

APPENDICES

Draft

LYTTELTON PORT RECOVERY PLAN

TE HUKIHUKI MAHERE O TE
WHAKAORA TE PUAHA O
OHINEHOU



APPENDICES TO DRAFT LYTTTELTON PORT RECOVERY PLAN

CONTENTS

Appendix 1: Amendments to the Canterbury Regional Policy Statement	2
Appendix 2: Amendments to the Regional Coastal Environment Plan for the Canterbury Region	4
Appendix 3: Amendments to the proposed Christchurch Replacement District Plan	48
Appendix 4: Amendments to the Banks Peninsula District Plan	88
Appendix 5: Amendments to the proposed Canterbury Land and Water Regional Plan	103
Appendix 6: Amendments to the proposed Canterbury Air Regional Plan	107

A request has been made for the Minister for CER to exercise powers under section 27 of the CER Act required to insert, delete or make amendments to issues, explanations, reasons, and other explanatory material in the relevant RMA documents. The amendments that are subject to this request are highlighted. Refer to section 5.1 of the draft Lyttelton Port Recovery Plan for further information.

APPENDIX 1: AMENDMENTS TO THE CANTERBURY REGIONAL POLICY STATEMENT

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.**
- ~~(b)~~ **(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.
- ~~(c)~~ **(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.**
- ~~(d)~~ **(d)** that regionally significant infrastructure may need to be further developed in response to commercial opportunities and community needs.
- ~~(e)~~ **(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.
- ~~(f)~~ **(f)** national port noise standards.
- ~~(g)~~ **(g)** the effects of coastal erosion, climate change and sea level rise.

Amend Policy 8.3.6 Principal reasons and explanation by inserting the following paragraph

Following the major earthquakes of 2010 and 2011, the Lyttelton Port suffered extensive damage and it will take many years to complete its recovery. The recovery of the Lyttelton Port in a timely manner must be enabled while allowing the Lyttelton Port to continue to operate given its strategic importance for the region.

APPENDIX 2: AMENDMENTS TO THE REGIONAL COASTAL ENVIRONMENT PLAN FOR THE CANTERBURY REGION

Part 2: Issue Resolution

Chapter 10: Lyttelton Port of Christchurch

Method to explain the integration of Chapter 10

The policies and rules in this chapter implement not only the specific recovery objective for the Lyttelton Port in this chapter, but also the region-wide objectives. Where the plan contains objectives, policies and rules in Chapter 10 that are on the same subject matter as in other chapters, the provisions of Chapter 10 will prevail.

In considering an application for a resource consent in accordance with the rules in this chapter, the consent authority is also obliged to have regard to relevant objectives and policies in other chapters of the plan.

Objectives

Objective 10.1 – Recovery of Lyttelton Port

The expedited recovery of Lyttelton Port, including its repair, rebuild and reconfiguration, is provided for as a matter of priority, while recognising the relationship with and managing any adverse effects of recovery activities on the ecological, recreational, heritage, amenity and cultural values of Whakaraupō/Lyttelton Harbour.

Policies

Policy 10.1.1 – Elements of recovery

An expedited recovery of the Lyttelton Port is enabled by undertaking the following activities:

- 1) The progressive phased movement east of port operations including:
 - a) Establishing a container terminal on a maximum of 34 hectares of reclaimed land in Te Awaparahi Bay; and
 - b) Shifting some general cargo from the Inner Harbour to Cashin Quay; and
 - c) Redeveloping Dampier Bay to provide for a marina and associated activities, commercial development, as well as enhanced public access and amenity in the coastal environment, including parking and access facilities for the marina activities and commercial development.
- 2) The erection, placement, reconstruction, alteration, demolition and removal of structures located in the Operational Area of Lyttelton Port, including new wharves to service the container terminal and a new wharf to service cruise vessels.
- 3) Quarrying at Gollans Bay and the construction of a new haul road, and works to widen and improve the existing haul road.
- 4) Increasing shipping capacity, including deepening berth pockets, ship turning basins and the Main Navigational Channel to allow for larger vessels.

Policy 10.1.2 – Role of Lyttelton Port

Recognise that Lyttelton Port is essential to the regional economy and that its continued operation is essential for the recovery of greater Christchurch.

Policy 10.1.3 – Occupation and access

Enable the efficient, timely and expedited recovery of the Lyttelton Port through:

- 1) The occupation of the Coastal Marine Area for Port Activities within the Operational Area of Lyttelton Port; and
- 2) Enabling Port Activities to be carried out on any structures within the Operational Area of Lyttelton Port; and
- 3) Ensuring non-port related activities do not compromise port recovery and are avoided within the Operational Area of Lyttelton Port; and
- 4) Recognising that public access to all areas within the Operational Area of Lyttelton Port is to be managed by the owner or operator of Lyttelton Port to ensure public safety, and the security of cargo and port operations is maintained.

Policy 10.1.4 –Lyttelton Harbour Relationships

Recognise that the recovery of Lyttelton Port, including reconfiguration, will result in some adverse effects on the environment that cannot in all circumstances be avoided or mitigated, but that the owner or operator of Lyttelton Port will undertake recovery activities while ensuring that:

- 1) The relationship between Lyttelton Port and the values of Whakaraupō/Lyttelton Harbour are recognised; and
- 2) Any adverse effects on the ecological, recreational, heritage, amenity and cultural values of Whakaraupō/Lyttelton Harbour are minimised as far as practicable; and
- 3) Best practice methods are used during construction; and
- 4) Effort is made to achieve a net gain in mahinga kai.

Policy 10.1.5 – Construction Environmental Management Plans

All recovery activities are undertaken in accordance with a Construction Environmental Management Plan that:

- 1) Identifies the receiving environment and its state, and contains an assessment of the effects of the construction activity on the receiving environment;
- 2) Identifies appropriate mitigation measures; and
- 3) Identifies monitoring and reporting processes and procedures; and
- 4) Ensures that management practices are adapted to address any adverse effects of an activity, where practicable.

Policy 10.1.6 - Structures and activities

Enable the erection, placement, reconstruction, alteration, demolition and removal of structures, provided the adverse effects on the environment are avoided, remedied or mitigated, where practicable.

Policy 10.1.7 – Specific effects of piling on marine mammals

Manage the adverse effects from piling activities on marine mammals, particularly Hector’s dolphins, which will include the preparation and implementation of a Marine Piling Management Plan that outlines:

- 1) Procedures for identifying the presence of marine mammals during construction activities;
- 2) Methods to mitigate effects on marine mammals, including a 300-metre marine life exclusion zone, and daylight hours of operation only; and
- 3) Preparation and maintenance of a marine mammal sighting log.

Policy 10.1.8 – Dredging

Enable maintenance dredging for the continued operation of Lyttelton Port, and dredging to create, or deepen and widen, the Main Navigational Channel, ship turning basins and berth pockets, provided that dredging is undertaken in accordance with best practice methods that minimise adverse effects on the environment.

Policy 10.1.9 – Deposition of dredge spoil

Subject to Policy 10.1.10, manage effects of the deposition of dredge spoil at the Spoil Dumping Grounds shown on Planning Map 10.5 by:

- 1) Enabling the deposition of dredge spoil removed during construction activities and the creation of berth pockets; and
- 2) Ensuring that any adverse effects of the deposition of dredge spoil removed during maintenance or capital dredging are avoided, remedied or mitigated; and
- 3) Requiring monitoring of the deposition area so that any adverse effects on the environment, including mahinga kai, can be identified and managed appropriately.

Policy 10.1.10 – Effects of contaminated sediment in potentially high risk areas of Inner Harbour

The quality of spoil dredged from areas of the Inner Harbour shown on Planning Map 10.8 that are known to be contaminated or potentially contaminated will be specifically assessed to ensure that it is suitable for sea disposal.

Policy 10.1.11 – New container terminal in Te Awaparahi Bay

Enable the development of a container terminal within Area A in Te Awaparahi Bay, as shown on Planning Map 10.10, which includes reclaimed land and wharf structures, while ensuring that:

- 1) The construction is carried out in a manner to minimise the propagation of sediment plumes and the risk of biosecurity incursions; and
- 2) Methods are employed to minimise effects on marine ecology; and
- 3) Measures are taken to achieve a net gain in mahinga kai; and
- 4) Methods are employed, such as the design and treatment of the reclamation edge, to reduce visual changes associated with the reclamation; and
- 5) The reclamation of land to protect berthing facilities does not extend beyond the 34 hectare area shown as Area A on Planning Map 10.10; and
- 6) An exclusion zone around Battery Point is established to protect mahinga kai values.

Policy 10.1.12 – Specific effects of noise from Coastal Marine Area

Manage noise generated from the Coastal Marine Area within the Operational Area of Lyttelton Port through provisions in the Christchurch Replacement District Plan.

Policy 10.1.13 – Specific effects of stormwater discharges

Manage the quality of stormwater generated within the Operational Area of Lyttelton Port and discharged into the Coastal Marine Area, by ensuring that:

- 1) The formation or renewal of impervious surfaces, including wharf areas, is designed to capture and direct rainfall to a stormwater network; and
- 2) Any stormwater network constructed or repaired during the formation or renewal of impervious surfaces shall include hydrocarbon interceptors and/or gross pollutant interceptors designed in accordance with best practice for the catchment it services; and
- 3) The hydrocarbon interceptors and/or gross pollutant interceptors are to follow best practice design to capture the contaminants likely to be present in the stormwater associated with the cargo types being handled in an area; and
- 4) As far as practicable, cargo is handled on wharves or hard standing areas that contain hydrocarbon interceptors and/or gross pollutant interceptors designed for that type of cargo; and
- 5) Any earthworks carried out during the construction and repair works are appropriately managed to avoid the discharge of sediment into the Coastal Marine Area.

Policy 10.1.14 – Protection of historical structures

Manage effects of activities on structures with heritage values within the Coastal Marine Area in the Operational Area of Lyttelton Port in accordance with the provisions in the Heritage New Zealand Pouhere Taonga Act 2014.

Policy 10.1.15 – Cruise ship berth at Naval Point

Ensuring that the development of a cruise ship berth:

- 1) occurs at a location where people and property are not exposed to unacceptable risk from Port Activities or the hazardous facilities located within the bulk liquid storage area at Naval Point; and
- 2) does not hinder the efficient and safe operation of Port Activities or the hazardous facilities located within the bulk liquid storage area.

Rules

Method to explain the application of rules in Chapter 10

The rules in Chapter 10 apply to the following:

- 1) Activities in and occupation of the Coastal Marine Area required for the recovery of the Lyttelton Port, including dredging and discharges within the Operational Area shown on Planning Map 10.1;
- 2) Dredging and associated discharges within the historic and enlarged Main Navigational Channels shown on Planning Map 10.3;
- 3) The discharge and deposition of Dredge Spoil at the Spoil Dumping Ground shown on Planning Map 10.5, provided that the Dredge Spoil is from dredging carried out within the Operational Area of Lyttelton Port or from the Navigational Channels shown on Planning Map 10.3;

The rules in Chapter 7 do not apply to the discharge of contaminants into the Coastal Marine Area provided for in Rules 10.26 - 10.32.

Wharf Structures within the Operational Area of Lyttelton Port

Rule 10.1 Permitted Activities

The following activities in, on, under or over any foreshore or seabed in Area A or B shown on Planning Map 10.7, are permitted activities:

- a) The reconstruction, maintenance, alteration, extension, removal or demolition of any Wharf Structure, or part of a Wharf Structure, in Area B that was used for Port Activities at or before 4 September 2010; or
- b) The erection or placement of any Wharf Structure in Area B that replaces a Wharf Structure that was used for Port Activities at or before 4 September 2010; or
- c) The erection or placement of any Wharf Structure in Area B, within the area between Wharf Number 3 and the dry dock, for the purpose of providing a marina, public access or a ferry berth; or
- d) The erection or placement of any temporary Wharf Structure in Area B, required for the construction of Wharf Structures provided for by (a) – (c) above; or
- e) The reconstruction, maintenance, removal or demolition of any Wharf Structure, or part of any Wharf Structure, in Area A or B that was constructed after 4 September 2010; or

provided that the following conditions are met:

- a) Any materials deposited in the Coastal Marine Area as part of the erection, placement, reconstruction, alteration, extension, removal or demolition of a Wharf Structure, except for piles, shall be inert materials that are free from hazardous substances; and
- b) All material associated with the removal or demolition of a Wharf Structure or part of a Wharf Structure, other than piles within the seabed or foreshore, shall be removed from the Coastal Marine Area within three months of the wharf structure being removed or demolished; and

- c) Marine based piling shall be undertaken in accordance with a Marine Piling Management Plan and shall cease when marine mammals are within 300 metres of the pile driving unit and shall only occur during daylight hours; and
- d) Any Wharf Structure that has refuelling facilities shall provide infrastructure to facilitate the rapid deployment of marine oil spill boom equipment; and
- e) Any Wharf Structure erected or placed in Area B that replaces a Wharf Structure that was used for Port Activities at or before 4 September 2010 (activity (b) above), must be used for Port Activities, can be erected or placed at either the same or a different location, and can be a different size; and
- f) During the erection or placement of Wharf Structures in Area B for a new marina, provision must be made within the Inner Harbour for the safe and accessible temporary berthing of vessels that at the time of construction of a new marina, are users of the existing Dampier Bay Marina.

Rule 10.2 Controlled Activities

The placement or erection of any Wharf Structure located in, on, under or over the foreshore or seabed within the Te Awaparahi Bay Reclamation Area (Area A) shown on Planning Map 10.10, is a controlled activity, provided that:

- a) Any permanent Wharf Structure shall be located parallel to and within the southern edge of the Reclamation Area and designed to service cargo vessels; or
- b) Any temporary Wharf Structure used by vessels during the construction of the reclamation shall be removed within three months from the time it is no longer required for reclamation construction or the reclamation is completed, whichever is the lesser.

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan; and
- b) The design, construction and maintenance of the Wharf Structure, including its stability and integrity in terms of expected weather and seastate conditions, and materials used in its construction; and
- c) If the Wharf Structure is used for the conveyance of any bulk hazardous substances from a vessel to land, the methods to avoid any potential spillages and measures to contain spillages, including the installation of infrastructure to facilitate the rapid deployment of booms around a vessel; and
- d) Management of hazardous substances associated with machinery during construction, maintenance or use of the Wharf Structure; and
- e) Methods to manage the effects of construction noise on marine mammals; and
- f) The extent to which the Wharf Structure is a barrier to water or sediment movement in Lyttelton Harbour; and
- g) The collection and treatment of stormwater captured from the Wharf Structure; and
- h) The matters set out in Rule 10.35.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule will be publicly notified.

Rule 10.3 Restricted Discretionary Activities

The following activities, in, on, under or over any foreshore or seabed, are restricted discretionary activities in areas shown on Planning Map 10.7:

- a) The alteration or extension of any Wharf Structure, or part of any Wharf Structure, in Area A or B that was constructed after 4 September 2010; or
- b) The reconstruction, removal or demolition of any Wharf Structure, or part of any Wharf Structure, in Area A or B that does not comply with Rule 10.1.

The exercise of discretion is restricted to the following matters:

- a) The design, construction and maintenance of the Wharf Structure reconstruction, alteration or extension, including its stability and integrity in terms of expected weather and seastate conditions; and
- b) If the Wharf Structure is used for the conveyance of any bulk hazardous substances from a vessel to land, the methods to avoid any potential spillages, including the installation of infrastructure to facilitate the rapid deployment of booms around a vessel; and
- c) The design, construction and maintenance of the Wharf Structure in terms of any adverse effects on the aquatic ecosystems, including marine based mammals, navigation or recreational activities generally; and
- d) The effects of the structure on cultural values, in particular mahinga kai; and
- e) Methods to manage the effects of construction noise on marine mammals; and
- f) The preparation and implementation of a Construction Environmental Management Plan; and
- g) The collection and treatment of stormwater captured from Wharf Structures; and
- h) Except in Area B, the extent to which the Wharf Structure is a barrier to water or sediment movement in Lyttelton Harbour; and
- i) The removal of material from the foreshore or seabed; and
- j) The potential benefits of the proposed activity; and
- k) The matters set out in Rule 10.35.

Rule 10.4 Discretionary Activities

The erection, placement, reconstruction, alteration, extension, removal or demolition of any Wharf Structure, or part of any Wharf Structure, in, on, 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, 10.2 or 10.3, is a discretionary activity.

Other Structures within the Operational Area of Lyttelton Port

Rule 10.5 Permitted Activities

The following activities in, on, under or over any foreshore or seabed, within the Operational Area of Lyttelton Port, shown on Planning Map 10.1, are permitted activities:

- a) The placement or erection of any seawall, buoy, navigational aid, or structure associated with a Network Utility System or Network Utility Structure; or
- b) The reconstruction, alteration, extension, removal or demolition of any existing seawall, buoy, navigational aid, and structure associated with a Network Utility System, or Network Utility Structure; or
- c) The placement, erection, reconstruction, alteration, extension, removal or demolition of any sign, provided that the sign is erected by the Lyttelton Port Company Limited, its successor, or Environment Canterbury for the purposes of informing the public of safe behaviour or health and safety risks.

Rule 10.6 Restricted Discretionary Activities

The placement, erection, reconstruction, alteration, extension, removal or demolition of any sign fixed in, on, under or over any foreshore or seabed that is within the Operational Area of Lyttelton Port shown on Planning Map 10.1 and that does not comply with Rule 10.5(c) is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The purpose for which the sign is being erected; and
- b) The size and visibility of the sign; and
- c) The effects of the sign on navigation; and
- d) Monitoring, reporting and review requirements; and
- e) The potential benefits of the proposed activity; and
- f) The matters set out in Rule 10.35.

Rule 10.7 Discretionary Activities

The erection, placement, reconstruction, alteration, extension, removal or demolition of any Structure, or part of a Structure, other than a Wharf Structure, in, on, under or over the foreshore or seabed, that is within the Operational Area of Lyttelton Port shown on Planning Map 10.1, and is not provided for by Rules 10.5 or 10.6, is a discretionary activity.

Disturbance of any Foreshore or Seabed in the Operational Area of Lyttelton Port

Rule 10.8 Permitted Activities – Disturbance associated with Structures

The disturbance of the foreshore or seabed (including by excavating, drilling, or tunnelling), that is directly associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of any Wharf Structure or Structure permitted by Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.3 or 10.6, is a permitted activity.

Rule 10.9 Permitted Activities – Disturbance associated with maintenance dredging and deepening berth pockets

The disturbance of the foreshore or seabed, including the removal of material that is associated with:

- a) Maintenance dredging of the Main Navigational Channels shown on Planning Map 10.3 or within the Operational Area of Lyttelton Port shown on Planning Map 10.1; or
- b) Dredging to deepen the berth pockets adjacent to Wharf Structures in Area B shown on Planning Map 10.7;

is a permitted activity, provided that for seabed material to be dredged from the Inner Harbour shown on Planning Map 10.8:

- a) An Inner Harbour Sediment Analysis Plan is prepared and implemented; and
- b) Pre-characterisation surveys are carried out; and
- c) A Sediment Analysis Report is prepared and implemented.

Rule 10.10 Controlled Activities – Disturbance associated with removal or repair of reclaimed land

The disturbance of the foreshore or seabed (including by excavating, drilling or tunnelling) where the disturbance is directly associated with the excavation and removal of, or repair of, reclaimed land adjacent to Area B shown on Planning Map 10.7, including the Eastern Mole Breakwater, is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and content of a Construction Environmental Management Plan including methods of repair or removal of material from the foreshore or seabed; and
- b) Methods to mitigate adverse effects of the activity, including methods to manage the propagation of sediment; and
- c) The matters set out in Rule 10.35.

Rule 10.11 Controlled Activities – Disturbance associated with activities adjacent to and including the Te Awaparahi Bay Reclamation

The disturbance of the foreshore or seabed (including by excavating, drilling or tunnelling), where the disturbance is directly associated with the following activities:

- a) The construction, maintenance or repair of the reclamation in Area A shown on Planning Map 10.10; or
- b) The erection or placement of Wharf Structures within Area A shown on Planning Map 10.10 for which resource consent is obtained under Rule 10.2; or
- c) Dredging to create and deepen the berth pocket(s) within Area C shown on Planning Map 10.7.

is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and content of a Construction Environmental Management Plan that deals with the methods of construction and dredging; and
- b) Methods to mitigate adverse effects of the activity on water quality, including methods to manage the propagation of sediment; and
- c) Methods to manage effects on marine ecology; and
- d) Monitoring requirements; and
- e) The matters set out in Rule 10.35.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule, will be publicly notified.

Rule 10.12 Restricted Discretionary Activities – Disturbance associated with dredging within the Operational Area of Lyttelton Port and Main Navigational Channel

Except as provided for by Rules 10.9 and 10.11, the disturbance from dredging associated with the deepening of the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 10.1, including dredging to create or deepen a ship turning basin adjacent to the Te Awaparahi Bay and Cashin Quay reclamations, or to deepen and widen the Main Navigational Channels shown on Planning Map 10.3, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The effects of the disturbance on harbour hydrodynamics; and
- b) The effects of the disturbance on sediment transport in Lyttelton Harbour; and
- c) The preparation and content of a Construction Environmental Management Plan; and
- d) Dredging methods; and
- e) The effects of the disturbance on marine ecology; and
- f) Effects on cultural values, particularly mahinga kai; and
- g) The potential benefits of the activity to the applicant or community; and

- h) Monitoring requirements; and
- i) The matters set out in Rule 10.35.

Rule 10.13 Discretionary Activities

The disturbance of the foreshore or seabed that does not comply with Rule 10.8, 10.9, 10.10, 10.11 or 10.12, and that is either within the Operational Area of Lyttelton Port shown on Planning Map 10.1 or the Main Navigational Channels shown on Planning Map 10.3, is a discretionary activity.

Deposition of Any Substance in, on, or under, any Foreshore or Seabed

Rule 10.14 Permitted Activities – Deposition associated with Structures

The deposition of seabed material in, on, or under the foreshore or seabed within the Operational Area of Lyttelton Port, that is directly associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of a structure that is permitted by Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.3 or 10.6, is a permitted activity.

Rule 10.15 Permitted Activities – Deposition associated with the reclamation

The deposition of any seabed material in, on or under the foreshore or seabed, where the deposition is directly associated with the construction of the reclamation in Area A shown on Planning Map 10.10, is a permitted activity.

Rule 10.16 Controlled Activities – Deposition associated with the erection of Wharf Structures associated with the Te Awaparahi Bay Reclamation

The deposition of any material in, on or under the foreshore or seabed where the deposition is directly associated with:

- a) the erection or placement of Wharf Structures in Area A on Planning Map 10.10 and for which a resource consent is obtained under Rule 10.2; or
- b) construction of a reclamation in Te Awaparahi Bay,

is a controlled activity.

Control is reserved over the following matters:

- a) The preparation of and content of a Construction Environmental Management Plan that deals with the methods of construction and mitigation to address the effects of the deposition of material on marine ecosystems; and
- b) The matters set out in Rule 10.35.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule, will be publicly notified.

Rule 10.17 Controlled Activities – Deposition of seabed material at the Spoil Dumping Grounds generated from construction activities and dredging

The deposition of seabed material in, on or under the foreshore or seabed at the Spoil Dumping Grounds shown on Planning Map 10.5 is a controlled activity, provided the following conditions are met:

- a) The material has been removed from the foreshore or seabed during works associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of a Structure that is permitted under Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.2, 10.3, 10.4, 10.6 or 10.7; or
- b) The material has been removed from the foreshore or seabed during works associated with the construction or repair of the reclamation shown in Area A of Planning Map 10.10; or
- c) The material has been removed from the foreshore or seabed during dredging of a berth pocket which is either permitted under Rule 10.9 or for which a resource consent is obtained under Rule 10.11.

Control is reserved over the following matters:

- a) The preparation of and content of a Construction Environmental Management Plan that deals specifically with dredging operations and the deposition of sediment; and
- b) The establishment of a monitoring programme in the Spoil Dumping Ground and surrounding area to monitor any adverse effects of the dumping of dredge spoil on the receiving environment; and
- c) Methods to mitigate any adverse effects on aquatic and benthic ecology; and
- d) The effects on cultural values, particularly mahinga kai; and
- e) The volume of spoil to be deposited; and
- f) For seabed material to be dredged from the Inner Harbour shown on Planning Map 10.8;
 - i) Preparation of an Inner Harbour Sediment Analysis Plan; and
 - ii) Pre-characterisation surveys; and
 - iii) Preparation of Sediment Analysis Reports; and
 - iv) Monitoring of the relevant disposal areas; and
- g) The establishment of a monitoring programme at the Spoil Dumping Ground; and
- h) The matters set out in Rule 10.35.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule that relates to the Te Awaparahi Bay Reclamation located in Area A on Planning Map 10.10, will be publicly notified.

Rule 10.18 Restricted Discretionary Activities – Deposition of seabed material generated from maintenance dredging at the Spoil Dumping Ground

The deposition of seabed material in, on or under the foreshore or seabed, at the Spoil Dumping Grounds shown on Planning Map 10.5, which is removed from the foreshore or seabed during

maintenance dredging of the Main Navigational Channels or within the Operational Area of Lyttelton Port, is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The preparation of and content of a Construction Environmental Management Plan that deals specifically with dredging operations and the deposition of sediment; and
- b) The establishment of a monitoring programme at the Spoil Dumping Grounds and surrounding area to monitor any adverse effects of the dumping of dredge spoil on the receiving environment; and
- c) Methods to mitigate any adverse effects on aquatic and benthic ecology; and
- d) The volume of spoil to be deposited; and
- e) The effects on cultural values, particularly mahinga kai; and
- f) For seabed material that has been dredged from the Inner Harbour, including from areas of known or potential contamination shown on Planning Map 10.8, the following is required:
 - i) The preparation of a Sediment Management Plan which sets out the practices and procedures to manage Dredge Spoil from this location; and
 - ii) An assessment of whether any contaminated sediment is suitable for unconfined open sea disposal, and if so what type of conditions, including monitoring conditions, are needed for unconfined open sea disposal; and
- g) The potential benefits of the activity to the applicant and community; and
- h) The matters set out in Rule 10.35.

Rule 10.19 Discretionary Activities – Deposition of seabed material

The deposition of seabed material in, on, under or over the foreshore or seabed, at the Spoil Dumping Grounds shown on Planning Map 10.5, that is removed from the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 10.1, or the Main Navigational Channels shown on Planning Map 10.3 that is not provided for or does not comply with Rules 10.14, 10.15, 10.16, 10.17 or 10.18 is a discretionary activity.

Reclamation or Drainage

Rule 10.20 Controlled Activity – Reclamation in Te Awaparahi Bay

The reclamation or drainage of the foreshore or seabed within Area A shown on Planning Map 10.10 is a controlled activity, provided that the following condition is met:

- a) A Ngāi Tahu Cultural Impact Assessment is prepared and submitted with the application; and
- b) The reclamation or batter slope do not extend within the Battery Point Exclusion Zone shown on Map 10.11.

Control is reserved over the following matters:

- a) Design of the finished seaward faces, including visual treatment of the reclamation edge;
- b) Methods of reclamation construction including the material used in the reclamation;
- c) Preparation and content of a Construction Environmental Management Plan;
- d) The management of any marine biosecurity risks;
- e) Methods to control the propagation of sediment plumes during construction;
- f) Stormwater management;
- g) Methods to manage and offset visual changes;
- h) Methods to address cultural matters, including the preparation of a Kaimoana Management Plan, in consultation with Te Hapū o Ngāti Wheke and Te Rūnanga o Ngāi Tahu, that includes but is not limited to:
 - i) Details of methods to monitor the health of kaimoana in the vicinity of the reclamation, including surveys using Mātauranga Māori-based techniques, such as the Marine Cultural Health Index (MCHI);
 - ii) Assessment of whether the reclamation seawalls can be designed in a manner that creates new habitat space for desired kaimoana species;
 - iii) Methods to mitigate the loss of kaimoana as a result of the reclamation such as the establishment of kaimoana gardens or reseedling of chosen kaimoana species; and
- i) Methods to implement any offset mitigation or environmental compensation package which has been offered by the applicant; and
- j) The matters set out in Rule 10.35.

Notification

Pursuant to section 95A of the Resource Management Act, an application for a resource consent under this rule will be publicly notified.

Rule 10.21 Discretionary Activities - Reclamation

Except as provided for by Rule 10.20 or 10.22, any reclamation or drainage of the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 10.1 is a discretionary activity.

Rule 10.22 Non complying Activities – Reclamation

The reclamation or drainage of the foreshore or seabed, or the disturbance or deposition of material in, on, under or over the foreshore or seabed within the Operational Area of Lyttelton Port shown on Planning Map 10.1 but outside Area A on Planning Map 10.10:

- a) to extend or protect the Te Awaparahi Bay Reclamation and berthing facilities; or
- b) to extend the reclamation in Area A or to construct a batter slope, within the Battery Point Exclusion Zone shown on Map 5.11,

is a non-complying activity.

Occupation of the Coastal Marine Area

Rule 10.23 Permitted Activities

The following activities in the Port of Lyttelton Occupation Area shown on Planning Map 10.9 are permitted:

- a) The occupation of the Coastal Marine Area for Port Activities, including any Network Utility System or Network Utility Structure ancillary to Port Activities; and
- b) The occupation of the Coastal Marine Area for the purposes of carrying out activities permitted by Rule 10.1, 10.5, 10.8, 10.9, 10.14 or 10.15, or for which a resource consent is obtained under Rule 10.2, 10.3, 10.4, 10.6, 10.7, 10.10, 10.11, 10.12, 10.13, 10.16, 10.17, 10.18, 10.19, 10.20, 10.21, or 10.22; and
- c) The occupation of the Coastal Marine Area within the Battery Point Exclusion Zone identified on Planning Map 10.11 for harvesting and monitoring mahinga kai species.

Rule 10.24 Restricted Discretionary Activities

The occupation of the Coastal Marine Area for Port Activities outside the Port of Lyttelton Occupation Area shown on Planning Map 10.9 but within the Operational Area of Lyttelton Port is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

- a) The effects of occupation on recreational activities;
- b) The effects of occupation on navigation;
- c) The effects of occupation on cultural values, particularly mahinga kai;
- d) The potential benefits of the activity to the applicant and community; and
- e) The matters set out in Rule 10.35.

Rule 10.25 Discretionary Activities

The occupation of the Coastal Marine Area within the Operational Area of Lyttelton Port shown on Planning Map 10.1 for any Network Utility System or Network Utility Structure, other than a Network Utility System or Network Utility Structure ancillary to Port Activities, is a discretionary activity.

Rule 10.26 Non-complying Activities

The occupation of the Coastal Marine Area within the Operational Area of Lyttelton Port shown on Planning Map 10.1, for any activity not provided for by or that does not comply with Rule 10.23, 10.24, or 10.25, is a non-complying activity.

Discharge of Contaminants for Specific Recovery Activities

Rule 10.27 Permitted Activities – Discharge of stormwater within Operational Area of the Port

Except as provided for by Rule 10.31, the discharge of stormwater, generated from Area A shown on Planning Map 10.6 or from any new structure permitted or authorised under Rules 10.1 to 10.4, into water, or into or onto land, in the Coastal Marine Area is a permitted activity, provided the following conditions are met:

- a) There is no scouring or erosion of the foreshore or seabed that is not erased by wind, tidal or wave action within 24 hours; and
- b) After reasonable mixing, the discharge shall not give rise to any change in colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 percent measured at all of the following locations:
 - i) Further than 100 metres; or
 - ii) Further than 100 times the average internal diameter of the outfall pipe being used;
 - iii) Or further than 100 times the average width of the open culvert or drain being used; in any direction from the point of the discharge.
- c) Any discharge shall not give rise to any or all of the following effects from the point of the discharge, and further than the greater of 20 metres, or 20 times the average internal diameter of the outfall pipe being used, or 20 times the average width of the open culvert or drain being used:
 - i) The production of conspicuous oil or grease films, scums or foams, or floatable material; or
 - ii) Any emissions of objectionable odour; or
 - iii) Any reduction in the concentration of dissolved oxygen in the receiving water to less than 80% of saturation; or
 - iv) Any change by more than 3 degrees Celsius in the natural temperature of the receiving water or any change that causes it to exceed 25 degrees Celsius; or
 - v) The capability of causing any significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity;
- d) Any material or debris contained in the stormwater shall be intercepted and as far as practicable removed before the stormwater enters the Coastal Marine Area; and
- e) Any stormwater network to be constructed or repaired as part of the formation or renewal of impervious surfaces shall incorporate hydrocarbon interceptors and/or gross pollutant interceptors.

Rule 10.28 Permitted Activities – Discharge of stormwater from Lyttelton Port Company Quarry in Gollans Bay

Except as provided for by Rule 10.30, the discharge of stormwater, generated from Area B shown on Planning Map 10.6, into water, or into or onto land, in the Coastal Marine Area is a permitted activity, provided the following conditions are met:

- a) Any earthworks do not exceed 10 cubic metres per annum where loess is present or otherwise 500 square metres per annum; and

- b) There is no scouring or erosion of the foreshore or seabed that is not erased by wind, tidal or wave action within 24 hours; and
- c) After reasonable mixing, the discharge shall not give rise to any change in colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 percent measured at all of the following locations:
 - i) Further than 100 metres; or
 - ii) Further than 100 times the average internal diameter of the outfall pipe being used;
 - iii) Or further than 100 times the average width of the open culvert or drain being used; in any direction from the point of the discharge.
- d) Any discharge shall not give rise to any or all of the following effects from the point of the discharge, and further than the greater of 20 metres, or 20 times the average internal diameter of the outfall pipe being used, or 20 times the average width of the open culvert or drain being used:
 - i) The production of conspicuous oil or grease films, scums or foams, or floatable material; or
 - ii) Any emissions of objectionable odour; or
 - iii) Any reduction in the concentration of dissolved oxygen in the receiving water to less than 80% of saturation; or
 - iv) Any change by more than 3 degrees Celsius in the natural temperature of the receiving water or any change that causes it to exceed 25 degrees Celsius; or
 - v) Any significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity
- e) Any material or debris contained in the stormwater shall be intercepted and as far as practicable removed before the stormwater enters the Coastal Marine Area.

Rule 10.29 Permitted Activities – Discharge of sediment during the erection, placement, reconstruction, alteration, extension, removal or demolition of structures or maintenance dredging within the Operational Area of Lyttelton Port

The discharge into water, or onto or into land in the Coastal Marine Area of sediment already present in, on or under the foreshore or seabed is a permitted activity, provided the following conditions are met:

- a) The discharge is the result of disturbance that is directly associated with the erection, placement, reconstruction, alteration, extension, removal or demolition of a structure that is permitted by Rule 10.1 or 10.5, or for which a resource consent is obtained under Rule 10.3 or 10.6; or
- b) The discharge is the result of disturbance that is directly associated with Dredging of the Main Navigational Channel or within the Operational Area of Lyttelton Port; or
- c) The discharge is the result of disturbance that is directly associated with the construction of a reclamation or the removal or repair of reclaimed land.

Rule 10.30 Controlled Activities – Discharge of stormwater from the Quarry at Gollans Bay

The discharge of stormwater into water, or onto or into land, in the Coastal Marine Area, generated from earthworks in Area B on Planning Map 10.6, and that does not comply with (Rule 10.28(a)), is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan that deals specifically with stormwater management and erosion and sediment control; and
- b) Methods to avoid spillages; and
- c) Methods to monitor stormwater; and
- d) Contaminants in the stormwater; and
- e) The matters set out in Rule 10.35.

Notification

Pursuant to section 95A and 95B, an application for resource consent under this rule will be processed and considered without public or limited notification.

Rule 10.31 Controlled Activities – Discharge of stormwater from the reclamation during construction

The discharge of stormwater into the Coastal Marine Area, during the construction of the reclamation shown in Area A on Planning Map 10.10, is a controlled activity.

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan that deals specifically with stormwater management and erosion and sediment control; and
- b) The introduction of sediment control measures and methods to control the propagation of sediment plumes; and
- c) Methods to manage the discharge of stormwater; and
- d) The matters set out in Rule 10.35.

Notification

Pursuant to section 95A of the Resource Management Act, an application for resource consent under this rule will be publicly notified.

Rule 10.32 Controlled Activities – Discharge of contaminants during construction of the reclamation

The discharge of any contaminant, into water, or onto or into land, in the Coastal Marine Area arising from the deposition of material, or the associated decanting of seawater, during the construction of the reclamation shown in Area A of Planning Map 10.10, is a controlled activity provided the following condition is met:

- a) The discharge of contaminants shall not after reasonable mixing give rise to the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials.

Control is reserved over the following matters:

- a) The preparation and implementation of a Construction Environmental Management Plan;
- b) The introduction of sediment control measures and methods to control the propagation of sediment plumes;
- c) Methods to manage the discharge of contaminants, including screening of reclamation material and methods to avoid and contain spillages;
- d) Methods to monitor the discharge;
- e) The matters set out in Rule 10.35.

Notification

Pursuant to section 95A of the RMA, an application for resource consent under this rule will be publicly notified.

Rule 10.33 Discretionary Activities

The discharge at the Spoil Dumping Grounds shown on Planning Map 10.5 of dredge spoil derived from dredging the Main Navigational Channels shown on Planning Map 10.3 or dredging within the Operational Area of Lyttelton Port shown on Planning Map 10.1 is a discretionary activity.

Rule 10.34 Discretionary Activities – Catch-all rule

Except as provided for by Rules 10.27, 10.28, 10.29, 10.30, 10.31, 10.32, or 10.33 the discharge of contaminants into water, or into or onto land, in the Coastal Marine Area, within the Operational Area of Lyttelton Port shown on Planning Map 10.1 from:

- a) Stormwater; or
- b) Deposition of material, or the associated decanting of seawater during the construction of the reclamation; or
- c) Sediment that already resides on the seabed;

is a discretionary activity.

General Rules

Rule 10.35

In consideration of applications for controlled activities or restricted discretionary activities the matters on which:

- 1) Control is reserved; or
- 2) Exercise of discretion is restricted;
 - include the lapsing period, the term of the resource consent, the review of the conditions of resource consent, and the collection, recording, monitoring and provision of information concerning the exercise of a resource consent.

Amendments to Chapter 7

Amend Clause (b)(iii)(7.) of Rule 7.1 Permitted Activities, as follows:

- (i) in the Operational Area of a **Timaru** Port, the capability of causing significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity.

Amend Rule 7.2 Discretionary Activities, as follows:

Except as provided for by Rules 7.1, 7.3, 7.4, 7.5, 7.6, **10.27, 10.28, 10.29, 10.30, 10.31 or 10.32** the discharge of any water or any contaminant, into water, or onto or into land, in

Amendments to Chapter 8

Amend Objective 8.1(2), as follows:

- (1) To enable the efficient and effective operation and development of the Ports of ~~Lyttelton and~~ Timaru and network utilities while avoiding, remedying or mitigating adverse effects on the environment consistent with the normal requirements of commercial ports and network utilities.

Amend the Second Paragraph to Principal Reason of Objective 8.1, as follows:

The ports and network utilities play a significant role in the economy of the region. It is necessary to provide for the efficient and effective operation of the ports and network utilities and their associated facilities within this plan. **Chapter 10 contains objectives and policies that address the Recovery of the Port of Lyttelton, including its repair, rebuild, reconfiguration and operation from the 2010 and 2011 sequence of earthquakes.**

Amend Policy 8.4, as follows:

In considering applications for resource consents to reclaim the Coastal Marine Area, or for the removal of natural materials for commercial purposes, **except within the Operational Area of the Port of Lyttelton**, Environment Canterbury....

Amend Policy 8.5, as follows:

In considering applications for resource consents to occupy the Coastal Marine Area, **except within the Operational Area of the Port of Lyttelton**, Environment Canterbury....

Amend Policy 8.8, as follows:

Enable the Ports of ~~Lyttelton and~~ Timaru to operate efficiently and effectively, by:

Amend the Explanation to Policy 8.8, as follows:

The coastal environments of the Ports of ~~Lyttelton and~~ Timaru ~~are~~ **is** highly modified already through wharf structures, cargo handling equipment, storage tanks and buildings. Vessel access needs to be maintained through maintenance dredging of the main navigation channels.

The Policy provides recognition that the Ports of ~~Lyttelton and~~ Timaru should be enabled to operate efficiently and effectively. Activities that establish in ~~Lyttelton or~~ Timaru Harbours should be compatible with the operation of the Ports. It is recognised that port infrastructure will need to be changed to meet the requirements of the ports and their customers. **Chapter 10 contains objectives and policies that address the Recovery of the Port of Lyttelton, including its repair, rebuild, reconfiguration and operation from the 2010 and 2011 sequence of earthquakes.**

Amend Policy 8.9, as follows:

In controlling activities generating noise and enforcing noise controls in the Coastal Marine Area, Environment Canterbury should ensure that the noise control rules governing activities in the Operational Areas of the Ports of ~~Lyttelton and~~ Timaru....

...Environment Canterbury will apply national port noise standards for the control of noise in the Operational Areas of the Timaru Ports....

Amend the Explanation to Policy 8.9, as follows:

The noise controls for the Ports of ~~Lyttelton and~~ Timaru will be matched, as far as practical, with those of the adjacent territorial authority~~ies~~. Efforts will also be made to integrate the enforcement of those common rules through a delegation or transfer of noise control functions. Appropriate environmental noise standards are applicable to construction activities and to vessels and aircraft that operate across regional boundaries.

Amend Clause (a) of Rule 8.1 Permitted Activities, as follows:

- (a) The reconstruction, alteration or extension of an Authorised Structure, or any part of an Authorised Structure, within the Operational Area of a Timaru Port, provided that:

Delete Clause (g) of Rule 8.1 Permitted Activities, as follows:

- ~~(g) Notwithstanding condition (iii) of Rule 8.1 (f), the removal or demolition of the "Screw Piles", beneath the No. 2 Wharf at the Port of Lyttelton, (Structure number 6 in Schedule 5.12) and the removal or demolition of the "Patent Slip" at the Port of Lyttelton (Structure number 11 in Schedule 5.12), provided that:~~
- ~~(i) Environment Canterbury and the Historic Places Trust shall be advised in writing at least twenty working days prior to work commencing; and,~~
 - ~~(ii) A professional photographic record of the structure shall be made prior to the removal or demolition of these structures, and any other earlier photographs and plans held by the Lyttelton Port Company shall be collated and copies provided to the Historic Places Trust; and,~~
 - ~~(iii) In relation to the "Screw Piles", a screw pile, or a number of screw piles, shall be provided to the Historic Places Trust, on request.~~

Amend Clauses (h) and (i) of Rule 8.1 Permitted Activities, as follows:

- (h) The reconstruction, replacement or alteration, by or on behalf of the owner, of a fixed pile mooring or a pontoon mooring that existed on 2 July 1994, or a fixed pile mooring or a pontoon mooring that has been authorised by a resource consent after 2 July 1994, provided that:
- (i) the mooring is within ~~the Pile Mooring Area of Lyttelton Inner Harbour, Magazine Bay or Diamond Harbour~~ or within the Operational Area of a Timaru Port; and
 - (ii) no additional moorings shall be created.
- (i) The placement of a mooring within the Operational Area of a Timaru Port by, or on behalf of, a Port Company having an occupation right for that purpose.

Amend Principal Reason to Rule 8.1, as follows:

Construction activity carried out within ~~the two port areas of Lyttelton and Timaru~~ port area,

Amend Rule 8.2 Discretionary Activities, as follows:

Except as provided for by Rules 8.1, 8.4, 8.5, 8.6, **10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7**; the erection, reconstruction.....

Amend Clauses (c)(iii) of Rule 8.6 Permitted Activities, as follows:

(iii) for any disturbance within the Operational Area of a **Timaru** Port, no more than 50 cubic metres of material shall be disturbed or removed from the foreshore or seabed in any twelve month period; and...

Amend Clauses (d) of Rule 8.6 Permitted Activities, as follows:

(d) The disturbance of the foreshore or seabed, or the removal of material, that is directly associated with maintenance dredging within the Operational Area of a **Timaru** Port, or with maintenance dredging of the Main Navigational Channels for the Ports of ~~Lyttelton~~ or Timaru, as shown on the planning maps.

Amend Rule 8.7 Discretionary Activities, as follows:

Except as provided for by Rules 8.6, 8.8, 8.9, ~~or~~ 8.10, **10.8, 10.9, 10.10, 10.11, 10.12 or 10.13**, or the disturbance....

Amend Rule 8.8 Discretionary Activities, as follows:

Other than within the Operational Area or the Main Navigational Channel of the Port of Lyttelton, any disturbance by any person of the foreshore or seabed.....

Amend Clauses (a)(iii) of Rule 8.11 Permitted Activities, as follows:

(i) within the Operational Areas of a **Timaru** Port, no more than 50 cubic metres of material shall be deposited by any person in any twelve month period; and

Delete Clause (a) of Rule 8.21 Discretionary Activities and renumber the rules, as follows:

Operational Area of the Port of Lyttelton

~~(a)~~ Except as provided for by paragraph (f) of this Rule, any activity related to the operation of the Port of Lyttelton that is emitting noise at any point within the Operational Area of the Port of Lyttelton, is a Discretionary Activity if the noise generated by that activity exceeds any of the following noise limits within the areas and times stated:

~~65 dBA Ldn average sound level calculated on an energy basis over any five consecutive days, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~68 dBA Ldn day night average sound level on any day when measured and assessed, at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~60 dBA Leq (9 hour) time average level over any 9 hour period from 10 p.m. on any day to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~65 dBA Leq (15 min) time average level for any 15 minute period between 10 p.m. to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

~~85 dBA Lmax maximum sound level on any night from 10 p.m to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.~~

Renumber Clause (b) of Rule 8.21 to be Clause (a).

Renumber Clause (c) of Rule 8.21 to be Clause (b).

Renumber Clause (d) of Rule 8.21 to be Clause (c).

Renumber Clause (e) of Rule 8.21 to be Clause (d) and amend as follows:

Except as provided for by paragraphs (a), ~~(b)~~ or ~~(f)~~ **(e)** of this Rule....

Renumber Clause (f) of Rule 8.21 to be Clause (e) and amend Subclause (v) as follows:

motorised vessels that are in the course of transiting the Ports of ~~Lyttelton or~~ Timaru, or operating within the Operational Areas of the **Timaru** Ports; but not including the operation of a vessel when berthed; or

Renumber Clause (g) of Rule 8.21 to be Clause (f) and amend as follows:

For the purpose of paragraphs **(b), (c) and (d)** ~~(a), (c), (d) and (e)~~ of this Rule, noise shall be measured in accordance with the provisions of NZS 6801:1999 "Acoustics—Measurement of Sound"

Renumber Clause (h) of Rule 8.21 to be Clause (g) and amend as follows:

For the purpose of paragraph ~~(b)~~ **(a)** of this Rule, noise shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of sound".

Delete Clause (i) of Rule 8.21:

~~(i) For the purpose of paragraph (a) of this Rule, noise shall be assessed in accordance with the provisions of NZS 6809:1999 "Acoustics—Port noise: Management and land use planning"~~

Renumber Clause (j) of Rule 8.21 to be Clause (h) and amend as follows:

For the purpose of paragraph (~~b~~ **a**) of this Rule, noise shall be assessed in accordance with the provisions of NZS 6802:1991 “Assessment of environmental sound”.

Renumber Clause (k) of Rule 8.21 to be Clause (i) and amend as follows:

For the purpose of paragraphs (~~e~~ **b**) to (~~e~~ **d**) of this Rule, noise shall be assessed in accordance with the provisions of NZS 6802:1999 “Acoustics– Assessment of environmental noise”.

Renumber Clause (l) of Rule 8.21 to be Clause (j).

Renumber Clause (m) of Rule 8.21 to be Clause (k) and amend as follows:

In paragraphs (a) and (~~b~~) “beyond” shall mean in a direction away from the Port Operational Area.

Insert new Clause (l) of Rule 8.21:

Rule 8.21(e) does not apply to activities carried out within the Operational Area of the Port of Lyttelton.

Amend the Principal Reason to Rule 8.21 Discretionary Activities, as follows:

Noise in the Coastal Marine Area is to be expected, particularly from the operation of the two commercial ports and from the operation of vessels. However, high noise levels can have adverse effects on health and amenity values and on wildlife habitats in the coastal environment. Controls are therefore necessary to control the adverse effects of high noise levels. Noise above 65 dBA Ldn has the potential to have direct adverse health effects.

Noise limits should be compatible with those set inland of the Coastal Marine Area, particularly where there is a local agreement or a New Zealand Standard has been implemented to resolve potential conflicts, for example those between port activities and residences.

The measurement point applicable for noise sources outside the port areas is at the boundary of the Coastal Marine Area. These numerical noise limits have been set at higher levels than the noise limits typically applied by territorial local authorities. This is because the noise limits applied by territorial local authorities are generally applicable at the boundary of residential properties and are therefore further from the noise source.

~~The noise limits set for the Ports of Lyttelton are consistent with the numerical noise limits in NZS 6809:1999 “Acoustics– Port noise: Management and land use planning”.~~

For the Port of Timaru, the noise limits are those agreed locally through the District Council, and are more restrictive than those found in NZS 6809:1999 “Acoustics– Port noise: Management and land use planning”. **Chapter 10 addresses the management of noise at the Port of Lyttelton.**

Amendments to Definitions

Insert the following definitions into Appendix 1 Definition of Terms

Dredge Spoil

means the seabed material removed by dredging from the foreshore or seabed in a particular location and that is to be deposited on the seabed at another location.

Dredging

means the use of a vessel or machine that removes seabed material from the foreshore or seabed in order to deepen or widen, or maintain the depth or width, of the seabed or foreshore.

Earthworks

means the disturbance of land surfaces by blasting, blading, contouring, ripping, moving, removing, placing or replacing soil and earth, or by excavation, or by cutting or filling operations.

Port Activities

Means activities and associated structures carried out or authorised by the owner or operator of Lyttelton Port, within the Coastal Marine Area that are either necessary for the operation of the Port of Lyttelton, or that are industrial or commercial activities that for operational purposes require location within the Coastal Marine Area, and that includes:

- (a) The surface navigation, berthing, manoeuvring, refuelling, storage, servicing, maintenance and repair of vessels;
- (b) Embarking and disembarking of passengers;
- (c) Loading, unloading, storage and distribution of cargo, including hazardous substances;
- (d) General storage areas and facilities;
- (e) The establishment, maintenance and operation of navigation aids;
- (f) Facilities for marine recreation, including boating and fishing, and a floating marina in Dampier Bay;
- (g) Pipelines and wharflines; and
- (h) Port administration; and

all buildings, infrastructure and associated plant and equipment and car parking to support those activities in clauses (a) to (g).

Wharf Structure

means any piled structure used to moor vessels or used for any other activities ancillary to Port Activities.

Amend the following definitions in Appendix 1 Definition of Terms

Pile Mooring Area

means the areas for pile and pontoon moorings containing the Lyttelton Inner Harbour Pile Moorings, the Magazine Bay Marina, and the Diamond Harbour Pile moorings. The Pile Mooring Areas are shown on the Planning Maps in Volume 2.

Structure

means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft, seawall and Wharf Structure.

Amendments to Schedule 5.10.1

Amend Schedule 5.10.1 Lyttelton

Historic Main Navigational Channel

The **historic** Main Navigational Channel for the Port of Lyttelton, current at August 2015, extends from abeam of the western end of Mechanics Bay, to abeam of the breakwater lights at the western end of Gladstone Pier, and includes the channel leading from there into the Inner harbour.

The Northern edge of the Main Navigational Channel is the line marked by the **North Rear Beacon** (pile; white triangle, point down at location $43^{\circ} 36.9' S, 172^{\circ} 42.1' E$) close to the Northern part of Shag Reef; and the **north Front Beacon**, (pile; white triangle, point up at $43^{\circ} 36.8' S 172^{\circ} 42.8' E$) approximately 0.5 nautical miles (about 926 metres) east of the North Rear Beacon; and thence to the western end of Mechanics Bay.

The Southern edge of the Main Navigational Channel is the line marked by the **South Rear Beacon** (pile; white triangle, point down at $43^{\circ} 37.0' S 172^{\circ} 42.1' E$) close to the Southern Part of Shag Reef; and the South Front Beacon (pile; white triangle, point up at $43^{\circ} 36.9' S 172^{\circ} 42.8' E$) approximately 0.5 nautical miles (about 926 metres) east of the South Rear Beacon; and thence to the western end of Mechanics Bay.

Enlarged Main Navigational Channel

An enlarged Main Navigational Channel for the Port of Lyttelton includes a turning basin and wider navigational channel within the harbour basin with the channel extending beyond the heads to abeam with Beacon Rock as illustrated in planning map 10.3.

The Northern edge is to be boarded by the following indicative coordinates: NZTM X-1588822.9383, Y-5175034.537 at its eastern most extent, sequentially connecting NZTM X-1584122.2917, Y-5172447.1067; NZTM X1583058.9384, Y-5172073.7567, and NZTMX1577657.0267, Y-5171166.3432 before reaching the turning basin.

The Southern edge is to be boarded by the following indicative coordinates: NZTM X-1588943.6109, Y-5174816.0241 at the eastern most extent; NZTM X-1583696.1720, Y-5171927.9116 as it enters the harbour basin and sequentially NZTM X-1577022.7410, Y-5170806.2022 and NZTM X-1576928.2044, Y-5170835.2318 at its western most extent.

The indicative turning basin is bound by the western most point of the southern edge and sequentially NZTM X-1576875.3813, Y-5171152.783 and NZTM X-1777081.9575, Y-5171559.3058 before connecting with the western most extent of the northern edge.

Amendments to Schedule 5.11.1

Amend Schedule 5.11.1 Lyttelton

The Operational Area of the Port of Lyttelton is the Coastal Marine Area enclosed by the land boundary of the Coastal Marine Area and:

a line from Battery Point at map reference ~~M36:891-326~~ **NZTM X-1579156.054, Y-5172046.519 to NZTM X-1579171.614, Y-5172030.958, to south to NZTM X-1579263.135, Y-5171486.601, east to NZTM X-1580311.406, Y-5171662.742, south to NZTM X-1580364.297, Y-5171347.976, sequentially connecting three points to the west at map references NZTM X-1579325.552, Y-5170901.317, NZTM X-1577637.07, Y-5170617.558, and NZTM X-1576489.129, Y-5170970.06, a line from the point at map reference NZTM X-1576489.129, Y-5170970.06 north to the western boundary of the Port's oil tank farm on the Naval Point Reclamation at map reference NZTM X-1576441.036, Y-5171262.438.** ~~of the main Navigational Channel at map reference M36:892-328,~~

~~five lines bounding the ship turning basin from this point, sequentially connecting points at map references M36:891-328, M36:886-324, M36:876-325, and M36:871-325, and~~

~~a line from the point at map reference M36:871-325 to the western boundary of the Port's oil tank farm on the Naval Point Reclamation at map reference M36:866-329.~~

Amendments to Maps

Delete and replace the following Planning Maps:

- 1) Delete Planning Map 5.1: Operational Area of the Port of Lyttelton, and replace with Planning Map 10.1.
- 2) Delete Planning Map 5.3: Port of Lyttelton Main Navigational Channel, and replace with Planning Map 10.3.

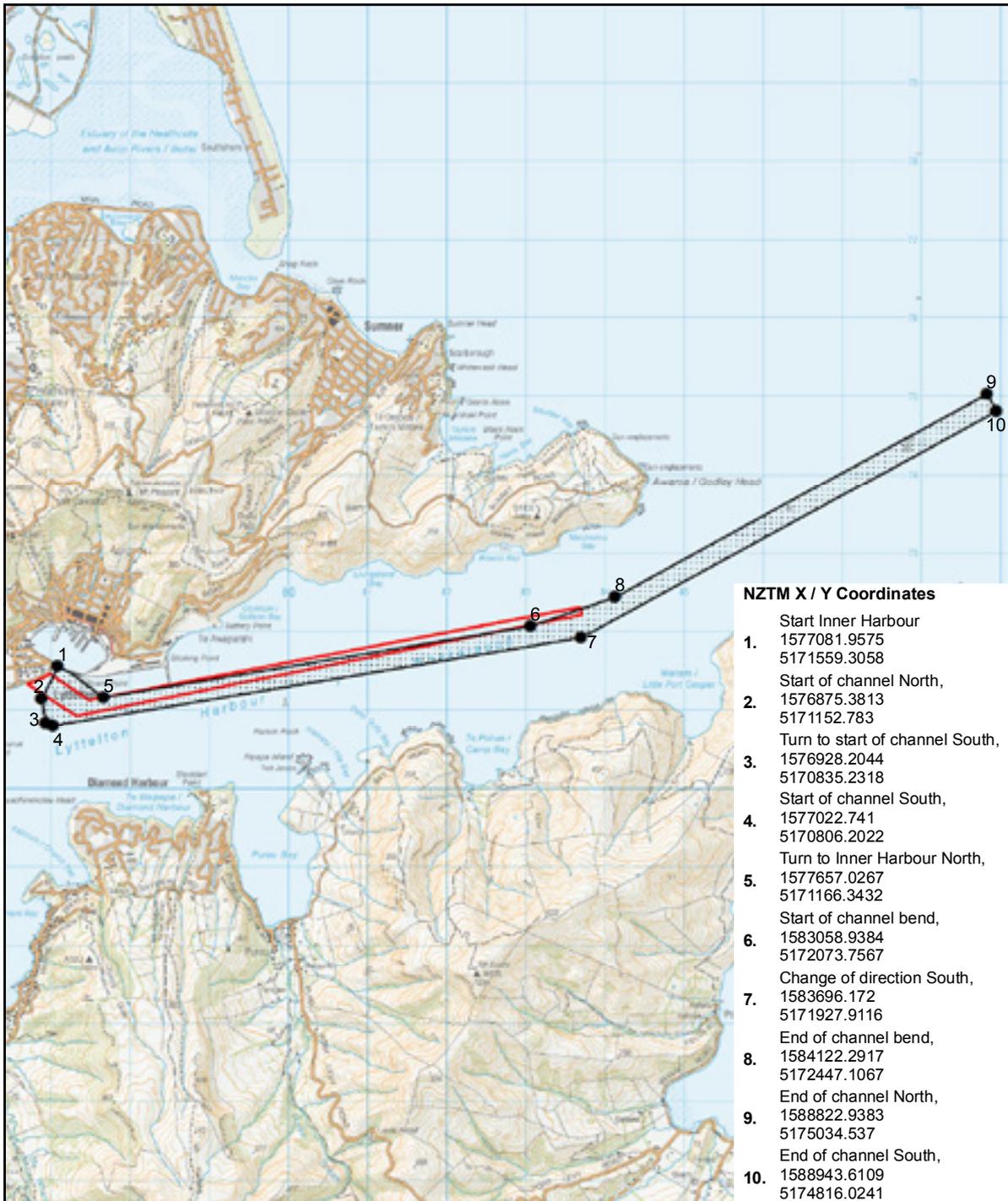
Leave the following existing Planning Map

- 1) Planning Map 5.5: Lyttelton Harbour/Whakaraupō Spoil Dumping Grounds and renumber as Planning Map 10.5

Insert the following new Planning Maps:

- 1) Planning Map 10.6: Port of Lyttelton Stormwater Discharge Areas
- 2) Planning Map 10.7: Port of Lyttelton Wharf Structure, Berth Pocket and Reclamation Areas
- 3) Planning Map 10.8: Port of Lyttelton Contamination Areas in the Inner Harbour
- 4) Planning Map 10.9: Port of Lyttelton Occupation Area
- 5) Planning Map 10.10: Te Awaparahi Bay Reclamation Area
- 6) Planning Map 10.11: Te Awaparahi Bay - Battery Point Exclusion Zone

Map 10.3 Port of Lyttelton Main Navigational Channel



Map 10.3: Port of Lyttelton Main Navigational Channel

-  Enlarged Main Navigational Channel
-  Historic Main Navigational Channel



0  5 Kilometres



Planning Map 10.5 Lyttelton Harbour/Whakaraupō Spoil Dumping Grounds



Map 10.5: Lyttelton Harbour/Whakaraupō Spoil Dumping Grounds

 Dredging Spoil Dumping Grounds

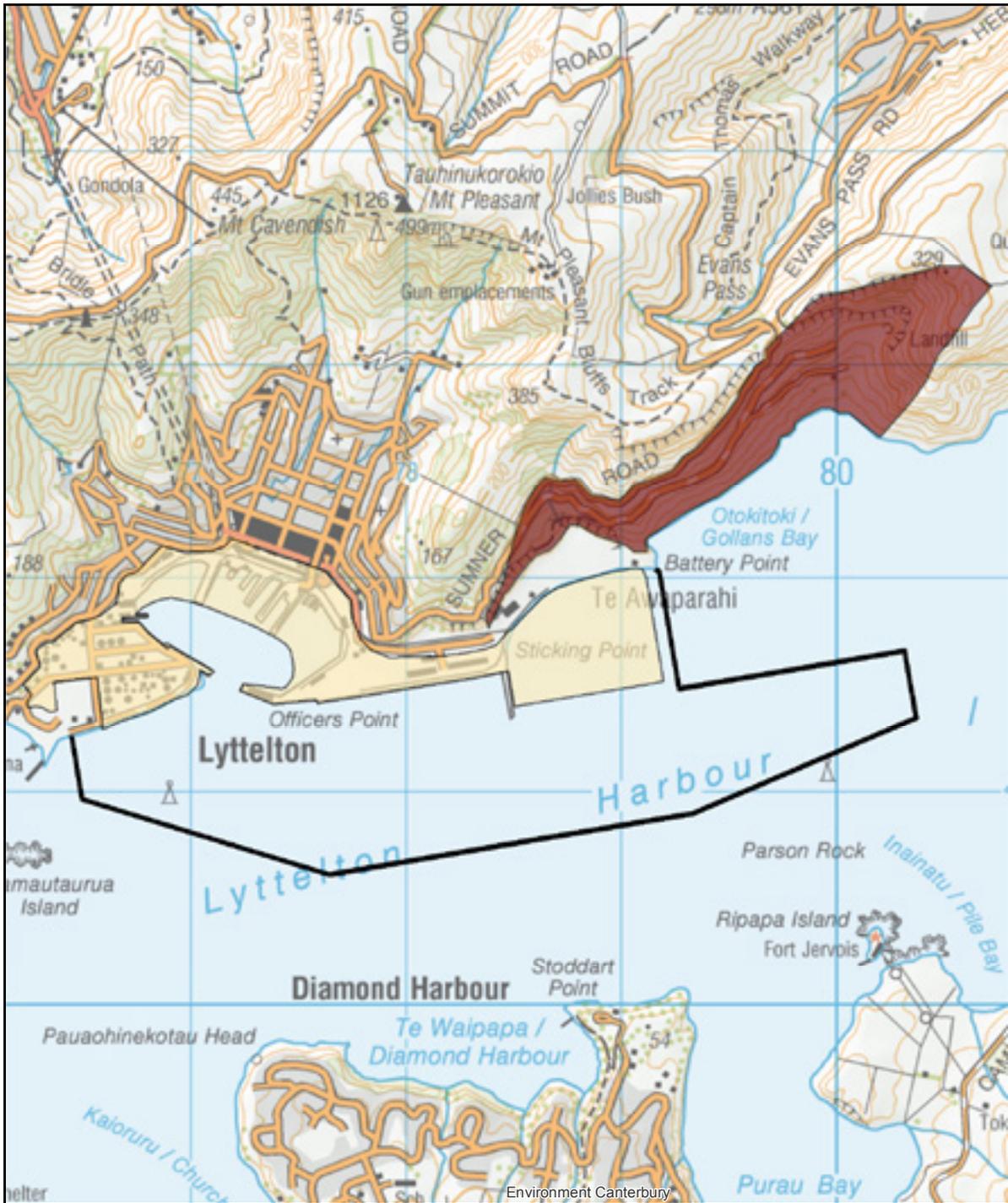


0  2.5 Kilometres



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Map 10.6 Port of Lyttelton Stormwater Discharge Area



Map 10.6: Port of Lyttelton Stormwater Discharge Areas

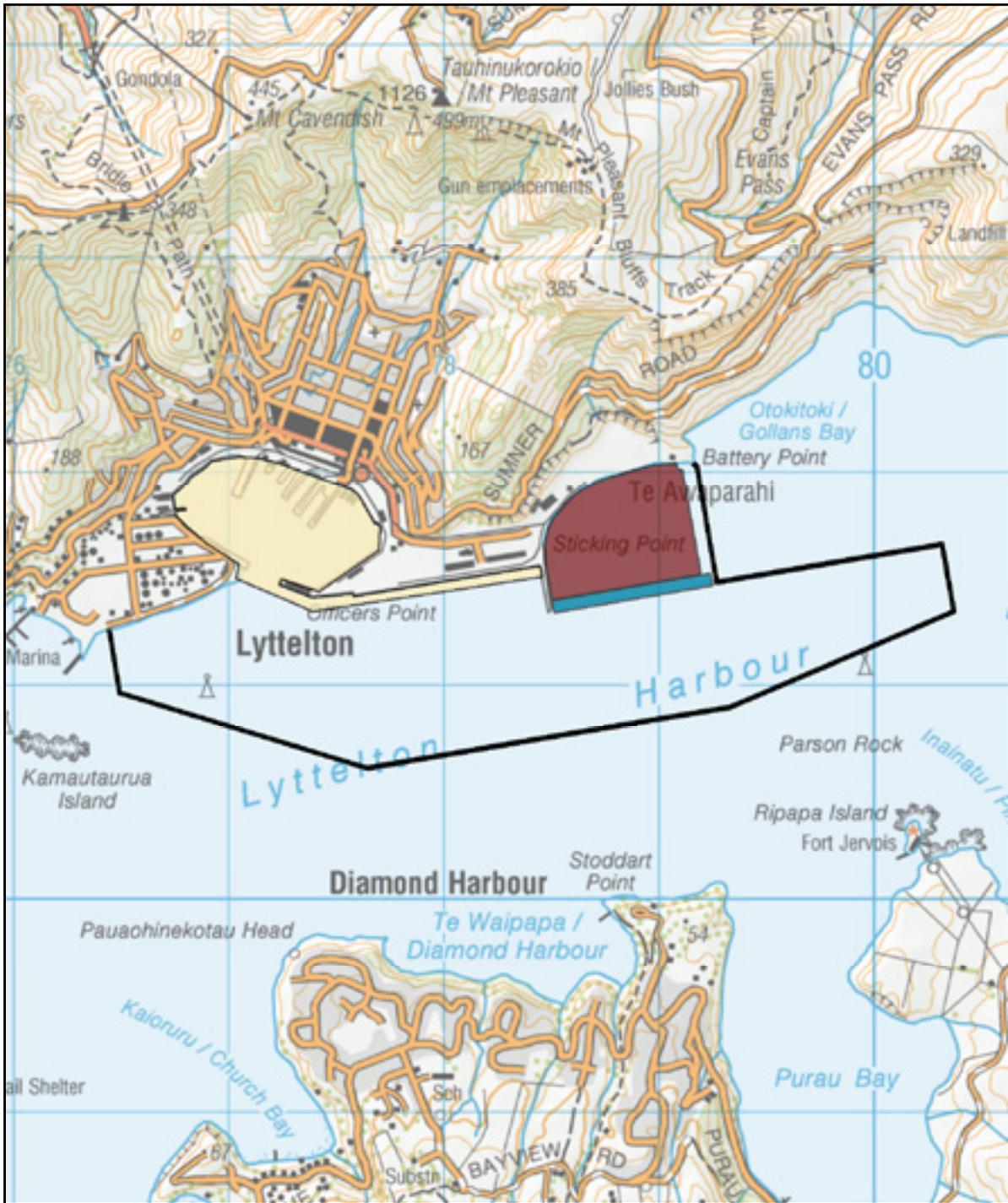
-  Operational Boundary
-  Area A (Port Land Use Area)
-  Area B (Gollans Bay Quarry Area)



0 1.5 Kilometres



Map 10.7 Port of Lyttelton Wharf Structure, Berth Pocket and Reclamation Areas



Map 10.7: Port of Lyttelton Wharf Structure, Berth Pocket and Reclamation Areas

-  Operational Boundary
-  Area A - Reclamation and Wharf Structures
-  Area B - Inner Harbour and Cashin Quay Berthing Areas
-  Area C - Reclamation Berthing Area



0 1.5 Kilometres



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Map 10.8 Port of Lyttelton Contamination Areas in the Inner Harbour



Map 10.8: Port of Lyttelton Contamination Areas in the Inner Harbour

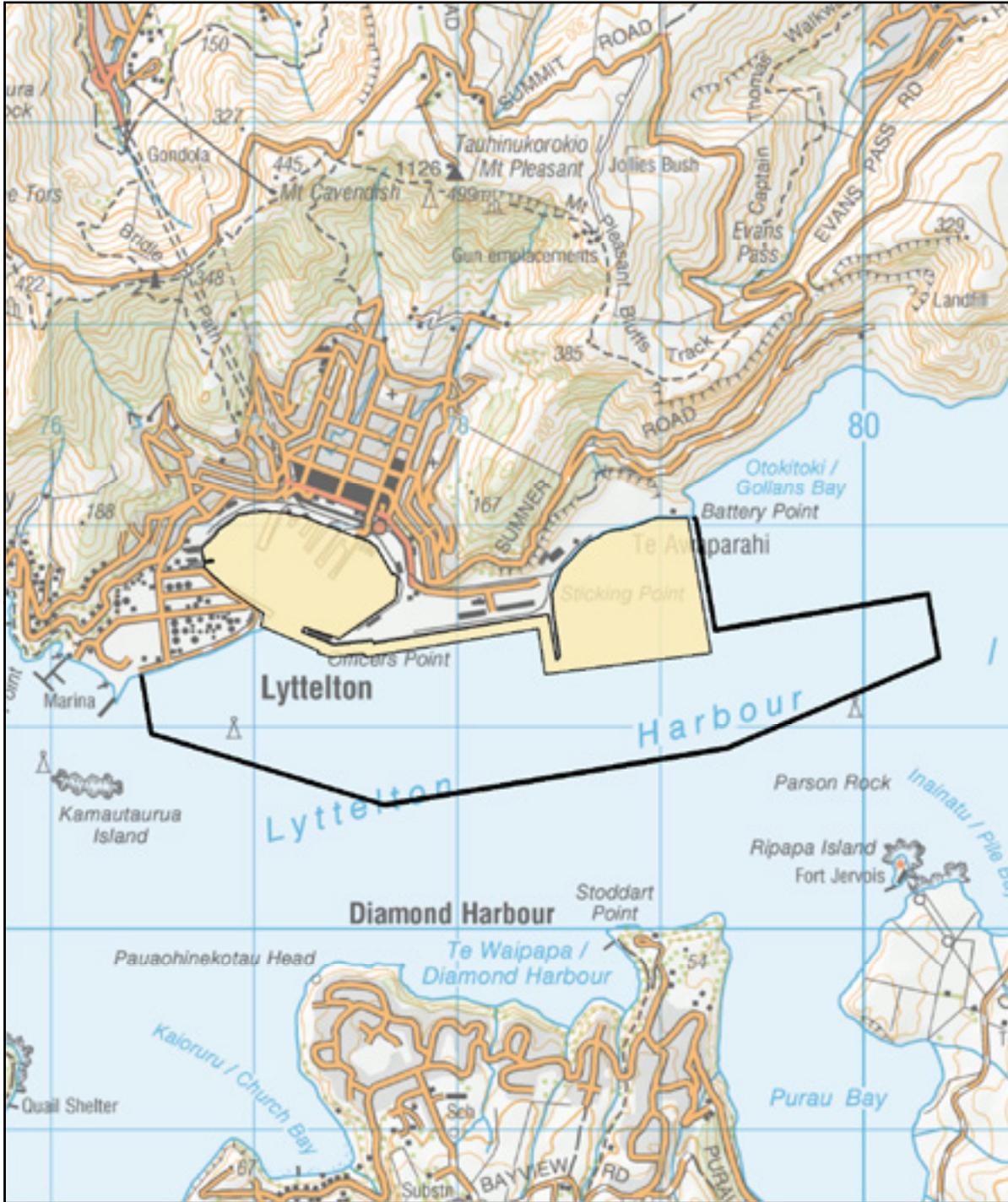
-  Inner Harbour
-  Areas of known or potential contamination



0 1 Kilometres



Map 10.9 Port of Lyttelton Occupation Area



Map 10.9: Port of Lyttelton Occupation Area

- Occupation by Port Activities
- Operational Boundary

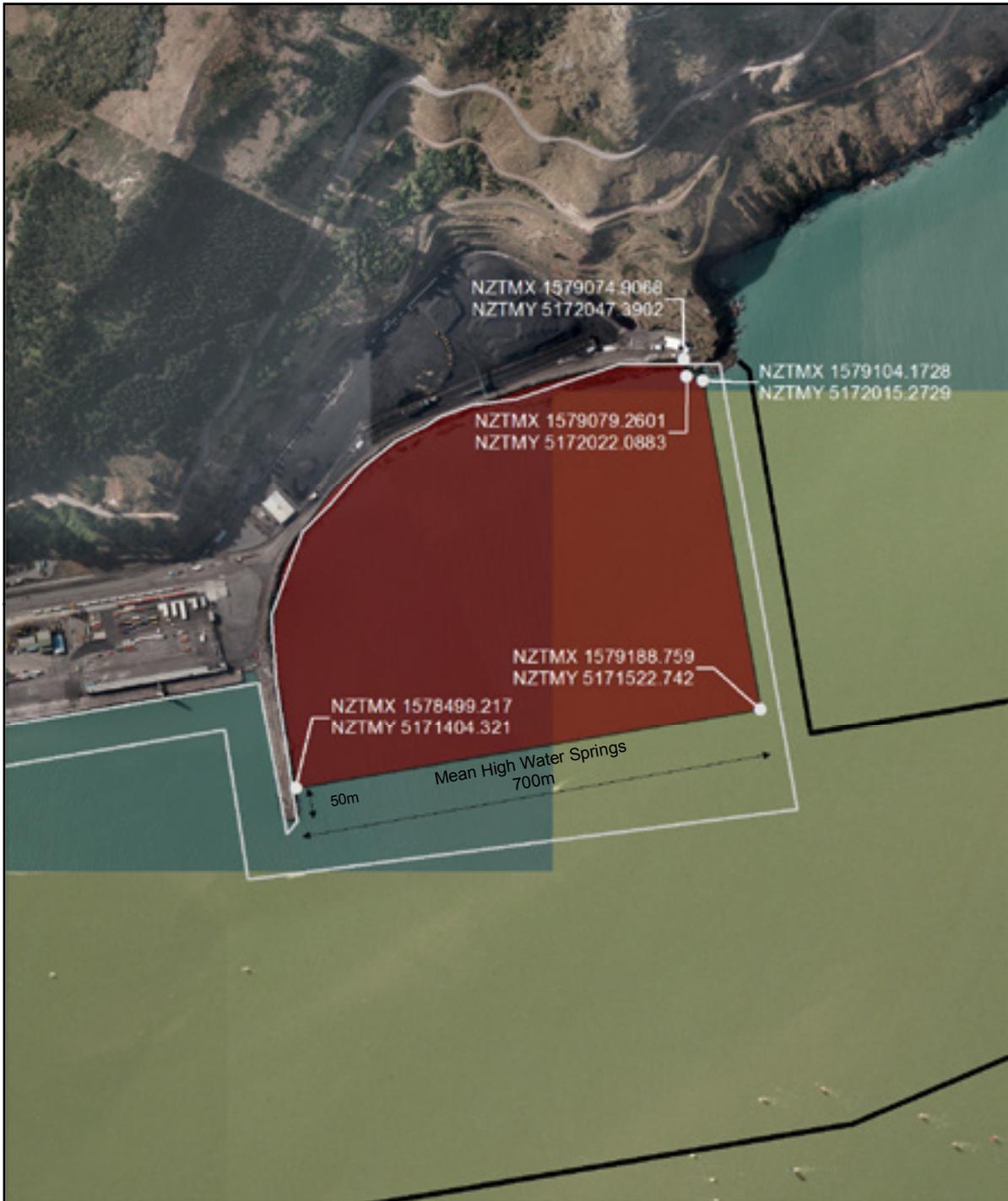


0 2 Kilometres



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Map 10.10 Te Awaparahi Bay Reclamation Area



Map 10.10: Te Awaparahi Bay Reclamation Area

-  Occupation by Port Activities
-  Area A - Reclamation and Wharf Structures
-  Operational Boundary



0  0.6 Kilometres



Map 10.11 Te Awaparahi Bay – Battery Point Exclusion Zone



Map 10.11: Te Awaparahi Bay – Battery Point Exclusion Zone

-  Battery Point Exclusion Zone
-  Area A - Reclamation and Wharf Structures



0 0.1 Kilometres



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**APPENDIX 3:
AMENDMENTS
TO THE PROPOSED
CHRISTCHURCH
REPLACEMENT
DISTRICT PLAN**

21.8. Specific Purpose (Lyttelton Port) Zone

21.8.1 Objectives and Policies

21.8.1.1 Objective – Recovery and growth of Lyttelton Port

- a. The recovery of the Lyttelton Port is enabled in a timely manner:
 - i. to restore its efficient and effective operation, and enable growth and development to support its role as strategic infrastructure in the recovery of greater Christchurch; and
 - ii. to recognise its significance in the recovery of greater Christchurch, including economic growth within the township of Lyttelton, Christchurch District and the wider region.

21.8.1.1.1 Policy – Elements of recovery

- a. Recognise that the repair, rebuild and reconfiguration of Lyttelton Port entails the progressive phased movement east of port operations resulting in:
 - i. operational port activities being established on reclaimed land in Te Awaparahi Bay; and
 - ii. the shifting of some general cargo from the Inner Harbour to Cashin Quay; and
 - iii. redevelopment of land in Dampier Bay in a staged manner to provide for a commercial marina and associated land-side activities, including limited commercial activity, with enhanced public access and connectivity between the Lyttelton township, surrounding residential area and other parts of Naval Point.

21.8.1.1.2 Policy – Management areas and activities

- a. Identify functional areas within the Specific Purpose (Lyttelton Port) Zone that recognise the elements of recovery consisting of:
 - i. the port operational area to provide for a range of port and ancillary activities, including the tank farm area at Naval Point;
 - ii. the port quarry area at Otokitoki/Gollans Bay to enable continuation of port quarrying activities and maintenance of haul roads to support and facilitate Port maintenance and development, including reclamation; and
 - iii. the Dampier Bay area to provide for redevelopment of the area with activities that support a public waterfront area, marina and associated facilities.

21.8.1.1.3 Policy – Port operation, use and development

- a. Enable the efficient operation, use and development of Lyttelton Port by:
 - i. ensuring non-port related activities or development do not compromise Port operations or development of port and maritime facilities;
 - ii. avoiding public access in the port operational and quarry areas, to ensure public safety and the security of cargo and Port operations;
 - iii. avoiding the creation of esplanade reserves or esplanade strips within the Specific Purpose (Lyttelton Port) Zone;
 - iv. providing for expansion of the Port operational area onto reclaimed land in Te Awaparahi Bay; and
 - v. providing flexibility to maintain and manage operations that increase the Port's resilience to natural hazards during and after natural hazard events and that appropriately manage hazard risk.

21.8.1.1.4 Policy – Access and movement network

- a. Ensure access and movement networks provide for:
 - i. efficient, safe and effective access along Norwich Quay to the Lyttelton Port, to meet the needs of the Port as a strategic transport and freight hub; and
 - ii. safe, direct and accessible provision for all transport modes between the Lyttelton Town Centre and surrounds to the ferry, cruise ships, marina and publicly accessible areas of Naval Point and the Dampier Bay/Inner Harbour waterfront.

21.8.1.1.5 Policy - Cruise Berth at Naval Point

- a. Ensure that the development of a cruise ship berth:
 - i. occurs at a location where cruise ship passengers and crew are not exposed to unacceptable risk from Port Activities, including the hazardous facilities located within the Bulk Liquids Storage Area; and
 - ii. does not hinder the efficient and safe operation of Port Activities, including the hazardous facilities located within the Bulk Liquids Storage Area.

21.8.1.2 Objective – Effects of Lyttelton Port recovery and operation

- a. The recovery of Lyttelton Port, including its operation is managed to:
 - i. reduce the potential for adverse effects on the amenity of the wider Lyttelton township during recovery and repair, while recognising the inherent nature of adverse effects associated with large scale construction projects;
 - ii. mitigate adverse effects on the wider Lyttelton township and environment generated from on-going port operations;
 - iii. minimise adverse effects of development on manawhenua cultural values; and
 - iv. avoid significant adverse effects of commercial activities in the Specific Purpose (Lyttelton Port) Zone on the recovery and function of the Lyttelton Town Centre and on the operational efficiency and safety of port activities.

21.8.1.2.1 Policy – Recovery opportunities to reduce adverse effects

- a. Ensure activities undertaken within the Specific Purpose (Lyttelton Port) Zone, including to enhance and reconfigure Lyttelton Port infrastructure and operations, are designed to reduce existing and minimise new adverse effects generated within the Port operational areas.

21.8.1.2.2 Policy – Commercial activities

- a. Avoid retail and office activities in the Specific Purpose (Lyttelton Port) Zone except where they are:
 - i. ancillary to port activities; or
 - ii. located in the Dampier Bay Area, with limits on the range and scale of activities that may establish prior to 2026; or
 - iii. located in buildings that have direct pedestrian access and frontage onto Norwich Quay.

21.8.1.2.3 Policy – Port quarrying activities

- a. Ensure that:
 - i. port quarrying activities are carried out in a way that mitigates significant adverse effects arising from noise, vibration, or the risk of natural hazards caused by rockfall; and
 - ii. rehabilitation of quarried areas is undertaken progressively where practicable or otherwise once quarry operations cease.

21.8.1.2.4 Policy – Built form of development

- a. Provide for the development of Dampier Bay in a way that ensures the form, scale and height of the built form of development in the Dampier Bay Area and adjoining Norwich Quay:
 - i. are limited in height to reflect the relationship to the existing built form and to retain visual connections between the township and residential areas to the harbour and views of operational port activities; and
 - ii. enhance the amenity of the interface of the Port with the Lyttelton Town Centre, adjacent activities and public areas through good urban design, landscape and boundary treatment.

21.8.1.3 Objective – Dampier Bay

- a. The redevelopment of Dampier Bay with public facilities and a limited range and scale of commercial activities, to create a safe, pleasant and accessible waterfront for the public, that engages with and connects to the surrounding environment.

21.8.1.3.1 Policy – Dampier Bay development

- a. Provide for the subdivision, use and development of the Dampier Bay Area to achieve:
 - i. continuous permanent waterfront access for pedestrians and cyclists;
 - ii. enhanced recreational, open space, visual and amenity benefits to the public;
 - iii. land-side public facilities including car parking, public toilets, a high-quality pedestrian route along the waterfront and landscaping;
 - iv. integration with public transport, including a safe and efficient connection between the Lyttelton Town Centre and any passenger ferry terminals and facilities for commuters and visitors;
 - v. a built form of development that reflects the context and character of its industrial maritime surroundings;
 - vi. activated frontages adjoining the waterfront and, where practical, publicly accessible spaces;
 - vii. recognition of Ngāi Tahu/manawhenua cultural values through design of public spaces, use of low impact design and plantings and other opportunities identified through assessment of Ngāi Tahu cultural landscape values; and
 - viii. protection of identified public view shafts between Lyttelton township to the Port and the Inner Harbour, aligning with Voelas Road and Simeon Quay viewing areas.

21.8.1.3.2 Policy – Access and connectivity

- a. Ensure public safety and Port security are maintained through limiting public access to Port operational areas; whilst
- b. Ensuring the provision of high-quality public open spaces and safe public access and public connections between Norwich Quay, Dampier Bay and the adjoining coastal marine area, Lyttelton Town Centre and Naval Point.

21.8.2 Rules – Specific Purpose (Lyttelton Port) Zone

21.8.2.1 How to use the rules

21.8.2.1.1 The rules that apply to activities in the Specific Purpose (Lyttelton Port) Zone are contained in the:

- a. Activity Status Tables (including Activity Specific Standards) in Rule 21.8.2.2; and
- b. Built Form Standards in 21.8.2.3.

21.8.2.1.2 The Activity Status Tables and standards in the following Chapters also apply to activities in all areas of the Specific Purpose (Lyttelton Port) Zone (where relevant):

- 5 Natural Hazards;
- 6 General Rules and Procedures except 6.1 Noise and 6.3 Outdoor Lighting and Glare; and
- 9 Natural and Cultural Heritage.

21.8.2.1.3 Any activity in the Specific Purpose (Lyttelton Port) Zone is exempt from the provisions in the following chapters:

- 6 General Rules and Provisions relating to 6.1 Noise and 6.3 Outdoor Lighting and Glare
- 7 Transport
- 8 Subdivision, Development and Earthworks
- 12 Hazardous Substances and Contaminated Land

21.8.2.2 Activity Status Tables

21.8.2.2.1 Permitted activities

In the Specific Purpose (Lyttelton Port) Zone, the activities listed below shall comply with any Activity Specific Standards set out in this table and the Built Form Standards in Rule 21.8.2.3. Activities may also be Controlled, Restricted Discretionary, Discretionary or Non-complying as specified in Rules 21.8.2.2.2, 21.8.2.2.3, 21.8.2.2.4 and 21.8.2.2.5 below.

	ACTIVITY	ACTIVITY SPECIFIC STANDARDS
P1	Port Activities, except as stated in Rule 21.8.2.2.2 C4 and C5, Rule 21.8.2.2.3 RD3 and Rule 21.8.2.2.4 D6.	<ul style="list-style-type: none"> a. No Port Activities, except navigational aids, and earthworks permitted under 21.8.2.2.1 P4, shall be undertaken within the Quarry Area as shown in Appendix 21.8.4.1. b. Port Activities within Area A in Appendix 21.8.4.6 shall be limited to: <ul style="list-style-type: none"> i. Maintenance, storage and repair of recreational boating vessels and storage of materials associated with the repair of those vessels. ii. Facilities for recreational boating and ancillary parking areas. iii. Marine-related industrial activities, including ship and boat building.
P2	Ecological restoration and livestock grazing	<ul style="list-style-type: none"> a. Any ecological restoration and livestock grazing shall only be undertaken in the Quarry Area as shown in Appendix 21.8.4.1.
P3	Helicopter facilities, including the landing and taking off of helicopters and associated fuelling and service facilities	<ul style="list-style-type: none"> a. Any landing and taking off shall only be undertaken between the hours of 0700 and 2200 hours. b. Any landing area shall be located more than 450m from any Residential Banks Peninsula, Residential Conservation, or Commercial Banks Peninsula Zone. c. The above standards do not apply to emergency flights that are responding to an incident within the Specific Purpose (Lyttelton Port) Zone.
P4	Earthworks	Any earthworks within the Quarry Area as shown in Appendix 21.8.4.1 shall not exceed an area of 500m ² per annum.
P5	Retail Activity	<p>Any Retail Activity (other than as provided for as Port Activities) shall:</p> <ul style="list-style-type: none"> a. only be located within the Dampier Bay Area as shown in Appendix 21.8.4.1 or within buildings with a direct frontage to Norwich Quay;

		<ul style="list-style-type: none"> b. other than retailing of maritime or port related goods and services, be limited to: <ul style="list-style-type: none"> i. a maximum tenancy size for an individual tenancy of 450m² GLFA; and ii. a maximum of 3 food and beverage outlets; and iii. a total aggregated maximum GLFA of 1,000m² to 1 January 2026.
P6	Office Activity	<p>Any Office Activity, other than as provided for as Port Activities, shall be limited to:</p> <ul style="list-style-type: none"> a. a total aggregated maximum GLFA for all Office Activity of 2,000m² up to 1 January 2026; and b. no more than 500m² GLFA of the 2,000m² for general office activities that are not maritime or port-related; and c. the Dampier Bay Area as shown in Appendix 21.8.4.1 or on a site with direct frontage to Norwich Quay.
P7	Emergency Service Facilities, including Coastguard	a. NIL
P8	Public Artwork	a. NIL
P9	Museum and visitor information activities	a. Any museum and visitor information activities shall be located within the Dampier Bay Area as shown in Appendix 21.8.4.1.
P10	Hazardous Facilities and Hazardous Substances, except as specified under Rule 21.8.2.2.2 C3	<ul style="list-style-type: none"> a. Any Hazardous Facilities and Hazardous Substances shall be in quantities less than or equal to the permitted activity threshold values listed in Column A of Appendix 21.8.4.10. b. Notwithstanding (a) above, the storage of Hazardous Substances in transit and/or in temporary storage as cargo (maximum 72 hours) is a permitted activity and Appendix 21.8.4.10 shall not apply.

21.8.2.2.2 Controlled Activities

<p>The activities listed below are <i>Controlled Activities</i>.</p> <p>Controlled Activities C1 - C5 and C7 shall also comply with the Built Form Standards set out in 21.8.2.3.</p> <p>Controlled Activity C6 shall also comply with Built Form Standard 21.8.2.3.10.</p> <p>The Council’s control is reserved over the matters set out in 21.8.3 for each activity as set out in the following table.</p> <p>Any application arising from these rules will not require written approvals and shall not be publicly or limited notified.</p>
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Activity		The Council’s control shall be limited to the following matters:
C1	Earthworks that do not meet the Activity Specific Standards in Rule 21.8.2.2.1 P4.	<ul style="list-style-type: none"> a. Slope stability and natural hazard mitigation – 21.8.3.3.1 b. Management of terrestrial ecology and rehabilitation – 21.8.3.3.2
C2	Port Quarrying Activity within the quarry footprint of the Quarry Area as shown in Appendix 21.8.4.3. This excludes earthworks undertaken as part of Port Quarry Activities and that meet the Activity Specific Standards in Rule 21.8.2.2.1 P4.	<ul style="list-style-type: none"> a. Slope stability and natural hazard mitigation – 21.8.3.3.1 b. Management of terrestrial ecology and rehabilitation – 21.8.3.3.2
C3	Hazardous Facilities and Hazardous Substances involving the storage and handling of fuels and other bulk liquids within the boundary of the Bulk Liquids Storage Area identified in Appendix 21.8.4.5.	<ul style="list-style-type: none"> a. Hazardous substances – 21.8.3.2.7
C4	The erection of a new or relocated building in the Dampier Bay Area.	<ul style="list-style-type: none"> a. Site layout and building design – 21.8.3.1.1 b. Public transport facilities – 21.8.3.1.3 (a) to (c)
C5	Any building located within Height Area C as shown in Appendix 21.8.4.4, excluding containers, that is between 8m and 15m in height.	<ul style="list-style-type: none"> a. Site layout and building design – 21.8.3.1.1(e)
C6	Subdivision Activity	<ul style="list-style-type: none"> a. Subdivision – 21.8.3.3.4 b. Dampier Bay Area Outline Development Plan – 21.8.3.3.3
C7	Public Amenities including public walkways and publicly accessible space located within the Dampier Bay Area and Port Operational Area, including any connections with Norwich Quay.	<ul style="list-style-type: none"> a. Site layout and building design– 21.8.3.1.1 b. Dampier Bay Area public space/publicly accessible space – 21.8.3.1.2

21.8.2.2.3 Restricted Discretionary Activities

<p>The activities listed below are <i>Restricted Discretionary Activities</i>.</p> <p>Restricted Discretionary Activities RD2 to RD5 shall also comply with the Built Form Standards set out in 21.8.2.3.</p> <p>The exercise of discretion is restricted to the matters of discretion set out in 21.8.3 for each activity, as set out in the following table.</p>		
Activity		The Council's discretion shall be limited to the following matters:
RD1	<p>Non-compliance with Built Form Standards in Rule 21.8.2.3.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<ul style="list-style-type: none"> a. Maximum building height – 21.8.3.2.1 b. Daylight recession plane at boundary with a Residential Zone – 21.8.3.2.2 c. Landscaping in Dampier Bay Area – 21.8.3.2.3 d. Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4 e. Light and Glare – 21.8.3.2.5 f. Access – 21.8.3.6
RD2	<p>New Public Transport Facilities located within the Port Operational Area or Dampier Bay Area, except as stated in Rule 21.8.2.2.5.</p> <p>Any application for a passenger ferry terminal arising from this rule will be publicly notified.</p>	<ul style="list-style-type: none"> a. Site layout and building design– 21.8.3.1.1 b. Public transport facilities – 21.8.3.1.3
RD3	<p>Activities that are not in accordance with the Dampier Bay Outline Development Plan in Appendix 21.8.4.2.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<ul style="list-style-type: none"> a. Dampier Bay Outline Development Plan – 21.8.3.3.3
RD4	<p>Hazardous Facilities and Hazardous Substances that do not meet the Activity Specific Standards in Rule 21.8.2.2.1 P10.</p>	<ul style="list-style-type: none"> a. Hazardous substances – 21.8.3.2.7
RD5	<p>Provision of public vehicle access to and from the area covered by the Dampier Bay Outline Development Plan in Appendix 21.8.4.2 or from a Public Transport Facility associated with a passenger ferry terminal, via Sutton Quay.</p> <p>Any application arising from this rule will require the written approval of</p>	<ul style="list-style-type: none"> a. Access – 21.8.3.2.6 (b)–(c)

	the New Zealand Transport Agency only and shall not be publicly notified.	
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21.8.2.2.4 Discretionary Activities

The activities listed below are <i>Discretionary Activities</i> .
Activity
D1 Any Retail Activity (other than Port Activities) that does not comply with Activity Specific Standards in Rule 21.8.2.2.1 P5
D2 Any Office Activity (other than Port Activities) that does not comply with Activity Specific Standards in Rule 21.8.2.2.1 P6
D3 Port Quarrying Activity within the Quarry Area but outside of the quarry footprint shown in Appendix 21.8.4.3
D4 Port Activities that do not comply with Activity Specific Standards in Rule 21.8.2.2.1 P1
D5 Any activity not provided for as a <i>Permitted, Controlled, Restricted Discretionary, or Non-Complying Activity</i> .
D6 Any associated facilities or changes to facilities that serve a cruise ship berth at Naval Point.

21.8.2.2.5 Non-complying Activities

The activities listed below are a <i>Non Complying Activity</i> .
NC1 Helicopter facilities that do not meet the Activity Specific Standards in Rule 21.8.2.2.1 P3
NC2 New public transport facilities associated with a passenger ferry terminal located in a position west of Canterbury Street, Lyttelton, prior to the provision of pedestrian and public vehicle access to the terminal via Sutton Quay.

21.8.2.2.6 Prohibited Activities

There are no <i>prohibited activities</i> .

21.8.2.3 Built Form Standards

21.8.2.3.1 Maximum building height

	Applicable to	Permitted	Restricted Discretionary	Matters of Discretion
a.	Quayside and container cranes, lighting towers and container storage (except containers located within Height Area C as shown in Appendix 21.8.4.4)	No limit	NA	NA
b.	Bulk liquids storage structures within Area A as shown in Appendix 21.8.4.5	20m	Greater than 20m	Maximum building height – 21.8.3.2.1
c.	Bulk liquids storage structures within Area B as shown in Appendix 21.8.4.5	23m	Greater than 23m	
d.	Buildings, except where specified in (e) below	15m	Greater than 15m	
e.	Buildings within Height Area A of the Dampier Bay Area as shown in Appendix 21.8.4.4	12m	Greater than 12m	
f.	Buildings within Height Area B of the Dampier Bay Area as shown in Appendix 21.8.4.4	15m	Greater than 15m	
g.	Buildings not otherwise provided for under (a) with frontage to Norwich Quay and containers located within Height Area C as shown in Appendix 21.8.4.4. This standard shall not apply to temporary structures erected for noise mitigation, construction activities or transiting containers that remain on site for less than 72 hours.	15m	Greater than 15m	
h.	Telecommunications utility structures	25m	Greater than 25m	
i.	Buildings not otherwise provided for under (a) that are located in the Canterbury Street view shaft as shown in Appendix 21.8.4.4.	Does not project above the level of Norwich Quay	Height above the level of Norwich Quay	Maximum building height 21.8.3.2.1

Note: See the permitted height exceptions contained within the definition of height. See also Rule 21.8.2.2.2 C5 Controlled Activities for urban design considerations applying to buildings over 8m in height in Height Area C as shown in Appendix 21.8.4.4.

21.8.2.3.2 Daylight recession planes at boundary with a Residential Zone

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	All buildings.	Buildings shall not project beyond a building envelope constructed by a 45 degree recession plane measured at any point 2m above the nearest boundary abutting any site in a residential zone	Non-compliance with permitted standard	Daylight recession planes at boundary with a Residential Zone – 21.8.3.2.2

21.8.2.3.3 Landscaping within the Dampier Bay Area

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	Any buildings and/or car parking areas located in Area A of the Dampier Bay Area as shown in Appendix 21.8.4.2 with road frontage to Godley Quay	A Landscaping Strip shall be provided along the road frontage adjoining Godley Quay in accordance with the Outline Development Plan in Appendix 21.8.4.2 and comply with the following standards: a. minimum width – 3m (except over accessways; and b. all landscaping shall consist of densely planted native species indigenous to Canterbury.	Non-compliance with permitted standard	Landscaping in Dampier Bay Area – 21.8.3.2.3

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

21.8.2.3.4 Light spill

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	All activities	No operation or activity shall be conducted so that direct illumination exceeds 10 lux (lumens per square metre) at the boundary of any site in a residential zone or Commercial Banks Peninsula Zone. Light shall be measured on an instrument meeting the requirements of the New Zealand Standard C.P.22(1962) and Amendments.	Non-compliance with permitted standard	Light and glare – 21.8.3.2.5

21.8.2.3.5 Vibration

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	Port Quarrying Activity	Vibration and airblast overpressure from blasting associated with quarrying shall not exceed the following limits at any point within the notional boundary of any dwelling respectively: i. 5mm/s ppv; ii. 120 dB L _{Zpeak} The notional boundary of a dwelling is defined as a line 20 metres from the exterior wall of any dwelling or the legal boundary where this is closer than 20m to the dwelling.	Non-compliance with permitted standard	Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4
b.	Construction Activity	There are no vibration limits for construction activity.	NA	NA

21.8.2.3.6 Noise limits

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	Port Activities	No noise limits	NA	NA
b.	Construction Activities	No noise limits	NA	NA
c.	Port Quarrying Activities within the Quarry Area shown in Appendix 21.8.4.1	<p>Shall not exceed the following noise limits at any point within the notional boundary of any dwelling when measured in accordance with the requirements of NZS6801:2008 Acoustics – Environmental Noise</p> <p>Monday to Saturday 7am–10pm 50 dB L_{Aeq}</p> <p>At all other times 40 dB L_{Aeq}</p> <p>On any day between 10pm and the following 7am 70 L_{Amax}.</p> <p>The notional boundary of a dwelling is defined as a line 20 metres from the exterior wall of any dwelling or the legal boundary where this is closer than 20m to the dwelling.</p>	Non-compliance with the permitted standard	Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4
d.	Any activities not listed in a–c above	Noise limits as shown in Table 21.8.1	Non-compliance with permitted standard	Noise from Dampier Bay Activities (other than Port Activities) and from Port Quarrying Activities – 21.8.3.2.4

- i. Noise levels shall be measured in accordance with NZS6801:2008 *Acoustics – Measurement of Environmental Sound*, and assessed in accordance with NZS6802:2008 *Acoustics – Environmental Noise*, except that provisions in NZS 6802 referring to Special Audible Characteristics shall not be applied.
- ii. Noise level standards shall apply at any point on or beyond the boundary of the site producing the noise, except that noise standards shall not apply when received in a Transport Zone. Where a site

is divided by a zone boundary, then each part of the site divided by the zone boundary shall be treated as a separate site for the purpose of these rules, except that no noise rules shall apply at the zone boundary where it is within the site.

Table 21.8.1 Noise limits

When measured at or within the boundary of any site zoned:	Daytime (0700–2200)		Night-time (All other times)	
	L _{Aeq}	L _{Amax}	L _{Aeq}	L _{Amax}
Residential Zones	50 dB	75 dB	40 dB	65 dB
Commercial Banks Peninsula Zone	55 dB	80 dB	45 dB	70 dB
Industrial General Zone	60 dB	80 dB	50 dB	70 dB

21.8.2.3.7 Lyttelton Port Noise Management and Noise Mitigation

- a. The owners or operators of Lyttelton Port shall prepare and implement a Port Noise Management Plan including, but not limited to, the matters set out in Appendix 21.8.4.7.
- b. The owners or operators of the Lyttelton Port shall establish, maintain and participate in a Port Liaison Committee with functions including, but not limited to, the matters set out in Appendix 21.8.4.7.
- c. The owners or operators of the Lyttelton Port shall prepare and implement, in conjunction with the Port Liaison Committee, a Plan for Acoustic Treatment and Purchase of Dwellings, including, but not limited to, the matters listed in Appendix 21.8.4.8.

21.8.2.3.8 Lyttelton Port Construction Noise Management and Monitoring

- a. The owners or operators of the Lyttelton Port shall prepare and implement a Construction Noise Management Plan including, but not limited to, the matters set out in Appendix 21.8.4.9.
- b. The owners or operators of the Lyttelton Port shall prepare and implement, in conjunction with the Port Liaison Committee, a Construction Noise Mitigation Plan including, but not limited to, the matters listed in Appendix 21.8.4.9.

21.8.2.3.9 Transport Standards

	Applicable to	Permitted	Restricted Discretionary	Matters of discretion
a.	High Trip Generators	<ul style="list-style-type: none"> i. All traffic using the existing accesses as at June 2015 from the Special Purpose (Lyttelton Port) Zone onto State Highway 74. ii. Traffic using any new or existing accesses from the Special Purpose (Lyttelton Port) Zone onto local roads. 	NA	NA
b.	Access Points	The formation of a new access point onto a road located within the Specific Purpose (Lyttelton Port) Zone.	The formation of a new access point from the Specific Purpose (Lyttelton Port) Zone onto State Highway 74 or local roads located outside of the Specific Purpose (Lyttelton Port) Zone	Access – 21.8.3.2.6(a)
c.	Car parking	0.35 car parks per marina berth.	Non-compliance with permitted standard	Marina parking – 21.8.3.2.8

Note: Car parking is a matter for control or discretion for resource consents required under Rule 21.8.2.2.2 C4 and Rule 21.8.2.2.3 RD3.

21.8.2.3.10 Subdivision Standards

	Applicable to	Controlled	Matters of control
	All subdivision activities	<ul style="list-style-type: none"> i. All allotments shall have legal access that is able to accommodate a driveway to a formed road. ii. Any vehicle access shall be provided in accordance with Appendix 7.7. iii. Where land to be subdivided with frontage to a state highway has practical legal access to an alternative road, there shall be no access to the state highway. iv. In the event of multiple site subdivision where parking is provided as a common facility, the parking area shall have legal access to a formed road. v. Subdivision within Dampier Bay Area A or B is in accordance with the Outline Development Plan as shown in Appendix 21.8.4.2. vi. An esplanade reserve or esplanade strip shall not be required, and section 230 of the Resource Management Act shall not apply. vii. No minimum allotment size shall apply. 	<ul style="list-style-type: none"> a. Subdivision – 21.8.3.3.4 b. Dampier Bay Area Outline Development Plan – 21.8.3.3.3

21.8.3 Matters of Discretion and Control

21.8.3.1 Urban design and transport

21.8.3.1.1 Site layout and building design

- a. The extent to which the layout of the site and design of the buildings:
 - i. creates an active edge and provides for passive surveillance of the publicly accessible space adjoining the coastal marine area and other areas available for public use;
 - ii. reflects the area's maritime character and any natural, heritage and Ngāi Tahu cultural values, including through building form and materials;
 - iii. ensures adequate car parking, loading areas and cycle parking is provided for visitors and staff either to the side or rear of the building or in a shared parking facility elsewhere within the Dampier Bay Area, to cater for anticipated demand from non-Port activities in the Dampier Bay Area;
 - iv. provides for any car parking to be predominantly located within Area A on the Outline Development Plan (Appendix 21.8.4.2), given the ability for car parking in this area to act as a buffer to the industrial marine activities to the south;
 - v. for buildings with frontage to Norwich Quay, achieves:
 - A. separation between buildings to provide view shafts to the harbour;
 - B. the matters set out in (i) and (ii);
 - vi. ensures areas to be used for waste management purposes are adequately screened;
 - vii. is designed and laid out in a manner that provides opportunities to minimise runoff of untreated stormwater to the coastal marine area;
 - viii. Achieves a fine grained form and layout with high levels of articulation, glazing and architectural detailing;
 - ix. Reflects the outcomes sought in the Lyttelton Port Design Guide.
 - x. Provides for clusters of development in and around the activity nodes.
 - xi. Provides for building entrances and glazing facing the waterfront, to create an active edge and opportunities for passive surveillance of the publicly accessible space.

21.8.3.1.2 Dampier Bay Area public space/publicly accessible space

- a. Whether the design of public space and access routes achieves high-quality publicly accessible open spaces, public access and public connections along the waterfront in and connecting to Dampier Bay, including from Norwich Quay, taking into account:
 - i. the need for the width of the pedestrian promenade along the waterfront to be sufficient to enable easy, universal access and use of pedestrians, cyclists, and passive recreation, while incorporating seating and opportunities for planting and public art;
 - ii. the ability for a continuous waterfront route to be achieved;
 - iii. the implementation of Crime Prevention Through Environmental Design principles;
 - iv. the ability to achieve an industrial maritime character through the use of materials;
 - v. incorporation of public artwork, and the provision of interpretation and references to the area's heritage and culture;
 - vi. establishment of safe and convenient pedestrian and cycle connections and a universally accessible pedestrian connection to Norwich Quay and to any public transport facility provided within the Inner Harbour; the primary pedestrian connection to any public transport facility should provide for universal access;
 - vii. where appropriate, the mechanisms to secure public access to and within publicly accessible spaces in perpetuity;
 - viii. the historical and contemporary relationship between Ngāi Tahu and the Lyttelton area, including an assessment of the Ngāi Tahu cultural landscape values;
 - ix. the outcomes sought in the Lyttelton Port Design Guide.

21.8.3.1.3 Public transport facilities

- a. The extent to which:
 - i. traffic generated will affect intersection form and safety on Godley Quay, Sutton Quay and Norwich Quay;
 - ii. Sutton Quay is upgraded to provide safe, direct, pleasant and convenient pedestrian linkages from Dampier Bay to Norwich Quay prior to the opening of Sutton Quay for public use;
 - iii. adequate vehicular and cycle parking is provided to meet anticipated demand from staff and visitors;
 - iv. provision is made for “park and ride” facilities;
 - v. A safe and efficient public transport interchange is provided for transfer between travel modes, where relevant;
 - vi. For a passenger transport ferry terminal, safe and convenient pedestrian and cycle connections between the terminal and Norwich Quay and to any publicly accessible areas on the Inner Harbour waterfront is provided.

21.8.3.2 Built Form Standards

21.8.3.2.1 Maximum building height

- a. Whether the increased height would result in buildings that:
 - i. are compatible with the scale of other buildings anticipated in the area; or
 - ii. do not compromise the amenity of adjacent properties or public open spaces, taking into account:
 - A. the visual dominance of the proposed buildings on the outlook from other sites, roads and public open spaces in the surrounding area;
 - B. any loss of privacy through being overlooked by the proposed building;
 - C. overshadowing of adjoining sites, particularly onto public open spaces resulting in reduced sunlight and daylight admission;
 - D. the extent to which the proposed building is located well within the Port boundaries and is substantially separated from more sensitive residential, commercial, or recreational activities; the extent to which there is separation provided between buildings to allow for view shafts from adjacent residential properties;
 - E. whether, and the extent to which, views to the harbour and the Port from public space remain intact;
 - F. in respect of Norwich Quay, the extent to which the building is compatible with the character of other commercial buildings on Norwich Quay;
 - G. whether the additional height would result in a built form that would improve the efficiency of Port Activities and is necessary for meeting the functional needs of Port Activities;
 - H. the outcomes sought in the Lyttelton Port Design Guide.

21.8.3.2.2 Daylight recession planes at boundary with a Residential Zone

- a. The effect of the proximity or bulk of the proposed building on access to daylight or privacy on adjoining residential sites, taking into account the position of outdoor living spaces and main living areas within residential units.
- b. The provision of planting or screening within the setback to mitigate building dominance.
- c. Whether the proposed building location provides the ability to better utilise the site and improve the level of amenity elsewhere in the Special Purpose (Lyttelton Port) Zone.

21.8.3.2.3 Landscaping in Dampier Bay Area

- a. The extent to which the proposed landscaping area and any non-compliance:
 - i. achieve a high level of on-site amenity while minimising the adverse visual effects of buildings, taking account of their scale and appearance, outdoor storage areas, car parking or other activities;
 - ii. are mitigated through the nature or scale of planting proposed, the location of parking, manoeuvring or storage areas and site layout;
 - iii. ensure the terrace/level change between Godley Quay and Dampier Bay is visually apparent and is able to be recognised including through a reduced scale of planting and views from Godley Quay to the harbour are maintained;
 - iv. enable increased public access and connection to the waterfront;
 - v. reflects the outcomes sought in the Lyttelton Port Design Guide.

21.8.3.2.4 Noise from Dampier Bay activities (other than port activities) and from Port Quarrying Activities

- a. The location of any nearby residential units, and the degree to which the amenities of residents may be adversely affected.
- b. The extent to which the noise or blast generating activity is compatible with the anticipated character and amenity of the Specific Purpose (Lyttelton Port) Zone.
- c. The nature of any adjoining zone and the extent to which the noise or blast generating activity is compatible with the anticipated character and amenity of the receiving environment.
- d. The extent to which the length of time for which specified noise levels will be exceeded, particularly at night, and the likely disturbance that may be caused.
- e. The extent to which the proposals made by the applicant mitigate noise generation, including:
 - i. reduction of noise at source;
 - ii. alternative techniques or machinery that may be available;
 - iii. insulation of machinery or cladding used in the building;
 - iv. mounding or screen fencing/walls;
 - v. hours of operation.
- f. The extent to which affected residents have been consulted and how their concerns have been addressed.

21.8.3.2.5 Light and glare

- a. The extent to which the light affects any properties in adjoining zones.
- b. Whether a reduction in the level of glare is reasonably practicable.
- c. Whether the direction in which the light is aimed, and the duration and hours of operation of the activity requiring the lighting, can be changed to avoid, remedy or mitigate any adverse effects.

21.8.3.2.6 Access

- a. The extent to which any new access to a state highway or local road provides for:
 - i. the safe and efficient functioning of the immediate road network;
 - ii. appropriate sight lines;
 - iii. appropriate separation distances from other intersections;
 - iv. safe and convenient pedestrian connections across the access.
- b. Whether Sutton Quay and the surrounding road network (including the tunnel roundabout intersection with Norwich Quay and Simeon Quay) will function safely and efficiently.
- c. Whether the following integrated transport assessment matters have been adequately addressed, provided or considered:
 - i. description of existing land use and transport environment;

- ii. an outline of access, parking, loading and cycle facility arrangements within the Dampier Bay Area;
- iii. estimated trip generation of all modes of traffic anticipated from the Dampier Bay development and likely impacts on Godley Quay, Simeon Quay, Sutton Quay and Norwich Quay, including the Godley Quay/Simeon Quay intersection, Sutton Quay/Norwich Quay intersection and the tunnel roundabout;
- iv. an explanation of how accessible Sutton Quay will be for each mode with regard to access to facilities and safety;
- v. an indication of any upgrades to the transport network on or near Sutton Quay that may have relevance to the proposal;
- vi. consideration of the effects the use of Sutton Quay for general public access will have on the transport network for all modes including freight, and the effects the proposed transport infrastructure will have on the environment. This could include transport modelling;
- vii. measures incorporated to mitigate adverse effects.

21.8.3.2.7 Hazardous substances

- a. The extent to which the proposed site design, construction and operation of the hazardous facilities are appropriate to prevent the accidental release, or loss of control, of hazardous substances, and whether adequate emergency management equipment and plans are provided.
- b. The extent to which the proposed site design, construction and operation of the hazardous facilities are appropriate to prevent and mitigate any adverse effects on people, property and environmentally sensitive areas, including the coastal environment.
- c. The extent to which natural hazards pose a risk to the hazardous facility that could in turn pose risks to people, property and the environment, including the coastal environment.
- d. Whether, and the extent to which, a risk assessment has been formulated in such detail as corresponds to the scale of the hazardous facility, to include:
 - i. identification of potential hazards, failure modes and exposure pathways;
 - ii. assessment of the probability and potential consequences of an accident leading to a release of a hazardous substance or energy generated by hazardous substances, or other loss of control, including any cumulative or synergistic effects;
 - iii. acceptability of the assessed risks, including cumulative risks;
 - iv. residual risks after applying proposed risk control and mitigation measures;
 - v. the risk management process.
- e. Whether there is an aggregation of facilities containing hazardous substances in the area and the cumulative risk that poses to the environment.
- f. Whether, and the extent to which, the proposal identifies risk control and mitigation measures, including sensitive land use activities and environments, including:
 - i. equipment, systems and engineered safety measures such as containment devices, fire safety apparatus and spill contingency/clean up equipment;
 - ii. emergency management plans, monitoring and maintenance schedules as well as training programmes.

21.8.3.2.8 Marina Parking

- a. Whether sufficient car parking is provided to cater for anticipated demand from marina users/visitors, so as to avoid spillover parking on to the road network.

21.8.3.3 Activity Specific Standards

21.8.3.3.1 Slope stability and natural hazard mitigation – Port Quarry Area

- a. The degree to which natural hazard risk to workers and infrastructure has been appropriately assessed and the adequacy of any proposed mitigation to manage hazard risk to an acceptable level.
- b. Whether the proposed quarrying will exacerbate natural hazard risk to land outside of the Specific Purpose (Lyttelton Port) Zone; and in particular the safe functioning of Sumner Road.

21.8.3.3.2 Management of terrestrial ecology and rehabilitation – Port Quarry Area

- a. Methods to manage adverse effects on existing terrestrial ecology, and in particular native lizard species, prior to and during quarrying and haul road formation, and to enhance indigenous habitats as part of site rehabilitation.
- b. Methods to stabilise disturbed ground including the application of aggregate, geotextile, mulch, hydroseeding or other methods to establish vegetation.
- c. Methods to ensure the geotechnical stability of rock faces for mitigating long-term natural hazard risk to land outside of the Specific Purpose (Lyttelton Port) Zone and in particular whether site rehabilitation will be effective in ensuring that Sumner Road is not prone to slips or undermining.
- d. Whether the plant species selected for rehabilitation works are native species that would naturally occur on the Port Hills and will enhance ecological and biodiversity values.
- e. The extent to which the type of methods selected will reduce the adverse visual effects of haul road formation, including minimising side casting of material down slope of the road and the revegetation of cuts and side cast material.

21.8.3.3.3 Dampier Bay Area Outline Development Plan

- a. The extent to which non-compliance with the Outline Development Plan provides:
 - i. mitigation for reduced or altered landscaping provision, including other opportunities for planting and low impact design initiatives;
 - ii. convenient and universally accessible pedestrian access between the public ferry terminal and Lyttelton Town Centre;
 - iii. safe and convenient public pedestrian access between:
 - A. Veolas Road/Godley Quay to the waterfront promenade;
 - B. the promenade and Simeon Quay; and
 - C. the promenade and Sutton Quay, as relevant;
 - iv. a primary internal access road that runs along the inland edge of the site and avoids creating a visual or physical barrier between activities and the waterfront.
 - v. An unobstructed view through view shafts identified in Appendix 21.8.4.2 to the waterfront and inner Harbour, to enhance the visual connection between the inner Harbour and Lyttelton township.

21.8.3.3.4 Subdivision

- a. Access – the location and construction of any vehicle accessways, access lots or access strips.
- b. Servicing -
 - i. whether the requirements of the Infrastructure Design Standard and/or Construction Standard Specifications are met;
 - ii. whether the proposed servicing is adequate for the development, including the appropriate treatment of contaminants;
 - iii. the extent to which the proposed surface water management systems are consistent with the relevant Council Stormwater Management Plan or Integrated Management Plan;
 - iv. any adverse effects of the proposal on erosion, flooding, surface water, mahinga kai, on drainage to, or from, adjoining land, or on groundwater quality

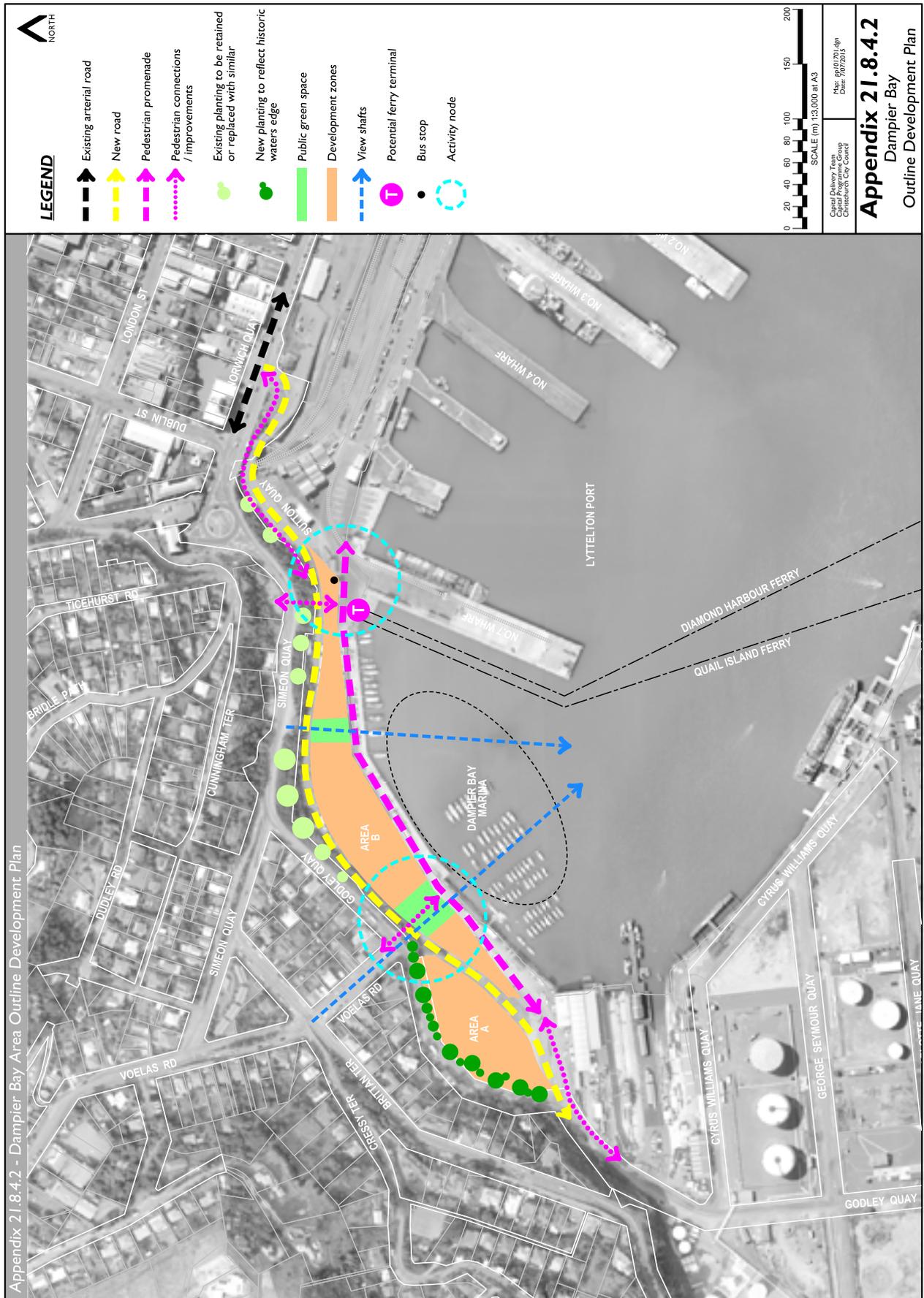
- v. whether all new allotments are provided with:
 - A. connections to safe potable water supply with an adequate capacity for the respective potential land uses;
 - B. sufficient water supply and access to water supplies for firefighting consistent with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008);
 - C. a means within their net site area for the effective management of collected surface water from all impervious surfaces;
 - D. a means of disposing of sanitary sewage within the net site area of the allotment;
 - E. the ability to connect to an electrical supply system, at the boundary of its net site area, except where the allotment is for a utility, road, reserve or for access purposes; and
 - F. the ability to connect to the telecommunications network at the boundary of its net site area, or by a duct installed from the boundary of the net site area of an allotment to an approved telecommunications system within 50m.
- c. Size, shape, and orientation of sites:
 - i. the location of sites and boundaries in relation to natural hazards, existing buildings and public open space; and
 - ii. whether the allotments (including any balance allotment) are of sufficient size and dimension to provide for the existing or proposed purpose or land use.
- d. Publicly accessible space and connections – the location of walkways, including linkages between other areas, other walkways, and public open spaces.
- e. Whether any easements are needed to meet network utility operator requirements.

21.8.4 Appendices

Appendix 21.8.4.1 – Specific Purpose (Lyttelton Port) Zone Management Areas

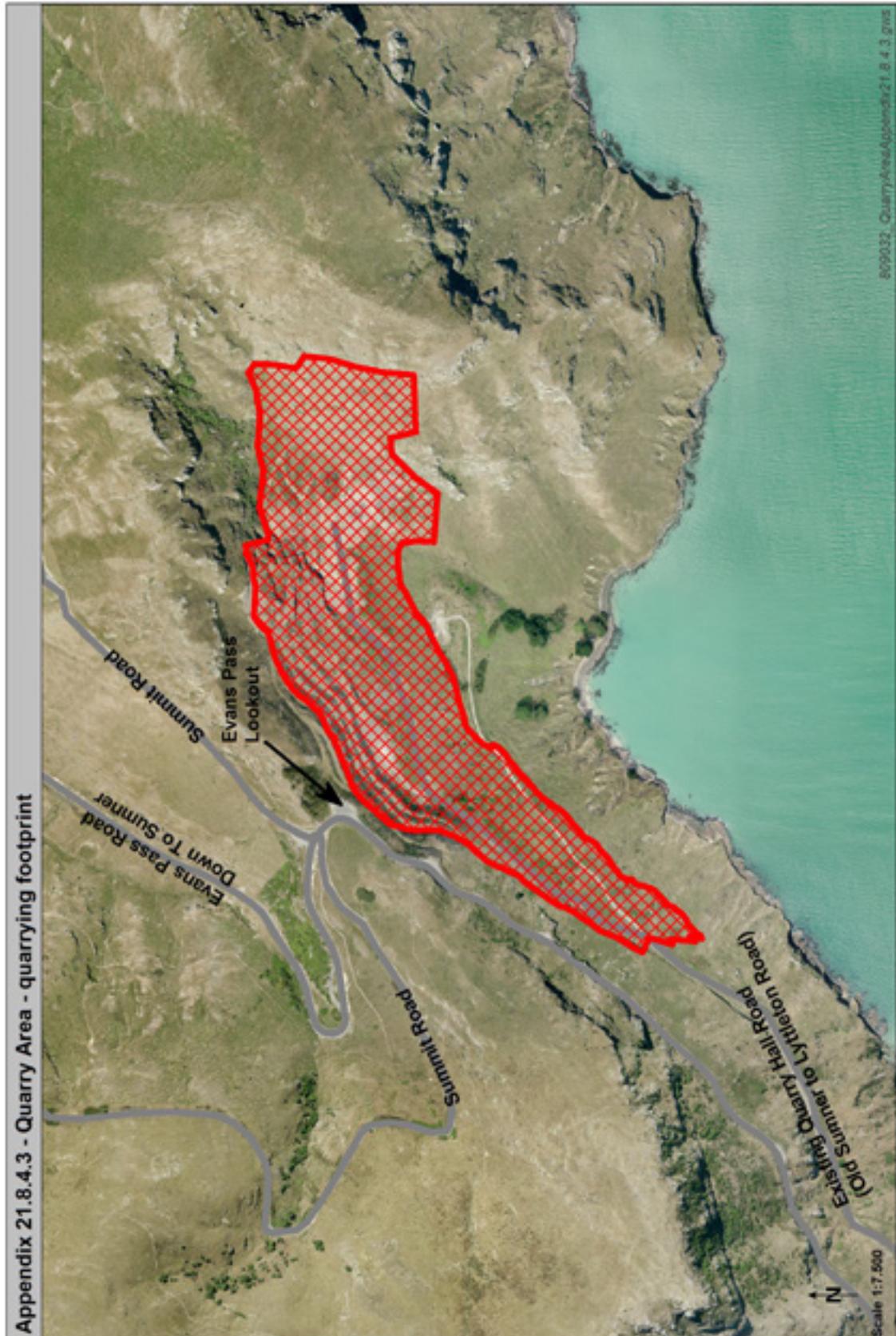


Appendix 21.8.4.2 – Dampier Bay Area Outline Development Plan



Appendix 21.8.4.2 - Dampier Bay Area Outline Development Plan

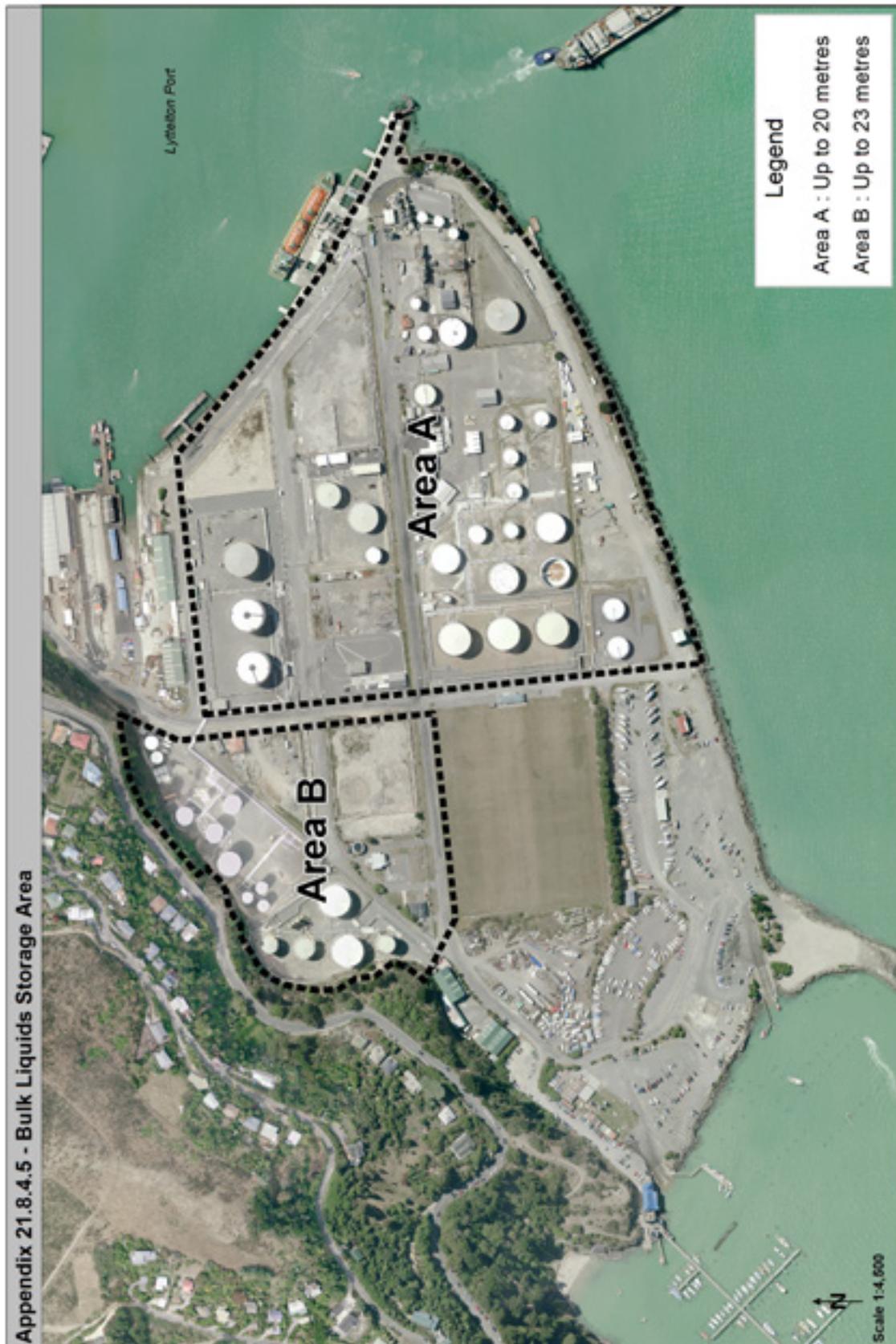
Appendix 21.8.4.3 – Quarry Area quarrying footprint



Appendix 21.8.4.4 – Dampier Bay Area and Norwich Quay maximum building height



Appendix 21.8.4.5 – Bulk liquids storage area



Appendix 21.8.4.6 Marine Industry and Recreational Boating Area



Appendix 21.8.4.7 – Port Noise Management Plan

1. Port Noise Management Plan

The Port Noise Management Plan required under Rule 21.8.2.3.7(a) will include but not be limited to the following:

a. Purpose of the Port Noise Management Plan

- i. State owners and operators of the Lyttelton Port's commitment to manage and to reduce/mitigate port noise.
- ii. Set a framework for the Port Liaison Committee.
- iii. Identify Port Activities that can give rise to noise.
- iv. Set a framework for monitoring, measuring and reporting on port noise.
- v. Set a framework for dealing with complaints.
- vi. Document noise management activities.

b. Obligations of the Owners and operators of Lyttelton Port

- i. Allocate an annual budget to the Port Liaison Committee for the preparation and implementation the Port Noise Management Plan and the Plan for Acoustic Treatment and Purchase of Dwellings.
- ii. Provide administrative and advisory support for the Port Liaison Committee.
- iii. Deal with noise complaints.

c. Owners and operators of the Port of Lyttelton in conjunction with the Port Liaison Committee

- i. Prepare and implement the Port Noise Management Plan and the Plan for Acoustic Treatment and Purchase of Dwellings.
- ii. Develop noise modelling, monitoring and measurement procedures that follow the concepts in NZS 6809: 1999 Acoustics – Port Noise management and land use planning, for the purpose of preparing a Port Noise Contour Map that shows contour lines in 1dB increments from 55 dB Ldn to 70 dB Ldn inland of the Special Purpose (Lyttelton Port) Zone. This Port Noise Contour Map is to be attached to the Port Noise Management Plan and is to be regularly updated as required by the Port Liaison Committee and at the expense of the owners and operators of the Port of Lyttelton. The model for the Port Noise Contour Map shall be reviewed at least once every two years to determine whether it needs to be updated.
- iii. Develop methods to monitor port noise, in order to verify the port noise contour lines.
- iv. In developing the Port Noise Contour Map, recognise that noise from water and grit blasting at the dry dock facilities is excluded and instead noise from the water and grit blasting operation is managed by controlling the hours of operation.

d. Port Liaison Committee framework

- i. Meet at least once a year.
- ii. Provide details on representation and administration of the committee.
- iii. Provide a list of functions, including but not limited to the administration of the Plan for Acoustic Treatment and Purchase of Dwellings and associated budget, consideration of complaints, monitoring port operator's performance of its obligations with respect to noise issues, reporting to residents affected by noise.

- iv. Keep within the annual budget provided by the owners or operators of the Port of Lyttelton.
 - v. Advise any property owner in writing where the property is partly or wholly contained within an area seaward of the 70dBA Ldn contour or greater as shown by the Port Noise Contour Map following the preparation or the update of the Port Noise Contour Map.
- e. Complaints**
- i. Develop procedures to record complaints and steps to investigate such complaints.
- f. Documentation**
- i. Current version of the Port Noise Management Plan to be made available by the operators of the Port of Lyttelton to the public on a website.
 - ii. Names and contact details for current staff of the operators of the Port of Lyttelton, Port Liaison Committee members and consultants involved in noise management.
 - iii. Noise model and measurement details and procedures.
 - iv. Summary of scenarios tested in the acoustics model.
 - v. Summary noise monitoring conducted.
 - vi. Summary of complaints annually and a description of actions taken to address a complaint.
- g. Review and alteration of the Plan**
- i. Develop procedures to alter, review and update the Port Noise Management Plan.
 - ii. Produce and append to the Port Noise Management Plan annually a report on the implementation and, where relevant, alteration and update of that Plan.

Appendix 21.8.4.8 – Plan for Acoustic Treatment and Purchase of Dwellings

The Plan for Acoustic Treatment and Purchase of Dwellings required under Rule 21.8.2.3.7(c) will include but not be limited to the following:

a. Port Liaison Committee

- i. Include procedures for the Port Liaison Committee to consider research into noise mitigation, modifications to plant and equipment, and acoustic purchase.
- ii. Include reporting procedures on expenditure.

b. Application to the Port Liaison Committee for Acoustic Treatment (65+ dBA Ldn)

- i. Where any port noise affected property within a residential zone is partly or wholly contained within the area seaward of a contour line that is 65dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, an owner or occupier may apply to the Port Liaison Committee for acoustic treatment at any time.

c. Port Liaison Committee consideration of an application for acoustic treatment

- i. The Port Liaison Committee is to determine that the application made under 21.8.4.8(b) is attributable to on-going port noise.
- ii. The Port Liaison Committee needs to decide on the priority that the application has in terms of the annual budget for noise mitigation.
- iii. Should the Port Liaison Committee accept an application for acoustic treatment, it then makes a recommendation to the owners and operators of the Port of Lyttelton.
- iv. The Port Liaison Committee oversees the acoustic treatment projects and liaises with the owner receiving acoustic treatment and the owners and operators of the Port of Lyttelton as necessary.

d. Acoustic treatment

i. Owners and operators of the Port of Lyttelton obligations

- a. Provided the maximum cost of acoustic treatment is within the annual budget, then the owners and operators of the Port of Lyttelton shall, subject to the written agreement of the property owner to register a covenant against the certificate of title to the property, agree to the acoustic treatment in accordance with the following:
 - i. Proceed on the basis that all habitable rooms subject to acoustic treatment have an internal design sound level of 40 dBA Ldn (5-day) with windows and doors closed and mechanical ventilation installed and operating or with ventilating windows open, whichever is the more cost effective; except that the above internal design sound level does not need to be achieved in the following circumstances:
 - A. the property owner seeks a form of or level of acoustic treatment or mitigation that results in a different internal design sound level; or
 - B. it is impracticable to achieve the specified internal design sound level due to the desirability of maintaining heritage features of a building. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable; or
 - C. it is impracticable to achieve the specified internal design sound level of the habitable rooms in the dwelling at a cost of \$60,000. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable while not exceeding the cost of \$60,000

(inclusive of GST and inflation adjusted from 2007 to the Consumer Price Index).

- b. Where necessary, seek the advice of an appropriately qualified acoustic consultant when considering the acoustic treatment required to achieve the internal design sound levels. When determining the appropriate internal design sound level, the external noise environment will be taken from nearest Ldn contour line shown on the Port Noise Contour Map that is to be attached to the Port Noise Management Plan.
 - c. Prepare a list of one or more appropriate builders for the acoustic treatment work, select a builder for the acoustic treatment work, and ensure the builder carries out work to the appropriate standard.
 - d. Where necessary, seek the advice of an appropriately qualified acoustic consultant to assist in the verification of the internal design sound level or to assist any noise measurement work generally.
 - e. Ensure all acoustic treatment work is carried out in a cost-effective manner but at the same time does not significantly compromise the character of the house.
 - f. Organise the payment of the necessary costs for acoustic treatment, provided the cost does not exceed a maximum of \$60,000 (inclusive of GST and inflation adjusted from 2007 to the Consumer Price Index).
- ii. **Property owner obligations**
- a. Approve the acoustic treatment, including any construction details associated with the proposed acoustic treatment, and agree to treatment proceeding before any treatment commences.
 - b. Notify the Port Liaison Committee and the owners and operators of the Port of Lyttelton that the work has been completed.
 - c. Enter into a civil covenant with the owners and operators of the Port of Lyttelton. Such a covenant shall apply to existing and successive property owners and occupiers.
- e. **Offer of purchase (70dBA Ldn or greater)**
- i. Where any port noise affected property within a residential zone is partly or wholly contained within the area seaward of a contour line that is 70dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, then at the written request of the property owner the Port Liaison Committee shall organise an offer of purchase for the property. The offer shall be made by the owners or operators of the Port of Lyttelton and the property owner has the right to accept or reject the offer.
 - ii. A fair market value of the property shall be determined as if the property was situated in Lyttelton, not taking into account the effect of port noise.
 - iii. Procedures shall be put in place so a fair valuation is reached.
- f. **Documentation**
- i. Names and contact details for current Port of Lyttelton staff and consultants involved in acoustic treatment.
 - ii. Summary details of work undertaken and specifications used for treatment and ventilation.
 - iii. Schedule of properties in the 65 dB Ldn contour and status of acoustic treatment.
 - iv. Schedule of acoustics assessments undertaken.

g. Review and alteration of the Plan

- i. Develop procedures to alter, review and update the Plan for Acoustic Treatment and Purchase of Dwellings.
- ii. Produce and append to the Plan for Acoustic Treatment and Purchase of Dwellings annually a report on the implementation and, where relevant, alteration and update of that Plan.

Appendix 21.8.4.9 – Construction Noise Management Plan

- a. Where the cumulative effect of construction noise and operational port noise [5-day busy period] fall within the 65 dBA L_{dn} contour, then no further assessment of the construction noise is required.
- b. Where the cumulative effect of construction noise and operational port noise [5-day busy period] exceed the 65dBA L_{dn} contour, then further assessment of the construction noise under a Construction Noise Management Plan is required.
- c. The Construction Noise Management Plan required under Rule 21.8.2.3.8(a) will include but not be limited to the following:
 - i. **Purpose of the Construction Noise Management Plan**

Owners and operators of the Port of Lyttelton commitment to manage construction noise.

 - a. Identify construction activities that can give rise to construction noise.
 - b. Set a framework for monitoring, measuring and reporting on construction noise.
 - c. Set a framework for dealing with complaints.
 - ii. **Owners and operators of the Port of Lyttelton obligations**
 - a. Allocate an annual budget to the Port Liaison Committee for the preparation and implementation of the Construction Noise Management Plan and the Construction Noise Mitigation Plan.
 - b. Provide administrative and advisory support for the Port Liaison Committee for construction noise matters.
 - c. Deal with construction noise complaints.
 - iii. **Owners and operators of the Port of Lyttelton**
 - a. Prepare and implement the Construction Noise Management Plan and, in conjunction with the Port Liaison Committee, the Construction Noise Mitigation Plan, utilising the concepts in NZS 6803:1999 Acoustics – Construction Noise.
 - iv. **Port Liaison Committee**
 - a. Provide details on representation and administration of the committee.
 - b. Provide a list of functions, including but not limited to the administration of the Construction Noise Mitigation Plan and associated budget, consideration of complaints, monitoring port operator's performance of its obligations with respect to construction noise issues, reporting to residents affected by noise.
 - c. Keep within the annual budget provided by the owners and operators of the Port of Lyttelton.
 - v. **Certification**
 - a. Provide documentation confirming the Plan has been certified by the Christchurch City Council as meeting the requirements set out in (i) to (iv) above.
- d. **Complaints**
 - i. Develop procedures to record complaints and steps to investigate such complaints.

e. Review and alteration of the Plan

- i. Develop procedures to alter, review and update the Construction Noise Management Plan.
- ii. Produce and append to the Construction Noise Management Plan annually a report on the implementation and, where relevant, alteration and update of that Plan.

f. Construction Noise Mitigation Plan

The Construction Noise Mitigation Plan required under Rule 21.8.2.3.7(b) will include but not be limited to the following:

- i. Setting out procedures on how affected property owners are to be contacted and the documentation of feedback and proposed mitigation measures discussed.
- ii. Criteria that specify mitigation measures, having regard to the length of time the construction affected property is to be exposed to construction noise and the levels of construction noise involved.
- iii. The mitigation measures determined under the criteria developed in (ii) will include but not be limited to:
 - provision of temporary accommodation;
 - acoustic mitigation (such as upgrading the dwelling) in accordance with the criteria set out in the Plan for Acoustic Treatment and Purchase of Dwellings, Appendix 21.8.4.8(d) Acoustic Treatment;
 - an offer to purchase the property;
 - where an offer to purchase a property is made, a fair market value of the property shall be determined as if the property was situated in Lyttelton, not taking into account the effect of construction noise and also port noise.
Procedures shall be put in place so a fair valuation is reached.
- iv. Documentation confirming the Plan has been certified by the Christchurch City Council as meeting the requirements set out in (i) to (iii) above.

g. Review and alteration of the Plan

- i. Develop procedures to alter, review and update the Construction Noise Mitigation Plan.
- ii. Produce and append to the Construction Noise Mitigation Plan annually a report on the implementation and, where relevant, alteration and update of that Plan.

Appendix 21.8.4.10 Hazardous Substances Permitted Activity Thresholds in the Special Purpose (Lyttelton Port) Zone (excluding the Bulk Liquids Storage area)

HSNO Class/Category	Column A (Permitted Activity Threshold)
1.1, 1.2 ¹	50kg
1.3 ¹	100kg
1.4, 1.5 ¹	200kg
2.1.1A	250kg
2.1.1A (LPG)	8,000kg
2.1.2A	250 kg
3.1A, 3.1B	Aboveground storage: 3,000 litres; Underground storage: 100,000 litres
3.1C	Aboveground storage: 10,000 litres Underground storage: –
3.1D	Aboveground storage: 50,000 litres Underground storage: –
3.2A, 3.2B, 3.2C	100 litres
All Class 4 except 4.2C and 4.3C	50kg
4.2C, 4.3C	500kg
5.1.1A	1,000kg/litres
5.1.1B, 5.1.1C	200kg/litres
5.1.2A	1,000kg
All Class 5.2	25kg
6.1A, 6.1B, 6.1C (gases only)	1,000kg
6.1A, 6.1B, 6.1C (liquids and solids)	–
8.2A, 8.2B	1,000kg
8.2C	5,000kg
9.1A, 9.1B, 9.1C, 9.1D	–

Notes

1. The use of high explosives is a permitted activity but is subject to the Hazardous Substances and New Organisms Act 1996 and any subsequent legislation.
2. The dash symbol (–) denotes no limit.

Chapter 7 Transport

Make the following amendments to Chapter 7:

- (a) Insert the following text shown in underlining into Chapter 7; and
- (b) Make any consequential amendments to the inserted text arising as a result of the Christchurch City Council's decisions on Chapter 7 of the proposed Christchurch Replacement District Plan.

Section 7.2.1 How to use the rules

7.2.1.1 The transport rules that apply to activities in all zones outside the Central City and Specific Purpose (Lyttelton Port) Zone are contained in:

- a. The Activity Status table in 7.2.2; and
- b. Rules in 7.2.3

Section 7.2.2 Activity Status tables – All zones outside the Central City and Specific Purpose (Lyttelton Port) Zone

Section 7.2.3 Rules – All zones outside the Central City and Specific Purpose (Lyttelton Port) Zone

Chapter 15 Commercial

Make the following amendments to Chapter 15:

- (a) Insert the following text shown in underlining into Chapter 15; and
- (b) Make any consequential amendments to the inserted text arising as a result of the Christchurch City Council's decisions on Chapter 15 of the proposed Christchurch Replacement District Plan.

Rule 15.5.1 How to use the rules

Amend as follows:

15.5.1.2 The Activity Status Tables and Standards in the following Chapters also apply to activities, other than Port Activities south of Norwich Quay, in all areas of the Commercial Banks Peninsula Zone (where relevant):

- 5 Natural Hazards;
- 6 General Rules and Procedures
- 7 Transport;
- 8 Subdivision, Development and Earthworks;
- 9 Heritage and Natural Environment;
- 11 Utilities, Energy and Infrastructure; and
- 12 Hazardous Substances and Contaminated Land.

15.5.1.3 The Activity Status Tables and Standards in the following Chapters also apply to Port Activities south of Norwich Quay (where relevant):

- 5 Natural Hazards;
- 8 Subdivision, Development and Earthworks;
- 9 Heritage and Natural Environment;

Rule 15.5.2.1 Permitted Activities

Insert new provision:

<u>P19</u>	<u>Port Activities, within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street</u>	<u>a. Unless otherwise permitted by Rule 15.5.2.1, shall only occur within the period, or part of the period, up to 1 January 2026.</u>
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Rule 15.5.2.4 Discretionary Activities

Insert new provision:

<u>D13</u>	<u>Port Activities, within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street, beyond 1 January 2026.</u>
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Rule 15.5.3.2 Maximum site coverage

Insert new note below table:

Within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street, this rule only applies to buildings.

Rule 15.5.3.6 Outdoor storage areas

Insert new provision:

This rule shall not apply to activities permitted in accordance with Rule 15.5.2.1 P19.

Rule 15.5.3.7 Waste management areas

Insert new provision:

This rule shall not apply to that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street.

Chapter 2 Definitions

Delete the following definition:

Port activities

means the use of land, wharves, plant, equipment, buildings and other port facilities and structures for:

- a. cargo handling and passengers;
- b. port administration;
- c. maintenance and repair facilities;
- d. ship and boat building activities;
- e. warehouses, storage areas and facilities;
- f. parking areas; and
- g. activities associated with:
 - i. berthing; and
 - ii. departure and surface movements of ships.

Insert the following definitions:

Port Activities

means the use of land, buildings and structures for:

- a. cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- b. passenger handling, including the loading, unloading and transit of passengers, and passenger or cruise ship terminals;
- c. maintenance and repair activities, including the maintenance and repair of vessels;
- d. port administration;
- e. marine-related trade and industry training facilities;
- f. marine-related industrial activities, including ship and boat building;
- g. warehousing in support of (a)–(f), (h) and (i), and distribution activities, including bulk fuel storage and ancillary pipeline networks;
- h. facilities for recreational boating, including yachting;
- i. activities associated with the surface navigation, berthing, manoeuvring, refuelling, storage, servicing and providing of vessels;
- j. ancillary transport infrastructure, buildings, structures, signs, utilities, parking areas, landscaping, hazardous facilities, offices and other facilities, and earthworks; and
- k. ancillary food and beverage outlets in support of the above.

Port Quarrying Activity, in relation to the Special Purpose (Lyttelton Port) Zone, means the use of land, buildings and plant for the extraction of rock and may include the associated processing, storage and transportation of the same material.

This may include:

- (a) earthworks associated with the removal and storage of over-burden or the creation of platforms for buildings and plant;
- (b) extraction of rock materials by excavation or blasting;
- (c) landscaping;
- (d) quarry site rehabilitation and ecological restoration;
- (e) hazard mitigation works; and
- (f) the maintenance, upgrading and realignment of a haul road.

APPENDIX 4: AMENDMENTS TO THE BANKS PENINSULA DISTRICT PLAN

In respect of the Banks Peninsula District Plan changes outlined below, text that is ~~struck through~~ is to be deleted, text that is underlined is to be inserted.

PLANNING MAPS

Amend maps to be consistent with the Special Purpose (Lyttelton Port) Zone boundaries, as relevant. Delete the Port Environs Overlay where it applies within the Lyttelton Port Zone boundary.

Chapter 18 Recreational Reserves

Amend as follows:

Policies 3A-3B – Explanation and Reasons

The generated effects of activities and development on land in the Recreational Reserves Zone can impact adversely on the use and enjoyment of surrounding land and activities. Activities and development should be carried out in a manner and at a rate, which does not detract from the amenity of surrounding land and activities.

The efficient functioning of Lyttelton Port is a significant resource management issue ~~and the importance of the Port to the local and regional economy is set out in Chapter 27 (Lyttelton Port)~~. Part of the Port Environs Overlay Area covers the eastern side up to the ridgeline of the land commonly referred to as 'Reserve 68', which overlooks the Cashin Quay berths to the south and the coal operations to the east. The Council considers that it would not be prudent for activities, which are sensitive to existing and future port activities, to establish in this area. For example, dwellings, healthcare facilities and visitor facilities would be sensitive to noise, vibration, dust and visual effects associated with the port.

Chapter 19 Rural Zone

Amend as follows:

ISSUE 9 The efficient functioning of Lyttelton Port may be compromised by nearby sensitive activities being established in that part of the Rural zone identified as Port Environs Overlay Area on Planning Maps S0 and S1.

OBJECTIVE 9 To enable the efficient operation, use and development of the Port of Lyttelton as a major sea link for New Zealand.

POLICIES

- 9A** To ensure that the efficient operation, use and development of Lyttelton Port is maintained or enhanced by avoiding reverse sensitivity effects arising from adjoining land use activities.
- 9B** To recognise that any future landward expansion of the Port would involve land in the coastal environment between Te Awaparahi Bay and Gollans Bay.

EXPLANATION AND REASONS

The efficient functioning of Lyttelton Port is a significant resource management issue ~~and the importance of the Port to the local and regional economy is set out in Chapter 27 (Lyttelton Port).~~ To this end a Port Environs Overlay Area has been identified within the Rural zone and the Council considers that it would not be prudent for activities, that are sensitive to existing or future port activities, to establish in this area. For example, dwellings, healthcare facilities and visitor facilities would be sensitive to noise, vibration, dust and visual effects associated with the Cashin Quay berths, the existing coal stockpile or the Gollans Bay Quarry, or would be sensitive to the future development of the Lyttelton Port into Te Awaparahi Bay and Gollans Bay.

Extension of the Port into Gollans Bay would result in substantial changes to the rural character and rural amenity of this area. However, the area is part of the coastal environment and is therefore included under Chapter 12 (The Coastal Environment). The land is also identified as a 'Rural Amenity Landscape' under this Chapter (the Rural Zone). This means there is a potential tension between Objective 9 and Policy 9B and these more general provisions. Objective 9 and Policy 9B must have priority however because:

- The Port cannot expand westwards due to existing residential settlement; and
- Gollans Bay is contiguous with the existing Port and has been subject to long established, periodic quarrying.

~~However, any such eastward extension of the Port would still have those general obligations to avoid, remedy or mitigate adverse effects on the environment~~

Chapter 27 – Lyttelton Port – delete chapter in its entirety.

Chapter 28 Boat Harbour Zone

Amend as follows:

Reference to Other Provisions

14	Cultural Heritage
27	Lyttelton Port
31	Subdivisions

Chapter 29 Industrial

Amend as follows:

Reference to Other Provisions

- 14 Cultural Heritage
- ~~27 Lyttelton Port~~
- 31 Subdivisions

Chapter 31 Subdivision

Amend as follows:

POLICIES

- 6A** Esplanade reserves or strips should be created where they will contribute to the protection of conservation values adjacent to the sea, rivers and lakes.
- 6B** Esplanade reserves or strips should also be created where they will enable public access and appropriate recreational use along the sea, rivers and lakes.
- 6C** Esplanade reserves or strips should not be created within the Lyttelton Port Zone for reasons of public safety and for the reasons of security of cargo and port operations.
- ~~**6D** Esplanade reserves or strips should not be created within the Rural Port Policy Overlay of the Rural Zone where port related development is proposed for reasons of safety and security.~~

EXPLANATION AND REASONS

Under the Resource Management Act, conditions on which a subdivision consent can be granted may include the provision of an esplanade reserve or strip along the edge of rivers and lakes or the coastal environment. The purpose of esplanade reserves or strips is to maintain and enhance the conservation values and public access associated with the sea, rivers and lakes. The objective and policies intend to ensure that public access and recreational use of the coast, rivers and lakes is maintained and enhanced, provided they are compatible with conservation values.

~~The Port Environs Overlay Area in the Rural Zone has been introduced in order to recognise that any future major expansion of Lyttelton Port is likely to be eastwards into Gollans Bay. Esplanade reserves or strips will not be taken in circumstances where port related development is to occur, but can be taken should the land be subdivided for purposes not related to port use or development.~~

Rules

1. Controlled Activities

[Table]

Zone	Minimum Net Site Area	Minimum Average Net Site Area
...
Lyttelton Port	No minimum	

Section 11.3 Circumstances in which Esplanade Reserves or Esplanade Strips shall not be required

...

- ~~• An esplanade reserve or esplanade strip shall not be required, and section 230 of the Act shall not apply, within the Lyttelton Port Zone.~~
- ~~• An esplanade reserve or esplanade strip shall not be required and section 230 of the Act shall not apply within the Port Environs Overlay Area of the Rural Zone where the proposed subdivision is for the purposes of use and development of Lyttelton Port.~~

Chapter 33 Noise

Amend as follows:

OVERVIEW

...

The existing noise environment of any district is determined by the nature of activities which take place within it. Banks Peninsula has a unique noise environment. Ambient noise levels range from the tranquility experienced in parts of the Residential, Rural, Papakainga and Small Settlement Zones to the industrial levels existing at Lyttelton Port. The wide range of existing noise levels require methods, including noise controls, that recognise and allow for long established activities within the District while protecting public health, maintaining levels of amenity and, where practicable, enhancing those levels.

The proximity of Lyttelton Port to Lyttelton means that there is a potential for conflict between noise generating activities taking place within the Lyttelton Port Zone and noise sensitive activities within the township. To enable the Lyttelton Port to continue to operate and develop in an efficient and effective manner, ~~while managing the adverse effects of port noise on noise sensitive activities in the township, an approach to managing port noise has been developed. This involves the introduction of landuse controls for noise sensitive activities in close proximity to the port are introduced. and ~~†~~The preparation and implementation of a port noise management plan and a port noise mitigation plan is a requirement of the Lyttelton Port Recovery Plan.~~

~~Noise generated from port activities at Lyttelton is addressed in Issue 2, Objective 2 and the associated policies and methods below.~~

ISSUE 2 The efficient and effective operation, use and development of Lyttelton Port may be compromised by the establishment of nearby noise sensitive activities; ~~while, noise generated by port activities has the potential to reduce amenity values desired by those carrying out other activities in Lyttelton.~~

OBJECTIVE 2 Avoid the potential for noise sensitive activities in Lyttelton township creating a reverse sensitivity issue for noise generating port activities ~~while at the same time managing the impact of noise emissions on noise affected properties through management and mitigation methods.~~

POLICIES

- 2A** Avoid the establishment of port noise sensitive activities within the Port Influences Overlay Area in Lyttelton Township in order to minimise the likelihood of reverse sensitivity effects occurring.
- 2B** Notwithstanding Policy 2A, enable noise affected property owners to replace or extend their existing dwellings within the Port Influences Overlay Area of the Residential Zone and the Residential Conservation Zone provided that such replacement or extension is of a similar character, intensity and scale and that any new or extended habitable room is acoustically insulated to the appropriate standard.
- 2C** Notwithstanding Policy 2A, recognise that a limited number of new apartments of a minimum floor area may, in appropriate circumstances, establish upstairs in existing heritage or notable buildings within the Town Centre Zone so as to give owners a further option that would assist in the conservation of these buildings, provided that it is demonstrated that the potential for reverse sensitivity effects are minimised.
- 2D** When considering any resource consent for a restricted discretionary activity to establish a port noise sensitive activity in the Port Influences Overlay Area considerable weight must be placed on whether:
- i) Acoustic insulation is to be provided to the appropriate standard,
 - ii) Written approval has been obtained from the Lyttelton Port Company Limited,
 - iii) A no-complaints covenant has been entered into, and
 - iv) Any other relevant methods to minimise the potential for reverse sensitivity effects have been incorporated, including minimising the exposure of outdoor living to port noise.
- ~~**2E** To manage the effects of port noise on noise affected properties by:~~
- ~~i) Minimising where practicable port noise at source,~~
 - ~~ii) Establishing on-going community liaison,~~

- iii) ~~Implementing a mitigation package for residential properties within the Residential and Residential Conservation Zones, through a Port Liaison Committee, where on-going annoyance from port noise is being experienced.~~

EXPLANATION AND REASONS

The Council recognises that Lyttelton Port and the township of Lyttelton have co-existed for a long time and, as a result, residential housing is already located in close proximity to the Port. However, there is the potential for reverse sensitivity effects on noise generating port activities and hence the Lyttelton Port Company Limited, to arise. Because Lyttelton Port is infrastructure of regional significance, cannot locate elsewhere, and generally requires to operate 7 days a week, 24 hours a day, the Council considers it prudent to ensure the potential for reverse sensitivity effects are not increased by avoiding intensification of noise sensitivity activities in the Port Influences Overlay Area, as set out in Policy 2A. However, there are two exceptions to this policy direction. First, under Policy 2B, the replacement of an existing dwelling, or an extension to an existing dwelling, in a noise affected property is anticipated so that people can reasonably meet their residential living expectations provided that the character, intensity and scale of the building is similar. For example, an owner seeking an additional bedroom or extension to a lounge or dining room, or the complete replacement of a dwelling with a new one of a similar scale, is anticipated provided that the necessary acoustic insulation measures are completed. Any significant intensification of residential use would require resource consent.

Second, under Policy 2C, a limited number of apartments located in the upper storeys of the heritage or notable buildings in the Port Influences Overlay Area of the Town Centre Zone may be appropriate in certain circumstances if limited residential use facilitates the use, and hence the conservation, of these buildings. However, in assessing any resource consent all measures to minimise the potential for reverse sensitivity effects on port activities and the Lyttelton Port Company Limited should have been undertaken, including the necessary acoustic insulation of such apartments, written approval obtained from the Lyttelton Port Company Limited and the entering into a no-complaints covenant.

The Council considers a fundamental tool in managing the possible limited establishment of new habitable rooms under Policies 2B, 2C, and 2D is the employment of a no-complaints covenant in favour of the Lyttelton Port Company Limited. This is expected to be an important matter for it when considering whether to give its written approval. This covenant should apply to the title of the land so that it applies both to existing and future owners and occupiers.

~~In addition to the landuse controls sought in the Port Influences Overlay Area, a port noise management and a port noise mitigation plan will be prepared and implemented and administered by the Lyttelton Port Company in conjunction with a Port Liaison Committee, and is to be funded by the Lyttelton Port Company Limited. The purpose of this committee, which includes community representatives, is to assist in the management of port noise, which includes investigating methods to minimise noise at source and/or assist in the preparation and implementation of a mitigation package for those existing residents within the Residential and Residential Conservation Zones that are experiencing on going annoyance from port noise and are located within a port noise~~

environment that is greater than 65 dBA Ldn, and to offer to purchase a property within a port noise environment that is 70 dBA Ldn or greater. The details of the Port Noise Management and Mitigation Plans are outlined in the methods section after the noise rules.

It is expected that any acoustic treatment of dwellings recommended by the Port Liaison Committee under the Port Noise Mitigation Plan, or required by the rules in this district plan, would be performed by people competent in acoustic design, which involves using a port noise contour map that portrays the modelled external noise environment in accordance with the methodology in Port Noise Standard NZS 6809: 1999 Port Noise Management and Land Use Planning.

RULES

1. Conditions for Permitted Activities

1.1 Within the Lyttelton Port Zone

No noise limits, except for construction noise which remains subject to Exception 1.7.b.

Note — Methods 2.0 — 2.2 in this chapter set out alternative methods for managing noise from activities in the Lyttelton Port Zone.

[and consequential re-numbering of the Permitted Activities rules, as necessary]

...

1.89 Determination of the Appropriate Internal Design Sound Level

For the purposes of Rule 3.9 (b) in Chapter 24, Rule 6.4 in Chapter 25, and Rule 5.12 (c) in Chapter 26, in determining an appropriate design to the achieve an internal design sound level of a habitable room, the external noise environment will be the modelled level of port noise taken from the predicted dBA Ldn (5 day) contour closest to the habitable room, in accordance with the methodology of NZS 6809:1999 Port Noise Management and Land Use Planning.

Note: There will be a port noise contour map attached to the Port Noise Management Plan, which is to prepared and regularly updated in accordance with **the Lyttelton Port Recovery Plan Method 2.1 (c) (i) in this Chapter**. This map will show the dBA Ldn (5 day) contour lines, in 1 dBA increments, across Lyttelton Township and would be available for a property owner's acoustic design consultant to use.

2.0 Methods to Address Port Noise

• The Lyttelton Port Company Limited will ensure a Port Noise Management Plan is prepared and implemented and it will include but is not limited to the matters set out in Section 2.1.

- The Lyttelton Port Company Limited will establish, maintain and participate in a Port Liaison Committee. It's functions include but are not limited to the matters set out in Section 2.1.
- The Lyttelton Port Company Limited will, in conjunction with the Port Liaison Committee, ensure a Port Noise Mitigation Plan is prepared and implemented, and it will include but is not limited to the matters listed in Section 2.2.

Note: Also refer to the landuse and subdivision controls in the Residential, Residential Conservation, Town Centre, Recreational Reserve and Industrial Zones that apply to noise sensitive activities located within the Port Influences Overlay Area, which is shown on Planning Maps S1 and S2.

2.1 Port Noise Management Plan

The Port Noise Management Plan will include but not be limited to the following:

- Purpose of the Port Noise Management Plan
 - Lyttelton Port Company Limited's commitment to manage and to reduce/mitigate port noise.
 - Set a framework for the Port Liaison Committee.
 - Identify port activities that can give rise to noise.
 - Set a framework for monitoring, measuring and reporting on port noise.
 - Set a framework for dealing with complaints.
- Lyttelton Port Company Limited obligations
 - Allocate an annual budget to the Port Liaison Committee for the preparation and implementation the Port Noise Management Plan and the Port Noise Mitigation Plan.
 - Provide administrative and advisory support for the Port Liaison Committee.
 - Deal with noise complaints.
- Lyttelton Port Company Limited in conjunction with the Port Liaison Committee
 - Prepare and implement the Port Noise Management Plan and the Port Noise Mitigation Plan
 - Develop noise modelling, monitoring and measurement procedures that follow the concepts in NZS 6809: 1999, for the purpose of preparing a Port Noise Contour Map that shows each individual contour line above the 65 dBA Ldn contour inland of the Lyttelton Port Zone (e.g. 65, 66, 67 dBA Ldn contours etc.). This Port Noise Contour Map is to be attached to the Port Noise Management Plan and is to be regularly updated as required by the Port Liaison Committee and at the expense of the Lyttelton Port Company Limited.
 - Develop methods to monitor port noise, in order to verify the port noise contour lines.
 - In developing the Port Noise Contour Map recognise that noise from water and grit blasting at the dry dock facilities is excluded and instead noise from the water and grit blasting operation is managed by controlling the hours of operation.
- Port Liaison Committee
 - Provide details on representation and administration of the committee.
 - Provide a list of functions, including but not limited to the administration of the Port Noise Mitigation Plan and associated budget, consideration of complaints, monitoring

port operator's performance of its obligations with respect to noise issues, reporting to residents affected by noise.

- ~~Keep within the annual budget provided by the Lyttelton Port Company Limited.~~
- ~~Advise any property owner in writing where the property is partly or wholly contained within an area seaward of the 70 dBA Ldn contour or greater as shown by the Port Noise Contour Map following the preparation or the update of the Port Noise Contour Map.~~
- ~~Complaints~~
 - ~~Develop procedures to record complaints and steps to investigate such complaints.~~
- ~~Alteration of the Plan~~
 - ~~Develop procedures to alter/update the Port Noise Management Plan.~~

2.2 Port Noise Mitigation Plan

The Port Noise Mitigation Plan will include but not be limited to the following:

- ~~Port Liaison Committee~~
 - ~~Include procedures for the Port Liaison Committee to consider research into noise mitigation, modifications to plant and equipment, and acoustic purchase.~~
 - ~~Include reporting procedures on expenditure.~~
- ~~Application to the Port Liaison Committee for Acoustic Treatment (65+ dBA Ldn)~~
 - ~~Where any port noise affected property within the Residential or Residential Conservation Zones is partly or wholly contained within the area seaward of a contour line that is 65 dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, an owner or occupier may apply to the Port Liaison Committee for acoustic treatment at any time.~~
- ~~Port Liaison Committee Consideration of an Application for Acoustic Treatment~~
 - ~~Port Liaison Committee is to determine that the application is attributable to on-going port noise.~~
 - ~~Port Liaison Committee needs to decide on the priority that the application has in terms of the annual budget for noise mitigation.~~
 - ~~Should the Port Liaison Committee accept an application for acoustic treatment, it then makes a recommendation to the Lyttelton Port Company Limited.~~
 - ~~Oversee the acoustic treatment projects and liaise with the owner receiving acoustic treatment and the Lyttelton Port Company Limited as necessary.~~
- ~~Acoustic Treatment~~
 - ~~Lyttelton Port Company Limited Obligations~~

~~Provided the maximum cost of acoustic treatment is within the annual budget then the Lyttelton Port Company Limited shall, subject to the written agreement of the property owner to register a covenant against the certificate of title to the property, agree to the acoustic treatment in accordance with the following:~~

 - ~~Proceed on the basis that all habitable rooms subject to acoustic treatment have an internal design sound level of 40 dBA Ldn (5 day) with windows and doors closed and mechanical ventilation installed and operating or with ventilating windows open~~

whichever is the more cost effective; except that the above internal design sound level does not need to be achieved in the following circumstances:

- a) ~~The property owner seeks a form of or level of acoustic treatment or mitigation that results in a different internal design sound level, or;~~
- b) ~~It is impracticable to achieve the specified internal design sound level due to the desirability of maintaining heritage features of a building. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable; or,~~
- c) ~~It is impracticable to achieve the specified internal design sound level of the habitable rooms in the dwelling at a cost of \$60,000. Instead the internal design sound level of the habitable rooms will be reduced as far as practicable while not exceeding the cost of \$60,000 (inclusive of GST and inflation adjusted to the Consumer Price Index).~~

~~Where necessary seek the advice of an appropriately qualified acoustic consultant when considering the acoustic treatment required to achieve the internal design sound levels. When determining the appropriate internal design sound level, the external noise environment will be taken from nearest Ldn contour line shown on the Port Noise Contour Map that is to be attached to the Port Noise Management Plan.~~

~~Prepare a list of one or more appropriate builders for the acoustic treatment work, select a builder for the acoustic treatment work, and ensure the builder carries out work to the appropriate standard.~~

~~Where necessary seek the advice of an appropriately qualified acoustic consultant to assist in the verification of the internal design sound level or to assist any noise measurement work generally.~~

~~Ensure all acoustic treatment work is carried out in a cost effective manner but at the same time does not significantly compromise the character of the house.~~

~~Organise the payment of the necessary costs for acoustic treatment providing the cost does not exceed a maximum of \$60,000 (inclusive of GST and inflation adjusted to the Consumer Price Index).~~

● ~~Property Owner Obligations~~

~~Approve the acoustic treatment, including any construction details associated with the proposed acoustic treatment, and agree to treatment proceeding before any treatment commences.~~

~~Notify the Port Liaison Committee and the Lyttelton Port Company Limited that the work has been completed.~~

~~Enter into a civil covenant with the Lyttelton Port Company Limited. Such a covenant shall apply to existing and successive property owners and occupiers.~~

● Offer of Purchase (70dBA Ldn or greater)

- ~~Where any port noise affected property within the Residential or Residential Conservation Zones is partly or wholly contained within the area seaward of a contour line that is 70 dBA Ldn or greater, as shown on the Port Noise Contour Map attached to the Port Noise Management Plan, then at the written request of the property owner the Port Liaison Committee shall organise an offer of purchase for the property. The offer shall be made by the Lyttelton Port Company Limited and the property owner has the right to accept or reject an offer.~~
- ~~A fair market value of the property shall be determined as if the property was situated in Lyttelton, not taking into account the effect of port noise.~~
- ~~Procedures shall be put in place so a fair valuation is reached.~~
- ~~Alteration of the Plan~~
- ~~Develop procedures to alter/update the Port Noise Mitigation Plan.~~

Chapter 35 Access, Parking and Loading – amend as follows

POLICIES

...

~~**3B** To enable Lyttelton Port to operate effectively and efficiently as a major sea link.~~

3CB To recognise and protect the primary function of State Highway 74 to provide the road transport access route to the Port of Lyttelton while recognising that Norwich Quay also serves Lyttelton township and must be managed appropriately.

3DC To require a standard and level of access onto the State Highways that avoids ribbon development, promotes road user safety and provides for the on-site parking, loading and manoeuvring of vehicle traffic generated by new activities or redevelopment of existing facilities.

3ED In order to maintain a safe and efficient State Highway network, the provision of internal roading networks and the rationalisation of access onto the State Highway for development or redevelopment initiatives will, where practicable and reasonable, be promoted within the District.

EXPLANATION AND REASONS

In terms of transportation into and out of the District, high quality transport links are needed, particularly to Lyttelton Port. This requires an efficient, safe network appropriate to the types of vehicles and trains, which will be using the links. It is essential to maintain and further develop links that are both efficient and safe so as to support the viable operation of transport links for people and goods.

Given that rail and arterial road links are busy, it is important that new sensitive landuse activities do not encroach on these key transport corridors. Lyttelton Port is a vital sea link to the district, region and New Zealand, and for that reason is an important part of the strategic transportation infrastructure. It is important that it continues to provide an efficient and effective service through the protection of the port and the associated rail and arterial road corridors. **Protection of the Port is further addressed through the Lyttelton Port Recovery Plan.**

In order to maintain an efficient and safe State Highway network, it is recognised that developments or redevelopments with access onto a Highway will, where practicable and reasonable, need to rationalise any access points through internal roading networks or, where available, use alternative access onto the local roads. ~~It is recognised however that there may be exceptions to this policy because of the existing access configuration to the Port. This is because the existing access points onto Norwich Quay serve geographically different parts of the port and it will be difficult for them to be rationalised.~~

2. Conditions for Permitted Activities

The following standards shall be met by all permitted activities and shall be used as a guide for all other activities, ~~except that these standards do not apply in the Specific Purpose (Lyttelton Port) Zone.~~ Any permitted activity which fails to comply with any of these standards shall be deemed to be a discretionary activity.

2.1 Access to State Highways and District Roads

The creation of a new property access, or the change in character, intensity and scale of the use of an existing access is a permitted activity provided the following conditions are met:

- The traffic generated by the property activity is less than 60 equivalent car movements per day for access to a State Highway, or 100 equivalent car movements per day for access to a district road, ~~except that the following is exempt from the rule:~~
 - ~~Traffic using the existing accesses from the Lyttelton Port Zone onto State Highway 74;~~
and
 - ~~Traffic using any new or existing accesses from the Lyttelton Port Zone onto district roads.~~

ANTICIPATED ENVIRONMENTAL RESULTS

...

- Safe and efficient operation of key transportation corridors and strategic transport infrastructure, ~~for example, Lyttelton Port.~~

CHAPTER 36 Utilities

RULE 2.2 Height and Size of Buildings and Structures

- (a) Except for utilities in the Residential Conservation Zone and Town Centre Zone, the height conditions for permitted activities in the relevant Zone shall apply to all utility structures other than those utility structures listed in b) and c) below.
- (b) For pole structures associated with utilities other than radiocommunication facilities (see (c) below), the maximum permitted height shall be 15 metres. Such pole structures are not required to comply with the Building Height in Relation to Boundary rule that may apply in the Various Zones.
- (c) For support structures associated with radiocommunication facilities (e.g. Masts and poles but excluding buildings) the following heights above ground level shall not be exceeded in the Zones listed below in (i), (ii) and (iii). Such support structures are not required to comply with the Building Height in Relation to Boundary rule that may apply in the Various Zones.
- (i) 20 metres for Small Settlement, Papakainga, Residential, Rural-Residential and Akaroa Hillslope Zones (excluding Town Centre and Residential Conservation Zones), providing that the support structure is not located within 30 metres of a residential unit sited within any of the aforementioned zones (including the Town Centre and Residential Conservation Zones) and the support structure and antennas do not have a diameter greater than 0.4m.
- (ii) 25 metres for ~~Lyttelton Port~~, Boat Harbour, and Industrial Zones providing that the support structure is not located within 30 metres of a residential unit sited within any of the zones referred to in rule 2.2(c)(i) above and the support structure does not have a diameter greater than 0.5m from a point 6m above ground level.

CHAPTER 37 Waste Management And Hazardous Substances – amend as follows

Overview

...

The management of hazardous substances has not been an issue of major significance in most of the Banks Peninsula District. ~~Other than at the petroleum products bulk storage facility in the Lyttelton Port Zone,~~ Relatively small volumes are used and stored in the District, ~~But in all cases,~~ potential problems associated with hazardous substances are considerable. The main categories of hazardous

substances are those associated with agriculture, commercial, industrial and household wastes and fuel tanks

...

(Note: these rules do not apply to the Lyttelton Port Zone or to the holder of an existing privilege under the Crown Minerals Act, provided that the holder is acting within the terms of the privilege.)

RULES

...

~~3.1 Exceptions~~

~~For the purposes of Rule 3, the storage of hazardous substances does not apply to the transit and/or temporary storage (maximum 72 hours) of any cargo at Lyttelton Port.~~

~~Any application for a resource consent for the use, storage or manufacture of hazardous substances in the Lyttelton Port Zone shall be processed non-notified and there is no requirement to obtain written approval of parties.~~

Appendix XV Hazardous Substances

Delete table headed "Lyttelton Port Zone" and otherwise amend as follows:

TOWN CENTRE, INDUSTRIAL (Lyttelton) and Boat Harbour Zones		
Schedule 1 Class	Column A	Column B
...
9.2 – Lyttelton Port only	1,000 litres	

Appendix XIX Maximum height areas for bulk oil storage structures in Lyttelton

Delete appendix in its entirety.

Part VII – Definitions

Amend as follows:

Delete the definition "Port Activities".

APPENDIX 5: AMENDMENTS TO THE PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN

Amend Section 10.4 Policies as follows:

~~No additional policies apply in the Banks Peninsula Sub-regional area, in addition to those set out in Section 4 of this Plan.~~

10.4.1 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 and ensuring the integrated management of Whakaraupō/Lyttelton Harbour.

Amend Section 10.5 Rules as follows:

~~No additional rules apply in the Banks Peninsula Sub-regional area, in addition to those set out in Section 5 of this Plan.~~

10.5.1 An activity within the areas shown on Map 10.1 as Area A or Area B, which involves any one or more of:

- (a) the use of land for:
 - i. the excavation of material;
 - ii. the deposition of material onto or into land or into groundwater, and any associated discharge into groundwater;
 - iii. vegetation clearance or earthworks within the riparian margin (defined for the purposes of this rule as any land within 10 metres of the bed of a river, lake or wetland boundary);
 - iv. the installation and use of building foundations;
- (b) the discharge of sediment-laden water generated from earthworks into a surface waterbody, or onto or into land where it may enter a surface waterbody; and
- (c) the taking of water for the purposes of dewatering or land drainage, and the associated discharge of that water into a surface waterbody, or onto or into land where it may enter a surface waterbody;

is a permitted activity, provided the following conditions, as applicable, are met:

Earthworks, deposition and excavation of material

1. Erosion and sediment control measures are implemented and maintained throughout the duration of the works to minimise erosion and the discharge of sediment laden water to surface water; or onto or into land where it may enter surface water.
2. Any material deposited into groundwater, or onto or into land within 1 metre of groundwater shall only be previous in situ material from the same location, uncontaminated fill (soil, rocks, gravels, sand, silt, clay), concrete, cement, grout, steel or timber foundation piles, or inert building materials.
3. Earthworks involving below ground soil disturbance do not occur on any area which is identified as a landfill.

4. There is no discharge of any cement, concrete, grout, or water containing cement, grout, or concrete, into any surface waterbody, or beyond the property boundary.

Geotechnical investigations

5. The bore is used only for the purposes of geotechnical investigations and is decommissioned by filling with clean material and compacted or sealed at the surface to prevent contaminants entering the bore.
6. Information on location, bore logs and intended uses is submitted to the Canterbury Regional Council within 20 working days of drilling the bore.

Dewatering, sediment-laden water and land drainage

7. For Area A, the discharge is only sediment and water;
8. The taking and discharge of land drainage water and the site dewatering water onto or into land or into surface water does not result in river bed or river bank erosion.
9. The discharge shall not result in any of the following:
 - a. The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b. Any conspicuous change in colour or visual clarity;
 - c. Any emission of objectionable odour; or
 - d. Significant adverse effects on aquatic life.

10.5.2 Within the area shown on Map 10.1, an activity in Area A or Area B which does not comply with one or more of the conditions of Rule 10.5.1, or in Area C, which involves any one or more of:

- (a) the use of land for:
 - i. the excavation of material;
 - ii. the deposition of material onto or into land or into groundwater, and any associated discharge into groundwater;
 - iii. vegetation clearance or earthworks within the riparian margin (defined for the purposes of this rule as any land within 10 metres of the bed of a river, lake or wetland boundary);
 - iv. the installation and use of building foundations;
- (b) the discharge of sediment-laden water generated from earthworks into a surface waterbody, or onto or into land where it may enter a surface waterbody; and
- (c) the taking of water for the purposes of dewatering or land drainage, and the associated discharge of that water into a surface waterbody, or onto or into land where it may enter a surface waterbody;

is a restricted discretionary activity.

The exercise of discretion is limited to the following matters:

APPENDIX 6: AMENDMENTS TO THE PROPOSED CANTERBURY AIR REGIONAL PLAN

Insert new policy into Section 6

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

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

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.**



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