

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:
(please print clearly)

Full Name/s: Jef Desbecker/Robina Bodle

Postal Address: [REDACTED]

Post Code: [REDACTED]

Phone number: Business: _____ Private: _____

Mobile: [REDACTED]

Email address: [REDACTED]

I/ we wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Applicant's Name: BSTGT Ltd and AP McQuilkin, NJ McQuilkin, KL Skeggs, SA McQuilkin and GM Todd as trustees of AP McQuilkin Family Trust

And/or Organisation: _____

Application Number: RM19.151 (.01, .02, .03)

Location: 117/141 Glencoe Rd, Arrow Junction 9371

Purpose: To take and use surface water as primary allocation from New Chums Creek and Royalburn Creek x 2. Replace various deemed permits.

The specific parts of the application/s that my submission relates to are: (Give details)

Please see attached documents

My/Our submission is (include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).

Please see attached documents

I/We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

Please see attached documents and...

We ask that the consent authority replace the existing deemed permits's allocations with specific water permit allocations that are more in line with what are granted to other new requests for water permits, i.e. 25,000 litres/day not to exceed 1 litre/sec. Also, that the visible flow in New Chums Creek and Royalburn Creek North Branch not be visibly diminished below the points of take.

I/we:

- Wish to be heard in support of our/my submission
- Not wish to be heard in support of our/my submission

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes
- No

I, **am/am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, **am/am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

I, **do/do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I, **do/do not** request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I **have/have not** served a copy of my submission on the applicant.



Signature/s of submitter/s
(or person authorised to sign on behalf of submitter/s)


2 January, 2021

(Date)

SUBMISSION **OPPOSING** CONSENT APPLICATION TO TAKE WATER
FROM ROYALBURN NORTH BRANCH AND NEW CHUMS CREEK
By BSTGT COUTTS, MCQUILKIN et al

Submission lodged by J Desbecker/R M Bodle

As a prologue to our submission below, we would like to state that it is very confusing to submit on an application, with 'amendments' that must be referred to, which has several conflicting statements and typographical errors...

1. Who is making this application? Is it BTTGT or BSTGT?
2. It appears that the original application, which was lodged 26 April 2019, has been partially amended without making changes to the application in total...hence, there are discrepancies and inconsistencies. It would be far more efficient for those of us reading the application to have a single document that has incorporated all of the changes and amendments.
3. As we consider the effects of this application to be **substantial** on the environment, adjacent ecosystems, underlying aquifers, and a significant number of properties, we feel the rules of ORC Plan Change 7, Section 10A.2.2 be recognized and any decision be granted for a maximum duration of 6 years.

Specific parts of the application we are opposed to:

1. Part A – General

This section of the application speaks of rolling current deemed permits into one permit which will effectively allow for an overall mass of water to be taken from the sources that can be balanced out by taking more water from a larger flow when another flow may be low in volume...this provides for the applicant's ability to run both creeks dry at any and all times.

2. Part B – Points of Take

This section of the application speaks of the Hydrology of the 2 creeks. It is important to note the numbers stated in this section, specifically, a Mean Annual Flow (MAF) for the Royalburn North Branch of 33.7 L/s and New Chums of 19.8 L/s. The Mean Annual Low Flow (MALF) of the 2 creeks respectively is 10.7 L/s and 4.7 L/s. We note these numbers as being particularly important relative to what is stated and requested further on in the application. (See 3 below). We also note that visual information provided in this application is based, as far we can tell, on only one site visit done at a very hot, dry time of year (31 January 2018).

3. Part C - Volume and Rates of Take

This section of the application speaks of the current allocations, allocations sought in the original application (26 April 2019) and allocations sought now in the

amended application (27 November 2020). It is imperative to differentiate between what is allocated and what is physically flowing in the creeks. The current ALLOCATIONS held in various deemed permits by the applicants have been handed down over time from old mining rights that were attached to the land titles and have no relevance to actual flows. If you do the math, the total MAF for the 2 creeks combined is 53.5 L/s with a total MALF of 15.4 L/s. The amended application requests a total allocation of 89.5 L/s which is 1.67 x the mean annual flow and over 5.8 x the low flow. Their solution to this would be to take more water in the high flow periods (heavy rains, spring runoff, storm cycles) and stockpile it in their ponds and reservoirs, effectively taking all the water at all times of the year and leaving none to remain flowing beyond their properties.

The applicant speaks of a REDUCTION of total allocations from 319.5 L/s to 160 L/s (previous application) to 89.5 L/s but as one can see from the numbers above, this has no relevance, due to the excessive allocations, to the actual flows.

When we look at Table 4 –*Irrigation demand*, we are curious about the daily requirements. The application has determined that the requirements for irrigation are 7,593,000 litres/day and for domestic/stock use as 1,296,000 litres/day. When developing a property for sale, Queenstown Lakes District Council specifies 2300 litres/day as a requirement for domestic use for a family dwelling in the rural setting. The BSTGT runs some sheep on their property but we are not talking about large mobs as they do not have the acreage to sustain big numbers. If one is to pass by the property, it is obvious that an existing 5-hole golf course has recently been enlarged to 9 holes, I believe QLDC has granted consent for this to be further enlarged to 15 holes, and there is a commercial Ready-Lawn turf growing enterprise in operation over a significant acreage. Both operations are heavily dependent on consistent water supply of a significant amount. There has been little mention of these in the application and Google Earth photos reveal the extent of these developments. I suggest it would be more transparent for the applicant to supply current photos in their application which would clearly identify the substantial amount of acreage currently in golf course and turf growing use as opposed to “productive farmland” as the application suggests. It would also be advised that the applicant state domestic demand figures that are more realistic.

4. Part D – Water Measuring and Reporting information

The measuring and reporting information suggested in the application is far too broad and uncontrollable. Instead of monthly and annual limits, we would suggest that a flow restriction mechanism, locked by the ORC to avoid tampering, should be required at the 3 points of take which would guarantee that whatever flow is granted on this application, it will be adhered to by the applicant. This could be backed up by a daily recording of actual usage to be checked periodically by the ORC.

5. Part G – Assessment of Environmental Effects

This section of the application addresses KNOWN effects on the environment from the knowledge base of the applicants. However....

The popular DOC New Chums walking track passes directly by the BSTGT intake/pipework/pondage for this intake.

There are brown trout all through the Royalburn creek and these have been there for at least the last 32 years that we have lived on the Crown Terrace. They are easily visible darting about in all locations of the Royalburn on the Crown Terrace. They may not be 'native', but they are there in abundant quantities. The original application stated there were no fish in the creeks. The amendments document of the application acknowledges the existence of the fish in the creek but for some reason, the drying up the creeks would have a 'no more than minor' effect on the fish...or any other water dependent lifeforms for that matter.

In this day and age, we find it unbelievable that anyone would make the statement that "Neither New Chums Creek nor the Royal Burn are identified...as having natural values". With a popular walking track nearby to New Chums Creek, fish living in the Royalburn, whole ecosystems reliant on the flow of the water through the terrain, and a significant number of dwellings in the close vicinity, we wonder what natural value would be if not a free flowing creek?

It is probably best to note in this section on Environmental Effects that before any earthworks were undertaken by BSTGT to install pipe, build dams and weirs, redirect water, and otherwise disturb the existing creek beds and water races of the Royalburn, the creek ran clear. Since undertaking the above-mentioned disruptions to the ground a number of years ago, the Royalburn now has a permanent and omnipresent algae of a substantial structure in all of the creek BELOW THE BSTGT INTAKE SITE. The creek is clear of these algae above the intake and up into the hills.

In the 'Amendments' document, the application refers to maintaining "...a connected visible flow immediately downstream of the point of take for a distance of no less than 50 metres." Is this to be interpreted as a trickle that can visibly disappear after 50 metres?

We raise the point of effects on the underlying aquifers in **7. Part I - Consultation** below but here in Environmental Effects, this is a paramount concern which we believe needs to be extensively addressed by both the applicant and the ORC. It should be noted that the applicant has recently performed earthworks in such a fashion (basically a water race) that collects every drop of surface water that flows off the slopes of the Crown Range hillsides above their property and directs all of this water into their collection pipes. They have also undertaken construction of a monstrous reservoir (lake) to stockpile any water not being immediately used.

Mitigation Measures

This section of the application speaks of proposed mitigation measures. We question the sense of maintaining a flow below the Upper take of the Royalburn NB only to take the remaining water again at the Lower take. This provides no guarantee that ANY water will make it past the applicant's property for use by the large number of people who rely on the Royalburn to provide domestic and stock water. The application goes on to refute the necessity of having any measurable flow below the takes as, when witnessed by them in late January 2018 after a very dry spell of weather, there was minimal water in the creeks. We find this to be a poor excuse to purposely run the watercourses dry at other times of the year. The applicant also states that "The New Chums point of take is in dense bush and there is no public access..." yet a few lines later in the application, they state that "...a visible residual flow past the point of take at all times is proposed. This will be easy to enforce simply by visiting the point of take...". So we ask, is it dense bush with no access or is it simple to visit the point of take?

6. Part H - Alternative water supplies

Having dug a well on the Crown Terrace for our own water supply and recently drilled a bore on a property at Lake Hayes, and knowing of the prolific water supply Brian Waters achieved from a bore on a property adjacent to the BSTGT property a number of years ago, we would suggest that the costs are not "prohibitive" as stated in this application. Brian Waters hit water at 30 metres of a very pure quality needing no treatment for potability.

7. Part I – Consultation

The applicant has stated in this section that there are **NO KNOWN** authorised surface water takes on the Royalburn Creek. This is not true. ORC allows any person to take up to 25,000 litres/day from any surface water on their property so long as they do not diminish the natural visible flow of the surface water. We are a shareholder of a communal water scheme (LOFTS Water Ltd) which services 10 total shareholders. We draw our water directly from the Royalburn, upstream of the road bridge over the creek adjacent to the intersection of the Crown Range Rd and Jeffery Rd. This is our domestic supply, our drinking water, which we each filter at the point of use. In the very dry summer months, when the creek runs low or is dry in the vicinity of Glencoe Rd, the creek is naturally fed by swamps and seeps west of Glencoe Rd which bring the Royalburn back to a modest flow. If the Royalburn NB is run totally dry by BSTGT taking all the water and diverting it to large reservoirs suffering from extensive evaporation and various parts of their property to grow ready-lawn and keep a golf course green, what will happen to the aquifers along the Crown Terrace? Will these seeps and swamps dry up and cease to feed the lower Royalburn? Will we be without drinking water? Will we have to cease keeping stock because we have no water for them? Will the algae completely overtake the remaining trickle of water? Will our well run dry because the water tables have dropped below the shallow level of our well (9m)? We personally know of a further 6 wells/bores on the Crown Terrace that are fed by

the aquifers. It would seem that this application is requesting access to **ALL** the water available that feeds the aquifers underlying the bulk of the Crown Terrace. How can this kind of unbalanced allocation even be considered when there are so many other people and properties further downstream dependent on the Royalburn and New Chums creeks and the aquifers which they support?

Summary

We strongly oppose this application for all the reasons stated above. This application blatantly flies in the face of current ORC policies which are directed at reducing human usage of precious water supplies in favour of enhancing natural environments. This application cleverly glosses over gross misuse of a natural resource with little consideration for neighbours downstream or the surrounding natural environment.

We are not sure what the solution is as the applicant certainly has a right to utilise their access to water which they understood in good faith when they purchased their properties. However, those of us living downstream, and also using the water in good faith of our understandings when we purchased our properties, have rights as well.

BSTGT/McQuilkin et al have 2 natural water courses to draw from, maybe they should be allowed 25,000 L/day like the rest of us from each of those watercourses and they can explore drilling a bore if they feel they need more water.