

IN THE MATTER

of the Resource Management Act 1991 (“the Act”)

AND

IN THE MATTER

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

Statement of Evidence of Jocelyn and Philip Deans

Introduction

1. My name is Philip Deans and this submission is also on behalf of my wife of 22 years, Jocelyn Deans, and 3 teenage children, Amelia, Matthew, and Derek.
2. I have farmed the properties of Sandown and Rowallan (side by side) all my lifetime of 50 years, but am currently only farming the property of Rowallan. Both properties have been mentioned as Malvern Hills Heritage Landscapes in Di Lucas’s Report, and we support her, in that they should be protected from inappropriate development such as that proposed by this CPW scheme.
3. My family and I operate a successful tourist business that relies on the natural environment of my property, and the wider Malvern area, as it is today. While farming the Sandown property, we were exposed to the Canterbury Landfill project, which taught us a lot about the geology of this land.
4. My family and I have a wide range of outdoor interests, including fishing, camping, tramping, and boating, within the county area, and feel a great need to protect the natural environment we are so lucky to live within, not only for ourselves, but for future generations to enjoy as we have been able to.
5. Because of these interests, I have a great knowledge and respect for the mountains and rivers, and have walked, boated or fished every river in the county in the past 40 years, and have witnessed the deterioration of them in various degrees already, especially with the drainage of natural swamps and the resultant drying up of their smaller tributaries.
6. I have represented the Canterbury region in NZ Fishing Competitions, and therefore have fished many streams and rivers nationally, and know how important Canterbury rivers are to the environment, and the wider NZ and international populations for recreation and general wellbeing.

Rowallan Farm

7. Our farm is 440 hectares comprised of 3/4 downs and 1/4 flat land, and runs along Deans Road, Auchenflower Road and Rowallan Road. It boundaries

with Auchendale, Auchenflower, Sandown, Melrose, and Torlesse View Farms.

8. It is a well balanced farm comprising free drainage soils along the flats of Deans Road, and strong fertile soils on the downy hills. Rowallan runs approx. 8000 stock units and has many farming options available. It is presently being cropped, but has until recently been run as a fattening, dairy support, and traditional sheep and beef cattle farm.
9. The Tourist operation has been running for 21 years, and can have between 8000 - 6000 international visitors per year. The purpose of this visit is informative (the history of this area), scenic (the natural beauty of this area), and also they plant natives in large areas on the farm to further enhance the property and therefore wider community. These same visitors travel throughout the county during the day, also visiting the Taege property on the banks of the Waimakariri River for jet boating. The Waimakariri Gorge Bridge can also be visited for jet boating by these groups.
10. The natural features of this farm include 3kms of Blacks Stream running through the front flats, with one of the few remaining swamps left on the Canterbury Plains, on the north side of Auchenflower Road of approx. 6ha (refer Di Lucas's Report for photo of this swamp). Blacks Stream is documented with Environment Canterbury, and the Department of Conservation, as having a population of Native and protected Canterbury Mudfish (*Neochanna Burrowsius*), throughout our property.
11. There are numerous populations of native birds in the Black Stream Habitat; including a colony of annually nesting Black Shags, Blue Herons, Grey and Black Teal, and the NZ Bitten. There is also evidence of the now extinct Moa (gizzard stones).
12. There are a number of Archaeological sites of Canterbury Iwi importance on Rowallan and Sandown, and indeed the Waianiwaniwa Valley itself, some documented, some not.
13. The Rowallan Farm Landscape (as noted in Di Lucas's report) has been of interest to artists and film crews over the years, and many television advertisements have been shot here, including German and Japanese advertisements.

Effects of the Central Plains Water scheme on Rowallan property

14. The associated reservoir in the Waianiwaniwa Valley will involve approx. 50 ha of Rowallan land up the Auchenflower Road. There will be an increase in road usage of this road, which will impact on the farming operation in creating difficulty in stock movement, difficulty in machinery movement up and down this road, and loss of tranquility for us the farmer, and for those international visitors we take up the hill for scenic sights.
15. There will be dust from the mud and clay flats, because the Valley is clay based, with only very little gravel on the ridge sides, causing slippage, smell, silting of pasture, and loss of scenic beauty for tourist visitors. Public access to the reservoir shore will have problems associated with this also, in that

stock will become unsettled, especially during lambing/calving. Any loss of land will affect the economics of the property. Underground leakage from the reservoir could affect the Black Stream swamp, also affecting the native plantings around its edges.

16. The headrace canal system as it is proposed will run through approx. 50ha of the flat productive land on Rowallan, near Deans Road and Rowallan Road. This would result in the loss of Rowallan's airstrip, used for topdressing fertiliser over the farm at times, and the loss of very productive land.
17. Rowallan could easily be irrigated using our own water storage by increasing an existing dam, on a gravity fed system, and a feasibility study has been done, of which 100+ ha of the flat land could be reached in this way.
18. The visual impact of this canal would bring about a loss of scenic appeal that artists, film crews, and general visitors find so attractive (attached is letter from one such film location company). This area of canal will also destroy the small area of Blacks Stream with a natural spring, and impact on the spawning of Canterbury Mudfish in this immediate area. The immediate area has the remains of a Maori oven and historical Maori artefacts have been found here.
19. This section of the canal will also impact on the native tree planting project along Blacks Stream. The presence of a canal at this point of the farm also creates a problem for us to get stock across Deans Road to the area on the east side also belonging to Rowallan, which would then become cut off.
20. The proposed canal in this area, stands in front of 2 residential houses, disrupting their views of the hills. The canal could easily be placed behind these houses to the south, along farm boundaries, away from this sensitive area, to meet Cullens Road at the same point of designation as planned.

Concerns about Central Plains Water

21. Our submission is in **opposition** to the scheme and to the Notices of Requirement. Our reasons are;
22. The principle of the Notice of Requirement, to take land from a person for another's gain in the same industry, is unethical. This scheme is not nationally important, is not vital for farming survival, is corporate driven, and flaunts the rights of long standing farming families and present landowners.
23. This scheme has been misrepresented from the beginning. Potential shareholders were misguided by lack of information, and were told that there would be no further opportunity to invest at a later date, pressuring these same people to react quickly, without the knowledge required, to know of the full effects of this scheme.
24. Many are too embarrassed now to admit that this has happened to them, and are now prepared to write off that investment as realisation of the effects of this scheme has come to light (eg B. Mehrten's submission).

25. Question 1 - Why has the Central Plains Water Trust not requested ongoing funding from its shareholders other than corporate and council funding i.e. the alleged farmer support?
26. Question 2 - Why have the councils not carried out any independent survey of the ratepayers they are meant to be representing, to establish the percentages of support or opposition to the scheme, now that people are more informed of its impact, so you, as Commissioners, can be respectfully informed. I have asked Councillors that this should be carried out, with no success?
27. Leadership and personnel of CPW have been very unprofessional, and shown little respect towards the people affected, and give a deviant motive feel to the scheme. I believe that CPW is trying to rush the scheme through, before it's proved one way or another, if the scheme is sustainable to the environment, and the communities that live within its said boundaries.
28. The concept has been misrepresented. The Minister for the Environment and local communities have been led to believe, that the idea of CPW's water scheme is one of storage, to acquire designation, when in fact, it is more directed for a run-of--river concept, as clear water is far more beneficial to farmland and the scheme (see CPW Assessment of Environmental Effects- Nov.2005 p.1-3).
29. The said area to benefit from the scheme has to be questioned. Existing bore irrigator owners will struggle to join up with this scheme as they would become exposed to the likes of Didymo, contaminated seed arriving via canals, outside control of water distribution, and loss of returns from their present infrastructure. Farmers with bores have pristine waters which are very important to their pastures, crops, stock, and machinery.
30. This scheme does not represent 'The Community'. Community means all, not just a few. This scheme has pitted farmer against farmer, divided friendships, and created major stress in the lives of affected families uncertain of their futures. There has proved to be a lot of opposition, supported by the number of submissions against the scheme, and I believe there are many more that will not have been heard. The submissions in support, are from corporate type enterprises, and agriculturally driven people from outside the affected community, looking for financial gain, to the detriment of their fellow landowners, and the greater environment.
31. The CPW scheme cannot be compared with the Opuha Scheme in that this area has a high population in comparison, and therefore many associated issues. This area also has 2 major rivers involved, which have complex downstream issues, including those of Lake Ellesmere.
32. The Authorities that care for the Canterbury environment are struggling to produce the knowledge and data required to ensure the ecosystems are protected. The governing bodies involved have found that a lot more research needs to be done on this topic to prevent irreversible damage. To date, their attitude has been one of acceptance of the water consents, due to their lack of technical data to rule otherwise eg the Hawkins River area, close to Auchenflower Road, where water consents have been allocated in the seat of

the riverbed, to the detriment of the ecosystem of this small stream (loss of some flow, loss of natural pools, loss of braids). *see attached water consents

Consultation

33. CPW's consultation with landowners to date has been unprofessional, insulting, and lacking respect. We received various letters addressed to Dear Landowner, but nothing personal, proving their disregard for us as landowners. They endeavoured to talk with landowners, but only in public places, again showing lack of respect for the above. We had one private meeting, but only after requesting this, about moving the headrace canal slightly, to make it more agreeable to the area's environment and farming practices, but this was disregarded.
34. Selwyn District Council did inform us about the Notice of Requirement on our land by letter, but we would have preferred more information and a personal meeting due to the ramifications of the Requirement of our property.
35. Many of the affected landowners were trespassed for surveying purposes, including ourselves. We asked for an apology (in the form of a letter) from the CPW's Chairman 5 times, over a 3 week period, through their lawyer Mr W. Palmer who admitted their trespassing. This would have involved 4 minutes of his time in writing this, of which Mr Palmer agreed should have been written, and would have restored some credibility to the scheme, but was never sent.
36. The Rowallan Property is not for sale, and the compensation offer, of which we have only recently been made aware, does no justice to the sacrifice landowners will be forced to make, if this scheme is allowed to proceed.

Concerns

The Reservoir

37. The reservoir seated in the Waianiwaniwa Valley has coal seams within the valley – Bush Gully area and Sandown area. The problems associated with these are that they will have acid drainage from open mines (5 on Sandown with associated air vents, 1 beside the Malvern Hills Road, opposite the Sandown Flats, and others in Bush Gully).
38. There is a high presence of methane gas in the ground, which is very volatile, and this was found by geologists investigating the Canterbury Landfill. Methane is heavier than water, and can accumulate over time, under a body of water, until such time as a disturbance (such as an earthquake or landslide) triggers its release, causing potentially lethal consequences. Examples of this occurrence are in small lakes in the USA and Africa. I have had experience of stock not drinking from water close to coal seams on Sandown.
39. The Valley is clay based, and has little shingle within its catchment so is vulnerable to slippage, and will affect the clarity of the water, plus will create dust on windy days to surrounding areas, despite buffer zone plantings which may be done e.g. Lake Tekapo during high wind and low lake levels. This will

also be detrimental to some recreational activities undertaken on or around the reservoir.

40. The Valley has earthquake fault lines. Two of the most recent were documented during studies for the Canterbury Landfill Investigation on Sandown, and indeed were the very reason for its demise. One of these will be in the seat of this reservoir. The geologist stated his concern was that if there was an upheaval of land by an earthquake, this could threaten the Dam wall by massive water or land movement.
41. There are native fauna including a rare Canterbury Mudfish population, a population of NZ Gecko, and NZ Weta, on Sandown, which should all be protected. There has been no detailed research done on the above to date.
42. The area has historical value and is rich in military history as training grounds. Burnham Military Camp soldiers train in this area regularly. Soldiers from the Canterbury Mounted Rifles Brigade, who went to WW1 to fight for the Rights for freedom, trained on the affected flats on Sandown. This scheme represents an insult to these men, as ironically the rights for democracy have now been taken away from some of the families, descendents of those soldiers. *see photo of soldiers in the valley.
43. There are Maori Iwi sites of importance, and a high probability of finding more, as this area was used to chase the Moa into the swamps for food. Gizzard stones have been found here. Further investigation should be carried out if this scheme was to proceed.
44. Floods and Wind. I have witnessed massive floods, where the water has risen very fast, and can cover most of the Waianiwaniwa Valley (see Marty Lucas submission for one example). CPW has been quoted as saying there has been little flooding. Nor west wind can often be of a strength that is hard to stand in, thus will create major dust storms, especially in times of low water levels.
45. Another concern is CPW's lack of investigation into the long term effects of the reservoir. CPW have not carried out the necessary investigations required on the affected properties, due to denial of access, lack of time, and poor prioritising of matters of vital importance to the community and environment. Other investigations by local authorities i.e. DOC, Ecan, local Iwi, have covered very little history of the area as yet.
46. Recreational value of the reservoir will be poor and limited, due to pollution of the water (caused by silting, mineral deposits i.e. coal, and its associated dangers as discussed earlier) very different to Lake Opuha. Also fluctuating water levels with the clay shoreline will make the water clarity limited, especially during times of wind. The reservoir will not offer anything that is not already naturally available within the county.
47. Ironically the CPW scheme will impact on existing recreational activities i.e. the Malvern Rifle Range which is presently situated in the very place where the reservoir is to go, and the likes of fishing, kayaking, boating, which will be affected by reduced water flow in the major rivers caused by CPW's scheme.
48. There will be a loss of very fertile land to farmers and landowners, which has been traditionally summer safe i.e. guaranteed pasture during times of

drought, thus similar to irrigated land on the plains, therefore robbing Peter to pay Paul so to speak!

The Rivers

49. I fish and boat approx. 400hrs per year on the Rakaia and Waimakariri Rivers, and have done so for the past 40 years, and have had knowledge of these passed to me from previous generations.
50. The scheme will impact on its internationally acclaimed salmon populations, due to any mixing of the water. Salmon return to their spawning river of origin after 4-5 years at sea (to spawn themselves before dying), due to an incredible homing instinct they possess as each river 'smells' different. To mix the water of these rivers would mean these salmon would become lost, as they would not be able to find their own river of origin.
51. Salmon will also be affected due to lower river flows, therefore causing the waters to be warmer than normal, and so becoming lethargic and less vigorous to reach their spawning grounds, and lessen the chances of fishermen catching them.
52. Both rivers have very different ecosystems. The Rakaia has a higher flow rate (healthy at 170 cumecs), and a lagoon system at the river mouth that could be affected if the flow rate is dropped. The Waimakariri is a smaller river (healthy above 70-80 cumecs), and has a large tidal lagoon system which needs the flushing effect through floods to keep its ecosystem healthy. CPW stands to disrupt this delicate balance by interfering with the natural river volume.
53. The Waimakariri is vital for Christchurch's water supply, and the scheme has the potential to adversely affect this. Pegasus Bay has a very delicate ecosystem, which requires the flood waters from the Waimakariri to provide it with the nutrients and minerals it requires to sustain life. Ongoing studies on the Motueka River, by Niwa, support the importance of river nutrients flowing down to the ecosystems off river mouths, at sea.
54. Loss of water to these rivers will damage the general wellbeing of the environment, and negatively impact on the people who seek tranquillity, and enjoyment from these recreational areas. As the Canterbury region's population grows, these river areas will become even more important for general health and wellbeing of the people, as these rivers give identity to the region, i.e. as Hagley Park is to Christchurch.
55. The Waimakariri especially, already has a large water take allocated, and should not be allowed to be increased further, as I believe the minimum river flow is already too low at 40 cumecs, and is outdated. It was never visualised at the time, that the demand for water would be so high, resulting in long periods of low flows. History shows that big business will always move boundary benchmarks for their gain, but not for the benefit of the environment.
56. There are areas of high value and identity to people, on the rivers. These are:

- a) **Waimakariri Gorge Bridge area.** This area has a high aesthetic value to passers by, is an important access point for recreation and is used by thousands of people annually for many reasons. It is an important area for salmon, as during low flow periods they use the permanent deep pools for holding up in, until river conditions improve i.e. flooding which brings colder temperatures and higher flows. The salmon fingerling also use these permanent pools, especially the backwater system above this bridge, to grow before reaching the sea for the next stage in their lifecycle. Many families use this same backwater for picnicking, swimming, and boating, and it gives a feeling of remoteness by its natural amphitheatre structure, but is in very close proximity to everyday life which makes it so unique. This same backwater system is the very one CPW want to use to be their water take for one of their canals.
- b) **Waimakariri Gorge Bridge to Woodstock.** This area is of high value aesthetically, because of its braided river/mountain view scenery, with little human impact, which is becoming harder to find as time goes on. Again this is a natural asset area close to everyday life which should be preserved. It would be one of Malvern County's most scenic views. CPW's canal system risks impacting on these views, also putting at risk fisheries i.e. Hacketts Stream spawning area, and one other, which is as yet unnamed.
- c) **Headrace Bywash.** By possible contaminants through water movement the sites of entry in side streams should be considered well down stream from the CPW headraces to protect upstream eco systems i.e. the Hawkins river mudfish population above the Morven Property, upstream.

Alternatives

57. We support some irrigation (own water storage and bores away from river systems), as long as the necessary data has been acquired, by the authorities on environmental issues, and the environment can sustain it without any detrimental effects, and does not impact on the lives of others, as this scheme does!

Conclusion

- This scheme is not community driven, it is driven by a very few for financial gain, at the expense of others.
- This scheme is high risk to the welfare of Canterbury people and the ecosystems within Canterbury.
- This scheme is an abuse of the rights of landowners.
- This scheme does not represent any new recreation activity, but reading the Recreational Report written by Charles Nicholas Taylor (CPW) it will have a huge negative recreational impact on the status quo. The arrogance of their suggestions of trying to control the qualities of recreation on the river systems, is absurd, because we all know that people enjoy the natural environment as it is, not when it has been manipulated by man, or dictated which days we can use it!

- The CPW's economic report has been questioned throughout other submissions (eg Samuel James Dennis's). The farmers in support of this scheme can survive financially without it, and with new technology and farming methods will prosper for many years to come. The Central Plains Water scheme is not necessary.
- This scheme is promoting highly intensive farming that can only result in high concentrations of contaminants in our waterways and soils. Leaving the rivers in their natural state will benefit the whole of Canterbury and NZ, economically, recreationally, and environmentally, and it takes great courage and vision to retain our greatest assets for the wellbeing of us all, especially as our populations grow. We have great examples within NZ of parks and rivers within cities i.e. Hagley Park, Avon River.
- I endorse many other submissions against this CPW scheme, including Fish and Game, Di Lucas (Heritage Landscape Assessment), The Malvern Hills Protection Society, and all affected Landowners.

For all of the reasons above, and for all the scheme affected parties, and on behalf of all the war serving personnel who fought for the Rights of Freedom, I request that all of the applications for resource consents be declined and that the Notices of Requirement be withdrawn.

**Jocelyn and Phil Deans
6 August 2008**