

**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 FOR  
OPUHA WATER LIMITED (SUBMITTER #181)**

**HEARING STREAM D – OPEN SPACE ZONES, HAZARDS AND RISKS  
(EXCLUDING NATURAL HAZARDS) AND NATURAL ENVIRONMENT**

Dated: 25 October 2024

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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 D – Open Space Zones, Hazards and Risks (excluding Natural Hazards) and Natural Environment.<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 the Section 42A Report for Ecosystems and Indigenous Biodiversity, Natural Character and Natural Features and Landscapes dated 9 October 2024, authored by Liz White (**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 Ms White's recommendations on its submission points and further submission points falling with the scope of Hearing Stream D. I have structured my evidence as follows:
  - (a) A summary of my evidence;
  - (b) OWL's summary position on the recommendations made in the Section 42A Report; and
  - (c) Conclusion.

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<sup>1</sup> <https://www.timaru.govt.nz/services/planning/district-plan/proposed-district-plan/hearings-information/hearing-d>

## 2 SUMMARY OF EVIDENCE

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

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

2.2 However, I consider the following minor amendment to NATC-R3(1) PER-4 is necessary (shown in red text):

***PER-4***

*The earthworks are required for the operation and maintenance or repair of regionally significant infrastructure;*  
*or*

2.3 I also suggest the following be included in the rules governing activities in Significant Natural Areas (**SNA**):

*Advice Note:*

*This rule does not apply to clearance of vegetation or earthworks within SNAs in the beds of lakes and rivers. Such activities are within the functions of the Canterbury Regional Council under the Resource Management Act 1991 and are governed by the Canterbury Land and Water Regional Plan.*

2.4 Overall, I consider that the amendments recommended by Ms White and the amendments set out in my evidence in relation to NATC-R3(1) PER-4 and the rules governing activities in SNA, are appropriate and necessary to ensure the PDP:

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<sup>2</sup> Primary and further submission points 181.61, 181.63, 181.64, 181.65, 181.75, 181.3 FS, 181.4 FS, 181.7 FS, 181.11 FS, 181.12 FS and 181.13 FS.

- (a) Gives 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 Opuha Scheme assets and infrastructure, and the exercise of OWL's regional consents; and
- (b) Is consistent with the relevant statutory requirements for district plans and the relevant directives of the higher order planning documents.

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

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.<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 D 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.

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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].

3.3 Having reviewed the Section 42A Report and the textual changes recommended by Ms White to the Ecosystems, Natural Character and Natural Features and Landscapes Chapters as set in Appendix 1 to that Report, I accept Ms White's response and the textual changes she has recommended to plan provisions to address most of OWL's concerns, and those raised by other submitters. I consider those responses and recommendations satisfactorily address the matters raised in the following primary and further submission points made by OWL:

- (a) 181.61, in relation to the policies and rules of the Ecosystems Chapter;
- (b) 181.62, in relation to ECO-R2;
- (c) 181.63, 181.64 and 181.65, in relation to NFL-P4 and NFL-R3;
- (d) 181.75, in relation to the policies and rules in the Natural Character Chapter;
- (e) 181.3 FS, in relation to NFL-P2;
- (f) 181.4 FS, in relation to NFL-P4;
- (g) 181.7 FS, in relation to the policies and rules of the Ecosystems Chapter for Significant Natural Areas;
- (h) 181.11 FS, in relation to the primary submitter's request for a new policy regarding the identification, mapping and scheduling of significant freshwater bodies;
- (i) 181.12 FS, in relation to NATC-R1; and
- (j) 181.13 FS, in relation to NATC-R3.

3.4 In the following paragraphs I address:

- (a) A minor drafting error in Ms White's recommended amendment to NFL-R3(1) PER-4; and

- (b) My observations in relation to OWL’s further submission points 181.19 FS – 181.22 FS on primary submission point by the Rooney entities 249.2, 250.2, 251.2 and 252.2 and suggested advice note to address those submissions in part.

### **Submission points 181.63 and 181.65**

- 3.5 Whilst reviewing Ms White’s recommended changes to NFL-R3(1), I noted a minor drafting error in her recommended new PER-4. In my view an “or” is missing from the end of PER-4 and is needed to reflect the drafting approach to PER-1, PER-2 and PER-3 of the same Rules. My suggested amendment to PER-4 is as follows (shown in red text):

#### ***PER-4***

*The earthworks are required for the operation and maintenance or repair of regionally significant infrastructure; or*

### **Further submission points 181.19FS – 181.22 FS**

- 3.6 With respect to these submissions points, OWL understands Council is actively seeking to avoid duplication of rules that address matters that are related to the functions of regional councils and not Council. However, OWL accepts the point made by these submitters and the unintentional outcome of, for example, including SNA overlays across entire waterways, into section 13 RMA river bed.
- 3.7 In my view, it would be appropriate for a “Advice Note” to be included in the rules governing activities in SNAs that clarifies this position to provide clarification. A suggestion for ECO-R1 and ECO-R5 is set out below:

#### **Advice Note:**

**This rule does not apply to clearance of vegetation or earthworks within SNAs in the beds of lakes and rivers. Such activities are within the functions of the Canterbury Regional Council under the Resource Management Act 1991 and are governed by the Canterbury Land and Water Regional Plan.**

## 4 CONCLUSION

4.1 Overall, OWL is of the view that Ms White's recommendations, and the additional amendments I have outlined in my evidence, are appropriate and necessary to:

- (a) Satisfactorily address the matters raised in OWL's submission points falling within the scope of Hearing Stream D;
- (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; and
- (c) Are consistent with the relevant statutory requirements for district plans and the relevant directives of the higher order planning documents.

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

- (a) Ms White's recommendations in relation to OWL's submission points as listed in [3.3] above;
- (b) The minor drafting suggestion noted in my evidence at [3.5] in relation to NFL-R3(1) PER – 4; and
- (c) The suggested advice note for inclusion in ECO-R1 and ECO-R5 noted in my evidence at [3.7].



**Julia Margaret Crossman**

25 October 2024