

Before a Hearing Panel
at Christchurch

under: the Resource Management Act 1991 and the Canterbury
Earthquake (Christchurch Replacement District Plan)
Order 2014

in the matter of: submissions and further submissions in relation to the
proposed Christchurch Replacement District Plan

and: **Lyttelton Port Company Limited**
Submitter

Memorandum of counsel on behalf of Lyttelton Port Company Limited

Date: 16 December 2014

REFERENCE: JM Appleyard (jo.appleyard@chapmantripp.com)

MEMORANDUM OF COUNSEL ON BEHALF OF LYTTTELTON PORT COMPANY LIMITED

May it please the Panel:

Introduction

- 1 This memorandum is filed on behalf of Lyttelton Port Company Limited (*LPC*).
- 2 Direction 1 of the Hearing Panel's *Directions to Submitters to Provide Further Information in the Form of Identifying Specific Relief*, dated 3 December 2014, directs parties to file their specific relief sought in relation to all Stage 1 proposals (other than those proposals considered in Hearings 1-4).

Specific Relief

- 3 LPC's original submission, dated 8 October 2014, generally contained specific relief sought, other than one exception discussed below. For completeness, this specific relief from LPC's original submission is replicated in **Appendix 1** to this memorandum.

Natural Hazards

- 4 In its original submission, LPC lodged general relief on the Natural Hazards chapter. LPC has therefore provided more specific relief on the provisions of the Natural Hazards chapter in **Appendix 1**. This relief is however provided on the basis that:
 - 4.1 LPC is yet to receive detailed geotechnical advice; and
 - 4.2 the notified Natural Hazards proposal could be criticised for an inadequate, or incomplete, section 32 analysis and it is therefore difficult to understand the rationale and justification for a number of the specific Natural Hazards provisions.
- 5 LPC therefore reserves its position to amend or further refine the specific relief sought in relation to natural hazards, particularly as a result of expert conferencing and the drafting of expert evidence.

Dated: 16 December 2014



JM Appleyard

Counsel for Lyttelton Port Company Limited

APPENDIX 1: SPECIFIC RELIEF

Chapter 2: Definitions

Provision	Proposed modifications (strike-out , bold and underlined)
Building	<p>means as the context requires:</p> <ol style="list-style-type: none"> 1. any structure or part of a structure whether permanent, moveable or immovable; and/or 2. any use, erection, reconstruction, placement, alteration or demolition of any structure or part of any structure in, on, under or over the land; 3. any vehicle, trailer, tent, marquee, shipping container <u>(except where such containers are located within the Special Purpose Port Zone or Industrial Heavy Zone)</u>, caravan or boat, whether fixed or moveable, used on-site as a residential unit or place of business or storage
Critical Infrastructure	<p>Support and retain the definition of 'critical infrastructure' insofar as it includes Lyttelton Port and subject to a minor amendment as follows:</p> <p>Critical infrastructure means infrastructure necessary to provide services which, if interrupted, would have a serious effect on the communities within the Christchurch District <u>and the wider Region</u> and which would require immediate reinstatement. This includes any structures that support, protect, or form part of critical infrastructure. Critical infrastructure includes:</p> <ol style="list-style-type: none"> (a) Christchurch International Airport (b) Lyttelton Port of Christchurch...
Infrastructure	<p>Amend the definition of 'infrastructure' as follows:</p> <p>Infrastructure for the purpose of Rule 5.10.1, means water mains, sewerage mains, pump stations and reservoirs, electricity networks and substations, <u>bulk fuel terminals and pipelines</u>, telecommunications networks and strategic and other roads, <u>rail, and Lyttelton port infrastructure and equipment</u>, but does not include services from the street to residential units</p>
No complaints covenant	<p>in relation to the Port Influences Overlay Area, means a covenant which is:</p> <ol style="list-style-type: none"> 1. registered against the title(s) of the land upon which the proposal is situated; <u>and</u> 2. <u>registered in favour of the Lyttelton Port Company Limited; and</u> 3. willingly entered into by the resource consent applicant, in favour of the Lyttelton Port Company Limited, to the effect that no owner or occupier or successor in title of the covenanted land shall object to, complain about, bring or contribute to any proceedings <u>(whether in contract, tort (including negligence), equity, nuisance, public nuisance,</u> under any statute <u>or otherwise, and whether seeking damages or injunctive or other relief or orders)</u>, or otherwise oppose<u>ing</u>, any adverse environmental effects, including noise, dust, traffic, vibration, glare or odour, resulting from any lawfully established port activities <u>undertaken by the Lyttelton Port Company Limited, or its subcontractors and lessees.</u>
Port Activities	<p>Delete the proposed definition of 'Port Activities' and replace with the following:</p> <p><u>Port Activities</u> <u>Means:</u></p> <ol style="list-style-type: none"> a. <u>Cargo handling, including the loading, unloading, storage, processing and transit of cargo;</u> b. <u>Passenger handling, including the loading, unloading, and transit of passengers, including passenger or cruise ship terminals and associated facilities</u> c. <u>Maintenance and repair activities, including the maintenance and repair of vessels;</u> d. <u>Port administration;</u> e. <u>Trade and industry training facilities;</u>

	<p>f. <u>Industries, including ship and boat building;</u></p> <p>g. <u>Warehousing and distribution activities, including bulk fuel supply and liquids storage and associated pipeline networks;</u></p> <p>h. <u>Facilities for yachting and recreational boating;</u></p> <p>i. <u>Infrastructure, buildings, structures, signage, utilities, roads, carparking, rail, Offices and Food and Beverage Outlets associated with and supporting the above activities;</u></p> <p>j. <u>Earthworks and quarrying associated with and supporting the above activities, including the reclaiming of land;</u></p> <p>And includes activities associated with:</p> <p>a. <u>The surface navigation, berthing, manoeuvring, refuelling, storage, servicing and providedoring, of vessels.</u></p>
Sensitive activities	<p>Amend the definition of 'sensitive activities' by adding a new clause at the end as follows:</p> <p>(a) In relation to electricity-related assets:...</p> <p>(b) In relation to noise:...</p> <p>v. Any one or more of the following activities located in the Port Influences Overlay Area <u>or Industrial Heavy Zone</u> shown on the Planning Maps:</p> <p>A. Residential unit or family flat, a habitable accessory building, or a residential activity;</p> <p>B. <u>Retirement village</u> Elderly persons' housing complex or care facility;</p> <p>C. Education activities;</p> <p>D. Any health care facilities, including hospitals or convalescent homes, that contain sleeping facilities for any person; and</p> <p>E. Guest accommodation;</p> <p>F. <u>Preschools</u></p>
Strategic infrastructure	<p>Support and retain the definition of 'strategic infrastructure' subject to a minor amendment as follows:</p> <p>Strategic infrastructure 'means those necessary facilities, services and installations which are of greater than local importance, and can include infrastructure that is nationally significant. The following are examples of strategic infrastructure:</p> <p>(a) strategic transport networks;</p> <p>(b) Christchurch International Airport;</p> <p>(c) Lyttelton Port of Christchurch <u>and inland freight hubs</u>;</p> <p>(d) bulk fuel supply infrastructure including terminals, wharf lines and pipelines;....</p>

Chapter 5: Natural Hazards

Provision	Proposed modifications (strike-out , bold and underlined)
Objective 5.1.1 – Reduced risk	<p>Amend Objective 5.1.1:</p> <p>Reduced Appropriately manage risk to people, property, infrastructure and the environment from the effects of natural hazards including:</p> <ul style="list-style-type: none"> i. intense rainfall events causing flooding from rivers, streams, overland flow and lakes; ii. liquefaction during earthquake shaking; iii. cliff collapse, rockfall or boulder roll, and mass movement; iv. tsunami; v. inundation from the sea and storm surge; vi. coastal erosion; vii. exacerbation of hazards (i) to (vi) through climate change and sea level rise; and viii. multiple hazards consisting of combinations of the above
Objective 5.1.3- Repair of land	<p>Amend Objective 5.1.3:</p> <p>Repair of earthquake damaged land used for residential purposes or used for critical or strategic infrastructure is facilitated as part of the recovery <u>so that it is fit for purpose.</u></p>
Policy 5.2.2 – Critical infrastructure	<p>Delete the existing Policy 5.2.2 and replace with the following:</p> <p><u>Manage the development of critical infrastructure in locations that are vulnerable to the effects of natural hazards to ensure that such infrastructure is designed to function to the fullest extent practicable during and after natural hazard events.</u></p>
Policy 5.2.3 – Restricting land use	<p>Amend Policy 5.2.3:</p> <p>Apply different levels of control on subdivision, use and development in areas at risk of natural hazards, depending on the <u>probability of occurrence level of risk and the sensitivity of the receiving environment</u>, to ensure that the adverse effects of natural hazards are avoided or adequately mitigated.</p>
Policy 5.2.4	Delete Policy 5.2.4
New Policy 5.2.8	<p>Add new Policy 5.2.8</p> <p><u>Policy 5.2.8 Management of natural hazards as part of recovery and operations</u></p> <p><u>Manage the risk to life, buildings, and infrastructure relating to natural hazards in a manner that:</u></p> <ul style="list-style-type: none"> i) <u>Appropriately identifies natural hazard risk and the vulnerability of the receiving environment for the Specific Purpose Port Zone; and then</u>

	ii) <u>Enables the repair, recovery, and ongoing operation of the Port of Lyttelton to be designed, maintained, managed and upgraded to function to the fullest extent possible during and after natural hazards.</u>
Policy 5.3.3	<p>Amend Policy 5.3.3:</p> <ul style="list-style-type: none"> a. Maintain the flood storage capacity and function of natural floodplains, wetlands and ponding areas, including the Hendersons Basin, Cashmere Stream Floodplain, Hoon Hay Valley, Cashmere-Worsleys Ponding Area, Cranford Basin, and Lower Styx Ponding Area. b. <u>Provide for filling necessary for foundation construction in order to meet required minimum floor levels and otherwise</u> limit filling in urban areas at risk of flooding in a major flood event, where that filling activity could transfer risk to other properties.
Policy 5.3.4	<p>Amend Policy 5.3.4:</p> <ul style="list-style-type: none"> a. Reduce potential flood damage by ensuring floor levels for new <u>habitable</u> buildings or additions to buildings are above flooding predicted to occur in a major flood event, including an allowance for sea level rise. <p>Interim policy for specific areas</p> <ul style="list-style-type: none"> b. Provide for variations in minimum floor levels and their application only in the Waimakariri Stopbank Floodplain, within the Open Space 3D (Clearwater) zone, and around Te Waihora (Lake Ellesmere) and Wairewa (Lake Forsyth).
Policy 5.5.1	<p>Amend Policy 5.5.1:</p> <ul style="list-style-type: none"> a. Avoid <u>new</u> subdivision, use and development at the top of and/or base of cliffs in areas subject to an intolerable risk to life-safety from the effects of cliff collapse, <u>except when involving the repair, maintenance, upgrading, use and development of critical infrastructure which shall be appropriately controlled to manage risks.</u>
Policy 5.5.2	<p>Amend Policy 5.5.2:</p> <ul style="list-style-type: none"> a. Avoid subdivision, use and development in areas subject to an intolerable risk to life-safety from the effects of rockfall or boulder roll, <u>except when involving the repair, maintenance, upgrading, use and development of critical infrastructure which shall be appropriately controlled to manage risks.</u> b. Control subdivision, use and development in areas subject to life-safety risk from the effects of rockfall or boulder roll, where the life-safety risk can be reduced to a tolerable level.
Policy 5.5.3	<p>Amend Policy 5.5.3:</p> <ul style="list-style-type: none"> a. Avoid subdivision, use and development in areas subject to an intolerable risk to life-safety from the effects of mass movement, <u>except when involving the repair, maintenance, upgrading, use and development of critical infrastructure which shall be appropriately controlled to manage risks.</u>

	b. Control subdivision, use and development in areas subject to a heightened risk from the effects of mass movement, where there is a potential for damage to property and infrastructure.										
Policy 5.5.5	<p>Amend Policy 5.5.5:</p> <p>a. Avoid new hazard mitigation works in areas of the Port Hills and across Banks Peninsula where cliff collapse or mass movement is likely to destroy or significantly damage such mitigation works, or where construction or maintenance of hazard mitigation works creates an unacceptable safety hazard except when involving hazard mitigation works associated with the protection of critical infrastructure which shall be appropriately controlled to manage risks.</p> <p>b. Control hazard mitigation works for slope instability across all other areas of the Port Hills and Banks Peninsula, to ensure that hazard mitigation proposals:</p> <ul style="list-style-type: none"> i) are effective; and ii) do not worsen any existing natural hazards; and iii) do not transfer or increase the risk to other people, property, infrastructure or the environment. 										
Policy 5.6.1	<p>Amend Policy 5.6.1:</p> <p>a. Avoid intensification of built development in areas that are projected to be subject to flooding and/or inundation as a result of the effects of climate change, including sea level rise.</p> <p>b. Limit intensification of development in locations where the effects of climate change, including sea level rise, are likely to result in decreasing levels of service from drainage or other infrastructure.</p> <p>c. <u>Recognise and provide for the ongoing use and development of Lyttelton Port as strategic infrastructure that inherently needs to locate adjacent to the coastline.</u></p>										
Policy 5.7	Delete Policy 5.7										
Rule 5.8.3.1 and 5.8.3.2	<p>a. Add a new permitted activity in 5.8.3.1 as follows:</p> <table border="1"> <thead> <tr> <th colspan="2">Activity</th><th>Activity specific standard</th></tr> </thead> <tbody> <tr> <td>P8</td><td>Filling or excavation associated with permitted utilities, <u>or critical infrastructure</u>, or their replacement, repair or maintenance</td><td>a. Nil</td></tr> <tr> <td><u>P10</u></td><td><u>The outdoor storage of shipping containers</u></td><td>b. <u>Nil</u></td></tr> </tbody> </table>		Activity		Activity specific standard	P8	Filling or excavation associated with permitted utilities, <u>or critical infrastructure</u> , or their replacement, repair or maintenance	a. Nil	<u>P10</u>	<u>The outdoor storage of shipping containers</u>	b. <u>Nil</u>
Activity		Activity specific standard									
P8	Filling or excavation associated with permitted utilities, <u>or critical infrastructure</u> , or their replacement, repair or maintenance	a. Nil									
<u>P10</u>	<u>The outdoor storage of shipping containers</u>	b. <u>Nil</u>									

	<p>b. Support and retain the non-notified status of the rules under 5.8.3.2.</p> <p>c. Add an assessment matter to the building and filling rules under 5.8.3.2 as follows:</p> <p><u>Any functional or operational needs of business that would make compliance impractical or unnecessary.</u></p>						
Rule 5.9.1 and 5.9.2	<p>a. Amend Rule 5.9.1 to change activity status to Controlled:</p> <table><tr><th></th><th>Activity</th><th>The Council's discretion shall be limited to the following matters which are in addition to those matters of discretion stated for these activities elsewhere in this Plan:</th></tr><tr><td>RD1 C1</td><td><p>Any subdivision which creates an additional vacant lot or lots.</p><p>Any resource consent application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p></td><td><p>a. All matters which discretion has been reserved over for restricted discretionary activity subdivision in Chapter 8 (Subdivision).</p><p>b. The nature and extent of the liquefaction hazard identified for the site.</p><p>c. Techniques proposed for mitigation of the effects of any liquefaction hazard identified, including but not limited to:</p><p>i. Measures proposed for ground strengthening and foundation design, and the ability of these proposals to be incorporated into the subdivision consent as conditions.</p><p>ii. Any geotechnical setbacks provided in relation to size of any waterway or waterbody, or alternatively, ground strengthening or other proposed engineering or geotechnical solutions to address any identified potential for lateral spread.</p><p>d. The layout of the subdivision with respect to the extent of liquefaction hazard, including:</p><p>i. The proposed location of earthworks, servicing and building platforms in regard to the liquefaction hazards identified including, where appropriate:</p><p>A the location of services and buildings where there is liquefaction susceptibility variability across the site; and</p><p>B the ability to relocate services affected by liquefaction to more desirable locations.</p><p>e. The suitability of the site for the range of uses anticipated, given the nature and extent of any geotechnical constraints identified and mitigation measures proposed.</p><p>f. The overall effect on the reasonable use of the site.</p><p>Potential environmental effects of any mitigation measures on adjoining sites.</p></td></tr></table> <p>b. Amend 5.9.1 to clarify that:</p>		Activity	The Council's discretion shall be limited to the following matters which are in addition to those matters of discretion stated for these activities elsewhere in this Plan:	RD1 C1	<p>Any subdivision which creates an additional vacant lot or lots.</p> <p>Any resource consent application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<p>a. All matters which discretion has been reserved over for restricted discretionary activity subdivision in Chapter 8 (Subdivision).</p> <p>b. The nature and extent of the liquefaction hazard identified for the site.</p> <p>c. Techniques proposed for mitigation of the effects of any liquefaction hazard identified, including but not limited to:</p> <p>i. Measures proposed for ground strengthening and foundation design, and the ability of these proposals to be incorporated into the subdivision consent as conditions.</p> <p>ii. Any geotechnical setbacks provided in relation to size of any waterway or waterbody, or alternatively, ground strengthening or other proposed engineering or geotechnical solutions to address any identified potential for lateral spread.</p> <p>d. The layout of the subdivision with respect to the extent of liquefaction hazard, including:</p> <p>i. The proposed location of earthworks, servicing and building platforms in regard to the liquefaction hazards identified including, where appropriate:</p> <p>A the location of services and buildings where there is liquefaction susceptibility variability across the site; and</p> <p>B the ability to relocate services affected by liquefaction to more desirable locations.</p> <p>e. The suitability of the site for the range of uses anticipated, given the nature and extent of any geotechnical constraints identified and mitigation measures proposed.</p> <p>f. The overall effect on the reasonable use of the site.</p> <p>Potential environmental effects of any mitigation measures on adjoining sites.</p>
	Activity	The Council's discretion shall be limited to the following matters which are in addition to those matters of discretion stated for these activities elsewhere in this Plan:					
RD1 C1	<p>Any subdivision which creates an additional vacant lot or lots.</p> <p>Any resource consent application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<p>a. All matters which discretion has been reserved over for restricted discretionary activity subdivision in Chapter 8 (Subdivision).</p> <p>b. The nature and extent of the liquefaction hazard identified for the site.</p> <p>c. Techniques proposed for mitigation of the effects of any liquefaction hazard identified, including but not limited to:</p> <p>i. Measures proposed for ground strengthening and foundation design, and the ability of these proposals to be incorporated into the subdivision consent as conditions.</p> <p>ii. Any geotechnical setbacks provided in relation to size of any waterway or waterbody, or alternatively, ground strengthening or other proposed engineering or geotechnical solutions to address any identified potential for lateral spread.</p> <p>d. The layout of the subdivision with respect to the extent of liquefaction hazard, including:</p> <p>i. The proposed location of earthworks, servicing and building platforms in regard to the liquefaction hazards identified including, where appropriate:</p> <p>A the location of services and buildings where there is liquefaction susceptibility variability across the site; and</p> <p>B the ability to relocate services affected by liquefaction to more desirable locations.</p> <p>e. The suitability of the site for the range of uses anticipated, given the nature and extent of any geotechnical constraints identified and mitigation measures proposed.</p> <p>f. The overall effect on the reasonable use of the site.</p> <p>Potential environmental effects of any mitigation measures on adjoining sites.</p>					

Note: There are no permitted activities in respect of ~~Rule 5.9~~ **subdivision under 5.9.2 or residential development on sites over 1500m² under 5.9.3.**

c. Reconsider the identification of the Port flat land as being within LAA1 area.

5.10.2

Add a new rule as follows:

5.10.2 Activity status for Port Hills Slope Instability Management Areas within Lyttelton Port

The activities listed below have the activity status listed within each slope instability management area, and are subject to compliance with any standards specified elsewhere in the Plan for that activity.

For all resource consent applications under Rule 5.10.1 a geotechnical assessment is required to be undertaken by a Chartered Professional Engineer with experience in geotechnical engineering or a Professional Engineering Geologist (IPENZ registered). Assessments must provide the relevant information set out in Clause 5.11.4 for resource consent applications in slope instability management areas, and address the relevant assessment matters below.

The design of rockfall protection structures, must be carried out by a Chartered Professional Engineer with specific experience in the investigation, design and/or construction of rockfall protection structures.

Activities within the land owned by Lyttelton Port Company Limited as shown in Appendix XX

	<u>Activity</u>	<u>Cliff HMA 1</u>	<u>Cliff HMA 2</u>	<u>Rockfall HMA1</u>	<u>Rockfall HMA 2</u>
a	<u>Subdivision</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>C4</u>
b	<u>Earthworks except as provided for below</u>	<u>NC1</u>	<u>RD1</u>	<u>C5</u>	<u>C6</u>
c	<u>Hazard Mitigation works, including earthworks</u>	<u>C7</u>	<u>C8</u>	<u>P1</u>	<u>P2</u>
d	<u>Demolition of buildings</u>	<u>C9</u>	<u>C10</u>	<u>P3</u>	<u>P4</u>
e	<u>The repair, maintenance, upgrading, use and development of critical infrastructure</u>	<u>RD1</u>	<u>P5</u>	<u>P6</u>	<u>P7</u>
f	<u>Construction of new Retaining walls</u>	<u>RD2</u>	<u>C11</u>	<u>P8</u>	<u>P9</u>
g	<u>Construction of new buildings</u>	<u>NC2</u>	<u>RD2</u>	<u>RD3</u>	<u>RD4</u>
h	<u>Quarrying and associated haul road formation on land below Sumner Rd</u>	<u>N/A</u>	<u>N/A</u>	<u>C12</u>	<u>C13</u>

	<table><tr><td>i</td><td><u>Bulk storage outdoors</u></td><td><u>NC3</u></td><td><u>C14</u></td><td><u>P10</u></td><td><u>P11</u></td></tr><tr><td>j</td><td><u>Signage and fencing for warning or excluding the public including postholes associated with those works</u></td><td><u>P12</u></td><td><u>P13</u></td><td><u>P14</u></td><td><u>P15</u></td></tr><tr><td>k</td><td><u>Minor earthworks associated with tree planting, ecological restoration and the formation and maintenance of pedestrian walking and cycle tracks</u></td><td><u>D1</u></td><td><u>D2</u></td><td><u>C15</u></td><td><u>C16</u></td></tr><tr><td>L</td><td><u>Any activities not otherwise listed above</u></td><td><u>NC4</u></td><td><u>RD5</u></td><td><u>RD6</u></td><td><u>RD7</u></td></tr></table> <p><u>Any resource consent application arising from any controlled or restricted discretionary activity set out in Rule 5.10.2 above will not require written approvals and shall not be publicly or limited notified.</u></p>	i	<u>Bulk storage outdoors</u>	<u>NC3</u>	<u>C14</u>	<u>P10</u>	<u>P11</u>	j	<u>Signage and fencing for warning or excluding the public including postholes associated with those works</u>	<u>P12</u>	<u>P13</u>	<u>P14</u>	<u>P15</u>	k	<u>Minor earthworks associated with tree planting, ecological restoration and the formation and maintenance of pedestrian walking and cycle tracks</u>	<u>D1</u>	<u>D2</u>	<u>C15</u>	<u>C16</u>	L	<u>Any activities not otherwise listed above</u>	<u>NC4</u>	<u>RD5</u>	<u>RD6</u>	<u>RD7</u>	
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L	<u>Any activities not otherwise listed above</u>	<u>NC4</u>	<u>RD5</u>	<u>RD6</u>	<u>RD7</u>																					
5.10.2 and Appendix	Add a new Appendix XX (as referred to in Appendix 5.10.2 above). This new Appendix should show all LPC owned land as covered by the proposed new Rule 5.10.2 package above. Appendix 3 to this Memorandum contains a map showing all LPC owned land.																									
5.10.3	<p>Amend as follows:</p> <p><u>5.10.3 Slope Instability Management Areas – D5 (Discretionary Activity 5) to D26 (Discretionary Activity 26) and controlled or restricted discretionary activities in Rule 5.10.2 – assessment matters for land use resource consent applications</u></p> <p>a. The land use activities listed in Rule 5.10.1 as discretionary activities, <u>or listed in Rule 5.10.2 as controlled or restricted discretionary activities</u>, will be assessed against the relevant assessment matters below, together with other matters specified in section 104 of the Resource Management Act 1991.</p> <p>i....</p> <p><u>viii. The extent to which the works enable the ongoing repair, maintenance, upgrading, use, or development of critical infrastructure or quarry operations.</u></p>																									
5.10.4	<p>Amend as follows:</p> <p><u>5.10.4 Slope Instability Management Areas – D1 (Discretionary Activity 1) to D13 (Discretionary Activity 13) and controlled or restricted discretionary activities in Rule 5.10.2 – assessment matters for subdivision or earthworks resource consent applications</u></p> <p>a. Where subdivision or earthworks are listed in Rule 5.10.1 as discretionary activities, <u>or listed in Rule 5.10.2 as controlled or restricted</u></p>																									

	<p><u>discretionary activities</u>, they will be assessed against the relevant assessment matters below, together with other matters specified in section 104 of the Resource Management Act 1991.</p> <p>i....</p> <p><u>xii. The extent to which the works enable the ongoing repair, maintenance, upgrading, use, or development of critical infrastructure or quarry operations.</u></p>
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Chapter 7: Transport

Provision	Proposed modifications (strike-out , bold and underlined)
Objective 7.1.1 Integrated transport system	<p>Amend Objective 7.1 by adding a new sub-clause as follows:</p> <p><i>Objective 7.1</i></p> <p>a. An integrated transport system....</p> <p><u>(v) that provides high quality, safe and efficient transport links between rail, road, port and airport facilities and that provides for the use and development of strategic transport infrastructure;</u></p> <p>....</p>
Policy 7.1.1.2 High trip generating activities	<p>Amend Policy 7.1.1.2 as follows:</p> <p>7.1.1.2 High trip generating activities</p> <p><u>High trip generating activities are anticipated in the locations identified for accommodating significant urban growth and development, including the strategic Christchurch International Airport and Lyttelton Port of Christchurch transportation hubs, the City Centre, Key Activity Centres, and Neighbourhood Centres, and greenfield priority growth areas. The transport network is to be managed and upgraded to support trip growth in these locations where such growth is anticipated and planned for. The triggers for assessing the trips generated by new activities are to be set in accordance with the location in which the activity is located. The location and design of high trip generating activities are to be assessed to ensure that they:....</u></p> <p><u>Require that the location and design of high trip generating activities are assessed to ensure that they:</u></p> <p><u>....</u></p>
Objective 7.1.2 and Policy 7.1.1.8	<p>a. Relocate and renumber Policy 7.1.1.8 so that it sits under Objective 7.1.2 as policy 7.1.2.1.</p> <p>b. Add a new Policy as follows:</p> <p>7.1.2.2 Effects from strategic transport infrastructure</p> <p><u>To manage any adverse effects from the ongoing use, repair and development of strategic transport infrastructure including Christchurch International Airport and Lyttelton Port of Christchurch, whilst recognising the national and regional scale and importance of this infrastructure, the role of strategic infrastructure in the recovery of the City and in the case of Lyttelton Port of Christchurch the significant repair and reconfiguration necessary as a result of earthquake damage.</u></p>
Rules 7.2.3.1-7.2.3.6 parking area numbers and design	<p>(a) Exclude the Special Purpose Port Zone from the need to comply with Rules 7.2.3.1-7.2.3.6 relating the parking spaces, layout, and dimensions.</p>
Rule 7.2.3.10 – High trip	<p>(a) Exclusion of the requirement for an ITA for development within the Special Purpose (Port) zone.</p>

<p>generators and Assessment Matter 7.3.19 and associated Table 7.1 – thresholds for full ITAs</p>	<p>In relation to the High traffic Generation rule as it applies generally (including it's applicability to the City Depot inland port site in Woolston:</p> <ul style="list-style-type: none"> (b) That the thresholds for ITA's (both Basic and Full) be reconsidered so as to realign more with the current operative Christchurch City Plan provisions. (c) That in relation to Full ITA's, consideration be given to the situations in which they would actually be necessary, in particular the need for costly modelling, taking into account the potential for actual and potential effects on the transport network, and the ability to request further information under Section 92 of the RMA. (d) That the assessment matters in 7.3.19 be reconsidered to better reflect the above relief. (e) That Table 7.1 be incorporated into the High Traffic Generator rule rather than its current location in the assessment matters. (f) Amend Note 2 under Rule 7.2.3.10 as follows (or to like effect): If an Integrated Transport Assessment has already been approved for the site as part of a granted current resource consent or that holds existing use rights, then this rule does not apply to any development that is within the scope of that Integrated Transport Assessment and in accordance with the resource consent unless the resource consent has lapsed. <u>For clarity, Rule 7.2.3.10 shall only apply to the net increase above the existing consented level or development that exists at the date the Plan becomes operative, and when a proposed new development in itself generates trips above the rule threshold.</u>
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Chapter 8: Subdivisions Development and Earthworks

Provision	Proposed modifications (strike-out , bold and underlined)
Policy 8.1.1.1 – natural features and landscapes	<p>Amend Policy 8.1.1.1 as follows:</p> <p>Policy 8.1.1.1 – natural features and landscapes</p> <p>a. Ensure that subdivision and associated works shall achieve the long-term protection and enhancement of:</p> <ol style="list-style-type: none"> The natural character of the coast, the coastal marine area, wetlands, lakes and rivers and their margins, and mahinga kai; Outstanding natural features and landscapes and main ridgeline; Cultural landscapes, significant indigenous vegetation, indigenous fauna and their habitat; except
Policy 8.1.1.2 – Protection through subdivision	<p>Amend Policy 8.1.1.2 as follows:</p> <p>Policy 8.1.1.2 – Protection through subdivision</p> <p>a. Encourage the permanent protection of significant features, landscape, cultural landscapes, and indigenous biodiversity and ecosystems through subdivision processes and mechanisms.</p> <p>b. In limited circumstances, apply the concept of environmental compensation where discernible community benefit would arise from:</p> <ol style="list-style-type: none"> <u>The protection or enhancement of</u> significant natural features and landscapes, historic heritage, open space or reserves, biodiversity and habitat, <u>and open space, reserves, and the coastline</u> being made available for public use and access; or Hazard mitigation measures;
Policy 8.1.1.4 – Access to waterways	<p>Support and retain Policy 8.1.1.4 as follows:</p> <p><i>Policy 8.1.1.4 – Access to waterways/ Mana whakahaere</i></p> <p><i>Provide for appropriate public access to and along the margins of rivers, lakes, waterways and the coastline, including through esplanade reserves and strips, except in respect of Lyttelton Port of Christchurch where it is necessary to ensure public safety and the security of adjoining cargo and adjoining activities.</i></p>
Rule 8.2.3 General Matters; and subsequent section introductions	Amend Section 8.2.3 and subsequent sections to make subdivision that is otherwise compliant with the Plan rules a controlled activity rather than a restricted discretionary activity.
Rule 8.3.1.1 RD4 and Rule 8.3.1.3	Retain the rule
Rule 8.3.3.3 – Exemptions for	Amend Rule 8.3.3.3 by adding an additional clause as follows:

esplanade reserves	Rule 8.3.3.3. Exemptions: reserves, strips or additional land not required Esplanade reserve and strips shall not be required where an allotment is less than 4ha, where Appendix 8.6.1 does not indicate a requirement, or:..... 5. <u>The land is within the Special Purpose (Port) Zone or is required for Port activities.</u>					
Rule 8.3.5.1 Provision of land for open space and recreation	Delete rule 8.3.5.1 and replace it as follows: <table><tr><td><u>Activity</u></td><td><u>The Council's Discretion shall be limited to the following Matters</u></td></tr><tr><td><u>Controlled 1 Provision of land for open space and recreation</u></td><td><ol style="list-style-type: none">1. <u>Where land for reserve(s) is being provided in accordance with the locations shown on any applicable Outline Development Plan area.</u>2. <u>The location and layout of any land to be provided for reserves for open space and recreation purposes and any requirements for the formation of that land prior to it vesting in the Council.</u></td></tr></table>		<u>Activity</u>	<u>The Council's Discretion shall be limited to the following Matters</u>	<u>Controlled 1 Provision of land for open space and recreation</u>	<ol style="list-style-type: none">1. <u>Where land for reserve(s) is being provided in accordance with the locations shown on any applicable Outline Development Plan area.</u>2. <u>The location and layout of any land to be provided for reserves for open space and recreation purposes and any requirements for the formation of that land prior to it vesting in the Council.</u>
<u>Activity</u>	<u>The Council's Discretion shall be limited to the following Matters</u>					
<u>Controlled 1 Provision of land for open space and recreation</u>	<ol style="list-style-type: none">1. <u>Where land for reserve(s) is being provided in accordance with the locations shown on any applicable Outline Development Plan area.</u>2. <u>The location and layout of any land to be provided for reserves for open space and recreation purposes and any requirements for the formation of that land prior to it vesting in the Council.</u>					

Chapter 14: Residential

Provision	Relief Sought (strike out , bold and underlined)
Objective 14.1.4	Amend Objective 14.1.4 as follows: Residential <u>Use and development of sensitive activities</u> does not adversely affect the efficient operation, use, development of Christchurch International Airport and Port of Lyttelton, and other strategic infrastructure.
Policies 14.1.4.1	Retain Policy 14.1.4.1.
Rule 14.4.1.2	Insert the following at the end of Rule 14.4.1.2: The rules that apply to activities within the Lyttelton Port Influences Overlay Area are contained in Rules 14.4.4.1, 14.4.4.2, 14.4.4.3, and 14.4.4.4. <u>In addition to the Built Form Standard required under Rule 14.4.4.4, the Built Form Standards under 14.4.3 also apply.</u>
Rule 14.4.2.1 Permitted Activities P1	Retain the note.
Rule 14.4.2.1 Permitted Activities P2	Insert the following at the end Activity specific standard P2: <u>Note: for accommodation of travellers within the Lyttelton Port Influences Overlay Area also refer to area specific rule 14.4.4.3, NC5.</u>
Rule 14.4.2.1 Permitted Activities P3	Insert the following at the end Activity specific standard P3: <u>Note: for a Residential Activity within the Lyttelton Port Influences Overlay Area also refer to area specific rule 14.4.4.3, NC5.</u>
Rule 14.4.2.1 Permitted Activities P6	Insert the following at the end Activity specific standard P2: <u>Note: For a Pre-School within the Lyttelton Port Influences Overlay Area also refer to area specific rule 14.4.4.3, NC5.</u>
Rule 14.4.2.1 Permitted Activities P8	Insert the following at the end Activity specific standard P2: <u>Note: For an Education Activity within the Lyttelton Port Influences Overlay Area also refer to area specific rule 14.4.4.3, NC5.</u>
Rule 14.4.3.1	Retain the rule.
Rule 14.4.4.1 POA Permitted Activities	Retain the rule.
Rule 14.4.4.2 Restricted Discretionary	Amend Rule 14.4.4.2 RD1 as follows, or similar: Extension to an existing habitable space or the erection of a new habitable space associated with an existing residential unit where the combined gross

Activities RD1	<p>floor area of the habitable spaces exceeds 40m² within a 10 year continuous period <u>provided that:</u></p> <p><u>14.4.4.2 .RD1.A</u> with a <u>The applicant, as part of its resource consent application pursuant to Rule 14.4.2 is willing to voluntarily offer to enter into a</u> no complaints covenant, that complies; <u>and</u></p> <p><u>14.4.4.2 .RD1.B</u> <u>The extended or new habitable space</u> complies with Rule 14.4.4.4.</p> <p>Any application arising from this rule will only require the written approval of the Lyttelton Port Company and shall not be fully publicly notified.</p>
Rule 14.4.4.2 Restricted Discretionary Activities RD2	<p>Replace Rule 14.4.4.2 as follows, or similar:</p> <p>Replacement residential unit for an existing residential unit where the combined gross floor area of the habitable spaces exceeds the combined gross floor area of the habitable spaces by more than 40m² within a 10 year continuous period <u>provided that:</u></p> <p><u>14.4.4.2 .RD2.A</u> with a <u>The applicant, as part of its resource consent application pursuant to Rule 14.4.4.2 is willing to voluntarily offer to enter into a</u> no complaints covenant, that complies; <u>and</u></p> <p><u>14.4.4.2 .RD2.B</u> <u>The habitable spaces</u> complies with Rule 14.4.4.4.</p> <p>Any application arising from this rule will only require the written approval of the Lyttelton Port Company and shall not be fully publicly notified.</p>
Rule 14.4.4.3 POA Non-Complying Activities NC1 and NC2	<p>Retain the rules.</p>
Rule 14.4.4.3 Non-complying Activities NC3	<p>Amend Rule 14.4.4.3 NC3 as follows or similar:</p> <p><u>An Extension to an existing habitable space or the erection of a new habitable space associated with an existing residential unit, where the combined gross floor area of the habitable spaces exceeds 40m² within a 10 year continuous period, that:</u> <u>and where it does not comply with Rule 14.4.4.2.RD1.A or with Rule 14.4.4.2.RD1.B.</u></p> <p>The activities listed below are a Non-complying Activity</p> <ol style="list-style-type: none"> 1. does not have a <u>no complaints covenant</u>; or 2. does not comply with <u>Rule 14.4.4.4</u>; or 3. a does not have a <u>no complaints covenant</u> and does not comply with <u>Rule 14.4.4.4</u>. <p>Any application arising from this rule will only require the written approval of the Lyttelton Port Company and shall not be fully publicly notified.</p>
Rule 14.4.4.3 Non-complying Activities	<p>Amend Rule 14.4.4.3 NC4 as follows or similar:</p> <p><u>A Replacement residential unit for an existing residential unit, where the combined gross floor area of the habitable spaces exceeds the combined</u></p>

NC4	<p>gross floor area of the habitable spaces by more than 40m² within a 10 year continuous period, that: <u>and where it does not with Rule 14.4.4.2.RD2.A or with Rule 14.4.4.2.RD2.B.</u></p> <p>1. does not have a no complaints covenant; or 2. does not comply with Rule 14.4.4.4; or 3. a does not have a no complaints covenant and does not comply with Rule 14.4.4.4.</p> <p>Any application arising from this rule will only require the written approval of the Lyttelton Port Company and shall not be fully publicly notified.</p>
Rule 14.4.4.3 POA Non-Complying Activities NC5	Retain the rule.
Rule 14.4.4.4	<p>Insert the following to Rule 14.4.4.4 as follows:</p> <p>New habitable space or extensions to existing habitable space shall have an internal sound design level of 40dBA L_{dn} (5 day) with ventilating windows or with windows and doors closed and mechanical ventilation installed and operating.</p> <p>Note: Refer to Appendix 14.10.2 on how to determine the appropriate internal design sound level.</p> <p><u>Determination of the Appropriate Internal Design Sound Level</u></p> <p><u>For the purposes of Rule 14.4.4.4, the 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.</u></p> <p><u>Note: There will be a port noise contour map attached to a Port Noise Management Plan, which is to prepared and regularly updated in accordance with the Noise Chapter of the City. 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.</u></p>
Rule 14.5.1.2	<p>Insert the following at the end of Rule 14.4.1.2:</p> <p>The rules that apply to activities within the Lyttelton Port Influences Overlay Area are contained in Rules 14.4.4.1, 14.4.4.2, 14.4.4.3, and 14.4.4.4. <u>In addition to the Built Form Standard required under Rule 14.5.4.4, the Built Form Standards under 14.5.3 also apply.</u></p>
Rule 14.5.2.1 Permitted Activities P1	Retain the note, subject to the note being renumbered to 14.5.4.
Rule 14.5.2.1 Permitted	Insert the following at the end Activity specific standard P2:

Activities P2	<u>Note: for accommodation of travellers within the Lyttelton Port Influences Overlay Area also refer to area specific rule 14.5.4.3.</u>
Rule 14.5.2.1 Permitted Activities P3	Insert the following at the end Activity specific standard P3: <u>Note: for a Residential Activity within the Lyttelton Port Influences Overlay Area also refer to area specific rule 14.5.4.</u>
Rule 14.5.2.1 Permitted Activities P6	Insert the following at the end Activity specific standard P2: <u>Note: For a Pre-School within the Lyttelton Port Influences Overlay Area also refer to area specific rule 14.5.4.3.</u>
Rule 14.5.2.1 Permitted Activities P8	Insert the following at the end Activity specific standard P2: <u>Note: For an Education Activity within the Lyttelton Port Influences Overlay Area also refer to area specific rule 14.5.4.3.</u>
Rule 14.5.4 POA Activities and Standards	Retain the rules.
Rule 14.5.3.1	Retail the rule.

Chapter 15: Commercial

Provision	Relief Sought (strike out , bold and underlined)
New Objective 15.1.3	<p>Insert Objective 15.1.3 as follows:</p> <p><u>15.1.3 Objective 3 – Strategic Infrastructure</u></p> <p><u>Use and development of sensitive activities does not adversely affect the efficient operation, use, development of Christchurch International Airport and Port of Lyttelton, and other strategic infrastructure.</u></p>
New Policy 15.1.3.1	<p>Insert Policy 15.1.3.1 as follows:</p> <p><u>15.1.3.1 Policy - Avoidance of adverse effects on strategic transport infrastructure</u></p> <p><u>a. Avoid reverse sensitivity effects on strategic transport infrastructure including:</u></p> <ol style="list-style-type: none"> <u>1. Christchurch International Airport;</u> <u>2. the major and minor arterial road network; and</u> <u>3. the Port of Lyttelton.</u>
New Rule 15.5.1.3	<p>Insert the following at the end of Rule 15.5.1:</p> <p><u>15.5.1.3 The rules that apply to activities within the Lyttelton Port Influences Overlay Area are contained in Rules 15.5.4.1, 15.5.4.2, and 15.5.4.3. In addition to the Built Form Standard required under Rule 15.5.4.3, the Built Form Standards under 15.5.3 also apply.</u></p>
Amend Rule 15.5.2.1 Permitted Activities P9, P10, P11, P12, P14, P15	<p>Insert the following to Activity specific standard to P9, P10, P11, P12, P15 respectively:</p> <p>Any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB ^{LAeq}, based on a broad band sound spectrum.</p> <p>Amend Activity specific standard P14 (d) as follows:</p> <p>Any bedroomAny habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB ^{LAeq}, <u>based on a broad band sound spectrum.</u></p> <p>Insert the following to Activity specific standard P9, P10, P11, P12, P14 and P15 respectively:</p> <p><u>Note: For a Health Care Facility within the Lyttelton Port Influences Overlay Area refer to area specific rule 15.5.4.2, NC3.</u></p> <p><u>Note: For an Education Activity within the Lyttelton Port Influences Overlay Area refer to area specific rule 15.5.4.2, NC3.</u></p>

	<p><u>Note: For a Care Facility within the Lyttelton Port Influences Overlay Area refer to area specific rule 14.5.4.2, NC3.</u></p> <p><u>Note: For a Pre-School within the Lyttelton Port Influences Overlay Area refer to area specific rule 15.5.4.2, NC3.</u></p> <p><u>Note: For a Residential Activity within the Lyttelton Port Influences Overlay Area refer to area specific rule 15.5.4.</u></p> <p><u>Note: For Guest Accommodation within the Lyttelton Port Influences Overlay Area refer to area specific rule 15.5.4.2, NC3</u></p>				
Delete Rules 15.5.2.4 D7-D11	Delete Rules 15.5.2.4 D7 – D11 and replace with those rules contained in Rule 15.5.4 proposed below or alternatively list all sensitive activities as a non-complying activities located within the Port Influences Overlay Area..				
Add Rules 15.5.4	<div><p><u>15.5.4 Area specific activities and standards – Port Influences Overlay Area</u></p><p><u>For purposes of these rules an “Apartment” is a building housing a Residential Activity, provided that the same building is primarily used for one or more of the Activities P1, P2, P3, P4, P5, P6 or P7 specified under Rule 15.5.2.1, or is otherwise used for an activity authorised by a resource consent. No detached Residential Unit is permitted.</u></p><p><u>The Built Form Standards under 15.4.3 also apply.</u></p><p><u>15.5.4.1 Port Influences Overlay Restricted Discretionary Activity</u></p></div> <table><tr><td><u>Activity</u></td><td><u>The Council’s discretion shall be limited to the following matters</u></td></tr><tr><td><u>RD1 Establishment of an Apartment in the Port Influences Overlay Area provided that:</u> <u>RD1.A There shall be no more than one Apartment on a site.</u> <u>RD1.B No Apartment shall be located on or below any ground floor of a building.</u></td><td><u>Refer to those matters contained in Rule 14.9.34 (Residential Chapter).</u> <u>Also refer to those matters contained in Rule 15.5.2.3 RD3.</u></td></tr></table>	<u>Activity</u>	<u>The Council’s discretion shall be limited to the following matters</u>	<u>RD1 Establishment of an Apartment in the Port Influences Overlay Area provided that:</u> <u>RD1.A There shall be no more than one Apartment on a site.</u> <u>RD1.B No Apartment shall be located on or below any ground floor of a building.</u>	<u>Refer to those matters contained in Rule 14.9.34 (Residential Chapter).</u> <u>Also refer to those matters contained in Rule 15.5.2.3 RD3.</u>
<u>Activity</u>	<u>The Council’s discretion shall be limited to the following matters</u>				
<u>RD1 Establishment of an Apartment in the Port Influences Overlay Area provided that:</u> <u>RD1.A There shall be no more than one Apartment on a site.</u> <u>RD1.B No Apartment shall be located on or below any ground floor of a building.</u>	<u>Refer to those matters contained in Rule 14.9.34 (Residential Chapter).</u> <u>Also refer to those matters contained in Rule 15.5.2.3 RD3.</u>				

	<p><u>RD1.C The applicant, as part of its resource consent application pursuant to Rule 15.4.1 is willing to voluntarily offer to enter into a No Complaints Covenant; and</u></p> <p><u>RD1.D Habitable space in the Apartment complies with Rule 15.5.4.3</u></p> <p><u>RD2 Any new Habitable Spaces to an existing Apartment provided that Rules RD1.A, RD1.B, RD.C1, or RD1.D are complied with, as relevant.</u></p> <p><u>Any application arising from this rule will only require the written approval of the Lyttelton Port Company and shall not be fully publicly notified.</u></p>													
<table><tr><td colspan="3"><u>15.5.4.2 Port Influences Overlay Non-complying Activities</u></td></tr><tr><td><u>NC1</u></td><td colspan="2"><u>Establishment of an Apartment listed under Rule 14.5.4.1 which does not comply with Conditions RD1.A, RD1.B, RD1.C or RD1.D.</u></td></tr><tr><td><u>NC2</u></td><td colspan="2"><u>New Habitable Spaces associated with an existing apartment which does not comply with Conditions RD1.A, RD1.B, RD1.C or RD1.D.</u></td></tr><tr><td><u>NC3</u></td><td colspan="2"><u>Establishment of a Sensitive Activity within the Port Influences Overlay Area other than activities specified as Restricted Discretionary Activities in Rules 14.5.4.1</u></td></tr></table>			<u>15.5.4.2 Port Influences Overlay Non-complying Activities</u>			<u>NC1</u>	<u>Establishment of an Apartment listed under Rule 14.5.4.1 which does not comply with Conditions RD1.A, RD1.B, RD1.C or RD1.D.</u>		<u>NC2</u>	<u>New Habitable Spaces associated with an existing apartment which does not comply with Conditions RD1.A, RD1.B, RD1.C or RD1.D.</u>		<u>NC3</u>	<u>Establishment of a Sensitive Activity within the Port Influences Overlay Area other than activities specified as Restricted Discretionary Activities in Rules 14.5.4.1</u>	
<u>15.5.4.2 Port Influences Overlay Non-complying Activities</u>														
<u>NC1</u>	<u>Establishment of an Apartment listed under Rule 14.5.4.1 which does not comply with Conditions RD1.A, RD1.B, RD1.C or RD1.D.</u>													
<u>NC2</u>	<u>New Habitable Spaces associated with an existing apartment which does not comply with Conditions RD1.A, RD1.B, RD1.C or RD1.D.</u>													
<u>NC3</u>	<u>Establishment of a Sensitive Activity within the Port Influences Overlay Area other than activities specified as Restricted Discretionary Activities in Rules 14.5.4.1</u>													
<p><u>Any application arising from this rule will only require the written approval of the Lyttelton Port Company and shall not be fully publicly notified.</u></p>														

Rule 15.5.3

New [habitable space](#) or extensions to existing [habitable space in an Apartment](#) shall have an internal sound design level of 40dBA L_{dn} (5 day) with ventilating windows or with windows and doors closed and mechanical ventilation [installed](#) and operating.

Determination of the Appropriate Internal Design Sound Level

For the purposes of Rule 14.5.1 the design to 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 L_{dn} (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 a Port Noise Management Plan, which is to be prepared and regularly updated in accordance with the Noise Chapter of the City Plan. This map will show the dBA L_{dn} (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.

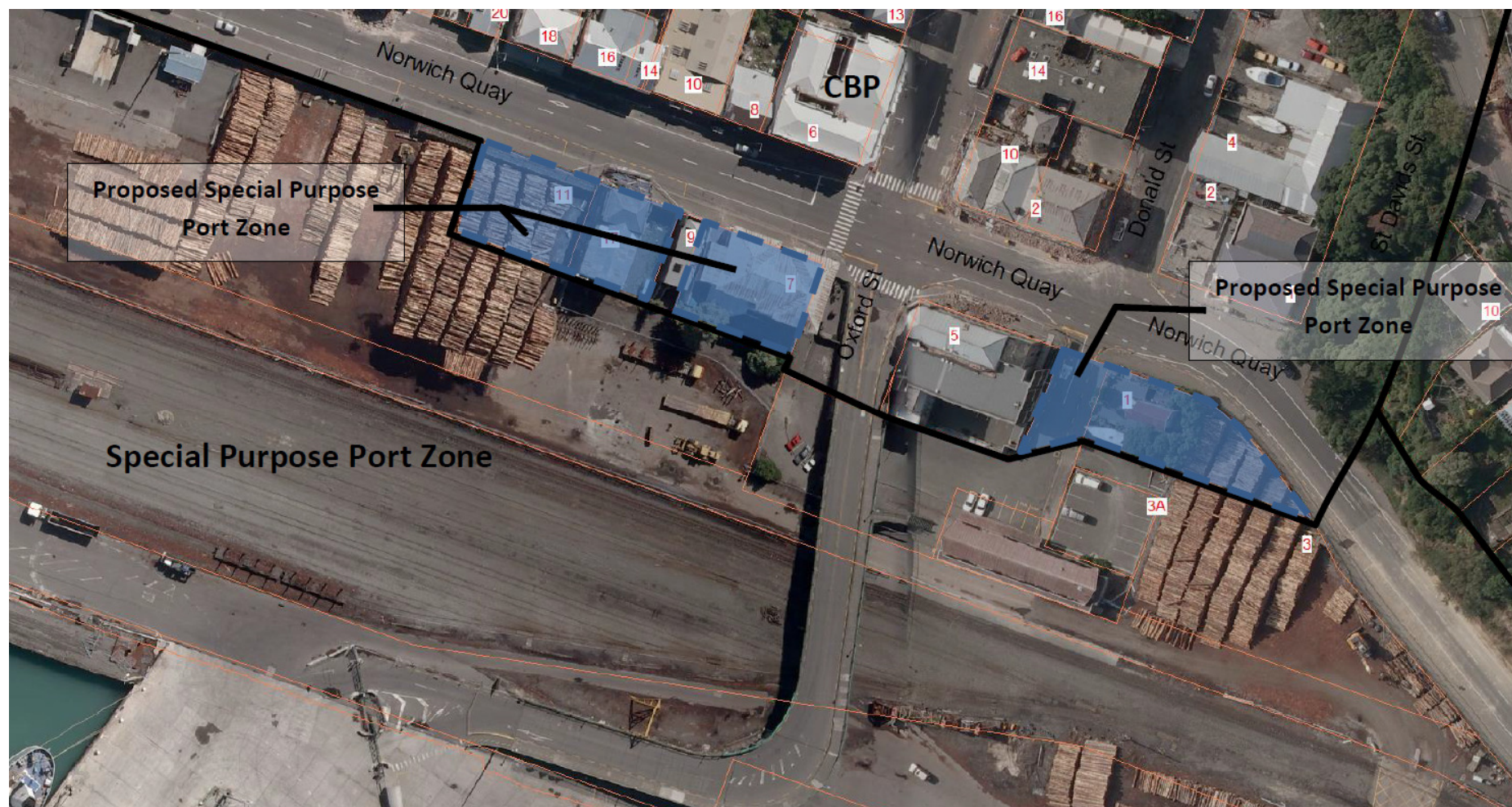
Chapter 16: Industrial

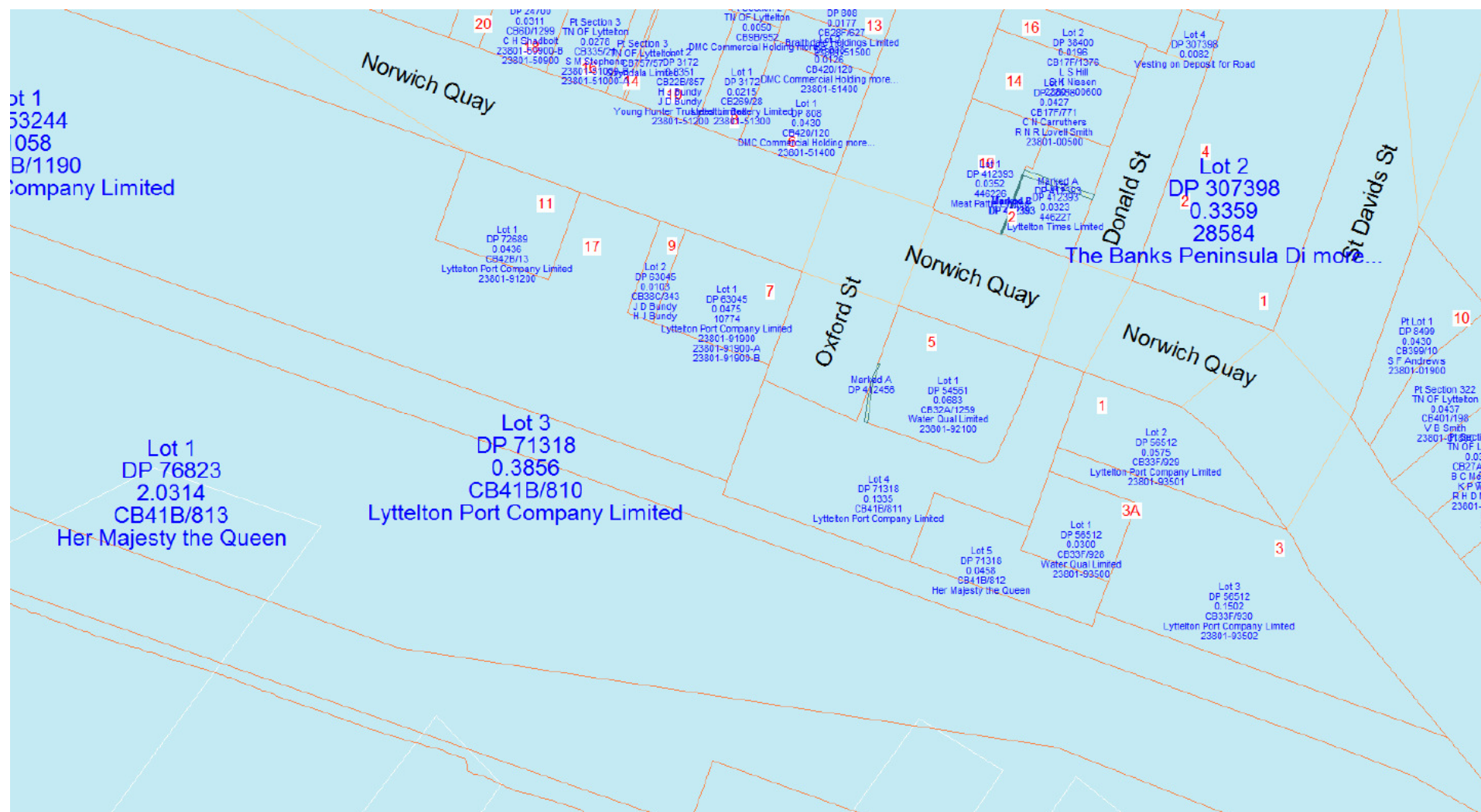
Provision	Proposed modifications (strike-out , bold and <u>underlined</u>)						
16.1.1.3 Policy – Range of industrial areas	<p>Support Policy 16.1.1.3 insofar as it relates to the Industrial Heavy Zone as follows:</p> <p>Policy 16.1.1.3 – range of industrial areas Recognise and provide for industrial zones with different functions that cater for a range of industrial activities depending on their needs and effects as follows:</p> <p>i) ...</p> <p>ii) Industrial Heavy Zone – Recognise and provide for industrial activities that generate potentially significant effects, including relatively high levels of noise, odour, heavy traffic movements, and the presence of significant amounts of hazardous substances, necessitating separation from more sensitive land use activities.</p> <p>iii) .;...</p>						
16.1.1.4 Policy - Activities in the industrial zones	<p>Amend Policy 16.1.1.4 as follows:</p> <p>a. <u>Subject to (b) below</u>, maintain and support the function of industrial zones while providing for limited non-industrial activities that:</p> <p>i. are ancillary in scale and on the same site as a permitted activity;</p> <p>ii. are not appropriate in more sensitive environments due to their potential noise, odour or other environmental effects;</p> <p>iii. comprise yard based or trade suppliers in the Industrial General Zone;</p> <p>iv. provide an emergency service which may generate adverse effects;</p> <p>v. <u>Provide for office activities in Lyttelton</u>; or</p> <p>vi. support the needs of workers and businesses in the zone for food and beverages, commercial services, and the care of children.</p> <p>b. Avoid any activity in <u>the</u> Industrial <u>Heavy</u> zones with the potential to hinder the establishment or ongoing operation of industrial activities <u>and in particular the operation and development of strategic infrastructure and regional freight hubs</u>.</p> <p>c. Avoid the use of industrial zones for non-industrial activities that could adversely affect the strategic role of the Central City, District, and Neighbourhood centres as focal points for commercial, community, residential and other activities.</p>						
16.2.2.1 – Industrial General, Permitted activities	<p>Amend 16.2.2.1 by adding a new clause as follows:</p> <table><tr><th></th><th><u>Activity</u></th><th><u>Activity Specific Standards</u></th></tr><tr><td><u>P16</u></td><td><u>Offices in the Industrial General Zone in Lyttelton</u></td><td>a. <u>Nil</u></td></tr></table>		<u>Activity</u>	<u>Activity Specific Standards</u>	<u>P16</u>	<u>Offices in the Industrial General Zone in Lyttelton</u>	a. <u>Nil</u>
	<u>Activity</u>	<u>Activity Specific Standards</u>					
<u>P16</u>	<u>Offices in the Industrial General Zone in Lyttelton</u>	a. <u>Nil</u>					
16.2.2.5 –	Amend 16.2.2.5 by adding a new clause as follows:						

Industrial General Non-complying activities	<table border="1" data-bbox="454 225 1323 365"> <tr> <td data-bbox="454 225 584 252"></td><td data-bbox="584 225 1323 252"><u>Activity</u></td></tr> <tr> <td data-bbox="454 252 584 365"><u>NC5</u></td><td data-bbox="584 252 1323 365"><u>Any Sensitive Activity within the Port Influences Overlay Area shown on the Planning Maps or on a site adjoining the Inland Port in Woolston.</u></td></tr> </table>		<u>Activity</u>	<u>NC5</u>	<u>Any Sensitive Activity within the Port Influences Overlay Area shown on the Planning Maps or on a site adjoining the Inland Port in Woolston.</u>
	<u>Activity</u>				
<u>NC5</u>	<u>Any Sensitive Activity within the Port Influences Overlay Area shown on the Planning Maps or on a site adjoining the Inland Port in Woolston.</u>				
16.3.2.1 – Industrial Heavy - Permitted activities 16.3.2.5 – Non- complying Activities	<p>a. Support and retain 16.3.2.1 (permitted activities), 16.3.2.2 (Controlled Activities), 16.3.2.3 (Restricted Discretionary activities), and 16.3.2.4 (Discretionary activities), insofar as they do not provide for sensitive activities in the Industrial Heavy Zone.</p> <p>b. Support and retain 16.3.2.5 NC1 that provides non-complying status for “<i>Any activity not provided for as Permitted, restricted Discretionary, or Discretionary</i>”.</p> <p>c. Amend 16.3.2.5 by adding a new clause as follows:</p> <table border="1" data-bbox="454 624 1323 708"> <tr> <td data-bbox="454 624 584 651"></td><td data-bbox="584 624 1323 651"><u>Activity</u></td></tr> <tr> <td data-bbox="454 651 584 708"><u>NC5</u></td><td data-bbox="584 651 1323 708"><u>Any Sensitive Activity within the Industrial Heavy Zone.</u></td></tr> </table>		<u>Activity</u>	<u>NC5</u>	<u>Any Sensitive Activity within the Industrial Heavy Zone.</u>
	<u>Activity</u>				
<u>NC5</u>	<u>Any Sensitive Activity within the Industrial Heavy Zone.</u>				
16.3.3.1 Maximum Height Restricted discretionary activities RD4	<p>a. Delete the height limit for buildings in rule 16.3.3.1(a);</p> <p>b. Delete the height limit for fencing in rule 16.3.3.1(b).</p> <p>c. Support the absence of controls on plot ratio or site coverage.</p>				
16.3.3.6 - Landscaping	<p>a. Support and retain 16.3.3.6 insofar as it represents an improvement over the operative Plan provision.</p>				

Planning Maps

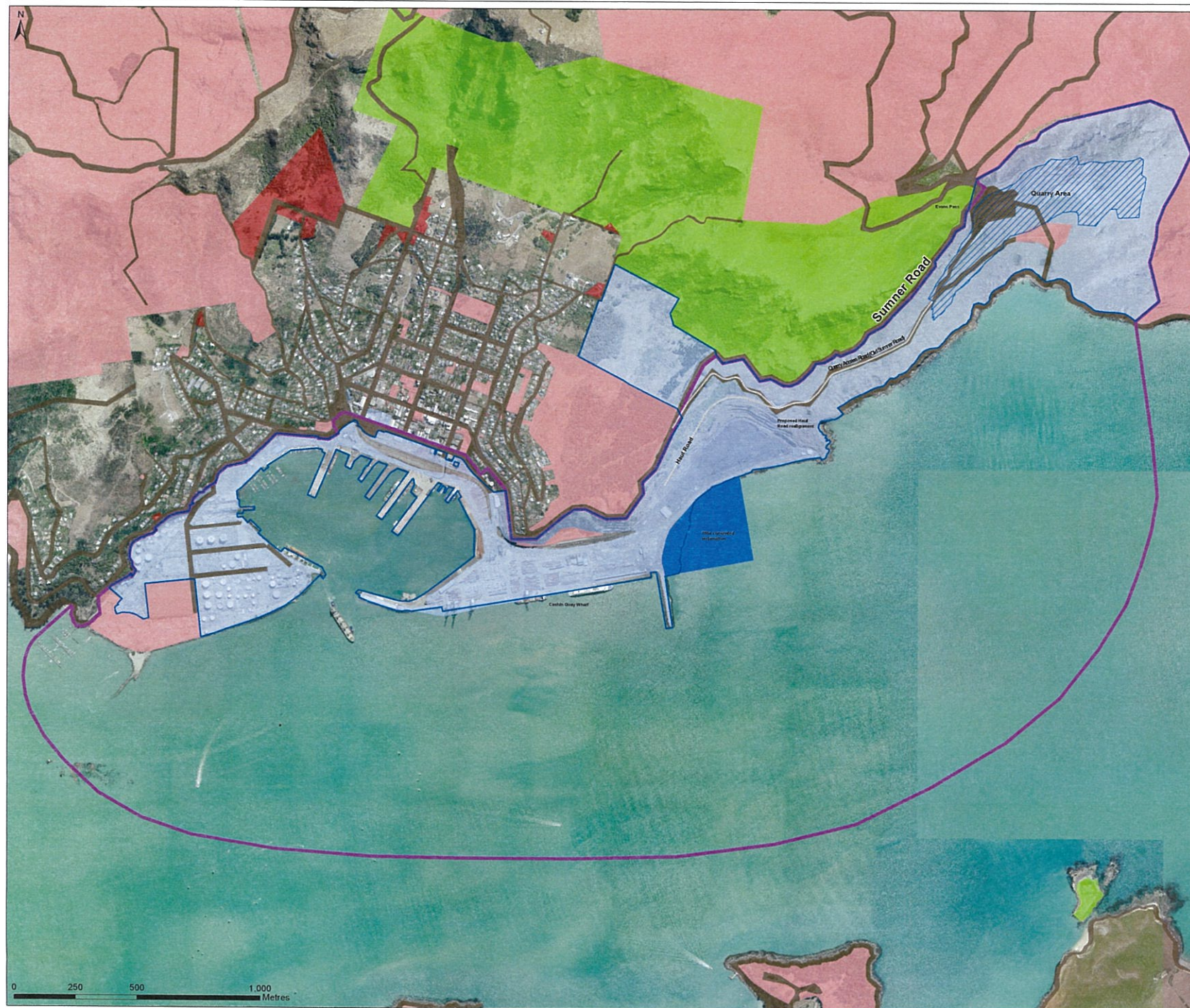
Provision	Proposed modifications (strike-out , bold and underlined)
Planning Maps 52 and 58	<p>Planning Maps 52 and 58 shown the Lyttelton Port Influences Overlay area – LPC requests this Overlay is not deleted.</p> <p>Further, LPC supports the existing boundary between the Commercial Banks Peninsula and Industrial General Zoning as shown on Planning Map 52.</p>
Planning Map 47	LPC seeks no change to this Planning Map - LPC supports the inclusion of City Depot and adjoining landholdings in the Second Stage review as shown on Planning Map 47.
Planning Map 52	<p>Amend Planning Map 52 to rezone the area south of Norwich Quay from Commercial Banks Peninsula zone to Special Purpose Port Zone. This land is under ownership of LPC and is appropriate for use for Port Activities. The titles of the lots sought to be rezoned are:</p> <ul style="list-style-type: none"> • Lot 1 DP 53244 – 17 Norwich Quay • Lot 1 DP 72689 – 11 Norwich Quay • Lot 1 DP63045 – 7 Norwich Quay • Lot 2 DP 56512 – 1 Norwich Quay • Lot 4 DP 71318. <p>These properties are shown on the maps attached to Appendix 2.</p>

APPENDIX 2: LPC LANDHOLDINGS SOUGHT TO BE ADDED TO THE 'SPECIAL PURPOSE (PORT) ZONE'



APPENDIX 3: SPECIFIC PURPOSE (PORT) ZONE MAP

Geographic Extent of Lyttelton Port Recovery Plan



Legend

Lyttelton Port - Boundary Information

- Indicative Geographic Extent of Recovery Plan
Note - Boundary falls downslope of Sumner Road and includes Norwich Quay
- LPC - Site Boundary
- CERA - Residential Red Zone as of 04/12/2013

Lyttelton Port Company - Existing Infrastructure

- Existing Quarry
- 10 ha Consented Reclamation
- Existing Port Roads

Categorised Land Ownership

- Lyttelton Port Company
- DOC - Public Conservation Areas
- Local Government
- LINZ Primary Road Parcels

Map Purpose:

The purpose of this map is to illustrate the geographic scope of the Lyttelton Port Recovery Plan, in accordance with the Ministers Direction.

Publication Date:
11/06/2014

Scale:
1:5,250
(Original sheet size A0)

Disclaimer

This map is a static output of depicted layers and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Coordinate System:
NZGD 2000 New Zealand Transverse Mercator

Map Document:
6374 - LPC Future Planning Map A0.mxd

For re-prints and map production contact NorthSouth GIS:
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Locality

