

Before the Hearing Panel
Appointed by the Timaru District Council

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

**Memorandum of Counsel on behalf of Timaru District Council –
Stormwater Joint Witness Statement – Minute 43**

28 July 2025

Council's solicitors:

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**anderson
lloyd.**

May it please the Hearing Panel

Introduction

1 This memorandum is filed by counsel for the Timaru District Council (**Council**) in response to Minute 43, in relation to matters arising from the Stormwater Joint Witness Statement (**Stormwater JWS**).

2 The Panel has directed as follows:

[6] In Minute 24 and 25 the Panel requested expert witnesses conferencing on Stormwater submissions. A Joint Witness Statement (JWS) was filed as appendix B to Mr Willis' Interim Reply on 17 April 2025, which included a revised set of provisions.

[7] The Panel directs the Council to serve the JWS directly on all submitters on the Stormwater Chapter, and invites those submitters to provide any written comments by 25 August 2025.

3 Counsel confirms that the Stormwater JWS has been served directly on submitters, along with this memorandum of counsel.

4 The purpose of this memorandum is to address an amendment to Mr Willis' recommendation on the definition of 'stormwater neutrality' following further discussions between the parties to the Stormwater JWS. Mr Willis will address this recommendation in his final reply (due 4 August 2025), however the Council considered it appropriate to alert submitters to the amended recommendation at the same time as serving the Stormwater JWS.

Background

5 The Panel noted in Minute 38¹ that the Stormwater JWS records that whether the definition of "stormwater neutrality" should include reference to volumes was not agreed by Ms Seaton (for PrimePort and TDHL). The Panel sought:

...confirmation from counsel for PrimePort and TDHL that it considers this matter is still outstanding, and whether it is seeking that the definition be amended or deleted. If, the matter remains outstanding can counsel confirm by 5pm 4 July 2025 whether Mr O'Neill, on whom Ms Seaton relies on, was aware of the definition of stormwater neutrality in the Timaru Infrastructure Design Standards referring to volume, as outlined in paragraphs 14 and 15 of Mr Willis's

¹ Minute 38, at [7](d).

interim reply, and whether he agrees or disagrees with Mr Willis that having different definitions of stormwater neutrality in the District Plan and the Infrastructure Design Standards creates uncertainty from a technical perspective.

- 6 Counsel for PrimePort and TDHL (the **submitters**) provided a response to the Panel (dated 4 July 2025) confirming this matter was still outstanding and included suggested solutions to the issue.
- 7 Mr Kemp (for the Council) has assessed the submitters' response. In summary, Mr Kemp agrees with the submitters' position (set out in Clause 4.4(c) of their response to Minute 38) and supports changing the definition.

Amended recommendation

- 8 Mr Willis therefore now recommends that the Plan definition of "stormwater neutrality" be amended as follows:

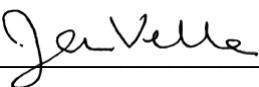
"Stormwater neutrality":

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

means the management of stormwater runoff from a site during one or more specific rainfall events to restrict post-development peak flows and/or volumes to pre-development flows and/or volumes.

- 9 Mr Willis will address the above matter in his final reply to the Panel, which will include further evidence from Mr Kemp on this matter, due on 4 August 2025. This is well in advance of the date by which submitters are to provide any further comments (i.e., 25 August 2025).
- 10 The Council is grateful for the Panel's attention to these matters.

Dated this 28th day of July 2025



Jen Vella
Counsel for the Timaru District Council