

**SUMMARY STATEMENT OF KIM MARIE SEATON ON BEHALF OF PRIMEPORT  
TIMARU LIMITED  
AND TIMARU DISTRICT HOLDINGS LIMITED**

**HEARING STREAM E**

Dated: 12 February 2025

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1. My full name is Kim Seaton. I am a principal planner practicing with Novo Group Limited in Christchurch.
  2. My evidence relates to the submissions and further submissions of PrimePort Timaru Ltd (**PrimePort**) and Timaru District Land Holdings (**TDHL**) on the Proposed Timaru District Plan (**PDP**).
  3. This summary statement sets out the executive summary of my Statement of Primary Evidence dated 23 January 2025, and provides an update of my views following my consideration of evidence lodged for other submitters on Hearing E, and Mr Willis', Mr Boyes' and Mr MacLennan's Section 42A Summary Statements, each dated 4 February 2025.
  4. For the reasons set out in my Statement of Primary evidence:
    - (a) I support the Section 42A Report's recommendation regarding the definition of Urban Development but consider the Port Zone should be explicitly referenced in the definition.
    - (b) I consider the Energy and Infrastructure (EI) chapter introductory statements to both the objectives and policies, and rules sections, require amendment to better integrate the EI chapter with the PORTZ chapter. I acknowledge that Mr Willis now recommends exclusion of Port activities from the EI rules in response to my evidence on this matter, but has not yet confirmed whether he agrees with my evidence in regard the objectives and policies<sup>1</sup>.
    - (c) I consider Objective EI-O1 needs further amendment regarding supporting emissions reduction, so that critical Port developments such as new fuel storage tanks are not unduly restricted.
    - (d) I consider the insertion of the requirement for an effects management hierarchy into Objective EI-O2 and Policy EI-P2 is unnecessarily onerous for regionally

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<sup>1</sup> Paragraph 12(b) of Mr Willis' Summary Statement dated 4 February 2025.

significant infrastructure within urban areas in the coastal environment and not consistent with CRPS policies.

- (e) In respect of EI-O2, I consider that the wording “no practical alternative locations”, or “no practicable” per Mr Willis’ Summary Statement amendment<sup>2</sup>, should be rejected as they create an unnecessarily high policy hurdle for the Port.
- (f) I support the Section 42A Report’s recommended wording for Objective EI-O4 and Policies EI-P1 and EI-P3. I consider Rule EI-R26 requires further refinement so that minor above ground stormwater infrastructure such as swales do not require resource consent.
- (g) I requested confirmation of when the mapped Urban Area will be heard including in relation to newly titled reclaimed land within the Port. I have subsequently noted that the Section 42a Preliminary Report for Hearing G, prepared by Mr Bonis, lists the Port zoning boundaries as a matter to be heard in Hearing G, in respect of the areas that were submitted on. It would be helpful if it could be confirmed whether the newly titled reclaimed land might also be addressed in that hearing.
- (h) I consider the Stormwater Management chapter should be deleted in its entirety as it is unnecessary and lacks clarity and certainty. In the event that the Panel is not minded to delete the chapter, I consider the definitions of Stormwater Neutrality and Impervious Surface, Rule SW-R4 and Standard SW-S1 (Section 42A Report numbering) require further amendment. I also consider Standards SW-S2 and SW-S3 (Section 42A Report numbering) are too onerous and uncertain and should be deleted.
- (i) I agree with the Section 42A Report recommended changes to Policies TRAN-P3, TRAN-P4, TRAN-P8 and Standard TRAN-S1. I also agree with the Section 42A Report recommended changes to Policy SUB-P7, Standard SUB-S8 and Schedule 12 regarding esplanade reserve exemptions.
- (j) I consider new Rule SUB-R5 and SUB-R12 should be deferred to Hearing F when coastal hazards and natural hazards are to be considered. Mr Boyes, in his Summary Statement, has not commented on my evidence in respect of these rules so I do not know whether Mr Boyes agrees that they should be

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<sup>2</sup> Paragraph 8 of Mr Willis’s Summary Statement dated 4 February 2025.

deferred or not, or at least revisited in Hearing F. For example, as much of the PORTZ is likely to fall within a High Hazard Area Overlay per the Environment Canterbury definition of High Hazard, subdivision within much the PORTZ would be a non-complying activity under Rule SUB-R5 as currently drafted.

- (k) I provide confirmation of the intended demolition of heritage item HHI-75 Sailors Rest, in support of the requested deletion of that item from Schedule 3. This is listed as an “outstanding” issue in Mr MacLennan’s Section 42A Summary Statement.

5. In respect of the stormwater provisions, Mr Willis has recommended a review of the provisions and potential further dialogue with PrimePort/TDHL. I agree that further dialogue between the Council and PrimePort/TDHL (and potentially other affected submitters) would be beneficial.
6. In regard to Objective EI-O2, I have reviewed Ms McLeod’s evidence on behalf of Transpower, and her suggested amendments. While Ms McLeod’s focus is on consistency with the National Policy Statement for Electricity Transmission (**NPSET**), she expresses similar concerns to what I have in terms of the additional tests that EI-O2 now imposes for Regionally Significant Infrastructure and Lifeline Utilities in sensitive environments. Her suggested amendment to introduce a separate provision for the National Grid<sup>3</sup> is not one that I have an issue with, except insofar as the requested change does not address PrimePort/TDHL’s issues with the objective.
7. Objective EI-O2 is also addressed by Ms Francis on behalf of Environment Canterbury. Ms Francis supports retention of the wording “no practicable alternative locations”<sup>4</sup>, as it is consistent with the National Policy Statement on Indigenous Biodiversity Policy 3.11, and with the Section 5.3 of the CRPS. I agree that the wording is consistent with Policy 3.11, but Objective EI-O2 considerably broadens the scope of scenarios where practicable alternatives need to be considered, well beyond sites where indigenous biodiversity is a key consideration. I do not agree that the wording “no practicable alternative locations” is necessary to ensure consistency with the CRPS, as the assessment of functional or operational need can sufficiently encompass assessment of location. Ms Francis also supports the Section 42A Report amendment to Objective EI-O2 to reference the effects hierarchy, as does Ms Williams for the Director General of Conservation. I disagree with Ms

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<sup>3</sup> Paragraph 29 of Ms McLeod’s evidence.

<sup>4</sup> I note the word “practicable” rather than “practical” is accepted by Mr Willis in his Summary Statement for this hearing.

Francis' and Ms Williams' evidence for the reasons set out in my own evidence on this issue, being that the application of the effects management hierarchy in urban areas of the coastal environment (where that is the only "sensitive environment" applying) is unnecessary onerous and, in respect of the Port specifically, inconsistent with the CRPS.

8. In regard to Objective EI-O4, Ms McLeod discusses the use of the terms "subdivision, use and development" versus "incompatible activities". From a Port perspective, I do not have a strong preference for either wording. In my evidence, I accepted the amended "incompatible activities" wording recommended by the Section 42A Report. I remain comfortable with that amended wording from a Port perspective. However, I agree with Ms McLeod that from a National Grid perspective, the wording "subdivision, use and development" is more consistent with Policy 10 of the NPSET and Policy 16.3.4 of the CRPS.
9. With regard to Policy SW-P3, Ms McLeod has suggested alternative wording to provide flexibility and alternative options for Regionally Significant Infrastructure stormwater connections. In the event that the Stormwater chapter is retained, I support the amendments suggested by Ms McLeod. They are consistent with the evidence of Mr Cooper and Mr O'Neill for PrimePort, which set out the alternative methods of stormwater management that are employed within the PORTZ. In the PORTZ's particular situation, Policy SW-P3 requires connection to a network that in some areas at least, does not exist.
10. I am aware that the legal submissions on behalf of Timaru District Council include a marked-up version of the Definitions chapter, containing recommended amendments to the definitions from Hearings A, B, and D, including recommendations from section 42A reports for Hearing E. I have assumed that the recommended amendments only include those covered in the Section 42A Reports and related Summary Statements for each of those hearings, and does not include further amendments made subsequent to the close of those hearings. The issues I raised in Hearing A, for example, in respect of the "reverse sensitivity" definition remain, in respect of the scope and uncertainty of the definition wording. Similarly, the issues I raised in Hearing D with regard to the definition of Sensitive Locations and its inappropriate application to the PORTZ also remain in the Definitions attached to the legal submissions.

## **Attachment A: Recommended Amendments**

## Recommended Amendments to Appendix 1 of Andrew Willis Section 42a Report

All changes recommended by Kim Seaton are in red and ~~struck through~~ or underlined. Changes recommended by Mr Willis are in black and ~~struck through~~ or underlined.

### ENERGY AND INFRASTRUCTURE

#### Introduction

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In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. Except in relation to the Port of Timaru operations, the objectives and policies in this chapter take precedence over the objectives and policies in any Zone Chapter of Part 3 – Area Specific Matters. In managing the effects of Regionally Significant Infrastructure and other infrastructure, the provisions in Part 2 – District Wide Matters also apply. The application of the rules in relation to other chapters is set out in the Rules section.

Because of the broad and overlapping definitions of infrastructure, regionally significant infrastructure and lifeline utilities, the objectives and policies apply these general terms, whereas the rules apply more specific definitions such as network utilities and reference specific subtypes of infrastructure as required.

#### EI-01 Regionally Significant Infrastructure and Lifeline Utilities<sup>9</sup>

Regionally Significant Infrastructure and Lifeline Utilities<sup>10</sup> ~~are~~ Effective, resilient, efficient and safe  
Regionally Significant Infrastructure and Lifeline Utilities that and:<sup>11</sup>

1. provides essential and secure services, including in emergencies; and
2. facilitates local, regional, national or international connectivity; and
3. contributes to the economy, support emissions reduction where practicable, and supports a high standard of living; and
4. ~~is~~ are aligned and integrates with the timing and location of urban development; and
5. enables<sup>13</sup> people and communities to provide for their health, safety and wellbeing.

#### EI-02 Adverse effects of Regionally Significant Infrastructure and Lifeline Utilities<sup>14</sup> and other infrastructure<sup>15</sup>

The adverse effects of Regionally Significant Infrastructure, ~~and Lifeline Utilities~~ and other infrastructure:

1. Are avoided in ~~sensitive environments~~ the areas identified in EI-P2.1.a unless there is a functional need or operational need for the infrastructure to be in that location ~~and no practical alternative locations~~, in which case they must be ~~remedied or mitigated~~ managed by applying the effects management hierarchy set out in EI-P2 or EI-PX for the National Grid; and
2. are avoided, remedied or mitigated ~~to achieve~~ having regard to the relevant objectives for the underlying zone in other areas.



1. Except as provided for by Policy EI-PX, provide for Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure where any adverse effects are appropriately managed by:

- a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment outside urban areas [or alternatively 'outside the Port Zone'], Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins, bat protection areas and notable trees in accordance with the relevant Part 2 - District Wide provisions applying to those areas; and...

## Rules

**Note:** Activities not listed in the rules of this chapter are classified as a permitted under this chapter but may still require consent under other chapters.<sup>50</sup>

With the exception of rules in the PORTZ applying to Port Activities, Sections A - Section F of this chapter take precedence over rules in any Zone Chapter of Part 3 — Area Specific Matters - Zone Chapters and the Zone Chapter rules do not apply. ~~Unless otherwise specified in this chapter, the provisions of~~ Development Area Chapter, Designation Chapter and Chapters in Part 2 - District-wide Matters Chapters still apply to activities provided for in Sections A - Section F and therefore resource consent may be required by the rules in Part 2.

## DEFINITIONS

Delete the existing definition of “urban development” and replace it with the following:

### Urban development

Means development within an area zoned as a Residential Zone, Settlement Zone, Commercial and Mixed Use Zone, General Industrial Zone, Port Zone, an Open Space Zone or a Sport and Active Recreation Zone that is adjacent to the aforementioned zones. It also includes development outside of these zones which is not of a rural or rural-lifestyle character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. For the avoidance of doubt, it does not include the provision of regionally significant infrastructure in Rural Zones.

Amend the definition of “stormwater neutrality” as follows:

means that post development stormwater runoff rates ~~and volumes~~ do not exceed the pre-development stormwater runoff rates ~~and volumes~~.

Amend the definition of “impervious surface” as follows:

Means an area with ~~a~~ man-made surfaces, such as compacted gravel, chip seal or asphalt, which prevents or significantly reduces the soakage or filtration of water into the ground. It

includes:

- Roofs;
- Paved areas including driveways and sealed or compacted metal parking areas and patios;
- Sealed outdoor sports surfaces
- Sealed and compacted-metal roads, carparks and yards;
- Engineered layers such as compacted clay.

It excludes:

- Grass or bush areas;
- Gardens and other landscaped areas;
- Permeable paving and green roofs;
- Permeable artificial surfaces, fields or lawns, including permeable crop protection cloth;
- Slatted decks;
- Swimming pools, ponds and dammed water; and
- Rain tanks.