

## Before Otago Regional Council

In the matter of                    the Resource Management Act 1991

And

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

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### Statement of evidence by John Baker

Dated    14    June 2021

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#### INTRODUCTION

1.    My name is John Baker. My wife, Bridget Steed, and I own and reside at [REDACTED] [REDACTED] Queenstown 9371 being the land contained in Lot 1 DP 305699 (29.8815 ha) and Lot 2 DP305699 (26.9325 ha). This evidence is given on behalf of Bridget and myself.
  
2.    We hold a share in Deemed Permit 97402 to take water from the Royal Burn. The Otago Regional Council (**Council**) identified us as persons affected by the application by BSTGT Ltd and Trustees of the AP McQuilkin Family Trust (**Applicant**) to replace deemed permits (**Application**). We made a detailed submission opposing the Application, and all of those concerns remain valid. The purpose of this evidence is to reiterate the concerns set out in the submission and to provide the Commissioner with some further context about the impact the Applicant's water take is currently having and will continue to have if the Application is granted.

#### OUR PROPERTY AND WATER USE

3.    My wife and I live and make a living from our property, on which we undertake the following activities:
  - (a)    Growing and selling Lucerne for stock food (balage), which involves 3 cuts per season.

- (b) Growing and selling meadow hay (small squares), which involves 1 cut per season.
  - (c) Raising and selling cattle and sheep.
  - (d) Horse grazing.
4. We have also planted thousands of mostly native plants and trees on the property.
  5. As noted above, we hold a share in Deemed Permit 97402 along with Barry Hodges, Philip Blakely and Mary Wallace, and Troy and Vera Stewart. This was transferred into our names when we purchased the property in 2011. This is our only source of water for the property, providing primarily for our domestic and stock water, as well as crop, pasture and planting irrigation, with small amounts used for our domestic garden. There is also a pond on the property which is a fire reservoir, which we keep topped up. This pond was there when we purchased the property, and the local fire brigade know about and have access to it if required.
  6. Permit 97402 provides for the take of 300,000 litres per hour in total, with our share being just under one third. As a condition of the Permit, we have to submit annual records to the Council which are recorded every 15 minutes for 12 months. An automated system (telemetry) is required to be installed by 2022.
  7. We applied for resource consent to replace Permit 97402 in January 2020. The Application is currently with the Council for processing.

#### **OUR CONCERNS ABOUT THE APPLICATION**

8. Prior to the Applicant starting to develop the property, we had no problems with our water take – there was always ample water available for our take. However, since that time, serious issues with water availability have arisen, with the Applicant sometimes taking all the available water. This occurred during the summer months in 2017/18 when, I believe, the Applicant was filling its newly constructed lakes. At that time no water came over the waterfall due to the creek being dry.
9. During this period, our neighbour, Barry Hodges, and I went up to the Applicant's property and spoke to the farm manager about the fact that the water they were taking was leaving the creek dry and depriving downstream users of the water we needed. The response was "tough, we are going to keep taking all the water". This is the type of approach from the Applicant that we have come to expect and is reflected in their proposal to take water, originally without even offering a residual flow.

10. Water availability has regularly been low to non-existent during the summer months since that time. At times, water availability reduces to a trickle, and then many hours later it will be back to original flow. This makes it very clear that the fluctuations are not the result of rainfall but of the Applicant's take. It also shows that groundwater seepage below their property is affected when they divert the flow from the creek as no water came over the waterfall. We have notified the Council many times and made many complaints, but nothing has been done to resolve the problem.
11. When there is no water available this obviously has a significant effect on us. It is particularly concerning for stock, and when the water stopped running we had to fill 20L containers from our domestic tank and replenish water troughs for the animals until the creek ran again.
12. If the Application is granted and this results in no water coming down the creek, we would have to completely change our infrastructure. We have invested a considerable amount of money in ensuring our infrastructure, which is buried and gravity fed, is efficient and effective for delivering water throughout our property.
13. Without security of water supply, we would have to store rainwater in as many tanks as we could afford and pump it. This would be inefficient, unsightly and costly compared to our current infrastructure. In the drier months we would not be able to irrigate and therefore forego the income earned from growing and selling Lucerne and meadow hay. If the pastures dried out it would be a possibility that we would have to destock the cattle and sheep. The pond would inevitably dry up exposing all the properties in the district to fire risk.
14. If the applicant took all the water this also would affect the groundwater on our property.
15. We have real concerns about why this Application has been allowed to proceed at all in the way that it has. The Application, if granted as the Applicant seeks, will dry up a local waterway which is relied on by multiple downstream users. How the Council concluded that we were the only party affected, and only in a 'minor' way is a complete mystery to us. If this Application had been granted in its original form (i.e. applying to take more water than the creek can handle and storing it in the drier months) I do not know how the Council would have dealt with our resource consent application, or managed the permitted takes further up the stream from us. The implications and effects of this Application are major.

## OUR CONCERNS ABOUT THE COUNCIL'S APPROACH

16. We have, and are, incurring significant expenses fighting to maintain our right to take water when this is something the Council should be protecting on our behalf. While I know this is not something the Commissioner can take into account, I wish to place on record that Council's approach to this whole matter has been highly unsatisfactory and disappointing.
17. My wife has had to continually chase the Council for replies to her emails and we have been left out of vital communications, only finding out through other affected parties. When we asked for information, we were required to pay for it, and even then it was only partially fulfilled, with significant communications left out. When we complained about this, the Council provided a few more documents and suggested we go to the Ombudsmen if we did not like it. By that point we felt we may as well give up, but we still consider there is relevant information that we have legitimately requested but not seen.

## CONCLUSION

18. This Application and the Council's handling of it has caused our family a significant amount of stress and impacted negatively upon our quality of life for over 12 months.
19. The potential financial loss, not to mention the effects on our quality of life, if the water quality and quantity to our property is affected is distressing.
20. We ask that the Application be declined.

**John Baker**  
**14 June 2021**