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**Subject:** Plan Change 7 LWRP Further Submission - Adaptive Management Working Group (Submitter ID: PC7-385)  
**Date:** Friday, 6 December 2019 2:56:31 PM

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Good afternoon

Please find **attached** further submissions by the Adaptive Management Working Group (Submitter ID: PC7-385) in relation to various primary submissions on Plan Change 7 to the Canterbury Land and Water Regional Plan.

Kind regards,

Georgina Hamilton  
Partner



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# **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:**

Adaptive Management Working Group (**AMWG**)

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 AMWG is a person with an interest in the Proposal that is greater than the general public has for the following reasons:**

(a) The AMWG's members are:

- (i) Central South Island Fish and Game Council (**CSIFCG**), 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 (**TDC**), 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 (**OWL**), 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.

(b) The AMWG made a primary submission on the Proposal (Submitter ID PC7-385).

- (c) The AMWG's members made primary submissions on the Proposal (Submitter IDs PC7-351 (**CSIFGC**); PC7-292 (**TDC**); PC7-381 (**OWL**)).

**4. The following is set out in Annexure A:**

- (a) The primary submissions or parts of submissions that the AMWG supports or opposes; and
- (b) In relation to each:
  - (i) The reasons for support or opposition; and
  - (ii) The decisions sought by the AMWG in relation to those submissions or parts of submissions.

**5. Wish to be Heard:**

- (a) The AMWG wishes to be heard in support of its further submissions as set out in Annexure A.
- (b) The AMWG would be prepared to consider presenting a joint case with others making similar further submissions at the hearing.



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**Adaptive Management Working Group**

By its Solicitors and authorised Agents  
Gresson Dorman & Co: Georgina Hamilton

Date: 6 December 2019

# ANNEXURE A: ADAPTIVE MANAGEMENT WORKING GROUP'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>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 AWMG'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 Ōpūaha/Opuha 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 AMWG notes that Section 14.6.2 of PC7 does not prescribe any specific flows or limits for the Opuha River mainstem; it is therefore not clear what part of PC7 the submission point relates to.</p> <p>The AMWG has sought to address this gap in PC7 and believes that its proposed flow regime for the Opuha River mainstem (forming part of the AMWG's new Table 14(v(ii)) will 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</p>	That the submission point be disallowed to the extent that it would result in a decision inconsistent with that sought in the AMWG's primary submission relating to the environmental flows and allocation limits for the Ōpūaha/ Opuha River.

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					the matters raised in the submission point.	
Royal Forest and Bird Protection Society Inc  PO Box 2516 Christchurch 8140  n.snoyink@forestandbird.org.nz	PC7-472.178	14.04.35	Delete Policy 14.4.35 in its entirety.	Oppose	The AMWG strongly opposes the submitter's request that Policy 14.4.35 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.  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.
Royal Forest and Bird Protection Society Inc	PC7-472.179	14.04.36	Delete Policy 14.4.36 in its entirety.	Oppose	The AMWG 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.  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.
Royal Forest and Bird Protection Society Inc	PC7-472.180	14.04.37	Delete Policy 14.4.37 in its entirety.	Oppose	The AMWG strongly opposes the submitter's request that Policy 14.4.37 be deleted, particularly given its role as an implementing policy for the environmental flow and allocation regimes for the Opihi River	That the submission point be disallowed.

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					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.	
Royal Forest and Bird Protection Society Inc	PC7-472.181	14.04.38	Delete Policy 14.4.38 in its entirety.	Oppose	The AMWG strongly opposes the submitter's request that Policy 14.4.37 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.
Royal Forest and Bird Protection Society Inc	PC7-472.182	14.04.39	Delete Policy 14.4.39 in its entirety.	Oppose	The AMWG strongly opposes the submitter's request that Policy 14.4.37 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.  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. augmentation of the mainstem of	That the submission point be disallowed.

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					the Opihi River.	
Royal Forest and Bird Protection Society Inc	PC7-472.194	14.05.29	Amend Rule 14.5.29 to insert matters of discretion.	Oppose	The AMWG supports the implications of the submission point, namely that the status of activities governed by Rule 14.5.29 be less stringent than proposed by PC7 (i.e. discretionary activity status be changed to restricted discretionary activity status). However, for the reasons outlined in the AMWG's primary submission on PC7, the AMWG considers that a controlled activity status is more appropriate.	That the submission point be disallowed.
Department of Conservation  <i>Private Bag 4715            Christchurch Mail Centre            8140             gdeavoll@doc.govt.nz</i>	PC7-160.104	14.04.35	Amend clause (e) of Policy 14.4.35 to define a maximum period for when flows can be kept at Level 2 flow regime to compensate for the volume of water released for the fresh and avoid flat lining for extended periods, regardless of the monthly varying minimum flows.  Or, as an alternative option for flow releases:  Ensure a given frequency of freshes with a minimum interval are observed at the flow recorder site at Saleyards Bridge during this period (e.g. FRE <sub>3</sub> events, 10x the preceding	Oppose in part	The AMWG supports the first limb of the submission point but strongly opposes the second (alternative) limb of the submission point.  In relation to the first limb of the submission point, the AMWG notes that: <ul style="list-style-type: none"> <li>Proposed Policy 14.4.35(e) already limits the time flow can be reduced to Level 2 to “a period of time sufficient to compensate for the volume of water released during the flush.” The AMWG has sought in its primary submission on PC7 to clarify the volumes of water involved in artificial freshes e.g. defining the volumes associated with “small” and “large” freshes, so as to provide a limit to the time the flow can be reduced.</li> <li>The request that flat lining for extended periods, regardless of the monthly varying</li> </ul>	That: <ul style="list-style-type: none"> <li>the first limb of the submission point be allowed; and</li> <li>the second (alternative) limb of the submission point be disallowed.</li> </ul>

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			baseflow).		<p>minimum flows, be avoided is consistent with the views of the AMWG and one of the key considerations underlying the AMWG's original proposal for monthly average minimum flows to allow variability. In this regard, the AMWG notes that the instantaneous or daily average minimum flows at Saleyards Bridge (preferred by ECan and incorporated into PC7) tends to encourage flat-lining by promoting reduced Opuha flows whenever Opihi flows are higher and vice versa.</p> <p>In relation to the second (alternative) limb of the submission point, the AMWG notes that previous studies conducted by Measures and Bind (2012) confirm that it is not practical to set artificial fresh requirements at Saleyards bridge as there is significant attenuation of fresh peak flow and volume as pulse flows travel along the length of the Opuha to the Opihi Confluence. This means that by the time a fresh reaches Saleyards bridge it is much harder to define its volume in order to calculate compensatory reductions in minimum flow.</p> <p>It is also noted that it is much more difficult to design flushes to achieve a specified peak flow at Saleyards. Flow metrics such as FRE3 and 10x the preceding baseflow are not good indicators of flush effectiveness. These metrics have been used primarily for statistical studies comparing multiple</p>	



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					<p>rivers and are not particularly useful for flow regime design in regulated rivers downstream of dams. Early trial flushing flows on the Opuha river using such metrics were largely ineffective and there are also challenges around defining what FRE3 and 10x the pre-ceeding baseflow mean in a regulated river.</p> <p>For these reasons it is the AMWG's preference for PC7 to define fresh requirements loosely, e.g. as a required volume per fresh, and to use an adaptive management approach involving consultation with key stakeholders to decide on the preferred flush hydrograph based on the river conditions and priorities at the time of the fresh.</p> <p>For completeness, the AMWG notes the submitters suggestion (in its primary submission) that “...<i>relating [flow releases] back to the natural distribution and timing of fresh/flood flows would also benefit native fish migration requirements (as opposed to an aesthetic outcome), many of which occur in the November to March period. Such flow releases also need to be of sufficient magnitude to ensure mouth openings, especially in January and February (which have lower minimum flows and when dissolved oxygen- and temperature related stress are more likely to occur.</i>”</p> <p>The AMWG notes that the decisions sought in its primary submission on PC7 includes raising the minimum flows in January and February (and lowering the minimum flows at other times of year such that the same volume of water is required) to</p>	

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					help achieve mouth openings and reduce dissolved oxygen and temperature related stress in January and February.	
Department of Conservation	PC7-160.94	14.04.36	Retain Policy 14.4.36 as notified.	Oppose	In its primary submission on PC7, the AMWG has sought minor amendments to Policy 14.4.36(b) and (d). The AMWG therefore opposes the decision sought in the submission point to the extent that it is inconsistent with the AMWG's primary submission on Policy 14.4.36.	That the submission point be disallowed in relation to Policy 14.4.36(b) and (d), and otherwise be allowed.
Department of Conservation	PC7-160.95	14.04.38	Amend Policy 14.4.38 so that the application of Level 1 or Level 2 alternative minimum flow is assessed on a weekly or at least two-weekly cycle.	Oppose in part	To the extent that the submission point seeks that the application of a Level 1 or Level 2 alternative minimum flow to be assessed more frequently than on the first day of the month, as proposed by PC7, the AMWG supports the submission point. However, for the reasons outlined in the AMWG's primary submission on PC7, its preference is for the application of a Level 1 or Level 2 alternative minimum flow to be able to be assessed on any day of the month.	That the submission point be disallowed.
Department of Conservation	PC7-160.96	14.06.02.Table 14(v)	Amend Table 14(v) to increase the Jan-Feb minimum flows for the Opihi River at the Saleyards Bridge to provide for enhanced instream habitat values.	Oppose in part	<p>The AMWG supports the submitter's request that the minimum flows for the mainstem of the Opihi River at Saleyards Bridge be increased during January and February as this aligns with the decisions sought by the AMWG in its primary submission on PC7.</p> <p>For completeness, the AMWG notes that the submission point also records the submitter's position</p>	To the extent that the submission point seeks to increase the Table 14(v) Jan-Feb minimum flows for the Opihi River, that the submission point be

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					<p>that:</p> <ul style="list-style-type: none"> <li>The triggers proposed by the AMWG would keep the lower Opihi River in level 1 and 2 restriction minimum flows for extended periods in most years on record; and</li> <li>PC7's volumetric irrigation restrictions appear easier to implement and monitor.</li> </ul> <p>For the reasons set out in full in the AMWG's primary submission, the AMWG strongly oppose those aspects of the PC7, and consequently oppose the submission point to the extent that it supports them.</p>	<p>allowed.</p> <p>In all other respects, that the submission point be disallowed.</p>
<p>Darby Farm Partnership</p> <p>Moffit Dairy Limited</p> <p>Orton Downs Farm Partnership</p> <p><i>Unit 5</i> <i>20 Hampton Downs Road</i> <i>RD2 Tekauwhata 3782</i></p> <p><i>devethgroup@gmail.com</i></p> <p><i>208 Havelock Street</i> <i>Ashburton 7700</i></p>	<p>PC7-464.5</p> <p>PC7-435.61</p> <p>PC7-469.61</p>	<p>14.05.30</p>	<p>Retain Rule 14.5.30 as notified (we want to change to non-complying).</p>	<p>Oppose in part</p>	<p>In its primary submission on PC7, the AMWG has requested that the status of activities under Rule 14.5.30 be changed from prohibited to non-complying. The AMWG opposes the decision sought in the submission point to the extent that it is inconsistent with the AWMG's primary submission on Rule 14.05.30.</p>	<p>That the submission point be disallowed in relation to retention of prohibited activity status, and otherwise be allowed.</p>

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<i>jtmoffitt@farmside.co.nz</i>						
Newton, J  172A North Street West End Timaru 7910  <i>jackiekiche@hotmail.com</i>	PC7-541.1	Minimum flows	Amend minimum flow provisions so outcomes are achieved earlier and not in two stages.	Oppose	For the reasons set out in the AWMG's primary submission on PC7, the AMWG considers it appropriate for: <ul style="list-style-type: none"> <li>• The "first stage" of environmental flows for the mainstem of the Opihi River under Table 14(v), subject to the AMWG's requested amendments, to take effect from 1 January 2025; and</li> <li>• The second stage environmental flows for the mainstem of the Opihi River under Table 14(w) PC7 to be deleted.</li> </ul> The AMWG also believes that any reduction in the proposed timeframes for implementation of the "first stage" of environmental flows 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.
Mackenzie District Council  <i>planning@mackenzie.govt.nz</i>	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 AMWG strongly opposes the request make by	That the submission point be disallowed.

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					the submitter for that reason, and on the basis of previous hydrological advice it has received that changing the current flow measurement sites would be, from a hydrological perspective, very complicated and therefore costly.	
Mackenzie District Council	PC7-457.8	14.06.02.Table 14(w)	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 AMWG's submission that Table 14(w) be deleted.	That the submission point be allowed.
Richardson, J  34 Adian Way Loburn Rangiora 7472  richardsonj162@gmail.com	PC7-65.47	14.06.02 Table 14(v)	Amend Table 14(v) minimum flow figures to those that are more realistic and might make a practical difference.	Oppose	In its primary submission on PC7, the AWMG has sought amendments to the environmental flows in Table 14(v) that it considers are required to achieve the relevant statutory tests, including implementation of the objectives and policies of the Canterbury Land and Water Regional Plan.  The AMWG therefore opposes the submission point to the extent that the decision sought may result in changes to Table 14(v) that are inconsistent with the decisions sought in the AMWG's primary submission on PC7.	That the submission point be disallowed.
Richardson, J	PC7-65.48	14.06.02.Table 14(w)	Amend Table 14(w) minimum flow figures to those that are more realistic and might make a	Oppose	In its primary submission on PC7, the AWMG has sought deletion of Table 14(w) as it considers the underlying scientific basis for the proposed "full availability" environmental flows to be fundamentally	That the submission point be disallowed.

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			practical difference.		flawed. The AMWG therefore opposes the submission point.	