

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

UNDER THE Resource Management Act 1991 (“**Act**”)
IN THE MATTER OF Stage 3 Proposed District Plan – General
Industrial Zone
BETWEEN **CARDRONA CATTLE COMPANY LIMITED**
Submitter #3349
AND **QUEENSTOWN LAKES DISTRICT COUNCIL**
Planning Authority

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

19 JUNE 2020

PROFESSIONAL DETAILS

Qualifications and Experience

1. My full name is Brett James Giddens.
2. I have prepared a statement of evidence dated 5 June 2020 on behalf of the Cardrona Cattle Company Limited (**CCCL**). My qualifications and experience are set out in that statement. I confirm that this supplementary evidence is also prepared in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014.
3. In this rebuttal evidence I have been asked to consider the evidence produced by the following experts called for Scope Resources Limited (**SRL**) (FS3470):
 - (a) Mr Nick Geddes (planning)
 - (b) Mr Jason Bartlett (traffic)
 - (c) Dr Clint Rissman (odour)
 - (d) Ms Vanessa van Uden (landfill operations)
4. I have set out my rebuttal evidence under the following headings, reflective of the issues raised in the evidence:
 - (a) Trade competition
 - (b) Zoning
 - (c) Constraints on the landfill and SRL
 - (d) Activities in the landfill buffer
 - (e) Noise
 - (f) Odour
 - (g) Reverse sensitivity
 - (h) Traffic
 - (i) Suggested amendments
 - (j) Conclusion

TRADE COMPETITION

5. SRL acknowledge their trade competitor status in their evidence. Mr Geddes has stated that their evidence relates only to the potential effects of the activity that may in turn limit the operations of SRL at the landfill. I understand that the focus of SRL's concern is now limited to the CCCL land that is within the buffer zone of the landfill and on traffic effects that impact on SRL's movement of heavy vehicles on Victoria Flats Road and the intersection with State Highway 6.
6. A focus of my evidence in chief was on the effects of the CCCL proposal on the environment, including effects on the landfill. I will further comment on this in my rebuttal in response to matters raised by SRL.
7. Trade competition will be dealt with in legal submissions.

ZONING

8. Mr Geddes from his [10] outlines his opinion that a better approach to rezoning would have been to address the relief from CCCL as part of Stage 1 of the review.
9. CCCL is not the only submitter seeking additional industrial land in the district. In my opinion, the appropriate stage to consider such zonings is where not only the merits of the zone can be considered, but also the provisions themselves. This in my opinion is at Stage 3 of the PDP review.
10. I refer to [28] of my evidence in chief and confirm that I agree with Mr Place for the QLDC that the CCCL submission is “within scope” of Stage 3 of the PDP.

CONSTRAINTS ON THE LANDFILL AND SRL

11. Mr Geddes outlines the purpose of Designation #76 at his [16]. What is not detailed are the constraints that the landfill must operate within through its designation conditions and consents authorised by the Otago Regional Council (**ORC**). The landfill is a heavily regulated operation and in any evaluation of its effects (for the purposes of consideration reverse sensitivity), the landfill must be viewed in light of its operational controls.
12. I have appended as **Annexure [A]** a copy of Designation #76 and the relevant permits authorised by the ORC in **Annexure [B]**. I will comment on these authorisations further in my rebuttal.
13. As confirmed at [21] of Mr Geddes evidence, SRL is the operator of the landfill under a lease arrangement with the QLDC. SRL is not the requiring authority under the designation, nor is it the holder of the operational consents. SRL is contractually bound to meet the requirements of the designation and consents held by the QLDC as part of its operation; this is set out in clause A4.2.2 of the lease document, with the relevant excerpt appended as **Annexure [C]**.
14. As noted by Ms Van Uden, the agreement between SRL and the QLDC expires in 2034 (30 June). Clause A4.19.1 of the lease document requires that the operation to be handed to the QLDC at the expiry date (see **Annexure [D]**). In my opinion, the effects on SRL that are relevant to the consideration of the CCCL proposal cease from this date. After that date, there is no agreement that provides for SRL to remain as operator of the landfill. There is also no certainty that the landfill will remain in its current form with the same operational constraints given it is subject to future consents.
15. As set out in [94] to [96] of my evidence in chief, the next best option for land development if the zoning is not accepted will inevitably be by way of resource consent. In my opinion it is not realistic to consider that this land will not be developed and will remain as-is, particularly as the immediate and wider area is already consented and developing for industrial and commercial recreation activities. CCCL, through succession as owner of the CCCL land, have the benefit of a binding agreement from the QLDC dated 27 November 2008 that has the effect of the QLDC providing deemed approval under the Resource Management Act 1991 (**RMA**) for activities on its land. This includes all approvals under the RMA, including

resource consents and approval under section 176 of the RMA. Furthermore, QLDC, as landowner and requiring authority, cannot object to activities CCCL undertakes the land subject to the submission (including the landfill buffer land). The relevant excerpt appended as **Annexure [E]** to my rebuttal evidence.

ACTIVITIES IN THE LANDFILL BUFFER

16. At [34] Mr Geddes discusses what the landfill buffer is intended to provide for, citing text from the original application for the landfill. I reproduce his [34] below.

34 The landfill buffer area seeks to provide a margin of rural land around the landfill operation intended for the limited purpose of grazing stock²⁸. Residential use of rural land is a discretionary activity and prohibited under the designation²⁹.

17. Designation #76 does not place controls on the use of the buffer land. I disagree that the use of the buffer land is limited to “grazing stock”.

18. In my opinion, if the buffer zone was to “prohibit” certain activities, then:
- a. It would have been clearly included in the designation conditions which, in the District Plan, only relate to the operation of the landfill;
 - b. It would have been clearly included in the 2008 sales agreement I refer to above that includes binding conditions on the QLDC relating to the CCCL land;
 - c. The activities noted by Mr Geddes at [41] would have been prohibited under the Rural zone provisions of the District Plan (they are not); and
 - d. The QLDC would not have been able to grant resource consent approval within the landfill buffer for the Wakatipu Gun Club (RM120089) and Off Road Adventures (RM060342) commercial recreation activities, and the QLDC industrial recycling plant (RM070503).

19. In regard to matter (b), the fact that the QLDC has entered into a binding agreement on the CCCL clearly signals to me that the activities noted by Mr Geddes as “prohibited” were not intended to apply to the CCCL land.

20. For completeness, I disagree with Mr Geddes comment at [40] where he states “in deliberating on RM970116, the local and regional authorities were mindful there would be certain activities which should not be enabled within close proximity of the landfill operation.” I have read the decision and found no evidence that confirms this, and in any event, it is not reflected in the District Plan provisions. I also disagree with his assertion to the same effect at [41].

21. In summary, I do not consider those uses referred to at [40] of Mr Geddes evidence are prohibited and that the governing planning controls are as set out in the Rural Zone provisions of the District Plan. I note that this stance is supported in the recent section 95 report for Resource Consent RM191130, excerpt appended as **Annexure [F]**.

NOISE

22. Mr Geddes from [30] details the impacts of the proposal on the landfill in respect of noise effects on future occupiers of custodial residential living and workers accommodation in the General Industrial Zone (**GIZ**).
23. I refer to my evidence in chief at [51] where I recommend that residential activity should be non-complying the GIZ at Victoria Flats, and not permitted.
24. Mr Geddes raises an issue with SRL not being able to meet the relevant noise conditions on the designation should the proposal be accepted. I reproduce condition 8 (a) of designation #76 in full below.

8. During the operational stage of the landfill the consent holder shall ensure:

- a. that all activities conducted on the site are carried out such that the following noise levels are not exceeded, neither at, nor within, the notional boundary of any residential unit (other than a residential unit located on the same site as the activity):

Day time	0800-2000 hours	50 dB L _{Aeq} (15min)
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Night time	2000-0800 hours	40 dB L _{Aeq} (15min)
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And shall not exceed the following level at the boundary of the site:

65 dB L_{Aeq}(15min)

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1992.

Note: The notional boundary is defined as being 20m from the wall of the dwelling.

25. The rule presupposes the existence of a residential unit, although these (and residential activity) are not enabled through the CCCL proposal and GIZ provisions, and the proposal will not give rise to any changes as to how SRL must undertake its operations in terms of managing noise effects under the designation.
26. I have suggested a further amendment to the provisions in this regard, which I will detail further in my rebuttal.

ODOUR

27. In terms of odour effects, Mr Geddes relies on the evidence of Dr Rissman. I have read Dr Rissman's evidence and observed that very limited evidence was provided specific to the landfill operations and its odour effects. There is no explanation provided for this.
28. There is also no consideration of the constraints that the landfill must operate under in terms of odour discharges through to 2034. This is a fundamental issue in my opinion; without evaluating the constraints on the activity, it implies that the landfill is unfettered in terms of its odour effects on the environment, which is far from the case.
29. Condition 4 (g) (iv) of Designation #76 states that, as an ongoing requirement, the effects of odour, dust, vermin and litter will be mitigated to ensure that any adverse effects associated with the site are *minor*. Furthermore, Resource Consent 97164.V2 relates specifically to the nature of air discharges in association with the landfill and condition 3 requires that the effects of any odour emission that is offensive or

objectionable is limited to the boundary of the QLDC property, which notably excludes the buffer zone land owned by CCCL.

30. Furthermore, Resource Consent 97164.V2, which was issued following a Section 128 review initiated by ORC, resulted in a number of changes to the conditions, including a requirement to install and maintain a landfill gas collection (via gas wells) and destruction system (via a gas flaring system) by 1 December 2020.
31. I understand that the changes authorised via 97164.V2 were initiated to ensure compliance with the National Environmental Standards for Air Quality Regulations (2004) (**NES**). I further understand that the changes have the potential to significantly improve odour from the landfill. The logic here is that reducing the odour effects would reduce the risk of complaints from the general public.
32. In my opinion, when the landfill is operated in accordance with the designation and consents, and taking into account the additional works to be completed by 1 December 2020 to further contain odour discharges in terms of the NES, the effects of odour on the CCCL would not give rise to an undue risk of complaints that would hinder landfill operations. The landfill is not meeting its operational obligations as confirmed in the 29 May 2020 letter of Ms Laura Gledhill of the QLDC to the ORC, appended as **Annexure [G]**.
33. In my opinion, if the conditions of the designation and consents are complied with, the effects of the landfill on the CCCL land should not be significant (and be no more than minor using the wording of the condition) and will not present an undue risk of complaints from persons working or visiting activities on the CCCL land.
34. Mr Geddes at [48] states that "...should the landfill buffer area be occupied by members of the public this is likely to result in a significant increase in the number of odour complaints resulting in a direct and adverse affect by pressure to constrain or limit landfill activities such as hours of operation and odour generation...".
35. Mr Geddes does not identify the two commercial recreation activities that are consented within the buffer zone and has not commented on the effects that those activities have on the landfill, if any. In regard to the Wakatipu Gun Club, SRL provided its affected persons approval to the activity which authorised 30 competition events per year, 36 club practice days and general shooting up to 3 days per week throughout the year. There are no limits on the number of occupants using the facilities and a park providing for 50 cars is provided "to meet normal club day's requirements".
36. SRL was not considered an affected party for the Off Road Adventures application. This activity is a commercial recreation activity that included 8 staff that (at that time) provides for "5,000 to 6,000 clients per year" and "60 clients per day", from "9am to 6pm, seven days". In reference to the list of complaints at [3.11] of Ms van Uden's evidence, no complaints have been made from Off Road Adventures over the last 14 years of its operation within the buffer land. A copy of the resource consent approved plan for Off Road Adventures is contained in **Annexure [H]**.

37. For completeness, I refer to resource consent RM070503 that was authorised to the QLDC for the establishment and use of an industrial activity (recycling plant) within the buffer zone.
38. In my opinion, use of the buffer zone by the public is already part of the existing environment that should be considered in the context of the CCCL proposal. While the proposal will result in industrial use of the land within the buffer zone than exists at present, it will not introduce activities that are incompatible with the environment and landfill.

REVERSE SENSITIVITY

39. Mr Geddes considers at [48] that the effects of the proposal on SRL will be adverse in terms of reverse sensitivity from odour. I have previously discussed his comments on noise above.
40. Mr Geddes places significant emphasis on a number of activities being prohibited in the buffer zone. I have also provided my reasons above as to why I do not agree.
41. In considering the effects that Mr Geddes has raised as problematic to SRL, I consider it is important to evaluate them in the context of the current zoning and the zoning sought by CCCL. For instance:
- (a) Buildings and industrial activities are **Permitted, Controlled** and **Restricted Discretionary** in the GIZ, whereas in the Rural zone they are **Discretionary** and **Non-Complying**.
 - (b) Residential buildings, residential activity and visitor accommodation in the Rural zone are **Discretionary**. In the GIZ, CCCL have sought such activities are **Non-Complying** and the QLDC have sought **Prohibited** status.
 - (c) Buildings associated with public or private assembly of people (such as community activities) are **Discretionary** under the Rural Zone and are **Non-Complying** under the GIZ.
 - (d) Commercial activities, takeaway food, professional offices, service stations are **Discretionary** or **Non-Complying** in both the Rural zone and the GIZ.
 - (e) Recreation and commercial recreation activities are **Permitted** in the Rural Zone and **Non-Complying** in the GIZ.
42. In my opinion, in comparison to the Rural zone, the GIZ will provide a more restrictive zone that controls those activities Mr Geddes considers are sensitive to landfill operations.
43. Buildings and industrial activities would be more enabled through the GIZ provisions compared to the Rural zone but in my opinion, this in itself does not equate to direct adverse effects on SRL.
44. In my opinion, industrial activities are complimentary to the landfill operations and that this view has been adopted in consents for industrial activities in Victoria Flats. Planning evidence called by SRL as part of RM060059 for a whiskey distillery near the landfill (which was granted but not implemented) states that industrial activities are “potentially

compatible with the landfill". RM191166 recently authorised an asphalt batching plant on the same site as a commercial schist quarry, cleanfill operation and storage facility. Notably, SRL and the QLDC were not considered affected parties to that consent because it was considered by the QLDC processing planner that industrial activities are complementary to the landfill operation. As I refer to in my [37] above, the QLDC has previously approved industrial activity (recycling plant) within the buffer zone.

45. The CCCL proposal would result in the removal of commercial recreation activities in the buffer zone (Off Road Adventures) which in my opinion, is a positive effect on the landfill.
46. Mr Geddes at [19] refers to Clause 6 (4) of the First Schedule to the RMA highlighting that SRL may only make a submission "...if it is **directly affected** by an **effect of the proposed plan** (or in this case, a submission made to it) that **adversely affects the environment** and does not relate to trade competition or the effects of trade competition." (Mr Geddes emphasis).
47. In light of the above, I do not consider that SRL will be directly affected adversely affected by an effect of the proposed plan. Any effects on SRL are limited to those associated with buildings and industrial/service activities within the buffer zone to 2034, although I cannot identify any such effect associated with these that would be of any consequence, and the proposed restrictions resulting from the GIZ would in my opinion result in a net positive effect on SRL and its operation of the Landfill in terms of their influence on the future environment around the Landfill.

TRAFFIC

48. SRL, through evidence of Mr Bartlett, have raised concerns in relation to traffic from the CCCL proposal in relation to the safety of the Victoria Flats Road and State Highway 6 intersection, and potential effects on landfill operations due to transport delays triggered by increased traffic.
49. Transportation expert Mr Ray Edwards will be responding to the matters raised by Mr Bartlett.

SUGGESTED AMENDMENTS

50. In light of the concerns raised by SRL, I suggest the following amendments to the GIZ rules relating to land contained within the landfill buffer zone under Designation #76:
 - (a) Residential buildings and activities are prohibited.
 - (b) Visitor accommodation activities are prohibited.
 - (c) Commercial recreation and recreation activities are non-complying (bearing in mind that such activities already feature heavily within the buffer zone).
 - (d) Community activities are prohibited.
51. In my opinion, making these amendments will effectively address the issue SRL has with operating under the designation by giving effect to

restrictions on activities in the buffer zone that could be considered sensitive to its operations. Comparatively to the current Rural zoning, these changes represent a significant positive effect to those activities currently enabled.

52. These amendments will provide a mechanism where landfill sensitive activities can be completely avoided within the buffer zone.

CONCLUSION

53. I confirm that my conclusions as expressed in my evidence in chief remain.

Brett Giddens
19 June 2020

Annexure [A]

Designation #76

- iii. night-time (2000 to 0800 hrs) 70 dB L_{AFmax}
- b. the noise limits in (a) shall not apply to:
 - i. construction sound which shall be assessed in accordance and comply with NZS 6803:1999.
 - ii. the use of an electricity generator for emergency use.

C.53 Designation # 76 - Victoria Bridge Terrace site (RM 970116)

It is decided that the requirement to Designate part Run 330C, Block II, Kawarau SD for the purpose of a landfill; part Run 330C and part Section 32 for the purpose of a buffer zone; and part Run 330C for the purpose of a road; be confirmed pursuant to Section 168A(3) of the Resource Management Act 1991, subject to the following conditions:

1. The activity shall take place in accordance with the plans and specifications submitted with the notice of requirement and the approved Buffer Zone and Landfill Site Boundaries plan dated 19 March 1998 attached, with the exceptions required by the following conditions:
2. All engineering works shall be carried out in accordance with all relevant New Zealand Standards to meet the acceptance of the Council's Principal Engineer.
3. Prior to the commencement of any works on the land being developed, and in accordance with Condition 2 above, the applicant shall provide to the District Planner, copies of specifications, calculations and design plans both necessary and adequate to detail the following engineering works required:
 - a. that all roading to the site and on site are in accordance with Queenstown Lakes District Council standards;
 - b. that the intersection of the new road and the Kawarau Gorge Road - State Highway 6 be reconstructed in accordance with New Zealand Transport Agency standard described in Diagram 4 with the modification that the radius shown 'R' shall be 15 metres for heavy vehicles;
 - c. that adequate facilities are provided on site for fire fighting purposes. The New Zealand Fire Service shall be consulted regarding training and establishment of fire-fighting procedures;
 - d. dust be controlled on the landfill site to ensure that no nuisance is created beyond the site boundary;
 - e. that a water reticulation system be provided at the boundary of the proposed landfill site for the purposes of providing an irrigation system for the proposed tree planting for screening purposes;
 - f. all earthworks required to establish the site for the proposed activity.
4. Prior to the establishment of the activity, the applicant shall provide the following:
 - a. that the boundaries of the land shown 'F' on SO 24512 be fenced with a post and wire, seven strand fence;

- b. that the proposed new road shown 'F' on SO 24512 have a formation of no less than 4 metres in width and of a metal depth of 150mm of M4 AP40;
 - c. that the land shown as 'A' and 'C' on SO24512 be road to be stopped;
 - d. that areas shown 'B', 'D' and 'E' be land taken for local purpose reserve (landfill);
 - e. that the land shown 'F' on SO 24512 be land taken for road;
 - f. that the applicant shall provide a boundary fence about the proposed landfill area defined as 'B', 'D' and 'E' on SO 24512. The fence shall be a seven strand post and wire fence or equivalent;
 - g. that an operations manual be prepared and approved by the District Planner for all aspects of the operation and maintenance of the activity and the manual is to include any on going conditions that are required to be complied with. Aspects to be included in the manual are:
 - i. that temporary access tracks within the landfill operating area be of adequate standard to ensure that a B Train commercial vehicle can manoeuvre without difficulty;
 - ii. that a portable water supply be available for human consumption at the operator's facilities;
 - iii. that the operational area boundary fence shall be no less than 3 metres in height and in the position shown on the conceptual operations plan, Sheets 10-22;
 - iv. that the effects of odour, dust, vermin and litter will be mitigated to ensure that any adverse effects associated with the site are minor.
 - h. the applicant shall carry out planting in accordance with the Planting Plan drawn by Morgan+Pollard associates, stamped (received 1 May 2007 and stamped as approved 13 June 2007) and the application as submitted (ref. RM070383) with the exception that a maximum 25% of Macrocarpa shall be planted in the replacement of any plant removed within the proposed planting 'D' zone;
 - i. earthworks required as part of the operation.
5. Compliance with the approved operations manual required to be prepared under condition 4(g).
 6. The planting carried out in accordance with condition 4(h) above shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.
 7. During the construction stage the consent holder shall ensure:
 - a. that noise generated from construction activities occurring on the site shall be measured and assessed in accordance with, and shall not exceed the maximum permissible noise levels specified in NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work';
 - b. that the deposition of soil onto the State Highway from vehicles and other earth moving equipment is avoided by taking such precautions as the installation of a

truck wash area fitted with a high pressure hose to remove mud from vehicles prior to entering onto the State Highway;

- c. that dust generated by construction, or from the wind is not noticeable at the boundary of the site, by the use of water or other approved dust suppressant and from refraining from construction activities which generate-dust during the prevalence of windy conditions;
- d. that a water supply capable of providing sufficient water for use during the construction stage is available prior to any major earthworks occurring;
- e. the consent holder shall ensure that run-off of stormwater from the site during construction, which visibly contains sediment is not discharged directly to a waterway.

8. During the operational stage of the landfill the consent holder shall ensure:

- a. that all activities conducted on the site are carried out such that the following noise levels are not exceeded, neither at, nor within, the notional boundary of any residential unit (other than a residential unit located on the same site as the activity):

Day time	0800-2000 hours	50 dB $L_{Aeq(15min)}$
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Night time	2000-0800 hours	40 dB $L_{Aeq(15min)}$
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And shall not exceed the following level at the boundary of the site:

65 dB $L_{Aeq(15min)}$

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1992.

Note: The notional boundary is defined as being 20m from the wall of the dwelling.

- b. that the unloading and storage of any hazardous substances on the site shall be carried out in an area which is sealed with an impervious material and banded to contain the total volume of the material in the event of a spillage and in all other respects shall be in compliance with the relevant legislation;
 - c. that register of the type and quantity of hazardous substances stored on site and details of the fate of any hazardous substances leaving the site is maintained.
9. Should the applicant choose to site water storage pipes at an elevated height above the landfill operating area on adjoining land, then appropriate easements shall be duly granted.
10. That all proposed monitoring be carried out and reported to the appropriate authorities.
11. That prior to the development of the landfill commencing, an archaeological recording programme shall be commissioned to fully record the sites identified by the preliminary archaeological assessment and a management plan developed to ensure that:
- a. adverse effects on the sites affected by the landfill operation are mitigated by a recording programme in accordance with the following:

- i. that stratigraphy and remains are sampled in accordance with accepted archaeological practice;
- ii. that any artefacts are properly removed, curated and retained for study;
- iii. that if any additional sites of possible interest to Manawhenua are identified, the Trust and Manawhenua in accordance with condition 13 should be notified without delay.
- iv. that within six months of the conclusion of any archaeological work, a report to accepted archaeological standard be submitted to the Regional and District Council with a copy to the Heritage New Zealand.

Particular regard shall be had to minimising the adverse effects of the proposed new road realignment on the abandoned water race, sluicing sites and hut identified in the preliminary archaeological assessment.

- b. that the consent holder shall obtain an Authority from the NZ Historic Places Trust to destroy, damage or modify any historic archaeological sites affected by the landfill development;
 - c. 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;
 - d. the management plan should be submitted to the Councils after consultation with the NZ Historic Places Trust.
12. That processes are put in place to ensure appropriate management of the discovery of archaeological remains or unrecorded archaeological sites or sites of possible interest to Manawhenua, during the landfill operations. Appropriate management would include assessment by a qualified archaeologist and notification of the NZ Historic Places Trust and Te Runanga o Otakou and Kati Huirapa ki Puketeraki before operations resume.
13. If any site of historical Iwi association is identified during landfill development and operation, work is to cease in that specific location and both Te Runanga o Otakou and Kati Huirapa ki Puketeraki are to be notified.
14. The site shall be rehabilitated and reinstated in accordance with the Development and Management Plan at the completion of each phase or upon closure of the site, whichever precedes, and shall be grazed to minimise fire risk.
15. Any changes to normal stormwater flows as a result of the activity shall be directed to avoid any adverse effects occurring on neighbouring properties.

Note: Pursuant to Section 184(a) of the Resource Management Act 1991 the designation will lapse on the expiry of 5 years after the date on which it is included in the district plan unless it is given effect to before the end of that period. A longer period may be fixed if application is made within 3 months of expiry if substantial progress has been, or continuing to be made, towards giving effect to the designation.

Note: The permission of the NZHPT is required for the modification or destruction of any archaeological site, whether recorded or unrecorded, pursuant to the provisions of the Historic Places Act 1993.

Annexure [B]

ORC Permits

TERMS AND CONDITIONS OF RESOURCE CONSENTS

The Otago Regional Council grants to Queenstown Lakes District Council, Private Bag 50072, Queenstown (C/o Montgomery Watson Limited, P O Box 4, Dunedin, Attention: Mr J Cocks) the following permits for terms expiring 1 October 2032.

Location of activities to which these consents relate: Victoria Flats, 27kms from Frankton along the Kawarau Gorge Road, State Highway 6 and approximately 300 metres off State Highway 6 on Queenstown side of Victoria Bridge.

Legal description of land at point of discharges and take: Part Run 330C, Block II, Kawarau Survey District, CT 338/69 (Otago Land District).

Map reference: In the vicinity of NZMS 260 : F41: 968657

I 97163 - Discharge permit

To discharge to land up to 40,000 tonnes per year of mixed solid waste for the purpose of operating a sanitary landfill.

Location of activity: Victoria Flats, 120 metres from Victoria Bridge on the true right bank of the Kawarau River.

Legal description of land at point of discharge: Part Run 330C, Block II, Kawarau Survey District Certificate of Title: 338/69 (Otago Land District).

Map reference: NZMS 260 : F41 : 968657

Conditions:

1. This consent shall be exercised in conformance with the Landfill Development and Management Plan provided with the application which shall be reviewed annually or at such lesser frequency as the Otago Regional Council may approve. The Landfill Development and Management Plan shall include (but not be restricted to):
 - 1) site plan and staged landfill development plans and drawings
 - 2) description of the operation of the landfill including hours of operation and procedures for noise control.
 - 3) types of waste to be treated or disposed of
 - 4) any implications of site management and operation of landfill for Iwi
 - 5) procedures for authorisation, recording and management of the disturbance of sites of archaeological significance during landfill development
 - 6) a manifest system identifying types and quantities of wastes received including the source, and where within the landfill any hazardous substances are placed
 - 7) identification of discharges and environmental effects and the safeguards in place to avoid or reduce the environmental effects
 - 8) procedures for monitoring (including protection of leakage of contaminants in contravention of discharge permit 97165) and controlling adverse effects of spillages and leachate on groundwater and surface water, as well as the monitoring and control of odours

- 9) outline of proposals to report to the Otago Regional Council regarding environmental compliance
 - 10) outline of emergency response procedures and contingency plans including power failure, emergency contacts and fire
 - 11) details of signage to be erected at the entrance to and on the site
 - 12) description of the waste collection, treatment and disposal system
 - 13) projected life of the landfill
 - 14) reinstatement and possible end use of the site including landscaping, and tree planting/tree retention proposals for visual screening and site enhancement
 - 15) for hazardous wastes, describe wastes which are acceptable and unacceptable, and wastes which can only be accepted under special (specified) conditions
 - 16) water control including management of leachate (including any stormwater from the operational landfill cell), and measures to prevent contamination of other stormwater on site.
 - 17) identify management responsibilities with resource consents and environmental regulatory requirements
 - 18) outline of contingency plans to restore and/or remedy any potential adverse environmental effects caused by the operation of the landfill, including effects that may arise after waste disposal operations have ceased, details of proposed environmental trigger/action levels for implementation of the preferred contingency options
2. In accordance with the Landfill Development and Management Plan, the consent holder shall keep records on the following matters and provide an annual report to the Otago Regional Council on these:
1. Number of vehicles using the landfill
 2. Quantities and types of waste which have been accepted for disposal at the landfill
 3. Quantities of non-hazardous wastes which have been directed elsewhere rather than accepted at the site and their sources and disposal sites
 4. Full details of all special waste presented at the site, whether registered for acceptance or not, their nature, source and quantity and the disposal site/method and the date they were presented at the site.
 5. The disposal position of special wastes on the site in terms of the cell used for disposal and the position within the cell.
 6. Records of scrap metal received and removed in various categories including numbers of car bodies and whiteware units and other scrap tonnage.
 7. Quantities of cover placed.
 8. A list of any complaints received and the action taken to address them.
 9. A list of all emergencies with appropriate detail.
 10. An annual topographic survey of the landfill which shall include separately the stockpiles of final cover material and topsoil.

11. A summary of the year's operation identifying any management improvements and presenting monitoring information including:
 - (i) the remaining capacity of the site
 - (ii) the results of all monitoring undertaken during the year relating to permits 97163, 97164, 97165 and 97166
 - (iii) an interpretation of the results in the context of the previous year's results
 - (iv) an assessment of the actual and potential environmental impacts of the discharges from the landfill
3. No cleanfill material shall be disposed of at the landfill. This shall not preclude the use of clean fill for cover material, embankment formation and other non-disposal uses as detailed in the Landfill Development and Management Plan.
4. Prior to the commencement of development of the landfill the consent holder shall obtain an Authority from the New Zealand Historic Places Trust to modify or destroy any historic archaeological sites affected by the landfill development. An archaeological recording programme shall be commissioned to fully record these sites and a management programme developed to appropriately deal with any unrecorded archaeological sites or material that may be discovered during operations.
5. The consent holder shall take appropriate measures to prevent landfilled material from moving offsite including the appropriate provision and placement of wind fencing to prevent windblown litter leaving the site.
6. Hazardous wastes will only be accepted in accordance with the provisions of the Landfill Development and Management Plan, and the consent holder shall not accept any waste which is outside the operating parameters of the landfill.
7. Should hazardous materials or other wastes categorised as unacceptable be presented at the site then, pending alternative disposal, these shall be stored on site in an area which is sealed with an impervious material and banded to contain the volume of the material in the event of a spillage.
8. The consent holder shall not dispose of any material in the landfill by burning it. Should any fire arise in the landfill, it shall be extinguished immediately upon being detected.
9. All sampling and laboratory analyses undertaken in connection with this permit must be performed to IANZ accredited standards or otherwise as specifically approved by the Regional Council.
10. Prior to the expiry or surrender of this consent, the consent holder shall prepare a management, monitoring and contingency plan for the future management of the landfill to the satisfaction of the Regional Council and shall seek appropriate consents for any ongoing activity identified by the Resource Management Act 1991 as requiring consent.

11. At five-yearly intervals from the date of commencement of this consent the consent holder shall provide the Otago Regional Council with a report reviewing the exercise of this consent in compliance with the conditions of this consent during the previous five year period.
12. The Otago Regional Council may within three months of each anniversary of the date of this consent, in accordance with Section 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the purpose of determining if the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

II 97164 - Discharge permit

To discharge to air landfill gas, odour and dust generated from depositing up to 40,000 tonnes per year of mixed solid waste to land for the purpose of operating a sanitary landfill.

Location of activity: Victoria Flats, 120 metres from Victoria Bridge on the true right bank of the Kawarau River.

Legal description of land at point of discharge: Part Run 330C, Block II, Kawarau Survey District Certificate of Title: 338/69 (Otago Land District).

Map reference: NZMS 260: F41 968657

Conditions:

1. The consent authority may within three months of each anniversary of the date of this consent, in accordance with Section 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the purpose of determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage. In particular, if complaints or monitoring data indicate that an adverse effect is occurring, further conditions may need to be imposed that will require the consent holder to undertake studies to quantify the nature and scope of the adverse effects and to investigate means of mitigating the effects.
2. The consent holder shall operate the landfill in accordance with the development and management procedures specified in the discharge permit applications, and the Landfill Development and Management Plan. Development and management of the landfill shall be consistent with the Proposed Regional Plan : Waste. These procedures shall be reviewed at least annually or at such lesser frequency as the Otago Regional Council may approve.
3. There shall be no odour emission resulting from the Consent Holder's activities that, in the opinion of an Otago Regional Council enforcement officer, is offensive or objectionable to such and extent that it has an adverse effect on the environment at or beyond the boundary of the consent holder's property.

4. The consent holder shall minimise the generation of odours from the operations using the best practicable option. This shall include when necessary;
 - minimising the working face of the landfill,
 - covering wastes as required to control generation of odours,
 - provision of a buffer area around the site,
 - installing passive gas vents before final covering of cells,
 - minimising the amount of leachate stored in the leachate storage ponds.

5. There shall be no emission of dust resulting from the Consent Holder's activities that, in the opinion of an Otago Regional Council enforcement officer is offensive or objectionable to such an extent that it has an adverse effect on the environment at or beyond the boundary of the consent holder's property.

6. The consent holder shall minimise the generation of dust and wind-blown litter from the operations using the best practicable option. This shall include when necessary;
 - dust suppression and wind protection on storage piles;
 - dust suppression and wind protection on exposed areas of land prior to re-establishment of vegetation;
 - minimising the tip face area;
 - regularly inspecting the site and collecting wind-blown litter;
 - avoiding unnecessary excavation and stockpiling of soil;
 - covering of wastes as required to control generation of dust;
 - progressive revegetation of the landfill;
 - adequate maintenance of access roads;
 - use of water sprays on roads;
 - provision of a buffer area around the site;
 - restricting access to the site.

7. The consent holder shall not dispose of any material in the landfill by burning. Should any fire arise in the landfill it shall be extinguished immediately upon being detected.

8. A programme for the monitoring of landfill gas shall be prepared and submitted to the Otago Regional Council for approval within 6 months of the commencement of this consent. This programme shall include provision to regularly measure methane, carbon dioxide and oxygen concentrations in leachate collection trenches and bores and also at locations to be specified by the consent holder for determining whether landfill gas is migrating beyond the boundaries of the landfill liner. The proposal shall also provide for regular reporting of the results of the monitoring programme to the Otago Regional Council.

9. At five-yearly intervals from the date of commencement of this consent the consent holder shall provide the Otago Regional Council with a report fully reviewing the management of discharge to air at the landfill. The report shall include:
- a review of the monitoring undertaken for discharges to air,
 - the effectiveness of the landfill gas containment procedures,
 - the effectiveness of the odour control measures. This should include a community odour survey
 - an estimation of the amount of landfill gas being produced currently and the expected production over the next 5 years,
 - an estimation of downwind ground level concentrations of VOCs found in landfill gas,
 - the Consent Holder's plans for mitigating any adverse effects the discharge of contaminants to air may have on the environment.
 - a review of complaints received over the period pertaining to discharges to air and mitigation taken,
 - a review of the monitoring programme for the following 5 years.

The report shall be to the satisfaction of the Otago Regional Council.

10. The Consent Holder shall keep an accurate record of all complaints relating to discharges to air that it receives. This record shall be made available to the Otago Regional Council on request.

III 97165 - Discharge permit

To discharge to land an average of up to 30,000 cubic metres per year in any 5 year period of landfill leachate and stormwater for the purpose of operating a sanitary landfill.

Location of activity: Victoria Flats, 120 metres from Victoria Bridge on the true right bank of the Kawarau River.

Legal description of land at point of discharge: Part Run 330C, Block II, Kawarau Survey District Certificate of Title: 338/69 (Otago Land District).

Map reference: NZMS 260: F41 968657

Conditions

1. The landfill shall be constructed with an impermeable liner for which the permeability is less than or equal to a k value of 10^{-9} metres per second, leachate collection system and leachate containment compartments, and leachate surface storage ponds if required as detailed in the Landfill Development and Management Plan provided with the application to ensure landfill leachate and contaminated stormwater from the operational cell of the landfill does not discharge to land directly from the landfill.

2. The consent holder shall arrange for an independent, suitably qualified, person to review the design and construction of the leachate containment, collection and disposal system and each addition or extension of that system as the landfill expands. No refuse shall be deposited in the section of landfill under consideration until that person has provided a report to the Otago Regional Council demonstrating that the design and construction are adequate to meet the conditions of this consent.
3. The discharge of stored leachate and contaminated stormwater from the operational cell of the landfill shall (after containment and storage as required by condition 1) be carried out within the site boundary in such a way and at such a rate to ensure that surface ponding, overland flow, or contamination of groundwater does not occur.
4. The consent holder shall monitor the daily (24 hour) volume of leachate/contaminated stormwater applied to land and forward the results of this monitoring to the Otago Regional Council at three monthly intervals.
5. The consent holder shall, from the granting of this permit, collect representative samples of the leachate prior to discharge and groundwater from the 7 bores designated on the plan attached (Royds Consulting, Sheet No. D3, 2 x existing bores, 5 x proposed new monitoring bores) at three monthly intervals, have these samples analysed for the following parameters and provide this information together with groundwater levels at each of these bores and daily volume of leachate/contaminated stormwater applied to land pursuant to condition 3, to the Otago Regional Council at three monthly intervals.
 - (i) pH
 - (ii) ammoniacal nitrogen
 - (iii) conductivity
 - (iv) chloride
 - (v) faecal coliforms
 - (vi) nitrate nitrogen
 - (vii) total phosphate
 - (viii) total kjeldahl nitrogen
 - (ix) zinc
 - (x) cadmium
 - (xi) chromium
 - (xii) lead
 - (xiii) arsenic

The Otago Regional Council may require further bores to be installed and sampled if it considers these necessary to enhance the monitoring system.

6. The consent holder shall once per week make a visual inspection of the exposed gravels to the south of the landfill site, and shall immediately advise the Otago Regional Council if there are any indications of leachate seepage.
7. At yearly intervals after the first two years of the granting of this permit, the consent holder may pursuant to Section 127 of the Resource Management Act 1991, apply to the Otago Regional Council for a review of conditions 4 and 5 (pursuant to Section 128) for the purpose of determining whether the frequency of sampling, sampling sites and parameters analysed under these conditions should be changed.
6. There shall be no discharge of contaminants from leachate to groundwater outside of the operational area of the landfill.
7. All sampling and laboratory analyses undertaken in connection with this permit shall be performed to IANZ accredited standards or otherwise as specifically approved by the Regional Council.
8. Prior to the expiry or surrender of this consent, the grantee shall prepare a management, monitoring and contingency plan for the future management of the landfill to the satisfaction of the Regional Council and shall seek appropriate consents for any ongoing activity identified by the Resource Management Act 1991 as requiring consent.
9. In conjunction with conditions 2 (11 (ii, iii, iv)) of permit 97163, the consent holder shall provide an annual report to the Otago Regional Council of monitoring undertaken pursuant to this permit including:
 - (i) the results of all monitoring undertaken during the year
 - (ii) an interpretation of the results in the context of the previous year's results
 - (iii) assessment of the actual and potential environmental impacts of discharges from the landfill
10. At five-yearly intervals from the date of commencement of this consent, the consent holder shall provide the Otago Regional Council with a review report on the exercise of this consent and compliance with the conditions of this consent during the previous five year period.
11. The Otago Regional Council may within three months of each anniversary of the date of this consent, in accordance with Section 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the purpose of determining if the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

IV 97166 - Water permit

To take up to 5 litres per second of underground water from a bore for the purpose of supplying water for services and firefighting associated with the operation of a sanitary landfill.

Location of activity: Victoria Flats, 120 metres from Victoria Bridge on the true right bank of the Kawarau River.

Legal description of land at point of discharge: Part Run 330C, Block II, Kawarau Survey District Certificate of Title: 338/69 (Otago Land District).

Map reference: NZMS 260: F41 968657

Conditions:

1. This permit shall not be exercised until the necessary bore permit has been obtained.
2. The consent holder shall measure and record the daily (24 hour) volume of water taken under this permit and provide this record to the Otago Regional Council at three monthly intervals.
3. At yearly intervals after the first year of the granting of this permit, the consent holder may pursuant to Section 127 of the Resource Management Act 1991, apply to the Otago Regional Council for a review of condition 2 for the purpose of determining whether the frequency of monitoring and provision of monitoring data required by this condition should be changed.
4. A representative sample of water used for human consumption shall be analysed for faecal coliforms at three monthly intervals and the results forwarded to the Otago Regional Council.
5. At five-yearly intervals from the date of commencement of this consent, the consent holder shall provide the Otago Regional Council with a review report on the exercise of this consent during the previous five year period.
6. The Otago Regional Council may within three months of each anniversary of the date of this consent, in accordance with Section 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the purposes of determining if the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

Our Reference: A428511

Consent No. 97164.V2

DISCHARGE PERMIT

Pursuant to Section 105 of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Queenstown Lakes District Council

Address: 10 Gorge Road, Queenstown

To discharge to air landfill gas, odour and dust generated from depositing ~~up to 40,000 tonnes per year~~ of mixed solid waste to land

for the purpose of operating a sanitary landfill

for a term expiring 1 October 2032

Location of activity: Victoria Flats, 120 metres from Victoria Bridge on the true right bank of the Kawarau River, Gibbston Valley

Legal description of land at point of discharge: Part Run 330C, Block II, Kawarau Survey District

Map reference: NZMS 260 F41:968-657

Conditions

1. The consent authority may within three months of each anniversary of the date of this consent, in accordance with Section 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the purpose of determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage. In particular, if complaints or monitoring data indicate that an adverse effect is occurring, further conditions may need to be imposed that will require the consent holder to undertake studies to quantify the nature and scope of the adverse effects and to investigate means of mitigating the effects.
2. The consent holder must operate the landfill in accordance with the development and management procedures specified in the discharge permit applications, and the Landfill Development and Management Plan. Development and management of the landfill must be consistent with the Proposed Regional Plan: Waste. These procedures must be reviewed at least annually or at such lesser frequency as the Consent Authority may approve.
3. There must be no odour emission resulting from the Consent Holder's activities that, in the opinion of a Consent Authority enforcement officer, is offensive or objectionable to such an extent that it has an adverse effect on the environment at or beyond the boundary of the consent holder's property.

4. The consent holder must minimise the generation of odours from the operations using the best practicable option. This must include when necessary:
 - minimising the working face of the landfill,
 - covering wastes as required to control generation of odours,
 - provision of a buffer area around the landfill footprint,
 - minimising the amount of leachate stored in the leachate storage ponds.
 - maintaining a landfill gas collection and destruction system in accordance with condition 7A to 8A.
5. There must be no emission of dust resulting from the Consent Holder's activities that, in the opinion of a Consent Authority enforcement officer is offensive or objectionable to such an extent that it has an adverse effect on the environment at or beyond the boundary of the consent holder's property.
6. The consent holder must minimise the generation of dust and wind-blown litter from the operations using the best practicable option. This must include when necessary:
 - dust suppression and wind protection on storage piles,
 - dust suppression and wind protection on exposed areas of land prior to re-establishment of vegetation,
 - minimising the tip face area,
 - regularly inspecting the site and collecting wind-blown litter,
 - avoiding unnecessary excavation and stockpiling of soil,
 - covering of wastes as required to control generation of dust,
 - progressive revegetation of the landfill,
 - adequate maintenance of access roads,
 - use of water sprays on roads,
 - provision of a buffer area around the site,
 - restricting access to the site.
7. Except for the flaring or combustion of landfill gas, the consent holder must not dispose of any material in the landfill by burning. Should any fire arise in the landfill steps must be taken immediately to extinguish the fire.
- 7A. By 1 December 2020, the consent holder must commission a landfill gas collection and destruction system.
- 7B. The components of the landfill gas collection system must include a network of horizontal and/or vertical collectors which must be progressively connected to the gas destruction system as cells are capped. The landfill gas collection system must be designed, installed and operated so as to optimise collection efficiency.

- 7C. The principal flare used in the landfill gas destruction system must:
- (a) Have a flame arrestor; and
 - (b) Have an automatic backflow prevention device, or an equivalent device between the principal flare and the landfill; and
 - (c) Have an automatic isolation system that ensures that, if the flame is lost, no significant discharge of unburnt gas from the flame occurs; and
 - (d) Have a continuous automatic ignition system; and
 - (e) Have a design that achieves a minimum flue gas retention time of 0.5 seconds; and
 - (f) Be designed and operated so that gas is burned at a temperature of at least 750° C.
 - (g) Have a permanent temperature probe at a half stack diameter from the top of the flare, with visual readout at ground level; and
 - (h) Have adequate sampling ports to enable emission testing to be undertaken; and
 - (i) Provide for safe access to sampling ports while any emission tests are being undertaken.
- 7D. A back-up flare must be utilised, should the principal flare be unavailable due to maintenance or repair. The landfill gas back-up flare must comply with specifications (a) to (c) above.
8. An updated programme for the monitoring of landfill gas must be prepared and submitted to the Consent Authority prior to the commissioning of the landfill gas collection and destruction system. This programme must include:
- (a) regular measurements of methane, carbon dioxide, hydrogen sulfide and oxygen concentrations and flux rates in leachate collection trenches, bores and across the landfill cap and at locations to be specified by the consent holder for determining whether landfill gas is migrating beyond the boundaries of the landfill liner. The methods employed must be capable of confirming compliance with condition 8A.
 - (b) Regular measurements of gas flow rate, gas composition (methane, oxygen, carbon dioxide, hydrogen sulphide), gas temperature, ambient temperature, gas pressure and barometric pressure at each of the collection system well heads and at the flare station.
 - (c) The programme must also provide for regular reporting of the results of the monitoring programme to the Consent Authority.
- 8A Surface emissions of methane must not exceed 5,000 ppm (or 0.5% by volume) in any single location across the landfill site. Should the monitoring under condition 8 demonstrate that the concentration of methane in areas of intermediate or final cover exceeds this value, then remedial action must be carried out and the gas concentrations re-measured within 14 days. If this is not practicable, the consent holder must provide a proposed programme for remedial action.
- 8B The consent holder must provide to the Consent Authority an annual report which includes;
- (a) A summary of the monitoring undertaken during the year.
 - (b) An interpretation of the results in the context of the previous year's results
 - (c) An assessment of compliance with the conditions of this consent.

9. At five-yearly intervals from the date of commencement of this consent the consent holder must provide the Consent Authority with a report fully reviewing the management of discharge to air at the landfill. The report must include:
- a review of the monitoring undertaken for discharges to air,
 - the effectiveness of the landfill gas containment procedures,
 - the effectiveness of the odour control measures. This should include a community odour survey, or an alternative approved by the consent authority
 - an estimation of the amount of landfill gas being produced currently and the expected production over the next 5 years,
 - an estimation of downwind ground level concentrations of VOCs found in landfill gas,
 - the Consent Holder's plans for mitigating any adverse effects the discharge of contaminants to air may have on the environment.
 - a review of complaints received over the period pertaining to discharges to air and mitigation taken,
 - a review of the monitoring programme for the following 5 years.

The report must be to the satisfaction of the Consent Authority.

10. The Consent Holder must keep an accurate record of all complaints relating to discharges to air that it receives. This record must be made available to the Consent Authority on request.

Issued at Dunedin this 8th day of May 1998.

Reissued at Dunedin this 23rd day of March 2007, to reflect the changes to the purpose of consent.

Reissued at Dunedin this 12 day of August 2019.



Joanna Gilroy
Manager Consents

Annexure [C]

A4.2.2 of Lease



A4.1.2 During the Operating Period the Contractor shall observe the provisions of the Contract and perform the Contract Works and Services (without limitation):

- (a) so as to satisfy the Employer's Requirements (Attachment C), and
- (b) to meet all applicable resource consent conditions and any other licences, whether the conditions are stated to be performed by the Contractor or the Employer, and
- (c) in a manner which is likely not to be injurious to safety and health nor to cause damage to property, and
- (d) in a manner so as not to infringe any of the Employer's rights of access or use of the Site, and
- (e) in accordance with the quality plan, equipment manufacturer's recommendations and the requirements of the Project Insurances, and
- (f) in accordance with the Contractor's Asset Management Plan and generally so as to minimise wear and tear and plant breakdown, and
- (g) so as not to place the Employer at risk of any claim by third parties, and
- (h) in a manner so as not to hinder the Employer in discharging its statutory duties, and
- (i) with courtesy to members of the public, and
- (j) in accordance with all statues, regulations, bylaws, rules, and all lawful requirements of any lawful authority.

A4.1.3 Any requirement that the Contractor perform or observe the conditions of any resource consent or designation shall bind the Contractor notwithstanding that the Contractor was not the applicant or is not the Consent Holder thereunder.



Contractor's Facilities to enable the Contractor to commence Project Services by the Operations Commencement Date are to be designed, constructed and commissioned by the Contractor by that date and the Project Services are to be provided by the Contractor as from the Operations Commencement Date.

A2.1.3 The Contractor shall accept solid waste at the Landfill as provided in the Employer's Requirements (Attachment C). The Employer shall deposit at the Landfill all Permitted Waste (as defined in Attachment C to the Contract) the disposal of which it is able to direct and shall obtain from the Central Otago District Council the same commitment for a period of at least 20 years from the Operations Commencement Date. Notwithstanding the foregoing the Employer may promote and undertake recycling and Waste minimisation programmes not withstanding that this may reduce the amount of Waste deposited at the Landfill but the Employer shall not institute or support alternative methods of disposal of Permitted Waste for example, by incineration.

A2.1.4 At the Operations Expiry Date all right title and interest in the Contractor's Facilities shall be transferred unencumbered to the Employer and possession of the Project Facilities given to the Employer.

A2.2 Contract Objectives

- (a) To provide a sanitary landfill for the disposal of Waste generated in the Waste Catchment.
- (b) To contract out the Contract Works and Services.
- (c) To establish Project Facilities and provide Project Services while minimising the financial impact on ratepayers.
- (d) To ensure compliance with the District Plan designations and resource consents.
- (e) To retain flexibility to deal with changes in Waste generation rates

Annexure [D]

A4.19.1 of Lease

A4.18.3 The Contractor Shall supply copies of the Operations Manual to the Employer prior to the Operations Commencement Date and shall copy the Employer with all updating information as adopted.

A4.19 Transfer of the Project Facilities and Waste to the Employer

A4.19.1 On the Operations Expiry Date, or the earlier termination of the Contract by the Employer for default by the Contractor, ownership of the Contractor's Facilities, including all plant (other than mobile plant) used in the provision of Project Services, shall vest in the Employer and the Contractor shall do all things necessary to expeditiously facilitate the transfer possession of and title to these assets.

A4.19.2 Further the Contractor shall upon the Operations Expiry Date:

- (a) deliver all As Built and Operating Information and logs, drawings, records (including the Asset Management Plan) and manuals required by this Contract to be maintained by the Contractor to the Employer; and
- (b) leave the Project Facilities in a tidy state for occupation by the Employer or any subsequent Contractor; and
- (c) deliver all maintenance spare parts including those on order with suppliers, as necessary to satisfy the asset management obligations; and
- (d) fulfil all other outstanding obligations of the Contractor under the Contract; and
- (e) deliver all customer lists and contact details; and
- (f) deliver to the Employer possession of the Project Facilities in good and fully operational order and condition.

Annexure [E]
Clause 28 of QLDC
Agreement

FURTHER TERMS OF SALE

- 26.3 The term "Purchaser" means the Purchaser, his administrators, assigns, successors and title and any nominee of the Vendor.
- 26.4 All "easements" referred to herein shall be deemed to include all rights and powers as set out in the Fourth Schedule of the Land Transfer Regulations 2002 and the Property Law Act and the Ninth Schedule thereto and otherwise as normally provided in service easements prepared by solicitors in the Queenstown area.
- 27.0 Agreement Conditional
- 27.1 This Agreement is subject to and conditional upon the Councillors of Queenstown-Lakes District Council approving the same within thirty (30) days of the date of this Agreement.

28.0 Interest

28.1. In addition to the purchase price the purchaser shall on settlement pay to the vendor interest on the balance of the purchase price at the rate of 8% per annum from the date of this agreement

Clause 28

In consideration of the vendor entering into this agreement for sale and purchase the purchaser covenants with the vendor that the purchaser shall not at any time lodge any submission against any planning proposal by the vendor to subdivide or develop the vendor's land and shall be deemed to have given written approval to any such planning proposal for purposes of the Resource Management Act 1991 (or any subsequent Resource Management legislation). This clause binds the successors entitle of the vendor to the rights under this agreement and the successors entitle of the purchaser to the rights under this agreement. The Contracts Privity Act 1982 shall enable the enforcement of the benefits under the provision of this clause.

Annexure [F]

Excerpt from RM191130

Consent Notice Variation

Consent is sought under section 221 of the RMA to change condition a) of Consent Notice 7793537.3, which restricts all fencing to standard post and wire, to enable concrete panel walls around the storage facility.

Condition a) of Consent Notice 7793537.3 states:

Proposed fencing shall be in standard post and wire only (traditional livestock fencing).

The applicant proposes to change Condition a) to:

~~Proposed~~ Perimeter boundary fencing shall be standard post and wire only.

Designation 76 – Landfill Buffer

The application site is located within Designation 76 – Landfill Buffer, which was established by Notice of Requirement RM970116 and contains specific conditions listed within Chapter 37 (Designations) of the Proposed District Plan (PDP)².

The purpose of the Landfill Buffer is described in the RM970116 application as:

The "Landfill" designation relates only to the area associated with the operation of the landfill. In addition to this operational area, it is also necessary to manage the activities which take place on the immediately adjoining area to avoid any incompatible activities, for example, residential use, taking place which could be adversely affected as a consequence of the landfill operations, or which can impact on the efficient operation of the landfill.

The reason why this designation is needed, therefore, is to maintain a buffer area around the proposed Victoria Flats Landfill.³

The applicant's addendum to the AEE in regard to effects on persons states that the Council has previously considered the RM970116 application to be part of designation Condition 1, with the RM970116 application stating that certain activities in the buffer area will be 'prohibited':

Activities that will be prohibited within the landfill buffer area are:

- *All buildings, and activities associated with residential and other accommodation purposes;*
- *Buildings and activities associated with the public or private assembly of people;*
- *Commercial activities such as the display, offering, provision, sale or hire of goods, equipment, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales and the sale of liquor; and*
- *Recreational activities, including land and/or buildings for the primary purpose of recreation and/or entertainment.⁴*

Designation 76 Condition 1 reads:

1. *The activity shall take place in accordance with the plans and specifications submitted with the notice of requirement and the approved Buffer Zone and Landfill Site Boundaries plan dated 19 March 1998 attached, with the exceptions required by the following conditions:*

² This designation is now deemed operative though it is noted it is the same as the designation in the Operative District Plan.

³ RM970116 Notice of Requirement for a Designation to be Included in the Queenstown-Lakes District Plan Under Section 168 of the Resource Management Act 1991, para 1.2.

⁴ Ibid, para 3.2.

The designation conditions (as determined by the QLDC and ORC Joint Panel's decision on RM970116) do not list any activities as prohibited by the District Plan. The designation was 'rolled over' into the Proposed District Plan in 2015 without any new or revised conditions. Although a designation can be considered similar to a District Plan zone, it is considered that the activities list would have been included in the conditions had the Joint Panel intended them to be prohibited. In addition, resource consents have since been issued for listed activities within the Landfill Buffer (e.g. RM120089 – Wakatipu Clay Target Club). It is therefore considered that the activities list provides a useful guide for potentially incompatible activities, but it is not necessarily exhaustive, and those listed activities are not automatically prohibited within the Landfill Buffer because the list was not included in the final conditions. This is further supported by the fact that additional to any conditions of a designation, Section 176 of the RMA provides criteria to a Requiring Authority of what development beyond the purpose of the designation might be appropriate.

An applicant may therefore apply for resource consent for an activity within a designation, this case the Landfill Buffer. However, as a third party seeking to develop and operate within a designation, the applicant will require prior written consent from the Requiring Authority under s176(1)(b) of the RMA to undertake the activity. This is an approval that is separate and required regardless of whether a resource consent is approved. In this instance it is understood that the Requiring Authority has declined to provide written consent at this stage, citing potential reverse sensitivity concerns.

2. ACTIVITY STATUS

The proposal requires consent for the following reasons:

2.1 OPERATIVE DISTRICT PLAN (ODP)

The subject site is zoned Rural General in the ODP and is located within Designation 76 – Landfill Buffer. The proposed activity requires resource consent for the following reasons:

Chapter 5 – Rural General and Ski Area Sub-Zones

- A **discretionary** activity pursuant to Rule 5.3.3.3 (i) in regard to buildings and building platforms. It is proposed to construct new buildings within the Rural General zone located outside of a building platform.
- A **restricted discretionary** activity pursuant to Rule 5.3.3.3 (xi) for a breach of Site Standard 5.3.5.1 (iii) in relation to the scale and nature of the activities. The maximum built area is estimated to be 9,729m² which exceeds the permitted gross floor area of 100m². Council's discretion is restricted to this matter.

Chapter 14 – Transport

- A **restricted discretionary** activity pursuant to Rule 14.2.2.3 (ii) as the proposal breaches Site Standard 14.2.4.1 (i) – Minimum number of parking spaces. A service activity requires 1 park per 100m² for visitors and 1 park per 100m² for staff. The 9,729m² service activity requires 195 parks whereas 17 parks are proposed. Council's discretion is restricted to this matter.

Chapter 22 - Earthworks

- A **restricted discretionary** activity pursuant to Rule 22.3.2.3 (b) as the total volume of earthworks will exceed the maximum permitted volume of 1,000m³ for the Rural General Zone as outlined in Table 22.1 triggering site standards 22.3.3 (i). The approximate volume (combined cut and fill) will be 13,496m³.
- A **restricted discretionary** activity pursuant to Rule 22.3.2.3 as the proposal cannot comply with site standard 22.3.3 (ii) related to height of cut and fill and slope as the height of fill will exceed 2m (up to 2.5m) to construct earth mounds directly adjacent to the buildings.

The matters in respect of which Council has reserved discretion in regard to earthworks are:

- (i) The nature and scale of the earthworks
- (ii) Environmental protection measures

Annexure [G]

29 May 2020 Letter to ORC



29 May 2020

File: CT 306 LF
Your Ref: 97164.V2

Dear Byron

Re: Discharge Permit 97164.V2

In August 2019, our discharge permit was reissued bringing into effect the National Environmental Standard for Air Quality 2004, which requires the installation of a Landfill Gas Capture system. Consent condition 7A requires this to be commissioned by 1 December 2020.

At the time the consent was reissued, additional conditions relating to the operation of the Landfill Gas system were also included. One of these, Condition 8A, requires surface emissions of methane not to exceed 5,000 ppmV in any single location across the landfill site. Recent testing identified four of the 114 locations where 5,000 ppmV was exceeded (Figure 1). All of these anomalous measures occur in close proximity to the newly installed haul road required for construction works associated with Landfill Gas system installation.

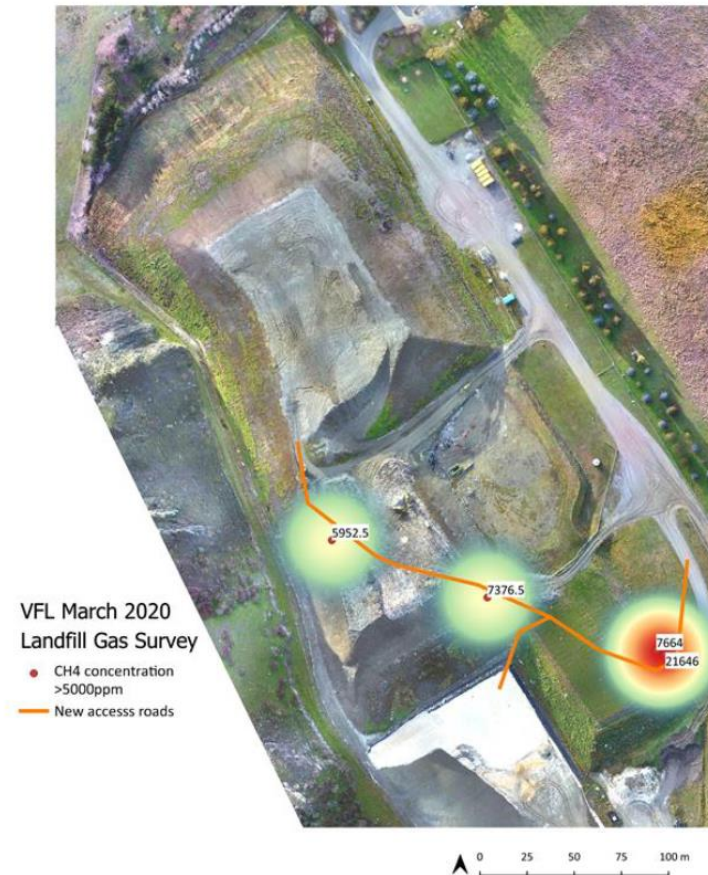


Figure 1. Four anomalous values that exceed 5,000 ppmV threshold. Note two occur in close proximity, and are adjacent to the new haul road.

The purpose of the 2019 update to our consent conditions was to invoke the requirements of the NES for a gas capture system on the site. While the system is being installed though, we will struggle to fully comply with these conditions. I note we are still compliant with the conditions of our former consent 97164.V1.

Table 1 provides a summary of the frequency distribution of methane concentrations. It notes that 96.6% or 110 of the 114 measures made fall below the 5,000 ppmV threshold. The mean concentration of methane for the 110 measures that fall below the 5,000 ppmV threshold is 234.8 ppmV, and the median is 27.6 ppmV (Table 2). This contrasts with a mean of 600.6 ppmV when the four anomalous measures are included. Overall, the majority of measures are well below the 5,000 ppmV threshold. The observation that a small number of areas emit high concentrations of methane is consistent with reporting of landfill gas dynamics in international peer-review literature.

Table 1. Frequency distribution table, itemising the number of samples by concentration class of c. 1,000 ppmV methane.

Class	Frequency	Relative frequency	Cumulative relative frequency
≥0 to <1000	103	0.904	0.904
≥1000 to <2000	4	0.035	0.939
≥2000 to <3000	2	0.018	0.956
≥3000 to <4000	0	0.000	0.956
≥4000 to <5000	1	0.009	0.965
≥5000 to <6000	1	0.009	0.974
≥6000 to <7000	0	0.000	0.974
≥7000 to <8000	2	0.018	0.991
≥8000 to <9000	0	0.000	0.991
≥9000 to <10000	0	0.000	0.991
≥10000 to <11000	0	0.000	0.991
≥11000 to <12000	0	0.000	0.991
≥12000 to <13000	0	0.000	0.991
≥13000 to <14000	0	0.000	0.991
≥14000 to <15000	0	0.000	0.991
≥15000 to <16000	0	0.000	0.991
≥16000 to <17000	0	0.000	0.991
≥17000 to <18000	0	0.000	0.991
≥18000 to <19000	0	0.000	0.991
≥19000 to <20000	0	0.000	0.991
≥20000 to <21000	0	0.000	0.991
≥21000 to ≤22000	1	0.009	1.000

Table 2. Summary of statistics for 110 samples that fall below 5,000 ppmV concentration threshold.

	CH4 ppmV
Valid Cases	110
Mean	234.8
Median	27.6
Standard Deviation	572.8
Standard Error	54.6
Coefficient of Variation	2.4
Minimum	0.0
Maximum	4004.5
Range	4004.5
Lower Quartile	0.0
Upper Quartile	197.5
Interquartile Range	197.5

Due to the nature of the works being undertaken to install the required Landfill Gas system, it is not unexpected that some locations have been found to have higher methane readings than previously.

Late last year we applied for a short-term discharge to air consent for the period of the installation. Our understanding is that ORC was going to undertake a pragmatic approach to enforcement while the Landfill Gas system is installed, knowing that parts of the landfill would need to be disturbed, creating more discharge to air, and potentially more odour.

When an anomalous reading is identified, normal practice is for remedial works to be undertaken and the area retested. In this regard, the following steps have already taken

- 1) As a mitigation, 500mm of additional cover has been added along the entire length of the new haul road and berm
- 2) The landfill operator has resampled each of the four locations using a Landfill Gas Analyser (GEM5000 series). The GEM5000 records gas concentration as a percentage, and its sensitivity and range are summarised in Figure 2 below.

GAS RANGES					
Gases measured	CO ₂ and CH ₄		By dual wavelength infrared sensor with reference channel		
	O ₂		By internal electrochemical sensor		
	CO (hydrogen compensated), H ₂ S, NH ₃ and H ₂ (optional)		By internal electrochemical sensor		
	A full range of internal gas cells can be specified at the time of manufacture.				
Oxygen cell lifetime	Approximately 3 years in air				
Other chemical cell lifetime	Suitable for sampling applications - not for continuous use				
Range	CH ₄	0-100%			
	CO ₂	0-100%			
	O ₂	0-25%			
	CO	0-2000ppm			
	H ₂ S	0-5000ppm or 0-10,000ppm			
Typical accuracy after calibration	CH ₄	0-70%	±0.5% (vol)	70-100% ±1.5% FS	
	CO ₂	0-60%	±0.5% (vol)	60-100% ±1.5% FS	
	O ₂	0-25%	±1.0% (vol)		
	CO	0-500ppm	± 2.0% FS		
	CO(H ₂)*	0-2000ppm	± 1.0% FS		
	H ₂ S	0-500ppm	± 2.0% FS		
		0-1000ppm	± 2.0% FS		
0-5,000ppm		± 2.0% FS			
0-10,000ppm		± 5.0% FS			
Response time, T90	CH ₄	≤10 seconds			
	CO ₂	≤10 seconds			
	O ₂	≤20 seconds			
	CO	≤30 seconds			
	H ₂ S	≤30 seconds			
*Hydrogen compensated carbon monoxide measurement	Compensated for interference from up to 2,000ppm hydrogen. Hydrogen cross gas effect on CO approximately 1%				

Figure 2. LANTEC GEM5000 series gas measurement units and ranges. Please note that the precision of the GEM5000 is limited to ±5,000 ppmV (0.5%).

The GEM5000 recorded no anomalous values within the vicinity of each of the points identified during the monitoring survey. Specifically, CH₄ did not exceed 0.5% (5,000 ppmV) by volume at any of the sites inspected

- 3) We will continue to monitor surface emissions of methane and carry out any remedial action and retesting as required

We acknowledge that the March 2020 landfill gas monitoring round recorded four values in excess of 5,000 ppmV. These elevated concentrations were due to the construction of a new haul road as required for the Landfill Gas system installation.

As we are currently operating within a transition period while the new Landfill Gas system is constructed and commissioned and it is not unexpected that additional odour and landfill gas emissions may be generated during this period we request that a pragmatic approach be taken with regard to your assessment of our overall consent compliance.

As noted above we have responded to these elevated concentrations by undertaking repeat monitoring at these locations and have placed additional cover in these areas.

Please advise if you would like to discuss any of these points further and we can organise a phone conference or site visit.

Yours sincerely



Laura Gledhill
Contracts Manager

Annexure [H]

Off Road Adventures Plan

QUEENSTOWN LAKES DISTRICT COUNCIL



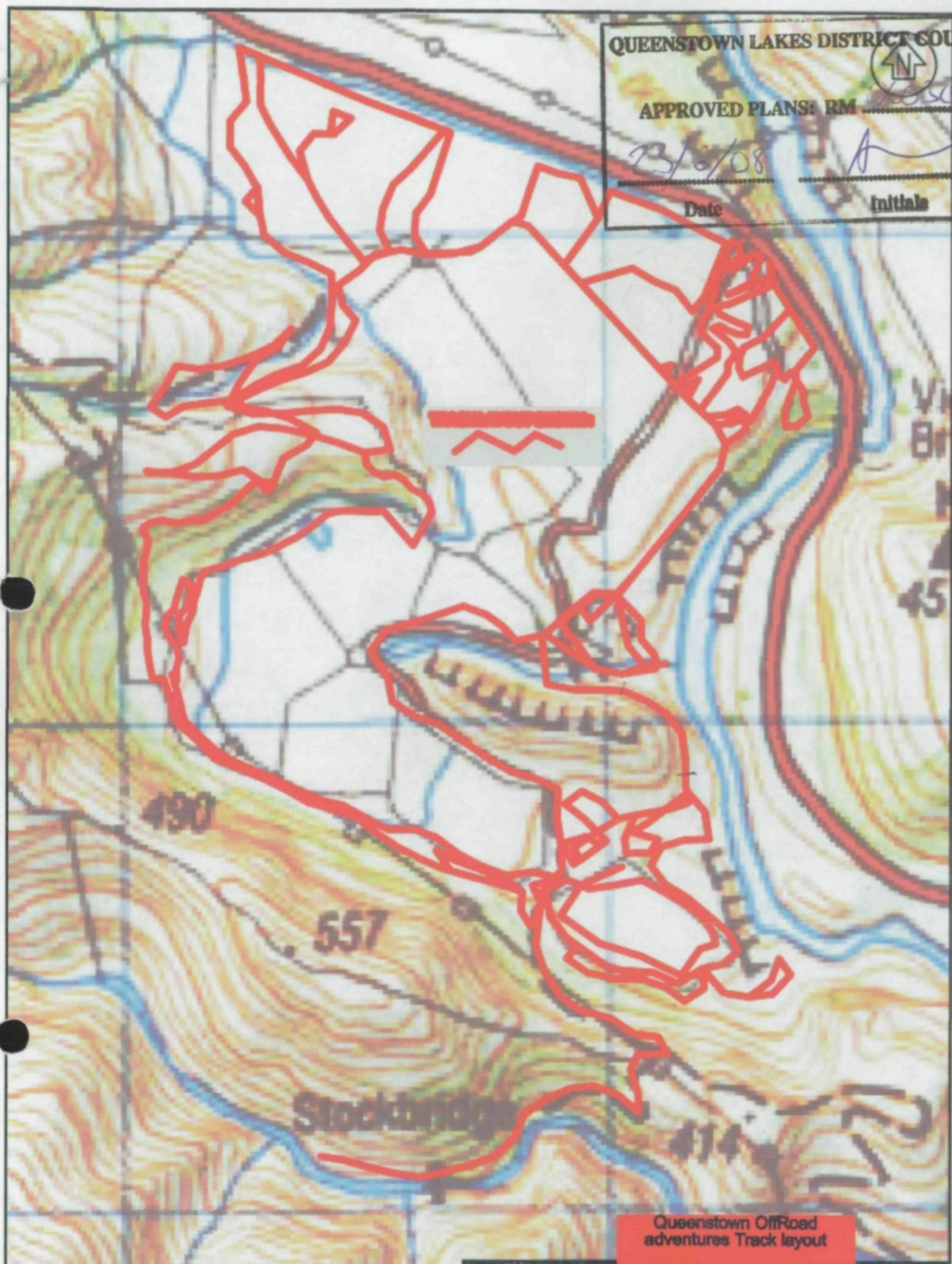
APPROVED PLANS: RM *[Signature]*

23/6/08

[Signature]

Date

Initials



Queenstown Off Road adventures Track layout

Scale 1 :5000 @ A2



NEW ZEALAND'S ORIGINAL 2&4 WHEEL OFF ROAD ADVENTURE COMPANY