

TABLED AT HEARING

Before Hearing Commissioners
at Christchurch

Application: Lyttelton Port Co.
Hearing
Date: 2 May 2017

under: the Resource Management Act 1991

in the matter of: applications CRC172455, CRC172522, CRC172456, and
CRC172523 to undertake channel deepening dredging
and maintenance dredging in Lyttelton Harbour

and

in the matter of: **Lyttelton Port Company Limited**
Applicant

Summary and response evidence of John O'Dea (LPC)

Dated: 1 May 2017

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SUMMARY AND RESPONSE EVIDENCE OF JOHN O'DEA

INTRODUCTION

- 1 My name is John O'Dea.
- 2 I prepared evidence dated 28 March 2017 for Lyttelton Port Company Limited (*LPC*) in relation to its applications for resource consent to undertake works known as the Channel Deepening Project (*CDP*).
- 3 My qualifications and experience are as outlined in that evidence.

SCOPE OF EVIDENCE

- 4 This evidence is divided into two parts:
 - 4.1 Part 1 consists of a summary of my evidence as filed; and
 - 4.2 Part 2 contains evidence in response to evidence filed by submitters.

PART 1: SUMMARY OF EVIDENCE

- 5 My evidence set out that the Canterbury earthquakes of 2010 and 2011 devastated the Port. The severity of the damage caused to the Port was recognised by the Minister for Canterbury Earthquake Recovery (*Minister*), who directed Environment Canterbury to develop a Lyttelton Port Recovery Plan (*LPRP*). After an extensive public consultation and hearing process the LPRP was gazetted by the Minister in November 2015.
- 6 The LPRP recognised the Port's essential role in the recovery and economic productivity of greater Christchurch and the wider region. It also recognised that LPC's Board needed confidence that it could undertake all of the interrelated projects necessary to achieve Port recovery (i.e. not end up in a situation where, for instance, the navigation channel is deepened, but there is no landside capacity for larger ships because consent for the reclamation is declined).
- 7 The key elements of Port recovery include:
 - 7.1 A new container facility and associated berths to be constructed on a reclamation in Te Awaparahi Bay;
 - 7.2 The rebuild of existing berths at Cashin Quay; and
 - 7.3 The deepening of the shipping channel so that larger vessels can access the Port.

- 8 The elements set out above are interrelated, and the design of the wharfs and associated facilities are predicated on larger vessels being able to access the Port.
- 9 If the Applications are granted, the CDP will provide safe passage during all tides for a 14.5 m draught 'design vessel'. The 'design vessel' is approximately 350 m long, 43 m wide and typically carries 8,000-10,000 twenty foot containers or equivalent units (TEU).
- 10 This design vessel is similar to that used by other New Zealand ports which are undertaking channel deepening, and reflects:
 - 10.1 An international trend towards bigger ships; and
 - 10.2 Related, to that, an upwards trend in New Zealand's import and export volumes.
- 11 These trends are not new; LPC first proposed deepening vessel access to the Port in 2007. However, that application was put on hold while LPC focussed its resources on a concurrent project to expand the coal stockyard through land reclamation.
- 12 After the Canterbury earthquakes, and large scale damage that resulted to the Port infrastructure, the Port's focus was shifted from expansion and improvement to undertaking works that were required in order for the Port to continue to provide basic services.
- 13 This means LPC is now much behind where it had anticipated being by this time. Channel deepening would have been completed had the earthquakes not occurred, and the Port would have had the capacity to receive big ships for some time.
- 14 It is imperative that LPC 'catches up'.
- 15 The economic costs of Lyttelton Port failing to become big ship capable are detailed in the evidence of **Michael Copeland**, but my evidence noted in particular that vessels will be subject to tidal delays for leaving and entering the Port, leading to extra cost, lost time, and potentially lost service provision as a result.
- 16 This would also result in a loss of revenue for the company and some of the Port's property, plant and equipment would end up as stranded assets. There would also be impacts on the Christchurch, Canterbury, and wider South Island economies.
- 17 My evidence also outlined the reasons for seeking consent durations of 35 years. I want to reiterate that it does not represent any intention by LPC to dredge continuously for that period of time. Rather, the timeframes selected allow time for:

17.1 The baseline monitoring to be completed;

17.2 There to be some flexibility as to the staging of the channel deepening dredging; and

17.3 The appropriate dredgers to be identified and procured.

18 The duration sought for the maintenance dredging consent also reflects the costs of the consenting process to LPC. Seeking a shorter duration is uneconomic, and would not provide any reduction in adverse effects on the environment on the basis of the evidence presented by LPC's technical experts.

PART 2: RESPONSE EVIDENCE

19 I respond to the evidence of Islay Marsden, Tasman Gillies, and Donald Couch for Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, Ngāi Tahu Seafood, and Te Runanga o Ngāi Tahu (*Ngāi Tahu*).

Islay Marsden

20 Paragraph 19 of Islay Marsden's evidence states that the proposed offshore maintenance spoil ground is also proposed as a back-up site for disposal of channel deepening dredge spoil when weather conditions prelude disposal at the offshore site. This is not correct; the offshore maintenance disposal ground will not be used for the disposal of channel deepening dredge spoil in any circumstances.

21 Paragraph 20 of her evidence states that she understands "there has not been a study by LPC to determine if [the location of the offshore maintenance spoil ground] is optimal". In response I note:

21.1 The originally proposed location of the offshore maintenance ground was selected based on LPC's extensive knowledge of the outer Harbour;

21.2 That location was assessed, and confirmed as acceptable according to a number of variables, including distance from the navigation channel (and therefore the costs of disposal), the sea state, and importantly, whether any sediment disposed of would or could reach the shoreline; and

21.3 The orientation of the ground was then rotated in response to requests from Iwi, which also had the consequence of:

(a) Increasing the distance of the grounds from the shore; and

- (b) Increasing the depth of the shallowest part of the ground.

Donald Couch

- 22 I recognise the long history that Te Hapū o Ngāti Wheke have with Lyttelton Harbour/Whakaraupō, as well as the strength of that relationship across the generations.
- 23 The Port also has a strong relationship with Lyttelton Harbour/Whakaraupō, and I support Mr Couch's statements around the need for a long term partnership between LPC and manawhenua. LPC anticipates this partnership being of benefit to not only the Port and manawhenua, but also the wider community.

Tasman Gillies

- 24 I wish to recognise and thank Mr Gillies for the clear description of mahinga kai given in his evidence. The six framework elements listed in paragraph 45 provide valuable insight to LPC, and are now the focus for an ongoing process with manawhenua.
- 25 By way of background, a Manawhenua Advisory Group (MAG) with members from Ngāti Wheke and LPC has been meeting for a number of years, with the 28th MAG meeting held on Wednesday 12 April 2017. Occasionally, when requested by the group, representatives from Koukourārata also attend these meetings.
- 26 The key agenda item at the most recent MAG meeting on 12 April was net gain in mahinga kai. This followed the receipt of submissions on the CDP, and Ngāi Tahu's statement at paragraph 10 of its memorandum for the pre-hearing conference that it would:
 - Only support the dredging project if... the adverse effects of the dredging can be properly identified and controlled by conditions to ensure that:
 - (a) There is a net gain in mahinga kai values; and
 - (b) Cultural effects are properly recognised and addressed.
- 27 Koukourārata was invited to be part of that meeting, as were Tasman Gillies and Jared Pettersson. Tasman Gillies presented his proposed framework for achieving a net gain in mahinga kai through partnership with LPC. It was decided that there would be further meetings focussing on mahinga kai, outside of the MAG, to further work on the partnership between manawhenua and LPC to achieve a net gain in mahinga kai.
- 28 The third meeting on net gain in mahinga kai was held on Wednesday 27 April 2017.

- 29 At these meetings we discussed the following points:
- 29.1 The long term relationship that all parties have, and will continue to have, with our harbours and coastlines;
 - 29.2 The importance of the area as a mahinga kai and a Port;
 - 29.3 The recognition that LPC, Ngāti Wheke and Koukourārata have a key role in enhancement and protection of mahinga kai; and
 - 29.4 The establishment of a co-governance entity to manage and deliver the enhancement and protection of mahinga kai in Whakaraupō and Koukourārata.
- 30 LPC is committed to continuing these discussions with Ngāti Wheke and Koukourārata to achieve a co-governance approach to enhancing mahinga kai.
- 31 In my view this co-governance approach will provide unique and innovative way for manawhenua and business to achieve long term outcomes for mahinga kai that benefit manawhenua, LPC and the wider public.

Dated: 1 May 2017

John O'Dea