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Subject: Plan Change 7: Opihi Flow and Allocation Working Party (PC7-382) - Evidence in Chief
Date: Friday, 17 July 2020 5:50:39 pm
Attachments: [Evidence of Mark Webb 17.7.20.pdf](#)
[Evidence of Gregory Anderson 17.7.20.pdf](#)
[Evidence of Mark Hawkins 17.7.20.pdf](#)
[Evidence of Grant Porter 17.7.20.pdf](#)
[Evidence of Caroline Saunders 17.7.20.pdf](#)
[Evidence of Murray Bell 17.7.20.pdf](#)
[Evidence of Dan Davies 17.7.20.pdf](#)
[Evidence of Keri Johnston 17.7.20.pdf](#)
[Evidence of Dr Gregory Ryder 17.7.20.pdf](#)
[Evidence of Gregory McAlister 17.7.20.pdf](#)
[Evidence of Timothy Ensor 17.7.20.pdf](#)
[Evidence of Jonathan Sutherland 17.7.20..pdf](#)

Dear Tavisha

We act for the Opihi Flow and Allocation Working Party (**OFAWP**), submitter no. PC7-382.

We **attach** for filing, in relation to the above matter, statements of evidence in chief of the following witnesses on behalf of the OFAWP:

1. Mark Webb (OFAWP representative – Fish & Game);
2. Gregory Anderson (OFAWP representative – North Opuha);
3. Murray Bell (OFAWP representative – Upper Opihi);
4. Deiniol Davies (OFAWP representative – South Opuha);
5. Mark Hawkins (OFAWP representative – Te Ana Wai);
6. Keri Johnston (hydrology);
7. Dr Gregory Ryder (ecology/freshwater quality);
8. Grant Porter (economics);
9. Dr Caroline Saunders (economics);
10. Tim Ensor (planning);
11. Gregory McAlister (drone footage);
12. Johnathan Sutherland (drone footage).

Kind regards,

Georgina Hamilton
Partner



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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 IN CHIEF OF GREGORY WILLIAM ANDERSON ON
BEHALF OF G W ANDERSON (SUBMITTER NO. PC7-74) AND
THE OPIHI FLOW AND ALLOCATION WORKING PARTY
(SUBMITTER NO. PC7-382)**

Dated: 17 July 2020

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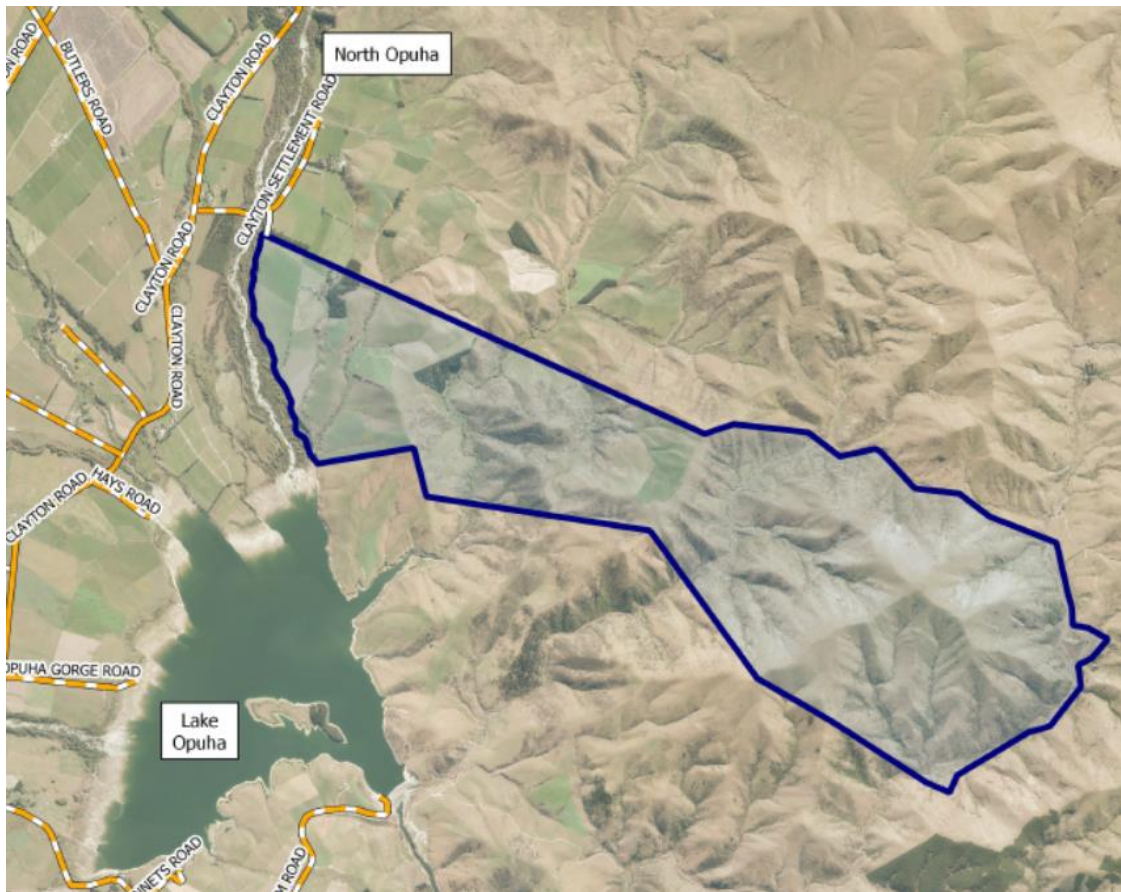
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1. INTRODUCTION

- 1.1 My full name is Gregory William Anderson.
- 1.2 I currently hold the position of Meat and Wool Chairperson of Federated Farmers' South Canterbury.
- 1.3 I was also a NZ Beef and Lamb monitoring farmer for four years from 2005-09. The monitoring farmer programme helps improve the performance of a farm through improved production by monitoring management practices in a sustainable manner.
- 1.4 My wife and I farm a 1300 ha property with 48 ha of irrigation at Clayton Settlement Road in the North Opuha catchment, which is shown in the location plan below. We have farmed there for over 20 years. It is a predominantly sheep property with a small beef herd.



- 1.5 We jointly hold two water permits with our neighbor's, the McAtamneys, which allows us to divert water from the North Opuha River into a race from a site downstream of the flow recorder site at Clayton Road and then take it for irrigation.¹ The water permits are classified as "AA" permits as we hold sufficient Opuha Water Limited (**OWL**) shares to cover the entire take.
- 1.6 I am a member of the Opihi Flow and Allocation Working Party (**FAWP**), which made a submission on Plan Change 7 (**PC7**) (Submitter No. PC7-382). I also made a personal submission on PC7 (Submitter No. PC7-74). This statement of evidence is provided in support of both the FAWP's submission and my own submission on PC7, with a focus on the aspects of those submissions that relate to the North Opuha catchment.

2. SCOPE OF EVIDENCE

- 2.1 My evidence provides an overview of PC7's proposed flow, allocation and partial restriction regimes for the North Opuha catchment, the impacts of those regimes for my farming business and those of other water permit holders in the North Opuha catchment, and the decisions sought in the FAWP's submission on PC7, which are reflected in my personal submission on PC7.
- 2.2 My evidence is structured as follows:
- (a) Current North Opuha minimum flow regime;
 - (b) The FAWP's collaborative process;
 - (c) PC7, the FAWP's submission on PC7 and Section 42A Report;
 - (d) Concerns and impacts of PC7's approach to pro-rata partial restrictions; and
 - (e) Conclusions.

3. EXECUTIVE SUMMARY

- 3.1 The North Opuha irrigators were in support of the minimum flow for the North Opuha River proposed by the FAWP in 2018, which was included in the OTOP

¹ Water permits CRC173711 and CRC173715.
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Zone Committee's Zone Implementation Programme Addendum (**ZIPA**) and then PC7. They also accepted pro rata partial restrictions were appropriate.

- 3.2 However, there was, and remains, a concern that PC7's proposed definition of pro rata does not fully reflect the FAWP's earlier proposal for AA and BA permits to be subject to a different starting point for restrictions than AN permits. I support the FAWP requested change to ensure AA and BA permits operated as part of a water user group are subject to pro rata partial restrictions that commence when the flow in North Opuha corresponds with the minimum flow plus the sum of the AA and BA allocation, with restrictions for AN permits commencing at the minimum flow plus the sum of the AA, BA and AN allocation.
- 3.3 Without this change, affiliated consent holders will have reduced water availability, such that farm production and profitability will be impacted, resulting in reduced ability to fully implement FEPs, invest in on farm environmental mitigations and reduced spending in local business.

4. CURRENT NORTH OPUHA MINIMUM FLOW REGIME

- 4.1 As noted in Ms Johnston's evidence, the current minimum flow regime for the North Opuha is based on flows measured at the Clayton Road Bridge recorder site and provides as follows:

15 April to 30 September: 1000 L/s

1 October to 14 April: 850 L/s

- 4.2 All irrigation takes occur downstream of Clayton Road Bridge. The distance between the upper most take point and Lake Opuha is a stretch of 4.25 km out of a river system that is 20.1 kms in length, so the irrigation water takes only affect that small part of the North Opuha River.
- 4.3 The current regime does not include partial restrictions. This means that irrigators shut off their takes when the flow at the record site reaches the minimum flow.
- 4.4 The current regime was included in all North Opuha water permits that were issued by ECan in December 2000 following a joint consent hearing and Environment Court appeal process. The North Opuha permits were then

reviewed by ECan in early 2001 to bring permit conditions into line with the Opihi River Regional Plan. At the time of the ECan consent hearing in January 2000, submitters including Fish and Game and the South Canterbury Anglers Club considered the minimum flows were appropriate to protect instream values for native fish, fish passage and trout spawning habitat.

5. THE FAWP'S COLLABORATIVE PROCESS

- 5.1 In his evidence, Mr Mark Webb has provided the background to the FAWP's establishment in late 2017. I was invited to join the FAWP shortly after its establishment to represent the interests of the irrigators in the North Opuha catchment with Alistair Hay, who holds a AN consent to take water from the North Opuha River. Since then, I have attended numerous FAWP meetings all in my own time and at my own expense to work with the other members of the FAWP to identify whether any changes would be needed to the current minimum flow regimes for the main tributaries of the Opihi catchment, i.e. the North and South Opuha, Upper Opihi and Te Ana Wai Rivers (tributaries), to benefit all interests.
- 5.2 This was a collaborative process involving two irrigator representatives from each of the tributaries, a Fish and Game Council representative, a Timaru District Council representative and OTOP Zone Committee members. Advice was provided by consultants that looked at the environmental and financial impacts that the options considered by the FAWP would cause. During this process I reported back regularly to the other consent holders in the North Opuha catchment through phone calls and face to face meetings when I felt necessary.
- 5.3 Discussions at the FAWP's meetings up until late 2018 centred around minimum flow options for "A" permits in the other tributaries, rather than the North Opuha. This was because ECan staff had previously advised the Zone Committee that the current allocation and minimum flow regime for the North Opuha was adequate, i.e. it did not need to change.
- 5.4 However, in late 2018 it became apparent that the ECan staff's preference was for all minimum flow regimes for the tributaries to include pro-rata partial restrictions. The FAWP therefore put forward an alternative minimum flow and partial restriction proposal for the North Opuha for consideration by ECan and

the Zone Committee, which Ms Johnston has outlined in her evidence. The alternative proposal was intended to put irrigators in a no worse position than they are under the current minimum flow regime and for that reason it was supported by the North Opuha consent holders.

5.5 This alternative proposal formed part of a wider package of proposals that the FAWP submitted to the Zone Committee during 2018, which included:

- (a) A reduction in consented water allocation in the North Opuha from 553 L/s to 286 L/s (which was achieved through a change to the conditions of the consents held by one of the irrigators in the North Opuha).
- (b) A new allocation and minimum flow regime for "BN" permits in each of the four tributaries, for water harvesting.

5.6 As part of the alternative flow and allocation regime submitted to the Zone Committee, the FAWP proposed a partial restriction regime that was intended to encourage water sharing within water user groups during times of irrigation restrictions. The FAWP's proposal did this by requiring:

- (c) AA and BA permits exercised as part of a water user group to start pro-rata partial restrictions when the flow in the North Opuha River reached the minimum flow plus the sum of the AA and BA allocation blocks;
- (d) AN permits exercised as part of a water user group to start pro-rata partial restrictions when the flow in the North Opuha River reached the minimum flow plus the sum of the AA, BA and AN allocation blocks; and
- (e) AA, BA and AN permits not exercised as part of a water user group to start stepped partial restrictions at the minimum flow plus the sum of the AA, BA and AN allocation blocks.

5.7 After considerable time, effort and expense invested by the members of the FAWP, I consider that the FAWP came up with a fair and workable solution for the North Opuha River.

6. PC7, THE FAWP'S SUBMISSION AND SECTION 42A REPORT

- 6.1 The FAWP's alternative minimum flow regimes for AA, BA and AN permits and harvesting (BN) permits in the North Opuha River were incorporated into the ZIPA, and have been reflected in Tables 14(m) and 14(y) in section 14.2 of PC7.
- 6.2 However, the FAWP's partial restriction regime for AA, BA and AN permits was not fully reflected in the ZIPA or carried through into PC7. The aspect that has not been included in PC7 relates to the calculation for when pro-rata partial restrictions begin for AA and BA water permits.
- 6.3 The key difference between PC7 and the FAWP's proposal is that PC7 includes the AN allocation (which Ms Johnston has confirmed in her evidence is 187 L/s) within the pro-rata calculation for the partial restrictions for AA and BA permits (which Ms Johnston has confirmed is 68 L/s), where these permits are being exercised as part of a water users' group. This means that AA and BA permits start restrictions when the flow at the recorder site reaches the minimum flow plus 255 L/s. As I have noted above, the FAWP's proposal would have AN permits starting restrictions at the minimum flow plus 255 L/s, and AA and BA permits starting restrictions at the minimum flow plus 68 L/s.
- 6.4 The FAWP's submission on PC7 supports the minimum flow regimes in Tables 14(m) and 14(y). However, amendments to PC7's definition of "pro-rata restrictions" have been requested to provide for the FAWP's earlier pro-rata partial restriction proposal that was submitted to the Zone Committee. My personal submission on PC7 also seeks these amendments.
- 6.5 My personal submission on this point is addressed in Part 4 of the Section 42A Report (at para 9.75). The Section 42A report also addresses the same submission made by others (at para 9.60). The Section 42A Report recommends that these submission points be rejected.
- 6.6 Unfortunately, the author of that report has not understood the submission correctly and has assumed that the request made is for AN permits to not be subject to any tributary partial restrictions. This is incorrect and does not reflect the wording of either my submission or the FAWP's submission.

7. CONCERNS AND IMPACTS OF PC7'S APPROACH TO PARTIAL RESTRICTIONS IN THE NORTH OPUHA

No recognition of water permit status

- 7.1 In my view, PC7's approach to pro-rata partial restrictions creates an unfair anomaly for AA and BA consents. The FAWP's proposed use of the AA and BA allocation in the calculation of the starting point for restrictions for AA and BA consents is a logical one due to the fact that those consent holders are contributing to the augmentation of the Opihi River (i.e. those with OWL affiliated consents), which provides benefits not only for irrigators but recreational users, town water supplies and the Opihi River itself. The Opihi River Regional Plan records an intent for affiliated consent holders to have the first call on the water in the catchment, not irrigators who are not contributing to the augmentation of the Opihi River.²
- 7.2 The advice that Ms Johnston has provided to the FAWP is that AN permits are more likely to be restricted by flows at SH1 before partial restrictions start due to flows in the North Opuha River. However, Ms Johnston has also noted that it is possible for the reverse situation to arise. I am aware that this situation has occurred in the past, particularly during the 2014/15 irrigation season and more recently.

On-farm impacts

- 7.3 Irrigation has two very important roles on our farm. Firstly, it guarantees that we will be able to grow enough pasture to conserve as hay or baleage for feeding during feed deficits, which predominantly occurs in the winter. Secondly, it allows us to add value to our lambs through improved quality and quantity of our pasture. Due to the smaller area of irrigation we have (48 ha), we do not tend to fatten all our lambs, but try to do a portion of them and the rest are store lambs that we add weight to, which increases their value.
- 7.4 As mentioned in para 1.3, I have been farming on this property for 20 years. Until 2017, the irrigation system that we inherited when we purchased the property in 2002 was an unreliable side roll pipe system. The system only

² Water Quantity Policy 8 and Explanation, pages 24 and 25.
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allowed 30 ha to be irrigated, had a turn around time (if nothing broke down) of 18 days and at its best was 80 to 85 % reliable.

- 7.5 In 2017 we borrowed a considerable amount of money and improved the irrigation by installing a roto Rainer with a turn around time of 11 days, allowing us to irrigate 48 ha.
- 7.6 Prior to 2017, all the lambs off this property were sold store at weaning in January at a live weight ranging from 22kgs to 24 kgs and the unreliable area of irrigation was used to make supplements during November and December when evaporation was not as high and rainfall normally is higher as can be seen by the river flow records and rainfall records held by ECan. In better years rainfall wise, we were able to add weight to our ewe lambs.
- 7.7 After we improved our irrigation we were able to increase our average sale weight of lambs from 24 kgs to 32 kgs, so regardless of market price it was a large increase in gross income. The average store price over this period has been \$3.30 / kg times an increase of 8 kgs over 2500 lambs resulting in an increase of \$66000 gross income, which goes a long way towards helping implement our Farm Environment Plan and allows us to consider other environmental mitigations on-farm. For example, finances allowing, I intend to invest in sediment traps on certain gullys on our farm where we have problems occurring. I would also like to introduce more ecotain plantain to reduce nitrogen leaching. On properties like mine, this will be expensive as most of it will have to be flown on at higher sowing rates to be successful.
- 7.8 Also it should be noted that the gross figure I refer to in para 7.7 isn't going into my back pocket; nearly all of it is being spent in the local economy, e.g. in farm servicing and other local businesses.
- 7.9 Mr Porter's financial analysis indicates that, under PC7, farms of affiliated consent holders in the North Opuha will remain viable, but will see a drop in profitability. The crucial times on our property in added value to my lambs is in February onwards. While ECan's water availability figures show 95% availability for February, this would drop to 82 to 85 % availability under March and April.
- 7.10 I have already farmed under these levels, and therefore understand the implications they have for our farm production. I am concerned that if I have to

go back to them, it will remove our ability to improve our farm's environmental footprint and remove a considerable amount of money from the local economy, *[unless we invested a significant amount of further capital e.g. in water storage, which is simply not a viable alternative, particularly in the current post Covid-19 economic environment]*. I understand from Ms Johnston's evidence that the FAWP's pro-rata partial restriction proposal would improve the availability for affiliated consent holders in these critical months.

8. CONCLUSIONS

- 8.1 I am fully supportive of the minimum flow regime proposed in Table 14(m), which reflects earlier proposals made by the FAWP to the OTOP Zone Committee.
- 8.2 While Mr Porter's evidence indicates farms in the North Opuha will remain financially viable operating under those minimum flows, without changes to the proposed approach to partial restrictions, I understand farmers in the North Opuha who hold affiliated permits will have reduced access to water in critical times of the year, which will affect production and profitability. This impact will affect farmers' ability to fully implement environmental mitigations on-farm, and mean less spending in the local economy.
- 8.3 I therefore support the FAWP's request for changes to the definition of pro-rata restrictions, so that AA and BA permits operated as part of a water users group are subjected to pro-rata partial restrictions that commence when the flow in the North Opuha correspond with the minimum flow plus the sum of the AA and BA allocation.

Greg Anderson

17 July 2020