

Before Otago Regional Council

In the matter of            the Resource Management Act 1991

And

In the matter of            Application RM19.151 for resource consent to take water for  
irrigation of 160 ha of land originally lodged on 13 May 2019  
(Application)

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Legal Submissions for Bloomsbury Stud (NZ) Ltd

Dated 14 June 2021

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1. Bloomsbury Stud (NZ) Ltd (**Bloomsbury**) made a submission when the application by BSTGT Ltd and Trustees of the AP McQuilkin Family Trust (**Applicant**) was first notified. At that time, it was only notified to a few persons, including John Baker and Bridget Steed. The submission recorded that 'Bloomsbury Stud should have been notified as it and other users of its land at [REDACTED] are affected by the proposal'.
2. The Council appears to have accepted Bloomsbury's submission later, after it made its second notification decision, despite Bloomsbury not being expressly identified as an affected person. It has since been served with documentation relating to the Application, and has participated by filing evidence from Mr Schroder (one of the company's partners) and, in conjunction with Mr Baker and Ms Steed, hydrogeological evidence from Mr David Whyte.
3. It appears from the Section 42A Report that Bloomsbury may have been assumed to be a part of the LOFTS Scheme. While Bloomsbury's property did previously have some rights to the LOFTS water, that is no longer the case.
4. Bloomsbury does, however, have a genuine interest in the Application. It is concerned about the potential for significant adverse effects on the environment, particularly in relation to effects on water quality and on water availability for downstream users. In that respect, it sees itself very much as a member of the community which will be affected as a whole. Their interest demonstrates exactly why the Application ought to

have been publicly notified – it has wider interest and implications than just those identified by the Council.

5. Bloomsbury's concerns are as set out in its submission, and it adopts in full the legal submissions given for, and the evidence called by, Mr Baker and Ms Steed. In particular, they similarly seek that consent be declined, on the basis that the Application ought to have been publicly notified and/or that there is an insufficient evidential basis for the proposal.



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Asher Davidson  
Counsel for Bloomsbury Stud (NZ) Ltd  
14 June 2021