

CENTRAL OTAGO DISTRICT COUNCIL

REF: #1724

IN THE MATTER

A submission on Plan Change 19 (**PC19**) Part 1
Provisions to the Central Otago District Plan

Submitter **FULTON HOGAN LIMITED 19/164**

EVIDENCE OF CAREY VIVIAN
(PLANNER)
6 April 2023

1. Introduction

- 1.1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I am a director of Vivian and Espie Limited, a resource management and landscape planning consultancy based in Queenstown. I have been practicing as a resource management planner primarily in the lower South Island for twenty-nine years.
- 1.2 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.
- 1.3 I have read Councils' 42a report prepared by Ms White and comment on it throughout my evidence.

2. Outline of Submission

- 2.1 I prepared and lodged an original submission on behalf of Fulton Hogan Limited (**FHL**) on PC19.
- 2.2 The submission, which is assigned #19/164 by the Council, notes that FHL have an interest in the entire plan change, in particular the identification of areas subject to Future Growth Overlay (**FGO**) and location of residential zones. The submission notes that FHL own 118 hectares¹ of land at Parkburn Quarry (**Parkburn**) and supports Low Density Residential (**LDR**) and Medium Density Residential (**MDR**) provisions, zones and guidelines and the identification of FGOs. The submission requests FGO mapping or mix of LDR and MDR zoning should apply to the Parkburn land.
- 2.3 The reasons for FHL submission 19/164 are detailed below:

¹Held in two titles, legally described as (i) Secs 64-65 Block IV Wakefield Survey District (OT10B/1452), and (ii) Part Sections 62-63 Blk IV Wakefield SD, Part Section 63 Blk IV Wakefield S and section 1 SOP 365897, and Section 4 SOP 557380 (Identifier 1019401).

10. *Plan Change 19 applies to all existing Residential Resource Areas, including those outside areas covered in the spatial plans. At paragraph 38 of the s32 report, it notes that the Cromwell Spatial Plan provides a coordinated approach to growth management for Cromwell over the next 30 years, and reflects the community's preferred option for providing for the anticipated growth within Cromwell and includes several residential zones at different densities, increased housing options and amenity through more intensified development within walkable distance from the town centre, design guidelines for residential development and provisions to support greenway retention and development.*
11. *Key issues that the Plan Change sought to address include the increased demand for new residential development in the District due to population growth, and the lack of variety in housing options, particularly for smaller housing types, which has a direct correlation with housing affordability issues.*
12. *At 59, the section 32 assessment acknowledges that there is a lack of vacant land to accommodate the predicted residential growth under the current District Plan. The identification of additional 'brownfield' sites² suitable for future urban development should be identified within the FGO or by residential zoning, to futureproof additional areas for medium to long term growth.*
13. *The Cromwell Spatial Plan Geographical Scope includes the Pisa Moorings settlement, however not the extent of the Parkburn area. This may be due to the existing quarry operations in which Council did not consider the area for future growth at the time the Cromwell Spatial Plan was developed in 2019. The Parkburn area is located contiguously with the existing Pisa Moorings settlement and thereby a plausible location for consolidated urban growth which enables higher density objectives consistent with the PC19 provisions, and consistent with Objective 2 of the Cromwell Spatial Plan. The Parkburn area can be serviced and has good transportation linkages with the State Highway.*
14. *The identification of Parkburn as a FGO area or mix of residential zoning will enable an appropriate re-use of the industrial quarry to a revitalised brownfield urban development, subsequent to the ceding and rehabilitation of quarry operations. This recognition as a FGO area or mix of residential zoning, can also assist in alleviating the shortfall of urban zoned land within the Cromwell Ward, and assist the housing affordability issue by providing additional housing supply of varied typologies, consistent with PC19 provisions.*

2.4 FHL submission 19/164 therefore considers the Parkburn area should be included within the FGO area or by a mix residential zoning on the GIS web mapping application. It also submitted that

² Brownfield sites are generally described as land that has already been developed in some form and usually adjoins existing urban areas.

reference to the Parkburn area, as a FGO area or residential zone, should be included within the introduction of the LDR zone and if specific areas are to be listed in the introduction of the MDR zone chapter, it is submitted that the Parkburn area be included within such introduction.

2.5 The FHL submission 19/164 requests the following decision from Council:

- (a) Amend, vary or otherwise modify the PC19 provisions and the mapping of the **FGO** to include their Parkburn land; and/or
- (b) Amend, vary or otherwise modify the PC19 provisions and the mapping of the LDR and MDR zones to include their Parkburn land; and
- (c) Any consequential amendments to achieve (a) or (b) above.

2.6 I understand that this Part 1 of the hearing is concerned with the provisions proposed in PC19 and Part 2 is concerned with zoning requests. FHLs submission 19/164 therefore covers both Part 1 and Part 2. This evidence is limited to Part 1.

2.7 It is noted that since FHL submitted 19/164 they have applied for a private plan change (**PC21**). PC21 seeks a mixture of residential, business and industrial zoning over its Parkburn land to enable future residential development once quarrying activities cease. It does this by seeking both operative and proposed zones (ie. PC19 zones) apply to it land. Despite lodging PC21, FHL still wish to maintain the request for FGO through PC19, given uncertainties associated with the plan change process.

2.8 I note that FHL have received three further submissions by:

- Wally Sanford;
- Ian Dustin;
- Pisa Moorings Vineyard Limited and Pisa Village Development Limited:

who all further submitted in support of FHL request to rezone Parkburn as FGO.

3. Discussion

3.1 While FHL submission has an interest in the entire plan change (given many such provisions are proposed to apply to PC21 if approved), this evidence is limited to the recommended LDR and MDR

provisions as they relate to the FGO concept (anticipating Part 2 of the hearing will address whether or not a FGO is appropriate at Parkburn). In particular, the following provisions:

LDR Zone

Introduction

LRZ-P6 Future growth Overlay

MDR Zone

Introduction

MRZ-P7 Future Growth Overlay

- 3.2 I note that PC21 relies on the outcome of the PC19 in relation to the proposed LDR and MDR zoning applying to its land. To that extent, I have considered whether the recommended changes to the objectives, policies and rules of PC19 still meet the outcomes sought in PC21. I conclude that they do and therefore support the amendments as an improvement on the notified provisions (except for the FGO provisions noted above).

FGOs

- 3.3 The LDR and MDR zone Introduction includes a paragraph on FGOs (worded almost identically, except for reference to low and medium in square brackets below) as follows:

The Future Growth Overlay identifies any area that has been signalled in the Vincent Spatial Plan for [low or medium] density residential zoning, in future. The provisions applying to this area are those of the underlying zoning, and therefore a Plan Change will be required to rezone this area in future. However, the Overlay is intended to identify any location where future growth is anticipated, when further supply of residential land is required, and provided that there is capacity within the reticulated water and wastewater networks to service the additional development.”

- 3.4 This statement is followed through into policies LRZ-P6 and MDR-P7 (worded identically within both zones) as follows:

Recognise and provide for rezoning of land within the Future Growth Overlay, where:
1. It is demonstrated as necessary to meet anticipated demand; and

2. It is able to be serviced by reticulated water and wastewater networks and transport infrastructure.³

- 3.5 Ms White states, in paragraph 11 of her 42a report, that prior to the preparation and notification of PC19, the Council prepared Spatial Plans for Vincent and Cromwell. Ms White states that these plans were prepared to identify growth expected in the District over a 30 year period and set a blueprint for how much growth should be accommodated, to address residential land availability and housing affordability concerns in the District.
- 3.6 At paragraph 12, Ms White states, that PC19 follows on from the Spatial Plans, by seeking to generally apply the residential zoning identified in the Spatial Plans.
- 3.7 The geographic extent (area of focus or study) of the Cromwell Spatial Plan included the Pisa Moorings development, but did not include or consider the Parkburn land, presumably because it was assumed that quarrying would continue there for many years to come⁴. PC21 has signalled that that is not the case, as FHL seeks to enable a more efficient and appropriate use of the site, post-quarrying activities, by providing for a range of urban zonings (residential, industrial and business).
- 3.8 In my opinion, the Parkburn land, although outside of the area of focus or study of the Cromwell Spatial Plan, is an ideal candidate for a FGO through PC19. Those reasons will be advanced as part of the Stage 2 hearing.
- 3.9 I consider the “Introduction” paragraph(s) confuse the purpose of the FGO’s. It is unclear whether the FGOs are restricted to those areas identified in the Vincent Spatial Plan, or *any location* where future growth is anticipated (as stated in the third sentence) which may include the Parkburn site (through PC21).
- 3.10 At present there are no FGOs identified in the Cromwell basin, despite the Cromwell basin area being subject to the most development pressure. In my opinion, there is no reason why a similar approach can not be taken in the Cromwell basin to identify future growth areas. FGOs do not

³ Underlining Ms White’s recommendation.

⁴ Key Move (10.1) seeks to clearly delineate the areas of Pisa Moorings to be zoned for residential development, cognisant of the quarry area immediately north of the subdivision.

have to be geographically limited to areas which have been identified for residential development only in the Vincent Spatial Plan.

3.11 If the Panel accept this, then I consider the Introduction paragraph should be amended as follows:

The Future Growth Overlay's have been identified in areas where:

- (a) The Vincent Spatial Plan anticipates future [Low or Medium] Residential zoning; or
- (b) In other areas of the District where future residential growth is considered appropriate.

Future Growth Overlay's do not in themselves enable residential development. However, they provide a pathway to rezoning land (by way of plan change) for the medium/long term residential demand and/or when servicing is available. The identification of Future Growth Overlays therefore allow infrastructure providers, including the Council, to start planning for servicing these areas. In the meantime, the underlying zone provisions continue to apply.

3.12 With respect to policies LRZ-P6 and MDR-P7, I disagree that the Plan "provides" for the rezoning of land within the FGO, as the underlying zone provisions apply until such a time as a Plan Change is approved. That may or may not happen. In my view, the wording of the policy should be amended to be more accurate as follows:

~~Recognise and provide for~~ Enable the rezoning of land within the Future Growth Overlay for residential purposes, ~~where only when:~~

- 1. It is demonstrated as necessary to meet anticipated demand; and
- 2. It is able to be serviced by reticulated water and wastewater networks and transport infrastructure.

Carey Vivian

Vivian and Espie Limited