

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: Mark Weldon and Sarah Eliott

Postal Address: [REDACTED]

Phone number: [REDACTED]

Email address: [REDACTED]

I/ we wish to **OPPOSE** the application of:

Applicant's Name: **BSTGT Limited and Antony Patrick McQuilkin, Nicola Jane McQuilkin, Kate Louise Skeggs, Samuel Angus McQuilkin and Graeme Morris Todd being Trustees of the A P McQuilkin Family Trust**

And/or Organisation:

Application Number: No. RM19.151 (RM19.151.01, RM19.151.02, RM19.151.03)

Location: 117/141 Glencoe Rd, Arrow Junction, 93171

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** submission.

My/Our submission *opposes the application.*

-----Please see **attached** submission.

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

- Due to the incomplete nature of the Application, the misleading omission of germane information, the identified impacts of the proposed water usage (type and volume), the Application should be denied. The application should be rejected, as "domestic and stock use" (per the Application) does not need 1.296m L/per day.
- The application also be rejected as lacking sufficient information upon which to make a decision. In particular, (i) details around water use - details around the golf course water use are not provided with sufficient transparency; and (ii) there is no information provided about the extensive earthworks and surface water collection infrastructure constructed on the property. This is material because the water availability to other Crown Terrace residents, and usage, is from both stream and surface runoff. Both matters, with diagrams and plans and impact statement should be outlined specifically, as outlined in the attached submission;

- That the information be rejected as lacking good faith. A water bore is described as “cost prohibitive.’ Given the obvious substantial expenditure on water-infrastructure for the golf course, this conclusion must be denied and cannot be a basis for decision making
- The application is incorrect as to impact. The application starts that there are no known authorized water takes on the Royalburn. I am a shareholder in the a communal water scheme (LOFTS Water Ltd) which services 10 total shareholders.
- That the application is denied on lack of merits and providing insufficient information about water use (as opposed to water take) - water use being critical to the very core of the environmental regulations under which consent is granted;
- That the basis for the application - that being historical mining rights which were granted for an activity now not legal - be eliminated and replaced with water rights more consistent with general pastoral activity on the Crown Terrace.
- That a new water permit for 25,000L per day, be granted for each applicant with property on a stream;
- That, if the application is granted in any form, including modified form, it is:
 - Limited in time to 6 years maximum;
 - The ‘load balancing’ approach be rejected;
 - Accompanied by obligations to measure and record daily water flow of both streams at the take points, as well as total water taken, and total water used (from the dams and reservoirs on the property)
 - Accompanied by obligations to keep records and make those records available with respect to pesticides and fertilizer use

I/we: Wish to be heard in support of our/my submission. Yes

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing. No

I, **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** (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** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I **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 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) (Date)

A handwritten signature in black ink, consisting of a large, stylized 'N' followed by a horizontal line that curves upwards at the end.

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Notes to the submitter

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:

- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

Otago Regional Council, Private Bag 1954, Dunedin, 9054
or by email to submissions@orc.govt.nz

SUBMISSION **OPPOSING** THE CONSENT APPLICATION TO TAKE WATER
FROM ROYALBURN NORTH BRANCH AND NEW CHUMS CREEK

By COUTTS, MCQUILKIN et al

Submission lodged by M Weldon

Summary

In short, the applicants are looking to use historical mining rights to support a golf course and sculpture garden, to the detriment of other residents, which will increase fire catastrophe risk, decrease wildlife and birdlife, and threaten other viable land uses on the Crown Terrace. Details are provided below.

A. **The application is incomplete in material respects and should be rejected.**

1. The original application was withdrawn. A set of amendments have been provided. As a matter of process it is unclear how amendments to an application that has been withdrawn can be accepted, as the withdrawn application is no longer active. A single application should be provided.
2. The application should be rejected as it lacks sufficient information upon which to make a decision. In particular:
 - a. (i) details around water use - details around the golf course water use are not provided with sufficient transparency. When the majority of the water is going to a non-disclosed activity, that makes it impossible to legally make an accurate determination of the application, as information provided is incomplete; and
 - b. (ii) there is no information provided about the extensive earthworks and surface water collection infrastructure constructed on the property. This is material because (i) the water availability to other Crown Terrace residents, and usage, is from both stream and surface runoff, and the consent application must be considered in the context of all relevant facts and impacts, and the infrastructure to collect surface water combined with the consent application
3. The application is duplicit. It talks consistently of “irrigated farmland.” A golf course is not farmland. Sheep and deer - the only stock viable on the Crown Terrace are rotated across pastures allowing regrowth. A golf course, by contrast needs to be kept consistently watered and has a much higher nutrient need (and thus much higher leeching). It is unclear how a correct decision on water rights can be made when the applicant has not provided the details of the actual intended use of the water. This is a material fact that needs to be taken into account.
4. The application requests a total allocation we believe is greater than the total mean annual flow from the two creeks, and between 7 and 10 x the low flow.
5. 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 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. On its face, with the land area, there is simply no need for 7.5m litres of water for day for domestic and stock use. Comparable water usage by pastoral farmers on the Crown Terrace is less than 1% of this.

6. The application should be rejected, as domestic and stock use does not need 1.296m of water L/per day
7. Details around the intended water use, and full set of water infrastructure, with diagrams and plans and impact statement should be outlined specifically in the Application
8. The information should also be rejected as lacking good faith. A water bore is described as "cost prohibitive." "Prohibitive cost" is postulated as the reason water bores are not being looked at for sources of water. No costing information is provided, and, visually, the cost on other infrastructure related to water would be 50x the cost of a bore. Given the obvious substantial expenditure on water-infrastructure for the golf course, this conclusion must be denied and cannot be a basis for decision making without more information being provided. At our place on the Crown Terrace we spent \$36,000 drilling for water. We did not find any. However, the costs, at this level, are not prohibitive. What is the cost of developing a single golf green?
9. The application is incorrect as to impact. The application states that there are no known authorized water takes on the Royalburn. I am a shareholder in a Crown Terrace communal water scheme (LOFTS Water Ltd) which services 10 total shareholders. This is my only source of water, and is relied on for building compliance in terms of potable water.
10. The application does not provide sufficient information about water use (as opposed to water take) - water use being critical to the very core of the environmental regulations under which consent is granted.
11. A decision without the following facts cannot be held to be one that takes account of all the relevant information. As a matter of law, rights of appeal are reserved if these facts are not sought. Please note that these facts are private facts, and are not in the possession of anyone outside the Applicant.

B. If the Application is not rejected, then an amended application needs to provide a full set of relevant facts

The submission is:

- RM19.151.01 – To take and use surface water as primary allocation from the Royal Burn North Branch for the irrigation, domestic and stock drinking water purposes.
- RM19.151.02 – To take and use surface water as primary allocation from the Royal Burn North Branch for the irrigation, domestic and stock drinking water purposes.
- RM19.151.03 – To take and use surface water as primary allocation from New Chums Creek for the irrigation, domestic and stock drinking water purposes.

Reading the application, you are (mis)led to believe that this is a standard property, with some sheep, houses, etc. Instead, the bulk of the water is going to a private 12 or 15 hole golf course and contiguous sod farm, which we believe is a commercial enterprise.

The application thus lacks relevant material facts, and is, in the use of broad and misleading language, duplicit.

1. There is limited water on the Crown Terrace, and the Applicants, under the Application, intend to take the bulk of it.
2. All water use is not equal in its positive, or negative externalities on the environment and neighbours. When the majority of the water is going to a non-disclosed activity, that makes it impossible to legally make an accurate determination of the application, as information provided is incomplete.

3. Golf Courses are environmental disasters. They have runoff (pesticide movement by runoff), leaching (the movement of pesticides and fertilizers through permeable soils), water contamination, groundwater contamination and other issues relating to their substantial use of pesticides combined with substantial needs for water (and hence massive leaching and runoff). The golf course is positioned at the top of the Crown Terrace - above nearly all the houses, and above the Arrow and other rivers into which the water ultimately goes. To allow this much water to go to a golf course - which the Applicants have every right to build - requires an understanding of the impact of that golf course on the water quantity and quality before a water consent for that use can be granted
4. It may be obvious, but it is worth stating that there is no reticulated sewer or stormwater on the Crown Terrace. The use of water in combination with pesticides is thus significant. A pesticide plan needs to be provided.
5. The water requirements of a golf course are significant, in particular in summer. Averages do not tell the story. What matters is - when it is dry - where does the water go. This is when golf courses use more water - there is a lot of data on the amount of water required by a golf course being up to 4x what is needed when it is wet/winter.
6. The Mean Annual Low Flow (MALF) of the 2 creeks respectively is 10.7 L/s and 4.7 L/s. This is less than the requested take.
7. 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.
8. The CODC thus needs to calculate how much water the golf course actually uses to assess whether a visibly green golf course can actually be in compliance with its allowed water take. Golf courses around the world are required to conduct this analysis and be transparent with their water plan given their water usage and environmental impact.
9. Historical mining-driven water rights are irrelevant. Open cast or water race mining would today not be legal on the Crown Terrace. To use historical water rights granted for an activity that would now be illegal, as the basis for water rights today is illogical as a starting point. As noted, Coutts have every right to build a golf-course, but in doing so, with expiring permits, they knowingly assume the risk of regulator change.

A fulsome, transparent application, that does not rely on the limited inspection and other resources of the ODC, would see an application that outlined clearly:

- Land in use as a golf course, broken down into Greens, Fairways and Rough (as the US regulations require when consenting a golf course), including practices greens and areas;
- The sod farm
- The livestock aspect
- Water usage rates for the Greens, Fairways, Rough and sod farm
- Pesticide and Fertilizer rates for the Greens, Fairways, Rough and sod farm

We do not have the golf course details, but as well as the total land area, the fairway to green breakdown, and the sod farm size, which are essential, as well as an agronomist to actually **calculate how much water the golf course actually uses**, the below should be investigated and a report provided (See Appendix A):

- How many sprinklers are there in the golf course in its entirety? How many are planned?
- How many sprinklers are there on the sod farm?
- What is the flow capacity of each sprinkler?

- If used continuously, what is the total amount of water used by the golf course?

The tribunal, and the public, would then understand what the negative externalities imposed by this private activity are, and whether or not

As water is a critical factor in the environment, 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.

3. The particular impacts on our residency negative and substantial

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.

1. We live on the Crown Terrace, and are a part of the LOFTS water scheme.
2. The application discussed a reduction in allocations from 319.5 L/s to 160 L/s This is specious, and has no relevance to the actual water flows. If granted, it appears that the entirety of all the water in the two creeks will either be used immediately, or stored and used - leaving exactly no water for legitimate downstream water users.
3. Potable water requirements for our residence - or any new residence - have a minimum number of litres per day. The only source of water recognized in the consenting process is bore or water scheme. There is no bore water on our property (\$30,000 of fees trying to find it bears witness to this). The only water to meet the legal QLDC requirement is thus from the LOFTS water.
4. The major development since we moved in is the private golf course and related sod farm (the dimensions of which are not provided on the application, but appear to be 2+ hectares).
5. Since we moved to the Crown Terrace our actual water has reduced by over 80% from earlier levels. In the last 3 previous summers, there is no now water flowing - all the whilst the golf course on Glencoe is perfectly green over consecutive weeks of 30+ degrees and no rain.
6. When we moved in, in 2011/12, we received consistent water, each day. Every year water has got worse, and last year we received, on average, water 2 days per week, at very low flow levels - well under the minimum. Tanker water was required to keep the toilet flushing. The water scheme used to run without a hitch. Since the golf course development on Glencoe, the water is full of sludge, which accumulates in the storage tank for the water scheme, and has required a significant number of working bees to clean out the resulting tonnes of anaerobic sludge.
7. The Application provides, dependent on water flow, for the ability to to run both creeks dry at any and all times. This gives complete control over all water crossing Glencoe Road to two landowners, to the detriment of downstream legal users of the water, who have only single points of water. If granted, the consent will effectively ensure that for prolonged periods of time, at least one of the single sources will be shut off, to ensure the applicants can take their water across either source.
8. Given the data on total water flows - which are less than the total consent applied for at low periods - it is irrefutable that the total water that would be taken under this consent, would reduce potable water at our house, the last one on the LOFTS infrastructure. In other words, we have confidence that no water would make its way to our house.
9. Apart from the basic needs of water, this also creates extreme fire risk, as the places into which this water goes will get very very dry, and some of the water sources the Fire Service rely on being full, simply will not be full of water. Granting this application is a disaster waiting to happen

in terms of fire risk - which is growing every year. Broadly, we will have a Crown Terrace of two halves - a bright green golf course and sculpture garden, and a tinder dry, parched, lower Crown Terrace.

10. To approve this consent would thus be, in effect, to make a number of houses building consents invalid, as they rely on water rights from surface water affected by the Application.
11. The applicants thus want to take 3,864 x more, per day, than the other properties on the LOFTS scheme are able to take.
12. We consider the effects of this application to be **substantial** on the environment, adjacent ecosystems, underlying aquifers, fish and other stream life, and a significant number of properties.

4. **Water Measuring and Reporting information**

1. The measuring and reporting information suggested in the application is far too broad and uncontrollable.
2. The Applicants should also be required to measure the total flow of the creeks, outlining in aggregate how much water is flowing that they do not take. This is not a river like the Kawareu - they run dry, and this will be important information for any future consents
3. 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.

5. **Other matters**

1. Natural Values. The application states that "Neither New Chums Creek nor the Royal Burn are identified...as having natural values". The QLDC states, with respect to the Crown Terrace that:
 - a. Hydrology. Complex network of streams draining westwards across the terrace from the Crown Range to the Arrow River
 - b. Naturalness: A reasonably high degree of naturalness as a consequence of its predominantly open and pastoral character
2. Fish. 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. There is very little logic to this. Fish require a minimum volume of clean water. There has been no work done on what that volume is.

5. **Summary**

We strongly oppose this application for all the reasons stated above.

In addition to the impact statements herein, the application is directly counter to current ORC policies which are (i) focused on increasing, not degrading water quality; (ii) are directed at reducing human usage of precious water supplies in favour of enhancing natural environments; and (iii) are directed at equitable, fair water use across a number of users, not around monopoly uses of natural resource without any form of water scheme or pricing of the water.

The application completely ignores neighbours downstream and prioritizes the built environment (e.g golf course) over the natural shared resource.

6. **Recommended solutions**

Due to the incomplete nature of the Application, the misleading omission of germane information, the identified impacts of the proposed water usage (type and volume), the Application should be denied.

1. Deny the application
2. Re-design the measurement, use and pricing of water on the Crown Terrace from the bottom up, in line with new environmental standards and government policies. As with Canterbury plains water, which has direct analogs here, we suggest that the ability to block water for all other users, along with the obsolete nature of the water rights (granted for mining), should result in a formal review of the allocation of water resources on the Crown Terrace. This could result in a series of allocations, along with requirements to measure the water intakes and outtakes generally. Or, it could result in a price being placed upon the
3. That the basis for the application - that being historical mining rights which were granted for an activity now not legal - be eliminated and replaced with water rights more consistent with general pastoral activity on the Crown Terrace.
4. That a new water permit for 25,000L per day, be granted for each applicant with property on a stream;
5. That, if the application is granted in any form, including modified form, it is:
 - a. Limited in time to 6 years maximum;
 - b. The 'load balancing' approach be rejected;
 - c. Accompanied by obligations to measure and record daily water flow of both streams at the take points, as well as total water taken, and total water used (from the dams and reservoirs on the property)
 - d. Accompanied by obligations to keep records and make those records available with respect to pesticides and fertilizer use

APPENDIX A: Estimated Golf Course Water needs

It is important to compare the total water at the Points of Take to how much water a golf course needs, as it **turns out that the golf course needs more water than is available at the aggregate of both points of take**. This is an outside-in assessment, but provides more than enough information to suggest that such work needs to be undertaken before the water consent at anywhere near the requested levels is approved.

Water and golf courses are a major issue in drought prone areas such as Arizona, Texas and California, as they should be here.

In the SouthEast and Southwest of the USA, areas directly relatable to the Crown Terrace in terms of annual rainfall and lack of a water table underneath, a study showed the following: <https://usgatero.msu.edu/v11/216335.pdf> Please note that all efforts have been made to be accurate, but without details on the size and breakdown of the golf course and other land uses of the applicants, there may be errors of estimate in the below. Please also note that the estimates have looked to be conservative, not aggressive in attributing water use to the golf course.

	<i>Irrigated Turf Grass Water Use (SouthWest USA)</i>
<i>Water use average (imperial)</i>	4 acre feet of water per irrigated acre per year

<i>Water use (metric)</i>	This is 4934 cubic metres per acre
<i>Water use (metric)</i>	This is 4934 cubic meters per .41 hectares
<i>How big is the golf course?</i>	<p>-A standard 18 hole golf course is around 50 hct. Urban course (which this is like) would be around 75% of this, so around 37.5 hct.</p> <p>-It appears to be a 9-12 hole course, so let's say 20hct</p> <p>- Note: this is based on a standard 18 hole course, where the ratio of fairways to greens will be higher than on Glencoe, where the holes appear to be short, and the ration of greens and teas to fairways and rough is a lot higher.</p>
<i>How much water would this use?</i>	<p>-The math is of a 20 hct course, using the above assumptions, comes out at 246,700 cubic litres</p> <p>-This is 246,700,000 or 246m Litres of water per year</p> <p>- If we assume that 75% of this water is used over summer, then that is approximately 1,537,500 L per day, over a 120 day period</p>
<i>How does this compare to total water available?</i>	This (outside in) working shows that the golf course alone will use, in summer, more water than is available in total from both creeks in the low season for water, which is an estimated 1.33m L per day.
<i>How does this compare to a house on the LOFTS scheme?</i>	<p>- At 2500L per day, we are looking at 912,500 L per year, or 0.003% of what the golf course needs.</p> <p>- The golf course has one dwelling, as do the LOFTS schemes</p>