

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020-CHC-128

**I TE KŌTI TAIAO
KI ŌTAUTAHI**

UNDER

the Resource Management Act 1991

IN THE MATTER

of an application under section 149T of
the Act

BETWEEN

OTAGO REGIONAL COUNCIL

Applicant

**AFFIDAVIT OF ALISON DEVLIN ON BEHALF OF WILLOWRIDGE
DEVELOPMENTS LIMITED**

Dated: 12 February 2021


TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitor acting
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I, **Alison Devlin** of Dunedin, General Manager, swear/affirm as follows:

Introduction

- [1] My full name is Alison Devlin. I am the general manager – planning and development of Willowridge Developments Limited (**Willowridge**).
- [2] Willowridge is an Otago-based land development company which undertakes both residential and commercial subdivision work. Willowridge is also a related company (shared Director) to Orchard Road Holdings Limited and Otago Business Park Limited.
- [3] In recent years Willowridge and related companies have brought, on average, between 50 – 100 residential sections to the market annually. Some examples of the recent subdivisions the Company is behind include:
- (a) Timsfield, Lake Hawea – approximately 400 residential sections with the latest stage of 43 sections due for completion in the next couple of months;
 - (b) Heathfield, Mosgiel – 124 residential sections with titles for the last stage of 28 sections due in the next six weeks;
 - (c) West Meadows, Wanaka – approximately 160 residential sections with Stage 8 (23 section) due to commence this year;
 - (d) Alpha Series, Wanaka – approximately 120 sections with stage 3 currently under construction;
- [4] Willowridge also has a number of new subdivisions in Wanaka, Dunedin and Hawea as well as future stages of existing subdivisions in Luggate, Wanaka and Hawea which will be developed continually the coming years. Total land holdings for on-going residential development are in excess of 150ha.
- [5] My role includes the preparation and lodgements of resource consent applications for Willowridge's (and related companies) projects, as well as correspondence with District and Regional Councils in regard to these consents and attending hearings on behalf of Willowridge. I am also

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involved in preparing Plan Change submissions and attending hearings in relation to Plan Changes.

Proposed Rules 14.5.1 and 14.5.2

- [6] All of Willowridge's residential subdivision development to date have involved activities requiring earthworks of more than 2,500m² in area. To put this in context, Willowridge generally produces sections with an average lot size of around 700m². Any subdivision of 4 or more lots will therefore trigger the earthworks rule.
- [7] The scale of residential subdivision Willowridge undertakes already triggers earthworks rules under the Queenstown Lakes and Dunedin City District Plans¹.
- [8] Since the notification of Plan Change 8 in July 2020, Willowridge has made three applications to the Otago Regional Council for consent under Rule 14.5.2. Each of these three proposed activities had already obtained land use consent for earthworks from the relevant District Council at the time of lodging the Otago Regional Council applications.
- [9] Two of these consents have been issued. Copies of these consents are attached and marked "A". Copies of the District Council earthworks consents are also attached and marked "B". The conditions on the Regional Council consents are generally a duplication of the District Council consent.
- [10] Rule 14.5.2 has had a direct effect on these developments and has resulted in further cost and time incurred in making applications to both the Otago Regional Council and District Councils for the same activity and to obtain a duplicate consent. The deposit fee² for the Otago Regional Council earthworks is currently \$1,750.00; for Queenstown

¹ Queenstown Lakes Operative District Plan; Earthworks Chapter 22; Page 22-9, table 22.1; Low Density Residential Zone maximum permitted total volume 300m³; Dunedin City Operative District Plan Chapter 17 - Hazards, Hazardous Substances and Earthworks; page 17:20, Table 17.6; maximum permitted volume 250m³ in all zones other than Rural Zones.

² The deposit fee is the initial charge payable with any additional time charged at an hourly rate.



Lakes District Council it is \$4,980 and for Dunedin City Council it is \$1,650.

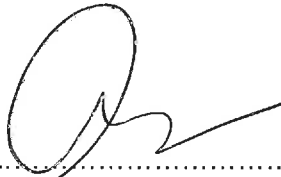
- [11] The duplicated conditions on the consents require the same notification and reporting to occur to both Authorities and monitoring of the same earthworks by both Authorities. This will result in additional administrative time and cost and complication during the earthworks construction. Any changes effected to the site Environmental Management Plan by one Authority will require approval from the other Authority.

~~Sworn~~/Affirmed at Dunedin
this 12th day of February 2021
before me:



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Albert Peter Allao
Solicitor
Dunedin



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A Solicitor of the High Court of New Zealand/Justice of the Peace/Registrar of the Court