

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED BY THE
QUEENSTOWN LAKES DISTRICT COUNCIL**

UNDER the Resource Management Act 1991 (RMA)
IN THE MATTER of the Te Pūtahi Ladies Mile Plan Variation in accordance
with section 80B and 80C, and Part 5 of Schedule 1 of the
Resource Management Act 1991.

**STATEMENT OF REBUTTAL EVIDENCE OF DAWN ALICE PALMER
10 November 2023**

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Introduction

- 1 My full name is Dawn Alice Palmer. I am a terrestrial ecologist and Director for Natural Solutions for Nature Limited.
- 2 I prepared a statement of evidence on behalf of Queenstown Lakes District Council (**QLDC** or **Council**) dated 29 September 2023 on the submissions and further submissions to the Te Pūtahi Ladies Mile Plan Variation (**TPLM Variation**). My evidence considered the ecological values present within the TPLM Variation area (the **TPLM Variation Area**) and the wider ecological context and key ecological impacts in the TPLM Variation Area. My evidence also responded to submissions on ecological matters and commented on the National Policy Statement for Indigenous Biodiversity (**NPS-IB**).
- 3 I have the qualifications and experience as set out at paragraphs 5 to 10 of my statement of evidence dated 29 September 2023.
- 4 I repeat the confirmation given in my evidence that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

Scope of rebuttal evidence

- 5 In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters as that evidence relates to my evidence.
- 6 In this evidence I respond to the:
 - (a) Statement of evidence of Ben Farrell on behalf of Queenstown Country Club (106) dated 20 October 2023;
 - (b) Statement of evidence of Mike Hanff on behalf of Friends of Lake Hayes Incorporated (39) dated 20 October 2023;
 - (c) Statement of evidence of Michael Bathgate on behalf of Kāi Tahu (100) dated 20 October 2023;
 - (d) The Joint Witness Statement of Transport Experts in relation to Te Pūtahi Ladies Mile Plan Variation dated 30 October 2023; and

- (e) Letter from the Department of Conservation (44) to the Panel withdrawing request to be heard and comments for Panel, dated 24 October 2023 (**DOC Letter**).
- 7 I will briefly respond to three issue themes relating to my ecological evidence raised in the above evidence:
- (a) The proposed reduction of the 75m setback on Queenstown Country Club's land.
 - (b) Integration of Stormwater and Blue-Green Networks; and
 - (c) Monitoring and management measures to address loss of bird habitat (as raised in the DOC Letter).

Reduction of the 75m setback adjacent to SH6 on Queenstown Country Club's land

- 8 Ben Farrell's evidence on behalf Queenstown Country Club (**QCC**) at paragraphs 1.3 – 1.6 explains that the rationale for the 75m setback on the QCC site is to reflect and retain rural open space character. He opines that if the land is rezoned to urban, there is no need to retain the 75m Building Restriction Area (**BRA or setback**) and that a 25m BRA is appropriate.
- 9 In paragraph 89 – 91 of my evidence in chief, I discussed the value of the open space on the south side of SH6 for foraging habitat for South Island pied oystercatchers (**SIPO**), black-fronted terns and black-billed gulls, focusing on the Open Space Precinct (516 Ladies Mile). In preparing my evidence, I did not consider a potential reduction of the open space (i.e., 75m BRA) on QCC's site. I assumed that this space would remain as available habitat for foraging.
- 10 The foraging habitat on the QCC site was acknowledged in paragraph 59 of my evidence in chief. I have since observed SIPO to forage on this strip of land within the 75m setback on 18 October 2023.¹
- 11 Reducing the 75m setback reduces the foraging habitat through the corridor (between Shotover River and Lake Hayes), where SIPO are known to exploit foraging opportunities, including those on the QCC site under its existing conditions. The north side of SH6 is screened off by

¹ <https://ebird.org/atlasnz/checklist/S152795481>

mature shelterbelts, preventing SIPO from having a line of sight across the SH6 to forage on the north side without flying over the shelterbelts.

- 12 Further, as covered in paragraph 62 and 86 of my evidence in chief, the value of the habitat on the northside of SH6 is somewhat compromised by subdivision with shelterbelts, creating more enclosed areas that are less preferred by waders, gulls and terns. For these reasons, I consider it important to retain open foraging habitat on the south side of SH6.
- 13 Nonetheless, I acknowledge that in the Joint Witness Statement of Transport Experts dated 30 October 2023, the experts agreed that a lower speed environment of SH6 through the TPLM Variation area would be a good outcome. I consider a lower speed environment may also reduce the potential for foraging birds to be killed along the Ladies Mile if shelterbelts are removed and birds forage between both sides of SH6 in the future.

Integrated Stormwater Management and Blue-Green Networks

- 14 Michael Hanff's evidence on behalf of Friends of Lake Hayes, concerns the importance of improving the water quality of Waiwhakaata Lake Hayes and the impacts of runoff from the TPLM Variation Area.
- 15 Further, Michael Bathgate's evidence on behalf of Kāi Tahu at paragraph 46 states that he considers the opportunities for ecology connectivity through the TPLM Structure Plan have been lost with the removal of swale and detention areas.
- 16 In terms of ecology, it is my opinion that integrated stormwater devices designed for identified sub-catchments (set out in John Gardiner's evidence in chief at 93 and 96, and Amy Prestidge's evidence in chief at 43 to 46), which avoid piped solutions will better enable the stormwater treatment devices to support indigenous biodiversity within the TPLM Variation Area and to maintain functional linkages and corridors through the area and between the surrounding natural environments and habitats.
- 17 I consider that the integrated stormwater systems contemplated by the recommendations of Ms Prestidge and Mr Gardiner have the ability to create habitat and incorporate indigenous vegetation throughout the blue-green network developed under the proposed provisions of the TPLM Variation.

Letter from DOC

- 18 While the Department of Conservation (**DOC**) has not filed evidence, I have considered the matters raised in the DOC Letter.
- 19 I agree with paragraph 14 of the DOC Letter, that the TPLM Variation Area still clearly has value or potential value as a foraging habitat for threatened and at-risk species.
- 20 Paragraph 20 of the DOC Letter states that monitoring and management measures to address loss of bird habitat should be further considered within or outside the TPLM Variation. I agree monitoring and management to address loss of bird habitat is important, but do not agree that more should be done to address this within the TPLM Variation, for the reasons stated below.
- 21 I consider that the existing and amended provisions referred to in my evidence in chief at paragraph 167 allow for the ecological values of the TPLM Variation Area to be considered as part of any future subdivision of the site.
- 22 I also support the provisional recommendation of Mr Brown in paragraph 11.236 of the section 42A report which rejects DOC's submission in relation to specific rules requiring offsetting or compensation measures on the basis that the measures required would rely on a programme of monitoring and management that is beyond the scope of the TPLM Variation process.
- 23 As stated at paragraph 155 of my evidence in chief, my opinion remains that a multi-agency programme could be established under a collaboration between QLDC and Otago Regional Council (but could also include DOC, Forest and Bird, BirdsNZ or community conservation groups, as suggested by Mr Brown in paragraph 11.235 of the section 42A report), to monitor the foraging, nesting and roosting and habitat use of black-fronted terns, SIPO, black-billed gulls and their seasonal migration routes to and from the Queenstown-Lakes District (**District**). Such monitoring would be required to respond to the concerns raised by e3 Scientific, myself and DOC.
- 24 The highly mobile fauna listed above are influenced by seasonal conditions and land use management within the entire District and these vary year to year. Accordingly, it is my view that monitoring and

management of at-risk and threatened, highly mobile species within the broader Whakatipu Basin requires a multi-agency response, the cooperation of rural landowners, and the outcomes of the workstream that will come from the implementation of the National Policy Statement on Indigenous Biodiversity, National Policy Statement on Urban Development, National Policy Statement on Highly Productive Land rather than a contribution or incremental contributions made by landowners when or if they decide to develop the land within the TPLM Variation Area should the Variation succeed.

- 25 The generation of a small scale workstream limited to the scope of impacts arising from the potentially piece meal and progressive development of the TPLM Variation Area is not likely to provide a broad enough context for understanding the impacts of reduced habitats on the at-risk and threatened species for the broader Whakatipu Kimiākau/ Shotover Populations.
- 26 My evidence (as summarised in paragraph 14 to 32 of my evidence in chief) on this has therefore not changed. While I would like to be able to advocate for monitoring and management as an outcome of the incremental loss of foraging habitat, it continues to be my view that the broader body of work required to appropriately manage risks to these species is beyond the scope of the TPLM Variation process alone.

Dawn Alice Palmer

10 November 2023