

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

**HEARING STREAM A – OVERARCHING MATTERS, PART 1 AND STRATEGIC
DIRECTION**

Dated: 22 April 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 noted on Timaru District Council's Proposed District Plan website as being part of Hearing Stream A – Overarching Matters, Part 1 and Strategic Direction.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) Officer's Report: Part 1 and Overarching Matters – Introduction and General Definitions, prepared by Alanna Hollier (dated 5 April 2024) (**Section 42A Report: Part 1 and Overarching Matters**);
 - (b) Section 42A Report: Part 1 and Overarching Matters – Appendix A – Recommended Amendments to Part 1 – Introduction and General Provisions (dated 5 April 2024) (**Appendix A to Section 42A Report: Part 1 and Overarching Matters**);
 - (c) Section 42A Report: Part 1 and Overarching Matters – Appendix B – Recommended Responses to Submissions and Further Submissions (dated 5 April 2024) (**Appendix B to Section 42A Report: Part 1 and Overarching Matters**); and
 - (d) Officer's Report: Strategic Directions and Urban Form and Development, prepared by Andrew Willis (dated 5 April 2024) (**Section 42A Report: Strategic Directions and Urban Form and Development**).
- 1.9 My evidence provides an overview of OWL, the Opuha Dam and Opuha Scheme, and OWL's summary position on the matters addressed in its submissions and further submissions falling with the scope of Hearing Stream A.

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

1.10 My evidence is structured as follows:

- (a) Reasons for OWL's involvement in the PDP process;
- (b) Section 42A Reports, including:
 - (i) OWL's summary position on the Section 42A Reports;
 - (ii) Submission Points 181.8 and 181.12;
 - (iii) Submission Point 181.22;
- (c) Conclusion.

2 SUMMARY OF EVIDENCE

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

- (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.

2.2 However, the Reporting Officers' recommendations in relation to its remaining submission points falling within the scope of Hearing A do not fully respond to the matters raised by OWL. Those submission points are:

- (a) **181.8 and 181.12** – the approach taken in the PDP to defining terms; and
- (b) **181.22** - Objective SD-O5 Mana Whenua (mana whenua access to sites and areas of significance, and to carry out customary activities in accordance with tikaka).

2.3 In relation to those submission points, OWL requests the following decisions:

Submission Point	Decision requested
181.8 and 181.12	(a) Include the proposed new sub-section within the 'How the

(Definitions and hyperlinking)	Plan Works' chapter set out at [4.16] of my evidence (or section and wording of similar effect), which provides a full-some explanation of how the plan defines terms and uses hyperlinking. (b) Correct all hyperlinking errors in the e-plan (i.e., to ensure all hyperlinks are functional).
181.22 SD-O5(vi)	Amend SD-O5(vi) as proposed at [4.23] of my evidence (or an alternative of similar effect) to ensure the ability for Kāti Huirapa to carry out customary activities in accordance with tikaka is subject to consideration of the risks to human health and safety in carrying out such activities in areas where nationally and regionally significant infrastructure exists.

2.4 Overall, I consider that the amendments recommended by the Reporting Officers and the additional amendments set out in my evidence in relation to submission points 181.8, 181.12 and 181.22 are appropriate and necessary to ensure the PDP:

- (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 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.

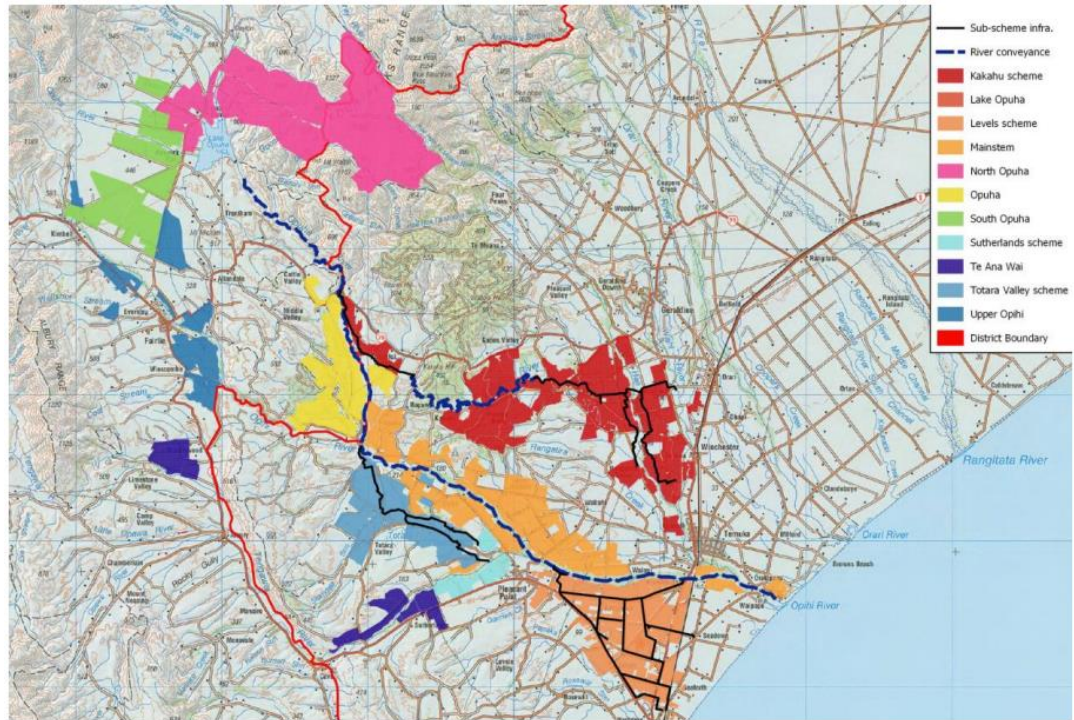
3 REASONS FOR OWL'S INVOLVEMENT IN THE PDP

3.1 OWL owns and operates the Opuha Dam and Lake Opuha, as well as downstream irrigation infrastructure. OWL is a co-operative company owned by approximately 235 irrigator shareholders with a Board comprising five elected farmer shareholder Directors, two appointed independent Directors, and an appointed Associate Director. It has a management and operation staff of thirteen, based at its office/depot near Pleasant Point.

3.2 The Opuha Dam has been operating for 26 years and is situated at the confluence of the North and South Opuha Rivers, 17 kilometres north-east of Fairlie in the Mackenzie District. It is a 50-metre-high earth dam, with a single 7MW hydro turbine and a lake covering up to 710 ha and storing over 74 million cubic metres of water. Flows released from the Opuha Dam are attenuated by the Downstream Weir (**DSW**) approximately 1.8km downstream of the Opuha Dam.

The rate of flow released from the DSW gate is to ensure regional consent conditions regarding minimum flows and water use requirements are met.

- 3.3 The scheme operates by releasing water from the Opuha Dam into the Opuha River, which joins the Ōpihi River at Raincliff. This augmentation sustains in-river flows and supplies reliable water to its irrigator shareholders and the urban and industrial users of Timaru via the Timaru District Council's community water takes.
- 3.4 There are four irrigation schemes that draw water from the Opuha and Ōpihi Rivers – Kakahu, Totara Valley, Sutherlands, and Levels Plains schemes, all of which lie within the Timaru District. Shareholder irrigators also abstract water directly from those rivers.
- 3.5 The water supplied by the Scheme presently facilitates the irrigation of approximately 16,000 hectares of land within the Mackenzie and Timaru Districts, and the power generated by the hydro station supplies, on average, over 3,800 households per year.
- 3.6 Approximately 3100ha of land is irrigated with water from the Opuha Scheme in the non-augmented tributaries of the North and South Opuha, Te Ana a Wai, and Upper Ōpihi (above Raincliff). While not directly augmented by water released from the Opuha Dam, these takes are affiliated to the Scheme because OWL is required to offset their takes from the tributaries, through releases down the mainstream of the Ōpihi River.
- 3.7 Approximately 61% of the water supplied by OWL is utilised on dairy or dairy support farms within the Scheme, 23% on drystock properties, and the remaining spread across mixed cropping, vegetables, lifestyle blocks, and some other small activities.
- 3.8 In addition to augmentation for irrigation takes, the Opuha Scheme supplies Timaru District Council's five community water supply schemes within the wider Ōpihi catchment.
- 3.9 The location of the Opuha Scheme, including its four sub-schemes, are shown in the figure below:



- 3.10 The Opuha Dam has been an enabler of economic growth in South Canterbury and has facilitated the development of a robust agricultural sector comprising a wide range of land use activities, including dairying, horticulture and arable cropping, sheep, beef and deer farming, and specialist seed growing. These on-farm activities support significant downstream industries such as the vegetable processing facilities at Washdyke, dairy processing, and also represent a significant portion of South Canterbury's export economy and earnings.
- 3.11 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.²

- (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.

3.12 Given the strategic importance of the infrastructure and assets owned by OWL in the Timaru District, OWL has an interest in the PDP that is greater than the interest of the general public.

4 SECTION 42A REPORTS

OWL’s summary position on the section 42A Reports

- 4.1 OWL’s submission points on matters falling within the scope of Hearing Stream A seek various amendments to the text of the PDP, largely to address what it identified as gaps in the proposed planning framework and related definitions.
- 4.2 Most of those submission points have been recommended by the Reporting Officers, Ms Hollier and Mr Willis to be accepted or accepted in part. Those submission points are:
 - (a) 181.2,³ 181.3,⁴ and 181.4⁵ relating to the PDP Introduction, particularly the Mihi, Contents, and Purpose;
 - (b) 181.5 – Description of the District⁶;
 - (c) 181.7 – Statutory Context⁷;

² 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 Section 42A Report: Part 1 and Overarching Matters, at [65].

⁴ Section 42A Report: Part 1 and Overarching Matters, at [72] – [73].

⁵ Section 42A Report: Part 1 and Overarching Matters, at [75] – [77].

⁶ Section 42A Report: Part 1 and Overarching Matters, at [109].

⁷ Section 42A Report: Part 1 and Overarching Matters, at [120] – [122].

- (d) 181.9⁸ and 181.10⁹ – Cross Boundary Matters, Relationship with Spatial Layers;
- (e) 181.11¹⁰ and 181.13¹¹ – Definitions;
- (f) 181.17¹² and 181.18¹³ – Abbreviations, Glossary;
- (g) 181.19 – National Directions Instruments;¹⁴
- (h) 181.20 – Mana Whenua;¹⁵
- (i) 181.21 – Strategic Direction;¹⁶ and
- (j) 181.23 – Urban Form and Development.¹⁷

4.3 OWL considers the Reporting Officers have satisfactorily addressed these submission points, and therefore supports their recommendations in relation to the same.

4.4 OWL also accepts the Reporting Officer's response and recommendations on:

- (a) OWL's submission point 181.6 in relation to footnoting of certain documents.¹⁸
- (b) OWL's submission points 181.14 and 181.15, which explains the intended deferral of consideration of submitters requests for new or refined definitions of terms arising in Part 1 – Introduction and General Provisions of the PDP but may affect multiple topics and chapters.¹⁹

⁸ Section 42A Report: Part 1 and Overarching Matters, at [147].

⁹ Section 42A Report: Part 1 and Overarching Matters, at [158].

¹⁰ Section 42A Report: Part 1 and Overarching Matters, at [292].

¹¹ Section 42A Report: Part 1 and Overarching Matters, at [295] – [297].

¹² Section 42A Report: Part 1 and Overarching Matters, at [306].

¹³ Section 42A Report: Part 1 and Overarching Matters, at [315].

¹⁴ Section 42A Report: Part 1 and Overarching Matters, at [327].

¹⁵ Section 42A Report: Part 1 and Overarching Matters, at [337].

¹⁶ Section 42A Report: Strategic Directions and Urban Form and Development, at [207].

¹⁷ Section 42A Report: Strategic Directions and Urban Form and Development, at [300].

¹⁸ Section 42A Report: Part 1 and Overarching Matters, at [124].

¹⁹ Section 42A Report: Part 1 and Overarching Matters, at [160] – [161].

- (c) OWL's submission point 181.16, with respect to OWL's request that a definition of "water infrastructure" be included in the PDP.²⁰

4.5 However, OWL considers the Reporting Officers' recommendations in relation to its remaining submission points falling within the scope of Hearing A do not fully respond to the matters raised by OWL. Those submission points are:

- (a) **181.8 and 181.12** – the approach taken in the PDP to defining terms; and
- (b) **181.22** - Objective SD-O5 Mana Whenua (mana whenua access to sites and areas of significance, and to carry out customary activities in accordance with tikaka).

4.6 In the following paragraphs, I provide an overview of OWL's concerns as raised in those submission points, the Reporting Officer's recommendations in relation to each and OWL's position on the same.

Submission Point 181.8 and 181.12

OWL's submission

4.7 I address OWL's submission points 181.8 and 181.12 together as they both relate to the e-plan and its approach to defining terms.

4.8 In those submission points, OWL simply:

- (a) Observed that there were errors in the hyperlinking in the e-plan as not all terms defined in the PDP's Definitions Chapter had functioning hyperlinked. The absence of hyperlinked definitions made OWL's original review of the e-plan difficult. With many defined terms no having functioning hyperlinks, it was a laborious task trying to fully understand provisions in topic chapters by having to continually go into the Definitions chapter to search for terms referenced.

²⁰ Section 42A Report: Part 1 and Overarching Matters, at [290] – [291].

- (b) Suggested that the General Approach Section of the PDP could benefit from including an explanatory note that details how the PDP defines terms and provides links to the definitions where they appear in the text of Chapters and Sections of the PDP. In OWL's view this would greatly assist plan users navigating the e-plan.

Reporting Officer's Recommendation and OWL's response

- 4.9 Submissions points 181.8 and 181.12 are addressed at [135] to [138] of the Section 42A Report: Part 1 and Overarching Matters. The Reporting Officer recommends that both submission points are "accepted in part", through the following amendments:²¹

Amend Part 1 – Introduction and General Provisions as follows:

Part 1 – Introduction and General Provisions

This part provides a location for information including a foreword, contents, purpose of the plan, a description of the district, and how the plan works. It includes definitions, glossaries, and a summary of national direction instruments to assist the user of the Plan. It also provides context and process-related information in relation to mana whenua. A range of definitions are used within the plan including from national legislation (such as the RMA), the National Planning Standards, and definitions developed by the Timaru District Council. Where the definition is:

- *from the National Planning Standards, the background is shaded grey when the definition is viewed in the Definitions chapter;*
- *adopted into the Proposed Plan from another statute (ie, the RMA), reference to the section of that statute to which the definition originates (e.g. 'Plantation Forestry has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017') is specified at the beginning of the definition.⁵⁷*

- 4.10 OWL is concerned that the Officer's recommended amendment does not go far enough in terms of addressing the points raised in OWL's submission points 181.8 and 181.12 for the reasons I now explain.

(a) Hyperlinking functionality errors

- 4.11 It appears that the Reporting Officer has mis-interpreted the point OWL was seeking to raise in relation to the errors in the functionality of some hyperlinked definitions in the e-plan, which need to be corrected.

- 4.12 OWL expects these types of errors will be addressed in due course by TDC (if not already), potentially as part of the intended final "sweep up" stage of the PDP hearings. However, in my view, it would be beneficial if these errors be corrected (if they have not already been) as soon as possible – preferably before the commencement of Hearing Stream A.

²¹ Appendix A to Section 42A Report: Part 1 and Overarching Matters, page 1.

(b) *Explanatory Note*

- 4.13 In relation to OWL’s request for an explanatory note detailing how the PDP defines terms and provides links to the definitions where they appear in the text of Chapters of the PDP, the Reporting Officer has expressed the view that this is “not standard practice”.²²
- 4.14 With respect, the type of explanatory note envisaged by OWL is found elsewhere in other second generation plans, including (for example) the Christchurch District Plan (CDP). The CDP’s explanatory note, which is as follows, comprises an introductory narrative within CDP’s “Definitions List” (being the equivalent of the PDP’s Definition chapter) that expressly explains how the CDP defines terms, including with reference to hyperlinks.

Chapter 2 Abbreviations and Definitions » Definitions List

Definitions List

This part of the District Plan explains the extended meaning of words and phrases developed specifically for, and as used in the context of, it. The definitions herein replace the ordinary dictionary meaning of the subject word or phrase.

Definitions only apply where identified via the following means:

1. in some cases, a qualifier in the definition itself (i.e. “X in relation to Y, means...”); and
2. in the ePlan, dotted underline with hyperlinking.

In all other instances, words and phrases used in the District Plan are best defined using their ordinary dictionary meaning.

Advice note:

1. Where a word or phrase is defined in this chapter, its definition includes any variations of the word or phrase that are plural or vice versa.
2. Where a word or phrase is defined in NZ government legislation or related documents arising therefrom, and is relied upon for the purpose of interpretation in this District Plan, these terms are identified accordingly but are not repeated in it. Users should refer to the latest version of the relevant legislation or related documents (which are hyperlinked in blue font).
3. Where a general activity (such as retail activity) is listed in an activity status table, it includes all of the more specific activities included therein (such as food and beverage outlets and second-hand goods outlets) unless otherwise specified in the activity status table for that zone.
4. The word ‘includes’ (or variations thereof, where appropriate in the context) followed by a list (whether bullet pointed or not) is not limited to those matters specified in the list.
5. Other definitions on which each definition relies (reliant definitions) are identified through green font and underlining and hyperlinking in the definition for information purposes, to assist interpretation of the primary definition and to illustrate the interrelationship between some definitions.
6. Please refer to Section 1.2 Ngāi Tahu mana whenua of Chapter 1 Introduction for an explanation of Māori terms and concepts relevant to the management of natural resources in the Christchurch District.

- 4.15 I acknowledge the CDP was developed under fast-track legislation, prior to the introduction of the National Planning Standards. However, I am of the view that it would be beneficial for plan users for this type of explanatory note to be included in the “How the Plan Works” section of Part 1 – Introduction and General Provisions, rather than the short-form version recommended by the Reporting Officer. Given the structure of that section of the PDP, it may be that the explanatory note is best inserted as a new sub-section before the heading “Rule Numbering and Coding”.

²² Section 42A Report: Part 1 and Overarching Matters, at [138].

- 4.16 My suggestions as to potential wording is as follows (with hyperlinked words/phrases in **[blue text with square brackets]**). This incorporates and expands on the Reporting Officer's recommendation, and in my view, would better address the concern raised in OWL's submission:

Definitions

The plan explains the extended meaning of words and phrases developed specifically for, and as used in the context of, it. The definitions replace the ordinary dictionary meaning of the subject word or phrase.

Definitions only apply where identified via the following means in the Definitions chapter:

1. *In some cases, a qualified in the definition itself (i.e. "X" in relation to "Y" means..."); and*
2. *in the e-plan, **[dotted underline]** with hyperlinking.*

In all other instances, words and phrases used in the plan are best defined using their ordinary dictionary meaning.

Advice note:

1. *Where a word or phrase is defined in the Definitions chapter, its definition includes any variations of the word or phrase that are plural or vice versa.*
2. *Where a word or phrase defined is adopted into the plan from another statute (i.e., the RMA), reference to that section of that statute to which the definition originates (e.g., 'Plantation Forestry' has the same meaning as in section 3 of the Resource Management 'National Environmental Standards for Commercial Forestry) Regulations 2017' is specified at the beginning of the definition.*
3. *Where a term or phrase originates from the National Planning Standards, the background is shaded grey when the definition is viewed in the Definitions chapter.*
4. *Where a general activity (such as **[retail activity]**) is listed in an activity status table, it includes all of the more specific activities included therein (such as **[food and beverage outlets]** and **[second-hand goods outlets]**) unless otherwise specified in the activity status table for that zone.*
5. *The word 'includes' (or variations thereof, where appropriate in the context) followed by a list (whether bullet pointed or not) is not limited to those matters specified in the list.*
6. *Other definitions on which each definition relies are identified in the definition by **[dotted underline]** with hyperlinking in the definition for information purposes, to assist interpretation of the primary definition and to illustrate the interrelationship between some definitions.*
7. *Please refer to:*
 - a. *The Abbreviations chapter for abbreviations of terms referred to in this plan; and*
 - b. *The Glossary chapter for an explanation of Māori terms and concepts relevant to the management of natural resources in the Timaru District.*

Submission Point 181.22

OWL's submission

4.17 OWL's submission points on SD-O5 are focused on the wording of clauses (iv) (submission point 181.21) and (vi) (submission point 181.22). They seek minor drafting changes to SD-O5 Mana Whenua to qualify the situations when Kāti Huirapa:

- (a) Retains and is able to enhance access to their sites and areas of significance (SD-O5(iv)); and
- (b) Are able to carry out customary activities in accordance with tikanga (SD-O5(vi)).

4.18 While OWL's submissions on SD-O5 acknowledged the importance of retaining and enhancing access to sites for customary activities, it expressed concern that public access cannot always be available, particularly when there is a statutory health and safety reason to restrict access due to consequences for liability of third parties under health and safety legislation. The primary concern for OWL is in relation to its regionally significant sub-scheme infrastructure that is co-located on sites or areas of significance to Māori listed in the PDP (**SASM**) and areas where customary activities are potentially being carried out, e.g., intakes, weirs, races; where water movement and flow can change rapidly and the operation of gates or their mechanical structures may pose a risk to health and safety. For OWL this is a real issue as each of its sub-schemes in the Timaru District are co-located in SASM and potentially where customary activities are, or may be in the future, carried out.

4.19 OWL sought to address those concerns with the following minor amendments to SD-O5 (shown in bold strikeout and underline):

The mana whenua status of Kāti Huirapa is recognised and their historic and contemporary relationship with the District's land, water bodies and wetlands, coastal environment, and indigenous species is recognised and provided for by ensuring:

...

- (iv) **Where appropriate,** Kāti Huirapa retains, and ~~where appropriate~~ is able to enhance access to their sites and areas of significance;

...

- (vi) ***Where appropriate,*** Kāti Huirapa are able to carry out customary activities in accordance with tikanga;

...

Reporting Officer's recommendations

- 4.20 Submission point 181.22, and the related submission point 181.21, are addressed in the Section 42A Report: Strategic Directions and Urban Form and Development at [207] and [153]. The Reporting Officer recommends accepting OWL's requested revision to clause (iv) of SD-O5 and rejecting OWL's requested revision to clause (v) of SD-O5.
- 4.21 The Reporting Officer's rationale for rejecting OWL's submission on SD-O5(v) appears to be based on a perceived conflict between OWL's requested revision with SASM-P3, which seeks to enable Kāti Huirapa to undertake customary harvest and other cultural practices in identified sites and areas listed in SCHED 6 – Schedule of Sites and Areas of Significance to Kāti Huirapa, in accordance with tikaka.²³ The Reporting Officer also notes that under New Zealand law, permission from the landowner is required for access.²⁴

OWL's response

- 4.22 I support the Reporting Officer's recommendation to accept OWL's requested amendment to SD-O5(iv) (submission point 181.21). However, I remain concerned about the implications of the notified wording of SD-O5(vi) for the risk it presents to OWL, its sub-scheme assets and infrastructure operation, as discussed at [4.21].
- 4.23 I have, however, considered an alternative drafting option, that would also address those concerns (if considered more appropriate to the Hearing Panel than the revision sought in submission point 181.22). This alternative is set out below (changes to the notified version of SD-O5(vi) shown in bold underline text), and

²³ Section 42A Report: Strategic Directions and Urban Form and Development, at [153].

²⁴ Section 42A Report: Strategic Directions and Urban Form and Development, at [153].

incorporates minor changes (shown in red text) to align with terminology defined and used in the plan, which I have identified in preparing my evidence for this hearing:

- vi. *Kāti Huirapa are able to carry out customary activities in accordance with **tikanga tikaka** subject to consideration of the risks to human health and safety in carrying out such activities in areas where nationally and regionally significant infrastructure exists; ...*

5 CONCLUSION

5.1 Overall, OWL is of the view that the Reporting Officers recommendations, and the additional amendments to provide clarification and consistency 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 A;
- (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.

5.2 Accordingly, OWL respectfully requests that the Hearing Panel:

- (a) Accepts the Reporting Officer's recommendations in relation to:
 - (i) OWL's submission points as listed in [4.2] and [4.4]; and
 - (ii) OWL's submission point 181.21 in relation to SD-O5(iv).

(b) Accepts the proposed wording set out in my evidence to address OWL's submission points as follows and respond to matters raised in the Section 42A Reports:

(i) 181.8 and 181.12 (Definitions and e-plan hyperlinking), at [4.16]; and

(ii) 181.22 SD-OD(vi), at [4.23].



Julia Margaret Crossman

22 April 2024