

**BEFORE THE COMMISSION
APPOINTED BY THE OTAGO REGIONAL COUNCIL**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of an application by Dunedin City Council for resource consent being processed with reference RM20.280

BY **SOUTH COAST
NEIGHBOURHOOD
SOCIETY INC**

Submitter

STATEMENT OF EVIDENCE OF BLAIR JUDD

DATED 6 MAY 2022



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STATEMENT OF EVIDENCE OF SOUTH COAST NEIGHBOURHOOD SOCIETY INC

Introduction

1. My name is Blair Judd. I am a Senior Firefighter. I live at 389 Big Stone Road with my wife Stephanie and our two young children. I am authorised to provide this evidence on behalf of South Coast Neighbourhood Society Incorporated (**Society**).
2. The Society was incorporated on 14 May 2021 and one of the objectives of the Society is to promote the protection of the environment in the Brighton area and wider South Coast community.
3. In respect of the current application, we seek to provide a united voice for the wider Brighton communities' opposition to the proposed landfill at Smooth Hill.
4. We seek to demonstrate that the risks to the environment, the potential loss of amenity values and the hazards of this application are not insignificant and that the DCC has done very little to alleviate the communities' concerns through an ad-hoc, incomplete and disjointed process in seeking these consents.
5. It is the view of the Society and other aligned submitters that the application's assessment of effects is inadequate and that the proposed conditions provide no certainty that effects will be managed sufficiently.
6. On this basis we seek that consent is declined in its entirety.

Scope and Structure of Evidence

7. My evidence will address the following matters:
 - (a) History of the Big Stone/ Brighton Community
 - (b) The recreational and amenity values of:
 - (i) The Big Stone Area

- (ii) Brighton Beach
 - (iii) Ōtokia Creek
- (c) The effect of the proposed landfill on those values
- (i) Heavy traffic
 - (ii) Operational hours
 - (iii) Dust and odour
 - (iv) Fire risk

History of the Big Stone/ Brighton Community

8. The Brighton township has grown from a once small, quiet seaside community to one of Otago's most sought-after coastal lifestyle locations and a popular playground for Dunedin locals. Since the initial proposal of the landfill 30 years ago, the population has increased dramatically – and with the increase has come a fiercer community determination to protect and enhance the natural environment around us. We have a strong sense of pride in our area – and move on a united front to protect the land beyond our own backyards, collaborating to protect the environment for future generations to come.
9. To place a landfill within the forestry of one of Brighton's natural playgrounds is ludicrous. Every weekend, and throughout the holidays, families enjoy exploring the many tracks down to the gullies, dipping into the beginnings of Ōtokia Creek and looking for freshwater lobsters. It is truly paradise – and what every childhood should feature.
10. Should children and their parents/caregivers fear the risk of contamination from the Smooth Hill Landfill? No. Does the Brighton community have reason to trust the Council in their declaration of an unlikely risk of leachate discharge from the proposed landfill? Absolutely not. The Council has proved time and time again – from the very outset in its lack of engagement and consultation with the community, that the well-being of the Brighton people is not its primary concern. This land is a gift, one that we will fiercely defend so that we,

too, may pass on its beauty, serenity, wildlife and wonder to the generations to come.

11. Establishing a landfill on Smooth Hill, unsettling nature in the process, will inevitably counter our passion and fight to nurture this land. It's inevitable because the Dunedin City Council cannot - and has not been able to 100% guarantee protection. The Dunedin City Council have not been able to show the caretakers of this land – the Brighton Community – that they are acting with the best environmental interests. The Brighton Community seeks to ensure that the watery wonderlands that stretch along Ōtokia Creek remain safe and healthy for the tiny, inquisitive and adventurous feet of our children.
12. As the evidence filed by submitters will show we are fighting for and investing in this land through our combined grass roots ecological restoration initiative.
13. Those considerable efforts are at severe risk of being undermined by this proposal. Particularly given the lack of robustness in proposed conditions of consent.
14. This is about one of the most beautiful areas of Dunedin. This is about an area highly frequented by horse riders, hunters, mountain bikers, runners, walkers, bird watchers, photographers and Dunedin hiking groups. All for a Landfill – a dying industry totally misaligned with Council's own aspirations for waste minimisation (Zero Waste) and sustainability.

The Big Stone Area

15. The Big Stone area within which the proposed landfill is to be located is enjoyed by the community for its rural, forested and mostly peaceful environment.
16. The roads themselves are used by the community for mountain biking, horse-riding, and running.



Horse-riding in the Big Stone / Smooth Hill areas





Dog walking in the Big Stone / Smooth Hill areas



Dog-walking directly opposite landfill site



Dog walking on Big Stone Road opposite the proposed landfill site



The vista from the 'Big Stone' on Big Stone Road



Mountain biking in the Big Stone Area / Smooth Hill



Mountain biking in the Big Stone Area / Smooth Hill



Mountain biking in the valley off McLaren gully road / Ōtokia creek forestry track



Ōtokia headwaters / pond down forestry valley

17. Whilst not so peaceful the wider community also welcomes the Otago Rally on a yearly basis which makes use of these quiet gravel roads. The Otago Rally is significant on a national and international stage. Each year, the Otago Rally cars race along Big Stone Rd, spectators lining fields and hilltop points to gain the view of internationally acclaimed rally racers. The coverage of the race is recorded by drone, broadcasting the event. We are proud to host this event, and see the drivers finish at the Brighton Domain. Imagine the visual impact of the Smooth Hill aerial shots, broadcast nationally. It would be a sad and dramatic contrast with the stunning landscape around which we live.



Crowds gather to watch the Otago Rally at Smooth Hill 2021 (directly opposite proposed landfill site)



Crowds gather to watch the Otago Rally at Smooth Hill 2021 (directly opposite proposed landfill site)

18. The trails through the various forestry blocks are used for dog walking, running, mountain biking, and horse riding as well as hunting.
19. The community takes part in the above-described activities right throughout the week but in particular during the weekends and public holidays.
20. The establishment of a landfill would have a significant effect on these activities by increasing traffic, creation of odours, noise, dust and proliferation of litter.
21. I have personally had the privilege of witnessing the Eastern Falcon on a number of occasions. It would be a real shame if their habitat, and that of other local wildlife such as native lizards was affected by the establishment of a landfill in the middle of their habitat/range.

Brighton Beach

22. Brighton Beach is used by the local and wider community for a wide range of recreational and Kaimoana gathering purposes.

23. Over the summer months large crowds of people visit the beach, which provides a relatively safe place for families to enjoy the sea and beach environment.
24. Brighton beach is a popular swimming and surfing beach. The small 'lagoon' formed on the beach in the lower reaches of the Ōtokia Creek is the perfect spot to take younger toddlers to splash around as it is naturally warmed by the sun to a warmer temperature than the sea. I have personally enjoyed having the ability to take my two young boys now aged 5 and 3 to this spot and it has provided many hours of enjoyment to my family. This area of the beach in particular is at risk from leachate entering the catchment.
25. The small lagoon at Brighton Beach which presents a safe option for kids to paddle around in is quite a unique feature in terms of easily accessible beaches in the Dunedin area. Little Rock pre-school and Big Rock primary school which are the immediate neighbours of the beach enjoy many excursions exploring the beach environment. This instils in the children of our community a strong connection to the Coast and their environment.



Big Rock School utilising Ōtokia Creek and lagoon area



Big Rock School utilising Ōtokia Creek and lagoon area



Brighton Beach and Lagoon / Lower reaches of Ōtokia Creek



Brighton Beach and Lagoon / Lower reaches of Ōtokia Creek



Brighton Beach



Brighton Beach - Supplied by ODT



Brighton Beach - Supplied by ODT



Brighton Beach – Surf club carpark - Supplied by ODT

26. Young and old alike enjoy the sheltered, patrolled beach (which is provided by the strongly supported Brighton Surf Life Saving Club) which Brighton provides. Many surfers make use of the surf breaks off the main beach and immediately north of the point and south opposite the primary school.
27. Numerous events take place on the beach and nearby areas. Recently the internationally acclaimed Godzone adventure race finished on the beach. There are regular Surf Life Saving events, Beach volleyball events and other multisport events that use the beach environment. The environment that the Brighton beach provides is unique due to the shelter it provides from winds and the micro-climate this creates.
28. Wildlife that are frequently observed on the beaches and ocean immediately beyond include Fur Seals, Sea Lions, Leopard Seals, Little Blue Penguins, whales and dolphins. There are penguin nesting sites close to the lagoon. Many of these species including the Leopard Seals and Little Blue Penguins carry protected status.
29. The local fishery provides food for the table of many in the local community with Blue Cod, Green bone, Trumpeter, Blue Moki, mussels, pipis, and pāua amongst many other species being in good numbers along the local coastline. The Community feels a strong sense of duty to protect the fisheries in the area and are deeply concerned about an activity upstream that poses a risk of contamination to our water. Particularly, one where the issues may be irreversible once discovered.
30. All of these activities and the wildlife and the environment they live in rely on the beach, ocean and feeding tributaries remaining as healthy as possible. There is a huge fear in the community that this is all now being put at risk by an ill-conceived plan the Council came up with almost 30 years ago. These concerns are supported by the expert input obtained by the Society and other aligned submitters.
31. Given the importance and vulnerability of the coastal environment to the community we believe it is incumbent on the Council to provide an extremely high degree of certainty regarding adverse effects. The

advice we have received is that there are many questions that remain unanswered or 'TBC'. From the Society's perspective that is not good enough and does not align with a precautionary approach.

32. The Brighton community's passion to unite to protect Brighton Beach is clear. As a Brighton local we see frequent Facebook posts on our local page which relate to the protection of the beach and our wildlife. Examples of such posts include beach clean-ups, alerts as to the whereabouts of wildlife on the beach that day so that beach users and their pets can afford them necessary space, and now unfortunately the need to oppose our Council who propose to place a landfill at the headwaters of our beach.
33. Over the summer months the Ōtokia Creek is tested for Enterococci on a weekly basis by the Otago Regional Council and where bacteria levels reach a water quality threshold signage is put in place with respect to the creek when it is unsafe to swim. It does not appear that the DCC includes Brighton Beach in its own monitoring sites for water quality. It does not appear that any other monitoring is currently carried out which would detect the type of leachate that could become an issue if the landfill was to be established.
34. Assuming monitoring does pick up an issue, what then? The Community is concerned that if the Council's assessments are wrong, or if something happens to the liner it will be too late. The only option would be to remove the waste material. I think it unlikely that the Council would do that with any great haste. We have seen Council's around the Country who have been slow to act as old landfills get exposed by floods, or erosion. Effectively, the Brighton Community becomes a sacrificial lamb.

Ōtokia Creek

35. In the past residents of Brighton were served by personal septic tank systems for each property, however this in recent times has been replaced by a centrally processed sewage treatment system. This has resulted in a marked increase in the quality of the water in the lower reaches of the Ōtokia Marsh and ultimately the water that passes out

through Brighton beach. An outdated system replaced by a modern one which has significantly improved the environment of the creek and beach. There might be a lesson in that for the Council.

36. The Ōtokia Creek and Marsh is enjoyed by the Brighton community as a place to swim, walk, kayak, gather food, and as a place of general recreation. It is an area rich in biodiversity and when you spend time there you are struck by a special sense of tranquillity aided by the water and birdsong.



Kayaking in Ōtokia Creek 2022

37. Regular community events are held at Ōtokia Creek and Marsh to explore the area and assist with continued restoration efforts.



Big Rock School excursion to Ōtokia Creek and Marsh 2022

38. This weekend our family enjoyed taking part in a community planting session at the Ōtokia Marsh. When you spend time in this area you gain an appreciation of just how important these areas are to our community. The water running through Ōtokia Creek and Marsh to the beach really is the life blood of our community and something we all rally around to protect.



The community pitch in planting natives at Ōtokia Creek and Marsh run by the Ōtokia Creek and Marsh Habitat Trust - April 2022.



39. Tremendous effort has been put in over the past decade to improve and restore the Ōtokia Creek and Marsh habitat, supported by the establishment of the Ōtokia Creek and Marsh Habitat Trust. The Ōtokia Creek and Marsh Habitat Trust representatives are providing their own statement of evidence that will speak to this in more depth.
40. From the community perspective, it seems a massive step backwards to put a potentially hazardous landfill in the upper reaches of the catchment in this day and age. Contamination or leachate escape into Ōtokia Creek and Marsh would affect the ability of our community to swim in and collect food from the water. It would undermine the efforts of the community to restore the area and the biodiversity within it. Given that there are several other alternatives available to the Council to address waste the Society cannot understand why they see the need to pursue this project. We would far rather see them focus their efforts (and money) on accelerating their waste minimisation efforts.

Heavy traffic

41. There are a number of activities that would be adversely affected by increased heavy vehicle traffic in and around Smooth Hill and the Big Stone area including cycling, motorcycling, running, horse riding, and the community in general who reside in the area and drive on the roads.
42. Big Stone Road is sealed at the start and as you get further up the road it becomes loose chip/gravel. The road is windy with a number of blind corners and is quite narrow in parts. The road does not lend well to heavy traffic.
43. We personally live on a section of Big Stone Road which is gravel and when exiting our property, we have blind corners on both sides which calls for caution when entering Big Stone Road.
44. Being a forestry area, we occasionally have to contend with logging trucks when logging activity is taking place.
45. Increased volume of heavy traffic associated with landfill activity would increase the danger for all road users in the area.

Operational hours

46. As outlined above there are a number of recreational activities that take place in the Big Stone area and in the vicinity of Smooth Hill.
47. Most of these activities either couldn't take place or would not be enjoyable or safe while the landfill activity was occurring.
48. If consent was to be granted it is important to the community that the landfill operations cease during the weekends when the Big Stone and Smooth Hill area is most heavily utilised.
49. For those local to the site, it is critical that landfill activities during the week be restricted to normal business hours and in no circumstances should the activities and associated traffic movements be taking place during hours of darkness (especially when considering the heavy traffic risks discussed above). Local residents consider it necessary for them to at least have some respite from the activities when they are predominately at home enjoying their properties.
50. It is noted that when logging trucks are operating in the area they only appear to operate during business hours and on workdays. These limits on operational hours from logging activities reduce the negative impacts for the residents and afford locals the freedom to continue to use the Big Stone area over the weekends without safety concerns from heavy traffic or exposure to other negative impacts such as dust and noise. We ask that the Council extend the same courtesies if they insist on developing this landfill in an area used so extensively for recreation..

Dust and odour

51. For those that live and enjoy recreation in the vicinity of Smooth Hill there is major concern about the impact of the landfill and landfill gas escape and the associated odour and dust.
52. Odour and dust may prevent the continued use of the area for recreation as well as having a consistent and negative impact on the well being of those who live near the proposed landfill site.

53. The effects of odour and dust from a landfill on the people trying to enjoy activities in the area are obvious and easy for us to understand. When we exercise, we seek areas that are quiet, where the air is clear and we can breathe easy.
54. But given the popularity of horse-riding around the Big Stone area let's spare a moment to think about the effect on the horses and this activity. Hardly any trip on Big Stone Road is complete without the need to cautiously manoeuvre around locals' horse-riding. Numerous locals and people from further afield park horse floats at the top of Big Stone Road (near McClaren Gully Road) to go horse riding around the various forestry tracks and in the vicinity of Smooth Hill. Our horse-riding community has expressed real concern about the effects of dust, odour and noise on their horses as they utilise the Smooth Hill area. Dust (just like hay fever) affects horses just like it will for humans causing respiratory issues. Horses' breath approximately 16 gallons of air per minute at a resting rate and approximately 600 gallons of air per minute during strenuous exercise so it is not hard to understand why, if that air is dusty, that could be troublesome for a horse. Odours can also be troublesome for horses given their range of smell is more acute than humans. Horses use their sense of smell to identify other horses, people, predators, and foodstuffs. The effects of dust, odour and noise can make horses very irritable to ride. Simply put, horse riders will not be able to continue to utilise much of the area around Smooth Hill and the Big Stone area particularly during landfill operation hours.
55. From a personal perspective as an occupant of Big Stone Road and potentially within a range where odour from a landfill could affect us we are very concerned about the impact that will have on our day to day life and our enjoyment of our home and the surrounds. Our weekends are usually spent at home on our forestry block and enjoying the Big Stone area. After seeing the failures to control odours from Green Island landfill the community is very concerned about the impact of odour in the Big Stone area and around Smooth Hill on the wellbeing of local occupants and the usability of the area as a recreation area.

Fire risk

56. Fire risk at a landfill will never be eliminated, however not siting a landfill in the middle of plantation forestry would go a long way to limiting this risk.
57. As a firefighter myself I am all too aware of the risk fire can create if it gets into forestry. You only need to look at the situation in the port hills or more recently in Ohau to see the very real risk this creates for those in our community (myself included) that live in the forests or use these forests for recreation.
58. It is clear from the recent brief of evidence from **Anthony Dixon** that the risk of fire is very real. We are expected to rely on the limited training provided to staff at the proposed landfill to identify and then deal with fires when they occur. Yet in his brief of evidence Mr Dixon goes on to say that the current Green Island landfill has had 12 fires in the last 5 years and 2 of them have required outside assistance (Fire and Emergency New Zealand) to extinguish. Landfill staff are unlikely to have adequate training to deal with fires in all scenarios, nor would be reasonable to expect them to be so trained.
59. It would only take one ember from a fire in the landfill, particularly on a high fire risk day to start a fire in the surrounding forestry. Whilst the evidence suggests the Council thinks they can eliminate a fire in the landfill there is no discussion of how long this would take, how large the fire could be and whether they have put any thought into how they would deal with a fire caused by ember transfer outside the boundaries of the landfill site itself. This is the serious risk that the community, particularly landowners in neighbouring forested land are concerned with. There are thousands of acres of forestry surrounding this proposed landfill site that could be affected. There are now a number of landowners who live in the middle of forestry blocks compared to 30 years ago when the landfill designation was made. Accordingly, the risk to life from fire is much greater now than it was previously.
60. Furthermore, there is clear, documented evidence of other councils having trouble dealing with landfill fires. The expert evidence provided by **Andrew John Rumsby** (at Paragraph 30) demonstrates this. As

detailed, it is not just the risk of fire escaping, but the toxic fumes that could be released (for potentially months on end) if a landfill fire was to take hold.

61. There is no reason/evidence to suggest that the Council would have any more success than other councils in dealing with a fire and in fact the opposite appears to be true. The evidence indicates the Council have already requested outside assistance twice in the last 5 years. This assistance at the proposed site would be significantly further away than it currently is at Green Island and as a result I would suggest there is an even higher risk of a fire getting out of control. That is without taking into account the Council now wants to site the landfill in the middle of what at certain times of year is a tinder box just waiting for a spark.
62. The community as a whole and in particular those of us who live and play in the forestry in the hills around the proposed site are very concerned with the potential of fire escaping and causing damage to our homes and forests but also presenting a very real risk to the lives of everyone who uses the area.

Landfill Operations

63. In our view, the potential effects mean that the landfill should not go ahead. We are deeply concerned by the materials submitted in support of the Council application to establish this landfill. The materials acknowledge many areas of risk and uncertainty remain, for example about the effects of bird activity on Dunedin Airport, changes to water flow on the wetlands, and earthquake risk in the location (to name a few).
64. The evidence Commissioned by the Society and other aligned submitters also highlights these issues.
65. The Council approach to these risks and uncertainties is to assure us that these things will be managed by consent conditions. But from what we can tell there are few hard or certain standards in the conditions that we can rely on. Almost everything seems to be TBC in the Management Plan.

66. We as a community feel we are being asked to accept an incomplete investigation and a 'figure it out when we get consent' approach.
67. The Council placed the designation on this site 30 years ago and it seems they have been blinkered on this site as the next landfill site without any genuine interest in better alternatives. In the meantime, Brighton has changed and developed, water standards have improved, and the entire world began to think differently about how we should approach waste management and the legacy we want to leave for the next generations.
68. The Council tell us that they considered and assessed other alternatives, but we read articles in the ODT about suggestions of other alternatives (e.g. Nash and Ross landfill) dismissed without consideration. Smooth Hill has become the round hole for the Councils' square peg. The Council suggests that the Smooth Hill landfill is an important part of the Waste Futures programme which will give them the control over Dunedin's full waste cycle with the objective of moving to a zero waste / circular waste economy. But let's remember what we are talking about here – we are talking about a landfill. Waste that we have given up trying to reuse or recycle and have resigned to burying it in our precious land, so if we must, let's make sure that it is in a site that is safe. The Council has not convinced us that Smooth Hill is that place.
69. I would rather see the Council put its money where its mouth is on its zero waste objective. They could dedicate the 10's of Millions of dollars earmarked for this development on other initiatives to accelerate the zero waste initiative. What incentive will there be for the community and the Council to achieve that goal if we also own a landfill whose costs are covered by how much we all throw away? The logic doesn't stack up.
70. If the ORC allows this application and the landfill does proceed it is imperative that the landfill have strict controls included in conditions of consent to protect the recreational and amenity values of the Big Stone/Brighton area from the effects of the application. These should at a minimum include:

- (a) Operational hours limited to weekdays.
- (b) Traffic volumes to be managed to appropriate levels.
- (c) More stringent liner standards and comprehensive leachate monitoring.
- (d) Landfill gas monitoring and standards for Landfill Gas.
- (e) Odourous waste management, preferably by prohibiting such material from the landfill entirely.
- (f) Waste acceptance criteria that limit leachate by excluding putrescible waste and ensure persistent organic pollutants are not present.
- (g) More comprehensive management of emerging contaminants and a clear response plan in the event that contaminants are found to be escaping from the landfill.

Blair Judd

South Coast Neighbourhood Society Inc

6 May 2021