

**BEFORE THE HEARING PANEL IN TIMARU**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the hearing of submissions in relation to the Proposed  
Timaru District Plan

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

**HEARING STREAM B  
URBAN ZONES – GENERAL INDUSTRIAL ZONE AND PORT ZONE**

Dated: 5 July 2024

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## EXECUTIVE SUMMARY

1. My full name is Kim Marie 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 Holdings Limited (**TDHL**) on the Proposed Timaru District Plan (**PDP**) as relevant to Hearing Stream B.
3. For the reasons set out below, I consider that:
  - (a) The Port Zone (**PORTZ**) provisions in their entirety should be retained as notified, including the definition of '*Port activity*';
  - (b) The Height Specific Control Area Overlay should be removed from the Planning Maps so that it does not apply to the PORTZ;
  - (c) My view as expressed in my evidence for Hearing Stream A, that the definition of reverse sensitivity should include reference to approved and permitted activities but not '*or activities otherwise anticipated by the Plan*', remains unchanged.

## INTRODUCTION

4. My full name is Kim Marie Seaton. I am a principal planner practicing with Novo Group Limited in Christchurch.
5. I hold the qualifications of a Bachelor of Arts and a Master of Regional and Resource Planning from the University of Otago.
6. I have 25 years of experience as a resource management planner with particular experience in land use development planning as a consultant to property owners, investors, developers and community organisations, and through processing resource consents for district councils.
7. I am authorised to provide this evidence on behalf of both PrimePort and TDHL, a company with a shareholding interest in PrimePort.

## CODE OF CONDUCT

8. I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set

out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **Scope of evidence**

9. I have previously given evidence for PrimePort and TDHL at Hearing Stream A.
10. This evidence relates to those parts of the submissions and further submissions of PrimePort and TDHL on the Proposed Plan that relate to Hearing Stream B, and which include:
  - (a) The PORTZ chapter in its entirety;
  - (b) The Planning Maps; and
  - (c) Definitions:
    - (i) "Port activity"; and
    - (ii) "reverse sensitivity".
11. In preparing the evidence I present now, I have reviewed and considered the following:
  - (a) The Proposed District Plan (**PDP**);
  - (b) The Canterbury Regional Policy Statement (**CRPS**);
  - (c) The New Zealand Coastal Policy Statement (**NZCPS**);
  - (d) The National Planning Standards;
  - (e) Relevant National Policy Statements;
  - (f) The PrimePort and TDHL submissions and further submissions on the PDP;
  - (g) The Section 42A report dated 20 June 2024 by Ms Alanna Hollier; and
  - (h) The evidence of Mr Munro for PrimePort and TDHL in respect of Hearing Stream A.

## **THE SUBMISSIONS**

12. The PrimePort and TDHL submissions and further submissions seek to ensure the Port of Timaru (**the Port**) and supporting or related activity are appropriately recognised and provided for in the PDP. As I stated in my evidence for Hearing Stream A, this is achieved in part through support for a Port Zone (PORTZ), the detail of which I will address in this evidence.
13. To reiterate my statement from Hearing Stream A, the PrimePort and TDHL submissions seek to ensure that the PDP enables the effective and efficient operation of the Port as Regionally Significant Infrastructure, and of the supporting or related activities that occur within the remainder of the PORTZ.

## **STRATEGIC AND REGIONAL SIGNIFICANCE OF THE PORT AND THE PORT ZONE**

14. Mr Munro, in his brief of evidence for Hearing Stream A, outlined the significance of the Port to Timaru District and the wider Canterbury Region. He also outlined the range of activities occurring within the Port and wider PORTZ currently, and anticipated in the foreseeable future. That evidence is also relevant to Hearing Stream B and I rely on it where I state that below.

## **PROVISIONS SUPPORTED WITHOUT CHANGE**

15. PrimePort and TDHL provided submissions in support of the PORTZ provisions in their entirety, including the associated definition of "Port activity". The reasons for support included:
  - i. The provisions appropriately reflect the value of the Port of Timaru to the District and the range of activities undertaken within the Port;
  - ii. The provisions appropriately make provision for the establishment, operation and growth of activities in the PORTZ whilst also recognising the role and amenity values of immediately adjoining zones; and
  - iii. Activities that are potentially incompatible with the PORTZ or that have the potential to give rise to reverse sensitivity effects, are discouraged, as are business activities that do not have a direct relationship with Port activities.

16. Paragraph 6.2.1 of the Section 42A Report sets out those provisions that have not been challenged and which Ms Hollier recommends be retained as notified. It includes the majority of the PORTZ provisions. I agree with and support Ms Hollier's recommendation that those provisions should be retained as notified, for the reasons stated in PrimePort and TDHL submissions, and in the evaluation of the provisions provided in the relevant section 32 report<sup>1</sup>. These reasons include:
- i. Because of its locational requirements, the Port of Timaru needs to be enabled in its current location and competing activities managed<sup>2</sup>;
  - ii. The definition of '*Port activity*' appropriately reflects the range of activity that occurs or is anticipated to occur, within the PORTZ<sup>3</sup>;
  - iii. Areas of the District zoned [industrial and] Port Zone are well established, and the effects of industrial and Port activities and development are known and can be appropriately managed<sup>4</sup>; and
  - iv. Specifically providing for the Port gives effect to the CRPS and other relevant council documents and better recognizes the Port and its specific activities and requirements<sup>5</sup>.
17. In my opinion, the retention of the notified PORTZ provisions will give effect to provisions of the NZCPS and the CRPS that recognise the importance of the Port and its associated infrastructure and activities, and promote the purpose of the RMA.

#### **PORTZ-P1 COMPATIBLE ACTIVITIES IN THE PORT ZONE**

18. Policy PORTZ-P1 addresses the issue of compatible activities within the PORTZ. PrimePort and TDHL provided submissions in support of policy PORTZ-P1, seeking that it be retained as notified. Property Income Fund No.2 Limited (Sub # 56) has sought that the range of activities permitted in the PORTZ be broadened to align with that of the General Industrial Zone.
19. The Section 42A Report<sup>6</sup> states that '*enabling industrial activities broadly within the Port Zone is contrary to the purpose of the zone, and has the*

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<sup>1</sup> Section 32 report for the General Industrial and Port Zone.

<sup>2</sup> Section 32 report for the General Industrial and Port Zone; Section 2.

<sup>3</sup> PrimePort and TDHL submissions.

<sup>4</sup> Section 32 report for the General Industrial and Port Zone; Section 2.1.

<sup>5</sup> Section 32 report for the General Industrial and Port Zone; Sections 4.2, 5.1.

<sup>6</sup> Paragraphs 8.2.3.

*ability to undermine the operation of the port by foreclosing opportunities for port activities and port related activities to establish and develop within this zone.*' I concur with this statement and further add the following reasons for retaining the notified PORTZ-P1 and rejecting the Property Income Fund submission point:

- i. The PORTZ as notified is already enabling of a wide range of industrial activities outside of the Port Operational Area, which is defined as PREC-7. Rule PORTZ-R3(1) permits all industrial activities other than related residential activity (i.e. custodial or caretaker units) and offensive trade, outside PREC-7 and where all of the PORTZ standards are met. Policy PORTZ-P1 reflects and supports that activity status;
- ii. Industrial activities that do not fall within the definition of Port Activities are not permitted in PREC-7 (Rule PORTZ-R3(2)) and require resource consent as a restricted discretionary activity. Policy PORTZ-P1 is consistent with and supports that activity status, requiring industrial activities that are not Port activities to '*have a functional or operational need to be located in the Port Operational Area*', and to '*not undermine the efficient and effective operation of the Port*'. PORTZ-P1 is also consistent with objective PORTZ-O1 and in particular PREC7-O1 in that the efficient and effective operation of the Port of Timaru is, in effect, prioritised;
- iii. Commercial activities that are not Port activities or ancillary to an industrial activity are, by contrast, a fully discretionary activity in the PORTZ (Rule PORTZ-R6). Policy PORTZ-P1, clause 2, addresses commercial activities, setting out the limits and expectations of commercial activities in the PORTZ, being that they need to have a functional or operational need to be located within the zone;
- iv. The evidence of Mr Frazer on behalf of PrimePort and TDHL for Hearing Stream A set out anticipated future activities of the Port and in the PORTZ<sup>7</sup>. The evidence made clear the need for flexibility and agility in response to customer demands, and the development strategy of minimising product processing within the Port Operational Area. In my view, the ability to provide adequate land and buildings for product processing and to respond to both

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<sup>7</sup> Paragraph's 41-45.

anticipated and unforeseen Port customer demands could be compromised if a greater range of non-Port related activities were permitted in the PORTZ than is already proposed. This is because there is very limited ability to expand the PORTZ – it is constrained on all sides, by the coastal environment and by other existing built-up urban zones. Expansion can only realistically occur through reclamation of the coastal marine area for core Port operational purposes. It is therefore beneficial for the efficient and effective operation of the Port, for PORTZ land to be preserved as much as practicable for use by Port and Port-related activity so that, as the Section 42A Report states, opportunities for Port-related development are not foreclosed.

## **PORTZ MAPS – HEIGHT SPECIFIC CONTROL AREA OVERLAY**

20. PrimePort and TDHL provided submissions requesting the Height Specific Control Area Overlay be removed from the PORTZ, as it appeared to have been inserted on the Maps in error. Ms Hollier has now confirmed that this was an error and has recommended that the Overlay be removed. I agree that the removal of the Overlay is appropriate, is minor in nature and would correct an error in the Plan. I also agree with Ms Hollier's Section 32AA analysis, and in particular that the removal of the Overlay would improve the consistency and clarity of the Plan<sup>8</sup>.

## **PORTZ MAPS**

21. PrimePort and TDHL provided submissions supporting the PORTZ zoning on the maps. The Section 42A Report addresses a submission by Timaru District Council that seeks to amend the title of the map layer from 'Port Purpose Zone' to 'Port Zone'<sup>9</sup>. I agree with the Officer that this is an appropriate amendment, for the reasons set out in the Section 42A Report.

## **REVERSE SENSITIVITY DEFINITION**

22. The Section 42A Report considers the definition of '*reverse sensitivity*' in the context of the PORTZ<sup>10</sup>. Ms Hollier notes that the provisions of the PORTZ could include consideration of reverse sensitivity effects on both the current operations of the Port and in respect of reverse sensitivity effects that could constrain the future development of the Port, in other words

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<sup>8</sup> Paragraph 8.3.5.

<sup>9</sup> Paragraph 8.4.2.

<sup>10</sup> Paragraph 9.1.3.



future permitted activities within the zone. I agree that a reverse sensitivity definition that encompasses the full range of potential reverse sensitivity effects (current and future) is appropriate in the context of the PORTZ.

23. I addressed the notified and amended versions of *'reverse sensitivity'* in my evidence for Hearing Stream A. My view remains as expressed in that evidence.

## **CONCLUSION**

24. PrimePort and TDHL are wholly satisfied with the provisions of the PORTZ and the definition of *'Port activity'* as notified. The issue with regard to the Height Specific Control Area Overlay on the Planning Maps has been addressed by the Section 42A Report and there are no areas of disagreement between the Officer and myself, save for the small matter of disagreement addressed in Hearing Stream A in regard the inclusion of reference to *'or activities otherwise anticipated by the Plan'*, in the definition of reverse sensitivity. I previously considered that phrase should not be included in the definition and that remains my view.

Date: 5 July 2024

Kim Marie Seaton