

**Before a Hearings Panel appointed
by the Queenstown Lakes District Council**

Under

the Resource Management Act
1991

And

In the Matter of

a submission on the Proposed
Queenstown Lakes District Council
Intensification Variation by John
O'Shea, Helen Russell, John
Russell and Mary-Louise Stiassny

**Statement of Evidence of
John Page Russell**
for John O'Shea, Helen Russell, John
Russell and Mary-Louise Stiassny

Dated: 8 July 2025

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Table of Contents

INTRODUCTION 2

SCOPE OF EVIDENCE..... 2

EXECUTIVE SUMMARY..... 2

GROUNDWATER ISSUES 3

CONCERNS WITH VARIATION 7

RELIEF SOUGHT 7

CONCLUSION 7

INTRODUCTION

1. My full name is John Page Russell.
2. I own the property at 3/61 Stratford Terrace, Wānaka (**Property**) with John O'Shea, Helen Russell, and Mary-Louise Stiassny (**Submitters**).
3. We have owned the Property since 2005. Along with many other properties in the area, our property is within vicinity of Bullock Creek and within the existing Medium Density Residential Zone (**MDRZ**) of the PDP and are therefore within the zone affected by the Variation.
4. The Submitters and I lodged a submission on proposed Urban Intensification Variation (**Variation**) to the Queenstown Lakes District Council (**QLDC**) Proposed District Plan (**PDP**) on 21 September 2024. Mr Neil Thomas provided evidence related to groundwater effects on behalf of the Submitters and I on 4 July 2025.

SCOPE OF EVIDENCE

5. My evidence addresses:
 - (a) groundwater issues;
 - (b) concerns with the Variation; and
 - (c) relief sought.

EXECUTIVE SUMMARY

6. During our ownership of the Property, we have observed several issues with the effects of development on the groundwater table under and in the vicinity of the Warren Street Properties. These issues have been documented by Otago Regional Council (**ORC**), QLDC and the Environment Court. Our submission seeks to avoid a repeat of these issues.
7. We are concerned that the proposed Variation will result in further issues in relation to the groundwater table in the area. We seek amendments to the Variation to address this.

GROUNDWATER ISSUES

8. The impact of development in relation to the groundwater table in the vicinity of the Warren Street Properties is particularly highlighted by the Belvedere Apartments development (**Belvedere**) located at 25 Warren Street and the *Kreft v Queenstown Lakes District Council* consent order.

Belvedere Apartments

9. The Belvedere is located directly opposite the Warren Street Properties. The construction of the Belvedere required dewatering and caused a reduction in flows in nearby natural springs including those on the Property. Ongoing dewatering is required to ensure that the basement car park for the building remains dry. An overview of the development is as follows.
10. On 3 February 2005, QLDC granted resource consent RM040956 to carry out earthworks and establish a visitor accommodation complex.
11. After construction began, our neighbours noticed a reduction in the groundwater flow in the vicinity of the Belvedere site and complained to CivicCorp who contacted ORC and Warren Street Developments Limited (**WSDL**) the owner of 25 Warren Street.
12. On 16 December 2005, ORC issued an abatement notice to WSDL for the unauthorised taking groundwater from an aquifer. The notice required WSDL to cease taking groundwater. The abatement notice was withdrawn on 23 December 2005, although a new one was issued on the same date allowing WSDL more time to comply. This notice required groundwater pumping related to achieving the critical mass required for the upper and lower basements to cease flooding.
13. On 18 August 2006, QLDC granted WSDL resource consent RM060539 to unit title subdivide the visitor accommodation complex into 26 principal units, associated auxiliary units and common property.
14. On 22 November 2006, ORC granted Water Permit 2006.151 for the Belvedere. However, in its recommendation report (included as Appendix 1 to Mr Neil Thomas' evidence), it stated that it was becoming increasingly concerned over the number of developments in the Wānaka area which proposed to remove groundwater from the Wānaka Basin Cardrona Gravels

Aquifer (Aquifer) in order to construct buildings.¹ ORC considered that developments in the area had resulted in spring depletion on neighbouring properties and raised concerns over land stability.² ORC concluded that had WSDL not already undertaken construction, been contractually committed to the project and already authorised to undertake the apartment development by other consent authorities, ORC would have discouraged the application from being lodged.³ In addition, ORC have stated that they would not have even accepted this application for processing without the applicant considering other building designs which did not require perpetual site dewatering or the effects on neighbouring springs.⁴

15. Due to the serious impacts that the Belvedere has had on the water table, ORC required water to be augmented from the basement of the development and pumped, indefinitely, to the Property to retain natural water levels (condition 11). This was described in the decision as “spring depletion mitigation” and remains ongoing to this day.
16. This requirement cannot be fulfilled at all times and is not a practical long-term solution as the pump that lifts water up to the spring fed ponds on the Property requires periodic maintenance. At these times, no augmentation occurs and the ponds on the Property can run dry. For example, for a period of 8 weeks during July and August 2024, the pump broke down and the pond within our Property and neighbouring ponds on 32 and 34 Warren Street ran dry. See image below at Figure 1.

¹ Otago Regional Council Recommendation Report for Water Permit Application 2006.151, 30 August 2006, at [2.8].

² Otago Regional Council Recommendation Report for Water Permit Application 2006.151, 30 August 2006, at [2.8].

³ Otago Regional Council Recommendation Report for Water Permit Application 2006.151, 30 August 2006, at [2.8].

⁴ Otago Regional Council Recommendation Report for Water Permit Application 2006.151, 30 August 2006, at [6.12]



Figure 1: Image of pond at Property with no water running from pipe which caused the pond to run dry. Photo taken 28 July 2024

17. Water Permit 2006.151 was granted for a 35 year term and will expire in October 2041. Given that ORC have stated that the water take requirement is necessary for the Belvedere's structural safety,⁵ and that the dewatering for the on-going drainage of groundwater will be perpetual,⁶ Belvedere is going to need to re-apply for further water permits for the life of the buildings.
18. To have to continually apply for water permits and undertake dewatering for the life of the building to ensure structural safety is not a practical long term solution for any building and would have on-going effects on the groundwater environment. This is why we want to ensure that QLDC recognise existing issues with groundwater around Bullock Creek in the District Plan and to make sure that these issues are not exacerbated by the Variation. ORC specifically state:

⁵ Otago Regional Council Recommendation Report for Water Permit Application 2006.151, 30 August 2006, at 9.

⁶ Otago Regional Council Recommendation Report for Water Permit Application 2006.151, 30 August 2006, at 6.12.

The Wanaka area is a sensitive, unique environment and while development is encouraged in the area, regard should be given to the particular sensitivities of the location. Council staff would encourage any new developments to redesign building footprints so that excavation into the water table is avoided, and short and long-term drainage of the aquifer is not required.⁷

Kreft v Queenstown Lakes District Council

19. In the late 2000s, myself, Helen Russell, John O'Shea, Mary-Louise Stiassny, Carlene Blumberg, Michael Blumberg, Pat Stuart and Keith Stuart joined Brian Kreft's appeal on the (then) QLDC Partially Operative District Plan as section 274 parties.
20. On 29 July 2009, the appeal was resolved by consent order to the extent that QLDC was directed to modify rule 7.5.4 of the Partially Operative District Plan as varied by Plan Change 10 to include an exclusion for applications involving earthworks within the Wanaka Basin Cardrona Gravel Aquifer from being able to be processed on a non-notified basis.⁸
21. QLDC was also directed to amend rule 7.5.5.1(i) to exclude 24 Warren Street from the general maximum building coverage rule and specify a lesser maximum building coverage requirement for the property at 50% compared to the pre-Plan Change 10 limit of a maximum of 55% for that site.⁹ The consent order is included as **Appendix A**.
22. This modification to the Operative District Plan was not carried over into the current Proposed District Plan which we consider to be an abject failure in terms of Council's responsibility for the environment. The reason for our submission on the Variation is to make sure that QLDC recognise the existing issues with groundwater in this part of Wanaka within the District Plan and to ensure that issues related to groundwater are not exacerbated by the Variation.

⁷ Otago Regional Council Recommendation Report for Water Permit Application 2006.151, 30 August 2006, at [2.8].

⁸ *Kreft v Queenstown Lakes District Council* ENV 2007 CHC 317, Schedule A at [1].

CONCERNS WITH VARIATION

23. The Submitters and I are concerned that the amendments proposed by the Variation are inappropriate for the Warren Street Properties due to the presence of natural springs and the high groundwater table.
24. Development with increased height and density, further than that previously allowed, would require intensive dewatering on the Warren Street Properties. As covered in the evidence of Mr Neil Thomas, this will likely have an adverse effect on the groundwater table and land stability of both the Warren Street Properties and properties within proximity to Bullock Creek.
25. We have observed ongoing issues in relation to the groundwater over the last 20 years and the Property remains affected by such issues. The Submitters and I seek to avoid a repeat of this in future by addressing the problem within the PDP.

RELIEF SOUGHT

26. We seek amendments to the Variation which require Council to consider effects on groundwater when they are processing resource consent applications to ensure that issues relating to groundwater are front-footed rather than being left to fix later, as has occurred in this area of Wanaka in the past. We also seek a maximum building height of 7m in this vicinity as generally buildings over this height require more intensive foundations, which require dewatering, and in turn has negative effects on groundwater within proximity to Bullock Creek.

CONCLUSION

27. We've owned our property near Bullock Creek in Wānaka since 2005 and have seen firsthand how development in the area—like the Belvedere Apartments—has negatively affected the groundwater springs and groundwater levels. These issues continue today and are demonstrated by the example of our pond running dry due to the failure of the pump required for the flow augmentation. This on-going flow augmentation is required to offset the effects of Belvedere Apartments on the groundwater springs. We're concerned that the proposed changes to the District Plan will make things worse by allowing more intensive development that could further harm

the groundwater and land stability. We're asking the Council to take groundwater impacts seriously when approving new developments and to limit building heights in this sensitive area to help protect the environment and our community.

John Page Russell

8 July 2025

APPENDIX A: KREFT V QLDC CONSENT ORDER

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 of the
First Schedule to the Act

BETWEEN BRIAN KREFT

(ENV-2007-CHC-317)

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson sitting alone under section 279 of the Act

In Chambers at Christchurch

CONSENT ORDER

Introduction

- [1] The Court has read and considered the appeal and the memorandum of the parties received on 20 July 2009.
- [2] John Russell, Helen Russell, John O'Shea, Mary-Louise Stiassny, Carlene Blumberg, Michael Blumberg, Pat Stuart and Keith Stuart have given notice of an intention to become a parties under s274 and have signed the memorandum setting out the relief sought.



[3] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

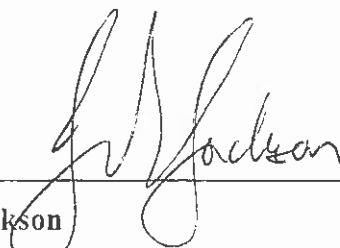
Order

[4] Therefore the Court orders, by consent, that the appeal is allowed to the extent that the Queenstown Lakes District Council is directed to modify the Queenstown Lakes Partially Operative District Plan, as varied by Plan Change 10, as set out in **Schedule A** attached to and forming part of this consent order.

[5] The appeal is otherwise dismissed.

[6] There is no order for costs.

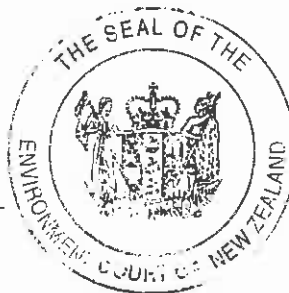
DATED at CHRISTCHURCH 28 July 2009.



J R Jackson

Environment Judge

Issued: 29 JUL 2009



Schedule A:

The following schedule shows the text as it is to be adopted into the Queenstown Lakes Partially Operative District Plan, as a result of the Kreft appeal (ENV-2007-CHC-317). Text included as a result of the appeal is shown as underlined.

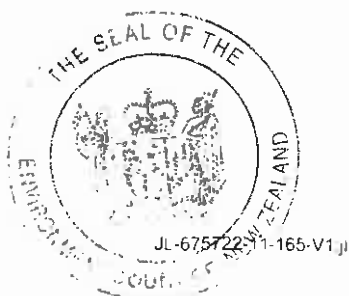
NB: As a result of resolution to all appeals, the paragraph numbering may be subject to change.

1. Rule 7.5.4 Non-notification of Applications will be amended so that reference to the Wanaka Basin Cardrona Gravel Aquifer is included in the non-notification rule applicable to earthworks. Rule 7.5.4 will also be amended so that development on the Appellant's Land zoned High Density Residential that breaches the Building Footprint and Internal Boundary Setback rules is to be non-notified except that the section 274 parties (land owners of Lot 1 DP 347224, Lot 3 DP 347224, Lot 1 DP 18304 and Lot 2 DP 18304) may be served.

7.5.4 Non-notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

- (iv) Earthworks – except for earthworks involving special circumstances such as blasting, presence of substantial groundwater (including but not limited to the Wanaka Basin Cardrona Gravel Aquifer as shown in Appendix A4 – Interpretive Diagrams [Diagram 11]) or earthworks located within any required building setback from an internal or road boundary.
- (v) Applications for land contained in Lot 3 DP 25998 and Part Section 2 Block XLII Town of Wanaka made pursuant to Rules 7.5.3.3(ii) Building Footprint and 7.5.6.2(iii)(h) Setback from internal boundaries except that owners of Lot 1 DP 347224, Lot 3 DP 347224, Lot 1 DP 18304 and Lot 2 DP 18304 may be



served with a copy of any such application pursuant to Section 94(1) of the Act.

- 2 Rules 7.5.5.2(iv)(e) relating to the setback from internal boundaries where they apply between buildings on the same lot shall be amended so that the Council's discretion shall be specifically restricted to matters relating to urban design. These rules will now read:

7.5.5.2(iv) Site Standards – Residential Activities and Visitor Accommodation – Setback from Internal Boundaries

- (e) Where two or more buildings are located on a single lot within the High Density Residential Sub Zones A, B and C, the mutual setback requirements will apply as if an internal boundary exists to separate the buildings.
- (f) ...
- (g) ...
- (h) The exercise of the Council's discretion shall be confined to those matters set out in assessment matter 7.7.2(xvi).

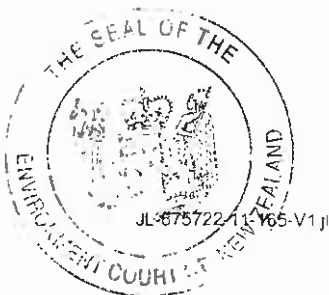
3. The building coverage rule for residential activities will be down graded from a zone standard to a site standard. The rule will now read:

7.5.5.1(i) Site Standards – Residential Activities and Visitor Accommodation in the High Density Residential Zone – Building Coverage

In the High Density Residential Sub-zones, the maximum building footprint coverage for buildings at ground level or above ground level on any site shall be in accordance with Table 7.2.

Table 7.2

Sub-zone	Building Coverage
High Density Residential	65%
Sub-Zone A	



High Density Residential 55%
Sub-Zone B

High Density Residential 45%
Sub-Zone C

Except for land contained in, or formerly contained in Lot 3 DP 25998 and Part Section 2 Block XLII Town of Wanaka, where the maximum building coverage shall be 50%.

4. Rule 7.5.5.3(iv) relating to Site Density in Sub-zone C will be amended to reflect what was notified and submitted on. The rule will now read:

7.5.5.3(iv) Zone Standards – Residential Activities and Visitor Accommodation – Site Density in the High Density Residential Sub-Zone C

In the High Density Residential Sub-Zone C, the maximum density of residential units to the site area shall not exceed one unit per 250m² of site area.



