

In the Environment Court of New Zealand  
at Christchurch

ENV-2017-CHC-00059

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*under:* the Resource Management Act 1991

*in the matter of:* appeal under section 120 of the Act

*between:* **Lyttelton Port Company**  
*Applicant*

*and:* **Surfbreak Protection Society Incorporated**  
*Appellant*

*and:* **Canterbury Regional Council**  
*Respondent*

Joint Memorandum of Lyttelton Port Company Limited, Surfbreak  
Protection Society Incorporated and Canterbury Regional Council  
seeking Consent Order

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Dated: 12 December 2017

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## JOINT MEMORANDUM SEEKING CONSENT ORDER

May it please the Court:

- 1 The Surfbreak Protection Society Incorporated (*SPS*) appealed the Canterbury Regional Council's decision to grant consents to Lyttelton Port Company Limited (*LPC*) to undertake maintenance dredging and disposal CRC172456/CRC172523.
- 2 There are no s274 parties to the SPS appeal.
- 3 There is also a separate appeal relating to wider and different issues than those raised by SPS. That appeal is by Te Hapū o Ngāti Wheke & Ors ENV-2017-CHC-00058.
- 4 LPC and SPS have met and undertaken informal settlement discussions in relation to SPS's appeal.
- 5 Those discussions have resulted in a set of additional conditions which, if included in the maintenance dredging consents, would resolve SPS's appeal. Those conditions are attached as Appendix 1.
- 6 LPC, SPS and the Canterbury Regional Council (*the parties*) therefore respectfully request the Court to insert those additional conditions into CRC172456/CRC172523 which relates to maintenance dredging. The parties have attached a draft consent order to that effect.
- 7 The parties are satisfied that all matters proposed for the Court endorsements fall within the Court's jurisdiction and conforms with the relevant requirements and objectives of the Resource Management Act, including Part 2.

Dated: 12 December 2017



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**Scott Grieve**

Counsel for Surfbreak Protection Society Incorporated



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**Jo Appleyard**

Counsel for Lyttelton Port Company Limited



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**Marie Dysart**

Counsel for Canterbury Regional Council

## APPENDIX 1

### 1 DEFINITIONS

- 1.1 **"SLG"** means Surfing Liaison Group;
- 1.2 **"Surfbreaks"** mean the surfbreaks at Taylors Mistake ,  
Sumner Bar, Sumner and New Brighton, Christchurch;

### 2 WEBSITE OBLIGATIONS

- 2.1 Add a new clause (f) to Condition 12.2:

(f) *Detail how surfers and other members of the public can record the quality and character of the surf and any change to that quality or character which they consider is linked to a Dredging Campaign carried out by the consent holder.*

### 3 SURFING LIAISON GROUP (SLG)

- 3.1 Insert the following new condition:

#### **14. Surfing Liaison Group (SLG)**

14.1 *Not less than three months prior to the first Dredging Campaign, the consent holder shall establish the SLG by inviting representatives from the surfing community described in condition 14.3 (a) and (b) to participate in a SLG.*

14.2 *The purposes of the SLG are:*

- (a) *To enable the consent holder and the surfing community to share information relating to surf wave quality and the exercise of this consent; and*
- (b) *To discuss the monitoring required by this consent, insofar as it relates to the effects of exercising this consent on the Surfbreaks.*

14.3 *Invitations to participate in the SLG shall be extended to:*

- (a) *The Surfbreak Protection Society who shall be entitled to appoint up to 2 representatives to the SLG; and*

(b) *Local surfers who shall be entitled to appoint up to 2 representatives to the SLG.*

14.4 *The consent holder shall be entitled to appoint up to 3 representatives to the SLG.*

14.5 *Once established, the consent holder shall offer to hold meetings of the SLG prior to the commencement of each Dredging Campaign under this consent.*

14.6 *The consent holder shall provide no less than two weeks' notice of all SLG meetings, provide a venue and agenda for the meetings, and shall keep minutes of those meetings and distribute them within five working days but otherwise the costs of participation in the SLG shall lie where they fall.*

#### 4 BATHYMETRIC MONITORING AND ASSESSMENT

4.1 Insert the following new condition:

15.1 *The consent holder shall five years after the first Dredging Campaign review the results of the bathymetric monitoring required under condition 7.19 and evaluate whether Dredge Spoil deposition and associated mound height at the offshore maintenance disposal ground is consistent with the modelling outputs contained in the Met Ocean Solutions Ltd Report (dated November 2017).*

15.2 *Where the evaluation carried out under condition 15.1 determines that the mound heights are inconsistent with the modelling outputs contained in the Met Ocean Solutions Ltd Report (dated November 2017), the consent holder shall engage a suitably qualified and experienced expert to:*

(a) *Review the bathymetric data;*

(b) *Rerun the model;*

(c) *Evaluate and provide reasons for the discrepancy between the bathymetric data and the modelling outputs; and*

(d) *Evaluate any changes to the predicted effects on Surfbreaks.*

15.3 *The consent holder shall provide a report to the SLG and the Consent Authority on the results of the review*

*of the bathymetric monitoring completed under condition 15.1, and, if required, any review and evaluation completed under condition 15.2.*

*15.4 The consent holder on request from the representatives of the Surfbreak Protection Society or the local surfers on the SLG shall convene a meeting to discuss the contents of the report prepared under condition 15.3, and consider whether any management actions or whether any additional monitoring is needed.*

*15.5 Recommendations made by the SLG and adopted by the consent holder shall be incorporated into the report prepared under condition 15.3 and the revised report shall be provided to the SLG and the Consent Authority. Any recommendations that are not adopted are to be included in the report together with the reasons why they were not adopted.*

*15.6 The report prepared under condition 15.3 shall be completed no later than three months after the requirement for the review set out in condition 15.1 and any revised report shall be completed within two months of any meeting held under condition 15.4*

## 5 MONITORING

### 5.1 Insert a new condition:

*7.27 Prior to the commencement of the first dredging campaign the Consent Holder shall install a system to capture and archive a video or photographic record of the surf conditions at Taylors Mistake surf break and shall maintain the system for the duration of this consent. The visual or photographic record shall be recorded via a remote web based camera system with suitable resolution and field of view to enable extraction of georeferenced images for all of Taylors Mistake Surf Break. The data and images shall be made available to the SLG, solely for the purposes of informing the processes and outcomes of conditions 15.2, 15.3 and 15.4.*