

Before the Independent Hearings 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 915/ F-1444

Opening legal submissions on behalf of Lyttelton Port Company
Limited

Date: 10 July 2015

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OPENING LEGAL SUBMISSIONS ON BEHALF OF LYTTTELTON PORT COMPANY LIMITED

May it please the Hearings Panel:

INTRODUCTION

- 1 These legal submissions are provided on behalf Lyttelton Port Company Limited (*LPC*).
- 2 LPC is a submitter (#915) and further submitter (#1444) on the proposed Christchurch Replacement District Plan (*proposed District Plan*).
- 3 LPC is generally supportive of the Introductions and Definitions Chapters as proposed, and has not submitted any evidence for this part of the hearing.
- 4 LPC wishes, however, to make brief submissions to the Panel.

DEFINITIONS CHAPTER

- 5 The redline version of the Definitions Chapter (at Appendix 9 of Ivan Thompson's Definitions Overview evidence) defines "reverse sensitivity" as follows:

means the effect on existing activities from the introduction of new activities into the same environment. **This may take the form of restrictions on existing activities as a consequence of complaints, where the new activities may raise concerns or complaints regarding the effects of existing activities which could lead to restrictions being placed on the existing activities.**

- 6 As part of his evidence submitted on the Residential Chapter, **Andrew Purves** recommended that the definition of "reverse sensitivity" recognise that not only is reverse sensitivity caused by the development of new sensitive activities, it is also caused by the intensification of the use of existing sensitive activities in the relevant environment.¹
- 7 He sought amendment to the definition to reflect this; suggesting the following definition of "reverse sensitivity":²

Reverse sensitivity means the vulnerability of an established activity, which cannot internalise all of its adverse effects, to complaint from:

- a) the introduction of a new sensitive activity into the same environment; or

¹ See paragraph 22 of that evidence.

² See paragraph 57 of that evidence.

- b) the intensification of the use of existing sensitive activities into the same environment which could lead to restrictions being placed on the existing activity.
- 8 LPC submits this definition is consistent with Objective 3.3.12 of the Strategic Directions Chapter. The Objective applies to infrastructure generally and the Lyttelton Port Influences Overlay specifically, and is not limited to reverse sensitivity caused by new activities. Both new activities and the intensification of existing activities should therefore be included in the definition of "reverse sensitivity".
- 9 LPC has for many years adopted a stance that the most appropriate way to protect the operations of this nationally and regionally significant asset is by robust planning provisions in regional and district schemes which, in particular, discourage development in areas which will be affected by, or will adversely impact on, LPC operations. It is considered critical that the proposed Plan provisions adequately safeguard LPC operations from reverse sensitivity effects.
- 10 LPC therefore requests the Hearing Panel accepts the relief sought by LPC.

INTRODUCTIONS CHAPTER

- 11 LPC's further submission on the Introductions Chapter has been resolved, and this has been indicated to the Panel through the Joint Memorandum of Counsel filed by Christchurch City Council.

Dated: 10 July 2015



JM Appleyard/Ben Williams
Counsel for Lyttelton Port Company
Limited