

**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 the Ashburton  
Community Water Trust (ACWT)

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**Statement of Evidence of Marty Lucas**

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**INTRODUCTION**

1. My name is Marty Lucas. I live in the Waianiwaniwa Valley, Canterbury, with my wife Annette. I am a self-employed farmer, contract pilot, musterer and truck driver.
2. My wife and I bought our 300 acre property in 1992. We moved here in 1995 from Mount Cook where we had lived for ten years while I flew ski planes for the Mount Cook Group.
3. Our farm is located approximately 1 km up the valley from the 'T' intersection where the Malvern Hills Road from Sheffield meets the Waianiwaniwa Road.
4. I became a member of The Dam Action Group in 2001 and have been a member of the Malvern Hills Protection Society Incorporated ("MHPS") since its inception in 2005.
5. My statement of evidence is intended to provide an overview of how the Central Plains Water's irrigation scheme will affect us and has affected us over the last seven years.
6. I believe the Notice of Requirement and associated proposed irrigation scheme has already resulted and will further result in significant adverse effects on my wife and I.
7. I request that the Notice of Requirement be withdrawn and that all associated resource consents are declined by the Commissioners.

**MY BACKGROUND**

8. Since this battle of the damn dam began, I have been told that I am a NIMBY, that I am obstructing the progress of others and that the only reason I am opposing the scheme is to pump up the compensation value of my property. To refute these claims and to convey how this scheme has invaded my private life

and rights, I feel I have to relate my background that led up to this sorry position I now find myself in. To be forced into this, I consider a gross invasion of my privacy.

9. I was born in Queenstown in 1950, the youngest son of Fred (Popeye) and Lorrie Lucas. My parents had been living at Frankton since about 1946 when, after returning from the war, my father formed Southern Scenic Airservices and pioneered much of the general aviation that goes on there now. He deserves huge credit for putting Queenstown on the tourist map.



Photo 1) 'Popeye' and Auster ZK-APO at Fox Glacier. Approx. 1947.

10. In 1959 my father decided to sell up his shares in Southern Scenic, take on a very large mortgage and buy the 34,000 acre Cecil Peak Station across the lake from Queenstown. His thinking being that it would be a change in pace from flying, which he had been doing since 1936 and that it would be a wonderful place for his five sprogs (4 sons and 1 daughter) to grow up. We shifted to Cecil Peak when I was 9, during March 1960.



*Photo 2) Cecil Peak from Deer Park Heights.*

11. Pop was dead right. Cecil Peak was a wonderful place to grow up and I took to it like a duck to water. I shot my first deer when I was 10, I had 4 dogs of my own and was doing my own mustering 'beat' at 13; also at the age of 13 I bought my first horse out of deer skins I had shot and possum skins I had trapped. At 14 I was sent off to boarding school, Waitaki Boys High School in Oamaru, and hated every moment I was away from home.



*Photo 3) On my way to the Tin Hut on 'Marge'. 1963.*

12. By the May school holidays in 1967 I had decided I had taught them all they needed to know at Waitaki and that it was high time I quit the place. Actually, I pleaded with my parents to let me stay home and work on the station, as I could not bear to spend another minute at 'Colditz'. They relented.
13. For my parents, the 1960's were not a good time to go into fine wool farming with a large debt. It was the end of the '50's wool boom and the industry was going into a massive slump until it reached a point in 1968 where it actually cost us money to shear our 8,500 merinos; the shearing bill was greater than the income from the wool. This is why I won my argument to leave school. I had told my parents that I would make my living in my spare time by commercial meat shooting and trapping possums and that I would work for the station without pay, which I did until I married Annette in 1971. I then went on to a salary of \$28 per week and Annette and I continued with the meat shooting and possuming in our spare time.
14. In 1964, to subsidise the farm income, my parents began a 'farm stay' and tourist business. For the next ten years we had tourists brought to the station twice a day by boat from Queenstown for morning and afternoon tea, a tour of the homestead and a sheep dog demonstration. The tourist venture certainly helped pay the bills but it was still far from easy for my parents.
15. In 1974 Mum and Pop decided to give up the battle and sell the station. This decision was absolutely devastating to me and set me on a single-minded course for the rest of my life. My objective, to buy Cecil Peak back and go home or failing that, buy myself an economic farm of my own.
16. After Cecil Peak sold, Annette and I shifted to Tuapeka Mouth in South Otago for three years and then to a 40 acre block we bought at Kaitangata, for three years while we both worked at the Finagand Freezing Works. In the off-seasons I did tractor driving, engineering and contract fencing. In between times I learned to fly with the South Otago Aero Club at Balclutha.
17. At the time I thought the only way to earn enough money to accomplish my aim was to sacrifice my love of life in the high country and work where I could earn the maximum income in the shortest possible time. It did not take long for me to realise that I would never earn enough on wages to buy a 34,000 acre sheep station (although I still hoped for a miracle!), and I lowered my aim to my second option of one day owning an economic farm.
18. After six years in South Otago we shifted to Motueka where I did all sorts of jobs over the next five or six years; welding for a marine engineering firm, fish spotting, worked on a hop farm, went half shares in a 60 foot fishing boat with my brother and fished with him for a year, deck hand on an 85 ton fishing boat owned by Sceggs, deck hand on a fishing trawler owned by the Donker family!, flight instruction, night shift splitting fish for Talley's Fisheries, engineer on a local trawler and finally 2<sup>nd</sup> engineer on a 300 ton freezer ship for Solander

Fisheries. Annette, meanwhile worked on a tobacco farm, in an apple packing shed and night shift at Talley's with me.

19. In March 1985 I was successful in my application for a job of flying ski planes for the Mount Cook Group. Annette and I moved to Mount Cook Village and there we remained until 1995, with me flying and Annette working in the village grocery shop for a time and then in the Hermitage souvenir shop. In the ten years there I flew 32,000 tourists onto the glaciers in 5 and 10 passenger seat aircraft, did 8,500 snow landings and became a check and training captain.



*Photo 4) Flying down the Tasman Glacier. Mount Cook in the background.*

20. By 1992 I began to get itchy feet and wanted to get on with the main objective of my life. It was time to buy a 'stepping stone' and begin progressing to that 'economic unit'. We began by looking for a property in the Queenstown area, but I soon realised that aside from the prohibitive cost of real estate, it would be very unsettling to be there and looking across the lake at Cecil Peak all the time. We then looked in the Canterbury area, narrowed the choice down to a 95 acre, developed block at Amberly or a 300 acre undeveloped farm in the Waianaiwaniwa Valley for the same price. We took over the farm here in the valley in June of 1992. We leased the farm to Roger James of Benmore Station while we continued working at Mount Cook until 1995. Because I worked for Mount Cook Airlines, we got free air travel, which allowed us the luxury of travelling from Mount Cook to the farm in about two hours to spend our days off working here.



*Photo 5) Our farm extends from the road to the top of Abner's Head.  
'--A--' depicts the approx. water level of the proposed reservoir. Our house just above in trees.  
'--B--' depicts the approx. level where the proposed relocated public road will go through.*

21. The choice between the two properties was for me, easy. This farm had more land, had the greatest potential for development and, therefore, capital gain and last but not least, is in the environment in which I am most happy – the hills.
22. I handed in my notice with Mount Cook in March of 1995 and we shifted to the farm. The plan now was for me to get 'stuck in' and hopefully over the next six or seven years develop the farm to a point where its sale value would get us into an economic hill country property.
23. The fencing on the farm was minimal and haphazard and a large portion of the land was covered in six-foot high gorse. To make the farm viable it was necessary to repair/relocate some of the existing fencing, get rid of the gorse and fence the farm into manageable blocks.
24. Over the next five years I worked five week rotations in Algeria and then eight week rotations in China, flying oil rig support for Swiss based ZIMEX Aviation, then later drove a deer transport truck for Central Deer Freighters; all to help fund development of our farm. Development consisted of: bull dozing fence lines/fire breaks, burning gorse, deer fencing several blocks on the hill (see red lines on photo 9), spraying gorse by hand and helicopter, top dressing, sowing grass seed, building an implement shed and a deer shed. We trebled the stock carrying capacity of the property.

25. Annette, when not helping me where she could, worked at the Sheffield bakery or grading spuds. She has also spent many hours establishing her garden at the house.



*Photo 6) A 'before' photo taken from the neighbour's property.*



*Photo 7) A work in progress. Fence lines/fire breaks root raked by digger and gorse burnt.*



*Photo 8) After. Centre block (zig zag track) spraying left too late due to worries about compensation for such work. Then I decided to do it anyway.*



Photo 9) Our property.  
Black lines represent boundaries and original fencing.  
Red lines represent deer fencing I have erected since moving here.



Photo 10)



Annette's garden.

26. Then it all came to an end.

## PERSONAL EFFECTS

### To Summarise

27. About 1/3<sup>rd</sup> of our property is designated for the CPW scheme. All of our flat land that hosts the engine room of the farm, i.e. deer shed and yards, implement sheds, sheep yards, cattle yards, hay storage area, grain silo and lambing paddocks, will go under water. Although the house will be above the water by about 20 metres, it will have to be destroyed/moved because of slippage that will be caused by the water. The public access road for the valley will go under water and according to CPW's maps, will be relocated to run right through the middle of the land we are left with; about 300 metres above the house. With the loss of our flat land and a public road through the guts of what is left, our farm will become inoperable.

28. Not once since this scheme was mooted, has any CPW representative communicated with us about the scheme or where we stand. We have no idea whether we will get compensated for the whole property and move on, or if we

- just get compensated for what we lose and will have to make do with what is left.
29. From what I understand, land taken under the 'Works Act' will be compensated for at market value plus 10%. It will be very difficult to establish market value for the land up here as none of the now 'designated' land has traded for several years. If we got compensated on our G.V., our 300 acres here would not buy us 50 acres out on the flats.
  30. Two winters ago we decided that we had had enough and looked at a farm that was for sale at Russell's Flat. We then brought the land agent home to assess our place. After driving him around he said that if we wanted to get out we would have to put our place on the market for HALF of what we thought it was worth. At that price someone might take the gamble with the scheme.
  31. We are not GOING to lose our farm to CPW. Regardless of how this turns out, whether the scheme goes ahead or not, we ALREADY lost our farm to CPW in 2001 when we first heard about the scheme. With the threat of having our property taken off us in this state sanctioned land grab, there is very little sense in pouring money into development that will not be compensated for. All other development plans I had for the place went on hold and for the last seven years and more to come, I am just a caretaker on my own land for CPW.

## **SPECIFIC CONCERNS**

32. I know there are going to be numerous detrimental consequences associated with this scheme, such as river health, habitats, polluted aquifers, Canterbury becoming the biggest factory farm in the Southern Hemisphere and total disruption of the local social structure. I know that many other submitters will cover these points.
33. In the interest of brevity I will make just one point. Not so much for the specific event, more that to me it casts doubt on the ability of the CPW planners to do meaningful research.
34. Somewhere in CPW's documents I noticed a statement about the effects of surface flooding in the Waianiwaniwa Valley. They state that the catchment area of the valley is too small to warrant any concerns of flooding affecting the dam.
35. Below are photos of one of three similar floods that have occurred since we bought our farm in 1992.
36. This one occurred in 2001.



*Photo 11) From my house looking down-valley to the Malvern Hills Road/Waianiwaniwa Road intersection.*



*Photo 12) Our front paddocks.*



*Photo 13) Our drive the day after the rain stopped.*



*Photo 14) The day after the rain stopped. The normally 1 metre wide tributary to the Waianiwaniwa. This stream comes out of the gully behind the sheds in photo 5.*

37. What would this amount of floodwater, which CPW are not planning for, do to the dam?

## **CONCLUSION**

38. CPW are proposing, apart from flooding 4,000+ acres of perfectly good farm land, a 50 metre wide, open canal all the way from the Rakaia River to the

- Waimak River. They are going to put 475 kilometres of 16 to 26 metre wide, open canals all over the Central Plains. Looking down from 10,000 feet, the Central Plains will look like a string singlet with these canals all over the place. I look around in vain, wondering where are all the marchers protesting the prospect of this gross disfigurement of the Canterbury Plains?
39. In my opinion, the erosion of property rights and the eyesore of the canals should stop the scheme dead in its tracks.
  40. Central Plains Water Ltd, as far as I can see is a private company with 300 paid up shareholders. There are approximately 346,000 shares, of which Christchurch City Council has one (1) and Selwyn District Council has one (1). I can not for the life of me, see how this makes it a public scheme.
  41. I find it ludicrous, offensive and grossly unfair that the Council has given my rates to a private company to assist them to forcibly take my land.
  42. I am deeply offended that a government I have no respect for, elevated a man of dubious moral integrity to the position of 'Minister For The Environment' who in turn approved a private company's application for 'Acquiring Authority' over my land. I believe Benson-Pope's decision to be *ultra vires* (beyond the power of the person who made it and, therefore, unenforceable). I also believe that those who are so adversely affected by CPW's proposed scheme have a valid case to take to the Human Rights Commission.
  43. If this scheme goes ahead in its present form with its state sanctioned land grab, my dear old Pop and his thousands of dead mates may as well have not bothered spending half a decade fighting to maintain our liberty. He would turn in his grave to see his countrymen eating their own young in their mindless quest for personal profit.
  44. My farm here in the Waianiwaniwa Valley, that was to be my 'stepping stone' to an economic property, has become a grave. This is where my ambition, hope and my faith in my fellow man died.
  45. I ask the Commissioners to withdraw the Notice of Requirement and to decline all associated resource consent applications, which would enable such a scheme to proceed.

**Marty Lucas**  
**Farmer**  
**Waianiwaniwa Valley**