

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

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

**HEARING STREAM E
ENERGY AND INFRASTRUCTURE, STORMWATER MANAGEMENT,
TRANSPORT, SUBDIVISION AND HISTORIC HERITAGE**

Dated: 23 January 2025

TABLE OF CONTENTS

TABLE OF CONTENTS	1
EXECUTIVE SUMMARY	1
INTRODUCTION	2
CODE OF CONDUCT	2
Scope of evidence	3
THE SUBMISSIONS	5
ENERGY AND INFRASTRUCTURE	5
DEFINITION - URBAN DEVELOPMENT	5
DEFINITION - URBAN AREA	6
DEFINITION - LIFELINE UTILITY	7
DEFINITION - REGIONALLY SIGNIFICANT INFRASTRUCTURE	7
INTEGRATION OF THE EI CHAPTER WITH OTHER CHAPTERS	7
OBJECTIVE EI-O1 REGIONALLY SIGNIFICANT INFRASTRUCTURE	9
OBJECTIVE EI-O2 ADVERSE EFFECTS OF REGIONALLY SIGNIFICANT INFRASTRUCTURE	10
OBJECTIVE EI-O4 ADVERSE EFFECTS ON REGIONALLY SIGNIFICANT INFRASTRUCTURE AND LIFELINE UTILITIES	12
POLICY EI-P1 RECOGNISING THE BENEFITS OF REGIONALLY SIGNIFICANT INFRASTRUCTURE AND LIFELINE UTILITIES	13
POLICY EI-P2 MANAGING ADVERSE EFFECTS OF REGIONALLY SIGNIFICANT INFRASTRUCTURE AND OTHER INFRASTRUCTURE	13
POLICY EI-P3 ADVERSE EFFECTS ON REGIONALLY SIGNIFICANT INFRASTRUCTURE	14
RULE EI-R1 – RULES FOR ENERGY AND INFRASTRUCTURE ACTIVITIES (NOT LISTED IN OTHER SECTIONS OF THIS CHAPTER)	15

RULE EI-R26 CONSTRUCTION OF NEW UNDERGROUND AND ABOVE GROUND WATER SYSTEMS INFRASTRUCTURE	15
OTHER MATTERS – URBAN AREA	15
STORMWATER MANAGEMENT	16
GENERAL AND INTRODUCTION	16
DEFINITION – STORMWATER NEUTRALITY	17
DEFINITION – IMPERVIOUS SURFACE	17
POLICY SW-P2 WATER QUALITY	19
RULE SW-R4 ALL DEVELOPMENTS, OTHER THAN A ROAD, THAT RESULT IN AN INCREASE IN IMPERVIOUS SURFACES OF GREATER THAN 30M²	19
STANDARD SW-S2 (NOW SW-S1) STORMWATER NEUTRALITY DEVICES OR SYSTEMS	20
SW-S3 (NOW SW-S2) STORMWATER QUANTITY PERMISSION REQUIREMENTS	21
SW-S4 (NOW SW-S3) STORMWATER QUALITY PERMISSION REQUIREMENTS	21
TRANSPORT	22
POLICY TRAN-P3	22
POLICY TRAN-P4	23
POLICY TRAN-P8 AND STANDARD TRAN-S1	23
SUBDIVISION	24
POLICY SUB-P7 ESPLANADE RESERVES AND STRIPS AND STANDARD SUB- S8 ESPLANADE RESERVES AND STRIPS	24
NEW RULE SUB-R5 SUDIVISION AND NATURAL HAZARDS, AND SUB-R12 SUBDIVISON AND THE COASTAL ENVIRONMENT	24
SCHEDULE 12	24
HISTORIC HERITAGE	25

SCHED3 – SCHEDULE OF HISTORIC ITEMS	25
CONCLUSION	25
APPENDIX A: SAILOR’S REST – CERTIFICATE OF COMPLIANCE FOR DEMOLITION AND EMAIL FROM FRAZER MUNRO CONFIRMING TIMEFRAMES	27
APPENDIX B: CERTIFICATE OF TITLE FOR RECLAIMED LAND	28

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 E.
3. For the reasons set out below:
 - (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. I have no issue with the proposed amendments to the definitions of Lifeline Utility and Regionally Significant Infrastructure, nor the deferral of the definition of Urban Area to a later hearing.
 - (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 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.
 - (c) 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 significant infrastructure within urban areas in the coastal environment and not consistent with CRPS policies.
 - (d) 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.
 - (e) I request confirmation of when the mapped Urban Area will be heard including in relation to newly titled reclaimed land within the Port.

- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.

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 Streams A, B and D.
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 E, and which include:
 - (a) The definitions of:
 - (i) Urban development;
 - (ii) Urban area;
 - (iii) Lifeline utility;
 - (iv) Regionally significant infrastructure;
 - (v) Stormwater neutrality;
 - (vi) Impervious surface.
 - (b) Energy and Infrastructure (**EI**) chapter:
 - (i) Integration of the EI chapter with other chapters;
 - (ii) Objectives EI-O1, EI-O2, EI-O4;
 - (iii) Policies EI-P1, EI-P2, EI-P3;
 - (iv) Rules EI-R1, EI-R26.
 - (c) Other matters – the mapped urban area
 - (d) Stormwater Management chapter:
 - (i) General and introduction;
 - (ii) Policy SW-P2;

- (iii) Rule SW-R4;
 - (iv) Standards SW-S2, SW-S3 and SW-S4.
 - (e) Transport chapter:
 - (i) Policies TRAN-P3, TRAN-P4, TRAN-P8;
 - (ii) Standard TRAN-S1.
 - (f) Subdivision chapter:
 - (i) Policy SUB-P7;
 - (ii) Standard SUB-S8;
 - (iii) New rules SUB-R5 and SUB-R12;
 - (iv) Schedule 12 – schedule of esplanade provisions.
 - (g) Historic Heritage chapter:
 - (i) Schedule 3 – schedule of historic items.
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 Infrastructure Section 42A report dated 11 December 2024 by Mr Andrew Willis;
 - (h) The Subdivision Section 42A report dated 11 December 2024 by Mr Nick Boyes;
 - (i) The Cultural Values (Historic Heritage and Notable Trees) Section 42A Report dated 10 December 2024 by Mr Andrew Maclellan;

- (j) The evidence of Mr Cooper for PrimePort and TDHL in respect of Hearing Stream E; and
- (k) The evidence of Mr Eoghan O'Neill for PrimePort and TDHL in respect of Hearing Stream E.

THE SUBMISSIONS

- 12. The Port Zone (**PORTZ**) is in large part a densely developed zone, though areas of pervious surface exist. PrimePort and TDHL have supported the Kāinga Ora submission (229.24) that the stormwater chapter should be deleted in its entirety.
- 13. PrimePort and TDHL have also supported submissions seeking to provide certainty for regionally significant infrastructure in the EI chapter, and opposed submissions that would in effect make infrastructure provision more difficult, particularly in the coastal environment as it affects the PORTZ.
- 14. PrimePort and TDHL have opposed submissions seeking to make subdivision in the Sea Water Inundation Overlay a non-complying activity (e.g. Environment Canterbury submission 183.129).
- 15. PrimePort has supported esplanade reserve exemptions within the Port and sought to extend the exemption over an additional area of Port land, as specified in Schedule 12.
- 16. TDHL has sought the deletion of heritage listing HHI-75 (Sailor's Rest/South Canterbury Seafarers Centre) from Schedule 3.
- 17. 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 E and I rely on it where I state that below.

ENERGY AND INFRASTRUCTURE

DEFINITION - URBAN DEVELOPMENT

- 18. PrimePort and TDHL are further submitters on the Environment Canterbury submission 183.9, seeking to amend the definition of urban development.

The further submissions opposed the Environment Canterbury definition insofar as it does not clearly list the PORTZ as containing urban development.

19. I have reviewed the proposed definition, which has been accepted by the Section 42A Report with some minor amendments¹. Whilst I consider that the PORTZ would fall within the proposed definition insofar as it is clearly differentiated from rural development by its scale, intensity, visual character and dominance of built structures, my preference would be to list the PORTZ along with the other listed urban zones, for the avoidance of doubt. The definition would then read:

'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.'*

DEFINITION – URBAN AREA

20. PrimePort and TDHL made further submissions on the Environment Canterbury request to amend the definition of urban area. Mr Willis's Section 42A Report has deferred consideration of the 'urban area' definition by removing the defined term from the chapters considered in this hearing. I have no issue with the changes he has made to the chapters under consideration in Hearing E, nor any issue with deferring further consideration of the definition to future hearings.
21. I address a matter relating to the mapped urban area in paragraph 47 below.

¹ Paragraph 6.4.5 of Mr Willis's Section 42A report.

DEFINITION – LIFELINE UTILITY

22. PrimePort and TDHL made submissions in support of the definition of Lifeline Utility. I have reviewed the amended definition proposed by Mr Willis² and I agree that the amendment is acceptable.

DEFINITION - REGIONALLY SIGNIFICANT INFRASTRUCTURE

23. PrimePort and TDHL submitted in support of the definition of Regionally Significant Infrastructure. Their primary point of interest is in respect of the clear inclusion of the Port of Timaru in that definition. I note that the Section 42A Report recommends changes to the definition³. However, as those changes do not affect the Port of Timaru as regionally significant infrastructure, I have no particular view on the proposed changes and make no further comment.

INTEGRATION OF THE EI CHAPTER WITH OTHER CHAPTERS

24. The Section 42A Report proposes inclusion of a new statement in the chapter introduction, to make clear that the objectives and policies of the EI chapter '*...take precedence over policies in any Zone Chapter of Part 3 – Area Specific Matters – Zone Chapters*'⁴. Whilst I accept that this is generally a helpful statement in respect of infrastructure, it is problematic in respect of the Port of Timaru specifically. Whilst infrastructure other than the Port is managed via the EI chapter, the Port itself is additionally managed via the PORTZ chapter.
25. The PORTZ provisions are deliberately enabling of Port activity and therefore need to be considered alongside the EI provisions or there is a risk that the EI provisions could inadvertently undermine the PORTZ provisions applying to the Port of Timaru and Port Activities. For example, PORTZ Objective PREC7-O1 seeks that the operation of the Port of Timaru is 'enabled' to support its role as regionally significant infrastructure. PORTZ Policy PREC7-P1 seeks to 'enable' the efficient operation, use and development of the operational area of the Port. This contrasts with the EI provisions such as Policy EI-P1 that (per the Section 42A Report recommendations) seek to 'provide for' regionally significant infrastructure. The terminology differences are subtle but nonetheless important. I

² Paragraph 6.6.2 of Mr Willis's Section 42A report.

³ Paragraph 6.10.19 of Mr Willis's Section 42A report.

⁴ Paragraph 6.18.19 and 6.18.29 of Mr Willis's Section 42A report.

therefore recommend that the EI introductory statement recommended by Mr Willis be amended as follows:

'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.'

26. Similarly in respect of the EI Rules, Mr Willis has recommended a statement be included to make clear that Sections A to F of the EI chapter rules take precedence over rules in any Zone Chapter such that the Zone Chapter rules do not apply⁵. This should not be the case for Port Activities within the Port of Timaru, where the PORTZ rules must instead take precedence. For example, if the EI chapter rules were to take precedence, Rule EI-R1 would apply to Port Activities. That rule (as amended by the Section 42A Report) permits the *'operation, maintenance and repair or removal of infrastructure not otherwise addressed by another rule in this chapter'*. The rule requires compliance only with Standard EI-S1 (maximum height of poles, antenna and towers). Port Activities would not be required to comply with the standards of the PORTZ that govern building and structure height, building reflectivity, outdoor storage etc. Rule PORTZ-R1 Port Activities would also not apply in this scenario.
27. I therefore recommend the following amendment to the Rules introductory statement:

'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.'

With the exception of rules in the PORTZ applying to Port Activities, Rules in 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 the Development Area Chapter, Designations Chapter and Chapters in Part 2 - District-wide

⁵ Paragraph 6.18.30 of Mr Willis's Section 42A report.

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.'

28. PrimePort and TDHL further submitted against Forest and Bird submissions seeking to restrict permitted infrastructure rules in the coastal environment⁶. I agree with the Section 42A Report that it is not appropriate to make the requested changes in the EI chapter, with further consideration of those matters appropriately dealt with in the Coastal Environment hearing.

OBJECTIVE EI-O1 REGIONALLY SIGNIFICANT INFRASTRUCTURE

29. PrimePort and TDHL made further submissions on the Forest and Bird submission 156.52 seeking to include reference to emissions reduction in Objective EI-O1. Whilst PrimePort and TDHL support emissions reduction within the Port's activities, it is not a matter that is always practicable to achieve in a Port environment. Mr Cooper has elaborated on this submission point in his evidence, describing the measures the Port takes to reduce its footprint, whilst expressing concern as to how a resource consent application for new fuel storage tanks might in and of itself conflict with proposed Objective EI-O1. I accept and agree with Mr Cooper's evidence. I therefore recommend that the following wording (or similar) be added to the objective as follows (utilising the Section 42A Report recommended wording):

'Regionally Significant Infrastructure and Lifeline Utilities are effective, resilient, efficient and safe and:

- 1. provides essential and secure services, including in emergencies; and*
- 2. facilitate local, regional, national or international connectivity; and*
- 3. contribute to the economy, support emissions reduction where practicable, and support a high standard of living; and*
- 4. are aligned and integrate with the timing and location of urban development; and*

⁶ Submissions 156.70, 156.71.

5. enable people and communities to provide for their health, safety and wellbeing.'

OBJECTIVE EI-O2 ADVERSE EFFECTS OF REGIONALLY SIGNIFICANT INFRASTRUCTURE

30. PrimePort and TDHL supported the Waka Kotahi NZ Transport Agency submission seeking to retain Objective EI-O2 as notified⁷. The Section 42A Report recommends various changes to this objective, including referencing an effects management hierarchy introduced into Policy EI-P2, which I will comment on below.
31. Objective EI-O2 affects the Port because the Port is located in the coastal environment, and the coastal environment is an area identified in Policy EI-P2.1a. Under Objective EI-O2 as notified, the Port and infrastructure within the PORTZ needed to demonstrate a functional or operational need to be located in the PORTZ (as coastal environment), and to remedy or mitigate effects accordingly, including with reference to the objectives of the PORTZ. I consider the notified objective was reasonable and workable and, when read alongside the PORTZ objectives, the functional and operational needs of the PORTZ can easily be demonstrated. However, the objective as amended by the Section 42A Report creates additional policy restrictions that need to be addressed. This includes demonstrating no practical alternative locations are available, which may or may not be achievable, depending on whether it can be argued that particular cargos or activities could practicably be undertaken at other ports rather than Timaru. For example, bulk fuel storage is undertaken at multiple ports in New Zealand. It is arguable as to whether there is no practical alternative location for bulk fuel storage than at the Port of Timaru. I consider the wording “no practical alternative locations” in objective EI-O2 should be rejected as it creates an unnecessarily high policy hurdle.
32. Objective EI-O2 also now (per the Section 42A Report recommendations) requires application of a new effects management hierarchy. Application of that hierarchy within an urban zone with a coastal environment overlay, whether it be PORTZ, Residential or Industrial, is in my view unnecessarily onerous insofar as more than minor residual adverse effects that cannot be avoided, minimised or remedied are required to be offset, or otherwise compensation is to be provided. If compensation is not provided, then the

⁷ Submission point 143.22.

activity is to be avoided. This is a requirement well beyond the notified policy framework, which effectively allows for more than minor adverse effects to occur when regard is had to the matters listed in clause (2) of Objective EI-O2. Importantly, it also goes beyond the requirements of the CRPS. Policy 5.2.2 Integration of land-use and regionally significant infrastructure, clause (2)(b) states:

'adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.' [my emphasis]

33. CRPS Policy 5.3.2 Development conditions, states:

'To enable development including regionally significant infrastructure which:

1. ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose :

a. existing or consented regionally significant infrastructure;

b. options for accommodating the consolidated growth and development of existing urban areas;

c. the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land;

d. the protection of sources of water for community supplies;

e. significant natural and physical resources; ...' [my emphasis]

34. CRPS Policy 5.3.9 Regionally significant infrastructure, clause (3) states:

'provide for the expansion of existing infrastructure and development of new infrastructure, while:

a. recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists;

b. avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable,

remedying or mitigating them, and appropriately controlling other adverse effects on the environment; and

c. when determining any proposal within a sensitive environment (including any environment the subject of section 6 of the RMA), requiring that alternative sites, routes, methods and design of all components and associated structures are considered so that the proposal satisfies sections 5(2)(a) – (c) as fully as is practicable.’
[my emphasis]

35. There is no requirement in those policies for adverse effects from regionally significant infrastructure that cannot be avoided, remedied or mitigated to be offset or compensated. At most, clause (3)(c) of Policy 5.3.9 requires consideration of alternatives so that sections 5(2)(a)-(c) of the RMA can be satisfied as fully as is practicable.
36. Whilst I understand and accept the effects management hierarchy is reasonable in some sensitive environments, and is already a requirement of the National Policy Statement on Indigenous Biodiversity and National Policy Statement on Freshwater Management, I consider it is unnecessarily onerous and potentially obstructive for regionally significant infrastructure and lifeline utilities within urban areas of the coastal environment. I also consider the implementation of the effects management hierarchy in urban coastal environment areas is not consistent with the CRPS policies.
37. I consider that the issue could be remedied by a further amendment to Policy EI-P2, to remove reference to urban zones with a coastal environment overlay, as discussed below in paragraph 42.

OBJECTIVE EI-O4 ADVERSE EFFECTS ON REGIONALLY SIGNIFICANT INFRASTRUCTURE AND LIFELINE UTILITIES

38. PrimePort and TDHL submitted in support of the retention of the wording ‘upgrading or development’ in Objective EI-O4⁸. The Section 42A Report has recommended retaining this wording, together with reference to incompatible activities rather than ‘subdivision, use and development’ more generally⁹. I agree with the reason in the Section 42A Report for retaining reference to ‘upgrading or development’, including that the CRPS expressly provides for development of new Regionally Significant Infrastructure. In

⁸ Submission 229.18 by Kāinga Ora requested the wording be deleted.

⁹ Paragraph 6.23.12 of Mr Willis’s Section 42A report.

the specific example of the Port of Timaru, where upgrades or developments are regularly undertaken to support the Port's functions, it is critical that future upgrading or development of the Port and other lifeline utilities and regionally significant infrastructure within the PORTZ (e.g. including the tank farms and rail infrastructure) are not constrained or compromised by incompatible activities and reverse sensitivity effects. I therefore agree with the wording of Objective EI-O4 as amended by the Section 42A Report.

POLICY EI-P1 RECOGNISING THE BENEFITS OF REGIONALLY SIGNIFICANT INFRASTRUCTURE AND LIFELINE UTILITIES

39. PrimePort submitted in support of the notified wording of Policy EI-P1, made a further submission against Forest and Bird submission 156.57 seeking to amend the policy wording to "providing for" rather than "enabling", and a further submission in support of the Timaru District Council submission seeking amendments for emergency works. On further reflection and with reference to the higher order document wording as set out in the Section 42A Report¹⁰, I agree that the wording "providing for" is appropriate.
40. I also agree with Mr Willis that providing for the removal of the infrastructure/lifeline utilities in all situations, i.e. not just emergency situations, is appropriate.

POLICY EI-P2 MANAGING ADVERSE EFFECTS OF REGIONALLY SIGNIFICANT INFRASTRUCTURE AND OTHER INFRASTRUCTURE

41. PrimePort lodged a submission supporting Policy EI-P2 as notified, and further submissions opposing Forest and Bird and Kāinga Ora submissions. The Policy as notified included reference to the coastal environment in clause (1)(a), which would result in this clause applying to the PORTZ in its entirety. Read in the round, and with particular reference to:
- clause (1)(b) which references the underlying zone; and
 - clause (1)(g) which references the character and qualities of the surrounding area; and
 - clause (2) which references functional or operational need; and

¹⁰ Paragraph 6.25.7 of Mr Willis's Section 42A report.

- setting the policy alongside the objectives and policies of the PORTZ chapter;

I was satisfied that notified Policy EI-P2 would not be unduly onerous for consideration of development within the PORTZ. That remains my view, except insofar as the Section 42A Report now recommends reference to an effects management hierarchy in a new clause (3), which in turn is then cross referenced in Objective EI-O2.

42. As I have discussed above in relation to Objective EI-O2, I do not think it is necessary or appropriate to require the effects management hierarchy to be applied in the PORTZ, or potentially even other urban areas of the District where the Coastal Environment overlay is the only matter triggered by clause (1)(a) of EI-P2. I consider Policy EI-P2 could be amended as follows, to make Policy EI-P2, and Objective EI-O2, less onerous (wording of Section 42A Report):

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, 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

POLICY EI-P3 ADVERSE EFFECTS ON REGIONALLY SIGNIFICANT INFRASTRUCTURE

43. PrimePort and TDHL provided further submissions in support of the Oil companies submission to refer to “modified” incompatible activities in Policy EI-P3¹¹. I agree with the Section 42A Report recommendation to accept that “or modified” wording, as I agree that modified incompatible activities can create new or increased adverse effects on regionally significant infrastructure¹².

¹¹ Submission 196.24.

¹² Paragraph 6.27.9 of Mr Willis’s Section 42A Report.

RULE EI-R1 – RULES FOR ENERGY AND INFRASTRUCTURE ACTIVITIES (NOT LISTED IN OTHER SECTIONS OF THIS CHAPTER)

44. If my recommendation to amend the introductory statement to the rules section is accepted, to make clear that the infrastructure rules do not apply to Port Activities, Rule EI-R1 will not apply to Port Activities and no issues arise. If my recommendation is not accepted, then Rule EI-R1 will apply, and the wording recommended in the Section 42A Report will be acceptable to the Port, i.e. will not place further constraints or additional consenting burden on Port Activities.

RULE EI-R26 CONSTRUCTION OF NEW UNDERGROUND AND ABOVE GROUND WATER SYSTEMS INFRASTRUCTURE

45. PrimePort and TDHL made a further submission in support of Rooney Holdings (174.14), seeking to delete Rule EI-R26(2). The Section 42A Report has recommended further amendments to the rule, so that it applies to above ground systems only. However, the rule continues to apply to above ground stormwater infrastructure. The Section 42A Report states *‘I further consider it should be limited to above ground reservoirs, storage ponds and treatment facilities for network utilities and that these should be an RDIS activity in all zones’*¹³. However, the rule does not define stormwater infrastructure, and it would therefore in effect apply restricted discretionary activity status to all stormwater infrastructure, which I would interpret to include stormwater swales and rain gardens. I recommend that Rule EI-R26 be amended to make clearer that minor stormwater infrastructure such as swales and rain gardens are not captured by this rule, or make clear exactly what stormwater infrastructure is sought to be captured.

OTHER MATTERS – URBAN AREA

46. PrimePort and TDHL made submissions seeking that the mapped urban area be extended to include the full extent of the Port. Mr Willis addresses this matter in his Section 42 Report¹⁴, stating that the mapping of the Urban Area Overlay will be addressed in a subsequent hearing. As this submission relates specifically to the extent of the PORTZ, and was not

¹³ Paragraph 6.44.5 of Mr Willis’s Section 42A Report.

¹⁴ Paragraph 6.57.10.

addressed in Hearing B when the PORTZ matters were heard, I seek confirmation of when this matter will be heard.

47. Related to the above submission, it has been brought to my attention by PrimePort that a section of reclaimed land within the Log Yard was formally titled in late 2024. A copy of that Title is attached in Appendix B. The District Plan maps, including the Urban Area, the PORTZ and the extent of Precinct 7, require updating to reflect the newly titled land.

STORMWATER MANAGEMENT

GENERAL AND INTRODUCTION

48. PrimePort and TDHL made further submissions in support of the Kāinga Ora submission seeking that the stormwater management chapter be deleted in its entirety. I agree with the submission and it is my view that the chapter is unnecessary and adds an unhelpful and inappropriate layer of bureaucracy to stormwater management that is not warranted. In support of that opinion, I note:

- Stormwater management matters are already managed via a Council bylaw¹⁵, and via Environment Canterbury's Land and Water Regional Plan and Regional Coastal Environment Plan;
- Management of stormwater via a combination of district council bylaw and Environment Canterbury consenting is very common and does not normally necessitate an additional layer of rules/consent requirements in the district plan.

49. The Section 42A Report references the evidence of Ms Dudson and Mr Machado where they state that the stormwater chapter is, in effect, necessary to ensure adverse downstream effects do not arise and to protect the public stormwater infrastructure network¹⁶. It is not clear to me what differentiates the Timaru stormwater network from that of other district councils, many of whom struggle with network capacity and/or stormwater quality issues. Mr O'Neill expresses a similar view in his evidence. Further, Mr Cooper's evidence notes recent TDHL experience of seeking authorisation for a new stormwater discharge to the Council reticulated system, under the Council's bylaw. He notes that through that process the Council's drainage team required stormwater attenuation prior to

¹⁵ I understand this to be the Timaru District Consolidated Bylaw 2018.

¹⁶ Paragraph 6.58.5 of Mr Willis's Section 42A Report.

connecting to the network. Mr Cooper's evidence further supports the view that Council already has the ability to manage stormwater entering its network, without the addition of further regulatory intervention through the District Plan.

50. I therefore consider the chapter should be deleted in its entirety. The following evidence is provided in relation to the provisions proposed for the Stormwater Management chapter and its related definitions, in the event that the Hearing Panel considers the Stormwater Management chapter should be retained.

DEFINITION – STORMWATER NEUTRALITY

51. Mr O'Neill addresses the definition of stormwater neutrality in his evidence¹⁷. He has stated that the definition of stormwater neutrality is extremely difficult to achieve at a larger scale in regard to volume¹⁸ and that the concept of stormwater neutrality is not typically understood to refer to volume as opposed to flow rates¹⁹. He recommends that the references to volume are removed from the definition of stormwater neutrality. I accept and rely upon Mr O'Neill's evidence on this matter and recommend the definition of 'stormwater neutrality' is modified as follows:

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

DEFINITION – IMPERVIOUS SURFACE

52. Although the term "impervious surface" is utilised in stormwater management rule SW-R4, the definition of "impervious surface" is not addressed in the Section 42A Report. PrimePort has concerns with the definition as applied in the stormwater provisions. Accordingly, if the stormwater chapter is retained, then I address the definition now.

53. The definition of impervious surface as notified is as follows:

'means an area with a surface which prevents or significantly reduces the soakage or filtration of water into the ground. It includes:

- *Roofs;*

¹⁷ Beginning paragraph 14 of Mr O'Neill's evidence.

¹⁸ Paragraph 21 of Mr O'Neill's evidence.

¹⁹ Ibid.

- *Paved areas including driveways and sealed or compacted metal parking areas and patios;*
- *sealed outdoor sports surfaces*
- *Sealed and compacted-metal roads;*
- *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.'*

54. Mr O'Neill has set out in his evidence, the concern that the definition as notified, focuses at least partially on functional use rather than the nature of the surface itself²⁰. He recommends that the definition could be clarified with some minor amendment and I agree the clarity would be beneficial. I therefore recommend that the definition be amended 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;*

²⁰ Paragraph 41 of Mr O'Neill's evidence.

- *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.'*

POLICY SW-P2 WATER QUALITY

55. PrimePort and TDHL made further submissions in support of Waka Kotahi NZ Transport Agency's submission seeking the policy be amended so that it refers to 'maintain or enhance stormwater quality' rather than 'maintain and enhance'. I agree that 'or' is a more appropriate word, as it is not always practicable, or even necessary, to enhance stormwater quality, the most obvious scenario being where stormwater quality is already very high.
56. I also agree with the amendments proposed to clause (2) of Policy SW-P2, to make it clear that the focus of stormwater quality treatment is on trafficked hardstand areas rather than impervious surfaces more generally, as contaminants are more likely to arise in trafficable areas than, for example, footpaths and roofs.

RULE SW-R4 ALL DEVELOPMENTS, OTHER THAN A ROAD, THAT RESULT IN AN INCREASE IN IMPERVIOUS SURFACES OF GREATER THAN 30M²

57. I note that the stormwater standard references in the Section 42A Report Appendix 1 version of Rule SW-R4 appear to be incorrect, having not been updated since the numbering of the standards were amended. SW-R4 PER-2 references SW-S3 which should instead be SW-S2. SW-R4 PER-3 references SW-S4 but should instead be SW-S3.
58. With regard to PER-3 of Rule SW-R4 as proposed in the Section 42A Report, Mr Cooper has noted in his evidence²¹ that he understands some of the Port discharges to the harbour occur under a Certificate of Compliance. I can confirm that there is at least one stormwater discharge to Evans Bay that is occurring under a Certificate of Compliance, pursuant to Rule 7.1(b) of the Canterbury Regional Coastal Environmental Plan (**CRCEP**)²². I

²¹ Paragraph 31 of Mr Cooper's evidence.

²² Certificate of Compliance CRC201020.

understand from discussion with Mr Cooper that this discharge relates to stormwater discharge from the Log Yard.

59. PER-3(2) recognises that there may be instances where stormwater discharges are authorised by resource consent under a regional plan, but does not provide for situations where discharges are permitted by a regional plan. I consider PER-3 should be amended to account for permitted discharges. I note that the Section 42A Report has addressed a similar submission by Rooney et al in relation to Rule SW-R3²³ and has declined to make the amendment on the basis that activities permitted by a regional rule '*...are not targeted to the matters the Council is expressly seeking to manage.*' However, the same argument could be said to apply to a resource consent granted by Environment Canterbury. In my view, if the discharge meets the requirements of the relevant regional plan rules for stormwater discharges, proposed PER-3 should be met. I therefore recommend amending PER-3 as follows:

'PER-3

1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S4 that allows entry of the stormwater into the reticulated stormwater network; or

*2. the stormwater discharge is authorised **as a permitted activity or** by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan.'*

60. PrimePort and TDHL's issues with this rule otherwise relate to standards SW-S3 and SW-S4, which I will address below.

STANDARD SW-S2 (NOW SW-S1) STORMWATER NEUTRALITY DEVICES OR SYSTEMS

61. PrimePort and TDHL have opposed this standard on the basis that it is onerous and impractical for the PORTZ. The Section 42A Report has declined to make any amendments to the standard, noting that it does not apply to the PORTZ²⁴. This does not appear to be correct. Standard SW-S3 (notified numbering) specifically references SW-S2 (notified numbering)

²³ Paragraph 6.62.4 of Mr Willis's Section 42A report.

²⁴ Paragraph 6.65.2 of Mr Willis's Section 42A report.

in clause 2 which applies to the PORTZ. That provision states (wording from Section 42A Report):

'The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw to connect to the Public reticulated stormwater network if the development meets below requirements set out in Table 5 below and in accordance with SW-S2.' [my emphasis]

62. If SW-S2 (notified numbering) is not intended to apply to the PORTZ, and on the basis of Mr O'Neill's evidence that indicates stormwater neutrality is very difficult to achieve in large scale developments and in some cases may not be a positive outcome, then the reference to SW-S2 should be removed from SW-S3 (notified numbering).

SW-S3 (NOW SW-S2) STORMWATER QUANTITY PERMISSION REQUIREMENTS

63. Standard SW-S3 (notified numbering) clause 2 applies to the PORTZ. The standard is confusing however as whilst the first column of the standard references the 'Port Zone', Table 5 of the standard does not, providing no guidance as to when discharges within the Port Zone can be expected to meet Bylaw requirements. The standard as it stands therefore does not set any water quantity standard for the PORTZ to meet, but does, arguably, require SW-S2 (now SW-S1 stormwater neutrality devices or systems) to be adhered to. Assuming Table 5 is an oversight and is intended to reference the Port Zone, the standard remains very difficult and uncertain to implement due the issues with the definitions of stormwater neutrality and impervious surfaces, which I have discussed above. Mr O'Neill has also raised several issues in respect of this standard, noting that the approach set out in this standard are '*...far more onerous than any other approach to stormwater neutrality...*' that he has encountered in New Zealand²⁵. In my view, the standard should be deleted.

SW-S4 (NOW SW-S3) STORMWATER QUALITY PERMISSION REQUIREMENTS

64. Mr O'Neill sets out several issues with the stormwater quality provisions in his evidence, which I summarise as:

²⁵ Paragraph 25 of Mr O'Neill's evidence.

- i. The minimum removal standards cannot all consistently be met by the commonly available and utilised best practice proprietary treatment devices;
 - ii. Proprietary devices are not likely to be capable of achieving the required contaminant removal in all circumstances; and
 - iii. The higher the TSS concentration in stormwater influent, the more likely it is that the required removal rates will be achieved. In other words, if the discharge is relatively clean to start with, it is less likely that the removal rates will be achieved. He also notes that the removal efficiency of Total Suspended Solids is significantly influenced by Particle Size Distribution, with stormwater influent that is dominated by very small particle size being much more difficult to treat by filtration devices such as common media filters.
65. In regard clause (1) of SW-S3 (new numbering), the clause states:
- 'The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw to connect to the Public reticulated stormwater network following certification of a treatment system designed to improve contaminate levels of gross pollutants, total suspended solids and hydrocarbons discharged by activities increasing trafficked hardstand impervious areas greater than 30m² and less than 150m².'*
66. The clause is silent on what level of treatment is required, leaving the reader unclear as to how certification will be achieved.
67. Overall, this standard is uncertain and, on the basis of Mr O'Neill's evidence the standard is likely to be unachievable by standard proprietary devices, and overly onerous. I accept Mr O'Neill's evidence on this matter and agree with Mr O'Neill that the standard should be deleted.

TRANSPORT

POLICY TRAN-P3

68. PrimePort and TDHL supported the notified wording of Policy TRAN-P3. The Section 42A Report recommends amending the policy to include reference to "safe" use²⁶. I agree with the Section 42A Report that the

²⁶ Paragraph 6.72.3-6.72.5 of Mr Willis's Section 42A Report.

amendment is appropriate and that safety is a key matter outcome sought for the transport network.

POLICY TRAN-P4

69. PrimePort and TDHL made further submissions in support of the KiwiRail submission on TRAN-P4, seeking reference to new land transport infrastructure, and functional or operational need. I agree with the Section 42A Report that there is sometimes a need to locate road and rail in sensitive environments. In the case of the PORTZ, the zone in its entirety falls within the notified definition of a 'sensitive environment' as that definition includes the coastal environment. I consider the amendments proposed in the Section 42A Report are reasonable, recognise situations may arise where land transport is necessary and allows for adverse effects to be addressed without unnecessarily requiring effects to be avoided in all instances.

POLICY TRAN-P8 AND STANDARD TRAN-S1

70. PrimePort and TDHL made further submissions in support of the Fonterra submission seeking Policy TRAN-P8 be amended so that landscaping is not a requirement for all parking areas. PrimePort and TDHL also made submissions on Standard TRAN-S1, similarly requesting that landscaping not be required for parking areas in the PORTZ.

71. The Section 42A Report recommends²⁷ amending clause (4) of Policy TRAN-P8 to state:

'landscaping in provided parking areas that visually softens the dominant effect of hard surfaces and positively contributes to amenity values anticipated for the receiving environment.'

72. I agree that landscaping should not necessarily be a requirement for parking areas in all environments. The older developed areas of the PORTZ are a good example of areas that are already heavily developed, have limited ability for expansion alongside demand for intensification, and any requirement for landscaping of car parking areas would be largely inconsistent with the environment that already exists. Mr Cooper has also confirmed the challenges of providing both landscaping and car parking in the PORTZ in his evidence. I therefore also agree with the Section 42A

²⁷ Paragraph 6.75.10 of Mr Willis's Section 42A Report.

Report's proposed amendment to Standard TRAN-S1 such that it no longer applies to the PORTZ²⁸.

SUBDIVISION

POLICY SUB-P7 ESPLANADE RESERVES AND STRIPS AND STANDARD SUB-S8 ESPLANADE RESERVES AND STRIPS

73. PrimePort submitted in support of this policy and standard, specifically clause (3) of Policy SUB-P7 which provides for esplanade reserve or strips to be reduced or waived in some situations, and Standard SUB-S8 that implements that clause. Mr Munro's evidence for Hearing A set out scenarios where public access to the coast in the PORTZ is not appropriate for health and safety and security reasons, and Policy SUB-P7 and Standard SUB-S8 are consistent with Mr Munro's evidence. Mr Cooper's evidence for this hearing also comments on the appropriateness of excluding esplanade reserves²⁹.

NEW RULE SUB-R5 SUBDIVISION AND NATURAL HAZARDS, AND SUB-R12 SUBDIVISION AND THE COASTAL ENVIRONMENT

74. In respect of subdivision and natural hazards and the coastal environment, including High Hazard areas and the Seawater Inundation Overlay, these are matters that I understand are to be addressed in Hearing F and I do not consider it is appropriate to include new Rule SUB-R5 or SUB-R12 through this hearing. The rules should be set aside for future consideration in Hearing F.

SCHEDULE 12

75. PrimePort submitted on SCHED12, seeking that the Port of Timaru exclusion from esplanade reserve requirements be extended from Unwin Street to Talbot Street, effectively to encompass the full length of Lot 2 DP 326718. Mr Cooper has set out in his evidence the reasons as to why this exclusion is necessary, being the anticipated relocation of the existing Log Yard security fence, and I accept Mr Cooper's evidence as to the medium to longer term plans the Port has for this land. The Section 42A Report has recommended PrimePort's submission be accepted³⁰ and I agree with that recommendation.

²⁸ Paragraph 6.84.14 of Mr Willis's Section 42A report.

²⁹ Paragraph 16 of Mr Cooper's evidence.

³⁰ Paragraph 7.6.16 of Mr Boyes' Section 42A report.

HISTORIC HERITAGE

SCHED3 – SCHEDULE OF HISTORIC ITEMS

76. TDHL have submitted requesting that item HHI-75 Sailors Rest/South Canterbury Seafarers' Centre be removed from Schedule 3, on the basis that a Certificate of Compliance for its demolition is held and is intended to be implemented. The Section 42A Report declines to remove the listing on the basis that the assessment standards, regardless of the Certificate of Compliance³¹.
77. I have been advised by Mr Munro that TDHL intends to demolish the heritage item. I attach as Appendix A to my evidence, the valid Certificate of Compliance. I also attach Mr Frazer's email to myself, where he sets out the intended timeframe for demolition with works scheduled to begin in March 2025 (asbestos removal), with full demolition to proceed in July 2025.
78. Whilst I understand Dr McEwan's reasoning for retaining the heritage item in Schedule 3, on the basis of Mr Munro's evidence, the retention seems unnecessary and will lead to the Schedule being out of date before it is made operative. If it assists the Panel, TDHL can provide evidence of the heritage item's demolition on its completion, noting that this will occur well in advance of the close of scheduled close of hearings.

CONCLUSION

79. I consider the EI chapter needs amendment to better integrate with the PORTZ chapter as the changes recommended in the Section 42A Report have inadvertently overridden the PORTZ provisions. While the Port supports emissions reduction, I consider Objective EI-O1 needs further amendment to better account for future developments such as new fuel storage tanks.
80. 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 significant infrastructure within urban areas in the coastal environment and not consistent with CRPS policies.

³¹ Paragraph 6.24.29 and .30 of Mr MacLennan's Section 42A report.

81. I have requested confirmation of when the mapped Urban Area will be heard and including in relation to newly titled reclaimed land within the Port.
82. 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.
83. I agree with the Section 42A Report recommended changes to policies and standards in the Transport and Subdivision chapters, where they relate to submissions made by PrimePort or TDHL, but consider new Rule SUB-R5 and SUB-R12 should be deferred to Hearing F when coastal hazards and natural hazards are to be considered.
84. I have provided confirmation of the intended demolition of heritage item HHI-75 Sailors Rest, in support of the requested deletion of that item from Schedule 3.

Date: 23 January 2025

Kim Marie Seaton

**APPENDIX A: SAILOR'S REST – CERTIFICATE OF COMPLIANCE FOR
DEMOLITION AND EMAIL FROM FRAZER MUNRO CONFIRMING
TIMEFRAMES**

From: [Frazer Munro](#)
To: [Kim Seaton](#)
Subject: Sailors Rest - demolition [Filed 21 Jan 2025 20:59]
Date: Tuesday, 21 January 2025 8:49:11 pm
Attachments: [image001.jpg](#)

Hello Kim,

In accordance with the Certificate of Compliance, TDHL will be demolishing the sailors rest building at 19 Ritchie St, Port of Timaru.

We have undertaken a preliminary asbestos assessment and have booked removal contractors for March 2025. A demolition contractor has been arranged for July 2025.

Regards,

Frazer Munro
General Manager



027 220 5545
www.tdhl.co.nz
PO Box 178, Timaru, 7940



REPORT FOR A CERTIFICATE OF COMPLIANCE

CONSENT NO:	106.2020.178
APPLICANT:	Timaru District Holdings Limited
ACTIVITY:	Certificate of Compliance to Demolish 19 Ritchie Street
LOCATION:	13-19 Ritchie Street Timaru Port Timaru
LEGAL DESCRIPTION:	Lot 2 DP 30907
ZONE:	Industrial H

1.0 INTRODUCTION

1.1 GENERAL

This report has been prepared to document the assessment of the subject application by Timaru District Holdings Limited for a Certificate of Compliance under section 139 of the Resource Management Act 1991 (the Act).

1.2 PROPOSAL

The proposal is to demolish the Sailor's Rest/South Canterbury Seafarer's Centre building at 19 Ritchie Street, Timaru Port. The demolition will not involve any excavation or removal of below-ground foundations.

1.3 LOCATION

The land to which the application relates has the street address of 19 Ritchie Street and sits within Lot 2 DP 30907 which also includes other addresses including 13, 15 and 17 Ritchie Street, 199 and 201 Hayes Street and 204, 206 and 208 Fraser Street. The site is within the Port of Timaru.

2.0 STATUTORY CONSIDERATIONS

Certificates of compliance are provided for under section 139 of the Act. The most relevant provisions of section 139 of the Act are provided below.

139 Consent authorities and Environmental Protection Authority to issue certificates of compliance

- (1) This section applies if an activity could be done lawfully in a particular location without a resource consent.
- (2) A person may request the consent authority to issue a certificate of compliance.
- (3) A certificate states that the activity can be done lawfully in a particular location without a resource consent.
- (4) The authority may require the person to provide further information if the authority considers that the information is necessary for the purpose of applying subsection (5).
- (5) The authority must issue the certificate if—

 - (a) the activity can be done lawfully in the particular location without a resource consent; and
 - (b) the person pays the appropriate administrative charge.
- (6) The authority must issue the certificate within 20 working days of the later of the following:

 - (a) the date on which it received the request:
 - (b) the date on which it received the further information under subsection (4).
- (7) The certificate issued to the person must—

 - (a) describe the activity and the location; and
 - (b) state that the activity can be done lawfully in the particular location without a resource consent as at the date on which the authority received the request.
- (8) The authority must not issue a certificate if—

 - (a) the request for a certificate is made after a proposed plan is notified; and
 - (b) the activity could not be done lawfully in the particular location without a resource consent under the proposed plan.
- (9) Sections 357A and 357C to 358 apply to a request for a certificate.

3.0 TIMARU DISTRICT PLAN

Demolition of buildings is not controlled within the Timaru District Plan. The land on which the building to be demolished sits is listed as a HAIL site on Environment Canterbury's Listed Land use Register and is assumed to be contaminated however no resource consent is required as the proposal does not involve disturbance of the soil, only removal of the building above ground level. It is noted that small scale soil disturbance is a permitted activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

4.0 CONCLUSION & RECOMMENDATION

Based on the above assessment, it is concluded that the proposed demolition of the Seafarer's building does not require a resource consent. Accordingly, it is recommended that a certificate of compliance pursuant to section 139 of the Act be issued in respect of the proposed development.

Reported on and Recommended by: Patricia Harte, Consultant Planner

Date: 24 November 2020

5.0 DECISION

Acting under the delegated authority from Council, I have considered this application for a Certificate of Compliance and have decided, pursuant to section 139 of the Resource Management Act 1991 that a certificate of compliance shall be issued in respect of the proposed development.

It is noted that the assessment of this application has been undertaken independently due to the applicant company being owned by Timaru District Council. The assessment by Patricia Harte has clearly identified that the activity is permitted and that it is appropriate for a certificate of compliance to be issued.



Nathan Hole
Team Leader Consents and Compliance

Date: 25 November 2020

APPENDIX B: CERTIFICATE OF TITLE FOR RECLAIMED LAND



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **1199406**
Land Registration District **Canterbury**
Date Issued 30 August 2024

Prior References
13082586.1

Estate Fee Simple
Area 6467 square metres more or less
Legal Description Lot 1 Deposited Plan 602230
Registered Owners
Primeport Timaru Limited

Interests

