

**BEFORE THE CENTRAL OTAGO DISTRICT COUNCIL**

**Under** the Resource Management Act  
1991

**In the Matter** of the hearing of submissions on  
the Central Otago District Plan –  
Plan Change 19 Stage 2

Evidence of **Henry Van der Velden** on behalf  
of Lowburn Viticulture Limited (Submitter  
123)

Dated: 16 May 2023

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## INTRODUCTION

1. My name is Henry Theodore Van der Velden
2. I am a director of Lowburn Viticulture Limited (**LVL**) and am authorised to give this evidence on its behalf.
3. LVL owns an approximately 5.6ha block of land at Lowburn, legally described as Section 27 Block V Cromwell SD as contained in Record of Title OT353/37 (the Site).
4. The Site is located approximately 1.3 kilometres north-west of the Lowburn Valley Road and State Highway 6 intersection and is immediately adjacent to the existing Lowburn residential area.
5. LVL engaged independent planning consultant Jake Woodward to prepare a submission on Proposed Plan Change 19 in relation to the Site. The Submission seeks that the Site is included within the Large Lot Residential Zone (Precinct 2) (**LLRZ**), which is the zoning that is proposed to apply to the existing Lowburn settlement area adjacent to the Site.

## QUALIFICATIONS AND EXPERIENCE

6. My bio of my working life comprises starting a career in the civil engineering department on the Upper Waitaki Hydro project before being involved in the construction of the Clyde dam and then onto land stabilisation in the Cromwell gorge prior to lake filling.
7. My involvement in real estate agency work started in 1987. I have been the past president of the Central Lakes District Real Estate Institutes sub branch. I am a current board director of New Zealand Cherry Corp. I currently hold a certificate as an associate of the Real Estate Institute of New Zealand. I am a founding shareholder of Pegasus and Ravenswood developments in North Canterbury in which some 3000 sections/lots have been developed since 2004.
8. As a former First National Real Estate agency owner from 1993 to 2019 in Cromwell I was in the right place at the right time to help facilitate growth within Cromwell and the outlying areas. My property development started within the

Cromwell township creating nine lot subdivision in the mid 1990's. I personally have developed an Industrial Estate in Cromwell along with residential development in Lowburn creating 48 lots.

9. Furthermore, I established a family cherry orchard in 1999 in Ripponvale, Cromwell comprising some 8 hectares. This led me to start a corporate cherry orchard in 2005 (known as New Zealand Cherry Corp) with the late Bob Robertson initially planting 28 hectares. A further 29 hectares has been recently planted bringing the total planted land area to 57 hectares with some 43,000 cherry trees.
10. Currently I am involved as a 50% shareholder and Director of Shannon Farm Development which is a new Rural Residential zoned area obtained through a plan change. I am also currently consulting for a rural land developer.
11. In preparing this statement of evidence I have considered the following documents:
  - (a) Proposed Plan Change 19.
  - (b) Section 42A report; and
  - (c) The LVL submission and supporting reports.

## **SCOPE OF EVIDENCE**

12. In my evidence I address the following:
  - (a) Provide an overview of the Site;
  - (b) Describe the Site's suitability for primary production;
  - (c) Outline the current uses of the Site;
  - (d) Provide an overview of my involvement with developing the Lowburn residential area;
  - (e) Discuss the proposed LLRZ extension to encapsulate the Site.

## **PRODUCTIVE USES**

13. LVL owns the 5.5973 hectare rural block Lowburn block the subject of Submission # 123. The Site was purchased in early 2003.
14. The Site has never been farmed or used in any productive capacity due to the steep unproductive land contours, and to my knowledge, it has been sitting idle since the 1950's. The Site is a dry block making it uneconomic.
15. The surrounding land within the confines of Lowburn Valley Road and Burn Cottage road have had several orchards removed due to being unsustainable. Since the 1950's the land has slowly reverted to fallow blocks, also just sitting idle.

## **CURRENT USE**

16. Given the Site is not suitable for any productive purposes, its most recent use has been for stockpiling unwanted clean gravels associated with the residential subdivision and development of the adjacent residential area, which I have undertaken.

## **LOWBURN DEVELOPMENT**

17. I have developed 48 sections in Lowburn over the last 20 years which I have undertaken in three stages at my pace and not necessarily as the market dictated. That being said, when land has been released to the market, there has been significant interest and the uptake has been swift. There are very few sections available for sale within the existing Lowburn residential area.

## **LVL'S SUBMISSION**

18. LVL's submission seeks to extend the adjacent zoning (LLRZ under PC19) to the east so as to encapsulate the Site. In my view, this is the most logical path to take making for highest and best use of the property, given it is not suitable for any productive use. It would also provide for the growth and needs of a new population wanting to live in Central Otago, including at the lower densities that Lowburn can offer, with high amenity overlooking Lake Dunstan within a sheltered valley.

19. In my experience being in the real estate industry and property development, including Shannon Farm, there is a real need for larger sections such as 3000 square meters by where you have space and can walk to the lake to enjoy all the activities available. If you were to ask existing occupiers at Lowburn they would tell you, they wouldn't move if it was their choice.
20. I further note that job creation within Cromwell is evolving rapidly due to Cromwell's location. Cromwell's nice climate appeals to a wide cross section of the population. From my experience in property, Cromwell is seen as a central location to live as well as being the most affordable when being priced against Queenstown and Wanaka.
21. I note the section 42A report officer, Ms White observes in her report the logic of expanding the current residentially zoned area to encapsulate the Site and records her agreement that the impacts of the expansion would be appropriate in landscape terms, and that the rezoning LVL seeks would be consistent with the current amenity and character of the Lowburn township (her para 222).
22. However, she identifies infrastructure constraints to the proposed LLR zoning, wastewater in particular, which, relying on Ms Muir's assessment, she says first need to be resolved before the Site can be rezoned as LVL seeks.
23. I have reservations about Ms White's (and Ms Muir's) comments on the wastewater infrastructure servicing matter. For the last development I undertook in Lowburn (the Turner Terrace stage, being the final stage on the existing zoned area and located immediately adjacent to the Site) I paid a development contribution of \$73,000, which I was advised by Council was required to upgrade the Lowburn wastewater pump station. I have since made enquiries with the Council as to whether the monies have been applied to the purposes for which they were undertaken (the upgrade) and have been advised that the monies "will be used for Wastewater improvements required to accommodate growth such as storage capacity at Lowburn". I have **attached** this correspondence. To me, this response suggests that the monies have not yet been applied to undertake the upgrade. Ms White's and Ms Muir's reports suggest the same.

24. Given I have previously paid a significant development contribution for the express purpose of upgrading the wastewater infrastructure so as to *accommodate growth and storage capacity at Lowburn*, it is frustrating and highly unfair in my view to now have the Council reject LVL's submission on the basis that these upgrades have not been undertaken (despite my payment).
25. I also note there will be further development contributions payable should additional residential development be allowed per LVL's submission, which could facilitate the upgrade.
26. I therefore consider that wastewater servicing should not pose a constraint to rezoning LVL's Site for residential purposes (LLRZ), noting that it is accepted as appropriate in all other respects.<sup>1</sup>
27. I make a final comment on access. While it has not been raised in the section 42A report, I understand that if access to the Site is to be provided through the existing residential area (Turner Terrace and Judare Drive) upgrades to (widening of) Judare Drive (a right of way) will be required. I record that LVL owns two lots serviced by the right of way and has agreements in place with the other landowners to acquire land to undertake the widening. I further note that access to the Site is available from Lowburn Valley Road, and it is viable to provide access to the Site and future lots from this road (similar to Turner Terrace).

**H Van der Velden**

**16 May 2023**

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<sup>1</sup> I understand that the evidence of Dr Reece Hill will address any concerns regarding the application of the NPS-HPL.

## Rebecca Wolt

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**From:** Rebecca Wolt  
**Sent:** Tuesday, 16 May 2023 4:02 PM  
**To:** Rebecca Wolt  
**Subject:** FW: Lowburn Terraces. Sewer development Contribution. Lowburn Pump Station upgrade.

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**From:** Peter Greenwood <[peter.greenwood@codc.govt.nz](mailto:peter.greenwood@codc.govt.nz)>  
**Sent:** Wednesday, 7 October 2020, 4:35 PM  
**To:** Henry-Cromwell Real Estate Ltd  
**Cc:** Quinton Penniall  
**Subject:** FW: Lowburn Terraces. Sewer development Contribution. Lowburn Pump Station upgrade.

Hi Henry apologies for the long delay but I have only just been made aware of this question. To explain the two people you emailed Lynne and Quentin don't work for Council anymore.

To Answer your question:

I can confirm that your funds contributed for stage 3 Lowburn Terraces development will be used for Wastewater improvements required to accommodate growth such as storage capacity at Lowburn.

I hope that helps.



**PETER GREENWOOD**  
**WATER SERVICES MANAGER**  
1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

**p** +64 3 440 0657  
**m** +64 27 436 6763  
**f** +64 3 448 9196  
**e** [peter.greenwood@codc.govt.nz](mailto:peter.greenwood@codc.govt.nz)  
**w** [www.codc.govt.nz](http://www.codc.govt.nz)

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**From:** Quinton Penniall <[Quinton.Penniall@codc.govt.nz](mailto:Quinton.Penniall@codc.govt.nz)>  
**Sent:** Wednesday, 7 October 2020 12:37 PM  
**To:** Peter Greenwood <[peter.greenwood@codc.govt.nz](mailto:peter.greenwood@codc.govt.nz)>  
**Subject:** Fwd: Lowburn Terraces. Sewer development Contribution. Lowburn Pump Station upgrade.

I can't really answer this. Probably best sits with you.

Sent from my iPhone

Begin forwarded message:

**From:** Janis Quiding <[janis.quiding@codc.govt.nz](mailto:janis.quiding@codc.govt.nz)>  
**Date:** 7 October 2020 at 12:23:34 PM NZDT  
**To:** Dominic Haanen <[Dominic.Haanen@codc.govt.nz](mailto:Dominic.Haanen@codc.govt.nz)>, Quinton Penniall <[Quinton.Penniall@codc.govt.nz](mailto:Quinton.Penniall@codc.govt.nz)>

**Subject: FW: Lowburn Terraces. Sewer development Contribution. Lowburn Pump Station upgrade.**

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**From:** Henry van der Velden <[henryvandervelden@outlook.com](mailto:henryvandervelden@outlook.com)>

**Sent:** Wednesday, 7 October 2020 12:22 pm

**To:** [lyne.mcfarlane@codc.govt.nz](mailto:lyne.mcfarlane@codc.govt.nz); Water <[water@codc.govt.nz](mailto:water@codc.govt.nz)>

**Cc:** [hamish@southernhorizons.co.nz](mailto:hamish@southernhorizons.co.nz)

**Subject:** FW: Lowburn Terraces. Sewer development Contribution. Lowburn Pump Station upgrade.

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**From:** Henry van der Velden

**Sent:** Wednesday, 7 October 2020 11:54 AM

**To:** Quentin Adams <[Quentin.Adams@codc.govt.nz](mailto:Quentin.Adams@codc.govt.nz)>; [lyne.mcfarlane@codc.govt.nz](mailto:lyne.mcfarlane@codc.govt.nz)

**Cc:** [hamish@southernhorizons.co.nz](mailto:hamish@southernhorizons.co.nz)

**Subject:** Lowburn Terraces. Sewer development Contribution. Lowburn Pump Station upgrade.

Hi Quentin/ Lyne,

I am following up on a matter that relates to advise I was given during the development of extending the rural residential sections namely Stage 3, Lowburn Terraces. I was advised that the sewer development contribution would be used by council to upgrade the lowburn pump station. Accordingly I would appreciate your reply as to your confirmation that these funds I contributed have been allocated to the Lowburn pump station as advised.

Furthermore an email was submitted to you both via Hamish Weir on the 4<sup>th</sup> February 2019 on this matter for your attention and reply. To date I am not aware of a reply been given. I await your response.

Best Regards

Henry Van Der Velden

Lowburn Terraces Ltd