

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

**UNDER THE** Resource Management Act 1991 ("**Act**")

**IN THE MATTER OF** Stage 3b Proposed District Plan – Industrial  
General Zone

**BETWEEN** **CARDRONA CATTLE COMPANY LIMITED**  
Submitter #3349

**AND** **QUEENSTOWN LAKES DISTRICT COUNCIL**  
Planning Authority

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**EVIDENCE OF BRETT JAMES GIDDENS IN SUPPORT OF  
THE SUBMISSION OF CARDRONA CATTLE COMPANY LIMITED**

**5 JUNE 2020**

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## **PROFESSIONAL DETAILS**

### **Qualifications and experience**

1. My full name is Brett James Giddens.
2. I am a Senior Planner and Managing Director of Town Planning Group (NZ) Limited, a resource management and development consultancy established in 2006 with offices in Queenstown, Christchurch and Auckland.
3. I am an associate member of the New Zealand Planning Institute and have over 17 years planning experience. I hold the qualifications of Bachelor of Science (Geology) from Canterbury University, Master of Environmental Management from Lincoln University, Master of Regional and Resource Planning (current) from Massey University.
4. Prior to establishing Town Planning Group, I had been employed in planning and development for local authorities, as well as in private practice undertaking planning work throughout New Zealand. This work has included large scale plan changes, development planning and consenting, policy development, and consent processing for local authorities. Clients include private landowners, corporations, iwi groups, local authorities and government agencies.
5. I have been working with the Queenstown Lakes District Plan since 2003 and I am very familiar with the current Operative and Proposed Plans, as well as its former versions. I have been involved in the review of the Queenstown Lakes District Plan for a large number of clients and have provided planning advice and evidence in both Stage 1 and 2, and more recently, Stage 3, of the review.
6. I have had considerable planning involvement in the Victoria Flats area, including the following projects:
  - (a) Wakatipu Gun Club – RM120089
  - (b) Oxbow Adventure Facility – RM171193
  - (c) Antimony Investments (building platforms) – RM050609
  - (d) Van der wilt quarry – RM110712
  - (e) Cardona Cattle Company storage facility (in process) – RM1911320
7. I have also been involved in numerous resource consents and zone changes in the wider Gibbston area.

### **Code of conduct**

8. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it.

9. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

### SCOPE OF EVIDENCE

10. I have been asked to provide planning evidence in regard to the submission made by the Cardrona Cattle Company Limited (“**CCCL**”) in respect of this hearing topic (#3349). My evidence confirms that CCCL generally seeks the outcomes sought in its submission (albeit I have suggested a smaller number of refinements to the planning provisions than sought in the submission) and will focus on the matters of relevance to my expertise in planning.
11. I have read and considered the section 42A report and evidence on behalf of QLDC relating to the CCCL submission, including:
- (a) the s42a report of Mr Craig Barr for Stage 3 (strategic overview);
  - (b) the s42A Report of Mr Luke Place (general industrial zone);
  - (c) the evidence of Ms Natalie Hampson (economic);
  - (d) the evidence of Mr Matthew Jones (landscape);
  - (e) the evidence of Mr Michael Smith (transportation);
  - (f) the evidence of Mr Robert Bond (geotechnical);
  - (g) the evidence of Mr James Dicey (viticulture); and
  - (h) the evidence of Mr Richard Powell (infrastructure).
12. I will respond to this evidence as necessary in this evidence.
13. I have read and rely on the landscape evidence on behalf of CCCL of Mr Tony Milne of Rough & Milne Landscape Architecture.

### EXECUTIVE SUMMARY

14. CCCL seeks to rezone an area of land at Victoria Flats in Gibbston from Rural and Gibbston Character Zone (**GCZ**) to Industrial General Zone (**GIZ**). The request responds to the demand for industrial zoning, now and into the future.
15. The land in question is approximately 91.4ha in area, legally described as Lot 2 DP 420346 and Lot 8 DP 402448 as held in CFR 477524, Section 32 Blk II Kawarau SD as held in CFR OT14B/1179, and Pt Lot 3 DP 303681 as held in CFR 410584.
16. Economic evidence by Ms Hampson for the QLDC identifies that CCCL site is “...potentially the second most feasible location for industrial development in the Wakatipu Ward...”.<sup>1</sup>

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<sup>1</sup> Paragraph 14.20 of Hampson evidence

17. Notably, the Decisions Version of Stages 1 and 2 of the PDP combined with other recent zoning changes, countered by development of vacant capacity over the past two years, may not address sufficient long-term capacity for industrial land use development in the Wakatipu Ward<sup>2</sup> and the Stage 3 Industrial General Zone review has not assisted in meeting the likely shortfall in industrial development capacity over the long term.<sup>3</sup>
18. The fundamental difference between Ms Hampson and myself is in regard to the need to simply *identify* future industrial zone capacity (by way of a future growth strategy) versus *providing for it by way of zoning*. I consider the capacity issues needs to be address as part of Stage 3b by way of rezoning, resulting in a certain outcome for the land and providing a significant positive economic benefit for the district.
19. The land in question is a finite resource<sup>4</sup> and represents an opportunity for industrial land to be provided in the district to meet the current and foreseeable needs to future generations.<sup>5</sup> There is no certainty that this land will remain available for consideration for future zonings and in my opinion, it is very unlikely to remain 'as is' should it not be rezoned to industrial. The CCCL proposal is the only option available under Stage 3b of the PDP to provide for the objectives contained in the GIZ. Once this land is lost to other forms of development, it is lost as an opportunity to the district. The current pattern of development at Victoria Flats is ad hoc and a consolidated zone is required to produce good environmental outcomes.
20. Part of the site, zoned Rural, is by default located within an Outstanding Natural Landscape (**ONL**). Mr Milne finds that the site itself is neither particularly outstanding nor natural in an aesthetic or ecological sense. It is primarily appreciated for its setting within the context of the mountainous landforms enclosing the narrow river terrace.<sup>6</sup>
21. Mr Milne finds that the proposed GIZ "developable areas" are located in areas of lower landscape sensitivity and exhibit factors including limited visibility from State Highway 6, favourable topography, ease of access, reasonable sunlight access and presence of existing modifications. As a result, it is considered that these areas have a higher capacity to absorb development.<sup>7</sup>
22. The effects of the rezoning have been assessed and can be appropriately avoided, remedied or mitigated through the zone, subdivision and transportation provisions in the PDP and through adherence to the Victoria Flats Structure Plan.
23. In considering the rezoning assessment "principles" identified by Mr Barr at [8.7] of his stage 3 Strategic overview evidence, in my opinion:
- (a) The zone boundaries are appropriately located, as informed by Mr Milne.
  - (b) The zone change is consistent with the objectives and policies of the proposed GIZ.

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<sup>2</sup> Paragraph 5.38 of Hampson evidence

<sup>3</sup> Paragraph 6.13 of Hampson evidence

<sup>4</sup> Section 7 (g) of the RMA

<sup>5</sup> Section 5 (2) (a) of the RMA

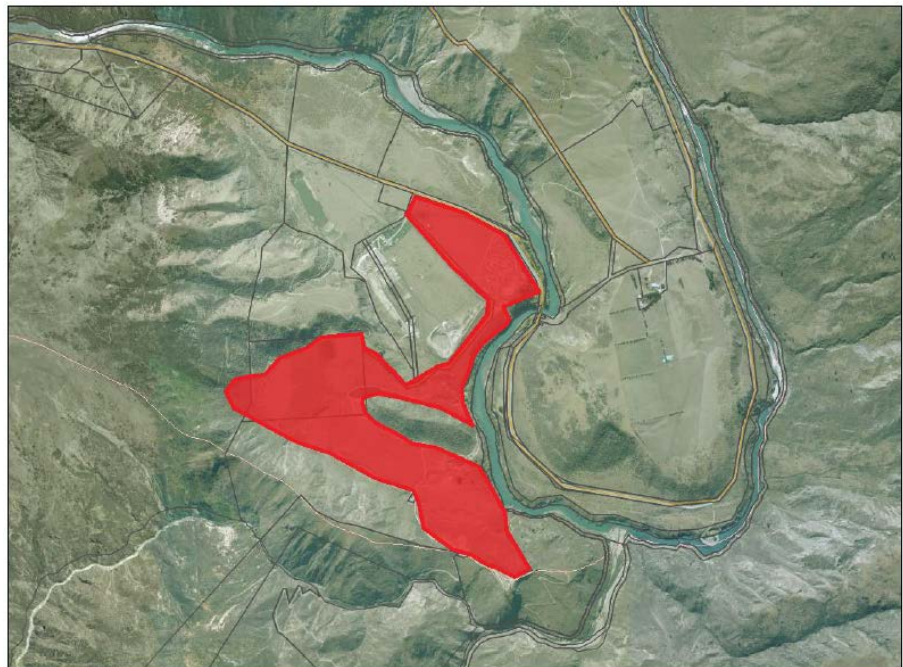
<sup>6</sup> Paragraph 40 of Milne evidence

<sup>7</sup> Paragraph 22 of Milne evidence

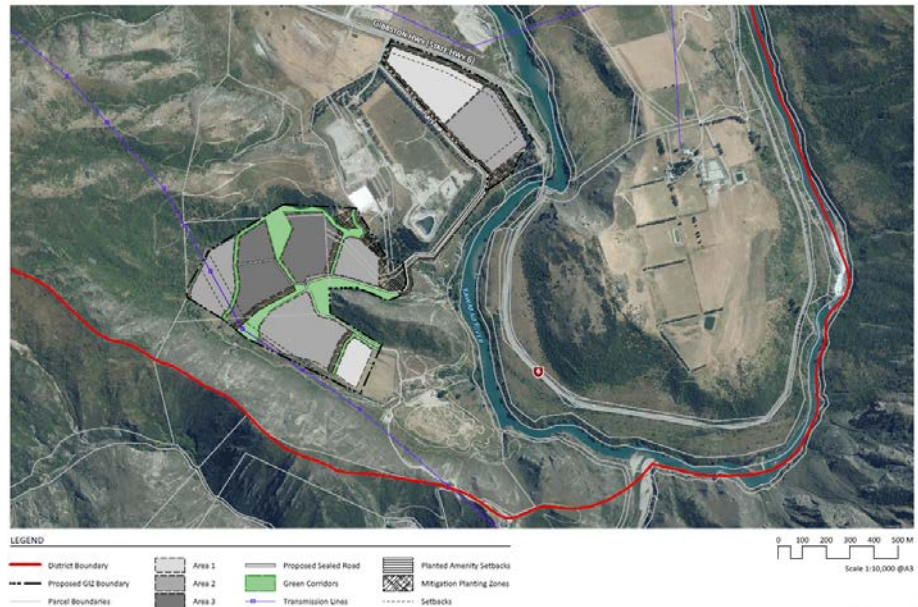
- (c) The zone change is consistent with the PDP Strategic Directions chapters (Chapters 3-6).
  - (d) The rezoning gives effect to the National Policy Statement for Urban Development Capacity and the Operative Regional Policy Statements.
  - (e) The changes are consistent with PDP maps that indicate additional overlays or constraints.
  - (f) The GIZ changes take into account the location and environmental features of the site, including infrastructure, hazards and roading, which will be dealt with through the provisions of the PDP.
  - (g) There is adequate separation and/or management between incompatible land uses, in particular the landfill.
  - (h) Rezoning is the most appropriate option compared to a resource consent path.
24. The proposal has been assessed under section 32 of the RMA and ultimately against Part 2. I have concluded that the GIZ is the most appropriate zone for the CCCL site and represents the best option.

#### **REZONING REQUEST**

25. In its submission CCCL sought the rezoning of the following land, as outlined in red below:



26. CCCL is also proposing to adopt a structure plan to help guide future development and subdivision. This plan is included within the graphic attachment of the evidence of Mr Milne, and reproduced below:



27. A copy of the CCCL submission is contained in **Appendix A** to my evidence.

## SUMMARY OF COUNCIL REPORTS

### Planning Evidence – Mr Luke Place

28. I agree with Mr Place at [9.23] of his section 42A report that the CCL land is “within scope” of Stage 3 of the PDP review.
29. Mr Place ultimately recommends at [9.63] that the rezoning relief of CCCL be rejected. He relies on the evidence of others in reaching this conclusion and in regard to the relevant policy, he finds at [9.34] that:

*“Overall, I do not consider that enabling urban development on the submitter’s land through the provision of GIZ in this location would meet the expectations for new urban development provided within Chapters 3 and 4.”*

30. Mr Place considers at [9.37] that GIZ type urban development on the Submitter’s land would not give effect to the higher order provisions in Chapter 3 and 4. He holds this view on the basis the CCCL site is noted located within an Urban Growth Boundary under the PDP.

### Economic Evidence – Ms Natalie Hampson

31. Ms Hampson evaluates the CCCL submission in regard to the need for additional GIZ land in the Wakatipu Ward and the appropriateness of the proposed location at Victoria Flats.<sup>8</sup>
32. Ms Hampson notes that the BDCA 2017 made “strong recommendations” for additional industrial capacity to be identified in the Wakatipu Ward “with some urgency”, concluding at [14.7] that in her opinion the CCCL submission is correct in regard to a demand existing for industrial land. The key change that she notes between 2017 and now is the creation of the Coneburn Industrial Zone under the PDP. Coneburn is not yet development ready which constrains opportunities for industrial development [10.26]. Ms

<sup>8</sup> Paragraph 14.2 of Hampson evidence

Hampson finds that even with Coneburn, there will be a shortfall of industrial land in the long term [14.10].

33. Ms Hampson agrees at her [14.11] that CCCL is correct that the Stage 3 GIZ proposal has done little to change the growth capacity of industrial zoning in the Wakatipu Ward, over and above the ODP and PDP (Decisions Version on Stages 1 and 2). She finds:

*“Based on my estimates, vacant industrial capacity under the Maximum Capacity Scenario increased by just 0.1 ha in the Wakatipu Ward under Stage 3. Under the Alternative Capacity Scenario, Stage 3 resulted in a net increase of 0.5 ha of vacant industrial capacity in the Wakatipu Ward.”*

34. Ms Hampson finds at her [5.38] that “the Decisions Version of Stages 1 and 2 of the PDP combined with other recent zoning changes, countered by development of vacant capacity over the past two years, may not address sufficient long-term capacity for industrial land use development in the Wakatipu Ward”. At [6.13], Ms Hampson further states that the Stage 3 Industrial General Zone review has not assisted in meeting the likely shortfall in industrial development capacity over the long term.

35. Ms Hampson ultimately concludes at [14.12] that:

*“In my view, additional long term industrial zone capacity in the Wakatipu Ward needs to be identified, although there is not a requirement for it to be live-zoned at the current time. This is based on the requirements of the NPS-UDC (Policy PA1). Identifying additional long term industrial zone capacity may be a matter that can be addressed in the Council’s Spatial Plan and FDS (currently underway).”*

36. The fundamental difference between Ms Hampson and myself is with the need to *identify* future industrial zone capacity versus *providing for it by way of zoning*.

37. Ms Hampson finds at her [14.20] that CCCL site as “...potentially the second most feasible location for industrial development in the Wakatipu Ward...”.

#### **Infrastructure Evidence – Mr Richard Powell**

38. In its submission CCCL suggest that the land can be readily serviced by water, sewer, telecommunications, electricity and stormwater infrastructure.

39. As set out at [9.36] of the section 42A report, Mr Powell advises that any large scale urban development in this area would require a large centralised wastewater treatment plant and that resource consent from ORC would be needed for this. Overall, Mr Powell opposes the rezoning’s from an infrastructure perspective due to insufficient evidence of onsite infrastructure feasibility.

#### **Landscape Evidence – Mr Matthew Jones**

40. Mr Matthew Jones has prepared landscape evidence on behalf of the Council in respect to the CCCL land. Mr Jones considers at his [7.10] that there is not capacity for the CCCL land to accommodate the type of development anticipated within the GIZ.

### **Viticultural Evidence – Mr James Dicey**

41. Mr James Dicey has provided evidence on the viticultural value of that part of the CCCL site that is located within the GCZ. He considers that the relief sought will result in the loss of productive viticultural land and may negatively impact the remaining vineyard and neighbouring land due to reverse sensitivity issues.

### **Hazard Evidence – Mr Robert Bond**

42. Mr Robert Bond has considered the presence of hazards in the area of the CCCL rezoning request and he considers that further assessment is required by CCCL in respect to hazards.

### **AMENDMENTS TO PDP PROVISIONS**

43. Mr Place also proposes a number of changes to the GIZ provisions as set out in his section 42A report.
44. I have suggested a number of amendments to the planning provisions as a result of the CCCL submission. Despite requests to the Council I have been unable to obtain an editable version of the provisions contained in the section 42A report and I will identify and discuss these further below.

### **Planning Maps**

45. To provide for “urban development” (as defined under the PDP) that would eventuate from the GIZ, I suggest that an urban growth boundary is included around the parameter of the zone. This is provided for in the relief sought by CCCL as a consequential relief to give effect to the matters raised in the submission. Also Planning Map 13 will need to be updated to reflect the change in zoning.

### **Introduction of a Structure Plan**

46. In my opinion, this is the most efficient method in guiding land use and development within this zone is through a structure plan. This would be contained at 27.13.9 of the subdivision chapter of the PDP.

### **Objectives and Policies**

47. I suggest a new Policy 18A.2.1.6 is added to sit under Objective 18A.2.1 to require that subdivision and development within the Victoria Flats GIZ be undertaken in general accordance with the structure plan.

*Policy 18A.2.1.6 Ensure development is undertaken in general accordance with the Victoria Flats Structure Plan contained in 27.13.9.*

### **Rules**

48. Fundamentally I consider that Rule 18A.4.5 relating to buildings should be afforded controlled activity status rather than restricted discretionary. Buildings are a fundamental part of most industrial activities and sufficient certainty should be afforded to buildings by way of a controlled activity status.



49. I assume that there is a typo at 18A.8 (Non-Notification of Applications) and buildings under Rule 18A.4.5 should be excluded from public notification or requiring the need for affected persons approvals. If this is correct, then it further supports my position as the restricted discretionary status would allow the Council to refuse consent and I consider that to be unreasonable in the context of this zone.
50. In regard to Rule 18A.4.10 (regarding activities requiring an offensive trade license), I consider that an exclusion should be added here for the Victoria Flats GIZ in recognition of the lack of sensitive receivers in the surrounding area.
51. Rules 18A.4.14 to 18 relate to a number of prohibited activities (office, retail, residential, visitor accommodation, airports and mining activities). In my opinion, prohibited status is too onerous and the status should be changed to non-complying. I understand that these rules relate back to "avoid" policies but I consider that non-complying status in support of the policy, will achieve a similar outcome however provide a consenting pathway in those more unique circumstances where such activities may be appropriate.
52. Rule 18A.5.4 relating to building coverage should in my opinion have an exclusion for public notification and the need for affected persons approval noted under Rule 18A.6. In my opinion, building coverage effects are localized and in most cases could be mitigated in an industrial context.
53. Building height is covered under Rule 18A.5.5. I recommend that this rule is amended to provide for the heights specified on the structure plan for the Victoria Flats GIZ (additions underlined).

**18A.5.5 Building Height**

*Maximum building height of 10m except where specified in Rule 18A.5.6. below and Rule 18A.5.5.1.*

*18A.5.5.1 Maximum building height in the Victoria Flats GIZ, as shown on the Structure Plan, as follows:*

*(a) General Industrial Area 1: 6m*

*(b) General Industrial Area 2: 7m*

*(c) General Industrial Area 3: 10m with provision up to 12m for building towers*

54. In regard to Chapter 27 (Subdivision), I suggest a new Policy 27.3.13.9 – Victoria Flats Structure Plan:

**Victoria Flats Structure Plan**

*Ensure subdivision is consistent with the Victoria Flats Structure Plan by requiring:*

*a. Activities are contained within the areas shown on the Victoria Flats Structure Plan;*

*b. landscaping and on-going maintenance of the amenity areas shown in the Victoria Flats Structure Plan; and*

*c. a roading layout that is consistent with the Victoria Flats Structure Plan.*

55. I suggest a new Rule 27.7.12 with a restricted discretionary status:

**Victoria Flats Structure Plan – Restricted Discretionary Activity**

*27.7.12.1 In addition to those matters of discretion listed under Rule 27.5.7.10, when assessing any application for subdivision consistent with the Victoria Flats Structure Plan, the following shall be additional matters of discretion:*

*a. Roading layout;*

- b. The integrated approach to landscaping of the building restriction areas;
- c. Visibility of buildings from SH6 and mitigation to soften built form;

27.7.12.2 Any subdivision that is not consistent with the Victoria Flats Structure Plan located in Section 27.13 – Non Complying Activity.

For the purposes of this rule:

- a. any fixed roads shown on the Structure Plan may be moved no more than 20 metres; and
- b. the boundaries of any fixed open spaces shown on the Structure Plan may be moved up to 10 metres.

56. As mentioned above, the Victoria Flat Structure Plan should be included in 27.13.9 with the other structure plans.

## **EFFECTS ON THE ENVIRONMENT**

57. In my opinion the effects of the proposal include those on landscape values, supply and demand of industrial land, infrastructure, transportation, natural hazards, and reverse sensitivity.
58. The Council has called evidence on viticulture and although I do not consider that a specific effect of concern, I have comment on it below.
59. To ignore the positive effects of the proposal would be to overstate any adverse effects that may arise. I therefore consider that positive effects are an important consideration.

### **Landscape Effects**

60. Landscape values have been evaluated and addressed by Mr Tony Milne; I rely on his evidence in this regard.
61. The existing landscape character is described by Mr Milne at his [14], reproduced below:
- *The site itself is relatively flat and open, exhibiting a working rural character, attributes contributing to this include modified vegetation cover, dominance of open space over built form and productive land use.*
  - *Significant human modifications are prevalent as a result of farming practices and associated infrastructure. This contributes to the rural character of the site and reduced natural character.*
  - *Ecological integrity of the application site is generally poor, due to lack of native vegetation and prevalence of exotic species.*
  - *Amenity values afforded by the application site are broadly derived from the qualities of the mountainous landscape which surrounds Victoria Flats, which contribute a sense of ruggedness and scenic quality.*
  - *Amenity is also influenced by the adjacent land uses, including the landfill and rock excavation operation. Amenity values are reduced by the proximity of the landfill. From the southern part of the site, dust and the tops of refuse piles are partly visible. From the north site, shelterbelts adjacent to Victoria Flats Road reduce the sense of openness otherwise experienced across Victoria Flats.*
  - *Within the south site there is a sense of 'remoteness', although it is not actually physically remote as it is accessed to State Highway 6, a key transportation corridor for the region. A sense of 'remoteness' is attributed to the localised*

*basin landscape which encloses the south site. As a result, visual influence of the south site, especially the west half, is highly limited.*

62. At [40] Mr Milne finds that the application site itself is neither particularly outstanding nor natural in an aesthetic or ecological sense. It is primarily appreciated for its setting within the context of the mountainous landforms enclosing the narrow river terrace.
63. Mr Milne at [22] finds that the proposed GIZ “developable areas” are located in areas of lower landscape sensitivity and exhibit factors including limited visibility from State Highway 6, favourable topography, ease of access, reasonable sunlight access and presence of existing modifications. As a result, it is considered that these areas have a higher capacity to absorb development.
64. To ensure development is proposed within appropriate locations, Mr Milne outlines at his [40] that he has undertaken a landscape sensitivity analysis and assessed the visual influence of the site. As a result, the proposal has excluded areas with high and moderate-high landscape sensitivity, while enabling low density development within areas of moderate landscape sensitivity and locating the majority of the proposed development in areas of low landscape sensitivity which are visually contained. In reference to the structure plan, he has separated the developable areas into General Industrial Areas 1, 2 and 3, with green corridor areas, planted amenity setbacks and mitigation planting areas.
65. Mr Milne concludes at [49] that “that there is capacity, from a landscape perspective, for the application site to accommodate the type of development anticipated by the GIZ through implementation of the proposed Structure Plan and provisions. This will ensure adverse effects on the landscape values associated with the ONL and visual amenity as experienced from State Highway 6 will be to an acceptable degree”.
66. I share the observations of Ms Hampson at her [14.15 (c)] that while the site is not an extension of an existing business area, it is contiguous with the landfill which is a heavy vehicle site with similar externalities to heavy industrial activities. Mr Milne states at [43] that within the site itself, the proposal will constitute a significant change. However, he considers in proximity to the landfill and other semi-industrial land uses within Victoria Flats, these activities will be able to coexist and are not entirely unexpected.
67. Mr Milne responds to the question of urban form at [45] and [46], which I reproduce below:

*[45] It is important to consider that a General Industrial Zone does not necessarily equate to an urban form and density of development. While the proposal will introduce new elements into the landscape, the proposed Structure Plan and provisions display a considered response to the site. Essentially this will introduce a new typology of general industrial built form with design standards to ensure development can be appropriately integrated into a rural setting. As shown on the structure plan, this will be achieved by introduction of three types of areas with different rule provisions relating to height. Areas located within parts of the site with a greater degree of visibility are subject to more design controls regarding building height, site coverage, form and colour, whereas those in areas with less visibility allow for more permissive controls. Further, the location of built form setbacks within the zone, paired with amenity and mitigation planting will also ensure the scale of future development does not appear*

*'out of place' and will avoid significant adverse effects on the open and rural landscape character of the surrounds.*

*[46] While it is inevitable that the character of the application site will change through a change in land use and introduction of built form, the considered approach of the Structure Plan ensures the landscape character and values of the surrounding context will not be affected to an unacceptable degree.*

68. Mr Milne has commented on the remoteness at his [29]:

*"It is my opinion that the site displays a sense of remoteness while not actually being physically remote. The site is located in close proximity to State Highway 6 which is a major transport corridor between Queenstown and Cromwell. While the site is located outside an urban centre, there is often need for activities to be located close to a resource or away from population centres, as demonstrated by the adjacent landfill and quarry."*

69. This leads me to transportation effects.

### **Transportation Effects**

70. CCCL has been in dialogue with the New Zealand Transport Authority (NZTA) in regard to the upgrade of the intersection of Victoria Flats Road and State Highway 6.
71. Mr Smith for the Council has provided high level comments on transportation effects. I share the view of Ms Hampson<sup>9</sup> that the site connects well with State Highway 6 and is accessible to both Cromwell and Frankton.
72. In my opinion, the PDP transportation chapter is will adequately ensure that transportation matters internal to the zone are appropriately addressed at the time of subdivision and land development.
73. The fundamental issue in regard to transportation effects is with the intersection with the state highway. CCCL has advised me that they will provide an update on any agreement reached with the NZTA prior to or at the hearing.

### **Viticulture**

74. Mr Dicey has provided evidence on the viticultural value of that part of the CCCL site that is located within the GCZ.
75. At a high level, the presence of GCZ over land does not in itself indicate suitability for viticulture. At the time of zoning, I have found no evidence that this land was considered for its productive land rather the question was whether Victoria Flats was part of Gibbston or not.
76. An assumption is made by Mr Dicey that the area will be used for viticulture because of the zoning and that the CCCL rezoning will affect such future uses. I do not consider that this is a reasonable assumption. CCCL owns the land that is zoned GCZ and have advised me that they have no intentions to use it for viticulture as that is not the best use of the land, and in addition to the advice that they have received that it is not suitable for such uses.

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<sup>9</sup> Paragraph 14.15 (b) of Hampson evidence

77. The potential use of Victoria Flats land for viticulture was raised in the consenting process for Antimony Investments in 2005 which I was involved in, which authorised the first building platform for residential use in Victoria Flats. During that consenting process, productive land uses, in particular viticulture, was discounted in Victoria Flats because of the wind, severe frosts and lack of sunlight hours. Soils become a lesser consideration when other practical factors discount the productive ability for those soils to be used. My understanding is that the soils on the CCCL land are not significant in the context of the Operative Regional Policy Statements (RPS).

78. I agree with Mr Dicey at his [6.47] that viticulture and farming activity is compromised in this locale:

*Industrial activities in close proximity to grapes can also have an effect on an operational vineyard. Specifically, this relates to odour or dust generated from industrial activities transferring to vineyards and being adsorbed into the waxy cuticle on the outside of a developing grape berry.*

79. CCCL has the largest land holding in this location and have advised me that their farming activity is already compromised from effects from the landfill. It seems very clear that there is a conflict between landfill activities and vineyard activities already and it would not make sense to introduce this conflicting land use into the setting when it has not been established anywhere else in Victoria Flats.

80. In my opinion the best use is that proposed by CCCL.

#### **Natural Hazards**

81. Natural hazards have been raised as a matter by the QLDC for further investigation. Due to the Covid-19 lockdown, CCCL was unable to have this further evaluated on site. Notwithstanding this, I consider that it is relevant that the GIZ rule framework provides for the consideration of natural hazards in the consenting process, including Rule 18A.4.5, in addition to the subdivision provisions.

82. Based on other consents that I have been involved with in this locale, natural hazards have not provided any insurmountable issues and where they have been raised in consenting (which has been very limited), they have been dealt with by way of consent conditions specific to the proposal. In my opinion, this is an appropriate path forward in reliance on the zone provisions.

#### **Infrastructure**

83. I agree with Mr Powell that site-specific infrastructure solutions will be required.

84. It is not uncommon for infrastructure to be assessed and provided for at the time of subdivision and development.

85. The GIZ and subdivision provisions contains a significant amount of assessment criteria, as well as a rule framework, relating to infrastructure. In my opinion, it is appropriate for CCCL to rely of these provisions to guide the required infrastructural servicing.

## Supply and Demand

86. I largely agree with Ms Hampson's economic evidence and her key findings as I have outlined earlier in my evidence. There is clearly a demonstrable demand for industrial land in the district and Wakatipu Basin.
87. As noted at [9.32] of the section 42A report, Ms Hampson considers it would be more preferable to expand an existing industrial or business area compared to creating a new isolated zone on account of likely agglomeration benefits, the occurrence of functional amenity, greater transport efficiencies, and reducing external effects across multiple locations.<sup>10</sup> This perspective is drawn attention to in PDP Policy 4.2.1.4(d) which outlines the need to ensure that provision of land for industrial related uses enables their efficient operation.
88. The practical issues here in my opinion is that:
- (a) There is no other proposal before the Council that offers an expansion solution next to existing developed industrial areas; and
  - (b) In any case, I consider that there are very limited (if any) developed industrial areas in the district that could be expanded in this manner due to existing constraints (such as incompatible adjoining zones or uses, and existing development).
89. In regard to Ms Hampson's comments around the proximity to the labour market<sup>11</sup>, I add here that CCCL intend to prepare and lodge a resource consent for a large workers accommodation complex on nearby land to cater for the demand that would be inherent with the GIZ demand. While I acknowledge that this is subject to resource consent, it is a matter that is actively being considered by CCCL.
90. In regard to Ms Hampson's comments about visibility of development being a negative factor in regard to expose/profile/visibility<sup>12</sup>, there is a balance here with the landscape effects as evaluated by Mr Milne. In my opinion, visibility of development is not essential for this form of industrial activity. The provisions in the GIZ are more "industrial" focused than the previous Operative District Plan provisions and I would expect the activities to more destination-focused and supportive of business in Frankton and Queenstown (as well as Wanaka and Cromwell), and would have limited effect on the commercial viability of the businesses.
91. The policy issue in my opinion relates to there being no requirement under the National Policy Statement for Urban Development Capacity (Policy PA1) for long-term industrial zone capacity to be zoned, rather it just needs to be identified.<sup>13</sup> Mr Place states at [9.28] his view that this direction is mirrored in PDP Policy 4.2.2.21 which sets out an expectation that rural land outside of the Urban Growth Boundary (**UGB**) within the Wakatipu Basin are not to be used for urban development *until there is a demonstrable need for such land to meet demand*.

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<sup>10</sup> Paragraph 14.22 of Hampson evidence

<sup>11</sup> Paragraph 14.17 (a) of Hampson evidence

<sup>12</sup> Paragraph 14.18 (c) of Hampson evidence

<sup>13</sup> Paragraph 9.28 of Place Evidence

92. The relief sought by CCCL would inevitably lead to an UGB being included around the zone and I have assessed the relevant policy with this in mind, which I address further in my evidence.
93. The main complicating factor with Mr Place's approach is that this assumes that the land resource will remain 'as is' until it is ready to be zoned for a more immediate use.
94. In my near 20 years' experience in Queenstown, what I have observed is that land is taken up with the next best use as competing demands arise. We are seeing this already with Ladies Miles for example which was earmarked for rezoning under Stage 1 of the PDP review.
95. CCCL is already applying for consents for non-residential activity on the land subject to this submission. It has very promoted a large housing development to the Council that has been paused on the basis that it is advancing a more suitable use for the land by way of its submission for industrial zoning. While each application will be assessed on its merit, I consider the best planning response is addressing the underlying zone, rather than ad hoc consenting.
96. In my opinion, a balance needs to be struck in particular consideration of the favourable considerations of the CCCL for industrial land uses away from sensitive receivers and in a landscape that can absorb change.

#### **Reverse Sensitivity**

97. Mr Place discusses "landfill considerations" from [9.55], noting that a portion of the CCCL rezoning is located within Designation ref 76 which provides a 'landfill buffer' for the Victoria Flats landfill. He notes at [9.56] that:

*"The purpose of a landfill buffer zone is to mitigate the risk of complaints from an operator's perspective (ie standard good landfill practice will limit the potential for an unacceptable number of complaints). Appropriate setbacks / exclusion zones from the Victoria Flats landfill are required to protect its future operation, recognising it has an estimated life of another 40 to 50 years."*

98. Scope Resources Limited (**Scope**) have made a further submission in opposition to the CCCL submissions, citing reverse sensitivity concerns with the landfill. I understand from documents provided from the QLDC that Scope leases the site from the QLDC and is licensed with the operation of the landfill. Contractually, Scope must adhere to the designation conditions and resource consents held by the QLDC (who is the requiring authority under Designation 76). I understand that Scope's occupation on the site is limited to the duration of the resource consent for the landfill.
99. Mr Place provides a number of reasons at [9.57] to [9.58] for the zoning as sought not including the landfill buffer zone:
- (a) Changing the existing zoning of the area, increases the likelihood of multiple land owners and users in close proximity to the landfill.
  - (b) It is very common for landfill operations to emit odours beyond the landfill footprint from time to time.

- (c) A significant buffer distance is one of the mechanisms an operator uses to mitigate the impacts on the surrounding community.
- (d) If Council was looking to extend consents to ensure the continued use of the landfill beyond the current period, there is the potential that there could be a significant number of potentially affected parties if the Industrial General Zone was applied to the CCCL land.
- (e) The Victoria Flats Landfill is the only operational landfill in the District, and enabling urban development within the area subject to the designation increases the risk of this activity not being consented to continue in this location.
- (f) The relief would not result in a desirable, healthy or safe place to work (Strategic Objective 3.2.2.1(c) and 3.2.6).
100. While I agree reverse sensitivity is a relevant matter for consideration, I do not agree with the reasons noted by Mr Place lead to an adverse outcome.
101. The landfill is an existing, designated and consented activity. It must be operated lawfully in compliance with its designation and consent conditions, and it is against this environmental baseline which I consider the CCCL rezoning should be assessed. The possibility or otherwise of future consents is an irrelevant consideration in my view.
102. Condition 4 (g) (iv) of the designation (which is also replicated in the landfill resource consent) specifically requires:
- “that the effects of odour, dust, vermin and litter will be mitigated to ensure that any adverse effects associated with the site are minor.”*
103. This is a stringent requirement on the operation that requires a high level of control over the activity. In my opinion it is reasonable to expect that the effects from the landfill that are to be considered are “minor” effects arising from odour, dust, vermin and litter. If the effects were, for example, “significant”, then the operation of the landfill would be in breach of its designation.
104. Condition 11 of the designation refers to the need to prepare a management plan prior to development of the landfill commencing. At (c), this is to be developed to ensure that:
- “appropriate management techniques, such as buffer zones, employee education and fencing where appropriate, are put in place to avoid adverse effects on the sites that adjoin, but are not immediately affected by, the landfill operation”*
105. In my view, this condition creates another ‘step’ in terms of adverse effects from the landfill, such that outside of the buffer zone adverse effects are to be avoided.
106. The condition suite indicates a dissipating level of adverse effect from the landfill operation, whereby the adverse effects must be minor within the landfill site and buffer zone, and the adverse effects avoided at the sites adjoining the buffer zone (essentially meaning sites further afield should have near nil adverse effect from the landfill).



107. Importantly, these are controls on the landfill that apply irrespective of the zoning of the buffer land or surrounding property.
108. The resource consent process for the NZ Malt Whiskey Company Ltd across the other side of the highway provides some useful context to the situation also. In this case the application was fully notified (which I understand was largely because of the scale of the activity and its visibility from the state highway). The QLDC submitted in opposition citing reverse sensitivity as an issue with regard to the landfill but supported the industrial activity component as being a complimentary activity.
109. Of relevance is that an asphalt batching plant has been very recently approved by the QLDC on a non notified basis (RM191166), on the same site that contains a commercial schist quarry, cleanfill operation and storage facility. In my opinion, these activities are appropriate for the locale. Notably, the landfill was not considered an affected party to RM191166 because it was considered by the QLDC that industrial activities are complementary to the landfill operation.
110. Off Road Adventures (RM060342) were granted consent in 2008 for a commercial recreation activity over land throughout Victoria Flats, including on the buffer land of the landfill which includes the CCCL land. This activity is a commercial recreation activity that included 8 staff that provides for “5,000 to 6,000 clients per year” and “60 clients per day”, from “9am to 6pm, seven days”.
111. In summary, if the landfill is operating and continues to operate within the confines of its designation and resource consents, then the effects relating to reverse sensitivity should be minimal. Industrial activities in this location are in my opinion the most compatible activity to coincide with landfill operations.

### **Positive Effects**

112. The proposal will give rise to positive effects.
113. The CCCL proposal presents an opportunity to provide for industrial growth now and into the future. It is the only option available to the QLDC. Once this land is lost to other forms of development, it is lost as an opportunity to the district.
114. The Victoria Flats GIZ presents an opportunity for district growth of industrial activity where much of that growth is being met within the Central Otago District in Cromwell, offering little to no benefits to the Queenstown Lakes District economy.
115. Land pricing comparatively to the Queenstown and Frankton industrial areas will inevitably be more affordable and through affordability, foster business activity and enterprise.
116. There are no large lot industrial opportunities in the district and although the GIZ provisions sought under Stage 3b seek such outcomes, it is futile to expect that they will eventuate without the introduction of the GIZ in this location.
117. In my opinion the proposal has significant positive effects.

### Conclusion of Effects

118. In my opinion the proposal will have a range of effects, with those adverse effects manageable and in some cases avoided. The overall effects will be significantly positive.

### STATUTORY PLANNING CONSIDERATIONS

#### National Policy Statement for Urban Development

119. Ms Hampson has provided evidence that the CCCL land would be commercially feasible for industrial development when looking through the lens of the National Policy Statement for Urban Development Capacity (**NPS-UDC**).<sup>14</sup>
120. In my opinion, the proposal would give effect to the NPS-UDC.

#### Regional Policy Statement(s)

121. The RMA requires that the proposal give effect to the Operative Regional Policy Statement (**RPS**). In this regard the partially operative RPS (2019) is of relevance.<sup>15</sup> In summary:
- (a) The land resource will be used sustainably to promote economic and social wellbeing for its people and communities (Objective 1.1 and Policy 1.1.1).
  - (b) The development represents integrated management of the land resource (Objective 1.2 and Policy 1.1.1).
  - (c) Urban growth and development is well designed and occurs in a strategic and integrated way (Objective 4.5, Policies 4.5.1, 4.5.2, 4.5.3).
  - (d) The proposal will maintain the regional natural resources, including the outstanding natural landscapes (Objective 3.1 and Policy 3.1.10).
  - (e) The ONL will be protected and enhanced (Objective 3.2 and Policy 3.2.3), with effects managed (Policy 3.2.4).
122. In regard to the operative RPS (1998):
- (a) The proposal promotes the sustainable management of the land resource and will meet the present and reasonably foreseeable needs of the region's people and communities (Objective 5.4.1, 5.4.2).
  - (b) The soils are not high class soils as defined and Policy 5.5.2 has little relevance.
123. In my opinion, the proposal of GVS will give effect to the operative RPS.

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<sup>14</sup> Paragraph 9.32 of Place evidence

<sup>15</sup> The Operative RPS (1998) does not contain relevant objectives and policies (that are still operative) and the proposed RPS (2015), while taken into account, does not require to be given effect to.

### Queenstown Lakes Proposed District Plan

124. Mr Place has helpfully provided a thorough evaluation of Chapter 3 (Strategic Direction) in his section 42A report. Where Mr Place and I primarily differ is in regard to how we have considered the requested zoning and its relationship to “urban development”. Mr Place considers the zone to be urban development but because it is outside of an UGB, it finds tension with the strategic direction policy. I have suggested that an UGB be included around the zone, which in my opinion, is appropriate and within the scope of what has been sought in the submission.
125. As Mr Place states at his [9.22]:
- “The S32 states that ‘parties interested in industrial land have not had a clear opportunity to pursue this through the plan review process to date given the lack of a notified industrial chapter and the Council intends to assess submissions seeking industrial land on their merits’<sup>202</sup>. The S32 goes on to note the receipt of a ‘proposal relating to a large area of land adjoining the Victoria Flats Landfill’.”*
126. I agree with his comments in this regard.
127. At his [9.25] he discusses PDP Strategic Objective 3.2.1 and 3.2.6. I agree with his considerations here and support his reference to Ms Hampson where she states that the District’s industrial economy is growing rapidly and has demonstrated growth rates faster than the rest of the district’s economy and that this rate of growth is expected to continue in the future.
128. There is clearly an issue at hand with the supply of industrial land in the district. This is supported by Ms Hampson where she finds at [5.38] that:
- “The Decisions Version of Stages 1 and 2 of the PDP combined with other recent zoning changes, countered by development of vacant capacity over the past two years, may not address sufficient long-term capacity for industrial land use development in the Wakatipu Ward.”*
129. The policy issue identified by Mr Place is centered around there being no requirement under the NPS-UDC (Policy PA1) for long term industrial zone capacity to be zoned, but rather simply identified.<sup>16</sup> Mr Place draws support from Policy 4.2.2.21 which sets out an expectation that rural land outside of UGBs within the Wakatipu Basin are not to be used for urban development until there is a demonstrable need for such land to meet demand. I see this in two ways:
- (a) To give effect to the zone request by CCCL, it would be prudent to identify an UGB around the zone.
  - (b) While currently the land is zoned rural (and GCZ), Policy 4.2.2.21 is relevant in the current context but through the request of CCCL, this policy is given effect to through this process.
130. I reproduce Policy 4.2.2.21 below:
- “Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Wakatipu Basin and a change to the Plan amends the urban Growth boundary and zones additional land for urban development purposes.”*

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<sup>16</sup> Paragraph 9.28 of evidence of Mr Place

131. I understand that the economic evidence of Ms Hampson is that there is demand for more industrial land. Through this submission process, the UGB and zone can be amended to provide for this.
132. Policy 4.2.1.6 is also of relevance:
- “Review and amend Urban Growth Boundaries over time, as required to address changing community needs.”
133. And Policy 4.2.1.4 (d):
- “Ensure Urban Growth Boundaries encompass a sufficient area consistent with... (d) the need to make provision for the location and efficient operation of infrastructure commercial and industrial uses, and a range of community activities and facilities...”*
134. Turning to Chapter 3 (Strategic Directions), SO 3.2.1 seeks the development of a prosperous, resilient and equitable economy in the district. Policy 3.2.1.6 directs the “diversification of the District’s economic base and creation of employment opportunities through the development of innovative and sustainable enterprises” and Policy 3.2.1.8 directs diversification of land use in rural areas beyond traditional activities, including farming is enabled provided that, among other matters, the landscape values of Outstanding Natural Landscapes are protected.
135. Mr Place and I differ in our consideration of Policy 3.2.2.1 (b) which directs that urban development should be built upon urban settlement patterns. In the context of the proposal, which is an industrial zoning, it is built upon the presence of the district landfill and more recently approved resource consents for industrial activity in this locale. In my opinion the proposal is built around existing settlement patterns and achieves this policy.
136. Policy 3.3.2 directs the provision of a planning framework for the Queenstown and Wanaka town centre that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths. The proposal will achieve this policy by providing supporting activity to the centres, in particular Frankton and its industrial zone which is constrained in its ability for growth and is limited in the degree of industrial activity it can provide for given its proximity to sensitive receivers and competing activity.
137. Policy 3.3.25 provides for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. The type of development enabled through the Industrial General Zone would be appropriately located at Victoria Flats and can be achieved while maintaining and enhancing the rural environment, as set out in the evidence of Mr Milne.
138. The request of CCCL will give effect to these objectives and policies through the diversification of the economic base created through the industrial zoning in a location that protects the surrounding ONL. The request will ultimately help achieve a “prosperous, resilient and equitable economy”.
139. In consideration of Chapter 4 (Urban Development), Mr Place raises an interesting point at his [9.33] in that the CCCL may not be within the

Wakatipu Basin and therefore not be captured by many of the policies under Chapter 4. He has relied on Ms Hampson's wider assessment of the Wakatipu Ward and justification for considering the Wakatipu Basin policy. I consider that Victoria Flats and Gibbston are best described as a "rural settlement" in the context of the policy under Chapter 4.

140. Urban development is to be accommodated within smaller rural settlements (Policy 4.2.1.2). UGBs are to encompass a sufficient area (Policy 4.2.1.4) consistent with anticipated demand (a), ensuring the ongoing availability of a competitive land supply for urban purposes (b), the need to make provision for the location and efficient operation of industrial uses (d), avoiding sporadic urban development in rural areas (f), and minimizing the loss of the productive potential and soil resource of rural land (g).
141. Policy 4.2.2.2 seeks to allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to (d) its connectivity and integration with existing urban development. It is expected that much of the competing activity against the CCCL zoned land would be from activity in Cromwell. The PDP is a district focused document and the relationship of the Cromwell industrial area to Queenstown is not a feature of its policy (and rightfully so). However, the important point is that industrial demands are currently being serviced from out of the district and the CCCL land presents an opportunity for this demand to be provided for within the district, leading to local employment opportunities and district economic prosperity (supporting many of the Chapter 3 objectives).
142. Policy 4.2.2.5 requires larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.
143. In regard to proposed subdivision Objective 27.3.13
- Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial and Service activities which cannot locate elsewhere in this District, including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.*
144. I consider that the text of this objective (and its supporting policies) is very important in the context of what the Council is seeking to zone under Stage 3 of the PDP. In my opinion, this objective and most of its policies would be very difficult to achieve if the zoning was limited to what has been endorsed by Mr Place in his section 42A report, primarily because:
- (a) the majority the of the Wakatipu Basin industrial zones are existing and have been developed with activities that in many changes conflict with the GIZ provisions, such as residential, office and retail (meaning the changes are more tinkering to the provisions rather than creating outcomes that will occur in practice); and
  - (b) this situation is similar in Wanaka but to a lesser degree. Providing industrial land in Wanaka does little to promote the centres based approach for Queenstown and Frankton, whereas providing for a new GIZ area in Victoria Flats will promote such outcomes;

- (c) Ms Hampson confirms that the demand for industrial land is not been met through Stage 1 and 2 of the PDP, and is only marginally assisted in Stage 3.
145. The Victoria Flats GIZ directly provides for the outcomes sought in this objective:
- (a) it enables industrial and service activities that cannot locate elsewhere in the district through providing greenfield industrial land that can cater for a wide range of uses and lot sizes; and
- (b) is located away from sensitive receivers, meaning their long term viability is not compromised in the same manner heavy industrial activity is in Frankton.

## SECTION 32 OF RMA

### Evaluation

146. 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 proposal was completed<sup>17</sup>, must be undertaken in accordance with section 32 (1) to (4)<sup>18</sup>, and must be undertaken at a level of detail that corresponds to the scale and significance of the changes.<sup>19</sup>
147. The objectives for the GIZ (including the subdivision chapter) are set out below:
- 18A.2.1 Objective** - *Industrial and Service activities are enabled within the Zone and their long-term operation and viability is supported.*
- 18A.2.2 Objective** – *The establishment, operation and growth of Industrial and Service activities within the Zone is not undermined by incompatible land uses.*
- 18A.2.3 Objective** - *Activities and development within the Zone provide a level of amenity which make it a pleasant, healthy and safe place to work in and visit.*
- 18A.2.4 Objective** - *Activities and development within the Zone are undertaken in a way that does not adversely affect the amenity of other zones.*
- 27.3.13 Objective** - *Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial and Service activities which cannot locate elsewhere in this District, including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.*
148. What is very problematic in my opinion, particularly in the Wakatipu, is that these objectives are being applied to *existing* and *developed* industrial zoned areas (namely Frankton and Arrowtown). These areas are almost entirely built up and have limited capacity for new industrial activities that are promoted by these objectives.

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<sup>17</sup> Section 32AA (1) (a) of the RMA

<sup>18</sup> Section 32AA (1) (b) of the RMA

<sup>19</sup> Section 32AA (1) (c) of the RMA

149. The Victoria Flat GIZ is what I consider as the only opportunity in the district for a new industrial zone that can achieve these objectives. To put it bluntly, I consider that, with the exception of some discrete areas in Wanaka, Stage 3 of the PDP relation to the GIZ cannot achieve section 32 of the RMA without a large area of industrial land being included to enable those objectives to be given effect to.
150. With respect to the Victoria Flats GIZ, I consider that the provisions (including my suggested provisions) as discussed above, are the most appropriate way to achieve the objectives, and the objectives are the most appropriate way to implement the proposal.
151. Section 31 (1) (b) requires an examination of the provisions of the proposal. The provisions are the policies, rules and other methods that implement, or give effect to, the objectives.<sup>20</sup>
152. Section 32 (1) (b) (ii) requires an examination as to whether the provisions in the amending proposal<sup>21</sup> are the most appropriate way to achieve the objectives by assessing the efficiency and effectiveness of the provisions in achieving the objectives. The requirements of this sub-clause are further subject to section 32 (2).
153. The provisions are in my opinion the most appropriate way to achieve the objectives. By introducing a structure plan as a method, development and land use is appropriately guided to ensure that the rules implement the policies, and policies implement the objectives.<sup>22</sup>
154. In undertaking an examination of the provisions, it is appropriate to consider the environmental effects.<sup>23</sup> I refer to my assessment of effects above.

### **Cost / Benefits and Other Options**

155. Taking into account section 32 (2), my opinion is that the benefits of the amending proposal far outweigh any negative effects. The extent of adverse effects are minor in my opinion.
156. In regard to section 32 (1) (b) (i), and taking into account section 32 (3) relating to an “amending proposal”, there are broadly two other options available to the submitter that could be considered “reasonably practicable options” for achieving the objectives:
- (a) Maintain the status quo; or
  - (b) Advance resource consent for a range of activities.
157. Maintaining the status quo (**Option 1**) would mean that the land is kept as for grazing purposes. This in my opinion is a poor alternative when considering the value of the land resource and from my examination of the proposal above. In my experience in the district and also from being involved in the majority of the development consents in Victoria Flats, it is unrealistic to expect that this land would be retained in its current use.

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<sup>20</sup> Section 32 (6) (a) of the RMA

<sup>21</sup> As required under section 32 (3)

<sup>22</sup> Section 32 (1) (b) (iii)

<sup>23</sup> Section 32 (1) (c) and Section 32 (2)

158. **Option 2** would be for CCCL to develop its land through the resource consent process. Relevantly, this is a process that CCCL is embarking on at present with a consent in process for a large storage facility on its land which is also located within the buffer area of the landfill. This is an option available to CCCL.
159. Victoria Flats has already been subject to ad hoc development and without a zone to direct further development, this will likely continue.
160. A number of industrial activities have been consented in this locale, all as non complying activities under the respective zones.
161. Once this land resource is removed by way of resource consents, it will likely be a lost opportunity for future industrial zoning.
162. In my opinion, the most appropriate option is that outlined in the CCCL proposal.

### **Certainty**

163. In my opinion, there is certain and sufficient information on the subject matter of the provisions, and the risk of not acting will result in an inferior outcome in the context of achieving the purpose of the RMA.<sup>24</sup>

### **Part 2 of the RMA**

164. In landing back at section 31(1)(a), an examination is required of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.
165. The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety subject to the three qualifications in subsections (a), (b) and (c).
166. Section 6 (Matters of National Importance) is of direct relevance, and a number of matters need to be recognised and provided for, including:
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
167. The part of the CCCL site that is located in the Rural zone is located within an ONL by virtue of this zoning. Mr Milne has evaluated the effects on the ONL arising from the proposal and found that those effects will not be significant. Development as proposed is not considered “inappropriate” and the ONL of the wider locale has been appropriately protected.
168. Section 7 contains other matters that particular regard shall be had, including:

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<sup>24</sup> Section 32 (2) (c) of the RMA



- (b) the efficient use and development of natural and physical resources:*
  - (c) the maintenance and enhancement of amenity values:*
  - (f) maintenance and enhancement of the quality of the environment:*
  - (g) any finite characteristics of natural and physical resources:*
169. The proposal represents the most efficient use of the land resource. Amenity values of the locale are compromised by the presence of the landfill and other commercial and industrial activities (and will be further compromised with the implementation of approved resource consents). The inherent level of amenity is ideal for the proposed zone and through the GIZ provisions and adherence to the structure plan, amenity values will be increased through landscape and amenity plantings. The current quality of the environment will be maintained and further enhanced at the time of development.
170. The land in question is a finite resource; in the sense of future industrial land, it has inherent value to the district. The proposed use represents in my opinion the best use of the land and resource.
171. Section 8 relates to the Treaty of Waitangi, of which the proposal will not offend.
172. In my opinion the proposal accords with the purpose of the RMA. Furthermore, the proposal achieves the PDP's objectives and thereby Part 2 of the RMA in a more efficient and effective manner than the framework as notified through the rezoning of the CCCL land to industrial.

**Brett Giddens**  
**5 June 2020**

# Form 5

## Submission on a Publicly Notified Proposal for Policy Statement or Plan

*Clause 6 of First Schedule, Resource Management Act 1991*

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To: **Queenstown Lakes District Council (“the Council”)**

Name of Submitter: **Cardrona Cattle Company Limited (“the Submitter”)**

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### Introduction:

1. Stage 3 of the Proposed Queenstown Lakes District Plan (“**PDP**”) was notified on 19 September 2019 and “proposes a number of new zonings, mapping annotations and variations and amendments to land and provisions decided through Stages 1 and 2 of the PDP”.<sup>1</sup>
2. The submitter has an interest in the PDP as a whole, and as such, this submission relates to the PDP in its entirety, including those chapters listed in the public notice.
3. The submitter could not gain an advantage in trade competition through this submission.
4. The submitter has particular interest in Chapter 18A – General Industrial Zone, and Planning Map 13.
5. The properties subject to this submission are located at Victoria Flats, in Gibbston, between Nevis Bluff and the Victoria Bridge. The sites include those legally described as follows, and as generally identified in a map in Figure 1 below:
  - a. Lot 2 DP 420346 and Lot 8 DP 402448 as held in CFR 477524;
  - b. Section 32 Blk II Kawarau SD as held in CFR OT14B/1179; and
  - c. Pt Lot 3 DP 303681 as held in CFR 410584.

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<sup>1</sup> <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Proposed-District-Plan/PDP-Stage-3/1909.2019-PDPS3-Mountain-Scene-Notice.pdf>

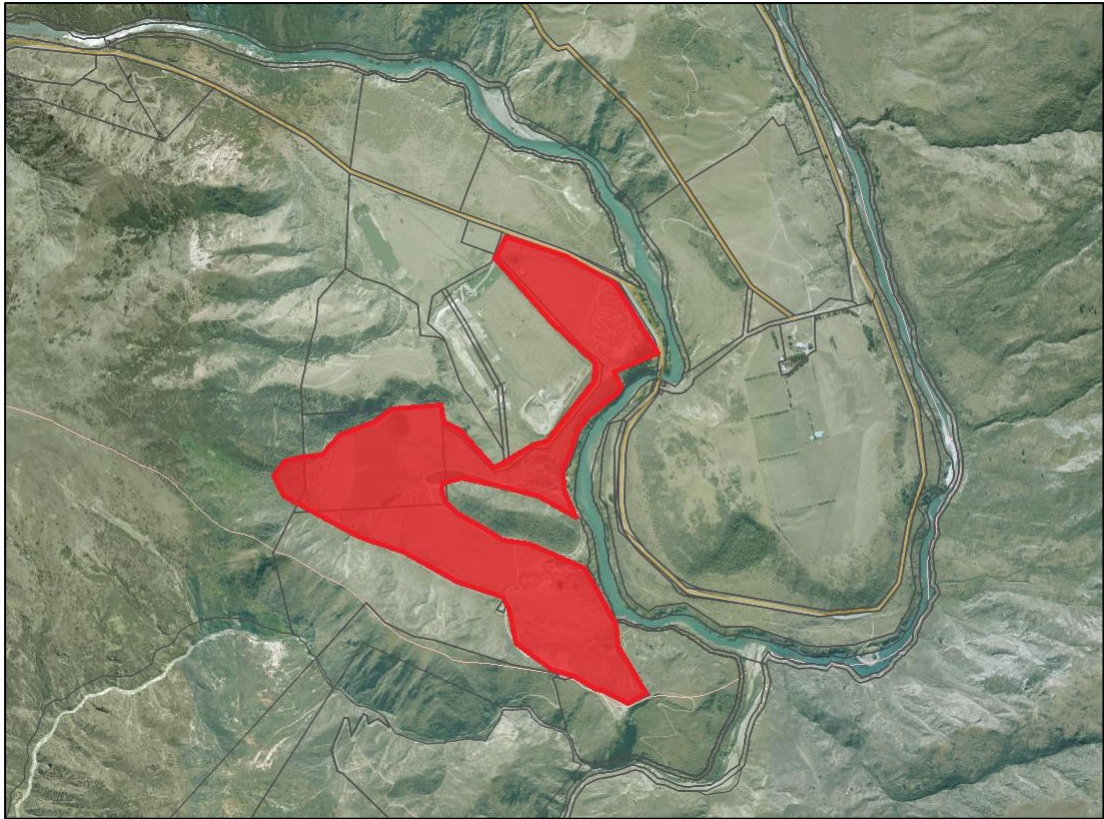


Figure 1: General Location of Properties

**Overall Issues:**

6. The submitter **opposes** Chapter 18A – General Industrial Zone and Planning Map 13, in the form notified, and **opposes** the properties listed in this submission being retained as Rural and Gibbston Character Zone on Planning Map 13, for the following reasons:
  - a. It does not accord with, or assist the territorial authority to carry out its functions to achieve the purpose for the Resource Management Act 1991 (“**RMA**”);
  - b. It does not meet section 32 of the RMA;
  - c. It does not promote the sustainable management of natural and physical resources, nor does it enable the social, economic and cultural well-being of the community;
  - d. It does not meet the reasonably foreseeable needs of future generations;
  - e. It does not represent integrated management or sound resource management practice;

- f. It does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means;
  - g. It will not implement and/or give effect to the objectives, policies, and other provisions of the PDP and the other relevant planning instruments, including the Regional Policy Statement; and
  - h. It is inconsistent with Part 2 of the RMA and ultimately does not achieve its purpose.
7. The submitter considers that the purpose of the RMA would be best achieved by rezoning the properties Industrial General (or other appropriate zoning), with location specific and consequential changes to those provisions of the PDP to give effect to the issues raised in this submission.

#### **Outline of Submission:**

- 8. The section 32 reports states that parties interested in industrial land have not had a clear opportunity to pursue this through the plan review process to date given the lack of a notified industrial chapter and the Council intends to assess submissions seeking industrial land on their merits.
- 9. The reason for the submission includes, but is not limited to, the following:

#### Need for Industrial Land

- a. Insufficient provision for industrial land has been made within Stage 3 of the PDP. There is a demonstrated need to provide for more industrial land within the Wakatipu Ward. The zoning of the submitters land for such purposes is a solution to meet industrial demand in the short, medium and long term.
- b. Under the National Policy Statement – Urban Development Capacity (“**NPS-UDC**”) high growth councils are required to assess their growth futures and the commercially feasible capacity enabled under their District plans to ensure that future growth can be provided for. Once triggered as being a high or medium-growth “urban area” within a district the application of these policies is not restricted to the boundaries of the urban area itself and therefore can apply district-wide.
- c. The shortfall outcome for urban industrial zone sufficiency in the Wakatipu Ward was a key area of concern for future planning decisions identified in the Business Development Capacity Assessment 2017 (“**BDCA**”) and is where the report's recommendations are focused - to provide additional industrial zoned areas that enable industrial activity within the ward.

## Existing Environment

- d. Given existing and consented land uses in Victoria Flats, the landscape character and landscape values of the locality, the properties are most appropriately afforded a zone that provides for a range of industrial and light commercial uses.
- e. Key features in the locale include:
  - i. SH6 which provides the key arterial in and out of Queenstown.
  - ii. Victoria Flats Road, a local road that provides legal access through the site.
  - iii. Nevis Bluff to the west which topographically defines the eastern segment of the Gibbston Valley.
  - iv. The Kawarau River which runs generally parallel to SH6.
  - v. Victoria Bridge to the east which provides access over the Kawarau River.
  - vi. The Victoria Flats landfill which borders the western boundary of the property. This landfill is designated (Designation 76)<sup>2</sup> and was established in 1999 and currently accepts commercial waste (and is not accessible for general public waste).
  - vii. The Wakatipu Gun Club to the west of the landfill.<sup>3</sup>
  - viii. “Oxbow” commercial recreation jetboating, 4x4 driving and shooting facility (currently under construction) further west past the Gun Club.<sup>4</sup>
  - ix. Various commercial recreation 4x4 driving activities from Off Road Adventures (throughout Wentworth Station).<sup>5</sup>
  - x. The large quarry (Rock Supplies NZ) on the northern side of SH6.
  - xi. AJ Hackett Bungy further to the south of the property.
  - xii. Various walking/mountain biking tracks leading southwest to Mt Mason and Mt Rosa beyond.
- f. This locale is ideally suited for an industrial use as sought.
- g. The properties are located within the Gibbston Character Zone and Rural Zone under the Operative and Proposed District Plans. Part of the site is located within Designation 76 as a buffer area from the district landfill.
- h. The Environment Court found in C180/99 that the Gibbston flats are an outstanding landscape, but *not an outstanding natural landscape*. Map 13 however locates part of the properties within an ONL by virtue of them being zoned rural. That area of the properties that is zoned

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<sup>2</sup> RM970116

<sup>3</sup> RM120089

<sup>4</sup> RM171193

<sup>5</sup> RM060342

Gibbston Character is precluded from the ONL classification under the PDP. Development of the property can be constrained to the valley floor such that landscape values in the wider area can be maintained and protected.

#### Transportation

- i. Access to the properties will not adversely impact on the State Highway and its functioning.
- j. The key transportation issue with this proposal is catering for site generated traffic turning into and out of Victoria Flats Road.
- k. Any traffic related effects of the proposal are able to be suitably mitigated through the adoption of standard intersection upgrade designs such that road capacity and road safety is able to be maintained.

#### Services

- l. The property can be readily serviced by local infrastructure, such as water, sewer, telecommunications, electricity and stormwater.

#### Reverse Sensitivity

- m. In the context of the land uses expected for the Zone, the use of the land for primarily industrial land uses presents a lower level of risk of complaints and disturbance. Industrial activities through their very nature have the potential to create noise, odour, heavy traffic movements and other nuisance effects. Such activities would be ideal to coexist with the landfill operation. Notably, the landfill has stringent operational requirements that needs to be adhered with (including for odour) and we consider that if the operation is within its designation requirements, risks arising from reverse sensitivity are low.
- n. Industrial zones within the district are often located near or adjacent sensitive receiving environments (such as residential or rural residential zones) where the activities operating at the periphery of industrial zoned land may adversely affect the level of amenity within the adjoining zone. The properties referred to in this submission are isolated from these sensitive receiving environments which would therefore enable industrial activities to operate without the potential for reverse sensitivity effects from these receiving environments

## Planning Provisions

10. Without limiting the generality of this submission, the following changes are sought to the Industrial General provisions as it relates to the Industrial Zone at Victoria Flat:

- a. Removal of all prohibitive activities.
- b. Provision included for custodial residential living and workers accommodation.
- c. Buildings are controlled activities in respect of landscaping, external appearance, location of offices and showrooms, and visual impact.
- d. Outdoor storage areas located within any street scene setback are controlled activities in respect of landscaping, screening, appearance and visual impact.
- e. Retail sales are limited to goods manufactured on the site, and ancillary products up to 20% of the gross floor area, or are otherwise non-complying.
- f. Visitor accommodation is non-complying.
- g. Buildings are to be set back 10m from SH6 and 2m from all other boundaries.
- h. 80% maximum site coverage.
- i. Maximum building height of 10m.
- j. Adherence to noise standards measured at any point outside of the zone.
- k. No minimum allotment size for subdivision.
- l. All necessary refinements are made to the objectives and policies of the Zone.

11. Altering the zone as requested will:

- a. Meet the requirements of section 32 and represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means;
- b. Enable the social, economic and cultural well-being of the community;
- c. Meet the reasonably foreseeable needs of future generations; and
- d. Promote the sustainable management of natural and physical resources, will be consistent with Part 2 of the RMA and ultimately achieve its purpose.

**Relief sought:**

12. The submitter requests the following decision:

- a. Planning Map 13 is amended to reflect the properties being zoned Industrial General, with location specific and consequential changes to those provisions of the PDP to give effect to the issues raised in this submission; and
- b. Any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission; including any other appropriate zoning and provisions.

13. The suggested revisions do not limit the generality of the reasons for the submission.

14. The submitter wishes to be heard in support of its submission.

15. If others make similar submissions, the submitter will consider presenting a joint case at any hearing.



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Signed on behalf of the Cardrona Cattle Company Limited

**18 November 2019**

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Date

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