

In the Matter of the Resource Management Act 1991, the Resource Consent Applications to Selwyn District Council and Environment Canterbury, and the Notice of Requirement by Central Plains Water Trust and Ashburton Community Water Trust.

Statement of Evidence - Kathryn Mehrtens.

Introduction.

1. My name is Kathy Mehrtens. I farm in partnership with my husband Bevan on our privately owned property at Kowai Bush. The Waimakariri River and the Kowai Rivers are two of our farm boundaries. We have lived here with our two children since 1991. Bevan and I have developed and run the farm together, our children helping as they grew older. I work 2 days a week off farm to support our income.
2. I understand that I must present you with a statement of evidence for this hearing, in addition to you having already read my submissions.
3. My written evidence will be relatively brief because I want to **tell** you, the 4 commissioners, face to face, my concerns regarding the CPW scheme and the way we have been treated by CPW. Ink on paper just doesn't do it.

I have had many letters from Government Ministers answering my concerns. I have been told by everyone from the Prime Minister down, that it is you I am to address my concerns to. I have been waiting patiently for someone to come out from behind the paper work and the "procedures they are bound by and must follow." Even when you stood on my farm on 12 June this year, I was not allowed to tell you anything other than answer your questions. That was hard to do.

4. I am a private person and would definitely prefer not to be in this position where I have to write evidence and speak out in a public forum. However, with CPW's arrival on our farm, my democratic bones have been severely rattled. I honestly believe that injustices have occurred. I feel particularly concerned about CPW's lack of consultation and about them being a requiring authority.
5. Submitters against CPW's scheme are disadvantaged from day one, as they have to paint a picture of their personal past history as well as their current way of life, because it is part of their evidence of what they will lose.

Background.

6. Like many other self made people, Bevan and I started with nothing. Thirty three years ago, we were two 18 year olds who shared a dream to own and work our own economically viable farm. In the early days we juggled our first two stepping stone farms with a separate contracting business, as well as additional off farm employment in order to do whatever it took to realize our dream.
7. Our stepping stone farm was out on the Canterbury Plains. After farming through the rigours of the 1988 drought, Bevan and I resolved that our next farm would be in a higher rainfall area. This is one of the reasons we purchased our present farm at Kowai Bush.
8. We have developed this property, breaking in a substantial amount of it from gorse and boulders. We have repastured the entire property. We have refenced much of it. We have planted many kilometres of trees for stock and pasture shelter. We have installed water pipes underground.
9. We have worked long hours and with the frustrations of old gear, which was forever breaking on the boulders and rough land we broke in. We have juggled the care of our children between us, around farm tasks.
10. We have refenced our Waimakariri River boundary choosing to leave some of our freehold land in the riverbed area, as to develop it would have risked destroying the natural vegetation and stop banks which protect our farm from the river.
11. We are privileged to have small remnants of native bush on our property. We have a salmon spawning stream running through nearly the entire length of our property - it has been a delight and an honour for our family to assist with the upkeep of this stream for the fish that return there each year and the native birds that thrive around it.
12. Our farm work has been with the backdrop of the beautiful Waimakariri River. We have watched its many moods over the years and we know it well. How fortunate we are to have had such a treasure to work alongside daily all these years and to play in, when time allowed. It is an utmost privilege to live and work in such a natural and beautiful environment and we treat it as such. We enjoy sharing it's specialness with visitors, many from the other side of the world, all of who marvel at the natural panorama before them. The peace and quiet, the wildness and the privacy are some of the pluses that have made the many years of hard work and sacrifice worthwhile for my family.

CPW's Arrival On Our Farm and Into Our Lives

13. On Tuesday 22 November 2005 when we were in the sheep yards weaning, a Central Plains Water employee arrived. He proceeded to tell us that CPW's plans for an irrigation scheme included a proposal to have all of the following on our farm:
- ❖ A water canal with a 50 metre footprint, running through up to 1.5 kilometres of our farmland
 - ❖ A sediment sluice race - probably 18 metres wide
 - ❖ A fish stop screen - 20 metres by 30 metres, he thought
 - ❖ A fish return channel - 3 metres wide minimum, also running across our farm back out to the river
 - ❖ And a settling pond, covering an area of up to 25 hectares.

14. Though we had heard rumblings about a canal going "somewhere up this way" and Bevan had travelled to some of CPW's advertised meetings to try and get some information and had only seen rough, unspecific drawings on a map, this was the first we had heard of the latter four infrastructure proposals and was indeed the first contact my husband and I had had from Central Plains Water Ltd. regarding their extensive plans for our privately owned farm.

15. Their initial proposal meant that they would take a minimum of 40 hectares of our most productive land from us if their proposed scheme went ahead.

From our own subsequent investigations, we managed to hunt down which part of our land they would seek designation over and were shocked to discover it encompassed all of our bottom flats, some of our best early country, from the Waimakariri River right back to our main terrace - up to 100 hectares of our 260 hectare property.

(These plans have subsequently been scaled back. Well, at least I think they have. I have seen maps as recently as last month, that appear to still have the site of the canal through our property in the same place as at 22.11.05.)

16. You can imagine how devastated and shocked we were to hear this information, from totally out of the blue, in the middle of a busy working farm day, whilst two and a half thousand ewes and lambs awaited our return to the yards.
17. As the CPW rep got back into his car that day, he called out to us above the din of the sheep: "The surveyors will be here in a couple of days."

18. 2 days later CPW was granted requiring authority status. I guess it was a day of celebration for them. The power to take my land from me, without consulting me and without my say so. While the CPW founders were lauding this coup, which they are happy to put their name beside, we were in total shock.
19. While reading a Salmon Anglers newsletter which contained an article on what a designation actually involved, the enormity of what it meant to our farm and our lives started to become clear.
20. So began a frantic scrambling for information. I wrote to many people seeking clarification of what we were facing. It became apparent that anyone with any influence regarding CPW's requiring authority status, actually sanctioned their having been granted it, without the need to at least tell us what was descending upon us.
21. I had been catapulted into a world where I had to get my head around a barrage of unfamiliar terms...gated intake structures, sediment traps, once a week sluicing, overflow spillways, notice of requirement, AEEs.
22. The ability to defend my privately owned property depended on me upskilling on "irrigation scheme speak", whether I wanted to or not. Whether I had time, with my weeks already full with work and family commitments, or not.
23. A CPW director told me that "drop in centres" would be the place to see latest plans for the scheme. I recall dropping into one of these centres - the Glentunnel Store, on my way home from a day's teaching. The floor was the only available place to spread out the volumes of plans. In the fast fading light, as I tried to keep out of the way of the store's customers, I hunted for the plans that related to the taking of a large chunk of my life's work. I couldn't find them. Apparently this drop in centre only had the plans for the distribution races.

At the Selwyn District Council's Darfield Service Centre, I had a long wait while the staff located plans to show me. A staff member finally handed me over the many hefty volumes of plans and reports, telling me I would have to read them all there, on the premises.

Eventually a staff member directed me to go to the Darfield Library, where she thought they had copies that I could borrow.

Similar hefty bundles were indeed at the library. I could only have them for one week the head librarian told me, as "lots of people were wanting to view them."

24. The only source of useful information, put in terms we could readily comprehend was in the form of a voluntary group - the Malvern Hills Protection Society.
Thank goodness for this group.

Disadvantages of CPW's Private Scheme

On a personal level, the disadvantages of the building and operating of this particular irrigation scheme to our farm and lifestyle would be:

- Loss of rights as a private property owner.
- Noise, consequent and ongoing disturbance to us and to stock particularly at lambing time.
- Dust from the vast settling pond and canals that would be low at times when water wasn't being withdrawn from the Waimakariri River.
- Lack of privacy, people always on our farm during construction, maintenance and ongoing monitoring of the scheme for ever more. For example, the intake gates needing to be checked daily.
- New tracks and roads through our property.
- There are also plans being made for recreational users on the canal- further lack of privacy and stock disturbance from unsupervised public access and no control over it.
- Destruction of natural stop banks that help keep the Waimakariri River from flooding our property. (I understand that CPW's engineers now have the upper Waimakariri intake possibly in the middle of the river and at right angles to it. That puts our farm at the wrong end of a shotgun barrel directly aiming the full force of the river at our farm. Have CPW ever been to Kowai Bush to see the might of the Waimakariri in full flood and what it does to anything in its path at our section of the river?)
- Loss of productive farming land.
- Loss of income in each and every future year through no fault of ours.
- Destruction of shelterbelts.
- Consequent loss of shelter for our stock and loss of protection for pasture growth.
- Destruction of fencing.
- Destruction of newly renovated pastures.
- Destruction of underground piping.
- Interference with stock movement, inability to shift them across 25 metres of fast flowing water. Only one bridge/1.5km is likely, CPW tell me.
- Re establishment of noxious weeds along the canal banks.
- Having to fence the canal banks to keep stock out.
- Interference with and permanent damage to fish and bird life ecosystems present on our farm.
- We would no longer have the access we currently enjoy to the river from our farm.

- Loss of current way of life.
- Loss of property value.
- Loss of natural outstanding landscape.

The ramifications of this scheme are much wider than our specific concerns. If this scheme were to go ahead, I believe the negative effects on the Canterbury environment and the ecosystems within it would be enormous - destructive, ongoing, permanent. With the Waimakariri River as one of our farm boundaries I have watched its meanderings and natural inhabitants on a daily basis for many years. I consider it a sacrilege that CPW has such intrusive monetary driven plans, for a river which at times, is already struggling and at the expense of our future generation's right of inheritance of this amazing natural waterway. The highly debatable ability to produce more dollars off the Canterbury Plains is not the only consideration here.

Concerns Regarding CPW As A Requiring Authority.

25. As documented in our submissions dated 9.08.06, 19.01.07 and 27.05.07 opposing the application for resource consents and the notice of requirement.
26. CPW - a private small group of individuals, ever being made a requiring authority.
 - The Minister for the Environment said in a letter to me (20.12.05): "The decision I made concerned whether approval of Central Plains Water Ltd. as a requiring authority is appropriate." How is it possible to make an informed judgement (decision) on something, when you are only informed by the people who want you to approve?
 - When I asked the Prime Minister how was it, in a democracy, that one very small group of people who wanted to increase their personal incomes had been given such a power over other New Zealanders (whose opinion was not sought) she replied in her letter (24.05.06):
"My staff have reviewed the circumstances surrounding the designation of Central Plains Water Ltd. as a requiring authority. It has given me food for thought about the possibility of future legislative change."
27. CPW's blatant flouting of the conditions under which the Minister for the Environment approved CPW as a requiring authority. The Minister told me (20.12.05) he had had to decide whether CPW was likely to act responsibly.

The Oxford Dictionary states that to be responsible means "to be morally accountable for actions, capable of rational conduct, trustworthy."

It is my view that CPW has conducted itself in a way that is none of those things, as I will now outline.

CPW's Failure To Consult and Failure To Show Due Regard To Affected People (As Specified Under The Resource Management Act 1991 Part 8 Section 167 4b.)

28. CPW not showing their plans for our farm to us, whilst showing them to a meeting of shareholders more than 5 months previously.
29. CPW patronising us.
30. Within an hour of our first knowledge of CPW's plans to use over 40 hectares of our farm and to designate up to 100 hectares of it, CPW told us the surveyors would be on our property to begin surveying in 2-3 days.
31. 2 days after we were first aware of CPW's plans for our farm, they were given Requiring Authority status.
32. CPW said that when they first came onto our farm to tell us their plans for our land, they hadn't considered the cultural, social or economic issues that would affect the landowner. Those issues were to be addressed later when it was convenient for CPW.

Bevan and I have had to address them constantly from the moment CPW were granted Requiring Authority status (24.11.05), as part of our business planning.

CPW's failure to think about these issues and to discuss them with the affected owners, before walking onto their land with intended plans for it, falls well outside the parameters of showing due regard for affected persons.

33. CPW told us we would have to redesign the layout of our paddocks on our privately owned land, around CPW's infrastructure.

34. CPW expecting us to give up part of our farm and income and our way of life so that other farms could profit at our expense.
35. CPW being prepared to force us to give up part of our farm and income and way of life so that other farms could profit at our expense.
36. On some occasions when we asked CPW executives questions, their reply was "Because we can legally do it."
37. CPW creating confusion regarding their current plans and how they will affect our property. At this hearing on 5.6.08, a large map displayed at the front of the room, appeared to show the original path of the canal through our land still in place. CPW had told us this had been changed.
38. In a letter to us, CPW state that they will keep us "informed of the scheme's progress." As affected landowners, we have had no correspondence from CPW since 8.12.06.
39. CPW's posing as a public scheme for the public good. In his letter (24.08.06) the Auditor General informed me he could not investigate my concerns regarding CPW, as CPW was not a public entity.
40. CPW Trust considering themselves to be "the guardian of Canterbury's environmental heritage." (Week 1 of this hearing). Self appointing oneself and foisting one's omnipotent views on others have no place in a democracy.
41. Cantabrians have already submitted 7 to 1 against CPW's view of how Canterbury should look in the future.
42. CPW encouraging ridiculing of opposing submitters.
43. CPW saluting the fact that so many Cantabrians have no voice regarding their views on this scheme which will impact on their province. Shareholders were told they did not have to worry about any influence newly elected Christchurch City Councillors who were pro water, might have - only people who had made a submission by August 2006 were able to have a say. To hear these words from executives who will be in control of this scheme and who maintain they have the well being of Canterbury at heart, was very unnerving.

44. Meanwhile, the Prime Minister tells me (24.05.06): "I am confident that the public consultation processes set up under the Resource Management Act to assess environmental effects of projects are robust and will give you and the people of Canterbury an opportunity to bring your concerns to the attention of the commissioners making the decisions."
45. CPW wasting my time, as CPW Trust stated during a public meeting (December 2006) that CPW will never use their requiring authority.

General Concerns

46. When this scheme was first mooted many years back, we became shareholders in CPW Ltd. We naively assumed that if two councils were providing funds for an investigation into possible uses of Canterbury water resources, then it would be a fair and transparent one for all parties, the general public of Canterbury and for the good of the Canterbury environment. This has not turned out to be the case.
47. Although we are not against the benefits that some irrigation schemes can deliver or of the principles behind water storage, we no longer support this particular scheme as we feel the scale of it is too massive and the disputable benefits would come at too high a cost - a permanent cost, to Canterbury's fragile environment.
48. As a private landowner I object to being forced to give up part of my land by other private landowners who seek to increase their own private profit.

Others have had the very same opportunity as us to go out and buy a farm with more reliable water resources.

We went through the upheaval of selling our farm and home out on the plains and buying our present one, in order to pursue such reliability.

My family haven't gone through these years of hard work and sacrifice, to now be told we have to sort out the inadequacies of others' farms, by giving up part of our land and income.

It will go down in history that the founders of CPW were prepared to secure a legal power to force fellow farmers to hand over their land.

Successful schemes are done with the community, not to the community and behind their back.

49. I object to having a notice of requirement placed on my land. It arrived stealthily. Suddenly there was a slice of our privately owned land that we could not do any development on, if it were to interfere with CPW's plans - a company that does not even have any consents yet.

This concerned something belonging to me.

I was not asked about it, I was not even officially told about it until the Selwyn District Council sent us a letter (10.11.06).

This letter arrived in our mailbox, with neither my nor Bevan's name on it. The letter began Dear Sir/Madam and told in general terms only of the Selwyn District Council receiving a Notice of Requirement from CPW.

The letter didn't explain whether any of our land would be required. A small map showed merely the scheme area and boundaries. The part of the map pertaining to our land was less than 1 cm square. I had to look hard to see if the Kowai River was even on it.

There was no indication of which part of our land would be required.

A second letter arrived soon after, this time addressed to us, but giving the same information (none), about which part or how much of our land would be required.

The letter said details would be advertised in the newspapers. I scanned the public notices of several newspapers in the ensuing days - still I was no further ahead as to knowing which part of our land would be affected.

We were told more information could be hunted down at the Council's service centres or at some of the local stores. Earlier in this statement I have outlined the frustrations of attempting to do that.

50. I especially object to not having any rights or avenues through which I could have a say about CPW's plans to designate my land, until right now. Nearly three years after the horse has bolted.

51. We feel CPW have already been let off the hook regarding protocol they legally had to follow but have not.

Surely they must be answerable to breaching their responsibilities under both their

requiring authority and legal duties under the Resource Management Act?

Would a driver who had grossly infringed upon the conditions under which they were granted their driver's licence, be given such leniency?

52. We feel the amount of investigation into the effects this scheme will have on Canterbury's natural waterways, has been seriously inadequate. We find CPW's "we'll fix the future hiccups as we go" mentality, totally unacceptable.
53. Their moving target plans are difficult to keep up with and to submit against.
54. Is it possible that this group of individuals who have displayed so many examples of acting in such unprofessional and unethical ways, can actually be let loose on our province?
55. The ideas in this project are the opinion of one small private group of community members, plus one engineering firm and their associates employed by CPW to advance their cause.

That doesn't make it the optimum scheme for the Canterbury Plains.
56. We ask you to decline all of CPW's consent applications.
57. We ask you to recommend that CPW be stripped of their Requiring Authority Status because of their non adherence to its legal obligations, under which the Minister for the Environment granted it to them.
58. We ask you to recommend that the notice of requirement on our farm be withdrawn.
59. Thank you for considering our submission.

- Kathy Mehrtens July 2008.

Regarding the Granting of Requiring Authority Status to CPW by the Minister for the Environment (Mr Benson- Pope).

In a school playground, Sam came running from the sandpit to talk to the teacher on duty.

Sam: Tom says he's going to take my tractor and he says he's going to keep it.

Teacher: Really? Why does he want to do that?

Sam: He says my tractor will make his toy collection look much better. I don't want Tom to have it. I had to save up my pocket money a long time to buy that tractor. I've worked really hard at making it look good and work properly.

The teacher recalled how Sam had brought the tractor for show and tell, some time back. Parts of the tractor were in a poor state of repair: the mudguard was broken, the paint was badly scratched and one of the wheels was completely missing. Some of the children had laughed at Sam for buying a toy that needed so much work. But Sam had really wanted that tractor and had put all his spare time and pocket money into restoring it. It had taken Sam a long time to fix it up. He had no spare pocket money to spend on any other treats. The teacher was very surprised at how good the tractor looked now and how well it worked.

Sam: I own the tractor but Tom says he's allowed to just come and take it even though I don't want him to have it. That's not fair is it Miss? Some other children said Tom would give me three lollipops in exchange for it. But I don't want to lick lollipops. I want to keep playing with my tractor. Do I have to give it to him?

Teacher: Hmm...I wonder what the Principal thinks about this?

Sam: Tom said he's already asked the Principal about it. The Principal said it was quite okay for Tom to take my things off me. He said there was a school rule that says if Tom and his friends get together and think having my tractor will make their toy collections better, then they're allowed to take it. The Principal said he didn't have to ask me what I thought about Tom deciding to have my tractor.

Teacher: Did the Principal say anything else?

Sam: He said even though he didn't know Tom, he was sure he was a responsible boy. He gave Tom a tennis ball to give to me.

Teacher: So what are Tom and his friends going to do with your tractor Sam?

Sam: They're going to gouge big holes in the mudguard, rip off the wheels and sandblast the new paint. They're going to make me stand there for ages and watch them do it. And from then on, every day they'll make me look at my ruined tractor. And when I'm trying to play quietly with the toys I have left, they're going to come around and annoy me all the time.

Teacher: Well, why would they do these things to you Sam?

Sam: They just want to make their toy collections look better, no matter what it takes to do it, Miss. They're not interested in what happens to other children or their toys.

Teacher: That doesn't sound very democratic.

Sam: Yeah, just like in that story you were reading us the other day Miss about that boy and girl in Zimbabwe whose family had their farm taken off them. I thought you said that that could never happen in New Zealand Miss?.....Miss?