

Before an independent hearings panel appointed by the Mackenzie District Council

UNDER the Resource Management Act
1991

IN THE MATTER OF submissions by Opuha Water
Limited on Proposed Plan Change
19 to the Mackenzie District Plan
(Activities on and within
waterbodies)

**STATEMENT OF EVIDENCE OF JULIA MARGARET CROSSMAN
FOR OPUHA WATER LIMITED (SUBMITTER #162)**

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Introduction

- 1 My name is Julia Margaret Crossman. I am the Environmental Manager of Opuha Water Limited (**OWL**).
- 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.
- 3 I have worked at OWL since January 2014 as the company's Environmental Manager.
- 4 Prior to my work at OWL, I held various roles at Environment Canterbury for a period of nine years, including Resource Care Co-ordinator (Land Management section), Community Facilitator for the Planning Section, and Project Manager and Lead Planner for the Waitaki Sub-Regional Planning Process.
- 5 I am authorised to give this evidence on behalf of OWL.

Reasons for OWL's involvement in Plan Change 19

- 6 OWL's submission provided a detailed overview of OWL's assets and operations within the Mackenzie District, and their strategic importance. For the sake of brevity, I do not propose to address those matters further here.
- 7 The Opuha Dam, related infrastructure and facilities that are owned and operated by OWL are presently located within the boundaries of the Mackenzie District Plan's (**Plan's**) Opuha Dam Special Purpose Zone (**ODZ**). Activities on and within Lake Opuha are therefore governed by the policies and rules of the ODZ, rather than those contained in proposed Plan Change 19 (**PC19**). However, monitoring of OWL's regional consents for the Opuha Dam, and other scientific monitoring and operational inspections is currently undertaken by OWL and/or its consultants on the waterbodies downstream of Lake Opuha. These activities are fundamental to the

continuing operation of the Opuha Dam and the exercise of OWL's regional consents. OWL therefore has an interest in ensuring that these activities are recognised and provided for appropriately in any future planning framework for activities on or within those waterbodies, including through PC19.

8 While OWL understands activities on or within waterbodies located in the ODZ are outside the scope of PC19 (which is a change to Section 7: Rural Zone only), it expects that the outcome of PC19 will have implications for the future policy and rule framework (to be settled through future stages of the Plan's review) for activities on or within the current boundaries of the ODZ (including Lake Opuha and its tributaries, the downstream weir and regulating pond, and the Opuha River). This includes passive and active recreational activities on and within these waterways, which have the potential to compromise the efficient operation of the Opuha Dam and related infrastructure.

9 It is for these reasons that OWL made submissions on PC19.

The Section 42A Report

10 OWL's submissions sought various amendments to the text of PC19, largely to address gaps in the proposed planning framework and related definitions.

11 In her section 42A report, Ms Harte has largely recommended that OWL's submissions be accepted. OWL supports Ms Harte's recommendations, particularly in relation to:

11.1 The definition of "commercial activity".¹ However I note there is a typographical error in Ms Harte's recommended amendments, which I suggest be corrected as follows:*recreational activities where a charge for profit is involved*....;

11.2 Rural Policy 8E – Effects on Wildlife and Wildlife Habitats;²

11.3 Rule 7A.4.1 – Permitted Activities on or within the Opihi and Opuha Rivers.³ However, I note that the recommended amendment to

¹ Section 42A Report, page 38.

² Section 42A Report, page 18.

³ Section 42A Report, page 36.

clause (a) of this rule recorded on page 36 of Ms Harte's report is not reflected in Attachment G to her report. For the sake of clarification, I note that OWL supports the following recommended amendments to Rule 7A.4.1.a:

Use of motorised and non-motorised craft for search and rescue, civil emergency, defence, scientific research and monitoring, consent monitoring, operational inspections of Opuha Dam Scheme infrastructure and pest control purposes where the activity is an enactment of a statutory responsibility.

11.4 Rule 7A.4.3 and 7A.4.4 – Non-complying and Prohibited Activities on or within the Opihi and Opuha Rivers.⁴

12 The expert evidence exchanged on behalf of other submitters to PC19 seeks to include various amendments for consistency and clarification to the provisions noted above. In summary, I agree with the position expressed in that evidence that:

12.1 It would be preferable for there to be consistency in the use of the terms in PC19, so for example, there may be benefit in revising the various PC19 provisions to refer to motorised or non-motorised “*craft*” (as suggested by Mr Vivan, on behalf of Pukaki Downs Tourism Ltd, Blue Lake Investment (NZ) Ltd, Kaye and Luke Paardekooper and Lake Pukaki Natural Quiet Supporters⁵) or “*activities*” (as suggested by Ms Whyte, on behalf of Meridian Energy Ltd⁶), but not both “*craft*” and “*activities*” interchangeably (as per the notified version of PC19, as recommended to be amended by Ms Harte).

12.2 The phrase “*where the activity is an enactment of a statutory responsibility*” in Rule 7A.4.1.a, for example, may be better worded as “*where the activity is carried out in accordance with a statutory*

⁴ Section 42A Report, page 36.

⁵ Evidence of Carey Vivian, dated 28 November 2018 (at various locations throughout this statement).

⁶ Brief of Evidence of Jane Whyte, dated 28 November 2018, Appendix 1 page 22.

responsibility” (as suggested by Ms Hollier, on behalf of Canterbury Regional Council⁷).

12.3 The phrase “*waterways and riverbeds*” in Rural Objective 8 – Activities on or within Waterbodies would better reflect the terminology of the Resource Management Act 1991 if it was reworded as “*waterbodies and their beds*” (as suggested by Mr Vivian⁸).

13 Overall, OWL is of the view that the amendments recommended by Ms Harte and the additional amendments to provide clarification and consistency that I have traversed above, are appropriate and necessary to ensure PC19:

13.1 Appropriately recognises the importance of the various activities OWL undertakes on and within the waterbodies downstream of Lake Opuha to the continuing operation of the Opuha Dam and related assets and infrastructure, and the exercise of OWL’s regional consents; and

13.2 Is consistent with the relevant statutory requirements for district plans and the relevant directives of the high order planning documents.

14 Accordingly, OWL respectfully requests that the Hearing Panel accept OWL’s submissions, and the recommendations and further amendments noted above.



Julia Margaret Crossman

26 November 2018

⁷ Statement of Evidence of Alanna Marise Hollier, dated 20 November 2018, Appendix A, at page 12.

⁸ Evidence of Carey Vivian, dated 28 November 2018, at page 6.