

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA
TE ŌTAUTAHI ROHE**

ENV-2026-CHC-048

UNDER	The Resource Management Act 1991 (RMA)
IN THE MATTER OF	An appeal pursuant to Clause 14(1) of the First Schedule of the RMA.
BETWEEN	THE ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED
	Appellant
AND	TIMARU DISTRICT COUNCIL
	Respondent

NOTICE OF OPUHA WATER LIMITED'S WISH TO BE PARTY TO APPEAL
Pursuant to section 274 of the Resource Management Act 1991

Dated: 27 May 2026

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TO: The Registrar
Environment Court
Christchurch

1. Opuha Water Limited (**OWL**) wishes to be a party to the following proceedings:
 - (a) *The Royal Forest and Bird Protection Society of New Zealand Incorporated v Timaru District Council* (ENV-2026-CHC-048) being an appeal dated 06 May 2026 under clause 14 of Schedule 1 of the Resource Management Act 1991 (**RMA**) against the decision of the Timaru District Council on the Proposed Timaru District Plan (**Appeal**).
2. OWL has an interest in the proceedings that is greater than the interest that the general public has because:
 - (a) OWL owns and operates the Opuha Dam and Lake Opuha, as well as downstream irrigation infrastructure. The Opuha Dam is situated at the confluence of the North and South Opuha Rivers, north-east of Fairlie in the Mackenzie District. 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.
 - (b) 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.
 - (c) 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.
 - (d) 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:

- (i) 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;
 - (ii) CLWRP – the national benefits of the Opuha hydro-electric and irrigation and community water supply schemes are recognised within Policy 4.51 and Rule 5.12C 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.
- (e) Given the strategic importance of the infrastructure and assets owned by OWL in the Timaru District, OWL has an interest in the proceedings that is greater than the interest of the general public;
- and
- (f) OWL made:
- (i) a primary submission on aspects of the Proposed Timaru District Plan that are the subject of the Appeal; and
 - (ii) further submissions on the Appellant's primary submission on aspects of the Proposed Timaru District Plan that are subject to appeal.
3. OWL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. OWL is interested in the appeal points relating to the following provisions of the Timaru District Plan:
- (a) Energy and Infrastructure (EI) Chapter Introduction;¹

¹ Appeal point 3.

- (b) EI-O2 Adverse effects of infrastructure, including regionally significant infrastructure and lifeline utilities;²
- (c) EI-P2 Managing adverse effects of regionally significant infrastructure, lifeline utilities and other infrastructure;³
- (d) EI-P6 Application of provisions;⁴
- (e) EI-R2 New and upgrading existing underground infrastructure (including customer connections) not otherwise listed in this chapter;⁵
- (f) EI-R3 Upgrading of above ground network utilities not otherwise listed in this chapter;⁶
- (g) EI-R21 New water supply, wastewater systems and stormwater infrastructure connections to existing reticulated networks;⁷
- (h) EI-R23 Maintenance, repair and upgrading of existing underground and above ground water supply, wastewater systems and stormwater infrastructure not covered under EI-R21;⁸
- (i) EI-R24 Construction of new underground and above ground:⁹
 - water supply, wastewater systems and stormwater infrastructure not covered under EI-R21;
 - open drains and channels, pipes, water reservoirs, storage ponds; and
 - other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities);

² Appeal point 4.

³ Appeal point 5.

⁴ Appeal point 7.

⁵ Appeal point 9.

⁶ Appeal point 10.

⁷ Appeal point 12.

⁸ Appeal point 13.

⁹ Appeal point 14.

- (j) NATC-P4 Preservation of natural character from inappropriate subdivision, use and development;¹⁰
- (k) NFL-P4 Protecting Outstanding Natural Features and Outstanding Natural Landscapes;¹¹
- (l) CE-O5 Regionally significant infrastructure and lifeline utilities;¹²
- (m) CE-P9 Preserve the natural character qualities of areas with coastal high natural character;¹³
- (n) CE-R7 Land disturbance.¹⁴

5. OWL opposes the relief sought by the Appellant, because:

- (a) The relief sought has the potential to impose increased consenting obligations on the current and future operations of OWL's infrastructure, which will hinder its present and future performance and functionality.
- (b) The relief sought undermines OWL's ability to maintain and upgrade its infrastructure because the relief sought is inconsistent with:
 - (i) The purpose and principles in Part 2 of the RMA;
 - (ii) Section 32 of the RMA;
 - (iii) The requirements for district plans set out in sections 72, 74, and 75 of the RMA; and
 - (iv) Integration of the Timaru District Plan.
- (c) OWL considers the decisions version of the Timaru District Plan gives better effect to the CRPS and the CLWRP than the relief sought by the Appellant.

¹⁰ Appeal point 23.

¹¹ Appeal point 24.

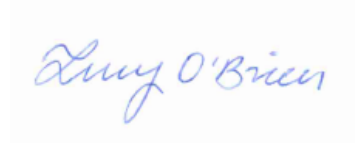
¹² Appeal point 28.

¹³ Appeal point 29.

¹⁴ Appeal point 32.

6. OWL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated: 27 May 2026



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