

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)

Statement of Evidence of Rosalie Joy Snoyink

Introduction

1. My name is Rosalie Joy Snoyink. I live at 6 Homebush Road, Glentunnel, with my husband Jules. We retired to Glentunnel from Darfield in 2001. During that time I have worked as a volunteer at the Glentunnel Library/Post Office and spent a term on the Glentunnel Township committee where I was involved in a beautification project for the township, mainly tree planting. I am Spokesperson for the Malvern Hills Protection Society Incorporated (MHPS).

Background

2. Jules and I spent our working life in Darfield where we had a commercial glasshouse business growing tomatoes for the local market. I also owned a garden retail shop, which was run as a successful co-operative with several craftspeople for 18 years.
3. We worked hard but always took time off to enjoy what the area had to offer, fine rivers and lakes for fishing, swimming, boating and picnicking. We tramped and hunted in the nearby National Parks. We have appreciated and respected the outdoors, it has sustained and nurtured us and we feel privileged to have lived in such a place.

4. My husband, who emigrated from Holland in 1956, was drawn to the open spaces of rural Canterbury where he has lived now for 52 years. I am a fourth generation New Zealander and have lived in this area for 43 years.
5. Originally I came from the West Coast, and it is here that I developed a love of the natural environment. I feel a strong connection to the landscapes around me and have always taken a keen interest in conservation issues.
6. For many years I have worked as a volunteer with the Department of Conservation protecting habitat for endangered bird species. This work involves predator control and weed removal. In 2004 with the help of a colleague, I organised a national census of the rare and endangered Australasian Crested Grebe. I received a Canterbury Aoraki Conservation Board Award for this work. I am a member of the Royal Forest & Bird Society and the NZ Ornithological Society.
7. My husband and I have travelled to many other parts of the world, Australia, Europe and Asia. I have trekked with my daughter in the Himalayan Mountains of Nepal, Sikkim, Bhutan and Western China. We share an interest in high mountains and their associated flora and fauna.
8. We chose to retire in Glentunnel because it is a small, quiet village located at the foot of the Malvern Hills on Scenic Highway 72, the inland route from Woodend to Winchester. It is well planted with trees and it is a place we had visited with our family often during summer holidays, camping on the banks of the Waikirikiri/Selwyn River. At the time of writing this, Glentunnel is ablaze with autumn colours.



Glentunnel Children's Playground.

9. Glentunnel is located near Coalgate. Geographically the two villages are almost merged but there remains a strong separate identity. There is however, much co-operation between the two communities.

10. We enjoy the South Malvern area for its history. It was long inhabited and visited by Maori and is one of the first places of European settlement in Canterbury.



Early Glentunnel Brick Cottage.

11. The Malvern Hills are rich in minerals. In 1875 the railway ran from Glentunnel to Christchurch to transport coal, minerals and farm produce. There was a pottery making bricks, pipes and pots from local clays. Old brick

buildings are still evident today and there are a number of historical miner's cottages. The cottage we live in is 126 yrs old.



Our Home.

12. Today Glentunnel is a popular holiday destination and has a number of recreational facilities including a campground, golf course and sports grounds. There are public walkways and rural roads to cycle and a climb up one of the nearby foothills will gift you views of the Selwyn/Waikirikiri River, and the ranges of Mt Hutt, Torlesse and Benmore. On a clear day you can see across the Canterbury Plains to the Port Hills and Te Waihora/Lake Ellesmere.



Golf Course Glentunnel.

13. Glentunnel has a Community hall, a general store, a garage, a community library/post office, three churches and a thriving primary school. Glentunnel is one and a half kilometres from the proposed CPW dam site and reservoir and level headrace canal.
14. There will be a significant and adverse effect on the Malvern Hills area by the massive construction works required to build the scheme. There will be social disruption on a scale that will `tear the fabric` of local communities apart. The scale of works, heavy traffic movement, noise, dust and vibration, the destruction of the surrounding landscape and loss of heritage trees, the visual impact of the proposed earth dam and headrace canal and embankments are of such a magnitude that I consider these works to be totally inappropriate for the area.
15. My statement of evidence is intended to provide an overview of the local landscape where I live. I will describe the effects of the proposed CPW irrigation scheme on me personally, on the local communities and on the wider environment. I will also background the Malvern Hills Protection Society Inc., comment on the CPW Trust and Company, and the Notice of Requirement.
16. I believe the Notice of Requirement and the associated proposed irrigation scheme would have a significant adverse effect on my community, and on the environment.
17. **I submit that the Notice of Requirement be withdrawn and all associated resource consents are declined.**

Personal effects

18. I joined the Dam Action group in 2001 when I learned we would be living 3 km downstream of the proposed dam and reservoir in the Wairiri Valley. In 2002 the Waianiwaniwa Valley became the preferred option. Although the change to the Waianiwaniwa Valley did move our home out of the 'line of fire' i.e. a potential dam breach, by then I had become very much opposed to the scheme because of the lack of proper consultation and the scheme impacts on people and the environment.

19. The Notice of Requirement does not directly affect our property and we are not losing land to the scheme. However, because of the close proximity of Glentunnel to the proposed dam site, reservoir and headrace canal, our property is “blighted”.
20. If the irrigation scheme goes ahead I do not wish to stay in the area. This means I will have to move, against my will, and I will receive no compensation. I cannot live here because the scale of the proposed construction works will change the face of the landscape forever.
21. I know many of the landowners in the Waianiwaniwa Valley and residents of Coalgate and Glentunnel. Some of these people are my friends. I have lived with the distress of not just how the scheme will affect me, but how it will affect others.
22. In my role as spokesperson for the Malvern Hills Protection Society Inc. (MHPS) since 2003, I have met many people and spent many hours on the phone talking and listening to those who are worried, who are anxious for their futures and stressed by living with so much uncertainty for so long.
23. I have also been in contact with many people in the wider community who are concerned about the impacts of the CPW scheme. The Malvern Hills communities have had widespread opposition to the CPW scheme, as demonstrated by the Malvern Hills Protection Society membership. Many care deeply about the impacts of the scheme on people and on the rivers and groundwater.
24. In July 2005, the informal coalition, The Dam Action Group became incorporated under the name of The Malvern Hills Protection Society Inc. The objectives as set out in the constitution are: to promote, protect, conserve and enhance the historical, social and environmental values of The Malvern Hills region. The Society believes that the unique ecological and environmental values of The Malvern Hills area need to be preserved and protected for the health, enjoyment and well-being of future generations. The membership currently stands at just under 265 members. The Society's membership includes people in the Valley or the area whose properties will be taken for, or

impacted by the scheme, people who live in villages such as Coalgate and Glentunnel whose communities will be irreparably damaged by it, Christchurch citizens who are particularly concerned about potential effects on their water supply, and people from other parts of Canterbury and New Zealand who share our wish not to see our rivers and environment ruined by this scheme. The membership grew rapidly when people became aware that CPW had become a Requiring Authority and could use this status to acquire land for the scheme. For many of our members this is of huge concern.

25. The MHPS committee who are affected farmers in the Waianiwaniwa Valley and residents of Coalgate and Glentunnel have all worked as volunteers. No one has made any pecuniary gain from their involvement over the last 7 years. In fact, our commitment has resulted in a huge personal cost, in terms of time, energy and financial loss.

26. The committee has met regularly, at least once a month since July 2001. The Society has organised several public meetings. We have made presentations to Environment Canterbury, Christchurch City Council and Selwyn District Council. We have met with local Members of Parliament and a number of site visits have been arranged to the Waianiwaniwa Valley for MP's, Councillors, groups and organisations, members of the public and the media. We have written countless letters and emails, read and stored mountains of documents. We have provided guest speakers at public meetings. We have organised jet boat rides on the Waimakariri River and Rakaia rivers and several Open Days in the Valley to create an awareness of the scheme's impacts. Fundraising is an ongoing activity for our committee and MHPS members.

27. It is only because I am retired that I have more time than most to contribute. Other pursuits I would rather be doing have taken a back seat. I did not envisage seven years of my retirement would be spent in this way, but I became more and more incensed by a process that showed a total lack of respect and disregard for people and I became deeply concerned about the impacts of the scheme on the environment.

Dam

28. I find it unacceptable that the people of Coalgate should have to live under such a massive structure as the proposed dam, together with the level headrace canal which will almost encircle the town. Coalgate residents will be 'staring up' at earth embankments on three sides of their village. There is still uncertainty about the actual height of the embankments, where the level headrace runs from the Selwyn River bridge at Coalgate to the toe of the dam. At the Hearing, Mr Glasson produced a 2D simulation photograph of the proposed dam in his evidence for CPW, but failed to show the outlet towers, the spillway and the pump station required to pump water up over the dam to fill the reservoir. Mr Glasson's remaining photos pertaining to the dam are inadequate. They give a poor indication of scale. There has been no 3D scale model of the dam. I believe submitters have seen no reliable evidence so far by the applicant to help them understand the scale of the proposed dam, reservoir and headrace canal.
29. There will be major disruptions to traffic where the head race canal and embankments cross State Highway 72 at the foot of the dam.
30. Although CPW have tried to assure us that the risk of dam breach is small they have been unable to give the residents a guarantee of safety. I understood Mr Davidson to say in his evidence, when discussing the possibility of an earthquake, that the risk of dam break is similar or less risk than smoking, air travel and sports. This is not a fair comparison as one has a choice about smoking, travelling or playing sport. Here choice is removed and the scheme is being imposed on people who do not wish to live with the risk.
31. Mr Davidson also said the dam was *comfortably below individual and societal risk* and that should give everyone *comfort and confidence*. The dam meets the high impact category and the people who are being expected to live below 280 million cubic metres of water are feeling far from comfortable. Many do not sleep at night and some have nightmares.
32. Those who can afford to have a choice to leave, but there will be no compensation. Those who cannot afford to leave will find the traffic, noise, dust, the glare of floodlights 24/7, and possible changes to the climate intolerable to live with.

33. I am also concerned for the population at risk downstream of the Dam. I was shocked to read the illustrations in the CPW Dam Safety Assurance Report. The illustrations show where the water would flow if there were a catastrophic dam breach; this appears as a large swathe of blue following the Selwyn River to Te Waihora/Lake Ellesmere. The report states that 4600 people would be at risk downstream of the dam.

Reservoir

34. There will be a loss of 1200 hectares of productive, fertile land in the Waianiwaniwa Valley. Thirteen dwellings will be inundated forcing people from their homes, some with a long history of living and farming in the area, e.g. the Deans family since 1851. It has taken years and years of hard work by the previous and present day landowners to develop the Valley into the beautiful farms they are today. I find it unacceptable that these farms are now **'required'** by corporate farmers, to water their dry and porous land further out on the Plains.

35. I am also troubled by the potential loss of so many trees that were planted over 100 years ago. Early pioneers had the foresight to plant, not only to beautify the landscape, but to provide shelter. They had a long-term vision and those of us who now live in the area are the beneficiaries of that vision. I understand that some trees are the largest and tallest in the southern hemisphere. Of particular value to me and to those who regularly travel the Homebush section of the highway, is the 100year old mixed woodlot, planted by John Deans, which grows where the dam is proposed.

36. The trees are an important habitat for the many bird species in and around the area. Mrs Suzanne North, who lives in Bush Gully Road in the Waianiwaniwa Valley, told me recently she has up to 10 bellbirds in her garden some mornings and the 'din' is amazing. Forty bird species have been recorded in the Waianiwaniwa Valley.

37. Potential recreational activities in the proposed reservoir have not materialised. I do not believe the promised recreational benefits will

compensate for the natural values and amenities that will be lost if the scheme proceeds.

38. Locals inform me that after heavy floods, slips appear all round the valley walls. They are of an unstable nature and there will be constant slippage as the water levels rise and fall in the reservoir. A flood in the Waianiwaniwa Valley, shortly after we moved to Glentunnel in 2001, cut off vehicle access to Darfield as the flood flowed over the bridge and both approaches on the highway.

39. Strong nor west winds do roar down the Valley and I am concerned about the dust storms that may occur when the reservoir is drawn down. The wind will also create wave action that may cause further erosion around the rim of the Valley.

40. The possibility of insects breeding at times when the reservoir is low and the water temps increase is another concern. How bad will the smell be as vegetation rots and causes anoxic conditions in the reservoir? I understand the rich soils of the valley floor are not going to be removed.

41. I am concerned about the loss of habitat for the endangered Canterbury mudfish. After listening to the evidence about removing mudfish and creating new habitat in the side valleys within the reservoir, I am not convinced this will be successful. It sounds too experimental and the species is too precious to lose.



Mudfish Habitat Waianiwaniwa Valley.

42. There are small areas of indigenous vegetation and wetlands in the Waianiwaniwa Valley. These remnant areas are important because they are all that remain.
43. There has been no archaeological survey of the Waianiwaniwa Valley. I understand there are several significant sites and features of cultural importance to Maori and to others interested in preserving pre European NZ history. I am concerned about the loss of European heritage sites, buildings and other items.

Headrace Canal

44. The landscape where the headrace canal leaves the dam and crosses the Homebush property is an area of high heritage value. That area of foothills is one most treasured by local people. When I drive home from Christchurch after a day in the city, I am always pleased to reach the Homebush corner of Deans Road. The play of light and shadows on these hills has inspired many artists over the years. It is still common to see artists sketching on the side of the road. Photographers frequently stop on this corner to photograph one of the most picturesque views in Canterbury - the Homebush foothills with the Torlesse range in the background. A canal of the magnitude proposed through this landscape is totally inappropriate.
45. The size of the headrace canal will have a significant adverse effect on some properties and will seriously affect business viability for some landowners.
46. I am concerned at the impacts on the Waimakariri and Rakaia river banks where the headrace canal traverses the river terraces. The works to construct canals of this magnitude will have a major impact on river banks which are unstable. There will be issues of access to riverbeds where the canals climb the banks for several kilometres on both rivers to reach the plains surface.

47. The approximately 450 kilometres of network canals will change the plains landscape. I understand all people living in the central plains scheme area will be living within one kilometre of a canal.

Waimakariri and Rakaia rivers

48. I have spent many pleasurable hours walking these rivers, sometimes in the teeth of a howling norwester, and sometimes when the air is clear and calm and all you hear is the river tumbling over greywacke and the song of banded dotterels, wrybills, black billed gulls, oyster catchers and black fronted terns.



Rakaia Gorge.

49. I have difficulty putting into words how I feel about our braided rivers, which are uniquely East Coast South Island and uniquely New Zealand. Braided rivers are found in other countries around the world, but nowhere else can you find species that have specifically evolved to live in braided river systems, in particular the wrybill plover. Many braided river bird species are declining in number. The rivers themselves are an endangered species. I am reminded by a comment by Fish and Game, that ongoing abstraction from our rivers is “death by a thousand cuts”. I have read the Rivers Assessment prepared by Ms Di Lucas for Environment Canterbury. She describes well, the braided river systems of the Waimakariri and Rakaia, and I adopt her evidence.

50. I have made several submissions opposing the many applications to take more and more water from our rivers, all to no avail. I firmly believe that neither the Rakaia Water Conservation Order nor the Waimakariri River Regional Plan are protecting our rivers. Lack of control on land use activity is not protecting the quality of surface waters, especially in the lower reaches.
51. The back-flooding at the Rakaia River mouth indicates an existing problem that may be as a result of present abstractions from the river. The pollution problems in the lower Waimakariri, Selwyn/Waikirikiriri Rivers and Te Waihora/Lake Ellesmere are well documented. The CPW scheme will only exacerbate these problems.
52. I am concerned that one section of the community i.e. the dairy industry is claiming more than its fair share of a resource that belongs to all. I fear the resource is being over used and abused and that the damage will be irreversible. If the end use of stored water from our rivers is for intensive industrial dairying, then I don't believe this is an efficient use of a natural resource. If the scheme is consented most of the central plains area will be converted to dairying and dairy support. The resulting on farm and off farm investment will drive up expectations and place an even larger pressure on the region's natural resources.
53. We are required by the RMA to maintain and enhance river flows of fresh, clean water. The public demand healthy rivers, streams and lakes in which to swim and fish and to enjoy their intrinsic values. I am deeply concerned that a 40 cumec (or 25cumec? CPW presented several scenarios at the Hearing, they claim they could live with a 25 cumec take from the Waimakariri. I am opposed to both) take from both rivers will have a major adverse effect on the health of both rivers.
54. Longer periods of lower flows will affect river ecology. Weeds will encroach further into the riverbeds, more exposed riverbed and reduced braids will improve accessibility to 4WD's.
55. I am concerned at the area of riverbeds and banks that is covered by the Notice of Requirement. I do not want to see the heavy machinery required for 'river training', working in the riverbeds. This destroys their intrinsic value.

CPW claim 'river training' will happen at least 10 times a year, but in my experience of the river, this underestimates the time that will be required to 'train the river'.

56. The construction of diversion canals, sediment ponds, siphons, intakes and pump sheds, all contribute to the destruction of the natural character of rivers.

57. Diversion channels, canals and intakes will create access and public safety issues for river users, in particular fishermen, kayakers and jet-boaters.

58. Evidence provided by Mr Taylor for the applicant on how reduced river flows will affect river recreational amenities is inadequate. More accurate data is required to better describe the impacts of the scheme on recreational users. CPW plan to stop taking water on weekends but what about people who enjoy the rivers during week days and at holiday times? I have no faith in a Recreational Boating Working Party being the solution to solving problems that may be faced by river users as a result of the scheme. I do not believe that the scheme as proposed will maintain or enhance amenity values.

59. I have read and I endorse the submissions of the Royal Forest & Bird Society, Fish and Game NZ and the Dept of Conservation in relation to the region's surface waters.



Waimakakariri Gorge May 2008

Water Quality

60. Up-country groundwater is down-country drinking water. If irrigation-stimulated fertiliser makes water from wells and pipes non-potable, will the polluter pay? Who will pay for new schemes, and finding potable supplies for the many communities that lie downstream of the Central Plains area? Who will pay for an alternative water supply for Christchurch if the City's aquifers become polluted as a result of the scheme?

61. How will we link the contamination of aquifers and wells to CPW? I am not convinced that Adaptive Management plans will deal with the pollution problems as a result of the scheme. I have no faith in the Farming Code. There is no certainty that sound environment management practices could or would be enforced.

62. CPW claim the scheme will enhance groundwater levels. While levels will rise in lowland areas what will happen to groundwater higher up the plains? In Mr Morrison's evidence he said "*It won't be compulsory to give up your well. Economics will be the driving factor*". If the scheme water proves too expensive for farmers won't they want to revert to their wells? If they do take the scheme water won't that free up more groundwater for other farmers, in and outside the scheme area? In Para 7.6 of Mr Donnelly's evidence he states "*This will enable farms within the scheme area that cannot be serviced by the proposed scheme to irrigate from the released groundwater*".

63. I listened to the evidence of Dr Bright about the water divide that protects the aquifers which supply Christchurch drinking water. I am not a scientist but I remain unconvinced that the large volumes of water draining from the Central Plains scheme will push the water divide in a southerly direction.

Ashburton Community Water Trust

64. I am concerned that after the first application to take water in 2001 I received scant information about how the ACWT will use the water. I have submitted on the scheme to build power stations on the south side of the river.

Specific Concerns

Consultation

65. For most of the time I have been involved with the Society I have been concerned at the lack of consultation with the most affected communities.
66. The Society's first contact with CPW was with consultants engaged by CPW. We seldom saw the members of the Steering Committee and later the CPW Trustees were 'faceless' for much of the time. Yet, these were the people making decisions that would seriously affect our lives and have serious consequences for our rivers and groundwater. At the CPW Hearing I saw some Trustees for the first time.
67. In Para 4. of Ms Jamieson's evidence it is stated... *Best practice is to undertake consultation with affected stakeholders and interest groups from a very early stage in any planning process.*
68. This is laudable. Unfortunately, best practice was not undertaken with the people in my community.
69. When Ms Jamieson appeared at the Hearing, I realised this was the first time I had seen her. To my knowledge, she has never consulted with any of the people I represent, who I consider to be key stakeholders.
70. Ms Jamieson's evidence covered the consultation history before her Company, Convergence Communications was involved. The Malvern Hills Protection Society did have more -contact with the previous communications and public relations consultants, Richard Budd of Byfield Budd and Rob Smith of PR South.
71. I attended the first public meetings they facilitated for CPW in our area. In the beginning these meetings were well attended but it soon became apparent we were not getting answers to our questions. People became quickly disillusioned. These meetings cannot be held up as examples of meaningful consultation. We were simply told what was being proposed by CPW engineers and consultants. The CPW Trust appeared unwilling to even consider our concerns.

72. I also attended some of the Consultative Working Party Meetings that Ms Jamieson refers to in Para 15 of her evidence. These meetings were held over a period of 18 months from mid 2000 to December 2001. I am struggling with the comments at the end of Para 15 of her evidence: *As a result of feedback from these meetings, a number of modifications and enhancements were incorporated in the Scheme proposals, reflecting community values in relation to water management.*

73. When I reflect on the Consultative Working Party meetings, all I can think of is the way they ended - in an uproar - as reported in The Press 7 December 2001 with the headline **Betrayal Claim Over Water Move.**

Appendix 1 Press article.

74. The statement by the then Dam Action Group Chairman, Mr Ken Gwatkin, *“that the Councils’ duplicity in appearing to consult while secretly preparing the application (to take water from the Rakaia & Waimakariri rivers) would harden the attitudes of opponents.* Unfortunately that is exactly what happened.

75. I include statements from the first Chairman of the Dam Action Group, Mr Ken Gwatkin and a member of the public, Ms Francine Bills, who participated in the Consultative Working Party meetings. I recently sought their views on those meetings and their comments on the scheme in general.

Appendix 2 Mr Ken Gwatkin.

Appendix 3 Ms Francine Bills.

76. On 15 April 2003, the Central Plains Water Steering committee was replaced by the Central Plains Water Trust. On 12 May 2003 the Trust reported that a company would be set up to issue a prospectus to raise funds.

77. In December 2003 a letter from Buddle Findlay requested the transfer of the name of the applicant from SDC and CCC to the Central Plains Water Trust.

78. Once the CPW Trust was formed in 2003 information about the scheme became even harder to obtain. Previously we could sit in on Steering

committee meetings, but once the Trust was formed, meetings were closed to the public. So many of the meetings, or sections of them, between the Councils and CPW were public excluded. Our only source of information was through quarterly reports from the Trust to the Councils and the occasional generic, glossy spin document emphasising the positive benefits of the scheme.

79. Throughout the term of the CPW Trust and the Company, we had no meaningful consultation with either entity. I understand in Mr O'Rourke's evidence he stated the Trust *has a regular public meeting*.

80. In the last five years, I know of only two public meetings that were held with the CPW Trust. The first was in the Coalgate Tavern on 18 June 2003. This meeting was **instigated and arranged by the MHPS** who felt that the local communities should have the opportunity to meet with the Trustees. After all, the Trust would be making the decisions that would have a major impact on their lives. Our records show that Mr O'Rourke was not present at that meeting. The Trustees who did attend, listened to the concerns of the locals, but made no attempt at the meeting to give answers to any of our questions.

81. The second public meeting with the Trust was held in Darfield, 14 December 2006. This meeting was arranged by the Trust in accordance with the Trust Deed, that a public meeting be held annually to present and receive public comment on the Trust's Annual Report. To my knowledge, this was the only time the Trust has arranged a public meeting. I believe Mr O'Rourke was not present at this meeting either. The meeting was well attended by the public, mainly because an alert person read the small advert placed in the Wednesday Christchurch Press. There were no adverts placed in our local papers, no flyers, nor phone calls from the Communications consultants. There was a degree of frustration shown at this meeting; one of the main issues being the lack of contact with Trustees.

Central Plains Water Trust and Central Plains Water Ltd

82. CPW Ltd has repeatedly claimed that the scheme is a community one because any resource consents (if granted) would be held by the Central

Plains Water Trust, a charitable trust. The Trust has little or no independence and cannot (and has not been) an effective advocate for the community.

83. This was due to the overlapping membership between trustees of the Trust and the company's board of directors, the Trust's lack of independent funding, and the wide powers the company has under the 2004 Memorandum of Agreement between it and the Trust.

84. The CPW Trust was a convenient vehicle for the scheme's promoters to:

(a) Help CPWL obtain millions of dollars of Government and Council funding e.g. through the Ministry for the Environment's Sustainable Management Fund which encourages applications from community organisations; and

(b) To avoid monitoring compliance by CPWL with any conditions and water use agreements associated with any resource consents. CPWL has offloaded the monitoring responsibility onto the Trust without providing any guarantee of funding to do this.

85. The Trust lacked independence because the majority of Trustees were either directors of CPW Ltd, or worked for business entities that were engaged by the Company for professional services. Five of the 12 CPW Trustees were directors of CPW Ltd, including the Trust Chairman. A sixth trustee was a director of the consultancy company GHD, the project managers for the scheme, and the environmental appointee Ms Claire Mulcock, stood down from the Trust while doing consultancy work for CPW Ltd.

86. Since 2005 the Trust has had no environmental representatives. Both environmental Trustees were appointed by the Christchurch City and Selwyn District Councils on the recommendation of the Parliamentary Commissioner for the Environment. I understand that since Dr Rod East retired in 2005 and Ms Claire Mulcock took leave of absence in July 2005 neither of the environmental appointees has been replaced.

87. During the preparation and lodging of the resource consents, the Trust has not been an effective watchdog of the company. The Trust was intended to

monitor the activities of the company, but in fact they were monitoring themselves. In Mr Marsh's evidence at Para 39 he states *The Role of the Trust after the issue of resource consents will be continuing to monitor the activities of the Company.....*

88. The Trust has no grassroots membership to which it is accountable. The Trust has no assured funding. It can request CPW Ltd pay it a "host fee" from the company's annual revenue. The company is not obliged to pay the fee, nor is any level of funding guaranteed. It has no membership base from whom it can seek funds.

89. The 2004 Memorandum of Agreement between the Trust and CPW Ltd severely constrains the Trust.

Under the agreement:

- a) The Trust is required to give resource consents to CPW Ltd on an exclusive basis (both for the initial and any renewed resource consent).¹
- b) CPW Ltd organises and controls the process of applying for resource consents.
- c) CPW Ltd would own, operate and control all of the infrastructure for the scheme. If resource consents are granted, the Trust's role is simply "to assist" CPWL and defend the resource consents from any challenge.
- d) CPW Ltd will only pay the Trust's administration costs for four meetings a year.² Infrequent meetings restrict the Trust's influence.
- e) CPW Ltd has the sole right "to grant water users rights to use the water available under the resource consents".³ CPW Ltd also has the right to allocate water "in the best interests of CPWL" including outside the scheme area. The CPW Trust's consent is not required. It is only consulted.⁴
- f) There is no guarantee that any "environmental enhancement" or other projects the Trust supports will be funded by CPWL. The company will only consider funding any projects the Trust suggests if the CPW Ltd Board

¹ 2004 Memorandum of Agreement between Central Plains Water Trust and Central Plains Water Ltd, Clause 1.1. See AEE, Appendix C.

² Ibid Clause 5.2.

³ Ibid Clause 4.1(k).

⁴ Ibid Clause 7.2.

considers them “to be in the interests of the scheme and do not affect the financial viability of the scheme and its operation.”⁵

- g) The Trust explicitly recognises that the directors’ duties to CPW Ltd will take precedence over any obligations to the CPW Trust.
- h) Gives the company the power to issue directions to the Trust.

90. The Trust has not and cannot be an advocate for robust environmental protection or sustainable management given the emphasis in the April 2003 Trust Deed on encouraging and facilitating the development of the region’s water resources. Object (iv) requires the Trust “to appropriately balance enhancement of economic benefits for the Regions with enhancement of ecological, social and recreational values”. The “balancing” of use against protection is not part of sustainable management as commonly understood.

91. I am concerned at the latest agreement by CPW Ltd and Dairy Holdings Ltd and others, which may see any resource consents granted for water from the Rakaia River, used immediately by Dairy Holdings and others until such time as the scheme is built. I believe this is counter to Para 27 of the evidence of CPWT Chairman, Mr Marsh, which states *The bottom line of the Trust’s mission is ensuring that the remaining Canterbury surface water resource is not just allocated to be used for the benefit of individual farmers improving farm income and who would not be required to make a significant commitment to community, recreational and environmental benefits.*

92. I listened to most of the evidence presented by CPW and heard nothing that would assure me that the CPW Trust or the Company will make a significant commitment to community, recreation or to the environment. I believe that economic benefits will flow to the CPW shareholders but the social and environmental costs will be borne by the wider community.

93. There are many unanswered questions about the CPW Trust. I understand the Trust is a Council Controlled Trading Organisation (CCTO). The Councils appoint the Trustees. As holder of the resource consents, where do liabilities lie for the Trust if things go wrong? In the case of a dam breach who will

⁵ Ibid Clause 7.1(k).

pay? If alternative water supplies have to be found who will pay? Will these costs come back to ratepayers as a result of the Trust being a CCTO? Are the Councils prepared to underwrite the CPW scheme?

Notice of Requirement

94. In 2001 and 2002 our group questioned Selwyn District Council (SDC) on the possible use of the Public Works Act to forcibly remove people from their properties as required for the irrigation scheme. We were told the Council had never used the Public Works Act and was never likely to.
95. In retrospect, it was not necessary for SDC to use the Act, as it subsequently, with its co-settlor the Christchurch City Council, set up the CPW Trust in April 2003, who then set up a private company, CPW Ltd in May 2003. A prospectus was issued in November 2004.
96. CPWL applied for Requiring Authority status in July 2005, which was granted on 24 November 2005 by the then Minister for the Environment, Mr David Benson-Pope. On 23 November 2005, consent applications for the use of water for irrigation and associated land uses were lodged with Ecan.
97. One of the reasons for my opposition to CPWL gaining Requiring Authority status is that neither the people most affected by the scheme, nor the environment, has been shown due regard. Whilst CPWL may have consulted well with proponents of the scheme, the people most adversely affected have been ignored.
98. I consider it unacceptable that CPWL would use the designations process as a matter of first choice, rather than a matter of last choice after full consultation, discussion and negotiation, with seriously affected parties, had occurred.
99. The designation process so far has been inherently unfair and has deeply divided our communities. The Requiring Authority added more stress, anxiety and uncertainty to lives already 'blighted' by the proposed irrigation scheme.

100. Why were the most affected landowners and residents not sent personal letters with specific details of how their properties would be affected by the proposed scheme, and exactly what land was to be designated, and the implications for them of the Notice of Requirement?
101. The route of the headrace canal is still uncertain, resulting in a wide area to be designated. (Maps of the network canal system have changed several times adding to the mounting confusion. While listening to the evidence of Mr Lewthwaite, I understood him to say the canal proposals “*are firm but approximate*”). This vagueness and level of detail has dogged us from the beginning.
102. There is still uncertainty about the exact location of the intakes, channels and canals in the riverbeds.
103. It appears now that the 10 km tunnel option may be too expensive but that CPW would like the option to consent both, raising issues of what is necessary. I believe this detail should have been sorted before the imposition of a Notice of Requirement was placed upon people, their properties and their businesses.
104. I believe there is not enough public understanding of the designation process to allow the Notice of Requirement to proceed. Given the scale of the scheme I would have expected more than `just the minimum` assistance to those most affected and to the wider public. It was required of people to seek out this information for themselves. Easy for some but difficult for many. The issues and the processes are complex and confusing to most people and to this day, many inform me that they are still not sure how their properties are affected and say “it’s all beyond me”.
105. The Requiring Authority status granted to CPWL has been an unpopular decision. It is one of the main reasons for the increasing membership of the MHPS.
106. In his opening summary Mr Wylie defended the Notices of Requirement by saying that “*individual landowners may hold the scheme to ransom*”. In my dealings with landowners, it is CPW who is holding them to ransom. Mr Wylie

went on to say that *issues relating to the taking of private land are not for this panel*. Again, I am troubled by this. MP's and Councillors repeatedly told us that the Hearing was the place to deal with our concerns.

107. I thought the purpose of the Public Works Act was to compulsorily acquire land from perhaps one or two parties who were holding up a development that was for the 'public good'. Approximately 114 properties are affected by the Notices of Requirement for the CPW scheme. Many landowners in the Waianiwaniwa Valley have publicly stated they do not wish to sell their land for the scheme. A map attached as Appendix 3 to Mr Lewthwaite's supplementary brief evidence to the Hearing on Monday 21 April, indicates that many of the landowners affected by the level headrace designations, are opposing submitters. I envisage ongoing resentment of the proposed scheme and even deeper divisions within the Central Plains communities if the 114 properties are designated. How can this be for the public good?

Conclusion

108. CPW has failed to consult with the affected communities and to clearly state environmental objectives. They have provided no sound mitigation of the effects of the irrigation scheme, other than to rely on adaptive management plans.

109. I consider the proposed scheme fails to achieve the purpose and principles of the RMA. I do not accept that allocating the last water available will reasonably meet the needs of future generations. Nor do I accept that the proposed scheme will safeguard the life - supporting capacity of Canterbury's water and ecosystems.

110. I ask that the Notice of Requirement be withdrawn and all associated resource consent applications be declined.

Rosalie Snoyink
April 2008