

## EXPERT CAUCUSING — PLANNING – ORARI-TEMUKA-OPIHI-PAREORA SUB-REGION

Submitters — 381, 382, 385

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

Date of conference: Various meetings between 25 November 2020 – 21 January 2021

Venue: Via Microsoft Teams



Facilitator: None

Recorder: None (Record taken by attendees)

- 1 The Hearing Panel for Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan (**PC7**) requested<sup>1</sup> that the planner for the Opihi Flow and Allocation Working Party, Adaptive Management Working Group, and Opuha Water Limited and the reporting officer caucus to seek agreement as to plan provisions that would provide for an alternative flow and allocation regime to be implemented through a resource consenting pathway involving a management plan in place of having the detail contained in Table 14(x) and Table 14(v) within the plan.

### Attendees

- 2 Witnesses who participated and agreed to the content of this Joint Witness Statement (**JWS**):

Name	Employed or engaged by	Signature
Tim Ensor	Opihi Flow and Allocation Working Party, Adaptive Management Working Group, and Opuha Water Limited	
Matthew McCallum-Clark	Canterbury Regional Council	

### Environment Court Practice Note

- 3 All participants confirm that they have read the Environment Court Consolidated Practice Note 2014 and in particular Section 7.1 (Code of Conduct, Duty to the Court and Evidence of an expert witness) and Appendix 3 - Protocol for Expert Witness Conferences and agree to abide by it.
- 4 Mr Ensor acknowledges that is employed by Tonkin & Taylor Limited and is engaged by the Opihi Flow and Allocation Working Party, Adaptive Management Working Group, and Opuha Water Limited. Notwithstanding that, Mr Ensor confirms that he has participated in conferencing and contributed to this JWS as an independent expert and in compliance with the Code of Conduct.
- 5 Mr McCallum-Clark acknowledges that he is employed by Incite and engaged by the Canterbury Regional Council. Notwithstanding that, Mr McCallum-Clark confirms that he has participated in conferencing and contributed to this JWS as an independent expert and in compliance with the Code of Conduct.

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<sup>1</sup> Afternoon of 2 November 2020

### Experts' qualifications and experience

- 6 Mr Ensor's qualifications and experience are set out in his evidence.
- 7 Mr McCallum-Clark's qualifications and experience are set out in the Section 42A Report - Plan Change 7 to the CLWRP and Plan Change 2 to the WRRP, March 2020.

### Purpose of expert conference

- 8 The purpose of the conference is to assist the Hearing Panel by responding to a question asked by Commissioner van Voorthuysen, regarding providing for an alternative management regime through a resource consent process that relies on an operational management plan.
- 9 Experts were asked to: seek agreement if possible, as to plan provisions that would provide for an alternative flow and allocation regime to be implemented through a resource consenting pathway involving a management plan, in place of having the detail contained in Table 14(x) and Table 14(v) within the plan.

### Proposed plan provisions relevant to this caucusing

- 10 The following plan provisions are relevant to this caucusing:
  - a) Policy 14.4.37,
  - b) Policy 14.4.38,
  - c) Rule 14.5.29,
  - d) Table 14(v) (Opihi Freshwater Management Unit environmental flow and restriction regime), and
  - e) Table 14(x): Alternative Management Regime Thresholds.

### Record of agreement

- 11 The experts did not discuss the merits or otherwise of the content of Table 14(v), or the merits or otherwise of the structure and form of any alternative management regime as it might appear in Table 14(v).
- 12 For the record, Mr Ensor records that he supports the inclusion of this alternative management regime in the Plan.
- 13 For the record, Mr McCallum-Clark records that he does not support the inclusion of this alternative management regime in the Plan, preferring instead a slight modification of the regime put forward in the Section 42A Report.
- 14 The experts have agreed that should the Hearing Panel for PC7 favour a resource consenting approach utilising an operational management plan for the implementation of an alternative management regime, that:
  - a) The environmental flow and restriction regime is retained in the plan,
  - b) Table 14(x): Alternative Management Regime Thresholds, should be deleted from PC7,
  - c) Policy 14.4.37 should be combined with Policy 14.4.38 and amended as follows:

#### ***14.4.37 (Replaces 14.4.37 and 14.4.38 as notified)***

*Provide for the Level 1 and Level 2 regime for the Opihi River at Saleyards Bridge contained in Table 14(v) to be implemented through a resource consent for discharges from the Opuha Dam so as to allow the regime to effectively respond to climatic conditions, lake inflows and lake storage levels. The resource consent shall specify the requirements for an operational management plan that includes:*

- a. thresholds for moving between flow and abstraction restriction levels,*
- b. the length of the threshold periods,*
- c. the transition arrangements between flow and abstraction restriction levels,*
- d. the period which any flow and abstraction restriction level will apply,*

- e. documentation of the decision-making process undertaken by the consent holder to transition between flow and abstraction restriction levels,
- f. documentation of how the objective of the National Policy Statement for Freshwater Management 2020 is achieved for each decision made,
- g. whether an advisory group is to be formed and its membership, and
- h. reporting requirements to Environment Canterbury.

d) Rule 14.5.29 should be amended to include a new condition as follows:

- a. A draft operational management plan is prepared and submitted with the application for resource consent that demonstrates how the discharge will maintain connectivity, ecological health, and flow variability in the augmented Opuha and Opihi mainstems, and achieve the objective of the National Policy Statement for Freshwater Management 2020.
- b. The draft operational management plan shall include details of:
  - i. the timing and volume of the release from the Opuha Dam for artificial freshes in order to effectively reduce the duration and severity of nuisance periphyton blooms; and
  - ii. the timing of releases from the Opuha Dam for flood buffering purposes; and
  - iii. if the application seeks an alternative management regime under Policy 14.4.37, the draft operational management plan must also include the matters listed in Policy 14.4.37.