

Brett Giddens – Planning Summary – Cardrona Cattle Company Ltd

1. CCCL seeks GIZ over its land at Victoria Flats. The land is currently zoned Rural (and within designation 76) and Gibbston Character Zone. That land zoned Rural is also within an ONL under the PDP. The relief sought by CCCL is responsive to these attributes within the environment.
2. In terms of the relief sought, it is fair to say Mr Place and I have divergent opinions. Mr Place is very defensive of his chapter and has been guilty of using some sloppy language advocating that I made misleading comments. I hope that Mr Place reflects on these comments and the Commission sees them for what they are – a disagreement of opinions.

Industrial Zonings

3. In my opinion the proposal represents the only opportunity in the Wakatipu under Stage 3 for a true *greenfield* industrial zone to be established. Ms Hampson acknowledges there is a demand for industrial zoning in the Wakatipu but considers that this should be evaluated under the Future Development Strategy at some time in the future. The other area that Ms Hampson refers to as having future potential is near Coneburn at the foot of the Remarkables, which shares similarities to the CCCL land being outside an UGB and near/within an ONL.
4. My evidence is sceptical as to what will be achieved through the GIZ in the Wakatipu. I say this because the proposed modifications to the existing, established industrial zones are more akin to tinkering around the edges. The new provisions are generally applied in zones that are significantly developed and include existing activities that the zone is now seeking to avoid or prohibit. In effect, outside of the CCCL land, I consider the GIZ will achieve little and certainly provide minimal assistance to adding any meaningful capacity or affordability to industrial land in the Wakatipu.
5. Notwithstanding my criticisms of the GIZ, I consider that it is relatively well-framed when it comes to a *greenfield sites*. Taking advice from Mr Milne in regard to landscape matters, I have focussed on specific changes in relation to the CCCL land and have further dissected the zone to relate to that land within the buffer of designation 76, and to that land outside of it. Within the buffer, I have suggested further prohibition of certain activities and a stronger prohibition policy to the benefit of the landfill. I have attached my amended provisions as [A].

Landfill Buffer

6. Mr Place emphasises the importance of the landfill buffer without examining what the buffer is and what substance it has under the Plan. The buffer, as a method to achieve the assumed purpose of protecting the landfill from incompatible activities, is hollow and of little substance.
 - a. Designation 76 does not place any controls on activities within the buffer.
 - b. The control on activities in the buffer land is the same as any other Rural zoned land (i.e. the rules of the zone apply).¹
 - c. Section 176 of the RMA restricts any activity that may "hinder or prevent" the public work from occurring under the designation, which requires an assessment of any such activity on its merits and is not in itself prohibitive.²
7. I am firm of the opinion that the amended GIZ I have outlined has the effect of prohibiting and avoiding activities that could be incompatible with the landfill. In the policy sense this is significant because:
 - a. under the current Rural zoning, incompatible activities in the buffer only need to be "managed and controlled"; and

¹ Permitted activities exist under the current zone that can (and have) the effect on placing considerable numbers of persons in the buffer.

² An example is Off Road Adventures that provides for around 5,000 to 6,000 visitors to the site each year.

- b. under the proposed GIZ zoning, incompatible activities in the buffer will be “prohibited and avoided”.
8. This in my opinion is a considerable benefit arising from the proposal in consideration as to how the rezoning and future activities within the buffer area will support the continued operation of the landfill.

Scope Resources Ltd

9. Scope, as a further submitter and confirmed trade competitor to CCCL, have raised two issues: reverse sensitivity and traffic effects. I understand that their issues are now confined to the rezoning of the CCCL land that is located within the designation buffer.
10. Scope's evidence on reverse sensitivity has been limited to the effects of odour. My evidence goes to some lengths to confirm the extent of lawful operation of the landfill and evaluate the proposal in that context. The provisions I have recommended prohibit and avoid incompatible activities from the buffer land and I note that CCCL have also offered an odour easement that could be incorporated into the rule framework.

Traffic Effects

11. Mr Edwards has evaluated the traffic effects from the rezoning and has identified that there will be a threshold where further works will be required to improve traffic safety. A planning response would be to incorporate this into a rule that prevents development of greater than 40% of the zone until a roundabout on SH6 is installed and operational. This is not an uncommon approach when development has the potential to impact on the roading network.

Landscape

12. Mr Milne has undertaken a first-principles landscape assessment of the CCCL site and proposed zone. A relatively small portion of the CCCL site, zoned Rural, is demarcated ONL under the PDP. Mr Milne has concluded that – subject to controls on the scale and nature of development – the zoning is appropriate within the landscape, maintaining a rural character and consolidating development in areas of the site that have a higher capacity to absorb such development.
13. Throughout my evidence I have commented on the urban development policies in the PDP; I have consistently viewed the identification of an UGB around the zone as an inevitable consequence of requesting an industrial zoning. On reflection, it does not appear that the zoning in itself would constitute “urban development” given Mr Milnes’ suggested provisions and on my reliance on his landscape evaluation. Urban development broadly means development that is not of rural character and is further premised on its scale, intensity, visual character and the dominance of built structures. Putting Mr Milne’s view to one side, it is highly likely it would take a reasonable amount of development to create tension with the definition of urban development.
14. If the commission was minded to support the request from CCCL and found that the zoning would constitute urban development, then I consider that a consequential change would be defining an UGB around the zone, but that would not be critical to the relief sought.

Productive Land

15. The Otago RPS contains policy that directs whether soil is significant.³ The land is not classified as Land Use Capability I, II, or IIIe in accordance with the NZ Land Resource Inventory. The policy direction is such that the soil on the CCCL land is not “significant soil”.
16. I note for completeness that I have been involved in consenting projects in Victoria Flats since 2005 (and for every landowner that owns GCZ land in Victoria Flats) and at every turn, the land has been discounted (by landowners and the Council) because of the

³ Policy 5.5.2 of the operative RPS (1998) and Policy 3.2.17 of the proposed RPS (2015)

climatic conditions (which is a factor of productivity); I understand that this is why there are no vines in this part of the valley. I note that all landowners that have land zoned Gibbston Character on the valley floor have sought their land be rezoned industrial under Stage 3.

17. Mr Place purports that I have misled in my interpretation of Mr Dicey's evidence. I have simply applied logic in that [6.47] of Mr Dicey's evidence raises an issue with industrial activities affecting grape growing and I considered the effect of the landfill in that same context.⁴ The same could be expected from the consented (but yet to be developed) asphalt batching plant in the GCZ. To overlook Mr Dicey's comment would be to overlook the receiving environment. Both Mr Place and Mr Dicey seem to have overlooked the fact that there are no grapes (or any other productive crop) growing in Victoria Flats.

Hazards and Infrastructure

18. Mr Bond considers that further information is required to evaluate whether a landslide hazard impact the site. I acknowledge that further assessment is warranted but considering the qualitative risk is low⁵, this this would be appropriately addressed as part of future consenting processes.
19. Mr Powell opposes the rezoning on the basis that insufficient evidence has been provided to confirm servicing. This has been a matter that I have been working on with Mr Henderson for CCCL as bespoke servicing options are required given there are no Council services in this location. While I am happy to clarify the consenting requirements around future servicing, which I would expect to be attainable, I do not have any further information from Mr Henderson on this.
20. I am happy to answer any questions.

Brett Giddens
12 August 2020

⁴ "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".

⁵ [9.5] of Bond EIC

Chapter 18A – General Industrial Zone

Changes for Cardrona Cattle Company Limited (Brett Giddens) are in yellow.

18A.1 Zone Purpose – add new paragraph:

The General Industrial Zone at Victoria Flats is located near the Council landfill. For this reason, a lower level of amenity for workers and visitors is expected with a greater level of restriction on activities to avoid incompatible activities from conflicting with the landfill operations. Incompatible activities within the landfill buffer are prevented through prohibited activity status of such activities.

New Policy 18A.2.2.6

Prohibit the establishment of residential, visitor accommodation, commercial recreation, recreation, and community activities within the buffer of the landfill.

Amend Objective 18A.2.3

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.

New Policy 18A.2.3.5

Recognise that activities located within the buffer of the landfill will potentially be subject to a lower level of amenity from lawful operations of the landfill in relation to noise, odour and dust.

18A.3 Rules – Activities

	Table 18A.4 – Activities in the General Industrial Zone	Activity Status
18A4.5A	<p>External Appearance of Buildings at Victoria Flats General Industrial Zone</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <ul style="list-style-type: none"> All exterior surfaces must be coloured in the range of browns, greens or greys (except soffits), including: Pre-painted steel and all roofs must have a reflectance value not greater than 20%; and All other surface finishes must have a reflectance value of not greater than 30% 	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; visual prominence from both public places and State Highway 6; landscape character.

18A.4.14	Office, Retail and Commercial activities not otherwise identified	PR NC
18A.4.15	Residential Activity, Residential Units and Residential Flats	PR NC
18A.4.16	Visitor Accommodation, Residential Visitor Accommodation and Homestay activities	PR NC
18A.4.17	Airport	PR NC
18A.4.18	Mining activities	PR NC
18A.4.19	Residential Activity, Residential Units, Residential Flats, Visitor Accommodation, Homestay Activities, Community Activity within the landfill buffer of Designation 76 at Victoria Flats.	PR

Rules - Standards

	Table 18A.5 – Standards for activities located within the General Industrial Zone	Non-compliance status
18A.5.3	<p>Minimum Boundary Setbacks</p> <p>a. Road boundary setbacks</p> <p>i. fronting any residential zone (including the Meadow Park Special Zone and the Large Lot Residential Zone) – 7m</p> <p>ii. all other road boundaries – 3m and State Highway boundaries – 5m</p> <p>iii. State Highway boundaries – 5m</p> <p>iv. <u>State Highway boundaries at Victoria Flats General Industrial Zone in relation to buildings – 40m</u></p> <p>b. Internal boundary setbacks</p> <p>i. where a site adjoins any other zone outside of the General Industrial Zone – 7m</p> <p>ii. no minimum internal setbacks are required where a site adjoins other sites within the General Industrial Zone</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. visual effects of the height, scale, location and appearance of the built form when viewed from adjacent sites, roads and public places;</p> <p>b. the nature of the activity, including any noise, vibration, odour, dust, glare, traffic or any other nuisance effects;</p> <p>c. landscaping and screening; and</p> <p>d. compatibility with the appearance, layout and scale of surrounding sites.</p>
18A.5.4	<p>Building Coverage</p> <p><u>18A.5.4.1:</u> <u>Maximum building coverage of 75%, except for the General Industrial Zone at Victoria Flats.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. site layout and the location of buildings;</p> <p>b. traffic effects of</p>

	Table 18A.5 – Standards for activities located within the General Industrial Zone	Non-compliance status
	<p>18A.5.4.2: The following maximum building coverage applies to the respective activity areas of the Structure Plan for the General Industrial Zone at Victoria Flats:</p> <ul style="list-style-type: none"> • Area 1: maximum building coverage of 25% • Area 2: maximum building coverage of 50% • Area 3: maximum building coverage of 80% 	<p>additional building coverage including adequate provision of access, onsite parking, loading and manoeuvring;</p> <p>c. visual effects of the height, scale, location and appearance of the built form when viewed from adjacent sites, roads and public places;</p> <p>d. landscaping and screening; and</p> <p>e. adequate provision and location of outdoor storage space, including waste and recycling storage and servicing areas.</p>
18A.5.6A	<p>Building Height – Victoria Flats</p> <p>The following maximum building heights apply:</p> <ul style="list-style-type: none"> • Area 1: 6m • Area 2: 7m with towners up to 12m • Area 3: 10m with towers up to 12m 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. rural amenity and landscape character; b. outlook from State Highway 6.
18A.5.7	<p>Glare</p> <p>All lighting shall comply with the following:</p> <ul style="list-style-type: none"> a. All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky; b. No activity shall result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects of glare on amenity values, the transportation network and the night sky b. In regard to the General Industrial Zone at Victoria Flats.

	Table 18A.5 – Standards for activities located within the General Industrial Zone	Non-compliance status
	<p>property within the Zone, measured at any point inside the boundary of any adjoining property; and</p> <p>c. No activity on any site shall result in greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property which is zoned residential (including the Meadow Park Special Zone and the Large Lot Residential Zone) measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p><u>prominence from State Highway 6.</u></p>
<p><u>18A.5.10</u></p>	<p><u>Setback Plantings – Victoria Flats</u></p> <p><u>Prior to the establishment of buildings within the General Industrial Zone at Victoria Flats, the amenity setbacks as shown</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>The planting, management and maintenance regime for the proposed planting;</u></p> <p>b. <u>the effectiveness of mounding and planting at screening buildings, yards and car parking and the shape and design of earthworks, including their relationship to existing landforms.</u></p>

on the Structure Plan must be planted and comply with the following:

18A.5.10.1 Mitigation / Amenity Setbacks

- Species to be planted shall be from the following schedule (or similar species):

Alnus cordata - Italian Alder

Betula pendula - Silver Birch

Eucalyptus pauciflora var niphophila - Alpine Snow Gum

Fuscopora fusca - Red Beech

Plagianthus regius – Ribbonwood

Podocarpus hallii - Hall's Totara

- All species are to be a minimum height of 1.2m at planting and shall achieve a coverage of 50% of the area.

18A.5.10.2 Highway Frontage Mitigation / Amenity Setback

- Species to be planted shall be from the following schedule:

Coprosma crassifolia – Coprosma

Coprosma propinqua – Mingimingi

Coprosma linearifolia – Narrow leaf coprosma

Coprosma rugosa

Corokia cotoneaster – Korokio

Discaria toumatou – Matagouri

Eucalyptus spp

Leptospermum scoparium – Manuka

Olearia odorata – Scented tree daisy

Melicytus alpinus – Porcupine shrub

- All species are to be a minimum height of 0.3m at planting and shall achieve a coverage of 25% with the remainder of the setback planted with a pasture grass mix.
- Eucalyptus species are to be planted along the highway frontage to provide temporary mitigation for the first ten years until establishment of grey scrub, after which eucalyptus trees are to be removed.

	Table 18A.5 – Standards for activities located within the General Industrial Zone	Non-compliance status
	<p><u>18A.5.10.3 Victoria Flats Road Mitigation / Amenity Setback</u></p> <ul style="list-style-type: none"> • <u>Species to be planted shall be a combination of trees and grey scrub species from the range outlined in 18A.5.10.1 and 18A.5.10.2.</u> 	

Variation to Subdivision and Development Chapter 27:

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:

- Activities are contained within the areas shown on the Victoria Flats Structure Plan;
- landscaping and on-going maintenance of the mitigation and amenity areas shown in the Victoria Flats Structure Plan; and
- a roading layout that is consistent with the Victoria Flats Structure Plan.

27.6 Zone – Location Specific Rules

	Zone and location specific rules	Activity status
<u>27.7.12</u>	<p><u>Victoria Flats Structure Plan</u></p> <p><u>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:</u></p> <ol style="list-style-type: none"> <u>Roading layout;</u> <u>The integrated approach to landscaping of the building restriction areas;</u> <u>Visibility of buildings from SH6 and mitigation to soften built form;</u> 	<u>RD</u>

	Zone and location specific rules	Activity status
	<p><u>27.7.12.2 Any subdivision that is not consistent with the Victoria Flats Structure Plan located in Section 27.13 – Non Complying Activity.</u></p> <p><u>For the purposes of this rule:</u></p> <p><u>a. any fixed roads shown on the Structure Plan may be moved no more than 30 metres; and</u></p> <p><u>b. the boundaries of any fixed open spaces shown on the Structure Plan may be moved up to 20 metres.</u></p>	<p><u>NC</u></p>

27.13 Structure Plans

27.13.9 Victoria Flats Structure Plan

[Insert Structure Plan]