

From: [Keri Johnston](#)
To: [Plan Hearings](#)
Subject: Fox Peak Station Ltd - Plan Change 7 Hearing Evidence
Date: Friday, 17 July 2020 9:45:21 am
Attachments: [image002.png](#)
[image003.png](#)
[Fox Peak Station Limited Hearing Evidence PC7 FINAL 170720.pdf](#)

Please find this attached.

Kind regards,

Keri



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**BEFORE INDEPENDANT HEARING COMMISSIONERS
APPOINTED BY THE CANTERBURY REGIONAL COUNCIL**

UNDER: the Resource Management Act 1991

IN THE MATTER OF: Proposed Plan Change 7 to the Canterbury Land
and Water Regional Plan – Section 14: Orari-
Temuka-Opihi-Pareora

**STATEMENT OF EVIDENCE OF HAIDEE JANE MCCABE ON BEHALF OF
THE FOX PEAK STATION LTD**

Qualifications and experience

1. My name is Haidee Jane McCabe
2. I hold a Bachelor of Resource Studies from Lincoln University. I have 22 years' experience in water and irrigation related resource management. I am an accredited RMA Decision Maker.
3. As a graduate I worked for Attewell Irrigation Consultants for 5 years working on resource management for large irrigation schemes and individual farms, including the Opuha Dam scheme. I also spent a year in Western Australia working for an agribusiness company managing carrot/onion farms and vineyards dealing with irrigation, environmental and farm management issues. On my return to NZ, I spent two years designing and selling on-farm irrigation systems.
4. In 2005 I established my own consultancy, mainly preparing irrigation resource consents and project managing farmer groups dealing with water quality and water quantity matters.
5. Since 2010, I have been a director and principal of Irricon Resource Solutions Limited, a resource management and environmental engineering consultancy, working extensively in the field of water resources management for both water quantity and water quality. I also hold the position of Managing Director.

Code of Conduct

6. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court's Practice Note as updated in 2014. My evidence has been prepared in compliance with that Code. In particular, unless I state otherwise, this evidence is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Background

7. Fox Peak Station is owned by Laurie Williams, and is run in conjunction with his daughters. Together, they collectively operate multiple properties in the Fairlie Basin. They collectively now farm nearly 9,000 hectares in total which includes the extensive hill country, two irrigation blocks (Monument Block run off and Plantation Road dairy)

plus a dryland dairy farm known as Deepburn, all in the Sherwood area. These properties mentioned are the focus of the evidence. Not long after the purchase of Fox Peak Station in 2010, I was engaged to assist with sourcing water for irrigation. The property was at that time sheep and beef, and the desire was to convert the property to a dairy farm but to do so required reliable water for irrigation.

8. Fox Peak Station hold a total of 76 shares in Opuha Water Ltd (OWL), which were purchased by the previous owners in anticipation of the Ashwick Flat canal that would supply water to farmland in this area and above Lake Opuha. However, this had not progressed so the Williams' pursued drilling a costly large deep well in 2010 to source water for the property. Sufficient water was not able to be sourced for irrigation and the drilled well, now only supplies washdown water for the dairy shed.
9. With legal support, it was identified that high flow water could be obtained from Station Stream which a tributary of Lake Opuha. The Opihi River Regional Plan (ORRP) did not identify a different planning regime above dam to any other tributaries where high flow off stream storage was operating such as in the Te Ana Wai River catchment.
10. As a result of this, Fox Peak successfully secured 250 l/s of BN water and 21.3 l/s of BA from Station Stream, which has recently been increased to 29.6l/s to work in conjunction with the Unnamed tributary on a new property (Monument Block). Storage has been developed to hold 75,000 cubic metres of water. This provides for 210 hectares of irrigation and supports a well-established dairy farm, milking 1000 of cows.
11. A few years later Fox Peak then went onto to purchase Monument Block on the true right of the South Opuha River which is a run-off block to support the dairy farm. This had a small consent from an Unnamed tributary to take 8.3l/s for irrigation, with K-Line operating. It was decided again to apply for high flow BN water to take 200l/s from the South Opuha River and irrigate 210 hectares. Storage has been developed to hold 201,000 cubic metres of water. This development was only completed this last summer.
12. Both high flow BN takes have dual minimum flow regimes with a minimum flow on the local waterbody, the Opihi River at State Highway One, and for the more recent South Opuha consent, lake levels restrictions also. It is a complicated management regime and is closely monitored to enable compliance.

13. All of the consents held are listed in the following table:

Consent	Tributary	Flowrate Litres per second (l/s)	Type	Flow Regime	Hectares Irrigated
CRC153907 (Deepburn)	North Opuha	7.5 l/s		N/A	Stockwater use only
CRC192381 (Deepburn)	Deep Creek	4.5 l/s	BN	Minimum flow condition at SH1. Cease abstraction if Deep Creek goes dry. For washdown only.	Washdown and stockwater use only
CRC171315 (Plantation Road)	Station Stream	29.6 l/s 250l/s 1 l/s stockwater	BA BN	Specific Station Steam low flow condition for BA – 118 l/s. Specific high flow Station Stream condition for BN, Lake Level, Saleyards Bridge and SH1	210
CRC150164 (Monument Block)	Unnamed Tributary	8.3l/s	BA	3 l/s immediately downstream, Lake Level, Saleyards Bridge and SH1	210
CRC184240 (Monument Block)	South Opuha	200 l/s	BN	Specific high flow condition on South Opuha, Lake level and SH1	210

14. Explanatory note regarding the relationship between CRC171315 and CRC150164:

During the variation process for consent CRC171315, in order to increase reliability of supply at their Plantation Road property, Fox Peak Station applied to use the 8.3 l/s from the Unnamed tributary under CRC150164 at either property; either from the Unnamed Tributary use on the applicants Monument Road property, or from Station Creek for use at their Plantation Road property. When the consents are used in conjunction with one another the maximum rate of take from Station Creek is increased from 21.3 L/s to 29.6 L/s with a combined annual volume of 405,305 m³ under A permit status for both take locations (Plantation and Monument). This is provided for in the conditions of CRC171315 where the A permit abstraction is provided for at either 21.3 or 29.6 l/s and has a combined annual volume limited to OWL shares.

Tributaries

Deep Creek and Station Stream (Table 14(m))

15. The allocation and minimum flow regime for Station Stream is included within Table 14(m) for the North Opuha, but Deep Creek is not. Fox Peak supported the inclusion of Station Stream and proposed that the Deep Creek consent should also be identified and included in this table.
16. However following consultation with OWL and the evidence of Keri Johnston, it is now recommended that these tributaries are identified in a specific "Other Streams" table with the consent flow regime and allocation, given they flow directly into Lake Opuha. This is supported by Fox Peak Station and achieves the intent proposed by submissions, which was to ensure these existing consents were included in an allocation table with the current consent minimum flow regime, to ensure they have a consenting pathway at renewal.

South Opuha (Table 14(n))

17. Fox Peak hold consent to take 8.3l/s from an Unnamed tributary that runs parallel to the South Opuha River, on the true right. The submission identified that this needs to be accounted for somewhere but not within the South Opuha as this would affect the existing allocation. We had proposed that that an additional line to be included within the South Opuha table for the 8.3l/s with its own consent minimum flow regime. However, the S42 report recommends this be included within the South Opuha allocation and this is incorrect.
18. Again Fox Peak, in consultation with OWL, Keri Johnston, supports this 8.3 l/s being identified in a "Others Streams" table with the consent flow regime and allocation, which achieves the same intent Fox Peak were seeking, to ensure there is a consenting pathway on renewal and that this allocation is accounted for.

BN Above Lake (Table 14(y))

19. The Fox Peak submission identified that their current consents to take high flow BN water from Station Stream and Deep Stream were missing from Table 14(y). The submission identified this needed to be included in the table as an additional line for the allocation and to ensure the consents current minimum flow regime is included.

20. It is understood that Opuha Water Limited, in the evidence of Keri Johnston, have addressed the need for an Opihi Freshwater Management Unit BN allocation to be included in PC7. Fox Peak are simply seeking to ensure there is a consenting pathway on renewal and that this allocation is accounted for.
21. Fox Peak supports the changes to the high flow BN regime, with the SH1 minimum flow being removed and replaced with Lake Opuha lake levels as this is far more relevant for takes upstream of Lake Opuha. But it must be clearly established in the plan that the Lake Opuha level will replace SH1 to ensure it is not both. As combined with the actual river high flow regime, managing triple flow levels is extremely complicated and difficult to comply with as has been experienced on the dairy farm, from Station Stream and more recently the South Opuha.
22. Whilst Fox Peaks is supportive of this change, which also means higher BN flow regimes on the South Opuha and a new BN allocation block for other users in the future, which means potentially sharing with other users. However, there is concern on the impact on reliability of supply for the properties who are reliant upon the ability to operate these takes and the significant cost of the investment in large scale irrigation ponds with these changes. As you have seen from the table above, a large amount of Fox Peaks water and irrigation system is reliant upon high flow water, with limited OWL shares.
23. On that basis, Fox Peak submitted that there needs to be a consenting pathway and provisions in place for there to be exceptions to the minimum Lake Opuha level, providing there is agreement with OWL who operate the lake levels. This means that at agreed times with OWL, Fox Peak may be able to take when the lake level is lower than that set in Table 14(y). This does not mean the relevant South Opuha or Station Stream high flow minimum flows can be avoided.
24. We are aware that there are opportunities to take water during flood events, operational reasons or late summer when lower lake levels are not a concern to OWL and does not impact other users downstream, that such a regime could be implemented.
25. Fox Peaks recommendation had been to amend Rule 14.5.4, however this has been discussed in the S32 reports or S42 Officers report, and no changes are proposed to

the rule. Our recommendation was to also identify the Lake level ranges specified in Table 14(y), unless an agreement with OWL was in place that allows water to be taken at a lower level.

26. However, we are aware OWL do not oppose a consenting pathway that would allow for this if the Commissioners are of a view to allow that.