

**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

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

**HEARING STREAM E – INFRASTRUCTURE & SUBDIVISION, CULTURAL
VALUES**

Dated: 23 January 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 (**OEFRAG**), engaging with Te Rūnanga o Arowhenua, Environment Canterbury (**ECan**), District Councils, Central South Island Fish and Game (**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 E – Infrastructure & Subdivision, Cultural Values.¹
- 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 Energy and Infrastructure, Stormwater and Transport, authored by Andrew Willis dated 11 December 2024 (**Infrastructure Section 42A Report**).
 - (b) The Section 42A Report for Sites and Areas of Significance to Māori and Māori Purpose Zone, authored by Liz White and dated 09 December 2024 (**SASM Section 42A Report**).
 - (c) The Section 42A Report for Historic Heritage and Notable Trees, authored by Andrew Maclellan and dated 10 December 2024 (**Historic Heritage and Trees 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 E. I have structured my evidence as follows:
- (a) Summary of my evidence;
 - (b) OWL's summary position on the recommendations made in the Section 42A Reports;
 - (c) OWL's remaining concerns and decisions sought; and

¹ <https://www.timaru.govt.nz/services/planning/district-plan/proposed-district-plan/hearings-information/hearing-e-infrastructure-and-subdivision,-cultural-values-values>

- (d) Conclusion.

2 SUMMARY OF EVIDENCE

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

- (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,² including through their recommendations in response to other submissions.

2.2 However, Mr Willis' recommendations in the Infrastructure Section 42A Report do not fully respond to the concerns raised by OWL in its submission on Rule EI-R38 (Submission Point 181.42), and its request for the inclusion of the following additional matter of discretion in that Rule (or similar):

The functional needs and operational needs of, and benefits from, the activity.

2.3 In my opinion, OWL's request is appropriate from a planning perspective as it would:

- (a) Not preclude TDC considering "life safety risk" arising from birdstrike in any resource consent application made to establish a new waterbody exceeding 500m² within the PDP's proposed Birdstrike Management Area (**BMA**) Overlay relating to the Richard Pearse Airport (Timaru Airport), as inferred by Mr Willis's comments in the Infrastructure Section 42A Report;
- (b) Implement the directives contained in Objective EI-O2 and Policies EI-P1 and EI-P2 (as revised in accordance with Mr Willis' recommendations set out in the Infrastructure Section 42A Report));

² Primary and further submission points 181.1FS, 181.2FS, 181.6FS, 181.8FS, 181.9FS, 181.10FS, 181.13, 181.14, 181.15FS, 181.16FS, 181.17FS, 181.18FS, 181.24, 181.25, 181.26, 181.27, 181.28, 181.29, 181.30, 181.31, 181.32, 181.33, 181.34, 181.35, 181.36, 181.37, 181.38, 181.40, 181.41, 181.43, 181.44, 181.57, 181.58, 181.59, 181.60.

- (c) Accordingly, be consistent with:
 - (i) The relevant statutory requirements for district plans (as set out in section 75 and 76 of the RMA); and
 - (ii) The relevant directives of the higher order planning documents in relation to such infrastructure, e.g., the CRPS (as discussed in my evidence at [3.1]);and
- (d) Ensure the PDP's planning framework anticipates the potential future needs of the communities and infrastructure providers in the Timaru District, in establishing water storage facilities as a means for improving the efficiency of water use in accordance with higher order regional planning directives.

2.4 I do not support all of Mr Willis' recommendations in relation to the narrowing of the scope of activities governed by Rule EI-R26. I am concerned that Mr Willis' revisions, if accepted by the Panel, would result in no infrastructure rules governing the creation of:

- (a) Open drains and channels, pipes, water reservoirs, storage ponds; and
- (b) Other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities).

2.5 In my view, it would be preferable from the perspectives of plan interpretation and implementation for Rule EI-26 to be retained as notified subject to Mr Willis' recommendations that new underground water systems infrastructure be deleted from the list of activities governed by the rule, and for minor revisions/additions to EI-R26(2), as set out in Annexure A to my evidence.

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) The Canterbury Regional Policy Statement (**CRPS**) – the hydro-electric scheme and community-scale irrigation scheme and sub-schemes are “regionally significant infrastructure” for the purpose of this document.³
- (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 E 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 Infrastructure, SASM and Historic Heritage and Trees 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 following primary and further submission points made by OWL:

- (a) Energy and Infrastructure Chapter:

³ 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].

- (i) 181.13 and 181.14, in relation to Definitions;
 - (ii) 181.24, in relation to the Introduction;
 - (iii) 181.25, 181.26 and 181.27 in relation to Objectives;
 - (iv) 181.28, 181.29, and 181.30 in relation to Policies;
 - (v) 181.31, in relation to the Introductory Note to the Rules;
 - (vi) 181.32, 181.33, 181.34, and 181.35 in relation to Section C – Rules for Network Utilities – Three Waters EI-R22 to EI-26;
 - (vii) 181.36, 181.37, 181.38, 181.39, 181.40 and 181.41 in relation to Section E – Rules for Renewable Energy Generation Rules EI-31 to EI-35;
 - (viii) 181.43 and 181.44 in relation to the Standards;
 - (ix) 181.1FS in relation to consistent use of terminology in the plan generally;
 - (x) 181.2FS, 181.9FS, 181.10FS, 181.15FS, 181.16FS, 181.17FS, and 181.18FS in relation to the Policies;
 - (xi) 181.6FS, in relation to Standard EI-S1; and
 - (xii) 181.8FS, in relation to Objective EI-O1.
- (b) SASM Chapter:
- (i) 181.58, in relation to Objective SASM-O2;
 - (ii) 181.59, in relation to the Policies; and
 - (iii) 181.60, in relation to Rule SASM-R2.
- (c) 181.57, in relation to the Objectives and Policies of the Historic Heritage Chapter.

3.4 However, I consider that OWL's submission in relation to Rule EI-R38 *Creation of a new stormwater basin or water body (including wastewater*

oxidation pond) which exceeds 500m in area has not been satisfactorily addressed. I set out OWL's concerns with respect to that Rule in the following section of my evidence, together with the decision OWL seeks in terms of amendments.

- 3.5 I also have some concerns about the recommended revisions to Rule EI-R26, which I also address in the following section of my evidence.
- 3.6 For completeness, I note that the Infrastructure Section 42A Report does not address OWL's submission on Rules EI-R22 to EI-R26 and its related request for the inclusion of a definition for "water infrastructure", which is a term referenced in the notified rules (Submission Point 181.16). I confirm that this submission point has been addressed indirectly through the amendments recommended by Mr Willis' in relation to Rules EI-R22 to EI-R26 (set out in Appendix 1 to the Infrastructure Section 42A Report), which includes the deletion of references to that term.

OWL'S REMAINING CONCERNS AND DECISIONS SOUGHT

Rule EI-R38: new water storage within the BMA Overlay

OWL's submission on Rule EI-R38

- 3.7 In its submission⁴, OWL sought the following decisions in relation to Rule EI-R38, which governs the creations of (inter alia) new water bodies:

- (a) The following amendment to the title of the Rule:

*EI-R38 Creation of a new stormwater basin; or water body
(including wastewater oxidation pond) which exceeds ~~500~~1000m² in
area)*

- (b) The inclusion of the following additional matter of discretion for non-compliance with PER-1, 2 and 3:

...

*The functional needs and operational needs of, and benefits from,
the activity.*

⁴ Submission Point 181.42.

- 3.8 As stated in its submission, OWL's primary concern is to ensure the PDP did not unintentionally foreclose opportunities for future upgrades to its Levels Plains sub-scheme, which is, in part, located within the PDP's proposed BMA Overlay relating to the Richard Pearce Airport (Timaru Airport). The location and extent of the of the Levels Plains sub-scheme is shown in the map below:



- 3.9 As the creation of new water storage ponds as part of any such upgrade would fall within the scope of Rule EI-R38, and would form part of a largescale community water supply scheme, OWL considered it would be appropriate for the matters of discretion to include the operational and functional requirements, and benefits, of such infrastructure, to align with the approach taken in other rules governing infrastructure in the Energy and Infrastructure Chapter (e.g., EI-R7, EI-R8, EI-R11, EI-R13 to EI-R15, EI-R17, EI-R20 to EI-R22, EI-R25, EI-26, and EI-R31 to EI-33).
- 3.10 With respect to the requested amendment to the title of Rule EI-R38, OWL had considered this was necessary to address the apparent inconsistency between the title of this rule i.e., new stormwater basin/water body which exceed 500m² in area, and the reference in PER-1 to water bodies of 1000m² in area.

Mr Willis' response and decision sought by OWL

3.11 Mr Willis recommends that OWL's requests in relation to Rule EI-R38 be rejected on the basis that:⁵

- (a) There is no threshold inconsistency, as the rule applies to a single waterbody exceeding 500m² in area, while PER-1 applies to a combined area of all existing and proposed waterbodies not exceeding 1000m²; and
- (b) The relevant matter is life safety risk, i.e., just because there is a functional or operational need for an activity does not mean people's lives should therefore be put at risk.

3.12 I have reviewed EI-R38 in light of Mr Willis' response and accept his view on the threshold inconsistency issue. However, I consider Mr Willis' has taken an unnecessarily narrow approach in his response to OWL's request for the additional matter of discretion.

3.13 What OWL has asked for is the inclusion of a new matter of discretion in EI-R38, not the deletion of the proposed matters of discretion (1) and (2) included in the Rule as notified, which address birdstrike risk. OWL's request does not preclude TDC from considering the "life safety risk" that might arise from birdstrike associated with waterbodies within the BMA Overlay inferred by Mr Willis's comments. Rather, it simply enables the TDC to also:

- (a) Consider the operational and functional needs, and benefits, of a new water body within the BMA Overlay; and
- (b) To impose conditions on a resource consent granted under that Rule in relation to such matters;

as directed by section 104C of the Resource Management Act 1991 (**RMA**).

3.14 In my opinion, OWL's request (if accepted by the Panel) would give due recognition of the regional significance of water storage facilities forming

⁵ Infrastructure Section 42A Report, at [6.51.6] (page 123).

part of community-scale water within the Timaru District and the various benefits associated with such infrastructure. Accordingly, I consider the request would:

- (a) Implement the directives contained in Objective EI-O2 and Policies EI-P1 and EI-P2 (as revised in accordance with Mr Willis' recommendations); and
- (b) Be consistent with:
 - (i) The relevant statutory requirements for district plans (as set out in section 75 and 76 of the RMA); and
 - (ii) The relevant directives of the higher order planning documents in relation to such infrastructure, e.g., the CRPS (as noted earlier in my evidence at [3.1]).

3.15 I also note that in the regional policy and planning space, greater emphasis is now being placed on the role of water storage facilities in improving efficiency of water use. While I appreciate such issues primarily fall within the planning jurisdiction of regional councils (not territorial authorities such as the TDC) under the RMA, I consider it is preferable for the PDP's planning framework to anticipate the potential future needs of its communities and infrastructure providers. Including the additional matter of discretion in EI-R38 sought by OWL would, in my view, go some way in achieving that outcome.

Rule EI-R26 – Implications of Reporting Officer's recommended revisions

3.16 In preparing my evidence, I undertook an analysis of the revisions recommended by Mr Willis in the Infrastructure Section 42A Report to the the Energy and Infrastructure Chapter to ensure the rule framework is workable in the context of infrastructure activities that OWL may be wishing to undertake within the Opuha Scheme in the future. As a result of that analysis, I have identified an issue arising from Mr Willis' recommended amendments to Rule EI-R26 that I wish to address.

3.17 Mr Willis has recommended narrowing of the scope of activities governed by Rule EI-R26 as notified through the deletions to the title of that Rule as set out below:

| | |
|--------|---|
| EI-R26 | <p>Construction of new underground and⁷⁷ above ground water systems infrastructure, including involving:⁷⁸</p> <ul style="list-style-type: none"> • water supply, wastewater systems and stormwater infrastructure; • open drains and channels, pipes, water reservoirs, storage ponds; and • other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities) |
|--------|---|

3.18 Mr Willis also recommends the deletion of EI-R26(1), which means that any activity governed by the Rule would require resource consent as a restricted discretionary activity. I note in this regard that EI-R26(1) as notified allowed for such activities in the Rural Zones to be permitted activities subject to compliance with stated conditions.

3.19 I understand Mr Willis considers these changes necessary to reflect that:

- (a) EI-R22 already governs new underground water systems infrastructure;⁶ and
- (b) The activities he recommends be deleted from the title would likely have been permitted as they would likely occur in the rural zone (e.g., ancillary structures for reticulation and storage or water for agricultural and horticultural activities which are permitted under GRUZ-R13, or would require resource consent under earthworks rules or stormwater rules anyway.⁷

3.20 I am concerned that narrowing the scope of Rule EI-R26 in the manner recommended by Mr Willis now leaves a gap in the rule framework whereby there is no infrastructure rule that governs the construction of:

- (a) Open drains and channels, pipes, water reservoirs, storage ponds; and
- (b) Other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities).

3.21 In my view, this is not ideal from plan interpretation and implementation perspectives, particularly as the preceding rule, EI-R25, governs the

⁶ Infrastructure Section 42A Report, page 108, at [6.44.4].

⁷ Infrastructure Section 42A Report, page 108, at [6.44.5].

maintenance, repair and upgrading of existing above ground water systems infrastructure, which is stated as including those types of infrastructure, ancillary facilities and structures.

- 3.22 Instead, I consider it would be preferable to retain EI-R26 as notified, subject to Mr Willis' recommendations that the Rule applies only to above ground water systems infrastructure and in relation to minor revisions and additions to EI-R26(2). I have set out the changes to EI-R26 that I consider would be appropriate in this regard in **Annexure A** to my evidence.

4 CONCLUSION

- 4.1 Overall, OWL is of the view that the Reporting Officer's recommendations, the additional amendment to Rule EI-R38 I have outlined in my evidence and my suggestions in relation to Rule EI-R26, are appropriate and necessary to:

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

- 4.2 Accordingly, OWL respectfully requests that the Hearing Panel accepts:

- (a) The Reporting Officers recommendations in relation to OWL's submission points as listed earlier in my evidence at [3.3]; and
- (b) OWL's request for the following additional matter of discretion to be included in Rule EI-R38:

The functional needs and operational needs of, and benefits from, the activity.

- (c) The suggestions I have made in relation to Rule EI-R26 at [3.22] above and as outlined in Annexure A.



Julia Margaret Crossman

23 January 2025

ANNEXURE A: REQUESTED CHANGES TO RULE EI-R26

Note: requested changes shown as bold tracked changes and highlighted in yellow.

| | | |
|--|---|--|
| EI-R26 | Construction of new underground and above ground water systems infrastructure, including: <ul style="list-style-type: none"> • water supply, wastewater systems and stormwater infrastructure; • open drains and channels, pipes, water reservoirs, storage ponds; and • other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities) | |
| 1. Rural Zones | Activity status: Permitted Where: PER-1 New buildings and structures comply with the building height, setback, and height in relation to boundary for the zone. PER-2 EI-S1 is complied with. | Activity status when compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the functional needs and operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. the bulk, height, location and design of the activity, including any associated buildings or structures. 3. the impact on the character and qualities of the surrounding area. |
| | | Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. |
| 2. All Zones except Rural Zones | Activity status: Restricted Discretionary Matters of discretion are | Activity status where compliance not achieved: Not applicable |

| | | |
|--|---|--|
| | <p>restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs and or operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. the bulk, height, location and design of the activity, including any associated buildings or structures. 3. the impact on the character and qualities of the surrounding area. <p><u>Note: this rule does not apply to connections permitted under EI-R23.</u></p> | |
|--|---|--|