

Before the Hearing Panel
Appointed by the Timaru District Council

Under the Resource Management Act 1991 (**RMA**)
In the matter of submissions on the Proposed Timaru District Plan

Memorandum of Counsel on behalf of Timaru District Council – Minute 24 - Hearing E
10 March 2025

Council's solicitors:

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**anderson
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May it please the Hearing Panel:

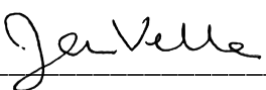
- 1 This memorandum of counsel is filed on behalf of the Timaru District Council (**Council**) in relation to the Proposed District Plan (**PDP**) and response to Minute 24.
- 2 The Hearing Panel has requested that counsel provide a list of who the Council considers should attend stormwater conferencing, by 12 March 2025.
- 3 The following parties made submissions on the stormwater provisions:
 - (a) PrimePort Limited / Timaru District Holdings Limited [#186]
 - (b) Kainga Ora – Homes and Communities [#229]
 - (c) Canterbury Regional Council (Environment Canterbury) [#183]
 - (d) Millward Findlay Lobb [#60]
 - (e) Transpower New Zealand Limited [#159]
 - (f) BP Oil New Zealand Limited; Mobil Oil New Zealand Limited; Z Energy Limited [#196]
 - (g) Waka Kotahi [#143]
 - (h) Rooney Holdings Limited, GJH Rooney, Rooney Group Limited, Rooney Farms Limited, Rooney Earthmoving Limited, Timaru Developments Limited [#174, #191, #249, #250, #251, #252]
 - (i) Silver Fern Farms Limited [#172]
 - (j) Fonterra Limited [#165]
 - (k) Woolworths New Zealand Limited [#242]
 - (l) Te Rūnanga o Ngāi Tahu (TRONT) [#185].
- 4 The following parties provided evidence relating to the stormwater provisions at Hearing E:
 - (a) Canterbury Regional Council
 - (i) Deidre Francis – planner.
 - (b) Millward Findlay Lobb

- (i) Melissa McMullen – planner.
 - (c) Transpower New Zealand Limited
 - (i) Ainsley McLeod – planner.
 - (d) Fonterra Limited
 - (i) Susannah Tait – planner.
 - (e) Prime Port/ TDHL:
 - (i) Eoghan O'Neil – technical director, water infrastructure;
 - (ii) Kim Seaton – planner.
 - (f) Te Rūnanga o Ngāi Tahu
 - (i) Rachael Pull – planner.
 - (g) Timaru District Council:
 - (i) Sarah Dudson/ Joao Machado – stormwater engineer/ planner (joint statement);
 - (ii) Kevin Kemp – stormwater team leader, Timaru District Council;
 - (iii) Andrew Willis – planning (s42A officer).
- 5 Several parties have already indicated to Mr Willis that they wish to take part in expert conferencing. The Council respectfully suggests that the invitation for expert conferencing is extended to all submitters on the stormwater provisions, but that:
- (a) conferencing is limited to planning and stormwater engineering experts; and
 - (b) submitters identify in advance the experts proposed to attend, and the matters they consider should be addressed in, conferencing.
- 6 At this stage, the Council intends for Ms Dudson and/or Mr Machado, Mr Kemp and Mr Willis to attend conferencing. While Mr Kemp is a Council officer, the Council considers that his attendance is crucial to support conferencing given his knowledge and understanding of the Council's stormwater network and internal processes. Mr Kemp has a Masters of Applied Geography in Resource and Environmental Studies

from Texas State University and is currently studying towards a New Zealand Diploma in Civil Engineering from the New Zealand Institute of Highway Technology.

- 7 Subject to 5(b), the Council suggests that conferencing addresses the following matters:
 - (a) certainty, accuracy and application of the proposed standards and definitions;
 - (b) options to address the identified issues; and
 - (c) duplication with Council bylaws.
- 8 The Council submits that the most efficient approach to expert conferencing would be for stormwater and planning experts to conference together rather than separately – particularly as:
 - (a) the appropriateness and workability of planning provisions may be informed by the experience of stormwater engineers; and
 - (b) alternative approaches may not require resolution of some of the technical issues (for example, if stormwater connection standards are removed from the plan, the appropriateness of those standards may not require conferencing).
- 9 Alternatively, if the Panel considers conferencing of experts should be undertaken separately, it is respectfully submitted that it would be appropriate for:
 - (a) planners to conference first on the appropriate approach to be taken in the PDP; and
 - (b) technical experts to conference after the planners, to the extent that technical input is required to implement the planning approach.

Dated this 10 March 2025



Jen Vella
Counsel for Timaru District Council