

From: gareth@taylorcollab.co.nz
To: [Hearings](#)
Cc: CSNDC@ccc.govt.nz
Subject: Notifications Consent Submission: Group 362
Date: Friday, 31 August 2018 8:32:25 a.m.
Attachments: [LPC-Submission-on-CRC190445-Final-REV0-22082018.pdf](#)

Group ID: 362

Name: Lyttelton Port Company Limited

Care of: Gareth Taylor, Taylor Collaborations Limited

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Contact by email: Yes

Is a trade competitor: No

Directly affected: Yes

Consent support/hearing details

- CRC190445: neither | WANT to be heard | WILL consider a joint hearing

Reasons comment:

As per attached document of LPC's submission

Consent comment:

As per attached document of LPC's submission

SUBMISSION ON RESOURCE CONSENT APPLICATION

(SECTION 96 RESOURCE MANAGEMENT ACT 1991)

To: Consents Hearings
Environment Canterbury
P O Box 345
CHRISTCHURCH 8140

Email: hearings@ecan.govt.nz

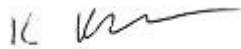
Name of submitter: Lyttelton Port Company Limited (LPC)

Name of Applicant: Christchurch City Council (CCC)

Consent Application: CRC CRC190445 - to discharge water and contaminants from the existing and future reticulated stormwater networks within Christchurch City Council boundaries and settlements of Banks Peninsula

- 1 LPC sets out its reasons for the relief sought in **Annexure 1** and seeks the relief sought from the Hearing Panel contained in **Annexure 2**.
- 2 Any other similar relief that would deal with LPC's concerns set out in this submission.
- 3 LPC could not gain an advantage in trade competition through this submission.
- 4 LPC is directly affected by an effect of the subject matter of the submission that—
 - a) adversely affects the environment; and
 - b) does not relate to trade competition or the effects of trade competition.
- 5 LPC wishes to be heard in support of the submission.
- 6 If others make a similar submission, LPC will consider presenting a joint case with them at a hearing.

Signed for and on behalf of Lyttelton Port Company Limited



Environmental Manager
Lyttelton Port Company
31 August 2018

Address for service of submitter:

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ANNEXURE 1: GENERAL REASONS FOR SUBMISSION

The Port – An overview

- 1 The Lyttelton Port of Christchurch is the major deep-water Port in the South Island and is at the hub of regional trade. The Port caters for a diverse range of containerised, bulk and break bulk trades and offers a full array of shipping services to exporters and importers, 24 hours a day, 365 days a year.
- 2 Lyttelton Port Company was formed in 1988 to manage the Port of Lyttelton.
- 3 LPC employs over 500 full time staff in operational, management and administration roles. Furthermore, there are approximately 1000 people employed by companies operating at Lyttelton Port.
- 4 At Lyttelton, the LPC landholding covers a significant area, extending from Magazine Bay in the west to Gollans Bay in the east.
- 5 CityDepot on Chapmans Road was purchased in 2005 to provide an 'inland port' that would link with the Lyttelton Container Terminal. The CityDepot is the closest container depot site to the port and has the benefit of an existing rail siding.
- 6 CityDepot is an integral and integrated component within the infrastructure of Lyttelton Port of Christchurch, and cannot be distinguished in a functional or operational sense from the remainder of Port activities.
- 7 The efficient use and development of the Port as a significant physical regional infrastructure resource is identified in the Regional Policy Statement (*RPS*), in both Chapter 5 (Land use and Infrastructure) and Chapter 6 (Recovery and Rebuilding of Greater Christchurch).

Lyttelton Port Recovery Plan

- 8 The Port sustained significant damage to its wharves and other facilities from the 2010 and 2011 earthquake sequence. Consequently, the Minister for Canterbury Earthquake Recovery directed Environment Canterbury to develop a Lyttelton Port Recovery Plan (*LPRP*) to enable the complex repair, rebuild and reconfiguration of the Port and its operations to be completed in an expeditious and efficient manner. In November 2015 the Minister gazetted the LPRP after a lengthy process involving community input.
- 9 Major works, enabled by LPRP, are being carried out to recover from the effects of the earthquake in a manner that not only meets existing demand for the Port's services, but also appropriately provides for the future in light of the strong growth already being experienced by the Port and the knowledge that this growth is expected to continue.

Stormwater Disposal into the CCC Pipes from Port areas

- 10 The Council has a number of pipes that cross LPC land before discharging stormwater into the Inner Harbour at the Port or out from the on the southern side of Naval Point Reclamation. These pipes originate from Lyttelton township. The wharf and hard

standing areas have been historically connected into these pipes just before discharging into the coastal marine area.¹

- 11 The rules relating to the discharge of stormwater in the Regional Coastal Environment Plan (RECEP) were amended by the LPRP. Stormwater from the Port area (identified on Planning Map 10.6) is a permitted activity subject to conditions (Rule 10.27). One of the conditions specifically enables the port stormwater network to be constructed or repaired as part of the formation or renewal of impervious surfaces provided hydrocarbon interceptors and/or gross pollutant interceptors are incorporated into the network. This clause was added to reflect the desire of LPC together with Te Hapū o Ngāti Wheke (Rāpaki) to improve the quality of stormwater discharges into Whakaraupō/ Lyttelton Harbour.
- 12 LPC are carrying out repairs and upgrades of the Port infrastructure consistent with Stormwater Guidelines (which were provided at the Recovery Plan hearing). Any excavation of contaminated soils is also addressed under the conditions of a global NES Soil² resource consent from the Christchurch City Council (RMA9202516).
- 13 LPC submits that the discharges of stormwater from the Port into CCC's network during and after the repair and upgrade work should be provided for in condition 1 of the Comprehensive Stormwater Network Discharge Consent (CSCDC). There is no reason why CCC has an interest in the nature of Port stormwater (apart from ensuring integrity of the connection) given the discharges enter the pipes just before discharge into the coastal waters, and the RCEP specifically provides for the discharge of stormwater from the Port as a permitted activity subject to conditions. An amended Condition 1 is consistent with the Lyttelton Port Recovery Plan and therefore Section 60 of the Greater Christchurch Regeneration Act 2016.

Stormwater Disposal into the CCC Network from CityDepot

- 14 LPC's inland Port 'CityDepot' discharges into CCC stormwater network. As noted earlier, CityDepot is an integral part of port operations and as a consequence is recognised in the Christchurch District Plan as being regionally significant infrastructure and should be able to operate and develop efficiently and safely (see Industrial Policy 16.2.1.6). CityDepot inherently is not a high risk LLUR³ site; and, as for the Port, also operates under the conditions of the global NES Soil resource consent RMA9202516.
- 15 Nevertheless, CityDepot can be distinguished from the Port area at Lyttelton because it is subject to the operative Land and Water Regional Plan and hence rules 5.93 and 5.94.
- 16 With respect to CityDepot, LPC's is concerned about the lack of clarity on how stormwater discharges associated with use or development of CityDepot will be accepted into the City Council network (i.e. there is a lack of clarity around the discharge levels, design requirements and taking into account the importance of CityDepot being able to operate efficiently as regionally significant infrastructure).
- 17 LPC submits that a new schedule is needed to provide clarity of when stormwater discharges are acceptable from industrial sites.

¹ LPC also holds coastal permits to discharge stormwater (and wash water) into the coastal marine area from some of the port-related activities carried out at the Port.

² National Environmental Standard to Protect Human Health

³ Identified on the Environment Canterbury Listed Land Use Register

Insufficient clarity on what constitutes site development and site redevelopment

- 18 The terms “development site” and “re-development site” are an unusual construction grammatically and are defined in quite different ways. Condition 19 refers to “development” and “redevelopment” but not to “sites” and the schedules refer to “new” and “redevelopments.” These definitions need to be applied in a manner that is clearly understood and internally consistent. It may be easier to delete these definitions and replace with the definition of “development” (which is appropriately defined).
- 19 Following on, it is unclear to readers of this resource consent conditions just what level of development requires Council permission to discharge into the network. Stormwater discharges into the network from some works presumably should not need to obtain permission i.e. reasonable maintenance and repair works or areas of limited disturbance.

Stormwater Disposal from the CCC Network into Whakaraupō/Lyttelton Harbour

- 20 The draft conditions require Stormwater Management Plans (SMPs) to be prepared in catchments where SMP’s are yet to be completed. This includes an SMP for the settlements of Te Pātaka o Rākaihautū/Banks Peninsula. LPC submits that the Whakaraupō/Lyttelton Harbour catchment should be carved-off from the wider Banks Peninsula SMP and a new standalone SMP is prepared for the Whakaraupō/Lyttelton Harbour settlements.
- 21 The reason for this alternative approach is ensure that the Whakaraupō/Lyttelton Harbour settlements SMP is prepared and integrated into the Whakaraupō/Lyttelton Harbour Catchment Management Plan (called Whaka-Ora, Healthy Harbour).
- 22 A consultation draft of Whaka-Ora was prepared in November 2017 and one of the actions is to “develop a stormwater management plan for Lyttelton harbour settlements and public land” (Action 2.2).
- 23 The Canterbury Regional Council, Lyttelton Port Company Limited, Te Hapū o Ngāti Wheke, Christchurch City Council and Te Rūnanga o Ngāi Tahu with Tāngata Tiaki agreed to work together to develop Whaka-Ora during preparation of the LPRP and is designed to achieve the second goal of the LPRP, which states that Ngāi Tahu values and aspirations for Whakaraupō/Lyttelton Harbour and in particular for mahinga kai are recognised and advanced through port recovery activities.
- 24 LPC therefore considers that a separate SMP for Whakaraupō/Lyttelton Harbour settlements be prepared and the SMP is integrated with Whaka-Ora because it would represent an efficient use of resources and enable more holistic approach to be undertaken.

Annexure 2: Relief Sought on the July 2018 Draft Conditions (in order of conditions)

- 25 **Amend definitions as follows or similar**
- Ensure the terms development site and re-development site are clear and unambiguous and internally consistent and consider deleting the definitions and replace with a single definition such as the term “development”.

- Amend the definitions by inserting exclusions which relate to reasonable maintenance and repair works.

26 **Amend Condition 1 by inserting a new Clause e. as follows:**

e. is generated from "Area A" (Port Land Use Area) identified on Planning Map 10.6 of the operative Regional Coastal Environment Plan and attached in Schedule 6

27 **Amend Condition 4 by inserting a new row at the end of Table 1: SMP Programme as follows:**

<i>Whakaraupō/Lyttelton Harbour settlements</i>		<i>20 December 2019</i>	<i>20 December 2029</i>
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28 **Amend Condition 4 by adding the following in column 1 of Table 1: SMP Programme as follows:**

<i>Te Pātaka o Rākaihautū/ Banks Peninsula Settlements (excluding <u>Whakaraupō/Lyttelton Harbour settlements</u>)</i>		<i>20 December 2020</i>	<i>20 December 2030</i>
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29 **Insert the following new Clause d. to condition 7 or similar:**

d. Lyttelton Port Company (or successor organisation) for the Whakaraupō/Lyttelton Harbour settlements SMP

30 **Insert the following new sentence or similar at the end of the Advice Note located after Condition 7:**

The Whakaraupō/Lyttelton Harbour settlements SMP will be integrated into and consistent with, and form part of, the Whakaraupō/Lyttelton Harbour Catchment Plan (Whaka-Ora, Healthy Harbour).

31 **Amend Condition 41 by inserting the following clause (d) or similar:**

d. The process to obtain written permission that allows entry of stormwater from industrial sites into the reticulated stormwater system is detailed in Schedule 1A.

32 **Insert new Schedule 1B that clearly sets out the process/criteria to obtain written permission as required under new Condition 41 Clause (d).**

It is expected that the following matters for example would be included in the Schedule 1A:

- Whether the site has developed and Audited Environmental Management System and/or processes;
- Compliance History;
- Trained and competent site staff;
- Data on levels of contaminant/flow in their SW;
- Taking into account the efficient use and development of regionally significant; infrastructural used on a site.

General

- 33 In general the draft conditions would benefit from a thorough review to improve their certainty and internal consistency and to be readily understood. Further, without amending the conditions in line with the relief sought by LPC or similar, the conditions:
- a) Will not promote sustainable management of resources, will not achieve the purpose of the RMA;
 - b) Are contrary to Part 2 and other provisions of the RMA;
 - c) Will not enable the social and economic well-being of the community;
 - d) Will not meet the reasonably foreseeable needs of future generations;
 - e) Will not achieve integrated management of the effects of the use, development or protection of land and associated resources of Christchurch;
 - f) Will not enable the efficient use and development of LPC's assets and operation, and of those resources; and
 - g) Do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.