

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

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

Stage 3 of the Proposed District Plan

**STATEMENT OF EVIDENCE OF SCOTT SNEDDON EDGAR**

**ON BEHALF OF THE FOLLOWING SUBMITTER AND FURTHER SUBMITTER:**

**CADENCE HOLDINGS LTD (SUBMITTER #3231 AND FURTHER SUBMITTER #3460)**

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



## **Introduction**

- 1 My name is Scott Sneddon Edgar. I am a Resource Management Planner and hold a Bachelor of Arts Degree (Honours) in Town and Country Planning from Strathclyde University in Glasgow, Scotland. I am an Associate Member of the New Zealand Planning Institute.
- 2 I am an independent planning consultant based in Wanaka. Prior to my current position I was employed by Southern Land Limited, a Wanaka based survey and planning consultancy, from October 2006 to November 2018. During my time at Southern Land I was involved principally with the preparation of resource consent applications and the presentation of planning evidence at Council hearings. I was also involved in the preparation of submissions and further submissions on Stage 1 of the Proposed District Plan, participation in the Stage 1 hearings and subsequent appeals and Environment Court proceedings.
- 3 Prior to relocating to New Zealand in 2005 I worked as a development control planner with various Scottish local authorities in both rural and urban regions.
- 4 Upon my arrival in New Zealand I was employed as a resource consents planner in the Wanaka office of Civic Corporation Limited before taking up a position with Southern Land Limited. I have a total of 20 years' planning experience, 14 of which have been gained in New Zealand.

## **Code of Conduct**

- 5 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court of New Zealand Practice Note 2014 and I agree to comply with it. In that regard I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **Executive Summary**

- 6 In this evidence I find that:
  - the proposed General Industrial Zone does not adequately provide for established activities on the submission site and in the wider area (being the operative Three Parks Business Sub-Zone);

- the application of the General Industrial Zone to an area that includes established activities that are not provided for in the General Industrial Zone fails to give effect to PORPS 19 Policy 5.3.3 and Proposed District Plan Policy 3.3.8 which seek to ensure that industrial areas are not compromised by reverse sensitivity issues resulting from the location of non-industrial activities within industrial areas.
- that existing and consented activities would be better provided for through the application of an alternative zoning such as the Three Parks Business Zone proposed by Willowridge Developments Ltd;
- that overall the relief sought by Willowridge Developments Ltd, subject to minor amendments to provide greater scope for office and retail activities, better meets the purpose of the Act and gives effect to the relevant Regional Policy Statement (PORPS 19) and the higher order provisions of the Proposed District Plan than the notified provisions. **Scope of Evidence**

7 I have been engaged by Cadence Holdings Limited (Submitter #3231 and Further Submitter #3460) to provide expert planning evidence relating to their submission opposing the extent of the proposed General Industrial Zone at Three Parks as notified as part of Stage 3 of the Proposed District Plan and their further submission that generally supports the relief sought by Willowridge Developments Ltd (Willowridge) in submission #3220.

8 In preparing this evidence I have read the submission and further submission of Cadence Holdings Limited, the Willowridge submission and Council's s42A report on Chapter 18A General Industrial Zone. I have also read Council's supporting evidence<sup>1</sup> and the background s32 material.

9 My brief of evidence is set out as follows:

- Background and Submission
- Statutory Framework
- General Industrial Zoning vs Business Zoning

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<sup>1</sup> Strategic Overview and Economics  
S3231-CadenceHo-T17-EdgarS-Evidence

- Part 2 Assessment
- Conclusion

### **Background and Submission**

- 10 Cadence Holdings Limited own a commercial property at 10 McCormick Street, Three Parks, Wanaka. The property is within the Business Sub-Zone of the Operative District Plan's Three Parks Special Zone. The submitter is nearing completion of the construction of a commercial building on the property. A copy of the building plans, approved under RM190365, are attached as **Appendix A** to this evidence. The building will provide two tenancies that have been leased for warehousing, office and showroom activities associated with permitted activities under the Business Sub Zone.
- 11 The wider area, which is also proposed to be rezoned General Industrial Zone, includes a range of existing and consented activities including the following:
- office buildings
  - retail
  - a vet clinic
  - a mail sorting facility
  - self storage • a carwash
  - laundrettes
  - warehousing
  - motor vehicle servicing and repair
- 12 A plan showing the location and distribution of these existing and consented activities is attached as **Appendix B** to this evidence. The plan also shows the extent to which those activities comply (or otherwise) with the provisions of the proposed General Industrial Zone.
- 13 The uptake of mixed business activities in this area has been strong with only some of the activities listed above (storage, warehousing and motor vehicle servicing and repair) being provided for under the proposed General Industrial Zone.
- 14 Cadence Holdings Limited's submission opposes the rezoning of the existing Three Parks Business Sub-Zone as General Industrial Zone as the General Industrial Zone does not adequately provide for their established activities or those in the immediate area. Instead the

submission sought the rezoning of the Three Parks Business Sub-Zone as Business Mixed Use or similar to better reflect the existing and consented activities in the area. The Cadence Holdings Limited submission also supported the rezoning of 100 Ballantyne Road as Active Sports and Recreation Zone however that aspect of the submission is not addressed in this evidence.

- 15 Subsequently Cadence Holdings Limited lodged a further submission that generally supports the Willowridge submission which sought the rezoning of the Three Parks Business Sub-Zone as a new Three Parks Business Zone (as an alternative to the proposed General Industrial Zoning). The further submission of Cadence Holdings Limited did not however support the proposed non-complying activity status for offices in the Three Parks Business Zone, preferring instead a permitted activity status.

### **Statutory Framework**

#### *Resource Management Act 1991*

- 16 Section 5 of the Act sets out the Act's purpose as the promotion of the sustainable management of natural and physical resources so as to enable people and communities to provide for their social, economic and cultural wellbeing and health and safety while sustaining the potential of natural and physical resources, safeguarding the life supporting capacity of air, water soil and ecosystems and avoiding remedying or mitigating adverse effects on the environment.
- 17 The submission does not relate to any matters of national importance set out in Section 6 of the Act however the following other matters, as set out in Section 7 of the Act, are of relevance:
- (b) the efficient use and development of natural and physical resources:*
  - (c) the maintenance and enhancement of amenity values:*
  - (f) maintenance and enhancement of the quality of the environment:*
- 18 Section 8 of the Act requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account in achieving the purpose of the Act.

- 19 Section 79 requires that District Plans are reviewed in the manner set out in Part 1 of Schedule 1 of the RMA.
- 20 In making amendments to the District Plan Council must:
- give effect to any national policy statement;
  - give effect to any regional policy statement;
  - must not be inconsistent with a regional plan;
  - have regard to any proposed regional policy statement.

Partially Operative Regional Policy Statement 2019

- 21 The provisions of the Partially Operative Regional Policy Statement for Otago 2019 (PORPS 19) of relevance to the submission and further submission are as follows:

***Objective 1.1 Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities***

*Policy 1.1.1 Economic wellbeing*

*Provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources.*

***Objective 5.3 Sufficient land is managed and protected for economic production***

*Policy 5.3.2 Distribution of commercial activities*

*Manage the distribution of commercial activities by:*

- Enabling a wide variety of commercial, social and cultural activities in central business districts, and town and commercial centres;*
- Enabling smaller commercial centres to service local community needs;*
- Restricting commercial activities outside of a) and b) when such activities are likely to undermine the vibrancy and viability of those centres;*
- Encourage the adaptive reuse of existing buildings.*

*Policy 5.3.3 Industrial land*

*Manage the finite nature of land suitable and available for industrial activities, by all of the following:*

- a) Providing specific areas to accommodate the effects of industrial activities;*
- b) Providing a range of land suitable for different industrial activities, including land extensive activities;*
- c) Restricting the establishment of activities in industrial areas that are likely to result in:
  - i. Reverse sensitivity effects; or*
  - ii. Inefficient use of industrial land or infrastructure.**

### Proposed District Plan

22 The relevant higher order provisions of the Proposed District Plan are contained in Chapter 3 - Strategic Direction and are as follows<sup>2</sup>:

### **3.2 Strategic Objectives**

#### **3.2.1 The development of a prosperous, resilient and equitable economy in the District.**

*3.2.1.4 The key function of the commercial core of Three Parks is focused on large format retail development.*

*3.2.1.5 Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres<sup>3</sup>, Frankton and Three Parks, are sustained.*

#### **3.2.6 The District's residents and communities are able to provide for their social cultural and economic wellbeing and their health and safety.**

### **3.3 Strategic Policies**

#### **Town Centres and other Commercial and Industrial Areas**

*3.3.3 Avoid new commercial zoning of land that is likely to undermine the role of the Queenstown and Wanaka town centres as the primary focus for the*

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<sup>2</sup> Based on the tracked changes version of the Strategic Direction provisions appended as Appendix 1 to Mr. Barr's evidence on the Strategic Overview for all of Stage 3.

<sup>3</sup> Defined by the extent of the Town Centre Zone in each case.

*District's economic activity.*

*3.3.8 Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities.*

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*3.3.11 Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.*

### **General Industrial Zoning vs Business Zoning**

- 23 The activities on the submission site and in the wider area have been established under the provisions of the Three Parks Business Sub-Zone with some including non-complying activity consents for commercial activities. The Three Parks Business Sub-Zone provides for a wide range of trade supply type activities including the following (permitted activities):
- Automotive and marine suppliers
  - Building suppliers
  - Catering equipment suppliers
  - Garden and patio suppliers
  - Hire services (excluding books/DVDs etc)
  - Industrial clothing and safety equipment suppliers
  - Office furniture, equipment and systems suppliers
  - Second hand goods outlets
  - Yard based suppliers
- 24 In addition offices ancillary to the above permitted uses are a permitted activity as are retail activities (up to 20% of net floor area or 100m<sup>2</sup> whichever is less) associated with permitted uses.
- 25 Of the above permitted uses all, with the exception of second hand goods outlets and yard based suppliers, fall within the Proposed District Plan definition of Trade Supplier and would be prohibited activities within the proposed General Industrial Zone as notified or discretionary under Mr. Place's recommended amendments to the provisions.

- 26 Further, under the proposed General Industrial Zone, permitted office, retail and commercial activities are limited to those ancillary to Industrial or Service activities and a maximum floor areas of 50m<sup>2</sup>. Permitted retailing and commercial activities are limited to the sale of good manufactured, fabricated, processed, packaged, distributed, maintained or repairs in associated with an industrial or service activity on site. No provision is made of office, retail or commercial activities ancillary to Trade Suppliers and therefore any such office, retail or commercial activities would be prohibited.
- 27 I therefore consider that the proposed General Industrial Zone significantly reduces the scope of activities that can occur within the zone (when compared to the existing Three Parks Business Sub-Zone) and does not reflect the range of activities that the existing and consented buildings within the zone have been designed and (in many cases) built to accommodate.
- 28 I consider that the application of the General Industrial Zone to an area that has been substantially and very recently developed in accordance with a more permissive business zone fails to acknowledge the significant investment that the submitter (and other property owners within the zone) have made to give effect to the existing zone.
- 29 While the submitter may be able to operate under existing use rights I consider that the proposed General Industrial Zone creates significant uncertainty in this regard particularly where there may be a change of tenants and the nature of the business undertaken from the site and/or the building is extended or altered. In addition existing use rights could potentially be lost if the whole or part of the building is unoccupied for 12 months or longer leaving a building that may struggle to find industrial or service activity tenants due to its design and layout. Given the current economic climate I do not consider this to be an inconceivable outcome.
- 30 The parts of the proposed General Industrial Zone that are currently zoned Three Parks Business Sub-Zone are relatively discrete and, in my opinion, could accommodate an alternative zoning that better reflects the established range of activities without compromising the wider General Industrial Zone or significantly reducing the supply of industrial land, noting that industrial and service activities are permitted under the Three Parks Business zone sought by Willowridge and supported by Cadence Holdings Ltd.
- 31 The higher order provisions of the Proposed District Plan seek to develop a prosperous and resilient economy and enable residents and communities to provide for the social, economic

and cultural wellbeing. With regard to commercial and industrial activities the higher order provisions seek to avoid commercial zoned land that may undermine the role of the town centres as the primary focus of the District's economy.

- 32 The Three Parks Business Zone proposed by Willowridge will provide for activities that may not be well suited to either the General Industrial Zone, the Business Mixed Use Zone or the Three Parks Commercial Zone, providing a transition from the higher amenity Business Mixed Use Zone to the more intensive and utilitarian General Industrial Zone. Given the range of activities enabled within the proposed Three Parks Business Zone I do not consider the proposed zoning is likely to compromise or undermine the role of the Town Centre or the Business Mixed Use and Three Parks Commercial Zones.
- 33 Policy 5.3.3 of the PORPS 19 and Strategic Policy 3.3.8 of the Proposed District Plan seek to avoid non-industrial activities occurring in industrial zones and the objectives, policies and rules of the General Industrial Zone elaborate on this and seek to avoid incompatible land uses establishing in the General Industrial Zone. Those incompatible land uses include office, retail and commercial activities not ancillary to industrial or service activities and (in the notified provisions) trade supplier activities with such activities being prohibited.
- 34 While I agree that limiting office, retail and commercial activities in the wider General Industrial Zone is appropriate I consider that the application of the General Industrial Zone to an area that includes a reasonable significant element of existing established office, retail and commercial activities is likely to compromise the intended outcomes of the zone and result in the type of reverse sensitivity effects that the zone intends to avoid.
- 35 While the higher order provisions are worded such that they seek to avoid non-industrial activities locating in industrial areas I consider that they are relevant and must be given effect to when considering the location and extents of new industrial areas and whether the intended outcomes of the new zone may be frustrated or compromised by established nonindustrial activities.
- 36 In addition I consider that the application of the General Industrial Zone to an area that includes numerous building that have not be designed to accommodate industrial activities may result in an inefficient use of the industrial zoned land and resources.

- 37 I therefore consider that the application of the proposed General Industrial Zone to the submission site and wider area fails to give effect to the higher order policy direction set out in PORPS 19 Policy 5.3.3 and Strategic Policy 3.3.8 of the PDP.
- 38 I consider that the higher order provisions could be better given effect to by locating the General Industrial Zone in areas where the purpose of the zone can be more fully realised (such as existing industrial areas at Ballantyne Road and the notified green/brown field sites in the vicinity).
- 39 I consider that established land uses could be better provided for through rezoning the submission site and wider area as Three Parks Business Zone as proposed by Willowridge. The proposed Three Parks Business Zone provides for a broader range of activities that better reflects the established activities within the zone including permitted industrial, service and trade suppliers and ancillary office and retail activities. Office and retail activities that are not ancillary to or associated with industrial, service or trade and building suppliers or showrooms are a non-complying activity.
- 40 The further submission of Cadence Holdings Ltd seeks a permitted activity status for all office and retail activities within the Three Parks Business Zone. I consider that a permitted activity status does not adequately differentiate the Three Parks Business Zone from other commercial zones. I consider a restricted discretionary activity status for office and retail activities (with discretion being limited to reverse sensitivity effects) would be more appropriate, providing a consenting pathway for such activities while allowing Council to control reverse sensitivity and the nature and extent of such activities. If a restricted discretionary activity status for office and retail activities is deemed appropriate I consider that an additional policy could be added to the proposed Three Parks Business Zone provisions as follows:

*8. Ensure that office and retail activities that are not ancillary to permitted land uses within the zone only occur where reverse sensitivity effects can be appropriately managed.*

## **Part 2 Assessment**

- 41 Under Section 32 of the RMA the extent to which the objectives of a proposed plan are the most appropriate way to achieve the purpose of the Act, and whether the provisions of the proposed plan are the most appropriate way of achieving those objectives, must be examined.

- 42 I consider that the higher order provisions of the Proposed District Plan are an appropriate means of achieving the purpose of the Act.
- 43 I do not consider that the provisions of the General Industrial Zone as they relate to the submission site and the wider area represent the most appropriate way of achieving the higher order objectives and policies of the Proposed District Plan.
- 44 I consider that the objectives of the Proposed District Plan could be better achieved by applying a zoning to the submission site and the wider area that better reflects and provides for the recently established and consented activities in the Operative Three Parks Business Sub Zone.
- 45 I consider that, subject to a minor amendment to provide for office and retail activities, the Three Parks Business Zone proposed by Willowridge as an alternative to the proposed General Industrial Zone better achieves the objectives of the Proposed District Plan and would be consistent with Section 5 of the Act in that it will provide for the use, development and protection of natural and physical resources in a way, or at a rate that enables people and communities to provide for their social and economic wellbeing and for their health and safety.
- 46 Through the provisions of the proposed Three Parks Business Zone, with the minor amendment suggested, the development enabled by the proposed rezoning will be appropriately controlled and managed to ensure that the environmental effects arising are appropriately avoided, remedied or mitigated.
- 47 I consider that the proposed Three Parks Business zoning has appropriate regard to the relevant Section 7 matters and there are no Treaty principles of particular relevance to the consideration of the proposal.

### **Conclusion**

- 48 I therefore consider that, subject to minor amendments, the relief sought in the submission and further submission of Cadence Holdings Limited and the submission of Willowridge Developments Ltd (in so far as it relates to the proposed Three Parks Business Zone) achieves the purpose of the RMA.



Scott Sneddon Edgar

29<sup>th</sup> May 2020

**Appendix A - Plans Approved Under RM190365**

1:200

title site & location plans  
scale 1:200 & 1:5000 @ A3  
date 14/05/19

INTEGRAL LTD  
94 HUTCHINSON ROAD  
P O BOX 15  
WANAKA  
phone 03 443 61 8

commercial building  
cadence holdings ltd  
10 hick street, wanaka  
wanaka

title  
scale 1:200  
date march 2019

dwg.no. 10  
status resource consent  
issued 14/05/19

rev A

14/05/19



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INSCRIBE LTD  
94 STUDHOLME RD  
P O BOX 215  
WANAKA  
phone 03 443 6128

### site information

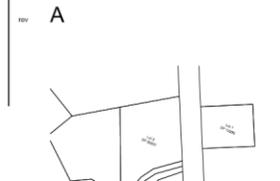
### commercial building

zone	3 Parks Business	building height	5.1 m
elevation	350 masl	building area	434 m <sup>2</sup>
wind zone	high	site area	1046 m <sup>2</sup>

cadence holdings ltd  
10 mcormick street, 3 parks  
wanaka

scale 1: 00 @ A3  
date march 2019

dwg.no.	.0	status	resource consent
outdoor ground finish areas		date	14/05/19
paving	240.0 m <sup>2</sup>		
gravel	298.8 m <sup>2</sup>		
garden	64.4 m <sup>2</sup>		
total permeable	363.2 m <sup>2</sup>		



14/05/19

RICT COUNCIL

AN:

2019

QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLAN:  
 RMI190365  
 Wednesday, 3 July 2019

# McCORMICK STREET

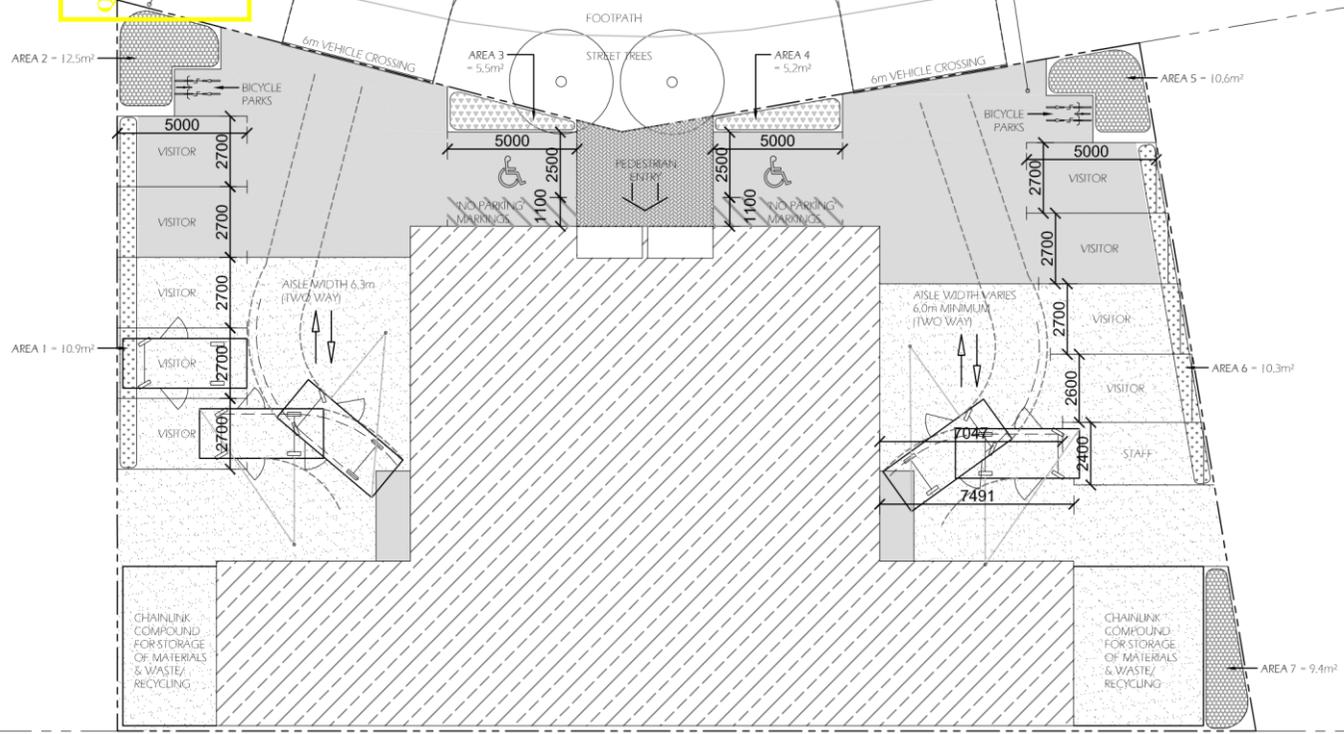
## site plan legend

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|--|-----------------------|--|--|
|  | BUILDING FOOTPRINT    |  | LOW PLANTING PAST WHEELS OF SPACE - <i>Pimelea prostrata</i> - plants @ 0.6m crs   |
|  | SELECTED ENTRY PAVING |  | < 300mm HEIGHT PLANTING - Mixture of <i>Carex testacea</i> and <i>Hebe ochracea</i> - James Stirling - plants @ 0.6m crs |
|  | ASPHALT PAVING        |  | MIXED HEIGHT PLANTING - REFER TO DETAILED PLANTING SCHEME BELOW  |
|  | GRAVEL PAVING         |  |  |

## planting schemes

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|--|--|---|
|  |  | <i>Hoheria angustifolia</i> (4)           |
|  |  | <i>Pseudopanax crassifolius</i> (5)       |
|  |  | <i>Melianthea zosterifolia</i> (4)        |
|  |  | <i>Hebe 'Win Mist' or 'Win Cloud'</i> (9) |
|  |  | <i>Hebe topara</i> (8)                    |
|  |  | <i>Chionochoa rigida</i> (10)             |

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1:100

Parking spaces adjusted and noted as for staff or visitors, dimensions added as necessary to show compliance for Class 1 and Class 2 users, accessible parking spaces moved to be closer to entry, areas of gardens and entry paving changed

# parking & landscaping plan

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1:200

INSCRIBE LTD  
94 STUDBOLME RD  
P O BOX 215  
WANAKA  
phone 03 443 6128

**commerci I building**  
cadence holdings ltd  
10 mccormick street, 3 parks  
wanaka

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scale 1: 00 @ A3  
date march 2019

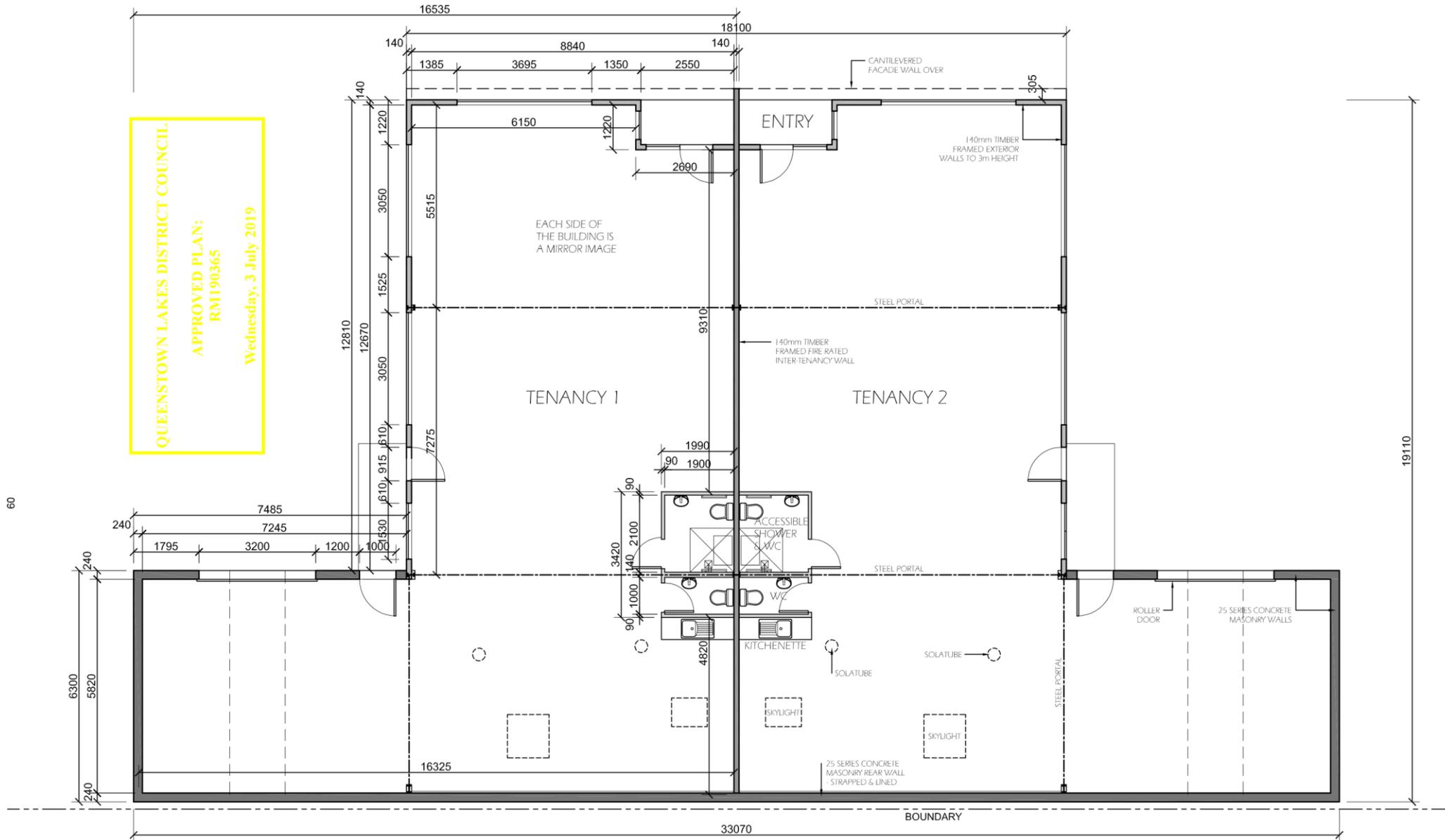
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QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLAN:  
 RMI190365  
 Wednesday, 3 July 2019

floor plan  
 1:100

INSCRIBE LTD  
 94 STUDHOLME RD  
 P O BOX 215  
 WANAKA  
 phone 03 443 6128

commercial building  
 cadence holdings ltd  
 10 mccormick street, 3 parks  
 wanaka

title  
 scale 1:100 @ A3  
 date march 2019

dwg. no. .0  
 status resource consent  
 issued 14/05/19

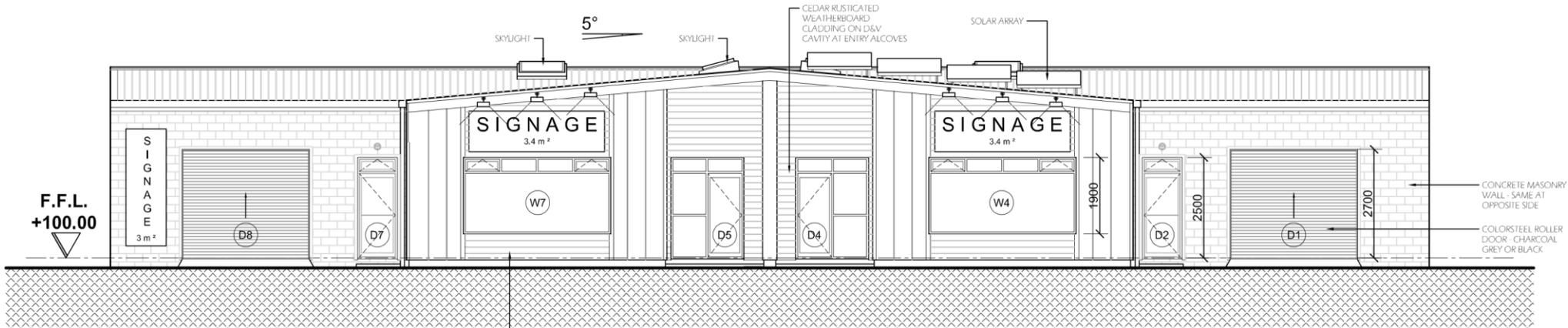
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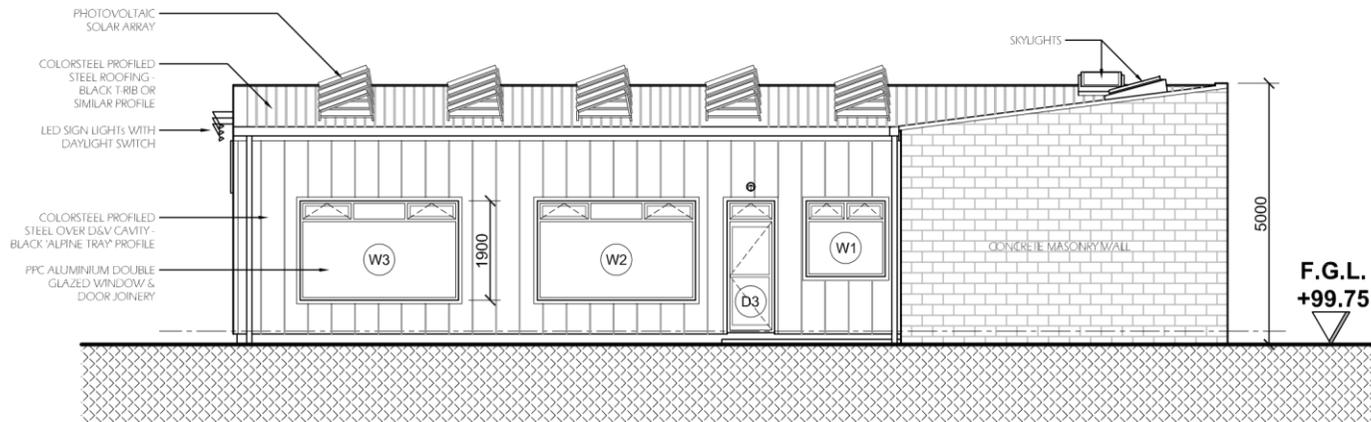
floor plan

Concrete masonry walls replace timber framed walls as noted, no change to exterior dimensions



**north elevation**  
1:100

QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLAN:  
 RM190365  
 Wednesday, 3 July 2019



**west elevation**

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- A Concrete block walls replace timber framing with Colorsteel cladding, height of building reduced due to party wall parapet being removed, roller door colour may be changed 15/05/19
- B Facade removed, change to cedar rusticated weatherboard cladding in areas as shown, signage area reduced, colour of roller door noted 19/06/19

VSCRIBE LTD 4 STUDHOLME RD P O BOX 215 WANAKA phone 03 443 6128	<b>commercial building</b> cadence oldings ltd 10 mccormick street, 3 arks wanaka	title scale 1:100 @ A3 date marc 2019	dwg.no. 3 status re-so rce consent issued 1 /0 3/19	3. ( 1 e. u 9 6
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north & west elevations

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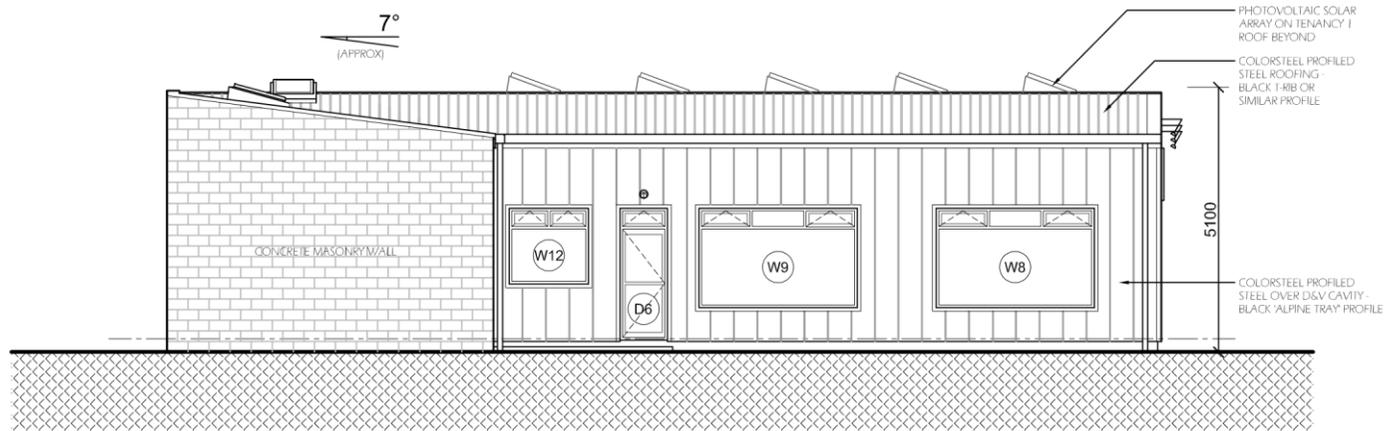
VSCRIBE LTD  
4 STUDBOLME RD  
P O BOX 215  
WANAKA  
phone 03 443 6128

commercial building  
cadence holdings ltd  
10 McCormick street, 3 arks  
wanaka

title  
scale 1:100 @ A3  
date march 2019

dwg.no. 3  
status resource consent  
issued 1/10/19

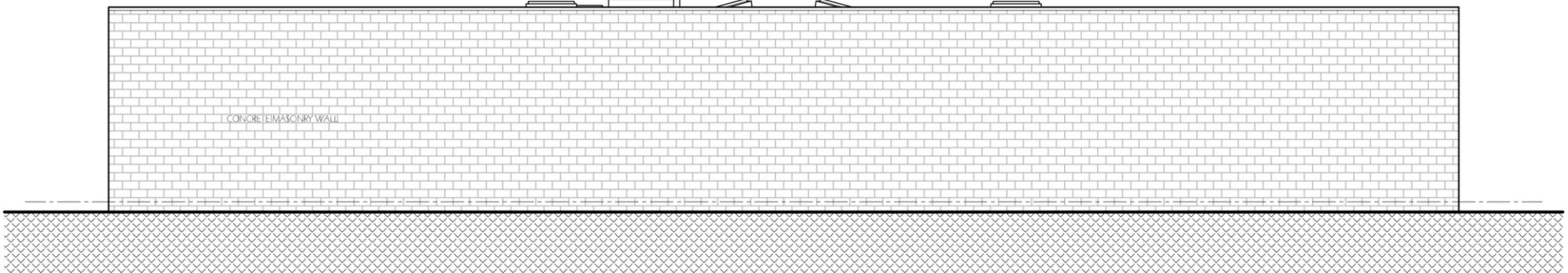
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**east elevation**  
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**QUEENSTOWN LAKES DISTRICT COUNCIL**  
 APPROVED PLAN:  
 RM1190365  
 Wednesday, 3 July 2019

SOLAR ARRAY & SKYLIGHTS BEYOND



**south elevation**

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- A Concrete block walls replace timber framing with Colorsteel cladding, height of building reduced due to party wall parapet being removed 15/05/19
- B Facade removed, change to cedar rusticated weatherboard cladding in areas as shown, signage area reduced, colour of roller door noted 19/06/19

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VSCRIBE LTD  
4 STU DHOLME RD  
P O BOX 215  
WANAKA  
phone 03 443 6128

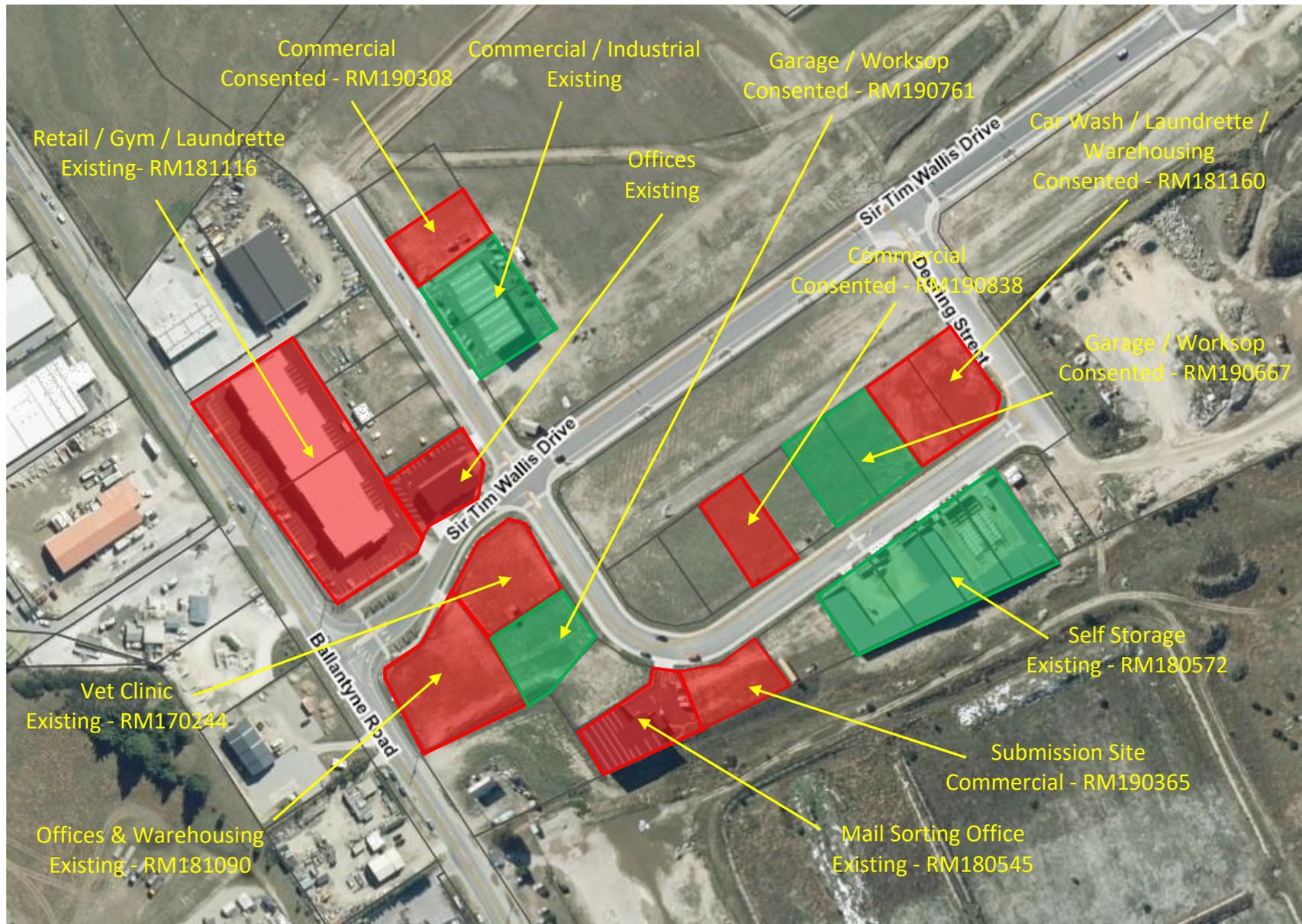
commercial building  
cadence Holdings Ltd  
10 McCormick Street, 3 Arks  
wanaka

title  
scale 1:100 @ A3  
date March 2019

dwg.no. 3  
status resource consent  
issued 1/10/19

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## Appendix B - Established and Consented Activities



Source: QLDC WebMaps

**Non-Compliant/Prohibited General Industrial Zone Activities shown red**

**Compliant/Permitted General Industrial Zone Activities shown green**

1:100

VS CRIBE LTD  
4 STU DHOLME RD  
P O BOX 215  
WANAKA  
phone 03 443 6128

commercial building  
cadence Holdings Ltd  
10 McCormick Street, 3 Arks  
wanaka

title  
scale 1:100 @ A3  
date March 2019

dwg.no. 3  
status resource consent  
issued 1/10/19

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