

## SUBMISSION ON THE PROPOSED TIMARU DISTRICT PLAN

*Clause 6 First Schedule, Resource Management Act 1991*

**TO:** Planning Policy Team  
Timaru District Council  
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2 King George Place  
TIMARU 7910

By Email: [pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)

### **Name of Submitter:**

1 Opuha Water Limited (**OWL**)

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PO Box 244  
TIMARU 7940

Contact: Georgina Hamilton  
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### **Trade Competition Statement:**

2 OWL could not gain an advantage in trade competition through this submission.

### **Proposal this submission relates to is:**

3 This submission is on the Proposed Timaru District Plan (**the Proposed Plan**).

### **Submission structure**

4 OWL's submission is structured as follows:

- (a) The specific provisions of the Proposed Plan that this submission relates to;
- (b) Background to OWL, the Opuha Dam, and the Opuha Scheme;
- (c) Summary of OWL's position on the Proposed Plan;
- (d) OWL's specific submissions on the Proposed Plan, including reasons and detailed relief sought in relation to provisions of the Proposed Plan (**Annexure A**); and
- (e) OWL's statement confirming its wish to be heard in support of its submission.

### **The specific provisions of the Proposed Plan that this submission relates to:**

5 This submission relates to the entire Proposed Plan, including the following proposed provisions:

- (a) **Part 1 – Introduction and General Provisions**
  - (i) The Mihi, Contents, Purpose, and Description of the District sections of the Introduction Chapter;

- (ii) The Statutory Context, General Approach, Cross Boundary Matters, Relationship with Spatial Layers sections of the How the Plan Works Chapter;
  - (iii) The Definitions, Abbreviations and Glossary sections of the Interpretation Chapter;
  - (iv) The entire National Directions Instruments Chapter; and
  - (v) The entire Mana Whenua Chapter.
- (b) **Part 2 – District-Wide Matters**
- (i) The following planning provisions in the Strategic Direction Chapter:
    - (1) SD-O5 in the Strategic Direction Section; and
    - (2) UFD-O1 in the Urban Form and Development Section.
  - (ii) The following sections and/or planning provisions in the Energy and Infrastructure Chapter:
    - (1) Introduction Section;
    - (2) EI-O1, EI-O2, EI-O4, EI-P1, EI-P2, and EI-P3;
    - (3) The Introductory Notes to the Rules;
    - (4) Section C – Rules for network utilities – Three Waters (EI-R22 to EI-R26);
    - (5) Section E – Rules for Renewable Energy Generation (EI-R31 to EI-R35);
    - (6) Section G – Rules for Flight Paths Protection for Richard Pearse Airport (Timaru Airport) (EI-R38); and
    - (7) Standards EI-S1 and EI-S2.
  - (iii) The following planning provisions in the Natural Hazards section of the Hazards and Risks Chapter:
    - (1) NH-O1 to NH-O3;
    - (2) NH-P1 to NH-P11; and
    - (3) NH-R1 to NH-R8.
  - (iv) The following planning provisions in the Historical and Cultural Values Chapter:
    - (1) The objectives and policies of the Historical Heritage section; and
    - (2) The objectives and policies of the Sites and Areas of Significance to Māori section.

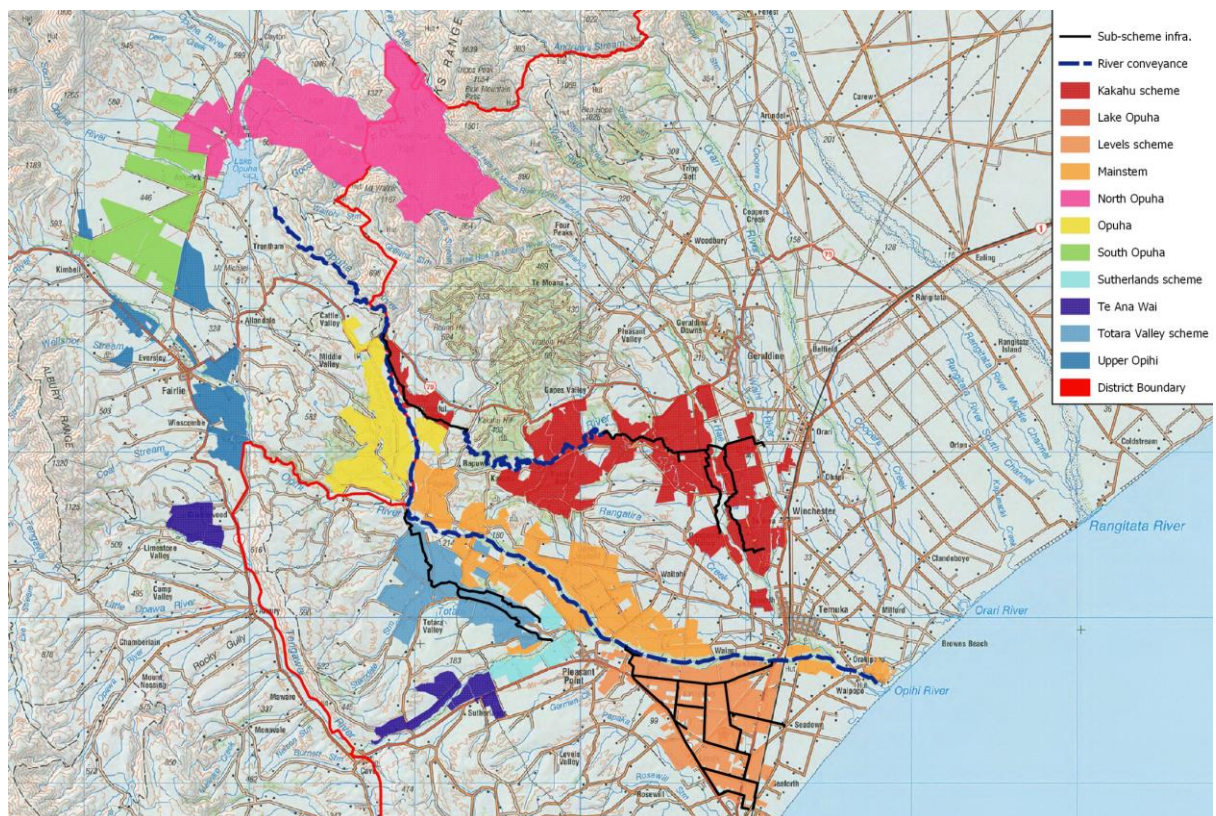
- (v) The following planning provisions in the Natural Environment Values Chapter:
  - (1) The policies and rules of the Ecosystems and Indigenous Biodiversity section;
  - (2) The policies and rules of the Natural Character section;
  - (3) The objectives, policies and rules of the Natural Features and Landscapes section;
  - (4) PA-O1, PA-P4 and PA-R1 of the Public Access section; and
  - (5) The Versatile Soils section.
- (vi) The following sections and/or provisions of the General District Wide Matters Chapter:
  - (1) ASW-R2 of the Activities on the Surface of Water section;
  - (2) EW-P4 and EW-R1 of the Earthworks section.
- (c) **Planning Maps:**
  - (i) The Transitional Highly Productive Land Map Overlay.

**Submission:**

Background

- 6 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 245 irrigator shareholders with a Board comprising five farmer shareholder Directors and two independent Directors. It has a management and operation staff of ten, based at its office/depot near Pleasant Point.
- 7 The Opuha Dam has been operating for 22 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.
- 8 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 (**TDC's**) community water takes.
- 9 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.

- 10 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 3,500 households per year.
- 11 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 mainstem of the Ōpihi River.
- 12 Approximately 54% of the water supplied by OWL is utilised on dairy farms within the Scheme, 23% on drystock properties, and the remaining 23% spread across mixed cropping, vegetables, lifestyle blocks and some other small activities.
- 13 In addition to augmentation for irrigation takes, the Opuha Scheme supplies the TDC's five community water supply schemes within the wider Ōpihi catchment.
- 14 The location of the Opuha Scheme, including its four sub-schemes, are shown in the figure below:



- 15 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.

- 16 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>1</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 a “principal water supplier” is also recognised and provided for through the CLWRP’s policy and rule framework, including Plan Change 7.

#### Summary of OWL’s position on the Proposed Plan

- 17 OWL wishes to commend TDC on the considerable work it has undertaken over the preceding years, which has culminated in the notified version of the Proposed Plan.
- 18 Given the strategic importance of the infrastructure and assets owned by OWL in the Timaru District, OWL has a strong interest in the Proposed Plan.
- 19 OWL’s approach to its submissions on the Proposed Plan is three-fold. OWL seeks to ensure:
- (a) The strategic importance of its existing regionally significant infrastructure within the Timaru District is recognised, and future maintenance, repairs, upgrades, replacements, potential new water storage facilities and future Scheme expansion are enabled without unnecessary and/or unjustified planning constraints.
  - (b) That future renewable electricity development opportunities, ancillary to the Scheme’s primary water storage and supply purposes in the Timaru District, are not foreclosed. Such activities, irrespective of scale, are governed by the National Policy Statement for Renewable Energy Generation 2011<sup>2</sup>, and accordingly must be treated by the Proposed Plan as a matter of national importance.
  - (c) Greater alignment as between chapters of the Proposed Plan and internal consistency within chapters, errors, and omissions (both drafting and e-plan functionality) are corrected, and workability of the proposed rules are improved, including definitions.

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<sup>1</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 (**Mackenzie District Plan PC18 Hearing Report**), at [118].

<sup>2</sup> In this regard, OWL notes the findings recorded in the Mackenzie District Plan PC18 Hearing Report that the National Policy Statement for Renewable Electricity Generation 2011 applies to the Opuha Dam’s 7MW hydroelectricity generation component (at [118]).

OWL's specific concerns

- 20 Without limiting the generality of the foregoing, the Submitter's specific concerns together with a summary of the decisions it seeks from TDC are set out in **Annexure A** to this submission.

**Decisions sought by OWL:**

- 21 OWL seeks the following decisions from TDC:
- (a) That the decisions sought in **Annexure A** to this submission be accepted; and/or
  - (b) Amendments to the provisions of the Proposed Plan to address the substance of the concerns raised in this submission; and
  - (c) All consequential amendments required to address the concerns raised in this submission and ensure a coherent planning document.

**Wish to be Heard:**

- 22 OWL wishes to be heard in support of this submission.
- 23 OWL would be prepared to consider presenting a joint case with others making similar submissions at the hearing.



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**Opuha Water Limited**  
By its Solicitors and authorised Agents  
Gresson Dorman & Co: Georgina Hamilton

Date: 14 December 2022

## ANNEXURE A – REASONS FOR SUBMISSION AND DECISIONS SOUGHT BY OPUHA WATER LIMITED

Specific provision of the Proposed Timaru District Plan (PDP) to which submission relates		Submission		Decision Sought (amendments shown in tracked changes)
Chapter	Section/ Provision	Support/Oppose/New	Reasons	
<b>Entire Plan</b>				
All	All	Oppose in part	<p>The PDP e-plan:</p> <ul style="list-style-type: none"> <li>contains various spelling and grammatical errors;</li> <li>omits the text for footnotes;</li> <li>shows terms as "defined" which either are not defined in the PDP (or the RMA) or do not have operational cross-linkages; and</li> <li>contains inconsistent terminology both within chapters and across chapters;</li> <li>refers to outdated (repealed) legislation (e.g., Health &amp; Safety in Employment Act 1992).</li> </ul> <p>amongst other various issues, which are addressed in the specific submission points addressed later in this Annexure.</p> <p>All of the above have made it difficult for the Submitter to fully understand the intention of the PDP's chapters and provisions within them.</p> <p>OWL expects that the Timaru District Council's (TDC's) plan review team will conduct a fresh review of the entire PDP to address the abovementioned drafting errors and inconsistencies and technological issues to ensure proper alignment and a fully operational e-plan, preferably through the section 42A RMA report process prior to the hearing of submissions so that submitters can offer further suggestions, if that becomes necessary.</p>	<p>The entire PDP be reviewed and amendments made to correct:</p> <ul style="list-style-type: none"> <li>drafting errors such as spelling and grammatical errors, omitted footnoted and inconsistency of terminology used within and between chapters;</li> <li>technological issues, such as e-plan definition cross-linkage errors; and</li> <li>references to outdated (repealed) legislation.</li> </ul> <p>OWL seeks that such errors be addressed in the section 42A Report so that submitters can review the reporting officers' recommendations prior to the hearing of submissions, and offer further suggestions, if necessary.</p>
<b>Part 1 – Introduction and General Provisions</b>				
Introduction	Mihi Contents Purpose	Support	OWL considers these sections are appropriately worded and are consistent with the format and content envisaged by the National Planning Standards.	<p>Retain the following sections as notified:</p> <ul style="list-style-type: none"> <li>Mihi</li> <li>Contents</li> <li>Purpose.</li> </ul>
Introduction	Description of the District	Support	OWL supports this section, which describes the Regionally Significant Infrastructure (RSI) within the District, including "national, regional and local renewable electricity generation activities of any scale" and "established community-scale irrigation and stockwater infrastructure". Those parts of the Opuha Scheme within the Timaru District, including its four sub-schemes (Kakahu, Totara Valley, Sutherlands and Levels Plain) are well-established community-scale irrigation infrastructure schemes, and OWL has aspirations for further renewable electricity generation development in the Timaru District in the future.	Retain the Description of the District as notified.
How the Plan Works	Statutory Context	Oppose in part	OWL notes that the discussion under the heading "Relationship with other Planning Documents" and sub-heading "Treaty of Waitangi/Te Tiriti o Waitangi and Māori Issues of Significance" (pages 1 & 2) includes various footnotes, yet the footnote	<p>Subject to the following, retain the Statutory Context Section as notified:</p> <p>(1) Amend the Statutory Context to include the text of omitted footnotes in the discussion under the sub-heading "Treaty</p>

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Chapter	Section/ Provision	Support/Oppose/New	Reasons	
			<p>text has been omitted. OWL seeks that the footnote text is reinstated within this section.</p> <p>OWL also notes that the list of “Other Planning Documents and Legislation Considered” erroneously refers to the now repealed health and safety statute: Health and Safety in Employment Act 1992<sup>1</sup> and does not refer to its replacement statute: Health and Safety in Work Act 2015. OWL is concerned that the list of statutes included in this section of the PDP may not reflect current legislation, which calls into question whether the PDP has in fact considered the requirements of current, relevant, legislation. OWL acknowledges that aspects of the PDP may need to be revised as a consequence of outdated (repealed) legislation being considered in the development of the PDP.</p>	<p>of Waitangi/Te Tiriti o Waitangi and Māori Issues of Significance”.</p> <p>(2) Replace the reference to “Health and Safety in Employment Act 1992” with “Health and Safety in Work Act 2015”.</p> <p>(3) Review and update the list of “Other Planning Documents and Legislation Considered” to ensure this is a list of current (not repealed) legislation.</p> <p>(4) Make any consequential amendments to the PDP that may be required to reflect the requirements of current legislation where the development of the PDP has been informed by outdated (repealed) legislation.</p>
How the Plan Works	General Approach	Support in part	<p>As outlined in OWL’s general submission on the Definitions Section of the Interpretation Chapter, OWL has noted during the course of its review of the PDP that, in some instances, linkages are provided in the text of the PDP’s chapters to RMA or other statutory definitions, but those definitions have not been included in this section of the PDP. It is unclear if this was intentional or in error.</p> <p>Either way, OWL considers it would be appropriate for an explanatory note to be included in the Introductory section of the PDP to explain the approach that the PDP takes in terms of defining terms and providing links to the definitions where they appear in the text of Chapters and Sections of the PDP. The General Approach section of the How the Plan Works Chapter (assuming it is not already stated in the PDP – certainly OWL has not seen one in its careful review of the PDP) may be the best place to include such an explanatory note.</p> <p>OWL considers that such an explanatory note would assist both plan users greatly, and equally those administering and enforcing the PDP.</p>	<p>Subject to the following, retain the General Approach Section as notified:</p> <p>(1) Amend the General Approach Section to include an explanatory note addressing the approach that the PDP takes in terms of defining terms and providing links to the definitions where they appear in the text of Chapters and Sections of the PDP.</p>
How the Plan Works	Cross Boundary Matters  Relationship with Spatial Layers	Support	<p>OWL considers these sections are appropriately worded and are consistent with the format and content envisaged by the National Planning Standards.</p>	<p>Retain the following sections as notified:</p> <ul style="list-style-type: none"> <li>• Cross Boundary Matters</li> <li>• Relationship with Spatial Layers</li> </ul>
Interpretation	Definitions	Support in part	<p>Other than as outlined in the submissions points that follow in this Annexure, OWL supports the definitions included in the PDP.</p>	<p>(1) Subject to OWL’s submissions on specific PDP definitions that are addressed in this Annexure, retain the definitions included in the PDP.</p>

<sup>1</sup> This statute was repealed on 4 April 2016 by section 231(1) of the Health and Safety at Work Act 2015.



Specific provision of the Proposed Timaru District Plan (PDP) to which submission relates		Submission		Decision Sought (amendments shown in tracked changes)
Chapter	Section/ Provision	Support/Oppose/New	Reasons	
			However, as outlined above in relation to the “How the Plan Works” Chapter and “General Approach” Section, OWL considers it would be appropriate for the PDP to Introductory section of the PDP to explain the approach that the PDP takes in terms of defining terms and providing links to the definitions where they appear in the text of Chapters and Sections of the PDP.	(2) Include in the PDP (potentially in the “General Approach” section of the “How the Plan Works” Chapter) an explanatory note addressing the approach that the PDP takes in terms of defining terms and providing links to the definitions where they appear in the text of Chapters and Sections of the PDP.
Interpretation - Definitions	Definition of “Regionally Significant Infrastructure”	Support	<p>OWL considers it is appropriate to ensure the PDP’s definition of this term is consistent with that included in higher order statutory planning documents such as the Canterbury Regional Policy Statement (CRPS).</p> <p>OWL notes and supports clause (e) <i>national, regional and local renewable electricity generation activities of any scale</i> and clause (j) <i>established community-scale irrigation and stockwater infrastructure</i>. Those parts of the Opuha Scheme within the Timaru District, including its four sub-schemes (Kakahu, Totara Valley, Sutherlands and Levels Plain) are well-established community-scale irrigation infrastructure schemes, and OWL wishes to ensure the PDP does not foreclose opportunities for future renewable electricity generation development in the Timaru District.</p>	Retain definition of “Regionally Significant Infrastructure” as notified.
Interpretation - Definitions	New definition of “alteration”	New	As addressed later in this Annexure under EI-P1(2), OWL consider as a consequence of its requested amendment to EI-P1(2), it may be appropriate for a definition of the term “alteration” for the purpose of EI-P1(2) be included in the PDP.	Include a new definition in the PDP for the term “alteration”, such as <i>“means, in relation to EI-P1(2), the act of altering the alignment of a network utility or infrastructure during an emergency”</i> .
Interpretation - Definitions	New definition of “Natural Hazard Areas”	New	<p>OWL considers it would be appropriate for the PDP to include a definition of “Natural Hazard Areas”, which is a term referred to in the Natural Hazards chapter but is not defined.</p> <p>OWL considers the term should include those natural hazard overlay/areas addressed by the Natural Hazards chapter, i.e., Flood Assessment Area Overlay, Overland Flow Paths, and High Hazard Area Overlay.</p>	<p>Include a new definition of “Natural Hazard Areas” as follows:</p> <p><i>“means areas subject to the Flood Assessment Area, Overland Flow Paths, and High Hazard Overlays”</i></p>
Interpretation - Definitions	New definition of “water infrastructure”	New	OWL considers it would be appropriate for the term “water infrastructure” to be included in the PDP as it is used variously within the PDP’s chapters, particularly the Energy and Infrastructure Chapter.	<p>Include a new definition of “water infrastructure” as follows, or similar:</p> <p><i>“means water storage and supply, stormwater or wastewater infrastructure”</i></p>
Interpretation	Abbreviations Glossary	Support	OWL considers these sections are appropriately worded and are consistent with the format and content envisaged by the National Planning Standards.	<p>Retain the following sections as notified:</p> <ul style="list-style-type: none"> <li>• Abbreviations</li> <li>• Glossary</li> </ul>
National Directions Instruments	All	Support	OWL considers the sections comprising this Chapter are appropriately worded and are consistent with the format and content envisaged by the National Planning Standards.	Retain the National Directions Instruments Chapter as notified.

Specific provision of the Proposed Timaru District Plan (PDP) to which submission relates		Submission		Decision Sought (amendments shown in tracked changes)
Chapter	Section/ Provision	Support/Oppose/New	Reasons	
Mana Whenua	All	Support	OWL considers the sections comprising this Chapter are appropriately worded and are consistent with the format and content envisaged by the National Planning Standards.	Retain the Mana Whenua Chapter as notified.
<b>Part 2: District-Wide Matters</b>				
Strategic Direction	Strategic Direction	Support in part	<p>OWL supports the range of strategic directions in this Chapter, particularly, the recognition of the benefits of regionally significant infrastructure and their importance within the District as articulated in SD-O8 Infrastructure.</p> <p>However, OWL seeks minor drafting changes to SD-O5(iv) in relation to Kāti Huirapa's access to their sites and areas of significance and SD-O5(vi) Kāti Huirapa's ability to carry out customary activities in accordance with Tikanga. In relation to these clauses, while OWL acknowledges the importance of retaining and enhancing access to these sites and enabling customary activities. However, it is concerned that public access cannot always be available to such sites, including where access is sought to carry out customary activities, for example, for public health and safety reasons (and consequences for liability under health and safety legislation) where infrastructure is co-located on sites or areas of significance, or where customary activities are undertaken. OWL notes that each of its sub-schemes in the Timaru District are co-located in Sites and Areas of Significance to Māori listed in the PDP and potentially where customary activities are, or may be in the future, carried out.</p> <p>OWL notes that the PDP's objectives and policies for Public Access and Esplanade expressly acknowledge that public health and safety as a legitimate basis on which public access can be avoided. OWL therefore considers that clause (iv) and (vi) of SD-O5 should be amended to reflect that and to recognise the statutory health and safety obligations that infrastructure providers, such as OWL, must comply with in the operation of infrastructure, particularly RSI.</p>	<p>Amend SD-O5(iv) as follows:</p> <p><i>SD-O5 Mana Whenua</i>  <i>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:</i></p> <p>...</p> <p><i>iv. <u>Where appropriate</u>, Kāti Huirapa retains, and <del>where appropriate</del> is able to enhance access to their sites and areas of significance;</i></p> <p>...</p> <p><i>vi. <u>Where appropriate</u>, Kāti Huirapa are able to carry out customary activities in accordance with tikanga;</i></p> <p>...</p>
Strategic Direction	Urban Form and Development	Support in part	<p>OWL supports UFD-O1, and in particular, clause ix., which expressly seeks to:</p> <ul style="list-style-type: none"> <li>ensure future growth is avoided in areas where the impacts from natural hazards are unacceptable or which would require additional hazard mitigation (clause (ix)); and</li> <li>control the location of activities, to minimise conflicts between incompatible activities and avoid these where there may be significant adverse effects (clause (x)).</li> </ul> <p>OWL considers both of these elements of UFD-O1 will ensure that future development within the District does not compromise the safe, efficient and effective operation, maintenance, renewal and upgrading of RSI, such as OWL's scheme and sub-scheme infrastructure.</p>	Retain UFD-O1 as notified.

Specific provision of the Proposed Timaru District Plan (PDP) to which submission relates		Submission		Decision Sought (amendments shown in tracked changes)
Chapter	Section/ Provision	Support/Oppose/New	Reasons	
Energy and Infrastructure	Introduction	Support	OWL considers the Introduction identifies all relevant issues for OWL's existing and future scheme/sub-scheme infrastructure in the Timaru District.	Retain the Introduction as notified.
Energy and Infrastructure	EI-O1	Oppose in part	<p>OWL considers there is a grammatical error in this Objective that needs correcting. Otherwise, OWL considers this objective is appropriate and necessary to ensure the PDP recognises the importance of RSI in the District.</p>	<p>Subject to the following, retain EI-O1 as notified.</p> <p>Amend E1-O1 as follows:</p> <p><b>E1-O1 Regionally Significant Infrastructure</b></p> <p><i>Effective, resilient, efficient and safe Regionally Significant Infrastructure and Lifelines Utilities that:</i></p> <ol style="list-style-type: none"> <li>1. <i>provides.....</i></li> <li>2. <i>facilitates...</i></li> <li>3. <i>contributes...</i></li> <li>4. <i>is-are...</i></li> <li>5. <i>enables...</i></li> </ol>
Energy and Infrastructure	EI-O2	Oppose in part	<p>OWL is concerned that there are inconsistencies between the directive in E1-O2(1) and its implementing Policy, E1-P2(1). In particular, OWL notes that the following elements of E1-P2(1) do not align with the directive in E1-O2(1) that adverse effects of RSI are to be ...avoided in "sensitive environments" unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated:</p> <ul style="list-style-type: none"> <li>• Clause (a) requires the avoidance of adverse effects of RSI in only a subset of the list of "sensitive environments" included in the PDP's definition of that term; and</li> <li>• Clause (f) allows new water infrastructure, including open drains, ponds and structures for the reticulation and storage of water for agricultural and horticultural activities in sensitive environments where the adverse effects can be minimised.</li> </ul> <p>There is also an inconsistency as between the directive in E1-O2(1) and, for example, NH-P11, which allows RSI in Natural Hazard Areas (which includes two "sensitive environments" being High Hazard Areas and Flood Assessment Areas) provided there is an operational and functional need for the location and there are no other feasible alternative locations, and it is designed for the location/natural hazard risk and does not exacerbate natural hazard risks/effects on surrounding land.</p>	<p>Subject to the following, retain EI-O2 as notified.</p> <p>Amend EI-O2 as follows:</p> <p><b>E1-O2 Adverse effects of Regionally Significant Infrastructure</b></p> <p><i>The adverse effects of Regionally Significant Infrastructure and Lifeline Utilities:</i></p> <ol style="list-style-type: none"> <li>1. <i>are avoided in sensitive environments unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated; where practicable, and:</i> <ol style="list-style-type: none"> <li>a. <i>where adverse effects cannot be avoided, they are minimised where practicable; and</i></li> <li>b. <i>where adverse effects cannot be minimised, they are remedied where practicable; and</i></li> <li>c. <i>where more than minor residual adverse effects cannot be avoided, minimised, or remedied, offsetting is provided where possible; and</i></li> <li>d. <i>if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and</i></li> <li>e. <i>if compensation is not appropriate, the activity itself must be avoided from the sensitive environment.</i></li> </ol> </li> </ol> <p>...</p>

Specific provision of the Proposed Timaru District Plan (PDP) to which submission relates		Submission		Decision Sought (amendments shown in tracked changes)
Chapter	Section/ Provision	Support/Oppose/New	Reasons	
			<p>A further mis-alignment appears as between this E1-O2(1) and E1-P1(6), which allows large scale renewable energy and non-renewable generation activities where the <i>adverse effects can be minimised or are able to be remediated</i>.</p> <p>These inconsistencies need to be corrected to ensure the PDP complies with section 75(1)(b) of the Resource Management Act 1991 (<b>RMA</b>).</p> <p>OWL notes that the effect of E1-O2(1) is to cut across the directives in section 104(1)(ab), which requires that, when considering an application for resource consent, the TDC <u>must</u> (in its capacity as a consenting authority) have regard to:</p> <p style="padding-left: 40px;"><i>...any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; ...</i></p> <p>OWL considers that an effects management hierarchy, such as that set out in clause 3.21 of the National Policy Statement for Freshwater Management 2020 (NPS-FM) for managing the adverse effects of an activity on the extent or values of a natural inland wetlands and rivers, would be a more appropriate approach to managing effects on the listed "sensitive environments". For the sake of clarification, OWL is not saying that this change is required to give effect to the NPS-FM, it is simply requesting that an effects management hierarchy, which takes a 'top down' approach to managing effects, and allows TDC to consider off-setting and compensation (which is a mandatory requirement under section 104(1)(ab) RMA).</p>	
Energy and Infrastructure	EI-O4	Support	OWL considers that E1-O4 as proposed provides direction that will ensure appropriate safeguards against the effects of activities on RSI.	Retain E1-O4 as notified.
Energy and Infrastructure	EI-P1	Oppose in part	<p>OWL notes that as proposed, EI-P1(2) does not contemplate the potential scenario where activities other than removal of existing RSI is required during an emergency e.g., where it is essential for the continued operation of a particular utility during an emergency (e.g., pipeline) for a section of that utility to be re-aligned (e.g., due to flooding damage or similar). OWL considers it appropriate that EI-P1 is amended to provide for that potential scenario. OWL acknowledges that a definition of "alteration" may also be required, as this term has a different meaning to "maintenance", "repair" or "upgrade".</p> <p>OWL otherwise supports the wording and intent of EI-P1.</p>	<p>Subject to the following, retain EI-P1 as notified:</p> <p>(1) Amend EI-P1(2) as follows:</p> <p style="padding-left: 40px;"><b><i>EI-P1 Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities</i></b></p> <p style="padding-left: 40px;"><i>Recognise the benefits of Regionally Significant Infrastructure and Lifelines Utilities by:</i></p> <p style="padding-left: 40px;">...</p> <p style="padding-left: 40px;">2. <i>enabling their removal <u>or alteration</u> during an emergency;</i></p> <p style="padding-left: 40px;">...</p>

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Chapter	Section/ Provision	Support/Oppose/New	Reasons	
				(2) Include a definition in the PDP for the term “alteration”, such as “ <i>means, in relation to EI-P1(2), the act of altering the alignment of a network utility or infrastructure during an emergency</i> ”.
Energy and Infrastructure	EI-P2	Oppose in part	<p>OWL supports:</p> <ul style="list-style-type: none"> <li>the recognition in the policy, that there are functional and operational needs of rural water infrastructure networks (including the impact of not operating or upgrading it and the complexity and connectedness of the network and services); and</li> <li>that this will be part of the consideration of any new activities that it may seek to undertake in future.</li> </ul> <p>However, OWL is concerned that the wording of clause 1(f) creates an extremely high threshold that would be difficult for any new works that it may need to undertake in the future to meet and is inconsistent with the treatment of urban water distribution networks. OWL also notes that the RMA does not differentiate between the ownership of water supply reticulation and storage assets, or between rural and urban networks, which is reflected in the PDP’s rules for water infrastructure in Section C of this Chapter, as discussed in the submission points later in this Annexure. Without context of the potential adverse effects that Council is seeking to address, it is difficult to see why water reticulation and storage infrastructure for horticulture and agriculture requires a higher level of scrutiny than urban ones, nor is their different treatment is consistent with Objective EI-02.</p> <p>OWL also refers to its earlier submission on Objective EI-O2 regarding the current mis-alignment as between that Objective and EI-P2.</p> <p>OWL therefore seeks:</p> <ul style="list-style-type: none"> <li>the removal of clause 1 (f), which would result in new open drains, ponds and structures for the reticulation and storage of water for agriculture and horticulture activities being covered under clause 1 (g) of the policy; or alternately</li> <li>rewording clause 1 (f) by clearly identifying the environmental outcome the policy is seeking to achieve; and/or</li> <li>rewording clause 1(f) to apply only to areas of significant natural areas or outstanding natural landscapes or other specific “sensitive environments” (if this is the issue that TDC is seeking to address).</li> </ul> <p>In relation to clause (2) of EI-P2, OWL considers that it would be appropriate for the list of matters that are had regard to when determining the functional or operational</p>	<p>Subject to the following, retain EI-P2(1) and (2) as notified;</p> <p><u>EI-P2(1)</u></p> <ol style="list-style-type: none"> <li>Delete EI-P2(1)(f) so that new open drains, ponds and structures for the reticulation and storage of water for agriculture and horticulture activities are covered under EP-P2(1)(g); or</li> <li>Reword EI-P2(1)(f) by clearly identify the environmental outcome this sub-clause of EI-P2(1) is seeking to achieve; or</li> <li>Reword E1-P2(1)(f) to apply only to areas of significant natural areas or outstanding natural landscapes or other specific “sensitive environments” (if this is the issue that Council is seeking to address).</li> </ol> <p><u>EI-P2(2)</u></p> <p>Amend EI-P2(2) as follows:</p> <ol style="list-style-type: none"> <li><i>Recognising the functional and operational need of Regionally Significant Infrastructure and other infrastructure activities, and having regard to:</i> ... <i>e. their location, including:</i> <ol style="list-style-type: none"> <li><i>the complexity and connectedness of the networks and services;</i></li> <li><i>the potential for co-location and shared use of infrastructure corridors; and</i></li> <li><i>the extent to which there are feasible alternative locations; and</i></li> </ol> </li> </ol> <p>...</p>

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			need of RSI to be expanded to include a further locational consideration (within clause 2(e) of EI-P2), to recognise that there are often situations where there are no feasible alternative locations for RSI works.	
Energy and Infrastructure	EI-P3	Support	OWL considers EI-P3 will ensure that adverse effects of activities on RSI are appropriately managed through location and design.	Retain EI-P3 as notified.
Energy and Infrastructure	Rules – Introductory Notes	Support	OWL supports the clarification provided in the Introductory Notes to the Rules in this Chapter, specifically in terms of the precedence afforded to Rules in Sections A – F to the Zone Chapter Rules in Part 3 of the PDP (Area-Specific Matters) in terms of RSI.	Retain the introductory notes to the Section C Rules as notified.
Energy and Infrastructure	Rules – Section C – Rules for network utilities – Three Waters  (EI-R22 to EI-R26)	Support in part	<p>OWL’s RSI (existing and new) – being water storage and supply infrastructure (including open drains and channels, pipes, water reservoirs, storage points and ancillary activities and structures for reticulation and storage of water for agricultural and horticultural activities) – are governed by the rules in Section C – <i>Rules for network utilities – Three Waters</i>.</p> <p>OWL supports the PDP’s approach to addressing all water infrastructure (water storage and supply, stormwater and wastewater) and ancillary network utilities associated with such infrastructure (such as boosters/repeaters), both urban and rural within the Section C Rules. However, OWL considers some improvements could be made to these Rules, as follows:</p> <ul style="list-style-type: none"> <li>• OWL considers the Rules Section C title does not reflect the actual scope of activities governed by the Rules that follow, which are urban and rural water infrastructure, and ancillary network utilities. OWL therefore considers it appropriate that the title be replaced with “Rules Section C – Water Infrastructure and ancillary network utilities”</li> <li>• OWL notes that the terms “infrastructure” and “network utilities” are used interchangeably in the Rules and Conditions, whereas the Objectives and Policies in the Chapter tend to refer primarily to “infrastructure”. OWL considers that consistency in terminology across the chapter would be preferable and reduce the risk of interpretation issues.</li> <li>• The maintenance, repair and upgrading of underground water supply infrastructure appear to fall under both Rules EI-R22 and EI-R25. Similarly, the construction of new underground water supply infrastructure appears to fall under both Rules EI-R26. OWL therefore considers Rule EI-R22 should be deleted.</li> <li>• Condition PER-1 of Rule EI-R25 refer to “building” and not “structure”. However, OWL expects it is more likely that the activities governed by these rules would be structures (rather than buildings). OWL considers it would be appropriate for these Conditions to instead mirror Coastal</li> </ul>	<p>Retain the Section C Rules subject to the following.</p> <ol style="list-style-type: none"> <li>(1) Include a new definition for “water infrastructure” in the Definitions Chapter (as requested in OWL’s related submission on the Definitions Chapter earlier in this Annexure).</li> <li>(2) Replace the title of the Section C Rules with “Rules Section C – Water Infrastructure and ancillary network utilities”.</li> <li>(3) Amend the terminology used in the Section C Rules to ensure consistency and alignment with the Objectives and Policies (particularly the interchangeable use of the terms “infrastructure” and “network utilities”).</li> <li>(4) Delete EI-R22.</li> <li>(5) Amend Condition PER-1 of Rule EI-R25 as follows: <p><b>PER-1</b> <i>Building or structure maintenance and upgrades occur within the existing building or structure envelope; or</i></p> <p>(or alternative wording that better reflects the nature of the activity being controlled by this condition)</p> </li> </ol>

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			<p>Environment Rule CE-R7(2) (and other examples elsewhere in the PDP), where Condition PER-1 uses the following terminology:</p> <p><i>Any upgrading does not increase <b>the building or structure envelope...</b></i> (emphasis added)</p> <p>or alternative terminology or revision of PER-1 that better reflects the nature of the activity being controlled.</p>	
Energy and Infrastructure	Rules Section E – Rules for Renewable Energy Generation  (EI-R31 to EI-R35)	Support	OWL supports the inclusion of specific rules for all types of renewable energy generation facilities and activities. OWL considers this inclusion, and the proposed rules, ensure that the PDP gives appropriate effect to the National Policy Statement for Renewable Energy Generation 2011.	Retain EI-R31 to EI-R35 as notified.
Energy and Infrastructure	Rules Section G – Flight Paths Protection for Richard Pearse Airport (Timaru Airport) (EI-R38)	Oppose in part	<p>OWL wishes to ensure that the PDP does not foreclose the opportunity for future upgrades to its Levels Plains sub-scheme, which is located within the PDP's proposed Birdstrike Management Area (BMA) Overlay relating to the Richard Pearse Airport (Timaru Airport).</p> <p>Of particular concern to OWL is EI-R38, which would have the effect of requiring restricted discretionary consent for any storage pond (being a "water body") in the BMA Overlay exceeding 1000m<sup>2</sup> in area. As such a pond would form part of a large-scale community water supply scheme, OWL considers it would be appropriate for the matters of discretion to include the operational and functional requirements of such infrastructure, to align with other rules in this Chapter.</p> <p>OWL also notes an inconsistency between the title of this rule (new stormwater basis/water body which exceed 500m<sup>2</sup> in area vs PER-1's reference to an area of 1000m<sup>2</sup>).</p>	<p>(1) Amend the title of EI-R38 as follows:</p> <p><i>EI-R38 Creation of a new stormwater basin; or water body (including wastewater oxidation pond) which exceeds 500-1000m<sup>2</sup> in area)</i></p> <p>(2) Amend the matters of discretion for non-compliance with PER-1, 2 and 3 to include the following additional matter:</p> <p>...</p> <ol style="list-style-type: none"> <li>1. <u><i>The functional needs and operational needs of, and benefits from, the activity;</i></u></li> <li>2. ...</li> </ol>
Energy and Infrastructure	Standards EI-S1 and EI-S2	Support in part	OWL notes its earlier submission under Rules – Section C of this Chapter and the difficulty arising with having standards that apply across each of the individual Rule Sections of this Chapter for different "infrastructure" and "network utilities". As drafted, these standards utilise "network utility" terminology, which makes it difficult for plan users to determine which, if any, of the standards are intended to apply to water infrastructure, as opposed to the network utilities ancillary to such infrastructure (such as boosters/repeaters).	<p>Retain EI-S1 and EI-S2 as notified subject to the following:</p> <p>Amend the terminology used in EI-S1 and EI-S2 to ensure consistency and alignment with the Objectives and Policies (particularly the interchangeable use of the terms "infrastructure" and "network utilities"), if this is necessary to reflect that it was intended for other than the below elements of EI-S1 and EI-S2 to apply to water</p>

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			<p>OWL simply notes that adjustments to the terminology used in the title and listed requirements in the standards may be required if it is intended that other than the below elements of the EI-S1 and EI-S2 and are intended to apply to water infrastructure (as opposed to network utilities ancillary to such infrastructure):</p> <ul style="list-style-type: none"> <li>• E1-S2(1)</li> <li>• EI-S2(8)</li> <li>• EI-S2(11)</li> <li>• EI-S2 – matters of discretion (1) and (2) for Restricted Discretionary Activities.</li> </ul> <p>(For completeness, OWL notes its understanding that EI-S1 is not intended to apply to water infrastructure that is not a pole, antenna, towers and telecommunications pole).</p>	<p>infrastructure (as opposed to network utilities ancillary to such infrastructure):</p> <ul style="list-style-type: none"> <li>• E1-S2(1)</li> <li>• EI-S2(8)</li> <li>• EI-S2(11)</li> <li>• E1-S2 - matters of discretion (1) and (2) for Restricted Discretionary Activities.</li> </ul>
Hazard and Risks	Natural Hazards NH-O1 – O3	Support	OWL supports these proposed provisions, but questions whether the reference in NH-O1 and O2 to "high hazard areas" is intended to be "High Hazard Areas", which is a term defined in the PDP.	Retain NH-O1 – O3 as notified, subject to replacing the term "high hazard areas" in NH-O1 and NH-O2 with "High Hazard Areas".
Hazard and Risks	Natural Hazards NH-P1 to P11	Support	OWL supports these proposed provisions, subject to any consequential amendments required to give effect to the changes OWL seeks to Rules NH-R3, R4 and R6 noted in submission points below.	Retain Policies NH-P1 to P11 as notified, subject to any consequential amendments required to give effect to the submission points below in relation to Rules NH-R3, R4 and R6.
Hazard and Risks	Natural Hazards NH-R1, R2, R5, R7 and R8	Support	OWL supports these proposed provisions.	Retain Rules NH-R1, R2, R5, R7 and R8 as notified.
Hazard and Risks	Natural Hazards NH-R3	Oppose in part	<p>OWL considers it would be appropriate for the permitted activity status given to natural hazard works in the Flood Area Overlay and High Hazard Area Overlay under this rule to be extended to network utility operators of RSI. In OWL's view, extending the scope of this rule in that way would give due recognition to the importance of RSI to the District.</p> <p>OWL considers that a condition of such works could be that the works are undertaken in accordance with a rule in the Canterbury Land and Water Regional Plan, resource consent or other approval (e.g., under the Flood Protection and Drainage Bylaw 2013) from the Canterbury Regional Council.</p>	<p>Amend NH-R3 to include a further permitted activity standard as follows:</p> <p><b><u>PER-5</u></b>  <i><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></i></p>



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Hazard and Risks	Natural Hazards  NH-R4	Oppose in part	<p>OWL understands that this rule does not apply to RSI. However, the title of the rule does not include the wording "(excluding Regionally Significant Infrastructure)" as included in the title of NH-R7. OWL considers that an amendment is required to the title to clarify the intended scope of NH-R4.</p> <p>OWL also suggests that NH-R4 would be better located after NH-R7, as the two rules relate to similar activities and are currently separated by rules applying to RSI.</p>	<p>(1) Amend the title of NH-R4 as follows:</p> <p><i>Natural hazard sensitive activities or structures and additions to such activities or structures with a ground floor area of 30m<sup>2</sup> or more (excluding Regionally Significant Infrastructure)</i></p> <p>(2) Move Rule NH-R4 to after NH-R7 or otherwise make amendments to ensure it is clear which rules apply to RSI and which do not.</p>
Hazards and Risks	Natural Hazards  NH-R6	Oppose in part	<p>OWL anticipates that it may need to establish new RSI on land within the Flood Assessment Area Overlay, Overland Flow Paths and/or the High Hazard Area Overlay in the future.</p> <p>OWL is concerned that:</p> <ul style="list-style-type: none"> <li>NH-R4(1) as drafted would allow activities and structures in the Flood Assessment Area Overlay on land that is subject to flooding in a 0.5%AEP event with a minimum flow level requirement (PER-5). However, in contrast, under NH-R6(1) new RSI in the Flood Assessment Area Overlay would be a restricted discretionary activity if the land is subject to flooding in the 0.5%AEP event (PER-5) irrespective of minimum floor level. OWL considers that NH-R6(1), as notified, does not give appropriate recognition to the importance of RSI. OWL considers that NH-R4(1) and NH-R6(1) should be consistent, and in particular, that NH-R6(1) should enable new RSI within the Flood Assessment Area Overlay on land that is subject to flooding in a 0.5%AEP event to be permitted if it complies with the minimum flow level requirement provided in NH-R4(1), PER-5. OWL notes that amendments to NH-O2 and NH-P11 may be required as a consequence of the amendment sought to NH-R4, and also (potentially) the matters of discretion for NH-R6.</li> <li>OWL is concerned that under Rule NH-R6(2), as proposed, new RSI on land classified as "Overland Flow Path" would default to restricted discretionary status if the conditions PER 1 to 3 are not met irrespective of whether the infrastructure has been designed to maintain the function of the Overland Flow Path and minimise any increase or new risk from flooding on surrounding properties as contemplated by Policy NH-P8. OWL seeks permitted activity status for such activities, which it considers would give appropriate recognition to the importance of RSI.</li> </ul>	<p>(1) Amend PER-3 of NH-R6(1) Regionally Significant Infrastructure in Flood Assessment Areas Overlay as follows and any consequential or additional amendments that may be required to Rule NH-R6(1), e.g., to the matters of discretion listed in RDIS-1:</p> <p><b>PER-3</b> <i>The Flood Risk eCertificate issued under PER-1 states that either:</i> <u>1. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall event; or</u> <u>2. the activity is located on land that is subject to flooding in a 0.5% AEP rainfall event and complies with the minimum finished floor level requirement for the site.</u></p> <p>(2) Amend NH-R6(2) to allow new RSI in Overland Flow Paths as a permitted activity subject to compliance with an alternative condition to conditions PER-1 to 3 requiring that the infrastructure has been designed to maintain the function of the Overland Flow Path and certification from a suitably qualified and experienced person (e.g., chartered engineer) that the design will minimise any increase or new risk from flooding on surrounding properties (or alternative condition with similar effect).</p> <p>(3) Amend NH-R6(3) to allow new RSI in the High Hazard Risk Overlay as a permitted activity subject to compliance with a condition requiring that the infrastructure has been designed to maintain its integrity and function during and after a natural hazard event (or an alternative condition with similar effect, e.g., certification of design by a suitably qualified and experienced person to meet that outcome).</p>

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			<ul style="list-style-type: none"> <li>OWL is concerned that under Rule NH-R6(3), as proposed, new RSI on land within the High Hazard Area Overlay would default to restricted discretionary status irrespective of whether the infrastructure has been designed for the natural hazard (i.e., flooding). OWL considers that allowing such infrastructure to be located in the High Hazard Risk Area Overlay should be enabled under the PDP by way of permitted activity rule, subject to a condition requiring the infrastructure to have been designed to maintain its integrity and function during and after a natural hazard event. OWL considers that such an approach would recognise the importance of RSI, and would be consistent with the directions of Objective NH-O3 in terms of the need for RSI to locate outside High Hazard Areas where practicable, and the implementing Policy NH-P11, which provides guidance as to the circumstances in which RSI can locate within Natural Hazard Areas (of which OWL assumes High Hazard Areas are a subset, but note that this could be clarified by the inclusion of a definition in the PDP of that term).</li> </ul>	(4) Include a definition in the PDP for the term "Natural Hazard Areas" (refer related submission on the Definitions chapter earlier in this Annexure).
Historical and Cultural Values	Historical Heritage  Policies and Rules	Oppose in part (New)	For consistency and to aid plan interpretation, OWL considers it would be appropriate for the policies and rules of this chapter to include similar regionally significant infrastructure/network utility provisions to NFL-P4(7)(d) and NFL-R3 (noting OWL's earlier submission requesting greater consistency in terminology across the PDP, particularly in relation to "infrastructure" and "network utilities").	Include new policies and rules in the Historical Heritage chapter that address RSI within the sensitive environments addressed by this chapter, similar to NFL-P4(7)(d) and NFL-R3.
Historical and Cultural Values	Sites and Areas of Significance to Māori (SASM)  Objectives and Policies	Oppose in part (New)	<p>As outlined in OWL's submissions earlier in this Annexure, OWL acknowledges the importance for Kāti Huirapa to retain and enhance access to SASM and to carry out customary activities within them. However, OWL is concerned that public access cannot always be possible to such sites, including where access is sought to carry out customary activities, for example, for public health and safety reasons where infrastructure is co-located on sites or areas of significance, or where customary activities are undertaken and associated statutory liability issues.</p> <p>OWL notes that each of its sub-schemes in the Timaru District are co-located in SASM listed in the PDP and potentially where customary activities are, or may be in the future, carried out. OWL therefore considers that SASM-O2 should acknowledge that access to SAMS may not always be appropriate.</p> <p>For consistency, and to aid plan interpretation, OWL considers it would be appropriate for the policies of this chapter to include similar regionally significant infrastructure/network utility provisions to NFL-P4(7)(d) (noting OWL's earlier submission requesting greater consistency in terminology across the PDP, particularly in relation to "infrastructure" and "network utilities"). OWL acknowledges that rule SASM-R2 expressly address network utilities/infrastructure activities.</p>	<p>(1) Amend SASM-O2 as follows:</p> <p style="text-align: center;"><i>SASM-O2 Access and Use</i></p> <p style="text-align: center;"><i>Where appropriate, Kātii Huirapa are able to access, maintain and use resources and areas of cultural value within identified Sites and Areas of Significance to Kāti Huirapa.</i></p> <p>(2) Include a new policy in the SAMS chapter that address RSI within the sensitive environments addressed by this chapter, similar to NFL-P4(7)(d).</p> <p>(3) Retain Rule SAMS-R2 as notified.</p>

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Chapter	Section/ Provision	Support/Oppose/New	Reasons	
Natural Environment Values	Ecosystems and indigenous biodiversity  Policies and Rules	Oppose in part (New)	For consistency and to aid plan interpretation, OWL considers it would be appropriate for the policies and rules of this chapter to include similar regionally significant infrastructure/network utility provisions to NFL-P4(7)(d) and NFL-R3. (noting OWL's earlier submission requesting greater consistency in terminology across the PDP, particularly in relation to "infrastructure" and "network utilities").  Additionally, OWL considers that (similar to its earlier submission on the Natural Hazards Chapter), clearance of indigenous vegetation for works by network utility operators of RSI should be enabled by way of a permitted activity under ECO-R2, if they are undertaken by a network utility operator of RSI in accordance with a rule in the Canterbury Land and Water Regional Plan, resource consent or other approval (e.g., under the Flood Protection and Drainage Bylaw 2013) from the Canterbury Regional Council.	(1) Include a new policy and rule in the Ecosystems and indigenous biodiversity chapter that address RSI within the sensitive environments addressed by this chapter, similar to NFL-P4(7)(d) and NFL-R3.  (2) Amend ECO-R2 to include a further permitted activity standard as follows:  <b><u>PER-3</u></b> <i><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 ..... Council.</u></i>
Natural Environment Values	Natural character  Policies and Rules	Oppose in part (New)	For consistency and to aid plan interpretation, OWL considers it would be appropriate for the policies and rules of this chapter to include similar regionally significant infrastructure/network utility provisions to NFL-P4(7)(d) and NFL-R3. (noting OWL's earlier submission requesting greater consistency in terminology across the PDP, particularly in relation to "infrastructure" and "network utilities").	Include a new policy and rule in the Natural character chapter that address RSI within the sensitive environments addressed by this chapter, similar to NFL-P4(7)(d) and NFL-R3.
Natural Environment Values	Natural Features and Landscapes  Objectives, Policies and Rules	Support	OWL considers it appropriate for the policies and rules of this chapter to include regionally significant infrastructure/network utility provisions: NFL-P4(7)(d) and NFL-R3. The inclusion of these provisions provides clarity for plan users and those implementing and enforcing the PDP for such activities.	Retain NFL-P4(7)(d) and NFL-R3 as notified.
Natural Environment Values	Public Access  (PA-O1, PA-P4 and PA-R1)	Support in part	OWL notes that Objective PA-O1 Public Access as drafted states as follows:  <i>PA-O1 Public Access</i>  <i>Public access to and along the coastal marine area and the margins of identified wetland and rivers is maintained and enhanced, and only restricted when desirable.</i>  OWL does not consider that the use of the term "desirable" is appropriate in the context of Policy PA-P4. OWL considers that the word "appropriate" would better reflect that context, which includes restricting public access for public health and safety reasons, which in OWL's case, falls within its statutory obligations under current Health and Safety legislation.	(1) Amend PA-O1 as follows:  <i>PA-O1 Public Access</i>  <i>Public access to and along the coastal marine area and the margins of identified wetland and rivers is maintained and enhanced, and only restricted when <del>desirable</del> appropriate.</i>  (2) Retain PA-P4 and PA-R1 (including matter of discretion 1.a) as notified.

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			OWL supports PA-P4 and PA-R1 (particularly matter of discretion 1.a for the restricted discretionary activity) for the same reasons.	
Natural Environment Values	Versatile Soils  Transitional Highly Productive Land overlay	Support	OWL supports the provisions of this chapter, and the proposed Transitional Highly Productive Land overlay in the planning maps of the PDP. OWL considers these elements of the PDP are consistent with, and give appropriate effect to, the directions of the National Policy Statement for Highly Productive Land 2022	Retain the proposed Versatile Soils chapter and associated proposed Transitional Highly Productive Land overlay in the planning maps of the PDP.
General District Wide Matters	Activities on the Surface of Water	Support in part	OWL seeks to ensure the use of motorised craft on the surface of water (rivers) for inspecting infrastructure (such as water intake structures and associated scheme infrastructure) and resource consent compliance monitoring (including, for example, water quality monitoring) is not precluded from the PDP. These activities are not expressly covered by the proposed rules in this chapter.	Amend ASW-R2 to include the following addition permitted activity condition:  <b><u>PER-7</u></b>  <u>The use is for undertaking inspections or regionally significant infrastructure and resource consent monitoring by a network utility operator.</u>
General District Wide Matters	Earthworks  EW-P4 EW-R1	Oppose in part	OWL supports the chapter's proposed approach to protecting RSI from the adverse effects of earthworks (per EW-P4) and excluding earthworks for infrastructure permitted by the Energy, Infrastructure and Transport chapters of the PDP (EW-R1(c)) and those required for maintenance of existing drains and ponds (EW-R1(d)).  However, OWL seeks that clause (e) of EW-R1 be amended as a consequence of OWL's submission on ECO-R2 and NH-R3 above.	Retain EW-P4 and EW-R1 as notified subject to the following amendment:  <i>Earthworks, excluding earthworks:</i> ... e. <u>For natural hazard mitigation works carried out by:</u> <u>i. Timaru District Council or Canterbury Regional Council that are permitted by the relevant Plan chapter; or</u> <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>