

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
APPOINTED BY THE TIMARU DISTRICT COUNCIL**

**UNDER**

the Resource Management Act  
1991

**IN THE MATTER OF**

submissions by Opuha Water  
Limited on the Proposed Timaru  
District Plan

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**STATEMENT OF EVIDENCE OF JULIA MARGARET CROSSMAN ON BEHALF  
OF OPUHA WATER LIMITED (SUBMITTER #181)**

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

Dated: 15 April 2025

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## 1 INTRODUCTION

- 1.1 My name is Julia Margaret Crossman.
- 1.2 I hold a Bachelor of Applied Science, majoring in Environmental Management (First Class Honours) from Otago University, and a Master of Resource and Environment Planning (First Class Honours) from Massey University. I also hold a Certificate of Completion (Intermediate) in Sustainable Nutrient Management in New Zealand Agriculture from Massey University.
- 1.3 I have worked at Opuha Water Limited (**OWL**) since January 2014 as the company's Environmental and Regulatory Manager. My role involves consent management for OWL, including the management of new consent applications and compliance monitoring. A significant part of my role is liaising and working with parties external to OWL. Over my time at OWL, this has included facilitating the Upper Opihi-Opuha Catchment Group, assisting with the Opuha Environmental Flow Release Advisory Group, engaging with Te Rūnanga o Arowhenua, Environment Canterbury (**ECan**), District Councils, Central South Island Fish and Game, and Department of Conservation on a range of environmental matters.
- 1.4 I am part of the Irrigation Scheme Environmental Managers Forum, and I regularly engage with other Canterbury irrigation schemes and primary industry partners on matters of common interest.
- 1.5 During my time at OWL, I have coordinated and led the roll-out of Farm Environment Plans (**FEPs**) to our affiliated irrigators, a programme which has extended to facilitating independent FEP audits and providing education and upskilling opportunities to our shareholders in the environmental and good management practice space.
- 1.6 Prior to my work at OWL, I held various roles at ECan for a period of 9 years, including Resource Care Co-ordinator (Land Management Section), Community Facilitator for the Planning Section where I was involved in the Orari and Selwyn-Waihora Sub-Regional Planning Processes, and Project Manager and Lead Planner for the Waitaki Sub-Regional Planning Process.

- 1.7 OWL made a primary submission and further submissions on the Proposed Timaru District Plan (**PDP**). This evidence relates to OWL's submissions recorded on Timaru District Council's Proposed District Plan website as being part of Hearing Stream F – Hazards and Risks (Natural Hazards only) – Other District-wide Matters.<sup>1</sup>
- 1.8 I am authorised to give this evidence on behalf of OWL in relation to those submissions. In preparing this evidence, I reviewed:
- (a) The Section 42A Report for Other District-wide Matters – Activities on the Surface of Water; Public Access; Versatile Soil, authored by Andrew Maclellan dated 24 March 2025;
  - (b) The Section 42A Report for Other District-wide Matters – Light; Noise, authored by Liz White and dated 24 March 2025;
  - (c) The Section 42A Report for Other District-wide Matters – Earthworks; Signs; Temporary Activities; Relocated Buildings and Shipping Containers, authored by Rachael Willox and dated 24 March 2025 (**Earthworks Section 42A Report**); and
  - (d) The Section 42A Report for Natural Hazards, Coastal Environment, and Drinking Water Protection, authored by Andrew Willis and dated 25 March 2025 (**Natural Hazards Section 42A Report**).
- 1.9 My evidence for Hearing Stream A (dated 22 April 2024) provided an overview of OWL, the Opuha Dam and the Opuha Scheme. For the sake of brevity, I have not readdressed those matters in this statement other than to provide context to my evidence on certain submission points.
- 1.10 My evidence addresses OWL's summary position on the Reporting Officer's recommendations on its submission points and further submission points falling with the scope of Hearing Stream F. I have structured my evidence as follows:
- (a) Summary of my evidence;

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<sup>1</sup> <https://www.timaru.govt.nz/services/planning/district-plan/proposed-district-plan/hearings-information/hearing-f-other-district-wide-matters,-hazards-and-risks-natural-hazards-only,-designations>

- (b) OWL's summary position on the recommendations made in the Section 42A Reports;
- (c) OWL's remaining concerns and decisions sought; and
- (d) Conclusion.

## **2 SUMMARY OF EVIDENCE**

2.1 Most of OWL's submission points falling within the scope of Hearing Stream F:

- (a) Are recommended by the reporting officers as being accepted in whole or part; or
- (b) Have been responded to by the reporting officers in a manner that has satisfactorily addressed OWL's original concerns as set out in its submissions,<sup>2</sup> including through their recommendations in response to other submissions.

2.2 However, the reporting officers' recommendations in relation to the following remaining submission points falling within the scope of Hearing F do not fully respond to the concerns raised by OWL in its submission:

- (a) 181.49 in relation to NH-R1 Building, structures and earthworks, excluding natural hazard mitigation works and its associated land disturbance;
- (b) 181.48 and 181.54 in relation to NH-P8 Natural hazard mitigation works and NH-R3 Natural hazard mitigation works – maintenance, replacement and upgrading, respectively;
- (c) 181.55 in relation to NH-R4 Natural hazard sensitive activities;
- (d) 181.56 in relation to NH-R6 Regionally Significant Infrastructure - New;
- (e) 181.74 in relation to EW-R1 Earthworks; and

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<sup>2</sup> Primary submission points 181.15, 181.45, 181.46, 181.47, 181.50, 181.51, 181.52, 181.53, 181.66, 181.67, 181.68, 181.69, 181.70, 181.71, 181.72, 181.73.

- (f) 181.5FS in relation to EW-O1 Earthworks activity.
- 2.3 OWL also has concerns regarding the reporting officer's recommended amendments to NH-P3 Role of natural features and vegetation in hazard mitigation, which OWL had sought be retained as notified (submission point 181.48).
- 2.4 In relation to those submission points, OWL requests the amendments set out in **Annexure A** to my evidence.
- 2.5 Overall, I consider the amendments recommended by the reporting officers and the additional amendments set out in my evidence in relation to the submission points 181.48, 181.49, 181.54, 181.55, 181.56, 181.74 and 181.5FS are appropriate and necessary to ensure the PDP:
  - (a) Gives appropriate recognition to the regional significance of various activities OWL undertakes within the Timaru District, including the continuing operation of the Opuha Scheme and related assets and infrastructure, and the exercise of OWL's regional consents; and
  - (b) Is consistent with the relevant statutory requirements for district plans (as set out in section 75 and 76 of the Resource Management Act 1991 (**RMA**)); and
  - (c) Is consistent with the relevant directives of the higher order planning documents in relation to such infrastructure, e.g., the Canterbury Regional Policy Statement (**CRPS**).

### **3 OWL'S SUMMARY POSITION ON THE SECTION 42A REPORTS**

- 3.1 The Opuha Scheme is recognised as regionally significant infrastructure in the Canterbury Land and Water Regional Plan (**CLWRP**). The strategic importance of the Opuha Dam and OWL's hydro-electric and irrigation and community supply schemes are recognised in the following regional planning documents:

- (a) CRPS – the hydro-electric scheme and community-scale irrigation scheme and sub-schemes are “regionally significant infrastructure” for the purpose of this document.<sup>3</sup>
  - (b) CLWRP – the national benefits of the Opuha hydro-electric and irrigation and community water supply schemes are recognised within Policy 4.51 and Rule 5.125C of this document, and OWL’s status as “principal water supplier” is also recognised and provided for through the CLWRP’s policy and rule framework, including Plan Change 7.
- 3.2 OWL’s primary and further submission points on matters falling within the scope of Hearing F seek various amendments to the text of the PDP, largely to address what it identified as gaps in the proposed planning framework for activities undertaken by, and with respect to, regionally significant infrastructure.
- 3.3 Having reviewed the Section 42A Reports, I accept the responses provided and the textual changes the reporting officers have recommended to plan provisions address most of OWL’s concerns, and those raised by other submitters. Specifically, I consider those responses and recommendations satisfactorily address the matters raised in the primary and further submission points made by OWL that are set out in **Annexure B** to my evidence.
- 3.4 However, I consider the reporting officer’s recommendations in relation to its remaining submission points do not fully respond to the concerns raised by OWL in its submission. I set out my concerns with respect to those submission points in the following section of my evidence, together with the decision OWL seeks in terms of amendments.

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<sup>3</sup> The Scheme’s status as “regionally significant infrastructure” was confirmed in the Report and Recommendations of Hearing Commissioners in the matter of Proposed Plan Change 18 to the Mackenzie District Plan, dated 12 April 2021, at [118].

## **4 OWL'S REMAINING CONCERNS AND DECISIONS SOUGHT**

### **NH-P3: Role of natural features and vegetation in hazard mitigation**

- 4.1 In relation to NH-P3, Mr Willis recommends submission point [156.87] by New Zealand Forest and Bird Protection Society Incorporated be accepted in part, and recommends the following amendment to that Policy:<sup>4</sup>

*Protect, maintain and restore where appropriate, natural topographic features and vegetation, including native habitat that assists with avoiding or mitigating the risk to people and significant risk to property from natural hazards.*

- 4.2 What is not clear from Mr Willis' Report is what is meant by "native habitat" (i.e., whether it is a reference to vegetation or fauna), and how that assists in avoiding or mitigating natural hazard risk. It is also unclear why the amendment is needed. In that regard, I note Mr Willis' recommended wording would depart from the directive in Policy 11.3.6 Role of natural features of the CRPS, which states as follows:

*The role of natural topographic (or geographic) and vegetation features which assist in avoiding or mitigating natural hazards should be recognised and the features maintained, protected and restored, where appropriate.*

- 4.3 Further explanation from Mr Willis may be required to enable a clearer understanding of the intention of his recommended amendment. In the absence of clear justification for the amendment, I consider the notified version of NH-P3 should be retained, as requested in OWL's submission point 181.48.

### **NH-R1: Buildings, structures and earthworks, excluding natural hazard mitigation and its associated land disturbance**

- 4.4 In response to various submissions, Mr Willis has recommended the replacement of the permitted activity conditions for NH-R1 and inclusion of three new "notes" to assist in the interpretation of the new condition.<sup>5</sup>

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<sup>4</sup> Natural Hazards Section 42A Report, at [7.17.4] and [7.17.5].

<sup>5</sup> Natural Hazards Section 42A Report, at [7.27.21].

- 4.5 Whilst I understand the rationale for Mr Willis' recommendations, the rewording of the condition and reliance on interpretation notes is not consistent with the drafting approach for other rules in the Natural Hazard chapter, for example, Rule NH-R6.
- 4.6 I also question Mr Willis' recommended amendment in terms of:
- (a) The deletion from PER-1 the requirement to comply with NH-S1. In my view, it would be preferable for NH-S1 to be referred to in PER-1 rather than this being imbedded in a "note".
  - (b) The requirement in PER-1 to undertake an assessment, which I gather would require input from a flood expert (as it is beyond the scope of the Flood Assessment envisaged by NH-S1). It would be highly unusual for such a requirement to be a condition of a permitted activity.
- 4.7 It may be preferable for Mr Willis to provide further explanation of his intentions in relation to this rule, and in particular, his recommended amendments to PER-1 and the associated "notes".

#### **NH-P8 and NH-R3: Natural hazard mitigation works**

- 4.8 Mr Willis recommends that OWL's submission points 181.48 and 181.54 in relation to NH-P8<sup>6</sup> and NH-R3 be rejected.<sup>7</sup> Those submission points sought:
- (a) The inclusion of the following additional permitted activity standard, PER-5, in NH-R3:<sup>8</sup>

##### **PER-5**

The activity is undertaken by or on behalf of a network utility operator of regionally significant infrastructure in accordance with a rule in the Canterbury Land and Water Regional Plan or a resource consent and/or approval granted by the Canterbury Regional Council.

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<sup>6</sup> Numbered NH-P9 in the PDP as notified.

<sup>7</sup> Natural Hazards Section 42A Report, at [7.29.7].

<sup>8</sup> Submission point 181.54.



- (b) Consequential amendments to NH-P1 to P11 required to give effect to (inter alia) amendments sought by OWL to NH-R3.<sup>9</sup>

- 4.9 A key concern for OWL in relation to NH-R3 is the extent of the Flood Assessment Area Overlay in the PDP's planning maps, which includes areas within the bed of rivers and streams and associated riparian zones controlled by section 13(1) RMA and rules in the CLWRP.
- 4.10 I appreciate Timaru District Council and ECan have dual responsibilities in relation to natural hazards under the RMA.<sup>10</sup> However, I consider it would be inefficient (in terms of the requirements of section 32) for the PDP to require operators of regionally significant infrastructure to obtain land use consent for natural hazard works when such activities are either permitted by the CLWRP or authorised by a resource consent granted under the CLWRP (or other approval that has been obtained from the ECan), where the activity complies with all other permitted activity conditions of NH-R3.
- 4.11 In this regard, I note that Rules 5.138 and 5.141A of the CLWRP provide as follows:

- 5.138 The installation, maintenance, use and removal of defences against water in, on or under the bed of a lake or river, including**
- a. the associated deposition of substances on, in or under the bed of a lake or river, the associated diversions and discharges of sediment into water, and any excavation or other disturbance of the bed of a lake or river; and**
  - b. any associated diversion and discharge of sediment laden water into an artificial watercourse;**
- is a permitted activity, provided the following conditions are met:**
- 1. The activity does not prevent access in any way to lawfully established structures, including defences against water; and
  - 2. Other than for the use of defences against water the activity is not in, on, or under the bed of any river or lake listed as a high naturalness waterbody in Sections 6 to 15 or within a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the inanga spawning season of 1 March to 1 June inclusive, or in any Critical Habitat; and
  - 3. The activity is undertaken by or on behalf of a local authority or a network utility operator in accordance with a plan that has been certified by the CRC as being in accordance with the Canterbury Regional Code of Practice for Defences Against Water and Drainage Schemes (April 2019); and
  - 4. The works or structures do not prevent any existing fish passage.

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<sup>9</sup> Submission point 181.48.

<sup>10</sup> Under sections 31(1)(b)(i) (the control of any actual or potential effects of the use, development, or protection of land including for the purpose of the avoidance or mitigation of natural hazards) and 30(1)(c)(iv) (the control of the use of land for the purpose of the avoidance or mitigation of natural hazards).

**5.141 A The placement, installation, erection, reconstruction, alteration or removal of any structure, excluding dams, on, in or under the bed of a lake or river, and including any associated excavation, disturbance, diversion and discharge in the bed of a lake or river, or any diversion or discharge in an artificial watercourse, that does not comply with Rules 5.135 to 5.141 is a discretionary activity.**

4.12 Relevant to these rules is the CLWRP's definition of "defence against water", which is as follows:

Defence against water	means any structure or equipment, including any bund, weir, spillway, floodgate, bank, stopbank, retaining wall, rock or erosion protection structure, groyne, vegetation (including anchored tree protection) or reservoir, that is designed to have the effect of stopping, diverting, controlling, restricting or otherwise regulating the flow, energy or spread of water, including floodwaters, in or out of a waterbody, artificial watercourse, or artificial lake. For the purposes of this definition, dams are excluded.
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4.13 I consider including the additional permitted activity condition in NH-R3 as requested in OWL's submission would address my concern regarding the issue of efficiency in the context of section 32. I also consider that amendment would appropriately recognise:

- (a) The special status given by the PDP to regionally significant infrastructure alongside lifelines utilities under those plan provisions (e.g., in Objectives EI-O1 and EI-O2, and Policy EI-P1); and
- (b) The importance and benefits of regionally significant infrastructure, thus implementing those objectives and policy as required by section 75(1) RMA.

4.14 For consistency with the terminology used elsewhere in NH-R3 (as recommended to be amended by Mr Willis) e.g., Matter of Discretion (2), I also suggest the following minor amendment be made to Mr Willis' recommended rewording of the title of Rule NH-R3:

***NH-R3 Natural hazard mitigation works including associated earthworks and incidental vegetation ~~removal~~clearance...***

4.15 To ensure policy alignment, I consider the following consequential amendments are also required to Policy NH-P8:

***NH-P8 Natural hazard mitigation works***

1. undertaken by or on behalf of the Crown, Canterbury Regional Council, ~~or~~ the Council or operators of regionally significant infrastructure are enabled...
2. not undertaken by or on behalf of the Crown, Canterbury Regional Council, ~~or~~ the Council or operators of regionally significant infrastructure, will only be acceptable where...

#### **NH-R4: Natural hazard sensitive buildings other than Regionally Significant Infrastructure**

4.16 In response to OWL's submission on NH-R4,<sup>11</sup> Mr Willis has recommended amendments to the wording of that rule's title along with various other amendments.

4.17 Having reviewed Mr Willis' analysis of submissions and full suite of recommendations on NH-R4, I consider that it would be appropriate for the title of NH-R4 to be amended either:

- (a) To align with the drafting approach taken in NH-P4, as follows:

***NH-R4 Natural hazard sensitive buildings ~~other than~~ (excluding Regionally Significant Infrastructure)***

or

- (b) To recognise that the PDP's proposed definition of "natural hazard sensitive buildings" excludes regionally significant infrastructure, as follows:

***NH-R4 Natural hazard sensitive buildings ~~other than~~ Regionally Significant Infrastructure***

#### **NH-R6: Regionally Significant Infrastructure - New**

4.18 In its submission, OWL sought various decisions in relation to Rule NH-R6,<sup>12</sup> some of which Mr Willis has recommended be accepted through recommended amendments to NH-R6 and others by way of amendments to other provisions in the Natural Hazard chapter. However, I wish to

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<sup>11</sup> Submission Point 181.55.

<sup>12</sup> Submission Point 181.56.

address the following request in OWL's submission, which Mr Willis considers has merit but has not been addressed by way of amendment to NH-R6:

*Amend NH-R6.3 to allow new RSI in the High Hazard Risk Overlay as a permitted activity subject to compliance with a condition requiring that the infrastructure has been designed to maintain its integrity and function during and after a natural hazard event (or an alternative condition with similar effect e.g., certification of design any a suitably qualified and experience person to meet that outcome).*

4.19 Mr Willis has outlined his concerns with respect to OWL's submission as follows:<sup>13</sup>

*I am concerned whether this standard is sufficiently certain, or involves the delegation of decision making authority to a third party (the certifier). In the absence of examples or further information on how this could occur I recommend that RSI in high hazard areas remains an RDIS activity, with the assessments matters including an assessment of the ability for the RSI to be efficiently recovered after a hazard event or maintain its integrity and function during and after a natural hazard event (I also note that in response to Kāinga Ora [229.39] I am recommending to delete the High Hazard Overlay).*

4.20 I consider Mr Willis' concerns are inconsistent with his recommendations in relation to other submissions. For example, his recommended amendments to PER-1 of Rule NH-R1 require as follows:

*Buildings, structures and earthworks will not worsen flooding on another property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a 0.5% AEP event.*

4.21 I assume that compliance with that condition would need to be demonstrated by an independent expert, as it is not something that NH-S1 envisages as being addressed by a Flood Assessment Certificate.

4.22 In my view, Mr Willis' concerns with OWL's submission on NH-R6 could be addressed by enabling new regionally significant infrastructure that cannot comply with permitted activity conditions PER-2 and PER-3 (per Mr Willis' recommendations) but where the infrastructure is designed to maintain its

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<sup>13</sup> Natural Hazards Section 42A Report, at [7.32.11].

integrity and function during and after a natural hazard event, to be a controlled activity. I consider this would alleviate the issue Mr Willis has raised in relation to third-party certification as a permitted activity condition and give appropriate recognition to the importance of regionally significant infrastructure and its special status under the PDP, as addressed earlier in my evidence.

- 4.23 My suggestions regarding specific amendments to Mr Willis' suite of recommendations is set out in **Annexure A** of my evidence.

#### **EW-R1 Earthworks**

- 4.24 Ms Willox recommends that OWL's submission point on EW-R1 Earthworks be rejected.<sup>14</sup> That submission point<sup>15</sup> sought the following amendment to the scope of activities excluded from EW-R1 as follows:

##### **EW-R1 Earthworks, excluding earthworks:**

- a. for tree planting, or the removal of trees not protected by the District Plan;**
- b. for test pits, wells or boreholes [...]**
- c. [...]**
- d. [...]**
- e. for natural hazard mitigation works carried out by:**
  - i. Timaru District Council or Canterbury Regional Council that are permitted by the relevant Plan chapter; ~~or~~**
  - ii. By or on behalf of a network utility operator of regionally significant infrastructure in accordance with a rule in the Canterbury Land and Water Regional Plan or a resource consent and/or approval granted by the Canterbury Regional Council.**

**[...]**

- 4.25 Ms Willox's concerns with respect to OWL's submission are as follows:<sup>16</sup>

*Mr. Willis, in his analysis of the NH chapter provisions, has recommended that OWL submission [184.154] to include network operators of RSI undertaking earthworks for 'natural hazard mitigation works' in areas subject to flooding (NH-R3) is rejected. In his view, a permitted activity status for network utility operators is not appropriate as network utility operators do not have the same statutory responsibilities and public accountability. There are also potential risks from poorly constructed*

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<sup>14</sup> Earthworks Section 42A Report, at [9.5.10].

<sup>15</sup> Submission Point 181.74.

<sup>16</sup> Earthworks Section 42A Report, at [9.5.10].

*mitigation works. For the same reasons, I do not agree with OWL [181.74] that EW-R1.e should exclude network operators of RSI undertaking earthworks required for natural hazard mitigation works outside those areas managed in NH-R3. I therefore recommend that the submission point from OWL [181.74] be accepted in part, noting their support for exclusions (c) and (d). As per Mr. Willis analysis, I would revisit this recommendation if evidence were provided demonstrating that such activity is sufficiently managed via a regional plan, policy or bylaw.*

- 4.26 Earlier in my evidence, I have addressed Mr Willis' recommendations regarding OWL's submission on NH-P8 and NH-R3 (at [4.9] to [4.13]). For the same reasons, I consider OWL's submission point should be accepted i.e., Rule EW-R1 should be amended as set out at [4.24].
- 4.27 However, if the Panel accepts OWL's submission points in relation to NH-P8 and NH-R3, then I consider the following amendment would be appropriate:

**EW-R1 Earthworks, excluding earthworks:**

- a. for tree planting, or the removal of trees not protected by the District Plan;*
- b. for test pits, wells or boreholes [...]*
- c. [...]*
- d. [...]*
- e. for natural hazard mitigation works carried out by Timaru District Council or Canterbury Regional Council, or by or on behalf of a network utility operator of regionally significant infrastructure, that are permitted by the relevant Plan chapter; or*

....

**EW-O1 Earthworks activity**

- 4.28 OWL made a further submission<sup>17</sup> in support of the primary submission of Waka Kotahi,<sup>18</sup> which requested the following amendment to EW-O1:

***EW-O1 Earthworks activity***

*Earthworks facilitate subdivision and the use and development, including regionally significant infrastructure, of the District's land resource, while ensuring that its adverse effects on the surrounding environment are avoided or mitigated.*

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<sup>17</sup> Submission point 181.5FS.

<sup>18</sup> Submission point 143.103.

- 4.29 Ms Willox recommends that submission be rejected for the following reasons:<sup>19</sup>

*EW-O1, in my opinion, already captures earthworks for RSI by facilitating earthworks for subdivision, and the use and development of land. EW-R1, as notified, also does not distinguish between RSI and other infrastructure. I note that all infrastructure identified, as permitted in the EI and TRAN chapters of the PDP (and as recommended by Mr. Andrew Willis as the Section 42A Officer for the EIT chapters restricted discretionary) are excluded from the EW provisions (EW-R1.c). Furthermore, where a resource consent application for earthworks associated with RSI is sought, the objectives and policies in the EIT chapters, in my opinion, will apply even if they do not specifically refer to earthworks. I therefore recommend that the submission point from Waka Kotahi [143.103] be rejected.*

- 4.30 I am somewhat confused by Ms Willox's response to this submission, as on the one hand she indicates that EW-O1 already captures regionally significant infrastructure, but on the other, suggests that the Earthworks chapter does not apply to such infrastructure. It would be helpful for this to be clarified at the hearing.
- 4.31 If it is that the Earthworks chapter does not apply to regionally significant infrastructure, then I agree with Ms Willox that the amendment sought by Waka Kotahi is not required. However, if this is not the case, then I consider it would be appropriate for EW-O1 to expressly refer to regionally significant infrastructure as sought by Waka Kotahi. In my view, this would give appropriate recognition to the importance and benefits of regionally significant infrastructure, as addressed earlier in my evidence.

## 5 CONCLUSION

- 5.1 On behalf of OWL, I respectfully request that the Panel accepts:
- (a) The reporting officers' recommendations in relation to OWL's submission points listed in **Annexure B** to my evidence;
  - (b) The additional amendments in relation to NH-P3, NH-P8, NH-R1, NH-R3, NH-R4, NH-R6, EW-O1 and EW-R1 that I have addressed in my evidence and are summarised in **Annexure A**.

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<sup>19</sup> Earthworks Section 42A Report, at [9.2.4].

5.2 Overall, I consider those recommendations and amendments are appropriate and necessary to:

- (a) Satisfactorily address the matters raised in OWL's submission points falling within the scope of Hearing Stream F;
- (b) Give appropriate recognition of the regional significance of various activities OWL undertakes within the Timaru District, including the continuing operation of the Opuha Scheme and related assets and infrastructure, and the exercise of OWL's regional consents; and
- (c) Ensure the relevant statutory requirements for district plans and the relevant directives of the higher order planning documents are achieved.



**Julia Margaret Crossman**

15 April 2025



## ANNEXURE A: DECISIONS SOUGHT BY OWL

Note: requested amendments are shown as red track changes to the reporting officers' recommendations

Submission Point	Decision Sought
181.48	<p>Retain <b>NH-P3</b> as notified, as follows:</p> <p><b><i>NH-P3 Role of natural features and vegetation in hazard mitigation</i></b></p> <p><i>Protect, maintain and restore, where appropriate, natural topographic features and vegetation, <del>including native habitat,</del> that assists with avoiding and mitigating the risk to people and significant risk to property from natural hazards.</i></p>
181.48 and 181.54	<p>Include a new permitted activity condition PER-5 in <b>NH-R3</b> as follows and amend <b>NH-P8</b><sup>20</sup> as a consequence of the new condition:</p> <p><b><i>NH-P8 Natural hazard mitigation works</i></b></p> <p><i>1. undertaken by or on behalf of the Crown, Canterbury Regional Council <del>or</del> the Council <u>or operators of regionally significant infrastructure</u> are enabled...</i></p> <p><i>2. not undertaken by or on behalf of the Crown, Canterbury Regional Council <del>or</del> the Council <u>or operators of regionally significant infrastructure</u>, will only be acceptable where...</i></p> <p><b><i>NH-R3 Natural hazard mitigation works including associated earthworks and incidental vegetation <del>removal</del>clearance...</i></b></p> <p><b><u>PER-5</u></b></p> <p><i><u>The activity is undertaken by or on behalf of a network utility operator of regionally significant infrastructure in accordance with a rule in the Canterbury Land and Water Regional Plan or a resource consent and/or approval granted by the Canterbury Regional Council.</u></i></p> <p>...</p>
181.55	<p>Amend the title of Rule NH-R4 to align with the drafting approach taken in NH-P4 or to reflect that the term “natural hazard sensitive buildings” under the PDP does not include regionally significant infrastructure.</p>

<sup>20</sup> Numbered NH-P9 as notified.

Submission Point	Decision Sought
	<p>OWL seeks the following alternative amendments to the title of Rule NH-R4:</p> <p><b><i>NH-R4 Natural hazard sensitive buildings <del>other than</del> <u>(excluding Regionally Significant Infrastructure)</u></i></b></p> <p>Or:</p> <p><b><i>NH-R4 Natural hazard sensitive buildings <del>other than</del> <u>Regionally Significant Infrastructure</u></i></b></p>
181.56	<p>Include in <b>NH-R6</b> a new controlled activity rule, as follows:</p> <p><b><i><u>Activity status where compliance no achieved with PER-2 and PER-3: Controlled</u></i></b></p> <p><b><i><u>Where:</u></i></b></p> <p><b><i><u>CON-1</u></i></b></p> <p><b><i><u>The infrastructure is designed to maintain its integrity and function during and after a natural hazard event.</u></i></b></p> <p><b><i><u>Matters of control are:</u></i></b></p> <p><b><i><u>1. the operational need or functional need for the activity to be established in this location; and</u></i></b></p> <p><b><i><u>2. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and</u></i></b></p> <p><b><i><u>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</u></i></b></p> <p><b><i><u>4. any increased flood risk for people, property, or public spaces; and</u></i></b></p> <p><b><i><u>5. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event or maintain its integrity and function during and after a natural hazard event; and</u></i></b></p> <p><b><i><u>6. the extent to which it will require new or upgraded public natural hazard mitigation works; and</u></i></b></p> <p><b><i><u>7. the extent of any additional reliance on emergency services; and</u></i></b></p> <p><b><i><u>8. the extent to which there are alternative locations for the Regionally</u></i></b></p>

Submission Point	Decision Sought
	<p><u>Significant Infrastructure; and</u></p> <p><u>9. any positive effects of locating the Regionally Significant Infrastructure at this location.</u></p>
181.74	<p>Amend <b>EW-R1</b> as follows:</p> <p><b><i>EW-R1 Earthworks, excluding earthworks:</i></b></p> <p>...</p> <p><b><i>e. for natural hazard mitigation works carried out by:</i></b></p> <p><b><i>i. Timaru District Council or Canterbury Regional Council that are permitted by the relevant Plan chapter; or</i></b></p> <p><b><i>ii. <u>by or on behalf of a network utility operator of regionally significant infrastructure in accordance with a rule in the Canterbury Land and Water Regional Plan or a resource consent and/or approval granted by the Canterbury Regional Council.</u></i></b></p> <p>[...]</p> <p>Or, if the Panel accepts OWL's submission and requested amendments in relation to NH-P8 and NH-R3, amend <b>EW-R1</b> as follows:</p> <p><b><i>EW-R1 Earthworks, excluding earthworks:</i></b></p> <p>...</p> <p><b><i>e. for natural hazard mitigation works carried out by Timaru District Council or Canterbury Regional Council, <u>or by or on behalf of a network utility operator of regionally significant infrastructure,</u> that are permitted by the relevant Plan chapter; or [....]</i></b></p>
181.5FS	<p>Amend <b>EW-O1</b> as follows (if regionally significant infrastructure is not governed by the Earthworks chapter):</p> <p><b><i>EW-O1 Earthworks activity</i></b></p> <p><i>Earthworks facilitate subdivision and the use and development, <u>including regionally significant infrastructure,</u> of land, while ensuring adverse effects on the surrounding environment are avoided or mitigated.</i></p>

**ANNEXURE B: SUBMISSIONS AND FURTHER SUBMISSIONS ADDRESSED BY SECTION 42A OFFICER RECOMMENDATIONS**

<b>Chapter</b>	<b>Provision</b>	<b>Submission/further submission reference</b>
<b>Natural Hazards</b>	Definitions	181.15
	Objectives NH-O1, NH-O2, NH-O3	181.45, 181.46 and 181.47
	Policies NH-P1, NH-P2, NH-P4, NH-P5, NH-P6, NH-P7, NH-P8, NH-P10, and NH-P11	181.48
	Rules NH-R2, NH-R5, NH-R7, NH-R8	181.50, 181.51, 181.52, 181.53
<b>Public Access</b>	Objective PA-O1	181.66
	Policy PA-P4	181.67
	Rule PA-R1	181.68
<b>Transitional Highly Productive Land</b>	Planning maps overlay	181.69
<b>Versatile Soil</b>	Entire chapter	181.70
	Versatile Soil Overlay	181.71
<b>Activities on the Surface of Water Chapter</b>	Rule ASW-R2	181.72
<b>Earthworks</b>	Policy EW-P4	181.73