

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

**LEGAL SUBMISSIONS ON BEHALF OF PRIMEPORT TIMARU LIMITED
AND TIMARU DISTRICT HOLDINGS LIMITED**

**HEARING STREAM F
(NATURAL HAZARDS, COASTAL ENVIRONMENT, LIGHT, NOISE, SIGNS,
RELOCATED BUILDINGS, SHIPPING CONTAINERS AND PUBLIC ACCESS)**

Dated: 16 April 2025

BUDDLE FINDLAY

Barristers and Solicitors
Christchurch

Solicitor Acting: **Cedric Carranceja**
Email: cedric.carranceja@buddlefindlay.com
Tel 64 3 371 3532 / 64 3 353 2323 PO Box 322 DX WX11135 Christchurch 8013

MAY IT PLEASE THE HEARINGS PANEL

1. INTRODUCTION

- 1.1 These legal submissions are presented on behalf of PrimePort Timaru Ltd (**PrimePort**) and Timaru District Holdings Limited (**TDHL**). PrimePort and TDHL are submitters and further submitters (#175 and #186 respectively) on the Proposed Timaru District Plan (**PDP**).
- 1.2 These legal submissions relate to the following matters for Hearing F:
- (a) Natural Hazards and Coastal Environment provisions;
 - (b) Light provisions;
 - (c) Noise provisions;
 - (d) Signs provisions;
 - (e) Relocated Building and Shipping Container provisions;
 - (f) Public Access provisions.

2. OVERVIEW

- 2.1 PrimePort and TDHL lodged submissions and further submissions with the aim of ensuring that the Port of Timaru (**Port**) and all supporting and related activities occurring within the Port Zone (**PORTZ**) are appropriately recognised and provided for in the PDP.
- 2.2 At this hearing, PrimePort and TDHL will be calling the following evidence:
- (a) Tony Cooper, Project Manager/Engineer of PrimePort, discusses operational matters relating to noise, freestanding signs, hazard management activities, relocated buildings and shipping containers in the PORTZ.
 - (b) Dr Jeremy Trevathan, Acoustic Engineer, discusses the development of the Port Noise Control Boundaries (**NCBs**) and the appropriateness of the noise insulation requirements for noise sensitive activities within the NCBs. He also comments on the appropriateness of the port noise provisions.
 - (c) Lawrence McIlrath, Economist, discusses the economic roles of the Port and the PORTZ in the district and regional economies. He also

comments on the adverse economic effects if the Port could not respond to growth pressures or if exports declined due to the imposition of constraints.

- (d) Sam Morgan, Technical Principal – Coastal Adaption, addresses the coastal hazard exposure of the PORTZ and the need for appropriate and reasonable plan provisions that allow for adaptive management measures to be developed and undertaken for managing risk in the PORTZ.
- (e) Tim Walsh, Planner, assesses the provisions and definitions that PrimePort and TDHL have submitted on, and makes recommendations for amendments.

2.3 PrimePort and TDHL also refer to, and continue to rely on, evidence presented at Hearing A by Frazer Munro, General Manager of TDHL, who outlined the strategic and regional significance of the Port and the PORTZ.¹ Amongst other things, Mr Munro outlines the health, safety and security concerns within the Port Area which make it appropriate to exclude public access and esplanade provision requirements from the Port.

2.4 For the most part, the issues raised by PrimePort and TDHL relevant to Hearing F have been addressed in the section 42A reports. However, there are a small number of outstanding issues that still need to be addressed.

3. LEGAL FRAMEWORK

3.1 The standard RMA considerations that apply to a district plan review were set out in the legal submissions for PrimePort and TDHL for Hearing A, and remain relevant for Hearing F.²

4. RECOGNITION OF THE PORT IN HIGHER ORDER PLANNING DOCUMENTS

4.1 The importance of the Port and its associated infrastructure and activities is reflected in national and regional planning documents which the PDP is required to "*give effect to*".³ Briefly, relevant themes in the higher order documents include:

¹ Statement of Evidence of Frazer James Munro for Hearing A dated 22 April 2024 ([here](#)).

² Legal submissions on behalf of PrimePort and TDHL for Hearing A dated 30 April 2024 at paragraphs 3.1 to 3.8 and appendix 1 ([here](#)).

³ Section 75(3) RMA.

- (a) ensuring subdivision, use and development does not adversely affect the safe and efficient development, operation and use of the Port;⁴
 - (b) providing for the efficient, safe and effective development, operation, maintenance and upgrade of the operation of the Port;⁵
 - (c) providing for a range of associated activities that have an operational requirement to be located in that environment;⁶
 - (d) avoiding development that may result in reverse sensitivity effects that constrain the ability of the Port to be developed and used.⁷
- 4.2 The legal submissions for Hearing A more fully discuss the New Zealand Coastal Policy Statement (**NZCPS**) and the Canterbury Regional Policy Statement (**CRPS**) provisions that remain relevant for this hearing.⁸

5. CRITICAL IMPORTANCE OF THE PORT

- 5.1 The strategic and regional significance of the Port and the PORTZ was previously outlined by Mr Munro during Hearing A.⁹ In addition to outlining the critical role the Port plays in providing the district and region a direct shipping link to the world and being both Regionally Significant Infrastructure and a Lifeline Utility, Mr Munro mentions that the Port is also unique and essential as being the only central South Island port capable of accepting oversized cargoes including power station transformers, wind farm turbines and other large machinery and components.¹⁰
- 5.2 The s42A reporting officer (Mr Willis) agrees that the Port is of critical importance to Timaru and the Canterbury Region.¹¹
- 5.3 For this hearing, Mr Lawrence McIlrath provides an economic lens on the importance of the Port and the PORTZ to Timaru District and the Canterbury Region. He outlines the crucial role of the Port in the local and regional economy, noting that in 2023 the Port facilitated imports and exports to the value of \$412m and \$1.3bn respectively.¹² Mr McIlrath

⁴ NZCPS policy 9; CRPS objective 8.2.3.

⁵ NZCPS policy 9; CRPS policy 8.3.6(1).

⁶ CRPS policy 8.3.6(2).

⁷ CRPS policy 8.3.6(4).

⁸ Legal submissions on behalf of PrimePort and TDHL for Hearing A dated 30 April 2024 at paragraphs 4.2 to 4.8 ([here](#)).

⁹ Statement of Evidence of Frazer James Munro for Hearing A dated 22 April 2024 ([here](#)).

¹⁰ Ibid at paragraph 28.

¹¹ Section 42A report of Mr Willis at paragraph 7.3.3 ([here](#)).

¹² Statement of Evidence of Lawrence McIlrath for Hearing F dated 9 April 2025 ([here](#)) at paragraph 7.

identifies that over a 25 year period, the Port's GDP effects, including supply chain effects, is \$5.3bn in Timaru District and \$31.5bn across the rest of Canterbury and New Zealand.¹³

- 5.4 Ms McIlrath also provides scenario analyses showing that under a no-growth scenario, or a scenario where constraints on the Port lead to reduced competitiveness leading to a -0.5% decline in export volumes per year, the direct economic loss over a 25 year period will be between \$1.1bn and \$1.4bn, while the total economy loss (including all supply chain effects) will be between \$6.2bn and \$7.9bn.¹⁴
- 5.5 While most of the reporting officer recommended provisions are now supported by PrimePort and TDHL, there are a few provisions that inadvertently and/or unnecessarily constrain activities in the PORTZ. Given the critical importance of the Port as recognised by the higher order documents, it is important to ensure that the final form of the PDP provisions enables the effective and efficient operation of the Port and its supporting and related activities within the PORTZ.

6. NATURAL HAZARDS AND COASTAL ENVIRONMENT PROVISIONS

- 6.1 PrimePort and TDHL made submissions and further submissions covering numerous provisions in the notified Natural Hazards (**NH**) and Coastal Environment (**CE**) chapters. The overarching theme of those submissions is to ensure that both chapters provide for the continued operation and development of both the Port and activities in the PORTZ with an operational/functional need to be co-located with the Port.
- 6.2 PrimePort and TDHL further submissions raised a particular concern with Canterbury Regional Council (**ECan**) submissions seeking to amend the definition of "High Hazard Area" to include coastal hazards, which would:
- (a) cause the entirety of the PORTZ to be subject to overly restrictive objectives and policies which had not applied previously; and

¹³ Ibid at paragraph 15. Paragraph 71 discusses what Direct GDP effects are (GDP and employment that is associated with producing the goods that are exported, without any supply chain linkages), and what Total GDP effects are (GDP and employment that is associated with the entire supply chain, including the flow on effects associated with the production process as well as salaries and wages returned to employees).

¹⁴ Ibid at paragraphs 82 to 85, including Table 1.

- (b) impose the severe and onerous consequence of requiring resource consent for almost all new development within the PORTZ as a non-complying activity.¹⁵

- 6.3 However, discussions between the parties have confirmed that ECan's submission was not intended to subject the Port and its associated activities to onerous objective, policy and rule restrictions. Mr Willis refers to numerous meetings with the planners for PrimePort/TDHL and ECan to discuss an appropriate set of provisions to manage the Port and Port associated activities. This has resulted in an agreed set of PORTZ specific provisions within the CE and NH chapters that the parties consider will provide for the continued operation of the Port and associated activities, while at the same time managing natural hazard risk to an appropriate level.¹⁶
- 6.4 However, there remains what appears to be inadvertent errors and omissions from the s42A CE and NH provisions, as well as some clarity improvements, that should be addressed to better reflect the agreed outcome. These are outlined below.

Duplication

- 6.5 The reporting officer mentions that the CE and NH provisions contain duplication which could be removed if the two chapters are combined, and that he intends to combine these chapters in his Reply Report.¹⁷ PrimePort and TDHL have no issues with reducing duplication, noting that it can improve plan useability. PrimePort and TDHL are open to making their consultant planner available to comment on a proposed combined chapter, whether informally or as part of conferencing.

Clarifying what NH and CE provisions apply within the PORTZ

- 6.6 Mr Willis has recommended new text in the "Introduction" and "Rules" sections of the NH and CE chapters that are intended to alert plan users that the chapters have separate specific provisions that apply to the Port and PORTZ, and that no other provisions in the NH and CE chapters apply.

¹⁵ For example, within a "High Hazard Area" overlay, notified rule NH-R4.2 would make new buildings over 30m² with 2 or more employees on a full time basis a non-complying activity, while notified rule NH-R8.4 would make subdivision a non-complying activity.

¹⁶ Section 42A report of Mr Willis at paragraphs 7.3.9 to 7.3.10 ([here](#)).

¹⁷ Ibid, at paragraphs 7.3.11 and 7.11.15.

However, the recommended text does not specifically mention which particular provisions apply within the PORTZ.

- 6.7 To avoid the potential for confusion for plan users, Mr Walsh recommends alternative text that would specifically refer to the objectives, policies and rules that apply within the PORTZ.¹⁸
- 6.8 It is submitted that further improvements in clarity could be made by ensuring that the "Objectives" and "Policies" sections of the NH and CE chapters also include statements that refer plan users to the specific objectives and policies that apply within the PORTZ, as there is a prospect that a statement contained in the "Introduction" sections may be missed by plan users.

Objectives NH-O4 and CE-O7 (Adaptive management at the Port)

- 6.9 The s42A recommended version of objectives NH-O4 and CE-O7 are the same. However, the wording of both objectives refers only to the Port rather than the Port and activities within the PORTZ. This appears to be an inadvertent oversight because:
- (a) the intent of Council's coastal hazard expert is that it is appropriate for adaptive management provisions to apply within the PORTZ (i.e. not just the Port);¹⁹ and
 - (b) as Mr Walsh observes, the s42A recommended version of policy NH-P11 and the NH rules that implement the objectives provide for adaptive management within the PORTZ (not just the Port).²⁰
- 6.10 This issue can be readily fixed by amending the s42A recommended version of objective NH-O4 to refer to the PORTZ and the activities within as follows (further amendments in red):

NH-O4 Adaptive management ~~at the Port~~ within the PORTZ

Recognise that the ~~Port of Timaru~~ PORTZ is subject to natural hazards and provide for ~~its the~~ ongoing use ~~of the Port of Timaru and activities with an operational need or functional need for their co-location with the Port~~, while managing natural hazards risks appropriately.'

¹⁸ Statement of Evidence of Mr Timothy Walsh for Hearing F dated 9 April 2025 ([here](#)) at paragraphs 35 to 37, 40 to 41, 51 and 64.

¹⁹ Statement of Evidence of Mr Derek Todd for TDC ([here](#)) at paragraph 29.

²⁰ Statement of Evidence of Mr Timothy Walsh for Hearing F dated 9 April 2025 ([here](#)) at paragraphs 38 and 54.

Rules NH-R3 and CE-R9 (Natural hazard mitigation works)

- 6.11 While the s42A recommended version of rules NH-R3 and CE-R9 are not exactly the same, both address natural hazard mitigation works. Both have been amended to provide for new natural hazard mitigation works undertaken by the Crown, Regional Council, or the Council, or the Port (within 310m of Precinct 7) as a restricted discretionary activity.
- 6.12 While the s42A recommended version of these rules continue to enable the Crown, Regional Council and the Council to operate, maintain, replace or upgrade existing natural hazard mitigation works as a permitted activity, the rules have not been amended to similarly enable the Port to undertake these activities on existing natural hazard mitigation works within 310m of Precinct 7 as a permitted activity. This too appears to be an inadvertent oversight.
- 6.13 It is submitted that rules NH-R3 and CE-R9 should be amended to also allow the Port to operate, maintain, replace or upgrade natural hazard mitigation works (within 310m of Precinct 7) as a permitted activity. Amongst other things:
- (a) Mr Cooper gives evidence that the Port has undertaken natural hazard mitigation works since the 1860s. He explains how these works provide protection for vessels and port infrastructure from damaging wave action and inundation from wave energy. He considers it would be onerous for the Port to have to obtain resource consents to continue operating, maintaining, replacing or upgrading these existing works.²¹
 - (b) Mr Morgan considers it is both reasonable and appropriate that the Port as an infrastructure operator be afforded the same ability as the Crown, Regional Council and the Council to operate, maintain, replace or upgrade natural hazard mitigation works.²²
 - (c) Requiring the Port to have to obtain resource consents to continue operating, maintaining, replacing or upgrading its existing natural hazard mitigation works is an unnecessary curtailment of its activities, and is inconsistent with higher order documents direction

²¹ Statement of Evidence of Mr Tony Cooper for Hearing F dated 9 April 2025 ([here](#)) at paragraphs 24 to 31.

²² Statement of Evidence of Mr Sam Cooper for Hearing F dated 9 April 2025 ([here](#)) at paragraph 57.

to provide for the efficient, safe and effective development, operation, maintenance and upgrade of the operation of the Port.

- 6.14 Mr Walsh recommends that this issue can be addressed by amending rules NH-R3 PER-4 and CE-R9.1 PER-4 as follows (further amendments in red):

The activity is undertaken by or on behalf of the Crown, Canterbury Regional Council or the Council, or the Port of Timaru where works are located within 310m of PREC7.

Other clarifications sought to NH and CE chapter provisions

- 6.15 Mr Walsh outlines other amendments to improve clarity and readability of the NH and CE chapter provisions, including to SUB-RX (formerly labelled NH-R8), NH-RX (Buildings within the PORTZ), CE-P10 (Preserving the natural character of the coastal environment), CE-R9, CE-RXX (Natural hazard sensitive buildings within the PORTZ) and SUB-RX (Subdivision within the PORTZ).²³
- 6.16 Mr Morgan observes that the mapping for the new proposed Coastal Erosion Overlay on South Beach is not sufficiently clear to enable him to confirm if it is appropriate or not, and considers further evidence on this matter from ECan would be helpful.²⁴

7. LIGHT PROVISIONS

- 7.1 PrimePort and TDHL lodged submissions largely in support of the notified light provisions of the PDP, including objectives LIGHT-O1 (Artificial outdoor lighting) and LIGHT-O2 (Benefits of artificial lighting).
- 7.2 The reporting officer recommends that LIGHT-O1 and LIGHT-O2 be combined into a single objective. However, the combined objective no longer adequately recognises the benefits of artificial lighting. As Mr Walsh notes, the benefits of artificial lighting include health and safety for businesses (such as the Port) that operate on a 24-hour basis, and allowing recreation and entertainment activities to occur outside of daylight hours.²⁵ This can be addressed by amending the combined objective LIGHT-O1 as follows (further amendments in red):

The benefits of Artificial outdoor lighting are recognised, including enabling business, infrastructure, recreation and entertainment activities to safely

²³ Statement of Evidence of Mr Timothy Walsh for Hearing F dated 9 April 2025 ([here](#)) at paragraphs 45, 47, 62, 72, 74 and 80.

²⁴ Statement of Evidence of Mr Sam Cooper for Hearing F dated 9 April 2025 ([here](#)) at paragraphs 59 to 62 and 67.

²⁵ Statement of Evidence of Mr Timothy Walsh for Hearing F dated 9 April 2025 ([here](#)) at paragraphs 83 to 84.

~~occur beyond daylight hours provides for the safe and efficient use of the outdoors for a range of night-time activities, while:~~

1. ~~is-being~~ designed and located to minimise its adverse effects;
2. ~~is-being~~ compatible with the character and qualities of the surrounding area;
3. ~~protects the values and characteristics of light sensitive areas~~
minimising adverse effects on long-tailed bats; and
4. not compromising the health and safety of people and communities, including road safety.

7.3 Notified rule LIGHT R1.1 applies to all zones other than the PORTZ, while rule LIGHT R1.2 applies to the PORTZ. The reporting officer recommends an amendment to LIGHT-R1.1 which is intended to also exclude the Long-tailed Bat Habitat Protection Area Overlay, so that it would instead be controlled by a new overlay specific rule LIGHT-R1.3. However, as Mr Walsh observes, the reporting officer's amendment to LIGHT R1.1 is potentially confusing regarding what exactly is being excluded. He suggests the following wording to clarify that LIGHT R1.1 does not apply to either the PORTZ or the Long-tailed Bat Habitat Protection Area Overlay:²⁶

All zones (excluding the Port Zone) outside the Long-tailed Bat Habitat Protection Area Overlay

8. NOISE PROVISIONS

8.1 PrimePort and TDHL lodged submissions largely supporting the notified noise provisions, but has submissions opposing notified rule NOISE-R8 and Table 24. Dr Trevathan and Mr Walsh provide evidence discussing how the reporting officer's recommended changes address the issues raised by PrimePort/TDHL.

8.2 Two noise related matters are commented on further below.

Port Noise Control Boundaries

8.3 A number of submissions have sought to remove their properties (12, 14 and 22 The Terrace) from the port noise Outer Control Boundary (**OCB**). Mr Timothy Gresson, a lawyer, submits a statement of evidence seeking the removal of the OCB from 22 The Terrace. No evidence is provided from a qualified acoustic expert to support removal of the OCB from this property.

²⁶ Statement of Evidence of Mr Timothy Walsh for Hearing F dated 9 April 2025 ([here](#)) at paragraph 85.

- 8.4 However, Dr Trevathan provides expert acoustic evidence explaining why he considers it appropriate for the location of the OCB to remain as it is. He confirms that the OCB was based on detailed computational modelling and was conducted in accordance with NZS 6809. He also provides a detailed description of the basis of the model.²⁷
- 8.5 Both Dr Trevathan and the Council's acoustic expert (Mr Hunt) are agreed that:
- (a) there is no reason to suggest that modelling used to predict acoustic screening, or the algorithms used are faulty; and
 - (b) there are no justifiable, noise-related reasons, for removing the OCB from 12, 12 and 22 The Terrace.²⁸

Rule NOISE-R8 (Noise from activities within the Port Zone)

- 8.6 The reporting officer has recommended a change to rule NOISE-R8 to include a night-time noise standard that would apply in the PORTZ outside of Precinct 7. Fonterra has provided evidence in support of this night-time noise standard, and suggests it would be best practice to include a daytime noise standard as well.²⁹
- 8.7 As noted by Mr Walsh, PrimePort and TDHL agree that noise standards are required in the PORTZ outside of Precinct 7.³⁰ PrimePort and TDHL are content to rely on the evidence of Fonterra and the Council regarding the setting of appropriate daytime and nighttime limits for the PORTZ outside of Precinct 7.

9. SIGNAGE PROVISIONS

- 9.1 PrimePort and TDHL lodged submissions on signage rule SIGN-R4, and on standards SIGN-S3 (Maximum height of signage), SIGN-S4 (Maximum area of sign) and SIGN-S6 (Maximum number of signs). Mr Walsh has no issues with the s42A reporting officer's recommendations on these provisions with the exception of standard SIGN-S6 which is discussed below.

²⁷ Statement of Evidence of Dr Jeremy Trevathan for Hearing F dated 9 April 2025 ([here](#)) at paragraphs 21 to 23, and in Appendix A.

²⁸ Ibid at paragraph 20 and 24 to 26; Memorandum of Malcolm Hunt dated 24 March 2025 ([here](#)) at page 14.

²⁹ Statement of Evidence of Mr Rob Hay for Fonterra Limited dated 9 April 2025 ([here](#)) at paragraphs 49 and 54; Statement of Evidence of Ms Susannah Tait for Fonterra Limited dated 9 April 2025 ([here](#)) at paragraphs 12.18 to 12.20.

³⁰ Statement of Evidence of Mr Timothy Walsh for Hearing F dated 9 April 2025 ([here](#)) at paragraph 97.

Standard SIGN-S6 (Maximum number of signs)

- 9.2 PrimePort and TDHL lodged submissions supporting notified standard SIGN-S6.1 which imposed no limit on the maximum number of signs within the PORTZ. Other zones, such as Residential and Rural zones, are subject to limits on the maximum number of signs under standards SIGN-S6.2 and SIGN-S6.3.
- 9.3 The reporting officer recommends an amendment to SIGN-S6.1 so that the PORTZ is subject to a limit of 1 freestanding sign per road frontage located on a site. However, it is submitted there is no scope to make this change.
- 9.4 Schedule 1 of the RMA provides for a plan submission process that is confined in terms of scope. The publicly notified summary of submissions is an important document that enables others who may be affected by amendments sought in submissions to participate either by supporting or opposing those amendments, but further submissions cannot introduce new matters. In addition, the Council's decisions must be in relation to the provisions and matters raised in submissions.³¹ The Council cannot amend the notified provisions beyond what has been raised in objections to the PDP which have been previously advertised.³² Ultimately, amendments to the PDP must not go beyond what was reasonably and fairly raised in submissions.³³
- 9.5 In the present case, there is an absence of submissions that reasonably and fairly raise an amendment to the maximum number of signs requirements contained in SIGN-S6. Rather, there are only submissions and further submissions in support of the maximum number of signs requirement contained in SIGN-S6, being submissions from PrimePort, TDHL, Out of Home Media and Waka Kotahi, and further submissions from Go Media Limited and Out of Home Media.
- 9.6 The reporting officer suggests the amendment is made as a "consequential amendment to other submission points" but without stating what that submission point is.³⁴

³¹ *Environmental Defence Society Incorporated v Otorohanga District Council* [2014] NZEnvC 70 at [11].

³² *Noel Leeming Appliances Limited v North Shore City Council (No 2)* (1993) 2 NZRMA 243 (PT).

³³ *Countdown Properties (Northlands) Ltd v Dunedin City Council* [1994] NZRMA 14.

³⁴ Section 42A report of Ms Rachael Willox at paragraph 11.8.4 ([here](#)). Ms Susannah Tait for Fonterra observes (at paragraph 13.2 of her evidence [here](#)) that it is unclear to her which submission provides scope for such a change.

- 9.7 The only submission seeking an amendment relevant to SIGN-S6 is from Waka Kotahi, but that submission only seeks the insertion of an additional matter of discretion if the maximum number of signs standards in SIGN-S6 cannot be met. The Waka Kotahi submission on SIGN-S6 specifically supports the rest of SIGN-S6, stating the following:

Waka Kotahi supports this standard which limits the number of signs (excluding official and temporary signs) per site, however, if this standard is not met, Waka Kotahi suggests that the matters of discretion should be extended to include potential effects on traffic safety.

[our underlining for emphasis]

- 9.8 Accordingly, there is no scope to change that part of notified standard SIGN-S6.1 which provides no limit on the maximum number of signs within the PORTZ.
- 9.9 Furthermore, the reporting officer's recommendation would impose an onerous and unworkable limit within the PORTZ. As Mr Cooper explains in evidence:³⁵
- (a) The Port uses freestanding road front signage for operational reasons to direct traffic to specific wharves, terminals, operating areas and key buildings.
 - (b) Most land titles within the port are large with long frontages and multiple entrances, with every gate/entrance typically requiring two free-standing signs.
 - (c) These signs are an essential requirement in any port environment.
 - (d) These signs are not exempted from standard SIGN-S6 because they are neither "Official Signs" or "Temporary Signs" as defined in the PDP.³⁶

10. RELOCATED BUILDINGS AND SHIPPING CONTAINER PROVISIONS

- 10.1 PrimePort and TDHL lodged submissions in support of notified policy RELO-P1 (Relocated buildings and shipping containers in the GIZ and PORTZ), and rules RELO-R1.1 (Placement of a relocated building in the GIZ and PORTZ) and RELO-R2.1 (Placement of a shipping container in the

³⁵ Statement of Evidence of Tony Cooper for Hearing F dated 9 April 2025 ([here](#)) at paragraphs 18 to 23.

³⁶ "Official Signs" is defined as "means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety". "Temporary Sign" is defined as "means a sign that is erected for no more than 60 days in one calendar year for the purpose of advertising a one-off or temporary activity or temporary event".

GIZ and PORTZ). As discussed by Mr Cooper, both relocated buildings and shipping containers are used within the PORTZ.³⁷

- 10.2 The reporting officer recommends retention of notified rules RELO-R1.1 and RELO-R2.1, and the addition of a reference to the PORTZ in the heading of policy RELO-P1, which is supported by Mr Walsh.³⁸

11. PUBLIC ACCESS PROVISIONS

- 11.1 PrimePort lodged submissions supporting notified policies PA-P2 (Requirements for public access) and PA-P4 (Limiting public access). However, PrimePort submissions oppose:

- (a) notified Public Access Overlay and Schedule 11 where they extend public access provision along the coast north of Talbot Street, because this is an area that forms part of the Port's operational area that periodically requires closure for health and safety purposes;
- (b) notified objective PA-O1 (Public access) because the reference to restricting public access only "where desirable" is uncertain.

PrimePort's submission seeks the following amendment:

Public access to and along the coastal marine area and the margins of identified wetlands and rivers is maintained and enhanced, and only restricted where ~~desirable~~ it is incompatible with public health and safety, the sensitivity of the receiving environment or the protection of natural, historic and cultural values of the coastal environment.

- 11.2 The need to restrict public access within the Port's operational area has previously been outlined in the evidence of Mr Munro for Hearing A and Mr Cooper for Hearing E.³⁹ The reporting officer has agreed to exclude the area north of Talbot Street from the Public Access overlay and Schedule 11.⁴⁰
- 11.3 With regards to objective PA-O1, the reporting officer has recommended replacing "desirable" with "appropriate". Mr Walsh considers this change, together with the change to the Public Access Overlay and Schedule 11, are sufficient to address PrimePort's concern.⁴¹

³⁷ Statement of Evidence of Tony Cooper for Hearing F dated 9 April 2025 ([here](#)) at paragraphs 36 to 37.

³⁸ Section 42A report of Ms Rachael Willox at paragraph 10.3.6 ([here](#)); Statement of Evidence of Mr Timothy Walsh for Hearing F dated 9 April 2025 ([here](#)) at paragraph 110.

³⁹ Statement of Evidence of Frazer James Munro for Hearing A dated 22 April 2024 ([here](#)) at paragraph 49; Statement of Evidence of Tony Cooper for Hearing E dated 23 January 2025 ([here](#)) at paragraph 16.

⁴⁰ Section 42A report of Mr Andrew MacLennan ([here](#)) at paragraphs 7.9.3 to 7.9.5 and 7.9.11 to 7.9.12.

⁴¹ Statement of Evidence of Mr Timothy Walsh for Hearing F dated 9 April 2025 ([here](#)) at paragraph 117.

DATED 16 April 2025



.....

C O Carranceja

Counsel for PrimePort Timaru Ltd and Timaru District Holdings Limited