

From: [Georgina Hamilton](#)
To: [Mailroom Mailbox](#)
Cc: Plan Change 7 LWRP Further Submissions - Opihi Flow & Allocation Working Party (Submitter ID PC7-382)
Friday, 6 December 2019 2:53:48 PM
Subject:
Date:

Good afternoon

Please find **attached** further submissions by the Opihi Flow and Allocation Working Party (Submitter ID PC7-382) in relation to various primary submissions on Plan Change 7 to the Canterbury Land and Water Regional Plan.

Kind regards,

Georgina Hamilton
Partner



Level 1, 24 The Terrace, TIMARU 7910 | PO Box 244, TIMARU 7940
PHONE: 03 687 8004 | DDI: 03 687 8065 | FAX: 03 684 4584 | EMAIL: georgina@gressons.co.nz

NOTE: The information contained in this email (and any accompanying documents) is CONFIDENTIAL INFORMATION and may also be LEGALLY PRIVILEGED, and is intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that any use, review, dissemination, distribution or copying of this document is strictly prohibited. If you have received this document in error, please immediately notify us by telephoning 0800 684 882 and destroy the original message. Gresson Dorman & Co accepts no responsibility for changes made to this email or to any attachments after transmission.

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

Clause 8 First Schedule, Resource Management Act 1991

TO: Plan Change 7 LWRP Further Submission
Environment Canterbury
PO Box 345
Christchurch 8140

By email: mailroom@ecan.govt.nz

1. Name and address of person making further submission:

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

Address: c/- Gresson Dorman & Co
P O Box 244
TIMARU 7940

Contact: Georgina Hamilton

Email: georgina@gressons.co.nz

Phone: 03 687 8065

2. The proposal that the further submission relates to (the “Proposal”):

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

3. The FAWP is a person with an interest in the Proposal that is greater than the general public has for the following reasons:

(a) The FAWP’s members include representatives of:

- (i) Central South Island Fish and Game Council, which is the statutory body responsible for managing, maintaining and enhancing the sports fishery resource, and representing the interests of anglers in statutory planning processes.
- (ii) Timaru District Council, which is a local authority, registered drinking water supplier under the Health Act 1956 and holds resource consents that authorise the abstraction of surface water for community water supply purposes in the Orari-Temuka-Opihi-Pareora Sub-region.
- (iii) Opuha Water Limited, which owns and operates the Opuha Dam, and associated hydroelectric power, augmentation and irrigation schemes in the wider Opuha/Opihi catchment, and holds a suite of associated regional resource consents. The national and regional significance of these schemes are recognised variously in the Canterbury Regional Policy Statement and the Canterbury Land and Water Regional Plan.

- (iv) Holders of existing water permits that authorise the taking and use of water from the main tributaries of the Opihi catchment (i.e. the North Opuha, South Opuha, Te Ana Wai and Upper Opihi Rivers).
 - (b) The FAWP made a primary submission on the Proposal (Submitter ID PC7-382).
 - (c) The FAWP's members have also made various primary submissions on the Proposal.
- 4.** The following is set out in **Annexure A:**
- (a) The primary submissions or parts of submissions that the FAWP supports or opposes; and
 - (b) In relation to each:
 - (i) The reasons for support or opposition; and
 - (ii) The decisions sought by the FAWP in relation to those submissions or parts of submissions.
- 5. Wish to be Heard:**
- (a) The FAWP wishes to be heard in support of its further submissions as set out in Annexure A.
 - (b) The FAWP would be prepared to consider presenting a joint case with others making similar further submissions at the hearing.



Opihi Flow and Allocation Working Party

By its Solicitors and authorised Agents

Gresson Dorman & Co: Georgina Hamilton

Date: 6 December 2019

ANNEXURE A: OPIHI FLOW AND ALLOCATION WORKING PARTY'S FURTHER SUBMISSIONS ON PROPOSED PLAN CHANGE 7 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN

(1) Primary submission that is supported or opposed	(2) The particular parts of the primary submission supported or opposed		(3) Primary Submission	(4) Support/ Oppose	(5) Reasons for support or opposition of the primary submission	(6) Decision sought
<i>Name and address of primary submitter</i>	<i>Submission point reference</i>	<i>Plan Change 7 (PC7) Provision</i>				
<p>Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu</p> <p><i>C/- Aoraki Environmental Consultancy Ltd</i></p> <p><i>kyliehall@aecltd.co.nz</i></p>	PC7-424.193	Minimum flows	Oppose environmental flows and allocation limits and the timeframes set for reductions to take place for the Te Umu Kaha/Temuka River, Ōpūaha/Opuha River and Te-Ana-a-Wai/Te Ana Wai River.	Oppose in part	<p>The FAWP's interest in this submission point is limited to the extent that it addresses "the environmental flows, allocation limits and timeframes for reductions to take place" for the Te-Ana-a-Wai/Te Ana Wai River.</p> <p>The basis for the submission point appears to relate to the submitter's concerns about the sufficiency of the proposed flows for maintaining natural processes, water levels, prevent nutrient enrichment at the hāpua or protect indigenous biodiversity at key life stages e.g. the migration of large tuna (eels).</p> <p>The environmental flows and allocation limits for the Te Ana Wai River are based on the considerable work undertaken by the FAWP prior to the finalisation of the OTOP ZIPA and notification of PC7. It is based on ecological advice and is expected to achieve the relevant statutory tests for water quantity and quality and implement the various objectives and policies of the Canterbury Land and Water Regional Plan that are focused on the matters raised in the submission point.</p>	That the submission point be disallowed to the extent that it would result in a decision inconsistent with that sought in the FAWP's primary submission relating to the environmental flows and allocation limits for the Te-Ana-a-Wai/Te Ana Wai River.
Royal Forest & Bird	PC7-472.152	14.04.06B	Delete Policy 14.4.6B in its	Oppose	The submitter considers that the Policy is uncertain and would not provide for ecosystem health as	That the submission

(1) Primary submission that is supported or opposed	(2) The particular parts of the primary submission supported or opposed		(3) Primary Submission	(4) Support/ Oppose	(5) Reasons for support or opposition of the primary submission	(6) Decision sought
<i>Name and address of primary submitter</i>	<i>Submission point reference</i>	<i>Plan Change 7 (PC7) Provision</i>				
Protection Society Inc. <i>PO Box 2516 Christchurch 8140</i> <i>n.snoyink@forestandbird.org.nz</i>			entirety.		required by Te Mana o te Wai, amongst other concerns that appear unrelated to the proposed Policy. The submitter has failed to understand that the intention of the proposed Policy is to explain the basis on which the “B” block allocations were set, i.e. in part to enable a high flow take to off-set reductions in reliability resulting from the “A” environmental flows proposed through PC7. In the FAWP’s view, the Policy is certain and logical as an implementing policy for the “B” block regimes provided in Section 14.6.2 of PC7.	point be disallowed.
Royal Forest & Bird Protection Society Inc	PC7-472.179	14.04.36	Delete Policy 14.4.36 in its entirety.	Oppose	The FAWP strongly opposes the submitter’s request that Policy 14.4.36 be deleted, particularly given its role as an implementing policy for the environmental flow and allocation regimes for the Opihi River mainstem set out in Section 14.6.2 of PC7. Regrettably, the underlying basis for the submission point appears related to the submitter’s lack of an understanding of the historical framework for water permits in the wider Opihi catchment and augmentation of the mainstem of the Opihi River.	That the submission point be disallowed.
Department of Conservation <i>Private Bag 4715 Christchurch Mail Centre</i>	PC7-160.94	14.04.36	Retain Policy 14.4.36 as notified. (oppose to extent inconsistent with relief of submitter – we want	Oppose	In its primary submission on PC7, the FAWP has sought minor amendments to the introductory wording of Policy 14.4.36. The FAWP therefore opposes the decision sought in the submission point to the extent that it is inconsistent with the FAWP’s primary	That the submission point be disallowed in relation to the introductory text of Policy 14.4.36, and

(1) Primary submission that is supported or opposed	(2) The particular parts of the primary submission supported or opposed		(3) Primary Submission	(4) Support/ Oppose	(5) Reasons for support or opposition of the primary submission	(6) Decision sought
	Name and address of primary submitter	Submission point reference				
8140 gdeavoll@doc.govt.nz			an extra word in there).		submission on Policy 14.4.36.	otherwise be allowed.
Mackenzie District Council planning@mackenzie.govt.nz	PC7-457.10	Minimum flows	Require the location of recorder sites for the purpose of environmental flows and allocation regimes is, at a minimum, in the same location for all permit holders.	Oppose	The submission point fails to recognise the historical context with which the flow measurement sites for the environmental flows in the mainstem of the Opihi River were established and environmental flow conditions have historically been managed. The FAWP considers that this should be maintained moving forward. The FAWP notes that in so far as the tributary minimum flows are concerned, flow measurement sites for affiliated and non-affiliated water permits are the same.	That the submission point be disallowed.
Mackenzie District Council	PC7-457.5	14.06.02.Table 14(o)	Amend Table 14(o) to require regimes that apply from 2030 to be considered through a separate plan change process, allowing for a thorough assessment of the effects of the first step before setting further reductions	Support	The decision sought is consistent with the FAWP's primary submission on PC7.	That the submission point be allowed.
Mackenzie District Council	PC7-457.6	14.06.02.Table 14(q)	Amend Table 14(q) to require regimes that apply from 2030 to be considered through a separate plan change process, allowing for a thorough	Support	The decision sought is consistent with the FAWP's primary submission on PC7.	That the submission point be allowed.

(1) Primary submission that is supported or opposed	(2) The particular parts of the primary submission supported or opposed		(3) Primary Submission	(4) Support/ Oppose	(5) Reasons for support or opposition of the primary submission	(6) Decision sought
<i>Name and address of primary submitter</i>	<i>Submission point reference</i>	<i>Plan Change 7 (PC7) Provision</i>				
Mackenzie District Council	PC7-457.7	14.06.02.Table 14(s)	assessment of the effects of the first step before setting further reductions. Require regimes that apply from 2030 to be considered through a separate plan change process, allowing for a thorough assessment of the effects of the first step before setting further reductions.	Support	While the FAWP's primary submission on PC7 sought that Table 14(s) be amended to require the regime applying in the Te Ana Wai River from 2030 to take effect from 2035, the FAWP supports the decision sought in the submission point as an alternative to the relief sought in its primary submission.	That the submission point be allowed.
Newton, J <i>172A North Street West End Timaru 7910 jackiekiche@hotmail.com</i>	PC7-541.1	Minimum flows	Amend minimum flow provisions so outcomes are achieved earlier and not in two stages.	Oppose	The FAWP believes that any reduction in the proposed timeframes for implementation of the "first stage" of environmental flows for the tributaries of the mainstem of the Opihi River is not justified in terms of ecological or other environmental benefits, and would have a considerable impact on the economic viability of farm businesses that hold water permits affected by those flows.	That the submission point be disallowed.
Richardson, J <i>34 Adian Way Loburn Rangiora 7472 richardsonj162@gmail.com</i>	PC7-65.38	14.06.02 Table 14(m)	Amend Table 14(m) minimum flow figures to those that are more realistic and might make a practical difference.	Oppose	For the reasons set out in the FAWP's primary submission on PC7, it considers that the environmental flows in Table 14(m) will achieve the statutory tests, including implementation of the objectives and policies of the Canterbury Land and Water Regional Plan.	That the submission point be disallowed.
Richardson, J	PC7-65.39	14.06.02 Table 14(n)	Amend Table 14(n) minimum flow figures to those that are more realistic and might make a	Oppose	For the reasons set out in the FAWP's primary submission on PC7, it considers that the environmental flows in Table 14(n) will achieve the	That the submission point be disallowed.

(1) Primary submission that is supported or opposed	(2) The particular parts of the primary submission supported or opposed		(3) Primary Submission	(4) Support/ Oppose	(5) Reasons for support or opposition of the primary submission	(6) Decision sought
<i>Name and address of primary submitter</i>	<i>Submission point reference</i>	<i>Plan Change 7 (PC7) Provision</i>			statutory tests, including implementation of the objectives and policies of the Canterbury Land and Water Regional Plan.	
Richardson, J	PC7-65.40	14.06.02 Table 14(o)	Amend Table 14(o) minimum flow figures to those that are more realistic and might make a practical difference.	Oppose	For the reasons set out in the FAWP's primary submission on PC7, it considers that the environmental flows in Table 14(o) will achieve the statutory tests, including implementation of the objectives and policies of the Canterbury Land and Water Regional Plan.	That the submission point be disallowed.
Richardson, J	PC7-65.41	14.06.02 Table 14(p)	Amend Table 14(p) minimum flow figures to those that are more realistic and might make a practical difference.	Oppose	For the reasons set out in the FAWP's primary submission on PC7, it considers that the environmental flows in Table 14(p) will achieve the statutory tests, including implementation of the objectives and policies of the Canterbury Land and Water Regional Plan.	That the submission point be disallowed.
Richardson, J	PC7-65.42	14.06.02 Table 14(q)	Amend Table 14(q) minimum flow figures to those that are more realistic and might make a practical difference.	Oppose	For the reasons set out in its primary submission on PC7, the FAWP considers that Table 14(p) should be deleted. The FAWP therefore opposes the submission point.	That the submission point be disallowed.
Richardson, J	PC7-65.43	14.06.02 Table 14(r)	Amend Table 14(r) minimum flow figures to those that are more realistic and might make a practical difference.	Oppose	For the reasons set out in the FAWP's primary submission on PC7, it considers that the environmental flows in Table 14(r) will achieve the statutory tests, including implementation of the objectives and policies of the Canterbury Land and	That the submission point be disallowed.

(1) Primary submission that is supported or opposed	(2) The particular parts of the primary submission supported or opposed		(3) Primary Submission	(4) Support/ Oppose	(5) Reasons for support or opposition of the primary submission	(6) Decision sought
<i>Name and address of primary submitter</i>	<i>Submission point reference</i>	<i>Plan Change 7 (PC7) Provision</i>				
					Water Regional Plan.	
Richardson, J	PC7-65.44	14.06.02 Table 14(s)	Amend Table 14(s) minimum flow figures to those that are more realistic and might make a practical difference.	Oppose	For the reasons set out in the its primary submission on PC7, the FAWP considers that the environmental flows in Table 14(s) will achieve the statutory tests, including implementation of the objectives and policies of the Canterbury Land and Water Regional Plan. The FAWP therefore opposes the submission point.	That the submission point be disallowed.