

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER OF Queenstown Lakes Proposed District Plan –
Hearing Stream T15.

**EXECUTIVE SUMMARY OF EVIDENCE - SEAN DENT ON BEHALF OF NZSKI LIMITED
(#2454) & SKYLINE ENTERPRISES LIMITED (#2493)**

Dated: 18th September 2018

SOUTHERN PLANNING GROUP

Resource Management Consultants

PO Box 1081

QUEENSTOWN

Phone: (03) 409 0140

Fax: (03) 409 0145



- 1.1. In regards to NZSki Limited and the evidence I submitted regarding exemptions for earthworks within the SASZ I note that both the panel and Mr Wyeth for the Council indicated that to enable further consideration of my proposed exemptions, it would be useful to be provided with examples of DOC Concessions where DOC has approved earthworks in the SASZ and which have had particular regard to the effects of sediment discharge and earthworks on or within waterbodies. In recognition of this request I attach to this summary DOC Concessions, OT-34109-SKI, OT34110-SKI and 49957-SKI.
- 1.2. All of these decisions contain similar conditions so I will briefly discuss only OT-34109-SKI which was significant in terms of the scale of activity it authorised. Specifically, this Concession authorised construction of the Curvey Basin passenger lift system as well as trail works 1,700m in length & comprising some 374,000m³ of earthworks and widening of an existing ford over the Rastus Burn Stream. The effects on water courses and wetlands are discussed on pages 26 - 28 of this document and the special conditions on pages 33 – 36 require construction plans for sensitive sites to be approved by DOC prior to works commencing, avoidance of wetlands where possible, control of surface run-off and silt to vegetation, wetlands and water courses, submission of an overall project plan for approval by DOC prior to works commencing, and very importantly, monitoring of silt control, disturbance to wetlands and all works at sensitive sites by an independent monitor averaged at 1 visit per week for the duration of the works and that works for the vehicle crossing and pipes across the Rastus Burn are carried out under supervision of DOC and the independent monitor.
- 1.3. In my opinion, these documents in addition to the protocols contained in Appendix [A] of the original submission illustrates that the DOC has specific consideration to the environmental effects of earthworks on water quality, aquatic ecology and hydrological processes. This is highlighted particularly by the stringent monitoring requirements for an independent compliance officer to visit the site on a weekly basis to ensure compliance with the agreed control measures. This is well above the level of compliance monitoring that I understand either QLDC or ORC have implemented in regards to the various resource consents approved at The Remarkables Ski Area and which I have been involved in.
- 1.4. I also note that under Section 17SD of the Conservation Act 1987, an applicant can be requested to provide any further information necessary to enable a decision to be made and that an environmental impact assessment shall be provided in accordance with Schedule 4 of the RMA 1991. Further, Section 17SE of the Conservation Act enables the Minister to commission a report from any person in regards to any matter raised in the application including a peer review of information supplied by the applicant. I consider that DOC

therefore have the expertise and/or ability to seek the necessary expert comment to ensure the effects of land development on water ways are appropriately mitigated.

- 1.5. I wish to comment on two areas of concern raised by the Council regarding the Ben Lomond Sub-Zone being the addition of land to the west of the SEL lease area and north by the fire ponds for the purpose of a helicopter landing area. Ms Galavazzi outlined in her evidence that it wouldn't be appropriate to re-zone the land to the west as the RMP hasn't been updated and that would be the appropriate public process to consider the future use of this land. The current RMP is over 13 years old (3 years past its formal review date¹) and I am not aware of an imminent time frame from the Council to formally commence a review. The situation becomes a chicken and egg scenario as to whether the RMP should be reviewed before changes to the DP affecting the reserve occur. In my opinion, it makes little difference what occurs first as any potential lessee or licensee will need to comply with/obtain approval under both the RMA and Reserves Act.
- 1.6. Further, I note that the Council has not called landscape evidence in regards to the proposed zone extensions sought. However, in regards to the area to the west, Dr Marion Read who provided landscape evidence² for the Council in the Stage 1 Mapping Hearings was not opposed to the re-zoning of this land and it is supported by Ms Snodgrass.
- 1.7. I note that the RMP covers an area of 387.9611Ha³. There are a number of Objectives and Policies relating to protection of the Reserves natural values (scenic, natural quiet, passive recreation) but one of the overall Objectives is to provide for recreation and tourism activities including commercial activities that do not adversely affect these values⁴. The plan also recognises the two distinct areas of recreation use in the reserve being the high use facility developments, private commercial operations and primarily visitor use and the more informal, track or terrain based casual recreation based on natural and landscape values.⁵
- 1.8. It is my opinion that given the proposed area of Zoning will retain the clustered effect of commercial facilities and that it will affect 7.28Ha on Bob's Peak and 1.2177Ha in the Lower Terminal Area (2.1% of the Reserve Area), the zoning would not be inconsistent with the

¹ *Ben Lomond & Queenstown Hill Reserves Management Plan, Objective 9.2 and Policy 9.2.1*

² *Evidence of Dr Marion Read, 24 May 2017 Paragraphs 8.0 to 8.12, Rebuttal Evidence of Dr Marion Read dated 7th July 2017, Paragraphs 4.0 to 4.7*

³ *Ben Lomond & Queenstown* ⁴ *Ben Lomond & Queenstown*

⁴ *Ben Lomond & Queenstown*

⁵ *Ben Lomond & Queenstown Hill Reserve Management Plan, Section 11.0, Goal 3 Recreation Opportunities, page 35.*

current differentiation of high use and less formal recreation activities leaving the vast majority (379Ha) of the Reserve for such passive recreation.

- 1.9. In regards to the proposal for the expansion to the north adjacent to the fire pond I consider that this area could be illustrated on the proposed DP maps specifically for use as a helicopter landing area only so as to preclude buildings on this prominent part of the proposed zone. This could be strengthened through adaptation of notified Rule 38.11.6 which prohibits buildings within an identified building restriction area. I note that Mr Brown who acts for Ziptrek supports this approach⁶ as well as my recommended provisions for ensuring only one informal airport exists within the Zone.
- 1.10. Demarcating this area for an informal airport and actively discouraging more than one such informal airport in the BLSZ will enable the maintenance of this iconic tourism activity which has been occurring at Bob's Peak for 43 years⁷ into the future. It is also considered consistent with the intent of the Reserve Management Plan which specifically enables helicopter landings for tourism purposes adjacent to the gondola terminal⁸ and the notified purpose of the Zone⁹. I acknowledge this proposed area is outside the Ben Lomond Recreation Reserve but I consider that it lies in such close proximity that the effects of the activity on the Ben Lomond Reserve would be similar to that currently enabled and anticipated by the RMP.



Sean Dent

18th September 2018

⁶ *Rebuttal Evidence of Mr Brown, dated 22 August 2018, paragraph 5.*

⁷ *CIV-2008-425-000650, Decision on Judicial Review proceedings Skyline vs. QLDC and Ziptrek dated 21 September 2009, paragraph 38.*

⁸ *Ben Lomond and Queenstown Hill Reserve Management Plan, Policy 9.3.1 (10).*

⁹ *Notified Version of the PDP Stage 2 Open Space and Recreation Chapter 38, Informal Recreation Zone Purpose, Section 38.4, 7th Paragraph, page*