

**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

**SUMMARY 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: 30 April 2025

GRESSON DORMAN & CO

Solicitors

PO Box 244, Timaru 7940

Phone 03 687 8004

Fax 03 684 4584

Solicitor Acting: Georgina Hamilton / Lucy O'Brien
georgina@gressons.co.nz / lucy@gressons.co.nz

1 INTRODUCTION

1.1 My name is Julia Margaret Crossman. My experience and qualifications are set out in my primary Statement of Evidence dated 15 April 2025 (**Evidence**).

1.2 The purpose of this summary is to:

- (a) Provide an update to my Evidence following my discussion with Section 42A Reporting Officer Mr Andrew Willis prior to Hearing F, which addresses a number of matters raised in my Evidence; and
- (b) Confirm the matters raised in my Evidence that remain outstanding and which OWL continues to pursue.

2 OUTCOME OF DISCUSSIONS WITH MR WILLIS

2.1 I was invited to meet with Mr Willis by MS Teams on 23 April 2025. The purpose of this meeting was for Mr Willis to provide clarification for queries I had raised in my Evidence in relation to:

- (a) NH-P3: Role of natural features and vegetation in hazard mitigation;¹
- (b) NH-R1: Buildings, structures and earthworks, excluding natural hazard mitigation and its associated land disturbance;²
- (c) NH-R3: Natural hazard mitigation works (relating only to clarifying he did not intend for Rule NH-R3 to apply to the beds of surface waterways, and his intention to avoid duplication).³

2.2 We did not discuss the issues raised in my Evidence in relation to:

- (a) NH-R4: Natural hazard sensitive buildings other than Regionally Significant Infrastructure;⁴
- (b) Other elements of NH-R3: Natural hazard mitigation works, NH-P8, and EW-R1 Earthworks⁵; and

¹ Evidence, at [4.1] – [4.3].

² Evidence, at [4.4] – [4.7].

³ Evidence, at [4.8] – [4.15].

⁴ Evidence, at [4.16] – [4.17].

⁵ Evidence, at [4.24] – [4.27].

(c) EW-O1: Earthworks activity.⁶

2.3 I address the outcome of my discussion with Mr Willis, and implications for the decisions sought by OWL (as outlined in my Evidence) in the paragraphs that follow.

NH-P3

2.4 In relation to NH-P3, Mr Willis agreed that the reference to the term “including native habitat” could cause confusion, as this term is not defined in the PDP. Mr Willis intends to recommend changes to address this issue, either by:

- (a) Replacing the phrase “including native habitat” with “including native vegetation”; or
- (b) Deleting the phrase “including native habitat”, as the definition of ‘vegetation’ in the PDP includes native vegetation.

2.5 Either option would address the concerns raised in my Evidence on this point.

NH-R1

2.6 Mr Willis explained that Rule NH-R1 does not require compliance with Standard NH-S1. This satisfactorily addresses the concerns I raised in my Evidence in relation to Rule NH-R1.

NH-R3

2.7 In relation to NH-R3, Mr Willis expressed he did not intend for Rule NH-R3 to apply to activities within the beds of surface waterways. To address this, Mr Willis said he would address this by adding further clarification within the Natural Hazards Chapter, rather than altering the planning maps.

2.8 I understand from the discussion that Mr Willis is considering other aspects of OWL’s submission, and my Evidence, in relation to Rule NH-R3.

⁶ Evidence, at [4.28] – [4.31].

- 2.9 I agree this intended amendment would provide the necessary clarification regarding the intended scope of activities regulated by Rule NH-R3. Accordingly, I consider Mr Willis' intended amendments would address that issue raised in my Evidence.

NH-R6

- 2.10 Mr Willis and I both agree that the assumption I made in paragraph [4.21] in my Evidence is now addressed because of the clarification Mr Willis provided above in relation to NH-R1.
- 2.11 Mr Willis was going to further consider the option of a controlled activity, as set out in my Evidence. I remain of the view that a controlled activity rule governing new regionally significant infrastructure that does not comply with PER-2 and PER-3 would be an appropriate way to address OWL's concerns with NH-R6.

3 DECISIONS SOUGHT

- 3.1 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) Mr Willis' expected recommendations in relation to NH-P3, NH-R1, and NH-R3; and
 - (c) The revised additional amendments in relation to NH-P8, NH-R4, NH-R6, EW-O1 and EW-R1 that I have addressed in my Evidence and reproduced in **Annexure A** to this Summary Statement for the assistance of the Hearings Panel.
- 3.2 Overall, I consider those recommendations and amendments are required to:
- (a) Satisfactorily addresses the matters raised in OWL's submission points falling within the scope of Hearing 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

30 April 2025

ANNEXURE A: REVISED DECISIONS SOUGHT BY OWL

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

Submission Point	Decision Sought
181.48 and 181.54	<p>Include a new permitted activity condition PER-5 in NH-R3 as follows and amend NH-P8⁷ as a consequence of the new condition:</p> <p>NH-P8 Natural hazard mitigation works</p> <p>1. undertaken by or on behalf of the Crown, Canterbury Regional Council or the Council <u>or operators of regionally significant infrastructure</u> are enabled...</p> <p>2. not undertaken by or on behalf of the Crown, Canterbury Regional Council or the Council <u>or operators of regionally significant infrastructure</u>, will only be acceptable where...</p> <p>NH-R3 Natural hazard mitigation works including associated earthworks and incidental vegetation removalclearance...</p> <p><u>PER-5</u></p> <p><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></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> <p>OWL seeks the following alternative amendments to the title of Rule NH-R4:</p> <p>NH-R4 Natural hazard sensitive buildings other than <u>(excluding Regionally Significant Infrastructure)</u></p> <p>Or:</p> <p>NH-R4 Natural hazard sensitive buildings other than Regionally Significant Infrastructure</p>

⁷ Numbered NH-P9 as notified.

Submission Point	Decision Sought
181.56	<p>Include in NH-R6 a new controlled activity rule, as follows:</p> <p><u>Activity status where compliance no achieved with PER-2 and PER-3:</u></p> <p><u>Controlled</u></p> <p><u>Where:</u></p> <p><u>CON-1</u></p> <p><u>The infrastructure is designed to maintain its integrity and function during and after a natural hazard event.</u></p> <p><u>Matters of control are:</u></p> <p><u>1. the operational need or functional need for the activity to be established in this location; and</u></p> <p><u>2. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and</u></p> <p><u>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</u></p> <p><u>4. any increased flood risk for people, property, or public spaces; and</u></p> <p><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></p> <p><u>6. the extent to which it will require new or upgraded public natural hazard mitigation works; and</u></p> <p><u>7. the extent of any additional reliance on emergency services; and</u></p> <p><u>8. the extent to which there are alternative locations for the Regionally 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 EW-R1 as follows:</p> <p>EW-R1 Earthworks, excluding earthworks:</p> <p>...</p> <p>e. for natural hazard mitigation works carried out by:</p>

Submission Point	Decision Sought
	<p><i>i. Timaru District Council or Canterbury Regional Council that are permitted by the relevant Plan chapter; or</i></p> <p><i><u>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.</u></i></p> <p><i>[...]</i></p> <p>Or, if the Panel accepts OWL's submission and requested amendments in relation to NH-P8 and NH-R3, amend EW-R1 as follows:</p> <p><i>EW-R1 Earthworks, excluding earthworks:</i></p> <p>...</p> <p><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></p>
181.5FS	<p>Amend EW-O1 as follows (if regionally significant infrastructure is not governed by the Earthworks chapter):</p> <p><i>EW-O1 Earthworks activity</i></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>