

## **SUBMISSION ON THE DRAFT NATIONAL PLANNING STANDARDS**

**To** Ministry for the Environment

Name of submitter: Lyttelton Port Company Limited (*LPC*)

- 1 This is a submission on the Ministry for the Environment's (*MfE*) Draft National Planning Standards (the *Planning Standards*).
- 2 Lyttelton Port Company Limited (*LPC*) is interested in all of the provisions in the Planning Standards. Without limitation, the specific provisions of the Planning Standards that *LPC*'s submission relates to are:
  - 2.1 S-ASM: Draft Area Specific Matters Standard;
  - 2.2 F-2: Draft Mapping Standard;
  - 2.3 CM-1: Draft Definitions Standard; and
  - 2.4 CM-2: Draft Noise and Metrics Standard.
- 3 *LPC* wishes to be heard in support of the submission and reserves the right to address other issues once it has read the submissions of other parties.

### **Introduction**

- 4 *LPC* welcomes the opportunity to submit on the Planning Standards. *LPC* is generally supportive of the rationale behind the Planning Standards, but is conscious that the Planning Standards will need to provide adequately for the continued operation, expansion and future development of Lyttelton Port, other ports around New Zealand and strategic infrastructure generally.
- 5 The Planning Standards are likely to have major and wide ranging implications for all planning documents in New Zealand going forward. *LPC* considers it important to be a part of this process to ensure its interests are acknowledged and catered for in the Planning Standards.
- 6 *LPC* spent a great deal of time and resources following the Canterbury Earthquakes in developing a Lyttelton Port Recovery Plan (the *Port Recovery Plan*) and ensuring its interests were provided for more generally in the Christchurch Replacement District Plan. The result has been a planning framework which provides for *LPC* to recover from significant earthquake damage as well as 'catching up' on many years of lost development opportunities in the earthquakes' aftermath. *LPC* seeks to ensure that this progress is not inadvertently undone through the Planning Standards.

## **S-ASM: DRAFT AREA SPECIFIC MATTERS STANDARD**

### **Zone Chapters: S-ZONES**

- 7 LPC supports the inclusion of a standardised set of zones and considers it will provide greater consistency for New Zealand planning documents, as well as increasing efficiency for plan users.
- 8 LPC has particular interests in the special purpose "Port Zone" and supports its inclusion in the Planning Standards.
- 9 Further, LPC supports the broad purpose statement for the Port Zone but considers it is inadequate in covering the full range of activities that occur at ports generally. For example LPC has a quarry, and inland container terminals at a distance from the other port activities, and a public waterfront, marina and retail office areas that would not be covered under a narrow definition of Port Zone.
- 10 LPC is concerned, however, about the process that will be followed in relation to establishing substantive rules for each zone in the Planning Standards. The content of those rules will obviously significantly impact LPC. LPC intends on participating heavily in consultation with MfE.
- 11 LPC further notes that it also has an interest in any substantive rules established for the other zones due to potential reverse sensitivity issues that may arise particularly where residential activities any are in close proximity to Ports. It has a particular interest in the definition of "noise sensitive activity".

## **F-2: DRAFT MAPPING STANDARD**

- 12 LPC is generally supportive of the mapping standards as set out in this chapter and considers these will improve consistency between planning documents, making them more user friendly for plan users.
- 13 In particular, LPC supports the inclusion of a noise contours overlay for ports and airports in relation to operational noise and in particular for use in land use planning to indicate where noise sensitive activities should not locate.
- 14 Again, LPC will be interested in any substantive rules that are created for the various zones and overlays.
- 15 The drafters need to be cognisant that there are different types of noise sources within Ports and these may need different methods. In particular operational noise is different from construction noise. This distinction is particularly important at Lyttelton as it still has many years of construction activity ahead of it in response to the Christchurch earthquakes. The noise contours overlay concept may not be appropriate for dealing with port related construction noise.

## **CM-1: DRAFT DEFINITIONS STANDARD**

- 16 LPC is concerned about the potential implications that standardised definitions may have throughout all planning documents. The impact of the definitions determined at

this stage can obviously not be fully appreciated; it is only after substantive policies rules are determined that this will occur when a definition is read in context.

- 17 Without limiting its interests in any of the definitions, LPC makes recommendations on the following definitions:

### **Structure**

- 18 LPC is generally supportive of the definition of "structure" but notes that it may not encompass things regarded as structures in the port context.

- 19 For this reason, LPC recommends that the definition for "structure" include reference to "seawall and wharf structure," as follows:

*means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, seawall and wharf structure but excludes motorised vehicles that can be moved under their own power.*

- 20 LPC understands that this definition would apply to everyone under the Planning Standards, not just the ports. Therefore, if the above definition is not satisfactory, LPC recommends the definition be amended as follows:

*means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that can be moved under their own power. And in a special purpose Port Zone, includes seawall and wharf structure.*

### **Infrastructure**

- 21 LPC is supportive of the definition of "infrastructure" in the Planning Standards, but also foresees issues with such a broad definition. The Christchurch Replacement District Plan deals with this issue by having a broadly drafted definition of "infrastructure", along with a definition for "strategic infrastructure". This allows for Objectives, Policies and Rules to be more specifically targeted where appropriate.

- 22 LPC therefore seeks the inclusion of a definition for "strategic infrastructure" or similar, which would include Lyttelton Port. LPC notes the importance of the ongoing operation and development of ports as one of New Zealand's major gateways for importing and exporting, and the vital role ports play in the supply chain domestically.

### **Quarry**

- 23 LPC submits that the definition proposed for "quarry" in the Planning Standards is too narrow. It submits that a wider definition of "quarry" would be appropriate, and that the definition should encompass the site or property on which quarrying is undertaken, and associated works within that site.

- 24 LPC recommends this is done through the inclusion of a non-exhaustive list in the definition, as follows:

means an area of land where the excavation and/or blasting, with or without the processing, of minerals and other solid natural substances occurs. It may include the associated processing, storage and transportation of the same material and:

(a) earthworks associated with the removal and storage of over-burden;

(b) processing extracted materials by screening, crushing, washing, and/or mixing them together;

(c) workshops required for the repair of equipment used on the same property;

(d) site management offices;

(e) parking areas;

(f) landscaping; and

(g) quarry site rehabilitation and ecological restoration and any associated clean-filling.

## **CM-2: DRAFT NOISE AND VIBRATION METRICS STANDARD**

- 25 LPC seek clarification around the reference to standards in Mandatory Direction 4. In particular the recommended limits in NZS6802 are not relevant to the Lyttelton Port Zone and this should be made clear.
- 26 LPC also seeks clarification of the relevance of the reference to "land use planning" in relation to NZS6809 where Table 30 looks like it is intended to refer to only those parts of New Zealand standards that deal with noise measurement methods.

**Signed** for and on behalf of Lyttelton Port Company Limited by its solicitors and authorised agents Chapman Tripp



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17 August 2018

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