

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes Proposed District Plan

AND

IN THE MATTER of Hearing Stream 17 – Chapter 18A – General
Industrial Zone

REBUTTAL EVIDENCE OF NICHOLAS KARL GEDDES

ON BEHALF OF SCOPE RESOURCES LTD (FS3470)

Dated 19th June 2020

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Introduction

- 1 My full name is Nicholas Karl Geddes and my experience and qualifications remain as set out in my Statement of Evidence (SOE) dated 5th June 2020. I confirm that I continue to agree to be bound by the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014.

Scope of rebuttal evidence

- 2 Since completing my SOE I have read the following evidence submitted on behalf of Cardrona Cattle Company Ltd (CCCL):
 - a. Mr Tony Milne (landscape);
 - b. Mr Brett Giddens (planning);
 - c. Mr Geoff Angus (economics).

- 3 In this rebuttal evidence I respond to evidence exchanged in relation to:
 - a. Industrial Land Supply;
 - b. Traffic;
 - c. Noise;
 - d. Reverse Sensitivity;
 - e. Section 32AA of the RMA

Abbreviations:

Statement of Evidence- "SOE"
Scope Resources Ltd - "SRL"
Cardrona Cattle Company Ltd - "CCCL"
Coneburn Industrial Zone - "CIZ"
Queenstown Lakes District Council - "QLDC"
Proposed District Plan – "PDP"
Operative District Plan – "ODP"
Resource Management Act 1991 – "RMA"

Industrial Land Supply

- 4 The evidence of Mr Giddens¹ refers to that of Ms Hampson: “*Coneburn is not yet development ready which constrains opportunities for industrial development*”.
- 5 Contrary to Mr Giddens’ evidence, the evidence of Mr Angus suggests that with the impact of Covid-19 there is little immediate demand pressure for industrial land³. Mr Angus then looks ahead five years. In my opinion, a good opportunity to serve any industrial demand both now and in the future is presented by the Coneburn Industrial Zone.
- 6 The Coneburn Industrial Zone (CIZ) is beyond challenge and deemed operative. Its permitted land use activities⁴ can be established without consent and up to 10% (26,529m²) of building⁵ can occur before *Zone and Location Specific Rules*⁶ apply. This currently enables a significant amount of industrial land use to occur.
- 7 In addition to the above, CIZ landowners have been actively progressing consents and agreements required for the full occupation of this industrial zone. For example, consent application RM190816 has been lodged and is nearing a decision for the construction of three water reservoirs which will serve CIZ and the wider infrastructural requirements of Homestead Bay, Jacks Point, Hanley Downs and the Special Housing Area “Coneburn Residential”.
- 8 Mr Giddens understands that Scope’s occupation of the Landfill site at Victoria Flats is limited to the duration of the resource consent for the landfill⁷. With respect, I find this statement somewhat irrelevant as the evidence of Ms van Uden confirms the estimated “life” of the landfill is currently 40-50 years⁸, there has to be a reasonable expectation consents for the landfill will be renewed and

¹ Statement of Evidence, Brett Giddens, 5th June 2020 at paragraph [32].

² Statement of Evidence, Natalie Hampson, 18th March 2020 at paragraph [10.26].

³ Statement of Evidence, Geoff Angus, 12th June 2020 at paragraphs [44-45]

⁴ Listed permitted activities include *Industrial and Service, Offices* ancillary to any permitted activity, *Retailing* up to 20% of net floor area or 100m² (whichever is the lesser), *Trade Supplier* or *Wholesaling*.

⁵ Buildings are a controlled activity pursuant to Rule 44.4.7 of Chapter 44.

⁶ PDP Chapter 27 (Subdivision & Development) Zone and Location Specific Rule 27.7.7.

⁷ Statement of Evidence, Brett Giddens, 5th June 2020 at paragraph [98].

⁸ Statement of Evidence, Vanessa van Uden, 5th June 2020 at paragraph [3.1].

while the operator may not always be Scope, the direct and adverse affects identified in my evidence will be experienced by any landfill operator.

Traffic

- 9 Mr Giddens does not include an assessment of environmental effects that accurately identifies the actual effect the proposed re-zoning's traffic generation has upon the existing road environment. As such, relying upon the evidence of Mr Bartlett⁹ I remain of the opinion the volume of traffic associated with CCCL's re-zoning submission and the resulting loss of service and safety will have a direct and adverse affect on the existing road network upon which SRL relies for the efficient and continued operation of the landfill.

Noise

- 10 Mr Giddens does not include an assessment environmental effects that identifies the effect in relation to the proposed activities enabled by the CCCL re-zoning submission that potentially result in residential units establishing close to the landfill boundary.
- 11 As stated in my evidence, with 20m separation between acoustic controls and the 15 dB difference this could result in the landfill having to reduce its authorised noise emission level at the boundary of the landfill to comply with the 50/40 dB restriction. I believe this is a direct and adverse affect on the continued operation of the landfill.

Reverse Sensitivity

- 12 Mr Giddens opines it is reasonable to expect that the effects from the landfill that are to be considered are "minor" effects from odour, dust, vermin and litter¹⁰.
- 13 In my opinion it is not the magnitude of the effect from the landfill which is the critical consideration but the "nature" of the effect which is recognised as being objectionable as set out in the evidence of Dr Rissman¹¹ coupled with

⁹ Statement of Evidence, Jason Bartlett, 5th June 2020.

¹⁰ Statement of Evidence, Brett Giddens, 5th June 2020 at paragraph [103].

¹¹ Statement of Evidence, Dr Clint Rissman, 5th June 2020 at paragraphs [3.1-3.5].

characteristics of the landfill site that make the site sensitive to odour accumulation where the landfill buffer is an important mitigating factor¹².

- 14 In addition, the CCCL submission seeks to replace the rural zone which underpins the landfill buffer area in order to distance any activities which experience these effects / nuisances with an industrial zone containing activities¹³ that were recognised at the conception of the designation likely to result in constraints or restrictions on landfill operations¹⁴.
- 15 Mr Giddens believes industrial activities in this location are the most compatible activity to coincide with landfill operations¹⁵. Based upon the above, coupled with reasons contained in my evidence, I agree with Mr Place¹⁶ and still maintain that these reverse sensitivity effects will make consenting Landfill activities more complex and whether via the consenting process or otherwise it will be inevitable that there will be complaints and pressure to constrain or limit Landfill activities.
- 16 These constraints or limitations are likely to be on the Landfill's hours of operation, noise/traffic movements and odour generation along with likely opposition to any renewed consents and to a rollover of the landfill designation should the proposed re-zoning be accepted.

Section 32AA of the RMA

- 17 Mr Giddens correctly sets out that Section 32AA requires: *"A further evaluation for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposed was completed, my be undertaken in accordance with section 32 (1) to (4), and must be undertaken at a level of detail that corresponds to the scale and significance of the changes"*¹⁷.
- 18 In my opinion the bespoke provisions sought by CCCL are changes made to proposal since the evaluation report was completed. I believe these changes

¹² Statement of Evidence, Dr Clint Rissman, 5th June 2020 at paragraph [5.2].

¹³ Mr Nick Geddes, 5th June 2020 at paragraph [42].

¹⁴ SOE Nick Geddes, 5th June 2020 at paragraph [41].

¹⁵ Statement of Evidence, Brett Giddens, 5th June 2020 at paragraph [111].

¹⁶ Section 42A Report of Luke Place at paragraphs [9.57 - 9.58].

¹⁷ Statement of Evidence, Brett Giddens, 5th June 2020 at paragraph [146].

are significant and unaccounted for in the Section 32AA evaluation of Mr Giddens.

- 19 With respect, I disagree with Mr Giddens that the most appropriate option is that outlined in the CCCL proposal¹⁸. I prefer Option 1, keeping the land for grazing purposes¹⁹ to ensure the direct and adverse affects on SRL identified in my evidence are avoided.

Nick Geddes

19th June 2020

¹⁸ Statement of Evidence, Brett Giddens, 5th June 2020 at paragraph [162].

¹⁹ Statement of Evidence, Brett Giddens, 5th June 2020 at paragraph [157].