

Central Plains Water Trust

Submission to Environment Canterbury

From

Thomas John & Rosalie Joy Austin

Resource Consent for the Central Plains Water Enhancement Scheme Pursuant to Resource Management Act 1991

16 July 2008

To the Commissioners

This is a personal statement but should be read in conjunction with my earlier written statement forwarded as part of “Farmers group – Southern Headrace” submission in respect to the origination of the CPW’s resource consents process.

I am a directly affected party of the proposed CPW scheme. The proposed headrace will traverse the whole length of my farming property which is located near the boundaries of the Hororata township.

At the conception stage of the proposed scheme, my mind was open to the economic and to some extent the environmental possibilities and opportunities offered by the scheme. For instance, the harvesting of water for redistribution in a traditionally water stressed environment would open up the possibilities of expanding agriculturally based value adding activities and also the development of related land based industries. This initiative could therefore offer Canterbury considerable comparative economic advantages against a background of looming water shortages for food production at both a national and international level.

The environmental benefits, I perceived to be somewhat more limited and based more on the possibilities of preserving Canterbury’s internationally recognised water quality; water which has been stored for a millennium in deep pristine aquifers. The opportunity of reducing the pressure on these aquifers by offering an alternative to current irrigating practises seems a laudable prospect, particularly given the continuing damage being sustained from too great a draw-off of a limited resource.

Therefore, my starting position was to enter this process in a spirit of open mindedness and to consider the broader community advantages before focusing on my personal situation.

However, I am now against the scheme as a result of several unhelpful actions or events relating to the CPW proposal. To my mind, these events have usurped the notion of local community interest for that of self-interest. I will shortly elaborate upon these matters, as I believe the broader community interests and my rights as a property owner have not been protected but indeed diminished significantly by the actions of CPW and other self-interested parties. In addition to these specific adverse events, there has been, in my view, a lack of adequate consultation and, indeed, proper resourcing of such by CPW for the purposes of explaining the impact of the scheme on affected parties – not least my partner and me.

To focus my concerns, I will first comment briefly on the broader community interests relating to the environmental impact that this scheme may have on the plains. I cannot state for certain what would be an ecologically sustainable level of water usage from the scheme for irrigation purposes - but here I am in good company - as everything I have read would indicate that our regional water specialists are also uncertain as to what these parameters should be. The result of this uncertainty on both existing irrigation schemes and that proposed by CPW has caused significant difficulties for both policy makers and water users alike. The constantly changing and unfair regulatory framework that now exists for the purposes of trying to manage on a sustainable basis existing water rights has led to winners and losers in our community. For instance, the “Red Zone” as implemented by Environment Canterbury in my area is an effort to try and bolt the stable door from which the horse has long gone but yet it has significantly diminished property values for some who can no longer access water even for stocking purposes. For this reason, in my view, there is an urgent need to address the whole question of water entitlement, water usage, the introduction of economic drivers for water allocation and also improved understanding of the environmental impact that irrigation is having on the Central Plains before introducing a major new initiative such as that proposed under the CPW scheme.

To illustrate my point, I will briefly refer to the unfairness inherent in the present system of water allocation which is giving rise to a beggar thy neighbour sentiment. The Hororata district has for more than 110 years enjoyed the benefits of water derived from a stock water race. The water in the race comes from the Selwyn. Some farmers are no longer using the race as they have access to water for their farms from irrigation wells for which they have resource consents. The race requires continuous maintenance and is undoubtedly a burden on those who no longer draw water from the scheme and so they want the race closed. However, for many others, including myself, who are not connected to an irrigational well or do not have adequate water allocations from the existing rural agriculture water scheme (a scheme that is already stretched to its limits), then the race represents the only alternative viable option for water. Even if I were to successfully bore for water, Ecan’s restrictions on daily water usage are well below the actual carrying capacity for the land during certain periods of the year. Against this background, certain

farmers have acted in concert and cut off the water race thus significantly disadvantaging my property. Despite the many attempts by those affected by these actions to keep the race open by enlisting the support of the Selwyn District Council, whose mandate is to maintain this community infrastructure, nothing has happened. So at this juncture, please don't ask me to act in the best interests of the community when I'm being screwed by these same interests. This example raises the very problematic issue of fairness of access to water resources and the need for transparency and predictability around such resource allocations. This is not the jungle where the strongest survives and others are driven out by uncooperative actions.

My second major area of concern is the impact that this scheme will have on my land. I have come to realize that after years of hard work in establishing my property as a viable deer farming unit, the ongoing operations, from both an agricultural and financial perspective, will be severely compromised as a result of the headrace dissecting my land. My concerns regarding the operational impact that the scheme will have on my farm have been documented in my earlier written submission. In brief these include the following factors:-

- A) The route of the canal across the property
- B) The lack of advice from CPW regarding the bridging of the canal within the boundaries of the property
- C) The difficulty of deer fencing off the canal, particularly when it closely weaves toward my neighbour's property
- D) The difficulties with ponding of water on upper side of canal especially in heavily gullied parts of the property
- E) The division of the property from hill blocks to flats will make stock management difficult and will reduce significantly the areas available for cropping, haymaking etc.

I have attempted to have my concerns addressed by CPW by documenting and emailing my difficulties with the project to CPW through Mr Walter Lewthwaite's office. I have copies of these emails with me today. My emails only refer to my concerns touching upon the Downs Road farm, and not my land on the corner of Thwaites and Hawkins Road which is also affected. I have received no correspondence nor have I had the benefit of consultations with CPW or its agents in respect to this particular property.

My concerns regarding the impact that the canal will have on my Downs Road property were conveyed to Mr Lewthwaite before, during and after he visited my property. I suggested to him a number of possibilities for mitigating the impact of the canal on the land and in response he wrote back in an email dated 9 May, 2006. In the email he explains the great pressures he and his colleagues are under to lodge the various land use consents.

And he says “and this has restricted our ability to maintain contact with you and other farmers as expected and intended.

It also is meaning that we are not able to go back to people like yourselves for refinement of details so we will be lodging consent applications on the basis of our best judgement of farmer preferences and engineering practicalities. Your place is one of the most difficult in the scheme to make that judgement call. We accept that this is not the ideal process and we expect this will lead to a number of changes after lodgement, for you and others.”

On the 8 July 2006 in an email responding to a range of concerns I raised with Mr Lewthwaite, he wrote; “it is clear that there are a number of options within your property where details depend on final design. Your property is one of about six where there are significant design issues that will affect peoples attitudes, and I am waiting for advice from the company about how it wants to handle these. What I would like to do, if I obtain their go-ahead, it to advance the topographical survey and design to identify more accurately the details of alternatives, and their costs, and then let the company make its decision as to what exactly it should advance to the consent hearings.”

It is very clear from this exchange of emails that the question of where the canal should be located on my property needs considerable study and Mr Lewthwaite quite correctly suggests that the company should do this prior to the hearing. As of today there has been no action on Mr Lewthwaite’s recommendations by the company and now Mr Commissioners you are being asked to approve a plan which can only be described in broad and general terms as a canal entering my farm somewhere within a 200 metre corridor (designed to provide maximum flexibility for CPW) and then meandering through to its exit without regard to the topography of the land or the impact this will have on the legal titles to the property. If you are to approve the company’s application without further study being required as to the optimum route through my land then my rights as a property owner will have been trammelled - as I understand the situation, your determination is final. I therefore ask the question, how can you be asked to approve a scheme if important elements of the infrastructure are yet to be specified such as the canal’s corridor through my farm? Surely these matters must be resolved before consents are granted.

As a general observation, I believe there has been a breakdown in the consultation process surrounding this project as mentioned above. I think this is because of inadequate financial resources available to CPW for the proper discharging of its obligations under the RMA. In this regard, I have earlier mentioned the fact that in respect to my property adjacent to Thwaites Road, no consultation or discussion between CPW or its agents and I have occurred. For instance, I don’t even know which side of the road the canal is to be constructed as it is not clear from the maps.

To conclude, I have patiently allowed the consent process to unfold, initially taking a very proactive stance as can be seen from the numerous emails between Mr Lewthwaite of CPW and me. However, the time commitments upon Mr Lewthwaite, as noted in his emails, did not allow him to respond in a timely fashion to my many concerns and he by necessity suggested a formal response by CPW in terms of the recommendations made by him. But alas, today, I sit before you in a very uncertain and uncomfortable position not knowing what may happen to my property should you approve this scheme as no understanding or agreement has been reached in terms of an engineering solution for the passage of the canal through my property. I am still waiting for the advice Mr Lewthwaite has endeavoured to provide so all parties can make an informed decision as to what is the best fact based compromise over the proposed route of the canal should I be forced into this situation.

For all of the reasons set out in this submission and also those of my earlier written statement, I hereby request you, Mr Commissioners, to withdraw Notice of Requiring Authority over my property and decline all associated resource consent applications concerning the CPW Enhancement Scheme.

Kind regards,

Thomas John Austin.

Bennelong Park

Downs Road

Hororata.