

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**UNDER** the Resource Management Act 1991

**IN THE MATTER** of a submission on the Queenstown  
Lakes Proposed District Plan

**BY** **WILLOWRIDGE DEVELOPMENTS  
LIMITED**  
Submitter

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**CORPORATE STATEMENT OF EVIDENCE OF ALISON DEVLIN ON  
BEHALF OF THE SUBMITTER**

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Dated: 29 May 2020

## **MAY IT PLEASE THE PANEL:**

### **Introduction**

- [1] My name is Alison Devlin. I am General Manager – Planning and Development of Willowridge Developments Limited.
- [2] I have a BA(hons) in Environmental Planning from the University of Strathclyde (Scotland) and a MSc in Environmental Management from the University of Paisley (Scotland). I am a chartered member of the Royal Town Planning Institute. I have 21 year's experience in the field of resource management (both in the UK and NZ) including roles in the public sector, private development sector and planning consultancy work. I have been employed by Willowridge Developments Limited for the last 8 years. Over this time I have managed all aspects of resource management for Willowridge and related companies in the Otago and Southland regions. This work has included the rezoning and subsequent development of the Three Parks development in Wanaka as well as several other residential and industrial subdivisions.
- [3] I prepared the submission on the General Industrial Zone (GIZ) on behalf of Willowridge Developments Limited.
- [4] Whilst this is not an Environment Court hearing, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **Scope of Evidence**

- [5] My evidence provides the background and context to Willowridge's submission on the GIZ and addresses points of disagreement with the Section 42A Report. Willowridge's position seeks to ensure that the Zone mapping and provisions do not result in adverse effects on Willowridge land and to ensure the most effective and efficient outcome for the Zone.

## Background

- [6] Willowridge is a long-standing developer of residential, commercial and industrial land in Wanaka. Willowridge, has developed the Three Parks Business Zone and, through related company Orchard Road Holdings Limited, has recently completed the Ballantyne Ridge industrial development. As such Willowridge has a good understanding of the local business and industrial market and land requirements.
- [7] In terms of future industrial development, Willowridge owns 12.29ha of land on Ballantyne Road/Riverbank Road legally described as Lot 3 DP 17123, which has been identified in the District Plan Review as being rezoned from Rural Zone to General Industrial Zone.
- [8] This land is located to the south of the former QLDC Ponds Site and to the east of the Ballantyne Ridge industrial development. Other industrial activity in the vicinity comprises Wanaka Wastebusters, Aurora Energy Substation, the Otago Regional Council works depot and the QLDC Animal Control Pound.
- [9] The site itself accommodates a contractor's yard with machinery storage; an engineering operation; a VTNZ vehicle testing site and Downers Wanaka base. Consent is also being sought for a further machinery storage building. The balance of the land is currently vacant although is the current venue for the biannual Wheels at Wanaka event.
- [10] Willowridge has long-considered this site as being suitable for industrial development given its location adjacent to established industrial activities and the demand for more industrial land in Wanaka. A plan to subdivide the site into an industrial business park is currently under development.
- [11] Willowridge originally made submissions to the review of the Rural Zone under Stage 1 of the District Plan Review requesting the site be included in the Wanaka Urban Growth Boundary and that it be rezoned Industrial B Zone (**Attachment 1**).

- [12] Stream 3 of the District Plan Review proposed to rezone the majority of the site as GIZ. Willowridge made submissions supporting the proposed rezoning but seeking that the entire land parcel be rezoned. Willowridge also submitted in opposition of some of the notified provisions of the General Industrial Zone.

**Lot 3 DP17123**

- [13] The notified GIZ proposed the rezoning of the majority of Lot 3 DP17123 however, a small portion of the site located on the lower terrace close to the junction of Ballantyne and Riverbank was not included in the rezoning. Figure 1 below shows the site extent outlined in red with the excluded area in solid red:

*Figure 1*



- [14] Excluding this area from the GIZ would result in a very small area of the land parcel remaining Rural Zone with no practical ability to use it for rural purposes. The land is hemmed in by Riverbank and Ballantyne Road and the adjacent land uses comprise the QLDC animal pound, and Aurora Energy substation and Wanaka Wastebusters, all of which are industrial-type activities. The most appropriate zoning for this remaining

piece of land is industrial. I note the QLDC's S42A report prepared by Luke Place recommends the land be included in the GIZ for these reasons<sup>1</sup>.

- [15] Mr Place considers that a consequential extension of the Urban Growth Boundary (UGB) is necessary to include this additional GIZ land<sup>2</sup>. Willowridge is in agreement with this relief. Willowridge did seek an extension of the UGB to include this land as part of the Stage 1 review of the District Plan.

### **Sec 2 SO 519746**

- [16] Willowridge also requested that an area of approximately 0.57ha to the north east of the site, currently zoned residential within the Three Parks Special Zone, is rezoned as GIZ. This area is shown in orange in Figure 2.



- [17] This area This area of land is a narrow point of Sec 2 SO519746 between the proposed GIZ and Three Parks residential zone that reads more as part of Lot 3 DP17123 than Sec 2 SO519746. A residential

<sup>1</sup> Paragraph 8.7; Section 41A Report of Luke Thomas Place; 18<sup>th</sup> March 2020

<sup>2</sup> Paragraph 8.8; Section 41A Report of Luke Thomas Place; 18<sup>th</sup> March 2020

subdivision design on this site would be constrained by the dimensions of the site and the need to protect the amenity of the residential sites from the reverse sensitivity effects of the GIZ. The site would be more effectively developed as part of the GIZ. In his S42A report, Mr Place raises the issue that a 3.5m wide strip of land owned by QLDC separates this site from Lot 3 DP17123 (shown in blue on figure 2). Willowridge anticipates that agreement would be reached with QLDC over access across this strip given that the width of the strip would not enable the formation of an appropriate access road to the Ponds site and is unlikely to be required as a pedestrian walkway.

- [18] Mr Place is concerned that the relief sought by Willowridge would result in the split zoning of the larger site (Sec 2 SO 519746) (paragraph 8.12). Mr Place fails to identify that the notified District Plan already proposes to split Sec 2 SO 519746 into several zones including Low Density Suburban Residential, Three Parks Commercial, Business Mixed Use and GIZ. Following cadastral boundaries is not always the most appropriate outcome and zoning should be informed by a variety of factors. Willowridge considers GIZ zoning of the subject land would achieve the best design and amenity outcomes.

**GIZ ZONE PROVISIONS - *Activity Status of Office, Retail and Commercial Activity***

- [19] The notified GIZ provisions identify office, retail and commercial activities as prohibited activities<sup>3</sup> (unless otherwise provided for). Willowridge submitted that the status of these activities be changed to non-complying.
- [20] Willowridge is primarily concerned at the effect of the GIZ on the many commercial and office activities already established on land to be rezoned GIZ. In his report, Mr Place identifies that *any such activity which has an existing resource consent will be able to operate in accordance with the conditions of the resource consent*<sup>4</sup>. Mr Place goes on to identify that Section 127 of the Act enables a change of resource

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<sup>3</sup> Rule 18A.4.1.4

<sup>4</sup> S42A Report, para 5.21

consent conditions to be applied for and existing use rights under section 10 of the RMA are also relevant. However, Mr Place does acknowledge that existing use rights or a S127 change would not apply to applications seeking to expand or extend existing activity.

[21] While existing activities will be able to continue to operate, there is no scope within the notified provisions or the RMA which will enable them to physically grow. The only options available will be to retain the status quo or to move to a site with a more permissive zoning, which is likely to be at great cost and dependant on finding a suitable site in a suitable location. The proposed provision will have the effect of potentially stymying growth of these businesses, which is not an efficient outcome.

[22] In considering the alternative of applying non-complying status to retail, commercial or office activity, Mr Place considers that there is a high risk these activities would be able to demonstrate effects that are less than minor and would pass 104D(1)(a) of the gateway test given the wide ranging effects of noise, glare, dust odour, shading, visual and traffic effects the zone is established to provide for<sup>5</sup>. I agree that the physical effects of such activities could be shown to be less than minor in the GIZ, however Schedule part 7 of the Act provides for a wider consider of effects. Economic effects can be considered and this would encompass whether the proposed activity would undermine the purpose of the GIZ and its ability to operate fundamentally as an industrial and service zone. Reverse sensitivity effects would also be a key consideration when assessing an application of an activity such as a stand-alone office in the GIZ.

[23] I consider that non-complying activity status provides sufficient ability to safeguard the purpose of the GIZ whilst still providing for the on-going operation and growth of existing non-industrial activities in the Zone.

### ***Conclusion***

In conclusion, in regard to mapping, Willowridge agrees with Mr Place that the entire parcel of Lot 3 DP17123 should be zoned GIZ.

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<sup>5</sup> S42A Report paragraph 5.15.

Willowridge also submits that 0.57ha of Sec 2 SO 519746 should be rezoned GIZ to achieve the most efficient use of the land.

[24] In terms of plan provision, Willowridge seeks that retail, office and commercial activity within the GIZ is a non-complying activity.

**A Devlin**

**29<sup>th</sup> May 2020**