

**EVIDENCE SUMMARY – JOHN EDMONDS FOR SUBMITTERS #3235 (J C BREEN FAMILY TRUST), #3234 (THE BREEN CONSTRUCTION COMPANY LIMITED), #3266 (ALPINE NOMINEES LIMITED), #3286 (86 BALLANTYNE ROAD PARTNERSHIP) AND #3298 (NPR TRADING LTD)**

- [1] My name is John Bernard Edmonds. I adopt the evidence of Hayley Mahon for the submitters above as my own.
- [2] I consider that the most appropriate zoning for the notified General Industrial Zone ('GIZ') at Ballantyne Road to be a modified GIZ with modification to allow for commercial, office and retail activities that are not ancillary to industrial or service use. This is similar to the current Industrial A zoning under the ODP which would allow for the continuation of the existing mix of light industrial and non-industrial uses in the area.
- [3] As described in Ms Hampson's evidence, most activities within the notified GIZ at Ballantyne Road are light industrial, office and service activities with only four industrial and two yard based industrial activities. Light industrial and industrial activities make up less than 30% of the predominant activities occurring within the Ballantyne Road Industrial A area<sup>1</sup>. Additionally, it is noted that there is sufficient capacity in the short, medium and long term for industrial based activities<sup>2</sup>.
- [4] Mr Place has relied on Strategic Policy 3.3.8 which is to avoid non-industrial activities occurring in areas zoned as industrial to justify the prohibited activity status for non-industrial activities. I submit that the true nature of the ODP Industrial A zone has resulted in an area that is not industrial. This is evidenced by the lack of control in the ODP Industrial A rules on any particular kind of activity except for retail over a certain size and limits on residential flats and the resulting lack of industrial activities in the area (less than 30% of predominant activities). In short, even though the ODP zoning is named 'Industrial A' it is not a true industrial area and so Strategic Policy 3.3.8 would not be able to be given effect to.
- [5] The imposition of a prohibited activity status for non-industrial activities with no provision for the expansion of existing non-industrial activities on an area which largely service, commercial, light industrial and residential in nature will restrict the ability of existing activities to expand and to attract new tenants given the existing use rights test under s10 is so difficult to meet. This will impose a large economic cost on landlords who have invested in their sites on reliance of the existing flexibility that the ODP Industrial A zoning allows.

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<sup>1</sup> Section 32 Report General Industrial Zone, pages 40-41.

<sup>2</sup> Business Development Capacity Assessment 2017. M.E. Consulting. Page 139

- [6] I consider that there are more appropriate sites for Council to direct their imposition of a strict industrial zoning such as Cromwell. If QLDC had completed their Future Development Strategy as they were supposed to by December 2018 under the NPS-UDC, new areas for strict industrial sites may be able to be considered. Additionally, I consider that the *Bunnings* case and the NPS-UD directs us to consider Cromwell when looking at the suitability of land for industrial purposes.<sup>3</sup>
- [7] A modified GIZ allowing for office, commercial and retail activities is the most appropriate zoning because it will assist in the diversification of the District's economic base and creation of employment opportunities (S.P 3.2.1.6) as compared to a strict industrial zone. S.O 3.2.3 is a direction towards a quality built environment taking into account the character of the community. As the current Industrial A zoning has resulted in a mixed-use area, the quality of the built environment should be improved on the basis of its existing use rather than reverted to strict industrial built environment. I do not consider that allowing the continuation of commercial, office and retail activities in the Ballantyne Road area is going to undermine the primacy of the Wanaka Town Centre (S.P. 3.3.2 & 3.3.6) due to the types of commercial, retail and office activities which gravitate to the different areas and different target markets.
- [8] As covered in Ms Mahon's evidence, the best zoning outcome for the area is an amended GIZ to allow for office, commercial and retail activities which are not ancillary to industrial activities as it will allow the already existing activities occurring in the Ballantyne Road and Gordon Road areas to continue and expand making use of the infrastructure which has already been invested in by landowners. An amended GIZ could allow Council to continue to provide for industrial activities whilst balancing the effects of other activities using the reverse sensitivity provisions proposed in the GIZ. This option is also the most appropriate in terms of Section 5 in continuing to allow people to provide for their economic well-being whilst avoiding adverse effects of activities.
- [9] Overall, I consider a modified GIZ to be more similar to the Industrial A zoning to be much more appropriate in terms of the existing activities taking place and to allow for the development and expansion of existing businesses whilst still providing for industrial use. I consider that a modified GIZ can be provided regardless of S.P.3.3.8 (to avoid non-industrial activities in areas zoned as industrial) because the true existing nature of the area notified as GIZ zoning around Ballantyne Road and Gordon Road is not industrial (even though it may be currently known as 'Industrial A').

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<sup>3</sup> Brief of Evidence of Hayley Jane Mahon dated 29 May 2020 at [54] – [58]