

**From:** Cory Shaw  
**Sent:** Mon, 21 Nov 2022 01:45:25 +0000  
**To:** District Plan  
**Cc:** Georgina Hamilton; Julia Crossman  
**Subject:** Opuha Water Limited submissions on PC22 to the Mackenzie District Plan  
**Attachments:** Opuha Water Limited submission on PC22 to the Mackenzie District Plan.pdf

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Good afternoon,

Please find **attached** for filing submissions by Opuha Water Limited on Proposed Plan Change 22 to the Mackenzie District Plan.

We would appreciate if you could confirm receipt of this email and its contents as soon as possible.

Ngā mihi | Kind regards,

Cory Shaw  
Solicitor



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We wish to advise that our offices will close at 3pm on **Friday 23<sup>rd</sup> December 2022** and re-open at 8.30am on **Monday 16<sup>th</sup> January 2023**.

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**SUBMISSION ON PROPOSED PLAN CHANGE 22 (LIGHT) TO THE MACKENZIE DISTRICT PLAN**

*Clause 6 First Schedule, Resource Management Act 1991*

**TO:** Planning Manager  
Mackenzie District Council  
PO Box 52  
Proposed Plan Change 22 (Light) to Mackenzie District Plan  
Main Street  
FAIRLIE 7949

By email: districtplan@mackenzie.govt.nz

**Name of submitter:**

- 1 Opuha Water Limited (**OWL**)
- Address: C/- Gresson Dorman & Co  
P O Box 244  
TIMARU 7940
- Contact: Georgina Hamilton
- Email: georgina@gressons.co.nz

**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 proposed Plan Change 22 (Light) to the Mackenzie District Plan (**PC22**), which forms part of Stage 2 of the Mackenzie District Council's (**Council's**) review of the Operative Mackenzie District Plan (**District Plan**).

**The specific provisions of PC22 that this submission relates to:**

- 4 This submission relates to PC22 in its entirety, but specifically to the following proposed provisions of PC22:
- 4.1 LIGHT-O1
  - 4.2 LIGHT-P1
  - 4.3 LIGHT-R1

**Submission**

**Introduction**

- 5 OWL owns and operates the Opuha Dam and Lake Opuha.

- 6 The Opuha Dam is situated at the confluence of the North and South Opuha Rivers 17 kilometres north-east of Fairlie. 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 both consent conditions regarding minimum flows and water use requirements are met.
- 7 The Scheme operates by releasing water into the Opuha River which flows into the Opihi River, for sustaining in-river flows and supplying reliable water to its irrigator shareholders and the urban and industrial users of Timaru via the Timaru District Council's community water take. 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 3000 households per year.
- 8 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:
  - 8.1 The Canterbury Regional Policy Statement (**CRPS**) – the hydro-electric scheme is “regionally significant infrastructure” for the purpose of this document.
  - 8.2 The Canterbury Land and Water Regional Plan (**CLWRP**) – the national benefits of the Opuha hydro-electric and irrigation and community supply schemes is 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.
- 9 The Opuha Dam, and related infrastructure and assets are located within the boundaries of the District Plan's current Opuha Dam Special Purpose Zone (**ODZ**), and were established in accordance with the associated planning framework set out in Section 9: Special Purpose Zones of the District Plan, and the Opuha Dam Concept Plan contained within it. Other irrigation and community supply infrastructure owned and operated by OWL is located outside of the ODZ, but within, or affect land within, the Rural Zone under the District Plan.
- 10 Given the strategic importance of the infrastructure and assets owned by OWL in the Mackenzie District, and the importance of monitoring these assets to ensure they continue to operate in a safe manner, OWL has an interest in PC22.

### **OWL's overall position**

- 11 OWL is concerned that PC22 fails to acknowledge the need for temporary floodlighting for the management of Regionally Significant Infrastructure (for example, the Opuha Dam) during natural events (such as flooding).
- 12 OWL consider it is important that PC22 incorporates provisions allowing for temporary lighting in such circumstances.

- 13 The Submitter's specific concerns with the objectives, policies and rules of PC22 together with a summary of the decisions it seeks from Council are set out in **Annexure A** attached to this submission.

**Decisions sought by OWL:**

- 14 OWL seeks the following decisions from Council:
- 14.1 that the decisions sought in **Annexure A** to this submission be accepted; and/or
  - 14.2 amendments to the provisions of PC22 to address the substance of the concerns raised in this submission; and
  - 14.3 all consequential amendments required to address the concerns raised in this submission and ensure a coherent planning document.

**Wish to be heard:**

- 15 OWL wishes to be heard in support of this submission.
- 16 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: 21 November 2022

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

Specific provision of PC22 to which submission relates		Submission		Decision Sought (amendments shown in tracked changes)						
Page Number	Provision	Support/Oppose	Reasons							
1	LIGHT-O1	Oppose in Part	OWL considers that this objective needs to recognise that temporary lighting that may not meet generic lighting standards in the District Plan may be required during natural hazard events to ensure the safe and efficient operation of Regionally Significant Infrastructure.	<p><b>OWL seeks the following amendments to this objective:</b></p> <p>Outdoor lighting allows activities to occur beyond daylight hours and provides safety and security for activities, while:</p> <ol style="list-style-type: none"> <li>protecting views of the night sky; and</li> <li>managing light spill to maintain amenity values and the safe operation of the transport network managing light spill to maintain amenity values and the safe operation of the transport network <u>and Regionally Significant Infrastructure.</u></li> </ol>						
1-2	LIGHT-P1	Oppose in Part	OWL considers that this policy needs to recognise that temporary lighting that may not meet generic lighting standards in the District Plan may be required during natural hazard events to ensure the safe and efficient operation of Regionally Significant Infrastructure.	<p><b>OWL seeks the following amendments to this policy:</b></p> <p>Manage the location, design and operation of outdoor lighting to ensure:</p> <ol style="list-style-type: none"> <li>it does not distract or interfere with traffic;</li> <li><u>the safe and efficient operation of Regionally Significant Infrastructure during natural hazard events; and</u></li> <li>it is compatible with the zone in which any light spill or glare is received;</li> </ol>						
2	LIGHT-R4	Oppose in Part	<p>Based on recent discussions with MDC planning staff and consultants, OWL understands that the rules in the Light Chapter will apply within the current ODZ (noting that the underlying zoning may change as a result of the review of chapters as part of Stage 3 of the District Plan Review).</p> <p>OWL considers rule LIGHT-R1 fails to adequately contemplate emergency situations where illumination is required on a temporary basis to maintain public safety and safe operation of Regionally Significant Infrastructure.</p>	<p><b>Include the following new rule in the Light chapter:</b></p> <table border="1"> <tr> <td>LIGHT-R4</td> <td colspan="2">Temporary Lighting for Regionally Significant Infrastructure</td> </tr> <tr> <td>All Zones</td> <td>                     Activity Status:                      PER                       Where:                      1. temporary lighting is required for the safe and efficient operation of Regionally Significant Infrastructure                 </td> <td>                     Activity status where compliance not achieved:                      Not applicable                 </td> </tr> </table>	LIGHT-R4	Temporary Lighting for Regionally Significant Infrastructure		All Zones	Activity Status: PER  Where: 1. temporary lighting is required for the safe and efficient operation of Regionally Significant Infrastructure	Activity status where compliance not achieved: Not applicable
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