

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**ENV-2024-CHC-26**

**UNDER**

The Resource Management Act  
1991 (the **Act**)

**IN THE MATTER**

of an appeal against decisions on  
the non-freshwater planning  
instrument related parts of the  
Proposed Otago Regional Policy  
Statement 2021

**BETWEEN**

**ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED**

**Appellant**

**AND**

**OTAGO REGIONAL COUNCIL**

**Respondent**

**AND**

**MANIOTOTO IRRIGATION  
COMPANY LIMITED**

**s 274 Party**

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**SECTION 274 NOTICE ON BEHALF OF MANIOTOTO IRRIGATION  
COMPANY LIMITED**

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**SECTION 274 NOTICE**

To: The Registrar

Environment Court

Christchurch Registry

1. Maniototo Irrigation Company Limited (**MIC**) wishes to be a party to the following proceeding:

(a) *Royal Forest and Bird Protection Society of New Zealand Inc v Otago Regional Council*, ENV-2024-CHC-26.

2. MIC has an interest in the proceedings that is greater than the public generally as MIC owns and operates the Maniototo Irrigation Scheme. The scheme is fed from the Taieri River and Loganburn Reservoir. MIC provides water to three shareholder companies, Maniototo Eastside, Maniototo Westside and Waipiata, who distribute water to farmers for irrigation and stockwater purposes in the Taieri River catchment upstream of Waipiata.

(a) MIC holds dam and water permits and owns the shared headworks infrastructure for the scheme. The water taken, stored, and discharged under MIC's permits is also used for hydroelectric generation by Manawa Energy Limited.

(b) Regionally significant infrastructure is defined in the decisions version of the proposed Otago Regional Policy Statement as:

*Means:*

*[...]*

*(8A) established community-scale irrigation and stockwater infrastructure.*

(c) The Maniototo irrigation scheme is a community-scale irrigation and stockwater scheme.

- (d) MIC are directly affected by this definition and the changes sought by the Appellant. MIC would receive a material disadvantage from community scale irrigation being removed from the regionally significant infrastructure definition.
  - (e) MIC have a direct interest in how freshwater is managed and the consenting process associated with irrigation schemes.
3. MIC are not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
  4. MIC are interested in part of the proceedings.
  5. MIC are interested in the following particular issues:
    - (a) Definitions of terms;
    - (b) Integrated management provisions;
    - (c) Land and freshwater provisions;
    - (d) Land and soil provisions;
    - (e) Ecosystem and indigenous biodiversity provisions;
    - (f) Energy and infrastructure provisions;
    - (g) Energy provisions;
    - (h) Hazards and risks provisions;
  6. MIC oppose the relief sought because:
    - (a) The Panel's decision (**Decision**) was correct in including community scale irrigation in the definition of regionally significant infrastructure. Established community scale irrigation and stockwater infrastructure are essential to the Otago region.
    - (b) The provisions in the integrated management chapter are aligned with national direction. The integrated management provisions provide a response to climate change and uphold sustainable management.

- (c) The Decision gives effect to Part 2 of the Act and relevant National Policy Statements. The provisions are consistent and co-ordinated with other regional and national climate change mitigation activities.
  - (d) Water storage and irrigation is an essential climate change adaption tool for primary production in Otago generally, and in the upper Taieri catchment in particular.
7. MIC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Date: 4 June 2024



Phil Page / Hannah Perkin

Solicitor for Maniototo Irrigation Company Limited

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**Note to person wishing to be a party**

You must lodge the original and one copy of this notice with the Environment Court within 15 working days after—

- (a) the period for lodging a notice of appeal ends, if the proceedings are an appeal;
- (b) the decision to hold an inquiry, if the proceedings are an inquiry; or
- (c) the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

**Advice**

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.