

From: [Haidee McCabe](#)
To: [Mailroom Mailbox](#)
Cc: [casey williams](#)
Subject: Fox Peak Station - PC7 Submission
Date: Thursday, 12 September 2019 2:17:53 PM

Please find attached PC7 Submission for Fox Peak Station

Thank you.



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

Clause 5 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 Fox Peak Station Ltd
Address: c/Irricon Resource Solutions
Attn: Haidee McCabe
PO Box 2193
Washdyke, Timaru

Contact: Haidee McCabe
Email: haidee@irricon.co.nz

Trade competition statement:

2 Fox Peak Station Ltd 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**).

The specific provisions of PC7 that this submission relates to:

4 This submission relates to Part B of PC7 (Orari-Temuka-Opihi-Pareora sub-region component of PC7) in its entirety.

Wish to be Heard:

5 The Fox Peak Station wishes to be heard in support of this submission.

6 The Fox Peak Station would be prepared to consider presenting a joint case with others making similar submissions at the hearing.

Submission Authorized by:



Haidee McCabe

Date: 13 September 2019

(1) The specific provisions of the Proposed Plan that my submission relates to are:		(2) My submission is that: (include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)		(3) I seek the following decisions from Environment Canterbury: (Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)
Section & Page Number	Sub-section/ Point	Oppose/ support (in part or full)	Reasons	
Pg 34	Rule 5.111 (Small and community water takes) and associated “interpretation” note	Support	Fox Peak Station supports this rule as farming activities must be able to take reasonable water from surface and groundwater to meet stock water needs. Many operate as companies and this amendment to persons, is understood to mean companies are included. The proposed amendments better align Rule 5.111 and the associated interpretation note with section 14(3)(b) of the Resource Management Act 1991 (RMA).	Retain Rule 5.111 and the associated “interpretation” note as notified.
Pg 132	Abstraction of Water 14.4.6B	Support	Storage of AA and BN water permits are a critical element to successfully irrigating on Fox Peaks Stations properties, who have two storage ponds on one property and one pond on another. This storage is required for current reliability of supply and will become more crucial with increasing minimum flow restrictions at low and high flows.	Retain policy 14.4.6B as notified
Pg 133	Efficient use of Water 14.4.12	Support in part	This policy is supported but is considered that this does not go far enough to supporting existing consents. It is imperative consent holders are able to renew replacement consents, considering the significance of investment and reliance on irrigation for the properties economic viability.	Retain Policy 14.4.12 as notified; and include another policy as follows: <i>In considering whether to grant or refuse applications for replacement of existing consents, the consent authority will:</i> <i>a. consider whether all reasonable attempts to meet the efficiency expectations of this Section have been undertaken;</i> <i>b. recognise the value of the investment of the existing consent holder; and</i>

				<i>c. maintain the inclusion of the consent, if granted, in any allocation limits and priority bands on the water body concerned.</i>
Pg 140	Surface Water Flows 14.4.34	Support	Fox Peak Station already has several water permits with dual minimum flows, and are located upstream of Lake Opuha so are not supplied directly. This catchment must be managed by this arrangement considering the infrastructure of the Opuha Dam, and the benefits this provides with augmentation of Opihi mainstem minimum flows to all shareholders.	Retain Policy 14.4.34 as notified
Pg 140	14.4.35 – 39	Oppose in part	Fox Peak Station is reliant on the ability of OWL, Opuha Environmental Flow Release Advisory Group (OEFrag) and the Adaptive Management Working Group (AMWG) group to achieve adaptable, effective and flexible management of the minimum flows at Saleyards Bridge to ensure the storage in Lake Opuha is optimised. This is critical during drought conditions to maintain river flows for environmental benefit and irrigation reliability of supply which has the potential to have a significant impact on Fox Peak Station farming operations.	Adopt all recommendations by the Adaptive Management Working Group (AMWG) group
Pg 144	Take and Use Surface Water Rule 14.5.4 – 14.5.6	Oppose in part	<p>This policy does not reference Table 14 (y) which provides BN water permits for high flow takes, which are a critical component of irrigation at Fox Peak Stations on two of the properties with existing water permits operating.</p> <p>Fox Peak Station is aware that PC7 will bring significant change to the current BN water permits with removal of SH1 of 15 cumecs that will be replaced with a minimum lake level. In addition, increasing minimum flows and the establishment of allocation blocks which these existing consents must be included within. This will have an impact on reliability of supply, and Fox Peak is seeking consideration of the impact of new consents on existing consents reliability of supply and priority to water.</p> <p>Fox Peak are seeking provisions to be able to have the opportunity to take at lower lake levels, if there is an agreement with Opuha Water Limited. This means at times agreed appropriate, that Fox Peak may be able to take when the Lake level is lower than that set in Table 14 (y), providing the river flows comply with the relevant high flow levels in table 14 (y).</p>	<p>Rule 15.5.4 - Amendment to Condition 1 as follows:</p> <p>....Table 14 (h) to Table (za) <i>and Lake level limit set in Table 14(y) unless an agreement with Opuha Water Ltd, is in place that allows water to be taken a lower lake levels;</i> and</p> <p>Additional matters of discretion are recommended to be included as follows:</p> <ul style="list-style-type: none"> <i>The appropriateness of existing consent conditions, including conditions of minimum flow, seasonal or annual volume and other restrictions to mitigate the effects on the affected water body.</i> The effects the take has on any other authorized take or diversion, <i>particularly reliability of supply and investment in infrastructure,</i> and <p>Support recommendations made by Opuha Water Ltd to make</p>

			<p>The matters of discretion within this rule already consider the effects on already authorized takes and that further consideration is given to existing water permits, by identifying the potential impacts on reliability of supply, and whether priority should be afforded, considering impact on existing investment.</p> <p>Fox Peak Station are aware that there are errors within the various Tables in PC7, which must be corrected to provide for existing water permits that are not provided for. For example only the South and North Opuha has been identified as tributaries of Lake Opuha. However Fox Peak Station hold consents to take from unnamed water bodies at low flows and Station Stream at both low and high flows that are tributaries of Lake Opuha. These are not included within the current tables, and potentially means uncertainty during the renewal process, which Rule 14.5.4 does not seem to anticipate this situation. It is considered that such consents could be processed as a discretionary activity under this rule, but the matters of discretion do not consider minimum flows that have not already been determined. This has been recommended to be included, along with further amendments to the relevant tables to provide for these existing water permits.</p> <p>Given these impacts with changing minimum flow regimes and consequently reliability of supply, and the fact there is no direct supply to water users located upstream of Lake Opuha, there must be the option to take directly from Lake Opuha.</p>	provisions to take water directly from Lake Opuha.
Pg 145	Rule 14.5.29-30	Oppose in part	<p>Fox Peak Station is reliant on the ability of OWL, Opuha Environmental Flow Release Advisory Group (OEFrag) and the Adaptive Management Working Group (AMWG) group to achieve adaptable, effective and flexible management of the minimum flows at Saleyards Bridge to ensure the storage in Lake Opuha is optimised. This is critical during drought conditions to maintain river flows for environmental benefit and irrigation reliability of supply which has the potential to have a significant impact on Fox Peak Station farming operations.</p>	Adopt all recommendations by the Adaptive Management Working Group (AMWG) group
Opihi Freshwater Mgmt Unit				
Pg 166	Table 14	Oppose	Support the table providing for Station Stream which includes Fox Peak	Support as notified for Station Stream.

	(m) North Opuha	in part	<p>existing water permits, and that minimum flow conditions of the existing consent are retained.</p> <p>The allocation for Deep Creek does not include Fox Peaks consent CRC192381 for 4.5l/s for stock and washdown water. This has a SH1 minimum flow restriction for washdown water but none for stockwater. This allocation of 4.5l/s should be included within this table.</p>	<p>Amend Deep Creek as follows:</p> <p>Minimum flow: 2600 deleted and replace with: <i>as per resource consent conditions</i></p> <p>Allocation Limit: 445 deleted and replaced with <i>119.5 l/s</i></p>
Pg 167	Table 14 (n) South Opuha	Oppose in part	<p>Fox Peak Station hold consent CRC150164 to take and use 8.4l/s from an unnamed stream that runs parallel to the South Opuha. This allocation is not included within the South Opuha as it would further increase allocation and adversely affect existing water permits. Therefore this stream needs to be identified and provided for, like Tabe 14 (m) has for waterways other than the North Opuha but who are within close proximity or wider catchment area. Currently there is no minimum flow on this consent, but during renewal process this would be addressed and conditions potentially applied. The amendment to Rule 14.5.4 then provides for this to be assessed during the consent process.</p>	<p>Amend table to include the following:</p> <p>Unnamed waterway; Minimum flow – as per resource consent conditions; Partial Restrictions – Pro Rata; Allocation – 8.4 l/s</p>
Pg 171	Table 14 (y) BN	Oppose in part	<p>Fox Peak Station has already identified that existing resource consents they hold, have not been provided for within AA and AN tables.</p> <p>Furthermore portions of these consents identified include high flow BN water and therefore need to be included within Table 14 (y) for Station Stream (CRC171315 for 250 l/s) and Deep Creek (CRC192381 for 4.5l/s).</p> <p>Fox Peak Station hold a BN consent from South Opuha River, which is already provided for by Table 14 (y) but this will mean an increasing minimum flow on the South Opuha, and change from SH1 minimum flow to Lake Opuha levels. This does have an impact on reliability of supply and it is essential the investment in current infrastructure is considered with future consent processes. It also needs to be clear, that the Lake Opuha level will replace the SH1 15 cumecs during consent review or future consent processes, to avoid a complications or triple minimum flow restrictions.</p> <p>Furthermore provision for exemption with Lake Opuha operating levels if an agreement is held with Opuha Water.</p>	<p>Include additional rows for the missing tributaries in the table and which will both have Lake Opuha Levels only:</p> <p><i>Station Stream; Station Stream at Gorge; Minimum flow - as per resource consent conditions; Allocation – as per existing resource consents</i></p> <p><i>Deep Stream: Minimum flow – as per resource consent conditions; Allocation – as per existing resource consents.</i></p>

Pg 170	Table 14 (v), (w) and (x)	Oppose in part	Fox Peak Station is reliant on the ability of OWL, Opuha Environmental Flow Release Advisory Group (OEFrag) and the Adaptive Management Working Group (AMWG) group to achieve adaptable, effective and flexible management of the minimum flows at Saleyards Bridge to ensure the storage in Lake Opuha is optimised. This is critical during drought conditions to maintain river flows for environmental benefit and irrigation reliability of supply which has the potential to have a significant impact on Fox Peak Station farming operations.	Adopt all recommendations by the Adaptive Management Working Group (AMWG) group

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