
**BRIEF OF SUPPLEMENTARY EVIDENCE OF LISA MAREE HAWKINS
DEFINITIONS AND ABBREVIATIONS CHAPTER**

Qualifications and Experience

- 1 My full name is Lisa Maree Hawkins and my qualifications and experience are set out in paragraphs [2] to [4] of my Section 42A report titled *Chapter 3: Definitions and abbreviations* and dated 27 April 2022.

Code of Conduct

- 2 I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014. I have complied with the Code in preparing my evidence. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

- 3 This supplementary statement of evidence updates my considerations and recommendations I made in my Section 42A report titled *Chapter 3: Definitions and abbreviations*. The matters addressed in this statement of evidence are set out below:

3.1 Clarify my position on the definition of *lifeline utilities*.

3.2 Delete the definition of *sensitive activities* (in relation to the UFD Chapter) and make a consequential amendment to the definition in relation to the EIT chapter.

- 4 In the sections below, and in relation to each matter above, I have:

4.1 Identified the recommendation(s) that is to be amended or replaced.

4.2 Identified the authority relied upon to make these amendments or replacements.

4.3 Provided an explanation for the amendment or replacement.

4.4 Evaluated the amendment or replacement in accordance with Section 32AA of the RMA, where necessary.

4.5 Set out the proposed amendments to the relevant pORPS provisions as follows:

Appearance	Explanation
Black text	Text as notified.
Black text with <u>underlining</u> or strikethrough	Amendments recommended in Section 42A report.
Red text with <u>underlining</u> or strikethrough	Additional amendments recommended in supplementary evidence where there has been no previous amendment to the 'as notified' provision text.
Black text with <u>red underlining</u>	Text that was recommended to be deleted in Section 42A report but now recommended to be retained ("undeleted") by supplementary evidence.
Red strikethrough with <u>black underlining</u> .	Text that was recommended to be inserted in Section 42A report (black underline) but now recommended to be deleted by supplementary evidence (red strikethrough).

Errata

5 Appendix 1 of this evidence includes a table setting out corrections that have been identified as necessary to ensure a proper understanding of my s42A report. These corrections are confined to the recommendations section of my report only.

Lifeline utilities

6 At paragraphs [44] to [48] of my Section 42A report I analyse submission points from Port Otago¹, which seek to include reference to 'commercial port activities' within the definition. They seek the amendment to resolve uncertainty created by the list of entities within Schedule 1 of the Civil Defence Emergency Management Act 2002 (CDEM Act). This Act lists locations of port-related commercial activities undertaken by 'the port company'. Of relevance to Otago, Port Chalmers is listed, but Dunedin is not, albeit they are owned and operated by the entity listed.

¹ 00301.005 Port Otago

7 At paragraph [47] of my Section 42A report, I explain my concern regarding the request to amend this definition which is statutory as contained within the CDEM Act 2002.

8 Following discussions at the pre-hearing meeting I have given further thought to my position. I remain of the view that no amendment to the definition is necessary. I consider the definition of lifeline utility in the pORPS would legally cover all of Port Otago's operations, as it refers to 'utilities provided by an entity as listed in Schedule 1 of CDEM Act', the entity in this case being Port Otago Ltd. As such this would cover utilities provided at any location that Port Otago Ltd operates, as long as it continues to operate at Port Chalmers. Therefore no change is recommended.

Sensitive activities (in relation to the UFD Chapter)

9 At paragraphs [57] to [64] of my Section 42A report I analyse a submission from Fonterra² and further submissions³ which raise concern over the narrow application of the defined term *sensitive activities* across the pORPS. Fonterra seeks to have the definition expanded to include additional land uses. The existing definition is from the National Policy Statement on Electricity Transmission 2008.

10 The defined term is used in the pORPS in two chapters: EIT – Energy, Infrastructure and Transport and UFD – Urban Form and Development. In paragraphs [60] and [61] of my Section 42A report I consider that the use of the term, as currently defined, in the EIT chapter is entirely appropriate and for the UFD it may warrant being broadened.

11 Following discussions at the UFD pre-hearing meeting, the reporting officer for that chapter Ms White has reconsidered the drafting of UFD-O4 and UFD-P7. The result of her review is that words “sensitive activities” will no longer be used in those provisions.⁴ There is therefore a consequential amendment to my s42A report to delete the definition of *sensitive activities* (in relation to the UFD Chapter). The term is now only used within the EIT chapter of the pORPS. I recommend the following amendment to *sensitive activities*:

² 00233.009 Fonterra

³ FS00208.003 AgResearch Limited, FS00237.0027 Beef+Lamb and DINZ, 00221.008 Silver Fern Farms, 00510.021 The Fuel Companies, 00236.013 Horticulture NZ

⁴ Brief of Supplementary Evidence of Elizabeth Jane White. Urban form and development. 11 October 2022.

<p>Sensitive Activities—(in relation to the EIT Chapter)</p>	<p>Where used in the EIT Chapter, has the same meaning as in the interpretation section of the National Policy Statement on Electricity Transmission 2008 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>Includes, schools, residential buildings and hospitals</p> </div>
<p>Sensitive Activities—(in relation to the UFD Chapter)</p>	<p>Where used in the UFD Chapter, means activities that are affected by the adverse effects of a lawful activity.</p>

Section 32AA evaluation

- 12 The proposed amendment is consequential upon recommended changes to the UFD chapter. No further s.32AA analysis is required.

Consequential amendments

- 13 Ms Boyd’s supplementary evidence on *Introduction and general themes* recommends an amendment to the term “limit” recommended to be defined in the pORPS through her previous section 42A report.⁵ The specific amendments to these provisions are set out in that statement of supplementary evidence and therefore I do not repeat them here.
- 14 Ms Hardiman’s supplementary evidence on *ECO – Ecosystems and indigenous biodiversity* recommends an amendment to the term “indigenous vegetation”.⁶ The specific amendments to these provisions are set out in that statement of supplementary evidence and therefore I do not repeat them here.
- 15 Ms Fenemor’s supplementary evidence on *HCV – Historical and cultural values*⁷ and Mr Adams’ on *MW – Mana whenua*⁸ recommend new definitions of “archaeological site” and “Māori land”. The specific amendments are set out in

⁵ Brief of Supplementary Evidence of Felicity Ann Boyd. *Introduction and General Themes*. 11 October 2022.

⁶ Brief of Supplementary Evidence of Melanie Kate Hardiman. *ECO – Ecosystems and indigenous biodiversity*. 11 October 2022.

⁷ Brief of Supplementary Evidence of Angela Marie Fenemor. *HCV – Historical and cultural values*. 11 October 2022.

⁸ Brief of Supplementary Evidence of James Henry Adams. *MW – Mana whenua*. 11 October 2022.

their statements of supplementary evidence and therefore I do not repeat them here.

Lisa Maree Hawkins

11 October 2022

Appendix 1: Section 42A Report – Errata

Chapter 3 Abbreviations and definitions

Provision	Paragraph in s42A report	Error	Correction
Pest	114	<p>Formatting error in the s42A report only</p> <p>Correction to be made to the s42A report to underline the definition to indicate it is a new inclusion in its entirety.</p>	<p><u>Pest</u>¹¹⁹</p> <p>has the same meaning as in section 2 of the Biosecurity Act 1993 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: 20px;"> <p>means an organism specified as a pest in a pest management plan.</p> </div>
Submissions on definitions addressed in other chapters	Table in 163	<p>Missing reference to:</p> <ul style="list-style-type: none"> Environmental Limits in Report 1 	<p>Add the reference 'environmental limits' to the table, second line (report 1- Introduction and general themes), second column.</p>