

s 9(2)(a)

19-D-02613

Dear s 9(2)(a)

Thank you for your email of 25 November 2019 requesting the following under the Official Information Act 1982 (the Act):

- *the original application that resulted in Requiring Authority status being granted to Opuha Dam Limited*
- *any relevant background information.*

We have identified 36 documents in scope of your request, as listed in the attached table. Some information within these documents has been withheld under the following sections of the Act:

- 9(2)(h) to protect maintain legal professional privilege
- 18(d) information is publically available.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

Nineteen documents within the scope of this request seek or provide legal advice. This material has been withheld under Section 9(2)(h) of the Act. Section 9(2)(h) outlines that information may be withheld if necessary to maintain legal professional privilege (confidential communications between solicitors and clients). Legal professional privilege extends to solicitors and clients even when the legal advice is of a historic nature.

There were two duplicate documents in the scope of the request. Both copies of one of the documents providing legal advice have been withheld under Section 9(2)(h) of the Act. One of the two copies of the other document, a response from Constantine Planners Limited to a request for review of the draft Gazette notice, has been released.

One document within the scope of this request is publicly available, so it has been withheld under Section 18(d) of the Act. This document can be found at: <https://gazette.govt.nz/notice/id/1994-go2526>.

Eight documents within the scope of this request contained some out of scope information which has been removed from the documents being released to you.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent.

If you have any queries about this, please feel free to contact our Executive Relations team.

Yours sincerely

A handwritten signature in blue ink that reads "Lesley Baddon". The signature is written in a cursive style with a horizontal line underneath the name.

**Lesley Baddon**  
Director, Urban and Infrastructure Policy

Released under the provision of  
the Official Information Act 1982

### List of documents

Document no.	Document date	Content	Decisions	OIA sections applied
1	7 March 1994	Letter (Constantine Planners Limited to MfE): Application for approval as requiring authority – Opuha Dam Limited	Released in full	N/A
2	16 March 1994	Email (MfE internal): Draft response to application by Opuha Dam Limited to become a requiring authority	Released in full	N/A
3	24 March 1994	Email (MfE internal): Acknowledging receipt of fees	Released in full	N/A
4	24 March 1994	Letter (Constantine Planners Limited to MfE): Application by Opuha Dam LTD to become a requiring authority – additional information	Released in full	N/A
5	23 March 1994	Email (MfE internal): Seeking additions to draft appendix	Released in full	N/A
6	No Date	Draft document with edits from MfE legal: The Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994 or Opuha Dam	Released in full	N/A
7	23 March 1994	Draft briefing note with edits: Requiring authority applications: Resource Management Act 1991	Released in part	Section 9(2)(h)
8	No Date	Draft NZ Gazette notice	Released in full	N/A
9	24 March 1994	Email (MfE internal): Intention to send draft requiring authority – NZ Gazette notices	Released in full	N/A
10	24 March 1994	Letter (MfE to Constantine Planners Limited): Requesting review of draft NZ Gazette notice	Released in full	N/A
11	24 March 1994	Letter (Constantine Planners Limited to MfE): Response to request for review of draft NZ Gazette notice	Released in full	N/A
12	25 March 1994	Email (MfE internal) : Comments on Opuha and Watercare appendices	Released in full	N/A

Document no.	Document date	Content	Decisions	OIA sections applied
13	25 March 1994	Email (MfE internal): Seeking final comments on briefing note on requiring authority applications	Released in part	Section 9(2)(h)
14	28 March 1994	Opuha Dam requiring authority briefing note	Released in part	Section 9(2)(h)
15	28 March 1994	Opuha Dam requiring authority briefing note – signed	Released in full	N/A
16	30 March 1994	Letter (MfE to NZ Gazette): Providing for publication of three notices under section 167 of the Resource Management Act	Released in full	N/A
17	5 April 1994	Fax (NZ Gazette to MfE): Request to check proofs and confirm alternations to draft NZ Gazette notices	Released in full	N/A
18	6 April 1994	Fax (MfE to NZ Gazette): Response to request to check proofs and confirm alternations to draft NZ Gazette notices	Released in full	N/A
19	17 March 1994	Emails (MfE internal): Comments on draft response to application by Opuha Dam Limited to become a requiring authority	Withheld in full	Section 9(2)(h)
20	17 March 1994	Email (MfE internal): Comments on seeking advice from Crown Law Office on application by Opuha Dam Limited to become a requiring authority	Withheld in full	Section 9(2)(h)
21	17 March 1994	Email (MfE internal): Response to comments on seeking advice from Crown Law Office on application by Opuha Dam Limited to become a requiring authority	Withheld in full	Section 9(2)(h)
22	17 March 1994	Email (MfE internal): Advice on interpreting legislation	Withheld in full	Section 9(2)(h)
23	17 March 1994	Email (MfE internal): Seeking comments on draft letter requesting advice from Crown Law Office on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)

Document no.	Document date	Content	Decisions	OIA sections applied
24	17 March 1994	Email (MfE internal): Comments on draft letter requesting advice from Crown Law Office on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)
25	17 March 1994	Comments on draft letter requesting advice from Crown Law Office on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)
26	17 March 1994	Comments on draft letter requesting advice from Crown Law Office on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)
27	17 March 1994	Email (MfE internal): Seeking to discuss request for legal opinion	Withheld in full	Section 9(2)(h)
28	18 March 1994	Email (MfE internal): Updated draft letter requesting advice from Crown Law Office on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)
29	18 March 1994	Email (MfE internal): Comments on updated draft letter requesting advice from Crown Law Office on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)
30	18 March 1994	Email (MfE internal): Response to comments on updated draft letter requesting advice from Crown Law Office on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)
31	18 March 1994	Letter: Draft with comments requesting advice from Crown Law Office on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)
32	18 March 1994	Fax (MfE to Crown Law Office): Letter requesting advice from Crown Law Office on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)

Document no.	Document date	Content	Decisions	OIA sections applied
33	22 March 1994	Fax (Crown Law Office to MfE): Response to request for advice on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)
34	22 March 1994	Fax (Crown Law Office to MfE): Response to request for advice on application by Opuha Dam Limited for approval as requiring authority – sections 166 and 167 of the Resource Management Act 1991	Withheld in full	Section 9(2)(h)
35	24 March 1994	Letter (Constantine Planners Limited to MfE): Response to request for review of draft NZ Gazette notice	Withheld in full	Duplicate
36	7 April 1994	Opuha Dam NZ Gazette Notice	Withheld in full Available at: <a href="https://gazette.govt.nz/notice/id/1994-go2526">https://gazette.govt.nz/notice/id/1994-go2526</a> .	Section 18(d)

Released under the provision of  
the Official Information Act 1982

211-1211

  
**C O N S T A N T I N E**  
◇ P L A N N E R S L I M I T E D ◇

Ref: 5062

7 March 1994

The Secretary for the Environment  
Ministry for the Environment  
PO Box 10-362  
WELLINGTON

Attention: Craig Mallett

**APPLICATION FOR APPROVAL AS REQUIRING AUTHORITY:  
OPUHA DAM LIMITED**

Further to our letter of 21 February 1994 and subsequent discussions between yourself and the writer we now forward for processing an application on behalf of Opuha Dam Ltd for that Company to become a requiring authority.

The Company's principal reason for seeking approval as a requiring authority is to enable it to have access to the provisions of the Public Works Act which permit the compulsory purchase of land. The Company understands that before it can have access to those provisions it also requires the permission of the Minister of Lands. This application has been prompted because the irrigation project proposed by the Company is currently being "held to ransom" by one landowner. The situation is that this one particular landowner is preventing not only the purchase of his land but also is holding up the purchase of other land required for the project.

As is noted in the application it is not the intention of the applicant to use the designation provisions of the Resource Management Act to secure planning permission for this project. Rather, the applicant is proceeding with a plan change request to have provision made in the McKenzie District Plan which will permit the construction, maintenance and operation of the proposed irrigation facility. The applicant also understands that it will need resource consents from the Canterbury Regional Council in relation to this project.

We request that you process this application as expeditiously as possible in order that the applicant Company might conclude the purchase agreements it has in existence in relation to land required for the project as well as move towards the acquisition of the land which is currently being withheld from such an agreement. There is some urgency with this matter due to the need for the plan change application to be processed by the McKenzie District Council, for resource consents to be acquired from the Canterbury Regional Council, and because of the reasonably long lead in time to the design and construction of this project.

If you require any clarification of matters raised in this application or further information please contact myself. I look forward to hearing from you in due course that this request for approval as a requiring authority has been granted.

Yours faithfully  
**CONSTANTINE PLANNERS LTD**

A handwritten signature in black ink, appearing to read 'Peter Constantine', written in a cursive style.

Peter Constantine

c.c. E O Sullivan, Raymond Sullivan McGlashan, Timaru  
D Attewell, Attewell Irrigation Consultants, Dunedin

RELEASED UNDER THE OFFICAL INFORMATION ACT

APPLICATION TO BECOME A REQUIRING AUTHORITY  
UNDER SECTION 167 OF THE RESOURCE MANAGEMENT ACT 1991

To: The Minister for the Environment  
C/- Ministry for the Environment  
Wellington

1. OPUHA DAM LIMITED hereby applies for approval to become a requiring authority.
2. The applicant is a network utility operator within the definition of that term in Section 166 of the Resource Management Act 1991 by reason of the following:
  - (a) Opuha Dam Limited, through its wholly owned subsidiary Opihi River Development Company, proposes to construct and operate an irrigation system for the storage of water by way of a dam and lake in the Opuha River and the supply of water to the Opihi River (South Canterbury) which will enhance the capacity of that river to supply irrigation water and water for the Timaru District Council's domestic water reticulation systems. The project will also have significant environmental benefits in that it will regulate the flow of water in the Opihi River thereby virtually eliminating the current fluctuations between nil flow conditions and flood flow conditions.
  - (b) The applicant understands that, pursuant to Section 166 of the Resource Management Act 1991, it falls within the definition of a network utility operator in so far as it intends to "undertake or proposes to undertake the distribution of water for supply (including irrigation)." To permit the supply of water when it is required and to meet the volume demand, it is necessary to store water within the distribution network. Because this project utilises a river system as the backbone of its distribution network it is technically proper that the storage be an integral part of that river system. (It must be noted that the period of maximum availability of water within the Opihi River catchment does not coincide with the period of maximum irrigation water demand).

The distribution network proposed in this project is similar to an urban water supply network. The storage lake can be compared with the reservoirs and the river system with the trunk water mains. In the urban supply network it is the reservoirs which regulate the water flow and ensure that demand can be met; in the context of the proposed project it is the storage lake which performs this task.

It is neither technically nor economically feasible to achieve the water supply objectives of this project without the in-stream storage of water. The storage lake and dam structure are, therefore, an integral part of the project, which is the distribution of water for supply.

- (c) Part of the proposed project involves the installation of an electricity generation plant. This part of the project is included to make use of the generating capacity of the water that will be stored behind the dam. It is not the prime purpose of the project, but rather is an added benefit and is included to maximise the utilisation of the stored water. The applicant understands that it could not seek approval as a requiring authority for only this aspect of the project.

3. The description of the project, work or network utility operation to which this application relates is as follows:

The construction of an earth dam situated some 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury (approximately 18 kilometres from Fairlie), the flooding of approximately 710 hectares of land behind the dam, the operation of the storage lake and dam to provide irrigation water to the Opihi River, and to maintain an enhanced minimum flow of up to 6 cumecs in the Opihi River.

The dam will be 50 metres high and 370 metres long and will have a maximum operating range of 31 metres. Construction of the dam will be from material sources close to the site. In particular, material will be excavated from the floor of the proposed lake.

It is anticipated that hydrologically the dam will be required to meet a minimum flow in the Opihi River of up to 6 cumecs and provide for the irrigation water demand. This will be achieved by releasing water from the dam to augment the flows entering the river from its uncontrolled tributaries. The natural flows, releases and abstractions will be extensively monitored to ensure the minimum flow is maintained and complied with. The dam will store approximately 82.6 million cubic metres of water.

Also forming part of this proposal will be the construction of a small hydro electric plant at the dam outlet to make use of the generating capacity of the water stored behind the dam. This hydro electric plant will produce approximately 4 megawatts of electricity.

The territorial authority administering the district in which the project is situated is the McKenzie District Council.

4. The approval of the applicant as a requiring authority is appropriate for the purposes of carrying on the project, work or utility operation because:

- (a) The project has nationally, regionally and locally significant environmental, social and economic benefits and has widespread support from all sectors of the South Canterbury community who can claim to be affected by it or who will benefit from it.
- (b) The applicant company comprises representatives of affected water user groups, environmental groups, and investors and is therefore representative of the community support for this project.

- (c) It is proposed that provision be made in the McKenzie District Plan for the project by way of a plan change and that the necessary water permits be obtained from the Canterbury Regional Council. Work on the plan change is underway with the formal request due to be filed with the McKenzie District Council in the near future.
- (d) The principal factor delaying the filing of the plan change application concerns agreements to purchase the land affected by the dam and the lake. The applicant company has agreements to purchase the majority of the land required for the project but is being "held to ransom" by one particular owner. Because of the demonstrable social, economic and environmental benefits of this project at national, regional and local levels this application is being made to provide the applicant company with a mechanism, should it be necessary, to acquire the land in question. It is stressed that the applicant sees this action as a last resort, as demonstrated by its commitment to the plan change and resource consent procedures. It is felt, however, that the applicant's inability to acquire, at a fair and reasonable cost, all the land required for the project will jeopardise this project and the identifiable benefits to the communities will be unattainable.
- (e) The applicant is of the opinion that approval as a requiring authority is necessary if this project, which will result in the sustainable management of very significant natural resources in the South Canterbury region, is to proceed and the benefits are to be attained.
- (f) The applicant company is aware that the plan change procedures do not require a requester of a plan change to be the owner of the land which is the subject of that plan change. This situation does not assist in the attainment of the objectives of this project because without ownership of the land it is not possible for the project to proceed. The company does not, however, wish to use the designation procedures to provide the planning mechanism whereby the project will be established. It is committed to the plan change procedure and indeed wishes to see provision for the project included within the District Plan in an appropriate form. This application is being made simply to ensure that there is a mechanism in place whereby the applicant company can have access to the provisions of the Public Works Act which would then allow it to acquire the necessary land should it be necessary to use those procedures.

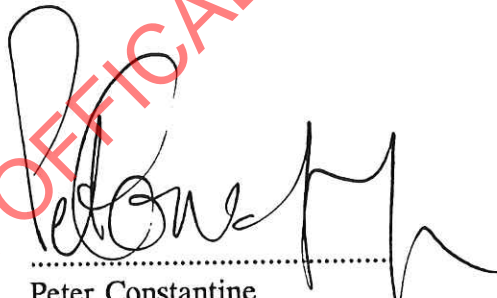
5. The applicant company will carry out all the responsibilities of a requiring authority (including financial responsibilities) and give proper regard to the interests for those affected and to the interests of the environment in the following manner:

- (a) The applicant company, and its predecessors, have invested in a number of environmental impact assessment studies and reports all of which form the basis upon which the project is being designed and will be implemented. The long term management of the lake which will be formed as a result of this project and the management of the Opihi River are based upon the recommendations of those reports and will be implemented through provisions of both the McKenzie District Plan and the relevant section of the Canterbury

Regional Plan, and through resource consents granted by the McKenzie District Council and the Canterbury Regional Council.

- (b) The applicant company has the financial resources to complete this project and has the community support necessary to ensure its long term financial security. The applicant company comprises the following shareholders:

Alpine Energy Limited	50%
South Canterbury Farmers Irrigation Society Limited	25%
Opihi River Development Company Limited	25%

  
Peter Constantine  
on behalf of the applicant

Dated at Dunedin this 7th day of March 1994.

Address for Service of Applicant:

Opuha Dam Ltd  
C/- Constantine Planners Ltd  
PO Box 555  
DUNEDIN

Telephone Number: {03} 4774 202  
Facsimile Number: {03} 4740 547

Contact Person: Peter Constantine, Director



ha/cm/wb-cal  
Amy 5/9/1

19 FEB 1994

Office of the

MINISTER FOR THE ENVIRONMENT

2 - MAR 1994

RECEIVED

- 2 MAR 1994

Alec Neill  
MP Waitaki  
Parliament Buildings

MFE  
BY

Dear Alec

You have asked for my thoughts on Aoraki Dam Limited becoming a requiring authority.

This is not an easy question as I do not have the information that is required in considering applications for requiring authority status.

I understand the dam is for irrigation and electricity purposes. Accordingly paragraphs (c) and (d) of the definition of "network utility operator" in section 166 of the Act are relevant. A dam is not a "line function service" under the Electricity Act 1992. In terms of water and irrigation, approval can only be given for the "distribution of water for supply".

Accordingly, at this preliminary stage, it would appear that Aoraki Dam Limited could not be approved as a requiring authority for the dam or storage lake. They could be for irrigation canals, water supply pipelines, and associated infrastructure eg. reservoirs.

This interpretation would fit with my understanding of the process that approval is for "network utilities" - powerlines, pipelines, roads etc rather than large public interest facilities eg ports, hospitals and fire stations. I understand dams were deliberately omitted from the provisions.

The designation process is very rigorous and a designation only provides territorial land use consent. I understand the council and community are supportive of this proposal. It may well be the plan change technique is more appropriate.

In terms of any landowner holdout concerns, requiring authority status does allow the requiring authority to apply to the Minister of Lands to use the Public Works Act to acquire land. I understand this power is very rarely used. It may be useful to discuss this matter with the Minister of Lands.

I am happy to consider an application (draft or formal) for requiring authority status in accordance with Form 10. However, at this stage it appears approval is unlikely to be able to be granted.

Yours sincerely

SIGNED

**SIMON UPTON**

Simon Upton

Minister for the Environment



URGENT

0279

Cal-rmd

8 February 1994

Hon Simon Upton  
Minister for the  
Environment  
Parliament Buildings

PARLIAMENT BUILDINGS
8 FEB 1994
RECEIVED

RECEIVED  
10 FEB 1994

MFE  
BY

Dear Simon

OPUHA DAM PROJECT

Government funding has been made available for the Opuha Dam Project to proceed.

I have recently attended on Alpine Energy (formerly South Canterbury Electric Power Board) and have discussed the project. I enclose a copy letter forwarded to Directors of Opihi River Development Company Limited regarding the present situation.

The problem we wish you to address relates to Aoraki Dam Limited. The Directors wish you to give consideration as to whether Aoraki Dam Limited can become a requiring authority. They claim that there is provision for this to occur under Section 167 of the Resource Management Act 1991. Edward Sullivan, the solicitor for the company, claims there is precedent for this and I have asked that he provide me with details.

Before any formal applications are made, I would be grateful to receive your comment on issues that you may consider relevant before Aoraki Dam Limited proceed with such an application.

Yours sincerely

Alec Neill  
MP WAITAKI

Encl

SECRETARY FOR THE ENVIRONMENT

FOR DRAFT REPLY

FOR DIRECT REPLY

FOR COMMENTS

FOR INFORMATION

Attn: RMD  
Pls prepare  
short reply to  
Alec Neill.

Thanks,  
Brenda.

RELEASED UNDER THE OFFICIAL INFORMATION ACT



Office of the  
MINISTER FOR THE ENVIRONMENT

27 October 1993

Sir Peter Elworthy  
Chairman  
Opihi River Development Company Ltd  
P O Box 125  
TIMARU

Dear Sir Peter

OPIHI WATER AUGMENTATION SCHEME

I am pleased to advise you that the Government has approved a single contribution of \$1 million to the Opihi River Development Company to assist in the construction of a dam on the Opuha River at Te Puni, the purpose of which is to augment the low summer flows of the Opihi River. I will emphasise that Government's contribution is to the environmental attributes of the scheme, namely to restore and enhance the natural flow of the Opihi River and not to provide additional water to irrigators and other commercial users of the river.

To ensure that the Crown's financial interest in this scheme is secure, I request that you sign the set of criteria and conditions attached to this letter and return them to my Office. I understand that your Company is in agreement with the wording of the attached conditions.

My signature to this letter represents the Crown's agreement to fund the \$1 million in terms of the attached conditions.

Yours sincerely

W Rob Storey  
Minister for the Environment

PARLIAMENT BUILDINGS, WELLINGTON, NEW ZEALAND

## OPIHI WATER AUGMENTATION SCHEME

Funding - A single contribution of \$1 million

Who to - Opihi River Development Company

Purpose - Achieve a minimum flow of 6 cumecs or more in the Opihi River at Salesyard Bridge; and to this end assist in the construction of a dam on the Opuha River at Te Puni with appropriate controls on the discharge of water from this dam.

### CRITERIA TO BE MET:

Funding only made available to Solicitor's trust account when the Company's solicitor can provide a signed undertaking that the company has entered into unconditional contractual arrangements before 15 June 1994 for the purchase or use of all the land necessary to establish and operate the facilities.

Funding to be held in Solicitor's trust account until the company's solicitor can also provide a further signed undertaking that the following has occurred:

1. The company holds all the necessary resource consents (free from appeal) to construct and operate the dam; and that the discharge permit for the dam establishes a minimum flow from the dam such that the flow in the Opihi River at Salesyard Bridge is 6 cumecs or more;
2. Company has entered into unconditional contractual arrangements with ECNZ and Alpine Energy to construct the proposed 50 metre high dam on the Opuha River at Te Puni, dependent only on the obtaining of the necessary resource consents;
3. The Company has unconditional binding agreements from all other parties for their requisite funding contributions for the dam, irrigation, power and water supply proposal.
4. The company holds all other necessary regulatory consents (e.g. Building Act).

OTHER CONDITIONS APPLYING:

- A. The provision is for a total contribution of \$1 million; the Crown shall not be liable for any damage or loss sustained during or as a result of this project and the company shall indemnify and keep indemnified the Crown against any such damage or loss.
- B. The Solicitor for Opihi River Development Company may invest the money advanced on behalf of the project and all interest on the sum shall be credited to that project and be able to be used when the solicitor has provided the further written undertaking;
- C. Should the Company's Solicitor not be able to give the required further undertaking with regard to (2) and (3) within one calendar year of the deposit of the \$1 million in the Solicitor's trust account, the money (and any interest) shall be returned to the Crown;
- D. Should the project not proceed or alterations be made to the project, subsequent to the Solicitor's undertaking and without the express approval of the Government and those alterations mean the above criteria will not be met or the project, when operational, will not achieve the minimum flow of 6 cumecs or more in the Opihi River at Salesyard Bridge, the money is to be returned in full. Any alteration to the above conditions may reduce the funding still made available by Government even where it gives its approval; the discretion as to the amount being made available to be entirely the Government's; any money advanced in excess of Government's final contribution shall be returned.
- E. An annual report detailing progress to 30 June each year is to be provided until one year after the completed project is operational; that report to include details regarding land purchase, resource consents, construction and the amount of the project that is fully operational with particular emphasis on the achievement of the minimum flow of 6 cumecs or more in the Opihi River at Salesyard Bridge.
- F. Funding to be confirmed and announced by the Government only when the Company's solicitor on behalf of the Opihi River Development Company has endorsed acceptance of the above terms and conditions as herein before stated and such acknowledgement has been received by the Crown.

Note: Whenever herein the statement "a minimum flow of 6 cumecs or more is used, this shall mean the dam is designed, constructed and able to be operated to provide a minimum flow at Salesyard Bridge of 6 cumecs or more in all conditions up to and including a 1 in 40 year drought, exclusive of any other allocation. The allocation for the minimum flow shall be provided in accordance with conditions established in the Catchment Plan and Resource Consents established by either the Canterbury Regional Council or the Planning Tribunal. The Opihi River Development Company in its applications and submissions shall provide for and support the 6 cumec minimum flow allocation in all conditions up to and including a 1 in 40 year drought.

---

DATE	FROM	SUBJECT	CODES
16/03/94	J.A.Meijer	Opuha (urgent)	[ ]

---

Intended:

Sent : 16/03/94 9:37 am Delivered: 16/03/94 9:36 am  
To : H.Atkins  
Cc : C.Mallett,T.Halliburton  
Ref : 46  
From : J.A.Meijer Auth by:  
Subject : Opuha (urgent)

Text : Helen

Could you have a quick look at the letter attached and get back to me with any comments. Thanks Jolanda

Priority: Normal  
Reply Request [ ]

View Acknowledge [ ]

Attachments [1]  
Codes [ ]

---

RELEASED UNDER THE OFFICIAL INFORMATION ACT

RMP 5/9/1

16 March 1994

Constantine Planners Ltd  
PO Box 555  
DUNEDIN

Attention: P Constantine

Dear Sir

**APPLICATION BY OPUHA DAM LIMITED TO BECOME A REQUIRING AUTHORITY**

I refer to your letter of 7 March 1994 regarding the application of Opuha Dam Limited to become a requiring authority.

I confirm that we will now proceed with processing the application. Payment of your clients \$500.00 application fee appears to have been overlooked. This fee should be made payable to the Ministry for the Environment, and is prescribed in the First Schedule of the Resource Management (Transitional, Fees, Rents and Royalties) Regulations 1991.

At this time we are assessing whether your clients proposal qualifies as a network within the definition of section 166(d) of the Act. In particular the matter of providing for dams by way of designation is a matter of both policy and legal concern. We do understand however that your client does not wish to use the designation process to gain planning permission for the dam. I am sure you will understand that there is a matter of legal precedent which is of importance in this case.

At this time we request further information on two matters. In order to be able to adequately advise the Minister on this application the following information is required. First, how will the company carry out consultation with affected persons and secondly could you supply further information on the financial status of the Company in order to clarify the availability of funds.

Could the applicant give an undertaking to meet the financial responsibility in respect of its requiring authority status. You will note from section 167(4)(b) that financial responsibility is of importance. More information is usually required from new companies than established operators.

Please call should you have any queries regarding this matter.

Yours faithfully

Jolanda Meijer  
Resource Management Directorate  
for Secretary for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Thu 24 Mar, 1994 9:08 am mailbox standard Page 1

DATE	FROM	SUBJECT	CODES
24/03/94	J.A.Meijer	fess opuha	[ ]

Intended:

Sent : 24/03/94 8:55 am Delivered: 24/03/94 8:54 am  
To : H.Atkins  
Cc :  
Ref : 67  
From : J.A.Meijer Auth by:  
Subject : fess opuha

Text : Finance received the fees yesterday.

Jolanda

Priority: Normal  
Reply Request [ ]

View Acknowledge [ ]

Attachments [ ]  
Codes [ ]

RELEASED UNDER THE OFFICIAL INFORMATION ACT



Ref: 5062/1

24 March 1994

Secretary for the Environment  
Ministry for the Environment  
PO Box 10-362  
WELLINGTON

Attention: Jolanda Meijer

**APPLICATION BY OPUHA DAM LTD TO BECOME  
A REQUIRING AUTHORITY**

Thank you for your letter of 17 March 1994. I have discussed the matters raised in that letter with representatives of the Applicant Company and now provide for your information the additional details sought.

**Consultation**

Since this project was first considered viable from both the technical and economic points of view, representatives of the project (professional advisors, company directors and board members, and members of the McKenzie District Council) have met regularly with:

- Affected landowners and their legal advisors
- Interest groups including environmental groups and recreation groups
- Tangata Whenua
- Government departments and agencies

In addition, a working party was established comprising representatives of these interested and/or affected individuals/groups. This working party has met approximately six times during the last twelve months. The focus of attention of the working party has been to identify and discuss environmental issues of interest and concern to the local community as they are or may be affected by this project. The working party has also identified solutions

RELEASED UNDER THE OFFICAL INFORMATION ACT

to problems raised and has had input to the preparation of the plan change documentation.

The affected landowners have been continuously involved in the development of this project through one on one meetings, telephone conversations and updates regarding progress from advisors to the Applicant Company, and, as appropriate, newsletters.

The Company will continue to liaise on a one to one basis with affected landowners and/or their legal advisors. This liaison will, it is anticipated, result in the successful conclusion of sale and purchase agreements and agreements as to continued land occupation and use for the period following purchase and prior to construction commencing. The consultation with the affected landowners is principally the responsibility of the professional advisors to the Applicant Company and all ongoing contact will continue to be their responsibility. In this activity the advisors are actively assisted by the farming directors of the Applicant Company.

With regard to the other interest groups and parties with whom consultation has been commenced, this will be continued during the plan change and resource consent preparation and processing phase of this project. The Resource Management Act requires a particular level of consultation: the Company has broadened this to include all identifiable interest groups. Further, it is the view of the applicant Company and its advisors that the consultation must and will continue throughout the plan change and resource consent process including post public notification.

The final matter of note in relation to consultation is that the working party previously referred to will be used in an ongoing monitoring role throughout the construction period. This will enable members of the community, interest groups and the territorial authority concerned to regularly meet with the Applicant Company to discuss any matters of concern which might arise as a result of the construction activity. The focus of the working party will continue to be the identification of practical solutions to environmental issues.

### Financial Status

The Applicant Company has the financial resources to complete this project and has the community support necessary to ensure its long term financial security. The Applicant Company comprises the following shareholders:

Alpine Energy Ltd	50%
South Canterbury Farmers Irrigation Society Ltd	25%
Opini River Development Company Ltd	25%

Alpine Energy Ltd is a public company with substantial liquid and fixed assets. Because of this company's present liquid assets position it is intended that it provide the initial capital to the project. This will be directed towards the initial land purchase, project consent costs, and design fees.

The construction costs will be funded substantially from borrowed monies. At present the Board of the Applicant Company is in detailed discussions with a number of sources of such finance (including major banking groups). Any balance of funds required will come from the other shareholders. It is expected that the debt to equity ratio will be 50:50.

RELEASED UNDER THE OFFICAL INFORMATION ACT

The South Canterbury Farmers Irrigation Society Ltd is a company representing the farmers whose land is and will be irrigated. This company will be responsible for the ongoing financial servicing of the debt and of running and/or operating costs associated with the project.

The Opihi River Development Company represents the other sources of funding for the project including the McKenzie District Council, the Timaru District Council, as well as local private investor groups.

At this time project estimates put the cost of the project, including land purchase, consents, design fees and construction at \$27.5 million.

Ministry for the Environment has agreed to contribute to this project by way of a \$1.0 million grant which is to be deployed in the attainment of the environmental (instream enhancement) benefits of the project. The offer to contribute is conditional and will need to be varied as to its terms.

The financial returns from a small hydro electric generation unit which is expected to form part of this project will be used to reduce the costs to the South Canterbury Farmers Irrigation Society Ltd.

The applicant, with the support of Alpine Energy Ltd, confirms, pursuant to section 167(4)(b) of the Resource Management Act 1991, that it has the financial and technical capability to satisfactorily carry out all of the responsibilities of a Requiring Authority under the Act. This commitment is based upon the extensive experience of the Boards of Directors of the Companies involved.

#### **Hydro Electric Component**

Further to my verbal advice I now confirm that approval as a Requiring Authority is not sought for the hydro electric component of this project. This component is regarded as an "add-on" only and is of no significance to the engineering or hydrological considerations in respect of the lake, dam or the down stream abstractions or to the maintenance of a minimum flow level in the Opihi River system.

The addition of the generation plant is to take advantage of water. This project is in substitution for a proposal to take water from Lake Tekapo which, if it had eventuated, would have had no power generation. I make this point merely to confirm that the prime reason for the Opuha Dam Project is irrigation and river enhancement not power generation.

#### **Conclusion**

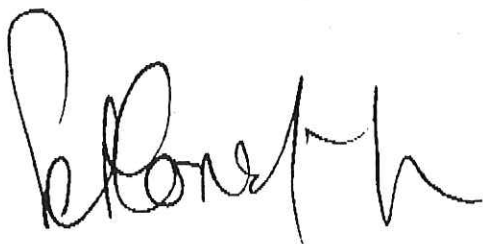
I trust that this information satisfies your request.

I look forward to receiving from you in due course a copy of your recommendation to the Minister for the Environment and, if appropriate, a copy of the views of the Crown Law Office on the interpretation and effect of section 166(d) on this application.

RELEASED UNDER THE OFFICAL INFORMATION ACT

Should you require any further information or have any queries regarding this application please contact the writer.

Yours faithfully  
**CONSTANTINE PLANNERS LTD**



**Peter Constantine**

c.c. Attewell Irrigation Consultants Ltd, Dunedin  
E O Sullivan, Raymond Sullivan McGlashan, Timaru

RELEASED UNDER THE OFFICIAL INFORMATION ACT

RELEASED UNDER THE OFFICAL INFORMATION ACT



TIMARU DISTRICT COUNCIL - Office of the Mayor

21 March 1994

The Secretary  
Ophi River Development Company Ltd  
PO Box 125  
TIMARU

Dear Sir

**OPUHA DAM PROJECT**

I am writing to assure you of the Timaru District Council's continued support of the Ophua Dam Project. You will appreciate that the Council's action last week in agreeing to release funds to enable you to continue your planning and strategy, is evidence of that support.

We remain convinced that the successful completion of the project will be of enormous benefit to the region as a whole.

Last week, I together with Councillors and senior staff, visited the premises of McCain Foods (NZ) Ltd at Washdyke. We were told of their planned expansion programme and how eminently suitable the South Canterbury region is for vegetable growing.

McCains believe that the controlled irrigation of the Levels Plain area is of vital importance. From our own investigations we share that belief.

We are pleased that your directors have appraised us of your present position. Whilst we can understand the somewhat delicate situation you are in with your negotiations on several fronts, we do hope that matters can be resolved for you very soon because we are anxious to see early progress.

I repeat that my Council supports what you are doing and recognises the very real social and economic benefits that will accrue from the successful completion of the project.

Yours faithfully

Wynne Raymond  
MAYOR

RELEASED UNDER THE OFFICAL INFORMATION ACT

---

DATE	FROM	SUBJECT	CODES
23/03/94	J.A.Meijer	Opuha appendix	[ ]

---

Intended:

Sent : 23/03/94 10:32 am Delivered: 23/03/94 10:32 am  
To : H.Atkins  
Cc :  
Ref : 62  
From : J.A.Meijer Auth by:  
Subject : Opuha appendix

Text : Attached for your additions. Tom and Craig have both seen this. Craig thinks we need the descriptive info in this case. Also Craig has asked if we can see the briefing note before it goes and also suggests advising the Ministers office that we can do a verbal briefing (either the Minister or Sue B) if they want. Jolanda.

Priority: Normal

View Acknowledge [ ]

Attachments [1]

Reply Request [ ]

Codes [ ]

---

RELEASED UNDER THE OFFICIAL INFORMATION ACT

APPENDIX

Opuha Dam Limited has applied for requiring authority status to operate its network for the purpose of water supply (irrigation). The applicant proposes to build a dam at the confluence of the north and south branches of the Opuha River. The site is commonly known as Te Puni and is situated in South Canterbury north of the township of Fairlie. The Opuha River is a major tributary to the Opihi River.

The project to which this application relates is the construction of a dam, the flooding of approximately 710 hectares behind the dam and the operation of the storage lake and the dam to ensure a minimum flow of 6 cumecs within the Opihi River for the purpose of irrigation. In addition to supplying water for irrigation a four megawatt hydro power station will be constructed as part of the dam.

The dam will permit water storage for use during the summer and autumn months by abstraction from the Opihi River. The proposal will have significant positive environmental effects, specifically on water quality, water supply, fisheries and recreation.

The applicant therefore qualifies as a network utility operator under section 166(d) of the Resource Management Act 1991.

The project will have significant benefits to the community and environment, meeting the objective of the applicants company, to supply water for irrigation purposes. The objective of the company cannot be met without some form of storage or diversion to augment the Opihi River.

If the applicant is not approved as a requiring authority they will not be able to use the land acquisition provisions of the Public Works Act.

It is therefore considered that the approval for requiring authority status is appropriate for the purpose of carrying on the network utility operation.

A crown law opinion has been obtained ....

Opuha Dam Company has undertaken to carry out all the responsibilities of a requiring authority, including the financial ones. The applicant has indicated how it will take account of the interests of the environment and those persons affected by the network utility operation.

It is considered likely that Opuha Dam Limited will carry out the responsibilities of a requiring authority under the Act.

Sian is this old?

**The Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994**

Pursuant to section 167 of the Resource Management Act 1991, the Minister for the Environment, hereby gives the following notice:

**N o t i c e**

**1. Title and commencement-**(1) This notice may be cited as the Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994.

(2) This notice shall come into force on the 28th day after the date of its publication in the *New Zealand Gazette*.

**2. Approval as requiring authority-**(1) Opuha Dam Limited is hereby approved as a requiring authority for the following project:

Territorial Authority	Location	Project name
McKenzie District Council	Te Puni, South Canterbury	Opuha Dam

Dated at Wellington this      day of      1994.

Minister for the Environment

I wld just say:  
approved... for <sup>a</sup> dam situated 500m below  
~~the construction operation~~  
~~maybe maintenance~~ the confluence of the  
north branch of the Opuha River & the south  
branch of the Opuha River at Te Puni,  
South Canterbury in the district of the  
McKenzie District Council.

G 2-11-3

25 March 1994

MINISTER FOR THE ENVIRONMENT

REQUIRING AUTHORITY APPLICATIONS : RESOURCE MANAGEMENT ACT 1991

Introduction

1. The Ministry has received two applications for approval as requiring authorities, under section 167 of the Resource Management Act 1991, as follows:

Out of Scope

\* Opuha Dam Limited have applied for a dam and a storage lake, situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

It is recommended you approve the applications.

Criteria for approval

2. In order for you to approve the applicants as requiring authorities, section 167(4) of the Resource Management Act requires that you must be satisfied that:

"(a) The approval of the applicant as a requiring authority is appropriate for the purposes of carrying on the project, work or network utility operation;

"(b) The applicant is likely to satisfactorily carry out all the responsibilities (including financial responsibilities) of a requiring authority under this Act and will give proper regard to the interests of those affected and the environment."

3. The appendices consider each application against the criteria in the Act and contain recommendations as to whether or not the applications should be approved. A full copy of each application is attached.

4. s 9(2)(h)

for water supply and irrigation)

RELEASED UNDER THE OFFICIAL INFORMATION ACT

4.1 The application by Opuha Dam Limited is for a project, namely a dam and a storage lake. The §9(2)(h) [redacted] [Crown Law opinion dated 22 March 1994], namely the distribution of water for supply. It is clear that the dam and storage lake are concerned with the impoundment of water. It is also clear that the distribution system can not work without the dam and storage lake. Therefore, the dam and storage lake are components of the distribution system, and §9(2)(h) [redacted] [Crown Law opinion dated 22 March 1994].

4.2 The dam is to be used for the generation of electricity. §9(2)(h) [redacted] [Crown Law opinion dated 22 March 1994]. Opuha Dam Limited have clarified that the generation of electricity aspect of the dam is not included in their application. Therefore this aspect is not considered in this briefing note.

5. The Ministry considers the applications meet the requirements in the Act and should be approved. However, you must be personally satisfied that the criteria set out above are met.
6. The Resource Management Act sets up a process for territorial authorities to assess the environmental effects of requirements for designations. This includes full public notification, a public hearing, and appeal rights to the Planning Tribunal. §9(2)(h) [redacted]

#### Consultation

7. The Ministry keeps interested government departments informed of the applications that have been received. In this case none of the departments had a direct interest in these applications. Accordingly, no consultation has occurred.

#### **RECOMMENDATIONS**

8. It is recommended that you

Out of Scope [redacted]

- b approve Opuha Dam Limited as a requiring authority for a dam and a storage lake situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council; and
- c sign the attached *Gazette* notices giving approval to the applicants.

Helen Atkins  
Solicitor  
for Secretary for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT

**The Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994**

Pursuant to section 167 of the Resource Management Act 1991, the Minister for the Environment, hereby gives the following notice:

**N o t i c e**

**1. Title and commencement-**(1) This notice may be cited as the Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994.

(2) This notice shall come into force on the 28th day after the date of its publication in the *New Zealand Gazette*.

**2. Approval as requiring authority-**(1) Opuha Dam Limited is hereby approved as a requiring authority for a dam and a storage lake situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

Dated at Wellington this            day of            1994.

Minister for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT

---

DATE	TO	SUBJECT	CODES
24/03/94	th,jam,cm	Requiring Authority - Gazette	[ ]

---

Sent : 24/03/94 3:19 pm  
To : th,jam,cm  
Cc : ajg

Ref : 227  
Subject: Requiring Authority - Gazette Notices

Text : I am going to fax the draft Gazette Notices to the applicant in about ½ hour. If you have any major problems with them let me know now or it will be too late!!  
Helen

Priority: Urgent  
Reply Request [ ]

View Acknowledge [ ]  
Delivery Acknowledge [ ]

Attachments [ ]  
Codes [ ]

---

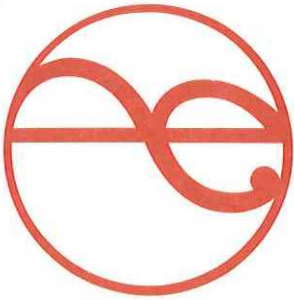
Bcc :

Auth by :

Defer Date : Defer Time :

No Redirection [ ]

RELEASED UNDER THE OFFICIAL INFORMATION ACT



**MINISTRY FOR THE ENVIRONMENT**  
**MANATŪ MŌTETAIAO**

84 Boulcott Street, P.O. Box 10362, Wellington, New Zealand.  
Telephone (04) 473-4090, Fax (04) 471-0195.

our ref: G 2-11-3

24 March 1994

Peter Constantine  
Constantine Planners Limited  
P O Box 555  
DUNEDIN

**FAX: 03 474 0547**

Dear Mr Constantine


**APPLICATION BY OPUHA DAM LIMITED FOR APPROVAL AS REQUIRING  
AUTHORITY**

Thank you for your letter of today's date. I confirm that the Ministry has now received all the outstanding information from you.

I am aiming to send the papers to the Minister for his consideration no later than 9.30 am on Monday 28 March.

To enable me to do this please check the following draft *Gazette* notice and confirm it correctly describes the operation for which approval is sought.

Yours sincerely

  
Helen A Atkins (Ms)  
Solicitor  
for Secretary for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT

**The Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994**

Pursuant to section 167 of the Resource Management Act 1991, the Minister for the Environment, hereby gives the following notice:

**N o t i c e**

**1. Title and commencement-**(1) This notice may be cited as the Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994.

(2) This notice shall come into force on the 28th day after the date of its publication in the *New Zealand Gazette*.

**2. Approval as requiring authority-**(1) Opuha Dam Limited is hereby approved as a requiring authority for a dam and a storage lake situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

Dated at Wellington this            day of            1994.

Minister for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT



# Facsimile Message

155 High Street, PO Box 555, Dunedin.  
Telephone (03) 477-4202 **Facsimile (03) 474-0547**

To: Ministry for the Environment Fax No: .....

Attention: Helen Atkins

From: Peter Constantine Our Reference: 5062

No. of Pages 2 Date: 24-3-94 Your Reference: .....

(inc. this sheet)

Letter follows.

RELEASED UNDER THE OFFICAL INFORMATION ACT



Ref: 5062

24 March 1994

Secretary for the Environment  
Ministry for the Environment  
PO Box 10 362  
WELLINGTON

Attention: Ms Helen A Atkins

By Facsimile: {04} 471 0195

**APPLICATION BY OPUHA DAM LIMITED FOR APPROVAL  
AS A REQUIRING AUTHORITY**

Thank you for your letter of 24 March 1994 along with which you forwarded a draft copy of the *Gazette* notice.

I can confirm that the draft *Gazette* notice does correctly describe the operation for which the approval is sought. I wonder whether or not, however, you should add the words "for water supply and irrigation" following the work "lake" in clause 2. I make this suggestion merely to put beyond doubt the issue regarding power generation. If you do not feel this is appropriate then I would not seek to pursue the matter further.

Yours faithfully  
**CONSTANTINE PLANNERS LTD**



Peter Constantine

DATE	FROM	SUBJECT	CODES
25/03/94	J.A.Meijer	RE: Opuha and Out of Scope appendices	[ ]

Intended:

Sent : 25/03/94 12:15 pm Delivered: 25/03/94 12:15 pm  
To : H.Atkins  
Cc :  
Ref : 72  
From : J.A.Meijer Auth by:  
Subject : RE: Opuha and Out of Scope appendices

Text : Helen, these look fine to me, just one little error, the name on Appendix 2, Dam not Dan! I've forwarded these to Tom and Craig, cos it was Craig who was interested in seeing the Opuha one before it went. Hopefully this is the end of requiring authorotities (for a while anyway). Thanks for all the input.  
Jolanda

Priority: Normal  
Reply Request [ ]

View Acknowledge [ ]

Attachments [ ]  
Codes [ ]

RELEASED UNDER THE OFFICAL INFORMATION ACT

APPENDIX 2 Opuha Dam Limited

for a

part project

Opuha Dam Limited has applied for requiring authority status to ~~operate its network for the purpose of water supply (irrigation).~~ The applicant proposes to build a dam at the confluence of the north and south branches of the Opuha River. The site is commonly known as Te Puni and is situated in South Canterbury north of the township of Fairlie. The Opuha River is a major tributary to the Opihi River.

water supply net

The project to which this application relates is the construction of a dam, the flooding of approximately 710 hectares behind the dam and the operation of the storage lake and the dam to ensure a minimum flow of 6 cumecs within the Opihi River for the purpose of irrigation. In addition to supplying water for irrigation a four megawatt hydro power station will be constructed as part of the dam. *(The hydro power station is not part of this application)*

The dam will permit water storage for use during the summer and autumn months by abstraction from the Opihi River. The proposal will have significant positive environmental effects, specifically on water quality, water supply, fisheries and recreation.

The applicant ~~therefore~~ qualifies as a network utility operator under section 166(d) of the Resource Management Act 1991.

The applicant can not distribute water for supply incl irrigation without the project

The project will have significant benefits to the community and environment, ~~meeting the objectives of the applicants company, to supply water for irrigation purposes.~~ The objective of the company cannot be met without some form of storage or diversion to augment the Opihi River.

the

If the applicant is not approved as a requiring authority they will not be able to use the land acquisition provisions of the Public Works Act.

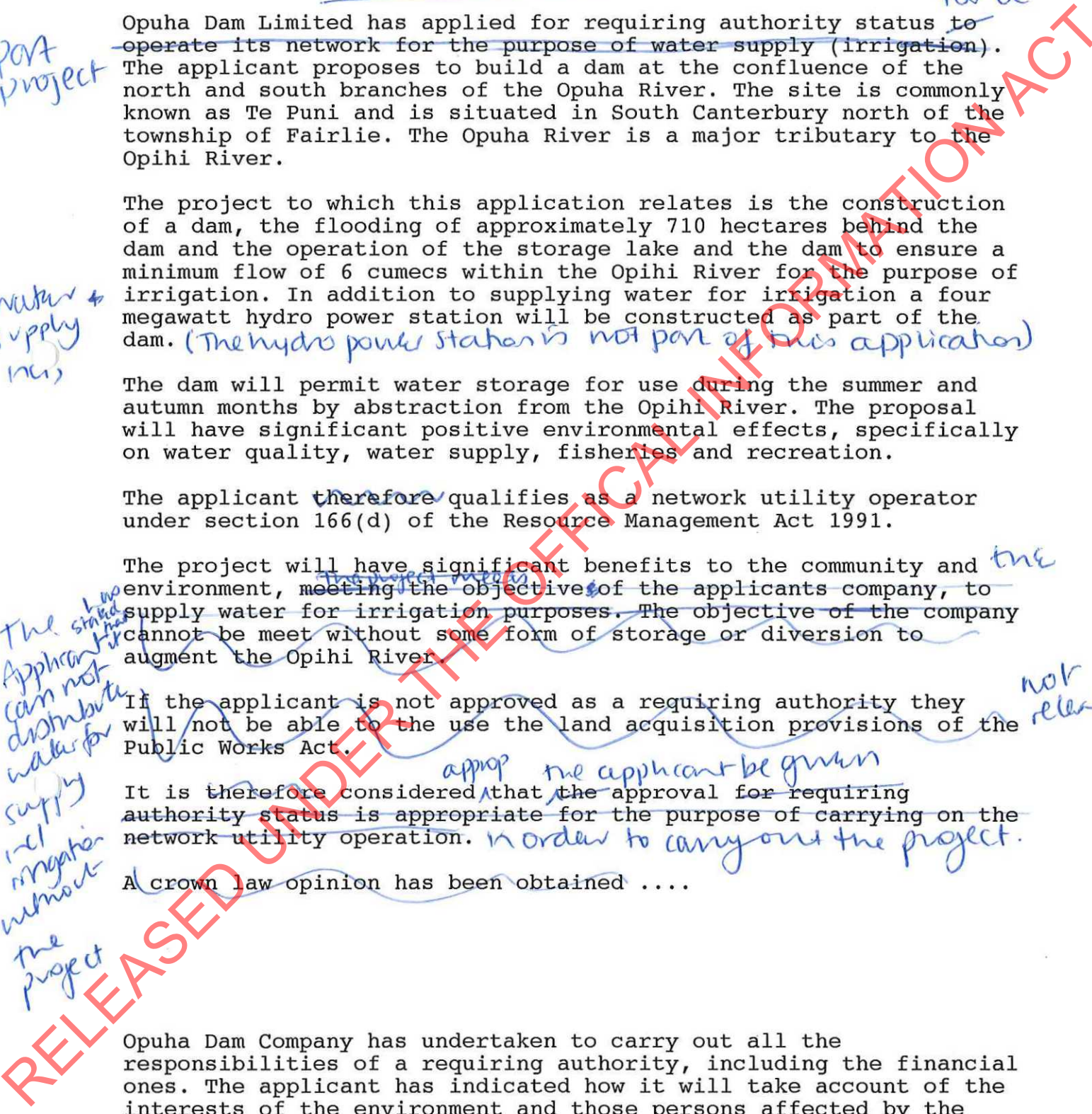
not relevant

It is therefore considered *approp* that *the applicant be given* the approval for requiring authority status is appropriate for the purpose of carrying on the network utility operation. *in order to carry out the project.*

A crown law opinion has been obtained ....

Opuha Dam Company has undertaken to carry out all the responsibilities of a requiring authority, including the financial ones. The applicant has indicated how it will take account of the interests of the environment and those persons affected by the network utility operation.

It is considered likely that Opuha Dam Limited will carry out the responsibilities of a requiring authority under the Act.



Out of Scope

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

DATE	TO	SUBJECT	CODES
25/03/94	cm,jam,ajg	Opuha and Out of Scope papers to	[ ]

Sent : 25/03/94 1:54 pm  
To : cm,jam,ajg  
Cc :

Ref : 239  
Subject: Opuha and Out of Scope papers to Minister

Text : I am aiming to get the papers to the Minister's mail bag by 9.30 am Monday. Attached is a final version (from my point of view) of the bundle of papers. Any comments to me by 9.00 am Monday please.

Helen

Priority: Normal View Acknowledge [ ] Attachments [5]  
Reply Request [ ] Delivery Acknowledge [ ] Codes [ ]

Bcc :

Auth by :

Defer Date : Defer Time :

No Redirection [ ]

RELEASED UNDER THE OFFICIAL INFORMATION ACT

G 2-11-3

28 March 1994

MINISTER FOR THE ENVIRONMENT

REQUIRING AUTHORITY APPLICATIONS : RESOURCE MANAGEMENT ACT 1991

Introduction

1. The Ministry has received two applications for approval as requiring authorities, under section 167 of the Resource Management Act 1991, as follows:

Out of Scope

\* Opuha Dam Limited have applied for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

It is recommended you approve the applications.

Criteria for approval

2. In order for you to approve the applicants as requiring authorities, section 167(4) of the Resource Management Act requires that you must be satisfied that:
  - "(a) The approval of the applicant as a requiring authority is appropriate for the purposes of carrying on the project, work or network utility operation;
  - "(b) The applicant is likely to satisfactorily carry out all the responsibilities (including financial responsibilities) of a requiring authority under this Act and will give proper regard to the interests of those affected and the environment."
3. The appendices consider each application against the criteria in the Act and contain recommendations as to whether or not the applications should be approved. A full copy of each application is attached.
4. s 9(2)(h)

4.1 The application by Opuha Dam Limited is for a project, namely a dam and a storage lake. The s9(2)(h) [redacted] [Crown Law opinion dated 22 March 1994], namely the distribution of water for supply. It is clear that the dam and storage lake are concerned with the impoundment of water. It is also clear that the distribution system can not work without the dam and storage lake. Therefore, the dam and storage lake are components of the distribution system, and s9(2)(h) [redacted]

[redacted] [Crown Law opinion dated 22 March 1994].

4.2 The dam is also to be used for the generation of electricity. s9(2)(h) [redacted]

[redacted] [Crown Law opinion dated 22 March 1994]. Opuha Dam Limited have clarified that the generation of electricity aspect of the dam is not included in their application. Therefore this aspect is not considered in this briefing note.

5. The Ministry considers the applications meet the requirements in the Act and should be approved. However, you must be personally satisfied that the criteria set out above are met.
6. The Resource Management Act sets up a process for territorial authorities to assess the environmental effects of requirements for designations. This includes full public notification, a public hearing, and appeal rights to the Planning Tribunal. s9(2)(h) [redacted]

#### Consultation

7. The Ministry keeps interested government departments informed of the applications that have been received. In this case none of the departments had a direct interest in these applications. Accordingly, no consultation has occurred.

#### RECOMMENDATIONS

8. It is recommended that you

a Out of Scope [redacted]

- b Out of Scope
- c approve Opuha Dam Limited as a requiring authority for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council; and
- d sign the attached *Gazette* notices giving approval to the applicants.

Helen Atkins  
Solicitor  
for Secretary for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT

## APPENDIX 2

### Opuha Dam Limited

Opuha Dam Limited has applied for requiring authority status for a particular project.

The applicant proposes to build a dam at the confluence of the north and south branches of the Opuha River. The site is commonly known as Te Puni and is situated in South Canterbury north of the township of Fairlie. The Opuha River is a major tributary to the Opihi River.

The project to which this application relates is the construction of a dam, the flooding of approximately 710 hectares behind the dam and the operation of the storage lake and the dam to ensure a minimum flow of 6 cumecs within the Opihi River for the purpose of water supply, including irrigation. In addition to supplying water for irrigation a four megawatt hydro power station will be constructed as part of the dam. The hydro power station is not part of this application.

The dam will permit water storage for use during the summer and autumn months by abstraction from the Opihi River. The proposal will have significant positive environmental effects, specifically on water quality, water supply, fisheries and recreation.

The applicant qualifies as a network utility operator under section 166(d) of the Resource Management Act 1991.

The project will have significant benefits to the community and the environment. The applicant has stated that it can not distribute water without the project.

It is considered appropriate that the applicant be given approval for the project.

The applicant has undertaken to carry out all the responsibilities of a requiring authority, including the financial ones. The applicant has indicated how it will take account of the interests of the environment and those persons affected by the network utility operation.

It is considered likely that Opuha Dam Limited will carry out the responsibilities of a requiring authority under the Act.

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

**The Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994**

Pursuant to section 167 of the Resource Management Act 1991, the Minister for the Environment, hereby gives the following notice:

**N o t i c e**

**1. Title and commencement-**(1) This notice may be cited as the Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994.

(2) This notice shall come into force on the 28th day after the date of its publication in the *New Zealand Gazette*.

**2. Approval as requiring authority-**(1) Opuha Dam Limited is hereby approved as a requiring authority for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

Dated at Wellington this            day of            1994.

Minister for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT



MINISTRY FOR THE ENVIRONMENT  
MANATŪ MŌTETAIAO

84 Boulcott Street, P.O. Box 10362, Wellington, New Zealand.  
Telephone (04) 473-4090, Fax (04) 471-0195.

our ref: G 2-11-3

28 March 1994

MINISTER FOR THE ENVIRONMENT

REQUIRING AUTHORITY APPLICATIONS : RESOURCE MANAGEMENT ACT 1991

Introduction

1. The Ministry has received two applications for approval as requiring authorities, under section 167 of the Resource Management Act 1991, as follows:

Out of Scope

\* Opuha Dam Limited have applied for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

It is recommended you approve the applications.

Criteria for approval

2. In order for you to approve the applicants as requiring authorities, section 167(4) of the Resource Management Act requires that you must be satisfied that:
  - "(a) The approval of the applicant as a requiring authority is appropriate for the purposes of carrying on the project, work or network utility operation;
  - "(b) The applicant is likely to satisfactorily carry out all the responsibilities (including financial responsibilities) of a requiring authority under this Act and will give proper regard to the interests of those affected and the environment."
3. The appendices consider each application against the criteria in the Act and contain recommendations as to whether or not the applications should be approved. A full copy of each application is attached.
4. s 9(2)(h)

4.1 The application by Opuha Dam Limited is for a project, namely a dam and a storage lake. The s9(2)(h) [redacted] [Crown Law opinion dated 22 March 1994], namely the distribution of water for supply. It is clear that the dam and storage lake are concerned with the impoundment of water. It is also clear that the distribution system can not work without the dam and storage lake. Therefore, the dam and storage lake are components of the distribution system, and s9(2)(h) [redacted]

[redacted] [Crown Law opinion dated 22 March 1994].

4.2 The dam is also to be used for the generation of electricity. s9(2)(h) [redacted]

[redacted] [Crown Law opinion dated 22 March 1994]. Opuha Dam Limited have clarified that the generation of electricity aspect of the dam is not included in their application. Therefore this aspect is not considered in this briefing note.

5. The Ministry considers the applications meet the requirements in the Act and should be approved. However, you must be personally satisfied that the criteria set out above are met.
6. The Resource Management Act sets up a process for territorial authorities to assess the environmental effects of requirements for designations. This includes full public notification, a public hearing, and appeal rights to the Planning Tribunal. s9(2)(h) [redacted]

#### Consultation

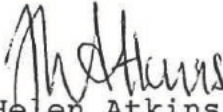
7. The Ministry keeps interested government departments informed of the applications that have been received. In this case none of the departments had a direct interest in these applications. Accordingly, no consultation has occurred.

#### RECOMMENDATIONS

8. It is recommended that you

a Out of Scope [redacted]

- b Out of Scope
- c approve Opuha Dam Limited as a requiring authority for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council; and
- d sign the attached *Gazette* notices giving approval to the applicants.

  
Helen Atkins  
Solicitor  
for Secretary for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope



RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope



Out of Scope



RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope



Out of Scope

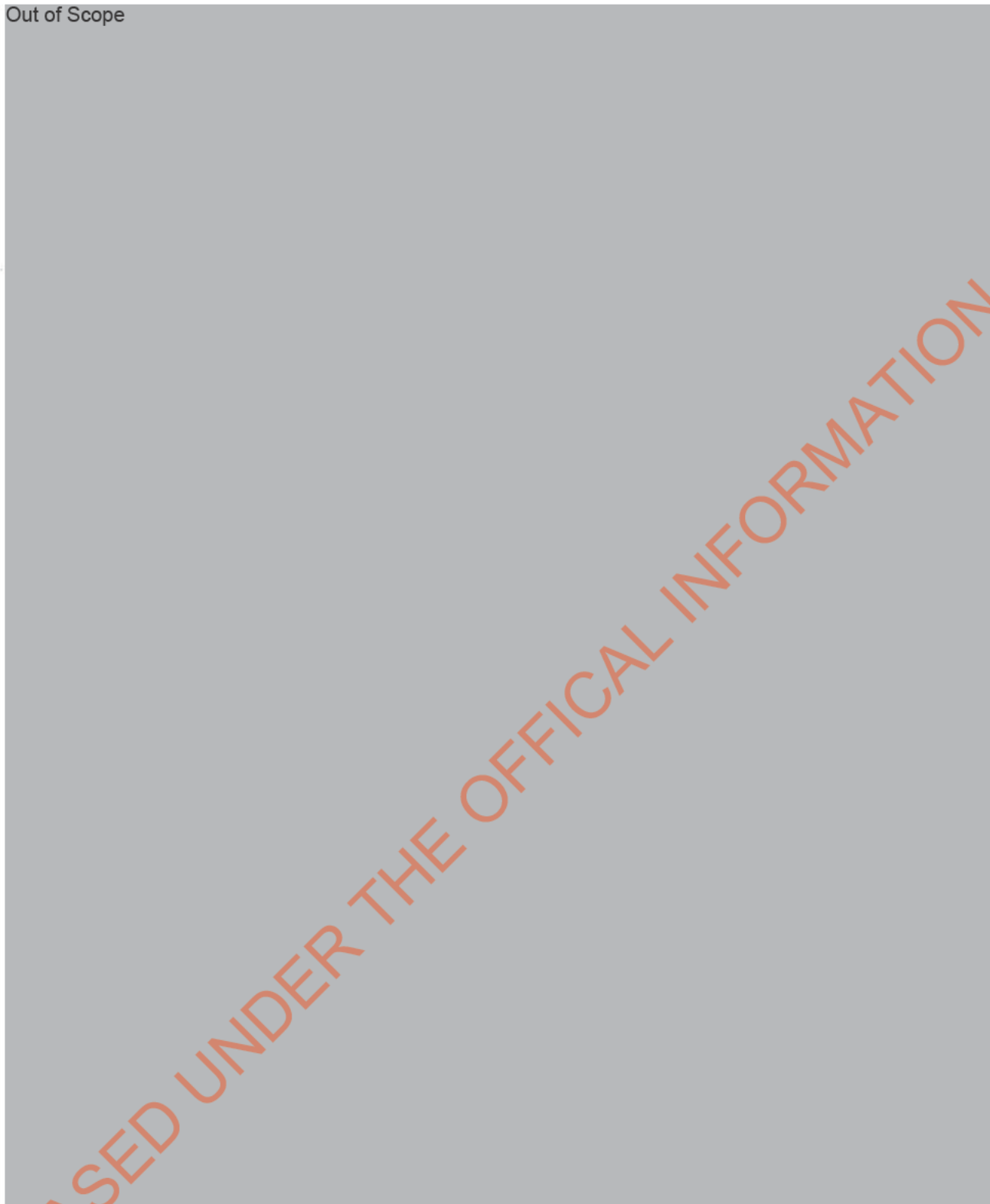


RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope



Out of Scope



RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope



Out of Scope

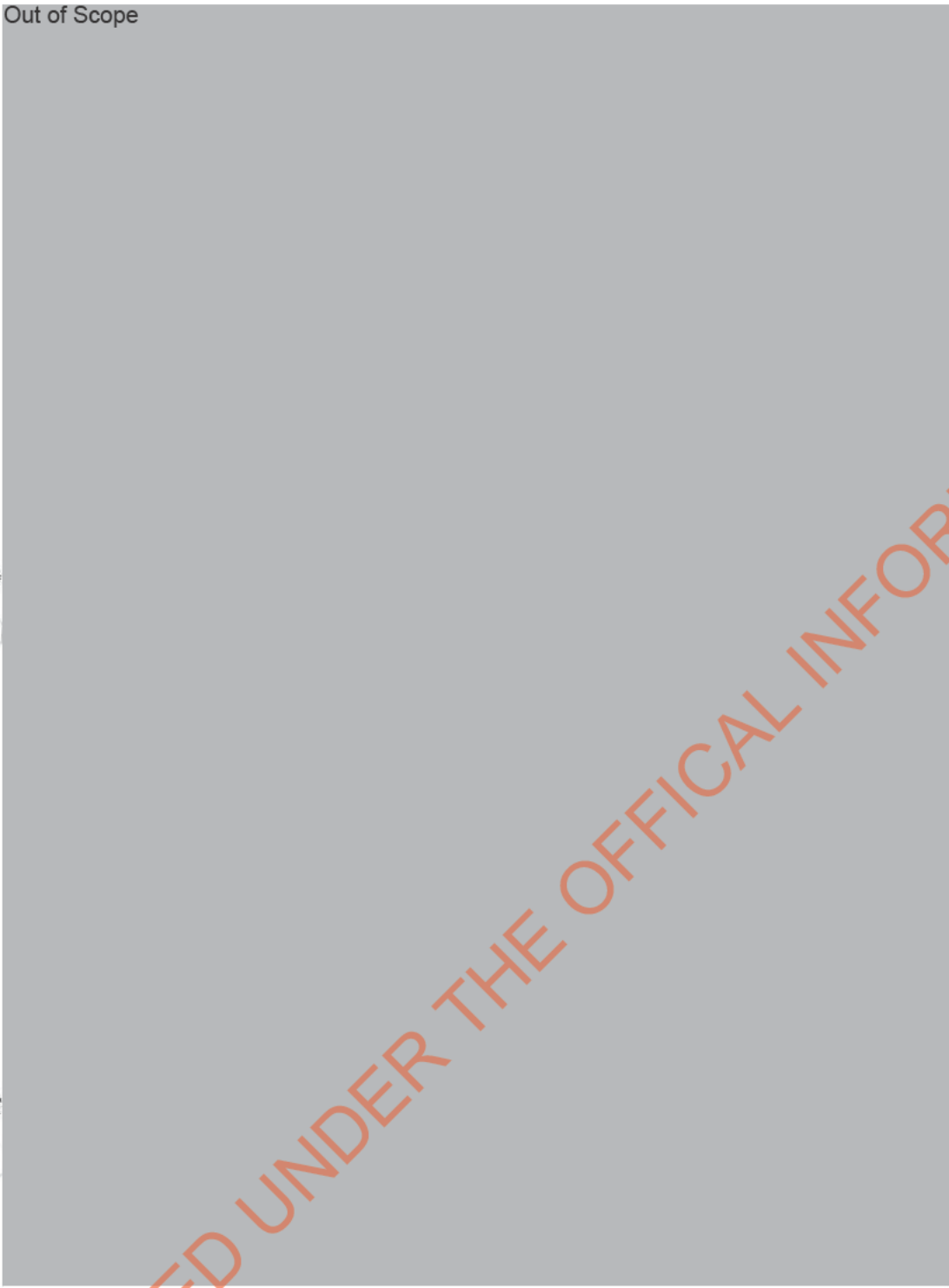


RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope



Out of Scope



RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope



Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

## APPENDIX 2

### Opuha Dam Limited

Opuha Dam Limited has applied for requiring authority status for a particular project.

The applicant proposes to build a dam at the confluence of the north and south branches of the Opuha River. The site is commonly known as Te Puni and is situated in South Canterbury north of the township of Fairlie. The Opuha River is a major tributary to the Opihi River.

The project to which this application relates is the construction of a dam, the flooding of approximately 710 hectares behind the dam and the operation of the storage lake and the dam to ensure a minimum flow of 6 cumecs within the Opihi River for the purpose of water supply, including irrigation. In addition to supplying water for irrigation a four megawatt hydro power station will be constructed as part of the dam. The hydro power station is not part of this application.

The dam will permit water storage for use during the summer and autumn months by abstraction from the Opihi River. The proposal will have significant positive environmental effects, specifically on water quality, water supply, fisheries and recreation.

The applicant qualifies as a network utility operator under section 166(d) of the Resource Management Act 1991.

The project will have significant benefits to the community and the environment. The applicant has stated that it can not distribute water without the project.

It is considered appropriate that the applicant be given approval for the project.

The applicant has undertaken to carry out all the responsibilities of a requiring authority, including the financial ones. The applicant has indicated how it will take account of the interests of the environment and those persons affected by the network utility operation.

It is considered likely that Opuha Dam Limited will carry out the responsibilities of a requiring authority under the Act.

APPLICATION TO BECOME A REQUIRING AUTHORITY  
UNDER SECTION 167 OF THE RESOURCE MANAGEMENT ACT 1991

To: The Minister for the Environment  
C/- Ministry for the Environment  
Wellington

1. OPUHA DAM LIMITED hereby applies for approval to become a requiring authority.
2. The applicant is a network utility operator within the definition of that term in Section 166 of the Resource Management Act 1991 by reason of the following:
  - (a) Opuha Dam Limited, through its wholly owned subsidiary Opihi River Development Company, proposes to construct and operate an irrigation system for the storage of water by way of a dam and lake in the Opuha River and the supply of water to the Opihi River (South Canterbury) which will enhance the capacity of that river to supply irrigation water and water for the Timaru District Council's domestic water reticulation systems. The project will also have significant environmental benefits in that it will regulate the flow of water in the Opihi River thereby virtually eliminating the current fluctuations between nil flow conditions and flood flow conditions.
  - (b) The applicant understands that, pursuant to Section 166 of the Resource Management Act 1991, it falls within the definition of a network utility operator in so far as it intends to "undertake or proposes to undertake the distribution of water for supply (including irrigation)." To permit the supply of water when it is required and to meet the volume demand, it is necessary to store water within the distribution network. Because this project utilises a river system as the backbone of its distribution network it is technically proper that the storage be an integral part of that river system. (It must be noted that the period of maximum availability of water within the Opihi River catchment does not coincide with the period of maximum irrigation water demand).

The distribution network proposed in this project is similar to an urban water supply network. The storage lake can be compared with the reservoirs and the river system with the trunk water mains. In the urban supply network it is the reservoirs which regulate the water flow and ensure that demand can be met; in the context of the proposed project it is the storage lake which performs this task.

It is neither technically nor economically feasible to achieve the water supply objectives of this project without the in-stream storage of water. The storage lake and dam structure are, therefore, an integral part of the project, which is the distribution of water for supply.

(c) Part of the proposed project involves the installation of an electricity generation plant. This part of the project is included to make use of the generating capacity of the water that will be stored behind the dam. It is not the prime purpose of the project, but rather is an added benefit and is included to maximise the utilisation of the stored water. The applicant understands that it could not seek approval as a requiring authority for only this aspect of the project.

3. The description of the project, work or network utility operation to which this application relates is as follows:

The construction of an earth dam situated some 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury (approximately 18 kilometres from Fairlie), the flooding of approximately 710 hectares of land behind the dam, the operation of the storage lake and dam to provide irrigation water to the Opihi River, and to maintain an enhanced minimum flow of up to 6 cumecs in the Opihi River.

The dam will be 50 metres high and 370 metres long and will have a maximum operating range of 31 metres. Construction of the dam will be from material sources close to the site. In particular, material will be excavated from the floor of the proposed lake.

It is anticipated that hydrologically the dam will be required to meet a minimum flow in the Opihi River of up to 6 cumecs and provide for the irrigation water demand. This will be achieved by releasing water from the dam to augment the flows entering the river from its uncontrolled tributaries. The natural flows, releases and abstractions will be extensively monitored to ensure the minimum flow is maintained and complied with. The dam will store approximately 82.6 million cubic metres of water.

Also forming part of this proposal will be the construction of a small hydro electric plant at the dam outlet to make use of the generating capacity of the water stored behind the dam. This hydro electric plant will produce approximately 4 megawatts of electricity.

The territorial authority administering the district in which the project is situated is the McKenzie District Council.

4. The approval of the applicant as a requiring authority is appropriate for the purposes of carrying on the project, work or utility operation because:

(a) The project has nationally, regionally and locally significant environmental, social and economic benefits and has widespread support from all sectors of the South Canterbury community who can claim to be affected by it or who will benefit from it.

(b) The applicant company comprises representatives of affected water user groups, environmental groups, and investors and is therefore representative of the community support for this project.

- (c) It is proposed that provision be made in the McKenzie District Plan for the project by way of a plan change and that the necessary water permits be obtained from the Canterbury Regional Council. Work on the plan change is underway with the formal request due to be filed with the McKenzie District Council in the near future.
- (d) The principal factor delaying the filing of the plan change application concerns agreements to purchase the land affected by the dam and the lake. The applicant company has agreements to purchase the majority of the land required for the project but is being "held to ransom" by one particular owner. Because of the demonstrable social, economic and environmental benefits of this project at national, regional and local levels this application is being made to provide the applicant company with a mechanism, should it be necessary, to acquire the land in question. It is stressed that the applicant sees this action as a last resort, as demonstrated by its commitment to the plan change and resource consent procedures. It is felt, however, that the applicant's inability to acquire, at a fair and reasonable cost, all the land required for the project will jeopardise this project and the identifiable benefits to the communities will be unattainable.
- (e) The applicant is of the opinion that approval as a requiring authority is necessary if this project, which will result in the sustainable management of very significant natural resources in the South Canterbury region, is to proceed and the benefits are to be attained.
- (f) The applicant company is aware that the plan change procedures do not require a requester of a plan change to be the owner of the land which is the subject of that plan change. This situation does not assist in the attainment of the objectives of this project because without ownership of the land it is not possible for the project to proceed. The company does not, however, wish to use the designation procedures to provide the planning mechanism whereby the project will be established. It is committed to the plan change procedure and indeed wishes to see provision for the project included within the District Plan in an appropriate form. This application is being made simply to ensure that there is a mechanism in place whereby the applicant company can have access to the provisions of the Public Works Act which would then allow it to acquire the necessary land should it be necessary to use those procedures.

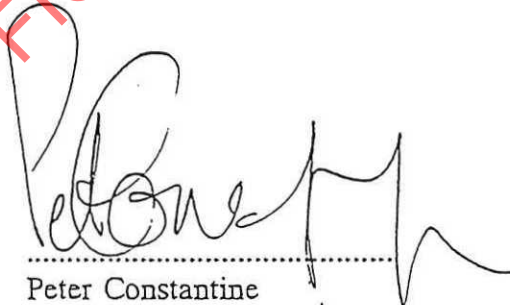
5. The applicant company will carry out all the responsibilities of a requiring authority (including financial responsibilities) and give proper regard to the interests for those affected and to the interests of the environment in the following manner:

- (a) The applicant company, and its predecessors, have invested in a number of environmental impact assessment studies and reports all of which form the basis upon which the project is being designed and will be implemented. The long term management of the lake which will be formed as a result of this project and the management of the Opihi River are based upon the recommendations of those reports and will be implemented through provisions of both the McKenzie District Plan and the relevant section of the Canterbury

Regional Plan, and through resource consents granted by the McKenzie District Council and the Canterbury Regional Council.

- (b) The applicant company has the financial resources to complete this project and has the community support necessary to ensure its long term financial security. The applicant company comprises the following shareholders:

Alpine Energy Limited	50%
South Canterbury Farmers Irrigation Society Limited	25%
Opihi River Development Company Limited	25%



Peter Constantine  
on behalf of the applicant

Dated at Dunedin this 7th day of March 1994.

Address for Service of Applicant:

Opuha Dam Ltd  
C/- Constantine Planners Ltd  
PO Box 555  
DUNEDIN

Telephone Number: {03} 4774 202  
Facsimile Number: {03} 4740 547

Contact Person: Peter Constantine, Director

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

The Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994

Pursuant to section 167 of the Resource Management Act 1991, the Minister for the Environment, hereby gives the following notice:

**N o t i c e**

**1. Title and commencement-**(1) This notice may be cited as the Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994.

(2) This notice shall come into force on the 28th day after the date of its publication in the *New Zealand Gazette*.

**2. Approval as requiring authority-**(1) Opuha Dam Limited is hereby approved as a requiring authority for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

Dated at Wellington this            day of            1994.

Minister for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT



# MINISTRY FOR THE ENVIRONMENT MANATŪ MŌTETAIAO

84 Boulcott Street, P.O. Box 10362, Wellington, New Zealand.  
Telephone (04) 473-4090, Fax (04) 471-0195.

our ref: G 2-11-3

RECEIVED

29 MAR 1994

MFE  
BY

VV

SECRETARY FOR THE ENVIRONMENT

FOR DRAFT REPLY

FOR DIRECT REPLY

FOR COMMENTS

FOR INFORMATION

Originals  
Attached  
Atkins: H Atkins

28 March 1994.

MINISTER FOR THE ENVIRONMENT

REQUIRING AUTHORITY APPLICATIONS : RESOURCE MANAGEMENT ACT 1991

### Introduction

1. The Ministry has received two applications for approval as requiring authorities, under section 167 of the Resource Management Act 1991, as follows:

Out of Scope

\* Opuha Dam Limited have applied for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

It is recommended you approve the applications.

### Criteria for approval

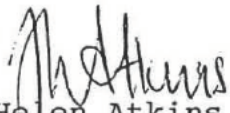
2. In order for you to approve the applicants as requiring authorities, section 167(4) of the Resource Management Act requires that you must be satisfied that:
  - "(a) The approval of the applicant as a requiring authority is appropriate for the purposes of carrying on the project, work or network utility operation;
  - "(b) The applicant is likely to satisfactorily carry out all the responsibilities (including financial responsibilities) of a requiring authority under this Act and will give proper regard to the interests of those affected and the environment."
3. The appendices consider each application against the criteria in the Act and contain recommendations as to whether or not the applications should be approved. A full copy of each application is attached.
4. s 9(2)(h)

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Out of Scope



- c approve Opuha Dam Limited as a requiring authority for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council; and
- d sign the attached *Gazette* notices giving approval to the applicants.

  
 Helen Atkins  
 Solicitor  
 for Secretary for the Environment

APPROVED  
 SEEN  
 I CONCUR  
 29 1 } 19 94

RELEASED UNDER THE OFFICIAL INFORMATION ACT



MINISTRY FOR THE ENVIRONMENT  
**MANATŪ MŌTETAIAO**

84 Boulcott Street, P.O. Box 10362, Wellington, New Zealand.  
Telephone (04) 473-4090, Fax (04) 471-0195.

our ref: G 2-11-3

30 March 1994

New Zealand Gazette  
Department of Internal Affairs  
P O Box 805  
WELLINGTON

BY FAX: 499 1865

Dear Sir/Madam

**NOTICES UNDER SECTION 167 RESOURCE MANAGEMENT ACT 1991**

Enclosed for publication in the next edition of the *Gazette* are three (3) notices by the Minister for the Environment pursuant to section 167 of the Resource Management Act 1991.


For publication purposes the Minister has signed as "Hon S Upton".

Please forward the copies for proofing to the attention of Helen Atkins at the above address.

Following publication I would be grateful if you could forward me one copy of each of the notices for my records.

Thank you for your assistance.

Yours faithfully

  
Helen A Atkins (Ms)  
Solicitor  
for Secretary for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

RELEASED UNDER THE OFFICAL INFORMATION ACT

**The Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994**

Pursuant to section 167 of the Resource Management Act 1991, the Minister for the Environment, hereby gives the following notice:

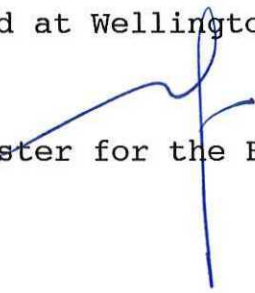
**N o t i c e**

**1. Title and commencement-**(1) This notice may be cited as the Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994.

(2) This notice shall come into force on the 28th day after the date of its publication in the *New Zealand Gazette*.

**2. Approval as requiring authority-**(1) Opuha Dam Limited is hereby approved as a requiring authority for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

Dated at Wellington this 28<sup>th</sup> day of March 1994.

  
Minister for the Environment

RELEASED UNDER THE OFFICIAL INFORMATION ACT



DEPARTMENT OF INTERNAL AFFAIRS  
TE TARI TAIWHENUA

46 Waring Taylor Street, Wellington, New Zealand  
PO Box 805 • Telephone: (04) 495-7200

NEW ZEALAND GAZETTE  
FACSIMILE NUMBER: (04) 495-7289

To:	Ministry for the Environment				
Attention:	Helen Atkins				
From:	Susan Barton / Rosemary Gough			Urgent:	YES
Fax Number:	4710195	Date:	5 April 1994	Number of Pages:	4

REGARDING GAZETTE NOTICE 3 (3)

Please check proofs and confirm any alterations by 3.00 p.m. Wednesday 6 April 1994.

Publication date: 7 April 1994

Reply to:

Fax: (04) 495 7289

Phone: (04) 495 9327  
(04) 495 9329

Thank you.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Return to---GPWNIMM Filename--  
TSET:[DATA.A.A\_NZGAZ.SRC]GO2526.PAG;5

Date---31-MAR-94 Time--00:07

PRINTED  
PROOF  
30/3

CUSTOMER---This proof's typeface is a near copy of what will be printed.  
Bold italic when required will appear as italic on this proof.  
Small caps will appear as bold characters.  
Rules in the text will appear as hyphens.  
Please return this proof as soon as possible.

**The Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994**

Pursuant to section 167 of the Resource Management Act 1991, the Minister for the Environment, hereby gives the following notice:

**Notice**

**1. Title and commencement---**(1) This notice may be cited as the Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994.

(2) This notice shall come into force on the 28th day after the date of its publication in the *New Zealand Gazette*.

**2. Approval as requiring authority---**(1) Opuha Dam Limited is hereby approved as a requiring authority for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

Dated at Wellington this 28th day of March 1994.

S. UPTON, Minister for the Environment.  
go2526

RELEASED UNDER THE OFFICIAL INFORMATION ACT

RELEASED UNDER THE OFFICAL INFORMATION ACT

Out of Scope

PRINTER'S  
PROOF  
30/3

RELEASED UNDER THE OFFICIAL INFORMATION ACT



MINISTRY FOR THE ENVIRONMENT  
MANATŪ MŌTE TAIAO

84 Boulcott Street, P.O. Box 10362, Wellington, New Zealand.  
Telephone (04) 473-4090, Fax (04) 471-0195.

our ref:

TO Susan Barton/Rosemary Gough

New Zealand Gazette

Wellington

Fax Number 495 - 7289

Date 06 April 1994

Sender Sian Smith (on behalf of Helen Atkins)

Ministry for the Environment Fax Number (04) 471-0195

Number of pages (including cover sheet) 4

**RE: GAZETTE NOTICES (3)**

I refer to your fax received this morning. Please note the following in respect of the three Gazette Notices you forwarded for proofing:

Opuha Dam Limited Notice

No changes required.

Out of Scope

Copies of each notice follow with the corrections noted on them.

Thank you for your assistance.

Regards

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Return to---GPWNIMM Filename--  
TSET:[DATA.A.A\_NZGAZ.SRC]GO2526.PAG;5

Date---31-MAR-94 Time--00:07

PRINTER  
PROOF  
A 30/3

CUSTOMER---This proof's typeface is a near copy of what will be printed.  
Bold italic when required will appear as italic on this proof.  
Small caps will appear as bold characters.  
Rules in the text will appear as hyphens.  
Please return this proof as soon as possible.

**The Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994**

Pursuant to section 167 of the Resource Management Act 1991, the Minister for the Environment, hereby gives the following notice:

**Notice**

**1. Title and commencement---**(1) This notice may be cited as the Resource Management (Approval of Opuha Dam Limited as Requiring Authority) Notice 1994.

(2) This notice shall come into force on the 28th day after the date of its publication in the *New Zealand Gazette*.

**2. Approval as requiring authority---**(1) Opuha Dam Limited is hereby approved as a requiring authority for a dam and a storage lake, for water supply (including irrigation), situated 500 metres below the confluence of the north branch of the Opuha River and the south branch of the Opuha River at Te Puni, South Canterbury in the district of McKenzie District Council.

Dated at Wellington this 28th day of March 1994.

S. UPTON, Minister for the Environment.  
go2526

RELEASED UNDER THE OFFICAL INFORMATION ACT

RELEASED UNDER THE OFFICAL INFORMATION ACT

RELEASED UNDER THE OFFICAL INFORMATION ACT