

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of applications for resource consent by the Central Plains Water Trust and a notice of requirement for the designation of land by Central Plains Water Limited associated with the construction and operation of the Central Plains water scheme

OPENING SUBMISSION ON BEHALF OF THE MALVERN HILLS PROTECTION SOCIETY INCORPORATED AND 84 OTHERS

Introduction

1. This submission is made on behalf of the Malvern Hills Protection Society Incorporated ("the Society") and some 84 individual submitters, who are also members of the Society. A list with the names and addresses of those submitters is attached. There are of course many other people who have submitted in opposition to the scheme (some 1200 or so) and no doubt you will be hearing from many of them at a later date.
2. As you will be aware, Mr Michael Parker is also acting as counsel for the Society, together with Ms Schlaepfer and me. Due to other commitments, he is unable to attend the hearing this week, and we are grateful to you for allowing him to present his part of the Society's submissions later.
3. Mr Parker's role will be to address the commercial relationship between the Central Plains Water Trust ("CPWT"), Central Plains Water Limited ("CPWL") (and together "the applicants") and Dairy Holdings Limited, Christchurch City Council and Selwyn District Council (as financiers of the project), and the relevance of those matters to your considerations. Accordingly, these submissions will not discuss those issues any further.
4. The Society has provided statements of evidence from two expert witnesses, Professor Hazledine and Ms Lucas, and 15 of its members. I can assure you that this is only a representative sample of the Society's members. There are many others who could have, and would have, spoken, but the Society has endeavoured to

avoid repetition, while trying to ensure that at least some of those people who will be most affected by this proposal have their opportunity to be heard.

5. The submitters who will be giving evidence include some of the most affected landowners in the Waianiwaniwa Valley ("the Valley"). But there are others who will be badly affected as well, particularly Nelson & Suzanne North who are on the list of submitters the Society represents, and Brian and Liz Deans, John and Andrea Thwaites, and Heather and Trevor Taege, all members of the Society who will be presenting their own submissions and cases to you later.
6. You have read the evidence of those 15 submitters who are giving evidence for the Society. What they say is, in my submission, a compelling indictment of this ill-conceived project, and a telling account of the significant, and in many cases, devastating impact that it has already had on people and their lives, and will have to an even greater extent if it is allowed to proceed.
7. Some of this evidence is personal, emotive, and stated in strong language. We make no apology for that. These are people whose lives, and in some cases properties, have been blighted by this proposal for years, and who will continue to endure that threat hanging over them unless and until you, as Commissioners appointed by the Councils who are supposed to represent the communities they belong to, reach the decision they seek. That decision can only be that the applications for resource consents are declined, and that you recommend to the District Council that the notice of requirement be withdrawn.
8. This project was first mooted in 2000, some 8 years ago. These are people who have had to live with it, and with its uncertainties, complexities, vagaries, and twists and turns since then. Throughout this time, they have consistently been told that the time for them to raise their objections, their concerns, and their fears is at this hearing. Well, that time has finally arrived, and here they are today having their opportunity to speak, and to be heard by you as independent arbitrators.
9. I am sure that, as experienced Commissioners, you will appreciate that these are not, in general, people who are experienced in resource consent procedures, or hearings of this nature, or in public speaking and presentation of evidence. I can assure you that the Society, and its members who are giving evidence, have, despite limited resources and a need to rely upon volunteers' time, put a huge amount of effort into preparation of their evidence, and into trying to impress upon you the huge and

devastating impact this project will have on them, their communities, and their lives if it goes ahead. I am of course confident that, when they come to present their evidence, you will have due regard to that in your approach to them.

Matters Addressed by Other Submitters

10. Some other institutional submitters in opposition to the proposal, (Fish and Game Council, Department of Conservation ("DOC"), Canterbury Public Health, Ngai Tahu and NZ Historic Places Trust) have already presented their cases to you. Others, such as the Royal Forest & Bird Protection Society and the Water Rights Trust, have yet to do so. The Society has liaised closely with those parties throughout this process, and has generally avoided calling expert witnesses in areas where those organisations have, or will, call them, so as to minimise duplication and repetition. Where others have covered an issue comprehensively, as those parties have done, the Society is content to let their cases and witnesses speak for themselves.
11. Having seen the submissions and evidence for Fish and Game, DOC and Ngai Tahu, the Society adopts those submissions, and the evidence for those parties. It does not propose to repeat those submissions, or to address most of the matters which those submissions and evidence, cover in any detail.
12. In particular, on legal issues, the Society adopts the submissions of Fish and Game, DOC and Ngai Tahu on the following matters.
13. Bundling of activities, so that the overall status of the applications for resource consents is treated as non-complying. However, regardless of whether activities are treated as discretionary or non-complying, in the Society's submission the adverse effects are so significant that they should not be granted in any event.
14. The applicants' so-called "adaptive management" approach. As Ms Crawford says in her submission, adaptive management is a way of managing uncertainty, or learning by doing. Its use may be appropriate where there is a lack of scientific knowledge, and this may be gained by a staged approach to development. It is particularly used in marine farming situations. But that is not the case here. The applicants' are not proposing a staged development, where information gained from one stage informs a decision on whether to proceed further. Rather, it is proposing it as a means of overcoming deficiencies in its assessment of effects, and the information it has provided. That is not adaptive management.

15. The applicants' heavy reliance on management plans, to be produced after the consents have been granted and NOR confirmed, in an attempt to address or mitigate identified adverse effects – not to avoid them, as that would be impossible. The purpose of management plans is to set out how a resource consent holder or requiring authority is to comply with the conditions of the consents or NOR to ensure that adverse effects are appropriately avoided, remedied or mitigated, not to set out what those effects and requirements are. The time for identifying all adverse effects, and seeing what, if anything can be done about them, and whether that is enough, is now, not later. As many of the Society's witnesses have said in their evidence, they want to know now, before any consents or NOR are approved, exactly what the effects will be on them, and what the applicants' will be doing about them. They do not want that left to some later date, after the applicants' has its consents and NOR and accordingly has a reduced incentive to fully address the adverse effects its proposal will impose on them, and to a process which is largely between the applicants' and the Councils, with little or no opportunity for them to participate, or to have their concerns heard by an independent arbitrator.
16. In *New Zealand Rail Limited v Marlborough District Council* (1993) 2 NZRMA 449 the Environment Court said that if an applicant was relying on a management plan as a method of avoiding remedying or mitigating adverse effects, that plan should be formulated at the time of the hearing so it could be scrutinised by the Court and if accepted included as part of the conditions of consent. In my submission, the same principle applies to a first instance hearing such as this.
17. Subsequently in *Wood v West Coast Regional Council* (C127/00) the Court noted this could sometimes lead to practical difficulties particularly where a management plan might benefit from future amendments to keep pace with developments in technology. The Court concluded in that case it would be acceptable for a management plan to be provided later but only if its purpose was to provide the consent authority, and anyone else who may be interested, with information about the way in which the consent holder intends to comply with the more specific controls or parameters laid down by the other conditions of consent.
18. In this case the applicants' appear to be using later production of management plans as a way of deferring consideration at this hearing of, and as a substitute for clear and enforceable conditions of consent about, the significant adverse effects that this proposal will cause. That is particularly so in the area of social and economic effects which is of major concerns to the Society and its members.

19. There is no presumption in favour of granting consent for discretionary activities. That is the general rule under the RMA, and has been confirmed in recent case law. It is also particularly apposite in the case of activities of this size and scale, which could not have been within the contemplation of the District Plan, or people submitting on it, when it was made.
20. The relevance of the Rakaia River National Water Conservation Order and the Proposed Waimakariri River Regional Plan. They do not provide a licence to take as much water as can be taken, and for whatever purpose an applicant chooses, as long as the minimum flows in them are maintained. Any take water proposal has to meet the sustainability test in the Act.
21. The lapse period of 10 years, which as Counsel for DOC says will result in the "locking up" of water which may not be used, and will also mean an ongoing planning blight for affected people, their communities and their properties.
22. Much of the evidence called by other submitters is also on issues which are particularly important to the Society, but upon which the Society has not called its own expert evidence, being content to rely on that provided by them. These include the matters which follow.
23. Effects on landscape and ecology of the Waimakariri and Rakaia Rivers. In particular, the Society adopts the evidence of Ms Lucas for the Canterbury Regional Council as to the significance of adverse landscape effects and the evidence of Fish and Game on the adverse ecological effects on those Rivers.
24. Effects on the rare and endangered Canterbury mudfish. The Society adopts the evidence of Dr McIntosh for DOC.
25. Effects on recreational amenity values of the Waimakariri and Rakaia Rivers. Many of the Society's members, and other local people, fish on, and take part in other recreational activities on and around, the rivers. The Society adopts the evidence of Mr Canham.
26. Effects on the recreational amenity values of the Valley and the village of Coalgate, particularly the Coalgate Reserve Area which will be close to the headrace canal. Again, the Society relies on Mr Canham's evidence here.
27. Historic heritage, especially of the Coalgate, Homebush and the Valley areas. As the Society's evidence shows, this is very important to its members. The Society adopts

the evidence of the NZ Historic Places Trust as to the inadequacy of the work done by the applicants' in this area, and the significant adverse effects on heritage that will result if this proposal goes ahead. However, the expert evidence of Ms Lucas for the Society will specifically address the effects on heritage landscapes.

28. The sustainability protocol. While it is filled with high-sounding ideals, it is not a substitute for clear and enforceable conditions of consent, which if the project is to proceed should be imposed through an open and transparent process, and one in which all affected parties can participate – in other words, this process. Instead, it appears enforcement of it will primarily be left to CPWT, which will be beholden to CPWL for funding and, which, under its agreement with CPWT will only receive funding for projects which CPWT considers are *“in the interests of the scheme and do not affect the financial viability of the scheme and its operation.”* That limitation does not inspire the Society with confidence in the applicants' commitment to the protocol.
29. In addition, the Society shares the concerns of Ngai Tahu regarding the structure of CPWT and CPWL, and the effect that the arrangements they have made with Dairy Holdings Limited (as their current financier) will have on the exercise of the consents (if they are granted). As I have said, this is a matter which will be addressed by Mr Parker in his later submission.

Issues

30. The Society contends there are two key reasons why this project cannot be allowed to proceed. These are:
- (a) It will not promote the sustainable management of natural and physical resources.
 - (b) It will have significant adverse effects on the environment, and in particular on people and their communities, which will not be avoided, remedied or mitigated.

Notice of Requirement

31. Before turning to the evidence on those two issues, I address their relevance to the NOR.

32. Under section 171 of the Act, “when considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to ...” the matters then listed in the section.
33. As *Brookers Resource Management* notes at paragraph A171.04(1), the 2003 Resource Management Amendment Act brought the process of considering a NOR more closely into line with its resource consent applications, by using the phrase “when considering a requirement and any submissions”.
34. The amended provision makes effects assessment central to the consideration of designation requirements, as is the case for resource consent applications. However, this does not change the priority given to the purpose and the principles of the Act, as provided for in Part 2. The words “subject to Part 2” mean that the directions in Part 2 have to be considered as well as those in section 171, and override those in the event of conflict (*McGuire v Hastings DC* (2002) TNZLR 577 (2001) NZRMA 557).
35. It follows that, even if you were to find that sections 171(a) to (d) were satisfied, you could (and in my submission should) recommend that the NOR be withdrawn if it does not satisfy Part 2 matters (*Te Runanga O Ati Awa v Kapiti DC* (2002) ELRNZ 265).
36. In that case, on appeal, the High Court held that it did not matter whether Part 2 or section 171 matters were considered first, as long as both were fairly considered and given their proper statutory importance and priority. In the end, the applicants’ must satisfy you that its works will meet the purpose of the Act under Part 2, and section 5 in particular, and that the proposed designation meets the single broad purpose of the Act.
37. In summary, then, in my submission the matters for your consideration in addressing the NOR are:
 - (a) Part 2 (the overriding consideration): section 171(1).
 - (b) The effects on the environment of allowing the requirement: section 171(1).
 - (c) Any relevant provisions of planning instruments: section 171(1)(a).

- (d) Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work: section 171(1)(b), (because both subsections (i) and (ii) apply).
 - (e) Whether the work and designation are reasonably necessary for achieving the objectives of the applicant.
 - (f) Any other matter you consider reasonably necessary in order to make a recommendation on the requirement.
38. As I have said, the Society's case and its evidence will focus on the first two of those considerations – the overriding requirement of Part 2, and the effects of the environment of allowing the requirement.

Sustainability – Part 2 of the Act

39. I begin this part of my submission with the following quote:

“High minded ideals and expectations lie at the core of the RMA founded on sustainability. In addressing hazard risks and averting unwanted losses impacting on the environment and peoples’ wellbeing, sustainability (in the full sense of that term embraced under the RMA’s broad purpose and principles) is the essential key. Some may think that sustainability involves little more than coping purposefully with the effects of climate change. In truth, the imperatives underscoring the need for sustainability have a much wider focus, and decision-making at all levels must reflect that if natural resources and environmental attributes that are popularly cherished in the generality are to be protected and maintained for the benefit of present and future generations. That is so against the ever present calls for environmental compromises and trade offs at the individual level, and in the light of the continual cumulative effect of changes within districts and regions that all too often belatedly disclose mediocre environmental qualities in the long term sense, if not irreversible degrading outcomes.”

40. That quote is taken from a recent article by Principal Environment Court Judge Bollard entitled *“Climate Change Issues from the Perspective of the Environment Court”* (Brookers Resource Management Bulletin May 2008). While its context is an

article discussing climate change, it is clearly of more general application. I take from it the following points:

- Hazard risks and unwanted losses impacting on the environment and peoples' wellbeing are to be averted, and sustainability is the essential key to that.
- Sustainability involves more than "coping purposefully" with effects.
- If natural resources and environmental attributes that are popularly cherished are to be protected and maintained, your decision must reflect that.
- You should resist calls for environmental compromises and trade offs if they will result in mediocre environmental qualities in the long term sense, and irreversible degrading outcomes.

41. This is a case where addressing hazard risks and averting unwanted losses on the environment and peoples' wellbeing is at the very core of sustainability. The essence of the Society's case is that natural resources and environmental attributes that are "popularly cherished in the generality" - the rivers, the Valley, the villages of Coalgate and Glentunnel and their amenity, the uses and patterns of the Canterbury Foothills and Plains - should be protected and maintained for the benefit of present and future generations. The only way in which that can happen is for the consents, and the NOR, to be declined. Otherwise the result will not be the sustainable management of natural and physical resources, because:

- The works and activities will not avert unwanted losses impacting on the environment and peoples' wellbeing. Rather, they will cause them.
- The applicants' proposals for coping with the significant effects the proposal will produce will not protect and maintain those natural resources and environmental attributes.
- The applicants' are seeking environmental compromises and trade offs at the individual level, in order to achieve the particular outcome that suits their individual aspirations and interests, in a way which will result in poor environmental results in the both the short and long term, and irreversible negative outcomes.

42. The test for this is an assessment of the proposal against Part 2, so I now turn to the particular provisions in Part 2 against which this proposal offends.

Section 5 – Sustainable Management

43. As I have said, section 5 is at the core of sustainability. In my submission, the overall question you must ask yourselves is whether the inundation of the premium, sheltered, drought-resistant arable soils of the Valley in order to irrigate the exposed drought-prone soils of the Plains is sustainable management. Because, in a nutshell, that is what this proposal will do. To achieve that single purpose, this proposal will sacrifice naturally good food producing land, which has been in production, and in some cases by the same families, for generations and will destroy the associated ecological, heritage, landscape, amenity and community values which have been built up over those generations. In my submission, that cannot and does not represent sustainable management.
44. Development is not sustainable just because it produces an economic benefit. Most development produces (or at least is intended to produce) some economic benefit. The application of section 5 involves an overall broad judgment of whether a proposal will promote the sustainable management of natural and physical resources. That approach recognises that the RMA has a single purpose and such a judgment allows for comparison of conflicting considerations and the scale and degree of them and their relative significance or proportion in the final outcome (*NZ Rail v Marlborough DC* (1993 2 NZLR 641), followed in *Eden Park Trust Board v Auckland City Council* 1997 (2 NZED 804).
45. There is nothing in the Act which says that economic benefits, whatever the scale claimed for them, over-ride effects on the environment generally, or on people and their communities in particular. On the contrary, section 5 refers to the objective of providing for people and communities “*social, economic and cultural wellbeing*” and “*health and safety*” as a whole, not just their economic wellbeing to the exclusion of other factors.
46. Furthermore, while section 5(2) does require a comparison of conflicting considerations, it is not about achieving a balance between positive effects occurring from a development and its adverse effects. The definition requires adverse effects to be avoided, remedied or mitigated irrespective of the benefits that may accrue (*Campbell v Southland DC* W114/94).

47. As the Court said in *NZ Rail*, the concept of sustainable development carries with it connotations of appropriate size and scale, and the relevant significance of various considerations. This proposal is a “think –big” project. It takes a huge, centralised, use all available resources to achieve economic benefit, approach to the environment. The water in the rivers is seen as a resource to be harnessed, just unfrozen snow that has fallen in the wrong place, and needs to be sent down to the plains where it can be of use. The farm land in the Valley is just an expendable resource, to be sacrificed for the greater economic benefit of others.
48. In my submission, that approach is the antithesis of sustainable management. It is unsustainable management.

Section 6 of the Act: Matters of National Importance

49. Section 6(a) is not met by this proposal. It will not protect the rivers and their margins from inappropriate use and development. Ms Lucas, in her evidence already presented for Canterbury Regional Council, says for both the Waimakariri and Rakaia Rivers the terrace canals would potentially have very adverse significant effects on the river corridor (Lucas para 237). Furthermore, in her assessment of the works associated with the CPW scheme Ms Lucas concludes that these works would have very significant adverse effects on the natural character of the riverbeds (Lucas para 241).
50. Section 6(b) is not met by this proposal. In relation to the rivers, in her previous evidence Ms Lucas identified them as outstanding natural features and landscapes which would not be protected by this proposal. In her evidence presented as part of the Society's case, Ms Lucas identifies the village and rural landscapes affected by the scheme as a heritage landscape of national importance. She says the proposed scheme would very severely affect these heritage landscape values.
51. Section 6(c) is not met by this proposal. I rely in particular on the report of Mr Davis to the District Council, and to the evidence presented by DOC (especially Dr McIntosh) with respect to protection of the significant habitat of the Canterbury mudfish. This proposal will destroy its habitat, not protect it, and it is no answer for the applicants' to say it will recreate some other habitat elsewhere. Even if that works (which is doubtful) that is compensation, not protection - quite a different concept.

52. Section 6(e) is not met by this proposal. I rely on the evidence of Ngai Tahu in that regard.
53. Section 6(f) is not met by this proposal. As stated above, the heritage landscapes identified by Ms Lucas will not be protected. Nor will a number of historic properties which will be impacted upon by the proposal. The evidence of Louise Deans describes how their Homebush farm, which will lose 200 acres to inundation and which will suffer from a 100 metre channel being cut through it, has a history dating back to 1843. Many of the buildings situated on the land have been afforded heritage status by the Historic Places Trust. These buildings date back to 1851. The historic coherence of their farm will be destroyed if this proposal goes ahead. The historic home of Craig Robertson his family will be taken for the scheme. Madeleine de Jong conducts a very successful bed and breakfast business at her historic house, which she has carefully restored. As she says, though her house will not be destroyed by the scheme, the amenity upon which her business relies will be. Significantly, the NZ Historic Places Trust, as the statutory body responsible for heritage protection, is not satisfied that the Act's requirements for heritage protection will be met.
54. Section 7(b) is not met by this proposal. The applicants' contention appears to be that taking water from the rivers, inundating good farmland in the Valley to retain it, and then spreading it over the currently drought-prone plains is an efficient use and development of natural and physical resources, because it will provide economic benefits. Indeed, this is one of the few positive effects the applicants attempt to put forward - otherwise, they can only try to address the many negative effects. By promoting their scheme in this way, the applicants' have put "economic efficiency" at the heart of their case. If they cannot succeed on at least this point, and satisfy you that there will be significant economic benefits from the scheme, their case must surely fail.
55. Realising that, the Society engaged Professor Hazledine to provide it with a report on the economic benefits claimed for the scheme. I understand there was some suggestion when he gave his evidence that his evidence was somehow unduly influenced by the Society, or that he was adopting a role as advocate, rather than expert witness.
56. I can assure you, on behalf of the Society that nothing could be further from the truth. Professor Hazledine made it very clear to the Society from the outset that his report to it on the economic issues (and subsequently any evidence he produced) would be

his independent analysis, uninfluenced by the Society's position, and that is what he produced. His professional opinion was not influenced by the Society, unduly or otherwise.

57. Parts of his statement are strongly-worded. That simply reflects Professor Hazledine's writing style, which is clear, to the point, and when he thinks necessary, critical. None of that means he is an advocate, it simply means he states his views forcefully. That is his style. He is a University Professor, and a very well qualified one. He is used to operating in the rigours of a high-level academic environment, where vigorous debate is the norm. His conclusions are clear. The economics of the scheme have been much over-stated. He is not alone in that conclusion. The same conclusions were reached, and for similar reasons, by both the economists commissioned by the District Council (Dr Brown & Mr Butcher), and Mr Copeland who has given evidence for Ngai Tahu.
58. This is not a numbers game. You are quite entitled to prefer the evidence of Mr Donnelly if, after weighing up all the evidence, you find that convincing. But I do ask you to (as I am sure you will) give serious consideration to the strength of the content of Professor Hazledine's evidence, and that of the other economists, and not be distracted from the substance by matters of form or style. In the end, it is what a person says that matters in proceedings of this type, not how they say it.
59. If you do conclude that the economic benefits of this scheme are not what they are said to be by the applicants', and this proposal does not represent the efficient use of resources, then in my submission, that is fatal to the applicants' case. Even if the benefits are as contended, it is still the Society's submission that they are outweighed by the proposals lack of overall sustainability, and the significant adverse effects it will cause. If the economic benefits are not as contended, the applications cannot succeed.
60. Mention has been made during the hearing of the benefits that are said to have accrued from the Opuha Dam and irrigation scheme. However, that is of a quite different scale from this proposal and unlike this one had wide spread community support. Ms Lucas provides examples of some of the differences of that scheme and this one and Maureen Robertson will also discuss this further when she presents her evidence.

61. The protection and wise use and management of good quality land with high actual or potential values for food production are matters for consideration under s.7 (b) (*Canterbury RC v Waimakariri District Council* 1992 1 NZRMA 108). So are the economic effects on people and the community, who form part of the environment as defined by section 2.
62. While the economists have all addressed efficiency from their professional perspective, the Society's evidence graphically demonstrates the economic effects of the proposal on the people and community the Society represents. Viable farms in the Valley, functioning as economic units, will be destroyed (the Robertsons, Liz and Brian Deans and North), while other farms will lose critical productive land and infrastructure (Lucas, Thompson), or be reduced in size and limited in their operations (Louise Deans and Gillie Deans). Businesses will be impacted, and may have to relocate (de Jong, Horner and Mathers). Coalgate will cease to be a desirable place to live (Weir, Morris, Thornton -Owen & Owen, Horner, Mathers) and the future of the Glentunnel School will be impacted (Bascand). These are matters which are very relevant to your consideration of efficiency, and come down to a single question - is it a more efficient use of the natural and physical resource that the rivers, the villages, and the Valley represent, to leave them as they are for the continued peaceful use and enjoyment, and economic benefit, by the people and community which currently enjoys them, or to ruin that so the plains can be irrigated? In my submission, the answer to that question is yes.
63. Section 7(c) is not met. The proposal will not maintain and enhance amenity values. The evidence of Ms Lucas, and of the Society's other witnesses, in support of this will be addressed later in this submission when I consider effects on the environment.
64. Section 7(d) is not met. Of particular concern to the Society is the destruction of the ecosystem of the Valley, and the habitat of the Canterbury Mudfish, covered comprehensively in the evidence of other parties.
65. Sections (f), (g) and (h) are not met either, for reasons that have also already been (or will be) covered in the evidence and submissions of other parties, and which I will not repeat.
66. In summary, this proposal offends against ss 5, 6(a), (b), (c), (e) and (f), together with ss 7(b), (c), (d), (f), (g) and (h). It does not represent sustainable management. In accordance with the Act. It should not proceed.

Effects on the environment

67. Much of the applicants' case has focused on the effects of their proposal on the natural and physical resources, such as the rivers and the groundwater, which will be impacted. The applicants' have sought, by the production of a large volume of technical evidence, to satisfy you that such effects will be minor, or that they will be adequately avoided, remedied or mitigated by the conditions proposed.
68. However, the definition of environment in section 2 of the Act is much wider than just natural and physical resources. By definition, the environment includes:
- (a) People and their communities;
 - (b) Amenity values; and
 - (c) The social, economic, aesthetic, and cultural conditions which affect those matters, or which are affected by them.
69. Recognising this, the District Council has produced the report of Ms Buchan, who summarises at Part 3 of that report the aspects of the proposal she considers relevant to an assessment of the social effects (that is to say the effects on people and their communities, and their amenity), from this proposal. These are as follows:
- Distribution of costs and benefits resulting from the use of a compulsory purchase process with benefits going to private individuals who are not those adversely affected by the proposal.
 - The adequacy of the information available for individuals to make an informed assessment of effects.
 - Effects of land use changes on communities and the environment.
 - Loss of productive farmland and homes.
 - Loss of recreational opportunities, including access to recreation areas.
 - The effects on water quality and quantity.
 - Risk (real and perceived) of dam collapse.
 - Safety around water bodies (dams and canals).

- Permanent visual changes to the landscape.
- Access to properties.
- Effect on personal financial security resulting from changes in land values.
- Impact of scheme operations such as atmospheric/climatic change, noise, increased traffic volumes and disruption to local traffic.
- Construction impact (noise, dust, traffic, vibration and workforce related issues).

70. To this list of the effects this proposal will have on its people and its community the Society would add its very real concerns about planning blight, which is an issue that I believe you have already raised at this hearing.

71. The Society's evidence has been directed to providing you with detail about what those effects are, and how its members, and particularly those who are submitters and have given evidence are affected. In my submission, the evidence is compelling; there will be adverse effects, they will be significant, and they will not be adequately avoided, remedied or mitigated.

Distribution of costs and benefits

72. The simple and undeniable fact is that the direct benefits from the scheme will go to relatively few (landowners on the Plains), and the dis-benefits of the scheme will be suffered by many (particularly, landowners in the Valley, users of the rivers, and the residents of Coalgate and its vicinity).

73. That deep feeling of inequity, of unfairness, is a common theme with members of the Society, and the community. As Murray Robertson says (and I cannot put it better):

"We bought these hill farms instead of putting irrigation on our own dry land blocks on the plains. It seems ironic that it is people who did not have the foresight to do what we did, that now want to force us off our property so they can irrigate."

74. Others cannot believe that this possibly could happen in New Zealand. Madeleine de Jong, an immigrant who came here to start a new life, with all this country can offer,

and who has worked very hard to do so, expresses her disbelief at that most eloquently. So does Marty Lucas, when he says:

"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."

75. In her report (para 4.1), Ms Buchan notes the applicants' own social impact report accepts that those who will gain from the project are, for the most part, not the same people who stand to suffer what she describes as the significant negative social effects. Mr Taylor agrees with that statement.
76. Ms Buchan records (para 4.1.1) that the applicants' propose to address the significant effects by *"a fair and open process for property purchase, as well as the involvement of the local communities in the development of the various impact management plans and other mitigation measures"*.
77. There are several responses to this. First, the people the Society represents who live on, and farm, the land which is to be taken do not want their land taken from them, whether by *"a fair and open process"* or otherwise. They do not want compensation. They are happy where they are, (or were before this scheme came along) and they want to stay there. Money cannot compensate for the loss of that.
78. Secondly, the only people for whom compensation is proposed are those whose land will actually be taken. While that includes approximately 29 landowners whose properties will be flooded for the dam, and a number of others who will have parts of their land taken for the intake structures, the level headrace and the tunnel leading to it, there are about another 400-500 properties that will be affected by the canals. These are not subject to the NOR or any compensation proposals, although the scheme shows the canals as crossing some of their properties.
79. While the applicants' say the canals will be located so that they are either on public land, or land of willing sellers, their use of the NOR process for the intakes, headrace and Valley does not provide reassurance for those members of the Society who do not want canals on their land, yet whose land is still shown on documents produced by the applicants' as being subject to them. There is no proposal to compensate them.

80. No financial compensation is offered to the people of Coalgate whose amenity and vistas will be ruined by a dam looming above them, in some cases only a few hundred metres away (Weir, Morris, Mathers, and Horner). Trevor Owens and Carol Thornton-Owens will either have a dam in their back yard or the whole of their land taken and their house destroyed. They do not want either they just want to be left peacefully alone in their own house. Financial compensation will not achieve that.
81. Nor will compensation be offered to those who remain, for having to continue to live with the headrace, embankments and canals as an ever-present reminder of what they have lost (Louise Deans, de Jong and Gillie Deans), or to those whose recreational enjoyment of the rivers (Snoyink) or facilities such as the Coalgate Reserve (Mathers) will be devalued. These people number in their hundreds, if not thousands. But there are no proposals from the applicants' to financially compensate any of them for that, by a "*fair and open process*" or otherwise. Apparently, they will just have to live with it.
82. As for the involvement of the local community in the various impact management plans and other mitigation measures, which the applicants' appears to put forward as its way of addressing these concerns, the Society and its members have no confidence at all this will occur, or that the applicants' are even capable of carrying out effective consultation and liaison, should it have the will to. The evidence of all the submitters is a complete indictment of the lack of consultation throughout this whole process, both with the Society and affected individuals.
83. Murray and Maureen Robertson are amongst the most grossly affected landowners. 24% of one of their farms and 60% of the other (Maureen Robertson para 4) will be taken for the scheme. As she says:

"CPW seem to think that holding a meeting where they plug their scheme, but do not answer any questions, is consultation." (Para 10)

84. Craig Robertson, whose family will lose their home as well as their farm to the reservoir, says (paras 24 & 25):

"We do not know actually know for certain what part of our land they would take because no one from CPW has ever spoken to us. To this day we have never received a formal letter informing us that our land is required for the scheme. Others got a Dear Landowner letter, we got

nothing. We have had no phone calls from CPW Trustees, or Company representatives. They have never been to our farm to speak to us.

We only knew about the Waianiwaniwa Valley option because I read about it in the paper. I went to the early meetings where my name was recorded. They did not contact me. Since then I have been on TV and on the radio talking about the scheme but I have still not had any official letters about what land they will take."

85. Marty Lucas says about one third of his farm in the Valley is subject to the NOR. All of his flat land that hosts the engine room of his farm (deer shed and yards, implement sheds, sheep yards, cattle yards, hay storage area, grain silo and lambing paddocks) will go under water. His house will either have to be moved or it will be destroyed as well. Yet he says (para 28):

"Not once since this scheme was first 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 just get compensated for what we lose and will have to make do with what is left."

86. So far as consultation on management plans is concerned, at this stage, some 8 years after the proposal was first conceived, none have been produced, much less consulted on. As I have said, the applicants' track record in this area gives the Society and its members no confidence that it ever will be.

The adequacy of the information available

87. Effective consultation relies upon adequate information being given to the party being consulted. A common theme of the Society's evidence is the inadequacy of information supplied by the applicants'. Again, the evidence of the individuals who are actually affected is a comprehensive illustration of that.
88. A glaring example is Carol Thornton-Owen and Trevor Owen. Their house will be about 20 metres from the dam. Although they understand that about 1/8th of their land will be taken, despite several requests to the applicants', they still do not know which 1/8th that is. To prepare their evidence, they had to draw their own diagrams of where they think it might be, and speculate on what might happen to their land and their house. They conclude:

"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."

89. I would remind you that we are now in the 4th month of this hearing. The applicants' have spent most of that time presenting their case, yet you, and the submitters, are still awaiting information you have had to ask the applicants' for in areas critical to submitters - mudfish amenity, landscape amenity, recreational amenity. This is despite the fact that the District Council Officer's Report had clearly signalled that there was inadequate information in these areas, to the extent that Mr Boyes as reporting officer was unable to even prepare a set of draft conditions (Boyes para 7,362 and 366).
90. In my submission, it is significant that two of these areas, recreation and landscape, relate directly to effects on people and their communities. The inadequate job the applicants' have done in providing information to this hearing on those matters reflects, in my submission, a lack of real concern for them, compared with the technical and engineering aspects of the proposal, upon which it appears no expense has been spared. As a leopard does not change its spots, nor will these applicants' change. People and their communities are not of interest to them, except for those who are the CPWL shareholders.
91. The fact that you have now had to call for further information at this late stage encapsulates the difficulties the submitters have had obtaining information over the past 7 years. As a simple example of the applicants' failure in this area, for a project of this size and scale, a 3D scale model or models, and/or 3D simulations should have been prepared and made available long ago at public meetings, and be available now at this hearing, so people can actually see the size and scale of what is proposed, in comparison with what is there now. The Society asks – has it not done that because they are afraid of what it would show? If not, why don't they do it?
92. The further photo simulations that you have now called for should also have been made available from the outset. Ms Lucas' evidence includes some that she has prepared for the Society which we believe you will find of great assistance in getting a picture of the impacts of the dam in particular. However, a voluntary Society which is

here as a submitter should not have to do that for a project of this size. Proper consultation required that the applicants' produce adequate visual material at the start of this projects life, not now.

93. I note here that the Society appreciates the opportunity you are going to give it to make further comment on aspects of landscape amenity and recreational amenity once the additional material from the applicants' is received, and it will take up that offer. However, you should not have had to require it, and submitters should not have been put by the applicants' in a position where they are trying to respond to a moving target. The fact is that the applicants' did not get their act together in these areas (and others as well, such as mudfish) and its inability to do so after 8 years, so it has to try and face up to them during the hearing itself, does not give the submitters, and cannot give you, any confidence in the attention it has paid to them so far.

Effects of land use changes on communities and the environment

94. These are well described in Ms Buchan's report, and in the evidence (Bascand, Mathers and Gillie Deans). The environmental implications have been covered by others. The Society agrees with Ms Buchan's conclusion that:

"Preliminary conclusions indicate that the new breed of dairy farmers (as opposed to those involved in dairying for many years) are less likely to be involved in local community organisations and activities. This finding tends to validate the concerns of the submitters that changes in land use from traditional farming to dairying and other intensive forms of farming, are likely to weaken community identity, cohesion and participation rates."

95. The scheme, if approved, will lead to more corporate farms and large business conglomerates using wage workers. These are quite different from the family farms that will have land taken. There will inevitably be a loss of community connections and resilience.

Loss of productive farmland and homes

96. The dam in the Valley will remove about 1200 hectares of productive farmland. Of the Society's witnesses alone, the Robertsons' will lose approximately 174 hectares

from their two farms in the Valley, Louise Dean's 80 hectares, Marty Lucas about 35 hectares and Brian Thompson about 15 hectares.

97. Of the other Society members, Nelson and Suzanne North will lose about 90% of their 77 hectares and be left with two effectively useless knobs of land at least 200 metres apart, John & Andrea Thwaites (who will be presenting their own case later) will lose the whole of their 60 hectares of land and Brian & Liz Deans (who will also present separately) will lose approximately 305 hectares. In addition, productive farmland will be lost to the headrace (Gillie Deans) and the canals (including from the Robertsons' other farm at Courtenay).
98. Significantly, these farmers say that the land in the Valley that will be lost will be their best land - the fertile flats.
99. In the Valley, Craig and Sally Robertson, Brian & Liz Deans, Suzanne & Nelson North and John & Annette Thwaites will lose their homes and all their farm buildings. Marty and Annette Lucas will lose all of their farm buildings and will be left with no land access to their house. Their house will have to be moved or destroyed because it will be left high and dry on a knob when the reservoir is filled.
100. In Coalgate, it is likely (but again unclear, because they have not been told), that the Thornton-Owens/Owens house will be destroyed. Others, especially those in Coalgate, will effectively lose their homes because they will not want to live under the shadow of a dam - and nor will anyone else.
101. On any scale of assessment of adverse effects, this is very significant, both in terms of physical effects, and the devastating social impact on the people concerned and their community.

Loss of recreational opportunities

102. Loss of recreational opportunities includes access to recreational areas. This is an important issue for many submitters. A number of witnesses (Shoyink and Weir) speak of how much they appreciate and enjoy the rivers, and the loss they will suffer from the obtrusive works proposed. Witnesses for other submitters (Fish & Game, Waimak Jetboat and Kayakers) have, or will, address this in more detail.

The effects on water quality and quantity

103. The effects on water quality and quantity have and will also be addressed in depth by other submitters.

Risk (real and perceived) of dam collapse

104. This is a major issue for the residents of Coalgate and nearby towns (Weir, Morris, Owen-Thornton/Owen, Mathers and Horner). I acknowledge that a perception of risk, not founded on any scientific or factual basis, is not a relevant effect. However, in my submission in this case the perception of risk does have a foundation in fact. Dams do collapse (see Appendix 1 of Colin Morris' evidence). Engineered dams collapse, even New Zealand ones (Opuha). People understandably are psychologically affected by it. That is not irrational. They have a legitimate fear of the possibility of collapse that renders them sleepless at night.
105. The applicants' contend that the risk of dam collapse is "imperceptibly low", with a probability of failure of 1 in 4 million. As Colin Morris says (para 18) the odds of winning Lotto are not very good either, but someone does each week.
106. The population of New Zealand is 4 million. The number of people killed by lightning strike is very low. Yet earlier this year an unfortunate person in Northland was struck by lightning and killed. Odds of 1 in 4 million are no consolation in those circumstances.
107. Under section 4 of the Act, the definition of "effect" includes "any potential effect of low probability which has a high potential impact." The potential impact of the collapse of a dam of this size so close to Coalgate would be catastrophic. Lives are likely to be lost, properties and Coalgate itself destroyed. But no proposal has been put forward, for example, to move Coalgate, which would be an effective means of avoiding this potential adverse effect (although of course not something the Society would want to see happen). The development of a contingency, or Health and Safety plan, to address this possibility does not provide the people and communities who live under the dam any confidence. These mechanisms are reactive and only kick into action after the event. Dam collapse and the associated psychological fear is a potential adverse effect that cannot be remedied or mitigated. It should be avoided. No dam should be built so close to where so many people live.

Safety around water bodies (dams and canals)

108. Safety around water bodies includes the potential for drowning in unfenced water-bodies (Murray Robertson). Piping would avoid much of that, but is not proposed, presumably because of cost. As Mr Taylor says in his report, even one drowning will be completely unacceptable in human terms.

Permanent visual changes to the landscape

109. Ms Lucas assesses the affected landscape as a heritage landscape of national importance that has high amenity values. She says the changes to the landscape which the proposed scheme would bring would very severely affect those values and produces photographic and other visual material which show this. These changes will be permanent and irreversible.

Access to properties

110. Several witnesses, who will not lose the whole of their farms, will have them disrupted. For example, the Robertsons' will no longer have internal access between their farms in order to move stock. Louise Dean's farm will be cut in two. Marty Lucas puts the effect on his farming operation succinctly when he says (para 27) "*with the loss of our flat land and a public road through the guts of what is left, our farm will become inoperable.*"

Effect on personal financial security resulting from changes in land values

111. The Environment Court in *Land Air Water Association v Waikato Regional Council* (A110/01) decided that an effect on property values from a major development (in that case a landfill) on properties in the vicinity is an economic condition which effects "people and communities" and "natural and physical resources" and which should be given consideration by an authority considering a consent or an NOR.
112. This effect is a common theme of most witnesses. For ordinary New Zealander's like the Society's members, their homes and their farms are by far their main (and in many cases their only) significant financial asset. This proposal is a direct and ever-present threat to their homes their livelihoods and their personal financial security. Those few landowners who are proposed to be compensated do not know when, or to what extent they will be, or whether any compensation will enable them to start all over again as they will have to do. There are many (especially Coalgate residents) who are apparently expected just to live with not only the loss of their amenity, but

also with the corresponding loss of their property values as well, without compensation.

113. On an individual level, Marty Lucas and Brian Thompson both fear that, even if given financial compensation, they will not be able to afford an equivalent block of land elsewhere to farm, even if they can find one. Brian Thompson's subdivision has been held up by the NOR, with significant financial impact. The NOR effectively prevents them from selling on the market, even if they wanted to, as buyers are not going to purchase land encumbered by an NOR, especially one as uncertain as this.

Impact of scheme operations

114. As well as the visual, landscape and social effects, these include climate change from dairy conversion, odour from rotting vegetation when water in the dam is low (as the applicants' do not propose removing the existing vegetation before flooding the Valley), and dust from the dam margins when draw down occurs in summer.
115. In addition, evidence from several of the witnesses highlight the problems of an increase in traffic, such as milk tankers and other large vehicles passing by their houses and through the community (Mathers and Horner).
116. Noise from the pumping stations is another significant concern. If the tunnel option does not proceed, and all the water is pumped up over the dam there will be constant noise from pumps required to lift the volume of water being pumped. Furthermore, these pumps will be highly visible, yet they have not been shown on the applicants' visual simulations of the dam from Coalgate.

Construction impact

117. Again these will have a major impact. Effects of concern include vibration from blasting, compactors and heavy machinery. Noise in particular will have a wide footprint. It will especially affect those in Coalgate living close to the dam and reservoir site (Horner, Thornton–Owen/Owens, Weir, Morris, Mathers and Louise Deans), and those living out on the plains near canals and headraces.
118. Dust during construction is another big issue. You have already called for more evidence on this as it affects Coalgate. Dust is notoriously difficult to avoid or mitigate, as mitigation measures are generally heavily reliant on individual's performance on site, and they often have other priorities.

119. All these effects will be imposed on what is currently a relatively peaceful rural area. The best the applicants' can put forward is the panacea of management plans to try and mitigate them. They cannot avoid them, they cannot remedy them, and so far as the members of the Society are concerned what they have heard so far will fall far short of mitigating them.

Planning blight

120. This project has been in the making for 8 years now. Allowing for 2 years (at least) for this hearing process and any appeals from it that will be 10 years in which the lives of the people affected by it have had to be put on hold. Both those who are directly affected by the NOR, and will lose properties, and those nearby (and particularly in Coalgate) have been unable to carry out the normal process of planning for the development and future enjoyment of their properties because of the threat and uncertainties created by this proposal.
121. Madeleine de Jong, for example, knows she has potential to, and should, expand her business, but is not confident in doing so when her property may be affected by a canal (just how and where she is uncertain) and so may her whole surrounding environment.
122. Brian Thompson recounts the obstacles and difficulties he has experienced in trying to carry out a simple subdivision because of the seeming inability of anyone in the applicants' company to make a decision, or even meet with him to discuss his proposal.
123. The Robertsons' whole farming operation is in limbo. Marty Lucas' despair is summarised when he says (para 44) *"My farm here in the Waianiwaniwa Valley that was to become my stepping stone to an economic property has become a grave. This is where my ambition, hope, and faith in my fellow man died."*
124. This blight is made worse by the applicants' seeking a 10 year lapsing period for its consents. If the proposal is of such extraordinary economic benefit that it must proceed despite its effects, why do the applicants' want, or need, to take another 10 years after they get approval to implement it? The result will be the blight of uncertainty on people, their community and their land for 20 years from inception of the scheme.

Conclusion

125. In conclusion, I refer to the section 42A report of Mr Boyes, the reporting officer for Selwyn District Council. He has carried out a thorough analysis of the merits, and demerits, of this proposal, as the officer of the Council which is responsible for the wellbeing of the people and the community which will have to suffer the effects of this proposal. He has considered a number of independent reports the Council has obtained, including those on landscape (Mr Craig), social impact (that of Ms Buchan, to which I have just been referring to in detail), acoustics and noise (Mr Trevathan), archaeology (Mr Jacomb), terrestrial ecology (Mr Davis), transport planning (Mr Williams), civil engineering (Mr Eldridge), and economics (Dr Brown and Mr Butcher).
126. Having considered all those assessments, at the time of writing his report at the beginning of this hearing, he reached the firm conclusion that *"the land use aspects of the CPW scheme subject to the NOR lodged with the SDC do not represent sustainable management and are therefore contrary to Part 2 of the Act"*. As a result, he has put forward a clear recommendation to you, as Commissioners for the Councils, that the NOR should be withdrawn.
127. Quite properly, Mr Boyes reserved his decision to the extent that he commented that, should the various concerns raised in the body of his report be adequately addressed by CPWL through the hearing process, his recommendation may change.
128. In my submission, the views of Mr Boyes, as the reporting officer for the District Council, and based as they are on independent reports commissioned by the Council, deserve considerable weight. We do not know at this stage if Mr Boyes considers that CPWL has adequately addressed the concerns in his report, as the point of the proceedings where he has an opportunity to address the Commissioners again has not yet arrived. I note that is scheduled to happen in the week of 4 August, followed by an opportunity for the applicants' (but not the submitters) to reply. We shall await his further consideration with great interest.
129. In the meantime, my submission is simply that the recommendation of the reporting officer should stand. You should recommend that the notice of requirement should be withdrawn. In addition, for the reasons set out in the submissions for the Department of Conservation, Canterbury Fish and Game and others, the applications to Canterbury Regional Council for resource consents should also be declined.

Introduction of witnesses

130. The Society's witnesses effectively fall into several categories:

- Those in the Valley whose farms will be flooded (the Robertsons', Lucas, Thompson and Louise Deans).
- Those who will have land taken for the headrace (Gillie Deans and Louise Deans).
- Those in Coalgate whose amenity will be affected (Morris, Weir, Mathers, and Horner) and in one case whose house may or will be taken as well (Owen-Thornton/Owen).
- Those who will be affected by the canals (de Jong, Murray and Maureen Robertson).
- Those concerned for the wider community generally (Snoyink and Bascand).

131. You have already heard from one of the Society's expert witnesses, Professor Hazledine. Its other expert witness is Ms Lucas. Ms Lucas has already presented her evidence on the effects of this proposal on the natural and landscape character of the rivers, and their margins, which she gave for Environment Canterbury. Her evidence for the Society deals with the effects on the landscape, especially of the Valley, Coalgate, Homebush and the Canterbury Plains.

132. Some of the Society's members have limited availability, so I will call them in the following order.

Rosalie Snoyink

Rosalie Snoyink and her husband live in Glentunnel. She is the Spokesperson for the Society. Glentunnel is very near the proposed dam site, reservoir and headrace canal. Her particular concerns are the dam looming over Coalgate, the loss of fertile productive land, established flora and the habitat for fauna as a result of the reservoir in the Valley, and the adverse effects on the Rakaia and Waimakariri Rivers. Rosalie Snoyink also covers her concerns over the inadequate consultation by the Applicants', and the relationship between CPWL and CPWT and the Trust Deed (which is the issue Mr Parker will address in his later submission).

Liz Weir

Liz Weir lives in Coalgate in the house built by her partner, Colin Morris. She is the Secretary of the Society and has spent untold hours coming to terms with the scheme and what it will mean for the community. This has been a highly stressful process, with her partner and her in a constant state of worry over the impacts of the scheme. Liz Weir details these concerns in her evidence in some depth. Along with the effect on their home described above, the scheme will adversely impact on their recreational pursuits and the wider amenity values of Coalgate and the area which they both enjoy.

Brian Thompson

Brian Thompson lives with his wife in the Valley. The lower valleys of his farm, including some of its critical infrastructure, will be inundated as a result of the proposed 55m dam. Brian Thompson does not know for sure whether their house will be inundated, because the applicants' have never consulted with him about it, but his house is on the list of inundated residences in the applicants' AEE. The whole of the Thompson's farm is to be designated for the scheme. As a result, a subdivision on the land, which he would be entitled to carry out if it were not for the NOR, and which is important for the continuing economic wellbeing himself and his wife, has been a lengthy and costly exercise. He has found attempts to get straight answers from the applicants' or even someone with authority with whom he can speak, difficult and frustrating. On a more general note, Mr Thompson has grave concerns with the economic viability of the CPW scheme.

Carol Thornton-Owen and Trevor Owen

Carol Thornton-Owen and Trevor Owen live in Coalgate. They own 2 acres of land situated to some extent (they are not sure how much) under the footprint of the proposed dam. Their house would be a mere 20 metres from it. Since the inception of the CPW scheme the Owens have lived in a state of uncertainty. They have never been given a detailed assessment of the location of the dam in relation to their property. To this day, they are still unsure of the exact impact of the scheme on their land, although the latest reports indicate the scheme will take at least 1/8th of their property. They do not believe their house will continue to be liveable, though they do not want to move. For the Owens, the scheme will result in adverse effects including

noise, dust, vibration, odour, loss of amenity value, mental strain caused by the fear of dam collapse and a loss in property value.

Grant Horner

Grant Horner has lived with his wife and family in Coalgate for the last 30 years. He manages a business adjacent to his house which supplies ski and tourist lift equipment. Grant Horner's house and business are located 250 metres from the proposed dam and are even closer to the construction site. As a result of this, he is concerned about the adverse effects on him from noise, dust, traffic and odour. He will also be affected as a result of the reduction in amenity value of the rural environment which surrounds his home. The overseas owners of the Company he manages have said they will relocate the business if the dam goes ahead.

Louise Deans

Louise Deans and her husband own a farm at Homebush where they have lived for 32 years. The farm consists of 1350 acres of land, 200 of which will be flooded by the dam. Additionally, a 100 metre wide channel will cut the farm in half. Ms Deans is a good illustration of the divisive nature of this scheme as she and her husband differ in their opinion over whether they should oppose the scheme. The Deans land has been farmed by the family since 1843. There are numerous historic buildings clustered on the property, including buildings classified as Category One by the Historic Places Trust. Louise Deans is concerned that if granted, the scheme will adversely affect not only their property, but the tourism industry thriving in the area, important historical landscapes, and the community through the confiscation of land.

Maureen Robertson

Maureen Robertson is a farmer. She and her husband own 2 farms in the Valley. If the scheme goes ahead Maureen Robertson and her family will lose 50% of one farm and 90% of the other. The lost land will be the premium land of each farm; the drought proof valley floors. Land owned by her family trust on the Canterbury Plains would also be lost to the distribution canals. Some of this land has been owned by the Robertson family since 1864. Murray Robertson is the fourth generation to have farmed the land. If the scheme continues he will be the last generation, their children and their grandchildren will be deprived of the opportunity to carry on a family

tradition and farm their ancestors land. Maureen Robertson and her family have suffered extreme mental anguish as a result of this proposal and the comprehension that they may lose their land, yet she has never been personally approached by the applicants'.

Colin Morris

Colin Morris is a builder who lives with his partner, Liz Weir. Colin Morris built their house over 11 years but as he puts it, it was a labour of love. It is situated in Coalgate village, but only 1 km away from the proposal dam site and 200 metres from the proposed level headrace. If the dam is built, it and the headrace will dominate their house and ruin their rural amenity. Colin Morris is actively involved in the community, assisting in community projects. Over the past few years he has immersed himself in the details of the scheme, reading through every report possible. Colin Morris has found this information gathering exercise very difficult in terms of obtaining accurate and detailed assessments. He contends that the consultation undertaken by the applicants has been entirely inadequate and impersonal. Living downstream of the dam, Colin Morris is also especially concerned with the risk of dam failure, and has some material on that to assist the Commissioners.

Gillian Deans

Gillie Deans has lived on her farm with her family for over 30 years. Her husband is the 5th generation of the Deans family to work the land. Her evidence is a testament of her true love and appreciation for her family's land, some of which will be taken for the headrace. Gillie Deans is utterly opposed to the CPW scheme, and the stress associated with the idea that her land may be taken has been a huge toll on her life. Her evidence sets out the total lack of consultation by the applicants, which she describes as cowardly behaviour in terms of communicating to affected landowners the implications of the scheme.

Barry Mathers

Barry Mathers lives in Coalgate with family on a 4 acre block of land. They purchased the land and the old house, in which they now reside, some 7 years ago. At that time Barry Mathers was unaware of the scheme, which proposes to pass the level headrace within 25 metres of his property. He is now the Chairman of the

Society. Because of his job as a forester, Barry Mathers spends much of his time in the outdoors of Canterbury. The scheme will destroy the amenity values associated with the Canterbury Plains and Coalgate which he and his family particularly enjoy. Due to the proximity of their home to the construction site and other infrastructure associated with the scheme, they will also be significantly adversely affected by noise, dust, smell and traffic. Personally, the scheme has been an enormous stress on Barry Mathers and his family, and will continue to be until it is rejected.

Murray Robertson

Murray Robertson is a farmer who lives with his wife Maureen at Courtenay on their family farm. Along with the very real effect of losing land to the scheme Murray Robertson, is concerned that the scheme will adversely impact on his farms existing water take, the Christchurch aquifers and the rivers themselves. The Robertsons irrigate land on their plains farm at Courtenay but no irrigation is required on their Valley farms, this is the reason they purchased the drought proof land in the Valley and this land is essential to their farming operation as a whole. The Robertsons will also lose road access routes between their farms.

Craig Robertson

Craig Robertson is the son of Maureen and Murray Robertson. He lives with his wife Sally and their three children in the Valley on his farm called Abner's Head. His home is 140 years old and has been personally restored and refurbished by himself and his wife, which given its original derelict state, was a huge undertaking. If the scheme proceeds, all of the productive lower land of his farm will be taken, leaving him with an uneconomic farm unit. His house will also be destroyed. As an affected landowner, Craig Robertson has never been personally consulted with by the applicants; he has never even received the standard "Dear Landowner" letter in the mail. The impact on the Robertson's young children illustrates the social costs this scheme has had so far on affected landowners. His children have been left traumatised by the idea that someone might flood their house and kill their family, as they are too young to fully understand the situation the family is in.

Madeleine de Jong

Madeleine de Jong lives 4km out of Darfield with her daughter, where she owns and runs her own boutique accommodation and catering business called the The Oaks Historic Homestead. Madeleine de Jong is originally from Holland, but was so attracted to Canterbury that she has worked very hard to make a home and income for herself and her daughter in Canterbury in the historic Oaks Homestead. Since purchasing The Oaks, and realising the potential impact of the scheme for her home and livelihood, Madeleine de Jong has been fighting an uphill battle to gain an understanding of what the scheme means for her. It appears that the scheme would result in the headrace canal will be running along her back boundary and a smaller network canal will be running near her front boundary. This would seriously damage her business, which is currently very successful, relies upon its sustainable living approach, and has won international awards for that approach. The applicants scheme has infiltrated every aspect of Madeleine de Jong's life; she has essentially had to put her business on hold, holding back any plans for expansion. The scheme has been an absolute blight on Madeleine de Jong and her business. There has been no suggestion she will be compensated for any of this.

Christopher Bascand

Chris Bascand is the principal of Glentunnel School and lives in the Schoolhouse in Glentunnel. He is concerned about the adverse effects that the CPW scheme will have on the local community, including Glentunnel School. Chris Bascand has experience in the closure of schools due to dwindling rolls, and he says that if the CPW scheme proceeds this will be the eventual fate of Glentunnel School. Chris Bascand also expresses concern over the environmental effects of the CPW scheme.

Marty Lucas

Marty Lucas' farm is one of the most affected farms situated in the Valley. He and his wife bought their 300 acre property in 1992. It has been a life long dream for Mr Lucas to own a hill country farm similar to the one he grew up on, the well-known Cecil Peak Station at Queenstown. However, it was not to be, and instead Marty Lucas settled for what he describes as the next best thing, his farm in the Valley. Marty Lucas has sacrificed much in his life to achieve this goal of owning a farm, but now he is at risk of losing it all. Approximately one third of his farm is subject to the

designation, this includes all the flat productive land and the entire farms infrastructure. His house will probably have to be moved as a result of the reservoir. Marty Lucas has a well-justified sense of the unfairness of potentially having to lose his farm to benefit others, and yet has never been approached by the applicants to discuss the significant adverse effects on him, or any potential compensation.

Site Visit

133. All the Society's witnesses advised that they are willing to accommodate you, as Commissioners, on a site visit to their land. Rosalie Snoyink will be happy to liaise with Mr Fraser to assist with the logistics of this.