

Before the Queenstown Lakes District  
Council

In the matter of           The Resource Management Act 1991

And                            The Queenstown Lakes District proposed District Plan Topic 15  
Earthworks

**SUMMARY STATEMENT OF EVIDENCE OF RALPH HENDERSON**

Darby Planning LP (#2376)  
Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd (#2381)  
Treble Cone Investments Ltd (#2373)  
Soho Ski Area Limited, Blackmans Creek No.1 LP (Soho) (#2384)  
Lake Hayes Limited (#2377)  
Glendhu Bay Trustees Limited (#2382)

Dated 20 September 2018

**Solicitors**

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lloyd.**

## SUMMARY EVIDENCE

- 1 Following preparation of my Evidence in Chief, I have reviewed the statements of rebuttal evidence prepared by Jerome Wyeth for the Queenstown Lakes District Council and the statements of evidence of other submitters that relate to Chapter 25, including Sean Dent for NZSki Limited and Mr Farrell for Real Journeys Limited.
- 2 The rebuttal evidence for the Council reiterates its support for the earthworks in Ski Area Sub-Zones to be subject to the Table 3 Standards, particularly Standards 25.5.12 - 14, 25.2.20 and 25.2. I agree with Mr Dent and Mr Farrell that there is considerable overlap between the provisions in Table 3, particularly in relation to sediment discharge (25.2.12), setbacks from waterways (25.2.20) and groundwater (25.2.21) and the Regional Plan Water. While I do not disagree with the position of Council that the RMA provides authority for this duplication to occur, I am of the view that, as such a duplication contains inherent inefficiencies, the environmental benefits meriting the costs associated with these inefficiencies should be clearly established. The rebuttal evidence of Mr Wyeth refers to the proposed rules relating to representing 'best practise' based on their application in the Auckland Unitary Plan,<sup>1</sup> however no evidence is provided explaining why earthwork volumes or setback requirements for the Auckland region are directly applicable to the environmental conditions of the Queenstown Lakes District or why they constitute best practise.
- 3 Mr Dent advances the view that exemptions for activities in Ski Area Sub Zones (SASZ) from earthworks rules should be made on the basis of land tenure due to the greater certainty provided by the concession process on Public Conservation Land.<sup>2</sup> In his rebuttal evidence Mr Wyeth indicates he disagrees with this position and is of the view that existing regulation does not provide sufficient certainty to extend the exemption to earthworks rules in SASZ.<sup>3</sup> In my experience there is a high level of ongoing regulatory involvement by the Otago Regional Council in relation to activities within SASZ due to the number of consents required by these activities. I consider this oversight provides greater certainty to the community that the environmental effects of earthworks are being appropriately managed than can be provided by the permitted activity regime proposed and I do not agree with the position of Mr Dent that the concession process for Crown Land provides significantly greater certainty to merit a different approach to regulation of activities within SASZ than occurs under other tenure.
- 4 In relation to the general application of Standard 25.5.20 I agree with the position of Mr Farrell that a 10 m setback is very large and in the absence of evidence to advance my understanding further and I remain of the view that the existing thresholds of 7m distance from a waterbody and 20 m<sup>3</sup> volume of earthworks are more appropriate.<sup>4</sup>
- 5 I consider that despite changes proposed by Mr Wyeth the intent of Standard 25.5.21 remains unclear and the broader definitions of aquifer include any rock or gravel containing water could result in this rule being breached more widely than appears anticipated. This is particularly relevant in SASZ where aquifers in the broader sense are uncommon, but groundwater may frequently be exposed due to the proximity of bedrock to the surface.

<sup>1</sup> Rebuttal evidence of Mr Wyeth, dated 22 August 2018, at [3.17]

<sup>2</sup> Evidence of Mr Dent, dated 6 August 2018, at [94]

<sup>3</sup> Rebuttal evidence of Mr Wyeth, dated 22 August 2018, at [5.8]

<sup>4</sup> Evidence of Mr Farrell, dated 9 August 2018, at [24]