

CENTRAL OTAGO DISTRICT COUNCIL

REF: #1724

IN THE MATTER

A submission on Plan Change 19 (**PC19**) Stage 2
Rezoning to the Central Otago District Plan

Submitter **FULTON HOGAN LIMITED 19/164**

EVIDENCE OF CAREY VIVIAN

(PLANNER)

16 May 2023

1. Introduction

- 1.1 My name is Carey Vivian. I have previously set my qualifications and experience out in Stage 1 evidence.
- 1.2 I confirm 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' Stage 2 42A report prepared by Ms White and comment on it throughout my evidence.

2. Outline of Submission

- 2.1 I have previously outlined the detail of Fulton Hogan Limited (**FHL**) submission on PC19.
- 2.2 I reiterate that FHL have an intertest 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 (although as I said at the Stage 1 hearing, FHL only seek FGO through PC19 now).
- 2.3 I understand that this Stage 2 of the hearing is concerned with requests for additional FGO's or zoning. This evidence is limited to Stage 2 request for a FGO at the Parkburn site.

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).

3. Discussion

- 3.1 At the Stage 1 hearing I recommended the Introduction paragraph and policies LRZ-P6 and MDR-P7 should be amended as follows:

Introduction

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.

Policies

~~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.

- 3.2 The reason I recommended these changes were because:

- (a) 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 come². FHL plan change (PC21) has signaled 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).
- (b) 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 because there are no FGOs identified in the Cromwell basin, despite the Cromwell basin area being subject to the most

² 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.

development pressure.

- 3.3 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 have to be geographically limited to areas which have been identified for residential development only in the Vincent Spatial Plan.
- 3.4 Ms White addresses FHL submission in paragraphs 259 – 261 of her report (page 80). Ms white notes that since the notification and submission period on PC19, FHL has lodged a private plan request (PC21) to rezone this area, which includes detailed technical assessments. Ms White recommends that given PC21 has been accepted by the Council for notification and is therefore working its way through the statutory process, and that no technical information was supplied in support of the rezoning sought, that FHL submission be rejected, and the rezoning instead considered through the PC21 process.
- 3.5 I agree with Ms White that no technical information was supplied with the submission to support Low and Medium Density zoning over the Parkburn land, but I disagree that should be a reason not to consider an FGO. This is because the FGO policy requires a rezoning plan change only when it is demonstrated as necessary to meet anticipated demand and is able to be services by reticulated water, wastewater and transport infrastructure. Until those preconditions can be met, the underlying zoning (Rural in the Parkburn case) continues to have effect.
- 3.6 While PC21 shows that those preconditions have been met, and advances a mix or urban zoning over the Parkburn site, the identification of a FGO over Parkburn land as part of PC19 has the benefit of, in my opinion, addressing the fact that (at a high level) the Parkburn land was overlooked as part of the Cromwell Spatial Plan process. Essentially, the identification of FGO will put Parkburn land back on a level playing field with land inside the Cromwell Spatial Plan boundaries (such as the adjoining 828 Luggate-Cromwell Rd).
- 3.7 I note that the identification of FGO over Parkburn land does not guarantee a positive outcome for PC21 (or any future plan change on any FGO land). The rezoning of land, within an FGO, still needs to go through a statutory process including original and further submissions and a hearing process. Those submissions are not limited in scope and such submitters are afforded appeal rights if the

matters raised cannot be appropriately addressed. The fact that the District Plan identifies the land as being a FGO does not change this. It is just one part of the overall puzzle.

- 3.8 With respect to mapping, I note the FGOs mapped in the Alexandra basin show the proposed residential zoning. I consider this to be a little problematic given the underlying zoning still applies until those sites have been through a plan change process to upzone to residential (or otherwise). In my opinion, the mapping should be updated to include the FGO “ring” around the land, but retain the underlying zoning as on the operative planning maps. The future Plan Change process should be used to determine which residential zone (or other urban zone) is appropriate for the land. The FGO should not, in my opinion, predetermine that. Attached to this evidence is an example of what I mean in respect of the requested Parkburn FGO.

Carey Vivian

Vivian and Espie Limited

