seabed and that is within the Operational Area of Lyttelton Port shown on Planning Map 10.1, and is not provided for by Rule 10.1, Rule 10.2 or 10.3, is a discretionary activity. This includes any Wharf Structure within Area C within the Naval Point and any Wharf Structure for a Cruise Ship Berth Area (Area C) shown in Planning Map 5.7.
Map 10.7	Amend Map 10.7 Port of Lyttelton Berthing Area Area C – Naval Point Cruise Ship Berthing Area
Make any consequential amendments to the RCEP with like effect.	

Proposed Christchurch Replacement District Plan

Policy 21.8.1.1.5	Amend Policy 21.8.1.1.5 Ensure that: a) The development of a cruise ship berth occurs at a location where cruise ship passengers and crew workers and land-based facilities serving a cruise ship berth at Naval Point are not exposed to unacceptable risk from Port activities or the as a result of proximity to hazardous facilities located within the Bulk Liquids Storage Area, and b) The establishment or extension of land-based cruise ship facilities at Naval Point does not limit hinder the <u>efficient and safe</u> operation of <u>Port activities or the</u> hazardous facilities <u>located</u> within the Bulk Liquids Storage Area.
Rule 21.8.2.2.4	Amend Rule 21.8.2.2.4 Discretionary Activities D6 Any associated facilities or changes to facilities that serve a cruise ship berth at Naval Point .
Make any consequential amendments to the pCRDP with the like effect.	

3. These changes are intended to accommodate a range of considerations discussed in our report. There is strong support for the return of cruise ships to Lyttelton. Location of a cruise ship berth at Naval Point may be excluded on public safety grounds. If it is not, the problem of accommodating recreational activity off Naval Point will remain. Hence the proposed changes are intended to be neutral as to location and propose a discretionary activity status on account of the present uncertainties.
4. We also see a need for changed wording to the “Cruise Ship Berth” commentary at p75 of the draft report. The first paragraph could be amended as follows:

The desirability and economic gains from the development of a cruise ship berth is recognised by the inclusion of a supportive policy in the RCEP and the inclusion of Action 11. Because the location of a cruise ship berth cannot be decided until a risk assessment is undertaken to determine if Naval Point remains an available site option, provision is made for a berth as a discretionary activity in light of the uncertainties.

The Commissioning of a QRA

5. At paragraph 10.26 ii, the Panel recommended:

That Action 11 is expanded to provide: The Christchurch City Council, as a matter of urgency, takes the lead in defining the scope of, and in commissioning, a Quantitative Risk Assessment of the Oil Companies’ Storage facility at Naval Point as a precursor to an urgent review of land use planning controls for the Naval Point area.

Paragraph 10.27 added a further recommendation that in commissioning the QRA there be “consultation with all affected parties to ensure that all interests (were) reflected in the study’s outcome.”

6. The Panel considered that given the wide range of activities undertaken at Naval Point and the potential impact of the assessment on the continuation of these activities, it was essential that the QRA was commissioned to reflect these diverse interests, not just the interests of the Oil Companies who have the storage facilities. And given that

the activities are essentially land based the Panel considered that the CCC should have the lead role in commissioning the QRA.

7. In so framing the recommendation the Panel did not intend to imply that the cost of the QRA should fall upon the CCC. Indeed, since the risk to be assessed arises directly as a result of the storage facility activities, it may be that the cost should lie with the Oil Companies alone, or at least that the Companies should accept a major share of the financial burden.

Proposed Action 11

8. This action, as revised by the CCC in its submission to the Panel reads as follows:

Action 11 Cruise Ship Berth

Christchurch City Council ~~and~~, Lyttelton Port Company, ~~Christchurch and Canterbury Tourism, Christchurch Development Corporation, Christchurch International Airport, cruise industry representatives and the appropriate Crown agency~~ will agree on a collaborative approach to progress and create a fit for purpose dedicated cruise ship berth facility in Lyttelton to achieve a timely return as a cruise destination. The parties may agree to involve other relevant agencies.

The agreement will include scoping and feasibility of options of the location of a dedicated cruise berth facility taking into account the landside and waterside requirements of the cruise industry and the needs of other users, and transport and servicing needs. The scoping and feasibility will include assessment of risk in relation to the hazardous facilities in the vicinity and their ability to meet future demands. Options should include short term solutions and permanent solutions, and funding options around these, with implementation of the solution within three years.

Agreement of all parties by February 2016 with scoping of options completed by August 2016.

The Panel notes that this wording was acceptable to the ECan officers whereas the initial version was not.

9. Despite the very real concerns and adamant opposition from recreational interests to the location of a cruise ship berth at naval Point, there was general and diverse support for development of a cruise ship facility as a component of the Port recovery. Strong support was expressed by the CCC, tourism entities, community organisations, Lyttelton business interests and Lyttelton residents. The economic benefits of a facility were emphasised by these submitters, while the visual attraction of cruise ships in the harbour was also mentioned by some.
10. The Panel is in favour of proposed Action 11 provided that the location of the cruise ship berth satisfies land use planning safety requirements. As presently drafted the action contemplates that other relevant agencies “may” be invited to participate. The Panel considers that this initiative is likely to benefit from the support and involvement of the entities named in the previous version of the action and perhaps others. For

example, the company, Canterbury Maritime Development Limited, made a helpful submission on the cruise ship issues. However, whether entities need to be members of the action group, or simply be consulted by the group is something best left to the CCC and LPC. The Panel also considers that should Naval Point remain a cruise ship option following receipt of the QRA, it will be essential that representatives of the various recreational groups including, the Naval Point Club, are consulted before any decision on location of the facilities is taken.

Dated at Christchurch this 27th day of July 2015



Sir Graham Panckhurst (Chair)



Peter Atkinson



Tim Vial