

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

**HEARING STREAM F
HAZARDS AND RISKS (NATURAL HAZARDS ONLY), OTHER DISTRICT WIDE
MATTERS**

Dated: 9 April 2025

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EXECUTIVE SUMMARY

1. My name is Tim Walsh, and I am a planner practicing with Novo Group Limited in Christchurch. 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 (**Proposed Plan**) as relevant to Hearing Stream F.
2. For the reasons set out below:
 - (a) Overall, I consider there is clear evidence to support the recommended approach to natural hazards and other matters for the Port Zone in the Proposed Plan. I agree with the officer's report 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.
 - (b) Changes I recommend to other chapters include to:
 - (i) Objective LIGHT-O1: to better reflect the benefits of artificial outdoor lighting;
 - (ii) Rule NOISE-R8: to clarify noise limits applying within the Port Zone outside of Precinct 7. I defer to the discussions between Fonterra and Timaru District Council as to what those limits might appropriately be;
 - (iii) Standard SIGN-S6: as the standard as now proposed is too restrictive and should be changed so that there are unlimited signs in Precinct 7 and 1 per vehicle access in the remainder of the Port Zone.

INTRODUCTION

3. My full name is Timothy Carr Walsh. I am a resource management planner employed by Novo Group. Novo Group is a resource management planning, landscape architecture and traffic engineering consulting

company that provides resource management related advice to private clients and local authorities.

4. I hold a Bachelor of Science (Honours) degree and a Master of Science degree from the University of Canterbury. I am also an Associate member of the New Zealand Planning Institute.
5. I have approximately 19 years of experience as a resource management planner, working in local and central government, and as a consultant. I have particular experience in urban land use development planning, predominantly as a consultant to property owners, investors and developers.
6. Relevant to this matter I have experience in processing resource consent applications including preparing section 42A reports and attending resource consent hearings for district councils. As a consultant planner I have experience in evaluating development projects, preparing resource consent applications, plan change requests and fast-track approval applications, and presenting evidence at council resource consent, plan change and proposed plan hearings and the Environment Court. I have experience in a wide range of resource management planning matters.
7. I am familiar with the PrimePort and TDHL submissions and further submissions, and I am authorised to provide this evidence on behalf of PrimePort and TDHL¹.

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. This evidence pertains to those parts of the submissions and further submissions of PrimePort and TDHL on the Proposed Plan that relate to Hearing Stream F, as listed below. I am comfortable that the following

¹ TDHL is a company with a shareholding interest in PrimePort.

evidence is within the scope of PrimePort and TDHL submissions and further submissions.

(a) The definitions of:

- (i) Natural Hazard Sensitive Activity / Building, Urban Zoned Areas, Flood Resilient, Relocatable, and High Hazard Area.

(b) Natural Hazards (NH) chapter:

- (i) General and introductory notes,
- (ii) Objective NH-O4 and Policy NH-P11, and
- (iii) Introductory notes for the rules section and rules NH-R3, SUBRX (Subdivision within natural hazard overlays), NH-RX (Buildings within the PORTZ), and NH-RX (New buildings, structures and earthworks in the PORTZ).

(c) Coastal Environmental (CE) chapter:

- (i) General and introductory notes,
- (ii) Objectives CE-O6 and CE-O7 and policies CE-P9, CE-P10, CE-P12, CE-P13, CE-P14, and CE-P15,
- (iii) Introductory notes for the rules section and rules CE-R4, CE-R6, CE-R9, CE-R12, SUB-RY (Subdivision within the Coastal Environment), CE-RXX (Natural Hazard Sensitive Buildings within the PORTZ), CE-RX (New buildings, structures and earthworks in the PORTZ), and SUB-RX (Subdivision within the PORTZ),
- (iv) Standards CE-S1, CE-S2, and CE-S3,
- (v) The Coastal Erosion Overlay.

(d) Light (LIGHT) chapter:

- (i) Introduction,
- (ii) Objectives LIGHT-O1 and LIGHT-O2,
- (iii) LIGHT-R1, and
- (iv) LIGHT-S1.

(e) Noise (NOISE) chapter:

- (i) Objective NOISE-O2 and policies NOISE-P5 and NOISE-P7,
 - (ii) Rules NOISE-R1, NOISE-R8, NOISE-R9 and NOISE-R12,
 - (iii) Standard NOISE-S3,
 - (iv) Noise Limits Table 24, and
 - (v) the Noise Control Boundary Overlay.
 - (f) Signs (SIGN) chapter:
 - (i) Rule SIGN-R4, and
 - (ii) Standards SIGN-S3, SIGN-S4, and SIGN-S6.
 - (g) Relocated Buildings and Shipping Containers (RELO) chapter:
 - (i) Policy RELO-P1, and
 - (ii) Rules RELO-R1 and RELO-R2.
 - (h) Public Access (PA) chapter:
 - (i) Objective PA-O1 and Policy PA-P4,
 - (ii) The Public Access Provision overlay, and
 - (iii) SCHED11 (175.94).
10. Of the natural hazard and coastal environment provisions that PrimePort and TDHL submitted or further submitted on, Objectives NH-O2 and NH-O3, and Policies NH-P4, NH-P5, NH-P10, NH-P11 (notified numbering), and Objective CE-O4, Objective CE-O5, and Policy CE-P3 are no longer relevant as they have been overtaken by the PORTZ-specific provisions that I discuss below. I therefore make no further comment on them.
11. In preparing the evidence I present now, I have reviewed and considered the following:
- (a) The Proposed Plan;
 - (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 Proposed Plan;
 - (g) The Coastal Hazards, Coastal Environment and Drinking Water Protection section 42A report dated 28 March 2025 by Andrew Willis;
 - (h) The Light and Noise section 42A report dated 24 March 2025 by Liz White;
 - (i) The Earthworks, Relocated Buildings and Shipping Containers, Signs and Temporary Activities section 42A report dated 24 March 2025 by Rachael Willcox;
 - (j) The Public Access, Activities on the Surface of Water, and Versatile Soil section 42A report dated 24 March 2025 by Andrew MacLennan;
 - (k) The corporate evidence of Tony Cooper for PrimePort and TDHL in respect of Hearing Stream F;
 - (l) The coastal hazards evidence of Sam Morgan for PrimePort and TDHL in respect of Hearing Stream F;
 - (m) The acoustic evidence of Dr Jeremy Trevathan for PrimePort and TDHL in respect of Hearing Stream F; and
 - (n) The economic evidence of Lawrence McIlwrath for PrimePort and TDHL in respect of Hearing Stream F.
12. Frazer 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 current range of activities within the Port and wider Port Zone and those anticipated in the foreseeable future, and the need for restricting public access to the coast within the Port for health, safety and security reasons. That evidence is also relevant to Hearing Stream F.
13. When referring to any of the section 42A reports, I do so generically as the **officer's report**.

THE SUBMISSIONS

14. The PrimePort and TDHL submissions and further submissions seek to ensure the Port of Timaru (the Port) and the Port Zone more generally, can

continue operating, developing and growing to support the Timaru District. The submissions sought to achieve this through more flexibility in the natural hazard and coastal environment provisions and related definitions, including enabling an adaptive approach to hazard management.

15. The light and noise provisions were generally supported as notified, including providing for specific Port noise contours and management of light through a separate Port Light Management Plan. An oversight in the noise rules was identified in respect of noise limits for the Port Zone outside Precinct 7, which the submissions sought to remedy. An error in the application of the Port noise contours in the rules was also sought to be remedied.
16. Flexible signage and relocatable building provisions were supported, as was most of the Public Access overlay / Schedule 11 provisions, except for one portion of the operational Port boundary that was inadvertently included in the Public Access overlay and which submissions sought to have removed.
17. As with chapters heard in earlier hearings, the submissions collectively seek to ensure that the Proposed Plan enables the effective and efficient operation of the Port as Regionally Significant Infrastructure, and of the supporting or related activities that occur within the remainder of the Port Zone.

NATURAL HAZARDS

Definition – Urban Zone / Urban Zoned Areas

18. The definition of urban zone / urban zoned area is a new definition that is recommended by the officer² for the Natural Hazard and Coastal Environment chapters specifically. Though the definition is not directly relevant to PrimePort or TDHL in respect of the Natural Hazards chapter, as those terms are not used in the Port Zone-specific provisions, they are relevant to the Port Zone in respect of those parts of the Coastal Environment chapter that address character, for example Policy CE-P9 (Anticipated activities).
19. I am generally comfortable with the recommended new definition. The requirement for Open Space and Recreation zones to share at least 50% of

² Paragraph 8.20.14 of Mr Willis's section 42A report.

their boundary with a qualifying urban zone to meet the definition of an urban zone is somewhat arbitrary. However, I understand the need for Open Space and Recreation zones to be connected to the wider urban area to qualify, given there are some Open Space and Recreation zones in the district that are wholly unconnected to another urban zone, for example the Timaru Golf Club at Lynch Road in Washdyke. I have no alternative suggestion of an appropriate percentage and therefore am comfortable with 50%.

Definition – Flood resilient

20. The recommended definition of Flood Resilient in the officer's report³ has been developed in consultation with a PrimePort and TDHL consultant planner (Ms Seaton), to support new rules NH-RX/CE-RXX (Natural Hazard Sensitive Buildings within the PORTZ). As part of this work, potential flood resilient building materials were discussed with Mr Munro for TDHL and Mr Cooper for PrimePort. Further, a considerable body of New Zealand and Australia literature was reviewed in respect of building materials that are considered flood resilient. Based on this work, I am confident that the recommended definition captures a range of building materials that have practical application within the Port Zone and which could be readily cleaned and made good for continued use following inundation. I also note that clause (i) does provide some flexibility consider other non-porous materials, which I would assume might logically occur at the building consent stage if resource consent is not otherwise required.
21. Clause (ii) of the definition, which requires electrical and data outlets and appliances to be located above predicted flood levels, is a common recommendation in the flood resilience literature. In my experience, that requirement is also commonly employed in resource consenting of buildings that vulnerable to inundation in other districts.

Definition – Relocatable

22. As with the definition of Flood Resilient, the definition of Relocatable was developed in consultation with PrimePort and TDHL. I support the definition and consider that it is sufficient to capture a range of smaller, moveable buildings for which flood hazard can more easily be mitigated by moving the

³ Paragraph 7.3.13 of Mr Willis's section 42A report.

buildings out of the way of flood hazard when severe storms are anticipated.

Definition – High hazard area

23. PrimePort and TDHL further submitted on the Environment Canterbury request to amend the definition of High Hazard Area so that it is consistent with the Canterbury Regional Policy Statement (**CRPS**). I agree that the definitions should be consistent, but that the CRPS definition, which includes any sea water inundation no matter what level, is somewhat impractical. I therefore support the amended definition now recommended by the officer⁴ which considers sea water inundation but relates the level of hazard to depth and flow, as is the case for fluvial flood sources.
24. I note that the amended natural hazard provisions applying to the Port Zone no longer contain reference to High Hazard Area so the definition has limited relevance to PrimePort.

Definition – Natural hazard sensitive activity / buildings

25. PrimePort and TDHL submitted in opposition to the definition of Natural Hazard Sensitive Activity, as the definition was considered overly restrictive due to the low number of employees captured by the notified definition. The officer now recommends⁵ replacing the definition of Natural Hazard Sensitive Buildings, as follows:

Natural Hazard Sensitive Buildings means buildings which:

- 1. is/are used as part of the primary activities on the site; or*
- 2. contains habitable rooms; or*
- 3. buildings which are connected to a potable water supply and wastewater system.*

For the purposed of clause 1, the following buildings are not included.

- i. farm sheds used solely for storage; or*
- ii. animal shelters which comply with v below: or*
- iii. carports; or*
- iv. garden sheds; or*
- v. any buildings with a dirt/gravel or similarly unconstructed floor; or*

⁴ Paragraph 7.5.7 of Mr Willis's section 42A report.

⁵ Paragraph 7.8.12 of Mr Willis's section 42A report.

- vi. *any buildings or extensions with a building floor area less than 30m²; or*
- vii. *Regionally Significant Infrastructure.*

Note: This definition also applies to the conversion of existing buildings into natural hazard sensitive buildings and extensions greater than 30m² to existing natural hazard sensitive buildings.

26. In my view, the newly recommended definition is more restrictive than the notified definition of Natural Hazard Sensitive Activity and, whether by design or not, will capture a large percentage of buildings on a site. Clause 1 of the recommended definition is particularly problematic as it captures any building that *'is/are used as part of the primary activities on the site'*. However, the definition will not, in practice, be an issue in respect of the Port Zone because:
- (a) the definition excludes regionally significant infrastructure; and
 - (b) new rules NH-RX/CE-RXX (Natural Hazard Sensitive Buildings within the PORTZ), provide further exemptions for buildings up to 100m² (fixed) or 150m² (relocatable), and flexibility to how buildings are adapted to address hazard mitigation.
27. For these reasons, I do not provide any comment on the proposed definition except to note a minor typo where 'purposed' ought to be 'purposes'

General and Introduction

28. The officer's report sets out the background to, and reason for, the new suite of natural hazard provisions applying to the Port Zone in paragraphs 7.3.3 to 7.3.11. I agree with the officer's analysis and explanation.
29. Additionally, Mr McIlwrath has provided evidence as to the value of the Port to the district in terms of facilitating trade, and its significant contribution to the Timaru District economy in terms of GDP and employment. He has also provided evidence on the potential costs to the district should development and growth of the Port be constrained. This evidence is provided to support the section 32 cost benefit analysis of the revised provisions.
30. Mr Carranceja's legal submissions for Hearing A set out the higher order documents that the Proposed Plan must give effect to in respect of the Port. Relevant themes of those documents include:

- (a) ensuring subdivision, use and development does not adversely affect the safe and efficient development, operation and use of the Port⁶;
 - (b) providing for the efficient, safe and effective development, operation, maintenance and upgrade of the operation of the Port⁷; and
 - (c) providing for a range of associated activities that have an operational requirement to be located in that environment⁸.
31. Ms Seaton also touched on relevant provisions of the CRPS for regionally significant infrastructure in her evidence for Hearing E, in her discussion on the application of the risk management hierarchy to the Port.
32. I agree with those analyses and conclude that the importance of providing for the ongoing development and operation of the Port is well established in the higher order documents. Those documents therefore provide further support for the provision of a flexible and adaptive approach to natural hazards within the Port Zone, whereby hazard effects are avoided or mitigated, as appropriate.
33. The evidence of Mr Cooper provides examples of work occurring with the Port Zone, and the Port operational area in particular, to mitigate natural hazards and respond to hazard risks and sea level rise. Mr Morgan has confirmed the need for an adaptive and flexible hazard management regime within the Port Zone, and the suitability of the proposed Port Zone provisions for that purpose.
34. Overall, I consider there is clear evidence to support the approach to natural hazards that is now recommended for the Proposed Plan, and I agree with the officer's report where it states that the approach now recommended is the most appropriate for achieving the Act⁹.
35. Notwithstanding, there are some minor amendments to the amended provisions that I consider are warranted, as I set here and below.
36. In respect of the Introduction to the Natural Hazards chapter, the officer recommends the following statement be included:

Being located on the coast, the Port of Timaru is subject to sea water inundation and tsunami risk. In recognition of its particular locational

⁶ NZCPS policy 9; CRPS objective 8.2.3.

⁷ NZCPS policy 9; CRPS policy 8.3.6(1).

⁸ CRPS policy 8.3.6(2).

⁹ Paragraph 7.3.14 of the officer's report.

requirements interfacing with the sea, separate specific provisions are provided for the Port Zone. No other natural hazard provisions apply unless otherwise specified in the provisions.

37. I agree with this statement and understand it to mean that only the new Port Zone-specific provisions apply. To avoid possible confusion for future readers of the Proposed Plan, I consider the following amendment (in red) would be worthwhile, to aid clarity of reading:

~~... No other natural hazard provisions apply unless otherwise specified in the provisions. For the purposes of this chapter, only Objective NH-O4 and Policy NH-P11 apply in the PORTZ.~~

Objective NH-O4 Adaptive management at the port

38. Objective NH-O4 (Adaptive management at the Port), was previously agreed by Timaru District Council, Environment Canterbury and PrimePort staff/consultants, as being appropriate to support the new policy and rule provisions specific to the Port Zone in the Natural Hazards chapter. On further review, I am concerned that NH-O4 is restricted to adaptive management of the 'Port', whereas supporting Policy NH-P11 and the new Port Zone rules provide for adaptive management across the wider zone. I note that the evidence of Mr Todd for Timaru District Council and Mr Morgan for PrimePort / TDHL, confirms that the application of adaptive management rules across the entirety of the Port Zone is appropriate. I therefore recommend that Objective NH-O4 be amended as follows (my changes 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.

Policy NH-P11 PORTZ

39. My comments above in respect of the necessity and appropriateness of the newly proposed Port Zone natural hazard provisions are equally applicable in the context of Policy NH-P11. The new policy recommended in the officer's report provides for the Port and related activities in the Port Zone, while supporting the proposed new rules addressing how buildings, structures, earthworks and natural hazard mitigation works are constructed

or undertaken in the zone. In my opinion, the policy is sufficiently flexible to allow these activities to occur while also ensuring that potential adverse natural hazard risks and effects are appropriately avoided or mitigated.

Rules – Introductory notes

40. A new statement is introduced into the rules section, confirming that for the purposes of the Natural Hazards chapter, activities in the Port Zone are only subject to the Port Zone-specific rules and NH-R9. I consider the statement would benefit from more explicit clarification as to which provisions apply, to minimise potential confusion for plan readers. I recommend the following amendments are therefore made (my changes in red). Both NH-RX references refer to the two new Port Zone-specific natural hazard rules contained on page 19 of Appendix 1 to officer's report. I note that the officer now recommends deletion of NH-R9 and incorporation of that rule into NH-R3. I have therefore changed that rule reference.

For the purposes of this chapter, activities in the Port Zone are only subject to rules NH-R3, NH-RX¹⁰ and NH-RX¹¹ ~~the PORT-specific rules and NH-R9.~~

41. The purpose of the exclusion is to avoid overlapping or contradictory rules within the Port Zone, and to reflect the intention agreed between District Council, Environment Canterbury and PrimePort planners and technical experts, that separate rules are warranted for the Port Zone.

Rule NH-R3 Natural hazard mitigation works

42. The officer recommends that rules NH-R3 and NH-R9 are integrated¹². I agree that the integration of the two rules is sensible.
43. Mr Cooper and Mr Morgan have both addressed natural hazard mitigation works within the Port Zone, outlining what works are currently in place and maintained, and the appropriateness of continuing to maintain those works. I discuss this further in relation to Rule CE-R9 below. The officer's report has recommended that changes to Rule CE-R9 be included in the reworked Rule NH-R3, which includes providing for the Port of Timaru to undertake new natural hazard mitigation works within 310m of PREC7 and I agree that this is helpful.

¹⁰ Buildings within the PORTZ

¹¹ New Buildings, structures and earthworks in the PORTZ

¹² Paragraph 7.29.14 of the officer's report.

44. PrimePort sought amendments to Rule CE-R9 to provide for PrimePort to undertake maintenance, repairs etc., as a permitted activity in the same way that the Crown, Regional Council and Timaru District Council are permitted to do those works. With the consequential changes to Rule NH-R3, I consider PrimePort should also be listed in Rule NH-R3 PER-4, by amending PER-4 as follows:

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 PRECZ.

Rule SUB-RX Subdivision within natural hazard overlays (formerly NH-R8)

45. This rule, as currently drafted, applies to the Port Zone. This is unnecessary given the Port Zone has a separate specific subdivision rule, detailed on page 49 of Appendix 1 of the officer's report. The heading of the rule should therefore be amended as follows:

SUB-RX Subdivision within natural hazard overlays (excluding PORTZ)

NH-RX Buildings within the PORTZ

46. New Rule NH-RX (Buildings within the PORTZ) is intended to provide flexibility and to allow for adaptive management within the Port Zone. The rule allows for a choice of mitigation methods, depending on the scale and nature of the building. For buildings such as offices, a decision might be made to raise the floor level to meet minimum specified flood heights in accordance with PER-2(1). Small buildings such as Portacom amenity blocks can be readily moved when storms of sufficient flood threat are anticipated, in accordance with PER-2(3) or PER-2(4). Large warehouses or cool stores are more likely to utilise PER-2(2) to mitigate flood hazard. Accounting for the necessity for the Port and related activities to locate in coastal environment and a hazard prone area, as discussed previously, I consider this rule is appropriate. This is supported by the evidence of Mr Morgan, who has stated that he considers the proposed rules are appropriate for the Port Zone.
47. Notwithstanding, I consider the following amendments are necessary to the rule for clarity and consistency:
- (a) The heading for the rule should be amended to read 'natural hazard sensitive buildings within the Port Zone', consistent with the heading

the officer has recommended for Rule CE-RXX (Natural Hazard Sensitive Buildings within the Port Zone).

- (b) Delete reference to 'High Hazard Overlay', as this overlay is now recommended to be deleted¹³.
- (c) Delete the word 'activity' as set out below, which is confusing to the reader and inconsistent with how buildings are referred to elsewhere in the Proposed Plan:

PER-2

The building ~~activity~~:

Rule NH-RX New buildings, structures and earthworks in the PORTZ

- 48. This new rule primarily addresses management of displacement or diversion of flood waters in flood events, and that a similar rule is to apply across all areas of the district that are within the Flood Assessment Area overlay. It addresses what I understand to be a common requirement of councils, that being to ensure that flood waters do not exacerbate flooding on other properties.

COASTAL ENVIRONMENT

General and introduction

- 49. PrimePort and TDHL submitted and further submitted variously in support of and opposition to provisions of the Coastal Environment chapter. Almost the entirety of the Port Zone is covered by the Coastal Environment Area overlay. Therefore, the provisions of this chapter are considerably important as they relate to development, or constraint of development, within the Port Zone.
- 50. Similar evidence applies to the natural hazard provisions of the Coastal Environment chapter as to the Natural Hazard chapter, where the Port Zone is concerned. The officer recommends inserting the same natural hazard related provisions into the Coastal Environment chapter as were inserted into the Natural Hazard chapter. I agree with the officer that it would be more sensible for all natural hazard provisions to sit in one chapter rather than two, albeit the National Planning Standards specify that coastal hazards should be addressed in the Coastal Environment Chapter.

¹³ Paragraph 7.39.15 of the officer's report.

However, so long as coastal hazards are addressed separately then there is a need for the Port Zone natural hazard provisions to be replicated in the Coastal Environment chapter.

51. The same introductory statement for the Port Zone is recommended by the officer in the Coastal Environment chapter introduction as in the Natural Hazards chapter. The comment I made above at paragraph 37 in respect of the need to clarify which provisions apply to the Port Zone, is equally relevant to the Coastal Environment chapter. Even more so given the coastal character provisions are intended to remain applicable to the Port Zone. I therefore recommend the following amendments be made (my further amendments in red):

*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 **natural hazard** specific provisions are provided for the ~~Port~~Port Zone. ~~No other natural hazard provisions apply unless otherwise specified in the provisions~~The following objectives and policies therefore do not apply to the Port Zone:*

CE-O4, CE-O5, CE-P3, CE-P4, CE-P12, CE-P13, CE-P14.

Objective CE-O6 Existing urban activities

52. PrimePort and TDHL further submitted on Objective CE-O6, stating their preference for the notified wording, that included specific reference the Port. The officer recommends removal of reference to the Port as it is now included within the new definition of urban zoned areas¹⁴. Provided the definition as proposed by the officer (and discussed in paragraphs 18 and 19) is accepted, I agree that the reference to the Port can be removed.
53. I also agree with the officer's reasoning for rejecting the Forest and Bird submission where it sought to include a statement that existing urban modifications in the coastal environment may not be appropriate. In my opinion, the objective does not seek to justify illegal activities in modified environments, nor does it seek, or need to seek, to address existing use rights. Rather, the objective correctly recognises that parts of the coastal environment are highly modified, and this is particularly the case in urban zoned areas. This recognition is critical to the implementation of the Coastal Environment chapter rules, so that activities in highly modified urban areas

¹⁴ Paragraph 8.9.6 of officer's report.

(in particular) are not irrationally assessed against the same natural character outcomes as, for example, an activity in a high quality unmodified coastal environment would be. I therefore support Objective CE-O6 in its amended form.

Objective CE-O7 Adaptive management at the port

54. Objective CE-O7 Adaptive management at the Port is an exact copy of Objective NH-O4 that I have discussed above. For the same reasons as I express in relation to NH-O4, I consider Objective CE-O7 should be amended as follows:

'CE-O7 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.'

Policy CE-P9 anticipated activities

55. PrimePort and TDHL submitted in support of this policy, noting it appropriately recognises that urban zoned coastal areas have different qualities than non-urbanised coastal areas. I agree with this statement. The officer recommends minor changes to the policy, which I am comfortable with, including amending 'enable' to 'provide for', which I agree is more consistent with the NZCPS – particularly Policy 7.

Policy CE-P10 Preserving the natural character of the coastal environment

56. PrimePort and TDHL submitted in support of this policy, particularly the recognition that development in existing urban areas will likely be appropriate where it is consistent with the anticipated character and qualities of the zone, and the need for infrastructure to locate in the coastal environment.
57. As is the case with Policy CE-P9, the officer recommends replacing 'enable', with a less permissive term, in this case 'manage'. I agree that the amended language is more consistent with the NZCPS. While Policy 9 of the NZCPS makes specific provision for ports, I consider Policy 9 is adequately reflected in other provisions of the Proposed Plan, notably the Port Zone chapter provisions, and the amendment to Policy CE-P10 is not inconsistent with those.

58. Regarding Clause (2) of Policy CE-P10, the officer recommends 'urban areas' is amended to 'urban zoned areas', consistent with the new definition of Urban Zoned Areas. I support that change.

59. The officer recommends introducing a new clause (3) as follows¹⁵:

'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.'

60. PrimePort and TDHL provided evidence on Policy EI-P2 in Hearing E, stating that clause (1) of that policy should not apply to urban zones within the Coastal Environment overlay¹⁶. The relief sought in that hearing is consistent with the relief sought by PrimePort and TDHL for this hearing, being that the character of the coastal environment is highly modified in urban zones and that variable character needs to be recognised when assessing urban development in the coastal environment.

61. I am aware that the Panel has directed Mr Willis to revisit the drafting of Policy EI-P2 in discussion with submitter planning experts¹⁷, but that at the time of writing this evidence that exercise has not been completed. If Ms Seaton's relief from Hearing E is accepted, then I in turn am comfortable with proposed clause (3) to CE-P10. If Ms Seaton's relief is not accepted, I would be concerned that clause (3) has the potential to be unhelpfully restrictive by requiring, by extension from Policy EI-P2, the Port to implement the effects management hierarchy including potentially compensation and offsetting.

62. In either case, I do however note that the proposed wording of clause (3) does need minor amendment to improve readability. If I am understanding the intent of the clause correctly, the following change is required:

~~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.

¹⁵ Paragraph 8.18.20 of officer's report.

¹⁶ Refer paragraphs 37 and 41-42 of Ms Seaton's evidence for Hearing E.

¹⁷ Panel Minute 24.

Policy CE-P15 Port Zone

63. This new policy is identical to Policy NH-P11 (Port Zone) proposed for the Natural Hazards chapter. The reasons I expressed support for Policy NH-P11 (see paragraph 39) are equally applicable in respect of Policy CE-P15.

Rules – Introductory notes

64. As is the case with the Natural Hazards chapter, a new statement is recommended in respect of the Rules section of the Coastal Environment chapter. It confirms that, for the purposes of that chapter, activities in the Port Zone are only subject to the Port Zone-specific rules and CE-R12. Again, I consider the statement would benefit from more explicit clarification as to which provisions apply, to minimise potential confusion for plan readers. I recommend the following amendments are therefore made (my changes in red).

For the purposes of this chapter, activities in the Port Zone are only subject to rules CE-R1, CE-R2, CE-R3, CE-R4, CE-R6, CE-R9, CE-R14, CE-RXX, CE-RX¹⁸, CE-RZ, CE-RA. ~~the Port Zone-specific rules and CE-R12.~~

65. As was the case for the equivalent statement in the introduction to the Natural Hazard chapter rules, the purpose of the exclusion is to avoid overlapping or contradictory rules within the Port Zone, and to reflect the intention agreed between District Council, Environment Canterbury and PrimePort planners and technical experts, that separate rules are warranted for the Port Zone.

Rule CE-R4 Buildings and structures and extensions (excluding regionally significant infrastructure and fences)

66. PrimePort and TDHL submitted in support of Clause (1) of this rule, which permits these activities in urban areas (now recommended to be Urban Zoned Areas). I agree that this clause is appropriate for urban zoned areas, which by their nature are already highly modified environments.
67. The officer has recommended moving Clause 4 of Rule CE-R4 to new Rule CE-RX (Natural Hazard Sensitive Buildings), a provision that will not apply to the Port Zone where instead new rules CE-RXX (Natural Hazard Sensitive Buildings within the Port Zone) and CE-RX (New buildings, structures and earthworks in the Port Zone) will apply. To the extent that the

¹⁸ New buildings, structures and earthworks in the Port Zone.

change to Rule CE-R4 Clause (1) applies to the Port Zone, I consider this deletion is appropriate.

Rule CE-R6 Land disturbance

68. PrimePort and TDHL submitted in support of this rule. I agree with the officer's report that, in the absence of any further evidence of how land disturbance could be problematic, this provision should be retained.

Rule CE-R9 / Rule CE-R12

69. PrimePort submitted in partial opposition to Rule CE-R9, insofar as it does not recognise that PrimePort undertakes maintenance of existing natural hazard mitigation work within the Port Zone. PrimePort submitted in support of Rule CE-R12 where it provides a restricted discretionary pathway for new natural hazard works by PrimePort.
70. The amended Rule CE-R9 includes provision for new natural hazard mitigation works by PrimePort as a restricted discretionary activity and I agree that this remains appropriate.
71. Regarding maintenance of existing works, Mr Cooper has provided evidence as to the types of natural hazard mitigation works that are already undertaken by PrimePort in the Port Zone, and this includes maintenance of those works. Accounting for Mr Cooper's evidence, I consider it is clear that the Port has been undertaking hazard mitigation maintenance for some time and will need to continue to do so. The officer's report notes that the amendments proposed to Rule CE-R9 are consistent with what was agreed with PrimePort in pre-hearing discussions. Whether by oversight or misunderstanding between the parties, I consider that Rule CE-R9 does not adequately address the need for PrimePort to be able to undertake maintenance and upgrading works within the Port Zone and should do so. I therefore recommend that Rule CE-R9 (1) PER-4 is further amended as follows (my 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.

72. The officer additionally recommends a new Clause (2), through merging with Rule CE-R12, to provide for new natural hazard mitigation works in the Coastal High Natural Character Area Overlay and Coastal Erosion Overlay,

as a restricted discretionary activity. I have no concern with respect to the rule or activity status, but I note that Clause (2) could be integrated into Clause (1) to simplify the rule by adding the Coastal High Natural Character Area Overlay and Coastal Erosion Overlay into the list of relevant overlays for Clause (1).

Rule SUB-RY Subdivision within the coastal environment

73. PrimePort and TDHL made further submissions opposing Environment Canterbury's submission on Rule CE-R11. Environment Canterbury sought non-complying or discretionary activity status in respect of intensification within the Sea Water Inundation Overlay. I agree with the officer's recommendation on this rule (now Rule SUB-RY Subdivision in the coastal environment), but I consider that it would benefit from the insertion of a reference to Policy CE-P9 (Anticipated activities) or an additional matter of discretion that provides for consideration of the existing and anticipated environment in urban zoned areas. As the rule is currently drafted, the anticipated qualities of any urban zone is not a consideration for subdivision consent applications in urban zoned areas and in my opinion it ought to be.

Rule CE-RXX Natural hazard sensitive buildings within the PORTZ

74. This rule is a copy of Rule NH-RX which I address in paragraphs 46 and 47 above. The comments I made previously equally apply in respect of amending PER-2 so that it reads 'The building' rather than 'The building activity'.

Rule CE-RX New buildings, structures and earthworks in the PORTZ

75. Similarly, this rule is a copy of Rule NH-RX which I address in paragraph 48 above. Those same comments apply to the Coastal Environment chapter version (Rule CE-RX).

Standard CE-S1 Height of buildings and structures / Standard CE-S2 coverage by buildings and structures

76. PrimePort and TDHL submitted in support of these standards. The application of these standards to the Port Zone is essentially unchanged, with only very minor amendments recommended in the officer's report. Both standards refer to the applicable zone rules and standards, which in my view is the most appropriate method.

Standard CE-S3 building and structure external materials

77. PrimePort and TDHL submitted in support of this standard. As with standards CE-S1 and CE-S2, this standard does not apply to the Port Zone, which has a Port Zone specific standard for building colour and reflectivity (Port Zone-S3). A small change for clarification is recommended in the officer's report to add a reference to 'external cladding and roofing'. I agree that the recommended change is sensible, and in any case does not affect the application of the standard to the Port Zone.

Rule SUB-RX Subdivision within the PORTZ

78. PrimePort and TDHL made further submissions on the definition of High Hazard Area, noting that if the Port Zone were to fall within the definition of a High Hazard Area, the rules of the Proposed Plan as notified, would result in many activities within the Port Zone becoming non-complying, including subdivision. Alternative or consequential relief was sought to ensure the Port Zone was not unduly affected or restricted by changes to the High Hazard Area definition. Ms Seaton touched on this issue in her evidence for Hearing E, where she noted that Rule SUB-R5 (Subdivision and natural hazards) and Rule SUB-R12 (Subdivision and the coastal environment) should be set aside for consideration in Hearing F.
79. The officer has now addressed those rules for this hearing, including the consequential relief sought by PrimePort / TDHL, with the drafting of Rule SUB-RX (Subdivision in the Port Zone). That rule establishes a restricted discretionary status for subdivision within the Port Zone, with a range of matters of discretion that allow for consideration of natural hazard risks in the Port Zone. I would also add that the District Council has some additional discretion to consider natural hazards in the context of section 106 of the Resource Management Act, where the risks from those hazards are significant. In my opinion, the proposed rule and activity status is appropriate for the Port Zone, noting the existing highly developed character of the zone, the importance to the district of its continuing use and development, and the higher order documents that support the operation and development of the Port.
80. With the introduction of a Coastal Erosion Overlay to the South Beach frontage of the Port Zone, I would recommend that the Coastal Erosion Overlay is added into the rule as a relevant hazard for the Port Zone.

Coastal erosion overlay

81. The officer's report recommends amending the Coastal Erosion Overlay to include the Port Zone southern coastal boundary in the Coastal Erosion Overlay¹⁹. Mr Morgan has noted in his evidence that the inclusion of a Coastal Erosion Overlay in this location is reasonable, but he is concerned that the basis for the mapped location is unclear, and that the location of the hazard line may move as the beach accretes (as it is currently doing). Accounting for Mr Morgan's evidence, I am uncertain of the suitability of the Coastal Erosion Overlay in this location.

LIGHT

Introduction

82. PrimePort and TDHL made submissions in support of the Introduction to the Light chapter, insofar as it references the PrimePort Lighting Management Plan (2022) and its role in managing the effects of lighting in the Port. I agree that the introduction is an appropriate description of the role of the Lighting Management Plan (**LMP**). I understand that the LMP is a relatively new undertaking by the Port, in collaboration with the Timaru District Council. Prior to the development of the LMP, under the Operative Timaru District Plan, the Port (located within an Industrial Heavy Zone) had minimal lighting restrictions, with such restrictions as there are, applying only the windows of household units, and a general requirement to direct exterior lighting away from residentially zoned land and roads. I understand the LMP is intended, as stated in the Light chapter introduction, to act as a (non-statutory) tool to manage both lighting requirements within the Port and also potential adverse effects of those requirements. The LMP, being available on the District Council website, enables this to occur in a transparent manner.

Objective LIGHT-O1 Artificial outdoor lighting & LIGHT-O2 Benefits of artificial lighting

83. PrimePort further submitted on a Fonterra submission in support of Objective LIGHT-O2, agreeing that it is appropriate to recognise the benefits of lighting. The officer has recommended combining Objectives LIGHT-O1 and LIGHT-O2 by amending the former and deleting the latter²⁰.

¹⁹ Paragraph 8.38.8 of Mr Willis's section 42A report.

²⁰ Paragraph 7.2.10 of the officer's report.

84. While I agree with the officer that it would be tidier to have effects addressed in a single objective, amended Objective LIGHT-O1 does not adequately acknowledge the benefits of artificial lighting. The benefits of artificial lighting include, for example, health and safety for business operators and enabling businesses that operate on a 24-hour basis (as occurs in the Port Zone for example). Artificial lighting also benefits some recreation and entertainment activities by enabling them to occur outside daylight hours, for example. These matters are not adequately recognised in the amended objective. There are several ways this could be addressed, including that Objective LIGHT-O2 be retained in some form, for example simply '*the benefits of artificial lighting are recognised*', or further amending Objective LIGHT-O1 as follows (my amendments in red):

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~~, 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.

Rule LIGHT-R1 Artificial outdoor lighting outside light sensitive areas

85. PrimePort submitted in support of Rule LIGHT-R1.1 to the extent that it does not apply to the Port Zone. This remains the case following the recommended amendments in the officer's report. On further review however, I note that the wording of the clause (1) heading "1. All zones other than Port Zone outside the Long-tailed Bat Habitat Protection Area Overlay (as per the officer's recommendations), is potentially confusing and would benefit from either rewording, or addition of brackets as are used in Standard LIGHT-S1 for example. My suggested wording is as follows:

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

86. PrimePort submitted in support of Rule LIGHT-R1.2, which sets the rules for how lighting is to be managed within the Port Zone. In response to a submission by Fonterra, the officer recommends an amendment to PER-1 of this rule requiring that exterior lighting be oriented so that light is emitted away from any adjoining and adjacent zones rather than 'properties'²¹. I agree that the amended wording is more appropriate given the 24-hour nature of many businesses in the Port Zone and the importance of exterior lighting for health and safety.

Standard LIGHT-S1 General lighting standards

87. Standard LIGHT-S1 specifically excludes the Port Zone from the general lighting standards. PrimePort has submitted in support of that standard. The Port Zone exclusion is provided on the basis that lighting within the Port is managed via the PrimePort Lighting Management Plan.

NOISE

Port Inner and Outer Noise Control Boundary overlays

88. PrimePort and TDHL provided submissions in support of the Port Inner and Outer Noise Control Boundary Overlays, as notified in the PDP. Dr Trevathan provides evidence on the Boundary Overlays, including the process for modelling them in accordance with the procedures described in NZS 6809:1999 *Acoustics – Port Noise Management and Land Use Planning*. Dr Trevathan's evidence accords with the views of Mr Hunt on behalf of Timaru District Council, as to the appropriateness of the Boundary Overlays, both from the perspective of being an appropriate tool for managing port noise, and the accepted process of modelling them. I accept those expert views and agree with the officer's report that no change to the Port Inner and Outer Noise Control Boundary Overlays is necessary²².

Objective NOISE-O2 Reverse sensitivity

89. PrimePort and TDHL submitted in support of Objective NOISE-O2 (Reverse sensitivity). The amendments to the objective recommended in the officer's report do not affect the Port nor change the objective provision as it applies to the Port. The objective remains worded so as to ensure that the Port is

²¹ Paragraph 7.5.15 of the officer's report.

²² Paragraph 8.3.11 of Ms White's section 42A report.

not constrained by reverse sensitivity effects arising from noise sensitive activities. I therefore support the objective.

Proposed new policy

90. Forest and Bird's submission sought the inclusion of a new policy that would ensure the impact of noise on native species is avoided or minimised. The officer recommends the submission point be rejected and I agree with the rationale for doing so.

Policy NOISE-P5 Reverse sensitivity

91. PrimePort and TDHL supported Policy Noise-P5. The policy, so far as it relates to the Port, requires noise sensitive activities located in residential zones or areas within the Port Noise Outer Control Boundary and Port Noise Inner Control Boundary (**PNICB**) to be designed and located taking into account the higher noise environment they are located within. I am satisfied that the policy remains appropriately worded.

Policy NOISE-P7 Noise sensitive activities within noise control boundaries

92. PrimePort and TDHL supported Policy Noise-P7. The policy is a key provision supporting the implementation of noise control overlays, including the PNICB overlay, within the District Plan. In turn, the overlay is a key method of minimising the likelihood of reverse sensitivity effects on the Port arising from noise sensitive activities near the Port. Dr Trevathan has set out in his evidence the appropriate use of the Boundary Overlays for managing port noise, as I discuss in paragraph x above, and I rely on his evidence. I note that this policy does not apply to the City Centre Zone or Medium Density Residential Zone areas within the PNICB, and this policy (so far as the Port is concerned) therefore affects only the Port Zone itself, and an adjoining Sport and Active Recreation Zone.
93. Kāinga Ora submitted in opposition to inclusion of the word 'avoid' in the policy. I agree with the officer's report that the word 'avoid' is appropriate, including because the policy is supported by non-complying activity status for noise sensitive activities in the Port Zone. I also agree that the wording of the policy is not confusing. In summary, I consider the policy as notified should be retained.

Rule NOISE-R8 Noise from activities within the PORTZ

94. PrimePort and TDHL opposed Rule Noise-R8 in part. PrimePort and TDHL support a separate rule to manage noise generated from within the Port Zone and support the Port noise control boundary overlays. However, the drafting of the rule was opposed where it:
- (a) applied noise limits within Precinct 7, being the core operational area of the Port, where it was intended that no noise limits should apply, as is the case in the Operative District Plan;
 - (b) did not establish any noise limit within the Port Zone outside of the Port noise control boundaries / Precinct 7, where some form of noise limit would be appropriate.
95. Other submitters, including Fonterra, also noted the absence of noise standards for those parts of the Port Zone not covered by the Port noise control boundaries.
96. The officer recommends several changes to the Rule NOISE-R8 to address these issues. In respect of the changes to Clause (1), to address Port Noise within Precinct 7, I agree those changes are appropriate and are consistent with the acoustic advice the Council received from Mr Hunt, and also with the evidence of Dr Trevathan. In effect, the changes make clear that this part of the rule does not apply within the Port Zone itself.
97. The officer has created a new Clause (2) for Rule NOISE-R8, that establishes noise limits that would apply outside of Precinct 7. PrimePort and TDHL agree that noise standards are required in this location and suggests both daytime and nighttime limits would be appropriate. Mr Cooper has outlined in his evidence that there are storage, handling, warehousing and distribution facilities that operate hand in hand with port operations, operating on a 24-hour basis within the Port Zone. I understand that this includes Fonterra. I understand Fonterra is providing its own acoustic evidence in support of what those noise limits should be. PrimePort is not providing evidence on this issue, instead deferring to the evidence of Fonterra and the District Council.
98. In respect of the Environment Canterbury submission seeking consistency with the Canterbury Regional Council Plan (**RCEP**), I agree with the officer that the standards proposed in the Proposed District Plan are more up to date than the RCEP standards, a view that is supported by the evidence of

Dr Trevathan, which I accept. Further, I accept Mr Hunt's advice that the RCEP rule cannot be aligned with and still meet the national planning standards.

Rule NOISE-R9 Any new building for use by a noise sensitive activity and alterations to existing buildings for use by a noise sensitive activity (not listed in NOISE-R12)

99. PrimePort and TDHL supported Rule NOISE-R9. The officer recommends minor changes to that rule; however, those changes do not affect the application of the rule to noise sensitive activities within the Outer Control boundary of the Port Noise Control overlay. Some consequent changes have been made to Standard NOISE-S3 which I comment on below, but I agree with limited change made to Rule NOISE-R9. Further, I note and accept the evidence of Dr Trevathan at paragraphs 39-41 where he recommends the Rule NOISE-R9 continue to apply to alterations to existing buildings as discussed at paragraph 101 below.

Rule NOISE-R12 New noise sensitive activities, alterations to existing buildings for use by a noise sensitive activity or subdivision to accommodate a noise sensitive activity

100. PrimePort and TDHL supported Rule NOISE-R12(1), which manages noise sensitive activities within the PNICB overlay. No submissions in opposition to this rule were received and no changes are recommended in the office's report. I agree that Rule NOISE-R12(1) should be retained in its notified form.

Standard NOISE-S3 Acoustic insulation

101. PrimePort supports Standard NOISE-S3.2, requiring new noise sensitive activities or alterations of a particular scale, to be acoustically insulated. Dr Trevathan has addressed this issue in his evidence, confirming that the standard is appropriate, and that he agrees with the change proposed by Mr Hunt, to specify a 20% increased floor area as a trigger for Standard NOISE-S3.2. I accept Dr Trevathan's evidence on this matter and consider the standard is appropriate.

Table 24 Noise performance standards

102. PrimePort and TDHL made submissions on Table 24, seeking changes that would improve the clarity of the table as it applies to the Port Zone. This

includes deleting text within clause 3(d) that incorrectly described land east of the Main South Railway Line as being General Industrial Zone rather than Port Zone. The officer agrees that the text in clause 3(d) was incorrect and recommends its deletion, which I agree with. The officer's report also explains that Table 24 does not apply to noise generated from the Port Zone and I agree that that is the case, and the reference to noise generated from within the Port Zone in Clause (2) of Table 24 can therefore be deleted, as recommended in the officer's report.

SIGNS

Rule SIGN-R4 Any signs not otherwise address in the Rules section of this chapter

103. PrimePort and TDHL submitted in support of Rule SIGN-R4(3). The officer recommends no changes to this rule that would affect its application to the Port Zone, except that it specifies a restricted discretionary activity status for off-site signs in the Port Zone rather than non-complying. Though PrimePort and TDHL supported the notified rule, I agree with the officer that a restricted discretionary status is more appropriate in zones such as the Port Zone, that do not have high amenity values and are better able to absorb the potential adverse effects of signage within the zone.

Standards SIGN-S3 Maximum height of signage and SIGN-S4 Maximum area of a sign

104. PrimePort made a further submission on Rule SIGN-S3(2) in support of the Out of Home Media Association of Aotearoa submission seeking the maximum height of a freestanding sign in zones including the Port Zone be increased from 4m to 8m. I agree with the officer's report that the typically larger building heights and scale in zones including the Port Zone mean taller signs are more likely to be compatible with the anticipated built form of the zone. It has also been my observation that industrial areas (which display a similar character to the Port Zone) commonly have larger freestanding signs than might be found in other zones. I therefore agree that 8m is an appropriate maximum height standard in the Port Zone.
105. Regarding Standard SIGN-S4, PrimePort and TDHL supported retention of 'no maximum area of sign' for the Port Zone and I agree that this provision should be retained as notified, for the same reasons as I have expressed in paragraph [104] above.

Standard SIGN-S6 Maximum number of signs (not including Official signs and Temporary signs)

106. PrimePort and TDHL submitted in support of Standard SIGN-S6(1), which stated that there is no limit on the number of freestanding signs that can be established within the Port Zone. The officer recommends that this be amended to a limit of one freestanding sign per site²³.
107. In my view, a limit of one freestanding sign per site within the Port Zone (and similarly General Industrial Zone) is far too restrictive. It is not uncommon for large industrial-type sites to have long road frontages and more than one vehicle access. Mr Cooper has confirmed in his evidence that this is also the case in the Port Zone. Often the signs relate to advertising the businesses that are utilising that particular vehicle entrance (where more than one tenant is present on the site), or (and this is particularly the case in the Port Zone) may be directional.
108. The definition of an 'official sign', while a national planning standard definition, is unclear as to whether a directional sign would to be considered an official sign. These signs are often for public or driver information and convenience rather than public safety per se. If directional signs are not considered official signs, then the one sign limit recommended for Standard SIGN-S6(2) will certainly be too restrictive. At a minimum, I would recommend that a similar approach is adopted to the Christchurch and Selwyn District Plans, where one freestanding sign is permitted per formed vehicle access in industrial and port zones²⁴. Mr Cooper's evidence suggests that even this number is likely to be too restrictive in the Precinct 7. My preference therefore is that the rule remains with an unlimited number of signs within Precinct 7, with a limit of one freestanding sign per formed vehicle access in the remainder of the Port Zone.

RELOCATED BUILDINGS AND SHIPPING CONTAINERS

Policy RELO-P1 Relocated buildings and shipping containers in General Industrial Zone

109. PrimePort and TDHL submitted in support of Policy RELO-P1, which enables the relocation of buildings and shipping containers in the General Industrial Zone and the Port Zone. Mr Cooper in his evidence has confirmed

²³ Paragraph 11.8.6 of the officer's report.

²⁴ See Rule 6.8.4.2.6 of the Christchurch District Plan and Rule Requirement SIGN-REQ1 of the Selwyn District Plan.

that relocatable buildings are used in various locations around the Port to provide administration support and amenities, and of course shipping container storage and movement is a very common activity within the Port Zone.

110. I note that the officer recommends adding reference to the Port Zone into the policy heading and I support that amendment²⁵.

Rule RELO-R1 Placement of a relocated building

111. PrimePort and TDHL submitted in support of Rule RELO-R1.1, which permits the placement of relocated buildings. Based on the evidence of Mr Cooper in respect of the role of relocated buildings within the Port Zone, I agree that enabling relocated buildings is appropriate. I agree with the officer's report where it states that the permitted activity status for relocated buildings within the Port Zone (and General Industrial Zone), without controls, aligns with the objective and policy direction of RELO-O1 and RELO-O2 and that the status should therefore be retained²⁶. I have no view on the changes to the relocated building Rule RELO-R1.2 affecting all other zones.

Rule RELO-R2 Placement of a shipping container

112. PrimePort and TDHL supported Rule RELO-R2.1 Placement of a shipping container, which provides for this activity as a permitted activity in the General Industrial Zone and Port Zone. I understand no changes have been sought by submitters to this part of the rule and the officer recommends no changes. I agree that the rule is appropriate in its notified format.

PUBLIC ACCESS

Public Access overlay and Schedule 11

113. PrimePort submitted in support of the Public Access Provisions Overlay insofar as it does not apply the operational Port area. It similarly submitted in support of the Schedule 11 Coastal Marine Area reference, which provided the Port with an exemption to the Public Access Provisions. However, both the Overlay and Schedule 11 omitted to include a strip of land to the immediate north of Talbot Street, that is within the Port

²⁵ Paragraph 10.3.6 of the officer's report.

²⁶ Paragraph 10.4.9 of the officer's report.

operational area and also requires an exemption from the Public Access Provisions.

114. The length of coast for which an exemption to the Public Access Provisions is sought, is the same area over which a waiver of the esplanade reserve and strip provisions was requested, for reasons for health, safety and security within the Port. These matters were addressed by Ms Seaton in her planning evidence for Hearing E, and by Mr Cooper in his evidence for the same hearing, and Mr Frazer in his evidence for Hearing A.
115. The officer recommends that the Public Access Overlay and Schedule 11 be amended so that the Public Access Provisions do not apply north of Talbot Street²⁷. For the reasons set out above and in PrimePort's earlier evidence, I support those changes.

Objective PA-O1 Public access

116. PrimePort submitted on Objective PA-O1, seeking that the objective be amended to make clearer the circumstances where access may appropriately be restricted, and to delete the word 'desirable'. The submission suggested replacing 'desirable' so that the objective read:

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.

117. The officer recommends replacing the word 'desirable' with 'appropriate'²⁸. While the amendment does not provide the level of clarity the PrimePort submission relief sought, the substitution, together with the changes made to Schedule 11 and the Public Access Provisions Overlay, are sufficient to address the concerns raised by PrimePort.

Policy PA-P4 Limiting public access

118. PrimePort submitted in support of Policy PA-P4, which sets out circumstances where the requirement for public access may be limited or exempted. The officer has recommended adding a further criterion (dunes,

²⁷ Paragraphs 7.9.11 and 7.9.12 of the officer's report.

²⁸ Paragraph 7.2.10 of officer's report.

estuaries and other sensitive natural areas)²⁹. I have no issue with this addition.

CONCLUSION

119. Several new definitions are proposed for the Natural Hazards and Coastal Environment chapters, which I support or have a neutral stance on.
120. I generally support the new provisions that have been developed for the Natural Hazards and Coastal Environment chapters specifically for the Port Zone, with minor amendments. In particular, I support the new provisions where they provide for a flexible and adaptive hazard management regime, given the necessity for the Port and associated industry to operate in the coastal area.
121. I recommend that Objective CE-O7 be broadened to apply to the wider Port Zone, so as to provide clear support for the proposed rules.
122. I consider amended Rule CE-R9 should be further amended 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.
123. I support the Light provisions as they apply to the Port Zone but consider Objective LIGHT-O1 requires amendment to better reflect the benefits of artificial outdoor lighting.
124. I support the inclusion of the Port inner and outer noise control boundary overlays and related rules. I agree that Rule NOISE-R8 needs further amendment to clarify noise limits applying within the Port Zone outside of Precinct 7. I defer to the discussions between Fonterra and Timaru District Council as to what those limits might appropriately be.
125. I do not agree with the proposed changes to Standard SIGN-S6, which change the permitted quantum of freestanding signs from 'unlimited' to one. The standard as now proposed is too restrictive and should be changed so that there are unlimited signs in Precinct 7 and one per vehicle access in the remainder of the Port Zone.

²⁹ Paragraph 7.7.9 of officer's report.

126. I support the relocated building provisions, and the public access provisions.

Date: 9 April 2025

Tim Walsh