

IN THE MATTER

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

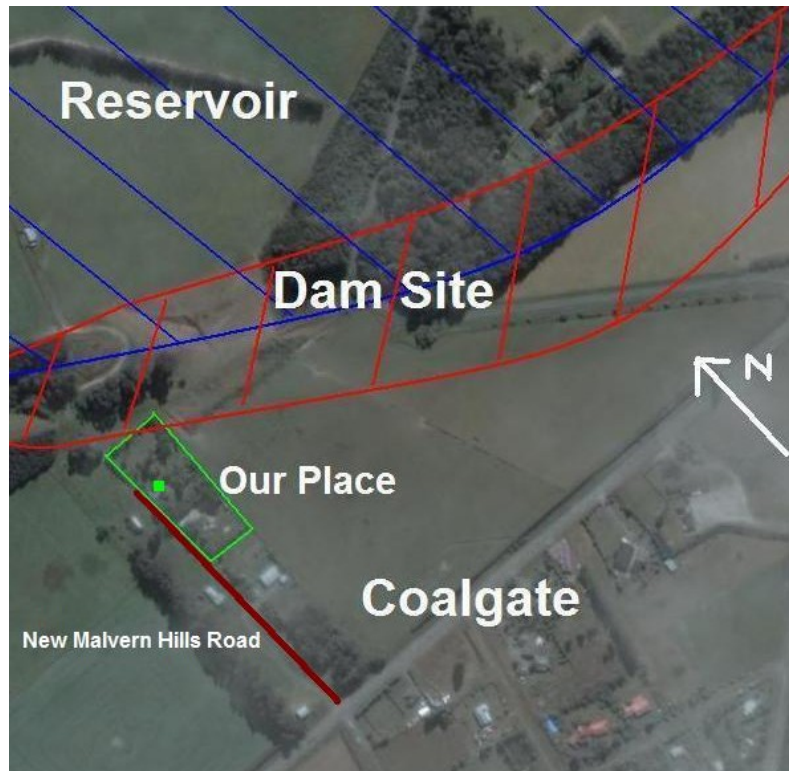
AND

IN THE MATTER

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

Statement of Evidence of Carol Thornton–Owen and Trevor Owen

1. We married in 1992 in our garden in Coalgate. Carol has lived in Coalgate for 34 years. Trevor has lived here for 18 years.
2. Carol raised her two children in Coalgate, taught in local schools and continues to teach in Malvern Schools and give private tuition, at our house, to children with specific learning difficulties.
3. Trevor is self employed and for the last 15 years has been mowing larger lawns for schools, domains, factories, businesses and homeowners in the area. In the ‘off’ season he does tree surgery, hedge trimming and section clearing. Half of his business is done from home, doing maintenance on his own and other people’s machinery.
4. We have a lot to do with our two grand children and they enjoy all aspects of country life that our place in Coalgate can offer. Our grandchildren are 10 and 6 year old boys who enjoy playing in the rivers near by, riding motorbikes and climbing trees. These countryside activities are not so easy to do for them in town, but we have these attributes right here at, or near, our place.
5. We have 2 acres of land which would be very near or under the foot print of the proposed CPW dam. Our house would be about 20 metres from it. The dam site would be North and North-East of our land and house. We are not too sure exactly where it is as no detailed information has been provided to us, but we think it would be something like the picture below.



Our situation.

6. We have been visited twice by CPW. First, after CPW's 'meeting with the host community' at Glentunnel Hall on 2 December 2002. At this point the Steering Committee informed the 'host' community that the previous 2 plans to flood a valley above Whitecliffs, and then the Wairiri Valley above Glentunnel, were less viable than flooding the Waianiwaniwa Valley above Coalgate. We requested someone to visit us and tell us how we would be affected. A URS consultant came to visit a few days later and said:
 - He did not realise anyone was living so close to the dam face; and
 - Our house would have to be destroyed and we would have to move.

7. Years later, CPW released 5 CD's of information. A month after that a MHPS member told us that the information indicated CPW needed 1/8 of our land for its operation. CPW have never told us and we still do not know which 8th that is. We guess it could be some part of the North-East corner or Northern boundary, or it could possibly be our driveway, which we have been led to believe could be the beginning of the new Malvern Hills Road to service the few remaining farms above the reservoir, if it were to go ahead (marked on the picture above in red).(a)

8. CPW had their 4th meeting 'The Dam Safety Assurance Report Meeting' on 29 March 2006. Although that meeting was a total waste of time for most of us, as they did not release their 'Dam Safety Assurance Report' until the day after their meeting (!), we were able to request that CPW clarify where the 8th of our land would be situated. They could not, at that point, along with most other questions, but we were visited again a few days later. This time someone else came around and they told us that:-
 - They did not know anyone lived this close;

- They did not know which 8th of our land was required; and
 - That our house would have to be demolished because of the close proximity of their dam.
9. When we asked about compensation if the scheme were to gain resource consent, they said that they had gained Requiring Authority which gave them the right to take our property for market value, plus a typical value of around 5% which would help us move to a near by location. Alternatively, if we refused to sell, they could either:-
- Use the Public Works Act and just take our place for market value still giving us no compensation but now with no relocation funds; or
 - They could work around our property to build the dam and leave us with their huge dam in our garden holding back between 300 and 450million tons of water and a new road past our house.
10. All of these options are unsatisfactory to us.
11. Since CPW have not been forthcoming with any reliable, detailed or even tangible information about how we would be affected, we state that we do not want to be affected in any way and at least try to cover some of the possibilities.
12. If CPW decided to leave us here and take just 1/8th of our land, we would have a new road within 2 meters of our house. The main road is 300 meters away from our house now and having a road so close would spoil our tranquil property which we are accustomed to.
13. The constant noise whilst the dam is being built concerns us. We are both keen gardeners and enjoy our peaceful property here in the daytime and we are both light sleepers. From what I understand, building the dam will be a 24hour a day project for many months. We acknowledge that as we are living in a dwelling within 200m of the proposed dam, that construction activity will be limited to between 6:30am and 8:00pm Monday to Saturday, but this limit is still far too long for us and would adversely affect our peaceful lives. If the noise is too overwhelming, we may have to live somewhere else until the work is finished, which would also adversely affect every aspect of our lives.
14. Dust whilst the dam is being built could present a problem to us and may force us to stay indoors when work is being done and may force us to do more cleaning indoors than we usually do. Our garden plants and trees may suffer if too much dust is allowed to settle and our pets and livestock may not be able to deal with it, all of which concerns us.
15. Ground vibration whilst the dam is being built concerns us. Our house is 127 years old and the foundations are large rocks. While our house was well made and its age is testimony to that, the vibrations from earthworks might severely damage our house if it were to move too much or fall off any of these rocks.
16. Having a 55meter dam in the northern garden would cut our sunlight all year, but especially in winter when the sun is lower. When the temperature freezes here, a portion of the northern part of our land is shaded from the sun by the hill where

CPW want to put their dam. The ground in that area stays frosted until the cold temperatures lift, this is sometimes weeks. We fear our home will be put into shade from the dam which would be unhealthy for us and this would cost us more to heat our home. Our coal range and open fires may not be enough to heat the house, which may mean we will have to install a different heating system. Our vegetable garden and fruit trees will have a shorter season and we would have to buy more food. Our livestock will have less area to live healthily on and we may have to rent land elsewhere in order to feed them, which would cost us.

17. When the reservoir is operational, we are concerned about;-

- The smell as water is used and levels drop in summer exposing mud and biting insects that live in and near water bodies;
- Fog that is formed over lakes and hillsides may be a new and undesirable feature for our area; and
- That these effects may make enjoying our garden less appealing to us.

18. Mature pines on a grassy bank form the back drop for our house at the moment. This would be replaced with an ugly shingle embankment with weeds growing all over it (according to CPW) (b). Also road noise, from state highway 77, will echo from this hard surface which would raise the noise levels on our property.

19. We would be constantly fearful of a dam burst. Coalgate will be the first to go in a sudden dam failure, possibly with no warning.

20. We would have to buy feed for our pet sheep because losing an 8th of our land would mean we would not have enough feed here for them, even in spring.

21. Our many concerns would lead us to sell to try and find a place similar to what we already have now.



Our historic house.

22. We believe the price of our house will plummet being so close to CPW's dam, reservoir and new road, which would down grade what we could buy in relation to what we have now. This lower value may not enable us to buy a similar property in or near town and we do not wish to live further away from town.

23. Our house is a 126 year old homestead. James Langdale had our house built in 1882 and it is of historical value to the area and New Zealand, being one of the first houses built in Coalgate and the local area. It now has mature trees throughout and has beautiful park like gardens.



The trees and garden.

24. If CPW used Requiring Authority and/or the Public Works Act to give our land to their shareholders, we would lose faith in NZ democracy and any defective systems in place that should protect the public against theft or exploitation by private business.
25. If there were a similar property to buy in Coalgate and CPW were granted permission to evict us, we would not want to live in Coalgate or anywhere downstream of any possible dam or reservoir ridge failure.
26. Dam failure is a reality and we hear or read about life and property losses due to dam failure too often. Even though CPW would like to assure the public that the probability of dam failure is low, Coalgate residents have never had to live with a threat that could injure or kill us as that threat has never existed.
27. Coalgate residents and all downstream township residents will go from 'having no threat' to having a probability of being killed by flood waters from a dam failure. Living with this fear is unacceptable to us.
28. We also would not think of living in near-by villages Glentunnel or Whitecliffs, as these villages are also beneath potential dam and reservoir sites URS have explored. CPW, we understand, has been granted Requiring Authority to do almost anything in the area should it be granted resource consent and we are worried that these sites might still be a possibility if their Coalgate dam goes ahead. The Wairiri Valley is still regarded as 'feasible' according to CPW Literature



Proximity of proposed dam, reservoir and huge canal to Coalgate.

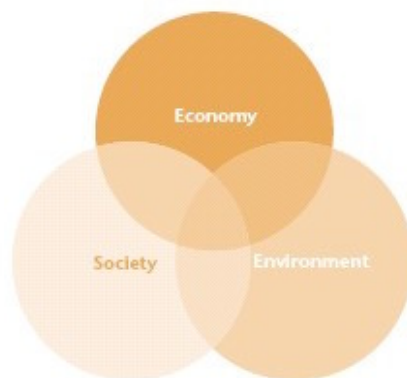
29. Moving away from Coalgate seems to be the only reasonable answer. We may have to give our businesses up if we moved further away from the Canterbury Plains. If we stayed in the area it would make our businesses more expensive as our customer base is in a radius from Coalgate. This would make our transport costs rise. Travelling further would also take more time which would mean we would have to work longer or cut back the number of clients we serve. Depending on where we end up having to live, this may force us to close our businesses and start new business or find work in the new area we are driven to live in. There may also be a gap between losing our home here and finding a new home to live in. All of this would add to our stress of being displaced, finding a new home and making new friends and also could be a costly exercise that would disrupt our lives further.
30. CPW have tried to convince the public that our sacrifice and their project will be for the 'greater good'. CPW's 300 private shareholders will benefit by their land values rising by 300% due to irrigation according to Pat Morrison's share offer. CPW have not released any numbers of affected people, but it is thought to be more than 500 people. These adversely affected people, including ourselves, although giving up our properties for the scheme, have been promised nothing for our sacrifice. We do not believe this project to be of benefit to the wider community.
31. If their reports on how financially better off the district will be are correct, then CPW surely would have the scope and decency to negotiate a fairer deal for

those of us who will be giving the most to their proposal. If CPW shareholders' properties are going to increase by 300%, then it is only fair that CPW compensate those who will lose their land by at least 300% on top of market value. To properly compensate us and to assure the public that their project is not about stealing someone else's land to financially benefit themselves and their shareholders.

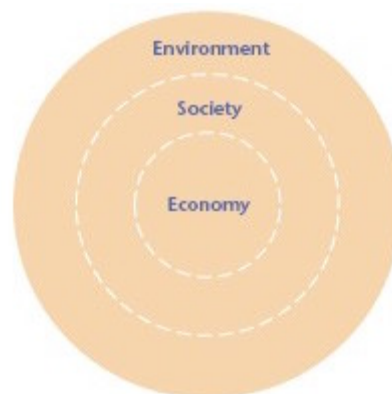
32. In the past CPW have said many misleading things, including 'the project would take only the flood water from the two braided rivers', 'they'd never use the Requiring Authority in the community', that 'they can change the scheme to suit the affected community'. All of which appears to be lies. When questioned about this, they have replied with 'that was the previous committee's decision (the steering committee) and not part of CPWL', or simply they have 'changed their minds'. CPW say they have had 'extensive consultation with the public', when in fact they have had 5 meetings in the district in 7 years and have given false, misleading or no information to most questions.
33. These actions prove they cannot be trusted. They now claim to be able to take 'mitigating measures'. We are interested to see all the 'mitigating measures' they may have said they would do in black and white and have an independent body appointed to check CPWT and CPWL constantly before they apply for resource consent.
34. We see CPW's proposal as, Diabolical (Shocking and outrageous), Unethical (a lack of understanding of moral values pertaining to humans), and consequentially Reprehensible, given there has been no tangible consultation with affected parties. We learned from friends that CPW had put a caveat on our property and as such had we wanted to sell we would have had to go to CPW for permission.
35. How unethical is that?!
36. As New Zealand citizens, who live altruistic lives, we find CPW's actions unacceptable in the extreme.
37. We feel we have a great deal to offer the New Zealand community. We have chosen where to live, we are happy supporting our community and country.
38. CPW have stated that their scheme will be a public asset. As we see this to be a public millstone, it is a relief to us that The Auditor-General officially says, 'when it was first established, CPW Ltd was a public entity. However, once its shares were sold to landowners within the scheme's area, CPW Ltd ceased to be a public entity'.(c) It concerns us that CPW are attempting to gain support by deception but believe this is normal practice for them.
39. One of the reasons we live in Canterbury is the beautiful diversity of farming, the different crops and colours in the paddocks is all around us and we enjoy seeing it every time we drive to town.
40. It concerns us that at the moment dairy farms have been taking over, and it concerns us more that CPW will advance this trend to its upper limit in the district.
41. The Trust (CPWT), we are told will keep a tight leash on CPWL so as not to ruin our environment here, but so far we find no grounds to believe that this is going to happen.

42. The 'Objectives of the Trust' are outlined below:
43. 'The Central Plains Water Trustees are appointed by the two councils, the Selwyn District Council (SDC) and Christchurch City Council (CCC), in some instances following recommendations made by the Parliamentary Commissioner for the Environment (PCE) and Te Runanga O Ngai Tahu. Once appointed, trustees act independently of the two councils and run the affairs of the trust according to its deed, the objectives of which are, within the respective geographical boundaries of the two councils: (d)
- i. To operate for charitable purposes for the benefit of present and future inhabitants.
 - ii. To encourage, support and facilitate sustainable development of water resources.
 - iii. To provide and facilitate opportunities for agricultural and horticultural diversity.
 - iv. To provide and facilitate education in relation to water issues.
 - v. To appropriately balance enhancement of economic benefits with enhancement of ecological, social and recreational values.
44. The objectives of the trust appear to have been forgotten already showing that the process is not working, before it has even started. We have partly outlined some of our concerns below:
- i. Approximately 500 present inhabitants, including us, will lose all or part of their land. Most present and future inhabitants will have no access to the privately owned water drained from our rivers, which in turn will not benefit them. Present adversely affected inhabitants will have reduced land and may have to down grade their operation, they could have access difficulties on their own land with regards to bridging, stock control and divided paddocks.
 - ii. The uncertainty of future domestic and river and lake water quality. We have only heard estimates of how this huge proposal will affect our aquifers and rivers, with regard to lower flow levels in the braided Waimakariri River feeding Christchurch's water, and increased chemical use on the plains and increased dairy herd effluent. Our children and grandchildren live in Christchurch and we may have to if CPW are allowed to evict us from our land. At present we all drink pure water and we do not want chemicals added to make our water safe to drink.
 - iii. CPWT appears to ignore 'agricultural and horticultural diversity', which we believe would be the most beneficial result for the Plains. Instead CPWT is focused on converting the scheme area to all aspects of dairy farming.
 - iv. If CPW were able to 'provide and facilitate education in relation to water issues' the need to build their scheme may not exist. Irrigation on the windy, hot plains is not presently optimised and we see massive water wastage clearly not only on these days, but also everyday in summer we see water wasted on roads, verges and hedges. CPW will not only exacerbate this water wastage but also drain our magnificent rivers.

- v. Ecological, social and recreational values are not being addressed by CPW. Ecologically, turning the plains into a dairy farm is unsound. Socially, 300 shareholders will have sole benefit from public river water. The reduced flow of public rivers will impact on river users.
 - a. Recreational values although having been mentioned, have not been designed into the scheme and we believe it to be just more hype.
45. Doug Marsh has stated that the council's vision for the Christchurch and Selwyn future is comprised of two dimensions. First, environmental sustainability, by protecting and enhancing the environment, and secondly pursuing transformational change, to achieve significant economic growth for the region (e).
46. CPW has completely dropped the first part of this vision for our district, 'environmental sustainability' and focused purely on the second, 'economic growth'.
47. This concerns us greatly as we enjoy living on the Canterbury Plains and resent CPW's idea, which we believe will ruin it, just for short term and personal 'economic growth'.
48. The PCE has a model for sustainability and the CPW scheme falls into the 'weak' category, shown below (f).
49. The **weak sustainability model** shows the economy, society and the environment as competing interests. It assumes that environmental and social problems can always be solved if the economy is sound. It assumes that degradation of one group of assets (environmental, social or economic) can be compensated for by improvement in another.



Weak sustainability model.



Strong sustainability model.

50. The **strong sustainability model** recognises that the economy is a subset of society, and that many important aspects of society do not involve economic activity. The economy may expand or contract, and society's expectations and values may change over time. But to function sustainably, we must not exceed the biosphere's capacity to provide for and absorb the effects of human activities.
51. In Summary, we concur with the SDC's Section 42A report by Nick Boyes (g), that the Notice of Requirement be withdrawn.

52. We think the huge take from the Waimakariri and Rakaia Rivers all year round will be too much for the health of the rivers and the Christchurch domestic water aquifers.
53. We know that the storage reservoir will destroy a beautiful valley that we and other locals regularly enjoy.
54. Everyone knows the reservoir will be too close to the Coalgate settlement, causing unease and fear for its residents. We do not believe there is a good enough reason to put a dam above any settlement.
55. We think the Canterbury Plains will suffer more tree loss and cannot support more environmentally unsustainable dairy herds. Both actions negatively affecting NZ's carbon footprint, which may give rise to export problems in the international market.
56. We know CPW are not treating the landowners with due regard. Affected landowners, including ourselves, have been in a state of worry and despair for the last 7 years and will be called upon to give more, by giving up all we have worked for on our own property.
57. We suggest that the inaccurate, misleading, ever changing and omitted information that CPW has afforded us and the public to further its unsustainable proposal is an exact representation of how they do business. We suggest to the Commissioners that this is a guide to how they will conduct their obligations to the environment and public in the future if they were granted resource consent.
58. We suggest that CPW re-think their whole project to encompass a sustainable water saving strategy, where the least amount of water is used to improve the environment and economy with what they believe to be the finished project. Followed by actually consulting with any affected communities before refining its project to suit these affected parties. Finally, when all parties are in agreement then applying for a resource consent.
59. We would like dairy farming restricted to areas that will never contaminate aquifers or areas sealed off, to stop chemicals and nitrates from seeping downwards through the ground to them.
60. In short, we request that the Notice of Requirement be withdrawn and all CPW applications be declined.

Trevor Owen and Carol Thornton
April 2008

References

(a) CD Plans of Designated areas and Distribution Network, Final Designation Network Plan. PDF Page 8 or map 6.

(b) CD Applications and further evidence, No 38. Further visual impressions (1) picture 10 or Page 11.

(c) The Auditor-General website <http://www.oag.govt.nz/whats-new/2006/central-plains-water-scheme?searchterm=cpw>.

(d) CD Officer Reports, Applicants Evidence, 01.Doug_Marsh(2) No.14 and at the SDC website http://www.selwyn.govt.nz/cpw/cpw_faq.htm.

(e) CD Officer Reports, Applicants Evidence, 01.Doug_Marsh(2) no.6.

(f) PCE website <http://www.pce.govt.nz/projects/topic4.shtml>.

(g) CD Officer Reports, 42a report.