

IN THE MATTER

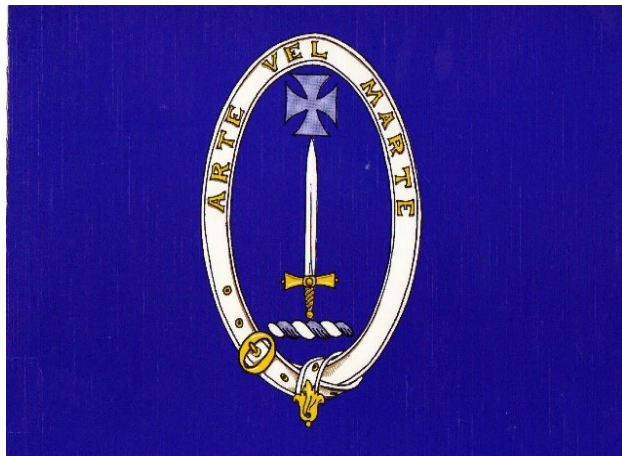
of the Resource Management Act 1991
("the Act")

AND

IN THE MATTER

of applications by the Central Plains
Water Trust (CPWT), Central Plains
Water Ltd (CPWL) and the Ashburton
Community Water Trust (ACWT)

**Statement of Evidence of Brian John Douglas Deans
Farmer
Waianiwaniwa Valley**



Deans Family Crest

Introduction

1. My name is Brian Deans. I live with my wife Liz in the Waianiwaniwa Valley and we farm the property called "Tara Farm". I am the 5th generation of the Deans family to live and farm in this area and our son Johnathan (JB) Deans is the 6th generation to work this land.
2. I have lived all my life on Tara, apart from a 2 yr period on stations on the West Coast. My brother Rory, and I took over the management of the farm in 1972 and we farmed together until the early 90's when he left the farm.

3. Liz and I have raised a family of three and this submission also represents Julia Deans, Robert Deans and Joshua Hearne.
4. Other members of my family will provide evidence of the Deans's long connection to the Malvern Hills.

Description of Farm

5. "Tara" is part of the original Homebush Run taken up by the Deans family in 1851, which totalled about 33,000 acres between the Selwyn and Waimakariri Rivers.
6. "Tara" is a 482ha sheep, beef and forestry farm wintering approx. 4,800 stock units.
7. The soils are fertile, Class 2 according to the evidence of Di Lucas. We farm without irrigation as this valley is traditionally drought proof country which means in the summer our stocking rate is considerably higher than in winter.
8. What sense does it make to inundate the high quality soils of the Waianiwaniwa Valley to water the light and porous soils at Te Pirita which are currently dairy farmed or being converted to dairying, which I consider to be completely the wrong land use. Because of the porosity, Te Pirita soils require huge amounts of water for up to 8 months over a dry summer/autumn. In my opinion this is the **wrong** land use. They are locking themselves into an incredibly high energy cost and high input system which, when dairying inevitably takes a downturn, will make a lot of these farms unviable.
9. If the scheme were to proceed, our farm would be completely uneconomic. Our farming operation would become unviable. We would lose two homes and all farm buildings. According to the designation maps it looks like we lose about 60% of our land. We're not sure exactly because we have never been told by CPW.
10. We have had no contact whatsoever from anyone from Central Plains Water regarding the effects on our property, buildings etc.
11. We lose nearly everything. There are heritage and cultural sites on our property that would be inundated. Mature trees, shelter belts and forestry planted by generations of our family would be lost as well as all the fertile lands that have been painstakingly developed over the years.
12. My statement of evidence is intended to provide an overview of how the Central Plains Water irrigation scheme has affected my family over the last six years and what I think about the CPW concept. I will also add my concerns in relation to the Requiring Authority status granted to CPW, the lack of proper consultation

and regard shown to my family and our community by CPW, and the intensification of industrial dairying on the Canterbury Plains, which I consider to be an unsustainable land use. I will also be calling Cindy Mackenzie and documenting her evidence regarding the failure of the applicant to pay due regard to affected landowners as is legally required. **Appendix 1.**

13. Because of the already significant adverse effects on my family, I request that the Notice of Requirement be withdrawn and all associated resource consents be declined.

Background

14. I first discovered that the Waianiwi Valley was a proposed site for the dam and reservoir in 2002. Early in the process we sat down with our family to discuss the proposal. There was a unanimous decision that no amount of money could compensate us for our family home and land of six generations.
15. I went to several of the public meetings arranged by CPW at a local hall. Every question that was asked of the facilitator, Richard Budd, was answered with 'I don't know, I can't say, I'd have to talk to CPW'..... This was CPW's idea of consultation, it was a sick joke. The Steering committee was too gutless to come and front the people who were most affected by this proposal.
16. I have read the supplementary evidence of Richard Budd (July 9) and I will comment on his evidence now and at the Hearing. Para 6 to say *that directly affected landowners were afforded the highest status* is a statement beyond belief. Clearly CPW's definition of consultation is totally different to ours and most of the Selwyn community's.
17. Early in the process the landowners in the Valley decided that they wished to meet as a group with the CPW representatives to discuss all issues to do with the proposal. Two representatives of the affected Valley landowners were elected to be spokespeople for the group of which I was one. I had one phone call from a Trustee, Richard Davison. He wanted to meet individually but I said the Valley residents had agreed to meet CPW representatives as a group and we never heard back.
18. All subsequent communication was by letters or mail drops which were received by basically all members of the community. We have never received a **personal** letter from anyone associated with CPW.
19. I have been interviewed several times by the media and made public statements voicing my strong opposition to the scheme. I am

utterly opposed to this flawed concept that does not have community support.

20. It recently came to my attention that supplementary evidence regarding compensation was posted on the website 9 July 2008. We have been asking these questions regarding compensation for 6 years now, and finally, at the Commissioners' Request, we have an answer.

Personal Effects

21. This scheme has blighted our lives for six years and we are fed up and sick of it. We have tried not to let the issues dominate our lives, but it is always there. Where is the justice when in a supposed democracy, we wake up at 3 or 4am, and think about how this can be happening to us – how can we be forced to sacrifice this paradise to make our greedy fellow farmers richer? No group of private individuals should be allowed to have the power to interfere with private property rights.
22. We have found the invasion of our privacy something we could well do without. Our phone rings constantly. We have hosted many visitors, including politicians, councillors, journalists and various groups concerned about the impacts of the scheme. We have fielded phone calls, emails and letters from strangers from throughout NZ. They have offered money, and moral support. Without exception they question how this can possibly happen in this country of ours, where some of our forebears lost their lives for freedom and democracy.

The CPW scheme

23. The CPW irrigation scheme is a flawed concept and has been incompetently handled from its inception. The public debate about how we irrigate the plains and what the community wants has not occurred in any shape or form. I believe it's been driven by a bunch of arrogant farmers, bureaucrats, engineers and consultants who have totally disregarded the community's views.
24. The Steering committee turned into a public trust, public means including the community does it not? The meetings were closed to the public. How can this be? I understand there has only been one annual public meeting, called by the Trust.
25. CPW call it a 'community' scheme. A very simple test of the community good aspect of this scheme, is can any member of the community buy shares in the scheme? Clearly the answer is no as the only people who can buy shares are the private shareholders of CPW Ltd. Obviously there is no community good. On this one simple fact the designation should be struck out.

26. If this really were a community scheme for the good of everyone, people would be lining up to support it. Where are the hundreds of submitters in support of this scheme?

27. If the scheme was so good wouldn't people be lining up wanting to invest money?

General Effects

Industrial dairying

28. Major dairying on the Central Canterbury Plains will cause a complete change in the social fabric and I don't believe dairying under the current regime is a sustainable land use.

29. A large number of the proponents of the scheme are dairy farmers who came from the North Island and bought some of the driest land in NZ at very cheap prices.

30. They took a calculated commercial risk in buying this land and now with increasing prices want to shaft us for their own financial benefit. I refuse to relinquish my family land so that 'newcomers' can get rich quick.

31. Farming is all about balance. It's about taking the type of land and the climate and finding the right land use for that climate. So why are they pushing dairying in some of the driest parts of the country?

32. What they are doing in effect, is factory farming which could potentially damage one of our single most valuable marketing advantages which is the clean and green sustainable family farm unit.

33. They are looking at cows like ATM machines. They are viewed as cash cows. All we are hearing is production, production, production. We never hear anything about animal welfare.

34. Strategic watering, i.e. cropping is far more cost effective and efficient. Dairying on an allocation requirement uses 5mls of water per day and cropping uses 2.5ml per day, half.

35. For those of us who have taken our stewardship of the land seriously, it's intolerable to think we should give up what we have for a completely flawed scheme.

Economics

36. What happens if consents are granted and the scheme turns out to be unaffordable? What a waste of money.
37. Since the scheme's inception land values have tripled, the cost of shifting dirt has tripled and all associated costs have risen dramatically. Where is the evidence that these have been factored into the costs? CPW should have done far more accurately costings so we did not have to go down this path.
38. I have read the evidence of Professor Hazledine and agree completely with his conclusions that the benefits are grossly overstated. We have very clear evidence in recent times of the 'Think Big' projects which touted a huge number of jobs and economic benefits, very few of which eventuated. This scheme is no different.

Other options

39. Have they seriously explored other options? Open canals are Roman technology. Any new scheme should be piped, so that existing land uses can carry on once the scheme is in place.
40. The community supports the use of Lake Coleridge which if designed properly can enhance fishing and birdlife, irrigate land and generate power which would make it an energy positive scheme.
41. The Canterbury Strategic Water Study favours Lees Valley because it would cover all future water requirements for North and Central Canterbury areas. Should not this mean we immediately stop wasting money on the CPW proposal and truly look at the big picture.

Specific concerns

The dam and reservoir

42. When all the hills in the Valley are waterlogged, if there is a reservoir, I have no doubt that there will be major slippage. These slips have occurred in the past in a wet season without the underlying hills being waterlogged. The hills are clay based soils which are very prone to erosion and slippage when saturated over a long period of time. In the 70's I saw a slip that was waist deep, of a porridge like consistency, that went across the road and into the neighbour's paddock. This would have been on a 45 degree slope so it is absolute rubbish to say that there will not be major slippage in the valley.
43. The reservoir would become a dust bowl in summer when water was drawn down by irrigation use and there are strong nor westers. There is no way you can mitigate for that.

44. We have seen weeks of nor' west winds in January and February and if present climate change predictions are correct, we are heading for a period of more nor' westerlies, not fewer.
45. Has any research been carried out to show that the Valley walls are of a suitable material to contain water? My experience suggests that they are definitely not. You (the Commissioners) witnessed this yourselves, when you visited our farm and saw the results of the water leakage through the hillside from our very small reservoir. Does this not create considerable concern about the suitability of the valley walls to contain the huge volume and pressure that will be created by the dam and reservoir? This is another reason I believe the whole scheme is a flawed concept.

Requiring Authority status

46. The decision to grant Requiring Authority status to CPW flies in the face of democracy. If the scheme goes ahead private individuals will be able to take the land from other private individuals for private financial benefit. It is a wealth creation scheme for the shareholders of a private company. It is all about the privatisation of water and it goes against the basis of democracy.
47. What about individual property rights?
48. Requiring Authority is a draconian power aimed at evicting landowners. It should not be a measure to force out whole communities. I understand there are over 100 properties affected by the designation.
49. It is not as Mr Ed Wylie stated 'a few affected landowners who would hold up the scheme' but there are hundreds of people drastically affected who get NOTHING from this 'Think Big' project!
50. CPW Ltd has completely failed in its duties under the RMA to notify and inform those parties affected by the designation ie give proper regard to the most affected people. Proper regard is not receiving a letter addressed Dear Landowner. That is not consultation in any shape or form. This in itself is a flagrant breach of the RMA and the designation process and should be enough to strike out the application for designation.
51. At no time did we receive a personally addressed letter telling us exactly what CPW was intending to do with our land. It seems that sending a Dear Landowner letter is all that is required under the RMA and that is all that they did.

52. How can it be that CPW and Selwyn District Council were not legally required to personally contact each landowner affected by the Notice of Requirement to inform them in detail how their land would be affected?
53. Because of the 'broad brush' approach to notifying landowners in the district, Cindy Mackenzie missed the 'Dear Landowner' letter and had no idea that her land would be affected by the NOR. She is one person, how many others are out there, who may not know?
54. The community does not support this scheme, in any shape or form and have been denied their right to a fair, inclusive and just debate. The way forward is to Withdraw the Notice of Requirement and decline all associated resource consents immediately.

Brian Deans
20 July 2008

Appendix 1

**STATEMENT OF EVIDENCE BY CYNTHIA CAROL MACKENZIE
TO THE APPLICATIONS BY CPWT AND CPWL and in particular
the NOTICE OF REQUIREMENT.**

INTRODUCTION

My name is Cindy Mackenzie. My family moved into the Malvern area 14 years ago. I have three sons who are educated in the Darfield schools. I opened and ran Espresso Yourself Café for six years before starting with PGG Wrightson Real Estate team based in Darfield.

BACKGROUND

I own a block of land on Cullens Rd which is subject to a Notice of Requirement.

I bought my 2ha block in 2004 with great plans to develop it over the next few years with the intention of building on it. I applied to the Selwyn Council for a house site, which was granted and designed my house plans. My eldest son has a great love of farming and has divided the block into workable sized paddocks and has now gone into an Angus Low Line stud after trading in sheep and rearing yearling cattle.

CENTRAL PLAINS WATER

I have been aware of the proposed scheme since it began to emerge through the media and being in Real Estate it has an effect on a number of our deals.

I had investigated the maps on the internet initially when the locals told me that my block could be affected by the canal. I was satisfied that the canal didn't actually go through my block so I was not concerned. At the beginning of the year I decided to put my block on the market. Due to the views and location I got an offer quickly. It was the purchasers that enlightened me to the canal now going through my land. I was gob smacked to see that the designated area had been doubled in order for the canal to cross Cullens Rd.

I have not had any personal contact from CPW regarding my block being designated. Due to the busy nature of our lives any correspondence that comes in that is not directly addressed to me is either binned or put in the 'to be read' pile depending on the nature of the address.

I have been in contact with a consultant at CPW who has been reasonably helpful but not being able to do anything makes him ineffectual. I have wanted to get the engineers out there to ascertain exactly where the canal crosses Cullens Rd. The designated area takes exactly half of my block.

I was aware that there was a submission process but as I was blissfully unaware that my block was affected then I didn't consider it at all.

EFFECTS ON MY PROPERTY

I was wishing to sell my block so I could buy a home for my family as the building process was too daunting. Being unable to sell I looked at going back to the building option but the designation area is over the house site.

Affectively this process has taken away any value on my land, a situation I am sure anyone would find intolerable.

CONCLUSION

What I want is for this process to come to a sudden end so we can all get on with our plans how and when WE would like.

CINDY MACKENZIE

17 July 2008