

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION ON
THE PROPOSED TIMARU DISTRICT PLAN**

Clause 8 First Schedule, Resource Management 1991

TO: Planning Policy Team
Timaru District Council
2 King George Place
TIMARU 7910
By email: pdp@timdc.govt.nz

Name of Further Submitter:

1. Opuha Water Limited (**OWL**)

Address: C/- Gresson Dorman & Co
PO Box 244
TIMARU 7940

Contact: Georgina Hamilton / Lucy Clough
Email: georgina@gressons.co.nz / georgina@gressons.co.nz

Further Submission:

2. This is a further submission on the original submissions set out in **Annexure A** on the Proposed Timaru District Plan (**the Proposal**).

Status of Further Submitter

3. OWL made an original submission on the Proposal (Original Submitter Number 181).

4. OWL it owns and operates the Opuha Dam and related infrastructure supporting irrigation and community supply schemes in the Timaru District (including Timaru District Council's five community water supply schemes within the wider Ōpihi catchment), which form part of the wider Opuha Scheme. As outlined in OWL's original submission on the Proposal, the Opuha Scheme is recognised as regionally significant infrastructure in the Canterbury Regional Policy Statement and its strategic importance is recognised in the Canterbury Land and Water Regional Plan.

5. For these reasons, OWL is a person who has an interest in the Proposal that is greater than the interest of the general public.

Parts of the original submissions supported or opposed by OWL

6. The parts of the original submissions supported or opposed by OWL are set out in **Annexure A** to this further submission, together with the reasons for the further submissions and decisions sought by OWL.

Wish to be Heard:

7. OWL wish to be heard in support of its further submission.
8. If others make similar submissions, OWL will consider presenting a joint case with them at a hearing.



Opuha Water Limited

By its Solicitors and authorised Agents

Gresson Dorman & Co: Georgina Hamilton / Lucy Clough

Date: 4 August 2023

ANNEXURE A: FURTHER SUBMISSIONS BY OPUHA WATER LIMITED

Name of original submitter	Relevant original submission point number	The particular parts of the original submission supported /opposed	Position on the original submission	Reasons for support/opposition to the original submission	Decision sought	Details of the decision sought in relation to the original submission point
GENERAL						
Rooney Group Limited; Rooney Farms Limited; Rooney Earthmoving Limited; Timaru Developments Limited	249.2 250.2 251.2 252.2	Considers the Proposed District Plan contains confusing and unnecessary overlap with consenting for Regional Council activities within the beds of rivers. Amend the Proposed District Plan to avoid confusing and unnecessary overlap with consenting for Regional Council activities within the beds of rivers.	Support	OWL considers the decision sought will lead to more efficient consenting processes.	Allow	Accept
Royal Forest & Bird Protection Society	156.3	Considers the Council's SNA program is one to take pride in. But also concerned that the current list of SNA is incomplete and some SNAs have been identified by desktop only and still need to be ground truthed. Consider continuing with a district wide survey to ensure that all the District's SNAs are included. Concerned that the vegetation clearance rules are not adequate to protect SNA and to maintain indigenous biodiversity. The policy and rule framework should provide mechanism to continue to identify, map and protect SNAs.	Oppose	OWL is concerned about the implications of granting the decisions sought by the submitter. In its view, in order to provide certainty for land owners or occupiers, SNAs must be included in the District Plan.	Disallow	Reject submission

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		<p>Request the following amendments:</p> <p>a. The PDP needs to contain provisions to identify further SNAs;</p> <p>b. The PDP needs to contain provisions to maintain biodiversity, such as general clearance rules and mapping improved pasture;</p> <p>c. Ensure that all chapters in the PDP give the appropriate level of protection to SNAs, whether in Schedule Four or not;</p> <p>d. Ensure all chapters are subject to compliance with the ECO chapter objectives, policies, and rules.</p>				
STRATEGIC DIRECTION						
Envirowaste Services Ltd	162.5	<p>Seeks an amendment to support the continuance and operational ability of regional infrastructure.</p> <p>Amend SD-08 Infrastructure as follows:</p> <p><i>Across the District:</i></p> <p>[...]</p> <p><i>iv. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately <u>and protecting regionally significant infrastructure from reverse sensitivity</u>. Development is serviced by an appropriate level of infrastructure <u>and waste facilities</u> that effectively meets the needs of that development.</i></p>	Support	OWL considers the protection of Regionally Significant Infrastructure (RSI) from reverse sensitivity is an appropriate addition to SD-08, which recognises the significance of RSI in the Timaru District.	Allow	Accept submission
ENERGY, INFRASTRUCTURE AND TRANSPORT						
Timaru District Council	42.14	<p>Considers there is an inconsistent use of terminology in the EI section. For example, the objectives and policies refer to regionally significant infrastructure, lifelines utilities and other infrastructure. However, the implementing rules and standards refer to infrastructure and network utilities interchangeably. Greater certainty is required for plan users.</p> <p>Amend this section to provide consistent terminology, in particular what rules apply to 'network utilities' and/or 'infrastructure'.</p>	Support	OWL considers the use of consistent terminology across the Energy and Infrastructure Section of the PDP is essential for planning certainty.	Allow	Accept submission

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Royal Forest & Bird Protection Society	156.52	<p>Considers the objective should incorporate emissions reduction.</p> <p>Amend EI-O1 Regionally Significant Infrastructure as follows:</p> <p><i>Effective, resilient, efficient and safe Regionally Significant Infrastructure and Lifeline utilities that:</i></p> <ol style="list-style-type: none"> 1. <i>provides essential and secure services, including in emergencies; and</i> 2. <i>facilitates local, regional, national or international connectivity; and</i> 3. <i>contributes to the economy, emissions reduction, and supports a high standard of living; and</i> 4. <i>is aligned and integrates with the timing and location of urban development; and</i> 5. <i>enables people and communities to provide for their health, safety and wellbeing.</i> 	Oppose	OWL considers the requested change would be inappropriate as EI-01 applies to all RSI, not just transport infrastructure, which appears to be the submitter's intent (given its original submission (156.44) on SD-O8 Infrastructure.	Disallow	Reject submission
Timaru District Council	43.18	<p>Submits that during emergencies there are likely to be situations arising where infrastructure may not need to be removed, but it may be necessary for infrastructure to be altered. Subject to this minor amendment, considers Policy EI-P1 will, in terms of section 75(1) RMA, implement Objective EI-O1.</p> <p>Amend Policy E1-P1 as follows:</p> <p><i>Recognise the benefits of Regionally Significant Infrastructure and Lifelines Utilities by:</i></p> <p>[...]</p> <ol style="list-style-type: none"> 2. <i>enabling their removal, relocation, repair, upgrade, maintenance and other necessary works required during an emergency; and</i> <p>[...]</p>	Support	OWL agrees it is appropriate that the full range of potential activities that may be required to be undertaken in relation to RSI and Lifelines Utilities during emergencies should be reflected in Policy EI-P1(2).	Allow	Accept submission
Spark NZ Ltd Chorus NZ Ltd Vodafone NZ Ltd Connexa Ltd	208.39 209.39 210.39 176.39	<p>Considers that Clause 2 is unnecessary. It is at times of emergency that lifeline utilities, in particular, should be operational.</p>	Oppose	the full range of potential activities that may be required to be undertaken in relation to RSI and Lifelines Utilities during	Disallow	Reject submission

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		<p>Amend EI-P1 as follows:</p> <p><i>EI-P1 Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities</i></p> <p><i>Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities by:</i></p> <p><i>1. enabling their operation, maintenance, repair, upgrade, development</i></p> <p><i>2. enabling their removal during an emergency; and</i></p> <p><i>3. recognising their functional needs or operational needs;</i></p> <p>[...]</p>		emergencies should be reflected in Policy EI-P1(2).		
Royal Forest & Bird Protection Society	156.57	Considers the policy contrary to NPSET and NPSREG as the policy as drafted is more enabling than these national directions. Considers the Council should be supporting rather than encouraging and using the same terminology as the NPS's. The submitter also believes it is inappropriate to allow for "non-renewable" electricity generation, when it is not clear how this fits within the definition of RSI or Lifeline utility.	Oppose	The amendments sought by the submitter are unjustified and disregard the importance of RSI and Lifeline Utilities as recognised in higher order planning documents.	Disallow	Reject submission

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		<p>Amend EI-P1 Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities as follows:</p> <ol style="list-style-type: none"> 1. <u>enabling-providing for</u> their operation, maintenance, repair, upgrade, development <u>in appropriate locations</u>; and 2. <u>enabling providing for</u> their removal during an emergency; and 3. recognising their functional needs or operational needs; and 4. <u>encouraging supporting</u> the coordination of their planning and delivery with land use, subdivision, development, and urban growth so that future land use and infrastructure and Lifeline Utilities are integrated, efficient and aligned; and 5. <u>enabling providing for</u> the investigation and development of new small-scale renewable electricity generation activities to support a reduction in greenhouse gas emissions and diversifying the type and/or location of electricity generation; and 6. <u>allowing providing for</u> large scale renewable generation and non-renewable generation activities where the adverse effects can be minimised r able to be remediated; and 7. supporting Regionally Significant Infrastructure in adopting new technologies that: <ol style="list-style-type: none"> a. improve access to, and efficient use of, networks and services; b. allow for the re-use of redundant services and structures <u>and construction materials</u>; c. increase resilience, safety or reliability of networks and services; d. <u>avoid adverse environmental effects and</u> result in environmental benefits and <u>enhancements</u>; or 				
Royal Forest & Bird Protection Society	156.58	Opposes EI-P2 as it does not achieve Part 2 of the Act. More clarity to be provided in the policy to distinguish those activities that have specific national policy direction by splitting the policy into separate clauses or provide separate policies. There are also conflicts within the policy.	Oppose	Subject to the matters raised in its own Original Submission on EI-P2, OWL considers the submitter’s proposed replacement Policy lacks the level of necessary detailed policy direction provided in the notified	Disallow	Reject submission

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		<p>Delete EI-P2 Regionally Significant Infrastructure and replace with wording that:</p> <ol style="list-style-type: none"> 1. requires that for National Grid and Renewable electricity generation activities, adverse effects: <ol style="list-style-type: none"> a. in the coastal environment are avoided in accordance with Policies 11, 13 15 and the NZCPS; b. in all other cases are firstly sought to be avoid, where this is not possibly due to functional and operational needs, adverse effects are remedied or mitigated; c. where there is no functional or operational need upgrading and development does not occur within an overlay or area meeting the significance criteria in the RPS; 2. For RSI (other than national Grid and Renewable) requires adverse effects: <ol style="list-style-type: none"> a. in the coastal environment are avoided in accordance with Policies 11, 13 15 and the NZCPS; b. outside the coastal environment that are significant adverse effects on natural of the coastal environment, wetlands, and the margins lakes and rivers, outstanding natural landscapes, and features, and SNAs (including any unscheduled area meeting the significance criteria in the RPS) to be avoided; c. in all other cases are firstly sought to be avoid, where this is not possibly due to functional and operational needs, adverse effects are remedied or mitigated; 		version of EI-P2 and is otherwise unnecessary and unjustified.		
Radio New Zealand	152.45	Support EI-S1 with amendments to permit existing utilities that exceed height limits. Amendments also sought to the matters of discretion, to limit consideration of effects to the change in effects.	Support	OWL considers it appropriate for EI-S2 to clarify the position with respect to existing uses.	Allow	Accept submission

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		<p>1. Add new note to EI-S1 as follows:</p> <p><i><u>EI-S1 does not apply to works and changes to already existing network utility structures that exceed the permitted height limit, provided that the works and changes do not increase the exceedance of the permitted height limit.</u></i></p> <p>AND</p> <p>2. Amend the matters of discretion of EI-S1 as follows:</p> <p>Matters of discretion are restricted to:</p> <p>1. <i><u>Changes in visual dominance; and;</u></i></p> <p>2. <i><u>Changes in the impact on the character and qualities of the surrounding area</u></i></p> <p>[...]</p>				
NATURAL ENVIRONMENT VALUES						
Royal Forest & Bird Protection Society	156.121	Opposes the lack of policy direction for the identification of further High Naturalness Water Bodies. The CRPS has identified some but the Timaru District Council should endeavour to locate more and look at the values of other rivers. Further the introduction of the chapter says the rules allow for identification and assessment of natural character.	Oppose	OWL is concerned that the identification of such surface water features outside of the district plan creates uncertainty for infrastructure providers and land users. It is unclear whether the submitter is requesting that this occur for the purpose of future plan changes. It is also unclear whether the request relates to matters within TDC's jurisdiction under the RMA.	Disallow	Reject submission.

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		<p>Add a new policy to NATC - Natural Character chapter as follows:</p> <p><i><u>NATCP-X Identify, map and schedule significant freshwater bodies</u></i></p> <p><i><u>Continue the identification, mapping, and scheduling of wetlands, rivers, lakes, and their margins with one or more recognised natural character attributes, where the following apply:</u></i></p> <p><i><u>1. the wetland, river, lake, and their margins have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species;</u></i></p> <p><i><u>2. the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process;</u></i></p> <p><i><u>3. cultural, spiritual or heritage associations of Ngāi Tūāhuriri to the freshwater body, including the ability to undertake customary practices; and</u></i></p> <p><i><u>4. importance of the freshwater body to provide access and connections to areas of recreational use.</u></i></p>				
Royal Forest & Bird Protection Society	156.124	<p>Considers that PER-3 and PER-4 are too far reaching and should have spatial limits associated with them if they relate to indigenous vegetation clearance.</p> <p>Either:</p> <p>1. Amend NATC-R1 to make it clear that vegetation clearance does not include clearance of indigenous vegetation;</p> <p>OR</p> <p>2. Amend NATC-R1 to affix a spatial limit to any clearance.</p>	Oppose	Without details of the spatial limits proposed by the submitter, it is not possible to determine the implications of the decision sought for OWL and its activities in riparian margins that are not High Naturalness Waterbodies.	Disallow	Reject submission
Royal Forest & Bird Protection Society	156.125	<p>Considers that NATC-R3(1).PER-3 is too wide, there would be instances where 3 metres would incorporate the entire margin. Considers NATC-R3(1).PER-1 and PER-2 need spatial limits and these spatial limits may vary from the size of the margin. Considers spatial limits are required for NATC-R3.3</p>	Oppose	Without details of the spatial limits proposed by the submitter, it is not possible to determine the implications of the decision sought for OWL	Disallow	Reject submission

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		<p>Amend NATC- R3 Earthworks Riparian margins to:</p> <ol style="list-style-type: none"> 1. Delete NAT- R3.1.PER-3 <p>AND</p> <ol style="list-style-type: none"> 2. Add spatial limits to NATC- R3.1.PER-1 and PER-2 which relate to width of the margin within which the activity is to occur. <p>AND</p> <ol style="list-style-type: none"> 3. Amend NATC-R3.3 by affixing spatial limits to the activities. 		and its activities in riparian margins.		
Waka Kotahi NZ Transport Agency	143.90	<p>Seeks an amendment to the policy. It is considered that the policy should provide for the upgrade, maintenance and operation of regionally significant infrastructure, such as the state highway, within the areas identified in SCHED8 and SCHED9. The policy should also recognise that there are operational or functional needs for regionally significant infrastructure to be within these areas.</p> <p>Amend NFL-P2 as follows:</p> <p><i>NFL-P2 Enabling appropriate use and development</i></p> <p><i>Enable certain activities in Visual Amenity Landscapes, Outstanding Natural Features and Outstanding Natural Landscapes, including existing non-intensive primary production, small scale earthworks, maintenance of existing tracks and fences, <u>upgrade, maintenance and the operation of regionally significant infrastructure</u> and underground utilities, that are consistent with:</i></p> <ol style="list-style-type: none"> 1. <i>protecting the identified values and characteristics of the Outstanding Natural Landscapes and Outstanding Natural Features described in SCHED8 - Schedule of Outstanding Natural Landscapes and SCHED9 - Schedule of Outstanding Natural Features <u>unless there is an operational or functional need</u>; and</i> 2. <i>maintaining or enhancing the identified values and characteristics of Visual Amenity Landscapes described in SCHED10 - Schedule of Visual Amenity Landscapes.</i> 	Support	The decision sought by the submitter is consistent with OWL's original submission on this chapter, which seeks to ensure provisions are included in this Chapter to address and recognise the importance of activities associated with RSI.	Accept	Allow submission

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Waka Kotahi NZ Transport Agency	143.91	<p>The intent of the policy is supported. However, considers the policy should recognise that there is a functional or operational need for regionally significant infrastructure to be within SCHED8 or SCHED9. There are instances where there are no suitable alternatives, and the infrastructure must be located within these areas and they will likely have some impact on the landscapes or features.</p> <p>Amend NFL-P4 as follows: <i>NFL-P4 Protecting Outstanding Natural Features and Outstanding Natural Landscapes</i> [...] 4. <i>will maintain natural landforms, natural processes and vegetation areas and patterns, or</i> 5. <i>is regionally significant infrastructure that has a functional or operational need to be located within outstanding natural landscapes and outstanding natural features described in SCHED8 - Schedule of outstanding natural landscapes and SCHED9 - Schedule of outstanding natural features.</i> [...]</p>	Support	The decision sought by the submitter is consistent with OWL's original submission on this chapter, which seeks to ensure provisions are included in this Chapter to address and recognise the importance of activities associated with RSI.	Accept	Allow submission
EARTHWORKS						
Waka Kotahi NZ Transport Agency	143.103	Suggests that the need for earthworks related to regionally significant infrastructure is inserted into Objective EW-O1 as per the suggested wording, or alternatively (or as well as) in the Energy and Infrastructure chapter where consideration for transport as regionally significant infrastructure is sought with associated exclusions for other rules in the Plan.	Support	OWL considers it appropriate that EW-O1 expressly recognise the importance of earthworks for RSI, as requested in the decision sought by the submitter.	Allow	Accept submission

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		<p>Amend EW-01 as follows:</p> <p><i>EW-01 Earthworks activity</i></p> <p><i>Earthworks facilitate subdivision and the use and development, <u>including regionally significant infrastructure</u>, of the District's land resource, while ensuring that its adverse effects on the surrounding environment are avoided or mitigated.</i></p>				