

Section 96 Resource Management Act 1991

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Consents Section
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Submission by the Diamond Harbour Community Association Incorporated (the Association) to Environment Canterbury and the Christchurch City Council on applications by Lyttelton Port Company Ltd (LPC) for proposed coal stockyard expansion and associated activities including reclamation, quarrying, haul road construction, and stormwater discharge.

The applications are:
CCC RMA 920151151

CRC101539	CRC101533	CRC101532
CRC101530	CRC101574	CRC101531
CRC101538	CRC101575	CRC101537
CRC101535	CRC101536	CRC101534

Submission

A. The Association opposes the applications and wishes to be heard in support of its submission.

B. The reasons for making a submission include:

1. Inadequate consultation

The Assessment of Environmental Effects does not adequately describe the scale, extent, intensity of potential effects partly because the LPC has done inadequate consultation with residents in the Lyttelton harbour basin to enable them to understand the proposal and make LPC aware of potential concerns.

The port is a recognised as an essential part of Canterbury's strategic infrastructure and a major contributor to the regional economy. As a council owned organisation, its operations should be guided by being a "good neighbour" to the residents who share the

harbour basin, and a corporate citizen which practises high standards of environmental stewardship. This is not demonstrated sufficiently in the applications or AEE.

2. Natural character, landscape and visual impacts

LPC's conclusion that the effects on natural character, landscape and amenity values will be minor because Te Awaparahi Bay and Gollans Bay quarry have been modified understates the natural character and landscape values of the site. It is visible from many vantage points on and around the harbour. It is part of the harbour seascape which forms such a dramatic introduction to Lyttelton township for cruise ships and other harbour users. The visual images taken near sea level underestimate the adverse visual impact that an increased stock pile will have for higher ground Diamond harbour residents.

Significant revegetation since past quarrying has softened its impact. The virtual doubling of the quarry and the widening and reconstruction of the old Sumner Road as a haul road will create major scars across a significant part of the landscape currently enjoyed by many Diamond Harbour residents, users of the Diamond Harbour ferry, coastal reserves and walkways such as Stoddart Point, the cliff track, and Mt Herbert walkway and Orton Bradley Park. The landscape assessment understates these effects and offers inadequate mitigation.

The unbuilt landscapes of the harbour entrance and mid harbour are a significant tourism asset for cruise ships visiting the port. The AEE fails to assess or consider the extent to which the scarring caused by quarrying will make the approach to Lyttelton township less attractive as a tourism resource and any economic effects of this.

LPC has failed to propose any environmental offset to compensate for effects such as permanent modification of hillside above Te Awaparahi Bay through quarrying. Such offsets could include purchase and donation to the Council of land elsewhere in the harbour basin to protect landscape and natural character in public ownership. The modest planting proposed above the quarry does not adequately remedy these effects

3. Loss of public sea space and access

The proposed coal yard reclamation involves the permanent loss and privatisation of 10 ha. of public sea space to which harbour users now have ready access. No compensation is proposed to offset this. Inadequate information is provided to justify the size of the reclamation. Alternatives to the reclamation include Pike Coal Ltd providing a larger coal stockyard closer to its mine such as at Ikamatua, improving management of its supply chain and transport logistics to reduce the need to stockpile coal at Lyttelton.

The old Sumner Road is public legal road which the public would normally have right of access. Public walking use is likely to be incompatible with its use as a haul road. No alternative walking access is proposed for the loss of this route.

An esplanade reserve for public access and buffering from pollution should be set aside along the outer edge of the reclamation, that will be Crown Land leased by the Port Company. If no reserve is set aside, other compensatory public access to the foreshore should be provided.

4. Contribution to climate change

The purpose of the reclamation is to accommodate an increased volume of coal from West Coast coal mines such as Pike River and facilitate its export. Burning coal has

significant health effects and contributes to climate change and LPC is facilitating this through the reclamation.

Increased extraction from the Pike Coal Mine risks significant impacts on Paparoa National Park because mine expansion is predicated on mining underneath the national park with potential effects of subsidence and underground fires. The reclamation would facilitate ecological degradation of highly valued public conservation land.

Increased awareness and international regulation of coal use may make coal mining a sunset industry resulting in a limited life for the coal stockyard. Future use of the reclamation for other port purposes (eg container storage) has potentially greater visual and noise impacts (from container handling). If granted, consent conditions need to clearly specify what LPC can use the reclaimed land for so that further resource consent is required and the community is consulted prior to any change of use.

5. Spoil dumping

The proposed dumping on the north side of the harbour between Battery Point and Godley Head of approximately 100,000 cubic metres of sediment dredged from the reclamation area will increase the amount of suspended sediment circulating in the harbour. This is likely to increase turbidity and adversely affect water quality and recreational amenity values given the slow tidal flushing of the harbour and long residence time. The cumulative effects of this sediment and 400,000-500,000 cubic metres dumped annually from maintenance dredging require further information.

The Association understands LPC has commissioned a hydrodynamic assessment to better understand sediment transport and movement in the harbour. This should be requested under s92 RMA.

The impacts of increased turbidity on marine life and ecosystem functioning are not adequately described. Although spotted shags largely feed beyond the harbour birds do roost around and use the harbour. Increased turbidity will make it more difficult for fish eating species such as shags to see their prey and feed. Impacts on marine mammals such as pilot whales and Hector's dolphin are not described. Impacts on mahinga kai and recreational fishery are inadequately explained and mitigated.

LPC has investigated alternative spoil dumping sites up to 4 nautical miles offshore beyond Godley Head for spoil dredged from deepening berths at Cashin Quay. Environment Canterbury should request further information on these offshore sites and the effects of using these as potential alternatives to spoil dumping in the harbour.

6. Impacts on seabed communities and marine life

The AEE notes that 85 taxa have been identified in Te Awaparahi Bay including many different marine invertebrates. This habitat reflects the overlaps between muddy gravel habitat close to shore and soft mud offshore. No offsets are proposed to compensate for the permanent destruction of these biological communities and the AEE understates their significance.

7. Stormwater discharges

Current treatment systems for stormwater from the existing coal yard catchment are inadequate with a black discharge into Te Awaparahi Bay after rain. Discharge of an increased volume of stormwater contaminated by coal fines and an extended outfall pipe is likely to increase the impacts on water quality, seabed communities and ecological

values and the area of sea affected. Mitigation is inadequate. No offsets are proposed to compensate for the increased volume of the discharge.

8. Dust

Coal dust emissions are likely to increase with more and larger coal stockpiles with potential impacts on water quality from dust blown into the sea and on Lyttelton residents in some wind conditions. Using water from the City supply from October to March as a dust suppressant is an inefficient use of high quality artesian water. LPC has not adequately investigated alternatives such as covering stockpiles, using large hoppers to reduce fugitive coal dust emissions.

9. Noise

The peaceful environment and ability to hear birdsong is appreciated by many Diamond Harbour residents and visitors. Blasting in the quarry, construction noise over an extended period including pile driving and increased machinery activity in the enlarged coal yard will reduce the peace and amenity for Diamond Harbour residents and visitors. In still conditions noise from port activities and container terminal is readily heard, especially at night.

There is inadequate information on the noise impacts of construction and quarrying works and the duration of these, including the construction of the haul road, the frequency and duration of quarry blasting and pile driving, the noise effects of dredging and quarrying machinery. Consolidation of material in the reclamation is understood to take up to five years so residents will be exposed to construction noise for an extended period.

The proposed operating hours and noise level conditions do not adequately protect these residential amenity values.

The current Port Noise Management Plan does not cover noise from quarrying and the large scale of construction activities proposed. It is not an appropriate basis for managing noise impacts as the AEE suggests (section 4.3.3). Diamond Harbour residents are not represented on the Port Liaison Committee so lack a forum to raise noise issues with LPC.

10. Traffic

Noise and other impacts of increased heavy truck movements through Lyttelton and/or over Evans Pass during construction are inadequately described. An estimated 50 trucks per day additional heavy truck movements through Lyttelton for transport of river gravel, if this is used, will further reduce amenity values in Lyttelton township.

11. Lighting

Existing port lighting is a significant intrusion on night time darkness in the harbour basin. There are no obvious proposals in the AEE to reduce light spill impacts during construction and operation of the coal yard. There is inadequate information on how much dredging, reclamation, pile driving, quarrying and other construction work is to be undertaken at night, the lighting proposed and how the effects of light spill are to be reduced or avoided.

12. Cultural impact assessment

Whakaraupo/Lyttelton Harbour is important to tangata whenua. No cultural impact assessment appears to have been done to scope and assess the potential effects on Maori cultural values, so the AEE understates these.

13. Cumulative effects

LPC argues that in many instances the effect of its previous operations has damaged the environment so that any further negative effects from this proposal will be “minor”. Collectively all these “minor” effects would result in considerable loss of amenity for residents of the harbour basin, the natural character and landscape values of the wider Te Awaparahi Bay and harbour, water quality and the healthy functioning of the harbour’s marine environment.

C. Plans

The amalgamation of Christchurch City and Banks Peninsula means that the provisions and protection on residential amenity in the Christchurch City Plan may be relevant as well as those in the Banks Peninsula District Plan. If plan provisions eg for noise differ, the stricter provisions which best protect residential amenity should apply.

D. Decision sought from consent authorities

The consent authorities should decline the application as not promoting sustainable management of natural and physical resources as required by Part 2 of the Resource Management Act and having potentially significant adverse effects on harbour water quality, landscape and natural character and amenity values for harbour residents.

LPC should undertake further consultation with residents and affected parties, investigate and propose additional measures to avoid, reduce and remedy adverse effects (including using alternative spoil dumping sites beyond the harbour); provide environmental offsets to compensate for effects which are unavoidable and submit a revised application.