

**SUMMARY STATEMENT OF TIMOTHY CARR WALSH
ON BEHALF OF PRIMEPORT TIMARU LIMITED
AND TIMARU DISTRICT HOLDINGS LIMITED**

HEARING STREAM F

Dated: 1 May 2024

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1. My name is Tim Walsh. I am a consultant planner practicing with Novo Group Limited in Christchurch.
 2. My evidence relates to the submissions and further submissions of PrimePort Timaru Ltd (**PrimePort**) and Timaru District Land Holdings (**TDHL**) on the Proposed Timaru District Plan (**Proposed Plan**).
 3. This statement summarises my evidence in chief dated 9 April 2025, and provides an update of my views following consideration of evidence lodged for other submitters on Hearing F.
 4. For the reasons set out in my primary evidence, I consider that there is clear evidence to support the recommended approach to natural hazards and other matters for the Port Zone in the Proposed Plan. Of note, PrimePort and TDHL were particularly concerned to avoid the Port Zone falling within the definition of a High Hazard Area, and the negative and undue impact that would have on the continued operation and development of Port.
 5. I agree with the officer's reports that the recommended approach is the most appropriate for achieving the purpose of the Resource Management Act 1991. However, I also recommend several minor amendments to specific objectives, policies, rules, and standards across the relevant chapters to improve clarity, consistency, and to better reflect the operational needs of the Port as Regionally Significant Infrastructure, and to support industry and activity in the wider Port Zone. The recommendations include changes to:
 - (a) the introduction to the Natural Hazards chapter to avoid possible confusion for plan users;
 - (b) Objective NH-O4 to ensure it applies to the wider Port Zone;
 - (c) the introduction to the rules section of the Natural Hazards chapter to provide more explicit clarification as to which provisions apply to minimise potential confusion for plan users;

- (d) Rule NH-R3 to allow the Port of Timaru to undertake maintenance, replacement and minor upgrades of natural hazard mitigation works that it is responsible for, in and near Precinct 7;
 - (e) Rule SUB-RX (Subdivision within natural hazard overlays) to exclude it from applying to the Port Zone;
 - (f) NH-RX (Buildings within the PORTZ) to provide clarity and consistency;
 - (g) the introduction to the Coastal Environment chapter to avoid possible confusion for plan users;
 - (h) Objective CE-O7 to be broadened to apply to the wider Port Zone, so as to provide clear support for the proposed rules;
 - (i) Clause 3 of CE-P10 to improve readability;
 - (j) the introduction to the rules section of the Coastal Environment chapter to provide more explicit clarification as to which provisions apply to minimise potential confusion for plan users;
 - (k) Rule CE-R9 to allow the Port of Timaru to undertake maintenance, replacement and minor upgrades of natural hazard mitigation works that it is responsible for, in and near Precinct 7;
 - (l) Objective LIGHT-O1 to better reflect the benefits of artificial outdoor lighting;
 - (m) Rule LIGHT-R1.1 to provide clarity; and
 - (n) Standard SIGN-S6 so that no limit applies to Precinct 7 and the remainder of the Port Zone is allowed one freestanding sign per formed vehicle access.
6. The above recommended amendments are included in the appendix of this summary along with additional recommendations following consideration of evidence lodged for other submitters and further reflection as discussed below.

CLARITY

7. In my evidence in chief, I recommend additional wording to specify which objectives and policies apply to the Port Zone in the introductions to the Natural Hazards and Coastal Environment chapters. On reflection, I consider these notes would be more appropriately located under the 'Objectives' and/or 'Policies' headings consistent with the approach in respect of the rules sections of these chapters. It is not uncommon

for plan users to overlook introductory material. My recommended approach (see the appendix for details) reduces the risk that a plan reader might overlook this important information.

8. The purpose of specifying objectives, policies and rules that apply to the PORTZ in the Natural Hazards and Coastal Environment chapters is to avoid overlapping or contradictory rules within the Port Zone. It reflects the agreement between district council, regional council and PrimePort planners and technical experts that separate provisions are warranted for the Port Zone in recognition of its important function and location at the interface of the sea.

REVERSE SENSITIVITY

9. 22 The Terrace Limited and G.D.M. Offices Limited request that the Port Outer Noise Control Boundary Overlay is removed from 22 The Terrace and 12 & 14 The Terrace respectively. Both submitters cite outdated noise modelling, conflict with City Centre Zone objectives, and unnecessary cost burden of compliance as the reasons supporting the requested relief. Further, both submitters point to 20 The Terrace, which is located between the submitter's properties but not affected by the overlay, as an example of the "ad hoc" application of the overlay.
10. Relying on the evidence of Dr Trevathan, I continue to support the overlay. The proposed approach is a common and accepted method of protecting against reverse sensitivity effects. It is also relevant to note that the acoustic insulation requirements associated with the City Centre Zone impose a higher standard than that applies within the Port Outer Noise Control Boundary Overlay. Therefore, the overlay has limited practical application where it overlaps with the City Centre Zone. The submitters properties, and 20 The Terrace, are situated within the City Centre Zone and therefore subject to the higher acoustic insulation standard.
11. Where 22 The Terrace Limited and G.D.M. Offices Limited seek less regulation, Ms Heppelwaite (for KiwiRail) considers that the acoustic insulation standard (see NOISE-S3) ought to be more restrictive. She recommends the acoustic insulation exemption for extensions to habitable rooms by up to 20% be removed. Mr Pearson (for Waka Kotahi) considers that an exemption is appropriate but recommends a fixed area increase of 5m² for habitable rooms be allowed every 10 years.
12. Relying on the evidence of Dr Trevathan, I continue to support the exemption, but I have no firm opinion as to whether a percentage or fixed area increase exemption is more appropriate. I note that Dr Trevathan is comfortable with either approach. I also

support Mr Pearson's recommended stand down period applying to subsequent additions.

NATURAL HAZARDS

13. Canterbury Regional Council seeks several amendments to natural hazards rules in the Natural Hazards and Coastal Environment chapters. Of relevance to the Port and PORTZ, and relying on the evidence of Mr Griffiths, I support the recommendation to remove all matters of discretion relating to diversion and displacement effects, and the definition of 'overland flow path'. I also support the recommended amendments to the wording of the Flood Assessment Certificate standard (see NH-S1).
14. The regional council also recommends amendments to Rule NH-R3/CE-R9 relating to maintenance, replacement or upgrading of existing natural hazard mitigation works. If the panel was of a mind to accept the relief sought, alternative wording would need to be applied to allow the Port to undertake maintenance, replacement and upgrading of natural hazard mitigation works that it is responsible for, in and near Precinct 7.

Appendix: Recommended amendments to the Proposed Plan

Amendments recommended in my evidence in chief are shown in red and additional amendments resulting from consideration of other submitter evidence is shown in blue.

PROVISION	SECTION 42A RECOMMENDATION	PRIMEPORT/TDHL RELIEF SOUGHT
Natural Hazards		
Introduction	<u>Being located on the coast, the Port of Timaru is subject to sea water inundation and tsunami risk. In recognition of its particular locational requirements interfacing with the sea, separate specific provisions are provided for the PORTZ. No other natural hazard provisions apply unless otherwise specified in the provisions.</u>	Being located on the coast, the Port of Timaru is subject to sea water inundation and tsunami risk. In recognition of its particular locational requirements interfacing with the sea, separate specific provisions are provided for the PORTZ <u>as noted at the beginning of the objectives, policies and rules sections of this chapter.</u> No other natural hazard provisions apply unless otherwise specified in the provisions.
Objectives (introductory note)	[The objectives section does not current contain any introductory notes]	<u>Note: In this chapter, only Objective NH-O4 applies in the PORTZ.</u>
Objective NH-O4	<u>Adaptive management at the Port</u> <u>Recognise that the Port of Timaru is subject to natural hazards and provide for its ongoing use, while managing natural hazards risk appropriately.</u>	<u>Adaptive management</u> at the Port <u>within the PORTZ</u> <u>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 and/or functional need for their co-location with the Port, while managing natural hazards risks appropriately.</u>
Policies (introductory note)	[The policies section does not current contain any introductory notes]	<u>Note: In this chapter, only Policy NH-P11 applies in the PORTZ.</u>
Rules (introductory notes)	<u>For the purposes of this chapter, activities in the PORTZ are only subject to the PORTZ-specific rules and NH-R9. These PORTZ specific rules do not cover Major Hazardous Facilities and</u>	<u>For the purposes of this chapter, activities in the Port Zone are only subject to rules NH-R3, NH-RX¹ and NH-RX²</u> the PORT-specific rules and NH-R9.

¹ Buildings within the PORTZ

² New Buildings, structures and earthworks in the PORTZ

	<u>Hazardous Facilities in the PORTZ, which are covered by the Hazardous Substances chapter.</u>	
Rule NH-R3	<p>Natural hazard mitigation works —maintenance, replacement and upgrading including associated earthworks and incidental vegetation removal.</p> <p><i>Note: This rule does not apply to natural hazard mitigation works only involving the planting of vegetation</i></p> <p>...</p> <p>PER-3 4 The activity is undertaken by or on behalf of the Crown, Canterbury Regional Council or the Council.</p>	<p>Natural hazard mitigation works —maintenance, replacement and upgrading including associated earthworks and incidental vegetation removal.</p> <p><i>Note: This rule does not apply to natural hazard mitigation works only involving the planting of vegetation</i></p> <p>...</p> <p>PER-3 4 The activity is undertaken by or on behalf of the Crown, Canterbury Regional Council or the Council, <u>or the Port of Timaru where works are located within 310m of PREC7.</u></p>
Rule SUB-RX (formerly NH-R8)	<p>Subdivision <u>within natural hazard overlays</u></p> <p>...</p>	<p>Subdivision <u>within natural hazard overlays</u> <u>(excluding the PORTZ)</u></p> <p>...</p>
Rule NH-RX	<p><u>Buildings within the PORTZ</u></p> <p><u>Flood Assessment Area Overlay</u> <u>High Hazard Overlay</u> <u>Sea Water Inundation Overlay</u></p> <p><u>Activity status: Permitted</u></p> <p><u>Where</u></p> <p><u>PER-1</u> <u>The building is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or</u></p> <p><u>PER-2</u> <u>The building activity:</u> <u>1. complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or</u> <u>2. will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or</u> <u>3. the building has a footprint smaller than 100m²; or</u> <u>4. is relocatable.</u></p>	<p><u>Natural hazard sensitive buildings within the PORTZ</u></p> <p><u>Flood Assessment Area Overlay</u> <u>High Hazard Overlay</u> <u>Sea Water Inundation Overlay</u></p> <p><u>Activity status: Permitted</u></p> <p><u>Where</u></p> <p><u>PER-1</u> <u>The building is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or</u></p> <p><u>PER-2</u> <u>The building activity:</u> <u>1. complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or</u> <u>2. will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or</u> <u>3. the building has a footprint smaller than 100m²; or</u> <u>4. is relocatable.</u></p>

Coastal Environment		
Introduction		Being located on the coast, the Port of Timaru is subject to sea water inundation and tsunamis. In recognition of its particular locational requirements interfacing with the sea, separate <u>natural hazard</u> specific provisions are provided for the <u>Port PORTZ</u> . No other natural hazard provisions apply unless otherwise specified in the provisions.
Objectives (introductory note)	[The objectives section does not current contain any introductory notes]	<u>Note: In this chapter, objectives CE-O4 and CE-O5 do not apply in the PORTZ.</u>
Objective CE-O7	<p><u>Adaptive management at the Port</u></p> <p><u>Recognise that the Port of Timaru is subject to natural hazards and provide for its ongoing use, while managing natural hazards risk appropriately.</u></p>	<p>CE-O7 Adaptive management at the Port <u>within the PORTZ</u></p> <p><u>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.</u></p>
Policies (introductory note)	[The policies section does not current contain any introductory notes]	<u>Note: In this chapter, policies CE-P3, CE-P4, CE-P12, CE-P13 and CE-P14 do not apply in the PORTZ.</u>
CE-P10	<p>Preserving the natural character of the Coastal Environment</p> <p>Enable Manage subdivision, use and development outside of areas of coastal high natural character <u>so</u> that:</p> <p>...</p> <p>3. <u>regionally significant infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and EI-PX Managing the effects of the National Grid.</u></p>	<p>Preserving the natural character of the Coastal Environment</p> <p>Enable Manage subdivision, use and development outside of areas of coastal high natural character <u>so</u> that:</p> <p>...</p> <p>3. <u>adverse effects in respect of regionally significant infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and EI-PX Managing the effects of the National Grid.</u></p>
Rules (introductory notes)	<p>For the purposes of this chapter, activities in the PORTZ are only subject to the PORTZ-specific rules and CE-R12. These PORTZ specific rules do not cover Major Hazardous Facilities and Hazardous Facilities in the PORTZ, which are covered by the Hazardous Substances chapter.</p>	<p>For the purposes of this chapter, activities in the <u>PORTZ Port Zone</u> are only subject to <u>the Port Zone-specific rules and CE-R12, CE-R1, CE-R2, CE-R3, CE-R4, CE-R6, CE-R9, CE-R14, CE-RXX, CE-RX³, CE-RZ, and CE-RA.</u> These PORTZ specific rules do not cover Major Hazardous Facilities and Hazardous Facilities in the PORTZ, which are covered by the Hazardous Substances chapter.</p>

³ New buildings, structures and earthworks in the Port Zone

CE-R9	<p>Natural hazard mitigation works, including <u>associated</u> earthworks and incidental vegetation removal; – maintenance, replacement and upgrading</p> <p><i>This rule does not apply to natural hazard mitigation works only involving the planting of vegetation</i></p> <p>...</p> <p>PER-3 4</p> <p>The activity is undertaken by or on behalf of the Crown, Canterbury Regional Council or the Council.</p>	<p>Natural hazard mitigation works, including <u>associated</u> earthworks and incidental vegetation removal; – maintenance, replacement and upgrading</p> <p><i>This rule does not apply to natural hazard mitigation works only involving the planting of vegetation</i></p> <p>...</p> <p>PER-3 4</p> <p>The activity is undertaken by or on behalf of the Crown, Canterbury Regional Council or the Council, <u>or the Port of Timaru where works are located within 310m of PREC7.</u></p>
Light		
Objective LIGHT-O1	<p>Artificial outdoor lighting provides for the safe and efficient use of the outdoors for a range of night-time activities, while:</p> <p>1. is being designed and located to minimise its adverse effects; 2. is being compatible with the character and qualities of the surrounding area; and</p> <p>3. protects the values and characteristics of light sensitive areas minimising adverse effects on long-tailed bats; and</p> <p>4. not compromising the health and safety of people and communities, including road safety.</p>	<p><u>The benefits of Artificial outdoor lighting are recognised, including enabling business, infrastructure, recreation and entertainment activities to safely occur beyond daylight hours provides for the safe and efficient use of the outdoors for a range of night time activities</u>, while:</p> <p>1. is being designed and located to minimise its adverse effects; 2. is being compatible with the character and qualities of the surrounding area; and</p> <p>3. protects the values and characteristics of light sensitive areas minimising adverse effects on long-tailed bats; and</p> <p>4. not compromising the health and safety of people and communities, including road safety.</p>
Rule LIGHT-R1	<p>Artificial outdoor lighting outside light sensitive areas</p> <p>1. All zones other than Port Zone outside Light Sensitive Areas the <u>Longtailed Bat Habitat Protection Area Overlay</u></p>	<p>Artificial outdoor lighting outside light sensitive areas</p> <p>All zones <u>(excluding the PORTZ)</u> outside Light Sensitive Areas the <u>Long-tailed Bat Habitat Protection Area Overlay</u></p>
Signs		
Standard SIGN-S6	<p>Maximum number of signs (not including Official signs and Temporary signs)</p> <p>There shall be no limit more than one freestanding sign per road frontage located on a site. A freestanding sign may advertise <u>multiple premises located on the site.</u></p>	<p>Maximum number of signs (not including Official signs and Temporary signs)</p> <p><u>PORTZ</u></p> <p><u>There shall be no limit within PREC7 and no more than one freestanding sign per formed vehicle access located on a site in the PORTZ outside PREC7. A freestanding sign may advertise multiple premises located on the site.</u></p>