

From: [Georgina Hamilton](#)
To: [Mailroom Mailbox](#)
Subject: Plan Change 7 to the LWRP Submission - Opihi Flow and Allocation Working Party
Date: Friday, 13 September 2019 12:58:54 PM

Dear Sir/Madam

Please find **attached** a submission by the Opihi Flow and Allocation Working Party on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan.

Kind regards,

Georgina Hamilton
Partner



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SUBMISSION ON PROPOSED PLAN CHANGE 7 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN

Clause 6 First Schedule, Resource Management Act 1991

TO: Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

Environment Canterbury
PO Box 345
Christchurch 8140

By email: mailroom@ecan.govt.nz

Name of submitter:

1 Opihi Flow and Allocation Working Party (**FAWP**)

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Trade competition statement:

2 The FAWP could not gain an advantage in trade competition through this submission.

Proposal this submission relates to is:

3 This submission is on proposed Plan Change 7 to the Canterbury Land and Water Regional Plan (**PC7**), specifically the Orari-Temuka-Opihi-Pareora (**OTOP**) sub-region component of PC7, comprising "Part B" (**Proposal**).

The specific provisions of PC7 that this submission relates to:

4 This submission is confined to matters within the scope of the FAWP's pre-PC7 workstreams in relation to the environmental flow, allocation and partial restriction regimes for the North Opuha, South Opuha, Upper Opihi and Te Ana Wai rivers.

5 This submission therefore relates primarily to the following provisions of PC7B:

5.1 Section 14.1A OTOP Definitions:

(a) Definition of "Pro Rata Partial Restriction"

5.2 Section 14.4 Policies: Policies 14.4.6B, 14.4.34 and 14.4.36; and

5.3 Section 14.6.2 Environmental Flow and Allocation Regimes:

(a) Table 14(m): North Opuha Environmental Flow and Allocation Regime – AA, AN and BA Permits;

- (b) Tables 14(n) and 14(o): South Opuha Environmental Flow and Allocation Regimes – BA Permits;
- (c) Tables 14(p) and 14(q): Upper Opihi Environmental Flow and Allocation Regimes – AN and BA Permits;
- (d) Tables 14(r) and 14(s): Te Ana Wai Environmental Flow and Allocation Regimes – AA, AN and BA Permits; and
- (e) Table 14(y) – Opihi Freshwater Management Unit BN Permit Environmental Flow and Allocation Regimes.

Submission

Introduction

Background to the FAWP

- 6 The FAWP was initiated by Opuha Water Ltd (**OWL**) during the collaborative planning phase of PC7 in response to concerns by its shareholders that the OTOP Zone Committee would be making recommendations for future environmental flow and allocation regimes for the main tributaries of the Opihi catchment in the absence of critical information (e.g. ecological and economic assessments) and robust community consultation with affected consent holders and key stakeholders, such as Papatipu Rūnanga, Central South Island Fish and Game Council (**CSIFGC**), Department of Conservation (**DOC**) and community water suppliers.

- 7 With the endorsement of the OTOP Zone Committee, the FAWP was formally established in October 2017 and co-ordinated/facilitated by OWL. The FAWP's membership has remained relatively static since its establishment, with current membership comprising:
 - 7.1 Mark Webb (CSIFGC);
 - 7.2 Judy Blakemore (Timaru District Council);
 - 7.3 Andrew Mockford and Julia Crossman (Opuha Water Limited);
 - 7.4 Greg Anderson and Alister Hay (representatives of affiliated¹ and non-affiliated permit holders in the North Opuha catchment);
 - 7.5 Chad Steetskamp and Dan Davies (representatives of affiliated permit holders in the South Opuha catchment);
 - 7.6 Murray Bell and John Wright (representatives of affiliated permit holders in the Upper Opihi catchment);
 - 7.7 Herstatt Ulrich, Dermott O'Sullivan and Mark Hawkins (representatives of affiliated and non-affiliated permit holders in the Te Ana Wai catchment);

- 8 Since its establishment, the FAWP has been supported by the following consultants:

¹ The term "affiliated" permits in this submission is a reference to those water permits that are held by persons with shares, agreements or other entitlements to water supplied by OWL.

- (a) Dr Greg Ryder (freshwater ecology and water quality)
- (b) Graeme Horrell (hydrology);
- (c) Keri Johnson (water resources engineering); and
- (d) Haidee McCabe (environmental/planning);
- (e) Grant Porter (finance and agri business specialist); and
- (f) Justin Geary (rural business advisor).

- 9 During the course of 2017/2018 when the FAWP was undertaking its investigations and completing various assessments, FAWP meetings were attended by members of the OTOP Zone Committee. Invitations and notes from those meetings were also circulated to representatives of Te Rūnanaga o Arowhenua and DOC, and Environment Canterbury (**ECan**) Council representatives within the OTOP Zone. However, none of these parties are members of the FAWP.
- 10 The principal aim of the FAWP was to deliver a cohesive package of recommendations to the OTOP Zone Committee and ECan on flow and allocation regimes for the main tributaries of the Opihi catchment (namely the North Opuha, South Opuha, Upper Opihi and Te Ana Wai rivers) (**tributaries**) informed by robust ecological advice and reliability/economic analysis. In doing so, the FAWP's expectation was that the working party process would:
- 10.1 increase the understanding of all parties in respect to the instream and out of stream values and requirements for each of the tributaries;
 - 10.2 ensure that there was consistency in terms of the approach to flow and allocation across the tributaries in the future PC7;
 - 10.3 enable feedback and discussion (including with experts) to occur on key elements of preferred tributary flow and allocation regimes informed by robust ecological and economic information;
 - 10.4 involve assessment of the implications of any changes to the current tributary flow and allocation regimes, including on the hydrology and viability of the Opuha Scheme;
 - 10.5 result in the development of preferred flow and allocation regimes for each of the tributaries that would be as close to a "win-win" scenario as possible, in the sense of striking an appropriate balance between protecting the values of the instream habitat and providing a sufficient level of water availability for abstraction to minimise effects on financial viability and/or profitability of farm businesses in each tributary catchment; and
- 11 The FAWP's recommendations were developed over a course of approximately nine months, and reported back to the Zone Committee in stages as assessments were completed and preferences agreed. A number of key themes emerged during that time, which underpinned those recommendations:

- 11.1 *Variable monthly minimum flows* - the FAWP firmly believed that variable monthly minimum flows (as opposed to seasonal flows) were more likely to achieve the best results for the tributaries' instream ecology and water users.
- 11.2 *Catchment characteristic variation* - while consistency across the tributaries was preferred and sought by the FAWP, it became apparent that each of the tributaries was different in terms of the characteristics of the different water permits held in each (i.e. AN, BN, AA and/or BA), location of takes in relation to monitoring points, instream/fishery values, catchment hydrology, the 'natural' flow regime characteristics, and tolerance to change in minimum flows. It was therefore agreed that a tributary by tributary approach was necessary.
- 11.3 *No alternative water sources* - underlying all FAWP discussions was the concern that the tributary water users have no alternative sources of water supply to turn to. Unlike other sub-regions within Canterbury, there is no deep groundwater and no 'new water' proposals in these catchment areas. Any increase in current minimum flows would therefore directly affect their reliability and consequently the financial viability of their farming operations.
- 11.4 *Recognition of Opihi mainstem augmentation* - there was a strong desire, particularly from the FAWP's irrigator members, that the minimum flow and allocation regimes for the tributaries should continue to recognise and provide for the offset of takes from these tributaries. This is by the release of water down the Opihi River mainstem from the Opuha Dam and the benefit it provides to the upper reaches of the river as well as the Milford Lagoon/Opihi River mouth. More than 50% of the water stored in the Opuha Dam is used to maintain environmental flows in the river.
- 11.5 *Workable timeframes* – the FAWP members were also in agreement that workable timeframes were required to allow abstractors time to adjust to changes and/or seek alternative water supplies.
- 11.6 *Package of water quality and quantity solutions* - the FAWP believed that a package of both water quantity and quality solutions would be required to achieve the community outcomes for the OTOP Zone. The FAWP, therefore focused on developing a combination of recommendations in relation to allocation, minimum flows, partial restrictions, A takes to storage, B takes to storage, and various mechanisms to reduce over-allocation. The FAWP recognised that each catchment was different in terms of key 'levers', and while minimum flows and allocation were important, that water quality improvements for river health driven through changes in land management in the tributary catchments was a key element of the overall solutions package for the OTOP Zone (i.e. changes to current minimum flows and allocation is not the panacea to all environmental issues).
- 11.7 *Seeking balance* – the FAWP agreed that it was necessary to find an appropriate balance for each tributary. Early on in the collaborative planning process, the OTOP Zone Committee had expressed a desire to move current minimum flow and allocation regimes closer to the "interim limits" set out in the Proposed National Environmental Standard for Ecological Flows and Water Levels: Discussion Document 2008 (**Proposed NES**). However, following assessment by the FAWP of changes in reliability and economic consequences for farm businesses and the wider catchment communities, it

became apparent that in some of the tributaries this option would be unviable. Some very difficult decisions and compromises were made to land the FAWP's preferred minimum flow and allocation regimes for recommendation to the Zone Committee, which FAWP members consider balances, as much as possible, the four well-beings – environment, social, economic and cultural.

- 11.8 *Recognition of environmental, economic and social benefits of Opuha Dam* – the FAWP recognised the need for there to be appropriate recognition of the considerable benefits the Opuha Dam and associated infrastructure have provided to the South Canterbury community, solely paid for by the affiliated abstractors.
- 11.9 *“New” stream depleters* – the FAWP considered that the Zone Committee's recommendation to apply the region-wide stream depleting methodology to groundwater permits in the OTOP sub-region would alone be of significant benefit to the river system as many groundwater abstractions that under the Opihi River Regional Plan had been unrestricted by surface water flows in the tributaries, would have to comply with tributary minimum flows and partial restriction requirements.
- 11.10 *Allocation* – the FAWP agreed that that the starting point for developing allocation limits for the tributaries should be the 'total allocation from the catchment' (i.e. current allocation), in accordance with the 'proposed interim limits' prescribed by the Proposed NES.
- 11.11 *Proven Environmental Benefit* – the FAWP agreed that any changes made to the minimum flows and allocation must have proven environmental benefits to the rivers, and not be a case of 'change for the sake of change'.

Summary of the FAWP's involvement in the PC7 collaborative planning process

- 12 The FAWP submitted its first formal feedback to the OTOP Zone Committee and ECan in March 2018 on the Zone Committee's first draft set of environmental flow and allocation recommendations for the tributaries, which were included in the Draft OTOP Zone Implementation Programme Addendum (**ZIPA**) released for public consultation on 15 December 2017.
- 13 Regrettably, the Zone Committee's draft regimes were released in advance of (and consequently not informed by) critical ecological habitat and water reliability assessments being completed, which did not become available (in the form of "interim assessments") until mid-April 2018. In recognition of this delay and the criticality of such assessments to the FAWP's workstreams, the Zone Committee granted the FAWP an extension of time to provide its preferred environmental flow, allocation and partial restriction regimes to the Zone Committee for consideration.
- 14 The FAWP subsequently submitted its preferred environmental flow, allocation and partial restriction regimes to the Zone Committee on 2 May 2018, informed by advice from CSIFGC and independent advice (including expert ecological advice) the FAWP had obtained in the intervening period from its consultants on the April 2018 interim ecological and economic assessments. Further refinement of the FAWP's preferred regimes over the following five months occurred following a series of constructive meetings between the FAWP's technical advisors and ECan planning and technical staff, and presentations by FAWP members to the Zone Committee.

- 15 The FAWP's preferred environmental flow and allocation regimes were subsequently adopted by the Zone Committee and released for further public feedback on 21 September 2018. The FAWP submitted formal feedback to the Zone Committee largely in support of the draft recommendations on 10 October 2018, on the basis of the analysis and advice received from its consultants, which indicated the regimes would achieve the relevant statutory planning tests. A final round of refinement occurred in response to queries from ECan staff during October 2018, before the final ZIPA was released in December 2018.
- 16 The December 2018 ZIPA adopts the FAWP's preferred environmental flow and allocation regimes as a "first step", to take effect on 1 January 2025. However, the ZIPA includes a further "second step" for the South Opuha, Upper Opihi and Te Ana Wai rivers, providing increases beyond the FAWP's preferred environmental flows to take effect on 1 January 2030, and in the case of the Te Ana Wai, a shorter time period for the introduction of pro-rata partial restrictions. For completeness, it is noted that the FAWP's preferred approach to managing partial restrictions for the North and South Opuha and Te Ana Wai rivers was not adopted by the ZIPA.
- 17 It is, however, unclear from the ZIPA what information (ecological or otherwise) informed the "second step", particularly given that the "first step" represented the consensus view of a diverse stakeholder group and was informed by historical knowledge of the ecological characteristics of the tributaries and considerable independent expert analysis. Regrettably, the section 32 report for PC7 and the supporting technical assessments do not provide clarity on the justifications for the "second steps" or the partial restriction regimes, which appear to have been carried through into PC7 to implement ZIPA Recommendation 5.3.2.

Summary of the FAWP's Position on PC7

- 18 To the extent that PC7 codifies the FAWP's earlier recommendations to the OTOP Zone Committee on environmental flow and allocation regimes for the North Opuha, South Opuha, Upper Opihi and Te Ana Wai rivers that would take effect on 1 January 2025, PC7 is supported by the FAWP. In the FAWP's view, those regimes have been informed by the best available technical information on effects, and strike an appropriate balance between, on the one hand, improving surface water flows and instream ecological habitat, and on the other, reducing water availability for irrigation and pasture production (and the associated consequences for the financial viability and/or profitability for farm businesses in the tributary catchments).
- 19 However, as is explained in more detail in **Annexure A**, the FAWP is fundamentally opposed to the following aspects of PC7:
 - 19.1 The proposed introduction of "second step" environmental flows for the South Opuha and Upper Opihi rivers that would take effect on 1 January 2030. In the FAWP's view, the need (or otherwise) for increases above the 2025 environmental flows proposed by PC7 would be best addressed at the time of ECan's next review of the OTOP sub-regional provisions (which, in accordance with section 79(1) RMA, would be expected to have commenced before 2030), in light of water quality and quantity data gathered during the intervening period and the directives of the higher order planning instruments applying at that time.
 - 19.2 The requirement for pro-rata partial restrictions for AA, AN and BA Permits in the Te Ana Wai to apply from 2030. Pro-rata partial restrictions will have an impact on the viability and/or profitability of farm businesses within the Te Ana Wai

catchment, and necessitate significant changes to existing farm systems or capital infrastructure, or the consideration/implementation of alternative water supplies. The FAWP believes that a further five years is required to provide affected permit holders with time to adjust to the proposed change.

19.3 The requirement that flow triggers for pro-rata partial restrictions for AA and/or BA permits in the North Opuha, Upper Opihi and Te Ana Wai rivers be based on the sum of AA, AN and BA allocation above the environmental flows set by PC7. In the FAWP's view, it is unnecessary for AN allocation to be accounted for in the partial restriction "management block" for these rivers as abstraction authorised by AN Permits cease before tributary-specific partial restrictions commence, in accordance with the mainstem Opihi river environmental flows requirements for AN Permits under Table 14(u).

20 Overall, it is the FAWP's view:

20.1 The objectives of the Proposal and the purpose of the RMA can be met by the less restrictive environmental flow, allocation and partial restriction regimes advocated for by the FAWP and set out in detail in **Annexure A**; and

20.2 Those regimes:

- (a) appropriately recognise the relative costs and benefits of the effects anticipated from the implementation of the PC7 environmental flow, allocation and partial restriction regimes;
- (b) will achieve the community outcomes envisaged by the OTOP ZIPA; and
- (c) will not compromise the directives of the higher order planning instruments (such as the National Policy Statement for Freshwater Management 2014, updated 2017 and the Canterbury Regional Policy Statement) and the objectives and strategic policies of the Canterbury Land and Water Regional Plan).

21 The FAWP's specific concerns with PC7B together with a summary of the decisions it seeks from ECan are set out in **Annexure A** attached to this submission.

Summary of decisions sought by the FAWP:

22 The FAWP seeks the following decisions from Environment Canterbury:

- 22.1 that the decisions sought in **Annexure A** to this submission be accepted; and/or
- 22.2 alternative amendments to the provisions of PC7 to address the substance of the concerns raised in this submission; and
- 22.3 all consequential amendments required to address the concerns raised in this submission and ensure a coherent planning document.

Wish to be Heard:

23 The FAWP wishes to be heard in support of this submission.

- 24 The FAWP would be prepared to consider presenting a joint case with others making similar submissions at the hearing.



The Opihi Flow and Allocation Working Party

By its Solicitors and authorised Agents

Gresson Dorman & Co: Georgina Hamilton

Date: 13 September 2019

ANNEXURE A – REASONS FOR SUBMISSION AND DECISIONS SOUGHT BY THE OPIHI FLOW AND ALLOCATION WORKING PARTY

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
14.1A Orari-Temuka-Opihi-Pareora Definitions (page 128)	"Pro Rata Partial Restriction"	Oppose in part	<p>In relation to the proposed partial restriction regimes for the North Opuha, Upper Opihi and Te Ana Wai rivers set out in Section 14.6.2 <i>Environmental Flow and Allocation Regimes</i>, the proposed definition of "pro-rata partial restriction" would require AA and BA permits that authorise abstraction of surface water from those rivers, and are operated as part of a water user group, to commence pro-rata partial restrictions when surface water flows correspond to the particular tributary's minimum flow plus the sum of all AA, AN and BA allocations for the tributary.</p> <p>This approach fails to take into account the fact that AN permit holders are required to cease abstraction in order to comply with the Opihi River mainstem minimum flows at State Highway 1 (SH1) (set out in Table 14(u)) before partial restrictions commence in the tributaries. In the FAWP's view, it is therefore unnecessary for AN allocation to be accounted for in the partial restriction "management block" for AA and BA Permits in the North Opuha, Upper Opihi and Te Ana Wai rivers.</p> <p>Including AN allocation in the partial restriction "management block" for AA and BA Permits, as the proposed definition requires, would have the effect of reducing the amount of water available for abstraction under AA and BA permits at critical times for irrigation, with adverse implications for pasture production and consequently farm business viability and/or profitability. Such "costs" of the implementation of the proposed</p>	<p>Amend definition of "Pro-rata partial restriction" as follows:</p> <p><u>(a) Subject to (b), in relation to Tables 14(m) to 14(s), means, with regard to abstraction restrictions, the proportional reduction of an abstraction that is required whenever the flow at the minimum flow site as estimated by the Canterbury Regional Council is less than the sum of the applicable minimum flow and the applicable allocation limit.</u></p> <p><u>(b) In relation to Tables 14(m) (North Opuha), (p) (Upper Opihi) and (s) (Te Ana Wai), means, with regard to abstraction restrictions for AA and BA permits that are operated as part of a water user group, the proportional reduction of an abstraction that is required whenever the flow at the minimum flow site as estimated by the Canterbury Regional Council is less than the sum of the applicable minimum flow and the allocation limit of the applicable AA and/or BA permits.</u></p>

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
			<p>definition are unjustified when the alternative advocated by the FAWP would achieve the same ecological objective (i.e. protection of the tributary minimum flows) as PC7.</p> <p>In light of these concerns, the FAWP seeks that the definition be amended so that AA and BA permits that are operated as part of a water user group are subject to pro-rata partial restrictions that commence when the flows in the North Opuha, Upper Opihi and Te Ana Wai River correspond with the minimum flow for the tributary, plus the sum of the allocation authorised for abstraction under AA and BA permits that are being operated as part of the water user group.</p> <p>For completeness, the FAWP notes its view that AN permits operated as part of a water user group should be subject to pro-rata partial restrictions that commence when the flows in the North Opuha, Upper Opihi and Te Ana Wai Rivers correspond with the minimum flow for the tributary, plus the sum of the allocation authorised for abstraction under AA, BA and AN permits that are being operated as part of the water user group.</p>	
14.4 Policies (page 132)	Policy 14.4.6B	Support in full	The FAWP considers that enabling water abstracted under AA, BA, AN and BN permits (in particular) to be used for storage is an appropriate mechanism to (at least in part) offset the reduction in reliability of water supply that is anticipated from the implementation of the environmental flow and allocation regimes introduced by PC7.	Retain Policy 14.4.6B as notified.

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
(page 140)	Policy 14.4.34	Support in full	Subject to its submissions in relation to the environmental flow and allocation regimes in Tables 14(o), 14(q) and 14(s), the FAWP considers the requirement of Policy 14.4.34 that surface water flows in the un-augmented rivers within the Opihi Freshwater Management Unit be improved by ensuring AA, BA, KIL, AN and BN abstractions comply with the applicable flow regimes in Tables 14(m) to 14(y) is appropriate and necessary to ensure the directives of the higher order planning instruments are given effect to.	Retain Policy 14.4.6B as notified.
(page 140)	Policy 14.4.36	Oppose in part	<p>The FAWP considers the following elements of Policy 14.4.36 accord with the approach historically taken in relation to AA, BA, AN and BN Permits (in particular) under the Opihi River Regional Plan, and should continue to apply under PC7:</p> <ul style="list-style-type: none"> • AA and BA Permits being subject to Opihi River mainstem minimum flows in addition to any applicable tributary-specific environmental flows; • AN and BN permits being subject to flow regimes based on unmodified (AN) and recorded (BN) flows on the Opihi River mainstem at SH1; and • AA and BA Permits being subject to the applicable AN or BN Opihi River mainstem environmental flow regimes when the level of Lake Opuha falls below RL 370m. <p>However, the FAWP notes that under Table 14(y), BN takes from the North Opuha and South Opuha rivers are subject to tributary-specific environmental flows <u>and</u> a Lake Opuha level. It is therefore considered appropriate that a minor amendment to Policy 14.4.36 be made to address this omission.</p>	<p>Amend Policy 14.4.36 as follows:</p> <p><i>14.4.36 In addition to any river specific environmental flow, <u>Lake level</u> and allocation regime set out in Tables 14(m) to 14(y), differentiate AA, BA, KIL, AN and BN permits by:</i></p> <p>...</p>

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
14.6.2 Environmental Flow and Allocation Regimes (page 166)	Table 14(m) – North Opuha Environmental Flow and Allocation Regime – AA, AN, BA Permits from 1 January 2025	Support in part	<p>Subject to its submission in relation to the definition of “Pro-rata restriction” above, the FAWP supports the environmental flow, allocation and partial restriction regime proposed in Table 14(m), which accords with the FAWP's earlier recommendations to the OTOZ Zone Committee in 2018. The FAWP considers that proposed regime will:</p> <ul style="list-style-type: none"> • implement Recommendation 5.3.2(I) Table 12 of the OTOZ ZIPA; • incentivise the formation and operation of water user groups, and consequently more efficient water use; • together with other measures proposed by PC7, assist in achieving the water quality and quantity outcomes of the various higher order planning instruments; and • otherwise achieve the objectives of the Proposal and the purpose of the RMA. 	Subject to the relief sought by the FAWP in relation to the definition of “Pro-rata restriction”, retain Table 14(m) as notified.
(page 167)	Table 14(n) – South Opuha Environmental Flow and Allocation Regime – BA Permits from 1 January 2025	Support in part	<p>The FAWP supports the environmental flow, allocation and partial restriction regime in Table 14(n).</p> <p>The environmental flow and allocation regime proposed in Table 14(n) accords with the FAWP's earlier recommendations to the OTOZ Zone Committee in 2018. The ecological advice received by the FAWP, which is based on an analysis of the habitat modelling of the South Opuha river undertaken by NIWA on behalf of ECan, indicates that the proposed regime would result in measurable improvements in ecological habitat compared with the current environmental flow regime.</p>	Retain Table 14(n) as notified.

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
			<p>The FAWP considers that proposed regime will:</p> <ul style="list-style-type: none"> • implement Recommendation 5.3.2(l) Table 9 of the OTOP ZIPA; • incentivise the formation and operation of water user groups, and consequently more efficient water use; • together with other measures proposed by PC7, assist in achieving the water quality and quantity outcomes of higher order planning instruments (such as the NPSFM and CRPS); and • otherwise achieve the objectives of the Proposal and the purpose of the RMA. 	
(page 167)	Table 14(o) – South Opuha Environmental Flow and Allocation Regime – BA Permits from 1 January 2030	Oppose in full	<p>The increases in environmental flows proposed in Table 14(o) will result in measurable reductions in the amount of water presently available for abstraction, and consequently, current levels of pasture production. The anticipated reductions in pasture production will have a significant adverse effect on the viability and/or profitability of farm businesses in the South Opuha catchment. These significant “costs” anticipated from the implementation of the environmental flow regime proposed in Table 14(o) and associated constraints for, at best, incremental environmental benefit, on land use and farm businesses in the South Opuha catchment are not justified.</p> <p>The FAWP considers that the need (or otherwise) for increases beyond the 2025 environmental flows proposed in Table 14(o) would be best addressed at the time of ECan's next review of the OTOP sub-regional provisions (which, in accordance with section 79(1) RMA, would be expected to have commenced</p>	<p>(a) Delete Table 14(o) in its entirety; and</p> <p>(b) As part of its expected 10-year review of the OTOP sub-regional plan provisions (in 2030 or prior), determine whether any increases beyond the environmental flows set out in Table 14(n) environmental flow regime is necessary in light of water quality and quantity data gathered during the intervening period and the directives of the higher order planning instruments applying at the time of such review.</p>

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
			<p>before 2030), in light of water quality and quantity data gathered during the intervening period and the directives of the higher order planning instruments applying at that time.</p> <p>For these reasons, the FAWP considers that Table 14(o) should be deleted. In addition, it considers that:</p> <ul style="list-style-type: none"> the purpose of the RMA and the objectives of the Proposal can be met by the less restrictive environmental flow and allocation regime set out in Table 14(n); and the water quality and quantity outcomes of the various higher order planning instruments would not be compromised if Table 14(o) was deleted and the environmental flow and allocation regime in Table 14(n) for the South Opuha was reviewed by ECan in ten years' time. <p>From a practical perspective, the FAWP also considers that the deletion of Table 14(o) has the advantage of simplifying PC7 and the scope of consent conditions that will be required as a result of ECan's intended consent review after PC7 becomes operative (as contemplated by proposed Policy 14.4.12).</p>	
(page 167)	Table 14(p) – Upper Opihi Environmental Flow and Allocation Regime – AN	Support in full	<p>Subject to its submission in relation to the definition of “Pro-rata restriction” above, the FAWP supports the environmental flow, allocation and partial restriction regime in Table 14(p).</p> <p>The environmental flow and allocation regime proposed in Table 14(p) accords with the FAWP's earlier recommendations to the</p>	Subject to the relief sought by the FAWP in relation to the definition of “Pro-rata restriction”, retain Table 14(p) as notified.

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
	and BA Permits as Current and from 1 January 2025		<p>OTOP Zone Committee in 2018. The ecological advice received by the FAWP, which is based on an analysis of the habitat modelling of the Upper Opihi river undertaken by NIWA on behalf of ECan, indicates that the proposed regime would result in measurable improvements in ecological habitat compared with the current environmental flow regime.</p> <p>The FAWP considers the proposed regime will:</p> <ul style="list-style-type: none"> • implement Recommendation 5.3.2(l) Table 14 of the OTOP ZIPA; • incentivise the formation and operation of water user groups, leading to improved and efficient water use; • together with other measures proposed by PC7, assist in achieving the water quality and quantity outcomes of higher order planning instruments (such as the NPSFM and CRPS); and • otherwise achieve the objectives of the Proposal and the purpose of the RMA. 	
(page 168)	Table 14(q) – Upper Opihi Environmental Flow and Allocation Regime – AN and BA Permits from 1	Oppose in full	The increases in environmental flows proposed in Table 14(q) will result in measurable reductions in the amount of water presently available for abstraction, and consequently, current levels of pasture production. The anticipated reductions in pasture production will have a significant adverse effect on the viability and/or profitability of farm businesses in the Upper Opihi catchment. These significant “costs” anticipated from the implementation of the environmental flow regime proposed in	<p>(a) Delete Table 14(q) in its entirety; and</p> <p>(b) As part of the expected 10-year review of the OTOP sub-regional plan provisions (in 2030 or prior), determine whether any increases beyond the environmental flows set out in Table 14(p) environmental flow regime are necessary in light of</p>

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
	January 2030		<p>Table 14(q) and associated constraints for, at best, incremental environmental benefit, on land use and farm businesses in the Upper Opihi catchment are not justified.</p> <p>The FAWP considers that the need (or otherwise) for increases beyond the 2025 environmental flows proposed in Table 14(p) would be best addressed at the time of ECan's next review of the OTOP sub-regional provisions (which, in accordance with section 79(1) RMA, would be expected to have commenced before 2030), in light of water quality and quantity data gathered during the intervening period and the directives of the higher order planning instruments applying at that time.</p> <p>For these reasons, the FAWP considers that Table 14(q) should be deleted. In addition, it considers that:</p> <ul style="list-style-type: none"> • the purpose of the RMA and the objectives of the Proposal can be met by the less restrictive environmental flow and allocation regime set out in Table 14(p); and • the water quality and quantity outcomes of the various higher order planning instruments would not be compromised if Table 14(q) was deleted and the environmental flow and allocation regime in Table 14(p) for the South Opuha was reviewed by ECan in ten years' time; and <p>From a practical perspective, the FAWP also considers that the deletion of Table 14(q) also has the advantage of simplifying</p>	<p>water quality and quantity data gathered during the intervening period and the directives of the higher order planning instruments applying at the time of such review.</p>

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
			PC7 and the scope of consent conditions that will be required as a result of ECan's intended consent review after PC7 becomes operative (as contemplated by proposed Policy 14.4.12).	
(page 168)	Table 14(r) – Te Ana Wai Environmental Flow and Allocation Regime – AA, AN and BA Permits from 1 January 2025	Support in part	<p>Subject to its submission in relation to the definition of "Pro-rata restriction" above, the FAWP supports the environmental flow, allocation and partial restriction regime in Table 14(r).</p> <p>The environmental flow and allocation regime proposed in Table 14(r) accords with the FAWP's earlier recommendations to the OTOZ Zone Committee in 2018. The ecological advice received by the FAWP, which is based on an analysis of the habitat modelling of the Te Ana Wai river undertaken by NIWA on behalf of ECan, indicates that the proposed regime would result in measurable improvements in ecological habitat compared with the current environmental flow regime.</p> <p>The FAWP considers the proposed regime will:</p> <ul style="list-style-type: none"> • implement Recommendation 5.3.2(I) Table 17 of the OTOZ ZIPA; • incentivise the formation and operation of water user groups, and more efficient water use; • together with other measures proposed by PC7, assist in achieving the water quality and quantity outcomes of higher order planning instruments (such as the NPSFM and CRPS); and • otherwise achieve the objectives of the Proposal and the purpose of the RMA. 	Subject to the relief sought by the FAWP in relation to the definition of "Pro-rata restriction", retain Table 14(r) as notified.

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
(page 169)	Table 14(s) – Te Ana Wai Environmental Flow and Allocation Regime – AA, AN and BA Permits from 1 January 2030	Oppose in part	<p>The FAWP accepts that, for environmental reasons, it is appropriate for there to be a move towards pro-rata restrictions applying to AA, AN and BA Permits that authorise abstraction from the Te Ana Wai river, as proposed by Table 14(s). The FAWP recommended this change to the OTOP Zone Committee in 2018, but on the basis that the change take effect from 2035 (not 2030 as proposed by PC7).</p> <p>The introduction of pro-rata partial restrictions will adversely impact the viability and/or profitability of farm businesses within the Te Ana Wai catchment, and necessitate changes to existing farm systems/capital infrastructure or the consideration/implementation of alternative water supplies to offset expected reductions in reliability. The FAWP believes that a further five years (beyond that proposed in Table 14(s)) is required to provide affected permit holders with time to adjust to the proposed change. The FAWP does not believe this timeframe is unreasonable, particularly as it aligns with the timeframe contemplated for the implementation of the environmental and flow regime proposed by PC7 for the Temuka Freshwater Management Unit in Table 14(l).</p> <p>The FAWP notes that the timeframe for implementation of pro-rata partial restrictions could be included in Table 14(r) (rather than in an entirely new Table 14(s), given there is no proposed change to the environmental flow and allocation regime beyond 2025). From a practical perspective, the FAWP considers this would simplify PC7 and the scope of consent conditions that will be required as a result of ECan's intended consent review after</p>	<p>(a) Amend the title and content of Table 14(s) to require pro-rata restrictions to take effect from 2035 (not 2030 as proposed in the notified version of Table 14(s)); or</p> <p>(b) In the alternative, delete Table 14(s) and include a further column in Table 14(r) recording that pro-rata partial restrictions (for those permit holders operating as part of a water user group) take effect from 2035.</p>

(1) The specific provisions of Proposed Plan Change 7 (PC7) that the Opihi Flow and Allocation Working Party's (FAWP's) submission relates to are:		(2) The FAWP's submission is that:		(3) The FAWP seeks the following decisions from Environment Canterbury (Note: amendments sought to the text of PC7 are shown in tracked changes, with additions shown in <u>underline</u> and deletions shown in strikethrough).
Section & Page No.	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
			PC7 becomes operative (as contemplated by proposed Policy 14.4.12).	
(page 171)	Table 14(y) – Opihi Freshwater Management Unit BN Permit Environmental Flow and Allocation Regimes	Support	<p>The FAWP supports the environmental flow, allocation and partial restriction regimes for BN Permits in Table 14(y), which accord with FAWP's earlier recommendations to the OTOP Zone Committee in 2018. The FAWP considers the proposed regimes will:</p> <ul style="list-style-type: none"> • implement Recommendation 5.3.2(I) Tables 11, 13, 16 and 19 of the OTOP ZIPA; • are necessary to close the gap in the present planning framework under the Opihi River Regional Plan for BN takes and off-set reductions in reliability of AA, AN and BA Permits as a result of increases in environmental flows proposed by PC7; • together with other measures proposed by PC7, assist in achieving the water quality and quantity outcomes of higher order planning instruments (such as the NPSFM and CRPS); and • otherwise achieve the objectives of the Proposal and the purpose of the RMA. 	Retain Table 14(y) as notified.